

# **2017 Judicial Videoconferencing Survey**

## **Summary of Results**

**August 2017  
Wisconsin Supreme Court  
Office of Court Operations**



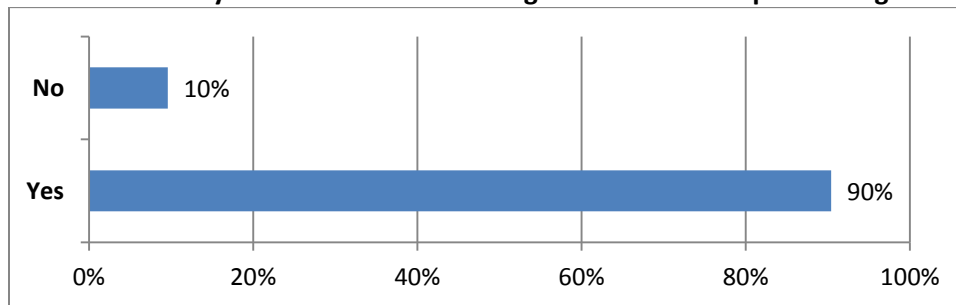
In order to gain perspective on how often and for what purposes videoconferencing is being used in the circuit courts, the office of court operations prepared a survey for judges. The survey was distributed by district court administrators and was open between May 25 and July 7, 2017. While most respondents took the survey online, a paper version of the survey was also available. Responses were received from 198 of 249 circuit court judges, resulting in an 80% overall response rate.<sup>1</sup>

Survey questions focused on frequency of use, advantages, disadvantages, and barriers to use. Each question also included an answer choice of “other” and the opportunity to provide comments. Respondents had the opportunity at the end of the survey to offer their general thoughts and observations about videoconferencing. Those who indicated they used the technology were asked two follow-up questions regarding frequency of use and types of proceedings most often conducted through use of videoconferencing.

### Overall Usage and Frequency

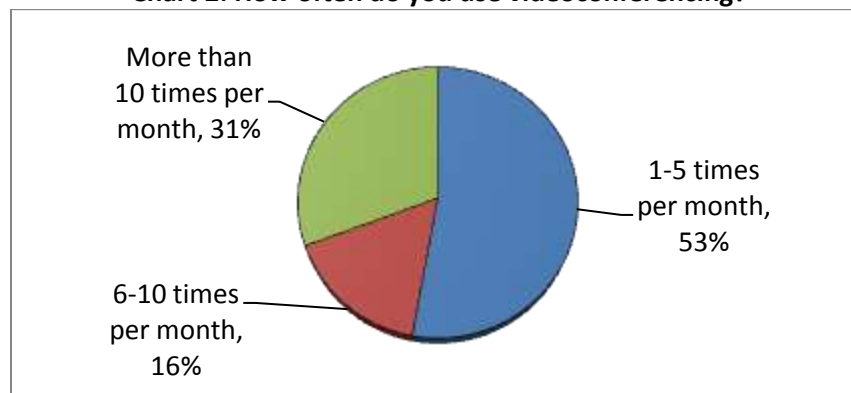
A large proportion of surveyed judges indicated they use videoconferencing to conduct court proceedings. Of 198 survey responses, 179 judges (90%) said that they use videoconferencing and 19 judges (10%) said they do not.

**Chart 1: Do you use videoconferencing to conduct court proceedings?**



Of those who use it, more than half (53%) said that they do so 1-5 times per month, 31% said they use it more than 10 times per month, and 16% indicated they use it 6-10 times per month.

**Chart 2: How often do you use videoconferencing?**

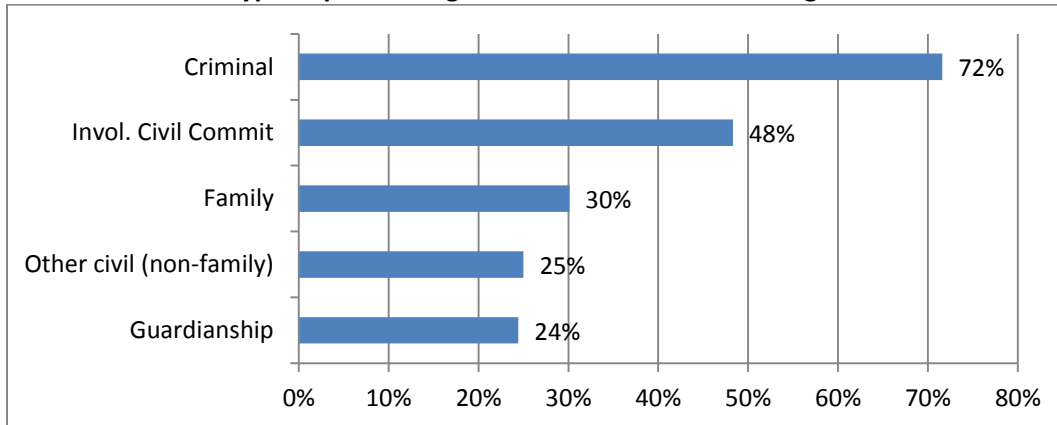


<sup>1</sup>A similar survey was distributed to court commissioners and clerks of circuit court and their staff.

