



Technology in the Courtroom: What's New?

Hon. Xavier Rodriguez

U.S. District Judge
Western District of Texas
San Antonio, Texas

Hon. Karin Crump

Civil District Judge
250th Civil District Court
Austin, Texas



6th Annual
Technology and Justice for All

December 2, 2022



Tech in the Courtroom:

**What the Courts are
Offering Now**

Electronic Exhibits

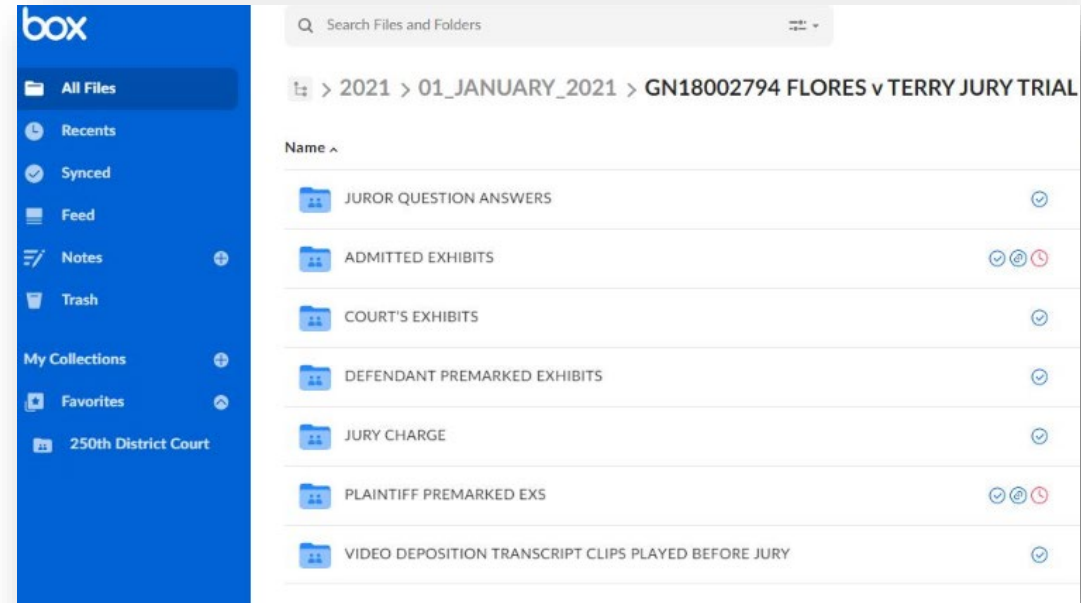


JTC Quick Response Bulletin

Managing Evidence for Virtual Hearings

Version 1.0
Presented 25 June 2020

- Attorneys can share electronic exhibits with each other and the court via a file management system, such as Box, or by email



- Attorneys can then screen share electronic exhibits in the courtroom
- Jury has access to electronic exhibits through Box but likely will use paper exhibits during in person proceedings

Hybrid Trials (Witness or Party Appears Remotely While Other In Person)



Benefits

Reduced travel time/costs

More precise scheduling

Easier for clients to appear

Health/safety benefits

Victim participation

Avoid work/childcare scheduling issues

Courthouse space utilization

Improved access to justice

REMOTE HEARINGS FEEDBACK

Hybrid Trials (Witness or Party Appears Remotely While Other In Person)

Challenges



Challenges Specific to Hybrid Technology

- Reverberating feedback among participants
- Inability to see and hear litigants for those participating remotely
- Courthouse spaces are not designed for hybrid hearings or remote work
- Need for improved technology support

**Electronic Submissions of
Agreed / Unopposed
Orders in Lieu of Hearings**



Current Status of Zoom Hearings



- **Courts have become more accessible to certain people through zoom hearings**
- **Attorneys have become familiar with zoom hearings**

Current Emergency Order authorizes the following:

Fifty-Seventh Emergency Order Regarding the COVID-19 State of Disaster

a. except as this Order provides otherwise, allow or require anyone involved in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, court reporter, grand juror, or petit juror—to participate remotely, such as by teleconferencing, videoconferencing, or other means;

b. consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means; and

c. conduct proceedings away from the court's usual location with reasonable notice and access to the participants and the public if:

4. Courts may continue to use reasonable efforts to conduct proceedings remotely.

6. This Order is effective immediately and expires January 1, 2023, unless extended by the Chief Justice of the Supreme Court.

Dated: October 31, 2022.

Supreme Court of Texas

Misc. Docket No. 22-9097

Fifty-Seventh Emergency Order Regarding the COVID-19 State of Disaster

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This Order is issued pursuant to Section 22.0035(b) of the Texas Government Code.

2. The Fifty-Fifth Emergency Order (Misc. Dkt. No. 22-9071) is renewed.

3. Subject to constitutional limitations and review for abuse of discretion, all courts in Texas may in any case, civil or criminal, without a participant's consent:

a. except as this Order provides otherwise, allow or require anyone involved in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, court reporter, grand juror, or petit juror—to participate remotely, such as by teleconferencing, videoconferencing, or other means;

b. consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means; and

c. conduct proceedings away from the court's usual location with reasonable notice and access to the participants and the public if:

i. exigent circumstances exist; or

ii. conducting proceedings away from the court's usual

Default is In-Person for Trials

Supreme Court of Texas

Misc. Docket No. 22-9097

Fifty-Seventh Emergency Order Regarding
the COVID-19 State of Disaster

ORDERED that:

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b. cons testimony given n ferencing, or othe

c. cond reasonable notice

i. exigent circumstances exist; or

ii. conducting proceedings away from the court's usual

4. Courts may continue to use reasonable efforts to conduct proceedings remotely.

a. In district courts, statutory county courts, and constitutional county courts, the court must not require a lawyer, party, or juror to appear remotely for a jury trial, absent the agreement of the parties.

**Texas Supreme Court
Grants Emergency Stay
of Virtual Trial**



In re Reginald Willis and Allied Aviation Fueling Company of Houston, Inc.

- In *In re Reginald Willis and Allied Aviation Fueling Company of Houston, Inc.*, the defendants filed a petition for writ of mandamus and a motion to stay with the Texas Supreme Court, arguing that:

In this case, the trial court has denied Willis and Allied their sacred constitutional rights by setting this case for a “full virtual jury trial” without the consent of the parties and depriving Defendants of their ability to effectively select a jury panel, present evidence, and confront and cross-examine witnesses in person before a live jury that can fully participate in the jury process in a courtroom—not virtually on a small laptop or iPad while at home in front of a television or in bed with external distractions. The trial court’s ruling presents the following issues:

FILED
21-0472
6/7/2021 2:32 PM
Requested
SUPREME COURT OF TEXAS
BLAKE A. HAWTHORNE, CLERK

No. _____

Temporary Relief

In the
SUPREME COURT OF TEXAS

In re Reginald Willis and
Allied Aviation Fueling Company of Houston, Inc.
Relators.

Original Proceeding from the
270th Judicial District Court of Harris County, Texas
Honorable Dedra Davis, Presiding Judge

PETITION FOR WRIT OF MANDAMUS

Stuart B. Brown, Jr.
bbrown@jw.com
State Bar No. 24006914

Brett Kutnick
bkutnick@jw.com
State Bar No. 00796913

Justin V. Lee
jlee@jw.com
State Bar No. 24097982

JACKSON WALKER LLP
2323 Ross Avenue, Suite 600
Dallas, Texas 75201
Tel: 214-953-6000
Fax: 214-953-5822

Joseph A. Fischer, III
jfischer@jw.com
State Bar No. 0789292

JACKSON WALKER LLP
1401 McKinney Street
Suite 1900
Houston, Texas 77010
Tel: 713-752-4200
Fax: 713-308-4114

Rusty Hardin
rhardin@rustyhardin.com
State Bar No. 08972800

Joe Roden
jroden@rustyhardin.com
State Bar No. 00794549

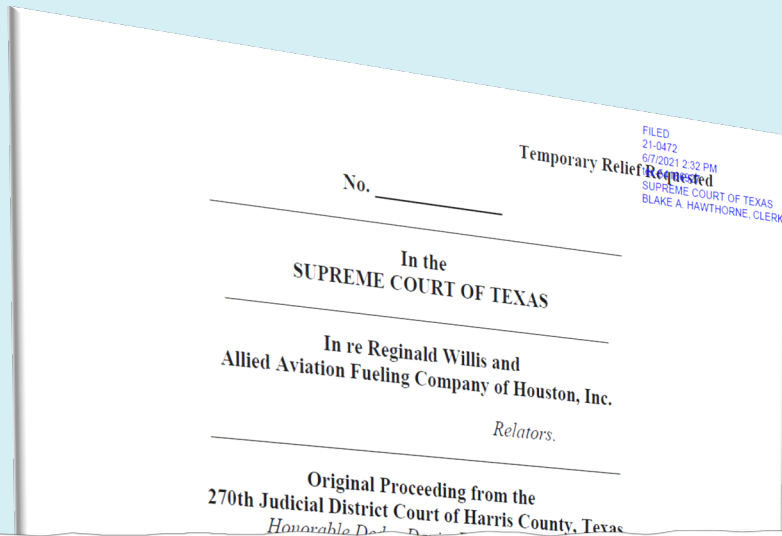
Ryan Higgins
rhiggins@rustyhardin.com
State Bar No. 24007362

Daniel R. Dutko
ddutko@rustyhardin.com
State Bar No. 24054206

RUSTY HARDIN & ASSOCIATES LLP
5 Houston Center
1401 McKinney Street, Suite 2250
Houston, Texas 77010
Tel: 713-652-9000
Fax: 713-652-9800

Attorneys for Relators

In re Reginald Willis and Allied Aviation Fueling Company of Houston, Inc.



The defendants further argued that the Texas Supreme Court's 38th Emergency Order:

A. This Court's Thirty-Eighth Emergency Order Regarding the Covid-19 State of Disaster does not authorize a remote jury trial without the consent of all parties.

Fax: 214-953-5822

5 Houston Center
1401 McKinney Street, Suite 2250
Houston, Texas 77010
Tel: 713-652-9000
Fax: 713-652-9800

Attorneys for Relators

The Texas Supreme Court granted the motion to stay the next day. Though the petition for writ of mandamus was ultimately dismissed, the Texas Supreme Court's immediate stay of the virtual jury trial signals that remote jury trial cannot proceed if at least one party objects.

