

CLAC MEMORANDUM/TESTIMONY
LD 267, An Act Regarding the Remote Appearance of Counsel in
Pretrial Nontestimonial Criminal Matters (Opposed)

TO: Senator Anne Carney
Representative Amy Kuhn
Joint Standing Committee on Judiciary

FR: Criminal Law Advisory Commission (CLAC)
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RE: LD 267, An Act Regarding the Remote Appearance of Counsel in
Pretrial Nontestimonial Criminal Matters

DA: February 13, 2025

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony in opposition to LD 267.

CLAC views the enactment of a statutory default regarding such a court process to be unnecessary. Currently, judges in each region are able to use their discretion regarding requests to participate by Zoom in nontestimonial proceedings, and such requests are routinely granted. Courts are able to manage the process as the interests of justice require, consistent with the inherent authority of the courts to administer their dockets. A default approach with respect to remote proceedings does not take into account the challenges faced in different geographic regions. The recommendation is that management of this type of court process is best left to the Supreme Judicial Court to address by policy, rule, or Administrative Order.

*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Our current members include current defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature's Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court's Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.