

Measures and Practices for Ensuring a Safe and Secure Courthouse Environment During and After a Pandemic

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Introduction

It is a fundamental and shared principle among judicial leadership in this country that state courts must strive to remain operational and to provide court services to the greatest extent feasible during emergencies. This is imperative in order to ensure the public’s access to justice and to build public confidence in the stability of government. This principle was put to a serious test with the onset of the COVID-19 Pandemic in early 2020.

As state courts endeavored to remain operational during the Pandemic, a challenging assortment of health and safety measures had to be put in place to protect those who work in or visit courthouses. Additionally, important changes needed to be made to many business practices of courts in order to further serve the health and safety of court employees and the public.

At the behest of the CCJ/COSCA Court Management Committee and the CCJ/COSCA Security and Emergency Management Committee, an effort was undertaken to try to catalogue many of the health and safety measures, as well as changes in business practices, that were implemented in various state courts. That catalogue is included in this report. Perhaps more significantly, this report also includes recommendations for health and safety measures and revised business practices for state courts to consider implementing as the Pandemic ebbs and flows, and even beyond that longed-for day when it can be said that the COVID-19 Pandemic is substantially a thing of the past.

The substantive content of this report is outlined in two sections. Section I identifies almost sixty health and safety measures as well as changed business practices implemented by various state courts during the Pandemic. Section II identifies almost thirty measures recommended for courts to consider keeping in place going forward as the Pandemic ebbs and after it at long last substantially resolves. The measures and practices described in each of the two sections are organized into the following six topics:

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| <ol style="list-style-type: none">1. COVID-Specific Protocols for People Working in or Visiting the Courthouse2. COVID-Specific Measures Relating to the Physical Courthouse Environment3. COVID-Related Protocols for the Workforce4. Virtual Court Proceedings and Services5. Courthouse Space Utilization6. In-Custody Defendants |
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Methodology

The CCJ/COSCA Court Management Committee and the CCJ/COSCA Security and Emergency Management Committee, in view of the COVID-19 Pandemic, identified the topic of “Ensuring a Safe and Secure Work Environment” as an area for investigation and eventual publication. The Chairs of these two Committees designated Committee Representatives to meet and develop an approach for that investigation and publication. (See the Acknowledgements above for a list of the Representatives.) The

Committee Representatives met virtually in March of 2021. The Representatives discussed, and, subsequent to the meeting, endorsed an overall framework for a paper on Ensuring a Safe and Secure Work Environment. The framework contemplated building a catalogue of measures and practices that had been in place in courts as a result of the Pandemic, along with a series of recommendations for courts to consider implementing as the Pandemic continued. The Representatives also designated individuals to serve on a Focus Group to develop and provide the content for the overall framework. (See the Acknowledgements above for a list of the Focus Group members.)

The Focus Group met in May of 2021. Prior to the meeting, members of the Focus Group submitted lists of measures that had been put in place in their respective jurisdictions to deal with the impact of the COVID Pandemic. The discussion at the Focus Group meeting in May resulted in the generation of the following approach that serves as the basis of this paper.

- Identification of health and safety measures, and revised business practices, implemented by courts during COVID, organized by topics.
- Guidance for courts moving forward as the Pandemic ebbs and flows.
 - Overall guidance
 - Guidance for courts per topic

A detailed document, in outline form and in accordance with the above approach, was carefully reviewed by members of the Task Force and by the Committee Representatives. The document was also reviewed in subsequent sessions of the CCJ/COSCA Court Management Committee and the CCJ/COSCA Security and Emergency Management Committee. Comments and suggestions generated by this extensive review process have been incorporated.

Section I: Health and Safety Measures and Practices Implemented in State Courts as a Result of the COVID-19 Pandemic

This section presents those courthouse health and safety measures, as well as revised business practices, that have been implemented in various jurisdictions. These measures and practices are arrayed under six topics.

Topic One: COVID-Specific Protocols for People Working in or Visiting the Courthouse

1. Developed and promulgated policies regarding health screening protocols. Judges, staff, and visitors conducting business at the courthouse have been subject to health screening protocols based upon CDC guidance, including temperature checks and completion of a pre-arrival health screening questionnaire. Examples of additional policies may have included:
 - a. Requiring judicial officers and court staff to conduct daily self-administered wellness checks, including temperature checks prior to coming into the workplace.

