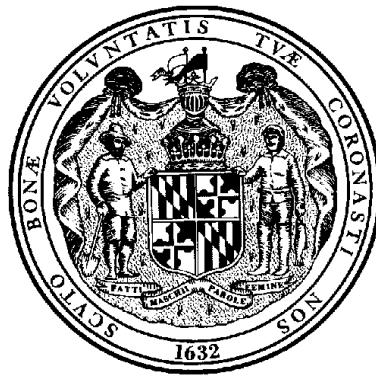


# OFFICE OF THE PUBLIC DEFENDER



## STATE OF MARYLAND

### FISCAL YEAR 2006 ANNUAL REPORT

**Nancy S. Forster**  
**Public Defender**



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# OFFICE OF THE PUBLIC DEFENDER

## MISSION STATEMENT

The mission of the Office of the Public Defender (OPD) is to provide superior legal representation to the indigent accused in the State of Maryland, to safeguard fundamental individual rights, and ensure access to the protections guaranteed by the United States Constitution, the Bill of Rights, the Maryland Constitution and Declaration of Rights, and the laws of Maryland.

## DECLARATION OF POLICY AND LEGISLATIVE INTENT

It is hereby declared to be the policy of the State of Maryland to provide for the realization of the constitutional guarantees of counsel in the representation of indigents, including related necessary services and facilities, in criminal and juvenile proceedings within the State, and to assure effective assistance and continuity of counsel to indigent accused taken into custody and indigent defendants in criminal and juvenile proceedings before the courts of the State of Maryland, and to authorize the Office of the Public Defender to administer and assure enforcement of the provisions of this article in accordance with its terms. **Annotated Code of Maryland, Article 27A, § 1.**



## LETTER FROM THE PUBLIC DEFENDER

Only a few short years ago, Office of the Public Defender attorneys and support staff struggled under burgeoning caseloads to uphold the mission of the office to provide superior representation to indigent accused in Maryland. With the adoption of the Caseloads Initiative, endorsed by both the Executive and Legislative branches of government, the overhaul of its IT infrastructure, and the implementation of caseload standards tailored to Maryland practice, the OPD has successfully reduced caseloads, deployed an IT case-management system that collects accurate, meaningful workload data statewide that will improve attorney and support staff efficiency, and has begun implementing newly created OPD-specific caseload standards.

These accomplishments have meant that the OPD is no longer operating so as to simply keep its head above water. As Public Defender, my vision for this agency is that we become community oriented and client-centered. With improved and increased resources, we have focused our attention on this vision and have tied each component of our current operations to an aspect of community based or client-centered defense. For example, in fiscal 2006, two pilot projects were established, one in Montgomery County and the other in Baltimore City. Each of these projects includes a team approach to representing clients. The team includes not just the attorney but also an investigator, law clerk, and perhaps most importantly, a social worker. For the first time in the agency's history, a social worker experienced in the juvenile arena and a social worker experienced in dealing with adult clients has been allocated to each district.

District offices are being encouraged to participate in community outreach and to develop partnerships with relevant agencies that can assist our clients. OPD has partnered with the Maryland Legal Aid Bureau to cross refer clients whose needs cannot be met by OPD alone.

The influx of new resources has also supported my goal of making juvenile defense a top priority. Almost all districts now comply with ABA caseload standards in the area of juvenile defense. In applying the comprehensive client-centered philosophy in the juvenile arena, the Agency has focused on conditions of confinement of our juvenile clients and is forming a Juvenile Protection Unit that will be staffed with a team of attorneys, social workers and investigators who will directly address conditions of confinement both systematically and individually. This unit should be up and running in fiscal 2007. Additionally, each pilot project has an attorney dedicated to meeting the educational needs of our juvenile clients. Moreover, with the addition of a social worker dedicated to the juvenile clients in each district, the impact on our clients, their families and their communities will be greatly enhanced. In short, the OPD has answered the call for reform made by the ABA in its 2003 Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings.

The successes of the OPD in the past year have been the direct result of a staff of professionals who have labored through very lean and burdensome times in this

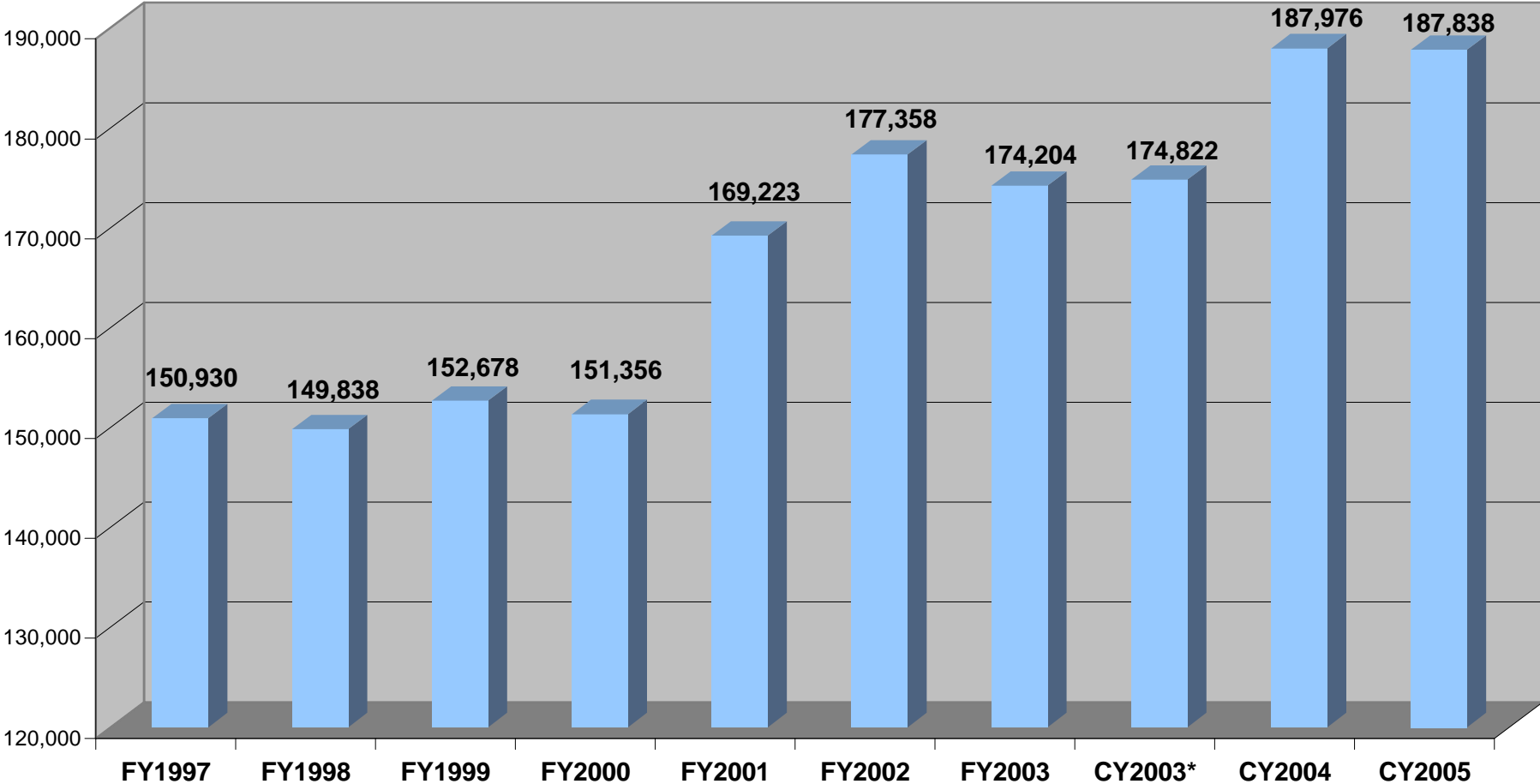
agency's history. They are dedicated to our clients and the work we do on their behalf. We have turned the corner on fiscal responsibility and accountability and have achieved recognition in the form of greater resources for the work we do. For this, I am proud to be the Public Defender for the State of Maryland.

A handwritten signature in blue ink, reading "Nancy S. Forster". The signature is fluid and cursive, with a large initial "N" and a long, sweeping underline.

Nancy S. Forster  
Public Defender  
September 30, 2006



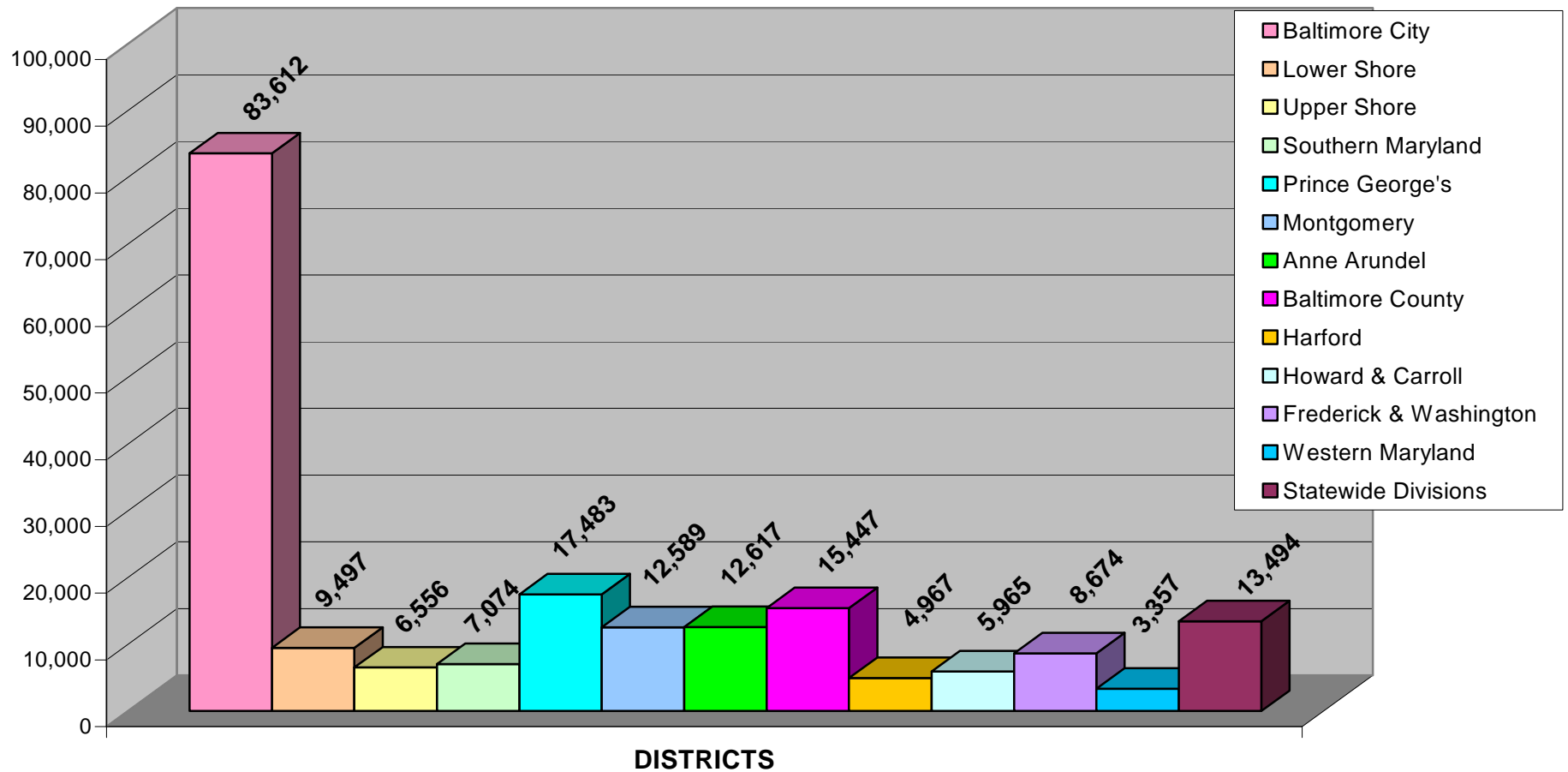
**OFFICE OF THE PUBLIC DEFENDER  
Agency Growth in District Operations**



\* In 2003, the OPD changed to calendar year reporting of statistics.

# OFFICE OF THE PUBLIC DEFENDER

## Calendar Year 2005 Cases Opened by District



## PUBLIC DEFENDER OPERATIONS

Prior to the creation of the Office of the Public Defender by the Maryland Legislature on July 1, 1971, the appointment of counsel for indigent defendants in state prosecutions was limited to those cases where, in the judgment of the trial court, “a just regard for the rights of the accused require[d] it.” Acts of 1886, Ch. 46, Section 1. Thus, by statute, in Maryland there was no *right* to appointed counsel, only the discretionary authority of the trial court to appoint counsel.

This discretionary authority ended on March 18, 1963, when the United States Supreme Court, in *Gideon v. Wainwright*, 372 U.S. 335 (1963), announced that the Sixth Amendment of the United States Constitution guaranteeing the right to counsel in federal prosecutions, applied with equal force to state prosecutions. Thus, the right of indigent defendants to appointed counsel in state court was “constitutionalized.”

Between the years 1963 and 1970, the United States Supreme Court continued to expand the right to counsel beyond the trial itself to include the right to counsel at line-ups, custodial interrogations, preliminary hearings and arraignments. In response to the continuing expansion of the right to counsel, the Governor of Maryland created a Commission to study the need for a statewide public defender system. This culminated in the passage of Article 27A, creating a statewide public defender system funded by the State of Maryland.

Under Article 27A, a three-member Board of Trustees appointed by the Governor, in turn, appoints a Public Defender who serves at the pleasure of the Board of Trustees. The Public Defender is authorized to appoint, with the approval of the Board of Trustees, a Deputy Public Defender, and one District Public Defender for each of the twelve district offices. The Public Defender, with the advice of the District Public Defender, may appoint Assistant Public Defenders in such number as authorized by the budget. The Deputy Public Defender, District Public Defenders and Assistant Public Defenders all serve at the pleasure of the Public Defender.

The State is divided into twelve operational districts, conforming to the geographical boundaries of the District Court of Maryland as set forth in the Courts and Judicial Proceedings Article of the Annotated Code of Maryland. The District Public Defenders, along with the Assistant Public Defenders, are responsible for representing all eligible indigent defendants in the District and Circuit Courts within their geographical boundaries.

The definition of “indigent” is set forth as follows in § 2(f) of Article 27A:

...any person taken into custody or charged with a serious crime...who under oath or affirmation subscribes and states in writing that he is financially unable, without undue hardship, to provide for the full payment of an attorney and all other necessary expenses of legal representation.

In determining a defendant's eligibility for public defender services, the Office of the Public Defender (OPD) has created income guidelines which are in the Code of Maryland Regulations (COMAR), Section 14.06.03, and patterned after the Federal Poverty Guidelines. Every applicant for services is interviewed by an intake specialist, or another public defender employee, and completes a written application detailing income and assets.

Office of the Public Defender clients are represented in court by Assistant Public Defenders except when there is an ethical conflict. In those cases, the Public Defender, or District Public Defender, appoints a panel attorney from the public defender's list of private attorneys approved to represent public defender clients. Panel attorneys receive \$50 per hour, subject to a maximum of \$3,000 for most cases. The Public Defender exercises discretion in approving fees exceeding the maximum amount.

In addition to the district offices, there are also five statewide operational divisions within the OPD: (1) the Appellate Division handles all public defender appeals in the state appellate courts, and the United States Supreme Court; (2) the Capital Defense Division coordinates the delivery of legal defense services in murder cases eligible for the death penalty and provides representation in capital murder cases; (3) the Collateral Review Division provides representation in post conviction hearings, extradition hearings and parole revocation hearings; (4) the Involuntary Institutionalization Services (Mental Health) Division provides representation to those indigents involuntarily confined to mental health facilities; and (5) the Children In Need of Assistance Division provides representation to parents and legal guardians in cases involving allegations of abuse and neglect or where termination of parental rights (TPR) are sought.

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**PROGRAM .001 GENERAL ADMINISTRATION**

**The General Administration of the Office of the Public Defender handles all personnel, fiscal, training, information technology, recruiting and policy setting matters. The General Administration includes the Public Defender, the Deputy Public Defender, Counsel for Finance, Counsel for Strategic Planning, Director of Information Technology, Director of Recruitment, Director of Training, Director of Legislative Affairs, Director of Personnel and a Chief Financial Officer.**

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## **GENERAL ADMINISTRATION**

***Nancy S. Forster, Public Defender***  
***Charlene D. Dukes, Deputy Public Defender***

The General Administration of the Office of the Public Defender provides statewide administrative and management support for the Agency's Divisions, Division Chiefs, twelve districts, District Public Defenders, and 1060 employees statewide. This support includes long-range planning, agency policymaking, budget preparation, fiscal operations, and personnel recruitment and management. To provide this support, General Administration includes the following positions: Public Defender; Deputy Public Defender; Counsel for Strategic Planning; Counsel for Finance and Policy; Director of Legislative Affairs; Director of Information Technology; Training Director; Personnel Director; Recruitment Director, and an Equal Employment Opportunity Officer. Each of these positions reports directly to the Deputy Public Defender with the exception of the Equal Employment Opportunity Officer, the Counsel for Finance and Policy and the Counsel for Strategic Planning, who report directly to the Public Defender.

### **Caseloads Initiative**

Fiscal 2006 marks the third year of the Agency's Caseloads Initiative which seeks to reduce excessive caseloads to comply with American Bar Association (ABA) Standards and, ultimately, to establish caseload standards specific to Maryland's criminal justice system. During fiscal 2006, the OPD received its third installment of new positions: 24 attorneys and 39 support staff.

Both the Governor and the General Assembly committed to this Initiative in 2003 by agreeing to phase it in over a three year period beginning with fiscal 2004. To address the documented excessive caseloads, the Office of the Public Defender was given 58.5 new positions in fiscal year 2004, 68.5 new positions in fiscal 2005 and 63 new positions as mentioned above.

The new positions have been allocated throughout the State to address excessive caseloads in all district offices. As a result, caseloads have decreased significantly. For example, prior to the Caseloads Initiative in Baltimore City, both the felony and misdemeanor caseloads were approaching double the ABA standards. As of December 31, 2005 (the most recent statistics available), the average annual attorney caseload has dropped approximately 22% in the Circuit Court and approximately 15% in the District Court. Additionally, the average annual attorney caseload in the Baltimore City Juvenile Court has decreased to levels compliant with both ABA and Agency standards.

Throughout the State, Circuit Court caseloads are in compliance with Agency standards in 25% of the District offices; District Court caseloads are in compliance in 42% of the District offices and Juvenile Court caseloads are in compliance in 85% of the District offices.

The significant improvement in the Juvenile court caseloads is consistent with the priorities of the Public Defender who has placed special emphasis on addressing issues within the juvenile justice system. The priority allocation of new positions to reduce juvenile caseloads was driven, in part, by the American Bar Association's October 2003 report on Access to Counsel and Quality of Representation in Maryland's Delinquency Proceedings. Through the additional positions granted to OPD through the Caseloads Initiative, OPD has been successful in addressing the concerns of the ABA's 2003 report and successful in absorbing the additional juvenile clients that have been referred to OPD pursuant to the 2004 law mandating that no juvenile go unrepresented in court without consultation with an attorney.

### **Maryland Specific Caseload Standards**

The second component of the Caseloads Initiative involves the adoption of Maryland-specific caseload standards that were developed through a case weighting study (CWS). The study, completed in 2004, involved a comprehensive time tracking survey to identify how Agency staff spends time on each case and how much time is required to complete each case in a competent manner. The results of the study yielded Maryland specific caseload standards for 16 different types of cases, differentiated by region. A report on these standards was presented to the Department of Budget and Management and the General Assembly in late 2005.

As a result, the General Assembly has recommended through the Joint Chairman's Report (JCR) on the Fiscal 2007 Budget that the OPD incorporate the CWS standards into its fiscal 2008 Managing for Results (MFR) strategic plan. Additionally, the General Assembly concluded that the new Maryland specific standards are adequate to ensure the effective assistance of counsel and should be used to assess and determine staffing levels. The OPD has followed the direction of the General Assembly and has incorporated the standards into its MFR and has utilized these standards in assessing current and future staffing needs.

### **Caseload Based Funding**

The final phase of the Caseloads Initiative will ensure that the Office of the Public Defender's annual operating budget keeps pace with the Agency's caseloads. With accepted caseload standards, staffing ratios and comprehensive, reliable data collection, the Agency will be able to track and analyze caseload trends and accurately assess the Agency's staffing needs. This information will automatically drive the Agency's annual operating budget needs and will be transparent and accessible to the State's leadership, budget analysts and the Agency's management. The caseload data also will be objective and verifiable, and consistent with the State's commitment to performance-based budgeting as reflected in Managing for Results. Caseload based funding will streamline the budget process, resulting in more efficient use of administrative time within the Agency and analyst resources elsewhere. If Agency caseloads and staffing ratios are accepted by the State's fiscal leadership, caseload



based funding should be completely incorporated into the annual appropriation process by fiscal 2009.

### **Panel Attorney Compensation**

When, due to a conflict of interest, Assistant Public Defenders are prohibited from representing a defendant, the OPD is required to retain private counsel. Such attorneys are called panel attorneys, because they are selected from a “panel” of willing and qualified attorneys maintained by the office. The Agency must reimburse panel attorneys with funds from its annual operating budget.

Until last year, the pay rate for panel attorneys had not changed since 1988. For over fifteen years, panel attorneys were reimbursed at the rate of \$30 to \$35 per hour. In 2004, the Public Defender commissioned an internal committee to study the adequacy of OPD’s panel attorney funding and to recommend changes. That committee issued a comprehensive report recommending that panel attorney rates be commensurate with the rates paid to federal panel attorneys. That recommended increase, phased-in over three years, has been incorporated in COMAR. Fortunately, the Department of Budget and Management, the Governor and the General Assembly all concurred in granting the OPD sufficient funds in fiscal 2006 to increase the panel attorney pay rate to \$50 per hour.

Pursuant to the COMAR, as of fiscal 2006 and if the budget permits, the OPD should be compensating its panel attorneys at the rate of \$75 per hour. Although the OPD has experienced improvement in the quality and availability of panel attorneys due to the pay raise to \$50 per hour, there remains a lack of qualified panel attorneys to handle major felonies in many offices. The rural offices especially continue to struggle to find available and qualified panel attorneys to handle the bulk of their paneling needs. This problem will be addressed if a budget increase commensurate with the COMAR requirements is obtained during the next budget cycle. The increase in panel attorney compensation is the OPD’s first funding priority.

### **Community Defense**

Over the past several years, OPD has explored programs and options to encompass more broadly based client-centered services for the clients. This idea incorporates services that assist clients with their on-going problems within the community that often contribute to recidivism rather than just advocating for a favorable result in a criminal case. These additional services encompass mental health treatment, drug treatment, housing referrals, immigration problems, job readiness training and educational tutoring. This model of representation is known within criminal defense circles as Community Defense.

To explore existing programs, OPD received a grant from Open Society Institute, Baltimore to visit the Harlem Neighborhood Defender Services and The Bronx Defenders, both located in New York. Ten people spent one day at each program

followed by a series of meetings here in Maryland discussing the programs and OPD's potential to adopt such a model. Two proposals for pilot programs evolved out of these discussions. The Public Defender approved allocation of core start-up staff and administrative support for both of these pilot projects: one in Montgomery County and one in Baltimore City.

The Montgomery County Community Defense Pilot Program (MCDP) was initiated during the past year. Exploring the concept of "holistic" representation, the MCDP has created a staff consisting of an education attorney, a client services attorney, three social workers, a paralegal and an administrative aid. Together this community defense team is working to assist OPD clients with problems in areas of housing, immigration, public benefits among a host of other legal and social problems that tend to keep the clients in a cycle of re-offending. The MCDP has collaborated with other local social welfare agencies to create a network of needed services to help clients rebuild their lives.

Baltimore City has created the Northwest Community Defense Project (NCDP) to target one area of Baltimore City as its pilot effort. Although the NCDP is still in the early formation, its goals and the purpose mirror the Montgomery County project. The NCDP is working with the Department of General Services to locate office space in the Park Heights neighborhood and working with other community associations to share resources and foster cooperation for OPD clients. A Steering Committee has been formed to assist in the planning and development of the pilot program. The NCDP is scheduled to open in early 2007.

### **Fiscal Summary**

The fiscal 2006 budget was approximately \$80 million. Personnel expenses encompassed 88% of the total budget. The breakdown of the budget allowance for the Office of the Public Defender for fiscal 2006 is as follows:

	<u>2005 Actual</u>	<u>2006 Actual</u>
Total Number of Authorized Positions	940.00	1,003.00
Total Number of Contractual Positions	39.63	60.10
Salaries and Wages	59,938,153	65,087,384
Technical and Special Fees	5,143,041	6,997,920
Operating Expenses	5,249,776	7,943,288
Total Expenditures	70,330,970	80,028,592
Original General Fund Appropriation	63,589,619	74,146,945
Transfer/Reduction	5,176,724	4,564,566
Total General Fund Appropriation	68,766,343	78,711,511
Less: General Fund Revision/Reduction	0	14
Net General Fund Expenditure	68,766,343	78,711,497
Special Fund Expenditure	204,492	271,706
Reimbursable Fund Expenditure	1,360,135	1,045,389
Total Expenditure	70,330,970	80,028,592



## INFORMATION TECHNOLOGY DIVISION

*Michael Cummings, Director*

The Information Technology Division achieved several notable successes this fiscal year:

- 1. *Independent Management, Enhancement and Leveraging of the Agency-wide Case Management System:*** The Agency's core mission is representing indigent defendants in criminal cases. The Information Technology Division's primary mission is to support this function. Of utmost importance is providing tools that automate, facilitate and enhance the tracking and management of OPD cases and generating the statistics required to justify the Agency's funding.

The first phase of the case management system completed in prior years, called for installation of the system on every computer and the training of all users. All previously existing case tracking data was converted to ProLaw, as well as all current forms and auto-generated documents. Several "canned" and customized reports were installed, paving the way for the Agency to more effectively manage its resources.

The second phase of the case management system, currently in process, builds on Phase 1. During this year, the Agency successfully assumed primary responsibility for supporting the case management system from the product's vendor. It took steps to make the case management system's operation faster, more stable, more secure and more reliable. The system enhanced the application's data structure and interface to better meet the Agency's needs and support its various functions. The Information Technology Division continues to increase its expertise with the case management application and develop skills that enable it to make ProLaw more useful to the Agency in the future.

- 2. *Further Enhancement of the Agency's Information Technology Infrastructure:*** The Office of the Public Defender continued to enhance the stability of its Information Technology infrastructure. The Agency augmented its existing infrastructure by upgrading its connectivity to fiber optic for most sites in Baltimore City. It established network connectivity to all Agency offices and is in the process of upgrading connectivity from VPN over DSL to dedicated T1 connections for several sites. In addition, it has laid the foundation for upgrading the connectivity of other OPD offices by leveraging its connections to Network Maryland and the Baltimore City fiber network and will continue to do so as Network Maryland becomes more available. Upgrades to all the servers have been identified and ordered. Their implementation will begin in the second half of 2006. Internet performance was enhanced further through caching and security improved by segmenting the internet connection from the Agency network and by installing a proxy server and anti-virus engine. Switches replaced all hubs and all cabling below category five was upgraded.

Additional workstations were deployed for new workers to maintain the Agency's ratio of one computer per employee. Additional network peripherals such as laser printers were deployed as well to support Agency growth.

- 3. Provision of Technology Support in Court:** Proper use of presentation technology dramatically improves communication to judges and juries. The OPD continued to aggressively deploy courtroom technology such as: computer projectors, digital video cameras, digital still cameras and computer enabled whiteboards (Smart Boards). These are made available, with technical assistance, to attorneys representing clients in appropriate cases. Courtroom presentation technology was used in several capital cases. Also, the Forensics Division continues to make extensive use of presentation technology, including digital photography and digital video in its practice.
- 4. Improvement of the Division's Service Levels:** The Information Technology Division resumed providing all user support through its Information Technology Service Center. This change has been successful. Employee satisfaction with Information Technology support improved substantially and remains high. Due to the full implementation of ProLaw statewide and the Agency's increased reliance upon the system, the number of ProLaw-related calls into the Service Center has increased significantly. It is noteworthy that the Service Center has been able to keep pace with the increased demand for its services without impacting user satisfaction.

In the coming year, the Information Technology Division will focus on the following priority:

**Further Leveraging of the Case Management System - Continuing ProLaw Phase 2:** The second phase of ProLaw deployment will leverage the Case Management System's existing capabilities and add new ones. Implementation of Phase 2 at each site will be accompanied by enhanced use of features such as integration with Exchange server, development of area specific customized rule sets, enhanced sets of custom document templates for document generation and enhanced reporting capabilities. These features will allow for easier calendar management, simpler case practice management, more efficient generation of casework product and better management understanding of the Agency's workload, its distribution of resources and its overall effectiveness in the representation of clients. This will move the use of the system from the simple statistical tracking of cases to enhancing the actual practice of law and the overall management of the Agency.

In summary, the Information Technology Division continues to support the critical mission of the Agency - the superior representation of indigent clients. This includes establishment, operation and maintenance of an Agency-wide infrastructure, case management system and courtroom technologies. Service to the customers is the

critical mission and wherever possible, the IT Division seeks to improve the quality of the service delivered.





## **TRAINING DIVISION**

***Maureen Essex, Director***

The Training Division of the Office of the Public Defender is charged with the responsibility of providing training and continuing education opportunities for every Assistant Public Defender and member of the support staff. It is the mission of the Training Division to ensure that each attorney is qualified to protect the constitutional rights of the clients and meets the standards of professional competence. The Training Division also strives to ensure that each member of the support staff is able to assist in providing the finest criminal defense representation. Further, the Training Division encourages continuing professional growth and aids all members of the Office of the Public Defender staff in fostering a supportive, efficient and productive work environment.

### **ATTORNEY PROGRAMS**

The Training Division currently runs three recurring programs for attorneys: Public Defender Training (PDT), Juvenile Court Attorney Training (JCAT) and Jury Trial Training (JT 101).

PDT is designed to train attorneys new to the practice of criminal law on how to handle misdemeanor cases in the non-jury trial court, District Court. The course, which lasts two weeks, uses a combination of lectures from experienced attorneys and training exercises critiqued by experienced attorneys. The program culminates in a full day of mock trials. During the last year, PDT was held three times.

JCAT focuses on the issues and challenges when representing juveniles in delinquency proceedings. It is designed to train attorneys who are new to juvenile court practice. Both attorneys and social workers lecture on relevant topics. JCAT lasts for four days. Lecture topics include special education advocacy, violations of probation, detention and disposition advocacy and interviewing juvenile clients. The program culminates with an interactive session with a group of ex-juvenile offenders and a tour of a juvenile detention facility. JCAT was offered twice in fiscal 2006.

Jury Trial 101 is designed to train attorneys to try misdemeanor and felony cases before juries in the Circuit Court. This course combines lectures from experienced attorneys and skills exercises critiqued by experienced attorneys. It focuses on more advanced issues than PDT and lasts one week. During the last year, JT 101 was held three times.

## **SUPPORT STAFF PROGRAMS**

At the 2006 Spring Conference, the Training Division offered programs for support staff which included: *Ethical Dilemmas for Social Workers*, *Recidivism of Sexual Offenders* and *Identifying Mental Health Issues at Intake*. Seventy-eight members of the support staff attended. Many members of the support staff also attended Westlaw training, Microsoft computer training, ProLaw training, resume writing & interviewing skills and orientation for employees new to the Agency as well as newly converted staff. Members of the Baltimore City support staff attended training on telephone etiquette. The Juvenile Client Services Division participated in a series of training programs on teambuilding.

## **CONTINUING LEGAL EDUCATION (CLE)**

The Office of the Public Defender requires that its attorneys complete a minimum of twelve hours of CLE each year. At least two of these hours must address professionalism or ethics. Supervisors and managers must spend at least three of their CLE hours in supervisory or management training.

At present, the Maryland State Bar does not have a CLE requirement. Notwithstanding this, the Public Defender adopted a mandatory CLE policy in 1999 to accomplish the Agency's Managing For Results (MFR) goal of "...provid[ing] superior legal representation to indigent defendants charged with a crime throughout the State of Maryland." As part of this policy, the Training Division assists the districts and divisions in making low-cost or free training available to all attorneys. In accordance with the Office of the Public Defender's MFR, the Training Division strives for 100% compliance with the CLE policy.

## **CONFERENCES**

The Training Division presented seven statewide conferences in fiscal 2006: two one-day substantive law conferences, three juvenile practice forums, a one-day conference on representing clients with mental health issues and a three-day training conference in the spring.

In October 2002, an ongoing series of forums dedicated to issues in juvenile practice were instituted. This year, the topics included: *The Reasonable Adolescent Standard*, *Working with Gay, Bisexual, Lesbian & Transgendered Youth* and *Zealous Advocacy and the Youth Development Approach*. The Training Division partnered with the Maryland Disabilities Law Center to present *Individuals With Disabilities Education Act: a Guide to Special Education for Clients Under 21* at various locations around the state.

The annual Western Maryland Conference was held in Hagerstown on October 21, 2005. The conference featured presentations from guest speakers as well as from

members of the OPD. Topics included *Withdrawing and Enforcing Plea Agreements, Field Sobriety Tests and An Overview of the Maryland Parole Commission.*

On November 4, 2006, mental health experts and some OPD attorneys presented a conference in Ellicott City on representing clients with mental health issues. Topics included *Psychological Testing and When, How and Why to File an NCR.*

The Fall Conference was held in Annapolis on November 18, 2005. The conference included presentations by guest speakers and OPD employees on *The New Witness Intimidation Law, Representing Latino Clients and In Our Own Voice: Living with Mental Illness.*

The OPD has instituted two community defense pilot projects, one in Baltimore City and another in Montgomery County. On April 5, 2006, the Training Division assisted the Montgomery County office in launching and introducing its project by presenting the program, Building Communities of Hope: the Power of Collaboration and Partnerships for Justice. Community defense specialists from around the country and within Maryland gave presentations on such topics as *Re-entry and Civil Legal Services in Maryland.* A similar program will be held in Baltimore City when that project opens its office.

The 2006 Spring Training Conference was held in Ocean City. A large number of employees attended the program. The Spring Training Conference featured presentations from guest presenters and OPD employees. Topics ranged from *The Confrontation Clause to Deconstructing the Reid Interrogation Method.* Programs were offered for both attorneys and support staff.

### **MANAGEMENT TRAINING PROGRAM**

In March 2005, the Agency launched a comprehensive management training initiative called *Nuts and Bolts.* It is designed to empower supervisors and provide them with tools and training so that they can exercise their best judgment and lead with authority. *Nuts and Bolts I* consisted of presentations concerning the Family Medical Leave Act, the Progressive Discipline Process, and the Employee Assistance Program. *Nuts and Bolts II*, held in the fall of 2005, addressed the hiring process, sexual harassment and Equal Employment Opportunity issues.

**Table 2: Fiscal 2006 Office of the Public Defender Training Conferences**

<b>Conference</b>	<b>Length</b>	<b>CLE Hours Offered</b>	<b>Attorney Attendance</b>	<b>Support Staff Attendance</b>
Juvenile Practice Forums	1 day	8	80	8
Western Maryland Conference	1 day	6	51	0
Fall Conference	1 day	6	100	0
Mental Health Conference	1day	6	61	2
Community Defense Conference	1 day	8	104	20
Spring Training Conference	3 days	38	282	78

### **COMPUTER TRAINING**

As part of the OPD's internet legal research contract, Westlaw provides training to Agency employees. The training is open to both attorneys and support staff. Training was offered twice a month at the computer lab in Baltimore as part of the curriculum for PDT and also at the Spring Conference. Additionally, beginning and intermediate classes on Microsoft Word, Excel, Outlook and PowerPoint are offered to all staff. A total of 532 employees attended the various computer-training sessions; 235 enrolled in Westlaw training and 297 enrolled in other computer training.

### **OUTSIDE TRAINING**

The Training Division encourages OPD employees to attend training programs presented by other organizations. The Division publicizes these programs by circulating training bulletins. The Training Director has negotiated a discount rate for employees attending programs presented by Maryland Institute for Continuing Education of Lawyers (MICPEL) and the Maryland Criminal Defense Attorneys Association (MCDAA). The Training Division also assisted attorneys with obtaining scholarships to the National Criminal Defense College. Additionally, 17 members of the support staff attended outside training programs that addressed topics in the areas of personnel management, social work and information technology. Also, the Training Division maintains and administers a videotape and DVD library for the use and benefit of all staff. The library is comprised of tapes addressing topics including substantive areas of law, supervisory and management issues and ethics.

## **RECRUITMENT/HIRING DIVISION**

***Diane Lach, Director***

The Recruitment Division is charged with improving the quality of applicants for Assistant Public Defender positions and enhancing the diversity of Agency staff. The Director, an administrative specialist and a law clerk staff the Division. The Recruitment Director is responsible for the recruitment of Assistant Public Defenders, law clerks, interns and panel attorneys.

### **RECRUITING**

This year the Recruitment Director attended several career fairs in Maryland, Virginia and the District of Columbia. The Recruitment Division law clerk and several Assistant Public Defenders from the district offices also attended to share their experiences with the participants. In October, the OPD participated in the National Association of Law Placement and Equal Justice Works, the largest public interest career fair in the nation. All of the local area law schools and many law schools from across the United States attended. This annual fair brought together 200 public interest employers and 1,200 law students and graduates seeking summer and permanent public interest positions. As a result of attending these various career fairs, each of the 12 Districts and most of the Divisions were provided with summer law clerks. In addition, several Assistant Public Defenders were recruited and hired.

The Recruitment Director also attended a number of recruitment meetings with local Baltimore and Washington, D.C. area recruiters, law schools and law firms. In addition, the Director has been a guest speaker at a number of local law schools, OPD offices and the District of Columbia Public Defender Service.

### **HIRING**

The Recruitment Director serves as Chair of the Hiring Committee. The Office of the Public Defender maintains uniform hiring and Equal Employment Opportunity (EEO) standards. The Statewide Hiring Committee screens all attorney applicants to find diverse and qualified attorneys who will bring dedication and superior representation to public defender clients. The Committee is comprised of the chair, co-chair and attorney representatives from various districts and divisions, who collectively interview applicants for all vacant attorney positions. As a result of this process and with appropriate emphasis on diversity, only the most qualified applicants are recommended to the District Public Defenders and Division Chiefs for consideration.

In 2005, OPD began a cooperative relationship with the University of Baltimore Law School to hire one law student each year initially as a law clerk and subsequently as an Assistant Public Defender. The UB Law School conducts a competitive search to recommend to OPD the most qualified law student, dedicated to a career in public service. The selected law student then works for the OPD as a law clerk until he or she

passes the bar. Once admitted to the Maryland Bar, the law clerk is then guaranteed a position as an Assistant Public Defender with the Agency. The first law student selected is working as an OPD law clerk and is awaiting bar results to become the first Assistant Public Defender hired as part of this initiative.

As vacancies and new specialty positions occur throughout the OPD, the Recruitment Division Chair posts advertisements via OPD email, and on the OPD website. Ads are also placed outside the OPD in newspaper classifieds such as the Daily Record or in a local newspaper pertinent to the position. The Recruitment Director screens and interviews all qualified applicants along with two or more attorneys that work directly with the advertised position.

In a continuing effort to increase the retention of experienced Assistant Public Defenders, the Recruitment Director conducts exit interviews with all resigning, transferring and retiring attorneys. This is done to uncover any ongoing problems that may contribute to the attrition of OPD attorneys.

This year, 38 full time contractual law clerk positions were hired throughout the OPD. The District Public Defender and Division Chiefs had the option of employing full or part time law clerks in these positions. As a result, approximately 42 law clerks have been hired.

### **PANEL ATTORNEY COMMITTEE**

The Recruitment Director serves as the Chair of the Panel Attorney Committee. This committee addresses panel attorney concerns within the Agency. The Committee reviews policy and makes recommendations for improvement regarding the compensation, quality, recruitment, cultivation and training of panel attorneys. At the direction of the Public Defender, the Committee last year conducted an extensive review of panel attorney compensation rates and recommended that those rates be increased. As a result, the Public Defender raised the compensation rate from \$30 per hour out-of-court and \$35 per hour in-court, to \$50 per hour across the board.

### **NUTS & BOLTS II MANAGEMENT PROGRAM**

Nuts & Bolts II management training occurred this past year. The Recruitment Director, the Personnel Director and the EEO Officer presented the training for all management positions throughout the OPD. Every manager or supervisor within the district offices and divisions were required to attend one of the 15 sessions offered. The topics included: attorney hiring, volunteer and contractual law clerk hiring, hiring policies and procedures, support staff hiring policies and procedures, internal Office of the Public Defender policies and sexual harassment.

# INNOCENCE PROJECT

***Michele Nethercott, Chief Attorney***

During the past year, the Innocence Project has undertaken more litigation than ever before. As cases were investigated, a substantial portion were closed without further action either because no new evidence was verified to support an innocence claim or the procedural barriers to obtaining relief were insurmountable even though newly discovered evidence was located.

Litigation involving the procedures that a convicted offender can use to obtain access to biological evidence resulted in five separate appeals from adverse decisions at the Circuit Court level. Due to the technical nature of the issues involving scientific evidence Innocence Project attorneys actively participated in the drafting of the appellate briefs. A case currently pending before the Court of Special Appeals involves the question whether a defendant can obtain a court order requiring the State to compare unidentified fingerprints from a crime scene to offender profiles contained in law enforcement databases. Another pending case involves whether a trial court erred in denying an unopposed Motion for Access to biological evidence in order to conduct DNA testing without conducting a hearing. Perhaps most significant is a case involving an extensively litigated motion for new trial regarding the use of gunshot residue evidence that was denied by the trial court. This was argued before the Court of Special Appeals this spring and the decision may well clarify the contours of the recently amended Rule 4-331(c)(3) relating to scientific evidence.

Three cases are pending before the Court of Appeals on the question of whether it is appropriate for a Circuit Court to deny without a hearing defense request for access to evidence for DNA testing based solely on a pleading filed by the State's Attorney asserting that the evidence is no longer available when the defense has presented documentary evidence that the evidence remains in existence. One other case presents the question of whether a judge may require on its own initiative (without a request from the parties) that a DNA test result be barred from evidence if the defense testing consumes the original sample. Unfortunately, as more cases have been identified that are amenable to post-conviction DNA testing, the process of actually acquiring the evidence for testing has become incredibly burdensome and time-consuming. Hopefully, the appellate courts will clarify the appropriate procedures regarding defense requests for access to biological evidence.

A new trial was granted due to DNA test results for a 70 year old man who had served almost 20 years of a murder sentence. Also, a rape conviction was vacated due to the filing of a coram nobis petition after attempts to obtain a DNA profile from the crime scene evidence was unsuccessful. At least two more DNA exonerations are expected in the near future based on DNA test results done in cases that the Innocence Project has been litigating for two years.

While awaiting a decision in the case of *State of Maryland v. Tyrone Jones*, a case involving the use of unreliable gunshot residue evidence, the Innocence Project has identified many cases in Baltimore City that involved the use of faulty gunshot residue evidence over the last decade. Innocence Project attorneys are in the process of reviewing trial transcripts to evaluate whether the evidence was pivotal in any of the resulting convictions. As a result of the dissemination of information learned about the Baltimore City Police Department's use of gunshot residue evidence to criminal defense attorneys practicing in Baltimore City and in the Federal District Court for the District of Maryland, this type of evidence has been excluded by the trial court or withdrawn by the prosecution in the overwhelming majority of cases.

Finally, Innocence Project staff this year provided technical assistance and testimony on legislation involving eyewitness identification procedure reforms and the recording of interrogations. A collaborative relationship has been developed with the Mid-Atlantic Innocence Project in Washington D.C. and with the Innocence Project of the Cardozo School of Law in an effort to work together to advance legislative and legal reforms that will prevent the future conviction of innocent people as well as to ensure that those already wrongfully convicted have access to appropriate remedies.



## **Juvenile Client Services Division**

***Melissa H. Nolan, LCSW-C, Director***

Juvenile Client Services Division provides statewide assistance to Assistant Public Defenders in their representation of juveniles. Its purpose is to work with delinquent youth detained in detention, shelter care or at home pending a court hearing. The goal of this collaborative effort is to strategize for successful dispositions in the Juvenile Court system.

Juvenile Client Services Division (JCSD) operates with a Director, four social workers and two casework specialists. All staff are placed in Baltimore City's Juvenile Court Division and divide their duties between Baltimore City and the other Districts throughout the State.

In fiscal 2006, this Division opened 846 cases and closed 507 cases. This was an increase of 49% from fiscal 2005. The number of cases opened includes 29 waiver of jurisdiction cases and 48 transfer of jurisdiction cases. In contrast, during fiscal 2005, JCDS received 29 waiver and 25 transfer cases. While the number of waiver cases remained the same, there was an increase of 52% in transfer cases. The increase in cases can be attributed to the continued efforts to offer statewide social work services, the addition of the social worker to provide widespread assistance on education related cases and the Youthful Defendant Unit (YDU) social worker in District One who assesses the viability of a client's appropriateness of treatment in the juvenile system.

Social workers and casework specialists assist on cases requiring referrals to community-based services and appropriate education services. This work includes assessments of client and family needs, planning, interventions with clients and their families, case managements, information and referral, advocacy, consultation, education, research and community organization.

Social workers and casework specialists also assist on detention related cases. Their work includes contacting relatives and monitoring suicide and seclusion lists to make sure the clients are receiving appropriated care.

Social workers assist on waiver or transfer of jurisdiction cases. Their work includes interviews with the clients, their family, review of records (i.e., school, counselling, DJS), preparation of a psychosocial evaluation and testimony.

A social worker for the Education Development Unit (EDU) was added to the staff this year. This position worked closely with District One attorneys assisting the clients with education related matters such as: requesting Individualized Education Plan (IEP) meetings and enrolling clients in regular, special or alternative education programs.

The Division also runs a social work intern program. Currently, social work students are placed in Baltimore City to learn forensic social work. Their work includes

completing client assessments, recommending community-based services for residential placements, making referrals and advocating in court and at professional meetings.

Juvenile Client Services publishes a residential resource book, Residential Resource Manual for Juveniles. The book, currently in the seventh edition, contains information about residential resources in Maryland and out-of-state. The information is compiled through site visits, telephone contacts and review of facility literature. This book provides ideas and guidance to Assistant Public Defenders when a social worker is not available.

## **FORENSICS DIVISION**

***Patrick Kent, Chief Attorney***

The mandate of the Forensics Division is to provide training, technical and litigation support to OPD attorneys in order to facilitate effective use and cross examination of forensic experts. In that regard, the Forensics Division has been charged with the following:

- Formalize collaborative relations with Districts and Divisions to increase the utilization of forensic experts and to ascertain forensic needs specific to the individual Districts and Divisions.
- Develop experts in all present and emerging forensic fields.
- Provide individualized and specialized training in the respective Districts and Divisions.
- Provide trial support in cases with forensic evidence.
- Draft and litigate comprehensive forensic discovery motions.
- Litigate unique or groundbreaking issues statewide.
- Develop and maintain a forensic expert transcript databank.
- Develop a Forensic Oversight Commission to regulate all forensic laboratories in Maryland.

The impetus for the creation of the Forensic Division was the exponential growth of the utilization of DNA in cases statewide due to the creation of government DNA labs in all major jurisdictions. The sudden influx of DNA cases could not be completely handled without a specialized Forensics Division. DNA cases are extremely complex and take an inordinate amount of preparation and often involve protracted discovery disputes. The Forensics Division has quickly become noted nationally as one of the premier DNA litigation units in the country. Forensics Division attorneys were recently asked to serve on the faculty of a nationwide D.C. Public Defender Service training that was created to address the nationwide deficiency of attorneys who can litigate DNA cases.

It quickly became apparent that the forensic issues needed would not just be restricted to DNA evidence. Systemic litigation by the Forensics Division has revealed deficient and fundamentally flawed forensic testimony being utilized statewide in almost every forensic discipline. The establishment of the Forensics Division enables the OPD to retain essential experts but also curtails Agency expenditures by decreasing the actual amount of expert time required to provide effective representation.

By providing assistance with the discovery process and by preparing the trial attorney before and after consultation with the expert, the time spent by the trial attorney with a forensic expert is dramatically reduced. An additional benefit of this model is that experts are more likely to work with the OPD again after participating in a productive interaction with an attorney. Experts with limited availability are more inclined to take on additional cases after realizing that the time demands on them will be significantly reduced by the participation of the Forensics Division.

