



State of the Judiciary

2022 Annual Report of the Chief Justice
of the Kansas Supreme Court

Marla Luckert
Chief Justice

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State of the Judiciary
2022 Annual Report

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WITHIN THESE WALLS
THE BALANCE OF JUSTICE
WEIGHS EQUAL

Introduction

Dear Governor Kelly, Chair Warren, and Chair Patton:

As chief justice of the Kansas Supreme Court, I proudly submit this report highlighting a few accomplishments of the Kansas judicial branch during 2021, another unprecedented year. 2020 brought tremendous uncertainty and change to many facets of daily life, including core operations of government, as we responded to a worldwide pandemic. Rapid change and adaptation continued throughout 2021. The Kansas judicial branch, like our sister branches of government, has repeatedly examined and changed almost every aspect of our processes as we adjusted to ever-changing conditions.

During my video report to you last year, I noted the spirit of perseverance by judicial employees and judges that allowed operations to continue during the COVID-19 pandemic. 2021 required these same individuals to adopt a spirit of resiliency. Early in the year, the vaccine rollout, coupled with declining new COVID-19 case numbers, contributed to the feeling that we were about to cross the pandemic finish line. But new variants and the waxing and waning nature of this virus required the judicial branch to repeatedly adapt to the continuously changing conditions. Through it all, a resilient spirit came through.

Kansans have long shown resiliency when faced with hardship. The dust storms we experienced across the state a few weeks ago reminded us of another period that tested Kansans' collective resilient spirit—the Dust Bowl of the 1930s. Likely, the first thing that comes to mind when reminded of that time is a grim image of dark clouds on a rural prairie. Kansans faced difficulties even before that dust blew, however, brought on by economic challenges in the 1920s. Those hard times hit our state even while the economy in other parts of the country boomed. Then, as the Great Depression began in the fall of 1929, Kansas and other Midwest states experienced increasing economic challenges that the dust storms aggravated. These storms were unlike previous ones because extreme drought and loose topsoil combined to create storms of much greater magnitude and increased frequency. One storm in May 1934 was said to be so strong, dust blew from Kansas to the Capitol and White House in Washington, D.C.

As a fourth generation Kansan, I grew up hearing stories of the dust storms of the '30s and, at least in far western Kansas where my family lived, the '40s. Those storms disrupted everyday life that already lacked the conveniences we take for granted today. One-room schools dotted the Kansas landscape, and my parents told of spending many a night in their



Kansas Supreme Court. Back row, from left: Justice K.J. Wall; Justice Caleb Stegall; Justice Evelyn Wilson; Justice Melissa Taylor Standridge. Front row, from left: Justice Eric Rosen; Chief Justice Marla Luckert; Justice Dan Biles.

schools as they took shelter from the howling wind and dust. Just as people today carry masks, they carried handkerchiefs to tie around their faces to filter the dust. My father told of neighbors coming together to build a shelter to better protect the horses students rode to school and to provide storage for the feed needed because the dirt left nothing for grazing. And my mother explained that families, although struggling to put food on their own tables, contributed beans and other dried goods to the school's storehouse. Chores, and even basic functions like using the outhouse, became harder because the dirt would cover everything, making drifts as deep as would the snow of a different season. Meetings were changed or canceled as many could not make it into town. Kansans constantly cleaned dust from schools, churches, and homes. Because all efforts to seal cracks and crevices proved futile, many made the difficult decision to uproot their families and lives, moving in hopes of better conditions. But others, like my ancestors, stayed and persevered. Ada Buell Norris wrote in a 1941 issue of the *Kansas Magazine*:

“Why do we stay? In part because we hope for the coming moisture, which would change conditions so that we again would have bountiful harvests. And in great part, because it is home. We have reared our family here and have many precious memories of the past.

“We have our memories. We have faith in the future, we are here to stay.”

The rains finally came, and Kansas farmers adopted new agricultural practices to temper the extreme storms. As we all know, Kansans and the rest of the United States faced even more life-altering changes in the following years with the start of World War II. Through it all, they maintained their resilient spirit.

Recalling the fortitude of our ancestors during those tough times reminds us to remain resilient in the face of ever-changing life conditions and to innovate and adapt to deal with those changes. The Kansas judicial branch, like all other segments of our society, has had to dig deep and find that spirit of perseverance,

... hiring more court services officers now allows our personnel to adequately fulfill their statutory obligations.

I am also extremely grateful to you and your legislative colleagues. In partnership, we overcame one of the biggest challenges facing the judicial branch. For more than a decade, stagnant and under-market pay had plagued the judicial branch, hindering our ability to attract and retain employees. Salaries trailed the market by as much as about 19%. You and your colleagues transformed our operations by committing to bring the pay of every employee position to market rate by July 1, 2022.

To say the enhancement had a profound impact is an understatement. One monumental change came about because our employees feel valued; the impact on morale is immeasurable. More tangible evidence of change exists as well. Since the start of fiscal year 2022, court administrators across the state have reported seeing the best-ever qualifications in candidates for many staff positions. They attribute that improvement to offering market-competitive salaries. We still face challenges for our entry level trial court clerk positions because the qualified candidates often receive higher paying offers or counteroffers elsewhere. But we have made enormous strides toward attracting qualified employees able to handle the clerk's sensitive and technical duties, many of which affect public safety, the lives of Kansans, and the success of our business community.

Similarly, budget enhancements tailored to address pandemic-related lost docket fees and hiring more court services officers have remedied

critical shortfalls. Beginning in early summer, the court system lifted its hiring freeze and reopened positions left unfilled because of pandemic-related revenue losses. And hiring more court services officers now allows our personnel to fulfill their statutory obligations. Our success advertising all positions is because of increased pay.

The Legislature's commitment to increase judicial salaries by 5% in both fiscal year 2022 and 2023 has cushioned the blow of increasing cost of living. We are extremely grateful for the salary increases and look forward to continued collaboration to increase judicial pay so we can compete with the public and private sector marketplace for legal talent.

In addition to expressing the gratitude of all judicial branch employees, through this report, I will review various administrative matters. I will first summarize changes in the membership of our appellate courts and staff. I will then discuss court operations during 2021, including key case filing statistics. Finally, the report will address progress toward the four overarching strategic goals embraced by the Kansas judicial branch:

- maximizing access to and promoting justice;
- encouraging innovation and harnessing technology;
- attracting and retaining an excellent workforce; and
- stewarding public resources. ■

Administrative Overview

Court of Appeals new judge administrator
district Kansas years judicial bench

Appellate and District Court Changes

The Kansas Supreme Court had no changes in makeup after welcoming three new justices in 2020—Evelyn Wilson, Kenyen “K.J.” Wall, and Melissa Taylor Standridge. Calendar year 2021 saw three new Court of Appeals judges confirmed to the bench.

Judge Amy Fellows Cline joined the Court of Appeals in February 2021. She came to the bench after a 20-year career as a litigator, handling civil, criminal, and administrative law matters in state and federal courts. She represented clients in trial courts across Kansas, as well as before appellate courts, the Kansas Corporation Commission, Kansas Department of Labor, Kansas Human Rights Commission, and the U.S. Equal Employment Opportunity Commission. Judge Cline’s biography is available at www.kscourts.org/About-the-Courts/Court-of-Appels/Court-of-Appels-Judges/COA-Judges/Amy-Fellows-Cline.

