

**General Report of the First Study Commission
of the International Association of Judges (“IAJ”) – 2023
“THE EFFECTS OF REMOTE WORK ON THE JUDICIAL WORKPLACE AND
THE ADMINISTRATION OF JUSTICE”**

By August 2023, when this report was written, responses to the Questionnaire had been received¹ from the following:

- | | |
|----------------|------------------------------|
| 1. Angola | 22. Latvia |
| 2. Armenia | 23. Liberia |
| 3. Australia | 24. Lithuania |
| 4. Austria | 25. Luxembourg |
| 5. Benin | 26. Mexico |
| 6. Brazil | 27. Moldova |
| 7. Bulgaria | 28. Mongolia |
| 8. Canada | 29. New Zealand |
| 9. Chile | 30. Norway |
| 10. Cyprus | 31. Paraguay |
| 11. Estonia | 32. Philippines |
| 12. Finland | 33. Poland |
| 13. France | 34. Portugal |
| 14. Georgia | 35. Romania |
| 15. Germany | 36. Serbia |
| 16. Iceland | 37. Slovenia |
| 17. Ireland | 38. Spain |
| 18. Israel | 39. Sweden |
| 19. Italy | 40. Taiwan |
| 20. Japan | 41. United Kingdom |
| 21. Kazakhstan | 42. United States of America |

¹ The deadline to send in the responses was June 30, 2023.

In 2023, the First Study Commission of the International Association of Judges sent out a questionnaire on the topic of “The Effects of Remote Work on the Judicial Workplace and the Administration of Justice.” We received 42 responses to the questionnaire. The following is a general report derived from those responses.

1. Remote work of judges in your country

- a. Were judges permitted to work remotely in your country prior to and/or during the COVID-19 pandemic? If yes, please give examples (for example, studying cases at home; discussing cases with colleagues via videoconference applications or the telephone instead of personal meetings; holding hearings online via videoconferencing applications; etc.). Was technical equipment made available to the judges to enable them to work remotely?**

Before the Pandemic

The remote work of judges skyrocketed in nearly all countries during the COVID-19 pandemic. Prior to the pandemic, the remote work of judges varied widely by country. Prior to the pandemic, the vast majority of remote work conducted by judges included studying cases at home, conducting legal research, and occasionally writing judgments. Generally, it was rare that colleagues discussed cases via video or teleconferencing technology prior to the pandemic. Remote hearings were also generally rare prior to the pandemic, with some nations utilizing remote hearing technology in limited circumstances.

The degree to which judges worked remotely prior to the pandemic depended in part on whether the country had an electronic filing system for case records. Notably, the existence of an electronic filing system made for a smoother transition to remote work following the onset of the pandemic. Several countries, including Austria, Brazil, Portugal, Romania, and the United States already utilized electronic filing systems. In Australia, in 2020, the Courts were switching from a paper-based to electronic system, in part to assist with remote work. Other countries, however, including many jurisdictions in New Zealand, England, and Wales, were still paper based. For those countries, case preparation had to occur in person.

In many nations, such as Brazil, Canada, Germany, Iceland, Israel, Romania, and the United States, judges conducted at least some work remotely prior to the pandemic. In Germany it was common for judges to study cases, conduct legal research, and write judgments at home. In Israel, it was even generally expected that judges would continue their work from home after the workday and on the weekends.

In many other nations, such as Australia, Austria, England, Italy, Slovenia, Sweden, Wales, and New Zealand, remote work prior to the pandemic was uncommon. For

instance, in Slovenia, the judges who conducted remote work prior to the pandemic were often those who were located far away from the court and had lengthy commute times. And in Slovenia, remote work was limited to studying cases and writing judgments.

It was far less common for judges to conduct remote hearings using video or teleconferencing technologies prior to the pandemic. In some nations, such as Bulgaria, Canada, Iceland, and Slovenia, hearings were required to be held in person. In Brazil, if a witness was necessary for a case, the hearing had to take place at a courthouse.

In other countries, remote hearings were permitted prior to the pandemic, but only in limited circumstances. For instance, in Angola, Lithuania, Mexico, Portugal, Romania, and the United States, remote hearings for procedural acts were carried out by videoconference when witnesses were unable to appear in person in court. However, in Portugal, the judge was required to be present in the courtroom even for remote hearings. In Taiwan, remote hearings were permitted in civil proceedings, except when examining parties in non-contentious proceedings. The use of remote hearings in criminal proceedings in Taiwan was much more limited. In the Philippines, individuals who were high-risk or seriously ill as well as those already serving a sentence in a national penitentiary were permitted to testify while staying in the institutions where they were detained.

