



Kansas Judicial Branch's Response to the COVID-19 Pandemic

Shawn Jurgensen

Special Counsel to Chief Justice Marla Luckert



Key Points



- Essential court functions have never stopped.
- Jury trials may proceed and are occurring statewide.
- In person and remote proceedings are occurring.
- Most chief judges report no significant case backlog in *any* area except jury trials.



Key Points on Jury Trials

- Kansas state courts have been able to broadly resume jury trials since May 2020, to protect a constitutional speedy trial right, and since August 2020 for all other jury trials.
- Hundreds of thousands of civil and criminal cases are resolved without a jury trial.
- In FY 19, only 1.13% of criminal cases resolved by jury trial.
 - In FY 19, criminal cases accounted for less than 10% of cases.



K.S.A. 20-172; Emergency Powers

- During a State of Disaster Emergency, to secure health and safety of court users, staff, and judges:
 - Extend or Suspend statutory deadlines and time limits, including *statutory* speedy trial rights.
- Authorize use of AVC in court proceedings to secure health and safety of court users, staff, and judges.
- Expires March 31, 2021.



- Chief Justice plans to lift suspension of *most* civil deadlines.
- *Assuming she has authority to do so*, leave in place suspension of time for:
 - K.S.A. 61-3002(b);
 - K.S.A. 60-1501; and
 - K.S.A. 60-1507.
- To protect health and safety, while ensuring access to justice.



Accessing COVID-19 Administrative Orders

The screenshot shows a web browser window with the URL [kscourts.org/About-the-Courts/Court-Administration/OJA/Kansas-Courts-Response-to-Coronavirus-\(COVID-19\)](https://kscourts.org/About-the-Courts/Court-Administration/OJA/Kansas-Courts-Response-to-Coronavirus-(COVID-19)). A yellow banner at the top of the page reads "ALERT! [Kansas Courts Response to COVID-19](#)". The navigation menu includes "Kansas Judicial Branch", "About the Courts", "Cases & Opinions", "Rules & Orders", "eCourt", and "Newsroom". Under "eCourt", there are sub-links for "Public", "Attorneys", and "Judges". A search bar is located on the right side of the navigation menu. Below the navigation menu, a breadcrumb trail reads: Home > About the Courts > Court Administration > Office of Judicial Administration. The main heading of the page is "Kansas Courts Response to Coronavirus (COVID-19)".



- In mid-March 2020: District Court technology infrastructure depended on county funding.
 - Ability to work remotely.
 - Ability to conduct remote judicial proceedings.
- Many district courts lacked what they needed.



Financial Response

- Federal Court Improvement Funds
 - Used to secure immediately needed hardware and software.
- Coronavirus Prevention Fund
 - Established in 2020 S.B. 66.
- Coronavirus Emergency Supplemental Funding Program (CESF)
 - Used to make additional immediate purchases critical to judicial branch operations and infrastructure.