The following are a sampling of cases that have been litigated by the Forensic Division:

- In conjunction with the Innocence Project, systemic litigation of Baltimore City Gun Shot Residue (GSR) cases has resulted in GSR evidence being introduced to a very limited degree in pending criminal cases.
- As part of the ongoing GSR litigation, the Baltimore City Circuit Court ruled in a pending case that Baltimore City Police Department was utilizing a GSR testing methodology that was not accepted by the relevant scientific community. This ruling has resulted in a continuing review of all convictions that were based in part on GSR evidence.
- The Forensics Division in conjunction with the Harford County OPD obtained discovery in a pending case that documented systemic GSR contamination in the FBI Crime Laboratory. The FBI Crime Laboratory ceased all GSR examination within two months of the release of the GSR contamination study.
- In conjunction with the Baltimore City Juvenile Division, expert testimony was presented in a murder case that demonstrated that the Medical Examiner had no basis to opine to a time frame that allegedly inculpated a twelve-year-old client for murder. The client who had always maintained her innocence was subsequently acquitted of murder.
- In 2005, authorizations for expert eyewitness testimony were transferred to the Forensics Division. The transfer of authorization for identification experts has resulted in eyewitness identification experts being used in jurisdictions throughout the state. The Division litigated the admissibility of an identification expert in Anne Arundel County. The court subsequently ruled that the eyewitness identification expert could testify and offer an opinion as to the lack of relationship between accuracy and confidence, the negative impact of prior exposure to photo arrays on a subsequent identification and the inability of witnesses to accurately perceive the length of time of exposure to an assailant.
- In a pending murder case in Somerset County, the retained experts directly refuted the State's theory of causation in a murder case which led the medical examiner to retract his opinion of the cause of death. This was the only alleged evidence of guilt. Again, the client had steadfastly maintained his innocence and his attorneys would have been precluded from effectively advocating for their client without the assistance of the Forensics Division.

- In conjunction with the Dorchester Office, after notice of the Defendant's experts and the filing of a request for an admissibility hearing, the State withdrew its attempt to introduce evidence of Drug Ion Scan.
- In Carroll County, the State withdrew the testimony of a Drug Recognition Expert after the filing of defense expert notices and a request for an admissibility hearing.
- The Forensics Division has also been coordinating "cold hit" DNA litigation, which seeks access to the State's felon DNA database. The present litigation is groundbreaking as to whether there are fundamental problems with how DNA analysts calculate statistics to render DNA evidence meaningful.

The Forensics Division is committed to systemic change in the use of forensic science in the courtroom. The tragic and continuing saga of wrongful convictions shows that many wrongful convictions are avoidable had there been meaningful scrutiny of the forensic evidence. Along with the Innocence Project, the Forensics Division is committed to the legislative enactment of a forensic oversight state entity to monitor and regulate all forensic laboratories in Maryland.

The strength of the Forensic Division is the Agency itself. The Forensics Division is able to centralize the collective wisdom and talent within the OPD. Every success was due in part to the collaboration with one or more OPD attorneys. The Division is constantly reviewing and evaluating the experts as well as expanding the pool of experts. In that regard, 40 additional experts have been added to the roster. Additionally, a centralized databank of forensic experts has been created. The Forensics Division remains committed to learning ways in which it can better serve OPD attorneys throughout the State as well as in obtaining feedback about the respective experts.



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**PROGRAM .002 DISTRICT OPERATIONS**

**The OPD provides legal services to indigents in twelve district offices. OPD Districts conform to the statutory geographic boundaries for the District Court. Legal representation by the OPD extends to all stages in criminal, delinquency, Child In Need of Assistance (CINA), and termination of parental rights (TPR) proceedings, including custody, interrogation, preliminary hearing, arraignment, trial and appeal. Representation is provided to eligible indigent defendants in Circuit Court, District Court, Juvenile Court, police custody and related collateral court hearings by staff attorneys and by the assignment of panel attorneys.**

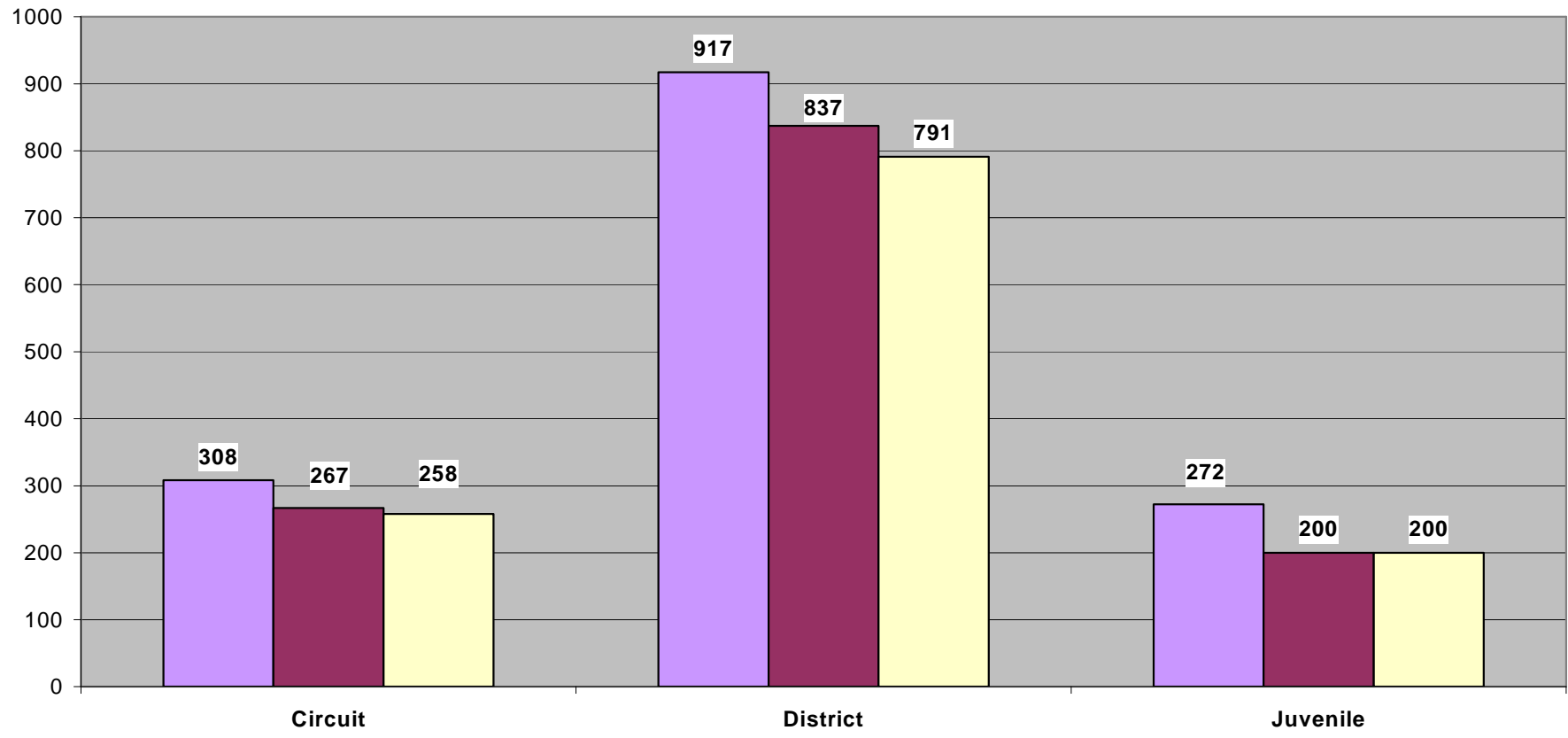
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**DISTRICT ONE - BALTIMORE CITY  
CASELOAD COMPARISONS 2004 - 2005**

**CY2004**    **CY2005**    **Case Weighting Standards**





## DISTRICT ONE BALTIMORE CITY

*Elizabeth L. Julian, District Public Defender*  
*Grace E. Reusing, Deputy District Public Defender*

<i>District One</i>	<i>Calendar Year 2004</i>	<i>Calendar Year 2005</i>	<i>% Change</i>
Circuit Court	20,625	20,188	-2.1%
District Court	60,551	56,896	-6.0%
Juvenile Court	6,652	6,528	-1.9%
<b>Totals</b>	<b>87,828</b>	<b>83,612</b>	<b>-4.8%</b>

District One, Baltimore City, is the largest district in Maryland's Public Defender system. In fiscal 2006, the staff consisted of the District Public Defender, Deputy District Public Defender, 176 attorneys and 200 support personnel, for a total of 378 employees. The staff is divided into three divisions: Juvenile, District Court and Circuit Court. The District Court attorneys provide representation in misdemeanor cases in three District Courts located in the City. They also provide representation at the Circuit Court level in misdemeanors where a jury trial is prayed or an appeal has been filed from District Court. District Court attorneys also appear in the courtroom at Central Booking and Intake Center for bail review hearings and expedited court programs. The Circuit Court attorneys represent clients charged with felonies in the Circuit Court.

### **Felony Division**

During fiscal 2006, the Felony Division expanded with the addition of 24 (or 48 part time) law clerks, one part time and two full time paralegals and a felony secretary. This increased staffing has created a positive impact on morale and work product. The attorneys have more hours to dedicate to their caseloads, which allows for better case preparation and representation. The downward trend in the felony caseloads per attorney continues to improve representation. The more manageable caseloads and better support from staff allow the felony attorneys to thoroughly prepare each case.

### **Misdemeanor Jury Trial (MJT) Division**

This fiscal year, MJT experienced a significant transformation. At the beginning of the year, the unit had 18 trial attorneys and two supervisors. These lawyers handled the misdemeanor trial courts, all violation of probation (VOP) courts and the non-support court. The attorneys averaged seven trial court days per month and five days per month covering VOP's and non-supports.

In March, a four-lawyer VOP division was created to handle 50% of the VOP's, and cover VOP dockets every other day. In May, a full-time lawyer was added to handle non-supports. This attorney's expertise in non-support law has greatly benefited the clients. The non-support lawyer was hired from outside of the Agency; the new VOP unit was created with two experienced lawyers from the District Court, one lawyer who transferred from MJT and one who transferred from Frederick. The latter two attorneys have made a one-year commitment. This infusion of fresh talent means that the MJT trial lawyers still average seven trial days per month, but now have a reduced VOP caseload.

To accompany these changes, MJT also instituted a formal re-organization plan. Under this plan, the Records Department now has clerks who insure that cases are promptly entered in ProLaw. To further aid case tracking, a master calendar was created and daily trial docket sheets with attorney case assignments are now posted. New training requirements were also implemented by providing a week long orientation.

ProLaw is now being utilized to eliminate duplicate files for VOP's. With the enhanced coverage, VOP clients are regularly seen before their hearing dates. Mandatory jail visit days have been added to the schedule. Lawyers are expected to make jail visits at least four times per month.

Due to the expansion, MJT will be moving to a new office space in late 2006. Each attorney will have his or her own office, eliminating the need for cubicles.

## **District Court Division**

### **Eastside District Court**

The Eastside District Court remains one of the busiest OPD locations in the state. There are five criminal courts, three handling all criminal cases from the entire eastern half of Baltimore City. The other two are city-wide dockets: Domestic Violence (DV) and Early Resolution (ER).

The ER Court is now in its sixth year of existence and continues to use innovative concepts that have proven to benefit the clients. While 200 cases or more are often docketed daily, a significant portion of these are summarily disposed, and an even larger number are not ultimately prosecuted in return for community service or participation in various diversion programs. This has also caused a general lessening of the severity of sentencing in District Court cases that are set for trial, as well as reducing those numbers.

The DV docket is extremely heavy and highly adversarial due to the nature of these cases. Bench trials are frequently held, often resulting in long, contested days in court.

Nearly all preliminary hearings at Eastside are set in one courtroom on Tuesdays with over 100 cases frequently docketed. The entire Eastside OPD staff continues to evolve and adapt operational policies and procedures to meet these challenges and better serve the clients.

### **Wabash District Court**

Increased staffing at the Wabash District Court has reduced the average attorney's schedule to only three dockets in court per week. The purpose of reduced court time is to set aside sufficient time for each attorney to conduct jail visits. Attorneys are also expected to conduct client interviews as part of the walk-in intake process. These interviews avoid the chronic problem of clients who to appear in court without having made an appointment to meet with counsel prior to trial.

Drug Treatment Court continues to operate well. Periodic training for the attorneys is conducted in matters of screening, appropriateness and logistics. The unit is comfortably staffed except for the need for greater social work support. The office has taken steps to bring in social work interns from the University of Maryland School of Social Work.

In the future, the office looks forward to working closely with the Northwest Community Defense Project. Having that project operate in the Wabash area will provide this office with a greater awareness of available community services. Currently, lawyers are encouraged to conduct representation with an eye to the "total client," as this is the best practice and is consistent with client-centered representation.

### **Southern District Court**

The OPD's District Court location at 700 E. Patapsco Avenue has been operating since April 2003. Since the last fiscal year, the Mental Health Court docket has expanded from one day to two days per week. An attorney and a paralegal have been added to the staff to handle mental health court cases. In the area of drug treatment, long term, court ordered drug treatment as an alternative to incarceration pursuant to the Maryland Code, Health General 8-505 has increased.

### **Central Booking and Intake Facility**

The District Court attorneys located at Baltimore City Booking and Intake Facility (CBIF) continue to represent clients at bail reviews. They are also responsible for circuit court non-support bail reviews, housing court criminal cases, contempt matters and the re-review of bail docket. Two attorneys remain dedicated solely to the Quality Case Review docket to relay expedited plea offers to clients incarcerated for more than three days. All attorneys conduct client interviews for felony matters and prepare motions for District Court cases.

The OPD at CBIF continues to participate in the Inter-Agency Health Initiative (IHI), which brings the State's Attorney's Office, Public Safety, the Police Department, and the health contractors at CBIF together once a month to discuss general problems within the facility and specific inmates with serious health conditions. This is particularly important given the change in health care providers and the splintering of services offered among five different providers. Participation in this group helped to reestablish lines of communications to ensure more appropriate medical care for the clients.

CBIF staff, along with District One Administration, have been participating actively in two Criminal Justice Coordinating Council (CJCC) subcommittees. The Warrant Committee meets to help reinforce the procedures in place for timely service of warrants that are placed as detainers against incarcerated clients. Better communication has been established between all the criminal justice agencies and OPD. Previously, requests for the clients to be "booked and charged" were ignored, but now several lines of communication are open to address these issues with the responsible agencies.

OPD has also participated in the CJCC Mapping Subcommittee, which was formed to help eliminate inefficiencies in the booking process to ensure prompt presentment of arrestees to judicial officers. This group has explored a wide range of topics and has instigated some new policies beneficial to the rights and interest of the clients.

The temporary restraining order in the case of *Richard Rodney et,al v. Warden*, which prohibits presenting an arrestee to the commissioner beyond 24 hours of arrest, remains in place. A few individuals have been released pursuant to this order. The parties involved have made substantial progress towards eliminating the majority of barriers to meet this presentment requirement. The parties continue to work to establish permanent procedures that can be implemented to safeguard the rights of the clients in the future.

## **Juvenile Division**

The Juvenile Division continues to handle a heavy workload. Twenty eight and a half attorneys with an average caseload of 200 cases per year handle the basic juvenile court practice. In 2005, the Division provided representation in approximately 6,528 juvenile court cases. Although the 2005 total resulted in a 1.9% decrease compared with 2004, it still represented an 8.3% increase over the total workload in 2003. This sustained increase in caseload can be partially attributed to the continued impact of several case processing initiatives, implemented as part of Baltimore City's involvement with the Juvenile Detention Alternatives Initiative. Expedited case-processing, which was developed during the planning process for the Juvenile Justice Center, includes funding by the Department of Juvenile Services for the Baltimore City State's Attorney's Office Immediate Charging Unit. This substantially decreases the time between arrest and court appearance for non-emergency cases. In addition, the Juvenile Court Clerk's

Office has continued a telephone reminder program which involves nightly phone calls to the homes of respondents due to appear in juvenile court arraignment hearings. As a result of these innovations, more juvenile respondents and their families appear for arraignment creating a continued increase in these dockets.

During fiscal 2006, the Division grew with the welcome addition of a fourth Supervising Attorney and the first full time law clerk. In addition, the office was able to hire an Assistant Public Defender to serve as the educational attorney. This position had been previously funded under an Open Society Institute fellowship, which ended in February 2006. In addition to handling the regular juvenile docket, the Division continues to operate the Detention Response Unit, which enhances the representation of clients with pending detention issues, the Juvenile Drug Court Unit, which represents clients in that court, as well as the Youthful Defendant Unit, which represents clients charged as adults in transfer hearings.

### **Adult Client Services Division**

The Adult Client Services Division, now in its fifteenth year, continues to provide alternatives to incarceration for clients with issues that include mental illness, substance abuse, dual diagnosis, developmental disabilities, head trauma, dementia, HIV/AIDS, medical issues, physical and sexual child abuse, sex offender behaviors, lead poisoning, and domestic violence. The clinically trained staff works in depth with defendants and completes written assessments with recommendations and/or treatment plans for their attorneys.

Given the demand for drug treatment and the willingness of some judges to order treatment instead of incarceration, the social workers assumed the duty of a Resource Assistant to locate treatment slots. The Division has experienced a loss of four social workers, which has increased the difficulties of responding to referrals in a timely way. The caseload, with complicated issues, continues to be held at 45 cases per social worker. The Division has been able to handle approximately 500 cases this year. The loss of staff, and continuing referrals from attorneys, has resulted in a lengthy waiting list prior to initial contact with the defendant. The Division is hopeful that new staff will be hired within the next few months so that the waiting list will be eliminated.

Client Services has continued to develop its internship program this year with the University of Maryland School of Social Work and the graduate school of psychology at Towson University. There were three students who participated in the program this year. This program is considered to be an excellent source of training for future staff.

Client Services, as part of the statewide team that visited the Bronx Defense Office, has continued to be involved as a consultant in the development of the Northwest Community Defense project.

## Northwest Community Defense Project

The Northwest Community Defense Project (NCDP) is still in early formation. The NCDP is working with the Department of General Services to locate an appropriate space in the desired area of Park Heights. Outreach to community has been made on both an individual and community-wide basis. Additionally, contacts have been made with other service providers and educational institutions to work towards sharing resources and putting together elements of the pilot project. A Steering Committee has been formed to assist in the planning phases. The NCDP is participating with Montgomery County in instituting outcome measures to assess the future performance of the project. Outreach within District One is conducted to help keep all District One employees apprised of the planning process and to solicit ideas. The NCDP is on target to open in early 2007.

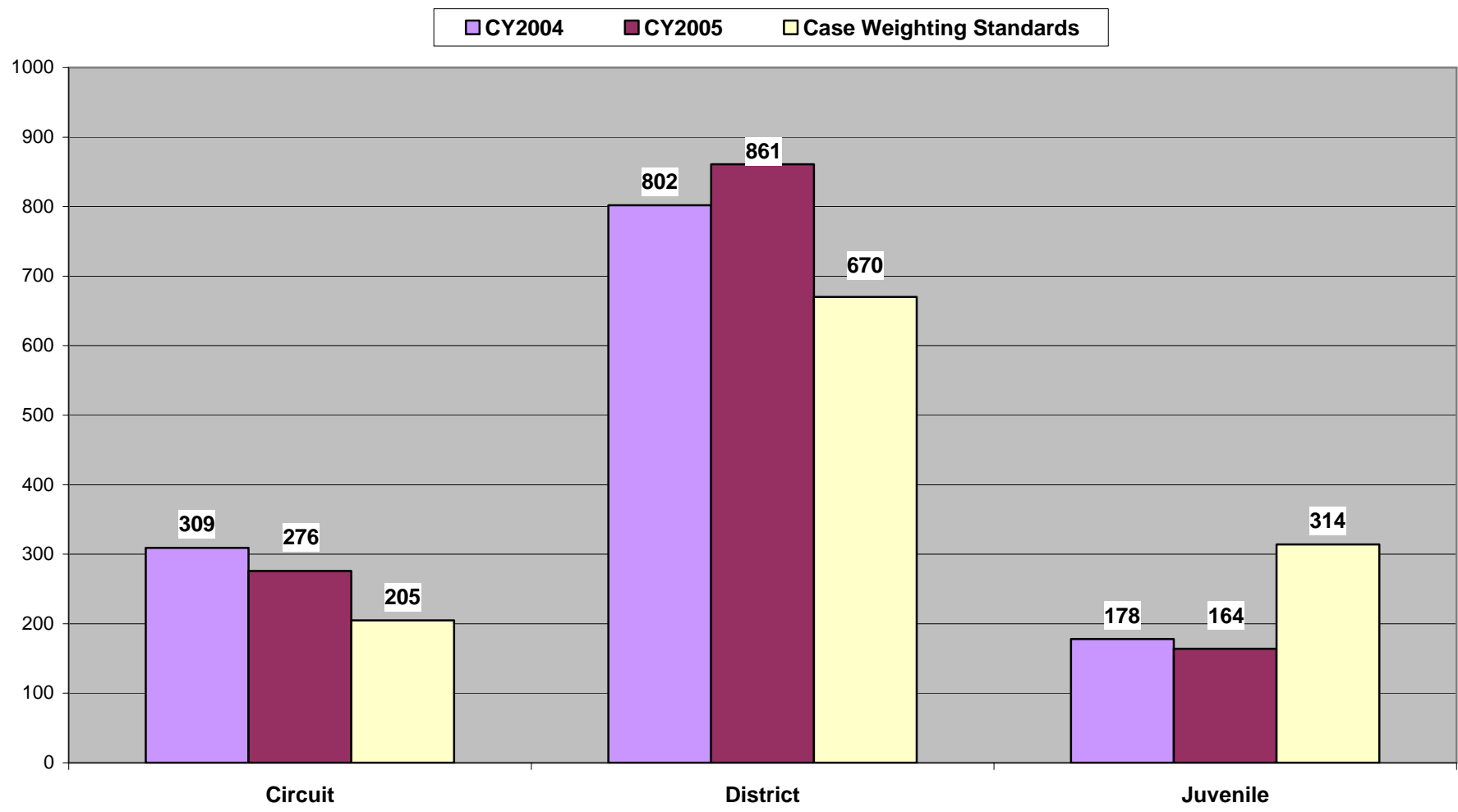
### AVERAGE ANNUAL ATTORNEY CASELOADS

<i><b>District One</b></i>	<i><b>Number of Cases</b></i>	<i><b>Number of Attorneys</b></i>	<i><b>Caseload*</b></i>	<i><b>Case Weighting Standards</b></i>
Circuit Court	20,188	71	267	258
District Court	56,896	67	837	791
Juvenile Court	6,528	28.5	200	200
Administration	N/A	12	N/A	N/A
<b>Totals</b>	<b>87,828</b>	<b>178.5</b>	<b>(499)</b>	<b>N/A</b>

\*Panel cases are not included in caseload calculations.



### DISTRICT TWO - LOWER SHORE CASELOAD COMPARISONS 2004 - 2005





**DISTRICT TWO  
DORCHESTER, SOMERSET, WICOMICO AND  
WORCESTER COUNTIES**

*James P. Murray, District Public Defender  
John P. Rue, II, Deputy District Public Defender*

<i>District Two</i>	<i>Calendar Year 2004</i>	<i>Calendar Year 2005</i>	<i>% Change</i>
Circuit Court	2,471	2,484	+0.52%
District Court	5,613	6,228	+ 10.9%
Juvenile Court	624	785	+25.8%
<b>Totals</b>	<b>8,708</b>	<b>9,497</b>	<b>+ 9.1%</b>

District Two is comprised of Dorchester, Somerset, Wicomico and Worcester Counties. The four counties are collectively known as the Lower Shore and are located in the First Judicial Circuit. The Administrative office for the District is located in Salisbury, Wicomico County. Somerset, Dorchester and Worcester counties also have fully staffed offices.

The District extends over a large geographical area that is predominately rural. Several notable exceptions include the cities of Salisbury, Cambridge and Ocean City. Wicomico County has the largest population with over 85,000 full time residents. The other three counties, while not as populated, are experiencing substantial growth.

Past challenges within the District involved the logistics of staffing the various dockets throughout the District with the limited number of attorneys available. Each of the counties operates substantially divergent court schedules, which contributes to staffing challenges. The recent Caseload Initiative, which provided additional staffing and increased pay for the attorneys, has had a major positive impact on District Two operations. Reduced caseloads, increased pay and additional staff have contributed to a more pleasant working environment and reduced the turnover rate for attorneys. These changes have improved the quality of representation provided to Public Defender clients.

Ironically, the increased staffing has created a new problem. The District is rapidly running out of office space to house additional staff.

A constant and continuing challenge for District Two is the availability of qualified panel attorneys. There is a particular need for qualified panel attorneys to represent felony clients in the Circuit Courts. Increased panel rates have led to greater retention of current panel attorneys. However, District Two simply does not have enough panel attorneys to assign for Circuit Court felony cases. This frequently forces the District to seek attorneys from outside the District.