- b. Requiring all persons conducting court business with any COVID-19 diagnosis, symptoms, or exposure to make alternative arrangements to participate and to notify the court of the COVID issue without seeking to appear at or enter the courthouse.
2. Mandated face coverings by everyone upon entry to the courthouse. (Court may provide masks to those who do not have one.)
3. Masks (including the use of clear masks for jurors and witnesses), gloves, wipes and small hand sanitizers were placed in courtrooms and facilities for use by staff and courtroom participants.
4. Made ADA coordinators or others available to address members of the public who claimed they have a medical condition that prevents them from wearing a mask (the security person at the door might not be the right person to do this).
5. Implemented crowd management technologies such as queuing software to control the number of visitors in the courthouse at any given time. Through this type of application and accompanying policies, courts were able to communicate directly with courthouse visitors in real-time via text messaging, bringing visitors into the courthouse to specific courtroom and office locations at specific times. This reduced the number of people in the lobby on high volume calendars and reduced waiting times. There were multiple vendors found with capacity to provide this type of application through a relatively low-cost enterprise license.
6. Developed and promulgated policies establishing contact tracing protocols for notifying staff and visitors to court facilities of potential exposure, to include guidance regarding quarantine timelines.
7. Developed and promulgated policies establishing crowd gathering restrictions (e.g., number of persons, masking, social distancing) in courtrooms and spaces where people gather based upon the number of participants and size of the space occupied.
8. Developed and promulgated policies establishing direct working relationship with subject matter experts (e.g., Health Department, epidemiologist, hygienists, etc.) to guide judicial branch COVID-related policies, procedures, and protocols.
9. Assigned a Continuity of Operations (COOP) coordinator to develop a collaborative relationship with emergency management and health department partners. Courts and court systems should have a direct means of communication with public health officials and subject matter experts to assess conditions and develop strategies for continuity of operations quickly and accurately.
10. Engaged in enhanced public outreach and communication efforts to include regular updating of court websites and social media to advise on revised business operations.
11. Developed and marketed Pandemic-related informational videos to inform the public of health safety protocols and revised operations.

Topic Two: COVID-Specific Measures Relating to the Physical Courthouse Environment

12. Established courthouse safety protocol implementation teams consisting of operational and facilities staff to evaluate courtrooms, public areas, in-custody areas, workspaces, and other areas in the courthouse to determine necessary improvements to achieve social distancing requirements. Consulted with health experts as part of the planning process.

13. Installed signage in public areas to inform visitors about health screening protocols, direct traffic flows, set capacity limits, and set social distancing expectations while in the facility. This included signage at courthouse entries, lobbies, courtrooms, hallways, floors, elevators, and seats for courtrooms.
 - a. Signage should clearly identify social distance markers and capacity limitations based on square footage and CDC recommendation.
 - b. Signage should reinforce mandated behaviors (masking, social distancing, capacity limits).
14. Installed “sneeze” guards, plexiglass and other safety measures in courtrooms, public service areas, and offices, as needed.
15. Implemented socially-distanced seating plans for court staff, jurors, witnesses, counsel, defendants, security, and other court participants.
16. Conducted water quality testing (with less traffic in the buildings, water sits longer).
17. Provided enhanced sanitation and reduction of surface contacts. Strategies included:
 - a. Enhanced cleaning and sanitization protocols (with particular attention to “touch surfaces,” doorknobs, escalator railings and elevator buttons), equipment, and chemicals, in accordance with CDC standards, to include courtrooms and office locations (and court vehicles as well). Random surface testing before and after cleaning as a form of quality assurance.
 - b. Sanitizer stations throughout the public areas and staff work areas.
 - c. Anti-viral surface protection products (e.g., NanoSeptic surface coverings).
 - d. Touchless faucets, toilets, and door handles (e.g., foot entry handles).
 - e. Portable sanitizing devices for use in courtrooms and/or other operations that utilize headsets and “Bluetooth” technology.
 - f. Disposable microphone, keyboard and computer mouse covers on the courts’ equipment where needed.
18. Provided enhanced air quality and ventilation systems, to include:
 - a. Indoor air quality testing, sampling air output for all air handling units, and installing carbon dioxide monitors in each occupied courtroom.
 - b. Increase outside air intake.
 - c. Use of operable windows to introduce fresh air into spaces.
 - d. Improvements to the ventilation system, to include replacing air filters with high performance filters such as those with a Minimum Efficiency Reporting Value (MERV) of 13 or better and upgrading ultraviolet and ionization equipment.
 - e. Portable High Efficiency Particulate Air (HEPA) filter units for use in specific contained areas.

