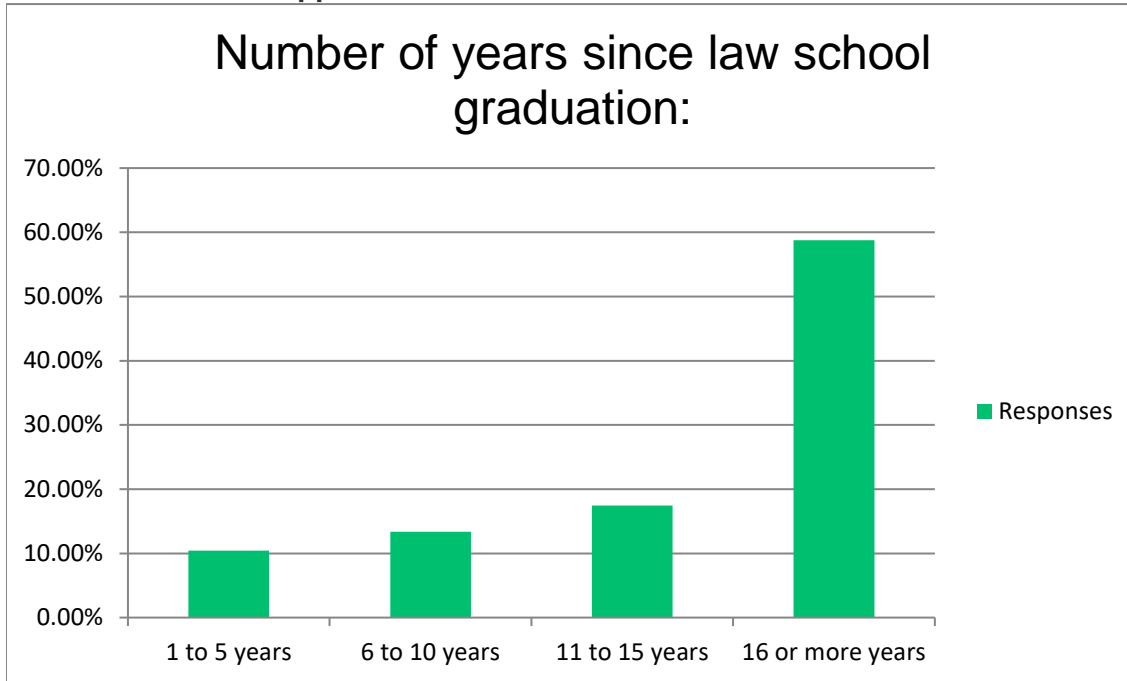


## Opportunities and Challenges in Litigation During the Pandemic and After

### Number of years since law school graduation:

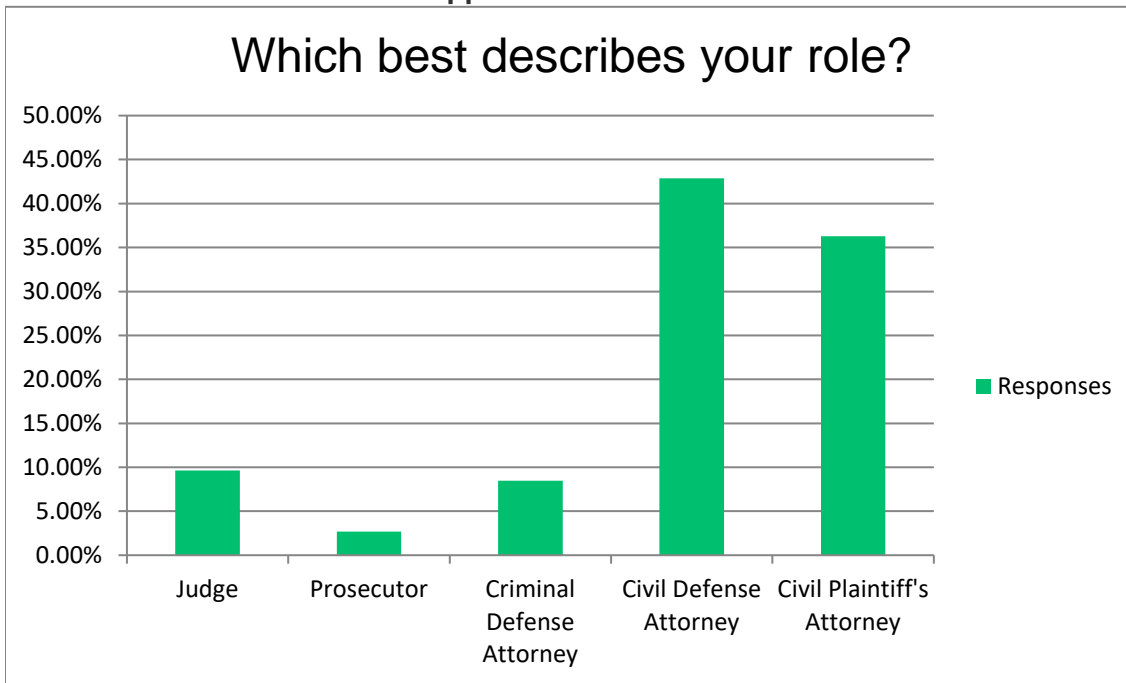
Answer Choices	Responses	
1 to 5 years	10.41%	28
6 to 10 years	13.38%	36
11 to 15 years	17.47%	47
16 or more years	58.74%	158
<b>Answered</b>		<b>269</b>
<b>Skipped</b>		<b>0</b>



## Opportunities and Challenges in Litigation During the Pandemic and After

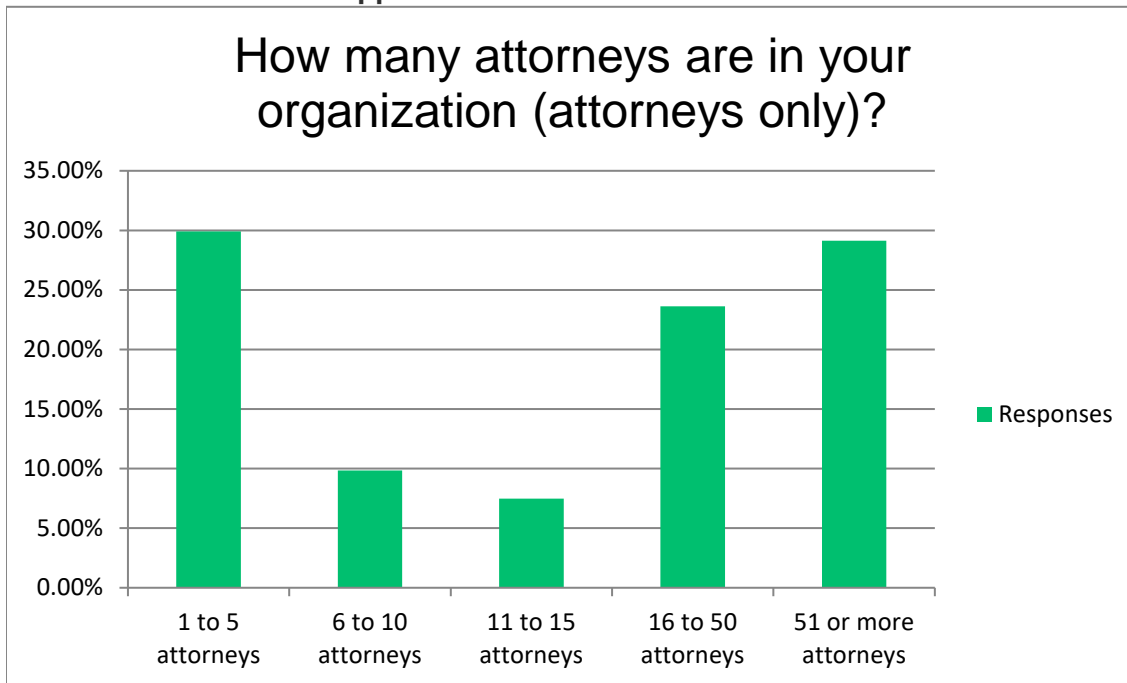
### Which best describes your role?

