

# KANSAS TRIAL LAWYERS ASSOCIATION



To: Senator Kellie Warren, Chairman  
Members of the Senate Judiciary Committee

From: Callie Jill Denton, Executive Director

Date: March 16, 2021

Re: HB 2227 As amended - Allowing the Chief Justice to suspend certain time limitations during a state of local disaster emergency; extending the sunset to June 30, 2022 – SUPPORT

On behalf of the Kansas Trial Lawyers Association, thank you for the opportunity to provide testimony in support of HB 2227 as amended.

Last year, the Legislature granted the Chief Justice of the Supreme Court statutory authority to issue an order to suspend or extend statutory time limitations and deadlines and to permit the use of audio-visual communication in court proceedings. The law permits the Chief Justice to act when a state of disaster emergency has been declared and action is necessary to secure the health and safety of court users, staff and judicial officers. The law sunsets on March 31, 2021.

Importantly HB 2227 as amended extends the sunset on the current law so it may continue uninterrupted to June 30, 2022. It also makes necessary amendments that will aid the court and court users and applies in local states of emergency.

Over the past year, the Legislature's wisdom in enacting the current law has proven to be sound. Without such authority, litigants' rights would have been jeopardized or completely sacrificed when COVID-19 forced the courts' closure to the public. By granting the Chief Justice very specific and limited authority, Kansans' rights were protected and the business of the courts could proceed to the extent possible and as local conditions and authorities allowed.

Additional changes made by the bill are reasonable and make sense. The current law permits the Chief Justice to order the use of audio-visual communication in court proceedings to protect the health and safety of court personnel and the public. The bill grants additional authority to order audio-visual communication if it is necessary to expeditiously resolve pending cases, which seems to be in all Kansans' best interests.

The bill resolves ambiguity regarding the calculation of time upon the expiration of the Chief Justice's order for those with extended deadlines or suspensions. And it confirms that those with deadlines and time limitations that had not begun to run will have the full period provided by law when the order terminates. This amendment in particular is important. Litigants and judges must know how deadlines are to be calculated in order to avoid unnecessary litigation, missed deadlines, and forfeited claims.

HB 2227 as amended allows the current law to continue during the remainder of the disaster emergency, and it contains some important updates. We believe granting the Chief Justice limited authority during the disaster emergency has been effective. On behalf of the Kansas Trial Lawyers Association, I respectfully request that the Senate Judiciary Committee pass HB 2227 as amended.