

**12th Judicial District  
Cloud, Jewell, Lincoln, Mitchell, Republic, Washington counties**

**HEARING PROCEDURES**

The worldwide COVID-19 pandemic has required the Court to make many changes to hearing procedures to keep the public safe. We have drastically reduced the number of in-person hearings. Until the Kansas Supreme Court directs otherwise, all hearings will be held by two-way telephonic or electronic audio-visual communication. If you believe there are exceptional circumstances that apply to your case you will need to contact the judge. Each hearing may vary a little, but most of these procedures will apply.

**PLEASE READ AND COMPLY WITH ALL PROCEDURES**

**Before the Hearing:**

1. All electronic audio-visual communication hearings will use Microsoft Teams.
2. **You need internet access, a camera, speakers and a microphone.** If you do not have access to any of these items, please contact the Clerk of the District Court for additional directions.
3. Please also tell the Clerk of the Court, before the hearing, if any of these issues apply to you.
  - a. You do not have reliable or unlimited **internet access**.
  - b. You do not have an **email address**.
  - c. You are unable to have **privacy** during the hearing
  - d. You have small **children or animals** that cannot be away from you during the hearing.
  - e. If you have trouble communicating in **English**.
  - f. You have questions about how the hearing will be held.
4. If you are using a smartphone, tablet or ipad follow these steps:
  - a. Download the free “Microsoft Teams” app from the Google Play (Android) or Apple Store (iPhone).
  - b. You will receive an email that includes a meeting link. Click the “Join Meeting” link.

- c. This should automatically open the Microsoft Teams app and should give you a “Join as Guest” option. Click on the “Join as Guest” to join the meeting.
5. If you are using a computer or laptop follow these steps:
  - a. Using a “Google Chrome” or “Microsoft Edge” internet browser, open your email account.
  - b. You will receive an email that includes a meeting link. Click the “Join Meeting” link.
  - c. This should open a webpage asking you whether you want to “Download the Windows App” or “join on the Web”.
  - d. Click “Join on the Web”
  - e. Click the “Allow” or “Yes” button that pops up regarding camera and microphone use.
  - f. Type your name in the “Enter Name” box and click “Join Now”.
6. DO NOT WAIT UNTIL JUST BEFORE THE HEARING TO DOWNLOAD THE APP OR TEST YOUR EQUIPMENT.
7. **Help** regarding how to use the Microsoft Teams App can be found under the “Join Microsoft Teams Meeting” link. Click the “Learn more about Teams link. Directions including videos regarding how the app works can be found there.
8. **Find a good place to be for your hearing.**
  - a. Try to find a place free from distractions and interruptions.
  - b. Do not walk around or change places.
  - c. **Do not drive** or participate while driving.
  - d. Position the camera at your eye level or slightly above eye level.
  - e. Be aware of **what is behind you**, choose a solid neutral wall if possible.
  - f. Check lighting. Light from a window behind you might blind the camera, making it difficult to see you. Light above you in the center of a room might also cast shadows. Try facing a window or a lamp where the light is directly on your face.
9. Check your email daily because that is how the Court will communicate with you. Ignoring emails might cause you to miss a hearing. You might not have the most recent order or invitation to the hearing.
10. Do **not** forward the email with the link to the hearing.

11. **Witnesses or other** people must be invited by the Court to participate through their own invitation. Please contact the clerk of the court 3 days prior to the hearing to make arrangements.
- a. **Witnesses can participate** without being in the same space as you.
  - b. Contact the clerk of the court at least 7 days prior to the hearing for witnesses needing **Subpoenas**.
  - c. **You must provide an email address to the court for any individual to participate in the hearing.**
  - d. If possible and to avoid distractions and interruptions, **other people** should not be with you during the hearing. Other people should not travel to you to participate. Other people should participate through a link approved by the Court for them.
  - e. If multiple people will be in the room with you:
    - i. Position the camera so that everyone can be seen.
    - ii. Maintain proper social hygiene and social distancing. (This might make it difficult for everyone to be on camera.)
    - iii. The best practice is for all participants to log in separately.

