

Resolution: The American Bar Association Remote Resolution 2020 (ABA 2020)



During the COVID-19 pandemic, courts endeavored to find ways to operate safely and ensure that essential proceedings continued. In many jurisdictions, this involved quickly setting up remote or virtual courts, using meeting technologies such as Zoom or Go to Meeting. Because these procedures were established in response to a crisis, time could not initially be taken to form a committee to review the proposed procedures, solicit input from key constituencies or fully consider the impact of these procedures on issues of access, privacy and attorney-client relationships.

In August of 2020, the American Bar Association adopted a resolution to limit compulsory use of virtual and remote course procedures to essential proceedings.

This Resolution sought to limit the compulsory use of virtual and remote court procedures to essential proceedings, while permitting the use of such procedures whenever litigants provided informed consent and were further provided the option of an in-person hearing whenever such a hearing was safely possible. The Resolution further encouraged each jurisdiction employing virtual or remote court: (1) to establish committees to conduct evidence-based reviews of virtual and remote court procedures; (2) to **guarantee equal access, due process and fundamental fairness**; (3) to provide additional funding to improve access to virtual or remote court proceedings; (4) to ensure that the public, including the media, is provided access to court proceedings unless an appropriate exception applies, in which case the privacy of the proceeding should be protected; (5) to provide training on virtual and remote procedures; and (6) to study the impacts of these procedures for possible prejudicial effect or disparate impact on outcomes.

The full resolution is attached.

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Document Author:

- American Bar Association

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Regions

[United States](#)

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[ABA remote.117-annual-2020.pdf](#)

Print

Table of Contents