

First Judicial Circuit Remote Appearance Project – Final Report

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ILLINOIS SUPREME COURT COMMISSION

ACCESS

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I. Background & overview

The COVID-19 pandemic dramatically transformed the legal landscape by using technology to open a second “doorway” to the courts. Judges, lawyers, and litigants alike swiftly adjusted to the global health crisis by embracing video conferencing platforms like Zoom and WebEx and demonstrating that courts can meaningfully provide access to justice remotely.

Although courts across Illinois have deployed remote court proceedings across all types of cases and for all types of court users since March of 2020, data about the impact of remote appearances has been difficult to obtain. Moreover, the Illinois Supreme Court Commission on Access to Justice (“Commission”) was keenly interested in encouraging remote court appearances in rural and geographically dispersed areas of the state and measuring the impact remote court proceedings could have on reducing the barriers rural communities experience in accessing justice.

In May of 2021, the Commission, First Judicial Circuit (“1st Circuit”), and Land of Lincoln Legal Aid, Inc. (“Land of Lincoln”) entered into a memorandum of understanding where the Commission agreed to provide grant funding to the 1st Circuit to purchase and install equipment in all nine of its counties¹ and to Land of Lincoln to upgrade and install new ethernet cabling in their Southern Regional Office located in Carbondale, IL.²

In return, the judges in the 1st Circuit agreed to liberally allow Land of Lincoln lawyers to appear remotely, in accordance with the Supreme Court’s Rules and Policies addressing remote court proceedings, and to provide information related to the impact of remote appearances in their courthouses. Similarly, Land of Lincoln agreed to appear on behalf of their clients remotely and

¹ The 1st Circuit purchased the following equipment (for the items where no quantity is specified, only one was purchased):

- Alexander County: TV, rolling TV stand, wiring from computer to TV, speakers, webcams (2), headset with microphone;
- Jackson County: headset with microphone (6);
- Johnson County: laptop, TV, rolling TV stand, wiring from computer to TV, speakers, webcam, headset with microphone;
- Massac County: TV, rolling TV stand, wiring from computer to TV, webcams (2), speakers;
- Pope County: laptop (2), webcam, speakers;
- Pulaski County: TV, rolling TV stand, wiring from computer to TV, webcams (2), speakers;
- Saline County: TV (2), rolling TV stand (2), wiring from computer to TV (2), webcams (2), speakers (2), desktop PCs (3), monitors (2);
- Union County: TV, rolling TV stand, wiring from computer to TV, speakers, webcams (2), headset with microphone;
- Williamson County: webcams (3), speakers (3), headset with microphone (4);
- All 9 counties: administrator support time to purchase and install equipment.

² Land of Lincoln originally approached the Commission regarding a remote appearance pilot project that would be funded through the Legal Services Corporation’s (“LSC’s”) Technology Initiative Grant Program in 2019, but due to complexities around securing LSC funding and the onset of the COVID-19 pandemic, the partners were forced to delay the launch of the Pilot. During the early months of the pandemic, both the 1st Circuit and Land of Lincoln responded with important technological improvements, however, outdated equipment and infrastructure still impeded litigants and lawyers from accessing courts remotely in the 1st Circuit. Therefore, the Commission agreed to fund the remote appearance pilot program independent of LSC funding.

provide certain qualitative and quantitative data on the impact of remote appearances to the Commission.

After purchasing and installing all the new equipment and cabling, the two-year remote appearance pilot program (“Pilot”) launched in July 2021 with the goal of:

- (1) Leveraging remote court appearances to reduce the geographic constraints Land of Lincoln lawyers faced in providing free civil legal services to low-income residents of the 1st Circuit; and
- (2) Measuring the impact of remote court appearances in the 1st Circuit.

The 1st Circuit is uniquely poised to study the impact of remote court appearances. It is comprised of nine rural counties—Alexander, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union, and Williamson—and spans over 3,100 square miles of the southernmost portion of Illinois. Affordable transportation options are negligible, and courthouses are widely dispersed. For instance, the distance between the Jackson County Courthouse in Murphysboro, and the Alexander County Courthouse in Cairo, is approximately 60 miles.

