IN THE COURT OF SPECIAL APPEALS OF MARYLAND

No. 1251
September Term, 2020

BALTIMORE ACTION LEGAL TEAM, *et al.*,

Appellants,

v.

OFFICE OF THE STATE'S ATTORNEY OF BALTIMORE CITY, *et al.*,

Appellees.

On Appeal from the Circuit Court for Baltimore City
(The Honorable John S. Nugent, Presiding)

BRIEF OF *AMICI CURIAE* PUBLIC JUSTICE CENTER, THE MARYLAND OFFICE OF THE PUBLIC DEFENDER, COMMON CAUSE MARYLAND, THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW CIVIL ADVOCACY CLINIC, THE CLINICAL LAW PROGRAM AT THE UNIVERSITY OF MARYLAND CAREY SCHOOL OF LAW, AND THE MDDC PRESS ASSOCIATION, IN SUPPORT OF APPELLANTS, WITH WRITTEN CONSENT OF THE PARTIES

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STATEMENTS OF INTEREST

The **Public Justice Center ("PJC")** is a non-profit civil rights and anti-poverty legal organization established in 1985. PJC uses impact litigation, public education, and legislative advocacy through a race equity lens to accomplish law reform for its clients. Its Appellate Advocacy Project expands and improves representation of disadvantaged persons and civil rights issues before the Maryland and federal appellate courts. The PJC has a demonstrated commitment to ensuring that the purpose of the Public Information Act is realized. *See, e.g.*, *Md. Dep't of State Police v. Dashiell*, 443 Md. 435 (2015) (*amicus*); *Ireland v. Shearin*, 417 Md. 401 (2010); *City of Balt. Dev't Corp. v. Carmel Realty Assocs.*, 395 Md. 299 (2006) (*amicus*); *Massey v. Galley*, 392 Md. 634 (2006). The list of Statements of Interest of all other *Amici Curiae* is provided in the Appendix.

ARGUMENT

This case provides this court with the opportunity to provide critically needed guidance on how Maryland government agencies should comply with the requirements for public record disclosure contained in the Public Information Act ("MPIA"). The plain language and legislative history of the MPIA along with the relevant case law all underscore the overwhelming presumption in favor of the disclosure of public records. *See e.g.,* Md. Gen. Provis. (GP) § 4-103(a)–(b); *Kirwan v. The Diamondback*, 352 Md. 74, 81 (1998). And while the MPIA requires disclosure "with the least cost and least delay," GP § 4-103(b), many government agencies engage in activities that exacerbate costs and facilitate untoward delays that thwart disclosure and discourage MPIA requests. This court should rule in favor of appellants in order to restore public trust by ensuring

governmental transparency through wholehearted compliance with the MPIA as intended by the General Assembly.

I. Improper and Underenforcement of the MPIA Impedes Citizens' Ability to Participate in Government.

The First Amendment of the United States Constitution enshrines the right of the people to "petition the government for a redress of grievances." U.S. CONST. amend. I. Likewise the Maryland Constitution's Declaration of Rights recognizes the people's "right to petition the Legislature for the redress of grievances . . . ." MD. CONST. Decl. of Rights, art. XIII. Necessarily, requests for public records are critical to exercising that right—that is, the public must be able to identify such grievances by examining government matters of particular interest or concern. The disclosure of such records helps to ensure transparency and public trust; the Supreme Court said as much when interpreting the federal Freedom of Information Act ("FOIA") in 1976. *See Dep't of Air Force v. Rose*, 425 U.S. 352, 361 (1976) (explaining that the underlying public policy of FOIA was "to pierce the veil of administrative secrecy and to open agency action to the light of public scrutiny.").

FOIA was enacted in 1966 to explicitly provide for public record disclosure when the older iteration, originally enacted in 1946, was being used to prevent disclosure despite its intended public policy favoring disclosure. *See* Melvin F. Jager, 2 Trade Secrets Law § 12:1. Now, under FOIA, disclosure is not only favored but is also presumed—that is, unless the FOIA request falls within one of nine narrowly construed exemptions, the request will be granted. *See* 5 U.S.C. § 552. The exemptions are

narrowly construed to ensure that their interpretation in any given case does not frustrate FOIA's purpose of permitting disclosure. *See* Jager, *supra*, 2.

