



**Report to the Supreme Court Advisory Committee (SCAC)
On Proposed Revisions to Texas Rule of Civil Procedure
Regarding Remote Proceedings**

**Submitted on Behalf of the Texas Access to Justice Commission
August 15, 2022**

I. INTRODUCTION

The Supreme Court of Texas Liaison to the Texas Access to Justice Commission (“the Commission”), Justice Brett Busby, has requested that SCAC be provided feedback from an access to justice perspective on its latest proposals concerning remote proceedings rules for JP courts. A group comprised of the Chair of the Rules Committee, Lisa Hobbs, and Judge Nicholas Chu, Judge Roy Ferguson,¹ Kennon Wooten, Trish McAllister, Cathryn Ibarra, Briana Stone, and Harriet Miers reviewed the proposals concerning JP courts rules before SCAC. This report recommends changes to the current draft rules under SCAC’s consideration. Specifically, the Report provides feedback on what constitutes “good cause,” particularly when poor and unrepresented parties are involved in a proceeding, and what tools can be used to adequately advise poor and unrepresented litigants about how to participate in remote proceedings effectively. The Report ends with important information about how remote proceedings can improve access to justice for poor and unrepresented parties and includes an appendix of relevant materials.

By way of background, the Supreme Court of Texas established the Texas Access to Justice Commission in 2001 to serve as the statewide umbrella organization for all efforts to expand access to justice in civil legal matters for the poor. It is the Commission’s role to assess national and statewide trends on access to justice issues facing the poor, and to develop initiatives that increase access and reduce barriers to accessing the justice system.² The Commission appreciates greatly the many ways the Supreme Court of Texas, the State Bar of Texas, and the lawyers of

¹ A letter from Judge Ferguson outlining his experiences, including anecdotes, is included as Attachment D.

² Supreme Court of Texas Misc. Docket 01-9065, Order Establishing the Texas Access to Justice Commission, April 26, 2001.

Texas have embraced the work of the Commission and the need to increase access to justice in our State for those Texans among us who have unmet and many time dire legal needs.

The Commission, with the assistance of its members and its committees, helps identify access to justice issues for low-income Texans that may be resolved by new or modified rules, legislation, policies, and procedures. The Commission is deeply grateful for SCAC's thoughtful approach to addressing remote proceedings, which are a critical component to achieving access to justice in Texas courts. The Commission also is grateful for SCAC's willingness to review the submitted suggestions as it works to address these proceedings under Texas Rules of Civil Procedure 500.2(g) and 500.10, and then integrates those comments into the district and county rules. Full Commission approval of the suggestions will be sought at the next meeting of the Access to Justice Commission on August 29, 2022.

Across the United States, as is well-known, courts and judges have faced great challenges presented by the Covid Pandemic. Many courts and judges have seized this opportunity to open new pathways for litigants to resolve their legal issues, including greatly increased use of remote proceedings. As early as June 2020, lasting changes to our judicial system were evident. Bridget Mary McCormack, Chief Justice of the Michigan Supreme Court, noted to a congressional subcommittee that "in three months, [the courts] have changed more than in the past three decades."³ Texas Chief Justice Nathan Hecht has suggested that with the expansion of remote court proceedings, "the American justice system will never be the same."⁴ Chief Justice has emphasized: "We should heed this summons to bring the justice system into the 21st century adhering firmly to our ancient values and answering to the demands of our changing culture for more accessibility while deepening our own dedication to justice for all."

In fact, the advent of remote hearings has been an enormous leap forward in access to justice, especially in cases involving self-represented litigants (SRLs) and low-income Texans who cannot afford an attorney. Parties increased participation in

³ Federal Courts During the Covid-19 Pandemic: Best Practices, Opportunities for Innovation, and Lessons for the Future: Hearing Before the Subcomm. on Cts., Intell. Prop., & the Internet of the H. Comm. on the Judiciary, 116th Cong. 1 (2020) (testimony of Bridget M. McCormack, Chief Justice, Michigan Supreme Court).

