

OPEN NINTH:

CONVERSATIONS BEYOND THE COURTROOM

CHIEF JUDGES' CORNER

NAVIGATING COVID-19'S IMPACT ON THE COURTS

EPISODE 112

OCTOBER 26, 2020

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(Music)

NARRATOR: Welcome to another episode of “Open Ninth: Conversations Beyond the Courtroom” in the Ninth Judicial Circuit Court of Florida.

And now here’s your host, Chief Judge Don Myers.

CHIEF JUDGE MYERS: Hello, and welcome to Open Ninth. Joining me today are the chief judges for two of Florida’s judicial circuits that border us here in the Ninth Circuit. Judge Lisa Davidson is the chief judge of the 18th Circuit, which serves Brevard and Seminole Counties, and Judge Ellen Masters is the chief judge of the 10th Judicial Circuit, which serves Hardee, Highlands and Polk Counties. As coincidence would have it, all three of us started our first term as chief judge in July of 2019. And as we all stepped into this role, I feel pretty confident in assuming that none of us expected our first year to be consumed with navigating the impacts of a pandemic on the courts and delivery of justice through that pandemic. Judge Masters, Judge Davidson, it’s great to have you here. Thanks so much for joining me.

CHIEF JUDGE DAVIDSON: Thanks for having us.

CHIEF JUDGE MASTERS: Yes, thank you.

CHIEF JUDGE MYERS: I’m looking forward to the conversation, chief judge to chief judge and we’ll have all of our listeners listening in on us as we publish this out in our community. But what I’d like to do first is just hear a little bit about each of you and your backgrounds. And Judge Davidson, if we could, let’s start with you. Tell me a little bit about your judicial career and how you ended up in this chief judge position.

CHIEF JUDGE DAVIDSON: Well, I was appointed to the county court in 1994, and I spent four years in county court. And then I applied for the circuit position, and in 1998 I was appointed to the circuit position. I had been in every single division of the circuit court in the 26 or 27 years that I have been a circuit judge. And I've been on numerous committees, the Judicial Ethics Advisory Committee which gives advisory opinions to judges on ethical problems and issues. I was chair of the mentor program for the state of Florida in which when new judges come on, they are assigned a mentor in their circuit who can help them that first year as they learn to be a judge. So I was the mentor director for that program. And then I'm getting towards the end of my career and I had not been chief judge and my other judges, fellow judges, some of them approached me about running for chief judge. Something I never contemplated, never thought about, and the more I thought about it, I thought, well, this might be a good way to end my judicial career as chief – serving as chief judge so I ran and I won. As you said, Don, I had absolutely no clue that I would be spending my first year as chief judge dealing with a pandemic. If fact, if someone had just mentioned that to me, I wouldn't have run. It has been extremely challenging. Being chief judge is difficult in itself, not difficult because I work with wonderful judges who are very, very supportive. But it's just a lot of administrative issues you deal with and questions that come up every day. And sometimes I feel like I'm putting out fires every day so that things run smoothly, but the pandemic has really thrown a wrench into the work so it's probably doubled the amount of work I've had to put in as chief judge. So I – the word difficult is an understatement.

CHIEF JUDGE MYERS: I got you. I got you. And I'm right there with you. You've got that beautiful accent. Where are you from originally?

CHIEF JUDGE DAVIDSON: I'm from Meridian, Mississippi. I was born in Meridian and left when I was 18, went to college up North. And I sometimes think I've lost it and then someone like you, Don, will point out, no, you hadn't lost it.

CHIEF JUDGE MYERS: Not yet. Not yet. Well, that's wonderful. Thank you for that. And Judge Masters, how about you? A little bit about your judicial career and background.

