

TO: CBA COVID-19 Task Force
FROM: Judge Pat Carroll, Chief Court Administrator
RE: Continuing efforts to resume court operations
DATE: June 8, 2020

As Governor Lamont continues with efforts to “reopen” Connecticut’s economy, the Connecticut Judicial Branch continues its efforts to restore court operations on two different fronts: The first front is the effort to increase the number of physical courthouse facilities where court operations are conducted and to expand the days and hours when those operations are being conducted; and, the second front is the effort to leverage newly deployed technology to conduct more and more court functions remotely.

Last week, I announced a plan to resume limited operations, with limited staff in additional locations and to further expand days and hours of operations in all open courthouses. The plan provides as follows:

1. *Commencing the week of June 15, 2020: **Change in the hours of operation:** All open courthouse locations will be open Monday through Friday. Necessary staff will report to open courthouse locations 9:00a.m. to 5:00p.m. each day. The hours for the public will be: Monday-9:00a.m. to 5:00p.m. and Tuesday through Friday 9:00a.m. to 1:00p.m.*
2. *Commencing the week of June 22, 2020: **Expansion of courthouse locations-Staff only:** Milford (14 West River St.), Stamford, Danbury and Windham (120 School Street) courthouse locations. Staff only, Monday through Friday 9:00a.m. to 5:00p.m.*
3. *Commencing the week of June 29, 2020: **Open to the public:** Milford (14 West River Street), Stamford, Danbury and Windham (120 School Street) will be open to the public. Consistent with all other open courthouse locations, public hours will be Monday 9a.m. to 5:00p.m; Tuesday through Friday 9:00a.m. to 1:00 p.m.*
4. *Commencing the week of July 6th, 2020: **Expansion of hours to the public:** Hours for staff and public at all open courthouse locations will be 9:00 a.m. to 5:00 p.m. every day.*

The move to expand days and hours of operations and to resume limited operations in more Judicial Branch Facilities is motivated, in part, to by a desire to take the strain off of staff who are working in currently open facilities and to get more of our staff and Judges acclimated to the new working conditions of a COVID-courthouse environment. Once we get trained staff and Judges physically present in the buildings and working with new technology, we will also be able to, incrementally and safely, expand the scope and type of work we will be handling both remotely and within the physical locations.

We can all agree that opening up a movie theater, a tattoo parlor or a bowling alley is quite different from opening up a courthouse. People may elect to go to a movie, a gym or a restaurant. We, however, compel people to come to courts. In order to do so, we have an obligation to assure that the courthouse environment is safe both for the public and for the staff working in the courthouse. Every move we have made with respect to the limitation of court business within open facilities or the expansion of

operations into newly reopened court facilities has been undertaken with the primary goal of protecting employee and public health and safety. Public health and safety concerns will continue to guide all of our operational planning.

While we have announced these plans to resume limited operations in these courthouse locations, our ability to post or announce, with precision, the exact dates on which operations may commence in additional currently closed locations or when specific additional court business, such as the resumption of jury selection and jury trials, is limited. The ability to do so is dependent upon a wide range of factors over which we do not have complete control, including the public health implications, the reliable availability of personal protection equipment for staff and judges; employee concerns and issues; the completion of physical safety improvements to facilities, and a range of other factors. The COVID-19 virus will continue to impact Judicial Branch operations for the foreseeable future.

While many voices are strongly advocating for the blanket reopening of more, or all, currently closed courthouses, any expectation that we may soon be able to do so and simply return to doing business the way it was done before the pandemic struck is not realistic. The clearly stated current public health guidance will not allow us to do so.

While the pandemic has created many new challenges for all of us, it has also presented us with many new opportunities including the opportunity to closely examine what we do and how we do it with the goal of increasing efficiency, reducing costs and, most importantly, expanding meaningful access to justice to everyone who looks to the courts to safeguard and protect individual rights and liberties. Nothing could be more important in these challenging and fraught times.