THE SUPREME COURT OF TEXAS

Orders Pronounced June 8, 2021

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

21-0472 IN RE REGINALD WILLIS AND ALLIED AVIATION FUELING COMPANY OF HOUSTON, INC.; from Harris County; 1st Court of Appeals District (01-21-00289-CV, ___ SW3d ___,)
relators' motion for emergency stay granted
stay order issued

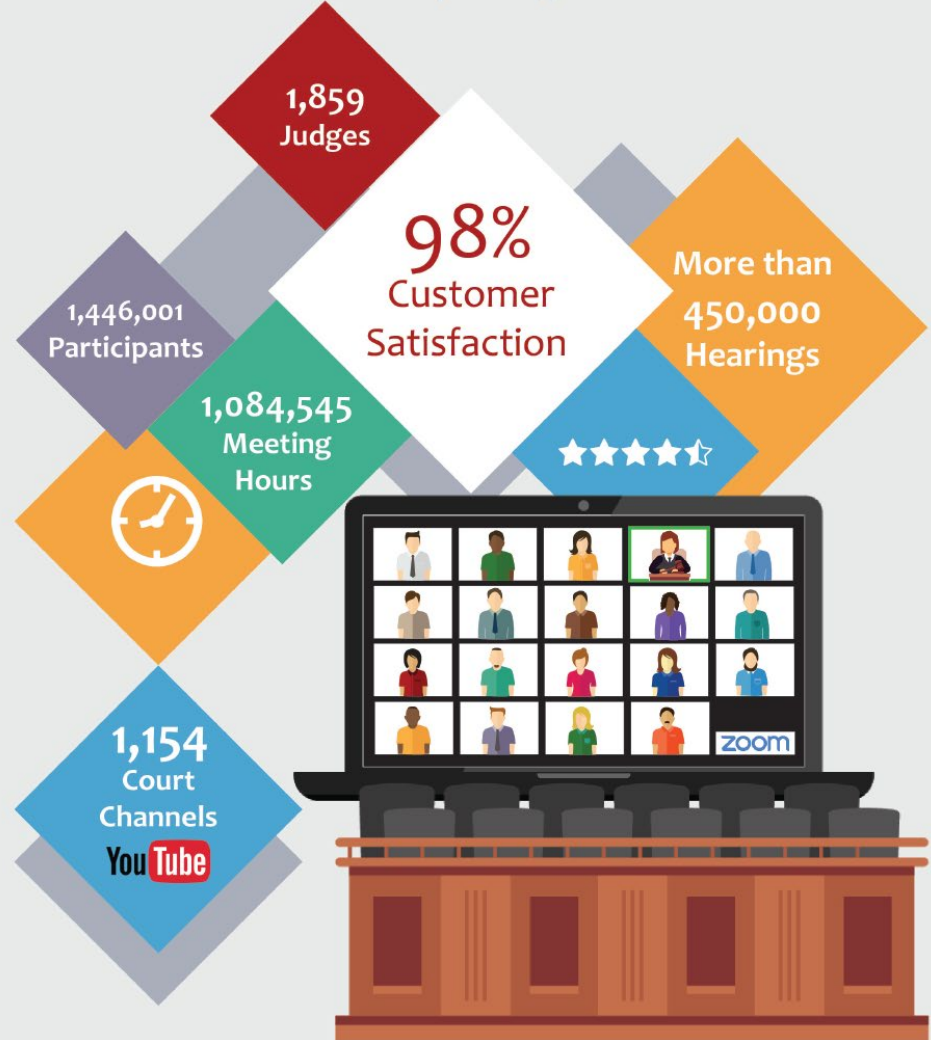


New Travis County Civil and Family Courts

Tech in the Future Courtroom

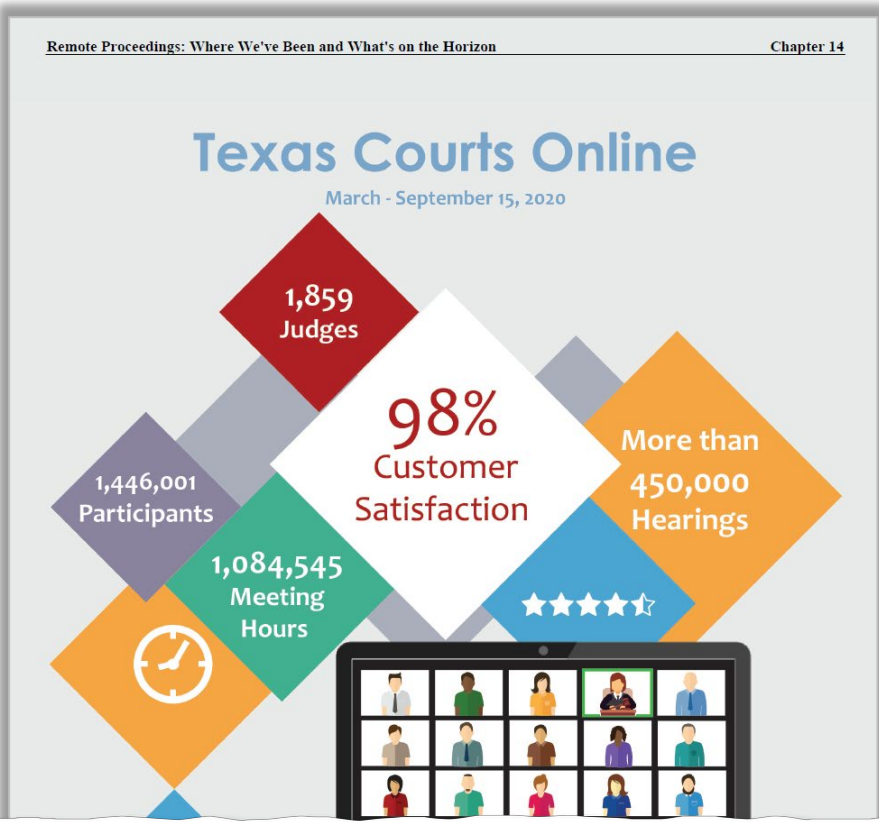
Texas Courts Online

March - September 15, 2020



Texas Judicial Committee Recommendations for State Court Remote Proceedings

Texas Judicial Committee Recommendations for State Court Remote Proceedings



Remote Proceedings: Where We've Been and What's on the Horizon Chapter 14
Public Trust & Confidence Committee | Page 5

In addition, in survey of more than 3000 Texas attorneys conducted in June 2020, attorneys reported positive feedback on remote hearings:

- 94% had no issues communicating with their client during hearings
- 93% had positive or neutral impression of remote hearings
- 85% would recommend remote hearings to colleagues or clients
- 44% feel remote hearings are worse than in-person hearings, but 73% say they are effective.
- 43% open to conducting some portion of a jury trial remotely. Jury qualification, witness testimony, and voir dire were the top answers.⁶

It is this Committee's belief that remote hearings will never fully replace in person proceedings and they shouldn't; however, the progress made during the pandemic in access to justice, accessibility and efficiency should continue long after the pandemic ends. The Committee recommends that any statutory or rule barriers to holding remote proceedings outside a disaster declaration, should be removed.

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Proposed Texas Rules of Civil Procedure Changes

TEXAS RULES OF CIVIL PROCEDURE



TEXAS SUPREME COURT

Proposed

- **Default is in-person. Special requirements would apply for electronic appearances at jury trials and at court proceedings in which oral testimony is heard.**
- **Parties may object to any method of appearance but must state good cause for the objection.**

Proposed Texas Rule of Judicial Administration 7

Supreme Court of Texas

Misc. Docket No. 22-9091

Preliminary Approval of Texas Rules of Civil Procedure 21d and 500.10
and of Amendments to Texas Rules of Civil Procedure 21, 500.2, 501.4, and
505.1 and Texas Rule of Judicial Administration 7

ORDERED that:

1. The Court invites

(b2) the use of ~~telephone or mail~~ teleconferencing, videoconferencing, or other available means in lieu of personal appearance ~~by attorneys~~ for motion hearings, pretrial conferences, scheduling, and ~~the setting of trial dates~~ other appropriate court proceedings;

Court expects the new and amended Texas rules of Civil Procedure to take effect on February 1, 2023. The Court expects the amendments to Texas Rule of Judicial Administration 7 to take effect on April 1, 2023.

5. The Clerk is directed to:

- a. file a copy of this Order with the Secretary of State;
- b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;



New Technology in the Courtroom

Types of Technology That Could Be Incorporated Into Courtrooms



Integrated Cameras

- One to frame the judge or the witness
- One to point to the attorney tables or the podium sharing



Enhanced Audio

- State-of-the-art microphones placed optimally
- Noise Cancelling Apps (i.e., Krisp App) for Zoom hearings / hybrid witness)



Access to Screens for All

- Screens that can be viewed from every angle of the courtroom



Modern Evidence Presentation

- High quality document camera
- Laptops
- HDMI cables for attorneys to use their own laptops



Wireless Presentation Options

- Such as AirPlay or AirMedia that allow for wireless screen sharing

Federal Court



NEW Federal Courthouse San Antonio, Tx

State-of-the-art technology offers the ability to easily stream video proceedings into neighboring courtrooms if social distancing policies are reenacted due to the ongoing COVID-19 pandemic.



Designed with the Future in Mind



View of new courtroom from gallery to the bench.

