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King County
Superior Court



THE RESPONSE OF
THE KING COUNTY SUPERIOR COURT TO THE

COVID-19 PANDEMIC

*LESSONS LEARNED
AND RECOMMENDATIONS*

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We are pleased to present to you this summary of our court's rapid adoption of video technology and change in court processes, very much still in progress, undertaken over the past two and a half years to expand access to justice in response to the COVID-19 pandemic. Our court is just one of many others across the country with similar stories of transformational change undertaken during this unprecedented time in the history of courts and court management.

In an effort to document and evaluate the court's momentous changes to court practice, this report includes the results of surveys administered to lawyers, potential jurors, interpreters, and employees by Dr. Brenda Wagenknecht-Ivey. The surveys helped capture stakeholder reception to the changes made during the pandemic and the experiences of court users and employees.

When first we received this grant, we thought that its primary purpose was to document *temporary* measures taken during a crisis not seen in this generation. Instead, our court permanently reformed its management structure and entire process for allowing access to justice. One could argue that the pandemic allowed courts to catch up to the way technology is already used in other businesses. But we would slightly disagree. Courts are cautious institutions, careful to safeguard the rights of litigants and the processes developed over time for this purpose. It took a global pandemic to force the justice system to update procedures and leverage technology that allowed access to justice to occur unimpeded when it was unsafe to enter the courthouse facility.

The bedrock of all justice is access. If your court is closed, if your interpreter is not available, if your trial is not scheduled, then for the family law litigant, child welfare case, the defendant in jail, the business seeking relief -- justice is effectively denied. Across the United States, the emergency of the pandemic caused most courts across the country to close to all but the most emergent of litigants.

Many courts remained closed for many, many months, certainly through 2020. For example, The New York Times reported that New York City had held nine trials by December 2, 2020, and six hundred the year before: [Only 9 Trials in 9 Months: Virus Wreaks Havoc on N.Y.C. Courts - The New York Times \(nytimes.com\)](https://www.nytimes.com/2021/01/07/us/politics/covid-19-courts.html). Los Angeles County held its first civil case in April 2021, [Los Angeles Jury Returns \\$4.8 Million Verdict in Cosmetic Talc Mesothelioma Case \(prnewswire.com\)](https://www.prnewswire.com/news-releases/los-angeles-jury-returns-4-8-million-verdict-in-cosmetic-talc-mesothelioma-case-691644481.html), but not until August did it hold a civil jury trial. These stories are not unusual.

During this time period, King County Superior Court held over three hundred criminal and civil jury trials, one thousand bench trials, and countless hearings. By focusing on our core value of access and safeguarding rights, we believe that were able to take a principled approach to creating rapid changes with new processes with video technology.

We are most grateful to The State Justice Institute for funding this effort and for having the foresight to sponsor a project to document the rapid changes we experienced during the pandemic. We are also deeply appreciative of our consultant on the project, Dr. Brenda Wagenknecht-Ivey, who shepherded our court through the documentation of our efforts, assessment of those practices we've found to have merit for long-term continuation, and the development of this report on the journey our court has taken.

It is our good fortune to have a set of exceptionally smart, capable court leaders in our chief judges and director team to spend countless hours planning, refining, and implementing new and innovative ways of doing business, then continually modifying those efforts when circumstances changed, or we hit a roadblock. Without question, we could not have made the changes detailed in this report without our deeply dedicated bench and staff who made this transformation happen.

Hon. James E. Rogers
Superior Court Judge
Presiding Judge, 2019 – 2021

Ms. Linda K. Ridge
Chief Administrative Officer

SECTION 1

History of This
Court's Response to the
COVID-19 Pandemic

Washington State has a decentralized trial court system with a constitutionally-established general jurisdiction trial court, organized by county. King County Superior Court (KCSC) is the largest in the state, with 54 elected judges, 10 appointed commissioners, and 304 employees. The Court is governed by an elected Presiding Judge, a judicial Executive Committee, and a Chief Administrative Officer. KCSC has three courthouse locations and a hospital suite for mental health cases. As for funding, in Washington State, the county, not the state, provides the operating budget for trial courts, except that the State pays half of the elected County judges' salaries and covers some funds for specific programs. Our county clerk's office (Department of Judicial Administration or DJA) is a separate county agency. However, the County Clerk is hired and supervised by our superior court.

King County (Seattle, WA is the County seat) was ground zero for the beginning of the COVID-19 pandemic in the United States. [COVID-19 Arrived in Seattle. Where It Went From There Stunned the Scientists. - The New York Times \(nytimes.com\)](#). Our State Supreme Court suspended most court operations in all courts on March 18, 2020, and then returned local courts' authority and discretion to reopen and restart operations by July 2020, subject to certain court processes that incorporated public safety practices and other restrictions. Our Supreme Court's emergency orders struck a balance between mandating certain uniform safe public health practices for courts and allowing local courts the freedom to decide whether to fully reopen and to craft the best procedures and processes to begin work as soon as possible. Our current Chief Justice, Steven Gonzalez and our Chief Justice in 2020, Justice Debra Stephens, along with other justices, opened communications with the trial courts, which was both critical and unusual in a decentralized court system such as ours.

In retrospect, King County Superior Court was fortunate to have certain advantages: a respected public health department at the University of Washington; an excellent court IT department; strong court leadership; a group of judicial officers and staff who were already sophisticated in the use of video technology and were willing to teach others; a county government that was willing to fund us with CARES and American Rescue Plan dollars; and a very active, engaged and sophisticated local bar with a strong interest in restarting the court process for their clients.

By May 8th, 2020, KCSC leadership announced that the public's access to justice was of such critical importance that the court would continue matters on all case types, including all jury trials, at the earliest time possible. There were four significant challenges to this:

FIRST, could we develop a public health plan that would be robust enough to allow us to reopen?

SECOND, could we build a video virtual court system and train our court to use such a system in a very short period of time?

THIRD, could we gain the support and assistance of our local bar leaders and members and their practices groups in the use and training for such systems?

FOURTH, could we provide a safe physical work location for our employees in the midst of the pandemic?

The University of Washington, located in Seattle, has a large and well-respected School of Public Health. We contacted Professors John Scott Meschke and Martin Cohen. They toured our courthouses and educated us on what should and could be done to restart court proceedings. They have continued to meet with us throughout

to inform us on the course of the pandemic. In July 2020, we announced our public health plan. Masking, distancing, and ventilation were all parts of the plan, but one of the key strategies was to depopulate the courthouses by limiting the number of people that physically came into our courthouses. In July 2020, we received funds to repurpose a convention center as a temporary courthouse for over a year. This was a key strategy employed by many courts, to spread out the spaces where litigants appeared.

But we knew that video and audio technology was the path forward. Our Supreme Court had already ordered most hearings to be by telephone or video. But we did not yet know whether our court could broaden the use of video to every type of hearing and trial, including jury selection and civil jury trials (we never considered holding video criminal jury trials unless a defendant specifically requested one). While many people we serve do not have computers, more people in the United States have access to a cell phone than to a car or television-96% of all Americans, according to Pew Research. Because of its compatibility with cell phone technology, the court, with help from King County IT, identified Zoom as the video conferencing platform for use in April of 2020. (We later obtained access to limited numbers of computers for those who preferred to use one for court matters).

The next step was to create an entirely new set of processes and procedures for video hearings, voir dire, and trials. This was a massive undertaking in April-May, to which many contributed. By May of 2020, we were in the midst of preparing trainings for our court and our bar on video; working on a process for summoning jurors virtually and holding voir dire on video (with the ability for jurors who wanted to come in person to do so); and examining

a number of related constitutional and other issues. In August 2020, we started with virtual voir dire for all case types even if the case was otherwise held in person. This was a work in progress. All jury trials were in person except voir dire, and civil trials were held in a convention center to allow physical distancing. All bench trials were held by video.

Between July 2020 and December 2021, during the heart of the pandemic when many other service providers including courts were largely shut down or providing reduced services, KCSC conducted over 1000 remote bench trials and more than 300 jury trials. These numbers included 190 criminal trials, which must be held in person for security reasons and to maintain a chain of custody of items of evidence, and 110 civil trials of which 70 were conducted remotely. The voir dire process was conducted virtually for all jury trials. Adopting video technology enabled the Court to provide justice throughout the pandemic.

We implemented video civil jury trials in the fall of 2020 and they became so common that when the Delta variant closed many courts for a second time in November 2020, we changed all case hearings and trials, including civil jury trials, to video. As of the writing of this report, all bench trials, all civil jury trials, and all voir dire for all case types including criminal, remain on video/Zoom.

SECTION 1

History of This Court's Response to the COVID-19 Pandemic



To be clear, when the court was forced to restrict in-person trials as a result of the Delta variant or Omicron, criminal jury trials were suspended.

To accomplish all of these changes, we drastically modified our management and decision-making structure to allow for rapid reform of court processes. Rather than run changes in processes through our Executive Committee, we formed a tactical work team comprising the court's Chief Judges and Directors (these are department heads) to approve changes. We also delegated a great deal of authority to certain committees, such as the Jury Committee, trainers (judicial and staff), and others.

In addition, we formed a Resumption of Jury Trials Workgroup with many members of the civil and criminal bar to meet (virtually and in-person) and give us their thoughts on restarting. The Family Law bar had a similar effort. This was important to both get suggestions and to obtain buy-in for the idea of going virtual. It is fair to say that video trials, and most specifically completely video civil jury trials, were not popular with everyone, but it was generally recognized that they were the way

forward during a time of lockdowns. Our local bars are well led and were instrumental in helping train and publicize this effort.

We motivated judicial officers and staff through frequent communication and a credible public health plan. But frankly, we are most fortunate to have a dedicated and motivated workforce. There was a great deal of fear about the pandemic and we were all working full-time long before there was a vaccine. We led through constant and clear communication about our public health plan, regular communication with our public health professors, and it cannot be said often enough that we have employees who work in our court out of a dedication to justice.

There was never a remote work option for any courtroom or trial personnel. Other units, especially those that directly assisted the public, moved to working from home and online (for the first time). With an on-line presence, many more people were helped, and access to our court's services and programs was preserved, and often expanded. For example, in family law, the number of people receiving assistance from court staff quadrupled.

We are proud of our response to the COVID-19 pandemic. We responded quickly, thoughtfully, and decisively, and most importantly, we made access to justice a top priority when many courts across the country were closed. The changes we made were not perfect by any means, but many of the changes and continuing refinements have proven effective throughout the pandemic and look promising well into the future.

SECTION 2

Overview of the Project
and Scope of Study

Overview - Purpose of the SJI Project

King County Superior Court (KCSC) was awarded a Pandemic Response and Recovery Grant from the State Justice Institute (SJI) in October 2020 to:

- 1 **Develop and use a values-based, evaluation framework** to assess the effectiveness and impact of new, promising practices implemented in response to the coronavirus pandemic; and
- 2 **Use the results of the evaluation to inform recommendations, decision, and actions by the Court's leadership about future practices.** The study focused on evaluating new practices to determine if they should be continued (or not continued) post pandemic, and for those that will be continued, make recommendations for formalizing and improving the new pandemic-induced practices.

In short, this evaluation was intended to help inform and/or shape future court policy, increase the efficiency and effectiveness of the court and clerk's office, and ensure new service delivery approaches and innovative practices were refined and normalized post-pandemic.

Assumptions made at the beginning of this evaluation included:

- Some of the new, innovative practices implemented in response to the pandemic were likely worthy of continuing in the future (post-pandemic).
- Some of the practices may warrant continuing in the future but with refinements.
- Other practices may NOT warrant continuing post pandemic but were innovative and served the Court and court users well during the crisis.
- Some practices were not worthy of continuing post-pandemic because they were not effective.

Phases of the SJI Project

This project included five phases and spanned 19 months. Pandemic-induced practices were documented and summarized across the Court in Phase 1. The Court's leadership chose the promising practices to study further in Phase 2. In Phase 3, the practices were evaluated and findings and recommendations were summarized. Decisions were made about future Court practices in Phase 4 and the findings from this evaluation were shared in Phase 5.

PHASE 1:

Document / summarize new pandemic practices. (Dec. 2020 - May 2021)

Phase 1 included recording and reviewing new practices implemented across the court in response to the pandemic. All areas of the court were involved in this initial phase, which took place between December 2020 - May 2021. Judicial officers, courtroom staff (e.g., bailiffs, courtroom clerks, other support staff), division directors, court and Superior Court Clerk's Office (clerk's

office) managers, supervisors, and employees (as appropriate) were involved in inventorying new practices. In addition to documenting the new practices, small discussion groups:

- Discussed the effects of the changes on the court, staff, and court users, including benefits and drawbacks.
- Captured lessons learned.
- Made initial recommendations on whether to (a) continue the practice as the new normal, (b) continue with refinements, (c) discontinue because the new practice served its purpose during the pandemic but did not warrant continuing, or (d) discontinue because the practice did not work well – it was not effective.
- The rationales for the recommendations were also documented, if available.

Court committees, comprised primarily of judicial officers, also submitted summary memos of new practices instituted in response to the pandemic.

In April – May 2021, the researcher/consultant completed a content analysis of the information gathered from all areas of the court and committees. The information was organized into 5 broad themes:

- Courtroom processes
- Virtual client services
- Remote Work
- Administration, infrastructure, and governance
- Pandemic practices discontinued after the height of the pandemic.

All practices were documented and presented in a ***Compendium of Pandemic Practices***, which is available upon request.

PHASE 2:

Select the few, new promising practices for further evaluation ensuring the decisions were objective and aligned with the Court's core values.

(May – June 2021)

The Compendium of Pandemic Practices was presented to the Court's leadership in June 2021. The project team, which consisted of the presiding and assistant presiding judges, chief judges of departments, the chief administrative officer, and division directors, reviewed the practices over two meetings in June. This group – Chiefs and Directors – pared down the long list of practices and chose three for further evaluation. They were:

- 1 Virtual court proceedings including virtual interpreting and electronic exhibits.
- 2 Virtual jury selection.
- 3 Remote work on the administrative side of the court (excluded courtroom and clerk's office staff).

The Chiefs and Directors used a structured decision-making approach to select the innovative practices for further evaluation. Establishing a guiding principle and section criteria were essential to the success of this approach. The *guiding principle*, served as a compass, reminding and grounding the project team in future ideals. The *selection criteria*, which provided criteria to apply when paring down the list of many practices, processes, and services are provided below. A worksheet used for the structured decision-making process is provided in Appendix A.

Structured Decision-Making Guidelines

GUIDING PRINCIPLE:

The court and clerk's office aspire to (continue to) be innovative and nimble organizations that harness and institutionalize the positive effects of the pandemic. This includes transforming how judicial and court services are delivered, recalibrating and refining daily operations, and continuing to invest in and use existing and emerging technologies.

SELECTION CRITERIA:

The practice/process selected should meet the following criteria. They:

- 1 **Have broad impact** (e.g., courtwide implications; touch multiple departments/areas of the court; effect various groups such as judges, staff, stakeholders/partners)
- 2 **Uphold/embrace many of the core values** (e.g., ESJ, accessibility, fairness, service to the public, innovation)
- 3 **Have potential long-term benefits for the court/clerk's office** (e.g., cost effective, enhance efficiency, increase morale and engagement, improve court performance – access, timeliness, etc.)
- 4 **Provide an opportunity to use data to evaluate hunches and/or differing/conflicting perceptions**

PHASE 3:

Evaluate promising practices and summarize findings and recommendations.

(July 2021 – February 2022)

The evaluation focused on the three promising pandemic practices chosen by the project team as described in phase 2 above. They were:

- 1 Virtual Court Proceedings including virtual interpreting and electronic exhibits
- 2 Virtual Jury Selection
- 3 Remote Work for court employees on the Administrative side of the court (courtroom staff such as judicial officers, courtroom clerks, bailiffs, other courtroom support staff were excluded from this analysis)

Different methodologies were used for each practice. Each is described below in the Results: Findings and Recommendations section of this report.

To summarize, jurors, interpreters, attorneys, and court and clerk's office employees (e.g., courtroom staff, staff who provide direct client services, court operations and clerk's office employees) were surveyed to understand their experiences and suggestions in the areas of study. Judicial officers, directors, managers, and supervisors also were queried through a judicial retreat, quarterly leadership team meeting, and department meetings where all topics were discussed and additional information was gathered.



PHASE 4:

Review evaluation results and make decisions/recommendations about future court policies, practices, and processes. Determine next steps.
(February – June 2022)

Pandemic practices were reviewed and evaluated on several levels. First, the Chiefs and Directors continually reviewed and refined new practices throughout the pandemic. All shared what was and was not working in their respective areas and real-time adaptations were made. Additionally, the Chiefs and Directors convened and conferred regularly to discuss their experiences with the new processes and practices. Decisions about future practices were made at these meetings.

Second, information gathered early on as well as preliminary evaluation results were used to identify the Court's needs and opportunities. The Court made funding requests based on this information. COVID funding requests included: training positions to expand training for judicial officers and bailiffs on new practices, which increased consistency and efficiencies across the Court; technical assistance funds to revamp the

court's intranet site to provide a better centralized repository for training materials for judicial officers and staff; funds to assist in making the public-facing website more user-friendly and current with needed information regarding court access and scheduling; additional IT help desk support; and Zoom technology specialists to support the new processes and assist with equipment.

Third, the Court's leadership reviewed the formal evaluation results of this project as each area was completed. The leadership continues to use the Court's experiences and these findings to refine local practices and also to advocate for and influence the use of these practices post-pandemic in courts across the state. Several rule changes are currently under review by the Washington Supreme Court that may extend or allow the continuance of some of these new practices.

Finally, the Chiefs and Directors, as well as the Executive Committee, will be considering internal policy changes in the coming months. In the meantime, the Chiefs and Directors will continue to improve practices for a post-pandemic environment. They also will continue to promote consistency in practices across KCSC.



PHASE 5:

Share findings and recommendations internally and with the regional and national court community.

(February – June 2022)

The preliminary findings and recommendations were presented at a February 2022 mid-year meeting of the National Association for Court Management. The Honorable James Rogers and Chief Administrative Officer Linda Ridge presented the information to court professionals attending this conference.

The findings and recommendations from this study also will be featured in the August 2022 issue of the State Justice Institute (SJI) newsletter. The methods, findings, and recommendations will be showcased in an article that will be disseminated to a national audience and on SJI's website.

The findings and recommendations from the evaluation of virtual court proceedings, virtual interpreting, and virtual voir dire were presented internally to judicial officers at a virtual bench meeting in March 2022. The remote work findings and recommendations were presented to the Chief Administrative Officer and Directors at a leadership team meeting in May 2022. The administrative leaders further discussed and developed a strategy for making recommendations about remote work at a June retreat. Recommendations about remote work will be developed and presented to the Personnel Committee and the Executive Committee in the coming months.

The Court's leadership will continue to share the results and findings with local partners such as the bar associations, County leadership, etc. in the coming months.

SECTION 3:

Virtual Court Proceedings and Virtual Interpretation

This section presents the experiences of King County Superior Court (KCSC/Court) using virtual proceedings and virtual interpreting during the coronavirus pandemic. Also included are the findings from the evaluation of virtual court proceedings and virtual interpreting. This section is organized as follows:

- 1 **Overview**
- 2 **How Video Hearings and Trials were Conducted** in King County, and Summary of Experiences and Recommendations
- 3 **How Remote Interpretation was Conducted** in King County, and Summary of Experiences and Recommendations
- 4 **Research Study – Evaluation of Virtual Court Proceedings and Virtual Interpretation**
 - Research Methodology
 - Characteristics of Participants
 - Video Court Proceedings - Detailed Evaluation Results, Findings, and Recommendations
 - Virtual Interpreting – Detailed Evaluation Results, Findings, and Recommendations

Overview

King County Superior Court (KCSC) conducted countless virtual court proceedings beginning in July 2020 and continuing throughout the pandemic. Transitioning to virtual court proceedings enabled the Court to continue to hear and resolve legal matters throughout the pandemic ensuring justice to the people of King County.

The Court's leadership team chose virtual court proceedings including virtual interpreting as an area of further study under this grant because:

- It was a promising practice that may be continued in the future.
- It aligned with the Court's core values of access, service to the public, timeliness, safety, and innovation.
- It was a practice with broad impact across all divisions/courtrooms and involved all court users including litigants, defendants, plaintiffs, counsel, families, interpreters, and other court participants; it had potential for long-term benefits.
- It met the criteria of using data to confirm or disconfirm varying opinions about and/or differing experiences with virtual court proceedings and virtual interpreting.

How Video Hearings and Trials were Conducted in King County

King County Superior Court adopted a process of holding virtual/video hearings for every type of case, including civil jury trials, family law matters and

SECTION 3

Virtual Court Proceedings and Virtual Interpretation

dependency (child welfare) matters. Some criminal matters also were held by video. In criminal pretrial hearings, defendants who were out of custody may appear by video. Defendants who were in custody appear by video from another part of the courthouse near the jail. In criminal jury trials, voir dire was conducted by video, but trials were all held in-person unless specifically requested by the defendant (which occurred during surges of the pandemic).

In all virtual video hearings and trials, court staff provided a video conference meeting link (we use Zoom) to counsel/parties in advance of the hearing. To maintain public access to proceedings, which is required by our state constitution, judicial officers and court staff conducted virtual court proceedings from open courtrooms in the courthouse while participants appeared remotely. At the appointed hearing time, court staff or the judicial officer started the video conference. The court functioned as the meeting host to admit participants, including counsel, parties, and observers. Court staff also connected courtroom video technology to the virtual proceeding. In the courtroom, large screens and sound allowed any member of the public who was physically present in the courtroom to be able to simultaneously see and hear all remote video participants.

Every phase of a virtual video civil trial, including jury selection, testimony, and deliberation, was handled through video conferencing. The Breakout Room (in Zoom) served as a virtual jury room for jurors to retire during breaks, sidebars, and deliberation. The court adopted virtual trial jury instructions to guide jurors on how to conduct themselves in a virtual jury trial.

The record was either made through a digital court recording application such as For The Record (FTR) or by a court reporter who was present in the courtroom. Documents and exhibits in a

virtual trial were handled electronically. Exhibits were handled through a file sharing system (e.g., ShareFile), which allowed exhibits to be electronically transferred and viewed via cloud computing. The Clerk's Office created a ShareFile folder for cases going to trial, and upon granting parties access to that case, parties uploaded exhibits. The Clerk's Office adopted and published standardized "Exhibit Naming Convention Rules" for parties to follow in all cases. Other documents such as juror questions to the witness, jury instructions, and verdict form were transmitted between court staff and jurors via email.

The practices described above remain in place today.

As the pandemic abates, more parties, counsel and witnesses are choosing or asking to appear by video. It is becoming common for counsel and parties to voluntarily appear by video and in person in the same hearing or trial. We are adopting the practice of providing a video link and allowing counsel, parties and witnesses to decide how to appear in a hearing or bench trial. For a civil jury trial, there is a pretrial conference first to see if public health considerations can allow for an in-person jury.



EXPERIENCES AND RECOMMENDATIONS

Our experiences and recommendations relating to virtual court proceedings are summarized below:

- In July and August 2020, our Court rapidly implemented video court hearings and trials across our county court system. In the Fall of 2020, we also used a convention center to hold physically distanced jury trials, but these were phased out as the Court implemented video jury trials. All of these new processes were successful in providing access to justice when the pandemic closed most courts and prevented courts from holding trials for months or years.
- Our court system held over 1,000 remote bench trials and more than 300 jury trials between July 2020 and December 2021. These numbers included 190 criminal trials, which must be held in person for security reasons and to maintain a chain of custody of items of evidence, and 110 civil trials of which 70 were conducted remotely and 40 were conducted in-person. All jury trials have used and continue to use video voir dire.
- Court video conferencing platforms must be compatible with cell phone technology. According to Pew Research, most people have access to a cell phone, but many cannot access a computer. At the beginning of the pandemic, many judicial officers and staff assumed that computers were essential for litigants, and this is not the experience we have had. Many people use their cellphone.
- As the pandemic wanes and public health conditions allow more people to come to court in person, many lawyers and litigants are choosing to appear virtually for hearings and trials, most notably hearings and bench trials such as family law, civil and child welfare (which we call dependency). In criminal jury trials, which have been held in person throughout, defense attorneys are increasingly calling some witnesses via video.
- Our courts routinely send out video links for all trials and many voluntarily attend via the Zoom link.
- By summer of 2020, the Court and many counsel had worked together to provide standardized trainings and retained videos for later access, posting them on the court website and the local King County Bar Association website. The involvement of our local bars was crucial in assistance and also in understanding what the bar needed.
- Early on, with the adoption of video proceedings and new practices, many judges reported that it was taking longer than usual to conduct Zoom trials and hearings, which was likely due to the rapid implementation of video proceedings. Even after training, there remains a tremendous difference in competency and practices among courts. These differences have diminished, but still exist.

- > Virtual court proceedings profoundly changed how work is done throughout Superior Court and the Department of Judicial Administration (clerk's office). Certain categories of employees' jobs changed, and the tasks related to video fell more heavily on them.
- > As many lawyers were remote for hearings, they often asked the courtroom staff to perform work they typically would have performed, such as distributing copies of orders, contacting others, and calling witnesses for them. While each task request was relatively insignificant, the number of requests was quite large and added a tremendous burden to bailiffs, courtroom clerks, and other staff.

RECOMMENDATIONS:

- 1 *Implement virtual access to court for lawyers and parties to increase the access and convenience for all parties.*
- 2 *Support the expansion of, and access to, broadband service, which remains a serious problem in many parts of our State (less so in King County).*
- 3 *Send a video link for every hearing and trial. Our experience is that people will use it.*
- 4 *Create and implement standards and best practices for all judicial officers and staff for video hearings and trials (on our Court the entire bench will be trained on these practices by the end of 2022).*
- 5 *Involve your local bar associations in the training necessary for lawyers, litigants, and judicial officers.*
- 6 *Analyze how job duties and responsibilities have changed as a result of new practices, including the workloads and division of labor of all courtroom staff (i.e., bailiffs, courtroom clerks, court reporters, and others). Change/update the job descriptions of bailiffs and other staff to include the new scope of work, job duties/responsibilities, and skills needed to conduct virtual court proceedings. Realign duties and workloads as needed.*

How Virtual Interpretation was Conducted in King County

For video/virtual civil, family law, and dependency trials and hearings, the Zoom function was used for simultaneous interpretation, but the ability to use this was dependent on the equipment that the parties possess, specifically headsets and the access to a computer. If the parties did not have the equipment or was using a cell phone, then interpreters conducted consecutive interpretation.

For criminal trials, which were in person (except for voir dire), interpreters were in the courtroom and conducted simultaneous interpretation. On a rare occasion, virtual consecutive interpretation was used (which is much slower).

The practices described above remain in place today.



EXPERIENCES AND RECOMMENDATIONS

Our experiences and recommendations relating to virtual interpreting services are summarized next.

- > During the pandemic, we operated as follows: For criminal trials, which were in person (except for voir dire), we used interpreters in the courtroom as much as possible for simultaneous interpretation, which is the preferred and faster method. For video/virtual civil, family law and dependency trials and hearings, we used the Zoom function for simultaneous interpretation, but the ability to use this was dependent on the equipment that the parties possessed, specifically headsets and the access to a computer.
- > If the parties did not have the equipment or were using a cell phone (even with Zoom on the cell phone), then interpreters conducted consecutive interpretation, which greatly lengthened the hearings.

RECOMMENDATIONS:

- 1 *Continue providing virtual interpreting services as an option based on the benefits outlined in this study and the experiences of interpreters. Develop an internal policy recommending the use of virtual interpreting across all areas of the Court.*
- 2 *Ensure all courtrooms are equipped with the technology needed to support virtual interpreting. Invest in technology that will enhance virtual interpreting for all involved – litigants, interpreters, judicial officers, attorneys, and employees.*
- 3 *Provide training-for interpreters on the use of the Zoom function, and for lawyers and judges on the best practices on video interpretation.*
- 4 *Plan accordingly; it takes about ten minutes for everyone to set up and prepare to use Zoom for a hearing or trial.*

Research Study – Evaluation of Virtual Court Proceedings and Virtual Interpreting

The evaluation of virtual court proceedings and virtual interpreting services occurred between September and December 2021. Included below are:

- 1 Research methodology (used for this part of the evaluation).
- 2 Characteristics of study participants.
- 3 Virtual Court Proceedings - Evaluation results, findings, and recommendations.
- 4 Virtual Interpreting - Evaluation results, findings, and recommendations.

Research Methodology – Virtual Court Proceedings and Virtual Interpreting

Survey Audiences and Administration

Attorneys, court and clerk's office employees, judicial officers, and interpreters were involved in this part of the evaluation.