Answer Choices	Responses	
Judge	9.65%	25
Prosecutor	2.70%	7
Criminal Defense Attorney	8.49%	22
Civil Defense Attorney	42.86%	111
Civil Plaintiff's Attorney	36.29%	94
<b>Answered</b>		<b>259</b>
<b>Skipped</b>		<b>10</b>



## Opportunities and Challenges in Litigation During the Pandemic and After How many attorneys are in your organization (attorneys only)?

Answer Choices	Responses	
1 to 5 attorneys	29.92%	76
6 to 10 attorneys	9.84%	25
11 to 15 attorneys	7.48%	19
16 to 50 attorneys	23.62%	60
51 or more attorneys	29.13%	74
<b>Answered</b>		<b>254</b>
<b>Skipped</b>		<b>15</b>

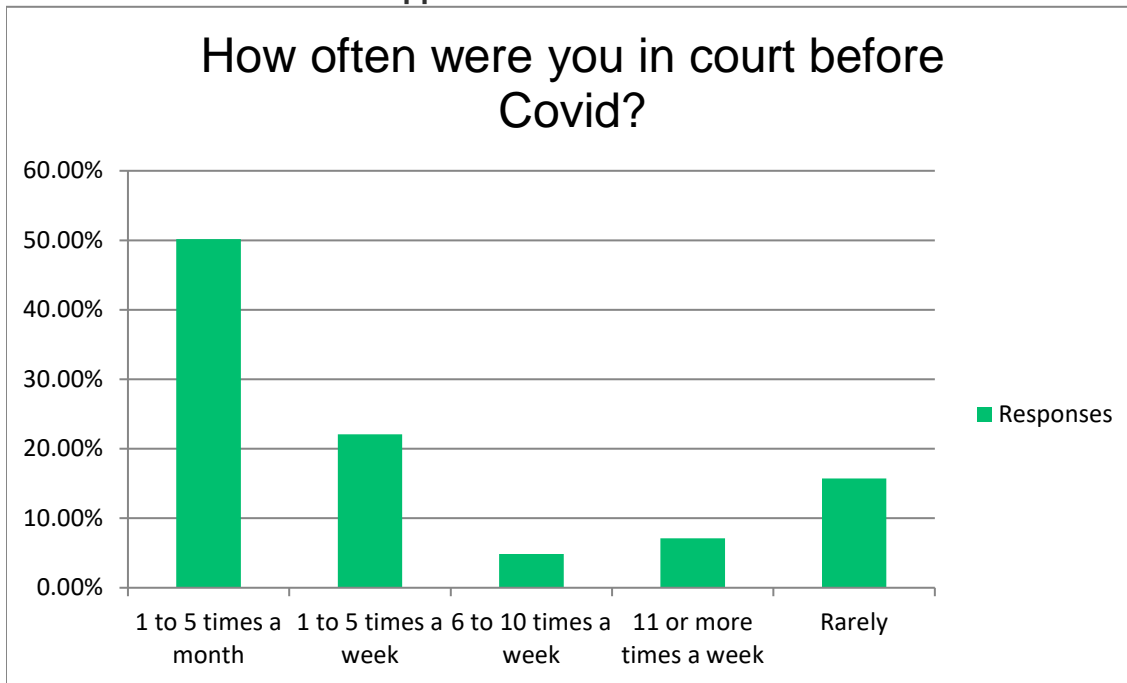




## Opportunities and Challenges in Litigation During the Pandemic and After

### How often were you in court before Covid?

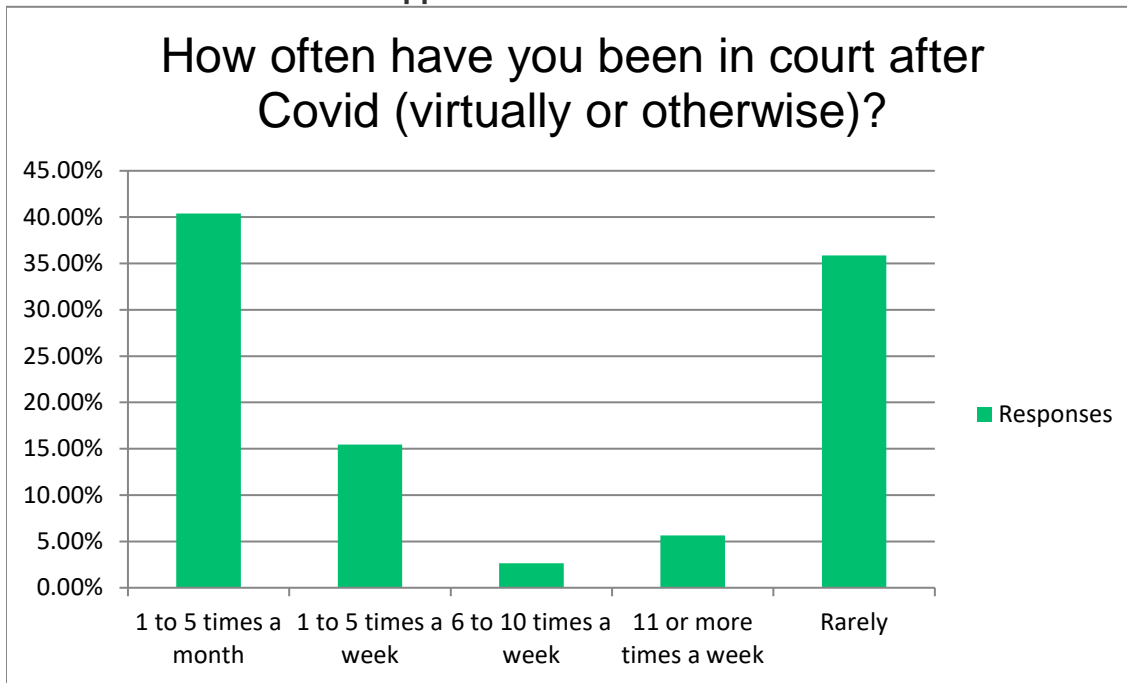
Answer Choices	Responses	
1 to 5 times a month	50.19%	134
1 to 5 times a week	22.10%	59
6 to 10 times a week	4.87%	13
11 or more times a week	7.12%	19
Rarely	15.73%	42
<b>Answered</b>		<b>267</b>
<b>Skipped</b>		<b>2</b>