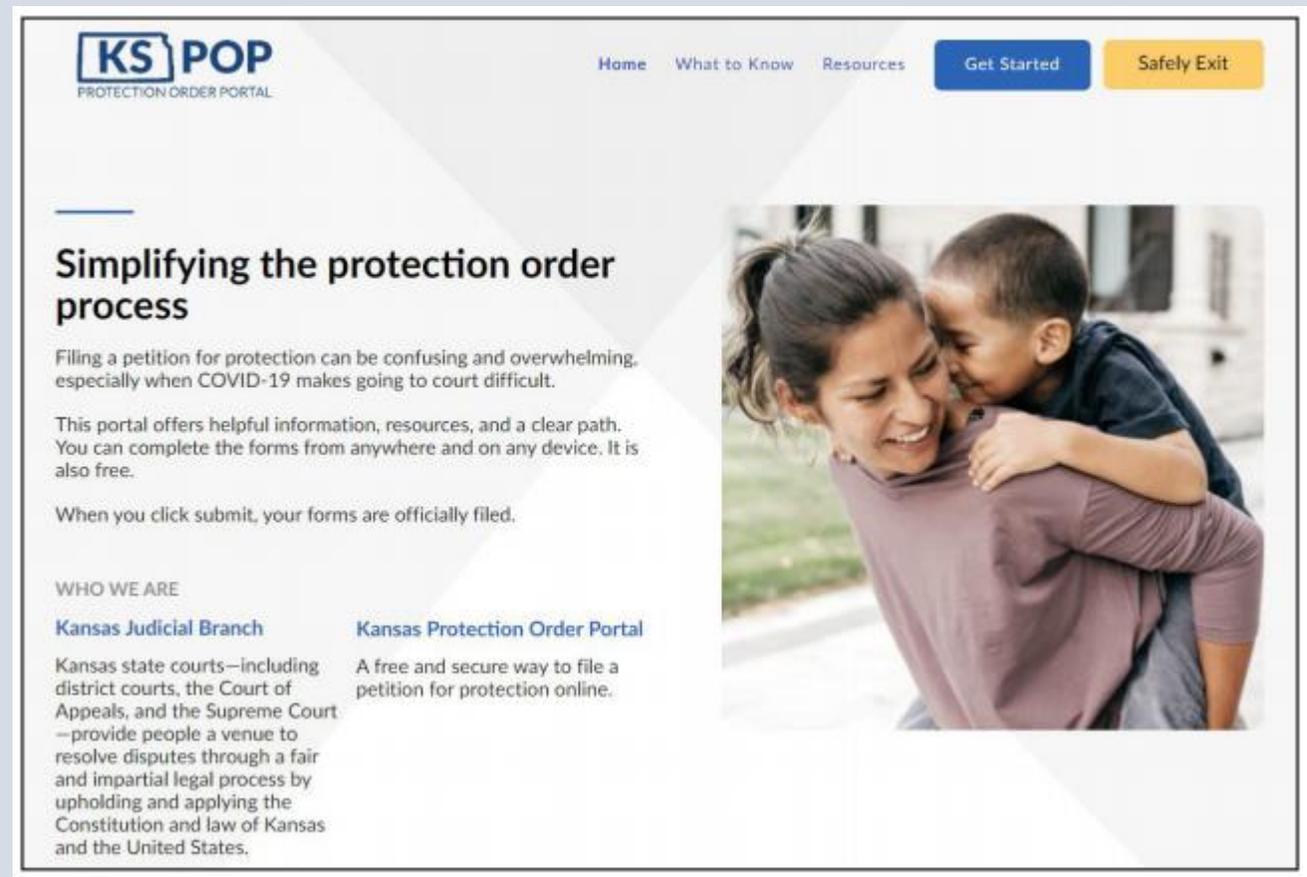
Financial Response

- Coronavirus Relief Fund
 - State Finance Council approved a SPARK Task Force recommendation; September 2020.
 - Operating Expenses included:
 - PPE and technology needs; and
 - Expanded online services.



Protection Order Portal

- CESF funds used to create a web portal.
- Series of questions populate a form a judge reviews in determining whether to issue an order.
- www.kspop.org



The screenshot shows the homepage of the Kansas Protection Order Portal (KS POP). The header includes the logo "KS POP PROTECTION ORDER PORTAL" and navigation links for "Home", "What to Know", and "Resources". Two prominent buttons are labeled "Get Started" (blue) and "Safely Exit" (yellow). The main content area features a large heading "Simplifying the protection order process" followed by a paragraph explaining that filing a petition can be confusing, especially during COVID-19. Below this, it states that the portal offers helpful information and resources, and that forms can be completed from anywhere and on any device. A sub-section titled "WHO WE ARE" includes two columns: "Kansas Judicial Branch" and "Kansas Protection Order Portal". The "Kansas Protection Order Portal" column describes it as a free and secure way to file a petition for protection online. On the right side of the page, there is a photograph of a woman smiling and hugging a young boy from behind.



