

Minutes
Access to Justice Commission
Workgroup on Video Conferencing & Access to Justice
February 8, 2017

The Workgroup on Video Conferencing & Access to Justice met on Wednesday, February 8, 2017 at 2:00pm at 225 Spring Street, Wethersfield in Room 204.

Those in attendance: Mr. Anthony DiBenedetto, Co-Chair, Ms. Krista Hess, Co-Chair, Atty. Jennifer Robinson, Co-Chair, Atty. Anne Louise Blanchard, Atty. Thomas P. Chapman, Atty. John DelBarba, Atty. Johanna Greenfield, Atty. Cheryl Halford, Mr. Matthew Mazur, Atty. Brian Preleski, Atty. Jonathan M. Shapiro, and Atty. Deborah DelPrete Sullivan.

Hon. Elliot N. Solomon, Deputy Chief Court Administrator, Hon. Robert J. Devlin, Jr., Chief Administrative Judge, Criminal Division, and Mr. Larry D'Orsi, Deputy Director, Criminal Matters, were also in attendance.

The meeting was called to order at 2:03pm.

1. The Workgroup voted to approve the minutes of the August 7, 2014 and September 3, 2014 meetings of the Workgroup on Video Conferencing & Access to Justice. New co-chair Mr. DiBenedetto and new members Atty. DelBarba, Atty. Greenfield, Atty. Preleski, Atty. Shapiro, and Atty. DelPrete Sullivan abstained.
2. The members of the reconstituted Workgroup introduced themselves and Ms. Hess welcomed Hon. Elliot N. Solomon, Deputy Chief Court Administrator, and Hon. Robert J. Devlin, Jr., Chief Administrative Judge, Criminal Division.
3. Ms. Hess and Atty. Robinson provided an overview of the amendments to Practice Book §§ 23-68 and 44-10A, which became effective on January 1, 2017. Ms. Hess explained that the impetus, in part, for amending § 23-68 was a desire to expand the language to include small claims proceedings, which, more often than not, can involve a single, dispositive court event. Whereas the language previously limited proceedings in which an incarcerated individual could appear by means of an interactive audiovisual device to civil and family proceedings (including family support magistrate matters), § 23-68 now explicitly provides that, upon motion, any party or counsel may appear by means of an interactive audiovisual device at any proceeding in any civil, small claims, family, or family support magistrate matter. Atty. Robinson reviewed the changes to § 44-10A, including the addition of arraignments (provided that counsel has the opportunity to meet with the defendant prior to the arraignment) and the first scheduled court appearance of the defendant in the judicial district court, following the transfer of the case from the geographical area court. Atty. Robinson explained that courthouses have smaller video conferencing units which counsel can use to

privately confer with clients. For the benefit of new members, Mr. DiBenedetto and Mr. Mazur further elaborated on the video conferencing technology used by the Judicial Branch, from the cart-based, high definition systems that are used in the courtrooms, to Cisco Jabber, which can be used on any device.

4. Ms. Hess distributed statistics on the use of video conferencing in judicial district, geographical area, and juvenile courts, as well as the results of the judges' video conferencing survey. Ms. Hess expressed the goal of the Judicial Branch to further ingrain video conferencing into the day-to-day business process of the courts and to continue to deconstruct the perception that video conferencing is not easy. Atty. Robinson emphasized that she is always happy to provide staff with refresher training and to alleviate anxiety by showing users how connecting by video conference is as easy as using a cellular phone to make and end calls. Ms. Hess introduced for discussion whether there has been a culture change with respect to embracing video conferencing, or whether the use of video conferencing is still largely viewed as a last resort, only used in the most exceptional of circumstances.

The members of the Workgroup shared their various experiences with video conferencing. Judge Devlin discussed how video conferencing is used several times a week in Bridgeport and how Judge Bellis recently had a case where an inmate appeared for his Short Calendar matter by video conferencing. Judge Devlin also mentioned how it is very helpful that many courtrooms have smaller video conferencing units in adjacent rooms, where counsel can privately confer with clients. Atty. Chapman shared his recent experience of contracting with a private vendor to depose an inmate by video conferencing. Atty. Blanchard discussed how video conferencing can be particularly useful in cases of domestic violence where the client is in the courtroom and the inmate appears by video conferencing. Atty. Blanchard added that many clients live in areas with insufficient public transportation, rendering the potential of video conferencing all the more vital. Atty. Shapiro relayed that he recently had a contested trial where teleconferencing was employed for two out-of-state witnesses, by agreement of the parties.