Topic Three: COVID-Related Protocols for the Workforce

19. Implemented an on-site work schedule based on a rotation system to mitigate the risk of virus transmission.
20. Developed staggered staffing plans. Cross-trained staff to ensure that essential functions identified in the COOP plan can be implemented if primary staff are unable to fulfill their duties and responsibilities. Orders of succession and delegation of authority should be clearly defined in the

COOP plan. These may include dividing judicial officers and employees into two or more teams or using other methods, considering the number of court employees who have been vaccinated, to prevent all or a substantial portion of judicial officers and court employees from becoming infected or requiring quarantine at the same time due to work-related contact.

21. Communicated regularly with all staff via dedicated intranet site (e.g., memos from the Presiding Judges and/or Court Administrators, COVID-19 Employee Return to Work Handbook, memos from human resources, and publication of CDC/DPH health safety policies to reinforce care and concern and provide sources for guidance).
22. Developed and promulgated policies for remote work performance measures and attendance protocols to promote accountability and productivity.
23. Developed and promulgated policies for COVID-related leave programs, including oversight of COVID quarantine timelines in accordance with state and federal guidance (e.g., federal Families First Coronavirus Response Act).
24. Developed and promulgated policies for an incremental return to work program that emphasizes safety and addresses operational needs.
25. Provided technology tools and infrastructure to support staff and courts to conduct work remotely. Implemented security measures to govern remote work.
26. Provided training and webinars regarding safety and wellness programs, both for judicial officers and court staff.

Topic Four: Virtual Court Proceedings and Services

27. Implemented completely virtual court proceedings for various case types and/or specific hearing types, to include, for example, civil, probate and tax matters; most domestic violence and family matters; some criminal proceedings; pre-eviction; and traffic.
28. Documented COVID-specific protocols in COOP plans to maintain operation of essential functions during various stages of the Pandemic. COOP plans should identify what the essential functions are, which essential functions can be conducted remotely, and the dependencies needed to conduct operations remotely. The COOP plan should contain protocols to guide courts in dialing up or down COVID-specific safety measures including social distancing and remote operations.
29. Implemented hybrid court proceedings for some criminal and other types of matters that required limited on-site presence by judges, defendants, attorneys, or witnesses, including evidentiary and detained hearings and domestic violence and family matters that required witness hearings.
30. Provided training to judicial officers and staff on using virtual platforms to conduct court and delivery services.
31. Utilized electronic recording of court proceedings in lieu of on-site court reporters.
32. Set limitations on the number of courtroom participants and spectators. For example, limited any required in-person proceedings to attorneys, parties, victims, witnesses, jurors, judicial officers, court employees, and other necessary persons, where necessary to maintain the recommended social distancing within the courthouse, including within each courtroom.

33. Made use of virtual collaboration and meeting platforms (e.g., Microsoft Teams, Zoom, Web-X) to conduct court and business processes/services remotely, including: all status conferences, pretrial and trial management conferences, bail interviews, family relations interviews, meetings, and educational programming. Ultimately, court leaders will have to consider differences in courts and case types and develop policies based upon their own capabilities, available resources, and service delivery goals.
34. Considered video or audio-only live streaming and/or recording of court proceedings to enable public access.
 - a. Provided virtual access for court proceedings by the public and press, utilizing various platforms such as YouTube or WebEx and posting on the internet.
35. Provided access to proceedings for individuals who do not have the needed technology whether it be in the form of equipment (e.g., cell phone or tablet) and/or adequate broadband network capacity.
 - a. Made use of remote rooms inside the courthouse. For example, designate a space in every courthouse, equipped with a touchless virtual device, such as an iPad, that connects litigants without digital/remote access to participate remotely in proceedings.
 - b. Made use of remote sites outside of the courthouse (e.g., libraries or other publicly accessible locations appropriate for providing services). Implemented virtual kiosks for people who do not have technology. Developed self-guiding instructions (in multi-language format) at the kiosks.
36. Expanded court call centers to allow remote access to court service centers employees.
37. Provided separate courtrooms equipped with remote technology used for limited public and press access for jury trials in addition to virtual access.
38. Authorized admission of a media observer or a representative of a media pool to in-person proceedings to the extent possible considering social distancing requirements and courtroom space limitations.
39. Appellate courts hosted oral arguments remotely and streamed proceedings using an online media platform and then posted the recorded presentations online (e.g., the courts' YouTube channel).
40. Utilized technology to streamline filing and documents management.
 - a. Expanded use of electronic filing. Implementation may be different for individual case types.
 - b. Utilized digital signature capture software.
41. Implemented an electronic exhibit system and considered cloud document services (e.g., Box.com) for managing evidence and exhibits.
42. Limited paper transactions where possible.
 - a. Limited on-site presence to process documents submitted by mail or drop box and to mail certified copies for operating divisions.
 - b. Hand delivered documents to customers in front of the courthouse only for limited circumstances.
 - c. Established physical drop boxes at court facilities for hard copy documents.
 - d. Limited on-site service for payments (e.g., landlord and tenant protective order payments) and disbursements (crime victims' compensation) to a first-floor public information booth.
43. Conducted mediations/negotiations utilizing virtual platforms.
 - a. Virtual mediations and negotiations for court participants.

