



NCSC

**HYBRID  
HEARINGS**  
IMPROVEMENT INITIATIVE



- January 20, 2020 the CDC confirms the first COVID-19 case in the US
- March 2020 courts begin to temporarily shut down some operations
- Transition to remote hearings to safely continue court operations
- Safety planning beginnings, to include masking mandates, increased cleaning and social distancing
- Jury trials safety precautions put into place (plexiglass, masking, social distancing, remote voir dire)

**AND IT BEGINS....**

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# RESEARCH

Evidence Based

# RESEARCH

## What does the research tell us?

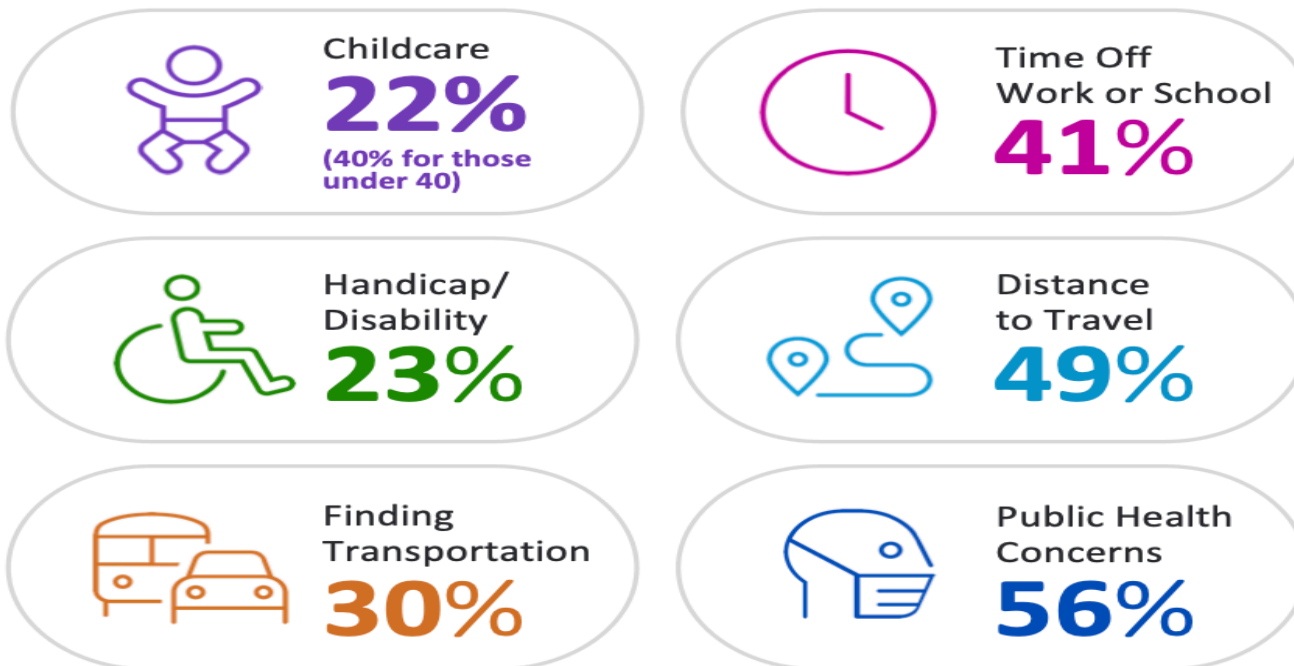
- Remote hearings are being used in every state and every division of court
- Some states are conducting remote proceedings for pre-trial and trial hearings; others focusing on pre-trial proceedings only.
- By June 2020, the first remote jury trial had taken place in Texas<sup>2</sup>
- Not all courts are created equal when it comes to technology
- We are:
  - Doing in-person court well
  - Doing remote court well
  - Experiencing challenges with hybrid hearings

<sup>2</sup> <https://www.reuters.com/article/us-health-coronavirus-courts-texas/texas-tries-a-pandemic-first-a-jury-trial-by-zoom-idUSKBN220>

