



**POSITION: Favorable with Amendment**

**BY: Nancy Soreng – President**

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The League of Women Voters of Maryland supports HB 133, which would require that courts provide remote audio-visual access to all public court proceedings except in specified situations and also authorize remote participation of witnesses on the motion of counsel to the parties.

The League of Women Voters believes that democratic government depends upon informed and active participation at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible. Except where the law requires that a proceeding be closed due to specific circumstances, the business of the courts should be conducted in public.

We note that HB 133 includes an exception for those rare instances where, at the request of a party or a witness, the judge determines that some portion of the proceeding should not be broadcast, unless there is an overriding public interest that compels disclosure. This will ensure that the public's right to information about government decisions is appropriately balanced with the rights of litigants and witnesses in the particular circumstances of each case. We also recognize that there are additional considerations, such as the need to exclude witnesses from the courtroom so that their testimony is not affected by the statements of other witnesses. Web broadcasting of proceedings may also increase the reluctance of some witnesses to testify. Accordingly, we recommend that the bill be amended to require a study on this issue and report to the General Assembly with recommendations.

The bill also provides that a court, on motion of counsel, may permit a person not a party to the litigation to participate via the audio-visual system. The League does not have a position on this provision of the bill, but we encourage the Committee to examine the advantages and risks of remote participation of witnesses.

Remote participation would reduce the burden on witnesses who would otherwise be required to attend court in person. Because the language is permissive, the judge in any case can weigh the interests of the parties whenever personal attendance of the witness is deemed advantageous to one of the parties.

The LWVMD strongly urges a favorable report on HB 133 with an amendment as noted.