

From: [Brian Oakley](#)
To: [ADMcomment](#)
Subject: Virtual court-moving forward
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I have sat on the District Court bench since 1999. I have been Chief Judge since January 2020. Zoom is a wonderful tool to have in our toolbox but it should not be the norm for DC criminal proceedings. I have found it to be workable and actually helpful in most civil case hearings, especially where both parties are represented. My main objection to Zoom is in DC criminal case hearings. In the past two years I have had to ask and/or tell defendants to:

- stop smoking
- stop driving
- stop eating
- put a shirt on
- sit up in bed if they could not be bothered by actually getting out of the bed

In addition, I have had a defendant stay on his treadmill during the entire conversation I had with his attorney regarding an adjourned date for a PCC. Another woman sat for a hair braiding session through an entire bench trial. After I asked her to stop washing her dishes. The 'cake topper' may be the woman who took her phone into the restroom with her. Luckily my recorder was fast on the 'remove' button.

I have seen a great deterioration in the respect shown our system is the last 24 months. Some of it may be due to folks being absolutely clueless as to proper behavior. In my opinion however, I believe most of this disrespect is intentional. My FTA rate is often worse for my criminal docket than it ever was in the 'old days'. This list of inappropriate behavior is not complete but indicative of what my DC colleagues and I have been living for 2 years. In addition to the above, we also spend way too much time saying things like; 'You are muted'. 'Can you hear me now?' 'What is your real name T88?' Or iPhone or Samsung or zoom user, or...

I personally believe that whether or not a hearing is held virtually or live must be left to the discretion of the individual judge in his/her court room. I do so understanding that some judges will abuse this discretion. In that case, said judge should be called out and corrected. At the very least, the local bar will make their displeasure know come re-election time. Lastly, I am sure that judges that do not sit at the DC level may have a more favorable opinion regarding virtual court. I have never sat as anything but a DC judge but I do know that what we deal with on a daily basis is much different than the other courts.

Respectfully, Brian A. Oakley-34DC