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Comment:

Prior to the pandemic, participation in court hearings - especially those affecting guardianships and conservatorships of alleged incapacitated individuals - was extremely minimal. Not only was participation low for the individuals themselves, but it was also minimal among family members and loved ones, particularly those who live out of the area.

Since the pandemic, however, we have seen a dramatic increase in participation at court hearings by both individuals who may require a guardian and their interested parties. In our jurisdiction, I estimate that nearly 95% of participants attend initial hearings virtually. During these hearings, although the judge almost always remains at the bench, the use of technology has made it virtually indistinguishable to attendees whether the judge is physically in the courthouse or appearing from a hotel room while taking a break from a conference attending. In fact, participants may not even know from which county's bench the judge is presiding - an important consideration for our jurisdiction that is part of a probate district. This technological flexibility has created a more efficient and accessible system without diminishing the authority or perceived presence of the court. The integrity and effectiveness of hearings have remained intact, and most importantly, justice has remained timely and accessible.

This flexibility has significantly improved the access to justice, particularly in probate cases where hearings are often time-sensitive due to life-threatening emergencies or urgent due process requirements for individuals hospitalized for possible mental illness. The ability to hold remote hearings - both by location and by video - has been critical in ensuring timely decisions that can profoundly affect individuals' lives. I am deeply concerned that the proposed changes would hinder our ability to conduct these time sensitive hearings, ultimately putting vulnerable individuals at greater risk of harm, including potential death.

Finally, the proposed changes would have fiscal implications. Currently, we maintain a very modest budget for visiting judges, as technological solutions have largely eliminated the need for them. Under the proposed changes, we would need to significantly expand that budget, as we would no longer be able to utilize remote visiting judges. Instead, we would have to hire judges to sit in designated locations and remain on standby in cases of emergencies when the presiding judge is unavailable due to vacation or conference commitments. Presently, our judge accommodates urgent hearings even while on personal time - a flexibility that would be lost. This issue is further compounded by the limited number of visiting judges willing to preside over a probate docket and coordinating their already constrained schedules.

In summary, I strongly believe that the proposed changes would have detrimental impact on the probate courts, and more importantly, on the people we serve - many of whom are already facing significant hardships. We should build on the benefits the pandemic gave us for remote hearings and not take away the improved access to justice.