# RESEARCH

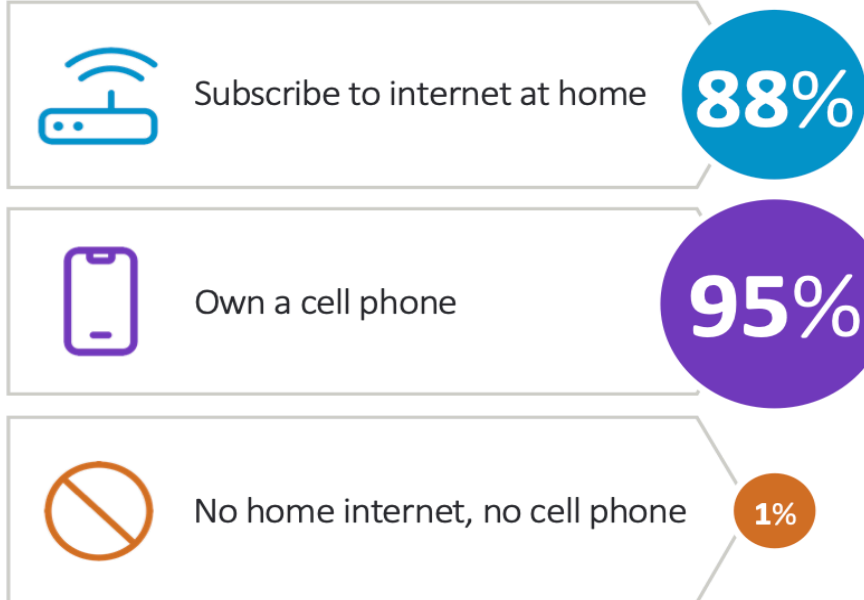
## State of the State Courts 2021 Poll by the National Center for State Courts

**Q:** “Please tell me if this would be a problem for you personally.”

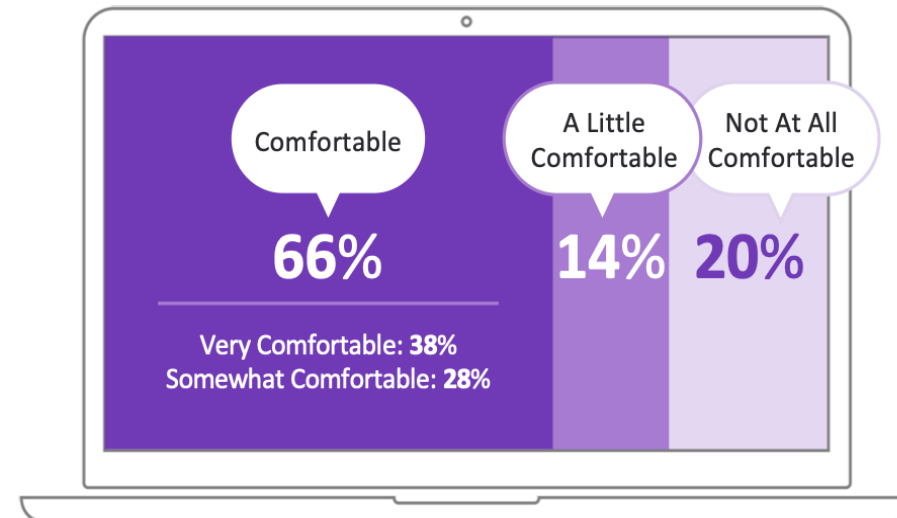


# RESEARCH

Q: "What internet service do you subscribe to at home?  
Do you have a cell phone?"



