

Florida Supreme Court Hosts Historic Remote Oral Arguments During the COVID-19 Pandemic

By **Kimberly Kanoff Berman**



Chief Justice Charles Canady is shown in the live broadcast of the oral arguments, a view that was not much different from how viewers would watch in-person oral arguments on Facebook Live.

The Florida Supreme Court has always been ahead of the curve when it comes to the use of technology. Twenty-three years ago, the Court was a leader in granting public access to oral arguments when it collaborated with WFSU Public Media and began broadcasting oral arguments for the public to view.

Attorneys would stand at the podium to make their arguments, while the judges would sit at the bench asking tough questions. Visitors, including members of the press, court staff, law students, and others often packed the galley. For those who could not make it to the courthouse to see the arguments in person, the arguments were livestreamed on the Gavel to Gavel

website and on the webpages of The Florida Channel. The arguments were also archived for future viewing.

Then, in January 2018, the Court made history when it became the first tribunal in the nation to broadcast the arguments live on Facebook. By livestreaming arguments on Facebook Live, the Court allowed more people than ever to observe oral arguments in real time. For people who have never had the opportunity to step foot in the awe-inspiring courtroom in the Supreme Court building in Tallahassee, Florida, the Facebook Live feed made it easier to view arguments, even on your smartphone.

Just over two years later, in March 2020, the COVID-19 pandemic erupted, forcing court closures across the state. Because it was not safe to conduct in-person oral

arguments, the Court had no choice but to cancel April 2020's oral arguments.

However, as the pandemic continued to evolve, it became abundantly clear that the courts would not immediately reopen and when the courts would reopen was still up in the air. Rather than continue to postpone oral arguments, the Court decided to conduct the May 2020 oral arguments remotely via the Zoom application. It was the most dramatic change the 175-year-old Florida Supreme Court had seen to the format of oral arguments since its inception.

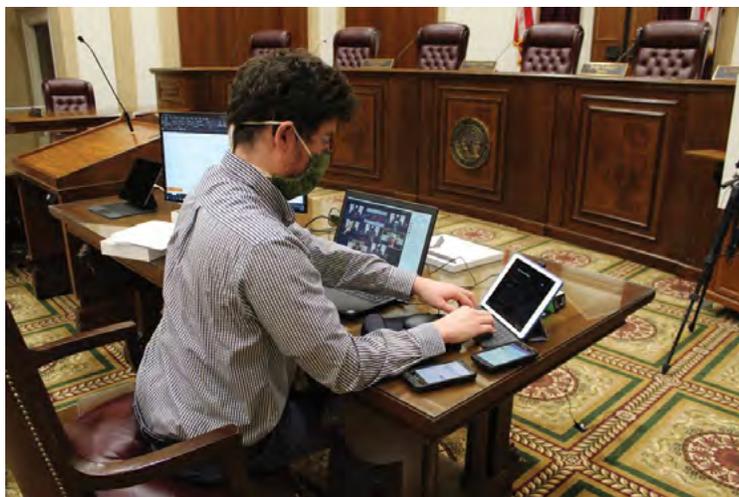
On May 6, 2020, the Court held its first-ever virtual oral argument. In-person, the view of the courtroom was different from in the past. The bench was empty. The galley was empty except for the Marshal and Deputy Marshal who sat in the courtroom during the arguments. The table normally reserved for attorneys during arguments was empty except for a few select people from the team who made the remote oral arguments possible, including the Clerk of the Court John Tomasino, and the Court's computer technician, Tyler Teagle.

For the online viewer, though, the view was not much different than it would otherwise be viewing an argument online. WFSU Public Media maintained the feeds, and Teagle tapped at his laptop keyboard splicing together the live video, showing attorneys and Supreme Court justices interacting from various distant locations. Some justices were at their homes, others in their offices. The justices were dressed in their robes and appeared in front of a still photograph of the bench, whereas most of the attorneys suited up in front of a still photograph of the counsel table or a blank wall. The questions were as tough as ever, especially given that two out of four of the cases on the docket that day involved the controversial marijuana regulation.

Prior to the historic first virtual oral arguments, the Court's Public Information Office, the Clerk's office, and the Clerk's IT staff worked closely with the justices and the attorneys to make these broadcasts happen. The only noticeable glitch during the broadcast was when Chief Justice Charles Canady had to remind some of the lawyers to unmute their Zoom interface.

Just as the Court had been doing for the last two years, the arguments were livestreamed over the web on Facebook Live and through the Florida Channel. The virtual arguments could be viewed in real time around the world.

The Court's use of technology was a smart solution that enabled the Court to continue operations during the public health crisis. As the pandemic evolves and changes the way legal proceedings are conducted in Florida, one can be sure that the Court will continue to stay ahead of the curve when it comes to technology.



TOP During the broadcast, Teagle sat alone at the table that would otherwise be reserved for attorneys, clothed in a face mask, with his laptop, iPad, and two cellphones overseeing the arguments.

MIDDLE During the broadcast, Teagle sat alone at the table. The courtroom was otherwise empty except for the Marshal and Deputy Marshal who can also be seen in this picture.

BOTTOM Justice Alan Lawson asks a question during the live broadcast of remote oral arguments.