⁴ Meera Gajjar, "The American Justice System Will Never Be the Same," Says Texas Supreme Court Chief Justice Nathan Hecht, THOMSON REUTERS (Apr. 24, 2020), <https://www.thomsonreuters.com/en-us/posts/government/texas-supreme-court-chief-justice-nathan-hecht/> [https://perma.cc/69JS-AG79] (interviewing Nathan Hecht, chief justice, Supreme Court of Texas).

proceedings that are held remotely has demonstrated that past assumptions on lack of litigant participation in certain case types is just wrong. It is not due to apathy or indifference, but rather the lack of the patron's ability to access the physical courthouse.

In December 2021, the National Center for State Courts (NCSC) released a report based on Texas data that supports how effective remote hearings have been.⁵ (See Section IV. Remote Proceedings Can Improve Access to Justice.) The study found that although remote hearings tend to take longer, they increase access to justice and ultimately help more people. Some people who have historically been unable to participate in the traditional, in-person legal process are now actively participating in remote proceedings because the remote hearings are easier to attend. Remote hearings have also led to the reduction of stubbornly high default rates in case types commonly involving low-income persons, such as evictions and debt collection. While technology problems and a lack of litigant preparation were cited in the NCSC report as reasons for longer hearings, these issues can be mitigated by creative solutions, such as, tech kiosks, and providing litigants with plain-language information and instructions on how to prepare for and participate in remote proceedings.

As has been learned, under the appropriate circumstances, and with the necessary protections and supports in place, remote proceedings can significantly advance access to justice in Texas. As the Supreme Court of Texas considers how to implement remote proceedings on a permanent basis, it is important for the Court to consider the barriers to both in-person hearings, such as employment and caregiving constraints, and remote hearings, such as access to technology, and to do its best to resolve them by creating a justice system that, as a whole, is more responsive to the typical needs and lived experiences of Texans.

II. RECOMMENDATIONS FOR PROPOSED RULE

The Committee reviewed the proposed drafts of TRCP 500.2 (g) and 500.10 presented to SCAC on March 25, 2022, and May 27, 2022, for access to justice implications. Our recommendations are solely focused on 500.10 (b) and the accompanying comment. The Committee edited the May 27, 2022 draft to make its recommendations. A clean copy of the Committee's recommendations can be

⁵ National Center for State Courts. The Use of Remote Hearings in Texas State Courts: The Impact on Judicial Workload, December 2021. <https://www.ncsc.org/newsroom/public-health-emergency/texas-remote-hearings>

referenced in Attachment A. A redline version can be found in Attachment B. A summary of the proposed changes follows:

TRCP 500.10 (b) Request to Appear by Alternate Means

Draft Discussed by SCAC: **(b) Request to Appear by Alternate Means.** A party may file a request for a participant to appear at a court proceeding in a manner other than the manner allowed or required by the court. The request must be filed within a reasonable time after a party identifies the need for the request. The court must rule on the request and timely communicate the ruling to the parties, but it is not required to hold a hearing before ruling. The court must grant the request unless it finds there is good cause not to grant. Such good cause must be documented in the ruling denying the request.

The Committee's 's Recommendations: **(b) Request to Appear by Alternate Means.** A party may request for a participant to appear at a court proceeding in a manner other than the manner allowed or required by the court. The request must be made within a reasonable time after a party identifies the need for the request. The court must rule on the request and timely communicate the ruling to the parties, but it is not required to hold a hearing before ruling. The court should grant the request unless it finds there is good cause not to grant. Such good cause must be documented in the ruling denying the request.

The Committee recommends removing the references to filing a request because judges and courts receive requests via email and other means of communication, not just through official “filing”. The Committee believed that the court should grant the request unless it finds there is good cause to deny the request, which allows for greater judicial discretion in determining the best course of action in the particular situation. We also did not want to reduce judicial efficiency by including a mandate that might prompt some judges to try to exhaust consideration of the good cause factors set forth in the comment before deciding how to proceed with a request.

