

Report: Attorney Survey on the Future of Virtual Technology in the Courts



February 2022

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Executive Summary

At the start of the COVID-19 pandemic, the Massachusetts Supreme Judicial Court issued five orders to facilitate the continuation of procedures that would otherwise be performed in-person: remote depositions in civil cases, electronic signatures of attorneys and self-represented parties, email service in cases under Rule 5(b), remote administration of oaths, and electronic signatures of judges and clerks.

Between November and December 2021, the Supreme Judicial Court and the Trial Court invited attorneys to complete a voluntary survey seeking feedback on these altered procedures and the use of videoconferencing in general. The intent of this survey was to receive feedback from attorneys regarding their general approaches and attitudes towards videoconferencing to consider the potential for continued use of videoconferencing post-pandemic.

Findings of the survey are highlighted below:

Supreme Judicial Court Orders

- Most participants supported making the procedures altered by the five Supreme Judicial Court orders permanent.
- Participants expressed strong support to continue electronic signatures of attorneys and self-represented parties, electronic signatures of judges and clerks, and email service in cases under Rule 5(b).
- Participants also expressed strong support to continue remote administration of oaths and depositions in civil cases, but many commented that this should be based on the agreement of both parties and that care be taken to maintain equity and fairness in proceedings.

Boston Municipal/District Court

- A majority of participants supported using videoconference in criminal and civil proceedings post-pandemic.
- Most participants supported conducting scheduling conferences, status/discovery conferences, and discovery motions by videoconference.
- Most participants were against conducting sentencing hearings, 58A dangerousness hearings, and probation final surrender hearings by videoconference.

Housing Court

- A majority of participants supported using videoconference in criminal and civil proceedings post-pandemic.
- Most participants supported conducting scheduling conferences, status/discovery conferences, and discovery motions by videoconference.
- Most participants were against conducting sentencing hearings, probation final surrender hearings, and change of plea and colloquy hearings by videoconference.

Juvenile Court

- A majority of participants supported using videoconference in the Juvenile Court post-pandemic, including in delinquency/youthful offender, child requiring assistance, care and protection, and guardianship of a minor cases.
- Most participants supported conducting scheduling conferences, status/discovery hearings, discovery motions, and appeals status proceedings by videoconference.
- Most participants were against conducting sentencing hearings, 58A dangerousness hearings, probation final surrender hearings, and competency hearings by videoconference.

Land Court

- A majority of participants supported using videoconference in the Land Court post-pandemic, including for case proceedings and remote access to other Land Court services.
- Most participants supported conducting scheduling or status conferences, procedural or scheduling motions, and initial case management conferences by videoconference.
- Most participants were against conducting trials and view hearings by videoconference.

Probate and Family Court

- A majority of participants supported using videoconference in civil proceedings post-pandemic.
- Most participants supported conducting procedural or scheduling motions, name changes, uncontested cases, and case management conferences by videoconference. Participants also supported remote access for other Probate and Family Court services (e.g., requests for copies, walk-in hours with Judicial Case Managers).
- Most participants were against conducting proceeding to terminate parental rights, conduct contested adoption hearings, and hold trials.

Superior Court

- A majority of participants supported using videoconference in criminal and civil proceedings post-pandemic.
- Most participants supported conducting scheduling conferences, status or discovery conferences, initial case management conferences, and motions to amend complaints by videoconference.
- Most participants were against conducting sentencing hearings, probation final status hearings, and 58A dangerousness hearings by videoconference.

Videoconferencing Pro's

- Participants supported the use of videoconferencing for short/time-sensitive, administrative court events, particularly where there is little need for evidence or witness testimony. Participants supported the use of videoconferencing for many proceedings, including scheduling conferences, status/discovery conferences, and initial case management conferences.
- Participants identified the top advantages of videoconferencing to be overall:
 1. The convenience/increased efficiency for attorneys
 2. Saving of time/money for attorneys and clients
 3. Added flexibility for practitioners

Videoconferencing Con's

- Participants were against the use of videoconferencing for sensitive or complex matters, particularly for proceedings where remote proceedings may pose a risk to a litigant's constitutional rights or perceptions of the judicial process. Participants were generally against the use of videoconferencing for arraignments, dangerousness hearings, and sentencing.
- Participants identified the top disadvantages of videoconferencing to be overall:
 1. Loss of opportunities that arise in person (discussing cases, settlement, or plea)
 2. Decreased ability for judges to connect with litigants
 3. Undermining the parties' right to be present

Introduction

Methodology

The survey consisted of two sections. Section one asked participants about the extent to which the altered procedures put into place by the Supreme Judicial Court orders should continue post-pandemic. The final question in section one asked participants to indicate the court departments in which they practiced.

Section two asked participants questions regarding their use and attitude towards videoconferencing in departments in which they practiced. Section two also allowed participants to optionally share their frequency and areas of practice in that court department.

Respondents

A total of 9,932 participants completed the remote policy survey. Participants were asked to indicate what court departments in which they practiced. Responses ranged from 1-all departments, with most participants practicing in 1-2 departments. Over 40% of participants practiced in the Superior Court, while over 25% of participants practiced in the Boston Municipal/District Court and/or the Probate and Family Court. Under 10% of participants practiced in the Housing Court, Juvenile Court, or Land Court.

Nearly a quarter of respondents did not identify a department. Some participants clarified that they were not actively practicing in the Massachusetts Court System (e.g., retired, moved out of state, had a limited practice).

In what court departments do you practice?		
Department	Number of Participants	Percent of Participants
Total Participants	9,932	100.0%
Boston Municipal/District Court	2,816	28.4%
Housing Court	934	9.4%
Juvenile Court	697	7.0%
Land Court	832	8.4%
Probate & Family Court	2,781	28.0%
Superior Court	4,413	44.4%
Other/Did not identify	2,573	25.9%

Supreme Judicial Court Orders

Should this procedure become permanent?

		Boston Municipal/ District Court	Housing Court	Juvenile Court	Land Court	Probate & Family Court	Superior Court	Other/Did not identify	All Participants
Remote Deposition	Yes, codified in a rule.	55.2%	52.4%	59.2%	57.6%	54.9%	55.8%	52.6%	54.4%
	Yes, continue to be codified in an order.	24.2%	25.9%	24.1%	21.8%	24.6%	23.8%	28.2%	26.1%
	No	20.6%	21.6%	16.7%	20.6%	20.5%	20.4%	19.2%	19.5%
Electronic Signature Attorney/Party	Yes, codified in a rule.	80.0%	76.9%	79.9%	78.8%	77.1%	82.5%	74.2%	78.4%
	Yes, continue to be codified in an order.	14.7%	17.3%	15.8%	15.4%	16.3%	13.9%	19.3%	16.4%
	No	5.2%	5.7%	4.4%	5.8%	6.5%	3.7%	6.5%	5.1%
Email Service	Yes, codified in a rule.	75.4%	74.8%	77.8%	76.6%	72.4%	80.1%	62.0%	72.5%
	Yes, continue to be codified in an order.	15.5%	16.0%	15.9%	13.5%	16.9%	12.9%	22.2%	17.2%
	No	9.1%	9.2%	6.3%	9.9%	10.6%	6.9%	15.8%	10.2%
Administer Oath	Yes, codified in a rule.	67.1%	64.0%	66.7%	68.6%	64.5%	69.7%	60.3%	65.1%
	Yes, continue to be codified in an order.	20.6%	23.0%	22.9%	18.7%	22.4%	20.0%	25.5%	23.0%
	No	12.2%	13.1%	10.4%	12.7%	13.1%	10.3%	14.2%	11.9%
Electronic Signature Judge/Clerk	Yes, codified in a rule.	77.9%	79.0%	80.3%	79.5%	77.7%	80.5%	73.2%	77.3%
	Yes, continue to be codified in an order.	16.6%	17.0%	14.8%	15.9%	17.4%	15.8%	20.5%	17.7%
	No	5.5%	4.0%	4.9%	4.6%	4.9%	3.7%	6.3%	4.9%

Over 90% of participants supported the continued use of electronic signatures for attorneys and self-represented parties and electronic signatures for judges and clerks post-moratorium. Nearly 90% of participants also supported the continued use of email service of pleadings and other papers in cases pursuant to Rule 5(b) of the Massachusetts Rules of Civil Procedure.

Nearly 90% of participants supported the continued use of videoconferencing for the administration of oaths at depositions. Many participants clarified that they supported remote administration of oaths, but only with the agreement of all parties. Suggestions to modify this procedure included improving the process for the Notary to verify proof of the signer's identity.

Over 80% of participants supported the continuation of remote depositions, though only 54% supported codifying this procedure in a rule. Nearly 20% of participants responded that remote depositions should not continue post-pandemic. Many participants noted that this procedure should also only occur with the consent of all parties. Concerns with continuing remote depositions included the increased possibility for unethical behavior, such as witness coaching behind the scenes, and the added difficulty of assessing a litigant's credibility through a screen.

Suggestions to Modify Procedures

Respondents were asked to describe any modifications they believed should be made to the procedures altered by the Supreme Judicial Court orders. The following section lists the top modifications that were suggested for each of the five procedures:

Remote Depositions

- Require consent from all parties. Parties should be able to veto the procedure for any reason.
- Require video so that all persons present for the deposition are always visible on screen.
- Improve recording of remote deposition.
- Improve process to exchange exhibits quickly/securely/in advance of deposition.
- Take measures to prevent coaching or unethical behavior that may not be visible to the camera.

Electronic Signatures of Attorneys and Self-Represented Parties

- Expand number and type of documents that can be electronically signed and filed.
- Improve electronic verification of signature.
- Require an app-based signature (e.g. Adobe Sign, DocuSign, etc.) rather than allowing a typed signature.

Email Service in Cases under Rule 5(b)

- Require agreement of parties.
- Require proof of delivery or read receipts; require hard copy if delivery not acknowledged by recipient.
- Provide deadline for delivery.
- Standardize size and format of documents sent.

Remote Administration of Oaths

- Require consent from all parties.
- Improve process to verify identity of parties present.
- Require video so that all persons present for the oath are visible.

Electronic Signatures of Judges and Clerks

- Take safeguards to ensure nobody but the authorized judge or clerk can sign the document.
- Improve electronic verification of signature.
- Require real signatures or verify that a document has been reviewed in its entirety for final judgments.

Department Analysis

Boston Municipal/District Court

2,186 survey participants reported practicing in the Boston Municipal Court or District Court. Participants practiced in the Boston Municipal/District Court at different frequencies. Over half (55.7%) of participants reported practicing in the Boston Municipal/District Court at least once a month, followed by infrequent practitioners (a few times per year; 24.9%) and occasional practitioners (once every 2 to 3 months; 11.6%).

How frequently do you practice in the Boston Municipal/District Court?

Responses	Participant Count	Percent of Participants
Multiple times per month	1,234	43.8%
Once per month	336	11.9%
Once every 2 to 3 months	326	11.6%
A few times per year	701	24.9%
No response	219	7.8%
Grand Total	2,816	100.0%

Areas of Practice

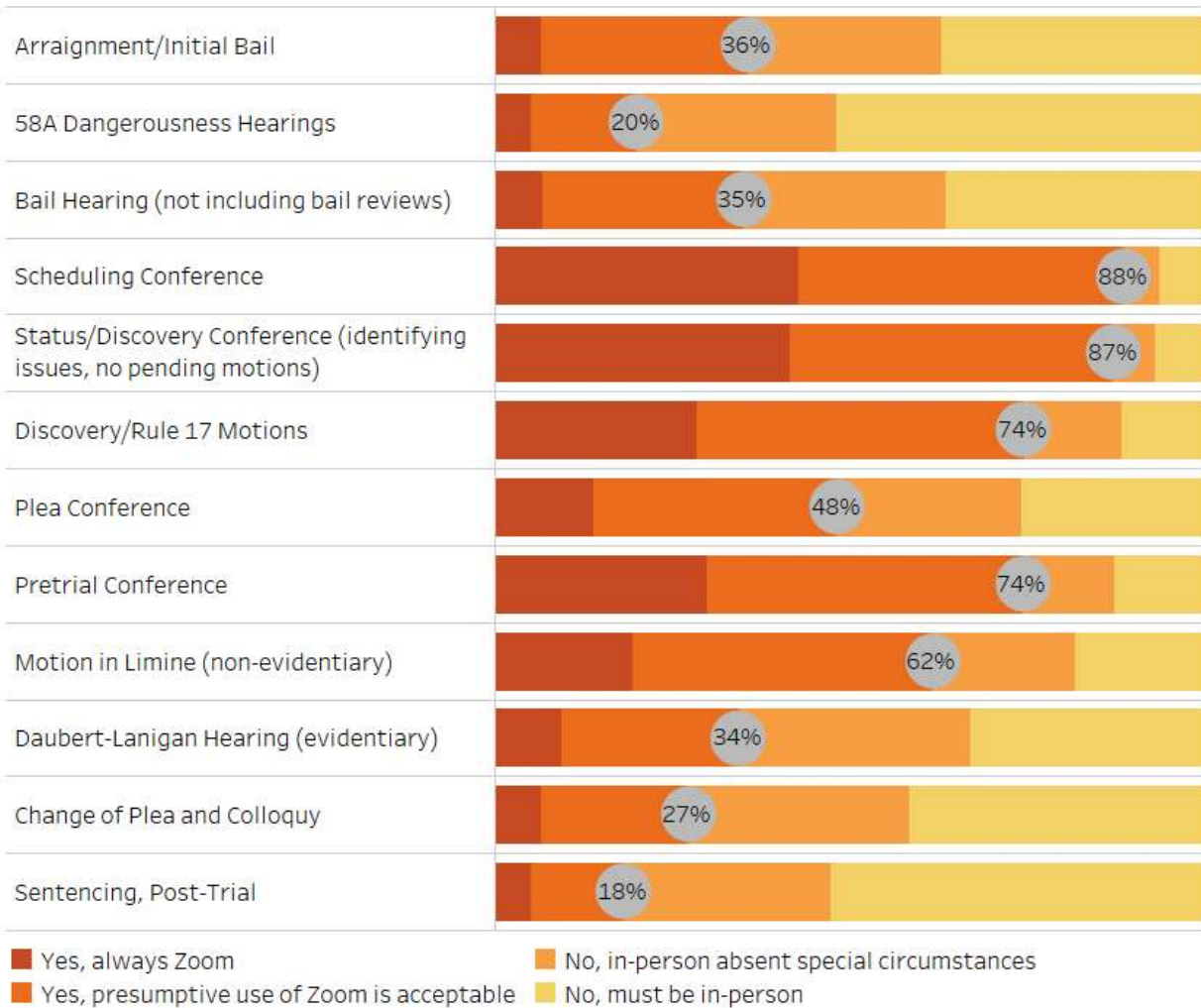
Most participants who opted to share their areas of practice responded that they specialized in civil law, including small claims, business torts, abuse prevention/restraining orders, and summary process. Some participants also responded that they specialized in criminal defense.

USE OF VIDEOCONFERENCING - CRIMINAL CASES

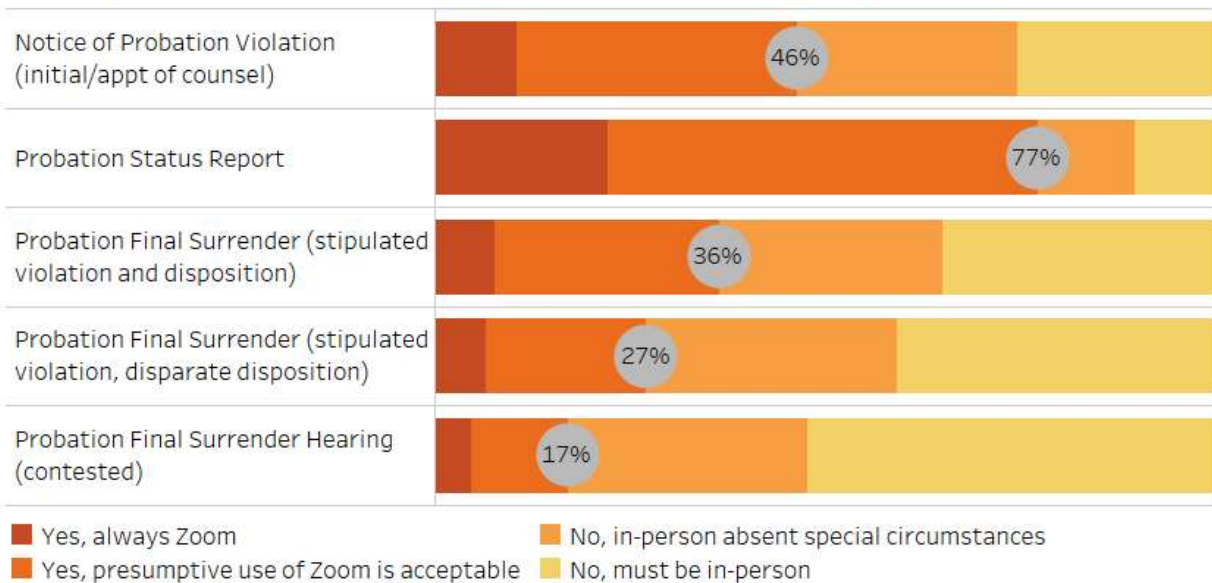
As a general matter, post-pandemic, should videoconferencing be used in criminal proceedings?

Responses	Participant Count	Percent of Participants
Yes, broadly	863	36.6%
Yes, selectively	894	37.9%
Rarely	338	14.3%
No	261	11.1%

Should the following proceedings be conducted by videoconference post-pandemic? % Yes



Should the following probation proceedings be conducted by videoconference post-pandemic? % Yes



USE OF VIDEOCONFERENCING - WITNESSES

Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in criminal trials or evidentiary hearings?

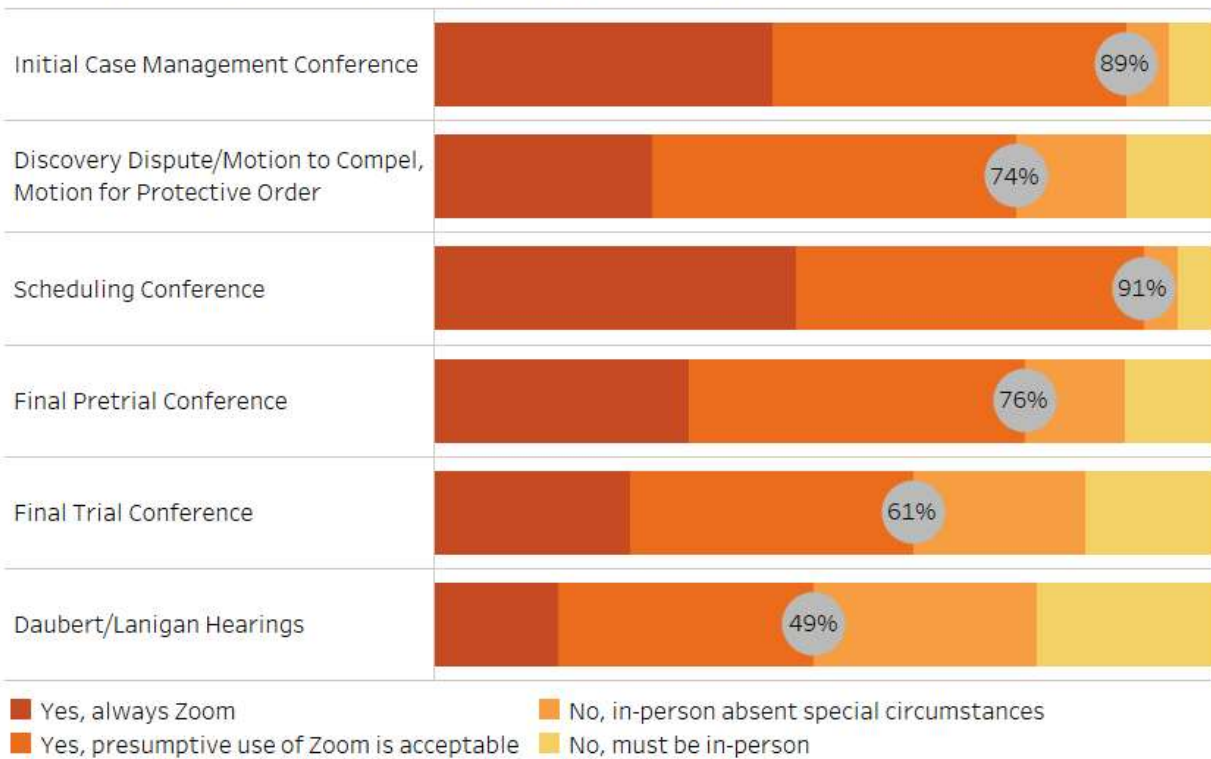
Responses	Participant Count	Percent of Participants
Yes, very flexible	277	13.4%
Yes, somewhat	488	23.6%
Not really	616	29.8%
No	689	33.3%

USE OF VIDEOCONFERENCING - CIVIL CASES

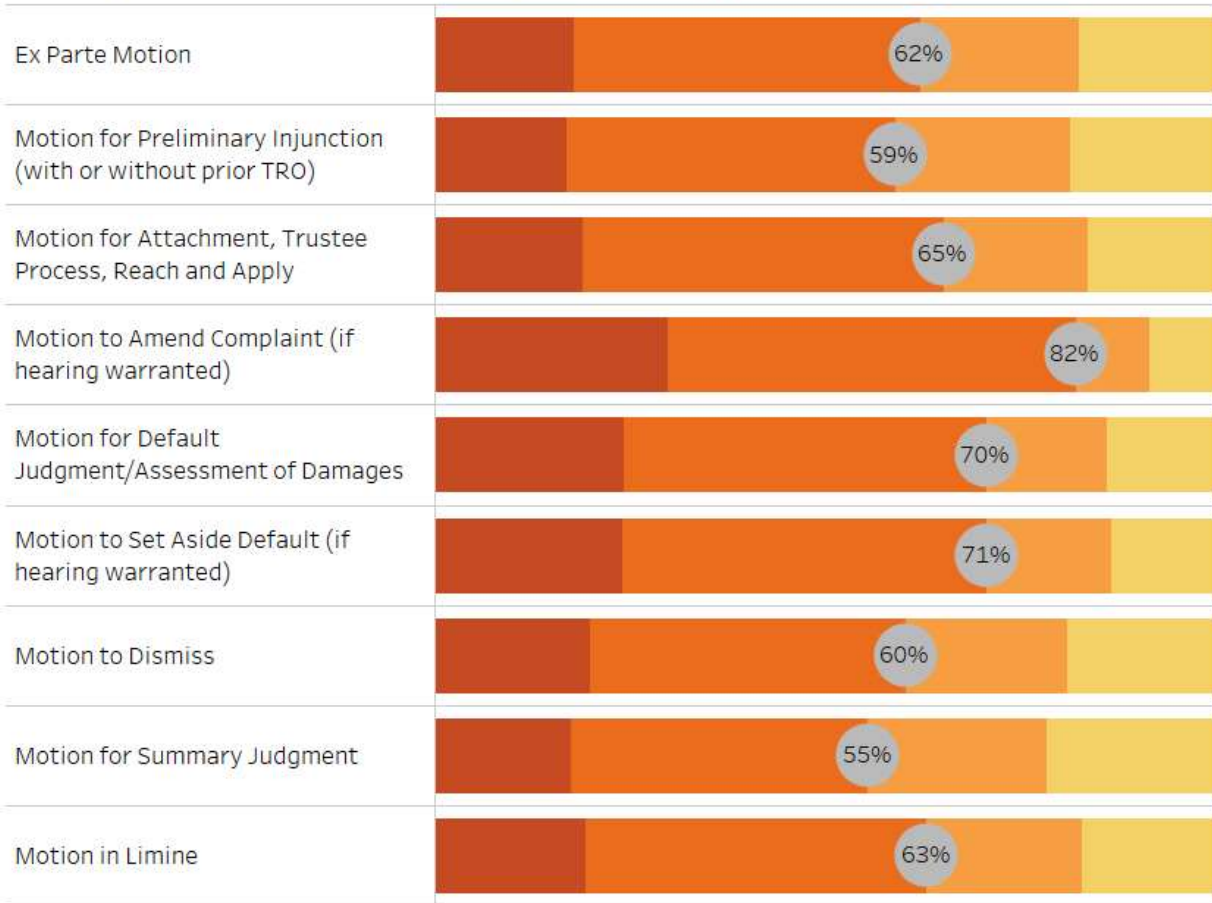
As a general matter, post-pandemic, should videoconferencing be used in civil proceedings?

