



Virtual Advocacy Survey

Second Judicial District Court of Nevada



Survey Background

- Nevada Commission to Study Best Practices for Virtual Advocacy
- Survey on Virtual Advocacy during COVID-19
- Timeframe: Survey Administered 11-18 March 2022
- 15 Respondents: Judicial Officers of the Second Judicial District Court
- Anonymous Responses



Survey Questions (Part 1 of 2)

1. Which would you describe as your primary case load?
 - General Jurisdiction: 8 Respondents
 - Family Law: 7 Respondents
2. Are there specific case types where you believe virtual advocacy is beneficial to the Court?
3. Are there specific case types where you believe virtual advocacy is beneficial to the litigants and attorneys?
4. Are there specific hearing types where you believe virtual advocacy is beneficial to the Court?
5. Are there specific hearing types where you believe virtual advocacy is beneficial to the litigants and attorneys?



Survey Questions (Part 2 of 2)

6. Are there specific hearing types that you believe should always be conducted in-person only?
7. In your view, what are the benefits of virtual advocacy?
8. In your view, what are the major detriments of virtual advocacy?
9. Of your current case/hearing types, which do you plan to continue presiding over virtually, if any?
10. What resources would you request to best conduct virtual hearings?
11. Do you have additional feedback you wish the Commission to consider?



Are there specific case types where you believe virtual advocacy is beneficial to the Court?

- More dependent on hearing type – common theme through most responses
 - “certain hearing types are well suited to virtual advocacy”
 - Settlement conferences – mentioned in 3 responses
- Family – 3 responses
 - “divorce, custody, dependency,” / “Most family cases for the case management conference”
 - Guardianships – “Get to have a ‘window’ into the child’s home life”
- Civil – 3 responses
 - “Civil in general” / “almost all civil matters short of jury trial”
- Probate – 2 responses
 - Sale of Structured Settlements
 - For out of state interested parties
- Criminal – mentioned in 1 response
 - “selected criminal matters not involving trial”
- Specialty Court as an incentive for compliance – 1 response
- No/None – 3 responses



Are there specific case types where you believe virtual advocacy is beneficial to the litigants and attorneys?

- Depends on hearing type – continued theme over 3 responses
 - “[In] nearly every case there are hearings that can be conducted virtually”
- Family – 3 responses
 - “divorce, custody, dependency, adoptions”
 - “minor guardianship with a vulnerable population”
- Civil
 - Civil settlements
- Criminal
 - “perhaps arraignments”

“It's not the case type; it's the hearing type. Ok for quick status conferences. Not ok for evidentiary hearings or trials.”



Are there specific hearing types where you believe virtual advocacy is beneficial to the Court?

- Family Dependency:
 - “I am able to see many parents and children in their actual home environments”
- Settlement Conferences – 3 responses
 - In family law “esp. where domestic violence is present”
- Ex parte Hearings – 2 responses
- Civil hearings with a large amount of exhibits
- Court safety – “I feel safer virtually”
- “Stacked dockets can run smoothly”
- “Quick non-contested hearings”

“CMC, settlement conference, interpreter cases, ex parte hearings”



Are there specific hearing types where you believe virtual advocacy is beneficial to the litigants and attorneys?

- Child Dependency
 - “victim parent and/or child is/are more likely to appear and participate virtually”
- Settlement conferences – 3 responses
- Time & cost savings to litigants – 4 responses
 - “less time off work for litigants if they can appear virtually”
 - “litigants save on . . . The extra time counsel will charge for driving to and from the courthouse”
- Same hearing types as Q4 – 4 responses

“Shorter hearing types - less time off work for litigants if can appear virtually.”



Are there specific hearing types that you believe should always be conducted in-person only?

- Evidentiary Hearings – 8 responses
- Trials – 4 responses
- Sentencings – 3 responses
- Contempt proceedings – 2 responses

“I hate to impose such an inflexible standard, but I generally believe that trials and evidentiary hearings are better in person.”



In your view, what are the benefits of virtual advocacy?

- Reduces travel time and costs for parties – **Overwhelming** agreement
- Ease of attendance for the public – 2 responses
- Allows out of state witnesses and parties to appear – 1 response
- Continued theme: “keeps cost low for short hearings”
- Not full agreement – “almost none”

“Easier to fit in quick hearings. Pro se litigants can appear more easily without taking time off of work, increasing access to justice.”



In your view, what are the major detriments of virtual advocacy?

