

**REMARKS OF HON. RANDY R. KOSCHNICK
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Thank you, Chief Justice Roggensack. And welcome everyone to the first remote meeting of the Wisconsin Judicial Conference.

If we were together in person today, I'd lead a standing ovation for the Chief Justice. This has been a challenging time, and her leadership has been crucial.

When court systems in some other states were just trying to figure out how COVID-19 may affect their operations, Chief Justice Roggensack was already taking action.

She created the Wisconsin Courts COVID-19 Task Force, and their report is still providing guidance to our courts as we work our way safely back to more normal operations.

Thank you, Chief Justice, and thank you to all of our Supreme Court justices for your guidance, support and direction during these *extraordinary* times.

Traditionally, my remarks at the Judicial Conference provide an update on all things administrative.

In past years, this has led some of you to wander out of the conference room for a cup of coffee or to make a bathroom break. I've always been offended by this. But this year, I'll put up with it, as long as you take your device or headphones with you. But please, mute your mic and keep your camera off. I'm interested in what you are doing, but not *that* interested.

My administrative update for 2020 is short and sweet: Everything's fine; nothing's changed; and everything is going according to plan...

OK, just checking to see if you are still tuned in.

Certain as I am connecting with you by Zoom today instead of in person, the court system has had to adjust to the new reality forced upon us by COVID-19. We have done so in ways that we hardly could have imagined at the beginning of the year. We've made use of innovative technology that we will continue taking advantage of after the pandemic, and we've developed new and creative ways to deliver services.

Chief Justice Roggensack talked a bit about the impact of COVID-19 on the circuit courts. I'm going to go into a little more detail how we've adjusted. My message is one of optimism about how you all have responded to meet some of the challenges in a year that's been full of "heavy lifting."

Before the pandemic, we were averaging about 16,000 case filings each week in circuit courts statewide. The trendline was roughly following the pattern of previous years until the second or third week of March, when we dropped to about 6,000 filings per week. About the same time, the number of in-court events occurring statewide dropped by nearly 70 percent compared to normal activity levels.

These figures represent rolling averages statewide, but they don't really tell us what was happening in any particular circuit court.

Milwaukee and Dane, our most populous counties, were among the first circuit courts to confront issues created by coronavirus. And, they were dealing with far different circumstances than some of our smaller counties in other parts of the state.

In Milwaukee, Chief Judge Mary Triggiano issued the first circuit court administrative order as a result of COVID-19. This order tightly restricted the number of cases and court activities that could be held in person, effective March 16. Dane County followed with its own order, as did a number of other counties in subsequent days and weeks.

This county-by-county approach was not ideal. But these courts were wisely taking steps they viewed as necessary to address specific needs and circumstances in their counties. And, we knew early on that a one-size-fits-all approach was not going to work in the long run.

As the Chief Justice mentions, the Court's March 22 order required judges, commissioners and clerks of circuit court to utilize e-mail, teleconferencing, and video conferencing in lieu of in-person courtroom appearances wherever possible.

This is when Zoom really took off.

It didn't quite happen overnight, *but it was close* from an administrative standpoint. We skipped most of the normal planning processes. Zoom launched without a task force; without a study committee; without a pilot project; and without an implementation plan.

A project like this would normally take a year or more to roll out. In large part, we did it in a matter of weeks. Of course, it didn't happen without a lot of hard work. CCAP and Court

Operations nimbly shifted gears to provide support for the new environment of remote court appearances and proceedings, and judges and court staff took on new challenges.

Before the pandemic, Zoom was little more than an idea listed in CCAP's annual plan. And the main idea there was to explore how Zoom could be used to reduce time and travel expenses associated with meetings. It didn't take us long to realize how Zoom could be used during a pandemic.

If I was going to pick just one number to help explain just how much court operations have changed during the pandemic, it would be 35 million.

