

Virtual Court Proceedings Committee

Minutes — June 12, 2020

Present: Chief Judge St. Peter, Chief Judge Berens, Judge Roush, Judge Rush, Judge Torline, Katherine Oliver, Marilyn Targos, Stephanie Gerken, Jennifer Olsen, Kim Schwarz, Ellen House, Jennifer Leach, Amanda Truan

Staff: Amber Smith, Sarah Hoskinson, John Houston, Amber Ballard, Jameson O'Connor

Chief Judge St. Peter invited the committee to share information about the audio-visual conferencing (AVC) platforms in use in their districts as part of committee introductions.

Committee members identified a number of platforms in use for different functions, including: Blue Jeans, Cisco Webex, Zoom, YouTube, Facebook Live, GoToMeeting, and Microsoft Teams.

Committee members reported using AVC platforms for many types of hearings, including: probate, criminal, civil, drug court, evidentiary, and preliminary hearings.

Some committee members noted higher appearance rates with the use of AVC, and identified certain challenges, including: obtaining email addresses from litigants, limitations on use of AVC for evidentiary hearings, poor audio quality, lack of storage space, training issues, data ownership concerns, prosecutorial reluctance to use AVC in criminal cases, and differing levels of technological skill among pro se litigants and attorneys.

Judge St. Peter reviewed the following committee goals:

- 1) Gather data – determine ongoing process for measuring AVC-related data rather than relying on anecdotal information;
- 2) Identify barriers that impact use of AVC (e.g. lack of bandwidth, equipment);
- 3) Evaluate AVC platforms – determine whether to recommend adoption of one platform for ease of use and economies of scale;
- 4) Determine when it is advisable to use AVC and when it should be prohibited; and
- 5) Establish some immediate guidelines for use off technology across the state that can be applied regardless of platform.

He pointed the committee to the [Michigan AVC standards](#) as an example of the type of guidelines the committee might develop.

Chief Judge Berens noted the [2014 Kansas Judicial Branch Videoconferencing Committee report](#). He encouraged committee members to review it with an eye toward taking some recommendations from there and weighing them in conjunction with the Michigan standards.

Judge St. Peter advised the committee that the expansive authority the Chief Justice currently has to authorize AVC use is scheduled to sunset on March 31, 2021. He indicated that the committee will need to consider whether to pursue legislation during the 2021 session to replace or extend

that law. Sarah Hoskinson provided an overview of the legislative history behind recent AVC legislation, including 2020 HB 2447, SB 102, and HB 2016.

The committee decided to immediately establish two working groups:

- **Data gathering subcommittee** – this group will determine ways to gather statistics on the current use of AVC in Kansas courts and measurable outcomes related to it.
 - Membership: Ellen House (chair), Amanda Truan, Stephanie Gerken, Katherine Oliver, Kim Schwarz
 - Amanda Truan requested that a member of the Judicial Branch's IT department also assist with the data gathering subcommittee.

- **Guidelines subcommittee** – this group will develop guidelines for the current use of AVC in Kansas courts. The goal is to produce draft guidelines within three weeks.
 - Membership: Judge Berens (chair), Judge Torline, Judge Rush, Judge Roush, Jennifer Olsen, Marilyn Targos

Amber Smith noted that the Supreme Court is interested in receiving information and sharing it as promptly as possible. She encouraged the committee to share information freely, and noted there is no expectation for a large, polished proposal or report.

Judge St. Peter emphasized that he is open to receiving input from members of the bar and other interested stakeholders regarding AVC proceedings and recommended platforms. He encouraged committee members to send any comments they receive to him.

The committee decided to meet every other Friday. The next full meeting will be Friday, June 26 at noon. Subcommittees will meet in the interim.