Responses	Participant Count	Percent of Participants
Yes, broadly	679	26.8%
Yes, except trials	594	23.4%
Yes, selectively	868	34.2%
Rarely	196	7.7%
No	198	7.8%

Should the following proceedings be conducted by videoconference post-pandemic?



Should the following motions be conducted by videoconference post-pandemic? % Yes



■ Yes, always Zoom
 ■ No, in-person absent special circumstances
 ■ Yes, presumptive use of Zoom is acceptable
 ■ No, must be in-person

USE OF VIDEOCONFERENCING - WITNESSES

Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in civil trials or evidentiary hearings?

Responses	Participant Count	Percent of Participants
Yes, very flexible regardless of agreement	427	17.5%
Yes, if parties agree	375	15.4%
Yes, somewhat	563	23.1%
Rarely	593	24.3%
No	478	19.6%

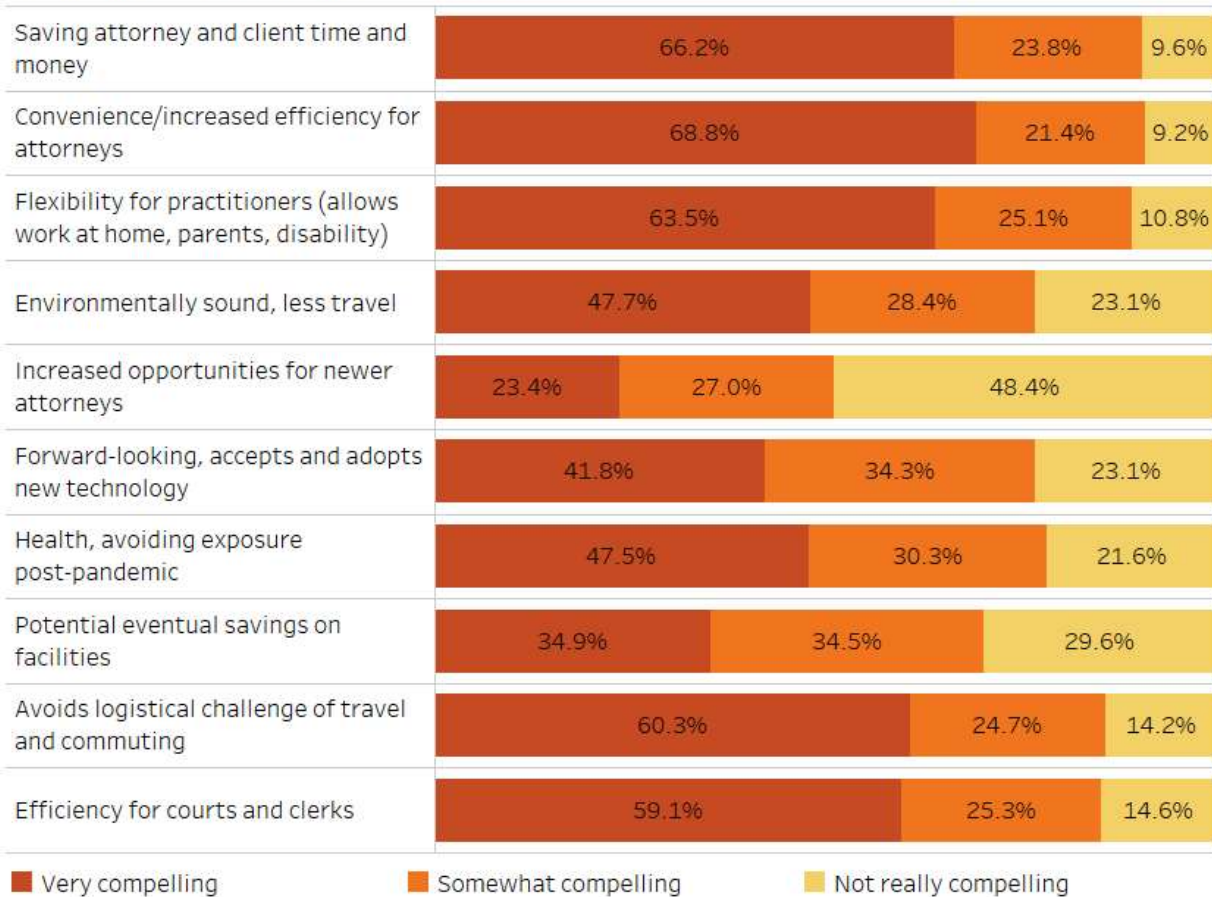
USE OF VIDEOCONFERENCING - INTERPRETER

When videoconferencing is used in cases in which an interpreter is involved, should the videoconference be held if the interpreter and the party requiring interpretation cannot be in the same place?

Responses	Participant Count	Percent of Participants
Yes	628	24.4%
Yes, though not preferred	856	33.2%
Very rarely	641	24.9%
No	454	17.6%

VIDEOCONFERENCING REASONING PRO'S

Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons IN FAVOR of using videoconferencing.



Top 5 additional reasons IN FAVOR of videoconferencing:

1. More efficient resolution of matters, saving time and money
2. Fewer accommodations required (e.g., time off work, arranging for childcare, transportation)
3. Better health and safety
4. Eliminates travel time, allowing attorneys to represent clients statewide
5. Greater accessibility to the courts

VIDEOCONFERENCING REASONING CON'S

Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons AGAINST USING videoconferencing.

Loss of formality/sanctity of proceedings	23.8%	32.7%	43.1%
Undermines parties' right to be present	29.9%	37.8%	31.6%
Decreased quality of lawyering/lawyer preparation	20.9%	21.5%	56.8%
Important for lawyers to be 'on their feet' in courtroom	16.4%	23.5%	59.7%
Decreased ability for judge to connect with litigants	33.4%	38.3%	27.8%
Loss of opportunities that arise in person (discussing cases, settlemen..	41.7%	38.6%	19.3%
Decreased importance of public space/public forum of courthouse	18.9%	28.2%	52.2%
Decreased interaction, changes practice for attorneys	26.3%	37.3%	35.6%

Top 5 additional reasons AGAINST videoconferencing:

1. Greater difficulty assessing credibility; lower respect for proceedings
2. Issues with technology
3. Unequal access to technology, including videoconferencing equipment and home Internet access
4. Detrimental to attorney collegiality; fewer opportunities to observe and learn from other attorneys
5. Affects attorney-client relationships

Housing Court

934 survey participants reported practicing in the Housing Court. Participants practiced in the Housing Court at different frequencies. Nearly a third of participants (33.1%) reported practicing in the Housing Court multiple times per month, followed by infrequent practitioners (a few times per year; 26.0%), occasional practitioners (once every 2 to 3 months; 13.1%), and regular practitioners (once per month; 11.7%).

How frequently do you practice in the Housing Court?

Responses	Participant Count	Percent of Participants
Multiple times per month	309	33.1%
Once per month	109	11.7%
Once every 2 to 3 months	122	13.1%
A few times per year	243	26.0%
No response	151	16.2%
Grand Total	934	100.0%

Areas of Practice

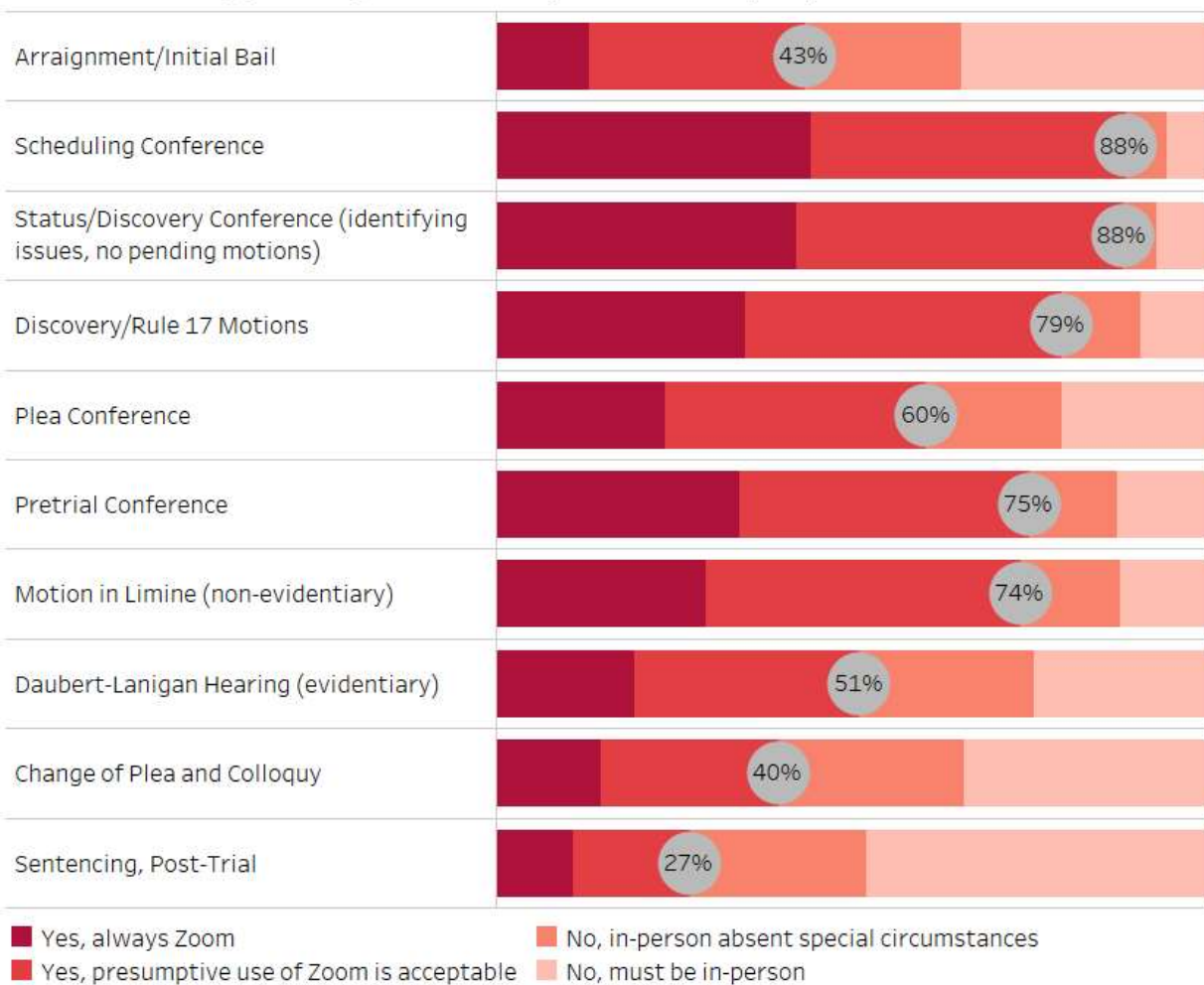
Participants who opted to share their areas of practice responded that they specialized in civil law, mainly summary process. A small number of participants identified small claims, civil actions involving residential safety, and criminal cases among their areas of practice in the Housing Court.

USE OF VIDEOCONFERENCING - CRIMINAL CASES

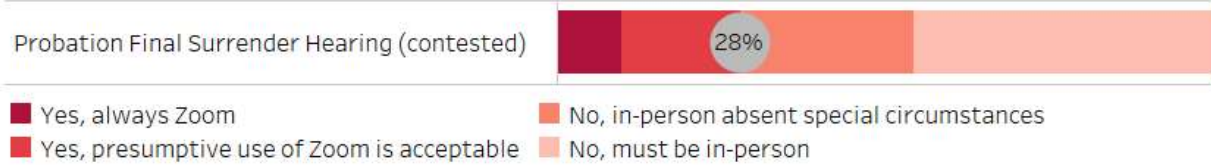
As a general matter, post-pandemic, should videoconferencing be used in criminal proceedings?

Responses	Participant Count	Percent of Participants
Yes, broadly	242	33.2%
Yes, selectively	276	37.8%
Rarely	104	14.2%
No	108	14.8%

Should the following proceedings be conducted by videoconference post-pandemic? % Yes



Should the following probation proceedings be conducted by videoconference post-pandemic? % Yes



Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in criminal trials or evidentiary hearings?

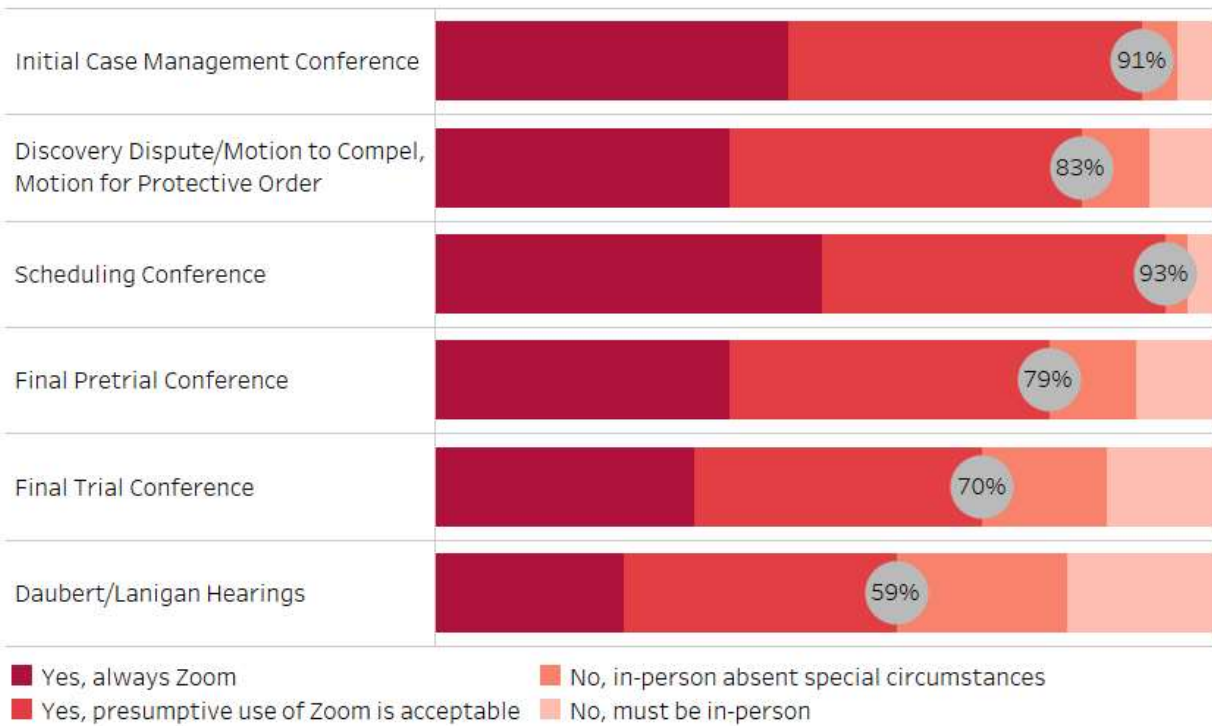
Responses	Participant Count	Percent of Participants
Yes, very flexible	136	23.4%
Yes, somewhat	177	30.4%
Not really	119	20.4%
No	150	25.8%

USE OF VIDEOCONFERENCING - CIVIL CASES

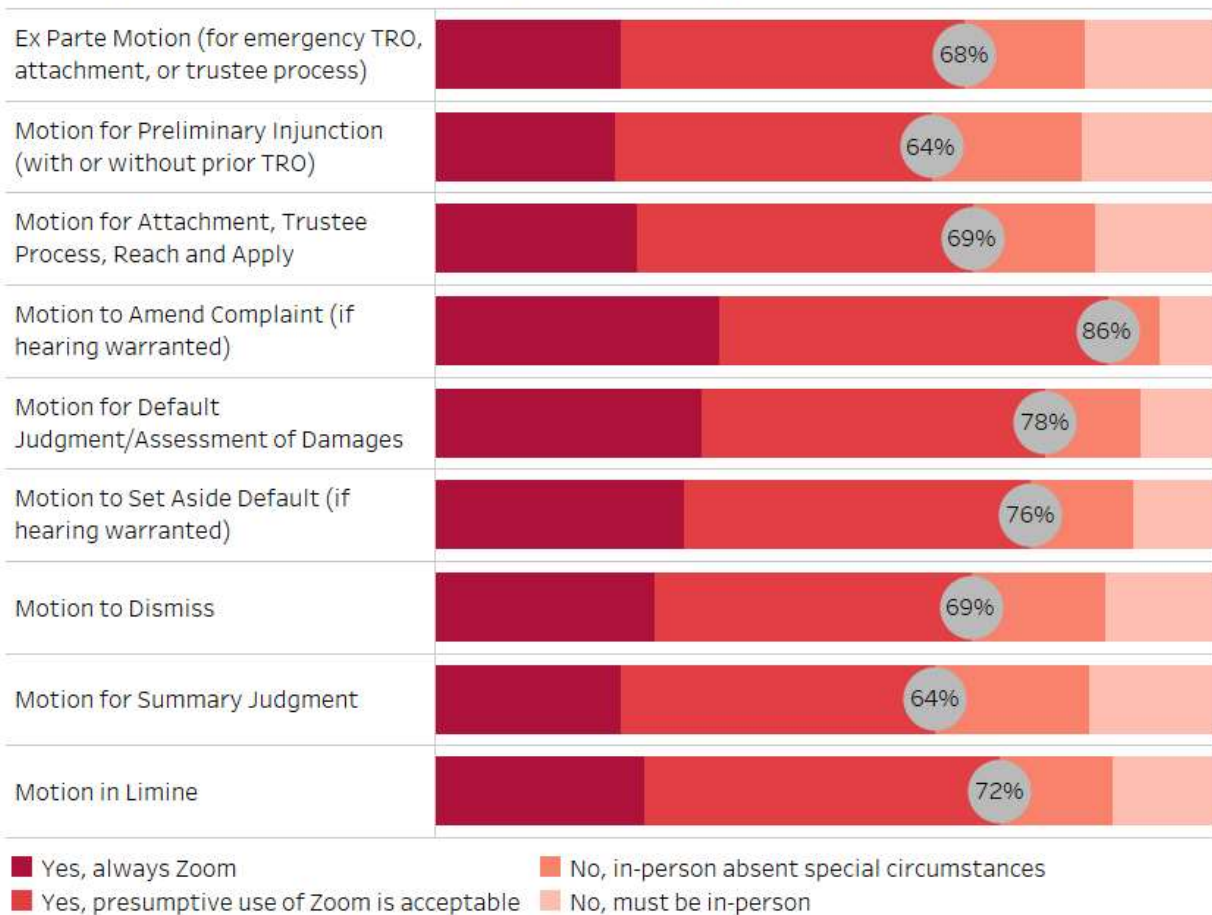
As a general matter, post-pandemic, should videoconferencing be used in civil proceedings?

Responses	Participant Count	Percent of Participants
Yes, broadly	296	36.5%
Yes, selectively	228	28.1%
Yes, except trials	165	20.4%
Rarely	66	8.1%
No	55	6.8%

Should the following proceedings be conducted by videoconference post-pandemic?



Should the following motions be conducted by videoconference post-pandemic? % Yes



USE OF VIDEOCONFERENCING - WITNESSES

Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in civil trials or evidentiary hearings?

Responses	Participant Count	Percent of Participants
Yes, very flexible regardless of agreement	214	26.4%
Yes, if parties agree	130	16.0%
Yes, somewhat	192	23.7%
Rarely	160	19.7%
No	115	14.2%

USE OF VIDEOCONFERENCING - INTERPRETER

When videoconferencing is used in cases in which an interpreter is involved, should the videoconference be held if the interpreter and the party requiring interpretation cannot be in the same place?

Responses	Participant Count	Percent of Participants
Yes	257	32.6%
Yes, though not preferred	262	33.2%
Very rarely	144	18.3%
No	125	15.9%

REASONING PRO'S

Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons IN FAVOR of using videoconferencing.

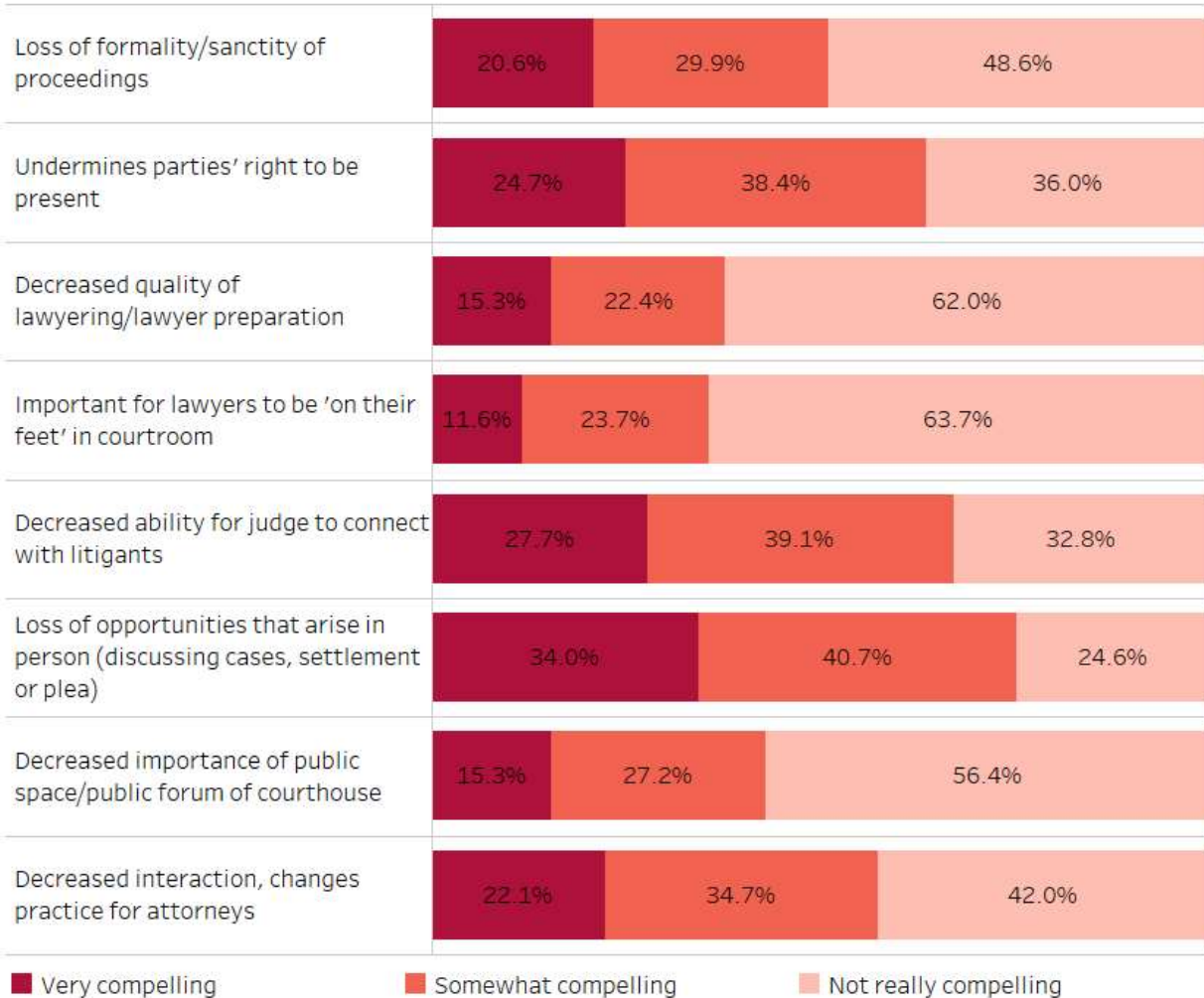
Saving attorney and client time and money	72.3%	19.0%	8.4%
Convenience/increased efficiency for attorneys	72.0%	19.9%	7.8%
Flexibility for practitioners (allows work at home, parents, disability)	65.7%	23.8%	10.0%
Environmentally sound, less travel	52.8%	27.7%	19.0%
Increased opportunities for newer attorneys	29.0%	27.3%	42.8%
Forward-looking, accepts and adopts new technology	47.5%	32.0%	19.9%
Health, avoiding exposure post-pandemic	54.6%	26.9%	17.9%
Potential eventual savings on facilities	39.4%	31.9%	27.7%
Avoids logistical challenge of travel and commuting	64.8%	22.8%	11.4%
Efficiency for courts and clerks	62.2%	25.7%	10.5%

Top 5 additional reasons IN FAVOR of videoconferencing:

1. Fewer accommodations required (e.g., time off work, arranging for childcare, transportation)
2. More efficient resolution of matters, saving time and money
3. More flexibility in scheduling matters, including staggered scheduling
4. Greater accessibility to the courts
5. Reduced overcrowding of courtrooms, improving health and safety

REASONING CON'S

Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons AGAINST USING videoconferencing.