CHIEF JUDGE MASTERS: Well, I was in private practice for a number of years and in late '99, I was appointed to the bench, to the Polk County bench to take the position in January of 2000 and I served as county judge for two years and then was appointed to the circuit bench. I've been on the bench now over 20 years, and like Judge Davidson, I've been in all of the divisions and have served as administrative judge in most of them. I have, for 17 years served on the Florida Supreme Court Commission on Trial Court Performance and Accountability. My term has ended this, very recently, in fact, and now I'm newly appointed to the Family Court Steering Committee. So I'll do some work on that committee. And as part of the Trial Court Performance and Workload, we did court statistics. I served as chair of that subcommittee for a while. My 20 years on the bench have been rewarding. I work with some incredible people. I cannot say enough about the judges I work with and their commitment and dedication to the rule of law. And since becoming chief judge, well, like you two, I had no idea – in fact, even without the pandemic, I do not believe that I understood the magnitude of this position even when my colleagues were electing me. But the court administrator gave me a list of all of these divisions of the court and these departments that I'm responsible for so I had to learn that fairly quickly. So getting on board as chief judge has been quite an experience over the last year. But the people that run the various departments, the IT department, the staff of court administration have just really made it so pleasurable even in the face of the pandemic. And things were just

absolutely wild in March trying to understand what it would take to stop the jury trials, to stop the proceedings that were essential, critical as I'm sure you two did. I was on the phone non stop. Emails were incredible. I could just finish one and there would be six or seven others, nights, weekends. It was bizarre. And then, well, the first month after I became chief judge, we had a hurricane, so I thought, okay, well, I'm understanding what the emergency operations of the court looks like. So I literally in my email created a category, called emergency conditions. I can't tell you how many emails are in it right now. But that would be where I would just stick things until I could get to them. But it has been quite an experience, but a very rewarding one at the same time.

CHIEF JUDGE MYERS: Well, that is neat. And I think you both have nailed it on the head, that we really have I think one of the highest privileges to be able to represent these fantastic judges that we work together with in our circuits, and who really have been the ingenious, creative forces behind so much of the innovation and development during a time like this pandemic. And I had a judges' meeting today and was just expressing to them my sincere appreciation for how much we have been able to accomplish during this time because of them. And I would hate to be on the other side of that saying, in spite of them, you know, but absolutely just some really great people that we have the privilege of working with. Now, we're from three completely different types of circuits. Orlando, metropolitan in nature attached to a more rural county in – Osceola County, but with a heavy tourist influence. Tell us a little bit about each of your respective circuits and kind of the feel and sense. And we're fairly large. We're 66 judges now so 44 circuit and 22 county judges in the two counties. How about you, Judge Masters. Tell us about the 10th.

CHIEF JUDGE MASTERS: Well, we have three counties. That's Polk, Highlands and Hardee. Polk is the most populated. In fact, we have 40 judges and 33 of the judges sit in Polk County. We have the main courthouse is in Bartow, and then we have our branch courthouses in Lakeland and Winter Haven. We have ten county judges for Polk County and then we have Highlands County where we have five judges and one of those is the county judge in Highlands County. And just a beautiful rural community, Highlands County. And then we have Hardee County, which is also beautiful, rural county, but it is much smaller. In fact, there's only two judges seated in Hardee County. We have one county judge and one circuit judge. And as you can well imagine, circuit judges covering all areas of the law. And all of them, as I said, are very dedicated. They reach out to each other when an issue arises. If one sees something that comes across their desk, maybe a new opinion, they don't hesitate to share it with someone that they think would find it interesting.

CHIEF JUDGE MYERS: Well, as judges, we're all sort of generalists, right. I mean, particularly circuit judges and under our mandate from our Supreme Court to rotate and to move in these different divisions, we each get experiences. Judge Davidson, you told me that, you know, for you, you had served in every division of the court in your tenure on the bench. And that obviously is helpful in a place where you end up being that judge who handles a felony docket at the same time as you're handling a civil docket and family law matters, kind of altogether. Judge Davidson, tell us a little bit about the 18th Circuit.

CHIEF JUDGE DAVIDSON: The 18th Circuit is comprised of Seminole County and Brevard County. Seminole is almost a bedroom community of Orlando. In fact, Brevard and Seminole touch at one very small place in the St. John's River. That's the only thing that makes them contiguous is this one area in the St. John's River. Brevard County is about 70 miles long.