Judge Lesley Ann Isherwood joined the Court of Appeals in April 2021. She previously served as a senior assistant district attorney for Sedgwick County where she argued hundreds of cases before the Kansas Court of Appeals and Kansas Supreme Court. Judge Isherwood’s biography is available at www.kscourts.org/About-the-Courts/Court-of-Appels/Court-of-Appels-Judges/COA-Judges/Lesley-Ann-Isherwood.



Judge Amy Fellows Cline
Kansas Court of Appeals



Judge Lesley Ann Isherwood
Kansas Court of Appeals

Judge Jacy Hurst joined the Court of Appeals in August 2021. Before taking the bench, Judge Hurst was in private practice in the Kansas City area. She was a general business litigator representing clients in federal and state courts. She ultimately specialized in healthcare regulatory and employment law and was general counsel and chief compliance officer for a system of healthcare clinics providing care to underserved patients. She continues to work as an adjunct professor at Washburn University School



Judge Jacy Hurst
Kansas Court of Appeals



Judge Jacy Hurst was sworn in as a Court of Appeals judge August 13, 2021, in the Supreme Court courtroom. Hurst's was the first in-person ceremony since the beginning of the COVID-19 pandemic.

of Law. Judge Hurst's biography is available at www.kscourts.org/About-the-Courts/Court-of-Appeals/Court-of-Appeals-Judges/COA-Judges/Jacy-Hurst.



Judge Michael Buser
Kansas Court of Appeals

In November, Judge Michael Buser announced he will retire from the Court of Appeals in January 2022. Judge Buser heard his first docket as a Court of Appeals judge in 2005, after spending 28 years as an attorney in private practice and in public service. During his time on the court,

Judge Buser made rulings in cases spanning the gamut of Kansas law. In announcing his impending retirement, he discussed his time on the court, stating, "Each judge brings their legal background, life experience, and unique personality to the case conference. The key is that we work together to resolve each case in a way that the law provides. It can be a difficult process, but it's a rewarding one."

Statewide, 13 district court judges and 13 district magistrate judges retired in 2021. In addition, since January 2021, seven of our 31 judicial districts have new chief judges. We will miss the experience and leadership of these retiring judges but look forward to welcoming new colleagues to our district courts across the state.

Staffing Changes

Considerable changes have taken place in key staff positions. Some of these individuals served in the judicial branch Office of Judicial Administration, which implements the Supreme Court's policies that govern the operation and administration of the district and appellate courts. Those included Nancy Dixon, our judicial administrator, Denise Kilwein, our long-serving director of education, and Martha Coffman, the Office of Judicial Administration's general counsel. More recently, from a different office, Stan Hazlett retired after serving 34 years with the Office of Attorney Discipline and 24 years as the disciplinary administrator.

Our new judicial administrator, Stephanie Buntten, had served as our chief financial officer for six years, as well as a research attorney for Judge Henry Green on the Court of Appeals. The new Office of Judicial Administration general counsel is also a familiar face. Amber Smith has taken on this role along with her duties as deputy judicial administrator. Both Stephanie and Amber prioritized visiting all 31 judicial districts within the first 90 days of Stephanie accepting the role of judicial administrator.

Our new director of education, Andy Hanson, brings 21 years of diverse educational experience to his new role. Luke Drury started in October as our new chief financial officer. He brings over six years of extensive government budget and legislative experience to his new role. And our new disciplinary administrator Gayle Larkin has been an assistant disciplinary administrator for 22 years. We are thrilled to welcome Andy and Luke and excited about Stephanie, Amber, and Gayle leading us in their new roles. ■



Stan Hazlett
Disciplinary Administrator (retired)



Stephanie Buntten
Judicial Administrator



Amber Smith
Deputy Judicial Administrator



Andy Hanson
Director of Education



Luke Drury
Chief Financial Officer



Gayle Larkin
Disciplinary Administrator



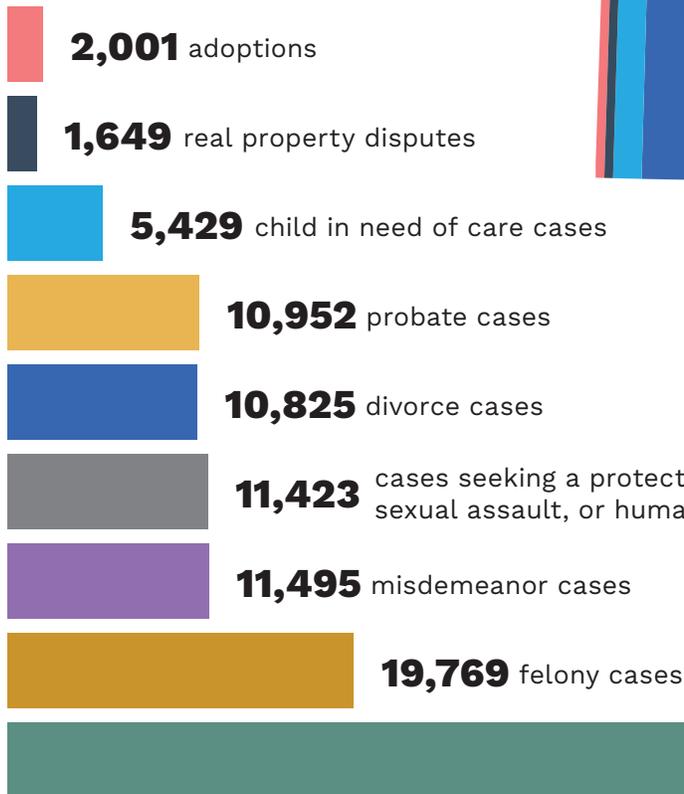
Operations During 2021

administrative cases videoconferencing
orders proceedings court dockets
trials

Kansas Court Statistics for Fiscal Year 2021

More than 324,000* cases were filed in Kansas district courts in fiscal year 2021.

Those cases included the following:



* These are preliminary numbers that could change slightly once case filing statistics for fiscal year 2021 are finalized. The judicial branch is integrating procedures for obtaining case filing statistics from the three case management systems currently being used across the state as we transition to a new statewide, centralized case management system. As that integration progresses, these numbers will be cross-checked using a consistent data point.

Throughout the pandemic, Kansas courts have continued to process and hear cases. Initially, that processing was limited to emergency operations. But our courts quickly pivoted to holding remote hearings so that almost all types of hearings could safely proceed. Courts also quickly developed methods to manage needed in-person court proceedings safely during the pandemic. The largest delays occurred in jury trials, which require bringing a large number of people to the courthouse—a process that raised unique public health concerns. In summer 2020, only jury trials with a constitutional speedy trial issue proceeded. But district courts with low COVID-19 case numbers resumed jury trials in fall 2020. Through 2021 House Bill No. 2078, you asked the Office of Judicial Administration to report to you by January 17 the number of pending criminal cases on January 1, 2022, the number of criminal cases resolved during fiscal year 2021, the number of new criminal cases filed in fiscal year 2021, and the number of criminal jury trials conducted in fiscal year 2021. That report will supplement this document.