Types of Proceedings

The court proceedings in which judges said they used videoconferencing most often were criminal cases (72%), involuntary civil commitments (48%), and family cases (30%). Other types included civil/non-family (25%), and guardianship cases (25%).

**Chart 3: Type of proceeding used with videoconferencing most often**



In the other/comments section for this question, judges noted that they also use videoconferencing for juvenile delinquency hearings, CHIPS proceedings, termination of parental rights and first offense OWI cases. Additional detail regarding the proceedings cited most by judges in the survey is shown in the table below.

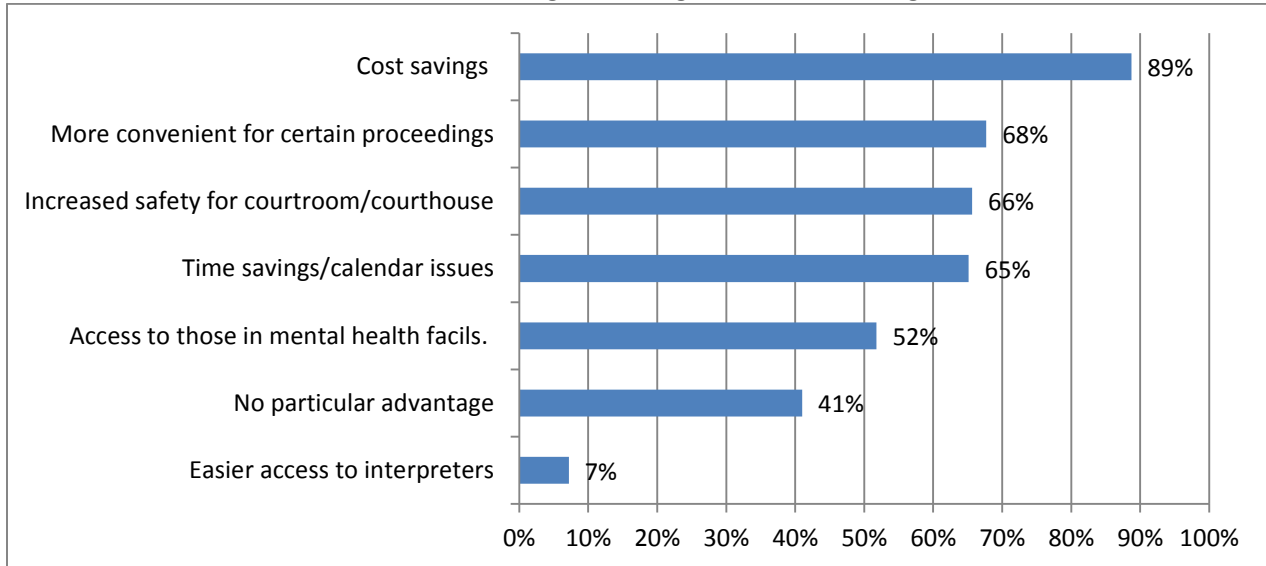
**Table A: Type of proceedings used with videoconferencing - Other**

	No. of Comments
Juvenile/juvenile delinquency	12
Child in Need of Protective Services (CHIPS)	4
Termination of Parental Rights (TPR)	3
OWI 1st Offense/State Hygiene Lab	3
Bail or bond hearings	3
Competency hearings	2
Prisoner force feeding	1
Probate	1
Drug court	1
Civil small claims	1
Civil large claims	1
Children's court	1
Ch. 980	1

Advantages of Videoconferencing

Advantages judges associated with videoconferencing were cost savings (89%), more convenience for certain types of hearings (68%), increased safety (66%), time savings (65%), and increased ease of interacting with parties in state mental health facilities (52%).

**Chart 4: Advantages of using videoconferencing**



In the other/comments section of this question, many judges said they found videoconferencing to be a useful tool and cited reduced travel time for judges and court reporters as a benefit. A number of judges noted that inmate transport from a correctional institution to court for short hearings diminishes inmate access to needed services and programming. According to staff at the Winnebago Mental Health Institute (WMHI), transport of patients for court hearings can destabilize patients by separating them from medication and staff. Some judges echoed this concern and noted in the survey that parties sometimes express a preference to appear by video rather than face a long transport.

