

This is a pre-print of the following chapter Flower, Lisa, Klosterkamp, Sarah & Rowden, Emma: Video Links and Eyework, published in *Courtroom Ethnography: Exploring Contemporary Approaches, Fieldwork and Challenges*, edited by Lisa Flower & Sarah Klosterkamp, 2023. Palgrave reproduced with permission of Palgrave MacMillan. The final authenticated version is available online at <https://link.springer.com/book/10.1007/978-3-031-37985-7>

## Chapter 8

### Video Links and Eyework

Lisa Flower, Sarah Klosterkamp & Emma Rowden

#### **Introduction**

Eye contact is a key component in initiating and sustaining social interaction and has traditionally demanded face-to-face presence (Goffman, 1959, 1963; Kendon 1990). However, developments in technology have led to a proliferation of interactions taking place via cameras and screens. This switch from face-to-face to hybrid or completely online hearings changes how we see and communicate with each other not only in a literal sense, but also how we see and communicate with each other in a symbolic sense, that is, how we understand, interpret, evaluate and relate to one another. The sociologist Randall Collins (2020: 482) encapsulates this when he writes, “[b]y seeing another person’s eyes and face, and the orientation of their body, you know what they are paying attention to. An exchange of glances communicates, I-see-you-seeing-me, and also I-recognize-what-we-are-both-looking-at.” This perception of perceiving and experiencing others and sensing that we ourselves are being perceived is termed “co-presence” (Goffman 1963) and has traditionally required physical co-location. However, moving interaction into an online sphere not only risks disrupting eye contact, it also risks disturbing perceptions of co-presence (Campos-Castillo and Hitlin 2013; Rossner and Tait 2021). Indeed, we suspect that many readers have thought to themselves “it’s just not the same” at some point when interacting with others via video link. In this chapter we show how ethnographic studies can be used to understand this perceived difference.

Face-to-face eye contact is important in courtroom settings, for instance, to modify intimacy (Argyle and Cook 1976) or communicate persuasively (Ball 1994). It is also widely believed to be central to assessments of credibility (Neal and Brodsky 2008) despite uncertainty regarding how credibility is actually displayed (Bandes 2014) with direct eye contact assumed

to be an indicator of deception, despite findings that dispute this (Sporer and Schwandt 2007). Eye contact can also be used strategically by legal actors in order to convey certain impressions in the courtroom, known as “eyework” (Flower 2019). In this chapter we show how ethnography can be used to more fully understand the importance of eye contact and eyework in traditional physical trials and how this translates in remote settings.

Each of the authors of this chapter have studied the courtroom extensively and, despite each coming from different disciplines (architecture for Rowden, sociology for Flower, and feminist legal geography for Klosterkamp), we have all been interested in the role of eye contact in court in various ways. When we began our fieldwork, in 2008 (for Rowden in Australia), 2013 (for Flower in Sweden), and 2015 (for Klosterkamp in Germany), video links were at various stages of establishment as an everyday form of communication in society. As the use of video links in wider society burgeoned, a concomitant presence and development in the courts began to appear too, albeit at varying rates and extents in each of the jurisdictions we studied. The COVID-19 pandemic supercharged this trend as courts — many already battling enormous backlogs — strove to function during lockdowns and social distancing restrictions (Remotecourts.org 2020, Legg and Song 2021). For instance, 12 848 video links were used in Swedish trials in 2011, rising to 181 570 in 2021 at the height of the pandemic (Courts 2021), with similar trends in Germany and Australia.

Of the three jurisdictions explored here, Australia’s use of video link has the longest history, dating back to the late 1980s. Australia first introduced routine remote participation for child witnesses and defendants, however video links were quickly adopted for a wider range of purposes, not least in highly inaccessible communities (Rowden 2011). It is unsurprising then that during the COVID-19 pandemic all personal court appearances other than continuing jury trials moved online in Australia (Legg and Song 2021). In contrast, video link capabilities, while installed, have been used sparingly over the past 25 years in Germany and Sweden, however increased during the COVID-19 pandemic (Deutschlandfunk 2021; Domstolen 2021). In Germany, video links were first introduced to protect witnesses in criminal procedures who remain the only party permitted to participate remotely with video links mainly restricted to use in civil cases (Sanders 2021). In Sweden, parties, including defence lawyers and prosecutors, may participate via video link if deemed appropriate with regards to safety, costs and other practicalities. As many courts across the globe have now invested in video link

technology and moreover, have strategic plans highlighting digitalization, video links seem likely here to stay.

In this chapter, we first show how ethnography can be used to understand the importance of eye contact in courtrooms with particular focus on impression management. We then develop this to show how video links challenge and disrupt eye contact and risk justicial implications. Finally, we present how autoethnographic experiences can be employed to more fully understand how and why video links can unwittingly create misrepresentations of self. Before we embark on these themes, we present an overview of the extant research on video links in courts.

