

**UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

IN RE: CONSENT AND SIGNATURE )  
ON DOCUMENTS FILED IN ) ADMINISTRATIVE ORDER 2020-9  
CRIMINAL ACTIONS DURING THE )  
COVID-19 PUBLIC EMERGENCY )

As reviewed in this court’s prior Administrative Orders, the current public health crisis surrounding the outbreak and spread of the coronavirus (COVID-19) is causing and is expected to continue to cause significant disruption throughout the District of Kansas with travel restrictions and disruptions and delays in the use of communication services.

Moreover, concerns about COVID-19 cases in the District’s holding facilities, have led judges in this District to conduct proceedings remotely by videoconference or other means, with defense counsel and defendants sometimes in separate locations. As a result, the court has a need to clarify the application of certain rules with respect to signatures on documents.

In particular, some Federal Rules of Criminal Procedure, including but not necessarily limited to Rules 10(b)(2), 15(c)(1)(A), 20(a)(1), 23(a)(1), 32(e) and 43(b)(2), allow for consent or waiver of certain rights by a defendant, but require that such consent or waiver be in writing.

More broadly, various documents, including but not limited to financial affidavits, appearance bonds/orders for release, and consents to waive preliminary hearings call for the signatures of defendants, counsel, and/or judges. The current circumstances are likely to make it impracticable, if not impossible, to obtain actual signatures in a timely and safe manner.

**IT IS ORDERED THAT** the following methods for confirming waivers and consents shall apply in all criminal cases unless otherwise ordered in an individual case.

**IT IS FURTHER ORDERED THAT**, where the law requires a written waiver or consent signed by the defendant, defense counsel of record may sign electronically on the defendant's behalf using the format “/s/ name” and file the signed document electronically, so long as the document reflects that (1) the defendant has had an opportunity to consult with counsel; (2) the defendant agrees to the waiver or consent; and (3) the defendant agrees that counsel may sign the waiver or consent on the defendant’s behalf.

**IT IS FURTHER ORDERED THAT**, where no law requires a written waiver or consent signed by the defendant, the court may obtain the defendant’s waiver or consent orally in open court, so long as the record reflects that (1) the defendant has had an opportunity to consult with counsel; and (2) the defendant agrees to the waiver or consent.

SO ORDERED this 12th day of June 2020.

**s/Julie A. Robinson**

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JULIE A. ROBINSON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT