

2022

Remote Proceedings Survey

STATE BAR OF TEXAS  
**APPELLATE SECTION**



# Overview

The 2022 State Bar of Texas Appellate Sections Remote Proceedings Survey was conducted electronically from July 27 to August 18. The primary purpose of the survey was to gauge the opinions and experiences of State Bar of Texas Appellate Section members with remote appellate proceedings to date.

At the time of the survey, the membership of the State Bar Appellate Section was 1,877. Excluding those who have opted out of participating in State Bar surveys, those receiving the survey included a total of 1,466 section members. A total of 465 members responded to the survey.

With 465 respondents, there is a margin of error of  $\pm 3.8\%$ , which means that if 40% of the respondents answered “yes” to a question, we can be 95% confident that the actual proportion of the population who would answer “yes” to the same question is 3.8 percentage points lower or higher than 40% (36% to 44%).

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*This report is being provided at the request of the Council of Chief Justices, which is comprised of each of the fourteen intermediate appellate court Chief Justices, and for its information. The report summarizes the responses of individual members of the Appellate Section of the State Bar of Texas, which is a voluntary association of lawyers practicing in a specialized area of law. The responses of individual members of the Appellate Section do not reflect or represent a position of the Appellate Section or of the Board of Directors, Executive Committee, or general membership of the State Bar of Texas.*

# Summary Findings

## Demographics

**Practice:** A majority of respondents were civil practitioners:  
77% of respondents were civil practitioners.

**Years Licensed:** Respondents were slightly older:  
The median years licensed of respondents was 25, compared to 22 for all Appellate Section members.

## Remote Oral Arguments

The number of respondents that prefer in-person arguments is double those that prefer remote (49% and 20% respectively).

**Participated in Remote Oral**

**Arguments:**

**Remote Oral  
Arguments**

**57%**

**Remote Oral Arguments**

**Effectiveness:**

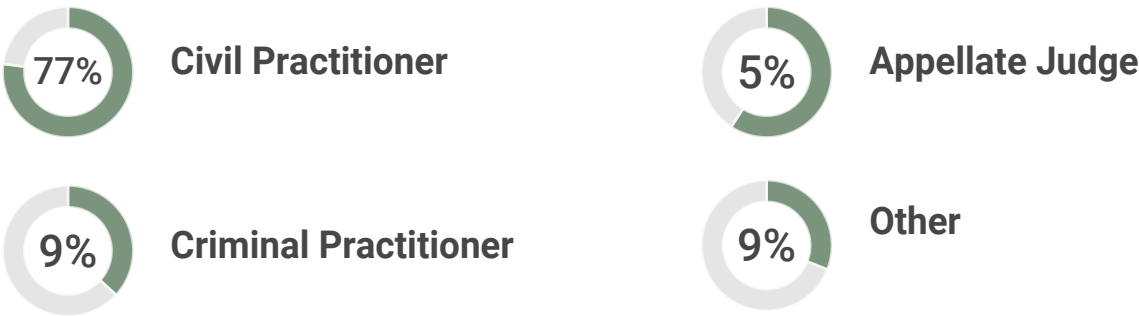
**Effective**

**70%**

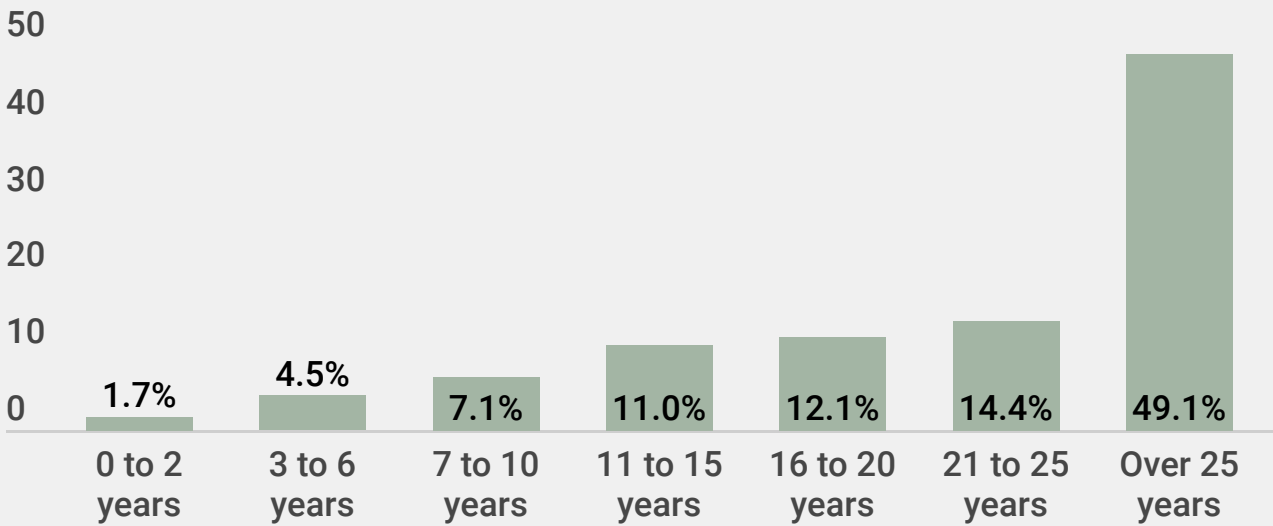
Responses of "Very Effective" or "Mostly Effective".

# Demographics

QUESTION: Please select the option that best describes your practice:



QUESTION: How long have you been licensed to practice law?

