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MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 978
Courts – Maryland Court Text Message System – Establishing,
Implementing, and Maintaining
DATE: February 7, 2024
(2/21)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 978. This legislation would establish the Maryland Court Text Message System, by amending the Courts and Judicial Proceedings Article to include a new Title 14.

The Judiciary supports the concept of a text messaging system for providing notification of court proceedings and, in fact, has been doing so in criminal proceedings since 2019. The system has been expanded over the years and plans are already in progress to expand this to additional case types and uses. However, the Judiciary cannot support this bill for several reasons. First, notification methods and processes are and should remain a program that is created and run by the Judiciary.

Second, the bill is overbroad in both its application to agencies beyond the authority of the Judiciary, and in its application to judicial and non-judicial matters. For example, the bill requires the Administrative Office of the Courts to establish, implement, and maintain a text message notification system for the Maryland Tax Court which is not a body over which the Judiciary has any authority to implement policy. The Maryland Tax Court is a state agency, part of the executive branch of government, not the judicial branch.

Further, the bill will require text message notification not only for court proceedings, but also, for court-related appointments and announcements. Although the terms “court-related appointments” and “court-related announcements” are not defined in this legislation, the bill could be read to apply to the scheduling of mediation, parenting seminars, and other “appointments,” the scheduling of which often is not done by the court. Likewise, in problem-solving courts, text messaging could be required for all medical appointments and drug testing, which are arguably “court-related,” but which are scheduled directly by outside providers.

Additionally, the frequency with which court proceedings are postponed, often at the last minute, makes the use of text messaging impractical in many situations. Further, the requirement that AOC submit a detailed implementation plan for the system by December 1, 2024, is unrealistic. And, while the Judiciary appreciates that the bill sets an annual appropriation of \$500,000 in the budget for the AOC to establish, implement, and maintain the system, beginning in fiscal year 2025, it expects that the cost of such a system will far exceed the appropriation.

Under the current court text messaging program operated by the Judiciary, defendants may request to be signed up via our Public Justice Access dashboard. The dashboard allows for opt-in, opt-out and sends a defendant two reminders, one seven days out from a hearing and another reminder one day before a hearing. If there are related cases to the base case, notifications will be sent for any associated hearings. In addition, the Judiciary has a text messaging expansion workgroup that is looking into expanding the program.

cc. Hon. Caylin Young
Judicial Council
Legislative Committee
Kelley O'Connor

HB0978 - MSBA Opposition Letter (2024.02.19).pdf

Uploaded by: Shaoli Katana

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To: Members of the House Judiciary Committee
From: Maryland State Bar Association (MSBA)
Subject: HB 978 – Courts – Maryland Court Text Message System – Establishing, Implementing, and Maintaining
Date: February 19, 2024
Position: **Oppose**

The Maryland State Bar Association (MSBA) files this opposition to **House Bill 978 – Courts – Maryland Court Text Message System – Establishing, Implementing, and Maintaining**. HB 978 establishes requires the Administrative Office of the Courts to establish, implement, and maintain the Maryland Court Text Message System; send out certain messages through the System; adhere to certain privacy and data protection and security standards; etc.

MSBA represents more attorneys and judges than any other organization across the state in all practice areas. Through its advocacy committees and various practice-specific sections, MSBA monitors and takes positions on legislation that protects the legal profession, preserves the integrity of the judicial system, and ensures access to justice for Marylanders.

Text communications to case parties, witnesses, and jurors are a powerful tool to meet the need and communication styles of litigants and jurors, increase convenience, and improve access to justice. The Maryland Judiciary currently offers case messaging for specific District Court cases and plans to expand and provide similar service to Circuit Courts and to potential jurors.

HB 978 requires expanded text message services and lists courts which do not currently use the Judiciary’s technology platform. Implementation of HB 978 by the Maryland Judiciary will require significant planning and project design to maintain confidentiality and to gather information related to business entities, courts, and agencies that are not currently within the Judiciary’s information resource system. The proposal would require additional staff and significant expenditures that far exceed the annual budget appropriation included in the bill.

For these reasons, MSBA respectfully urges an **unfavorable report on House Bill 978**.

Contact: Shaoli Katana, Advocacy Director (shaoli@msba.org, 410-387-5606)