

The Recorder

As California's Legislature wrapped up its work for the year last week, a bill with huge implications for the state judiciary slipped quietly through both chambers with no debate or dissent [SB 241](#), if signed by the governor as expected, will allow courts to hold civil proceedings remotely. Under the new law, at least some litigants, witnesses, judges, lawyers and even jurors will be able to voluntarily appear in a case by video. Additional specifics of how the new law will work still have to be hashed out by the Judicial Council through a rule of court. But the fact that parties and court officers will be freed from the physical bounds of a courtroom marks a sea change in California judicial policy, which is often shaped by court employee labor unions that hold significant political sway in the Legislature. Just two years ago, Gov. Gavin Newsom signed labor-backed [legislation](#) prohibiting the judiciary from spending any money on equipment that would enable remote court reporting.

"It feels like this is a real jump forward in terms of making courts more efficient and user friendly," said Nancy Drabble, chief executive officer of the Consumer Attorneys of California. In interviews, those who crafted the bill recalled months of sometimes-tense discussions—held remotely by Zoom—among lawyers, court employee labor groups, legislative staffers and judiciary administrators. In the end, a combination of the pandemic, a looming recall election, a flush budget and an engaged governor's office helped seal a deal that broadly opens courtroom doors to video technology. "This is a very well-crafted compromise," said Mike Belote, a lobbyist representing judges and civil defense attorneys who was among dozens of participants negotiating a deal on SB 241. "It is going to allow courts to continue the evolution they've undergone during the pandemic but still allow for an evaluation in 2023."

The seeds of a compromise on remote appearances were sown March 27, 2020, when the governor [signed](#) an executive order giving judiciary leaders emergency powers to change operations during the pandemic. With courtrooms closing and court employees sent home out of fears of spreading COVID-19, the Judicial Council in April 2020 [voted](#) to allow video proceedings in some matters. The authority lasts until 90 days after the governor lifted the pandemic state of emergency.

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