Comment to 2022 Change

Draft Discussed by SCAC: **Comment to 2022 Change:** New Rule 500.10 clarifies procedures for appearances at court proceedings. Subpart (b) references good cause not to grant a request to appear by alternate means. When evaluating the

request, the court should consider factors including, but not limited to, the following: (1) whether a person who is the subject of the request may be unable to appear remotely due to a lack of access to the needed technology or a lack of proficiency in technology that would prevent meaningful participation in the proceeding; (2) whether in-person participation could compromise one's health or safety; (3) whether the court can provide language access services for a person with limited English proficiency through the manner of appearance requested; and (4) whether the court can provide a reasonable accommodation for a person with a disability to participate in the proceeding, in the particular manner requested. When a party files a request for participation in a particular manner, the party should explain the reasons for the request. Subpart (c) requires the court's contact information to be in a notice of a court proceeding. A participant in a court proceeding should be able to use that information to receive a reasonably timely response to any issues concerning participating remotely or by being physically present in the courtroom.

The Committee's Recommendations: **Comment to 2022 Change:** New Rule 500.10 clarifies procedures for appearances at court proceedings. When evaluating a request under Subpart (b), the court should consider relevant factors, such as: (1) the court's capability to conduct a hybrid hearing; (2) the complexity of the case, including number of witnesses; (3) the financial burden associated with the method of appearance, such as litigation costs or potential risk of loss of employment; (4) representation by a pro bono or legal aid lawyer; (5) scheduling conflicts; (6) the inability to appear remotely due to a lack of technological access or proficiency; (7) the ability to submit or view evidence; (8) health or safety risks; (9) the need of language access services; (10) the court's ability to provide a reasonable accommodation for a person with a disability; (11) the ability to travel to the courthouse; and (12) caretaking responsibilities. When a party files a request for participation in a particular manner, the party should explain the reasons for the request. Subpart (c) requires the court's contact information to be in a notice of a court proceeding. A participant in a court proceeding should be able to use that information to receive a reasonably timely response to any issues concerning participating remotely or by being physically present in the courtroom.

1. Good Cause: A court should consider several factors in determining whether good cause exists to deny a remote or hybrid hearing request and that those listed in the comment are not meant to be comprehensive or a *de facto* test

that a judge must apply or weigh when making the determination. We also propose adding some common factors that impact remote hearings and using plain language to make the list clearer and more usable by the public, who undoubtedly will need to reference the rule. For example, instead of using “.... the court should consider factors, including but not limited to, the following:” we suggest using “.... the court should consider relevant factors, such as....” to use fewer words and clauses and read more like a layperson speaks.

2. (1) the court’s capability to conduct a hybrid hearing: In a hybrid hearing, fairly balancing the needs of in-person litigants and court participants with parties participating remotely presents unique challenges and opportunities. It is important to ensure that everyone can hear, be heard, and have access to whatever evidence is being used.

Different courts have different abilities to implement hybrid hearings. In the urban areas, there is strong, plentiful internet and most courts already have the appropriate technology and AV systems needed to effectively hold hybrid hearings. However, in some rural areas, a judge may lack the same infrastructure. Their courts may not be equipped with AV, screens, mics, and the like, due to budget constraints or lack of facilities. Staff should also be available to address questions or issues that arise before and during the hearing.

3. (2) the complexity of the case, including number of witnesses

Developing guidelines to determine which types of hearings should be in-person or remote would encourage uniformity and consistency. More complicated matters may not lend themselves to remote technology and may be more efficient when conducted in-person. The needs of litigants should also be considered when determining the form of a hearing. For example, there may be instances where community witnesses or family support can only be available virtually.