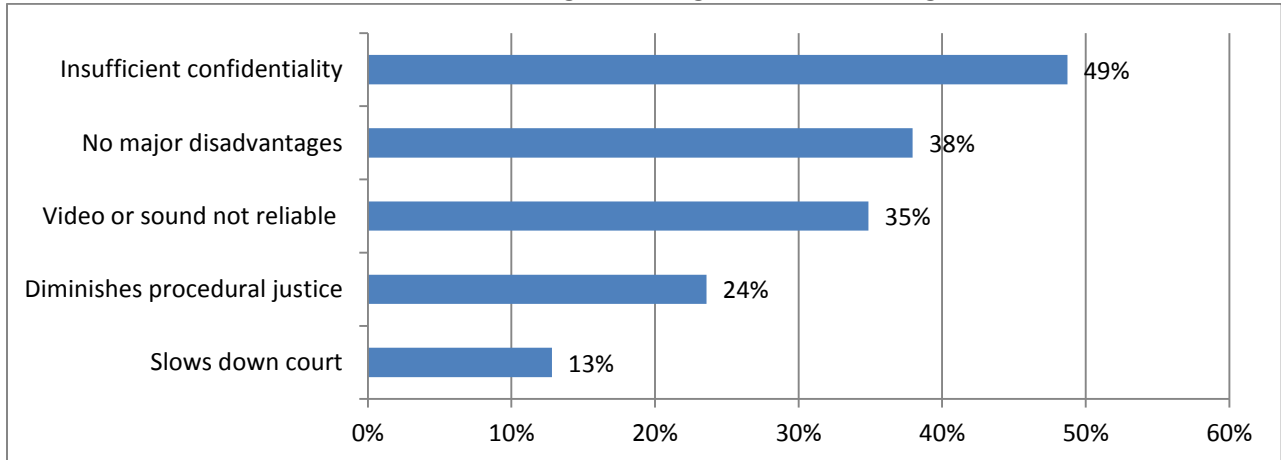
**Table B: Advantages of using videoconferencing - Other**

	No. of Comments
Inmates retain access to services	4
Litigants/defendants express a preference to appear by video rather than be transported	4
Videoconferencing allows more complete participation than teleconference	2
Allows hearings to be arranged on short notice	2
Videoconferencing saves time for all parties involved	1
VC helps judges manage out-of-county assignments more efficiently	1
Increased safety during mental commitment cases	1
Less traumatic than transport for juveniles and those who are mentally ill	1

**Disadvantages of Videoconferencing**

The disadvantages of videoconferencing most often indicated were the lack of confidentiality (49%), and problems with adequate video or sound quality (35%). A negative impact on procedural justice was noted by 24% of respondents, and 13% indicated they felt videoconferencing slowed down court.

**Chart 5: Disadvantages of using videoconferencing**



Other comments associated with disadvantages included technical and practical considerations as well as philosophical opposition to the separation of people and the negative impact that might have on the administration of justice.

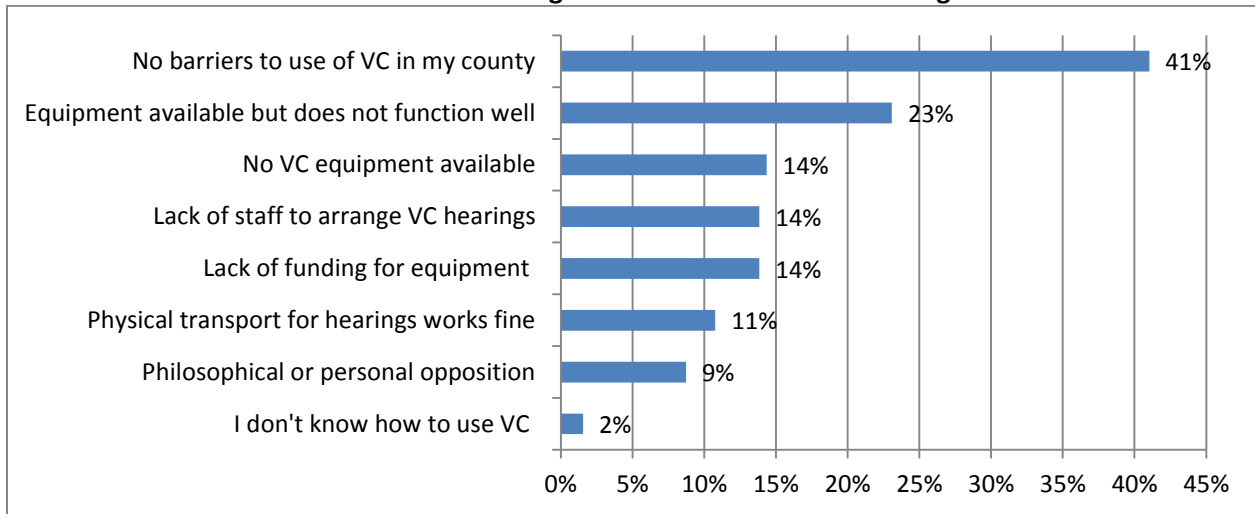
**Table C: Disadvantages of using videoconferencing - Other**

