

What's better: In-Person or Remote Hearings?

The Access to Justice Lab at Harvard Law School and LaGratta Consulting LLC have teamed up to conduct a randomized control trial examining in-person and remote hearings for family law litigants in the 3rd Judicial District Court of Utah (Salt Lake County)¹. The project aims to pinpoint a pressing question: what are the benefits and costs of in-person versus remote hearings, both in terms of case outcomes (e.g. time to disposition, outcome durability) and the litigant experience? Over the course of a year, all four court commissioners hearing family law matters agreed to participate, and certain cases were randomly and evenly sorted into in-person or remote dockets. In addition to reviewing administrative data for these cases, the study gauged litigants' experience by asking them to answer a few brief questions about their experience as they left the courtroom. In-person litigants were surveyed via an iPad kiosk at the back of the courtroom, and the remote litigants for whom email addresses were known (the vast majority) were surveyed via a follow-up email. Approximately 20 percent of all litigants responded.

This overview provides preliminary insights into the administrative case data and litigant survey responses examined for the study. Data collection is underway for another year with final results expected thereafter.

Litigants in the study

- Most participants are between 30-50 years of age
- Most litigants appear for their hearings, although a notable subgroup appear for none
- Respondents are less likely to appear than plaintiffs
- About 25% of litigants attended at least one hearing in the opposite context, which could be mistake or deliberate choice



Cases in the study

- Cases last approximately 13 months for both remote and in-person groups
- Cases require approximately 5 hearings until disposition with little variation between remote and in-person groups
- Cases have more enforcement requests than modification requests across both remote and in-person groups
- Case modification requests² take less time to get to than enforcement requests, with it taking approximately 125 weeks for a request for modification to a case with little variation across both groups

¹ In Utah Judicial Districts 1-4, court commissioners hear domestic matters. The commissioners in the 3rd Judicial District set aside special docket days for family cases involving self-represented litigants. These family dockets were used for this study, and for scheduling purposes the A2J Lab assigned a docket date to be either in-person or remote, and alternate dates for each commissioner to ensure timely case processing.

² Modification requests are those that seek to change an order that established either some form of joint legal and/or physical custody of the children subject to the custody action or a division of property between divorcing parties. See, 30 UT.S.C.A. §3-10.4.

Litigant perceptions

Question: *“Did the court treat you fairly today?”*

- 84% of in-person litigants said yes, the court treated them fairly
- 65% of remote litigants said yes, the court treated them fairly

Question: *“Would you have rather handled your court matter today in person (or remotely)?”*

- 41% of in-person litigants said they prefer remote
- 44% of remote litigants said they prefer in person



Early take-aways

So far, it seems that these family law matters proceeded quite similarly regardless of whether the hearing was in person or remote, without impacting time to disposition or appearance rates. The most prominent distinction was in litigants' ratings of perceived fairness, which is not a small factor. [Procedural justice research](#) shows that litigants' perceptions of fairness are a significant driver of voluntary compliance with court orders and the law generally and a key factor in public trust and system legitimacy. Remote proceedings may come at a steep cost in this regard. Further, by choosing the context for litigants, we see that about half of litigants may be dissatisfied – instead preferring the opposite context – and even seek out the opposite context on their own.

The authors will publish a full report in 2024 with robust policy discussion about these findings and recommendations for narrowing this gap. In the meantime, learn more about improving procedural fairness and collecting court user feedback at www.lagratta.com.

Project partners are grateful for the engagement of the court commissioners and other court personnel and leadership who made this innovative study possible.

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