

REPORT OF THE JUDICIAL COUNCIL ADVISORY
COMMITTEE ON JUDICIAL RESIDENCY

DECEMBER 6, 2018

On May 10, 2018, Representative Blaine Finch requested that the Kansas Judicial Council study and make recommendations regarding possible legislation that would amend the resident judge rule to require at least one judge of the district court to maintain the judge's principal office in each county, while only requiring the judge to maintain residency within the judicial district rather than within the county. When the Judicial Council met on June 1, 2018, it accepted the request and determined that a new advisory committee should be formed to conduct the study. A copy of the study request is attached at page 10.

COMMITTEE MEMBERSHIP

The members of the Judicial Council Advisory Committee on Judicial Residency are:

Hon. Ed Bouker, Chair, Senior Judge; Hays

Glenna Borho, Pratt County Commissioner; Pratt

Hon. Tod M. Davis, District Magistrate Judge in Allen County; Iola

Hon. Kenton Gleason, District Magistrate Judge in Hodgeman County; Jetmore

Hon. Angela Hecke, District Magistrate Judge in Marshall County; Marysville

Joseph W. Jeter, Practicing attorney; Hays

Hon. James R. Kepple, District Magistrate Judge in Riley County; Manhattan

Ed Klumpp, Chief of Police-Retired, Topeka Police Department; Tecumseh

Rep. Leonard A. Mastroni, State Representative - 117th District; LaCrosse

Hon. Starla Borg Nelson, District Magistrate Judge in Republic County; Belleville

Hon. Preston A. Pratt, Chief Judge in the 17th Judicial District; Norton

Hon. David Ricke, Chief Judge in the 13th Judicial District; El Dorado

Sarah Bootes Shattuck, Practicing attorney; Ashland

Eric Smith, Deputy General Counsel, League of Kansas Municipalities; Topeka

BACKGROUND

2018 HB 2645 was introduced in the House Committee on Federal and State Affairs and later referred to the House Judiciary Committee, where a hearing was scheduled for March 12, 2018. No written testimony was submitted and no conferees appeared to testify. The House Judiciary Committee took no further action on the bill. HB 2645 would have amended K.S.A. 20-338 to switch two magistrate judge position locations in the fourth judicial district. The Committee understands this was intended to allow a newly-appointed district judge, who had been a magistrate in another county in the same district, to assume the new position without having to move.

On May 10, 2018, Representative Blaine Finch requested that the Kansas Judicial Council study and make recommendations regarding possible legislation that would amend the resident judge rule to require at least one judge of the district court to maintain the judge's principal office in each county, while only requiring the judge to maintain residency within the judicial district rather than within the county. When presenting the study request to the Judicial Council, Representative Finch noted that similar situations to the one related to HB 2645 had arisen before and perhaps could be better addressed by a statutory amendment that would not require repeated case-specific amendments to the statute.

Representative Finch's study request also discussed the ongoing issue of the "one resident judge per county rule," which is set forth in K.S.A. 20-301b: "In each county of this state there shall be at least one judge of the district court who is a resident of and has the judge's principal office in that county." In the request, Representative Finch stated that, although the 2012 report of the Judicial Branch's Blue Ribbon Commission recommended eliminating the one judge per county rule, efforts to do so have not made any progress in the Kansas Legislature. He noted that the statutory amendment proposed in the study request was an effort to "identify an approach that may accomplish some of the purposes of the Commission's recommendations while paying heed to the concerns of those who oppose the elimination of the resident judge rule."

Upon accepting Representative Finch's study request on June 5, 2018, the Judicial Council determined that an ad hoc advisory committee should be formed to conduct the study. Senior Judge Edward Bouker was asked to chair the new committee, which includes members of the judiciary, the practicing bar, the legislature, local governments, and law enforcement.

METHOD OF STUDY

The Committee met three times during the fall of 2018. The Committee reviewed a number of background materials including excerpts from the Judicial Council's 1991 Report of the Judicial Redistricting Advisory Committee and the 2012 Report of the Kansas Supreme Court's Blue Ribbon Commission, and applicable K.S.A. Chapter 20 statutes relating to the judiciary.

The Committee sought input through the use of a survey sent to 1,847 recipients. The survey was sent only to recipients in Kansas' 24 multi-county judicial districts. The targeted

recipients included: 75 district judges; 75 magistrate judges; 1,340 attorneys; 72 court clerks; and 73 law enforcement representatives. The survey solicited an opinion on the proposal to change the judicial residency requirement from the county to the judicial district and also solicited information regarding technology usage. A copy of the survey instrument is attached at page 15.

SURVEY RESULTS

Introduction and Question 1

The Committee used SurveyMonkey to create the survey instrument and collect and tabulate the results. The same survey was sent to all 1,847 recipients, although Question 1 enabled the recipient to self-identify as one of the following:

- District Judge
- Magistrate Judge
- County or District Attorney (Part-time or full-time)
- Other Attorney
- Sheriff
- Other Law Enforcement
- District Court Clerk
- Other (please specify)

Of the 1,847 surveys sent, 599 responses were received, a response rate of 32.4%.

The survey contained the following introductory information:

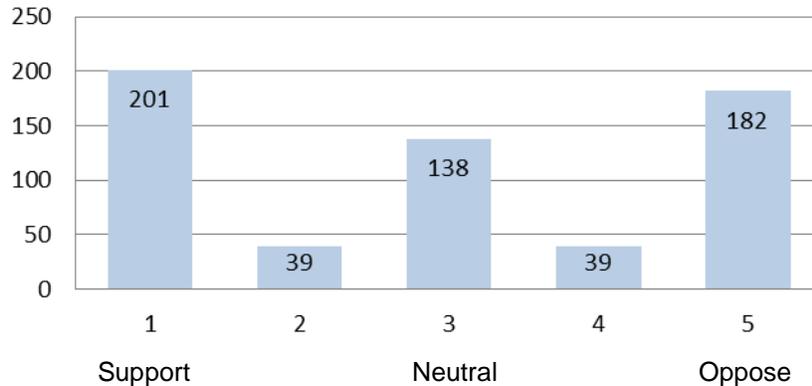
The Chair of the House Judiciary Committee has asked the Judicial Council to study and make recommendations regarding a proposal to change the residency requirement for judges of the district court to provide that at least one judge of the district court must maintain the judge's principal office in each county, and must maintain residency within the judicial district in which the county is located. This proposal retains "one judge per county" but modifies the residency requirement to the judicial district rather than the county of principal office.

The Committee has not been asked to consider any change to current election law.

Questions 2-3

Question 2 of the survey asked: “What is your position on this proposed change to the residency requirement for judges?” A summary of the responses is set forth below.

Summary of All Responses to Question 2:



Survey respondents were also given an opportunity (labelled as Question 3 on the survey instrument) to explain the answer given to Question 2. Detailed summaries of the survey responses to Questions 2 and 3, including the full text of the comments received, are attached to this report at pages 17 - 81.

The comments varied across the groups of respondents, but fell into similar categories. The most frequent comments received from those who supported the proposal to change judicial residential requirements included:

- it would improve the pool of qualified applicants for judicial vacancies, with some specifically noting the possibility of attracting more lawyers;
- residence not required for accessibility, and many magistrates already required to regularly travel outside their assigned county;
- original reasons for residency requirement can be negated with technology;
- county attorneys are not required to live in the county they serve, and there is no reason for judges to have the requirement; and
- some counties have shortage of suitable housing, so this could allow judge to settle nearby where appropriate housing is available.

Some respondents noted the proposed change was a reasonable step toward getting rid of the one judge per county requirement, which these respondents thought should be repealed.

The most frequent comments received from those who opposed the proposal to change judicial residential requirements included:

- concerns about a negative impact on access to justice;
- concerns that the proposal would result in all judges living in the most populated areas in the judicial district;
- concerns about after-hours access to a judge for warrants and other emergencies;
- opinion that a judge should reside in and be part of the community the judge serves;
- concerns about the lack of access to technology, both because some rural areas have no broadband access and because of cost concerns; and

Some respondents noted that the proposal was just a step toward getting rid of the one judge per county requirement, which these respondents believed should be retained.

The Committee noted that some comments seemed to indicate that the survey respondent had not fully understood the proposal. For example, some comments showed that the respondent thought jobs at the courthouse would disappear and/or a judge would no longer be assigned to the county. Also, despite the introduction to the survey, which stated no change to election law was contemplated, a number of respondents mentioned elections. Most of these respondents expressed concern that the proposed change would require magistrates in elected districts to run district-wide instead of the current statutory requirement for magistrates to run in county-wide elections.

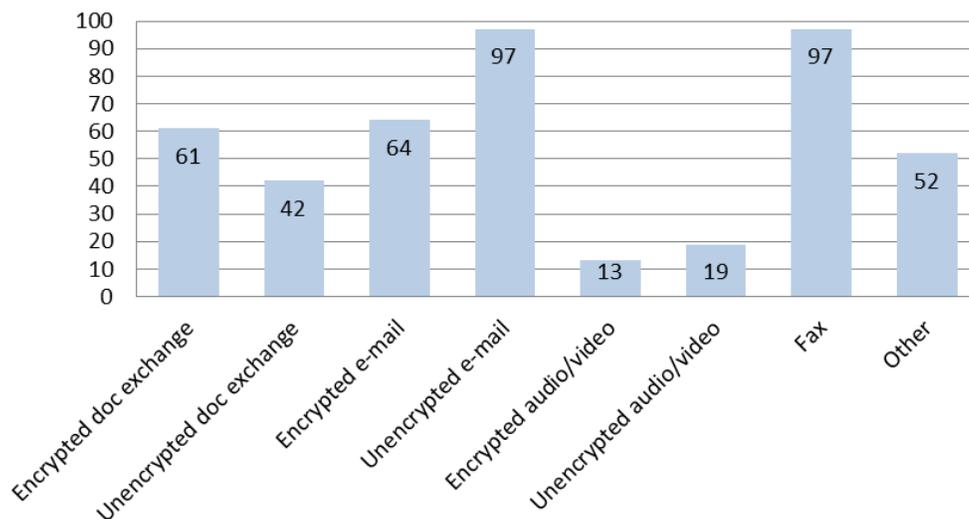
The Committee also noted a number of instances in which the respondent's answer to Question 2 did not seem consistent with the explanatory comment in Question 3. No attempt was made to put the response in a different category or to modify survey responses in any way.

Questions 4-6

As discussed in more detail later in this report, the Committee determined in its initial meeting that technology would be a necessary and integral part of a full evaluation of the impact of the proposed amendment to judicial residency requirements. The Committee noted that technology could make it possible to achieve after-hours access to a judge without traveling to the judge's residence, which would be a vital factor in assessing the viability of the proposal to allow a judge to live outside the judge's assigned county. Thus, the Committee incorporated into the survey questions aimed at gathering information regarding the extent to which, and what types of technology were currently being used to facilitate after-hours contact with judges.

Question 4 of the survey asked: "Does your county currently use technology as an alternative to face-to-face communications with a judge to request after-hours arrest/search warrants or ex parte orders?" To this question, 279 respondents answered "yes," 136 answered "no," and 184 answered "don't know."

Those who answered “yes” to Question 4 were then asked in Question 5 to select the type of technology that is currently in place in the respondent’s county. The results to that question are displayed below.



Survey respondents were given an opportunity (labelled as Question 6 on the survey instrument) to note any other thoughts or comments they wished to share regarding the use of technology for after-hours warrants or ex parte order requests. Detailed summaries of the survey responses to Questions 4 - 6, including the full text of the comments received, are attached to this report at pages 82 - 96.

Excluding respondents who answered “don’t know” to Question 4, approximately one-third reported they do not currently use technology for after-hours contact with a judge. Of the respondents who reported using technology, approximately two-thirds stated the technology used is not encrypted.

The comments relating to technology in Question 6 varied widely, but the Committee noted the following categories of comments that appeared in multiple responses:

- concerns about unencrypted communications;
- concerns with broadband access in some areas of the state;
- costs of the technology as an obstacle;
- suggestion that uniform policies or court rules are needed governing use of technology;
- several – mainly judges – mentioned a preference for face-to-face communications;

- respondents in jurisdictions where technology is currently utilized state that it works well; and
- concern about lack of a uniform communications platform for law enforcement and the court system.

COMMITTEE DISCUSSION

The Committee discussed the issues, comments, and concerns raised by survey respondents, finding that the survey closely mirrored the Committee members' thoughts and concerns about the proposed change to judicial residency requirements. As a preliminary matter, the Committee noted that this proposal differs in a fundamental way from all prior studies that directly addressed the one judge per county rule. The primary justification for recommendations to repeal the one judge per county has been to improve judicial efficiency — to give the Supreme Court the ability to allocate judicial resources based on where those resources are needed. The Committee agreed that the current proposal to allow judges of the district court to reside anywhere within the judicial district would have no impact on the current allocation of judicial resources.

Because the study request made no mention of elections, the Committee assumed that no changes to election law were contemplated as part of the proposal. Thus, it was assumed that district court judges would still be elected or retained in district-wide elections, and magistrate judges would continue to be elected or retained in county-wide elections. As noted earlier, this was important to many survey respondents, who expressed concern about other counties being involved in the election of a judge assigned to their county.

Expanding Pool of Candidates for Judicial Positions

The most frequently noted positive effect of the proposed change to judicial residency requirement was that the pool of potential candidates for judicial positions would be expanded. The Committee discussed that populations are dwindling in some rural counties, and some counties do not have any attorneys left. Not all Committee members agreed that securing law-trained candidates should be the objective, and there have been counties in which an attorney was defeated by a lay candidate for a magistrate judge position. The Committee also heard of situations in which a candidate, although meeting the statutory requirements, was poorly qualified for the unique and important duties of a judge. Without regard to legal training, enlarging the geographical area in which candidates can reside also increases the possibilities for attracting better-qualified judicial candidates.

Other Arguments Supporting the Proposal

The Committee discussed several other positions which favored the proposal. There were survey respondents and Committee members who did not think the change would be much different than what is currently happening. Because there is not enough work in many smaller or more rural counties, the judges are not present on a daily basis in their assigned duty station. It is

normal for these judges to travel to busier, more populous counties several days each week to assist with the workload at those locations.

It was also discussed that there is no requirement for county attorneys and many district judges to live within the county to which they are assigned. That does not seem to cause problems, and many felt the current residential restriction for judges is not justified. The Committee also discussed the issue of housing, noting that some areas do not have suitable housing for a candidate willing to move to a county to take a judicial position. This proposal would enable potential candidates to continue to reside where they are within the district or move to a location within the district where suitable housing is more readily available.

Access to Justice

The Committee discussed a number of issues related to access to justice. Survey respondents and Committee members expressed concern that allowing judges to live anywhere in the judicial district would result eventually in all judges living in or near the population center. Not having a judge residing within the county raised concerns about after-hours access to a judge for warrants and other emergency orders. The Committee also discussed the possibility that lawyers would follow the judges and would move out of certain counties, leaving rural residents with no local access to legal services. Committee members noted that all Kansans pay taxes and are entitled to access to the judicial system. It was also pointed out that the state pays judicial and staff salaries, but does not fund the operation, upkeep, security, and modernization expenses associated with the county courthouses. County residents expect to have a resident judge in exchange for that investment.

Another strongly expressed sentiment, both from survey respondents and some Committee members, was that a judge should be a part of the community the judge serves. A contrary view expressed was that a judge's job is to apply the law fairly and consistently. It is not necessary to know the community in order to do that, and knowing or having actual relationships with local parties can make it more difficult to mete out justice impartially.

Technology

Woven throughout all of the Committee's discussions was the issue of technology. Many survey respondents asserted that technology negates one of the primary reasons for requiring a judge to reside in each county, which is the need for after-hours access to a judge to sign warrants and emergency orders. The Committee believes it is possible for technology to replace face-to-face communications for after-hours access, but there are many impediments to making that possibility a reality on a statewide basis. And, if the availability of technology is to be used as a justification for changing judicial residency requirements, it must be available in all parts of the state. The current reality is that unless a district chooses to rely on fax transmissions, technology-based solutions require reliable access to broadband. Many rural areas of the state have no access to broadband at all.

There are other complications to relying on technology for after-hours issuance of warrants and orders. The current situation varies from judicial district to district. There are districts where

face-to-face communications are still the norm, and there are districts in which after-hours contacts with judges are almost entirely electronic. There is also a wide variety of technology in use, with no set standards or uniformity. Finally, even in areas where technology is available, some judges do not feel comfortable that the current warrant statutes allow electronic means to be used as a complete substitute for face-to-face contact.

The Committee found that, despite the lack of uniformity, technology is being used in many parts of the state to issue after-hours warrants and orders. Where it is being used, both judges and law enforcement think it works very well and is much preferred to having to physically go to a judge's residence and knock on the door in the middle of the night. However, while many of the survey respondents indicate what they are using works well, a large percentage also indicate they are using unencrypted e-mail or document exchange. The use of unencrypted e-mail or document exchange to transmit certain kinds of information violates state and federal Criminal Justice Information System (CJIS) security requirements. In addition, the lack of encryption leaves the request for a search or arrest warrant subject to interception by the subjects of the warrant, who can use the information to evade arrest or conceal evidence. Even those who use encrypted e-mail may not be in compliance since not all encryption meets the level of CJIS requirements. Many affidavits used to support a search or arrest warrant will contain at least some information obtained through Kansas CJIS sources, making the communication subject to the encryption requirements. Two pertinent KCJIS Policy and Procedure provisions are attached to this report at pages 97-98.

The Committee believes there is much work that needs to be done regarding technology before it can be relied upon statewide as an alternative for face-to-face communication with a judge when seeking after-hours warrants and orders. Although the Committee does not recommend specific solutions, it does suggest that further work in this area is needed and must involve: expanding broadband accessibility across the state; establishing technology standards and a uniform platform that can be accessed by both law enforcement and the court system; and consideration of whether statutory amendments are needed to clarify how and when technology can replace face-to-face communications in the issuance of after-hours warrants and orders.

CONCLUSION

The Committee's opinions were notably similar to those expressed by the survey respondents. Many Committee members were undecided until the Chair called for a vote at the conclusion of the debate. The Committee voted 7-6 in favor of the proposal.

Post-vote discussion made clear that, although the Committee agreed that all of the above factors are important considerations in evaluating this proposal to change judicial residency requirements, the weight that each Committee member assigned to increasing the pool of qualified applicants versus access to justice concerns determined that person's final position on the proposal. The Committee recommends that the Council forward its report to Representative Finch for his consideration.

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HOUSE OF REPRESENTATIVES

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BLAINE FINCH
59TH DISTRICT

May 10, 2018

Nancy Strouse, Executive Director
Kansas Judicial Council
301 SW 10th Avenue
Topeka, Kansas 66612

Dear Nancy:

I am writing to request Judicial Council study of a recurring topic that arose once again during consideration of legislation by the House Committee on Judiciary during the 2018 Session.

HB 2645 – Changing district magistrate judge position assignments in the 4th judicial district

HB 2645 would amend the statute (KSA 20-338) providing for district magistrate judge positions in various counties to establish an ongoing position in Coffey County and a second position to be located in Osage, Anderson, or Franklin County as determined by the Supreme Court. (Currently, the statute establishes the ongoing position for this district in Osage County with the Supreme Court-determined position in Coffey, Anderson, or Franklin County.)

Although the House Committee on Judiciary took no action on the original contents of this bill during the 2018 Session (at the request of the bill's proponents), the bill did once again raise the ongoing topic of the "one resident judge per county rule," codified at KSA 20-301b: "In each county of this state there shall be at least one judge of the district court who is a resident of and has the judge's principal office in that county."

As you are aware, one of the recommendations in the 2012 report of the Judicial Branch's Blue Ribbon Commission was to eliminate this restriction on judge placement. The report concluded the resident judge rule, as well as statutes like KSA 20-338 requiring specific placements, "impair the Supreme Court's ability to efficiently manage the judicial system by correcting these misallocations."

