



Superior Court Memorializes Continued Use of Videoconferencing for Certain Proceedings

Litigants and litigators, particularly on the civil side of the profession, have grown accustomed to using Zoom over the past two years. Many have wondered to what extent videoconferencing will become an enduring feature of certain legal proceedings moving forward. The Superior Court recently issued a Standing Order that provides an answer to that inquiry.

Superior Court Standing Order 1-22, which went into effect on September 1 and will remain in effect until further notice, sets forth certain categories of civil and criminal cases that will “presumptively” be held by videoconference. On the civil side, those proceedings include: initial case management and other scheduling conferences, including final pretrial conferences, hearings on discovery disputes, hearings on motions to dismiss or to amend a complaint, and hearings on motions for default judgment or to set aside a default.

In contrast, hearings on equitable motions, including injunctions and attachments, hearings on motions for summary judgment, hearings regarding expert witness testimony, final trial conferences, and trials will presumptively be held in person. In addition, hearings that involve credibility determinations will typically be held in person. Even for these presumptively in-person hearings, however, Standing Order 1-22 permits a judge to hold such hearings by videoconference in his or her discretion and “for good cause.” Similarly, a presumptively remote proceeding may be held in-person if the judge determines that such a hearing “is necessary for fair and efficient resolution of a matter.”

This Standing Order therefore memorializes what many litigators anticipated: Zoom court is here to stay.

About OCM

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