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To: Comments Mailbox
Subject: [External]Comments on the Future of Court Operations

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Dear Judge Grant,

I write in response to the Request for Comments in response to the Court's Notice to the Bar and Public regarding the Future of Court Operations – Remote and In-Person Proceedings, dated July 16, 2021. While I believe much of the proposed operations make sense, I do have concerns over item 6(a), which provides that "[m]otion arguments and case management conferences in all trial divisions of the Superior Court and the Municipal Courts" will in general proceed remotely. My concern is that such a provision will adversely impact younger lawyers who have not had the opportunity to argue in person very often (and even those who have had in-person opportunities), and their ability to represent their clients. There is something irreplaceable about having to get up and argue in front of a judge in a courtroom that is important to the development of an attorney's skills. You have nerves that you have to face and overcome. You have to think on your feet. You have to speak to a room of people. You even have to be dressed for court. There is even something about traveling to court, going over your argument on your way there. There is also a benefit to being in the court hallways, meeting with clients, adversaries, and others. For all of its conveniences, these intangibles don't exist in the virtual world.

I fear that a proposed general guideline that motions and conferences will be remote will likely be overused by participants in the judicial process, which will negatively impact the experience and quality of the bar over time. I think a more moderate approach to encouraging remote appearances is appropriate, such as a guideline allowing for remote appearance where there is agreement by the parties, or where a party is traveling a long distance, or other extenuating circumstances.

Respectfully,
Michael Sullivan

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