Despite this recommendation, efforts to revise or eliminate these restrictions have made no progress in the Kansas Legislature since the report's issuance. In an effort to identify an approach that may accomplish some of the purposes of the Commission's recommendations while paying heed to the concerns of those who oppose the elimination of the resident judge rule, I would appreciate the Judicial Council's study and recommendation regarding possible legislation that would amend the rule to require at least one judge of the district court to maintain

the judge's principal office in each county, while only requiring the judge to maintain residency within the judicial district, rather than within the county.

Please let me know if I can provide any further information or answer any questions regarding this request.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Blaine Finch". The signature is written in a cursive style with a large initial "B" and "F".

Representative Blaine Finch
Chairman, House Committee on Judiciary

HOUSE BILL No. 2645

By Committee on Federal and State Affairs

2-6

1 AN ACT concerning courts; relating to district magistrate judges;
2 positions; fourth judicial district; amending K.S.A. 20-338 and
3 repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 20-338 is hereby amended to read as follows: 20-
7 338. (a) District magistrate judge positions shall be constituted as provided
8 in subsection (b).

9 (b) (1) In the first judicial district, there shall be one district
10 magistrate judge position in Atchison county, subject to the provisions of
11 K.S.A. 20-354a, and amendments thereto.

12 (2) In the second judicial district, there shall be three district
13 magistrate judge positions in the district, with position one in Jefferson
14 county, position two in Pottawatomie county and position three in
15 Wabaunsee county.

16 (3) In the fourth judicial district, there shall be two district magistrate
17 judge positions in the district, with position one in ~~Osage~~ Coffey county
18 and position two in ~~Coffey~~ Osage, Anderson or Franklin county as
19 determined by the supreme court.

20 (4) In the fifth judicial district, there shall be one district magistrate
21 judge position in Chase county.

22 (5) In the sixth judicial district, there shall be a district magistrate
23 judge position in Bourbon county.

24 (6) In the eighth judicial district, there shall be two district magistrate
25 judge positions in the district, with position one in Dickinson county and
26 position two in Morris county.

27 (7) In the 11th judicial district, there shall be one district magistrate
28 judge position in Cherokee county.

29 (8) In the 12th judicial district, there shall be six district magistrate
30 judge positions in the district, with position one in Cloud county, position
31 two in Jewell county, position three in Lincoln county, position four in
32 Mitchell county, position five in Republic county and position six in
33 Washington county.

34 (9) In the 13th judicial district, there shall be two district magistrate
35 judge positions in the district, with position one in Elk county and position
36 two in Greenwood county.

1 (10) In the 14th judicial district, there shall be one district magistrate
2 judge position in Chautauqua county.

3 (11) In the 15th judicial district, there shall be six district magistrate
4 judge positions in the district, with position one in Cheyenne county,
5 position two in Logan county, position three in Sheridan county, position
6 four in Wallace county, position five in Thomas county and position six in
7 Rawlins county.

8 (12) In the 16th judicial district, there shall be five district magistrate
9 judge positions in the district, with position one in Clark county, position
10 two in Comanche county, position three in Gray county, position four in
11 Kiowa county and position five in Meade county.

12 (13) In the 17th judicial district, there shall be six district magistrate
13 judge positions in the district, with position one in Graham county,
14 position two in Decatur county, position three in Norton county, position
15 four in Osborne county, position five in Phillips county and position six in
16 Smith county.

17 (14) In the 20th judicial district, there shall be four district magistrate
18 judge positions in the district, with position one in Ellsworth county,
19 position two in Rice county, position three in Russell county and position
20 four in Stafford county.

21 (15) In the 21st judicial district, there shall be one district magistrate
22 judge position in Clay county.

23 (16) In the 22nd judicial district, there shall be three district magistrate
24 judge positions in the district, with position one in Doniphan county,
25 position two in Marshall county and position three in Nemaha county.

26 (17) In the 23rd judicial district, there shall be three district magistrate
27 judge positions in the district, with position one in Gove county, position
28 two in Rooks county and position three in Trego county.

29 (18) In the 24th judicial district, there shall be six district magistrate
30 judge positions in the district, with position one in Edwards county,
31 position two in Hodgeman county, position three in Lane county, position
32 four in Ness county, position five in Pawnee county and position six in
33 Rush county.

34 (19) In the 25th judicial district, there shall be five district magistrate
35 judge positions in the district, with position one in Greeley county,
36 position two in Hamilton county, position three in Kearny county, position
37 four in Scott county and position five in Wichita county.

38 (20) In the 26th judicial district, there shall be five district magistrate
39 judge positions in the district, with position one in Grant county, position
40 two in Haskell county, position three in Morton county, position four in
41 Stanton county and position five in Stevens county.

42 (21) In the 28th judicial district, there shall be one district magistrate
43 judge position in Ottawa county.

1 (22) In the 30th judicial district, there shall be four district magistrate
2 judge positions, with position one in Barber county, position two in Harper
3 county, position three in Kingman county and position four in Pratt county.

4 (23) In the 31st judicial district, there shall be two district magistrate
5 judge positions in the district, with position one in Allen county and
6 position two in Woodson county.

7 Sec. 2. K.S.A. 20-338 is hereby repealed.

8 Sec. 3. This act shall take effect and be in force from and after its
9 publication in the statute book.

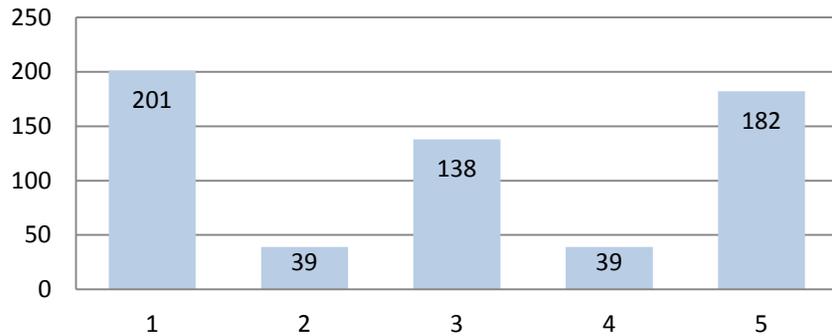
5. If you answered "yes" to question 4, which of the following is currently in place in your county to facilitate after-hours warrant or ex parte order requests?

- Encrypted document exchange
- Unencrypted document exchange
- Encrypted e-mail
- Unencrypted e-mail
- Encrypted audio/video
- Unencrypted audio/video
- Fax
- Other (please specify)

6. Please use this space if you have any other thoughts or comments you would like to share regarding use of the above-mentioned technology for after-hours warrant or ex parte order requests.

7. Please use this space if you have any other thoughts or comments you would like to share regarding the proposal to change the judicial residency requirement from the county of principal office to the judicial district.

Summary of All Responses



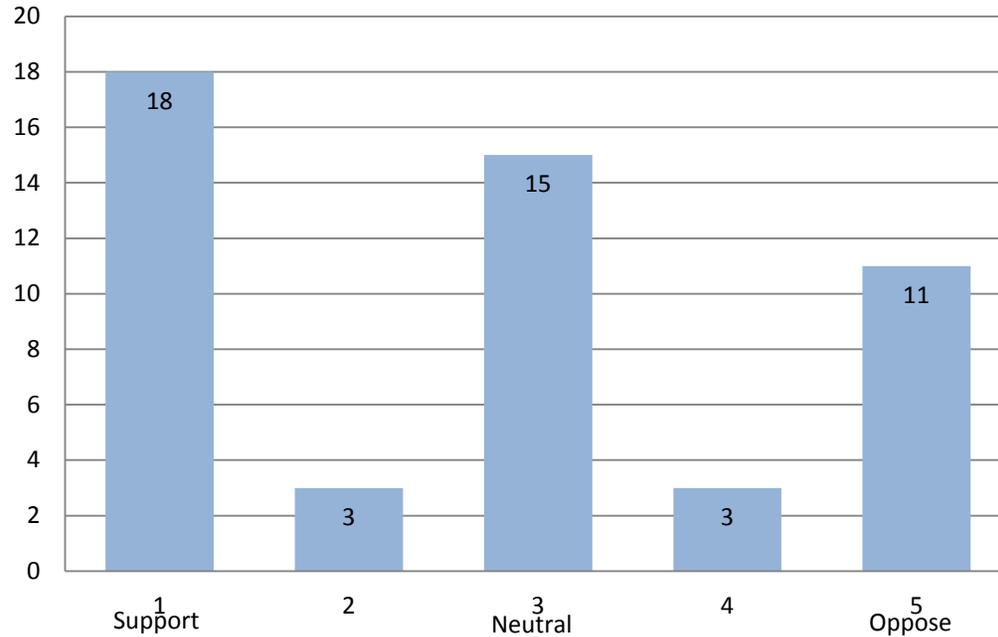
Responses of Individual Types of Responders Page

District Judge 2
 Magistrate Judge 8
 County or District Attorney 16
 Other Attorney 24
 District Court Clerk 52
 Sheriff 56
 Other Law Enforcement 61
 Other..... 65

Response to Question 2	District Judge	Magistrate Judge	County or District Attorney	Other Attorney	District Court Clerk	Sheriff	Other Law Enforcement	Other (please specify)	Total
1	18	14	16	113	14	12	14	0	201
2	3	0	3	25	1	4	2	1	39
3	15	8	12	63	12	9	17	2	138
4	3	2	5	15	6	6	2	0	39
5	11	30	24	84	11	16	6	0	182
Total	50	54	60	300	44	47	41	3	599

	District Judge	Magistrate Judge	County or District Attorney	Other Attorney	District Court Clerk	Sheriff	Other Law Enforcement	Other (please specify)	Total
# of Surveys Sent	75	75	1340		72	73		N/A	1847
Response Rate	67%	72%	27%		61%	31%		N/A	32.4%

Degree of Support



Question 2: What is your position on this proposed change to the residency requirement for judges?

1 - Support 3 - Neutral 5 - Oppose	Explanation of Response to Question 2.	Please use this space if you have any other thoughts or comments you would like to share regarding the proposal to change the judicial residency requirement from the county of principal office to the judicial district.
<p>1</p>	<p>One of our magistrates refused to work in Seward County, because he said he never received a vote from Seward County. This change would make the magistrates more accountable to the whole district. Additionally, we are likely to get better qualified candidates for the positions.</p>	

1	With low salaries, it will continue to be difficult to attract and retain quality judges. More flexibility with residence may assist with that problem in some small way.	
1	The citizens of the State of Kansas are likely to be the beneficiaries of more qualified judicial applicants if you widen the pool.	
1	This will allow more qualified applicants to apply and be appointed as a judge	This should allow appointment of more lawyers to magistrate positions.
1	Unnecessary to require a judge to reside in the county of little population	none
1	The change allows for law-trained individuals to cross county lines to serve the district without having to change their residence, and therefore promotes a better-qualified judiciary	
1	It would allow future applicants to consider a position with out up rooting their family, but still maintain ties to the district and not get mileage to travel to their primary office. Prior to being a judge I had commuted 20 or 30 miles a day for 20 years to my main office, but to be a judge I could not commute 46 miles. As a result, I had to sell my debt free home in my home town to comply with the rule. Those were the rules and I accepted them, but I don't see much benefit for the rule as it applies to district judges.	I very much support keeping local judges in rural areas that know the community, but if the community is being well served by a District Judge who lives in the district a rule change would not hurt and might benefit other small towns.
1	County attorneys don't have to live in the county, they judge should not have to either. Will broaden the pool of potential candidates for judge.	none
1	The use of modern technology makes location largely irrelevant for access to a judge after hours, which I think was a large part of the way the current rule was drafted.	I think it simply makes sense to update this requirement to recognize technological advances.
1	Allowing residency anywhere within the district makes more sense than a judge having to relocate.	N/A
1	The judge needs to have contact and understanding with the community and be a part of it.	
2	changing residency requirements would create greater flexibility if lawyer judges are what you are after	

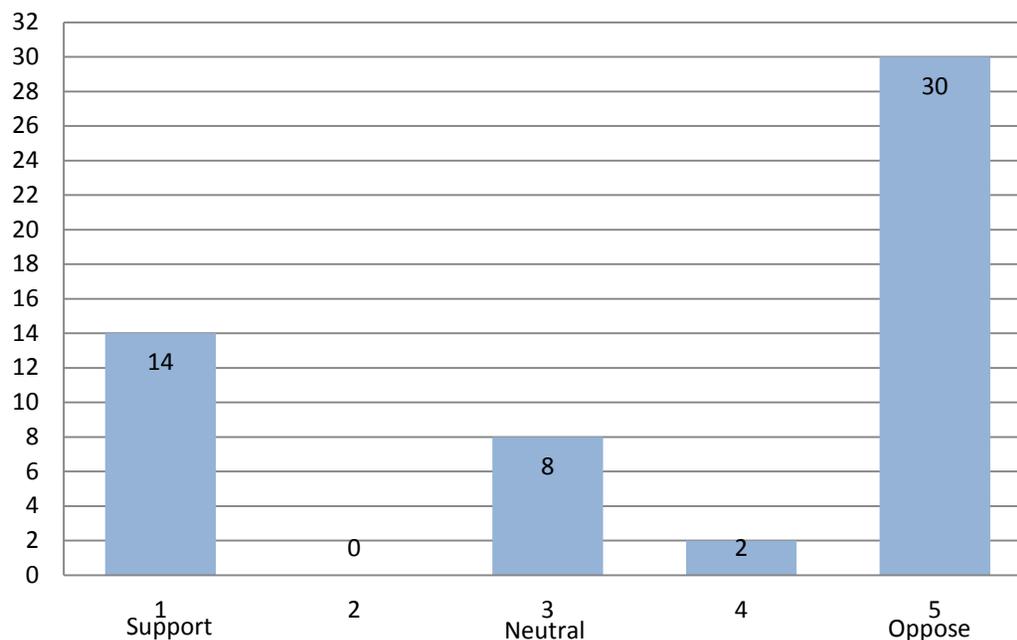
2	In some smaller counties, it might be beneficial to relax, but not eliminate, the residency requirement so as to increase potential applicants.	
2	Support is conditioned upon the understanding that all judges must maintain residency in the district. The wording of the inquiry is unclear as to whether that is a requirement	As a practical matter, I would support complete elimination of the one judge one county rule which would allow the Supreme Court to allocate judicial resources where most needed. Current technology will permit matters, both routine and extraordinary, to be handled remotely.
3	Are Magistrate Judges to continue to be elected from the county where they have their principal office, or will it be a district wide election? As a practical matter, how is a judge residing in county A going to win an election of voters residing in county B. District wide election of magistrates would force them to move to the largest county in the district, or be politically disadvantaged.	
3	Actually you need to evaluate the workloads of magistrate in the rural area. magistrates can handle more than one county but need to be located in close proximity to the two counties.	
3	I do not feel strongly one way or the other regarding this issue.	
3	If this change would improve the quality of applicants for judicial openings I am in favor. However I am always skeptical of any change because of what I believe many people really want and that is fewer judge in the smaller counties.	Be very careful of opening this can of worms.
3	The proposed change reflects changes in society and technology that makes it worth consideration	With limited resources in the judiciary adaptations have to be considered to align the resources with other factors including case loads of judicial districts and counties within them.
3	Without legislative support, changing the residency requirement is dead. I supported in the past. But I was highly criticized for my support.	
3	The one judge per county should be done away with!	probably makes sense but one judge per county is ridiculous. I handle more cases in one week than many counties in the state hear in one year. Big waste of personnel when others could use the help. Not suggesting closing the courthouses just send a judge when needed.

3	I live in the county where my principle office is located and have no reason to move, so it makes no difference to me...thus, "neutral"	
3	The whole purpose of a Judge in each county is losing it importance with the ability to do so many things electronically, but there are still scenarios that face to face at 2:00 am might still be important.	
3	need more information as to the change. Such as does this apply to District as well as Magistrate judges	
3	Access to Justice is my main concern. Will reducing the number of Judges in rural areas decrease the access to Justice	Access to Justice is the only concern
4	One judge per county is an anachronism. It needs to be eliminated. Once that requirement is gone, there is no longer a need to change other statutory residency requirements for specific districts.	District Magistrate Judges should be on the ballot for retention or election district wide, not just in their county of residence.
4	I think there is value to having a judge from the community, and with the proposed change it is likely that all the judges will end up coming from the most populated city in each district.	
4	I feel that the residents of the county benefit from having a judge live in the county	
5	Current system works fine	
5	Local county offices will not be consistently staffed by a nonresident judge. Clerks will not like being a message taker for the judge	It will result in multiple judges residing in the largest county of the judicial district. Travel reimbursement nightmare
5	access to a judge is imperative.	Technology is fascinating and efficient until it doesn't work for a multitude of reasons, rendering the technology and hardware nothing more than an expensive boat anchor.
5	The law currently allows judges to be elected in less populated counties for which they serve - otherwise the large counties will have the ability to elect all the judges, and forcing them on the small counties. Also, local judges better understand the counties they serve.	One judge per county provides a needed local voice in judicial matters. This proposal saves no money, kills small rural counties. And provides less service and then currently exist.

5	<p>It is the law. It has been the law for decades. If a judge applies for a position, he should expect to follow the law and take the position as advertised even if requires moving to a particular county. By removing residency requirements, no judges will remain in the more rural counties. All positions will be held by those located in the larger communities. Local citizens will never see or meet their "local" unless they go to court if the judge can live out of county. How will a district court judge even have a feel or connection to the community without residing at least in the county in which he serves?</p>	<p>Would like to know who's idea this survey was and for what purpose?</p>
5	<p>This proposal does not resolve the problem of one judge per county. The proper focus is to give the Supreme Court the power to assign the district and magistrate positions as needed to effectively handle the workload. Too many magistrate judges have very minimal workloads and other districts need additional judges to handle the heavy workloads.</p>	
5	<p>The one judge one county rule is out of date and inefficient. The Chief Justice of the Supreme Court should be able to allocate resources as the work load dictates. There are many counties and districts that do not have a sufficient work load to justify the number of judges assigned and there are districts that are significantly understaffed and need additional judges. The Chief Justice should be able to allocate these resources to address the real problem. The proposed change to the residency requirement discussed in this survey does nothing to address this issue.</p>	<p>I do not see the point. There are districts that desperately need additional judicial resources (judges) and jurisdictions that do not have enough work to keep a judge busy yet the Supreme Court is not able to allocate personnel resources to address the problem. Remove the one judge one county rule altogether and allow the Chief Justice of the Supreme Court to reassign/allocate judicial resources to fix the staffing issue with zero budget impact.</p>
5	<p>this could result in a person being elected to serve in a county where they don't live and where the county residents did not elect them by a majority. It would also require a person to run in numerous counties at additional expense in a contested election. This just seems to be another way to potentially have more attorneys run for a magistrate judge position. If you want to do away with the one judge per county rule then just do it and stop trying to run around it.</p>	

5	This would most likely result in the election of magistrates who do not reside in the county they serve and would diminish the benefit of having a local resident serving as the magistrate, especially the benefit of availability for warrants and protection orders.	
5	Government is all local. Even a part time judge living in the County is better than foreign judges from 70 miles away. MQ	Don't do it. Local government has to be available to and drawn from the local voter.

Degree of Support



Question 2: What is your position on this proposed change to the residency requirement for judges?

1 - Support 3 - Neutral 5 - Oppose	Explanation of Response to Question 2.	Please use this space if you have any other thoughts or comments you would like to share regarding the proposal to change the judicial residency requirement from the county of principal office to the judicial district.
1	Approve of the change.	
1	Counties with few cases do not need to have a judge in each county. One judge can easily handle small dockets and can travel from county to county.	
1	I don't believe county residency should be a requirement, as long as the judge can fulfill his/her responsibilities.	