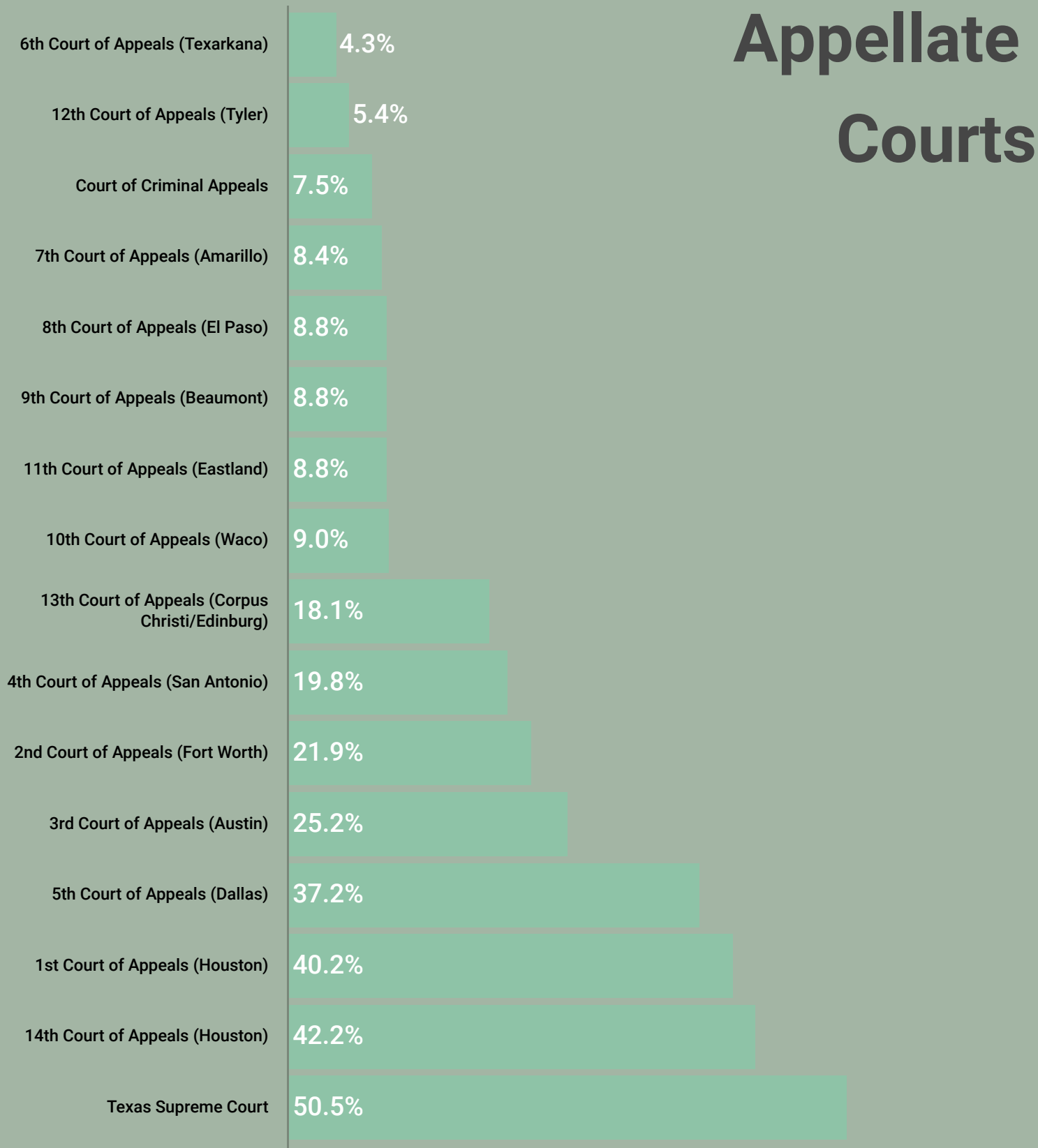


Median Years  
Licensed



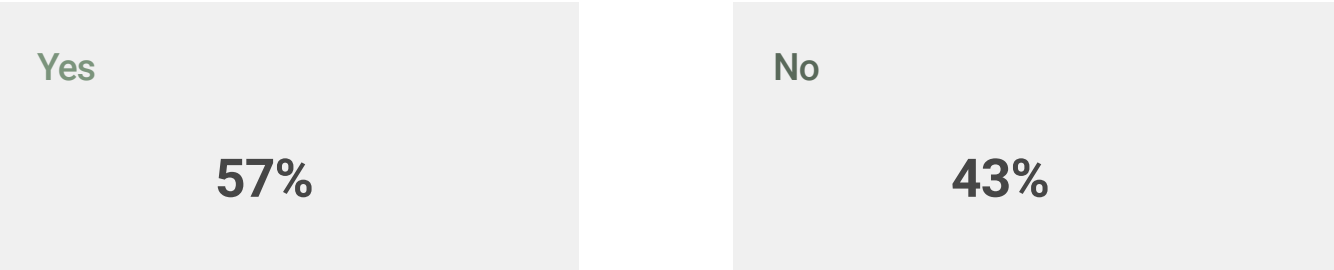
**QUESTION: Please select the appellate court on which you currently serve as a judge or the appellate courts in which you frequently practice:**

Note: Respondents were asked to select all that apply.



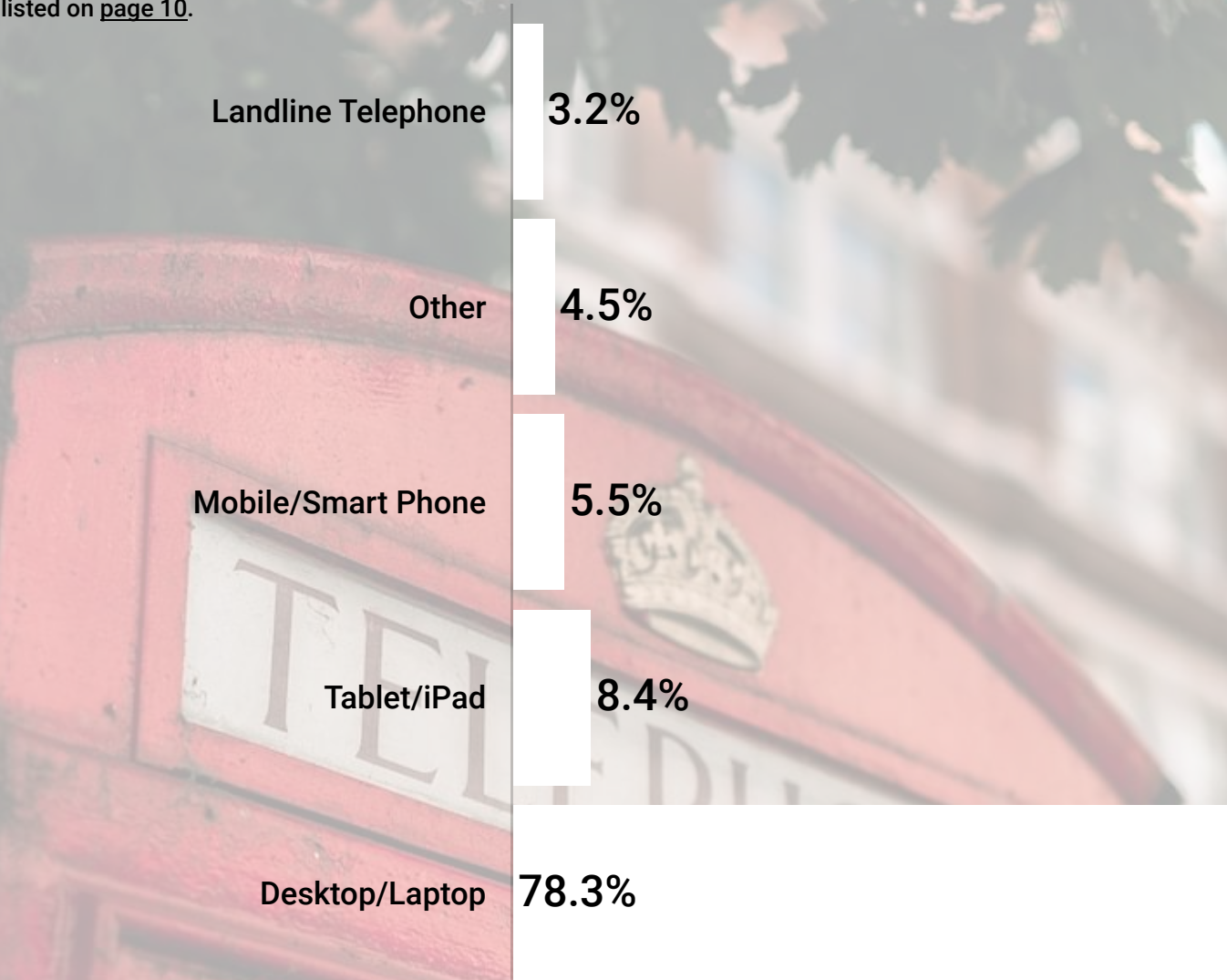
# Remote Oral Arguments

QUESTION: Have you participated in remote oral arguments?