The advent of Drug Treatment Court within District Two presents current and future challenges for the OPD. In 2004, there was one drug court in the District, Juvenile Drug Court in Dorchester County. By the end of 2005, there were six drug courts in the District and several more in the planning stages. Drug Courts are now demanding substantial amounts of time from Assistant Public Defenders. The role of defense counsel in Drug Court is not traditional. Accordingly this requires training for attorneys who have an aptitude for the less traditional and less adversarial nature of drug court.

For calendar year 2005 the District had a 9.1% increase in the number of cases opened. The District handled 9,498 cases with a staff of 18.5 attorneys. Due to several resignations that occurred during the later half of 2005, the District provided representation with less than the usual 18.5 staff attorneys.

In summary, 2005 saw substantial improvements to the staff and operations of District Two. These improvements have enabled the OPD to increase the quality of representation. These improvements will also assist in meeting future challenges.

**CASES OPENED BY COUNTY IN CALENDAR YEAR 2005**

<b><i>Cases Opened</i></b>	<b>Circuit</b>	<b>District</b>	<b>Juvenile</b>	<b>Total</b>
Dorchester	196	980	145	1,321
Somerset	332	714	121	1,167
Wicomico	1,195	2,748	408	4,351
Worcester	761	1,786	111	2,658
<b>Totals</b>	<b>2,484</b>	<b>6,228</b>	<b>785</b>	<b>9,497</b>

### AVERAGE ANNUAL ATTORNEY CASELOADS

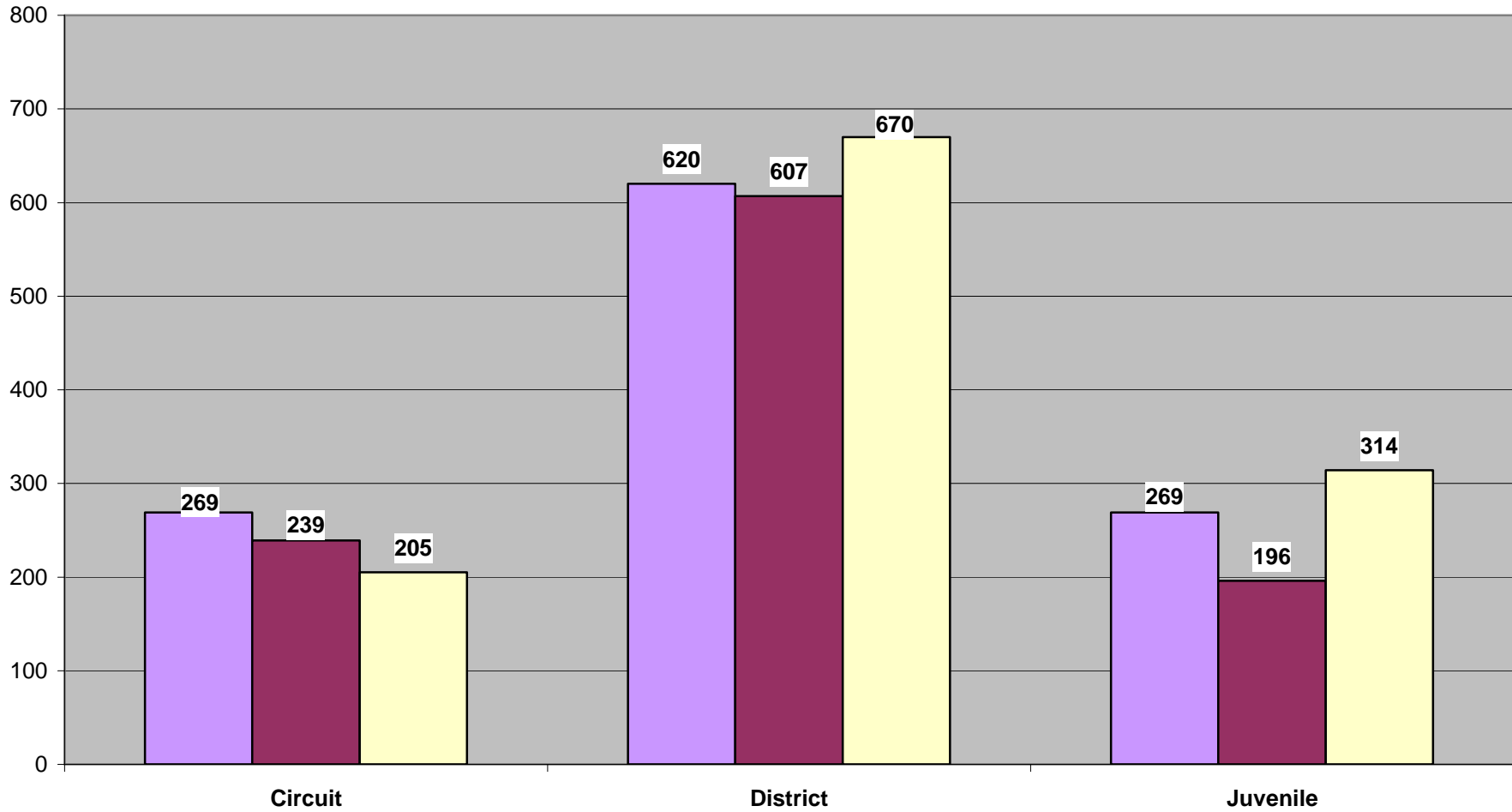
<i><b>District Two</b></i>	<i><b>Number of Cases</b></i>	<i><b>Number Of Attorneys</b></i>	<i><b>Caseload*</b></i>	<i><b>Case Weighting Standards</b></i>
Circuit Court	2,484	8	276	205
District Court	6,228	7	861	670
Juvenile Court	785	3.5	164	314
<b>Totals</b>	<b>9,497</b>	<b>18.5</b>	<b>(513)</b>	

\*Panel cases are not included in caseload calculations.



**DISTRICT THREE - UPPER SHORE  
CASELOAD COMPARISONS 2004 - 2005**

CY2004    CY2005    Case Weighting Standards







**DISTRICT THREE  
CAROLINE, CECIL, KENT, QUEEN ANNE'S  
AND TALBOT COUNTIES**

*Stefan R. Skipp, District Public Defender  
John Northrop, Deputy District Public Defender*

<i>District Three</i>	<i>Calendar Year 2004</i>	<i>Calendar Year 2005</i>	<i>% Change</i>
Circuit Court	1,702	1,754	+ 3.0%
District Court	3,922	4,157	+ 5.9%
Juvenile Court	630	645	+ 2.4%
<b>Totals</b>	<b>6,254</b>	<b>6,556</b>	<b>+ 4.8%</b>

District Three is comprised of the upper shore counties of Kent, Queen Anne's, Caroline, Talbot and Cecil. The District Public Defender and administrative operations for the District are located in the Queen Anne's County office in Centreville. All public defender activities within the District are coordinated at this office. The other four counties each have an office with resident Assistant Public Defenders and staff.

District Three is rural and extends over a large geographic area. Most past problems in providing proper representation and in administering the District resulted from the logistics of having too few attorneys covering the widely separated court systems. Due to documented caseload increases, the staff in each county office now handles their own caseloads. Each attorney in each of the counties is responsible for cases in Circuit, District, and Juvenile Court. Many times an attorney can have cases assigned in all three courts on the same day. Moreover, each county has different days scheduled for each court which makes scheduling difficult. Fortunately, court clerks work with the staff to keep scheduling problems to a minimum.

The District Public Defender, the office manager, two Assistant Public Defenders, two secretaries and an investigator comprise the Queen Anne's County office. Adequate staffing in Queen Anne's County also allows the District Public Defender to help in Kent County which has only one Assistant Public Defender.

The Talbot County office has an administrative aide, a secretary, three Assistant Public Defenders and an investigator. The addition of a full time attorney during the last year has helped to reduce the caseload.

The Caroline County office has an administrative aide, a secretary, three Assistant Public Defenders and an investigator. The upgrade of a part time attorney to full time during the last year helped to reduce caseloads.

The Kent County office has a secretary, a full time law clerk, an Assistant Public Defender and an investigator who also covers Cecil County. The District Public Defender helps with the trial docket when not in Queen Anne's County. The full time law clerk helps in Cecil County on the two days the Cecil County investigator is in Kent County. Kent County needs a full time investigator.

The Deputy District Public Defender supervises the Cecil County office, which has two secretaries, an investigator (who also covers Kent County), an intake specialist, a paralegal, four Assistant Public Defenders and one Assistant Public Defender Supervisor. The Kent County law clerk is shared with Cecil County.

Over the last year, District Three experienced caseload increases from 6,254 cases in calendar 2004 to 6,556 cases in calendar year 2005. After a 3.9% increase in calendar year 2004, the District had a caseload increase of 4.8% in calendar year 2005.

During calendar year 2005, all District Three attorneys were handling both district and circuit court caseloads over the ABA and Agency standards. This problem was addressed in 2003 with the addition of two more attorneys and again in 2005 with an additional attorney bringing the total number of attorneys to 16. These staffing increases help bring the District closer to compliance with ABA standards.

The Talbot County office is still in urgent need of office space and remains the most pressing need for District Three. Through the Agency's Caseload Initiative, District Three has enhanced staffing to reduce caseloads and maintain excellent representation in all five counties.

#### **CASES OPENED BY COUNTY IN CALENDAR YEAR 2005**

<b><i>Cases Opened</i></b>	<b><i>Circuit</i></b>	<b><i>District</i></b>	<b><i>Juvenile</i></b>	<b><i>Total</i></b>
Caroline	231	792	108	1,131
Cecil	942	1,484	355	2,781
Kent	198	382	55	635
Queen Anne's	152	720	72	944
Talbot	231	779	55	1,065
<b>Totals</b>	<b>1,754</b>	<b>4,157</b>	<b>645</b>	<b>6,556</b>

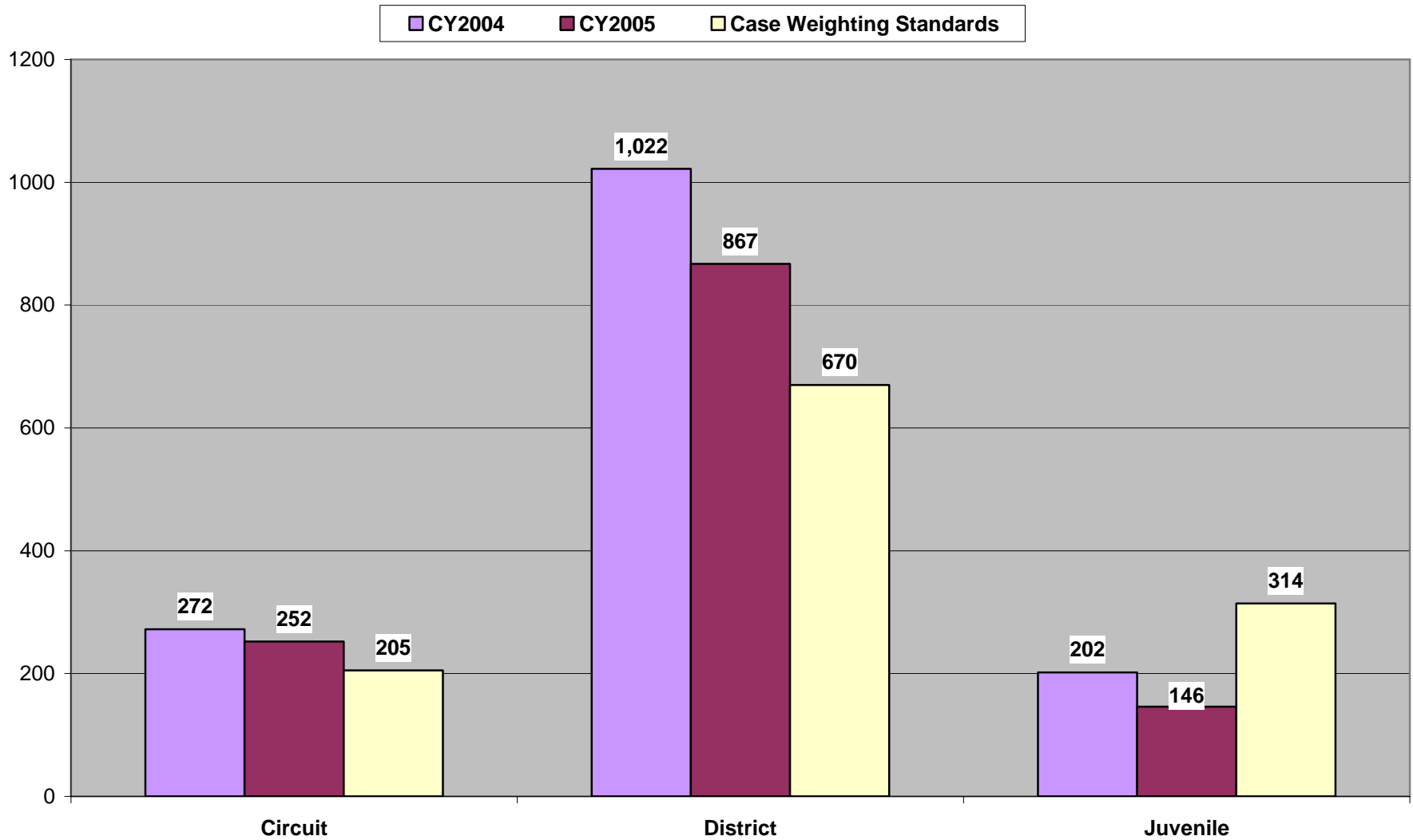
**AVERAGE ANNUAL ATTORNEY CASELOADS**

<i><b>District Three</b></i>	<i><b>Number of Cases</b></i>	<i><b>Number of Attorneys</b></i>	<i><b>Caseload*</b></i>	<i><b>Case Weighting Standards</b></i>
Circuit Court	1,754	6.67	239	205
District Court	4,157	6.66	607	607
Juvenile	645	2.67	196	314
<b>TOTALS</b>	<b>6,556</b>	<b>16</b>	<b>(410)</b>	<b>N/A</b>

\*Panel cases are not included in caseload calculations.



# DISTRICT FOUR - SOUTHERN MARYLAND CASELOAD COMPARISONS 2004 - 2005





**DISTRICT FOUR  
CALVERT, CHARLES AND ST. MARY'S COUNTIES**

*Shelia J. Sullivan, District Public Defender  
William R. Walter, Deputy District Public Defender*

<i><b>District Four</b></i>	<i><b>Calendar Year 2004</b></i>	<i><b>Calendar Year 2005</b></i>	<i><b>% Change</b></i>
Circuit Court	1,630	1,672	+ 2.5%
District Court	4,342	4,791	+10.3%
Juvenile	757	611	-19.3%
<b>Totals</b>	<b>6,729</b>	<b>7,074</b>	<b>+ 5.1%</b>

District Four provides representation to clients in Southern Maryland. The Administrative Office for the District is the Charles County Office located in the Southern Maryland Trade Center in LaPlata. The two satellite offices are located in Leonardtown, St. Mary's County and Prince Frederick, Calvert County.

Southern Maryland continues to grow in population. The population growth is reflected in the continued caseload growth in the District. The number of opened cases increased by 5% over the past year. The largest area of increase was 10% in District Court cases. In 2004, the caseload per attorney in District Court was 1,022 more than double the ABA standards. Additional staffing for District Court has been a priority partially met this year. The District received two new Assistant Public Defender positions: one in Calvert County District Court and one in Leonardtown District Court. With the additional attorneys, the caseload per attorney within the District is now 867 cases per year. However, District Four still requires an additional attorney to function more closely to ABA and Agency standards. The District hopes to secure an additional attorney in the next year.

Additional office space is another priority partially met this past year. The Calvert County office secured space within its location at the Goldstein Multi-Service Building in Prince Frederick. Although on a different floor within the same building, the additional space grants each attorney his or her own office. Additional office space also allowed the District to hire additional support staff which had been greatly needed in the Calvert County office. The District has its first paralegal based in the Calvert County office. Paralegal services have greatly improved the representation of the clients in Southern Maryland. Within the next year, the District anticipates the hiring of a social worker to further enhance services for the clients.

However, space needs continue to be a priority for the District. Additional space was secured in the St. Mary's Carter Multi-Service Center in Leonardtown. As in Calvert County, the space is located on a different floor in the building. The staff will move into that space later this year. The additional area will be used primarily to staff

District Court attorneys and support staff. The space is conveniently located next to the District Court courtrooms to assist in prompt client service.

In 2005, all three counties in District Four established Juvenile Drug Courts (JDC). Each JDC is now operating with the OPD representing most of the juveniles that participate. As a result, one primary attorney is assigned to this court in each jurisdiction. Because the JDC meets one day per week for court and one day for staffing, the time and labor spent preparing for Drug Court is extensive and is not reflected in the District's juvenile caseload numbers. The OPD continues to attend the staffing meetings as the JDC grows in hopes of effecting the direction of the JDC to a client-centered program for truly delinquent children.

District Four has made great progress the past year. Regardless of obstacles, the attorneys and support staff continue to maintain high standards in processing cases and representing clients in court.

#### **CASES OPENED BY COUNTY IN CALENDAR YEAR 2005**

<b><i>Cases Opened</i></b>	<b><i>Circuit</i></b>	<b><i>District</i></b>	<b><i>Juvenile</i></b>	<b><i>Total</i></b>
Calvert	337	1,207	163	1,707
Charles	920	2,229	259	3,408
St. Mary's	415	1,355	189	1,959
<b>Totals</b>	<b>1,672</b>	<b>4,791</b>	<b>611</b>	<b>7,074</b>

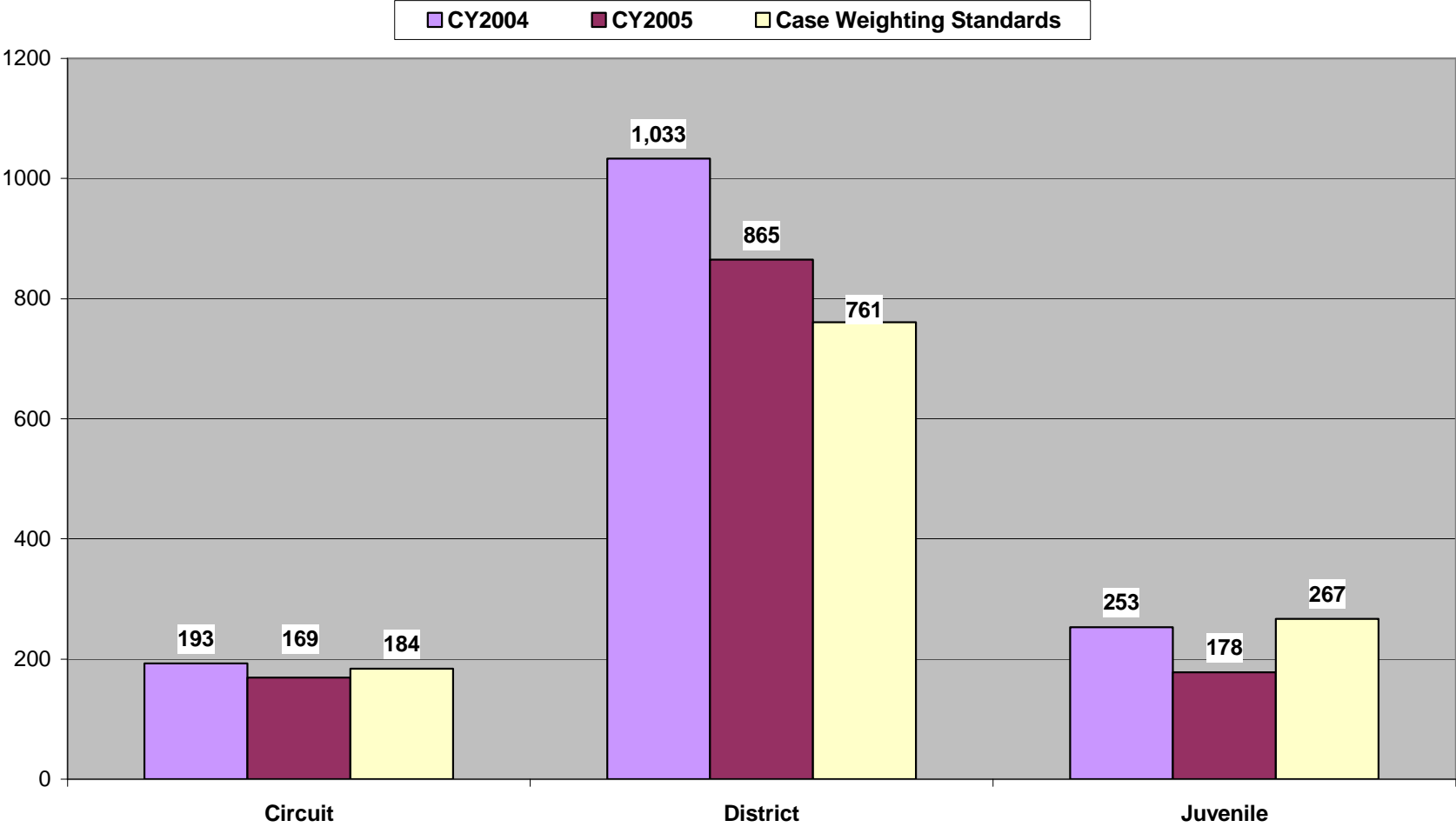
#### **AVERAGE ANNUAL ATTORNEY CASELOADS**

<b><i>District Four</i></b>	<b><i>Number of Cases</i></b>	<b><i>Number of Attorneys</i></b>	<b><i>Caseload*</i></b>	<b><i>Case Weighting Standards</i></b>
Circuit Court	1,672	6.5	252	205
District Court	4,791	5.5	867	670
Juvenile Court	611	4.0	146	314
<b>Totals</b>	<b>7,074</b>	<b>16</b>	<b>(442)</b>	

\*Panel cases are not included in caseload calculations.



**DISTRICT FIVE - PRINCE GEORGE'S COUNTY  
CASELOAD COMPARISONS 2004 - 2005**





**DISTRICT FIVE  
PRINCE GEORGE'S COUNTY**

*Brian Denton, District Public Defender*  
*Gary V. Ward, Deputy District Public Defender*

<b>District Five</b>	<b>Calendar Year 2004</b>	<b>Calendar Year 2005</b>	<b>% Change</b>
Circuit Court	3,963	4,006	+ 1.1%
District Court	11,362	12,258	+ 7.8%
Juvenile Court	1,515	1,219	- 19.5%
<b>Totals</b>	<b>16,840</b>	<b>17,483</b>	<b>+ 3.8%</b>

The Prince George's County OPD office has a staff of nearly 100 employees, 45 of which are attorneys, all responsible for the approximately 17,000 annual cases which pass through the office. The office is divided into three divisions; juvenile, district and circuit. The Circuit Court Division has four supervisors, while the others each have one, all of whom report to the Deputy.

The juvenile division, located in Upper Marlboro, is comprised of a supervisor and six attorneys. Four attorneys handle routine juvenile cases and two attorneys handle cases either waived to the adult court or initiated in adult court. As a departure from previous procedures, all clients under age 18, even those who are charged in the adult system are assigned an attorney from the juvenile division. Having an attorney who is a juvenile specialist handle these cases maximizes the possibility that the juvenile can have his or her case transferred back to the juvenile system. Juvenile specialists can more thoroughly inform the Court about treatment options readily available in the juvenile system.

Similarly, the District Court Division is divided into two units, both under the direction of the District Court supervisor. Eleven attorneys report to this supervisor on serious traffic, misdemeanors and minor felonies. They rotate between Hyattsville and Upper Marlboro. They also handle all appeals de novo and jury trial prayers in the Circuit Court. Two attorneys are assigned to the preliminary hearing unit. They see all incarcerated clients who are charged with felonies upon assignment, and handle the cases until indicted, amended, dismissed or a preliminary hearing occurs. This is a departure from the traditional approach, as assigning two attorneys to that courtroom insures that all clients are seen in a timely manner. While one attorney is in Court, the other can be at the detention facility. All non-incarcerated clients are given an appointment with an attorney at intake, which ensures that all clients are seen in advance of the trial date enabling appropriate preparation.

Circuit Court assignments for the remainder of the staff involve representing individuals facing indictment or subsequent violations of probation on felony charges. On days when jury trial prayers and de novo appeals are heard they assist in the District

Court. Representation commences upon assignment after indictment, except for murder, rape and extremely serious assaults, which are assigned prior to the preliminary hearing. This is because vertical representation in the most serious cases is desirable. The size of the office prevents being able to do so routinely, so only those cases with a potential life sentence or a significant term of years are assigned prior to preliminary hearing.

Prince George’s County has a Circuit Court Drug Court initiative in place. It has been successful and is currently graduating sober citizens, saving valuable resources previously used to prosecute and incarcerate them. This is a wonderful initiative which has been returning rehabilitated addicts back into the community where before, vacant houses were observed as the result of drug arrests involving the traditional approach of lengthy prison time. A District Court drug court program began in 2006. Hopefully, it can emulate the success of the Circuit Court initiative.