1	<p>Workload inequality within the counties and would encourage more attorneys to become magistrates. Honestly, Scott County has filed over 100 criminal cases, 300 LM cases, compared to our neighbors to the east, west, and north who combined do not equal Scott's numbers yet I could take on an additional county. I could handle an additional county even with my current workload. Plus, attorneys, if given a raise, would be more inclined to become magistrates if they could live in a larger city and commute to the smaller city. Few attorneys in Garden City would want to pull their kids out of school and uproot their spouses to live in Sublette. (No offense to Sublette).</p>	<p>Many counties in western Kansas can suffice with one judge serving two counties. Once a judge retires or resigns, if his county has but a small amount of cases filed the office should be filled by a judge from an adjoining county regardless of the district boundaries. District boundaries should not prevent myself here in Scott County from doing the work of Logan or Lane counties once their current magistrates retire or resign.</p>
1	<p>I don't think one judge per county should require residency. It's enough that a judge be ASSIGNED to each county and in our rural counties, each magistrate judge can easily handle two or three counties, especially utilizing technology. "One judge per county" is a major waste of state resources/funding. Most magistrates won't admit that, though, because no one wants to lose their job. I also FIRMLY believe magistrates should be required to have a law degree, or college degree at the very least.</p>	<p>The Council/Committee should also look into redrawing judicial districts, allowing a single magistrate to be "assigned" to multiple low-population counties, and requiring magistrates to be law-trained. I'm very pleased the Council/Committee is reaching out to us individually through this survey, rather than relying on the District Magistrate Judges Association, which is not very representative of us, in that they typically ensure non-law-trained magistrates are elected as officers year after year. This gives others (OJA, the legislature, KDJA, etc.) the false impression that ALL magistrates support "one judge per county" and are okay with allowing non-law-trained magistrates, which is not the case at all. I expect this proposal to get a lot of pushback from the KDMJA, because they think it is the first step to eventually eliminate non-law-trained magistrates. They try very hard every year to maintain the status quo.</p>
1	<p>Change will expand pool of individuals from which to select a qualified judicial officer.</p>	
1	<p>residency does not mean available nor does it ensure it</p>	
1	<p>It give better flexibility to judges in that a new judge may not have to move in order to take a position.</p>	

1	"one judge per county rule" is from the horse and buggy days and needs to be abolished	none
1	many magistrate judges serve more than one county in the district anyway. also, it would hopefully add opportunity to have more choices for replacement of magistrate judges in small rural counties	
1	Residency within the district is not only sufficient but seemingly necessary in our more rural districts that are seeing a decline in numbers of practicing attorneys. To fill positions with qualified individuals it would be beneficial to broaden the applicant pool.	
1	I presently reside in the 30th Judicial District but prior to taking my appointive Judge job I must move. With the improvements in transportation and to electronics the need for a judge to reside in the one county has been reduced tremendously. Most applications for search warrants are now sent electronically and responded to by the Judge in the same manner. person to person contact is not needed like it was then. Further, the Judges in the multiple county judicial districts are usually covering more than one county within their judicial district. Why should they have to live in one county as opposed to another that they are or may be assigned to travel to on a regular basis? The reasons for the one judge per county continues but the need for the residence of the Judge to be in that one county is no longer necessary.	
3	Doesn't matter to me.	
3	I am concerned that a judge assigned to a specific county will not have any ties to the community being served. Being engaged in the community is important. In some rural district, the judge might live over an hour away from the position. Access to justice requires more than a principal office. A specific residency requirement for a district judge should not be required.	Without a residency requirement for magistrates, the 'one judge per county' rules has no meaning. Judges will tend to live in the larger county. A magistrate might as well be designated to serve more than one county.

3	With my limited time on the bench, I feel that my knowledge of the issue doesn't justify an answer with the merit that is needed.	Let's look at the bigger picture. Chief Justice Lawton Nuss and the Kansas Supreme Court is trying to make the court system more visible and public friendly to the citizens of Kansas by going to various locations, thus keeping that local county front also keeps the boots in all regions.
3	I don't have a position on this issue.	If this eventually leads to the situation where there are fewer judges per county, I feel the local tax dollars should be returned by the State of Kansas for the loss of possible services that the county may incur.
3	What really should happen is the elimination of "one judge per county."	
4	The residency requirement was enacted to make the courts more accessible to the citizens that fund them with their tax dollars. You remember the citizens, don't you?	
4	In an emergency, this limits access to the courts. While it may seem to be a small change, in some rural counties judges may be over an hour away from the seat of the district court.	Judges should be visible and available in all counties, whether we have technology or not. Technology works well in Topeka, but sometimes is not so functional in rural areas. Even at Larned State Hospital, we do not always have the ability to connect with Topeka or Wichita via ITV or Skype. There need to be infrastructure improvements across the state before we restrict people from having access to justice in their home counties.
5	This would limit the more rural counties' ability to have someone from their own county preside over their cases. This is an end run around "one judge per county".	
5	No matter how you look at that it would require changing the one judge per county statute.	This is a ridiculous way to try and figure out what we need to do.
5	Judges need to reside in as close proximity as possible to their courthouse	
5	people elected us so we need to live in this county	

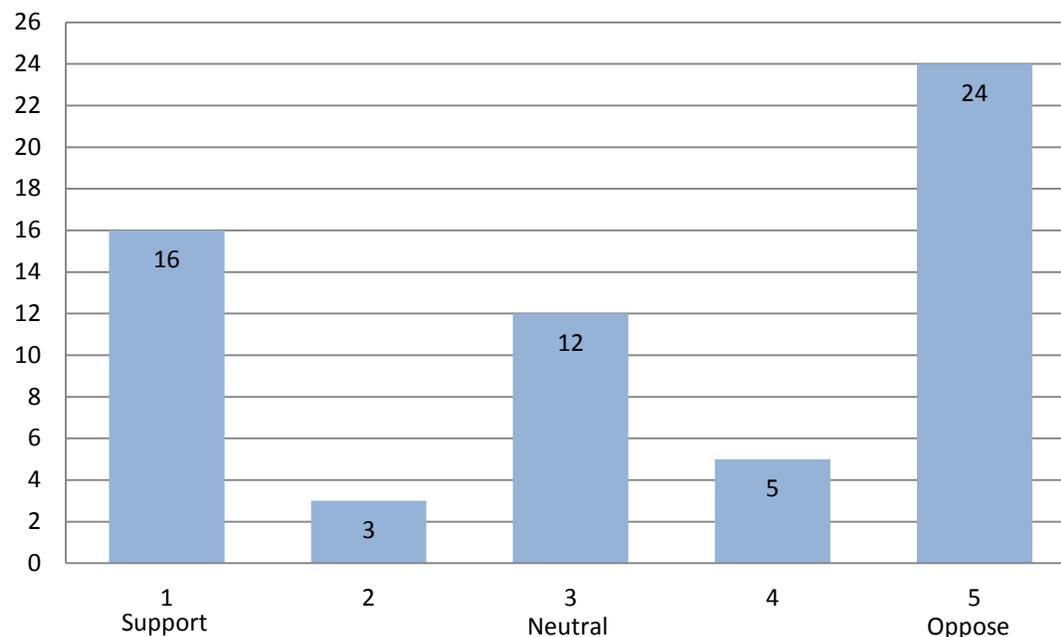
5	I think that the local County residents deserve a "local" resident to serve as "their" judge. I think it helps preserve the identity of the community as well as keeping the local residents feeling like they matter to and in the process.	Again, the local judge, judicial staff, court personnel are a source of pride in their respective local communities, part of the communities' identity and source of pride and inclusion in State activities! Also, in judicial districts that are retention districts, it is important to that local judge that he/she be a part of that community to better insure his/her chances of retention.
5	fair judges are hard to find and retain why make it more difficult	
5	I stand by the Court's unification agreement that there shall be at least one judge living in each county of the state.	How would District Magistrate Judges run for election/retention? District wide or just in the county in which they reside?
5		I believe the county voters would be very apposed to the residence of the Magistrate Judge living in another county.
5	I think a Judge should be part of the community in which he presides.	This simply sounds like someone wanting a job that doesn't want to move.
5	How can relaxing the residency requirement benefit the residents of the "home "county? In my opinion this is an attempt to change an existing requirement to benefit a very few people.	The Magistrate Judge should reside in the County in which they have been elected/appointed to serve. As a Magistrate Judges they need to be seen in the community. If the residential requirement is relaxed then just how far away can the Magistrate Judge reside?
5	The residency requirements allows rural communities to maintain identity and a sense ownership of their elected positions.	
5	If a judge resides in a county such as Ellis and doesn't have to live around their constituents, then they have no understanding of the tenor of those constituents. I can see this having an adverse effect on proper bond, revocation issues, etc.	
5	A judge should maintain residence in the county they are appointed or elected to represent. If elected district wide a small county would lose the local touch they have now.	
5	Because this is just another step in trying to eliminate the 1 judge per county...	
5	One Judge/one County is archaic, not efficient and unnecessary.	

5	For magistrates your Campaign would become very very expensive. You would have to run in multiple counties. With the salary of the DMJ being quite a bit less then the DJ, I would like it would prohibit a lot of people from running.	Leave it like it is for magistrate judges. We have six counties and I can not imagine the cost of campaigning it all six counties. Again our salaries is substantially less then the district judges.
5	Judge's should live in the county to know the norms and to be a part of the county	
5	I believe one judge per county allows access to the justice system in the rural areas. If you take that away they will be traveling long distances to access courts. It could possible cause bigger issues and concerns in rural communities.	As a Magistrate in rural western Kansas I feel it will hurt the small rural communities we serve. There seems to be distrust in the judicial system now a days anyway and it will probably only add to that distrust. Limiting access or having to travel long distance for access to court will add to frustration people have with court system anyways.
5	Magistrate Judges truly represents the constituents in their respective counties. If residency requirements are removed, then there is a very high probability that individuals who reside in the largest populated counties will have an advantage to being elected. For example, Barton County is the largest populated county. You could very easily see all judges elected from Barton County representing the entire judicial district. Magistrates are involved in their county through community organizations, community involvement, etc., and they has a pulse on what is taking place in the county. They are familiar with the needs of the county and most often already had extensive knowledge in regards to defendants which is valuable when making decisions. A judge from Barton County may not be familiar with mental health issues, economic status, addiction issues, etc., in making decisions.	I understand there are counties in which the caseload may not justify a full-time magistrate judge. So I do understand why this is being proposed. Attrition may be another alternative and then consolidating counties. Not the entire district but consolidating counties to justify a full-time position. There are some hardships that will occur however if this approach is taken because you would be looking at reduction in staff in the clerk of district court offices in the respective counties(people laid off). And in small counties, it is very difficult to find jobs, especially KPERS positions, so it would have a dramatic impact on the lives of those who lose their respective jobs. I hope the committee looks at people instead of numbers. How much is lost when closing down a clerk of district court in a respective county? It only expediates the dying of communities and counties. So, the committee has a lot on its place but it cannot just be about saving money.
5	If passed it might require a magistrate to run for election in multiple counties. It would also possibly allow the largest city in the district to control who a judge is in another county. I strongly oppose this legislation. This in effect will in time result in one judge per county being changed.	The law needs to remain unchanged.

5	I think the judge should reside in the county that elects him/her in order to achieve the level of commitment and vested interest that the residents deserve.	
5	Yet more centralization of power in the more populous counties (in each district) & poorer, more sporadic delivery of basic legal functions in rural areas.	The more populous counties have been trying to push this general idea for a long time & it's still a bad idea.
5	I would like to know the reasoning behind this proposal before I make a firm decision	
5	Professionals in leadership roles are a vital part of the health and well being of less populated counties. To use technology for remote (contact) will remove access and these counties will have no judges, clerks, nor attorneys. This is a serious mistake and once it is made there is no going back.	Huge mistake, it would make Kansas less great.
5	Would cause elected Magistrates to run District wide.	In Election Districts most, if not all of the Judges would reside in the largest populated county.

5	<p>This basically makes the magistrate position a "district judge" position without the responsibility of having to pay the for the position. This has been an issue across this state for years and now because of one person's inconvenience that happens to have a legislative in, it needs to change? If the legislature believes the judicial branch can provide better services to the community by changing the residency requirement, then it seems to me that the legislature should really look at the services the people need from the judicial branch and make changes for that reason and that reason alone. If you are going to create jobs that require travel, then pay us for it and change it because it is the right thing to do for the citizens of this state and for no other reason. As a judge in a small district, I am on call and make myself available by modifying my life 24 hours a day 365 days each year. If I am going to do anything that might impair my ability (have surgery, celebrate an family event with a drink, travel out of state), I have to arrange for coverage for my community. I am well under paid for that privilege. Other jurisdictions rotate call so judges might have built in nights and weekends off. That is not the case out here. I modify my entire life to serve this community and now you are suggesting the law needs to be changed that could and probably will be used to dump more of a burden on me with no compensation. The last law changed dumped a larger burden on me with out compensation when you gave me more responsibility because I have a law degree. Clearly, you saw value in my degree and education, but only enough to require me to give more to the community without compensating me for it. If you are going to dump more responsibility on judges like me again, please make it for the right reason or you will continue to lose good, qualified, caring people in these positions. My life and my children's lives have been placed at risk because of this work. What kind of people do you want to attract to the position of judge in this state? Does it matter to you? For the first time, I contemplated not running again because the burden this job puts on me and my family may not actually be worth it. If the legislature continues to choose to burden the position without compensation, this state will be looking for more judges. I am not alone in this. I have spoken to several others who struggle with this same decision. Maybe it doesn't matter. Life will go on. You will probably be able to find a butt for the seat. Maybe that is all it is to the citizens of this state that you represent. Thank you for the opportunity to respond.</p>	<p>I hope you will spend a lot more time thinking about how this might impact the judges and people of this state and not make a whimsical decision based on the inconvenience to one judge.</p>
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Degree of Support



Question 2: What is your position on this proposed change to the residency requirement for judges?

1 - Support 3 - Neutral 5 - Oppose	Explanation of Response to Question 2.	Please use this space if you have any other thoughts or comments you would like to share regarding the proposal to change the judicial residency requirement from the county of principal office to the judicial district.
1	Our district has a hard time attracting and keeping attorneys. Elections are not usually contested.	
1	I think living in the judicial district is sufficient. In some judicial districts, the least populated county does not have an attorney living in it anymore, which makes it hard to fill judge and county attorney positions.	

1	Judicial Districts often include smaller counties with few, if any, licensed attorneys. Judges have to relocate to establish a residence, but it is often a false residency just for election purposes. It seems like a facade and vestigial in nature.	
1	With electronic communication capabilities for reviewing documents w/o having them in hand the concept of there having to be a judge physically located in each county seem a like an anachronism.	I have served as a magistrate judge previously and believe that the change would be a step toward the 21st century.
1	We are a rural district with four counties and the proposed change would encourage more persons to apply for vacancies	none
1	with electronic signing of search warrants and such, better to have qualified person as a judge rather than someone that merely lives in the correct county.	
1	The legislature's continued failure to adequately fund the Kansas judiciary requires adaptation to the times. Allowing the judge assigned to the county to reside within the judicial district is sensible and practical.	It is about time Kansas moves into the present and starts to prepare for a future which will involve more consolidation of services across the board due to increased costs and the availability of advanced technology to provide access to the courts.
1	I believe within the judicial district more in line with current society and trends. Current "games" played over where a judge resides holds the entire bar up to undue scrutiny and lack of trust in it.	
1	A county attorney is not required to live in the County so you do question why does a judge have to live in the County. I am in western Kansas where some counties could benefit and get a better pool of qualified persons to run for magistrate judge.	
1	it would provide more applicants for the position to be filled and would not be as limiting to the candidate who fills the position regarding their place of residency	If the judge is willing to travel, then there shouldn't be a residency requirement at all

1	Purely selfish. I want to live in a rural community but would like to apply for a judge position if it opens up within our jurisdiction. That opportunity is likely to be in the more populated county within the jurisdiction and I will have to sell my house in a community I love to move 15 minutes away.	No other thoughts
1	Assuming that this proposal includes magistrate judges in the mix, the counties outside the main office of the District Court are and feel better served when a judge does more than just "show up" in the county as and when required	I am not familiar enough with sparsely populated districts in western Kansas and how the distribution of attorneys directly affects this issue southeastern Kansas a judge from and in each county seems more geared to the perceptions and concerns of the citizens of the smaller counties in a district
2	I think that there are values to the residency requirement, as far as having a Judge in a local area (consider after hour search warrants and the like), but I'm not sure that those values outweigh the challenges (including having a decent "bench" of qualified professionals to serve in certain regions).	
2	I am a county attorney that does not live in the county I am elected to represent, but is within the same Judicial District that I reside in. In my own opinion I believe a judge should be able to do what I do if they are willing to commute.	
3		In general I think it would be a good thing.
3	With the Courts ability to electronically file and send search warrants, having a judge not in the county will probably not have a substantial impact. Nonetheless, I think it is good for the community to have our judge reside in county.	I think the proposal might help attract more applicants to rural counties.
3	It would have no impact on my office if the judge leaves in my county or the other county. It would not be efficient to require a district judge to make its principal office in the other county as they have few cases and we have many. It would be a waste of time and money for one district judge to have his/her office in the small county and commute to the county that struggles to fit trials in within the speedy trial limitations.	

3	In smaller counties and Judicial Districts the most qualified person may reside in a different county. But it should be limited to surrounding counties. I don't want to see every judge appointed from one area.	
3	Frankly, I am not sure I understand the proposal. I do want to preserve the one judge per county rule	
3	I have more issues with the one judge per county law.	
4	Non cammitted	A judge needs to live in it's district.
4	My hesitance to change the residency requirement comes from a logistical and somewhat financial standpoint. Often times, law enforcement will be seeking review/approval of search warrants very late into the night. If there is no judge living in the county where the search warrant is being sought, law enforcement would be required to travel to where ever the judge might be located at his or her residence. If law enforcement is in a time sensitive situation, or a situation where delay poses a danger to law enforcement or civilians, I would have significant concerns about the time required to travel to another county for review of a warrant. Having a judge who lives in each county within a judicial district alleviates much of those issues. While I know many judges and law enforcement offices are having warrants submitted electronically, many small police departments do not have the financial resources to purchase the necessary equipment and/or software to make electronic submission and review feasible.	
4	I believe every county should have a residential judge. Once rural areas lose judges they will never come back. Why not get rid of districts if you are going to do this	Same as before
4	While there is a benefit of having a judge that resides in your county (especially out where I work), I understand that it might be better to have it so that there was simply enough Judges to ensure that each county was accounted for within the district.	

