



## NACM WEBINAR REPORT

# A more productive court for a post- pandemic society

Exploring the structural changes that are making courts more productive and accessible.

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This report is based on a National Association of Court Management (NACM) webinar where court administrators shared their experiences of the pandemic and discussed their approaches for the future. The event was sponsored by Thomson Reuters.

In this report, experts reveal how their courts dealt with the impact of social distancing and shutdowns and the immediate steps they took to ensure as much continuity in proceedings as possible. Crucially for NACM members and the wider court management community, our experts outline what they have learned and which processes and technologies they intend to retain in the post-pandemic world.



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**By Greg Lambard**

Vice Chair of Communications Committee at NACM;  
Trial Court Administrator, Superior Court of New Jersey, Middlesex Vicinage

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**By Cesia Y. Rodriguez**

Court Administrator and Interpreter, Webb County Court at Law II, Texas

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Arizona Court of Appeals, Division One

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Superior Court Administrator, New Hampshire Judicial Branch

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**By David Jackson**

Senior Director, Case Center, Thomson Reuters

# Setting the scene

*“For a profession with a reputation for being allergic to technology, the past two years have been a revelation. Being shot into a virtual world was at times shocking, uncomfortable, not always smooth, but ultimately successful.”*



**By Greg Lambard**

Vice Chair of Communications Committee for NACM;  
Trial Court Administrator, Superior Court of New Jersey,  
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## SETTING THE SCENE

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Now that we have become comfortable with our new digital capabilities, it's clear that we can never go back — at least not completely. As social distancing mandates are relaxed, it is time to ask what should stay virtual and what should be done in person. What are the positives and negatives in each case, and what works best for citizens and courts?

Courts have developed a raft of new skills during the pandemic. They have become more comfortable with technology, but also at acting quickly and flexibly to external circumstances. How can we use these skills and our openness to change to find better ways of doing things? And how can we get over the larger hurdles that our profession faces?

Each year, NACM conducts a survey to uncover the most pressing issues for its membership. Every year, the number-one cause that members would like NACM to advocate for is public confidence in the courts. Until this year, IT was also a major challenge, but the results from 2021 indicate that courts have made a giant leap forward in this area. The second biggest issue (or issues) now center around access to justice.

## National Association for Court Management Voice of the Profession Survey 2021

For each of the issues below, please rate your level of agreement on whether NACM should advocate for these issues/trends on behalf of courts.

	<b>Strongly agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Public confidence in the courts	62.7%	32.5%	4.0%	0.4%	0.4%
Racial/Social Justice (RSJ) — Access to Justice — Digital divide for litigants	55.2%	33.5%	8.1%	3.2%	0.0%
RSJ — Access to Court Services	52.4%	37.4%	7.7%	2.4%	0.0%
RSJ — Access to Justice — Self-represented litigants	51.6%	37.5%	9.3%	1.6%	0.0%
RSJ — Access to Justice — Language access	49.8%	41.4%	6.0%	2.4%	0.4%
Use of technology in the courts (IT) generally	48.0%	43.6%	7.2%	0.8%	0.4%
IT — Solidifying the gains (e.g., remote access) made in the past year	52.0%	37.2%	8.4%	1.6%	0.8%
Court Security — Protecting courts, judges, and staff from cyber attacks	44.2%	41.0%	14.1%	0.0%	0.8%
RSJ generally	51.2%	29.2%	14.4%	3.2%	2.0%
RSJ — Cultural and diversity awareness of court staff	45.8%	37.4%	12.1%	4.4%	0.4%

The guest presenters in this webinar addressed these issues head on. Read on to see:



How new tools and skills can be used to increase the public's confidence in the courts.



How courts are making the most of opportunities to increase access to justice.



How we can make virtual trials work more smoothly and efficiently.

