

SB0469_JPR_Arielle Juberg_FAV.pdf

Uploaded by: Arielle Juberg

Position: FAV

SB0469 - Courts - Remote Public Access
Testimony in **Support**

To: Chair Smith and members of the Senate Judicial Proceedings Committee
From: Arielle Juberg, Baltimore MD 21234

My name is Arielle Juberg. I am a resident of Baltimore County in District 8. I belong to Showing Up for Racial Justice (SURJ) in Baltimore. SURJ is also working in collaboration with Out for Justice and Life After Release. I am testifying in **support** of SB0469, Courts - Remote Public Access.

SB0469 is important to me because I believe transparency and accountability must be part of our government. This is especially true in processes involving crime and the possibility of incarceration. So much of our lives is navigated online; we file taxes, hold meetings with elected representatives, and complete MVA processes online. It is also time for public court proceedings to be truly accessible to Maryland residents.

The pandemic forced us to create new processes. Remote access to court proceedings is one example of a pandemic adaption that should remain. During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. As the pandemic has continued, some counties, like Baltimore County, have returned to in-person hearings *with no virtual access*. Not only do courtroom participants deserve safety as the uncertainty of the pandemic continues, but easier access provides additional benefits to our communities and should become the standard.

Public access to court proceedings ensures that errors, oversights, and injustices are visible to the public. Two tools that provide public accountability are court watch programs and the media. The Prince George's County court watch has been operating with virtual access over the last few years. Court watch programs like these are vital because they gather real-time, objective data about the court system and they hold officials accountable who have been shown to misuse their position within the courtroom. Virtual court access also makes attending easier for the press. Local news sources are already struggling, and sending a reporter to the courthouse to wait for a trial is a challenge. Virtual access makes local coverage of the courts more attainable. Taking away virtual access to the courts undermines their integrity and undercuts the public's confidence in the judicial process, which is the cornerstone of our judiciary. Enabling public access elevates our justice system to the highest standard of accuracy and integrity.

The pandemic has shown us that virtual access is possible. Increasing access for journalists, court watch programs, and family and community members will build a more trustworthy, equitable court system. It is for these reasons that I am encouraging you to vote **in support of SB0469**.

sb 384.pdf

Uploaded by: Brian Seel

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with CASA de Maryland and Renters United Maryland. I am a resident District 46 and **I am testifying in support of Senate Bill 384.**



This bill allows for a stay of eviction proceedings when a tenant can show they have applied for rental assistance and are awaiting a determination. It also prohibits the landlord from refusing to accept rental assistance funds as payment or collecting the debt through other judicial actions.

The goal of rental assistance is to allow folks to continue living in their homes, averting the massive consequences that eviction can have on one's life and, during the pandemic, limiting risk to public health. Currently, many renters experiencing difficulties paying rent are still facing eviction despite applying for emergency rental assistance because overburdened agencies have taken months to process applications. While they wait, landlords can still file for evictions for nonpayment of rent, kicking out tenants who could get funds any day. Through no fault of their own, tenants may suffer the chaos of eviction and risk contagious disease because the law does not protect them in such cases.

The [National Equity Atlas](#), estimates rent debt across the country from US Census and Treasury data. On January 30, they reported an estimated 105,000 households were behind on their rent in Maryland. An eviction judgment makes it harder to find housing, and the pandemic continues to endanger those without stable housing most. The sudden transition of eviction is especially difficult for children who are part of 51% of households in arrears. Worsened school performance, increased drop-out rates, higher rates of adolescent violence, and worse health outcomes are just some of the negative outcomes [social scientists have documented](#) among children who have experienced eviction.

We know that safe and stable housing has far reaching economic, health, and social benefits to individuals, families, and communities, and is key to reducing racial inequities. This is even more true during the ongoing public health and economic crisis. "Eviction," our state's [Attorney General Brian E. Frosh has said](#), "is not simply a condition of poverty. It's a root cause. It perpetuates a cycle that can last for generations." The National Equity Atlas also estimates that 74% of tenants behind on their rent in our state are people of color, including Blacks, Latinx, Native Americans. People of color form less than half of this state's population, and helping them remain in their homes ensures we don't continue perpetuating long-standing inequities in housing and eviction policies.

Most importantly, if we truly believed these eviction prevention programs were important, we would set the conditions in place to allow them to actually prevent eviction. Allowing folks to be evicted while awaiting determinations for aid just makes these programs life-jackets made of lead.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 384.**

Thank you for your time, service, and consideration.

Sincerely,
Lilly Chapa
212 S Washington St

Christina Pham Linhoff
46 E Randall St

Holly Powell
2308 Cambridge St

Brian Seel
223 S Wolfe St

Liz Simon-Higgs
308 E Randall St

Showing Up for Racial Justice Baltimore

Caitlin Fitzpatrick Testimony.pdf

Uploaded by: Caitlin Fitzpatrick

Position: FAV

Caitlin Fitzpatrick Testimony

Hello, my name is Caitlin Fitzpatrick. I am a Maryland voter and thank you for the opportunity to submit testimony on this legislation. I am writing to urge my support.

I always see increased accessibility and transparency as a positive thing. If people know more about what is going on in the systems that affect them, they can be more informed and make better decisions for themselves and their loved ones. In my opinion, this is a no-brainer. It's our constitutional right to observe court proceedings. And I firmly believe that justice dies in empty courtrooms.

I care so much about this bill, in large part because the people being subjected to poor treatment are my neighbors, my friends, my loved ones. I care about my community and want to see them thrive. As the court system currently stands, it's not possible for my community to thrive and I know we can do better. My experience with Virtual Court has been eye-opening, but I also think it can be improved greatly. Making Virtual Court accessible is only the first step. For instance, for a while, we could only hear audio, which made it increasingly difficult to know exactly what was going on in the courtroom. Not only was there poor audio quality at times, but without seeing the faces and body language of those involved, we are missing key factors that allow us to assess the actions of those players in the court system.

I would like to note that I think all players involved here want the same thing: we all want the justice system to be just. This is a common ground we can all agree on and work towards. I know some folks have privacy concerns, and I believe that is entirely valid. That's why we as court watchers understand that judges will be the ones to ultimately decide if they believe the case is too sensitive to be open to the public, or if they feel it would do more harm than good. An example of this might be a particularly violent sexual abuse case or any case involving the abuse of children. I understand the rights of the alleged victims in these cases and I empathize with them. I want to ensure that

justice is served for both the alleged victims and the alleged perpetrators, and we believe increased transparency is the first step to ensuring justice for all.

Thank you for your time and the opportunity to participate in the democratic process. Please extend this opportunity to be involved in direct democracy through our criminal justice system by passing this legislation.

SB0469_FAV_JOTF.pdf

Uploaded by: Caleb Jasso

Position: FAV



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

SB0469_FAV_JOTF Vers.pdf.PDF

Uploaded by: Christopher Dews

Position: FAV



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. We are also working in collaboration with Showing Up for Racial Justice Baltimore (SURJ), Out for Justice, and Life After Release. 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.

This bill requires that each court in the state 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 authorizing a presiding judge to limit certain broadcasts.

During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. This remote access has not only reduced public health risk, but also improved access for community members and increased transparency. As the pandemic has continued, some counties, like Baltimore County, have returned to in person hearings with no virtual access. As we know, the pandemic is hardly over. Not only do courtroom participants deserve continued safety as the uncertainty of the pandemic continues, but easier access provides many additional benefits to our society and should become the standard.

Incarcerated people deserve the support of their loved ones and community. Virtual access allows community participation and family support for people who are locked up. For example, the PG County court is in a remote location that can take a long time to reach on public transportation; it is often impossible for people to take off work, get childcare and transportation to come to court. Virtual access allows easier access for all community members. Removing these barriers to access ensures that not only wealthier folks with greater access to transportation and flexibility to take off from work at will are able to support their loved ones.

Court access creates transparency and accountability; without it there is no public oversight. Public access ensures that any errors, oversights, and injustices are visible to the public. Two tools that provide public accountability are courtwatch programs and the media. The PG County Courtwatch has been operating with virtual access over the last few years. Courtwatch programs like these are vital because they gather real-time, objective data about the court system and they hold officials accountable who have been shown



Advocating better skills, jobs, and incomes

to misuse their position within the courtroom. Virtual court access also makes attending easier for the press. Local news sources are already struggling and sending a reporter to the courthouse to wait for a trial is a challenge. Virtual access makes local coverage of the courts more attainable. Taking away virtual access to the courts undermines their integrity and undercuts the public's confidence in the judicial process, which is the cornerstone of our judiciary. Enabling public access elevates our justice system to the highest standard of accuracy and integrity.

The pandemic has shown us that virtual access is possible. Increasing access for journalists, courtwatch programs, family and community members will build a more trustworthy, equitable court 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

Jen Ruffner Testimony.pdf

Uploaded by: Court Watch PG

Position: FAV

Jen Ruffner Testimony

My name is Jen Ruffner and I am a court watcher with Courtwatch PG. I am also a concerned Maryland resident and constituent. I am writing today in support of the virtual access bill.

I started court watching because I wanted to play some small part in ensuring our legal system is as transparent and accountable as possible. I quickly came to see that the simple act of showing up isn't so small after all. The mere presence of court watchers can have an effect on everyone involved. It shows the person accused has a community that cares about the protection of his or her constitutional rights. It shows the person to whom the alleged harm has been done that the community sees and hears them. It shows the judge that the person standing before them is not a "defendant," but a person – with loved ones, co-workers, and community.

If the judicial system is not open and transparent, citizens are left out of a process that alters the lives of so many people, disproportionately Black and brown. This legislation does not call for transformation or change, it just calls for access – something that takes so little of the state, but makes such a difference to its citizens

Virtual court has allowed me to witness how arbitrary and random the judicial system is. It has shown me that someone's experience comes down to the luck of the draw - which judge, which mood that judge is in, what day of the week it is. Justice is not blind, but through virtual court access, we can start to see what needs to be fixed.

I urge you to support this legislation in order to increase the accessibility and fairness of the court system. Thank you for your attention and consideration.

