

Post-pandemic Recommendations: COVID-19 Continuity of Court Operations During a Public Health Emergency Workgroup

*Hon. Samuel A. Thumma and
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POST-PANDEMIC RECOMMENDATIONS: COVID-19 CONTINUITY OF COURT OPERATIONS DURING A PUBLIC HEALTH EMERGENCY WORKGROUP

*Arizona Supreme Court COVID-19 Continuity of Court Operations During
Public Health Emergency Workgroup**

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* The Arizona Supreme Court COVID-19 Continuity of Court Operations During Public Health Emergency Workgroup (Plan B Workgroup) was established as an information exchange, to develop best practices for courts to use during the COVID-19 pandemic and to make recommendations about best practices and technologies that should be retained or adapted post-pandemic. The effort was nicknamed “Plan B” because the COVID-19 pandemic displaced any Plan A. The Plan B Workgroup consists of more than thirty total members who co-authored these recommendations. This article is an updated version of a previously published whitepaper issued by the Plan B Workgroup on June 2, 2021.

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EXECUTIVE SUMMARY

In this report, the COVID-19 Continuity of Court Operations During a Public Health Emergency Workgroup (Plan B Workgroup) makes recommendations about best practices and technologies that should be retained or adapted post-pandemic. The recommendations in this final Plan B Workgroup whitepaper are based on experience and feedback from Arizona's courts addressing pandemic and post-pandemic practices. Although the original report, issued on June 2, 2021, included a May 2021 Survey of Arizona's Courts, this updated report also includes information from a July 2021 State Bar of Arizona Survey and a September 2021 State of Arizona Public Opinion Survey addressing those practices. The workgroup's findings and recommendations, which remain unchanged, can be summarized in five major categories:

INCREASING ACCESS TO JUSTICE: Allowing parties to appear through virtual platforms has significantly increased appearance rates. This practice should continue, where appropriate, post-pandemic. In doing so, courts must remain aware of the "digital divide" and consistently seek opportunities to bridge this gap. Courts should continue public outreach and judicial education through nontraditional means, such as virtual workshops, online trainings, and prerecorded videos and interviews on particular topics. Courts should also consider permanently expanding alternative and onsite service options, such as self-service kiosks and depository boxes for filing.

EXPANDING USE OF TECHNOLOGY: The rollout of e-filing services in superior courts was accelerated and expanded to include more case types, resulting in increased flexibility and reduced foot traffic in courthouses. Courts also creatively employed text messaging and online queuing apps to communicate with litigants and the public. Most courts implemented virtual platforms to conduct court proceedings, and survey results show a profound willingness to accept and retain these technology-based platforms. The rollout of online dispute resolution to resolve misdemeanor cases in limited-jurisdiction courts also was expanded, and several courts implemented the use of artificial intelligence through virtual assistants and chatbots to provide direct assistance and information to the public. Courts should continue to adopt and expand the use of these and other technologies in serving the public.

JURY AND TRIAL MANAGEMENT: Several courts began using technology for jury operations, including electronic check-in and prescreening, electronic jury questionnaires, or jury selection. Some courts explored, and at times implemented, the use of technology for grand jury selection and service, jury trials, and bench trials, and to accept exhibits electronically. Courts also implemented expanded alternative dispute resolution pilot programs to resolve civil cases. Courts should continue to adopt and expand these and other innovative jury management efforts.

COMMUNICATION STRATEGIES AND DISASTER PREPAREDNESS: Courts should maintain a centralized point of contact for current court information for

litigants, jurors, and employees. Additionally, there should be periodic meetings between court leadership and personnel, other similarly situated courts, and stakeholders. Courts also should actively reach out to relevant emergency and disaster relief offices in their respective jurisdictions to be part of planning and communication efforts.

HEALTH, SAFETY, AND SECURITY PROTOCOLS: Courts implemented enhanced cleaning protocols during the pandemic and may choose to continue these protocols post-pandemic. This will likely impact operational budgets, which must be weighed with the guidance provided by health officials. Future court design efforts and their health, safety, and security protocols should be enhanced and adaptable.

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I. INTRODUCTION AND BACKGROUND

A. CREATION AND CHARGE OF WORKGROUP

“Although Arizona’s courts remain open for business, cooperation by the Judicial Branch is essential to reducing the risk associated with this public health emergency.”¹

In March 2020, concerns over the spread of COVID-19 caused abrupt changes everywhere, including to the customary practices of Arizona’s courts. On March 16, 2020, Arizona Supreme Court Chief Justice Robert M. Brutinel issued Administrative Order (AO) No. 2020-47, the first AO directing Arizona’s courts to conduct business in a manner that reduced the risks associated with this public health emergency.² This AO was updated regularly, and others were issued to respond and adjust to the everchanging state of flux that the COVID-19 pandemic imposed.³

Later in March 2020, along with many other undertakings, the Arizona Supreme Court formed the Plan B Workgroup to provide guidance and direction to Arizona’s courts. The Plan B Workgroup had a two-fold charge:

(1) “[F]ormulate recommendations on a transition from emergency operations to . . . [the] ‘new normal’ day-to-day [court] operations” until the resolution of COVID-19, “including phased resumption of jury trials and other on-site court operations”; and

(2) “[I]dentify and expand best practices supporting core court operations during the COVID-19 [health emergency] and into the future.”⁴

1. *In re Authorizing Limitation of Court Operations During a Public Health Emergency*, Admin. Order No. 2020-47, at 1 (Ariz. Mar. 16, 2020), <https://www.azcourts.gov/Portals/22/admorder/Orders20/2020-47.pdf> [<https://perma.cc/YA3W-9X87>] [hereinafter AO No. 2020-47].

2. *Id.*; see also 2020 *Administrative Orders*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/orders/Administrative-Orders-Index/2020-Administrative-Orders> [<https://perma.cc/83M9-MVUV>].

3. AO No. 2020-47, *supra* note 1; see, e.g., *In re Authorizing Limitation of Court Operations During a Public Health Emergency*, Admin. Order No. 2020-48, at 1 (Ariz. Mar. 18, 2020), <https://www.azcourts.gov/Portals/22/admorder/Orders20/2020-48.pdf> [<https://perma.cc/8YMX-XQM4>]; *In re Authorizing a Modification of Court Rules During a Public Health Emergency*, Admin. Order No. 2020-51, at 1 (Ariz. Mar. 20, 2020), <https://www.azcourts.gov/Portals/22/admorder/Orders20/2020-51.pdf> [<https://perma.cc/4DS3-EC8Z>]; *In re Authorizing a Modification of Court Rules During a Public Health Emergency*, Admin. Order No. 2020-58, at 1 (Ariz. Apr. 2, 2020), <https://www.azcourts.gov/Portals/22/admorder/Orders20/2020-58.pdf> [<https://perma.cc/JPK4-W4PC>]; *In re Authorizing a Modification of Court Rules During a Public Health Emergency*, Admin. Order No. 2020-59 (Ariz. Apr. 3, 2020), <https://www.azcourts.gov/Portals/22/admorder/Orders20/2020-59.pdf> [<https://perma.cc/VJ4Y-235Q>]. The AO has been amended many times since then as circumstances indicated.

4. Letter from Samuel A. Thumma, Judge, Ariz. Ct. App., & Marcus W. Reinkensmeyer, Ct. Servs. Dir., Admin. Off. of Cts., to Robert M. Brutinel, Chief Just., Ariz. Sup. Ct. (May 1, 2020), <https://www.azcourts.gov/Portals/216/Pandemic/050120CV19COOPRecommendations.pdf> [<https://perma.cc/K5MB-R5HE>].

“Members of the workgroup were selected, quite intentionally, to represent a wide variety of different perspectives – of both urban and rural courts at all levels.”⁵ Members include superior and limited-jurisdiction court judges; superior and limited-jurisdiction court administrators; superior court clerks and representatives; the Assistant General Counsel of the State Bar of Arizona; the Judicial Education Officer for the Administrative Office of the Courts (AOC); and AOC staff.⁶

B. WORK PRODUCTS

The Plan B Workgroup’s focus was to guide judges and court managers on how to resume day-to-day court operations in the new normal. The workgroup recognized that local courts, in coordination with their respective risk management, human resources, and health departments, were best situated to determine which recommendations were appropriate to implement in any specific court or court facility. Beginning April 8, 2020, the Plan B Workgroup met weekly to discuss and share information about how Arizona’s courts could best navigate the pandemic. The meetings often involved specific agenda items, round-robin conversations, and information exchanges. At times, meetings included outside speakers such as experts from the National Center for State Courts (NCSC) and the Institute for the Advancement of the American Legal System (IAALS) and judges from the United States District Court for the District of Arizona. In total, the workgroup met nearly sixty times over a fifteen-month period to fulfill its charge.

The Plan B Workgroup considered and made recommendations in several areas including the following: courthouse traffic, in-person proceedings, jury service, jury trials, and grand jury proceedings. The workgroup also considered the expanded use of technology, including remote appearances by telephone and video conferences, e-filing, e-access, online dispute resolution, and other measures to deliver online court services. The workgroup provided best practice recommendations for use by Arizona’s courts, including guidance on leveraging technology, staffing and operations, jury management, and the new normal.

At the outset, the workgroup identified ten guiding principles that helped focus its work and recommendations.⁷ The Plan B Workgroup presented initial recommendations to the Arizona Supreme Court in mid-April 2020 and began publishing whitepapers addressing different pandemic-related issues shortly thereafter, which include the following:

- COVID-19 Continuity of Court Operations During a Public Health

5. ARIZ. SUP. CT., COVID-19 CONTINUITY OF COURT OPERATIONS DURING A PUBLIC HEALTH EMERGENCY WORKGROUP BEST PRACTICE RECOMMENDATIONS 2 (May 1, 2020), <https://www.azcourts.gov/Portals/216/Pandemic/050120CV19COOPRecommendations.pdf> [<https://perma.cc/K5MB-R5HE>] [hereinafter May 1, 2020 Report].

6. *Id.*

7. *Id.* at 3–4.

- Emergency Workgroup Best Practice Recommendations (May 1, 2020);
- Jury Management Subgroup Best Practice Recommendations During the COVID-19 Public Health Emergency (June 1, 2020);
- Protocol for In-Courthouse COVID-19 Exposure or Symptoms by a Participant in Arizona State Courts (originally issued July 1, 2020, and updated several times to account for changes and clarifications from health agencies, with the current version being 4.0); and
- COVID-19 Vaccination Guidance for Arizona Courts (originally issued February 1, 2021, and updated once in version 2.0).⁸

These whitepapers were distributed to all Arizona courts, to national, judicial-related and affiliated organizations, and to specific judicial officers around the United States and abroad.

Workgroup members also were involved in significant education and outreach efforts, presenting to various audiences including the Arizona Judicial Conference; the State Bar of Arizona (the Annual State Bar Convention and other programs); local bar organizations throughout Arizona; the American Law Institute (ALI); the Bolch Judicial Institute at Duke University School of Law; the NCSC; the National Association for Court Management (NACM); the American Judges Association; the American Bar Association (ABA); and the New Zealand Judiciary.

C. OVERVIEW OF THIS REPORT

This report represents the final whitepaper by the Plan B Workgroup and reflects the experiences of Arizona's courts during the COVID-19 pandemic. The workgroup captured both best practices and "lessons learned" during its weekly meetings. In cooperation with the Arizona Commission on Access to Justice (ACAJ), workgroup members also solicited examples of local court advancements during 2020.⁹

8. *E.g., id.*; ARIZ. SUP. CT., JURY MANAGEMENT SUBGROUP BEST PRACTICE RECOMMENDATIONS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY (Jun. 1, 2020), <https://www.azcourts.gov/Portals/216/Pandemic/JuryManagementWkGp.pdf> [<https://perma.cc/3G8B-GAVW>]; ARIZ. SUP. CT., PROTOCOL FOR IN-COURTHOUSE COVID-19 SYMPTOM OR AT-RISK CONDITION BY A PARTICIPANT IN ARIZONA STATE COURTS (Oct. 29, 2020), https://www.azcourts.gov/Portals/216/Pandemic/10.29.2020_In%20Courthouse%20COVID-19%20Protocol%204.0.pdf?ver=2020-12-02-092035-113 [<https://perma.cc/JSC3-8P2T>]; ARIZ. SUP. CT., COVID-19 VACCINATION GUIDANCE FOR ARIZONA COURTS (Mar. 29, 2021), <https://www.azcourts.gov/Portals/216/Pandemic/2021/COVID-19VaccineGuidance2.0.pdf> [<https://perma.cc/9QH3-AAX3>].

9. ARIZ. SUP. CT., 2020 ARIZONA ACCESS TO JUSTICE COMMISSION ANNUAL REPORT 24–37 (Mar. 2021), <https://www.azcourts.gov/Portals/74/ACAJ/Annual%20Reports/2020%20Annual%20Report%20ACAJ.pdf?ver=2021-03-11-181150-897> [<https://perma.cc/EAC5-YKV4>].

D. SURVEYS

This updated report includes information from three surveys, the first of which (the May 2021 Survey of Arizona's Courts) influenced the recommendations in the original June 2, 2021 report.

1. *Survey of Arizona's Courts*

The first survey was directed to Arizona's courts to obtain a broad, statewide perspective about court services during the pandemic and recommendations for the new normal. The survey drew inspiration from a survey used by the ABA Judicial Division during parts of November 2020 to February 2021.¹⁰ After receiving permission from the ABA, the survey was modified significantly for use with Arizona's courts. The Arizona survey was open from May 3, 2021, to May 14, 2021, and had a response rate of 40%, with 366 individuals in Arizona's courts responding out of 914 individuals who received the survey.¹¹ The survey results certainly influenced the findings and recommendations in this report.

Survey respondents overwhelmingly worked in trial courts: slightly more than 50% in superior court; 25% in municipal court; and just over 20% in justice court, with the remainder in appellate courts. [Survey of Arizona Courts Question (SACQ) 2]. Of the respondents, about 70% were judges (including presiding judges) or court commissioners, 16% served as court administrators, and nearly 10% served as a clerk or lead clerk. [SACQ 1].

Textual responses to the survey expressed an interest in enhancing the use of pandemic-response solutions (particularly technology) going forward. The overall view was that technology could be used to enhance safety and access to justice, decrease failure-to-appear rates, better serve the public, and improve time and resource efficiency. Respondents also expressed need for more technology training and support for litigants, attorneys, and those within the judicial branch. Respondents also expressed concerns about the digital divide (the gap between those who have ready access to technology and the internet and those who do not); court decorum, formality, and control; and feasibility of remote evidentiary hearings.

When asked what changes were recommended as a result of their experiences during the pandemic, responses ranged from "[a]llow for remote appearances at all court proceedings" to "[r]eturn to normal operations." As the discussion below shows, however, there was substantial support for conducting more hearings remotely in the post-pandemic world. Other selected comments from

10. See generally *Judging During the Pandemic: What Judges and Lawyers (and Jurors) Think About Remote Proceedings and the Future of Court Operations*, ABA JUD. DIV. (May 20, 2021, 12:30 PM), <https://www.americanbar.org/content/dam/aba/events/judicial/2021-judging-during-the-pandemic-pppresentation.pdf> [<https://perma.cc/MA7M-9M7L>].

11. This report includes the survey and responses in Appendix 1. All references to questions of and responses to the Arizona court survey are denoted in brackets referencing SACQ and can be found in Appendix 1. See *infra* App. 1.

respondents included:

- “To the extent possible, we should be seeing the court as a service and not a location.”
- “We cannot and should not bring back hearings to in-person just because that’s always how we’ve done things.”
- “Litigants like [being able to appear remotely] because it reduces cost for travel time and time off work. Attorneys like it because it reduces the problems associated with having to be in multiple courts on any given morning.”
- “I firmly believe that if access to justice is the priority of the state court system then remote hearings are appropriate for everything except for evidentiary trials or hearings. These hearings save litigants missing important work and missing school, and allow more litigants to appear who otherwise might not given limited transportation and other barriers. If we want to make the court accessible to everyone, permitting a great deal more remote hearings will allow that for the reasons above and will greatly benefit the public who simply cannot take off work or miss school.”
- “Excellent opportunity to dramatically expand access to justice!”

2. *State Bar of Arizona Survey*

The second survey was directed to members of the State Bar of Arizona.¹² This survey was open from July 9, 2021, to July 23, 2021, and had 559 total responses. The survey was distributed to those on the State Bar’s mailing list via email. Recipients were also invited to share the link with other professionals in their office, including paralegals, legal assistants, and information technology staff. Only five respondents identified themselves as nonlawyer personnel, but it is unknown exactly how many nonlawyers responded. Although the questions were fewer in number and somewhat different than the Survey of Arizona’s Courts, the responses are instructive and are reflected in this report. In Appendix 2, this report includes the questions used and numerical responses from the State Bar of Arizona survey, with a more detailed analysis of that effort appearing in the November 2021 issue of the Arizona Attorney.¹³

3. *State of Arizona Public Opinion Survey*

The third survey was of the Arizona public. This randomized survey of the public was conducted by telephone from September 27, 2021, to September 29, 2021, with approximately 500 respondents. Although the questions were

12. All references to questions of and responses to the State Bar of Arizona survey are denoted in brackets referencing SBASQ and can be found in Appendix 2. *See infra* App. 2.

13. Michael P. Rolland & Lois W. Sayrs, *Attorneys Respond: Video Conferencing in Law Practice*, 58 ARIZ. ATT’Y 12, 12–18 (2021), <https://www.azattorneymag-digital.com/azattorneymag/202111/MobilePagedReplica.action?pm=2&folio=Cover#pg1>.

somewhat different from the other two surveys, given the audience, the responses provide a different, unique perspective and are reflected in this report.¹⁴

Based on the responses to the Survey of Arizona's Courts and the experiences and feedback from Arizona's courts, including those of workgroup members, this report provides recommendations on what practices should continue post-pandemic in five major categories: (1) increasing access to justice; (2) expanding use of technology; (3) jury and trial management; (4) communication strategies and disaster preparedness; and (5) health, safety, and security protocols. Although both the State Bar of Arizona and the State of Arizona Public Opinion surveys were conducted after the Plan B Workgroup arrived upon the recommendations in this report, the information from both is provided for additional context and points of reference.

In making these recommendations, the Plan B Workgroup recognizes that the status of the pandemic remains fluid and that the timetable for resuming new normal court operations post-pandemic is conditioned on guidance from public health officials. The recommendations are intended to provide a platform for general guidance, understanding that local strategies will vary based on local needs, physical layout, and available resources in Arizona's courts.

In describing some of the innovative measures implemented during the pandemic, this report lists the names of some specific service providers and their technology solutions. While the cited solutions appear to have served the courts well to date, other service providers may offer similar or related technologies. Thus, the workgroup does not endorse or recommend the services of any of the specific service providers or their technology solutions listed in this report. Rather, the workgroup recommends that local courts consider the full array of available service providers in the acquisition of technology and other vendor services, following applicable policies for procurement and contract administration.¹⁵

II. INCREASING ACCESS TO JUSTICE

Navigating through the pandemic required Arizona courts to remain acutely attentive to the balance between promoting the health and safety for all and maintaining meaningful access to justice. Through a combination of resourcefulness, collaboration, and innovation, courts identified and rapidly implemented a series of sensible measures in a matter of weeks and months. Access-to-justice initiatives involving public outreach, education, technological advancements, and stakeholder collaboration progressed well beyond their pre-

14. The relevant questions used and numerical responses from this public opinion survey are included in Appendix 3 of this report. All references to questions of and responses to the State of Arizona Public Opinion survey are denoted in brackets referencing SAPOSQ and can be found in Appendix 3. *See infra* App. 3.

15. Ariz. Code Jud. Admin. § 1-402.

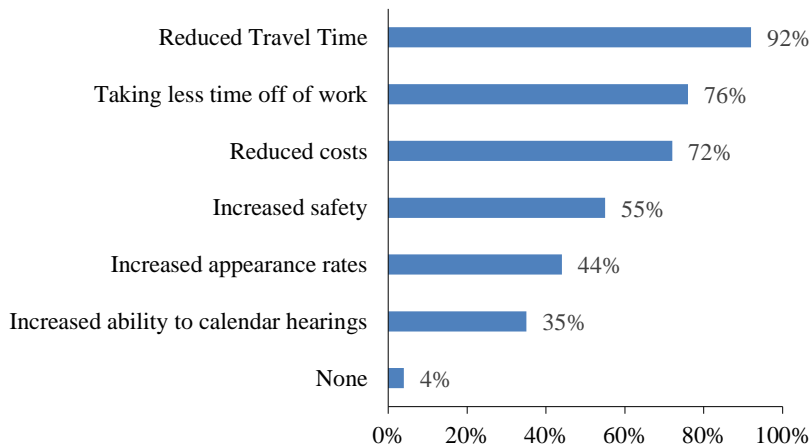
pandemic trajectories.

A. SURVEY RESULTS

The survey results, as well as data collected during the pandemic, suggest the power that using technology to allow individuals to appear in court hearings will have post-pandemic. When asked, based on their experiences, whether the ability of responding parties (such as defendants and respondents) to make appearances using technology-based platforms changed appearance attendance rates, more than 40% of respondents to the Survey of Arizona's Courts said it increased appearance rates, while about 25% indicated there was no change. Only 7% of those responding said that expanded use of technology decreased appearance rates, while about 25% of the respondents were not sure. [SACQ 11].

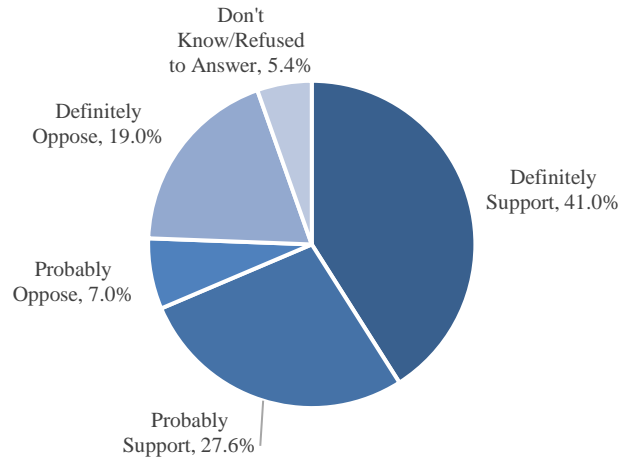
The Survey of Arizona's Courts also asked respondents to rate the perceived benefits for litigants, attorneys, and other court participants from the use of technology-based platforms, with responses illustrated below. [SACQ 12].

Based on your experience, what benefits have litigants, attorneys, and other court participants experienced through the use of technology-based platforms? (353 responses)



The State of Arizona Public Opinion Survey asked a series of questions based on the following: “During the COVID-19 public health emergency, Arizona courts have conducted a large number of court hearings using video conferencing technology. The Arizona Supreme Court is considering a proposal to continue offering remote video hearings and other on-line court services after the pandemic recovery.” [State of Arizona Public Opinion Survey Question (SAPOSQ) 5]. The first question asked: “Knowing just what you know right now, would you support or oppose this proposal?” [SAPOSQ 5]. Respondents

said the following:



Using a five-point scale (with 1 being strongly disagree; 2 being somewhat disagree; 3 being feel neutral about; 4 being somewhat agree; and 5 being strongly agree), respondents were then asked to respond to statements about the proposal (summarized here but listed in their entirety in Appendix 3). [SAPOSQ 20–30]. The results follow and are split into “potential benefit” and “potential barrier:”

Ranking Statements	Percent strongly agreeing	Mean Score
<i>Potential benefit</i>		
Save time	50.4%	4.09
Save taxpayer money	44.0%	3.87
Convenience	42.8%	3.79
Increase safety	41.2%	3.85
Increase efficiency	38.6%	3.80
<i>Potential barrier</i>		
Negative impact on jurors	44.8%	3.96
Hurt most vulnerable	46.4%	3.96
Unfair to victims	40.4%	3.78
Burden on witnesses	31.2%	3.51
Unfair to self-represented litigants	26.6%	3.39
Limited media access	23.6%	3.23

After being asked these questions, respondents were then again told that “[t]he Arizona Supreme Court is considering a proposal to continue offering remote video hearings and other on-line court services after the pandemic recovery. Knowing just what you know right now, would you support or oppose this proposal?” [SAPOSQ 31]. Respondents said the following:

Response Category	Original Response	Response after asked about potential benefits/barriers [SAPOSQ 20-30]	Difference (before vs. after benefit/barrier questions)
Definitely Support	41.0%	31.2%	-9.8%
Probably Support	27.6%	31.4%	+3.8%
Probably Oppose	7.0%	10.6%	+3.6%
Definitely Oppose	19.0%	20.6%	+1.6%
Don’t Know/ Refused	5.4%	6.2%	+0.8%

These results reflect a decrease in the percentage of individuals who strongly supported the proposal after being asked about specific potential benefits or barriers. [SAPOSQ 5, 31]. The specific reasons for such a decrease were not captured by the State of Arizona Public Opinion Survey.

The State Bar of Arizona Survey, looking at the issues from a lawyer’s perspective, reflects the recognition of benefits in using technology-based platforms. Participants were asked, “[i]n your experience, what are the benefits of using online video conferencing?” [State Bar of Arizona Survey Question (SBASQ) 3]. The individuals responded as follows:

In your experience, what are the benefits of using online video conferencing? (287 responses)	
Time/travel	57.1%
Efficiency/productivity/convenience	46.0%
Savings/money/costs	36.9%
Increased access to court/clients/justice system/multiple people/time zones	20.2%
Increased access to my own files/documents/live changes	5.9%
Other/nonresponsive	2.4%

They were also asked about the drawbacks of using online video conferencing based on their experience. [SBASQ 4]. Nearly 5% said there were no drawbacks, while 2.5% either did not respond or suggested other.

In your experience, what are the drawbacks of using online video conferencing? (276 responses)	
Diminished human element/loss of nonverbal cues/unprofessional conduct	62.3%
Connectivity/interface issues	26.1%
Poor handling of exhibits	15.6%
Audio Problems	10.1%
Unethical manipulation of the interface	6.5%
Training Shortcomings	4.7%

When asked, based on their experiences and looking into the future, to what extent they foresee the continued use of various court technologies after the pandemic recovery, [SACQ 13], respondents to the Survey of Arizona's Courts indicated the following:

Based on your experience, looking into the future, to what extent do you foresee the continued use of the follow court technologies after the pandemic recovery? (361 responses)

	Very Likely	Somewhat Likely	Not Sure	Somewhat Unlikely	Very Unlikely
Electronic filing of documents	87%	6%	5%	1%	1%
Online cash payments	78%	7%	14%	1%	1%

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Post-pandemic Recommendations

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Digital signatures	77%	12%	7%	2%	3%
Off-site cash payments, e.g., PayNearMe	59%	11%	27%	2%	2%
Drop Boxes	50%	15%	27%	3%	5%
Remote program services, e.g., court-ordered treatment or educations programs	48%	21%	25%	5%	2%
Live video streaming of court	47%	22%	17%	4%	10%
Digital evidence	45%	22%	22%	5%	6%
Online dispute resolution (ODR)	39%	19%	34%	4%	5%

Although in responses to different specific questions, the State of Arizona Public Opinion Survey similarly revealed support for continuing the use of court technologies going forward. [SAPOSQ 32–38]. Using a five-point scale (with 1 being not at all important; 2 being not very important; 3 being neutral; 4 being somewhat important; and 5 being very important), respondents were asked to rate how important it would be for courts to continue to offer various technologies after the pandemic recovery, with the following results:

Ranking Online Services	Percent saying online service was very important	Mean Score
Paying court fees or fines online	69.4%	4.51
Signing court documents online	50.2%	4.06
Electronic presentation of documents to the court	47.6%	4.12
Live video streaming of court proceedings for some case types	43.0%	4.11

Participating in court-ordered online treatment or educational programs	41.4%	3.89
Submitting evidence electronically	36.2%	3.75
Online dispute resolution (ODR)	31.6%	3.78

The State Bar of Arizona Survey asked, “Based on [their] experience, what steps would [respondents] suggest legal practitioners, including firms, attorneys, courts and/or judges, take to support the effective use of online video conferencing?” [SBASQ 5]. They responded as follows, with a substantial interest in training, technology, and consistency:

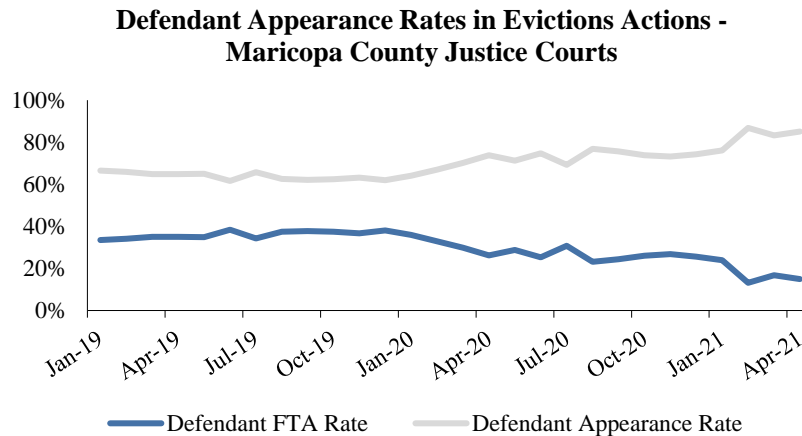
Based on your experience, what steps would you suggest legal practitioners take to support the effective use of online video conferencing? (223 responses)	
Train/test/practice/court created training programs	43.5%
Court-implemented uniform rules and platforms	38.1%
Support for continued use limited to non-evidentiary matters	21.1%
Invest in good equipment/tech support staff/improvement for platforms	20.6%

While many pandemic-specific challenges will subside, courts are encouraged to retain the sense of urgency and momentum recently achieved in mitigating access to justice impediments. With significant emphasis on employing and expanding technology, it is recommended that courts remain mindful of the digital divide and actively seek opportunities to bridge this gap. Rural communities may not have the same access to internet services, and subgroups within the population may not have the necessary equipment, cellphones, or computers to use court-affiliated technology options. Courts should continue to consider the limitations of their users to better assist those in need of accurate and timely information about a pending case.