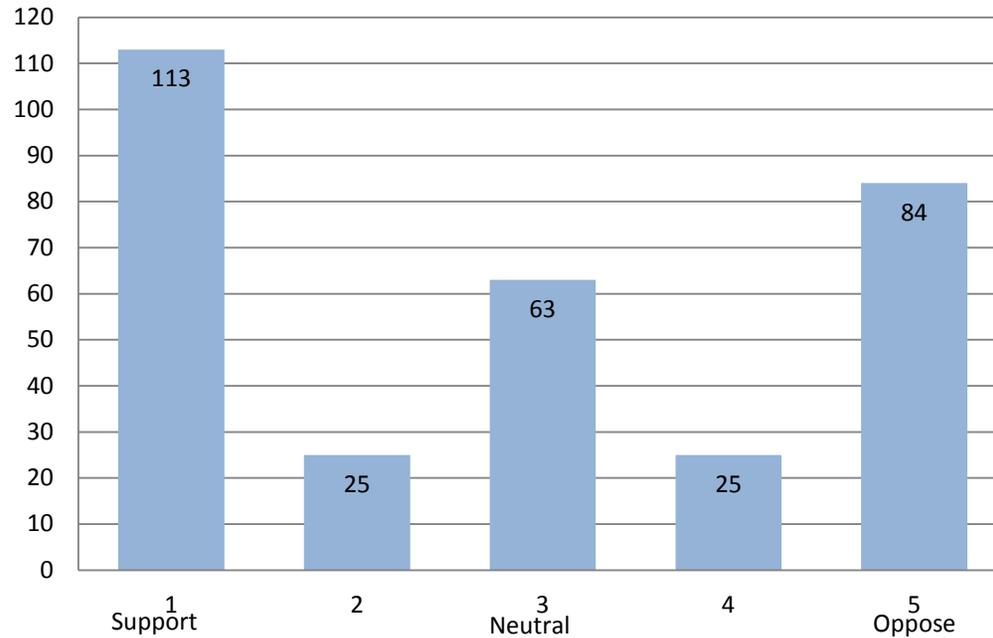
5	I believe there should be one judge per county and for magistrates that judge should live in the county	This will put a strain on law enforcement obtaining search warrants and warrantless arrest orders. There will be added expense in travel trying to obtain these documents
5	I am OK with one judge per county, but I believe that judge should live in the county, as well.	
5	We have gone multiple days without a judge personally present in the county and even with technological advances counties in rural areas have created difficulties in getting orders reviewed.	You are limiting a persons access to timely justice if you continue to take judges away from rural counties like what would happen with this proposed rule. More than just the 5 largest counties in the State should be considered.
5	At least magistrates should have to live in the County that the Magistrate sits.	I do not have an objection to District Court Judges living anywhere in the District, but Magistrates need to live in the County the Magistrate Judge serves.
5	I am in a rural county and it seems like everything is being moved to the cities. Just one more thing we would be losing.	
5	Our last judge came from outside the district. Many of the attorney's practicing in this district had no opportunity to learn about him or determine his qualifications. He is an unmitigated disaster. The bar association and our judicial district is far worse because of him.	
5	Should this proposal be approved it will have the effect of denying reasonable access to the court for citizens of the counties outside the primary seat of the judicial district. I realize that the argument for this proposal is to better allocate resources, however in practice that will mean that all judicial resources will be directed to the population centers. Judges will only grudgingly travel to what they will consider the outback. Without a judge sitting in a county will have a severe negative impact on the smaller communities, particularly in efforts to attract lawyers. There already is a severe shortage of lawyers in small communities. This proposition will have the greatest impact on poor folks who already face financial barriers to access the courts and to legal advice.	This is a bad idea, and while it may be being promoted with the best of intentions, the unintended negative consequences will be severe. The small communities economies will be further eroded, the poor will have an even more difficult time accessing the courts and in obtaining legal advice and ultimately justice will suffer.

5	It is important to have a judge reside in the county that they are performing services for. There are five counties in my judicial district and having a judge who resides over an hour away makes it hard to schedule hearings and have access to the judge for search warrants or probable cause affidavits.	Changing the residency requirement would effectively change the one judge per county mandate and would defeat the purpose of one judge per county.
5	We need to maintain our judges in rural counties. How about looking into expanding video court instead of removing our judges? This would allow judges in rural counties to help more populous counties while maintaining access to justice for criminal defendants in rural counties.	I strongly oppose this proposition. Access to Justice in rural counties already presents significant challenges. Removing our judges would make it even more difficult.
5	I am the county attorney in a small rural county and have been for the last 14 years. Our magistrate position has been slowly slipping away from us. When I first took office, upon occasion he went to a neighboring county to supplement the judges there. Over the last 14 years, it has gotten so bad that there are some weeks he is there three of the five working days. This has caused us to repeatedly violate statutory deadlines on child in need of care cases and mental commitments among other, more routine matters. Allowing our magistrate to reside in another county would further sever the connection between our magistrate and our county. Allowing the chief judge to reassign our magistrate at his whim has, in essence, already negated the "one county, one judge" rule. If this proposal would come to fruition, it is likely all future magistrates would come from the large county in our judicial district and the small counties would be marginalized even further. The people of Kansas deserve access to a judge in times of crisis without having to drive long distances. I am absolutely opposed to any proposal that is the beginning of the end of the "one judge, one county" rule and I see this as just that.	See earlier answer. The citizens of Kansas deserve better than this. We should be going the other way - we need to be talking about limiting the power of chief judges to essentially negate the "one county, one judge" rule by siphoning our rural judges away to the large cities.

5	I believe it is important for smaller counties to have a judge that actually lives in the community and understands the communities values. Moreover, while technology makes reaching a judge out of county viable, it only works as long as the technology is functioning as designed.	
5	Need judge who is available and knows county	
5	This entire proposal is about Judge Wine, who lives in Osage county but was just named as the district court judge in Coffey county. I realize he has wonderful contacts in the legislature but this is appalling.	Tell Judge Wine to move to Coffey county and move on.
5	The citizens of each county deserve to have at least one Judge who resides within their community. This change would result in a concentration of Judges who reside in the largest city within each Judicial District. We need to help smaller populations grow not shrink. Individuals who want to be considered as Judges would tend to concentrate their practice in the larger city (within the Judicial District) thus resulting in a decrease in Legal Representation in small communities.	The technology we have available in our county only works about half of the time; due to system errors or connection problems.
5	While I understand the need to save money, removing a judge from your county will make it more difficult for law enforcement to handle things like search warrants.	I would oppose it. Rural counties don't have the same access as the eastern half of the State and when technology breaks down law enforcement must either do nothing, or risk violating constitutional rights.
5	I think it's important to live in the community in which you serve.	
5	I am of the opinion each county should have a judge who is a resident of such county. I am an attorney in Cherokee County, which is part of the 11th judicial district, along with Labette and Crawford Counties. I believe the proposed rule change would result in most of our judges being chosen from Crawford County as it has more attorneys and carries more political influence.	
5	It is ridiculous to change what works	It makes no sense. Use the resources we have better rather than punish us in the rural counties.

5	In a multi-county district access to a judge by law enforcement is vital, this is easier when at least one judge is required to live in each county.	
5	I am opposed to changing the residency requirement because I believe that if it is removed, smaller counties like my own within a judicial district will be shorted. As it stands now, we have a magistrate that resides in each of the five smaller outlying counties, but that serve at least one to two days a week in our judicial district primary county which does not have its own magistrate. This already causes quite a few scheduling problems when our local magistrate is not available to handle our county's cases and as our caseload continues to increase I can see it becoming more of a problem. I am concerned that if the magistrate judge is not required to live in the county he/she represents then accessibility will just become more of a problem, especially for things like search warrant applications, probable cause hearings that must be conducted within a limited time frame, etc.	
5	Judges who live in county are vested in the county. After hours contact in person with Judges is more efficient with a Judge in each county (i.e. search warrants if not done electronically)	

Degree of Support



Question 2: What is your position on this proposed change to the residency requirement for judges?

1 - Support 3 - Neutral 5 - Oppose	Explanation of Response to Question 2.	Please use this space if you have any other thoughts or comments you would like to share regarding the proposal to change the judicial residency requirement from the county of principal office to the judicial district.
1	A judge should know and understand the environment for which she or he is making decisions regarding.	N/a
1	need a judge for each county and not practical in some to require residence in the county.	
1	i believe the quality of the magistrate judges would improve	should do it for county attorneys. have one for the district with assistants in each county need consolidation

1	As an attorney living in SW Kansas, it is very difficult to find qualified individuals to become magistrate judges. Many of the magistrates out here are nonlawyers and actually have no clue what they are doing. They simply follow whatever the county attorney recommends rather than considering any rule of law or case law. It is also my opinion that nonlawyers should not be allowed to be magistrate judges. Nonlawyers are wholly unqualified to be any type of judge.	
1	Residency requirements for judges should apply to the full jurisdictional reach of their district, not limited to the county of principal business. A judge may wish to provide some physical distance between work place and home life for a multitude of reasons, including personal safety and insulating family from the judge's casework.	
1	I think the primary consideration is having qualified judges, not strict residency requirements.	None.
1	I think if the requirements are loosened to only require the judges to live within the Judicial District perhaps the best possible candidates would surface. That being said in my experience working in three to four Judicial Districts on a regular basis I do not believe there have been bad candidates or ultimately judges elected but out here in Western Kansas it seems as there is going to be an even larger shortages of attorneys in the near future which will trickle down to at least the District Court judges.	No other comments on this matter. If and when the issues of non-lawyer magistrates or partisanship elections ever comes before the committee I would love to share further thoughts and insight. Thanks.
1	There's no logical reason I can think of to limit judicial candidates within a judicial district to those living where the main office of the court is located.	Citizens of this state would be better served if all district court positions were filed by election, instead of by appointment. The only effective way for the bar to unseat an incumbent judge is to fund an opponent of that sitting judge in an upcoming election.
1	Judges should be part of the community that they serve.	
1	Obtaining qualified judges in sparsely settled counties will be made easier if the net can be cast wider	
1	I practice in rural Kansas and this would give us a greater pool for judicial selections.	

1	I practice in Southwest Kansas, where it is difficult to find qualified candidates for Judges. This would allow for a wider pool of applicants.	
1	A requirement that judges live in the county in which they work no longer makes sense with email and electronic filing. It only restricts a judge's housing options.	
1	Access for warrants and the like.	
1	Appears logical	
1	As long as a judge lives in the judicial district in which he or she serves, that judge will have a connection to the community and understanding of the community. I believe that is sufficient.	
1	one judge one county rule should be abolished	see paragraph 6
1	the current requirement has resulted in unqualified magistrates and unqualified candidates for both district judge and magistrate positions. Often we are left picking the lesser of two evils.	
1	PRESUMABLY, THE JUDGE ASSIGNED TO THE SMALLER COUNTIES WILL CHOSE TO MOVE CLOSER TO THE BUSIER COUNTIES. FOR EXAMPLE, IN THE 5TH DISTRICT, THIS WILL CUT DOWN ON UNNECESSARY DRIVING ON HWY. 50 (WHICH IS A VERY DANGEROUS ROAD IN MY OPINION, JUST ASK JUDGE LEE FOWLER) BY THE JUDGES BECAUSE THE 5TH DISTRICT IS COMPOSED OF CHASE AND LYON COUNTY BUT THE BULK OF CASES ARE FILED IN LYON.	I BELIEVE RESIDENCY RESTRICTIONS ARE NOT HELPFUL WHEN RESTRICTED TO THE COUNTY LEVEL RATHER THAN DISTRICT. TECHNOLOGY CAN WIDELY AVOID THE ISSUES OF "RIDING THE CIRCUIT" WHEN KANSAS WAS A NEW STATE.
1	This provides the judges greater residential flexibility, and in turn, greater recruitment opportunities, to attract and retain qualified judges.	
1	Flexibility.	
1	I was part of the Blue Ribbon Commission and we supported this concept as part of making the rural judicial districts more efficient and effective.	

1	I would like to see highly qualified candidates for all judicial openings. Limiting candidacy to County residents, especially in rural counties, seems to reduce the quality of candidates simply due to population. I believe there are some candidates serving in rural communities now who would not be acceptable in more populated communities.	
1	Seems like a logical adjustment to make.	
1	i live in a five county district with one district judge having to come from one of four counties. The lack of qualified people in those other 4 counties is a huge concern.	
1	I practice in two fairly rural counties. I believe that all judges, including magistrates should be law-trained. We simply do not have any lawyers to run for magistrate or even district judge and so may end up with non-lawyers running for the magistrate positions.	I think that the requirement for residency should be that the judge reside and have his or her principal office in the judicial district, but I do not believe that there should be a requirement for one judge per county.
1	more candidates for open positions	
1	Residency has little to do with availability of a District Judge in a county, and may restrict qualified candidate availability. Judicial efficiency means that Judges go where needed the most in a Judicial District.	Travel costs would probably be minimal if Judges are assigned to where the needs are.
1	It would open the door to more potential attorneys to be District Judges and Magistrate Judges if they didn't have to live in their particular elected county.	
1	We've become a more mobile society and the current rule seems antiquated.	
1	First, the widespread acceptance of the horseless carriage and the telephone's replacement of the telegraph certainly plays a part in my support for a change. Second, a person's residential ZIP code should be accorded less weight than, say, intelligence, qualifications, or common sense.	
1	In rural areas, this makes sense.	
1	Best use of limited resources.	

1	As I understand it, many of the low-population rural counties have trouble finding qualified individuals to fill the county judge or magistrate position. This rule change would make it easier for those counties.	
1	I support offices within the county, but do not support residency requirements.	
1	I live in rural areas and the district requirement is reasonable, practical, and still ensures credibility in the judge and confidence in the office.	Excellent change.
1	It allows smaller counties to have a greater talent pool to choose from.	
1	In my opinion, living in the county where you preside as judge has little to do with the capability and qualifications needed for the position. Logistically, it makes sense to live in the judicial district, but I see no additional benefit to living in the county.	I would hope that adopting this change would also increase the quality of candidates.
1	If you require the other judge to reside outside of the county seat of the judicial district to be appointed or elected you reduce the pool of otherwise qualified attorneys to be considered for the position of district court judge.	
1	I have no problem with a judge living in their judicial district, but not necessarily in a particular county. This makes sense to me.	
1	As long as the judge resides in the judicial district he/she serves, I see no reason for the mandate of living in the county. They travel and serve in all counties of the judicial district anyway.	I can see both sides of the issue. I know that many western Ks. counties will feel ignored if the judges for the district choose to live in most populated city in the district. It reminds me school consolidation issues.
1	Some counties in Western Kansas it is hard to find qualified people to live in those counties.	
1	This allows attorneys to be magistrate judges for more than one location thereby increasing the Court's efficiency.	

1	In a more sparsely populated judicial district like the 25th there is not enough for a judge in a lightly populated county to do to remain very busy. Those judges end up driving to Garden City on a regular basis, where there are many more issues to resolve. It would be more efficient if more of the district magistrate judges lived in Garden City where most of the activity occurs and drove to the some of the other counties. We would need to determine how the sheriffs in the lightly populated counties could acquire after hours warrants and handle other time sensitive matters. I assume it could be done with something like Face Time or other live video and audio communications procedures. We are providing health care in that manner in many lightly populated counties.	
1	The current law excessively restricts the rights of judges to choose their place of residency and fails to account for modern technology.	
1	The change would increase the flexibility for hiring and retaining qualified judges.	
1	More choices should equal better choices.	
1	Requiring judges to live in the same district, not just county, encourages more qualified individuals to run for the bench, does not discourage living in non-county-seat locations, and allows the judiciary the option to be present in all areas of their constituency, as opposed to limiting them to just a small area.	
1	Helps ensure that the best candidate(s) for a vacancy is selected.	
1	We clearly need to make changes to our judiciary. While many courts sit idle because of this rule, Saline County is currently experiencing a shortage of judges because we simply cannot afford to add additional judges where they are needed.	
1	It might help get more qualified individuals to apply for judicial positions, especially magistrate positions, if they lived in district but not have to move to County of office	With technology, the need for residency is of less importance. If residency is changed, I think more qualified applicants could be interested
1	Population is declining in western Kansas	

1	Believe it best for the judge to reside in the county in which he presides	
1	In the larger judicial districts with more than one judge, such as the first judicial district, the judges should be required to live in the county in which the position sits.	
1	Getting qualified judges in Central and Western in the same county has become very difficult and leads to getting very poor judges.	
1	I live in a rural area and can see that eventually we will have a hard time finding magistrates to fill vacancies when they occur.	No objection.
1	Having the judge be a resident of the judicial district would ensure the judge is sufficiently familiar with the attorneys, parties and circumstances to adequately administer justice.	
1	In rural areas, changing the residency requirements would allow more qualified candidates to fill certain hard-to-fill positions.	
1	Lack of qualified individuals to serve as Judge in some rural counties	This proposal makes sense for rural Kansas
1	Whether a present concern or not, the more rural county in my multi-jurisdictional district has only one substantive town, which is progressively shrinking. In the near future, the non-revised residency requirement would require at least one judge to reside in a county which does not have in-county access to basic amenities such as a substantive grocery store. I know as a younger attorney with a potential eye towards the bench, that I would decline an otherwise acceptable position as a judge were I required to reside in the rural county. Other young attorneys would undoubtedly agree, thus without the proposed change to the residency requirement, the pool of eligible and willing judicial candidates for rural counties would progressively shrink and the administration of justice therein would suffer proportionally.	I strongly believe that the change would have an overwhelmingly positive effect on the administration of justice in rural counties.

1	There are rural counties where there are not enough attorneys to fill a judicial position. Opening up the entire multi county area for residency would help. Should also allow out of district attorneys to apply as long as they move to the district if selected. The goal should be getting the best person in the position.	We want the best people on the bench. The current law stifles that in many cases.
1	It would allow a wider pool of candidates.	
1	Seems reasonable in rural areas.	
1	as long as the judge lives in the judicial district, with all the electronics and technology available, what is the downside?	
1		
1	We have judges from all over when a judge gets sick of if there are conflicts. Todays technology makes it easy for counsel to appear and argue cases from afar.	
1	It will benefit smaller counties because it will allow qualified individuals to serve as judge even though they do no live in the appropriate county.	
1	Would allow more candidates to apply	I'm on the Judge Selection Committee for the 8th District, I think this would allow for a broader range of candidates for us to choose from
1	by allowing residency in the district a larger panel will apply which will hopefully lead to qualified candidates. Few successful attorneys are going to be willing to take a pay cut and move to Podunk Kansas just to wear a black robe.	
1	The best qualified candidates should be the highest priority in the selection process. Residency requirements can act as protectionary barriers.	
1	Experience shows that many counties do not have enough qualified lawyers who can serve as judge. Moving the residency requirement to district wide will increase the number of candidates	

1	I am strongly in favor of this proposed change. I am in the 14th Judicial District which consists of Montgomery and Chautauqua Counties. Our district has only one Magistrate Judge, but this Magistrate Judge must reside in Chautauqua County. This proposes a very practical problem because Chautauqua County has a very low population compared to Montgomery County. We are very fortunate to have an outstanding, educated, and fair Magistrate Judge at this time but, when he chooses to not run for re-election, it will be quite difficult to find someone who resides in Chautauqua County to replace him. If the requirement was changed to reside in the district, then it will be much easier to have run and elect an educated and fair Magistrate Judge.	This just makes sense.
1	since the Judge will serve the District it makes sense they be required to live somewhere within the District.	it seems as though a change to allow residence somewhere in the district will allow broader pool of individuals to choose for judge, which may be beneficial.
1	We are able to communicate with the judge regardless of where his/her physical office is located. Technology improvements do not require an office be maintained in the county. District office is fine.	Technology alleviates the requirement and I do not see how the proposal would interfere with the ability to continue receiving documents as needed.
1	The current residency requirement may deter qualified candidates in rural areas from seeking judicial office.	
1	Some small counties don't need a full time Magistrate Judge. One Magistrate Judge can serve 2-3 counties.	Need to eliminate the election of Judges.
1	This would open up the pool of qualified candidates to include those that live in district but may not wish to move to another county	
1	So long as there is one judge with a principal office in each county the citizens retain a local judge. Residency by district may serve as an incentive to attract candidates who may not want to live in a specific county but would consider living elsewhere in the same district. Finally, technology makes contacting judges for warrants or other after hours matters much easier and residency less vital.	Great idea.

1	I am curious as to why this was not considered many years ago.	I think that the change is long overdue. In our judicial district, I don't believe the current law was always correctly applied.
1	Technology allows judges to be about anywhere and still transact the business of the court. I would hate to see all judges live in one county of a four to six county district.	
1	Judges should reside in the district, as far as I know they did..... but they often did not live where their primary office was... might as well make it official	
1	I am married to an attorney who would like to apply to be a judge in our judicial district. If she gets a position in another county within our district, then we would have to move and I would have to try and move my practice. It is very difficult to practice in the county where your spouse would be one of the judges. Allowing her to apply to be a judge in the county next door would allow both of us to pursue our careers. I can keep my practice in our present county and she could be a judge in the county next door. Our judges already cover dockets within the judicial district. This would allow a larger pool of the local attorneys of the judicial district to have an opportunity to be a judge without uprooting the rest of their family.	I strongly support it. In our judicial district there are two couples who are both attorneys. This change would allow one to continue their practice and the other to apply to be a judge. Our Judicial District doesn't have a large number of attorneys so this would help address the shrinking pool of applicants.
1	For some counties, to allow a magistrate to reside in another county would increase the pool of qualified candidates for the various positions.	I believe it wouldn't hurt the administration of justice to combine some of the magistrate judge positions so that one judge can cover two smaller counties, or, like in Southwest Kansas, have the magistrates cover magistrate duties in the large county each day of the week. Also, some of the one district counties could afford to convert a few district judge positions to magistrate judge positions by attrition. (Ex: a district judge does not need to oversee limited actions or traffic).

