

Minutes
Access to Justice Commission
Workgroup on Video Conferencing & Access to Justice
May 9, 2014

The Workgroup on Video Conferencing & Access to Justice met on Friday, May 9, 2014 at 9:30am at 225 Spring Street, Wethersfield in Room 4B.

Those in attendance: Ms. Krista Hess, Co-Chair, Mr. Scott Rosengrant, Co-Chair, Atty. Thomas Chapman, Atty. Cheryl Halford, Mr. Matthew Mazur and Atty. Mark Nordstrom (via video conferencing).

The meeting was called to order at 9:43am.

1. The Workgroup voted to approve the minutes of the March 20, 2014 meeting of the Workgroup on Video Conferencing & Access to Justice.
2. Ms. Hess led a discussion regarding video conferencing in the following areas: juvenile matters; infractions/small claims; land use and complex litigation; pretrials/status conferences; training; and, the Judicial Branch's Foreclosure Volunteer Attorney Program.

Ms. Hess asked Atty. Halford to share with the Workgroup the outcome of an informational meeting that they had attended on Wednesday, April 2, 2014 with Atty. Robinson to learn more about video conferencing in the context of juvenile matters, including both delinquency and child protection. Atty. Robinson had helped to organize the meeting with Court Operations juvenile manager Marilou Giovannucci, Court Support Services Division (CSSD) juvenile probation services deputy director Karl Alston and CSSD information technology manager Mark Ciccio.

At the April 2nd informational meeting, Ms. Giovannucci had discussed the use of video conferencing in corrections and by the Department of Children and Families (DCF). She explained that corrections has the equipment, but that problems exist related to the infrastructure and connection speed. Oliver Burgos, deputy chief clerk for juvenile matters at Torrington, has been a champion of video conferencing, including its use by public defenders to interview clients in detention. The suggestion was made to engage the New Haven Legal Assistance Association and other child resources about this option, as well as to reinforce to deputy chief clerks the availability of video conferencing for use by attorneys. Ms. Giovannucci also shared with the group that all DCF offices have video

conferencing equipment, and that DCF almost never transports juveniles. DCF employs video conferencing for meetings and trainings, as well.

Mr. Alston had followed Ms. Giovannucci by discussing visitors for juveniles via video conferencing, which came about as part of a metric for results based accountability. The Judicial Branch was seeking to overcome barriers to parents visiting kids in detention, including geographical barriers, such as kids from the Waterbury area being in detention in Bridgeport. Mr. Alston mentioned that the video conferencing option for visitation is hardly used, and he explained that perhaps the reason for this is multifaceted. Parents receive weekly updates from their child's probation officer, and many parents see their child at court. Some parents do not wish to visit their child for a variety of reasons, including wanting to teach the child a lesson and being upset with the child. Child care for other siblings can be problematic, as well as the need to take time off of work. Parents who are determined to see their child will, but only 43% of parents do. Security and confidentiality are always a concern, and having someone professionally engaged is important. A brochure about video conferencing is available.

The attendees of the informational meeting had also discussed video conferencing in the context of child protection. Mr. Alston spoke of the push to overcoming barriers to participation by foster parents in matters such as permanency hearings and mediations, and there will be a pilot training at the end of May regarding quality parenting and engaging foster parents.

After Atty. Halford summarized what she, Ms. Hess and Atty. Robinson had learned at the informational meeting, Mr. Rosengrant reiterated that Mr. Burgos has been a great proponent of video conferencing. Mr. Rosengrant emphasized that the more that other court employees learn about the efficiency of video conferencing, as Mr. Burgos is experiencing, the more that the use of video conferencing will sell itself. Ms. Hess suggested that perhaps Mr. Burgos could attend one of the Workgroup's meetings as a guest speaker to share his experiences. Mr. Rosengrant mentioned how when the Cheshire trials were going on, and the issue came up of what would happen to the daughter of one of the defendants, video conferencing was used for him to participate in the proceedings. Mr. Rosengrant noted that the ability for incarcerated parents to be able to participate meaningfully in juvenile and family matters via video conferencing is important in promoting access to justice. Atty. Nordstrom asked where do parents go to video conference with their children in detention, and Atty. Halford explained that the sessions occur in probation offices, and are held at the discretion of the probation officer. Atty. Chapman asked whether there are established guidelines for probation officers to use in their determination of whether the session should occur, and Atty. Halford indicated that she can follow up with Mr. Alston.

Ms. Hess then asked Mr. Rosengrant to share with the Workgroup a proposal that recently came up regarding a video conferencing pilot in infractions and small

claims, which would be accomplished with grant funds. Mr. Rosengrant stated that Stacey Manware, deputy director of centralized services, reached out to his office to do an assessment. The project would entail the creation of a courtroom setup at 225 Spring Street, Wethersfield, for the electronic disposition of infractions, and a dedicated hearing room at 80 Washington Street, Hartford, for the disposal of small claims. Mr. Rosengrant and Mr. Mazur will continue to update the Workgroup on the progress of this initiative. They mentioned that Cisco has come out with a software product called Cisco Jabber Guest, which would provide a video conferencing user with the ability to simply click on a link to use the program, rather than having to go through the current steps of setting up an account. Mr. Rosengrant said that they are currently working on the licensing, and Ms. Hess commented how user-friendly the product would be. Ms. Hess also noted the substantial financial savings of being able to use the software on any computer equipped with a camera, rather than having to purchase expensive video conferencing equipment.

