

# **BJA COURT RECOVERY TASK FORCE**



**WASHINGTON  
COURTS**

## **MEETING PACKET**

**FEBRUARY 17, 2021  
2:00 P.M. – 4:00 P.M.**

**VIDEOCONFERENCE**



# BJA Court Recovery Task Force

February 17, 2021, 2:00-4:00 pm

ZOOM Meeting

## AGENDA

<p><b>1. Welcome (5 minutes)</b>  <b>Approve December 17 Minutes p. 3</b></p>	<p>Chief Justice Steven González</p>
<p><b>2. Statewide Updates (20 min)</b>          Statewide Orders          GR 11.3 and 11.4          Vaccinations          Association Updates          Cares Funding Extension</p>	<p>Chief Justice Steven González          Judge Scott Ahlf          Judge Judith Ramseyer            Dawn Marie Rubio</p>
<p><b>3. Presentation (20 minutes)</b>          Remote Jury Trials Workgroup p. 8</p>	<p>Judge Rebecca Pennell</p>
<p><b>4. Presentation (15 minutes)</b>          COVID Impact on Effective Criminal Defense Representation.          Sharing survey highlights</p>	<p>Katrin Johnson          Jason Schwarz</p>
<p><b>5. Commonalities across committees (5 minutes)</b>            E - signatures</p>	<p>Chief Justice Steven González</p>
<p><b>6. Committee Updates (50 minutes)</b>  <i>Share your sticking points, breakthroughs, data collection efforts, and policy changes needed</i></p> <ul style="list-style-type: none"> <li>• Technology Considerations p. 11</li> <li>• Facilities and Logistics p. 29</li> <li>• Public Outreach and Communication p. 30</li> <li>• Family Law p. 35</li> <li>• Child Welfare p. 36</li> <li>• General Civil Litigation</li> <li>• Appellate Courts p. 37</li> <li>• Lessons Learned p. 38</li> <li>• Criminal Matters             <ul style="list-style-type: none"> <li>○ Juvenile Criminal Civil p. 39</li> <li>○ Therapeutic p. 41</li> <li>○ Adult p. 46</li> </ul> </li> </ul>	<p>Dawn Marie Rubio/Judge David Estudillo          Chief Justice Steve González          Wendy Ferrell          Terry Price          Linnea Anderson          Justice Debra Stephens          Judge Lisa Sutton          Judge Judith Ramseyer          Judge Scott Ahlf          Judge Ruth Reukauf          Judge Jeff Smith          Amy Muth</p>

7. <b>Next Steps (5 minutes)</b>	Chief Justice Steve González
5. <b>Future Meetings</b> <ul style="list-style-type: none"> <li>• April 15, 2:00–4:00</li> <li>• June 9, 2:30–4:30</li> </ul>	
6. <b>Adjourn</b>	
<p>Persons with a disability, who require accommodation, should notify Jeanne Englert at 360-705-5207 or <a href="mailto:Jeanne.englert@courts.wa.gov">Jeanne.englert@courts.wa.gov</a>. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.</p>	



**Board for Judicial Administration (BJA)  
Court Recovery Task Force (CRTF)  
Friday, November 19, 2020, 2:00 – 4:00 p.m.  
Videoconference**

**DRAFT MEETING MINUTES**

**Participants:**

Chief Justice Debra Stephens, co-chair  
Judge Scott Ahlf, co-chair  
Judge Judith Ramseyer, co-chair  
Linnea Anderson  
Judge Timothy Ashcraft  
Jim Bamberger  
Justin Bingham  
Cindy Bricker  
Alice Brown  
Renea Campbell  
Christy Carpenter  
Judge Faye Chess  
Adam Cornell  
Theresa Cronin  
Jerrie Davies  
Todd Dowell  
Ambrosia Eberhardt  
Judge David Estudillo  
Justice Steven González  
Patrick Grabicki  
William Hairston  
Commissioner Jenifer Howson  
Jessica Humphreys  
Judge Carolyn Jewett  
Katrin Johnson  
Judge David Keenan  
Mike Killian  
Crystal Lambert  
Dirk Marler

Carl McCurley  
Sophia Byrd McSherry  
Judge Rich Melnick  
Amy Muth  
Jennifer Ortega  
Judge Marilyn Paja  
Frankie Peters  
Colleen Peterson  
Terry Price  
Judge Ruth Reukauf  
Juliana Roe  
Dawn Marie Rubio  
P. Diane Schneider  
Jason Schwarz  
Larry Shannon  
Judge Jackie Shea-Brown  
Judge Jeff Smith  
Fona Sugg  
Judge Lisa Sutton  
Sharon Swanson  
Lee Thomas  
Lorrie Thompson  
David Wheeler  
George Yeannakis

**Administrative Office of the Courts  
(AOC) Staff:**

Jeanne Englert  
Penny Larsen  
Caroline Tawes

Call to Order

Chief Justice Stephens called the meeting to order at 2:03 p.m. and welcomed the participants.

Approval of November 19, 2020, Meeting Minutes

**It was moved by Linnea Anderson and seconded by Lee Thomas to approve the November 19, 2020, meeting minutes. The motion carried with one abstention.**

### Statewide Updates

The Supreme Court issued a message on November 20 expressing concern about the surge of COVID-19 and reminding courts of previous Supreme Court guidance for court operations. Information on the Washington Courts COVID-19 website is updated continuously.

An ad hoc work group on remote jury trials has been convened, chaired by Judge Rebecca Pennell. The work group's goal is to gather resources and information, assess practices, and create recommendations and guidelines for remote jury trials.

In response to questions about whether a judge has authority to remove a person from the courthouse who refuses to wear a mask, the Supreme Court has decided that judges do have this authority. Prospective jurors who refuse to wear a mask may have their jury service deferred.

If someone involved in a trial becomes symptomatic, courts may request confirmation of a COVID-19 test.

At the January en banc, the Supreme Court will discuss modifying the public defense standard CR 14.2. Remote service and litigation proposals from the Office of Public Defense (OPD) will move forward.

Last week, a letter was sent on behalf of Chief Justice Stephens and Dawn Marie Rubio to Governor Inslee and the Department of Health confirming the status of essential judicial branch personnel who should be included in Phase 1b of the COVID-19 vaccination plan. The judicial branch would also like to be a partner in the vaccination discussions. The OPD also sent a letter regarding the situation for public defenders.

The judicial branch is monitoring the Governor's budget, which will be rolled out today.

Chief Justice Stephens thanked the CARES funding workgroup for their work. An additional \$1.5 million in CARES funding has been requested.

The first Innovating Justice Awards were presented at the November BJA meeting. Award recipients were Judge Jackie Shea-Brown, Judge Kim Walden and the Tukwila Municipal Court, Judge John Lohrmann, and Chief Justice Debra Stephens. The next deadline for nominations is January 4, 2021.

The Eviction Resolution Program is underway in six pilot counties. The Superior Court Judges' Association (SCJA) has identified specific acts to address racial justice. The SCJA is preparing for the upcoming legislative session.

The AOC continues to monitor the progress of federal government COVID-19 relief with the hope that CARES funding will be extended.

#### Presentation: Virtual Jury Trials

Judge David Keenan shared information and experience from his remote jury trials. His presentation will be uploaded to Box and Jeanne Englert will arrange access to the PowerPoint presentation to whomever wants it.

#### Commonalities Across Committees

The Task Force discussed identifying common interests and subjects among committees to help reduce duplication of resources and create broader opportunities to address the issues. Electronic signatures, remote hearings, and jury trials were identified as common interests. Other suggestions included creating a manual or collating information on what COVID-19 accommodations could and should be made, and sharing ideas. The Public Outreach and Communication Committee is currently working on how to assemble information and checklists, and how to disseminate this information. Suggestions included Friday Forum meetings and electronic drop boxes. Judge Jewett said a long-term goal of the Public Outreach and Communication Committee is to create a best practices webpage that all committees can access.

There are already some resources on the Washington Courts website, including sample orders and motions. Committees were encouraged to upload their information into Box where it can be collected and added to the resources.

Other commonalities include provision for confidential communication, and the Child Welfare Committee is discussing best practices and guidelines in circulating documents, how to reduce barriers to services, and access to justice and equity issues.

#### Committee Updates

##### Public Outreach and Communication Committee

They are discussing how to communicate what the CRTF is doing to the public. The CRTF website could include what the CRTF committees are working on and make it possible for the public to ask questions or add information.

##### Lessons Learned Committee

This Committee is starting to work with other committees and discussing the best way to be a bridge to other committees. This Committee can act as a survey funnel, and other committees should coordinate their surveys through the Lessons Learned Committee. They are considering a pro se survey. They would like input on the best function of the Lessons Learned Committee.

##### Criminal Matters Committee/Juvenile Criminal/Civil

This Committee is beginning to work on its priorities, including best practices, guidelines decisions, and creating a matrix.

#### Criminal Matters Committee/Therapeutic Courts

The survey results from Therapeutic Court judges were included in the meeting materials and a report will be distributed shortly. The Committee has identified issues on which they want to concentrate.

#### Criminal Matters Committee/Adult Criminal

This Committee is still finalizing surveys for attorneys, defendants, and jurors on court experiences. They are discussing an increase in bench warrants and jail population since October and would like to reconvene the bench warrant stakeholder group.

#### Facilities and Logistics Committee

This Committee has implemented a statewide courthouse security communication network and web-based solutions. Judges, court administrators, and courthouse security personnel will be invited to use the resource. There will be an update at the February meeting.

#### Family Law Committee

An update of their work was included in the meeting materials. Activities include a focus on informal domestic relations trials and the possibility of abbreviated trials. This Committee would like to hold a webinar on abbreviated trials. They are discussing e-filing and Odyssey notifications, and text messaging as an access to justice issue. This Committee is working with the Lessons Learned Committee on a survey to family law litigants.

#### Technology Considerations Committee

The goal of the Technology Committee is identifying technology guidelines. They are reviewing the National Center for State Courts and Access to Justice Technology principles, and will begin drafting and modifying sections to create draft guidelines by late spring.

#### General Civil Litigation Committee

This Committee included a report in the meeting materials. They are working on compiling resources, parameters for a survey, and language on electronic service.