Poverty levels are high in the 1st Circuit, and many people cannot find or afford an attorney to represent them. The average median income of the nine counties in the 1st Circuit is just \$49,831, and the average poverty rate is over 18%.³ In comparison, the average median income for the state of Illinois is \$76,708 and the average poverty rate is 11.9%.⁴ Moreover, the number of registered lawyers in the 1st Circuit has steadily declined, and none of the nine counties have added a new attorney since 2018.⁵

Land of Lincoln is the Legal Services Corporation funded provider of free civil legal services to low-income and senior residents of central and southern Illinois, including the 1st Circuit. Land of Lincoln provides full representation and legal advice in the areas of consumer law, family law, education law, elder law and disability rights, health and economic security, and housing law. Land of Lincoln’s Southern Regional Office is in Jackson County and serves 23 counties, including the nine counties in the 1st Circuit.

II. Summary of data

Originally, the aim of the Pilot was to collect both qualitative and quantitative data regarding remote court appearances throughout a two-year period and secure data prior to the launch of the Pilot for comparison purposes. The Commission was interested in learning more about the experience of remote court proceedings from the 1st Circuit judges and Land of Lincoln lawyers as well as whether remote appearances had a measurable impact on the operations of the 1st Circuit and Land of Lincoln in the following types of civil matters:

- Family cases (including dissolutions, protective orders, and family law cases);
- Sealings/expungements;

³ See United States Census Bureau profiles for each county, <https://data.census.gov/profile>.

⁴ *Id.* for the state of Illinois.

⁵ See 2022 Annual Report of the Attorney Registration and Disciplinary Commission of Illinois at 43, <https://www.iardc.org/Files/AnnualReports/AnnualReport2022.pdf>.

- Small claims cases; and
- Residential evictions.

The court operations measures that the Commission was seeking to collect related to the number of:

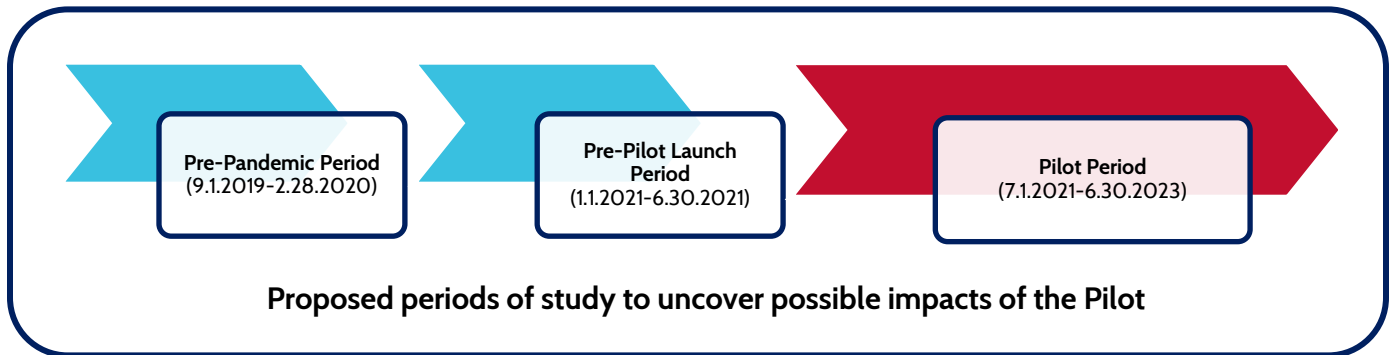
- Default judgments;
- Cases disposed and/or closed; and
- The average number of days between the date of a new case filing to the date of the case being disposed and/or closed.

With respect to Land of Lincoln’s operations during the Pilot, the Commission sought information about the number of:

- Cases opened;
- Cases disposed and/or closed;
- Video appearances;
- Telephone appearances;
- In-person appearances;
- Miles in travel saved because of remote appearances; and
- Hours in travel saved because of remote appearances.

These operational metrics for the 1st Circuit and Land of Lincoln were only requested for the four types of civil matters listed above.

