

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

[Updated Administrative Order Regarding Jury Trials \(05/11/2002\)](#)

[Updated Covid-19 Order \(03/01/2022\)](#)

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THIRTY-FIRST JUDICIAL DISTRICT

ADMINISTRATIVE ORDER #305

**REPEALING ADMINISTRATIVE ORDER 287, PROVIDING
ALTERNATE OFF-SITE PLANS FOR JURY TRIALS IN ALLEN
COUNTY, AND PROVIDING THAT NEOSHO COUNTY JURY TRIALS
OCCUR IN THE NEOSHO COUNTY COURTHOUSE**

"The right of trial by jury shall be inviolate." Kan. Const. Bill of Rights, § 5.

Now on this 11th day of May 2022, the 31st Judicial District issues this administrative order repealing administrative order #287, post-Covid-19 Jury Trial and Grand Jury Plan.

With the Kansas Supreme Court's various Covid-19 administrative orders that required social distancing being repealed, Administrative Order #287 needs repealed.

However, the social distancing requirements due to the pandemic amplified the ongoing concern for security. Security is not a novel concern. In fact, over about the last 19 years sheriffs, undersheriffs and many law enforcement officers have expressed this security concern to the court.

Thus, at this time in Allen County jury trials will be held at the Bowlus Fine Arts Center, and jury trials in Neosho County will be held in Erie, not Chanute.

As background and for an explanation, Allen County and Wilson County have two courtrooms, including one small courtroom in each county. Neosho County has three courtrooms with two in the Chanute Judicial Annex and one in the Neosho County Courthouse (Erie). The two courtrooms in the judicial annex are larger than the smaller courtrooms in Allen and Wilson County, but both are small. The courtroom in the Neosho County Courthouse is the largest courtroom in the judicial district.

Further, when packed with people the smaller courtrooms in Allen, Neosho and Wilson counties are a security concern. On many days due to pressing cases, there is an absolute need for two judges to simultaneously hold in-person court on the same day in the same courthouse, and on many of those days, both judges simultaneously have court each with a large attendance. Many times, and often with the assistance of law enforcement, the presiding judge can spontaneously mitigate the security concern by simply asking some individuals to wait outside the courtroom. Sometimes mitigation is not possible. Hence, a security concern.

Additionally, jury trials require large numbers of people attending, and for a variety of practical, legal and constitutional reasons, mitigation by asking individuals to wait outside is not possible. But by having jury trials at the Bowlus Fine Arts Center and the Neosho County Courthouse (Erie), during jury trials, the large courtroom in Allen County and the two courtrooms in the Chanute Judicial Annex will remain available for court.

"The right of trial by jury shall be inviolate." Kan. Const. Bill of Rights, § 5.

Moreover, grant funds that became available and were secured during the pandemic, have given the court additional needed electronic equipment enabling the court to have off-site remote jury trials during the pandemic.


Finally, under K.S.A. and 2022 House Substitute for Substitute for Senate Bill No. 267, the Kansas Supreme Court issued Administrative Order 2022-JA-020 certifying the creation of new judicial divisions and positions, including a new district judge and a new district magistrate judge in the 31st Judicial District. With these two additional judges in the 31st Judicial District, the demand and need for our courtrooms will gradually increase.

In sum, with additional electronic equipment and as a result of security concerns, and after consulting with all the judges and the district's chief clerk administrator, at this time jury trials in Allen County will be at the Bowlus Fine Arts Center. Jury trials in Neosho County will be in Erie, not Chanute. In Wilson County jury trials will be in the Wilson County Courthouse.

Finally, procedures outlined in sections 8-16, pages 7-16 of Administrative Order, after being appropriately modified, may be utilized by the presiding judge and court personnel as a resource for procedures for jury trials at the Bowlus Fine Arts Center and in the Neosho County Courthouse.