## Opportunities and Challenges in Litigation During the Pandemic and After

### How often have you been in court after Covid (virtually or otherwise)?

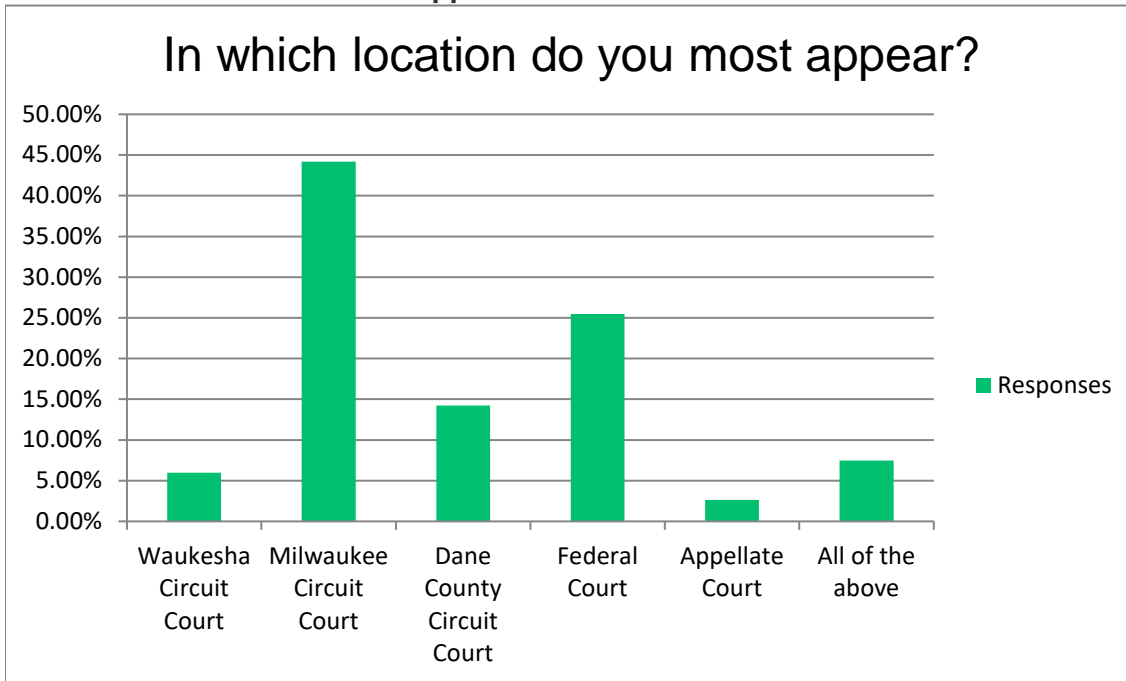
Answer Choices	Responses	
1 to 5 times a month	40.38%	107
1 to 5 times a week	15.47%	41
6 to 10 times a week	2.64%	7
11 or more times a week	5.66%	15
Rarely	35.85%	95
<b>Answered</b>		<b>265</b>
<b>Skipped</b>		<b>4</b>



## Opportunities and Challenges in Litigation During the Pandemic and After

### In which location do you most appear?

Answer Choices	Responses	
Waukesha Circuit Court	5.99%	16
Milwaukee Circuit Court	44.19%	118
Dane County Circuit Court	14.23%	38
Federal Court	25.47%	68
Appellate Court	2.62%	7
All of the above	7.49%	20
	<b>Answered</b>	<b>267</b>
	<b>Skipped</b>	<b>2</b>

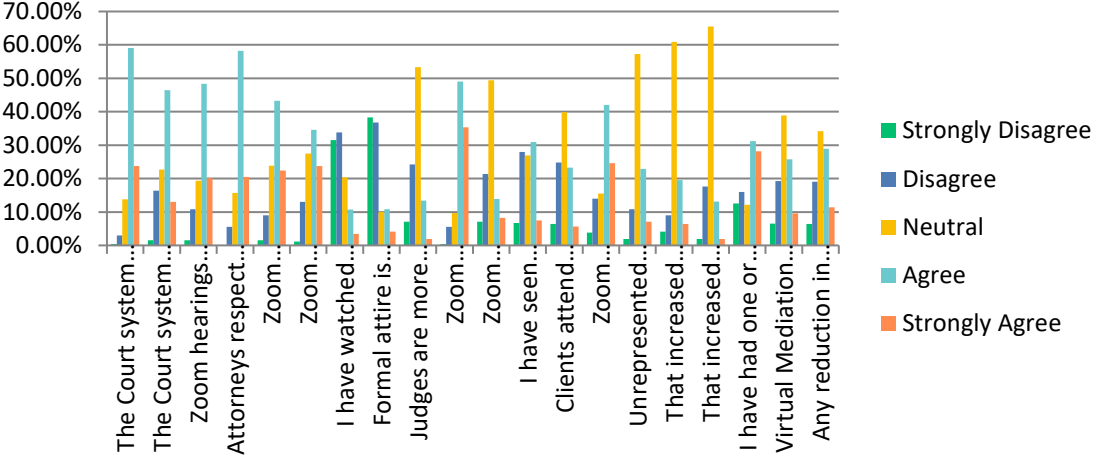


**Opportunities and Challenges in Litigation During the Pandemic and After**  
**Please indicate how strongly you disagree or agree with the following statements.**

	Strongly Disagree	
The Court system has responded well to access to justice issues raised by the pandemic.	0.37%	1
The Court system has set clear expectations for remote proceedings (dress, background, linking, etc.)	1.49%	4
Zoom hearings maintain the necessary formalities to preserve the integrity and dignity of the legal process.	1.49%	4
Attorneys respect the formality of legal proceedings.	0.00%	0
Zoom hearings/appearances on YouTube provide appropriate access to the public and clients.	1.49%	4
Zoom hearings/appearances on YouTube provide better access to the public and clients.	1.12%	3
I have watched YouTube Zoom hearings to research and observe the Judges before whom I have pending cases.	31.54%	82
Formal attire is no longer necessary for non-motion, pre-trial and trial proceedings.	38.29%	103
Judges are more engaged during Zoom hearings.	7.09%	19
Zoom hearings/appearances reduce the transactional costs of litigation.	0.37%	1
Zoom hearings/appearances level the legal playing field.	7.12%	19
I have seen attorneys or parties act differently in Zoom hearings/appearances than they would in person.	6.72%	18
Clients attend Zoom hearings/appearances and depositions more often than they attended before.	6.39%	17
Zoom hearings/appearances limit my opportunity to have informal discussions with opposing counsel or the Court.	3.79%	10
Unrepresented parties have increased their participation in the legal system as a result of their ability to attend remotely.	1.87%	5
That increased participation has improved the quality of justice.	4.14%	11
That increased participation has increased the amount of work needed by judges and attorneys in those cases.	1.87%	5
I have had one or more virtual mediations/settlement conferences.	12.55%	33
Virtual Mediation can be as or more effective than in person sessions.	6.54%	17
Any reduction in the effectiveness of virtual mediation is outweighed by the reduction in transaction costs and ability of the clients and counsel to avoid travel and more easily work on unrelated projects.	6.46%	17



Please indicate how strongly you disagree or agree with the following statements.