Further, to determine if the Pilot made an impact, the Commission requested these metrics for the 6-months leading up to the COVID-19 public health crisis (September 1, 2019-February 28, 2020 or the “Pre-Pandemic Period”), 6-months leading up to the official launch of the Pilot (January 1, 2021-June 30, 2021 or the “Pre-Pilot Launch Period”), and then every 6-months during the Pilot.



During the Pilot, the Commission asked the 1st Circuit to complete one-page tracking sheets for each remote court appearance in family, sealing/expungement, small claims, and eviction cases, including the number of participants appearing in-person, by phone, and by video conference, the type of proceeding, and whether and why a remote proceeding was prematurely terminated.

The Commission also sought to collect qualitative information about the impact of remote hearings by surveying the 1st Circuit judges and Land of Lincoln lawyers regarding the barriers to proceeding remotely, how the Pilot or remote proceedings generally could be improved, and whether they were satisfied with the Pilot and remote proceedings.

However, several unforeseen circumstances impeded the collection of usable data. First, the Administrative Office of the Illinois Courts significantly amended the statewide Manual on Recordkeeping, effective January 1, 2022, and changed many of the case categorizations and case types utilized by courts and clerks throughout the state. This made comparisons in the above types of civil cases before and after 2022 impossible.

Second, based on conversations with the circuit clerks in the 1st Circuit, the Commission learned that defaults are recorded in non-standardized and often fragmented ways, with variances between individual counties and even individual clerks. This meant any comparison of default rates before and after the Pilot would be difficult and of limited value.

Third, the global pandemic and its resulting impacts (such as federal and state stay at home orders and eviction case filing moratoria) had tremendous effects on the filings of new cases, the disposition of existing cases, the average number of days between opening and closing cases, and default rates. Likewise, Land of Lincoln experienced considerable changes in the staffing of their Southern Regional Office.

Lastly, data collection mechanisms to record information consistently and reliably on the one-page tracking sheet for each remote court appearance were unavailable, making collection of this information challenging.

Despite these obstacles, Land of Lincoln was able to provide information regarding the number of times their lawyers appeared in-person and remotely,⁶ the types of proceedings they appeared remotely for,⁷ whether the remote appearance was by telephone or video conference, and the amount of time and money appearing remotely saved in terms of travel to and from the relevant courthouse.⁸

For the 6-month period immediately before the COVID-19 pandemic (September 1, 2019-February 28, 2020, or the “Pre-Pandemic Period”), Land of Lincoln lawyers had zero remote court appearances and appeared in-person 67 times throughout the 1st Circuit. This is

⁶ Appearance data was derived from the number of in-person/remote visits a Land of Lincoln lawyer made to a single courthouse in a day. This data does not reflect the number of cases handled during a visit, and often, multiple cases were handled during a single visit (for example, an attorney may remotely visit the Williamson County Courthouse once but handle three cases during that remote visit).

⁷ The categories for types of court proceedings were case management conference, status, motion, or trial (bench or jury).

⁸ The time savings did not account for any time spent by lawyers waiting for their case to be called when appearing in-person, which was often recovered when attorneys appeared for remote court proceedings from their offices and were able to address other job responsibilities while waiting for their cases to be called. Although this waiting time was not calculated for the Pilot, Land of Lincoln lawyers believe this is not an insignificant amount of time that is saved when appearing remotely.

unsurprising as very few courts in the state of Illinois had utilized remote court appearances prior to the pandemic.

Nearly a year into the COVID-19 pandemic, for the 6-month period immediately before the launch of the Pilot (January 1, 2021-June 30, 2021, or the “Pre-Pilot Launch Period”), Land of Lincoln lawyers appeared in-person 43 times, by video conference 34 times, and by telephone 4 times. The 38 total remote appearances saved Land of Lincoln 44.5 hours of travel time and 1,774 miles in travel, which translated into \$1,028.92 in travel costs saved.