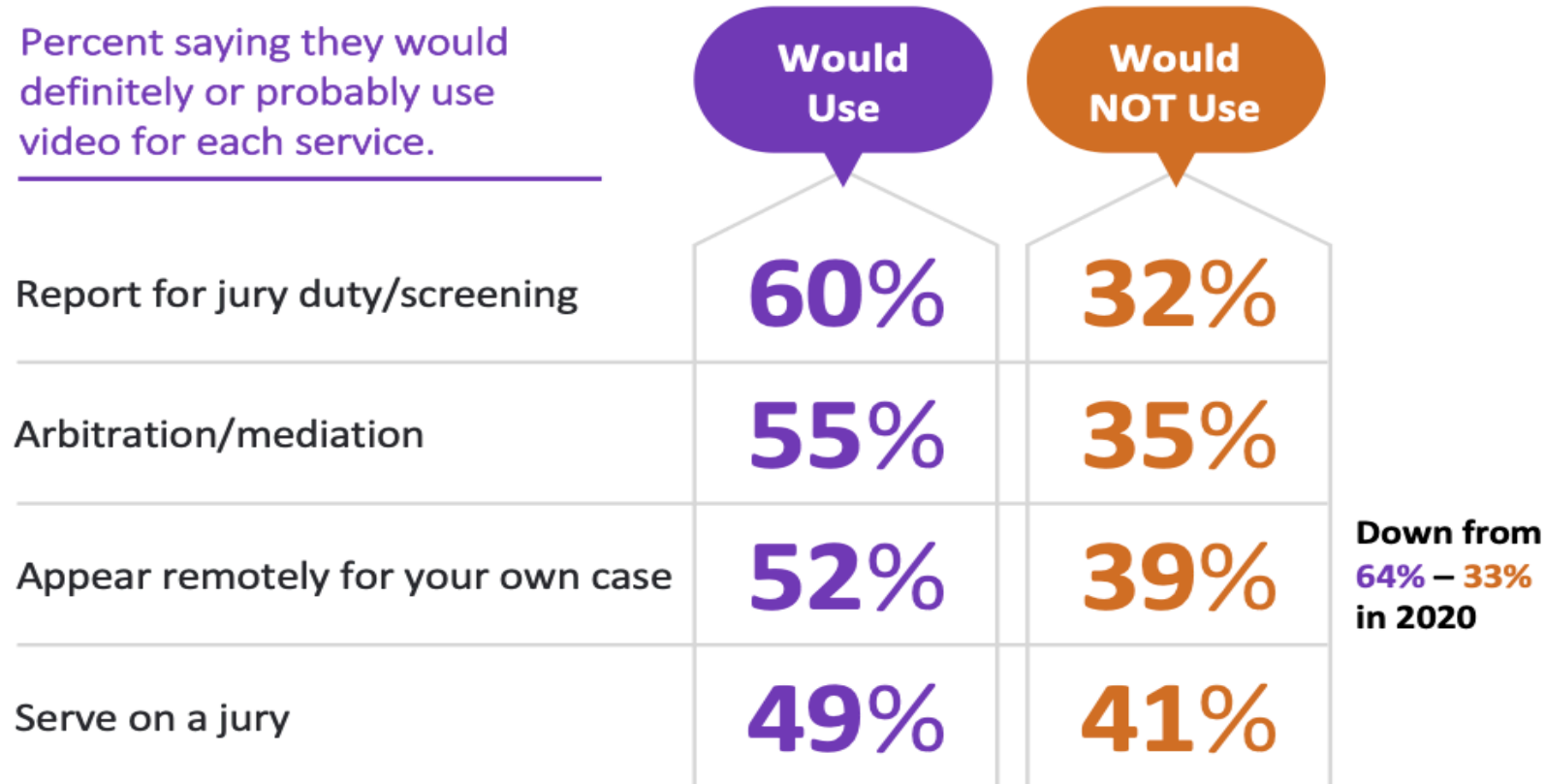
Q: "How comfortable do you feel using video conferencing services for meetings or appointments typically held in person?"



# RESEARCH

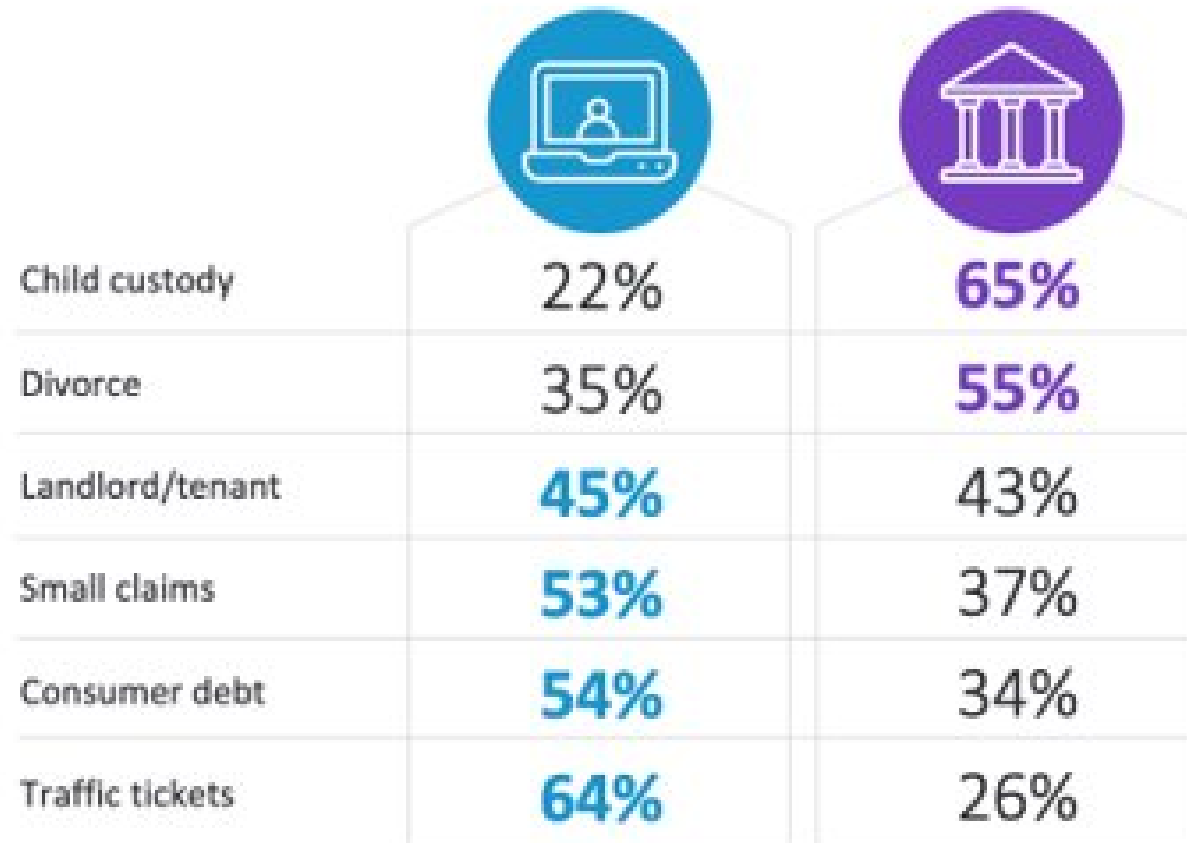
**Q:** “If you had business with the courts and this service was available online via videoconference...would you use it?”