4. (3) the financial burden associated with the method of appearance, such as litigation costs or potential risk of loss of employment

Virtual hearings eliminate historic barriers, such as driving several hours to get to the courthouse or the need to take time off from work when you need the

money to make ends meet or might get fired for doing so. They are particularly helpful for low- and moderate-means clients, who may have less flexible job schedules, or no paid leave to take care of legal and personal issues.

5. (4) representation by a pro bono or legal aid lawyer

Texas ranks 44th in access to civil legal aid lawyers, according to the National Center for Access to Justice.⁶ There is approximately one Legal Services Corporation funded program lawyer for every 12,200 low-income Texans who qualify for civil legal aid. There are many Texas counties that do not have a legal aid office or even a lawyer living in them. Remote proceedings allow legal aid and pro bono organizations to serve previously underserved parts of the state and to handle more cases more efficiently because they are not driving all over the state to get to hearings.

6. (5) scheduling conflicts

Court efficiency increases when courts can schedule hearings in a more time-certain window while also considering litigant participation. Virtual dockets allow judges to preside in multiple counties in a single day if needed, lawyers to represent clients across the state, and are less disruptive to litigants' daily lives.

7. (6) the inability to appear remotely due to a lack of technological access or proficiency

Across the nation, a persistent socioeconomic digital divide exists that affects a person's ability to afford technology and their ability to access technology, such as living in or near a dead zone. Courts have overcome this by providing easily accessible technology for litigant use and planning for real-time glitches that occur during hearings. Some courts use "technology bailiffs" who help better prepare participants in advance of their remote proceeding and address tech problems that arise during the hearing.

Access to broadband internet service has become a vital tool for staying connected in the digital era, particularly in the recent years of navigating COVID-19. However, we know that some court participants, particularly self-

⁶ National Center for Access to Justice, Justice Index, <https://ncaj.org/state-rankings/2020/attorney-access>

represented litigants, face technological barriers to access when participating in remote hearings.⁷

Courts are finding creative ways to address these gaps in technology. Some are establishing courthouse kiosks or physical rooms that are free to use and are prepared with the equipment needed to participate in online court hearings. Others are partnering with public libraries and legal aid providers to establish similar kiosks or rooms for use in remote hearings that may be more accessible. Some courthouses also offer free guest Wi-Fi.

8. (7) the ability to submit or view evidence

One of the challenges for virtual hearings is related to managing evidence — sharing and accessing documents and multimedia files, organizing evidence, and being able to access it when needed during a hearing. On a NSCS Tiny Chat, Judge Emily Miskel stated that self-represented litigants are starting to sign up for our electronic filing system in Texas.⁸ Before the pandemic, SRLs did not use a lot of evidence when they participated in hearings because everything was on their cell phones and not in a format that could be given to the court reporter, saved, and preserved. When Texas switched to holding remote hearings, evidence was electronically submitted a day or more before the hearing. Participants were more easily able to digitally submit the evidence stored on their phones by email and Judge Miskel started seeing an uptick in evidence submitted by SRLs. Judge Miskel also noted that initially there was a concern that using this remote technology would interfere with unsophisticated users' ability to access courts, but in many cases, SRLs are more comfortable with adopting this technology than with going to a courtroom.

⁷ SRLN Brief: Addressing Remote Hearing Access and Digital Divide for SRLs (2020).

<https://www.srln.org/node/1431/srln-brief-addressing-remote-hearing-access-and-digital-divide-srls-srln-2020>. As courts moved to remote access, issues have emerged for SRLs, including but not limited to the following: lack of tech support, lack of devices, limited data and phone minutes, spotty internet access, slow internet speeds, confusion over the interface and application, lack of technical requirements to download or operate application, lack of notice because of issues on either the court or SRL side (email trapped in spam, SRL lacks email, court fails to send notice, court has not confirmed email, 3rd party access to email results in deletion, email account fails, ISP down, email hacked), excessive wait times in zoom waiting rooms, burning minutes/data and possibly exceeds a person's availability, inability to submit evidence, and lack of courtroom assistance.