In general, most of our district courts have been able to resolve cases of all types at a rate on par with prepandemic levels.

Administrative Orders

The Supreme Court manages the state court system through policies and procedures set out in administrative orders, and that includes managing pandemic response.

In 2020, the Supreme Court or I, as chief justice, issued a series of special administrative orders directing the Kansas court system's operations during the COVID-19 pandemic. As pandemic conditions changed and public health guidance evolved throughout 2021, we kept some of these administrative orders in place and the court rescinded others that became obsolete or were superseded by new orders. 2021 brought four main developments in pandemic response administrative orders.



Court of Appeals judges joined a videoconference swearing-in ceremony for Judge Amy Fellows Cline on February 26, 2021. The ceremony was livestreamed on YouTube.



The Kansas Supreme Court returned to its courtroom for its December 2021 docket while following pandemic mitigation health protocols for the Kansas Judicial Center.

First, under 2021 amendments to K.S.A. 20-172, in March, I issued administrative orders that allow courts to use two-way audio-visual communication to expeditiously resolve pending cases as well as to protect the health and safety of court participants. One order applies to district and appellate court proceedings and the other to municipal court proceedings.

Second, in April and August, my administrative orders staggered the reinstatement of most statutory deadlines and time limitations in court proceedings. K.S.A. 20-172, and its amendments, also authorized these orders.

Third, in late May, the Supreme Court issued an order giving chief judges the authority and responsibility to adopt minimum standard health protocols based on local COVID-19 conditions.

Finally, building from a practice started in 2020, the Supreme Court issued additional administrative orders authorizing district courts to use alternative

sites in their communities to allow for more space and physical distancing when holding jury proceedings.

Appellate Court Dockets

As I reported last year, our appellate courts shifted proceedings to a videoconference format in 2020. Videoconferencing has allowed appellate courts to expeditiously hear cases while protecting the health and safety of court users, staff, and judicial officers.

In December 2021, the Supreme Court resumed in-person oral arguments under Kansas Judicial Center pandemic mitigation health protocols. The Supreme Court has livestreamed its oral arguments since 2012 and will continue to do so. You may access live and archived arguments through the Supreme Court's YouTube channel at www.youtube.com/KansasSupremeCourt.



Chief Justice Marla Luckert addresses a group of new attorneys before they take their oath of admission in a September 24, 2021, swearing-in ceremony on the north veranda of the Kansas Judicial Center.

The Court of Appeals continues to use the videoconference format. It began hearing some oral arguments by videoconference in 2016, which assisted the court's transition to hearing all arguments through videoconference during the pandemic. Access live and archived Court of Appeals hearings through its YouTube channel at www.youtube.com/KansasCourtOfAppeals.

Hybrid Swearing-in Ceremonies for New Attorneys

Following successful passage of the bar exam, new attorneys must take an oath before becoming full-fledged members of the Kansas bar. The Supreme Court presides over admission ceremonies, during which it administers an oath of professionalism to new admittees before their family, friends, and peers. Traditionally, the Supreme Court holds this ceremony in its courtroom. Beginning in 2020 and continuing

throughout 2021, the court modified this tradition to provide for a safe celebration of this milestone by providing options for separate videoconferences for each new admittee or outdoor, group ceremonies.

Overall Administrative Adaptation

As we move into 2022, I am proud of our branch for remaining flexible and adapting to challenges. The COVID-19 pandemic created disruptions that could have paralyzed us at many points. Instead, we received support from our sister branches of government in enacting legislation to assist with pandemic mitigation efforts. And our judicial branch collective response has been to harness bold ideas, implement thoughtful solutions, and adopt a spirit of perseverance that moved our judicial system forward. We have proven that change can bring positive and enduring benefits. By doing so, we have progressed toward our overarching strategic goals discussed next. ■

Maximizing Access to and Promoting Justice

specialty courts self-help adoption committee resources portal best practices mental health

Protection Order Portal

Last year, I reported that the judicial branch used a Federal Coronavirus Emergency Supplemental Funding Program grant to launch an online Kansas Protection Order Portal. While a person may still go to their local courthouse to complete the necessary forms and contact law enforcement, the portal provides another method to seek protection.

Many people who file for a protection order do so without an attorney and often visit the courthouse



to fill out forms needed to start the process. But a victim may not have a way to get to the courthouse, might live in a rural area far from the courthouse, or could feel unsafe leaving home. The protection portal launched December 1, 2020, in three pilot counties. Since April 1, 2021, this service has been available in all Kansas counties. After six-months being available statewide, half of all protection orders are being filed through the portal.

Kansas is a frontrunner in launching its portal. Our Office of Judicial Administration has spoken at national conferences including the National Center for State Court's Court Technology Conference to share our experience implementing the portal with a goal

of helping other states develop this service. Visit the protection order portal at www.kspop.org.

Adoption Tracking Tool

The judicial branch is collaborating with the Kansas Department for Children and Families and the Kansas Strong for Children and Families organization to provide information to courts, attorneys, and stakeholders promoting the adoption tracking



tool. The tracking tool is designed to reduce time to adoption by using a standardized tool for tracking key benchmarks and time schedules for children eligible for adoption.

Caseworkers, judges, and court employees use the tool to document practices that improve stability and permanency for children while also recording hurdles that slow an adoption case. The judicial branch and the Department for Children and Families began using the tool statewide on July 1, 2021. More information about the adoption tracking tool can be found at www.kscourts.org/About-the-Courts/Programs/Adoption-Tracking-Tool.



District Judge Kathleen Sloan, 10th Judicial District, joins a post-adoption family picture with Jace, a 3-year-old whose adoption took place as part of National Adoption Day.

Kansas Courts Celebrate National Adoption Day

Johnson County District Court was one of the Kansas courts that celebrated National Adoption Day with adoption proceedings November 20. Among the children adopted in Kansas that day was 3-year-old Jace, who had been with his foster family since birth. After Jace's adoption was official, District Judge Kathleen Sloan celebrated with Jace, his siblings, parents, and extended family.

Jace was one of 16 children adopted in Johnson County District Court that day. He and the other children present were given books by the Johnson County Library, which participated in the event for the first time.

National Adoption Day started in 2000. It raises awareness of the more than 115,000 children in foster care awaiting adoption in the United States. Kansas courts that participate in National Adoption

Day schedule events to finalize and celebrate adoptions from foster care on or around the Saturday before Thanksgiving.

Ad Hoc Court Record Committee

In February 2021, the Supreme Court created the Ad Hoc Court Record Committee to review and analyze how courts make records of proceedings and to offer recommendations for changes. Most district courts use both official court reporters and electronic recordings to preserve records of court proceedings, although some courts use only one of the two methods. The committee will evaluate and recommend which cases must use a court reporter and which ones a court could electronically record.

The committee's members—including judges, court managers, court reporters, and attorneys—will keep in mind efforts to standardize case processing across the state as part of rolling out a new centralized

case management system. The centralized case management system will allow a court employee in one judicial district to help process cases in another judicial district.