Percent saying they would definitely or probably use video for each service.



# RESEARCH

**Q:** “If you were part of a court proceeding of this type...would you prefer to handle this type of case remotely by video or phone appearance or by appearing in-person at the courthouse?”





# RESEARCH

Q: “Which statement comes closest to your own view?”

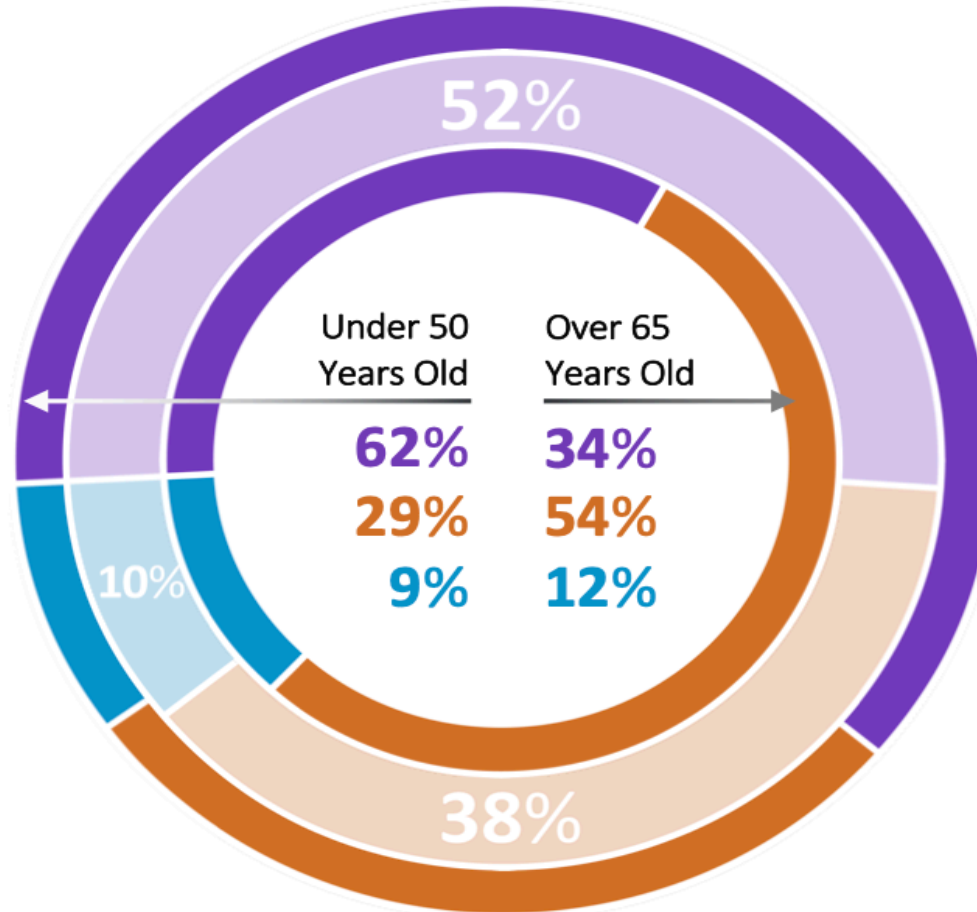
## Statement 1

Once the pandemic is over, courts should **continue to hold hearings by video** because it allows them to hear more cases and resolve cases more quickly, and it makes it easier for people to participate without having to travel to a courthouse, take time off work, or find childcare.

## Statement 2

Courts should **stop holding hearings by video as soon as possible** because technology problems can disrupt the whole system, not everyone can use this technology, and people are less likely to take video hearings as seriously as if they had to appear in a courtroom in person.

