

IN THE SUPREME COURT OF THE STATE OF KANSAS

FILED

Administrative Order

March 30, 2021

2021-PR-021

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

**Order Authorizing the Use of Two-Way Audio-Visual Communication
In Any District or Appellate Court Proceeding**

As the Chief Justice of the Kansas Supreme Court, I have issued multiple administrative orders authorizing the use of two-way audio-visual communication in any court proceeding under:

- 2020 House Substitute for Senate Bill 102, which became effective upon its publication in the Kansas Register on March 19, 2020 (39 Kan. Reg. 304), and
- the Legislature's amendments to K.S.A. 2020 Supp. 20-172 through 2020 Spec. Sess. House Bill 2016, § 24, which became effective upon its publication in the Kansas Register on June 9, 2020 (39 Kan. Reg. 755).

K.S.A. 20-172, and amendments thereto, allows me to "issue an order to authorize the use of two-way electronic audio-visual communication in any court proceeding. . ."

Effective March 30, 2021, through 2021 House Bill 2227, the Legislature again amended K.S.A. 20-172. Those amendments:

- Remove the expiration date on my statutory authority to authorize the use of two-way electronic audio-visual communication in any court proceeding; and
- Authorize the use of two-way electronic audio-visual communication in court proceedings when I determine such action is necessary to secure the health and safety of court users, staff, and judicial officers or to expeditiously resolve pending cases.

Under the authority granted to me in K.S.A. 20-172, and amendments thereto, I find the use of two-way audio-visual communication is necessary to secure the health and safety of court users, staff, and judicial officers. I also find its use is necessary to expeditiously resolve pending cases.

I order the following:

1. Remote proceedings through the use of two-way telephonic or electronic audio-visual communication are authorized for any essential or nonessential

court proceeding or any portion of a proceeding, including all criminal, juvenile offender, civil, probate, child in need of care, or other proceeding under the jurisdiction of Kansas district courts or appellate courts. This includes all pretrial, trial, and post-trial proceedings, including plea, criminal sentencing, probation revocation, show cause, or any other proceeding. Judges and litigants are encouraged to use these remote proceedings whenever possible and especially when any party, witness, attorney, or other participant expresses health concerns.

2. A remote proceeding must be consistent with rights under the United States and Kansas Constitutions, including those of a criminal defendant or victim. Nothing in this order requires an individual to waive a constitutional right. A remote proceeding must also be consistent with the rules relating to judicial conduct.
3. A remote proceeding must allow for confidential communication between a party and the party's counsel, a witness and the witness's counsel, or as otherwise necessary.
4. Access to a remote proceeding must be provided to the public either during the proceeding or immediately after via access to a recording of the proceeding, unless the proceeding is closed or access would otherwise be limited by statute or rule.
5. A remote proceeding must enable the person conducting or administering the proceeding to create a recording sufficient to enable a transcript to be produced after the activity.
6. If a conflict exists between this order and a prior administrative order authorizing two-way audio-visual communication in district and appellate courts, this order controls.
7. This order will remain in effect until further order.

Dated this 30th day of March 2021.



MARLA LUCKERT
Chief Justice