

*Christine Blake, President  
Finney County  
425 N. 8<sup>th</sup>, P.O. Box 798  
Garden City, KS 67846-0798  
620-271-6120*



*Todd Heitschmidt, President-Elect  
Saline County  
300 W. Ash, Rm. 306  
Salina, KS 67401  
785-309-5843*

**May 18, 2020**

**Senate Committee on the Judiciary**  
Hon. Richard E. Wilborn, Chair  
Hon. Eric Rucker, Vice-Chair  
Hon. Vic Miller, Ranking Minority Member

Testimony in Support of HB 2447 – Expansion of Audio-Visual Communication  
Katherine Stocks, District Court Administrator, Tenth Judicial District

On behalf of the Kansas Association of District Court Clerks and Administrators, I encourage you to approve the passage of HB 2447 out of committee. This legislation is a result of significant research and deliberation on the appropriate way to increase efficiency and access to justice while protecting Constitutional Rights. I first testified on HB 2447 in January of this year. At the time, my testimony was focused on our district court's move into a new courthouse and saving the Sheriff in costs associated with transporting defendants. Now, this bill is more than just a good idea to improve access to courts and save local dollars. It is imperative for the future of court proceedings across the Kansas Judicial Branch.

Over the last two months, COVID-19 has disrupted traditional court proceedings. Remote proceedings have been the only tool for us to use to ensure cases can progress while maintaining the safety for the public and staff. In an overwhelming fashion, our entire judicial branch has demonstrated that remote proceedings bring the court to the people.

I have the privilege of testifying today alongside Chief Judge Arnold-Burger. She served on the Kansas Judicial Branch Videoconferencing Committee. This Committee surveyed existing rules and statutes and determined current law requires amendment in order for courts and litigants to take advantage of the benefits of video appearances. Since this bill's hearing in January, the Court of Appeals has conducted cases via videoconference.

The Committee's report provides detailed explanations of the need for, and safeguards envisioned, under this amendment. As such, I will focus predominantly on the criminal case impact of the legislation before you today. As written, this legislation would permit any non-evidentiary hearing, to determine the merits of any motion, to be conducted with videoconferencing. This is not a mandate for video appearances, but allows for them as appropriate. In the last eight weeks, the 10<sup>th</sup> Judicial District has operated nearly exclusively through remote proceedings. Parties

*Katherine Stocks, Secretary  
Johnson County  
100 N. Kansas Ave.  
Olathe, KS 66061-3273  
913-715-3308*

*Tammi Hazel, Treasure  
Greeley County  
P.O. Box 516  
Tribune, KS 67879  
620-376-4292*

*Amanda Truan Past President  
Ellis County  
107 W. 12<sup>th</sup>  
Hays, KS 67601  
785-628-9415*

are requesting to have their hearings be conducted remotely. The chart below shows our tremendous success in keeping the courts operating in a time of crisis:

<b>10<sup>th</sup> Judicial District Average Weekly Hearings by District Court Judge Pre-Pandemic and During Pandemic</b>			
Case Type	Pre-pandemic average hearings per week	Pandemic eight-week average hearings per week	Percentage change in average weekly hearings
Civil including divorce without children	140	70	50%
Family	230	115	50%
Juvenile Offender	195	40	20%
Adult Criminal	556	108	20%
Total District Judge	1121	333	30%

Some of the key benefits of videoconferencing for criminal cases mentioned in the Committee’s report included transportation costs, physical security and efficiency. The report did not contemplate the reality we are living through at this minute. Yet, HB 2447 is one important element of what we need to ensure the judicial process will be able to continue for litigants that cannot or will not enter the courthouse for an in-person proceeding.

Courts cannot function in a pandemic without remote proceedings that include telephone and videoconferencing. We collaborated with local law enforcement, prosecution and defense counsel to continue to hold criminal court proceedings throughout this pandemic. Due to videoconferencing, individuals are able to be released on pre-trial and probation instead of staying incarcerated during this pandemic. Our criminal judges preside over second appearances, bond modifications, sentencings, and pre-trial motions via videoconference.

Prior to COVID-19, our Sheriff reported that over 300 inmates were transported each week to our courthouse. He also stated that over 80% of the hearings are non-evidentiary. This means that in some instances, our Sheriff brought inmates to the courthouse for a scheduling conference or a routine procedural motion that a defendant can agree to while on video. This type of hearing takes little time and does not discuss evidence in the case. The Sheriff had a labor-intensive task of transporting inmates to and from Gardner for court appearances. Over the last eight weeks our court successfully transitioned all in-custody appearances to video and HB 2447 would allow this process to continue with the expiration of the COVID-19 emergency.

The use of videoconferencing will not completely eliminate the costs associated with inmate transportation, but has the potential to reduce annual overtime expenditures by \$140,000. For the pandemic, the Sheriff has been able to redeploy the officers responsible for inmate transportation to other critical operations. As of today, our Sheriff is installing the last pieces for the technology outlay for remote appearances in multiple locations throughout two detention facilities. Improved attorney access to private videoconferences with clients has been discussed.

---

I originally testified on the impact HB 2447 will have on security from the perspective of inmate transportation. Today's testimony focuses on the impact this bill will have on the security, health, and safety of everyone conducting business with the court. HB 2447 will ensure that courts are able to reduce the number of people that are required to physically appear in a courtroom. Sadly, our current courthouse is only one of many Kansas courthouses that do not have adequate public and private circulation, nor is social distancing easily attainable. Due to the architectural restraints on our courthouses, we are all struggling to make it safe for the public and court employees to conduct hearings in-person. We must also be mindful of those that cannot return to our courthouses. Vulnerable parties that are advised to stay home or avoid public interactions are able to ask for a remote proceeding and reduce their exposure to COVID-19. By approving HB 2447, you can have a direct impact on the security in all our district courthouses.

Another important result from this legislation will be the increased efficiency in legal proceedings. Courts across Kansas have worked with parties and counsel to identify hearings that can be resolved via videoconference. Parties are being encouraged to stipulate prior to hearings. There are also personal time efficiencies from remote proceedings. Parties are not required to: travel to the courthouse, find parking, identify childcare or wait in-person for their case to be called. Through HB 2447, we will allow many Kansans to continue to go about their day and join the videoconference when it is their turn to be heard.

Again, I thank you for your time and attention. I am available to answer your questions now and throughout the legislative process.