### **Courtroom ethnographies on video links**

Although video links have gained academic attention, our literature review reveals only a handful of existing ethnographic studies on their use in court proceedings, with even fewer focusing explicitly on eye contact. Instead, the literature is dominated by psychological, criminological and or legal and socio-legal reviews on remote hearings. For instance, studies have explored whether defendants taking part via video link receive higher bail or are denied (Seidman et al., 2010; Eagly 2015), whether credibility is impacted by video links (e.g. Landström et al. 2015 find credibility is reduced; Orcutt et al 2001, and Ellison & Munro 2013 find no difference, Taylor and Joudo 2005 find mixed results), how camera positioning impacts upon our perceptions (Bruan & Taylor 2012), as well as how video links change our perception of emotions (Wiggins 2003). To this we can add a number of overviews of legal findings which explore the benefits and challenges of video conferencing in a legal setting (e.g., Donoghue 2017, Mulcahy 2008).

Although such studies contribute to a wider understanding of the phenomenon of video links, an ethnographic approach provides something extra. By focusing on social activity *in situ* (Atkinson 2014) within these legal settings, it enables us, as ethnographers, to explore how legal actors in court interact, engage, and deal with cameras and video links when practicing justice. It is the “being thereness” (Borneman and Hammoudi 2009) of ethnography that reveals the symbolic meanings, situatedness, sensorial experience, social identities, and daily routines which are difficult to attain from other methods (Paik & Harris 2015). Moreover, it is the continued, repeated ethnographic presence, revisiting the field over and over, that enables the

ethnographer to see the deviations from the mundane thereby revealing the underlying rules of interaction (Goffman 1963).

As noted in the introductory chapter, ethnographic studies of courtroom interactions are not new (e.g., Rock 1993; Tait 2001), nor is an interest in the use of technologies in courts and the resulting tensions (e.g. Carlen 1974). However, such studies tend to focus on nonverbal interactions more broadly, rather than on eye contact (for instance, see Bergman Blix and Wettergren 2018; Mack and Anleu Roach 2010; Flower 2019a). One of the early ethnographic studies which did include a focus on eye contact in interactions in French remote hearings explored the impact of camera placement on sightlines and showed how on-screen impressions are managed, for instance that the counsel's greeting to the court may not be visible on screen due to camera positioning (Licoppe, Verdier and Dumoulin 2013, see also Licoppe and Dumoulin 2010). McKay (2018) similarly explores ruptures in communication in Australian courts stemming from video link usage which restricts the effectiveness of communication and leads to feelings of remoteness and stress. Moving to an English study, the importance of camera positioning to eye level and choice of background is also shown to be important in impression management (Rossner and McCurdy 2020). These later studies were preceded by the *Gateway to Justice Project: Improving video-mediated communications for justice participants* in Australia between 2008-2010, which found that video links may alter the nature of proceedings, potentially undermining the "experience and legitimacy of justice" (Rowden 2018: 263; Wallace and Rowden 2018).

### **Exploring and understanding the absence and presence of eye contact using ethnographic methods**

We now move on to our discussions of how ethnographic means can be used to understand the importance of eye contact in trials.

#### *Using ethnography to understand eyework*

Flower conducted ethnographic fieldwork, observing over 50 criminal trials at four district courts in Sweden between 2013-2018. She sat near the front of the public gallery, diagonally opposite the defence lawyer and defendant in order to observe their micro-interactions (Goffman, 1959). She worked abductively (Atkinson 2014), gathering fieldnotes, conducting interviews with defence lawyers, analysing the material gathered using her chosen theoretical framework returning to the field again and again, continuing this loop in a process of detailing,

interpreting, and understanding the interactions taking place. One aspect in particular stuck out as a deviation from — what had become — the expected sequence of interactions and she began to hone her ethnographic gaze on eye contact.

Flower's analysis of her fieldnotes shows that defence lawyers make eye contact when questioning witnesses and plaintiffs and when talking to judges or the prosecutor. Also, when a client is addressed by the judge or questioned by the prosecutor, eye contact with the judge or prosecutor is sought for by the defence lawyer. Eye contact thus appears to be routine. However, during certain phases of questioning their own clients, eye contact initiated by defence lawyers is systematically absent. This can be seen in the following sequence which is an excerpt taken from a theft trial:

The defence lawyer and defendant both look at the prosecutor when the prosecutor diverts from reading from the presentation of facts. Later, the defence lawyer looks straight at the prosecutor and blinks three times when the prosecutor says that two people matching the accused's description were seen at the crime scene. When the prosecutor states that the defendant was caught with a bag containing the stolen goods the defence lawyer blinks three times then looks down again. After 28 minutes there is still no eye contact between the defence lawyer and his client that I have noticed.

When the defendant is questioned by the prosecutor, he admits that he "did stupid stuff" and looks at his defence lawyer who nods and says "tell them what you did" in a soft but stern voice. His client describes what he did and looks at him again. The defence lawyer nods again. It's the first time they have had direct eye contact.