It's on the East Coast of Florida, right on the ocean. It's right where Cape Canaveral is, where the space shuttles go off. So we have a lot of tourists, not now but we did. But it's – I really feel like God smiled on me when he landed me in Brevard County in 1981 because it is a wonderful place to live and to raise your children. I'm sure the same is true with Seminole, but they're both – they're both very easy in terms of population. We have relatively little crime and when I say relatively little, I'm talking about relative to other circuits. Little crime in Brevard and Seminole. We – I'm just trying to think of some of the other things that makes Brevard unique. But the beaches make it unique. They're absolutely gorgeous. And I walk the beach just about every night and you know, I do a four mile walk. I don't see any trash, no trash on the beach and it's amazing to me how much care the people in Brevard, and even the tourists are in terms of taking care of our beaches. And the other night, I'm digressing, but the other night we saw these turtle hatchings. And these little turtles were heading toward the ocean. So there's always – we have a wonderful zoo here. It's rated like I think one of the top ten zoos in the country. In Brevard County, we've got one of the best zoos in the country. And Seminole is, like I said, next to Orlando which is a gateway to Disney World. And we have 43 judges all together in both counties. The majority – 26 of the judges are in Brevard, the other 17 are in Seminole County. And we do, we work very well together. It's a very collegial group. Right now, we have, you know, some judges who have some temporary medical problems and all the judges jump in to help to take care of dockets, whatever. I mean, these are temporary problems but whenever you do need help, the other judges are free – are very – energetically jump in to help the judges that need help. So I feel very lucky about how collegial my circuit is.

CHIEF JUDGE MYERS: I think what you all have both touched on is this idea of, again, the quality of the people helps us immeasurably when we talk about the response to something

like the pandemic. So let's turn our attention to that for just a minute, if we can. For you, when did the realization come that this was something that was serious, that it was going to result in some changes in what was going on in your circuits and in the judicial branch for you? Judge Davidson, for you, when was that?

CHIEF JUDGE DAVIDSON: It was probably the middle to the end of March, we started having meetings, Zoom meetings with the Chief Justice, Chief Justice Canady. And at first, I think I was in denial. I mean, how long can this last, you know, a couple of weeks, three weeks, four weeks. And then towards the end of March, beginning of April, I began to see how serious this was and that we were going to have to make some very serious accommodations to make sure that due process continued. And then there were areas that you got concerned because due process had to also be balanced with safety. And our number one priority has been safety of the public, safety of litigants, safety of lawyers, judges, people that enter the courthouse. And so we were not able to schedule criminal trials. In fact, there's been no criminal trials I think since the middle of March, and we're going to start our criminal trials because we are in Phase II. The Chief Justice has laid out four phases and the first phase was supposed to be that you had very limited – in fact, no in person hearings unless it was an extraordinary situation. Phase II is when you could have, still encouraging remote hearings, but if necessary, you could have in person but they really – Phase II is encouraging remote hearings where at all possible. And so we are now in Phase II and we hope to start our criminal jury trials in October, Seminole and Brevard. You have to be in Phase II for 30 days before you can do that and we're going to make that 30 day mark hopefully, unless the numbers change. Every week we'd run to see what the numbers are because if they change, they could put us – could set us back in terms of jury trials. But it really is – it was a hard reality to come to that, you know, that the things that we want to do, that we

should do in terms of due process of criminal jury trials, defendants having rights to speedy trial had to be balanced with the safety of those entering our courthouse. And sometimes the safety, you know, took over as the guiding factor among every other thing we were considering.

CHIEF JUDGE MYERS: Sure. And I know for me, I recall on a Sunday afternoon, I just happened to turn on a news show and I really started listening intently first to the mid part of March there. And on this Sunday afternoon I realized we've got to adjust, and I think I spent the rest of the afternoon on the telephone with some of our administrative judges to talk about how can we do this? What can we do to begin to minimize the number of people that are coming into the courthouse but still provide these services because we hadn't gotten any relief from the Supreme Court at that point on some of those due process considerations, speedy trial and those things that we worry about that push us to move cases in the way that we do. Judge Masters, how about you?