The ability of technology to increase access to justice is profound. One data-based example is the appearance rates in eviction actions filed in the Maricopa County Justice Courts.¹⁶ Before the pandemic, in more than one-third of

16. E-mail from Scott Davis, Commc’ns/Special Projects/Pub. Info., Maricopa Cnty. Just. Cts., to authors (May 4, 2021, 2:23 PM) (on file with authors).

evictions actions, the defendant failed to appear.¹⁷ In 2019, for example, the failure-to-appear rate in such cases ranged from one-third to approaching 40%.¹⁸ After implementing remote appearance options, failure-to-appear rates decreased significantly, to as low as approximately 13% in February 2021.¹⁹ The change in appearance rates is shown below:



The number of eviction cases that were filed dropped significantly during this period, from about 6,200 filings in July 2019 to less than 1,600 filings in May 2020.²⁰ However, this remains a powerful example of how changes implemented during the pandemic increased access to justice and, if retained, provide the potential to do so in the future.

B. PUBLIC OUTREACH AND JUDICIAL EDUCATION

Engaging with the public and providing information about the judiciary throughout the pandemic required courts to develop new communication channels, redirect educational resources, and actively promote awareness of rapidly evolving court services. Many courts and other organizations expanded their public outreach offerings through virtual “Town Halls,” “Open Houses,” and “Legal Talks.” The resulting benefits were not only public awareness of what to expect but also a reassurance to participants that the courthouse will be safe under existing health protocols.

Law libraries and resource centers throughout Arizona pivoted to keep serving patrons through limited-capacity onsite assistance, curbside pickup of

17. *Id.*

18. *Id.*

19. *Id.*

20. *Judicial Court Evictions by Month*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/statistics/Interactive-Data-Dashboards/Justice-Court-Evictions> [<https://perma.cc/ZFE8-2Z6L>].

resources, live web chat, telephone help, and email. The Law Library Resource Center (LLRC) in the Superior Court in Maricopa County, for example, provided phone and video capability for litigants applying for and securing protective and emergency orders who could not otherwise appear virtually in court.²¹

The AOC expanded online content available through the Self-Service Center Legal Info Hub, which provides bilingual resources to the state's growing number of self-represented litigants. Enhanced material available through the Legal Info Hub includes an extensive FAQ section, podcasts, legal information videos, and legal information sheets.²²

Consistent and tailored judicial education became necessary given pandemic-related challenges, especially in eviction actions. The Maricopa County Justice Courts developed a robust outreach and educational response which included the following:

- Playing a key role in statewide trainings for judicial officers on eviction procedures.
- Judges and the courts' Public Information Officer participating in more than two dozen online events related to evictions and court changes because of the pandemic. These events were a mixture of local community meetings, national nonprofit sponsored forums, media interviews, government official briefings, and more. Some of the events were in Spanish.
- Making available to the media the videos and interviews with constables regarding eviction procedures.²³
- The Best Practices Committee of the Maricopa County Justice Courts also created a written *Best Practice on Disposition of Eviction Matters During the Pandemic* manual and amended it many times throughout 2020 in response to related orders and guidance from state and federal officials.²⁴ As other examples, the Pima County Consolidated Justice Court, the Superior Court in Mohave County, the Apache County Justice Courts, and others have publicly available information about evictions and the eviction process.²⁵

21. Law Library Resource Center, JUD. BRANCH OF ARIZ. MARICOPA CNTY., <https://superiorcourt.maricopa.gov/llrc> [<https://perma.cc/L9AS-P7PG>] (Sept. 29, 2021, 4:56 PM).

22. Legal Info Hub, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/legalinfohub> [<https://perma.cc/SP3Z-9R9C>].

23. See Jessica Swarner, *Maricopa County Constable Discusses Evictions During COVID-19 Pandemic*, COPPER COURIER, <https://coppercourier.com/story/maricopacounty-constable-pandemic-eviction-photo-gallery> [<https://perma.cc/SS8C-Y788>] (Dec. 2, 2020, 1:29 PM).

24. See, e.g., MARICOPA CNTY. JUST. CTS., FOURTH AMENDED BEST PRACTICE ON DISPOSITION OF EVICTION MATTERS DURING THE PANDEMIC (2020) https://p1cdn4static.civ-iclive.com/UserFiles/Servers/Server_15209001/File/Departments/City%20Court/4th%20Amended%20BP-Evictions%20During%20Pandemic.pdf [<https://perma.cc/X9YM-VZEX>].

25. Evictions, PIMA CNTY. CONSOL. JUST. CT., <https://www.jp.pima.gov/Info/CaseTypes/Evictions.html> [<https://perma.cc/N3YN-QBQA>]; Court Forms, JUD. BRANCH OF ARIZ. – CNTY. OF MOHAVE, https://www.mohavecourts.com/justice/JCSS_Evictions.html

The Superior Court in Maricopa County's Family Court bench held judicial training sessions by remote technology over the lunch hour to address specific topics such as agreements in family court cases, handling of cases involving children who are resistant to parenting time, and new protocols for court-ordered settlement conferences. These training sessions allowed the family court bench to continue its education at a time when gathering in person was not an option.

The Superior Court in Pima County created a video, *How Pima County Superior Court is Protecting Your Health During COVID-19*, to advise the public about what to expect when coming to the courthouse including its cleaning protocols, and to provide reassurance that the court is committed to protecting the health of those involved in court proceedings and ensuring access to justice.²⁶

Other outreach efforts included the development of the Scottsdale Community Intervention Court. The court creates partnerships with local community social services and behavioral health services for a specialized calendar, helping participants connect to community social services and resolve criminal charges.²⁷

C. ALTERNATIVE AND EXPANDED ONSITE SERVICE OPTIONS

Promoting public health and safety during the pandemic required courts to implement solutions that were designed to limit the number of people in court facilities. Although courts were able to advance remote service offerings, there is a continuing public need for onsite accessibility to court services. Whether as a result of court requirements, digital resource limitations, personal preference, or other factors, many court users depend on traditional onsite services to access justice.

Courts are encouraged to continue to seek opportunities to provide and publicize onsite services through widely available self-service options such as physical depository or drop boxes, self-service kiosks, and additional customer service windows. Self-service options are particularly advantageous during periods of staffing shortages and peak customer volumes. They also can be helpful if they can be accessed online, without the need to physically be inside a courthouse.

Courts should continue to urge attorneys and litigants to submit documents via electronic transmission by e-filing whenever possible. For cases involving paper filings (including documents that cannot be e-filed), courts are encouraged

[<https://perma.cc/F7PU-ZEXD>]; *Justice Courts*, APACHE CNTY., <https://www.apachecountyaz.gov/Justice-Courts> [<https://perma.cc/3LJ2-4B54>].

26. Pima County Arizona, *Pima County Superior Court Cleaning During COVID-19*, YOUTUBE (May 14, 2020), https://www.youtube.com/watch?v=9IC9mnTDNdE&ab_channel=PimaCountyArizona.

27. *Human Services COVID Cares Spending and Program Since March 2020*, SCOTTSDALE HUM. SERVS., at 2–3, <https://www.scottsdaleaz.gov/Asset84350.aspx> [<https://perma.cc/WQ4V-UGX4>].

to provide secure depository boxes located outside the courthouse. Courts using a depository box should have a policy posted on their website and at the depository box that details how the documents placed in the depository box will be processed. For example:

- How often the depository box will be checked by court staff and the documents removed.
- When the cut-off time for filing a document is to be considered filed the “same day” or filed the next day.
- How to include a payment with the document deposited and what payment methods are acceptable.

Courts should check depository boxes and remove filings at least twice a day, once at the open of business and once at the close of business. Courts should also promptly process filed documents and contact the filer if there are problems with the filing.

III. EXPANDING USE OF TECHNOLOGY

During the pandemic, Arizona courts quickly implemented an array of court technology solutions, providing enhanced access to court services. Beyond pandemic safety considerations, the expanded use of online court technologies leads to improved customer service and efficiencies in internal court operations. Many of the re-engineered processes and supporting technologies appear to be scalable for widespread use, bringing about economies of scale.

Given these benefits, the workgroup recommends that many of the re-engineered business processes remain in place and that some be expanded after the pandemic recovery. Applicable court rules and policies should be amended as necessary to support the continuing deployment of these court technologies. The following highlights some of those court technologies that merit consideration for use and expansion in the post-pandemic world.

A. E-COURT

In response to the pandemic, e-filing services in the superior court were accelerated and expanded as quickly as possible. Before the pandemic, the statewide e-filing application supported only the general jurisdiction (GJ) civil filings. Using the technology platforms already in place, e-filing support was expanded to include five more case types within a four-month period. As shown below, these new services were made available to all superior court locations. E-filing functionality was also expanded to support judicial filings submitted through the e-Bench application for all GJ case types. Virtual trainings were offered remotely eight to ten times per week during implementation.

The e-filing expansion provides the superior court with a means to continue accepting filings without requiring litigants to appear in person, thus reducing in-person contact while supporting clerk review and docketing functions. These

services also provide flexibility for attorneys, litigants, and clerk staff, and provide judicial staff the ability to work remotely. Enabling this type of interaction between the stakeholders was largely made possible through the authorizing AO's, particularly the permission to accept electronic signatures.²⁸ The AOC intends to continue implementation to enable other case types and enhance functionality in the coming months.

Below is the status of the e-filing rollout in the superior court, with check marks showing that e-filing has been implemented for the specified case type and the "P" marks showing that e-filing is pending implementation.

County	Civil	Criminal*	Juvenile Delinquency*	Family*	Probate*	Guardianship*
Apache	✓	✓	✓	✓	✓	✓
Cochise	✓	✓	✓	✓	✓	✓
Coconino	✓	✓	✓	✓	✓	✓
Gila	✓	✓	✓	✓	✓	✓
Graham	✓	✓	✓	✓	✓	✓
Greenlee	✓	✓	✓	✓	✓	✓
La Paz	✓	✓	✓	✓	✓	✓
Maricopa**	✓	✓	✓	✓	P	P
Mohave	✓	✓	✓	✓	✓	✓
Navajo	✓	✓	✓	✓	✓	✓
Pima	✓	✓	P	P	P	P
Pinal	✓	✓	✓	✓	✓	✓
Santa Cruz	✓	✓	✓	P	P	P
Yavapai	✓	✓	✓	✓	✓	✓
Yuma	✓	✓	P	P	P	P

*Non-case initiation filings only.

**E-filing in criminal and juvenile cases in Maricopa County is supported locally.

28. See *In re Authorizing Limitation of Court Operations During a Public Health Emergency*, Admin. Order No. 2020-60, at 1–2 (Ariz. Apr. 6, 2020), <https://www.azcourts.gov/Portals/22/admorder/Orders20/2020-60.pdf> [<https://perma.cc/DVR5-7E2Y>] [hereinafter AO No. 2020-60].

B. SIGNATURES IN FAMILY COURT FILINGS

Administrative Order No. 2020-59, issued April 3, 2020, allows the attachment of a copy of a government issued identification instead of a notarized signature for documents filed under Rule 14(a) of the Rules of Family Law Procedure.²⁹ Further, those with protected addresses may redact the address information from the filed copy.³⁰ This action has helped maintain access to justice during the pandemic by allowing self-represented litigants and attorneys to file documents with the Clerks of the Superior Court through depository boxes and mail, and has allowed the Department of Economic Security, Division of Child Support Services (DES-DCSS) to keep accepting applications for services.

The workgroup recommends retaining these provisions in AO No. 2020-59 to allow these practices to continue until rule changes can be proposed.³¹

C. EXPANDED USE OF TEXT MESSAGING COMMUNICATIONS AND ONLINE QUEUING APPS

Text messaging services are available through a statewide services contract procured by the AOC. Some courts send text reminders to litigants regarding court hearing dates, financial payment options, failure to pay, and failure to appear. The workgroup recommends that courts expand the current use of text messaging to advise litigants of alternative hearing arrangements (e.g., video hearings, telephonic hearings, rescheduled hearings, etc.); the availability of online dispute resolution; remote e-court services; and alternative court locations. Text messaging reminders and communications should be implemented by all courts as best practice, which has shown a reduction in failure-to-appear and failure-to-pay rates.

With the advent of COVID-19, the courts faced a quandary over limiting the number of individuals in the courthouse to maintain social distancing while still providing services to individuals needing access to the courts. As practical facility-based solutions developed, one of the actions taken was to contract for a statewide, automated, and mobile-based customer queuing system. Through the standard procurement process, the AOC entered into a contract with Waitwhile—one of many available queuing applications—to make this service available across the state.³² This service is a cloud-based Virtual Queue Management

29. *In re Authorizing a Modification of Court Rules During a Public Health Emergency*, Admin. Order No. 2020-59 (Ariz. Apr. 3, 2020), <https://www.azcourts.gov/Portals/22/admorder/Orders20/2020-59.pdf> [<https://perma.cc/D6TA-TML2>] [hereinafter AO No. 2020-59]; ARIZ. R. FAM. L. P. 14(a).

30. AO No. 2020-59, *supra* note 29.

31. *Id.*

32. For more information about queue management systems, see *Making Your Event a Hit With a Virtual Queue Management System*, WAITWHILE, <https://waitwhile.com/blog/queue-management-system-for-events/> [<https://perma.cc/G28P-DU5V>] [hereinafter WAITWHILE].

solution used to eliminate physical lines, improve the waiting experience for participants, and reduce wait times overall.³³

This system is made available to all courts, both limited and general jurisdiction, to help reduce crowding in the courthouse by allowing litigants to virtually “get in line” by computer or by their mobile phone. Once litigants have signed up, they can wait anywhere rather than gathering in the courthouse lobby. The system automatically counts capacity and streamlines operations, and it allows courts to configure which contact information to collect, how to manage a virtual queue of litigants, and send text or email notifications.³⁴ Litigants can be kept up to date on wait times in real-time via text messages and e-mails.³⁵ After receiving a notification that it is their turn, the litigant can then go directly to a specific location to appear in court. The enterprise solution helps optimize court functionality in the following respects:

- Multiple locations—Create and manage multiple waitlists;
- Message clients—Send SMS/Emails;
- Team notifications—Send SMS/Emails to team on guest updates; and
- Dashboard of status use and client information.

Trial courts in various Arizona jurisdictions have implemented this service and plan to use the solution well beyond the pandemic.

The Scottsdale City Court adopted paging technology “analogous to that used in restaurants to notify patrons that their table is ready[] . . . to ensure social distancing through limiting the number of people entering the courthouse at any one time.”³⁶ Court visitors checked in at the front of the courthouse, shared their reason for being there, and received a pager that signaled when they should return and enter the courthouse.³⁷ “This allow[ed] visitors to appropriately social distance while they wait[ed], without fear that they might miss being called for their court appearance.”³⁸

D. REMOTE HEARINGS

As a result of the pandemic, remote court appearances are now being conducted via telephone and video-conferencing technologies in a wide array of case and hearing types, including but not limited to orders of protection, injunctions against harassment, juvenile court proceedings, civil pretrial proceedings, criminal arraignments, and emergency family court matters.

More than two hundred Zoom licenses were issued to court personnel,

33. See *id.*; *Law Library Resource Center Accepting In-Person Appointments Beginning July 1*, JUD. BRANCH OF ARIZ. MARICOPA CNTY. (June 28, 2021), <https://superiorcourt.maricopa.gov/media/7194/nr-library-reopening-062421-rev.pdf> [<https://perma.cc/QL9Q-WVXH>].

34. See WAITWHILE, *supra* note 32.

35. *Id.*

36. May 1, 2020 Report, *supra* note 5, at 5–6.

37. *Id.* at 12.

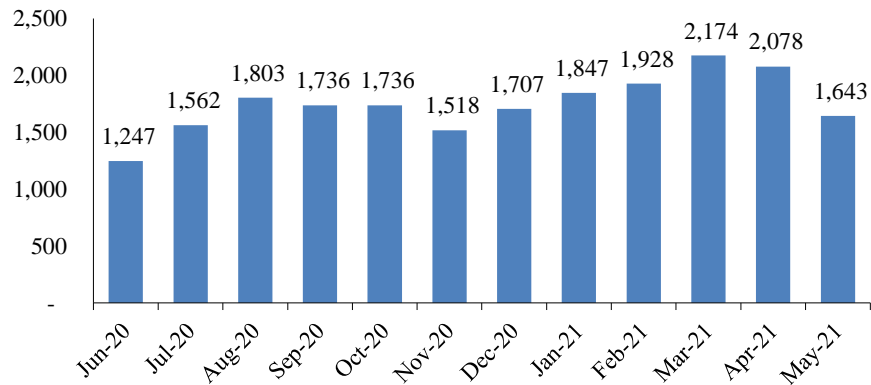
38. *Id.*

statewide, with another ninety plus issued to AOC employees, with the following usage:

May 2, 2020 - April 30, 2021, Zoom Meeting Usage

Active Users	Meetings	Toll-Free Minutes	CRC Ports Usage	Webinars	Recording Storage Used
251	19,621	488,574	3	190	7.26 GB
34 Newly Registered 298 in Total	13,184,856 Minutes 217,947 Participants	77,169 Call Out Minutes	12 in Total	10,525 Participants	

Remote Meetings By Month



The survey results provided additional information for the workgroup about the use of technology in the recommendations in this whitepaper. More than 90% of respondents to the Survey of Arizona's Courts had conducted or participated in a court proceeding that used a technology-based platform (both remote audio and video platforms like Zoom®, Microsoft Teams®, WebEx®, etc., and conference call lines). [SACQ 3]. This compares to 67% of the public who had participated in work, school, medical, court, or other business meetings using a technology-based platform. [SAPOSQ 2]. For remote court proceedings, about 62% of respondents to the Survey of Arizona's Courts had experienced technical disruptions frequently or occasionally, with 26.3% of the respondents saying such disruptions occurred rarely. [SACQ 4]. When such technical difficulties occurred, more than 80% of respondents said that it took no more than several minutes to resolve the problem, and the proceeding then resumed. [SACQ 5].

The State of Arizona Public Opinion Survey revealed similar responses for use of technology-based platforms more broadly. Slightly more than half of responses (51.4%) had experienced technical disruptions frequently or occasionally, while slightly more than one-third (35.5%) rarely had such disruptions, and about one in ten (12.8%) never had such disruptions. [SAPOSQ 4a]. Almost 90% said that resolving technical difficulties took no more than several minutes and the meeting then resumed. [SAPOSQ 4b]. More than 70% responded that they were either somewhat or very satisfied with technology-based meetings given their experiences. [SAPOSQ 3].

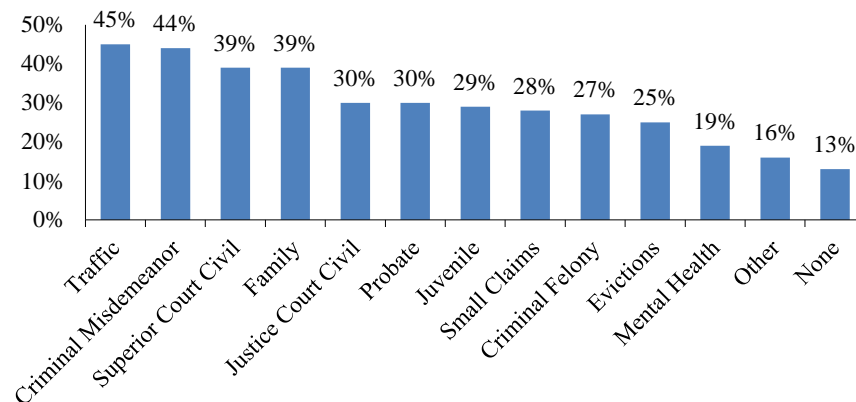
The State Bar of Arizona Survey revealed that connectivity/interface issues (66%) and audio problems (27%) were the most common problems attorneys encountered when using online video conferencing programs, closely followed by lack of training (24%). [SBASQ 1]. Other responses included poor handling of exhibits (14%); diminished human element (loss of nonverbal cues/unprofessional conduct) (nearly 12%); unethical manipulation of the interface (4.5%); and court administration issues (4.2%). [SBASQ 1].

The State Bar of Arizona Survey also asked respondents to identify, “[i]n your experience, what are the two most common mistakes people make when using online video conferencing?” [SBASQ 2]. The results were as follows:

In your experience, what are the two most common mistakes people make when using online video conferencing?	
Audio problems	62.3%
Connectivity/interface issues	38.1%
Reduced professionalism	26.5%
Lack of training/preparation/testing	18.5%
Other/nonresponsive	3.9%

When asked what types of cases courts should continue to use such technology-based platforms after the pandemic, [SACQ 6], respondents to the Survey of Arizona's Courts provided the following information:

**For which case types should courts continue to use technology-based platforms after the pandemic recovery?
(358 responses)**



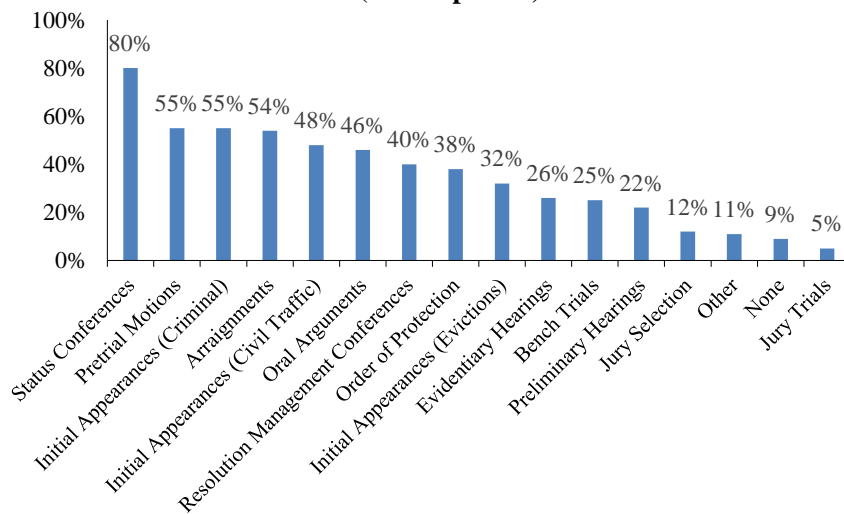
The State of Arizona Public Opinion Survey asked respondents to rate on a five-point scale how appropriate it was to continue to use technology-based platforms following the pandemic recovery for different types of cases (with 1 being not at all appropriate; 2 being not very appropriate; 3 being neutral; 4 being somewhat appropriate; and 5 being very appropriate). [SAPOSQ 6–16]. Although asked in a different fashion, the responses (listed from highest to lowest of those responding that it was at least somewhat appropriate) show some similarities to the responses to the Survey of Arizona's Courts:

Case Type	Percent saying somewhat or very appropriate	Mean Score
Traffic	74.0%	3.98
Small claims under \$3,500	73.0%	3.96
Civil	65.4%	3.68
Probate and estates	63.0%	3.71
Divorce	57.0%	3.39
Evictions	54.6%	3.32

Domestic violence orders of protection	42.8%	2.87
Juvenile	39.4%	2.80
Mental health	36.0%	2.66
Child custody	35.2%	2.61
Criminal	31.2%	2.49

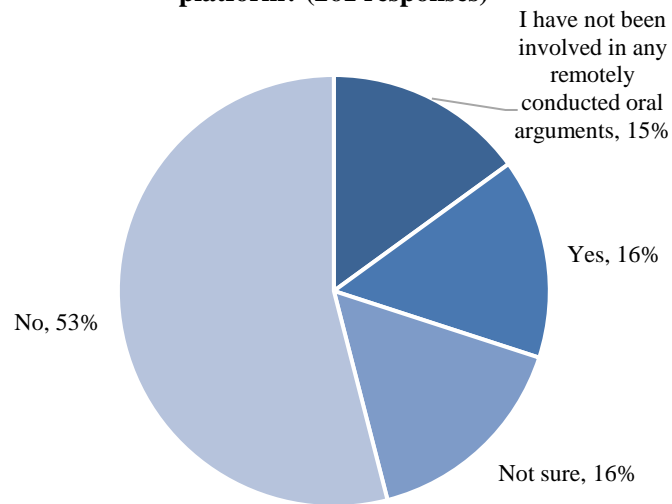
When asked which proceeding types courts should continue to use technology-based platforms after the pandemic, [SACQ 7], respondents provided the following information:

For which proceeding types should courts continue to use technology-based platforms after the pandemic recovery?
(361 responses)

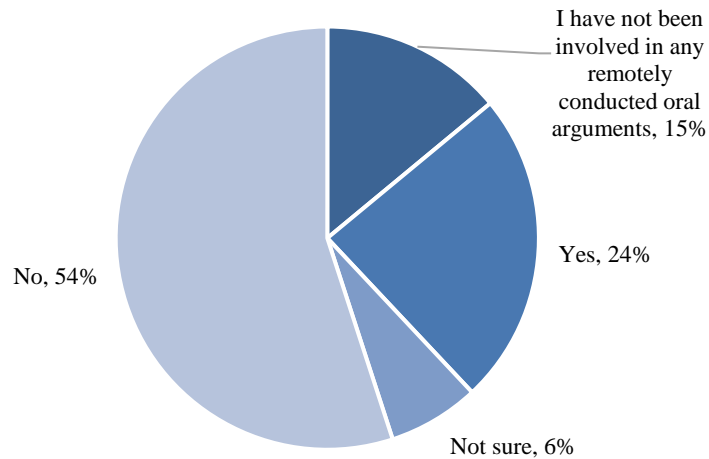


The Survey of Arizona's Courts also asked a series of questions to judicial officers only, [SACQs 18–21], with the following results:

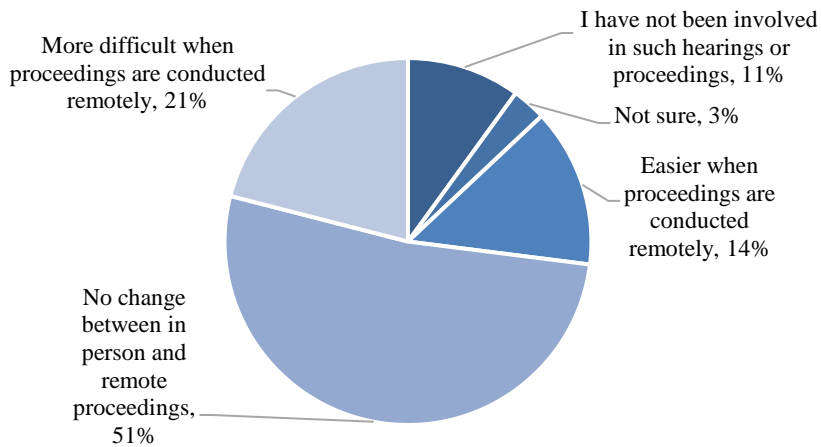
Is attorney preparation for oral arguments diminished when attorneys appear using a technology-based platform? (261 responses)



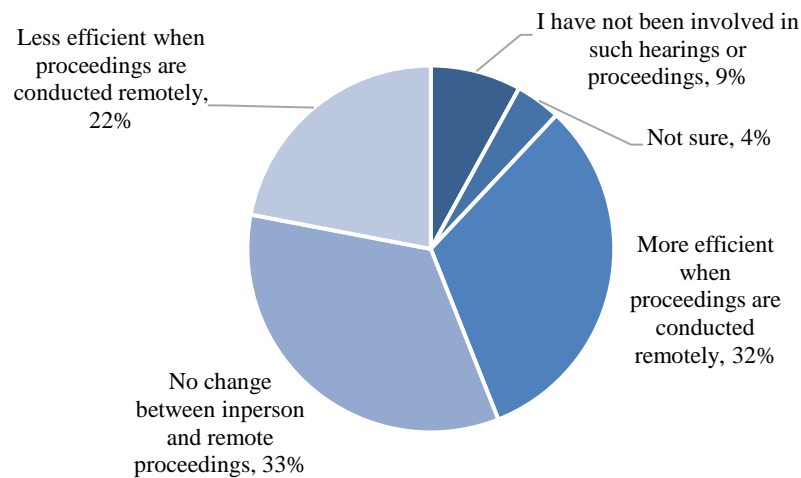
Is attorney effectiveness diminished in oral argument when attorneys are not physically present? (263 responses)



In your opinion, how has your preparation changed for motion hearings or other proceedings when using a technology-based platform? (263 responses)



In your opinion, how has your efficiency changed for motion hearings or other proceedings when using a technology-based platform? (263 responses)



Although not unanimous, these survey results show a profound willingness to accept and retain (and perhaps even expand) the use of technology-based platforms to support remote hearings following the pandemic, benefitting both

judicial officers and other court participants involved in such proceedings.