The same is true for the MPIA. It was enacted in 1970 and was fashioned as the state equivalent of FOIA. *See* 1970 Md. Laws, Ch. 698; *see also Immanuel v. Comptroller of Md.*, 449 Md. 76, 89–90 (2016) ("Although the text and history of the MPIA differ from the FOIA, the Maryland Act was . . . modeled after the [FOIA] and the purpose of the MPIA is virtually identical to that of the FOIA.") (internal quotations and citations omitted). The statute was designed to expand the limited rights that were available at common law to inspect government records. *See, e.g.*, *Belt v. Prince George's County Abstract Co.*, 73 Md. 289 (1890) (explaining that though the title company was entitled to have access to certain court records, it must pay fees required by law); 41 Op. Atty. Gen.113 (1956) (finding that records could not be inspected "out of mere curiosity").

Later amendments to the MPIA created some oversight for these matters through the statutorily created MPIA Compliance Board which has authority to consider complaints that an agency has imposed an "unreasonable" fee exceeding $350—it issues binding opinions and enforceable orders, subject to judicial review, which can require an agency to refund the unreasonable portion of the fee. *See generally* GP § 4-1A-01 *et seq*. Likewise, the position of the Public Access Ombudsman was established to mediate disputes over access to public records; however, agency participation cannot be compelled and resolutions are non-binding. *See generally* GP § 4–1B–01 *et seq*.; GP § 4-1B-04(b)(1)(ii); COMAR 14.37.03. This year the General Assembly expanded the

jurisdiction of the Board, effective in 2022, to resolve disputes over denials of public records and failures to respond to requests, among other measures. *See* H.B. 0183 (2021) (pending final enactment).

The MPIA has thus greatly expanded the scope of who and for what purpose people could request and inspect public records, *see Ireland v. Shearin*, 417 Md. 401, 408 (2010), and established administrative vehicles to ensure its proper facilitation. The Court of Appeals has emphasized and reiterated that the MPIA is a remedial statute that should be liberally construed in order to effectuate its broad, remedial purpose. *See Immanuel v. Comptroller of Md.*, 449 Md. at 88; *see also See City of Baltimore Dev. Corp. v. Carmel Realty Assocs.*, 395 Md. 299, 332–33 (2006); *A.S. Abell Pub. Co. v. Mezzanote*, 297 Md. 26, 32 (1983). Like the FOIA, the MPIA also creates classes of exemptions that limit disclosure; however, the Court of Appeals has also explained that these should be interpreted narrowly, like those under FOIA. *See Office of Governor v. Washington Post Co.*, 360 Md. 520, 262–63, 759 A.2d 249 (2000) (explaining that in order to interpret the MPIA in favor of disclosure, "[c]oncomitantly, 'courts must interpret the exemptions narrowly'") (quoting *Fioretti v. Bd. of Dental Examiners*, 351 Md. 66, 77 (1998).

However, under the current MPIA, the mandatory "personnel records" exemption has been broadly interpreted, deeming wide swaths of documents inappropriate for disclosure. *See* GP § 4-311; *see also Md. Dep't of State Police v. Dashiell*, 443 Md. 435, 462–63 (2015) (holding that even where an internal affairs investigation sustains a complaint, investigatory records are personnel records not subject to disclosure under MPIA); *Montgomery Cty. v. Shropshire*, 420 Md. 362, 383 (2011) (holding that the

requested documents were personnel records because the investigation examined allegations that could have resulted in disciplinary action). But the General Assembly recently limited the scope of the mandatory personnel records exemption, in response to public demands that began after the *Dashiell* decision. *See, e.g.*, H.B. 402 (2016).

After years of growing public pressure, the legislature also passed the Maryland Police Accountability Act of 2021, a package of bills that included "Anton's Law."[1] Anton's Law amends § 4-311 of the MPIA narrowing what qualifies as a personnel record under the MPIA. *See* 2021 Md. Laws, Ch. 62. That is, "a record relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing records, and records relating to a disciplinary decision, is not a personnel record for purposes of this section" and is now subject to discretionary disclosure rather than "mandatory denial." *Id.*; *see* S.B. 178 (2021), Fiscal & Policy Note, http://mgaleg.maryland.gov/2021RS/fnotes/bil_0008/sb0178.pdf (last accessed May 20, 2021). These advancements further reinforce the Court of Appeals' well-settled pronouncement that "the provisions of the [MPIA] reflect the legislative intent that citizens of the State of Maryland be accorded wide-ranging access to public information concerning the operation of their government." *Kirwan*, 352 Md. at 81.

