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I have reviewed the proposal and believe that a fully virtual trial, while difficult, is a goal we must pursue at this time. I want to thank all of those who have invested the time and energy to seek this solution to a very difficult problem. As a trial lawyer for more than 35 years, I recognize and relate to the discomfort some of my colleagues have with this proposal, particularly as it relates to management of juror conduct within their personal environment. That said, I think the salutary purpose of the proposal makes it worth the effort to make it happen. As such, I have but one area I feel worthy of specific comment. Unless this program is mandatory for civil trials, I do not think it will accomplish any beneficial result.

If the program is voluntary, it may allow a few willing participants to prove that trials can be accomplished virtually, but it will do little otherwise. Without a mandatory program, many, many cases will not settle at all during the pandemic and few will settle fairly. Litigants who are already impacted by their injuries, compounded by the economic impacts of Covid, are being forced to accept offers that are not fair or reflective of their damages. The delays and the already significant backlogs will only grow longer and be harder to overcome when we return to in court trials. I was raised in the law with the saying "Justice Delayed is Justice Denied"!!

If we are sincere in our commitment to the purpose of trials and not bound by the interests of insurers seeking to delay their obligations, then we must make the program mandatory.

While I realize that many are uncomfortable with this new approach, we should embrace all that current technology allows. At the start of the pandemic, many were unwilling to engage in remote depositions, now they are commonplace. Virtual trials can become what allows our Justice system to survive the weight that Covid has added to the great work that our Judges and their staffs do every day.

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