Integrated Cameras



Integrated Cameras

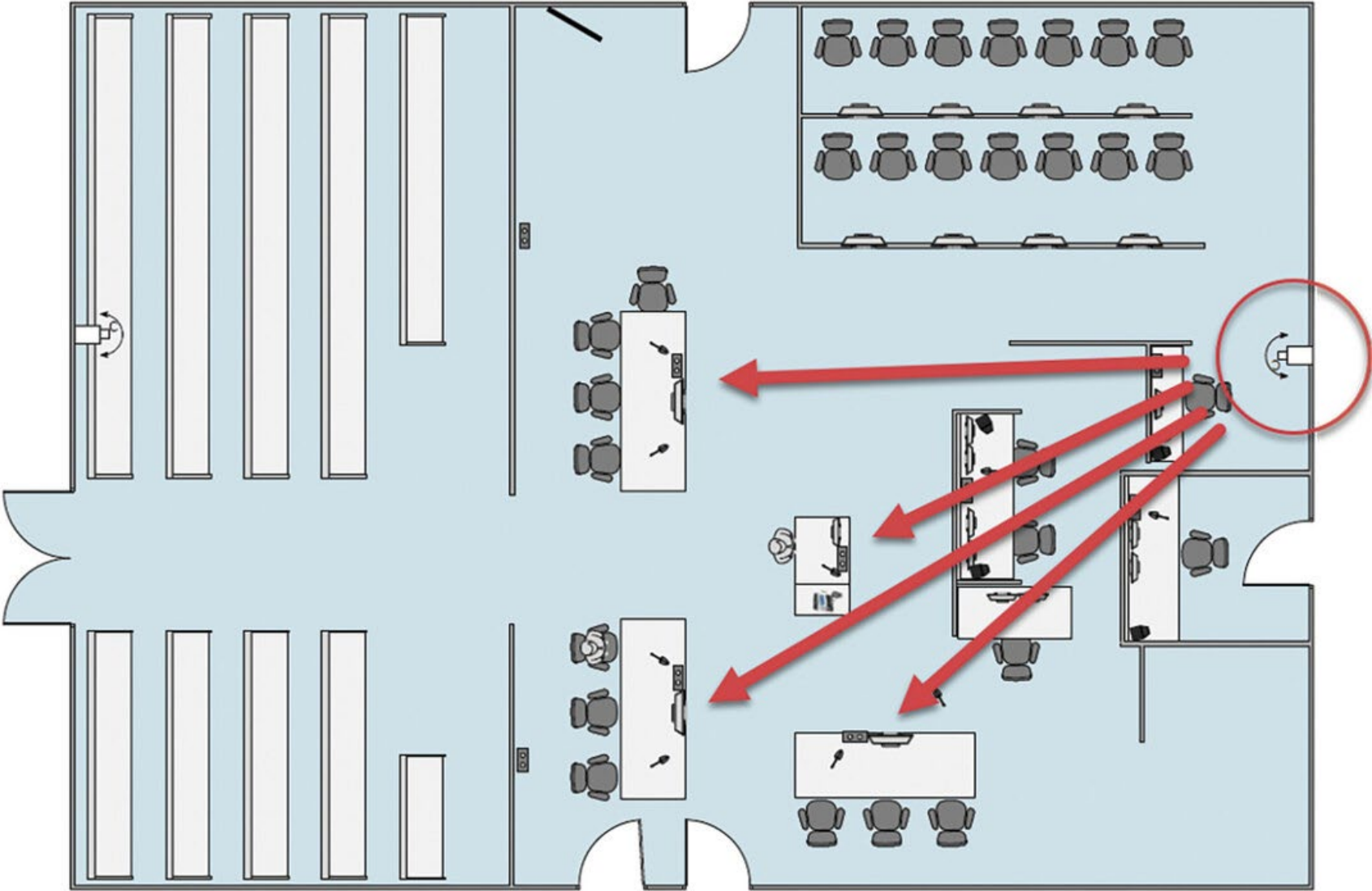


Diagram showing angles associated with the camera behind the witness stand

State-of-the-Art Audio

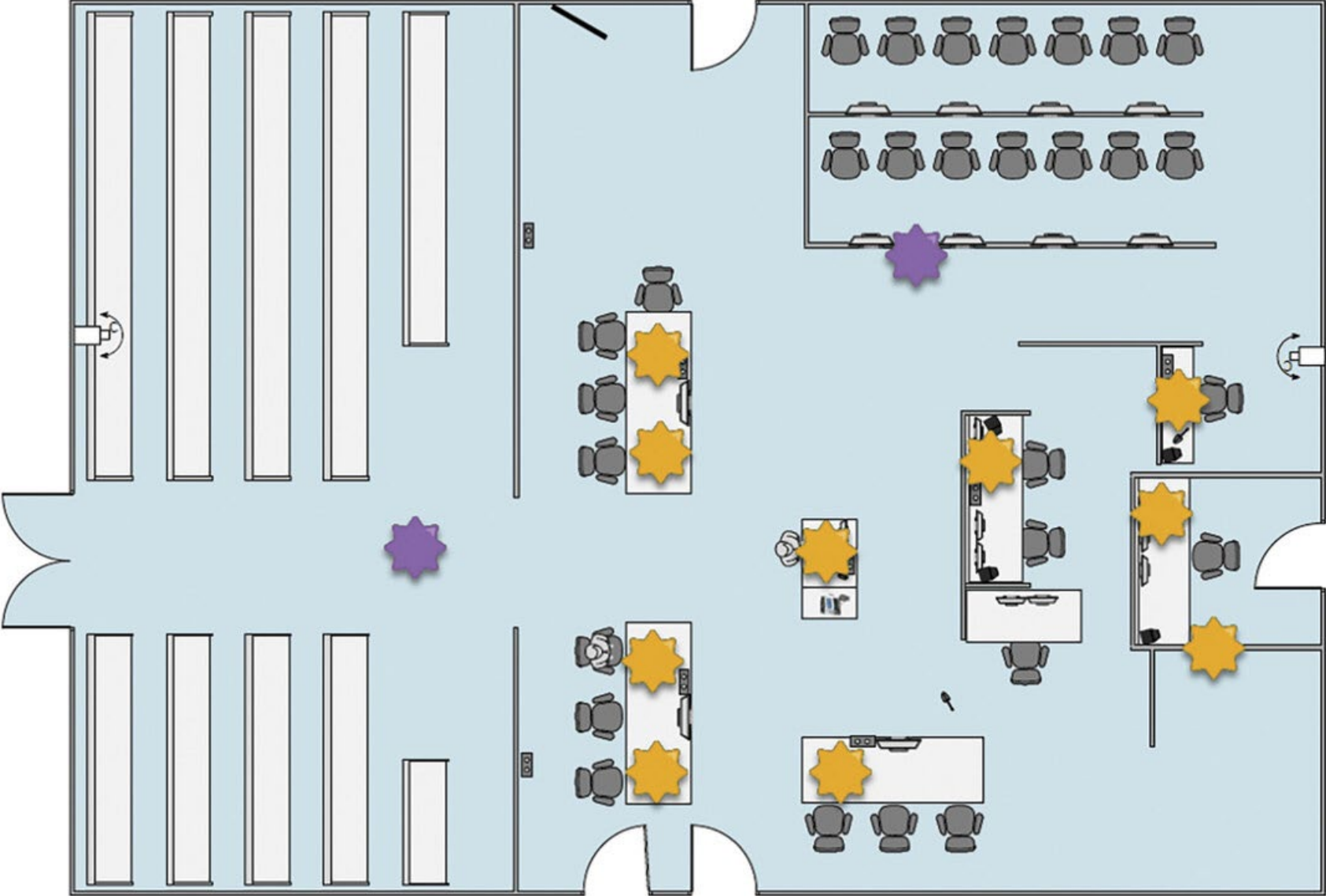


Diagram of microphone locations (gold and purple indicators)

State-of-the-Art Audio



View of the witness stand with microphone, speaker, and evidence presentation screen