Disagree		Neutral		Agree		Strongly
2.97%	8	13.75%	37	59.11%	159	23.79%
16.36%	44	22.68%	61	46.47%	125	13.01%
10.78%	29	19.33%	52	48.33%	130	20.07%
5.60%	15	15.67%	42	58.21%	156	20.52%
8.96%	24	23.88%	64	43.28%	116	22.39%
13.01%	35	27.51%	74	34.57%	93	23.79%
33.85%	88	20.38%	53	10.77%	28	3.46%
36.80%	99	10.04%	27	10.78%	29	4.09%
24.25%	65	53.36%	143	13.43%	36	1.87%
5.58%	15	9.67%	26	49.07%	132	35.32%
21.35%	57	49.44%	132	13.86%	37	8.24%
27.99%	75	26.87%	72	30.97%	83	7.46%
24.81%	66	39.85%	106	23.31%	62	5.64%
14.02%	37	15.53%	41	42.05%	111	24.62%
10.86%	29	57.30%	153	22.85%	61	7.12%
9.02%	24	60.90%	162	19.55%	52	6.39%
17.60%	47	65.54%	175	13.11%	35	1.87%
15.97%	42	12.17%	32	31.18%	82	28.14%
19.23%	50	38.85%	101	25.77%	67	9.62%
19.01%	50	34.22%	90	28.90%	76	11.41%



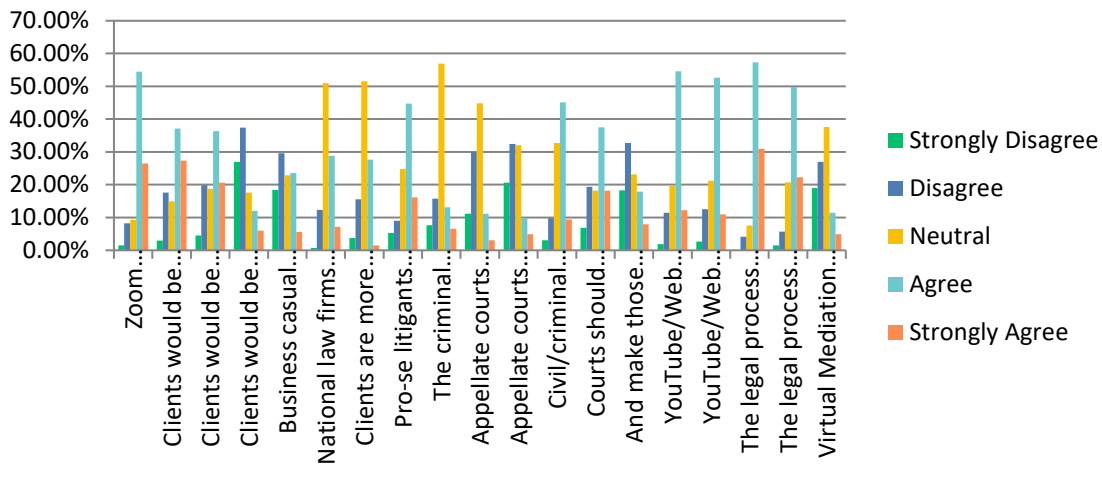
Agree	Total
64	269
35	269
54	269
55	268
60	268
64	269
9	260
11	269
5	268
95	269
22	267
20	268
15	266
65	264
19	267
17	266
5	267
74	263
25	260
30	263
<b>Answered</b>	<b>269</b>
<b>Skipped</b>	<b>0</b>

**Opportunities and Challenges in Litigation During the Pandemic and After**  
**Please indicate how strongly you disagree or agree with the following statements.**

	Strongly Disagree	
Zoom hearings/appearances will largely continue for routine judicial proceedings.	1.49%	4
Clients would be better served if Zoom appearances replaced routine judicial proceedings after the pandemic.	3.00%	8
Clients would be better served if Zoom hearings replaced hearings that do not require witnesses.	4.49%	12
Clients would be better served if Zoom hearings replaced hearings that do require live witnesses.	26.97%	72
Business casual will be allowed for some court hearings/appearances.	18.35%	49
National law firms without Wisconsin offices will increase the number Wisconsin cases they handle.	0.75%	2
Clients are more likely to use Wisconsin attorneys for out-of-state matters because they would not have to travel.	3.79%	10
Pro-se litigants should be permitted to participate remotely in pretrial civil proceedings.	5.26%	14
The criminal process should move entirely to Zoom for all routine hearings/appearances (subject to constitutional requirements and appropriate waivers).	7.69%	20
Appellate courts will move entirely to Zoom hearings for all oral arguments.	11.11%	29
Appellate courts should move entirely to Zoom hearings for all oral arguments.	20.61%	54
Civil/criminal trials would see a rise in public attendance if remote viewing were permitted.	3.01%	8
Courts should record and preserve tapes of Zoom hearings/trials. And make those recordings available on the Web.	6.82%	18
YouTube/Web access will provide more public information about judicial performance.	18.25%	48
YouTube/Web access will provide more public information about attorney performance.	1.91%	5
YouTube/Web access will provide more public information about attorney performance.	2.65%	7
The legal process will change as a result of the lessons learned during this pandemic.	0.00%	0
The legal process will benefit as a result of the lessons learned during this pandemic.	1.51%	4
Virtual Mediation should be the default form of mediation going forward.	19.01%	50

Please indicate how strongly you

## disagree or agree with the following statements.



Disagree		Neutral		Agree		Strongly
8.21%	22	9.33%	25	54.48%	146	26.49%
17.60%	47	14.98%	40	37.08%	99	27.34%
19.85%	53	18.73%	50	36.33%	97	20.60%
37.45%	100	17.60%	47	11.99%	32	5.99%
29.59%	79	22.85%	61	23.60%	63	5.62%
12.36%	33	50.94%	136	28.84%	77	7.12%
15.53%	41	51.52%	136	27.65%	73	1.52%
9.02%	24	24.81%	66	44.74%	119	16.17%
15.77%	41	56.92%	148	13.08%	34	6.54%
29.89%	78	44.83%	117	11.11%	29	3.07%
32.44%	85	32.06%	84	9.92%	26	4.96%
9.77%	26	32.71%	87	45.11%	120	9.40%
19.32%	51	18.18%	48	37.50%	99	18.18%
32.70%	86	23.19%	61	17.87%	47	7.98%
11.45%	30	19.85%	52	54.58%	143	12.21%
12.50%	33	21.21%	56	52.65%	139	10.98%
4.15%	11	7.55%	20	57.36%	152	30.94%
5.66%	15	20.75%	55	49.81%	132	22.26%
27.00%	71	37.64%	99	11.41%	30	4.94%





ly Agree	Total
71	268
73	267
55	267
16	267
15	267
19	267
4	264
43	266
17	260
8	261
13	262
25	266
48	264
21	263
32	262
29	264
82	265
59	265
13	263
<b>Answered</b>	<b>268</b>
<b>Skipped</b>	<b>1</b>

## Opportunities and Challenges in L

**Please identify the positive changes**

**Answered 143**

**Skipped 126**

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## litigation During the Pandemic and After in the legal system that should be preserved:

### Responses

The ability to use Zoom in mediation.