Josh Rosenberg.pdf

Uploaded by: Court Watch PG

Position: FAV

Members of the Senate,

I joined Courtwatch PG in the Fall of 2020 as a high schooler, and have been working with them ever since. In that time, I've observed hundreds of bond review hearings without ever setting foot in the courthouse. Even without our physical presence, it is clear that Courtwatch PG's impact has been felt throughout the Prince George's County judiciary system. The hundreds of accountability letters that we've sent to judges, prosecutors, police chiefs and other key actors have visibly changed the way bond review hearings function, something that has had a tangible impact on the lives of our community members and their loved ones. For instance, in the months after we began calling out judges and State's Attorney's for not using the option of unsecured bonds and for holding loved ones unnecessarily without a chance of release before their trial, we've recorded a significant increase in the amount of unsecured bonds offered and the number of people who wouldn't have to spend any more time behind bars. Even a few days in jail (or the best-case scenario for how long Pretrial Services will take to review someone's case) and out of work can cost someone their job, so this small change has saved many families from economic instability. However, none of Courtwatch PG's work would have been possible without virtual access to court. Our members courtwatch from around the country, and even those located in the DMV have varying abilities to travel to the courthouse. Virtual access is what has allowed Courtwatch PG to hold key actors accountable and push back against the otherwise invisible violations of people's lives that take place in courtrooms

every day. I urge you to ensure permanent virtual access to Maryland courts for the sake of our communities and loved ones.

Thank you for your consideration of this matter of vital importance.

Josh Rosenberg

Joshua Bell Testimony.pdf

Uploaded by: Court Watch PG

Position: FAV

Joshua Bell Testimony

Hello, my name is Joshua Bell and I am a Maryland resident and constituent. I am writing in support of virtual access to courts. I will keep my testimony brief but I wanted to have my voice heard. Keeping the courts virtual keeps them equitable while the coronavirus pandemic continues to be a public health safety risk, as well as increases transparency and accountability in the criminal justice system. I know many people on multiple sides of the criminal justice system who benefit from the courts being virtual.

I recently saw a document from Courtwatch PG that outlined some benefits of virtual access and I wanted to state them here for the record.

Why pass virtual access:

- **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 transparency and accountability.
- **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, the impossibility of taking time off from work, struggle with child care, and disabilities -- erect barriers of entry that disproportionately affect low-income communities. Virtual court access ensures families and loved ones can be present to support defendants, victims, and witnesses in their proceedings.
- **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 government and judiciary are more accessible, the public will be more civically engaged and invested.
- **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.

I urge you to support this legislation. Thank you.

Ltr to Del. Moon.pdf

Uploaded by: Court Watch PG

Position: FAV



Dear Delegate Moon:

Court Watch Montgomery wants to thank you for sponsoring H8647, providing remote audio-visual access to Maryland court proceedings. For twelve years, Court Watch has sought to protect domestic violence victims by being the "eyes" in the court room. Hundreds of our volunteers have sat in the court rooms and observed more than 11,000 District Court hearings, systematically collecting data and noting both concerns and promising practices during domestic violence hearings.

When the courts were shut down due to COVID-19, our staff and volunteers scrambled to get access to proceedings via Skype, Zoom and audio streams. We could relay many frustrations with access to and quality of various platforms, but in the end, we learned how important virtual access can be, especially if the technology is adequate. Like other court watches, Court Watch Montgomery needs remote access to put more eyes on the courts by involving volunteer monitors who cannot attend court in Person.

Court Watch supports presumptive virtual access to domestic-violence court proceedings, so long as courts maintain the same level of confidentiality and safety as in-person proceedings. Virtual access should be sufficiently clear and audible to enable those with access to follow the proceedings.

Thank you again for leading this effort to improve access, transparency, and accountability in our state courts.

Sincerely,

Gail Nachman

Interim Director Court Watch Montgomery

Matthew Penberg Testimony.pdf

Uploaded by: Court Watch PG

Position: FAV

Matthew Penberg Testimony

My name is Matthew Penberg and I am writing to testify in support of virtual access. I have been through the court system and have often felt pain and fear as others talk about my fate and I do not fully understand what is happening. I feel the same about this testimony. Many people testifying against this probably do not know people like me who have been directly impacted.

I feel if society knew the way the accused are treated in court they would be angry. For instance, once I was waiting in court for my trial and there was a cop there to testify against a girl for shoplifting a t-shirt. For some reason, she did not show up to court so then the judge issued a warrant for her arrest. I don't think the people want teenage girls put in cages for stealing ten-dollar t-shirts. Plus all the money it costs to apprehend her and cage her. Now, this is just one small example out of many but I feel the more eyes watching an event the less likely those in charge will be to do something irrational or even immoral.

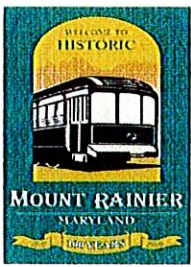
I have been through the court system many times and I don't like the way they treat me and others. Because when I am arrested I want my case in the video feed being watched as well. Why would anyone be against letting a court case be viewed even cops have to wear cameras now in most places. If the cops can be recorded why not the courtroom?

This is about transparency. Injustice often happens in empty courtrooms and having people able to watch court would have made me more comfortable as I was put into the court system.

Mt. Rainier Letter to Judges re virtual access (1)

Uploaded by: Court Watch PG

Position: FAV



Incorporated 1910

City of Mount Rainier

One Municipal Place, Mount Rainier, MD 20712

Phone 301-985-6585 Fax 301-985-6595

Honorable Mary Ellen Barbera, Chief Judge
50 Maryland Avenue Rockville, MD 20850
240-777-9320

Honorable Chief Judge Mary Ellen Barbera,

We are writing to express our appreciation for improving access to Prince George's County courts during this past year by establishing virtual, or remote, access. Virtual access has drastically lowered the cost and inconvenience to our residents who need to use the court system and has increased confidence in our judicial system. The residents of Mount Rainier are sometimes summoned before the courts, or they wish to support a loved one there, and this has, traditionally, entailed considerable cost because in-person court appearances require a day off from work with lost wages. In addition, public transportation to the Circuit Court from Mount Rainier can take more than four hours round trip. Our elderly or physically impaired residents find this journey daunting. A taxi or Uber rider from Mount Rainier costs more than \$100 round trip. Before virtual access, some of Mount Rainier residents traveled to courts in PG County only to find the courtrooms already filled to capacity and so they were abruptly shut out of the court proceedings.

Virtual access during this past year has been a blessing for Mount Rainier and Rt 1 corridor residents and we are requesting that the courts in Prince George's County remain as open, accessible, and transparent as they have become during this past year. Courts are a vital part of our civic life, and we are committed to ensuring that our residents have full faith and confidence in the integrity of the judicial process. Virtual access during this past year has improved public understanding of our court system and enabled our residents 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 both the basic fairness of the criminal trial and the appearance of fairness so essential to public confidence in the system."

We are asking that Prince George's County courts remain as they have during this past year and continue to allow those who wish to participate at a distance to continue to access the courts virtually.

Thank you.


Celina Benitez

Mayor of City of Mount Rainier

On Behalf of the City of Mount Rainier

Tara Benipuri Bhardvaj Testimony.pdf

Uploaded by: Court Watch PG

Position: FAV

Tara Benipuri Bhardvaj Testimony

My name is Tara Benipuri Bhardvaj and I am a court watcher with Courtwatch PG. I am also a concerned Maryland resident and constituent. I am writing today in support of the virtual access bill.

I became involved in this courtwatching because I believe that there is a widespread commitment to equity that has been made in recent years and that working to remove virtual court is a step backwards. Increasing the accessibility of court hearings not only serves those who need to show up to court but also saves time, money, and effort to make the court more accessible so that there are fewer failures to appear. My experience with virtual access has personally had a huge impact on my ability to sit in. Attending court in person can be difficult between driving, parking, finding the right room, etc. Virtual court access is also more accessible for me personally because it makes waiting for a case to be called less intrusive, as one can still send emails or do work as they wait. It simply makes court truly open.

I think this legislation is a wonderful step for our community and that is why I want to see it passed. Not only does virtual court access help to mitigate the dangers of COVID-19 but it is generally beneficial for those cases where people feel slightly ill and ought not to attend in-person court. In addition, for immunocompromised people, this would tremendously increase their safety and well-being. If there are any other reasons such as future pandemics, or natural disasters I think this investment in virtual courts is vital.

Furthermore, it helps to decriminalize poverty. Failure to appear for court is often due to lack of transportation, adequate childcare, and/or an inability to take time off of work. For those who are further criminalized because they lack the means to attend court, this virtual hearing system can be the difference between continuing to support themselves and their loved ones and jail.

Lastly, while this pivot to online happened in the wake of COVID-19, it has provided everyone with more flexibility. Officers of the court can stay home if they feel unwell without disrupting due process, people who are attending court to provide testimony as to the character of a defendant can do so without needing to take the day off.

I urge you to support this legislation in order to increase the accessibility and safety of the court system. Removing virtual hearings would increase the COVID risk for officers of the court as well as defendants, witnesses, and anyone else who wants to or has to attend court. Thank you.

Virtual Court Access Act Letter of Support, 021422

Uploaded by: Court Watch PG

Position: FAV

Danny Schaible
Council Member, Ward 2
dschaible@hyattsville.org

2/14/2022

Honorable Joanne Claybon Benson
Maryland State Senator, District 24
James Senate Office Building, Room 214
11 Bladen Street, Annapolis MD, 21401

RE: Support for the Virtual Court Access Act

Dear Joanne Benson,

Please see the attached letters of support to the Honorable Judge Sheila Tillerson Adams and the Honorable Judge Lisa Hall Johnson, dated August 17, 2021, outlining the City of Hyattsville's support for ongoing virtual access to court proceedings in Prince George's County.

Sincerely,

Daniel Schaible

Danny Schaible
Hyattsville City Council, Ward 2

Virtual Court Access Act Letter of Support, 021422

Uploaded by: Court Watch PG

Position: FAV

Danny Schaible
Council Member, Ward 2
dschaible@hyattsville.org

2/14/2022

Honorable James Carew Rosapepe
Maryland State Senator, District 21
11 Bladen Street, Annapolis MD, 21401

RE: Support for the Virtual Court Access Act

Dear Jim Rosapepe,

Please see the attached letters of support to the Honorable Judge Sheila Tillerson Adams and the Honorable Judge Lisa Hall Johnson, dated August 17, 2021, outlining the City of Hyattsville's support for ongoing virtual access to court proceedings in Prince George's County.

