



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 296-2256

March 17, 2017

HOUSE APPROPRIATIONS COMMITTEE

Stephanie Bunten
Chief Financial Officer
Office of Judicial Administration, Kansas Judicial Branch

WRITTEN TESTIMONY IN SUPPORT OF HB 2365

Good morning, Chairman Waymaster and committee members. Thank you for allowing this testimony in support the of the Governor's recommendation for the Judicial Branch budget with one exception: I would respectfully ask that you merge the contents of HB 2365, the Judicial Branch budget bill into SB 2364, the mega bill for consideration with all other state operating budgets. There is no reason to separate the budget of the Judicial Branch from that of the other two branches of government.

Our testimony from recent subcommittee hearings regarding the Judicial Branch is attached. The subcommittee recommendations have been heard and acted upon by this committee, including the intent to merge the Judicial Branch budget into the mega bill.

Thank you for your consideration. I am happy to answer your questions.



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HOUSE GENERAL GOVERNMENT BUDGET COMMITTEE

January 25, 2017

Stephanie Bunten
Chief Financial Officer
Office of Judicial Administration, Kansas Judicial Branch

JUDICIAL BRANCH BUDGET TESTIMONY

Thank you for the opportunity to testify in support of the Judicial Branch budget. On behalf of all Judicial Branch employees and judges across Kansas, I ask that you support the Judicial Branch budget request, including the market increases for employees and judges, in both fiscal years 18 and 19. This year, the governor's recommendations for fiscal years 18 and 19 include enhancements the Judicial Branch requested. This is a first in recent history for the Governor to recommend the Judicial Branch enhancement package, which serves to underscore the need for market increases for our employees and judges.

Every day, the Judicial Branch is challenged to recruit and retain capable personnel statewide. Recruitment grows more challenging because fewer people will apply for positions that pay so far below comparable positions in the public and private sector. Compensation for our long-term employees has not noticeably increased in the last eight years. Many employees are either retiring or leaving for higher-paying jobs, both of which require us to find and hire new employees who must be trained on the subtle nuances of the complex and critical work within the court system. These employees are extremely valuable to us because of their knowledge and skills -- and their knowledge and skills make them extremely attractive to other employers who can pay them more. We see increasing numbers of our trained, skilled workforce leaving our low paying jobs to earn more money performing similar work for county or city government. Our managers spend increasing amounts of time recruiting and training employees.

Requested Market Increases for Employees & Judges

This past year, the Judicial Branch, with a grant from the State Justice Institute, contracted with the National Center for State Courts to conduct an employee classification and compensation study. Employee salaries are clearly below market. However, prior to the study, no data existed to establish by how much. The results of the study are alarming:

- **Federal Poverty Level:** More than one-quarter of our non-judge positions have starting salaries below the federal poverty level for a family of four.
- **Compensation Below Market:** Every single job classification is below market by at least 4.6% and as much as 22.2%.
- **Working Outside Employment:** Nearly one-third of our employees are working more than one job to make ends meet and many more are looking for additional work outside the Judicial Branch for the same reason. Based on data from the USA Today article, *States Where Most People Work Two Jobs*, Jan. 21, 2014, this exceeds Kansas' average by a stunning 24%.

The Judicial Branch requests increases for FY 18 and 19 that would bring all non-judge employees to market level as recommended in the compensation study.

The National Center for State Courts also performed a compensation study for Kansas district magistrate judges. Approximately 26% of magistrates who responded to the survey indicated they are seeking employment outside the Judicial Branch and gave compensation as the number one reason. The study shows that a little more than 22% is needed to raise district magistrate judge salaries to market when taking into consideration variables like docket type, education and experience, and election and retention status. This amount is incorporated in the Judicial Branch FY 18 and 19 request for market increases.

Based on data from the National Center for State Courts, Kansas district judge pay ranks a dismal 50th in the nation before adjusting for cost of living and 45th in the nation after adjusting for cost of living. Kansas judge salaries have been stagnant since 2009, unlike judges in our neighboring states. Kansas judges have left the bench for jobs in the private sector and in other government entities with pay being cited as the primary reason. The FY 18 and 19 budget request for market increases would make district judge pay equal to an average adjusted trial judge salary for surrounding states (Colorado, Iowa, Missouri, Nebraska, and Oklahoma) and would improve district judge salary rank to 27th in the nation. The budget request would also increase salaries of district magistrate judges and appellate court judges and justices by the same percentage as that of district judges.

On behalf of Judicial Branch employees and judges, I ask that you help us by providing funding that would addresses these issues.

Judicial Branch Base Budget Request

The Judicial Branch base budget request will ensure continued operations of the courts at the present level. About 95 percent of the Judicial Branch budget is used to fund salaries. Counties fund the operating costs of district courts, including things like rent, utilities, office equipment, and supplies.