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[1] The law was named for Anton Black, a nineteen-year-old Black male who was arrested and died in police custody on September 15, 2018. *See* Luke Broadwater, *Anton Black's family presses for passage of 'Anton's Law' in Annapolis, requiring greater transparency*, Baltimore Sun (Feb. 26, 2019, 10:00 PM), *available at* https://www.baltimoresun.com/politics/bs-md-anton-black-legislation-20190226-story.html (last accessed May 24, 2021).

II. Agencies often Fail to Comply with the Spirit and Letter of the MPIA, Potentially Discouraging Invocation of Rights Under the Act.

In FY 2019, there were over 8,000 MPIA requests made to twenty-three reporting state agencies.[2] State of Maryland Office of the Public Access Ombudsman, *Report of the Public Information Act: Preliminary Findings and Recommendations*, Nov. 6, 2019, *available at* https://news.maryland.gov/mpiaombuds/wp-content/uploads/sites/20/2019/11/PIAReport-PrelimFindings11.6.19.pdf (last accessed June 14, 2021), 3-5 (hereinafter "2019 PIA Ombudsman Preliminary Report"). Despite the clear statutory and judicial pronouncements in the statute and from the courts that the MPIA overwhelmingly favors disclosure, many government agencies operate in a manner that is incompatible with that purpose. For example, under the MPIA, agencies generally have up to 30 days to produce public records and must provide an initial response within 10 days of the request. GP § 4-203(b). Of the twenty-three agencies studied, five of the highest-volume agencies did not track their timeliness and in turn could not produce this critical data. 2019 PIA Ombudsman Preliminary Report at 7. Only nine of the agencies tracked this metric— and only seven of those, the ones which had the smallest caseloads (fewer than 40 requests in FY 2019), reported consistent compliance with these timeliness requirements. Id. It is also troubling that the agencies with the largest caseloads did not have reportable statistics on other critical information, especially

[2] In November 2019, the Office of the Attorney General compiled preliminary findings on the efficacy of the MPIA and how agencies employ it. Its final report and recommendations were issued on December 27, 2019. Both reports only analyzed data voluntarily provided by some state agencies and did not cover the myriad local government agencies that are also subject to the MPIA.

pertaining to their rates of grant or denial of MPIA requests. State of Maryland Office of the Public Access Ombudsman, *Final Report on the Public Information Act*, Dec. 27, 2019, *available at* https://news.maryland.gov/mpiaombuds/wp-content/uploads/sites/20/2019/12/Final-Report-on-the-PIA-12.27.19.pdf (last accessed June 14, 2021), 25 (hereinafter "Final 2019 PIA Ombudsman Report").

As a general matter, many agencies withhold either part of or the entire record in a significant number of cases due to the application, or misapplication, of one or more of the available MPIA exemptions. 2019 PIA Ombudsman Preliminary Report at 9. One agency, the Department of Natural Resources, partly withheld the requested record in more than half of its caseload, and eleven other agencies withheld part of the requested record in eighteen to forty-six percent of their respective caseloads. *Id.* These denials of records resulted in a significant number of complaints to the MPIA Ombudsman's office for mediation. *Id.* Notably, "long overdue and missing responses" to record requests amounted to twenty percent of the Ombudsman's caseload. *Id.* at 6. Overall, in FY 2019 the Ombudsman conducted 235 mediations, resolving seventy-four percent of them, which makes clear that improper agency denials and delays had frequently prevented access to public information in contravention of the MPIA.

Given the absence of much reliable public data on agency compliance with the MPIA, it is important for the Court to look also at the qualitative and anecdotal experience of requesters of public information. For example, *amicus* Public Justice Center routinely makes MPIA requests related to public interest advocacy in its Workplace Justice, Human Right to Housing, Education Stability, and Access to

Healthcare projects, among others. The requests are usually eventually granted but only after much persistence. In recent MPIA requests to forty local police departments and county sheriff's offices, only ten out of those forty agencies (25%) initially acknowledged the request within the statutorily required ten days. *See* Public Justice Center Law Enforcement MPIA Requests (on file with author). Five (13%) produced records within the statutorily mandated thirty days or responded that they had none to produce. *Id.* And only an additional five (13%) replied with a late response. *Id.* Another six (16%) did nothing beyond acknowledging receipt of the request, and seventeen of the agencies (43%) completely ignored the requests. *Id.* Ultimately, only five out of forty agencies (13%) complied with all requirements of the MPIA. *Id*.