- Decorum/lack of respect – theme in 9 responses
- Difficult to evaluate credibility – 5 responses
- Technological issues – 5 responses
 - “Sometimes litigants feign technical difficulties when they do not like how court is going.”
- Not knowing who is present during testimony – 4 responses

“Courtroom loses its three-dimensional power. Lose important non-verbal cues. The courtroom is an important visual signal for the important work we do. We lose the formality of a courtroom when we work through computer screens.”



Of your current case/hearing types, which do you plan to continue presiding over virtually, if any?

- Similar responses to Question 2 (Are there specific case types where you believe virtual advocacy is beneficial to the Court?)
- Settlement conferences – 4 responses
- Status hearings – 4 responses
- Upon request of a party – 3 responses

“I think the default should be that all cases/hearings be held in person again, then back out what can/should be held remotely, or what circumstances provide an exception where a remote hearing can/should be held.”



What resources would you request to best conduct virtual hearings?

- None/I have what I need – 4 responses

“excellent IT “

“Continue to offer litigants ability to use equipment at the courthouse to appear in court virtually”



Do you have additional feedback you wish the Commission to consider?

- Importance of judicial discretion – 3 responses
 - “Courts should be given broad discretion to order or allow virtual proceedings in all but the most constitutionally sensitive matters, even over the objections of a party.”
- Varied responses

We need to get back into the courthouse as soon as possible. The dignity and power of the Court is being lost when even lawyers have to be reminded about how to dress for court, even after two years of virtual proceedings.

I believe that virtual advocacy will continue to expand and may become the norm for the vast majority of court proceedings in the coming years. The rules should be drafted to permit (but not require) a Court to conduct all proceedings virtually except in clearly defined circumstances/hearing types. In other words, the rules should be drafted to make virtual advocacy the rule, not the exception, in almost all case/hearing types.



Trends

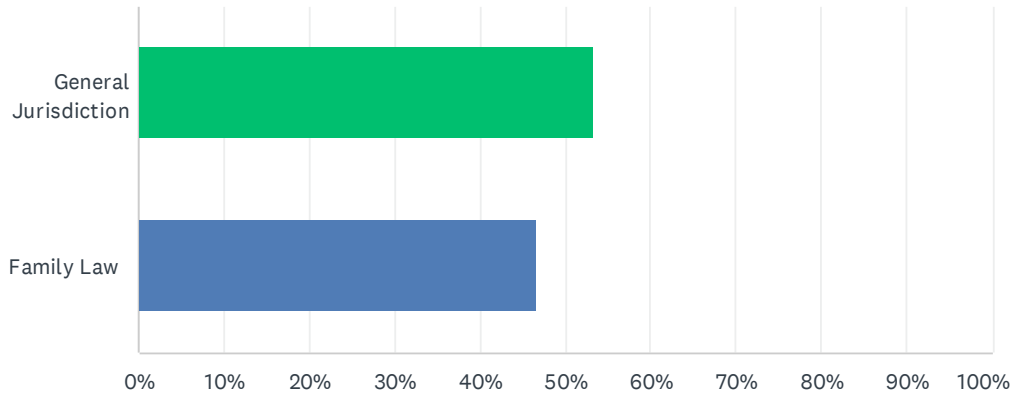
- Varied overall opinions on virtual advocacy
 - Emphasis on judicial discretion
- Benefit to litigants to decrease attendance cost and time
- Shorter hearings – Virtual
- General agreement over certain hearing types
 - Evidentiary hearings – In person
 - Minor Guardianships – Virtual
 - Status Conferences – Virtual



Questions?

Q1 Which would you describe as your primary case load?

Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES
General Jurisdiction	53.33% 8
Family Law	46.67% 7
TOTAL	15

Q2 Are there specific case types where you believe virtual advocacy is beneficial to the Court?