# A Transformation in Texas

*“Like all courts, we in Webb County have had to move quickly during the pandemic. Fortunately, we had laid some foundations that stood us in good stead when faced with these challenges.”*



**By Cesia Y. Rodriguez**  
Court Administrator and Interpreter, Webb County Court  
at Law II, Texas

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## Starting from zero

Judge Victor Villarreal was selected by Commissioners Court in March 2017 to effectuate a much-needed overhaul in Webb County and restore public trust. The court had a serious backlog of more than 6,000 cases and was the worst audited in Texas for compliance with guardianship laws, plus, it could take up to five years to conclude misdemeanor cases. Many civil and family cases had no final orders filed in more than 15 years. A lack of transparency and constant delays had shattered public trust in Webb County Court at Law II; the community knew that a case in the court meant justice would be delayed indefinitely.

When Judge Villarreal and his team came in, we took concrete steps to address the above. We reached out to the Office of Court Administration to request data and reports on guardianship compliance. We reviewed reports to give us baseline data and worked under the principle that if something can't be measured, it can't be managed. We set cases for hearing and placed them on a scheduling order. For criminal cases, this was well before the statute-of-limitations deadline. For civil cases, we pushed for resolution in 3 to 6 months for uncontested matters and 18 months for contested matters. Finally, we identified the operational needs of the court in terms of technology and administrative matters. For example, we ensured that all court forms were available in English and Spanish; the county being 95.4% Hispanic or Latino with nearly 90% of our citizens using a language other than English in the home.

## A Center of Excellence

Two-and-a-half years after we started work at the court, we were recognized as a Center of Excellence by the state judicial branch, scoring near perfect marks for governance (enforcing, refining, and promulgating local court rules) and access and fairness (use of technology, signage, and processes to ensure that the court is open and available to the community to resolve and mediate conflict and ensure each visitor is granted their fair and equal day in court).

To improve governance, we revamped our website and made sure that all forms were available in English and Spanish. We also engaged with other county departments to ensure that data was accurately reflected in our case management system for judicial cost collection. Finally, every docket now begins with clear instructions setting out the expectations for court users.

## A new challenge

Our journey to virtual hearings in the pandemic was a very quick one. On March 12, 2020, when it was becoming clear that the pandemic would have a significant impact, Judge Villareal purchased a Zoom license after discussing the software with his wife over dinner.

The following day, we held a team meeting and put a plan in place for practice runs. I requested for hardware to be set up so that users could remotely connect to the county network, and all personnel left work that day with technology and supplies. At 5:33 pm, we were notified of the Texas Supreme Court 1st Emergency Order. On March 14, Judge Villarreal announced virtual court settings, and on March 16, Judge and court staff carried out multiple run-throughs. By March 23, we were able to host our first virtual hearing.

At the same time, we created an alternate email for e-filing and e-service through the Texas filing system. We also set up a space for submitting evidence using a free document sharing platform. This worked, but we still had a major challenge because our staff was spending hours each day manually managing folders and access permissions, as well as emailing links to attorneys and deleting large files so the court did not exceed its data allowance.

Then, after two months, we discovered Thomson Reuters Case Center through a program of the Texas Office for Court Administration. It's a digital evidence management tool that has been developed specifically for courts. It has eliminated hours of work each day because it is much better suited to the adversarial nature of a court, rather than document sharing software which was designed for the collaborative nature of an office.

## A promising future

The pandemic has taught us that embracing innovative tech facilitates both access to and effectuation of justice. By April 2021, the court called over 7,000 hearings with no cancelled settings, no resets, and no delays. A poll of our local bar said that use of Zoom should continue indefinitely.

We now have a 20-page standard operating procedure manual for online jury qualification and civil trials and are running a 100% paperless court. The benefits of virtual hearings are clear:

- They ensure higher attendance rates for criminal law cases.
- They obviate the need for elderly people to travel for probate cases.
- They reduce travel costs for witnesses in civil law hearings.
- They allow people to log in from work for family law cases.