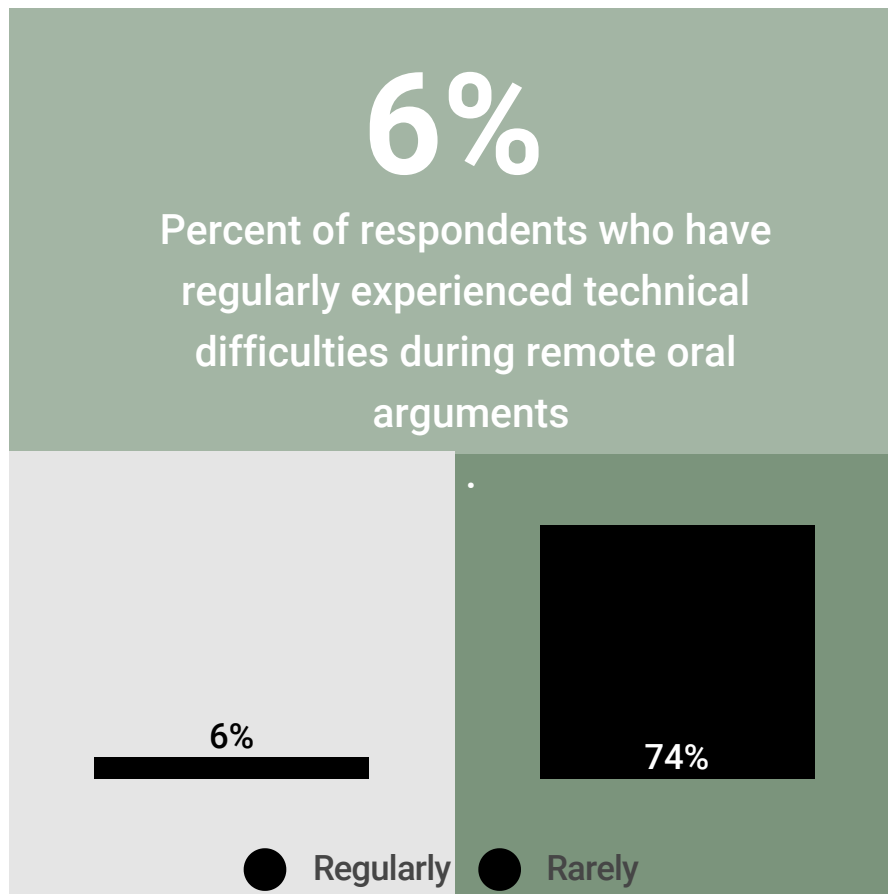


QUESTION: Which equipment have you used during a remote oral argument?

Note: Respondents were asked to select all that apply. Comments regarding "Equipment—Other" equipment are listed on [page 10](#).

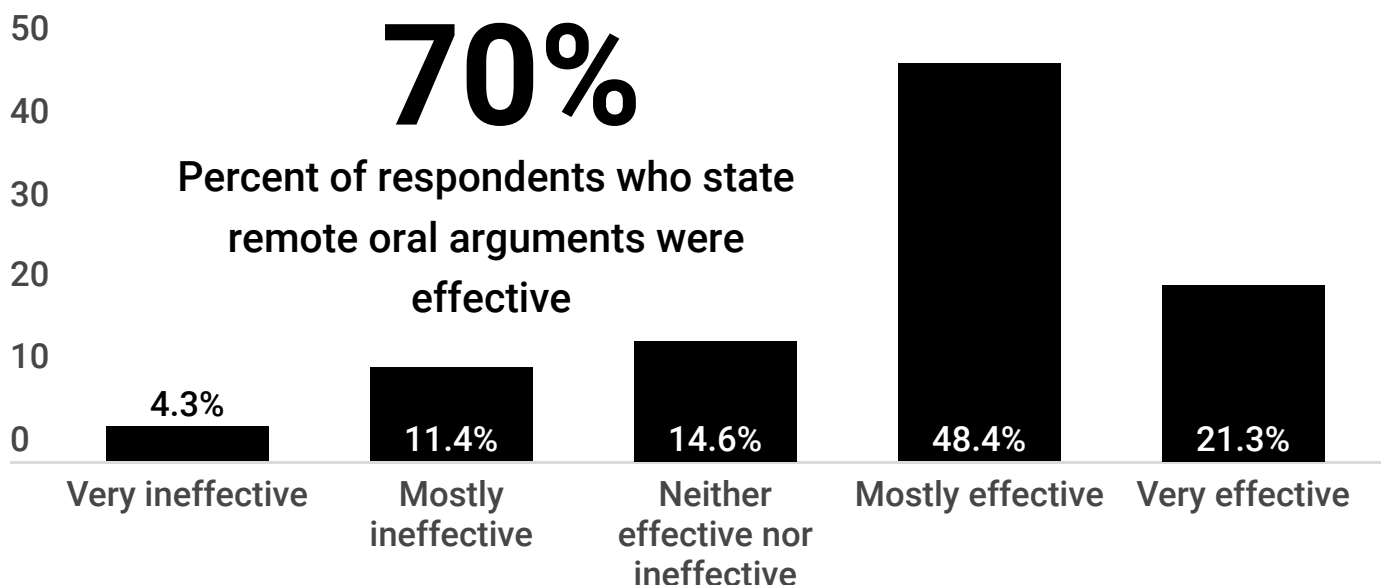


**QUESTION: How often have you conducted or participated in a remote oral argument that was disrupted by a technical problem (video, audio, or both)?**



Note: Regularly includes responses of "Always" or "Often".

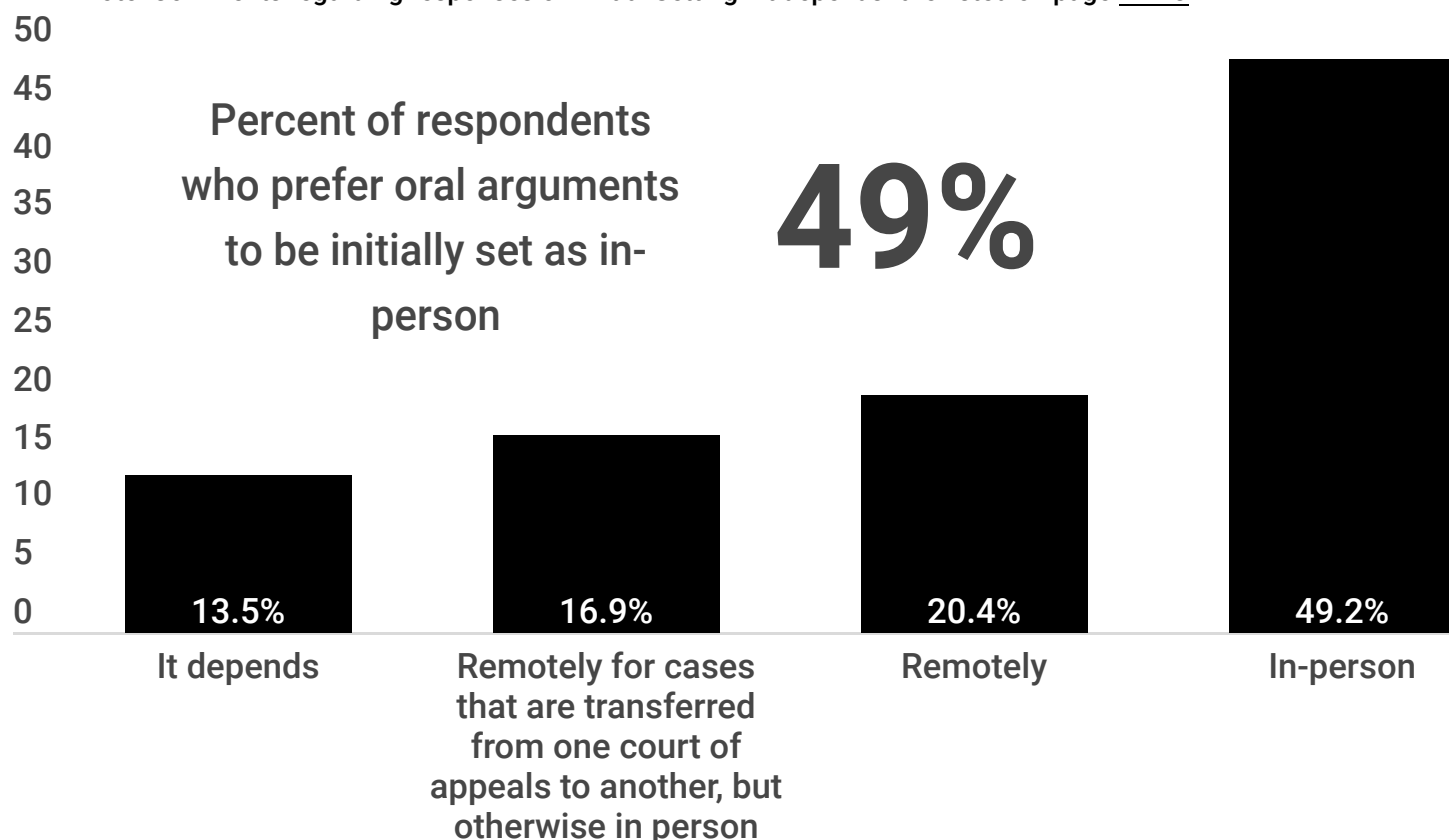
**QUESTION: Based on your experience with remote oral arguments, how effective would you say that remote oral arguments are?**



