



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

January 24, 2023

The Honorable Senator William C. Smith Jr., Chair  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: Testimony of Maryland Legal Aid in Support of Senate Bill 43 – Court Proceedings – Remote Public Access and Administration**

Dear Chairman Smith and Members of the Committee:

As the Chief Legal & Advocacy Director at Maryland Legal Aid (MLA), I appreciate the opportunity to testify on Senate Bill 43, at the request of Senator Rosapepe. This bill will bring much needed access and transparency to our courtrooms, increase our awareness of how laws and procedures are carried out, and ultimately benefit our often-silenced clients.

MLA is Maryland's largest nonprofit law firm, with 12 offices serving thousands of low-income people in matters ranging from evictions to unemployment to children's rights to veteran's benefits. In courts throughout the state, MLA attorneys witness first-hand what the public rarely sees: inconsistent application of procedures, incorrect interpretations of the law, and injustices that are rarely monitored, much less remedied. Therefore, we understand the value of adding sunlight and accountability to these courts. MLA urges the Committee's favorable report, and we urge its ultimate passage.

Public access to courts is embedded in the First Amendment, which is reason alone to pass this bill. However, SB 43 is particularly vital for MLA's clients because court proceedings are the primary forum for our clients to speak their truth. Our clients are not rich; they cannot buy airtime or ads to expose the injustices they face. They are not politically powerful or well-connected; they cannot easily change the laws that oppress them. Broadcasting their day in court will vastly improve the chances that their voices are heard. And they deserve to be heard.

Virtual access to court proceedings will also vastly expand the ability of MLA, law reform advocates, and the public writ large to monitor how state courts administer justice, better holding both public and private actors accountable. In particular, broadcasting court proceedings will shed light on the state's many high-volume trial dockets at an unprecedented scale. One need only consider the impact of a single audio-video "stream" on a single day at a district court. For instance, with virtual access to eviction dockets, lawmakers and other stakeholders would literally see, on their phones, tablets, and laptops, the success (or not) of local implementation of the new Access to Counsel in Evictions program. This includes the helpfulness (or not) of landlords, the Housing Authority, and others. In a similar vein, with SB 43, the entire state can observe in real time whether

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judges and prosecutors are honoring the letter and spirit of Maryland's expungement law. While the law is intended to streamline second chances for our clients, the process remains excruciatingly difficult to navigate in practice.

To be sure, MLA represents numerous clients who need privacy as they pursue justice in the courts. These include children involved in private guardianship, public agency, adoption, or juvenile delinquency matters; victims of domestic violence who fear for their safety; and, as noted above, people seeking expungement of old criminal records, where much of the purpose is to avoid stigma around, and public re-litigation of, past mistakes. There are good reasons why these and other clients may want certain proceedings to be held outside of public view. Fortunately, this bill contemplates those circumstances by exempting proceeds that were already closed, confidential, or restricted under federal or state law. The bill also allows parties to request (and judges to grant) confidential proceedings where appropriate. Therefore, MLA can still protect client privacy in appropriate settings while supporting the expanded transparency, accountability, and access this bill provides.

For the reasons stated above, and for the betterment of our courts and clients alike, **Maryland Legal Aid urges a favorable report on, and ultimate passage of, Senate Bill 43.**

Thank you,

/s/ Somil Bharat Trivedi

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