The committee will study whether the same capability could allow official court reporters and transcriptionists to share workloads.

The committee, which met for the first time in March 2021, also will:

- research methods used in other states for creating accurate and reliable court records;
- review standards for recording capabilities and equipment;
- study job classifications and pay for transcriptionists and official court reporters;
- consider certification programs for transcriptionists, electronic recorders, and electronic monitors;
- recommend any changes to statutes, Supreme Court rules, or Supreme Court orders; and
- consider the impact of any changes on court service, finances, and staffing and the likely costs, benefits, and sources of funding.

The Supreme Court instructed the committee to submit its recommendations by July 29, 2022. Access the order creating the committee at www.kscourts.org/KSCourts/media/KsCourts/Orders/2021-CM-013.pdf.

Self-Help Eviction Resources

Many Kansas landlords and tenants are facing eviction-related legal issues, often without an attorney representing them. To help Kansans navigate these issues, and to improve case administration, the judicial branch placed self-help resources on its website at www.kscourts.org/Public/Eviction-resources. The webpage provides information about the Kansas Emergency Rental Assistance Program and a collection of legal resources for landlords and tenants.

Ad Hoc Committee on Best Practices for Eviction Proceedings

In October 2021, the Supreme Court created the Ad Hoc Committee on Best Practices for Eviction Proceedings to examine and analyze issues related to the eviction process. The group will identify best practices for eviction proceedings in Kansas and will suggest placement of pilot programs to reduce eviction filings, expeditiously resolve pending cases, and enhance housing stability.

The committee will:

- study pertinent statistical trends related to Kansas eviction cases;
- gather information about how the end of COVID-19 eviction moratoria affects Kansas landlords, tenants, and the court system;
- examine the use of court-based and court-adjacent eviction prevention and eviction diversion programs in other states;
- study orders and rules adopted by state-level judicial systems to reduce the number of eviction cases and enhance housing stability; and
- identify court-based programs that have been able to reduce landlord-tenant case filing and evictions.

It will also consider any necessary changes in law, regulation, or rule to implement recommended best practices. Initial recommendations are due to the Supreme Court by February 28, 2022. Access the order creating the committee at www.kscourts.org/KSCourts/media/KsCourts/Orders/2021-CM-154.pdf.

Traffic Pass

Traffic Pass is a pilot project in Wyandotte County to assist individuals who have received a traffic citation. An app asks questions about the citation and generates a printable “traffic pass” that instructs how to resolve the citation based on the answers provided.



The process takes around five minutes and provides a convenient way for individuals to seek assistance on a common interaction with the court. Traffic pass is a collaborative effort developed by the National Center for State Courts, Office of Judicial Administration, and Wyandotte County District Court personnel. Based on the success in Wyandotte County, we hope to expand this project to more courts in the state. Visit Traffic Pass at www.wycodistrictcourt.org/traffic-pass.

Specialty Courts

Many judicial districts in Kansas operate specialty courts. A specialty court is a court program focused on addressing the reasons for criminogenic behavior by an individual while seeking to decrease recidivism. Often these reasons include behavioral health or substance abuse issues. The goal is to address these underlying problems and reduce recidivism. These specialized court dockets include adult and juvenile drug courts, behavioral and mental health courts, truancy courts, and veterans treatment courts. These courts and the rigorous supervision programs they use require significant collaboration between judges, prosecutors, defense attorneys, law enforcement, mental health professionals, and other treatment professionals.



Because of the powerful impact of specialty courts, the Supreme Court wants to increase the number of these courts. At the beginning of the year, the Supreme Court adopted Rule 191 establishing the Specialty Court Committee. The committee will make recommendations to the Supreme Court about the development and administration of specialty courts in Kansas district courts. This committee will spearhead initiatives to help promote and start new specialty courts in Kansas and help us develop a one-stop webpage on the judicial branch website to compile relevant information on grant opportunities and other technical assistance for district courts to establish specialty courts. You may read Rule 191 at www.kscourts.org/Rules-Orders/Rules/Specialty-Court-Committee.

Early in 2021 the judicial branch completed a four-part webinar series about veterans treatment courts. The webinars offered training for judges, court staff, and other interested stakeholders on how to establish and operate these specialty courts that provide supervision, mentoring, and treatment—usually in coordination with the Veterans Administration—for veterans who become involved in the court system. The judicial branch continues to work with our congressional delegation and to monitor federal grant opportunities to fund these courts. Access the webinars at www.kscourts.org/About-the-Courts/Court-Administration/Court-Initiatives/Veterans-Treatment-Court.

Court Services Officer Training

Effective July 1, 2021, the Kansas Sentencing Commission selected two new tools to assess the risk and needs of an adult placed on probation—one for males and one for females. Under Kansas law, court services officers, whose job duties include supervising probationers, must use these tools to address the needs of a probationer to reduce recidivism. To prepare for

this transition, court services officers extensively trained for each assessment. Court services officers also took part in gender-responsive and trauma-informed decision-making training.

Continuing Education for Guardians ad Litem

In 2021, the judicial branch increased access to educational opportunities for those representing some of our most vulnerable Kansans. Supreme Court Rule 110A sets standards and educational requirements for a guardian ad litem, who is appointed to represent the best interests of a child during court proceedings. In April 2021, the Office of Judicial Administration, in partnership with Wichita State University, launched web-based training to satisfy the rule’s training requirements. These free modules allow attorneys to earn up to six continuing legal education credits and allow guardians ad litem to complete the Rule 110A requirements. You can access these modules at www.kscourts.org/About-the-Courts/Programs/

[Child-Welfare-Law-Training/Guardian-Ad-Litem-Training-Modules.](#)

Mental Health Summit

The judicial branch will host the Kansas Mental Health Summit in April 2022. In September 2021, the planning committee hosted a summit preview, where government leaders, including Governor Kelly and Speaker Ryckman, and some of our summit speakers discussed the summit’s goals.

This initiative emanates from the National Judicial Task Force to Examine State Courts’ Response to Mental Illness, a collaboration of the National Center for State Courts, the Conference of Chief Justices, the Conference of State Court Administrators, and the State Justice Institute. The summit will bring together judges, attorneys, probation officers, and others who work in and participate in the mental health field and court system, including law enforcement, first responders, mental health professionals, faith leaders, and case managers. The summit will feature local

The screenshot displays a video player interface for a training module. On the left, a sidebar shows the course title 'CLE Training: Permanency' with a duration of 1h 2m 54s and a score of 0/10 (0%). Below this is a table of contents with two columns: 'CONTENT' and 'ATTACHMENTS (1)'. The items listed are: 24. Termination of Parental R... (04:01), 25. Termination of Parental R... (05:37), 26. Extended Out of Home Pl... (01:49), 27. Cases on Appeal (02:08), 28. Supreme Court Rule 174... (03:58), 29. Resources (00:34), 30. Permanency Interview Vi... (09:29), 31. Code Verification Question (00:13), and 32. Thank you! (00:19). The video player shows two individuals, a woman and a man, seated in a studio setting. A text overlay at the bottom of the video reads: 'If the slide does not advance after the video completes, please use the "Next" button located on the module control bar below.' The video player controls at the bottom show a progress bar at 00:10 / 09:29 / 30 / 32.

