

# Implementing Technology in Times of Crisis

A Pandemic Resource from NCSC

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As the corona virus pandemic unfolds disrupting daily life all across the world, technology can keep courts functioning and play new, innovative roles in the justice process. Similar to a first responder putting on protective clothing, it is important that courts not rush to use technology without adequate protections, unintentionally causing harm to the institution or to the public they serve.

The following are some general ideas on how to expand the use of technology in a deliberate but expedient way.

**Understand vendor contracts.** Vendors are well-aware of the business opportunity this pandemic presents, and may be key to helping courts manage, recover, and go forward. While most vendors are well-intentioned, they may also be overly optimistic, setting unrealistic expectations about what their solution can do, how it will perform, and so on. Consider employing an outside firm with expertise in technology licensing to ensure you fully understand a contract's terms and conditions. Establish performance metrics as part of the contract.

**Measure.** Be purposeful in gathering and monitoring relevant metrics so you can measure the performance of any solution you implement. Determine up front what a successful implementation will look like, and measure against that criteria.

**Leverage what you have.** In a creative use of existing assets, **Multnomah County (OR) Circuit Court** began utilizing older laptops to give teleworkers access to their office desktop computers from home. They created a VPN-only image to configure the laptops so that workers can take them home, turn them on, and remote back to their desktops. Staff can now access the Odyssey case management system securely from home. **New Jersey Courts** took a two day "pause" to allow them to get their staff ready to handle processes remotely. They were already using a virtual courtroom for first appearances in criminal and were working with their vendor to increase the number of streams. They simply ramped up more significantly, more rapidly, quadrupling their number of public streams. Their plan

during the pandemic is to run all court events from the courtrooms and use the court recording software already in place, bringing litigants in remotely.

**Accelerate.** If you have a project underway, there may be ways to accelerate the implementation. **New Jersey courts** also had a project in the works to rollout Microsoft Teams by 4/15, but they moved up the implementation and completed the install for all 12,000 users a full month ahead of schedule. They can now do non-streaming events as needs arise.

**Reach out.** Others may have a solution that will resolve your issue. Learn about what other courts are doing and how they have done it. Look for similarities, and at the same time, note any critical differences between your processes and theirs.

**Adhere to ethical guidelines.** In the rush to solve immediate needs, you may be less concerned about ethical principles such as accountability, confidentiality, and transparency. Excellent resources are available on ethics in the use of technology. Be sure to review those as you plan for rapid implementation. The National Center for Technology and Dispute Resolution's *Ethical Principles for ODR Initiatives* at <http://odr.info/ethics-and-odr/> is a thoughtful summary of ethical guidelines for implementing ODR that could be applied to any court technology.

**Simplify processes.** While now may not be the ideal time to embark on a full process re-engineering project, it is vital to take an unvarnished look at which steps are essential and which could be cut in order to streamline things (without sacrificing any appropriate safeguards). Don't be afraid to challenge the status quo. Some opportunities may require changes to court rules or statutes. Judges, administrators, and legislators may be more open to such changes, even if temporary, to help deal with the crisis and better serve all involved.

**Consider low cost, creative solutions.** There are simple, low cost solutions available. To reduce the risk of transmitting illness, **Utah's West Valley City Justice Court** stopped handing visitors a clipboard to sign in, instead having them use their smart phone to send an email to the court with their name and date of birth. Email address contact info can then be added to the case file without data entry (and the potential for errors), making it possible for the court to contact parties to communicate schedule changes that ordinarily would have been taken days to communicate via US Mail. A QR code could be added to court signage, making it easier for court visitors to provide relevant information digitally, and without the risk of transmitting illness. As mentioned above, older laptops can be repurposed to give teleworkers access to desktop computers in the office. YouTube, Vidyo, Vimeo and many others are great free resources for "how to" learning/training videos.

**Look to the future.** Have a little bit of brain space geared toward the future. Make note of those things that have the potential to make positive changes in the future. What do you want to keep on doing and make part of your culture, and what things are just temporary fixes? Envision a new “normal.”

**Leverage available resources.** There are great court community Listservs and LinkedIn groups that are actively posting resources and discussing creative solutions. NCSC hosts a [Pandemic response website](#) with information about court responses and links to webinars and other resources. If you need more specific assistance, contact the NCSC Technology Group at [technology@NCSC.org](mailto:technology@NCSC.org) or Paul Embley @ 757.259.1844.





