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**SB 69 Courts - Standing Committee on Rules of Practice and Procedure
Hearing before the Senate Judicial Proceedings Committee, February 3, 2022
Position: Favorable**

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization that seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. A core aspect of its mission includes government transparency and accountability, which are critical to confidence of the governed in the government. This principle applies to judicial administration and should be balanced equally with the principle that the judiciary must avoid political influences on access to and fair administration of the courts.

The PJC, through its Legal Director and other staff, regularly participates in proceedings of the Standing Committee on Rules of Practice and Procedure (Rules Committee or Committee) and its subcommittees, as well as in the open meetings of the Court of Appeals on Rules Committee recommendations. On several occasions, we have submitted proposals for rules changes or new rules which have subsequently been adopted. We have also been invited by the staff of the Rules Committee to participate as interested persons in many proposals under review by subcommittees and eventually the Committee and the Court. Such opportunities to contribute to the deliberations over the rules governing fair administration of Maryland courts have been invaluable to our client communities. The PJC thanks the Committee and its staff for these efforts to consider a broad range of relevant perspectives in the course of their work to improve the operation of the courts.

Recognizing that there will be debate over the separation of powers in connection with this bill, we offer our perspective on the important issue of composition of the Rules Committee. It is apparent that the Court strives to maintain a Committee that is diverse in terms of race and gender and representative of various court functions and the geography of the state. Different types of practice areas are also represented to some extent among the lawyers appointed by the Court to the Committee. What is missing from this diversity in voting membership of the Committee is any significant representation of the voices of those whose lives the courts impact on a daily basis and who otherwise lack access to the halls of justice. The Committee currently includes a number of lawyers in private practice, including some who represent plaintiffs in tort litigation, and also a State's Attorney and a member of the Attorney General's staff. But there are no lawyers from non-profit public interest organizations whose mission is to represent the interests of, e.g., low-income tenants, low-wage workers, low-income debtors, and others who are disproportionately people of color. Nor have there been any lawyers from such public interest organizations during the many years that the PJC's Legal Director has engaged with the Committee. Access to justice for these "constituents of the Maryland Judiciary," including when haled into court by interests that are represented among the voting members of the Committee, depends in part on the work of the Rules Committee and its recommendations to the Court of Appeals. The composition of the Committee does not yet meet the Court's commitment to equal justice under law. See <https://mdcourts.gov/sites/default/files/import/coappeals/pdfs/statementonequaljustice060920.pdf>.

The balance of "practice areas and constituents of the Maryland Judiciary" called for by SB 69 should be used to address this gap. And otherwise, the PJC hopes that the Court will heed this call in its appointments.

For the foregoing reasons, the PJC supports SB 69. Should you have any questions, please contact Debra Gardner, Legal Director, at 410-625-9409, ext. 228 or gardnerd@publicjustice.org.

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