Community defense is a new approach embraced as a valuable way of helping the clients. Since crime often arises where mental health, cultural and/or economic barriers exist, removing some of these obstacles can help the clients and may prevent others from becoming clients. To that end, Prince George’s County OPD, in partnership with Montgomery County OPD has joined Identity, Inc., the YMCA and Pride, Inc. to staff a multicultural center in the heart of the Spanish speaking community along the mutual border in Takoma Park. The staff of the new center will provide legal advice, counseling information and representation for clients in need of service. Presently, the target population involves young people, with an eye toward reducing gang activities and dependence. This is among the most exciting of the new endeavors.

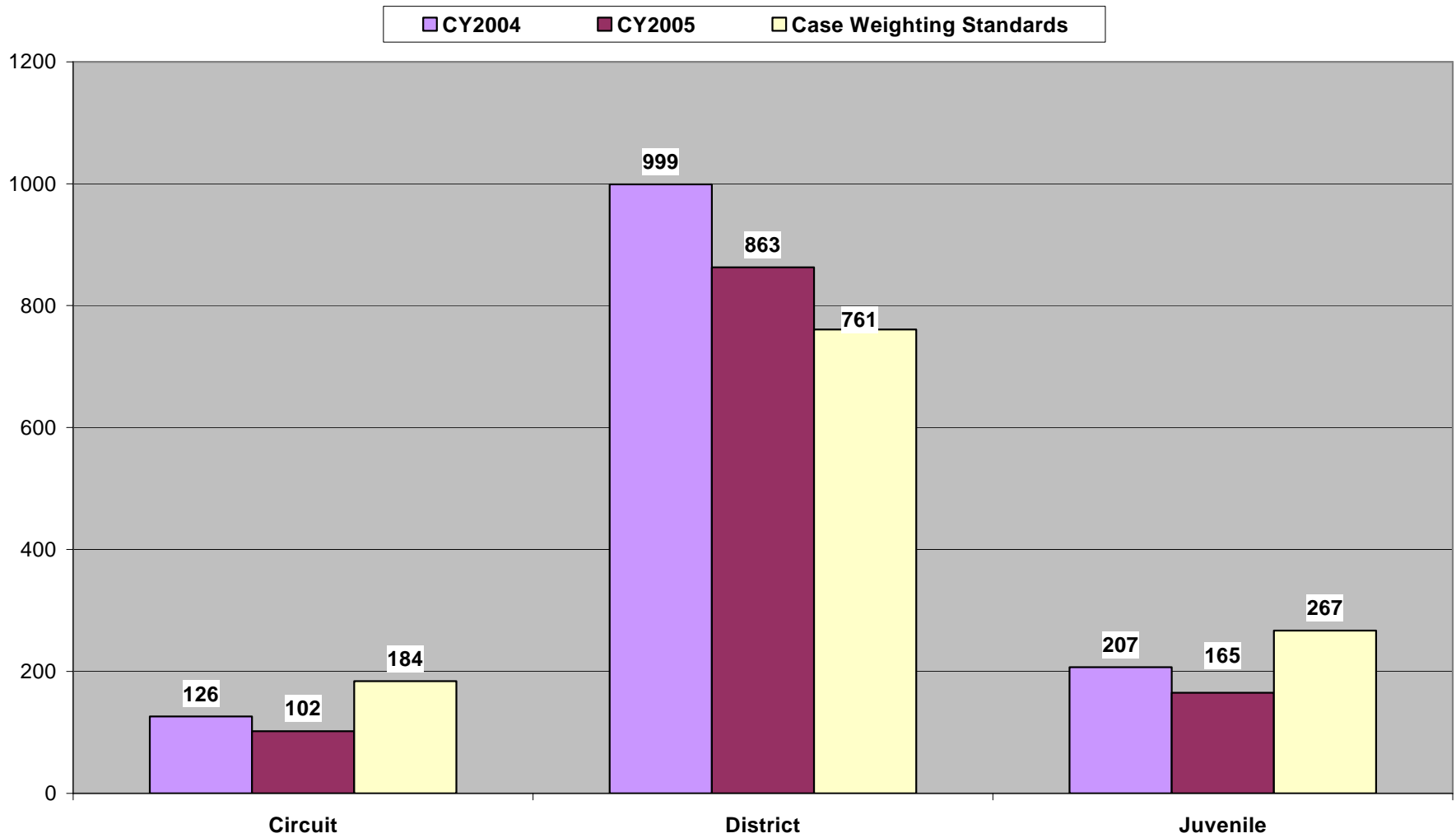
The Prince George’s County OPD continues to grow and change with each new challenge. Each of the changes initiated this year is designed to improve the already excellent representation of accused citizens. With continued growth, the Prince George’s County OPD will continue to provide effective representation consistent with the Agency’s mission.

### **AVERAGE ANNUAL ATTORNEY CASELOADS**

<i><b>District Five</b></i>	<i><b>Number of Cases</b></i>	<i><b>Number of Attorneys</b></i>	<i><b>Caseload*</b></i>	<i><b>Case Weighting Standards</b></i>
Circuit Court	4,006	22.5	169	184
District Court	12,258	14	865	761
Juvenile Court	1,219	6	178	267
Administration	N/A	2	N/A	
<b>Totals</b>	<b>17,483</b>	<b>44.5</b>	<b>(393)</b>	

\*Panel cases are not included in caseload calculations.

**DISTRICT SIX - MONTGOMERY COUNTY  
CASELOAD COMPARISONS 2004 - 2005**





## DISTRICT SIX MONTGOMERY COUNTY

**Paul B. DeWolfe, District Public Defender**  
**Brian Shefferman, Deputy District Public Defender**

<i>District Six</i>	<i>Calendar Year 2004</i>	<i>Calendar Year 2005</i>	<i>% Change</i>
Circuit Court	2,143	2,016	-5.9%
District Court	9,994	9,696	-3.0%
Juvenile Court	826	877	6.2%
<b>Totals</b>	<b>12,963</b>	<b>12,589</b>	<b>-2.9%</b>

The Office of the Public Defender in District Six, Montgomery County, maintains a central office in Rockville and a satellite office in the Silver Spring District Court. The central office is located at 199 P East Montgomery Avenue in Rockville. The intake department is located in the District Court at 27 Courthouse Square in Rockville. The satellite office has four attorneys, a secretary, an investigator and a receptionist /intake worker.

The Montgomery County office consists of the District Public Defender, Deputy District Public Defender, an office manager, sixteen circuit court attorneys (including two supervisors), five juvenile court attorneys (including one supervisor), ten district court attorneys (including one supervisor), one education attorney, one client services attorney, two intake supervisors, ten intake specialist positions, two staff investigators, nine secretaries, one paralegal and one Information Technology specialist.

To assist attorneys with their workload, the office has been reorganized into “trial teams”, consisting of attorneys, law clerks, investigators, administrative assistants, investigative interns, social workers and social work interns. The teams meet weekly to discuss cases, strategy, social work support and to distribute support staff assistance.

A Community Defense Pilot Program was initiated during the past year. An experiment in “holistic representation”, community defense assists clients with legal and social “necessary services” that extend beyond the disposition of the criminal case. Staffed by a client services attorney, an education attorney, three social workers, a paralegal and an administrative aid, the community defense team has successfully assisted clients in areas such as housing, mental health services, immigration referrals, addictions services, public benefits and a host of other legal and social problems that tend to keep clients mired within the cycle of re-offending. The office has collaborated with the Legal Aid Bureau of Maryland, the Montgomery County Department of Corrections, schools of social work, law schools, private law firms, Identity Inc. and

other entities to develop a network of legal and social services to assist clients in rebuilding their lives, before and after the disposition of the criminal case.

The community defense program has four components: client services, community outreach, re-entry and educational advocacy. An attorney that specializes in education law advocates on behalf of public defender clients in court, in the school system (expulsion, suspension hearings), in the jail and in the juvenile detention facilities. The attorney advocates for Individual Education Plans (IEP's) on behalf of children and young adults who are entitled by law to special education programs. The office has witnessed success in all four phases of the community defense plan. The University of Maryland Graduate School of Criminal Justice will conduct a performance outcome evaluation of the pilot program over the next two years.

District Six also has an in-house intern investigator program which uses college students to aid in the investigation of cases. Forty- six college students worked with the office during 2005. As in previous years, the office continues to make use of volunteers to assist with the workload. During the past year, the office has utilized the volunteer services of 47 law clerks from eight law schools in the Washington metropolitan area. Approximately 35 community volunteers have assisted with intake and other office functions. The office has a continuing relationship with the Rock Terrace School for developmentally handicapped children. Ten students plus a supervisor from this school have assisted in filing, cataloging and storing of case files.

The following law firms in the District of Columbia have provided pro bono attorneys to the office: O'Melveny & Myers; Williams & Connolly; Covington Burling; Skadden, Arps, Slate, Meagher & Flom; Jones Day; and Crowell & Moring, Piper Rudnick, Heller Ehrmen and Akin Gump. The office in turn has provided training and supervision to the pro bono attorneys who handle cases (often in teams of two) from indictment to disposition. During the past year, 26 Circuit Court cases have been assigned to the in-house pro bono project. To date, over 200 lawyers have been trained and have participated in the program. Last year, the pro bono program was expanded to include district court misdemeanor cases. Four firms have taken partial dockets to assist in reducing the district court caseload.

District court attorneys handled an average of 863 cases. Though this represents a small decrease from 999 in 2004, it is still an excessive caseload when compared to the ABA and Agency standards.

During the past year, District Six established a permanent staff in the Silver Spring Courthouse. This staff includes four District Court attorneys, an intake specialist, an investigator and a secretary. Four staff members are bilingual. Thus, for the first time there is a full service bilingual Public Defender's Office in the Silver Spring Court. The majority of the Spanish-speaking clients appear in the Silver Spring District Court.

The average caseload of the Circuit Court attorneys is 126 cases per year. These numbers, however, do not reflect their actual workload. Circuit Court attorneys



also handle bench warrant hearings, bond hearings and contempt proceedings on a rotating basis. All are experienced lawyers who handle complex, time consuming litigation.

The instant jury demand system requires jury prayers to be tried on the same day that the demand is made in District Court. A JTP (jury trial prayer) team, consisting of one supervisor and two lawyers, handles both the instant jury demands and the appeals de novo from district court.

Juvenile Court attorneys handled an average of 175 cases per year, a decrease from 207 cases in 2004. Emergency hearings are handled on a daily basis by the attorneys. Also, juvenile court attorneys in District Six represent children charged as adults in Circuit Court. As part of the Community Defense Pilot Program, a juvenile social worker and a paralegal were added to the staff. The Juvenile Court staff effectively employs the “team approach” to the representation of juvenile clients. Attorneys work with a multi-disciplinary team of a social worker, intern investigators, law clerks and a paralegal to assist each client and his family, often addressing social, medical and educational needs that extend beyond disposition of the delinquency case.

District Six continues to maintain high standards for attorney performance and provides quality representation to the indigent defendants of Montgomery County.

#### **AVERAGE ANNUAL ATTORNEY CASELOADS**

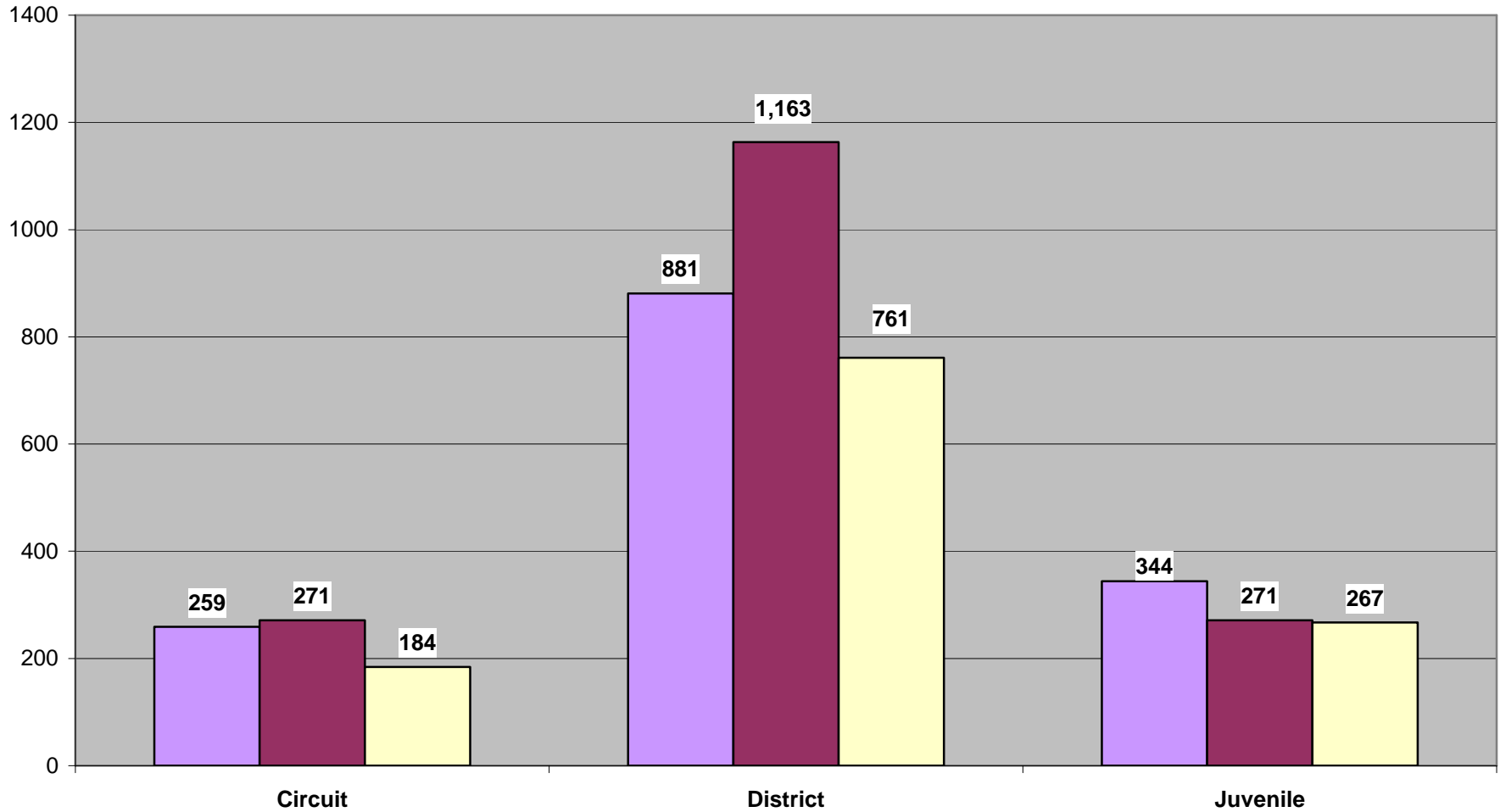
<i><b>District Six</b></i>	<i><b>Number of Cases</b></i>	<i><b>Number of Attorneys</b></i>	<i><b>Caseload*</b></i>	<i><b>Case Weighting Standards</b></i>
Circuit Court	2,016	16	102	184
District Court	9,696	10	863	761
Juvenile Court	877	5	165	267
Administration	N/A	2	N/A	N/A
<b>Totals</b>	<b>12,589</b>	<b>33</b>	<b>(381)</b>	

\*Panel cases are not included in caseload calculations.



**DISTRICT SEVEN - ANNE ARUNDEL COUNTY  
CASELOAD COMPARISONS 2004-2005**

■ CY2004   ■ CY2005   ■ Case Weighting Standards





**DISTRICT SEVEN  
ANNE ARUNDEL COUNTY**

*David R. Harding, District Public Defender*  
*John Gunning, Deputy District Public Defender*

<b><i>District Seven</i></b>	<b><i>Calendar Year 2004</i></b>	<b><i>Calendar Year 2005</i></b>	<b><i>% Change</i></b>
Circuit Court	2,074	2,194	+ 5.8%
District Court	7,050	9,322	+ 32.2%
Juvenile Court	1,033	1,101	+ 6.6%
<b>Totals</b>	<b>10,157</b>	<b>12,617</b>	<b>+ 24.2%</b>

District Seven of the Public Defender’s Office encompasses Anne Arundel County. The main office is located at 1700 Margaret Avenue in Annapolis. This office houses the felony trial staff, the juvenile staff, the District Public Defender, the Deputy District Public Defender, the Circuit Court Supervisor, the office manager, the intake supervisor and a majority of the intake staff. There are two District Court offices. The Annapolis District Court office is located on the first floor of the Robert F. Sweeney District Court Courthouse. The Glen Burnie office is located on the second floor of George M. Taylor District Court Courthouse. District Seven also has an attorney lounge in the Circuit Court Courthouse.

**CIRCUIT COURT**

The Circuit Court staff was comprised of eight attorneys during 2005, including the Deputy District Public Defender and the Circuit Court Supervisor. Due to attorney staffing changes, the Circuit Court was understaffed for much of 2005. These attorneys handle all felony matters, violations of probation, jury trial prayers, district court appeals as well as occasionally assist in Juvenile Court or District Court when needed. A Circuit Court Drug Court was established in 2005 for defendants who violated their Circuit Court probation. The Deputy District Public Defender played a major role in creating the Drug Court by attending weekly meetings and traveling to several conferences and seminars as Drug Court Liaison. The Drug Court continues to grow in both numbers and successes. In October 2005, an additional Circuit Court Judge was added to the bench, increasing the number of cases the Circuit Court Bench hears daily. In the future, the District hopes to receive an attorney position to deal with the increased caseload.

**JUVENILE COURT**

The juvenile staff was increased to three full time attorneys. The Juvenile caseload has almost doubled since calendar year 2003. As pointed out in the 2004 Annual Report, the OPD handles almost all of the Juvenile cases in Anne Arundel County. The Juvenile Drug Court celebrated a one year anniversary in 2005 and the office continues to play a major role in that Court’s success. Additionally, due to

concerns for the safety of the clients who are housed in Juvenile facilities, the juvenile staff has begun monitoring each client after disposition to make sure they are not suffering abuse. As a result, juvenile clients in Anne Arundel County are rarely unrepresented.

Given the tremendous growth in juvenile representation, an Assistant Public Defender has taken on a quasi-supervisor role out of necessity. The current staff is handling close to 400 cases per attorney in the Juvenile division and is in desperate need of additional attorneys. With a new Master position funded for 2006, the caseload will likely increase again.

### **DISTRICT COURT**

The District Court staff, when fully staffed, is comprised of seven attorneys. Unfortunately, the District Court was understaffed for much of 2005. Four of the seven attorneys are located in Annapolis and two of the seven are in Glen Burnie. One of the attorneys divides the week between Glen Burnie and Annapolis. Due to staffing shortages and an increase in District Court courtrooms, the attorneys are in court everyday. In October 2005, an additional Judge was added to the District Court. At that time, the District Court began operating eight criminal courtrooms twice per week, seven criminal courtrooms once per week and six criminal courtrooms twice per week, with special set trials scheduled on the two days when the six courtrooms are operating. Again, the staff was stretched to its limits and beyond. Additionally, the office represents clients in the District Court Drug Program and in the Jail Project Plea Day.

In spite of staff shortages and other challenges, the District Seven OPD continues to represent clients with the highest degree of professionalism.

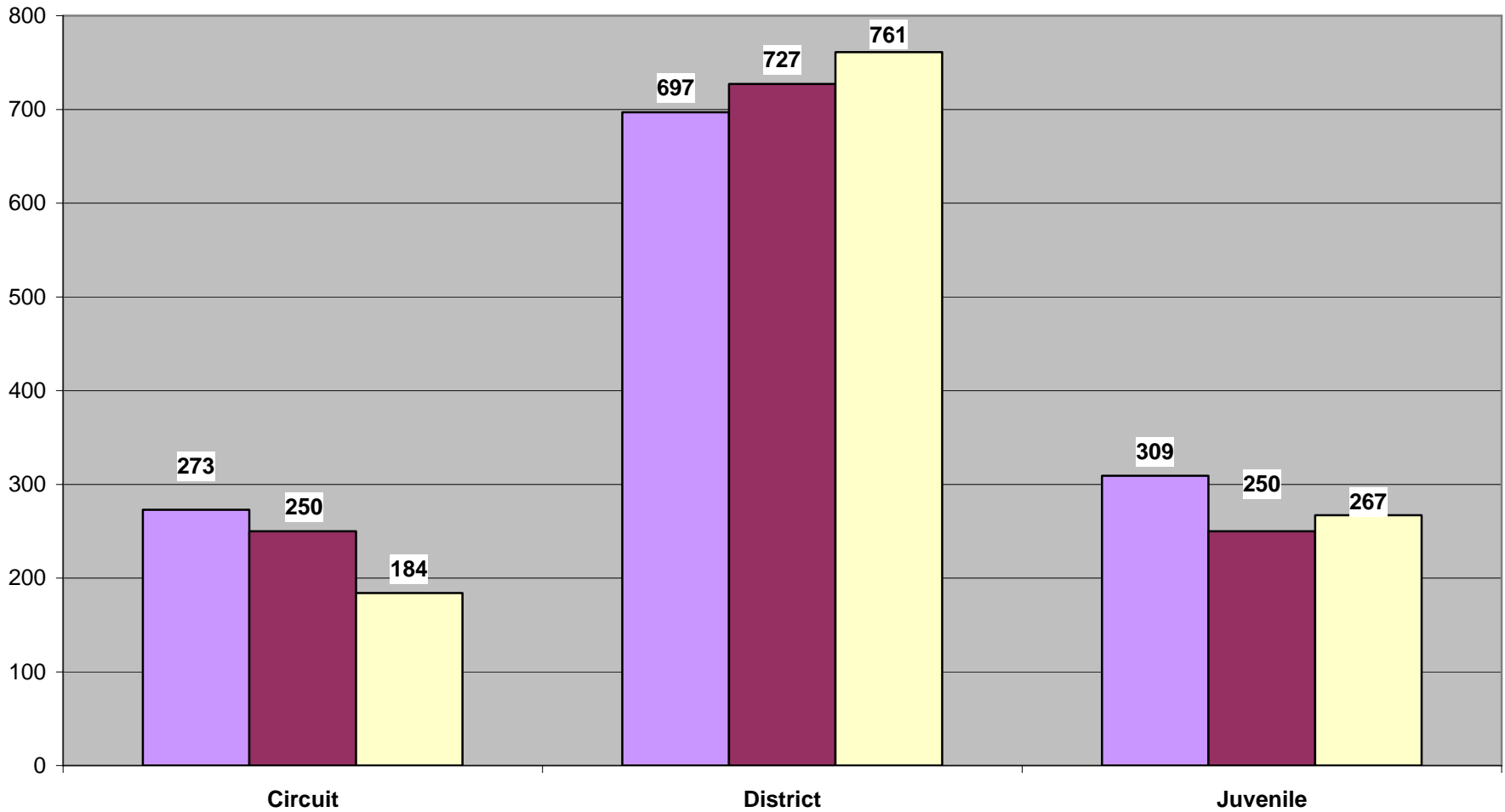
### **AVERAGE ANNUAL ATTORNEY CASELOADS**

<i><b>District Seven</b></i>	<i><b>Number of Cases</b></i>	<i><b>Number of Attorneys</b></i>	<i><b>Caseload*</b></i>	<i><b>Case Weighting Standards</b></i>
Circuit Court	2,194	8	271	184
District Court	9,322	8	1,163	761
Juvenile Court	1,101	4	271	267
<b>Totals</b>	<b>12,617</b>	<b>20</b>	<b>(631)</b>	

\*Panel cases are not included in caseload calculations.

**DISTRICT EIGHT - BALTIMORE COUNTY  
CASELOAD COMPARISONS 2004 - 2005**

■ CY2004   ■ CY2005   ■ Case Weighting Standards







## DISTRICT EIGHT BALTIMORE COUNTY

*Thelma J. Triplin*, District Public Defender  
*Donald E. Zaremba*, Deputy District Public Defender

<i>District Eight</i>	<i>Calendar Year 2004</i>	<i>Calendar Year 2005</i>	<i>% Change</i>
Circuit Court	3,549	3,741	+5.4%
District Court	8,713	9,268	+ 6.4%
Juvenile Court	2,472	2,438	-1.4%
<b>Totals</b>	<b>14,734</b>	<b>15,447</b>	<b>+ 4.8%</b>

The Baltimore County Office of the Public Defender, District Eight is the third largest district in Maryland's Public Defender system. The Office is centrally located in Baltimore County at 500 Virginia Avenue in Towson.

