

Virtual Court Proceedings Committee Minutes – June 26, 2020

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

Staff – Amber Smith, Sarah Hoskinson, John Houston

The committee approved the minutes from the June 12, 2020 meeting.

Judge St. Peter invited the subcommittee chairs to report on the progress of their subcommittees.

Guidelines Subcommittee

Judge Berens reported that the guidelines subcommittee last met on Friday, June 19. Subcommittee members have been working through standards using the Michigan guidelines and relevant Kansas Supreme Court administrative orders as a framework. The subcommittee is using Dropbox to collaborate on a guidelines document and hopes to have some draft standards for the committee's review at the next meeting.

The guidelines subcommittee's next meeting is to be announced.

Data Gathering Subcommittee

Ellen House reported that the data gathering subcommittee sent out a survey to the district courts last week. They had a good initial response and sent reminders to those who have yet to respond. The subcommittee has received responses from 64% of district magistrate judges, 66% of district judges, 71% of chief CSOs, 79% of chief clerks, and 94% of court administrators.

The subcommittee will now take the data and begin analyzing it. They expect to have draft results by the July 10th committee meeting.

Ellen indicated that Zoom is the most popular platform in use among the district courts. She said it is viewed as the most user friendly and may offer more helpful features than other platforms. Amanda Truan noted that Zoom has taken steps to address security concerns.

Ellen reported that the subcommittee is awaiting input from OJA on equipment and connectivity issues in district courts. The survey inquired about why district courts may not be using AVC technology; most indicated it was a matter of personal preference.

The survey results will break down findings between rural and urban areas to see how technology is being used in those areas and for what purpose. Ellen acknowledged that so far the subcommittee has only surveyed court personnel, so the initial survey results will not encompass issues from all sectors of the judicial system. Judge St. Peter indicated that once the survey of court personnel is complete there may be a subsequent survey of external stakeholders, including

members of the bar and self-represented litigants. Judge Rush suggested that the subcommittee might be able to collaborate with schools and local boards of education because they have been conducting surveys regarding internet access in anticipation of continued remote schooling.

Committee members discussed the need to incorporate telephonic options, when appropriate, for self-represented litigants and others who may not have access to the necessary technology for AVC hearings. Some noted that there are still areas of the state that do not have reliable cell phone reception. Judge St. Peter suggested that the committee establish recommendations for how courts should address connectivity issues that may prevent a litigant from appearing at the scheduled time.

Amanda Truan noted that some courts have reported a lack of needed equipment and suggested that those courts be advised of the grant funding available to aid with the transition to remote proceedings. She said districts have also complained about a lack of IT support.

The data gathering subcommittee will continue to meet every Tuesday.

New Business

Judge St. Peter reported on a National Center for State Courts webinar that shared the results of a poll on remote juries and related court services. He noted the survey found that the vast majority of respondents had access to remote proceedings via computer, cell phone, or smart phone. Only 2.4% of respondents had no access at all. When incorporating the survey's margin of error that number may be closer to 5% of the population without access. The survey found that more than 80% of consumers expect that some court business will be conducted remotely within the next two years. The webinar can be viewed here: <https://vimeo.com/430765431>.

Amanda Truan reported on a webinar that addressed cybersecurity and the courts. She indicated that the webinar primarily addressed how courts should handle cyber attacks and was not focused on the type of issues this committee is handling.

Judge St. Peter informed the committee that the next significant task the committee will address is examining which cases and processes should utilize AVC technology. He noted that there may be legal interns available to research some of the issues involved.

Committee members discussed the type of equipment they currently have in courtrooms to facilitate AVC hearings and what is needed to ensure all participants can hear and see one another. This can be a particular challenge in "hybrid" proceedings where some participants are in the courtroom and others are appearing remotely. Some courts are using multiple cameras, microphones, and projectors. Courts are also providing laptops at the courthouse where people can participate virtually from separate parts of the courthouse.

Judge St. Peter asked the committee to think long term as though courts have appropriate and effective technology for AVC proceedings. What would the committee want the system to look like? He encouraged the committee not to frame goals around current limitations.

The next committee meeting will be held on July 10, 2020 at noon.