The defence lawyer now asks questions to his client but without looking at him, he looks down in front of him, in the report or in the empty space in the middle of the courtroom. He asks three questions about the initial interrogation, all without looking at his client.

Defence lawyer: "Could it be the case that someone else stole the items?" Here he looks directly at his client and eye contact is made.

Defendant: "Yes"

Defence lawyer: “You haven’t been with [the other defendant]? Is that correct?” Again, direct eye contact is made and the question is delivered in a slightly sterner voice. (Fieldnote)

In this excerpt we see an array of eyework strategies – making and avoiding eye contact in order to convey social information to the other interactants in the courtroom. The first we see is a display of surprise at the prosecutor’s deviation from the expected order of events (Ekman 2004). This is followed by a related form of eyework – blinking – which reveals another type of surprise, this time when evidence is presented that is damaging to the defence (Flower 2019). When the defendant is questioned by the prosecutor, we see the first use of direct eye contact between defence lawyer and defendant, aimed at directing the defendant into performing the expected role of feeling and displaying remorse. Next, we see the absence of the expected eye contact, when the defence lawyer is questioning his own client. Instead, we see a gaze into the no-man’s land of the center of the courtroom. However, towards the end of the excerpt, we see once again eye contact between defence lawyer and defendant aimed at managing the client into a performance of innocence, perhaps playing on the (erroneous) assumption that eye avoidance is a signal of deception, hence eye contact indicates truth-telling (Sporer and Schwandt 2007). By making eye contact, the defence lawyer is thus supporting an idealised presentation of his client (Goffman’s 1963, “face”). The avoidance of eye contact can therefore be a form of civil inattention — actively and strategically choosing to not see the actions of another part, particularly when they may be cause for embarrassment (Goffman 1963; Goffman 1959) — eye contact can also be used to give and gain support (Flower 2016, 2019). The attainment and avoidance of eye contact is thus used strategically to convey social information to the courtroom.

In this part Flower has shown that the intricate yet subtle ways in which eyework is performed are revealed through detailed ethnographic observation, strategies that would have remained hidden without an ethnographic eye. Ethnography can thus help us to understand the importance of eye contact in courtroom interactions. In the next section Klosterkamp will show how fieldnotes and sketches help us to understand how this is disrupted when video links are used.

*Using ethnography to understand the disruption of eyework by video links*

In Germany, video links have — until recently — remained unusual. However, this changed when anti-terrorist trials began to use remote participation for defendants in custody, this format often constituting the only available option for including their oral testimonies. These testimonies are essential in Germany as the legal process is grounded in the “principle of orality” (as in the Swedish system). This means that every piece of evidence to be included in deliberations — from tapped phone calls to eye-witness reports — must be orally presented in the courtroom.

Conducting a courtroom ethnography of anti-terrorist trials between 2015-2020, Klosterkamp was able to observe some of these otherwise rare digital settings at the Higher Regional Appeal Courts. In total, Klosterkamp conducted a multi-sited courtroom ethnography of more than 45 trials and the courtrooms’ antechambers (including restrooms, waiting rooms, cafeterias, and parking lots) covering over 200 hours of fieldwork. The ensuing analysis drew on ‘embodied protocols’, ‘legal pads’, and ‘grounded datasets’ (for more details see Faria et al. 2020: 1099; Klosterkamp 2022). Klosterkamp found that her observations of remote oral testimonies were especially pertinent for her analysis which focused on how the court ‘knows’ and what counts as a ‘reliable witness’ for the prosecution, the defense lawyers and the judges (cp. Faria et al. 2020: 1107).

Ethnographic fieldwork revealed that participation via video link led to new dynamics being introduced into the courtroom; a space traditionally designed and used for face-to-face interactions (cp. Figure 1; see for Klosterkamp 2021 for more details). Hence as video links remain an exception to the rule, the courtroom dynamics were shaped and rendered by uncertainty and many questions stemming from legal-reasoning regarding how to compensate for what *was missing* or what remained *irreplaceable* due to a lack of co-presence. This is seen in the following extract from Klosterkamp’s fieldnotes where the judge is unsure how to examine a witness when the witness’ facial expressions are not discernable and eye contact is not possible:

Judge: Thank you for coming. We know, this is an unpleasant situation for you, since it required a great deal for you, and everyone involved, to get you here. Before we start the oral testimony (...) I would like to introduce you to everyone present.

Judge to technical support [present in the courtroom]: “Can you please position the camera accordingly?”

Technical support: “That’s not possible. He can only see you or the defendant – the camera angle doesn’t allow a pan-over.”

Judge: “Ah, okay. I see. Okay, so please let him see the defendant.”

Witness: “I see a person, but I don’t know if it’s him. He’s too far away.”

Judge: “Can we get him closer?”

Technical support: “Not much, I’ll try” [He tries a few angles, but nothing much has changed]

Judge: “Okay, let’s leave it like it is and position him back to me, please. Thank you”.

