



Legislative Post Audit Performance Audit Report Highlights

Highlights

Judicial Districts in Kansas:
Determining Whether Boundaries Could Be Redrawn To Increase Efficiency and Reduce Costs

Report Highlights

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Audit Concern

In 1977, Kansas implemented a unified court system. Under that system the State generally provides funding for salary costs of district court employees, and counties provide funding for other costs the courts incur. A 1997 audit found that statutory constraints prevented the Supreme Court from permanently reallocating existing judgeships to equalize workloads, and because of that, the wide variance in judicial caseloads had changed little since court unification. Kansas has 31 judicial districts, Minnesota only has 10, and Iowa and Utah only have eight districts each. Based on this information, legislators have questioned whether the boundaries of judicial districts in the State should be redrawn to potentially reduce costs and even out caseload discrepancies.

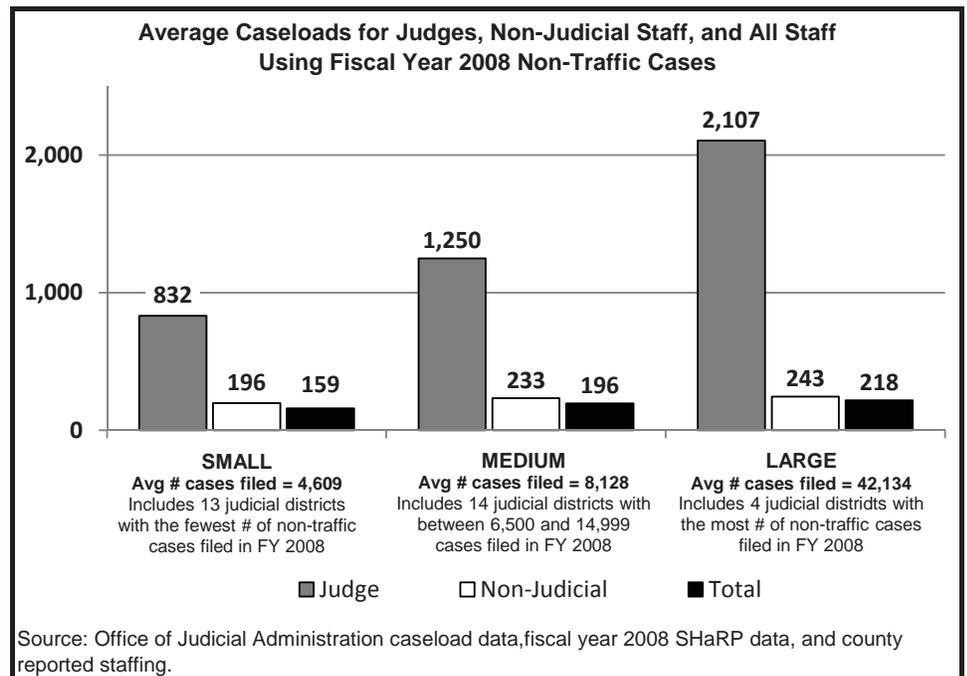
Estimated Potential Cost Savings as a Result of This Audit:

\$ 6 to 8 million per year (depending on the assumptions used)

AUDIT QUESTION 1: How have caseloads changed since court unification?

AUDIT ANSWER and KEY FINDINGS:

- Since unification, the distribution of non-traffic cases per judge has remained very uneven across judicial districts. Our 1979 audit showed average non-traffic caseloads per judge in fiscal year 1978 ranged from 360 to 1,688. In 2008, the average non-traffic caseload per judge ranged from 356 to 2,392.
- On average, non-traffic caseloads are greater in districts that have a lot of cases. To show differences in caseloads, we categorized the 31 judicial districts into three groups—small, medium and large—based on the number of non-traffic cases filed. The graph below shows that, as the number of non-traffic cases filed increased, so too did the average number of non-traffic cases per judge.



- The disparity in non-traffic cases per judge is caused primarily by the law requiring one judge per county. This law was passed in 1983. Since 1986, 10 bills in seven different legislative sessions have proposed amendments

to repeal or modify the one-judge-per-county law and related parts of State law. None have passed. As a result, a county with only 98 non-traffic cases filed in 2008 must have at least one judge, as does a county with 1,100 non-traffic cases or a county with 57,000 non-traffic cases.

- We also found that while large judicial districts had the greatest proportion of cases Statewide, those districts didn't have the largest proportion of judges.

Other Relevant Facts for Question 1

In fiscal year 2008, the State's district courts spent an estimated \$114 million. About \$102 million of those expenditures were for personnel, and about \$101 million of the total expenditures were paid by the State.