The workgroup recommends that courts take the following actions:

- Explore the continued use and expansion of technology to remotely conduct court proceedings that previously would have been held in person, including the use of AOC-secured statewide licenses for video conferencing services for court hearings, meetings, and educational programs.
- Examine options for remote interpreter services through the expansion of technology and ensure that critical services provided in English are also provided to Limited English Proficient participants.
- Explore the livestreaming functionality of these platforms, which can be used for public viewing of court proceedings, as well as remote interpreter services. Most of the conferencing systems have electronic recording capability, which can be used to make the verbatim record of court proceedings where permitted, and some systems also support online interpreter services.

E. ELECTRONIC RECORDING OF COURT PROCEEDINGS

“Production and preservation of a record of proceedings in a court of record are fundamental functions of the judicial branch.”³⁹ Administrative Order No. 2020-60 made provisions for courts to use electronic recording, providing additional flexibility to create the verbatim record.⁴⁰ Senate Bill 1267, signed into law by Governor Ducey on May 7, 2021, amends A.R.S. § 38-424 to allow for similar flexibility.⁴¹ This legislation, which became effective in 2021, allows local courts to decide whether, with exceptions, to use “electronic recording devices in lieu of court reporters or stenographers” to create the verbatim record.⁴²

Additional measures to electronically record court proceedings should be considered in the future. For example, Court Connect is a new program being used in the Superior Court in Maricopa County.⁴³ The integrated program runs on Microsoft Teams® and For The Record’s (FTR’s) Virtual Justice software.⁴⁴ The court’s technology department and a pilot team of judges from all departments worked with the vendors to deliver a first-of-its-kind online hearing program.

“With the Court Connect program, participants can appear for hearings

39. *Task Force to Supplement Keeping of the Record by Electronic Means*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/cscommittees/Task-Force-to-Supplement-Keeping-of-the-Record-by-Electronic-Means> [https://perma.cc/MAR7-W36B].

40. AO No. 2020-60, *supra* note 28, at 3.

41. S.B. 1267, 55th Leg., 1st Sess. (Ariz. 2021).

42. *Id.*

43. *Court Connect*, JUD. BRANCH OF ARIZ. MARICOPA CNTY., <https://superiorcourt.maricopa.gov/court-connect> [https://perma.cc/A5QU-DQ9C] (Sept. 24, 2020, 10:49 AM).

44. SuperiorCourtAZ, *Court Connection Introduction*, YOUTUBE (Sept. 24, 2020), <https://www.youtube.com/watch?v=ojaOmbGvas0> [https://perma.cc/WU3A-UYDZ].

online rather than coming to the courthouse in person.”⁴⁵ Attorneys and parties are notified of hearings by email, which includes details about how to join the hearing online or by phone.⁴⁶ “To participate in a Court Connect hearing online, a computer or smart device (phone or tablet) with a web camera, speakers[,] and microphone are needed.”⁴⁷ If these are unavailable, “participants may attend the hearing by [phone] using the phone number provided in the [email] notice.”⁴⁸ The court can provide remote access to hearings, livestreaming for public access, and an integrated process for preserving the official record.⁴⁹ Other Arizona courts are participating in Court Connect pilot programs or have expressed an interest in doing so.

F. ACCOUNTING FOR AND MINIMIZING THE DIGITAL DIVIDE

The pandemic is a reminder that there is still a digital divide, highlighting that such a gap in resources prevents many people from adequately engaging with courts. Responding to the pandemic required courts to embrace an accelerated model of technology development, which not only promoted public health but also yielded countless advancements that will positively impact access to justice. As beneficial as expanded remote court services are, court users on the other side of the digital divide are limited in their ability to follow this online migration.

The Survey of Arizona’s Courts clarified the need to minimize the digital divide and enhance awareness of the issue. One question noted that a digital divide “occurs when some court participants do not have the computing equipment and/or network bandwidth needed to use technology-based platforms for remote court appearances.” [SACQ 9]. Based on their experience, respondents were asked to identify to which groups they thought the digital divide will pose a barrier for continued use of technology-based platforms after the pandemic due to either a lack of access to computing equipment or adequate network bandwidth. Respondents were asked to check all that apply and answered as follows:

45. *Court Connect*, *supra* note 43.

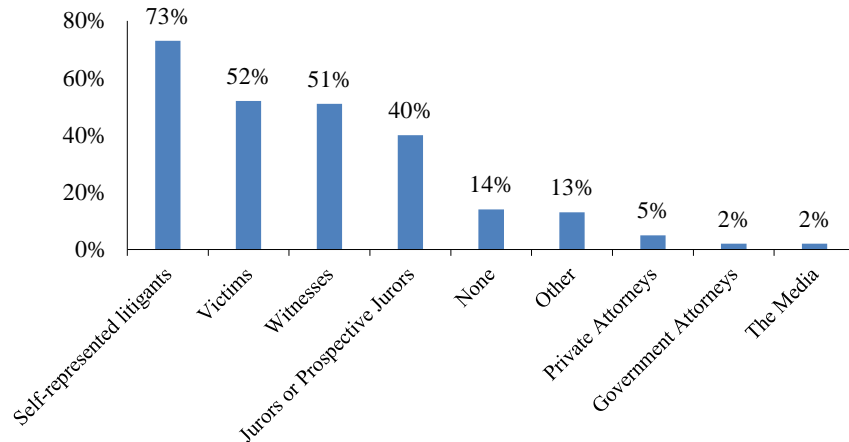
46. *Id.*

47. *Id.*

48. *Id.*

49. SuperiorCourtAZ, *Court Connection Introduction*, *supra* note 44.

**Based on your experience, to which groups do you think the "digital divide" will pose a barrier for continued use of technology-based platforms after a pandemic recovery?
(359 responses)**



When asked whether their courts had “taken any steps to address the ‘digital divide,’ such as creating a designated location to appear remotely, providing hardware[,] . . . data cards, etc.,” 25% of respondents to the Survey of Arizona’s Courts said “yes.” [SACQ 10]. More than 33% said “no,” nearly 20% were “not sure,” and nearly another 20% said “[t]his was not an issue in my court.” [SACQ 10].

During periods, such as the pandemic, where traditional onsite accessibility is interrupted or limited, the consequences of inadequate digital resources are even more pronounced. Arizona courts remained aware of the digital divide during the pandemic and sought solutions to bridge court users to remote services and court proceedings. Courts should continue to account for and actively pursue opportunities to minimize the digital divide through the following means:

- *Broadband Access*
 - Courts should explore opportunities to provide public Wi-Fi internet access within or near court facilities, or other public facilities such as libraries.
 - Courts should explore purchasing data plans or providing reimbursement for data plans that can be provided to prospective jurors who otherwise would be unable to participate remotely in jury selection.
 - Courts should explore and promote public-private partnerships or programs that offer reduced or no cost internet access to eligible users.
- *Access to a Device*
 - Courts should seek opportunities to provide onsite access to computers

or other devices to court users. Solutions may include the placement of self-service kiosks in surrounding community locations. In doing so, courts should ensure that kiosks are “cleaned” of the previous user’s information after they have stepped away.

- Courts should explore local or public-private programs that provide broadband-enabled devices to court participants.
- Courts should explore providing on-site remote appearance rooms for the public who would not otherwise have access to technology.
- Courts should ensure that court applications, websites, and electronic forms are mobile device friendly and compliant with the Americans with Disabilities Act (ADA).
- *Digital Knowledge/Literacy*
 - Courts should create simple plain language guides, in English and Spanish, that provide easy-to-follow instructions for all applications and platforms.
 - Courts should host or partner with community-based agencies to provide technological awareness and training offerings.
 - Courts should provide high-availability alternatives to digital platforms, e.g., depository boxes, off-site cash payments, etc.

For jurisdictions implementing newer, remote technology, it is also important to assess the capabilities of end users to effectively use the new platforms. Gathering data about the individual users should extend beyond gathering basic contact information. To succeed, courts must have sufficient information about the end users’ experiences to facilitate successful use of the platform. The NCSC published *Digital Divide Considerations: A Pandemic Resource from NCSC* in September 2020 that local courts may find useful when considering the effects of the digital divide.⁵⁰

G. VIRTUAL WORKSHOPS

During the pandemic, courts undertook or participated in various virtual education efforts. Many courts conducted online workshops, training, and informational sessions, at times in conjunction with local libraries or resource centers.

The AOC delivered an array of virtual educational programs for judges and court staff. Using a virtual platform, the AOC’s Education Services Division provided or supported the following, all of which resulted in evaluations indicating that they were well-received:⁵¹

50. See generally *Digital Divide Considerations: A Pandemic Resource from NCSC*, NAT’L CTR. FOR STATE CTS. (Sept. 9, 2020), https://www.ncsc.org/__data/assets/pdf_file/0026/53738/PPP-Technology-Digital-Divide-Considerations.pdf [<https://perma.cc/G4Z3-EUDZ>].

51. E-mail from Jeff Schrade, Educ. Servs. Div. Dir., Ariz. Sup. Ct. Admin. Off. of Cts., to authors (Dec. 15, 2021, 3:00 PM) (on file with authors); see also *AOC Incentive*, ARIZ. JUD.

- Nearly ninety-three classes were supported from March 27, 2020, to April 2021, approximating 4,366 participants on various relevant topics.
- Juvenile Justice Services Division offered twenty programs, with an average of sixty-five participants per class and a high of 188 participants.
- Court Leadership Institute of Arizona offered twenty-six classes, with an average of thirteen participants per class.
- Adult Probation Services Division offered eleven academies, with an average of eighteen participants per class.⁵²

Given these results, it is recommended that planning for educational programs include virtual educational programs for selected courses after the pandemic recovery. This is particularly true if various technologies are retained post-pandemic and participants are asked to (or have the ability to) use those technologies during court proceedings, in efforts leading up to, or following court proceedings. This mode of program delivery may be especially helpful for time-sensitive course offerings and courses of a brief duration such as an hour-long educational program on new legislation impacting the courts. Education planning should consider the efficacy of both in-person and virtual programs or “tape-delayed” delivery based on course content, travel costs, and participants’ time away from regular work duties.

H. ONLINE DISPUTE RESOLUTION

The Online Dispute Resolution (ODR) program provides additional remote services needed by courts, both during the pandemic and beyond. The ODR program is live in five courts and is currently being expanded to more than twenty additional courts, supporting the online resolution of criminal misdemeanor cases in limited-jurisdiction courts.⁵³ The current ODR program is free to the public and allows users to negotiate and resolve misdemeanor cases online without having to appear in person at the courthouse.⁵⁴ The ODR project came at a time when courts throughout the state were under directives to reduce the number of in-court hearings to ensure the safety of both the public and court staff.

When an individual is cited with a misdemeanor charge, the ODR program allows the individual to virtually attend their first hearing, be advised of their rights, and enter a plea.⁵⁵ It offers the ability to negotiate a possible plea agreement with the local prosecuting agency and electronically route documents

BRANCH, <https://www.azcourts.gov/educationservices/AOC-Incentive> [<https://perma.cc/KAH2-VMHB>].

52. E-mail from Jeff Schrade, *supra* note 51.

53. Dunrie Greiling, *Arizona Expands ODR for Misdemeanor Cases*, MATTERHORN (May 18, 2021), <https://getmatterhorn.com/arizona-expands-odr-for-misdemeanor-cases> [<https://perma.cc/8AZ7-9R2M>].

54. *Id.*

55. *See id.*

through the platform.⁵⁶ Eligible parties are notified by text message to register and participate.⁵⁷ The program, which was contracted through an emergency procurement process, is available to the parties twenty-four hours a day through either a computer or a mobile device.⁵⁸

Courts should seek to implement ODR, where feasible, in coordination with their local prosecuting agency. Courts that implement ODR should make information widely available in the courthouse and on their webpages so that individuals are aware of the program and do not mistake notifications for spam.

I. OFF-SITE CASH PAYMENTS

In March 2020, the AOC launched an innovative cash payment service for court participants through the PayNearMe® network at retail locations throughout the state and nation.⁵⁹ The initial project focused “on making cash payments easier for all,” an important tenant of the Arizona Supreme Court’s strategic agenda and Fair Justice Initiative.⁶⁰ But when implementation began, “limitations to on-site court services occurred” as a result of unprecedented lockdowns, so “having options to conduct business outside of courthouses [became] a high priority.”⁶¹ As an alternative to entering a courthouse, “the PayNearMe® network has emerged as a safe, timely, and user-friendly payment option during the pandemic[,]” benefitting both the court and the public.⁶²

Payments can be made at over 27,000 nationwide retailers such as 7-Eleven, Family Dollar, and other participating stores at any time—including nights, weekends, and holidays.⁶³ To use the network, participants receive a barcode from their collection notice or the AOC’s statewide payment website.⁶⁴ Once payment is received by the retail location, it displays in the court’s case management system within thirty minutes and is receipted into the court’s bank account

56. *See id.*

57. *Id.*

58. *See id.*

59. Skip Descant, *Arizona Courts Partner to Accept Payments Through Retailers*, GOV’T TECH. (June 12, 2020), <https://www.govtech.com/gov-experience/arizona-courts-partner-to-accept-payments-through-retailers.html> [<https://perma.cc/W98U-MYSM>].

60. David K. Byers, Marcus W. Reinkensmeyer, Brittany Pelly, Chris Cioffi, Sr. & Laura Ritenour, *Office Cash Payment (OCP) Project: An Arizona Courts Fair Justice Initiative*, NAT’L CTR. FOR STATE CTS., at 1, 3 (June 3, 2020), <https://ncsc.contentdm.oclc.org/digital/collection/financial/id/236> [<https://perma.cc/2V5W-GVJ8>]; *see also* ARIZ. SUP. CT., JUSTICE FOR THE FUTURE: PLANNING FOR EXCELLENCE, at 5 (2019) <https://www.azcourts.gov/Portals/0/Communications/JusticeForTheFuture.pdf> [<https://perma.cc/YQ5Z-HU4N>] [hereinafter JUSTICE FOR THE FUTURE].

61. Byers et al., *supra* note 60, at 3.

62. *Id.*

63. Descant, *supra* note 59.

64. *Id.*; *Arizona Courts Online Payment*, ARIZ. CTS., www.azcourtpay.com [<https://perma.cc/R2ZY-N9AC>].

within three business days.⁶⁵ The introduction of this cash payment option complimented the popular Online Citation Payment Program (OLCP) which allows credit/debit card payments to be made using a statewide payment portal.⁶⁶ Both payment options stand to continue providing users with convenience and flexibility long after the pandemic has subsided.

J. ARTIFICIAL INTELLIGENCE (AI)

Operating through the pandemic provided an opportunity to accelerate implementation and expand the use of AI-enabled technology. COVID-19 presented courts with significant obstacles to providing direct public assistance and information. These communication challenges were compounded by limited facility access, pandemic-related staffing shortages, and rapidly changing court protocols. Development and investment in AI solutions proved particularly useful in mitigating these factors by increasing the availability of remote assistance, ensuring on-demand access to consistent and accurate information, and supplementing court staff capacity.

Employing varying degrees of AI technology, both through virtual assistants and chatbots, can streamline interactions between the public and courts, thereby improving the customer experience and conserving personnel resources. Built on IBM Watson's platform, the Maricopa County Clerk's Office developed an AI-enabled virtual assistant that provides 24/7 accessibility to the office through text, email, phone, web chat, and smart devices.⁶⁷ Live assistance is available to users during normal operating hours. This solution resolved around 70% of conversations independent of human agent assistance.⁶⁸

The Scottsdale City Court extended customer service by implementing a chatbot, which also allows for individuals to connect online with a live court clerk during business hours.⁶⁹ This allows individuals to readily obtain streamlined information on a wide array of topics, including making payments, obtaining protective orders, filing documents, and attending defensive driving school. Ultimately, comparable AI systems can provide courts with the ability to field and typically resolve public inquiries anytime, anywhere, and on any device. Analytics provided by AI platforms also provide valuable insight into trends on questions or concerns from the public, thus providing a clearer understanding of evolving needs, particularly during stressful or atypical circumstances.

65. See Descant, *supra* note 59.

66. *Making a Payment*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/selfservice-center/Making-a-Payment> [<https://perma.cc/8XJC-R6RE>].

67. Emily Winchurh, *Clerk of the Superior Court in Maricopa County: Delivering Fast, Accurate Answers to the Public*, IBM: WATSON BLOG (May 21, 2020), <https://www.ibm.com/blogs/watson/2020/05/clerk-of-the-superior-court-in-maricopa-county-delivering-fast-accurate-answers-to-the-public/> [<https://perma.cc/3KH9-VEWW>].

68. *Id.*

69. *City Court*, CITY OF SCOTTSDALE, <https://www.scottsdaleaz.gov/court> [<https://perma.cc/L48B-Y22S>].

Intelligent Capture, another AI technology, provides an opportunity to create operational efficiencies across the Judicial Branch and improve the customer experience by allowing courts to capture data directly from scanned paper or electronic filings. Using optical character recognition (OCR) and AI, Intelligent Capture allows case numbers, filing dates, and document titles to be extracted from the document images and used as metadata to automate workflows and integrate with case management systems.⁷⁰ Expected outcomes from Intelligent Capture include reduced processing time for filings, elimination of document data entry by users at the time of e-filing, and the development of processes that support virtual workforces. Adoption of Intelligent Capture, at least in pilot form, is anticipated in the near future in Arizona courts.

IV. JURY AND TRIAL MANAGEMENT

Arizona courts responded to COVID-19 in many ways, with an emphasis on balancing public health and safety with access to the courts. Throughout the pandemic, courts and jury commissioners implemented revised procedures that allowed courts to continue with jury operations, although in a more limited fashion. Many of the revised procedures have increased efficiency in jury selection and trials, have been widely accepted, and appear to have been appreciated by both potential and sitting jurors. One of the significant lessons learned during the pandemic is a reminder that jurors are extraordinary. Despite the many changes and uncertainty about the effect of COVID-19 on serving on a jury, potential jurors continued to respond to summonses and report to courthouses. When selected for trial, jurors were cooperative and engaged. The juror experience looks different in a pandemic, but the fundamental purpose and experience remains largely unchanged.

The responses to the Survey of Arizona's Courts were instructive on the use of technology-based platforms related to jury service. [SACQ 8]. These showed that 60% of those who responded said that juror screening should include the use of technology-based platforms after the pandemic recovery. Nearly 25% of those responding indicated such technology should be used for jury selection (voir dire) while only 5% responded that such technology should be used for jury trials. For grand juries, nearly 20% said that technology should be used for grand juror selection, and nearly 10% indicated it should be used for grand jury proceedings. That said, nearly 40% indicated that technology-based platforms should not be used for any juror service functions.

Although in responses to different types of questions, the State of Arizona Public Opinion Survey also showed some support for the use of technology-based platforms in jury service. [SAPOSQ 17–19]. Using a five-point scale (with

70. See *OpenText Intelligent Capture*, OPENTEXT, <https://www.opentext.com/products-and-solutions/products/enterprise-content-management/intelligent-capture> [https://perma.cc/6ZLC-EWEU].

1 being not at all appropriate; 2 being not very appropriate; 3 being neutral; 4 being somewhat appropriate; and 5 being very appropriate), respondents were asked to rate how appropriate they thought different “juror service functions would be for the use of technology-based platforms after the pandemic recovery.” [SAPOSQ 17–19]. Results were as follows:

Juror Service Function	Percent saying appropriate	Mean Score
Jury Selection	54.2%	3.25
Jury Trial	29.0%	2.43
Jury Deliberations	36.4%	2.65

A. JURY REPORTING, SELECTION, AND SERVICE

Some Arizona courts are likely to continue to use technology to facilitate jury selection in some fashion. During the pandemic, many Arizona courts have used technology to conduct some aspect of jury operations, whether in the form of electronic check-in and pre-screens, electronic jury questionnaires, or jury selection.

Courts have experienced different juror response rates throughout the pandemic, and jury commissioners and clerks of court have continued to allow deferrals or postponements as a preference to excusal from service. Administrative Order No. 2020-172 provided guidance regarding when a juror’s service obligation is fulfilled, allowing resummoning of potential jurors.⁷¹ This AO noted that, in several counties, “the number of postponements and excusals have been sufficient to reduce the number of prospective jurors to less than is needed to schedule jury trials.”⁷²

Moving forward, courts should consider reevaluating the pandemic deferral policies and adopting long-term policies that allow for flexibility to respond to spikes in the transmission of diseases, increases in hospitalizations, and other public health considerations. In the context of COVID-19, courts may want to consider the extent to which vaccinations and modified public health recommendations mitigate the need for continued deferrals.

Courts that adopted deferral policies recognizing school and daycare closures may want to reevaluate whether those considerations remain applicable. Courts also will need to assess whether the modified policies are still needed. Courts that expanded their deferral or release policies related to healthcare or other

71. *In re* Exception to Jurors’ Terms of Service During the COVID-19 Public Health Emergency, Admin. Order No. 2020-172, at 1–2 (Ariz. Nov. 4, 2020), <https://www.azcourts.gov/Portals/22/admorder/Orders20/2020-172%20PDF.pdf> [<https://perma.cc/FL2H-NXFP>].

72. *Id.*

essential workers will need to consider when to modify those policies, possibly reverting to pre-pandemic assessments. Alternatively, courts may wish to consider adopting policies that build in flexibility and allow for a nimbler response to changes in the community. For example, flexible policies may be most appropriate for healthcare providers, first responders, hospital workers, care providers, and vulnerable populations.

Many courts have adopted a more robust prescreening process for jurors who are asked to serve. For example, in the Superior Court in Maricopa County, all jurors can complete prescreening for jury service by filling out an online questionnaire.⁷³ Those who lack access to the online questionnaire can fill out the survey onsite. Several days before the reporting date, the electronic questionnaire responses are reviewed by a judge who either grants or denies requests from jurors seeking a hardship release or other deferral. Those who are released are notified of that decision in advance of the reporting date. The process is completed electronically and reduces the number of jurors required to report in person.

Some courts, such as the Superior Court in Yavapai County, elected to use juror questionnaires provided to jurors by mail or email before the trial date.⁷⁴ Like the electronic prescreen process, trial judges have reported increased efficiency and speed in selecting petit juries where such questionnaires are used. Those courts that adopted robust prescreening processes have reported significant efficiencies in jury selection. The increased efficiencies are reflected in the following: (1) a reduced number of potential jurors who need to report to the courthouse; (2) fewer jurors participating in jury selection only to be released for a hardship; and (3) reduced time to complete jury selection.

Additional considerations should be given to refining questionnaires and making any prescreen process more accessible to those with issues created by the digital divide. The increased efficiencies from the prescreening processes will assist courts in more timely addressing the backlog of trials and also will enhance the jury service experience.

The traditional practice of having large groups of jurors report to the courthouse for jury selection was not practical and created enormous social distancing and related issues during the pandemic. Given social distancing recommendations and related space limitations within courthouses, courts adjusted their reporting practices for both petit and grand juries to accommodate smaller groups with staggered reporting times. Staggered reporting times allow the jury officer to ensure that staff is available to direct jurors appropriately and that social distancing is maintained. Juror feedback confirms that the attention to physical distancing helped make jurors feel more comfortable when reporting for service.

73. See *Jury*, JUD. BRANCH OF ARIZ. MARICOPA CNTY., <https://superiorcourt.maricopa.gov/Jury> [<https://perma.cc/N3LV-FKGZ>].

74. *Juror Information*, CLERK OF SUPER. CT. YAVAPAI CNTY., <https://courts.yavapaiaz.gov/clerk/juror-information> [<https://perma.cc/7XAC-DGU8>].

Other efforts to enhance social distancing for jury selection and service during the pandemic included the following:

- Partnering with a local unit of government to secure access to adequate space to improve juror access.
- Conducting trials at city hall.
- Building a Juror Reporting Center at the court or near the court to allow social distancing and to keep jurors in one building for their entire service, providing one stop.
- Working collaboratively with the city prosecutor and public defender, who share space in the same building as the court, to ensure health and safety protocols and manageable court calendars.
- Reconfiguring jury boxes and public viewing areas to allow for adequate social distancing.

Along with these measures, courts also have been reluctant to take specific action directed toward potential or actual jurors who fail to appear for jury service during the public health crisis. Courts may wish to consider returning to pre-pandemic procedures for handling failures to appear for jury service as vaccines become more widely available, emergency orders and other health-related restrictions are lifted, and court access is no longer restricted.

B. REMOTE GRAND JURY SELECTION AND SERVICE

Some courts have used technology for grand jury proceedings. In April 2020, the Superior Court in Mohave County started using Zoom® to conduct grand jury proceedings.⁷⁵ The grand jury in place at that time had been empaneled in person shortly before the statewide emergency was declared, having almost 120 days of remaining service before its end date.⁷⁶ While the grand jurors appeared in person for a few weeks before the Governor issued the stay-at-home order, they were advised that future sessions would be conducted remotely, and that instructions and call-in information would be sent to them.⁷⁷ The court advised the grand jurors that although the proceedings would take place remotely, the

75. See *Prospective Jurors Preparing to Participate in a Zoom Video Conference with Mohave County Superior Court Jury Duty*, MOHAVE CNTY., <https://mohavecourts.com/clerk/P462%20-%20Zoom%20Jury%20Instructions%20Public.pdf> [<https://perma.cc/8KYY-ZJX8>]; Corinne Ramey, *Covid Is No Excuse for Grand Jury Duty When You Can Serve From Your Bedroom*, WALL ST. J., <https://www.wsj.com/articles/covid-courts-virtual-jury-duty-zoom-wifi-indictments-grand-jury-pandemic-lockdown-11597931499> [<https://perma.cc/FX83-PTFY>] (Sept. 28, 2021).

