

31st Judicial District Response to Coronavirus (COVID-19)

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THIRTY-FIRST JUDICIAL DISTRICT

ADMINISTRATIVE ORDER 285

FLUID SCHEDULE FOR 31ST JUDICIAL DISTRICT ZOOM AND AMENDED REOPENING TO THE PUBLIC WITH SOCIAL DISTANCING

Now on this 19th day of June, 2020 the 31st Judicial District implements the following fluid schedule:

This fluid schedule may be modified due to a Kansas Supreme Court Administrative Order(s), directives or if necessary, due to the pandemic coronavirus (COVID-19) causing a finding that a public health emergency existed in Allen, Neosho, Wilson or Woodson County. Due to the pandemic coronavirus (COVID-19) causing potential immediate emergency health conditions and orders, changes may be made to this tentative schedule without any advance notice.

Kansas Supreme Court Administrative Order 2020-PR-48 as modified June 16, 2020, by Kansas Supreme Court Administrative Order 2020-PR-076 currently controls all courtrooms and court offices in the 31st Judicial District. The link for these orders are:

<https://www.kscourts.org/KSCourts/media/KsCourts/Orders/2020-PR-048.pdf>

<https://www.kscourts.org/KSCourts/media/KsCourts/Orders/2020-PR-076.pdf>

This administrative order complies with Chief Justice Marla Luckert's Administrative Orders.

In her May 22, 2020 letter, the Chief Justice stated “we seem to be living our lives in two-week increments defined by public health orders.” Later in the letter, the Chief Justice expounded though “(we) have planned for social distancing, if, however you read the scientific writings on workplace safety, you understand the risks when multiple people, even those socially distanced, work in the same space for hours with an asymptomatic COVID-19 infected person. We should reduce the risk as much as possible.”

Further, in her May 22, 2020 letter, the Chief Justice stated “even though phase 2 of the Governor’s plan allows 15-person gatherings, **the court’s current plan is to maintain the 10-person limitation** in 2020-PR-48. This limitation controls the number of people entering our courthouses, queuing in hallways and other public areas, and entering courtrooms.”

2020-PR-076 “rescinds 2020-PR-54 and rescinds portions of (the) court’s prior orders discussing a 10-person capacity limitations for court hearing...”

To insure compliance with the Supreme Court Administrative Orders, this administrative order makes the necessary amendments to Administrative Order 284, and this administrative order also complies with any orders issued by the Kansas Governor, including the guidance of the Governor’s May 26, 2020 proclamation making her Ad Astra plan the plan for re-opening Kansas.

<https://covid.ks.gov/wp-content/uploads/2020/05/Reopen-Kansas-Framework-v7.pdf>

TENTATIVE SCHEDULE

- **MAY 11**—STAGE 1—NON-EVIDENTIARY ZOOM HEARINGS.
- **JUNE 8** —STAGE 2 —EVIDENTIARY ZOOM HEARINGS.
- **JUNE 15** —OPENING CLERK OF THE DISTRICT COURT OFFICES TO THE PUBLIC, INCLUDING CONDITIONS APPLICABLE TO COURT EMPLOYEES.
- **JULY 1**—OPENING OF THE COURTROOMS AND COURT SERVICES OFFICES WITH SOCIAL DISTANCING.
- **ON A FUTURE DATE** — AS DIRECTED BY A NEW SUPREME COURT ADMINISTRATIVE ORDER SOCIAL DISTANCING WILL BE LIFTED.

June 8—Stage 2—EVIDENTIARY ZOOM HEARINGS

- Stage 2 Evidentiary Zoom Hearing Guidelines were previously released.

**JUNE 15 - OPENING OF THE CLERK OF THE DISTRICT COURT
OFFICES TO THE PUBLIC, INCLUDING CONDITIONS APPLICABLE
TO COURT EMPLOYEES**

- June 15th the five (5) Clerk of the District Court offices opened to the public under the following conditions. The Court Services Offices did NOT open to the public on June 15th.
- Signs are posted on the door of each clerk of the district court office, allowing only one person at a time in the enclosed public areas of each office. Each person may also have one immediate family member with them. Anyone violating this rule will be asked to leave the area. If they refuse to leave, a judge or law enforcement shall be contacted.
- Sanitizing wipes are kept in each of these enclosed public areas. Before leaving the area, each individual is asked to sanitize each item that they touched, and place the used wipe(s) in the trash can.
- When possible, public access terminals were moved to hallways or a public area viewable with security cameras. In the alternative, if the public access terminals were not moved to hallways, then short appointments may be made by calling the Clerk of the District Court Office.
- Abstractors, genealogists and media are encouraged to use the Kansas INK network, <https://ink.kansas.gov/>
- If an employee has symptoms of COVID-19 or has a fever of 100.4 F or greater, then they shall immediately notify their supervisor. Symptoms can occur within 2-14 days of exposure to COVID-19. The link for COVID-19 symptoms is:
<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>
- Employees should self-screen for these COVID-19 symptoms. If an employee has any of these symptoms, then the employee shall not report to work and immediately contact their supervisor.
- If an employee exhibits two or more COVID-19 symptoms in the workplace, an appointing authority, after consultation with the director of personnel at the Office of Judicial Administration, or her assignee, will direct the employee to leave the office. The link for COVID-19 symptoms is:

<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

- Court personnel are authorized to request staff members to voluntarily take a temporal temperature. Any employee who refuses to have their temperature taken or who has a temperature of 100.4 F or higher will not be allowed access to court offices.
- An employee shall self-quarantine if they have associated with someone who has been diagnosed, is being tested or experiencing symptoms, and the employee must immediately notify their supervisor.
- If an employee is feeling ill or if anyone in their household is experiencing the COVID-19 symptoms, then they shall not return to work and shall immediately contact their supervisor. The link for COVID-19 symptoms is: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>
- If an employee has plans for out of state travel or travel to any known “COVID-19 Hotspots,” then they should discuss those plans with their supervisor. A link for the United States’ Hotspots is: <https://www.coronavirus.kdheks.gov/175/Travel-Exposure-Related-Isolation-Quaran>
- Court offices should be limited to only: 1. those necessary to serve the public, or whose physical presence in the courthouse or court office is necessary for the performance of the employee’s duties; and 2. those that can be accommodated with appropriate social distancing.
- To the extent possible, telework is encouraged to enable full productivity while operating with fewer staff in the courthouse or court office.
- To the extent possible, work schedules are arranged to minimize the number of employees affected if workplace exposure occurs. Thorough cleaning should occur between rotations of people.
- There will not be in-person meetings with those on supervised probation and their court services officer. Probationers may continue to contact their probation officer by phone at the numbers posted in each courthouse and outside each probation office or Chief Court Services Officer Kevin McGuffin.