We will continue to hear online dockets in addition to in-person hearings. Jurors have responded positively to summons and virtual jury qualifications. We consistently strive to improve our service, and technology is central to how we do this. Our daily goal is to provide equal access to justice for all, fairly and impartially, with efficiency and respect while promoting public trust and confidence in the court.

# Arizona's Post-Pandemic Vision

*"The journey towards digitization of the courts in Arizona has a long history. Having been involved for much of that history, it was interesting to see how the pandemic brought about changes in weeks or days that otherwise would have taken years or more to adopt. Here, I will share a little about the past, present, and future of that journey."*

**By Judge Samuel A. Thumma**  
Arizona Court of Appeals, Division One, Phoenix, Arizona



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## A Digital Evidence Task Force

For some time, we have recognized the need for a more modern approach to evidence management. The growth in video evidence alone — particularly from body-worn cameras and mobile phone footage — has raised questions about how to store, submit, and present this evidence during a trial.

In Arizona and elsewhere, body-worn-camera images are created digitally and uploaded into a central repository after an officer finishes a shift. Prosecutors can access that repository, and there is an audit trail showing who accessed it. If charges are filed and footage is disclosed, the defense can access the same repository. But, historically, the only way for those images to be used in a court was to copy them onto a CD or thumb drive and have it marked as an exhibit like a paper document.

It was with problems like this in mind that caused the Arizona Supreme Court, in late 2016, to establish the Task Force on Court Management of Digital Evidence. In October 2017, the Task Force published its report and recommendations related to a future digital evidence concept.

This was an ongoing project, but COVID-19 rapidly accelerated the need for a digital evidence solution for use in virtual hearings. The Task Force had heard in 2017 about Case Lines — now called Thomson Reuters Case Center — being used in some British courts, but the product and the Arizona courts were in different places in our journey back then. In December 2020, however, the Arizona Judicial



Council approved a pilot program for Case Center. And in September 2021, the pilot started in Mohave County Superior Court, Glendale and Scottsdale City Courts, and some Maricopa County Justice Courts. In October 2021, the pilot expanded to select criminal and civil cases in Pima County Superior Court and select juvenile cases in Pinal County Superior Court. In November 2021, the pilot expanded further to select criminal and civil cases in Maricopa County Superior Court. The goal is a phased rollout in all 15 Arizona counties by summer 2022.

## Time for Plan B

To guide Arizona Courts through the pandemic, in March 2020, Arizona Supreme Court Chief Justice Robert M. Brutinel appointed members to The Arizona COVID-19 Continuity of Court Operations During Public Health Emergency Workgroup (also known as the “Plan B” Workgroup). Along with Marcus Reinkensmeyer, I was privileged to co-chair the Plan B Workgroup.

A team comprising talented individuals from across Arizona’s trial courts met (virtually) weekly nearly 60 times to share information and develop best practices and recommendations. Among many other things, the Plan B Workgroup published five white papers sharing our recommendations on a range of subjects: general best practices for courts during the pandemic, jury management, what to do in the event of COVID-19 exposure or symptoms (updated several times to account for new information), vaccination guidance (also updated to account for new information), and lastly on post-pandemic recommendations.