Top 5 additional reasons AGAINST videoconferencing:

1. Unequal access to technology, including videoconferencing equipment and home Internet access
2. Greater difficulty assessing credibility; lower respect for proceedings
3. Issues with technology, including submitting evidence and hearing participants
4. Less effective settlement/mediation discussions
5. Fewer opportunities to observe and learn from other attorneys

Juvenile Court

697 survey participants reported practicing in the Juvenile Court. Participants practiced in the Juvenile Court at different frequencies. Most participants (63.6%) reported practicing in the Juvenile Court multiple times per month, followed by infrequent practitioners (a few times per year; 13.5%), and occasional practitioners (once per month or once every 2 to 3 months; 11.1%).

How frequently do you practice in the Juvenile Court?

Responses	Participant Count	Percent of Participants
Multiple times per month	443	63.6%
Once per month	36	5.2%
Once every 2 to 3 months	41	5.9%
A few times per year	94	13.5%
No response	83	11.9%
Grand Total	697	100.0%

Areas of Practice

Most survey participants responded that their areas of practice included care and protection and child requiring assistance cases. Other case types identified by participants included guardianship and delinquency matters.

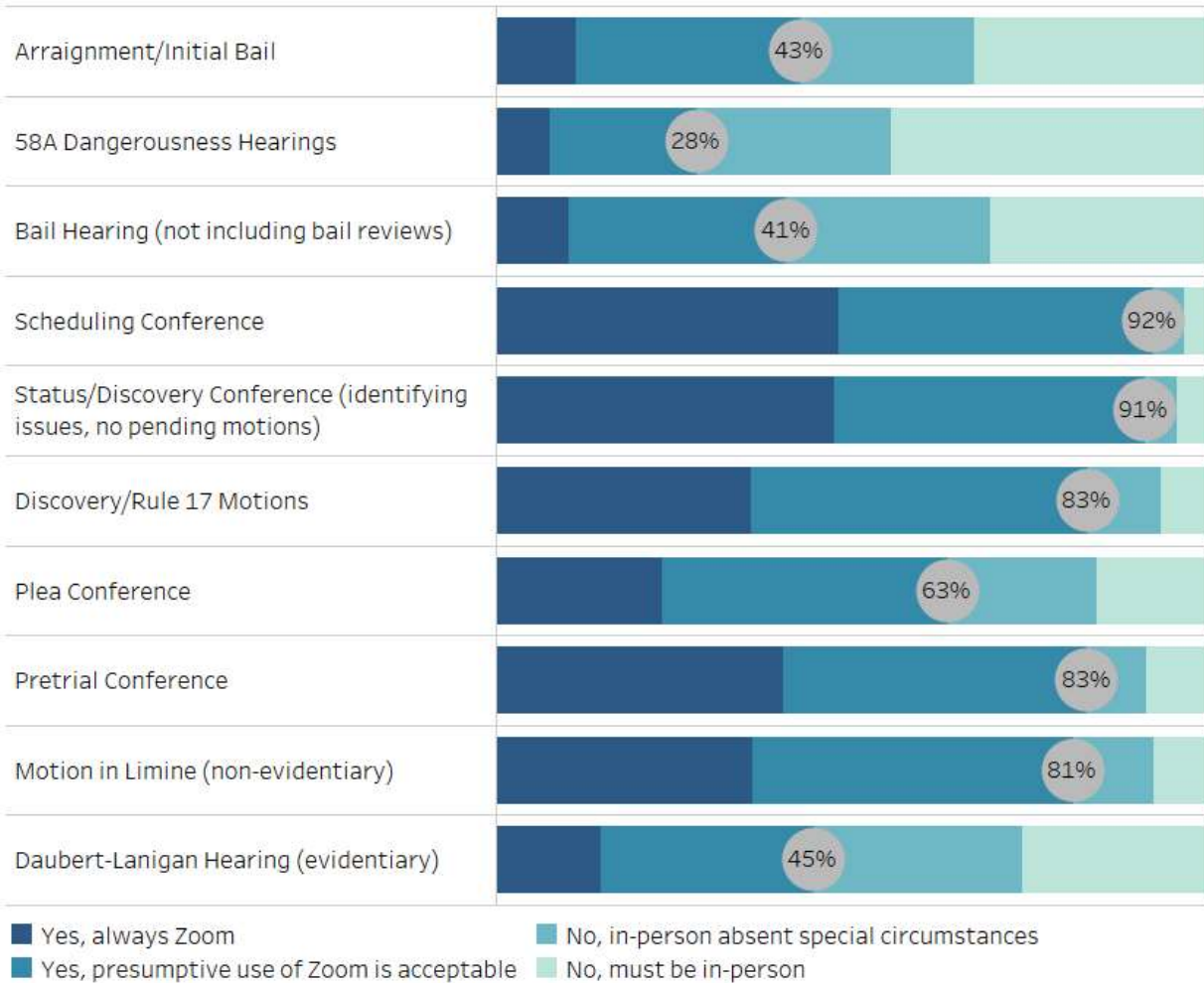
USE OF VIDEOCONFERENCING IN JUVENILE COURT

As a general matter, post-pandemic, should videoconferencing be used in the Juvenile Court?

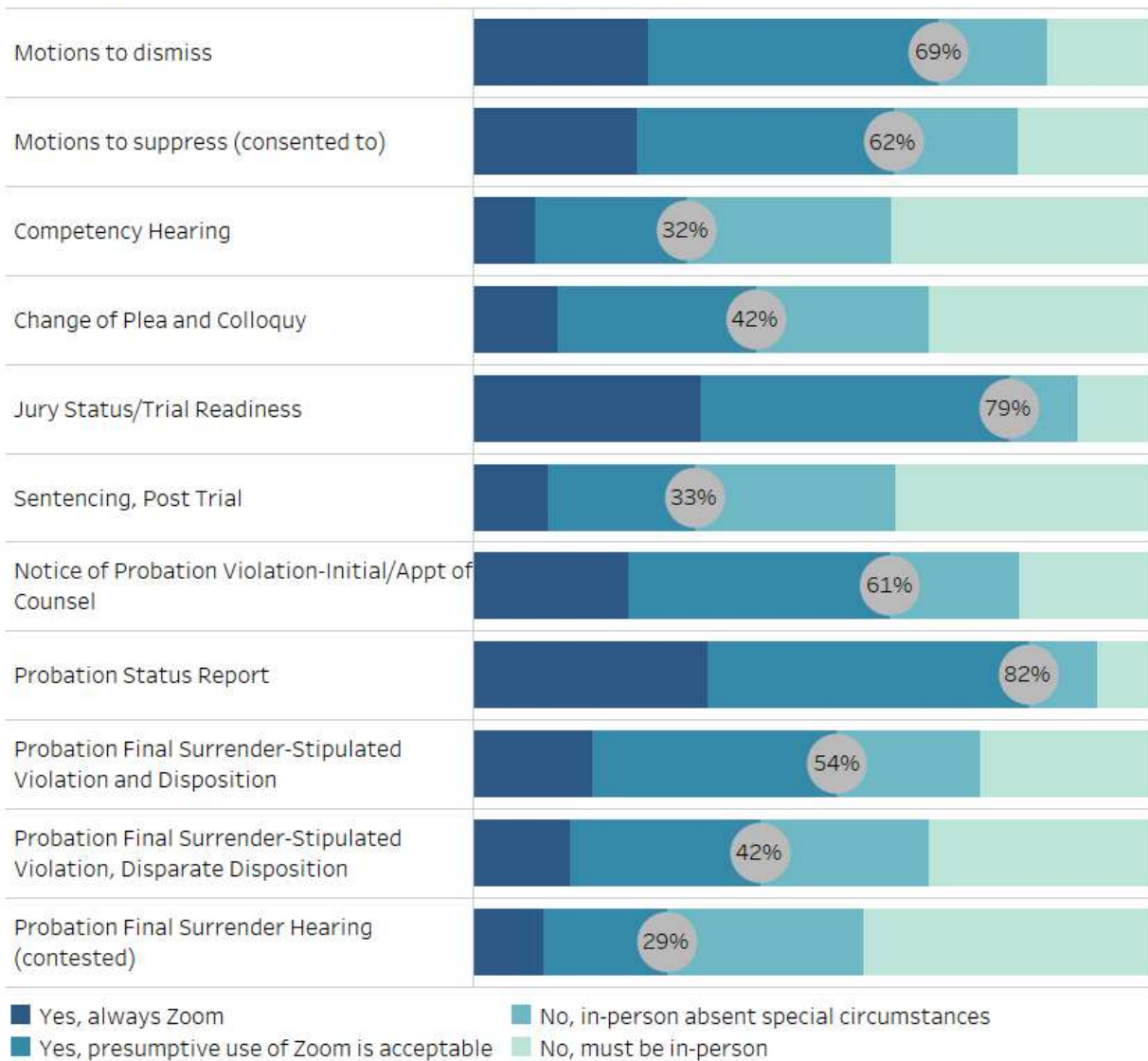
Responses	Participant Count	Percent of Participants
Yes, broadly	268	40.9%
Yes, selectively	291	44.4%
Rarely	55	8.4%
No	42	6.4%

USE OF VIDEOCONFERENCING - DELINQUENCY/YOUTHFUL OFFENDER CASES

Should the following proceedings be conducted by videoconference post-pandemic? % Yes

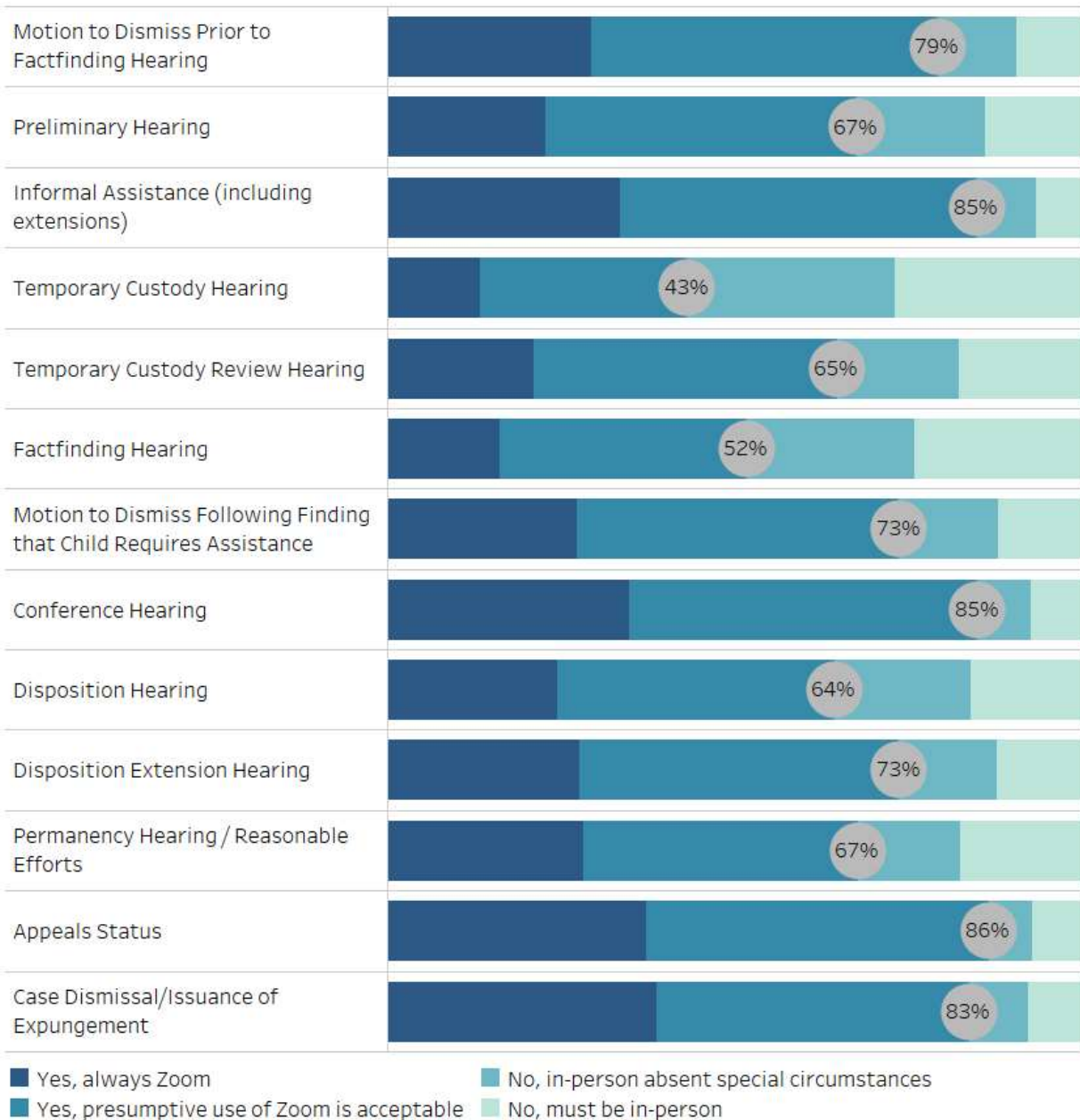


Should the following proceedings be conducted by videoconference post-pandemic? % Yes



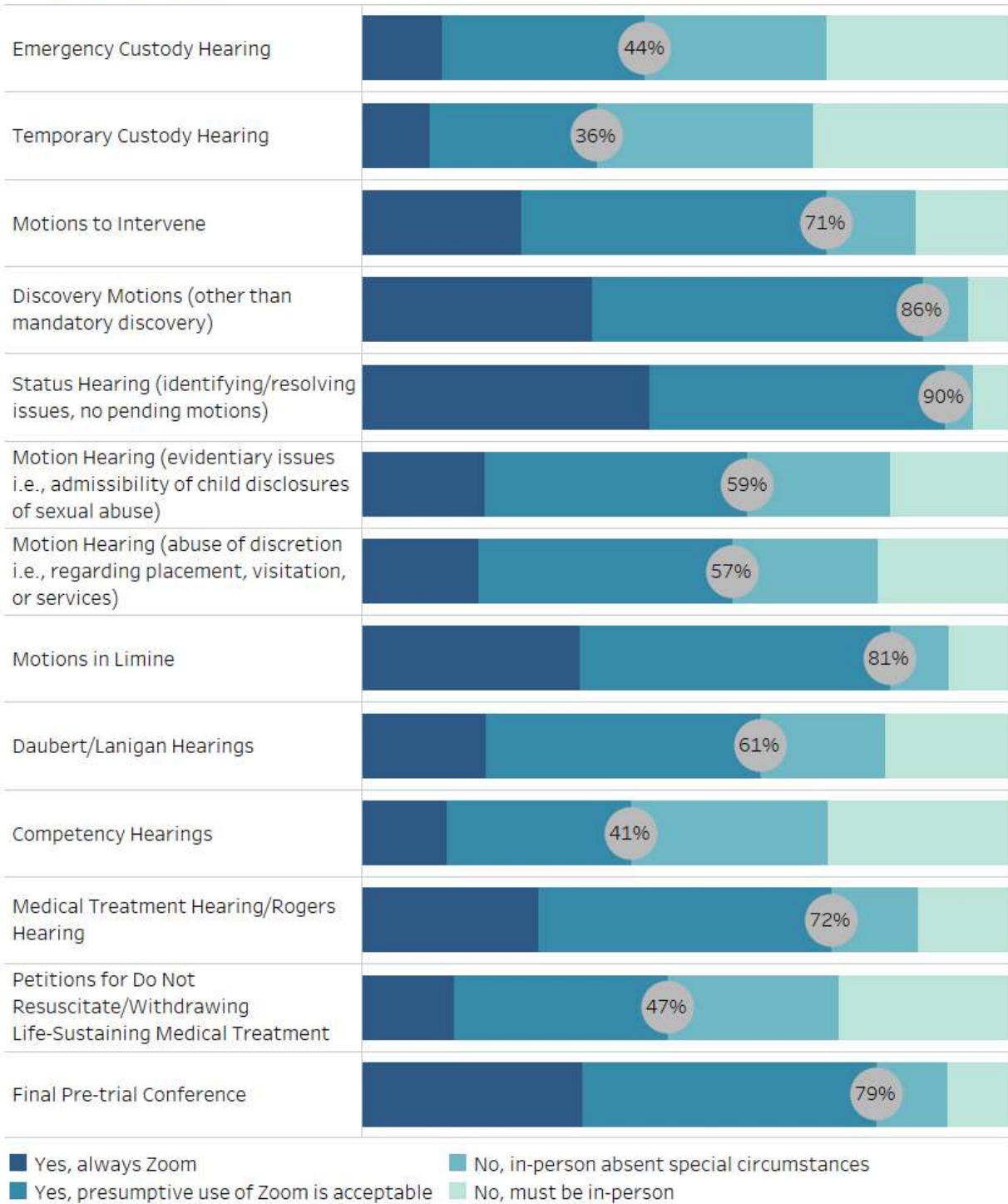
USE OF VIDEOCONFERENCING - CHILD REQUIRING ASSISTANCE CASES

Should the following proceedings be conducted by videoconference post-pandemic? % Yes

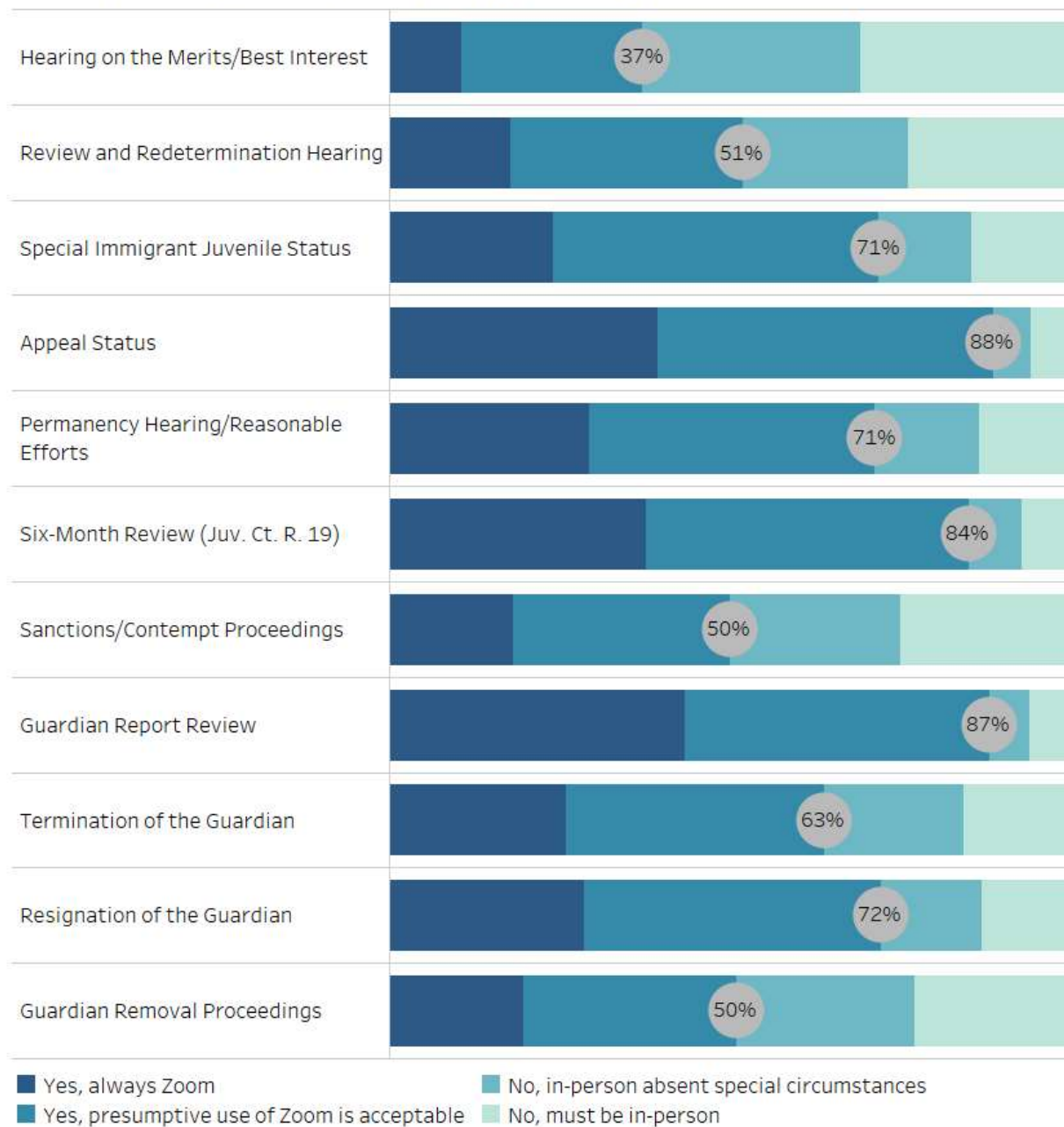


USE OF VIDEOCONFERENCING - CARE AND PROTECTION & GUARDIANSHIP OF A MINOR CASES

Should the following proceedings be conducted by videoconference post-pandemic? % Yes



Should the following proceedings be conducted by videoconference post-pandemic? % Yes



USE OF VIDEOCONFERENCING - WITNESSES

Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in civil trials or evidentiary hearings?