- In addition, all court employees must abide by the personnel rules including any COVID-19 rules issued by the Kansas Office of Judicial Administration. The personnel director for the Office of Judicial Administration is Ms. Allyson Christman.

JULY 1—IN-PERSON OPENING TO THE COURTROOMS AND CSO OFFICES

- July 1st in-person hearings with appropriate social distancing will begin.
- **With social distancing (individuals being 6-foot apart)**, all 31st Judicial District courtrooms will be open. However, due to limited capacity with social distancing, specific occupancy limitations apply to the small Wilson County courtroom and the small Allen County courtroom, and the two courtrooms in the Chanute Judicial Annex. In the hallways and other public areas adjacent to all courtrooms and all court services offices in the 31st Judicial District, **there shall be social distancing.**
- In lieu of mitigated in-person hearings, evidentiary Zoom hearings may be scheduled. But these Zoom hearings must be pre-approved by the court.
- Signs will be posted in all 5 courthouses asking:
 1. **Have you been in close contact with someone who has been diagnosed with or suspected to have had, COVID-19 within the last 14 days?**
 2. **Are you experiencing two or more of the COVID-19 symptoms identified by the Centers for Disease Control and Prevention? The COVID-19 symptoms link is:**
<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html> **OR**
 3. **Have you traveled to an area subject to COVID-19 travel restrictions imposed by the Kansas Department of Health and Environment within the previous 14 days?**
<https://www.coronavirus.kdheks.gov/175/Travel-Exposure-Related-Isolation-Quaran> (If possible, prior to anyone entering any courtroom or court office, county health officers or law enforcement, not court staff, will be present to ask these questions.)

- If anyone answers yes to any of the three (3) questions above, then they must leave the facility. If any court personnel has knowledge that someone should have answered yes to these questions and left the courthouse, then law enforcement or a judge should be contacted and the person shall be ordered to leave the courthouse.
- Anyone who is denied access to a courtroom or court office must be provided a phone number or email address where the individual may seek assistance in rescheduling or otherwise completing their court business.
- The public must exercise appropriate social distancing in any court office, courtroom, or any area adjacent to any courtroom or court offices.
- Markings or signage for social distancing will be made in any area where people are likely to congregate, including courtrooms. Any public area that cannot be adapted for appropriate social distancing will be closed.
- Podiums in each courtroom will be removed. In all courtrooms all unnecessary chairs shall be removed.
- In each courtroom, sanitizing wipes or cleaning supplies will be placed at each counsel table and witness stand. Each individual leaving these areas will be asked to sanitize each item that they touch, and dispose of the items in a trash can.
- Social distancing must occur in all courtrooms. All courtrooms will be adapted, marked or include signage for social distancing.
- In the **Chanute Judicial Annex** second floor (upper level small) courtroom including the judge, staff and security, no more than 10 people may be simultaneously present in the courtroom. In the first floor (main, large) courtroom including the judge, staff and security, no more than 10 people may simultaneously be present in the courtroom. The areas for seating in the galleries shall be marked or include signage.
- In Neosho County, **cases that** require more than 10 people for the upper level courtroom, more than 10 people for the main, large courtroom and all large dockets (dockets that have more than 7 cases) **will be scheduled and heard in Erie, not Chanute.** The Erie courtroom shall be marked or include signage for social distancing.
- In the **Wilson County** small courtroom, including the judge, staff and security, no more than 8 people may be simultaneously present in the

courtroom. The areas for seating in the gallery shall be marked or include signage.

- In Wilson County, cases that require more than 8 people and large dockets with more than 7 cases will be scheduled and be heard in the large courtroom. There shall be social distancing in the large courtroom.
- In the **Allen County** small courtroom including the judge, staff and security, no more than 7 people may be simultaneously present in the courtroom. The areas for seating in the gallery shall be marked or include signage for social distancing.
- In Allen County cases that require more than 7 people and all large dockets with more than 7 cases will occur in the large courtroom. There shall be social distancing in the large courtroom, and the courtroom shall be marked or include signage for social distancing.
- In **Woodson County**, there shall be social distancing in the courtroom. The courtroom will be marked or include signage for social distancing.
- Clerks of the District Court, Clerks and AA's will coordinate all these cases exceeding occupancy with social distancing and large dockets in the larger courtrooms with all counsel and the judges.
- In-person meetings with **court services offices** may occur with appropriate social distancing. Supplementary conditions will be posted at each court services office, including the procedure for in-person meetings with appropriate social distancing. For questions contact that applicable court service office or Chief Court Services Officer Kevin McGuffin whose number is posted at each court services office.
- Unless there is social distancing, Supreme Court Administrative Order 2020-PR-32, paragraph 14, continues to prevent "all Deoxyribonucleic Acid (DNA) collection, urinalysis testing, alcohol testing performed by Judicial Branch employees." The link for Administrative Order 2020-PR-32 is <https://www.kscourts.org/KSCourts/media/KsCourts/Orders/2020-PR-032.pdf> Testing can be done by court order, or as directed by Chief Court Services Officer Kevin McGuffin or Community Corrections/Juvenile Services Director Troy Smith.
- Under Administrative Order 2020-PR-32, **only if the contact is a necessity and only if appropriate social distancing will be maintained**, in any jail or

custodial or detention facility, court services officers may have in-person meetings with individuals on probation, under court supervision, or as required to perform the duties of their employment. Before this contact occurs, Chief Court Services Officer Kevin McGuffin or Community Corrections/Juvenile Services Director Troy Smith must approve the contact. For authority see paragraph 15 of the link to Administrative Order 2020-PR-32. <https://www.kscourts.org/KSCourts/media/KsCourts/Orders/2020-PR-032.pdf>

ON A FUTURE DATE— AS DIRECTED BY THE SUPREME COURT
MITIGATION MEASURES WILL BE LIFTED

- After lifting of the mitigation measures required by Kansas Supreme Court Administrative Orders and directives, the 31st Judicial District will appropriately lift mitigation measures.