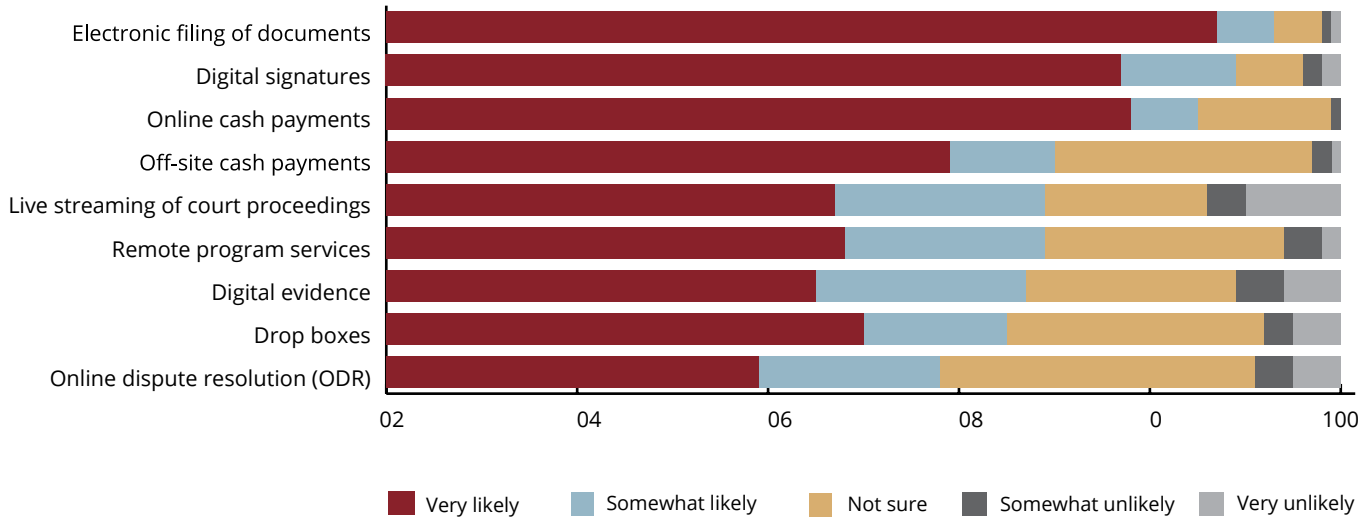
This final post-pandemic recommendations whitepaper, first published on June 2, 2021 (and pending publication, in an updated version, in the SMU Law Review Forum) focused on best practices and technologies that should be retained or adapted post-pandemic. This June 2, 2021 whitepaper can be viewed [here](#). The remaining white papers are archived [here](#).

## Gauging opinion

As part of our post-pandemic recommendations, the Plan B Workgroup had the benefit of a May 2021 survey of the Arizona judiciary to understand what users thought of various technologies.

This May 2021 survey was of the Arizona Judicial Branch, and we received responses from 40% of the more than 900 people surveyed. It was clear that there was an overwhelming desire to continue with much of the technology that courts had used during the pandemic.

To what extent do you foresee the continued use of the following court technologies after the pandemic recovery?

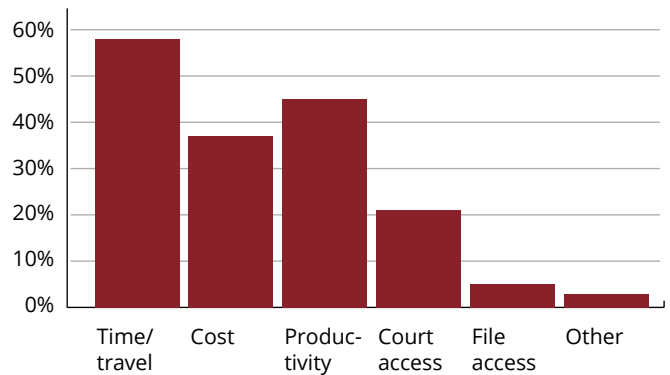


We also had access to another survey run by the State Bar of Arizona in July 2021. When State Bar of Arizona members were asked about the benefits of using technology-based platforms for court proceedings, productivity and time gains figured highly along with costs.

Finally, the Arizona Judicial Branch conducted a public-opinion survey in September 2021. This telephone survey of 500 members of the public asked about perspectives on the use of technology in the courts. Here, the priorities were clear. The ability to pay fees and sign documents online, the ability to present documents to the court electronically, and live streaming of at least some case types were all important and reflect the fact that this level of digitization is common in other walks of life.