Attorneys who participated in virtual court proceedings in 2021 were surveyed in December 2021. The King County Bar Association and Washington Defense Trial Lawyers Association forwarded the survey link to attorneys in King County at the request of the Presiding Judge and researcher. Sixty (60) additional family law attorneys were surveyed in December 2021, at the same time other attorneys were surveyed. Their

names and email addresses were provided by the Court's Family Law Division. Four hundred and ten attorneys completed the survey (n=410).

Two-hundred and seventy-nine (N=279) court and clerk's office employees, who were involved in conducting or participating in virtual court proceedings in 2021, also were surveyed for this part of the study. They included commissioners, bailiffs, courtroom clerks, other courtroom staff (e.g., court reporters, court coordinators, floaters, etc.), and staff who provided direct client services to court users (e.g., juvenile probation counselors, social workers, early resolution case managers, CASA attorneys and supervisors, drug court staff, family treatment court staff). Department Directors across the Court and project staff provided the names and email addresses for this group of employees. The researcher administered the survey in November 2021. One-hundred and eighty-two employees responded (n=182).

Judicial officers also were queried about their experiences with virtual court proceedings at a Virtual Judge's Retreat held in September 2021. The researcher facilitated this part of the retreat. Zoom breakout groups, a shared Google document for notes from the breakout group discussions, and real-time polling (www.PollEv.com/praxis) were used to gather information about judges' experiences with virtual court proceedings. Forty-seven judicial officers participated in the breakout sessions and real time polling (n=47).

Finally, interpreters who provided virtual interpretation /translation services in 2021 were surveyed about their experiences. The names of interpreters were compiled by Court Operations and project staff. The researcher administered the survey to one-hundred and forty-four interpreters (N=144) in November 2021. Seventy-four interpreters completed the survey (n=74). Below is a summary of participants and response rates.

VIRTUAL COURT PROCEEDINGS & VIRTUAL INTERPRETATION

	Total Number (N=___)	# of Respondents (n=___)	Response Rate (in %s)
Attorneys Surveyed in Dec. 2021	Unknown ¹	410	Unknown
Court/Clerk's Office Employees Surveyed in Nov. 2021	279	182	65%
Judicial Officers Data gathered in Sept. 2021	58*	47	-
Interpreters Surveyed in Nov. 2021	144	74	51%

*KCSC has 54 judicial officers and 10 commissioners. 58 judicial officers attended the retreat. 47 participated actively in the breakout groups and 44 and 41 respectively responded to the polling questions.

SURVEYS

Virtual Court Proceedings Survey Questions (6-point agreement rating scale)

The Likert-scaled questions were grouped into the following categories:

1. Court Participant Experience
2. Ease of Use
3. Trust in Video Court Proceedings
4. Overall Experience/Future Recommendations
5. Impact on Work/Employees

Virtual Interpreting Survey Questions (6-point agreement rating scale²)

The Likert-scaled questions were grouped into the following categories:

1. Court Participant Experience
2. Ease of Use/Effective Use of Time
3. Court Assistance
4. Environment
5. Impact on Interpreters
6. Trust/Effectiveness
7. Overall Experience/Recommendations

THE SURVEYS ALSO INCLUDED:

- 1 An overall satisfaction question.
- 2 Several open-ended, narrative questions where respondents could explain their responses and/or provide comments and suggestions.
- 3 A couple of questions providing the characteristics of respondents such as type of cases handled in 2021 when participating in virtual court proceedings, number of years litigating cases and/or appearing for court hearings/trials, number of years providing interpreter services, and work area and position at the Court/Clerk's Office.

¹The number of attorneys surveyed is unknown because the Bar Associations sent out the link to members who practice and appear in KCSC. The response rate cannot be computed for the same reason. However, that 410 attorneys responded to the survey provided an excellent sample size for analysis purposes (n=410).

²A 6-point agreement rating scale was used for the surveys where 6 = strongly agree; 5 = agree; 4 = agree somewhat; 3 = disagree somewhat; 2 = disagree; and 1 = strongly disagree. N/A also was an option, which included don't know, not sure, and/or not applicable. 3.5 is the midpoint of a 6-point rating scale.

Data Analysis and Interpretation

The results to the scaled questions are presented in proportions (i.e., percentages) and mean ratings (i.e., averages). When interpreting the mean scores, the higher the mean score, the more favorable the rating. Higher mean scores represent stronger levels of agreement. Additionally, 3.5 is the midpoint of a 6-point rating scale. An average rating above 3.5 is on the agreement side of the rating scale – the results are favorable, and below 3.5 is on the disagreement side of the rating scale – the results are unfavorable.

Two common statistical tests were used to test for significant differences between and among mean scores. Tests for differences in means (t tests) look for differences between two groups. Analysis of Variance (ANOVA) looks for differences among multiple groups. Statistically significant differences are reported at the .05 or 95% confidence level (common for social science research).

A content analysis was completed on the narrative responses. Summaries are included in the findings.

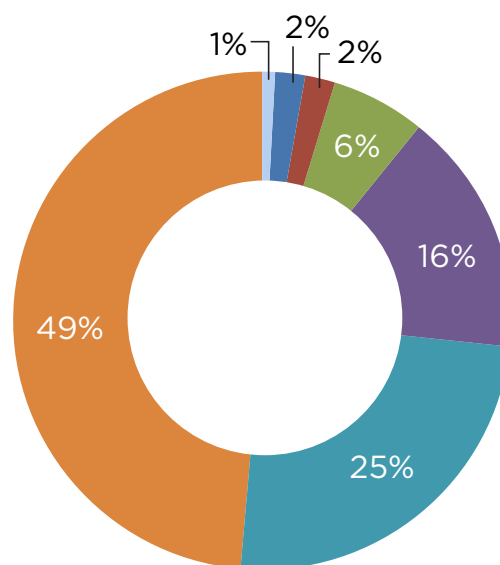
Characteristics of Study Participants

VIRTUAL COURT PROCEEDINGS IN 2021

ATTORNEY RESPONSES

YEARS LITIGATING

(n=410)

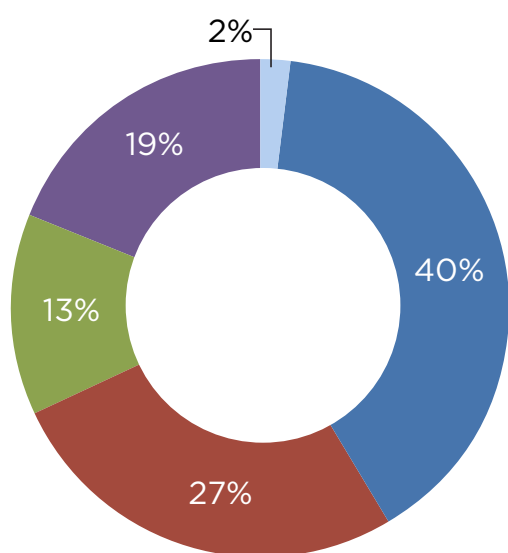


- < 1 Year (n=8)
- 1-2 Years (n=6)
- 3-5 Years (n=26)
- 6-10 Years (n=64)
- 11-20 Years (n=103)
- >20 Years (n=200)
- Don't Know/
did not answer (n=3)

Nearly 50% of attorney respondents had more than 20 years of experience litigating legal matters and 25% had 11-20 years of experience litigating. Attorneys that responded to the survey were very experienced.

NUMBER OF PROCEEDINGS

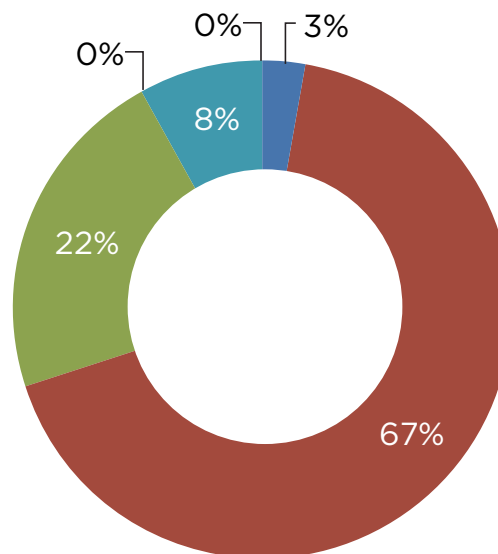
(n=410)



- 1-5 (n=162)
- 6-10 (n=109)
- 11-20 (n=54)
- >20 (n=76)
- Don't Know/
did not answer (n=9)

40% of attorney respondents participated in 1-5 virtual court proceedings in 2021, 27% participated in 6-10, and 19% participated in more than 20 virtual court proceedings in 2021.

TYPES OF CASES

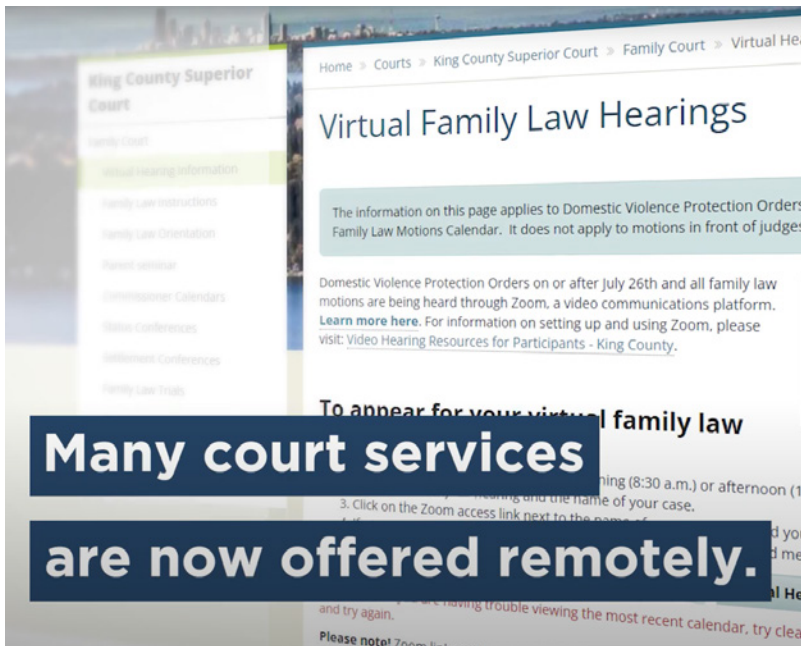
(n=460) responses¹

- Criminal (n=13)
- Civil (n=307)
(including ITA)
- Family (n=102)
(including Dependency)
- Juvenile (n=1)
- Probate (n=36)
- Other (n=1)

The majority of attorney respondents participated in virtual court proceedings on civil matters (67%) and/or 22% were involved in family matters. Only 3% handled criminal matters.

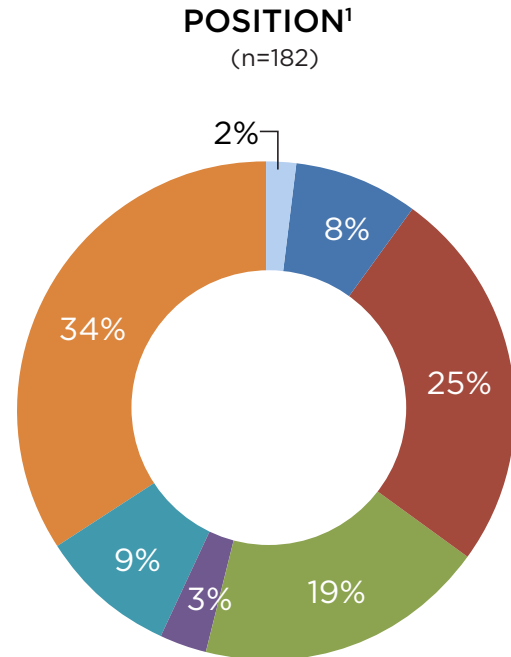
*Percentages may not equal 100% due to rounding

¹This was a multiple response question. Respondents were asked to select all that apply.



VIRTUAL COURT PROCEEDINGS IN 2021

COURT AND CLERK'S OFFICE EMPLOYEES' RESPONSES

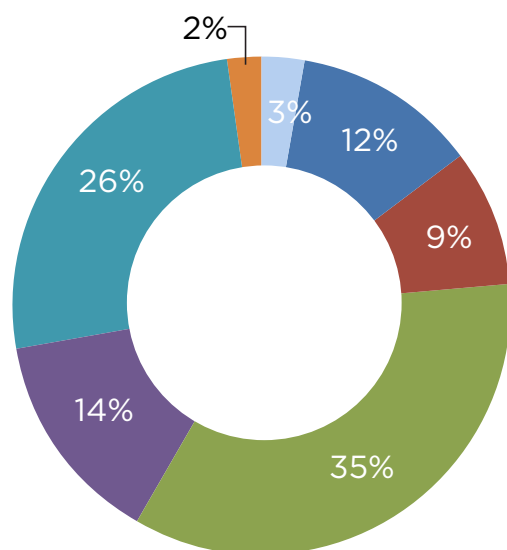


- Commissioner (n=14)
- Bailiff (n=45)
- Courtroom Clerk (n=35)
- Court Reporter (n=5)
- Other Courtroom Staff (n=17)
- Direct Client Staff (n=62)
- Did not answer (n=4)

34% of employee respondents were staff who provide direct client services (n=62) (e.g., juvenile probation counselors, parent advocates, social workers, early resolution case managers, CASA and drug court program staff, family treatment court staff, etc.) and 25% were bailiffs (n=45).

PRIMARY WORK AREA

(n=182)

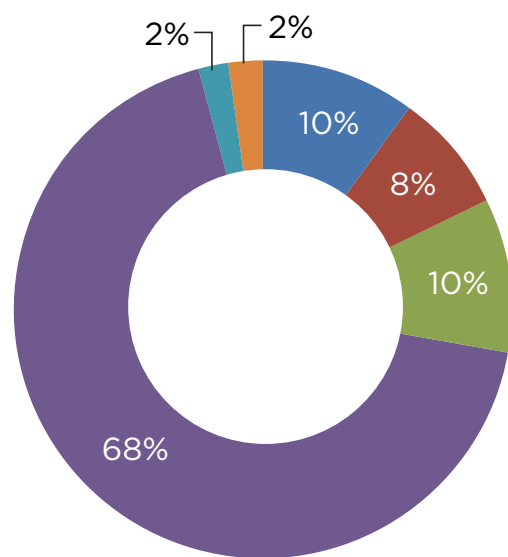


- Criminal (n=22)
- Civil (Including ITA) (n=16)
- Family (including Dep.) (n=63)
- Juvenile Offender (n=25)
- More than 1 area (n=47)
- Other (n=4)
- Did not answer (n=5)

35% of employee respondents identified the Family Division/area as their primary work area (n=63) and 26% worked across multiple areas (n=47).

OF VIRTUAL PROCEEDINGS

(n=182)



- 1-5 (n=18)
- 6-10 (n=15)
- 11-20 (n=18)
- More than 20 (n=124)
- Don't Know (n=3)
- Did not answer (n=4)

Nearly 70% of employee respondents handled more than 20 virtual court proceedings (n=124); only 10% of respondents (n=18) handled 1-5 virtual court proceedings. Like attorney respondents, employee respondents were very experienced.

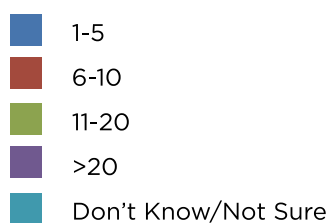
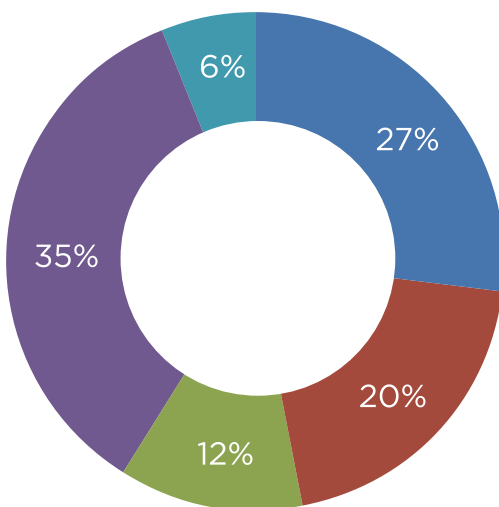
*Percentages may not equal 100% due to rounding

¹ Other courtroom staff include court coordinators and floaters; Direct Client staff include: juvenile probation counselors, social workers, early resolution case managers, CASA attorneys/supervisors, drug court staff, family treatment court staff, etc.

VIRTUAL INTERPRETING SERVICES - INTERPRETERS

OF TIMES PROVIDING VIRTUAL
INTERPRETING SERVICES

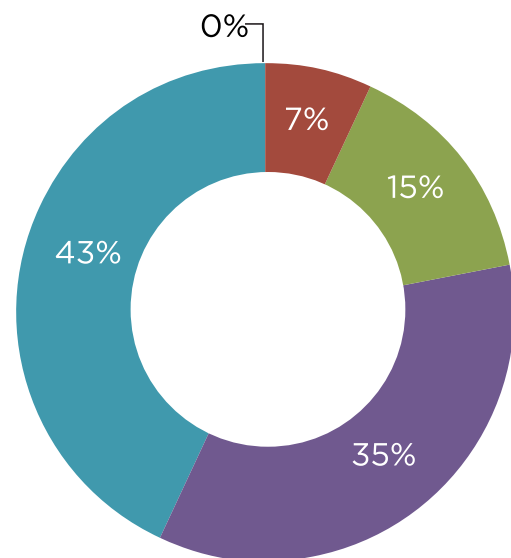
(n=74)



35% of interpreter respondents provided virtual interpreting services more than 20 times during 2021 and 27% provided virtual interpreting services only 1-5 times.

YEARS OF
EXPERIENCE

(n=74)



78% of respondents had 11 or more years of experience providing translation services to litigants.

*Percentages may not equal 100% due to rounding

SECTION 3

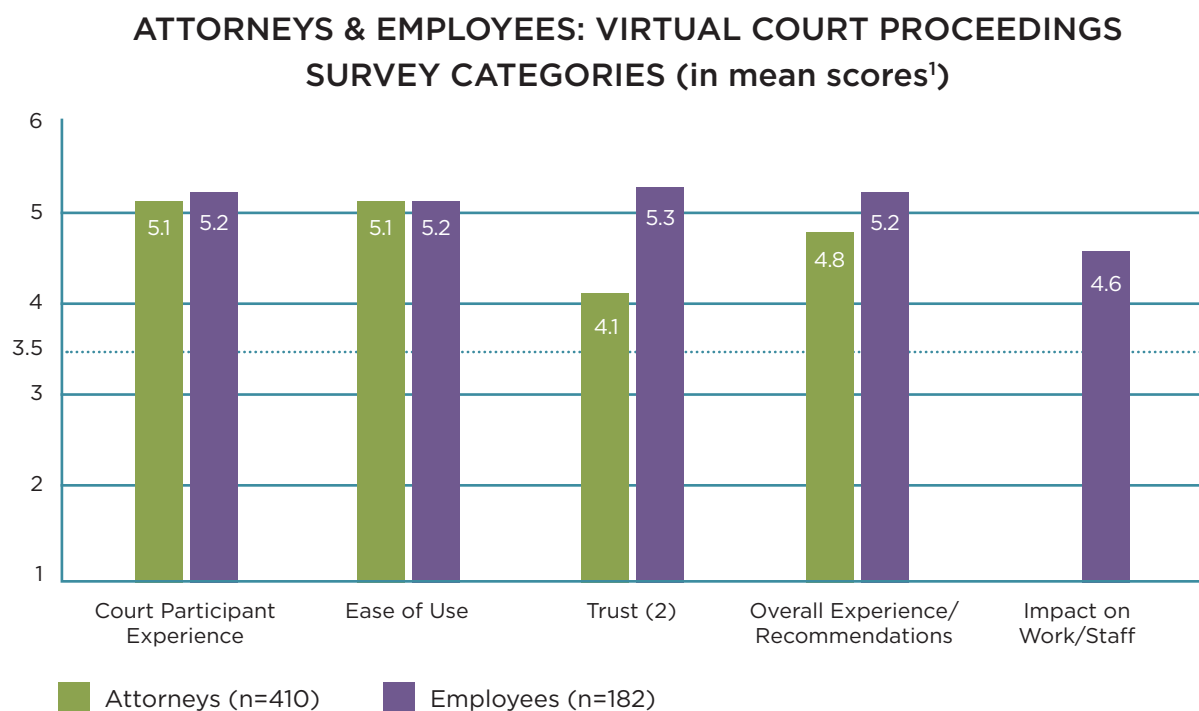
Virtual Court Proceedings and Virtual Interpretation

Virtual Court Proceedings - Evaluation Findings and Recommendations

The results of the evaluation on virtual court proceedings are presented next. Findings and recommendations regarding virtual court proceedings are presented at the end of this section.

Ratings on Survey Categories

The chart below shows the average ratings of attorneys and court and clerk's office employees on each of the survey categories.



Observations: Overall, the ratings on each category are positive/favorable. All of the mean scores for attorneys and employees are above 3.5 (the midpoint of the rating scale).

¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

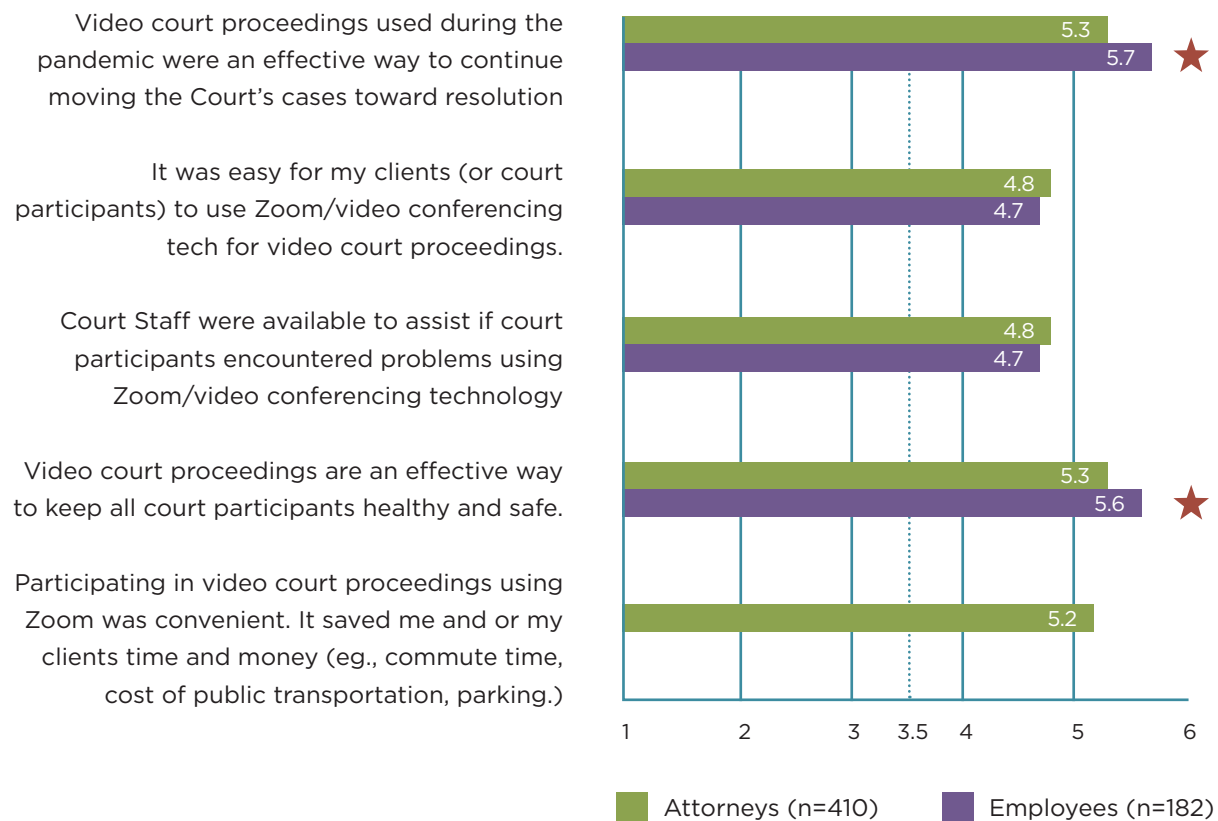
²This category included 3 questions for attorneys and only 1 question for employees. On the question that was the same, the rating for attorneys and employees was 5.1 and 5.3 respectively. The overall average rating (grand mean) for attorneys was pulled down because of the lower average ratings on the other 2 questions See following slide.

Detailed Results on Each Survey Category

The next 5 charts provide the average ratings for each question in the survey category. Comparisons are provided between the average ratings of attorneys and employees. Average ratings are provided for judicial officers on a couple of questions, which they were asked at the judicial retreat.

Employees rated two questions significantly higher than attorneys (See red stars)

#1 COURT PARTICIPANT EXPERIENCE: VIRTUAL COURT PROCEEDINGS COMPARISON OF ATTORNEYS AND EMPLOYEES (in mean scores¹)



¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

²Red Star - statistically significant difference between means score of respondents. The difference is not due to change.

Court Participant Experience Observations:

Each question in this category was rated favorably by survey respondents. All mean scores are above the mid-point of the rating scale.

The two highest rated questions in this category were: (1) video court proceedings used during the pandemic were an effective way to continue moving the Court's cases toward resolution and (2) video court proceedings are an effective way to keep all court participants healthy and safe. Employee ratings on these two questions were significantly higher than attorneys (as noted by the red stars on the chart).

Attorney and employee respondents rated this category of questions – 1 - Court Participant Experience – highly. Ratings on each question were on the “agreement” side of the rating scale.

Additional statistically significant differences in the mean scores of survey respondents on this set of questions are provided in the table.

Employee respondents from the criminal area and bailiff respondents gave significantly lower ratings to this set of questions than did respondents from the family and juvenile areas of the court and staff who provide direct client services.

Statistically Significant Differences in Mean Scores

#1 Between Court & Clerk's Office Employees in Court Participant Experience

- > Employee respondents from the criminal area rated this category – the entire set of questions – significantly lower than employee respondents from the family and juvenile areas, and bailiffs rated this category significantly lower than staff who provide direct client services. That is, the grand mean for these groups of employees were significantly different for this set of questions; the differences were not due to chance.
- > Employees from the criminal division/area rated the question below significantly lower than respondents from the family and juvenile areas. Bailiffs also rated it significantly lower than staff who provide direct client services.

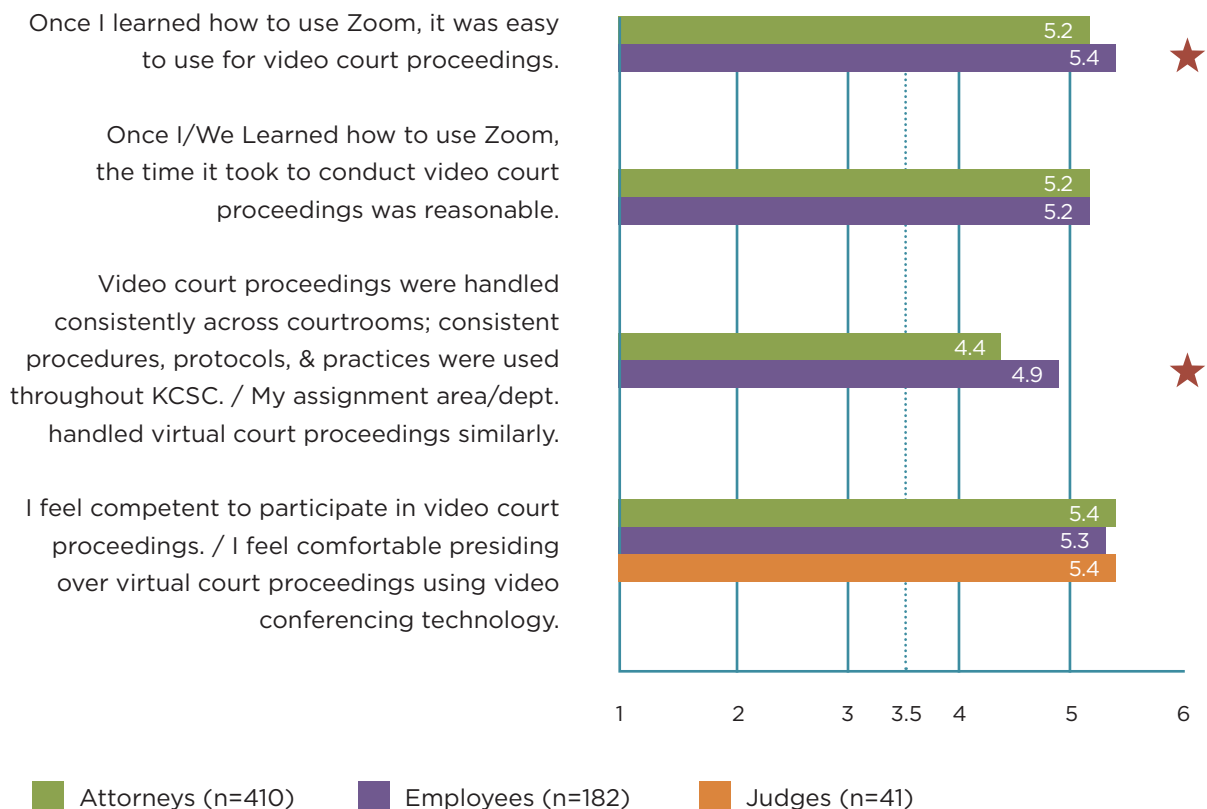
“It was easy for court participants (e.g., litigants, attorneys) to use Zoom/ video conferencing technology for video court proceedings.”

