

Senate Committee on Judiciary
February 15, 2012
Testimony in Support of Senate Bill 422

Hon. Mike Keeley, Chief Judge, 20th Judicial District

Members of the Senate Committee on Judiciary:

Thank you for the opportunity to provide testimony in support of Senate Bill 422. I currently serve as the chief judge in the Twentieth Judicial District, which includes Barton, Ellsworth, Rice, Russell and Stafford Counties in central Kansas. Currently under K.S.A. 20-310a, it allows the chief judge of the judicial district to make an application to the departmental justice of that district to appoint a pro tem judge for good cause or in the absence, sickness or disability of a district judge or district magistrate judge in our judicial district. It goes on to state the judge pro tem may be appointed whenever the departmental justice for such judicial district has not assigned a district judge in another judicial district.

Senate Bill 422 basically eliminates the requirement of the chief judge to file an application or request an application from the departmental justice prior to appointing a pro tem judge. The reason I support this bill is there are occasions in our district when, due to severe weather, illness or unexpected absences a judge is unable to travel to or from one of the counties to assist on their assigned dockets. It is sometimes difficult to obtain permission from the departmental justice upon such short notice and to ensure the dockets or the cases go forward it is necessary to appoint a pro tem judge. By approving Senate Bill 422 the chief judge would assume the responsibility to appoint a pro tem judges when it becomes necessary due to the unavailability of a district judge or magistrate judge due to illness, weather or other reasons why the judge is unavailable.

I have found in the past the departmental justices have been very available and always willing to approve a request from the chief judge, however, there are occasions when the departmental justices are in conference discussing cases or when last minute calls are received that a pro tem is needed and we are unable to contact our departmental justice prior to the appointment of a pro tem judge.

The chief judges handle numerous responsibilities and this is a responsibility that is not usurping the authority of anyone and is only being requested for the convenience of allowing justice to go forward in a quicker and more reasonable timeframe. I would ask that you please support Senate Bill 422.

Thank you.