Other New Online Services

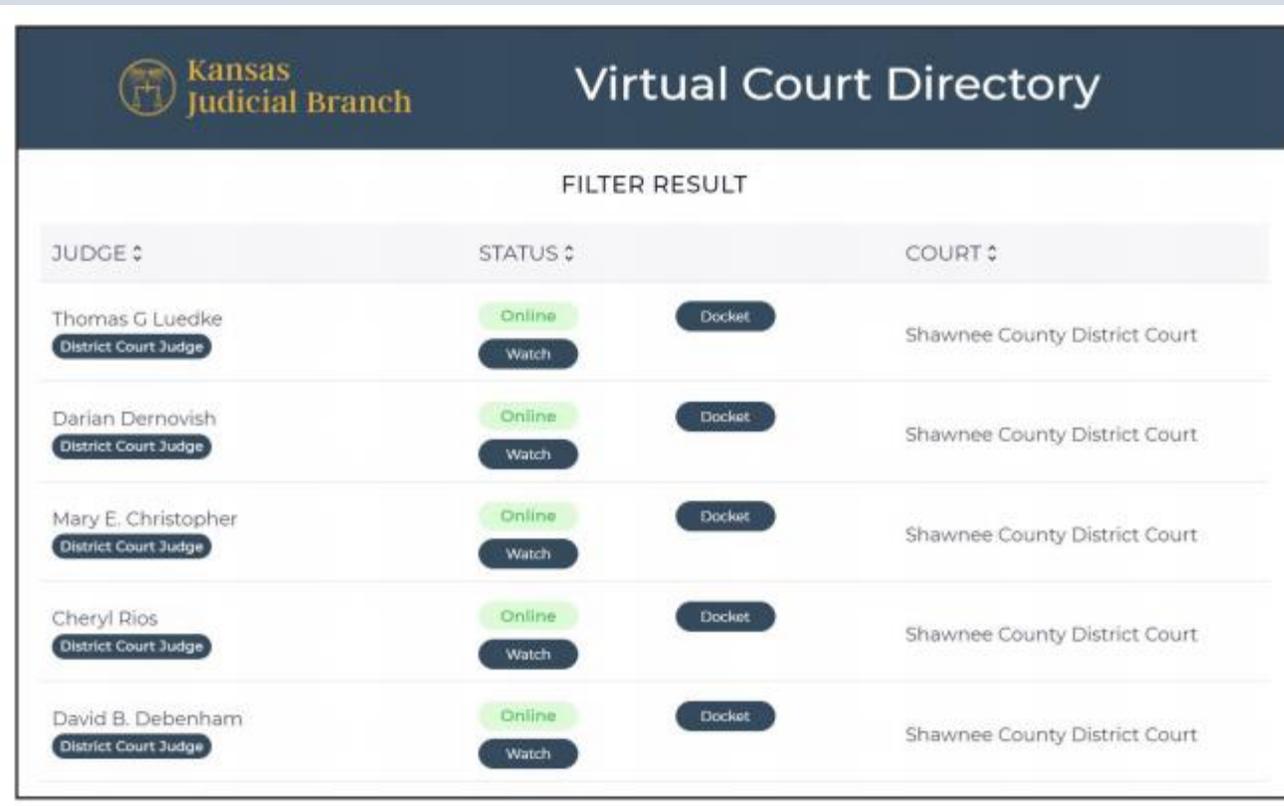
- Marriage license portal
- Text notification system

Grant Funding Also Secured

- IT support
- Remote technology



Virtual Court Directory



The screenshot shows the "Virtual Court Directory" interface. At the top left is the "Kansas Judicial Branch" logo. The main heading is "Virtual Court Directory". Below this is a "FILTER RESULT" section. The interface displays a list of judges with columns for "JUDGE", "STATUS", and "COURT". Each judge entry includes a name, a title (e.g., "District Court Judge"), a status indicator (e.g., "Online" in a green box), a "Docket" button, and a "Watch" button. The court listed for all judges is "Shawnee County District Court".