IT IS SO ORDERED

June 19th, 2020

Hon. Daniel D. Creitz
Chief Judge; 31st Judicial District

THIRTY-FIRST JUDICIAL DISTRICT

ADMINISTRATIVE ORDER 283

**ADMINISTRATIVE ORDER DESIGNATING STAGE TWO
EVIDENTIARY ZOOM HEARINGS PROTOCOLS COMMENCING JUNE
8, 2020.**

**THIS ADMINISTRATIVE ORDER IS ISSUED UNDER KANSAS
SUPREME COURT ADMINISTRATIVE ORDERS 2020-PR-045, AND 2020-
PR-048.**

**THESE SPECIAL VIDEO CONFERENCING ZOOM PROCEDURES ARE
IN RESPONSE TO THE WORLDWIDE COVID-19 PANDEMIC.**

**NOW, on this 26th day of May, 2020, pursuant to Supreme Court
Administrative Orders 2020-PR-45 and 2020-PR-48 the 31st Judicial District
implements the following stage two procedures in response to the worldwide
Covid-19 pandemic.**

**Stage Two—Evidentiary Zoom Hearings Protocols supplements all applicable
Stage One–Non-evidentiary Protocols (Exhibit 1) and the Supplemental
Technical Guidelines (Exhibit 2) and establishes a protocol for Stage 2
Evidentiary Zoom Hearings.**

INTRODUCTION

The Stage 2 evidentiary hearings protocols does NOT include jury trials.
Under Kansas Supreme Court Administrative Orders 2020-PR-16, 2020-PR-32 and
2020-PR-46 jury trials are currently suspended in all the Kansas District Courts.
The links are: <https://www.kscourts.org/KSCourts/media/KsCourts/Orders/2020-PR-016.pdf>
<https://www.kscourts.org/KSCourts/media/KsCourts/Orders/2020-PR-032.pdf>
<https://www.kscourts.org/KSCourts/media/KsCourts/Orders/2020-PR-046.pdf>

Except for hearings that under law are not open to the public, commencing June 8,
2020 and continuing until the 31st Judicial District courtrooms are open to the

public and thereafter, these Stage 2 evidentiary zoom hearings protocols apply to all evidentiary zoom hearings in the 31st Judicial District.

These protocols are authorized by Kansas Supreme Court Administrative Orders 2020-PR-045 and 2020-PR-48, and are designed to ensure access to the courts by providing a method for many cases to be processed under the law. The links are: <https://www.kscourts.org/KSCourts/media/KsCourts/Orders/2020-PR-045.pdf> <https://www.kscourts.org/KSCourts/media/KsCourts/Orders/2020-PR-048.pdf>

Moreover, these protocols are consistent with the individual rights secured by the United States and Kansas Constitutions, including those of a criminal defendant and victim. Nothing in these protocols or a hearing held under these protocols requires an individual to waive a constitutional right.

Furthermore, due to the specific facts or unique circumstances of any case, Stage Two evidentiary zoom hearings may not be practical or the preference for any given case. Those cases may be continued until the 31st Judicial District Courtrooms are re-opened to the public for court hearings.

In addition, to comply with Kansas Supreme Court Administrative Order 2020-PR-48, paragraph 4, all hearings open to the public will be **broadcast live on YouTube**. <https://www.kscourts.org/KSCourts/media/KsCourts/Orders/2020-PR-048.pdf> Each 31st Judicial District judge has their own YouTube channel. Broadcasted hearings will be deleted/erased from YouTube after the hearing or docket by ACE staff through June 30 and by court personnel thereafter.

The YouTube channel information for the live broadcasts will be provided to the public on the 31st Judicial District Website, www.31stjudicialdistrict.org.

The 31st Judicial District Court facilities are located in Allen, Neosho, Wilson, and Woodson counties. The 31st Judicial District Court facilities include: 8 courtrooms, 5 Clerk of the District Court Offices, court offices, judge's chambers, and 4 Court Services Offices.

The court is also working on a tentative schedule for the public re-opening of the 31st Judicial District Clerk of the District Court Offices, Court Service Offices and Courtrooms. Further details of the tentative schedule should be provided by June 8, 2020. However due to the nature of the novel coronavirus (COVID-19), any schedule is fluid and subject to immediate change, possibly without any advance notice to the public. Any schedule changes will be based upon any findings that a public health emergency exists in Allen, Neosho, Wilson or Woodson County and any new Administrative Orders from the Kansas Supreme Court.

PROTOCOLS

These Stage Two protocols include:

- A. Critical Zoom Meeting Reminders,**
- B. Exhibits,**
- C. Specific Instructions for Submission of Digital Exhibits to the Court,**
- D. Witnesses,**
- E. Interpreters,**
- F. Unrepresented Litigants (Pro Se), and**
- G. Large Dockets.**

A. CRITICAL ZOOM MEETING REMINDERS

1. When connecting to the ZOOM meeting, make sure your “Display Name” is your full name (first & last) as it would appear on the court docket or case.
2. Attorneys and other participants should include their role as part of their Display Name (e.g. “Attorney John Doe”, “Defendant Abe Baker” or, in a CINC case, “Mary Jones, Mother of Mary Doe & Jane Jones”, “John Smith, Father of Mary Doe”, “John Jones, Father of Jane Jones”).
3. If you don’t use your correct, full name you may not be allowed into the meeting.
4. Mute your device while you are not speaking. If you are using the ZOOM app on a PC (computer), you can hold down the spacebar key on the keyboard to unmute yourself momentarily (push to talk).
5. Stay in one place. Do not drive or walk around during your court appearance.
6. Do not have more than one device running the ZOOM app in the same room.