Sincerely,

Daniel Schaible

Danny Schaible
Hyattsville City Council, Ward 2

Yone'e Gibson Testimony.pdf

Uploaded by: Court Watch PG

Position: FAV

Yonée Gibson Testimony

Hi, my name is Yonée Gibson, I am a court watcher and am writing in support of virtual access. I have court watched with PG county virtually from Memphis, TN. I believe that loved ones should have support regardless of where people are. Virtual Court gave me the ability to be present digitally when I physically could not. Virtual access in the age of covid and beyond is crucial for vulnerable members of our communities. Requiring physical presence punishes mostly poor people and our courtrooms should be the place where it is most equitable. Equity should be guaranteed for all regardless of resources or how much support they have.

Why should you pass this bill?

- **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 transparency and accountability.
- **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, the impossibility of taking time off from work, struggle with child care, and disabilities -- erect barriers of entry that disproportionately affect low-income communities. Virtual court access ensures families and loved ones can be present to support defendants, victims, and witnesses in their proceedings.
- **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 government and judiciary are more accessible, the public will be more civically engaged and invested.
- **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.

Thank you for the opportunity to submit this testimony. I urge you to support this legislation.

PG Courtwatch reflection June 2 2021 for MGA testi

Uploaded by: Daniel Daughtry-Weiss

Position: FAV

Written testimony of Daniel Daughtry-Weiss in support of virtual court access in Maryland

The following is my reflection on a bail hearing observation in the summer of 2021. It provides examples of the kind of improper pre-trial incarceration described in my oral testimony in support of virtual access to court hearings in Maryland. I argue that virtual access is critical in order for the public to be able to hold courts accountable to the people.

June 2, 2021

Most of us expect that denial of freedom without trial should be reserved for cases of clear physical danger--which means having strong evidence that the person not only has caused serious physical harm, but there is also some indication she/he would do so again before trial. Those ordered held in the PG County Jail without bond or trial today include: a mental health professional with a two-year-old child and no prior convictions; a student and father of an 18-month old injured by a knife *admittedly pulled by the complaining witness* who was charged with 2nd degree misdemeanor assault (no injury caused or weapon used); a 15-year employee of the Pentagon and a father of eight who claimed HIS was the emergency 911 call and whose complaining witness declined medical attention; a self-employed, married graphic designer and father of three children who was confronted by a neighbor at his home about a dispute between their children; and a 55-year old "kind hearted son" with no prior arrests accused of violating a temporary protective order with no violence. There was no history of domestic abuse or prior violence presented with any of these cases. Ostensibly protecting our community, Judge Carrington chose assured harm to individuals AND community through immediate and ongoing incarceration.

Others ordered back to cages until trial today have diagnosed or suspected serious mental disabilities. One is legally disabled, is in treatment, and has good community support. This critical mental health treatment support will be lost in prison. The other, charged with a misdemeanor violation of protective order, was suspected *by the complaining witness* of having schizophrenia --"of needing help, not jail." This person was found to have had two unrelated violation of protective orders [convictions? or pending?], but did not consent to referral for mental health court. He was initially held lacking ability to post \$100 for bond, but Judge Carrington ordered him held without bond. In cases like this, we must conclude the judge is using pre-trial incarceration as (unfair and misguided) coercion and punishment—not as a last resort for safety of the community.

In NO case today, did Judge Carrington even give an OPTION for pre-trial release and community confinement with GPS monitoring. Twice, in response to pleas from public defenders to consider pre-trial release, the judge pointedly retorted, "ALREADY considered and denied." The prior history of individuals, lack of evidence/culpability, presence of community support, jobs, character witness, lost income/child support, and perspective of alleged victims were all apparently not important.

These cases SHOULD be adjudicated--they all involve serious charges that demand investigation and a hearing. None of them involved a clear and present danger to the community based on the

evidence we heard today. And yet we pay for the incarceration and incapacitation of these individuals and forgo their contributions to society without trial.

SB 469 - The Virtual Court Access Act.pdf

Uploaded by: Daryl Yoder

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and Life After Release. I am a resident of MD District 12. **I am testifying in support of Senate Bill 469.**



This bill requires that each court in the state 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 authorizing a presiding judge to limit certain broadcasts.

During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. This remote access has not only reduced public health risk, but also improved access for community members and increased transparency. As the pandemic has continued, some counties, like Baltimore County, have returned to in person hearings with no virtual access. As we know, the pandemic is hardly over. Not only do courtroom participants deserve continued safety as the uncertainty of the pandemic continues, but easier access provides many additional benefits to our society and should become the standard.

Incarcerated people deserve the support of their loved ones and community. Virtual access allows community participation and family support for people who are locked up. For example, the PG County court is in a remote location that can take a long time to reach on public transportation; it is often impossible for people to take off work, get childcare and transportation to come to court. Virtual access allows easier access for all community members. Removing these barriers to access ensures that not only wealthier folks with greater access to transportation and flexibility to take off from work at will are able to support their loved ones.

Court access creates transparency and accountability; without it there is no public oversight. Public access ensures that any errors, oversights, and injustices are visible to the public. Two tools that provide public accountability are courtwatch programs and the media. The PG County Courtwatch has been operating with virtual access over the last few years. Courtwatch programs like these are vital because they gather real-time, objective data about the court system and they hold officials accountable who have been shown to misuse their position within the courtroom. Virtual court access also makes attending easier for the press. Local news sources are already struggling and sending a reporter to the courthouse to wait for a trial is a challenge. Virtual access makes local coverage of the courts more attainable. Taking away virtual access to the courts undermines their integrity and undercuts the public's confidence in the judicial process, which is the cornerstone of our judiciary. Enabling public access elevates our justice system to the highest standard of accuracy and integrity.

The pandemic has shown us that virtual access is possible. Increasing access for journalists, courtwatch programs, family and community members will build a more trustworthy, equitable court system. It is for these reasons that I am encouraging you to vote **in support of Senate Bill 469.**

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

Caitlin Fitzpatrick Testimony.pdf

Uploaded by: Edwuan Whitehead

Position: FAV

Caitlin Fitzpatrick Testimony

Hello, my name is Caitlin Fitzpatrick. I am a Maryland voter and thank you for the opportunity to submit testimony on this legislation. I am writing to urge my support.

I always see increased accessibility and transparency as a positive thing. If people know more about what is going on in the systems that affect them, they can be more informed and make better decisions for themselves and their loved ones. In my opinion, this is a no-brainer. It's our constitutional right to observe court proceedings. And I firmly believe that justice dies in empty courtrooms.

I care so much about this bill, in large part because the people being subjected to poor treatment are my neighbors, my friends, my loved ones. I care about my community and want to see them thrive. As the court system currently stands, it's not possible for my community to thrive and I know we can do better. My experience with Virtual Court has been eye-opening, but I also think it can be improved greatly. Making Virtual Court accessible is only the first step. For instance, for a while, we could only hear audio, which made it increasingly difficult to know exactly what was going on in the courtroom. Not only was there poor audio quality at times, but without seeing the faces and body language of those involved, we are missing key factors that allow us to assess the actions of those players in the court system.

I would like to note that I think all players involved here want the same thing: we all want the justice system to be just. This is a common ground we can all agree on and work towards. I know some folks have privacy concerns, and I believe that is entirely valid. That's why we as court watchers understand that judges will be the ones to ultimately decide if they believe the case is too sensitive to be open to the public, or if they feel it would do more harm than good. An example of this might be a particularly violent sexual abuse case or any case involving the abuse of children. I understand the rights of the alleged victims in these cases and I empathize with them. I want to ensure that

justice is served for both the alleged victims and the alleged perpetrators, and we believe increased transparency is the first step to ensuring justice for all.

Thank you for your time and the opportunity to participate in the democratic process. Please extend this opportunity to be involved in direct democracy through our criminal justice system by passing this legislation.

Daniel Daughtry-Weiss.pdf

Uploaded by: Edwuan Whitehead

Position: FAV

Daniel Daughtry-Weiss Testimony

Hello and thank you all so much for having me. My name is Daniel Daughtry-Weiss and I am testifying today in support of the bill to guarantee virtual access to court hearings in Maryland. My participation in a bail hearing observation and accountability program in Prince George's County has convinced me that meaningful system reform depends on accessibility and accountability for what is actually happening in our courts, both over time and on any particular day.

I started court watching after volunteers from my church spoke about the impact of court watching compared to other volunteering. Before I became a court watcher, I thought I was a relatively well-informed citizen, not only a news junkie, but also recent graduate of the Maryland School of Public Policy at the University of Maryland in College Park. I knew there was injustice in other parts of the criminal legal system, but I thought Maryland and my county, in particular, was probably doing OK when it came to bail hearings.

I was aware of something called cash bail—a practice which provides the ability for those with money to go free before a hearing of evidence. However, a few sessions of court observing showed me that fundamental biases and incentives toward pretrial incarceration continue to prevail—even in my county where our quote “progressive prosecutor” has a no-cash bail policy. Even in Maryland, where judges have the option of requiring 10% or no cash bail up front to help ensure appearance in court. Even in 2022, when technology allows us to monitor the accused's location 24/7, if that seems necessary.

In a bail hearing, I expected judges would weigh the interests of the state against that of the individual and their rights. I would have thought that only a clear risk of irreparable harm—i.e. violence—should be a reason for depriving citizens of liberty before a hearing of evidence. Instead I observed that, despite arguments of competent public defenders, the scales seem fundamentally tipped not only against poor and working-class individuals but also against the common good. In my written testimony I provide specific examples of unnecessary and harmful pre-trial incarceration that surprised me, a reflection from one of my early days observing, which I have shared elsewhere.

Without data systematically and openly collected by groups like Courtwatch PG, the public will never know about the lack of consistency in our courts and will certainly be unable to evaluate what is going on. I am a rare concerned citizen of the county within driving distance of Upper Marlboro and with flexibility to observe during business hours, and, yet, even for me, the drive to Upper Marlboro is a major impediment to serving as

an observer. Thus I can assure you that virtual access to court proceedings is vital to the understanding of what this state is doing in our names. It is also critical for helping ensure that the many state funded actors in any particular case are held accountable for services and powers that have such a profound impact on our community. I urge you to support this legislation, and thank you for your time.

Without meaningful opportunities to observe and process what is going on over a considerable period, I would have no basis to come before this committee or share my concerns with others.

I care about this legislation because I now see why system reform requires follow up and citizen involvement.

Over the course of remote bail hearing observations my colleagues and I have to sense that without observation and accountability, the decks are stacked not only against our most vulnerable residents but also against the common good.

People are in jail without being convicted simply for being poor.