Responses	Participant Count	Percent of Participants
Yes, very flexible regardless of agreement	107	17.1%
Yes, somewhat	172	27.5%
Yes, if parties agree	162	25.9%
Rarely	125	20.0%
No	60	9.6%

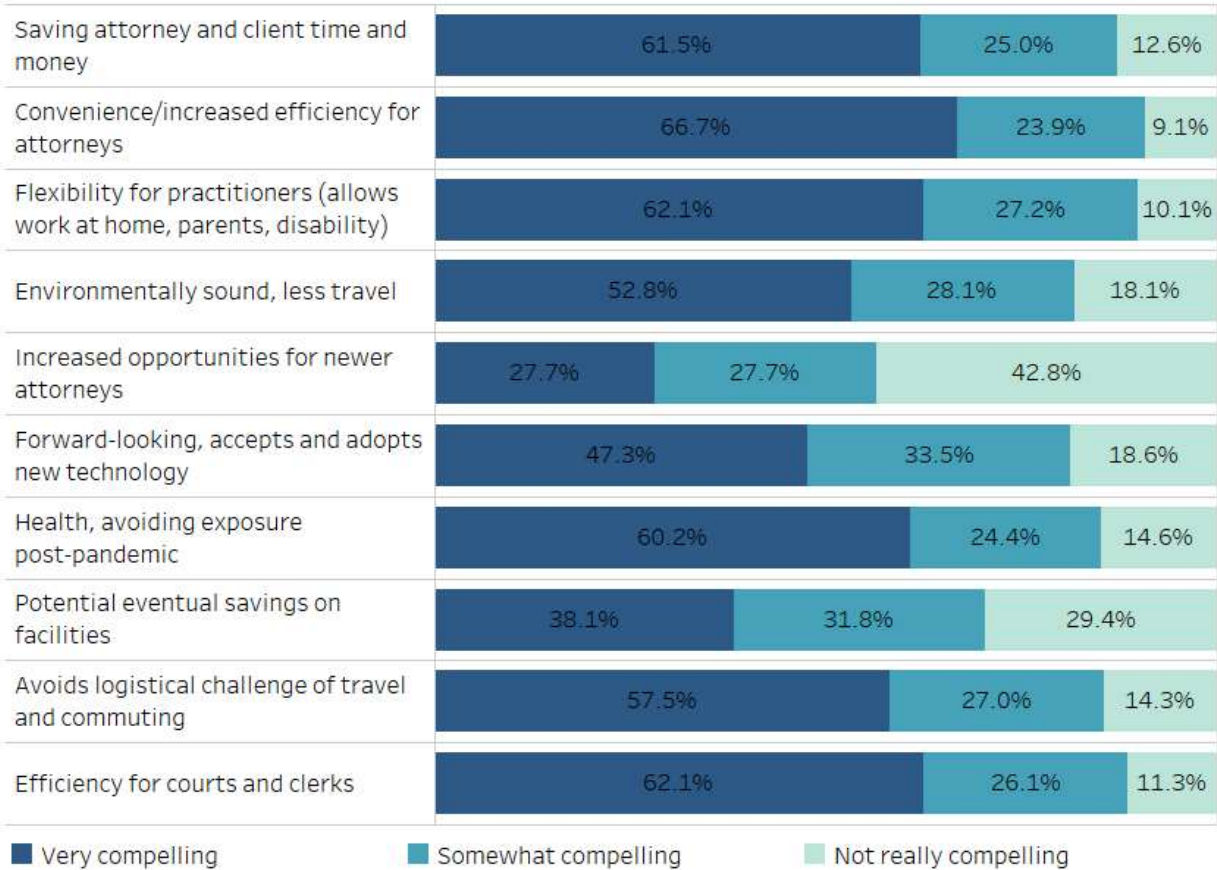
USE OF VIDEOCONFERENCING - INTERPRETERS

When videoconferencing is used in cases in which an interpreter is involved, should the videoconference be held if the interpreter and the party requiring interpretation cannot be in the same place?

Responses	Participant Count	Percent of Participants
Yes	415	30.8%
Yes, though not preferred	498	37.0%
Very rarely	261	19.4%
No	183	13.6%

REASONING PRO'S

Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons IN FAVOR of using videoconferencing.

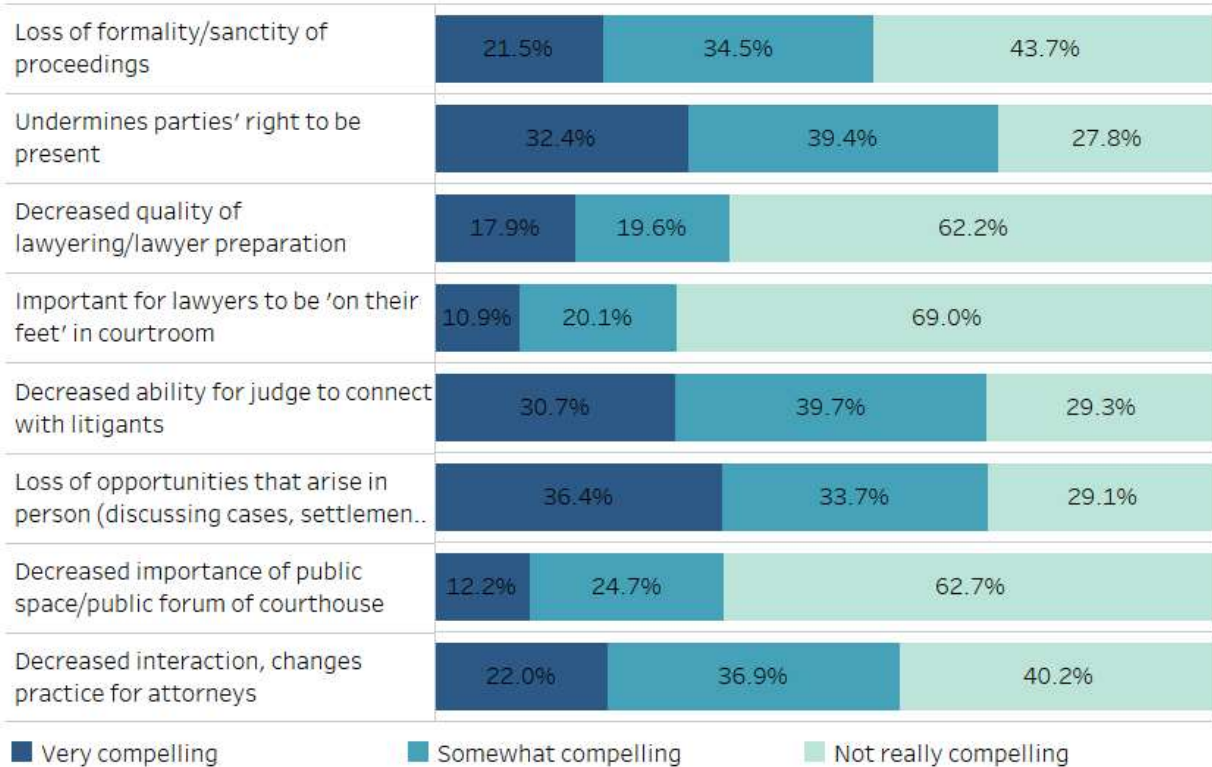


Top 5 additional reasons IN FAVOR of videoconferencing:

1. Fewer accommodations required (e.g., time off work, arranging for childcare, transportation)
2. More efficient resolution of matters, saving time and money
3. Eliminates travel time, allowing attorneys to represent clients statewide
4. Improves physical safety and reduces trauma, particularly for juveniles and witnesses
5. Improves ability of attorneys to take on pro bono work statewide

REASONING CON'S

Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons AGAINST USING videoconferencing.



Top 5 additional reasons AGAINST videoconferencing:

1. Greater difficulty assessing credibility; loss of courtroom decorum
2. Unequal access to technology, including videoconferencing equipment and home Internet access
3. Greater difficulty forming attorney-client relationships and working with juveniles
4. Issues with technology; greater difficulty sharing exhibits
5. Fewer opportunities to observe and learn from other attorneys

Land Court

832 survey participants reported practicing in the Land Court. Participants practiced in the Land Court at different frequencies. Most participants (50.7%) reported practicing in the Land Court a few times a year, followed by occasional practitioners (once every 2 to 3 months; 14.4%) and semi-regular (once per month; 9.6%) and regular practitioners (multiple times per month; 9.5%).

How frequently do you practice in the Land Court?

Responses	Participant Count	Percent of Participants
Multiple times per month	79	9.5%
Once per month	80	9.6%
Once every 2 to 3 months	120	14.4%
A few times per year	422	50.7%
No response	131	15.7%
Grand Total	832	100.0%

Areas of Practice

Survey participants identified a wide range of specialized areas of practice in civil practice, including zoning disputes, tax lien foreclosures, and land title disputes.

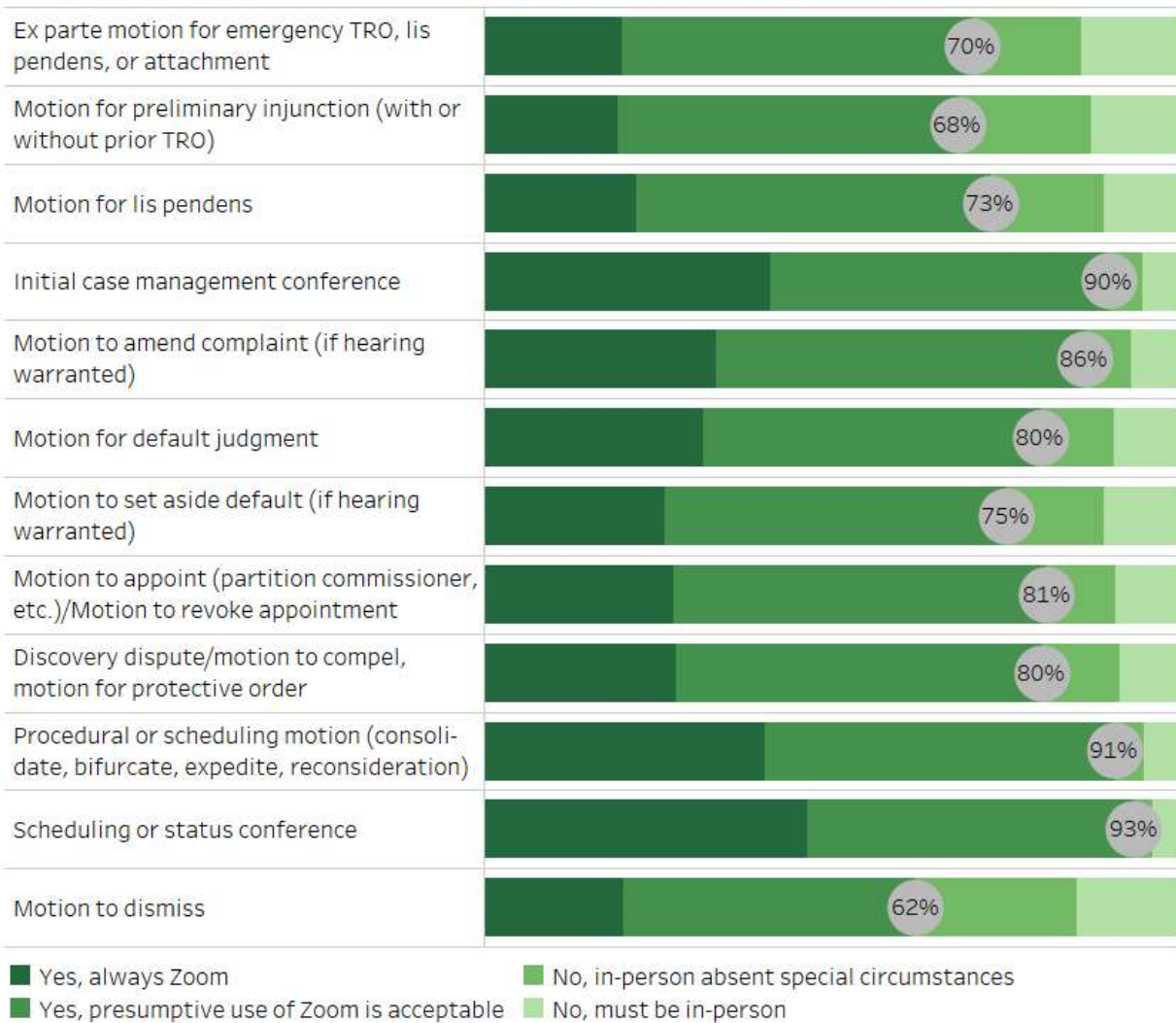
USE OF VIDEOCONFERENCING

As a general matter, post-pandemic, should videoconferencing be used in civil proceedings?

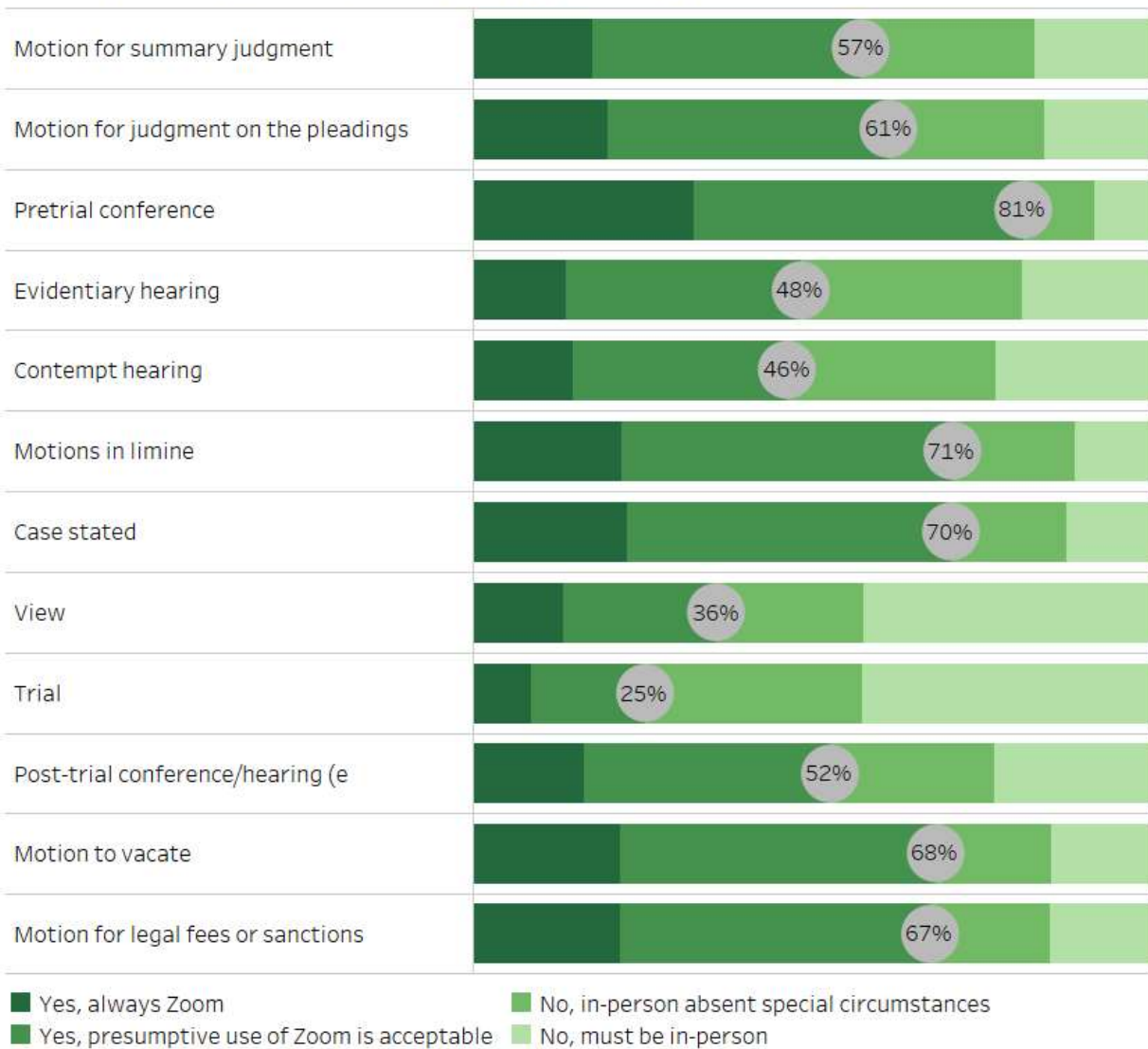
Responses	Participant Count	Percent of Participants
Yes, broadly	245	32.3%
Yes, except trials	194	25.6%
Yes, selectively	240	31.6%
Rarely	31	4.1%
No	49	6.5%

USE OF VIDEOCONFERENCING - MISC CASES

Should the following proceedings be conducted by videoconference post-pandemic? % Yes



Should the following proceedings be conducted by videoconference post-pandemic? % Yes



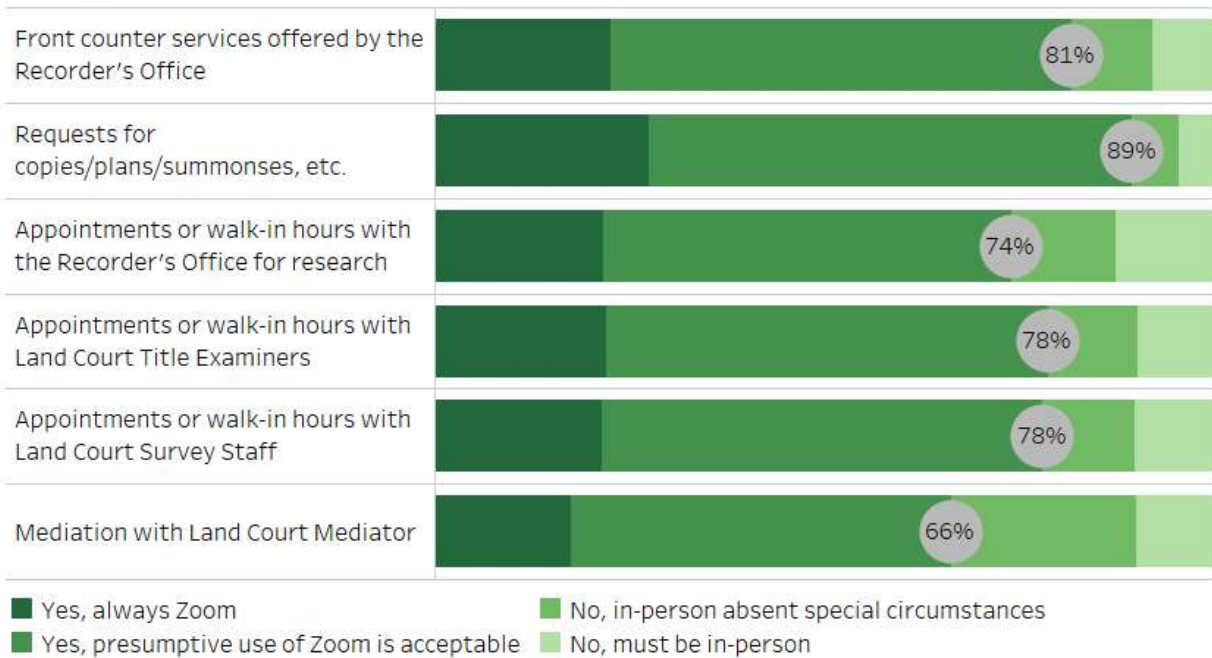
USE OF VIDEOCONFERENCING - TAX LIEN

Should the following TAX LIEN CASE TYPE proceedings be conducted by videoconference post-pandemic?



USE OF VIDEOCONFERENCING - OTHER RESOURCES

Remote access to other Land Court resources? % Yes



USE OF VIDEOCONFERENCING - PARTICIPANTS

Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing some participants in the event to appear live in the courtroom while others participate by videoconference, to the extent the court has the technological capability to do that?

Responses	Participant Count	Percent of Participants
Yes, very flexible	295	41.0%
Yes, sometimes	352	48.9%
No	73	10.1%

USE OF VIDEOCONFERENCING - WITNESSES

Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in civil trials or evidentiary hearings?

Responses	Participant Count	Percent of Participants
Yes, very flexible regardless of agreement	155	21.3%
Yes, if parties agree	116	15.9%
Yes, somewhat	178	24.5%
Rarely	171	23.5%
No	108	14.8%

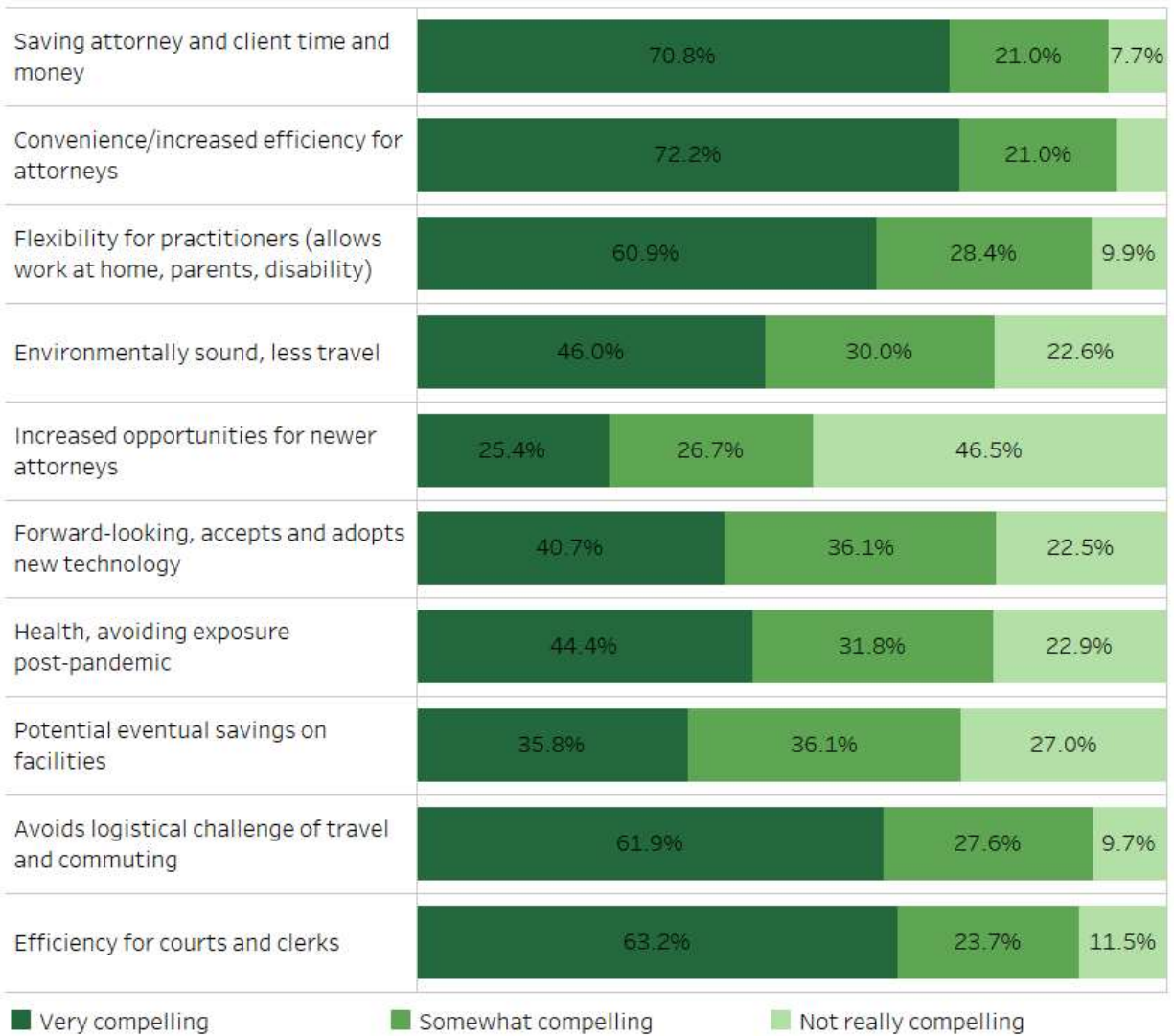
USE OF VIDEOCONFERENCING - INTERPRETERS

When videoconferencing is used in cases in which an interpreter is involved, should the videoconference be held if the interpreter and the party requiring interpretation cannot be in the same place?

Responses	Participant Count	Percent of Participants
Yes	188	27.0%
Yes, though not preferred	194	27.8%
Very rarely	157	22.5%
No	158	22.7%

REASONING PRO'S

Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons IN FAVOR of using videoconferencing.

