

[Access this email online](#)

**Kansas  
Judicial Branch**

# Kansas Courts News Release

## FOR IMMEDIATE RELEASE

May 7, 2020

Contact:

Lisa Taylor  
Public Information Director  
785-640-7997  
[taylorl@kscourts.org](mailto:taylorl@kscourts.org)

## Chief justice seeking comment on suspension of deadlines

Kansas Supreme Court Chief Justice Marla Luckert is accepting public comment until noon Wednesday, May 20, 2020, on next steps related to current orders suspending deadlines and time limitations in judicial proceedings.

### Authority

Chief Justice Luckert used authority granted in 2020 House Substitute for Senate Bill 102 ([39 Kan. Reg. 304](#)) to suspend statutes of limitations and all other statutory deadlines and time standards that apply to the conduct or processing of judicial proceedings through these administrative orders:

- [Kansas Supreme Court Administrative Order 2020-PR-016](#)
- [Kansas Supreme Court Administrative Order 2020-PR-032](#)
- [Kansas Supreme Court Administrative Order 2020-PR-047](#)

A declared state of a disaster emergency must exist for the chief justice to have authority to suspend a statutory time limitation or deadline (H. Sub. for S.B. 102, § 1(a)). Once the declared state of disaster emergency terminates, the order suspending deadlines or time limitations can continue for up to 150 days. The order can also be terminated earlier.

## **Background**

The chief justice suspended time standards due to uncertainty about the impact the novel coronavirus would have on courts, attorneys, and court users, in particular:

- the ability of attorneys and courts to timely file and process filings while moving from office operations to remote work;
- the ability of courts to conduct jury trials within public safety guidelines;
- the ability of people representing themselves in court to meet jurisdictional or other deadlines, which could result in harsh sanctions or case dismissal, at a time they could not get walk-in access to a clerk of court office.

## **Reason for seeking input**

As attorneys and courts resume more office and court activities, the chief justice would like input on possible next steps.

No one knows with certainty how long Kansas will remain under a declared state of disaster emergency or the long-range impact of COVID-19 on our state and on our judicial system.

Some Kansas courts are now allowing at least some public access to clerk of court offices and courtrooms, but others cannot. No Kansas court is currently able to conduct a jury trial within public safety guidelines.

## **Orders affecting speedy trial**

The chief justice plans to keep in place, for the time being, portions of the orders suspending statutory provisions for bringing a criminal defendant to trial under K.S.A. 2019 Supp. 22-3402. A separate request for comment will be issued before that portion of the orders is terminated.

## **Open for comment—options for moving forward**

The chief justice requests comment on the following options for moving forward, indicating preference for only one.

Comment will be accepted by email to [cjorderspubliccomment@kscourts.org](mailto:cjorderspubliccomment@kscourts.org) until noon Wednesday, May 20, 2020.

### **Option 1**

Give several weeks' notice of the date an order will terminate those portions of Administrative Orders 2020-PR-016, 2020-PR-032, and 2020-PR-047 that suspend all statutory limitations of time and deadlines applying to judicial proceedings, except those deadlines and time limitations in K.S.A. 2019 Supp. 22-3402.

If this option is favored, how much notice should be given? 30 days?

**Option 2**

An order would provide that all statutes of limitation or deadlines relating to judicial proceedings remain suspended except for those specifying deadlines for:

- responses to discovery;
- responses and replies to motions;
- motions for rehearing; and
- deadlines set by court order.

If you favor this general concept, would you add anything to this list of exceptions?

**Option 3**

The statutes of limitation and statutory deadline provisions in Administrative Orders 2020-PR-016, 2020-PR-032, and 2020-PR-047 would remain in place until further order of the chief justice or expiration under H. Sub. for S.B. 102.

---