



SB 555 / HB 821: A CUSTODIAN MAY DENY INSPECTION OF A RECORD PERTAINING TO PENDING OR REASONABLY ANTICIPATED LITIGATION

House Health and Government Operations Committee

Good afternoon Committee Members. My name is Laura Anderson Wright, I am a 30 year employee of the University of Maryland, College Park where I wear two hats: I serve as Sr. Associate General Counsel & the Public Records Officer. I am here today speaking on behalf of the University of Maryland, College Park, the flagship within the University System of Maryland.

A little about me: Raised & Volunteer: 14; Lived in 18, 21, 17 and now 16; Work in 21 for all of my 30 years. Thus, I am deeply invested in our State, its ideals and its flagship institution.

As the University of Maryland's Public Records Officer, I have seen the number and complexity of requests skyrocket.

In 2023: College Park received 532 requests for 1,703,748 records.

In 2024, that number went up to 582.

In 2025, we're already up to 96 as of Feb 6. We haven't even hit the 96-day mark in 2025.

Among the hundreds of requests we receive annually, many are what we in my position call **faux discovery**. For example, we receive requests like:

1. Any and all emails between various people for a 5 year period;
2. Copies of 10 years' worth of work orders in all of our many residence halls;
3. Some have even sent a list of *questions* they expect to be answered; in the world of discovery those are called *interrogatories*, which should remain in that arena.

To be clear, with this bill we're not trying to avoid litigation or remove access to a litigant. The litigant **has** an avenue for access: it is the discovery process. Maryland's public records law is not a discovery process and using it as such is inappropriate. It clogs the pipeline making it hard for legitimate requests to be processed.

With the rise in requests that are exploratory fishing expeditions, this bill would simply create a new discretionary PIA exemption that would allow a custodian to withhold records relating to pending or reasonably anticipated litigation.

The proposed exemption is in addition to any other exemptions (like attorney-client

privilege or work product) that might apply.

However, the *additional* protection provided for by this provision would apply only until the litigation is over. The scope of the bill is limited in nature, and thus, reasonable.

The exemption would put government litigants on a level playing field with private litigants, because it would preclude private litigants from using the PIA to obtain early discovery or to circumvent discovery rules—a disadvantage for government litigants when they are facing private litigants.

You could say I'm here to help Maryland catch up to its aspirational peers in this area.

When you examine the public records statutes of other states, our search to date has discovered 7 — there could be more — that *already* practice what this bill proposes: CA, DE, MO, OK, OR, VT and even TX.

On behalf of the University of Maryland, College Park, please support HB 821 cross-filed as SB 555.