

University of Missouri School of Law

University of Missouri School of Law Scholarship Repository

Faculty Blogs

Faculty Scholarship

3-31-2020

MOVING US COURTS ONLINE

John Lande

Follow this and additional works at: https://scholarship.law.missouri.edu/fac_blogs



Part of the [Dispute Resolution and Arbitration Commons](#)

MOVING US COURTS ONLINE

MARCH 31, 2020 | JOHN LANDE | LEAVE A COMMENT

From my colleague, Amy Schmitz, forwarding (with permission) information about how courts are responding to the crisis:

Paul Embley with the National Center for State Courts put together this nice synopsis on some things happening here in the U.S. with respect to courts moving online. It is amazing how individuals have had to work together in this effort. Indeed, I am amazed at how much has happened, even putting aside Covid-19, since [my own research on e-courts and ODR in the courts over a year ago](#). Anyway, **thank you to Paul** for sharing this, which I am sharing with his approval:

Here is what I know about what is happening in the US. This will change in another hour since the situation here (and wherever you are) is so fluid.

Most courts have gone to virtual hearings and appearances, though a few are resisting and still bringing people together. It seems that Zoom is the overwhelming favorite platform, though privacy concerns have been raised. Many courts are rushing to technology solutions without a lot of thought about the end user license agreements.

Those who have working ODR solutions have such a great advantage. Especially if combined with a robust eFiling solution.

ODR vendors are busier than ever. Some are very good at working with the client, others are setting very unreasonable expectations. Cloud vendors and VPN vendors have been great to work with and have really stepped up to help the courts.

New Jersey seems to be the furthest along, as they seemed to be the best prepared. They were already streaming remote proceedings live, and they were able to ramp that up. They had also been in the midst of rolling out an AI chatbot, so that is moving forward. They are also looking into remote jury trials and will likely have a pilot going in a couple of weeks.

Utah put together a mobile court room utilizing an RV.

Most state supreme courts have done a great job of putting temporary rules in place that allow for virtual everything. Some are in the process of making things permanent. [NCSC is tracking a lot of changes similar to this on the webpage.](#)

The federal administrative courts have struggled because they don't have remote work capabilities. So many are still meeting in person.

Court technologists are swamped but many court staff have too little to do for the next month at a minimum.

States and jurisdictions that have eFiling are at an extreme advantage. Those that don't eFile have now become potential "spreaders" of the virus – and are expressing concerns about the safety of their clerk staff who must handle paper filings. (And why are we still talking about eFiling as though it is a new thing?!)

A big concern now is bandwidth for those working remotely. Everyone is competing for bandwidth with school assignments, entertainment for the now-perpetually bored, and everything else being moved online. ISPs are having problems keeping up, so that is affecting proceedings.

The perspective has completely reversed. The question is asked now, 'What is your justification for meeting in person?' instead of having to justify why to allow a remote meeting/appearance. It will be interesting to see if that persists.

Now so many things to address and consider:

- Lessons learned in general, who was successful and why, what were the failures and why?
- What is worth continuing to do, what should not be repeated?
- What policies should be permanently adopted? Are there model policies.
- What technologies were most successful?
- How does a state/jurisdiction prepare for the next "pandemic"?
- What are the outcomes for participants – worse, better, unchanged? What were the circumstances?
- Can the core values of fairness, due process, etc. be achieved by virtual hearings, and if so, are there particulars that are critical?

Let me know if you have questions. I'm more than happy to engage.

[Paul Embley](#)

Technology Services

National Center for State Courts

[◀ CIVIL JUSTICE](#) [◀ COURT ADR](#) [◀ DEALING WITH THE COVID CRISIS](#) [◀ ONLINE DISPUTE RESOLUTION](#)
[◀ TECHNOLOGY](#)

This site uses Akismet to reduce spam. [Learn how your comment data is processed.](#)

