

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 21-05

**ORDER TEMPORARILY SUSPENDING JURY TRIALS IN CONSIDERATION
OF COVID PROTECTION PROTOCOLS
FOR THE 10TH JUDICIAL DISTRICT**

The Pandemic Response Team for the District Court in Johnson County, Kansas, has continued to monitor local public health conditions and regularly consults with the County Medical Director as required by the existing Administrative Orders of the Supreme Court of the State of Kansas. The on-going COVID surge in this County and the Greater Kansas City metropolitan area has led local governments, agencies and school districts to modify their operations and protocols to address the new Delta variant of the virus, which is demonstrably more transmissible in the community. Vaccination rates have increased over time but a significant portion of the community which utilizes the Courthouse remains unvaccinated.

A recent spate of infections, positive tests, required quarantines and COVID-related illnesses at our Courthouse in the first few days of this week have brought home the seriousness and extent of this current pandemic. The positive cases in our facilities have spread amongst judicial staff members (including one judge), other employees who work in the Courthouse and various persons who have notified our staff of positive testing and symptomatic health problems after they came into the Courthouse to conduct their business. These conditions are compounded by the susceptibility of vaccinated individuals who have experienced “break-through” COVID infections.

Our Courthouse continues operating every day to provide access to justice and the essential functions of the Judicial Branch. However, our overriding duty is to work for continued operations of the Courts with due consideration and regard to the health and safety of all court users, our staff and judicial officers.

In view of the advice and recommendations from local public health officials, together with consideration for local and national guidance from public health and welfare experts, the Tenth Judicial District issues the following orders, **effective on August 16, 2021.**

1. **All jury trials scheduled to commence on August 16, August 23 and August 30, 2021 will not take place as scheduled.** These trials will be rescheduled by the assigned Judge in accordance with this Order which temporarily suspends all jury trials as more fully set forth herein.
2. **All persons summonsed to appear for jury service on August 16, August 23 and August 30, 2021 will be notified that they do not need to report on those dates.** The Jury Coordinator will handle the reallocation of these persons for future jury service.

3. **All jury trials currently scheduled for September 7, 2021 and any later dates shall remain on the division's dockets for jury trial, subject to the determination of improvement in the public health conditions which warrant the resumption of jury trials, as determined by the Chief Judge.**
4. The Jury Coordinator will continue to issue summonses for persons to appear for service as regularly scheduled. The Pandemic Response Team will monitor conditions, in consultation with the local Medical Director and other health care professionals, for weekly review to determine the advisability of resuming jury trials.
5. In all jury trial proceedings, including juror gathering and jury selection, all persons (**regardless of being fully vaccinated or not fully vaccinated**) will be required to wear a mask in order to maintain the safety and public health considerations for all persons required to gather in the congregate setting necessitated by jury proceedings. This mask requirement shall continue throughout the jury trial proceedings, including during jury deliberations. The presiding judge may authorize a witness or other person who is socially distanced from any other person to remove their mask for the purpose of testifying in the trial. The presiding judge may also authorize counsel to remove their mask while questioning a witness from the podium. Judges **shall require masks or other face coverings in all other non-jury proceedings** and especially when individuals are moving within the courtroom. Absent constitutional concerns or valid medical or age exemptions (*see*, Administrative Order 21-04, ¶ 8), judges should permit individuals to wear masks or other face coverings if they are more comfortable doing so.
6. Pursuant to 2021-PR-048, a *Visitor Alert* notice shall remain posted at all entrances to the courthouse, courtrooms and court offices. Self-screening questions must be answered by all Judicial Branch employees and members of the public entering a courtroom or court office.
7. All divisions of the Tenth Judicial District shall make all reasonable efforts to conduct non-jury trial court hearings by remote means (Zoom and/or YouTube). *See*, Administrative Order 21-04, ¶8. The Courts continue to conduct certain necessary hearings in the courtrooms, when circumstances so require as determined by the presiding judge. The mask and social distancing requirements shall continue to apply to all persons participating in or attending an in-court hearing.
8. Traffic cases heard in Division M-2 are scheduled for resumption of in-person hearings (together with remote hearings) on Wednesday, August 18, 2021. The Court will ensure that all persons attending this in-court proceeding and all

future dockets in this division shall abide by the required masking and social distancing requirements as set forth for all Courts herein.

9. The Clerk of the District Court shall continue its courthouse operations by serving the public at its windows on the first floor. The Self-Help Center shall require all persons entering its space on the first floor to wear masks at all times.
10. Court Services offices at 588 East Santa Fe Street, Olathe, Kansas shall primarily operate remotely with certain in-person services available as determined by the Chief Court Service Officer. All persons entering Court Services offices are required to wear masks and maintain adequate physical distancing.
11. This Administrative Order is effective on Monday, August 16, 2021 at 8:00 a.m. and shall remain in effect until modified, terminated or otherwise revised by a future Administrative Order.

The Judicial Branch for the Tenth Judicial District continues to monitor our practices and protocols, together with our attention on the evolving public health situation within the courthouse and in our community. It is regrettable that we must return to these measures but it is both necessary and prudent at this time in order to continue the operations of the Courts.

Thank you for your continued support and cooperation as we work through these demanding times.

Be safe.

BY ORDER OF THE COURT this 13th day of August, 2021.



Thomas Kelly Ryan
Chief Judge, Tenth Judicial District

Original:
Clerk of the District Court

Copies:

All Judges

Laura Brewer, Court Administrator

Departmental Justice Evelyn Wilson

Kansas Supreme Court

Office of Judicial Administration

District Court Trustee

Johnson County Law Library

JoCo Courts Listserv

Office of the District Attorney

Office of the Public Defender

Johnson County Sheriff

IT Support – 10th Judicial District

JIMS

Office of the County Manager

Johnson County Bar Association