CHIEF JUDGE MASTERS: Well, like you I was watching the television and seeing things that were being reported that were very alarming. There's I suppose a part of just watching TV that you can tell yourself, oh, that's not real, it's just television. But I think probably for me it really hit home, I think it was actually the second week of March, certainly by the 13th, I knew I was going to have to take some extraordinary measures. And then started working on my own administrative order, and looking at what Judge Myers might have written or what Judge Davidson might have written because I was looking for what some other chief judge had – had put in writing that would help me. I know the 13th of March was when I received, I believe it was the most serious order from the Supreme Court with regard to some directions about just severely limiting the number of people coming into the courthouses. So my first administrative order, I believe it was entered on March the 19th and the very next day, I

entered another order clarifying that one because we had people calling court administration and they did not want to come to court. Lawyers did not want to come to court, parties did not, but in any event, it was – it will be a memory that I will keep with me for a while. It was really extraordinary the amount of attention that needed to be given to, as Judge Davidson said, with regard to the divisions, and the work that would go into what we would need to do to get people to the courthouse to take care of business, to not have it come to a grinding halt, I think was one of the words of Chief Justice Canady. We can't have this come to a grinding halt but at the same time safety is paramount.

CHIEF JUDGE MYERS: Absolutely.

CHIEF JUDGE MASTERS: So we began right away with the IT department here exploring the virtual proceedings and we were very successful in putting together some virtual court and we've continued that and will continue to provide codes and links and access for people to handle their court business to the extent that we can.

CHIEF JUDGE MYERS: Well, I think – I think what you've described is accurate in the sense that it seemed like we were drinking out of a fire hose initially. Everything just kept coming so quickly and it was the volume of emails, it was the telephone conferences, it was then the video conferences. And we were just constantly adapting to this changing landscape of the court system around us responding to the guidance that we received from the Supreme Court, but trying to work – make that work on the ground in our individual courthouse facilities with the judges and divisions, and all of those things. And I do remember during that time just being overwhelmed with the rate at which things changed. We started off with a plan to simply limit our jury calls to about half the number so we could get a little bit of social distancing in place. And then very quickly, we were receiving notice, no, no more jury trials. There won't be

anybody coming – no more jurors coming into your courthouses. And then we started to see the choke down on the number of hearings and the types of hearings, and those things. I just remember being overwhelmed in that sense early on in the COVID process, although now I think I might describe it as a Groundhog Day. It just seems like it's the same day over and over, right Judge Davidson?

CHIEF JUDGE DAVIDSON: Yeah, that's exactly what I was just thinking. I mean, every day you get up and you open your computer and there's, you know, a hundred emails, the text messages are coming in, the phone calls are coming in and just when you think you've got it all under control at night when you're ready to go to bed, the next day it starts all over again. It's Groundhog Day every day.

CHIEF JUDGE MYERS: Well, I know that we've all had and experienced these operational challenges that transition into virtual courts. The idea of handling courts as much as possible through technological means and I know I feel fortunate in the Ninth that we have such an incredible IT staff. And really, we have done something called virtual remote interpreting now for a number of years where an interpreter is located off site, but appears electronically in the courthouse both audio and video. And that VRI system for us became the backbone really of so much of the virtual work that we've been able to accomplish and just feel really blessed that we were so well prepared for that. Moving staff offsite, trying to follow the Supreme Court directive that if we can work offsite, you need to be working offsite and do your work remotely to try to limit the number of people here. And the whole time having this sense that there was a backlog building. That there was this unbridled growth, and we've actually seen filings increase in some areas that we just simply couldn't get to. How about for you all, same sort of experience? Judge Masters.

CHIEF JUDGE MASTERS: Yes, we have one division that's handling the – well, there is no real backlog in that particular division, and that is our family division. And that is because the virtual proceedings are working so well. That's not to say there's not some backlog, but it's not any more severe than it was before March. So that administrative judge is always happy to inform us that they're doing quite well in that division. And they're continuing to adjust and there will be challenges I'm sure with regard to those issues that arise. But the backlog that is of most serious concern is the criminal division with regard to the need for jury trials. And that is going to continue to build and continue to be a problem until we can start tackling the jury trials. We do have jury summons' now going out. We do have our first jury trials actually docketed for October the 5th, so we hope it will go smoothly. But when we sent out the summonses, we made sure that we were abiding by the Chief Justice's requirement that we have jury excusal procedures in place so that the jurors can rest assured that we are taking precautions. If someone is sick, then absolutely they will be excused. No question about that. So right now it is the issue of just trying to assure everyone that we are taking all of the safety precautions. The Supreme Court has just done a marvelous job with giving us directives as to how we put in place our safety measures. So we are just very pleased about that. If we had to reinvent that wheel, it would be much, much more of a challenge. So by having the Supreme Court's benchmarks, we can say, all right, this division is going to be dealing with this issue. Our court administrator is going to be able to make sure all of those cleaning schedules are complied with and then we've got people in charge of making sure the social distancing is checked and double checked. So we have our operational plan in place and hopefully things will go well for us.

