



# Virtual Courts:

Improving Access to Justice

**In Alvin, Texas,** the COVID-19 pandemic closed government buildings — including the municipal court, where a backlog of traffic cases quickly piled up. In response, the court used technology to conduct virtual proceedings, providing access to justice during the public health crisis while keeping defendants and staff safe.

“Once we started using Virtual Court, we quickly eliminated our backlog of 800 cases and we kept new cases moving forward,” says Alvin Municipal Court Administrator Sonya Cates.

Used out of necessity by courts across the country during the pandemic, virtual court technology is becoming a permanent part of the legal landscape in many jurisdictions. These solutions simplify workloads for court staff and help ensure more people can exercise their legal rights by eliminating burdens that often fall disproportionately on the most vulnerable populations.

The pandemic “opened the minds of a lot of clerks and judges,” says Kiri Phea, quality assurance analyst at Tyler Technologies. “Once they see virtual courts and understand how the concept can really work for their people, it becomes an obvious solution.”

This paper explores the advantages of conducting court proceedings virtually, explains how new technology solutions are helping address virtual court challenges and offers lessons learned from jurisdictions that experimented with this approach during the pandemic.

**Modern virtual court solutions go beyond simple videoconferencing by integrating with records and payment systems, as well as mirroring in-person court processes.**

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“We had doors shut to the public, but we had a legal obligation to hear these cases,” says Allison Sederlin, court supervisor in Springfield, Oregon. “For those who have used it, it has changed what courts look like.”

### **Challenges and Solutions**

Although videoconferencing technology has been available for some time, jurisdictions had a limited appetite for virtual court proceedings prior to the pandemic. One big reason, according to Marlin Jones, product owner of Tyler’s Virtual Court solution, was that judges felt the gravitas of the courtroom would be difficult to replicate online.

“Most judges like defendants in front of them in the courtroom,” Jones says. In focus group discussions conducted by the company before the pandemic, many judges stressed the value of in-person hearings to ensure defendants take the process seriously.



Other concerns included the need for defendants to confer with clerks and prosecutors before a hearing, and more broadly, the need to fully mirror the in-person process – from check-in at the courthouse, through the hearing itself, to the payment of fines and fees and signing of documents.

That's why jurisdictions often used virtual court proceedings only under a narrow set of circumstances – to accommodate traveling judges, for example, or to let out-of-state violators attend traffic court or dispute tickets without having to physically return to the jurisdiction. Then came the COVID-19 pandemic, which closed courthouses along with virtually all other in-person government functions.

Many courts began using videoconferencing solutions – often for the first time – to keep cases moving. For example, Texas courts, which didn't conduct remote hearings before the pandemic, held more than 1.1 million remote proceedings in civil and criminal cases between March 2020 and February 2021.<sup>1</sup>

While videoconferencing enabled courts to keep operating, the limitations of the technology quickly became apparent. "This option simply allowed the judge and defendant to see one another," Jones says. "We provide an offering that allows more than just video feeds."

Simple videoconferencing solutions don't integrate with court records and payment systems, creating extra work for clerks and staff. Unsecured solutions also bring with them safety and privacy concerns. And because remote

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Sonya Cates, Administrator, Alvin (Texas) Municipal Court

hearings may include multiple participants – clerks, prosecutors, attorneys, parents of dependents and court staff – video solutions must accommodate more than one-to-one connections.

These challenges led to the introduction of more robust virtual court solutions. The pandemic "changed our perspective from just a conversation between the judge and the defendant," Jones says. "The courts required a solution that mimicked the workflow of in-person court proceedings. Tyler's Virtual Court solution, which runs on the Amazon Web Services (AWS) Cloud, was designed to accomplish the necessary tasks with the defendant in one sitting. This meant less followup or after-the-fact work for court staff."

