

ADVANTAGES AND RISKS OF TRIAL BY
VIDEO-LINK FOR DEFENSE ATTORNEYS AND
FOR EFFECTIVE DEFENSE

**.. to use or
not to use?**

ECBA CONFERENCE ROME 12 SEPT 2020

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*Effective
information*

CONSENT

WAIVER

*Personal
free choice*

...

European Criminal Bar Association

Statement of Principles

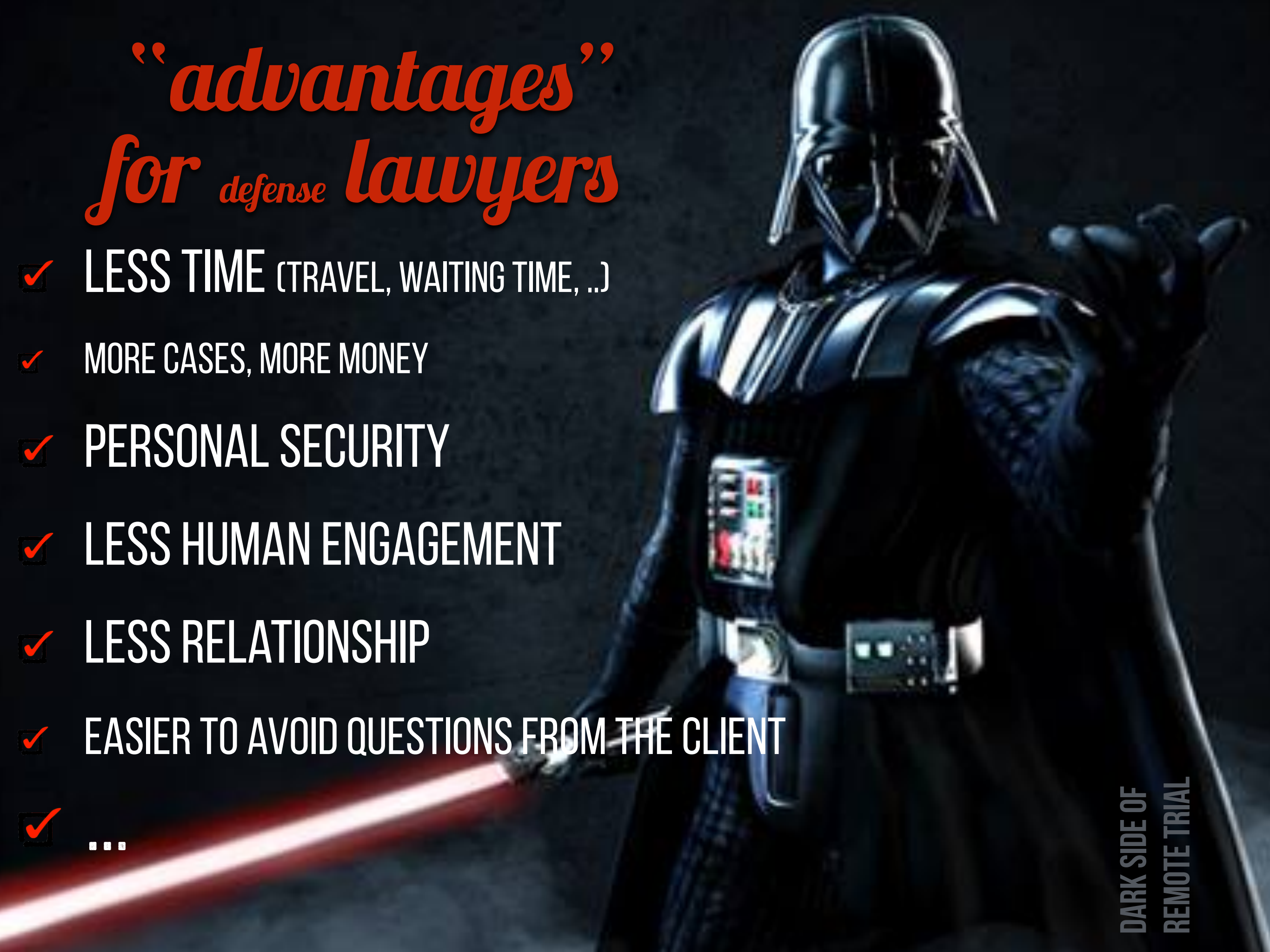
on the use of

Video-Conferencing in Criminal Cases

“advantages” for defense lawyers

- ✓ LESS TIME (TRAVEL, WAITING TIME, ..)
- ✓ MORE CASES, MORE MONEY
- ✓ PERSONAL SECURITY
- ✓ LESS HUMAN ENGAGEMENT
- ✓ LESS RELATIONSHIP
- ✓ EASIER TO AVOID QUESTIONS FROM THE CLIENT
- ✓ ...

DARK SIDE OF
REMOTE TRIAL



“disadvantages” for defense

- ✓ WHERE IS THE PLACE OF THE LAWYER: COURT OR WITH CLIENT?
- ✓ RELATIONSHIP (INFORMATION ON THE CASE)
- ✓ DOCUMENTS (PRE, DURING POST)
- ✓ CONFIDENTIALITY (PRE, DURING POST)
- ✓ TECHNICAL PROBLEMS
- ✓ ...

psychological effects on the decision?

grand theft auto San Andreas





“Video tape is still a picture, not life.”

*Stoner v. Sowders, United States Court of Appeals, Sixth Circuit, 1993 - 997 F.2d 209
(6th Cir. 1993)*

READ MORE: *Defendants on video - conveyor belt justice or a revolution in access?*

PENELOPE GIBBS, TRANSFORM JUSTICE, 2017



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