Access to Video for All

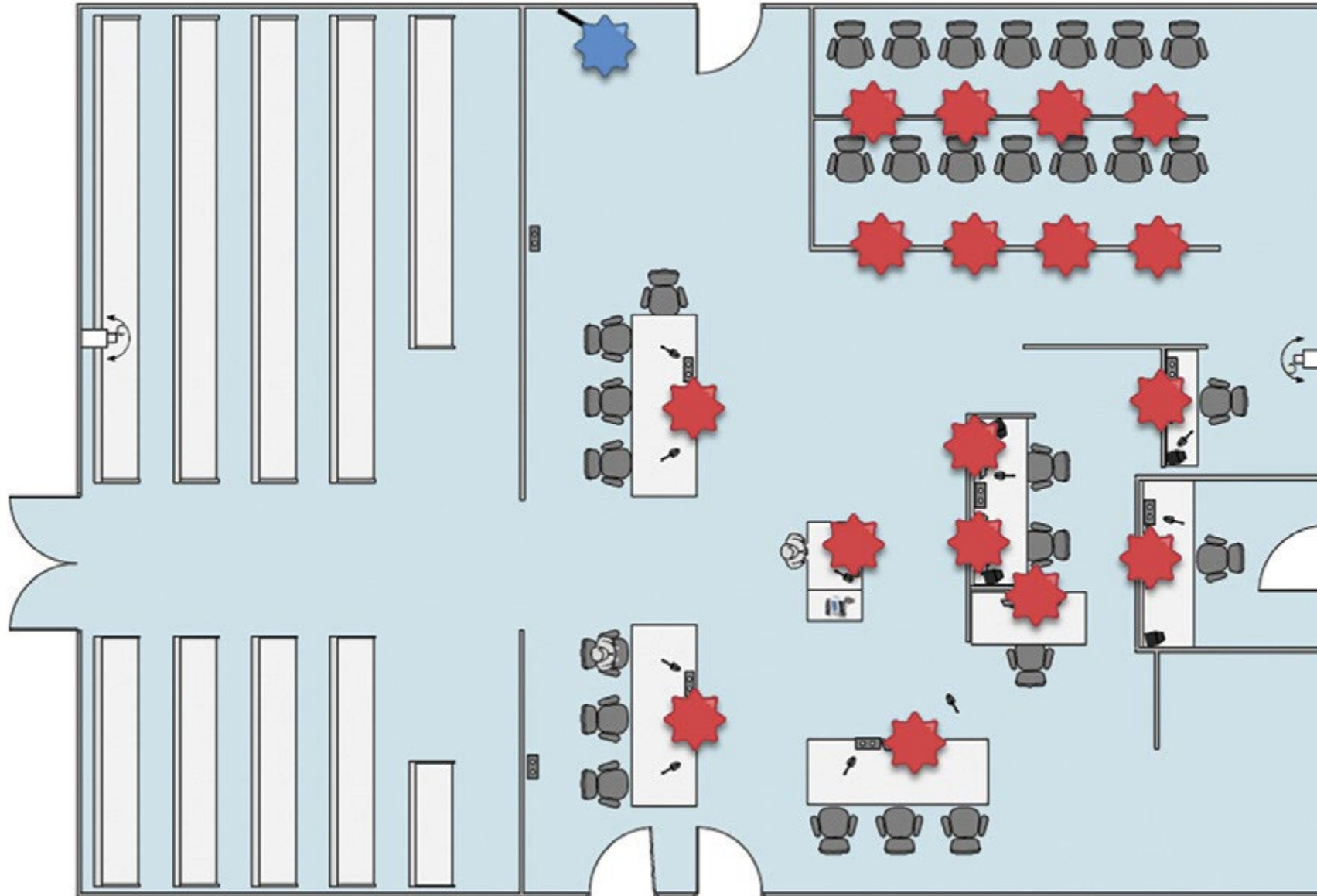


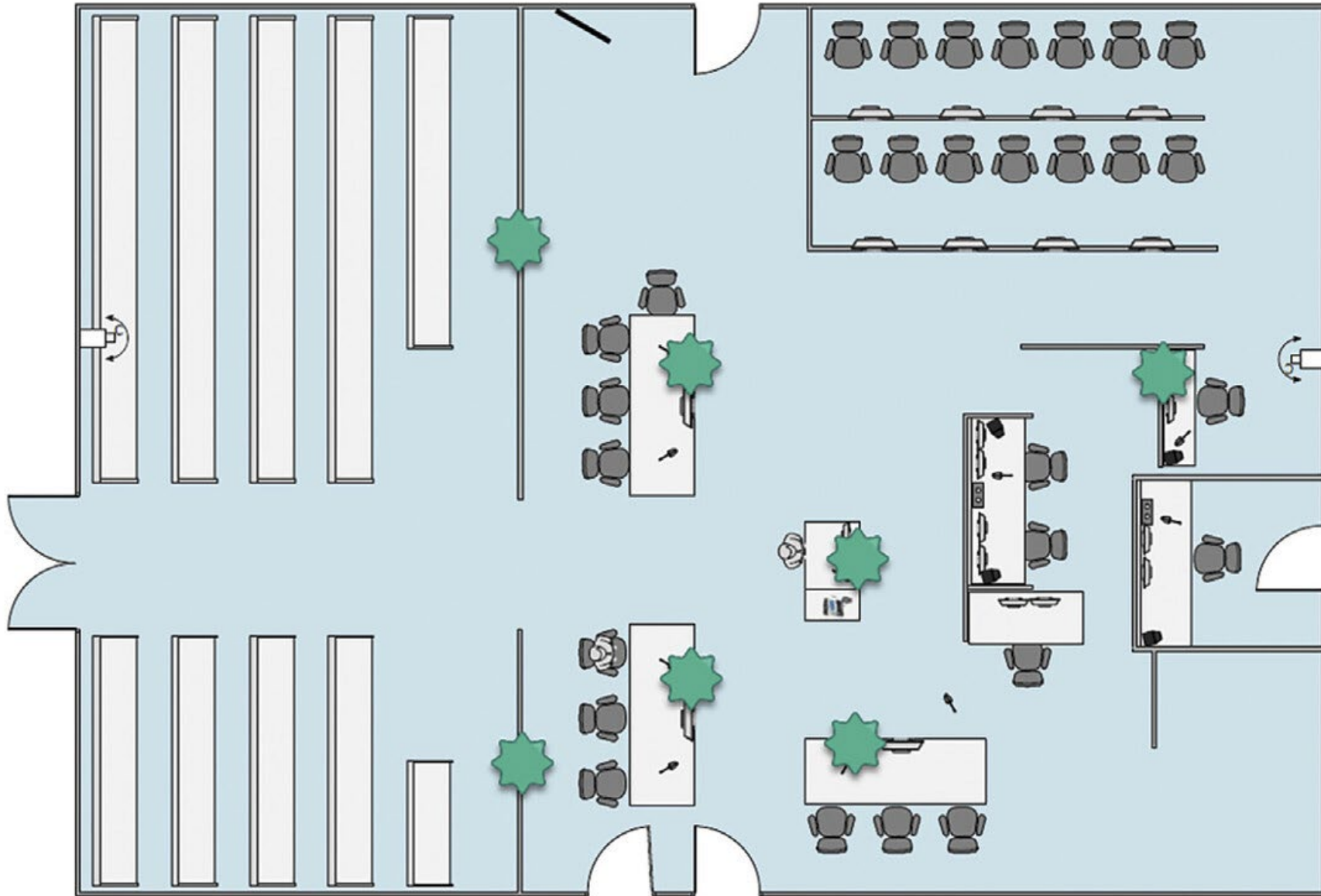
Diagram showing screen locations (red and blue indicators)

Access to Video for All



View of jury box with speakers and movable screens

Wireless Presentation Option



Courtroom diagram with evidence inputs in the room. Note the two litigation support locations by the gallery rail.

Summary of all Technology Available in Each Courtroom

Cameras

- One facing the judge and witness
- One facing attorneys and parties
- Views are controlled by the courtroom deputy or judge if preferred

Microphone

- Standard coverage plus options at jury rail and gallery
- Wireless handheld and lavalier

Video

- Eight screens in the jury box
- Screens at attorney tables
- Screens at lower and upper bench
- Screen at witness stand
- Large screen for gallery
- Picture in picture available

Inputs

- Connections at all attorney locations
- Connection at witness stand
- Connection at litigation support locations
- Document camera
- Wireless sharing

Other

- Controls at courtroom deputy station and judge
- White noise
- Integrated voice conferencing and video conferencing (zoom)
- Standard interpreter, FTR, etc.