Some nations had begun to utilize remote hearings long before the pandemic hit. For example, in New Zealand, the Courts (Remote Participation) Act of 2010 was designed to enable greater use of remote technology in court proceedings. In Latvia, courts were equipped with video conferencing technologies prior to the pandemic.

Certain countries, such as Georgia, Poland, and Serbia, did not formally permit judges to work remotely prior to the pandemic. In Kazakhstan, Liberia, and Mongolia, there was no remote work at all by judges prior to the pandemic.

During the Pandemic

During the pandemic, remote work of judges increased across the board as judicial systems adapted to protect the health and safety of the judges, court staff, and case participants. In some countries, judges began conducting nearly all work remotely. For example, judges in Austria, Brazil, Estonia, Georgia, Germany, Israel, Italy, Japan, Kazakhstan, and Latvia studied their cases, discussed cases via video and teleconference applications with their colleagues, and wrote judgments at home. In other countries, judges were limited as to the type of remote work that could be conducted. For instance, in Poland, the laws and regulations prohibited judges from signing and issuing judgments remotely. In Sweden, although judges could write judgments from home, judgments could not be signed or dispatched from home.

While most judges conducted some work remotely during the pandemic – such as studying cases at home and conducting legal research – there was greater variance regarding the use of remote hearings during the pandemic.

Many countries, including Brazil, Canada, Portugal, Romania, and the United States, utilized video or teleconference technology for remote hearings to some degree during the pandemic. In order to permit the use of video or teleconferencing technology for remote hearings, in many countries, such as Austria, Bulgaria, Iceland, Lithuania, Norway, and the United States, changes were made in the procedural laws and regulations to permit an increased number of remote hearings. In Bulgaria, these procedural changes permitted the use of videoconferencing technology for hearings but required that those hearings take place either in separate rooms at the courthouse or in specific rooms in prisons.

Some countries imposed greater limitations on the use of remote technologies in criminal proceedings as opposed to civil proceedings. In Ireland, remote hearings were conducted for civil proceedings, except civil witness hearings, but were not conducted for criminal trials. In Iceland, use of videoconferencing technology in preliminary hearings in criminal cases was permitted during the pandemic, but in much more limited circumstances than was permitted for civil cases.

Although remote hearings became more commonplace during the pandemic, in a number of countries, such as Austria, Germany, Mongolia, Serbia, and Sweden, judges were required to be present in the courtroom for hearings, while all other parties were permitted to appear remotely.

The transition to remote hearings via audio and video teleconferencing technologies was not a seamless transition in many countries. In England and Wales, criminal jury trials were paused from March 2020 to May 2020 because they could not take place remotely. In Israel, only arrest hearings took place, and evidentiary and preliminary hearings were put on hold.

Further, the switch to remote work for judges during the pandemic did not happen immediately in all countries. In France, for example, during the beginning of the pandemic, judicial activity was limited to essential in-person activities only. Similarly, in Cyprus, at the beginning of the pandemic, courts first focused on the use of other protection measures such as masks, glass paneling, social distancing, and reducing the number of persons in close proximity.

In only two nations – Liberia and Benin – were judges not able to work remotely at any point in time during the COVID-19 pandemic. In Liberia, the judges lacked the technical equipment to work remotely. In Benin, although remote work was not possible, courts operated in strict compliance with barrier measures to lessen the spread of COVID-

19. In Angola, although remote work was permitted, it was not feasible because of the lack of internet network and technical equipment.

Technical Equipment

Many countries, including Austria, Bulgaria, Chile, Georgia, and Norway, made efforts to provide technical equipment to judges to enable them to work remotely during the pandemic. In Kazakhstan, software was installed on the personal computers and laptops of judges in order to enable remote work. In Italy, although laptops, videoconferencing software, and access to electronic case management systems were provided to enable remote work, secure internet connections were only provided in the judicial offices.

Because some countries, such as Austria, required that judges be present in the courtrooms, even for remote proceedings, courtrooms were outfitted with the necessary technology to allow for remote hearings. In other countries, such as Armenia, France, and Mongolia, courts remained ill-equipped to carry out videoconferencing and remote hearings during the pandemic. In Armenia, the equipment installed was insufficient for the number of judges in one court. For some countries, access to technical equipment required for remote work occurred in a piecemeal fashion over long periods of time. In Angola, technical equipment was not made available to allow judges to work remotely.

Faced with technological challenges, judges in some countries sought other solutions to communicate during the pandemic. In France, judges used instant messaging platforms, such as Whatsapp groups, to stay in touch and communicate with other judges.

- b. What is the status of remote work by judges in your country now? Do many judges still work remotely in your country, and to what extent? (for example, all or just a certain percentage of judges? Only in certain fields of law or for certain types of cases? Only in lower courts or higher courts? etc.)**

In many countries, such as Australia, Bulgaria, Estonia, France, Germany, Ireland, Italy, Japan, Latvia, Norway, Spain, Sweden and the United States, judges continue to conduct a degree of remote work such as electronically reviewing case files and drafting judgments. In a number of countries, including Austria, Bulgaria, Norway, Slovenia, and Sweden, remote work is noticeably more common now than prior to the pandemic. It is estimated that judges in Austria, Estonia, Germany, Norway, and Slovenia likely work remotely one or two days a week. In Portugal, remote work is common, such that the daily presence of judges in many courts is less than one third. In Chile, currently 50% of judges work remotely. In Israel, a pilot program permitting judges to work remotely one day a week is currently underway.

In Sweden, remote work is more common and more possible in the administrative courts than in the general courts. In Italy, Norway, and Sweden, remote work is more common in the courts of first instance rather than in the higher courts. In Angola, no judges presently work remotely in the courts of first instance, but a certain percentage continue to work remotely in the courts of higher instances. In Germany and Slovenia, remote work is also more common for judges at higher instance courts. In Latvia, remote work is more commonly used by judges of the Supreme Court. In Brazil, the National Council of Justice of Brazil ruled that remote work should be limited and trial judges should be physically present in court at least three days a week. Higher court judges in Brazil have more discretion to choose to work remotely.

In the United States, judges continue to conduct civil proceedings via videoconferencing and teleconferencing. In certain countries, such as Canada, Ireland, Israel, and the Philippines, hearings have largely returned to being in person with some limited exceptions. In Ireland and Israel, remote hearings can still occur with the agreement of parties in non-witness hearings or for short procedural applications. Additionally, in those two countries, the use of remote technology to hear the evidence of certain witnesses has remained widespread. In Israel, after the initial hearing in person in arrest proceedings, detainees may request that subsequent arrest-related hearings be held via videoconference. In Canada and Israel, the parties may request that the hearings be held remotely, and a judge has discretion to grant the parties' request.

In other countries, the work of judges has largely gone back to the way of work prior to the pandemic. In countries such as Iceland, this means that judges rarely work remotely at the present moment. In Taiwan, judges are only entitled to hold remote hearings subject to the regulations in place prior to the pandemic. In the United Kingdom, the Lord Chief Justice and Senior President of Tribunals issued guidance that no judge or lay magistrate conduct hearings from home, even if all other participants are remote, except for exceptional and unavoidable circumstances. In Slovenia, all hearings and trials still take place in the courts. In Australia, final hearings are in person, "unless directed otherwise by the presiding judge." In Cyprus, judges can work from home if they need to due to health problems or other impediments, but otherwise, judges typically carry out their work from the court premises.

In Serbia, remote work is neither formally permitted nor regulated. Although many judges in Serbia analyze their cases at home, they are not paid for this work. In Poland, judges are allowed to take case files home to work, but the remote work is likewise not formally regulated. Judges are currently not allowed to work remotely in Kazakhstan or Mongolia.

In Liberia and Benin – the two countries that did not have remote work during the pandemic – the work of judges continues to remain in person.

2. Effect on judicial work

a. Did remote work change judicial work in general for better or worse – or both – in your country? Please give examples.

Many countries have seen positive impacts on judicial work as a result of remote work. In Brazil, Cyprus, and Romania, for instance, remote work has raised awareness about the need for brevity, and as a result, cases are moving along at a faster rate. However, this has also put a strain on judges. Other noted positive impacts of remote work on judicial work are an increase in efficiency, in part due to the reduced time spent travelling to and from court and a reduction in distractions at the workplace. Remote proceedings save time and resources. Additionally, some countries such as Australia, Georgia, and Mongolia, have noted an increase in access to justice as individuals who are unable to attend hearings in person are able to attend via videoconferencing applications.

In some countries, the effects of remote work have been so positive that efforts are underway to make remote work policies more permanent. In Austria, the legislator has introduced a draft law, adopted by the second chamber of Austrian parliament, that makes permanent the COVID-19 related procedural law provisions. In Italy, legislation has been introduced following the pandemic to ensure a hybrid work approach. In Iceland, it is expected that permanent amendments will be made into legislation to provide for continuing use of technology in courtroom settings. In Estonia, beginning on January 1, 2024, there will not be paper files and all work will be done via computers.