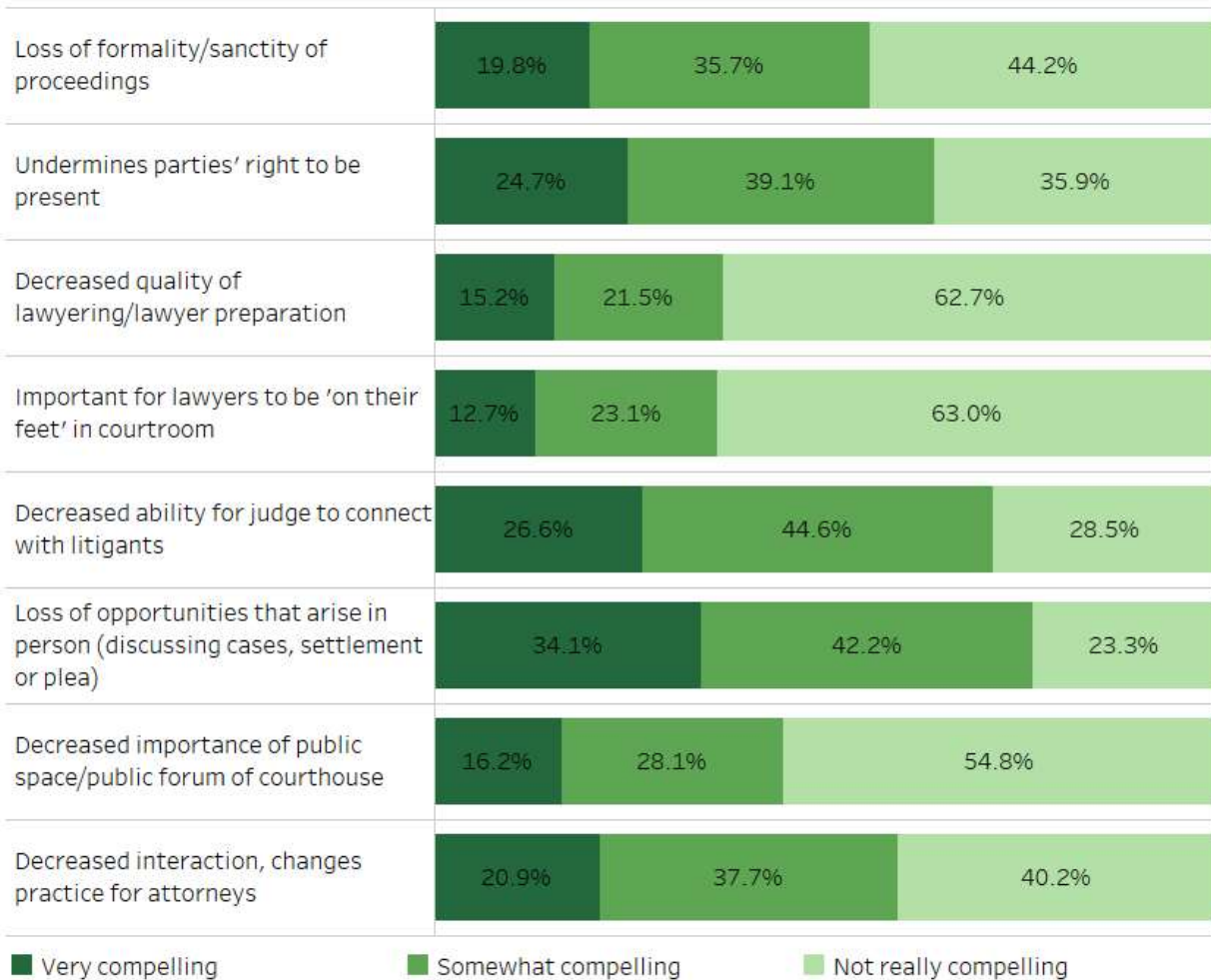


Top 5 additional reasons IN FAVOR of videoconferencing:

1. More efficient resolution of matters, saving time and money
2. Eliminates travel to Boston
3. Greater accessibility for litigants to the Boston office
4. More expedient scheduling of matters
5. Easier to observe clients, eliminates need to wear masks while testifying

REASONING CON'S

Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons AGAINST USING videoconferencing.



Top 5 additional reasons AGAINST videoconferencing:

1. Loss of camaraderie and learning between attorneys
2. Greater difficulty assessing credibility; loss of courtroom decorum
3. Unequal access to technology, including videoconferencing equipment and home Internet access
4. Issues with technology; greater difficulty sharing exhibits
5. Decreased public access (for observation)

Probate and Family Court

2,781 survey participants reported practicing in the Probate and Family Court. Participants practiced in the Probate and Family Court at different frequencies. Many participants (43.0%) reported practicing in the Probate and Family Court multiple times per month, followed by infrequent practitioners (a few times per year; 21.5%), occasional practitioners (once every 2 to 3 months; 12.6%), and semi-regular practitioners (once per month; 11.4%).

How frequently do you practice in the Probate & Family Court?

Responses	Participant Count	Percent of Participants
Multiple times per month	1,195	43.0%
Once per month	318	11.4%
Once every 2 to 3 months	350	12.6%
A few times per year	597	21.5%
No response	321	11.5%
Grand Total	2,781	100.0%

Areas of Practice

Areas of practice shared by participants included a variety of family-related and probate matters, including divorce, guardianship, trusts/estates, child support, and domestic relations case types. Some participants also included abuse and harassment prevention orders among their areas of practice.

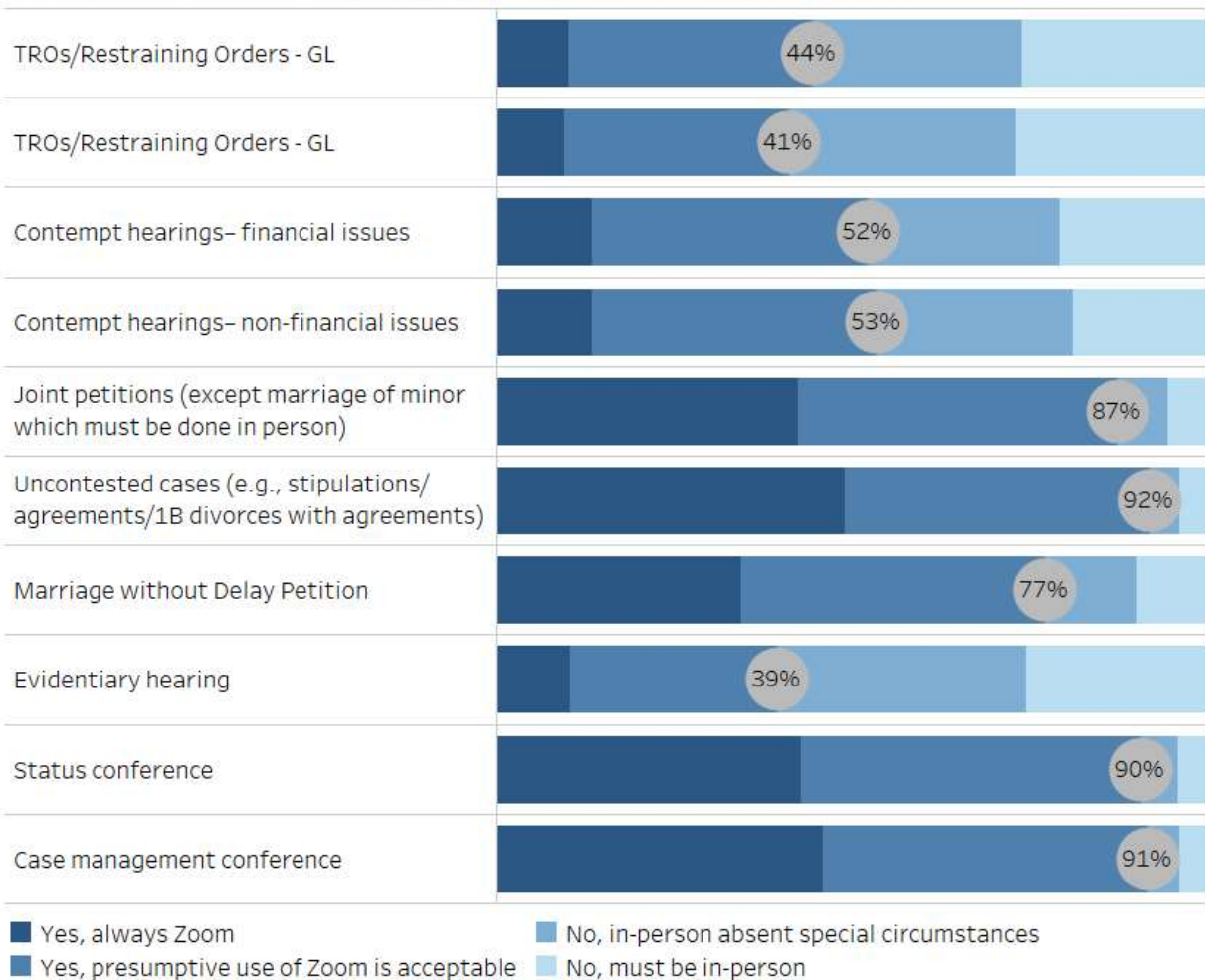
USE OF VIDEOCONFERENCING

As a general matter, post-pandemic, should videoconferencing be used in civil proceedings?

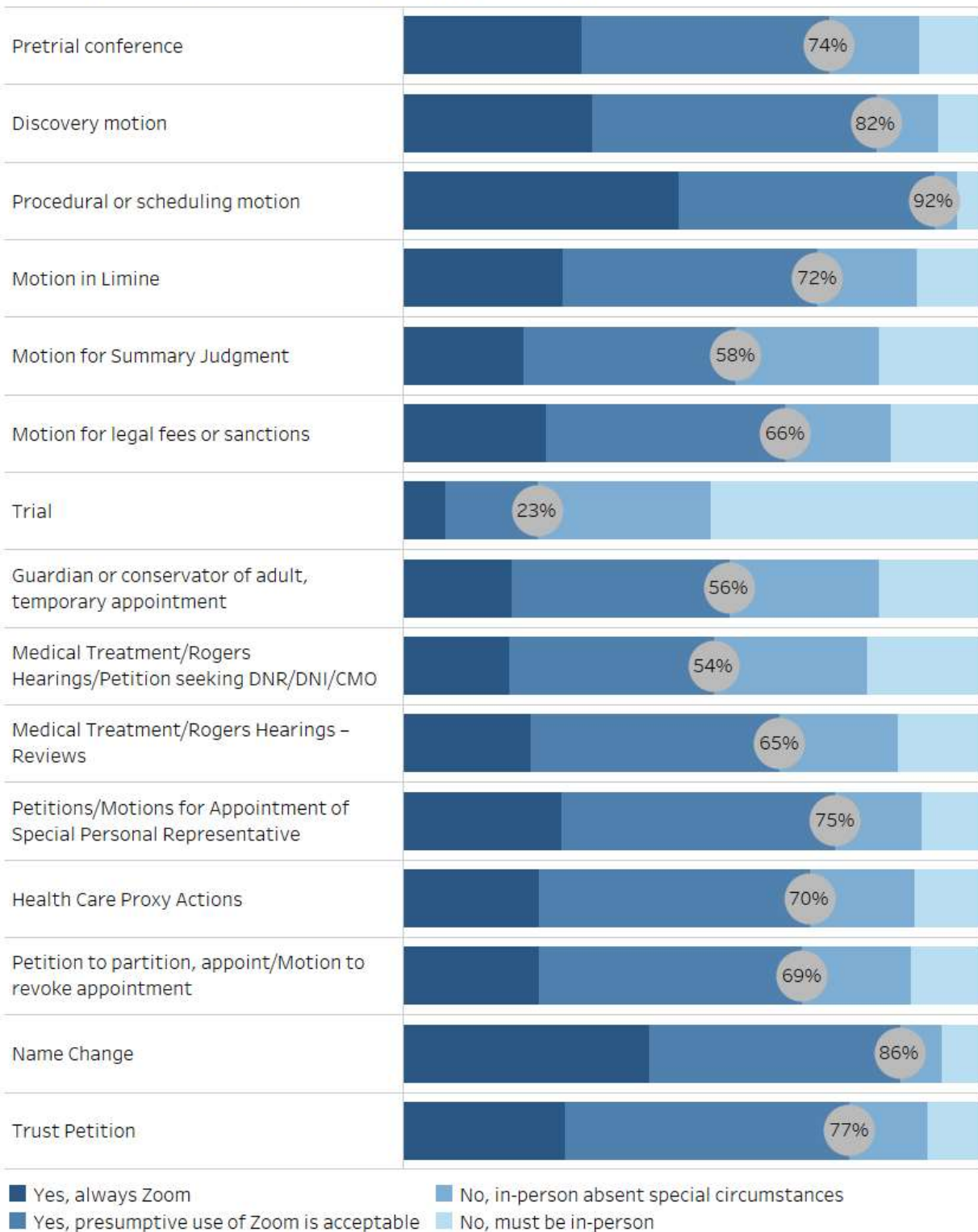
Responses	Participant Count	Percent of Participants
Yes, broadly	777	29.9%
Yes, except trials	367	14.1%
Yes, except dispositive motions and trials	436	16.8%
Yes, selectively	706	27.2%
Rarely	149	5.7%
No	160	6.2%

USE OF VIDEOCONFERENCING - DOMESTIC RELATIONS AND PROBATE CASES

Should the following proceedings be conducted by videoconference post-pandemic? % Yes

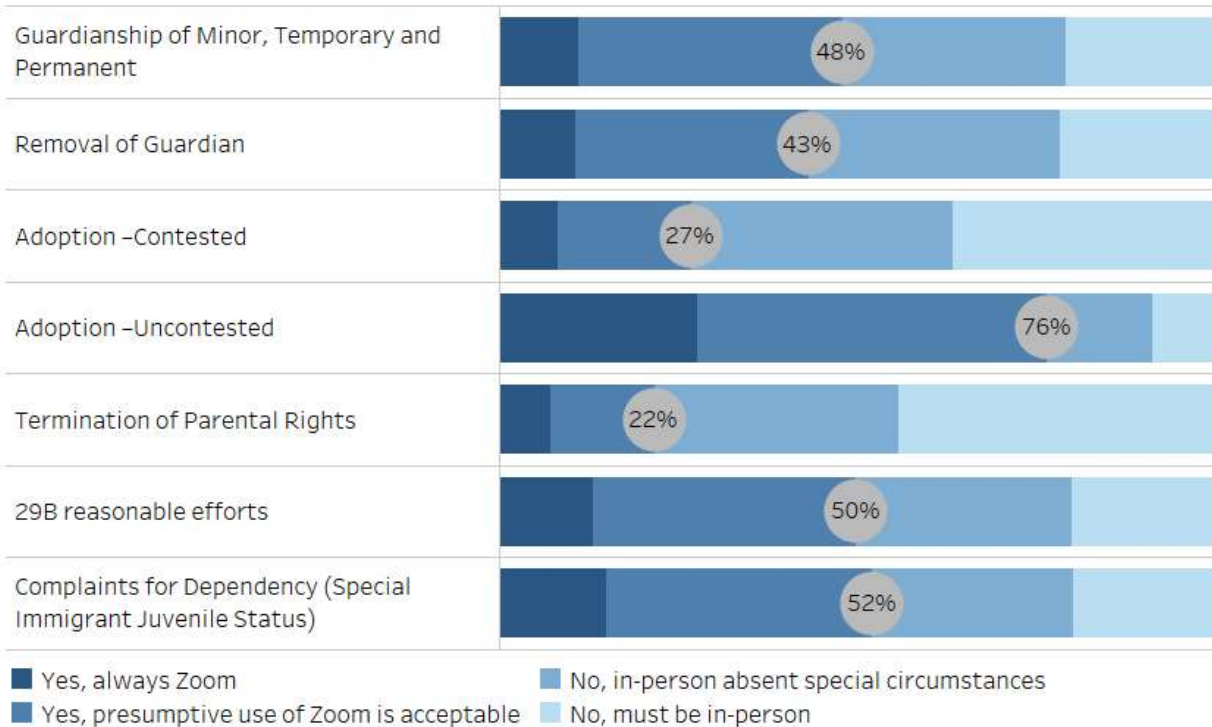


Should the following proceedings be conducted by videoconference post-pandemic? % Yes



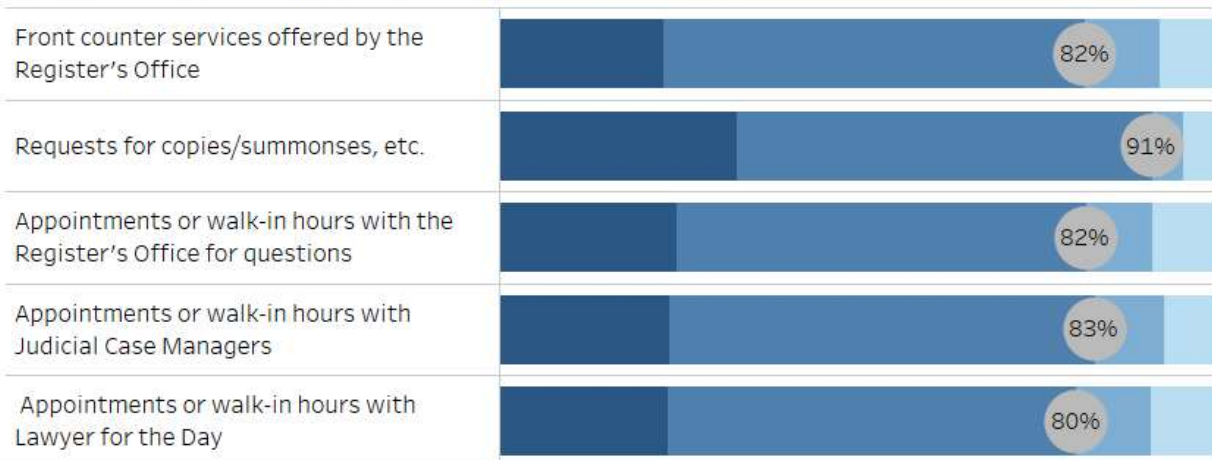
USE OF VIDEOCONFERENCING - CHILD WELFARE

Should the following proceedings be conducted by videoconference post-pandemic? % Yes



USE OF VIDEOCONFERENCING - OTHER SERVICES

Remote access to other Probate and Family Court resources? % Yes



USE OF VIDEOCONFERENCING - WITNESSES

Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing some participants in the event to appear live in the courtroom while others participate by videoconference, to the extent the court has the technological capability to do that?

Responses	Participant Count	Percent of Participants
Yes, very flexible regardless of agreement	465	18.7%
Yes, somewhat	662	26.6%
Yes, if parties agree	451	18.1%
Very rarely	590	23.7%
No	323	13.0%

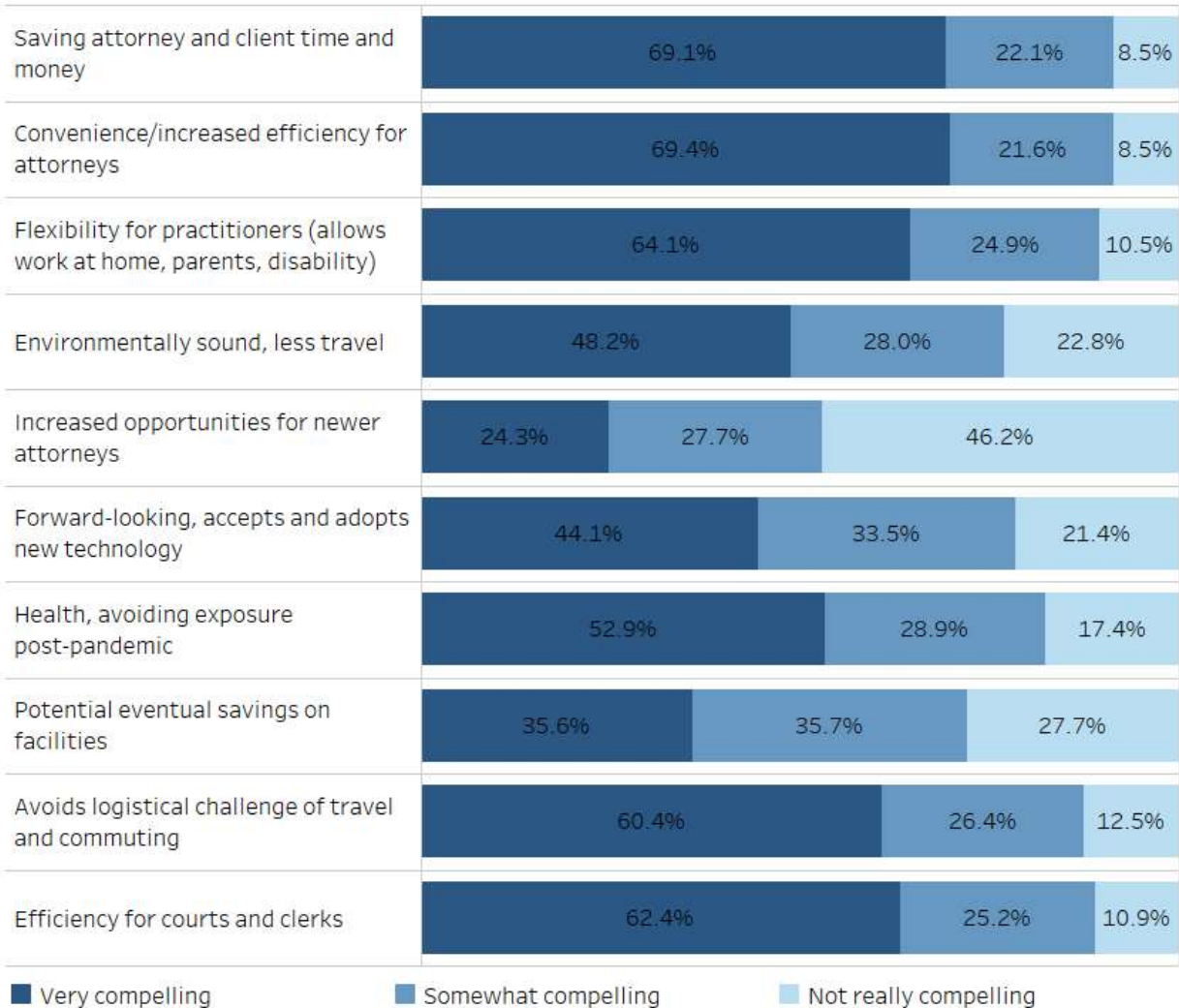
USE OF VIDEOCONFERENCING - INTERPRETERS

When videoconferencing is used in cases in which an interpreter is involved, should the videoconference be held if the interpreter and the party requiring interpretation cannot be in the same place?

Responses	Participant Count	Percent of Participants
Yes	792	28.0%
Yes, though not preferred	953	33.7%
Very rarely	641	22.7%
No	477	16.9%

REASONING PRO'S

Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons **IN FAVOR** of using videoconferencing.