1	I would choose to require magistrate judges to have the same qualifications of a district judge. But the proposed change will allow more qualified attorneys to vie for the position of district judge.	It is a great idea. With the attitude of the present legislature and the failure to pay our district judges and appellate judges a reasonable salary, we are struggling to attract and retain good ethical attorney to the judicial positions, especially in rural Kansas. The quality of the judicial branch is critical to the integrity of our state and to making Kansas a place people will want to live.
1	Judicial Districts with more than one county may have difficulty attracting quality applicants due to the residency restriction.	
1	I am in favor of keeping a Judge in every County for all the obvious reasons. Otherwise, why don't we just put them all in Wichita, because that would be much more efficient for the system and people who live in the other 104 counties can just drive 4 or 5 hours to settle their differences. Of course, then Sedgwick should assume all the tax burden of having an court system. Same goes for schools and drivers licenses and property taxes.	
2	Given the large number of counties in Kansas, it's important to streamline and control costs.	
2	I live in a rural part of the state. There are fewer attorneys in rural areas and there needs to be more flexibility	
2	I have no objection to the proposed change.	
2	makes sense - retains the local connection	
2	Competent judges are difficult to find. Adding the residency requirement makes it that much harder.	Even just looking at the judicial district may well not provide an adequate pool of candidates in some areas.
2	If I understand the change - the Judge would still be in the district, but maybe not in the county. I would support that. I believe the Judge absolutely should reside in the district however. By allowing Judges to reside within the district (but not the county) it broadens the pool of those who may wish to submit their name for judgeship.	
2	Judiciary wages are so low that I think you will need to loosen judge qualifications within each county or risk a shortage of judges.	Who wants to live in Rooks County?

2	I don't think the proposed change will make much difference. I suppose it may open up more candidates and thus increase chances of more competent persons applying.	
2	Residency required within the judicial district seems more reasonable than within the county of the judge's principal office because in multiple county judicial districts the judges have to travel frequently to cover proceedings when the local judge(s) recuse(s) due to conflict of interest and for any number of reasons to fill in temporarily such as vacation, illness / family leave, etc. However, travel time to the judge's principal office should be on the judge's time and at the judge's expense if he or she chooses to live in another county within the district.	
2	It's a step in the right direction but does not go far enough.	This proposal does not go far enough in its reform. Technology means that there does not need to be a judge in every county. Electronic submission methods, telephone and perhaps video conference mean that physical presence is no longer necessary. Rather than a judge in every county, resources could be used much more efficiently in rural areas.
2	As long as one Judge is in the county, I am fine with it.	none
2	I think in smaller jurisdictions it helps support eligible candidates.	
2	It makes sense for rural judicial districts.	
2	It makes good sense to me. Based on the information I have in the prefatory email, I support the proposed change.	
2	At least one judge should be a resident of the county he/she presides over.	
2	Hard in Western Ks to get resident judges.	
2	I would favor each Judge living in the County where elected but not make it mandatory, as there are situations where it is matter more practical to live elsewhere within the Judicial District.	none

2	Living in a rural area, restricting the residency of the Judge limits the pool of interested individuals as it restrict opportunities for family and spouses. By requiring residency in the district rather than the specific county you are increasing opportunities while still maintaining the important local connection.	
2	Worried this change "opens the door" to eliminate one judge per county rule. Concept of this rule change makes sense for our rural areas.	
2	I recognize the challenges in having a judge residing in EACH county, but it is still a worthy goal. If modified, residence ought to be in the county of, OR no more than 35 miles (arbitrary # based on typical county size) from, the judge's principal office. Some districts are long and narrow; and plopping all judges far away from the most rural spot is not good for Kansas, not good for community, not efficient use of state funds. The state covers travel, and if adopted as proposed there ought not be mileage to the judge's principal office NOR to any other location if it is no farther away than the judge's principal office is from the judge's home (I'd like that part adopted anyway). Example: If a judge is 32 miles from his/her principal office, that was the judge's living choice so no \$; if 'another' county the judge covers is 28 miles from judge's home, no mileage since it's no farther than from home to principal office. If a third county is 45 miles away, then pay for that. (If home is 1 mile from principal office, then pay when going farther than that. It encourages being in the county seat and we ought to.) Keep in mind: Johnson County judges COULD be from Lawrence or Kansas City, KS. This is not just a rural thing, so we need to draft wisely.	It is time we address the issue. It is also time we take great pains to NOT further empty out small rural counties. We need to act sensitively, and not permit an arrogant attitude to prevail. Balance still matters. Community (including a small one) still matters.
2	I like the idea of having a judge live in each county but I also don't want to restrict the pool of qualified candidates.	
3	I am open to anything that would improve judicial efficiency and that the Judges support. I dont feel that county of residency will affect ability to decide cases.	See previous answer.

3	Rural Districts predominate in Kansas. It is difficult to butter your bread with dreams.	I don't think it will make much difference. I think the quality of Magistrates in Kansas is high, whether they are laymen or lawyers.
3	I am most interested in having the best judges available for each bench regardless of their physical residence. I do believe it is important to keep a judicial presence (by office) in each county.	I have no objection.
3	ok	ok
3	Does not matter to me. I think the Judge should be in the county or at least district.	
3	proposal still maintains local presence of judge	NA
3	The number of qualified persons living in small communities is limited. Having access to the judge is essential, so allowing a judge to live outside the community could be detrimental.	
3	It makes sense that a judge can live out of the county but there needs to be a limit with how far away a person can live.	
3	If justice is blind to personal prejudice or bias, a non-resident judge may be preferable to a judge who resides in the community of those who appear in the judge's court.	Thank you for your thoughtful consideration of this issue.
3	The reason for the current requirement is that a judge should be available for "off hours" needs of the bar and law enforcement. It is possible that those needs can be provided without the judge residing in the county. Frankly, better "on call" procedures need to be developed. Better "on call" procedures would be an improvement over trying to find the resident judge.	
3	Local counties may be more familiar with local resident personnel as judges, however, if a magistrate within the judicial district could maintain reasonable office hours at the courthouse where assigned I do not see that a county will be compromised in the service of a judge in each county	
3	I think it would be good to have actual residency of at least one judge (district or magistrate) in each county, and think it should be encouraged, but do understand the potential problems with this.	

3	Having practiced in the 13th for 25 years I have experienced the changes first hand. Currently all District Court Judges are primarily in Butler County, office and home. A Magistrate Judge is in Elk and one in Greenwood. This was done because the majority of the court's case load is in Butler and all four District Court Judge's dockets are full all the time and the two Magistrate Judges come to Butler County twice a week to help. For purposes of judicial case load this works best. But, from a representation aspect, given that no District Court Judge will live in the smaller County, Elk and Greenwood will never have a District Court Judge elected from their county. Greenwood did when they had a District Court Judge live there. Without the requirement of a Judge living in a smaller county that county will always be underrepresented, if that can be said when it comes to elected Judges.	See question three, above
3	A judge should reside in the community of the citizens in which he is elected or appointed to serve.	
3	Judges should live in the state, but not necessarily the district they would sit in.	
3	A judge should be allowed to live where ever he/she likes, so long as they are in their court when they are supposed to be.	Appropriate.
3	I am about to retire. I should not be making a suggestion for the future of the judicial branch.	
3	There are pros and cons to this idea. Ideally, you get more candidates, on the down side you give local people less court access because they may or may not have a readily available magistrate.	It could be a fine idea if a quality system for insuring that rural counties had quality IT assistance and staff was in place, but that seems like just as big a problem as finding quality candidates to fill judicial vacancies in rural districts. Frankly, without readily available and highly qualified IT staff, I don't see this working.
3	As long as he/she is fair and honorable, it doesn't matter to me.	
3	It is not unusual for some judges to not reside in a county but still reside in the judicial district; especially in rural areas.	I support it.
3	WE DON'T as many judges particularly in non-urban areas as we have. What a waste of money. I've been practicing law 45 years.	Let's put our resources where they're needed.

3	It does not matter to me where the Judge resides.	
3	I don't really see this rule making much difference in my area.	
3	Our counties are small enough that I think that is fine	
3	Makes no difference to me if the change is made.	
3	I understand that this may increase the difficulty for law enforcement to obtain search warrants in a timely fashion to some degree. However, modern technology can alleviate the problem.	
3	It is preferred that each county have a sitting judge. However, I am concerned the expense may be excessive considering sparsely populated western counties.	none
3	As long as the Judges are in each court as the docket requires I don't know that it matters which county they live in.	
3	My preference when practical is that the Judge resides in the County. I don't like the idea of all the judges in a judicial district residing in the one populous county. In some judicial districts that is not practical and unnecessarily requires a Judge move his family.	The change should only be implemented if the current rule is creating a problem in getting applications from qualified attorneys for open positions.
3	I believe that the current residency requirements work well.	
3	not sure current system is not properly serving the public and justice. I assume the further west you go there are possible conflicts but not sure proposal would assist/cure issue wanted to be addressed.	

4	District Magistrate Judges are currently subject to a retention vote and I would expect pushback from the local community, especially if the Judge resided in the largest city in the Judicial District. A local Judge indicated he could see a Magistrate Judge limiting nonemergency Hearings to Tuesday, Wednesday or Thursday thus creating a perpetual 4 day weekend. I had not thought of that consideration. Would mileage and per diem be a financial concern? I am reminded of the Wichita television station that has the slogan "living and loving local" to promote their show. On the other hand, getting law trained attorneys to move to a small rural town, except those who are looking towards retirement, will be an issue as well as finding individuals who are tech savvy.	
4	It is important that a judge actually be a resident where he primarily sits, especially in a rural area.	With the increasing use of technology, much of the personal interaction that supports and enables a trusted and properly functioning judiciary is decreasing. Maintaining the historical residency requirement would continue to bolster that trust.
4	I think there each county should have a judge in residence	
4	Our District and Magistrate Judges are elected in this Judicial District. Changing the residency requirements for District and Magistrate Judges disadvantages not only for the voters in the respective counties, but for the judges seeking the elective office.	
4	All Judges should live in the County they are Judges in.	
4	Having a local magistrate living in the community itself is an important element of a good working relationship of citizens to their courts	
4	Distance between where the judge resides and the county in which they are the judge.	Read answer in question 6.
4	This could lead to gerrymandering location of judges so that no judge is physically available for some distance.	

4	In my experience, a judge who offices in the county but lives elsewhere will not be as available as a judge who lives in the county. Also, the judge should be as familiar to/with the county as possible.	
4	I think it's important that magistrate judges be available at all times in all counties and be residents of the counties they serve in.	
4	Having judges present in outlying counties as much as possible is important.	N/A
4	This is a probable first step in eliminating magistrate judge positions in rural counties if a district judge or associate resides in the same county as the current magistrate judge	
4	I think it is important that one judge live in each county, to present that county and that bar association. I think it helps the public to support and believe in the judicial system because they feel represented and important. If all the judges were from nearby, large cities, I think the community members in the small towns, rural areas who are served by that court might feel disenfranchised.	
4	I believe the residency requirement is fine as is.	N/A
4	The current rule provides a connection between a judge and the community where he/she resides and should be retained.	
5	I think it is important for a Judge to reside in the county they preside in	
5	I live in a two-county judicial district, so our judges do live close to where they preside, but I can see how districts that have 4+ counties could be negatively impacted due to this change. I think it's important for judges to have familiarity with the community where they rule, and loosening the residency requirements concerns me a bit for those larger districts.	I've said what I wanted to say...thank you for doing this survey to get our thoughts!

5	I think it would make it more difficult for law enforcement to get warrants if they had to travel outside their county to visit the judge. This would increase the costs to law enforcement, and law enforcement's time could be better spent. This situation could also cause delays for defendants who are being detained.	It would be convenient for the judges. I would oppose such a rule change if it tended to decrease the likelihood that a new judge would be selected from within our judicial district.
5	Being a resident of the county gives a judge more insight as to the current happenings within the county. It helps a judge be in touch with the current needs of the he county.	It would create a disconnect between the judiciary and the population. However, the current requirement creates straw-residency.
5	Citizens already tend to find judges removed and disconnected from common concerns and community life. Ceasing to require judges to live in the county where they serve will only expand that divide. I'm unaware of any reason beyond personal convenience that a judge would be unable to live in the county of the Court, seeing that judges are well-compensated compared to most of their fellow citizens.	
5	The question appears poorly worded and is confusing to me. I want to continue policy for the district judge for my county to reside in my county.	See comment in question 3 above
5	I believe this would reduce my access to a district judge. In the rural areas, access to a district judge is already an issue. In my area, I only have a district judge available 2 days month. I am not in favor of any proposal which appears to reduce that availability.	Urban areas are already favored, this proposal would increase that discrepancy
5	Our magistrate doubles as Municipal Judge. It is important to me to be able to do face to face probate and other matters with a judge and not be second fiddle to a judge out of county.	If a county is the actual principal office of the judge, why would he/she not wish to reside there? The voters would be better served by a resident judge and would more likely feel more comfortable knowing the judge filling the principal office in the county.
5	I believe that the current rule prevents isolation or alienation of certain parts of a judicial district from more populous or politically powerful areas. Thus, it should remain as it is.	
5		unnecessary
5	The Court and the judge are an important part of the community so there is value derived from the judge residing in the county served.	A statute is usually changed to solve a problem. What is the problem?

5	I am in a rural county where although we have a magistrate judge who offices in county, he is also expected to fill the magistrate role in other counties. There are several days each week where he is out of the county during the work day, but that does not cause problems with access because we know he will be back in the local office at the beginning and end of each day (likely). If that were not the case and the judge had no reason to return to the county office because he was allowed to reside in another county, I believe it would cause problems with access. Funds to upgrade technology are limited. I do not believe that the positives associated with having a wider judicial candidate pool (because of the removal of a residency requirement) are enough to outweigh the negatives of not having a judge in the county. There are times when technology is just not sufficient for these purposes.	
5	Requiring judges not to live in the county they are judge of dissolves autonomy for some of the more rural counties.	
5	Having a judge in a county sends the message to the county residents that the judicial system is accessible to them and reliant upon them.	
5	I am in favor of the one-judge-per-county requirement. Likewise, I believe that the judges should be reflective of the community in which they live and serve.	
5	Could it ever be appropriate to extend justice to the citizens of a multi-county judicial district if all of the judges were residents of only one of the counties within that district?	
5	Smaller counties values and representation will be lost. Subsequent feelings that values and a voice have been lost and loss of ownership in the court system	The smaller counties will Lose out.
5	Judges should live as close to the people as possible.	
5	Judges are better invested as residents of the county.	
5	Your proposal is not clear enough. I don't understand what you are trying to accomplish.	

5	I believe it is important, not only for matters of availability, for law enforcement, including the prosecutor, but also to know or know of, the people of the community and for the people of the community to know, in a broad sense, the person in the black robe as someone other than the person on the Bench who is sitting in judgment of them. To be someone visible in the community, to whom a citizen may say "hell-o" or "good day, judge" on the street or in a shop, and hear a similar response, humanizes the person in the black robe, without creating undue familiarity. Knowing the Court by sight tends to put litigants somewhat at ease knowing the Court is a person like them, who lives amongst them, shops many of the same shops and who is apt to apply to their matter the standards of the community along with the letter of the law.	I believe it is probable, if the change is made, the smaller more rural counties will never have a resident judge. I believe most judges will choose to reside in the larger counties of the district, not for judicial convenience, but for convenience of such things as shopping and dining.
5	Even small counties have ongoing legal matters that need attention. Taking a Judge out of a small county is penny wise, but pound foolish.	
5	I prefer that at least one judge live in each county so that someone is connected to that community.	
5	I believe a Judge should be connected to the society in the place he is making decisions.	
5	I believe firmly that a judge should commit entirely to the community that he or her serves. Communities deserve a judge who knows the community and is not someone there part- time.	
5	residency has and still has a valid reason - a magistrate judge should be invested in the community he or she serves and be available for face to face communication if that mode of communication best serves the occasion.	
5	This has been ignored to a great extent due to the availability of attorneys in several jurisdictions. The requirement was to insure that each area was represented. There are not enough voters in many Kansas counties to overcome a candidate from the larger city/county in their judicial district. Essentially denying some counties actual input into the selection of judges.	

5	I feel this will negatively impact small communities especially in the Western districts of Kansas. Finding a Judge in residence may prove to be difficult especially when several counties are not even able to find attorneys in residence. This may create prolonged vacancies and reduced access to the Courts.	
5	Topeka has already done enough to kill Kansas counties without adding this one too.	This proposal will not save any substantial amount of money when actual dollars are compared, not estimates. Plus, speaking from years of experience, it helps improve the quality of justice rendered to have judges who know the people of the county in which they preside.
5	This would allow Judges in western Kansas to live an hour or more away from their position. In the 20th Judicial District, two district court judges must reside in Barton County while the third district court judge position must reside in one of the other 4 counties in the judicial district. Under the new proposal those requirements would be gone and the rural counties could potentially lose their seat at the table.	This proposal is a solution in search of a problem.
5	NA	the District Judge should live in the County where he/she sits on the bench. Magistrate could live anywhere in District. This survey in my opinion was a waste of time.
5	In my district (1st) we'd never have a "local" judge again if the rule changed. Having at least one local judge for each county allows your citizens to feel like they have access to the court and that the judge will understand their situation better. Rural counties are getting shut out of the judicial process when disproportionate representation is had like it is now. The nominating process is inequitable in the sense that the lawyers comprising the committee are voted "at large" from the district so in my district no Atchison attorney will make the committee. How is Atchison (or Jefferson County to name another example) supposed to feel like they have any participation in the process when not only do the attorneys from that district have no voice but then you're proposing to remove the judge from that district?	See #3 above. This change is moving the opposite way from how it should work. Every county deserves a voice and representation in the judicial process. This change would further eliminate the rural counties from participation in the process

5	I believe a judge should be required to live in the county in which he/she serves to better understand the community in which they preside. This also may result in scheduling difficulties, difficulties in obtaining search warrants, and difficulties obtaining emergency orders and the like. Several of the districts cover multiple counties of substantial size which would allow a judge to live more than an hour away from the community he/she serves under this reform.	
5	This will cause judges to be located in the largest town. Getting Judges to come to the outlying towns is not easy now. Keeping a judge in the office will quickly become the exception rather than the rule.	This change is not good for the community. One of the reasons for this law is so every county knows the system works for them. Distancing the court from the people will only further confirm that the government is "them." Not "us."
5	Judicial residence in county provides better access and is more efficient. Judicial district residence would be an option only if no judge residing in county. Is this an issue because hard to find judges willing to reside in lower population counties?	
5	Why do you wish to modify the status quo of having one judge in each county? What is your purpose behind this?	Please spare rural Kansas of the politics of urban Kansas. That's what this proposal is all about. Urban counties still yet once again trying to throw their weight around.
5	The availability of the judge is a true benefit to the public. Once in a while somebody needs to remember them.	
5	A judge in each county is necessary	
5	The Magistrate Judge needs to live in the County that they work in. Especially in an elected district.	
5	I can't agree to support the proposal, because as it is written it makes no sense.	
5	I believe that a Judge of the District Court should maintain and reside in a residence in the County where they maintain their principal place of business.	Personally, I think a Judge should be a resident of the County they are assigned to. I believe that there are other alternatives that should be considered before changing residency requirements.
5	One judge per county; this is the first step to change that.	Some of the judicial districts contain many counties. Life does exist west of Topeka and Wichita.

