

## **Expanding the Use of Video Technologies**

### **Virtual Appearance Docket**

It is commonplace with today's technology to have instant and convenient communication between everyone from anywhere. Recently, the Missouri Office of State Courts Administrator (OSCA) has deployed desktop video conferencing software (i.e. Scopia Desktop) statewide that will make this type of communication a reality for the state's courts.

The implementation of video technology allows a court to establish "virtual appearance dockets" as an alternative for appearing in the courtroom. This affords the attorneys the opportunity to appear in court while remaining in their offices. Although the courts have used video technology for years, it has been used primarily with predetermined point-to-point locations such as jails, hospitals and prisons. Video technology for desktop and mobile devices, however, allows secure communication between anyone with a web camera and Internet access.

### **Court Context**

Judge Rick Zerr of the 11<sup>th</sup> Judicial Circuit in St. Charles County, Missouri, piloted the virtual appearance docket

with attorneys located on either side of the state – one attorney was located in Kansas City; the other was in St. Louis. This use of technology saved the attorneys many hours of travel time to and from the court. The virtual appearance docket is used for court matters that are typically short in duration. The use of electronic filing in this court allows documents, referred to in argument, to be part of the digital record available to court and counsel. All participants sign a virtual appearance participation agreement. To be most valuable, the system should be able to be used by attorneys without IT support.

#### **Tips for Implementation**

- 1. Tip One: Prove the technology**
- 2. Tip Two: Find willing participants**
- 3. Tip Three: Practice prior to court**
- 4. Tip Four: Review/modify court rules**
- 5. Tip Five: Have IT support available**
- 6. Tip Six: Pilot**
- 7. Tip Seven: Expect issues**
- 8. Tip Eight: Be prepared for success**
- 9. Tip Nine: Ensure your infrastructure is ready**

*Tip 1:* Prove the technology. Demonstrate the viability of the technology to stakeholders. This will set the appropriate expectations with all the participants and show the advantages to be gained.

**Tip 2:** Find willing participants. Having the right people participate in the pilot is critical. They need to have a good understanding of the benefits of using the technology to accomplish the business of the court.

**Tip 3:** Practice prior to court. The participants need to be familiar with all of the technology prior to using it for real. Set up time for a mock session (or sessions) to ensure everyone is comfortable with how the technology works.

**Tip 4:** Review/modify court rules. The rules of the court may not allow proceedings to occur outside of the courthouse. These rules will need to be reviewed and potentially modified to ensure the virtual appearance complies with the established rules of the court. This effort can take time and often requires the court en banc to determine what will be allowed.

**Tip 5:** Have IT support available. It is important to verify that all is working prior to the scheduled docket, and having IT support address any issue prior to and during the docket is critical to ensure success. Ensure your IT support has contact information (i.e., phone numbers) for all participants.

**Tip 6:** Pilot. The first time the technology is used for real, be ready for issues. One issue we experienced was that one of the attorneys could not get connected. A quick phone call from IT was able to resolve the issue.

**Tip 7:** Expect issues. Even after piloting and testing, issues still may arise. Be prepared to communicate with all participants via telephone in the event

there are issues related to the video connection.

**Tip 8:** Be prepared for success. Once the word is out that your court is allowing virtual appearances, the attorneys may be knocking down your door to provide this in more courtrooms. Have a realistic plan in place and be ready to communicate it to set the appropriate expectations.

**Tip 9:** Ensure your infrastructure is ready. Capacity planning for video technology use is very dependent on the anticipated use. Configuring the video technology to include redundancy is also a consideration once the system is operational.

## Other considerations

When researching video technologies, consider the terms and conditions of use for end-user licensing requirements and ensure these meet your organization's needs. Some products require each end user to have a license to connect to the system; this could be cost-prohibitive. Also, consider the security aspects of using this technology for court proceedings. If considering using open-source or third-party video providers, review the privacy terms and conditions of the product and ensure they meet the privacy requirements required for your court.

## Technology

The Missouri Judiciary has a wide-area network connecting our courthouses and family court facilities back to our data centers. The video solution employed involves several Avaya products that work together to connect traditional room units, desktop video and mobile devices to each other, both inside and outside our network.



**Video software:** Scopia Radvision.

**Bench configuration:** The bench equipment is an HDX 7000 Polycom unit attached to a 22-inch television.

**Court network connectivity:** Missouri courts are connected by industry-standard communications equipment to a redundant core network where our video conference management equipment resides. The data lines vary from T1 data circuits to 20 Mb ethernet depending on court size and circuit availability. Our biggest concern with expanded video conferencing for virtual appearances is the availability of affordable network expansion to some courthouses around the state. Expansion of video usage also could infringe on our ability to run some of our other court management applications. We use standardized

configurations on our network, desktop and peripheral devices.

**Attorney configuration:** Using the current bridge, virtually any device can connect. One attorney used a typical video room designated for video conferences, while the other attorney used a camera and speaker attached to a laptop.

**Office of State Courts Administrator:** We utilize industry-standard equipment in our data centers and have redundant connectivity to our core wide-area network. We utilize multiple Internet connections to maintain reliability for our day-to-day core business.

## Summary

Virtual appearance technology provides a great deal of flexibility to the court and huge time savings for the attorneys. The technology is not difficult to use and is available for most devices making this solution widely interoperable.

## Author:

Patrick Brooks, Director, Information Technology Services, State of Missouri, Office of State Courts Administrator  
[Pat.Brooks@courts.mo.gov](mailto:Pat.Brooks@courts.mo.gov)  
(573) 751-4377

## Contributors:

Judge Rick Zerr, 11<sup>th</sup> Judicial Circuit, St. Charles, Missouri  
[Rick.Zerr@courts.mo.gov](mailto:Rick.Zerr@courts.mo.gov)

Roger Steele, Information Technology Manager, 11<sup>th</sup> Judicial Circuit, St. Charles, Missouri  
[Roger.Steele@courts.mo.gov](mailto:Roger.Steele@courts.mo.gov)

Joe Cremer, Manager of Network & Desktop Support, State of Missouri, Office of State Courts Administrator  
[Joe.Cremer@courts.mo.gov](mailto:Joe.Cremer@courts.mo.gov)

## Resource and Jurisdiction Contacts

Roger Steele, Information Technology Manager, 11<sup>th</sup> Judicial Circuit St. Charles, Missouri  
[Roger.Steele@courts.mo.gov](mailto:Roger.Steele@courts.mo.gov)

Joe Cremer, Manager of Network & Desktop Support, State of Missouri, Office of State Courts Administrator  
[Joe.Cremer@courts.mo.gov](mailto:Joe.Cremer@courts.mo.gov)

Disclaimer: The advice and opinions represented in this bulletin are based on the experiences of the Missouri Office of State Courts Administrator and the 11<sup>th</sup> Judicial Circuit (St. Charles County, Missouri). Such recommendations may not be suitable for other jurisdictions and are offered only in the spirit of sharing experience as information to others considering the installation of similar technologies.

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