Answered: 13 Skipped: 2

#	RESPONSES	DATE
1	No, I believe virtual advocacy is much more time consuming, more difficult and draining all around. This answer is only in relation to "the Court" specifically.	3/18/2022 2:53 PM
2	No. The Court's handling of cases should be nearly identical whether conducted remotely or in person.	3/18/2022 2:20 PM
3	Divorce, custody, dependency	3/18/2022 12:02 PM
4	Juvenile Dependency Review and Permanency Hearings (20-30 min hearings - stacked docket) Juvenile Dependency Evidentiary Hearings if parties stipulate due to convenience, out of state litigants/witnesses Preliminary hearings in Termination of Parental Rights cases Guardianship cases Settlement Conferences in Juvenile Dependency cases	3/17/2022 7:13 PM
5	Probate and Trust cases with out of state/country interested parties; civil in general; civil cases involving one appearance.	3/17/2022 3:13 PM
6	Most family cases for the case management conference, mediation and status conferences. Some settlement conferences also lend themselves to virtual attendance.	3/14/2022 5:03 PM
7	Cannot state specific case type, but can advise that certain hearing types are well suited to virtual advocacy. These include status hearings, preliminary hearings on motions, review hearings and pro per Case Management Conferences.	3/14/2022 1:01 PM
8	in custody criminal cases; settlement conferences in civil cases and almost all civil matters short of jury trial as well selected criminal matters not including trial	3/13/2022 5:54 PM
9	I think that all trials should be in person, irrespective of the case type. But I think certain aspects of all cases have components where virtual advocacy is beneficial to the Court. For example, arraignments, status hearings, sentencings, pretrial motions where witnesses are not called and motions to confirm in most criminal case benefit the Court when conducted remotely. Virtual advocacy is beneficial to the Court for all pre-trial conferences, motion hearings, status conferences in most civil cases.	3/12/2022 2:14 PM
10	Drug court cases work well remotely, although it would be beneficial if cases could begin in the courthouse in the first couple phases, then move to remote appearances as an incentive/reward for good compliance.	3/11/2022 8:42 PM
11	Minor guardianships - get to have a "window" into the child's home life with the guardian.	3/11/2022 3:00 PM
12	absolutely none	3/11/2022 2:52 PM
13	Probate Sale of Structured Settlements	3/11/2022 2:24 PM

Q3 Are there specific case types where you believe virtual advocacy is beneficial to the litigants and attorneys?

Answered: 13 Skipped: 2

#	RESPONSES	DATE
1	Yes, I believe virtual advocacy is extremely beneficial to the litigants (parents and children) in dependency cases. I'm not sure about the attorneys in dependency. However, I assume it is beneficial to them as well as they continue to request virtual proceedings, even for trials.	3/18/2022 2:53 PM
2	No, in nearly every case there are hearings that can be conducted virtually, but no case type seems particularly suited for all-virtual appearances.	3/18/2022 2:20 PM
3	Divorce, custody, dependency, adoptions	3/18/2022 12:02 PM
4	Same as listed in answer to no. 2	3/17/2022 7:13 PM
5	Same as answer to 2	3/17/2022 3:13 PM
6	See answer to #2.	3/14/2022 5:03 PM
7	Again hearing types not case types and my answer is the same as above.	3/14/2022 1:01 PM
8	civil settlements	3/13/2022 5:54 PM
9	Please see my answer to Q2. I think the same holds true for litigants and attorneys.	3/12/2022 2:14 PM
10	Some settlement conferences work well remotely. Civil status conferences also work well, particularly for out of town attorneys. Some criminal hearings are OK remotely, as long as attorney is physically present with defendant.	3/11/2022 8:42 PM
11	Yes - the minor guardianship docket with a vulnerable population.	3/11/2022 3:00 PM
12	not really, but perhaps arraignments	3/11/2022 2:52 PM
13	It's not the case type; it's the hearing type. Ok for quick status conferences. Not ok for evidentiary hearings or trials.	3/11/2022 2:24 PM

Q4 Are there specific hearing types where you believe virtual advocacy is beneficial to the Court?

Answered: 13 Skipped: 2

#	RESPONSES	DATE
1	It is helpful to the Court to have as much participation as possible in all dependency hearing types as it generally results in more information being provided to the Court before making findings and decisions. Oftentimes I am also able to see many parents and children in their actual home environments, and homes in which they will be reunifying in real time. There is an added layer of protection/security when I am not in person in the courtroom relying on deputies should any litigants become out of control or make any threats in real time. I feel safer virtually. The Court may be benefiting from not transporting incarcerated parents to dependency proceedings and zooming them in instead, in a resource sense.	3/18/2022 2:53 PM
2	No. The Court's handling of hearings should be nearly identical whether conducted remotely or in person.	3/18/2022 2:20 PM
3	CMC, settlement conference, interpreter cases, ex parte hearings	3/18/2022 12:02 PM
4	Settlement Conferences in family law (esp where domestic violence is present)	3/17/2022 7:13 PM
5	Probate and trust hearings and settlement conferences with out of state/country interested parties; status hearings; motions hearing with argument only; arraignments	3/17/2022 3:13 PM
6	No, although certain matters may be helped on a case by case basis.	3/14/2022 5:03 PM
7	See above	3/14/2022 1:01 PM
8	all but out of custody criminal cases..specialty court	3/13/2022 5:54 PM
9	My response to Q2 is also applicable here, but add to that hearings in civil cases where there is a large amount of exhibits. These hearings are particularly beneficial to the Court if held remotely.	3/12/2022 2:14 PM
10	Stacked dockets can run smoothly virtually and not have a large crowds of people in the lobby.	3/11/2022 3:00 PM
11	no	3/11/2022 2:52 PM
12	status hearings, hearings on ex parte emergency motions (generally some exceptions), prove up hearings, case management conferences, uccjea conference calls, and preliminary or pretrial hearings.	3/11/2022 2:35 PM
13	Quick non-contested hearings.	3/11/2022 2:24 PM