5	Currently, our district positions are all being filled by the Chief Judge to stack heavily his friends in the County he is in and does not look outside of his influence to fill positions. Law Enforcement need someone they can reach to get to for warrant signing. You will get stacked Judges from one area.	We already have one floating Judge position as they utilized the magistrates as residential positions. So the Judge who is the floater is driving to another county. We have 3 district Judges with 2 from the same county. The Magistrates are from 2 different counties. It is uneven.
5	In rural areas it is important that the judge reflect the local community in which he sits most of the time within the judicial district. It is important to know the local issues, etc.	It is important to the public perception that the judge be someone from the community instead of some out of town person who drives into town to hold court. It would just represent another example of distancing the judicial system from the public it is intended to serve
5	It is important to have a local judge who lives in the community, knows the community issues, values, personnel, etc.	Same as #2. I support having a local residential judge. We area 4 county judicial district and it is important that we have a local judge. It builds confidence in the system if the judge is known and not some out of town judge who comes into town periodically to hold court.
5	I believe that we should continue to have a judge who is a resident. In many cases, such as probate cases involving real property, or family matters such as PFA/PSA, CINC, and guardianships, a resident judge is more likely to have insight and an understanding of what the families need. In addition, if we no longer have a local judge, the growing trend toward consolidation will continue. Our distances are too great. We should not have to wait until a judge from another county can attend court here.	A better change would be to require the judges to be lawyers. That would improve the system the most.
5	All judges will come from the largest city in the judicial district, which will lead to less qualified candidates being elected.	
5	The result of changing the residency requirement will result in the election of urban judges presiding over local cases. Right now our magistrates are being pulled to the urban area to hear the cases our District Judges don't want to mess with. and frankly, I don't believe our District Judges have that much to do to need the magistrates to hear ALL the small claims, traffic, juvenile and CINC cases in the urban area. You guys ever look at WHO is actually presiding over the bulk of the cases? If not, you should. It would be an eye-opener.	Another bunch of nonsense. Spend your time lobbying for more judge positions where needed.

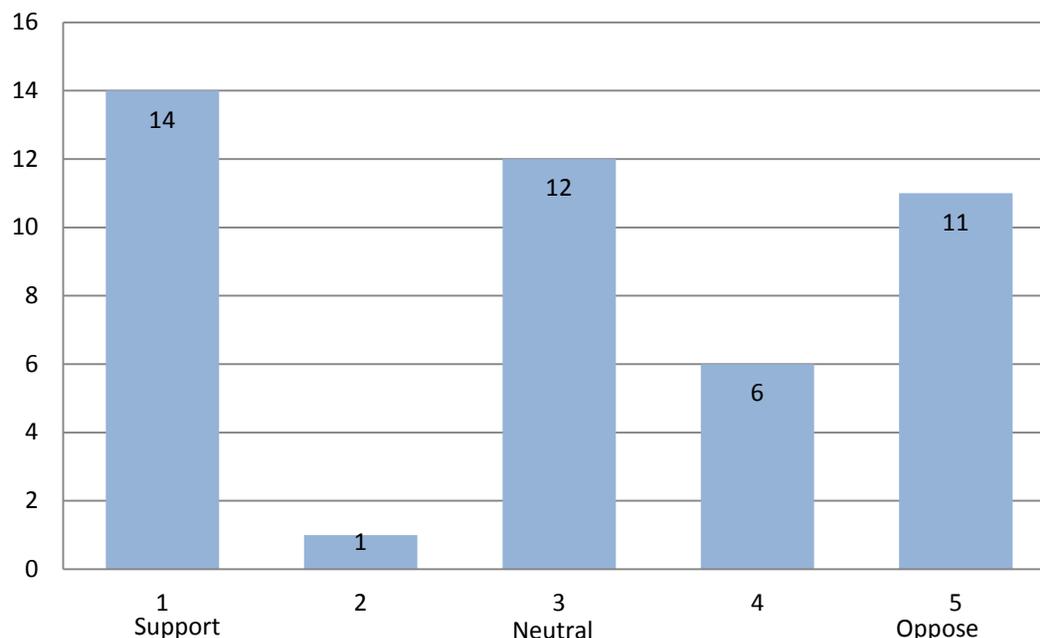
5	It is important the there be at least one judge residing in each county.	
5	The one judge per county format, in my view, sits well with the public and avoids further marginalizing rural communities.	
5	A judge should be known by the people in the County where his or hers principal office is located. In multi county districts with several judges, all the judges could, for example, live in the largest county with none of the judges living in any of the out lying counties.	I'm not sure how the use technology as an alternative to face-to-face communications with a judge to request after-hours arrest/search warrants or ex parte orders is relevant to place of residency when the one judge per county is not being reviewed?
5	Having a residency requirement within the same county helps to make sure at least one judge has ties to the community and know that their decisions affect their friends and family in that community.	I think it is a bad idea and creates a divide between the individuals making the decisions and the communities affected by those decisions. So much so that I took the time to complete the survey.
5	County to County variations see large variations in community standards. The purpose of one judge per county is not to ensure that each county has a dedicated judicial office, but to see that community justice is being attended to and administered. Judges in a community should be aware of the needs of the community and be immersed in all activities of the county. Having a residence away from the community they serve removes them from the people they serve.	Communities are best served when individuals have a vested interest in the happenings of the county. Allowing judges or other necessary personnel to commute removes those individuals from having a true understanding the specific dynamics of community issues such as crime, drug problems, or poverty. Often times courts rely on equity and equity is only found when the court has an appreciation for each sides issues in the context of locality.
5	Each judge should be required to live in the county they represent AND maintain their principal office as well. I understand the issues in Western Kansas but those should be done by agreement in the judicial district with oversight by the Court of Appeals or Supreme Court. To do otherwise is to cause judges who have no link to the community representing their demographic from afar. Terrible in theory and worse in practice.	As stated above, if a judge is appointed to that county, then the judge should live in that county. Period.
5	While I understand the direction this change is allowing, I believe that it will be seriously detrimental to the citizenry in Western Kansas.	None.

5	If we are retaining the one judge per county the judge should be a member of that community. I do not believe we need one judge in many counties and resources could be reallocated but if we are going to pretend like we need it then they should represent the people they are to represent.	
5	It is a poorly worded question. Are we talking about district magistrate judges or district court judges? If it is just magistrates, I'm fine with that. If it is district court judges I disagree.	
5	If I understand correctly, it could allow larger counties to dominate the district.	our citizens already have difficulty obtaining PFA's because of the consolidation of the process into 1 county for the district. I fear more of that would be the norm if the judges were all residing in the larger county.
5	I think judges need to live where they work	
5	A direct and significant adverse economic hit to at least 2/3 of Western Kansas Counties.	
5	Sounds like you are seeking a solution to something that is not a problem. It's not possible for the four district judges in this 6 county district to have a residence in each county. We have about 2 too many district judges for this district now	
5	People want to know and be judged by one of their own. Larger counties likely to have more representation.	
5	It would focus the judges in the larger counties	
5	We are having fewer new attorneys come to our rural area. Currently we cannot fill our indigent attorney need due to lack of new attorneys. Imposing a residency restriction on a judge would impose a hardship	
5	Creates disadvantage for rural counties. Understand already spread thin in these areas, but difficulties getting search warrants, etc. would compound in this situation.	

5	<p>As a practicing attorney I think it is important that the judge live in the county where the judges principal office is, and not just be required to live in the district. The judge is more available and smaller counties will experience less problems in scheduling. Example - in the 13th judicial district all district judges are in Butler county and rotate once a month through Greenwood county. Consequently, if your matter is assigned to a particular judge you need to wait for them to be back in Greenwood County. That can be a problem when there are deadlines to meet and drag a case out. When there was a district judge living in Greenwood county, the judge would be in the county more then once a month. In fact was there to handle the greenwood county cases unless there was a conflict, and traveled to elk nad Butler county. In addition to it being inconvenient and inconsiderate to those needing to appear in court, it is also more costly to pay judges to travel to the county. If a person wanted to commit to be a judge they should be willing to commit to the place of residence in the county. It is unfair to smaller counties. Having dealt with this I feel very strongly about this issue.</p>	do not deal with this so I have no comments
5	<p>Common sense. People want their judge to be from their county. If you can be from another county in a district you will have large counties with more population in the judicial positions and local people to smaller counties will feel disinfrancised. This will lead to alienation of the populace in the local county. This is a bad Idea.</p>	I have already expressed what a bad idea it is.
5	<p>A change in this rule will affect the ability of residents in small counties to have their matters heard expeditiously.</p>	
5	<p>In the 21st Judicial District the Clay County Magistrate lives in Clay Center and is required to travel to Manhattan 3-5 days a week to help with the larger case load. DMJ Malcolm stops at his Clay Center office each day after returning from Manhattan. If the Clay County Magistrate was allowed to live in Manhattan it would be very easy for us to never see him. Thanks for the opportunity to express an opinion.</p>	I think Judges would tend to come from the larger counties and even though they might be "assigned" to a smaller county, the smaller county would rarely see them. I don't think the proposal is a good solution to what I'm sure is a problem in some counties.

5	Judges should be part of the community where the judge presides. Living in the community in which they are judges helps them understand the people whose cases they are deciding and humanizes the people in front of them. I am also concerned that if judges do not live in the county in which they preside there is a greater chance that the judge will not have as many court dates available. If a judge has to commute 30 or 60 miles to court, he or she is less likely to agree to hear a case on a day when the judge could be at home.	I am also concerned that if judges don't live in the county, they will be more likely to use video conferencing for some hearing. These dehumanize the participants. I have seen that inmates who appear at video conferences receive higher bonds and the judges are less likely to listen to what the inmate says.
5	My judicial district is a perfect example of why this proposed amendment should NOT occur. I am an attorney in the 6th Judicial District which consists of Miami, Linn, and Bourbon Counties. I reside in Fort Scott, Bourbon County. Bourbon County, Kansas has, for years, consistently had higher criminal filings than the other two counties combined. At one point, prior to my residence in this district, it was determined that our "district" needed another district court Judge. This Judge was needed in Bourbon County. However, since Miami County is essentially a suburb of Kansas City, the new Judge was to sit in Miami County. Miami County now has two Judges while Linn and Bourbon County continue to only have one district Judge, even with Bourbon County's case load continuing to be double the other two counties. If this amendment were to pass, it would most harm rural areas. Judges would move out of county to a more desirable county in the district. Judges, especially in rural areas, continue to see the same names on their docket and are often familiar with the individuals who appear before them. It is imperative that our Judges, especially in rural areas, continue to reside in the county in which they preside.	Please do not allow this proposed change. It will adversely affect rural counties all across the state. Judges must be present in, available, and knowledgeable about, the specific needs of their counties.
5	All judges must be a part of the county and the judicial district. This will politicize the appointment process further and give the perception to the public that governor is only selecting friends for judicial appointment versus upon qualifications.	As a justiciary question, why is law enforcement invited to provide its input into an area which it is clearly one for attorneys and the courts? I would believe that law enforcement will be greatly supportive of this idea of using e-warrants etc.

Degree of Support



Question 2: What is your position on this proposed change to the residency requirement for judges?

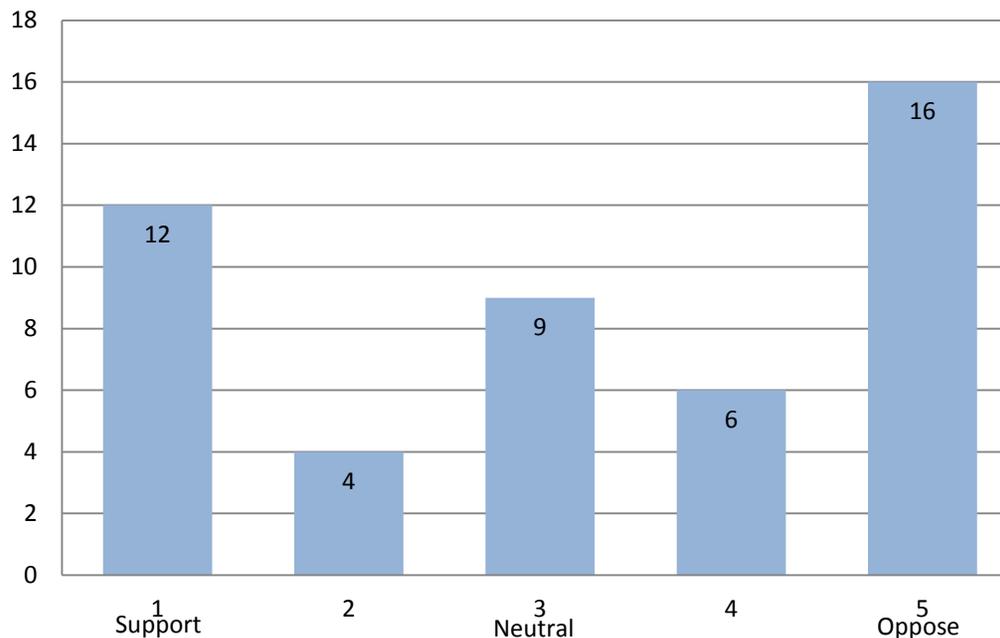
1 - Support 3 - Neutral 5 - Oppose	Explanation of Response to Question 2.	Please use this space if you have any other thoughts or comments you would like to share regarding the proposal to change the judicial residency requirement from the county of principal office to the judicial district.
1	We need to keep our judge in our county so our offices can stay open, if this is done away with then a lot of clerk's may be out of work and have to travel farther for work, plus the citizens on the county will have to travel farther for justice	

1	I cannot speak for the bigger courts, but in rural areas, some of our Magistrate Judges may live in one county, but their actual mailing address may be in another county, due to the way the Post Office & 911 addresses are.	
1	In the rural areas of Kansas, it is sometimes difficult to locate acceptable housing in the area needed.	
1	It is already hard enough to get a quality judge to want to be a judge instead of staying in private practice. They are not paid enough to want to move or become a judge anywhere in the State of Kansas.	
1	We are a small, rural county with few attorneys in residence. When our magistrate retires, we'll have a better chance of getting a replacement .	
1	We have a magistrate that lives in our county during the week (thru Thursday) and then goes to his home in Hays for the rest of the time. Not available if something is needed on the weekend	
1	Many of our after hours search warrants are now handled electronically, so I see no problem with not having a judge reside here.	
1	I think more attorneys would apply to be judges if they just had to live in district.	
1	Do not feel every county needs a judge.	Some counties do not have enough filings to justify having a full time judge.
1	everything is done via internet or cell phone, a judge could reside any place within the district and still be in constant contact	
1	We have multiple counties in our district and it would work very well if a judge lived in one county and performed duties in one or two other counties.	I certainly believe that the individual judicial districts can best make these decisions which is why I am 100% in favor of this change.
1	I think residency within the District is sufficient.	
3	Districts in western Kansas cover a lot of miles. There are times when a judge from one side of the district covers for a judge on the other side of the district	

3	We have a magistrate in the county but our district judges are from other counties. It does not affect our office. I am sure it will be harder for law enforcement to do this when they need paperwork signed.	I would hope the county would not have to pay for travel expenses for the judge to come to the home base county for court
3	As long as the county has a judge-don't care where they live.	No thoughts
3	I support the change ONLY if the number of Judges per District could be reduced. I understand the one judge per county is still in place.	
3	This does not affect me, and there are extenuating circumstances where this would be a necessity	
3	I can see the benefits of having a judge in every county, but I also know that the judges work hard to cover the duties of counties without resident judges.	
3	My judge lives in my county	
4	I feel it is important for the judges to be part of the community they serve. The principal location of the office w/in the district could be changed, but I believe the judge should live where they primary office is located.	The ease of access might lead to premature request by LEO for after hours search/arrest warrants. I believe it would lessen accountability on the part of the LEO and the judge. They would not be "inconvenienced" by the process so it would become more likely that the process might be abused.
4	Might not be in office from 8-5 since would have to drive	
4	Small communities are struggling. This is just one more thing taken away from the community. With the technology the courts have today and are getting in the near future, I don't see any problem with the court being able to provide the public with quality service if the Judge lives in another county. It is the loss to the community that concerns me, the personal aspect of a Judge's position in the community.	
4	I feel the Judge should live in the County	I feel it would take away more from the small counties
5	The citizens in each county want judges that live within the county that they serve.	
5	I think the magistrate should live in the County they serve	

5	We have found having access to a magistrate judge locally to be very beneficial. When something comes up in the office he/she is available to address whatever the issue may be.	Keeping access to a Judge from the community is never a good thing. Having a local Judge familiar with your community, making decisions affecting the community is important to any community especially smaller communities. Various local agencies, ie, law enforcement, domestic violence, drug and alcohol agencies need access to Judges at a local level.
5	I believe a judge needs to live in the County where they work	
5	I think the Judge should live in the county they are the Judge in.	
5	When an emergency occurs, it is important that we have a judge in our county.	
5	I live in a small county. I believe if the judge does not reside in our county there will be no loyalty to our county and we will have less and less time allotted for us and they will spend more time in the larger areas (where they reside).	I don't believe we have any issues in our area with this. I guess I will go with "if it's not broke - don't fix it."
5	I do not agree because I believe at least one judge needs to reside in each county for purposes of overall community relations with the court system.	

Degree of Support



Question 2: What is your position on this proposed change to the residency requirement for judges?

