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NEWS from U.S. Senator Bob Dole

(R.-Kans.)

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DOLE REPEATS REQUEST FOR ADDITIONAL JUDGE IN KANSAS

The need for an additional federal district judge in Kansas is even greater this year than it was last, Sen. Bob Dole (R.-Kan.) told a Senate subcommittee Tuesday.

Dole filed a statement with the Subcommittee on Improvements in Judicial Machinery repeating his request for a fifth full-time judge in the Kansas district.

A bill passed the Senate last year authorizing new judges in many districts, but did not include Kansas. An amendment to add the additional Kansas judge was offered by Dole during floor consideration of the measure. The amendment was defeated. The House adjourned without acting on any judgeship legislation.

Now the Senate subcommittee is beginning its consideration of another judgeship bill.

One of the reasons Kansas was excluded from the subcommittee's recommendations last year was that the ratio of case filings to the number of judges was deemed tolerable.

The subcommittee considered an annual rate of case filings per judge of 400 or more to be the level beyond which additional judges were needed. The average load in Kansas was 385 case filings.

Dole, who disputed the subcommittee's case filings minimum standard last year, noted in Tuesday's statement that the average soared to 459 in Kansas in the last fiscal year.

"I still feel strongly about this and am pointing out the new facts and statistics which make an even stronger case for Kansas," the Senator said.

The full statement follows:

"Mr. Chairman, distinguished members of the Committee, I have been convinced for some time that Kansas needs an additional federal district judge and am taking this opportunity to urge the Subcommittee to include the Kansas district in this year's recommendations for additional federal district judgeships. As you know, Kansas barely missed being included among those states slated to receive an additional judge when this Subcommittee made its recommendations last year. Subsequent developments in the Kansas district clearly indicate that my home state should be included in this year's district judgeship bill.

The reason we were not included in last year's bill was that we did not meet all three of the criteria laid down by this Committee. Other districts which met only two of the three criteria received new judgeships, but Kansas did not.

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However, the new figures for fiscal year 1976 should eliminate any doubts in the Committee's mind about our need. The one criteria which we did not meet last year was case filings per judge. We had had only 385 case filings per judge and the cutting off point was 400. The new figures show that during fiscal year 1976, Kansas had 459 case filings per judge, a marked increase.

Of course, I didn't agree with the assessment of the Subcommittee last year when our case filings per judge stood at 385. I worked hard to convince the Senate that we needed another judge last year by speaking with members of this Committee and by offering an amendment on the Senate floor. I wish to inform the Subcommittee that I still feel strongly about this and am pointing out the new facts and statistics which make an even stronger case for Kansas.

Besides our failure to meet the third criteria, another factor mentioned in the Committee report last year was the Kansas district's large number of prisoner petitions which could be handled by district magistrates. I would note that virtually all of the increases for FY 1976 is in other areas, and that this increase represents a substantial increase in the civil and criminal work load.

I should mention that there is general agreement among the legal community in Kansas as to the need for another judge. However, my primary concern is not for the legal community, it is for the citizens of Kansas. It is basically unfair for Kansans who find themselves before the bar of justice to have to wait and wait for disposition of their cases. Oftentimes, lengthy legal proceedings can tie up a person's resources for long periods without hope for prompt resolution of the question.

For instance, one Kansan wrote me last year who had had a civil case pending for four years with a significant portion of his capital tied up awaiting the outcome. The man was told that he and his case must wait because, "Our lawyers tell us we have not been able to have a trial in this matter because of the large number of cases filed before our case which have not yet been tried, and because of the many criminal matters that the United States district judges must handle." No citizen should have to wait four years to have a case heard and settled.

To summarize, Kansas came very close to being included in last year's judgeship bill. Since then, any doubts about our need for another judge have been eliminated by the large increase in case filings. This year, we easily meet all of the criteria laid down by this Committee. I trust that the Committee will see fit to include us in this year's bill.