IT IS SO ORDERED

May 11th, 2022


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

THIRTY-FIRST JUDICIAL DISTRICT

ADMINISTRATIVE ORDER 303

**RESCINDING THE REVISED COVID-19 ORDER TO COMPLY WITH
THE KANSAS SUPREME COURT'S AUGUST 30, 2021, "UPDATED
COVID-19 PERSONNEL POLICIES" AND "SUPREME COURT
GUIDANCE FOR DEVELOPING MINIMUM STANDARD HEALTH
PROTOCOLS."**

Now on this 1st day of March 2022, the court issues this administrative order rescinding Administrative Order 297 issued September 7th, 2021.

The use of face masks or other face coverings and social distancing will no longer be required in public and common areas of court offices, courtrooms, or any facility being used for a court proceeding. If a particular office area and situation justifies, then rotating staff and remote work will be utilized, by local rule.

This administrative order is effective March 1st, 2022 and this order shall remain in effect until modified by another administrative order.

IT IS SO ORDERED

A handwritten signature in black ink, appearing to read "Daniel D. Creitz", is written over a horizontal line.

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

THIRTY-FIRST JUDICIAL DISTRICT
ADMINISTRATIVE ORDER 296
UPDATED COVID-19 ORDER WITH HEALTH STANDARDS AND
PROTOCOLS, RESCINDING ADMINISTRATIVE ORDERS 283, 284 AND
285

On this 28th day of May 2021, the 31st Judicial District issues this COVID 19 order and rescinds this court's prior Administrative Orders 283, 284 and 285. Links to those administrative orders are: https://0201.nccdn.net/1_2/000/000/145/b9e/31st-covid-response-page.pdf

At this time this court is not rescinding Administrative Order 286, "Mandatory Settlement Conferences In All Civil And Criminal Cases Before Commencing Any Jury Trial and Administrative Order 287, "POST-COVID-19 JURY TRIAL AND GRAND JURY PLAN. Links for those administrative orders are: https://0201.nccdn.net/1_2/000/000/145/b9e/31st-covid-response-page.pdf

On May 24, 2021, the Supreme Court issued a press release with the Chief noting, "With approved COVID-19 vaccines more readily available, courts are ready to adopt updated protocols that reflect local health conditions, and our order today gives that direction." The press release further provides, "Orders dating to the beginning of the pandemic provided uniform health and safety protocols applied to courts statewide. Today's order gives chief judges the authority and responsibility to adopt minimum standard health protocols necessary based on local health conditions." Further, the order provides that "even as approved COVID-19 vaccines become readily accessible in Kansas communities, courts should continue to utilize precautionary measures as necessary so as not to undermine public confidence in the courts and damage the integrity of trial by jury, a cornerstone of our justice system." The order also "encourages courts to continue using remote hearings to dispose of cases safely and efficiently." The effective date of the order was June 1, 2021.

In addition, on May 24, 2021, Supreme Court issued two guidance directives. They are: "Guidance Regarding Conducting Jury Proceedings" and "Supreme Court Guidance for Developing Minimum Standard Health Protocols." The links are: <https://www.kscourts.org/KSCourts/media/KsCourts/court%20administration/Supreme-Court-Guidance-for-Developing-Minimum-Standard-Health-Protocols.pdf>, <https://www.kscourts.org/KSCourts/media/KsCourts/court%20administration/Supreme-Court-Guidance-for-Conducting-Jury-Proceedings.pdf>

After the Supreme Court issued 2021-PR-048 and the two guidance directives, this court consulted with the Allen, Neosho, Woodson and Wilson County Health Department Nurses.

This order complies with the Supreme Court's 2021-PR-48, the two Supreme Court guidance directives, and the directives of all four county health departments. This court's Administrative Order 296 is effective June 1st, 2021.

DEFINITIONS

- "Fully vaccinated" means two weeks after a person receives the second dose in a two-dose series of the Pfizer-BioNTech or Moderna vaccine, or two weeks after a person receives a single dose of the Johnson & Johnson Janssen vaccine.
- "Physical distancing" means keeping 6 feet of distance between yourself and other people who are not members of your household.

