

Virtual Court Proceedings Committee Minutes – September 3, 2020

Present: Chief Judge St. Peter, Marilyn Targos, Jen Olsen, Katherine Oliver, Jennie Leach, Ellen House, Stephanie Gerken, Amanda Truan, Kim Schwarz, Chief Judge Berens, Judge Roush, Judge Rush

Staff: Sarah Hoskinson, John Houston, Amber Smith

The minutes of the August 21, 2020 meeting were approved.

Judge St. Peter invited updates from the subcommittees.

Data Gathering Subcommittee

Ellen House reported on the results of the attorney survey. She reported that there were approximately 900 responses and every county was represented. Ellen highlighted the following results:

- The majority of the respondents do not practice in municipal court but there were approximately 200 respondents who did.
- Most responses came from attorneys who work at law firms, followed by solo practitioners.
- Zoom is the most widely used and popular platform. Some attorneys also reported using the telephone for hearings.
- Attorneys who responded were primarily involved with civil cases, followed by criminal law, then family law and probate.
- The vast majority of respondents said they save time with remote proceedings.
- Attorneys identified discovery motions and settlement conferences as the most appropriate court proceedings to conduct remotely, while jury trials were cited as the most inappropriate.
- Top concerns expressed about virtual court proceedings included difficulty in presenting evidence and an inability to tell if the other party is being coached.
- Most attorneys ranked their experience with virtual hearings as positive or very positive.
- Respondents overwhelmingly support to continued use of virtual court proceedings after the pandemic.

The committee discussed how to present the findings, including the possibility of including the results as an appendix to the guidelines.

Ellen reported that the next survey will be for external stakeholders who work with the courts (e.g. social workers, law enforcement officers, and litigants). Judge St. Peter suggested adding the survey link to each notice for remote hearing. The committee discussed other possible methods of circulation as well.

Guidelines Subcommittee

Judge Berens reported that new draft guidelines were circulated on August 28th. The Guidelines Subcommittee added information about witness rules based on the Ellis County example. No edits or changes were submitted for this version of the guidelines. The committee voted to approve the draft guidelines and submit them to the Court.

New Business

The committee discussed concerns about livestreamed proceedings and how to prevent the disclosure of sensitive information in such proceedings. They also discussed potential legislation for the 2021 session. The committee expressed a desire to have the existing pandemic-related legislation extended and would like to see some type of legislation that will ensure the continued availability of remote proceedings after the emergency ends.

The next committee is scheduled for September 25, 2020.