

**SUBJECT:** Oral arguments using teleconferencing technology

**COMMITTEE:** Judicial Affairs — favorable, with amendment

**VOTE:** 8 ayes — Thompson, Hartnett, Clark, Crabb, Garcia, Luna, Shields, Zbranek  
0 nays  
1 absent— Solis

**WITNESSES:** None

**BACKGROUND :** The Government Code requires that in cases involving an appeal from a lower court to a court of appeals, the justices and attorneys representing the parties be physically present for oral arguments.  
  
The 74th Legislature appropriated funds to test the feasibility of using video conferencing technology for oral arguments before the El Paso Court of Appeals.

**DIGEST:** HB 784, as amended, would allow the Texas Supreme Court, the Court of Criminal Appeals, and courts of appeal to use teleconferencing technology to hear oral arguments from any location in the state. The decision to use teleconferencing technology would be at the discretion of the presiding judge and with the consent of the parties or their attorneys. Teleconferencing technology would be defined as technology connecting individuals in different locations by electronic means encompassing both audio and video components.  
  
The bill would take effect September 1, 1997.

**SUPPORTERS SAY:** HB 784 would expand the highly successful pilot program in the El Paso Court of Appeals that pioneered the use of video conference technology for oral arguments. The El Paso program has shown that this technology is a very convenient method to save time for all parties, including the court, and cut expenses for attorneys and their clients. The success in El Paso mirrors the experience in federal courts, which have used teleconferencing

technologies with marked results for certain court hearings involving prison inmates. Teleconferencing technology is also enables disabled attorneys to participate in oral arguments without having to make taxing out-of-town trips.

HB 784 would not require the state to make significant investments in teleconferencing equipment. The program would be conducted on a voluntary basis through a gradual process that could eventually use economical software and personal computers over more expensive video equipment. In the long run, the substantial savings resulting from judges not having to travel to other courts to hear transferred cases would offset any initial start-up costs. Teleconferencing procedures also form part of the overall recommendations made by the Commission on Judicial Efficiency to improve information technology in courts.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

The committee amendment would require that the parties consent to the teleconferencing and define teleconferencing technology to include both audio and video components.

A related bill, SB 1385 by Haywood, would authorize the Attorney General's Office to use videoconferencing technology in lieu of personal appearances in certain civil and criminal proceedings. The Senate Jurisprudence Committee has reported SB 1385 favorably as amended and recommended it for the Local and Uncontested Calendar.