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Testimony of Stephen B. Angermayer Attorney at Law to the
House Committee on Corrections and Juvenile Justice
Opponent for SB 318 Tuesday March 5, 2024

Dear Representative Owens and Committee Members,

Passage of this bill will tax an already overburdened system and will stem the efforts of our Kansas Supreme Court to address the shortage of attorneys in rural Kansas.

I presently sit on the Kansas Rural Justice Initiative Committee chaired by Kansas Supreme Court Justice KJ Wall. Senator Elaine Bowers, District 36, and Representative Tory Marie Blew, District 112 are also members of our committee.

The Kansas Rural Justice Initiative Committee is seeking to address the statewide issue facing all professions – the lack of services to rural Kansans. One of our goals is to address recruitment of attorneys to remote areas in Kansas.

I am a rural, Southeast Kansas Attorney. I am also the City Attorney for two small municipalities. I hold a unique position in that I am a certified law enforcement officer (Crawford County Deputy Sheriff) and a municipal prosecutor. I am also in private practice. In a small town, you are all things to all people. Most rural attorneys have a private practice where they deal with very diverse legal matters and often represent School Boards, Water Districts, Municipalities, and other governmental or quasi-governmental entities.

All are part time positions. Unlike the larger population centers, the rural City Attorney provides legal advice to the City Council and is also the municipal prosecutor. We wear two, or more, hats.

Needless to say, our schedule is packed. Our Municipal Court Clerks are dedicated folks who keep us upright at times. In addition to our daily duties advising our city council, we have to make sure the prosecution of defendants continues in a constitutionally acceptable manner.

To list a few of our duties:

1. Review police reports, narratives, victim statements, arrest reports, witness statements, photos, and videos where applicable.
2. Converse with our court clerks to discuss charging, dockets, first appearances, bond appearances, plea deals, diversion, dismissal, and amendments.
3. Prepare for first appearance dockets.
4. Attend first appearance dockets.
5. Prepare for trial dockets – normally 25 - 60 cases.
6. Attend trial dockets.
7. Talk with officers and chiefs of police.
8. Train new officers on the finer points of arrest and interrogation.
9. Remain abreast of new constitutional requirements and case law.
10. Review new cases and draft and file charges.
11. Assist in keeping our officers and staff in compliance with NCIC and other privacy issues.
12. Address the daily or weekly issues that always comprise effectively running a court.

Then we have our private clients who need the same time and attention. We are very busy.

Again, for us rural attorneys, city council meetings and Municipal Court are conducted at night. We attend to our private practice during the day mixed in with council or court business, and then continue our day into the evening. For me this happens at least 8 times per month. This does not include special meetings or zoning board meetings which are part of a City Attorney's duties.

You will hear from the Kansas Rural Justice Initiative Committee as we will address you to deal with our increasingly dwindling rural attorney population. One of the benefits to practicing away from the larger cities is the diversity of issues that a rural lawyer sees on a daily basis. As usual it has benefits and costs.

If you pass this bill, it will place an unimaginable load on us. We already have a full plate, not to mention the requirement that a defendant who is arrested without a warrant must have a bond set within 18 hours. We have seasons where arrests are relatively high. Needless to say, we have a lot of court appearances in addition to our already busy schedule.

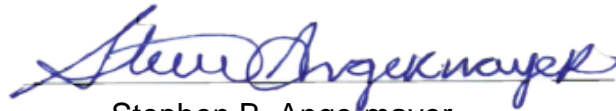
As indicated, I am also a Crawford County Deputy Sheriff. I work "the road" several days a month. I take shifts for those who are sick, vacationing, time off, etc. The Crawford County Sheriff's Office requires that we use body worn cameras. We take a lot of videos. 90% of our footage is not relevant to the case but is taken nonetheless to prevent a later claim of unconstitutional or illegal behavior. This is our world now.

Neither I nor any of the Corrections and Juvenile Justice committee would like the task of watching an Eight-hour shift of video. It is mostly monumentally boring with a few relevant and occasional exciting moments.

If you pass this bill, it will tax an already overburdened system. We are attempting to help our fellow rural Kansans with legal representation. It is at an all time low. I spoke with a SE Kansas Chief Judge recently who stated that his local attorneys consist of a few attorneys in their 60's, one in their 70's, one in their 80's, and one who is in their 90's. He needs lawyers and so do the rest of us. This bill will only place a roadblock in our efforts to recruit and keep rural attorneys. SB 318 creates a significant statutory burden for city attorneys, especially considering this also would apply to pro se defendants.

Please do not pass this bill out of committee to prevent yet another burden on our already strained system. Thank you.

Sincerely,



Stephen B. Angermayer
Angermayer Law, L.L.C.