However, throughout the two-year Pilot, Land of Lincoln Lawyers were more likely to appear remotely than in-person. There was an increase in remote appearances during the Pilot as compared to the Pre-Pandemic and Pre-Pilot Launch Periods, although the cause of this difference is difficult to isolate. Here is a chart depicting the number of in-person, video, and phone appearances during the different 6-month periods studied both before and during the Pilot and the percentage of appearances that were conducted remotely:

	In-person	Video	Phone	Total remote (video + phone)	Total appearances (total remote + in-person)	% of remote
Pre-Pandemic Period (9.1.19-2.28.20)	67	0	0	0	67	0.0%
Pre-Pilot Launch Period (1.1-6.30.21)	43	34	4	38	81	46.9%
1 st 6-months of Pilot (7.1-12.31.21)	54	113	7	120	174	68.9%
2 nd 6-months of the Pilot (1.1-6.30.22)	82	105	7	112	194	57.7%
3 rd 6-months of the Pilot (7.1-12.31.22)	94	104	14	118	212	53.7%
4 th 6-months of the Pilot (1.1-6.30.23)	79	112	5	117	196	59.6%

During the Pilot, most case management and status proceedings were handled remotely, while motions were evenly split between remote and in-person proceedings. Trials were almost always in-person.

Jackson County, which had the highest volume of cases handled by Land of Lincoln during the Pilot, also had the highest percentage of court appearances that were held remotely. Over 86% of all Jackson County court appearances during the Pilot occurred by video or telephone while

less than 55% of Jackson County’s court appearances were remote during the Pre-Pilot Launch Period.⁹

Over the course of the Pilot, the 467 remote court appearances saved Land of Lincoln 633.5 hours of time spent traveling to various courthouses, 18,432 miles of driving, and resulted in cost savings of \$11,626.83. Below is a breakdown by county of the number of appearances in-person, by video, or by phone, and the hours, miles, and costs saved by appearing remotely during the entire Pilot:

County	In-person	Video	Phone	Hours saved	Miles saved	Cost savings
Alexander	15	1	15	32	1,696	\$1,045.16
Jackson	33	211	0	254.4	3,376	\$2,076.00
Johnson	17	25	0	56	1,900	\$1,148.36
Massac	47	15	5	40	1,770	\$1,431.93
Pope	4	0	0	0	0	\$0.00
Pulaski	15	25	1	52	2,548	\$1,512.14
Saline	24	30	0	60	2,340	\$1,430.52
Union	35	9	11	20	756	\$508.20
Williamson	119	118	1	119	4,046	\$2,474.52
Total	309	434	33	633.5	18,432	\$11,626.83

Recapturing over 633 hours of previously unavailable time to serve more clients is a laudable achievement of the Pilot. A concrete way to view these numbers is that the hours of driving regained through remote court appearances means Land of Lincoln could increase its capacity and provide full legal representation to 50 additional survivors of domestic violence seeking an order of protection. Alternatively, these numbers tell us that instead of spending over 630 hours behind a steering wheel, those Land of Lincoln staff hours could be converted to providing legal advice and brief services to over 205 low-income tenants facing homelessness, which likely is the only time many people will get to speak to an attorney and receive legal advice and guidance on avoiding eviction.

⁹ Only 33 court appearances were held in-person in Jackson County during the Pilot. Pope County, which is the least populous and made up the smallest proportion of Land of Lincoln’s caseload, only had 4 court appearances throughout the entire Pilot, all of which were in-person.

The \$11,626.83 savings in travel reimbursements is notable as another source of newfound funding that Land of Lincoln could apply towards community outreach and engagement. Also, avoiding nearly 18,500 miles of driving positively impacted the environment, preventing the release of over 14,000 pounds of CO₂ emissions.¹⁰

III. Reflections

The COVID-19 pandemic was both a boon and bane to the Pilot. It exponentially accelerated the adoption and use of remote appearance technology throughout the 1st Circuit, but severely impeded the Pilot's ability to collect data.

Nonetheless, the Pilot proved that with a small investment of resources, trusted partnerships, and open minds, remote court appearances can meaningfully increase the capacity of lawyers to help more clients. This is even more significant for the lawyers at Land of Lincoln, who may be the only available option for many low-income citizens in the 1st Circuit.