⁸ National Center for State Courts. Tiny Chats 90: Virtual Hearings in Mexico and Texas.

<https://vimeo.com/showcase/8536177/video/714568190> (Interviewing Judge Emily Miskel and Dr. Laurence Pantin on how courts responded to the pandemic and the adoption of courtroom technology).

Courts should consider guidelines for submission of evidence, especially in justice courts when the rules of evidence do not apply, including when evidence should be submitted, what to do when a party has evidence but is not able to digitally submit it, or what to do when a person can only participate by phone and is unable to view evidence that has been submitted but a person is unable to view it. It is a good idea for courts to offer live and digital on-demand technology training sessions to all participants so they may familiarize themselves with the technology before the hearing.

9. (8) health or safety risks

The COVID-19 pandemic raised our awareness of the impact of in-person proceedings on the health of immunocompromised or vulnerable court participants. Health considerations and the physical safety of participants should always be a consideration in determining when to hold a remote proceeding.

10. (9) the need for language access services

Just as remote technology has expanded access to justice for many Texans since March 2020, it also holds the potential to advance language access in our courts. With the right equipment and thoughtful implementation of existing law and best practices, many courts have easier, more cost-effective access to qualified interpreters than ever before. LEP litigants, particularly self-represented who may be less familiar with remote technology, may encounter challenges using the interpreter features on virtual platforms, so courts should make sure to provide plain language instructions for LEP individuals on how to use those features. Courts must also ensure that their protocols contemplate the needs of LEP litigants and that their staff is trained and prepared to assist LEP litigants if necessary.⁹

⁹ For guidance on best practices for language access in remote proceedings, see Best Practices for Courts in Zoom Hearings Involving Self Represented Litigant Appendix B & C.
<https://www.txcourts.gov/media/1449639/1-best-practices-for-courts-in-zoom-hearingsplusaccessibilitypluslanguage-access-final.pdf>

11. (10) the court's ability to provide a reasonable accommodation for a person with a disability

Ensuring accessibility for persons with disabilities is essential for creating an inclusive justice system operating remotely. Remote technology is not appropriate for people who are unable to use it and can even affect a person's physical health by causing dizziness, nausea, and other issues. On the other hand, some persons with disabilities may be more comfortable using their own technology at home, increasing their ability to actively and effectively participate. At a minimum, remote technology should have critical and fundamental accessibility features like closed captioning, keyboard accessibility, automatic transcripts, and screen reader support. Remote access is also a reasonable accommodation if mobility or transportation create a barrier for a litigant with a disability.

12. (11) the ability to travel to the courthouse

Texas is vast. Sometimes, the required travel distance to attend an in-person hearing in Texas can be prohibitive. Not all participants have access to a reliable mode of transportation, even if geography is not an obvious obstacle. Asking someone to walk even a few miles does not contemplate the extreme heat of Texas summers, potential road hazards, or disabilities.

13. (12) caretaking responsibilities

People who have primary caretaking responsibilities, like foster parents, kinship caregivers, single guardians, are less likely to attend an in-person hearing. However, remote hearings that give precise login times are more manageable and less disruptive to these responsibilities. Finding someone to cover caretaking responsibilities for an entire day is often not financially achievable but finding someone to do so for a few hours might be.

III. COURT PROVISION OF INFORMATION TO LITIGANTS

The Commission supports the May 27, 2022 version of the proposed rule discussed by SCAC requiring courts to provide litigants with information on how to participate remotely or in person.

TRCP 500.10 (c) Notice. Any notice for a court proceeding must contain all information needed to participate in the proceeding, including the location of the proceeding or instructions for joining the proceeding remotely, the court’s designated contact information, and instructions for submitting evidence to be considered in the proceeding.

In the event that it is helpful, the Commission has provided its Best Practices for Courts in Virtual Hearings, Best Practices for Courts in Virtual Hearings with SRLs, additional best practices for courts regarding disability accommodations and language access, and information for self-represented litigants on how to get ready for a remote hearing and how to use an interpreter in Zoom in Attachment C. A sample notice and information to attach to a citation is also included.