HEALTH PROTOCOLS

- At all entrances to the courthouses, the Chanute Judicial Annex, any court office or any other facility being used by the court for a proceeding within the district, the Office of Judicial Administration "Visitor Alert" and any updates will remain posted that provides the COVID-19 screening and communication protocols. Except in jury proceedings when court staff may screen the public, the public shall self-screen.
- The Office of Judicial Administration's "Notice" template and any amended templates with steps to take to avoid the spread of the disease will remain posted in each court office, and these notices must be followed.
- This court trusts that the public will follow this order with honesty and integrity. Further, as provided in the "Supreme Court Guidance for Developing Minimum Standard Health Protocols" Section E, the court "trusts that Kansas Judicial Branch Workforce members will follow masking policies with honesty and integrity."
- Only Non-Vaccinated individuals must wear a mask or other face covering in all court areas. Vaccinated individuals, including court staff, do not need to wear masks, but may do so if they feel more comfortable wearing a mask.
- Masking policies will be enforced on the honor system.
- As provided in the "Supreme Court Guidance for Developing Minimum Standard Health Protocols (e), upon the court's own motion or upon request, a judge may enter an order

authorizing a waiver of the mask or face covering requirement within the courtroom where the judge is presiding. Absent constitutional concerns, judges should permit individuals to wear masks if they feel more comfortable doing so.

- In addition, the following people are exempt from the requirement to wear a mask or other face covering:
 - Persons aged 5 years or younger. Children aged 2 years and under in particular should not wear a face covering due to risk of suffocation.
 - Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without help.
 - Persons who are deaf or hard of hearing or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication.
- By written notice or through verbal expression employees may designate their personal workplace or office as a space where masks are required, even for those vaccinated. All employees, judges and members of the public should honor and respect the designation.
- The public, court users, staff and judicial officers should exercise appropriate physical distancing in all court offices, hallways or areas adjacent to court areas. Current physical distance signage shall remain posted in all courtrooms and hallways or areas adjacent to court areas.
- Podiums may return to the courtrooms. Masks and sanitation wipes should continue to be available in all courtroom and court facilities.
- With the courtrooms open to the public for in-person hearings, live-streaming is not required.
- Due to the “Supreme Court Guidance for Developing Minimum Standard Health Protocols, Section D” providing that “Any public area that cannot be adapted for appropriate physical distancing should be or remain closed.” The following rules remain for the Chanute Judicial Annex, the Erie Courthouse, the Wilson County small courtroom and the Allen County small courtroom.

- 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 remain 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 remain 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 remain 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 remain 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 remain marked or include signage for social distancing.

ZOOM AND CONFIDENTIAL HEARINGS

- At the sole discretion of the presiding judge, zoom hearings can continue to be utilized. If any docket backlog exists, then at the discretion of the judge zoom hearings should continue to be utilized to reduce the backlog. Zoom protocols, notices, exhibits, witnesses, standards and guidance will be determined by the presiding judge who must coordinate with the applicable clerk of the district court's office.
- Except as provided herein, if the judge closes a courtroom to the public, then those hearings must be live-streamed. Hearings on extremely sensitive information, trade secrets, and statutorily confidential hearings shall not be live-streamed. If a party requests

to limit public access to a statutorily open to the public hearing, then a motion must be filed, describing the evidence and clearly identifying the overriding interest that will be prejudiced if the evidence is publicly presented. If an agreement cannot be obtained, then counsel or the unrepresented party's objection should be on the record. If the court grants the motion or sua sponte closes any hearing or any portion of any hearing, findings justifying closing the hearing or portion of the hearing should be made on the record.

IT IS SO ORDERED

May 28th, 2021

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

Links to Judges YouTube Channels

- Judge Creitz
<https://www.youtube.com/channel/UCO6FQvl3JlJ2QTfogLNaZ1w>
- 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>