1 - Support 3 - Neutral 5 - Oppose	Explanation of Response to Question 2.	Please use this space if you have any other thoughts or comments you would like to share regarding the proposal to change the judicial residency requirement from the county of principal office to the judicial district.
1	with the use of technology it is not as vital for residency of judges in a county. As long as they reside in the district is the important standard of acceptability	move forward with todays abilities and methods of acceptability of judges
1	I believe that if the judge is assigned to that district they need to reside in the district they represent.	None.
1	ease of having Judge sign documents after hours	none

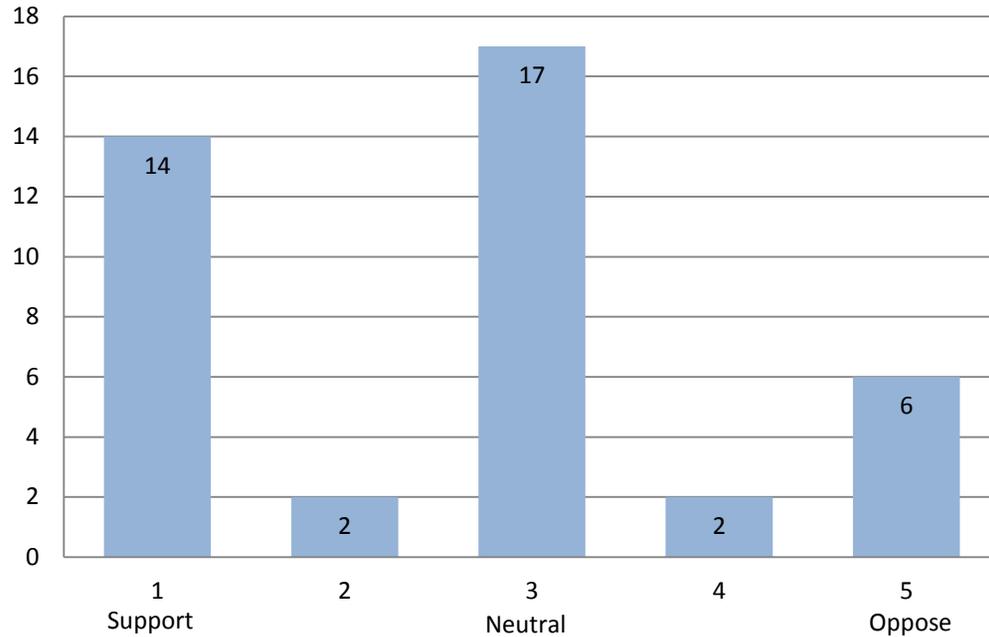
1	We have no concerns with quick contact and responses from our judges. The use of modern technology has made the need of a resident judge unnecessary.	
1	I believe District Judges should live within the boundaries of the Judicial District they are elected.	N/A
1	Need District Judge county to sign search warrants out of county one hour at least round trip	
1	There is the ability through technology to access a judge rather than in person.	Totally support
2	Clay Co has a district Judge assigned to our court 2 days a month, unless there is a trial. We have a back log of cases because of this.	
2	With electronic filing of search warrants we have removed the need to take a warrant to the judge in person.	
2	Sometimes it is hard to find a judge if not local.	
3	In todays word of smart phones we can e-mail our search warrants to the judge and get a response back but prior to that to get any kind of legal documents that had to be signed by a judge on off hours we would have to drive to the judge home or meet them somewhere of their choosing which sometimes time is of the importance. We still have a Judge that wants to personally see the affidavits regardless but is slowly allowing things to be done by fax. I believe if they were to allow the Judge to not live in the county they should make available a fax machine at the Judge home so that we could get affidavits rather they be 48 hour probable cause, search warrant emergency PFA or other legal paper work that we have time constraints on signed	
3	I really don't have an opinion on this.	I feel a judge should live where they reside on the bench.
3	Technology is such that a Judge is typically reachable for signatures etc.	
3	In some counties you can live in one and work in another and still have a 10 or 15 minute response time to their place of work.	
3	we have always only had 1 judge in our county	
3	No preference	
4	I believe the judge should live in the county	

4	Potentially losing a community member elected official who understands the county's issues at hand.	
4	Being able to have quick, reasonable access to a judge is critical to the operation of the Sheriff's Office.	
4	Need to have ready access to get search warrants and probable cause affidavits signed.	
4	I am leaning towards the opposition side due to the activity in the last few years of removing magistrates from each county. It makes me think that with this legislation that it would be easier to move forward in the future to not having a magistrate per county.	Again. I am leaning towards the opposition side due to the activity in the last few years of removing magistrates from each county. It makes me think that with this legislation that it would be easier to move forward in the future to not having a magistrate per county.
5	The judge for the county needs to reside in that county.	I feel it takes too long to get a suspect through the court system as it is even with efile. It takes longer. I am not sure if it is on the prosecution or all. I feel it moved faster without efile.
5	THIS WOULD PUT ADDITIONAL HARDSHIP ON OUR OFFICE.	ONE SIDE DOESN'T FIT ALL WHAT WE HAVE IN OUR SMALL COUNTY WORKS JUST FINE FOR US. I KNOW, WE IN WESTERN KANSAS DON'T COUNT, OR YOU JUST DON'T CARE.
5	We will have better court representation if the Judge is part of the community	
5	We are a small office and would require more travel time to find judge	
5	Public access to Justice.	
5	If there is still going to be a requirement for a judge in each county then they should reside in the county they serve. If the law was changed not requiring a judge in each county and that the county would be served by a judge from the judicial district then it would make sense that they not reside in any particular county in the district.	As long a magistrate judge is required in each county they should have to reside in the county they serve.
5	having a judge in your county allows easier access to them in emergency situations ie search warrants and emergency hearings for mental health.	

5	I feel it will impact Law enforcement all the way around, getting Search Warrants, filing charges, and getting the suspects to court in the 48 hrs time line	The way that the law reads not the People in the County has a say in who they feel would do the best job for them
5	Location and available of judges in our counties is often times crucial to our operations	Keep one Judge for one county and keep residency rule
5	A judge should live in the county he serves.	
5	Our county needs quick access to a judge at all hours of the day and we don't have the time to hunt one up to sign paperwork. It is a real issue when our magistrate judge is out of office and we have to look to another county to find a judge to get paperwork signed. Sometimes this can be a safety issue for officers.	Live in southwest Kansas and it is close to sixty miles to the next nearest town where a judge might live. Drive time and officer safety becomes an issue.
5		Our court systems are backed up the way it is now and I feel changing the it anyother way will cause further bag log and delays.
5	The residency requirement needs to stay the same because out in small counties the Judges will never be in the outlying counties if they don't have to live in them, they will all gather in the biggest county in the district.	
5	They need to live in the county they are primarily serving.	
5	Local control by local citizens and taxpayers	We only have one day per month with the district judge now which slows the whole system down now. With a magistrate handling multiple counties it will only get worse. My jail can only hold a limited number of inmates and then we have to house outside to other jails,. but that's my problem, aye ?

5	<p>We do not currently have a district judge living in our county, which results in a longer wait during search warrant process. We use a magistrate judge as much as possible however they are not always available, and cannot help when the warrant is for a different county. I believe that all counties that are represented should have a Judge living in that county.</p>	<p>We currently use fax machines to send and receive search warrants. I previously worked at an agency that used email to send and receive search warrant even though two judges lived within a mile of the office. I liked using the email process although sometimes it would just be easier to type the warrant in the car print it out and drive down the block to where the Judge lives. I understand that judges have a home life but so do law enforcement officers. It is our job/duty to be on call. Some judges find it to be a hardship to review and sign search warrants. I'm sure most counties have an on call schedule but at least you have a last resort if nobody answers the phone to go knock on a door in an attempt to get a search warrant if the judge resides in each county.</p>
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Degree of Support



Question 2: What is your position on this proposed change to the residency requirement for judges?

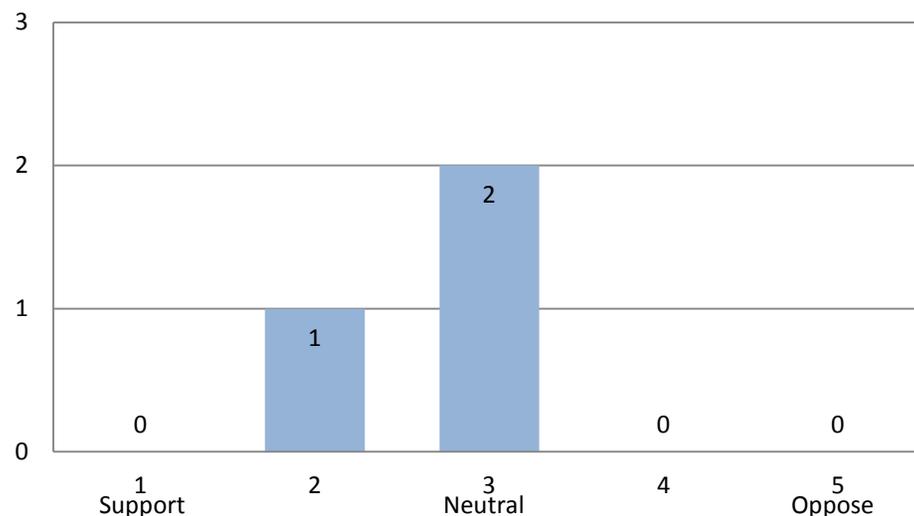
1 - Support 3 - Neutral 5 - Oppose	Explanation of Response to Question 2.	Please use this space if you have any other thoughts or comments you would like to share regarding the proposal to change the judicial residency requirement from the county of principal office to the judicial district.
1	As long as they reside in "District".	
1	One judge per county seems appropriate.	
1	I believe it would be best practice to have a judge available in each county of a judicial district. Right now location a judge if needed can be very difficult.	

1	I believe that every county should have a Judge. When we need a warrant signed it can take us up to an hour drive one way to get this accomplished. Without a judge in each county it will put the smaller counties at a disadvantage, when time is of the essence.	
1	considering housing issues, plus some distances traveled in rural areas - District vs. County makes more sense.	none
1	Timing and I believe you should have residency where you serve.	
1	Do not see a reason why a judge must live in the principle county. I think they should be allowed to live within any of the counties in that district.	
1	Residency within the judicial district suffices.	I would support modifying the one judge per county rule in order to make better use of available resources.
1		This wouldn't really change anything for my department.
1	It brings value to the choices that the judges make in determining his own welfare in the community that he lives.	
1	Our district judges are 35 miles away we have a magistrate judge who lives in the county but no district judge they both live in Hiawatha. I strongly believe that if you are going to be a judge you should live in the county you represent, just like the Sheriff the judges are elected by the people of the county	
1	Making established and qualified people have to move to be eligible to be a judge limits the pool of qualified candidates. with the accessibility of electronic communications the old requirement of having a judge physically in each county is out of date and unnecessary.	
3	Not firmly decided yet	
3	We have a magistrate Judge who resides here and the district judges all reside in Garden City. It has been that way for years and it works. No need to change	
3	Only concern would be after hours trying to find a judge out of county.	
3	No comment	Nine

3	It seems to be of little relevance with the availability of internet issue of search warrants and other necessary matters that can be handled by electronic means.	
3	I don't believe residency is a predictor of a person's job performance.	
3	I feel that the way it is set up now is fine.	
3	The Judges in Cowley County reside within the County seat so there is no change here	
3	Judges should have ownership in the community they represent but should feel safe in their homes as well.	
3	Available technology can overcome geographic requirements.	
3	I do not care where they live.	
3	Neutral	
3	We have a District Court Judge's office in our City.	
4	Some judicial districts are very large and if local law enforcement does not have a judge in the county it will become more difficult to get after hour warrants.	
4	I think it's important to have a Judge who knows our community, and it's easier to know the community when you live there.	
5	Without technology upgrades for both the courts and agencies operating in the district (digital warrant) not having a residency requirement in each county will make obtaining a warrant more difficult.	Our agency would oppose any change unless it included funding for technology for digital warrants
5	It is important to maintain the efficiency of a good criminal case and the ability to maintain quick access to a Judge.	Absolutely opposed!
5	After hour access to a judge	
5	We need judges available in the smaller jurisdictions in Kansas.	

5	<p>Although search warrants & PC affidavits can be reviewed electronically I believe it critically important that judges be accessible in each county so in person Q&A can occur. Poor communication and mis-communication is ore prevelant when human interaction is eliminated. Also, in order to be most effective in a position as important as judge they need to remain part of the community they serve.</p>	<p>I spent the majority of my LE career in a large metro are in another state. I did not appreciate the value and importance of living in the community I serve. I was not thrilled about being forced to live in the county where I worked because I didn't think it mattered in terms of my performance. I was wrong. The intangible benefits are hard to quantify, but I feel much differently now and I am happy I live where I work. I perceive a lack of community care by our county attorney and feel the same way about our current judge and neither lives here. There are certain values in Kansas that I embrace and I strongly urge you to not change the current requirements. I am not a native Kansan and I adjusted. Our judges need to remain part of their community.</p>
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Degree of Support



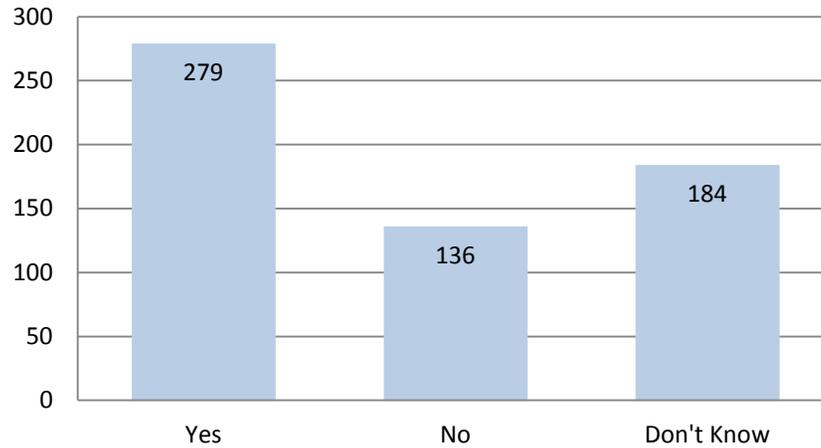
Job title of those who selected “Other”:

- State Representative
- Federal official
- Administrative Assistant

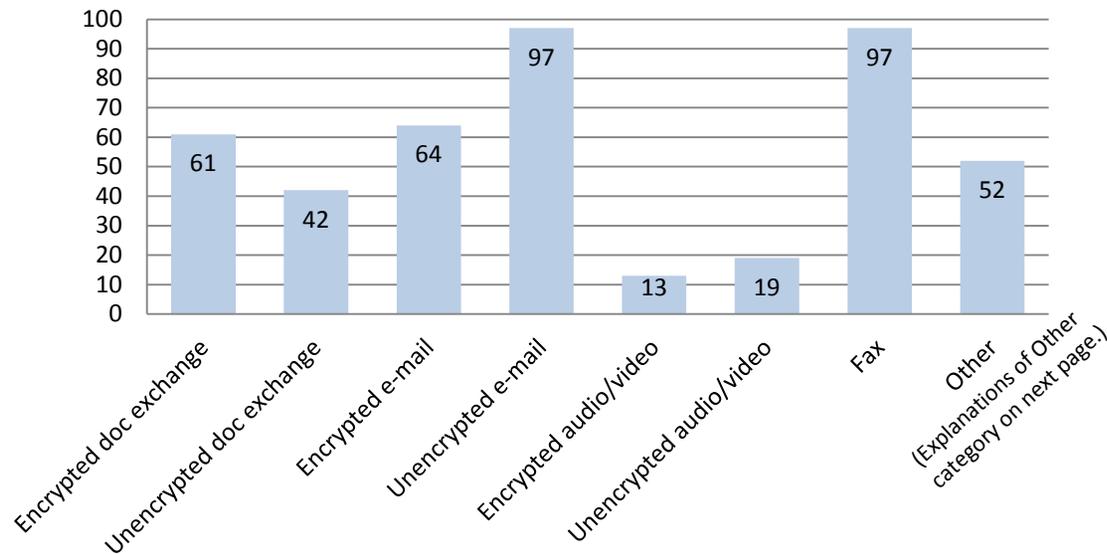
Question 2: What is your position on this proposed change to the residency requirement for judges?

1 - Support 3 - Neutral 5 - Oppose	Explanation of Response to Question 2.	Please use this space if you have any other thoughts or comments you would like to share regarding the proposal to change the judicial residency requirement from the county of principal office to the judicial district.
2	If I understand correctly, it still leave one judge per county but allows them to reside anywhere in the district. With shortness of lawyers in remote district, I think it is a good thing,	

Question 4: Does your county currently use technology as an alternative to face-to-face communications with a judge to request after-hours arrest/search warrants or ex parte orders?



Question 5: If you answered "yes" to question 4, which of the following is currently in place in your county to facilitate after-hours warrant or ex parte order requests?



Question 5: Other (please specify) Responses
Face to face
Judge has ipad, doesn't know how to use it.
There may be a couple agencies doing this just with the odd fax or email, but it is not systematic. I'd have fears that any such email would be unencrypted as well.
text messages with attachments
Email from secure server
I am aware of the after-hour availability but not the specific devices and systems used locally
Not sure but email is utilized
Our officers have a program and our judge has a dedicated i-pad that can be used, but this is not utilized on a regular basis as we have numerous agencies that we work with, e.g. county sheriff, city police, Kansas Highway Patrol, Kansas Bureau of Investigaiton, etc.
We have not done ex parte orders but in person.
cell phone
efiling
not sure which S/O uses, unencrypted or encrypted email. all judges can be reached via cell phone, text or email
they may use email but I am not sure if it is encrypted or not
Efile & email, don't know if Encrypted or Unencrypted
I am not sure if it is encrypted or unencrypted but documents and e-mails are exchanged for signing; and we sure audio/video for hearings.
Secure e-mail with attached documents
The sheriff calls the Judge and she comes to the courthouse
cell phones and IPads provided by the district to each judge
laptop, computer, cell phone, video conferencing
we have i-pads but they are not programed in yet
Tablet's to sign and sent back documents.
I am called on the phone so they do not have to wake up my entire household. I then make arrangements with them regarding the situation I am being called about. Sometimes I log on my personal computer because the state does not pay for electronic devices. Sometimes the county attorney emails the information to my judicial account and sometimes I am able to log into the electronic filing system to access the warrant. Other times, none of it works and the officer comes to my home or I meet him at the law enforcement center to sign physical paper. I then have to wipe my computer of all of the documents so no one has access to the information. I do not necessarily think this is the best process and would not actually recommend it. I am

currently working with the prosecutor to try to get a better way to serve the public in this regard and protect private information. I am not a technology expert so I do understand if someone tried to hack my account or the prosecutor's account they could somehow intercept or get the confidential information. However, I have very little knowledge of how that works or the best, most reasonable way to protect the public. Before the state goes to a mandatory electronic system, I believe these things need to be addressed and technology to serve the public should also be funded by the state. Also, there is a law that limits magistrates to performing "acts" within their county and the physical borders of their jurisdiction. Case law has held it was unlawful to sign documents or perform the act of issuing a warrant outside of the physical boundary of their jurisdiction. So, the statutes would have to be clarified to make it clear the magistrate could act outside their physical boundary. Again, opening this whole can of worms I was trying to articulate above where you are going to take more of my life from me, and require me to work and give more without the responsibility of paying me for it. In fact, you don't even provide me with the tools, I need to do it appropriately.
I do not practice after-hours warrant or ex parte order requests.
In some neighboring rural counties, unencrypted PDF attachments are used. In my opinion direct personal contact or live telephone contact is required. That is more convenient and efficient than computer or mobile 'phone video. It is unnecessary to verify identity via video. That seems to strain the gnat.
Phone call
do not deal with this
Document exchange but unsure whether encrypted or not
Don't know. Just know 'we' use it. We did use FAX for years. Don't know now, but we do (I checked with the co. atty's office to verify.)
electronic filing system
I am not sure of the specifics but know that our judges use I-pads for after hour warrants and orders.
I am not sure what all technology our county has. I know they have a system in place.
I am unsure about the specifics, although I know the general capability exists.
I am unsure whether it is encrypted or not
I'm not certain exactly but I'm aware they do some video conferencing.
I'm unaware of the exchange used.
IPad used for email and audio/video
iPad warrants
Office 365-Government Cloud technology
Only Leo and county Attorney can access judge after hours
The Judge is called and then the document is sent by unencrypted exchange.
They use email and I don't know if it is encrypted or not.

Unknown by me as I am not employed through the court. I do know that the judges use some kind of special app on a tablet.
Unknown. The LEOs send warrants directly to the Judges.
unsure of the technology used presently in Ford County
Unsure. I just know the Judges take tablets home and authorize search warrants electronically instead of requiring an LEO to come to their home.
Use document exchange jus do not know whether encrypted or unencrypted.
We have telephones, even way out in the boondocks.
We use face to face contact for warrants
I'm unsure what platform is used.
On the previous question you asked face to face no we do not use that but we have used the above
Face to face seems to work best to explain what is being requested.
Email not sure encrypted

Job Title	Does your county currently use technology as an alternative to face-to-face communications with a judge to request after-hours arrest/search warrants or ex parte orders?	Please use this space if you have any other thoughts or comments you would like to share regarding use of the above-mentioned technology for after-hours warrant or ex parte order requests.
County or District Attorney	No	If you pay for it
County or District Attorney	No	Magistrates could use more training on the technology.
County or District Attorney	No	I think any such system should be structured by Judicial Rule or law. However, some of the places that would be most helped by having an non-face to face alternative methods may not have reliable internet service needed by many of these alternatives.
County or District Attorney	No	It should be used. There is little in the way of us being able to incorporate technology as long as it is secure.
County or District Attorney	No	Should be encouraged
County or District Attorney	No	Unfortunately our local court system is strapped financially and due to other mandates has not been able to effectively implement the above mentioned technology.
County or District Attorney	No	Not against it but we all live so close that it is easy enough just to meet after hours in person to take care of these matters.
County or District Attorney	No	Fund smaller counties. The world does not end on the West end of Sedgwick County.