Technical support follows this instruction.

Judge: “Can you see me now?”

Witness: “Yes”

Judge: “Okay, but I can’t see into your face. I can’t proceed with my examination like this. I want to see his eyes. Please ask him to look directly at the camera”.

Witness: “I am looking directly into it”

Judge: “It doesn’t look like this — okay, I still can’t get used to it. Anyways, we are happy to have you here. Let’s get started.”

After ending the oral testimony, the judge concludes that it is still hard for him to get an idea of how to evaluate the behaviour of the witness. Although the judge chose the camera positioning, not all aspects could be captured and were perceived as “missing links” at the end of the examination. This meant that the guards or prosecutors who had accompanied the witness during their testimony were often asked by the judge to comment afterwards on the witness’ bodily behaviour. (Fieldnotes).

Hence, when direct eye contact is missing, non-verbals are looked to for more information. Eye contact, as well as non-verbal gestures — such as shaking legs or facial expressions — were “hard to grasp” for those involved in these remote settings, especially for the judge and the witness (see Faria et al. 2020: 1107). Furthermore, those physically present in the courtroom, such as the prosecution or expert witnesses, often complained that it was harder to look at all the faces of those taking part (e.g. witnesses, defendants, and the judge) when some participated via video link. This is because, in an ordinary in-person legal setting, the person



testifying is seated in the middle of everyone's viewing axes. The technical infrastructure when some participated via video link, as already noted, was not able to offer a similar set-up.

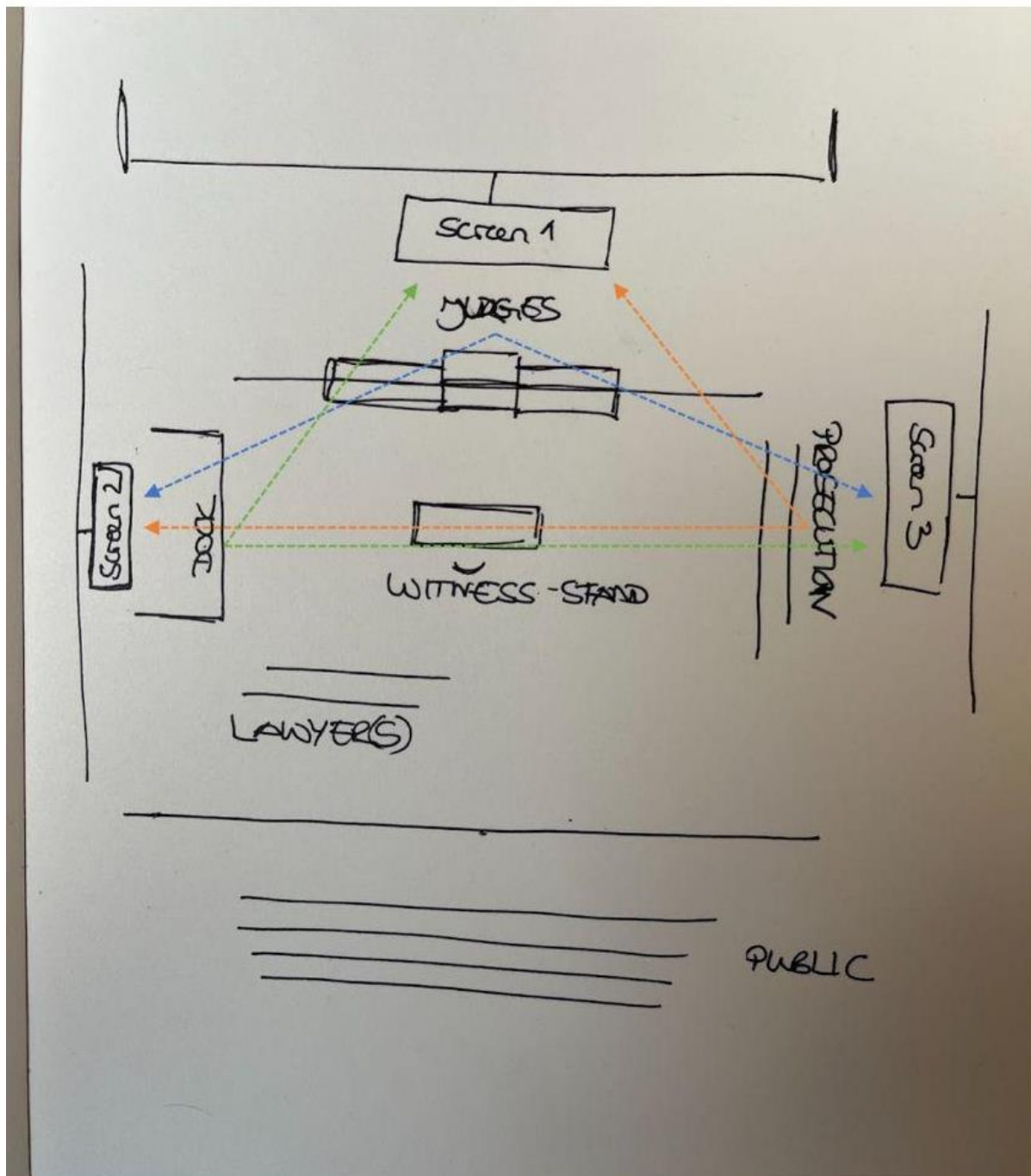


Figure 1: German Courtroom design, seatings and axes of viewing and co-presence, drafted by Sarah Klosterkamp, based on personal fieldnotes.