- b. Remote appellate mediation sessions.
 - c. Online Dispute Resolution (ODR) programs, to reduce the number of persons at the courthouse and prevent case backlogs.
 - i. Expanded ODR programs included small claims matters and criminal misdemeanor matters (many courts were already utilizing ODR for minor civil infractions prior to the Pandemic).
44. Implemented technology to limit the need for jurors to congregate en masse at the courthouse.
- a. Case-specific online juror screening questionnaires.
 - b. Virtual juror selection.
 - c. Virtual grand juror selection.
 - d. Virtual grand jury proceedings.
 - e. Virtual petit jury proceedings in selected case types (e.g., some categories of civil cases).
 - f. Off-site jury selection in large non-court facilities, to ensure proper social distancing and necessary crowd sizes.
 - g. Staggered report times for jurors.
 - h. Electronic submission and presentation of trial exhibits.

Topic Five: Courthouse Space Utilization

45. Implemented staggered dockets and staggered calendaring practices. For example, a court should not schedule multiple, simultaneous in-person proceedings that are inconsistent with crowd gathering restrictions. To implement, courts may need to work closely with their justice partners (e.g., coordination with law enforcement to require staggered citation appearance times).
46. Organized court functions to assign facilities utilization in a manner that limits contact between persons conducting various types of business with the court. For example, conduct in-person criminal, and impending civil and juvenile jury trials in different buildings or on different floors in a building.
47. Utilized different courtrooms for jury selection and jury trials for criminal matters.
48. Utilized courtrooms for jury deliberations as opposed to jury rooms.
49. Utilized large courtrooms for in-person trials.
50. Utilized large, non-courtroom space for in-person trials.
51. Utilized courtrooms not in session to help reduce the number of individuals in public waiting areas.
52. Implemented scheduling strategies to de-densify courthouse environments. By way of example, this may include staggering of in-person dockets, prospective juror reporting, jury trials and work schedules.
53. Reconfigured courtrooms to open up spaces for social distancing.

Topic Six: In-Custody Defendants

54. Provided technology tools and infrastructure to provide for reliable remote connectivity to detention centers and jails (for both adult and juvenile populations) to minimize the number of in-custody defendants brought into the courthouse.
55. Provided suitable and adequate space to efficiently conduct remote proceedings at detention centers and jails.
56. Limited the number of transportation events to necessary in-court hearings for individuals in custody or receiving services pursuant to court order, including combining hearings subject to maximum gathering size and to minimize the mixing of populations to eliminate avoidable quarantines when such individuals are returned to custody following court hearings.

Section II: Recommendations for Measures and Practices Moving Forward

This section includes overall guidance and recommendations of measures and practices, introduced above, that courts should consider retaining moving forward as the Pandemic ebbs and flows. These measures and practices are arrayed under the same six topics as above.

Overall Guidance

In determining which COVID-related measures to retain as the Pandemic ebbs and which to discontinue, courts and court systems should consider the following overall guidelines:

1. Continue to work collaboratively with other branches of government to ensure continuity of judicial operations in the future; specifically:
 - Continue to pay close attention to the advice of public health departments and organizations at the federal, state, and local levels. Carefully adhere to all applicable guidelines when relaxing, discontinuing, or reinstating COVID protocols.
 - Engage with high-level counterparts from the executive branch with emergency management responsibilities. Having a seat at the table provides an opportunity for courts to communicate emergency management needs specific to court operations and to educate counterparts on the importance of the judiciary as a co-equal branch of government.
2. Acknowledge that courthouses within a court system vary in size and resources. A one-size-fits-all approach is typically not advisable. Flexibility is key.
3. Evaluate if and how COVID-related measures can enhance the court experience going forward without compromising essential court values and functions. Factors such as due process, access to justice, efficiencies, and better customer service should be considered in making decisions about retaining or discontinuing COVID-related measures.

