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Chief justice issues five administrative orders affecting court operations during pandemic

TOPEKA—Chief Justice Marla Luckert has issued five administrative orders to give updated direction to Kansas courts and court users as courts continue to gradually conduct more in-person proceedings and increase the number and types of service delivered to the people of Kansas.

“We want people coming into our courthouses and courtrooms to know we are taking appropriate measures to protect their health,” Luckert said.

One order provides clarity about public health directives courts must follow, and others renew the suspension of certain deadlines and time limitations while courts work toward resuming full operations.

“By temporarily suspending some deadlines and time limitations, we uphold the legal and constitutional rights afforded all of us while our courts manage case processing consistent with public health guidelines,” Luckert said.

New administrative orders

[Administrative Order 2020-PR-054](#) applies to Kansas district and appellate courts. It requires courts to comply with orders of the chief justice and the governor; COVID-19 safety directives from the Office of Judicial Administration; and public health guidance from state and local health officials and OSHA.

The order requires courts that remain closed to the public to meet certain conditions before allowing walk-in visitors, including seeking guidance from the local public health official about how to return to in-person hearings based on local risk and the courthouse facility. The chief judge must assure compliance with health recommendations, have a plan for screening people entering a courtroom or court office, and provide court contact information should someone be denied entry due to health concerns.

The order directs that all hearings should be conducted remotely, if possible. It prohibits most in-person proceedings that require more than 10 people in a courtroom, and it requires that all persons in a courtroom be at least 6 feet apart.

The order allows jury trials to proceed if it's required to preserve a person's constitutional right to a speedy trial and the court has presented its departmental justice a plan that:

- allows for voir dire, or jury selection, involving jury panels numbering no more than 12 at a time;
- uses a location that provides for social distancing;
- designates how and where sidebar conversations will occur;
- specifies how exhibits will be handled between attorneys, court staff, and jurors;
- provides a videostream of the proceedings for public viewing, if necessary; and
- specifies how the jury will be managed to meet social distancing requirements, addresses jurors' ability to hear and see witnesses and exhibits, and identifies where jurors will deliberate, including how they will leave for and return from deliberation.

[Administrative Order 2020-PR-055](#) renews the suspension of certain deadlines and time standards, including applicable statutory speedy trial provisions, for any municipal court closed or continuing trials because of COVID-19. The suspensions remain in effect until the court reopens and can reasonably place the case on its calendar, or until further order. The suspensions do not apply when a person is held in custody.

The order also continues to authorize courts to conduct hearings by two-way telephone conference or videoconference communication to the extent it is permitted by the United States and Kansas Constitutions.

[Administrative Order 2020-PR-056](#) authorizes courts to conduct hearings by two-way telephone conference or videoconference communication. The authorization applies to criminal, juvenile offender, civil, probate, child in need of care, and other proceedings. It includes all pretrial, trial, and post-trial proceedings, including plea, criminal sentencing, probation revocation, show cause,

or any other proceeding. It encourages judges and litigants to use remote proceedings whenever possible and especially when a person involved in the case expresses health concerns.

The order requires remote proceedings to allow for confidential communication, and that the proceedings be publicly available during the proceeding or by recording afterward.

The order remains in effect until further order of the chief justice or until it expires under terms specified in House Substitute for Senate Bill 102, which is 150 days following the expiration of a declared state of disaster emergency.

[Administrative Order 2020-PR-057](#) suspends all statutory deadlines and time limitations to bring a defendant to trial. The suspension remains in effect until further order or it expires under provisions in House Substitute for Senate Bill 102.

[Administrative Order 2020-PR-058](#) suspends statutes of limitations, statutory time standards, or deadlines that apply to conducting or processing judicial proceedings. Under the order, no action may be dismissed for lack of prosecution or failure to meet a deadline, except when a judge, appellate judicial officer, or hearing officer exempts a case from the suspension.

The order does not affect deadlines or time limitations to bring a criminal defendant to trial, as those are suspended by Administrative Order 2020-PR-057.

The suspensions under this order remain in effect until further order or they expire under provisions in House Substitute for Senate Bill 102.

Court operations during pandemic

For all court actions related to the pandemic, visit [Kansas courts response to COVID-19](#).

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