During fiscal 2006, the District Eight office had 62 employees: 39 attorneys and 23 support staff. The attorneys represented 15,447 clients charged with a myriad of offenses ranging from theft to capital murder. They covered dockets in the Circuit, District, Juvenile and Juvenile Drug Courts.

In 2005, District Eight experienced a 4.8% increase in caseloads. The most significant increase occurred in the area of District Court representation which increased by 6.4%. Circuit Court representation also increased by 5.4%. Although Juvenile representation skyrocketed in 2004, there was a 1.4% decrease in the number of juveniles represented by the office in 2005. One possible explanation for this change in the circuit and juvenile numbers is the current trend in Baltimore County to charge juveniles arrested for crimes of violence as adults.

The OPD clientele is becoming more ethnically diverse reflecting a change in the demographics of Baltimore County. There is an increase in non-English speaking clients. A majority of these clients speak Spanish. With only a few Spanish-speaking attorneys in the office, it becomes necessary to hire interpreters to assist the attorneys and the clients.

## CIRCUIT COURT DIVISION

Baltimore County continues its reputation as the “capitol” of capital murders in Maryland. The Baltimore County State’s Attorney’s Office has seven active death penalty cases. Currently the office is handling four of these cases. The State has indicated its intention to file two more “death notices” in cases currently handled by the Office. This will bring the number of in-house death penalty cases to six. Each capital case must be staffed by two attorneys, which places a great strain on the staff of twelve Circuit Court attorneys.

In order to effectively defend a client in a death penalty case, it is necessary to retain a variety of experts in the fields of psychiatry, psychology, substance abuse, social work, neuropsychology, computer forensics, forensic pathology, DNA and internal medicine. The lawyers must coordinate this team of experts to present an effective defense at trial and to present effective mitigation at sentencing.

The county saw a 37.9% increase in the homicide rate from January 2004 to December 2005. This caused a further strain on the staff. Each attorney in the Division is handling one murder case and seven attorneys are handling two murder cases. The total number of active murder cases in the office is 19.

Statistics from the Baltimore County Police also revealed a 12.9% increase in robberies from January 2004 to December 2005. Most of these robberies are armed robberies and approximately 10 – 20% of the armed robberies are committed by juveniles who are later charged as adults. Motions for Reverse Waivers have to be filed, including investigation by the Department of Juvenile Justice and the pre-trial hearing on the Motion. Because the parents are naturally concerned about their children and the case outcome, these cases typically require extensive interaction with the family.

It continues to be the well-established policy of the Baltimore County State’s Attorney’s office to seek enhanced penalties in felony distribution cases that qualify for the ten year and 25 year sentences without parole. Many of these clients affected by this policy are truly drug addicts and not the drug dealers that the statute was intended to punish. Consequently, clients are compelled to elect trials rather than plead guilty.

In 2004, the General Assembly revised Health General 8-505, 8-506 and 8-507 which govern drug treatment and commitment procedures. The revisions allow the court to commit an addicted defendant to the Department of Health and Mental Hygiene even if he did not file a timely motion for modification of sentence or if such a motion was filed and subsequently denied. As expected, the change in the law resulted in a marked increase in the number of requests the OPD received for legal assistance. Many of the cases date back to 1987. In addition to representing many former clients, OPD also provides assistance to defendants initially represented by private counsel, but unable to afford further representation.

Advances in forensic science have changed the way police departments

investigate crimes and consequently has changed the way the State's Attorney's Office prosecutes its cases. It is customary for the State to use DNA evidence in most serious felonies, namely murders and sex offenses. These cases require lengthy and complicated pre-trial motions in order to obtain all of the "discoverable" DNA evidence. Once it is obtained, it requires consultation with a forensic expert to prepare for litigation.

Baltimore County prosecutors aggressively pursue enhanced penalties of 25 years without parole for defendant's who were convicted of a third crime of violence. Prior to 1994, daytime housebreaking and burglary were categorized as crimes of violence. Whenever a defendant was convicted a third time for daytime housebreaking or burglary, the State sought the mandatory 25 years without parole. However in 2005, the Legislature passed House Bill 596, which provided these defendants with a one-year window from October 1, 2005 to September 30, 2006 to file a three-judge panel review to modify the mandatory sentences. Forty-five defendants convicted of daytime housebreaking in Baltimore County are eligible to file for review under House Bill 596. The OPD is handling 25 of those cases while the University of Maryland Law Clinic is handling the remaining cases.

### **DISTRICT COURT DIVISION**

During 2005, the District Court division handled 9,268 cases, a 6.4% increase over 2004.

The District Court division has 14 attorney positions, including the District Court supervisor and three half-time attorneys, and one secretary. Full-time attorneys are in court at least three days per week, and half-time attorneys are in court two days per week. The District Court attorneys are also responsible for a Circuit Court docket on Fridays for jury trial prayers and District Court appeals. Finally, the attorneys are responsible for handling instant jury trials in Circuit Court on Mondays, Tuesdays and Fridays.

The attorneys handle cases in the three District Courts in the county: Towson, Catonsville and Essex. In Towson, one of the courtrooms is designated for the "jail docket," which is the docket for defendants who are incarcerated. This docket is particularly heavy, usually consisting of at least 40 clients. Moreover, these cases are scheduled for trial five weeks from the date of arrest. Ensuring the timely preparation of these cases remains a continuing challenge.

A grant through the Baltimore County Bureau of Corrections continues to fund one Assistant Public Defender to create a docket devoted to cases that can be expedited to trial more quickly than the normal five weeks. This attorney position is funded by the County because of the financial savings that result from the early release of these clients. In the past 11 months, the expedited docket has saved the County a total of 4,254 bed spaces, for a cost savings of \$231,673. This position remains a great

benefit to many clients who are incarcerated merely because they have missed a prior trial date and are likely to be released on their trial date.

After many delays in construction, the new Baltimore County correctional facility finally opened and all inmates previously housed at the Courthouse Court facility were transferred to the new facility. With the glitches in the new security system and continued renovation, client visits became increasingly difficult. Expanded visiting privileges and security clearance extended only to Public Defenders allowed the attorneys to visit clients in spite of these problems and maintain high standards of case preparation.

## **JUVENILE COURT DIVISION**

Expansion of the Juvenile Drug Court (JDC) has continued and there are now four distinct JDC dockets. Two judges hear these cases every Wednesday, alternating between Towson and Catonsville and every Thursday in Essex, alternating between two groups of respondents. To ensure as much continuity in representation as possible, one attorney is responsible for the Towson and Catonsville dockets and a second is responsible for both Essex dockets. The assignment schedule is designed to prevent these attorneys from being assigned non-JDC cases that would conflict with their JDC dockets.

A second, similar group of cases, known as the SARN docket (Substance Abuse Re-entry Network), has been scheduled for reviews on a monthly basis. These cases are distinguished from JDC cases because participation is not voluntary (it is determined by referral by DJS and acceptance by the Court) and they only involve respondents who are being released on aftercare from commitment placements. Discussions at JDC Steering Committee and Delinquency Coordinating Group meetings suggest that SARN will become the aftercare component to JDC, and the gradual increase in the number of cases assigned to the SARN docket will probably necessitate a second docket every month.

With the enactment of CJ § 3-8A-20(e), no juvenile requesting counsel or whose parent or guardian refused to obtain counsel went to court unrepresented in 2005. The number of respondents effectively waiving their right to counsel remains very low, and is generally limited to respondents who have moved out-of-state and have returned to Maryland to resolve relatively minor delinquency matters.

When the new law regarding the competency of juveniles to stand trial became effective on December 31, 2005, the Court instituted monthly conferencing of cases in which competency has been raised, to troubleshoot the evaluation process. The status of each pending case is reviewed and there is an opportunity for informal discussion on resolution of these cases. This has been an effective method for ensuring that evaluations are delivered as quickly as possible, that the evaluation process is thorough and reliable and that some cases can be resolved by agreement.

A similar approach has been instituted regarding pending placement cases, again in response to a legislative initiative. The new law now requires that when DJS has failed to place a respondent within 25 days of a commitment order, a hearing is required, at which DJS is required to appear “with the child” and explain why the placement has not occurred if the child is still in detention. District Eight has been in the lead of OPD regarding out-of-state placements, requiring DJS to prove in court that facts meeting the standards exist before such a placement can be used.

In 2004, the Governor’s Office of Crime Control and Prevention required all jurisdictions receiving Youth Strategies funding focus on the issue of disproportionate representation of minority youth in the juvenile justice system. To that end, the Baltimore County Local Management Board took the lead on this project and invited all stakeholders (Courts, State’s Attorneys Office, the OPD, the Department of Education, the Bureau of Substance Abuse, Family and Children’s Services, the Department of Social Services, the Police Department, the County Executive’s office and the Office of Fair Practices) to participate. OPD has been an active participant in meetings of the Disproportionate Minority Confinement Planning and Oversight Committee, attending all meetings and the Juvenile Detention Alternatives Initiative Intra-Site Conference, which was held in Towson on March 20, 2006.

### **TRAINING DIVISION**

This year training in District Eight sponsored a number of Continuing Legal Education programs ranging from Interstate Compact on Supervision of Adults to a discussion the immigration consequences of convictions.

Plans for 2007 include assessments of individual training needs as well as a continuing focus on the effective use of resources for research and presentation.

### **AVERAGE ANNUAL ATTORNEY CASELOADS**

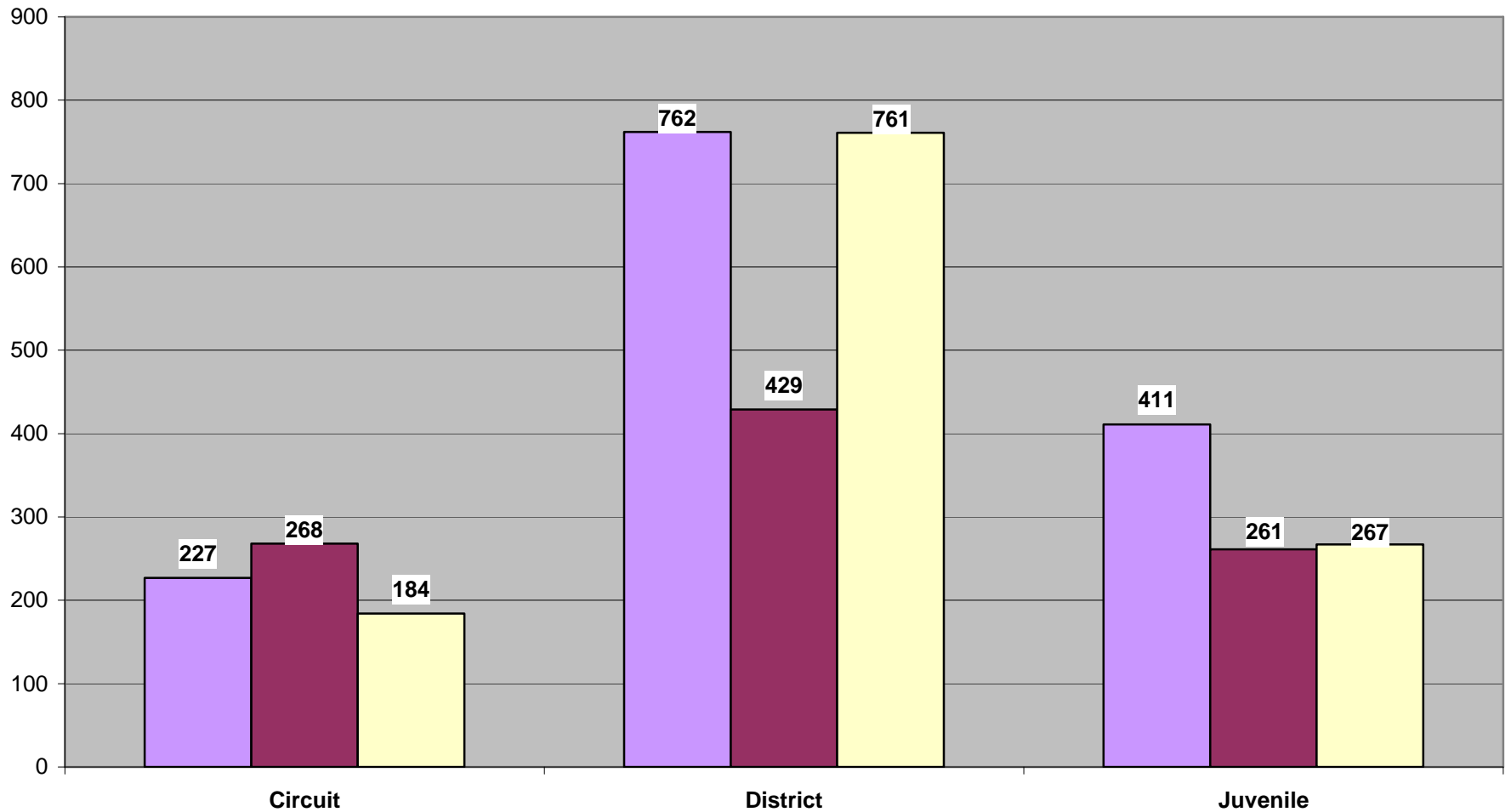
<i><b>District Eight</b></i>	<i><b>Number of Cases</b></i>	<i><b>Number of Attorneys</b></i>	<i><b>Caseload*</b></i>	<i><b>Case Weighting Standards</b></i>
Circuit Court	3,741	14	250	184
District Court	9,268	12.5	727	761
Juvenile Court	2,438	9	250	267
Administration/ Support	N/A	2	N/A	N/A
<b>Totals</b>	<b>15,447</b>	<b>37.5</b>	<b>(412)</b>	

\*Panel cases are not included in caseload calculations.



**DISTRICT NINE HARFORD COUNTY  
CASELOAD COMPARISONS 2004 - 2005**

**CY2004    CY2005    Case Weighting Standards**







## DISTRICT NINE HARFORD COUNTY

*Lloyd G. Merriam, District Public Defender*  
*Amanda E. Bull, Deputy District Public Defender*

<i>District Nine</i>	<i>Calendar Year 2004</i>	<i>Calendar Year 2005</i>	<i>% Change</i>
Circuit Court	1,249	1,548	+ 23.9%
District Court	2,666	2,842	+ 6.6%
Juvenile Court	821	577	-29.7%
<b>Totals</b>	<b>4,736</b>	<b>4,967</b>	<b>+ 4.8%</b>

District Nine provides representation in the trial courts for Harford County. Over the part year, the number of cases has increased five percent and 19.6 percent over the last two years. Future caseloads will mirror County growth and demographics. The U.S. Census Bureau data for 2004 cites Harford County's population as being 235,544. More importantly, 146,000 of that population are less than 44 years of age, which is the portion of the population most likely to be involved in the criminal courts.

During 2005, the federal government announced the Base Re-alignment and Closure (BRAC) plan which will bring thousands of jobs to the Aberdeen Proving Ground and considerable population growth to Harford County. Although most of these people will not qualify for OPD services, their children will likely qualify for representation by the Juvenile Division, as well as young adults who may qualify because of lack of income. Furthermore, the increased population will bring more police. The Sheriff's Department has already requested a large increase in deputies specifically basing their request on population increase related to BRAC. Customarily, more police leads to more arrests that, in turn, increase the OPD caseload.

As 2006 opened, District Nine had split into Circuit Court and District Court Divisions, with the District Court unit occupying a small, recently vacated office on the other side of the District Court/Multi-Service Center building. The OPD will continue to meet with the Department of General Services regarding reorganization of space in the building to accommodate future anticipated growth.

Social work support for both the Juvenile Court and the adult courts is expected during the next year. Regular consultation with social workers should provide many alternatives to incarceration for the clients as well as better opportunities for the clients to put their court experiences behind them.

Harford County conducts five addiction treatment courts and one mental health diversion court. The OPD staffs these courts and represents financially qualified persons in each. The task of using these courts to assist clients with treatment needs while guaranteeing due process consumes a considerable amount of attorney time.

The Harford County panel attorney list has grown slightly due to the fee increase to \$50 per hour. However, because of the caseload increase, more cases need to be paneled. The current panel attorneys often decline to take additional cases at the current rate. An increase to \$75 per hour should prompt the panel attorneys to handle more cases. The rate increase should also increase the number of attorneys who are willing to handle panel cases.

As always, during fiscal 2006 the attorneys in District Nine vigorously tried cases in all courts.

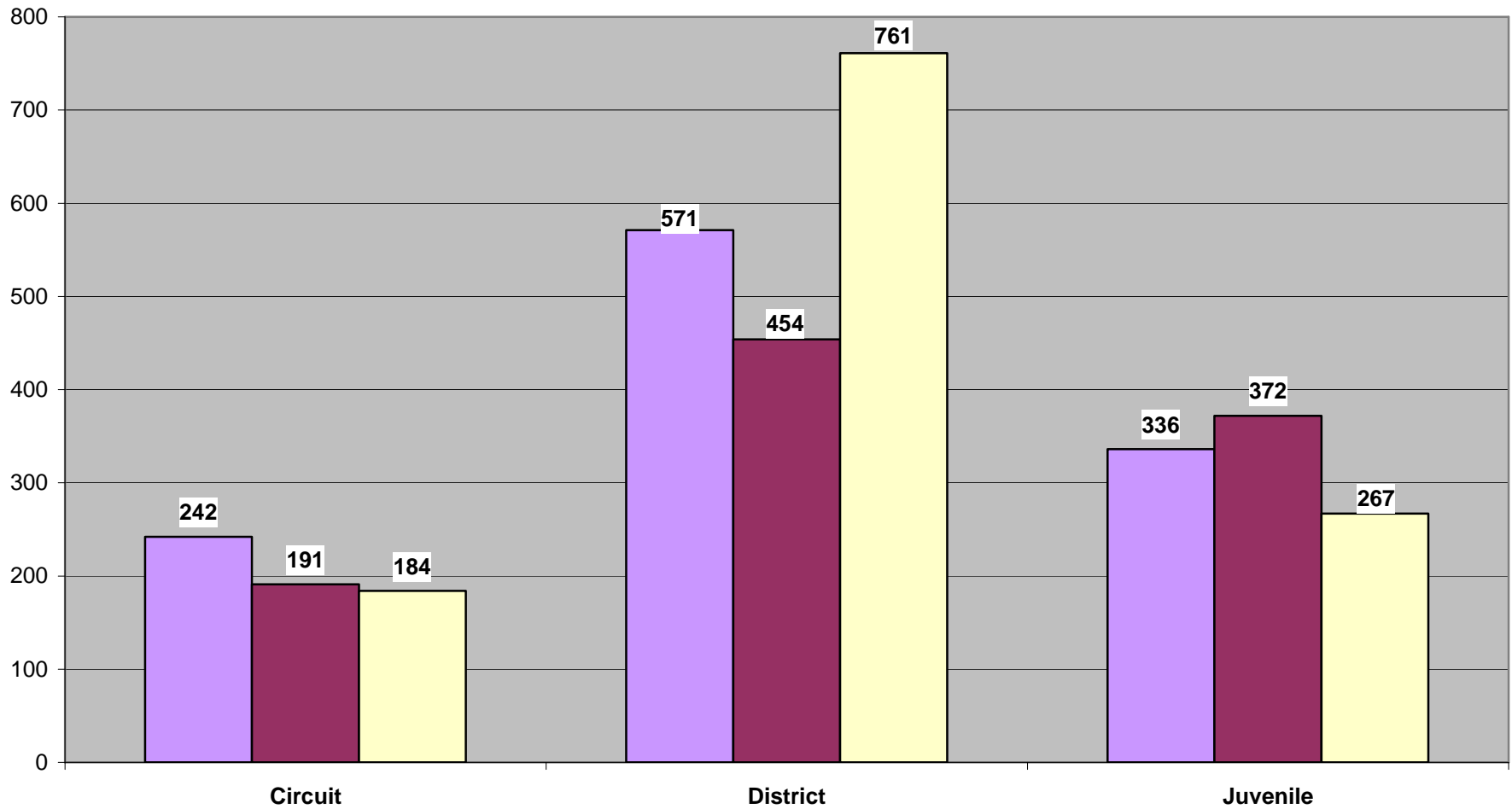
**AVERAGE ANNUAL ATTORNEY CASELOADS**

<i><b>District Nine</b></i>	<i><b>Calendar Year 2005</b></i>	<i><b>Number of Attorneys</b></i>	<i><b>Caseload*</b></i>	<i><b>Case Weighting Standards</b></i>
Circuit Court	1,548	5.5	268	184
District Court	2,842	6.5	429	761
Juvenile Court	577	2	261	267
<b>Totals</b>	<b>4,967</b>	<b>14</b>	<b>(355)</b>	

\*Panel cases are not included in caseload calculations.

# DISTRICT TEN - CARROLL & HOWARD COUNTIES CASELOAD COMPARISONS 2004-2005

CY2004    CY2005    Case Weighting Standards





**DISTRICT TEN  
CARROLL AND HOWARD COUNTIES**

*Carol A. Hanson, District Public Defender  
Louis P. Willemin, Deputy District Public Defender*

<i>District Ten</i>	<i>Calendar Year 2004</i>	<i>Calendar Year 2005</i>	<i>% Change</i>
Circuit Court	1,696	1,658	- 2.2%
District Court	3,712	3,273	- 11.8%
Juvenile Court	839	1,034	+ 23.2%
<b>Totals</b>	<b>6,247</b>	<b>5,965</b>	<b>-4.5%</b>

Howard and Carroll Counties comprise District 10. The District Public Defender, Deputy District Public Defender and Office Manager are located in the Howard County office. The Carroll County office has a Managing Attorney who has consistent communication by phone and email with the District Public Defender. The office staffing and caseloads are distinct; therefore, each county will be addressed separately.

**CARROLL COUNTY**

The Carroll County office is located in Westminster. It is staffed by the Managing Attorney who has Circuit Court and supervisory duties, three Circuit Court attorneys, two District Court attorneys, one Juvenile Court attorney, three clerical support staff, one Investigator and two Intake Workers (one who works at the jail and one who works at the office).

Juvenile Court has two dockets per week plus daily Emergency Detention Hearings. The Juvenile system in Carroll County, with the OPD's zealous advocacy for juvenile clients, ensures that in the event a juvenile client is detained, the stay in detention is minimized. The rate of juvenile detentions is one of the lowest in the state. This year, the OPD was successful in having juveniles detained at the Western Maryland Children's Center as opposed to the Hickey School or Boy's Village. Also, the number of detention related assaults on Carroll County juveniles has substantially decreased. Finally, the non-waiver of counsel law has generated an increase in juvenile caseloads.

District Court and Circuit Court include domestic violence cases in which the prosecutor has a zero tolerance policy. Most of these cases result in trials. These policies result in litigation and client contacts that are time intensive.

In Circuit Court, there is an increase in violent crime. This violent crime increase is attributed to gang related activity according to the State's Attorney's Office, Maryland State Police and Westminster City Police. Circuit Court attorneys have been vigilant in challenging Drug Recognition Experts in appropriate DUI cases.

The Social Worker position remains vacant. During the brief period that a Social Worker was employed, she was most useful in formulating sentencing alternatives for mentally ill and drug addicted clients.

## **HOWARD COUNTY**

The Howard County office is located in Ellicott City. It is staffed by the District Public Defender, the Deputy District Public Defender who handles cases in Circuit Court, three additional Circuit Court attorneys, four District Court attorneys, one and one-half Juvenile Court attorneys, the Office Manager, three clerical support staff, two Investigators and two intake workers (one who works at the jail and one who works in the office).

Juvenile Court attorneys continue to advocate against out-of-home placements. Client Services and private experts have been used to assist juvenile clients in disposition and competency issues. The Juvenile Court attorneys continue to remain in contact with juveniles who are committed. With the enactment of the 2005 Juvenile Competency law, five Notices of Incompetency have been filed. There has been an increase in robberies that, upon disposition, often results in commitment. A Juvenile Court Social Worker would be most helpful in assessing the needs of the client, identifying services and appearing in Court.

District Court and Circuit Court have a considerable number of domestic violence cases which, as in Carroll County, are often litigated. Further, in both District Court and Circuit Court, there are numerous not criminally responsible case (NCR) cases. Circuit Court cases include serious sexual offense and child abuse cases that are very time intensive.

Drug Court is held in District Court every other Wednesday. Prior to the actual hearings, there is a two-hour team conference to discuss each client. Clinical and treatment information is presented by the Health Department Case Manager and the Probation Monitor for DUI cases. In the meetings, the Drug Court attorney advocates for the clients regarding treatment issues, sanctions and rewards. Discussions continue as to whether Drug Court participation should remain a pre-sentence option or should be changed to a type of probation. The Drug Court attorney has been successful in having the program remain as a pre-sentence option which is more favorable to the clients.