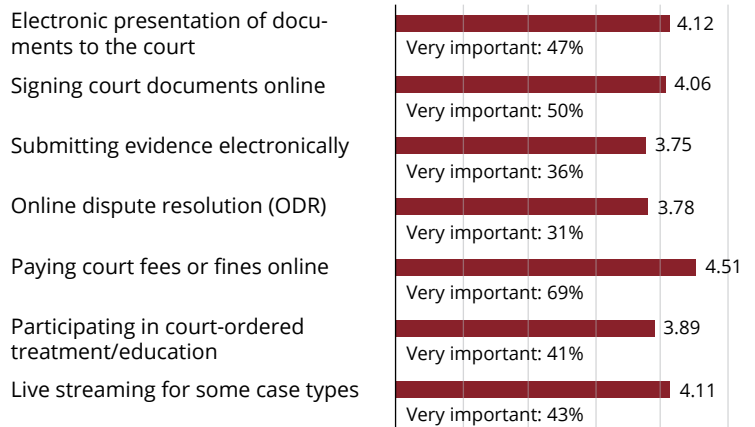
The survey also asked whether people thought they had access sufficient technology — both hardware and internet access — to participate in remote proceedings. Almost 90% said they thought they could take part in court hearings — an encouraging indicator for those who would look to further digitize court services.

**Benefits of using technology-based platforms**



**Importance ratings for online services**

(Scored 1-5, public opinion survey, September 2021)

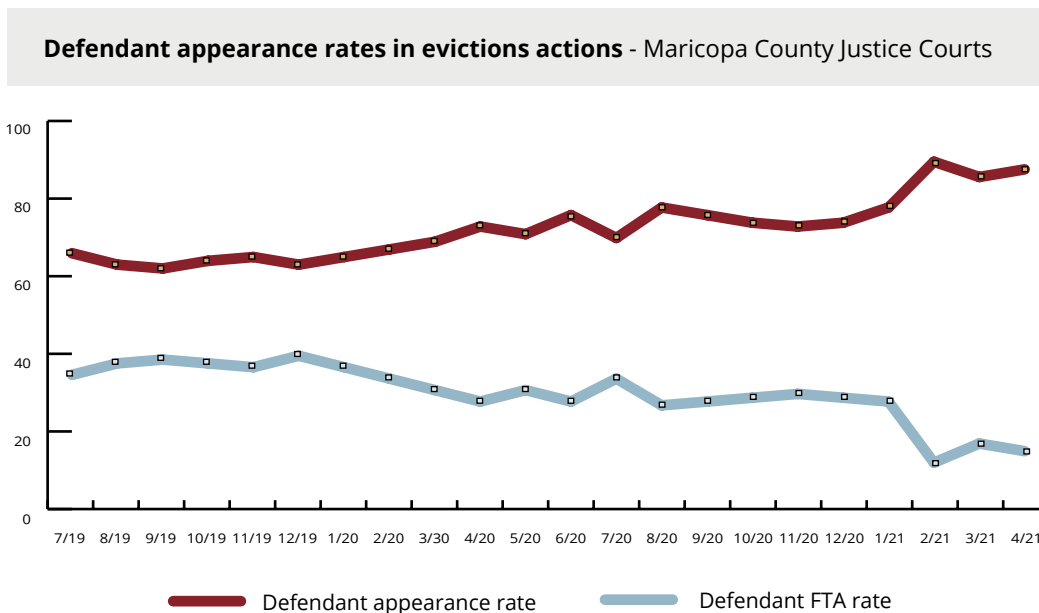


## On the right path

None of the new technologies that have been implemented are a panacea. They all come with questions, challenges, and complications. We cannot expect that court users — including staff — will automatically know how to use these systems. Training and education are vital components in the recommendations from the Plan B Workgroup.

Similarly, we can capitalize on the judicial branch's appetite for change but must be aware of how to manage that change and ensure buy-in to common goals. And of course, we must consider how any additional costs of technology will be funded.

Perhaps the most interesting prospect is a shift in how courts operate. It is exciting to think of the idea of the court as a service, rather than merely a physical location. Data from remote hearings shows the impact this could have: The below chart shows appearance and failure-to-appear (FTA) rates for defendants at the initial hearing in eviction actions at 26 Maricopa County justice courts.