4. Document and maintain protocols and procedures to allow deployment of each of the items listed in Section I above (and other specific measures as developed by individual court systems or courts).
 - Courts and court systems should not forget the lessons learned from the COVID-19 Pandemic and should be prepared to resume measures such as those identified in Section I above in the event of spikes or recurrence of COVID, or in the event of a similar type of pandemic in the future.
 - Regardless of which COVID-related measures are retained as the Pandemic ebbs, protocols and procedures should be documented as part of a COOP plan and training should be provided on a regular basis to ensure a seamless transition if needed.

Topic One: COVID-Specific Protocols for People Working in or Visiting the Courthouse

Courts should consider the following:

5. Continue sanitization and cleaning protocols and measures.
 - Continued use of health safety protocols will promote good health moving forward beyond the current Pandemic (e.g., flu prevention). While there was emergency funding during the Pandemic, going forward, courts will need to pursue steady funding sources.
6. Document health-screening policies and procedures specific to COVID so that measures can be readily re-adopted in the event of a future pandemic event.
 - These measures, including temperature checks and health screening questionnaires, should be documented as part of a regularly maintained and updated COOP plan.
7. Leverage newly developed platforms for crowd management/control (e.g., staggering dockets, queuing, etc.).
 - Be sensitive to the “digital divide” with respect to such measures as queuing. Consider low-tech solutions such as the “pagers” that some restaurants use.
8. Implement emergency alert notification systems to conduct wellness checks for staff.
 - These systems should allow staff to quickly respond to health screening questions. By way of example, the notification system may allow staff to answer a text alert with the following three response choices: (1) Healthy, (2) Not Healthy, (3) I would rather speak to my supervisor.
9. Develop and enhance relationships with other agencies (e.g., departments of health) that can help in planning, testing, and preparing for the next pandemic-like event.
 - Perhaps put MOUs in place.
 - In a fast-moving situation, it is helpful to be able to pick up the phone and get a direct connection on answers to science-based questions.
 - Work with executive branch agencies to secure frontline responder designation for the court workforce in the event of a new pandemic or other emergency event.

10. Assign a COOP coordinator to document COVID-specific protocols as part of the ongoing COOP plan development and maintenance process. The COOP plan should outline the proper steps needed to resurrect socially distanced and remote operations.
 - Conduct training so that staff maintain the ability to easily return to remote operations. In the event of resurgence of the current Pandemic or a new pandemic, it will be important that remote systems are maintained to a level where they can be readily implemented as needed.

Topic Two: COVID-Specific Measures Relating to the Physical Courthouse Environment

Courts should consider the following:

11. Evaluate and maintain courthouse building ventilation systems on a regular basis and replace filters to ensure ongoing air quality.
 - While changes to building ventilation systems can be a significant expense, regular exchanges of filters can be a relatively low-cost item.
12. Maintain, on an ongoing basis, an adequate and available supply of personal protective equipment and materials, such as masks, gloves, and sneeze guards.
 - Maintain a well-monitored inventory of items that may be required in future pandemic-like events. (Note: Many items of personal protective equipment have a long shelf life.)
13. Continue a rigorous regimen of surface sanitization/cleaning/disinfecting with particular attention to “touch surfaces.”
 - Examples include work surfaces, furniture, doorknobs, railings, and elevator buttons, including in courtrooms, public service areas, and office locations (and court vehicles as well). Emphasis should also be given to areas involving in-custody defendant populations such as transportation vehicles and holding cells.

Note: the implementation of the above measures will require close collaboration with stakeholders. For example, the county governments that may be the owners of court facilities.

Topic Three: COVID-Related Protocols for the Workforce

Courts should consider the following:

14. Maintain or adjust the level of teleworking that evolved during COVID. Teleworking and virtual court operations protect everyone from the risk of exposure to COVID and other illnesses by limiting the potential exposure of personnel. As the Pandemic ebbs, there is less risk of exposure; however, this topic is inevitably one that court leadership will need to face due to the changes brought about by the Pandemic. Considerations include:
 - As teleworking and levels of workforce productivity have evolved in the private and public sectors, courts will be competing with employers who will offer teleworking as a benefit; to retain employees courts may need to embrace it. This may prove exceptionally challenging in high demand professional services areas such as I.T.

