



ILLINOIS JUDICIAL BRANCH

Bench Card: Practical Best Practices for Remote Appearances

What are some special considerations to think about when doing Remote Appearances?

- **Case Participants with Disabilities.** Make any necessary accommodations for participants with disabilities. Captioning features on video platforms are not always reliable, so consider using phone conferences with TTY or video relay capabilities or use American Sign Language Interpreters in video conferences with reliable internet connections.
- **Interpreters.** Language access needs of case participants must be met during Remote Appearances. If the service or court does not have the capability of doing simultaneous interpretation, or to ensure the clearest record, consecutive interpretation will have to occur. This means proceedings will take longer, so plan accordingly.

Remote Appearances should never be a barrier to accessing the courts.

Many people in Illinois do not have access to **reliable internet** in their homes. Public access via libraries or coffee shops may be problematic due to privacy issues or may not be available. This means that video conferences aren't going to be possible for everyone. Additionally, individuals with a **limited number of call minutes or data plan minutes** on their phones may be unable to use phones for either video or phone conferences.

Who can appear remotely?

- **Any individual involved in a case** including the judge presiding over the case, parties, lawyers, guardians *ad litem*, minors in the care of the Department of Children and Family Services (DCFS), witnesses, experts, interpreters, treatment providers, law enforcement officers, DCFS caseworkers, and court reporters may appear remotely.

What should be done before starting Remote Appearances?

- **Work with court staff to practice using the remote conferencing service.** Figure out how to use the system, get comfortable with the features, and troubleshoot glitches before starting to hear cases remotely.

- **Address potential technical difficulties.** Before conducting the Remote Appearance, tell participants what to do if they experience technical problems (e.g., close out and attempt to reconnect or contact designated court staff).

Technical Difficulties

Be prepared for some difficulties. This is a big shift for most courts and litigants and everyone has a learning curve. Be patient and understanding when things go wrong and try again.

- **Explain remote courtroom expectations.**
 - Everyone should be muted (to avoid background noise) unless they are speaking.
 - Only one person speaks at a time and only when prompted by the judge.
 - Announce yourself each time you speak for the sake of making a clear record.
 - If an interpreter is involved, explain each speaker must pause after every statement to allow for consecutive interpretation.
- **Admonish case participants to not record.** No case participant other than the judge can record any Remote Appearance.

What should be done during Remote Appearances?

- **Ensure the Remote Appearance is being appropriately recorded by the judge, if necessary.**
- **Make reasonable efforts to ensure everyone is fairly heard.** Judges shall accord everyone the right to be heard and may make reasonable efforts to ensure self-represented litigants are fairly heard pursuant to SCR 63(A)(4). This includes but is not limited to (1) Construing pleadings liberally, (2) Asking neutral questions to elicit or clarify information, (3) Modifying the mode and order of evidence, and (4) Explaining the basis for a ruling.

What should be done after Remote Appearances?

- **Confirm contact information for the participants.** Explain how they will receive the court order and any further communications about the case including the next court date and what format it will be in.
- **Review next steps.** Make sure participants know what is expected of them and what will happen next.

Bench Card: Best Practices in Remote Appearances

What else should judges consider with Remote Appearances?

- **Implicit Bias.** Remote Appearances, especially by video, create opportunities to observe people's homes or personal environments. Lawyers may have more professional equipment or be more adept than SRLs in conducting Remote Appearances. Avoid unconscious assumptions or judgments based on personal surroundings or technical abilities.
- **Privacy.** Judges and court personnel should not use personal email addresses or cell phone numbers for Remote Appearances. If at home, consider sitting against a blank or nondescript wall (or using a photo background) to minimize identifying characteristics of the location of the home.
- **Remote Appearance technology should not pose a financial barrier.** There are numerous video and phone conferencing systems capable of handling Remote Appearances. Remote Appearances should not impose a cost on a case participant who is not able to pay that cost or would not otherwise incur a comparable cost if appearing in person. If a court chooses to use a service which charges fees, the court should consider whether the costs can be waived by the service, paid by another party, paid by the court, or if the court should use a free service instead.
- **Grant Continuances Liberally.** Especially during the pandemic and as new procedures are being decided and implemented, avoid entering default judgments or dismissals for want of prosecution.

Benefits of Remote Appearances

1. Decrease the time and expense of coming to court and avoid missing work or paying for childcare or transportation.
2. Increase accessibility to the court for people who are living with disabilities/debilitating illnesses, elderly, serving in the military, confined in prison or jail, hospitalized, in inpatient treatment, residing in nursing homes, in a different state or country, residing a far distance or having other difficulties traveling, or serving other public needs.
3. Assist lawyers to serve large geographic areas efficiently and conveniently, thereby allowing them to handle more cases.
4. Reduce the numbers of persons in courthouses which reduces burden on security.
5. Provide more scheduling flexibility.
6. Allow judges in rural jurisdictions to hear cases from outlying courthouses in one location.
7. Benefit law enforcement, hospital staff, etc. to appear from their premises.
8. Allow witnesses and experts a more efficient and convenient way to provide testimony.
9. Increase the public perception of the courts as in step with other institutions which conduct business remotely as responsive to the needs of the community.
10. Allow court to continue functioning during emergency situations.

Other Resources

For pandemic-related information, check out:

- <http://illinoiscourts.gov/Administrative/covid-19.asp> (for updates around Illinois)
- <https://www.pathlms.com/aoic> (for educational webinars through the Illinois Judicial College)
- <https://www.ncsc.org/pandemic> (for information from across the nation)

For overall guidance on Remote Appearances, see:

- Illinois Supreme Court Rules [45](#) & [241](#) at <http://illinoiscourts.gov/SupremeCourt/Rules/default.asp>
- Illinois Supreme Court Policy on Remote Appearances in Civil Matters: https://courts.illinois.gov/SupremeCourt/Policies/Pdf/ATJ_Commission_Policy_on_Remote_Court_Appearances_in_Civil_Proceedings.pdf
- Remote Court Proceedings Guidance Document: https://courts.illinois.gov/Administrative/covid/O52220-SC_RHG.pdf
- Tips for Court Users for Attending Court by Phone or Video: https://courts.illinois.gov/CivilJustice/Training_Education/Remote_Hearing_FAQ_for_SRLs.pdf

For additional information or assistance with creating helpful resources, please contact:

Administrative Office of the Illinois Courts, Access to Justice Division

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