Q5 Are there specific hearing types where you believe virtual advocacy is beneficial to the litigants and attorneys?

Answered: 12 Skipped: 3

#	RESPONSES	DATE
1	As stated in answers 3 and 4, I believe virtual advocacy is very beneficial to litigant parents and children. Additionally, when domestic violence is involved (high number in dependency cases), there is an added layer of protection for the victim. The victim parent and/or child is/are more likely to appear and participate virtually. Many are extremely fearful of showing up in person. Children are more likely to appear as their foster parents or resource parents are zooming them in, instead of missing work and pulling them out of school to get to the courthouse, find parking, get through security, etc. Facilitating a foster child's appearance virtually takes a fraction of the time. Many parent and child litigants with anxiety issues are more likely to participate remotely.	3/18/2022 2:53 PM
2	Virtual advocacy is beneficial for litigants and attorneys in settlement conferences (due to reduced interpersonal tension and reduced attorney and travel expenses), and nearly any hearing where evidence is not being taken and the Court is not ordering sanctions or punishment.	3/18/2022 2:20 PM
3	CMC, settlement conference, interpreter cases, ex parte hearings, any hearing with pro se litigant	3/18/2022 12:02 PM
4	Same as 4	3/17/2022 3:13 PM
5	See answer to #2.	3/14/2022 5:03 PM
6	See above	3/14/2022 1:01 PM
7	civil settlement conferences	3/13/2022 5:54 PM
8	Same as Q4. Also, generally speaking, remote hearings are beneficial to the litigants because they are less expensive. The litigants save on the cost of hard copies for the Court, the time and cost for moving larger cases to the courtroom, the extra time counsel will charge for driving to and from the courthouse, etc.	3/12/2022 2:14 PM
9	Shorter hearing types - less time off work for litigants if can appear virtually.	3/11/2022 3:00 PM
10	not really	3/11/2022 2:52 PM
11	mediation, status hearings, hearings on ex parte emergency motions (generally some exceptions), prove up hearings, uccjea conference calls, case management conferences. Hybrid hearings (to allow some participants via Zoom) helpful for some witnesses. Preliminary or pretrial hearings.	3/11/2022 2:35 PM
12	Quick non-contested hearings.	3/11/2022 2:24 PM

Q6 Are there specific hearing types that you believe should always be conducted in-person only?

Answered: 15 Skipped: 0

#	RESPONSES	DATE
1	I believe if a litigant would like an in-person hearing, for whatever reason(s), they should be provided with an in-person hearing. People hear, understand, learn, absorb and function at different levels, and in-person proceedings may be helpful for some and necessary to serve specific litigants. Notably, most all parties and counsel are requesting virtual hearings across the board within dependency hearings, even for trials. I have only had a handful of in-person trial requests. It would be nice to conduct settlement conferences in person, only because I think the human to human interaction is important and MAY help with resolutions.	3/18/2022 2:53 PM
2	Yes - All jury proceedings; Orders to show cause and other compulsory proceedings; Contested evidentiary hearings (which might still be held virtually but only with good cause).	3/18/2022 2:20 PM
3	Order to show cause, TPR hearings, and trials.	3/18/2022 12:02 PM
4	Termination of parental rights trials - "civil equivalent of the death penalty" Dependency evidentiary hearings unless agreed upon by parties to conduct virtually Adoptions unless petitioners request virtual for convenience.	3/17/2022 7:13 PM
5	Sentencings on Cat A crimes; motions to suppress	3/17/2022 3:13 PM
6	criminal Suppression and Prior bad act -- most pre-trial motion hearings	3/16/2022 4:25 PM
7	I hate to impose such an inflexible standard, but I generally believe that trials and evidentiary hearings are better in person.	3/14/2022 5:03 PM
8	Evidentiary hearings; settlement conferences; trials; OSC motions.	3/14/2022 1:01 PM
9	out of custody criminal cases; specialty court	3/13/2022 5:54 PM
10	Any pre-trial motions in a criminal case where witnesses are called unless the defendant consents to a virtual hearing.	3/12/2022 2:14 PM
11	Criminal sentencing hearings should only be conducted in-person. All criminal cases at critical stages of the proceedings where the defense attorney can not be physically present with the defendant should be conducted in-person. Substantive hearings for criminal and civil cases should be held in-person.	3/11/2022 8:42 PM
12	Most evidentiary hearings; a hearing that involves producing a child; a hearing that involves contempt findings.	3/11/2022 3:00 PM
13	trial sentencing probation revo evidentiary hearings motions to suppress trials of course writs of habeas corpus and almost every civil hearing So, yes, 99.99%	3/11/2022 2:52 PM
14	not necessarily but the default to in person should be for any evidentiary hearing, contempt proceedings, hearings on orders to pick up / or produce a minor child, hearings where immediate drug testing may be required. Default to in person for child witness testimony by alternative means.	3/11/2022 2:35 PM
15	Any evidentiary hearing or substantive oral arguments.	3/11/2022 2:24 PM

