

CONNECTICUT JUDICIAL BRANCH:

Remote Technology Is Here to Stay

BY THE HONORABLE PATRICK L. CARROLL III



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THE PAST YEAR-AND-A-HALF has been unlike anything we have experienced in our lives—or care to again. However, the pandemic also continues to present the Connecticut Judicial Branch with opportunities to do its important work more effectively and efficiently via remote technology, which ultimately enhances access to justice for the bar, litigants, and other stakeholders.



REMOTE TECHNOLOGY IS HERE TO STAY

Moreover, it's time to dispel any notion of our state courts ever returning to business as usual, pre-pandemic. Remote technology is here to stay, and the Judicial Branch's heavy reliance on virtual proceedings via Microsoft Teams will continue. Consider, for example, that the Judicial Branch's expanded delivery of remote justice has led to more than one million minutes on the record since August 2020. We have made tremendous strides in enhancing our virtual infrastructure and have expanded the number of Remote Justice Courtrooms to an astounding 145. The benefit of such expansion is obvious: flexibility and peace of mind that we can provide an alternative way of hearing cases, no matter the circumstances. We also livestream civil and housing proceedings from 42 of those remote courtrooms, greatly enhancing public access. Of particular interest to attorneys is the use of Microsoft Teams to conduct pre-trials. No longer do attorneys have to drive a long distance to get to a courthouse for a brief pre-trial. Additionally, the Judicial Branch has developed Microsoft Teams-based "Remote Rooms," by which attorneys and litigants may appear remotely from within a courthouse.

It goes without saying that our remote technology initiatives have positively impacted all four disciplines: civil, family, juvenile and criminal. At the same time, we recognize that some proceedings—criminal trials, for instance—simply cannot be done remotely. It has been a balancing act throughout the pandemic, particularly when public safety considerations dictated minimal in-person

contact. Yet, at this point, the Judicial Branch has succeeded in implementing an effective blend of remote and in-person proceedings to resolve matters brought before it in a fair, timely, efficient, and open manner.

Updates regarding the divisions are as follows:

- ▶ **CIVIL:** Jury trials, jury selection, and cases involving civil orders of protection occur in person; only under extraordinary circumstances would anything else be done live. This situation will be reassessed in the future, but barring a significant change with the virus, we will be keeping things "as is" past the first of the year. While some attorneys prefer in-person over remote, they are greatly outweighed by those who like doing their matters remotely.
- ▶ **JUVENILE:** Remote technology has proven to be efficient, safe, and cost-effective when conducting certain child protection matters. Specifically, with minor exceptions, short calendar matters, judicial pre-trials, case status conferences, and some half-day contested hearings can—and should be—conducted virtually. In addition, litigants in child protection and delinquency matters may now apply remotely for legal representation through the Office of Chief Public Defender. (Previously, litigants would appear in person at a courthouse to apply for legal representation.) Finally, for



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those juveniles who are detained in our juvenile residential centers, virtually-held detention hearings allow them to participate in their weekly detention review hearing without substantive disruption to their daily educational and/or therapeutic programming schedule.

- ▶ **FAMILY:** Remote technology will continue to be used for status conferences, judicial settlement conferences, many shorter hearings and proceedings, and situations where a party may be incarcerated or lives in another state. The Family Division is moving toward scheduling longer hearings and trials in person rather than virtually, unless both parties request a remote proceeding or the judge determines there is a reason to hold the proceeding remotely. In addition, the Family Division is working on plans to resume some in-person dockets for shorter matters, where the efficiencies of being in person are especially important. As an example, Resolution Plan Dates can be done more effectively when the parties are in person and can complete and/or file documents needed to move their case along.
- ▶ **CRIMINAL:** Our criminal courts have continued leveraging remote technology, while, at the same time, increasing the frequency of in-person proceedings. The result has been the ability to adjudicate a greater number of cases more expeditiously. Most pretrial conferences are now conducted virtually, a prac-

tice that is likely to continue, unless counsel requests otherwise or the issues at hand require the parties to be physically present in court. Remote proceedings have also proved effective in resolving, by way of plea, matters involving incarcerated defendants. First-time offenders applying for diversionary programs have benefitted as well from virtual appearances. It is important to note that in-person plea and sentencing proceedings will be scheduled if the needs of a particular case or interests of a stakeholder—including a crime victim—warrant it. By and large, though, the opportunity to resolve criminal cases without the need for multiple in-court appearances has been broadly embraced by counsel, defendants, and the Judicial Branch.

It is difficult to predict where we will be at the end of this year. If COVID-19—and now, the Delta variant—has taught us anything, it is that a pandemic can change direction very quickly. Throughout the crisis, the Judicial Branch’s top priority has been to balance our constitutional responsibilities with the overarching goal of keeping every person inside of our facilities safe and healthy. We have succeeded only through the dedication, hard work, and resolve of our staff, judges, family support magistrates, the CBA, and indeed, the entire legal community. With such talented individuals and a virtual infrastructure in place, the Judicial Branch is well poised to respond to any future challenges. ■

The Honorable Patrick L. Carroll III is the Chief Court Administrator.

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