76. Ramey, *supra* note 75; see, e.g., AO No. 2020-60, *supra* note 28, at 1; *In re Authorizing Limitation of Court Operations During a Public Health Emergency*, Admin. Order No. 2020-70, at 1 (Apr. 24, 2020), <https://www.azcourts.gov/Portals/22/admorder/Orders20/2020-70.pdf> [<https://perma.cc/9KCH-RGZE>].

77. Marcus W. Reinkensmeyer, *Virtual Grand Jury Hearings: Response to the COVID-19 Emergency in Mohave County, Arizona*, ABA: CT. TECH. COLUMN (June 29, 2020) https://www.americanbar.org/groups/judicial/publications/judicial_division_rec-ord_home/2020/vol23-4/technology/ [<https://perma.cc/3NHN-CHTG>].

proceedings would remain confidential.⁷⁸ The court then emailed or mailed each grand juror an instruction sheet with information explaining how to download the software, so they could participate remotely.⁷⁹

While some courts will likely continue to use technology to conduct grand jury proceedings remotely, others may either continue with or return to in-person proceedings. Benefits of remote grand jury proceedings, however, include increased access, better attendance, and less travel time for jurors. Disadvantages may include diminished live interpersonal interaction and discussion, technological challenges, digital divide concerns, and security concerns.

As remote options become more accessible, courts should continue to evaluate the strength of technology platforms and ensure technology is configured to safeguard the required secrecy of grand jury proceedings. To ensure confidentiality and privacy in remote grand jury proceedings, courts may wish to consider adopting policies addressing the following:

- Electronically signed non-disclosure agreements;
- Recording procedures;
- Court reporter participation;
- Juror instructions;
- Staffing and facilitator requirements;
- Security protocols;
- Standard admonishments; and
- Written acknowledgements from grand jurors about the admonishments, instructions, protocols, etc.

C. REMOTE JURY TRIALS

The Superior Court in Mohave County has embarked on a pilot program to conduct remote civil jury trials authorized by Arizona Supreme Court AO No. 2021-50.⁸⁰ Mohave County anticipates one civil division will use a remote platform to conduct civil jury trials during the pilot program.⁸¹ The pilot program includes outside funding for laptops and cradle point devices to help ensure trial participants, without ready access to needed technology, can remotely participate in the jury selection process and trial.⁸²

78. *Id.*

79. *Id.*

80. *In re* Authorizing a Remote Civil Jury Trial Pilot Project in the Superior Court in Mohave County, Admin. Order No. 2021-50, at 1 (Ariz. Apr. 14, 2021), <https://www.azcourts.gov/Portals/22/admorder/Orders21/2021-50.pdf> [<https://perma.cc/5U32-GPCT>]; *In re* Establishing a Remote Civil Jury Trial Pilot Project in Superior Court in Mohave County, Admin. Order No. 2021-23, at 1 (Ariz. Super. Ct. May 20, 2021), <https://mohavecourts.com/administrative%20orders/2021/2021-23.pdf> [<https://perma.cc/4BV2-M8ZW>] [hereinafter Mohave County AO No. 2021-23].

81. Mohave County AO No. 2021-23, *supra* note 80, at 1.

82. *Id.*

The Superior Court in Maricopa County is planning to conduct a similar pilot program for remote civil jury selection.⁸³ The pilot will not only evaluate the efficiencies and advantages of remote selection but also whether, and to what extent, remote selection may influence securing a fair cross-section of jurors.⁸⁴ Like the Mohave County pilot, the Maricopa County pilot will include providing appropriate hardware, software, and internet access.

During the midst of the pandemic, the Superior Court in Maricopa County conducted remote jury selection and trial simulations which resulted in relevant data: 23% of participants reported that their candor was somewhat or greatly increased by participating remotely rather than in person.⁸⁵ Of those responding, 89% reported that it was very easy to stay attentive during selection.⁸⁶ For those who participated in a remote trial, 100% reported it was easy to stay attentive during trial.⁸⁷ These findings support further evaluation of whether, and to what extent, courts should expand the use of remote jury selection and remote jury trials.

Arizona courts continue to evaluate how and whether to adopt remote jury trials as an option for court participants. Many courts have been reluctant to proceed with remote criminal trials given constitutional concerns.⁸⁸ While the focus remains on increasing opportunities for remote proceedings for civil trials, the data gathered from the civil experience may support expanding the use of remote proceedings in criminal trials.⁸⁹ For example, allowing the community to participate remotely in jury selection may facilitate increased response rates and may lead to a more representative cross-section of jurors. If remote jury selection yields positive results, courts may wish to consider expanding the pilots and engaging other stakeholders to evaluate benefits for other case types.

Given the significant number of criminal trials delayed as a result of the pandemic, the option of proceeding with remote jury selection (particularly given the potential to secure an increased cross-section of potential jurors) may be more palatable than in the past and may reduce potential delay. As a result, many stakeholders remain interested in studying the advantages and disadvantages of remote jury trials and jury selection, and the workgroup encourages that study.

83. Lauren Castle, *Maricopa County Superior Court Testing Virtual Juries in Civil Cases*, AZCENTRAL, <https://www.azcentral.com/story/news/local/phoenix/2020/07/08/coronavirus-pandemic-maricopa-county-superior-court-virtual-juries-covid-19/5391975002> [https://perma.cc/4D96-JYH6] (July 8, 2020).

84. *See id.*

85. *See* May 1, 2020 Report, *supra* note 5, at 22; Pamela Gates, Jeffrey Frederick & Karen Lisko, *Virtual Juries: We Can, But Should We? And If So, How?*, 47 LITIG. 12, 12–14 (2021).

86. ABA JUD. DIV., *supra* note 10, at 44.

87. *Id.*

88. Ramey, *supra* note 75, at 1–2.

89. *See id.*

D. REMOTE BENCH TRIALS

Throughout the pandemic, courts across Arizona continued to conduct bench trials. While technology and the digital divide remain concerns, remote platforms have allowed courts to offer a remote bench trial option. Bench trials often involve discrete or narrow issues and fewer witnesses. Remote bench trials serve as a reasonable alternative to in-person proceedings during periods when access to the courthouse is restricted. Bench trials also allow for out-of-state witnesses to participate without the time, expense, and other related issues associated with travel.

The remote bench trial option will remain an alternative to facilitate large numbers of parties or witnesses when physical distancing creates space restrictions. Remote trials may be particularly appropriate when considering preliminary injunctions and related hearings that may proceed largely on declarations rather than live testimony. Offering a virtual bench trial as an alternative to a jury trial remains a valuable potential option in resolving cases and giving litigants a choice to expedite resolution of their case.

E. ELECTRONIC EXHIBITS

Among the processes that the pandemic forced courts to reevaluate was how exhibits are submitted, used, and managed. Exhibits historically have been submitted as physical copies at filing counters, judicial departmental offices, or during hearings. The concurrent objectives of limiting in-person contact while still allowing litigants a method to submit exhibits prompted courts to develop and accelerate solutions for receiving exhibits electronically. For example, the Clerk of the Court in Maricopa County receives exhibits through a link provided to counsel and parties.⁹⁰ The clerk can process the exhibits electronically, and those exhibits are then made accessible to the judge through a shared drive.⁹¹ The modified process serves to facilitate remote hearings because judicial officers and clerks can access the exhibits, whether working in-person at the courthouse or remotely. The option to submit exhibits electronically avoids the need for parties to supply the court with multiple copies of physical exhibits, eliminating excess paper and storage, as well as the time and expense associated with physically delivering exhibits. Courts should evaluate the benefits associated with expanding this process to include jury trial exhibits.

Initial digital evidence solutions implemented by courts during the pandemic include accepting exhibits by email or online portals. Both options help reduce

90. Jeff Fine, *Exhibits Submission*, CLERK OF THE SUPER. CT. MARICOPA CNTY., ARIZ., <https://www.clerkofcourt.maricopa.gov/services/exhibits-submission> [https://perma.cc/UF4F-EY3P].

91. Jeff Fine, *Exhibits Submission FAQs*, CLERK OF THE SUPER. CT. MARICOPA CNTY., ARIZ., <https://www.clerkofcourt.maricopa.gov/services/exhibits-submission/exhibit-submission-faqs> [https://perma.cc/7HKG-YYG6].

litigant foot traffic within court facilities and support remote workforces. While the online portal option requires more development resources, it provides the added benefits of intuitive electronic submittal forms, expanded file size sharing capacity, the ability to filter out ineligible submittals, and reduced manual processing by court staff.

Through a vendor partnership, the AOC is implementing a comprehensive statewide solution for managing digital evidence.⁹² Six courts are involved in a pilot program using the Digital Evidence Center platform.⁹³ The platform will organize, annotate, and support the use of digital evidence presented during court hearings.⁹⁴ The evidence will be received by the court in electronic form and will be stored securely in the cloud.⁹⁵

Leveraging a robust cloud-based electronic exhibit and evidence sharing platform will also provide for increased digital evidence organization, the ability to accept multimedia exhibits electronically, enhanced security controls, and the streamlined exchange and display of digital evidence.

F. COURTROOM TECHNOLOGY

The pandemic has presented various technological challenges and opportunities for change, even in the courtroom. For example, several courts have embraced technology to facilitate in-person proceedings, with one solution focusing on bench conferences.

Bench conferences during jury trials presented a unique challenge during the pandemic because they are typically handled at the bench with the lawyers and judges in close proximity. Physical distancing, masks, and shared microphones interfere with the typical process for bench conferences. To that end, several courts adopted new technology that includes headsets, allowing lawyers, the judge, and the court reporter to participate in a bench conference while each is seated at one's assigned location in the courtroom.

The continued use of bench conference technology may create efficiencies due to the time savings that result from no longer needing to walk to and from the bench, reduced potential for jurors overhearing bench conferences, and diminished need for breaks in trial.

92. Susan Cushing, *New Digital Evidence Cloud Technology to Lighten Arizona Caseload*, ATT'Y L. MAG. (Feb. 19, 2021), <https://attorneyatlawmagazine.com/digital-evidence-cloud-technology-caseload> [<https://perma.cc/NL74-K9NK>].

93. *Id.*; For more information about the pilot program, including updates, see *Digital Evidence*, ARIZ. JUD. BRANCH, <https://www.azcourts.gov/digitalevidence/> [<https://perma.cc/B3VK-4G3U>].

94. See Cushing, *supra* note 92.

95. *Id.*

G. ALTERNATIVE DISPUTE RESOLUTION

The significant limitations that COVID-19 placed on jury trials caused even more focus on alternative dispute resolution (ADR) mechanisms. Along with ODR and other efforts in place before the pandemic, courts undertook new ADR efforts to help parties resolve disputes. One such effort is the Yavapai County Expanded Alternative Dispute Resolution Program (YEADR), put in place as a pilot program beginning in October 2020 as set forth in Arizona Supreme Court AO No. 2020-157.⁹⁶ “The purpose of YEADR is to provide a mechanism for civil litigants to utilize an adversarial process to resolve their claims in the superior court and avoid the delay of waiting for a jury trial[,]” given that criminal trials have priority over civil trials.⁹⁷ Participants in YEADR are allowed a single fact-finder judge or a panel of three to consider evidence and arguments and return a verdict to resolve a case.⁹⁸ More information about YEADR can be found online.⁹⁹

V. COMMUNICATION STRATEGIES AND DISASTER PREPAREDNESS

The pandemic brought significant response resources on both the national and state levels. The Centers for Disease Control and Prevention (CDC) provided information across the breadth of the potential health concerns.¹⁰⁰ Guidance on initial responses, safety protocols for cleaning, distancing, masks, vaccination information, and even communication templates were all readily available on the CDC website.¹⁰¹ Similarly, the Arizona Department of Health Services posted communication tips and timely information in a “dashboard” format for tracking diagnostic, hospitalization, and vaccination statistics at the county level.¹⁰² Unfortunately, the industry-specific models for communication strategies lacked a model for courthouse facilities.

Security, technology, and disaster preparedness plans are directed for

96. *In re* Authorizing an Expanded Alternative Dispute Resolution Pilot Program in the Superior Court in Yavapai County, Admin Order No. 2020-157 (Ariz. Oct. 7, 2020), <https://www.azcourts.gov/Portals/22/admorder/Orders20/2020-157Final.pdf> [<https://perma.cc/KMJ5-XLZD>]; *In re* Yavapai County Expanded Alternative Dispute Resolution Program, Admin. Order No. 2020-19 (Ariz. Super. Ct. Oct. 29, 2020), <https://courts.yavapiaz.gov/Portals/2/AdminOrders/2020/2020-19.pdf> [<https://perma.cc/D3MA-2L9B>] [hereinafter Yavapai County AO No. 2020-19].

97. Yavapai County AO No. 2020-19, *supra* note 96, attach. A, at 1.

98. *Id.* attach. A, at 2.

99. *Id.*

100. *Guidance for COVID-19*, CDC, <https://www.cdc.gov/coronavirus/2019-nCoV/communication/guidance.html> [<https://perma.cc/58B6-U9P7>] (Mar. 15, 2021).

101. *Id.*

102. Dashboard for COVID-19 Data by County, ARIZ. DEP'T OF HEALTH SERVS. <https://www.azdhs.gov/covid19/data/index.php> [<https://perma.cc/R8WY-KRLP>].

Arizona's courts.¹⁰³ Consistent with these obligations, most courts already had a disaster preparedness plan in place before COVID-19 emerged. However, as the pandemic unfolded, courts realized that their plans were not necessarily prepared to address a global health crisis. Pre-pandemic planning often focused on more local emergency or disaster relief planning. Going forward, courts should consider reassessing their disaster preparedness plans annually or more frequently based on unanticipated developments. Local courts are likely to have differing concerns and priorities. There is no one-size-fits-all, textbook answer for the "best" plan, other than to be proactive in disaster planning. At the state and county levels, there are emergency planning offices that can help individual courts develop their own contingency of operations plan. Police and fire departments routinely engage in such planning, as do hospitals and flood control districts. As the pandemic has shown, reaching out to similarly situated courts to brainstorm ideas also will advance the effort.

Planning a communication strategy will provide a necessary and helpful benefit, regardless of the nature of the underlying incident. Just as important is the need to share timely information about safety protocols to ensure the public's confidence. Courts must be prepared to compile and synthesize public health guidance from multiple sources at the federal, state, and local levels. To ensure ongoing access to justice through the courts, it is important that courts actively reach out to relevant emergency and disaster relief offices in their respective jurisdictions to be part of the planning and communication.

The sudden change in circumstances with the pandemic and the rush of information from many sources highlight the need for a clear and proactive response from courts. Litigants, jurors, employees, and the public need a centralized point of contact for current court information. Court users will look for the necessary information, and courts must provide resources as soon as possible to reassure the public that access to the court remains available.

The workgroup recommends the following as best practices going forward:

- Periodic interaction of general-and limited-jurisdiction judges and court managers;
- Meetings or communications with local justice partners;
- Meetings or communications with the state and local bar associations;
- Ongoing updates to court staff;
- Use of the Arizona Supreme Court's Public Information Officer (PIO) and local PIO or designee to share public information; and
- Posting updates about court services on social media outlets.

Such efforts should account for barriers to effective communication,

103. See *Ariz. Code of Jud. Admin.* § 5-301; *In re Adoption of Court Security Standards and Implementation of Committee Recommendations*, Admin. Order No. 2017-15 (Ariz. Feb. 8, 2017), <https://www.azcourts.gov/Portals/22/admorder/Orders17/2017-15.pdf> [<https://perma.cc/NN7T-AZCF>]; JUSTICE FOR THE FUTURE, *supra* note 60, at 12–13.

including language skills and the requirements of the ADA and similar legislation. Given the diversity of the population in Arizona, addressing any communication shortfalls should be considered in advance rather than on an emergency basis. Regular updates to courts' language access plans should account for emergency operations of the court. Interpreter services also need separate consideration in developing an effective communication and participation policy. Posting informational documents, appropriately translated, is critical.

Solutions developed during the pandemic that merit future application include the following:

- Updating and publicizing jury forms to be accepted electronically;
- Public outreach and education initiatives to promote awareness and use of remote services;
- Judges explaining, in advance (such as during a status or final pretrial conference), remote trial procedures and expectations to the parties to make remote trials more productive, efficient, and effective;
- Constable ride-along opportunities for both national and local media in English and Spanish;
- Videos and interviews with constables regarding eviction procedures made available to the media;
- *A Return to Service* video in Spanish and English highlighting the safety precautions taken in the Maricopa County Justice Courts;¹⁰⁴ and
- Posting social media updates with examples created during the pandemic, including:
 - Pima County Superior Court Cleaning During COVID-19,¹⁰⁵
 - Jury Service During COVID-19 Pandemic,¹⁰⁶
 - Jury trials during the pandemic,¹⁰⁷ and
 - Improve how your mask protects you.¹⁰⁸

Additional relevant resources include the following:

- Centers for Disease Control and Prevention;¹⁰⁹
- Arizona Department of Health Services;¹¹⁰ and

104. SuperiorCourtAZ, *Jury Service During COVID-19 Pandemic*, YOUTUBE (May 21, 2020), https://www.youtube.com/watch?v=EJL-23eC0JY&ab_channel=SuperiorCourtAZ [https://perma.cc/NF82-4DHC].

105. Pima County Arizona, *supra* note 26.

106. Arizona Supreme Court (@AZCourts), TWITTER (Feb. 22, 2021, 10:01 AM), <https://twitter.com/AZCourts/status/1363881701693403144> [https://perma.cc/J8SX-XUDJ].

107. Arizona Supreme Court (@AZCourts), TWITTER (Mar. 3, 2020, 9:55 AM), <https://twitter.com/AZCourts/status/1367141489801900034> [https://perma.cc/S75J-LXYJ].

108. Arizona Supreme Court (@AZCourts), TWITTER (June 12, 2020, 10:46 AM), <https://twitter.com/AZCourts/status/1271469047238934528> [https://perma.cc/R8AA-39BN].

109. COVID-19, CDC, <https://www.cdc.gov/coronavirus/2019-ncov/index.html> [https://perma.cc/B8RC-8XBX].

110. Arizona's Response to the COVID-19 Pandemic, ARIZ. DEP'T OF HEALTH SERVS., <https://www.azdhs.gov/covid19> [https://perma.cc/GT5K-C65Q].

- Occupational Safety and Health Administration.¹¹¹

VI. HEALTH, SAFETY, AND SECURITY PROTOCOLS

With the identification and outbreak of COVID-19, key concerns coalesced rapidly around health guidance for stopping the spread of the virus. The workgroup sought to synthesize the data, directives, and guidance from the various agencies and to communicate this information through its work products. As the medical and scientific experts gained experience, the recommended protocols slowly evolved, often imperfectly, but always with the ultimate goals of health and safety. What remained constant throughout was the importance of increased cleaning protocols, social distancing, and wearing protective masks.

A. COURTHOUSE HEALTH

The pandemic caused courts to reassess how their public and staff spaces were maintained, cleaned, and sanitized. Early on, medical science and recommendations focused on surface transmissibility. With that came recommendations for increased cleaning regimens for frequently touched items—door handles, elevator buttons, countertops, shared pens, water fountains, etc. This courthouse “health and hygiene” policy became essential for limiting the spread of COVID-19. Many courts have adopted revised cleaning protocols as a result of the pandemic. In April 2021, the CDC confirmed that the risk of infection from touching a surface is typically low.¹¹² The most reliable way to prevent infection from surfaces, however, remains to regularly wash hands or use hand sanitizer.¹¹³ According to the CDC, “If no one with confirmed or suspected COVID-19 has been in a space[,] cleaning once a day is usually enough to [sufficiently] remove virus that may be on surfaces.”¹¹⁴ Courts may choose to continue with modified cleaning protocols, focusing on preventing the transmission, particularly when there is a confirmed or suspected exposure to a contagion. This will likely come with a need to adjust operational budgets; for example, cleaning services may need to be more than a nightly (or periodic) emptying of trash and recycling containers.

The responses to the Survey of Arizona’s Courts reflect a renewed appreciation for courthouse health and hygiene protocols. When asked whether they “intend to keep [the] court cleaning protocols in place after the pandemic recovery,”

111. *Coronavirus Disease (COVID-19)*, U.S. DEP’T OF LAB., OSHA, <https://www.osha.gov/coronavirus> [<https://perma.cc/JNG6-U97A>].

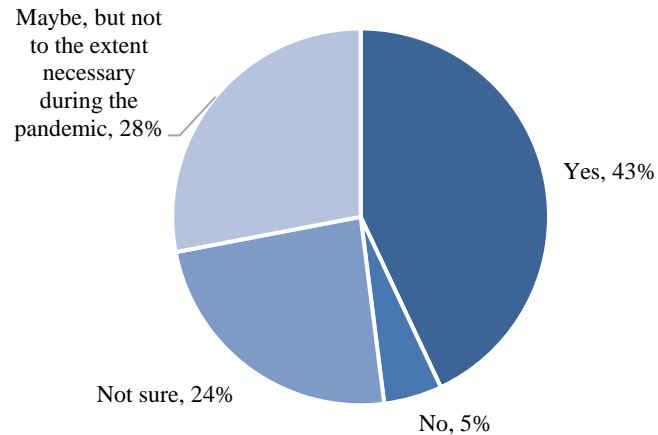
112. *Science Brief: SARS-CoV-2 and Surface (Fomite) Transmission for Indoor Community Environments*, CDC, <https://www.cdc.gov/coronavirus/2019-ncov/more/science-and-research/surface-transmission.html> [<https://perma.cc/RZM2-7Q3Y>] (Apr. 5, 2021).

113. *Id.*

114. *Cleaning and Disinfecting Your Facility*, CDC, <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html> [<https://perma.cc/MAT8-QMCC>] (Nov. 15, 2021).

[SACQ 14], respondents indicated:

Do you intend to keep your court cleaning protocols in place after the pandemic recovery? (360 responses)



Along with cleaning protocols in public areas, many courts adopted policies for the courtroom environment during trial. For example, some court policies directed that court staff wipe down the witness stand between witnesses or wipe the juror seats, other areas in the courtroom, or juror spaces.¹¹⁵ Courts may wish to reconsider the extent of their cleaning and sanitizing protocols given revised public health recommendations.

Individual responsibility, through increased hand washing and hand sanitizer use, remains a mitigating factor. To help reinforce and continue valuable mitigating behaviors even after the pandemic to account for other contagions, courts should consider maintaining posted reminders for hand washing; providing visible, available, and frequently refilled hand sanitizer dispensers; and providing information for sneeze/cough etiquette.

Jurors have shared positive feedback following trials that included robust cleaning and safety protocols that they observed or that were communicated to them. One of the residual effects of the pandemic may be an expectation that public areas in courthouses, including juror areas, are cleaned with greater frequency. Courts should consider the public's expectations before reducing the cleaning protocol that may have been implemented during the pandemic.

B. COURTHOUSE SAFETY AND DESIGN

The pandemic caused a renewed view of how courthouse space is used and

115. Pima County Arizona, *supra* note 26.

should be used. In the past, high volume court dockets led to overcrowding in various locations, including jury gathering places, courtrooms (particularly in high volume courts), and significant “pinch points” in the courthouse. The pandemic required courts to reevaluate the flow of people to and in the courthouse and how that flow impacts how court business is conducted. Lessons learned from that should be applied by the courts as they emerge from the pandemic.

Reducing foot traffic at the courthouse can be a significant tool in maintaining social distancing. Courts have implemented various strategies for reinstating jury operations to comply with social distancing requirements. At least in the short-term, courts will need to continue to use and modify the strategies that have been successful. Examples include using smaller panels, seating jurors in the gallery, using alternative spaces for trial, implementing electronic juror questionnaires, staggering reporting times, and employing remote jury selection. As public health recommendations change, courts will be able to modify and perhaps eliminate many procedures adopted to facilitate social distancing. Physical distancing remains one of the significant impediments to resuming normal jury operations. As a result, it is anticipated that courts will continue to rely on measures to ensure social distancing for as long as it is recommended in public spaces.

Various courts also reconfigured courtrooms and courthouses to enhance social distancing in existing court spaces. Design choices from the past were met head-on by the new health standard of requiring at least six feet of spacing between individuals. Each courthouse provides unique circumstances and challenges, from entrances and lobbies, to waiting areas, elevators, jury boxes, and even stairwells. Successful innovators across Arizona found opportunities to add the recommended spacing, delineating separate entrance and exit points, altering hours of operation, establishing more appointment-based services, increasing remote work options, and implementing smaller core groups of employees that shared scheduled coverage. Many courts opted to install clear physical dividers (i.e., plexiglass screens) that were either internally fabricated or commercially sourced.

Some jurisdictions have larger courtroom spaces that were easier to adapt, or that allowed proceedings to continue without the need for modification. Others worked to distribute participants (including jurors) into the public viewing areas of a courtroom while continuing to ensure their ability to properly see and hear the evidence and testimony and make a proper record of the proceedings. Counsel tables also needed to be reconfigured to ensure appropriate visibility for jurors.

As needs for capacity in Arizona’s courts expand, new courthouses may be required. The issues faced during the pandemic suggest that, going forward, courthouse design needs to be viewed through fresh eyes for disaster preparedness. Although COVID-19 could not be predicted, the thought that courts may face large scale challenges in the future should come as no surprise. New

courthouses should be designed with such a possibility in mind, ensuring that gathering spaces are not cramped and crowded; that configurations can have flexibility and adaptability as needs change; that ventilation, heating, and air conditioning is well-engineered and adaptable; and that ingress and egress is easy for the public and staff, both getting to the courthouse and within the courthouse itself. The age-old concept of courthouse design will need to be viewed through a different, post-pandemic lens going forward.

C. SECURITY PROTOCOLS

The efforts taken by Arizona's courts during the pandemic to serve the public often involved the use of technology. The foresight of the judiciary allowed for that to happen comparatively quickly and with great efficacy. That enhanced use of technology, however, revealed the need for technology security protocols. During the pandemic, court systems were compromised by malicious attacks,¹¹⁶ including a service provider for Arizona's courts.¹¹⁷ Thus, the enhanced reliance on technology as a result of the pandemic, which is likely to continue post-pandemic, requires a continued and renewed focus on technology security.

VII. CONCLUSION

Throughout the pandemic, Arizona's courts have remained open, through hard work, innovation, and creativity, and have worked tirelessly to manage contagion transmission and reduce the risk associated with COVID-19. By May 2020, the Plan B Workgroup "encourage[d] courts to continue to identify innovative ways to expand capacity and ensure social distancing to meet needs" and "to continue to employ, and where appropriate expand, technology of all types to facilitate alternatives to face-to-face hearings in open court that drive significant traffic to courthouses, and other alternatives that have been effective and consistent with the rights of all involved, identified during emergency operations."¹¹⁸ Without question, Arizona's courts did these things, at times implementing changes in weeks or days that otherwise would have taken months or years (or longer). The pandemic was an accelerator for change.

116. See, e.g., Jake Bleiberg, *Texas High Courts Hit by Ransomware Attack, Refuse to Pay*, AP NEWS (May 12, 2020), <https://apnews.com/article/hacking-tx-state-wire-technology-us-news-courts-474453285863aebab0a2fe239f493548>; Maggie Miller, *Alaska Court System Forced Offline by Cyberattack*, THEHILL (May 3, 2021, 11:06 AM), <https://thehill.com/policy/cybersecurity/551463-alaska-court-system-forced-offline-by-cyberattack> [<https://perma.cc/3U2H-N7U6>]; Naveen Goud, *Ransomware Attack on Brazil Court System*, CYBERSECURITY INSIDERS, <https://www.cybersecurity-insiders.com/ransomware-attack-on-brazil-court-system/> [<https://perma.cc/PZB2-Q9LN>].

117. Lauren Castle, *Ransomware Attack Hits Arizona Judicial Branch's Website and Limits Some Services*, AZCENTRAL, <https://www.azcentral.com/story/news/local/arizona/2020/11/19/arizona-judicial-branch-website-affected-ransomware-attack-provider/6346851002> [<https://perma.cc/922F-HFL4>] (Nov. 20, 2020, 11:49 AM).