- Some sort of evaluation component should be considered, looking at metrics of productivity. Perhaps undertake a pilot project – not a long-term commitment – until more is known about costs and benefits.
 - Care must be taken to ensure that all employees are treated fairly and equitably in the development and implementation of policies and procedures relating to teleworking.
 - To ensure the productivity of remote staff work, courts should provide related management training and consider the use of online apps to monitor staff productivity.
 - Cybersecurity is a crucial consideration when it comes to the technology required to support teleworking. It is critical for courts and court systems to pay particular attention to having in place software, protocols, training, and other measures needed to protect against the ever-growing threat of cyberattacks.
15. Monitor not only productivity but also the level of confidence and comfort that employees have in their environment as the workforce physically reenters the courthouse.
- It is important to understand and appreciate that workers may be apprehensive about returning to their physical workspace.
 - Utilize systems of wellness checks in order to make staff confident on an ongoing basis that they are working in a safe and secure environment.
16. Develop and implement a rigorous program of communicating workplace safety initiatives with court employees.
- Communicate consistently and regularly based on guidance from health experts, backed up with meaningful and conspicuous actions in the offices.
 - Communicate cleaning and sanitization procedures and policies, to include cleaning schedules, so that staff are aware that cleaning is in fact happening on a regular basis.
 - Steps can be taken to develop a formal communications system, with transparent actions, to instill confidence in the workforce.
17. Listen to staff.
- Communication is a two-way street. It is important that employees have an opportunity to communicate their questions, concerns, and recommendations through such vehicles as town-hall meetings with court leaders, surveys, and suggestion boxes.
 - Employees should be given the opportunity to engage in dialogue (either in-person or remotely) and have questions answered in real time.
 - Contract staff should be looped into the communication system as well.
18. Enhance cross-training of staff.
- Ensure that the COOP plan is updated to identify which staff perform essential functions as well as defining orders of succession and delegation of authority. This should include taking a comprehensive look at staff needed to perform essential functions, to determine if there is sufficient backup staff who could step in, in the event that other staff are ill or quarantined.
 - Cross-training may also augment a degree of flexibility needed to support ongoing or increased teleworking.

Topic Four: Virtual Court Proceedings and Services

Courts should consider the following:

19. Strike a balance between in-person and virtual proceedings. This should include continuing to build on the efficiencies and benefits brought about by the virtualization of court proceedings and services while maintaining in-person proceedings and services where appropriate to ensure constitutional and due process requirements are met.
 - The option for virtual proceedings should be retained beyond the Pandemic, utilizing systems that have been built up through the expenditure of time and resources, and perhaps legislation as well. Courts have invested a lot in hardware, licensing, and training, and these investments should not be wasted or abandoned. In addition, there are some clear benefits of virtual proceedings, including:
 - Virtual court platforms can be more convenient for lawyers and litigants. Benefits may include reduced expenses for transportation, easier scheduling, and less time off from work.
 - Virtual court proceedings may result in a reduction of courthouse security incidents. One state reported a substantial decline in the number of incidents from approximately 7,400 annually in 2019, to approximately 1,800 in 2020.
 - Preliminary observation suggests that litigant appearance rates increased with the availability of virtual hearings, thus reducing failures to appear and the consequences which may follow.
 - Some case types and proceedings can be handled more efficiently using virtual court platforms. Technologies that may provide benefits include e-filing, digital signatures, and automated workflow and chatbots leveraging artificial intelligence.
 - The level of public access to court services, arguably expanded through many of the virtual and off-site court services that were made available because of the Pandemic.
 - Reduced expenses for some court services that can be offered remotely (e.g., interpreters did not have to travel to courts, reducing the need for employee mileage reimbursement).
 - Working within constitutional requirements, particularly due process, in-person proceedings should be prioritized. Evidentiary hearings and jury trials may not be as conducive as other proceedings to being held virtually (with civil cases perhaps being more conducive than criminal cases in terms of proceeding virtually). However, many routine appearances ought not require a physical presence in the courthouse. Proceedings such as status conferences, short hearings, and off the record hearings can continue to be held remotely. Members of the public should be able to avoid taking a day for a fifteen-minute hearing.
 - Continuation of virtual hearings will necessitate training for stakeholders and for court staff. Most people are able to utilize a basic platform after months of experience during the Pandemic. However, post-Pandemic operations may entail more hybrid hearings, and training will be needed for this.
 - Technology will continue to evolve and be updated; the court workforce as well as stakeholders will need to be kept up to speed. It will be important to maintain and improve virtual systems and encourage appropriate use. Even if platforms are used less post-Pandemic, it is critical to keep them updated and provide training in the event the platforms are needed again in the future.