County or District Attorney	No	All in favor of using technology!
County or District Attorney	Yes	We should be using technology more.
County or District Attorney	Yes	Saves a lot of time and hassle plus less awake time in the middle of the night.
County or District Attorney	Yes	Use of electronic communications simplifies matters for both judges, prosecutors and law enforcement.
County or District Attorney	Yes	We can do a lot more with technology if rural areas have access to it. Bandwidth is a problem
County or District Attorney	Yes	The entire system needs to be digital. Both the court and the prosecutor's office.
County or District Attorney	Yes	Process is hardly smooth in our county.
County or District Attorney	Yes	Technology is great, when it works. However, as we have all noticed with eFlex, technology doesn't always work. Then everyone is left scrambling to figure out what to do.
County or District Attorney	Yes	Many smaller jurisdictions such as mine, have no in-house IT support. The implementation of encryption technologies would be a barrier.
County or District Attorney	Yes	technology is expensive and some counties can't afford to put in advanced technology
County or District Attorney	Yes	perhaps some uniform policies or guidelines would be of great assistance
County or District Attorney	Yes	Why not use magistrates in the smaller counties with technology to perform duties for the urban counties - i.e. first appearances

County or District Attorney	Yes	Works very well
County or District Attorney	Yes	I suspect, having gone to the Judge's home on a regular basis for several years pre-new technology, that the proposed orders and supporting documents are better prepared and better scrutinized when the meeting is person to person
County or District Attorney	Yes	See answer to number 5.
County or District Attorney	Yes	Technology is used on occasion but if there is a technological issue law enforcement must be able to go to the Judge's house.
District Court Clerk	No	I think it will get more qualified people to apply in remote areas if this can be used , however in my county electricity goes down often so it may be a real mess.
District Court Clerk	No	It is extremely helpful to the Clerks if a judge is personally available
District Court Clerk	Yes	It works well for us.
District Court Clerk	Yes	The Judges that use technology make all of this very simple; it is the non-tech Judges that bulk at handling these situations other than person to person. It is my opinion that this is not a good use of time (travel or otherwise).
District Judge	No	This plan is not acceptable
District Judge	No	Technology is as good as the it that comes with it. The State has NEVER funded it in rural counties - thus relying on technology to hand non local issues leads to substantial problems.
District Judge	Yes	I believe that this is an excellent means to make application for a search warrant or to attempt to seek ex parte requests that does not inconvenience any of the participants and it is much more confidential in that officer's are not arriving at my house disrupting the household and in view of neighbors and/or passerbys.
District Judge	Yes	This works extremely well and very efficient.
District Judge	Yes	Encrypted document exchange has worked well for over 5 years in our district.
District Judge	Yes	All counties have the technology available and use it on a regular basis. Not sure why this is even a issue

District Judge	Yes	A uniform technology should be provided to all judges. Right now it varies by county and who pays for it varies.
District Judge	Yes	In addition to after-hours inquiries, technology is routinely used for communications with a judge not in the county. For example, technology is utilized to sign orders, warrants, enter temporary orders, etc. This is accomplished utilizing the e-filing system which does not require judge action to be accomplished when in the assigned district. For example, I routinely approve such items, including arrest warrants, via the e-filing system when on vacation, including outside the U.S. as long as I have internet or cell phone coverage.
District Judge	Yes	The use of the technology in this respect has been very beneficial.
District Judge	Yes	works great
District Judge	Yes	Our jurisdiction began utilizing electronic search warrants in approximately 2012. The process saves law enforcement time and resources and allows the Court to review the application and warrant in a timely manner.
District Judge	Yes	The fact that after hours contact is now a matter of the use of technology would be my preference for late night contact even if law enforcement facilities were literally across the street.
District Judge	Yes	A state wide system that would allow encrypted communication between law enforcement and the judges that is uniform would be nice. I think every district is doing it just a little different and it has been hard for us to get law enforcement on board.
District Judge	Yes	It is not efficient yet because not all law enforcement officers have been trained to use the technology which often requires numerous attempts to send and receive the applications and warrants.
District Judge	Yes	Wish they could be uploaded to e-filing in a sealed manner
District Judge	Yes	It isn't yet working.
Magistrate Judge	No	I like seeing the officers in person so that I can judge their speech and demeanor.
Magistrate Judge	No	Although technology has been discussed, the law enforcement agencies (county, city, highway patrol) have not agreed on a uniform plan to obtain after-hours warrants. In many instances, changes are made to the affidavit and search warrant before signature. Most rural agencies do not have a notary public to witness affidavits after hours and rely upon the judge.
Magistrate Judge	No	This is a very good idea. Our problem in my county is that we do not have reliable internet service (it works in the more rural areas about 85% of the time).

Magistrate Judge	No	Our plan is at some point to issue an ipad to the magistrate to make this easier, but I don't mind driving a mile or two to take care of such matters in person.
Magistrate Judge	No	I think in large counties/districts this would be helpful. We just don't have the technology in my county.
Magistrate Judge	Yes	Currently, I get a phone call and have to make face to face contact with an officer, or get to a fax machine. It would be less cumbersome to get access via ipad or computer but our commissioners do not want to bear that expense.
Magistrate Judge	Yes	What's the point of requiring encryption for our after-hours work, when our work conducted during business hours is not encrypted at all?
Magistrate Judge	Yes	I have used both face-to-face and iPad for after hours work, and I believe the iPad is more convenient for both the judge and law enforcement officer.
Magistrate Judge	Yes	This is an issue that should not be taken lightly. How are you going to elect a judge? Do you need to live in the district or can you live in another district?
Magistrate Judge	Yes	It would be helpful to have a recommendation as to technology and security for after hours warrants from someone with an IT background who can address security concerns in a cost efficient manner.
Magistrate Judge	Yes	The main purpose of utilizing video equipment is to save transportation costs, personnel costs, and staff safety for our local sheriff's department. We do video conferencing on First Appearances and Care and Treatment. But it does take away the personal interaction between the Judge, County Attorney and defendant. I would much prefer face to face contacts however I also understand the importance of finding alternative to save tax payers funds.
Magistrate Judge	Yes	I believe fax transmissions are secure and user friendly.
Magistrate Judge	Yes	I think this needs to be funded and technology should continue to be pursued. I do not think it is wise to make judges responsible for figuring out how all of the technology works. I think the state should put in standards to protect the citizen's information and allow judges to use technology to better serve the public. This should be researched and made available on the state level to ensure judges and law enforcement have the tools and protection needed to protect the information for themselves and the people we serve.
Other (please specify)	Don't know	As a Blue Ribbon Commission member who chaired the technology committee, I support seeking warrants electronically.
Other Attorney	Don't know	If technology is allowed for the judge's convenience, then the judge's should be more accepting of allowing KBI toxicologists to testifying remotely.

Other Attorney	Don't know	The technology is there, and we should use it to make sure justice is served. I know some attorneys/judges may have some difficulty embracing technology, but we need to be progressive. Give the bar the help they need to use the technology so we can be efficient. Us "younger" attorneys are pretty good at using it, but we need to acknowledge that there's a learning curve here. If the bar has difficulty using the technology, let's help them.
Other Attorney	Don't know	I'm required to answer this by the survey you set up, but I don't have anything else to add right now.
Other Attorney	Don't know	I do not have a problem with this practice.
Other Attorney	Don't know	If this is not currently offered, it should be.
Other Attorney	Don't know	As long as the system is consistent in expectations and application, I don't see any real problem.
Other Attorney	Don't know	I think it is silly. 'Phone is sufficient if direct personal contact is not feasible.
Other Attorney	Don't know	I never have need to make these requests.
Other Attorney	Don't know	I think it is appropriate.
Other Attorney	Don't know	Access denied can result in justice denied.
Other Attorney	Don't know	Take the lead and promote the anachronistic parochial one judge one county rule. See Supreme Court Blue Ribbon Commission report in 2012. It is time to move on from the covered wagon.
Other Attorney	Don't know	IF SUCH TECHNOLOGY IS ALREADY PUT IN PLACE IN THE 5TH DISTRICT IT SHOULD BE MORE WIDELY ADVERTISED. ALSO, IT SHOULD NOT BE RESTRICTED TO AFTER-HOURS WARRANTS AND EX PARTE ORDERS BUT SHOULD INCLUDE REQUESTS TO MODIFY BAIL AND REVIEW REQUESTS TO GRANT RELEASE ON O.R. BASED ON THE ATTORNEY VOUCHING FOR THE CLIENT.
Other Attorney	Don't know	The technology is vast and reliable; hence, I believe it should be used more often and standard practice.
Other Attorney	Don't know	I fully support the use of modern technology to make the judicial branch (and those interacting with the judicial branch) more flexible and efficient.

Other Attorney	Don't know	Technology is useful to increase efficiency and avoid unnecessary travel and wasted time, even if travel today is faster than when a decision was made to divide Kansas into 105 small counties. Technology should be utilized to aid in the administration and efficiency of the judicial system.
Other Attorney	Don't know	I am for it.
Other Attorney	Don't know	Technology is wonderful when it works, but it is a pain it fails. Recently, I could not file a court case since the portal was experiencing difficulties and I had to explain to a client that even though my office is less than 1/2 block from the courthouse and it was open, Topeka was down.....Frustrating when technology fails!
Other Attorney	Don't know	Even though I do not know what technology is used by my county, the use of such technology is imperative for the efficient operation of the court.
Other Attorney	Don't know	In rural districts, Judges often cover several counties. In our district, judges are assigned a separate email address and full court login for each of the counties they cover. This leads to missed emails and documents sitting in the judge's queue unless the judge is diligent about frequently checking each account or very willing to hand out a cell phone number for on-call purposes. Regardless of residency requirements, encrypted systems would be preferred, so long as they are easily understood and can be navigated by judges and attorneys (and compatible with common internet browsers, operating systems, etc.).
Other Attorney	Don't know	Technology should never serve as a substitute for personal interactions between the bench and the bar.
Other Attorney	Don't know	The above mentioned technology should be utilized regardless of 1 judge per county.
Other Attorney	Don't know	approve
Other Attorney	Don't know	I disagree with this concept. Where it might be easier for law enforcement and Judges I believe that it will create a situation where the facts will be brushed over.
Other Attorney	Don't know	technology is good up to a point
Other Attorney	Don't know	I am all in favor of using new technology to save the time and expense of face-to-face meetings.
Other Attorney	Don't know	There is nothing better than face to face to ascertain meaning. We live in the sticks but it is still important.
Other Attorney	Don't know	Would have no objections regarding ex-parte orders.

Other Attorney	Don't know	We should utilize technology whenever possible.
Other Attorney	No	I think that would great.
Other Attorney	No	Have not used it
Other Attorney	No	The tech is not always available. Our district was hit with a virus on E-Flex and we still have not had it resolved in all counties. I do not want to have to figure out where a judge resides in order to get a doc signed.
Other Attorney	No	It needs to happen in our district. It would make obtaining search warrants easier
Other Attorney	No	It would help
Other Attorney	No	If an ex parte order is granted electronically, it needs to be assured that the court record reflects that for the public.
Other Attorney	No	I think technology is great until it doesn't work.
Other Attorney	No	Electronic conversations are acceptable so long as they are preserved in written form.
Other Attorney	No	Technology is a great convenience but does not replace the communication between human beings in the presence of each other.
Other Attorney	No	removal of a residency requirement would begin the separation of the judicial system from the public.
Other Attorney	No	The Sheriff's department is the major component of the after-hours requests. Technology ain't their thing.
Other Attorney	No	I approve this method.
Other Attorney	No	Technology is important in today's legal field but is no replacement for community involvement and social interactions. To the extent technology can reduce burdens, it is wonderful but should not be used to evidence that a judge is fine residing in another county.
Other Attorney	Yes	I live in the 25th judicial district. Based on losing several weeks of court access and still a month later dealing with delays as a result, I'm cautious about relying on anything web-based.
Other Attorney	Yes	I think it is important, but in my jurisdiction the information necessary to utilize after-hours judicial contact is not made readily available to attorneys upfront
Other Attorney	Yes	There is no excuse not to use it. Counties with multiple judges use it.

Other Attorney	Yes	It's a life saver for officers and prosecutors.
Other Attorney	Yes	Technology is now a substitute for face-to-face contact with the court. Some probate clients never see the judge or courthouse. Is this good?
Other Attorney	Yes	Works well
Other Attorney	Yes	A portal that allows for encrypted document exchange would be the best method for exchanging the information.
Other Attorney	Yes	not applicable to my practice
Other Attorney	Yes	If you are wanting to claim technology to justify not having a judge living in a county that is wrong. People need to feel connected to the court system and they do that by having their judge in their county. They connect to the court system through the Judge. They see them at the county fairs, in their churches, shopping in local stores etc. If you remove the residency requirement you undermine popular support for the court system. Technology is isolating the courts from the people. The courts cannot afford to withdraw further from the populace as the court system will lose support and respect. This is a terrible idea that is being floated.
Other Attorney	Yes	The e-technology simply allows for the copying of previously used forms allowing for very similar submissions for approval. Doubtful any e-application for warrant has ever been denied and I doubt there is much difference in the wording of applications submitted in this manner.
Other Attorney	Yes	Any secure method is appropriate
Other Attorney	Yes	Whatever we do, 'safe' technology is very important and it does NOT have to be a "Cadillac" technology. A serviceable method ought to be reliable and cost effective, not necessarily cutting edge or the 'handiest'. The state has used the fax method for years and it still can work. Don't know if our District still does. There are other effective methods that don't cost an arm and a leg.
Other Attorney	Yes	The after hours requests via the electronic system are sufficient in my opinion because the judge receives notice of the request and can handle the request via said system and contact the requestor directly with questions or concerns.
Other Attorney	Yes	I think our system is working good. Ask our Magistrate Judge.
Other Attorney	Yes	If the technology was not available officers would be required to drive long distances depending on locations and this could affect timely cases and preservation of evidence.
Other Attorney	Yes	All available secure technology should be permitted where it increases efficiencies.

Other Attorney	Yes	I should include telephonic contact with the affiant so that they may be properly sworn regarding the application.
Other Attorney	Yes	We should use technology to save time and money and to have quick response time to better serve the public.
Other Attorney	Yes	While I understand how this technology simplifies the process, the downside to the “click the box” requests for search warrants is that if all the search warrants I review and associated applications, it appears that 99% of the applications say the same thing and the same boxes checked. I would not shocked to learn that the e-docs already suggest the box or that it is already checked when the app opened.
Other Law Enforcement	No	Our agency would oppose any change unless it included funding for technology for digital warrants
Other Law Enforcement	No	Would like to see push from the legislature and possible available grants to encourage movement, especially for the more rural counties to utilize technology within the court systems.
Other Law Enforcement	No	Would be good if all did it.
Other Law Enforcement	No	I do not feel that this proposed change would be in the best interest for our citizens and judicial system.
Other Law Enforcement	Yes	A time saver which is much more convenient to all involved.
Other Law Enforcement	Yes	Works and it’s all we have
Other Law Enforcement	Yes	See my comments in #3.
Sheriff	No	Fax machine in the Judge home paid for by the judicial district
Sheriff	No	EITHER OUR JUDGE COME IN OR WE GO TO RESIDENCE..
Sheriff	No	Technology would certainly assist.
Sheriff	No	We are working towards this
Sheriff	No	I believe we should use technology to assist all of us with warrants, etc., to include using technology for bond hearings and first appearances, etc., for prisoners.
Sheriff	No	I feel that some how things will get lost, unless the Judge is right there to get what ever you use. he may have been out mowing his yard and the warrant sets there for a hour or two waiting for the judge to get it.
Sheriff	No	I also feel that Judges living in the county that they work in keeps them more knowledgeable of the problems of that county
Sheriff	Yes	good method of creating timely execution of ex parte orders
Sheriff	Yes	employees getting used to using this technology

Sheriff	Yes	Our magistrate does not use other technology he comes to the Sheriff's Office after hours. The only time we use other means if he is out of town. We would lose this and the ability to take stuff directly to him if he lives in another county.
Sheriff	Yes	Would like to see more video court hearings to help cut back on inherent prisoner transports and increased danger to officers.
Sheriff	Yes	Saves a lot of Deputy time!
Sheriff	Yes	Better than a visit to the judges house.
Sheriff	Yes	Embrace technology
Sheriff	Yes	Inmates seem to be held longer all the time and the road block is nearly always the courts and judge not being available now this could make it even longer
Sheriff	Yes	We currently use fax machines to send and receive search warrants. I previously worked at an agency that used email to send and receive search warrant even though two judges lived within a mile of the office. I liked using the email process although sometimes it would just be easier to type the warrant in the car print it out and drive down the block to where the Judge lives. I understand that judges have a home life but so do law enforcement officers. It is our job/duty to be on call. Some judges find it to be a hardship to review and sign search warrants. I'm sure most counties have an on call schedule but at least you have a last resort if nobody answers the phone to go knock on a door in an attempt to get a search warrant if the judge resides in each county.

The provision below was excerpted from the "Policies" section of the *Kansas Criminal Justice Information Systems (KCJIS) Policies and Procedures Manual*, February 1, 2018.

4.2.2.1 Proper Access, Use, and Dissemination of Kansas Restricted Information

KCJIS provides access to several data sources which contain restricted information. These data sources, or files, are governed by the respective local, state, tribal, and federal agencies that have statutory and regulatory responsibility for them. Proper access to, use, and dissemination of data from these sources shall be consistent with their specific governing authorities. Some of the data sources (and associated governance authority) that contain at least some restricted information include:

- 1. Kansas Criminal History (Kansas Bureau of Investigation)*
- 2. Kansas Registered Offender Information (Kansas Bureau of Investigation)*
- 3. Kansas Driver and Vehicle Information (Kansas Bureau of Investigation / Kansas Department of Revenue)*
- 4. Incident, Offense, and Arrest Data in the Kansas Incident Based Reporting System (KIBRS) (Kansas Bureau of Investigation)*
- 5. Information in the KCJIS Authorization and Customer Information System (KACIS) (Kansas Highway Patrol / Kansas Bureau of Investigation)*
- 6. Kansas Automated Biometric Information System (ABIS) Information (Kansas Bureau of Investigation)*
- 7. Kansas Missing and Unidentified Persons Information (Kansas Bureau of Investigation)*
- 8. Kansas Highway and Vehicle Crash Information (Kansas Department of Transportation)*
- 9. Kansas Corrections and Incarceration Information (Kansas Department of Corrections, various Kansas Sheriffs)*
- 10. Kansas Be On the Lookout (BOLO) Information (Kansas Bureau of Investigation)*
- 11. Kansas State Citation Information (Various local law enforcement agencies)*
- 12. NLETS Information (Kansas Bureau of Investigation)*

To determine what information within these data sources is restricted, and to determine proper access, uses, and dissemination of that restricted information, reference the appropriate governance authority for each respective data source.



The provision below was was excerpted from the "Guidance" section of the *Kansas Criminal Justice Information Systems (KCJIS) Policies and Procedures Manual*, February 1, 2018.

5.10 Policy Area 10: System and Communications Protection and Information Integrity

5.10.1 Information Flow Enforcement

5.10.1.1 Boundary Protection

5.10.1.2 Encryption

E-mail is treated as another form of transmission of CJI and must meet the same protections as any other transmission (i.e.: encryption certified by NIST to meet FIPS 140-2 standards). A list of products by the vendor who submitted the product for certification can be found at <http://csrc.nist.gov/groups/STM/cmvp/documents/140-1/1401vend.htm>. Agencies will need to determine for themselves if they can meet the security requirements set forth in FBI and KCJIS policy before allowing e-mailing of CJI. Information Security Audits will look for compliance of all security policies regarding transmission, authorized receipt, device security, processing and storage of CJI.

Agencies may continue to use the *free* secure e-mail capabilities provided through the Law Enforcement Enterprise Portal (LEO) and other U.S. Department of Justice e-mail systems.