With 95 percent of the Judicial Branch base budget paying for salaries, a decrease in our funding will result in fewer staff positions in the courts and freeze technology improvements, both of which will delay the delivery of justice. Every day, approximately 1,600 employees and more than 250 judges across the state of Kansas perform duties that critical to public safety, and they make a difference in the lives of their neighbors and fellow Kansans. Courts and court employees are necessary components of our safe and secure communities.

For example, about 35,000 criminal cases were filed in Kansas courts last year. In addition, Judicial Branch employees across Kansas provided the following services:

- Nearly 17,000 criminal defendants on probation were supervised by our 350 court services officers.
- Restraining orders were issued to protect more than 13,000 Kansans, including children, from abuse or from stalking.
- Last year, Kansas courts also issued orders to protect more than 6,000 Kansas children who had been physically, mentally, emotionally abused or neglected or sexually abused or abandoned.

These cases involving the safety of Kansans are an example of the nearly 400,000 cases Kansas courts handled last year. Our courts also decided

- about 101,000 civil contract cases,
- more than 9,000 probate cases,
- more than 6,000 property disputes, and
- granted more than 1,900 child adoptions.

Last year, our court clerks also collected more than and 180 million, which included restitution for crime victims and money for private judgments, bonds, state agencies, and the general funds of counties and the state.

The Judicial Branch of your government did all this and more with an annual budget that constitutes less than 1% of the entire state budget. However, the essential services we provide to every Kansas community depend on adequate funding, and that includes funding to attract and retain capable employees who will perform these critical duties.

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The Supreme Court continues to develop and implement a statewide, centralized electronic court environment (eCourt). The 2014 Legislature established the Electronic Filing and Case Management Fund with deposits dedicated to finalizing the e-filing project and implementing eCourt. The statute directs the first and 3.1 million received in docket fee revenue through fiscal year 2019 into that fund. In fiscal year 2020 and subsequent years, the first and 1 million in docket fee revenue is to be directed into the fund for eCourt maintenance.

Electronic filing has been fully implemented in the appellate and district courts statewide in 2016. As of January 2017, 63 counties have mandatory electronic filing. More than 2,000,000 have been submitted through the electronic filing system since its implementation.

The next stage for eCourt is to develop and implement a centralized case management and document management system. This fall, the Judicial Branch submitted a request for proposal for this system. Currently, the vendor submissions are being reviewed, and it is anticipated that vendor demos will begin in April 2017.

Use of eCourt technology will make access to the courts easier, improve court efficiency, and ensure that judges have complete and timely information with which to make the most effective dispositions. Court operations will be more centralized and standardized, thus allowing more effective use of personnel. Clerks available in one county will be able to electronically process case documents and court payments in other county. The centralized data available through eCourt technology will allow for timely, accurate, and complete reporting.

Thank you for the opportunity to testify on the Judicial Branch budget.

HOUSE GENERAL GOVERNMENT BUDGET COMMITTEE

Hon. Bill Sutton , Chair
Hon. Chuck Weber, Vice Chair
Hon. Tom Burroughs, Ranking Minority Member

January 25, 2017
1:30 pm
Room 218N

Chief Judge James R. Fleetwood
18th Judicial District
525 N. Main
Wichita, Kansas 67203
jfleetwo@dc18.org

TESTIMONY IN SUPPORT OF

Thank you, Mr. Chair and this honorable committee for this opportunity to present testimony in support of the Judicial Branch budget for FY 18 and 19. As Chief Judge I am here representing both the 18th Judicial District, Sedgwick County and the Kansas District Judges Association Executive Board.

The Kansas Judiciary is the third branch of government charged with providing the timely delivery of justice for residents and businesses across Kansas. Daily, the Kansas court system addresses the needs of children in need of care, victims of crime and abuse as well as the preservation of a reliable business environment concerning their legal rights and mutual obligations. Adequate funding is essential to provide these services in a timely and professional manner. For Kansas this cost constitutes less than one percent of the total State budget. Salaries and employee benefits constitute 95% of that judicial budget. This means that there is little to no room for cuts or deferred spending.

Since 2010 limitations and cuts in the judicial budget have created a difficult working environment for all judicial employees. In Sedgwick County 32% of our employees must work a

second job to make ends meet. This leads to a sad comparison to the fact that only 8.2% of Kansas workers generally must work the same two jobs. A study conducted by the National Center for State Courts, completed in 2016, showed that every judicial branch position is underpaid and below market value. In Sedgwick County we compete with several municipal courts, the federal court, private law offices and retail stores to hire and keep highly trained staff. These are people that feel a sense of mission in working for the court but can no longer afford to do so. A court clerk in Sedgwick County with three children is barely surprised to learn that she is living below federal poverty guidelines.