118. May 1, 2020 Report, *supra* note 5, at 4.

Continuing various practices identified during this time in the post-pandemic world has the potential to increase access to justice. Allowing parties to appear through virtual platforms has significantly increased appearance rates, recognizing courts need to work to bridge the digital divide and provide appropriate training and resources for such an alternative. Expanding the use of technology promises to have benefits for all participants in the post-pandemic world, and courts should continue to adopt and expand the use of various technologies in serving the public.

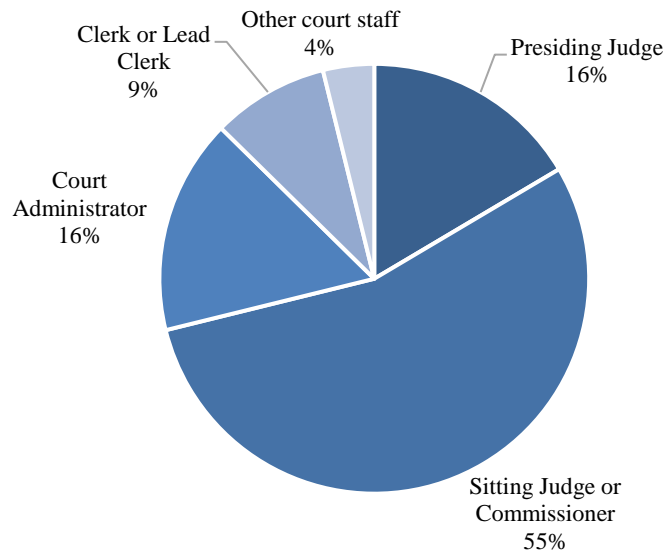
A renewed focus on jury and trial management has identified new processes and procedures, and placed a renewed focus on time-worn processes and procedures, to enhance and improve the experience for all. Courts should continue to adopt and expand these and other innovative efforts.

The pandemic also has highlighted the need for robust communication strategies and disaster preparedness. Courts should therefore have regular contact with relevant emergency and disaster relief offices in their respective jurisdictions to be part of planning and communication efforts and should maintain ongoing communication with stakeholders, including the public at large. Finally, courts should continue to focus on and regularly evaluate health, safety, and security protocols, including technology security and the physical design of courthouses and related buildings.

In making these recommendations, the Plan B Workgroup recognizes that the status of the pandemic remains fluid and that the timetable for resuming new normal court operations post-pandemic is conditioned on guidance from public health officials. The recommendations here are intended to provide a platform for general guidance, understanding that local strategies will vary based on local needs, physical layout, and available resources in Arizona's courts. Actions by Arizona's courts during the pandemic, summarized here, provide a strong, solid, and experience-based foundation for those future efforts.

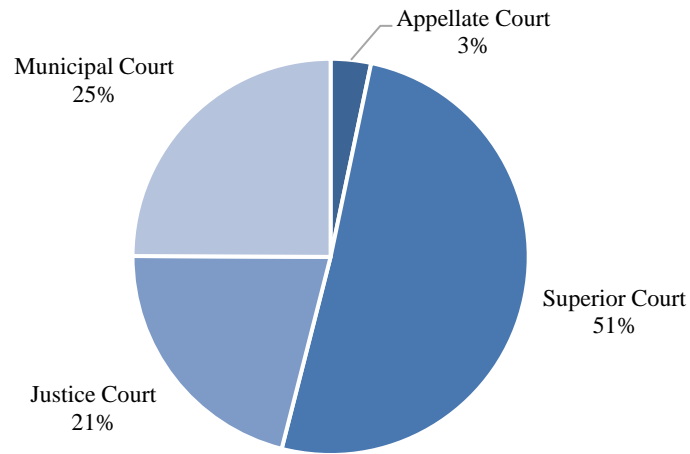
APPENDIX 1: SURVEY OF ARIZONA'S COURTS
(OPEN FROM MAY 3, 2021, TO MAY 14, 2021)

Q1. What is your current position?



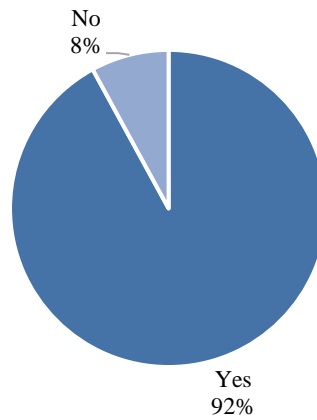
ANSWER CHOICES	PERCENT OF TOTAL	NUMBER RESPONDING
Presiding Judge	16.48%	60
Sitting Judge or Commissioner	54.67%	199
Court Administrator	16.21%	59
Clerk or Lead Clerk	8.79%	32
Other court staff	3.85%	14
TOTAL		364

Q2. What type of court do you work in?



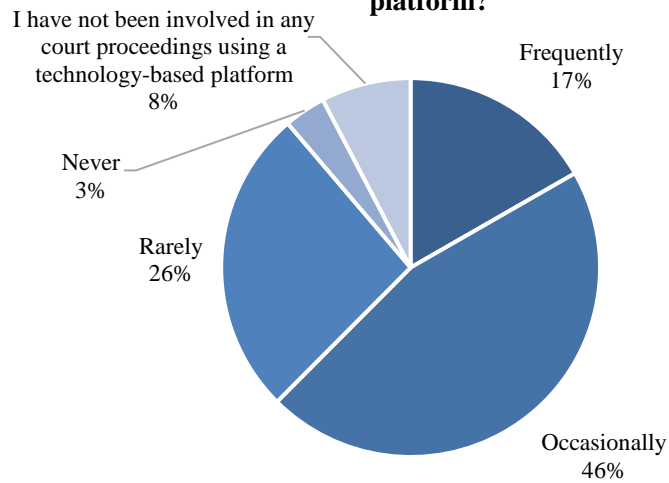
ANSWER CHOICES	PERCENT OF TOTAL	NUMBER RESPONDING
Appellate Court	3.29%	12
Superior Court	50.68%	185
Justice Court	21.10%	77
Municipal Court	24.93%	91
TOTAL		365

Q3. Have you conducted or been a part of any court proceeding that has taken place using a technology-based platform (Examples: Zoom, Teams, WebEx, Skype, GoToMeeting, bridgelines, conference call lines, phone, etc.)?



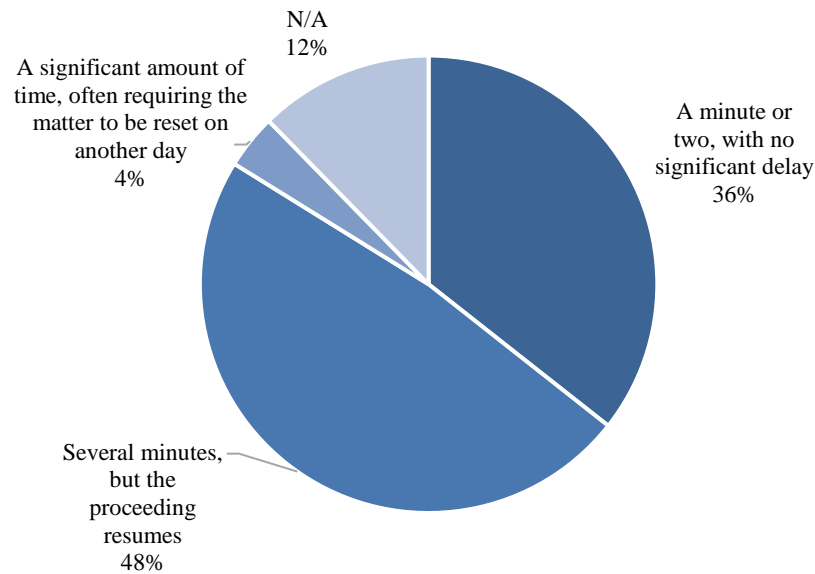
ANSWER CHOICES	PERCENT OF TOTAL	NUMBER RESPONDING
Yes	92.05%	336
No	7.95%	29
TOTAL		365

Q4. In a proceeding you conducted or were a part of, how often, if at all, did you experience technical disruptions during court proceedings using a technology-based platform?



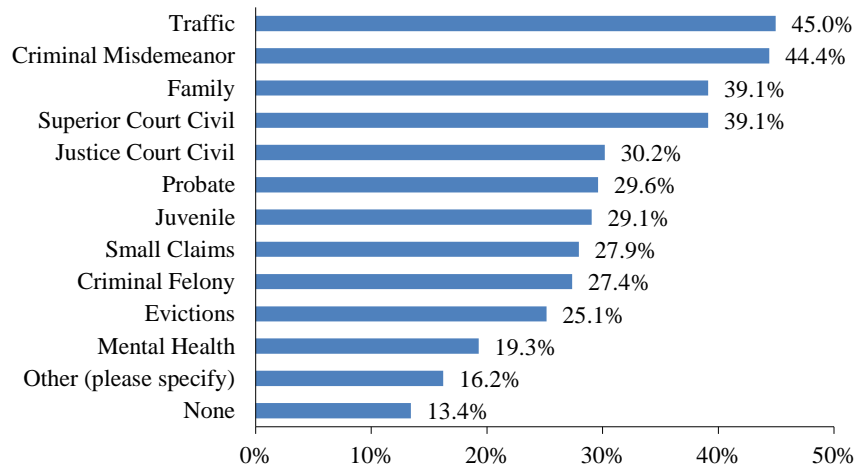
ANSWER CHOICES	PERCENT OF TOTAL	NUMBER RESPONDING
Frequently	16.71%	61
Occasionally	45.75%	167
Rarely	26.30%	96
Never	3.56%	13
I have not been involved in any court proceeding using a technology-based platform	7.67%	28
TOTAL		365

Q5. When you have technical difficulties during a court proceeding using a technology-based platform, how much time is generally needed to resolve the problem?



ANSWER CHOICES	PERCENT OF TOTAL	NUMBER RESPONDING
A minute or two, with no significant delay	35.62%	130
Several minutes, but the proceeding resumes	48.22%	176
A significant amount of time, often requiring the matter to be reset on another day	3.84%	14
N/A	12.33%	45
TOTAL		365

**Q6. For which case types should courts continue to use technology-based platforms after the pandemic recovery?
(Check all that apply)**



ANSWER CHOICES	PERCENT SELECTING	NUMBER SELECTING
Criminal Felony	27.37%	98
Criminal Misdemeanor	44.41%	159
Superior Court Civil	39.11%	140
Justice Court Civil	30.17%	108
Family	39.11%	140
Juvenile	29.05%	104
Mental Health	19.27%	69
Probate	29.61%	106
Traffic	44.97%	161
Evictions	25.14%	90
Small Claims	27.93%	100
None	13.41%	48
Other (Please specify)	16.20%	58
TOTAL RESPONDING		358

#	OTHER (PLEASE SPECIFY)
1	post adjudicated compliance issues on criminal misdemeanors
2	Technology-based platforms for law and motion-type hearings like status conferences or short reviews should still continue.
3	I think all courts should utilize the technology to the extent it ensures access to justice when necessary, but in court proceedings still remain the best way to conduct court proceedings
4	n/a
5	All; depending on proceeding.
6	Criminal for plea agreements and parking violations
7	These platforms should continued to be used in status conferences or other uncontested hearings that are not dispositive.
8	Protective orders
9	I answered probate and mental health because those are my departments. However, I have heard many people praise the remaining areas, for the increase in access to justice for the participants. I am in favor of maintaining those platforms in all departments.
10	Protective Orders Jail Court
11	IA, Arraignment, and some sentencing when defendants presence for fingerprints is not necessary in misdemeanor cases.
12	Civil Traffic or Civil
13	We will begin on Video hearing on June 15th
14	I think technology can continue to be utilized for non-trials in most case types.
15	I am a rural municipal court and am contracted to only hold court proceedings on Monday. If a protective order is needed Tuesday through Thursday Plaintiff has to travel 30 miles. If I could meet with Plaintiff in court via zoom, it would provide much better service.
16	short uncontested hearings for sure. I work now in probate/mental health and Probate calendar I cover is uncontested and I think should continue to be presumably telephonic or bridge line or teams but with the option of in person. Further more testimony in Mental health should continue to be presumably virtual.

17	family scheduling conferences only
18	we never used technology based anything in our court/ our court was run the same way pandemic or no pandemic
19	All for certain type of hearings
20	Some Protection Orders (for people who cannot come into the court - certain circumstances)
21	Self-represented litigants have benefitted greatly and appear with greater frequency with the convenient and accessible use of remote technologies; especially for routine reviews and minor motion hearings.
22	Going forward, the court will need to allow use of technology based platforms in order to remain relevant. Failing to do so, will push people with disputes to look for other means of resolving their disputes.
23	Ex parte orders of protection or injunctions, brief motion and procedural hearings, child support (IV-D)
24	Probate
25	protective order hearings
26	Criminal, civil, protective orders, city code, traffic
27	Certain criminal felony matters, such as out of custody status conferences.
28	All of them when it's the only way to get things done; or for routine, non-substantive matters - I prefer the "old way"
29	appellate oral arguments when needed.
30	Protective orders
31	Parking and non-traffic civil cases (possession of marijuana).
32	Protective Orders Initial Appearances

2022]

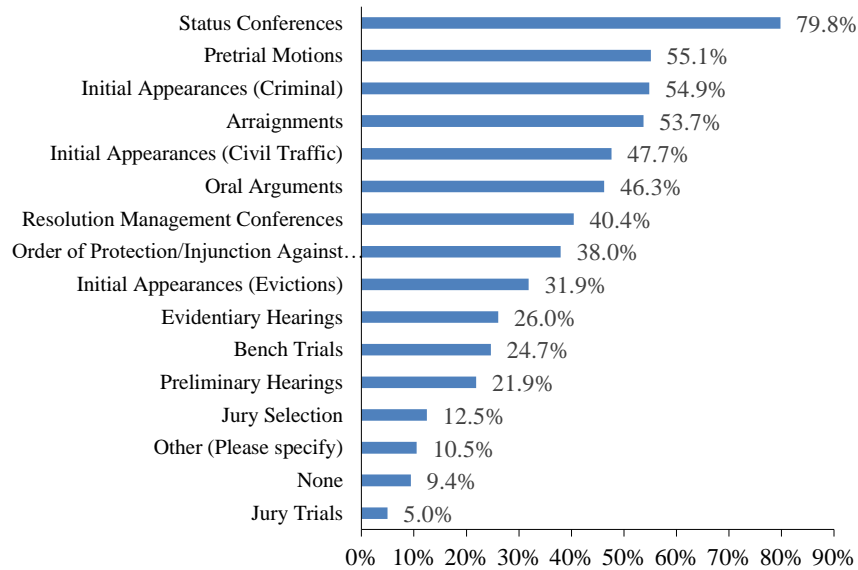
Post-pandemic Recommendations

63

33	Orders of Protection/Injunctions
34	Some civil cases not all.
35	Case by Case basis decided by the presiding judge of the court.
36	In general, where there are no pro se litigants.
37	I think courts could still use technology after COVID but it should be dependent on hearing type, rather than case type. For example, non-evidentiary hearings.
38	I only marked those that apply to my court, but I feel as many as possible should be held on line and those that can be held telephonic, should be.
39	Appellate cases of all types.
40	protective orders
41	All of them. People really responded positively.
42	Some criminal felony but not all.
43	Procedural felony proceedings - IA, arraignments, PTC/Status Conferences.
44	Protective Orders
45	water
46	I think technology should be used for all case types but will only check the boxes of the case types I hear
47	Hybrid (in person and virtual) hearings are a good option.
48	I can't speak to other types of cases.

49	An ID verification method adoption would be nice. Perhaps something like the PACER/ECF sign-up wet signature application giving notice of an email and facsimile for which the filer desires to use and will take responsibility for its use; and perhaps with a filing key to be placed in email subject line...
50	There are a number of scenarios I think it would be useful to have the platform available as an option at the JO's discretion.
51	All courts should be required to have the ability to resolve in custody changes of plea via technology. Phoenix Muni still does not have the capability. Defendants are languishing on time served offers because of covid quarantine.
52	protective orders
53	some specialty court hearings
54	Orders of Protection
55	I can only speak to Juvenile as it is the bench to which I am assigned.
56	Nearly all pre-trial hearings, whether criminal, civil, family, probate or juvenile.
57	Name changes, injunctions against harassment ex parte hearings can all easily be completed remotely saving litigants the time and effort of traveling to court.
58	Portions only of the above checked.

Q7. For which proceeding types should courts continue to use technology-based platforms after the pandemic recovery? (Check all that apply)



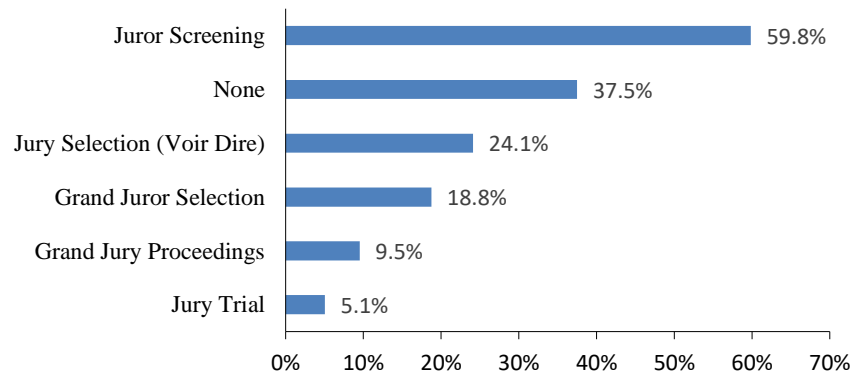
ANSWER CHOICES	PERCENT SELECTING	NUMBER SELECTING
Status Conferences	79.78%	288
Initial Appearances (Criminal)	54.85%	198
Initial Appearances (Civil Traffic)	47.65%	172
Initial Appearances (Evictions)	31.86%	115
Preliminary Hearings	21.88%	79
Arraignments	53.74%	194
Pretrial Motions	55.12%	199
Oral Arguments	46.26%	167
Evidentiary Hearings	26.04%	94
Jury Selection	12.47%	45

Jury Trials	4.99%	18
Bench Trials	24.65%	89
Order of Protection/Injunction Against Harassments (Ex Parte and Contested Hearings)	37.95%	137
Resolution Management Conferences	40.44%	146
None	9.42%	34
Other (Please specify)	10.53%	38
TOTAL RESPONDING		361

#	OTHER (PLEASE SPECIFY)
1	compliance (OSC) hearings on post adjudicated criminal misdemeanors
2	See above answer
3	n/a
4	Parking hearings
5	Jail Court
6	Small Claims hearings, Civil Traffic Hearings at the request of the litigants
7	Civil Traffic Hearings
8	Traffic hearings
9	I can't speak to the criminal procedures as I do not handle them and have not even been involved in those matters as a lawyer for decades. I do not handle jury trials
10	family scheduling conferences
11	Any proceeding that is uncontested and that does not call for the court to assess a witness' credibility. In addition, short contested proceedings where the parties'/lawyers' travel time to court likely will exceed the duration of the proceeding itself.
12	Civil Traffic Hearings
13	Out-of-State Plea Agreements - Justice Courts
14	Remote bench trials should be optional.

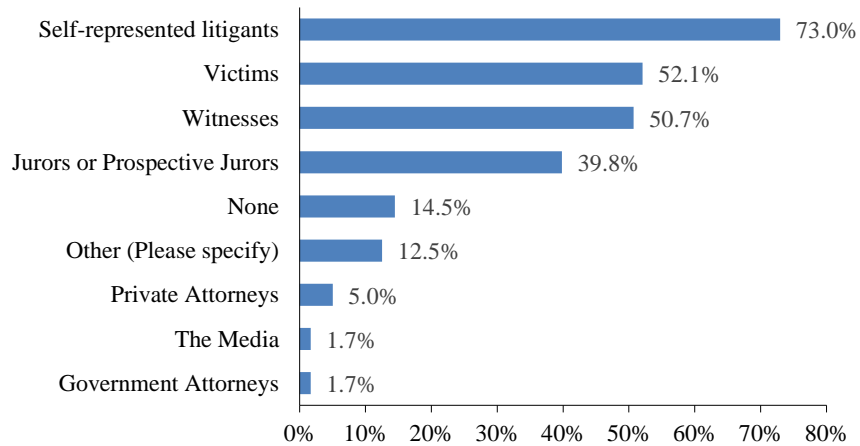
15	Where agreed upon by the parties for good cause, such as one of the parties living out of state Status conferences and resolution management conferences do not need to be held in person, but should be held by phone, unless opposed by one of the parties-- telephonic is even easier than on the online platform
16	IV-D child support
17	All probate proceedings
18	Juvenile Court Mediations
19	same as above
20	Civil hearings (traffic/local ordinance/non-traffic civil)
21	Case by case basis decided by the presiding judge of the court.
22	If the parties request it.
23	Some jury trials and evidentiary hearings but not all
24	Emergency basis; where parties agree.
25	Sentence Review Hearings
26	Change of plea and pretrial conference
27	Hybrid hearing.
28	Civil traffic hearings
29	I selected a lot of types of proceedings - I think that nonsubstantive hearings should have such technology available to most parties in most cases. I do not think that persons who are parties should be remote at initial hearings or at evidentiary hearings, but that the platforms should be available to address witnesses or allow other participants to still attend.
30	Settlement conferences
31	some settlement conferences
32	Preliminary Protective Hearings
33	I believe juvenile dependency review and permanency hearings could continue to use technology-based platforms post-pandemic.
34	Pretrial hearings such as CPTC, IPTC.
35	Probate matters other than evidentiary hearings.
36	Portions only of EVH's (such as non-fact witnesses).
37	ADR hearings (mediations, settlement conferences) Short trials
38	Report and Review hearings in dependency cases

Q8. Which of the following juror service functions are appropriate for the use of technology-based platforms after the pandemic recovery? (Check all that apply)



ANSWER CHOICES	PERCENT SELECTING	NUMBER SELECTING
Juror Screening	59.82%	201
Jury Selection (Voir Dire)	24.11%	81
Jury Trial	5.06%	17
Grand Juror Selection	18.75%	63
Grand Jury Proceedings	9.52%	32
None	37.50%	126
TOTAL RESPONDING		336

Q9. A “digital divide” occurs when some court participants do not have the computing equipment and/or network bandwidth needed to use technology-based platforms for remote court appearances. Based on your experience, to which groups do you think the “digi



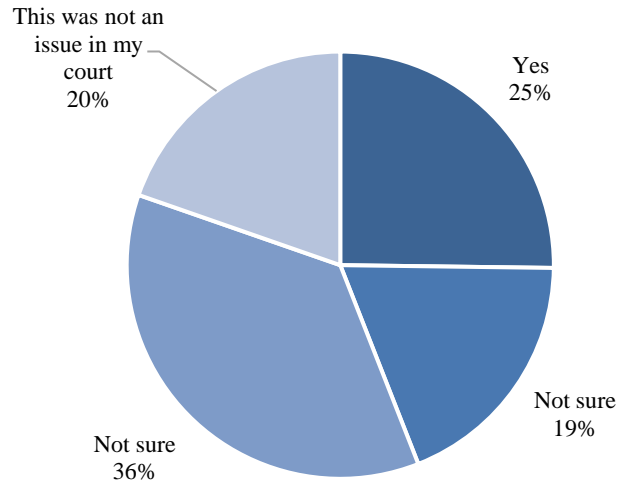
ANSWER CHOICES	PERCENT SELECTING	NUMBER SELECTING
Self-represented litigants	72.98%	262
Victims	52.09%	187
Witnesses	50.70%	182
Jurors or Prospective Jurors	39.83%	143
Private Attorneys	5.01%	18
Government Attorneys	1.67%	6
The Media	1.67%	6
None	14.48%	52
Other (Please specify)	12.53%	45
TOTAL RESPONDING		359

#	OTHER (PLEASE SPECIFY)
1	I am in family court and I have found that very few self-represented litigants are unable to access the courtroom via a smart device. It is a rarity and they seem to prefer appearing virtually as it minimizes their need to take time off of work (this is especially helpful for low income litigants) to drive to the courthouse for every hearing
2	no experience
3	Parents in dependency actions frequently lack reliable technology.
4	Not sure yet
5	More elderly participants who are not acquainted with specified platform.
6	since all of these generally have a telephone, it has not seemed to be a problem as they can appear by phone. The Court could provide exceptions for those who are unable to appear virtually. One of my chambers is next to the OOP office and even though these are done virtually (telephonically primarily) there seems to be no problems in Pima County
7	Patients in mental health cases and litigants who are homeless.
8	parents in dependency cases
9	Individuals living on the reservation, Elderly individuals who lack experience with technology.
10	Anyone without technology/bandwidth. Also, could be one/or all of the above, especially if the courthouse bandwidth is down.
11	"May" pose a barrier for some SRLs.
12	Some self-represented litigants, victims, and witnesses will have some digital divide issues, but the divide might not be as great as some fear. Many low income individuals have smart phones capable of allowing them access to technology based platforms. The elderly might be more likely to have digital divide issues--not because they don't have access to technology, but because they do not understand or know how to use the technology that they do have.
13	All plaintiffs/litigants of all types and associated witnesses do not have adequate access to digital communications due to the economic conditions unique to our jurisdiction
14	Some of our court interpreters have technical problems too
15	people who live in areas without adequate service, primarily rural
16	could have this issue with any of the above
17	Economic based, versus the groups listed above
18	varies

19	No one group specifically as I have seen even 'homeless' individuals have a smartphone which would work for a remote appearance. Phone only may be more difficult with trial with multiple things to view simultaneously, but ...
20	Participants in the court process (all of the above) who live in remote areas. Sometimes this can be remedied by driving to a more urban area or the court creating remote access locations.
21	Defendants in specialty courts such as Mental Health Court and Homeless Court just to name a few.
22	This question is unclear. It doesn't matter what participation role a party has in a judicial proceeding. It matters how good, reliable and consistent that connection is for that person. All of the above could have reliable and consistent internet service, or none of them could, or some of them could...
23	INDIGENT DEFENDANTS
24	Indigent defendants.
25	In Maricopa County, there are enough places to get online that this will not be an
26	some (a small amount) of self-represented litigants.
27	It depends on the individual's situation. Litigants in rural courts will face more
28	The question asks "a barrier," but my answer is that for none will it impose a significant barrier.
29	unknown
30	Impacts to the poor who do not have internet and to the elderly who do not know how to use technology
31	Defendants out of custody in criminal matters
32	litigants without reliable access to the internet
33	THE ISSUE ISNT WHICH GROUP IT APPLIES MORE TO DEMOGRAPHICS AND A PERSONS STABILITY IN A COMMUNITY
34	If hybrid is an option it shouldn't pose a barrier even if someone's circumstance changes (phone gets disconnected or no internet service available they could appear in person).
35	Individuals with a limited income
36	Defendants (those who are homeless, struggle with mental health issues, and/or financial hardships are most likely to not have access)
37	Perhaps everyday folks, if we're excluding the possibility of appearing through the platform via telephone/mobile phone, and requiring video participation.
38	I do not think that anyone other than attorneys should be required to appear in any remote manner, I think that there should not be a divide so much as everyone appears in the manner they are best able. There have been self represented and indigent persons before me by video because the travel to court was a greater hardship than figuring out how to appear by zoom.

	This should never be a barrier by becoming a requirement, but an accessibility function opening up the court to those who would have difficulty attending otherwise.
39	indigent defendants
40	In Juvenile Court, I have observed that many litigants who often were unable to travel to hearings without great difficulty due to transportation challenges (no vehicle, long bus rides, etc.) have had improved attendance and participation. So although I have concerns about the digital divide, the benefits for those who have transportation/child care and work challenges with in-person appearances seem to outweigh the disadvantages resulting from the digital divide.
41	There's the chance for digital divide for all. Technology-based platforms is not the answer for all, but it is a solution courts should continue to be able to offer. There are advantages and disadvantages but both can be managed and positive solutions figured out. Balance will be key.
42	Hard to generalize on this one as to the attorneys. I've had a fair number of lawyers in different sized firms encounter bandwidth issues, and I'm not sure whether it comes down to a particular provider, or the type of service used, or something else. Usually the result is that they can hear me but not see me, while I am able to see and hear them. That's obviously not ideal. Just not sure what the remedy is.
43	I have been handling my civil commissioner calendar (Maricopa County) remotely for over a year now. I have yet to encounter a litigant that was unable to attend a hearing because he or she lacked the necessary technology. Further, I seem to have had more defendants appear for initial eviction hearings and injunction against harassment hearings than before the pandemic. I suspect one reason might be the ease of attending using a smart device or computer. If we ever have a litigant unable to appear by phone or device, we can certainly allow that person to appear in person.
44	The public in general, which has a right to attend most proceedings.
45	The Court

Q10. Has your court taken any steps to address the "digital divide," such as creating a designated location to appear remotely, providing hardware (laptops, tablets, mobile phones), data cards, etc.?