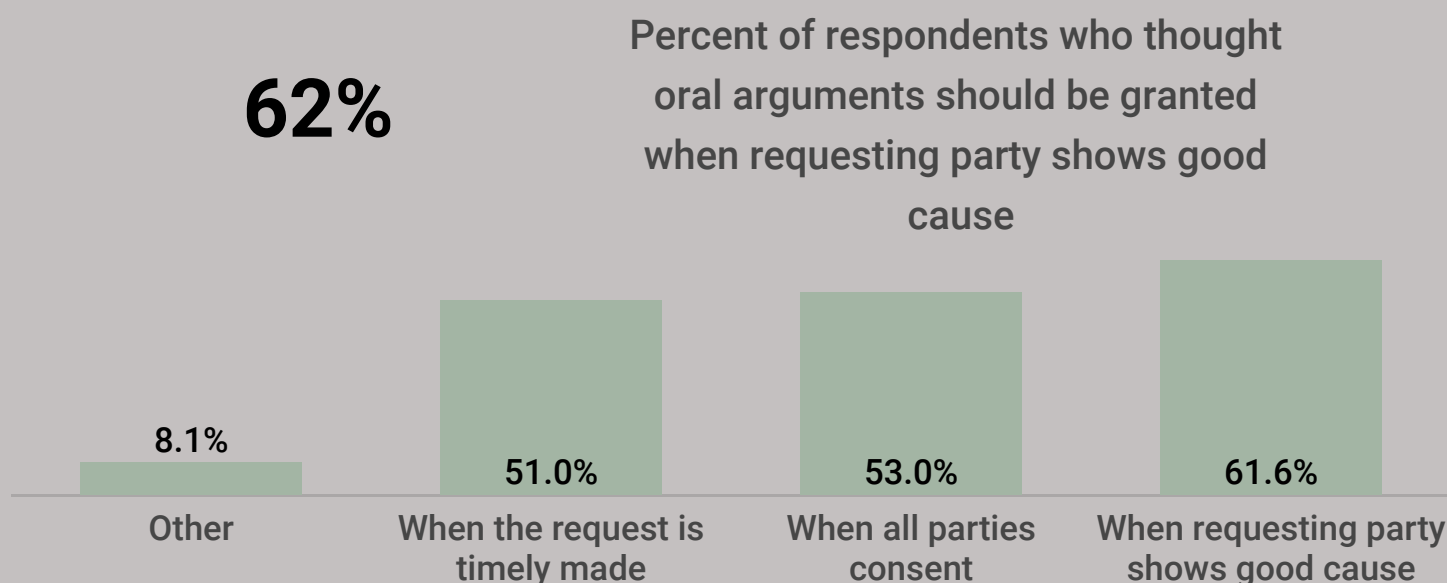
# Moving Forward

**QUESTION:** Going forward, how would you prefer that the courts of appeals initially set most oral arguments?

Note: Comments regarding responses of "Initial Setting—It depends" are listed on page [11-13](#).



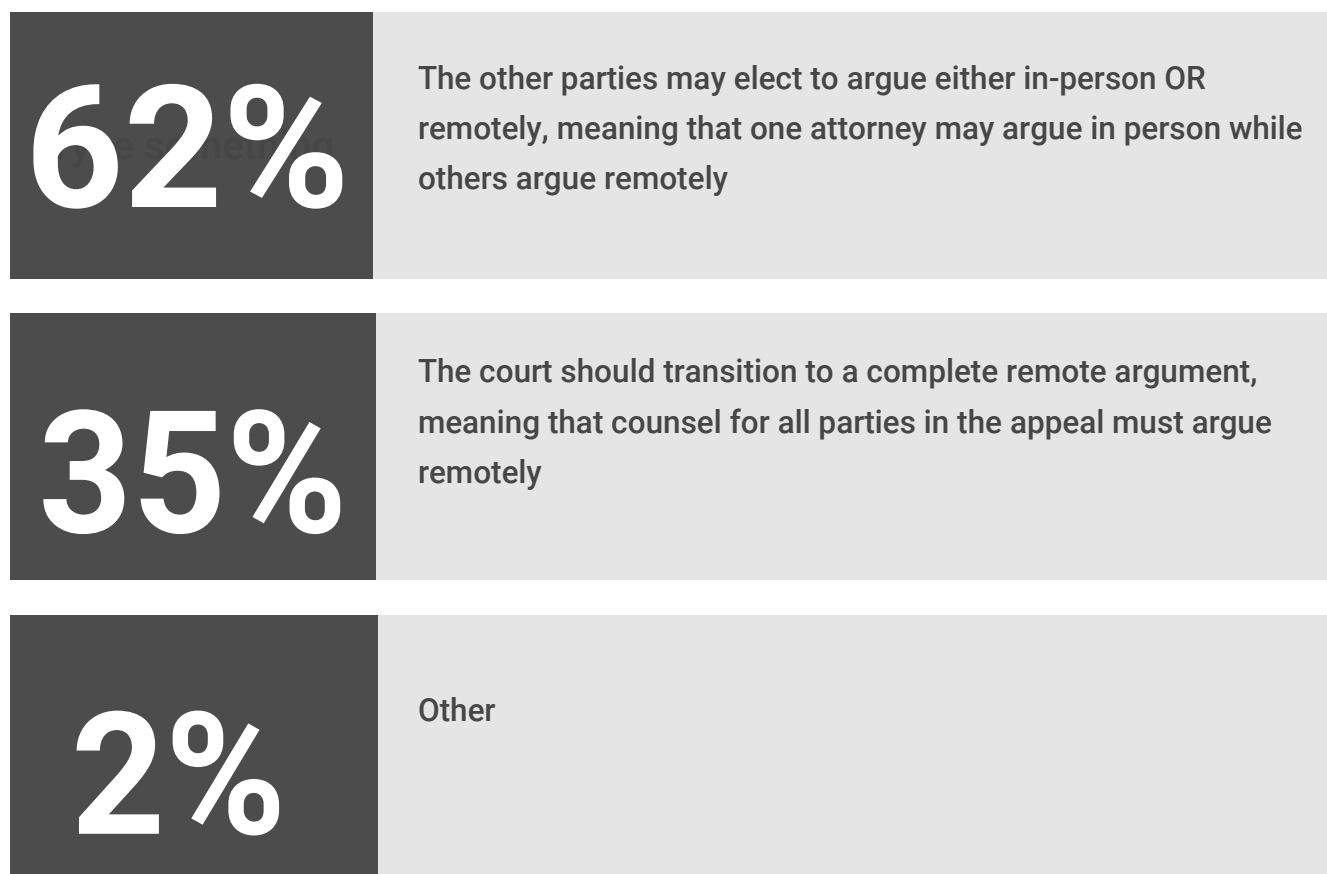
**QUESTION:** When a court of appeals sets an in-person oral argument, under what circumstances should the court generally grant a request from counsel to present argument remotely?