Now Rowden will show how autoethnography contributes to understanding how eyework is disrupted by video links.

*Using autoethnography to understand user experiences*

Fieldwork for the Gateways to Justice project involved court observations and site visits to 40 courthouses and 20 remote court sites, conducted over a two year period between 2008-2010 with a team of interdisciplinary researchers that included Rowden (for more details on the methodology of the Gateways project data collection on interviews and site visits, see Rowden and Wallace 2018). Wherever possible, Rowden sought to ‘test out’ the court video links herself to better understand the phenomenological experience of communicating via video link in a courtroom setting. Several such ‘tests’ were conducted over the course of the research and were inspired by proponents of autoethnography who advocate for documenting the researcher’s own experiences, utilizing them as a valid form of research data (see Méndez 2013). Rather than relying solely on the favoured narrative approach by many autoethnographers, Rowden further analyzed and described the encounters through making diagrams and staged photos, later annotating them. While orchestrating these experiences may seem less relevant to current researchers in the field given the ubiquity of video links now in everyday life, at the time it proved enlightening; particularly so given the researcher’s then relative unfamiliarity with communicating this way. As described in the literature, this autoethnographic exercise resulted in an “epiphany” (Ellis, Adams and Bochner 2010) for the researcher in comprehending how the design of video linked interactions could distort and construct demeanor and color participants’ opinions of each other over the video link. It is argued that autoethnography enables an embodied insider perspective and hence embodied understanding of video links.

In one particular court in Western Australia, the benefit of this method was revealed. Here Rowden noted during a demonstration of the link she undertook with the help of a court technician:

While in the remote room I felt as if I was making eye contact with the person speaking from the bar table as they appeared onscreen; when we swapped positions, it appeared to the courtroom that the remote participant was looking away from the speaker at the bar table, and was looking away towards the back of the courtroom (Rowden 2011: 213).

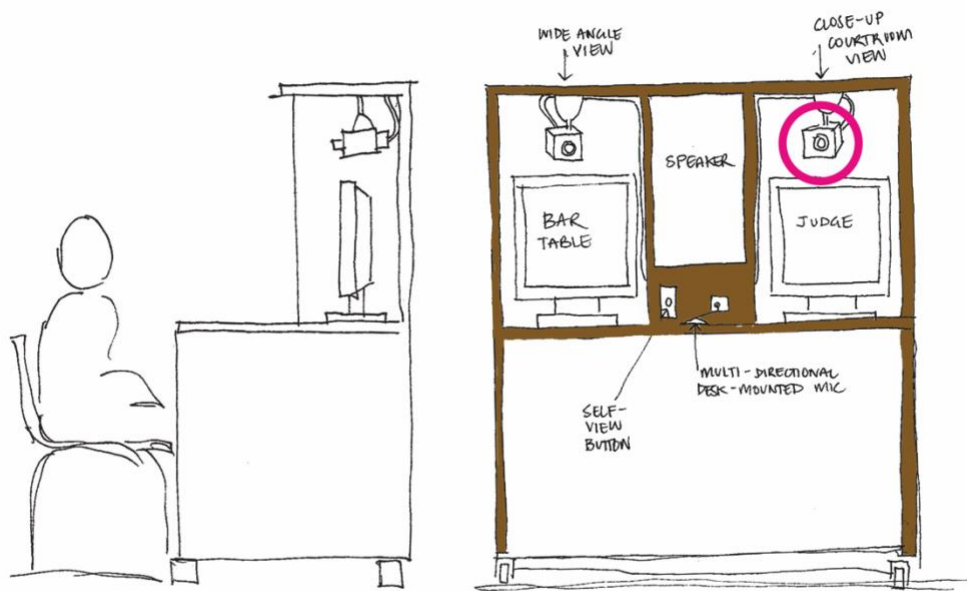
In discovering this, Rowden staged a photo to capture what was happening (see Figure 2), along with making several sketches of the video link set-up to better understand the camera and screen placement at the remote end (see Figure 3). Through making sketches, she was able to reveal and document that the disjuncture between the remote participant's reality (I-am-looking-at-you-and-paying-attention) and the courtroom's reality (you-are-looking-away-and-not-paying-attention) was mainly because the camera taking the image of the remote person was placed above the screen showing the judge, rather than the screen showing the bar table monitor. Furthermore, it was discovered that the remote witness is captured by a camera placed far above the level of their eyes, so while they are looking straight ahead at the screen in front of them, the camera picks up an image of them having down-cast eyes (see Figure 4). As Rowden concluded of the episode:

Compounding the participant's difficulties in effectively managing the impression they are giving to court, is the possibility of their appearing to the courtroom as if they are disinterested in the proceedings. This is, of course, through no fault of their own, but through a construction of camera angles and screens (Rowden 2011: 213-214).