## PANEL CASES

The increased panel hourly rate has made it significantly easier to find private attorneys willing to accept conflict cases from the office. The only exception is major felonies where some panel attorneys express a concern regarding the maximum fee allowed. Thus far, both offices maintain a list of highly qualified panel attorneys.

### CASES OPENED BY COUNTY IN CALENDAR YEAR 2005

<i><b>Cases Opened</b></i>	<i><b>Circuit</b></i>	<i><b>District</b></i>	<i><b>Juvenile</b></i>	<i><b>Total</b></i>
Carroll	949	1,423	513	2,885
Howard	709	1,850	521	3,080
<b>Totals</b>	<b>1,658</b>	<b>3,273</b>	<b>1,034</b>	<b>5,965</b>

### AVERAGE ANNUAL ATTORNEY CASELOADS

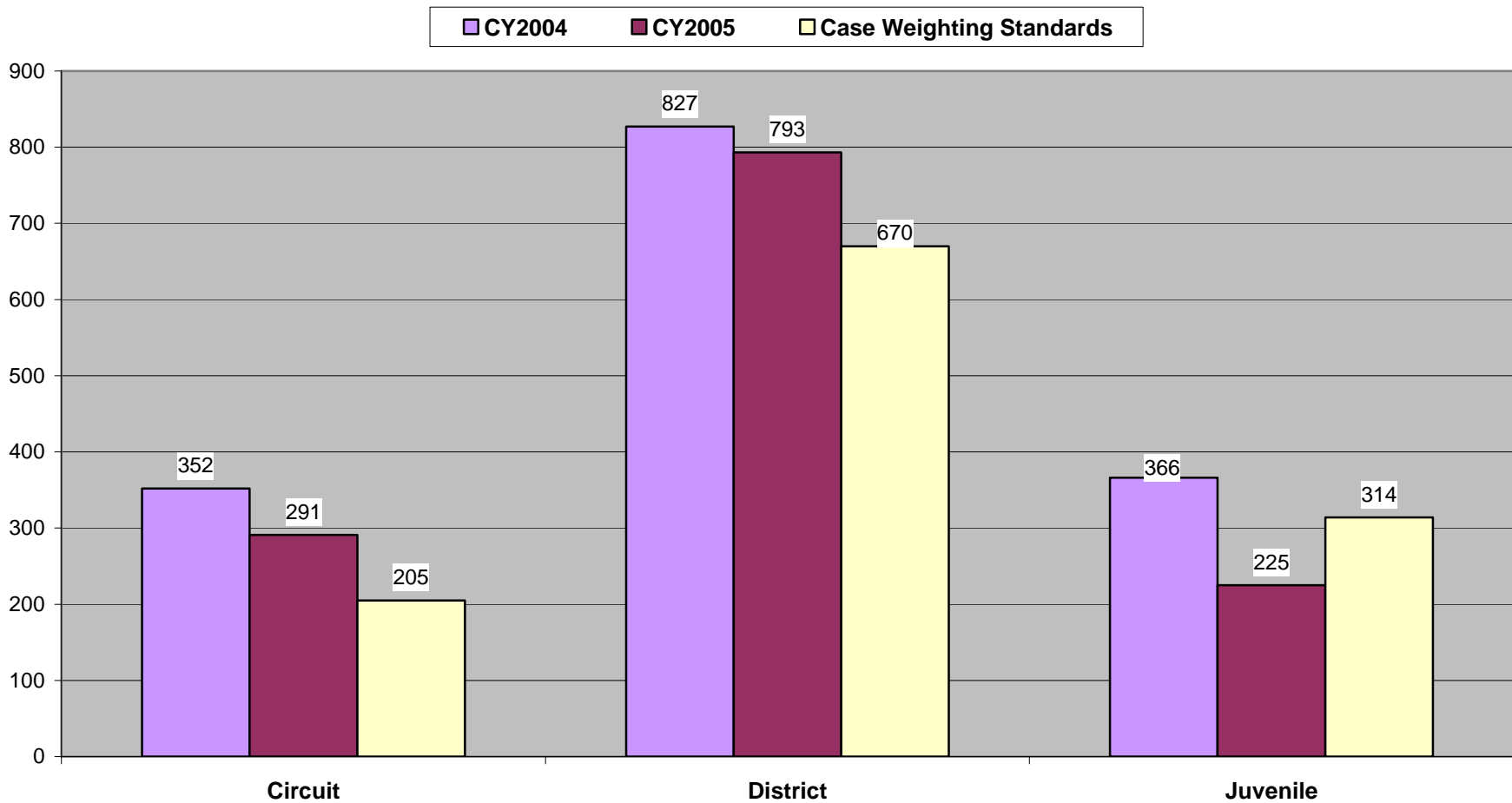
<i><b>District Ten</b></i>	<i><b>Number of Cases</b></i>	<i><b>Number of Attorneys</b></i>	<i><b>Caseload*</b></i>	<i><b>Case Weighting Standards</b></i>
Circuit Court	1,658	8	191	184
District Court	3,273	7	454	761
Juvenile Court	1,034	2.5	372	267
Administration	N/A	1	N/A	
<b>Totals</b>	<b>5,965</b>	<b>18.5</b>	<b>(322)</b>	

\*Panel cases are not included in caseload calculations.





**DISTRICT ELEVEN - FREDERICK & WASHINGTON COUNTIES  
CASELOAD COMPARISONS 2004- 2005**





**DISTRICT ELEVEN  
FREDERICK AND WASHINGTON COUNTIES**

*Michael Morrisette, District Public Defender  
Mary Riley, Deputy District Public Defender*

<i>District Eleven</i>	<i>Calendar Year 2004</i>	<i>Calendar Year 2005</i>	<i>% Change</i>
Circuit Court	2,994	2,735	-8.6%
District Court	4,959	4,948	- 0.2%
Juvenile Court	1,280	991	-23%
<b>Totals</b>	<b>9,233</b>	<b>8,674</b>	<b>- 6.0%</b>

District Eleven is comprised of Washington and Frederick Counties, with a combined population of approximately 362,596 people. The Frederick County staff consists of the District Public Defender, nine attorneys, the office manager, one paralegal, three secretaries, two intake specialists, an investigator and two part-time law clerks. The Washington County staff consists of the Deputy District Public Defender, eight attorneys, an administrative aide, three secretaries, two intake specialists and an investigator. The cost of living in this area continues to rise rapidly, which contributes to the challenge of recruiting and retaining support staff. In comparison, the Frederick County State's Attorney employs more than 20 prosecutors, in addition to a large support staff, including many investigators and victim-witness coordinators. The Washington County State's Attorney employs ten full-time and one part-time prosecutor in addition to a large support staff.

Several unique features of the respective court systems affect each of the two offices. In Frederick County, the number of juvenile cases does not accurately reflect the workload of the attorneys as they to return to court repeatedly for case reviews. This creates lengthy dockets and requires additional attorney/client contact. In Frederick County District Court, criminal hearings are held on Tuesdays, Wednesdays and Thursdays. These same attorneys have required court appearances, including jury trial prayers and pre-trial conferences, in the Circuit Court two days per week. For its size, Washington County has an inordinately heavy Circuit Court criminal caseload, with an unusually large number of jury trials. The State's Attorneys Office prepares the Washington County criminal dockets. This requires attorneys appearing in Circuit Court to be prepared to try two or more cases before a jury on any given court day. Pleas, sentencing and hearings, other than trials, are conducted after and during breaks in jury trials, thus requiring attorneys to be present in Circuit Court throughout the day. In District and Circuit Court, a number of cases involve inmates at the three local prison facilities. Staff attorneys must visit those clients whether they are still located in a Hagerstown facility or have been transferred.

Frederick County continues to be part of the Washington D.C., and to a lesser extent, Baltimore, expanding metropolitan areas. There are more persons living below the poverty line in Washington County than in Frederick, Howard or Charles County, all of which have larger populations. It is likely that high poverty (and therefore a larger pool of qualifying defendants) combined with increasingly large numbers of prosecutions, is the cause of the increase in the number of cases in Washington County.

As a result of the Caseload Initiative, District 11 gained one additional attorney position and two support staff positions. Furthermore, a full time law clerk position, which is currently being filled by two part-time law clerks, was provided. The recent increase in attorney salaries and the as well as reduced caseloads are greatly appreciated by the attorneys in the District.

In May 2005, Frederick County accepted its first participant into its new Drug Treatment Court. The Frederick County OPD was involved in the formation and planning of the County's first drug court. There are 17 participants, with the goal to have 30 participants by the end of 2006. Ten of the participants are Public Defender clients. The attorney representing Drug Court participants is required to attend weekly staffings and court hearings with the clients. The Washington County OPD is exploring the possibility of a juvenile drug court.

In Frederick County, there is a safety net in place which provides all juveniles with the opportunity to be represented by the OPD. Juvenile arraignments are held weekly and an OPD staff member is present. At the arraignment, juveniles are advised of his or her right to counsel and given an adjudication date. To ensure that a juvenile obtains representation, a status conference is set two weeks after the arraignment. If a juvenile has obtained representation, he or she is not required to attend. However, if a juvenile has not obtained counsel, he or she must attend the status hearing, at which time the OPD will presume that the juvenile's parents will not retain counsel for the child. The OPD will and enter its appearance on behalf of the juvenile at that time. Since the procedure has been in place, no juvenile has appeared at adjudication without representation. In Washington County, there are no arraignment dates in Juvenile Court, so juveniles are often forced to trial without the opportunity to meet with the OPD and to obtain counsel.

The Frederick County office is located in wing of the county courthouse. The offices are physically separated into three suites. This places a burden on staff communication and is a challenge to supervisors. The Washington County office located in Hagerstown is two blocks from the County Courthouse in a high crime area. Nevertheless, staff and attorneys have recently moved into new offices, allowing for more efficient communication, supervision and a more pleasant work environment.

In addition to providing superior representation in criminal and juvenile matters to indigent clients, the OPD is proud to play an integral role in the community in each county. Employees volunteer, without recognition, in churches, civic associations and

local schools. For example, District Eleven attorneys and staff work collaboratively with the communities that they serve. Attorneys are active members of: the Criminal Justice Coordinating Committee (Frederick County), the Juvenile Justice Task Force (Frederick County), Drug & Alcohol Abuse Council (Frederick and Washington Counties), Juvenile Coordinating Committee (Washington County), the Adult Drug Court Planning Committee (Frederick County), the Juvenile Drug Court Planning Committee (Washington County), the Criminal Defense Attorneys Association (Frederick and Washington Counties), the County Bar Associations (Frederick and Washington Counties), the National Juvenile Defenders Center, the Mid-Atlantic Juvenile Defender's Center and the National Legal Aid and Defenders Association.

Within the OPD, attorneys and staff members contribute to: the Juvenile Justice Steering Committee, the Hiring Committee, the Community Defense Project, the Legislative Committee, the Discovery Abuse Committee, the Drug Treatment Court Committee, and various *ad hoc* projects and committees as directed by the Public Defender.

Both offices enjoy well-deserved reputations for superior representation of their clients.

#### CASES OPENED BY COUNTY IN CALENDAR YEAR 2005

<b>Cases Opened</b>	<b>Circuit</b>	<b>District</b>	<b>Juvenile</b>	<b>Total</b>
Frederick	1,159	2,205	484	3,848
Washington	1,576	2,743	507	4,826
<b>Totals</b>	<b>2,735</b>	<b>4,948</b>	<b>991</b>	<b>8,674</b>

#### AVERAGE ANNUAL ATTORNEY CASELOADS

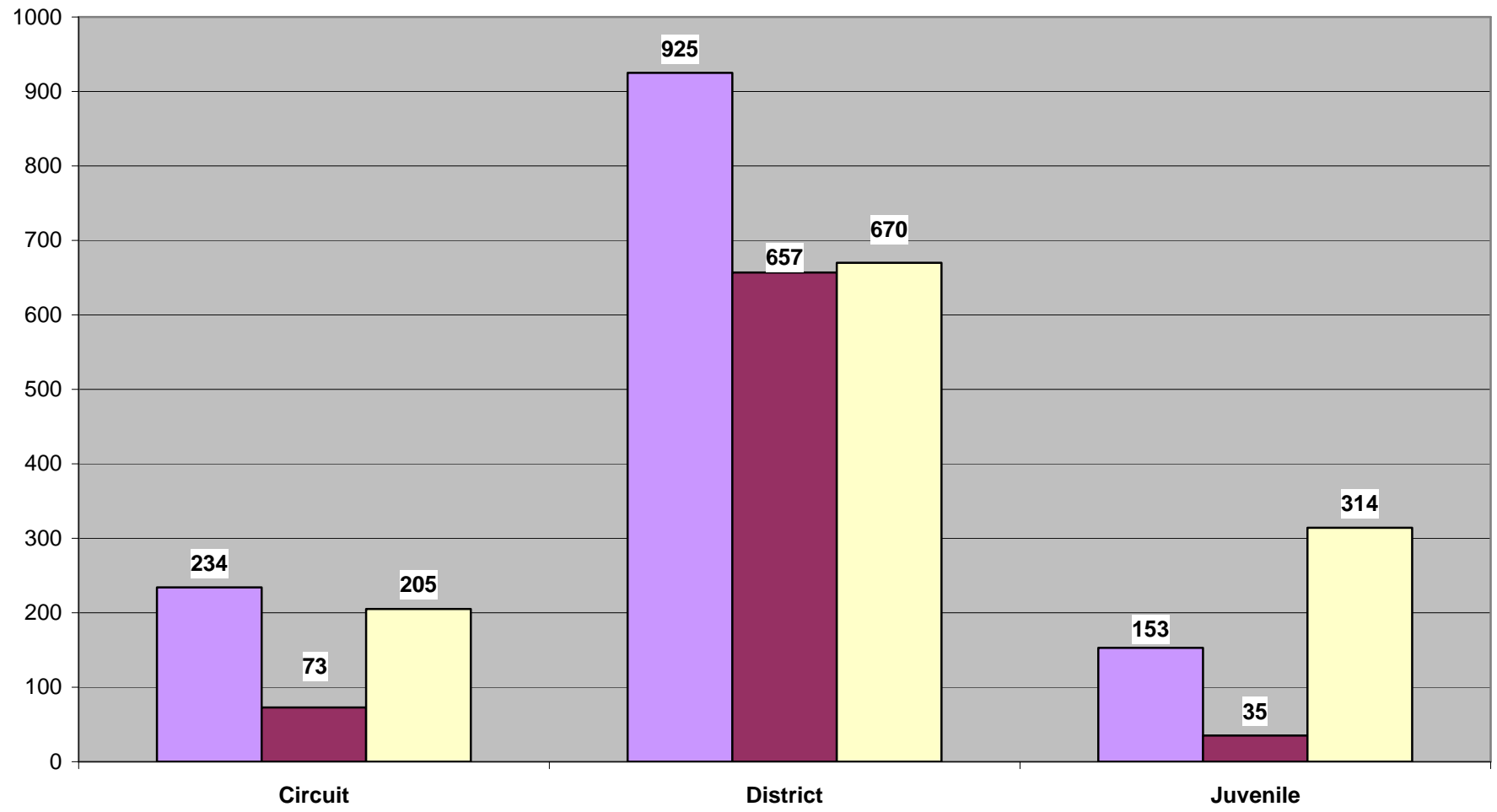
<b>District Eleven</b>	<b>Number of Cases</b>	<b>Number of Attorneys</b>	<b>Caseload*</b>	<b>Case Weighting Standards</b>
Circuit Court	2,735	8.5	291	205
District Court	4,948	6	793	670
Juvenile Court	991	3.5	225	314
Administration	N/A	1	N/A	
<b>Totals</b>	<b>8,674</b>	<b>19</b>	<b>(456)</b>	

\*Panel cases are not included in caseload calculations.



# DISTRICT TWELVE - WESTERN MARYLAND CASELOAD COMPARISONS 2004 - 2005

CY2004    CY2005    Case Weighting Standards







**DISTRICT TWELVE  
ALLEGANY AND GARRETT COUNTIES**

*Michael R. Burkey, District Public Defender*

<i>District Twelve</i>	<i>Calendar Year 2004</i>	<i>Calendar Year 2005</i>	<i>% Change</i>
Circuit Court	467	393	- 15.8%
District Court	2,774	2,703	- 2.6%
Juvenile Court	306	261	-14.7%
<b>Totals</b>	<b>3,547</b>	<b>3,357</b>	<b>-5.4%</b>

Since the Office of the Public Defender was established in 1972, District Twelve, comprised of Allegany and Garrett Counties, has been directed from the main office in Cumberland, now located at 248 N. Mechanic Street. The Garrett County office is located at 105 S. Second Street in Oakland, as originally established. The Allegany County office is staffed by the District Public Defender, the Office Manager, five Assistant Public Defenders, two investigators/intake persons, one secretary, and a contractual law clerk staff the Allegany County Office. The Garrett County Office staff consists of two Assistant Public Defenders, one secretary and one part-time investigator/intake person.

Annual statistics for 2005 show a reduction in caseload levels. The reasons for this reduction are unclear, but unlikely to reoccur. There was a rapid increase of new cases when the Western Correctional Institution (WCI) began operating and now the expansion of that complex, by the addition of a maximum-security facility, is being felt by the OPD via the cases that arise in the prison. Assaults on correctional officers are common at WCI. Most inmates who are serving life without parole are likely to insist on full trials, since there is no advantage to conducting plea negotiations. The warden expects occupancy to approach 1800 inmates.

The immediate problem is that single events occurring at an institution can create conflicts that necessitate the paneling of multiple defendants. There are not enough private practitioners qualified as felony trial lawyers available on the District's panel list. Fortunately, due largely to the increase of panel attorney compensation, some attorneys will accept conflict cases. If the rate of reimbursement remained at previous levels, the difficulty in finding competent representation for multiple defendant cases would have been extremely difficult. Recently, the office has been forced to retain panel attorneys from outside of these two counties. There are experienced attorneys in these counties who can provide quality representation but refuse to be on the Public Defender panel because of the inadequate compensation. However, if the State Public Defender is successful in her quest to increase panel attorney fees, more

qualified private practitioners will undoubtedly become available to the District and the difficulties with multiple client situations can be avoided.

With the increase in attorney staffing, which is the result of the Caseload Initiative and salary increase from pay parity, the District has succeeded in keeping experienced and well-trained attorneys, so that the staffing in both counties is currently adequate.

As in the previous years, the lack of adequate office space in Allegany County remains a problem. The new law clerk has no office, which creates a difficult situation. The addition of a social worker, now in planning stages, will absolutely necessitate expansion beyond the present office space. Although a social worker on staff will be a great benefit to the clients, arrangements will have to be made for appropriate office space.

In summary, there is currently adequate attorney staffing and adequate support staff to provide quality representation in each of the courts of both counties. The problem remains the scarcity of adequately trained and experienced panel attorneys to handle conflict cases.

**CASES OPENED BY COUNTY IN CALENDAR YEAR 2004**

<b><i>Cases Opened</i></b>	<b><i>Circuit</i></b>	<b><i>District</i></b>	<b><i>Juvenile</i></b>	<b><i>Total</i></b>
Allegany	310	1,823	216	2,349
Garrett	83	880	45	1,008
<b>Totals</b>	<b>393</b>	<b>2,703</b>	<b>261</b>	<b>3,357</b>

**AVERAGE ANNUAL ATTORNEY CASELOADS**

<i><b>District Twelve</b></i>	<i><b>Number of Cases</b></i>	<i><b>Number of Attorneys</b></i>	<i><b>Caseload*</b></i>	<i><b>Case Weighting Standards</b></i>
Circuit Court	393	2	73	205
District Court	2,703	4	657	670
Juvenile Court	261	2	35	314
<b>Totals</b>	<b>3,357</b>	<b>8</b>	<b>(420)</b>	

\*Panel cases are not included in caseload calculations.



## CHILD IN NEED OF ASSISTANCE DIVISION (CINA)

*Vanita Taylor, Chief Attorney*

<b>Case Type</b>	<b>Calendar Year 2004</b>	<b>Calendar Year 2005</b>	<b>% Change</b>
Child in Need of Assistance (CINA)	3,685	3,571	-3.1%
Termination of Parental Rights (TPR)	290	304	+4.8%
<b>Totals</b>	<b>3,975</b>	<b>3,875</b>	<b>-2.5%</b>

Created in 1991, the CINA Division of the Office of the Public Defender is a specialized division providing statewide representation for parents and legal guardians facing civil allegations of child abuse and neglect in Juvenile Court. The Division has four offices and four satellite offices providing statewide representation. The central office, located in Baltimore City, has the largest number of CINA cases and is responsible for administration of the unit. The Montgomery County office is responsible for western Maryland, the Prince George's County office is responsible for southern Maryland and the Baltimore County office is responsible for northern Maryland. The satellite offices each have one attorney, who represents clients throughout the satellite areas.

The vision of the CINA Division is to provide parents and legal guardians in Maryland with superior legal representation. The CINA Division acts to safeguard parents' constitutional right to raise their children without undue intrusion from child welfare agencies. When the clients' children have been removed from their custody, it is the duty of the OPD to provide zealous representation at every court hearing to achieve family reunification or another permanent custody arrangement that the parents request. The CINA Division's representation has been extended to include representing parents in termination of parental rights (TPR) cases, guardianship review hearings, mediation meetings and family dependency drug courts. The OPD's role is also to assist the clients in making decisions that are in the best interest of their families without undue influence, duress or coercion.

The first CINA mediation program, the Baltimore City Child-Centered Mediation Project, was created in Baltimore City in 2001 to mediate cases at the Shelter Hearing level. The project initially began with a federal grant but received funding this year from MACRO and the Administrative Office of the Courts. Because the program is successful in reducing the number of contested TPR trials, the Court has requested continued funding for the program through Family Court funds. The program accepts referrals from any party including the court. A neutral mediator meets with the birth

parent and the proposed adoptive parent in the community in order to prepare an agreement wherein the birth parents' parental rights are terminated but they have continued contact with their children. The parents' attorney reviews these agreements for legal sufficiency and, if approved, the agreement is incorporated but not merged into the final guardianship order. Due to the success of the Baltimore City project, other jurisdictions have created their own TPR mediation programs. New legislation enacted in January 2006 guarantees the parents' rights to request post adoption contact with their children if it is in the child's best interest. This new legislation is a major step towards openness in state action adoptions in Maryland. However, the cases that are not resolved through mediation are now scheduled for trials averaging two to five days in length.

It is the OPD policy that all cases, with the exception of cases where the parent has been criminally charged or a criminal investigation is pending, may be referred for mediation. The CINA Division has members on each county advisory board that has mediation programs who participate in the training of the mediators. The current CINA staffing levels will be challenged as the mediation programs are expanded across the state. In many cases, while the mediation process often reduces court time, mediation has not reduced attorney time per case because the mediation sessions range between two and six hours. In Prince George's County, where mediation occurs before the disposition hearing, the cases are scheduled for a minimum of three hours and are frequently reset for another three-hour session. In Montgomery County, mediation occurs at the beginning of the case, prior to the adjudication hearing and will be expanded to include the Permanency Planning Hearing and TPR stage. Both Baltimore and Charles Counties have mediation at the Permanency Planning and TPR hearing stages. All Juvenile Courts are currently looking at how their jurisdiction operates in order to determine at what stage should mediation be added to their juvenile court services.

Several recently passed statutes will require additional hearings per case in CINA and TPR matters.

- House Bill 771, "Children in Out of Home Placements & Permanency Plans," clarifies federally mandated plans and the frequency that the court must review these plans.
- House Bill 957, "Truancy Bill and Pilot Project" aims to have additional accountability from parents and fosters the creation of Truancy Courts.
- House Bill 935, "CINA Priority of Placement of Foster Children in Kinship/Relative Placements" recognizes the federal requirement that prior to foster care placement, the state is required to attempt to locate relatives and consider them for placement of the children.

- Senate Bill 696, “Reasonable Efforts Court Determinations” requires the Juvenile Court to make specific court findings on the record as federally required. This statute will possibly lengthen the current court hearings.
- Senate Bill 710, “Permanency for Families and Children Act of 2005” is a complete revision and re-codification of the state’s termination of parental rights, adoption and guardianship procedures. This bill has divided the three types of cases based upon the status of the petitioner into separate sections. The Public Defender had two representatives on the committee that drafted the bill and they were successful in incorporating due process rights and the fundamental right to raise children without governmental interference. However the statute does require additional out of court responsibilities for OPD staff.
- Senate Bill 746, “Custody and Guardianship,” known as the “Cierra Jobes” bill, sets out the court process for the granting of custody and guardianship to a relative or non relative for foster children. This bill requires additional hearings before the court can render a decision on permanent placement with a relative and requires annual hearings on all cases when the court maintains jurisdiction. In 2006, the legislature awarded the Department of Human Resources (DHR) additional money to increase the subsidy for kinship placements and to add additional families to the pilot group of relatives willing to accept orders of custody and guardianship of the children in their care.