Ability to have routine hearings w/o witnesses by Zoom, and ability for others to watch court

Zoom hearings and mediations

Zoom hearings allow for attorneys to make multiple appearances given the lack of need to travel.

Zoom hearings should stay for as many types of hearings as possible.

clients save when attorneys don't have to travel for routine non-evidentiary hearings

Better access

When possible, pro se litigants should have the option of appearing remotely in addition to appearing

Depositions remote are a big positive - no travel necessary. Routine court appearances should

It is refreshing that the process has been "humanized," somewhat. I am hopeful that this will continue,

post-pandemic. Otherwise, uncomplicated hearings, I am also hopeful, will continue to be remote. This

saves clients money and saves attorneys time. Zoom hearings/appearances/mediations, etc. are also more environmentally sound, as we are not driving and need not use a bunch of paper, for exhibits.

Court, overall, is less stressful for clients and attorneys, remotely. There is a "buffer" created by the technology that seems to reduce overall anxiety and conflict.

Zoom hearings for routine matters should continue.

Use of video teleconferencing for hearings should be more routine.

Not requiring in-person court appearances for uncontested hearings such as scheduling conferences.

Flexibility of courts to allow out of state litigants to appear by video has been wonderful. I have clients

all over the United States and the World and being able to have them in person at a hearing without the expense of travel is valuable and should be maintained post-COVID.

Virtual mediations are workable

The advances, efficiency and cost savings of videoconferencing has become sufficiently apparent as scaled-up during the pandemic that they should remain long after a return to "normal" for all but jury

Zoom meetings for routine scheduling conferences and motions on the papers.

The realization that much of an attorney's work can be performed effectively remotely.

Zoom makes many hearings more cost-effective to have counsel or appear without needing to miss work, have child care, etc.

Zoom hearings for status conferences and pre-trial conferences. This is cost-effective for clients, and the same goals are accomplished as if people appeared in person.

Better access to courts to folks who have transportation/work-related difficulty associated with going to court.

The release of more individuals without cash bail.

virtual appearance for routine appearances

Non complicated status/scheduling conferences by zoom

I think because we were forced into handling things remotely, we learned to adapt quickly and realize that things can be handled remotely, and it can be a real time and money saver. (And not all counties use Zoom.)

Routine criminal hearings that do not require findings of fact or law (e.g. scheduling, initial appearances, discovery conferences, etc.) should continue to be held virtually. Also, bail motions not involving detention could be held virtually.

Zoom as standard for non-evidentiary civil hearings

More/easier access to courts/judges. Impetus for bail reform.

Less time spent travel, more money savings for clients.

The flexibility to have video conferences with the court depending upon the agreement of the parties

Zoom for routine hearings, as much as possible.

Zoom meetings for certain court appearances increase efficiency for attorneys and in the courts and reduce costs for clients.

Lower transactional costs for routine proceedings.

Cost savings

Ability for parties to attend routine and non-evidentiary hearings via zoom . Pretrial conferences in criminal cases being yanked via email without requiring appearance by defendant.

no opinion

Zoom calls instead of telephone conferences for pretrial scheduling conferences or motion hearings.

Paperless efforts; efficiency improvements; more civilized/polite behavior

Pretrial conferences should be held virtually.

The ability of attorneys to work together to problem solve.

None.

Remote, less formal participation for routine, scheduling, etc. matters is a big time and money saver.

Lowering cost of litigation through zoom hearings on motions and minor evidentiary bench hearings.

The option to attend routine conferences and hearings by phone or video should be expanded.

Routine Court Hearings (i.e. scheduling and status conferences) appear to be best conducted via videoconference (for time and cost savings) for the parties.

Zoom hearings for routine civil matters if nobody objects

Zoom depositions and hearings.

flexibility in scheduling; reduced motion practice for minor issues

routine hearings over zoom

do all routine matters via video

Increased incorporation of technologies into legal processes, leading to increased participation and efficiencies

routine hearings are more efficient and clients don't have to pay travel costs

Pre-trial conferences are much more time and cost-efficient for attorneys and clients.

Hearings that simply require a status update and a new date can now be heard without wasting travel time and in-court wait time. Attorneys can now appear throughout Wisconsin without concern for travel time and expense, thereby expanding our practice. Attorneys are able to work more efficiently on behalf of our clients, allowing for greater case loads, as we can now actually accomplish work while in our office waiting for our Zoom cases to be called. Efficiency has markedly improved, which may result in lower fees for clients and greater access to counsel.

Scheduling conferences should always be conducted via teleconference or Zoom on civil cases.

Running to the Courthouse is a waste of resources.

Routine judicial conferences and most mediations should be handled virtually. Virtual hearings should be an option (by agreement of the parties) for hearings without witnesses and virtual mediation should always be an option (by agreement of the parties) for mediation.

For certain types of cases, I think the use of Zoom hearings is very effective and reduces costs for litigants. It also allows more participants and more people learn about the judicial system  
None.

Divorce by Affidavit

Zoom for scheduling conferences; Depositions of out of state witnesses by Zoom

Scheduling conferences via zoom

Scheduling conferences and other appearances in which argument is not required should continue to occur by Zoom or telephone.

Ease of indigent parties to appear in court, assuming they have a functioning phone and a data plan.

I do think there is a post-pandemic place for court appearances on Zoom. There are real efficiencies. But we must not overdo it.

Nothing advocacy is ineffective when not complete in-person.

Zoom platform for routine hearings is better than phone, and cheaper than in-person. This is a positive change.

Live streaming of Seventh Circuit arguments. But wish the arguments were in person, as they provided opportunities for appellate lawyers from different districts to connect with one another.

Victim participation in criminal matters has increased exponentially. Marsy's Law became effective during the pandemic so it may be coincidence but there are many more victims participating in the process at every step. □

reduced transaction costs through virtual court appearances and mediation

The ability to hold remote hearings in criminal cases when necessary and the ability to have the public observe remotely.

Remote appearances for routine matters. No more 4-hour drives for scheduling conferences.

It is helpful to have routine hearings, such as status conferences or scheduling conferences, by Zoom.

Not having to coordinate with witnesses regarding expensive and difficult parking near the Milwaukee County Courthouse for relatively simple proceedings. Greater flexibility to continue to work productively while waiting for a hearing to start if the court is running late. Business casual for status conferences and other routine appearances.

The staggering of court times and the ability of scheduling and other hearings to be done remotely  
zoom type hearings on motions , pretrial appearances and non jury trials

The ability to appear by Zoom reduces our clients' costs because of travel.

Less in person hearings (preferably none) for routine appearances including scheduling matters.