Throughout the pandemic, the Judicial Branch has relied upon and sought out input from the organized bar through the CBA's COVID-19 Task Force. Doing so, at least from the perspective of the Judicial Branch, has been an effective method by which to exchange information with the bar. The Branch has urged bar organizations to work through the Task Force to raise issues of concern. It is through this Task Force process that the Family bar has expressed legitimate and serious concerns both about the promise of remote video proceedings as well as the shortcomings of such proceedings in important Family matters. The Civil and Criminal bar has raised concerns about the resumption of jury trials and the need for direct person to person interaction between a lawyer and client. All members of the bar have asked that the Branch do more and to do so more quickly. All of the concerns raised through this Task Force process are concerns shared by the Judicial Branch. I assure you that your voices have been heard and will continue to be heard as we navigate through this crisis together.

As you reasonably request that the Branch do more though, I urge you to consider that there are no easy solutions for the unprecedented challenges created by the COVID-19 crisis – challenges made more difficult by the realities of a court system that has facilities and offices, some of which date back to the 1800s, that were never designed for, or easily adaptable to, compliance with pandemic-related, public health and social distancing requirements; Facilities with elevators which likely will only be able to safely transport one person per trip; Challenges on the supply and resupply of personal protective equipment (PPE) for staff and Judges; Historic funding challenges and budget cuts; Pandemic-driven revenue shortfalls which will necessarily adversely impact the Judicial Branch in the coming months; And a wide range of other similar challenges.

So, in summary, what to do we plan to do and when do we plan to do it:

Resume court operations in additional physical locations in a safe and incremental way, guided first and always by public health and safety concerns as quickly as possible.

Leverage and utilize emerging technologies to find efficiencies, reduce costs and increase access to the courts. This will include the deployment of new “virtual courtroom” technology which will allow for the remote hearing of judicial proceedings, seamlessly connecting to the courts digital audio system in order to assure a penman court record of such virtual proceedings.

Collaborate with the bar to develop effective and convenient ways to conduct contested evidentiary proceedings remotely. (Judges Albis and Abrams are already working with staff to identify short, contested matters which may serve as a pilot hearings for the utilization of the “virtual courtroom” technology. The goal will be to first conduct such hearings in matters where both parties are represented.)

Continue to confer with and solicit input from the organized bar on important issues that impact their commitment to justice and to the profession

Continue to address the challenge of resuming jury selection and jury trials in a COVID environment. This is a challenge being addressed in every court system in the country. There are no easy solutions for the summoning of large numbers of prospective jurors, including older jurors, processing them into a courthouse, conducting safe and meaningful voir dire, seating a jury for trial, finding a safe way to deliberate and render a verdict, etc. This is yet another area on which input from the organized bar is encouraged and welcomed.

Assure and reassure the bar and litigants that ample notice will be provided to make certain that no litigant is required to go forward with a hearing or proceeding on which such member of the bar or litigant is unable to go forward as a result of the challenges and exigencies created by the COVID-19 crisis.

Streamline the process and remove barriers to assist in the rapid resolution of matters before the court.

With specific reference to jury trials, many members of the bar have asked when it is expected that such proceedings will resume. As has previously been noted, it is currently impossible to specify an exact date on which such trials will resume. For planning purposes though it is important to note that no jurors are currently being summoned. To assist the bar in planning for the resumption of jury trials and managing the costs, especially expert witness costs, associated therewith, The Branch will provide ample notice as to when summoning of jurors resumes. At this point you may safely assume that no jurors will be summoned prior to September 1, 2020

As we continue with this planning process, I again remind the bar that virtually every move the Judicial Branch makes, every notice we issue, every step we take in connection with the COVID-19 crisis is posted on the Judicial Branch website: <https://jud.ct.gov/COVID19.htm>. Please refer to the website frequently for up to date notice regarding the steps we have taken to address the COVID-19 challenges.

Notwithstanding the challenges outlined herein, I have seen the dedication and commitment of our Judges and staff as we creatively and expeditiously seek solutions to these challenges. I am confident that with this continued dedication and creativity, more solutions will emerge. I need your help though. I need your patience. I need your support.

Pat Carroll