#### Appellate Courts Committee

A report from this Committee was included in the meeting materials. They are finalizing talking points for testifying on the proposed bills, including identifying cost savings.

#### Next Steps

The next meeting is on February 17.

Chief Justice Stephens encouraged all committees to review and organize the materials in Box to help share committee reports and identify areas of collaboration. Chief Justice Stephens, Judge Ramseyer, and Judge Ahlf thanked the CRTF members.

There being no further business, the meeting was adjourned at 4:07 p.m.

**Motion Summary from the December 17, 2020 Meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the November 19, 2020, meeting minutes.	Passed

**Action Items from the December 17, 2020 Meeting**

<b>Action Items</b>	<b>Status</b>
Facilities and Logistics Committee will have an update at the February meeting.	
All committees were encouraged to review and organize their materials in Box to help share committee reports and identify areas of collaboration.	



The Remote Jury Trials Workgroup is an ad hoc committee commissioned by the Washington Supreme Court to make recommendations regarding best practices for remote jury trials in light of the on-going challenges posed by the COVID-19 pandemic. The goal of the workgroup is not to provide legal analysis or recommendations. Instead, the focus is on recommendations based on equity and practicality. The following is a list of frequently asked questions regarding best practices for remote jury trials, along with the workgroup's answers. This document will be placed on the Washington State Court's COVID-19 web page, along with links to various court orders and training materials regarding remote jury trials.

### **Best practices in Response to Frequently Asked Questions:**

#### Conceptual questions regarding remote jury trials

1. Should all aspects of a trial be conducted remotely, or is a hybrid approach better?
  - Civil cases:
  - Criminal cases: [Our answer here should include Amy Muth's discussion on why, in criminal cases, attorneys and clients need to be present in the courtroom].
2. How can the court ensure a diverse array of community members are able to participate in remote jury trials?
  - Diversity and inclusion as to parties/litigants:
  - Diversity and inclusion as to jurors:
3. Should remote trials take place only with consent of all parties?
  - Is it worth going forward without full consent if there is a risk of reversal on appeal?
4. What types of cases are best suited for remote trials?
  - Civil:
  - Criminal:
5. What training should there be before conducting a remote trial?
  - For judges
  - For attorneys
  - For jurors
6. What are the consequences of not holding remote jury trials?

#### Questions regarding technology, administration and access

1. What technology platform, equipment, and internet speed are necessary for remote trials?
2. How should remote trials be made available to the public?
3. How can the court address inevitable technology problems during trial?

4. How does having a remote jury impact trial administration?
  - How should the court reach jurors?
  - How can the court ensure jurors have access to necessary technology?
  - What additional court staff are necessary for remote jury trials?

#### Logistical questions regarding jurors and voir dire

1. Who runs voir dire?
2. How should voir dire be conducted?
  - How should questionnaires be used?
  - How to avoid screen crowding with numbers of jurors?
3. How to address health concerns by participants or jurors?
4. How can the court and counsel connect with jurors during remote voir dire?

#### Questions regarding presentation of witnesses and evidence

1. How can the court ensure juror attention?
2. Is it possible to assess witness credibility over live video?
3. How to protect against witness misconduct?
4. What steps need to be taken when a case involves an interpreter?
5. What special instructions are necessary during a remote trial?
6. How are exhibits handled during a remote trial?
  - What is considered the “original” exhibit?
  - How do witnesses access exhibits?
  - How are exhibits displayed to jurors?
  - How does the court handle exhibits that are not shared with jurors, such as impeachment exhibits?
  - How do jurors access exhibits during deliberations?

#### Questions regarding deliberations and the verdict

1. How do jurors deliberate remotely?

2. How do jury questions work during a remote trial?
3. How does a jury return a remote verdict?

**Court Recovery Task Force  
Technology Committee Report  
February 17, 2021**

The Tech Committee understands the broader Court Recovery Task Force seeks more information about the focus of the Tech Committee's current project. Accordingly, the following is a summary of the Tech Committee's work and challenges.

The Tech Committee initially struggled with identifying the goals and work product it was capable of delivering to the larger Court Recovery Task Force. In its early discussions, Tech Committee members identified issues the courts should address to allow for increased access to the courts during and after the pandemic. These issues included, but are not limited to:

- Allowing for remote access to court proceedings for attorneys, litigants, interested parties, and the public.
- Allowing for remote interactions with the courts, such as e-filing and other online communications.
- Lack of uniformity in court processes, i.e. different technology platforms in use, different technical capabilities of judges/court staff/clerks, varying levels of tech funding/assistance in counties, different local procedures, varying levels of community based resources, etcetera.
- Lack of broadband access for disadvantaged and rural communities.
- Lack of community resources for disadvantaged and rural communities.
- Budgetary constraints and inability of courts, in particular at the local levels, to mandate other elected officials to adopt new technologies or to fund the implementation of such technologies.
- Lack of statewide funding, planning and technical expertise necessary to develop and implement statewide technologies that can be used as a hub for interacting with individual courts without the need to learn the processes/technologies of individual courts.

The Tech Committee recognizes that issues affecting the implementation of technology aimed at broadening access to the courts impact the work being performed by other committees of the Court Recovery Task Force. The Tech Committee also recognizes that other committees may be looking to the Tech Committee to produce solutions on how to address these issues. However, the Tech Committee came to the conclusion that barriers to adopting and implementing new technologies aimed at providing greater access to the courts are systemic in nature and rooted, in part, in Washington being a non-unified court system.

The Tech Committee did not see itself as having the ability to address the systemic issues. For example, jurisdictions that do not have adequate funding to immediately

implement e-filing is beyond the ability of the Tech Committee to offer solutions. Clerks in jurisdiction's lacking e-filing need to study their document management systems, determine and plan for integration of those systems with a particular e-filing system, and the local jurisdiction needs to provide funding to implement and support the e-filing system. Establishing e-filing in each court in each county is not an issue the Tech Committee can address other than to make the broad general recommendation that e-filing should be implemented.<sup>1</sup>

Considering the systemic barriers, the Tech Committee determined it was best to work on producing principles or guidelines for designing, implementing and using technology within the courts. Using the National Center for State Courts' "Guiding Principles for Post-Pandemic Technology" and the "Access to Justice Technology Principles" as the starting templates, the Tech Committee has begun drafting its own principles/guidelines as a resource for courts when designing, implementing and using technology within the courts. The language being used in the principles/guidelines is broad and meant to be used as guidance. The document is not focused on identifying specific technology platforms to use or specific procedure for conducting individual hearings. This is because of the lack of uniformity of court processes, court technology platforms, and funding amongst the various jurisdictions as identified previously.

Included with this report is a copy of a ***draft*** of the guidelines/principles the Tech Committee plans to produce. The draft is ***far from final***. In fact, the attached draft document is the combination of six individual, two-person Tech Committee member teams who were tasked with addressing a specific section or principle. Committee members currently are reviewing and revising this document. What is produced with this report will look much different once the document is modified to have uniform formatting and once committee members revise and modify overlap of information found within the sections. The Tech Committee hopes to produce a final draft on a sooner than later basis, but the editing/revision process will take some time.

The purpose for producing the attached draft document at this stage, even though work on it remains to be completed, is to provide the members of the Court Recovery Task Force with a better understanding of the work the Tech Committee has been trying to accomplish.

Aside from working on the principles/guidelines, at its meeting on February 2, 2021, the Committee decided to begin assessing, from an end user's perspective, how much information or guidance an end user is able to obtain when accessing individual court websites. A list of basic subject areas is being developed (such as ability to e-file, ability to review dockets, ability to access proceedings, guidance on participating in hearings,

<sup>1</sup> The Tech Committee is aware that AOC recently identified potential options for implementation of e-filing in all Superior Courts via Odyssey. The Tech Committee is also aware that e-filing will be part of the statewide rollout of the Odyssey CMS in the courts of limited jurisdiction.

etcetera). Once the list is developed, individual Tech Committee members will be assigned counties to begin reviewing court websites to identify such information. The Tech Committee hopes to summarize its findings to the Court Recovery Task Force at a future date.

The Tech Committee welcomes any comments or feedback regarding additional tasks or objectives the Tech Committee might want to consider focusing on.

## **1. Ensure principles of due process, procedural fairness, transparency, and equal access are satisfied when adopting new technologies. (Frankie Peters and Ellen Reed)**

Although adopting new technologies may allow courts to become more efficient, it is imperative that the principles fundamental to the court are preserved when processes go online.

Courts should:

- Ensure parties receive proper notice and court documents throughout a case. This includes adapting court rules to allow for electronic service and other tech-friendly options.
- Provide plain language procedural and substantive information for all parties at various stages of their cases, so that users can access easy-to-understand and relevant information in real time. This information should be provided for both traditional in-person court processes and in online court processes.
  - Within online systems specifically, court users need access to plain language information directly from the court website or court annexed online dispute resolution (ODR) platform easily and without having to toggle between multiple websites or additional sources of information.
  - Court users should be provided information in multiple formats if possible (such as hard copies of information for in-person court processes) as access to technology varies greatly in any given population. Information should be provided in multiple languages or interpreters should be utilized to provide information where needed.
- Live chat for the public, chatbots, telephone hotlines, and other interactive features allow court users to ask questions to self-help court staff and outside attorneys and to locate available referrals on court websites, within ODR platforms, and within remote hearing platforms.
- Allow further access to the courts by providing support through systems that connect litigants to available help and, if applicable, develop solutions where attorneys can participate fully with their clients during remote hearings or ODR.
- Courts should utilize systems that allow for multiple users to access case files and information
- Systems used should also accommodate or allow for clients and attorneys to confer privately during proceedings.
- Courts should assess and test all new technologies to be adopted, and develop policies and procedures to manage these resources. The Washington [Access to Justice Technology Principles](#) provide further guidance on procurement, testing, and equitable use of technology in the justice system.

Discuss and share policy and rule changes as they relate to court proceedings with all participants.

- Have updated information available and easily accessible on the court website, or other means, for parties, litigants, and the general public.

In ODR, facilitate court or staff review of proposed agreements and orders prior to hearings or enforcement.