Q7 In your view, what are the benefits of virtual advocacy?

Answered: 15 Skipped: 0

#	RESPONSES	DATE
1	Please see answers 3, 4, and 5. Participation of parents and children results in more positive outcomes, such as the parents and children understanding orders, case plans, case direction, next steps. The participation of parents and children has increased (anecdotally) within dependency proceedings as they do not have to miss work, therapy, visits, school, etc. to catch a bus, get through security, etc. to attend a 20-minute hearing.	3/18/2022 2:53 PM
2	The benefits of virtual advocacy include increasing courthouse capacity (i.e., courts can serve more parties without increasing physical space); Less costs for bailiffs/courtroom deputies; Greater access for persons with physical disabilities or infirmities; Reduced legal fees and costs involved with travel to court; reduced travel costs for parties; less interpersonal conflicts in the courthouse space.	3/18/2022 2:20 PM
3	Easier to fit in quick hearings. Pro se litigants can appear more easily without taking time off of work, increasing access to justice.	3/18/2022 12:02 PM
4	Convenience to litigants. Indigent litigants oftentimes do not have reliable transportation or their rides fall through so that they either miss their court appearance entirely or are significantly late. Most indigent litigants have smart phones, and can download Zoom app to be able to facilitate an appearance. Most indigent litigants have low-paying wage jobs where missing even a half day of work can impact their ability to pay for their housing. Appearing by Zoom on a lunch break or even while working allows this to not be an additional stressor for them. Foster parents have multiple children in their homes and must take them to multiple appointments. Being able to appear virtually works very well for them. I see many more babies in Court than I used to, and kids in relative or foster care get to show me their bedrooms, a pet, a favorite toy or book. They feel more comfortable in their home setting. Most kids do not look forward to coming to court. I don't think our courthouse is very family friendly either in terms of the 3rd floor lobby, etc.	3/17/2022 7:13 PM
5	Efficiency; allows more participants without requiring travel; reduces attorneys fees	3/17/2022 3:13 PM
6	Allows the parties to appear without taking large amounts of time away from work.	3/16/2022 4:25 PM
7	For Family Court where from 70% to 85% of the litigants are pro se, and where many work at jobs which do not permit a worker to take only a couple of hours off, the ability to attend a short hearing from the jobsite is essential. For litigants who are represented by counsel, the ability to attend the early conferences and short status hearings virtually is a cost savings as the attorneys are not billing for travel and waiting time.	3/14/2022 5:03 PM
8	Out of state party's and witnesses can appear. I have had more experts appear in cases, both local and out of state. for simply pro per cases, as long as the litigants are polite and respectful, they do not have to take time off from work.	3/14/2022 1:01 PM
9	attorneys are busy and located everywhere. virtual hearings are convenient an cost effective	3/13/2022 5:54 PM
10	Oh, where to begin. One of the greatest examples of the benefits of virtual advocacy is not transporting defendants to court for arraignments, psych evaluations, status hearing, sentencings (where witnesses are not called), and pre-trial motions (where witnesses are not called). Among the benefits: the cost of gas, vehicle maintenance, tires, etc., related to the fleet of vans that bring the inmates to court every morning; the environmental benefits of not putting those vans on the road; the elimination of the safety concerns associated with the transport of the inmates, having the family members in the same courtroom and the conflict associated with the Second Judicial District Court Judges sharing the garage, sally port and elevators with the inmates. See my answer to Q5 regarding some of the benefits in civil cases. In all cases, the costs and time of travel is saved for parties, witnesses and counsel who would otherwise have to travel to Reno. Also, counsel is able to appear at separate hearings from remote locations within minutes of each other by appearing virtually. Virtual advocacy is more efficient, cheaper and environmentally conscientious.	3/12/2022 2:14 PM