- > Bailiffs also rated the question below significantly lower than staff who provide direct client services:

“Court staff were available to assist if court participants encountered problems using Zoom.”

Employees rated two questions significantly higher than attorneys (See red stars)

#2 EASE OF USE: VIRTUAL COURT PROCEEDINGS COMPARISON OF ATTORNEYS AND EMPLOYEES (in mean scores¹)



¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

²Red Star - statistically significant difference between means score of respondents. The difference is not due to change.

Ease of Use Observations:

Each question in this category was rated favorably by survey respondents. All mean scores are above the mid-point of the rating scale.

The two highest rated questions in this category were: (1) once I learned to use Zoom it was easy to use for video court proceedings and (2) I feel competent to participate in video court proceedings, and for judicial officers, I feel comfortable presiding over virtual court proceedings using video conferencing technology. Employees gave a significantly higher rating to the first question than attorneys.

Employee respondents rated two questions in this category – 2 – Ease of Use – significantly higher than attorneys: (1) Zoom was easy to use for video court proceedings and (2) video court proceedings were handled consistently across courtrooms.

Attorneys provided a “somewhat agree” rating to this question: video court proceedings were handled consistently across courtrooms; consistent procedures, protocols, and practices were used throughout the Court. This was the lowest rated question in this survey category. Employees rated this question significantly higher than attorneys.

Attorneys who had been litigating cases 10 years or less felt more competent to participate in video court proceedings than attorneys who had litigated for 11 years or more.

Statistically Significant Differences in Mean Scores

#2 Ease of Use: By Number of Years Litigating Cases and/or Appearing for Court Hearings/Trials

- Attorneys who had litigated for 10 years or less rated the following question significantly higher than attorneys who have litigated cases for 11-20 years and more than 20 years.

“I feel competent to participate in video court proceedings.”

#2 Ease of Use: By Area of the Court and Position – Court and Clerk’s Office Employees

- Respondents from the criminal area rated this category – set of questions – significantly lower than respondents from the family and juvenile areas and bailiffs rated this category significantly lower than court staff who provide direct client services.
- Criminal division respondents rated the following question significantly lower than respondents from family and juvenile areas and bailiffs rated it significantly lower than staff who provide direct client services:

“Once I learned to use Zoom interpretation, it was easy to use for video court proceedings”

- Bailiff respondents rated the following questions significantly lower than staff who provide direct client services:

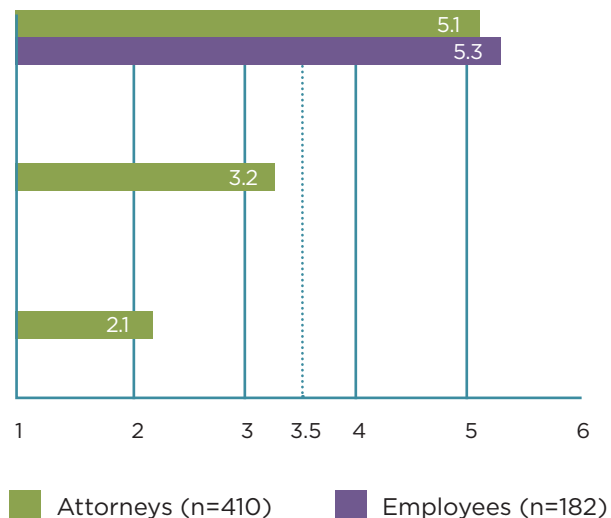
“Once I/we learned how to use Zoom, the time it took to conduct video court proceedings was reasonable.”

#3 TRUST IN VIDEO COURT PROCEEDINGS COMPARISON OF ATTORNEYS AND EMPLOYEES (in mean scores¹)

In my opinion, video court proceedings are an acceptable method for conducting many calendars/types of hearings.

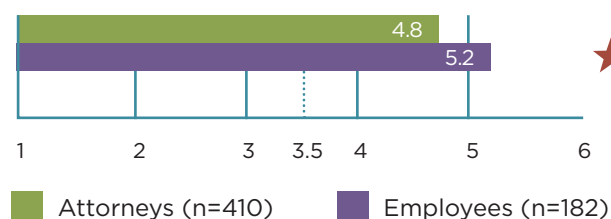
In my opinion, video court proceedings are an acceptable method for conducting CIVIL JURY TRIALS.

In my opinion, video court proceedings are an acceptable method for conducting CRIMINAL JURY TRIAL.



#4 OVERALL EXPERIENCE/FUTURE RECOMMENDATIONS - VCP COMPARISON OF ATTORNEYS AND EMPLOYEES (in mean scores¹)

Given my overall experience to date, I recommend that the Court continue using video court proceedings for many legal matters/cases with the understanding that the Court will continue to evaluate and modify practices as needed.



²Red Star - statistically significant difference between means score of respondents. The difference is not due to change.

Employees rated this question significantly higher than attorneys (See red star)

Trust in Video Court Proceedings Observations:

This is the lowest rated survey category by attorneys. The average ratings for two of the three survey questions for attorneys were BELOW the mid-point of the rating scale; they received unfavorable ratings by attorneys.

Attorneys gave unfavorable ratings to two questions: (1) In my opinion, video court proceedings are an acceptable method for conducting CIVIL JURY TRIALS (attorneys “disagreed somewhat”); and (2) in my opinion, video court proceedings are an acceptable method for conducting CRIMINAL JURY TRIALS (attorneys “disagreed”).

Attorney and employee respondents gave favorable ratings on “using video court proceedings as a method for conducting many calendars/types of hearings.” However, attorneys disagreed somewhat that “video court proceedings are an acceptable method for CIVIL JURY TRIALS” and disagreed that video court proceedings are an acceptable method for conducting CRIMINAL JURY TRIALS.”

Overall Experience/Future Recommendations Observations:

This category included one question, which was rated favorably by survey respondents. The mean scores are above the mid-point of the rating scale.

Attorney and employee respondents “recommend the Court continue using video court proceedings for many legal matters/ cases (with the understanding that the Court will continue to evaluate and modify practices as needed).”

Statistically Significant Differences in Mean Scores

#3 Trust in Video Court Proceedings

- Commissioners rated this question significantly lower than staff who provide direct client services.

“In my opinion, video court proceedings are an acceptable method for conducting many calendars/types of hearings.”

#4 Overall Experience/Future Recommendations

- Bailiffs rated the following question significantly lower than staff who provide direct client services. (Note: The study revealed that bailiffs’ jobs were most adversely affected by the new virtual procedures. Further explanation and insights are provided below.)

“Given my overall experience, I recommend that the Court continue using video court proceedings for many legal matters/cases.”

#5 IMPACT ON WORK/STAFF: VIRTUAL COURT PROCEEDINGS EMPLOYEES ONLY (in mean scores¹)



¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

²Red Star - statistically significant difference between means score of respondents. The difference is not due to change.

Impact on Work/Staff Observations:

While all of the average ratings on this set of questions were above the mid-point of the rating scale, there is considerable variability across the seven questions.

The highest rated question for employees was their level of competence hosting and participating in virtual court proceedings, and for judges, their comfort in presiding over virtual court proceedings.

Virtual court proceedings profoundly changed how work is done throughout the Court and Clerk's Office. The two lowest rated questions related to the impact of virtual court proceedings on work and staff were: (1) how much time it takes to conduct video court proceedings (vs. in-person) and (2) the resulting changes to overall workload.



Respondents from the criminal area and bailiffs gave significantly lower ratings than other groups.

Statistically Significant Differences in Mean Scores

#5 Impact of Work and Staff Questions By Area of the Court

- > Criminal area respondents rated this category – set of questions – significantly lower than respondents from the family area.
- > Civil area respondents rated the following question significantly lower than family area respondents:

"It takes me about the same amount of time to do my work now with video court proceedings as it did when the Court conducted in-person hearings."

- > Respondents from the criminal area rated the question below significantly lower than family area respondents:

"Over time, I found effective ways to manage my work even with the new technologies, process, and pressures caused by the many changes."

- > Criminal area respondents gave significantly lower ratings to the following question than respondents who work in more than one area:

"If permitted, I am (or would be) able to do ALL aspects of my job related to video court proceedings while working remotely (including hearing preparations, electronic exhibits, interpreter services, troubleshooting, supporting judges, etc.)"

Statistically Significant Differences in Mean Scores

#5 Impact of Work and Staff Questions By Position

- Bailiff respondents gave significantly lower ratings to this entire set of questions than courtroom clerks and staff who provide direct client services.
- Bailiff respondents rated all questions except one significantly lower than at least one other employee group. The employee groups were commissioners, courtroom clerks, other courtroom staff, and staff who provide direct client services. The question that was NOT rated significantly lower was:

"I feel competent to host, assist with, and/or participate in video court proceedings."
- Bailiff respondents rated the following question significantly lower than commissioners, courtroom clerks, and staff who provide direct client services:

"While how I do my work has changed significantly with video court proceedings, my workload overall has stayed about the same."
- Bailiff respondents rated the following question significantly lower than courtroom clerks:

"It takes me about the same amount of time to do my work now with video court proceedings as it did when the Court conducted in-person hearings."
- Bailiff respondents rated the remaining questions significantly lower than staff who provide direct client services:

"The training materials that were available to court employees were sufficient for learning how to conduct video court proceedings."

"My assignment area/ department handled virtual court proceedings similarly; we all used consistent procedures, protocols, and/or practices."

"If permitted, I am (or would be) able to do ALL aspects of my job related to video court proceedings while working remotely (including hearing preparations, electronic exhibits, interpreter services, troubleshooting, supporting judges, etc.)."

Overall Satisfaction with Virtual Court Proceedings

Attorney and employee respondents endorsed the use of virtual court proceedings; they gave high satisfaction ratings. Many are likely to recommend that others involved in a court matter proceed with virtual court proceedings, if continued by the Court.

Narrative Questions:

Summary of Comments and Suggestions

The surveys included a narrative question, which afforded attorney and employee respondents an opportunity to provide comments, suggestions, and/or explain their responses to the scaled questions. Many provided narrative comments. Judicial officers also provided responses to questions about virtual court proceedings at the virtual judge's retreat held in September 2021. Below is a summary of comments received.

Attorney Respondents – Virtual Court Proceedings

Comments from attorneys were reviewed and organized into 3 themes: (1) benefits of virtual court proceedings; (2) concerns about virtual proceedings; and (3) suggestions for improvements. See the tables below for a summary of attorney comments.



In sum, most attorneys said virtual court proceedings are appropriate for some types of hearings/legal matters. However, some attorneys are opposed to virtual civil and criminal trials. A more detailed summary with examples of comments provided by attorneys is provided in Appendix B.

ATTORNEYS

SUMMARY OF COMMENTS ON VIRTUAL COURT PROCEEDINGS

Benefits of Virtual Proceedings

1. Increase access to justice.
2. Save time and money.
3. Increase efficiency.
4. Are an effective way to keep people physically safe and healthy.
5. Are more convenient (than in-person proceedings).
6. Make it easier to attend/participate in for many people (e.g., litigants, parties, witnesses, attorneys, less time off work, less childcare needed).
7. Are an effective way to resolve many legal matters.

Concerns of Virtual Proceedings

1. Loss of personal/human contact and interaction.
2. Distractions of jurors, judges, other court participants.
3. Juror misconduct and low engagement.
4. It is difficult to assess the credibility of witnesses.
5. Virtual proceedings exclude people who do not have or know how to use technology.
6. Technological glitches.
7. Loss of civility and professionalism (of judges, opposing attorneys, litigants). People are more aggressive and less courteous when on Zoom.
8. Virtual trials are not taken seriously.
9. Virtual interpreting is much slower than when in-person.

ATTORNEYS**SUGGESTIONS FOR IMPROVEMENT (SUMMARY OF NARRATIVE COMMENTS)**

The table below provides a summary of attorneys' suggestions for improvement.

Technology/ Procedures	Technology and procedures need to be improved – resolve technology issues/glitches; develop protocols that notify parties/attorneys if the judge is running late so you are not in virtual limbo, etc.
Cost/Takes Too Long	The virtual hearing seems to work fine, but the process of getting the certified orders/copies after the hearing does not work very well. King County costs 50% more and takes 10 times longer to obtain the completed paperwork than several other counties.
Commissioners - Use Video	Commissioners should be using video. Not being able to see the Commissioner is problematic and not recommended in the future.
Information on Website	Update the Court's website with current information. Instructions were not consistent. Provide more training to the clerks so they are able to answer questions, etc.
Standard Screen	There needs to be a standard screen or organized standard screen for all participants so that technology is not used as an advantage in litigation based on amount of money or production costs a party can afford. Need an equal/level playing field for using/viewing evidence presented to a jury.
Contempt of Court Procedures	Need to establish a procedure for contempt of court proceedings when the litigant is virtual and jail is ordered.
Electronic Documents	Need a better way to handle documents in jury trials especially during cross examination. Current practices – sending documents to witnesses, instructing them of where to look, etc. – are very clunky; need a software solution to this problem.
Consistent Procedures	If virtual proceedings are continued, standardized procedures are needed. Currently practices are not standardized; every court has its own rules and procedures.
Open/ Viewable Civil Trials	Need a way to make civil trials/hearings open and viewable.

EMPLOYEE RESPONDENTS - VIRTUAL COURT PROCEEDINGS

Below is a summary of comments from court and clerk's office employees regarding virtual court proceedings. Responses are organized into (1) benefits; (2) positive experiences, and (3) negative experiences/effects of virtual proceedings.

Benefits of Virtual Proceedings

1. Virtual is more efficient, more convenient, and saves time and money for attorneys, clients, and some staff who previously had to travel to court for hearings (e.g., less time consuming, no commute time, no parking/ transportation costs, etc.).
2. Access to justice is improved – reduces the cost of going to court (e.g., less time off work, no childcare, less time consuming).
3. Virtual hearings result in higher participation rates for youth, families, and community providers.
4. Appearance rates have increased.
5. Reduces foot traffic at the courthouse – helps keep people safe and healthy.
6. Cases continue to move/get resolved.

Positive Experiences w/Virtual Proceedings

1. Co-workers, clients, youth, and parents/family members have expressed appreciation for having the option to participate in hearings, proceedings, and meetings virtually.
2. There are many benefits to virtual proceedings; they should be continued and/or expanded in the future.

Negative Experiences / Effects

1. The Court did not develop a global/ courtwide response to virtual proceedings/ virtual jury selection; it was chaotic initially. Progress also was impeded because some departments were slow to use Zoom.
2. The workload of bailiffs has increased with virtual proceedings and virtual trials/ virtual jury selection – e.g., multiple emails negotiating orders; many emails from jurors; jurors need assistance with technology; scheduling continuances; and other attorney/court communication. Many functions that were previously completed by attorneys, jury staff, and clerks are now done by bailiffs. Bailiffs are unable to do other aspects of case management while monitoring a virtual trial and get backlogged because they cannot multi-task.
3. Bailiffs are required to be in the courtroom whereas clerks have been/are remote for the most part; this requires bailiffs to process the orders. Other duties that fall to the bailiffs when clerks are remote include: soundchecks, filing orders, exhibit stipulations, managing in-person exhibits, securing assistance when FTR went down, etc.
4. Virtual jury selection is very time consuming.
5. Exhibits are not handled uniformly; this is problematic for expert witnesses; file stamping exhibits is still problematic for clerks.
6. Technical issues ensued - Not everyone has a strong, stable internet connection to participate in virtual proceedings; there is/ was a lack of tech support.
7. It is difficult for judicial officers to assess the credibility of parties when virtual; virtual is more time consuming than in-person.

EMPLOYEES**SUGGESTIONS FOR IMPROVEMENT (SUMMARY OF NARRATIVE COMMENTS)**

The table below provides a summary of suggestions provided by court and clerk's office employees.

Training	More training and education are needed – for staff and the public.
Define Roles	The roles of various court/clerk's office employees / judicial officers need to be clearly defined – e.g., who guides participants through introductions; the process needs to be orderly and smooth, not chaotic.
Universal Practices	Bailiffs can manage if the Courts develop universal practices that will be used across courts/courtrooms; if we schedule differently allowing time between trials to catch up on case management work; and or if more assistance is provided.
Improve Process - Electronic Exhibits	Need to improve / streamline the process for marking electronic exhibits (clerks); forms/ procedures need to be updated for electronic exhibits, how to handle depositions, etc.
Balance Workloads	The workloads of courtroom staff (bailiffs, clerks, others) should be evaluated and rebalanced. Work equity needs to be revisited to reduce burnout.
Open to Virtual Clerking	Judges should be more accepting of remote clerking since all can be handled virtually.

JUDICIAL OFFICERS - VIRTUAL COURT PROCEEDINGS INCLUDING USE OF ELECTRONIC EXHIBITS

Judicial officers (judges and commissioners) were asked to discuss their experiences with virtual court proceedings and the use of electronic exhibits at the September 2021 virtual judges' retreats.

Summary of Discussions/Comments:

Overall, most judges indicated they had great success using virtual court proceedings for all types of hearings and legal matters, including virtual bench and jury trials including virtual voir dire. Some had more experience than others conducting virtual proceedings.

A few judicial officers indicated that they believe in-person hearings and trials are more effective than virtual.

Judges also discussed:

“when calendars and hearing can/should be conducted virtually, with all parties and court participants participating via video conferencing technology (except judicial officers and courtroom staff)” and “when a hybrid arrangement might be most appropriate/ effective, when some parties and court participants are in person and others are participating virtually.”

Summaries follow. Comments are grouped by: (1) benefits of continuing virtual court proceedings; (2) types of matters most conducive to virtual proceedings or a hybrid approach; (3) types of matters NOT conducive to virtual proceedings post-pandemic; (4) other circumstances when matters should be conducted in-person; and (5) suggestion.

Benefits of Continuing Virtual Proceedings

1. Cost savings: to litigants, attorneys, the court
2. Improves access to justice for many
3. Appears to increase diversity of the jury pool (anecdotal observations only)
4. Increases convenience to parties, families (e.g., caregivers, employed parties, reduces need to appear for short matters, etc.)
5. Reduces foot traffic into and around the Court; reduces crowds in hallways, etc.

Suggestion:

Future decisions about the use of virtual court proceedings should be based on primary goals/values: e.g., Safety, Efficiency, Fairness, Accessibility.

Types of Matters Most Conducive to Virtual Proceedings or Hybrid Approach

1. Calendars, oral arguments,
2. Motion hearings, pre-trial conferences, summary judgment motions, etc.
3. UFC and ITA matters
4. Family Treatment Court – in-patient proceedings (hybrid works best)
5. Pre-trial conferences (should be presumptively virtual)
6. Juvenile matters (except sentencing)
7. Civil jury trials (not all judicial officers agreed)
8. Jury selection
9. Out of custody arrangements (should be default) – out of custody pleas
10. Omnibus/Case setting
11. Reviews, restitution, RALJ appeals
12. Drug court – hybrid is effective
13. Family law matters – virtual should be default

Types of Matters NOT Conducive to Virtual Proceedings Post-Pandemic

1. Civil jury trials (not all judges agreed)
2. Criminal jury trials (not all judges agreed)
3. Contempt of Court hearings
4. Administrative bookings
5. Outstanding warrants
6. Motions that require fingerprints, swabs, testimony, etc.
7. Sentencing on felony cases
8. Everything/all matters are appropriate for a hybrid/mix of virtual and in-person

Other Circumstances When Matters Should be Conducted In-Person

1. When a controlled atmosphere is needed
2. When it is needed to determine credibility
3. When attorneys request in-person



Judicial Officers – Suggestions for Improving the Use of Electronic Exhibits (summary of narrative comments)

Judges were asked to discuss their experiences with electronic exhibits and provide suggestions for improvement. The table below provides a summary of their suggestions.

Improving the Use of Electronic Exhibits

1. The current system works pretty well. Improve by having a separate place where only admitted exhibits can be viewed or where the court can see the status of exhibits.
2. Use ShareFile links for the witnesses to view independently (so jurors do not see prior to admission).
3. Create a standardized practice that will be adopted courtwide (e.g., what should be uploaded to ShareFile, etc.). A standardized/uniform practice is needed to reduce confusion of attorneys/others.
4. Provide a tech support hotline to assist people using ShareFile.
5. Provide needed training – how to use ShareFile, how to share screen, consistent procedures, etc.
6. Use a different tool – a better integrated uploading platform. ShareFile is clunky and inadequate for storing exhibits (e.g., large exhibits won't open, not good for images/ videos, ShareFile does not automatically reject documents improperly labeled, complex documents do not translate well for visual presentation, ShareFile is too slow - need something faster, etc.).
7. Train judicial officers and employees on new/ different tool.
8. Train attorneys; encourage them to practice prior to a trial; require attorneys to certify they are competent to upload documents, share screen, etc. prior to a hearing.
9. Offer mandatory trainings for lawyers and litigants before a trial.

EVALUATION FINDINGS AND RECOMMENDATIONS

Our findings and recommendations relating to virtual court proceedings are summarized below:

FINDINGS

> **Favorable Ratings.**

Overall, attorney and employee respondents gave favorable ratings to virtual court proceedings; the average ratings on each survey category were above the mid-point of the rating scale.

> **Significant Differences Among Employee Groups.**

There were statistically significant differences in each of the survey categories. In general:

1. Employee respondents from the criminal area of the Court gave significantly lower average ratings, and respondents from the family and juvenile areas gave significantly higher average ratings to many of the survey questions.
2. Bailiff respondents gave significantly lower ratings on many of the questions than staff who provide direct client services.
3. The jobs and workloads of bailiffs appear to have been the most disrupted, changed, and adversely affected with virtual court proceedings. Bailiffs, who were in the courtroom, acquired additional responsibilities that were previously the responsibilities of courtroom clerks and attorneys.

> **Responses of Civil Attorneys.**

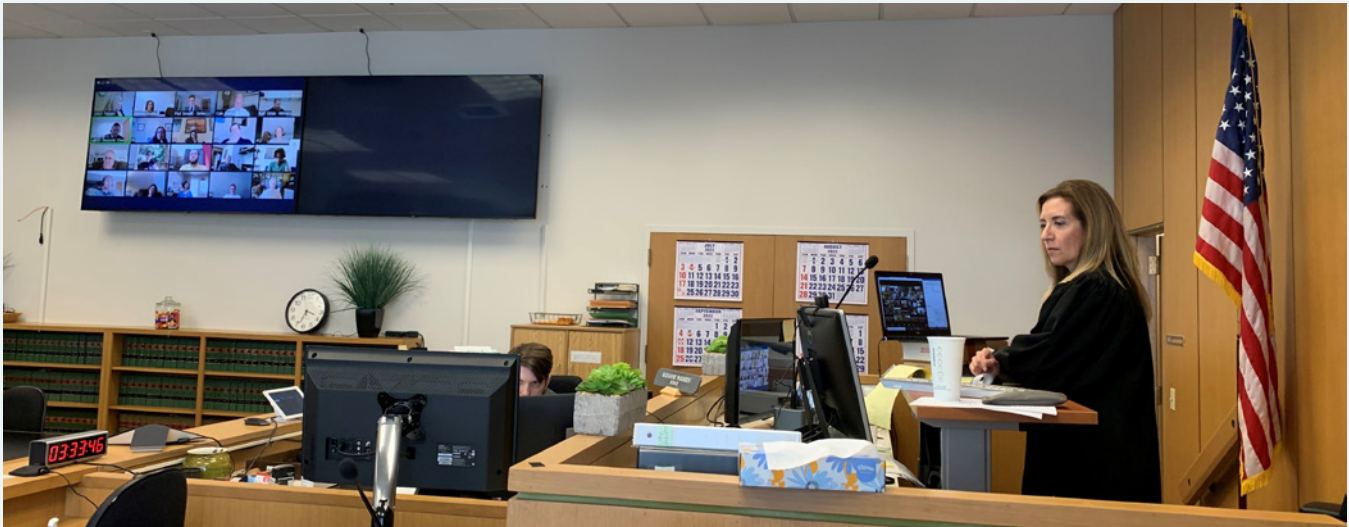
Most civil attorneys agreed that virtual proceedings are effective for some types of hearings/legal matters, however, some expressed opposition to virtual civil hearings, bench trials, and jury trials.

> **Differences by Years of Litigation Experience.**

Attorneys with less litigation experience (i.e., 10 years or less) felt more competent to participate in video court proceedings than attorneys who had litigated 11 or more years. Put another way, younger lawyers with presumably more experience with technology felt more competent to use it.

> **Acceptability of Virtual Court Proceedings.**

Overall, attorney and employee respondents indicated virtual court proceedings are acceptable for many calendars/types of hearing. However, a few attorney respondents indicated that video court proceedings are not acceptable for entirely remote, civil jury trials.



➤ **Continue Using Virtual Court Proceedings.**

Based on overall experiences, both attorney and employee respondents recommended the Court continue to use virtual court proceedings for many legal matters/cases (with the understanding the Court will continue to evaluate and make improvements as warranted).

➤ **Endorsement of Virtual Court Proceedings.**

Attorney and employee survey respondents were satisfied with virtual court proceedings. Both groups endorsed virtual court proceedings and indicated they are likely to encourage others to participate in virtual court proceedings, if continued by the Court.

➤ **Electronic Exhibits.**

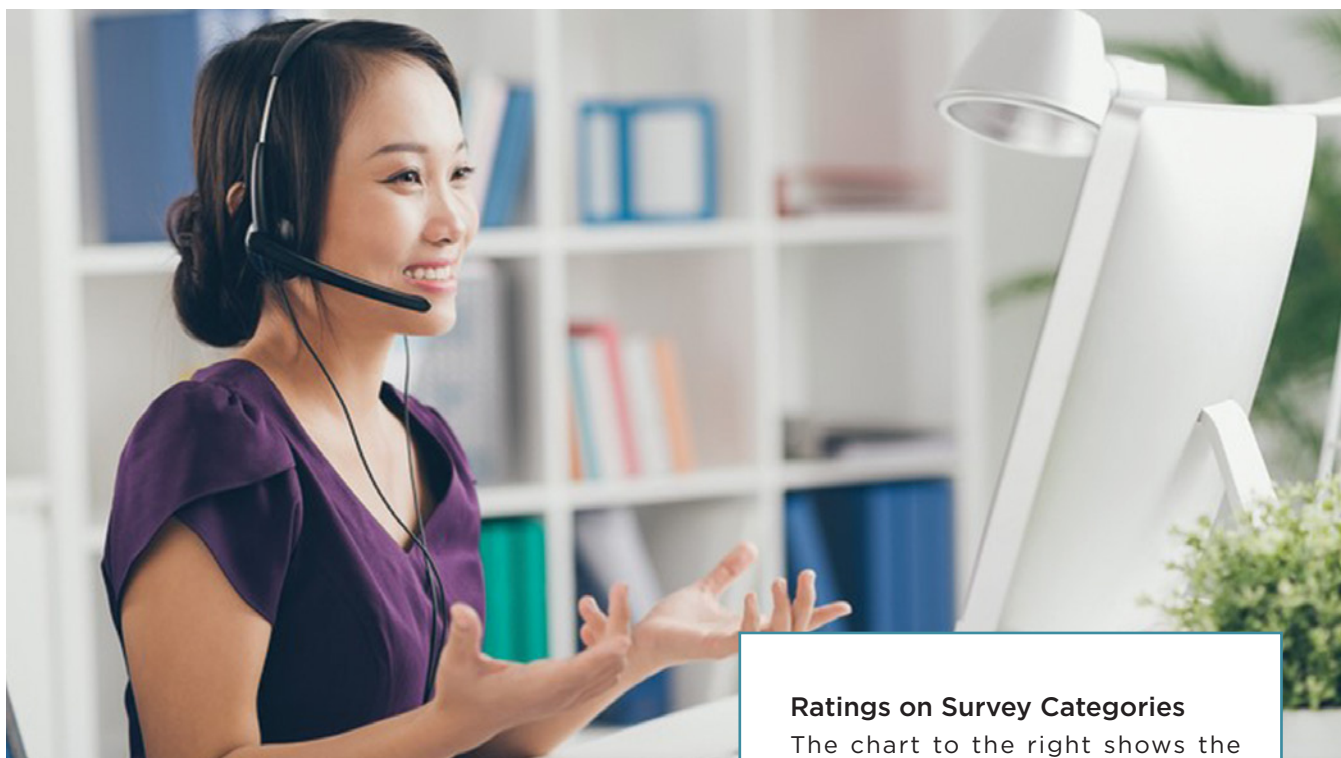
ShareFile, the platform used to digitize exhibits, was deemed inadequate by many. The tool/platform needs to be improved, upgraded, or replaced. Processes for handling exhibits also need to be standardized.