Any information provided should be in plain language so that it’s clear and easily understood in both English and Spanish, as well as in any other language commonly spoken in the county. Courts should consider:

- Developing a simple and accessible process for people to inform the court if they are unable to participate in a virtual proceeding due to a disability, lack of technology, or other reason.
- Providing plain language information regarding the process and procedures involved in remote proceedings that is attached to the citation, contained in any notice of remote hearing, and easily accessible on the court’s website or in a central repository for such information.
- Providing information on needed technology for litigants and witnesses to participate remotely and how to access needed technology if they do not have it.
- Developing a mechanism for people to obtain information about the process and get answers to procedural questions and technical assistance to minimize the need to go to the courthouse and ask questions.

The sample notice was created early in the pandemic and could use the keen eye of the SCAC to revise—and possibly other stakeholders who regularly work with low-income Texans.

IV. REMOTE PROCEEDINGS CAN IMPROVE ACCESS TO JUSTICE

Finally, and more generally, one of the requests from Justice Busby was whether any data exists on how remote proceedings increase access to justice. The NCSC

Texas study was the first national review of data and confirms what judges anecdotally shared about remote hearings before and during the pandemic. The 12-month study analyzed 1.25 million minutes of judicial data and focus group feedback from judges and court leaders in eight counties across Texas.¹⁰ Their findings report the benefits remote hearings have on improving access to justice despite certain challenges. In addition, further consideration by others and experience have contributed more information and analysis supporting the value of using remote hearings to increase access to justice to low-income Texans.

Types of Proceedings Vary Across Practice Areas and Courts

The types of cases and hearings that work well with remote proceedings vary across practice areas and jurisdictions. Virtual dockets are utilized in Justice Courts, District Courts, and even the Texas Supreme Court. Some types of hearings, however, are more suited to remote proceedings than others, especially when considering access to justice issues.

In the last two years, remote hearings have been used effectively in virtually all of the most common situations in Texas courts, including case types that may be considered sensitive. For example, remote hearings are appropriate for addressing critical needs and interests of the public, such as evictions, temporary restraining orders, child custody disputes, health care, or debt collection. These kinds of cases deal with essential aspects of life that require timely attention and frequently have other contributing access factors like personal safety concerns, emergency child custody matters, or the health of the parties or their children.

Remote hearings are especially well-suited to other types of hearings, such as uncontested divorces, simple probate proceedings, and guardianships, that allow litigants to keep get on with their lives instead of being on-hold waiting for an in-person hearing. Short hearings with specific functions, like status hearings, motions, summary judgments, preliminary pretrial conferences, discovery hearings, or, provided proper notice, even default judgments, can also be efficiently conducted virtually.

¹⁰*Id.*

Increased Efficiency Increases Justice

Remote proceedings have the potential to increase the overall efficiency for the justice system. Using technology for virtual hearings allows for more efficient use of resources, including physical space of courtrooms and the travel time necessary for circuit judges to move between courthouses.

Texas has very dense urban centers that sometimes necessitate multiple judges sharing a courtroom. Most of our 254 counties, however, are rural. Prior to the pandemic, judges traveled between multiple courthouses for in-person proceedings that took place on limited days. As the NCSC report notes, the lack of a need for a physical courtroom provides more flexibility in scheduling hearings and enables proceedings to be held in a timelier fashion regardless of location.

Beyond judicial efficiency, virtual proceedings also improve the time utilization of court reporters, interpreters, and counsel – both paid and pro bono. The ability to participate virtually makes efficient use of scarce human resources and increases the number of hearings that can be scheduled because all the participants don't have to be in the same place physically when the hearings occur.