Deborah Polhemus Testimony.pdf

Uploaded by: Edwuan Whitehead

Position: FAV

Deborah Polhemus Testimony

Hello, my name is Deborah Polhemus and I am writing to you today in support of virtual access to courts. Six weeks on a grand jury showed me how opaque the criminal justice system is. I vowed to do what I can to prevent injustice from happening in empty courtrooms. I attend bail review hearings virtually once a week, as a court watcher in PG district court. The judges, prosecutors, and jailers know we are monitoring their work and holding them accountable. That is why I am submitting this testimony.

Virtual access to the courts is an equity issue. This legislation will reduce obstacles that low-income families, overwhelmingly Black and Latinx, confront as they struggle to appear in court in person. Access to virtual court is a step toward leveling the playing field for the thousands of poor people of color who churn through the criminal justice system every year. It is important to me that my tax dollars do not sustain a system that refuses to address blatant racial disparities in the courts.

While courts are technically “open” to the public, the challenges of coming to court -- the cost of transportation, the impossibility of taking time off from work, struggle with child care, and disabilities -- erect barriers of entry that disproportionately affect low-income communities. Virtual court access ensures families and loved ones can be present to support defendants, victims, and witnesses in their proceedings.

Virtual court access also 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 transparency and accountability.

Initial appearance. Bail review. Preliminary hearings. Status hearings. Motions hearings. Trial. Sentencing. Some of these court hearings last only minutes; sometimes defendants wait all morning for a case to be called; some hearings begin only to be continued months later. How much time should a family member have to take off from work to support their loved one? PG residents who live inside the Beltway without a car spend up to two hours each way to reach the courthouse in Upper Marlboro. That is much more time than the judge will spend deciding the fate of their loved ones. This is not right and is why I am urging your support of this legislation. Thank you.

Eileen Martinez Drucker Belinkie Testimony.pdf

Uploaded by: Edwuan Whitehead

Position: FAV

Eileen Martinez Drucker Belinkie Testimony

Hello, my name is Eileen Martinez Drucker Belinkie and I am writing today in support of virtual access to courts. As a Maryland voter, I urge your support of this legislation. Citizen participation & court access is essential to a fair transparent court system. This is vital for citizens to maintain faith & confidence in our system & strive for improvements.

Court language is often inaccessible and It's important to have the community understand our court system and be able to see it in action.

I became interested in watching proceedings and trials of the George Floyd & Ahmaud Arbery murder cases. If technology enables us to have public/open courts, it should be standard, remote proceedings are safer in these times of Covid susceptibility.

Why else should you support this legislation?

- **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 transparency and accountability.
- **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, the impossibility of taking time off from work, struggle with child care, and disabilities -- erect barriers of entry that disproportionately affect low-income communities. Virtual court access ensures families and loved ones can be present to support defendants, victims, and witnesses in their proceedings.
- **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 government and judiciary are more accessible, the public will be more civically engaged and invested.
- **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.

Thank you for your time and consideration. Please support the proposed legislation.

Fiona Apple Testimony.pdf

Uploaded by: Edwuan Whitehead

Position: FAV

Fiona Apple Testimony

My name is Fiona Apple and I have been court watching for over a year. I am writing to urge you to support virtual access to courts. I got involved in this movement after hearing about the horrible and inhumane conditions in the jails. I remain involved because the more I learn, the more I care. And I believe we have a duty as citizens of this planet, to look out for each other. Just as Jury duty is necessary for the people to participate in Democracy, so is having access to the courts.

This legislation must be passed because it is our constitutional right to have access to public court proceedings. The legislation should reflect that. Secondly, Without court watchers present, more and more injustices will happen inside of courtrooms and there will be a dangerous lack of accountability. Without accountability, the people will continue to distrust the system and there will be more division and unrest, and less progress. It is our right to observe what happens in the name of the people.

It is important to remember that the working people of Maryland, deserve a chance to attend the hearings of their loved ones. Most people cannot afford to take time off from work, to attend a court hearing if they have to leave their work premises in order to do so. Ensuring the rights of the people to attend virtually, will save many people's livelihoods and also make the courts more efficient.

In court, I've seen people get caught up in the system after having had their fourth amendment rights violated. I have seen countless people kept in jail, not because they are a danger or a flight risk, but because they are too poor to pay a bond. People are jailed and have their medications taken from them, sometimes putting their lives in danger. I have witnessed people in renal failure, be sent back to a cage with no promise of any medical attention.

Without observers to follow up on these cases, people might literally have died. I have seen people have to stay in a cage for unnecessary lengths simply because there was

no available interpreter to speak their language. I have seen cases wherein people have been harassed and profiled by police officers. I have seen that there are still so many open cases involving the police officers included in the do-not-call list. I have heard prosecutors and judges make jokes at the expense of the people they are meant to serve. This is all being done in the peoples' name, they deserve to see it too.

I urge you to pass this crucial legislation. Thank you for your time.

HMC Court access letter Judge Johnson (2) (1).pdf

Uploaded by: Edwuan Whitehead

Position: FAV



4217 East-West Highway
Hyattsville, MD 20782
Tel: 301-927-7327
Fax: 301-927-7365
www.hyattsvillemennonite.org

October 29, 2021

Honorable Lisa Hall Johnson
District Administrative Judge
14735 Main Street
Upper Marlboro, Maryland 20772

Dear Honorable Judge Johnson,

We commend you on your efforts to ensure that the public has virtual access to court hearings during the pandemic and respectfully urge you to make this virtual access permanent.

Several years ago, Hyattsville Mennonite Church formed a Racial Justice Group that meets regularly to spur one another and lead our congregation in the work of self-education and local partnerships, recognizing that followers of Christ are called to be changemakers for justice. Specifically, we support the organization Life After Release and its subgroup CourtWatchPG, where several members of our congregation have committed to observing and collecting data from bond hearings in the Prince George's County District Court. The sharing of their experiences has exposed our congregation to the crucial importance of public access to judicial proceedings, a hallmark of democratic government, which serves to promote accountability within the legal system to promote fairness and equity for community members.

As a congregation we have learned that the pandemic has highlighted the importance—and feasibility—of providing the public with access to court proceedings virtually, including via telephonic and videoconferencing technologies. We believe preserving virtual access for the public should remain a top priority for court officials in Prince George's County. 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, we have learned that the lack of affordable and accessible public transit options for visiting the Prince George's County Courthouse in Upper Marlboro makes it functionally impossible for

many County residents to attend court proceedings in person. Indeed, for many of our neighbors in Hyattsville, a roundtrip visit to the Upper Marlboro Courthouse via public transit would take more than four hours. Our community members should not have to undertake such a heavy burden to exercise their constitutional right to attend or observe public court proceedings.

We urge you to make virtual access a permanent feature of the Prince George's County court system. In making this request, we recognize that judges would maintain the ability, in consultation with counsel, to close individual, sensitive proceedings to the public by following the same processes that exist for closing in-person court proceedings. Additionally, we ask you to make permanent the current system of telephonic access and restore the system of video access for CourtWatchPG and other observers that existed for the first several months of the pandemic.

We understand that Maryland law empowers local administrative judges to provide virtual access to the public. We encourage you to exercise that authority and commit, on a permanent basis, to providing the public with virtual access to all judicial proceedings that are publicly accessible in person.

Thank you,



Cynthia Lapp, pastor

(202) 330-3764 - cell (for use during Covid closure)

Hyattsville City Council Letter (1).pdf

Uploaded by: Edwuan Whitehead

Position: FAV

Honorable Sheila R. Tillerson Adams

Chief and Administrative Judge
Circuit Court for Prince George's County and the
Seventh Judicial Circuit of Maryland

Circuit Court
14735 Main Street
Upper Marlboro, Maryland

Honorable Chief Judge Tillerson Adams,

We commend you on your efforts to ensure that the public has virtual access to court hearings during the pandemic and respectfully urge you to make this virtual access permanent.

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. Preserving virtual access for the public should remain a top priority for court officials in Prince George's County. 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 the Prince George's County Courthouse makes it functionally impossible for many County residents to attend court proceedings in person. Indeed, for Hyattsville residents, a roundtrip visit to the Upper Marlboro Courthouse via public transit would take more than four hours. People should not have to undertake such a heavy burden to exercise their constitutional right to attend or observe public court proceedings.

We urge you to make virtual access a permanent feature of the Prince George's County court system. In making this request, we recognize that judges would maintain the ability, in consultation with counsel, to close individual, sensitive proceedings to the public by following the same processes that exist for closing in-person court proceedings. Specifically, we ask you to make permanent the current system of telephonic access and restore the system of video access that existed for the first several months of the pandemic. Maryland law empowers local administrative judges to provide virtual access to the public. We encourage you to exercise that authority and commit, on a permanent basis, to providing the public with virtual access to all judicial proceedings that are publicly accessible in person.

Thank you,

City of Hyattsville.

J. Sheffield Testimony.pdf

Uploaded by: Edwuan Whitehead

Position: FAV

J. Sheffield Testimony

Thank you for your time today. I am writing in support of virtual court access and urge you to pass this bill.

I courtwatch, and I am supporting this legislation to keep courts virtual because what happens to loved ones in the PG County courthouse could happen to any Black or Brown person in my life in any courtroom across this country. I courtwatch because bureaucratic loopholes prevent loved ones from speaking to their attorneys. I courtwatch because someone's life shouldn't depend on a prosecutor or judge's mood that day. I courtwatch because what is happening in those courts is being done in our name. I courtwatch because I believe a different world is possible and required.

Court watchers such as myself as well as family and friends of loved ones behind bars need to have virtual access -- it is often not possible to take off work and get childcare and transportation. Personally, I would not be able to civically engage, educate myself, and courtwatch without virtual access. I am not able to give this testimony in person, for example, due to work and transportation.

Court watching highlights the horrific criminalization of Black and Brown homelessness, mental health, disability, immigration status, and family matters in a system that offers no protection for anyone other than white European descendants like myself. Court watching is an essential part of educating ourselves, our families, and our communities to disrupt this intentional cycle so that we can face the truth, and build a future based on community care. The courts have shown they have the technological means to stay up with the technological times. There is no reason to go back; in fact, it is imperative that courts keep up with the times to ensure fairness and transparency and guarantee the public their constitutional right to open access to court proceedings. No one should have to jeopardize their health and/or job to come to court.

The current system just keeps returning people to jail and keeping them in jail. Maryland has the opportunity, and it is an opportunity, to be a leader in the U.S. court system and cut down on failure to appear (FTA's), which will then also means fewer people being

held pre-trial due to their FTA's. It will mean fewer people will lose their jobs, and fewer people will become homeless. It will also mean that folks facing jail time will be able to have virtual support and to be held by, and accountable to, their families and friends watching. It will mean our communities can be safer and more supportive. I urge you to support this legislation because isn't that what we all want?

