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The **Ultimate** **Guide** to Hybrid & Virtual Court Hearings



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01

Introduction

The impact of the COVID-19 pandemic upon justice systems was as profound as it was unprecedented. Adjusting to a world where people could not meet in person created a global crisis, but at the same time launched a worldwide shift toward modernizing legal procedures through the use of new tools and technology for remote court hearings.

So, what lessons have we learned so far? If you're a judge, attorney, or correctional officer, what should be on top of your technology checklist? What are the new protocols being adopted and what represents good practice in these changed times?

This e-book aims to provide an overview of some of the key considerations to help you and your organization better understand the opportunities and benefits provided by video-enabled remote courts.

“ We’re going to be doing court business remotely forever.....The American justice system will never be the same ”

Nathan Hecht

Chief Justice of the Texas Supreme Court and co-chair of the National Center for State Court's pandemic rapid response team
([Northwestern University Law Review](#)).



What does “virtual court” mean?

Let's start with the definition. A virtual court hearing occurs when everyone involved in a legal case hearing participates remotely instead of appearing in person. This can be by using a phone line, but will most likely happen using video conferencing. Audio and video streams are used to link the custody suites and court, along with any other attendees from their remote locations.

Video conferencing solutions can be used for arraignment and preliminary hearings, remote witness testimony, and to conduct remote interviews. [Video arraignments](#) have been a common practice for some time and are a precursor to the remote hearings we see today.

A hybrid hearing blends the physical and digital, meaning that some of the participants, often the judge and counsel, attend in-person in the courtroom while others take part remotely.

One of the biggest challenges that has been created by the COVID-19 pandemic is alleviating the backlog of cases that have built up due to postponed hearings, which has created overcrowded jails and clogged legal systems. Remote court hearings are, and will continue to play an important role in addressing this immediate challenge, but this technology-- and this new way of holding court sessions-- is just getting started. This pandemic has forced legal organizations to rethink how to best manage workflows, and as we enter the “new normal,” hybrid and remote work technologies will continue to play an important role by making court hearings and judicial meetings more efficient and productive.

02

User perspectives in the spotlight

There are several different key participants in most remote court hearings, meaning that court systems need to address different needs when designing their remote court infrastructure.

This includes:

- **Understanding each participant's necessary level of involvement.** For example, will they be speaking or just listening? How much training, if any, do they need?
- **Their user experience.** Is the video meeting easy to join? Do they have the information they need to access the call?
- **Anticipating the challenges of each of the participants.** Does everyone have access to the Internet and the devices they need to participate?

The right tools can level the playing field for all participants, regardless of where they are located or how they are joining a remote court proceeding. Ultimately, this makes these sessions more convenient, cost-saving, and efficient, while also providing fairer, more equal access to justice systems.

In **navigating the process of remote court**, here are some of the considerations and responsibilities to keep in mind, depending on your user group:



Justice departments & judges

- As the “hosts” of remote court sessions, justice departments are responsible for choosing and implementing one or more video conferencing solutions to allow court proceedings to proceed in a virtual format
- Decide how and when to employ remote courts as a tool for complying with health, safety, and security regulations. It can also be a useful way to expedite processes, tackle case backlogs, increase accessibility, and provide more flexibility for staff
- When choosing and implementing your video conferencing solution, integration capabilities should be a key consideration. Your remote court sessions should become a seamless part of your other workflows. Enable multi-



platform collaboration with existing courtroom technology by choosing a platform that's interoperable. This can speed up adoption, save money, and reduce waste.

- Be sure to research security standards and compliance when choosing a solution. Your remote court sessions should ensure high levels of security and privacy for all participants
- Look for cost-effective solutions to meet public sector budgets
- Court administrators and IT staff will also be responsible for providing training resources and/or basic instructions for use, depending on different user needs. This includes training judges and courtroom staff on the technology, but also video conferencing etiquette and the new rules for interactions with legal representatives, defendants, and witnesses
- Ensure accessibility for all participants through user-friendly, device-agnostic solutions. Remote courts can be a powerful way to increase accessibility to justice systems, but only if it's implemented in a way that's user-friendly. Ease of use will aid in building and maintaining public trust in remote court processes



Lawyers & legal representatives

- Be sure your staff and legal team have the technology you need to successfully participate in remote court. This can

include devices like laptops, in-office video conferencing systems, speakers, and microphones