In other countries, such as Latvia and Slovenia, because so much work still occurs in the courtroom, it is difficult to assess the impact of remote work. However, some statistics in Slovenia suggest that there is a correlation between remote work and a lower caseload.

The impact of increased remote work is not always positive for judges. In Poland and Serbia, because working from home is not regulated, judges are overloaded with work at home and do not get paid for the work they conduct remotely. In Canada, France, Georgia, and Spain, technological challenges and shortcomings prove to be difficult, and the remote technology is far too often seen as an impediment and obstacle for judicial personnel. In Australia and Georgia, concerns also arise regarding cybersecurity, information protection, and confidentiality when using virtual platforms. As a result of some of these challenges and concerns of remote work, in some countries, such as Ireland, judges generally prefer physical hearings. On the other hand, in some countries such as Angola, remote work has shown the nation the need to evolve and obtain the resources necessary to be able to utilize technology for remote proceedings.

b. Does the remote work of judges have an impact on the judicial workplace in your country? Negative, positive or both? Please give examples.

Many countries have noted clear advantages of remote work on the judicial workplace. For instance, in Austria, Georgia, and Israel, judges no longer have to travel to court, and an increase in time flexibility makes it easier to reconcile work and non-work life. This helps contribute to job satisfaction and well-being among judges. It has also been noted that permitting remote hearings in civil cases has made the courts more available for parties and has saved them money. São Paulo Brazil saved a lot of money in 2020 due to remote work. In Mexico, remote work has allowed victims and witnesses to be heard from other states or countries, thereby guaranteeing their safety. In the Philippines, it has been noted that remote hearings reduce risks of detained parties escaping, thereby reducing risks to court personnel and litigants.

However, many countries have also noted clear negative impacts of remote work on the judicial workplace. For example, in Austria, Germany, Italy, Portugal, and the United Kingdom, concerns have been raised about the diminished transfer of knowledge, information, and experience with other colleagues and the diminished social interactions in the workplace. Remote work also poses a challenge to individuals that do not have access to remote systems. In Portugal, there are concerns that if judges do not utilize in-person office spaces, they will lose certain amenities and have to share offices in smaller buildings with other judges and courtroom staff. In Canada, concerns have also been raised about the health of judges who will spend their entire day in front of screens.

There are certain advantages to a courtroom setting that many countries have noted in expressing concerns for the impact of remote work on the judicial workplace. For example, in Canada, Georgia, and Israel, there is concern that remote hearings may make it difficult to maintain the same level of formality and decorum observed in physical courtrooms. In Canada, in some remote proceedings, actions such as deactivating microphones or excluding individuals from a virtual courtroom have been necessary for the judge to maintain decorum. Another important benefit of in-person work, and drawback of remote work, is the ability for a judge to assess the credibility of witnesses. In Israel, concerns have been raised about the ability to convey potential outcomes and risks of litigation to the parties, a crucial interaction that is more effectively achieved in in-person hearings. In Taiwan, concerns have been raised regarding the right to confrontation, the right to access case files, and the right to confidential communication with defense attorneys.

For some countries such as Poland, Slovenia, and Spain, because remote work occurs rarely and most judicial work takes place in the court buildings, there has not been a significant impact on the judicial workplace caused by the remote work of judges.

c. From your point of view, what future effects of remote work on the judicial workplace – negative, positive or both – can be expected?

Many countries anticipate that remote work will become even more prevalent in society. Because of the pandemic, many judges are able to work more efficiently remotely. This will likely result in saving time and energy and may help increase access to justice for parties, lawyers, and witnesses. However, as remote work becomes more prevalent, the judicial workplace may see diminished relationships between colleagues. Concerns have also been raised about an increase in remote work leading to a decrease in public trust of the court system and about a loss of sense of judicial power of the judge or magistrate.

As a result of remote work, many countries expect digitization to continue. As a result, there will be fewer technical difficulties. There are also environmental benefits to remote work that have been noted, including a reduced need for paper. In some countries, such as Romania, increased technological programs to help with electronic access are already underway. In Bulgaria, an increase in remote work will need to happen alongside an increase in the use of electronic means of transmission for pleadings and other papers by lawyers and parties. With the digitization of court proceedings, there will be a need to evaluate the proper limits of technological use. Research will need to be done to assess the types of proceedings and hearings best suited to video and teleconferencing technology. In some nations, such as New Zealand, the ability to provide full remote participation in criminal cases will need to be further addressed.