District courts employed about 1,830 full-time-equivalent staff, of which almost 260 were judges. The State paid for more than 1,790 FTE staff and 16 counties paid for almost 40 additional FTE staff.

District courts processed more than 342,000 non-traffic cases—such as criminal, civil, probate, and domestic—in fiscal year 2008.

In addition to district courts, Kansas has 385 municipal courts and 256 municipal court judges. 37 district court magistrate judges also serve as municipal court judges.

Other Relevant Facts for Question 2

As with Court unification, many factors would have to be resolved before Kansas could operate with fewer judicial districts. Some examples include how to provide adequate access to the courts in rural counties that don't have large enough caseloads to justify having a full-time judge, how judges might be selected and retained, and the like. Decisions on how to change district boundaries and district court operations would require considerable study. Before making major changes to the basic structure of the legal system, the Legislature and Judiciary would need to receive input from a broad range of individuals.

Minnesota and Iowa are two states comparable to Kansas. They operate their district court systems with far fewer districts than Kansas has. Neither state has a separate municipal court system like Kansas has, and both states fund all district

AUDIT QUESTION 2: *What savings could be achieved by redrawing judicial districts in Kansas to better align resources with caseloads?*

AUDIT ANSWER and KEY FINDINGS:

- The analyses we performed involved statistical methods and numerous assumptions. The savings that could be achieved vary based on these assumptions. Our analyses assumed courts would generally provide the same level of services currently being provided and that cost savings could be achieved by eliminating the one-judge-per-county law, changing the mix of judicial staff, economies of scale, and several other factors. Further, our illustrative staffing plans reduce the disparity between caseload ratios for both judicial and non-judicial staff.
- Under one scenario, operating with 13 judicial districts could have reduced combined total costs for both State and local government by **about \$6.2 million** in fiscal year 2008.
 - ▶ In this scenario, district courts could have been staffed with 19 fewer judicial positions and 70 fewer non-judicial FTE staff.
 - ▶ In this scenario, we tightened the range of caseloads to a low of 1,162 and a high of 1,900 non-traffic cases per judge for the 13 new districts.
- Under another scenario, operating with seven judicial districts could have reduced combined total costs for both State and local government by **about \$8.1 million** in fiscal year 2008.
 - ▶ In this scenario, district courts could have been staffed with 19 fewer judicial positions and 123 fewer non-judicial FTE staff.
 - ▶ In this scenario, we tightened the range of caseloads to a low of 1,133 and a high of 1,696 non-traffic cases per judge for the seven new districts.
- Additional cost savings may be attainable with increased use of technology, such as centralizing data systems and use of video conferencing. Further, despite the existence of electronic records, some district courts continue to create paper records they must then store, file, maintain, and eventually dispose of.
- Even without redrawing existing judicial district boundaries, the State could save money by eliminating the one-judge-per-county law. In fiscal year 2008, if the four judicial districts with the smallest average non-traffic caseload per judge in the State had operated with judicial caseloads of about 930 (an average caseload that was lower than those of most judges in the State), the State could have saved about \$1.4 million in salary and benefit costs for 17 magistrate judge positions that wouldn't be needed.

We Recommended

- The Legislature request the Chief Justice of the Supreme Court to appoint a judicial advisory committee to study issues cited in our audit related to one judge per county, judicial redistricting, equalizing caseloads, and the like. Also, the Legislature should consider providing funding to allow the Office of Judicial Administration to contract for a workload study.
- The Office of Judicial Administration should work with the Supreme Court to initiate a review of the Supreme Court's records retention and maintenance rules and how district courts interpret and apply those rules, establish a working group to study the benefits of a centralized district court data system, and assess potential benefits of increasing the use of videoconferencing equipment as a means of conducting court hearings.

Agency Response: In general, Office of Judicial Administration officials expressed several concerns pertaining to the assumptions and decisions we made in conducting our analyses. However, officials also agree with the report's recommendations for legislative action and the recommendations for executive action.

court operating costs except facilities and buildings. Minnesota does not have a one-judge-per-county law, but Iowa does.

A workload study would help the State better define the staffing needs of judicial districts. Several states have contracted with the National Center for State Courts for such a study, and have used the results to help determine district staffing levels.

**DO YOU HAVE AN IDEA FOR
IMPROVED GOVERNMENT EFFICIENCY OR COST SAVINGS?**

If you have an idea to share with us, send it to ideas@lpa.ks.gov, or write to us at the address shown. We will pass along the best ones to the Legislative Post Audit Committee.

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