In the context of criminal matters, the Workgroup members from the Office of the Chief State's Attorney and the Office of the Chief Public Defender offered their perspective and experiences with video conferencing. Atty. Preleski has seen its frequent use, which he finds beneficial, as transporting inmates can be disruptive to the individuals, particularly those with medical conditions. Atty. DelBarba has not seen video conferencing employed in Meriden, but he has seen it utilized in Hartford. Atty. DelPrete Sullivan has only seen video conferencing used in habeas matters in Rockville, and she expressed her general concern about whether video conferencing dehumanizes the individual on the screen.

Judge Solomon described visiting Newark, New Jersey with Judicial Branch staff, state's attorneys, and public defenders to view their video conferencing

equipment, as well as courtroom and jail set-up, when the Branch was in the early stages of further implementing the technology in Connecticut's courts. He further described the advances that have been made in the quality of video conferencing technology and having witnessed a demonstration by a vendor where you could clearly see the watermark on a five dollar bill. Judge Solomon emphasized that former state Supreme Court Justice Borden was very sensitive to the need for the equipment to be reliable and clear, and that the technology has come so far that it truly feels like you are having a conversation with the person in the room. Atty. DelPrete Sullivan expressed that video conferencing could be a boon for speaking with clients, due to the time, mileage and money that it would save, and that video conferencing seems particularly well suited to habeas and domestic violence matters. Atty. Blanchard echoed that video conferencing has proved very useful in getting access to witnesses.

Atty. Robinson elaborated on how the Branch's video conferencing equipment is presently used in criminal matters. She described the large televisions in the courtrooms and how the Department of Correction has smaller televisions from which the inmate sees whichever angle the camera is on in the courtroom. In Middlesex, two cameras are actually used – one on the judge, which is attached to the wall, and one on a cart, which captures the parties (and the clerk, if needed). She also stressed the proper etiquette of treating the individual appearing by video conferencing as part of the proceedings, as if he or she was physically present in the room.

Atty. DelPrete Sullivan and Atty. DelBarba again raised the issue of what is in place for a public defender to speak privately with his or her client, and Atty. Robinson reiterated the availability of adjacent rooms with smaller video conferencing units for this purpose. Atty. DelPrete Sullivan brought up the issue of clients being able to whisper to counsel, and Judge Solomon emphasized that it has never been envisioned for video conferencing to take place of a trial. Rather, what is being contemplated is using video conferencing for more perfunctory proceedings, such as routine arraignments – not testimony laden proceedings. Judge Devlin agreed that he does not see video conferencing being used in trials, and that, in scenarios such as more involved arraignments, the inmate can always be brought up. He also discussed the utilization of video conferencing for appearances by inmates for such matters as motions to correct illegal sentences. Judge Solomon stressed the fluid process of seeking to further ingrain video conferencing into the daily business of the courts, and that it will entail learning from experience.

Atty. Greenfield relayed how video conferencing has been used in family matters for a long time, and that it is widely used in family support magistrate dockets for motions for modification of child support. In addition, video conferencing is sometimes utilized for hearings on applications for relief from abuse, where the applicant has filed a motion for his or her testimony to be taken in a different place, away from the respondent. Atty. Greenfield stressed how families are

becoming increasingly more global, and Mr. Mazur mentioned how a party to a dissolution of marriage action in Danbury was recently able to video conference with the court from his location in India, by using his iPhone.

5. Ms. Hess proposed to the Workgroup the creation of a Judicial Branch form for requests to participate in a court proceeding by video conference, particularly in light of the recent Practice Book changes. Ms. Hess relayed that both Hon. Elizabeth A. Bozzuto and Hon. William H. Bright, Jr., Chief Administrative Judges of the Family and Civil Divisions, respectively, were interested in the creation of such a form, in furtherance of the Branch's commitment to increasing the utilization of video conferencing. The members of the Workgroup supported the proposal.
6. The Workgroup identified Hartford and Bridgeport as possible locations for a pilot to use video conferencing for arraignments. Atty. DelPrete Sullivan mentioned that she would like to first speak to Chief Public Defender Susan O. Storey before any proposed pilot begins. In response to Atty. DelPrete Sullivan's question regarding other contexts in which video conferencing is regularly used, Mr. D'Orsi described how it has become the norm in sentence review. Ms. Hess and Atty. Robinson relayed that they would be happy to arrange a video conferencing demonstration and that members are certainly welcome to observe sentence review proceedings in Middlesex, which uses the technology. The Workgroup discussed how to continue to bring about culture change, and the vision for video conferencing to one day become commonplace, rather than an exception.
7. The next meeting date will be determined.
8. The meeting adjourned at 3:14pm.