Note: Comments regarding responses of "Circumstances—Other" are listed on page [14-15](#).



**QUESTION: When a court of appeals sets an in-person oral argument but grants a request from counsel to present argument remotely, what should the effect be?**





# Watch

**QUESTION:** How often do you watch either livestreamed or archived oral arguments?

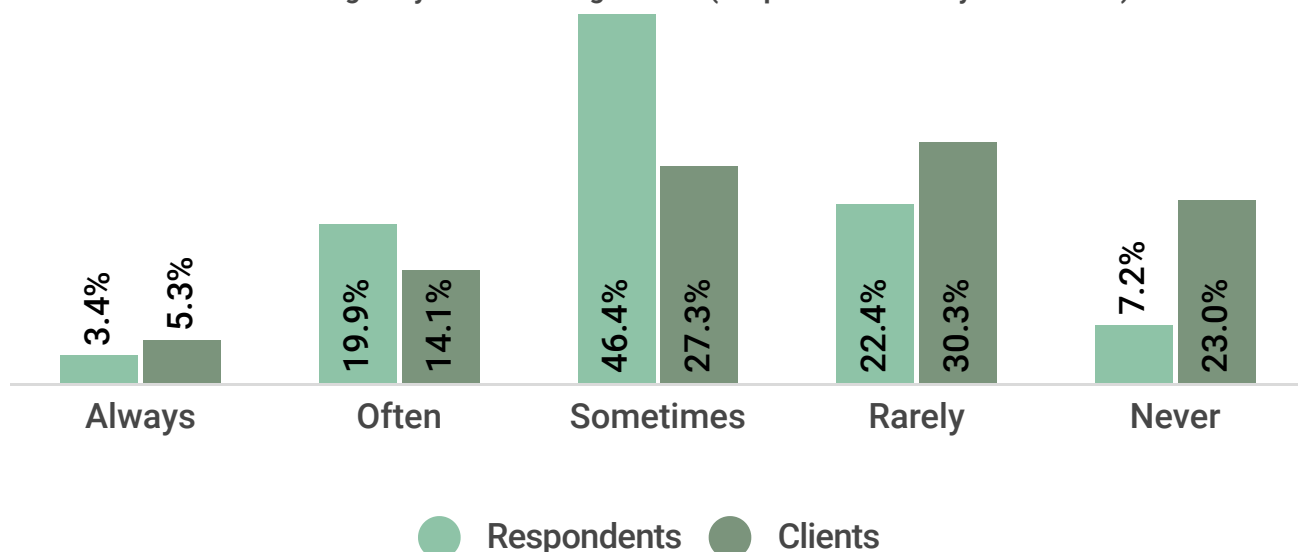
**23%**  
Respondents

Percent of respondents who regularly watch oral arguments: (Responses of "Always" or "Often")

**QUESTION:** How often do your clients watch either livestreamed or archived oral arguments?

**19%**  
Clients

Percent of clients who regularly watch oral arguments: (Responses of "Always" or "Often")



# Equipment—Other

**QUESTION: Which equipment have you used during a remote oral argument?**  
**(Comments regarding responses of "Other")**

Office  
Teleconference Equipment

External conference speaker and webcam

Zoom screen

videoconference set-up at law firm

zoom room

No remote oral argument

legal pad and yellow No.. 2 Ticonderoga pencil

2-way HD TV setup.

none

Projection screen

Firm setup video room w/ HD camera and enhance sound and lighting

Court equipment from Houston (pre pandemic)

conference room w cameras

zoom room

# Initial Setting—It Depends

**QUESTION:** Going forward, how would you prefer that the courts of appeals initially set most oral arguments? (Comments regarding responses of "It depends")

A Court of Appeals should assess whether it would like remote or in-person argument on a case and either select how the option it wants OR ask the litigants what option they prefer when no-tifying them that the case will be argued. Litigants should also

Allow parties to agree on remote or in-person.

Case by case; courts should offer both options or hybrid split.

Counsel should be given the option of attending either remotely or in person. Emergency matters (stay motions, for example) should be conducted remotely.

Either in-person or remotely depending on what the party requests

For example, the third court gets certain suits against the government filed all over the state. Sometimes it's most efficient for the litigants to entertain argument remotely.

Give my statewide practice, it would depend on the particular case and setting. It would be nice to have the option for remote appearance if necessary

I believe courts should set oral arguments in a manner they believe works best for them, and should consider remote appearance if (a) it works fine for the court, and (b) it is not inconvenient for counsel with a disability or whose client could not readi

I prefer remote presentations but I observe the will of the parties.

I think it's important to retain the capability because individual case circumstances may lend itself to remote arguments being the most efficient way of getting the arguments in. However, in person is preferred in most cases.

I think the choice should be up the the attorney, within reason.

I think the parties should have a say based on their comfort level

I would leave it to the discretion of the parties. I am happy to participate in either format.

I would like to option to select either in-person or remotely

I would prefer if the parties had some say in whether the arguments were remote or in person to account for things like a party's resources.

I would prefer to allow remote arguments in cases transferred from one court of appeals to another UNLESS the parties would prefer oral argument in person

I'd let the parties make a statement and they can argue whichever way they prefer, not entirely unlike the statements requesting OA.

If a case has been reassigned to a different court because of a docket equalization order, it adds to the expense for the client to travel to a different court. Remote arguments avoid that added expense.

If agreed by the parties, especially for transferred cases

# Initial Setting—It Depends

**QUESTION:** Going forward, how would you prefer that the courts of appeals initially set most oral arguments? (Comments regarding responses of "It depends")

If both counsel agree to do so

If both parties agree to remote oral argument or if one party requests for good cause.

If both sides have to travel to the court, remote makes sense. Also could do hybrid remote/in person.

If counsel are in town, in person works just fine. But if counsel are from out of town, remote oral arguments are an excellent substitute for a day of travel.

If the court and parties are comfortable, I would prefer remote arguments

In person is by far the best, but remote works when the court considers submission on briefing

In person is preferable, but remote has the advantage of being recorded. I think record of in-person oral arguments should be made and transcribed and become part of the appellate record.

In-person preferred, but if there are some cases for which the court would be more likely to hold oral argument if done remotely, that would be a good way to allow more attorneys on smaller/simpler cases to obtain the oral argument experience necessary t

In person unless agreed by parties or on good cause in motion.

in person with the option to request remote appearances depending on the circumstances (ie the attorney cannot travel for personal reasons or medical reasons)

In-person for local counsel, remotely for out-of-town counsel

In-person is a strong preference. If the parties agree to remote for cost/travel reasons in a transfer case, I think that is fine. I would not prefer being forced to remote oral argument, however.

In-person unless both sides opt for remote

IRemote as backup option for bad weather

it depends on travel arrangements; strictly a cost/benefit balance

It depends upon the nature of the case presented to the court.

it should be go-to when the lawyers are from another district

It would be best for parties to request remote or in person in brief. Or for TRAPs to say default is in person but party can request remote.

Lawyers should be given the option to appear remotely or in person

let the court and parties tailor the mode to their needs. A default of remote for transferred cases makes sense.

Location and Covid Status

many criminal cases could be set remotely and some smaller civil cases could be set remotely. Also, it might be more efficient (and fair) to set transfer cases remotely. but if courts continue to limit their oral arguments, then those they do select sho

# Initial Setting—It Depends

**QUESTION:** Going forward, how would you prefer that the courts of appeals initially set most oral arguments? (Comments regarding responses of "It depends")

Maybe based on party and court preference

On the complexity of the matter

Option to appear remote with sufficient notice or documentation

Oral argument in family-law cases should be the exception, not the rule. The courts should not grant oral argument merely because one party requested it. The people paying for family-law suits are families---normal people with tight incomes (especially in

Preference for in-person, but remote if health issues or travel would otherwise preclude oral argument

Remote is a good option if argument needs to be scheduled on expedited basis or for transferred cases or if there is a public health issue.

