

# EXECUTIVE SUMMARY: A STUDY OF LITIGANT PERSPECTIVES ON REMOTE HEARINGS IN FAMILY LAW CASES

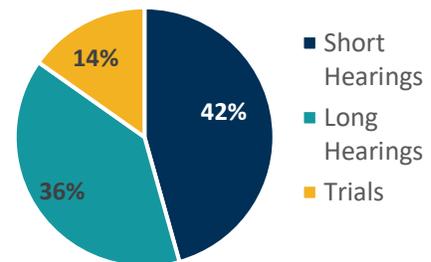
## STUDY PURPOSE

During the COVID-19 pandemic, the Superior Court of the District of Columbia was forced to close its doors to limit the spread of disease. Since summer 2020, the Court’s Domestic Relations Branch has conducted its proceedings virtually, using videoconferencing software, while the courthouse has been closed. During this time, legal services attorneys noticed how, for many low-income litigants, remote court hearings seemed to facilitate access to the court system, and therefore better access to justice, and they wondered about the sustainment of virtual proceedings. As systems begin to stabilize in the wake of the initial pandemic-related disruption, and as Court leadership began to consider and define future operations, program directors from 7 legal services organizations collaborated to systematically gather feedback from their clients, so that litigants’ voices could be incorporated into the Court’s planning process.

## STUDY PARTICIPANTS

Attorneys from these organizations administered an online survey to all clients who had participated in a remote hearing for a family law matter. **A total of 189 litigants completed a survey.** They represented:

- Clientele from **6 legal services organizations**
- **Diverse case types**, including child custody, domestic violence, child support, and divorce, with a small number having received advocacy in criminal cases related to sex trafficking
- **Different remote proceedings: short hearings** (e.g., status hearings), **long hearings** (e.g., evidentiary hearings), and **trials**
- Notably, 76% of litigants reported connecting to their remote hearing from home, and 14% needed language interpretation services. Therefore, the **study sample is comprised primarily of English speakers with internet access and some technological capacity.**



## RESULTS

**Remote hearings worked well for most people. Most study participants reported being satisfied with their remote proceedings.** Specifically, litigants generally agreed that:



- They had the necessary technology to participate and were able to connect to the hearing without much difficulty.
- They were able to hear well, could understand what was happening, and felt comfortable.
- They felt heard by the judge and satisfied with the amount of time they had to tell their side of the story.
- While litigants’ experiences did not vary significantly by the type of proceeding, satisfaction was lowest among litigants who participated in a remote trial.

In summary, litigants and legal services attorneys agreed that, because of the myriad benefits, the virtual platform was preferable for shorter hearings and those that do not involve the issuance of permanent orders, while in-person settings were preferable for evidentiary hearings and trials.

To access the full study report or for more information about the Family Law Learning Network, the collaboration of legal services providers behind this study:

<https://www.dcbfoundation.org/key-programs-and-initiatives>

**Virtual court appearances eased several challenges that low-income litigants often face with in-person appearances, thus facilitating their access to justice.**

Compared to in-person hearings, litigants reported that remote hearings:

- **Alleviated logistical & financial challenges.**
  - 73% appreciated not having to find and pay for transportation to and from the courthouse,
  - 62% appreciated not having to take time off work or school,
  - 60% appreciated not having to find childcare.
- **Increased feelings of safety and security, especially among those involved in domestic violence cases.**
  - 72% felt safer and less threatened by the opposing party.
  - Legal aid attorneys observed that litigants seemed less nervous, as compared to being in the physical courtroom, and were therefore better able to articulate their statements.
- **Saved time and resources.**
  - 61% appreciated having to wait less time for the hearing to start,
  - 54% liked having a more precise appointment time for their hearing.
  - Legal aid attorneys mentioned that the virtual courtroom calendar enabled them to spend less time in transit or waiting for their case to be called and more time on case work.

**Despite the many benefits of remote hearings, virtual courtrooms still had some limitations.** Litigants and attorneys noted that remote environments are not perfect substitutes for in-person interactions. Virtual appearances can make it easier to miss important nonverbal cues, especially when parties join without video, which can complicate the assessment of credibility. Virtual courtrooms also can make communication more challenging, for example, limiting the ability to have brief private exchanges between attorneys and clients and the ability to adequately hear language interpretation. Videoconferencing can also leave some litigants feeling unheard.

## CONCLUSION

Study results highlight the notable benefits of remote court appearances, particularly in supporting low-income litigants' ability to meaningfully engage with the family law court without forcing them to make unsustainable trade-offs. Results also underscore the challenges of conducting court proceedings virtually and how these drawbacks might impact the families that the Court is seeking to serve and the quality of justice the Court is able to dispense.

As part of its planning process, the Court might consider: (1) making remote platforms the default venue for non-evidentiary hearings, especially those that require short periods of time to check status or schedule a future appearance date; (2) once it is safe to do so, reinstating in-person venues as the default for evidentiary hearings, trials, and any other proceedings that involve the introduction of evidence or the issuance of permanent orders; (3) enhancing the Court's capacity to provide technical support to litigants with remote hearings, especially those in need of language interpretation. Please see the full report for a more detailed discussion of study results.