- Check what video conferencing platform the court is using, and make sure you know how to access it. If there are any downloads or tests, be sure to do them before the scheduled session in court so you won't be late.
- Test your audio and video to ensure everything functions, and make sure you know how to manage features, like "mute" screen sharing, backgrounds, and filters
- Before a scheduled session, read all the information provided by the court about who will be attending the session, and in what capacity
- Make sure you are informed on how cross-examination and other exchanges will be handled virtually, and that you know the proper etiquette as a legal representative
- Check to see what evidence and other materials should be shared prior to the session
- Brief your client on what to expect during the session, and make sure they have the tools they need to attend the session.
- You should also decide how you will communicate with your client during the session, for example over text message or email
- Talk to your client about video etiquette, and how demeanor and tone can be interpreted differently over video





Other remote court participants:

- In addition to courtroom officials and legal representatives, there are many other key participants in a remote court sessions, including:
 - Plaintiffs
 - Defendants
 - Witnesses
 - Interpreters
 - Correctional officers and staff
 - Police departments
 - Members of the public, if allowed
- Each of these different roles will require different levels of participation in the remote court sessions, but regardless of your role, it's important to keep the following points in mind:
 - Read all the materials provided by the court about how to access the video conferencing session, and what to expect
 - Be sure to complete any necessary downloads well-before the scheduled session, and familiarize yourself with the video meeting platform, including controls like mute
 - Be sure your devices are charged and functioning, and test your microphone, speakers, and camera prior to the session
 - If you're at home, situate yourself in a quiet room with good lighting and minimal distractions
 - If you're working from an office or government facility, make sure you know how to use the provided technology in the room, such as video conferencing equipment
 - Gather all the materials you will need as you would usually. Consider using additional printed documents, so you don't have to switch between computer applications looking for information.
 - Be sure you're well informed on how and when you should participate, and what the proper etiquette is for your role
 - Think about how you will focus on body language and other cues. [A helpful guide](#) produced by the Singapore Academy of Law called 'Virtual Hearings without Tears' has more detailed recommendations on the physical and technical set-up, audio/visual accessories, and connectivity.
 - and benefits provided by video-enabled remote courts.



Pexip in Practice: Powering remote courts around the world

A great example of a court system successfully meeting today's judicial challenges is the New Mexico Supreme Court in the United States. They were able to cost-effectively [adapt their court system using Pexip](#) to a hybrid solution by using legacy hardware devices, and at the same time greatly enhance the user experience.

Commenting on the system, the CTO for New Mexico Supreme Court Dick Wilkinson said, **"When I heard there was an opportunity for a bridge that would allow one, two, three or four products to talk to each other – I said 'yes, absolutely, let's go'. This was a no-brainer investment in an absolutely valuable platform."**

Likewise, the [Paulding County Sheriff's Office](#) in the state of Georgia in the United States began using Pexip for remote court hearings during the pandemic so that detainees scheduled to appear before a judge could connect easily to the system used by the magistrate court. Using this remote solution, judges and others in the courtroom can

see the video of each inmate on a large pull-down screen or on the laptop at the judge's bench. The system itself, along with the training materials for new users, are designed to make the system easily accessible to a wide spectrum of users and from a range of different devices.

The solution has also helped Paulding County improve security by reducing its need to transfer detainees from the detention facility to court for their bond hearings, arraignments, and other types of proceedings. An even bigger benefit may be that the remote meetings have helped protect the health and safety of inmates, judges, and others throughout the COVID-19 pandemic.

"The system really helped us out a lot," said Colonel Chad Hunton, Chief Deputy at the Paulding County Sheriff's Office. "With our protocols in place and with this system, we've had no COVID-19 outbreaks in our detention facility."



03

The benefits of hybrid and virtual courts

The successful adoption of video conferencing by justice departments during the pandemic has dramatically changed attitudes toward hybrid and remote courts, and the viability of this technology is now being seen and re-evaluated in a new light.

In a [recent interview](#), the Chief Justice of Ohio, Maureen O'Connor said, *"The technology has made it infinitely easier for attorneys to be attending hearings at court, maybe even hearings outside of their jurisdiction... where they live, without the necessity of travel, which means that costs for their clients have decreased as a result of more efficient use of the attorneys' time."*

For example, the Irish Courts Service has embraced this hybrid approach using Pexip video conferencing solutions, [enabling 5,000 virtual court hearings](#) to take place over the past year. Video conferencing has been evolving and maturing for some time and the benefits for virtual court hearings have never been clearer.