B. EXHIBITS

1. Counsel and court should receive exhibits at least 48 hours, 2 business days, in advance of the hearing. The 48 hours or 2 business days' notice is necessary to allow ACE staff, or after June 30, 2020 court personnel, time to prepare the exhibits to be displayed to all participants during the hearing.
2. Exhibits must be easily accessible via DropBox to the court, or when applicable the court's administrative assistant or other court personnel.
3. Counsel/party must **not make the exhibit files too large**. Uploaded video or audio files of any type should be kept to less than 1 GB (gigabyte) in size per file. For documents/pictures, only files of types PDF, JPG, JPEG, TIF, or TIFF should be submitted. Any other file types will need to be approved by the court before uploading.
4. Counsel/party must **name the file** by the case number or case heading and shall use consistent naming so that each party's files are readily distinguishable from files of another party and automatically order themselves. Counsel/party also must number each exhibit. For example, Petitioner might send a file that is named "Smith 20CV1234 Pr Exhibit 1 Dogs", then "Smith 20CV1234 Pr Exhibit 2 Cats", with Respondent sending a file that is named "Smith 20CV1234 Rt Exhibit 1 Dogs", then "Smith 20CV1234 Rt Exhibit 2 Cats", etc.
5. Each exhibit shall be in a single standalone file. Multiple exhibits shall not be combined into one file. When possible, rebuttal exhibits should be prepared in advance so as to be easily transmittable to the court and opposing party/counsel. **Original exhibits must be in the control and possession of the court not counsel.**
6. **Unless the court orders exhibits to be withdrawn, all submitted exhibits will be held, maintained, and controlled by the court. Exhibits are part of the record** of the case, and even some exhibits that are not admitted into evidence are maintained as part of the record for a possible appeal.
7. **After the hearing each DropBox created for that particular case must be in the court's, not counsel's control.**

C. SPECIFIC INSTRUCTIONS FOR SUBMISSION OF DIGITAL EXHIBITS TO THE COURT

1. These instructions are specifically for submitting digital exhibits to the court using the DropBox file sharing service. The court will be using a DropBox feature called “File Requests”. Counsel/party is responsible for submitting evidence to other counsel/party involved.
2. For each counsel/party needing to submit digital exhibits, ACE staff or court personnel will create a folder on DropBox and set it up as a “File Request” location. DropBox will create an auto-generated web page link that is unique for that file request folder. Court personnel will forward this link on to the correct counsel/party.
3. **Privacy:** DropBox is a third-party file sharing service that will be utilized by the court. DropBox is designed with multiple layers of security and data protection. Visit <https://www.dropbox.com/security> for more information regarding general DropBox security.
4. How to Submit Digital Exhibits to the Court:
 - a. You do NOT need to create a DropBox account to upload files.
 - b. Before submitting any files to DropBox, make sure each file is: (1) in the correct file format, (2) within the file size requirements, and (3) named correctly as outlined in the “STAGE TWO— EVIDENTIARY ZOOM HEARINGS PROTOCOLS.”
 - c. When counsel/party receives the web page link, click on the link to be taken to the DropBox file upload web page. If the web page link is not clickable, you can copy the link text and paste it directly in to your web browser’s address bar.
 - d. On the web page, verify that you are submitting files for the correct case. The web page should contain a description showing the appropriate case information.
 - e. Click on the “Choose files” button. A file selection window will appear. One or more files can be selected for uploading. Once the files have been selected, they can be reviewed on the web page before they are submitted.

- f. Before any files can be uploaded, the web page has 3 required fields that will need to be filled in by the person submitting the files. These required fields are first name, last name, and email address. Once that information has been entered, click the “Upload” button to upload the file(s) to the court. **Once a file has been uploaded, the upload cannot be undone.** The court will have a copy of all files uploaded.
- g. Note: All digital exhibits do not need to be uploaded at the same time. As long as the DropBox link is still active, additional files can be uploaded at any time.
- h. Through June 30th, ACE staff is available to assist with any technical issues regarding the uploading of digital exhibits. This assistance is available by appointment only. Anyone needing technical assistance can call 620-380-6548 and leave a message.

D. WITNESSES

- 1. Unless otherwise ordered by the court, when testifying **witnesses** must identify where they are physically located and shall appear by live video. With the court’s permission, witnesses may appear solely by audio. But appearance solely by audio must be used sparingly for Zoom hearings.
- 2. Witnesses shall be alone with a separate Zoom connection.
- 3. If a witness must be subpoenaed, counsel **MUST** discuss the process and if possible, resolve the process in advance. If counsel cannot agree on the process, then at least 48 hours, 2 business days, before the scheduled hearing, counsel must contact the court for a resolution.
- 4. Under Governor Kelly’s Executive Order 20-20 the court may administer oaths by remote means including videoconferencing or teleconferencing. It is recommended that judges or court reporters consider the following colloquy with remote **witnesses**:
- 5. “We are conducting this hearing pursuant to K.S.A. 60-243. The witness is not located in the court room but is appearing through electronic means. I am allowing this testimony based on the good cause of (state

- good cause) and with the following safeguards: _____. (to the witness) Do you swear or affirm under the penalty of perjury to tell the truth, the whole truth and nothing but the truth? (assuming yes, next question) Do you submit to the jurisdiction of the State of Kansas and the United State of America for the purposes of your testimony today, and any further proceeding as it relates to your testimony, including, but not limited to an action for perjury arising out of your testimony today? Based on the witness' answer in the affirmative, I find that adequate safeguards have been put in place, and I will allow this hearing to proceed with the presentation of evidence electronically.
6. A testifying party or witness shall not have anything in their hand other than, if necessary, the device facilitating their testimony.
 7. Without the prior permission of the court, witnesses **may not refer to notes**, papers, phones, computers or anything else.
 8. Without the court's prior permission, **other than the device facilitating the testimony, all electronic devices must be turned off.**
 9. **While testifying** (or while the witness is ordered sequestered) no one shall pass and **the witness shall not accept or use the functional equivalent of notes by any electronic means.**
 10. **No parties, counsel or witnesses can record any portion of any hearing.**
 11. The court has the authority to enforce all these rules and the orders of the court. In addition, in its sole discretion the court can place the witness in the **"Waiting Room"** until his or her testimony is needed. **The court controls who will be allowed in the court meeting session from the "Waiting Room."**
 12. **Witnesses must be respectful to counsel**, the parties, court personnel, ACE personnel and the court.

