

Remote Control

June 2014

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The Oklahoma Supreme Court recently made news by cancelling its contract for development of a unified electronic case management system. Electronic filing may move forward in some manner. Yet while e-filing's path forward may be unknown outside of the Oklahoma Judicial Center, the Supreme Court provided indications this week that it will continue working on technology issues facing Oklahoma courts.

On Monday, the court announced a pilot program for videoconferencing in district courts. Building on electronic transmission circuits already in place, the courts intends to allow court reporters, interpreters, witnesses and judges to participate in hearings and proceedings through remote video access.

Many attorneys will correctly point out that district courts already use videoconferencing. Oklahoma law authorizes district courts to use videoconferencing between courtroom and correctional facilities or juvenile detention facilities to conduct sentence reviews, post-conviction relief hearings, delinquent and deprived actions, custody and adoption proceedings, commitment proceedings, and extradition proceedings. Likewise, Oklahoma law authorizes the use of videoconferencing and other alternative methods for presentation of testimony from witnesses under the age of 13 years.

The new pilot program extends the availability of videoconferencing to all stages of civil and criminal litigation. The trial judge is given discretion on whether to allow videoconferencing based on a list of factors, including undue surprise, prejudice, the parties' diligence in securing a witness's physical presence, security risks, whether the litigation affects a party's fundamental rights, the trial court's ability to control the proceedings through remote means, and whether videoconferencing will affect the dignity, solemnity, and formality of proceedings.

The program will cover Beaver, LeFlore, McCurtain, Texas and Washington counties. The Administrative Office of the Courts will equip one courtroom in each county with videoconferencing equipment.

One driving factor for this program is a shortage of court reporters and interpreters in rural counties. Tulsa County Presiding Judge Carlos J. Chappelle confirmed the current shortage of court reporters,

citing low examination passing rates for new reporters. Chappelle reported that the new videoconferencing program would be a good thing for Tulsa County. The program might allow Tulsa County court reporters to provide their services to other counties when time permits.

While some may say that cancellation of the vendor contract for electronic case management is a step backward, videoconferencing may be a step forward for ensuring access to Oklahoma's court system.

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