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# New Bench Card Promotes Clarity and Consistency in Virtual Court Proceedings

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New York's state court judges will soon have a new resource at their fingertips when holding court remotely. As detailed in a recent article in the New York Law Journal, New York's Court Modernization Action Committee ("CMAC") recently developed a bench card for judges to reference while they prepare for and implement virtual proceedings.

The CMAC is comprised of various stakeholders, including judges, court staff and attorneys, who work to modernize New York's court system by encouraging the adoption of new technologies and maintenance of pandemic-era improvements to remote court services. Alongside others from Proskauer, I have had the privilege to assist the CMAC in this important work.

Last year, the CMAC identified a key issue: Although judges have continued to hold virtual proceedings since the pandemic, many have lacked ongoing formal training on the best practices for remote court appearances. As a result, court users and attorneys might encounter judges who manage their virtual courtrooms in drastically different ways or who have varying levels of proficiency with technology.

To address this inconsistency, the CMAC developed a Virtual Proceedings Bench Card. The bench card is a double-sided reference guide for New York State judges to use when planning and conducting remote court appearances. One side of the card lists best practices for judges to implement before and during proceedings, such as instructing participants to mute themselves when joining and reminding them to enable livestreaming where appropriate. It also contains blank spaces for judges to fill in information specific to their needs, such as the phone number for their courthouse's IT department.

The other side contains a list of recommended formats for various proceedings in different courts. For example, in Family Court, the card recommends that child support proceedings are held virtually by default, while most custody proceedings are presumptively in-person. These recommendations were developed with input from many judges and other stakeholders as part of the 2022 Report of the court system's Pandemic Practices Working Group. Since the default formats are only recommendations, the bench card also provides a list of factors that courts should consider when deciding whether to deviate from the guidelines, such as whether a particular format would present hardships for a party or whether a party's health or disability favors one format over another.

The option to conduct virtual proceedings provides significant benefits to court users and should be widely encouraged. Remote court attendance allows court users to avoid lengthy travel, time off work, arrangement of childcare and other impediments that can make in-person attendance difficult. Greater flexibility allows for greater access to justice. With the publication of the bench card, both judges and court users alike will hopefully have a smoother, more predictable experience, empowering them to utilize remote options more often and improve the virtual proceeding experience for all.

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