STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

KRIS W. KOBACH
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

Proponent Testimony on HB 2652
Dwight Carswell, Deputy Solicitor General
Senate Committee on Judiciary
Thursday, March 5, 2026

Chairwoman Warren and Members of the Committee,

I am Dwight Carswell, a Deputy Solicitor General in the Attorney General's Office, and I appear today in support of HB 2652, legislation that would require the Clerk of the Appellate Courts to publish and transmit to the legislature a monthly list of cases where a decision has not been entered and filed within 6 months by Kansas' appellate courts.

It is our duty in the Office of the Attorney General to promote the efficient administration of justice, uphold the rule of law, and protect the rights of all Kansans. Delays in court decisions, particularly at the appellate level, undermine public confidence in the judicial system, prolong uncertainty for litigants, and can hinder the timely resolution of critical legal matters.

It is a truism that justice delayed is often justice denied. Yet appellate decisions are sometimes issued in an untimely manner, contributing to backlogs and public uncertainty. Greater transparency through public reporting of prolonged cases encourages accountability and timely resolution without compromising judicial independence.

Our Solicitor General, Anthony Powell, served for nearly 10 years on the Kansas Court of Appeals. During his time on the Court, it had an internal goal of 60 days to issue an opinion once it had been submitted. Every month the Chief Judge would distribute a list to all the judges on the court of those cases where the opinion had not yet been issued within that time limit. The list would include the name of the case, the panel members, and the author. This created a culture which made the timely issuance of opinions a high priority.

Regrettably, the solicitors in our office are becoming increasingly concerned that the delays are increasing. For example, there are a number of cases that had been placed on the Court's summary calendar—cases typically more straight-forward and with a limited number of issues—where opinions haven't been issued in over 6 months. One solicitor reported a simple probation revocation case heard in April 2025 had not yet been decided.

The Kansas Supreme Court's important abortion cases, the *Hodes and Nauser* cases, took years to decide. The first *Hodes* case was heard in March 2017, yet it wasn't decided until April 2019—over two years later. The two *Hodes* cases that were argued in the Supreme Court in March 2023 were not decided until July 2024. In contrast, the United States Supreme Court heard its famous abortion case, *Dobbs,* which reversed *Roe v. Wade*, on December 1, 2021, and decided it on June 24, 2022, just under 7 months.

For all its benefits, HB 2652 imposes a minimal administrative burden. First, it places no requirement on any judge to issue an opinion within a certain period of time. We recognize that complex cases can take time, and getting the law right is important. Moreover, the clerk's office already tracks submissions and decisions, so compiling and publishing a monthly list that is made available on the court's website should not take much time and effort. But the transparency HB 2652 provides will greatly increase public confidence in the administration of justice.

Delays in the issuance of court decisions create tangible harms: victims wait longer for closure, defendants face extended uncertainty, businesses endure prolonged litigation risks, and taxpayers bear the costs of drawn-out proceedings. By highlighting cases pending beyond six months, HB 2652 provides stakeholders—attorneys, journalists, policymakers, and the public—with visibility to monitor progress and question delays if they exist. This is a commonsense reform that aligns with our shared goal of a fair, efficient, and transparent government, including the judiciary. It promotes accountability that respects the separation of powers and supports the timely delivery of justice Kansans deserve. On behalf of the Attorney General, I urge the committee to pass HB 2652 favorably and advance it to the full Senate.

Thank you for your time and consideration.