Unfortunately, there are similar shortcomings when it comes to agencies' fee demands and their denials of fee waiver requests. Fees under $350 and denied fee waiver requests fall outside of the Compliance Board's jurisdiction and are left to the Ombudsman. However, they often go unresolved due in large part to the voluntary nature of agency participation in the Ombudsman's mediation. In other words, agencies simply refuse to engage, leaving requesters with lengthy and expensive judicial review as their only recourse.

"A custodian's decision to grant or deny a fee waiver request ultimately is discretionary, . . . but the decision must not be made arbitrarily or capriciously." Office of the Attorney General, *Maryland Public Information Act Manual*, 15th ed. (last revised June 7, 2021) *available at*
https://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_manual_printa

ble.pdf, (last accessed June 14, 2021), 101 (hereinafter "OAG PIA Manual") (quoting *Action Comm. for Transit, Inc. v. Town of Chevy Chase*, 229 Md. App. 540, 561–64 (2016); *see also* GP § 4-206(e) ("the official custodian may waive a fee under this section."). When determining whether to grant a fee waiver request in the public interest, the custodian must consider each fee waiver request on a case-by-case basis and give appropriate consideration to "relevant factors" such as the requester's ability to pay the fees and the public benefit of disclosing the requested records. *See e.g., Mayor & City Council of Baltimore v. Burke*, 67 Md. App. 147, 157 (1986). Beyond the few factors that have thus far been recognized in case law, those factors are themselves left to the agency's discretion to determine. OAG PIA Manual at 17 (citations omitted). But real-life experience does not reflect proper exercise of this discretion.

Among the scant reasons agencies frequently give for a fee waiver denial is being too short-staffed and too under-resourced to afford granting a fee waiver, although nothing in the MPIA, the Attorney General's explanatory guidance, or the case law support relying on this as an adequate reason for denying a fee waiver. *Appendix F, Public Comments on Report on the Public Information Act: Preliminary Findings and Recommendations*, December 2019, *available at* https://news.maryland.gov/mpiaombuds/wp-content/uploads/sites/20/2019/12/AppendixF.pdf, (last accessed June 14, 2021) 36 (hereinafter "Appendix F"). Nonetheless, many agencies operate as if they employ an unwritten policy of denying fee waivers as a matter of course. *Id.*

The Ombudsman's Office "believe[s] that agencies' misunderstanding of the MPIA's fee waiver provisions and/or default unwillingness to grant fee waivers leads to the routine—rather than discretionary—denial of many waiver requests," even in the face of an affidavit of indigency. Final 2019 PIA Ombudsman Report at 32 n.44. It reported that of the fifteen agencies that indicated they received fee waiver requests, only five granted eighty percent or more of those requests. Of the remaining ten agencies that responded to the survey, five granted ten percent or less of the fee waiver requests they received. 2019 PIA Ombudsman Preliminary Report at 9 (Figures 10, 11). For example, the Department of Human Services received fee waiver requests in twenty-seven percent of its MPIA requests. Id. However, it only granted ten percent of those waivers. Id. The Department of Natural Resources' statistics are even more egregious. Seventy-two percent of its MPIA requests are accompanied by a fee waiver request. It granted zero percent of the waiver requests that it received. Id.

On this point, anecdotal evidence proves useful once more. The PJC's requests for a fee waiver are frequently denied, and usually without explanation, despite communicating the public interest nature of the requests and the legal requirements to consider relevant factors and articulate the exercise of discretion. Appendix F, at 36. Regarding the PJC's recent MPIA requests to the forty local law enforcement agencies, many of the agencies that eventually produced records were able to do so without charging a fee. *See* GP § 4-206(c) (prohibiting agencies from charging a fee for the first two hours of search and processing time). Five agencies demanded a fee to produce records while simply ignoring the PJC's request to waive any fees in the public interest.

However, one agency required a fee of $1,950 based on an unsubstantiated estimate of 80 hours to fulfill the request. This estimate was a clear outlier compared to the other agencies that responded either requiring no fee due to the two-free-hours provision or sought a fee that was $200 or less.[3] Having ignored the fee waiver request in the first instance, this agency denied the fee waiver request without giving a reason for its denial and citing the absence of standards in the MPIA:

> I am writing now to advise you that your request has been denied pursuant to the Public Interest Standard, under the Public Interest Standard, an agency custodian is authorized to waive the fee if “the custodian determines that the waiver would be in the public interest.” GP § 4-206(e)(2)(ii). In determining whether a waiver would be in the public interest, a custodian is only required to consider the applicant's ability to pay the fee and “other relevant factors,” but the statute does not specify what those factors are. Your request for a fee waiver has been denied.

