



# **BJA Remote Proceedings Work Group**

**Co-Chairs: Judge Angelle Gerl, Airway Heights Municipal Court  
Judge Jim Rogers, King County Superior Court**

# Work Group Deliverables

Helping courts conduct efficient remote proceedings



1. **Surveyed courts remote practices in January 2023**
2. **Proposed a slate of court rules to allow for the voluntary use of remote technology in June 2023.**
3. **Developing best practice guidelines to help courts address common problems. Work is in progress.**
4. **Will explore funding options and existing resources for training and support on technology and court management functions. Work will begin in late 2023.**



# Remote Proceedings in WA Courts

## Survey Characteristics



**25 questions sent to Presiding Judges and Administrators in all trial courts.**

- Prevalence of remote & hybrid proceedings by court level
- Detailed by type of legal matter and type of proceeding
- Advantages, challenges and resources needed
- Access to Justice: interpreters, pro se litigants, persons with disabilities
- Electronic Signatures & E-Filing

**Great representation of all 39 counties!**

Responses by Court Level	Percent Responding	Number Responding
Superior	97%	38
District	97%	38
Municipal	≈ 60%	47
<b>Total Responses</b>		<b>123</b>

# The Prevalence of Remote Proceedings

Courts conducting hybrid proceedings in January 2023 and plans for the future



Courts that reported that they conducted hybrid proceedings in January 2023 and planned to continue hybrid proceedings in one year.

## Superior

- 2023 100% (reported)
- 2024 95% (planned in one year)

## District

- 2023 92% (reported)
- 2024 96% (planned in one year)

## Municipal

- 2023 77% (reported)
- 2024 100% (planned in one year)

# Court Practices – Civil Matters

Prevalence decreases as the complexity of the proceeding increases



	Currently Hybrid	Currently Video	Currently telephonic	No current remote, but did in the last 3 years	Unable but want remote options	Not feasible or desired	Total Responses
Case status updates	78%	26%	9%	2%	4%	10%	81
Non-evidentiary hearings	77%	30%	15%	1%	3%	10%	86
Hearings without witnesses	76%	29%	15%	3%	5%	9%	87
Consumer debt	72%	25%	8%	2%	5%	20%	60
Protection orders	68%	26%	12%	4%	3%	17%	76
Traffic infractions	59%	36%	14%	7%	5%	12%	73
Evidentiary hearings	55%	26%	8%	4%	5%	31%	85
Hearings with witnesses	52%	20%	8%	5%	2%	38%	84
Small claims	43%	15%	4%	0%	9%	47%	47
Bench trials	43%	19%	4%	6%	5%	44%	80
Jury trials	18%	5%	3%	1%	5%	78%	76
Jury selection	8%	5%	0%	3%	9%	80%	75

# Court Practices – Criminal Matters

The prevalence for non-substantive hearings is similar for criminal and civil matters



	Hybrid currently	Video currently	Telephonic currently	No current remote, but did in the last 3 years	Unable but want remote options	Not feasible or desired	Total
Case status updates	79%	30%	13%	5%	3%	6%	101
Non-evidentiary hearings	77%	28%	12%	6%	2%	8%	99
Omnibus hearings	76%	29%	12%	4%	3%	13%	78
Bail hearings	74%	34%	12%	2%	2%	8%	98
Sentencing and revocation	57%	21%	8%	11%	5%	29%	102
Evidentiary hearings	47%	16%	6%	6%	6%	37%	97
Bench trials	32%	15%	4%	4%	6%	59%	94
Jury trials	11%	3%	1%	3%	7%	82%	90
Jury selection	8%	5%	0%	2%	12%	80%	92



# Common court operations in remote proceedings

Interpreters

Electronic Signatures

E-filing

# Interpreters in Remote Proceedings



## Frequency, advantages and challenges

### 73% of courts allow remote interpreters always or frequently

- Biggest advantages to interpreters appearing by video or telephone

Greater availability	88%
Easier to schedule	75%
Cost savings	59%

- Biggest challenges

Adds substantial time to the length of the proceeding	56%
Requires more steps to coordinate than in-person proceedings	34%
No challenges experienced	21%
Difficult to hire when needed	5%



# Electronic Signatures & E-Filing



Courts primarily use email and simple technology

## How courts implement electronic signatures in remote proceedings

- Print/Sign/Scan/Return 62%
- /s/ designation 54%
- What other way does your court implement electronic signatures 32%
- Pasted image of signature 23%
- Contract with electronic signature vendor (DocuSign, Adobe, etc.) 22%

## Challenges to electronic signatures

- Takes substantially more time than in-person signatures 43%
- None of the above 31%
- Other (please specify) 30%
- Software application glitches 18%

## Does your court allow courts users to electronically file?

- Yes 65%
- No 20%
- Planned for the near future 19%

# Barriers and Considerations

Courts that did not provide remote options



The barriers that influence decisions and the factors for reconsideration

## Barriers

- Lack of court or technical support staff 46%
- Lack of adequate equipment or space 44%
- Lack of broadband or reliable internet service - COURTS 38%
- Lack of broadband or reliable internet service - PARTICIPANTS 34%
- Inexperience or unease with technology 22%

## Factors to Reconsider

- Improved technology equipment 47%
- Technical assistance for set up 35%
- Technical assistance during proceedings 35%
- Facility improvements or renovations 33%
- Funding for staff with video conferencing expertise 30%

# Biggest Challenges

Technology needs of remote users and reliability of equipment are top issues



## What challenges does your court face in conducting video proceedings?

- **Connectivity/internet issues - REMOTE PARTIES** 70%
- **Participants with limited experience/comfort with remote technology** 63%
- **Glitches with video conferencing equipment (cameras, display monitors, mics, etc.)** 53%
- Limited opportunity for informal discussion - opposing counsel/justice partners 43%
- Limited court or technical support staff 37%
- Take substantially longer to facilitate than in-person 36%
- Glitches with displaying exhibits or documents 32%
- Connectivity/internet issues - COURT SITE 23%
- None of the above occur frequently enough to be a barrier 5%

# Biggest Advantages

Convenience and access to justice are top advantages



## What does your court view as the advantages to remote proceedings?

- Convenience for court participants 89%
- Higher appearance rates 65%
- Improves caseflow 31%
- None 5%

## Access to justice related advantages appeared many times comment section

- Allows attorneys to work on other matters while waiting on dockets
- Broadened the area in which a party can look to hire an attorney to handle their case
- Improves access to justice
- Reduced transfers for those incarcerated either locally or at DOC
- Reduces security issues and illness spread

# Resources needs



## Technology assistance and equipment are top needs

What is needed to increase efficiency of remote proceedings?

- Video conferencing consultant/technical assistance • 41%
- Audio/Visual equipment • 38%
- Infrastructure improvements or renovations • 35%
- None of the above • 26%
- Enlarged or improved courtroom space • 23%

Other resources listed frequently in the comments

- Additional staff
- Software for exhibit display
- Training