Although remote work is likely to continue into the future, countries, such as Germany, have noted that remote work should be an option, but not the rule, for judges. Countries, including Norway and Sweden, are careful to note that it will be important to discuss what level of remote work is appropriate in considering the rule of law, the communication of knowledge, and the impacts on education and the work environment.

3. Effects on the administration of justice

a. What are the pros and cons of remote work on the administration of justice?

Japan, Portugal, Mexico, Armenia, Poland, Serbia, and Taiwan reported that the primary pros of remote work on the administration of justice are increased speed, efficiency, and flexibility in court operations and decreased costs. Remote work allows for a diversification of working styles and increased employee satisfaction, which can overall make judicial work substantively better and more efficient. Remote work alleviates the need to commute for judges, court personnel, and litigants. Remote work also allows the courts to continue in times of crisis, such as during the COVID-19 pandemic. Austria and France noted that being able to offer the benefits of remote work can also assist the courts in recruiting new judges and other court personnel. Australia noted the ability of

technology to increase open justice as links to view virtual hearings make the Court's work more available for wider viewing by the public.

Many countries also reported several cons of remote work on the administration of justice. Remote proceedings can result in a loss of decorum and the solemn and formal character of a court hearing. Some litigants might feel like they are not getting a proper hearing if it is conducted remotely. Some countries state that the less personal contact there is with the judge, then the less respect there is for the judge. The reduction in personal contact between court colleagues can also be detrimental to the maintenance of a culture of common judicial values and ethics. Judges learn and gain experience by interacting with each other. In addition, remote work can be hampered by technological difficulties, such as poor internet signal and speed. Remote work can also be hampered if the court or the litigants lack the necessary technology to conduct the remote work.

- b. Does remote work have a positive or negative impact on the administration of justice in general in your country? Please give examples that include, but are not limited to, the quality of the administration of justice.**

Although the general impact of remote work and the related pros and cons will vary from case-to-case, some countries reported some specific impacts on the administration of justice from remote proceedings. For example, in Romania, statistics show that the implementation of the use of electronic files has decreased the average length of proceedings in that country. In addition, Iceland reported that expanded remote work has allowed for increased participation by judges and staff for training.

- c. Are you aware of the public's perceptions of remote work by judges? Please give examples of positive or negative perceptions.**

Many countries, such as Japan, Liberia, Mexico, Sweden, Norway, Armenia, Iceland, Ireland, Armenia, reported that they are unaware of the public's perception of remote work by judges, and some suggested that research should be conducted on this issue. For the countries that reported on the public's perception of remote work, opinions varied. Many countries reported positive perceptions by the public. For example, Canada, Estonia, and the Philippines all reported that public perception is generally positive because remote proceedings are more convenient. In addition, Israel reported that criminal detainees generally prefer remote proceedings, so that they do not have to take long transports to and from the courthouse.

But many countries also reported negative perceptions of remote work by the public. The United Kingdom reported that the public likely expects judges to work from court buildings, and Germany reported that face-to-face interactions in a physical courtroom setting are generally seen as more impactful. Australia noted that virtual hearings distract

from the gravitas of the court, which may be perceived as a loss of fairness. In addition, Brazil reported that there is some concern by the public that remote proceedings could hinder part of the population from having access to justice, particularly the vulnerable ones who do not have access to required technology. Taiwan also reported that the public is critical of publicly broadcasting court proceedings in light of privacy concerns.

And some countries reported mixed perceptions. For example, Germany reported that although lawyers tend to like the flexibility of remote hearings, parties tend to prefer to appear in court in person so that they feel like they are being fully heard. In addition, it is worth noting that it is possible that public perceptions of remote work by judges will change over time as remote work by judges expands and becomes more common place and the public gains more familiarity with it.

d. What are the positive and/or negative effects of holding remote hearings/conferences?

Countries reported many positive effects of holding remote hearings. For parties and litigants, remote hearings allow them more flexibility in terms of scheduling and reduced expenses because they can avoid the costs and time associated with travel to and from the courthouse. Remote hearings also make it easier for people to comply with judicial notifications and can provide greater access to the court for parties in remote areas. Remote hearings are also beneficial for witnesses that only need to provide short and limited testimony.