E. INTERPRETERS

1. Cases needing **interpreters** need special attention when heard by video.

- a. At least a week in advance of the hearing, counsel must notify the court and Chief Clerk Dina Morrison that an interpreter is necessary for the hearing. **The court or Dina Morrison will obtain the interpreter, and provide the interpreter the correct ZOOM invitation.**
- b. Prior to the testimony, interpreters must be given the interpreter's oath. (K.S.A. 75-4354)
- c. Explain to everyone the difference between **consecutive** and simultaneous **interpretation**.
 - 1. Simultaneous is the normal method. The interpreter uses a head set and microphone and interprets in real time.
 - 2. **Consecutive** requires that one person speak at a time.
 - 3. The **judge will direct** when each person may speak.
 - 4. The **judge** tells everyone that they **cannot respond/reply**, until after the interpreter has finished and the judge has indicated that it is the speakers turn to speak.
 - 5. The **judge** instructs everyone that they should speak for **no more than 30 seconds** without stopping to allow the interpreter to interpret. If they start to talk too long, the **judge** tells them that the testimony will be stopped.
- d. Verbal, hand or other physical **gestures** may be used to indicate that the speaker should start or stop.
- e. **Audio lag** can cause the interpreter to miss words. The judge should wait a second between when the interpreter stops, and giving the permission for the speaker to resume.

F. UNREPRESENTED LITIGANTS (PRO SE LITIGANTS)

- 1. Some Pro Se Litigants may not have reliable or unlimited **internet access** or might have limited minute/data plans. Going to a public place is a problem for privacy reasons. Accommodations might have to be made.

2. Some Pro Se Litigants may not have an **email address**. Some do not check email regularly.
3. Pro Se Litigants need to be told to check email at least daily.
4. The court may need to consider backing up email notices with US Mail.
5. Preserve a record of a party acknowledging the receipt of email or accepting a notice of hearing notice date.
6. Through June 30th, ACE staff is available to provide end-users assistance downloading, installing, testing, and using the ZOOM app for Kansas 31st Judicial District hearings and court appearances. Technical assistance and vetting is available by appointment only. Anyone needing technical assistance with using the ZOOM app can call 620-380-6548 and leave a message to set up an appointment.
7. Pro Se Litigants sometimes do not understand the **consequences of ignoring** a court email or failing to act.
8. The court should explain.
9. Under KS Supreme Court Administrative Order 2020-PR-48 paragraph 1 the last bullet, “all orders to appear for a hearing must be modified to include, or be accompanied by, information on COVID-19 restrictions and stating that those who have conditions placing them at high risk if exposed to COVID-19, should not appear but should contact the court through a phone number or email address provided.”
10. Use **plain language** whenever possible in all oral and written communication. Avoid legalese and acronyms.
11. Be understanding of **difficulties**. Daycares may be closed. It may be difficult for a Pro Se Litigant to avoid having children and pets around.
12. Recognize privacy concerns with a Pro Se Litigants. Cautiously discuss sensitive issues. Make reasonable accommodations.
13. **2nd Language**. Have a plan for getting information to ESL and non-English speaking litigants pro se. It may be necessary to include a notice in Spanish and other languages.
14. Provide **step by step instructions** for remote hearing procedure including how to get exhibits to the court and how to request or attend a remote hearing.

15. At the beginning of a hearing with a Pro Se Litigant:

- a. Address potential technical problems and tell them **what to do** if they have a problem.
- b. Provide a **call-in** number and/or email address if the video connection is lost.
- c. Obtain the **Pro Se Litigants' phone number** for court to call if connection is lost.
- d. Ask about any **privacy issues**, who is present with them and other instructions.
- e. **Explain** how the hearing will be held, who talks when, how to object, and other procedural matters.

16. At end of hearing ask Pro Se Litigants:

- a. If they understand ruling.
- b. If they consent to further notices and service of pleadings/orders by email.
- c. Tell them how to contact the court with questions/problems. But explain that the court and court personnel cannot and does not provide legal advice to them.
- d. If appropriate, provide the Kansas Legal Services (KLS) information; **Pittsburg Office**, 408 N. Walnut, P.O. Box 1509, Pittsburg, KS 66762, Telephone 1-620-232-1330; Toll free to the KLS Statewide Client Intake at **1-800-723-6953**; or, **the KLS website at <https://www.kansaslegalservices.org>**.
- e. Make sure the Pro Se Litigant understands the date and time for the next hearing, what will happen at that hearing and explain what they need to do before the next hearing.
- f. Leave an opportunity for questions.

G. LARGE DOCKETS

- 1. **Large dockets** present unique challenges. Use of the **“Waiting Room”** and **“Breakout Rooms”** can help. Through June 30th ACE staff is prepared to help judges, AA's and court personnel learn how to use the Breakout Room feature. All participants for all cases on a docket are invited to the **single**

docket “meeting.” For instance, if there is a 1:30 docket with five cases, all participants for that 1:30 docket are invited to the same meeting.