District Magistrate Judge Mary Thrower, now retired from the 28th Judicial District, and District Magistrate Judge Kevin Kimball, 4th Judicial District, discuss permanency in an online training module.



Governor Laura Kelly

Chief Justice Marla Luckert

Speaker of the House Ron Ryckman

Judge Robert Wonnell

Governor Laura Kelly, Chief Justice Marla Luckert, Speaker of the House Ron Ryckman, and District Judge Robert Wonnell, 10th Judicial District, gave a virtual preview to registrants for the Kansas Mental Health Summit scheduled in April 2022.

and national speakers who will address how each stakeholder in the process can help improve the court’s response to mental health issues.

Kansas judges and employees routinely witness the intersection of mental health issues and the justice system. This summit will provide valuable information to the attendees, highlight Kansas mental health services, and spur stakeholder innovation to improve our response for those court system participants suffering from mental health issues. More information about the summit can be found at www.kscourts.org/About-the-Courts/Court-Administration/Court-Initiatives/2021-Kansas-Mental-Health-Summit.

Access to Justice Committee

In 2020, the Supreme Court adopted Rule 1403, which directs each judicial district and the Court of Appeals

to name two liaisons—one judge and one court employee—to work with the Supreme Court’s Access to Justice Committee. The liaisons aid the committee by acting as a conduit for sharing information, seeking feedback, and providing a network for discussing access to justice issues faced by all courts.

In 2021, the committee partnered with the Judicial Council to simplify pro se eviction forms. These efforts led to a new answer form for defendants. Through this partnership, the committee and the Judicial Council continue to improve and expand the forms available to pro se litigants who can access the forms on the Judicial Council website.

The Access to Justice Committee also plans regular webinars on different access to justice topics throughout the year. These webinars offer vital information to aid district courts in providing service to Kansans. For example, several of our district courts provide self-help centers where individuals can access forms and other information and can often find limited assistance from

a volunteer or Kansas Legal Services attorney. Through the webinars, the committee has offered training, focusing on self-help center logistics and how to better assist pro se litigants in family law cases.

Access to Justice Advice Line

Kansas Legal Services runs a grant-funded advice line to give brief advice to court patrons with questions about legal proceedings, completing forms, and related topics. When someone calls the advice line, Kansas Legal Services screens for eligibility and then provides service to those eligible under grant guidelines set by the Kansas Supreme Court. Until recently, Kansas Legal Services could only provide brief advice to litigants who were at or below 150% of the federal poverty level. Upon the recommendation of the judicial branch director of access to justice, the court updated grant guidelines in 2021 to expand the

financial eligibility requirements. More people are now eligible to get help when they call the advice line.

Rule 233: Kansas Lawyers Assistance Program

In 2001, the Supreme Court of Kansas established the Kansas Lawyers Assistance Program (KALAP). Supreme Court Rule 233 governs this program.

In 2021, the Kansas Supreme Court amended Rule 233 to clarify KALAP's purpose, services, and processes. KALAP provides immediate and continuing assistance to any legal professional who is a lawyer, bar applicant, or law student experiencing a physical or mental health issue, such as depression, stress, grief, anxiety, or alcohol or drug abuse, that may affect the legal professional's quality of life or ability to



Justice Eric Rosen kicked off a video series used to raise awareness among lawyers and judges about Well-Being Week in Law 2021. His inspirational message focused on the physical realm as one of the life dimensions that contribute to well-being.

perform their duties. KALAP works to protect people from potential harm that a legal professional in need of assistance may cause. KALAP also educates the legal community about issues that may affect legal professionals and services available to those in need. The amended rule clarifies that KALAP also develops programs emphasizing prevention of circumstances that might harm the legal profession and those it serves.

Study after study document the mental and physical stress attorneys face, stress that has increased over the last two years because of the pandemic and adjustments it demanded in the way attorneys practice law. KALAP and the Kansas Lawyers Assistance Board are crucial for ensuring Kansas has a healthy attorney workforce and to help prevent professional conduct violations that may affect a litigant's access to justice. Read amended Rule 233 at www.kscourts.org/KSCourts/media/KsCourts/Orders/2021-RL-042.pdf.

Amendments to Rules Relating to Discipline of Attorneys

In November 2021, the Supreme Court amended the Rules Relating to Discipline of Attorneys. Those amendments include changes to Rule 240, which sets out the Kansas Rules of Professional Conduct (KRPC).

Rule 240 now includes KRPC 6.5, adopted at the request of the Office of the Disciplinary Administrator, the Kansas Bar Association Access to Justice Committee, and Kansas Legal Services. KRPC 6.5 allows Kansas licensed attorneys working with nonprofit or court programs to offer short-term, limited legal services without requiring the attorney track detailed information about potential conflicts. KRPC 6.5 will enable Kansas attorneys to increase limited pro bono and low-cost legal assistance

throughout the state. Kansans call on these volunteer attorneys for advice answering questions related to protection orders or the forms needed to ask for a change in child custody or to modify child support.

The Supreme Court amendments also include clarifying procedures governing attorney disciplinary cases; protecting personally identifiable information in pleadings and exhibits; authorizing a chief judge to transfer unidentifiable property to the Lawyers' Fund for Client Protection; and expanding the information that the disciplinary administrator's office may disclose to a third person after a disciplinary hearing.

Read the changes to the Rules Relating to Discipline of Attorneys at www.kscourts.org/KSCourts/media/KsCourts/Orders/2021-RL-169.pdf.

Jury Trials and Criminal Mediation

The judicial branch and members of the bar have worked diligently to safely increase the number of jury trials throughout the state. Jury trials have presented challenges from the onset of the pandemic. The work of an Ad Hoc Jury Task Force guided our efforts. With assistance from members of the bar, district courts implemented that guidance, overcoming virus-related obstacles to safely convene trials in Kansas communities. There is much work ahead in this area, and I am grateful for the judicial branch and Kansas bar's dedication to maintaining the integrity of trial by jury.

Additionally, the Supreme Court's Advisory Council on Dispute Resolution formed a criminal mediation workgroup to develop best practices. While some judicial districts have started using mediation for these types of cases, the workgroup's efforts may help others across the state resolve some criminal cases without the need for trial. ■

Encouraging Innovation and Harnessing Technology

information cybersecurity efficiency
management remote access
eFiling web

Increased Technology in Kansas Courts

Throughout 2021, the Kansas judicial branch increased its use of technology for processing matters that often do not involve an attorney. Web portals allow Kansans to apply for protection from abuse orders and for marriage licenses. Our clerks, court services officers, self-represented help centers, judges, and interpreters have used remote service technology to supply services to many in our state who face barriers to access.

