

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



As courts have moved to remote access due to the COVID-19 pandemic, new 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 an appropriate physical place to attend

- Lack of a secure place to attend (ie free from intimidation, especially true when DV, abuse, or harrassment is an issue)
- 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)
- Prejudicial environments
- Environment fails to meet judges expectation of what kind of environment one should be in to go to court so judge refuses to hear matter, continues the matter, or chastises SRL
- Invasion of privacy
- Excessive wait times in zoom waiting rooms, burning minutes/data and possibly exceeds a person's availability
- Defaults and bench warrants for FTAs due to failed technology (tech problems, connectivity issues, exhaustion of data etc.) or lack of notice
- Defaults and bench warrants for FTAs due to showing up physically at courthouse and not logging into link (circumstances have included not receiving link and lack of device)
- Lack of public access to the courtroom
- Inability to confer with an attorney
- Lack of access to interpreter
- Lack of disability accomodations
- Inability to submit evidence
- No access to court personnel to ask follow-up questions (what comes next, when do I get my order, what does this mean etc)
- Lack of courtroom assistance

There is also evidence that appearance rates have increased overall, which is certainly a good thing. However, the digital divide has become even more pronounced and is causing new and quite severe failures in due process and equal protection for the most vulnerable. The items below explore the challenges and strategies to find solutions. The impact of "zoom court," especially with regard to the eviction crisis and criminal matters, [is being documented in the press](#).

- [Texas ATJ Commission, The Best Practices for Courts in Zoom Hearings Involving Self-Represented Litigants](#) (April 2020)

- In its pandemic response plan, the [DC Courts and ATJ Commission established Remote Site Locations](#) to provide low-resourced individuals with the resources they need to participate in remote court hearings. These sites are located across the city and embedded within DC's Balanced and Restorative Justice Centers which are commonly utilized by local agencies to provide families with assistance securing social services.
- [Digital Divide Considerations: A Pandemic Resource from NCSC \(Sept 2020\)](#)
- NCSC Tiny Chat 4 and Tiny Chat 17 on the Digital Divide ([find on Tiny Chat page](#)) and [related resource page](#)
- [ABA Pandemic Task Force Summary of Remote Hearing Guidance](#) (as of July 2020)
- [LAAC's COVID Resource page](#) links to many additional resources.
- [Conducting Effective Remote Hearings in Child Welfare Cases during COVID-19 \(2020\)](#)
- U.S. Department of Health & Human Services Children's Bureau, March 27 2020
- [JTC Resource Bulletin: Judicial Perspective on ODR and Other Virtual Court Processes \(NCAC 2020\)](#) - discussing some of the positive aspects of the switch to remote including increased appearances

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Topics

[100% Access to Justice Remote](#)

Tags

[COVID remote](#)

Files

[Tech Options from HHS.pdf](#)

[TX Best Practices for Courts in Zoom hearings Involving Self Represented Litigants-Final.pdf](#)

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