JACQUILYN JOHNSON TESTIMONY.pdf

Uploaded by: Edwuan Whitehead

Position: FAV

JACQUILYN JOHNSON TESTIMONY

Hello, my name is Jacquilyn Johnson and I am writing to you today in support of virtual court access. I am a Maryland voter and this issue is incredibly important to me. There is an ongoing global pandemic and we know that it spreads when people gather. We should not be adding to the numbers when we have viable alternative solutions. One of the only good things to have come out of COVID is virtual access to courts, we have learned so much and it would be a disservice to the community to take this valuable resource away.

Even when the pandemic is over, we have learned a lot about staying home when people are sick and also the pandemic has proven that the world is adapting to a more virtual world and the courts and government should evolve with it. Just as people are able to participate in the public process now through testifying to your committee virtually, people should be able to contribute to all of our institutions, especially criminal justice institutions, virtually. As many across the country have worked to keep people out, silence their voices, restrict their voting rights, and roll back protections for participation - this is your opportunity to do the opposite and help us come out of this pandemic together in a more accountable way.

Further, mistrust in government is at an all-time high which does immense damage to our institutions. People simply do not trust what happens behind closed doors in their name to represent them and this legislation will help to avoid the erosion in public trust for not only the criminal justice system but also institutions like yours.

I thank you for the opportunity to be heard through this testimony and I hope that you extend the same opportunity for participation to our criminal justice system. Please support this legislation. Thank you.

Janet Tupper Testimony.pdf

Uploaded by: Edwuan Whitehead

Position: FAV

Janet Tupper Testimony

My name is Janet Tupper and I am a court watcher with Courtwatch PG. I am also a concerned Maryland resident and constituent. I am writing today in support of the virtual access bill.

Until recently, I lived in Prince George's County for over 34 years. I have always appreciated the diversity in my neighborhood, which is quite unlike where I grew up in a suburb of Detroit. Over the years, however, I have realized that the experiences of my Black and Brown neighbors are quite different from my own, sometimes due to the way our criminal justice system works.

I have voted for Prince George's County elected leaders and county officials who claim a desire to change the disparities in the criminal justice system. But real change has been painfully slow, in part I feel, because the public—and even our elected officials—are unaware of what goes on in our courts. I believe citizen involvement is a crucial part of achieving our goals as it helps to keep those in power accountable for their actions. The silver lining of the pandemic is that it has led to new ways of connecting virtually. Keeping our courts accessible virtually could be a powerful tool for us to bring about real change. That is why I am supporting this critical legislation.

I am also in support of virtual court watch because it gives family members and victims the opportunity to have access to court proceedings and have their perspectives taken into account. During bond hearings there are often family members and/or victims who wish to be heard concerning bond impacting the community member brought before a judge. For those who wish to participate, the lack of affordable and accessible public transit options for visiting the Prince George's County Courthouse in Upper Marlboro makes it functionally impossible for many County residents to attend court proceedings in person. Indeed, for many community members, a roundtrip visit to the Upper Marlboro Courthouse via public transit could take several hours. Our community members should not have to undertake such a heavy burden to exercise their constitutional right to attend or observe public court proceedings.

I believe that our elected leaders, judges, law enforcement personnel, and our county officials want to have a just, efficient, non-corrupt criminal legal system. While I believe the system is better than it has been in the past, that is hardly a high bar given our racist history. We have a long way to go and having community members involved in the effort to ensure both public safety AND fair and

equitable treatment of those accused of crimes, should be a high priority. While it may not always be comfortable to hear where there are failures, it should be welcome. I hope this governing body will see the value of the public being part of reaching the goal of just and equitable treatment of every Prince Georges County community member and support this bill. Thank you for your consideration.

SB469 - The Virtual Court Access Act.pdf

Uploaded by: Erica Palmisano

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and Life After Release. I am a resident of MD District 12. **I am testifying in support of Senate Bill 469.**



This bill requires that each court in the state 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 authorizing a presiding judge to limit certain broadcasts.

During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. This remote access has not only reduced public health risk, but also improved access for community members and increased transparency. As the pandemic has continued, some counties, like Baltimore County, have returned to in person hearings with no virtual access. As we know, the pandemic is hardly over. Not only do courtroom participants deserve continued safety as the uncertainty of the pandemic continues, but easier access provides many additional benefits to our society and should become the standard.

Incarcerated people deserve the support of their loved ones and community. Virtual access allows community participation and family support for people who are locked up. For example, the PG County court is in a remote location that can take a long time to reach on public transportation; it is often impossible for people to take off work, get childcare and transportation to come to court. Virtual access allows easier access for all community members. Removing these barriers to access ensures that not only wealthier folks with greater access to transportation and flexibility to take off from work at will are able to support their loved ones.

Court access creates transparency and accountability; without it there is no public oversight. Public access ensures that any errors, oversights, and injustices are visible to the public. Two tools that provide public accountability are courtwatch programs and the media. The PG County Courtwatch has been operating with virtual access over the last few years. Courtwatch programs like these are vital because they gather real-time, objective data about the court system and they hold officials accountable who have been shown to misuse their position within the courtroom. Virtual court access also makes attending easier for the press. Local news sources are already struggling and sending a reporter to the courthouse to wait for a trial is a challenge. Virtual access makes local coverage of the courts more attainable. Taking away virtual access to the courts undermines their integrity and undercuts the public's confidence in the judicial process, which is the cornerstone of our judiciary. Enabling public access elevates our justice system to the highest standard of accuracy and integrity.

The pandemic has shown us that virtual access is possible. Increasing access for journalists, courtwatch programs, family and community members will build a more trustworthy, equitable court system. It is for these reasons that I am encouraging you to vote **in support of Senate Bill 469.**

Thank you for your time, service, and consideration.

Sincerely,
Erica Palmisano
5580 Vantage Point Rd, Apt 5, Columbia, MD
Showing Up for Racial Justice Baltimore

SB 469 - The Virtual Court Access Act.pdf

Uploaded by: Holly Powell

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and Life After Release. I am a resident of MD 46. **I am testifying in support of Senate Bill 469.**



This bill requires that each court in the state 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 authorizing a presiding judge to limit certain broadcasts.

During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. This remote access has not only reduced public health risk, but also improved access for community members and increased transparency. As the pandemic has continued, some counties, like Baltimore County, have returned to in person hearings with no virtual access. As we know, the pandemic is hardly over. Not only do courtroom participants deserve continued safety as the uncertainty of the pandemic continues, but easier access provides many additional benefits to our society and should become the standard.

Incarcerated people deserve the support of their loved ones and community. Virtual access allows community participation and family support for people who are locked up. For example, the PG County court is in a remote location that can take a long time to reach on public transportation; it is often impossible for people to take off work, get childcare and transportation to come to court. Virtual access allows easier access for all community members. Removing these barriers to access ensures that not only wealthier folks with greater access to transportation and flexibility to take off from work at will are able to support their loved ones.

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The pandemic has shown us that virtual access is possible. Increasing access for journalists, courtwatch programs, family and community members will build a more trustworthy, equitable court system. It is for these reasons that I am encouraging you to vote **in support of Senate Bill 469.**

Thank you for your time, service, and consideration.

Sincerely,
Holly Powell
2308 Cambridge Street
Baltimore, Maryland 21224
Showing Up for Racial Justice Baltimore

SURJ Remote Court Access 2022 Feb 15.pdf

Uploaded by: Jan Kleinman

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and Life After Release. I am a resident of MD District 40. I know I have participated in my civic community far more during the pandemic than ever before. The convenience and accessibility of remote attendance allows me to participate more often. **I am testifying in support of Senate Bill 469.**



This bill requires that each court in the state 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 authorizing a presiding judge to limit certain broadcasts.

During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. This remote access has not only reduced public health risk, but also improved access for community members and increased transparency. As the pandemic has continued, some counties, like Baltimore County, have returned to in person hearings with no virtual access. As we know, the pandemic is hardly over. Not only do courtroom participants deserve continued safety as the uncertainty of the pandemic continues, but easier access provides many additional benefits to our society and should become the standard.

Incarcerated people deserve the support of their loved ones and community. Virtual access allows community participation and family support for people who are locked up. For example, the PG County court is in a remote location that can take a long time to reach on public transportation; it is often impossible for people to take off work, get childcare and transportation to come to court. Virtual access allows easier access for all community members. Removing these barriers to access ensures that not only wealthier folks with greater access to transportation and flexibility to take off from work at will are able to support their loved ones.

Court access creates transparency and accountability; without it there is no public oversight. Public access ensures that any errors, oversights, and injustices are visible to the public. Two tools that provide public accountability are courtwatch programs and the media. The PG County Courtwatch has been operating with virtual access over the last few years. Courtwatch programs like these are vital because they gather real-time, objective data about the court system and they hold accountable officials who have been shown to misuse their position within the courtroom. Virtual court access also makes attending easier for the press. Local news sources are already struggling, and sending a reporter to the courthouse to wait for a trial is a challenge. Virtual access makes local coverage of the courts more attainable. Taking away virtual access to the courts undermines their integrity and undercuts the public's confidence in the judicial process, which is the cornerstone of our judiciary. Enabling public access elevates our justice system to the highest standard of accuracy and integrity.

The pandemic has shown us that virtual access is possible. Increasing access for journalists, courtwatch programs, family and community members will build a more trustworthy, equitable court system. It is for these reasons that I am encouraging you to vote **in support of Senate Bill 469.**

Thank you for your time, service, and consideration.

Sincerely,
Jan Kleinman
816 Union Ave, Baltimore, 21211
Showing Up for Racial Justice Baltimore

SB 469 - Courts - Remote Public Access.pdf

Uploaded by: Joanne Antoine

Position: FAV

February 15, 2022

**Testimony on SB 469
Courts – Remote Public Access
Judicial Proceedings**

Position: Favorable

Common Cause Maryland is in support of SB 469 which will ensure the public remote audio-visual access to all court proceedings not deemed closed, confidential, or restricted by either State or federal law.

Last year, the Court of Appeals authorized virtual access to courtrooms in Maryland to facilitate the performance of core judicial functions during the pandemic. This represented a big win for transparency and accountability advocates, as virtual court access ensures that the public has safe, meaningful, affordable opportunities to observe our legal system at work.

