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Subject: FW: My request for in-person jury trials once covid is over
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From: James Gooding [mailto:jgooding@glpattorneys.com]
Sent: Sunday, November 21, 2021 9:53 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: My request for in-person jury trials once covid is over

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Hi,

I have tried two cases during covid, one by entirely by zoom and one entirely live (I “lost” them both, so how I did has no impact on my opinion on which was better.) I think that every aspect of the in-person trial was more fair to all litigants. There were many shortcomings to the zoom trial, including one juror who kept going dark, moving from one room to another, doing household chores, and even got in her car and drove to another location all during testimony. The judge asked her to stop but did nothing to remedy the problem other than put a statement on the record every time that she “was paying attention and did not miss any testimony”. If we were in a courtroom and a juror was moving around the room, doing chores, etc., they would obviously be chastised and either brought under control or dismissed but on zoom it was somehow acceptable.

I think another issue is that putting jurors in front of their own computers during testimony that can be boring at times (no matter what we do to make it more exciting) invites them to start using the internet to do other things. I do not believe it is reasonable to think that every juror is staying off of the internet at all times, in fact I think the opposite is probably more likely given that there it is very hard for the parties or the court to discover this and remedy it.

I have other concerns including the ability to view exhibits on phones and access to justice, given that some people in King County don’t have internet or high speed-wifi.

Thank you for listening. I am always available for questions or discussion should anyone wish to give me a call.

Jim



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