JUDGE	STATUS	COURT
Thomas G Luedke District Court Judge	Online Watch	Docket Shawnee County District Court
Darian Dernovish District Court Judge	Online Watch	Docket Shawnee County District Court
Mary E. Christopher District Court Judge	Online Watch	Docket Shawnee County District Court
Cheryl Rios District Court Judge	Online Watch	Docket Shawnee County District Court
David B. Debenham District Court Judge	Online Watch	Docket Shawnee County District Court

- New statutory authority for AVC use in court proceedings.
- Applied for and received CRF to develop.
- Real life Court TV at: kansas.courtroomdirectory.com



Ad Hoc Virtual Court Proceedings Committee

- Established to study and recommend best practices for using videoconferencing.
- District courts have conducted tens of thousands of virtual hearings. Two examples:
 - Johnson County (urban)—about 67,000 remote hearings from March 2020 to January 2021;
 - 23rd Judicial District (rural Hays, Wakeeney, Gove City, Stockton)—about 4,700 remote hearings during that same time.



In person Proceedings Continue



Traffic Court

Jury Trial Challenges Encountered

- Jury trials have presented challenges from the onset of the pandemic, but those challenges have been met head on.
- Some of those issues:
 - Upholding the constitutional right to a public jury trial;
 - Ensuring health and safety of jurors, witnesses, the public, law enforcement, jail officials, judges, attorneys, and employees;
 - Bringing large groups of people together for jury selection;
 - Trials can stretch on for days or weeks; and
 - Jury deliberations.





We Responded with a Plan

- Must be tailored to ensure no party lost rights or was forced to jeopardize their health.
- Judges worked with county jails, local prosecutors, and defense counsel to manage jail populations.
- And because each courthouse and community is different, chief judges must develop plans with input from the local public health official, considering local conditions and courthouse characteristics.





The Plan

- The Supreme Court created a Jury Task Force to address the issues courts will face as jury operations resume.
- On July 31, 2020, released a 64-page report guiding the Kansas legal community on conducting a trial amid COVID-19.
 - (And there is a 6-page executive summary.)
- Including a Judicial Branch video for jurors, educating them on what we are doing to keep them as safe as possible to encourage them to appear to fulfill their civic duty (view it at our website).



Resources for Resuming Jury Trials

Supreme Court Mandates and Guidance Document

- Requirements for resuming jury trials
- Physical distancing, cleaning, and sanitation considerations
- Directives regarding in-person vs. virtual proceedings
- Request information, data, and recommendations from participating judges and districts

Jury Task Force Resources

- Outlined applicable statutes and case law
- Jury Trial Checklist
- Form letter for use with potential jurors
- Best practices for virtual proceedings
- Even a suggested mask

Kansas Judicial Branch




BUY THE CLEARMASK™

ClearMask™ - Box (24 Masks)
\$67.00 ~~\$96.00~~

ClearMask™ - Case (32 Masks)
\$1,199.00 ~~\$1,296.00~~

ClearMask™ - B or More Cases
(3450+ Masks)
\$1,345.00 ~~\$1,296.00~~

 Kansas
Judicial Branch

Keeping you safe
in our courts



What we're doing to protect you:

Cleaning and sanitizing

Physical distancing

Symptom screening

Masks and hand sanitizer

What we need you to do:

Wash your hands

Wear a mask

Tell us if you are sick

Tell us if you are high risk

How to reach us:

Together, we're protecting justice!



Protecting Jurors



Kansas Judicial Branch





Outside Facilities



A VFW building in Wakeeney for jury selection.



The Douglas County Fairgrounds for jury trials in Lawrence.



A local movie theater in Manhattan for jury selection and jury trial.