2. Based upon experience from other Kansas judicial districts, it will be difficult and perhaps impracticable for more than 6-8 cases each hour.
Zoom hearings require more time than normal hearings. Thus, court dockets will require additional time.
3. **As needed the court or ACE staff can mute anyone at any time.** In some cases, it might be appropriate to mute the audio of some participants (e.g. some criminal and PFA/PFS cases). When they are not speaking, each participant should mute their device. With the court’s prior approval based upon the facts, participants may appear by audio only. But appearance solely by audio must be used sparingly for Zoom hearings.
4. The Zoom meeting host (either ACE staff or court personnel) can **create Breakout Rooms as needed during court.** Multiple Breakout Rooms can be used simultaneously.
5. Anything taking place in a single Breakout Room is private and can only be seen and heard by those participants inside of that Breakout Room. If the judge joins a Breakout Room, the primary recording equipment in the courtroom may pick up and record the audio inside the Breakout Room. Breakout Rooms cannot and will not be recorded through Zoom by the ACE staff.
6. With the judge’s approval, participants can request to be assigned to a private Breakout Room with any number of other participants.
 - a. The judge may give a time limit for how long participants can remain in a Breakout Room.
 - b. Once the participants completed their discussion in the Breakout Room, they must return to the main meeting.
 - c. As needed, the judge or ACE staff can join the Breakout Room. If anyone joins a Breakout Room, they will be able to see and hear the other participants inside the Breakout Room.
 - d. The judge can request that all open Breakout Rooms be closed at any time. This will cause any participants inside of any Breakout Room to be automatically moved back into the virtual courtroom.

IT IS SO ORDERED

May 26th, 2020

Hon. Daniel D. Creitz
Chief Judge; 31st Judicial District

EXHIBIT 1

SPECIAL VIDEO CONFERENCING PROCEDURES IN RESPONSE
TO THE WORLDWIDE COVID-19 PANDEMIC
31st JUDICIAL DISTRICT ZOOM PROTOCOL

—STAGE ONE—
NON-EVIDENTIARY ZOOM HEARINGS
COMMENCING MAY 11, 2020

In response to the worldwide COVID-19 pandemic and under Kansas Supreme Court Order 20-PR-32, the 31st Judicial District is reducing the number of in person hearings. With the need to start processing cases many, not all, hearings will be held by video conference. To increase the effectiveness of these hearings and as the court resources allow, these procedures are in effect pending further notice. They may be modified, updated without notice.

During Stage 1, only non-evidentiary hearings will be conducted, i.e. hearings that do not require any testimony. **All cases that can be journalized or handled by telephone or Polycom will not be ZOOM hearings. All cases that can be continued will be continued.**

PLEASE READ AND COMPLY WITH ALL PROCEDURES

During Zoom hearings, Counsel and parties are expected to appear by video. Generally, when appearing by a Zoom conference appearing **by audio only is not acceptable** but may be allowed in special circumstances.

ZOOM APP INFORMATION

1. All 31st Judicial District Zoom hearings will be conducted solely using the Zoom app. The free Zoom App is available at the Apple or Android app stores or at www.zoom.com Zoom downloads automatically when you join the first meeting. Zoom works on desktops, laptops, tablets and smartphones with video and audio capability. When the participant joins a video conference initiated by the court, there is no cost to the participants.
2. Judges, attorneys and Administrative Assistants must download the free www.zoom.com App. To use Zoom you must have a device that supports audio and video. **You need a camera, speakers and a microphone.** Some participants may find it useful to have **multiple devices** available such as a laptop for accessing documents and calendars and another smart phone, tablet or other device for video.
3. System Requirements are found at Help Center. **DO NOT WAIT UNTIL JUST BEFORE THE HEARING TO DOWNLOAD THE APP AND TO TEST YOUR EQUIPMENT. YOU SHOULD TEST THE EQUIPMENT WHERE YOU WILL BE LOCATED DURING COURT.** Spend a few minutes familiarizing yourself with the program before your first video conference.
4. Live technical support is available at www.zoom.com Help Center. You may need to adjust security and firewall settings and/or allow permissions/access to cameras, microphones and speakers.

STAGE ONE PLAN

5. The current plan is to have Court 4 to 5 days a week. At this time absent extraordinary circumstances, Zoom hearings will not be held on Fridays.
6. As much as possible, the goal is to condense court each day. The goal is each judge will not have court one day each week.

7. In each docket each attorney's cases will be grouped together on the docket. **The order of the cases on the docket will be the order that the cases are called.** Judges do not plan to deviate from the order of cases on the docket.

8. We are going to start two Courts at 9:00 and two Courts at 9:30 when needed. If 5 courts are occurring simultaneously, then Judge Creitz's docket will start at 10AM. Lunch break should be limited to one hour. Courts starting at 9AM should break by or before 12PM with the afternoon docket starting at 1PM. Courts starting at 9:30AM should break for lunch by or before 12:30PM with the afternoon docket starting at 1:30PM. Courts starting at 10AM should break for lunch by or before 1PM with the afternoon docket starting at 2PM. Morning and afternoon breaks should each be limited to fifteen minutes. Regardless of the starting time all dockets should end by 4PM each day.

9. Advantage Computer Enterprises is the 31st Judicial District's contracted IT provider (ACE). ACE will have 2 techs available in the mornings for the courts. Courts will be provided a direct phone line to the Zoom tech for any assistance needed before or during court.

10. ACE is going to assist future court attendees as needed from 10:00 AM – 12:00 PM 4 days a week.

11. The Court will have access and assistance from ACE for 1 tech for 5 days a week for 19 days in May and limited time in June from 8-4.

12. The Court will also have access and assistance from ACE for a 2nd tech from 8AM-12PM Monday-Thursday for 15 days for setting up multiple courts in the morning along with additional setup and configuration for future sessions.

COURT WORKFLOW OUTLINE

13. Judge or court staff schedules case to be held in in 1 of 6 video courtrooms.

14. Court staff adds a case to the schedule and notifies ACE of the case to schedule. As much advanced notice as possible needs provided so that proper protocol can be put in place.

15. Court staff supplies date/time, case number, attendees list, and video courtroom number to ACE. Dockets may be mixed with zoom, telephonic or Polycom cases. But each hearing that is a zoom hearing must be identified on the docket as a zoom hearing with a "Z." Any hearings, i.e. as an example child-in-need-of care (CINC), that are confidential should be identified as confidential on the docket with a "C."

