

# **BJA COURT RECOVERY TASK FORCE**



**WASHINGTON  
COURTS**

## **MEETING PACKET**

**DECEMBER 6, 2021  
3:00 – 5:00 P.M.**

**VIDEOCONFERENCE**



# BJA Court Recovery Task Force

December 6, 2021, 3:00 – 5:00 pm

ZOOM Meeting

## AGENDA

<p><b>1. Welcome (5 minutes)</b></p> <p><b>Approve October 18, 2021 Minutes (Pg. 4)</b></p>	<p>Chief Justice Steven González          Judge Judith Ramseyer          Judge Scott Ahlf</p>
<p><b>2. Statewide Updates (20 min)</b></p> <p><b>Supreme Court/Court Orders</b></p> <p><b>Association Updates</b></p> <p><b>DMCJA proposed rules (Pg. 8)</b></p> <p><b>AOC</b></p>	<p>Chief Justice Steven González</p> <p>Judge Judith Ramseyer</p> <p>Judge Scott Ahlf/Judge Jeffrey Goodwin</p> <p>Dawn Marie Rubio</p>
<p><b>3. Presentation: What does access to the courts look like in the hybrid world? (40 min)</b></p> <p><b>Small Group Discussions</b>  <i>(Please assign a note taker and someone to share highlights)</i></p> <ul style="list-style-type: none"> <li>• What have been the most successful tools or strategies to increase public access to courts as a result of COVID?</li> <li>• What continues to be the biggest need to accessing court services that we haven't quite figured out?</li> <li>• Consider the following comment: "Court should be seen as a service not a location." Do you agree or disagree? Why?</li> <li>• If funding were not an issue, what is one thing you would change to increase public access to our courts?</li> </ul>	<p>Judge Judith Ramseyer</p>
<p><b>4. Committee Updates (45 minutes)</b></p> <ul style="list-style-type: none"> <li>• Criminal Matters             <ul style="list-style-type: none"> <li>○ Adult (Pgs.9-17)                  Motion to endorse Adult Criminal Court Rules' proposals/comments for published court rules</li> </ul> </li> </ul>	<p>Judge Scott Ahlf          Amy Muth</p>

<ul style="list-style-type: none"> <li>○ Juvenile Criminal Civil (Pgs. 18-19)</li> <li>• Child Welfare (Pg. 20)</li> <li>• Technology Considerations</li> <li>• General Civil Litigation</li> <li>• Family Law</li> <li>• Lessons Learned (Pg. 21)</li> </ul> <p>Adult Criminal and Lessons Learned Committees' Court User Survey Highlights Report in the packet. (Pg. 22)</p>	<p>Judge Ruth Reukauf/Linnea Anderson</p> <p>Linnea Anderson</p> <p>Dawn Marie Rubio</p> <p>Justice Debra Stephens</p> <p>Terry Price</p> <p>Judge Judith Ramseyer</p>
<p>5. <b>Next Steps (5 minutes)</b></p> <p><b>Summary of action items from meeting</b></p>	<p>Chief Justice Steve González</p>
<p>5. <b>Future Meetings</b></p> <ul style="list-style-type: none"> <li>• TBD</li> </ul>	
<p>6. <b>Adjourn</b></p>	
<p>Persons with a disability, who require accommodation, should notify Jeanne Englert at 360-705-5207 or <a href="mailto:Jeanne.englert@courts.wa.gov">Jeanne.englert@courts.wa.gov</a>. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.</p>	



**BJA Court Recovery Task Force**  
**October 18, 2021, 2:00 - 4:00 pm**

**ZOOM Meeting**

**DRAFT Meeting Minutes**

**Participants:**

Chief Justice Steven González, co-chair  
Judge Scott Ahlf, co-chair  
Judge Judith Ramseyer, co-chair  
Linnea Anderson  
Judge Rachelle Anderson  
Justin Bingham  
Cindy Bricker  
Renea Campbell  
Darren Carnell  
Mike Cherry  
Dennis Cronin  
Theresa Cronin  
Todd Dowell  
Ambrosia Eberhardt  
PJ Grabicki  
William Hairston  
Christopher Hoxie  
Jessica Humphreys  
Judge Carolyn Jewett  
Katrin Johnson  
Ray Kahler  
Mike Killian  
Jill Malat  
Judge Lisa Mansfield  
Judge Rich Melnick