Remote is great for some cases. It depends on the case.

Remotely as an option for attorneys whose principal office is located over 60 miles (or 1 hour driving distance) from the COA.

Some appeals do not have high amounts in controversy, and those should more frequently result in remote proceedings. The docketing statement is probably the best place for asking parties to state a preference and disclose pertinent information.

The court should adhere to the majority wishes of the parties. If no majority, the court should decide based on the needs of the court.

The court should offer remote for out-of-town counsel and for appeals that are transfer appeals

The nature of the case

To me it depends on whether a remote oral argument will reduce client costs and fees.

Upon request of counsel

Use remotely when court prefers and when in-person would require counsel to travel from out-of-town

Virtually if parties request

# Circumstances—Other

**QUESTION: When a court of appeals sets an in-person oral argument, under what circumstances should the court generally grant a request from counsel to present argument remotely? (Comments regarding responses of "Other")**

"Because appearing in person (or at all) is expensive" should be a perfectly reasonable cause in family-law cases.

"Good cause" should be a stringent standard. Counsel for the parties to the appeal request oral argument with the hope of appearing before the court, and we assume the appearance preference is "in-person." If counsel does not desire to appear for oral

Any case set for oral argument should be conducted in person.

Anytime a party would prefer a remote argument

checks are or not and

Courts should provide the option to appear remotely at all oral arguments.

Either for good cause or by consent of the parties

For actual health problems that already exist, or if the court hearing the case is a long way from counsel and cost is an issue.

Good cause to me here means a good reason, like scheduling, health concerns, or client expense. Plus, other lawyer can choose to argue in person.

I think it is very important that all oral argument be in person. But I think remotely is appropriate for indigent parties who don't have a lawyer or the means to travel to the appellate court.

I'd postpone until counsel can appear in person

If any counsel is concerned about health implications, I think courts should grant remote argument--no questions asked--if timely.

if one party appears in-person, it will be to the disadvantage of the other party to appear remotely

If the court feels it is necessary for the health or safety of the participants

If the request only affects the requesting counsel (and the other party may still present oral argument in person), I would not oppose any such request by opposing counsel.

In the interest of justice

Long distance travel required

never

NEVER

Never

Only when it does not affect the other party's right to argue in person.

Our court has never conducted remote arguments.

# Circumstances—Other

**QUESTION: When a court of appeals sets an in-person oral argument, under what circumstances should the court generally grant a request from counsel to present argument remotely? (Comments regarding responses of "Other")**

Remote should be default, in person should be by request of counsel

saves time and money for everyone

should default to always remote unless all parties want in-person

Some cases might really need to be heard live, so the courts should have discretion, but generally any reasonable timely request should be granted.

Timelines should be established or included in submission notice. Not hard to switch to remote. But forcing a showing of good cause may force parties and counsel to disclose protected medical information

When case is transferred

when COVID-19 positivity is high

When holding in person argument involves elevated risk to the parties involved (i.e. a pandemic)

when it allows travel to be avoided

when one counsel is located more than an hour's drive away. This may help economically disadvantaged parties also.

When only one lawyer will have to travel a substantial distance to appear.

when the case is a transfer case

When the request is made not less than 3 working days from the date of the in-person oral argument.

When there is an emergency inability for one party to be present but not an inability to participate,.



# Comments: General

## QUESTION: Please provide any comments that you have regarding remote appellate proceedings:

Not a fan. As practitioner, had appeal transferred to El Paso and counsel argued remotely. Technically okay, but hard to gauge your audience under the circumstances. Hard to see if you answered the court's question or whether you even understood the question correctly. As a district judge, I conducted telephone conferences on several occasions, with a few evidentiary hearings. A nightmare. Counsel have a hard enough time establishing predicates without the additional problem of doing so remotely, when you may not even be able to confirm that you're offering the evidence you think your offering. From the standpoint of the appellate bench, I prefer a vigorous back and forth with counsel and quite often get a different perspective on a case as a result. Remote hearings or arguments permit such exchanges, but discourage them by making it more difficult to read the person with whom you are conversing. I know that here is a thought that seeing someone on a screen makes it more likely that you can read them, but body language is non-existent remotely. Watching counsel shuffle his feet when you've asked a purposefully difficult question is quite a tell that is not available remotely.

They should only be permitted if "extreme" circumstances exist.

I prefer them, less pomp and circumstance, more substance

Our court lacks the technology to perform hybrid oral arguments where one party participates remotely and one party participates in person.

Not a fan. In-person proceedings promote a sense of gravity and seriousness that seems to be increasingly lost when judicial proceedings are conducted remotely.

if one attorney objects to remote oral argument, then the argument should be in person to avoid the perception of an advantage. If both counsel agree to remote OA it should be granted.

Now that the kinks have been worked out, remote proceedings provide a more convenient, less costly and less time-consuming way for the parties to present their arguments. Additionally, the ability for the general public to observe from anywhere allows for greater transparency and access to appellate proceedings.

They accelerate current trends away from treating judicial proceedings with utmost respect, and undercut subtle visual cues gained from in-person proceedings

I don't favor conducting oral arguments by remote means.

Appellate arguments are particularly suited for remote proceedings.

They are not effective and, in some cases, are so bad that I believe due process is affected.

While I have not participated in a remote proceeding a Texas appellate court, I have presented oral argument remotely 4 times in the Fifth Circuit and participated in a hybrid argument in the Second Circuit. In all 5 cases, in my judgment, the remote presentations were less effective and the judges were less engaged than they would typically be during an in person argument.

The ability to view the arguments online is great. For appellate arguments, it would be beneficial to be in the same room as the justices.

If counsel has a need to appear remotely it can be accommodated but personally I don't like them and don't want to participate remotely

Remote proceedings promotes access to justice, allow us to provide legal services to people in rural counties and allows folks to hire attys from big cities. Remote proceedings are more cost-effective for clients. Please allow remote hearings for the future!

# Comments: General

## QUESTION: Please provide any comments that you have regarding remote appellate proceedings:

By now, most courts have the experience necessary to effectively handle remote oral arguments, and should take advantage of that resource when it will enhance the efficiency and safety of the proceedings.

They are better than no argument, for sure. But they have communication glitches, are less effective generally at communication, and don't advance the legitimacy of the courts as institutions of government - remote argument makes them just another Zoom call.

A virtual option is a huge money-saver for non-local clients. The courts should accommodate counsel's request for virtual oral argument where made.

Probably because appellate oral argument is traditionally more tightly regimented, I have found that remote oral appellate arguments are much more orderly and useful than oral argument for trial court matters; the latter are almost uniformly a train wreck.

The flexibility to be able to argue remotely is valuable and inevitable (even if many old-timers don't like the idea). Plus, it may mean that courts allow more oral arguments, which is needed.

I appreciate the Court's interest in surveying the Appellate Section. Thank you!

...it strikes me that remote appellate proceedings are an efficient use of judicial resources

It would be helpful for courts to have rules about whether counsel will use a lectern in the "Zoom screen" or will just look into the camera. I do the latter, but it can be distracting when counsel do it differently.

We have the technology, so we should use it. Remote oral argument is also much more cost effective for our clients especially in family law where the cost of oral argument can literally be taking food out of the mouths of children. In fact, oral arguments (remote or in person) in family law should be very, very rare. Also, as an older attorney with mobility issues, remote oral argument allows me to extend my ability to practice appellate law.

I'm to the point where I don't care where or how I argue. I'm so used to Zoom and Teams and such, I'm fairly indifferent to their use as opposed to in-person use.

The only benefit is convenience. There is no connection between the court and counsel so that questions are meaningfully answered. It feels like theater, instead of a conversation. Remote appearances are for routine or procedural matters where persuasion or assistance to the Court is not the goal of the appearance.