- Once reviewed and confirmed by a judicial officer, orders should be fully enforceable.
- Parties should maintain the same rights to appeal whether a judge resolves the case via ODR or in a traditional court process. For ODR specifically, cases that do not resolve through online systems should proceed through an in-person court process in a timely manner.

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## **2. Focus on the user experience. (Jennifer Ortega and Vanessa Torres Hernandez)**

Courts should implement technology designed to meet the needs of all users and reduce barriers to access, and which does not reduce access or participation . Court users should include not only judges, clerk and court staff, but also attorneys, self-represented litigants, community partners, researchers, and the public. Under Washington's strong public policy in favor of equitable access to justice, courts should implement technology accessible to people with the highest barriers to access to the courts (including people of color, low-income people, people living in rural communities, and limited English proficient people. Courts should ensure dispute resolutions forums remain neutral, accessible and transparent. Best practices should be adhered to when developing, implementing or evaluating technology.

In particular, courts should:

- Engage feedback and/or participation of litigants, especially pro-se litigants, in design and testing of technology systems; survey end-users of the court system regarding their experience with technology to inform improvements.
- Ensure the public has available, understandable information about the justice system and how to access the technology tools in use by the court.
- Ensure that online services are mobile responsive, compatible with the most-used browsers, and easy for users to provide the necessary information to advance their cases. Courts should prioritize the use and development of online-fillable forms to collect data from court users and facilitate transfer of data to the court system, and ensure documents may be signed digitally or electronically
- Look to the impact the technology or innovation would have on people of color, low-income people, people living in rural communities, and people who are limited English proficient, and ensure their perspectives and needs are effectively addressed in design and functionality. Implement technologies only after carefully considering the benefits, costs and burdens on court users and ways to bridge the digital divide, and ensure the technology does not reduce the likelihood of an just process or result.
- Ensure accessibility.
  - Comply with the Americans with Disabilities Act, the Washington Law Against Discrimination, and regulations and commonly accepted accessibility guidelines related to accommodations for persons with disabilities. This requires ensuring the compatibility of online platforms with screen- reading software, confirming that web pages can be easily magnified, and using video technology that integrates closed captioning.
  - Comply with Title VI of the Civil Rights Act, the Washington Law Against Discrimination, and, regulations, and guidelines related to equitable access for limited English Proficient people. This requires designing systems that allow for online translation and remote live interpretation. Offer online tools

in the languages represented in the jurisdiction, consistent with the court's language access plan. Create videos and spoken language assistance to address the needs of people with low literacy, American Sign Language as well as limited English proficiency.

- Ensure that low-income litigants have access to a consistent process for mandatory waiver of fees associated with technology use.
- Make non-protected court case records and documents publicly available online and, where appropriate, enforce confidentiality requirements for information, pleadings, proceedings, negotiations, and communications in online settings. Create a simple process for low-income litigants to waive fees to obtain documents through electronic systems without additional cost.
- Provide alternatives, such as telephone or SMS texting services, to ensure information is available to the broadest range of communities, including those without internet access.
- Avoid requiring users to pay additional costs to use technology or remote services and streamline the process for obtaining civil fee waivers. This may require amendments to General Rule 34.
- Accommodate the payment of fees and fines via electronic, telephone, or community pay point (such as gas stations, grocery, or convenience stores) eliminating the requirement for individuals to come to courthouses to make payments. Be mindful of unbanked court users; and consider payment options from credit card and/or electronic wallet options (like Venmo, Apple Pay, PayPal) as well as cash through community pay points. Ensure that any additional costs for using electronic or other options to pay fines and fees are not passed on to the person who owes the debt.

### **3. *Prioritize court-user driven technology.* (Renea Campbell and Lee Thomas)**

After the initial triage period following the onset of the Covid-19 pandemic, many courts found currently available, off-the-shelf, technology to use and adopt to return to some level of functioning. Courts and litigants learned to use this technology and have made great strides in using it to resume even the more complex jury trials. This technology had never been so widely utilized, nor were some of the more popular programs developed with specific and widespread court and administrative needs in mind. As the pandemic continues to disrupt normal life and the functioning of the courts, and with an eye toward the post-pandemic future, courts should evaluate their own needs on a local or regional level and drive the technology development process through requests for competitive proposals that will meet the needs of end users (court users, staff, administration, judicial officers, etc.).

The focus moving forward should be on optimizing court processes and procedures without regard to past policies, procedures, rules, and habits. In addition, this optimization, and the needs of end users, should be the driving force for the development of technology. Courts should not limit themselves by the constraints and capabilities of currently available technology. Courts should use this time as an opportunity to eliminate redundancies and unnecessary procedures through the development of user driven technology.

Courts should work with other courts locally or regionally to develop a level of standardization of technology and software to lower the costs of customization. Development of these standards should focus on end results and user needs as opposed to “paving the cow path,” meaning that existing policies, procedures, rules, and habits should not drive the development and incorporation of technology. Instead, a comprehensive assessment of current needs and user preferences should drive development and incorporation of new technology. To that end, court administrative orders, rules, procedures, and habits should be reviewed and updated throughout this process.

Once needs and preferences are developed, the courts should request competitive proposals to meet the identified needs and test the proposed technology on diverse end users to fully optimize the technology for all court uses. An eye should always be kept on due process, procedural fairness, transparency, and equal access during the development and testing phase. A preference should be made for low-code applications and platforms to allow flexibility and local adjustments as opposed to off-the-shelf technology. Off-the-shelf technology may be more affordable, but it is likely harder and more costly to modify as needed and may be more likely to conflict with existing court technology. Lastly, repurposing existing technology should be considered where possible.

Washington State should be a leader in the development of technologies that can be used and customized to other courts nationwide with access to local private sector technology

leaders. However, there is a risk that these large multinational companies will seek to drive the technology choices for courts which further supports thorough evaluation of end user driven technology needs followed by a request for proposals to meet those needs.

#### Keys and Considerations:

- Complete comprehensive review of court policies, procedures, rules, and culture with an aim to utilize technology to optimize and streamline without “paving the cow path.”
- Collaborate with local and regional courts to develop standardization of technology.
- Local and regional needs should drive technology decisions.
- Public-Private collaboration: Courts take the lead in empowering vendors to develop and implement technology.
- Focus on end user results and needs.
- Due process, procedural fairness, transparency, and equal access must be at the forefront of technology development.
- Update administrative orders, rules, and procedures to adapt to new technology.
- Focus on low-code development and applications
- Repurpose existing technology where possible.

#### **4. Embrace flexibility and willingness to adapt. (Sharon Swanson and Erin Seeberger)**

Adopting technology in Washington courts should be cost-effective for the court system and free of cost to public users. Cost-effective technology design is achieved by taking the following important steps:

- Courts should identify the problem technology is intended to address before implementing a technology based solution;
- Consider implementing various forms of technology to address different end user needs;
- Solving the identified problem by considering end user access, capability and experience; and
- Analysis of successful end user experience before finalizing technology solutions.

This approach is an on-going process that shapes technology solutions through multiple platforms until the court's goals are achieved. Identifying those goals at the outset is an important first step to developing any technology based solution. Adopted technologies should continue to be improved and reassessed to better meet the changing law and user needs. Flexibility maximizes return on scarce court technology resources by identifying and avoiding expensive mistakes early in development. This process also provides opportunities to streamline and simplify court operations through available technology choices throughout the implementation process.

Put another way, courts should adopt an agile approach to piloting innovation and technology. This means a willingness to test and adapt, anticipating that changes will be required after the initial launch. It means being willing to try things and fail. It also means being willing to jettison technologies or court processes that do not deliver intended benefits and/or cause unanticipated harms. By identifying problems quickly, expensive mistakes can be avoided, corrections will be easier to make, and overall success is more likely.

- Start with a minimum viable platform or platforms, pilot test, survey user experience, and identify needed changes. This will allow courts to learn how the technology works in practice, which will inform how to improve future versions; and will likely result in more cost-effective innovation.
- Every technology platform under consideration should be examined and reexamined to avoid adding features and functionality without addressing the effects on access and assure the platform remains oriented to the identified solution, including considerations of due process, procedural fairness, transparency, and equal access.

- Be open to public/private partnerships, including with civil legal aid offices, law school technology innovation labs, charities, community organizations, non-profits, start-up technology ventures, private vendors, public entities, and practitioners to accomplish what is required.

Neither the initial technology solution nor the updates or changes that follow should affect fundamental due process.

DRAFT

## **5. Adopt remote-first (or at least remote-friendly) planning, where practicable, to move court processes forward. (Katrin Johnson and Judge Estudillo)**

Courts should implement technology that is deliberately designed to allow court staff, judicial officers, and external court users to advance court processes remotely where appropriate, while respecting those fundamental court processes best served by live participation. Courts, however, must ensure that the needs of external court users are paramount in all decisions with an emphasis on increasing equitable access to the court and opportunities for participation.

To accomplish this, courts should consider four basic areas: (1) developing the necessary internal infrastructure, (2) establishing rules and procedures for remote alternatives for most court functions, (3) identifying and facilitating access for persons with limited technological resources, and (4) providing understandable instructions for all persons who interact with the court remotely.

### **Internal Infrastructure to Support Remote Access**

Courts should strive to create a supportive infrastructure that includes technology, policies, training, and resources to support remote work for court staff and clerks, judicial officers, probation and pre-trial officers, self-help staff, court-appointed mediators and arbitrators, interpreters and other court employees or third party contractors who provide services during court proceedings. This will require courts to promulgate the necessary employee and human resources remote policies, and set standards such as reliable internet connections and quiet working spaces. It also will require the creation of appropriate training and reference materials that are easily accessible to all internal participants. Internal participants must become knowledgeable and proficient in the use and capabilities of the technologies to fully perform their duties and appropriately counsel end users who may not be as familiar with the remote processes.

### **Local Rules and Procedures for Remote Access to Court Services**

Courts should strive to move as many court processes as possible online. During a pandemic this ensures continuous resolution of legal issues in a safe manner that protects vulnerable populations. However, even outside of public health crises, remote access to court services will reduce the inconvenience and burden of in-person appearances, including taking time off from work, arranging childcare, and/or commuting far distances to courthouses.