I am a family law lawyer who practices in multiple counties. My productivity and cost and convenience to clients is best served by status conferences and pretrials by Zoom. I think the option for zoom temporary hearings should be given to counsel and the parties, esp. when there are no witnesses other than the parties.

Short scheduling or status hearings via Zoom are very cost effective and should remain. (all clerks should know how to send a message to those in the waiting room when the Court is running late).

Zoom appearances for sick or great distance away parties, witnesses and attorneys.

Zoom appearances waste much less time for me and are less expensive and cumbersome for my low-income clients.

Efficiency with virtual proceedings, safety in not traveling to court by avoiding transportation/traffic/health challenges.

Allowing counsel and parties to appear for scheduling and status conferences and routine motions via zoom rather than incurring the costs and fees of travelling.

Zoom hearings for routine appearances and less contentious mediations.

Concerns for safety addressed while preserving all due process and confrontation rights  
Flexibility.

I agree that administrative hearings and conferences without witnesses should absolutely be the norm going forward. The savings to clients is substantial and nothing suffers as a result.

Cost of litigation is dramatically decreased.

More virtual hearings permitted within the bounds of the law.

Easier access to court hearings via zoom.

Remote routine appearances via Zoom should continue, they save time and money, civil or criminal

Video hearings for routine, non-evidentiary court appearances.

All scheduling and routine motion hearings should be by Zoom. It saves clients a ton of money!

Zoom for scheduling and status conferences (better than telephone, cheaper than in person).

Cost of travel to distant counties is diminished.

Access to court processes for civil litigants is increased - lots more appearances of pro se defendants at hearings (foreclosure/ eviction/ etc). While more questions, more people at least get info and engaged and have a chance to feel heard (and keep job/ etc rather than repeated days off work, parking, security, etc for a 15 min discussion.

More email communication from judges, reduction of paper filing requirements, audio recordings of hearings.

Highlighted fissures in the system, and the opportunity for certain efficiencies. Certain technology (including Zoom and Office 365) has proved nearly indispensable. Not convinced tech hacks provide better justice - hearings, mediation, depositions, etc.

Routine non dispositive hearings by audio or video .

Access, ease of appearance and the decreased cost associated with that ease, mediation is less expensive and easier for parties to participate in.

I think we have learned that most argument-only hearings can take place effectively via remote means.

Zoom hearings in certain circumstances rather than phone or in- person.

Zoom hearing

Cost saving

less running to court in person for hearings that do not require it, resulting in a waste of resources for all involved

Zoom hearings have been useful.

Scheduling conferences should be held via Zoom going forward, particularly in larger cases like asbestos. Should we set procedure with the clerk for check-in/attendance to streamline and preserve attendance for court record. Co-defendants who simply want to listen to a motion hearing but not make their own record should also be able to participate via Zoom rather than requiring in-person travel.

Travel costs and time waiting for hearing can be greatly reduced by considering zoom or phone hearings.

Efficiency in handling procedural matters virtually, which eliminates the need to travel or wait in the courtroom while your case is called.

Status and scheduling conferences should always be remote. But teleconference works too!

Widespread adoption of electronic files, electronic signature services like DocuSign, Zoom, working from home; use of technology and norms that have been standard in other industries for over a decade

I love zoom hearings. They are quick, efficient, allow more participation. I have clients in Europe for probate that can participate.

Zoom hearings for uncontested civil cases

Scheduling conferences via ZOOM make a lot of sense.

More flexibility in modifying scheduling orders, more frequent contact with the Court through status conferences. Zoom has been a great tool for convenient face-to-face interactions with the Court for things like scheduling conferences and status conferences and some hearings, but is not ideal for complicated motion hearings, court trials and other more involved proceedings.

More remote hearings for routine matters

Allows handling of cases further away reducing travel costs. Saves money for clients esp for short simple hearings. Hearings cut to the chase better, less waiting time.

Lesser expenses

- decrease in travel time and cost

- greater access to more people

Divorce by affidavit; dramatic cost savings for things like zoom pre-trials and status conferences which should be maintained. For those senior attorneys, like myself, the technology required to do virtual matters can be challenging.

There was not where else to put this - but this survey assumes that all civil and criminal cases are the same but I would have different answer for say, family cases, than large claims civil and a different answer for traffic court than for felony drug court.

But to answer this specific question, Zoom has allowed more unrepresented litigants to participate in the system and it seems to work fairly well for scheduling conferences, certain pre-trial conferences and the like. There seem to have been fewer adjournments and it seems easier to schedule court dates as attorneys don't have to worry about about traveling between physical courtrooms or courthouses. Some Zoom hearings should be allowed, although I note that it would have to be all parties in a case or none on Zoom unless all courtrooms have electronic equipment to allow those in person and those by Zoom to interact.

I think the Courts have adapted as well as possible. I would support Zoom hearings for procedural-type hearings moving forward and occasionally for depositions. I do not think they are preferable to in-person hearings as I think there is a lot to be gained from gathering all of the parties together in a formal atmosphere to help avoid unnecessary delays and posturing.

Flexibility and creativity in what we expect court hearings to look like has changed during the pandemic. This open mind to doing things in new ways should be preserved.

Zoom hearings for routine matters, especially for courts in rural areas. Appellate oral arguments should all be via zoom except for the Wisconsin Supreme Court.

For decades the bar has implored courts to use technology, for example, the conference call, to reduce the cost of brief court appearances. Many judges resisted. Now judges see clearly the advantages of not insisting on in-person appearances. Big accomplishment, among others

□

You ask about mediation and conducting mediation by video conference (by the way, there are video conference platforms other than Zoom and people do use them). This is my field of practice. □

□

I think the key question practitioners should ask, even after COVID is licked, is this: do I increase the odds of settlement if the mediator conducts the mediation by video conference? If the answer is (a) yes or (b) it won't make a difference, then go with video conference -- it's cheaper and more convenient. But if a mediator can have more influence over a party (or both sides) by applying his or her wit and charm in person, then go with in-person mediation, even if it is a little more expensive and a little less convenient. I think there will always be cases where the parties will need the mediator, at an opportune time, to put his or her hand on one party's elbow and reassure him or her, "Yes, you've done well here, I think you can afford to take this offer and quit while you are ahead."

The tremendous cost savings by virtual court proceedings, especially for routine matters.

Zoom hearings are convenient; saves on gas/parking expenses. It might be helpful to continue them for some routine hearings.

The forced adoption of remote proceedings in courts that previously did not have the option or capability for remote proceedings.

Greater access to the court system by those who may not have the ability to attend/ participate if not for remote access. Greater acceptance of remote mediation/ depositions saving costs and resources for litigants.

There has been an enormous leap forward (catch-up) with the integration of technology and legal practice - especially with regard to interaction with the court system. Overall this ongoing post-pandemic efficiency via electronic interface with the court would save significant resources for clients. Remote appearances for routine matters like scheduling conferences and status conferences.

less travel for minor court appearances

Zoom for routine, uncontested hearings.

Few. Only good thing is non-appearance for ministerial hearings.

