

IN THE SUPREME COURT OF THE STATE OF KANSAS

FILED

Administrative Order

December 20, 2022

2022-PR-083

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

District and Appellate Courts Operations as of December 31, 2022

Since March 2020, Kansas district and appellate courts have operated under Administrative Orders issued in response to the novel coronavirus (COVID-19) pandemic. At this stage in the pandemic, chief judges are well-versed in COVID-19 mitigation based on local health conditions and detailed direction from the Supreme Court is no longer needed. Nevertheless, direction on remote proceedings and media and public access through court-initiated livestream proceedings is still needed.

Section A: Chief Judges Authority

Chief judges continue to have the authority to manage court operations to protect the health and safety of court users, staff, and judicial officers.

Section B: Remote Proceedings

Courts should continue the use of remote hearings to expeditiously resolve pending cases or to secure the health and safety of court users, staff, and judicial officers. All remote hearings must comply with 2021-PR-021.

Section C: Media and Public Access

Some courts are using court-initiated livestreams to provide media and public access to court proceedings. While Supreme Court Rules 1001 and 1002 address use of electronic devices by those who are physically present in a courtroom or court facility, those rules do not address court-initiated livestreams. By this order, the following rules apply to court-initiated livestreamed judicial proceedings:

- When public access to a proceeding is via livestream, a hearing should convene publicly in open court with the livestream activated;
- If a party requests to limit public access to the hearing, the closure must comply with applicable law, including K.S.A. 60-2617;
- An attorney has the responsibility to prevent attorney-client privileged communications from being broadcast or recorded; and

- No electronic communication of a court proceeding, except any recording of the proceeding created by the court or its personnel for the purpose of creating a record, will affect the official court record of the proceeding for purposes of appeal or otherwise.

Section D: Interaction with Other Administrative Orders

1. This order supersedes and rescinds 2022-PR-014, District and Appellate Court Operations as of March 2, 2022, as obsolete.
2. Any district court operating under a Supreme Court Administrative Order authorizing a temporary alternative location for court proceedings under K.S.A. 20-347 may continue holding proceedings at the approved temporary alternative sites under updated jury plans without further order of this court.
3. This order does not affect any provisions in prior orders issued by the Chief Justice related to 2020 House Substitute for Senate Bill 102, and its amendments.

Dated this 20th day of December 2022. This order is effective December 31, 2022.

FOR THE COURT



MARLA LUCKERT
Chief Justice