➤ **Benefits.**

Many benefits were reported by attorneys, employees, and judicial officers. Increased access, increased convenience, greater efficiency, and lower costs to name a few were frequently mentioned. There also was widespread agreement that virtual proceedings are appropriate for many types of hearings and many types of cases. There was not general agreement on whether virtual proceedings were effective or appropriate for civil trials.

RECOMMENDATIONS:

- 1 Continue with Virtual Court Proceedings.**
Continue with virtual court proceedings. The findings from this evaluation support the continued use of virtual proceedings for most types of cases and for many types of hearings. Advocate for the use of video proceedings in KCSC. Define the appropriate and presumptive uses for virtual proceedings in KCSC. Update and implement court policies accordingly.
- 2 Increase Uniformity and Consistency.**
Promote uniformity and consistency in conducting virtual proceedings. Standardize procedures, processes, and practices building on successes and best practices from the past few years.
- 3 Train Judicial Officers, Bailiffs, and Court Employees.**
Continue training and provide other resources to judicial officers, bailiffs, and court employees on consistent procedures, best practices, and the technology including Zoom functionality. Ensure everyone is competent to oversee (and as needed, provide back-up) on hosting and conducting virtual proceedings.
- 4 Collaborate with Bar Associations.**
Continue communicating and collaborating with local attorneys and the Bar Associations to further refine and improve virtual court proceeding protocols and practices.
- 5 Train Attorneys.**
Continue trainings and providing other resources to attorneys to increase the competence and confidence levels (knowledge, skills, and abilities), especially for those who are less comfortable with technology and appearing via video. Continue partnerships with bar associations as was done during the pandemic.
- 6 Re-evaluate and Balance Workloads of Courtroom Staff.**
Once practices are normalized, evaluate the virtual proceedings process and document new job duties/responsibilities, the workloads of courtroom staff, and division of labor. Change/update job descriptions of courtroom staff to reflect new scope of work, job duties/responsibilities, and skills needed to conduct virtual court proceedings. Realign duties and workloads as needed.
- 7 Replace Tool for Electronic Exhibits.**
Explore, invest in, and implement an improved tool/platform for electronic exhibits, or make changes/improvements to ShareFile (that address the concerns/problems noted above). Develop standardized procedures so consistent across the Court.



Virtual Interpretation - Evaluation Findings and Recommendations

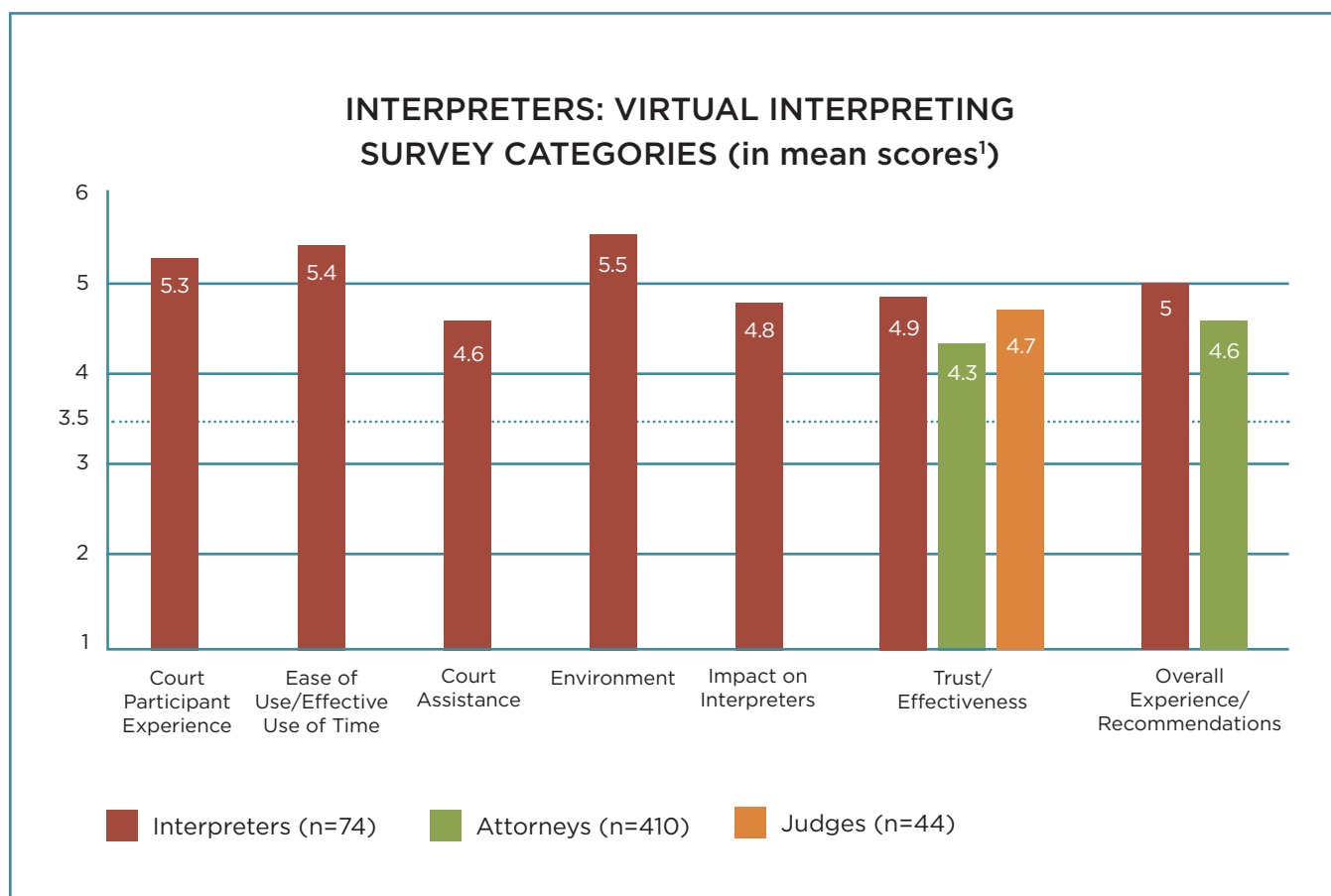
Virtual interpreting also was evaluated. Interpreters were surveyed separately. Questions focused on their experiences providing virtual interpreting services. A few questions about virtual interpreting also were asked of attorneys on the video court proceedings survey. Judicial officers also were asked about their experiences with virtual interpreting at the virtual judge's retreat held in September 2021.

The results are presented next. The findings and recommendations are presented at the end of this section.

Ratings on Survey Categories

The chart to the right shows the average ratings of interpreters on each of the survey categories. Also included are the average ratings for attorneys and judges on the "trust" question. The seven survey categories were:

1. Court Participant Experience
2. Ease of Use/Effective Use of Time
3. Court Assistance
4. Environment
5. Impact on Interpreters
6. Trust/Effectiveness
7. Overall Experience/Recommendations



¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

Observations:

Interpreters rated each survey category favorably. All means scores are above the mid-point of the scale. The “Environment” questions, which related to where interpreters worked, were rated the highest followed by “Ease of Use” questions.

Results on Each Survey Category

The next 7 charts provide the average ratings for the questions in the seven survey categories.

NOTE: There are no statistically significant differences to report for interpreters by the number of times they provided virtual interpreting services to the KCSC in 2021 or by the number of years they have been providing interpreter services.

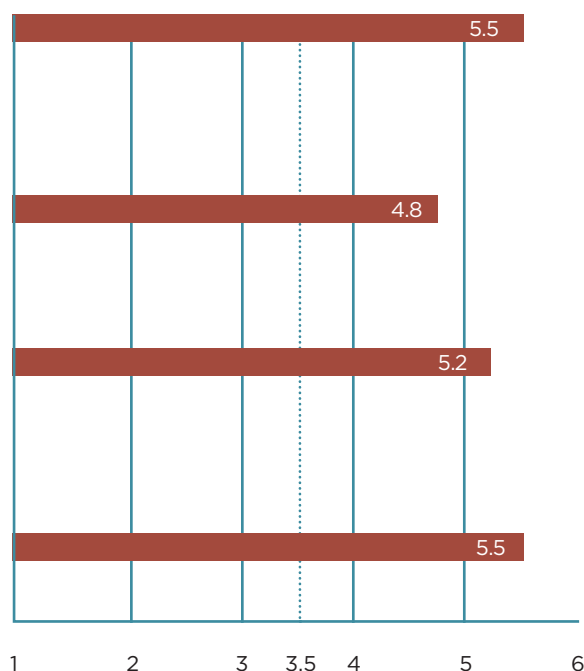
#1 COURT PARTICIPANT EXPERIENCE: VIRTUAL INTERPRETING INTERPRETERS (in mean scores¹)

Virtual interpreting during the pandemic was an effective way to provide language assistance to litigants so the Court could continue to move cases toward resolution.

The opportunity to provide interpretation virtually makes it easier for interpreters to participate in court proceedings.

Participating in virtual interpreting using video conferencing technology was convenient, it saved me time and money (eg. commute time, cost of public transportation, parking).

Virtual interpreting is an effective way to keep all court participants healthy and safe.



■ Interpreters (n=74)

¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

#1 Court Participant Experience Observations:

Interpreters rated each question favorably; the mean scores are well above the midpoint of the rating scale.

Using virtual interpreting during the pandemic was viewed *“as a good way to move cases toward resolution, it was convenient – it saved time and money, and it was an effective way to keep all court participants healthy and safe.”*

#2 Ease of Use Observations:

Interpreters rated the questions in this category favorably. All mean scores are well above the midpoint of the rating scale.

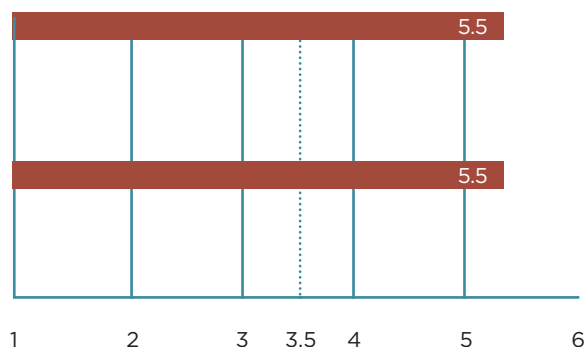
Interpreters indicated that *“once they learned how to use Zoom interpretation functionality, it was easy to use for court proceedings.”* They also said that *“having the ability to provide interpreting services virtually is efficient; their time was used well.”*

#2 EASE OF USE/EFFECTIVE USE OF TIME: VIRTUAL INTERPRETING INTERPRETERS (in mean scores¹)

Once I learned how to use Zoom interpretation functionality, it was easy to use for court proceedings.

Having the ability to provide interpreting services virtually is efficient for me; my time is/was used well.

■ Interpreters (n=74)

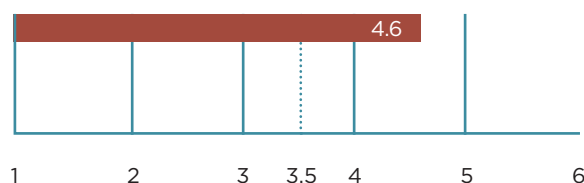


¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

#3 COURT ASSISTANCE: VIRTUAL INTERPRETING INTERPRETERS (in mean scores¹)

Court staff were available to assist if I encountered problems while providing virtual interpretation using Zoom.

■ Interpreters (n=74)

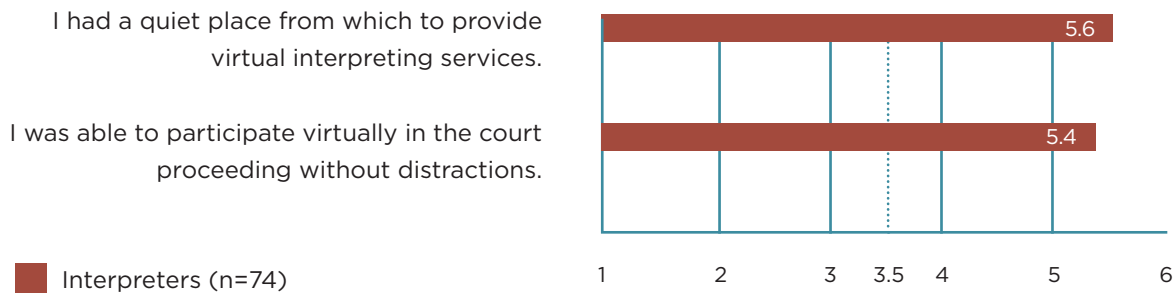


¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

#3 Court Assistance Observations:

Interpreters rated the question in this category favorably. The mean score is above the mid-point of the rating scale. However, this is the second to the lowest rated question by interpreter respondents.

#4 INTERPRETER ENVIRONMENT: VIRTUAL INTERPRETING INTERPRETERS (in mean scores¹)



¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

#4 Interpreter Environment Observations:

Interpreters rated both questions well above the mid-point of the rating scale.

Interpreters “agreed/strongly agreed” *“that they have a quiet place from which to provide virtual interpreting services and they were able to participate virtually without distractions.”*

#5 Impact on Interpreters Observations:

Interpreters rated all three questions favorably – above the mid-point of the rating scale – however, this category includes the question rated the lowest by interpreters.

Interpreters *“felt competent to provide virtual interpretation to litigants involved in court proceedings and for the most part, the Court used consistent protocols and procedures for court proceedings.”*

The lowest rated survey question by interpreter respondents was *“that it takes the same amount of*

time to provide virtual interpretation as it did when the Court used in-person hearings.” Respondents “agreed somewhat” to this question.

#6 Trust/Effectiveness Observations:

Interpreters, attorneys, and judicial officers rated this question favorably. All indicated that *“virtual interpreting is an effective way to provide interpreter services to litigants involved in court proceedings.”*

Interpreters rated this question significantly higher than attorney respondents. Attorney respondents “agreed somewhat” with this question.



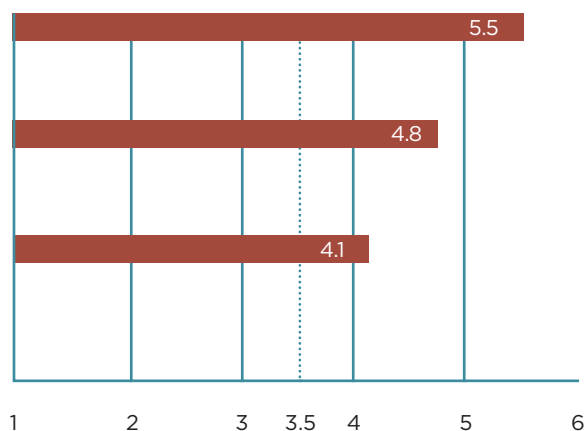
Interpreters “agreed” that *“they would trust virtual interpreting as a way to receive interpreter services for a court proceeding if they were a participant in a legal matter.”*

#5 IMPACT ON INTERPRETERS: VIRTUAL INTERPRETING INTERPRETERS (in mean scores¹)

I feel competent to provide virtual interpretation to litigants involved in court proceedings.

KCSC uses/used consistent protocols/procedures for doing virtual court proceedings.

It takes me about the same amount of time to provide virtual interpretation to litigants involved in court proceedings as it did when the Court conducted in-person hearings.



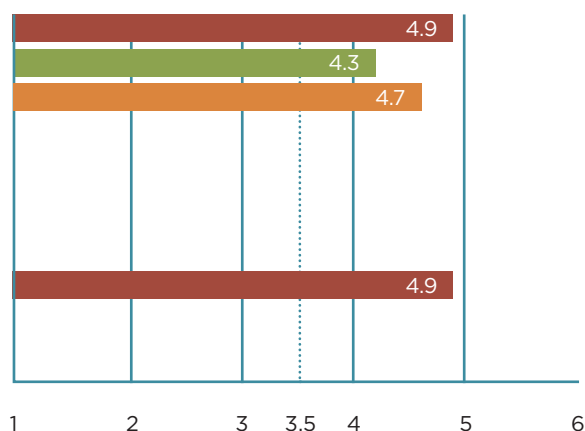
Interpreters (n=74)

¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

#6 TRUST/EFFECTIVENESS: VIRTUAL INTERPRETING INTERPRETERS, ATTORNEYS, JUDICIAL OFFICERS (in mean scores¹)

Virtual interpreting is an effective way to provide interpreter service to litigants involved in court proceedings. / Virtual interpreting is an effective way to provide interpreter services to litigant. / Virtual interpretation is/ can be effective.

If I were a participant in a legal matter, I would trust virtual interpreting as a way to receive interpreter services for a court proceeding.



Interpreters (n=74)

Attorneys (n=410)

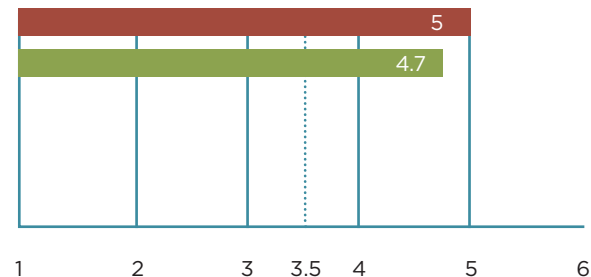
Judges (n=44)

¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

²Red Star - statistically significant difference between means score of respondents. The difference is not due to change.

#7 OVERALL EXPERIENCE - FUTURE RECOMMENDATIONS: VIRTUAL INTERPRETING INTERPRETERS AND ATTORNEYS (in mean scores¹)

Given my overall experience, I recommend that the Court continue providing virtual interpretation as a way to provide interpreter services to litigants involved in court proceedings. / Given my overall experience, I recommend the Court continue providing virtual interpreting services.



■ Interpreters (n=74) ■ Attorneys (n=283)

¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

#7 Overall Experience/Future Recommendation Observations:

Interpreters and attorneys “recommended that the Court continue providing virtual interpreting services, given their overall experiences.” Both respondent groups “agreed” with continuing virtual interpretation services in the future.

OVERALL SATISFACTION WITH VIRTUAL INTERPRETATION

Interpreter respondents endorsed the use of virtual interpreting; they gave high satisfaction ratings. Most are likely to recommend virtual interpreting services to people who need assistance, if continued by the Court.

NARRATIVE QUESTIONS SUMMARY OF COMMENTS ON VIRTUAL INTERPRETING

The survey included a narrative question, which afforded interpreter respondents an opportunity to provide comments, suggestions, and/or explain their responses to the scaled questions. Judicial officers also provided comments about virtual interpreting. Following is a summary of comments received.

Interpreter Respondents:

Following is a list of what interpreter respondents most liked about virtual interpreting:



What Interpreters Liked Most About Virtual Interpreting

1. It is an effective way to keep all court participants safe from COVID-19 as well as violence in downtown Seattle.
2. It saves time and money; it is efficient, effective, and convenient.
3. It increases flexibility and job satisfaction.
4. It should be continued; there are lots of benefits to virtual interpreting.

Suggestions for Improvement Virtual Interpreting

1. The Court's technology/equipment needs to be improved and/or upgraded. Cameras should provide a panoramic view of the courtroom so all court participants can be seen. Audio/microphones are in need of improvement. It was difficult to hear in some instances.
2. The Court should use a platform that supports simultaneous translation rather than just consecutive translation. The proceedings take longer with using consecutive translation.
3. Proceedings overall take longer with virtual interpretation than when in-person. None-the-less the benefits outweigh this drawback.
4. Additional technical support is needed. Testing should be completed in advance of starting proceedings.
5. Judges and staff should be trained on the use of the technology.
6. Practices are inconsistent. Some judges do not support virtual interpretation; in-person appearances are required.

Judicial Officers:

At the September 2021 virtual Judge's Retreat, judicial officers were asked: *"under what circumstances should virtual/video interpretation be used in the future?"* Following is a summary of the narrative comments provided by judicial officers.

When Virtual Interpretation Should Be Used

1. When most convenient for the parties and/or safety issues are of concern.
2. Upon agreement of parties.
3. Whenever the matter does not involve an evidentiary hearing.
4. When it is difficult to get an in-person interpreter (e.g., obscure language).
5. When parties in need of interpretation services are participating remotely or out of the area.
6. To ease the burden of court appearances on criminal defendants for some hearings.
7. For short, non-substantive/procedural hearings.
8. When local interpreters are unavailable.
9. Freely in civil matters (unless there is a compelling reason not to).
10. For court calendars, antiharassment hearings, jury voir dire, all meetings.
11. Whenever it furthers access to justice and integrity of the court proceedings can be maintained.
12. When defendants are in custody.
13. As often as possible as long as everyone is able to understand and communicate with one another.
14. For all matters – virtual interpretations should be the default method especially for motions and bench trials.
15. When technology supports simultaneous interpretation.

EVALUATION FINDINGS

Our findings and recommendations relating to virtual interpreting services are summarized next.

> **Favorable Ratings.**

Overall, interpreter and attorney respondents gave favorable ratings on all aspects of virtual interpreting. The interpreter's environment and ease of use/efficient use of time were rated the highest by interpreters.

> **Trust and Recommend Continuing Virtual Interpreting.**

Based on overall experience, interpreter and attorney respondents indicated that they trust virtual interpreting and recommend the Court continue providing it as an option. Interpreters rated this area significantly higher than attorneys.

> **Effectiveness.**

Interpreter, attorney, and judge respondents indicated virtual interpreting is an effective way to provide interpreter services to litigants involved in court proceedings. Interpreters gave a significantly higher rating than attorneys.

> **High Satisfaction.**

Interpreters endorsed the use of virtual interpreting services; they gave high satisfaction ratings.

> **Takes Longer than In-Person Interpretation.**

Some interpreter respondents noted that virtual interpretation takes longer than in-person interpretation.

RECOMMENDATIONS:

- 1 **Continue Virtual Interpreting as an Option.**
Continue providing virtual interpreting services as an option based on the benefits outlined in this study and the experiences of interpreters. Develop an internal policy recommending the use of virtual interpreting across all areas of the Court.
- 2 **Develop Consistent Procedures.**
Develop standardized procedures for using virtual interpretation based on best practices and the Court's experiences over the past few years.
- 3 **Train Interpreters.**
Provide training / training materials to interpreters on Zoom functionality. Ensure they are competent to provide virtual interpreting services.
- 4 **Train Judicial Officers, Bailiffs, & Court Employees.**
Continue training and provide other resources to judicial officers, bailiffs, and court employees on consistent procedures, best practices, and the technology including Zoom functionality; ensure everyone is competent to oversee (and as needed, provide back-up) on the use of virtual interpretation. Provide resources that will enhance the process (e.g., checklists, troubleshooting tips, frequently asked questions with answers, etc.).
- 5 **Upgrade Technology.**
Ensure all courtrooms are equipped with the technology needed to support virtual interpreting. Invest in technology that will enhance virtual interpreting for all involved – litigants, interpreters, judicial officers, attorneys, and employees.
- 6 **Further Evaluate; Include Court Users.**
As the Court continues to improve and refine its practices and procedures related to virtual court proceedings, further evaluate the use of virtual interpreting. Include court users in the evaluation; gather information directly from them about their experiences.

SECTION 4:

Virtual Jury Selection

This section includes the experiences of King County Superior Court (KCSC/Court) using virtual voir dire (i.e., virtual jury selection) during the coronavirus pandemic. Also included are the findings from the research study. This section is organized as follows:

- 1 Overview
- 2 How Virtual Jury Selection was Conducted in King County, and Summary of Experiences and Recommendations
- 3 Research Study – Evaluation of Virtual Jury Selection
 - Research Methodology
 - Characteristics of Participants
 - Virtual Jury Selection – Detailed Results, Findings, and Recommendations

Overview

Virtual jury selection – the virtual voir dire process – implemented in response to the coronavirus pandemic in July 2020 was chosen by the Court’s judicial and administrative leadership as a promising practice worthy of further evaluation. It aligned with the Court’s core values of equity and social justice, access, fairness, service to the public, and innovation.

Virtual jury selection also met the agreed-upon criteria for selecting the few promising practices, which would undergo further study. The new, virtual voir dire practice:

- 1 Had a broad impact across many divisions and administrative areas of the court and involved prospective jurors, the public, and attorneys.
- 2 Had potential long-term benefits for the Court such as being cost effective, increasing efficiency, and improving public service.
- 3 Provided an opportunity to examine experiences and data to confirm (or disconfirm) opinions and/or differing experiences with the new, virtual process.

How Virtual Jury Selection was Conducted in King County

King County Superior Court adopted a virtual jury selection process during the pandemic for jury trials. This was required to depopulate the courthouses as part of our public health plan. Without it, we determined that physical distancing would have been difficult or impossible. Of all the innovations adopted during the pandemic, this process was the most challenging.

Jurors answered their summons by going to an online portal, which put them into a pool available for assignment. The jury room initially handled the venire but upon trial assignment, this responsibility passed to the judicial assistant (we call bailiffs). This and other responsibilities that passed to the bailiffs proved to be challenging (see discussion below, which elaborates on how workloads of bailiffs were affected). Jurors were contacted by e-mail and phone to participate in a web-based questionnaire. In this questionnaire, the court obtained general biographical information, asked

case specific questions proposed by counsel, and provided a section for jurors to request excusal from service for hardship or prejudice.

Upon completion, the bailiff compiled the results of the questionnaire in an Excel spreadsheet which was shared with the parties/litigants. The court and counsel reviewed the hardship/excusal requests and scheduled the remaining unexcused jurors to attend jury selection sessions via the Zoom virtual conferencing platform. The remaining jurors appeared in groups of roughly twenty for each voir dire session. The court read its general jury instructions and counsel then inquired of the jurors' qualifications to serve on the trial. As with video trials themselves, counsel could appear for this process via Zoom or in person, and the voir dire proceedings were broadcast on large screens in the courtroom. Once the court completed the scheduled panels, or once the court obtained enough qualified jurors to satisfy peremptory challenges, counsel would exercise peremptory challenges and a jury would be impaneled. The selected jurors were then notified by e-mail with reporting instructions for the trial itself. They were to report in person for a criminal trial, or report by video for a civil trial.

These are the practices we currently use today.

We summonsed far more people for video voir dire than in-person voir dire. With virtual voir dire, we are not limited by the size of our jury assembly rooms. As a result, video voir dire added hundreds of new trial days to our calendar because we never run out of jurors and no cases wait for jurors, regardless of priority. In the past, with in-person voir dire, lawyers and judges assigned lower priority cases, criminal or civil, often waited several days to a week to begin jury selection.

EXPERIENCES AND RECOMMENDATIONS

Our experiences and recommendations relating to virtual voir dire are summarized next.

EXPERIENCES

- > Transitioning to jury selection by Zoom during the COVID-19 pandemic allowed King County Superior Court to hold jury trials beginning in August of 2020. KCSC consulted public health experts at the University of Washington who advised against in-person jury selection during the pandemic because in-person jury selection required large numbers of people being amassed in the jury room and courtroom.
- > Thanks directly to video jury selection, the court never had to significantly delay a trial due to a lack of jurors. Pre-COVID, the size of the courthouse jury room limited the number of jurors available for trial each day. At KCSC, the Kent courthouse jury room has a capacity for 150 jurors; the Seattle courthouse jury room has a capacity for 300 jurors. As a result, lower priority trials often waited for days or weeks to begin jury selection. By holding jury selection by zoom, the court essentially has an unlimited supply of jurors. KCSC now summons one thousand jurors per day for jury selection. The result is that every trial receives jurors when requested.

- > Pre-COVID-19, most trials had a jury venire of 50 jurors. During the COVID-19 pandemic, each trial had a jury venire of approximately 120 jurors. This increase was due to a higher percentage of jurors requesting hardship excusals. The increase in hardship excusals was the result of many factors including jurors having COVID-19, jurors being fearful of COVID-19, jurors having increased childcare responsibilities, and jurors having increased financial instability.
- > Zoom jury selection also caused a dramatic change in job responsibilities for court employees. Specifically, the jury room employees had very different jobs because they communicated with hundreds of additional jurors through email and telephone, instead of in-person at the courthouse. The bailiffs (our judicial assistants) had to communicate with venire panels of 120 jurors through email and phone calls, instead of communicating with them in-person. Moreover, bailiffs have had to arrange for jurors to participate in zoom jury selection.
- > Judicial officers report, anecdotally, greater diversity in empaneled juries. Judicial officers report that all jurors are questioned rather than only a limited number of jurors in the front of the room. Judicial officers report that the Washington State Batson Rule GR 37 is much easier to administer because the jurors are all questioned and can be seen much closer and more easily on the video screen, resulting in a better record.