CHIEF JUDGE MYERS: I got that. Safety measures, Judge Davidson, tell us about some of things that have been implemented in the 18th Circuit to ensure the safety of folks. And

I think we all agree that that's the number one priority, and that's not only come down from the Supreme Court, but I sense it in every chief judge's meeting we have, that we are all really putting a tremendous emphasis on ensuring that people who come into our facilities are safe and that they feel safe as well.

CHIEF JUDGE DAVIDSON: Well, before you could enter any of the courthouses in Brevard or Seminole, we have screeners outside. They ask the appropriate questions. They take the temperature. The non-touch thermometer. They ask, you know, have you had any contact with anybody with COVID. Have you had it, have you coughed or any temperature, or anybody that in your family has had COVID. They ask a whole screening – a set of questions to the people that are entering the courthouse. They must have a mask when they enter the courthouse. They have to wear a mask. If they don't have one, we give them one. If they don't – if they argue about it and say they're not going to wear a mask, we send them on their way. We tell them, you know, you either wear the mask and go to your courtroom or you don't wear the mask and then there's the consequences of not showing up for your court date. But we have signs throughout the courthouse that, you know, remind people of social distancing six feet apart. We have blue tape on the benches six feet separating each X of the blue tape so that when you sit down, the next person that sits next to you would be six feet from you at the next blue X of the tape. The jury box – the witness boxes have Plexiglas around the witness box and the judge has Plexiglas in front of the judge. But everyone that enters the courtroom must wear a mask. They can take their mask off if they're talking into the microphone, but then they have to put their mask back on. When we have jury trials, we're going to have face shields for jurors. It's going to be supplied by the clerk's office. The jurors will wear face shields because I think all day sitting in a courtroom with your mask on can be hot and uncomfortable so we're going to give

them face shields. Every witness that testifies will be able to testify through a face shield and I think I said that the judges have in front of their bench a Plexiglas. So we are – and then we have the cleaning crews come every day in the courtrooms between 11:20 and 1 o'clock to clean the courtrooms every day. And then throughout the day they're sanitizing the doorknobs and the elevator knobs and any touch surfaces in the courthouse. We have cleaning crews that go through the courthouse during the day and clean, not only between that 11:20 and 1 o'clock of the courtrooms, but throughout the day. So we have, you know, we want to make people that enter the courthouse know that our number one priority is safety. And we've had a generally good response from the public. We do have people that call and say they don't want to come sometimes to a hearing because they're worried about COVID and we tell them that they can attend by TEAMS, they can attend by audio conferences if it works out that way that we're able to do it through a teleconference. But we do give people the option if they're afraid to come to the courthouse. They have an option of either attending by TEAMS or by audio conference.

CHIEF JUDGE MYERS: Yeah, that's excellent. And I know Judge Masters, as you all prepare for that jury trial potentially the first week of October, you probably like us have been doing an awful lot of preparation to ensure that all of the arrangements comply with all of those safety measures and yet still protect a criminal defendant's due process rights. And that's a challenging proposition.

CHIEF JUDGE MASTERS: It is indeed, and we have the conversations with the local health experts as well as required. So in fact, just this morning, I spoke with the – in Polk County, the health director. So we are working on issues associated with the witness box right now with regard to the witness. And there's an issue that we haven't completely resolved yet concerning the protection of court participants when the witness is in the box. I know the work

group that the Supreme Court had appointed had some mixed reports for us with regard to the use of face shields and the direction is for each chief judge to meet with their health expert and make some decisions in that regard. So I've got that on my plate right now and we're working on it and hope to get that resolved in the next day or two.