Figure 2: In this staged photo and subsequent annotations, Rowden attempted to capture the results of the autoethnographic experience: while the person in the remote room believes they are making eye contact with the person at the bar table, to all in the courtroom, however, it appears as if the person in the remote room is disengaged with the proceedings (Images ©EmmaRowden).

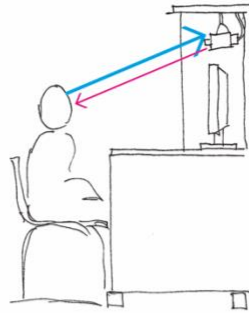


Section of Remote Witness Facility

Elevation View of Remote Witness Technology Cabinet

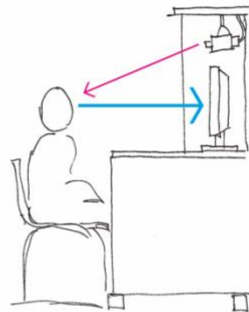
Figure 3: Sketches showing the remote witness facility in the courthouse. The “Close-Up Courtroom View” camera on the right-hand-side, sat above the screen showing the judge, is taking the image of the remote participant that is being displayed in the courtroom (Images ©Emma Rowden).

View of witness seen in court



Witness looking directly into the camera lens

View of witness seen in court

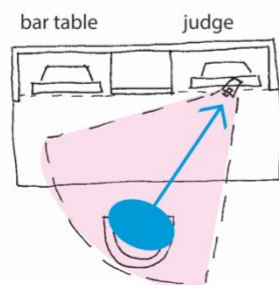


Witness looking directly at screen

View of witness seen in court



Witness thinks they are looking at the judge

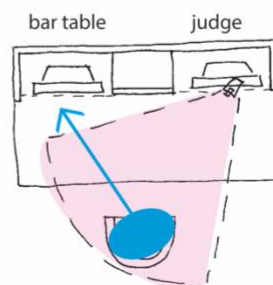


Plan of remote witness facility

View of witness seen in court



Witness thinks they are looking at the bar table



Plan of remote witness facility

Figure 4: Images and sketches to explain why the remote participant is viewed from the courtroom as looking away from the bar table as their body is turned away from the camera that is relaying their image into the courtroom (Images ©Emma Rowden).

This potential for camera and screen placement to detrimentally affect a remote participant's impression management was corroborated when an expert witness interviewee narrated their experience of watching another expert colleague give evidence by video link:

[O]ne thing I've noticed is (...) you're not necessarily always looking right into the camera. Sometimes you're looking — the camera's right in front of you, but you're actually looking to the side (...) and it makes the person look very shifty (...) And their eyes are flicking between the two. It's a bad look (...) it just makes, it makes the person look less credible I think than they actually are — and I know the person who is giving evidence on that day (...) he's not somebody who I would normally think was shifty or, you know, lacked credibility. But watching him on that video screen doing this [interviewees eyes move from side to side] (...) I just thought "oh, that doesn't come across very well at all".

While the case represents an extreme example, it nonetheless encapsulates the sense that eye contact and, as a result, impression management, can be effectively disrupted and misconstrued by some video link set-ups as to render completely different someone's persona to the court. While it might be argued that the above expert witness interview was sufficient to expose this truth of 'video links in practice', the autoethnographic approach verified the phenomena, as well as help the researcher unpack and explain *why* this was the case.

### **Closing remarks**

Video links have progressed towards the everyday and mundane since their inception well over two decades ago. Yet despite their proliferation and despite the technological improvements which continue to improve their quality, the solution to the problem of *what is missing* still evades us. Ethnography can help us to understand how video links disrupt eye contact within courtroom settings in important ways and lead to findings with relevance beyond the courthouse itself.



There are several concerns that come through in our studies. First, the absence of physical co-presence disrupts direct communication between trial participants (such as judges, prosecutors, defense lawyers, plaintiffs, defendants and witnesses). Second, this absence also disrupts the impression trial participants give to the courtroom with regards to the social image they are attempting to portray, but also and perhaps more worryingly, with regards to how credible they appear. Lastly, the absence and evaluation of other forms of nonverbal feedback in this digitalized interactional process also prevents participants from understanding how the video link technology edits and crafts how they appear to the court and which may risk misinterpretation.