RECOMMENDATIONS:

- 1 *Evaluate the virtual voir dire process from start to finish focusing on and analyzing new job duties and responsibilities, the workloads and division of labor of all courtroom staff (i.e., bailiffs, courtroom clerks, others). Change/update the job descriptions of bailiffs and other staff to include the new scope of work, job duties/responsibilities, and skills needed to conduct virtual voir dire. Realign duties and workloads as needed.*
- 2 *Continue video voir dire as a business practice. For us, this will depend on rule adoption by the Washington State Supreme Court. We strongly encourage other courts to experiment. The most difficult challenge is becoming competent with the practice, which leads to video voir dire taking no longer than in-person voir dire.*
- 3 *Develop and publish best practices, and train regularly. As with video-virtual trials and hearings, this process requires best practices and processes to be adopted and regular training. Our Court is in the process of doing this as indicated and expects to be completed by the end of 2022.*

Research Study – Evaluation of Virtual Jury Selection

The virtual jury selection process was evaluated in the summer and fall of 2021. This section includes:

- 1 The research methodology (used for this part of the evaluation).
- 2 Characteristics of study participants.
- 3 Virtual Jury Selection - Evaluation results, findings, and recommendations.

Research Methodology – Virtual Jury Selection Survey Audience

Prospective jurors involved in both civil and criminal matters and attorneys involved in civil matters were the primary audience for this part of the study. Court employees also were asked a few questions related to their experiences with virtual jury selection as part of the survey administered to them on virtual court proceedings.

Survey questions were developed and finalized in the summer of 2021 in collaboration with project staff, jury staff, and the Court's Jury Committee (comprised of judges and jury services program staff). Court staff compiled the names and email addresses of prospective jurors that participated in the virtual jury selection process, and not limited to those selected to serve, in criminal and civil matters between March and May 2021. Court staff also compiled the names of attorneys associated with at least one civil case that advanced through the virtual jury selection process between January and June 2021. The Court's Division Directors identified the court staff who had participated in virtual court proceedings. A subset

of that group, who had experience with virtual jury selection, completed the virtual jury process questions on the employee survey.

Virtual jury selection surveys were administered in August – September 2021 to:

(1) prospective jurors that participated in the virtual jury selection process in civil and criminal matters between March and May 2021;

(2) attorneys associated with at least one civil case that advanced through the virtual jury selection process between January and June 2021; and

(3) employees who had experience with the virtual jury selection process.

Survey Administration

The surveys were administered in August – September 2021. The Court's leadership sent an initial email in August 2021 announcing the effort. It was sent to prospective jurors and attorneys who appeared on civil cases. The researcher followed soon thereafter with an email to survey invitees. It included the survey link and additional survey details. The response rate was monitored, and reminders and updates were sent as needed. The table below provides details about the survey audience and number of respondents.

SURVEY RESPONDENTS

	Total Number Surveyed (N=___)	# of Respondents (n=___)	Response Rate (in %s)
Prospective Jurors Surveyed in Aug. – Sept. '21	797	251	32%
Civil Case Attorneys Only Surveyed in Aug. – Sept. '21	245	94	38%
Employees Surveyed in Nov. '21	279	75 ³	65% ⁴

Survey Questions

The surveys of prospective jurors and attorneys on civil cases were similar but not identical. A few questions asked of prospective jurors were not asked of attorneys and vice versa. Differences are noted in the results presented below.

The survey of court and clerk's office employees included a couple of questions focusing on the virtual jury selection process. For the questions that are similar to those for jurors and attorneys, comparisons are provided. Most of questions for employees focused on the effects of virtual jury selection on their work. All findings are presented to the right.

SURVEYS

Virtual Jury Selection Survey Questions
(6-point agreement rating scale⁵)

The Likert-scaled questions were grouped into the following categories:

1. Access, Convenience, and Safety / Experience of Jurors
2. Ease of Use
3. Court / Staff Assistance
4. Environment
5. Timeliness / Effectiveness
6. Trust and Confidence / Future Recommendations
7. Overall Experience
8. Impact on Work/Staff

³The number of employee respondents is lower because only those that participated in virtual voir dire completed this set of questions. Those who did not participate in virtual jury selection were instructed to skip this set of questions. 75 court employees completed this section; the others skipped these questions and proceeded to the next section of the Virtual Court Proceedings survey.

⁴This is the overall response rate to the Virtual Court Proceedings survey, which included a subset of questions on virtual voir dire. 75 court employees (out of the 182 that completed the Virtual Court Proceeding Survey or 41%) completed the virtual jury selection questions.

⁵A 6-point agreement rating scale was used for the surveys where 6 = strongly agree; 5 = agree; 4 = agree somewhat; 3 = disagree somewhat; 2 = disagree; and 1 = strongly disagree. N/A also was an option, which included don't know, not sure, and/or not applicable. 3.5 is the midpoint of a 6-point rating scale.

In addition to the previous, the surveys included:

- 1 An overall satisfaction question.
- 2 An open-ended, narrative question where respondents could explain their responses or provide suggestions.
- 3 A couple of demographic questions providing characteristics of respondents including gender/ gender identity, race/ ethnicity, whether juror respondents were selected to sit on a jury, equipment respondents used, and the types of cases they were involved in.

Data Analysis and Interpretation

The results to the scaled questions are presented in proportions (i.e., percentages) and mean ratings (i.e., averages). When interpreting the mean scores, the higher the mean score, the more favorable the rating. Higher mean scores represent stronger levels of agreement. Additionally, 3.5 is the midpoint of a 6-point rating scale. An average rating above 3.5 is on the agreement side of the rating scale – the results are favorable, and below 3.5 is on the disagreement side of the rating scale – the results are unfavorable.

Two common statistical tests were used to test for significant differences between and among mean scores. Tests for differences in means (t tests) look for differences between two groups. Analysis of Variance (ANOVA) looks for differences among multiple groups. Statistically significant differences are reported at the .05 or 95% confidence level (common for social science research).

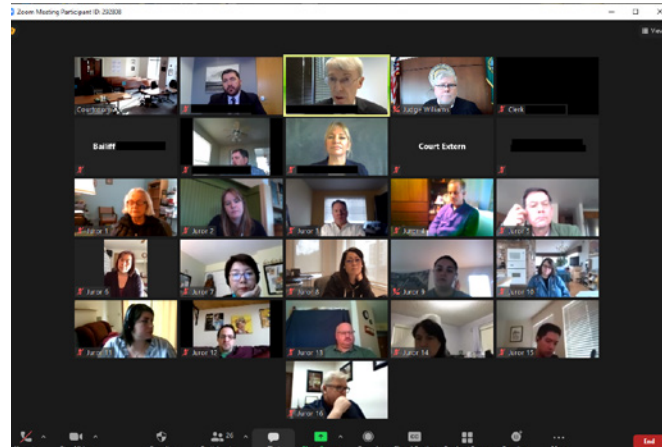
The researcher completed a content analysis on the narrative responses.

Characteristics of Study Participants

Juror Respondents

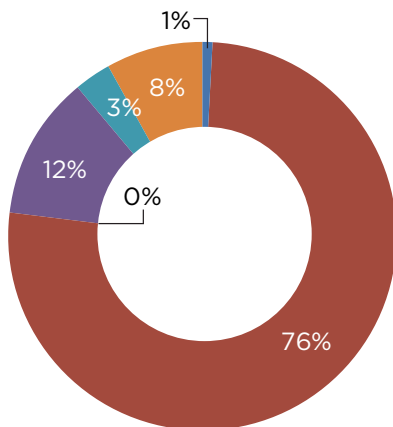
Following are the characteristics of prospective juror respondents:

- 49% of respondents were female, 44% were male, 2% were other (transgender, nonconforming) and 5% preferred not to answer or skipped the question.
- 76% of respondents were white, 12% were Asian, 3% were 2 or more races; 1% was Hispanic/ Latino; .5% was African American/Black, 9% preferred not to answer or skipped the question.
- 9% of respondents were 18-29 years of age, 30% were 30-44 years of age, 31% were 45-59 years of age, 23% were 60-74 years of age, 4% were 75 years or older, and 4% preferred not to answer or skipped the question.
- 31% of survey respondents were selected to sit as a juror and 67% were not selected to sit as a juror.
- 67% of respondents did not know the type of case/trial they were involved in. Of those that knew, 15% of respondents were involved in a criminal trial and 18% were involved in a civil trial.
- A majority (87%) of survey respondents used a desktop/laptop for virtual jury selection.



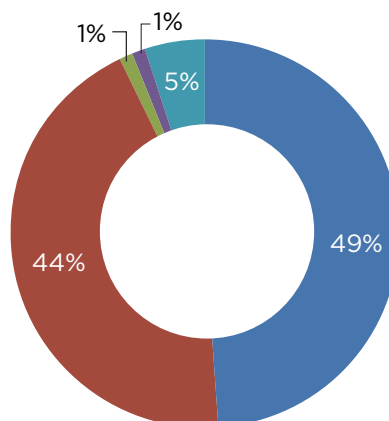
PROSPECTIVE JURORS - VIRTUAL JURY SELECTION BY RACE/ETHNICITY, GENDER/GENDER IDENTITY, AND AGE (n=251)

RACE/ETHNICITY



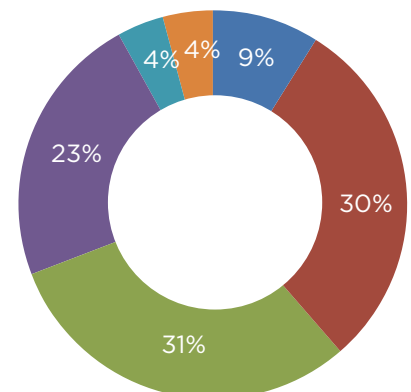
- Hispanic/Latino (n=3)
- White (Non-Hispanic) (n=190)
- African American (Non-Hispanic) (n=1)
- Asian (Non-Hispanic) (n=30)
- 2 or more races (Non-Hispanic) (n=7)
- Prefer not to answer (n=20)

GENDER/GENDER IDENTITY



- Female (n=123)
- Male (n=111)
- Transgender (n=2)
- Gender Variant/Non Conforming (n=3)
- Prefer not to answer (n=12)

AGE



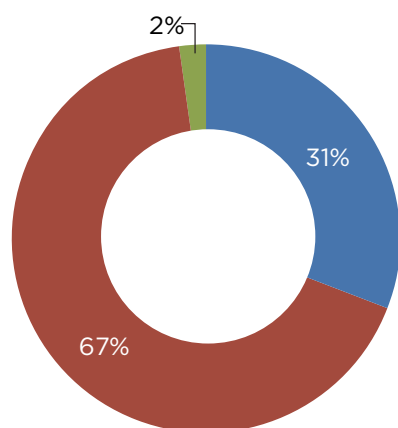
- 18-29 yrs (n=22)
- 30-44 yrs (n=75)
- 45-59 yrs (n=77)
- 60-74 yrs (n=57)
- 75 yrs or more (n=9)
- Prefer not to answer (n=11)

*Percentages may not equal 100% due to rounding



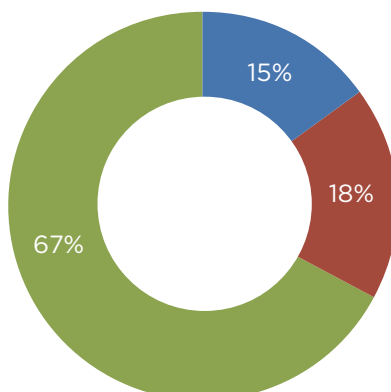
PROSPECTIVE JURORS - VIRTUAL JURY SELECTION WHETHER SELECTED TO SIT AS A JUROR, CASE TYPE & EQUIPMENT USED (n=251)

SELECTED TO SIT AS A JUROR



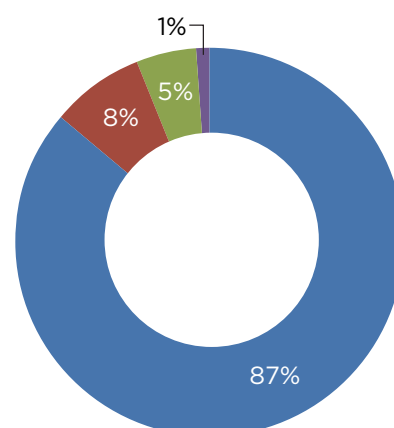
■ Yes (n=78)
■ No (n=169)
■ Don't Know/
 Did Not Answer (n=4)

TYPE OF CASE/TRIAL



■ Criminal (n=37)
■ Civil (n=46)
■ Don't Know/
 Did Not Answer (n=168)

EQUIPMENT USED



■ Desktop/Laptop (n=217)
■ Tablet (n=20)
■ Smart/Cell Phone (n=12)
■ Did Not Answer (n=2)

*Percentages may not equal 100% due to rounding

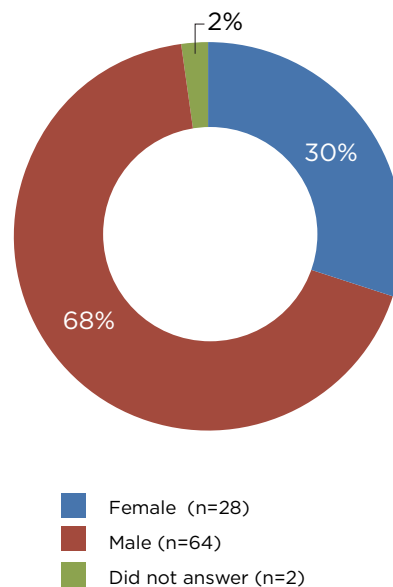
Attorney Respondents

The characteristics of attorney respondents (who were involved in civil matters only) are as follows:

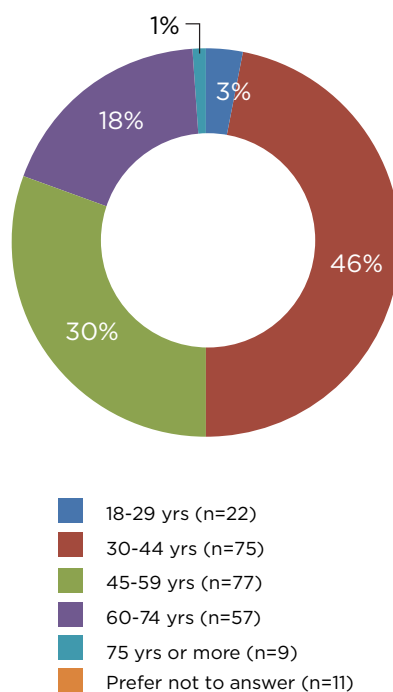
- 30% of attorney respondents were female, 68% were male, and 2% preferred not to answer the question.
- 3% of were 18-29 years of age, 46% were 30 - 44 years old, 30% were 45-49 years of age, and 18% were 60-74 years of age, 1% were 75 years or older, and 2% preferred not to answer the question.
- A plurality - the largest proportion - of attorney respondents had experience doing jury selection for more than 20 years (38%).
- A majority (86%) participated in 1-2 virtual jury selections during the research period and a majority (98%) used a desktop or laptop for the virtual jury selection process.
- A plurality of respondents (34%) was involved in civil tort, motor vehicle cases followed by the next highest, 22% were involved in civil tort, non-motor vehicle cases.

**CIVIL ATTORNEYS -
VIRTUAL JURY SELECTION
BY GENDER/GENDER IDENTITY,
AND AGE
(n=94)**

GENDER/GENDER IDENTITY



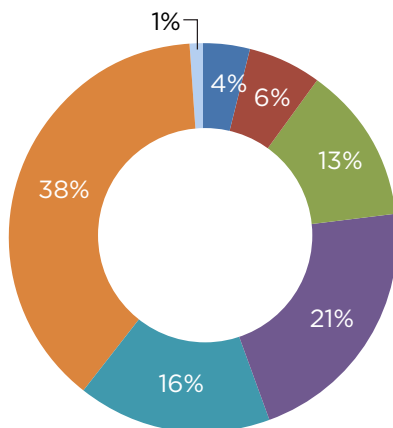
AGE



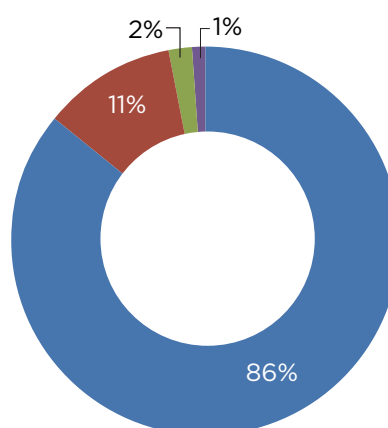
*Percentages may not equal 100% due to rounding

CIVIL ATTORNEYS - VIRTUAL JURY SELECTION

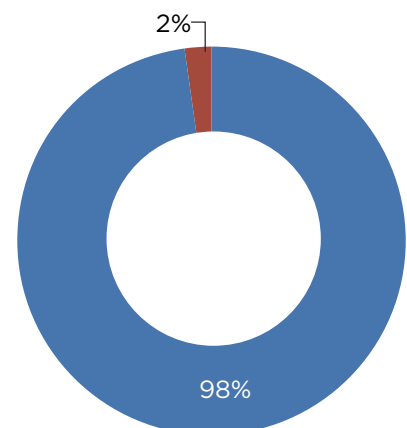
YEARS DOING JURY SELECTION & NUMBER OF VIRTUAL JURY SELECTIONS PARTICIPATED IN
(n=94)

YEARS DOING
JURY SELECTION

- < 1 year (n=4)
- 1-2 yrs (n=6)
- 3-5 yrs (n=12)
- 6-10 yrs (n=20)
- 11-20 yrs (n=15)
- > 20 yrs (n=36)
- Don't Know (n=1)

NUMBER OF
VIRTUAL JURY SELECTIONS

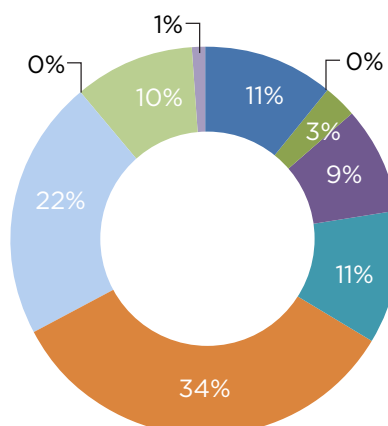
- 1-2 (n=81)
- 3-5 (n=10)
- 6 or more (n=2)
- Don't Know (n=1)

EQUIPMENT
USED

- Desktop/Laptop (n=92)
- Tablet (n=2)

CIVIL ATTORNEYS -
VIRTUAL JURY SELECTION

TYPE OF CASE(S)
HANDLED WITH
VIRTUAL VOIR DIRE
(n=103 responses¹)



- Contract/Commercial (n=11)
- Judgement (n=0)
- Property Rights (n=3)
- Tort, Asbestos (n=9)
- Tort, Medical Malpractice (n=11)
- Tort, Motor Vehicle (n=35)
- Tort, Non-Motor Vehicle (n=35)
- Writ (n=0)
- Employment/Worker's Comp (n=10)
- Appeal (n=1)

*Percentages may not equal 100% due to rounding

¹ This was a multiple response question. Respondents were asked to select all that apply

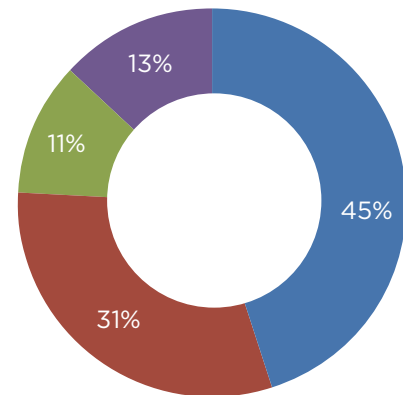
Court and Clerk's Office Employee Respondents

The characteristics of court and clerk's office employee respondents were provided in Section 3: Virtual Court Proceedings. For employees, the virtual jury selection questions were embedded in the virtual court proceedings survey; they were a subset of questions. Of the 182 employees that completed the virtual court proceedings survey, 75 of them completed the set of virtual jury selection questions (n=75). Below are the characteristics of the employees that completed the virtual jury selection questions by position and area of court.

- 45% (or nearly half) of employee respondents were bailiffs, 31% were courtroom clerks, 11% were other courtroom staff (e.g., court reporters, floaters), and 13% were staff who provide direct client services.
- 52% of employee respondents indicated they work in more than 1 area of the court, 20% were from the criminal area, 16% were from the family area, and 12% were from the civil area of the court.

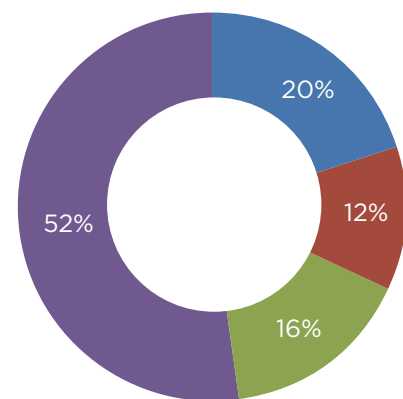
EMPLOYEES - VIRTUAL JURY SELECTION BY POSITION AND AREA OF THE COURT (n=75)

BY POSITION



- Bailiffs (n=34)
- Courtroom Clerk (n=23)
- Courtroom Staff (n=8)
- Staff w/Direct Client Contact (n=10)

AREA OF COURT



- Criminal (n=15)
- Civil (n=9)
- Family (n=12)
- > 1 area (n=39)

*Percentages may not equal 100% due to rounding

Court and Clerk's Office Employee Respondents

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- 52% of employee respondents indicated they work in more than 1 area of the court, 20% were from the criminal area, 16% were from the family area, and 12% were from the civil area of the court.

Virtual Jury Selection - Evaluation Results, Findings, and Recommendations.

The detailed results are presented next. Findings and recommendations are presented at the end of this section.

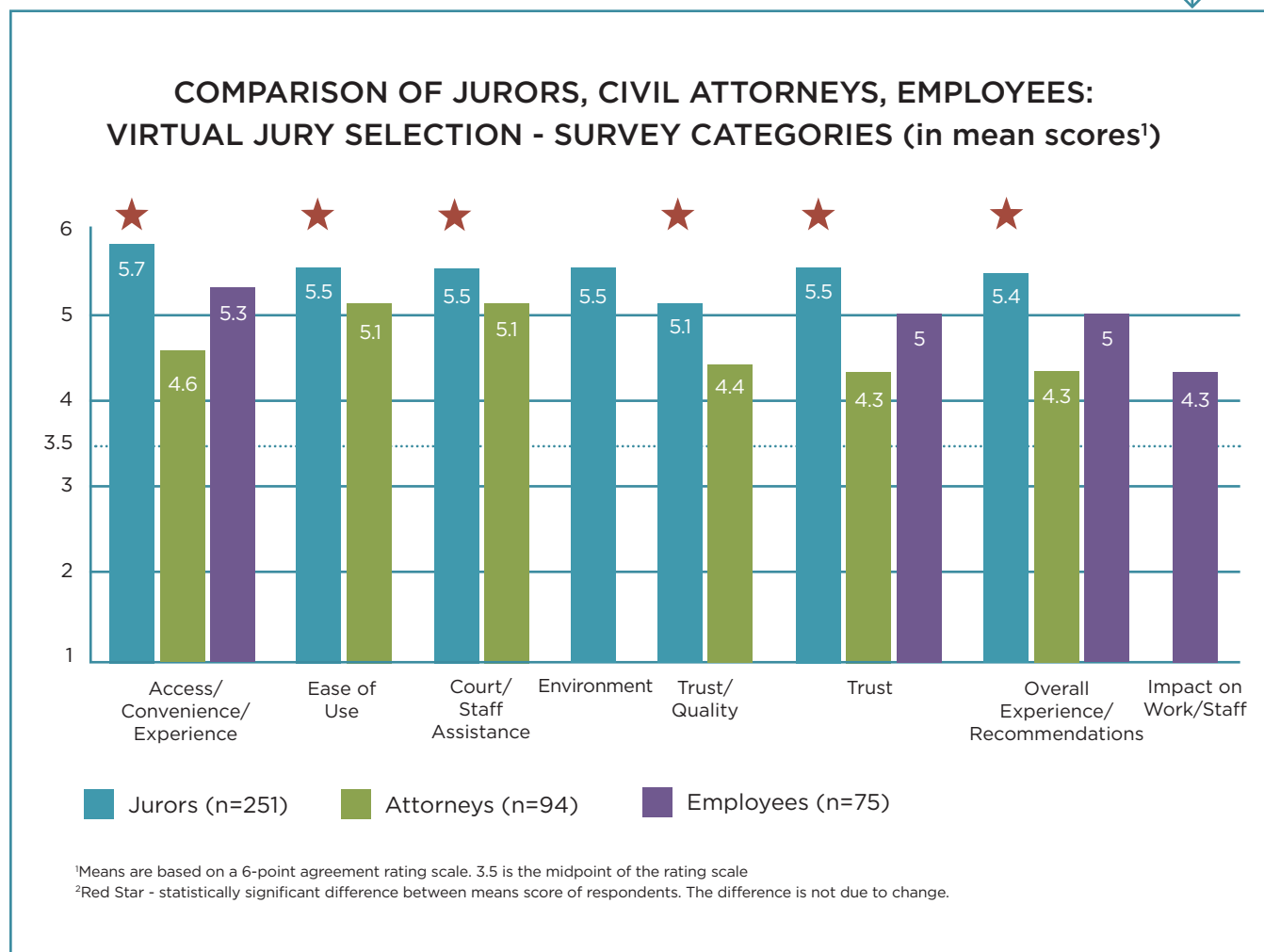
Ratings on All Survey Categories

The mean scores on all categories of questions across all respondent groups were positive. The chart below shows the average ratings of jurors, attorneys, and employees on each of the survey categories.

Observations:

- 1 Overall, the ratings on each category were positive/favorable. All of the mean scores for the respondent groups were above 3.5 (the midpoint of the rating scale).
- 2 All average ratings of prospective juror respondents were above 5.0 (on a 6-point rating scale).
- 3 The average ratings of attorney respondents on the "Ease of Use" and "Court/Staff Assistance" categories were above 5.0 (on a 6-point rating scale). The mean scores on the remaining four categories were between 4.3 and 4.6 (still positive on average, but significantly lower than juror respondents.). (see chart below)
- 4 Employee ratings also were very high. They rated the "Access/Convenience/Experience," "Trust," and "Overall Experience" categories 5.0 or above. The "Impact on Work/Staff" category was rated the lowest.
- 5 Juror ratings on all survey categories were exceptionally high. Prospective jurors rated each survey category significantly higher than attorneys, and in some cases significantly higher than employees. (see chart on the following page for additional details)

Jurors rated each survey category significantly higher than attorneys, and in some cases, significantly higher than employees (See red stars)



Results on Each Survey Category

The next 8 charts provide the average ratings for all questions in the survey categories. Comparisons are provided between the average ratings of respondent groups – prospective jurors, attorneys, and employees, – and on a couple of questions, the average ratings of judicial officers. Statistically significant differences in mean scores across respondent groups also are noted.

#1 Court Participant Experience – Access, Convenience, Safety Observations

Each question in this category was rated favorably by all survey respondents. The mean scores on all questions are above the mid-point of the rating scale.