Amy Muth  
Jennifer Ortega  
Terry Price  
Juliana Roe  
Dawn Marie Rubio  
P. Diane Schneider  
Jason Schwarz  
Larry Shannon  
Judge Jeff Smith  
Justice Debra Stephens  
Sharon Swanson  
Judge Lisa Sutton  
Sarah Walker  
David Wheeler

**Administrative Office of the Courts  
(AOC) Staff:**

Sarah Burns  
Jeanne Englert  
Kyle Landry  
Penny Larsen  
Chris Stanley  
Caroline Tawes

Call to Order

Judge Ramseyer called the meeting to order and welcomed the participants. She introduced new members Judge Rachelle Anderson as new SCJA president and Abigail Daquiz from Northwest Justice Project as the OCLA representative.

Approval of the August 4, 2021 Minutes

**It was moved by Chief Justice González and seconded by Judge Ramseyer to approve the August 4, 2021, meeting minutes. The motion passed with one abstention.**

### Statewide Updates

#### Supreme Court/Court Orders

The Supreme Court Rules Committee has extended the comment deadline for CR 39 and GR 41 to December 29, 2021. There are no immediate plans to lift emergency orders. Courts are encouraged to continue with local rule changes and updates.

#### Association Updates

Judge Ahlf reviewed the District and Municipal Court Judges' Association (DMCJA) survey on which courts have vaccine mandates. Eighty-nine courts out of 200 responded. Eighty-two percent of employees are vaccinated. About 16% of courts will have mandates, 44% are still waiting to decide if they will implement mandates, and 60% of courts do not have mandates. Those courts requiring vaccinations will allow exemptions.

A survey has been proposed to address demographics and jury selection.

The Supreme Court has 100% vaccine compliance including one exemption.

The Superior Court Judges' Association (SCJA) is beginning to gear up for the 2022 legislative session. Attention is on far-ranging legislation from the last session and legislative fixes. Judge Ramseyer would like to have a discussion at the December BJA meeting. Please contact Judge Ramseyer or Jeanne Englert with ideas, questions, or recommendations.

#### AOC

AOC is continuing to work with the Department of Health and the Governor's office to make sure Washington Courts participates in discussions on vaccine booster distribution plans for essential state workers, including court workers. There is currently no DOH statewide COVID booster plan in place.

*Blake* contracts have been sent to counties for reimbursement of funds related to sentencing, vacating, and legal financial obligations (LFO). AOC is waiting for invoices to begin reimbursement. AOC is working with the Washington Association of Counties, the Association of Washington Cities, the Washington Association of Prosecuting Attorneys, and the county clerks on *Blake* reimbursements.

#### Court Rules Project

This summer, the Supreme Court solicited input from stakeholders concerning: (1) any emergency rule changes or Supreme Court order provisions that should be continued beyond the state of emergency, including any modifications; and (2) any such rule changes or provisions that should be rescinded, either immediately or when no longer needed. The CRTF Lessons Learned Committee assigned and coordinated responses from the other CRTF committees.

The issues were categorized into groupings: issues identified as worth moving forward by RCW or court rule change; issues that are still being considered; and issues that were not pursued.

There was a discussion on why issues were not pursued. The issues were important, but there

may be others who are working on and/or more appropriate for the issue; there was lack of agreement within the committee; and some issues were outside the scope of the committees. A more accurate description of this category may be “issues not being developed by a CRTF committee.”

### Proposals GR 39 and 41

Justice Stephens reviewed input from the General Civil Litigation Committee on the remote proceedings proposals (GR 41) and Civil Rule (CR) 39 amendments. The comment period for these rules has been extended to December 29, 2021. Justice Stephens reviewed the information in the meeting materials and requested input from the other CRTF committees.

**It was moved by Chief Justice González and seconded by Judge Ahlf to endorse the General Civil Litigation Committee’s proposed comments to CR 39 and GR 41 as they deem appropriate. The motion passed with one no and one abstention.**

### Committee Updates

#### Lessons Learned

This Committee is gathering comments on the emergency rules and is starting to distill and summarize the work of the Task Force. The Committee plans to develop the final Task Force report and offer recommendations derived from the work that has been conducted.