ANSWER CHOICES	PERCENT OF TOTAL	NUMBER RESPONDING
Yes	25.21%	91
Not sure	18.84%	68
No	36.29%	131
This was not an issue in my court	19.67%	71
TOTAL RESPONDING		361

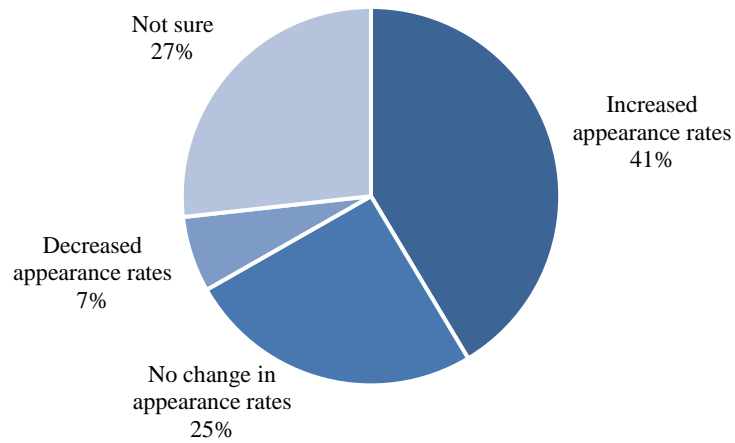
#	OTHER (PLEASE SPECIFY)
1	We have made arrangements for parties to appear in the courthouse lobby with a laptop or other device
2	We have given folks the option to appear by phone and provided a phone number to appear by phone.

3	There is an area for litigants to use a computer provide by the court. These are reserved for emergencies and orders of protection and this system has worked well during the pandemic.
4	We have a designated location in our court house victims can appear without going into the courtroom.
5	I know Maricopa has a designated area to appear remotely for orders of protection/injunctions against harassment. I really want us to do more. I also think strategic partnerships with schools, libraries, and parks departments would increase access.
6	The majority of our self-represented litigants do not have access to digital platforms, so we conducted hearings primarily by phone when needed. We did not provide tablets or laptops due to space and other constrictions.
7	Allow them to come to the courtroom
8	meeting room in the courthouse
9	Providing guidance on using digital / electronic platforms.
10	OOPs and IAHs
11	Court staff are researching having wi-fi improvements in the waiting area. Many pro-per and Protective order plaintiffs have trouble in our building using smart phones to fill out order forms.
12	In the early days of the pandemic, procedures were implemented to allow remote in-person appearances for order of protection hearings.
13	Areas have been designated for this purpose just outside of the court-
14	We have Kiosk set up for use in court house. Provided Lap Tops for individuals in an available room for individuals to use.
15	by providing a computer station for use by pro per litigants who come to the legal resource center.
16	If someone claims they cannot use Zoom, we allow them to call into court.
17	The litigants usually just appear by phone
18	The Court provides laptops in jail for defendants who are unable to be transported. The defense agencies have also created digital courtrooms that allow their clients to appear virtually from a room in their office.
19	We do provide a kiosk to fill out forms/motions etc. but do not have ability to have them appear remotely excluding in custody video court

20	I know there was talk early on; it may be happening. My sense was the logistics of having it available when I might need it for a particular case was difficult. Getting useful instructions out to parties is an issue when you do things on a case by case basis.
21	JAIL TABLET HEARINGS
22	We have hybrid hearings, stream live and use the order of protection
23	Tablets for Protective Orders
24	Hardware and tech support are available for a variety of types of pro-
25	Remote access to hardware
26	website instructions, text messages, improved customer service, fillable forms
27	remote appearance locations, hybrid hearings
28	We have a tablet or chromebook that is setup in the council chambers for party to participate in hearing.
29	Computer in lobby
30	don't know
31	iPad in attorney rooms for privacy. Telephonic options
32	INDIGENT DEFENDANTS WERE PROVIDED A QUIET ROOM WITH A PHONE AND LAPTOP IF NEEDED. ALSO, OUR COURT HAS A LARGE TV MONITOR IN FRONT OF THE COURTS BENCH,SO IF THE COURT IS REMOTE AND THE D IS IN THE COURTROOM, THE PARTICIPANTS CAN CLEARLY SEE AND HEAR EACH OTHER.
33	smart carts
34	We attempted to make technology available for those who did not have their own access.
35	I am unable to download Zoom (for my live training) So I bring my personal laptop using my personal wifi. and I still have problems.
36	Tablets and cradles as part of a pilot program.
37	such locations and devices are not financially available and our rural constituents cannot travel long distances to obtain these kinds of services
38	We had a special room that had all technology available to those that required it.

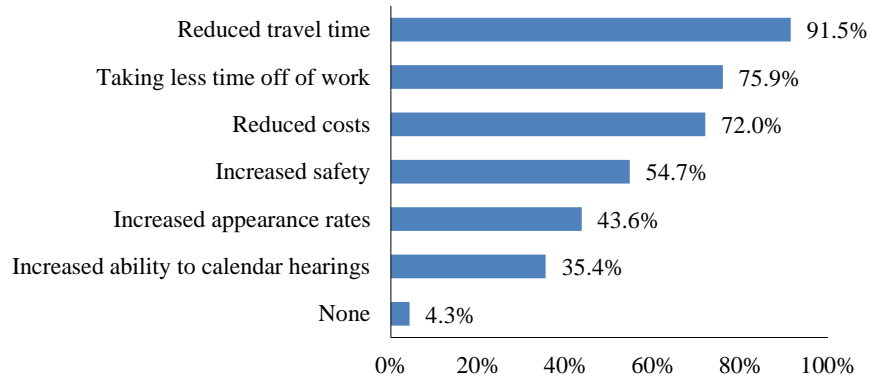
39	For protective orders only. Need to expand this.
40	This is done in Orders of Protection, Inj. etc.
41	toll free public line
42	Allowing for telephonic appearances when video conferencing was not available to a party
43	We allow those who cannot appear by video to appear by phone. Because not everyone has unlimited data or minutes we make sure no one
44	Our court has a very limited budget and some of our defendants are unable to access this type of technology due to limited means.
45	Law Library/Resource Center
46	Primarily a case specific method of exchanging exhibits addressed at a pre-hearing conference.
47	We have a computer people can use to apply for protective orders. Otherwise, we really haven't had a problem with anyone who absolutely
48	There are rooms dedicated to those appearing at hearings on orders of protection. We also have ipads in the courtroom.
49	telephonic hearing
50	I believe our court has provided a designated location to appear remotely, and has provided tablets in the courtroom if one but not all par-
51	location in court house with access to equipment
52	Rooms at court for various people-witness, litigants-who don't have their own tech or internet access.
53	Tablets
54	We have set up conference rooms for litigants to be able to attend court.
55	Provide technology
56	Lap top available for filling out orders of protection in the court lobby.
57	Tablets for jailed defendants
58	Room in each court facility set up with a computer for litigant use
59	Not an issue
60	Providing pre-paid mobile phones for use by litigants who do not have access to the technology.

Q11. Based on your experience, how has the ability of responding parties (i.e., defendants, respondents) to make appearances using technology- based platforms changed appearance rates?



ANSWER CHOICES	PERCENT OF TOTAL	NUMBER RESPONDING
Increased appearance rates	41.41%	147
No change in appearance rates	25.35%	90
Decreased appearance rates	6.48%	23
Not sure	26.76%	95
TOTAL RESPONDING		355

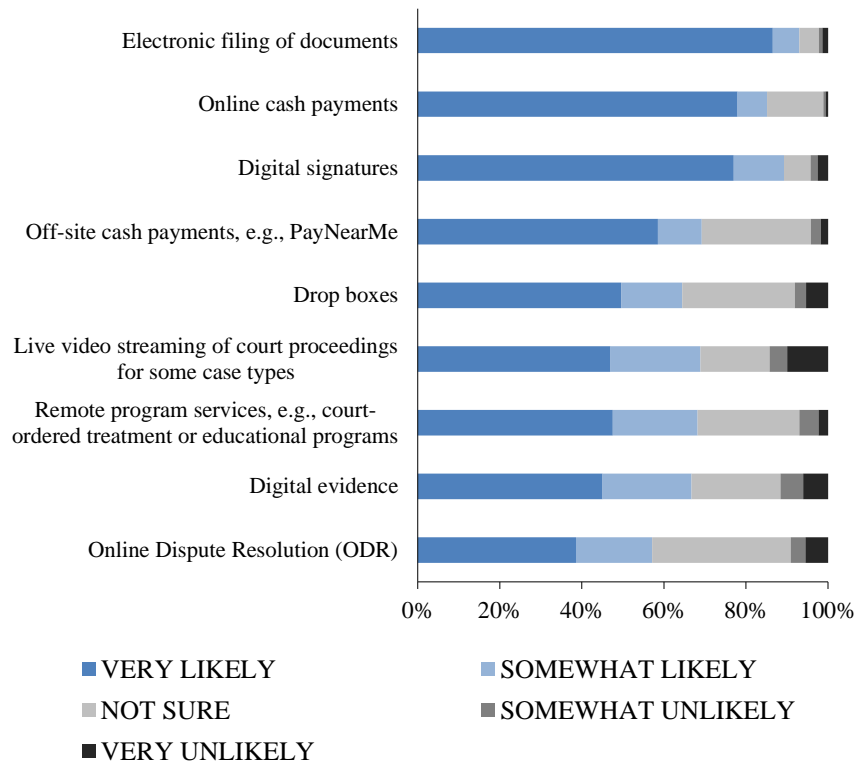
Q12. Based on your experience, what benefits have litigants, attorneys, and other court participants experienced through the use of technology- based platforms? (Please check all that apply)



ANSWER CHOICES	PERCENT SELECTING	NUMBER SELECTING
Increased appearance rates	43.63%	154
Reduced travel time	91.50%	323
Reduced costs	71.95%	254
Taking less time off of work	75.92%	268
Increased safety	54.67%	193
Increased ability to calendar	35.41%	125
None	4.25%	15
TOTAL RESPONDING		353

#	OTHER (PLEASE SPECIFY)
1	n/a
2	Location is not an issue if a person doesn't have to appear at the court building
3	Allows cases to move forward when parties had COVID exposure and weren't allowed in building
4	unable to tell at this time
5	do not use technology base platforms due to pandemic
6	Remote practice
7	An excuse not to appear.
8	na
9	MUCH improved.
10	This Municipal Court just handles civil traffic and OP'S/INJ'S
11	Although not physically present in the building, not having to take additional time off from work, have to drive downtown, pay for parking, wait for a case to be called, having technology based platforms provides a person less stress about having to be in contact with the court. People seem to be more willing to participate and appear remotely.
12	I think the ability to take less time off of work is really essential to making the courts accessible to hourly workers by not creating a significant financial penalty/hardship. It also makes courts accessible to witnesses who are not local.
13	Haven't used technology-based platforms
14	Decreased stress.
15	Currently, not an even platform for all who appear before the court.
16	none
17	Great savings when using experts. And, experts have more time to review and testify if they don't have to travel to appear at trial in person.
18	<p>We are rural. We have a deficit of attorneys. Many attorneys that practice here are from out of our county, and already appeared remotely for most hearings. I can now see them. Their clients can now see them. This is a huge shift in the ability to form trust in the system.</p> <p>Further, the people who typically wouldn't appear in court, such as victims or foster placement or supports, are able to see what is going on. I like that.</p>
19	Honestly, at a time when so many of us are isolated, just being able to connect is a bonus. The video platforms have allowed us to maintain community between the bench and bar, and I would hope between individual lawyers as well.
20	Not enough data to answer.

Q13. Based on your experience, looking into the future, to what extent do you foresee the continued use of the following court technologies after the pandemic recovery?



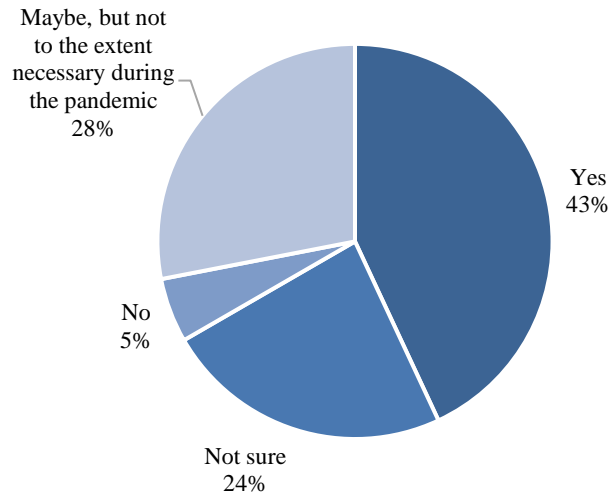
2022]

Post-pandemic Recommendations

81

	VERY LIKELY	SOMEWHAT LIKELY	NOT SURE	SOMEWHAT UNLIKELY	VERY UNLIKELY	Total	Weighted Average
Online Dispute Resolution (ODR)	38.60%	18.54%	33.74%	3.65%	5.47%	329	3.81
	127	61	111	12	18		
Digital evidence	45.09%	21.68%	21.68%	5.49%	6.07%	346	3.94
	156	75	75	19	21		
Remote program services, e.g., court-ordered treatment or educational programs	47.52%	20.70%	24.78%	4.66%	2.33%	343	4.06
	163	71	85	16	8		
Live video streaming of court proceedings for some case types	47.01%	21.94%	16.81%	4.27%	9.97%	351	3.92
	165	77	59	15	35		
Drop boxes	49.55%	14.93%	27.46%	2.69%	5.37%	335	4.01
	166	50	92	9	18		
Off-site cash payments, e.g., PayNearMe	58.58%	10.65%	26.63%	2.37%	1.78%	338	4.22
	198	36	90	8	6		
Digital signatures	77.05%	12.18%	6.52%	1.70%	2.55%	353	4.59
	272	43	23	6	9		
Online cash payments	78.00%	7.14%	13.71%	0.57%	0.57%	350	4.61
	273	25	48	2	2		
Electronic filing of documents	86.55%	6.44%	4.76%	0.84%	1.40%	357	4.76
	309	23	17	3	5		

Q14. Do you intend to keep your court cleaning protocols in place after the pandemic recovery?



ANSWER CHOICES	PERCENT OF TOTAL	NUMBER RESPONDING
Yes	43.06%	155
Not Sure	23.61%	85
No	5.28%	19
Maybe, but not to the extent necessary during the pandemic	28.06%	101
TOTAL RESPONDING		360

#	OTHER (PLEASE SPECIFY)
1	My JA loves to clean and has always kept our courtroom very clean, even prior to the pandemic.
2	Personally, I think this was overdone, even for the pandemic.
3	But possibly not to the same extent as during the pandemic.
4	But only as necessary for a period of time
5	If required to, we will.
6	continue to have mid-day cleaning during break in sessions as well as evening cleaning. we also have protocol to have immediate de-con should a contamination event occur
7	I do not know what protocols are in place or being done now as no one except me is in the courtroom.
8	come on--the cdc has determined that the cleaning protocols are largely for show...
9	Our Court was already sanitizing all public areas on a weekly basis before the pandemic.
10	But that won't be my decision, it will be the PJ's
11	We will defer to the city's janitorial cleaning; however, we will maintain sanitizers, plexiglass barriers, alcohol wipes at courtrooms, staff workstations, public service areas, and areas where there is heavy foot traffic.
12	I don't have the ability to independently keep the cleaning protocols in place, but I hope Court Administration chooses to do so.
13	Not my decision to make
14	THIS IS A QUESTION FOR ADMINISTRATION TO ANSWER IN OUR COURT
15	These measures have benefits beyond Covid (ie flu) and that seems helpful, especially in a high volume courtroom.
16	Especially during cold and flu season
17	It won't be up to me to make that decision.
18	I personally will keep the protocols in place for my courtroom but I can't speak for the court.
19	I think the evidence is showing that fomite transmission is actually unlikely and therefore cleaning protocols are not overly effective. Distancing and mask wearing appear to be more effective ways to slow transmission, combined with vaccine.
20	I don't know what the court plans on doing.
21	I do not, but I have no control over the decision

Q15. What suggestions, comments, or criticisms do you have or have you received about the use of technology-based platforms in court proceedings? (211 responses, 155 skipped)

#	RESPONSE
1	None
2	Mostly positive feedback. I feel there are shortcomings.
3	Some family court litigants have wanted to appear in person for their bench trials and evidentiary hearings.
4	<p>It is still not ideal to use for taking evidence. The level of coordination to ensure all witnesses have the exhibits is difficult and even with screen sharing the exhibit is difficult for some to see on a screen. Also, the Internet strength of the various parties, lawyers, and witnesses often impacts the severity of technical issues we experience during the hearings, which causes delay, affects the clarity of the record for appeal purposes, and makes it difficult to judge testimony. We have no control over ensuring that the bandwidth each person has in their remote location is strong enough to stream so that both their video and audio will be seen and heard clearly as they often don't test their internet until the time of the hearing when they log on. Lastly, there is often a lack of decorum during virtual hearings. I have had to repeatedly admonish lawyers not to pass notes to their clients during testimony and to instruct people to stop smoking, drinking, cursing, and to dress appropriately during proceedings. Distractions are much more frequent (dogs parking, background noise) and it is difficult to ensure that a party is complying when the rule is invoked as they can have someone in the room without being visible on the camera. I had to call 9-1-1 for a litigant during a hearing last month as her domestic partner was banging on her door outside during a hearing and she was frightened. So, I do believe safety is also something that we have less control over in the virtual setting.</p> <p>These are not really criticisms but demonstrate why it is appropriate to return to in person hearings where evidence is being taken.</p>
5	<p>The pandemic forced the courts to use more technology which helped us to understand how the technology can be utilized to increase access to the courts. The technology has absolutely assisted the courts, witnesses, litigants (especially self-represented litigants) and attorneys.</p> <p>However, in-person courts proceedings remain the very best way to conduct hearings. Also, technology has somehow bolstered with disrespect. Individuals have had no problem using profanities, hanging up, yelling and otherwise disrupting court proceedings. It is much more difficult to control proceedings when the participants are not in the actual courtroom.</p>
6	n/a
7	Accessibility

8	Problem is people on phone can't hear people in courtroom.
9	Confusing for older generations.
10	They are wonderful for immediate threat of a real threat of contagion when that threat is so real it should suspend or stretch the meaning of due process to prevent an imminent threat of death or serious injury. But, in person presentations allow for more meaningful exercise of right of confrontation, identification and examination of evidence.
11	Many people appreciate the ability to appear remotely. We have had very few issues. Anyone who is unable to appear remotely or would prefer to appear in-person has been allowed to appear in-person.
12	Constant changes (complaints are fewer as this has stabilized). Lack of access of some parties to internet services (addressed above). Lack of efilng in my department (Probate/MH, PLEASE address this).
13	Its success depends on the level of technology available to litigants and attorneys.
14	I have heard from other attorneys and judges that it can be very difficult to conduct PHs and trials over zoom or other video hearings
15	The biggest difficulty is ensuring the ability to share and distribute exhibits for hearings, particularly for SRLs
16	none - haven't used
17	Attorneys have become too reliant on it. There have been many dependency and severance trials where the parents are alone in court and their attorneys are on the phone, which at times seems cruel.
18	It's confusing, but it is more convenient, because location is not an issue.
19	Not everyone is computer literate and do not own a computer
20	none
21	Difficulty for self represented defendants to clearly understand Court procedures, legal language and use of technology. Victim services helps those who are in need of help with OOP/IH Petitions
22	concerns with identification of the parties and potential identity challenges in the future as related to convictions that are not administered in-person. it is extremely difficult to manage various modes of appearances and help staff feel competent in in-person, telephone and video appearances
23	telephonic appearance is generally available. Technology with video is not.
24	Additional training and technical support resources are required.
25	Helpful for parents in Dependency cases who lack transportation and/or have work.
26	We are a remote court, so participants are very happy to not have to drive for an hour or more to appear in person.
27	Relatively few. The hospitals where we conduct mental health hearings are glad not to have to transport patients during the pandemic. Only less than a handful of the mental health patients have requested either in person or

	visual appearance. None of my probate cases have requested that. My experience is narrow with this, so my comments should be considered given the areas I cover. I have been surprised at how well generally this has gone - especially with my usual problems with technology
28	Need better connective systems
29	None
30	it is too informal and family law litigants don't take proceeding seriously; often have poor quality of video or audio requiring down time in hearing and need to schedule continued hearing at later date delaying issuance of ruling; use it for scheduling only.
31	The only criticism I have received is that some attorneys are not well-versed in the various platforms. Therefore, they have difficulty during oral arguments.
32	The Teams app is atrocious. It never fails to fail. I need an IT person about 3 times a day.
33	we didn't use anything during pandemic/ court ran as always before and during pandemic
34	None really. There were some hiccups at first but it did not take long for everyone to get on board.
35	Too in-personal
36	I agree that time and resources are saved by doing things digitally, however, the human contact between defendant and attorney, between judges and litigants is lost.
37	none
38	Litigants and witnesses are receiving improper assistance during their sworn testimony from other people or documents which have not been admitted into evidence. When we recognize it, we address it through instructions, but it is impossible to control the testifying environment like during an in-person proceeding in a courtroom. I think this is a significant limitation to virtual evidentiary hearings and trials. I have been uncomfortable with this issue throughout our use of virtual hearings, but I balanced my concerns against the need to keep the wheels of justice moving during a public health crisis. Additionally, there were infrequent objections to proceeding with evidentiary hearings and trials in a virtual setting. Participants appeared to recognize the challenges the system faced, but the lack of an objection is not the only factor we should evaluate in assessing whether we are truly providing due process. I support leveraging technology for greater access to the Courts and more efficient operations, but I am concerned a failure to return in-person evidentiary hearings and trials in the vast majority of cases, may result in continued compromise of important principles without reasonable justification such as a national health emergency. I also feel some of the electronic filing and exhibit handling processes we have implemented, while adding certain efficiencies, may create advantages for those with greater access to or familiarity with electronic systems.

39	I really like leveraging technology to increase access to the courts. Not only do they save time and money for everyone involved, but they also protect people at the courthouse. Tech not only protects people from infectious diseases like COVID, but from physical threats, e.g., in a hearing on an order of protection. I'm afraid that once COVID is over, that there will be a temptation to go back to business as usual. Not only will the courts allow our technical skills to lag and ultimately atrophy, but I'm afraid that some judicial officers will affirmatively INSIST on people coming to court in person. We now know that we don't need to be so rigid in what we are ordering people to do and that we won't suffer any significant loss of quality if we continue to leverage tech going forward.
40	None that I know of.
41	n/a
42	n/a
43	Great convenience for marginally economically secure families and parents with children.
44	Many defendants have been very pleased to be able to appear electronically.
45	Some complain they don't understand how to use it. Others say it saves time. Interpreted matters pose a particular challenge.
46	Need more people with the technology
47	sometimes does not work
48	There is a strong inability to judge truthfulness of witnesses testifying. Also, there is great difficulty in controlling the proceedings.
49	Use of technology based platforms should be a tool in court proceedings going forward. That does not mean that every hearing should only have parties using technology based platforms. It just means that such platforms should be available for use when needed.
50	N/A
51	video evidentiary hearings are adequate, but in person hearings are the gold standard, and should be the goal. maintaining public access to online proceedings at this time means allowing the merely curious to simply login anonymously to watch very personal though public proceedings that they would not attend in person--the proceeding is open to them but they are not visible/open to the proceeding--just as one cannot just click on all docket entries and pull up family law documents from a home computer, people should not be able to click on youtube and anonymously watch their friends' divorce and child custody hearings. I also don't believe it is appropriate for the fact finder not to be visible to the litigants during their proceeding. And though I believe online hearings are adequate, in person hearings remove questions regarding whether a litigant or other participant who is not visible is say, consulting additional materials, receiving advice, in a setting where they can focus on the proceedings, and that the children are not present or within earshot. Pro se litigants are often not visible during the hearings because they call in; again, while this

	is adequate, it is not ideal, as the factfinder should be able to see them when assessing credibility, and they should be able to see the other litigants and the factfinder.
52	n/a
53	Prefer in-person hearings. It allows the court and litigants to make more accurate determinations of reliability and motivation.
54	1. Big concern is use of interpreters. It feels like parties using interpreters are barely actually present by video or audio. And the ability of interpreters to manage is very mixed. 2. I do not know who is in the room with a party; lawyers think they can prompt their clients and it is hard to police. 3. We need universal expectations, at least per department; e.g., do we all let parties/witnesses/lawyers appear without a camera? 4. We need excellent, understandable and accurate instructions on expectations of how people are expected to appear.
55	It's hard as a judicial officer to be as personable remotely. Exhibits are problematic for the self-represented
56	We are a rural county. There was little IT support for tech based platforms and no training. I still have no idea how to use Zoom, Skype, or any of the other video meeting apps. I do have 2 giant screens in my courtroom along with cameras and microphones everywhere but no one knows how to use them .
57	the lack of knowledge and training of the technology for staff, judges and the public appearing.
58	n/a
59	Lack of dependability Technical Issues Access to All Bandwidth
60	Not uniform application
61	All exhibits need to be distributed to all parties/witnesses for reference during hearing. Attorneys need to be proficient in the online platform, including being able to share their screen to show a witness an exhibit. All parties should be encouraged to use video cameras to participate rather than just using telephone call-in features, where possible.
62	In the absence of a pandemic, we should conduct court proceedings to the extent possible in person. And, if doing so ultimately costs more, we should pay the extra cost. The quality and content of our justice system should outweigh cost efficiencies -- unless the electronic proceeding has no high stakes outcomes and can simultaneously save costs for the parties.
63	none, although some of the attorneys aren't familiar with all the available features in teams
64	many technical problems causing delays on heavy court calendars, reduces appearance rates, increases number of warrants issued, increases time on quashing additional warrants, delays court processing times for criminal cases.
65	Litigants like it because it reduces cost for travel time and time off work. Attorneys like it because it reduces the problems associated with having to be in multiple courts on any given morning.