Prospective jurors were very favorable about the court participant experience. They indicated that (1) using video conferencing technology/Zoom

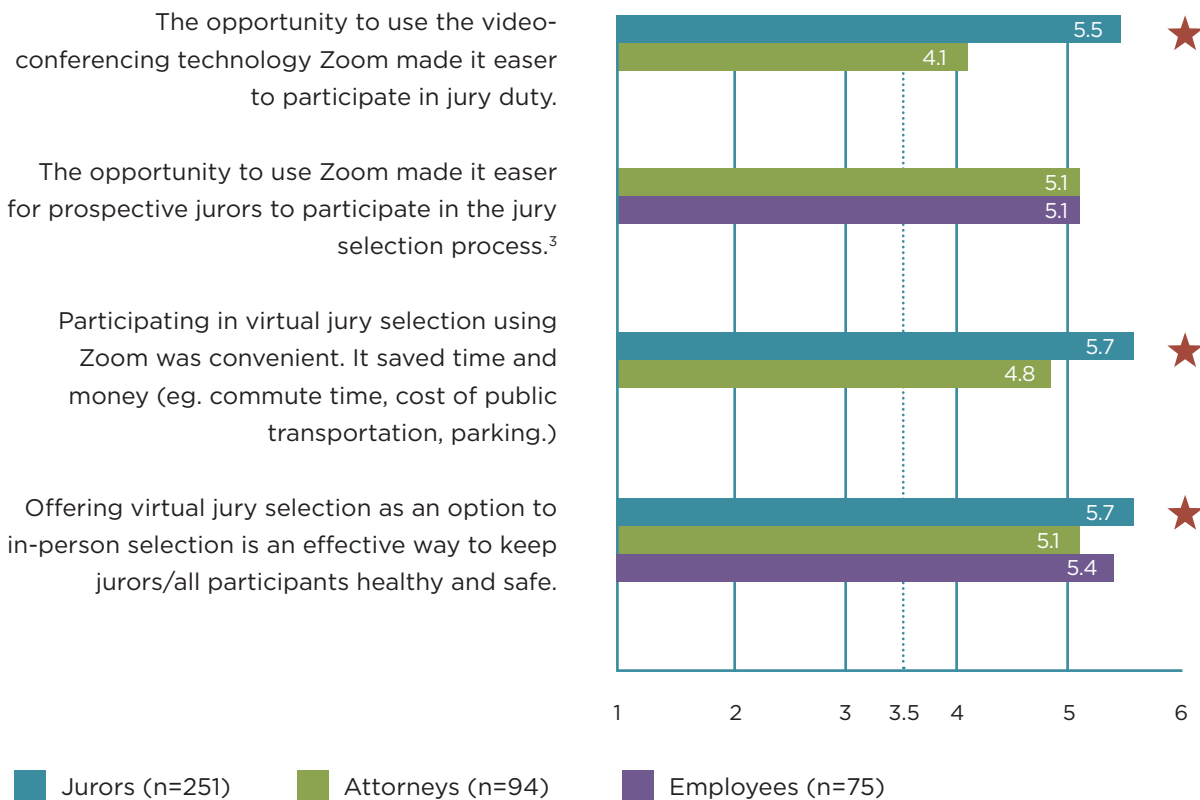
#1 COURT PARTICIPANT EXPERIENCE - ACCESS, CONVENIENCE & SAFETY COMPARISON OF JURORS, ATTORNEYS AND EMPLOYEES (in mean scores¹)

The opportunity to use the video-conferencing technology Zoom made it easier to participate in jury duty.

The opportunity to use Zoom made it easier for prospective jurors to participate in the jury selection process.³

Participating in virtual jury selection using Zoom was convenient. It saved time and money (eg. commute time, cost of public transportation, parking.)

Offering virtual jury selection as an option to in-person selection is an effective way to keep jurors/all participants healthy and safe.



¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

²Red Star - statistically significant difference between means score of respondents. The difference is not due to change.

³This question was asked of attorneys and employees only.

made it easier to participate in jury duty, (2) using Zoom was very convenient – it saved time and money, and (3) offering virtual jury selection as an option to in-person selection was an effective way to keep jurors/all participants healthy and safe.

95% of prospective juror respondents and 66% of attorney respondents said

using Zoom was convenient; it saved time and money.

Attorneys who handled civil matters and employees “agreed” that the opportunity to use Zoom made it easier for prospective jurors to participate in the jury selection process and concurred with prospective jurors that virtual jury

selection was an effective way to keep jurors/all court participants healthy and safe.

78% of attorney and 76% of employee respondents agreed that the opportunity to use Zoom made it easier for prospective jurors to participate in the jury selection process.

Attorneys “agreed somewhat” that the opportunity to use Zoom made it easier to participate in virtual jury selection. This was attorneys’ lowest rated question in this survey category.

89% of prospective juror respondents and 47% of attorney respondents said using Zoom made it easier to participate in jury duty.

The ratings of prospective jurors were significantly higher than the ratings given by attorneys.

Statistically significant differences in the mean scores of survey respondents are presented in the shaded table below.

Statistically Significant Differences in Mean Scores

#1 Court Participant Experience - Virtual Jury Selection

- > Civil attorney respondents with less than 6 years of experience rated the Court Participant Experience survey category, which measured access, convenience, and safety, significantly higher than attorney respondents with more than 20 years of experience.
- > Civil attorney respondents with less than 6 years of experience rated the following questions significantly higher than those with more than 20 years of experience.

“The opportunity to use video conferencing/Zoom made it easier to participate in the jury selection process.”

“Participating in virtual jury selection using Zoom was convenient. It saved me and/or my client time and money.”

- > Below are the statistically significant differences in mean scores by respondent groups on this question: *“Offering virtual jury selection as an option to in-person selection is an effective way to keep jurors/all participants healthy and safe.”*

Jurors rated this question significantly higher than attorneys and employees.

Female jurors rated this question significantly higher than male juror respondents.

Civil attorney respondents 18-44 years of age rated this question significantly higher than attorney respondents 60 years or older.

Civil attorney respondents with 6-20 years of experience gave significantly higher ratings than those with more than 20 years of experience.

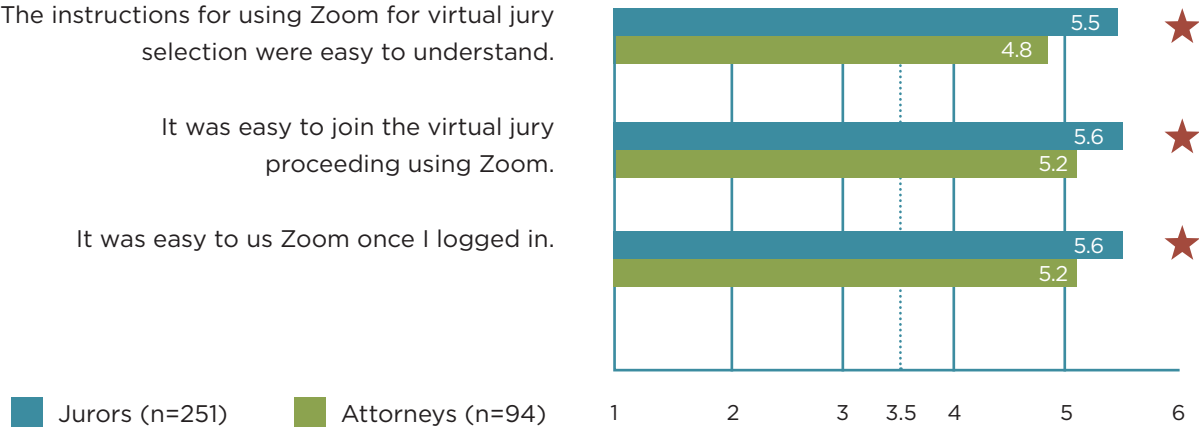
#2 EASE OF USE

COMPARISON OF JURORS AND ATTORNEYS (in mean scores¹)

The instructions for using Zoom for virtual jury selection were easy to understand.

It was easy to join the virtual jury proceeding using Zoom.

It was easy to use Zoom once I logged in.



¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

²Red Star - statistically significant difference between means score of respondents. The difference is not due to chance.

#2 Ease of Use Observations

Both prospective jurors and attorneys were very positive about ease of use. All questions were rated highly; all are above the mid-point of the rating scale.

Both respondent groups agreed or strongly agreed that (1) *instructions for using Zoom for virtual jury selection were easy to understand*, (2) *it was easy to join the virtual jury proceeding using Zoom*, and (3) *it was easy to use once logged in*.

92% of juror respondents and 85% of attorney respondents agreed that it was easy to join the virtual jury proceeding using Zoom.

Prospective juror ratings on these questions were significantly higher than attorneys.

92% of jurors and 81% of attorneys agreed it was easy to use Zoom once logged in.

There were no additional significant differences to report on in this set of questions.

#3 Court Assistance Observations

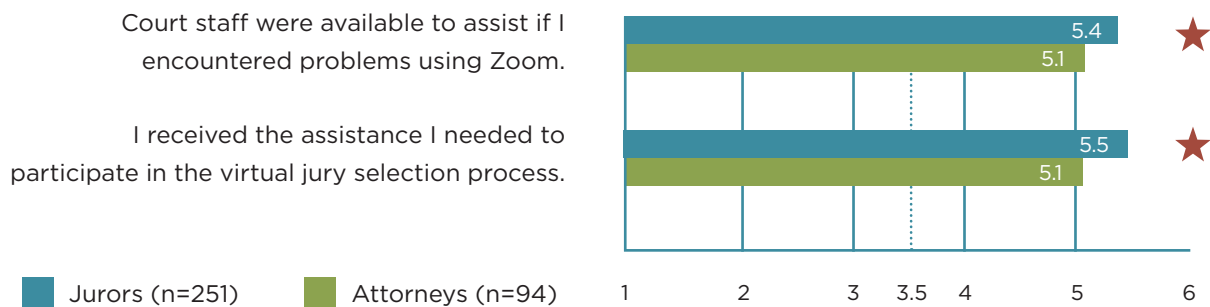
Prospective jurors and attorney respondents rated court assistance very positively. Both respondent groups agreed / strongly agreed that (1) *court staff were available to assist if they encountered problems using Zoom* and (2) *they received assistance they needed to participate in the virtual jury selection process*.

Prospective jurors rated both areas significantly higher than attorneys.

There were no additional statistically significant differences to report on in this set of questions.

#3 COURT ASSISTANCE

COMPARISON OF JURORS AND ATTORNEYS (in mean scores¹)



¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

²Red Star - statistically significant difference between means score of respondents. The difference is not due to chance.

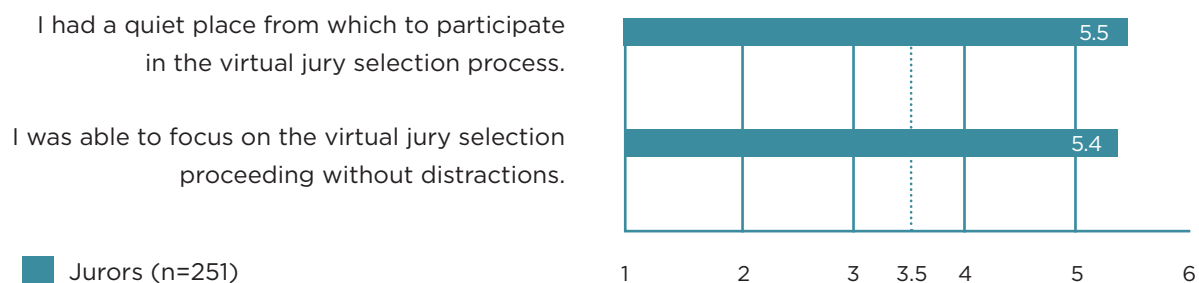
#4 Environment Observations

The questions in this category were asked only of prospective jurors because the questions pertained to jurors' environment. Juror respondents agreed

that they (1) had a quiet place from which to participate in the virtual jury selection process and (2) were able to focus on the virtual jury selection proceeding without distractions.

#4 ENVIRONMENT

JURORS ONLY (in mean scores¹)



¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

#5 Timely/Effective Observations

Prospective jurors “agreed” with the two questions asked of them in this survey category, and attorneys “agreed somewhat” with the three questions asked of them, which were:

The time it took to complete the virtual jury selection process was reasonable.

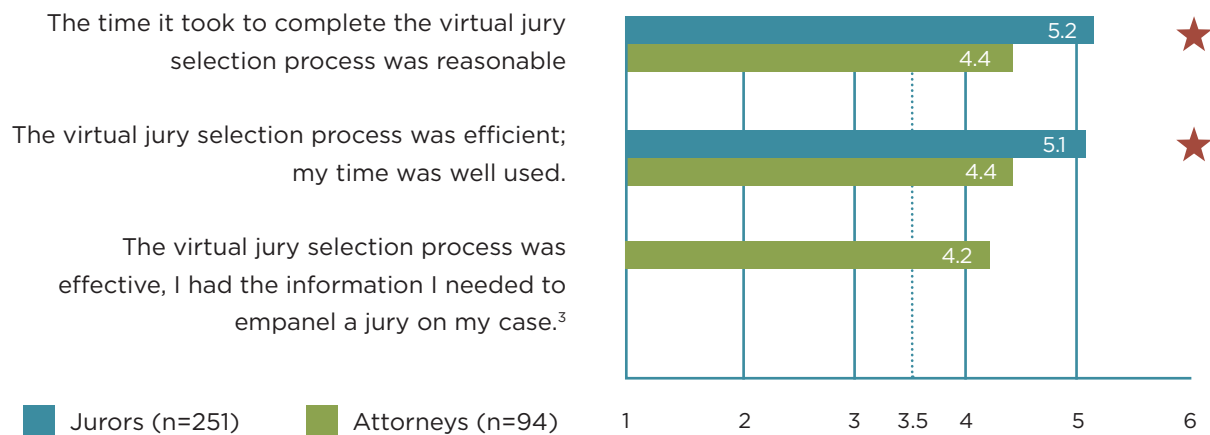
The virtual jury selection process was efficient; my time was used well.

Attorneys only: The virtual jury selection process was effective; I had the information I needed to empanel a jury on my case.

Juror respondents gave significantly higher ratings on this set of questions than attorneys.

There were no additional significant differences to report on in this set of questions.

#5 TIMELY/EFFECTIVE COMPARISON OF JURORS AND ATTORNEYS (in mean scores¹)



¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

²Red Star - statistically significant difference between means score of respondents. The difference is not due to chance.

³This question was asked of attorneys only.

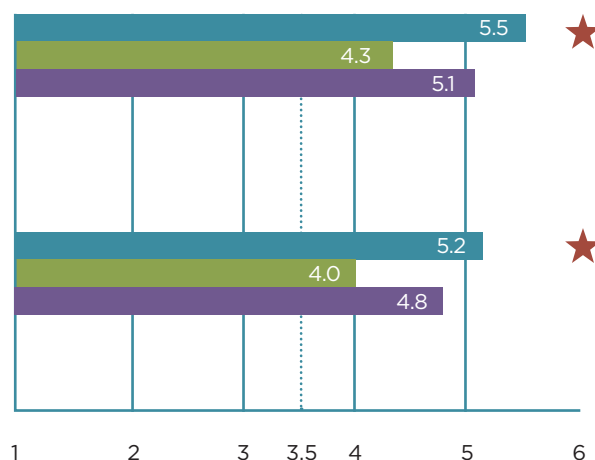
Of the 2 similar questions, jurors rated both significantly higher than attorneys (See red stars)

#6 TRUST AND CONFIDENCE

COMPARISON OF JURORS, ATTORNEYS, AND EMPLOYEES (in mean scores¹)

In my opinion, virtual jury selection is an acceptable method for selecting a jury. / Giving prospective jurors the option to participate in virtual jury selection is an acceptable method for selecting a jury.

If I were a participant in a legal matter, I would trust the virtual jury selection process. / I trust the virtual jury selection process. If it is an option in the future, I will recommend it to my clients.



■ Jurors (n=251)

■ Attorneys (n=94)

■ Employees (n=75)

¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

²Red Star - statistically significant difference between means score of respondents. The difference is not due to change.

#6 Trust and Confidence Observations

All respondents rated this survey category positively; all mean scores are above the mid-point of the rating scale.

Juror and employee respondents “agreed”, and attorney respondents “agreed somewhat”, with the following statements.

Virtual jury selection is an acceptable method for selecting a jury.

If I were a participant in a legal matter, I would trust the virtual jury selection process. / I trust the virtual jury selection process. If it is an option in the future, I will recommend it to my clients.

All survey respondents trust virtual jury selection although jurors trust it the most. The average ratings of jurors were significantly higher than the average ratings of attorneys.

See the shaded table for additional significant differences in the mean scores of survey respondents.

#7 Overall Experience/Future Recommendations Observations

The one question included in this survey category was viewed positively overall; the mean scores are on the agreement side of the rating scale (rather than on the disagreement side of the scale).

Statistically Significant Differences in Mean Scores

#6 Trust and Confidence - Virtual Jury Selection

- > Below are the respondent groups with significantly different average ratings to the following questions: Asked of Jurors: *In my opinion, virtual jury selection is an acceptable / effective method for selecting a jury.* / Asked of attorneys and employees: *Giving prospective jurors the option to participate in virtual jury selection is an acceptable / effective method for selecting a jury.*
 - Jurors rated the question significantly higher than attorneys and employees.
 - Employees gave significantly higher ratings than attorneys.
 - Female jurors rated this question significantly higher than male juror respondents.
- Civil attorney respondents with less than 6 years of experience rated the question significantly higher than those with more than 20 years of experience.
- > Both jurors and employees gave significantly higher mean scores than attorneys on this question. Female jurors rated it significantly higher than male juror respondents.
 - Asked of jurors and employees: *If I were a participant in a legal matter, I would trust the virtual jury selection process.* Asked of attorneys: *I trust the virtual jury selection process. If it is an option in the future, I will recommend it to my clients.*

All respondent groups recommended the Court continue providing the option to participate in jury selection using Zoom, although attorneys rated it the lowest. Jurors and employees “agreed,” and attorney respondents “agreed somewhat,” with the statement:

“Given my overall experience, I recommend the Court continue providing the option to participate in the jury selection process using Zoom.”

Juror respondents rated this question significantly higher than employees and attorneys handling civil matters, and employees rated it significantly higher than attorneys.

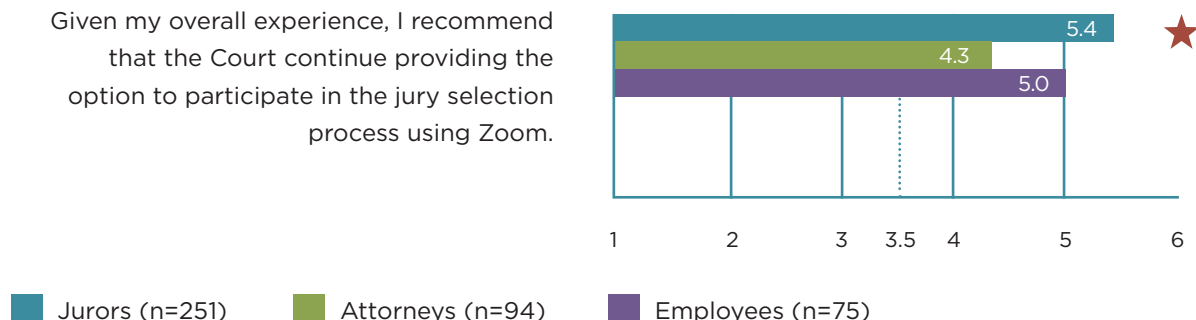
Juror respondents gave significantly higher ratings on the virtual jury selection process than attorneys. Prospective jurors believe it is convenient, easy to use, and effective. 78% indicated they would trust the virtual jury selection process if they were a participant in a legal matter. Overwhelmingly, 86% recommended the Court continue providing this option in the future (compared to 60% of attorney respondents).

See the shaded table on the following page for additional significant differences in the mean scores of survey respondents.

#7 OVERALL EXPERIENCE/FUTURE RECOMMENDATIONS

COMPARISON OF JURORS, ATTORNEYS, AND EMPLOYEES (in mean scores¹)

Given my overall experience, I recommend that the Court continue providing the option to participate in the jury selection process using Zoom.



¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

²Red Star - statistically significant difference between means score of respondents. The difference is not due to chance.

Statistically Significant Differences in Mean Scores

#7 Overall Experience/Future Recommendations

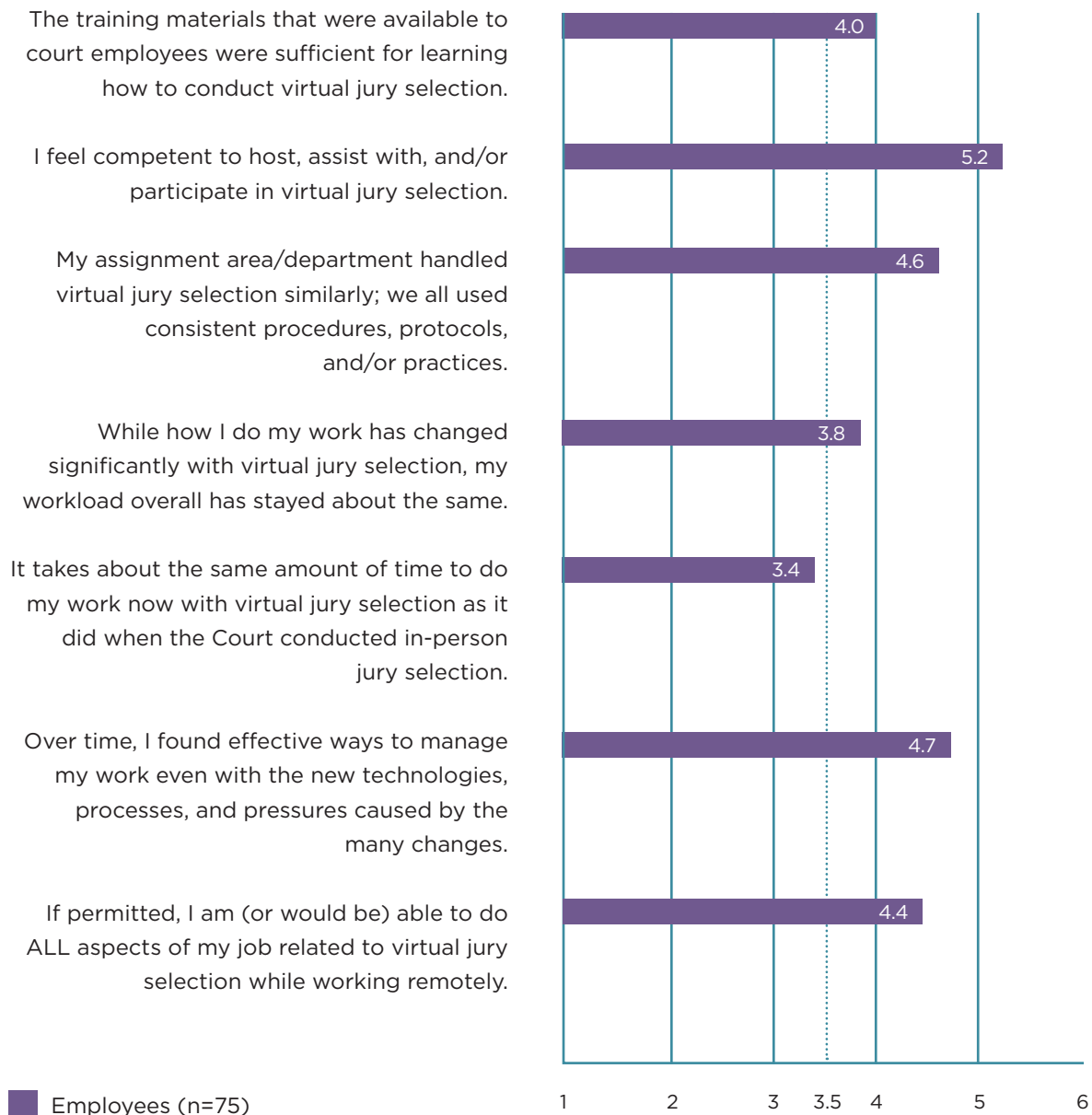
- > The statistically significant differences in mean scores provided by respondent groups on this question are listed below: Given my overall experience, I recommend that the Court continue providing the option to participate in the jury selection process using Zoom.
 - Jurors gave a significantly higher mean score than attorneys and employees to this question.
 - Employees rated this question significantly higher than attorneys.
 - Female jurors rated this question significantly higher than male attorneys.
 - Civil attorney respondents with less than 6 years of experience rated the question significantly higher than those with more than 20 years of experience.

Jurors rated this question significantly higher than employees and civil attorneys, and employees rated it significantly higher than attorneys. (See red star.)



Bailiffs gave significantly lower ratings to each question than courtroom clerks and staff with direct client contact.

#8 IMPACT ON WORK/STAFF EMPLOYEES ONLY (in mean scores¹)



¹Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale

²Red Star - statistically significant difference between means score of respondents. The difference is not due to change.

Statistically Significant Differences in Mean Scores

#8 Impact on Work/Staff - By Area of the Court

- > Criminal area employee respondents gave a significantly lower rating to the following question than employees that work in the family area and more than one area.

Over time, I found effective ways to manage my work even with the new technologies, processes, and pressures caused by the many changes.

#8 Impact on Work/Staff - By Position

- > Similar to video court proceedings, bailiff respondents gave significantly lower ratings to this entire set of questions than courtroom clerks and staff who provide direct client services.

- > The questions rated the lowest by bailiff respondents were:

It takes about the same amount of time to do my work now with virtual jury selection as it did when the Court conducted in-person jury selection

While how I do my work has changed significantly with virtual jury selection, my workload overall has stayed about the same.

The training materials that were available to court employees were sufficient for learning how to conduct virtual jury selection.

#8 Impact on Work/Staff Observations

All but one of the questions included in this survey category had overall mean ratings above the mid-point of the rating scale. However, there is considerable variability on each question and there are statistically significant differences among employee groups. (see below for details)

The highest rated question for employees was their *level of competence hosting and participating in virtual jury selection.*

80% of employees said they were competent to host, assist with, and/or participate in virtual jury selection. Only 7% did not feel competent.

Employees gave the lowest average ratings to these two questions: (1) *It takes me about the same amount of time to do my work now with video court proceedings as it did when the Court conducted in-person hearings* and (2) *While how I do my work has changed significantly with video court proceedings, my workload overall has stayed the same.*

See the shaded table to the left for additional significant differences in the mean scores of survey respondents.

Overall Satisfaction with Virtual Jury Selection

Prospective juror and employee respondents strongly endorsed the use of virtual jury selection; they gave very high satisfaction ratings. Jurors' ratings were the highest. Many jurors and employees are likely to recommend virtual jury selection to others, if continued by the Court.

Prospective juror respondents and employees highly endorsed the virtual jury selection process; they gave very high satisfaction ratings. Attorney respondents did not overwhelmingly endorse virtual jury selection. While still positive, their satisfaction ratings were considerably lower than the ratings of jurors and employees.

Attorney respondents did not overwhelmingly endorse virtual jury selection. While still positive, their overall satisfaction ratings were lower than the ratings of jurors and employees. The ratings of attorneys were bimodal: an equal number of attorneys strongly endorsed virtual jury selection while the other group did not endorse virtual jury selection. Additionally, there were differences among attorney groups: (1) attorneys between 18 – 44 years of age gave significantly higher ratings than attorney respondents 60 years or older and (2) attorneys that had practiced less than 6 years gave significantly higher ratings than attorney respondents with more than 20 years of experience.

According to juror respondents, the benefits to virtual jury selection were: convenience, increased safety, required less time off work, more efficient, easy to navigate, and saved time and money. Concerns included: the possibility of underrepresentation, bias, and lack of privacy.

NARRATIVE COMMENTS PROSPECTIVE JUROR RESPONDENTS

Positive Experience of Prospective Jurors

1. The experience was very positive. It was easy to use, convenient, and safe. No driving or parking issues. It also supports going "green."
2. It was very efficient; it saved time. It was much less stressful than appearing in-person.
3. The process was polished and professional; it was a lot easier and convenient than appearing in person.
4. It cut down on the amount of time off work.
5. Going downtown is too dangerous. This was a safe alternative.
6. The jury selection process is ideal for Zoom. The selection and jury process went very smoothly via Zoom.
7. This was an outstanding option; it should be continued in the future. This should be normal procedure.
8. I highly encourage the Court to continue this process post pandemic; it is safer, more convenient, and saves commute/transportation time.
9. Please continue to use it; make it an option post-pandemic.
10. Overall, a great process; very important for public health/safety now. It will be more convenient and efficient post pandemic.