Countries also reported many negative effects of holding remote hearings. It may be more difficult for the judges to properly evaluate the attorneys and witnesses appearing before them. In particular, remote hearings make it difficult for a judge to evaluate demeanor and credibility. It is also more difficult for the court to enforce disciplinary rules and maintain appropriate court behavior in a remote hearing. Further, the judge is often responsible for maintaining and operating the necessary technology for conducting the remote hearing, which can present difficulties. And disruption or delay of the hearing could occur due to technical difficulties with the Court's technology. Some countries do not have the necessary technology to implement remote hearings and there is a high upfront cost to obtain the necessary technology.

Some countries, Germany, Canada, and Latvia, reported that parties are less likely to settle a case if appearing remotely. In contrast, Brazil stated that parties may be more likely to settle if they appear remotely because there is less emotional distress associated with the hearing.

4. Remote work and judicial independence

Do you see any positive or negative effects of remote work on judicial independence? If yes, please give examples.

The vast majority of countries reported that remote work does not have any positive or negative effect on judicial independence. Some countries reported positive effects on judicial independence. Canada and Germany stated that allowing judges to determine how and when they perform their judicial work – including how to best preside over hearings through the use of videoconferencing technology – increases judicial independence. In addition, Armenia stated that the benefits of remote work can improve the quality of judicial work, which might have an overall positive effect on judicial independence. Australia said there is presently little indication that remote work has negatively impacted judicial independence in Australia.

Some countries reported negative effects. Portugal stated that a lack of interaction between judicial colleagues could diminish the perception of common judicial values and then lead judges to understand the importance of judicial independence less. In addition, Mongolia stated that remote hearings make it harder for a judge to maintain proper order during trials, which could be negative for judicial independence.

5. Limits on remote work for judges

a. Does your country place any limits on the remote work of judges (for example, limits on remote hearings in criminal cases)? If yes, please give examples.

Most countries place limits on the remote work of judges, but there are a few countries – Liberia, Georgia, Sweden, Norway, Angola, and Cyprus – that do not have any limits on remote work. For the countries that have limits, almost all of the countries place more restrictive limitations on remote work/hearings in criminal cases than they do in civil cases. This is because in countries, such as the United States and Taiwan, there are certain rights that must be afforded and adhered to in criminal cases – for example, the right to be present, the right to confront witnesses, and the general need for effective communication between the defendant and defense counsel. But there is one country, Slovenia, where the rules governing remote proceedings are more restrictive for civil cases than criminal cases.

Other common restrictions on remote work/proceedings are: requiring the consent of the parties before a hearing may be remote; no remote proceedings for cases involving minors or people with mental disorders; no remote proceedings for more complicated hearings, such as trials or appeals; only permitting remote proceedings upon a showing of exceptional circumstances; permitting parties to appear remotely but requiring the judge to be in person in the courthouse; permitting judges to work remotely, but requiring that

judges reside in the judicial district where they preside. In addition, limitations due to the technology and infrastructure currently available can also place restrictions on the judges' ability to perform remote work and conduct remote proceedings.

b. Are there any proposals to change rules or statutes in your country either to permit more, or to limit, remote work by judges?

The majority of countries reported that there are no current proposals to change the rules or statutes to permit or limit remote work by judges. Germany, Iceland, Brazil, and Italy are considering proposals to expand remote work by judges. For example, Italy is considering a proposal to provide for the same level of remote proceedings in criminal cases that is currently permitted in civil cases. Germany is considering a proposal to permit judges to conduct remote hearings in civil cases when both parties consent. Taiwan is considering a proposal to expand remote proceedings in civil cases, and the Philippines is considering a proposal to allow for more hearings by videoconference generally.

But some countries are also considering proposals to further limit the remote work of judges. For example, Portugal reported that there is a proposal to pass a law or regulation that would require the physical presence of judges in the courthouse.

c. Should there be any changes of rules or statutes in your country either to permit more, or to limit, remote work for judges?

The majority of countries reported that there should not be any changes to the current rules or statutes regarding remote work. Other countries report that a hybrid system, where judges are permitted to work remotely but are available to be in person at other times, is an effective way to administer justice efficiently. Countries will likely review the lessons learned from utilizing remote work during the COVID-19 pandemic in assessing any potential need to modify the rules regarding remote work. Any proposal regarding the expansion or limitation of remote work should be based on a careful assessment of the advantages and disadvantages of remote work, taking into account the impact on access to justice, judicial efficiency, fairness, security, and public trust in the judicial system.

Judge Marilyn L. Huff

President of the First Study Commission

International Association of Judges - IAJ