

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 22-01

ORDER TEMPORARILY SUSPENDING JURY TRIALS
IN THE 10TH JUDICIAL DISTRICT

The Pandemic Response Team for the District Court in Johnson County, Kansas, convened several times in the past weeks to consider mitigation procedures and operations options for the continued safe operation of the courts for the citizens of Johnson County and other members of the public. We continue to monitor local public health conditions and regularly consult with the County Medical Director and other health officials, as required by the existing Administrative Orders of the Supreme Court of the State of Kansas.

The on-going escalation of COVID infections with the more transmissible Omicron variant threatens all citizens, including the Court staff, judges and those persons summonsed to appear and serve as jurors in our District Courts. Our community is in the midst of a virus surge that has reached a 23.3% positivity rate for those persons who are able to access testing, nearly double the rate recorded last week. The incidence rate amongst the county's population now stands at 893 per 100,000 people, the highest rate in our community since the start of the pandemic nearly two years ago. Our hospitals are filled to near or over-capacity while the available staff for the health facilities have seen their ranks drastically reduced due to the surge in infections and need for quarantine of persons exposed to the virus.

In the last several weeks, employees in the Clerk's office, Court Services, District Court Trustee's office, court reporters, administrative assistants and judges have all tested positive or been in close extended contact with someone who tests positive, all requiring quarantine time away from the Courthouse. Attorneys, parties, witnesses, members of the Sheriff's office who provide security at the Courthouse and transport inmates have all been unable to work due to COVID infections or exposures.

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. Our ability to serve the public who seek consideration and relief through the judicial system is paramount; however, our functions will only remain viable with sufficient healthy staff members on duty and available to assist the users of our courts in these unprecedented pandemic times.

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 January 5, 2022**. These orders will be under continuing review and subject to revision as dictated by the fluctuations and changes in public health in our community and the greater metropolitan area. The Pandemic Response Team will continue to monitor and consult with public health officials in our on-going efforts to seek and provide alternative safety protocols that will allow any relaxation of these standards.

1. **All jury trials scheduled to commence on January 10, January 18, January 24, January 31 and February 7, 2022 will be postponed to a later date, determined by the assigned judge in the case.**
2. **All persons summonsed to appear for jury service on January 10, January 18, January 24, January 31 and February 7, 2022 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 February 14, 2022 and any later dates shall remain on the division's dockets for jury trial, subject to the determination of sufficient 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 in accordance with this revised jury trial schedule. 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, jury selection, trial and deliberations, 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 in all other non-jury proceedings** and especially when individuals are moving within the courtroom and in ancillary areas associated with the court proceedings.
6. In all future jury trials held following an order permitting resumption of jury trial proceedings, **no more than four (4) jury trials shall be held in a week.**
7. **No more than 34 prospective jurors shall be seated in any courtroom or other place for *voir dire* matters. For all other times in jury trials, no more**

than 34 persons shall be permitted in the courtroom by the presiding judge.

8. **All jurors shall be equally separated and utilize two (2) adjoining or near-by jury rooms near the courtroom for breaks and gathering during the course of a trial.**
9. **All jury deliberations shall be held in the courtroom where the trial was heard or in an adjoining courtroom on the same floor of the Courthouse.**
10. Pursuant to Kansas Supreme Court Order 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.
11. 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. All judges shall follow the guidance for “video first” in determining whether unique and necessary circumstances exist which warrant the need for persons to attend a hearing in the courtroom. The mask and social distancing requirements shall continue to apply to all persons participating in or attending an in-court hearing.
12. 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 is open to serve all persons at the Clerk’s front desk. The Self-Help Center is not open nor available for in-person assistance due to severe staffing shortages associated with the current spike in virus infections and quarantines.
13. 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.
14. This Administrative Order is effective on Wednesday, January 5, 2022 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 while protecting the health and safety of our staff and the people we serve.

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

Be safe.

BY ORDER OF THE COURT this 5th day of January, 2022.

/s/ J. Charles Droege
James Charles Droege
Chief Judge, Tenth Judicial District

Original:
Clerk of the District Court

Copies:
All Judges
Laura Brewer, Court Administrator
All Judicial Branch employees for Tenth Judicial District
Kansas Supreme Court - Departmental Justice Evelyn Wilson
Kansas Supreme Court
Office of Judicial Administration
Office of the District Attorney
Office of the Public Defender
Johnson County Sheriff
IT Support – 10th Judicial District
JIMS
District Court Trustee
Johnson County Law Library
JoCo Courts Listserv
Johnson County Board of County Commissioners
Office of the County Manager
Johnson County Bar Association