State Courts



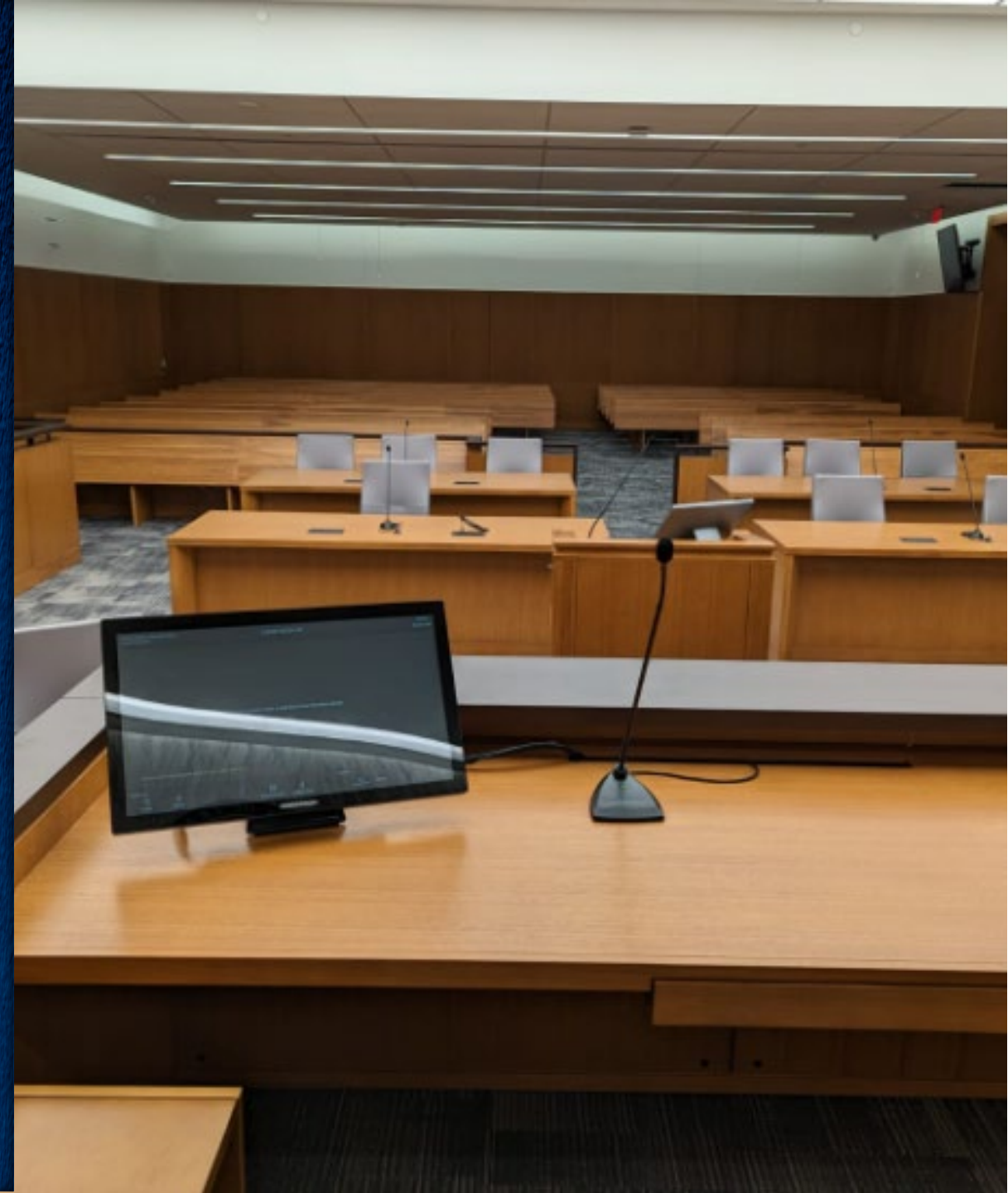
NEW Travis County Civil and Family Courts Austin, Tx



State-of-the-art technology includes Zoom stations which integrate courtroom cameras for remote witness testimony and hybrid hearings.

Bench AV “control center” with ability to:

- Adjust lighting/AC
- Control white noise “Sidebar Mode”
- Select who is “live” to present
- Override all AV in the room





Clerk/JEA Location:

- Clerks/JEA/Court Reporter location has an additional, mobile AV controller for use in a more dynamic way if needed
- Witness and Lectern locations also have Annotation capability.

High Tech Attorney Tables

- Dedicated HDMI cable for attorney laptop
- “Show Me” button that will auto-select (with Judicial oversight) display
- Each attorney table equipped with monitor





Courtroom Lecterns:

- **Movable**
- **Full control of the AV system**
- **High resolution document camera**
- **Zoom station can be set up to integrate into cameras in court for remote witness testimony or hybrid hearings**



VR and Artificial Courtrooms



China's E-Justice Revolution

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FEATURE | INTERNATIONAL TECHNOLOGY

China's E-Justice Revolution

by [Zhuhao Wang \(汪诒豪\)](#)

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China has begun to use alternative methods for the introduction of electronic evidence.

These methods arose out of a concern regarding the authenticity of electronic evidence, which is easier to manipulate than other forms of traditional evidence.

In lieu of an agreement between parties as to electronic evidence's authenticity, the traditional alternative was a notary/verification process.

China's E-Justice Revolution

Electronic Evidence and “Judiciary + Blockchain”

China is using “blockchain + judiciary,” which is “the use of a blockchain service that is recognized or operated by the judicial branch to preserve (or “deposit”) digital files for potential civil litigations.” One benefit of blockchain is that it more resistant to tampering than other forms of storing electronic evidence.

The Intelligent Court Project

China has also begun using the “Intelligent Court Project,” which is “an embrace of the latest advanced technologies with the aim of serving the public and developing a networked, transparent, and intelligent information system that can support online access to all litigation procedures.” It is a form of artificial intelligence.

China's Internet Courts

China uses “Internet Courts” to conduct their proceedings online for civil disputes. The Internet Court has 20 full-time judges and, since 2018, has handled 12,074 internet-related cases. The average duration of these online trials was 28 minutes. From filing an online complaint, case completion takes approximately 38 days.

Where we go from here?



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