According to reports from Land of Lincoln lawyers, the Pilot also helped them better meet the needs and expectations of many clients who were familiar with Zoom and requested to appear remotely. Anecdotally, clients stated that they highly valued the ability to handle their court matters while on breaks from their jobs, which are often hourly, temporary, or subject to rules like "three strikes and you're out" for missed workdays.

Moreover, Land of Lincoln worked with clients to prepare for their remote court appearances, ensuring courtroom rules and expectations of decorum were followed. The lawyers made sure clients were comfortable with their own technology, sending letters with instructions on how to prepare¹¹ and practicing with clients to troubleshoot any technical issues in advance. For those clients who did not have access to technology or were unable to use it, Land of Lincoln lawyers asked these clients to appear remotely from their offices, thereby reducing technology-based delays during court proceedings, or appeared in-person with their clients.

Honest and open dialogue between the 1st Circuit and Land of Lincoln was also crucial to the success of the Pilot. For instance, early in the Pilot, at the request of the 1st Circuit judiciary, Land of Lincoln developed two short forms: (1) "Land of Lincoln Legal Aid Remote Appearance Request Form" and (2) "Order Form."¹²

These forms were used to help the judges and clerks anticipate when remote appearances would take place and prepare accordingly. This type of early communication and collaboration helped launch the Pilot and lowered barriers to implementation. Over the course of the two-year Pilot, judges began to adjust to Land of Lincoln lawyers appearing remotely, and these forms were not continuously utilized; however, the effort made up front to accommodate the needs of the 1st Circuit were undoubtedly beneficial in building momentum and support for the Pilot.

¹⁰ Center for Sustainable Systems, University of Michigan, Carbon Footprint, <https://css.umich.edu/publications/factsheets/sustainability-indicators/carbon-footprint-factsheet> (stating the average passenger car emits 0.77 pounds of CO₂ per mile driven).

¹¹ A sample letter used by a Land of Lincoln lawyer is attached as Exhibit A.

¹² The forms are attached as Exhibits B and C.

The Pilot continues to positively impact access to justice in the 1st Circuit, and remote court appearances remain available to Land of Lincoln, the clients they serve, and other court users.

Further, the Pilot offered the following takeaways for future iterations of remote appearance pilot programs the Commission may undertake:

- To maximize the new injection of technology, additional funding should be available for technical support with initial installation and training on the new equipment as well as periodic support and training throughout the life of any future program. Training (preferably on-site and in-person) should be available to all court stakeholders, including judges, clerks, and lawyers, and incorporate demonstrations and mock remote proceedings that provide users with opportunities to practice and interact with the technology.
- Court modernization efforts should not solely focus on hardware and software upgrades but consider opportunities to increase in-house technical capacity.
- Future jurisdictions may want to consider furnishing each courtroom with the same equipment, including sufficient technology to allow for hybrid court appearances where some participants may appear in-person while others appear remotely and all participants can still hear and see each other. Standardizing the experience across a jurisdiction would make adoption and use of the technology easier for judges, lawyers, and parties.
- For more in-depth analysis of the impact of remote appearances, there should be early and frequent conversations about the type of data that can feasibly be collected before the launch of the pilot as well as during the pilot. Establishing a clear understanding of the information being requested by all partners is crucial, and judges, circuit clerks, and other stakeholders should be identified early and included in these discussions.
- The success of this Pilot was in large part due to the strong relationship between the 1st Circuit and Land of Lincoln. Open lines of communication led to small and important modifications, such as the development of useful forms. Accordingly, future efforts should also ensure the entities involved have well-established working relationships and feedback loops so that any concerns may be addressed early and effectively.

This Pilot would not have been possible without the support and commitment of the judges, court staff, and clerks in the 1st Circuit and the lawyers, administrators and staff at Land of Lincoln. Their work was essential and invaluable to the success of the Pilot, and the Commission thanks all the partners for their efforts.