#### Criminal Matters

- The Juvenile Criminal Civil Subcommittee is working on court rules suggestions. They have forwarded two recommendations for RCW changes. Most of their work is complete. Information was included in the meeting materials.
- The Therapeutic Courts Subcommittee has completed its work and will sunset, but still be available for projects and will remain involved in the Task Force. Information was included in the meeting materials.
- Amy Muth reviewed the Adult Criminal Subcommittee positions on rule changes. There will be ongoing discussions.

#### Family Law

Terry Price discussed the Subcommittee’s position on remote appearances in family law and digital signatures. The Family Law report was included in the meeting materials. He has heard there are fewer settlements these days because attorneys are not talking to each other in hallways, resulting in more hearings.

#### Child Welfare

This Subcommittee is focusing on the Lessons Learned assignment. They formed an electronic signature work group that is working with the other committees. They plan to continue developing a support manual for child welfare remote hearings.

#### Technology Considerations

Judge Rachelle Anderson is a new member of this Committee. This Committee continues working on the Lessons Learned Committee assignment. Dawn Marie Rubio reviewed their current projects including looking at best practices for court websites, AI technology for

transcriptions and remote depositions, and reviewing and providing feedback to the ATJ Technology Committee on the *2021 Access to Justice Technology* plan.

General Civil Litigation

This Committee has a meeting next month if anyone wants to contact them or attend the meeting.

Next Steps

If anyone has information or questions about open courts and access to courts for the December meeting discussion, please contact Judge Ramseyer or Jeanne Englert.

The Adult Criminal Subcommittee will be reviewing and proposing rules.

Endorsements to court rules are needed by December 6, 2021. The Supreme Court Rules Committee is willing to take submissions. If there are concerns about timing, please contact Justice Johnson, Justice Yu, or J Benway.

The next CRTF meeting is December 6, 2021.

New Business/Good of the Order

AOC staff Jeanne Englert, Cindy Bricker, and Penny Larsen were thanked for their work.

There being no further business, the meeting was adjourned at 3:43 p.m.

**Motion Summary from the October 18, 2021, Meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the August 4, 2021, meeting minutes.	Passed
Endorse the General Civil Litigation Committee's proposed comments to CR 39 and GR 41 as they deem appropriate.	Passed

**Action Items from the October 18, 2021, Meeting**

<b>Action Item</b>	<b>Status</b>
Judge Ramseyer would like to have a discussion on media and public access to the courts in our new environment at the December BJA meeting. Please contact Judge Ramseyer or Jeanne Englert with ideas, questions, or recommendations.	

## GR 19 VIDEO CONFERENCE PROCEEDINGS REMOTE APPEARANCES

~~The Office of the Administrator for the Courts (AOC) shall promulgate standards for facilities and equipment and provide technical assistance to courts required.~~

### **(a) Remote Appearances in Criminal Proceedings.**

#### (1) Definitions:

(A) “Remote appearance” means an appearance through a video conference platform or telephonic appearance as approved by the Court.

(B) “Physical appearance” means an appearance as defined in CrR 3.3(a) and CrRLJ 3.3(a).

(2) The remote appearance of attorneys, parties, witnesses and other participants is permitted when authorized by statute, court rule, local rules under GR 7, and order of the court. The physical appearance of any person permitted to appear remotely may be required upon a finding of good cause.

(3) Any person permitted to appear remotely, other than an in-custody criminal defendant, is responsible for their own device and internet access to connect to Court.

#### (4) Standards for Remote Appearances:

(A) *Video Conference Appearances.* A remote appearance through video conferencing requires a video and audio connection. The judge, counsel, all parties, witnesses and other participants must be able to see and hear each other during the proceedings and speak as permitted by the judge. The remote connection shall be of sufficient quality to ensure that participants are clearly visible, and the audio connection permits the making of the official court record of the proceedings. The video conference platform and court procedures must allow confidential communications between attorney and client.

(B) *Telephonic Appearances.* The judge, counsel, all parties, witnesses and other participants must be able to hear each other during the proceedings and speak as permitted by the judge. The audio connection shall be of sufficient quality permit the making of the official court record of the proceedings. Court procedures must allow confidential communications between attorney and client. The court may require reasonable assurance of identity of any person making a telephonic appearance.