## Don't Know



# RESEARCH

**NCSC Pandemic Guidance:** <https://www.ncsc.org/newsroom/public-health-emergency>

## COSCA/CCJ Supported Principles for Post-Pandemic Court Technology

1. Ensure principles of due process, procedural fairness, transparency, and equal access are satisfied when adopting new technologies.
2. Focus on the user experience.
3. Prioritize court-user driven technology.
4. Embrace flexibility and willingness to adapt.
5. Adopt remote-first (or at least remote-friendly) planning, where practicable, to move court processes forward.
6. Take an open, data-driven, and transparent approach to implementing and maintaining court processes and supporting technologies.

Reduced travel time/costs

More precise scheduling

Easier for clients to appear

Health/safety benefits

Victim participation

Avoid work/childcare scheduling issues

Courthouse space utilization

Improved access to justice

# REMOTE HEARINGS FEEDBACK

# CURRENT CHALLENGES IN A HYBRID OR VIRTUAL ENVIRONMENT

The shift to a virtual environment has created challenges in several areas of court operations and courts are struggling to address these challenges.



Scheduling, Noticing, and Calendars

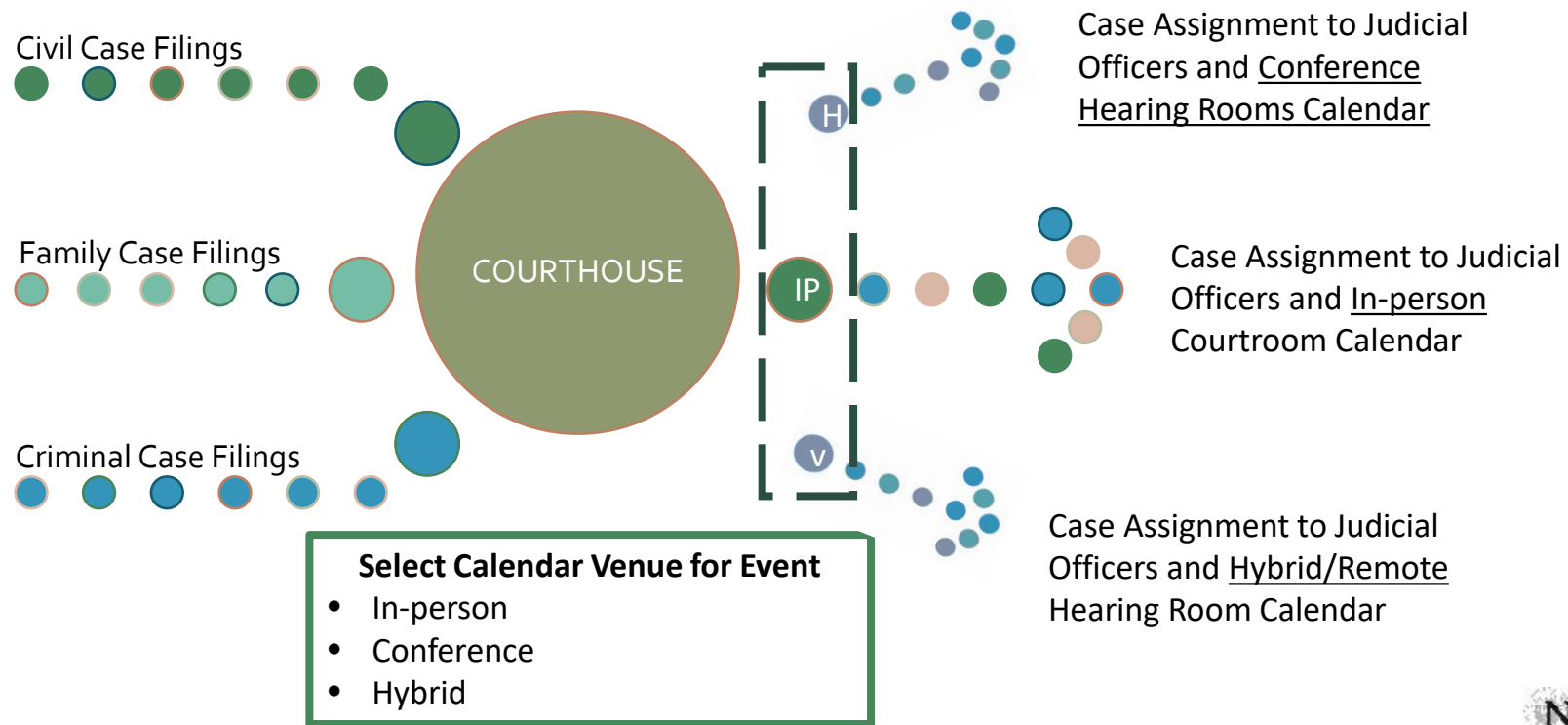
Check-in process

Document management, service, and signing

Evidence management

Capturing the record

# DIFFERENTIATED CASE MANAGEMENT AND COURTHOUSE SPACE USE



## Challenges Specific to Hybrid Technology

- Reverberating feedback among participants
- Inability to see and hear litigants for those participating remotely
- Courthouse spaces are not designed for hybrid hearings or remote work
- Need for improved technology support

