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SB 43 Courts – Remote Public Access

Hearing before the Judicial Proceedings Committee, January 25, 2023

Position: FAVORABLE

SB 43 will modernize Maryland courts by allowing public participation not just in the courtroom gallery but also through digital livestream. Recent years have proven this to be feasible, effective, and affordable, and there is no reason to retreat to practices of the past that limited access to courtrooms to those who could be physically present.

Transparency brings accountability to the administration of government, including the judicial system. But SB 43 also protects privacy of the parties when needed.

The Public Justice Center has observed the need for virtual judicial access first-hand in our representation of tenants facing eviction. Eviction dockets are often fast-paced, high volume events that can deprive someone of their home and financial stability within seconds. Greater judicial transparency and accountability from virtual access would ensure that the public can review and determine whether the eviction dockets provide a fair opportunity for individuals to litigate their rights and ensure that judges are accountable to maintaining the minimal due process safeguards required for these proceedings. Court rules already allow for remote participation, even by parties, in limited circumstances, but more routine access to participation virtually is needed.

Criminal proceedings should also be subject to broader public observation, from pretrial detention hearings (“bail reviews”) to plea bargains to contested trials. Widespread public access can be a tool to shine light on our courts, improve fairness and foster greater confidence in the judiciary.

In the 21st century, the people have the right to 21st century access to the halls of justice.

The Public Justice Center urges a favorable report on HB 133. For further information, please contact Debra Gardner, at 410-625-9409 ext. 228 or gardnerd@publicjustice.org.