Second Judicial District Court - Virtual Court Judges' Survey

11	Convenience for some attorneys, drug court participants, some staff. Ease of attendance for public.	3/11/2022 8:42 PM
12	Better access to the courts for parties and witnesses. Less time off work, less missing school for children.	3/11/2022 3:00 PM
13	almost none	3/11/2022 2:52 PM
14	keeps cost low for short hearings as counsel does not have to travel. accommodates litigants' work schedules for short hearings facilitated by Zoom instead of taking a day or half day or several hours off to come to court. Frees up courtroom space. Is particularly helpful for litigants who have difficulties with transportation or who have childcare issues.	3/11/2022 2:35 PM
15	Expense to litigants.	3/11/2022 2:24 PM

Q8 In your view, what are the major detriments of virtual advocacy?

Answered: 15 Skipped: 0

#	RESPONSES	DATE
1	From my perspective only --- sheer exhaustion. Zoom fatigue and other recent terms coined are real. It is extremely difficult to conduct multiple hearings daily over zoom. You are staring at a small screen with numerous people and matters to pay diligent attention to and you are not naturally moving at all as you would in the courtroom. We are losing that human to human interaction in an extremely humanistic area of law, and I want all persons who enter our courtroom to feel like and be treated like a human being. That can feel stifled and get lost remotely, despite my best efforts. It tacks on hearing time to create breakout rooms so attorneys and clients may confer, which really adds up with numerous proceedings throughout the day.	3/18/2022 2:53 PM
2	The only detriments to virtual advocacy are the potential for a loss of decorum among litigants and attorneys appearing in Court remotely, and the difficulty of a trier of fact evaluating witness credibility during audiovisual testimony.	3/18/2022 2:20 PM
3	Knowing who is present with the litigants. Screen sharing issues. Connectivity issues. Controlling litigants.	3/18/2022 12:02 PM
4	There are people that are difficult litigants that benefit from the presence of a bailiff. Although I thought this would be a bigger issue than it actually had been over the last two years. There are people that aren't dressed properly or who think lighting a cigarette while appearing outside is ok - but usually a simple hey please don't do that is effective. I think there are more pros than cons although I do recognize that, especially for criminal matters, in person hearings would be more formal and appropriate. But for stacked dockets where we are conducting reviews, status hearings, etc in most family law case types I think it is hugely more convenient for the public we are trying to serve. It saves massive amounts of time for most people. Which I think they greatly appreciate.	3/17/2022 7:13 PM
5	At times decorum is challenging to maintain.	3/17/2022 3:13 PM
6	It is more difficult for the Judge to perceive a full and accurate perception of defendants.	3/16/2022 4:25 PM
7	The degradation of respect for the process and the difficulty to deal with evidence are drawbacks. It is possible to find acceptable workarounds for both of these issues. For example, if a litigant is not being respectful, the virtual hearing can be continued to an in person hearing.	3/14/2022 5:03 PM
8	I cannot control the environment. I have no clue who else is in the room and who is actually testifying. Technical delays. Decreased respect for the authority of the court and its orders. Loss of verbal and body language clues. Issues with objections and how hard it is to get the witness to stop talking while the objection is being ruled on. Difficulties in presenting exhibits. Virtual hearings are generally longer, as there is no organic flow to the proceeding. Too many distractions for the court, counsel and the parties, such as babies, cats, dogs, delivery men, etc. Lack of ability to connect with the litigant, leaving litigants feeling less heard. I could go on and on about the detriments.	3/14/2022 1:01 PM
9	it will be a different type of law and judicial practise	3/13/2022 5:54 PM
10	Counsel need to be reminded that they are in Court and that sweatshirts, open collars, etc., are not appropriate. At times, there are technical difficulties. It may be or is more difficult for counsel to observe the demeanor of witnesses.	3/12/2022 2:14 PM
11	Too many to include here. By not having court hearings inside a courtroom, so much is lost, including easy communication between all parties and with the court, gravity of the proceedings, collegiality, and control of the courtroom/knowledge of who is present. I don't really have a chance to get to know attorneys that I am not already familiar with. I feel that over my career I have developed fairly good in-person personal communication skills - TV communication, not so much. I also believe that the longer the judges spend away from the courthouse, the more that our landlord will neglect the building.	3/11/2022 8:42 PM