66	The biggest criticism is that tech-based platforms don't work well when one of the parties does not have the necessary internet bandwidth. It makes it really hard for a quality hearing to occur when that happens.
67	In many areas, the use of technology has improved the efficiencies of many court proceedings.
68	Somewhat difficult for the less technology savvy participant. Those who live in remote areas have more issues with internet service.
69	One defendant faced a barrier completing court ordered classes on her computer or smart device. She had neither and there were no in-person sessions offered. This may effect the older crowd that is not as tech savvy.
70	Keep allowing them to occur for easy, quick hearings!!!!
71	It's not nearly as reliable as needed.
72	People abused it
73	Participants tend to take things less seriously in less formal virtual environment.
74	Great cost-reducer.
75	Continue working to cleanup audio
76	At times undependable and takes time to get all connected.
77	None
78	Prior to eviction hearings the parties rarely have a chance to communicate and come up with a stipulated agreement.
79	Inability to effectively use exhibits. Difficulty managing hearings where one or more of the participants are unfamiliar with the technology being used by the court.
80	As much as we progress technologically, we need to progress equally or more with tech security for our information and proceedings.
81	Too many attorneys are not treating virtual appearances as if it is not an actual court appearance. Many avoid turning on cameras to avoid court seeing they are inappropriately dressed, are driving, or are engaged in some recreational activity while appearing in court.
82	Parents and lawyers are very happy about technology-based (video/phone) conferences at juvenile court. Much improved attendance by the parties.
83	There are many options available that have yet to be utilized and could have been
84	Could be used more.
85	None
86	It would be nice to have an IT person available to ask questions when troubleshooting how to improve connections and accessibility for the smaller courts.
87	None

88	none
89	The impression that the court system will trample due process and liberty rights for marginal gains in safety is not likely to increase confidence in the judiciary. We need to be certain that measures we implement are not merely for show but actually accomplish something, particularly when such measures limit access to justice.
90	Most litigants and attorneys appreciate the convenience and reduced time and expense of appearing remotely. The most frequent problems involve inadequate bandwidth or pro se litigants who lack the necessary computer equipment and/or technological knowhow.
91	I don't like them for substantive proceedings because it makes things less formal, people take them less serious, demeans somewhat the role of the judge
92	To the extent possible, we should be seeing the court as a service and not a location.
93	Need Teams integration with FTR system.
94	State seems to be most hesitant and without partnership of all parties, makes it appear to be an undesirable process.
95	Some parties and attorneys want to appear in person.
96	Alot of people want to appear via zoom, telephone through covid.
97	We run into issues when exhibits are required. For instance, in a Civil Traffic Hearing, the officer has no idea if the other party is appearing in person or zoom so he comes prepared to court with exhibits in hand. If the defendant appears by zoom we have to scramble to make arrangements to scan those exhibits to the other party and that causes a delay in the hearing schedule. Another example is when a defendant appears by zoom on a criminal matter and getting the original signed documents have been difficult for some of our self represented litigants.
98	More technology resources for courts. We all threw things together during the pandemic and have a very patchwork system that appears unprofessional at times and can be cumbersome and glitchy for the judges who have to manage everything from the bench. We need a more robust IT plan for the courts to provide technology support and improve consistency throughout the state as regards the public's ability to access courts digitally.
99	NA
100	Some people's internet is not able to sustain video appearances, but I think the increased rates of appearance and increased ability to calendar have been appreciated.
101	Criminal defense counsel have expressed concern about the ability of their clients to participate with their attorney in important evidentiary hearings when done virtually.
102	Some customers just prefer to appear in person while others prefer to appear remotely. I see technology as another alternative available to customer who

	choose how to participate. It should not matter what option you prefer, what is important is are courts available either way.
103	More training needed on holding hearings via Zoom.
104	Technology is not available to people in the rural communities
105	For safety of all keep digital court hearings post pandemic
106	Continued use for non-evidentiary hearings across all departments should be a priority.
107	Technology has substantially decreased the quality of the Superior Court functions in my criminal proceedings. A multitude of deficiencies ranging from attorney prep.; attorney physical appearance; atty - client communications; audio/sound quality; impediment to the right of confrontation during contested hearings; defendant identification problems, etc. have resulted in a substantial negative impact to the superior court. I believe the honor, tradition, and respect for the court has been diminished. The purported emergency of a global pandemic is now evolving into "efficiency and budget considerations" transforming a "Justice System" into a people management process. Sad Day.
108	Attorneys like the zoom appearance.
109	None
110	It is creating a disparate impact on poor segments of our county that does not have access to reliable/consistent internet service and therefore forces them to drive long distances to address court matters.
111	I HAVE BEEN A REMOTE JUDGE SINCE MARCH 2020. WE HAVE OUR FILES AVAILABLE ELECTRONICALLY, SO MY DIVISION DID NOT SKIP A BEAT EXCEPT FOR JURY TRIALS. I HAVE HAD HEARINGS WHERE DEFENDANT'S OR COUNSEL ARE SITTING WHEREEVER THEY NEED TO BE TO PARTICIPATE. FOR ATTORNEYS APPEARING IN DIFFERENT COURTS IN VARIOUS PARTS OF THE COUNTY, THE VIRTUAL COURT HAS MADE IT EASIER TO MEET THOSE REQUIREMENTS. INDIVIDUALS USED TO BE REQUIRED TO BE PRESENT FOR ARRAIGNMENTS AND PRETRIALS THAT WOULD OCCUPY HALF OF THEIR DAY. DEFENDANTS WOULD HAVE TO LOSE TIME FROM THEIR WORKDAY. THE VIRTUAL COURT EXPERIENCE HAS SAVED THE PUBLIC TIME AND MONEY.
112	All parties have appreciated the time savings from appearing virtually.
113	none
114	It is easier for the court to have in-person activities.
115	Reluctance to participate by prosecutor's and court appointed attorneys. Their resistance had to do with the idea that it was easier to meet with the parties in person.
116	People cannot hear

117	.Criticism: Degradation of the seriousness of the matter. MUCH greater probability of continuances.
118	Allowing people to appear by Zoom means they miss less work and don't have to travel to Court. Everyone seems to want Zoom hearings to continue.
119	Some attorneys or parties do not have sufficiently high speed internet access, and so their appearances will cut out or freeze. Some are not comfortable with remote/video appearance of witnesses. Everyone seems to accept telephonic appearances. We have remote court reporters (RevoText) and attorneys and litigants are growing accustomed to that style of reporting, although there is grumbling from some attorneys.
120	The technology-based platforms were useful when necessary, but I believe the public expects to have real live contact with judges/courts when not a public crisis.
121	I appreciate that we had to re-think some of the procedures. With more training and practice (and \$\$) I think it could be even better.
122	Insufficient bandwidth in our rural county.
123	There was an efficiency study done regarding the PMC by the NCSC 2-23-12 (final report). The recommendation to move from a paper-based system to and electronic system to achieve required efficiencies. It has yet to be accomplished.
124	Looking at the screen all day is exhausting. In a high-volume calendar, when a witness or party has a tech issue, the practical reality is that we have to move forward with that person on the phone and, of course, audio is less satisfactory than video (even though the appellate record is only based on the audio).
125	can create an inappropriate casualness.
126	None . We have done conference calls but other than that we have had in person court with all precautions taken since we are such a small court.
127	Lack of functionality (tech issues) and difficulty in managing virtual appearances (i.e. parties speaking over each other, etc).
128	Haven't used based-platforms
129	Utilizing technology-based platforms, has reduced the Failure to appear rate in our Courts.
130	One issue I had was the perception of less formality. It was much more difficult to control the courtroom and the behavior of participants.
131	No criticism. It has only expanded access. People can watch and participate in cases from out of state, as defendants, victims, family, and witnesses. I conducted a 3 case settlement conference in which 1 case was out of Mohave County. Next of kin (from Mohave County and Maricopa County) appeared virtually, as did the Mohave County prosecutor. This is something that NEVER would have happened pre-pandemic and was incredibly helpful.
132	Technology slows does the court as judges have to move between files and records on busy calendar days using computers that have a lot of security on them. This is less of a concern on days when there are only a few matters on calendar. Its helpful for litigants who are represented and, sometimes, self-represented.

133	None
134	Even if we had the most updated technology, our IT Department cannot support it. Also, the use of technology has resulted in sloppy and embarrassing performances by attorneys.
135	Slow connections and interrupted proceedings; we have to limit the number of participants
136	None
137	None
138	Nothing at this time.
139	We need to educate folks about proper protocols. For example, lawyers, like litigants, need to learn digital etiquette.
140	Many don't have access to computers.
141	I will continue to use as much as possible in the future even when not required.
142	none
143	My criticism is that the use of technology based platforms turns the Judicial System into a fast food type operation. It lowers public perception of the importance of our judicial branch.
144	Slows down the process.
145	Issues with screens freezing, audio problems, inability to hear
146	Litigants and attorneys appear to be more informal and sometimes disrespectful of the court and each other. Participants (attys and parties) talk over each other and interrupt much more often. For example, they put their feet up and walk in and out during court proceedings. If we continue to use these platforms, an administrative order should issue to address (similar to any orders in place for court hearings).
147	Not everyone has the advantage of this platform.
148	The system is slow
149	No internet or smartphone
150	no funding
151	We've only used the telephone for sentence review types of hearings - no comments or criticisms, works well for defendants who comply and have a phone that accepts messages
152	Due to some technology issues phone appearances have been utilized mostly, zoom or other type of appearances in which parties SEE a courtroom is preferred otherwise it is a matter of GREAT convenience for most parties
153	A suggestion would be to have an easily accessible document for unrepresented litigants in family court cases that provides a step by step guide for submitting exhibits to the clerk, and logging in to a video hearing. Perhaps a

	standardized notice that automatically goes out in every case at the beginning.
154	The biggest problem is letting litigants know they may appear remotely. The police agencies are not giving them that information. It would be best for litigants if all courts operated in a similar fashion.
155	They are intimidating to some people. Additionally, some people who work in the justice system are traditionalists and believe all appearances should be in person.
156	We have not used technology-based platforms, court sessions in-person resumed in May 2020
157	None.
158	The comment I have is one I repeat. The opportunity for an expert to appear remotely cuts costs drastically, and increases the number of cases that the expert can assist with.
159	defense attorneys want to be present with clients
160	I would suggest an AZ courts unified case data management system with integrated e-filing, notice, and video-conferencing capabilities.
161	Excellent opportunity to dramatically expand access to justice!
162	People have become far too causal in appearing virtually. Examples: one Defendant eating a huge meal, another Defendant was smoking, one was driving down the road while trying to balance his cell phone and appear, one Defendant appeared to be undressed and reached for a towel or blanket to cover up.....
163	It would be more convenient if all courts used the same platform (rather than some on Zoom, some on Teams, etc)
164	I would like attorneys to take fuller advantage of the platform's features. I'd also like them to appear timely.
165	I have heard good things about opening up the court room to more remote appearances, and only criticism has been from those trying to use it but are not savvy and are mad because they don't want to attend in person and are equally unable to call in or appear by video. Those are perhaps persons who are critical of all obligations to appear, and less helpful in steering the direction of the courts.
166	Being 14 months into the pandemic, I find it irresponsible for any court to not have secured the appropriate resources and RFQ providers to facilitate criminal changes of plea from defendants being held in custody but on quarantine and thus unable to be transported to court
167	Technology based hearings do not work well especially when evidence is being presented. In person proceedings are vastly better than remote proceedings in terms of the quality of the presentation and the focus of the parties.
168	N/A
169	Mostly problems with connections depending on the location of the party/attorney; also problems with background noise (dogs barking, trains going by, noisy AC units, etc.).

170	Not much. People generally like the accessibility
171	Superior Court CTS personnel need to be better trained and more responsive. Many of them seem not to have adequate knowledge or training or experience to assist with and resolve issues that arise.
172	Non-appearance hearings where no parties physically or virtually appear are not very efficient or effective. In the criminal context, non-appearance hearings requiring the filing of a joint statement are complicated by the errors made by counsel completing the statements, defendants' non-compliance with release conditions, and defendants not communicating with his/her counsel.
173	After we went to remote I had reservations. However, I have found it to be a wonderful service to the community. Attorneys and litigants are able to appear when otherwise they could not sue to school, work or transportation issues. I think it even promotes safety for litigants. I the majority hearings are kept virtual because it is better for the public whom we serve.
174	Improved education needed for courts/attorneys on methods to reduce feedback/background noise and methods to improve sound quality.
175	Video conferencing is too glitchy and the lawyers are not willing to commit the time needed to become proficient at it.
176	I hope we keep using them in the future.
177	Nothing negative. If anything it's been helpful.
178	We have frequently had issues with Mitel with the line crashing. We drop calls often and need to pause. Sometimes no one can even get on the line. The audio is often difficult to hear or creates feedback. People seem very relaxed about court appearances - often calling while driving or engaged in some other task. There is frequently background noise - jack hammers, trains, toilets flushing, dogs barking, birds chirping (loudly) - cats meowing. I had one litigant who was driving a back hoe while testifying. Obviously, I discontinued the hearing when I figured out what was going on.
179	I have only received positive comments from attorneys and litigants about reduced costs and travel time.
180	conductivity issues and concerns about victims and incapacitated persons continuing to be victimized during virtual proceedings.
181	we need to get back to "normal"
182	We obviously need to maintain public access to court proceedings. I'm not sure how easy it is for members of the public (and the media for that matter) to find a hearing, but it should not be a difficult process.
183	the attorneys have become much lax
184	Some litigants have complained about difficulties logging on to Teams.
185	We have very poor internet reception at our court
186	None

187	Technology-based platforms should be continued after the pandemic because it gives a court additional tools and abilities to conduct hearings both in custody and out.
188	Seniors find it more difficult to manage. There appears to be a lack of understanding of the technology.
189	None, the public likes the fact that they can appear via virtual platform.
190	All platforms have some bugs, but I believe the bugs will eventually be worked out, and we will be able to provide the same/better service post-pandemic with the use of technology-based platforms at less cost to the taxpayer.
191	Really benefits parties and attorneys for scheduling and ease of appearing in court
192	our internet speed has created difficulty
193	Not as much engagement. Not enough judicial authority (judges think).
194	I think a single format should be adopted for all courts with the primary focus on the ease and clarity it offers defendants.
195	They have been very helpful and some form should remain even post-pandemic.
196	longer hearings
197	Court's should be in the business of serving people. There is a place for technology, but it should not replace personal engagement between courts and litigants.
198	We have received positive comments regarding the audio recordings posted from the public and media.
199	There does need to be better training and IT assistance with technology.
200	To address technical issues and the "digital divide," I have often been forced to permit attendance by telephone in situations where video appearance would have been greatly preferred because credibility is at issue. Also, remote appearances cause some litigants and other non-lawyers to take the proceedings less seriously and offer less respect to other litigants and the court than they would if they were appearing in a formal courtroom.
201	To costly to have that many Glitches.
202	None
203	In ability to clearly hear all parties.
204	n/a
205	Not enough techs available to respond to problems
206	None.
207	They should be expanded and embraced. The past year has shown that you can complete almost every task necessary via a remote option. Save time and money by allowing people to participate remotely. The last year was a

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Post-pandemic Recommendations

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	culture shift for the good - we should not return to the same old ways of doing things.
208	I firmly believe that if access to justice is the priority of the state court system then remote hearings are appropriate for everything except for evidentiary trials or hearings. These hearings save litigants missing important work and missing school, and allow more litigants to appear who otherwise might not given limited transportation and other barriers. If we want to make the court accessible to everyone, permitting a great deal more remote hearings will allow that for the reasons above and will greatly benefit the public who simply cannot take off work or miss school.
209	The digital divide isn't so much an issue because parties can also appear by phone. The hardest part is attorneys using speaker phone or having a bad microphone for computer based appearances.
210	They are unnecessary
211	Attorneys sometimes struggle to admit evidence when submitted remotely, but with practice, they have improved their proficiency. The predominant problem has been litigants who are unwilling to try to use the technology.

Q16. What changes in court proceedings would you recommend as a result of your experience working remotely during the pandemic? (184 responses, 182 skipped)

#	RESPONSE
1	None
2	I feel courts should have more discretion to utilize remote work as the judicial officers feel comfortable within their own local setting.
3	I believe that T36 proceedings have been working very well via Zoom. I also think that many family court proceedings have been working very well via Zoom. As Coconino County is a rural county, the use of Zoom in family court proceedings has been very convenient for parties in areas such as Page. However, for folks who reside in the Navajo Nation, there have been some challenges with internet connections.
4	None. I think the administration in our county and state did a wonderful job of adapting in the face of the pandemic. We were quickly able to continue meeting the needs of the public. I think we learned a great deal and will be able to use the technology developed during the pandemic to improve access to justice in the future.
5	I would recommend that the technology remain for short proceedings and for out of state and other necessary situations, otherwise a full return to in person hearings of all kinds is preferred.
6	no experience
7	I have not worked remotely as a Judge, except for trainings.
8	Telephonic and video appearances for civil and civil traffic arraignments and hearing
9	Keep the electronic means of appearance for motions, oral arguments, status conferences and other procedural hearings. Provide for in person appearances where the Court or parties believe that is appropriate.
10	I would appreciate rule modifications where necessary to allow remote appearances when beneficial to the parties.
11	We are already working on adjusting our timing of hearings--more staggered scheduling instead of "cattle calls". I also would recommend implementation of efilings in my department. Opt-in push notifications for court proceedings would be very helpful as well.
12	Having all of these options available is a great thing and definitely increases access to justice. Everyone's situation - and every Court's situation - is unique, so for each Court to have more discretion in the types of hearings that work for them (in-person, telephonic, video, etc) allows us to better meet the needs of the community we serve. Maricopa County's needs and resources will be vastly different from those of Nogales or Cochise, and that needs to always be kept in mind when making decisions of this type.
13	For municipal courts, allowing telephonic changes of pleas with no mileage limitation.
14	We are instituting a policy requiring dependency attorneys appear in person

	for trial proceedings.
15	Civil traffic hearings conducted by zoom , especially for those that are out of state
16	Continue to allow appearances by telephone or other technology when necessary - continue allowing resolution of non-victim criminal and civil cases to be resolved by telephone, other technology and/or mail/email.
17	we do not work remotely. It does not seem smart to allow access to sensitive Court records from home when courts have no idea who else is in that home and has potential access to that court employee's work information. if we do background on everyone who works in our facility, why would you not apply that same thought to working in the home? we do not allow court records outside of the facility, we are the keeper of the official record and will not risk files leaving our facility for any reason
18	more telephonic or technology based hearings for routine or uncontested matters.
19	Do as much for people over the phone.
20	I would have utilized Zoom more often to conduct hearings rather than continue unless someone could not appear.
21	I would recommend that remote appearances become the norm, especially for remotely located courts.
22	More presumptive virtual hearings and appearances and much more willingness to permit telephonic/virtual attendance even when the courts open completely
23	More substantive hearings remotely
24	None
25	use it for scheduling, non substantive proceedings.
26	Use virtual (electronic) platform for short, uncontested proceedings to save money (attorney fees and time off of work) for parties.
27	I recommend we continue to utilize technology for those hearings which are not evidentiary in nature.
28	some video proceedings in simple procedural matters
29	n/a
30	Use telephonic and ZOOM more often. It is very efficient.
31	Keep as much virtual as the Constitution and due process will allow as it helps parties and witnesses access the court system without the stress and difficulty of coming to court.
32	I think allowing court employees to work remotely has a positive effect on morale, however, it is difficult to monitor work output. I suspect that court divisions will be more able to work remotely than clerk's offices.
33	Better secured & fenced parking lots for clerks and security screening at the front station would be key to having more and better confidence that staff was

	safe from the types of confrontations in the future that we have seen them suffer during Covid-19. Our clerks have to take a lot of abuse judges calling in should not be allowed if the clerks have to be in the building.
34	I think we should return to primarily in-person evidentiary hearings and trials as soon as reasonably possible. I would support use of virtual platforms for non-evidentiary proceedings. There may be some evidentiary hearings, upon the agreement of the parties, than can still be conducted via a virtual platform.
35	The weakest link is the party who doesn't have a phone or doesn't have internet access. I like the idea of giving people safe spaces to participate in court hearings remotely, e.g., in a protective order center or adjacent spaces, where the tech and some coaching are available for people to use. Equipment and coaching are essential to help people participate virtually.
36	The need to make courts file free, for those courts still working with files. Working remotely was challenging having files.
37	If someone has a cold, aggravated asthma, COPD, excessive coughing / sneezing, they should be willing to wear a disposable mask for safety and the courtesy of others.
38	Return to "in person" business.
39	Keep remote appearances in place for inconsequential/routine hearings and as an option for more intensive court hearings.
40	Continue with remote hearings - especially for civil traffic hearings
41	Continuing with technology in criminal cases
42	more use, especially for out of town people who need to be in court
43	No to use when conducting actual trials/evidentiary hearings.
44	I have not worked remotely during the pandemic.
45	TELEPHONIC ARRAIGNMENTS/INITIAL APPEARANCE
46	I would recommend that all resolution management conferences and status conferences be conducted by phone, unless one of the parties wants it to be in person.
47	n/a
48	None
49	Universal broad band? I came into the office every day except the first month.
50	I never worked remotely during the pandemic. Many attorneys and litigants appeared by telephone during the pandemic. It makes determining the credibility of a witness, a party, or a lawyer very difficult. In addition, people tend to talk over one another and I am sure that wrecked any recording of the proceeding.
51	Continuing to allow people the ability to appear remotely (but must be by video showing their face for identity purposes) for most all hearings except for change of pleas in CR and JT's as it has been so much more efficient and the appearance rate is the highest I have seen in 20 years being in the courts.

52	n/a
53	In a medium sized GJ court, remote work was difficult and we would not be continuing with that option.
54	We need more bandwidth.
55	Hybrid proceedings that allow some parties to appear by video, while other parties appear in person. Remote proceedings, where agreed upon by all parties.
56	No obvious changes necessary in my court -- which is an appellate court.
57	keep using remote appearances to the extent appropriate--it's an access to justice issue, and saves time and expense for litigants.
58	If a hearing can be conducted remotely, with all litigants feeling heard, it should be conducted remotely. I also like the concept of hybrid hearings. If some litigants want to come to court and others want to appear remotely, we should be able to accommodate that.
59	I would recommend that smaller, non-evidentiary hearings continue to occur via Teams. It's far more cost efficient for attorneys and their clients, keeps people from having to come downtown, and makes sense given the short length of the hearing.
60	The court ought to make available more resources for individuals who do not possess the equipment to appear by video platform to appear by video (like what's provided through the order of protection centers).
61	Do as many remote hearings as possible
62	Resolution Management Conferences can be telephonic by default.
63	Continue the use of non-appearance "hearings" in criminal court to reduce unnecessary hearings.
64	Don't need as many in-person hearings.
65	Allow parents to continue to appear remotely if they so choose.
66	Keep increased use of remote hearings in place of live appearances
67	Did not work remotely.
68	Increased use of virtual hearings for routine matters.
69	Most if not all Pretrial hearings can be done virtually for all case types.
70	Continue setting time certain hearings with virtual appearances permitted for routine morning calendar matters in place of resuming the old "cattle call" approach.
71	Keep most hearings virtual, if possible.
72	More availability to Weber or video appearances using Microsoft platform
73	not sure

74	None
75	Didn't really work remotely to provide feedback.
76	More allowance for telephonic appearances. Almost the same benefit as audio-visual and far easier for self-represented litigants in rural communities
77	None
78	I'm not sure.
79	NA
80	none
81	I think we learned that it is cost effective for represented litigants to have their lawyers appear remotely. It also helps participants in treatment courts to maintain contact without disrupting their employment.
82	More training and development of "informal trials" especially in family law.
83	Allow any party to appear remotely.
84	Court rules that are based on old paper-based, appear in court methodologies
85	It should remain an option to accept guilty pleas and sentence the defendant on misdemeanor pleas using technology rather than requiring the party to appear in person.
86	None
87	<p>While I think the Zoom appearances are convenient for attorney's and litigants, I feel that there is has been a shift towards a relaxed attitude to needing to appear. Some attorney's assume zoom will be granted without even filing a motion and I feel most would want the ability to not have to come to court. However, sometimes a court appearance (especially in a criminal matter) should be inconvenient to some extent. I feel the integrity of respect for the Judicial System is at risk if even the embarrassment, etc. of having to return to court is diminished.</p> <p>While technology has some great tools to be utilized, there is the possibility we can go too far - thus creating bigger issues that we may not be prepared for.</p>
88	Improve the IT foundations to make virtual hearings more seamless and easier to manage remotely.
89	NA
90	I would recommend there be more locations established around the Valley (not just at courthouses) for people to be able to appear remotely, having an option for people that do not have good internet or computer access. And generally, I would recommend allowing a lot more remote hearings and proceedings.
91	I would recommend that if courts will be allowing for this remote alternative to remain in place that a committee be put together to review remote processes to ensure consistency among the courts. During this pandemic we

	had to purchase technology equipment, put processes in place that may not necessarily be in compliance with our normal noticing instructions. For example, a notice of remote hearing is going to be different across all of the courts and that's ok but the contents of this notice should be standardized. One good example, is the OOP forms. They are standardized across the state regardless of what court you go to.
92	AOC providing tech equipment recommendations
93	None
94	Every court should have a toll-free number for participants to call into, and it should be the participant's responsibility to use it - nor the Court's responsibility to track down defendants to
95	Uncertain
96	IN ORDER TO PROPERLY ANSWER THIS QUESTION, I WOULD ASK THAT A COMMITTEE BE FORMED TO ADDRESS ALL ISSUES THAT A VIRTUAL COURT ENCOUNTERS
97	Changing of the Rules to allow virtual appearances but still allow a Defendant the right to appear if they wish. Requiring County Attorneys to allow virtual Online Dispute Resolution if the Rules of Procedure are changed.
98	Allowing ADOC inmates to appear by phone, video or ZOOM
99	I think we should go back to in-person
100	We have not worked remote for the majority of the pandemic. We adjusted exposure by attempting to limit admission to court to only those that have active cases.
101	That all Pretrial Conference be held remotely by the County Attorney's office. it helps by lessening that amount of people who come to the courthouse.
102	Parties should appear in person for court proceedings
103	Keep remote hearings by Zoom, Teams, and other online platforms.
104	NONE
105	Working remotely proved very inefficient for the day-to-day operation of the court. I came to the office, except for a few weeks in the early phase of the pandemic; even then I was at the office most of the week. We were very circumspect about masks, cleaning, and congregating. That would not have worked for the more public aspects of the court, but as a judge and judicial office, it worked for us.
106	People should be allowed to work remotely if it can be accommodated.
107	Consistency in platform use and protocols - would help avoid many problems.
108	Allowing Phoenix Municipal Court judges to work remotely.
109	I would like to see remote appearances as a permanently available option, to be used at the discretion of the judicial officer.

110	none
111	arraignments and pretrial could work out better doing it remotely for some people.
112	Only hear cases in which meaningful events will take place.
113	Didn't work remotely
114	None at this time
115	See 15.
116	Telephonically hearings, I think a live video cam is needed in our court room. As a clerk I have the basic on my computer, I am unable to attend Zoom meetings so I appear telephonically for all meetings and trainings. (for this reason I bring my personal laptop)
117	Our access has increased so much. We are able to spend time on cases with "time-certain" calendaring and not perpetually waiting for attorneys to bounce from courtroom to courtroom. If we are going to bring back a type of hearing to "in-person" only, we need to truly be able to say that it only works by being in person. We cannot and should not bring back hearings to in-person just because that's always how we've done things.
118	Allow telephonic or Zoom appearances as the parties request, subject to the timely submission of exhibits and working out an appropriate exhibit protocol.
119	Use if iPads
120	I didn't work remotely. I have continued to come to work every day, every week.
121	Allow electronic case initiation, including filing and initial appearances and arraignments. These are generally short proceedings that can be handled quickly via digital means rather than imposing long periods of time for rural parties to travel, take time off work, and lack of child care.
122	None
123	Nothing at this time.
124	Have as many as possible in person arraignments, pretrial, bench trials, status hearings.
125	None.
126	none
127	Return to in person court proceedings
128	Telephonic appearances for non-substantive hearings should continue.
129	More use of technology in the future
130	Keep the short hearings on Teams and the rest should go back to normal

131	ODR expansion
132	more funding
133	Initial appearances/arraignments should be held telephonically or remotely to an extent remote hearings work until a party loses interest or no longer participates
134	Allowing more scheduling conference, status conferences, review hearings and the like to take place using video conferencing. It saves attorneys time and money reducing costs to clients. Also, an easier way to submit exhibit, or allowing electronic submission of at least a small number of exhibits (or pages). Dropping off paper copies to the Clerk's office seemed to be difficult for most SLRs to accomplish.
135	I cannot think of any at the moment.
136	Never worked remotely.
137	Non-meaningful hearings where only dates are reset should be reset by stipulation.
138	Sanitation issues should not fall exclusively to court staff. What measures can be implemented so that a cleaning crew could come in at the end of the day for each jury trial?
139	none
140	I would suggest an AZ courts unified case data management system with integrated e-filing, notice, and video-conferencing capabilities.
141	Allow continued discretionary use of IT solutions for the courts.
142	Except for a few days, I did not work remotely during the pandemic. I was here at the courthouse practically every work day.
143	I think we just need to become more accustomed to it and not treat it like a temporary measure. Personally, I like using telephone and video for everything except trials.
144	n/a
145	I fully appreciate that the inmates are able to appear by video, from all over the country, much better, and I think that everyone needs to be much more adaptable to proceed remotely when it is possible. We also shouldn't be holding attorneys hostage for routine hearings, I think the volume of work done between and while waiting for hearings has to have benefited the profession greatly.
146	Court personnel are over worked and receiving very little down time. As rotating flex schedule would help relieve the tension
147	I would only use virtual platforms for hearings when it is absolutely necessary due to safety concerns.
148	N/A
149	Continuing to hold hearings remotely when scheduled for less than or up to one hour, or when all parties/attorneys agree to remote proceedings.