Moving court processes online will require formal modifications of existing court rules and procedures allowing for broad remote interactions with the court by end users and the public. This would include rules and procedures for electronic signatures; electronic filing of court documents; remote attendance at hearings (by telephone, video, or through counsel) whenever possible; and public access to observe the court proceedings to maintain open and transparent court operations. Courts should seek input from their local bar, victim advocates, and other key stakeholders in developing rules and procedures to

ensure fair access and participation for all groups. Particular attention should be given to guard against barriers for people with limited English proficiency or disabilities.

Nevertheless, courts should be mindful to keep certain hearings and proceedings in-person to preserve fundamental rights or to ensure compliance with court obligations. For example, in criminal adult and juvenile matters all critical stages of the proceedings should be in person unless personal appearance is waived by a court based on the circumstances presented. . Similarly, civil matters that involve fundamental rights (such as in dependency matters) should be carefully evaluated to identify which hearings should be in person versus those that can be conducted remotely.

Moreover, though open and transparent court operations are necessary to promote public confidence in the judiciary, courts should be mindful of those hearings or subject matters that may not be appropriate for public viewing over the internet because of particular safety or privacy concerns involved in a matter when coupled with the inability to prevent recording and subsequent dissemination of private affairs over the internet once the proceedings have been completed. Safety and privacy concerns might arise in matters such as those involving child victims or witnesses or other particularly heinous conduct. When safety or privacy concerns are raised in a matter, open courts requirements should be met by allowing for public viewing in person or via a closed-circuit broadcasting rather than public broadcasting over the internet.

### **Identifying and Facilitating Access for Persons with Limited Technological Resources**

Courts must strive to bridge “the digital divide” and ensure that end-users have easy access to technologies necessary for remote participation in court activities. To do so, courts should consider installing court and community based kiosks (publically accessible computer stations the public could use to access remote hearings). Kiosks could be installed throughout court campuses, at local libraries or at designated community centers, and could be supported by a collaboration of multiple courts in a nearby geographic area. With appropriate internet connectivity, they could be vital in both urban and rural areas to help facilitate interaction with the courts by those who lack access to technology. Courts might also consider implementing day loan programs where a court end user is able to borrow for a limited period of time tablets or other devices that allow for interaction with the court. Whatever the method for providing access to technology capable of interacting with the courts, courts should not place any undue financial burden on those individuals who face obstacles in accessing technology.

At a minimum, courts should adequately display on their websites and throughout court campuses basic information about free broadband hotspots in the community that court end users might be able to utilize for interacting remotely with the court.

### **Understandable Instructions for All Remote and Internal Participants**

It is vital for courts to prepare media and literature that trains and instructs all court participants on the use of court technology so that they able to meaningfully access and interact with the courts. The training and instruction materials must be produced in



friendly, easy to read language that keeps in mind that many end users may not be sophisticated in the use of technology or any court processes in general. The training and instruction materials should be translated into prevalent local languages of those persons who may not be English proficient. The training and instructing literature should be prominently displayed on applicable court and clerk websites. Additionally, the public should be able to obtain hard copies of any written instructions directly from the court at no cost, so that all members of the public can gain a better understanding of how to access and utilize court technology.

DRAFT

## **6. Take an open, data-driven, and transparent approach to implementing and maintaining court processes and supporting technologies. (Mike Cherry and Dawn Marie Rubio)**

Courts should consider the following when looking to implement technology to improve the management of and access to court records, along with courtroom technology to improve courtroom proceedings and/or remote hearings.

### **6.1 Open and transparent**

Open has two potential meanings regarding court processes and supporting technologies, open and transparent court records, and open source.

#### **6.1.1 Open and transparent court records**

Open means visible; exposed to public view; not clandestine.<sup>1</sup>

Although Washington State has open government or “sunshine law” requirements which are state law, including the Public Records Act,<sup>2</sup> the Open Public Meetings Act,<sup>3</sup> and records management and retention laws,<sup>4</sup> the Courts are generally exempt from these laws. But these laws can apply to some boards or agencies of the Courts, such as the Washington State Bar Association (WSBA). (Additional information and training on these laws is available from the Attorney General’s office.<sup>5</sup>)

Rather General Rule 31 and 22 apply to the Court records.

“It is the policy of the courts to facilitate access to court records as provided by Article I, Section 10 of the Washington State Constitution. Access to court records is not absolute and shall follow reasonable expectations of personal privacy as provided by article 1, Section 7 of the Washington State Constitution and shall not unduly burden the business of the courts.”<sup>6</sup>

GR31 “applies to all court records, regardless of the physical form of the court record, the method of recording the court record or the method of storage of the court record. Administrative records are not within the scope of this rule.”<sup>7</sup>

<sup>1</sup> Black’s Legal Dictionary, Eighth Edition.

<sup>2</sup> RCW 42.56, available at <https://apps.leg.wa.gov/rcw/default.aspx?cite=42.56>.

<sup>3</sup> RCW 42.30, available at <https://apps.leg.wa.gov/rcw/default.aspx?cite=42.30>.

<sup>4</sup> RCW 40.14 , available at <https://apps.leg.wa.gov/rcw/default.aspx?cite=40.14>.

<sup>5</sup> “Public Records and Open Public Meetings,” Washington State Attorney General’s Office, available at, <https://www.atg.wa.gov/public-records-and-open-public-meetings>.

<sup>6</sup> GR 31(a), available at [http://www.courts.wa.gov/court\\_rules/pdf/GR/GA\\_GR\\_31\\_00\\_00.pdf](http://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_31_00_00.pdf).

<sup>7</sup> Id at (b).

GR22 governs access to family law and guardianship court records, and the policy of the courts is to facilitate public access to court records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the courts.<sup>8</sup>

## **6.2 Open-source materials**

Open-source materials means software, images, and documents which could be copyrighted, but which are subject to free redistribution, inclusion or reasonable availability of source code, modifications and derived works which can be distributed under the same terms as the original work, integrity of the original source code, no discrimination against people or groups, no discrimination against fields of endeavor, distribution of license, license must not define a specific product, must not restrict other materials, and be technology neutral.<sup>9</sup>

Open-source software is generally licensed under licenses such as the Apache License, Version 2.0.<sup>10</sup>

Open-source images and documentation is generally licensed under Creative Commons licenses.<sup>11</sup>

### **6.2.1 Recommendation**

Wherever possible, the courts should strive to use the most effective solution possible, but when the court is having custom software developed, such software should be licensed under an open-source license so it can be easily distributed to and used by other courts.

Wherever possible, documents and reports made by the courts should be provided under a Creative Commons license, again to ensure it can be easily distributed to and used by other courts.

## **6.3 Data-driven decisions**

Data driven decisions means determined by or dependent on the collection or analysis of data.<sup>12</sup>

<sup>8</sup> GR 22(a), available at [http://www.courts.wa.gov/court\\_rules/pdf/GR/GA\\_GR\\_22\\_00\\_00.pdf](http://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_22_00_00.pdf).

<sup>9</sup> “The Open-source Definition,” The Open-source Organization, 2007, available at <https://opensource.org/docs/osd>.

<sup>10</sup> “The Apache 2.0 License,” The Apache Organization, 2004, available at <http://www.apache.org/licenses/>.

<sup>11</sup> “About Creative Commons Licenses,” The Creative Commons Organization, 2019, available at <https://creativecommons.org/about/ccllicenses/>.

<sup>12</sup> Data-driven, Oxford Lexico, available at <https://www.lexico.com/definition/data-driven>.

This is contrasted by decisions, which are “being driven by mere intuition or personal experience.”<sup>13</sup> For example, on Jan. 21, 2020, the Whitehouse called for a data-driven response to COVID-19.<sup>14</sup>

The availability of business intelligence tools and the ability to collect, store, and process large amounts of data at a relatively low cost are driving data-driven decisions.

### **6.3.1 Making Data-driven Culture**

Implementing data-driven decisions and a data-driven culture will require the court’s leadership to set the expectation that decisions be anchored in data, using metrics and standards of measurement chosen with care, ensure data is shared as needed and made easily available for analysis. The courts will also have to be willing to deal with high degree of uncertainty, particularly at the beginning of the change to data-driven decisions.<sup>15</sup>

### **6.3.2 Measure What Matters**

Measuring what matters or objectives and key results (OKRs), was developed at Intel and used by corporations such as Google, and non-profits such as the Gates Foundation to allow the organization the move forward in accomplishing their priorities.<sup>16</sup> Under this methodology, an objective defines what is to be achieved, and objectives must be significant, concrete; and action orientated. Key results create benchmarks and monitoring points which are specific and time bound, and measurable and verifiable. The duration of the measurement, for example annually or quarterly is adjusted based on the objective but should be timely to allow for correction if needed.

### **6.3.3 Recommendation**

Wherever possible, the courts should strive to data-driven decisions and make the data available. An effort to collect the various surveys which have been conducted by the Courts and other court agencies such as the Washington State Bar Association should be undertaken, and the data stored in an accessible library so that the data can be used by multiple groups.

<sup>13</sup> Data-driven, Techopedia, available at <https://www.techopedia.com/definition/18687/data-driven>.

<sup>14</sup> Executive Order on Ensuring a Data-Driven Response to COVID-19 and Future High-Consequence Public Health Threats, the White House, Presidential Actions, Jan. 21, 2021, available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/executive-order-ensuring-a-data-driven-response-to-covid-19-and-future-high-consequence-public-health-threats/>.

<sup>15</sup> David Waller, 10 Steps to Creating a Data Driven Culture, Feb. 6, 2020, Harvard Business Review, available at <https://hbr.org/2020/02/10-steps-to-creating-a-data-driven-culture>.

<sup>16</sup> John Doerr, Measure What Matters, Portfolio/Penguin, 2018, some information available at <https://whatmatters.com>.

## 6.4 Privacy versus Transparency

Although privacy is not an element of this guiding principle, but it is necessary to acknowledge the tension between privacy and transparency. Courts and officers of the court are held to a high standard of confidentiality. This means not all court matters can be transparent.

### 6.4.1 Personally Identifiable Information (PII)

It will be necessary to define what constitutes PII in legal or court records. This has become an issue for evaluating program performance. Anonymizing data has real problems and does not work.<sup>17</sup>

Although Washington State mentions it values privacy in its constitution, a realistic privacy statute for today's data-driven business models does not exist.