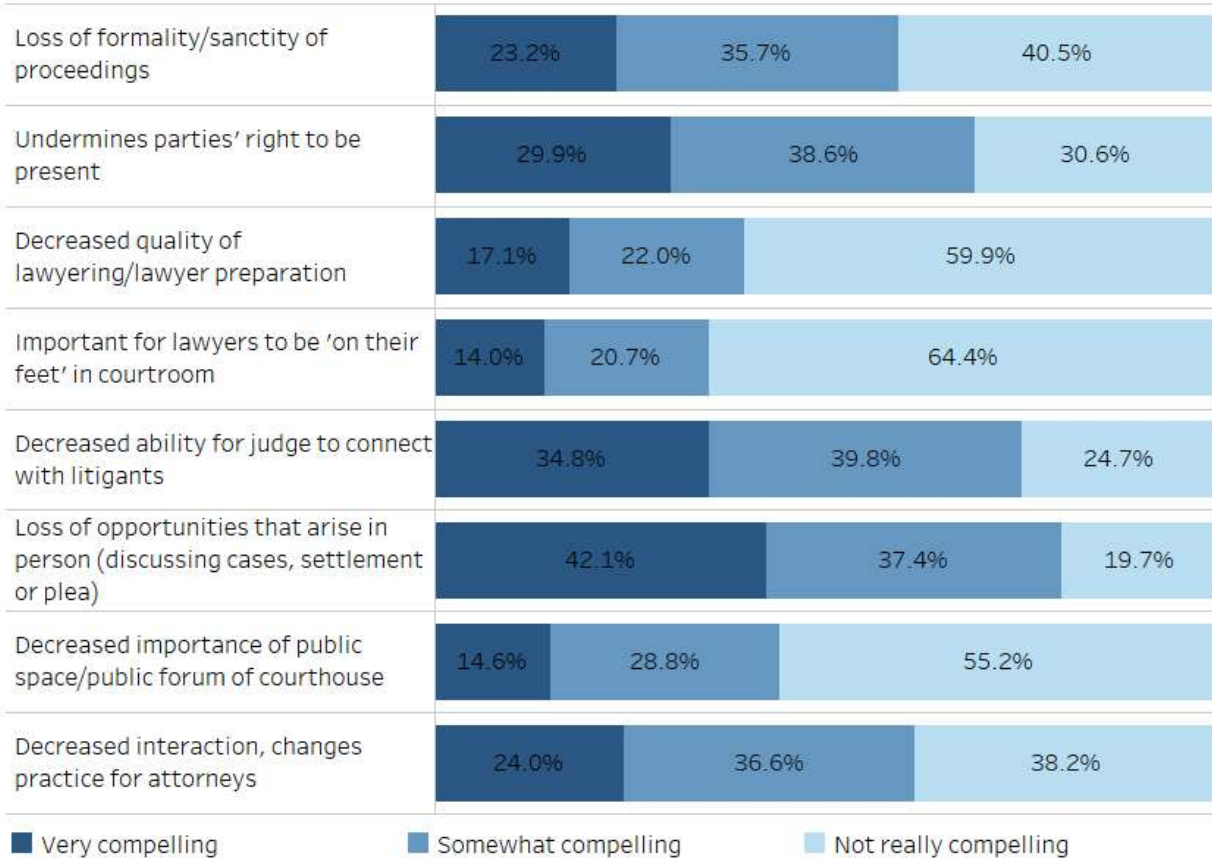


Top 5 additional reasons **IN FAVOR** of videoconferencing:

1. More efficient resolution of matters, saving time and money
2. Fewer accommodations required (e.g., time off work, arranging for childcare, transportation)
3. Less stressful for attorneys and litigants
4. Eliminates travel time, allowing attorneys to represent clients statewide/ take on more pro bono work
5. More flexible scheduling of matters

REASONING CON'S

Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons **AGAINST** USING videoconferencing.



Top 5 additional reasons **AGAINST** videoconferencing:

1. Greater difficulty reading body language and assessing credibility
2. Unequal access to technology, including videoconferencing equipment and home Internet access
3. Detrimental to attorney collegiality; lower opportunities to observe and learn from other attorneys
4. Less efficient than in-person proceedings
5. Issues with technology; disadvantages those less technically proficient

Superior Court

4,413 survey participants reported practicing in the Superior Court. Participants practiced in the Superior Court at different frequencies. Over a third of participants (35.0%) reported practicing in the Superior Court multiple times per month, followed by infrequent practitioners (a few times per year; 24.5%), semi-regular practitioners (once per month; 13.5%), and occasional practitioners (once every 2 to 3 months; 15.5%).

How frequently do you practice in the Superior Court?

Responses	Participant Count	Percent of Participants
Multiple times per month	1,551	35.1%
Once per month	682	15.5%
Once every 2 to 3 months	595	13.5%
A few times per year	1,081	24.5%
No response	504	11.4%
Grand Total	4,413	100.0%

Areas of Practice

Participants identified a variety of areas of practice in the Superior Court in both civil and criminal case types. Specialized areas of practice identified included commercial/business litigation, personal injury, and medical malpractice cases.

USE OF VIDEOCONFERENCING - CRIMINAL CASES

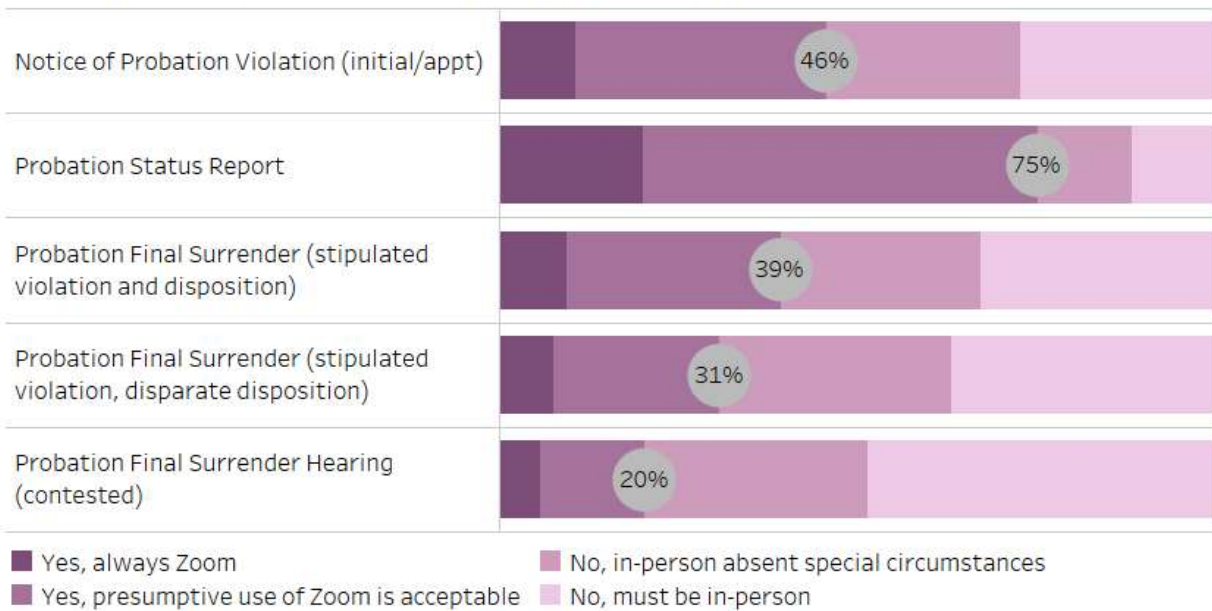
As a general matter, post-pandemic, should videoconferencing be used in criminal proceedings?

Responses	Participant Count	Percent of Participants
Yes, broadly	883	28.5%
Yes, selectively	1,311	42.3%
Rarely	548	17.7%
No	360	11.6%

Should the following proceedings be conducted by videoconference post-pandemic? % Yes



Should the following proceedings be conducted by videoconference post-pandemic? % Yes



USE OF VIDEOCONFERENCING - CRIMINAL CASE WITNESSES

Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in criminal trials or evidentiary hearings?

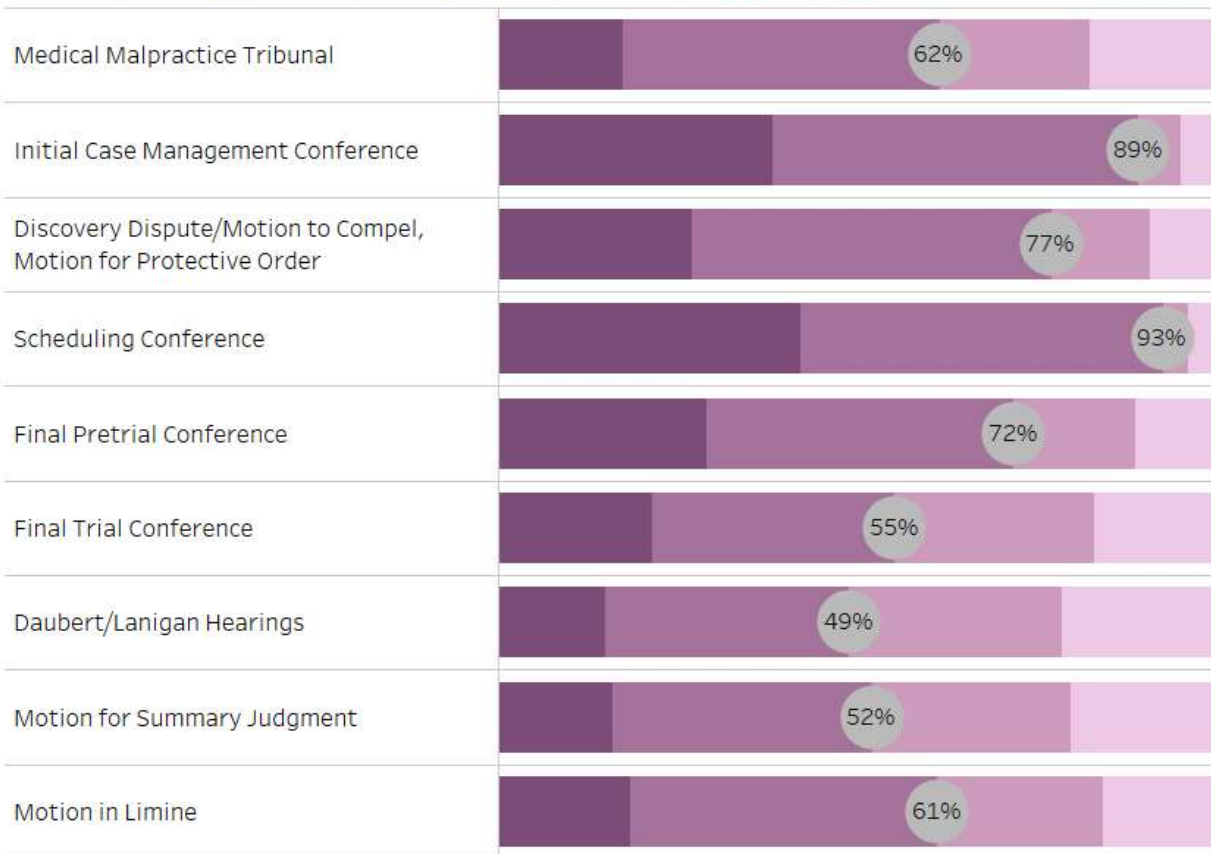
Responses	Participant Count	Percent of Participants
Yes, very flexible	342	13.6%
Yes, somewhat	670	26.7%
Not really	793	31.6%
No	705	28.1%

USE OF VIDEOCONFERENCING - CIVIL CASES

As a general matter, post-pandemic, should videoconferencing be used in civil proceedings?

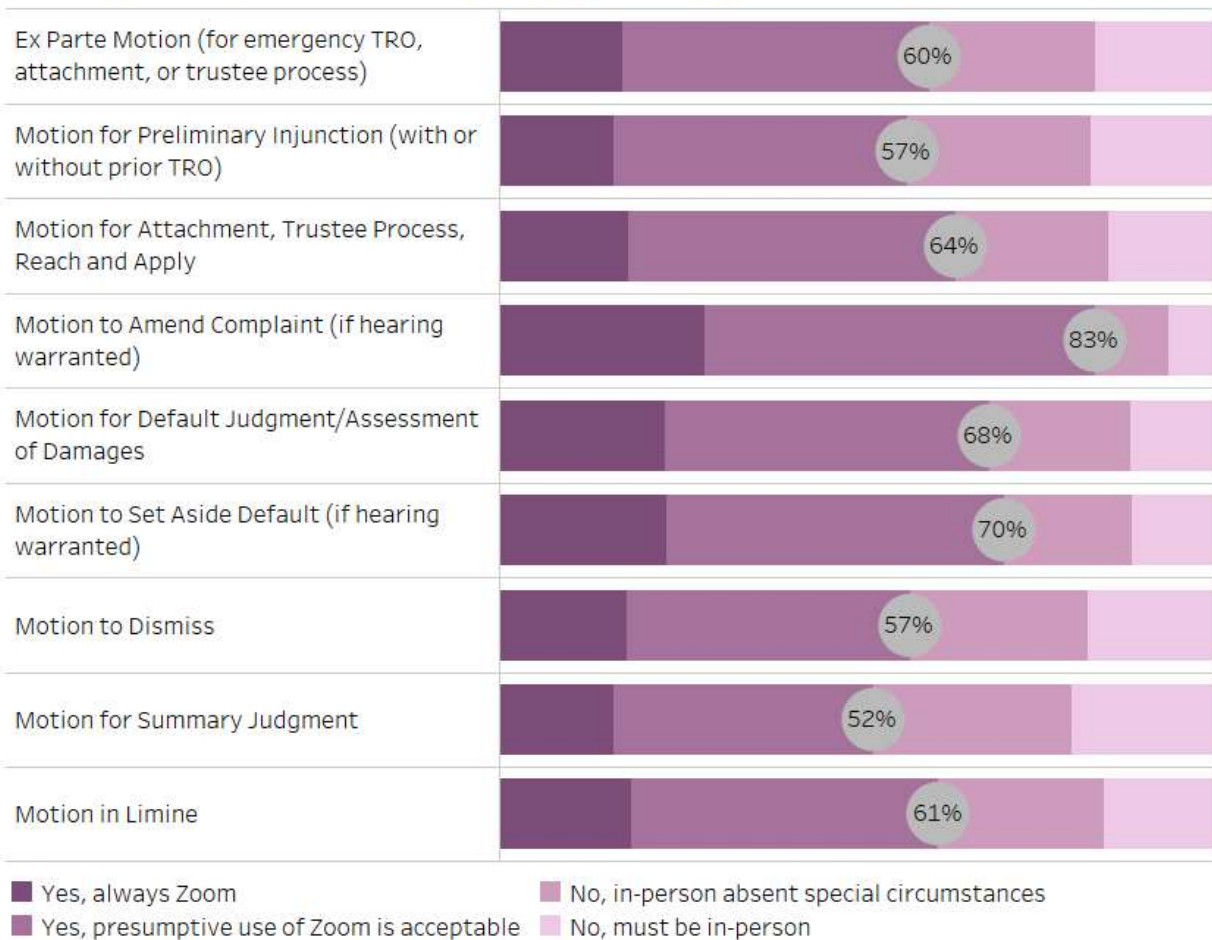
Responses	Participant Count	Percent of Participants
Yes, broadly	904	24.5%
Yes, selectively	1,437	39.0%
Yes, except trials	786	21.3%
Rarely	306	8.3%
No	251	6.8%

Should the following proceedings be conducted by videoconference post-pandemic? % Yes



Yes, always Zoom
 No, in-person absent special circumstances
 No, must be in-person

Should the following proceedings be conducted by videoconference post-pandemic? % Yes



USE OF VIDEOCONFERENCING - CIVIL CASE WITNESSES

Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in civil trials or evidentiary hearings?

Responses	Participant Count	Percent of Participants
Yes, very flexible regardless of agreement	641	17.1%
Yes, if parties agree	533	14.2%
Yes, somewhat	1,032	27.5%
Rarely	986	26.3%
No	554	14.8%

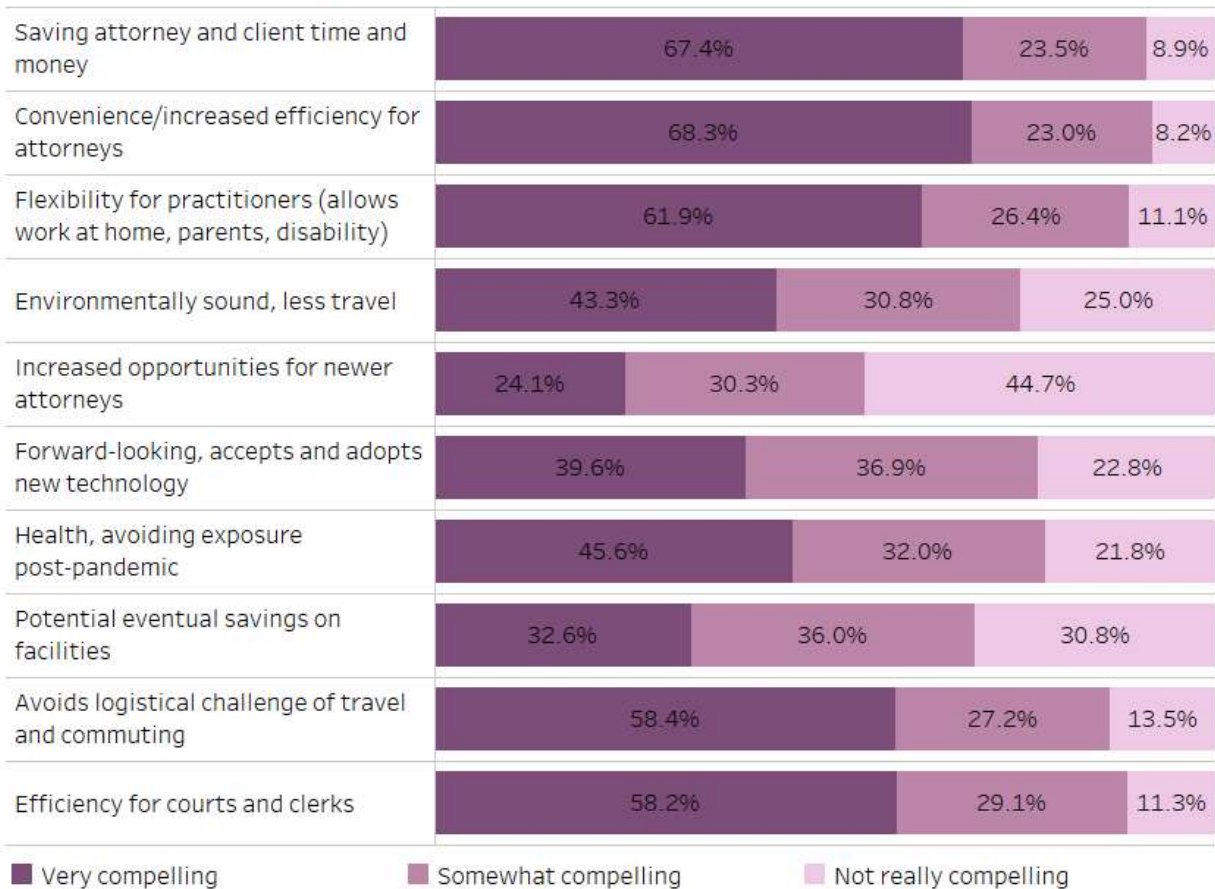
USE OF VIDEOCONFERENCING - INTERPRETERS

When videoconferencing is used in cases in which an interpreter is involved, should the videoconference be held if the interpreter and the party requiring interpretation cannot be in the same place?

Responses	Participant Count	Percent of Participants
No	722	19.0%
Very rarely	994	26.2%
Yes, though not preferred	1,268	33.4%
Yes	813	21.4%

REASONING PRO'S

Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons IN FAVOR of using videoconferencing.

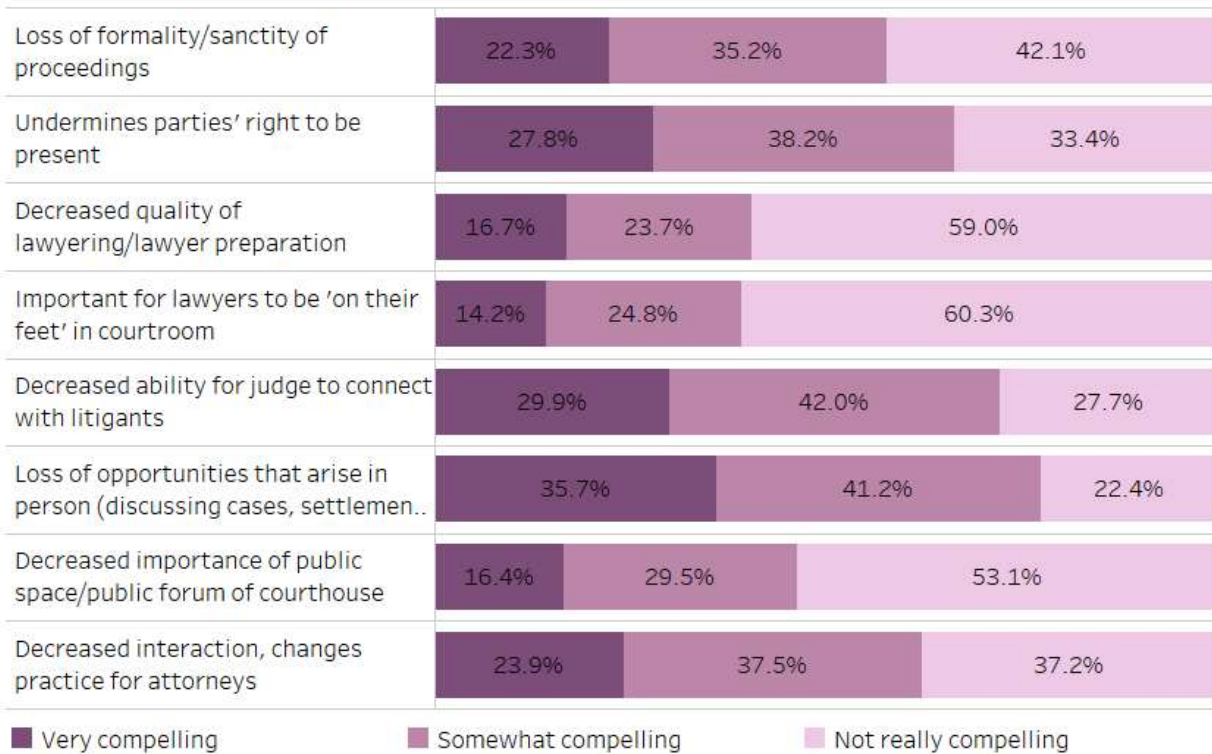


Top 5 additional reasons IN FAVOR of videoconferencing:

1. More efficient resolution of matters, saving time and money
2. Eliminates travel time and avoids weather/traffic delays
3. Greater accessibility of courts, particularly for physically disabled attorneys/litigants
4. Fewer accommodations required (e.g., time off work, arranging for childcare, transportation)
5. More flexible scheduling of matters

REASONING CON'S

Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons AGAINST USING videoconferencing.



Top 5 additional reasons AGAINST videoconferencing:

1. Greater difficulty assessing credibility; increased opportunity for unethical conduct
2. Detrimental to attorney collegiality; lower opportunities to observe and learn from other attorneys
3. Issues with technology; disadvantages those less technically proficient
4. Unequal access to technology, including videoconferencing equipment and home Internet access
5. Decreased public access (for observation)

Conclusion

The results of the remote policy survey show strong support for continued remote proceedings, while warning that they are not suitable for all types of proceedings. The majority of participants support the use of videoconferencing for scheduling and administrative events, while opposing it for important trial events such as bail hearings and sentencing.

Factors that must be considered include the complexity of the court event, the attorney/litigant's access to and comfort with videoconferencing equipment, and the consequences of the court event. Using videoconferencing for scheduling and administrative issues raises different equity and justice concerns than using videoconferencing for trials. Using videoconferencing for routine conferences raises concerns of the perceived formality of coming to court and the potential for improper decorum by litigants and attorneys. While using videoconferencing for arraignments, trials, and sentencing hearings raises similar concerns, of larger concern was the potential impact of videoconferencing on a party's credibility and the possibility of unethical conduct, including witness coaching, being easier to conceal through a virtual proceeding.

Another factor that must be considered is party agreement. Nearly half of all participants supported the continued use of videoconferencing selectively, pending agreement from parties. Attorneys shared that there is no one-size-fits-all approach, and that individual cases or events may benefit from being heard remotely, while others would be better held in-person. There may be certain aspects of a case that are too sensitive or complex to conduct remotely. There may also be certain aspects that are time-sensitive or where going to the courthouse would present unnecessary hardship, and in these situations, videoconferencing may be ideal. Individual litigants and attorneys may also find benefits to either approach. However, many participants shared that the decision on whether to hear a matter remotely should be left to the discretion of the parties involved in that case.

The survey highlighted many benefits to videoconferencing. The top benefits identified were the saving of money and time, improvements to scheduling, benefits to health and safety. Aside from the benefits of swifter resolution of justice and staying distanced from others during the pandemic, participants noted improvements to attorney and client wellbeing as a direct result of remote proceedings. Participants also noted the potential for videoconferencing expand access to justice, by increasing the accessibility of court proceedings (particularly for the physically disabled) and reducing the burden on attorneys and litigants to make accommodations to appear in court (e.g., arrange for childcare, take time off work/school, arrange for transportation). Attorneys also noted that videoconferencing may increase pro bono representation by allowing them to represent clients statewide.