## **CURRENT CHALLENGES IN A HYBRID OR VIRTUAL ENVIRONMENT**

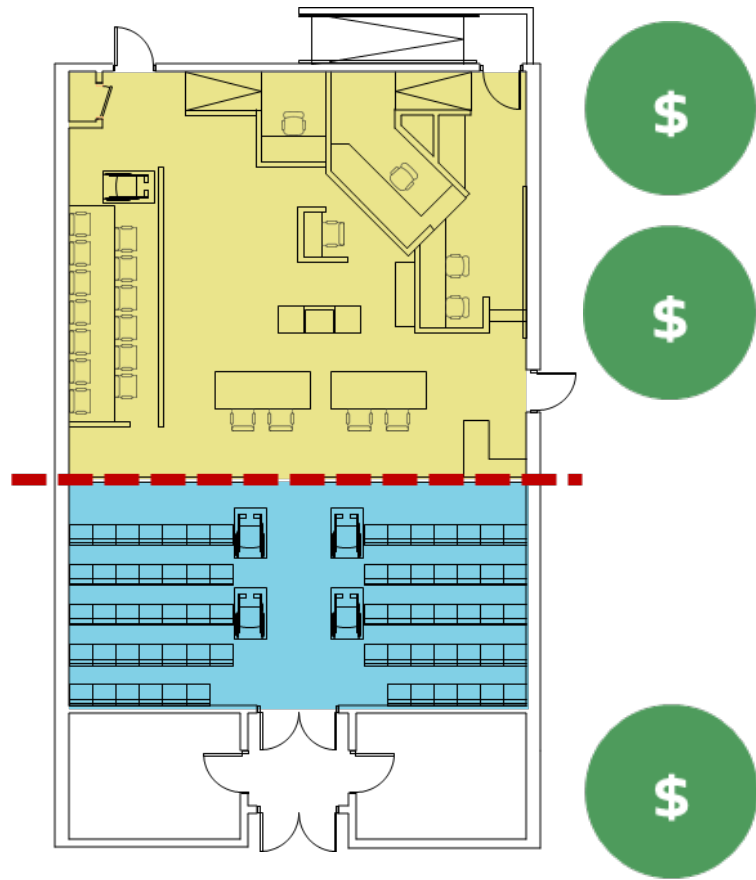
### **STAFFING**

- Increased responsibilities for court and judicial staff
- Remote and hybrid hearings take longer
- Specialized staffing need