In a [survey](#) of Ohio judges, 82% said they are considering continuing some of their pandemic-era changes into "non-emergency" times, including virtual preliminary hearings.

“We’ve watched participation rates in high-volume dockets like child custody and traffic cases flip from 80% no-shows to 80% appearances”

Nathan Hecht

Chief Justice of the Texas Supreme Court and co-chair of the National Center for State Court's pandemic rapid response team
([Northwestern University Law Review, 2021](#)).



Below is a summary of some of the key advantages of using video conferencing for justice departments and legal professionals:



Maintaining operations

One of the most critical and obvious benefits is that court hearings can successfully take place without the need to meet in person. During the COVID-19 pandemic, this has been critical for continuing to hold sessions in court while limiting the potential transmission of disease, and complying with health and safety directives.



High standards of security

Courtroom staff, defendants, plaintiffs, witnesses, legal representatives, and the public are safer and more secure in remote court settings. Encryption and privacy features on software and devices for remote court can ensure that sessions remain private and evidence provided by witnesses and legal representatives are protected.



Widening access to justice

Greater convenience significantly helps improve access to justice systems and results in a reduction of no-shows by witnesses. Increasing access to justice and legal processes also helps to build more public trust and confidence in justice courts.



Better advocacy and documentation

The communications between client and attorney are easier to keep confidential, and live chat functions enable more sophisticated interaction of audio and video documentation between counsel, legal representatives, and clients during a hearing.



Save time and reduce costs

Virtual court hearings are quicker and cheaper to conduct as all parties are not required to physically attend. Security personnel are not needed to transport inmates from correctional facilities to courtrooms and judges can hear more cases in a shorter period of time. Overheads and other costs associated with operating court facilities can also be saved.



Enhancing witness credibility

By removing the intimidating atmosphere of a physical courtroom, witnesses are generally more relaxed and less stressed in virtual court hearings, resulting in more coherent evidence. The constant camera view of witnesses can help focus attention on communication to support reliability.



Greater flexibility

Multiple participants and legal teams in different locations can be easily connected into one hearing, making scheduling more convenient, efficient, and flexible. Attorneys can join court proceedings from their home or office, and the hours of service available for hearings can be widened beyond traditional times.



Improving inmate conditions

Especially with video arraignments, the improvements in custody conditions mean that inmates can avoid body searches, handcuffs are not required, and long waiting times in the court holding facility can be avoided.

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Checklist: Key technology features

Video conferencing technology is constantly advancing, the COVID-19 pandemic has vastly increased user adoption, making remote meetings more accessible and successful than ever before. Court systems around the world trust Pexip for their virtual and hybrid court sessions, based on the following rich features and capabilities:

Key technology features

Seamless interoperability—Hearings can take place regardless of location, video meeting platform, or hardware. This means participants can conveniently join from any device such as a laptop, webcam-enabled PC, browser, mobile device, or using an existing courtroom video system.



Security-first collaboration—Pexip's enterprise-grade video conferencing solutions use industry-standard encryption and security protocols to maintain privacy and security for end-user devices and all participants in hearings.



Professional and reliable—Whether a meeting is joined through an app, browser, or a video system, ultra-high-quality audio and video can help to reduce video fatigue and improve clarity and comprehension in a court setting.



One-touch join—Integrate with your justice department's calendar environment to make joining any scheduled video meeting easier than ever before.



Flexible deployment—Whether on-premises or in the cloud, there are multiple options to suit your organization's technology and infrastructure requirements to enable every feature from the simplicity of a single platform.



APIs and integration—Using a comprehensive set of APIs can enable more sophisticated applications that are tailored to your needs and integrate with virtually any relevant third-party application. This allows you to make video a seamless part of your existing workflow.