### **Important New Capabilities**

Traffic court surfaced as an area in which technology could provide better options – options that could outlast the pandemic. "If you've ever sat through a traffic court session, you know the judges try to work with people and

## **Addressing Equity**

As judges across the nation search for ways to provide equal access to justice, virtual court proceedings can be a powerful solution.

**“In the past, we have been rigidly stuck with in-person appearances. These pack the courtroom. They also create hardships for defendants, which hit certain defendants harder than others,”** says Greg Nickel, court administrator in Newton, Kansas. **“This is especially true for defendants in lower socioeconomic situations.”**

In-person hearing requirements disproportionately impact defendants who must care for young children or can't take time off work. And missing a scheduled hearing can have serious consequences – including citations for failure to appear or no-show warrants, which can exacerbate defendants' existing legal challenges.

For example, defendants who must appear in court to resolve a suspended driver's license may face a no-win situation.

**“Their license is probably suspended because they didn't have money to pay a speeding ticket,”** Nickel says. **“They probably don't have money for a roadworthy car even if their license was valid. Many of these defendants are left to choose between a no-show warrant and taking a chance by driving to court. Virtual court has given us better options.”**

offer ways to get through what happened,” Phea says. “This is another way to do that.”

More robust virtual court solutions were rapidly deployed and iterated during the pandemic to mirror the fuller court experience. Among their features:

- Defendants log in by clicking on the link in an email invitation they receive from the court. No additional software is required to attend a virtual court hearing.
- Integration with case management systems provides real-time information and document sharing within the virtual court solution, saving time and reducing duplication of effort.
- These integrations also allow defendants to receive automated reminders for court appearances via interactive voice response (IVR) systems, email or text.
- Virtual check-ins put defendants into a waiting room where they can watch prerecorded information about the court process.
- If the court allows prosecutors to talk with defendants before their hearing, the technology enables these parties to connect, discuss options and determine whether the formal court hearing is still needed.
- Defense attorneys, parents and/or legal guardians of minor defendants, and witnesses – typically law enforcement officers – can appear as needed.
- Integration with caseload systems ensures required documentation and other materials are ready before the hearing. Bodycam footage can be viewed during a session via screen sharing.

## In the first few months of the pandemic, more than 150 traffic courts nationwide experimented with a virtual court solution from Tyler Technologies running on the AWS Cloud to address caseloads while protecting staff and the public.

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- Defendants can upload documents or photos while in the waiting room or during the session for the judge to review.
- Separate rooms allow defense attorneys to conduct sidebar conversations with prosecutors when needed.
- Integration with payment solutions enables defendants to pay fines and fees without logging into a separate system.
- Courts can livestream virtual proceedings to comply with public access laws, which in some states require traffic court hearings to be available to the public.

### The Pandemic and the Push to Virtual Courts

Tyler Technologies had been developing Tyler Virtual Court for almost a year before the pandemic struck, working closely with several state courts to refine it. The solution, running on the AWS Cloud, enables defendants to attend hearings via secure video from any location, integrates with court case management systems and provides other court-specific functionality. At the request of the courts in Springfield, Oregon. – which were beta testing the technology – Tyler released the solution in February 2020.

Over the first few months of the pandemic, nearly 150 traffic courts across the country experimented with the technology to address caseloads while ensuring the safety of hearing participants and staff.

“Where most courts around our state were shut down, we were still able to hold regular hearings with the click of a button,” says Shannon Arguello, court administrator in Hobbs, New Mexico.

“In an unimaginable situation where continuing to do business seemed almost impossible, Virtual Court offered a simple and safe solution for both the court and all the other participants,” adds Jessica Stephens, court administrator of Little Elm, Texas.





## In Springfield, Oregon, Virtual Courts are Here to Stay

Located along the I-5 corridor and near a major college, the city of Springfield, Ore., often issues traffic citations to out-of-town defendants. Court officials there explored virtual court technology before the pandemic as a way “for people to have their day in court and talk to a judge if they want to without having to take time from work or childcare,” says Court Supervisor Allison Sederlin.