The legislature has unsuccessfully tried to get a privacy bill (SB6281) passed for the last two sessions.<sup>18</sup> It does not appear this bill is before the legislature.<sup>19</sup>

Washington does have statutes that address Data Breach Notification<sup>20</sup>, Disposal of Personal Information<sup>21</sup>, and Biometric Identifiers<sup>22</sup>. Court Rule 31(e) addresses personal identifiers omitted or redacted from court records.<sup>23</sup>

### 6.4.2 Recommendation

The Courts should look at how to make open and transparent decisions regarding the use of technology while respecting the confidentiality and privacy of people's data.

<sup>17</sup> Arvind Narayanan and Vitaly Shmatikov, Robust De-anonymization of Large Sparse Datasets, University of Texas at Austin, 2008, available at [https://www.cs.utexas.edu/~shmat/shmat\\_oak08netflix.pdf](https://www.cs.utexas.edu/~shmat/shmat_oak08netflix.pdf).

<sup>18</sup> Jennifer Bryant, Washington Privacy Act Fails For A Second Time, IAPP Privacy Tracker, Mar. 13, 2020, available at <https://iapp.org/news/a/washington-privacy-act-fails-for-second-time/>.

<sup>19</sup> See generally, <https://app.leg.wa.gov/billsummary?BillNumber=6281&Chamber=Senate&Year=2019>.

<sup>20</sup> See generally, <https://app.leg.wa.gov/rcw/default.aspx?cite=19.255>.

<sup>21</sup> See generally, <https://app.leg.wa.gov/RCW/default.aspx?cite=19.215>.

<sup>22</sup> See generally, <https://app.leg.wa.gov/RCW/default.aspx?cite=19.375>.

<sup>23</sup> See generally,

[http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=ga&ruleid=gagr31#:~:text=GR%2031%20ACCESS%20TO%20COURT%20RECORDS%20\(a\)%20Policy,not%20unduly%20burden%20the%20business%20of%20the%20courts.](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&ruleid=gagr31#:~:text=GR%2031%20ACCESS%20TO%20COURT%20RECORDS%20(a)%20Policy,not%20unduly%20burden%20the%20business%20of%20the%20courts.)

**Court Recovery Task Force  
Facilities and Logistics Committee Report  
February 17, 2021**

**Progress on Goals and Activities**

The Facilities and Logistics Committee has met the goals of their work plan. The last goal was accomplished when the Courthouse Security Communication Network was activated on December 17, 2020 with approximately 60 members. A new listserv and Box folder were set up and each member received a welcome email and information on accessing Box. As of February 8, 2021, 5 members have engaged the network with email introductions and posing questions to the group. Several members have also viewed resources in the Box folder.

**Short Term Goals**

Activities

- Under the auspices of the Court Security Task Force, the membership of the communication network will be expanded to include Court Administrators, Judicial Officers and local security committees by the end of February.
- Draft a summary report of the survey conducted in October by the end February.

**Long Term Goals**

Activities

- Monitor postings to the communication network and bring forth any concerns or recommendations to the task force.
- Continue to encourage engagement and interactions so that members can build relationships to better meet the needs of the courts they serve.

**Challenges**

The statewide communication network is a novel idea that will require considerable support for ongoing work. If the tool proves to be valuable to the members, the goal will be for members to establish their own method to maintain dialogue and activities. If task force staff support is needed past 2021, the BJA will need to identify resources to maintain this network.

**Data Collection Efforts**

No further data collection efforts are anticipated at this time.

**Court Recovery Task Force  
Communications Committee Report  
February 17, 2021**

**Progress on Goals and Activities**

- In mid-January, the 2021 State of the Judiciary report was completed, highlighting many activities of the Court Recovery Task Force (TF) and the judicial branch's response to operations during the pandemic. Specific articles related to the TF are attached. The full report, including forwards from the Chief Justice sent to all legislative members, elected statewide officials and the public at large can be found at the following direct address: <http://www.courts.wa.gov/newsinfo/content/StateoftheJudiciary2021.cfm>

**Short Term Goals**

**Activities:**

- Since the last Court Recovery Task Force meeting, a preliminary meeting was held to discuss a potential website project with the Access to Justice Board and Northwest Justice Project (NJP).
- AOC staff continued promotion of the Eviction Resolution Program (ERP), with media coverage resulting in the Seattle Times, Everett Herald, Spokesman Review, The Olympian, KIRO radio, KOMO TV, KING 5 News, KOIN News and FOX. Further information can be found on the dedicated ERP website created at: [www.courts.wa.gov/EvictionResolutionProgram](http://www.courts.wa.gov/EvictionResolutionProgram). A dedicated flyer is currently being worked on by NJP and translations into most-needed languages for outreach.
- Continued updating and maintenance of the dedicated COVID-19 website at: [www.courts.wa.gov/COVID19](http://www.courts.wa.gov/COVID19)

**Long Term Goals**

**Activities:**

- The committee will meet later in the month to further refine its long-term goals, discussions of which have included creation of a "best practices manual" for courts; possible development of public service announcements.

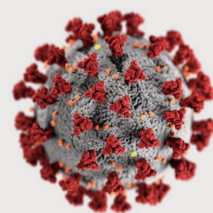
**Challenges**

- Challenges continue to be obtaining uniform information from courts due to the decentralized system in Washington. This is combined with a need for the information to reach those who need it most, both in plain language and translated into languages most spoken in local communities.

### **Data Collection Efforts**

- This committee has discussed surveying court administrators by doing another round of outreach to add essential information to the dedicated statewide Virtual Court Directory. Awaiting follow-up meeting with the Access to Justice Board to learn more about their project, should they choose to move forward. The goal will be to coordinate and combine data collection to best benefit both projects.





# How Did Courts Operate When the COVID-19 Pandemic Hit Washington?

**T**he judicial branch took emergency measures to protect public safety when the COVID-19 statewide emergency was declared, while also maintaining public access to key justice services. This resulted in many courts conducting operations through alternative means, in alternative settings, and with extra safety steps.

A coordinated and safety-based response to the pandemic by courts and justice partners required adjustments to standard timeframes and processes in many case proceedings. For example, Supreme Court orders required suspension of non-critical in-person proceedings and jury trials for several weeks, authorized use of virtual hearings for emergency court hearings, suspended the requirement for in-person delivery of protection orders, authorized judicial officers to adjust time requirements for case processes, suspended the requirement that attorney and judicial oaths of office be administered in person, addressed numerous family law and protection order processes, and much more.

The authority for those adjustments was granted through operational orders issued by the Washington Supreme Court, which is responsible for administering the state judicial branch. The orders provided direction for modifying court operations to avoid risk to litigants, lawyers, court staff and the public. The first such order was issued on March 4, 2020, with many more orders following.

The Court's orders were crafted with a great deal of input from courts, justice partners and health experts. For instance, Chief Justice Debra Stephens conducted weekly Friday phone conferences with judicial officers around the state to learn about the challenges and needs of the courts as they worked to safely provide court services. In addition, committees and task forces worked closely with state health officials to determine guidelines specific to court operations.

To view the list of [Supreme Court operational orders involving adjustments for COVID response](#) visit our website.

New tools and resources were also needed for Washington courts to continue operating as safely as possible, while also meeting legal requirements and maintaining transparency. Many of those new resources and efforts are detailed in the following pages.

At the end of 2020, responding to the COVID-19 pandemic remained an ongoing challenge for courts, one that required innovation, perseverance and openness to new processes for both court staff and court users. Court professionals and justice system partners worked every day to meet this challenge. Their hard work and collaboration have been essential to meeting the justice needs of the people of Washington during this difficult time.



## CONFIGURING COURTS FOR COVID TOOLS CAME TOGETHER FAST TO KEEP JUSTICE ACCESSIBLE AND FAIR

The COVID pandemic's unprecedented impacts on courts required quick development of new tools and resources to help courts adapt and help members of the public access the justice services they need. These resources were developed by members and committees of the state judicial branch, often in partnership with state health officials, executive branch members and national court organizations.

Some key tools created or expanded in 2020 to help courts adapt their operations, help legal professionals work on behalf of clients, and help the public access court services include:

-  **COVID Response Page**  
Created on the Washington Courts web site — housed by the Administrative Office of the Court (AOC) — first to provide quick information for and about courts and actions taken to protect safety and keep critical operations moving; later became a comprehensive page with wide variety of resources and information for members of the public, the legal profession and the court community.
-  **Court Closures and Hour Changes**  
A webpage dedicated to occasional changes in court hours immediately ramped up with fast, regular updates on court day closures and modification of hours, to keep the public apprised of the status of their local courts.
-  **Civil Legal Aid**  
A listing of legal aid programs ready to help low-income people and displaced workers affected by the COVID-19 emergency, compiled by the state Office of Civil Legal aid.
-  **Legal Aid Information and Tips for the Public**  
A series of fact/tip sheets on individual rights in the face of COVID impacts in such areas as evictions (who can and can't be evicted?), employment (what if you're laid off because of COVID?), family situations (visitation schedules, etc.), debt and finances (can your stimulus payment be taken by creditors?), healthcare and more were created by experts and posted at the WashingtonLawHelp web site.
-  **Webinars for Courts**  
A series of weekly webinars developed by AOC began April 17, 2020, to provide guidance to courts on "Telephonic Hearings, Video Hearings, and Public Access;" "Remote Hearing Logistics;" "Protection and Emergency Orders;" "Staff Morale, Self-Care and Resuming Operations;" and "What Medical Experts Say We Need to Know."
-  **Virtual Court Directory**  
Created by AOC to ensure public access to court hearings taking place on remote video platforms, includes links so public can view them live.
-  **Court Interpreting During COVID**  
A collection of guidance documents regarding court interpreters to ensure access to language assistance during COVID restrictions.
-  **Open Court Guidelines**  
Guidance from the Bench Bar Press Committee of Washington to help courts maintain open access as they adjust to pandemic-related public health demands.
-  **Jury Guidance**  
A web page collecting all COVID jury information including state Supreme Court orders regarding juries, the report of a statewide Resumption of Jury Trials Work Group, and the state Department of Health recommendations report for courts.
-  **Eviction Resolution Pilot Program**  
A program developed to help renters and landlords find alternate solutions to evictions caused by COVID economic impacts, with links to local programs in six large counties.





