



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
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Topeka, Kansas 66612-1507

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Joint Committee on State Building Construction August 15, 2012

2001 House Bill 2297 expanded the Court of Appeals from 10 to 14 judges by adding one judge each year, beginning in 2003. Although three of these positions have been funded, the 14th position has been delayed every year since 2008. 2012 House Substitute for Senate Bill 425 amended K.S.A. 2011 Supp. 20-3002 to make the addition of Court of Appeals Judge 14 subject to appropriations. This amendment was made to ease the delay of the additional judge. Prior to the amendment, statutes directed that the expansion would occur the following January. Therefore, when the appropriations committees removed funding for the expansion in the appropriations bill, legislation had to be passed to remove the required expansion in substantive law.

The original expansion of the Court of Appeals was prompted by a "Year 2000 and Beyond" Report for the Kansas Justice Initiative Commission. In 2001, 1,174 new cases were filed in the Court of Appeals. From 2001 until 2011, the number of new cases filed averaged 1,762. In 2012, however, 1,152 new cases were filed from January through July, leading to a projected year-end filing of 2,000 cases. The legislative report that prompted the expansion in 2001 stated that Court of Appeals judges were writing approximately 80 opinions per year, whereas "the committee concluded that a Court of Appeals judge should reasonably be able to write 75 opinions a year in order to avoid detrimental effects on the health of our judges." In recent years, that goal has not been achieved. For the years 2009 and 2010, Court of Appeals judges wrote an average of 94 opinions a year; in 2011, the average increased to 99.7 opinions. In order to handle the projected caseload for 2012 in a timely fashion, judges will each need to write 120 opinions.

As of July 30, 2012, the court had in process 209 cases more than last year. Just to process this increase alone, at 75 opinions per judge per year, would require the addition of two new judges. However, funding for only one judge is requested. The 2001 Judicial Study Advisory Committee warned that the effects of having a shortage of appellate judges would include a host of unwanted results:

"The backlog of cases in the Kansas Court of Appeals means that decisions in the cases are delayed. If the courts are unable to decide issues in a reasonable time, loss of respect for the judicial system will eventually result. The toll of appellate backlog is measured in many ways; children whose custody or severance is an issue will have unsettled futures, at a time in their lives when stability may be

essential; persons guilty of crimes may be on the street and persons improperly convicted of crimes may be spending unjustified time in jail; titles to real estate may be clouded, so owners cannot make desired use of the lands; and deserving plaintiffs may be denied use of needed money while defendants must live with uncertainty as to what may or may not happen in their case. In some cases, appellate delay may affect persons not involved in the litigation who are in similar circumstances or in an affected business. Some of the judges of the Kansas Court of Appeals have experienced health problems which may be related to the heavy workload of the court.”

It is no longer feasible to delay the funding of Judge 14 for the Court of Appeals. Adequate funding must include not only funding for salaries for the judge and staff, but also capital expenditures to construct a new judicial suite. This cost is estimated at \$208,734.

Eleven of the thirteen judges of the Court of Appeals are located on the second floor of the Judicial Center, while two of the judges have offices on the third floor. The space that will be remodeled for judge 14 can be expanded to house two additional judges at a reduced price, if done at the same time as the remodel for judge 14. This construction project would allow two Court of Appeals judges and their staff to be moved onto the same floor as the rest of the Court of Appeals, opening space on the 3rd floor of the building for a consolidation of the staff of the Supreme Court. It would also make more efficient use of limited space within the Judicial Center. The FY 2014 enhancement budget request includes \$343,978 for construction of two judicial suites. Constructing these two suites at the same time as the suite for the Court of Appeals judge 14 could save the state up to 20% on the project.

Security System Upgrade. The Judicial Branch is requesting the replacement and upgrade of the current Judicial Center security system. The original Honeywell security system was installed in the early 1990's. The hardware and software were upgraded in 1999. The software has not been updated since 2003 and is no longer supported. The current vendor has expressed that repairs to the system are becoming more difficult because replacement parts are more expensive and difficult to find. If either of the control panels were to fail, there would no longer be replacements available and a system failure would result.

The Judicial Branch requests replacement of the current security system in FY 2014. While the Supreme Court would like additional Judicial Center security enhancement, the budget request only includes \$53,000, which is the estimated cost to replace the current security system with a comparable system.

Chief Justice George Green ?

Five-Year Capital Budget Plan--DA 418A

Division of the Budget
State of Kansas

Agency Name Judicial Branch

Project Title	Estimated Project Cost	Prior Years	Current Year	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	Subsequent Years
1. Judicial Branch Remodeling	1,021,493	468,781		552,712					
2. Replacement of Security System	53,000			53,000					
Total	1,074,493	468,781	\$ --	605,712	\$ --	\$ --	\$ --	\$ --	\$ --

