UNITED STATES DISTRICT COURT DISTRICT OF KANSAS

ORDER

IN RE: COVID-19 PANDEMIC)	
ORDER UPDATE)	ADMINISTRATIVE ORDER 2021-07

This Administrative Order is a continuation of the Administrative Orders issued by this Court since the start of the COVID-19 pandemic in Kansas in March 2020. This order supersedes Administrative Order 2021-05.

The Court continues to monitor general conditions regarding the COVID-19 pandemic in the state. The court recognizes the significant progress that has been made in lowering infection rates, hospitalizations and deaths in Kansas. However, the court also notes that the virus has not been eradicated. Recently, the number of cases and hospitalizations continue to increase from the all-time low numbers. As a result, the court believes it continues to be prudent to reauthorize the emergency provisions of the CARES Act.

NOW, THEREFORE, the Court hereby makes the following Order:

This Court finds that emergency conditions continue to exist throughout this district, as found by the President and JCUS under the CARES Act;

- 1. This Court continues to authorize the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, in the criminal procedures specifically enumerated in section 15002(b)(1) of the CARES Act, to wit:
 - a. Detention hearings under section 3142 of title 18, United States Code;
 - b. Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure;
 - c. Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure;
 - d. Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure;
 - e. Arraignments under Rule 10 of the Federal Rules of Criminal Procedure;
 - f. Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure;
 - g. Pretrial release revocation proceedings under section 3148 of title 18, United States Code;
 - h. Appearances under Rule 40 of the Federal Rules of Criminal Procedure;
 - i. Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure; and
 - j. Proceedings under chapter 403 of title 18, United States Code (commonly known as the "Federal Juvenile Delinquency Act"), except for contested transfer

hearings and juvenile delinquency adjudication or trial proceedings.

Under section 15002(b)(4) of the CARES Act, the judge may use this authorization only upon the consent of the defendant, or the juvenile, after consultation with counsel. Such consultation with counsel may be accomplished by remote means, including but not limited to video or telephone conference.

- 2. This Court also continues to authorize the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, in the criminal procedures specifically enumerated in section 15002(b)(2)(A) of the CARES Act, to wit: felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure. Under section 15002(b)(2)(A) of the CARES Act, the district judge in a particular case must find for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice. Further, under section 15002(b)(2) of the CARES Act, the judge may use this authorization only upon the consent of the defendant, or the juvenile, after consultation with counsel. Such consultation with counsel may be accomplished by remote means, including but not limited to video or telephone conference.
- 3. In consultation with the Clerk of Court, the Chief Judge will continue to monitor and review the relevant data to determine if the Court is adequately preserving the public health and safety in the functioning of the justice system. This Administrative Order may be amended or superseded to reflect the current conditions.
- 4. Giving due consideration to public health and safety, the nature of the hearing, the interest of those involved, the protective measures in place in the courthouse and courtroom, and the general interests of justice, the presiding judge has the discretion to conduct courtroom hearings in civil and criminal cases.
- 5. In conducting the courtroom hearings, this Court will take reasonable protective measures to ensure the safety and health of parties, attorneys, Court personnel, and other courtroom participants, including (as appropriate) but not limited to: providing sanitizers and wipes, requiring social distancing, allowing the wearing of masks or face shields when doing so does not impede communication and, when practical, sanitizing of exposed areas between hearings. The presiding judge has the discretion to determine what reasonable measures should be taken, giving due consideration to the health and safety of all persons in the courtroom and the recommendations of the Facility Security Committee and the Court Security Committee.
- 6. Pursuant to the CARES Act and the Recovery Guidelines, the presiding judge has the discretion and is encouraged to use video and teleconferencing in criminal and civil hearings.

The Chief Judge has reviewed the CARES Act authorizations granted in this and previous Administrative Orders and pursuant to section 15002(b)(3) of the CARES Act, the aforementioned authorizations are extended until the earlier of: (1) the date the Chief Judge determines the authorization is no longer warranted, (2) the date on which emergency authority granted by the

JCUS is terminated, (3) the date authorization has been terminated pursuant to section 15002(b)(5) of the CARES Act, or (4) September 21, 2021. If this authorization has not been terminated before September 21, 2021, this Court will review this authorization and determine whether to extend it, in a frequency not to exceed 90 days.

SO ORDERED this 23rd day of June 2021.

s/ Julie A. Robinson

JULIE A. ROBINSON, CHIEF JUDGE UNITED STATES DISTRICT COURT