We have also incorporated remote proceedings into our toolboxes. Orders from my court continue to encourage remote hearings when possible as we work to dispose of cases efficiently and safely. And our Ad Hoc Virtual Court Proceedings Committee continues its work to develop best practices for remote hearings. Remote hearings do not fit well for some proceedings and some circumstances. But for many proceedings we have found that remote hearings offer benefits beyond safety to court users. Due process and procedural fairness can improve because a remote

hearing supplies ease of access and lower costs for the parties. We are working diligently to adopt a mindset of continuously looking for ways to improve access to justice for all through judicious use of technology and otherwise.

To increase communication with courts and capture cost savings, the Office of Judicial Administration used virtual meetings to conduct site visits with clerks and court services officers in 2021. The Office of Judicial Administration also virtually conducted most site visits for the court appointed special advocate and citizen review board annual certification process. Likewise, Supreme Court justices regularly conducted virtual meetings with chief judges in their judicial departments on administrative matters affecting the court system. These meetings provided opportunities to solicit input and feedback while minimizing travel costs. Most training occurred through webinars. Overall, we are assessing how to use these technologies in the future to find the right mix of having in-person meetings and procedures when necessary but using remote technologies when doing so does not degrade the process and provides benefits.

Kansas eCourt: Centralized Case Management System

A key component in our goal of harnessing technology remains the continued rollout of our new case management system. This rollout has slowed during the pandemic; but we remain focused on ensuring smooth transitions to the new system. To date, 26 counties have moved to the new system, transforming the way the court system interacts with and serves the public.

The new system:

- improves case processing in the district and appellate courts;
- enables workshare between district courts, mostly among clerks and court services officers;
- enables greater web-based access to public information;
- increases the efficiency of information delivery to district and appellate court judges and justices;
- increases operational efficiency and effectiveness

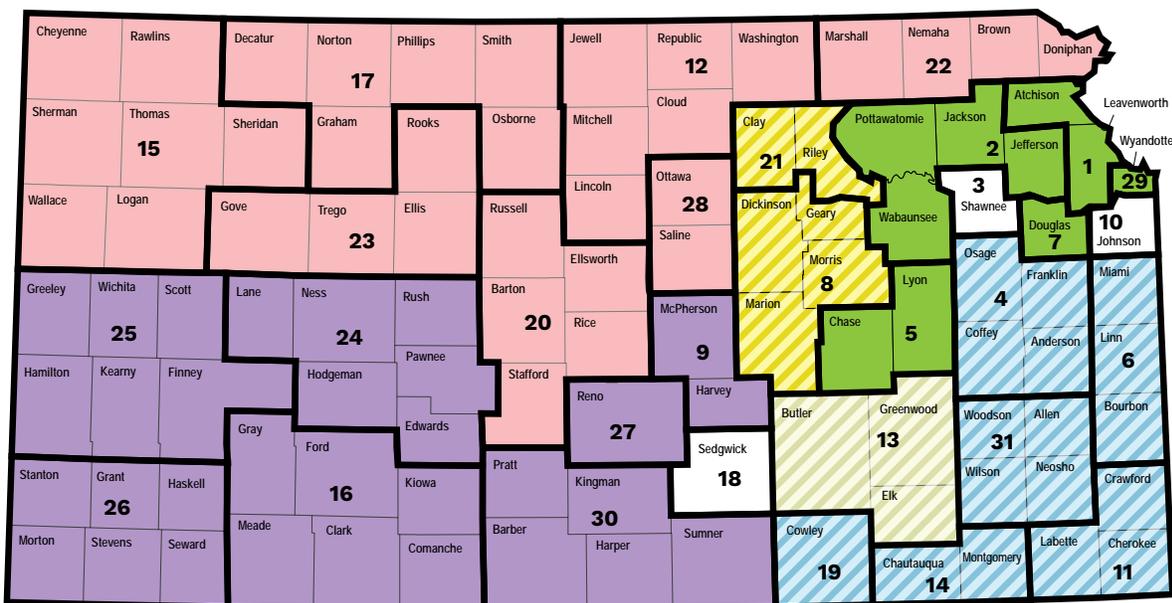
through automating certain activities and streamlining other operations;

- improves data quality and integrity;
- improves performance measurement, analysis, and reporting through enhanced information collection, storage, retrieval, and analysis;
- enables data sharing between various governmental entities based on information security requirements, contribution to the effective administration of justice, and need; and
- maintains and improves the ability to process electronic payments.

Statewide Rollout Plan

These districts now operate on the new system:

- 4th Judicial District (Anderson, Coffey, Franklin, and Osage counties);
- 6th Judicial District (Bourbon, Linn, and Miami counties);
- 8th Judicial District (Dickinson, Geary, Marion, and Morris counties);
- 11th Judicial District (Cherokee, Crawford, and Labette counties);



   Denotes districts on the new system

- 13th Judicial District (Butler, Elk, and Greenwood counties);
- 14th Judicial District (Chautauqua and Montgomery counties);
- 19th Judicial District (Cowley County);
- 21st Judicial District (Clay and Riley counties); and
- 31st Judicial District (Allen, Neosho, Wilson, and Woodson counties).

You can monitor the progress of the centralized case management system project at www.kscourts.org/Ecourt/Centralized-Case-Management-System.

Supervision Module

As the judicial branch continues to roll out the new centralized case management system, an important piece of the implementation is configuration of Tyler Supervision, the court services officer module. This module will allow for enhanced case management and communication tools, improved tracking of clients, and extensive data collection. All of which could lead to improved outcomes for Kansans placed on probation with court services. In December, court services officers in two judicial districts began piloting Tyler Supervision.

Expanded Case Management System Access

As Kansas courts move to the new centralized case management system, their public records become available through the Kansas District Court Public Access Portal or through public terminals in courthouses.

We are also working to improve access for law enforcement, district and county attorneys, contractors for a government agency, and other groups under consideration by making their access more convenient and adaptable to their needs.

Expanded eFiling Access

In December, the Supreme Court adopted new Rule 122A, which will expand access to the Kansas Courts eFiling system. Currently, attorneys must electronically file (eFile) documents, but the system is unavailable to others. To increase efficiency, the rule will allow certain nonlawyer, external stakeholders to eFile documents. The rule defines stakeholders as individuals or groups: employed by a government entity, contractor, or grantee; that perform services on behalf of a district court; or are appointed by a district court to assist with cases. Community corrections officers, foster care grantees, and court appointed special advocates are examples of entities that fall within these definitions. You may read Rule 122A at www.kscourts.org/KSCourts/media/KsCourts/Orders/2021-RL-177.pdf.

Human Resources and Cybersecurity Optimization

Over this past year, the Kansas judicial branch human resources and information systems departments adopted innovations and cybersecurity advancements to optimize and secure operations. Statewide, the judicial branch now operates one human resource information system and it debuted a new centralized recruitment and hiring system. These replace systems that varied from judicial district to judicial district and often county to county. These two developments provide a dynamic and modern human resources system to efficiently drive the branch's recruitment and retention efforts. Meanwhile, strengthening branch cybersecurity continues to be a priority. One of the many ways of doing this is to centralize more of the information systems support provided to judicial districts. And the branch continues its dedication to enhancing cybersecurity through integration and employee training. ■



Attracting and Retaining an Excellent Workforce

compensation **employees** parental leave
judicial branch **caseload** **salaries** **budget** **funding**

Weighted Caseload and Workload Studies

The Kansas judicial branch remains committed to structuring its workforce to appropriately address the actual needs that exist in various parts of the state. To guide its distribution of resources, the branch consults professionally administered weighted caseload and workload studies.