150	none
151	I would conduct hearings currently being held as non-appearance hearings as virtual hearings.
152	Keeping everything remote except for trials.
153	We didn't work remotely, just with reduced court staff in courtroom.
154	We need better coordination with the clerk's office to allow remote hearings.
155	Continue using remote platforms
156	Nothing at present.
157	I think it is great to have flexibility for staff to work from home - that should remain an option. I also think that its important to still have work/life boundaries. I hear lawyers saying "I'm on vacation that day, but I can call in." It is my practice to tell them to take their vacation! It is important not to let the flexibility mean we don't ever get time off from work. I know I worked remotely with full blown Covid. I should have just taken sick days.
158	I would recommend that as many hearings as possible be conducted remotely.
159	In family court, the virtual hearing has greatly reduced the tension during proceedings between the litigants. So that has been caused me to be more in tune with the benefit of having one or both parties participate remotely.
160	Keeping certain hearings virtual, such as dependency review and permanency hearings.
161	This court did not work remotely during the pandemic
162	Going forward no changes- continue using the current technology platform/virtual court
163	I would like to continue to see all in-custody defendant's using zoom or polycam. It cuts down on transportation cost, man power and increases safety in the courtroom.
164	We have not worked remotely because there was little availability of laptops to do so.
165	Continue remote work and provide remote equipment for staff to collaborate and bailiff by telecommuting.
166	For my rotation, I would recommend holding all proceedings by video/telephone unless special circumstances require in-person proceedings.
167	use of electronic documents- much more efficient
168	Remote work at least 1-2 days per week for all employees.
169	See above.
170	Courts need to continue to use technology whenever possible.
171	longer hearings

2022]

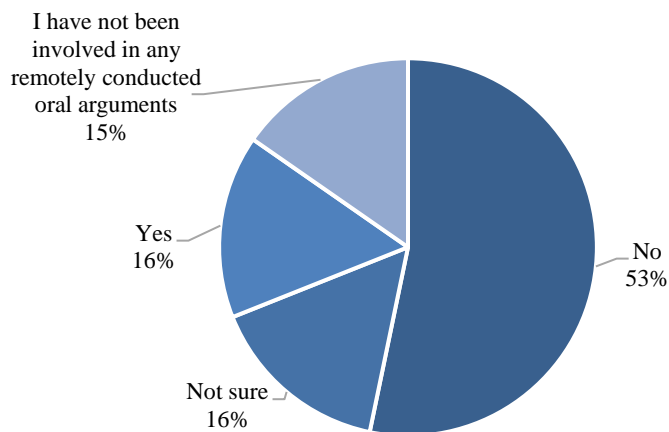
Post-pandemic Recommendations

107

172	Where it makes sense interact with participants in person.
173	Continuing to have the ability to use digital audio in some case types in lieu of court reporters. This aids with staffing challenges.
174	Judges should be encouraged and in some cases forced to use technology.
175	None
176	The widespread practice of working remotely has had a significant negative impact on productivity.
177	n/a
178	Make virtual appearances permanent
179	Allow for remote appearances at all court proceedings.
180	More remote hearings. Electronic submission of exhibits.
181	I believe everything except for evidentiary hearings should be remote and electronic signatures should be permitted.
182	Allow more video/telephonic appearances
183	Return to normal operations.
184	Reduce overcrowding in the courtroom by scheduling fewer hearings at a time.

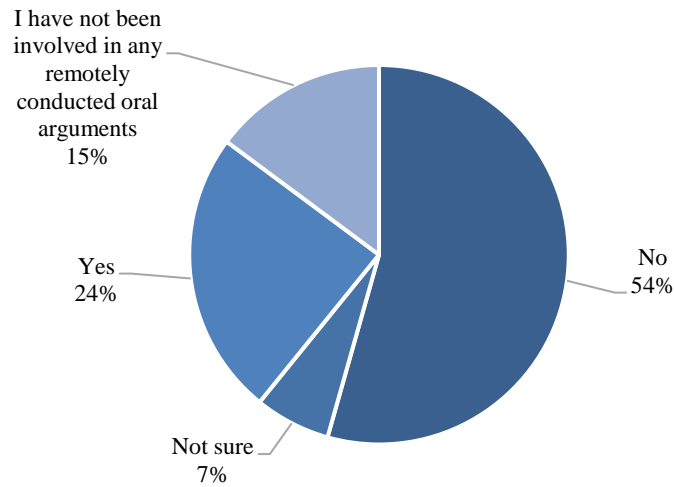
Q17. The following questions are intended to be answered by judicial officers only. If you are NOT a judicial officer, please scroll to the bottom of the page and click "DONE" to submit your responses. Thank you!

Q18. (Judicial Officers Only) Is attorney preparation for oral arguments diminished when attorneys appear using a technology-based platform?



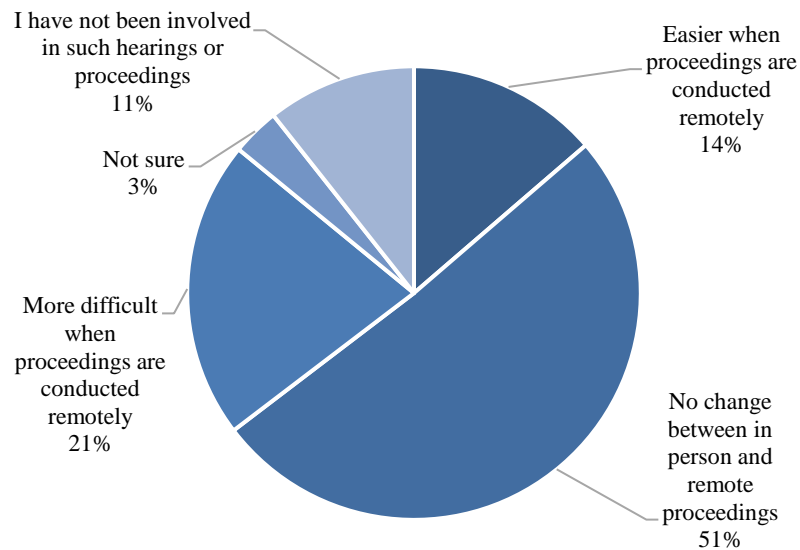
ANSWER CHOICES	PERCENT SELECTING	NUMBER SELECTING
No	53.26%	139
Not sure	15.71%	41
Yes	15.71%	41
I have not been involved in any remotely conducted oral arguments	15.33%	40
TOTAL RESPONDING		261

Q19. (Judicial Officers Only) Is attorney effectiveness diminished in oral argument when attorneys are not physically present?



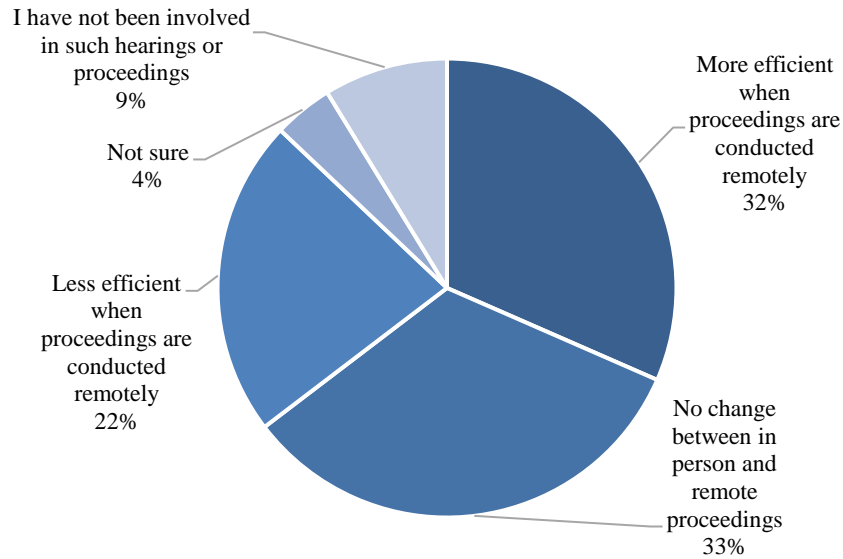
ANSWER CHOICES	PERCENT SELECTING	NUMBER SELECTING
No	54.37%	143
Not sure	6.46%	17
Yes	24.33%	64
I have not been involved in any remotely conducted oral arguments	14.83%	39
TOTAL RESPONDING		263

Q20. (Judicial Officers Only) In your opinion, how has your preparation changed for motion hearings or other proceedings when using a technology-based platform?



ANSWER CHOICES	PERCENT SELECTING	NUMBER SELECTING
Easier when proceedings are conducted remotely	13.69%	36
No change between in person and remote proceedings	50.95%	134
More difficult when proceedings are conducted remotely	21.29%	56
Not sure	3.42%	9
I have not been involved in such hearings or proceedings	10.65%	28
TOTAL RESPONDING		263

Q21. (Judicial Officers Only) In your opinion, how has your efficiency changed for motion hearings or other proceedings when using a technology-based platform?

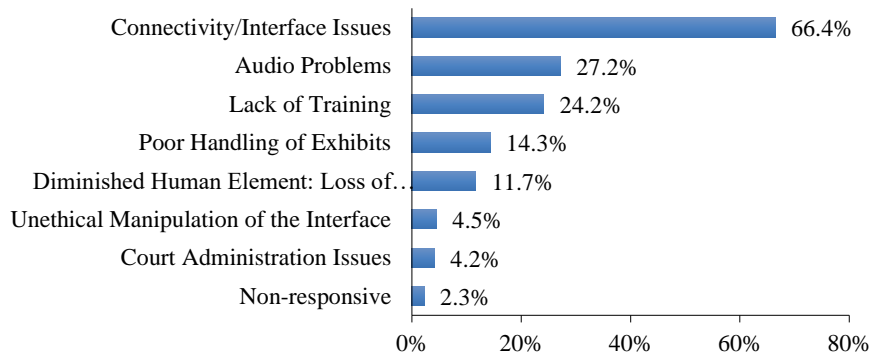


ANSWER CHOICES	PERCENT SELECTING	NUMBER SELECTING
More efficient when proceedings are conducted remotely	31.56%	83
No change between in person and remote proceedings	33.08%	87
Less efficient when proceedings are conducted remotely	22.43%	59
Not sure	4.18%	11
I have not been involved in such hearings or proceedings	8.75%	23
TOTAL RESPONDING		263

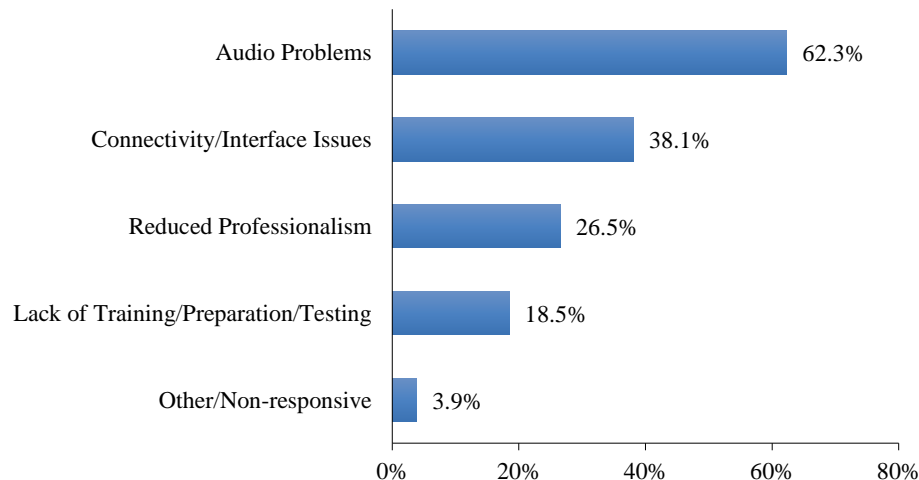
APPENDIX 2: SURVEY OF THE STATE BAR OF ARIZONA
 (OPEN FROM JULY 9, 2021, TO JULY 23, 2021)

559 Total Responses

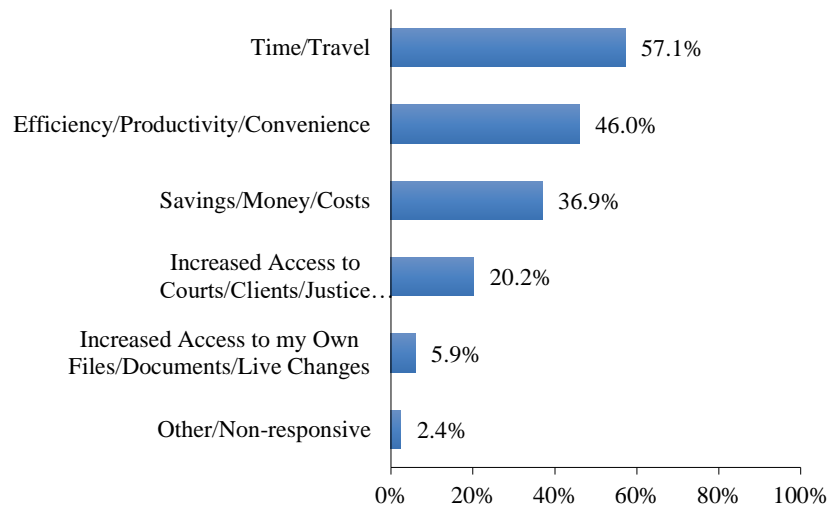
Q.1 In your experience, what are the two most common problems you encounter when using online video conferencing programs and how do you think those problems can be solved going forward?
 (265 Responses)



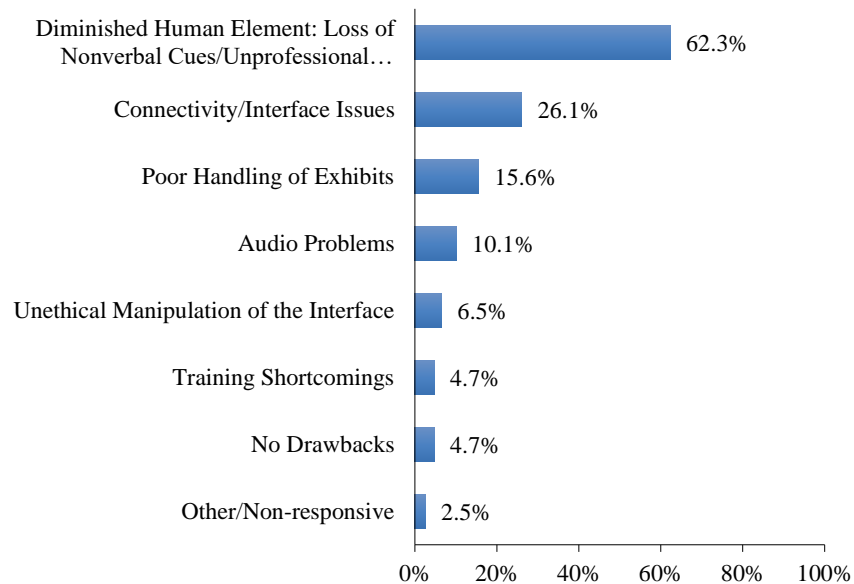
Q.2 In your experience, what are the two most common mistakes people make when using online video conferencing?
 (260 Responses)



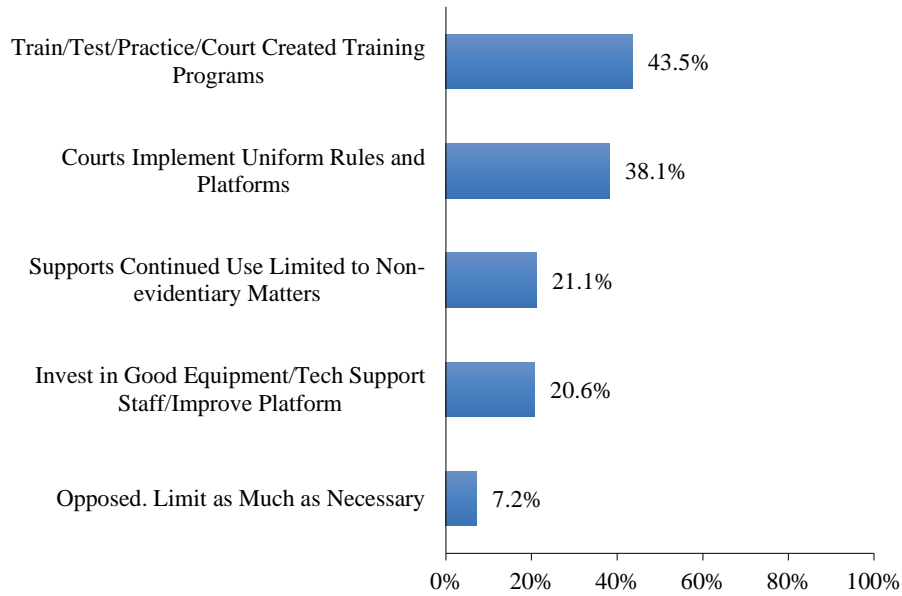
**Q.3 In your experience, what are the benefits of using
online video conferencing?
(287 Responses)**



**Q.4 In your experience, what are the drawbacks of using
online video conferencing?
(276 Responses)**



Q.5 Based on your experience, what steps would you suggest legal practitioners, including firms, attorneys, courts, and/or judges, take to support the effective use of online video conferencing?
(223 Responses)



APPENDIX 3: SURVEY OF ARIZONA PUBLIC OPINION SURVEY
(CONDUCTED SEPTEMBER 27, 2021, TO SEPTEMBER 29, 2021)

500 Total Responses

Age Group:		Gender:	
19.0%	18 to 29	49.0%	Male
19.0%	30 to 39	51.0%	Female
22.0%	40 to 49		
22.0%	50 to 64	Region:	
18.0%	65 Plus	62.0%	Maricopa
		14.0%	Pima
Party:		24.0%	Rural
26.4%	Republican		
24.4%	Democrat	FROM FILE	
25.2%	Independent/Other		
24.0%	Not Registered		

* Percentages may not total 100 due to rounding

Hello, may I speak to _____. **[Speak Only to Voter on List]**. Hello, my name is _____. I'm calling from _____. We are not selling anything, but are conducting a survey on some important issues in your area and would like to ask you a few questions. Your name was chosen at random by computer and your answers are completely confidential.

Q1. In general, would you say that the State of Arizona is heading in the right direction, or the wrong direction? **[Definitely/Probably]**

5.2% Definitely right direction
29.0% Probably right direction
17.4% Probably wrong direction
24.4% Definitely wrong direction
24.0% Don't Know, Refused

34.2%	Total Right Direction
41.8%	Total Wrong Direction
24.0%	Don't know, Refused

Q2. Have you participated in any work, school, medical, court or other business meetings that have taken place using a technology-based platform (Examples: Zoom, Teams, WebEx, Skype, GoToMeeting, conference call lines or other)?

66.0% Definitely Yes
1.0% Probably Yes
3.2% Probably No
28.8% Definitely No
1.0% Don't Know/Refused

Q3. Given your experience with technology-based meetings, how would you rate your level of satisfaction? **(N=335)**

36.1% Very satisfied
34.9% Somewhat satisfied
19.1% Neutral
5.7% Somewhat dissatisfied
2.7% Very dissatisfied
1.5% Don't Know, Refused

Q4a. In a meeting in which you used a technology-based platform, how often, if at all, did you experience technical disruptions during the meeting? (N=335)

3.6% Always
7.8% Often
40.0% Occasionally
35.5% Rarely
12.8% Never
0.3% Don't Know, Refused

Q4b. When you had technical difficulties during technology-based meetings, how much time was generally needed to resolve the problem? (N=291)

45.4% A minute or two, with no significant delay
44.0% Several minutes, but the meeting resumed
7.9% A significant amount of time, often requiring the meeting to be reset on another day
2.8% Don't Know, Refused

Q5. **[PRE-TEST]** During the COVID-19 public health emergency, Arizona courts have conducted a large number of court hearings using video conferencing technology. The Arizona Supreme Court is considering a proposal to continue offering remote video hearings and other on-line court services after the pandemic recovery. Knowing just what you know right now, would you support or oppose this proposal?

41.0% Definitely Support
27.6% Probably Support
7.0% Probably Oppose
19.0% Definitely Oppose
5.4% Don't Know/Refused

68.6%	Total Support
26.0%	Total Oppose
5.4%	Don't know, Refused

I am going to read you several types of court cases that might be considered for the continued use of technology-based platforms following the pandemic recovery. On a scale of not at all appropriate, not very appropriate, neutral, somewhat appropriate, and very appropriate, please rate the appropriateness of using of technology-based platforms for these types of cases. **[Randomize Q6 to Q16]**

	Total Appropriate	Mean Score	% Not at all appropriate ----> % Very appropriate					% DK, Ref
			1	2	3	4	5	
Q6. Criminal	31.2%	2.49	39.6%	16.4%	12.0%	17.6%	13.6%	0.8%
Q7. Civil	65.4%	3.68	14.2%	5.6%	12.0%	31.0%	34.4%	2.8%
Q8. Small claims under \$3,500	73.0%	3.96	10.8%	5.0%	10.2%	24.4%	48.6%	1.0%
Q9. Divorce	57.0%	3.39	19.2%	9.6%	13.4%	27.8%	29.2%	0.8%
Q10. Child custody	35.2%	2.61	35.6%	18.4%	9.6%	19.6%	15.6%	1.2%
Q11. Juvenile	39.4%	2.80	29.4%	17.0%	12.0%	22.8%	16.6%	2.2%
Q12. Mental health	36.0%	2.66	34.4%	15.4%	12.6%	20.8%	15.2%	1.6%

	Total Appropri- ate	Mean Score	% Not at all appropriate ----> % Very appropriate					% DK, Ref
			1	2	3	4	5	
Q13. Probate and estates	63.0%	3.71	13.0%	5.4%	14.4%	26.2%	36.8%	4.2%
Q14. Traffic	74.0%	3.98	12.0%	4.6%	8.4%	22.0%	52.0%	1.0%
Q15. Evictions	54.6%	3.32	20.8%	10.2%	12.6%	26.4%	28.2%	1.8%
Q16. Domestic violence orders of protection	42.8%	2.87	34.2%	14.0%	7.6%	16.0%	26.8%	1.4%

Next, I am going to read you several functions regarding juror service. On a scale of not at all appropriate, not very appropriate, neutral, somewhat appropriate, and very appropriate, please rate how appropriate you think these juror service functions would be for the use of technology-based platforms after the pandemic recovery. [Randomize Q17 to Q19]

	Total Appropri- ate	Mean Score	% Not at all appropriate ----> % Very appropriate					% DK, Ref
			1	2	3	4	5	
Q17. Jury Selection	54.2%	3.25	24.2%	9.8%	11.2%	25.6%	28.6%	0.6%
Q18. Jury Trial	29.0%	2.43	40.0%	18.2%	11.8%	16.4%	12.6%	1.0%
Q19. Jury Deliberations	36.4%	2.65	35.2%	15.2%	11.6%	21.8%	14.6%	1.6%

Now, I am going to read a series of statements related to this proposal. Please tell me if, after hearing each, you strongly agree, somewhat agree, feel neutral about, somewhat disagree, or strongly disagree with the statement. If the statement doesn't make any difference to you one way or another, just tell me that also. [Randomize Q20 to Q30]

- Q20. This proposal makes appearing at court easier and more convenient, which will increase appearance rates and reduce excuses for not showing up.
- Q21. This proposal is a real time saver. It will reduce or eliminate the travel times for individuals using the courts and will allow people to take less time off of work.
- Q22. By having more services online instead of in person, this proposal will help the courts reduce costs and save taxpayer money.
- Q23. This proposal will make the courts more efficient by increased ability to calendar hearings and reduce scheduling conflicts.
- Q24. This proposal will reduce the number of people attending court in person increasing safety and preventing certain individuals from having to appear in person.
- Q25. This proposal runs the risk of adversely affecting the poor and most vulnerable who do not have the computing equipment and/or network bandwidth needed to use technology-based platforms for remote court appearances.

- Q26. This proposal would not be fair to self-represented litigants who already face challenges representing themselves by adding another barrier of complicated and sometimes confusing technology-based platforms.
- Q27. This proposal would not be fair to victims who deserve their day in court and a live in-person trial.
- Q28. This proposal could put an undue burden on witnesses who would be forced to navigate and use technology they may be unfamiliar with.
- Q29. This proposal could have a negative impact on jurors or prospective jurors who cannot be as tightly monitored or controlled in an online environment.
- Q30. This proposal runs the risk of limiting access for the media and their ability to report on court proceedings that the public has the right to know about.

	Mean Score	% Strongly Disagree -----> % Strongly Agree					% DK, Ref
		1	2	3	4	5	
Q20. Convenience	3.79	12.0%	8.0%	11.4%	24.8%	42.8%	1.0%
Q21. Save time	4.09	8.4%	4.8%	7.2%	28.0%	50.4%	1.2%
Q22. Save taxpayer money	3.87	11.2%	5.4%	12.2%	25.8%	44.0%	1.4%
Q23. Increase efficiency	3.80	10.0%	7.4%	13.4%	28.4%	38.6%	2.2%
Q24. Increase safety	3.85	10.8%	5.8%	11.8%	29.0%	41.2%	1.4%
Q25. Hurt most vulnerable	3.96	8.6%	7.0%	10.6%	26.6%	46.4%	0.8%
Q26. Unfair to self-represented litigants	3.39	13.6%	14.0%	17.4%	26.8%	26.6%	1.6%
Q27. Unfair to victims	3.78	9.8%	9.6%	14.0%	25.0%	40.4%	1.2%
Q28. Burden on witnesses	3.51	10.2%	17.8%	13.4%	26.2%	31.2%	1.2%
Q29. Negative impact on jurors	3.96	7.8%	5.4%	14.6%	26.0%	44.8%	1.4%
Q30. Limit media access	3.23	17.4%	12.6%	20.4%	21.8%	23.6%	4.2%

- Q31. [POST-TEST] I would like to ask you again: The Arizona Supreme Court is considering a proposal to continue offering remote video hearings and other on-line court services after the pandemic recovery. Knowing just what you know right now, would you support or oppose this proposal?

31.2% Definitely Support
 31.4% Probably Support
 10.6% Probably Oppose
 20.6% Definitely Oppose
 6.2% Don't Know/Refused

62.6%	Total Support
31.2%	Total Oppose
6.2%	Don't know, Refused

Finally, I am going to read you several online services that have been offered by the courts during the pandemic. On a scale of not at all important, not very important, neutral, somewhat important, and very important, please rate how important it would be for the courts to continue to offer the following technologies after the pandemic recovery. [Randomize Q32 to Q38]

	Mean Score	% Not at all important ----> % Very important					% DK, Ref
		1	2	3	4	5	
Q32. Electronic presentation of documents to the court	4.12	5.0%	4.2%	12.2%	30.4%	47.6%	0.6%
Q33. Signing court documents online	4.06	9.4%	3.2%	9.2%	27.2%	50.2%	0.8%
Q34. Submitting evidence electronically	3.75	11.0%	7.4%	13.2%	30.4%	36.2%	1.8%
Q35. Online Dispute Resolution (ODR)	3.78	8.0%	4.8%	18.4%	31.2%	31.6%	6.0%
Q36. Paying court fees or fines online	4.51	2.4%	2.4%	6.2%	19.4%	69.4%	0.2%
Q37. Participating in court-ordered online treatment or educational programs	3.89	8.6%	6.8%	12.6%	29.0%	41.4%	1.6%
Q38. Live video streaming of court proceedings for some case types	4.11	5.0%	3.4%	10.4%	37.0%	43.0%	1.2%

Q39. Omitted as unrelated to virtual court services.

Q40. In your opinion do you have access to a computer, laptop, tablet, or mobile computing device and

an adequate internet connection to participate in remote video proceedings?

88.8% Yes
9.6% No
0.6% Don't Know
1.0% Refused

Q41. Other than being an American, what is your main ethnic or racial

61.4% Anglo/White
14.6% Hispanic/Latino
4.4% Black/African American
4.8% Native American/American Indian
1.2% Asian/Pacific Islander
5.4% Other
8.2% Refused