See St. Mary’s Sheriff’s Office PIA Response Letter (Jan. 11, 2021) (on file with author).

These agency approaches to MPIA compliance may not be a deterrent for an organization like the PJC. But for smaller organizations, volunteer and community-based groups, and individual requesters, the agency culture exemplified by these experiences stands as an outright barrier to access to government transparency. The agencies waste scarce non-profit time and resources and substantially delay the actual disclosure of

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[3] This represents ten percent or less of the outlier demand for the same information from the same type and similar size of agency.

public information, often secured only through the requester's persistence, which offends the purpose of the MPIA.[4]

In many ways, this culture is not surprising. The Office of the Attorney General has previously noted that because government employees "tend to believe that the work *they* do is in the public interest," they view the "requests by community activists and advocacy groups—who might be critical of governmental policies—as not being in the public interest." State of Maryland Office of the Public Access Ombudsman, *Final Report of the Office of the Attorney General on the Implementation of the Public Information Act*, December 2017, *available at* https://www.marylandattorneygeneral.gov/OpenGov%20Documents/PIA_IR/Final_PIA_Report.pdf (last accessed June 14, 2021), 13. This attitude undermines the undisputed purpose of the MPIA to provide public access to government records to facilitate an open government and is contrary to the agencies' clear obligations under the MPIA. Moreover,

> it should be recognized that… *compliance with the [M]PIA as a practical matter is largely optional, not mandatory as the Legislature intended…* [E]xperience teaches that all too often, extraneous considerations such as political sensitivity, controversy, fear of public criticism, expedience, unreasonable expectations, or entrenchment for other reasons will dictate many PIA outcomes, making problems such as unlawful delay, wrongful denials, and refusal to compromise or consider alternatives the path of least resistance.

[4] St. Mary's Sherriff's Office has now produced the documents requested by the PJC. This fulfillment comes six months after the request was made and compelled through Ombudsman mediation. No fee was assessed because the agency produced the request under two hours.

Final 2019 PIA Ombudsman Report at 5 (emphasis added). This culture threatens public access to government information and thus presents a clear and present danger to democracy itself.

III. Non-disclosure of Public Records Harms Public Trust and Efforts to Regain that Public Trust

The crisis in public trust in government, especially law enforcement, is growing. To be sure, this was foretold by Judge Adkins's dissent, which then-Judge Barbera joined, in *Montgomery Cty. v. Shropshire*. There, Judge Adkins explained that non-disclosure of investigatory documents related to investigations of police misconduct "would also shield the police . . . from public scrutiny," which is a result "completely at odds with the spirit of the MPIA." *Shropshire*, 420 Md. at 386 (Adkins, J. dissenting). This lack of transparency, particularly with respect to policing, adds fuel to public distrust not just in government generally, but in law enforcement in particular. *See* Steven D. Zansberg & Pamela Campos, *Sunshine on the Thin Blue Line: Public Access to Police Internal Affairs Files*, 22 COMM. LAWYER 34 (2004) ("Furthering this mistrust is police departments' routine refusal to make available for public inspection the records of internal investigations into alleged wrongdoing.").

Disclosure of law enforcement public records helps to establish parameters and targeted efforts for embracing community policing. In a Congressional Research Service report, "access to information" is touted as a pillar for creating meaningful community policing structures that are designed to foster and increase public trust between communities and local law enforcement. Congressional Research Service, *Public Trust*

and Law Enforcement—A Discussion for Policymakers, (updated July 13, 2020), *available at* https://fas.org/sgp/crs/misc/R43904.pdf. Specifically, the report explains that "[c]ommunity policing relies on collecting and producing data on a range of police functions . . . as a means to developing solutions to community problems and providing citizen-focused services." *Id.*

Across the country, overall public trust in policing is at a record low of forty-eight percent. Aimee Ortiz, *Confidence in Police is at Record Low, Gallup Survey Finds*, New York Times (Aug. 12, 2020), *available at* https://www.nytimes.com/2020/08/12/us/gallup-poll-police.html. In addition, there is a discrepancy in public trust of law enforcement along racial lines. Fifty-six percent of white adults said they held confidence in law enforcement compared to only nineteen percent of Black adults. *Id.* And the numbers do not fare much better when evaluating public trust in the criminal justice system as a whole. Eleven percent of Black Americans express confidence in the criminal justice system compared to twenty-four percent of white Americans. *Id.*