While courts are technically “open” to the public, challenges associated with participation (including the cost and reliability of transportation, taking time off from work, child or elder care) are a barrier to entry that disproportionately affects low-income communities. Virtual access to the courts not only ensures that loved ones can be present to support defendants, victims, and witnesses in their proceedings, but will also likely foster more active civic engagement in the public as a whole.

SB 469 simply ensures that the public retains remote virtual access to all criminal and civil proceedings via live audio and video streaming unless otherwise exempted by law – judges will maintain full discretion to make the rare decision to restrict public access in accordance with State or federal law. The First and Sixth Amendments to the U.S. Constitution guarantee open public access to court proceedings. As meeting in virtual spaces becomes the norm in response to the pandemic, it is imperative that we ensure our right to public access is consistent with that change.

We urge a favorable report.

SB 469 - The Virtual Court Access Act.pdf

Uploaded by: Jonathan Smeton

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and Life After Release. I am a resident of MD 40. **I am testifying in support of Senate Bill 469.**



This bill requires that each court in the state 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 authorizing a presiding judge to limit certain broadcasts.

During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. This remote access has not only reduced public health risk, but also improved access for community members and increased transparency. As the pandemic has continued, some counties, like Baltimore County, have returned to in person hearings with no virtual access. As we know, the pandemic is hardly over. Not only do courtroom participants deserve continued safety as the uncertainty of the pandemic continues, but easier access provides many additional benefits to our society and should become the standard.

Incarcerated people deserve the support of their loved ones and community. Virtual access allows community participation and family support for people who are locked up. For example, the PG County court is in a remote location that can take a long time to reach on public transportation; it is often impossible for people to take off work, get childcare and transportation to come to court. Virtual access allows easier access for all community members. Removing these barriers to access ensures that not only wealthier folks with greater access to transportation and flexibility to take off from work at will are able to support their loved ones.

Court access creates transparency and accountability; without it there is no public oversight. Public access ensures that any errors, oversights, and injustices are visible to the public. Two tools that provide public accountability are courtwatch programs and the media. The PG County Courtwatch has been operating with virtual access over the last few years. Courtwatch programs like these are vital because they gather real-time, objective data about the court system and they hold officials accountable who have been shown to misuse their position within the courtroom. Virtual court access also makes attending easier for the press. Local news sources are already struggling and sending a reporter to the courthouse to wait for a trial is a challenge. Virtual access makes local coverage of the courts more attainable. Taking away virtual access to the courts undermines their integrity and undercuts the public's confidence in the judicial process, which is the cornerstone of our judiciary. Enabling public access elevates our justice system to the highest standard of accuracy and integrity.

The pandemic has shown us that virtual access is possible. Increasing access for journalists, courtwatch programs, family and community members will build a more trustworthy, equitable court system. It is for these reasons that I am encouraging you to vote **in support of Senate Bill 469.**

Thank you for your time, service, and consideration.

Sincerely,
Jonathan Smeton
Baltimore, MD 21211
Showing Up for Racial Justice Baltimore

SB 469 - The Virtual Court Access Act.docx.pdf

Uploaded by: Lindsay Keipper

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore. We are also working in collaboration with Out for Justice and Life After Release. I am a resident of MD 46, and **I am testifying in support of Senate Bill 469.**



This bill requires that each court in the state 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 authorizing a presiding judge to limit certain broadcasts.

During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. This remote access has not only reduced public health risk, but also improved access for community members and increased transparency. As the pandemic has continued, some counties, like Baltimore County, have returned to in person hearings with no virtual access; others are eagerly awaiting the expiration of the current Court of Appeals order to return to business as usual. Not only do courtroom participants deserve continued safety as the uncertainty of the pandemic continues, but easier access provides many additional benefits to our society and should become the standard.

Incarcerated people deserve the support of their loved ones and community. Virtual access allows community participation and family support for people who are locked up. For example, some courthouses are in locations that are remote from other parts of the county and take considerable time to reach, especially with public transit; it is often impossible for people to take off work, get childcare and transportation to come to court. Virtual access allows easier access for all community members. Removing these barriers to access ensures that more people will be able to attend proceedings, regardless of their monetary and other resources.

Court access creates transparency and accountability; without it there is no public oversight. Public access ensures that any errors, oversights, and injustices are visible to the public. Two tools that provide public accountability are courtwatch programs and the media. The PG County Courtwatch has been operating with virtual access over the last few years. Courtwatch programs like these are vital because they gather real-time, objective data about the court system and they hold officials accountable who have been shown to misuse their position within the courtroom. Virtual court access also makes attending easier for the press. Local news sources are already struggling and sending a reporter to the courthouse to wait for a trial is a challenge. Virtual access makes local coverage of the courts more attainable. Taking away virtual access to the courts undermines their integrity and undercuts the public's confidence in the judicial process, which is the cornerstone of our judiciary. Enabling public access elevates our justice system to the highest standard of accuracy and integrity.

The pandemic has shown us that virtual access is possible. Virtual court had a rocky start in Maryland, but a year and a half of holding many hearings virtually has led to an increase in technological capacity and a lot of lessons learned about managing and moderating virtual hearings. It would be a mistake to let that capacity and knowledge wither away. Increasing access to court for journalists, courtwatch programs, family and community members will build a more trustworthy, equitable court system in the long term. It is for these reasons that I am encouraging you to vote **in support of Senate Bill 469.**

Thank you for your time, service, and consideration.

Sincerely,
Lindsay Keipper
2425 Fleet St.
Showing Up for Racial Justice Baltimore

support SB469 - The Virtual Court Access Act.docx.

Uploaded by: Linnie Girdner

Position: FAV

Dear Members of the Judicial Proceedings Committee,

I am a resident of MD District 21. I am a white 71 year old woman with some vision and hearing problems. And I have always had a commitment to equity and transparency. **I am testifying in support of Senate Bill 469.**

This bill requires that each court in the state 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 authorizing a presiding judge to limit certain broadcasts.

As an elderly person, I know how difficult it can be to get around. Vision issues have limited my driving at times. And I strain to hear when I attend public meetings and proceedings. Then I think about those who are more disabled or homebound. Shouldn't they be able to access public court proceedings? Even just being able to turn up the volume on one's home computer allows the hard of hearing an advantage that being physically present in a courtroom does not.

During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. This remote access has not only reduced public health risk, but also improved access for community members and increased transparency. As the pandemic has continued, some counties, like Baltimore County, have returned to in person hearings with no virtual access. As we know, the pandemic is hardly over. Not only do courtroom participants deserve continued safety as the uncertainty of the pandemic continues, but easier access provides many additional benefits to our society and should become the standard.

Incarcerated people deserve the support of their loved ones and community. Virtual access allows community participation and family support for people who are locked up. For example, the Prince Georges County court is in a remote location that can take a long time to reach on public transportation; it is often impossible for people to take off work, get childcare and transportation to come to court. Virtual access allows easier access for all community members. Removing these barriers to access ensures that not only wealthier folks with greater access to transportation and flexibility to take off from work at will are able to support their loved ones.

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The pandemic has shown us that virtual access is possible. Increasing access for journalists, courtwatch programs, family and community members will build a more trustworthy, equitable, and accessible court system. It is for these reasons that I am encouraging you to vote **in support of Senate Bill 469.**

Thank you for your time, service, and consideration.

Sincerely,
Linda Girdner
941 Fall Ridge Way
Gambrills, MD 21054

SB 469 - The Virtual Court Access Act.pdf

Uploaded by: Nathan Rehr

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and Life After Release. I am a resident of MD District 45. I am an active member of my community association and a health professional who is interested in eliminating the health disparities that occur with racial discrimination in our society. **I am testifying in support of Senate Bill 469.**



This bill requires that each court in the state 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 authorizing a presiding judge to limit certain broadcasts.

During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. This remote access has not only reduced public health risk, but also improved access for community members and increased transparency. As the pandemic has continued, some counties, like Baltimore County, have returned to in person hearings with no virtual access. As we know, the pandemic is hardly over. Not only do courtroom participants deserve continued safety as the uncertainty of the pandemic continues, but easier access provides many additional benefits to our society and should become the standard.

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The pandemic has shown us that virtual access is possible. Increasing access for journalists, courtwatch programs, family and community members will build a more trustworthy, equitable court system. It is for these reasons that I am encouraging you to vote **in support of Senate Bill 469.**

Thank you for your time, service, and consideration.

Sincerely,

Nathan Rehr

450 E. Federal Street Baltimore, MD 21202

Showing Up for Racial Justice Baltimore

SB469_FAV_ACLUMD_SPACCASI.pdf

Uploaded by: Olivia Spaccasi

Position: FAV



Testimony for the Senate Judicial Proceedings Committee

February 15, 2022

SB 469 - Courts - Remote Public Access

OLIVIA SPACCASI
PUBLIC POLICY INTERN

FAVORABLE

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

FIELD OFFICE
6930 CARROLL AVENUE
SUITE 610
TAKOMA PARK, MD 20912
T/240-274-5295

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
JOHN HENDERSON
PRESIDENT

The American Civil Liberties Union of Maryland urges a favorable report on SB 469, which would require each court in the state to provide remote audio-visual access to all public court proceedings, except under certain circumstances.

Throughout the Coronavirus pandemic, Maryland has expanded the use of remote options for court proceedings. As a result, public access to these proceedings has been expanded and individuals have been able to watch proceedings safely and conveniently. Maryland Courts have adopted a five-phase reopening plan, of which we are in Phase 3. In Phase 3, courts are still encouraged to conduct proceedings remotely. However, per the reopening plan, court proceedings will eventually return to normal operations and remote proceedings will likely be reduced. Options for remote public access must remain after the return to in-person proceedings.

The right of public access to court proceedings is enshrined in both the 1st Amendment and 6th Amendment of the Constitution. Public access to court proceedings allows the general public to ensure the justice system is functioning fairly and effectively, providing a check on potential abuses of power. Transparency in our courts encourages best practices on the part of the government, bolstering public trust. Additionally, public access to proceedings allows people to gain a better understanding of how the justice system operates.

The switch to remote proceedings has eliminated certain barriers to witnessing court proceedings, allowing individuals to fully enjoy the benefits of the 1st and 6th amendment. SB 469 would ensure that the return to in-person proceedings would not be accompanied by a de facto reinstatement of such barriers. Additionally, the bill would encourage individuals to stay home as we continue to navigate the ever-changing public health landscape.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 469.