The survey also highlighted concerns in using videoconferencing for proceedings where a defendant's rights may be significantly compromised by remote participation. Participants noted the added difficulty for judges and attorneys to assess credibility through a screen. Technology issues, such as a poor Internet connection, and difficulty sharing evidence, may also compromise remote proceedings. Another concern raised was that remote proceedings may lend themselves to reduced formality, improper decorum, and a loss of respect for court proceedings. Use of videoconferencing also requires additional consideration of access to technology, disability access, and language access. Use of videoconferencing must ensure that use of the technology does not unduly disadvantage attorneys or litigants.

Appendix

Remote Policy Survey

The Massachusetts state courts have issued orders to facilitate the continuation of matters during the COVID-19 pandemic and are now soliciting comments on whether the new procedures put in place by the orders should remain in place post-pandemic.

Supreme Judicial Court Orders

To reduce the risk of exposure to COVID-19 through in-person contact, the Supreme Judicial Court issued orders altering various procedures. Due to the ongoing risk from COVID-19, these orders remain in effect. The Justices of the Supreme Judicial Court seek comments on whether any or all of the new procedures should be permanently retained even after the risks from COVID-19 sufficiently subside and, if so, in what form. Specifically, the Justices would appreciate your feedback regarding the following orders, which can be accessed by clicking on the links provided.

SJC 1. Updated Order Regarding Remote Depositions, OE-0144, issued and effective October 23, 2020.

Brief description: This order allows, without stipulation or court order, for conducting depositions in civil cases remotely (i.e., in a manner that allows the deponent, other persons entitled to attend, and all other necessary persons to participate without attending the deposition in person).

Should this procedure become permanent?

- ☐ Yes, codified in a rule.
- ☐ Yes, continue to be codified in an order.
- ☐ No

If you think any modifications should be made to the procedure as provided for in the order, please briefly describe them.

SJC 2. Updated Order Authorizing Use of Electronic Signatures by Attorneys and Self-Represented Parties, OE-0144, issued June 10, 2020, effective June 11, 2020.

Brief description: This order allows an attorney or self-represented party, in all courts and case types, to electronically sign documents to be served on another

party or filed with the court, unless the court specifically orders otherwise.

Should this procedure become permanent?

- ☐ Yes, codified in a rule.
- ☐ Yes, continue to be codified in an order.
- ☐ No

If you think any modifications should be made to the procedure as provided for in the order, please briefly describe them.

SJC 3. Order Concerning Email Service in Cases Under Rule 5(b) of Mass. Rules of Civil Procedure, OE-0144, issued and effective March 3, 2020.

Brief description: This order allows for email service of pleadings and other papers pursuant to Rule 5(b) of the Massachusetts Rules of Civil Procedure on attorneys of record and, with written consent, on self-represented litigants who are not incarcerated.

Should this procedure become permanent?

- ☐ Yes, codified in a rule.
- ☐ Yes, continue to be codified in an order.
- ☐ No

If you think any modifications should be made to the procedure as provided for in the order, please briefly describe them.

SJC 4. Order for the Administering of Oaths at Depositions Via Remote Audio-Video Communication Equipment, OE-0144, issued and effective March 3, 2020.

Brief description: This order authorizes a notary or other person before whom a deposition is to be taken to administer oaths and take testimony even if not in the physical presence of the deponent.

Should this procedure become permanent?

- ☐ Yes, codified in a rule.
- ☐ Yes, continue to be codified in an order.
- ☐ No

If you think any modifications should be made to the procedure as provided for in the order, please briefly describe them.

SJC 5. Order Concerning Electronic Signatures of Judges and Clerks, OE-0144, issued March 25, 2020, effective March 26, 2020.

Brief description: This order allows, to the extent not already authorized, judges and clerks to electronically sign orders, judgments, and notifications.

Should this procedure become permanent?

- ☐ Yes, codified in a rule.
- ☐ Yes, continue to be codified in an order.
- ☐ No

If you think any modifications should be made to the procedure as provided for in the order, please briefly describe them.

(End of Page 1)

The judges of the Trial Court are currently considering whether and how the Court should use videoconferencing (such as Zoom) post-pandemic. Your answers to the following questions would be greatly appreciated. When answering, please take into account the following guidelines:

This concerns the use of videoconferencing technology **post-pandemic-- not** this summer or even the balance of 2021. Instead, imagine a time when COVID-19 poses no significant public health threat and the Court could, if desired, go back to pre-pandemic operations. We may still wear masks and keep plexiglass barriers, but the pandemic threat has passed.

This survey is to gauge your general approach/attitude toward use of videoconferencing. It does not seek to answer questions on potential restrictions on its use, such as the impact of a criminal defendant's objection to the use of videoconferencing in a particular context. Of course, the Court's eventual use of videoconferencing will conform to constitutional protections.

This survey does not concern trials. Post-pandemic, the Court expects that the vast majority of trials will be live. There may be an occasional jury-waived trial by videoconference, or a witness may testify by videoconference, with the parties' consent and the court's permission. As a general matter, however, trials will continue to be live.

For this survey **ignore technology and platform issues.** Currently, most videoconferencing is conducted on the Zoom platform. The platform may change, but this survey does not concern technology issues.

Please select the answer that **best reflects your views** (even if not perfectly). You are welcome to provide additional comments to detail your views.

In what court departments do you practice (Check all that apply)?

- ☐ Boston Municipal/District Court
- ☐ Housing Court
- ☐ Juvenile Court
- ☐ Land Court
- ☐ Probate & Family Court
- ☐ Superior Court

This Section is Conditionally Shown if: (10 (Boston Municipal/District Court) = Selected)

BOSTON MUNICIPAL/DISTRICT COURT QUESTIONNAIRE

BDC-1. USE OF VIDEOCONFERENCING IN BOSTON

MUNICIPAL/DISTRICT COURT - CRIMINAL CASES: As a general matter, post-pandemic, should videoconferencing be used in criminal proceedings?

○ **No.** Return to pre-pandemic practice (in-person except for certain matters like bail reviews).

○ **Rarely.** Scheduling and administrative issues, but nothing of substance absent special circumstances.

○ **Yes, but selectively.** The court, in consultation with the bar, should identify the types of matters that are appropriate to be held via videoconference.

○ **Yes, broadly.** Besides trials and most evidentiary hearings, just about everything else can be by videoconference (regardless of parties' consent, subject to constitutional requirements).

BDC-2. USE OF VIDEOCONFERENCING IN BOSTON

MUNICIPAL/DISTRICT COURT - CRIMINAL CASES: Should the following proceedings be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Arraignment/Initial Bail	○	○	○	○
b. 58A Dangerousness Hearings	○	○	○	○
c. Bail Hearing (not including bail reviews)	○	○	○	○
d. Scheduling Conference	○	○	○	○
e. Status/Discovery Conference (identifying issues, no pending motions)	○	○	○	○
f. Discovery/Rule 17 Motions	○	○	○	○
g. Plea Conference	○	○	○	○
h. Pretrial Conference	○	○	○	○
i. Motion in Limine (non-evidentiary)	○	○	○	○

j. Daubert-Lanigan Hearing (evidentiary)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Change of Plea and Colloquy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Sentencing, Post-Trial	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

BDC-3. USE OF VIDEOCONFERENCING IN BOSTON

MUNICIPAL/DISTRICT COURT - CRIMINAL CASES: Should the following probation proceedings be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Notice of Probation Violation (initial/appt. of counsel)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Probation Status Report	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Probation Final Surrender (stipulated violation and disposition)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Probation Final Surrender (stipulated violation,disparate disposition)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Probation Final Surrender Hearing (contested)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

BDC-4. USE OF VIDEOCONFERENCING IN BOSTON

MUNICIPAL/DISTRICT COURT - CRIMINAL CASES - WITNESSES:

Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in criminal trials or evidentiary hearings?

- **No.** All witnesses in-person. Same approach as pre-pandemic.
- **Not really.** Maybe consider testimony by videoconference in exceptional circumstances regarding schedule, availability, illness.
- **Yes, somewhat.** Depending on reasons, perhaps experts or certain witnesses could appear via videoconference.
- **Yes, very flexible.** Barring defendants' constitutional objection, willing to have witnesses via videoconference.

BDC-5. USE OF VIDEOCONFERENCING IN BOSTON

MUNICIPAL/DISTRICT COURT - CIVIL CASES: As a general matter, post-pandemic, should videoconferencing be used in civil proceedings?

- **No.** Return to pre-pandemic practice (in-person except for race exceptions and special requests).
- **Rarely.** Scheduling and status conferences, but nothing more absent special circumstances.
- **Yes, but selectively.** The court, in consultation with the bar, should identify proceedings where presence is not important, but most "substantive" matters should be in-person.
- ☐☐☐ **, except for trials.** Trials should be held in person, but everything else should be presumptively held by videoconference.
- **Yes, broadly.** Just about everything besides trials, and even some trials, can be by videoconference.

BDC-6. USE OF VIDEOCONFERENCING IN BOSTON

MUNICIPAL/DISTRICT COURT - CIVIL CASES: Should the following proceedings be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Medical Malpractice Tribunal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Initial Case Management Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Discovery Dispute/Motion to Compel, Motion for	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Protective Order				
d. Scheduling Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Final Pretrial Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Final Trial Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Daubert/Lanigan Hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

BDC-7. USE OF VIDEOCONFERENCING IN BOSTON

MUNICIPAL/DISTRICT COURT - CIVIL CASES: Should the following motions be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Ex Parte Motion (for emergency TRO, attachment, or trustee process).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Motion for Preliminary Injunction (with or without prior TRO)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Motion for Attachment, Trustee Process, Reach and Apply	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Motion to Amend Complaint (if hearing warranted)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Motion for Default Judgment/Assessment of Damages	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Motion to Set Aside Default (if hearing warranted)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

g. Motion to Dismiss	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Motion for Summary Judgment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Motion in Limine	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

BDC-8. USE OF VIDEOCONFERENCING IN BOSTON

MUNICIPAL/DISTRICT COURT - CIVIL CASES - WITNESSES: Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in civil trials or evidentiary hearings?

- ☐ **No.** All witnesses live. Same approach as pre-pandemic.
- ☐ **Very rarely.** Perhaps consider witness testimony by videoconference in special circumstances (e.g., travel, illness).
- ☐ **Yes, somewhat.** Depending on reasons, open to more experts or other witnesses testifying by videoconference.
- ☐ **Yes, very flexible** but only if parties agree.
- ☐ **Yes, very flexible.** Court should allow videoconference testimony regardless of parties' agreement.

BDC-9. USE OF VIDEOCONFERENCING IN BOSTON

MUNICIPAL/DISTRICT COURT - INTERPRETERS: When videoconferencing is used in cases in which an interpreter is involved, should the videoconference be held if the interpreter and the party requiring interpretation cannot be in the same place?

- ☐ **No.** Interpretation cannot be carried out satisfactorily unless the interpreter and the party requiring interpretation are in the same place.
- ☐ **Vary rarely.** The difficulties posed by having the interpreter and the party requiring interpretation are significant enough to make this an option to be considered only as a last resort in unusual circumstances.
- ☐ **Yes, somewhat.** Although it is preferable to have the interpreter and the party requiring interpretation in the same place, the difficulties of having the interpreter and the party requiring interpretation are not daunting enough to counsel against using videoconferencing.
- ☐ **Yes.** There is no reason not use videoconferencing even when the interpreter and the party requiring interpretation cannot be in the same place.

BDC-10. BOSTON MUNICIPAL/DISTRICT COURT - REASONING PRO'S:

Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons IN FAVOR of using videoconferencing.

	Not really compelling	Somewhat compelling	Very compelling
a. Saving attorney and client time and money	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Convenience/increased efficiency for attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Flexibility for practitioners (allows work at home, parents, disability)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Environmentally sound, less travel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Increased opportunities for newer attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Forward-looking, accepts and adopts new technology	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Health, avoiding exposure post-pandemic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Potential eventual savings on facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Avoids logistical challenge of travel and commuting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Efficiency for courts and clerks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

BDC-11. BOSTON MUNICIPAL/DISTRICT COURT - OTHER REASONS IN FAVOR of videoconferencing:

BDC-12. BOSTON MUNICIPAL/DISTRICT COURT - REASONING CON'S:
Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons AGAINST USING videoconferencing.

Not really compelling	Somewhat compelling	Very compelling
--------------------------	------------------------	-----------------

a. Loss of formality/sanctity of proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Undermines parties' right to be present	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Decreased quality of lawyering/lawyer preparation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Important for lawyers to be "on their feet" in courtroom	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Decreased ability for judge to connect with litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Loss of opportunities that arise in person (discussing cases, settlement or plea)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Decreased importance of public space/public forum of courthouse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Decreased interaction, changes practice for attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

BDC-13. BOSTON MUNICIPAL/DISTRICT COURT - OTHER REASONS AGAINST USING videoconferencing:

BDC-14. BOSTON MUNICIPAL/DISTRICT COURT - Please add anything else you'd like to share on the future of videoconferencing in the Boston Municipal/District Court:

BDC-15. BOSTON MUNICIPAL/DISTRICT COURT - How frequently do you practice in the Boston Municipal/District Court?

- ☐ Multiple times per month
- ☐ Once per month
- ☐ Once every 2 to 3 months
- ☐ A few times per year

BDC-16. BOSTON MUNICIPAL/DISTRICT COURT - Areas of practice:

This Section is Conditionally Shown if: (10 (Housing Court) = Selected)

HOUSING COURT QUESTIONNAIRE

HC-1. USE OF VIDEOCONFERENCING IN HOUSING COURT - CRIMINAL CASES: As a general matter, post-pandemic, should videoconferencing be used in criminal proceedings?

- ☐ **No.** Return to pre-pandemic practice (in-person except for certain matters like bail reviews).
- ☐ **Rarely.** Scheduling and administrative issues, but nothing of substance absent special circumstances.
- ☐ **Yes, but selectively.** The court, in consultation with the bar, should identify the types of matters that are appropriate to be held via videoconference.
- ☐ **Yes, broadly.** Besides trials and most evidentiary hearings, just about everything else can be by videoconference (regardless of parties' consent, subject to constitutional requirements).

HC-2. USE OF VIDEOCONFERENCING IN HOUSING COURT - CRIMINAL CASES: Should the following proceedings be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Arraignment/Initial Bail	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. 58A Dangerousness Hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Bail Hearing (not including bail reviews)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

d. Scheduling Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Status/Discovery Conference (identifying issues, no pending motions)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Discovery/Rule 17 Motions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Plea Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Pretrial Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Motion in Limine (non-evidentiary)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Daubert-Lanigan Hearing (evidentiary)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Change of Plea and Colloquy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Sentencing, Post-Trial	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

HC-3. USE OF VIDEOCONFERENCING IN HOUSING COURT - CRIMINAL CASES: Should the following probation proceedings be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Notice of Probation Violation (initial/appt. of counsel)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Probation Status Report	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Probation Final Surrender (stipulated violation and disposition)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Probation Final Surrender (stipulated	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

violation, disparate disposition)

e. Probation Final Surrender Hearing (contested)



HC-4. USE OF VIDEOCONFERENCING IN HOUSING COURT - CRIMINAL CASES - WITNESSES: Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in criminal trials or evidentiary hearings?

☐ **No.** All witnesses in-person. Same approach as pre-pandemic.

☐ **Not really.** Maybe consider testimony by videoconference in exceptional circumstances regarding schedule, availability, illness.

☐ **Yes, somewhat.** Depending on reasons, perhaps experts or certain witnesses could appear via videoconference.

☐ **Yes, very flexible.** Barring defendants' constitutional objection, willing to have witnesses via videoconference.

HC-5. USE OF VIDEOCONFERENCING IN HOUSING COURT - CIVIL CASES: As a general matter, post-pandemic, should videoconferencing be used in civil proceedings?

☐ **No.** Return to pre-pandemic practice (in-person except for race exceptions and special requests).

☐ **Rarely.** Scheduling and status conferences, but nothing more absent special circumstances.

☐ **Yes, but selectively.** The court, in consultation with the bar, should identify proceedings where presence is not important, but most "substantive" matters should be in-person.

☐ ☐☐☐ **except for trials.** Trials should be held in person, but everything else should be presumptively held by videoconference.

☐ **Yes, broadly.** Just about everything besides trials, and even some trials, can be by videoconference.

HC-6. USE OF VIDEOCONFERENCING IN HOUSING COURT - CIVIL CASES: Should the following proceedings be conducted by videoconference post-pandemic?

No, must be in-person.

No, in-person absent special

Yes, presumptive

Yes, always Zoom.

		circumstances.	use of Zoom is acceptable.	
a. Medical Malpractice Tribunal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Initial Case Management Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Discovery Dispute/Motion to Compel, Motion for Protective Order	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Scheduling Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Final Pretrial Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Final Trial Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Daubert/Lanigan Hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

HC-7. USE OF VIDEOCONFERENCING IN HOUSING COURT - CIVIL CASES: Should the following motions be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Ex Parte Motion (for emergency TRO, attachment, or trustee process).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Motion for Preliminary Injunction (with or without prior TRO)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Motion for Attachment, Trustee	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Process, Reach and
Apply

d. Motion to Amend Complaint (if hearing warranted)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Motion for Default Judgment/Assessment of Damages	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Motion to Set Aside Default (if hearing warranted)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Motion to Dismiss	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Motion for Summary Judgment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Motion in Limine	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

HC-8. USE OF VIDEOCONFERENCING IN HOUSING COURT - CIVIL CASES - WITNESSES: Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in civil trials or evidentiary hearings?

- ☐ **No.** All witnesses live. Same approach as pre-pandemic.
- ☐ **Very rarely.** Perhaps consider witness testimony by videoconference in special circumstances (e.g., travel, illness).
- ☐ **Yes, somewhat.** Depending on reasons, open to more experts or other witnesses testifying by videoconference.
- ☐ **Yes, very flexible** but only if parties agree.
- ☐ **Yes, very flexible.** Court should allow videoconference testimony regardless of parties' agreement.

HC-9. USE OF VIDEOCONFERENCING IN HOUSING COURT - INTERPRETERS: When videoconferencing is used in cases in which an interpreter is involved, should the videoconference be held if the interpreter and the party requiring interpretation cannot be in the same place?

- ☐ **No.** Interpretation cannot be carried out satisfactorily unless the interpreter and the party requiring interpretation are in the same place.
- ☐ **Vary rarely.** The difficulties posed by having the interpreter and the party requiring interpretation are significant enough to make this an option to be considered only as a last resort in unusual circumstances.

○ **Yes, somewhat.** Although it is preferable to have the interpreter and the party requiring interpretation in the same place, the difficulties of having the interpreter and the party requiring interpretation are not daunting enough to counsel against using videoconferencing.

○ **Yes.** There is no reason not use videoconferencing even when the interpreter and the party requiring interpretation cannot be in the same place.

HC-10. HOUSING COURT - REASONING PRO'S: Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons IN FAVOR of using videoconferencing.

	Not really compelling	Somewhat compelling	Very compelling
a. Saving attorney and client time and money	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Convenience/increased efficiency for attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Flexibility for practitioners (allows work at home, parents, disability)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Environmentally sound, less travel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Increased opportunities for newer attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Forward-looking, accepts and adopts new technology	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Health, avoiding exposure post-pandemic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Potential eventual savings on facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Avoids logistical challenge of travel and commuting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Efficiency for courts and clerks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

HC-11. HOUSING COURT - OTHER REASONS IN FAVOR of videoconferencing:

HC-12. HOUSING COURT - REASONING CON'S: Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons AGAINST USING videoconferencing.

	Not really compelling	Somewhat compelling	Very compelling
a. Loss of formality/sanctity of proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Undermines parties' right to be present	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Decreased quality of lawyering/lawyer preparation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Important for lawyers to be "on their feet" in courtroom	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Decreased ability for judge to connect with litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Loss of opportunities that arise in person (discussing cases, settlement or plea)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Decreased importance of public space/public forum of courthouse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Decreased interaction, changes practice for attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

HC-13. HOUSING COURT - OTHER REASONS AGAINST USING videoconferencing:

HC-14. HOUSING COURT - Please add anything else you'd like to share on the future of videoconferencing in the Housing Court:

HC-15. HOUSING COURT - How frequently do you practice in the Housing Court?

- ☐ Multiple times per month
- ☐ Once per month
- ☐ Once every 2 to 3 months
- ☐ A few times per year

HC-16. HOUSING COURT - Areas of practice:

This Section is Conditionally Shown if: (10 (Juvenile Court) = Selected)

JUVENILE COURT QUESTIONNAIRE

JC-1. USE OF VIDEOCONFERENCING IN JUVENILE COURT - As a general matter, post-pandemic, should videoconferencing be used in the Juvenile Court?

☐ **No.** Return to pre-pandemic practice (in-person except for race exceptions and special requests).

☐ **Rarely.** Scheduling and status conferences, but nothing more absent special circumstances.

☐ **Yes, but selectively.** The court, in consultation with interested parties, should identify the types of proceedings where physical presence is not required.

☐ **Yes, broadly.** All matters can be heard by videoconference (subject to constitutional requirements).

JC-2. USE OF VIDEOCONFERENCING IN JUVENILE COURT - DELINQUENCY/YOUTHFUL OFFENDER CASES: Should the following proceedings be conducted by videoconference post-pandemic?

No, must be
in-person.

No, in-person
absent special

Yes,
presumptive

Yes, always
Zoom.

		circumstances.	use of Zoom is acceptable.	
a. Arraignment/Initial Bail	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. 58A Dangerousness Hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Bail Hearing (not including bail reviews)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Scheduling Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Status/Discovery Conference (identifying issues, no pending motions)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Discovery/Rule 17 Motions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Plea Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Pretrial Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Motion in Limine (non-evidentiary)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Daubert-Lanigan Hearing (evidentiary)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Motions to dismiss	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Motions to suppress (consented to)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m. Competency Hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n. Change of Plea and Colloquy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o. Jury Status/Trial Readiness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
p. Sentencing, Post Trial	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
q. Notice of Probation Violation-Initial/Appt. of Counsel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
r. Probation Status Report	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
s. Probation Final Surrender-Stipulated	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Violation and
Disposition

t. Probation Final ☐ ☐ ☐ ☐

Surrender-Stipulated
Violation, Disparate
Disposition

u. Probation Final ☐ ☐ ☐ ☐
Surrender Hearing
(contested)

JC-3. USE OF VIDEOCONFERENCING IN JUVENILE COURT - CHILD REQUIRING ASSISTANCE CASES: Should the following proceedings be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Motion to Dismiss Prior to Factfinding Hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Preliminary Hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Informal Assistance (including extensions)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Temporary Custody Hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Temporary Custody Review Hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Factfinding Hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Motion to Dismiss Following Finding that Child Requires Assistance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Conference Hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Disposition Hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Disposition Extension Hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Permanency Hearing / Reasonable Efforts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Appeals Status	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

m. Case Dismissal/Issuance
of Expungement

☐ ☐ ☐ ☐

JC-4. USE OF VIDEOCONFERENCING IN JUVENILE COURT - CARE AND PROTECTION & GUARDIANSHIP OF A MINOR CASES: Should the following proceedings be conducted by videoconference post-pandemic?

	No, must be in- person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Emergency Custody Hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Temporary Custody Hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Motion to Intervene	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Discovery Motions (other than mandatory discovery)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Status Hearing (identifying/resolving issues, no pending motions)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Motion Hearing (evidentiary issues i.e., admissibility of child disclosures of sexual abuse)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Motion Hearing (abuse of discretion i.e., regarding placement, visitation, or services)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Motion in Limine	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Daubert/Lanigan Hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Competency Hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Medical Treatment Hearing/Rogers Hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Petitions for Do Not Resuscitate/ Withdrawing Life- Sustaining Medical Treatment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m. Preliminary Injunctions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n. Final Pre-trial Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o. Hearing on the Merits/Best	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Interest				
q. Review and Redetermination Hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
r. Special Immigrant Juvenile Status	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
s. Appeal Status	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
t. Permanency Hearing/Reasonable Efforts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
u. Six-Month Review (Juv. Ct. R. 19)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
v. Sanctions/Contempt Proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
w. Guardian Report Review	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
x. Termination of the Guardian	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
y. Resignation of the Guardian	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
z. Guardian Removal Proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

JC-5. USE OF VIDEO CONFERENCING IN JUVENILE COURT -

WITNESSES: Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in civil trials or evidentiary hearings?

