

MEMORANDUM

To: Members of the Senate Judicial Proceedings Committee

From: Maryland State Bar Association (MSBA)
Shaoli Katana, Esq., Director

Subject: Senate Bill 469 – Courts – Remote Public Access

Date: February 15, 2022

Position: Informational Only

The Maryland State Bar Association (MSBA) respectfully files this informational letter on **Senate Bill 469 – Courts – Remote Public Access**. Senate Bill 469 requires each court in the State to provide remote audio-visual access to all public court proceedings, unless a proceeding is deemed closed, confidential, or restricted by federal or State law; and authorizes a presiding judge to prohibit a certain broadcast under certain circumstances.

MSBA represents more attorneys than any other organization across the State in all practice areas. MSBA serves as the voice of Maryland’s legal profession. Through its Laws Committee and various practice-specific sections, MSBA monitors and takes positions on legislation of importance to the legal profession.

Virtual court proceedings are now commonplace throughout Maryland, due to advances in technology and accelerated by the pandemic. The Court of Appeals has video-streamed oral arguments since 2006 and maintains an archive of past arguments for viewing. However, jurisdictions vary in their technology and broadcast capabilities, There is no uniformity across the state as to which hearings are currently accessible to the public, beyond the participants in a virtual hearing.

Remote public access to the courts is an important issue that deserves attention and further discussion. As SB 469 would require each appellate court, circuit court, and District Court in Maryland to provide remote public access (unless restricted), detailed analysis is needed regarding the costs and technology supports needed to implement this protocol statewide, beyond the related Fiscal and Policy Note.

MSBA recommends the creation of a Study Group for further discussion and comprehensive recommendations on this issue, composed of important stakeholders, including

representatives of the Bar and the Judiciary. MSBA welcomes an opportunity to serve as a resource to provide relevant feedback. Please feel free to contact Shaoli Katana at MSBA at shaoli@msba.org.