

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

Removing Barriers to Holding Online Court Proceedings

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, Texas saw its first diagnosed case of COVID-19 on March 4, 2020, and no one could have predicted the destruction and disruption the pandemic would cause our communities; and

WHEREAS, the Texas Judiciary had activated its response plan weeks before the first COVID-19 diagnosis in Texas and began taking actions, including preparing to hold court online; and

WHEREAS, on March 13, hours after Governor Abbott issued a disaster declaration and public health emergency declaration for the state, the Texas Supreme Court, joined by the Court of Criminal Appeals, issued the First Emergency Order Regarding the COVID-19 State of Disaster to allow or require remote participation in a court hearing or proceeding;¹ and

WHEREAS, Texas judges quickly adapted to the technology holding an estimated 500,000 remote hearings in every case type and type of proceeding, including bench and jury trials, with 1.5 million participants, lasting more than 1.1 million hours during the 7-month period between March and September 2020; and

WHEREAS, Texas courts led the nation in online innovations during the pandemic—the first state to have its nine-member Supreme Court host remote oral arguments, the first state to hold a virtual non-binding civil jury trial in May 2020, and the first state to hold a virtual criminal jury trial in August 2020; and

WHEREAS, many judges have praised the increase in access to justice by holding court online with judges reporting greater participation from litigants due to the efficiency and ease of attending, cost savings, and 85% of surveyed Texas attorneys reporting they would recommend remote hearings to colleagues or clients;² and

¹ Texas Govt. Code Section 22.0035(b).

² Remote/In-Person Proceedings Survey, Texas Office of Court Administration, June 2020.

WHEREAS, while remote hearings will never fully replace in-person proceedings, the progress made during the pandemic in access to justice, accessibility, and efficiency should continue.

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council recommends that the legislature remove any barriers to continuing remote online court proceedings and court innovations developed as a result of the COVID-19 pandemic.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council