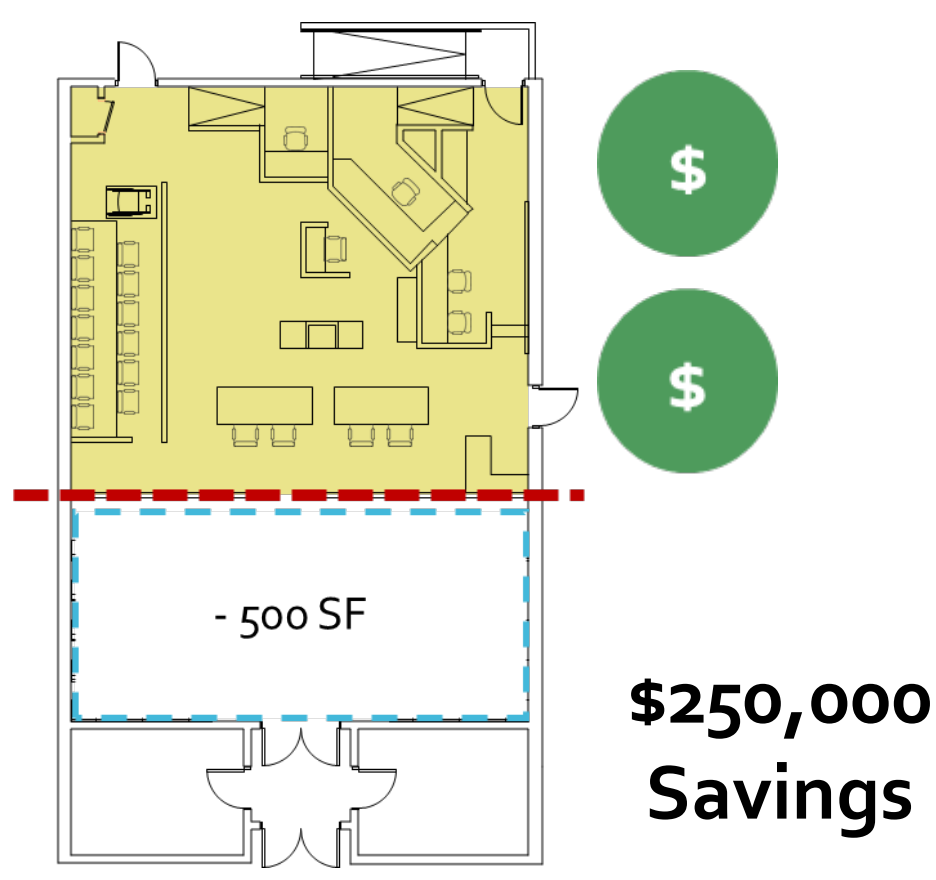
### **OTHER CHALLENGES**

- Remote hearing decorum
- Litigant safety concerns
- Need for increased online services
- Jury trials and hearings with multiple parties





1700 SF COURTROOM



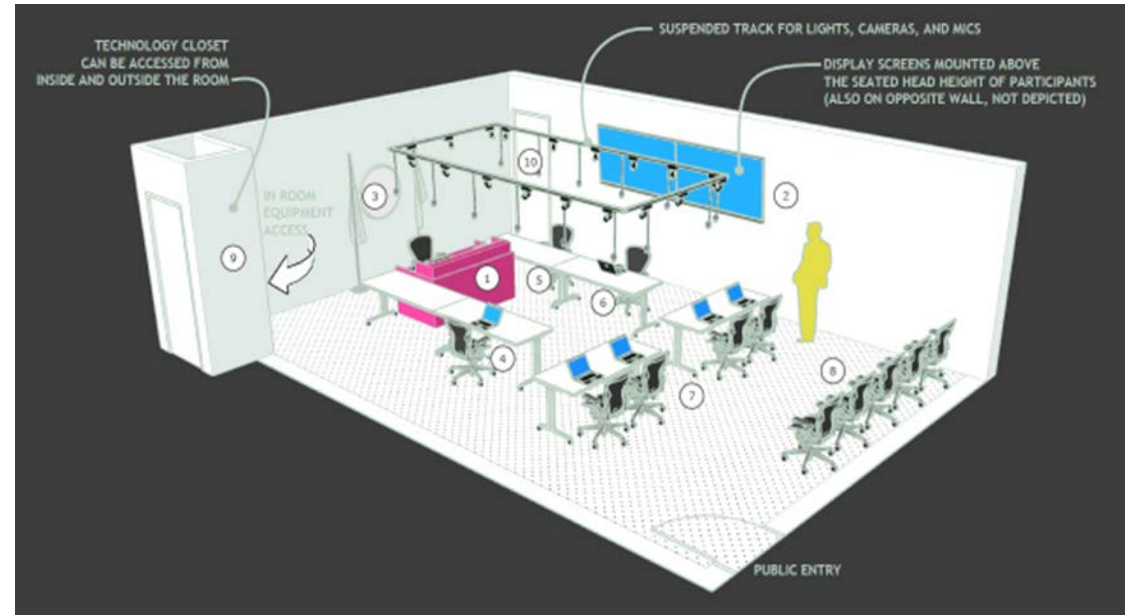
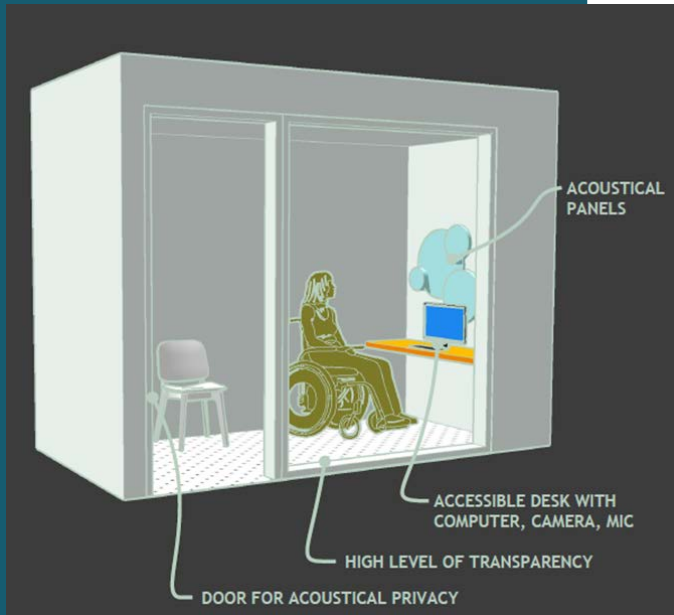
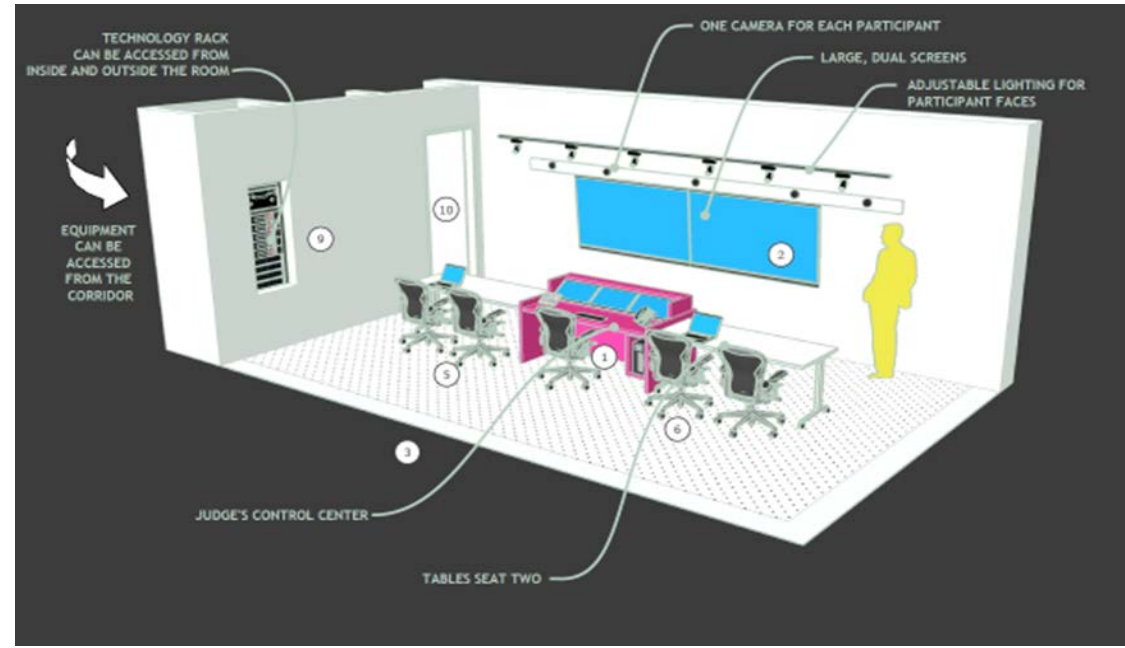
1100 SF  
LITIGATIONWELL