Sedgwick County has made every effort to balance this loss of trained staff with the introduction of technology. We have been in the forefront in working with the State of Kansas to develop and refine e-filing and eCourts. The continued development and introduction of these tools are necessary to address the modern demands on the courts. In Sedgwick County we have introduced a digital documents system lessening the time that clerks use to simply move paper. We have made computer tools available to the judges speeding up their access to court files for hearings. We are one of the first judicial districts in Kansas to institute mandatory e-Filing. This again allows trained employees to focus more on the higher skilled duties they are prepared for. The continued modernization and development of efficient, meaningful justice requires that the State's investment in these tools continue. Sedgwick County has also instituted the use of video appearances for criminal defendants in initial court hearings.

Despite these efforts we continue to see training and experience walk out the door because we cannot afford to keep them. Data collected through our exit interview process show that the major reasons given for leaving are better career opportunity and pay. We have even lost an experienced trial judge who is now making more working for the county.

The same National Center for State Courts study shows that, in 2016 Kansas trial judges are the 50th lowest paid judges in the nation. I am very concerned that the present circumstances simply cannot allow Sedgwick County to compete for the same quality employees available even five years ago. Positions that would bring in 15 applicants now entice fewer than 5.

In short, the judiciary needs this budget and I can assure you we will be excellent stewards of these funds in providing justice for the State

Thank you for this opportunity to testify on behalf of the KDJA and the 18th Judicial District.

Respectfully submitted

James R. Fleetwood
Chief Judge, 18th Judicial District
Secretary, KDJA Executive Board Member and Legislative Co-Chair



JOHNSON COUNTY DISTRICT COURT ADMINISTRATION
STATE OF KANSAS • TENTH JUDICIAL DISTRICT

100 N. Kansas Avenue • Room 224 • Olathe, Kansas 66061 • (913) 715.3300 voice (913) 715.3317 fax

Testimony of

Katherine Stocks, Court Administrator
Kansas 10th Judicial District

Before the Committee on the General Government Budget

Wednesday, January 25, 2017

1:30P Room 218-N

Review FY 2018 and FY 2019 Budget Judicial Branch

Good afternoon members of the Committee. My name is Katherine Stocks, and I am the Court Administrator for the Kansas 10th Judicial District in Johnson County. Thank you for the opportunity to testify today in support of the Judicial Branch's FY 2018 and 2019 budget request.

I will echo the comments of my colleagues that are here today. We are all proud of the work that is performed by Kansas' Judicial Branch employees. That is why I am honored to be testifying as part of this group of dedicated court employees that, despite being compensated far below market wages, diligently perform the vital tasks that create a clean, safe, and friendly environment that, improves public safety; attracts and retains business; and improves the tax base through alternatives to detention.

In 2016, the Kansas Judiciary went through an employee classification and compensation study. In this study, the National Center for State Courts (NCSC) found that many of our employees are paid below the federal poverty level; pay is under market for all employees; and on average 32 percent of our employees work multiple jobs. Beginning in FY 2018, a modest \$22 million budget increase, is the next step to bring Judicial Branch employees up to market wages and address staffing needs across the state.

Pay is the number one factor in turnover in our court. The Johnson County District Court saw turnover in 17 of our 29 trial court clerk II positions. That is a staggering 59% turnover rate in 2016. It should be no surprise that pay was the overwhelming factor in the departure of these employees. In Court Services, we had 13 employees leave state employment. In total, we had 36

employees turnover in 2016. Based on the NCSC calculations of the costs of turnover, the 10th Judicial District incurred \$391,500 in turnover costs in 2016 (\$10,875 per position x 36 employees). It is easy to calculate the financial burden of turnover, but the impact on morale and productivity must be recognized too.

I came before the Legislature last year and spoke about the issues we face in recruiting and retaining employees based on pay. The story has not improved, in fact we are facing even more challenges now that one of the most significant advantages to being a state employee has become a burden instead of a benefit. This new burden is of course the State Employee Health Plan (SEHP). For years, employees of the Judiciary have reminded themselves that even without raises, the SEHP was affordable and added value to their total compensation package. In 2017, employees such as myself have been forced to drop spouses from coverage because the premiums, deductible and out-of-pocket maximums are too burdensome. We find ourselves playing a game of insurance roulette, just hoping that no one in our family will get sick because we cannot afford the out-of-pocket costs associated with any of the SEHP plans.

In 2016, one of our employees was facing the decision to sell his house because of the cost increases in health insurance for his family of four. He could no longer afford SEHP premiums and his mortgage. He was lucky and found a job with the Shawnee Mission School District and is no longer facing the choice to sell his home. This employee tried to hide his angst and fear for how he was going to provide for his family. He showed the signs that the stress was wearing him down. It is unconscionable that a dedicated father, husband and employee who had worked so hard to save enough to purchase a home five years ago, was in danger of losing that home due to low pay and health insurance costs.