## Eviction Resolution Program to Help Washington Communities and Courts with Expected Wave of Evictions

Concerned that a large influx of evictions could hit communities and courts after state and federal moratoria on evictions are lifted, the Washington state judicial branch in 2020 developed a unique Eviction Resolution Program (ERP) that can be implemented in any superior court, and which requires parties to engage in problem-solving steps before the cases can come to court.

The program was implemented in the six pilot counties which experience the majority of the state's eviction cases — Clark, King, Pierce, Snohomish, Spokane, and Thurston counties.

The goal of the free program is to bring all parties together with trained Eviction Resolution Specialists and rent assistance program staff to explore solutions — such as access to state and local rent assistance or achievable payment plans — that will help tenants retain their housing and divert many situations from the legal eviction process. The program includes access to interpreters and other resources.

The program was developed by a work group of the state Superior Court Judges' Association (SCJA) in partnership with the state Office of Civil Legal Aid. The work group included judicial officers, rental housing industry representatives, tenant advocates, civil legal aid attorneys, and Dispute Resolution Center dispute resolution center representatives.

The ERP is one of only a handful of similar programs known to have been established in the U.S. Funding from the federal CARES Act was used to support the pilot programs, which were established individually by each superior court through standing orders issued by their presiding judges.

"This innovative program is a critical part of our effort to help communities which may be inundated with evictions once the moratoria are lifted," said Washington State Supreme Court Chief Justice Debra Stephens in September. "It is also an effort to reduce the impacts on

backlogged local courts by diverting these cases away from their eviction dockets," she said.

Benton-Franklin Counties Superior Court Judge Jacqueline Shea-Brown, who chaired the work group that developed the ERP, added, "I want to express my sincere appreciation to all members who worked collaboratively to address what is a complicated and distressing situation for so many people."

The state Supreme Court issued an order on September 9, 2020, authorizing the establishment of ERPs in all superior courts. The order gives judicial officers the authority to require landlords to participate in the program before eviction cases can proceed through the court process. Participation by tenants is voluntary.

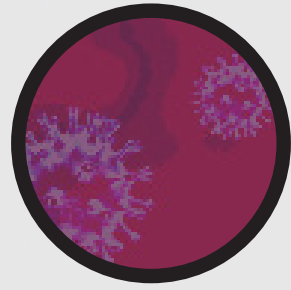
More information on the ERP programs, along with links to programs in pilot counties, can be found on the program website at: [www.courts.wa.gov/EvictionResolutionProgram](http://www.courts.wa.gov/EvictionResolutionProgram).

In legal terminology, eviction cases are called "unlawful detainer" cases. The SCJA Unlawful Detainer Work Group recommended outreach and communication steps between landlords and tenants, templates for detailed notifications to tenants, templates for new court forms, and other materials for use by superior courts in establishing their own eviction resolution programs.

"The COVID-19 emergency has affected all of us. Eviction is always a last resort and often the result of a long chain of events outside the control of renters or housing providers," said Brett Waller, Governmental Affairs Director for the Washington Multi-Family Housing Association, a rental housing industry group. "While landlords recognize the importance of finding solutions to cases where people have fallen behind in their rent through no fault of their own, they also must pay their mortgages, taxes, and utilities. By connecting landlords and tenants with skilled facilitators, the Eviction Resolution Program should help both tenants and landlords, and hopefully prevent unnecessary evictions for nonpayment of rent."







# “There Are No Easy Fixes”

## NEW COURT RECOVERY TASK FORCE TO HELP COURTS WITH CURRENT AND UPCOMING IMPACTS OF PANDEMIC

**W**ashington courts in 2020 found themselves in uncharted waters as they navigated the realities of the COVID-19 pandemic while trying to continue their critical operations.

Because the journey through the pandemic was likely to be a long one — extensive case backlogs, access-to-justice barriers, ongoing safety and fairness concerns, new technology needs and training, facilities costs, ongoing procedural changes — the Board for Judicial Administration (BJA) established the [Court Recovery Task Force](#) to focus on both short-term and long-term issues.

The Task Force’s central focus is to examine court challenges and needs and to ensure courts can continue to provide “fair, timely and accessible justice” in spite of the pandemic and its fallout.

“In four to six weeks, superior courts went from conducting most hearings in person to conducting our essential hearings by telephone and video,” said King County

Superior Court Judge Judith Ramseyer, president of the Superior Court Judges’ Association and one of three co-chairs of the Task Force.

“We have to deal with physical space, health and safety, case backlog, protecting constitutional rights, and all of the costs associated with addressing these issues in an economic and health crisis,” Judge Ramseyer said. “There are no easy fixes.”

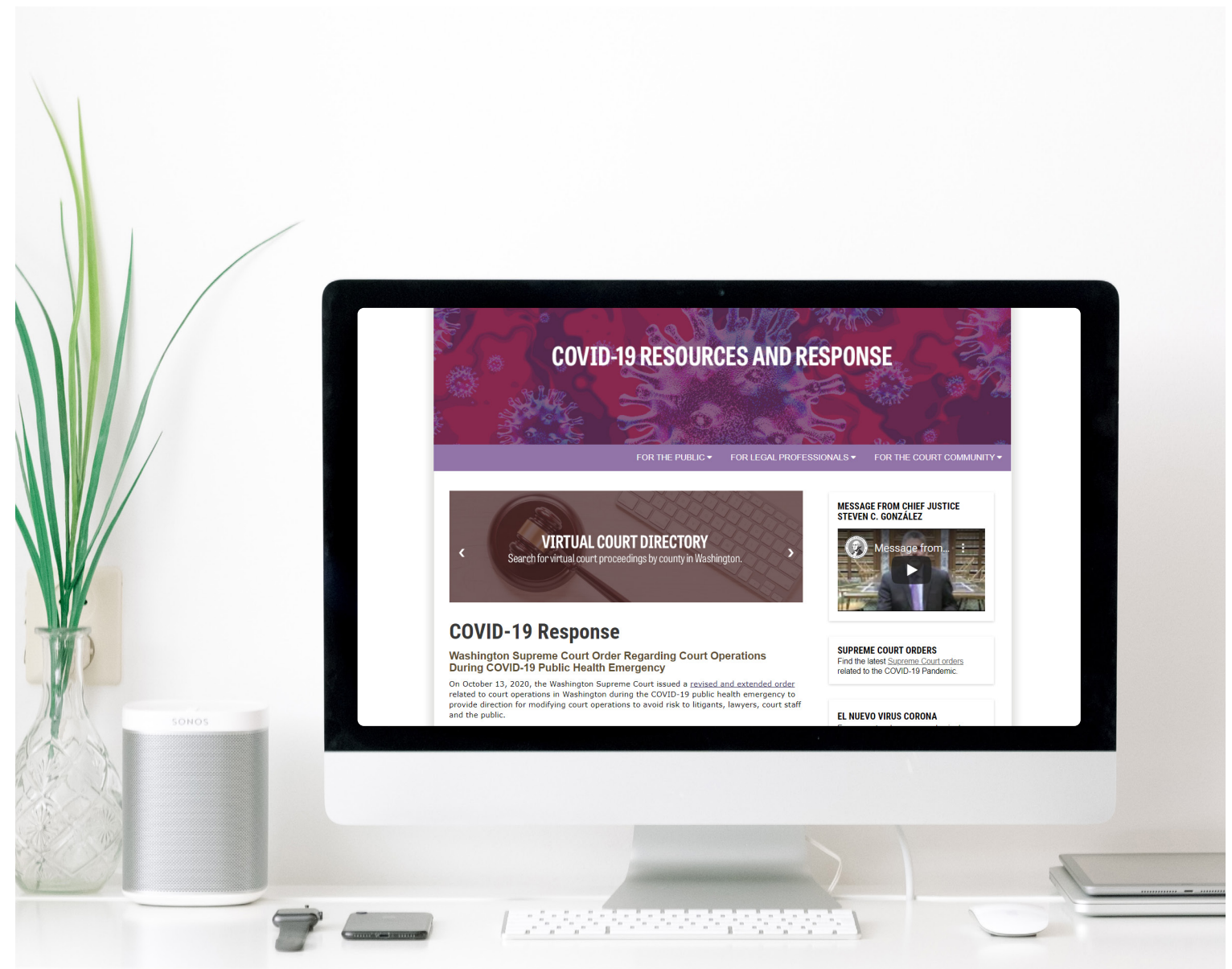
The Task Force held its first meeting, on the Zoom platform, on June 15, 2020, with more than 40 participants from across the state. “Courts are already working so hard to understand and adapt to new safety and health requirements that this is like building a new plane while we fly in it,” Washington State Supreme Court Chief Justice Debra L. Stephens said to meeting participants.

The Task Force plan includes identifying key court functions

**COURT RECOVERY**, CONTINUED ON NEXT PAGE

**“In four to six weeks, superior courts went from conducting most hearings in person to conducting our essential hearings by telephone and video. We have to deal with physical space, health and safety, case backlog, protecting constitutional rights, and all of the costs associated with addressing these issues in an economic and health crisis. There are no easy fixes.”**

**JUDGE JUDITH RAMSEYER**  
KING COUNTY SUPERIOR COURT  
SUPERIOR COURT JUDGES’ ASSOCIATION PRESIDENT



### **COURT RECOVERY**, CONTINUED FROM PREVIOUS PAGE

impacted by COVID-19, assessing court needs as they arise, identifying strategies to recover key court functions and adapt to changing needs, developing and implementing recommendations for recovery, and identifying promising practices moving forward.

Task Force members also discussed their role in:

- Identifying changes to statutes and court rules that are needed to support new practices;
- Identifying funding needed to help courts with the costs of adapting;
- Gathering lessons learned from across the state to help courts learn from each other as they adapt;
- Working closely with public health officials on a regular basis;

- Working with a list of guiding principles, including equity principles;
- Using methods to test new practices to make sure they adhere to the imperatives of the judicial system.

