

## To Stay Remote or Not to Stay Remote? That is the Question!

### 8 Reasons to Stay Remote

- 1. Increased accessibility to justice:* This is especially true for people who live in remote areas and people with limited mobility, limited financial resources, access to a car or good public transportation, or day care options. Almost everyone has a laptop or a smartphone, or at least has access to one, these days. It is also no longer necessary to take off a full day of work or to travel to attend proceedings.
- 2. Fewer cancellations:* Courts, agencies, staff, attorneys, and private parties no longer have to rearrange calendars last minute since you can call into Zoom or Teams from any quiet space. Since the start of COVID, there have been significant decreases in absenteeism. People no longer cancel for weather (and we've seen some **major** weather issues this past year), mild illness, or for a child staying home from school.
- 3. Greater ease in scheduling:* With no commute or location to worry about, finding a suitable time is easy. Scheduling is a snap when you don't have to arrange flights, book hotels, and coordinate around events.
- 4. Stress reduction:* Courtrooms, hearing rooms, and conference rooms are far more intimidating than living rooms and kitchen tables. Parties have reported lower anxiety levels attending proceedings remotely. This is particularly true of vulnerable individuals who might be afraid to be physically present in a room with another party to the action. Removing the stress involved with getting to the hearing, parking, getting through security, and finding the right room, also significantly reduces anxiety for all the parties involved.
- 5. Cost savings:* Absolutely everyone involved in the proceedings experiences cost savings and in some cases, significant ones. Just a few examples:
  - No gas, public transportation, or parking costs. No flights, hotels, or taxis. Less car maintenance. Lower dry-cleaning bills and restaurant checks.
  - No need to fly witnesses and parties in, particularly experts who charge handsomely for their time. A doctor who can see patients most of the day and never leave his/her office for the depo or hearing will need to bill for significantly fewer hours.
  - Status conferences and motion practice often only take up a few minutes. Have you ever had to spend more time in your commute than you spent in the courtroom? Think of the



- time everyone saves when you just dial in for a quick status update! Think of how many cases you can handle in one day! Think of all the other work you can get done between these remote hearings!
  - Conducting hearings from home offices means that money spent on air conditioning or heating large courtrooms, to keep the lights on, and to pay for the water in the busy courthouses can be diverted to other uses.
6. *Environmentally friendly:* Less gas, less paper, less electric, less plastic, less water, less of nearly every natural resource is used when proceedings are held remotely. Do you remember the news stories in the first month of COVID about how the dolphins returned to the canals of Venice? Every time you sit in a remote depo, hearing, or trial, you've welcomed another dolphin to your neighborhood. Or *someone's* neighborhood.
  7. *No more space restrictions to deal with:* Need to pound out details of a stipulation? Just go to a virtual meeting room. Working with an agency that has a backlog due to space restrictions? Add remote adjudicators and work through that backlog easily!
  8. *Work-life balance improvements:* More efficient time at work means more time to play. Can we find a better work-life balance if we are more productive during our work hours? What can we do with that extra hour or two we used to spend commuting to and from the office, traveling in between meetings/proceedings, or waiting for people who have been delayed? Even if we are back to going into the courthouse or office, how can we benefit from the efficiencies created by continuing some remote proceedings? As we adjust to this new reality, people are finding more time for their families, for exercise, for sport, leisure, and hobbies.

## We Will Have to See Humans Again

### 8 Best Practices for Returning to In-Person... When You Must

Obviously, some proceedings will return to the physical courtroom, hearing room, or conference room. Remember to be on time and to check and recheck addresses and parking. Check COVID requirements and be sure to bring your vaccination card or negative test result when required. And remember to iron your professional clothes! 😊

Regarding creating an accurate record, what lessons were learned during COVID that you can take into the courtroom when you return? Many of these are of the “mind your manners” and “every word is important” variety that really got drummed home as we adjusted to new technology. Here are a few of those lessons you learned and can bring back into the courtroom:

1. Remember that someone may need to transcribe your proceeding. That person can't see who's speaking or what gestures you make. You can help ensure the record reflects what took place and that there are no “indiscernibles” in your transcript by how you speak in the courtroom.
2. Speak directly into your microphone. If you need to turn to get some paperwork, pause speaking until you're back in front of your mic.



3. When wearing a mask, remember that they muffle sound which compromises the audio quality, so compensate by increasing your volume and articulating clearly as best you can.
4. If social distancing is required, be sure there are working microphones in front of each speaker to make it easy to capture what everyone says without compromising anyone's well-being.
5. Remember that in most hearings, your microphone is always on. Avoid whispering to clients, rustling papers, or making other disruptive noises close to your microphone. This goes far to ensuring you have a clear record.
6. Don't speak over one another. And when you accidentally do, repeat what you said.
7. Reintroduce yourself periodically throughout a hearing. Refer to others by name, such as "As Attorney Smith said," instead of "As my esteemed colleague said". This really helps ensure the record is clear when listened to later.
8. If you play audio or video during the proceeding, be sure a microphone is placed close to the player device or provide the reporter/transcription company with the original recording.

We are pleased to be your partner in creating a positive experience from the time you step into the courtroom to the time you are reading the transcript!