16. Court staff supplies date/time, case number, attendees list and video courtroom number to ACE.

17. ACE creates/schedules Zoom meeting.

18. ACE supplies designated court staff with Zoom Meeting ID/Password and meeting guidelines. Court staff will provide the meeting ID/Password to the attorneys. **Represented clients will be sent this information by their attorneys not the court. For each case attorneys will also provide to ACE and the court their client's name or how the client will be identified in the Meeting ID, and the client's email address.** In the event that the client does not have an electronic device that supports Zoom, then if possible, counsel will have the hearing without his/her client. If not, the case will be re-scheduled. The court does not have the resources to provide and will not provide an electronic device for those without an electronic device that supports Zoom.

19. ACE assists with Zoom testing for all attendees. Only during specifics preset times, Monday-Thursday 10-12 and all-day Friday.

20. 15 minutes before each court begins, ACE starts Zoom hearing as host and allows each attendee into the meeting room one-by-one. As court allows attendees will be placed in the Zoom Courtroom. As needed in Zoom a breakout room will be provided for private unrecorded conversations or attorney/client confidential communications. Each day a separate Zoom invite and password will be provided for AM and PM proceedings.

21. If Court Reporter not present, Judge or court staff starts electronic recording in physical courtroom according to normal procedures.

22. Zoom meeting is automatically recorded by ACE as well (as a backup recording).

23. Judge and/or ACE will end the meeting once court is adjourned.

24. ACE will save the audio only recording of the Zoom meeting.

25. ACE will upload audio file to District Court's Server for archiving (using secure VPN connection). **Unless the court grant's permission before a hearing, any other recording by any means of any hearing is FORBIDDEN.**

26. ACE supplies tech support to Judges, Clerk's Office and in court attendees along with pre-court setup and testing throughout the entire process. 3 separate phone lines will be provided for each group.

SPECIFIC DIRECTIONS, NOTICE TO COUNSEL AND THE CURRENT ONGOING PLAN

27. Counsel must discuss the cases with their clients before court. Dockets must keep moving.

28. During a hearing, counsel may have confidential conferences with their clients via Zoom in a break-out room. But if possible, confidential conferences with clients should be avoided so that cases can be processed and keep moving. During a hearing if a confidential conference is needed with a client, then counsel must notify the court.

29. **Until further notice these cases will NOT be broadcast live on YouTube or another platform. In each criminal case a defendant will be asked if she/he waives their right to be personally present in the courtroom.** (As examples see Arraignment, K.S.A. 22-3205(b) and Pleadings and motions, 22-3208(7)) If the defendant is not willing to waive their right to be personally present in the courtroom, then the case will be continued. ACE and the court are also working on broadcasting hearings live on YouTube. It is a work in progress, and it is not anticipated to occur during Stage 1.

30. The fluid plan is that Stage 2 will include evidentiary hearings and be broadcast live on YouTube and immediately erased after the hearing. The court, court personnel and all involved must become comfortable with Stage 1 before moving to Stage 2. No starting date is set for the commencement of Stage 2.

31. At this time Kansas Supreme Court PR-32 controls all court operations. This order may be modified at any time. Due to the pandemic the situation is dynamic.

32. Depending upon the direction from the Supreme Court after Stage 2, Stage 3 would be a mitigated opening of the courtrooms, clerks' offices, services offices and maybe community corrections office. The Stage 3 mitigation measures envisioned could include: screening all individuals before entering all court facilities, a limited number of persons in the courtrooms, social distancing, maybe masks and gloves and other mitigation measures.

REMINDERS BEFORE EACH HEARING

33. Judges may remind everyone during a hearing, but regardless each participant should follow these guidelines for each hearing:

- a. Please stay in one place. Do not drive or walk around during the hearing.
- b. Make sure you are in the location where the equipment was tested.
- c. When speaking, look directly at the webcam, not at the screen.
- d. Position the camera at eye level or slightly above eye level.
- e. Be mindful of what is behind you.
- f. Check the lighting.
- g. Speak one at a time. Don't interrupt.
- h. Pause prior to speaking in case there is any audio/video lag.
- i. Mute to avoid any background noise. If there is too much background noise or participants can't speak one at a time, the court will "mute all."
- j. Don't have two Zoom applications running in the same room.
- k. Don't place microphones near papers, folders or anything else that creates noise. Shuffling papers and files creates too much ambient noise.
- l. If making an evidentiary objection the objecting party should say "Objection" and make a visible signal such as waving or raising a hand to draw the court's attention.
- m. Dress as you would in court. Judges will be in robes. Mute other devices.
- n. Participants should try to locate in an area with sufficient bandwidth so that they have a signal during the hearing(s), and they should ensure that their device has sufficient storage for Zoom.

o. Unless the court grant's permission before a hearing, any other recording by any means of any hearing is FORBIDDEN.

EXHIBIT 2

Supplemental Technical Guidelines

31st Judicial District - for Hearings & Court using ZOOM

In response to the worldwide COVID-19 pandemic, the Kansas 31st Judicial District is reducing the number of inperson hearings and court appearances. To help accomplish that, many hearings and court appearances will be held

by video conference. The ZOOM video conferencing app will be used for this purpose.

This supplemental document is to provide end-users assistance downloading, installing, testing, and using the ZOOM

app for Kansas 31st Judicial District hearings & court appearances. These technical guidelines are attendant to the

31st Judicial ZOOM Protocol emailed Friday, May 1, 2020. Please take time to thoroughly read over and implement

the instructions, guidelines, and tips in this document WELL BEFORE your court date.

These guidelines may be modified or updated at any time without notice.

In this document:

◆ Requirements for using the ZOOM app

◆ Preparation BEFORE your ZOOM hearing/court date

◆ Technical Vetting (live phone support to help test your ZOOM setup in advance)

◆ Appearing ON your ZOOM hearing/court date

◆ ZOOM Video Conferencing Tips

◆ Additional Technical/IT Assistance

◆ Requirements for using the ZOOM app

- ZOOM is a video conferencing app that can be installed on the following types of devices:

<i>Windows PC or laptop</i>	<i>Android tablet or smartphone</i>
<i>Mac PC or laptop</i>	<i>Apple iOS iPad or Apple iOS iPhone</i>

- The PC or laptop ZOOM app can be found at <https://www.zoom.us/download>.