(C) *Signatures.* The electronic, scanned, or facsimile signatures of the defendant, counsel, parties, and the court shall be treated as if they were original signatures. Defense counsel or the court may affix a “/s/” on any documents to indicate the defendant’s signature when the defendant indicates their approval during the hearing.

(D) *Interpreters.* See GR 11.3

### **(b) Remote Appearances in Civil Proceedings - Reserved**

**(c) Effective Date:** This rule shall become effective September 1, 2022.



**Court Recovery Task Force  
Adult Criminal Committee Report  
December 6, 2021**

**Progress on Goals and Activities**

In our October 18, 2021 report, our subcommittee identified the provisions of the Fifth Emergency Order that we recommended be retained after the expiration of the Emergency Order. Our group has met several times since the October 18, 2021 meeting to draft court rules based on our recommendations. Our drafts are attached to our report. We are asking permission from the Task Force to publish our proposals on behalf of our subcommittee for public comment.

We are proposing a total of 4 new court rules and amendments to 4 other rules. The superior court and courts of limited jurisdiction rules are largely parallel to each other (i.e., CrR 4.11 and CrRLJ 4.11 use the same language; CrR 8.5 and CrRLJ 8.5 cover the same topic but with different language). The rules that would be either created or impacted are as follows:

- CrR/RLJ 4.11: Notice of Court Dates to Defendant (new rule)
- CrR/RLJ 4.12: Signatures (new rule)
- CrR/RLJ 8.1: Time (new subsection)
- CrR/RLJ 8.5: Calendars (new subsection for CrR 8.5; new rule for CrRLJ 8.5)).

The Adult Criminal Committee is requesting that the CRTF endorse the enclosed proposals in the packet and endorse the committee submitting proposed court rules and amendments to the Washington State Supreme Court Rules Committee through the GR9 process.

Additionally, we have reviewed the proposed GR 41 and amendments to CR 39. We are recommending inclusion of the following section:

In all cases where there is a constitutional, statutory, or otherwise provided right to counsel, virtual proceedings under GR 41 or CR 39 must require the consent of the defendant or civil respondent, following an informed on-the-record waiver of in-person proceedings.

1 **Proposed CrR 4.11**  
2 **NOTICE OF COURT DATES TO DEFENDANT**  
3 **[NEW]**  
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5 The Court shall provide notice of new hearing dates to defendants by delivering a copy to the  
6 party or the party's attorney or by mailing it to the party's last known address. Notice of new  
7 hearing dates to counsel shall not constitute notice sufficient to issue a warrant for failure to  
8 appear pursuant to CrR 3.4(d). When a defendant fails to appear at a hearing pursuant to CrR  
9 3.4(d) after learning of the hearing through counsel, the court shall note the non-appearance and  
10 summons the defendant to a hearing where, if the defendant fails to appear, the court may order  
11 the clerk to issue a warrant for the defendant's arrest.

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1 **Proposed CrRLJ 4.11**  
2 **NOTICE OF COURT DATES TO DEFENDANT**  
3 **[NEW]**  
4

5 The Court shall provide notice of new hearing dates to defendants by delivering a copy to the  
6 party or the party's attorney or by mailing it to the party's last known address. Notice of new  
7 hearing dates by counsel shall not constitute notice sufficient to issue a warrant for failure to  
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9 CrRLJ 3.4(d) after learning of the hearing through counsel, the court shall note the non-  
10 appearance and summons the defendant to a hearing where, if the defendant fails to appear, the  
11 court may order the clerk to issue a warrant for the defendant's arrest.

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**Proposed CrR 4.12**

**SIGNATURES**

**[NEW]**

Defense counsel is not required to obtain signatures from defendants or respondents on orders to continue criminal or juvenile offender matters. An attorney’s signature on an order to continue constitutes a representation that the client has been consulted and agrees to the continuance.

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**Proposed CrRLJ 4.12**

**SIGNATURES**

**[NEW]**

Defense counsel is not required to obtain signatures from defendants or respondents on orders to continue criminal or juvenile offender matters. An attorney’s signature on an order to continue constitutes a representation that the client has been consulted and agrees to the continuance.