CHIEF JUDGE MYERS: That's such an important issue because really we think about trials and as former lawyers and now judges, I think we all recognize these are communal experiences. They were designed as a community engaging with each other to reach justice for a criminal defendant. And typically, in a trial we may show the jurors physical evidence. We may ask them to handle it, to manipulate it, to share it with each other, to engage in close conversation. And all of these are challenges for our jurors. They're challenges for the parties and for lawyers who want to be able to communicate, for example, together in a courtroom, a defendant, together with their counsel frequently communicate during the course of a trial about issues or things that arise, questions that should be asked, witnesses to be called or not called. I know for us on that issue, we, I think finally settled in on a clear facemask together with, if the witness desires, a face shield. So we have clear facemasks that allow all of the observers to see the jurors as well as witnesses' facial expressions as they're speaking. And then have that additional protection of a face shield if that's something that a particular individual in that court process might desire for safety sake. All very challenging issues as we try to do this in a safe way. And I know I'm sure you all do this as well, I'm emphasizing to all of our judges and all of our staff, we don't want to see how much we can get away with. We want to see how safely we can do this, and at the same time protect all those due process rights. So you all have made the transition from Phase I into Phase II, and Judge Davidson, you gave us a great explanation of those phases from the Supreme Court. We're still in Phase I in Orange County, dependent upon

community numbers of positive cases and positivity rate, and I think Judge Masters, you mentioned, you know, we're constantly monitoring those week to week to ensure that we're still doing things appropriately. What do you think is the biggest challenge that lies ahead as you consider Phase II, as you consider ultimately Phase 3 and Phase 4 where we relax some of those safety measures because the conditions in the community demand it? What do you envision for yourselves as those – your biggest challenge that lies ahead?

CHIEF JUDGE MASTERS: Moving forward through the Phases, right now probably in the forefront of all of the minds of the 20 chief judges in Florida, as we transition from Phase I to Phase II, we have our eye on are we going to be able to meet that 30 day requirement? Is our community health going to maintain so that we will begin to take care of this backlog that we see with regard to the jury trials? And again, specifically the criminal jury trials are causing most attention right now but the civil trials are not being forgotten either. We're looking at those and trying to sort out when can we address these. So right now, probably the biggest concern as we get closer is what if the community health reverses the positive trends we have seen in the last couple of weeks. What if that reverses and we sure don't want to find ourselves in a situation where we're calling jurors saying, yeah, we know, we said we were going to have this trial on October 5th, but now the chief judge in this circuit has just determined we can't have it because the community health measurements indicate that we need to stop it. So that is certainly a concern. And then reverting is a concern. And the benchmarks have given us the option of looking at our individual plans to see if there are areas where we can take greater precautions instead of reverting back. Is there any room for increasing safety precautions anywhere? So those right now are some of my biggest concerns and what I worry about and what might wake me up at 2:00 o'clock in the morning.

CHIEF JUDGE MYERS: How about for you, Judge Davidson, what do you see as your biggest challenge out there on the horizon?

CHIEF JUDGE DAVIDSON: Well, I had the unfortunate situation that we were going to have jury trials starting, I believe it was either July 17th or July 20th, whatever that Monday was. The numbers shifted on us at the last minute and we had to call it off. And not only call off the jury trials, but we had to back up from Phase II to Phase I, which – which unsettled a lot of people because we had gone through – the week before we had a whole meeting, and we did a travel through the courthouse with the sheriff's deputies, the clerk's office, the State Attorney, the Public Defender, court administration, judges and we traveled through the courthouse to show how we were going to social distance the jurors. How we were going to do the different courtrooms, how we were going to split up between circuit and county jurors so they weren't overcrowded, what we would do if we did have amazingly an abundance of jurors that did come and we didn't need them but we didn't want to let them go, where do we put them. So you know that – after all that work, it had – we had to shut it down. Now, we're starting again for October and I do worry about jury trials. I worry about, you know, are we going to get jurors to come? Although I've heard reports from other circuits that they've been able to get people to come. And secondly, while they're here, how do we keep them socially distanced apart from other parts of the courthouse and other people in the courthouse. How do we do a jury trial when, you know, you have to be able to see facial expressions, to make sure that the face shields and the masks don't cover the jury – the facial expression so that – because a lot of trial is reading the expressions of people. When they say yes, you can tell they don't really mean yes. They say no and you know that they really don't mean no. And so you know, it's – jury trials are really our biggest concern going forward. We aren't even thinking about having civil jury trials until at