	No. of Comments
More difficult for attorneys to speak with their clients/have full consultation	5
Difficult to hear/see facial expression or physical demeanor	4
Demeaning/does not provide the human element needed for proper administration of justice	3
Sound/video not consistent/equipment does not always work	3
Time consuming/difficult for staff to set up	2
More difficult to review and process documents and exhibits	2
Creates scheduling problems	2
More difficult for court reporters	1
Video makes people less respectful and more likely to act out than when appearing in person in a courtroom	1
Diminishes solemnity of the court	1
Judge has less ability to control the proceedings	1
Hard to get all parties on screen due to courtroom layout	1
Makes it more difficult to present testimony/use interpreter	1

**Barriers to Greater Use**

When asked why videoconferencing is not used more in their respective counties, 41% of the judges answered that there were no barriers to its use. Barriers to videoconferencing that were cited included equipment or technical issues, such as outdated or non-functioning equipment (23%), a lack of equipment (14%), a lack of staff to arrange hearings using videoconferencing (14%), and a lack of funding to purchase new equipment (14%). Judges also indicated that videoconferencing was not used more in their counties because physical transport by the sheriff’s department posed no issues (11%). Some judges indicated that they held personal or philosophical opposition to using the technology (9%) and a small number (2%) cited lack of knowledge regarding how to use videoconferencing as a barrier.

**Chart 6: Barriers to greater use of videoconferencing**



In the other/comments section regarding barriers to use, many judges said they would like to use videoconferencing to a greater degree, but the facility they wished to communicate with either had no equipment or had equipment that was not compatible with the system being used by the judge. Survey respondents also cited statutory language<sup>2</sup> as a barrier, as well as reluctance on the part of attorneys, staff, or parties in a case. Additional comments regarding barriers referred to a negative impact on a party’s due process rights and a lack of staff to arrange hearings.

**Table D: Barriers to greater use of videoconferencing - Other**

	No. of Comments
Equipment only available in some courtrooms	11
Other counties/facilities don't have it on their end	8
Reluctance of attorneys, staff or parties in case	8
Statutory limitations	7
Poor connection or functionality	6
Not enough staff to arrange its use	5
Negatively impacts due process or parties' rights	5
Proceedings must be rescheduled if parties are not available or the connection is lost	1

<sup>2</sup> Wis. Stat. §971.04 Defendant to be present, and §807.13(4) Telephone and audiovisual proceedings, may inadvertently limit a court’s ability to make a discretionary allowance of videoconferencing in certain situations.

General Comments

When given the opportunity to provide general comments at the conclusion of the survey, judges expressed overall support for videoconferencing. A number of commenters indicated they would use it more if equipment were available and if certain legal barriers were removed. Other views expressed concerns about due process rights and whether it was possible to ensure the integrity and solemnity of court proceedings when using videoconferencing. Most of the comments in this section were positive and reflected support of videoconferencing and a desire for additional equipment to keep pace with judicial need. Additional detail regarding comments is shown in Table E below.

**Table E: General comment summary**

	<b>No. of Comments</b>
Positive overall impression; videoconferencing should be used more and is viewed as a useful tool	21
Better equipment/more equipment is needed in courtrooms	7
Negative overall impression; videoconferencing should be used only in limited circumstances	5
Videoconferencing needs additional state investment and should be a statewide, centrally managed system	5
VC is a good tool for certain, appropriate types of proceedings but not for everything	4
Videoconferencing is needed in more institutions to enable better interaction/communication	3
It compromises communication and is overly complicated to arrange	2
Legislation should be amended to allow for greater use of videoconferencing	2
Should be expanded to integrate with tablets, smartphones, and programs such as Skype	1
Would be good if it were better at accommodating attorney-client communication needs	1
Disadvantages could be addressed with better protocols	1
Great for witnesses from State Hygiene/State Crime Lab	1
Reduces anxiety for patients in ME cases	1
Should run on CCAP T-lines to reduce county costs	1
State public defender objects to use	1

Conclusion and Next Steps

This survey demonstrates that videoconferencing is widely used in Wisconsin’s courts and that this technology plays an integral role in how the court system currently operates. While the survey helps explain how videoconferencing is being used, it also raises a number of questions. Follow-up analysis is needed to determine whether statutory changes are needed to enable greater use of videoconferencing, what level of cost savings is achieved by conducting hearings through video, and what solutions might be available to enable expanded video communication between courts and correctional institutions, and mental health facilities. Finally, further examination of videoconferencing must take into consideration any potential negative impact on those who interact through video with judges, physicians, attorneys, and interpreters.