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Testimony of Rep. Adam Lee presenting

LD 267, An Act Regarding the Remote Appearance of Counsel in Pretrial Nontestimonial Criminal Matters

Before the Joint Standing Committee on Judiciary

Senator Carney, Representative Kuhn and distinguished colleagues of the Joint Standing Committee on Judiciary, I am Adam Lee, and I represent House District 89 which is Downtown Auburn and New Auburn. I'm here to introduce **LD 267, An Act Regarding the Remote Appearance of Counsel in Pretrial Nontestimonial Criminal Matters**.

The following are indisputable facts we as a Judiciary Committee know to be true.

1. We have far too few attorneys practicing criminal defense law for indigent clients in this state;
2. Those attorneys doing this work are highly overworked and often required to do their work in multiple locations in the state;
3. Because we have not fully established public defense offices, often times criminal defense attorneys rostered with PDS are required to travel those multiple court locations;
4. The State of Maine ends up paying for attorney travel and time spent in transit to these locations; and
5. In both the 131st Legislature and as proscribed in the Governor's budget for the 132nd, we have generously funded technology that permits courtrooms to be equipped for remote and hybrid hearings.

Each of these facts support a bill that would mandate a full-scale expansion of the use of remote and hybrid hearings in the criminal context.

This bill doesn't do that.

All it does is humbly asks that when a pre-trial hearing does not require testimony, and so long as justice does not require otherwise, the courts provide counsel the option for remote appearance.

This bill does not usurp judicial authority, as a judge can require in person appearance as required by justice. If, as the judicial branch may contend, they are already doing this – then it should not present an issue to codify the practice. If, however, as I’ve heard from several criminal defense attorneys some judges and clerk’s offices are requiring in-person appearances, then this bill is needed. If someone contends that the benefits of remote appearances are somehow detrimental to the dissemination of justice, I’d ask you to insist on data to demonstrate that. I’d also ask you to balance any measured loss against the five previously articulated facts in the beginning of this testimony.

I’m happy to answer questions, and will be here to work the bill with you.