

**IN THE MUNICIPAL COURT FOR THE CITY OF LAWRENCE, DOUGLAS
COUNTY, KANSAS**

**ADMINISTRATIVE ORDER – PROCEDURES FOR HEARING BY VIDEO
CONFERENCE**

This order establishes the Court's policies and procedures related to hearings held using video conference technology. Court hearings are important matters, and these rules are instituted to ensure clear communication, promote efficiency and expediency in court administration, and protect the integrity of the court process. This policy does not pertain to the daily video conferences held between the Court and prisoners in custody at the Douglas County Jail.

Technical and Physical Requirements

Zoom video conferencing software will be used to conduct video conference hearings. Each participant must have access to:

- A personal computer, tablet, smartphone, or similar device capable of running Zoom video conferencing software that is equipped with a video camera and microphone and that can send and receive video and audio transmissions that result in intelligible communication.
- An internet connection of sufficient speed to allow for video conferencing that allows the parties to see and understand each other and that does not create an impediment to conducting orderly and expedient court hearings. Zoom software requires a minimum internet connection speed of 600kbps for both upload and download but recommends at least 1.5 Mbps upload/download to guarantee an appropriate user experience.
- A registered Zoom account. Please note that a paid account is not necessary to participate in video conference hearings.
- A well-lit physical location sufficiently free of distraction. If ambient sound may become an issue, it is recommended that participants utilize headsets equipped with microphones to reduce disruption due to ambient noise.

Eligible Hearings

Video conferences will be available for all hearing types with the following exceptions:

- Trials
- Evidentiary hearings of any type, including restitution hearings, motions to revoke probation and motions to rescind diversions.
- Hearings related to cases that have currently active bench warrants.
- Pleas and sentencings for charges that may be punished by the imposition of a jail sentence.

- Any proceeding that would require the Court to place someone under oath who is not currently within the state of Kansas.
- Any other hearing that the Court, in its sole discretion, determines would be inappropriate for hearing by video conference.

Technical Rules Related to Hearing Participation

Zoom client settings:

- All participants must have both their cameras and microphones enabled while their cases are being heard.
- All participants must appear personally and use their legal name as their Zoom profile name during the hearing. The Court further encourages defendants and counsel to include “defendant” or “counsel” in their Zoom profile name to expedite the hearing process.
- Virtual backgrounds are permitted to the extent that they do not violate the rules of court decorum or do not otherwise undermine the dignity of the proceeding.
- Participation must be through a registered Zoom account. Unregistered users will not be allowed.

Process before the hearing:

- In order to request hearing participation by video conference, a defendant must file a consent to video conference form that is available on the Municipal Court’s website. This form must be filed at least one week prior to the scheduled in-person hearing.
- A request for video conference hearing may require rescheduling a previously scheduled in-person hearing to accommodate the request. The time between the originally scheduled hearing and the rescheduled video conference hearing shall be considered a defense continuance for the purposes of speedy trial rights.
- Participants will receive a Zoom meeting invitation at the email address that they provide. This invitation may not be forwarded or otherwise shared with others.
- Communications from the Court regarding video conference hearings will be conducted through the following email address: videocourt@lawrenceks.org . Participants must ensure that emails sent from this address are not excluded from receipt by spam or junk email filters.
- Participants agree to keep their email addresses, telephone numbers, and mailing addresses current with the Court.
- Participants are encouraged to ensure they will be able to effectively participate by conducting a successful test call at least 24 hours before their scheduled hearings.

The hearing:

- Hearing participants will be placed in a waiting room until the hearing starts.
- Hearing participants will keep their microphones muted until their hearing is called.

- Once the hearing is called, video and audio transmission must be enabled.
- Hearing participants will only speak when invited to do so by the Court.
- Each hearing participant must have legal identification, or another means of proving their identity available for production upon request by the Court.
- Only defendants and their attorneys may advocate or otherwise participate on their behalf unless leave for other participation is requested and approved by the Court.
- Private and group chat will not be permitted.
- Screen sharing is only allowed with the Court's permission.
- An individual who fails to appear at a scheduled video conference may have the failure to appear addressed in the same manner as if the person failed to appear at an in-person hearing.

Audio or Video Recording:

It is unlawful to photograph or record audio or video of court proceedings without the permission of the Court. This includes screen captures and photographs of the video conference screen.

Rules of Decorum

Although the hearing is conducted remotely by video conference, it is important to remember that the hearing has the same importance as an in-person hearing and the same rules of behavior and decorum apply.

The Court does not enforce a restrictive dress code policy for court appearances as financial resources that allow access to specific clothing vary widely between court participants. Participants, however, need to be fully clothed and selected clothing must not include any objectively offensive words, icons, pictures, or other similar content. Counsel will be expected to dress in a manner appropriate for an in-person court appearance.

Unlike in-person court hearings, video conferences include the display of physical locations or virtual backgrounds that are not within the Court's control. Participants are cautioned to ensure their real or virtual video backgrounds are free of any items that are objectively and reasonably offensive, or that otherwise improperly diminish the dignity of the Court's proceedings. If a participant chooses to use a virtual background, the Court recommends that a plain background be selected.

Finally, participants are cautioned to participate from a location without audio or visual distractions that unnecessarily impair the Court's ability to conduct the hearing.

The use of group chat, private chat and the reactions function imbedded in the Zoom client are not allowed.

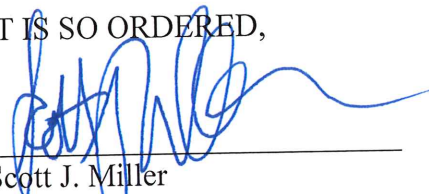
Public Access to Hearings

Members of the public wishing to observe a video conference hearing will be allowed to join the hearing through Zoom by contacting the court clerk's office at least 24 hours in advance of the hearing. A hearing invitation will be sent by email, and for security purposes the hearing invitation may not be forwarded to or otherwise shared with others.

Anyone who is not a litigant or counsel, while not required to use their legal name as their Zoom profile name, shall not utilize any inappropriate profile name. Observers must always keep their microphones muted and are not required to transmit video to the court and are not allowed to interrupt or participate in the matters being heard. They will further be expected to comply with the rules of decorum listed above. If an observer becomes disruptive, that person's access to video conference hearings may be terminated by the court, and that person may be subject to other penalties as provided by law.

Video conference hearings also will be open to the public through physical attendance in the Municipal Courtroom.

IT IS SO ORDERED,



Scott J. Miller
Municipal Court Judge