The use of weighted caseload and workload studies provides key, objective information about the volume and type of case filings in district courts, as well as the activities performed by employees in each county. With that information, the judicial branch can determine how best to share work, distribute resources, and request new positions, when needed.

In last year's report, I noted the judicial branch commissioned a court services officer workload study, along with an analysis of court services officer tasks. This study concluded that the judicial branch did not have enough court services officers to perform all their statutorily mandated duties. To meet that need, the workload study recommended the judicial branch hire 70 additional court services officers. As a result, the judicial branch fiscal year 2022 budget requested \$4.3 million for that expenditure.

With your and your colleagues' considerable help, we accomplished this goal. The 2021 Legislature authorized and funded the creation of 70 new court services officer positions. We have systematically filled these new court services officer positions, and these new individuals bring much needed assistance to the Kansas court system.

As to other positions, last fiscal year, the National Center for State Courts completed weighted caseload studies of all judges of the district court and administrative assistants. The Supreme Court reviewed the data from these studies and, considering our chief judges' assessment of their district's most critical need, submitted the judicial branch budget. Our budget requests funding for 13 new district judge positions, along with support staff, and 10 new district magistrate judge positions. The need for more judges is great. Even if you fill this request, several judicial districts will still lack the number of judges needed. But we crafted our request balancing our need for more judges with such things as the physical constraints in our courthouses. For example, the workload study reflects Sedgwick County needs another 14 judges. Our budget requests funding for only three. As we look to the future, we will continue to assess how to meet the demands of caseloads because some of our colleagues face an unrelenting caseload volume and we are in jeopardy of losing extremely talented judges to burnout.

Fee Funding and the Courts

For decades a portion of the judicial branch budget has relied on fee funding. The unreliability of filing fee revenue has always complicated managing the judicial branch. These complications became staggering with devastating results during the past two fiscal years. From March 2020 through the end of fiscal year 2021 (ending July 2021), the judicial branch realized \$7.4 million less than its budgeted fee fund receipts. The resulting deficit forced the Supreme Court to impose a general statewide hiring freeze. If the Supreme Court had not taken this step, the judicial branch would have faced closure.

While the general statewide hiring freeze kept courts open, it caused an employee vacancy rate that nearly crippled the judiciary's ability to function. Fortunately, last session, the Legislature appropriated critical funding to replace the lost fee revenue. This allowed the Supreme Court to lift the hiring freeze.

We do not want the Kansas court system to face that reality again, but the risk remains because our budget relies on an unstable funding source. So we propose shifting the judicial branch away from fee funding and securing state general funds in their place. Changing the source of funds will be a significant structural change for Kansas, so we propose doing so in a way that does not necessarily increase state expenditures. To offset the increased general fund expenditure caused by entirely funding the judicial branch from it, our budget proposal shifts the deposit of certain fees

... the judicial branch realized \$7.4 million less than its budgeted fee fund receipts.

currently funding our budget to the state general fund. By redirecting certain fees from the judicial branch to the state general fund, the overall state budget would in most years—assuming historical trends continue—achieve a net neutral exchange or even a positive gain for the state general fund.

Granted, in some years—like FY 2020 and FY 2021—fee fund receipts may fall below projections. This occasional downward trend can be better absorbed in a fund the size of the state general fund than in the much smaller judicial branch budget. Because the judicial branch has little flexibility for adjusting for lost funding, it is mostly absorbed by cuts in personnel costs. Cutting personnel impedes timely access to justice. Thus, the unpredictable and unreliable nature of fee funding places an unneeded burden on the administration of the court system.

Achieving Market-Level Salaries for Employees

With help from the Legislature, in 2021 the judicial branch received a historic budget enhancement package. This budget package gave us funding to bring judicial branch employees other than judges to market rate over two years. We are incredibly grateful for the Legislature's work. Because of the strides toward market pay for employees, the judicial branch FY 2023 budget does not include a request for classification specific pay increases beyond those already approved in FY 2022. Noting that, we will continue to discuss the ongoing need to keep judicial employee pay competitive to ensure that Kansas is attracting and retaining quality employees. Part of staying within market includes pay matrix adjustments provided to all employees. Current inflation trends may cause the

Legislature to provide all state employees a cost-of-living adjustment. We hope you include judicial branch employees in those considerations. To do otherwise would cause us to backslide in your effort to bring employees to market pay.

Increasing Paid Parental Leave

During 2021, the Supreme Court amended the judicial branch paid parental leave policy to extend paid parental leave from six weeks to eight weeks for the birth or adoption of a child. Effective programs aimed at attracting and retaining employees include offering benefits comparable to other employers. This is especially true as employers compete for talent in a tight labor market. The enhanced benefit program helps make the judicial branch competitive.

Judge Compensation

The 2021 Legislature provided \$3.8 million to increase judicial salaries by 5% in both fiscal year 2022 and fiscal year 2023. The fiscal year 2023 judicial branch budget submission contains those second-year increases. I remain incredibly grateful for these budget enhancements.

But we still have work to do on judicial salaries. The raises appropriated last year begin to address the systemic pay issue facing the judiciary, but there remains a competitiveness gap between what the judicial branch can pay and what well-experienced legal talent can command in the marketplace.

According to a July 1, 2021, judicial salary survey performed by the National Center for State Courts, Kansas district judge pay ranks 47th out of 50 states

... adequate salaries are necessary to attract and retain the quality of judges Kansans expect—and deserve.

before adjusting for cost of living. To encourage well-qualified Kansas attorneys to apply to become judges, Kansas must continue to increase judicial salaries so they align with the high level of responsibility the position requires. Salaries currently fall far below those in both private and public sectors, and we are not attracting judicial applicants. We recently had the initial deadline for a judge position pass with no candidates. In another, one person applied. In Topeka, we recently saw only six applicants who met the residency requirement. When I served on that bench, judicial positions routinely had double or triple that number of applicants. The applicants came from private practice as well as the public sector and often brought considerable experience in representing businesses and individual Kansans. We no longer attract experienced applicants from private practice or those with a wide-ranging civil practice background. Almost all applicants come from public service, and most have only criminal law experience. These applicants have done important work and may be very qualified. Even so, our courts increasingly lack the experience of those who have the perspective that comes from representing individual clients and businesses.

In short, adequate salaries are necessary to attract and retain the quality of judges Kansans expect—and deserve. I look forward to continuing my productive conversations with legislative leaders and the governor on addressing the need to fairly compensate our current judges and attract the next generation to the bench. ■



JUDICIAL CENTER



Stewarding Public Resources

continuing education accounting
centralized **care** grants restructuring
mediation

Attorney Registration and Continuing Legal Education

Each year attorneys pay a licensing fee to continue active membership in the bar. In 2021, Supreme Court rule changes mandating online registration for all Kansas attorneys went into effect. The online attorney registration portal optimizes attorney registration by automating data entry, freeing staff to perform other responsibilities. And the change is benefitting practitioners and Kansans alike. These enhanced services led to a sharp decrease in the number of attorneys suspended for noncompliance with annual attorney registration requirements, continuing education requirements, or both.