Second Judicial District Court - Virtual Court Judges' Survey

12	Technology not working causes delays and frustration. Lack of decorum and formality in some cases. Inability of a party who is not tech savvy to view evidence.	3/11/2022 3:00 PM
13	It would take too long for me to list them. Almost everything imaginable	3/11/2022 2:52 PM
14	witness tampering. The Court cannot see and frequently only learns of later that other people are present off screen. Can't tell if witnesses are ready or looking at materials not disclosed to the other side. can pose some challenges for presentation of evidence or for witnesses who have been called to to court with subpoena duces tecum. Unfortunately some litigants do not take proceedings seriously for proceedings via Zoom. Courtroom managment can be difficulty. Stilted discussions due to audio. Difficulties for some people who do not have video capability or do not understand the device / platform. Sometimes litigants feign technical difficulties when they do not like how court is going.	3/11/2022 2:35 PM
15	Courtroom loses its three-dimensional power. Lose important non-verbal cues. The courtroom is an important visual signal for the important work we do. We lose the formality of a courtroom when we work through computer screens.	3/11/2022 2:24 PM

Q9 Of your current case/hearing types, which do you plan to continue presiding over virtually, if any?

Answered: 15 Skipped: 0

#	RESPONSES	DATE
1	I am following the administrative orders and we are currently conducting everything virtually, except for evidentiary hearings or trials. Upon request and stipulation by all, those hearing types are also heard virtually, and that is what the majority of litigants and counsel continue to request.	3/18/2022 2:53 PM
2	We plan to continue hearing all uncontested matters, and early status/pre-trial hearings via telephone or video, with final pre-trial hearings and all evidentiary hearings held in person.	3/18/2022 2:20 PM
3	CMC, settlement conferences, ex parte hearings, adoptions as an option	3/18/2022 12:02 PM
4	Dependency stacked dockets Settlement conferences unless requested to be in person by counsel Uncontested TPR hearings Family Treatment Court/Safe Babies Court	3/17/2022 7:13 PM
5	Status conferences; arraignments; motions hearings when requested; some settlement conferences	3/17/2022 3:13 PM
6	Most Motion practice, civil motions and Minor's compromise cases, Motions to Seal and similar cases.	3/16/2022 4:25 PM
7	See answer to #2	3/14/2022 5:03 PM
8	Status hearings, lasting between 5 and 15 minutes. Preliminary hearings, lasting between 15 and 30 minutes. Pro per CMCs. CMCs requested to be virtual by counsel. Some Review hearings.	3/14/2022 1:01 PM
9	yes	3/13/2022 5:54 PM
10	I plan on continuing virtual hearings for all of the case/hearing types that are listed in Q2.	3/12/2022 2:14 PM
11	I think the default should be that all cases/hearings be held in person again, then back out what can/should be held remotely, or what circumstances provide an exception where a remote hearing can/should be held.	3/11/2022 8:42 PM
12	Minor guardianship cases; settlement conferences (unless request in person); any witnesses from out of state can appear virtually.	3/11/2022 3:00 PM
13	Hopefully, never again.	3/11/2022 2:52 PM
14	status hearings, hearings 1 hour or less that are not evidentiary hearings, CMC, UCCJEA conference calls. Prove up hearings and preliminary / pretrial conferences.	3/11/2022 2:35 PM
15	Not sure. But not many.	3/11/2022 2:24 PM

Q10 What resources would you request to best conduct virtual hearings?