Project Request Explanation--DA 418B

1. Project Title: New Judicial Suites	2. Project Priority: 1																				
Agency: Judicial Branch																					
3. Project Description and Justification:																					
<p>The Judicial Branch is requesting funds in FY 2014 to renovate parts of the Judicial Center to create an additional Court of Appeals judicial suite per statute as well as two additional judicial suites.</p> <p>House Substitute for SB 425 authorizes the expansion of the court of appeals to 14 judges with the addition of judge 14 in January of 2014, subject to appropriations.</p> <p>The first Judicial suite was completed in FY 2003 at a cost of \$130,752. The second suite was completed in FY 2005 at a cost of \$149,806 and the third suite was completed in FY 2008 at a cost of \$188,223 plus furnishings. The funds requested in FY 2014 will create a suite which will consist of an office, library, and restroom for the judge. The suite will also have an office for the judge's research attorney and a reception area. The cost for this suite is estimated at \$208,734.</p> <p>The Judicial Branch is also requesting funds in the FY 2014 enhancement budget for construction of two judicial suites at an estimated cost of \$343,978. This construction project would allow two Court of Appeals judges and their staff to be moved onto the same floor as the rest of the Court of Appeals, as well as make efficient use of limited space within the Judicial Center. Constructing these two suites at the same time as the suite for the Court of Appeals judge 14 could save the state up to 20% on this project.</p> <p>Chief Judge Richard Greene provided information to the 2012 House Appropriations Committee regarding the need for the additional judge. In his testimony, he stated that in the months of January and February of 2012, new appeals docketed soared to a 60 day total of 360 new cases. This is nearly 100 cases above the average for new appeals filed in a 60 day period, and it was more than a 60% increase over the cases filed during the same period in 2011. He testified that several developments have led to additional filings and complexity of criminal appeals. These developments include recodification of the criminal code, challenges to criminal convictions where there are alternative means issues, and a recent spike in new appeals challenging termination of parental rights, which must be expedited because of the urgent interests of the children involved.</p>																					
4. Estimated Project Cost:	5. Project Phasing:																				
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">1. Construction (including fixed equipment and sitework)</td> <td style="text-align: right;">794,077</td> </tr> <tr> <td>2. Architect or engineer fee</td> <td style="text-align: right;">88,539</td> </tr> <tr> <td>3. Moveable equipment</td> <td style="text-align: right;">39,825</td> </tr> <tr> <td>4. Project contingency</td> <td style="text-align: right;">99,052</td> </tr> <tr> <td>5. Miscellaneous costs</td> <td></td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: right;">\$ 1,021,493</td> </tr> </table>	1. Construction (including fixed equipment and sitework)	794,077	2. Architect or engineer fee	88,539	3. Moveable equipment	39,825	4. Project contingency	99,052	5. Miscellaneous costs		Total	\$ 1,021,493	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">1. Preliminary plans (including misc. costs)</td> <td style="text-align: right;">29,304</td> </tr> <tr> <td>2. Final plans (including misc. and other costs)</td> <td style="text-align: right;">41,528</td> </tr> <tr> <td>3. Construction (including misc. and other costs)</td> <td style="text-align: right;">950,661</td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: right;">\$ 1,021,493</td> </tr> </table>	1. Preliminary plans (including misc. costs)	29,304	2. Final plans (including misc. and other costs)	41,528	3. Construction (including misc. and other costs)	950,661	Total	\$ 1,021,493
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6. Amount by Source of Financing:																					
Fiscal Years	1. SGF	2.	3.	4.	5.	Total															
Prior Years	468,781					468,781															
FY 2013						\$ --															
FY 2014	552,712					552,712															
FY 2015						\$ --															
FY 2016						\$ --															
FY 2017						\$ --															
FY 2018						\$ --															
Subsequent Years						\$ --															
Total	1,021,493	\$.	--	\$	--	\$															

Project Request Explanation--DA 418B

1. Project Title: Replacement of Security System		2. Project Priority: 1				
Agency: Judicial Branch						
3. Project Description and Justification:						
<p>The Judicial Branch is requesting to begin the replacement and upgrade the current security system located in the Judicial Center. The original Honeywell security system was installed in the early 90's. The hardware and software were upgraded in 1999. The software has not been updated since 2003 and is no longer supported.</p> <p>Repairs to the security hardware are difficult because replacement parts are not easily located. The system uses coax wire between card readers and requires converters at the beginning and end of each coax run. The current vendor is unsure how much longer these converters will be available for replacement as they will get more expensive and less available. If either of the control panels fail, there are no longer replacements available and the system would no longer work.</p> <p>The Judicial Branch requests replacment of the current security system in FY 2014. While the Supreme Court would like enhancements to the Judicial Center security, the cost of this project was estimated by replacing the current security system with a comparable system. Therefore the security system that is selected would have the capability for expansion.</p>						
4. Estimated Project Cost:		5. Project Phasing:				
1. Construction (including fixed equipment and sitework) 2. Architect or engineer fee 3. Moveable equipment 4. Project contingency 5. Miscellaneous costs		1. Preliminary plans (including misc. costs) 2. Final plans (including misc. and other costs)				
53,000		53,000				
Total \$ 53,000		Total \$ 53,000				
6. Amount by Source of Financing:						
Fiscal Years	1. SGF	2.	3.	4.	5.	Total
Prior Years						\$ --
FY 2013						\$ --
FY 2014	53,000					53,000
FY 2015						\$ --
FY 2016						\$ --
FY 2017						\$ --
FY 2018						\$ --
Subsequent Years						\$ --
Total	53,000	\$ --	\$ --	\$ --	\$ --	53,000

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