As a beta tester of Tyler’s Virtual Court solution, Springfield was considering holding virtual court sessions one or two days a week to address these needs.

Government buildings in Oregon closed due to the pandemic just as Springfield was preparing to test the Virtual Court solution in a live environment. “Springfield was one of the first courts we worked with at the mention of a potential shutdown,” says Marlin Jones, product owner of Tyler’s Virtual Court solution.

Within two days, the technology was shifted to a production server and Springfield courts began hearing cases virtually. “We took the leap because we had no other choice,” Sederlin says.

As government buildings have reopened and in-person hearings have resumed, Springfield maintains a hybrid model, holding virtual sessions four times a week for initial appearances involving just the defendant and judge. Today, the court conducts 25 to 30 cases a week virtually, according to Sederlin, who says virtual court sessions send a positive message about her government’s willingness to use technology to improve the citizen experience.

“If you get a ticket coming through my city and we didn’t have a virtual court, it would look like we’re behind,” Sederlin says.



However, courts encountered their share of non-technical challenges as they adopted virtual hearings, including defendants appearing in informal attire or not devoting their full attention to proceedings.

"Our judge was still on the bench in a robe," says Sederlin. "How do you make it feel like a court appearance?"

To address this issue, court staff in Springfield created an introductory video that outlines expectations. "We ask them to treat this like it's a real experience and silence any external noise," Sederlin explains. The video plays in the court's virtual waiting room as defendants prepare for their hearing.

As the pandemic progressed and government buildings began reopening, some courts continued to use virtual hearings as part of their public health screening processes. "We were able to hold virtual hearings for those who answered 'yes' to any COVID screening questions," says Arguello.

In other jurisdictions, virtual court hearings helped address scheduling issues. "We had a situation where our judge was out of state for a month," says Dawn Wilcox, court administrator of Portage, Wis. "Instead of getting a substitute, we were still able to offer Virtual Court and have our judge available."

## Lessons Learned

In many jurisdictions, the impact of virtual courts extended beyond continuity during the pandemic. Some courts, for instance, report much better attendance for scheduled hearings.

"We have noticed a significant increase in the attendance of defendants by allowing the virtual option," says Sarah Friberg, court administrator in Manor, Texas. This, in turn,

**"I don't see a world where we don't have a virtual [court] option. It may not be the primary option, but it's always going to be there."**

Allison Sederlin, Court Supervisor, Springfield, Oregon

has reduced the number of failure-to-appear citations and bench warrants issued by courts.

Virtual court solutions also helped address workload issues for clerks, particularly as they work in remote or hybrid settings. Integration with case management systems simplifies the process of ensuring all relevant documents are available to judges and others participating in remote hearings, says Phea.

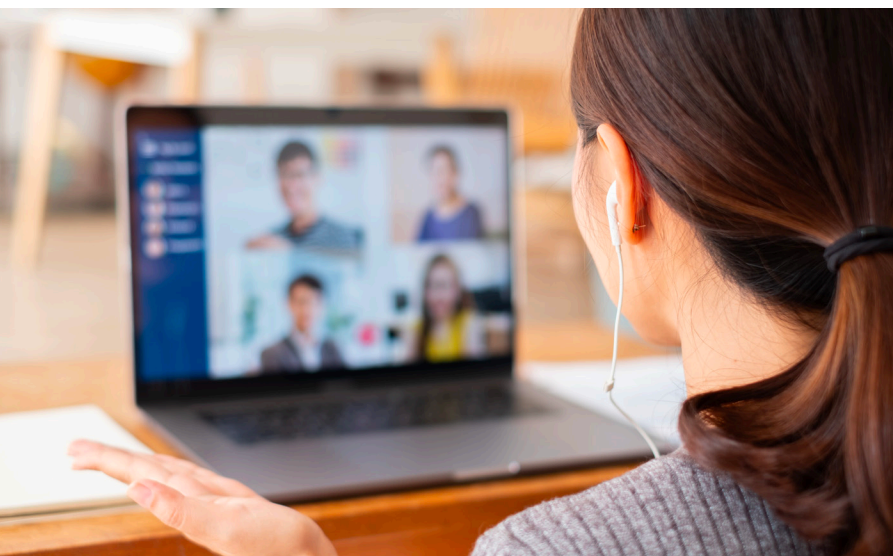
For defendants, appearing from home or another familiar location adds a level of security and safety, particularly for those with financial or childcare challenges. "Virtual court will allow those defendants who are part of vulnerable populations to continue to resolve their cases safely from the comfort of their own home," says Stephens.