The entire point of oral argument is to put a human face and touch into the process. While remote should be the default for the overwhelming majority of matters before trial courts (especially uncontested matters), oral arguments are the jury trial of appeals. I remain unconvinced that advocacy can or does have the same effect remotely.

I know that many people dislike remote arguments, but I do think it helps allow people to watch oral arguments they might not otherwise see and get a better feel for what courts want during argument. The remote arguments broadcast live on YouTube have been great to watch, and I worry that once the transition back to in-person argument is complete, the public will lose that ability to see how court proceedings are conducted.

I think they are an important option.

We should keep them, but guidelines would help. For example, the default in a Tort Claims Act case should be remote argument because damages are capped. Post judgment appeals where \$500K or more was claimed should presumptively result in in-person arguments.

# Comments: General

## QUESTION: Please provide any comments that you have regarding remote appellate proceedings:

It should also be considered in the case of any public health emergencies or unexpected occurrences for counsel.

We have the technology and should use it. When there are witnesses and evidence involved, it makes sense to avoid remote proceedings unless absolutely necessary. However, when the proceeding is no more than a conversation between the lawyers and the judges, there is no reason that cannot be handled through a video appearance. Allowing that option will allow the parties to save significant expenses in travel time. In family law, this translates to the 'best interest of the child,' because those funds would be better spent providing for the child instead of paying lawyers to drive around Texas.

Appellate practice is well suited for remote oral hearings, but I think that predominantly in-person hearings are better for the profession.

I think they are super. I'm truly agnostic between live and remote arguments.

I am not in favor. I feel that the participants are not nearly as engaged, and the lack of personal contact leaves the process lacking in impact and effect.

Remote proceedings are a good alternative for attorneys with clients who do not want to or cannot pay for travel, and for attorneys who cannot travel for health reasons such as pregnancy or illness. Thus, remote should be liberally allowed.

in the new world of remote zoom proceedings, it is great. however, the courts should require lawyers to have fast internet and good equipment.

It worked well, but was not the same as in-person arguments, difficult to feel the same connection with the panel.

certainly excited to get back to in-person proceedings more frequently. I hope remote becomes the exception rather than the rule.

I do not favor them but will follow court's orders regarding them.

Remote video arguments are superior to telephonic arguments, or no argument at all. But as an appellate practitioner, I still greatly prefer in-person arguments because I find my connection with the panel isn't the same through a remote proceeding.

Remote proceedings are inferior to in-person proceedings, due to the reduced opportunity for non-verbal interaction between counsel and the court.

They should remain an option, but as rare as oral argument is, live arguments should be the default.

I understand the value and convenience of remote proceedings, but there is still no real substitute for in person conversations and those conversations (i.e. arguments) tend to be far more effective and useful in person.

Good survey. Easy to navigate. Did not take much time at all. Important and relative topic going forward. Thank you.

The only archived oral arguments I tend to watch are from the Texas Supreme Court.

# Comments: General

## QUESTION: Please provide any comments that you have regarding remote appellate proceedings:

My experience is based on paying clients who may be more willing to pay for travel to an appellate argument than they might be for some trial court proceedings. Pro bono clients might feel differently. I don't think there is a huge difference between remote and in person, but in person is at least somewhat better. One nice aspect of remote, aside from costs, is the ability to have all of your material at your finger tips in a way that is difficult in person.

Technology, wi-fi and broad-band connections are still NOT reliable enough in my opinion. Their reliability varies considerably across the state. AND, one can never predict when it will all "blow up" and destroy the effectiveness of the entire process.

I have also argued remotely at the Fifth Circuit. They had very strong procedures and requirements; it also provided opportunity to test systems before argument happened. That was the most helpful.

I find it easier to present an effective argument because I surround the central screen with other screens that contain outlines, key language of statutes/cases, chronologies, etc. I can answer the court's questions more precisely and concisely.

My preference will always be to have In-person proceedings. However, remote proceedings can be an effective alternative if they would assist in efficiently disposing of cases and if, as a cost-saving measure, parties are given an option to choose between an in-person or remote argument, especially when cases are transferred to another appellate court.

Remote oral arguments should occur only when necessary due to extenuating circumstances. Remote arguments reward mediocre lawyers who can then read from a script. In-person arguments should always be the default setting.

Subject to standard procedures or requirements for both technology and the physical setting of counsel (e.g., no distracting backgrounds, noise, etc.), all arguments should go remote. It will save the parties and the court time and money, yet will not detract from the purpose and goals of oral argument.

While remote proceedings can be effective, I have found in-person to be preferable. It is hard to replicate the benefits of real eye contact and being in the same room.

I like remote, but if anyone's going to be live, I want to be live too

I have been disappointed that the Second Court refused to hold remote arguments the last few years.

I think they worked remarkably well, and I hope they remain an option in the future.

I think they are a good tool to keep in the courts' toolbox

Great innovation, especially in the Texas Supreme Court, combined with access to briefs.

I think remote arguments are great and have been well handled by the courts, their staff, and the justices. I greatly prefer in-person arguments, but there is no denying the effectiveness, both substantively and economically, of a remote proceeding.

I prefer in-person, but there are times remote is necessary. I appreciate courts accommodating when that need arises.

Remote argument should not be the norm, but should be permitted when there is a good reason or all parties agree.

# Comments: General

**QUESTION: Please provide any comments that you have regarding remote appellate proceedings:**

In person still better, but remote not terrible

The Courts should use technology to improve the access to the courts for parties and lawyers.

GREAT IDEA

I believe they are generally just as effective. However, there is just "something" about being in a courtroom with counsel and justices present that cannot be accomplished virtually. That said, the convenience (and many times cost savings for clients) of remote proceedings can't be ignored. Remote proceedings can save clients thousands of dollars in counsel travel expenses and can save counsel additional time lost in other active matters when travel is out of the equation.

Remote proceedings are needed, but absent good cause, in-person proceedings should be the rule

Very much needed.

Acceptable if warranted, but I very much prefer in person proceedings.

In person oral argument is preferred, but remote oral argument has its place under difficult circumstances.

I think they can serve their purpose, but they do not feel as interactive as in-person arguments.

It works much better than remote trial court proceedings, but I still believe an in-person proceeding is somewhat better.

Zoom is here to stay. Great innovation!!

I'm a big supported. No need to waste time/gas to drive or fly to court; no need to further pollute our environment.

I did not like them prior to Covid; but since covid required them I am a very big fan.

Remote arguments hinder communication and, as a result, appear to favor appellees. Representing an appellant I would be disserving my client's interests if I did not request and appear for an in-person argument.

I generally disliked them and prefer strongly to be in-person and that all parties present in person.

Remote argument is imperfect and not as good as in person, but better than none. I lets more points get covered, but it inhibits back and forth discussion.

They should be retained as an option for both local and out-of-town counsel.

In person oral arg is the superior form of assisting the courts of appeals in their disposition of appeals. It also allows attorneys the opportunity to address the justices' questions and engage with opposing counsel's arguments. These two-fold purposes of in person oral args uniquely advance judicial economy, professionalism, and civility. Must balance these important imperatives with the public's access to justice. For good cause shown, remote oral arg saves clients money and may permit the attorney to assist the court at oral arg, whereas it might be cost-prohibitive otherwise. The availability of hybrid and flexibility is key. Thanks.

# Comments: General

## QUESTION: Please provide any comments that you have regarding remote appellate proceedings:

Having the option of remote oral arguments is a positive step toward modernizing the courts, making the practice of law more accessible/sustainable for those with families, and making justice more accessible by reducing the cost of legal representation. However, it would be a shame to lose the tradition and decorum of in-person arguments in a courtroom for attorneys who are able to or wish to participate in person. The default should be in-person arguments, but the court should state that no negative inference will be taken against an attorney who participates in argument remotely, even if his/her opposing counsel appears in person.