The Workgroup discussed the perceived benefits of such a video conferencing pilot in small claims and infractions, as well as potential hurdles and drawbacks. Everyone agreed that it would be beneficial in terms of travel, speed and efficiency, as seen by the vast improvements in using video conferencing for sentence review, but Atty. Chapman expressed concern over how evidence would be handled. Atty. Chapman noted that evidence in small claims matters generally pertains to property damage, and there is presently no rule in place for the advance exchange of evidence. Atty. Chapman indicated that a change to the rules might be necessary. Mr. Rosengrant will speak with Atty. Manware about this issue. Ms. Hess shared her observation that small claims magistrates generally encourage the parties to try and talk first to settle the matter, and the Workgroup contemplated whether the use of video conferencing might hinder such settlement discussions.

Ms. Hess then initiated a discussion about the idea for a video conferencing pilot in both the land use and complex litigation dockets, which would go hand in hand with the goal of greater utilization of video conferencing in pretrials and status conferences. Ms. Hess noted that although some cases come to these dockets by application, others are sua sponte, leaving some attorneys and self-represented parties faced with significant travel distances. For purposes of illustration, Ms. Hess distributed to the members a pie chart showing travel by county for these dockets. While roughly half of parties are locally based in Hartford County, many are traveling from Fairfield, New Haven, and New London counties. Ms. Hess also discussed the Judicial Branch's individual calendaring program (IndiCal) for civil matters, and how video conferencing for status conferences held for the purpose of entering scheduling orders could hopefully provide a great convenience for the bar. Ms. Hess has spoken with Judge Berger and Judge Lager, who are both very much in support of the increased use of video conferencing. Mr. Rosengrant and Mr. Mazur indicated that an ideal lead time for a video conferencing event would be a day or two.

As the Workgroup continued to discuss the proposal, Atty. Chapman stated that video conferencing for status conferences and scheduling orders would certainly be a boon, and very attractive to the bar. Atty. Chapman inquired whether an attorney could go to a nearby courthouse to use the court's video conferencing equipment (rather than his or her own office). With proper notice, this should not be a problem. Ms. Hess emphasized that hopefully video conferencing will no longer be the exception, and will start to become the rule. The Workgroup also discussed some technical issues, such as the ability to mute and whether headphones would be needed for private conversations, which they would not. Atty. Nordstrom agreed that the use of video conferencing in pretrials and status conferences is a great idea. He did, however, express concern over whether the informal settlement discussions that traditionally accompany these events would still occur. Ms. Hess indicated that the Judicial Branch is currently working on drafting language for court notices for IndiCal cases requiring that a status conference be held within 90 days from the return date. Atty. Nordstrom and Atty. Chapman concluded that the Workgroup need not worry about whether the use of video conferencing would hinder settlement discussions because discovery would not yet be complete this early on in the process. Ms. Hess suggested that the court notice could advise the parties to contact the court within three business days of the event if the party would like to appear via video conferencing, in order to allow adequate lead time. Ms. Hess and Mr. Rosengrant will meet with Judge Berger, who has a great deal of experience with video conferencing. Atty. Chapman reported back to the Workgroup that the adjuster ended up not appearing via video conferencing at his mediation with Judge Kaplan last month because it was too cumbersome of a case. Atty. Chapman has spoken with Judge Bright about trying again with a smaller, less cumbersome case that would be better suited to video conferencing, and he will continue to update the Workgroup about his experience.

Ms. Hess next led a follow-up discussion about video conferencing in the context of training. Although it ended up not working out for Statewide Legal Services to do a statewide training, Mr. Rosengrant suggested that Judicial Marshal Services could perhaps benefit from using video conferencing in its trainings. Marshals from across the state generally have to report to the Judicial Marshal Academy in Hartford for training, and Mr. Rosengrant suggested that the Workgroup engage director O'Donovan Murphy about the possibility. The Workgroup also thought that video conferencing may prove useful for Judge Support Services and the educational programs offered to judges through its continuing education unit. Atty. Chapman expressed the importance of promoting video conferencing within the culture of the Judicial Branch, coming from the top. Mr. Rosengrant suggested that deputy director Lucio DeLuca of Judge Support Services' technology unit would be a great resource for the Workgroup, and he defers to Mr. DeLuca on these issues and ideas. Mr. Rosengrant mentioned that the Judicial Branch's Information Technology Division (ITD) has successfully used video conferencing for training purposes, such as the rollout of Windows 7. Mr.

Rosengrant also highlighted the benefit of being able to record trainings for future viewing.

Atty. Halford provided the Workgroup with an update on the proposal to introduce a video conferencing component to the Judicial Branch's Foreclosure Volunteer Attorney Program. Atty. Halford is presently working with the Materials Management Unit on some logistical issues, such as the installation of data jacks, to make the pilot possible.

A lot of ground was covered at the meeting, and the Workgroup hopes to start developing an implementation plan at its next meeting.

3. The next scheduled meeting of the Access to Justice Commission is on Tuesday, May 27, 2014, and the Workgroup agreed to set its next meeting date after the Commission has met.
4. The meeting adjourned at 10:25am.