“This is really so unprecedented,” Chief Justice Stephens said. “We are reimagining what the courts can operate like, and we don’t want to do that without these principles being front and center and without testing the changes.”

Since launching, Task Force committees have made extensive use of surveys to court officials across the state to learn specifics about challenges, needs and concerns in different areas of court operations.

Justice Stephens said that both short-term and long-term findings and recommendations are expected from the Task Force, which is not scheduled to sunset until June of 2022.

**Court Recovery Task Force  
Family Law Committee Report  
February 17, 2021**

**Progress on Goals and Activities**

(Attach work products and recommendations for the Task Force to consider)

**Short Term Goals**

Activities

Informal Domestic Relations Trials—continue to monitor whether Supreme Court Rules Committee approves for posting for Notice and Comment, consider discussing with stakeholders once posted

**Long Term Goals**

Activities

e-Filing for self-represented litigants/Odyssey notifications for litigants (email/text)—these are now on Courts IT Governance radar (11/18/20, 12/4/20), no more for this committee to do

e-signatures—assist AOC in determining where e-signatures for self-represented litigants are not being permitted per the GR 30 temporary suspension

**Challenges**

Digital variance among courthouses

**Data Collection Efforts**

Join with Lessons Learned committee to survey self-represented litigants

Continue to discuss with Technology Committee the tech standards of different courthouses

**Court Recovery Task Force  
Child Welfare Committee Report  
February 17, 2021**

**Progress on Goals and Activities**

**Short Term Goals**

**Activities**

- Recommend a safe, efficient and effective method for circulating and receiving electronic signatures for court orders.
  - Office of Public Defense conducted a survey of parent attorneys to gather information on their perception of how the process for obtaining signatures on orders is going in each county.
  - Family and Juvenile Court Improvement Program (FJCIP) conducted a similar survey from the court perspective.
  - Keith Curry, AOC Odyssey implementation, was contacted to discuss the Odyssey document management system and plans for future integration into File and Serve to facilitate e-filing and possible e-signatures.
  - Next steps will be discussed at our meeting on 2/10/21.

**Long Term Goals**

**Activities**

- CW Committee members completed survey to assist in prioritizing the list of long term goals that were developed by the group. The results will be discussed at our meeting on 2/10/21.

**Challenges**

- **Funding**

Good news. The federal Consolidated Appropriations Act, 2021 includes emergency funding of \$10M for child welfare Court Improvement Program (CIP) to be added to CIP grant for FY21. We don't have an exact amount yet, but most likely will be around an additional \$200,000 for Washington State CIP. There is no match requirement for states to receive their portion of the emergency funding. The emergency funding is intended to assist with: (1) technology investments; (2) training on remote hearings; and (3) programs to help families avoid delays in legal proceedings that have resulted from COVID-19; or (4) other purposes to assist courts, court personnel, or staff related to the public health emergency.
- **Resources**

The Child Welfare Committee is synthesizing information and getting to a place where we can provide recommendations to the task force. Committee resources are thin and in order to complete tasks based on the recommendations, support will be needed.

**Data Collection Efforts**

No new activity during this reporting period, other than what was collected and described above regarding e-signatures.

**Court Recovery Task Force  
Appellate Courts Committee (ACC) Report  
February 17, 2021**

**Progress on Goals and Activities**

(Attach work products and recommendations for the Task Force to consider)

**Goals**

Facilitate the transfer of certain appeals under the Administrative Procedures Act (APA) and the Land Use Petition Act (LUPA) from the superior court to the court of appeals.

**Activities**

- ACC is working with the Superior Court Judicial Administration (SCJA) on the legislative advocacy efforts.
- A one pager describing the bill was developed and shared with legislators.
- [SB 5225](#) was introduced and sponsored by Senators Jamie Pedersen, Mike Padden and Sam Hunt.
- Judges Lisa Sutton and Chris Lanese testified at the February 9 hearing.
- Several committee members and the BJA chairs submitted letters or endorsements of support for the bill.

**Challenges**

N/A

**Data Collection Efforts**

- ACC received revised APA data.

**Court Recovery Task Force  
Lessons Learned Committee (LL) Report  
February 17, 2021**

**Progress on Goals and Activities**

(Attach work products and recommendations for the Task Force to consider)

**Short term Goals:**

**Coordinating and implementing surveys:** The Lessons Learned Committee will conduct surveys as identified by the group. The LL Committee will be a clearinghouse and assist in coordinating surveys where possible so that committees don't duplicate efforts and overload our respondents.

**Activities**

- LL shared the COVID impacts survey summary with the Task Force and it is on the website.
- LL is developing an unrepresented litigant's survey that will focus on the court user's *access (technology and getting help) and their experiences of what is working or not working.*

**Long term Goals**

**Identifying lessons learned:** LL will work with other committees to identify lessons learned and/or identify our own priorities.

LL will start collecting lessons learned/what's working in the next few months from the other committees.

**Identify and recommend innovations and best practices:** LL will help identify/recommend innovations and best practices.

**Challenges**

N/A this reporting period.

**Data Collection Efforts**

COVID impacts survey summary is on the website.

**Court Recovery Task Force  
Juvenile Criminal Civil Subcommittee Report  
February 17, 2021**

JCC Mission: The Juvenile Criminal Civil Committee (JCC) will identify and make recommendations on the short-term operation modifications needed to recover from the pandemic and the opportunities for long-term juvenile criminal and civil system changes. This committee will consider race, gender, equity, access to justice, practices that align with the science of health youth development, technology, and funding needs when developing committee goals and activities to ensure positive outcomes for youth.

**Progress on Goals and Activities**

(Attach work products and recommendations for the Task Force to consider)

**Short Term Goals**

**Address immediate impacts of COVID on courts and court users and identify what recommendations should move forward**

- 1) Identify access to justice considerations that have been impacted COVID
  - The Interpreter Commission is working on language access issues and the Recovery TF Technology committee is looking at remote technology and needs/considerations.
  - Several committee members met with national experts to help identify what is working across the country with juvenile remote hearings.
- 2) Access to community services - Identify and develop partnerships/connection points with community services.
  - Several members are working on identifying next steps.
- 3) Detention - Evaluate booking criteria that have reduced detention numbers
  - Members are meeting to collect information to best determine how to proceed.

**Long Term Goals**

Identify court processes, best practices, and statutes and court rules that may need to be changed to achieve goals.

**Activities**

TBD

**Challenges**

How to address access to justice issues and how to prioritize the most critical issues and needs

**Data Collection Efforts**

N/A



# BJA Court Recovery Taskforce Juvenile Criminal & Civil Committee Priorities

**JCC Mission:** The Juvenile Criminal Civil Committee (JCC) will identify and make recommendations on the short-term operation modifications needed to recover from the pandemic and the opportunities for long-term juvenile criminal and civil system changes. This committee will consider race, gender, equity, access to justice, practices that align with the science of health youth development, technology, and funding needs when developing committee goals and activities to ensure positive outcomes for youth.

## SHORT TERM PRIORITIES: to survive, lessoned learned and practices to preserve

*Court Process Recommendations	Access to Quality Technology	Access to Community Services	Community Supervision Considerations	Detention Considerations	Becca
<ol style="list-style-type: none"> <li>1) Identify access to justice considerations that have been impacted by COVID</li> <li>2) Prioritize types of hearings and trials that should be conducted in person.</li> <li>3) Develop efficient process of signing defaults and getting court orders signed by everyone in a timely manner.</li> <li>4) Determine if e-signatures and digital sharing of documents is working.</li> </ol>	<p><i>Place in parking lot until technology committee develops guidance</i></p> <ul style="list-style-type: none"> <li>• Address access to technology barriers</li> <li>• Need a menu of options for contact with the court</li> <li>• Identify when/what technology can work and under what circumstances</li> </ul>	<ol style="list-style-type: none"> <li>1) Identify and develop partnerships/connection points with community services.</li> <li>2) Explore and identify strategic ways to deliver services</li> </ol>	<ol style="list-style-type: none"> <li>1) Identify remote support, supervision and monitoring strategies</li> <li>2) Explore creative ways to maintain connections with families</li> <li>3) Identify opportunities for flexibility with what satisfied diversion agreements</li> <li>4) Identify successful remote substance use screening.</li> </ol>	<ol style="list-style-type: none"> <li>1) Evaluate booking criteria that have reduced detention numbers</li> <li>2) Identify infectious disease control measures and ensure safety measures in place</li> </ol>	<ol style="list-style-type: none"> <li>1) Identify what is happening with truancy petitions</li> <li>2) Other (to discuss)</li> </ol>

**Court Recovery Task Force  
Therapeutic Courts Subcommittee Report  
February 17, 2021**

**Progress on Goals and Activities**

(Attach work products and recommendations for the Task Force to consider)

**Short Term Goals**

Address immediate impacts of COVID on courts and court users and identify what changes should move forward.

**Activities**

- 1) Committee shared the survey summary with the Task Force (also part of meeting packet) and is focusing on the recommendations as their goals.
- 2) Explore funding for technology (both devices and service) and community locations that can provide access to a secure computer and wireless service.
  - a. Disseminated website for WIFI locations (in courts and others in community).
  - b. Explore options to use Cares Act funding or other funding as it becomes available.
- 3) Actively remind public defenders/private bar and prosecutors that therapeutic courts are open and available for hearings and services.
  - a. The Committee is developing a process for this.
- 4) Identify community services that can be utilized during COVID-19 restrictions to engage participants in their court plan and help increase success rates.
- 5) Identify what participants can realistically do given some of the impacts from COVID-19 and the reasons for decreasing success rates.
- 6) Identify reasons for decreased entry rates into therapeutic courts and action items to address these.

**Long Term Goals**

Identify practices, community services, and statutes and court rules that may need to be addressed to achieve goals.

**Activities**

- 1) Explore funding for substance abuse testing and treatment.
- 2) Explore options for courts to share information about what is working and not working, resources, etc. such as a drop box or similar format.
  - a. Perhaps a “drop box” or similar format
    - i. Identify format for data collection.
    - ii. Identify an individual to create data collection instruments.
    - iii. Develop calendar of when information will be collected.
    - iv. Identify an individual to summarize data to present to the committee.

