



Connecticut
Judicial Branch
Responds to

COVID-19 Challenges

By JUDGE PATRICK L. CARROLL III

IN THOSE FIRST DAYS OF THE GLOBAL PANDEMIC, THE CONNECTICUT JUDICIAL BRANCH FACED challenges it had never before faced. From day one, however, we moved forward with a clear vision: We would balance our constitutional responsibilities with the Branch's overarching goal of keeping the bar, members of the public, and our employees, family support magistrates, and judges safe and healthy. We worked closely with the bar in achieving these goals, and we are grateful for the remarkable cooperation, primarily through the CBA's 2020 COVID-19 Pandemic Task Force.

It is important to note that the Judicial Branch never closed. Initially, we limited court business to the most essential functions, which entailed suspending operations in many courthouses, to allow us to make physical alterations to our facilities to make them safer for in-person proceedings, while simultaneously expanding remote functionality. Fortunately, the Branch already had in place the foundation to handle some cases remotely. In fact, the Judicial Branch has for some time conducted a wide range of video-conferenced proceedings from Department of Correction facilities, including habeas, family, and some civil proceedings.

The Judicial Branch first focused on its existing technological infrastructure of Cisco equipment for arraignments of individuals held on bond, domestic violence arraignments, and temporary restraining order hearings. We found a way to process these cases, while also reducing the number of people gathering in a courtroom.

Meanwhile, our Information Technology Division began exploring other technologies to expand the types of cases being heard. We applied three standards in evaluating three main video platforms: WebEx, Microsoft Teams, and Zoom. First, did the platform meet the high standards of the Branch's IT security team? Second, did it meet the requirements of the criminal, civil, family, and juvenile divisions? Third, could we easily deploy the platform and provide support to Branch employees and judges? In the end, we selected Microsoft Teams and partnered with For the Record, also known as FTR, for recording the remote Teams proceedings. Adding to our level of confidence with FTR was the fact that the Branch has used FTR as its vendor for the digital recording of proceedings for more than 20 years.

We call the combination of Cisco, Teams, and FTR

products "Remote Justice." Although technological limitations of the Cisco system have necessitated the ongoing scheduling of some in-court proceedings, particularly in our criminal courts, the Remote Justice platform has allowed attorneys and parties to participate in Supreme, Appellate, and Superior Court proceedings without having to go to a courthouse. The Judicial Branch continues to further reduce the number and frequency of in-court proceedings, although the significant costs attendant to the technological advancements necessary to achieve that goal have hampered our effort to do so more quickly. The Judicial Branch has also published two remote guides and created a Remote Justice webpage to assist attorneys and parties in preparing for such proceedings.

Needless to say, all of these technical advancements have inalterably transformed how we do business on the Supreme, Appellate, and Superior Court levels. As an example, the Supreme and Appellate courts heard oral arguments remotely in April and May. Beginning in September, both the Supreme and Appellate Courts have the ability to conduct oral arguments in the courtroom or remotely.

Regarding Superior Court matters, virtually all civil pretrials and oral arguments are occurring remotely, as are courtside trials and hearings. The only civil matters done in person during the pandemic are civil orders of protection. Additionally, we streamlined other processes to improve remote access, including the creation of an online dispute resolution pilot program for the remote resolution of small claims matters. Finally, we created a mechanism that allows attorneys and self-represented parties with e-filing access to submit their PDF document exhibits electronically through E-Services for both civil and family cases.

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As for family court, final agreements resulting in entry of judgment in divorces, legal separations, custody actions, visitation actions, and post-judgment motions can be submitted, approved and ordered electronically. Additionally, family court judges and family court relations counselors conduct remote status conferences and pretrials by either phone or Microsoft Teams. Trials, case dates, and hearings, including at the Regional Family Trial docket, are also conducted remotely using Microsoft Teams. Default divorces that are eligible by statute for a ruling on the papers may be submitted electronically. Finally, family support magistrate hearings are conducted remotely using Microsoft Teams.

The juvenile courts are also using Microsoft Teams for onthecourt virtual court hearings as well as offthecourt status conferences for child protection matters. Additionally, officials at the Department

of Children and Families may e-file permanency plans and other filings on child protection cases, which expands our electronic capability.

As noted earlier, we continue working to streamline the processing of criminal cases and reduce the number of court appearances necessary to resolve a case. Like their colleagues in the other disciplines, criminal judges are conducting some pretrials remotely, and attorneys with several different cases now have the ability to consolidate them into one session. Additionally, we are in the process of moving arraignments from the Cisco platform to Microsoft Teams. Once completed, Microsoft Teams will afford private defense attorneys with the opportunity to participate in proceedings remotely.

Conducting jury trials during a pandemic has been and remains a challenge.

The Jury Restoration Working Group was formed in the summer to coordinate Branch efforts to resume jury proceedings, and, as a result of that working group's recommendations, we have made physical alterations to courtrooms to ensure social distancing. We also secured personal protection equipment for jurors, judges, and staff, and by September, the working group had developed a framework to resume jury selection in early November. However, due to the spike in COVID-19 positivity rates, we concluded that it was inadvisable to bring jurors into courthouses for trials at that time. We expect to be able to employ these safety features in the not-too-distant future, when enough of the population has been vaccinated so that in-person activities may be safely resumed, subject to social distancing protocols.

The working group is now focusing on the possibility of holding virtual jury selection and trials. We understand that there will be significant challenges to holding jury trials remotely such as the need to bridge the "digital divide." As such, we are looking at providing tablet technology to jurors. Understandably, it will be easier to conduct civil virtual trials than criminal virtual trials because of the need to protect the constitutional rights of defendants and crime victims. We fully recognize this dynamic and are sensitive to the needs of all involved as we move forward.

Clearly, COVID-19 has challenged us all. Throughout this pandemic, we have had to pivot and change course as we balanced our constitutional obligations with our overarching goal of keeping everyone safe. With extremely limited resources, we created a remote, virtual platform to process court business. We understand that change is difficult, and we appreciate the patience of the bar as we move through this crisis. If there is a silver lining, it is that the Branch has had to modernize at a pace that would not have occurred without the pandemic. ■

Judge Patrick L. Carroll III is the chief court administrator.

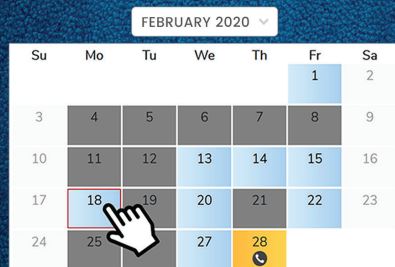


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