The Baltimore Police Department ("BPD") has seemingly supported community policing efforts, producing reports on this topic in 2016 and 2017. *See generally* Baltimore Police Dep't., *Community Policing*, *available at* https://www.baltimorepolice.org/community-policing (last accessed May 24, 2021). The BPD also entered into a consent decree with the U.S. Department of Justice in 2017, which instituted many other measures intended to foster public trust between itself and the community. Significant among those is the emphasis on data collection and "*broad*

public access to information related to BPD's decision making and activities." *See United States v. Police Dep't of Baltimore City*, Consent Decree, Civil No. 1:17-cv-00099-JKB (emphasis added). Efforts to thwart disclosure of public records like those at issue in this case only frustrate these aims.

Ultimately, society is better served with transparency and open government through instruments such as the MPIA. Avoiding or thwarting disclosure of documents regarding issues so intertwined with Marylanders' real lived experiences such as law enforcement interactions, especially those that are a matter of life or death, undermines these goals. And that is especially burdensome when the MPIA is supposed to support and foster public trust in government generally.

CONCLUSION

For the foregoing reasons, *Amici Curiae* respectfully urge this Court to reverse the decision of the Circuit Court for Baltimore City.

Respectfully submitted,

/s/______________________________
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CERTIFICATE OF WORD COUNT AND COMPLIANCE WITH RULE 8-112

1. This brief contains 3,892 words, excluding the parts of the brief exempted from the word count by Rule 8-503.
2. This brief complies with the font, spacing, and type size requirements stated in Rule 8-112.

/s/ ____________________________
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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to Rule 20-201(g), on June 17, 2021, the foregoing brief of *Amici Curiae* was served via the MDEC File and Serve Module, and that, pursuant to Rule 8-502(c), two copies each were mailed, postage prepaid, first-class, to:

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APPENDIX

ADDITIONAL AMICUS CURIAE STATEMENTS OF INTERESTS

The **Maryland Office of the Public Defender** is an independent state agency charged with representing indigent individuals in criminal, juvenile, post-conviction, children in need of assistance, and involuntary commitment proceedings. Because of the disproportionate harm that public defender clients experience by police officers who commit abuse or misconduct, MOPD has been among the leaders in advocating for increased transparency of police disciplinary files.

Common Cause Maryland is a state office of Common Cause, a national nonpartisan nonprofit organization with more than 1 million members and supporters nationally and more than 25,300 members and supporters in Maryland. Common Cause Maryland is dedicated to making government at all levels more representative, transparent, open, and responsive to the interests of ordinary people. Common Cause Maryland has a demonstrated commitment to ensuring that the purpose of the Public Information Act is realized.

The Civil Advocacy Clinic of the University of Baltimore School of Law is a non-profit, social justice law clinic that represents low-income Marylanders in a wide array of civil litigation matters and also engages in law reform efforts benefitting people experiencing poverty. Through its individual representation and law reform work, the CAC has an interest in ensuring that the purpose of the Public Information Act is realized.

The Clinical Law Program at the University of Maryland Carey School of Law, established in 1973, represents individuals, families, communities, and

organizations in Maryland who cannot afford or access an attorney. Through litigation, legislative and policy advocacy, public education, and alternative dispute resolution, student attorneys and supervising attorneys in the Clinical Law Program work to improve lives, communities, institutions, systems, and the law. The Clinical Law Program is interested in this case specifically because our clinics regularly submit requests to governmental agencies pursuant to the MPIA. Public record disclosure is critical to ensuring governmental transparency and accountability—particularly to the most vulnerable and marginalized—as well as to pursuing justice on behalf of our clients and similarly situated individuals and communities.

The Maryland-Delaware-District of Columbia ("MDDC") Press Association was founded in 1908 as the Maryland Press Association for weekly newspapers and throughout its development merged with other press associations in Delaware and Washington D.C. MDDC exists to serve the diverse needs of its news media members in areas of common concern. Among them are professional training and development, legislative representation, and First Amendment issues. MDDC has an interest in this case because public records are critical tools to shine light on government and public bodies in order to provide transparency in the democratic process. Because journalists are among the many requesters of public records, MDDC wants to ensure the proper interpretation and enforcement of the MPIA.