- Cybersecurity is imperative for the technology required to support virtual proceedings. As noted above, it is critical for courts and court systems to pay particular attention to having in place software, protocols, training, and other measures needed to protect against the ever-growing threat of cyberattacks.
20. Address the digital divide and provide services to those who may not have access to technology. For example:
- Set up remote sites for remote hearings (e.g., in public libraries or churches).
 - Set up areas in the courthouse with staff available to help with logging into hearings.
 - Provide kiosks or self-help computer terminals for people who do not have technology. Develop self-guiding instructions (in multi-language format) at the kiosks.
 - Provide loaner tablets for people who do not have electronic devices.
 - Provide loaner data cards for people who do not have internet access.
 - Provide good customer service via telephone.
21. Maintain uniform leadership and systems.
- Support uniform technological platforms so that each court in the system is not using different technology. Court leadership needs to develop detailed plans for how technology tools will be used to ensure uniformity and consistency for court customers and stakeholders. Careful consideration should be given to how these tools will enhance services and promote confidence in reliability and consistency.
22. Collaborate with stakeholders.
- Address stakeholder concerns moving forward. Conduct surveys of court staff and stakeholders on what works and what does not.
23. Take an expansive view of the potential of “digital courts” to include not only e-filing but also such concepts as digital signatures, digital evidence, remote notarization, etc.
- As technology continues to evolve, an expansive view may also well be an expensive view. Costs will be an ongoing consideration.
24. Apply lessons learned to COOP plans.
- COOP plans should document how courts can maintain operation of essential functions during various stages of a pandemic. COOP plans should identify what the essential functions are, which essential functions can be conducted remotely, and the dependencies needed to conduct operations remotely. The COOP plan should contain protocols to guide courts in dialing up or down COVID-specific safety measures including social distancing and remote operations.

Topic Five: Courthouse Space Utilization

Courts should consider the following:

25. Be less prescriptive and more flexible in determining the kind of space needed for proceedings or events.
- For many types of proceedings, a traditional courtroom might not always be required.
26. Take into account the virtual-proceeding strategies set forth in Topic Four above.

- Given that fewer people in the courthouse may result in fewer security incidents, courts should continue to assess and implement strategies that lead to fewer people coming into courthouses.

Note: While the need for physical courthouse space will not be eliminated, the increased reliance on virtual proceedings may lead to reduced space requirements with regard to the construction of new courthouses or the remodeling of existing ones.

Topic Six: In-Custody Defendants

Courts should consider the following:

27. Increase reliance on virtual court platforms for in-custody appearances in order to reduce security risks related to transportation of in-custody persons. This will require the following activities on an ongoing basis:
 - Balancing the due-process rights of in-custody defendants against the demands of enhanced security.
 - Close collaboration with and reliance on law-enforcement agencies responsible for the transport of in-custody defendants.

Conclusion

Operating a courthouse today is, by its very nature, a challenging enterprise. Day in and day out, many courthouses are visited by a large volume of citizens who are often in a highly emotional state. The challenges of operating a courthouse are increased immeasurably when those in charge must strive to keep courthouses open under the circumstances presented by the COVID-19 Pandemic. As noted, court leadership stepped up to these challenges. They instituted health and safety measures for the wellbeing of court employees and the public. They revised business practices to further promote health and safety.

This paper contains a wealth of information and recommendations that can serve to guide courts in their endeavors to remain operational during the Pandemic and beyond. The contributors to this report shared an array of challenges faced and the resulting safety measures and changes to business practices that were put in place to protect those who work in or visit courthouses. Additionally, the contributors shared valuable insight into the important measures that courts should look to implement as the current Pandemic hopefully recedes in the future.

At the time of publication, the COVID-19 Pandemic is still experiencing ebbs and flows. Giving serious consideration to implementing the recommendations set forth in this document will assist court leadership in managing the challenges of the Pandemic going forward, as the Pandemic continues to ebb and flow, and after it at long last has substantially resolved.