Exhibits

- Exhibit A:** Sample Land of Lincoln Legal Aid letter transmitting remote court instructions
- Exhibit B:** Land of Lincoln Legal Aid Remote Appearance Request Form
- Exhibit C:** Order Form

Exhibit A

**Sample Land of Lincoln Legal Aid letter
transmitting remote court instructions**



Breaking Barriers to Justice

RE: *** v. ***
*** County Case No.: ***

Dear ***:

This letter is to inform you that you have a court date on ***, 202*, at ***.m. via Zoom. To appear at the hearing, you will need to use the Zoom app. **The meeting ID number is *** and the password for the meeting is ***.**

***If you are unable to appear through a video service, you can appear by phone by calling in to *** and using the meeting ID and password when prompted.

I need you to make sure that you are in a quiet, well-lit place so that the judge can see and hear you during the hearing. Also, please remember to dress conservatively, like you would for a job interview. Once you are signed on to Zoom or call in, you will be held in a waiting room until the judge gets to your case. This could take quite a while so please be patient and be prepared to wait. Make sure that your computer or phone is fully charged, or you have a way to charge it. If you would like to participate in a practice Zoom hearing prior to that time, please contact me and I will set one up for you so that you feel comfortable on that day.

I would appreciate it if you would please call me as soon as you get this letter to confirm that you will be able to participate on ***. If we need to prepare for this hearing we will do so when you call, or I will make an appointment for you at a later date.

Your hearing is:

***A case management conference/status hearing: at this hearing the judge will decide what will happen next in the case.

*** A temporary hearing: at this hearing the judge will decide temporary custody, support, visitation, and maintenance.

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LINCOLNLEGAL.ORG



*** A first-stage hearing: at this hearing the judge will decide if there is enough evidence to give you a divorce.

***A second-stage hearing: at this hearing the judge will decide allocation of parental responsibilities (custody), support, visitation, maintenance, and property and debt division.

***A default hearing: at this hearing the judge will decide if there is enough evidence to give you a divorce and decide parental responsibilities (custody), support, visitation, maintenance, and property and debt division.

If an emergency arises after you have called to confirm your court date and you are unable to be in court at the scheduled time, call this office immediately at 1-800-642-5335 or on our regular line, 457-7800. If you cannot reach our office, you should call the *** County Circuit Clerk's office to leave a message for me that you cannot be in court and a telephone number where I can reach you.

I look forward to hearing from you soon.

Sincerely,

Attorney at Law

Exhibit B

Land of Lincoln Legal Aid Remote Appearance Request Form

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT

[COUNTY NAME] COUNTY

[NAME],)
)
 Petitioner/Plaintiff,)
)
 and) No. [CASE NO.]
)
 [NAME],)
)
 Respondent/Defendant.)

Land of Lincoln Legal Aid Remote Appearance Request Form

1. I am a Land of Lincoln Legal Aid attorney.
2. Land of Lincoln Legal Aid is representing Petitioner/Plaintiff
Respondent/Defendant.
3. We want to appear remotely for these types of court dates throughout this case:

<input type="checkbox"/> All	<input type="checkbox"/> Case management and status hearings
<input type="checkbox"/> Settlement conferences	<input type="checkbox"/> Non-evidentiary hearings
<input type="checkbox"/> Uncontested evidentiary hearings	<input type="checkbox"/> Contested evidentiary hearings

DATE: _____

[NAME], Attorney for Petitioner/Respondent

[NAME]
 Attorney at Law
 Land of Lincoln Legal Aid
 509 South University Avenue, Third Floor
 Carbondale, IL 62901
 (618) 457-7800
 EFile: efilesro@lincolnlegal.org

Exhibit C

Order Form

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT

[COUNTY NAME] COUNTY

[NAME],)	
)	
Petitioner/Plaintiff,)	
)	
and)	No. [CASE NO.]
)	
[NAME],)	
)	
Respondent/Defendant.)	

ORDER

This case is before the Court on the Land of Lincoln Legal Aid Remote Appearance Request Form and the Court finds that the request should be approved.

IT IS HEREBY ORDERED THAT:

The Circuit Clerk shall schedule all hearings according to the choices indicated in paragraph 3 of the request form, unless the Court enters an order requiring a specific hearing to be held in person.

DATE: _____

SIGNATURE: _____

JUDGE

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