NARRATIVE COMMENTS PROSPECTIVE JUROR RESPONDENTS

Concerns and/or Suggestions for Improvement

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Communication to prospective jurors was not very good. Dates/times were changed without much notice. Prospective jurors were not advised what to expect or how much time it would take. The lack of information made it difficult to plan. Information about the process, schedule, time commitment was insufficient. 2. We waited a long time without updates/new information. 3. The process needs to be improved. The process was confusing. 4. I believe the final jury selection should be done in person (once down to a reasonable number of people). 5. Some people had technical issues/problems. Many people struggled. They need more assistance. Delays were caused because of technical issues (e.g., people did not know how to mute themselves; there was background noise/people were talking). 6. Technology issues slowed down the process. 7. The process took longer than we were initially told. | <ol style="list-style-type: none"> 8. I have concerns about privacy. Confidentiality is a concern. There was no privacy in answering questions of attorneys (e.g., past DUI, conflict of interest, etc.) 9. Virtual is not as effective as in-person. Context is important; context is more evident when in-person. 10. I worry a jury selected virtually will have a bias toward younger and more technically savvy people. Some people may be underrepresented on juries if virtual is the only way to participate (e.g., people who do not have Internet access, don't know how to use a computer/mobile device, people with disabilities – physical or hearing, etc.). 11. There need to be alternative options for people who do not have Internet or computer/ mobile devices, or don't know how to participate virtually. 12. There may be disadvantages to the parties involved in a trial. The human element is missing when this process is virtual. |
|--|---|

NARRATIVE COMMENTS

ATTORNEY RESPONDENTS

Positive Experience of Attorneys

1. The virtual voir dire process worked smoothly. It was a great process. Potential jurors seemed more comfortable in their own homes and seemed more forthcoming with their opinions and biases. I highly recommend this format for future use.
2. Getting information from the Court several days in advance made the virtual process more efficient.
3. Virtual jury selection is far cheaper, easier, and more convenient for all. However, reading people is easier in person.
4. The process worked well with smaller panels and the judge allowed more time.
5. Zoom jury trials should be used going forward. It is a way to ensure access to timely justice.
6. Virtual jury selection enables individuals to participate in jury service who would otherwise be unable to go to the courthouse.
7. I prefer Zoom jury selection over in-person, however, the panel was less diverse than when selecting in-person. This should be examined in the future.
8. My experience is that the jury panels were more diverse and engaged, and the surveys gave us more information to make informed decision about who to keep/not keep.
9. Zoom should be the default jury selection method moving forward. It was more convenient for jurors (they did not need to travel to Kent or Seattle) and we saw a diverse cross-section of jurors that we rarely see when selecting in-person.
10. Jurors were engaged; they seemed more relaxed and open. I liked being able to observe jurors' responses to jury selection.

Concerns & Recommendations for Improvement

1. Virtual jury selection should not be required. It is difficult to examine/read body language and individual reactions when done virtually. Assessing a juror's demeanor is not possible unless in-person. Making an informed decision is difficult when not in person. Seeing prospective jurors in-person is vital to the process of a jury trial. It should not be replaced by Zoom.
2. During COVID, virtual jury selection should be used to keep access to justice moving. Post-COVID, I do not endorse it. In-person is preferred over virtual when not in a pandemic.
3. Virtual jury selection took a long time (e.g., 2.5 days, 1 week); it was a waste of time. The process was unwieldy, unorganized, and inefficient. Too much time was allowed by the judge. The process was prolonged, which delayed the start of the trial.
4. Some jurors did not pay attention or were distracted.
5. The energy in the room is lost when selecting a juror virtually.
6. Some prospective jurors were technically challenged. They were struck automatically by the judge. Virtual jury selection is not an acceptable replacement for in-person voir dire. People should not be disqualified from jury service because they do not have access to / know how to use technology.
7. Virtual jury selection disallows/prevents older jurors, poorer jurors, those without the technology from participating. This is unacceptable.

More Concerns & Recommendations for Improvement

8. In-person voir dire cannot be replicated via Zoom. It can be done, but it is not the same; it is not as effective. Potential jurors were not willing to open up and freely share their thoughts/ opinions. I do not believe in virtual jury selection.
9. The giant Excel spreadsheet containing responses to the long questionnaire was too large and unwieldy. A different system is needed.
10. Zoom is fine during a pandemic, but it will never be as good as in-person.
11. Virtual jury selection may be efficient, but it is not effective. It should continue to be done in person.
12. Jury selection can be done virtually, but once selected, the trial should be in-person.
13. If virtual jury selection is continued post-COVID, the Court must make it more efficient (e.g., avoid starts and stops, rescheduling, improve communication, etc.)
14. I suggest the Court have an IT/technical person run Zoom, not the bailiff or clerk. This person could be funded by the parties or an officer of the court (like a private court reporter). Technical/logistical issues could be avoided with this arrangement.

According to about one-half of attorney respondents, virtual jury selection was effective, efficient, convenient, and should be continued post-pandemic. The other half said the opposite: virtual jury selection was too time-consuming, inefficient, ineffective, unfair, and should not be continued post-pandemic.

NARRATIVE COMMENTS
EMPLOYEE RESPONDENTS

Positive Experience of Court & Clerk's Office Employees

1. Virtual jury selection is working well. The feedback received from jurors is overwhelmingly positive.
2. Virtual jury selection allows prospective jurors to participate in the jury selection process without incurring added costs, time, and/or the hassle of commuting to the courthouse. It also keeps them safe. Downtown Seattle is not safe; it is dangerous and out of control.
3. More people will likely participate in jury service if they do not have to travel, park, etc. in order to appear.
4. Virtual jury selection is much more convenient for jurors; it is a sufficient option.
5. Virtual jury selection is a great option for potential jurors. It seems we have higher participation rates and more diverse pools than when in-person.

Concerns and Recommendations for Improvement

1. Remote jury selection takes longer and has increased the workload of bailiffs. Juror questionnaires, gathering responses, handling juror inquiries via email, scheduling panels, etc. were not previously the responsibilities of bailiffs. Bailiffs are not able to handle other work during the day because of additional duties – monitoring the screens and managing the process.⁶
2. Virtual jury selection is much more difficult than the in-person process.
3. Jury processes vary greatly across courts. It is not feasible to have bailiffs cover for each other because we all do it differently.
4. Judges handle jurors falling off differently. There is no consistency on how to handle aspects of virtual jury selection.
5. Virtual voir dire is good for jurors but not fair for the defendant. Counsel needs to be able to view body language.
6. Virtual jury selection is not equivalent or superior to being in-person, even though it is a sufficient option.
7. Some jurors struggled navigating Zoom.

⁶Additional tasks associated with virtual jury selection included: hosting, managing, scheduling, contacting and corresponding with jurors; updating the jury staff on all aspects of virtual juror attendance; providing information and troubleshooting for counsel and court staff on Zoom/new courtroom technology; sending and compiling questionnaire results; converting and filing the questionnaire results. All of the above could be done remotely but two monitors would be optimal. Another respondent described the increased work for bailiffs as: preparing questionnaires, responding to emails, providing tech support, preparing information for attorneys, etc.

EVALUATION FINDINGS

Our findings and recommendations relating to virtual jury selection are next.

> **Favorable Ratings.**

Overall, the virtual jury selection process was viewed positively by a large proportion of prospective jurors, attorneys, and employee respondents. Juror respondents gave the highest ratings, followed by employees.

> **Satisfaction Levels – Jurors and Employees.**

Prospective juror respondents and employees highly endorsed virtual jury selection; they gave high satisfaction ratings.

> **Benefits of Virtual Jury Selection, per Jurors.**

The benefits of virtual jury selection according to juror respondents included: convenience, safety (health and physical), less time off from work, efficiency, easy to navigate, and time and money savings.

> **Primary Concerns and Recommendations, per Jurors.**

The primary concerns of virtual jury selection according to prospective juror respondents included: the possibility of underrepresentation, bias, and lack of privacy when selecting a jury virtually. Recommendations for improvement included: communicate better with prospective jurors, resolve the technical issues, and improve/streamline the process.

> **Female Jurors.**

Female jurors gave significantly higher ratings on many of the questions than male jurors.

> **Satisfaction Levels – Attorneys.**

While positive overall, attorneys were less satisfied than the other respondents. An equal number of attorneys gave high satisfaction as gave low satisfaction ratings. Additionally, civil attorneys were divided on their experiences with and recommendations about the future of virtual jury selection. One-half of the narrative comments from attorneys made positive comments: virtual jury selection was effective, efficient, more convenient, and should be continued post pandemic. The other half said virtual jury selection was too time consuming, inefficient, ineffective, unfair, and should not be continued post-pandemic. They preferred in-person jury selection over virtual.

> **Years of Experience –Attorneys.**

Attorney respondents with less than 6 years of experience gave significantly higher ratings on many of the questions than attorneys with more than 20 years of experience.

> **Workload of Bailiffs.**

The virtual jury selection process significantly affected the work and workloads of bailiffs. They acquired additional responsibilities with the virtual voir dire process. Bailiffs gave significantly lower ratings to this set of questions than did courtroom clerks and staff who provide direct client services and who do not have responsibilities related to jury selection.

RECOMMENDATIONS:

- 1 **Continue Offering Virtual Jury Selection as an Option.**
Continue offering virtual voir dire as an option for all cases based on the positive ratings and significant benefits documented in this study. Continue to improve the virtual jury selection process to address the concerns raised by study participants. NOTE: There is a rule pending before the Washington State Supreme Court. Whether KCSC can continue virtual jury selection depends on whether the Supreme Court adopts the rule permitting it to continue.
- 2 **Develop Standardized Procedures.**
Develop and implement consistent practices and procedures; implement across all areas of the Court.
- 3 **Continue Training in Collaboration with Bar Associations.**
Continue educating attorneys/ others on the virtual jury selection process, in collaboration with Bar Associations. Focus efforts on increasing the competence and comfort levels of all attorneys, and especially attorneys who have been practicing for more than 11 years.
- 4 **Share Findings; Promote Change in the Court System.**
Share the results of this study widely both internally and with the broader legal and justice system community. All need to know that the virtual jury selection process was viewed positively overall, and an overwhelming number of study respondents recommended that it be continued in the future.
- 5 **Continue to Evaluate and Recalibrate Jobs and Workloads.**
Evaluate the complete virtual voir dire process. Analyze the new job duties and responsibilities, the workloads, and the division of labor of all courtroom staff (i.e., bailiffs, courtroom clerks, others). Update job descriptions of bailiffs and others to reflect current job responsibilities and requisite skills to conduct the work. Re-balance and/or realign duties and workloads as needed. Evaluate the need to recalibrate pay consistent with new duties, responsibilities, and requisite skills.

SECTION 5:

Remote Work

Remote work in the administrative divisions of the King County Superior Court (KCSC) was the final area evaluated as part of the State Justice Institute (SJI) Pandemic grant. This section includes the findings from the evaluation, which focused on how remote work affected (a) customer service (internal and external), (b) the work of employees in the administrative divisions, (c) productivity and job performance, and (d) team members and other employees across the Court (e.g., collaboration, workload).

The following areas of the Court were included in, and will be affected by, the evaluation of remote work:

- Court Administration (executive office and staff)
- Infrastructure Services
(Superior Court IT, HR, Fiscal, Facilities)
- Court Operations (jury services, interpreter services etc.)
- Family Court Services
- Juvenile Services.

Judicial and courtroom staff (i.e., bailiffs, courtroom clerks, floaters, etc.) will not be affected by the remote work evaluation findings. The Court has implemented a policy requiring courtroom staff to be in-person for all court proceedings.

This section of the report is organized as follows:

- 1 How remote work was handled in the Administrative Divisions of the Court.
- 2 Methodology.
- 3 Remote Work – Detailed Summary of Evaluation, Findings, and Recommendations.

How Remote Work was handled in the Administrative Divisions of the Court

The Court's leadership team – Chief Judges and Directors – chose remote work as a third area to study for this evaluation because it was viewed as a promising practice. Pre-pandemic, remote was not permitted per policy except in rare instances (e.g., medical reasons). When the pandemic hit, the administrative areas of the court pivoted nearly overnight to remote work. Thanks to the tireless efforts of the administrative leadership team (comprised of the chief administrative officers, directors, and managers), innovative procedures and practices were developed and implemented. Remote work proved possible, and in many instances effective throughout the pandemic.

As a promising future practice, remote work was chosen because it aligned with the Court's core value of access, service to the public, innovation, and safety. It also aligned with the Court's vision of the future, one element of which is to create an ideal, satisfying, and engaging place to work.

The administrative and operational divisions of the Court began providing virtual services and working remotely in March 2020, similar to the changes that occurred in judicial and courtroom

areas (as described above). Each division and the many court programs and client services (juvenile services, family court services, court administration and operations, civil and criminal department support) developed new procedures and methods for providing remote services to court users, working remotely, and providing internal service and support to the workforce (e.g., IT, fiscal, HR, etc.).

The Superior Court IT Department was instrumental in making remote work possible. The Department provided the requisite technology and equipment to employees and IT staff supported the workforce in this transition. The Court had recently begun moving to replacing PCs with laptops for greater mobility, but at the time of the pandemic had not fully transitioned.

The court did not close to the public because of the COVID pandemic, but adjusted operations to accommodate local public health social distancing guidelines and safety concerns. Remote work included, but was not limited to: virtual client meetings, groups, seminars, and classes; staff/program meetings, supervisor and employee meetings, team retreats, and trainings; interviews, new hire orientations/on-boarding, and employee reviews; community presentations, engagements, celebrations, and programs; stakeholder, community partner, and interagency gatherings.

An informal, hybrid work arrangement evolved throughout 2020 and 2021, and continues in 2022. With management oversight, these arrangements have allowed many employees to continue to work at a court location (onsite) some of the time and from home (remote) other times. Considerations for continuing to allow remote work included:

- The nature of the work (of each employee/work team).

- The needs of clients/court users.
- The needs of the division and/or work teams.

The findings and recommendations from this evaluation will assist the Chief Administrative Officer and Directors in making decisions about, and recommendations for, the future of work at the Court. They will help the Court's administrative leadership team with information to develop an optimal work arrangement for areas of the Court that will uphold high standards and expectations for all employees. In short, the findings will help ensure future remote work practices will:

- Maintain the highest quality of services to court users.
- Maintain high levels of productivity.
- Ensure accountability for performance.
- Promote collaboration and camaraderie within and across teams and divisions.
- Provide consistency and equity in practices and procedures across administrative divisions/areas.

Methodology

The starting premises for studying remote work and considering optimal work arrangements post pandemic were:

- Remote work allowed the Court to continue operating during the pandemic, without which the court would have shut down for periods of time during the past 24 plus months. Although

not perfect (e.g., it appears remote work worked more effectively in some units/areas of the court than in other areas), pivoting to remote work allowed the Court to continue to serve court users and remain open and operate throughout the pandemic.

- It is important to understand the unintended effects on others – customers, co-workers, and stakeholders – when considering, recommending, and/or adopting a hybrid work arrangement for the administrative divisions/ areas of the Court. Understanding the effects on others will help the Court make decisions about the future of work in the absence of a pandemic and for reasons other than health and safety.
- The Court's Administrative Leadership is interested in developing, recommending, and adopting an optimal hybrid work arrangement – a combination of onsite and remote work – for the Court's administrative divisions in the future post pandemic.
- A hybrid work arrangement, if implemented post pandemic, will need to be added by reference to the Administrative Guidelines. It ideally will apply to as many work units/functions as possible. It is intended to be the default arrangement; it is to be inclusive (rather than exclusive).
- All work arrangements – whether onsite or remote – will not compromise service or performance. That is, all work arrangements will require the highest quality of services to court users and high levels of productivity and accountability of all employees. If adopted post pandemic, remote work, or a hybrid work

arrangement, is a management option that can be terminated or altered at any time at the sole discretion of the Court. Remote work is not a right or a benefit of employment and is not a perk to be afforded to employees solely for convenience, flexibility, high morale, etc.

Three methods were used to study the impact of remote work. The Court's administrative leadership team, comprised of 55 directors, managers, and supervisors from across the Court, were involved extensively in the first two methods described next. A sampling of other staff (e.g., who provide direct client and other services) were involved in the third method, which is describe below.

METHOD 1: LEADERSHIP TEAM MEETING

A virtual leadership team meeting was held in early November 2021. All directors, managers, and supervisors participated in the meeting, which was devoted to the evaluation of remote work (N=55). Attendees discussed and provided responses to the following questions:

Under what circumstances will working remotely work best in the future (post pandemic)?

Under what circumstances will remote work not work very well (or at all) in the future (post pandemic)?

In addition to the breakout group discussions, anonymous, individual responses were gathered from attendees to the following questions using a remote polling tool (i.e., Poll Everywhere – www.PollEv.com/praxis):

Benefits:

What are the benefits to implementing a hybrid work arrangement post pandemic (list your top three)?

Drawbacks:

What are the drawbacks to implementing a hybrid work arrangement post pandemic (list your top 3)?

Future Opportunities:

What opportunities do you foresee for the Court by having a hybrid work arrangement post pandemic (list your top 3)?

Concerns:

What concerns do you have about a hybrid work arrangement post pandemic (list up to 3)?

Success:

What is needed to make a hybrid work arrangement successful post pandemic?

Additional Comments/Suggestions?**METHOD 2: DIVISIONAL/UNIT ANALYSIS**

Directors of the Court's administrative divisions were asked to do a deeper analysis of the effects of remote work on their respective divisions/areas of the Court. Managers, supervisors, and in some instances, employees, were involved in this analysis. Each administrative division of the Court submitted written responses to the following questions. The responses were presumably based on their first-hand experiences and observations.

What has been the impact of remote work on:

- Level of customer service (internal and external).
- Quantity and quality of work/productivity.

- Employees/work teams (e.g., team members, team dynamics/relationships; collaboration and communication within units/areas and across units/areas, etc.
- Managers/supervisors (e.g., training, check-ins).
- Technology/equipment needs.
- IT support.
- Other areas of administration/infrastructure – facilities, space, footprint, fiscal, HR, etc.

METHOD 3: SURVEY OF STAFF

Information about remote work also was gathered from a small group of court employees (n=79) through the virtual court proceedings survey (described above). Employees who will be covered by a hybrid work policy if adopted answered the five Likert-type, scaled questions about remote work. Staff who provide direct client services such as juvenile probation counselors, social workers, early resolution case managers, CASA attorneys/supervisors, and family treatment court staff and other staff who provide a variety of services such as court coordinators and floaters answered the remote work survey questions.

The five Likert-scaled survey questions were:

- 1 Overall, my job duties are such that I believe I would be able to participate in a hybrid work arrangement post pandemic, if permitted.
- 2 If court administration continues a hybrid work arrangement post pandemic, I believe the court will maintain a high level of service to court users.

- 3 If court administration continues a hybrid work arrangement post pandemic, I believe employee productivity will remain high.
- 4 In my opinion, a hybrid work arrangement post pandemic will NOT adversely affect my team members.
- 5 In my opinion, a hybrid work arrangement will NOT adversely affect employees in other units/areas of the Court.

Remote Work – Evaluation Results, Findings, and Recommendations

This section provides a detailed summary of the remote work evaluation. Findings and recommendations are presented at the end of this section.

METHOD 1: LEADERSHIP TEAM MEETING

Directors, managers, and supervisors provided the following responses to the study questions. A comprehensive summary is provided next.

Where Remote Work Will / Will Not Work Well Post Pandemic.

Next is a summary of the circumstances where remote work will work best, and where remote work will not work very well (or at all), post pandemic, according to directors, managers, and supervisors.

CIRCUMSTANCES WHERE REMOTE WORK WILL WORK WELL AND NOT VERY WELL POST PANDEMIC

Will Work Well Post Pandemic (not in priority order)

TYPE OF WORK/JOB DUTIES

Some job duties are conducive to working remotely:

1. Administrative tasks such as data entry/ input, paperwork, etc.
2. Work that is done on a computer/ looking at a monitor – writing reports/ drafting recommendations, attending meetings, emails, etc.
3. Serving customers by telephone, email, or video
4. Work that is asynchronous – it can be accomplished independently without the need for immediate interaction, collaboration, or communication with others; it does not require a personal handoff
5. Some managerial/supervisory duties can be accomplished virtually (e.g., check-in meetings, coaching, performance feedback, initial interviews, etc.)

POSITIONS

Some positions have job duties that are conducive to serving court users while working remotely

1. Examples include staff who: provide direct client services by email, telephone, or video, spend time serving court users/clients in the community, work independently and/or do data input/work in front of computers, have internal support roles such as IT, HR, fiscal
2. Many managerial/supervisory duties can be completed virtually (e.g., quick check-ins, team meetings, coaching/providing feedback, etc.)

Will Not Work Very Well Post Pandemic (not in priority order)

TYPE OF WORK/JOB DUTIES

Some job duties are not conducive to working remotely:

1. Serving walk-in customers/court users
2. Meeting in-person with clients/court users (in the office, in the community, etc.)
3. Some client services that require being in-person (e.g., fingerprinting, etc.)
4. Work that is synchronous – must be completed simultaneously, requires teamwork coverage, includes time-sensitive handoffs and/or sensitive communications
5. Some management responsibilities (e.g., hiring, onboarding, training, coaching/mentoring, team building, etc.). Note some of these can be completed virtually but they are more effective when at least some of the time they are completed when face-to-face)

POSITIONS

Some positions have job duties that are not conducive to serving court users while working remotely

1. Examples include staff who: support courtroom functions, need to be available to serve walk-ins (e.g., interpreters, facilitators), screen clients, work in teams that rely on each other to support court operations; must be onsite to support the workforce (e.g., facilities, some IT, etc.)
2. Some managerial/supervisory duties are best when done in-person (e.g., building relationships, onboarding and training new employees, performance improvement coaching, etc.)

Will Work Well Post Pandemic (not in priority order)

OTHER/MISCELLANEOUS CIRCUMSTANCES

1. When staff have the requisite equipment/technology, know how to use it, & have IT support to help troubleshoot issues
2. When staff have a suitable workspace and work environment (e.g., private, ergonomically correct)
3. When health and safety are concerns
4. When physical safety is a high priority
5. When inclement weather occurs accomplished virtually (e.g., check-in meetings, coaching, performance feedback, initial interviews, etc.)

Will Not Work Very Well Post Pandemic (not in priority order)

OTHER/MISCELLANEOUS CIRCUMSTANCES

1. When staff do not have the requisite technology/equipment, don't know how to use it, or do not have adequate tech support
2. When staff do not have a suitable home workspace and/or work environment (e.g., they do not have a private or quiet space, the space is not ergonomically correct, etc.)

Benefits and Drawbacks.

The benefits and drawbacks to implementing a hybrid work arrangement based on the experiences of directors, managers, and supervisors are summarized in the table below.

BENEFITS AND DRAWBACKS TO A HYBRID WORK ARRANGEMENT POST PANDEMIC

Benefits (not in priority order)	Drawbacks (not in priority order)
<ol style="list-style-type: none"> 1. Spend less time commuting and more time working; many report the same or higher levels of productivity and high levels of customer service via telephone, email, video 2. Increases access and improves convenience for many court users/clients when remote/virtual services and assistance are available to them; virtual services are responsive to the needs of some court users/clients 3. Saves time (commuting) and decreases costs (e.g., less mileage reimbursement) 4. More productive and happier employees; hybrid increases flexibility, which is a frequent request from staff; this improves the morale of employees 5. Reduces stress and burnout; improves employee well-being; better work-life balance 6. Better for the environment/climate 7. Reduces workplace absences 8. May result in space/cost savings over time – need less space if the Court moves toward shared space and reduces footprint 	<ol style="list-style-type: none"> 1. Some job duties cannot be done in a remote arrangement; some positions have job duties that cannot be completed remotely; some staff may not feel it is fair for some to be able to work remotely/work equity issues; it may adversely affect morale, be divisive, and exclusive 2. Some onsite staff may have to assume duties of others or cover for staff working remotely 3. Some supervisory/managerial duties are more difficult in a hybrid arrangement (e.g., creating a work schedule that provides adequate office coverage; overseeing work and monitoring people; team building; building a cohesive team; assessing performance and productivity; onboarding/ training new staff; etc.) 4. Work/life balance may be difficult to achieve for some; the work/non-work line can be blurred 5. Some staff may feel isolated from/lack of connecting with colleagues 6. Some staff may not have a home environment conducive to working remotely; they also may not have the necessary technology to work remotely, or the technology may fail 7. Service levels and productivity may not be as good or may decline, some fear

Future Opportunities and Concerns.

A hybrid work arrangement post pandemic provides future opportunities and concerns for the Court and employees. Future opportunities and concerns identified by directors, managers, and supervisors are summarized in the table below.

FUTURE OPPORTUNITIES AND CONCERNS WITH A HYBRID WORK ARRANGEMENT POST PANDEMIC

Opportunities (not in priority order)	Concerns (not in priority order)
<ol style="list-style-type: none"> 1. Continue moving to a paperless Court 2. Realize cost savings by reducing office space, parking needs, travel reimbursement to attend meetings, etc. 3. Realize indirect savings including less travel time for employees to attend meetings, increased productivity, less time doing administrative work to process travel reimbursements, etc. 4. Continue operations during inclement weather 5. Increases access, services, and safety for court users/clients; allows for providing services outside of traditional court hours (e.g., evenings, weekends, etc.) 6. Increases ability to recruit/fill positions, employee motivation/satisfaction, and retention – Court is viewed as a progressive organization and striving to achieve vision 7. Increases flexibility/options for court users and employees 	<ol style="list-style-type: none"> 1. Lower levels of customer service and productivity 2. Adverse effects on relationships, teamwork, cohesion, connectedness, court culture 3. Fairness/perceptions of fairness (work equity issues) 4. Some staff may not have equipment, Wi-Fi, workspace/environment to work remotely 5. Scheduling, adequate staff onsite to provide in-person service, coverage for staff working remotely 6. Staff may view it as an “entitlement” 7. Less work-life balance; blurred lines 8. Managing/supervising onsite and remote staff effectively

What is Necessary for a Hybrid Work Arrangement to be Successful.

Directors, managers, and supervisors provided the following as necessary to ensure a hybrid work arrangement is successful, if implemented across administrative divisions/areas of the Court.

1. Develop an equitable and inclusive policy with clear boundaries and expectations
2. Develop / implement a clear and effective communication and roll-out plan

SUMMARY: Effects of Remote Work on Administrative Divisions.

- 3 Apply the policy consistently, if adopted
- 4 Enhance skills for managing/supervising a hybrid workforce
- 5 Need to be able to hold staff accountable for performance/service and revoke privileges if performance and/or productivity are below expectations
- 6 Ensure employees have the technology and skills to use the technology, and a suitable home work environment to complete work/ provide services
- 7 Need the support of leadership (judicial and administrative)
- 8 Continue to evaluate/assess how remote work is affecting court culture including service to the public, productivity, teamwork, etc.; continue making improvements/ refinements
- 9 Implement effective scheduling practices (e.g., rotations, all onsite days, etc.).
- 10 Be aware / assess how a hybrid work arrangement is affecting employees and other areas of the Court

METHOD 2: DIVISIONAL ANALYSIS

Next is a summary of the effects of remote work across all administrative divisions of the Court, according to directors, managers, and supervisors.

**Level of Customer Service
(Internal and External)**

1. Service levels have remained high during the pandemic. Providing virtual external and internal services/support by employees working remotely is an effective option in many instances. Access, convenience, and service levels to external customers are enhanced with a virtual option.
2. Some external-facing services cannot be, or are not as effective when, provided virtually (e.g., juvenile screening, mediations, evaluations, observations, court operations teams), and some court users/clients must or prefer to come to the courthouse/court location to conduct their court business. Thus, Court administrative offices must be staffed to assist court users/clients who do not choose the virtual option and instead walk-in for assistance and/or make in-person appointments. Essentially the Court must prepare in the future to provide both in-person and hybrid service options and schedule staff accordingly.
3. A few internal-facing support services cannot be provided, or are not as effective, when provided virtually. For example, facilities support and some IT services/support (e.g., help desk staff at each courthouse) can only be, or are best when, provided onsite/in-person. Onboarding and training new employees also were identified as being more effective when done in-person (rather than virtually).
4. Employees must have and be able to use the requisite technology and navigate the court's systems to provide services remotely. Having adequate IT support is essential for training staff and assisting when disruptions occur.

Quantity & Quality of Work/Productivity and Impact of Remote Work on Team Members

1. Many staff report higher levels of productivity working remotely because they do not have long commutes and they experience fewer interruptions. Many report no adverse changes to the quantity and quality of work when working remotely.
2. A few staff report difficulty focusing on their work when in a remote environment. They may experience competing demands (e.g., childcare, caring for elderly) or may be in an environment that is not conducive to serving customers or doing work (e.g., it is not private or quiet, it does not have the set up and/or equipment needed to complete remote work). In these instances, staff productivity levels likely decline.
3. Some duties/responsibilities of staff working remotely were shifted to staff working onsite. This needs to be examined carefully to ensure onsite staff are not responsible for more of the workload. Job duties may need to be divided up differently in a hybrid environment.
4. New employees have a harder time acclimating to a new job and connecting with team members in a virtual environment. Onboarding and training new employees are more difficult in a virtual environment. Onsite work is preferred for new employees.

Team Dynamics/Relationships

1. Seasoned/tenured team members seem able to successfully navigate a remote environment because they have past relationships with their team members and are comfortable with their work. Collegiality among tenured co-workers can be maintained via Zoom/Teams.
2. New or newer employees appear to struggle to connect and form strong, collegial bonds in a remote work environment and are less familiar with not only their work but the work of their division and the Court as a whole. It is difficult for newer employees to build strong bonds with their co-workers merely through virtual meetings. Additional, creative efforts are needed to build these connections.
3. Team dynamics including communication may be hampered when the team only meets virtually. A blend of in-person and virtual interactions are desirable when trying to develop/maintain camaraderie, build trusting relationships, foster open communication, and the like.
4. Some employees may experience feelings of isolation and/or burnout while working remotely. They do not feel connected to their co-workers.
5. It is difficult for managers/supervisors to develop/maintain a culture of inclusion and belonging when staff are working remotely. A blend of in-person and virtual work is desirable for maintaining a positive and inclusive work culture.