**Proposed Amendments to CrR 8.1**  
**TIME**

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(a) Time shall be computed and enlarged in accordance with CR 6.

(b) **Exceptions.** Parties may note a motion less than 5 days before the time specified for the hearing for pretrial release and bail modification motions, as well as plea hearings and sentencing or disposition hearings that result in the anticipated release of the defendant or respondent from pretrial detention within 30 days. Notice of the hearing must still be attempted to all parties and individuals who are entitled to notice under statute, court rule, or provision of the Washington Constitution. The court in its discretion may determine whether the hearing should be continued in the interest of providing sufficient notice to any party or individual.

**Proposed Amendment to CrRLJ 8.1  
TIME**

**(a) – (b)** [Unchanged.]

**(c) For Motions—Affidavits.** A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than 5 days before the time specified for the hearing, unless a different period is fixed by these rules or by order of the court. Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion; except as otherwise provided in rule 7.5, opposing affidavits may be served not later than 1 day before the hearing, unless the court permits them to be served at some other time.

**(d) Exceptions.** Parties may note a motion less than 5 days before the time specified for the hearing for pretrial release and bail modification motions, as well as plea hearings and sentencing or disposition hearings that result in the anticipated release of the defendant or respondent from pretrial detention within 30 days. Notice of the hearing must still be attempted to all parties and individuals who are entitled to notice under statute, court rule, or provision of the Washington Constitution. The court in its discretion may determine whether the hearing should be continued in the interest of providing sufficient notice to any party or individual.

**Proposed Amendment to CrR 8.5**  
**CALENDARS**

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(a) In setting cases for trial, unless otherwise provided by statute, preference shall be given to criminal over civil cases, and criminal cases where the defendant or a witness is in confinement shall have preference over other criminal cases.

(b) Priority should be given to pretrial release and bail modification motions, as well as plea hearings and sentencing or disposition hearings that result in the anticipated release of the defendant or respondent from pretrial detention within 30 days.



1 **Proposed Amendment to CrRLJ 8.5**

2 ~~**RESERVED**~~

3 Courts retain discretion in the scheduling of hearings, except that priority should be given  
4 to pretrial release and bail modification motions, as well as plea hearings and sentencing  
5 or disposition hearings that result in the anticipated release of the defendant or respondent  
6 from pretrial detention within 30 days.  
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**Court Recovery Task Force  
Juvenile Criminal Civil Committee Report  
December 6, 2021**

**Progress on Goals and Activities**

Given the work of the Juvenile Criminal Civil Committee and meeting committee goals, the committee is no longer meeting. Below are highlights of our committee's work.

The Juvenile Criminal Civil Committee (JCC) mission was to identify and make recommendations on the short-term operation modifications needed to recover from the pandemic and the opportunities for long-term juvenile criminal and civil system changes. This committee will consider race, gender, equity, access to justice, practices that align with the science of health youth development, technology, and funding needs when developing committee goals and activities to ensure positive outcomes for youth.

**Short Term Goal:** Addressed immediate impacts of COVID on courts and court users and identified what changes should move forward.

**Activities**

- Identified remote contact/hearing challenges. Several committee members met with national experts to help identify what is working across the country with juvenile remote hearings.
- Explored the lower number of kids in detention and different approaches to truancy and diversion and what this means for future options.
- Explored how to increase services for youth in communities, especially lower resourced ones. What services have we not previously considered because of the old format for delivering hearings/detention/other services pre-COVID?
- Identified goals that address around issues of probation, truancy, diversions, detention, and community services. The committee focused on diversion and community services.
- Access to community services - Identified and developed partnerships/connection points with community services. Members connected outside of the committee to work on community health access issues.

**Current efforts that can address ongoing juvenile criminal and civil court needs:**

There are various existing groups and committees that are addressing ongoing juvenile criminal and civil needs related to COVID impacts.

**Long Term Goal:** Identified practices, community services, and statutes and court rules that needed to be addressed to achieve goals.

