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This article appeared in all eight of the Hearst daily newspapers in Connecticut

## Expect fewer jury trials after coronavirus crisis

By Daniel Tepfer

May 3, 2020

Once a sense of normalcy returns following the coronavirus pandemic, it might be a while before you're called for jury duty again, according to one lawyer.

Attorneys are expecting changes in the way cases are adjudicated and predict there will be less court appearances. That's something that has already started with uncontested divorces.

"I think our conceptions of what is reasonable will change fundamentally, in ways in which we are only now beginning to see," said Norman Pattis, a criminal defense and constitutional lawyer who represented Fotis Dulos.

"In the areas of searches and seizures, many folks are prepared to sacrifice liberty and privacy for safety and survival, so expect a diminished fourth amendment," Pattis said. "The balance between state and federal governments might be restructured, altering our conceptions of federalism. The court's discretion to handle the business before it will also summon many responses altering how we do business."

In the immediate future, Pattis said he doubts we'll see juries any time soon in Connecticut.

"The press to conduct court trials by means of remote access will pose challenges about whether effective cross-examination can take place without a face-to-face confrontation," he said. "And the lack of court appearances will isolate lawyers from one another and the broader market within which they operate. Most of what I learned about the law, I learned from watching and listening to others."

Pattis said the pandemic marks a fundamental challenge to the courts.

"The exciting part of lawyering will be to see how much our old commitments we can salvage while adjusting to new realities," he said. "I don't know what answers we'll arrive at, but I have the sense that the law is up for grabs in the next 10 years. It's a good time to be a lawyer."

Michael Lawlor, associate professor of criminal justice at the University of New Haven, predicts that "our criminal justice system's new normal will be have a much smaller footprint."

“Fewer prisons and jails, smaller criminal court dockets and expanded front-end options will allow and incentivize criminal justice professionals to re-allocate scarce resources in order to focus on public safety,” Lawlor said.

On April 21, Gov. Ned Lamont issued an executive order modifying divorce requirements, resulting in both parties not having to appear in court for uncontested divorces.

“It is hard to know exactly how many people will be able to take advantage of the new procedure and finalize their divorces without having to continue to wait but that number may well be in excess of 1,000 couples,” said **Eric Higgins**, a family lawyer and partner in Stamford’s Wofsey, Rosen, Kweskin & Kuriansky.

He estimates that as a result of the pandemic, there are 1,000 cases where people are ready to get divorced but are now stuck waiting.

“The freeing of the courts to finalize divorces on the papers, without requiring live testimony or the persona attendance of the parties or their lawyers has obvious advantages,” Higgins said. “It allows those couples who are stuck in limbo, ready to get divorced, to actually get divorced and move on with their lives. However, it may come at a price in terms of the finality of those divorce judgments.”

He said one problem is that a party in a divorce may later seek to have the judgment reopened, claiming that there had been a misunderstanding.

“There also is the lurking legal issue of whether the governor has the legal authority to modify these statutory requirements, which could make these judgments vulnerable to a later attack,” he said.

“Only time will tell,” he added.