# Adjudication Space

Impact of Technology

# New Adjudication Spaces

80 SF | 300 SF | 700 SF



Currently we have an opportunity to reimagine justice and our court systems. The pandemic has provided us an opportunity to establish how courts can operate in a virtual environment long after the pandemic subsides.

**HOW CAN WE RISE TO THE  
CHALLENGE & ADDRESS  
THE BARRIERS THAT ARE  
CURRENTLY IMPACTING THE  
COURTS THROUGHOUT  
THE COUNTRY?**

**OPPORTUNITY**

# Hybrid Hearings Improvement Initiative

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Project sponsored by:



logitech

televic

zoom  
for Government

## What is a Hybrid Hearing?

A hybrid court hearing is one in which **at least one participant is attending from the courtroom** using the room's technical infrastructure and **at least one participant is attending remotely** either via videoconferencing platform or phone, using either audio, video, or both.

# The Initiative

- Focus group – last week
- 1 year pilot
- Test and learn about ways to improve and create permanent changes
- 10-20 pilot jurisdictions (courtrooms)
- Grant funding to implement package of technical and operational solutions
  - Equipment
  - Integration
  - Technical assistance
- Tribal, state, local courts – priority
  - Federal courts may apply

## Expectations for Participating Courts

- Participate in virtual and/or in-person site visits from project staff;
- Collect and share in-person, remote, and hybrid hearing court data with NCSC evaluators;
- Coordinate with county facilities, security, and IT staff regarding the physical development of the court space and provide access for equipment installation;
- Permit NCSC evaluators to observe court hearings remotely;
- Provide NCSC evaluators with contact information for court participants;
- Receive technical assistance and support from NCSC staff and other HHII partners; and
- Provide feedback to NCSC staff on the effectiveness of the hybrid hearing technology equipment.

# Deadlines

- Apply by July 13
- Announcement of sites anticipated by July 22
- Submit at [www.ncsc.org/hybridhearings](http://www.ncsc.org/hybridhearings)
- Pilot site implementation begins in August
- Evaluation period in Fall 2022



Questions?

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