We contend that the insight of how video links construct these impressions and visions of the remote participant is made more redolent through ethnographic approaches. Courtroom ethnography and its related methods thus serve as powerful tools to unpack the tensions, hurdles and objectives at stake within legal proceedings – something, which might be even more prevalent within upcoming years, as more and more courts aim to keep up with the digitalized infrastructure the global COVID19-pandemic has brought to them. Nevertheless, despite the wide-reaching juridical inclusion of video links, problems accompanying prevail and warrant further detailed attention. This is distinctly crucial considering that video links have particular ramifications and implications for specific areas of law and may have specific impact when used in conjunction with certain aspects of trials, for instance, judgements of credibility. Hence, we suggest that pervasiveness of video links demands deeper examination. Furthermore, we suggest that digital eyework is an important area of future research along with a sharper experiential focus on video link participation.

### **Suggested readings**

Mulcahy, Linda. 2010. *Legal architecture: Justice, due process and the place of law*. London: Routledge.

Rose, Gillian (2023). *Visual Methodologies: An Introduction to the Interpretation of Visual Materials (5th Edition)*. London: SAGE Publications.

### **References**



Argyle, Mark and Cook, Mark (1976) *Gaze and mutual gaze*, Cambridge: Cambridge University Press.

Ball, David (1994) *Theater Tips and Strategies for Jury Trials*, Indiana: National Institute for Trial Advocacy.

Bandes, Susan. A. (2014) 'Remorse, Demeanor, and the Consequences of Misinterpretation: The Limits of Law as a Window into the Soul', *Journal of Law, Religion and State*, 3(2): 170-99.

Bergman Blix, Stina and Åsa Wettergren 2018. "Professional Emotions in Court. Abingdon: Routledge.

Borneman, John and Abdellah Hammoudi. 2009. *The Fieldwork Encounter and the Making of Truth*. London: University of California Press.

Braun, Sabine, and Judith Taylor. 2012. *Videoconference and remote interpreting in criminal proceedings*: Intersentia.

Campos-Castillo, Celeste, and Steven Hitlin. 2013. "Copresence: Revisiting a Building Block for Social Interaction Theories." *Sociological Theory* 31(2):168-192.

Carlen, Pat. (1976) *Magistrates' Justice*, London: Martin Robertson & Company Ltd.

Collins, Randall. 2020. "Social distancing as a critical test of the micro-sociology of solidarity." *American Journal of Cultural Sociology* 8 (3):477-497.

Deutschlandfunk. 2021. Digitalisierung der deutschen Justiz. Der langsame Abschied von der Papierakte. <https://www.deutschlandfunk.de/digitalisierung-der-justiz-100.html>.

Courts, Swedish. 2021. Annual Report 2020. Swedish Courts.

Eagly, Ingrid V. 2015. "Remote Adjudication in Immigration." *Northwestern University Law Review* 109: 933-1020.

Ellis, Carolyn; Adams, Tony E. & Bochner, Arthur P. 2010. 'Autoethnography: An Overview'. FQS: Forum Qualitative Sozialforschung / Forum: Qualitative Social Research, 12(1), Art. 10.

Ellison, Louise, and Vanessa E. Munro. 2013. "A 'Special' Delivery? Exploring the Impact of Screens, Live-Links and Video-Recorded Evidence on Mock Juror Deliberation in Rape Trials." *Social & Legal Studies* 23 (1):3-29.

Faria, Caroline, Sarah Klosterkamp, Rebecca Maria Torres & Jayme Walenta. 2020. Embodied Exhibits: Toward a Feminist Geographic Courtroom Ethnography, *Annals of the American Association of Geographers*, 110(4): 1095-1113.

Flower, Lisa. 2016. "Doing Loyalty: Defense Lawyers' Subtle Dramas in the Courtroom." *Journal of Contemporary Ethnography* 47 (2):226-254.