Removal of Associated Costs

Going to the courthouse takes time, costs money, and has an emotional component that can incite fear or create confusion. Virtual proceedings can eliminate many of the associated costs of in-person proceedings, such as taking time off work, the expenses associated with traveling many miles to the courthouse, paying for childcare, or compensating an attorney or expert witness for their travel expenses and time waiting for a proceeding to occur. The reduction in time and cost benefits everyone in the system, not just low-income Texans.

In-person proceedings can also present both real and perceived risks. Remote proceedings can protect the physical safety of some litigants, such as victims of

domestic violence or sexual assault.¹¹ They can also assuage a generalized fear of the court system itself.

Remote proceedings allow more people to engage with the judicial system by reducing or removing these types of barriers.

Increased Accessibility

Remote access can be a significant benefit for people with disabilities by reducing traditional obstacles for participation, such as limited mobility issues or transportation to the courthouse. The Center for Disease Control reports that 26% of adults Texans have some form of disability, with 11% having a disability related to mobility.¹² According to the Legal Services Corporation, 82% of low-income households with disabilities experienced at least one civil legal problem in the past year and 48% experienced at least five.¹³

Remote hearings can also be a bridge to increased language access for persons with limited-English proficiency (LEP). Outside of the major metro areas, it can be hard to find qualified interpreters for in-person proceedings and the associated costs are often prohibitive. With remote hearings, Texas courts can use high quality video remote interpreting systems, which are especially helpful for courts with limited access to qualified interpreters and for languages other than Spanish.

Procedural Justice

Procedural justice occurs when people perceive that a decision process is fair, transparent, and allows them to participate in a meaningful way. Other factors include the perception that the judge was impartial, they have been treated with respect, everyone's needs have been considered, and the outcome has been explained. When a person perceives that procedural justice has occurred,

¹¹ Ashley Carter and Richard Kelley "Remote Court Procedures Can Help Domestic Abuse Victims" (October 18, 2020). <https://www.law360.com/articles/1315788/remote-court-procedures-can-help-domestic-abuse-victims> ("Paramount is the fact that virtual hearings increase feelings of physical and emotional safety for victims because they do not have to be in the same room with their abuser.")

¹² Centers for Disease Control and Prevention. 2022. *Disability Impacts Texas*. https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/pdfs/Texas_Disability.pdf

¹³ Legal Services Corporation. 2022. *The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans*. Prepared by Mary C. Slosar, Slosar Research, LLC.

they are more likely to accept the outcome of their case, comply with orders, and have a more positive view of the justice system.¹⁴ The advent of remote hearings has allowed the public to have greater participation in the justice system, likely increasing the public's perception that procedural justice has occurred.¹⁵

As previously mentioned, remote hearings have lowered default rates, which is significant. A high default rate is a known indicator that there is a barrier to access to justice. When all parties participate in the legal process, it promotes just outcomes because the judge has all versions of the facts in front of them. The overall credibility of our justice system is enhanced because people feel like they can participate and engage with the process.

V. CONCLUSION

Remote hearings not only improve access to justice, they also improve the overall court experience for many court users, including their perception that the justice system is fair regardless of the outcome. With this comes a renewed sense of trust in the judicial system.

We welcome the opportunity to discuss these issues with you further or to answer any questions that you have. Thank you for your work on this issue and for your commitment to increasing access to justice in Texas courts.

¹⁴ National Center for State Courts. The Use of Remote Hearings in Texas State Courts: The Impact on Judicial Workload, December 2021. <https://www.ncsc.org/newsroom/public-health-emergency/texas-remote-hearings>

¹⁵ Conference of Chief Justices and Conference of State Court Administrators. Resolution 2: In Support of Remote and Virtual Hearings. Adopted as proposed by the CCJ/COSCA Access and Fairness Committee and the CCJ/COSCA Public Engagement, Trust, and Confidence Committee at the CCJ/COSCA 2021 Annual Meeting on July 28, 2021. https://www.ncsc.org/_data/assets/pdf_file/0016/67012/Resolution-2_Remote-and-Virtual-Hearings.pdf