That's how many meeting minutes we've logged on court system Zoom accounts since mid-March. This includes proceedings at all levels of the courts, as well as staff, departmental, administrative and employee meetings of all types. We've had 87,000 Zoom meetings with more than 930,000 participants. And, we've hosted 32 webinars with more than 2,300 participants. By the end of this judicial conference, I expect those numbers will climb significantly.

Sometimes, I feel like I've spent a million minutes on Zoom myself, but those statewide numbers are a bit mind boggling. Looking at it another way, this is time that otherwise would have been spent meeting in person. I know many of you have conducted proceedings via Zoom, and I want to thank you for being part of the solution – even if it is only a partial solution.

Obviously, conducting court remotely is not the same as taking appearances in person, and it's not the way our system was designed to work. Courts need to be capable of holding in-person appearances, including jury trials, to ensure liberty interests and constitutional rights are protected.

The question was how to do so as safely as possible, even if in a limited way.

Answering this question became the assignment of the Chief Justice's Wisconsin Courts COVID-19 Task Force. More specifically, they were asked to develop scientifically-based criteria to promote safe court-related interactions and to provide a framework for counties to develop their own plans to resume in-person proceedings.

The task force included consultants from the University of Wisconsin School of Medicine and Public Health, as well as members who represented the interests of clerks of circuit court, county corporation counsel, district attorneys, public defenders, and county sheriffs.

-- By the way, Dean Robert Golden, who was on the Task Force, is one of our presenters at a session later today, if you want to catch him at 1 p.m.

The group's final report was released on May 15.

One week later, on May 22, the Supreme Court extended its initial order restricting in-person appearances. However, this time, the Court established a process by which a circuit court could seek to resume in-person proceedings if certain criteria are met.

The order required each county to develop a written operational plan, including specific steps and precautions being taken to reduce the potential spread of coronavirus. This process required circuit courts to communicate and coordinate planning with their county government partners. It also required those plans to be submitted to the respective chief judge for approval before in-person proceedings could resume. This was a major undertaking.

These steps are also examples of courts and counties working together to keep courthouses as safe as we can under the circumstance. I know many of you at this point are also working on finding larger spaces to accommodate jury trials.

Last week, Judge John Wood and Judge Daniel Dillon appeared on a TV news broadcast, exploring the option of holding trials at the Rock County Job Center. They gathered with county officials and others and directly addressed concerns jurors may have.

In Milwaukee County, Chief Judge Mary Triggiano, Deputy Chief Judges Carl Ashley and Bill Pocan, Judge Mark Sanders, Judge Laura Crivello, District Court Administrator Holly Szablewski and others worked with Milwaukee County officials to open newly remodeled space at the Zoofari Conference Center. Jury trials and other proceedings are now being held there.

You already heard from the Chief Justice about Chief Judge Jim Morrison's success in working with the county to remodel a county board room to accommodate jury trials. My understanding is that this was actually a courtroom at one time, so maybe the county was just returning an old favor.

In La Crosse County, CARES funding is being used for video conferencing equipment in each of the five courtrooms and in the family court commissioner's hearing room. This equipment will allow the courts to effectively conduct blended in-person and remote hearings by combining traditional video conferencing, Zoom, and in-person appearances in the courtroom.

Elsewhere in District Seven, space at the Pierce County Fairgrounds has been made available for jury selection. And in Grant County, the visiting judge's courtroom has been converted to a jury deliberation room.

I know there are many other examples of this cooperation across the state. I want to thank all of the judges who worked on these operational plans and with your county partners. I'd also like to

recognize our chief judges for analyzing those plans and working to keep our courts running to the greatest extent possible with safety in mind.

Your efforts are recognized and appreciated.

If the pandemic has had a positive effect in terms of court operations, it may be that we have found new and innovative ways to use technology. And we are planning to continue taking advantage of that technology after the pandemic.

For example, starting in the next few weeks, Milwaukee County Circuit Courts will be using remote connection technology to virtually expand its courtrooms. Jurors located in one courtroom will be issued laptops to connect with other trial participants, including the judge, attorneys and witnesses located in another courtroom. Jurors will be able to view courtroom activity and exhibits in the other courtroom, and the judge and other participants will be able to view jurors.