Almost all civil pretrial proceedings with the court can be conducted virtually.

measures that reduce the cost of litigation

Remote access to justice for low income individuals who otherwise face transportation and employment challenges in getting to court.

less travel□

lower cost□

use of technology to replace paper copies and waste

Virtual routine hearings, status conferences and scheduling conferences.

Scheduling and status conferences should continue via Zoom. They are uncomplicated, and nothing is gained by appearing in person.

Reducing travel time - even a 20-minute walk or drive each way. Making hearings more efficient.

Transparency and accessibility.

Better protection of public health by eliminating, doing by paper or telephone, or Zoom/YouTube criminal case initial appearances, status conf., non-evidentiary matters and a recognition that cash bail should not always be imposed, as that increases jail crowding and infection risk.

Zoom hearings for non-evidentiary, non-testimonial matters.

The rise in virtual settings has increased the participation and reduced the cost for all parties in litigation, which should be maintained.

Tags



Opportunities and Challenges in  
Please identify the negative change

Answered 128

Skipped 141

Respondents	Response Date
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2	Dec 16 2020 06:35 PM
3	Dec 15 2020 12:46 PM
4	Dec 15 2020 11:17 AM
5	Dec 15 2020 09:39 AM
6	Dec 14 2020 06:03 PM
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## Litigation During the Pandemic and After s in the legal system that should be rejected after the pandemic:

### Responses

### Tags

The inability to accurately read body language on Zoom

People are more isolated, less interaction in person.

tech issues. Participating can be hard for those folks.

"informally" and report back to the court. Prosecutors have responded to me roughly half the time, making this a useless event in those cases. live hearings are often the in person evidentiary hearings are necessary.

a bunch of paper to take with us, to hearings. This has a positive side, also (environment).□

□

person hearings. Would like a local rule that pro se litigants can be immediately should be in-person, although having some witnesses appear electronically will be Personal attendance at mediation and contested hearings is preferable.

lack of ability to talk with opposing counsel face-to-face results in more hearings and ZooM hearings remove the human element and turn hearings into nothing more than routine conference calls. Also, much of the court's legitimacy is linked to the public's understanding that a court is an important institution- an institution one must personally appear in & schedule other things around. Zoom, while efficient, undercuts the perception that courts are authoritative. Efficiency is not a sufficient benefit - the risk is to high.

be steps taken to avoid abuse in terms of witness interpretation and misleading snippets of court proceedings. If not, I fear that there will end up being substantial No virtual mediation for pro-se plaintiffs. Virtual mediation ok with consent both of parties in other matters.

performed as effectively in a remote circumstance.

appearances for people that are high risk (pregnant, etc), and it is clearly a political decision. It also makes it difficult for practitioners to prepare clients when every while testifying.

virtual appearances for substantial court hearings should be in person.

still positive. I also am not trying to chime in on what the circuit court, court of appeals the system used. It would be a mistake to not seek to have Zoom/YouTube improve Witnesses/victims being able to appear remotely.

Easing of constitutional rights to confrontation and speedy and fair trials. meetings for certain matters.

Zoom meetings can lead to informality. Clients, pro se or with attorneys, are not always dressed appropriately, have tech issues, and don't act as they would if they were in person.



in-person hearings or meetings.

Intangible, hard to measure but very real loss of human/social interaction

Evidentiary and plea/sentencings should return to in person.

no opinion

Depositions are far better in person than over Zoom. So are mediations.

Zooming just to Zoom (why can't some TSC's remain telephonic??)

examinations virtually.

re. testifying and access to clients who are not in the same room with you

Zoom hearings. Anything you can do by Zoom you can do by phone.

efficient, but should be allowed by agreement. Zoom oral arguments are less

Need in person jury trial dates.

value to attending in person.

nonverbal communication that occurs between counsel, the Court, and parties when

hearings; inability to reach clerks who are working remotely; slowness in e-filed

zoom depositions, substantive hearings over zoom.

in person contact is an important part of our process

firm, and opposing counsel) can have negative effects on attorney well being and the

appearances should not necessarily be abandoned in favor of Zoom.

zoom. Screen share can be cumbersome and time consuming. Something is lost

when witnesses can testify from their home as opposed to the court room. I worry

attorneys, and between attorneys and court staff. Zoom inhibits in-court pre-trial

negotiations and discussions prior to and after cases are called. Zoom inhibits

credibility determinations. Zoom inhibits attorneys' ability to observe and/or 'pick up

Lack of personal contact with clients and counsel is depressing and dysfunctional.

from counsel. Such trials or hearings should only be permitted with consent from all

would be particularly true in criminal matters and possibly heavily litigated matters with

result of COVID. Courts are also allowing parties to ignore civil rules of procedure,

even more so than before COVID, to such an extent that we should not have them.

client's attorney from hearing what his client is being told. □

□

□

to being in Court

Depositions via zoom

better conducted in person.

Difficulty finding work.

Inability for clients and counsel to meet in person.

a hit. I have clients I have not seen in the flesh. That's unsustainable, and all parties

Go back to Court being in person, and dress properly to respect the Court system,

judges and prosecutors.

To the extent circuit proceedings have been made available on-line, I think that is a

bad development. Civil litigation is already public and invasive enough.

Even small criminal hearings are important opportunities to connect with clients and

prosecutors and help clients understand the gravity of the proceedings. I hope

criminal matters go back to all in person.

People need to recognize that this is still very serious business. Lives and liberty at are stake even if it is virtual.

People using the threat of in-person hearings as negotiating leverage.

Zoom where phone could suffice.

Evidentiary hearings by Zoom are not the easiest. I also think that it would help for the Court to have paper copies of exhibits, to follow along. I think a Court following on a screen isn't as effective as if the Court had its own paper copy exhibit. There MUST be Orders about the exchange of exhibits and timing of the exchange, to make Zoom hearings easier.

State, and therefore the court's efilng system, should follow the federal rule regarding s/ signatures and a jurat (under penalty of perjury) on affidavits with requirement that proffering party retain original signature. The requirements of a wet signature scanned to a pdf for filing has put legal support staff and witnesses at unnecessary risk for no benefit.

Posting hearings online. I myself am a survivor of a violent sensitive crime and take significant precautions about my online presence. If my offender is able to find me online, my safety (and children's safety) is at issue. I strongly disagree with any online posts of court hearings.

difficulties with visitation at various jails.

It is really hard to have hearings with witnesses and lots of exhibits. I would like to have those in person again.

Hearings with witnesses should be in person.

Lack of decorum.

I would be very worried about permanently available hearing recordings online, given all the harms caused by easy access to CCAP generally.

Waiting rooms in waiting for cases to be called, often leading to dedication of an entire day or half day for a simple proceeding.

Courts making substantive decisions based on procedural limitations, for example - refusing to bifurcate liability and damages because the calendars are backed up and one trial is better than two at this point.

Zoom hearings should not be projected on the web.

Some loss of ability to assess credibility, loss of opportunity for younger lawyers to model after more senior lawyers' courtroom conduct

Extended conferences or hearings (including mediation, oral arguments) being virtual. I work longer hours because I am working from home. Could lead to burnout if one is not careful.