least January. As I said, we're starting out with criminal jury trials, county and circuit in October in both counties, Seminole and Brevard but in terms of civil jury trials, they're backing up. And we are just hoping that we can head towards January for that, but jury trials – because we've been fortunate even though there was a, you know, sort of a knee jerk reaction against having remote hearings, I know I did. I thought you can't have a hearing, evidentiary hearing, you can't have a summary judgment remotely. I just – I'm not a techie at all. I mean, that's an understatement. And I just couldn't envision how you could do this and now that we've done it, I can see that that may be the wave of the future, that we will be having a lot of remote hearings because it can be done. Not in a four-day or three-day or two-day evidentiary trial, I think those are going to be difficult. They can be done but they're difficult, but for your hearings, I do guardianship now. My guardianship cases are very conducive to doing remote hearings by TEAMS and I get a lot more – I get a lot more hearings done a day than I would if I was at the courthouse because we don't have that waiting time between hearings. We can just immediately go from one hearing to the next so I've been pleasantly surprised with the remote aspects that the pandemic has created.

CHIEF JUDGE MYERS: Yeah, I think that is great and it's one of those questions, I think, we always have to ask ourselves when we go through an experience like the pandemic is there – there are going to be lessons to be learnt. There are going to be things that we say, you know, that actually worked for us, that might be something that we would carry on into the next steps. And I'm with you on the jury trial as a big challenge out there in the future. We want to do those safely but we really have to get them going. I am concerned about digging out from underneath those backlogs of potential jury trials that I think – that some of the technology that we have worked through on this path is the type of thing that would be justified and really, we

ought to be taking into those next steps with us to continue. For us, for example, we found pretrial conferences can be very effectively handled utilizing technology and instead of having 100 lawyers and their clients waiting at a pretrial, they just check into the lobby of an electronic or virtual room and come right in just quickly, and smoothly and much more efficiently. So for us I know that's one of the things that we'll embrace moving forward into the future. Other lessons, things learned that you would say, boy, we would do that or we're definitely not going to do that again? It's a tough one, I know because as appealing sometimes as the virtual hearings are for example, I do feel like sometimes we lose something and I can't say that it's the panacea to all of the court system backlog issues. We're one of those circuits that has a pilot project for a virtual jury trial and we can't find a case with lawyers willing to participate in conducting a jury trial utilizing remote virtual technology. So it's not the end all be all. It's not the universal solution I think for all of the challenges we face. But no doubt, there have been certain types of hearings as you've described, Judge Davidson, have been – are very effective and can be accomplished not only effectively but also efficiently.

CHIEF JUDGE DAVIDSON: I think the remote hearings make the attorneys prepare even more so because you know, you're not in the courtroom. You have to – they have to send me their evidence ahead of time so that I can – my clerk or I can mark it as they, you know, try to introduce the evidence. And I think it makes them have to even be doubly prepared than if they were just in the courtroom. I'm not saying they're not prepared in the courtroom. Of course, they are, but there's no room for, can we take a recess. So I think that there is, you know, lessons to be learned and lessons that like I wouldn't want to do a four or five day non-jury evidentiary hearing or trial. I mean, that's – that would be very hard to do remotely.

CHIEF JUDGE MYERS: We do have a judge who just finished up a five-day family law case, primarily financial issues so document intensive. It was a bear to wrap your arms around but I hear that the jury trials that we are contemplating will take more time, more space and more people to pull them off in this environment where we're doing all these safety things to make them happen for the good of everybody involved. Look, I am so grateful that in this time of the pandemic that you all would take time out from your very busy schedules I know to participate in a conversation like this. And so let me just say thank you, Judge Davidson, Judge Masters. I'm so grateful for your leadership in the state and for your public service for the people in the counties and the areas that you all serve. Thank you for joining me and we'll look forward to seeing you down the road.

CHIEF JUDGE MASTERS: Well, thank you for having us.

CHIEF JUDGE DAVIDSON: Thank you for having us and you know, your leadership, Judge Myers, is very respected throughout the state and often when we're doing administrative orders, or other types of orders, we look to see what you're doing in the Ninth Circuit because you seem to be ahead of schedule a lot of times.

CHIEF JUDGE MYERS: Oh, you're very gracious. Thank you so much. All right, we'll join together soon. Thank you all.

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