The Supreme Court also amended our attorney registration rules in 2021. These amendments reflect ongoing administrative restructuring within the branch to achieve operational and organizational efficiencies. They combined the annual continuing legal education fee with the annual attorney registration fee, so attorneys can make one payment instead of two.

The Supreme Court also revised continuing legal education rules for attorneys to eliminate a limitation on the number of credit hours an attorney could obtain through prerecorded programs. Soon after the onset of the pandemic, organizations effectively responded to in-person limitations by conducting most continuing

education classes remotely. Many saw the benefits of this change. While in-person learning opportunities have resumed, remote education opportunities will continue. Other rule amendments include revising categories of programs to address the changing technologies used by continuing legal education providers. Read the amendments at www.kscourts.org/KSCourts/media/KsCourts/Orders/2021-RL-026.pdf and www.kscourts.org/KSCourts/media/KsCourts/Orders/2021-RL-062.pdf.

Child in Need of Care Proceedings

When a judge finds a child to be a child in need of care and removes the child from the child's home, that judge needs to make specific findings about that removal. Supreme Court Rule 174 requires the use of certain Judicial Council forms during removal and permanency hearings to help ensure these findings are made. The required forms also allow the judicial branch to track compliance with statutory timeframes. Monitoring these metrics is necessary to maintain eligibility for the court improvement grant the judicial branch receives from the federal government. The court recently adopted amendments to Rule 174 to expand the number of required forms. These amendments will increase standardization and enhance data collection. They will also help identify training needs for judges and judicial branch employees.

Centralized Payments

District courts process millions of dollars each year. That money is distributed to various funds of state and local governments, as well as to litigants and other private parties. In fiscal year 2021, district and appellate courts collected more than \$48.2 million for the benefit of state government.

The centralized payment center established by the Supreme Court in 2019 continues to develop alongside the rollout of the centralized case management system. This center can accept, account for, and distribute most district court payments. It is now operating in all 26 counties that have transitioned to the centralized case management system. The centralized payment center oversees many financial processes, some of which are:

- performing monthly reconciliations;
- writing and delivering checks;
- submitting funds to unclaimed property;
- managing chargebacks, overages, and small refunds; and
- processing and reconciling credit card payments.

Centralized payment staff, assisted by staff accountants, complete these functions. The centralized payment center allows for greater efficiencies in time and cost, as well as stronger financial controls, centralized bank account management, and standardized accounting processes and procedures. You can find out more about fine and fee payments in the court system at www.kscourts.org/Ecourt/Pay-a-Fine-or-Fee.

Securing Grant Funds

The judicial branch actively pursued grant funding in fiscal year 2021. Continuing its commitment to stewarding public resources, the branch hired a grant coordinator. During the grant coordinator's first year, the judicial branch received a \$145,920 STOP

(Services Training Officers Prosecutors) Violence Against Women Act grant to enhance the protection portal to include integration with our eFiling system and to translate forms into Spanish. We also received a \$141,225 Edward J. Byrne Memorial Justice Assistance Grant to fund a new veterans treatment court in the 29th Judicial District (Wyandotte County) as well as other specialty court needs in the 23rd Judicial District (Ellis, Gove, Rooks, and Trego counties) and the 24th Judicial District (Edwards, Hodgeman, Lane, Ness, Pawnee, and Rush counties).

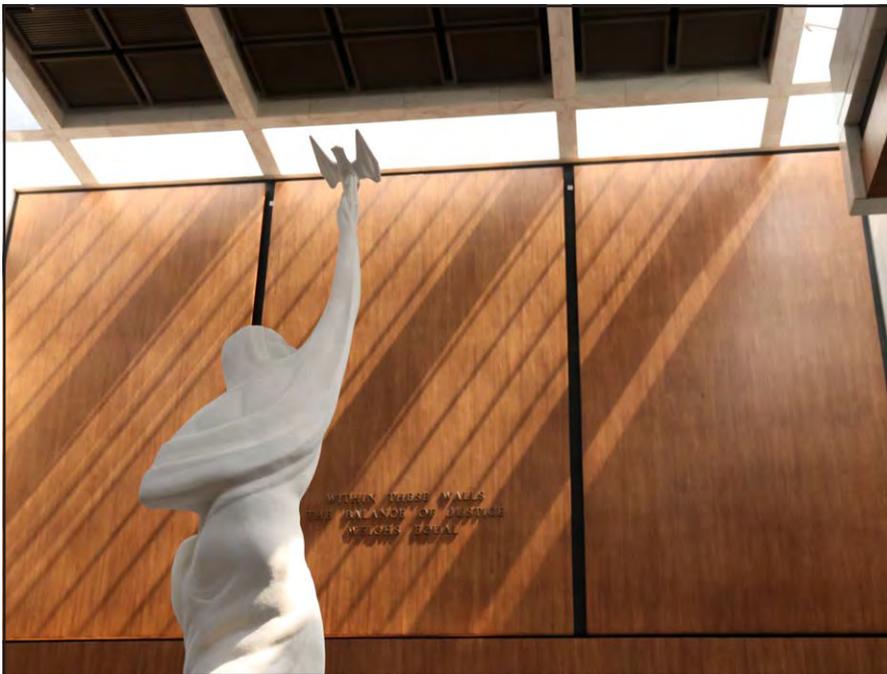
The judicial branch recently submitted around \$22 million in funding requests under the American Rescue Plan Act of 2021. The judicial branch would use this funding for multiple projects, including:

- temporary and senior judge positions to assist districts with jury trials delayed because of the pandemic;
- audio-visual equipment for remote hearings;
- marriage license portal enhancements;
- a statewide self-represented litigant virtual help center complemented by a physical help center in the Kansas Judicial Center;
- an online dispute resolution portal to reduce court appearances for traffic infractions and misdemeanors;
- the appellate courts' expedited conversion to the new centralized case management system;
- software enabling online registration and certification for dispute resolution providers, court services officers, and court reporters;
- centralized information technology project personnel;
- specialty court operational costs, participant treatment, recovery housing, and staff training;
- mediation and dispute resolution providers to facilitate case resolution;
- a statewide digital exhibit and evidence platform; and
- other information technology needs to modernize courts. ■

In Closing

I will end where I began by expressing gratitude. The Kansas court system still faces many challenges stemming from the pandemic, but the grit of its judges and employees to overcome those challenges reminds me of the resiliency Kansans, including my own family, showed facing the dust storms that plagued our state in the 1930s. And much like those

past generations of Kansans, the judiciary will continue to respond with creative solutions to ensure it is operating at the level Kansans have come to expect. We are grateful for the support received for our resilient staff and look forward to continuing to partner with our colleagues in the executive and legislative branches as we enter a new year. ■



Marla Luckert

Chief Justice Marla Luckert
Kansas Supreme Court

SUPREME COURT





**Kansas
Judicial Branch**