Zoom mediation is terrible, but works. Attorneys are far too casual on Zoom; it's still court. Wear a tie at least...

None

separation in jury trials

Video hearings for any evidentiary hearing.

Can't think of any.

Criminal case hearings should go back to being in-person.

I cannot obtain access to records in the Clerks of Courts' offices to do pre-filing investigations in some of my cases. Sometimes I do not even know what records I want to request unless I can first search on the Clerk of Court computers in the records rooms. I have not been able to do this, and all of the underlying files need to be available to view and be printed for free. Also, there is not a good way in small claims court in Milwaukee County to contact clerks by phone. My client and I waited recently in a hearing for an hour and 40 minutes simply to be heard after the scheduled time for the hearing. We had no clue if we had been forgotten; we were simply left to rot in Zoom Waiting Room Hell. We need to have a way to reach people/clerks when there is a glitch in the system.

Policy's against contract enforcement seem to lack appropriate consideration for both sides and do not appear neutral.

Informality, video conferences for matters previously handled by telephone, virtual oral arguments.

Our justice system is underfunded and undervalued, and has been for a long time. The pandemic demonstrated the dangers of this. Further, while the efficiencies of certain technology are demonstrable (and even seductive), something gets lost when not face-to-face. Hate to think that virtual would become the default.

Video trials and depositions should be abolished.

Virtual trial.

Handling witnesses and exhibits virtually is terrible, and I hope to stop having to do that ASAP when it is safe to resume in person evidentiary hearings.

having no or very few in-person hearings.

Lost personal contacts

I haven't experienced any negative changes

None

Informal discussions with opposing counsel are lost during virtual proceedings and that is often when cases can get resolved. Post-pandemic Mediations should also be offered in more than one format - virtual and live. Virtual mediation may not require travel, but there is not the same "all in the same room" pressure that always for holdouts so I am not convinced of its value for cost-savings alone.

Not running into others to catch up between hearings, or hearing the court during other cases to get a feel for the judge/procedure in a particular court.

Hearings, including oral argument on contested motions, should be conducted in person.

Tedious Zoom hearings where people are more concerned about how their hair looks than the hearing.

I'm still not sold on virtual trials. I think that's a necessity during a pandemic, but we still need courtrooms with live testimony and the ability for finders of fact to assess witnesses live.

Mediation is clearly not as effective if the parties are appearing by zoom. Court hearings should require live witnesses; the importance of assessing credibility by a person present cannot be understated. It also limits the confusion over exhibit handling that is often encountered. Telephone conferences are just as, if not more effective, for routine scheduling conferences.

Zoom hearings for jury trials

Depositions via ZOOM do not serve the same function as in-person depositions.

Totally unsatisfactory.

-The Waukesha County meet and confer order for scheduling orders is inefficient and the court should use Zoom. □

-Zoom has been adopted by most judges, but not all. If the courts continue to use Zoom or some other videoconference platform, it should be used uniformly by all judges, with new local rules about video appearances being required. The ability to use the phone only option for Zoom has eroded the formality of judicial proceedings. In my opinion, as a society we have become exceedingly too informal and I am disappointed to see this informality grow rampant in our profession, and especially so due to the pandemic and adoption of remote proceedings.

Court decorum suffers a bit. Dress should be coat and tie for men.

Loss of direct human interaction

- sometimes can be difficult in evidentiary hearings □
- lack of ability to communicate with client in desired way

There is benefit to clients having to appear in court, at least once, to fully appreciate the significance of the proceedings they are involved in. I strongly recommend that for represented parties both attorneys would need to agree to handle things virtually if in person becomes an option, hopefully sometime in the near future.

Zoom hearings involving questioning of witnesses have been acceptable at best and disastrous at worst. If the witness is not in the same room with their attorney, the attorney's ability to question the witness is impaired, particularly if the witness is on the phone and not on video. I have seen attorneys have to shout at their own clients to prevent them from stating something on the record that the attorney did not want to elicit. □

□

Respect for the system also is diluted by Zoom hearings. I have had litigants and witnesses (and even a small number of attorneys) appear for Zoom hearings while watching TV, driving, eating, shopping and while at the drive through. Court admonitions can only go so far and sometimes you just have to let it go so you can get the case done. Problems getting unsophisticated litigants connected to Zoom has also slowed down calendars. Therefore, I think we should think carefully before making Zoom the default for all but routine procedural hearings with attorneys.

Remote depositions/hearings/mediation lack the sense of urgency that in-person sessions have. I think it encourages inefficiencies. While I think they can be used in some circumstances moving forward, I do not believe they should become the standard.

One negative consequence is the lack of formality. Whether appearing by video or in-person, court decorum should not be abandoned.

The use of Zoom whenever credibility is an issue. All criminal jury trials.

Conducting proceedings by video tends to lack the solemnity and formality of a courtroom. The courtroom atmosphere has been an essential ingredient in many, many cases -- in curbing incivility, in undergirding the legitimacy and authority of the judge, in building respect for the process, in focusing the parties' attention, and in getting parties to take each others' claims seriously. Video conference is an accommodation, but not a one-for-one replacement for being in a courtroom. When solemnity and formality are called for, Zoom should not be the default

Getting dates in court. "Justice delayed is justice denied"

Inability to see and communicate with clerks in person. Inability to have hallway discussions before hearing to try to compromise. Inability to recess during hearings and talk with client.

Cross examination whether during deposition or trial is exceedingly difficult using Zoom or similar technology; for such critical components of our justice system, I feel that in-person cross examination should be preserved. Although I have not conducted a remote jury trial, I feel that too should be rejected as having a jury present and listening to testimony in person is critical in assessing credibility.

Casual conduct by counsel

Really - none or at least very few. Perhaps public access has been reduced, but in reality there are rarely members of the public in most courts and so long as there is online access for the public this could be accommodated.

changes to jury trials

Further informalization of the judicial process.

Many negative changes, with the most important being the loss of human contact and interaction which is necessary to the fair administration of justice. With computer involvement we lost a significant part of the human interaction needed for a just system. If there is less human contact, justice is not served. Our system is not supposed to be designed for efficiency if justice is sacrificed--and I think that is the case. In addition, practicing lawyers do not get to know the judges and clerks which helps, too. I recently needed some assistance on a case that would be easily resolved by going to the courthouse and getting the issue resolved with the help of the clerk, which cannot now be done.

Trials or hearings that require live witnesses, where a credibility assessment is necessary, should be conducted in person.

Those that inhibit attorneys' ability to interact with their clients, colleagues, and opposing counsel

Premature question.

resume in person mediations and trials

Virtual evidentiary hearings or hearings on non-routine motions.

Depositions and mediations are more effective in person.

Making pro-se people wait hours on Zoom, just like in person in small claims. I have heard this info second-hand.

In-person should be the rule for motions, evidentiary hearings, court and jury trials, including jury selection. No litigant should ever be forced to go to a Zoom trial.

The inability to have in-person hearings for trials and contested evidentiary matters and matters in which live testimony is taken.

It has become harder to have the informal attorney to attorney conversations that can often resolve issues without involving the court, so some in person attendance should be maintained.