Thank you for requesting attorney input and considering it.

A wonderful work around at the height of the pandemic. But weaker than live and thus not a permanent solution. Much much harder to read the other justices not speaking, and to read body language. As a justice looking at 1 lawyer at a time you have not noticed these flaws, but we do. Also very hard to look a justice in the eye: instinct and 65 years of "look them in the eye" human training make it almost impossible to ignore their picture and look into a camera instead. The cost savings are wonderful, but not a good trade for doing our best. All I want every court in every case to do is let me do my best (within the rules), and remote does not let me do my best.

I see the reason they could be helpful sometimes and cost effective for clients, but I believe an in-person argument is more effective generally.

They were needed and worked pretty well during Covid pandemic and may be useful on a limited basis going forward but in-person arguments are preferable.

The preference of the Judiciary is an important element. The Justices should be gaining something from the arguments, and how they best receive the arguments is important. That said, some arrangements should be made to allow remote arguments when the situation calls for it.

I like them. Not only are they efficient and easy, they're also usually better than in-person arguments, because attorneys can seamlessly review/read notes and electronic authorities while speaking with the panel; and the panel can do the same.

Other than the intangible benefits associated with actually being in a courtroom, I have found that remote oral hearings are much more efficient and at least equally as effective as in person proceedings. I see no reason why, if a court permits, that some attorneys may wish to appear remotely while others appear in person.

I definitely prefer in-person, but especially in cases where cost is an issue, remote seems to be a viable alternative now that courts know how to do it. Also, assuming remote arguments allowed for more oral arguments and gave opportunities to younger attorneys, that would be beneficial in my opinion..

It is extremely useful to have this option, although I imagine most practitioners and clients will still prefer in-person where feasible. I think transferred cases should be a special consideration, especially for smaller matters, as travel costs can greatly increase costs to the client.

It is important for appellate courts to take advantage of technology for the benefit of the parties and their counsel. Remote hearings are an effective way to do that.

As an advocate, my clients deserve my ability to deliver rhetoric in a live format.

I think appellate courts can effectively handle their business remotely. It is much different than a trial court, where the jury/judge should be able to see the demeanor of witnesses.

# Comments: General

## QUESTION: Please provide any comments that you have regarding remote appellate proceedings:

While not perfect, I think remote appellate proceedings are much more effective than remote trial court proceedings. Because of that, I think the appellate courts should take full advantage of the technology in order to lower or eliminate travel expenses and attorneys fees incurred by counsel traveling to oral arguments.

While I think that remote arguments can be effective, my strong preference is for in person arguments. I think in person argument is far more effective, less distracting, and more engaging.

It's been very helpful for court staff to provide a direct-dial or text message number for technological emergencies.

If a case gets as high as an appellate court, it is important enough that it should be heard in person. Remote proceedings at the appellate level should be reserved for matters that are quick or routine or both.

Unless there's a "health reason," all oral arguments should be in person.

Remote arguments can be effective and a good alternative to submission on the briefs.

I can really see Judges facial reactions in remote oral argument that I did not notice at in-person oral arguments

### IMPERSONAL REMOTE HEARINGS ARE BAD, WHETHER FOR APPEALS, OTHER SITUATIONS

Remote proceedings are OK for non-contested matters. All contested matters should be heard in the courtroom. All appeals are contested matters!

Remote works better for appellate arguments. No travel time, less expense to clients, same ability to present position.

Remote should always be offered, with no burden to get it. There just isn't a good reason any appellate argument needs to be in person. Further, most matters should be decided on the briefs, without any argument.

In person proceedings have served our profession well for hundreds of years. We should not abandon that aspect of the practice of law.

For something important as an appellate argument, I would not like to see a practice of remote arguments. s.

I feel I can gage the Court better if present.

State courts have not done this, but the federal courts I've argued in remotely have held a brief test the week before arguments and again the morning of arguments to make sure everyone's equipment is working properly and there are no lag issues. I haven't had problems in the state courts, but if others have, doing a test may solve that problem.

Remote proceedings allow for increased access to justice by reducing costs for travel and aiding attorneys/parties with disabilities.

I prefer live proceedings and believe they should be the preferred method of argument before an appellate court.

Live oral argument is preferable, it has an immediacy and intimacy that remote argument lacks. But remote argument should be readily available at the discretion of the court if the parties agree. I do not favor mixed argument, with one advocate live and the other(s) remote. That is not a level playing field.

# Comments: General

**QUESTION: Please provide any comments that you have regarding remote appellate proceedings:**

I think they make the practice more accessible and frankly, helps evens the playing field on intangibles like familiarity with surroundings. Also: no more worrying about sweating through your court makeup in you nicest suit because of parking.

Legitimate health concern should always justify remote participation. But in-person argument is more useful & enjoyable.

Remote proceedings diminish the dignity of Courts. When dignity is diminished, I fear loss of legitimacy soon follows..

Remote oral argument is too closely associated with the pandemic for me to endorse its routine use.

Glad you are making this inquiry, but I believe it is much more relevant at the trial court level.

Make sure the technology works very very well.

Remote proceedings are acceptable as a means of protection for parties or court staff from risks of disease, natural disaster, and unexpected events such as riots, fire etc. They should be used sparingly as nothing replaces the immediacy of in person argument, especially for the imprisoned. They deserve a chance at having someone somewhere speak directly to the justices deciding their fate..

Remote appellate proceedings should be the exception, not the general rule.

Organization and planning is essential

In my experience, remote argument is a useful tool that should be used when there is good reason to avoid in-person argument. However, overall, I believe in-person argument preferable because it allows attorney's to more effectively communicate with the appellate justices

I hate them. I've done them, won and lost cases on them. Still hate them. The in-person interaction is essential to proper argument.

In person arguments are more free from distractions, potential or otherwise.



# Comments: General

## QUESTION: Please provide any comments that you have regarding remote appellate proceedings:

Remote proceedings just make sense. They save time and resources. They are as effective as in-person arguments.

Remote argument has been done well enough to preserve professionalism while still providing greater flexibility and the ability to avoid illness or location based conflicts

I think it lacks the “fun” of in person OA but is as effective from the standpoint of persuasion. However it is a bit more difficult for judges and counsel who are not able to pick up on nonverbal communication.

The fact that they are recorded is their best feature.

Remote should be a last resort. It's important that we as a society get back to normal life as soon as possible. Remote hearings for routine matters like status conferences in trial courts is one thing, but appellate argument is much rarer, and the presumption should be for in-person.

They are appreciated

In person arguments should be the default. Remote proceedings should be liberally permitted for convenience of the court and counsel when circumstances justify it,

Remote OA expands access for both participating and watching while reducing litigation costs. The only apparent caveat is for personally sensitive cases (e.g., parental rights terminations, some crimes); if it's a case for which anonymizing filings is appropriate, the argument should probably not be broadcast.

They make proceedings more accessible to law students and to the public

If appellate courts, including judges and staff, wish to have remote arguments, I think they should be allowed to. If a party wants to have a remote argument, I think it should be granted.

Great option for flexibility.

I have some concern that state courts will become more like federal courts where attorneys and parties rarely have face to face interaction with judges. I also have concern with appellate judges becoming more isolated and not even having face to face interactions with each other. I also have concern with the spiraling costs of litigation and I appreciate the economic benefit of remote proceedings.

It is useful and should be continued when possible. The streaming on YouTube at a minimum is valuable.

I think this is a path forward improving access to Justice for those on a limited budget and/or folks living remotely. And for anyone complaining about not getting to present oral argument, allowing the courts this efficiency could allow for a few more cases to be submitted via oral argument.