In a compensation comparison from 2010 to 2017 for a trial court clerk II, it is stunning to realize that in this position, an employee takes home \$2,841 less in 2017 than they did in 2010. All aspects of the cost of living are impacted by the low pay of our employees. According to United Community Services of Johnson County (UCS), a single individual must bring home \$2,245 per month to get byⁱ. A trial court clerk II at the highest step of the pay plan only brings home \$1,603 a month. Imagine what it is like to need \$3,922 a month for a household of one parent with one child or \$4,905 for one parent with two children. UCS shows the cost of living in Johnson County for two parents with one child at \$4,584 a month and two parents with two children costs \$5,469 a monthⁱⁱ.

I would like to also note that the biggest expense for households is out of reach for our employees. According to UCS, most of the 10th Judicial District's employees are cost-burdened by spending more than 30% of household income on housingⁱⁱⁱ. The UCS report notes that in order for a household to afford the average rental costs in Johnson County of \$923 per month, a household must earn an hourly wage of at least \$17.30. None of our trial court clerk II or IIIs can ever reach \$17.30 per hour. In total, 79 of our 128 state positions have introductory pay that makes renting a cost burden in Johnson County. Sixty-two percent of our employees are subject to housing cost burdens in Johnson County. What's even more telling about how behind we are, of the 220,400 households in Johnson County, only 70,000, or 32%, rent^{iv}. By contrast, 62% of

our staff do not have a starting wage large enough to avoid the cost burden of even rental housing.

Going even further, in order for a household to afford a mortgage in Johnson County, the hourly wage must increase to \$30.45 per hour^v. Only two positions out of 128 have a high enough base wage for a mortgage to be affordable in Johnson County.

I thank you for your time and implore you to fully fund the Judicial Branch budget request for FY 2018 and FY 2019.

I am available for questions at this time.

ⁱ <http://ucsjoco.org/wp-content/uploads/Cost-of-Living-2016-2.pdf>.

ⁱⁱ Id.

ⁱⁱⁱ <http://ucsjoco.org/Uploads/Housing-Affordability-in-Johnson-County-2013-ACS.pdf>.

^{iv} Id.

^v Id.

HOUSE COMMITTEE ON GENERAL GOVERNMENT BUDGET

Honorable William Sutton, Chairman
Honorable Chuck Weber, Vice Chairman
Honorable Tom Burroughs, Ranking Minority Member

January 25, 2017

Testimony on Behalf of the

Kansas District Magistrate Judges Association

In Support of the Judicial Branch Budget Request

Thank you Mr. Chairman and Committee Members for extending the Kansas District Magistrate Judges Association the opportunity to appear before you today. My name is Kenton Gleason and I am President of the Association. I serve the citizens of the Twenty-fourth Judicial District, including my home county of Hodgeman.

The Association represents seventy-eight district magistrate judges across the state. While many of us serve in rural counties, there are magistrates who serve population centers in places like Johnson, Riley, and Finney counties. We routinely hear cases in twenty-five of the thirty-one judicial districts in the state.

The judicial branch budget requests market increases for both judges and non-judicial staff. This includes the court services officers and district court clerk employees who assist the judges and serve the public in every county. Please let our organization speak to this need. The judicial branch continues to lose these staff members to entry level jobs. For example, tellers at banks often have a better pay package than what the judicial branch can offer a deputy clerk. As long as this exists, we will struggle to fill and retain capable individuals in these roles.

In addition to market increases for non-judicial staff, the judicial branch budget request includes increased judicial compensation. While we preside over courts of limited jurisdiction (jurisdiction increased in 2014), salaries have not kept pace with the work that we do nor with the market. Compensation has stayed the same since 2008. We continue to make less than \$62,000 per year. Our salary from 2006 carries the buying power in 2017 of about \$53,000.00. Because of that, some members of our organization have sought other employment. In recent years, members resigned to pursue higher paying legal careers outside of our district court system. According to a recent survey, approximately 25% of magistrates indicated they are seeking employment elsewhere. When asked why the magistrates were seeking employment elsewhere, the lack of compensation was the number one reason for approximately 2 out of 3 of those respondents. We believe, absent a salary adjustment, there will be more magistrate judges considering similar moves.

We ask the committee consider paying all judges in the state – appellate judges, district judges, and district magistrate judges – a wage commensurate with their respective duties. We stand with our friends in the District Judges Association in asking the committee to support the budget request, as it moves towards paying the magistrate judges a fair wage for the work we do.

Mr. Chairman and committee members we are thankful for the kindness this committee showed in allowing our testimony. We appreciate the funding the legislature provided in years past. And, on behalf of our association, we urge the committee to adopt the judicial branch budget as requested.

Submitted with Respect,

Kenton Gleason

President, KDMJA