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Subject: [External]Post-Covid remote proceedings

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As a lawyer who has been litigating in the courts for nearly 48 years, I am grateful for the opportunity to comment on the use of remote proceedings. When I began practicing law typewriters and carbon paper were the order of the day. Over the last 18 months I have learned that technology can be much more efficient than in person appearances. Motion hearings have been scheduled by the judges on Zoom or another platform, avoiding lawyers having to sit in court for hours waiting for the motion to be called. There is no longer any need to travel to distant court houses, especially if there are oral arguments in different counties. The same reasons apply to case management conferences. Remote arbitrations also eliminate travel and waiting for cases to be called. I am an arbitrator in three vicinages. Pre-Covid, I would receive a case and be presented with a minimum of two arbitration statements, often quite voluminous. There is no way for the arbitrator to read all the submissions, hear testimony of witnesses, arguments of counsel and render an award timely and thoroughly. My current practice is to have the attorneys submit their packages at least 2 days before the hearing. I read everything and conduct the hearing with a complete knowledge of the case. I don't discourage witnesses but they are rarely called.

I think calendar calls ought to be in person because they usually result in settlement conference. I prefer in person settlement conferences because I like to have my client present. The courthouse atmosphere and presence of the judge helps resolve cases.

I hope these comments are helpful.

Howard Wiener