### **During the Hearing**

1. This is a formal hearing, **just as if you were present in the courtroom.**
2. The hearing will be **recorded**. Please do not talk at the same time or interrupt.
3. All other **recording of the video conference is prohibited**. No one, including lawyers, parties, witnesses, or media may record the hearing in any manner.
4. Properly identify yourself on the screen by your legal name. Do not identify yourself as guest, by phone number, by room number or nick name.
5. Try not to have two **Microsoft Teams applications running in the same room** at the same time. This causes feedback and makes hearing everyone very difficult.
6. Do not put papers, folders or anything else that create noise near your microphone. Noise created by other objects makes it difficult to hear everyone during the hearing.

7. Please mute your microphone when you are not speaking to reduce noise and distractions.
8. **Dress** in clothing appropriate for court.
9. Look at the camera when you speak. This makes it easier to hear you. In video hearings, you do not need to stand when addressing the court or witnesses.
10. At the start of the hearing, you will be asked to **identify everyone** with you. This includes family, friends, witnesses, and spectators.
  - a. No one under the age of 18 may be in the room with you during a hearing unless the judge allows it.
  - b. Tell the judge at the start of the hearing if a child is present.
11. Everyone must **speak one at a time**.
  - a. Pause before speaking because there may be an audio/video lag.
  - b. The judge might mute individuals or the entire participant group.
  - c. If there is too much background noise or participants are unable to speak one at a time, the court may impose “mute all” on the hearing, individually unmuting individuals when it is their turn to speak.
  - d. In large docket sessions the session may be configured so that everyone is automatically muted upon entry.
12. **Exhibits** must be provided **to the clerk of the court at least 24 hours** before the hearing. Exhibits can be papers, documents, photos, videos, audio recordings; anything you want the judge to see or hear.
  - a. Try to identify your exhibits.
    - i. For example, use letters or numbers and a brief description. (“Exhibit 1 photo of car” or “Exhibit A, text message dated April 12 2019”).
  - b. Please call the clerk of the district court for additional directions on how to deliver the exhibits to the Court.
  - c. Exhibits **must be exchanged with the other side or the court may not consider them**. Make arrangements to send to the other parties.
  - d. If you are not able to contact the other side, then let the Clerk of the Court know the problem.
  - e. Attorneys: E-file your proposed exhibits and send a copy to the judge, opposing counsel and/or parties.

13. **Witnesses** (including you) may not have anything in their hand and **may not refer to notes**, papers phones, computers or anything else without permission from the court. **Testimony must be from memory.** If you need to look at something to help your memory, ask the judge before you look.
  - a. No program or window other than Microsoft Teams will be open on any computer or electronic device in a witness's possession during testimony unless the judge allows it. No one is allowed to pass notes by any means to or from the witness during the time he or she is testifying. Doing so may result in a finding of contempt.
  - b. Because audio tends to lag behind video, if an **evidentiary objection** is made the objecting party should not only clearly state the objection but should also make a visible signal such as waiving or raising a hand to draw the court's attention.
  - c. Must identify where they are, physically. They should be alone while testifying.
  - d. Contact the clerk of the court at least 7 days prior to the hearing for **Subpoenas.**
14. **Turn off all electronic devices other than the device running the video hearing app.** If you need another device during the hearing, ask the judge for permission at the start of the hearing.
15. **Interpreters.** If you or a witness needs an interpreter, please contact the clerk of the court at least **seven days in advance.**
16. **Attorney/Client conversations:** The Microsoft Teams app allows you to have a private chat box open to type messages during the hearings. If you wish to have a conversation using the audio and video technology prior to the hearing or during the hearing, please let the judge know. The audio/video meetings require us to end all other participants calls while you use the app and then rejoin. Thus, this should be kept to a minimum.