Experience gained with virtual courts since the pandemic began is producing valuable insights around using this approach successfully. Key lessons learned include:

**In-house technology must be current.** Courts need sufficient bandwidth to ensure videoconferencing doesn't get choppy or disrupted, and hardware must be capable of streaming video. "We had to make sure we had webcams and HDMI connections and weren't using 10- to 15-year-old computers to do virtual court," Sederlin says.

**Technology literacy is a challenge for many defendants.** Virtual court solutions may not require defendants to use specialized software, but "you're always going to have people who struggle with the technology," says Sederlin. It's important to provide videos or other guides to help people meet requirements like turning on audio and video.

**Mobile access is an equity issue.** As the pandemic made clear, many households lack reliable broadband connectivity, and many people rely on smartphones for internet access. Therefore, virtual court solutions must be usable on virtually any device. "We learned early on that the majority of defendants would be on mobile devices," Jones says. "We have observed defendants attending court sessions from their cars, people in break rooms at their offices or warehouses and even teachers taking a break during their day to meet with the judge." All told, only





Early experience with virtual courts shows the importance of mobile access. The bulk of defendants attend court sessions using smartphones instead of laptops or desktop computers.

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a small percent of defendants logged in from a desktop computer or laptop, she says.

#### **Defendants require education on court expectations.**

Courts need to coach defendants on appropriate attire and behavior for virtual hearings. "Some people are going to have trouble understanding it's the same as a normal court appearance," says Sederlin, whose court created an introductory video to outline expectations. "The extent to which you can educate the public, your staff, and your judges, you're going to have an easier time."

#### **Judges need support so they can support defendants.**

Courts must bring judges up to speed on virtual court processes and technologies. Once judges are comfortable with the virtual court environment, they can help defendants and others navigate the proceedings.

**Focus on integration.** Virtual court solutions must connect with existing systems, including case management and payment applications. This boosts efficiency and simplifies tasks for staff. "If we need to pull up a document, we're not having to do dual work," Sederlin says. "If we need to share a judgement document, we can do it right in the platform without my staff taking the time to do this separately."

### **Looking Ahead**

Even after courts resumed normal operations, many continue to offer virtual hearings to improve equity and convenience.

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"Prior to the pandemic, most of us had the mindset that to attend court, we had to make time in our day to appear in person and possibly spend most of the day in the courthouse," says Jones. "Our virtual court solution makes it so much better for everyone involved."

And while few courts envision using virtual court for full jury trials or other complex matters, some are exploring uses beyond traffic court. One potential use case involves arbitration, according to Phea, which replaces the judge in civil cases with an arbitrator and allows as many as 10 people to participate in the proceedings.

Much as the pandemic shifted expectations around accessing other government services online, people increasingly expect courts to provide digital options going forward.

"I don't see a world where we don't have a virtual option," Sederlin says. "It may not be the primary option, but it's always going to be there."

*This piece was written and produced by the Center for Digital Government Content Studio, with information and input from Tyler Technologies.*

<sup>1</sup><https://www.pewtrusts.org/en/research-and-analysis/reports/2021/12/how-courts-embraced-technology-met-the-pandemic-challenge-and-revolutionized-their-operations>

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