Answered: 13 Skipped: 2

#	RESPONSES	DATE
1	Zoom program - or any other highly secure remote platform Electric Stand up/sit down desk Adjustable wobble stool for sitting and standing (If there is such thing as a monitor that moves around gradually to mimic some natural movement so I can stop visiting the chiropractor for a stiff neck that's stuck in one place/direction for hours on end that would be a dream...probably the dream of most employees still working virtually)	3/18/2022 2:53 PM
2	An audiovisual meeting platform (such as Zoom) is essential, together with audio (mic/speakers) and video (camera/screen) hardware that ensures the audio (and to a lesser extent, video) of the Court proceedings can be CLEARLY heard by all participants. That's really all it takes!	3/18/2022 2:20 PM
3	Continue to offer litigants ability to use equipment at the courthouse to appear in court virtually	3/18/2022 12:02 PM
4	Better computers Better broadband to ensure good connections. Ensuring that attorneys are prepping their clients for virtual appearances so they are at the ready and to avoid issues with technology/connecting Official court loca rules/procedure that attorneys can look to prepare for virtual appearances	3/17/2022 7:13 PM
5	Ability to have more than one person in the room on Zoom.	3/17/2022 3:13 PM
6	I have what I need.	3/14/2022 5:03 PM
7	Continued use of court reports rather than JAVS, as this alleviates some of the lag associated with the bridge between JAVS and Zoom.	3/14/2022 1:01 PM
8	excellent IT	3/13/2022 5:54 PM
9	I currently have the resources that I need: an amazing team (judicial assistant, court clerk, law clerk), a terrific laptop, a second, very large, screen and the quick response of the Second Judicial District Court Tech team.	3/12/2022 2:14 PM
10	None.	3/11/2022 8:42 PM
11	See answer #9.	3/11/2022 2:52 PM
12	I believe I have the resources I need right now.	3/11/2022 2:35 PM
13	Staff and court working together in same general proximity.	3/11/2022 2:24 PM

Q11 Do you have additional feedback you wish the Commission to consider?

Answered: 12 Skipped: 3

#	RESPONSES	DATE
1	Thank you for your time and considering our feedback during these difficult and unprecedented times.	3/18/2022 2:53 PM
2	Courts should be given broad discretion to order or allow virtual proceedings in all but the most constitutionally sensitive matters, even over the objections of a party. That is, Each Rule 4 in Parts IX-A and IX-B of the Supreme Court rules should be drafted to exclude certain hearing types from being held by alternative means, but all other proceedings should be allowed to be conducted by alternative means. That would allow virtual advocacy to become the norm for most hearings in a case, rather than only certain hearing types as the rules are currently drafted. To preserve access to courts, each court which permits virtual proceedings should provide free access to technology resources (at the courthouse or otherwise) to permit any person to appear regardless of personal access to technology. The use of third party vendors who charge a fee for telephone or video access to the Court should not be allowed (or should be paid for by the Court). Adequate private space should be provided so that extraneous noise and other distractions are not present for the party or the Court. I believe that virtual advocacy will continue to expand and may become the norm for the vast majority of court proceedings in the coming years. The rules should be drafted to permit (but not require) a Court to conduct all proceedings virtually except in clearly defined circumstances/hearing types. In other words, the rules should be drafted to make virtual advocacy the rule, not the exception, in almost all case/hearing types.	3/18/2022 2:20 PM
3	A hybrid approach to having some hearings virtual and some in person should continue as options for courts.	3/18/2022 12:02 PM
4	Just the fact that it is much easier for people "of means" (rich people getting divorced, etc.) to be able to appear in person than it is for people that are indigent and don't have the luxury of having their own transportation or being able to take MULTIPLE days off of work. It has a HUGE negative impact on our indigent litigants. (See Bridges Out of Poverty trainings).	3/17/2022 7:13 PM
5	I think it is very important to permit a great amount of discretion in this area to the judges who are actually part of the hearings.	3/14/2022 5:03 PM
6	We need to get back into the courthouse as soon as possible. The dignity and power of the Court is being lost when even lawyers have to be reminded about how to dress for court, even after two years of virtual proceedings.	3/14/2022 1:01 PM
7	no	3/13/2022 5:54 PM
8	Again, I believe that the default should be that our court return to the courthouse for most hearings, and use remote communications only where necessary or clearly more efficient for the litigants (and by mutual agreement).	3/11/2022 8:42 PM
9	Judicial discretion is key.	3/11/2022 3:00 PM
10	Respectfully, Court is 3 dimensional. Not 2. The Commission would do well to watch the Reel Short, Please Hold. Then, you'll understand. We are not vending machine judges. Virtual court stinks.	3/11/2022 2:52 PM
11	Default to allowing simultaneous audio visual for short, non-evidentiary hearings. (and perhaps for TPO / EPO hearings even though there is testimony since it is a short hearing greatly assisted by litigants not being in the same place). Default to in person for all evidentiary hearings, contempt proceedings. Allow all proceedings to deviate from the default as the court deems appropriate much like the rule currently provides. Settlement conferences should be in person or via zoom as the court determines most appropriate for the circumstances of each particular case when scheduled at the time of the CMC.	3/11/2022 2:35 PM