“In some other solutions we tested, the audio and visual quality was not good. With Pexip, it was perfect”

Pexip Customer Igor Campagnard

an administrator with the [Joint Court of Justice of Aruba, Curaçao, Sint Maarten, and of Bonaire, Sint Eustatius and Saba](#)

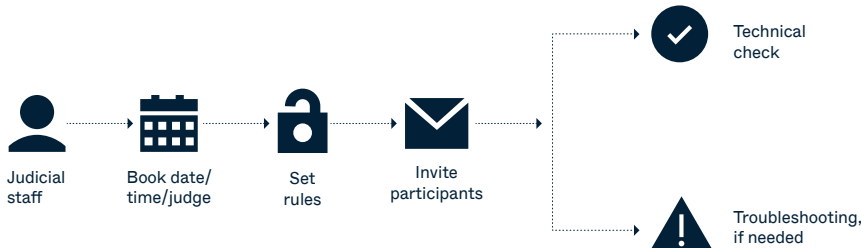
Here is an example of an automated virtual court workflow:

The right technology gives judges and administrators total control over their virtual court experience, from start to finish. With the ability to create groups (i.e. defense, prosecution, press, witnesses), set rules for each group, and automate processes, organizations can set their own workflow to take their virtual court proceedings true to life.

Pre

Judicial staff can easily schedule proceedings

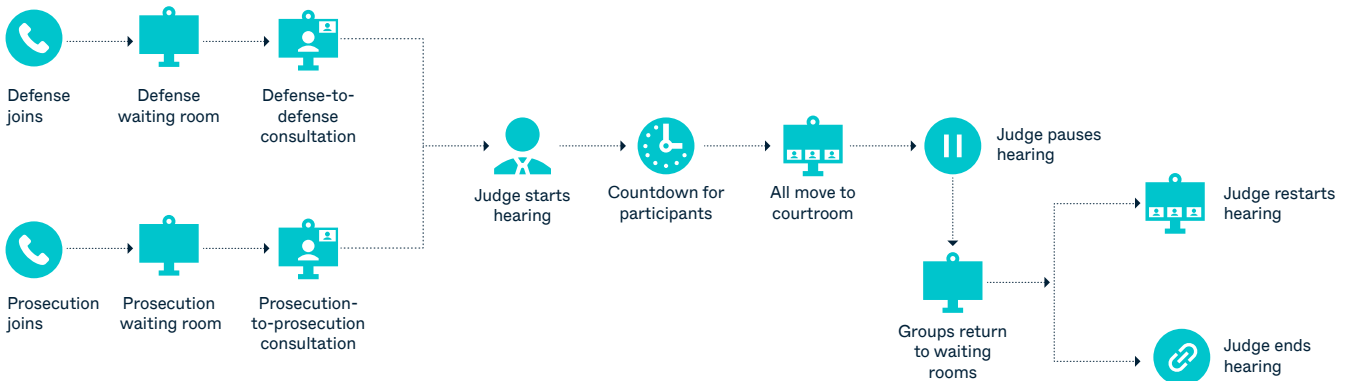
Scheduling integrations help staff set the date and time, book the judge, and define rules for the hearing. For example, if a hearing is open, they can automatically trigger streaming for external participants.



During

Judges have full control over the proceeding and who participates when

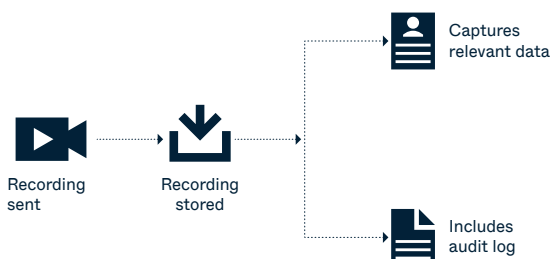
Defense and prosecution teams remain separate in private, virtual waiting rooms. The judge can then move these groups, or individuals like witnesses, between private waiting rooms and the virtual courtroom at any time during the proceeding.



Post

Recording is available for compliance and audits

Once a hearing ends, a video recording is automatically sent to participants and stored. This recording includes the session date and time, as well as participant data. For compliance reasons, there is also an audit log.



05

Looking to the future

As the legal profession and justice departments look toward the future, and as the benefits of video conferencing become even more firmly established, it is clear that this technology has a long-term role to play in the safe and efficient delivery of justice systems.

The future of court hearings is likely to be a hybrid of physical and digital, designed in a way that captures the benefits of video to better meet the needs of everyone involved, from defendants to attorneys to judges.

Find out why Pexip is trusted by justice departments around the world to successfully optimize remote hearings by visiting

www.pexip.com/government

“ The role of technology here is not to support and enhance our old ways of working but to overhaul and often replace our practices of the past..... We are at the foothills of the transformation in court services ”

Richard Susskind
([The Future of Courts](#), Harvard Law School)



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