Before March 2020, FTA rates varied between 30% and 40%. A failure to appear would likely be resolved by default and result in eviction. Given the pandemic, remote appearances (by phone and video) were authorized in March 2020. By February 2021, FTA rates had dropped to 14%. One powerful indicator for how the use of technology can enhance access to justice.

# Technological Innovations in Response to COVID-19

*“Like other courts across the nation, we in New Hampshire have had to contend with orders restricting our ability to conduct hearings in person. Here, I want to share how we overcame this in three key areas: grand jury, jury trials, and hearings.”*



**By Karen Gorham**  
Superior Court Administrator,  
New Hampshire Judicial Branch

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On March 16, 2020, Governor of New Hampshire Chris Sununu issued an executive order closing businesses and schools and limiting the number of non-family members gathering in one location.

For courts, this meant:

- Immediate cancellation of all jury trials and in-person hearings
- Suspension of all grand jury proceedings
- Staff staying home with school-aged children
- Litigants unable to visit the clerk's office for assistance

We had to find solutions quickly to maintain access to justice while ensuring the safety of our court users.

## Grand juries

In New Hampshire, all felony cases are required to be presented in front of a grand jury in the county of jurisdiction and must be indicted within 90 days of filing of initial complaint. We were unable to hold grand jury trials initially because of the limitation of meeting sizes and the lack of suitably ventilated large rooms. This resulted in an overwhelming increase in the backlog of indictments.

We made a legislative change to create a statewide grand jury and lifted the “90 days to indict” rule. We attempted to ease people’s concerns by adding a letter detailing COVID-19 protocols and safety measures that was sent with summons and found that very few jury members applied for a deferment because of COVID-19. The

statewide grand jury met in person in a large room that was well-ventilated, while prosecutors remotely filed proposed indictments. Prosecutors and law-enforcement appeared over Webex videoconferencing software, and the foreperson managed and signed the indictments electronically.

We moved away from the statewide grand jury in May 2021 for several reasons. First, we found that most courts prefer local control over their grand juries. Second, while assigning one judge for all statewide grand jury pleadings reduced confusion, it significantly increased the workload of the judge.

On the plus side, our jury management system was able to pull a statewide jury without any reconfiguration. And while we are not using the statewide grand jury right now, it is available should we have another surge in COVID-19 cases.

## Jury trials

Before COVID-19, our jury trials were based on a system where a large pool of jurors would watch a jury-orientation video on the first day of service before being assigned to various panels. Our goal during the pandemic was to keep as many jurors as possible away from the courthouse until they were needed for trial.

We put the video on our website and asked jurors to certify that they had watched it.

We also made a series of small changes to maintain safety:

- Multiple reporting times for each pool, reducing the number of jurors in court at any given time.
- Reduction in age for automatic excusals from 70 to 65.
- A supplemental questionnaire with case-specific questions, which jurors filled out electronically. This allowed for challenges for cause based on paper and ruled on through remote hearings with counsel only.
- A live-stream service for (most) trials to fulfil our mandate to provide public access to jury trials.

This new process allowed us to restart jury trials in August 2020 and carried us through until the governor's emergency order was lifted in May 2021. It was popular with jurors because they only had to be in court when they were needed to serve on a trial. However, we decided not to maintain remote jury selection because the extensive communication with jurors and reviews of questionnaires was too great a workload for our court staff and counsel.

## Hearings

We did have the capability for remote hearings before COVID-19 — specifically we had a link between jail and our courthouse — but we lacked the hardware for a more extensive rollout.

Our solution was to deploy mobile Webex units to every courtroom and develop a training plan for staff and judges on using Webex. We also had a communication plan, with webinars and videos, to bring attorneys and self-represented litigants up to speed on appearing remotely. We also amended hearing notices to include a Webex link and instructions to appear.

