



## TESTIMONY IN SUPPORT OF HB0647:

### Courts - Remote Public Access

TO: Hon. Luke Clippinger, Chair, and members of the House Judiciary Committee

FROM: **Multiple Organizational Affiliates**

DATE: February 22, 2022

We support **House Bill 647** as a means to require 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.

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 childcare — 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. 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



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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. 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.” For these reasons, we urge a favorable vote on **House Bill 647**.



**After Release**





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