

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 0469:

Courts - Remote Public Access

TO: Hon. William C. Smith, Chair, and Members of the Judicial Proceedings Committee

FROM: Caleb Jasso, Policy Advocate

DATE: February 15, 2022

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that advocates for better jobs, skills training, and wages for low-income workers and job seekers in Maryland. JOTF supports Senate Bill 469 as a means to require each court in the State to provide remote audio-visual access to all public court proceedings.

Public access to judicial proceedings is a hallmark of democratic government and serves to promote accountability within the legal system. The pandemic has highlighted the importance—and feasibility—of providing the public with access to court proceedings virtually, including via telephonic and videoconferencing technologies. Even as COVID transmission rates begin to subside, **contracting the virus remains a threat**, particularly as new variants emerge, and herd immunity remains out of reach. Moreover, in addition to these ongoing public health concerns, the lack of affordable and accessible public transit options for visiting County and State Courthouses makes it **functionally impossible** for many Maryland residents to attend court proceedings in person. People should not have to undertake such a heavy burden to exercise their constitutional right to attend or observe public court proceedings for the following reasons:

- **Foundational Right:** The First Amendment and Sixth Amendments to the U.S. Constitution guarantee open public access to court proceedings. As the world becomes more virtual due to the pandemic, it is imperative that rights keep up with the times to ensure fairness and transparency.
- **Foster civic engagement:** As city hall proceedings and public meetings become more widely accessible virtually, so too should court proceedings. If the everyday happenings of our judiciary are more accessible, the public will be more civically engaged.
- **Accessibility for loved ones and more equitable public participation:** While courts are technically “open” to the public, the challenges of coming to court — the cost of transportation, taking time off from work, and child care — erect barriers of entry that **disproportionately affect low-income communities**. Virtual court access ensures loved ones can be present to support defendants, victims, and witnesses in their proceedings.
- **Greater transparency and accountability:** Virtual court access ensures that the public has safe, affordable, and meaningful opportunities to observe their legal system at work. With greater public access to court comes greater accountability.

Virtual access during the COVID-19 pandemic has improved public understanding of our court system and enabled residents of Maryland to participate with greater ease and less personal and financial cost. And, as the Supreme Court noted in [Press-Enterprise Co. v. Superior Court of Riverside County, 464 U.S. 502, 508 \(1984\)](#), regarding the public’s ability to access court proceedings, “Openness thus enhances

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

both the basic fairness of the criminal trial and the appearance of fairness so essential to public confidence in the system.” For these reasons, JOTF urges a favorable vote on **Senate Bill 469**.

For more information, contact:

Caleb Jasso / Policy Advocate / caleb@jotf.org / 626-224-3543