Chief justice announces new administrative orders regarding safe operation of courts

TOPEKA—Chief Justice Marla Luckert today announced two new administrative orders regarding the safe operation of Kansas courts during the COVID-19 pandemic.

"Kansas courts continue to take steps to protect the health and safety of court users, employees, and judges," said Luckert said. "People often have little or no choice but to attend court, so we need to do what we can to make sure the court environment is as safe as possible."

Court capacity and distancing

In **Administrative Order 2020-PR-076**, the Kansas Supreme Court updates requirements for safely operating both district and appellate courts. It replaces **Administrative Order 2020-PR-054** issued May 1, although it keeps in place many of its requirements for courts opening their facilities to the public.

It lifts the 10-person limit for courtrooms and the 12-person limit for panels seated for jury selection, as long as each person has at least 6-feet of social distancing.

Workspaces must also provide social distancing for each worker or have other protections in place that have been approved by a local public health official.

The Supreme Court still requires the capacity of any court hearing room not exceed the number of people who can be accommodated with 6-feet of social distancing.

In-person hearings

Courts are now allowed to conduct in-person hearings, if appropriate social distancing requirements are met. The Supreme Court continues to encourage that matters be heard as much as possible through video or audio conferencing.

Jury trials may only proceed when necessary to protect the constitutional speedy trial rights of a defendant. Best practices for safely conducting jury trials are being developed by an **Ad Hoc Jury Task Force** the chief justice established earlier this month.

Remote hearings and time suspensions

Administrative Order 2020-PR-075, also signed today, extends orders the chief justice entered since March under 2020 House Substitute for Senate Bill 102. These orders suspend statutory time requirements and allow courts to conduct two-way audio and video hearings in place of requiring people to report to court.

The Legislature amended Senate Bill 102 during the recent special session as part of 2020 Special Session House Bill 2016—the Legislature's extensive COVID-19 bill. The chief justice's order clarifies that her orders continue under the new legislation but that her orders authorizing courts to conduct hearings with two-way telephonic or electronic audio-visual communication are no longer tied to the Governor's state of disaster emergency declarations.

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