- Flower, Lisa. 2019. *Interactional Justice: The Role of Emotions in the Performance of Loyalty*. Abingdon: Routledge.
- Flower, Lisa. 2019a. "Emotional Defence Lawyers." *History, Culture, Society* (Special Issue) 3 (2):282-299.
- Goffman, Erving. 1959. *The Presentation of Self in Everyday Life*, Harmondsworth: Penguin Books Ltd.
- Goffman, Erving. 1963. *Behavior in Public Places: Notes on the Social Organization of Gatherings*. New York: The Free Press.
- Katz, Jack. 1999. *How Emotions Work*, Chicago: The University of Chicago Press.
- Kendon, Adam. 1990. *Conducting interaction: Patterns of behavior in focused encounters*, Cambridge: Cambridge University Press.
- Klosterkamp, Sarah. 2021. Geographien des Ein- und Ausschlusses: Strafvollzug und -prozesse im Kontext der Aufarbeitung von Beteiligungshandlungen im syrischen Bürgerkrieg, *Geogr. Helv.*, 76, 205–219.
- Klosterkamp, Sarah. 2022. Affectual intensities: toward a politics of listening in court ethnography, *Gender, Place & Culture*, DOI: [10.1080/0966369X.2022.2089096](https://doi.org/10.1080/0966369X.2022.2089096) [online first].
- Landström, Sara, Karl Ask, and Charlotte Sommar. 2015. "The emotional male victim: effects of presentation mode on judged credibility." *Scandinavian Journal of Psychology* 56:99-104.
- Legg, Michael and Anthony Song. 2021. "The Courts, The Remote Hearing and the Pandemic: From Action to Reflection." *UNSW Law Journal*. 44(1): 126-166.
- Licoppe, Christian, and Laurence Dumoulin. 2010. "The 'curious case' of an unspoken opening speech act. A video-ethnography of the use of video communication in courtroom activities." *Research on Language & Social Interaction* 43(3): 211-231.
- Licoppe, Christian, Maud Verdier, and Laurence Dumoulin. 2013. "Courtroom Interaction as a Multimedia Event: The Work of Producing Relevant Videoconference Frames in French Pre-Trial Hearings." *The Electronic Journal of Communication* 23 (1&2):1-20.
- Mack, Kathy, and Sharon Roach Anleu. 2010. "Performing Impartiality: Judicial Demeanor and Legitimacy." *Law & Social Inquiry* 35 (1):137-173.
- McKay, Carolyn. 2018. *The Pixelated Prisoner*. Abingdon: Routledge.
- Méndez, Mariza. 2013. "Autoethnography as a research method: Advantages, limitations and criticisms". *Colombian Applied Linguistics Journal*, 15 (2): 279-287.
- Mulcahy, Linda. 2008. "The Unbearable Lightness of Being: Shifts towards the Virtual Trial." *Journal of Law and Society* 35 (4): 464-489.

- Neal, Tess M. S. and Brodsky, Stanley. L. 2008. 'Expert Witness Credibility as a Function of Eye Contact Behavior and Gender', *Criminal Justice and Behavior*, 35(12): 1515-26.
- Orcutt, Holly K., Gail S. Goodman, Ann E. Tobey, Jennifer M. Batterman-Faunce, and Sherry Thomas. 2001. "Detecting Deception in Children's Testimony: Factfinders' Abilities to Reach the Truth in Open Court and Closed-Circuit Trials." *Law and Human Behavior* 25 (4):339-372.
- Paik, Leslie, and Alexes Harris. 2015. "Court ethnographies." In *The Routledge Handbook of Qualitative Criminology*, Heith Copes and J. Miller (eds). Abingdon: Routledge.
- Remotecourts.org. 2022. accessed 25th January 2023. <https://remotecourts.org>.
- Rock, Paul. 1993. *The Social World of an English Crown Court*, Oxford: Oxford University Press.
- Rossner, Meredith, and Martha McCurdy. 2020. *Video Hearings Process Evaluation (Phase 2)*. London: Ministry of Justice.
- Rossner, Meredith, and David Tait. 2021. "Presence and participation in a virtual court." *Criminology & Criminal Justice*. 23(1) 140-157.
- Rossner, Meredith, David Tait, and Martha McCurdy. 2021. "Justice reimaged: challenges and opportunities with implementing virtual courts." *Current Issues in Criminal Justice* 33 (1):94-110.
- Rowden, Emma. 2011 "Remote Participation and the Distributed Court: an approach to court architecture in the age of video-mediated communications". PhD Thesis, University of Melbourne; Melbourne, Australia.
- Rowden, Emma. 2018. "Distributed Courts and Legitimacy: What do we Lose When we Lose the Courthouse?" *Law, Culture and the Humanities* 14 (2):263-281.
- Rowden, Emma and Anne Wallace. 2018. "Remote Judging: the impact of video links on the image and the role of the judge." *International Journal of Law in Context* 14:504.
- Sanders, Anne. 2021. "Video-Hearings in Europe before, during and after the COVID-19 Pandemic: Lessons for the Courts." *International Journal for Court Administration* 12 (2):1-21.
- Seidman Diamond, Sharon, Locke E. Bowman, Manyee Wong, and Matthew W. Patton. 2010. "Efficiency and Cost: The impact of videoconferenced hearings on bail decisions." *The Journal of Criminal Law and Criminology*, 100: 869-902.
- Sporer, Siegfried and Schwandt, Barbara. 2007. 'Moderators of nonverbal Indicators of deception: A meta-analytic synthesis', *Psychology, Public Policy, and Law*, 13(1): 1-34.

Taylor, Natalie, and Jacqueline Joudo. 2005. *The impact of pre-recorded video and closed circuit television testimony by adult sexual assault complainants on jury decision-making*, *Research and Public Policy Series No. 68*. Online: Australian Institute of Criminology.

van Dijk, Jan. 2019. 'The Digital Divide' Polity Press.

Wiggins, Elizabeth C. 2003. "What We Know and What We Need to Know about the Effects of Courtroom Technology Symposium." *William & Mary Bill of Rights Journal* 12 (3):731-744.