

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 889
Adjudicatory Hearings – Attorney Security Passes for Attorneys in
Good Standing
DATE: February 12, 2020
(3/4)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 889. This bill would provide that the Maryland State Bar Association (MSBA) can issue a non-government identification to an attorney with the purpose of bypassing security screening at Maryland Judiciary courthouses.

Currently, administrative judges, in consultation with the local sheriffs or bailiffs, issue Administrative Orders that detail security plans for each courthouse, including the screening process for each courthouse. These plans are created at the local level as each courthouse has unique security concerns, including varied entrance and screening areas, varying tenants that may lease space in the courthouse and various hours of operation. This bill would make these orders obsolete, therefore taking the authority away from the Judiciary to govern the security of courthouses. Allowing individuals, even attorneys, to bypass security compromises the safety of judges, judicial staff and visitors, including these very same attorneys.

In addition, some courthouses currently employ 100% screening either every day or on random days; 100% screening is a best practice recommended by the National Center for State Courts. This bill would permit an attorney with an identification card to bypass this 100% screening. An attorney may use this identification to bypass security despite coming to court for personal matters, i.e. participating in their own contested divorce or custody matter. Even if on professional business, the use of the identification card and the bypassing of security could result in an attorney bringing a gun into a state facility which is prohibited by law regardless of a carry permit.

Further, there is no way for courthouse security to determine if an attorney has been suspended or disbarred. There is no way for the MSBA to recover the identification to

prevent its misuse if the card holder has been subject to disciplinary action. There is no penalty for fraudulent use or misuse of the card.

As stated previously, this bill is detrimental to the safety and security of the court, courthouse employees, the public and attorneys and reduces the authority of the administrative judges to regulate their courthouses.

cc. Hon. Chris West
Judicial Council
Legislative Committee
Kelley O'Connor