- ☐ **No.** All witnesses live. Same approach as pre-pandemic.
- ☐ **Very rarely.** Perhaps consider witness testimony by videoconference in special circumstances (e.g., travel, illness).
- ☐ **Yes, somewhat.** Depending on reasons, open to more experts or other witnesses testifying by videoconference.
- ☐ **Yes, very flexible** but only if parties agree.
- ☐ **Yes, very flexible.** Court should allow videoconference testimony regardless of parties' agreement.

JC-6. USE OF VIDEO CONFERENCING IN JUVENILE COURT -

INTERPRETERS: When videoconferencing is used in cases in which an interpreter is involved, should the videoconference be held if the interpreter and the party requiring interpretation cannot be in the same place?

- ☐ **No.** Interpretation cannot be carried out satisfactorily unless the interpreter and the party requiring interpretation are in the same place.

○ **Vary rarely.** The difficulties posed by having the interpreter and the party requiring interpretation are significant enough to make this an option to be considered only as a last resort in unusual circumstances.

○ **Yes, somewhat.** Although it is preferable to have the interpreter and the party requiring interpretation in the same place, the difficulties of having the interpreter and the party requiring interpretation are not daunting enough to counsel against using videoconferencing.

○ **Yes.** There is no reason not use videoconferencing even when the interpreter and the party requiring interpretation cannot be in the same place.

JC-7. JUVENILE COURT - REASONING PRO'S: Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons IN FAVOR of using videoconferencing.

	Not really compelling	Somewhat compelling	Very compelling
a. Saving attorney and client time and money	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Convenience/increased efficiency for attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Flexibility for practitioners (allows work at home, parents, disability)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Environmentally sound, less travel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Increased opportunities for newer attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Forward-looking, accepts and adopts new technology	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Health, avoiding exposure post-pandemic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Potential eventual savings on facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Avoids logistical challenge of travel and commuting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Efficiency for courts and clerks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

JC-8. JUVENILE COURT - OTHER REASONS IN FAVOR of
videoconferencing:

JC-9. JUVENILE COURT - REASONING CON'S: Regardless of your views on
the future of videoconferencing, please rate how compelling you find certain
reasons AGAINST USING videoconferencing.

	Not really compelling	Somewhat compelling	Very compelling
a. Loss of formality/sanctity of proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Undermines parties' right to be present	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Decreased quality of lawyering/lawyer preparation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Important for lawyers to be "on their feet" in courtroom	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Decreased ability for judge to connect with litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Loss of opportunities that arise in person (discussing cases, settlement or plea)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Decreased importance of public space/public forum of courthouse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Decreased interaction, changes practice for attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

JC-10. JUVENILE COURT - OTHER REASONS AGAINST USING
videoconferencing:

JC-11. JUVENILE COURT - Please add anything else you'd like to share on the
future of videoconferencing in the Juvenile Court:

JC-12. JUVENILE COURT - How frequently do you practice in the Juvenile
Court?

- ☐ Multiple times per month
- ☐ Once per month
- ☐ Once every 2 to 3 months
- ☐ A few times per year

JC-13. JUVENILE COURT - Areas of practice:

This Section is Conditionally Shown if: (10 (Land Court) = Selected)

LAND COURT QUESTIONNAIRE

LC-1. USE OF VIDEOCONFERENCING IN LAND COURT - As a general
matter, post-pandemic, should videoconferencing be used in civil proceedings?

☐ **No.** Return to pre-pandemic practice (in-person except for race exceptions and
special requests).

☐ **Rarely.** Scheduling and status conferences, but nothing more absent special
circumstances.

☐ **Yes, but selectively.** The court, in consultation with the bar, should identify
proceedings where presence is not important, but most "substantive" matters
should be in-person.

☐ ☐☐☐ **, except for trials.** Trials should be held in person, but everything else
should be presumptively held by videoconference.

☐ **Yes, broadly.** Just about everything besides trials, and even some trials, can
be by videoconference.

LC-2. USE OF VIDEO CONFERENCING IN LAND COURT - Should the following MISC CASE TYPE proceedings be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Ex parte motion for emergency TRO, lis pendens, or attachment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Motion for preliminary injunction (with or without prior TRO)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Motion for lis pendens	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Initial case management conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Motion to amend complaint (if hearing warranted)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Motion for default judgment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Motion to set aside default (if hearing warranted)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Motion to appoint (partition commissioner, etc.)/Motion to revoke appointment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Discovery dispute/motion to compel, motion for protective order	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Procedural or	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

scheduling motion (consolidate, bifurcate, expedite, reconsideration)				
k. Scheduling or status conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Motion to dismiss	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m. Motion for summary judgment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n. Motion for judgment on the pleadings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o. Pretrial conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
p. Evidentiary hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
q. Contempt hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
r. Motions in limine	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
s. Case stated	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
t. View	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
u. Trial	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
v. Post-trial conference/hearing (e.g. closing arguments)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
w. Motion to vacate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
x. Motion for legal fees or sanctions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

LC-3. USE OF VIDEO CONFERENCING IN LAND COURT - Should the following TAX LIEN CASE TYPE proceedings be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Motion for Judgment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Motion to Amend	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Judgment
c. Entry of Finding and Payment of Legal Fees

☐ ☐ ☐ ☐

LC-3. USE OF VIDEO CONFERENCING IN LAND COURT - Remote access to other Land Court services:

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Front counter services offered by the Recorder's Office	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Requests for copies/plans/summonses, etc...	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Appointments or walk-in hours with the Recorder's Office for research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Appointments or walk-in hours with Land Court Title Examiners	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Appointments or walk-in hours with Land Court Survey Staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Mediation with Land Court Mediator	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

LC-4. USE OF VIDEO CONFERENCING IN LAND COURT -

PARTICIPANTS: Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing some participants in the event to appear live in the courtroom while others participate by videoconference, to the extent the court has the technological capability to do that?

☐ **No.** All participants in-person. Same approach as pre-pandemic.

- **Yes, sometimes.** Depending on reasons, allow participants the option of appearing by videoconference in special circumstances (e.g., travel, illness).
- **Yes, very flexible.** Court should allow participants the option of appearing by videoconference whenever they like.

LC-5. USE OF VIDEO CONFERENCING IN LAND COURT - WITNESSES:

Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in civil trials or evidentiary hearings?

- **No.** All witnesses live. Same approach as pre-pandemic.
- **Very rarely.** Perhaps consider witness testimony by videoconference in special circumstances (e.g., travel, illness).
- **Yes, somewhat.** Depending on reasons, open to more experts or other witnesses testifying by videoconference.
- **Yes, very flexible** but only if parties agree.
- **Yes, very flexible.** Court should allow videoconference testimony regardless of parties' agreement.

LC-6. USE OF VIDEO CONFERENCING IN LAND COURT -

INTERPRETERS: When videoconferencing is used in cases in which an interpreter is involved, should the videoconference be held if the interpreter and the party requiring interpretation cannot be in the same place?

- **No.** Interpretation cannot be carried out satisfactorily unless the interpreter and the party requiring interpretation are in the same place.
- **Vary rarely.** The difficulties posed by having the interpreter and the party requiring interpretation are significant enough to make this an option to be considered only as a last resort in unusual circumstances.
- **Yes, somewhat.** Although it is preferable to have the interpreter and the party requiring interpretation in the same place, the difficulties of having the interpreter and the party requiring interpretation are not daunting enough to counsel against using videoconferencing.
- **Yes.** There is no reason not use videoconferencing even when the interpreter and the party requiring interpretation cannot be in the same place.

LC-7. LAND COURT - REASONING PRO'S: Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons IN FAVOR of using videoconferencing.

Not really

Somewhat

Very compelling

	compelling	compelling	
a. Saving attorney and client time and money	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Convenience/increased efficiency for attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Flexibility for practitioners (allows work at home, parents, disability)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Environmentally sound, less travel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Increased opportunities for newer attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Forward-looking, accepts and adopts new technology	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Health, avoiding exposure post-pandemic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Potential eventual savings on facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Avoids logistical challenge of travel and commuting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Efficiency for courts and clerks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

LC-8. LAND COURT - OTHER REASONS IN FAVOR of videoconferencing:

LC-9. LAND COURT - REASONING CON'S: Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons AGAINST USING videoconferencing.

	Not really compelling	Somewhat compelling	Very compelling
a. Loss of formality/sanctity of proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Undermines parties'	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- right to be present
- | | | | |
|--|-----------------------|-----------------------|-----------------------|
| c. Decreased quality of lawyering/lawyer preparation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| d. Important for lawyers to be "on their feet" in courtroom | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| e. Decreased ability for judge to connect with litigants | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| f. Loss of opportunities that arise in person (discussing cases, settlement or plea) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| g. Decreased importance of public space/public forum of courthouse | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| h. Decreased interaction, changes practice for attorneys | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

LC-10. LAND COURT - OTHER REASONS AGAINST USING videoconferencing:

LC-11. LAND COURT - Please add anything else you'd like to share on the future of videoconferencing in the Land Court:

LC-12. LAND COURT - How frequently do you practice in the Land Court?

- ☐ Multiple times per month
- ☐ Once per month
- ☐ Once every 2 to 3 months
- ☐ A few times per year

LC-13. LAND COURT - Areas of practice:

This Section is Conditionally Shown if: (10 (Probate & Family Court) = Selected)

PROBATE AND FAMILY COURT QUESTIONNAIRE

PFC-1. USE OF VIDEOCONFERENCING IN PROBATE AND FAMILY COURT - As a general matter, post-pandemic, should videoconferencing be used in civil proceedings?

☐ **No.** Return to pre-pandemic practice (in-person except for race exceptions and special requests).

☐ **Rarely.** Scheduling and status conferences, but nothing more absent special circumstances.

☐ **Yes, but selectively.** The court, in consultation with the bar, should identify proceedings where presence is not important, but most "substantive" matters should be in-person.

☐ ☐☐☐ **, except for dispositive motions and trials.** Dispositive motions and trials should be held in person, but everything else should be presumptively held by videoconference.

☐ ☐☐☐ **, except for trials.** Trials should be held in person, but everything else should be presumptively held by videoconference.

☐ **Yes, broadly.** Just about everything besides trials, and even some trials, can be by videoconference.

PFC-2. USE OF VIDEOCONFERENCING IN PROBATE AND FAMILY COURT - Should the following DOMESTIC RELATIONS AND PROBATE CASE TYPE proceedings be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. TROs/Restraining Orders - G. L. c. 209A/Orders to Vacate- G. L. c. 208, § 34B – Ex parte	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

b. TROs/Restraining Orders - G. L. c. 209A/Orders to Vacate- G. L. c. 208, § 34B – Return date hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Contempt hearings– financial issues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Contempt hearings– non-financial issues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Joint petitions(except marriage of minor which must be done in person)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Uncontested cases(e.g., stipulations/agreements/1B divorces with agreements)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Marriage without Delay Petition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Evidentiary hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Status conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Case management conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Pretrial conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Discovery motion	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m. Procedural or scheduling motion	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n. Motion in Limine	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o. Motion for Summary Judgment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
p. Motion for legal fees or sanctions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
q. Trial	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
r. Guardian or conservator of adult, temporary appointment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
s. Medical Treatment/Rogers Hearings/Petition seeking DNR/DNI/CMO	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
t. Medical Treatment/Rogers Hearings – Reviews	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
u. Petitions/Motions for	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Appointment of Special
Personal Representative

v. Health Care

☐
☐
☐
☐

Proxy Actions

w. Petition to partition,

☐
☐
☐
☐

appoint (partition

commissioner, etc.)/Motion

to revoke appointment.

x. Name Change

☐
☐
☐
☐

y. Trust Petition

☐
☐
☐
☐

PFC-3. USE OF VIDEOCONFERENCING IN PROBATE AND FAMILY
COURT - Should the following CHILD WELFARE CASE TYPE proceedings be
conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Guardianship of Minor, Temporary and Permanent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Removal of Guardian	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Adoption – Contested	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Adoption – Uncontested	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Termination of Parental Rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. 29B reasonable efforts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Complaints for Dependency (Special Immigrant Juvenile Status)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

PFC-4. USE OF VIDEOCONFERENCING IN PROBATE AND FAMILY COURT - Remote access to other Probate and Family Court services:

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Front counter services offered by the Registrater's Office	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Requests for copies/summonses, etc...	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Appointments or walk-in hours with the Register's Office for questions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Appointments or walk-in hours with Judicial Case Managers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Appointments or walk-in hours with Lawyer for the Day	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

PFC-5. USE OF VIDEOCONFERENCING IN PROBATE AND FAMILY COURT - WITNESSES - Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in civil trials or evidentiary hearings?

- ☐ **No.** All witnesses live. Same approach as pre-pandemic.
- ☐ **Very rarely.** Perhaps consider witness testimony by videoconference in special circumstances (e.g., travel, illness).
- ☐ **Yes, somewhat.** Depending on reasons, open to more experts or other witnesses testifying by videoconference.
- ☐ **Yes, very flexible** but only if parties agree.
- ☐ **Yes, very flexible.** Court should allow videoconference testimony regardless of parties' agreement.

PFC-6. USE OF VIDEOCONFERENCING IN PROBATE AND FAMILY COURT - INTERPRETERS - When videoconferencing is used in cases in which an interpreter is involved, should the videoconference be held if the interpreter and the party requiring interpretation cannot be in the same place?

○ **No.** Interpretation cannot be carried out satisfactorily unless the interpreter and the party requiring interpretation are in the same place.

○ **Vary rarely.** The difficulties posed by having the interpreter and the party requiring interpretation are significant enough to make this an option to be considered only as a last resort in unusual circumstances.

○ **Yes, somewhat.** Although it is preferable to have the interpreter and the party requiring interpretation in the same place, the difficulties of having the interpreter and the party requiring interpretation are not daunting enough to counsel against using videoconferencing.

○ **Yes.** There is no reason not use videoconferencing even when the interpreter and the party requiring interpretation cannot be in the same place.

PFC-7. PROBATE AND FAMILY COURT - REASONING PRO'S - Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons **IN FAVOR** of using videoconferencing⁷

	Not really compelling	Somewhat compelling	Very compelling
a. Saving attorney and client time and money	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Convenience/increased efficiency for attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Flexibility for practitioners (allows work at home, parents, disability)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Environmentally sound, less travel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Increased opportunities for newer attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Forward-looking, accepts and adopts new technology	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Health, avoiding exposure post-pandemic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Potential eventual savings on facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- | | | | |
|--|-----------------------|-----------------------|-----------------------|
| i. Avoids logistical challenge of travel and commuting | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| j. Efficiency for courts and clerks | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

PFC-8. PROBATE AND FAMILY COURT - OTHER REASONS IN FAVOR of videoconferencing:

PFC-9. PROBATE AND FAMILY COURT - REASONING CON'S - Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons AGAINST USING videoconferencing.

- | | Not really
compelling
<input type="radio"/> | Somewhat
compelling
<input type="radio"/> | Very compelling
<input type="radio"/> |
|--|---|---|--|
| a. Loss of formality/sanctity of proceedings | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. Undermines parties' right to be present | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| c. Decreased quality of lawyering/lawyer preparation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| d. Important for lawyers to be "on their feet" in courtroom | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| e. Decreased ability for judge to connect with litigants | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| f. Loss of opportunities that arise in person (discussing cases, settlement or plea) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| g. Decreased importance of public space/public forum of courthouse | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

h. Decreased interaction,
changes practice for
attorneys



PFC-10. PROBATE AND FAMILY COURT - OTHER REASONS AGAINST
USING videoconferencing:

PFC-11. PROBATE AND FAMILY COURT - Please add anything else you'd like
to share on the future of videoconferencing in the Probate and Family Court:

PFC-12. PROBATE AND FAMILY COURT - How frequently do you practice in
the Probate and Family Court?

- ☐ Multiple times per month
- ☐ Once per month
- ☐ Once every 2 to 3 months
- ☐ A few times per year

PFC-13. PROBATE AND FAMILY COURT - Areas of practice:

This Section is Conditionally Shown if: (10 (Superior Court) = Selected)

SUPERIOR COURT QUESTIONNAIRE

SC-1. USE OF VIDEOCONFERENCING IN SUPERIOR COURT - CRIMINAL
CASES - As a general matter, post-pandemic, should videoconferencing be used in
criminal proceedings?

☐ **No.** Return to pre-pandemic practice (in-person except for certain matters like
bail reviews).

☐ **Rarely.** Scheduling and administrative issues, but nothing of substance absent
special circumstances.

○ **Yes, but selectively.** The court, in consultation with the bar, should identify the types of matters that are appropriate to be held via videoconference.

○ **Yes, broadly.** Besides trials and most evidentiary hearings, just about everything else can be by videoconference (regardless of parties' consent, subject to constitutional requirements).

SC-2. USE OF VIDEOCONFERENCING IN SUPERIOR COURT - CRIMINAL CASES - Should the following proceedings be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Arraignment/Initial Bail	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. 58A Dangerousness Hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Bail Hearing (not including bail reviews)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Scheduling Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Status/Discovery Conference (identifying issues, no pending motions)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Discovery/Rule 17 Motions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Plea Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Pretrial Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Motion in Limine (non-evidentiary)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Daubert-Lanigan Hearing (evidentiary)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Change of Plea and Colloquy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Sentencing, Post-Trial	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

SC-3. USE OF VIDEOCONFERENCING IN SUPERIOR COURT - CRIMINAL CASES - Should the following probation proceedings be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Notice of Probation Violation (initial/appt. of counsel)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Probation Status Report	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Probation Final Surrender (stipulated violation and disposition)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Probation Final Surrender (stipulated violation, disparate disposition)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Probation Final Surrender Hearing (contested)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

SC-4. USE OF VIDEOCONFERENCING IN SUPERIOR COURT - CRIMINAL CASES - WITNESSES - Presuming videoconferencing is used in some instances post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in criminal trials or evidentiary hearings?

- ☐ **No.** All witnesses in-person. Same approach as pre-pandemic.
- ☐ **Not really.** Maybe consider testimony by videoconference in exceptional circumstances regarding schedule, availability, illness.
- ☐ **Yes, somewhat.** Depending on reasons, perhaps experts or certain witnesses could appear via videoconference.
- ☐ **Yes, very flexible.** Barring defendants' constitutional objection, willing to have witnesses via videoconference.

SC-5. USE OF VIDEOCONFERENCING IN SUPERIOR COURT - CIVIL CASES - As a general matter, post-pandemic, should videoconferencing be used in civil proceedings?

○ **No.** Return to pre-pandemic practice (in-person except for race exceptions and special requests).

○ **Rarely.** Scheduling and status conferences, but nothing more absent special circumstances.

○ **Yes, but selectively.** The court, in consultation with the bar, should identify proceedings where presence is not important, but most "substantive" matters should be in-person.

○ ☐☐☐☐ **except for trials.** Trials should be held in person, but everything else should be presumptively held by videoconference.

○ **Yes, broadly.** Just about everything besides trials, and even some trials, can be by videoconference.

SC-6. USE OF VIDEOCONFERENCING IN SUPERIOR COURT - CIVIL CASES - Should the following proceedings be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Medical Malpractice Tribunal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Initial Case Management Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Discovery Dispute/Motion to Compel, Motion for Protective Order	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Scheduling Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Final Pretrial Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Final Trial Conference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Daubert/Lanigan	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Hearings

SC-6. USE OF VIDEOCONFERENCING IN SUPERIOR COURT - CIVIL CASES - Should the following motions be conducted by videoconference post-pandemic?

	No, must be in-person.	No, in-person absent special circumstances.	Yes, presumptive use of Zoom is acceptable.	Yes, always Zoom.
a. Ex Parte Motion (for emergency TRO, attachment, or trustee process).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Motion for Preliminary Injunction (with or without prior TRO)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Motion for Attachment, Trustee Process, Reach and Apply	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Motion to Amend Complaint (if hearing warranted)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Motion for Default Judgment/Assessment of Damages	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Motion to Set Aside Default (if hearing warranted)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Motion to Dismiss	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Motion for Summary Judgment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Motion in Limine	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

SC-7. USE OF VIDEOCONFERENCING IN SUPERIOR COURT - CIVIL CASES - WITNESSES - Presuming videoconferencing is used in some instances

post-pandemic, do you favor greater flexibility allowing witnesses to appear by videoconference in civil trials or evidentiary hearings?

○ **No.** All witnesses live. Same approach as pre-pandemic.

○ **Very rarely.** Perhaps consider witness testimony by videoconference in special circumstances (e.g., travel, illness).

○ **Yes, somewhat.** Depending on reasons, open to more experts or other witnesses testifying by videoconference.

○ **Yes, very flexible** but only if parties agree.

○ **Yes, very flexible.** Court should allow videoconference testimony regardless of parties' agreement.

SC-8. USE OF VIDEOCONFERENCING IN SUPERIOR COURT -

INTERPRETERS - When videoconferencing is used in cases in which an interpreter is involved, should the videoconference be held if the interpreter and the party requiring interpretation cannot be in the same place?

○ **No.** Interpretation cannot be carried out satisfactorily unless the interpreter and the party requiring interpretation are in the same place.

○ **Vary rarely.** The difficulties posed by having the interpreter and the party requiring interpretation are significant enough to make this an option to be considered only as a last resort in unusual circumstances.

○ **Yes, somewhat.** Although it is preferable to have the interpreter and the party requiring interpretation in the same place, the difficulties of having the interpreter and the party requiring interpretation are not daunting enough to counsel against using videoconferencing.

○ **Yes.** There is no reason not use videoconferencing even when the interpreter and the party requiring interpretation cannot be in the same place.

SC-9. SUPERIOR COURT - REASONING PRO'S - Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons IN FAVOR of using videoconferencing.

	Not really compelling	Somewhat compelling	Very compelling
a. Saving attorney and client time and money	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Convenience/increased efficiency for attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Flexibility for practitioners (allows work at home, parents,	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

disability)

d. Environmentally sound, less travel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Increased opportunities for newer attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Forward-looking, accepts and adopts new technology	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Health, avoiding exposure post-pandemic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Potential eventual savings on facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Avoids logistical challenge of travel and commuting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Efficiency for courts and clerks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

SC-10. SUPERIOR COURT - OTHER REASONS IN FAVOR of videoconferencing:

SC-11. SUPERIOR COURT - REASONING CON'S - Regardless of your views on the future of videoconferencing, please rate how compelling you find certain reasons AGAINST USING videoconferencing.

	Not really compelling	Somewhat compelling	Very compelling
a. Loss of formality/sanctity of proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Undermines parties' right to be present	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Decreased quality of lawyering/lawyer preparation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Important for lawyers to be "on their feet" in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

courtroom

- | | | | |
|--|-----------------------|-----------------------|-----------------------|
| e. Decreased ability for judge to connect with litigants | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| f. Loss of opportunities that arise in person (discussing cases, settlement or plea) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| g. Decreased importance of public space/public forum of courthouse | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| h. Decreased interaction, changes practice for attorneys | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

SC-12. SUPERIOR COURT - OTHER REASONS AGAINST USING videoconferencing:

SC-13. SUPERIOR COURT - Please add anything else you'd like to share on the future of videoconferencing in the Superior Court:

SC-14. SUPERIOR COURT - How frequently do you practice in the Superior Court?

- ☐ Multiple times per month
- ☐ Once per month
- ☐ Once every 2 to 3 months
- ☐ A few times per year

SC-15. SUPERIOR COURT - Areas of practice:

(End of Page 2)