**Activities:**

- Shared information on local orders, statewide court orders, and/or RCW's that needed to be addressed before the emergency orders end.
- The Juvenile Criminal Committee completed proposals to the BJA Legislative Committee to consider recommended policy changes on diversion extensions and remove finger printing for hearings. These are moving forward with legislative sponsors.
- Court rules project.

**Juvenile Criminal Civil Committee issues identified:**

- a) Extended juvenile jurisdiction – Committee submitted a RCW change proposal to the BJA legislative Committee who is moving this forward.
- b) Juvenile bench warrants – there is another group addressing this issue
- c) Remote juvenile justice proceedings – there is another group addressing this issue for Superior Courts. If there are any issues identified that are different for juvenile courts then the committee will meet to discuss those.
- d) Juvenile fingerprinting Committee - submitted a RCW change proposal to the BJA legislative Committee who is moving this forward.

The RCW policy changes are moving forward and there are no other identified goals at this time.

**Court Recovery Task Force  
Child Welfare Committee Report  
November 29, 2021**

**Progress on Goals and Activities**

**Short Term Goals**

- Committee subgroups are continuing to add to lessons learned spreadsheet
- Subcommittees formed including 1. Electronic Signatures and Filing 2. Remote Appearances and Testimony
  - Both sub-committees met with Civil Committee chair, Justice Stephens, to learn more about how their sections interplay with other committees and other rules.
  - Members of the larger CW committee is following up with the Technology Committee chair, Dawn Marie Rubio, to learn how child welfare sections might coincide with their work.
  - Remote Appearances subcommittee is asking for clarification on portions of the rule CR39, while also commenting on other portions

**Long Term Goals**

Updating the Guidance for [Resuming Dependency and Fact Finding and Termination of Parental Rights Trials in Washington State](#) will occur once the court rules and electronic records/signatures issues have been addressed, in order to incorporate that information in the updated guidance.

**Challenges**

Scheduling challenges with our volunteer committee members and crisis fatigue at all levels.

**Data Collection Efforts**

One member of the committee is also charged with collecting COVID-19 reponse data from courts across the state as part of her position with the Administrative Office of the Courts. As she learns information that may impact our work on the committee, she will share what she learns with the group.

**Local orders, statewide court orders, and/or RCW's that need to be addressed before the emergency orders end**

The committee has expressed concerns with losing flexibility when emergency orders end. The system has changed rapidly under crisis conditions and may take time to realign rules, policies, practices with our evolving system.

**Court Recovery Task Force  
Lessons Learned Committee Report  
December 6, 2021**

**Progress on Goals and Activities**

(Attach work products and recommendations for the Task Force to consider)

**Surveys**

The Lessons Learned Committee in conjunction with the Adult Criminal Committee implemented three court user surveys – jurors, defendants, and unrepresented litigants. A highlights report is in the packet. Given the low response rates of the court user surveys, the surveys should be considered exploratory, preliminary, and not representative of the population of all jurors, defendants and unrepresented litigants. The highlights provided should not be used to represent a popular opinion or basis for decision-making.

**Court Rules Project**

Lessons Learned provided instructions and suggestions to committees who identified possible court rule changes. No other steps have been identified for this committee at this time.

**Collecting Lessons Learned**

The committee is working on a draft final report outline and will be contacting committees to discuss their goals and work activities that were submitted.

**Challenges**

Distilling the amazing work of the Task Force and committees into a digestible and helpful report.

**Data Collection Efforts**

\*See survey summary in packet

## **BJA Court Recovery Task Force Adult Criminal and Lessons Learned Committees' Court User Survey Highlights**

**Disclaimer:** Given the low response rates of the court user surveys, the surveys should be considered exploratory, preliminary, and not representative of the population of all jurors, defendants, and unrepresented litigants. The highlights provided should not be used to represent a popular opinion or basis for decision-making.

### **Background**

The BJA Court Recovery Task Force Adult Criminal and Lessons Learned Committees developed and implemented juror, defendant, and unrepresented litigant surveys to gather information about COVID-19 accommodations and any impacts on court proceedings.

In spring and summer 2021, three court user surveys were distributed across the state. Courts and stakeholders were asked to share the surveys with the respective court users who appeared in courtrooms either in person or virtually. The defendant and unrepresented litigants surveys were available in English, Spanish, Russian, and Vietnamese. The juror survey was offered in English only. Surveys could be distributed via email, survey monkey link, QR code, or paper copy.