**Challenges**

Identifying all of the therapeutic courts and trying to obtain information on developing courts or communities that would like to develop them.

**Data Collection Efforts**

Survey distributed in October/Nov to courts and summary shared January 2021.



## **Therapeutic Courts Impacts from COVID**

*A survey report on changing court practices in response to COVID-19 in Washington State Therapeutic Courts*

**Board for Judicial Administration  
Court Recovery Task Force  
Therapeutic Courts Committee**

**December 2020**

## Introduction

In the spring of 2020, the Board for Judicial Administration (BJA) launched the Court Recovery Task Force to assess current court impacts from COVID-19; develop and implement strategies to ensure that every court can provide fair, timely, and accessible justice; and provide recommendations for ongoing court operations and recovery after the public health emergency subsides.

The BJA Court Recovery Task Force Therapeutic Courts Committee surveyed Washington therapeutic courts' responses to COVID-19 to date to (1) better understand court processes that have been impacted by COVID-19, and (2) determine ongoing needs of the courts. Information about current practices will also help the Task Force identify innovations that may inform best practices going forward.

## Survey Methodology

For the purposes of the survey and summary, the term therapeutic court refers to any court that is considered a therapeutic, treatment, problem-solving, non-traditional, specialty, community, veteran, or any other type of court that has a specific focus.

A survey was sent to presiding judges across Washington. There are approximately 92 therapeutic courts across the State. While there were only 37 responses to the survey, courts were directed to answer only one survey for multiple therapeutic courts in their jurisdictions, if there were similar experiences among the courts. Other jurisdictions provided separate court responses for therapeutic courts that had varied experiences.

There are many different types of therapeutic courts in Washington State — drug court, family treatment court, driving under the influence court, mental health court, veterans' court, community court, domestic violence court, girls' court, and human trafficking court.

## Survey Highlights

- One hundred percent (**100%**) of courts reported that they were able to continue some form of their court during COVID-19.
- About **75%** of the therapeutic courts have embraced the use of video or telephone for all or most of their hearings over the past 10 months.
- Predominate difficulties facing therapeutic courts during COVID-19:
  - Testing for drugs and alcohol — **86%**
  - Providing rehab and community services to participants — **73%**
  - Defendants' ability to engage in treatment sessions — **73%**
  - Funding issues — **33%**
- Most courts (94%) reported that the use of video platforms (Zoom, etc.) were effective or very effective for hearings and team member staff meetings.

Courts reported a variety of impacts from COVID-19 which were often dependent on the court size and location, access to technology and community services, and whether the participant was a new or ongoing therapeutic court user.

### Positive impacts reported by therapeutic courts

- **Therapeutic courts continued to operate and have been very creative.**  
One court shared, *“the team has been much more creative with recommendations and responses for both incentives and sanctions and drastically reduced the use of jail as a response.”*
- **Most courts have embraced video conferencing for hearings and team meetings and will likely continue using this format post COVID-19.**  
Courts reported: *“Graduations have moved to Zoom and have become more intimate and meaningful, which is surprising. One participant had his family in Mexico call in and his SO interpreted his comments to the Court afterwards;”* and *“Seeing people at home or on the job site via Zoom gives us a better sense of their lives. We get to meet their children and animals and see their workplaces.”*
- **Access to courts and some services improved.** Some courts reported better attendance to hearings and treatment sessions, reduced travel time, and less work conflicts as a result of online options. One court reported that *“Zoom court hearings have allowed some participants to open up easier and share in court and in treatment sessions.”*

### Negative impacts reported by therapeutic courts

- **Courts have experienced a drop in entry and completion rates.**
  - 85% of courts reported a decrease or significant decrease in entry rates.
  - Courts reported higher failure rates among participants during COVID-19 than prior to COVID-19.
- **Courts have experienced a significant sense of loss of community with participants.** Given the collaborative nature of therapeutic courts, while courts generally felt little to no change in their relationship with justice partners, nearly **80%** of courts believed that that COVID-19 had created a negative to very negative effect on the sense of community between participants and justice system partners. Courts reported that some participants may feel isolated and disconnected with the court process and community services.
  - *“The cancellation of in-person hearings, but in particular, in-person treatment sessions has led to some of our participants feeling disconnected to the program.”*
  - *“Isolation has proven to be a challenge to sobriety and mental health issues for some.”*
- **Technology barriers such as privacy and access to devices and wireless service exist for some participants.** While remote options have proven effective

in many circumstances, courts reported that the use of the phone by itself is not effective for therapeutic court hearings. Reasons for this include: participants without adequate technology resources, concerns about security and privacy with online treatment sessions, and decreased peer interactions.

- **Testing (UA's, etc.) remains challenging due both to cost and availability.**

### **Changes therapeutic courts want to keep post COVID-19**

- Continued video and remote options for hearings, especially when participants cannot travel or would otherwise be unavailable for court, staff and team meetings, case management, and treatment services.
- Increased creativity in the sanction process.

### **Changes that could benefit therapeutic court participants**

- Financial assistance or contracting for UA testing and transportation.
- Better access to WIFI and internet access.
- Increased options for participants to connect better with each other outside of court activities and treatment.
- Increased access to mental health treatment, housing, and transportation.

### **Recommendations**

- 1) Explore funding for substance abuse testing and treatment.
- 2) Explore funding for technology (both devices and service) and community locations that can provide access to a secure computer and wireless service.
- 3) Actively remind public defenders/private bar and prosecutors that therapeutic courts are open and available for hearings and services.
- 4) Explore options for courts to share information about what is working and not working, resources, etc. such as a drop box or similar format.
- 5) Identify community services that can be utilized during COVID-19 restrictions to engage participants in their court plan and help increase success rates.
- 6) Identify what participants can realistically do given some of the impacts from COVID-19 and the reasons for decreasing success rates.
- 7) Identify reasons for decreased entry rates into therapeutic courts and action items to address these.

**Court Recovery Task Force  
Adult Criminal Subcommittee Report  
February 17, 2021**

**Progress on Goals and Activities**

(Attach work products and recommendations for the Task Force to consider)

**Short Term Goals**

Address immediate impacts of COVID on courts and court users and identify what changes should move forward.

- The Committee finalized two surveys to be distributed to the court community – defendant survey and juror survey. The survey information will be shared from a statewide perspective.
- The committee is beginning to collect data on remote arraignment hearings in the hopes to identify successful strategies and share information with courts.

**Long Term Goals**

Once the survey data is received, the committee will assess what impact, if any, COVID accommodations have on criminal court hearings, share the information with the larger task force, and make recommendations for any changes to current practices. In addition, the committee plans to seek feedback from criminal courts about the creative accommodations courts have made to allow for criminal proceedings to proceed remotely.

**Activities**

TBD

**Challenges**

Determining distribution methods for consumer feedback (jurors and defendants specifically).

**Data Collection Efforts**

Developed surveys for defendants and jurors. Will coordinate with other committees as needed.

## Defendant Survey

**Thank you for taking the time to answer a few questions about your court hearing today. It should take less than 5 minutes. You will not be asked to give your name and the court will not receive your individual answers. We want to make sure that every person can participate in their court hearing, especially given COVID.**

1. What type of hearing did you have?

- In-person
- By video
- By phone

## Defendant Survey

### In-Person Hearings

2. Do you think the court's COVID accommodations kept you safe? Check all that apply.

- Yes, I felt safe.
- No, I would have preferred a video or phone hearing.
- No, I would have preferred more distancing between people.
- No, I would have preferred more masks, hand sanitizer, etc.
- Other (please specify)

## Defendant Survey

### Video or Phone Hearings



3. How did you access the hearing? Check all that apply.

- I had my own phone, computer/tablet and/or internet.
- I had to go somewhere else to use the internet.
- I had to borrow/purchase equipment to attend my hearing.
- Other (please specify)

4. Did you have any problems with technology during your court hearing?

- Yes
- No

If yes, please explain.

## Defendant Survey

5. Considering the COVID accommodations, please share how you feel about the following:

	Disagree	Agree	N/A
I was able to speak privately with my attorney during the hearing.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was able to listen to the people speaking during my hearing.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was able to communicate during my hearing.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I prefer in-person hearings to video or phone hearings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you disagreed with any of the above, please explain.

## Defendant Survey

6. Did you use any of the following court services today? Check all that apply.

- Interpreters
- Disability Accommodations
- None of the Above

## Defendant Survey

7. Did the services meet your needs?

- Yes
- No
- If no, please explain.

## Defendant Survey

8. Which of the following best describes your race?

- White or Caucasian
- Black or African American
- Asian or Asian American
- Native American or Alaska Native
- Native Hawaiian or other Pacific Islander
- Another race

9. Are you of Hispanic/Latinx ethnicity?

- Yes
- No

10. What is your gender identity?

- Male
- Female
- Non-Binary

11. Which best describes your age?

18-24

25-34

35-44

45-54

55-64

65+

## Juror Survey

**Thank you for taking the time to answer a few questions about your jury duty today. It should take less than 5 minutes. You will not be asked to give your name and the court will not receive your individual answers. We want to make sure that every person can fully participate in jury duty, especially given COVID.**

1. Which of the following would have made you feel more comfortable while serving as a juror? Check all that apply.

- Nothing, I was a juror for a video hearing and did not go into the courthouse.
- Nothing, I felt like safety protocols were in place in the courtroom and jury room.
- If more personal protective equipment such as masks, hand sanitizer, wipes/surface cleaners were used in the courtroom and jury room.
- If there was greater physical distancing from others in the courtroom.
- Other (please explain)

## Juror Survey

2. Considering the COVID accommodations, please share how you feel about the following:

	Disagree	Agree	N/A
The pandemic made it hard for me to travel to and from the court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was able to see and hear everything that happened in court today.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was able to understand the proceedings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was able to communicate with fellow jurors during deliberations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you disagreed with any of the above, please explain.

## Juror Survey

3. Which of the following best describes your race?

- White or Caucasian
- Black or African American
- Asian or Asian American
- Native American or Alaska Native
- Native Hawaiian or other Pacific Islander
- Another race

4. Are you of Hispanic/Latinx ethnicity?

- Yes
- No

5. What is your gender identity?

- Male
- Female
- Non-Binary

6. Which best describes your age?

- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+