Click on the "Download" button under the "Zoom Client for Meetings".

- The iPad/iPhone app can be found in the Apple App Store and is called "ZOOM Cloud Meetings".

- The Android app can be found in the Google Play Store and is called "ZOOM Cloud Meetings".

- The ZOOM app is free to download. You do NOT need to create a ZOOM account to join a meeting.

- You will need a device that has a camera, speakers, and a microphone.

When you appear in court, you will need to have video and audio enabled on your device.

- A high speed internet connection is required.

Having your device connected directly to your router (using an Ethernet cable) is preferred.

If you have to connect wirelessly, use your Wi-Fi instead of your cellular data plan.

Satellite internet and cellular hot spots are not recommended due to their slow connections.

Last revised on 5/6/2020. Page 2 of 4

◆ Preparation BEFORE your ZOOM hearing/court date

- DO NOT WAIT UNTIL YOUR COURT DATE TO DOWNLOAD THE ZOOM APP AND TO TEST YOUR EQUIPMENT.
- Install the ZOOM app on your device.
- The PC or laptop ZOOM app can be found at <https://www.zoom.us/download>. Click on the “Download” button under the “Zoom Client for Meetings”.
- The iPad/iPhone app can be found in the Apple App Store and is called “ZOOM Cloud Meetings”.
- The Android app can be found in the Google Play Store and is called “ZOOM Cloud Meetings”.
- The ZOOM app is free to download. You do NOT need to create a ZOOM account to join a meeting.
- Spend a few minutes familiarizing yourself with the app before your first video conference meeting.
- You can connect to a test ZOOM meeting by going to <https://zoom.us/test> and clicking the “Join” button.
- In advance of your court date, you will need to be provided with the following information:
 - ZOOM Meeting ID
 - ZOOM Meeting Password
- To connect to a ZOOM meeting, you will need to enter the ZOOM Meeting ID, your full name, and the ZOOM Meeting Password.
- For further tips on using the ZOOM app correctly, see the “ZOOM Video Conferencing Tips” section below.
- Direct support for the ZOOM app can be found in the Help Center: <https://support.zoom.us/hc/en-us>
- If you need additional technical support, the next section in this document can help you prepare further.

◆ **Technical Vetting (live phone support to help test your ZOOM setup in advance)**

- It is recommended that all end-users who will be appearing in court test their video conferencing equipment in advance of their court date. This pre-testing process is referred to as “Technical Vetting”.
- A live IT support technician can assist you with downloading, installing, testing, and using the ZOOM app.
- YOU SHOULD TEST YOUR EQUIPMENT WHERE YOU WILL BE LOCATED DURING COURT.
- Live phone support is available at specific times to help you with this Technical Vetting process.

Technical Vetting assistance is available:

Monday, Tuesday, Wednesday, Thursday

10 AM to 12 PM (noon) Central Time

Please Call: 620-380-6548

DO NOT use this number on your court date!

If you call and do not get an answer,
please leave a voicemail message with your
name and call back phone number.

(Due to limited resources, this technical assistance is available through June 30, 2020.)

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◆ **Appearing ON your ZOOM hearing/court date**

- Turn off all other devices that may utilize your internet connect (PC's, smartphones, tablets, smart TV's, etc.)

This will ensure that just the device you are using for the ZOOM app can utilize all available internet bandwidth.

- Connect at least 15 minutes before your scheduled time to appear.

As an example: If your appearance is at 9:00 AM, start the ZOOM app and connect to the meeting at 8:45 AM.

- To connect to the ZOOM meeting, you will need to enter the ZOOM Meeting ID, your full name, and the ZOOM Meeting Password.

- When connecting to the ZOOM meeting, make sure your “Display Name” is your full name (first & last). If you don’t use your correct, full name you may not be allowed into the meeting.

- The “Waiting Room” feature will be utilized for all ZOOM meetings. When you connect to a ZOOM meeting,

you will be placed in a Waiting Room until the host allows you into the meeting.

- If your case is part of a larger docket (with many cases), you may be required to join the ZOOM meeting and

then wait in the Waiting Room until you are brought in to the meeting to appear.

- Any recording by any means is FORBIDDEN.

- If you have any trouble connecting to the ZOOM meeting **ON the day of your** court appearance, please call **620-380-6549**. (Due to limited resources, this technical troubleshooting is available through June 30, 2020.)

ZOOM Video Conferencing Tips

- Stay in one place. Do not drive or walk around during your court appearance.

- Make sure you are in the location where your equipment was tested.

- Mute or turn off any other devices in the room that could cause noise or distractions.

- Make sure pets or any other distractions are removed from the room.

- Be mindful of what is behind you.

- Check the lighting. Make sure you are in a well-lit area. Use front lighting and avoid backlighting.

- Position your webcam at eye level or slightly above eye level.

- When speaking, look directly at your webcam, not at the screen.

- Speak one at a time; don’t interrupt.

- Pause prior to speaking in case there is any audio/video lag.

- Don’t have more than one device running the ZOOM app in the same room.

- Don’t place microphones near papers, folders, or anything else that creates noise.

Shuffling papers and files creates too much ambient noise.

- Dress as you would in court.

- Have all persons not involved with your court appearance leave the room.

- If counsel and a client are in the room together, position the camera so that both can be seen.

- Any recording by any means is FORBIDDEN.

Links to Judges YouTube Channels

- Judge Creitz
<https://www.youtube.com/channel/UCO6FQvI3IJI2QTfogLNaZ1w>
- Judge Davis
<https://www.youtube.com/channel/UCryj5N4ApZWbuGoHqHzCpXw>
- Judge Ahlquist
<https://www.youtube.com/channel/UCJMKITWiT6w11f7LuY-SEDw>
- Judge Mikulka
<https://www.youtube.com/channel/UCUrcic0JksFo9bWddkLdLBw>
- Judge Rogers
<https://www.youtube.com/channel/UC7jzaAykJJkhJl6m9B-VQuw>