### **Findings for All Surveys**

The number of respondents was very low for each of the three surveys, and language diversity among respondents was almost nonexistent. Although disappointing for the current effort, we have an opportunity to learn and be curious about how we can improve. Several options are open to us as we try to increase the number and diversity of respondents for future surveys.

To increase court user response, we might:

- observe the court process to identify times and locations that could be better for getting and holding the attention of the court user;
- ask interpreters to assist with survey dissemination;
- use incentives for survey completion;
- provide multiple, briefer questionnaires that would reduce the number of survey questions an individual would be asked;
- conduct focus groups or in-person interviews instead of paper or Internet-based questionnaires.

Each of the three surveys related to aspects of court processes that vary in both design and implementation across jurisdictions. Aggregated, statewide responses to the surveys can inform state policy but they are just as relevant to the management of court operations at specific sites.

## Defendant Survey

**For the Defendant Survey** only 97 individuals answered any of the questions and, of the 97, none responded in any of the translated versions of the survey (Spanish, Russian, and Vietnamese).

Given the response rate (only 36 provided responses about in-person hearings and only 27 about remote hearings) and that only English language responses were obtained, the survey itself should be considered exploratory, preliminary, and not representative of the population of all defendants. Given those caveats, the results indicate that:

- a. of those who appeared in person, most reported feeling safe from COVID exposure during their hearing;
- b. of those appearing remotely, most reported have no “problems with technology” during their court hearing, although particular barriers were mentioned by some respondents;
- c. respondents were more likely to agree that they were able to communicate during the hearing and to “clearly hear” others in the hearing than they were to agree that they were able to speak privately with their attorney. In comments, one respondent volunteered “I really wish I could have come back in person” and another reported confusion, adding that “Documents that were email are incomplete. Have no idea of what’s going on.”

**Recommendation:** identify times, locations, and other justice partners that could better engage defendants and implement surveys.

## Juror Survey

**For the Juror Survey**, there were 276 respondents, which is most likely a small subgroup of the total number of people summoned to appear as jurors during the survey period, and therefore results are not representative.

Two hundred and forty one (241) Juror Survey respondents answered the question about racial and ethnic identity; of those, 1% identified as Black/African American, 1% Native American/Alaskan Native, 1% Native Hawaiian or other Pacific Islander, between 3 and 4% as Latino/Hispanic, and 86% as White/ Caucasian. For other demographics, 56% identified as female, 51% were age 55 or older, and 20% indicated they were “in a high-risk category for COVID.” Other results from the survey:

- a. about nine out of every 10 respondents who went to a courthouse reported feeling safe from COVID while there;
- b. of those participating remotely, most did not report technology problems;
- c. large majorities of respondents reported being able to see and hear all that happened in court, that the proceedings were understandable, that it was easy to stay focused, and that they could communicate with fellow jurors during deliberations;
- d. about one-fourth of all respondents offered additional comments that addressed topics from staff friendliness to lack of Internet access in the jury room. Several mentioned the convenience of participating remotely.

**Recommendation:** increase outreach to jurors to obtain the benefit of their perspective on jury service.

## Unrepresented Litigant Survey

The **Unrepresented Litigant Survey** effort obtained only 45 responses, so results cannot be considered representative.

Among the 45 respondents, 43 used the English language and 2 used the Spanish language version of the survey. Other provisional result include:

- a. of the 30 respondents who identified the type of issue that brought them to court, about three-fourths selected family law while the remaining respondents selected either protection order, adult criminal, traffic or other;
- b. about one-tenth of respondents indicated that they did not understand what they needed to do in court;
- c. of those with a court hearing, about one-third did not understand what they needed to do following the hearing;
- d. about one-eighth reported not being treated with respect;
- e. respondents, by a two-to-one margin, would prefer to handle court matters in the evenings or on weekends;
- f. respondents heavily favored having the option to make payments online or by phone;
- g. those with in-person court business reported feeling safe from COVID infection in the courthouse.

**Recommendation:** trial courts should work towards improving response rates and surveying unrepresented litigants periodically but at least yearly, so that courts can try adapting current processes as they try to make courts more accessible and responsive.