SB 469 - The Virtual Court Access Act.pdf

Uploaded by: Patrick Sadil

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and Life After Release. I am a resident of MD District 46. **I am testifying in support of Senate Bill 469.**



This bill requires that each court in the state 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 authorizing a presiding judge to limit certain broadcasts.

During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. This remote access has not only reduced public health risk, but also improved access for community members and increased transparency. As the pandemic has continued, some counties, like Baltimore County, have returned to in person hearings with no virtual access. As we know, the pandemic is hardly over. Not only do courtroom participants deserve continued safety as the uncertainty of the pandemic continues, but easier access provides many additional benefits to our society and should become the standard.

Incarcerated people deserve the support of their loved ones and community. Virtual access allows community participation and family support for people who are locked up. For example, the PG County court is in a remote location that can take a long time to reach on public transportation; it is often impossible for people to take off work, get childcare and transportation to come to court. Virtual access allows easier access for all community members. Removing these barriers to access ensures that not only wealthier folks with greater access to transportation and flexibility to take off from work at will are able to support their loved ones.

Court access creates transparency and accountability; without it there is no public oversight. Public access ensures that any errors, oversights, and injustices are visible to the public. Two tools that provide public accountability are courtwatch programs and the media. The PG County Courtwatch has been operating with virtual access over the last few years. Courtwatch programs like these are vital because they gather real-time, objective data about the court system and they hold officials accountable who have been shown to misuse their position within the courtroom. Virtual court access also makes attending easier for the press. Local news sources are already struggling and sending a reporter to the courthouse to wait for a trial is a challenge. Virtual access makes local coverage of the courts more attainable. Taking away virtual access to the courts undermines their integrity and undercuts the public's confidence in the judicial process, which is the cornerstone of our judiciary. Enabling public access elevates our justice system to the highest standard of accuracy and integrity.

The pandemic has shown us that virtual access is possible. Increasing access for journalists, courtwatch programs, family and community members will build a more trustworthy, equitable court system. It is for these reasons that I am encouraging you to vote **in support of Senate Bill 469.**

Thank you for your time, service, and consideration.

Sincerely,
Patrick Sadil, PhD
1637 Fleet Street FL 1
Baltimore MD, 21231
Showing Up for Racial Justice Baltimore

MDDC Support SB469.pdf

Uploaded by: Rebecca Snyder

Position: FAV



Maryland | Delaware | DC Press Association

P.O. Box 26214 | Baltimore, MD 21210

443-768-3281 | rsnyder@mddcpress.com

www.mddcpress.com

To: Judicial Proceedings Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: February 15, 2022

Re: **SB469 - SUPPORT**

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of news media organizations, from large metro dailies like the Washington Post and the Baltimore Sun, to hometown newspapers such as The Annapolis Capital and the Frederick News Post to publications such as The Daily Record, the Baltimore Times, and online-only publications such as MarylandReporter.com and Baltimore Brew.

The Press Association is pleased to support SB469, which would allow the public remote access to court proceedings that are already publicly available. This bill would allow for any party, witness or counsel in the proceeding to ask the judge to prohibit the broadcast, as long as there is not an overriding public interest.

In a 2016 report by the Federal Judicial Center, "Video Recording Courtroom Proceedings in United States District Courts: Report on a Pilot Project", ([http://www.fjc.gov/public/pdf.nsf/lookup/Cameras-in-Courts-Project-Report-2016.pdf/\\$file/Cameras-in-Courts-Project-Report-2016.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/Cameras-in-Courts-Project-Report-2016.pdf/$file/Cameras-in-Courts-Project-Report-2016.pdf)) researchers surveyed bench, bar and staff to understand the effects of a pilot program for video recording. News media were allowed to record and broadcast court proceedings in several of the pilot sites. Survey respondents said that news media did not pose disruptions to proceedings (p Appendix F-14, F-15).

Broadcasting court proceedings will provide more transparency and openness to the process and allow the public to better understand and access the court system. This legislation is important to our members, as they would be able to cover proceedings more easily and thoroughly without the burdens of proximity. Additionally, the ways our members share the news is changing. In addition to the anchor printed publications, our members have websites and tv stations that provide different opportunities to engage audiences and inform the public.

The Press Association urges a favorable report.



**We believe a strong news media is
central to a strong and open society.**

Read local news from around the region at www.mddcnews.com

SB 469 - The Virtual Court Access Act.pdf

Uploaded by: Sam Chan

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and Life After Release. I am a resident of MD **District 43. I am testifying in support of Senate Bill 469.**



This bill requires that each court in the state 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 authorizing a presiding judge to limit certain broadcasts.

During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. This remote access has not only reduced public health risk, but also improved access for community members and increased transparency. As the pandemic has continued, some counties, like Baltimore County, have returned to in person hearings with no virtual access. As we know, the pandemic is hardly over. Not only do courtroom participants deserve continued safety as the uncertainty of the pandemic continues, but easier access provides many additional benefits to our society and should become the standard.

Incarcerated people deserve the support of their loved ones and community. Virtual access allows community participation and family support for people who are locked up. For example, the PG County court is in a remote location that can take a long time to reach on public transportation; it is often impossible for people to take off work, get childcare and transportation to come to court. Virtual access allows easier access for all community members. Removing these barriers to access ensures that not only wealthier folks with greater access to transportation and flexibility to take off from work at will are able to support their loved ones.

Court access creates transparency and accountability; without it there is no public oversight. Public access ensures that any errors, oversights, and injustices are visible to the public. Two tools that provide public accountability are courtwatch programs and the media. The PG County Courtwatch has been operating with virtual access over the last few years. Courtwatch programs like these are vital because they gather real-time, objective data about the court system and they hold officials accountable who have been shown to misuse their position within the courtroom. Virtual court access also makes attending easier for the press. Local news sources are already struggling and sending a reporter to the courthouse to wait for a trial is a challenge. Virtual access makes local coverage of the courts more attainable. Taking away virtual access to the courts undermines their integrity and undercuts the public's confidence in the judicial process, which is the cornerstone of our judiciary. Enabling public access elevates our justice system to the highest standard of accuracy and integrity.

The pandemic has shown us that virtual access is possible. Increasing access for journalists, courtwatch programs, family and community members will build a more trustworthy, equitable court system. It is for these reasons that I am encouraging you to vote **in support of Senate Bill 469.**

Thank you for your time, service, and consideration.

Sincerely,
Sam Chan
38 E 26th St Baltimore MD 21218
Showing Up for Racial Justice Baltimore

BALTtestimony_SB469_2022.pdf

Uploaded by: Samantha Blau

Position: FAV

TESTIMONY in Support of SB469
Courts – Remote Public Access

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Senate Judicial Proceedings Committee
FROM: Samantha Blau on behalf of Baltimore Action Legal Team

My name is Samantha Blau, I am the Policy Director of Baltimore Action Legal Team (BALT). I submit this testimony in favor of Senate Bill 469. BALT is a legal collective that was founded in response to community calls for legal support during the protests following Freddie Gray's murder. Since 2015 we remain committed to educating community members about their rights and ensuring access to public records like police misconduct investigations.

Before becoming a member of Baltimore Action Legal Team, I spent a summer volunteering for the Baltimore City Office of the Public Defender as a court watcher for bail review hearings. It was an enlightening experience. I went into that process believing that I was a well informed member of the public; someone who understood the process between arrest and bail, and what happened in a courtroom. Walking into that courtroom for the first time I received an education. I learned that the defendant was not allowed to attend their own bail review in person. I also learned that judges sometimes take into account a defendant's status within their community when setting pretrial terms. I saw that family members often waited in the audience hoping that the judge would give them a moment to explain how the defendant had a community of support, hoping at least that the judge would note their presence. With the unprecedented changes the pandemic has brought to our society, we saw these courtrooms go virtual and it was one of the very few positive outcomes from an otherwise tragic experience. Clients that BALT was prepared to support with bond and electronic monitoring funding now had more family members who could attend hearings. A defendant's parent who would have had to miss work to attend a hearing could instead do so during a work break. A defendant's partner, caring for a young child, would no longer have to arrange child care in order to show their support. Increasing access to bail review hearings is an important way to ensure that judges know the defendant has a community.

Maintaining remote access to our courts means transparency for how our judiciary works. Being able to dial in to a court hearing means that families can be present to support their loved one and know what is happening in their case. Remote access is the right thing to do, and I urge a favorable report on SB469 from this committee.

SB469 - The Virtual Court Access Act.pdf

Uploaded by: Sarah Johnson

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and Life After Release. I am a resident of I am a resident of District 41, the Roland Park neighborhood, in Baltimore City. **I am testifying in support of Senate Bill 469.**



This bill requires that each court in the state 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 authorizing a presiding judge to limit certain broadcasts.

During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. This remote access has not only reduced public health risk, but also improved access for community members and increased transparency. As the pandemic has continued, some counties, like Baltimore County, have returned to in person hearings with no virtual access. As we know, the pandemic is hardly over. Not only do courtroom participants deserve continued safety as the uncertainty of the pandemic continues, but easier access provides many additional benefits to our society and should become the standard.

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The pandemic has shown us that virtual access is possible. Increasing access for journalists, courtwatch programs, family and community members will build a more trustworthy, equitable court system. It is for these reasons that I am encouraging you to vote **in support of Senate Bill 469.**

Thank you for your time, service, and consideration.

Sincerely,

Sarah Johnson
1 Merryman Court
Baltimore, MD 21210
Showing Up for Racial Justice Baltimore

SB 469 - The Virtual Court Access Act.docx.pdf

Uploaded by: Tamara Todd

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and Life After Release. I am a resident of MD District 10. **I am testifying in support of Senate Bill 469.**



This bill requires that each court in the state 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 authorizing a presiding judge to limit certain broadcasts.

During the pandemic, Maryland adopted virtual court access to protect the health of courtroom participants. This remote access has not only reduced public health risk, but also improved access for community members and increased transparency. As the pandemic has continued, some counties, like Baltimore County, have returned to in person hearings with no virtual access. As we know, the pandemic is hardly over. Not only do courtroom participants deserve continued safety as the uncertainty of the pandemic continues, but easier access provides many additional benefits to our society and should become the standard.

Incarcerated people deserve the support of their loved ones and community. Virtual access allows community participation and family support for people who are locked up. For example, the PG County court is in a remote location that can take a long time to reach on public transportation; it is often impossible for people to take off work, get childcare and transportation to come to court. Virtual access allows easier access for all community members. Removing these barriers to access ensures that not only wealthier folks with greater access to transportation and flexibility to take off from work at will are able to support their loved ones.