Handling evidence for remote hearings was tricky. Sometimes litigants would email in evidence to our clerks or court monitors. Video evidence was almost impossible because it couldn't be emailed, so people would drop off thumb drives. This led to confusion and, occasionally, misplaced evidence.

We had become a fully electronic court in December 2019, but that did not include digital evidence submission or digital evidence management due to our own limited capacity. However, COVID-19 forced the issue, and we are currently piloting Thomson Reuters Case Center in two counties for hearings.

We now have an administrative order requiring that certain hearings remain remote. Our attorneys, especially, value that capability, and we will continue to expand our use of digital evidence management for these hearings.

# What is Digital Evidence Management?

*"In all three jurisdictions represented in our webinar, courts have been using or piloting digital evidence management tools to help them conduct remote and in-person hearings. Let me explain the technology behind this."*



**By David Jackson**  
Senior Director, Case Center, Thomson Reuters

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Despite their reputation as technophobic institution, courts have been adopting digital tools at a steady rate. We see widespread use of e-filing and case management tools, as well as more general technologies like videoconferencing and collaboration software, much of it hosted in the cloud.

Digital evidence management software was born as a solution to a specific set of problems that courts face:

1. Securely accepting, storing, and giving access to evidence.
2. Presenting and referring to evidence in a trial or hearing (physical or virtual).
3. Handling the growing volume of digital-only and multimedia evidence.
4. Ensuring that all parties have access to the same version of evidence.

Some of these challenges have been raised by guests on the panel. Judge Thumma spoke of the difficulty in submitting body-worn-camera footage into trials, for example. And Ms. Rodriguez spoke of the workload for her staff in manually managing permissions for folders on a cloud storage platform.

A good digital evidence solution provides a single source of evidence for all. Parties can submit evidence into one court-managed repository to which courts can grant access to relevant parties as required. This eliminates discrepancies and ensures equitable access to a consistent evidence base.

During a hearing, presenters can refer to evidence and instantly jump to exhibits or reference points. Other parties' systems will automatically follow, meaning everyone in the courtroom is looking at exactly the same thing. This is especially useful for new or nervous court users.

Our experience of having rolled out Thomson Reuters Case Center extensively within the UK, Canada, South Africa, and the United States is that the number of hearings is significantly reduced. This is primarily due to the ability of all parties, including (if appropriate) the judge, to see evidence before trial and make appropriate decisions about case management. It also reduces continuations by avoiding delays sharing evidence (especially multimedia) between parties and lost or mislaid documents. Fewer and faster hearings mean a more efficient court, which means more people having their day in court, and ultimately, better access to timely justice.

“

We have witnessed a decrease by almost 50% in the number of hearings that are required to resolve a guilty plea in the Crown Court, which represents a truly substantial saving in resources.

**Lord Justice Fulford**

Senior Presiding Judge for England & Wales



# This webinar report was brought to you by the National Association for Court Management and its sponsor Thomson Reuters.

It features **Thomson Reuters Case Center** (formerly CaseLines). To find out how Thomson Reuters could support your jurisdiction, click [here](#).



## About NACM

The National Association for Court Management (NACM) is the largest organization of court management professionals in the world. In addition to providing quality education at conferences, with membership you also have access to podcasts, webinars, publications, guides, and other materials that inform members about best practices, innovations and issues affecting courts today.

NACM also provides a forum for working with other colleagues in the profession to improve the administration of justice.

[Join today at NACMnet.org](http://NACMnet.org)



## About Thomson Reuters Case Center

Thomson Reuters Case Center is evidence sharing at its best — the award-winning global leader for preparation of legal evidence and exhibit files and electronic presentation of documentary and video evidence in the court room. Our systems hold more than 400,000 cases, with 150 million pages of evidence held securely in the cloud.

Case Center reduces the time and effort required to prepare legal evidence and exhibit folders, eliminates the direct and indirect costs of paper and PDFs, and allows presentation of the evidence and exhibit bundles in a virtual hearing or courtroom without the added cost of an operator. Case Center now also offers on-demand virtual hearings with no software installation.