This remote jury arrangement creates more space for both jurors and other trial participants in each courtroom. It could potentially be replicated at other courts, and jurors could even be located in another building.

Diane Fremgen in Court Operations and Jean Bousquet at CCAP proposed this idea as an option for Milwaukee County after seeing it proposed for Utah courts. It's a great idea, and it will make a big difference.

Technology is also expanding language access to our courts. Zoom is serving as a platform for Video Remote Interpreting, or VRI. As many of you know, we face a shortage of interpreters in some parts of the state and in some less commonly spoken languages. Zoom makes it possible for courts to connect remotely with interpreters, even if they are located in another county, judicial district or state. So, if Chief Judge Maureen Boyle needs a hard-to-find interpreter in St. Croix County, she can recruit from a much larger area. Some interpreters have also appreciated the ability to work without having to travel or appear in person during the pandemic.

Interpreter program manager Carmel Capati was already helping Judge Boyle with a VRI pilot project before the pandemic. But the discovery of the interpreter feature in Zoom dramatically accelerated this effort, and it is now available to judges statewide.

We're also piloting Zoom and other remote meeting technology to help address an ongoing shortage of court reporters. For years, we have struggled to meet the demand, particularly for stenographic court reporters. As many of you know, the lack of a court reporter can jeopardize a trial schedule or even a circuit court calendar. With this remote connection, a reporter located in

one county is able to take the record from a proceeding in another county when a local court reporter isn't available.

To make sure we are taking full advantage of Zoom, I created a task force to consider the possibilities. The task force issued its report last month, and it was distributed as a bulletin recently.

Hopefully, if you've participated in a Zoom court proceeding, things went smoothly. If so, I'm glad to take credit for it. JUST KIDDING. There are many people in the court system who made this possible, in addition to circuit court judges, clerks of circuit court and many other justice system partners at the county level.

Jean Bousquet and her staff at CCAP equipped courts with the technology they needed to use Zoom. Just after the onset of COVID-19, CCAP had issued more than 140 laptops and 400 Zoom accounts to judges and court commissioners statewide. CCAP has also integrated Zoom with existing videoconferencing equipment in 23 courtrooms.

Diane Fremgen and her staff developed procedures and provided instruction, along with CCAP, for judges using Zoom effectively in the court environment. And, our district court administrators encouraged judges and court staff to take on new challenges and have helped implement Zoom in courts throughout the state. The efforts of Court Operations and CCAP have enabled us to take full advantage of this new technology.

But they are not the only ones who have adapted to a new way of delivering services during the pandemic. The David T. Prosser State Law Library now offers curbside delivery of materials; the Clerk of Supreme Court and Court of Appeals has set up a no-contact delivery system to ensure timely processing of filings; the Board of Bar Examiners planned and executed a successful administration of the bar exam in July.

All of this required extra effort, and so many people throughout the court system have risen to the occasion.

Some people might describe all of this as part of a *new normal*. That may be accurate, but I think it could also be called *the new extraordinary*, given the incredible responses we've seen. Again, if we were meeting in person this morning, I'd lead a round of applause for all of these efforts.

I'd also like to thank the Judicial Education Committee, the Judicial Conference Planning Committee and the Office of Judicial Education for making the adjustments necessary to make this year's conference a success. I hope you've all had a chance to meet Morgan Young, our new Director of the Office of Judicial Education. – Morgan, I'm sure you will never forget your first Judicial Conference. I think that's what they call baptism by fire.

This year's breakout sessions follow three tracks, so you can take the COVID-19 track, the technology track or follow the core legal issues track. Or, you can mix it up a bit, if you prefer. This is a flexible schedule, and we are fortunate to have so many experts with us.

We've packed a lot of great presentations into this year's program, but we've also shortened the conference by half a day and reduced the length of sessions to help you avoid Zoom fatigue. Hopefully that hasn't already started setting in during my presentation...

All in all, it promises to be a great conference. I look forward to getting back together with all of you in person next year.

Thank you.