Kansas Judicial Branch

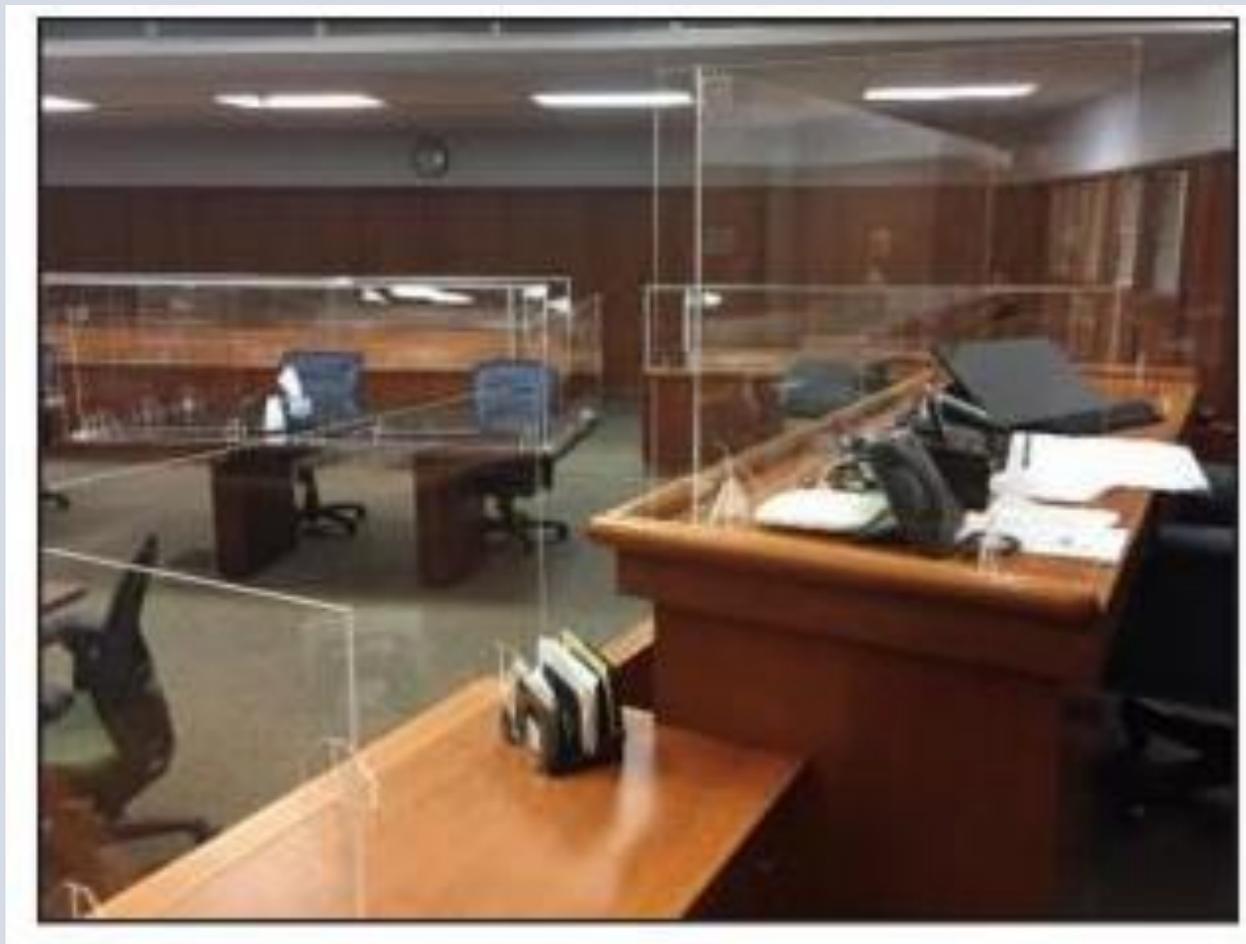




Effect

- Despite this, jury trials will still move slower than they used to.
 - It simply takes longer to conduct jury selection.
- Jury trials are being scheduled, but far more are being continued than conducted because:
 - An insufficient number of potential jurors report;
 - Someone is ill or in quarantine, like a key witness, party, or attorney;
 - Litigation strategy of delay; or
 - A community's COVID numbers are too high to safely gather, even with precautions.

Kansas Judicial Branch



Kansas Judicial Branch



Impact of Filing Fees During Pandemic