Court access creates transparency and accountability; without it there is no public oversight. Public access ensures that any errors, oversights, and injustices are visible to the public. Two tools that provide public accountability are courtwatch programs and the media. The PG County Courtwatch has been operating with virtual access over the last few years. Courtwatch programs like these are vital because they gather real-time, objective data about the court system and they hold officials accountable who have been shown to misuse their position within the courtroom. Virtual court access also makes attending easier for the press. Local news sources are already struggling and sending a reporter to the courthouse to wait for a trial is a challenge. Virtual access makes local coverage of the courts more attainable. Taking away virtual access to the courts undermines their integrity and undercuts the public's confidence in the judicial process, which is the cornerstone of our judiciary. Enabling public access elevates our justice system to the highest standard of accuracy and integrity.

The pandemic has shown us that virtual access is possible. Increasing access for journalists, courtwatch programs, family and community members will build a more trustworthy, equitable court system. It is for these reasons that I am encouraging you to vote **in support of Senate Bill 469.**

Thank you for your time, service, and consideration.

Sincerely,

Tamara Todd

221 Northway Rd, Reisterstown, MD 21136

Showing Up for Racial Justice Baltimore

SB0469-JPR_MACo_SWA.pdf

Uploaded by: D'Paul Nibber

Position: FWA



Senate Bill 469

Courts - Remote Public Access

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Judicial Proceedings Committee

Date: February 15, 2022

From: D'Paul Nibber

The Maryland Association of Counties (MACo) **SUPPORTS SB 469 WITH AMENDMENTS**. This bill would, with certain exceptions, require courts across the state to provide remote audio-visual access to all public proceedings.

The COVID-19 pandemic has limited in-person access to many functions of government. This bill is presumably proposed to ensure public access to our courts and create an added measure of transparency. The merits of this policy argument are not the source of MACo's concerns – our views are merely cost-driven.

Circuit courts across the state are funded by county governments, with only specific functions reimbursed by State funding. The required audio-visual equipment under SB 469 is often expensive and difficult to retrofit into older courtrooms.

MACo suggests the following amendment to help ensure SB 469 is successfully implemented with resources from the State for its courts:

- On page 2, line 6, between “(A)” and “EACH” insert “**SUBJECT TO THE AVAILABILITY OF FUNDING IN THE STATE BUDGET,**”

SB 469 would modernize our courts and add a degree of transparency, but would benefit from an amendment eliminating the potentially substantial financial burden on local governments. For this reason, MACo urges a **FAVORABLE WITH AMENDMENTS** report for SB 469.

sb469.pdf

Uploaded by: Sara Elalamy

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
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 469
Courts – Remote Public Access
DATE: February 2, 2022
(2/15)
POSITION: Oppose

The Judiciary opposes Senate Bill 469. This bill seeks to require each court in the State, except for Orphans' Courts and Maryland Tax Court, to provide remote audio-visual public access for all public court proceedings unless a proceeding is deemed closed, confidential, or restricted by Federal or State Law.

This bill presents separation of power concerns as it impedes the Judiciary's independence. A separation of powers has been established in Article 8 of the Maryland Declaration of Rights, which states, "the Legislature, Executive and Judicial power of Government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said Departments shall assume or discharge the duties of any other." Article IV, §18(b)(1) identifies the Chief Judge of the Court of Appeals as the administrative head of the Maryland Judiciary. The power to administer the Judiciary is not an implied or inherent power but is an express constitutional power of the Chief Judge. This constitutional authority includes managing public access to court proceedings. This authority is further established in the Maryland Rules, which states, "The Chief Judge of the Court of Appeals is the administrative head of the Maryland judicial system and has overall responsibility for the administration of the courts of this State. Maryland Rule 16-102.

Currently, the Court of Appeals has Rules in place that govern remote participation by the public in civil matters in both circuit and in the District Court. Both MD Rule 2-804(g) and MD Rule 3-513.1(b) state, "[i]f a proceeding that otherwise would be open to the public is conducted entirely by remote electronic means, the court shall ensure that members of the public shall have the ability to listen to the non-redactable portions of the proceeding during the course of the proceeding through remote electronic means."

Another matter of concern regarding this bill is use of the term "overriding public interest." This term is not defined in the bill nor does the bill provide any factors for the

court to consider when making the determination as to whether to prohibit the broadcast at the request of any party, witness, or counsel. Further, the request to prohibit the broadcast is limited to any party, a witness, or counsel. The bill does not provide the Court with the authority, on their own initiative to prohibit the broadcast. Currently, Maryland Rule 16-608 provides, “upon a finding of good cause, the presiding judge, on the judge’s own initiative or on the request of a party, witness, or juror, may limit or terminate extended coverage of all or any portion of a proceeding. When considering the request of a party, good cause shall be presumed in cases involving domestic violence, custody of or visitation with a child, divorce, annulment, minors, relocated witnesses, and trade secrets.” The Committee note to this Rule states: “examples of good cause include unfairness, danger to a person, undue embarrassment, or hinderance of proper law enforcement.”

In addition, this will have a large fiscal impact on the Judiciary which has not been budgeted for in the Judiciary’s budget. The cost of technology, including delivery and storage is estimated at \$2.5 million. Further, providing ostensibly universal audio-visual access to court proceedings will likely consume an enormous amount of bandwidth causing interruptions in court proceedings and other technology systems. The bill also does not address the consequences to a user who unlawfully records or broadcast court proceedings. Finally, the Judiciary is concerned that the bill makes no allowance for inevitable interruptions in technology caused by unforeseen events such as Wi-Fi outages. In such an event, a court presumably would violate the statute by conducting a proceeding in the absence of public access by audio-visual means.

cc. Hon. Jim Rosapepe
Judicial Council
Legislative Committee
Kelley O’Connor

OPD Informational Statement_SB469-HB647_2022.pdf

Uploaded by: Krystal Williams

Position: INFO



PAUL DeWOLFE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
DIRECTOR OF POLICY AND DEVELOPMENT

KRYSTAL WILLIAMS
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

ELIZABETH HILLIARD
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

POSITION ON PROPOSED LEGISLATION

BILL: SB469/HB647 – Courts – Remote Public Access

FROM: Maryland Office of the Public Defender

POSITION: Informational

DATE: 02/15/2022

The Maryland Office of the Public Defender respectfully submits this statement as information for the Committee to consider on SB469/HB647.

This bill requires each appellate court, circuit court, and District Court in the State to provide remote audio-visual public access for all public court proceedings, unless a proceeding is deemed closed, confidential, or restricted by federal or State law. It also authorizes a presiding judge to prohibit the broadcast of any portion of a proceeding on the request of any party, witness, or counsel involved in the proceeding, unless there is an overriding public interest compelling disclosure.

While the Office of the Public Defender understands and appreciates the importance of transparency and access to court proceedings as a means to ensuring a fair judicial system and holding the criminal legal system accountable, providing remote audio-visual public access for all public court proceedings in turn poses many risks and raises serious concerns for our clients and all parties involved in the judicial system. In consideration of this legislation, it is important to weigh and balance these unresolved issues and concerns.

Namely, it is important to acknowledge that public access to criminal court proceedings allows for the general public to act as a check on the legal system and ensure that it is functioning properly and fairly. Indeed with the vast limitations imposed by the Covid-19 pandemic many of our clients and their families have often been deprived of the ability to fully participate in their court proceedings. The utilization of remote access has helped ease and facilitate the ability for parties and families to participate as well as helped shed light to the public on the extensive deficiencies throughout the jails, prisons, and court systems. In addition, the utilization of remote access has in fact improved some aspects of participation by our clients and their families. For instance, prior to implementation of remotely broadcasted proceedings in the Court of Special Appeals, incarcerated clients did not have the opportunity to view live oral arguments in their direct appeal; instead, they could only listen to the audio at a later date. And during bail review hearings, client's family members had to make an impossible choice: come to the courthouse to observe the hearing and support their family member, foregoing an afternoon's pay at work, or miss the hearing entirely.

Maryland Office of the Public Defender, Government Relations Division, 45 Calvert St, Suite 108, Annapolis MD 21401
For further information please contact Krystal Williams, krystal.williams@maryland.gov 443-908-0241;
Elizabeth Hilliard, Elizabeth.hilliard@maryland.gov 443-507-8414.

That being said, allowing the public to access *all* public court proceedings through remote access presents immense concern for the dissemination of confidential and sensitive information, as well as real dangers with exposing permanent images and information that can not only improperly influence public perceptions and potentially taint jury pools, and be misused by those with ill intentions to impact live proceedings, but also create permanent records for anyone who may later be found not guilty or have their matter dismissed and/or be eligible for expungement of their records.

In criminal proceedings very sensitive information is shared about our clients and parties involved. The public exposure of easily accessible and distributable information pertaining to the incredibly sensitive nature of many of our cases, including prior criminal history, medical and mental illness, substance abuse, family issues, financial limitations, etc., can be extremely detrimental to our clients or others involved. The mass exposure and readily accessible information could have negative and irreparable employment, housing and education ramifications.

Additionally, concerns with allowing remote public access to all public hearings is that there are many court dates involving various types of cases, such as bail review, preliminary hearings, status conferences, motions, pretrial and post-trial, and sentencing and probation proceedings. Most defendants involved in these proceeding are in jail or prison, and the constant streaming of defendants in a detention jumpsuit, presents real dangers for negative images influencing media in ways that historically have had racially discriminatory impacts on black populations and communities.

Allowing remote access to the public also presents far-reaching concerns with the ability for anyone who is watching to post the proceeding on social media, record it, and/or alter it. For example, some of our attorneys have had trials during Covid and the trials were broadcast in a space that was one room over from other family members. In one domestic violence case, the family members of the alleged victim surreptitiously recorded the trial from that other room and then streamed it on Facebook. It was viewed by other witnesses. Thus, there is a real concern about witness sequestration in any type of hearing where this would be at play. While this is a concern even if the witnesses are in the courtroom, it is far easier to record proceedings when no one is watching you and put it on the internet. Currently we have proceedings that are virtual but the link is only sent out to the parties/attorneys/victims in some cases.

Although this bill includes an important check, allowing a presiding judge to prohibit the broadcast of a proceeding on the request of any party, witness, or counsel involved in the proceeding, there are no guarantees that a presiding judge will in fact grant such request.

As such, we hope this information is helpful and instructive in the Committee's consideration in reviewing this bill.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

SB 469 - MSBA Informational Letter (2022.02.15).pd

Uploaded by: Shaoli Katana

Position: INFO

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.