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Zealous

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Los Angeles
California

In favor of: H.B.133/S.B. 43
An Act Concerning Courts – Remote Public Access

My name is Scott Hechinger, and I am a civil rights attorney based in Los Angeles, California. I am submitting this testimony as a concerned advocate, longtime public defender, and now founder and executive director of [Zealous](#), a national advocacy and education initiative working to topple the historic imbalance of power over criminal justice media and policy. At Zealous, we strive towards building a fairer and more equitable criminal legal system, and ensuring open and public access to courts is crucial to our work and mission around the country.

Today, I am asking you to support H.B. 133/S.B. 43 and allow Maryland to become a national leader in guaranteeing remote public access to courts. The importance of court accountability and transparency is an issue I know well. I started off a decade ago as a public defender in Brooklyn, where I was first introduced to the critical role that court watchers play in our criminal legal system. As a public defender, I was determined to advocate for the people I represented as best I could, but my professional obligations as appointed counsel often meant that I was limited in what I was able to share about my clients, their cases, and how they were treated by judges, prosecutors, and court staff. The presence of court watchers—and their dedication to shedding light on routine injustices faced by the people I represented—was crucial in improving case outcomes and ensuring the proper administration of justice, not only because they demanded accountability from judicial actors but also from public defenders, including myself.

My long-standing belief in the power of court watching has only been reaffirmed by Zealous's continued partnership and collaboration with Dr. Carmen Johnson and Courtwatch PG. I first met Carmen in the early weeks of the pandemic in 2020, when we were desperate to find ways to raise awareness around the countless people stuck behind bars while COVID-19 raged through jails and prisons in Prince George's County. Public defenders were advocating zealously for their clients, but judges were still denying motions to release. Meanwhile, Civil Rights Corps attorneys had filed powerful litigation about the horrific conditions inside Prince George's County Jail, but the federal judge dismissed the sworn declarations of people currently incarcerated as only "marginally relevant." Carmen was the lone court watcher, filing prosecutorial accountability letters that went unaddressed.

No one had cell phone footage of the conditions inside the jail. But Carmen and other local advocates had relationships of trust with those who had risked retaliation to share their stories in sworn declarations but were unable to be heard because they were incarcerated. The resulting campaign, [Gasping for Justice](#), featured over sixty of these firsthand accounts, read to camera from a collection of advocates, Broadway and film actors, singers and songwriters, organizers, and law school professors from around the country. The campaign resulted in over 200 volunteer court watchers signing up to join Carmen in Prince George's County, and Courtwatch PG becoming the leading virtual court watch program in the country.

Our experience with Gasping for Justice made clear that while the COVID-19 pandemic hit our communities hard, remote access to court was one silver lining—for family members and their loved ones, for advocates, and for the integrity of our judicial system.

On a fundamental level, court access is a matter of constitutional rights. The First and Sixth Amendments to the United States Constitution *guarantee* open public access to courts. H.B. 133/S.B. 43 would protect and uphold these rights, ensuring the public has access to court proceedings irrespective of circumstance. This legislation breathes life into the value of access, of transparency, and of democracy, as written into the United States Constitution; nothing less, nothing more. The legislation is common sense and so very important.

Beyond protecting our constitutional rights, H.B. 133/S.B. 43 will remove barriers of entry to court access that have disproportionately affected low-income communities and people with disabilities. By eschewing the challenges associated with finding affordable transportation to court, taking time off from work, securing child care, and moving with disabilities, remote court access will guarantee that *all* family and community members can support individuals in court proceedings. I saw the challenges of access over nearly a decade as a public defender. We have a duty to embrace, expand, and protect remote court access.

It is in our collective interest that our justice system works for all who encounter it, including both people accused of crimes and victims of crime. I urge you to support H.B. 133/S.B. 43 and keep Maryland courts open and accessible to the public. I urge you to become a national leader and model for other states and jurisdictions.

Thank you for your time and consideration.

Scott Hechinger