Managers/Supervisors (eg. Training, Check-Ins)

1. Most managerial/supervisory duties can be done remotely if needed, however, some are more effective when done in person. Hiring, training, check-in meetings, staff meetings, etc. are more efficient and can be effective when done virtually. Duties that are more effective in person are onboarding, training new employees, team building, addressing a sensitive/performance issue, etc.
2. Managing a hybrid workforce is/will be challenging. Scheduling, communicating, ensuring high levels of customer service, managing the work and holding staff accountable, etc. will be more challenging in a hybrid work environment, but it is doable. Managers/supervisors will need to adjust and modernize their skills to meet the changing times.

Technology/Equipment Needs/IT Support

1. At the onset of the pandemic, the workforce needed to be equipped with laptops, other equipment (keyboards, monitors), and network access to work remotely. Most of the equipment needs have been met although the Court will need to plan for replacement equipment in the coming months/years.
2. IT support continues to be a concern for staff working remotely. Although most people are not having IT issues now, people are concerned about the lack of IT support if issues arise.

METHOD 3: SURVEY RESULTS

Below are the results to the five remote work survey questions that were included on the virtual court proceedings survey. These questions were answered by a small subset of employees who provide direct client and other services.

The Likert-type scaled questions were:

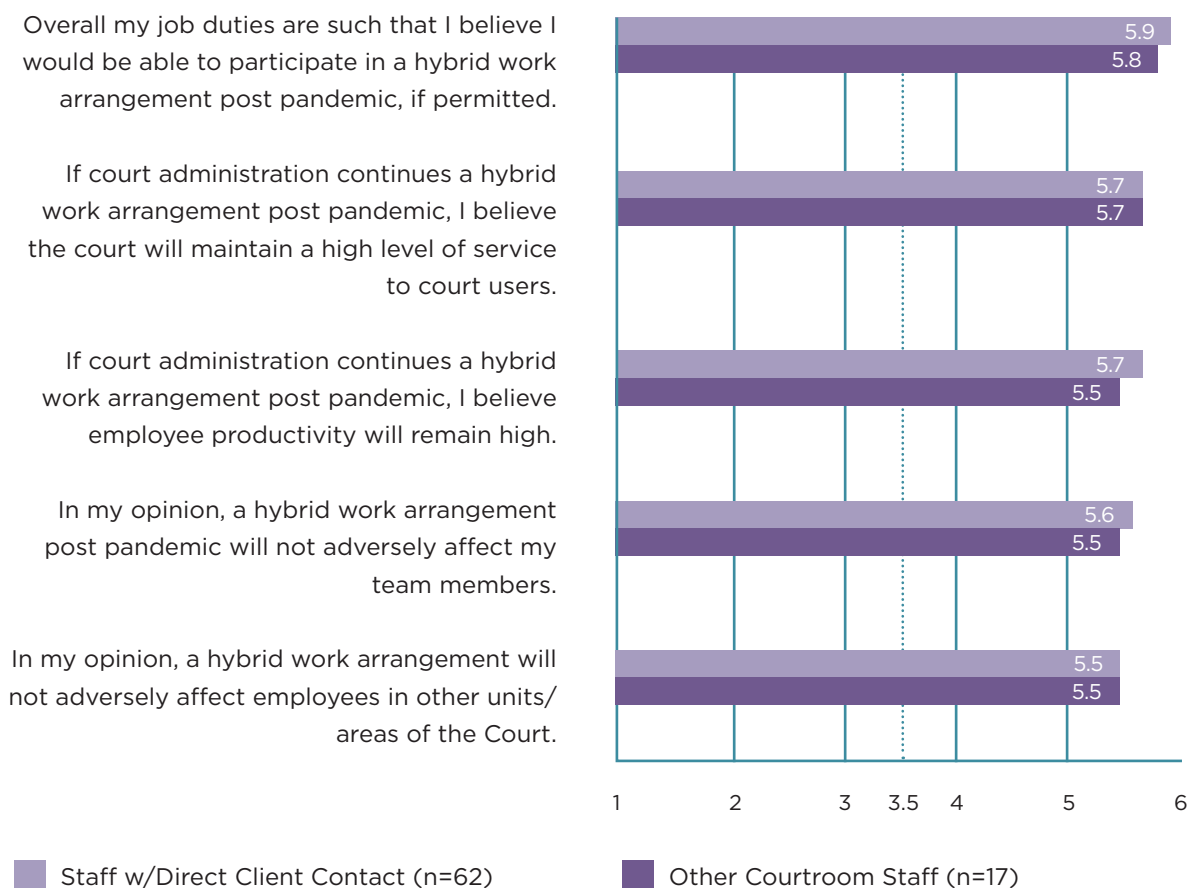
- 1 Overall, my job duties are such that I believe I would be able to participate in a hybrid work arrangement post pandemic, if permitted.
- 2 If court administration continues a hybrid work arrangement post pandemic, I believe the court will maintain a high level of service to court users.
- 3 If court administration continues a hybrid work arrangement post pandemic, I believe employee productivity will remain high.
- 4 In my opinion, a hybrid work arrangement post pandemic will NOT adversely affect my team members.
- 5 In my opinion, a hybrid work arrangement will NOT adversely affect employees in other units/areas of the Court.

A 6-point agreement rating scale was used for the above questions: 6 = strongly agree; 5 = agree, 4 = agree somewhat; 3 = disagree somewhat; 2 = disagree; and 1 = strongly disagree.

The results are presented in mean ratings (i.e., averages). When interpreting the mean scores, the higher the mean score, the more favorable the rating. Higher mean scores represent stronger levels of agreement. 3.5 is the midpoint of a 6-point rating scale. An average rating above 3.5 is on the agreement side of the rating scale – the results are favorable, and below 3.5 is on the disagreement side of the rating scale – the results are unfavorable.

RATINGS ON REMOTE WORK QUESTIONS

SELECT EMPLOYEES¹ THAT COMPLETED THE VIRTUAL COURT PROCEEDINGS SURVEY
(in mean scores²)



¹Staff w/direct contact include juvenile probation counselors, social workers, early resolution case managers, CASA attorneys/supervisors, family treatment court staff, etc. Other courtroom staff are court coordinators and floaters (not: they are not full-time in courtrooms).

²Means are based on a 6-point agreement rating scale. 6-Strongly Agree & 1-Strongly Disagree. 3.5 is the midpoint of the rating scale.

EVALUATION FINDINGS AND RECOMMENDATIONS

Our findings and recommendations relating to remote work are summarized below:

FINDINGS

- > **Access to justice.**
Access to justice was enhanced by providing remote services and virtual hearings. For example, the participation rates of parents and youth increased with the availability of virtual hearings and meetings.
- > **Customer service and productivity.**
Over the past 2 years, the Court was forced to develop a hybrid service delivery model(s), which allowed services to be provided by staff working remotely. Additionally, customer service and productivity levels of employees were perceived to be the same or higher when working remotely. The virtual service models and options and remote work should be continued. They increase flexibility and options for court customers and employees.
- > **Job duties conducive for remote work.**
Many job duties at the Court can be completed virtually and/or remotely. For example, (a) many direct client services, (b) work such as data entry, writing reports, attending team meetings, responding to client emails, and (c) some supervisory responsibilities (e.g., check-ins, performance coaching) can be completed when working remotely.
- > **Job duties NOT conducive for remote work.**
There are some job duties that are not conducive to remote work; they must be completed at the court location or in-person with clients. Examples include, (a) fingerprinting, (b) serving walk-in clients, (c) in-person meetings with youth and families, etc.
- > **Hybrid work arrangements in administrative divisions.**
A hybrid work arrangement will work for most positions in the Court's administrative divisions, according to directors, managers, and supervisors. However, managers report a few positions at the Court where remote or hybrid work arrangements may not be feasible. Examples include, (a) where job duties must be completed onsite and/or in-person, (b) in small units which present coverage/scheduling issues, (c) where there are restrictions due to union contracts and 24x7 operations (e.g., detention center).
- > **Hybrid work is not for everyone.**
Remote work may not be a good option for some employees or in some circumstances. For example, (a) some employees may not have a home environment that is conducive to high productivity (it is not private or quiet), (b) some may not have the

technology or equipment to work virtually, (c) remote work may not be a preference for some employees (e.g., they prefer to be at an office location, they are able to focus better when in the office, they enjoy camaraderie, etc.). Additionally, remote work is not a good option for new employees participating in onboarding and job training and employees with disciplinary and/or performance issues.

> **Leverage the upsides and mitigate the downsides to hybrid work arrangements.**

There are many benefits to hybrid work. There also are some downsides. Overwhelmingly directors, managers, and supervisors believe hybrid work can and should be implemented in the administrative divisions post pandemic. Benefits can be leveraged and downsides must be mitigated.

> **Cost and time savings.**

Cost savings, both to the court and employees, along with time savings are reported with remote work. Examples include, (a) less mileage reimbursement for attending meetings, (b) less travel time for employees traveling to/from court meetings, (c) reduced commuting costs and time for employees, etc. Additional savings may be

realized in the future by continuing a hybrid work arrangement (e.g., cost, time, space/ footprint).

> **Augment the skills of managers and supervisor.**

Managers and supervisors seemingly navigated remote work well, despite the persistent disruption, chaos, and uncertainty over the past 2 years. However, they acknowledge new and different skills are needed to effectively manage and lead in a hybrid environment. For example, different knowledge, skills, and abilities are needed to build relationships, foster team cohesiveness, build positive team dynamics, promote team collaboration, and maintain the court's culture when managing hybrid teams or a distributed workforce.



RECOMMENDATIONS:

1 Implement a hybrid work policy for employees working in the administrative divisions of the Court.

The future of work and service delivery are increasingly hybrid. Continue to be a progressive organization where you enhance access to justice by providing options for virtual services and formalize an optimal hybrid work arrangement throughout the administrative divisions of the Court.

2 Expand flexible work hours and provide other perks to promote equity.

Expanding flexible hours is another way to provide employees with more flexibility. A flex/alternative work arrangement may also assist with equity issues. It can be an alternative for employees who have job duties or positions that do not allow them to work remotely. Provide other perks to employees who are not eligible for alternative work arrangements to promote equity (e.g., paid parking,).

3 Identify job duties not suitable for remote work.

Evaluate position classifications, or the job duties for positions, for union and non-union staff and categorize as follows:

(1) job duties that cannot be performed remotely and are required to be performed at a court location/office.

(2) remote eligible job duties that can be performed remotely without the loss of customer service, productivity, and efficiency.

Once categorized, a hybrid work arrangement can be developed to allow an optimal blend of onsite and remote work according to customer service and division/area needs.

4 Update position descriptions for a hybrid workplace.

Remove antiquated job responsibilities and update with current, modern-day descriptions of job duties, some of which must be completed on site and others which can be performed/completed remotely.

5 Provide Management/leadership skills training.

Provide managers and supervisors with additional training to strengthen and expand skills for managing and leading in a hybrid work environment.

6 Evaluate hybrid and/or flex work arrangements.

Implement new work arrangements in the administrative divisions (or a few pilots) and evaluate the effects on the following areas. Continually improve and refine as needed to achieve desired outcomes.

- > *Customer Service*
- > *Productivity and Job Performance (revamp performance management system)*
- > *Team Collaboration, Communication, Performance*
- > *Impact on other employees/areas of the Court*
- > *Retention, Satisfaction, and Well-Being*
- > *Costs/Savings (fiscal analysis – document savings, additional costs, effects on space/physical footprint, etc. The results can inform future policies and practices and budgeting for staffing and space needs.)*

7

Preserve/build the Court's culture.

When implementing hybrid and/or flexible work arrangements, be intentional about preserving and building the Court's culture (e.g., collegiality, pride in public service/providing justice, professionalism, excellent service, etc.). Also be thoughtful and deliberate about mitigating the downsides that detract from the Court's culture. For example, (a) continually assess and balance/adjust workloads, (b) ensure others are not being adversely impacted by remote workers; (c) implement special efforts to foster teamwork, communication, and collaboration within and across teams; (d) adopt new ways to strengthen team cohesion, inclusion, and belonging, etc.



SECTION 6:

The New Future of Work
– Articles, Research, and
Resources

Overview

This section of the report provides a summary of articles by prominent organizations and authors about the evolving future of work. Included are areas of general agreement among authors and considerations for organizations as they navigate the radically changed, hybrid work arrangements accelerated by the pandemic. Citations and links to articles are provided at the end of this section.

AUTHORS GENERALLY AGREE ON THE FOLLOWING:

- **Hybrid work is here to stay; it is the future for most organizations.** Hybrid work – a mix of in-person and remote – is here to stay, according to experts. The new future of work is hybrid, experts overwhelmingly agree. The pandemic accelerated the already growing remote work trend where more and more employers were moving to hybrid work arrangements.
- **Flexibility is highest priority.** The new future of work includes flexibility around both “time” (the hours of work) and “place” (location of work). Employees are seeking flexibility and options around both “time” and “place.” Many studies show service and productivity levels and accountability do not suffer in a hybrid or flexible work arrangement. Flexibility is becoming the new battle ground in the war for talent.
- **There is no single, best approach to hybrid work.** Each organization must determine an optimal hybrid arrangement, which will depend on the type of work, the needs and culture of the organization, and interests, work styles, and preferences of employees. Researchers do not expect a single workplace model to emerge. Instead, they recommend that organizations create models that are in tune

with the type of business and balance the needs of customers, the organization, and employees.

- **Remote work works; capture the upsides and mitigate the downsides.** Remote work is what you do, it is not a place. Working remotely can work for a wide range of jobs / job duties (as evidenced by the past 2 years). That said, there are upsides and downsides and winners and losers. An optimal hybrid work arrangement should capture the upsides of new ways of working and also mitigate the downsides.
- **Upskill and reskill to meet evolving needs.** New and different skills are needed to lead and manage hybrid teams or a distributive workforce. Provide managers with the needed training, coaching, and mentoring to succeed in the new world of work. Upskilling and reskilling may also be needed throughout the workforce. Seize the opportunities to update existing or create new positions based on the needs of the organization.

CONSIDERATIONS:

- 1 According to Gallup (the Future of Hybrid Work: 6 Key Questions Answered with Data):
 - Hybrid work must be productive and engaging, not just a policy or a perk. Both should be a focus when designing new work arrangements.
 - Failing to offer flexible work arrangements is a significant risk to an organization’s hiring, employee engagement, performance, well-being, and retention strategies.

- The top reasons employees want a hybrid work arrangement center on having the flexibility to manage their week and still feel connected to their organization. Hybrid work helps employees get the most out of their day while ensuring they feel connected to coworkers and the organization.
 - Numerous remote work and flexible work arrangements have emerged. There is no consensus among employees (or employers) on which scheduling policies should define hybrid going forward. Organizations will need to determine the best work arrangements based on the type of work and the needs of customers, the organization, and employees.
 - Setting guidelines based on job responsibilities/duties and continually tracking the effectiveness of these policies will be critical to leading hybrid teams.
 - While creating a new normal, organizations should avoid getting bogged down in policies and rules concerning hybrid work. Gallup recommends focusing on 3 things: (1) boost productivity (i.e., get work done efficiently and effectively); (2) increase flexibility (i.e., allow personalization so employees can thrive at work and home); and (3) promote connectivity (i.e., encourage the partnerships that support teamwork and organizational culture).
- 2 **There are upsides to hybrid work** (combination of in-office and remote). They include: save time and avoid the stress of commuting, more flexibility to balance work and personal demands, higher engagement, higher levels of well-being, less turnover, lower levels of burnout, fewer interruptions/same or higher levels of productivity.
- 3 **There also are downsides to hybrid work**, which include: domestic distractions, blurred work-life boundaries and balance, less spontaneous and dynamic coworker interactions/collaboration, less teamwork, more silos, smaller networks, less visibility which can adversely affect career path and opportunities, less connection to the organization, diminished sense of belonging, unfair shifting of work responsibilities to others, social and professional isolation, power imbalances.
- 4 **The pandemic continues to exact a heavy toll on working caregivers** (e.g., those with children, aging parents/dependents). Research by Boston Consulting Group shows caregivers are experiencing greater stress than ever. This crisis is so severe the stress is likely contributing to declining levels of productivity and attrition.
- 5 **There are many examples of flexible work schedules:** (1) variable start or stop times and options for longer breaks; (2) part-time options; (3) job sharing, with multiple people covering a single, full-time job. Flexible models should be gender neutral and available to all employees so everyone can benefit. These new or alternative work arrangement should be normalized and employees should be treated equitably (e.g., it is important to ensure that taking advantage of flexible work options does not hinder career advancement). (Boston Consulting Group)

- 6 **Gen Z (between the ages of 18 and 25) is an overlooked demographic;** they are reportedly suffering. According to Microsoft, 60% say they are merely surviving or flat out struggling. Young people in this generation are more likely to be single and early in their careers. They are more likely to feel isolated, struggle with motivation / engagement at work, or lack the financial means to create a proper workspace at home. (Boston Consulting Group)
- 7 **For remote work arrangements to work, digital solutions must be readily available.** Staff need up to date technology and efficient home offices. Some employees may not be well suited for remote work (e.g., the home environment is not private or quiet).
- 8 **The world is incredibly complex and continually changing.** It is unrealistic to think you will get a new (hybrid or flexible) work arrangement right the first time around or that if you do, it will remain the right approach indefinitely. Continually assess the effectiveness of work arrangements and modify as needed.
- 9 **Fostering a social environment rich in collegial support (in-person and virtually) is vitally important in a hybrid environment.**
- 10 **Job duties and responsibilities should be examined and dissected carefully.** Positions may have some duties that must be done onsite and others that can be completed virtually. Synchronous work is work that is done simultaneously; it requires teamwork/coverage. Synchronous work also includes time-sensitive handoffs and or time-sensitive communications. Synchronous work is best completed in an office, co-located environment. Asynchronous work can be completed independently without the need for immediate interaction, collaboration, or communication with others. It does not require a personal handoff, and thus, is conducive to working remotely.
- 11 **There is some evidence suggesting team members need to be in-person and do some work together** to foster strong team and healthy team dynamics. This also is necessary to build a cohesive organizational culture.
- 12 **Space and separation from work are essential for all employees** to promote well-being and avoid burnout. Organizations should prioritize, model, and reinforce well-being practices.
- 13 **New work arrangements should be blended with diversity, equity, and inclusion/ belonging initiatives.** New work arrangements should be equitable and promote belonging and inclusion. Be aware of visibility biases (out of sight, out of mind), power differentials (people on site have more formal and informal power), and other biases that may disadvantage some people (career advancement opportunities are inequitable).
- 14 **Hybrid and/or flexible work arrangements may present opportunities to reexamine and transform existing space.** Some organizations have been able to reduce their footprint while others are transforming workspace to promote collegiality, collaboration, and relationship building when in the office.

RESOURCES: LINKS TO ARTICLES

Are you Ready for the Hybrid Workplace? Knowledge@Wharton. March 23, 2021.

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Building Effective Hybrid + Remote Leadership Strategies. Owl Labs. April 29, 2022. Download Report.

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<https://hbr.org/2021/03/designing-the-hybrid-office>

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<https://www.mckinsey.com/business-functions/people-and-organizational-performance/our-insights/hybrid-work-making-it-fit-with-your-diversity-equity-and-inclusion-strategy>

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Slack Research Reveals These 3 Strategies Can Make Hybrid Workforces More Successful. Inc. May 19, 2022.

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<https://www.gallup.com/workplace/390944/four-essential-dynamics-hybrid-work.aspx>

The Future of Hybrid Work: 5 Key Questions Answered with Data. Gallup Organization – Workplace. March 15, 2022.

<https://www.gallup.com/workplace/390632/future-hybrid-work-key-questions-answered-data.aspx>

The Great Resignation has Changed the Workplace for Good. We’re Not Going Back,” says the Expert who Coined the Term. CNBC. May 10, 2022

<https://www.cnbc.com/2022/05/10/-the-great-resignation-has-changed-the-workplace-for-good-.html>

The How-To of Hybrid Work. Boston Consulting Group. April 2021.

<https://www.bcg.com/publications/2021/identifying-postpandemic-work-model>

The Loneliness of the Hybrid Worker. MIT Sloan Management Review. May 2, 2022.

<file:///D:/OneDrive/Downloads/the-loneliness-of-the-hybrid-worker.pdf>

The Next Great Disruption is Hybrid Work – Are We Ready? Microsoft – the 2021 Work Trend Index. March 22, 2021. Download Report.

<https://www.microsoft.com/en-us/worklab/work-trend-index/hybrid-work>

Two Years Into COVID: The State of Human Connection at Work. WorkHuman. March 28, 2022. Download Report.

<https://www.workhuman.com/resources/diversity-inclusion/two-years-into-covid-the-state-of-human-connection-at-work>

US Employee Engagement Slump Continues. Gallup Organization. April 25, 2022.

<https://www.gallup.com/workplace/391922/employee-engagement-slump-continues.aspx>

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APPENDICES:

Appendix A

Appendix B

APPENDICES

APPENDIX A:

WORKSHEET - DECISION-MAKING PROCESS - EVALUATE OPTIONS USING SELECTION CRITERIA

Option/Criteria	Broad Impact (Courtwide)	Upholds Core Values	Potential Long-Term Benefits	Evaluate Hunches/Conflicting Perceptions	Counts
Virtual Court Proceedings					
Virtual Jury Selection					
Remote Work					
Virtual Interpreting					
Virtual Jury Trials					
Virtual Collaboration w/Partners					
Scheduling/Calendaring & Assignment Process					
Court Governance					
Others					
Counts					

APPENDICES

APPENDIX B:

SUMMARY OF ATTORNEY RESPONDENTS' COMMENTS – VIRTUAL COURT PROCEEDINGS

Positive comments about virtual court proceedings:

1. Virtual court proceedings are appropriate and effective for motions, hearings, and calendars. (They are not fine for virtual trials).
2. Video hearings work well on guardianship, probate, and vulnerable adult protection matters. Video hearings should continue for the Ex Parte guardianship/probate calendar. Contempt proceedings, show cause hearings, and motions are also appropriate for Zoom.
3. Virtual is appropriate for motions, status conferences, and other pre-trial matters. (It is not appropriate for trials of any type).
4. Family law trials are far more efficient on Zoom.
5. Virtual proceedings are efficient and economical for routine procedures.
6. Zoom is a convenient and effective way for parties and the court to conduct civil hearings.
7. It works well for all motion hearings; it should continue in the future.
8. It worked better than I thought; we used professional help to manage the use of technology.
9. Taking testimony by remote video is reasonable (but a trial by Zoom is not).
10. If all parties stipulate to a zoom trial, then it is appropriate (but one party should not be able to force another party into a zoom trial). Video proceedings work well for most hearings including voir dire (however, they should not be imposed for a trial over objection of the parties).
11. Video hearings present opportunities for the Court to update processes for transcripts and recordings of hearings: e.g., allowing parties to opt-in to a recorded session would alleviate some of the staffing and budgetary constraints involved in keeping transcripts. Creating a record is a very important part of the function of trial courts – the process can/should be streamlined/simplified with the use of virtual hearings.
12. Zoom hearings have made court hearings/proceedings much more accessible for clients. I hope the Court continues with them in the future.
13. After a small learning curve, using video is a great method for hearings.
14. Video hearing saved me time and my clients a lot of money.
15. Video court is very efficient for shorter proceedings. I highly recommend it continue as an option in the future.
16. I highly recommend the Court continue using the online platform. It streamlines the process, is safer, healthier, and easier.
17. Video court proceedings save time, money, and energy (e.g., travel, transportation,

APPENDICES

Positive comments about virtual court proceedings:

- parking). They have increased my efficiency and they are effective. Clients appreciated not having to take off work to travel to/from the court. This option is a “value-added” service to attorneys and clients/litigants.
18. Virtual hearings decreases/removes barriers to participation (e.g., litigants miss less work, easier to handle childcare, less of a financial impact on low-income clients, etc.). Judicial officers made accommodations to make sure technology was not an impediment for some.
 19. Video court proceedings work well for family law motions.
 20. Video proceedings are an improvement to the court system as long as in-person remains an option for some situations and at the request of the parties.
 21. Virtual hearings are appropriate for judge’s motions and non-compliance hearings (but family law motions, especially ex parte motions, should return to in-person ASAP).
 22. Zoom worked great for guardianship and probate matters.
 23. There are some shortcomings with remote arguments, but the efficiencies of remote proceedings are tremendous. For trials, calling witnesses is easier and prospective jurors do not waste time sitting around the court waiting to be called. The Court has done an excellent job making things work smoothly.

Positive comments about virtual court proceedings:

24. Video proceedings make access to justice more affordable for the public.
25. Video proceedings are helpful when witnesses/others are in different states/countries.

Comments preferring in-person proceedings:

26. Virtual court proceedings are not effective for trials; it’s difficult to connect with jurors.
27. Zoom is not effective for some proceedings: e.g., in Ex-Parte, the collegiality of working with opposing counsel is eliminated; getting orders written with opposing counsel is difficult; it takes too long to get signed copies of orders once submitted; it is difficult to get certified copies after the hearing especially when you need letters right away; Zoom is difficult for the attorney to effectively present evidence and argue the case; etc. In person proceedings are preferred for many matters including dispositive motion hearings and trials.
28. Zoom trials are not more effective than in-person; in-person should resume once physical distancing is no longer necessary.
29. Contested hearings should not be virtual; trials should never be virtual.

APPENDICES

Comments preferring in-person proceedings:

- 30. Virtual proceedings do not work well for jury trials and/or MSJ arguments.
- 31. Video proceedings for civil jury trials are not appropriate; the jury, judge, and litigants should be in the same room. This is necessary for a fair trial.
- 32. Complex situations and trials should be conducted in-person.
- 33. In-person is best; the Court should not compromise the rights and needs of litigants to make things more convenient, less time consuming, and less expensive.
- 34. Criminal proceedings on Zoom are not taken seriously by the defendant. Criminal matters should be held in-person.
- 35. In-person hearings are best for dispositive and evidentiary hearings (e.g., motions for summary judgment, supplemental proceedings, and/or trial).
- 36. Virtual proceedings should be available only if necessary and in emergency situations, but not a regular practice of the Court.
- 37. Virtual criminal jury trials are not fair to the defendant. Need to be able to see the jurors.
- 38. The MS teams platform seems more flexible for non-jury proceedings; the functionality for document sharing and marking was easier to manage with various exhibit types and multi-media.

Comments preferring in-person proceedings:

- 39. Trials should be in-person unless all parties agree to Zoom.
- 40. Telephonic hearings are not effective. Zoom/video is much preferred. Zoom/video should be required.

Concerns expressed about virtual court proceedings:

- 41. When taking testimony, the Court needs assurances of "who else is in the room."
- 42. People are distracted / multi-tasking when using Zoom – jurors, the judge, counsel, etc.; counsel coaches their clients and it is not caught.
- 43. You cannot establish a rapport with jurors when virtual and many jurors were distracted. Jurors are unable to establish the credibility of witnesses when virtual.
- 44. People without technology or technology skills get a "pass" from jury service; people are excluded from participating. A large population for jury duty are unrepresented when doing virtual trials.
- 45. Civility is lost during some virtual hearings – litigants, commissioners, etc.
- 46. I have concerns about 3rd party presence and involvement with virtual proceedings.
- 47. Zoom hearings undermine the judicial process. There is less human interaction and judicial officers are more likely to be

Concerns expressed about virtual court proceedings:

disrespectful and short toward litigants and attorneys. It seems judicial officers take legal proceedings less seriously when they are conducted virtually resulting in unjust results for clients and wasted time and resources for everyone.

48. I have concerns about the credibility of witnesses. Demeanor is hidden or obscured when using video testimony.
49. Virtual interpreting is much slower than in-person interpreting.
50. The human interaction is lost with virtual proceedings. It's difficult to assess the credibility of witnesses, observe body language, and observe other factors that come into play when deciding cases.
51. Some litigants – older, immigrants, with disabilities, poor/homeless – do not have access to the technology or are not comfortable with equipment/on camera.
52. Opposing attorneys are more aggressive / less courteous when on Zoom.
53. The atmosphere of the courtroom has vanished using Zoom. A virtual environment does not provide the qualities necessary for litigation (e.g., reading jurors, body language/non-verbal cues, etc).
54. Virtual translation is concerning. It does not allow the translator and party to confer and validate understanding.
55. Juror misconduct and low juror engagement are concerns.



King County
Superior Court