During 2006, a statewide trend has been the creation of local Dependency Drug Courts in CINA cases. The Administrative Office of the Courts hired a project manager to monitor and encourage the development of drug treatment courts throughout the state. Baltimore City and Harford County have the only two operating CINA programs at this time but four other jurisdictions (Baltimore County, Prince George’s County, Talbot County and Worcester County) have established teams and are soliciting funding for their programs. Although the courts are modeled after the criminal drug treatment court, in the area of child welfare cases CINA parents cannot face incarceration as a sanction for positive urine results or failure to complete the program.

As a result of collaboration between the Baltimore City DSS, the Governor’s Office of Children and Youth, the Family League of Baltimore City and the Safe & Sound Project as well as all the stakeholders involved in juvenile court a new program titled the Family Recovery Project (FRP) has been implemented. The project has received \$2 million in funding from the Casey Foundation, T. Rowe Price and the Family League. This project has been embraced by the Governor’s Office on Children and Youth, the Department of Human Resources (DHR), as well as the Juvenile Court. The unique feature of the project is that the Governor has agreed that 40% of the money saved through decreased stays in foster care will be returned to the program for parental substance abuse treatment. In addition, a private vendor that specializes in substance abuse treatment will do the addiction treatment plans and monitoring of the parents. The governor signed the Maryland Opportunity Compact on August 1, 2005.

The success of the Compact and the Baltimore City program is critical to CINA and TPR clients seeking reunification with their children since 80% of all CINA cases involve some form of substance abuse.

In addition DHR through the local DSS has to implement their statewide program improvement plan (PIP) as a result of the State's failure to meet federal DHHS guidelines. Part of this change is to use the "family to family" community mediation/facilitation approach to problems involving allegations of child abuse or neglect. Currently, the programs in Baltimore City, Prince George's County and Wicomico County do not anticipate the involvement of parent's counsel in the facilitation meetings held prior to the Emergency Shelter Hearings. The Maryland Judiciary has introduced the Model Court pilot program in Baltimore City and Charles County to improve outcomes for children in the court system. The implementation of these programs is scheduled for October 2006. The Baltimore City program recommends a system of a one master/one family for both the CINA and delinquency cases, however the impact of the plan given the potential for conflict between two divisions of the OPD, has not been given sufficient study or consideration. The resources to implement the Court's model court plans have not been identified since additional judicial, clerical and attorney resources are required.

While the numbers of CINA and TPR cases have not increased, the numbers of hearings per case has increased to the point that the courts across the state have increased the number of judicial officers to handle these dockets. Montgomery County has added a new Judge. Baltimore County, Wicomico, Harford Frederick and Anne Arundel Counties have all added new Masters to handle the additional hearings. In Southern Maryland, instead of hiring additional judicial officers, the counties have added additional CINA hearing days to their juvenile dockets. Baltimore County and Prince George's County have cross-designated additional judges from the Family Division to handle the overflow of CINA and TPR cases.



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**PROGRAM .003 APPELLATE DIVISION AND COLLATERAL REVIEW DIVISION**

**The Appellate Division has statewide responsibility for all appellate litigation involving public defender clients and provides educational and research services for staff and panel attorneys throughout the twelve public defender districts. The Appellate Division provides representation through use of staff and panel attorneys in appeals, reviews and files appropriate petitions for writs of certiorari, provides continuing education in criminal law and procedure through seminars and newsletters, and provides a central source of information to public defenders throughout the state.**

**The Collateral Review Division provides assistance to indigent inmates for post convictions, parole violations, habeas corpus, extradition, detention, “jail time” credit and transcript requests. The Collateral Review Division provides counsel for collateral criminal proceedings throughout the twelve districts of the public defender system.**

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## APPELLATE DIVISION

*Michael R. Braudes, Chief Attorney*  
*Geraldine K. Sweeney, Deputy Chief Attorney*

<i>Case Type</i>	<i>Calendar Year 2004</i>	<i>Calendar Year 2005</i>	<i>% Change</i>
Criminal Appeals	615	752	+22.3%
Certiorari Petitions Filed	27	23	-14.8%
CINA/TPR Appeals	74	111	+50.0%
Total Cases Opened	716	886	+23.7%

The Appellate Division of the OPD has statewide responsibility for all appellate litigation involving public defender clients. Representation includes appeals from criminal convictions, findings that a child is in need of assistance, termination of parental rights, and a variety of less frequent dispositions. The Division provides representation in the Maryland Court of Special Appeals, the Maryland Court of Appeals and the United States Supreme Court. The Division also provides research and consultation on legal issues to staff and panel attorneys throughout the State. Members of the Division frequently participate as instructors in statewide programs offered by the Training Division, and in training relating to specific client groups such as juveniles.

Additionally, the Appellate Division participates with the University of Maryland School of Law and the University of Baltimore School of Law in their clinical Appellate Advocacy programs. Law students are assigned to Division attorneys for supervision in preparing a brief and presenting oral argument in the Court of Special Appeals.

The Appellate Division staff consists of the Division Chief, a Deputy Division Chief, an office manager, three supervising attorneys, eighteen additional full-time attorneys, one part-time attorney, six secretaries, two clerical support persons and one part-time law clerk.

Individual attorney caseloads continue to substantially exceed the standard set by the American Bar Association and Agency standards. This is true largely because new attorneys in training and the supervisors training them are unable to handle a full caseload during the training period. This leaves an excessive number of cases for experienced non-supervisors to handle.

As the chart above reflects, the Division's caseload has substantially increased and a significant backlog of unassigned cases has developed. The Division is working proactively with Administration to address this problem through expansion of the staff

and measures within the Division to increase efficiency. Under the direction of the Deputy Chief, high quality *pro bono* attorneys have been recruited to handle OPD appeals. The Division's goal is to provide excellent representation to every client while reducing the current long delay between a new client's sentencing and the processing of his or her appeal.

## COLLATERAL REVIEW DIVISION

*D. Scott Whitney, Chief Attorney*  
*Norman Handwerger, Deputy Chief Attorney*

<i>Case Type</i>	<i>Calendar Year 2004</i>	<i>Calendar Year 2005</i>	<i>% Change</i>
Post Convictions Received	1,223	1,084	-11.4%
Parole Revocations	1,278	1,165	-8.8%
<b>Totals</b>	<b>2,501</b>	<b>2,249</b>	<b>-10.1%</b>

<i>Miscellaneous</i>	<i>Fiscal Year 2004</i>	<i>Fiscal Year 2005</i>	<i>% Change</i>
Post Sentence Assistance Unit	3,587	3,142	+ 5.3%

The Collateral Review Division represents clients at post conviction hearings and extradition hearings in the Circuit Court of every jurisdiction in Maryland. It also represents parolees at revocation hearings on a regular basis at correctional institutions in the Baltimore Metropolitan area. It maintains an office at the Maryland Reception, Diagnostic and Classification Center (MRDCC) in Baltimore to assist and provide information to inmates incarcerated in the Maryland Division of Correction.

The Collateral Review Division includes a Chief Attorney, a Deputy Chief Attorney, two supervising attorneys and twelve additional attorneys. An office manager, one investigator, three secretaries and one law clerk provide support. The office at MRDCC consists of a coordinator, one legal assistant, two public defender aides and a secretary.

During 2005, this Division opened 1084 new post conviction cases. Attorneys in the Collateral Review Division obtained 24 new trials, 26 new sentencing hearings, 11 belated appeals, 140 belated motions for reduction of sentence, 20 corrections of illegal sentences and 11 granted Applications for Leave to Appeal for their clients. This Division also handled 1,165 parole revocation hearings during 2005.

The Chief Attorney also received a large volume of inquiries from inmates, their families, OPD attorneys, other government agencies and the judicial system. During the past year, the Chief Attorney responded to 832 such inquiries. The responses to inmates' inquiries pertained to sentence calculations, detainers, the effect of recent cases on their convictions and sentences, requests for documents under Maryland's

Public Information Act and other miscellaneous matters. He also referred inmates to other Divisions of the OPD or to other agencies for assistance or additional information.

### **POST SENTENCE ASSISTANCE UNIT**

The Post Sentence Assistance Unit (PSAU), located at the MRDCC in Baltimore City, interviews inmates there and the Maryland Correctional Institution for Women in Jessup. These inmates have been recently sentenced and are being classified by the Division of Correction for transfer to various correctional institutions around the State. They also interview inmates detained on parole retake warrants. Orientation booklets were distributed to 10,647 inmates and PSAU staff interviewed 3,142 inmates. During 2005, PSAU filed 39 district court appeals and 151 circuit court appeals (which include referrals for Applications for Leave to Appeal). They referred to the appropriate district and/or division requests for five post convictions, 797 motions for reconsideration of sentence as well as 1,383 requests for representation on pending matters.

In addition, the Chief Attorney, who is the liaison between the Collateral Review Division and the PSAU, addressed by letter or personal interview, issues raised by 158 newly-sentenced inmates. Their concerns regarded sentence construction, parole revocation, post-trial motions, drug treatment and extradition.

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**PROGRAM .004 INVOLUNTARY INSTITUTIONALIZATION SERVICES DIVISION**

**The Involuntary Institutionalization Services (Mental Health) Division provides assistance of counsel to every indigent person involuntarily confined, pursuant to the Health General Article, Annotated Code of Maryland, to a facility under the jurisdiction of or licensed by the Department of Health and Mental Hygiene. The services include: representation of indigents admitted to mental institutions, six-month and annual reviews of persons committed to mental institutions and representation of indigents seeking judicial release from mental institutions.**

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**INVOLUNTARY INSTITUTIONALIZATION SERVICES DIVISION  
(MENTAL HEALTH DIVISION)**

*Lois I. Fisher, Chief Attorney  
Mark T. Scully, Deputy Chief Attorney*

<i>Case Type</i>	<i>Calendar Year 2004</i>	<i>Calendar Year 2005</i>	<i>% Change</i>
Involuntary Commitment	6,294	5,823	-7.5%
Not Criminally Responsible	N/A	406	N/A
Incompetent to Stand Trial	N/A	255	N/A
Total Cases Opened	6,294	6484	+3.0%

The Mental Health Division provides legal counsel to indigent persons who have been involuntarily confined to mental health facilities pursuant to Maryland law. Mental Health Division attorneys provide direct representation in civil commitment proceedings. They also provide representation to patients in mental health facilities who have been found not criminally responsible, or not competent to stand trial for an extended period of time. The Mental Health Division provides direct representation in some criminal cases in which the client's mental health is a critical issue. In an administrative capacity, the Division Chief Attorney and Deputy Chief Attorney monitor costs and coordinate the use of mental health experts throughout the Agency.

The Mental Health Division provides representation at hearings within the Department of Health and Mental Hygiene facilities, private psychiatric hospitals, and psychiatric units of general hospitals and in courts throughout the state. During 2005, there were 6,484 patient contacts, with individuals scheduled for hearings in over 40 mental health facilities. This figure has increased 3% from 2004. These figures are based on the number of cases opened in the year and do not include the number of cases that are carried over from the proceeding year.

The number of cases in which clients have civil commitment hearings is deceptive in terms of workloads. Over the years, the cases have become more complex and longer in duration. This is partly attributable to the decreasing number of available psychiatric beds in the public mental health system which in turn causes many patients to remain in emergency rooms for extended periods of time during which they do not receive mental health treatment. Consequently, the patients who do become committed to inpatient facilities are extremely ill. Another contributing factor to the increase in the complexity of the cases is the extreme shortage of community placements for children and adolescents with mental illness. Some departments of social services have refused to comply with summons issued by the Office of

Administrative Hearings, stranding children and adolescents in hospitals, which requires Division attorneys to pursue other legal remedies for release.

The hearing statistics can be misleading in terms of staff time and resources if viewed superficially. In addition to conducting investigations for all cases involving involuntary civil commitment to mental health facilities, Mental Health Division investigators interview all defendants in psychiatric facilities who request representation for any criminal case throughout the state. Also, the Mental Health Division has responsibility to insure that all eligible defendants committed to state psychiatric facilities for pre-trial evaluation are represented by an OPD attorney. The Mental Health Division attorneys and investigators frequently act as liaisons between defendants and the trial attorneys as well as between the hospital staff and trial attorneys.

The civil commitment cases that “conclude without a hearing” generally require equal amounts of staff time and preparation as those cases that result in a hearing. Many hearings are not canceled until after the investigator has interviewed the client, reviewed the records and gathered all crucial facts from the patient. Frequently, the hearings are not canceled until the attorney has arrived at the hearing location and prepared for a contested hearing. Hearings may be canceled for a variety of reasons. Doctors frequently discharge patients after the investigator’s interview but prior to the hearing. This is often the result of managed care by both private insurance and the public mental health system, which has shortened hospital stays to the point that many patients are discharged before becoming psychiatrically stable. Additionally, some patients agree to voluntarily remain in the hospital after consultation with their attorney. This often requires negotiation between the hospital and the attorney on behalf of the patient. These negotiations may result in a patient’s discharge after the doctor sees the deficits in the hospital’s case.

Cases in which an individual is found not criminally responsible (NCR) are the responsibility of the Mental Health Division. These clients are entitled to an initial release hearing within 50 days of the NCR finding and an annual release hearing. Many clients who initially request an annual hearing withdraw their requests after the attorney and investigator have spent many hours and resources in preparation. These cases tend to be more complex because they require significant preparation, including psychiatric evaluation of the client and preparation of expert witnesses. Release from a NCR commitment involves many parties, including the State’s Attorney, the Attorney General, the hospital and patient. It is a many tiered process in which the patient has a hearing before an Administrative Law Judge who then makes a recommendation to the District Court or Circuit Court judge. The judge makes the final decision whether to continue the patient’s commitment, release the patient without condition or release the patient with conditions. Mental Health Division attorneys represent these patients at all stages of this process.

There has also been a significant increase in the number of administrative hearings involving mentally retarded patients represented by the Mental Health Division. Division attorneys represent the mentally retarded patients who are committed to

Rosewood State Residential Center due to criminal charges or have been found not competent to stand trial. Many retarded defendants who are not competent will never achieve competence and are likely to be committed to State facilities for an extended period of time. Because these criminal cases cannot be resolved by trial or guilty plea, the defendants can be committed indefinitely without proper representation. The number of mentally retarded clients committed to the Rosewood Center remains fairly consistent due to the release of some patients and the admission of others. The Mental Health Division attorneys have assisted in the release of some patients.

The complexity of the caseload has also changed in recent years. As hospital stays are shortened and more mentally ill patients are returned to the community before they are medically stable, the number of mentally ill individuals who are arrested and incarcerated has increased dramatically. This results in a proportionate increase in the number of court committed patients in the State hospitals. The Department of Health and Mental Hygiene currently reports that in excess of 50% of patients in state psychiatric beds are court-committed relating to criminal charges. Mental Health Division attorneys have become more involved in efforts to divert mentally ill defendants from the criminal justice system into the mental health system. They work with trial attorneys to find alternatives to the prosecution of minor crimes and work with the hospitals to find alternatives to incarceration for seriously mentally ill defendants who are in pretrial status.

In response to this dramatic rise in the number of mentally ill defendants in the jails, detention centers and correctional facilities, an Inter-Agency Forensic Services Committee was formed consisting of representatives from the legal, health care, corrections and criminal justice communities. The goal of this committee is to resolve issues and facilitate transition between agencies that serve the mentally ill. The Chief Attorney represents the OPD on this committee and chairs a subcommittee addressing the issues of mentally ill defendants who are in pretrial status. The Chief Attorney was a member of a legislative workgroup, chaired by Judge George Lipman, which drafted a bill amending the statute addressing defendants who have been found incompetent to stand trial. The Chief Attorney also participates in another legislative workgroup that is addressing the needs of mentally ill inmates who are released from incarceration and diversion from the criminal justice system for people who are mentally ill.

The Division also works with other committees addressing issues relating to the mentally ill in the criminal justice system. One issue this year has been the plausibility of creating mental health dockets in the District Courts. Currently, there are specific Mental Health Courts in Baltimore City and Harford County District Courts. Several other counties are exploring implementing similar courts as well as programs to find alternatives to incarceration for defendants with mental illness.

In August of 2005 the Mental Health Division relocated from Towson to a suite in the One Calvert Center Building in downtown Baltimore. This move has facilitated more interaction between the division and administration as well as other divisions.

The Mental Health Division remains involved in the daily advocacy for mental ill patients and developmentally disabled people and continues its participation in all relevant groups that address the problems of the mentally ill and developmentally disabled in the criminal justice system.

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**PROGRAM .005 CAPITAL DEFENSE DIVISION**

**The Capital Defense Division coordinates on a statewide basis the delivery of legal defense services in capital murder cases. The Division consults with the Public Defender and the District Public Defenders on appointment of counsel, arranges for experts and investigators, supports and advises appointed counsel, gathers data on sentencing in homicide cases and tracks costs. The Division educates staff and panel attorneys through its publications and annual training seminars.**

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## CAPITAL DEFENSE DIVISION

*Katy C. O'Donnell, Chief Attorney*  
*Stefanie McArdle, Deputy Chief Attorney*

<b>Caseload:</b>	<b>FY2005</b>	<b>FY2006</b>	<b>% Change</b>
Cases Transferred From Previous Fiscal Year	18	17	-5.5%
Cases Opened (trial/penalty phase)	16	15	-6.2%
Cases Closed (trial/penalty phase)	17	18	+5.8%
Cases Active During the Fiscal Year	43	41	-4.6%
▪ trials/penalty phases	34	32	-5.8%
▪ direct appeals	1	1	0.0%
▪ post conviction (hearings and appeals)	3	2	-33.3%
▪ commutation/collateral matters	5	5	0.0%

The Capital Defense Division coordinates, on a statewide basis, the delivery of legal defense services in capital eligible murder cases. The Division consults with the Public Defender and the District Public Defenders on appointment of counsel, arranges for experts and investigators, supports and advises appointed counsel on all aspects of capital litigation, maintains relevant statistical data and educates staff and panel attorneys through written materials and training seminars. The Division also provides direct representation on assigned trial level cases.

The Division is located at 201 E. Baltimore Street, Suite 1210 in Baltimore. In addition to the Chief Attorney, there are three attorneys, one social worker, and an office manager.

### **FISCAL 2006 TRIAL LEVEL CASES**

As fiscal 2006 began, there were 17 open capital murder cases in the State. Litigation in capital murder cases typically spans several fiscal years and the breakdown for cases transferred from fiscal 2005 to fiscal 2006 is as follows: 12 cases from fiscal 2005, one case from fiscal 2004, and four cases from fiscal 2003. Fifteen new cases were opened during the course of fiscal 2006. The result is a total of 32 active capital cases at the trial or sentencing level during the course of the fiscal year.

During fiscal 2006, 18 of these cases have been closed. Fourteen cases will transfer into fiscal 2007. A case is considered closed at the trial or sentencing level for Capital Defense Division statistical purposes when the question of whether the prosecution seeks a life or death disposition has been finally resolved, even if the case itself has not been actually concluded. The following chart lists all potential methods by which these cases may be resolved even if some were not employed during the current year. It specifically reflects the resolution of the 18 cases closed in fiscal 2006:

State Dropped Or Did Not Pursue Charges .....	1
Death Notice Not Filed .....	13
Death Notice Withdrawn (with no agreement) .....	0
Plea Agreement .....	2
Life Without Parole .....	(1)
Life With Parole .....	(1)
Lesser Sentence .....	(0)
Not Guilty at Trial .....	0
Judge .....	(0)
Jury .....	(0)
Trial Resulted in No Capital Sentencing .....	2
Not Guilty First Degree Murder .....	(1)
Not Guilty Aggravating Circumstance. .	(0)
State Unilaterally Withdrew Notice.....	(1)
Sentencing Resulted in Death .....	0
Judge .....	(0)
Jury .....	(0)
Sentencing Resulted in Life Without Parole .....	0
Judge .....	(0)
Jury .....	(0)
Sentencing Resulted in Life With Parole .....	0
Judge .....	(0)
Jury .....	(0)
<b>TOTAL .....</b>	<b>18</b>

In a continuing and constructive trend, approximately 72% of the above 18 cases, were effectively diverted from being prosecuted as capital cases by defense efforts. This was successfully accomplished by convincing the State pretrial that a notice to seek a sentence of death should not be filed because it did not satisfy legal criteria or because it was not warranted despite technical eligibility.

Of the four cases in which the State did file a notice to seek a sentence of death, two were diverted from going to trial as capital cases through successful plea negotiations that resulted in the imposition of lesser sentences. Only two of the remaining cases actually proceeded to trial as capital cases. In one of those cases, the defendant was acquitted of first-degree murder and convicted only of manslaughter making him ineligible for the death penalty. In the second case, the defendant was



convicted of first-degree murder, but the State chose to unilaterally withdraw the death notice prior to sentencing so that no capital penalty proceeding was ever conducted. Accordingly, not a single case went to a capital sentencing proceeding in fiscal 2006. Accordingly, no death sentences were imposed.

**FISCAL 2006 POST TRIAL LEVEL CASES**

The Division coordinates post trial representation and tracks the movement of cases through all stages of the judicial process. The following is a description of the progress and resolution of cases during fiscal 2006 as they advanced through various levels of post trial legal challenges.

**APPELLATE CASES:**

These cases are handled by the Appellate Division of OPD and are monitored by the Capital Defense Division primarily for current issues of legal significance, statistical purposes, and future resource planning and commitment. At the outset fiscal 2006, there was one capital case pending on direct appeal. The death sentence in this case has been vacated by the Court of Appeals and it has been returned to the trial level for a new sentencing proceeding. Because no new death sentences were imposed in this fiscal year, no appellate level cases will transfer into fiscal 2007:

Direct Appeal pending.....	0
Judgment Reversed, Death Sentence Vacated .....	0
Judgment Affirmed, Death Sentence Vacated .....	1
Judgment and Sentence Affirmed .....	0
Appeal Mooted by Natural Death.....	0

**POST CONVICTION:**

At the outset of fiscal 2006, the Division had only one capital case pending at this initial stage of the State post conviction process. This case is still pending and will transfer into fiscal 2007. No new post conviction cases were opened during this fiscal year:

Post Conviction Hearing Pending.....	1
Post Conviction Relief Granted, State Concedes .....	0
Post Conviction Relief Granted, State Appeals .....	0
Post Conviction Relief Denied, Defendant's Application for Leave to Appeal Granted .....	0

## **POST CONVICTION APPEAL:**

At the outset of fiscal 2006, there was one case pending at this level of the appellate process. The case had been granted post conviction relief at the Circuit Court level and the defendant's death sentence was vacated. The State filed an appeal to the Court's ruling. The appeal is still pending and will transfer into fiscal 2007.

## **FEDERAL HABEAS/COLLATERAL STATE CHALLENGES:**

The OPD does not represent clients in Federal Court, but the Division carefully monitors the cases because collateral state challenges, clemency proceedings, and state execution will follow upon exhaustion of federal claims. At the outset of fiscal 2006, five cases had advanced to the federal system and/or had collateral state challenges pending. The litigation in four of these cases continues and these cases will transfer into fiscal 2007.

## **COMMUTATION:**

During fiscal 2006, four defendants have been involved in the preparation for clemency. Governor Ehrlich denied clemency to Wesley Eugene Baker on December 4, 2005, hours before his execution. The remaining cases will transfer into fiscal 2007.

## **EXECUTIONS:**

Wesley Eugene Baker was executed by way of lethal injection by the State of Maryland on December 4, 2005.

## **FINANCIAL MATTERS**

In fiscal 2006, the Division recorded the approval of **total expenditures** of \$360,511 for outside services apart from the costs of maintaining the Division itself. This is a significant 28% decrease from the \$499,368 total expenditures for fiscal 2005.

Major expenditures for fiscal 2006 break down as follows:

<b><i>Expenditure</i></b>	<b><i>FY 2005 Amount</i></b>	<b><i>FY 2006 Amount</i></b>	<b><i>% Change</i></b>
Attorney Fees	\$123,486	\$74,000	-40%
Mitigation & Investigation	\$170,614	\$172,256	1%
Psychologists	\$35,729	\$25,118	-30%
Psychiatrists	\$68,892	\$30,280	-56%
DNA	\$4270	\$8452	98%
Other Forensic	\$9453	\$5488	-42%
<b>Total Major Expenses</b>	<b>\$412,444</b>	<b>\$315,594</b>	<b>-23%</b>

Total yearly expenditures reflect a substantial reduction in costs during fiscal 2006. Though there has been only a very slight decrease in the total number of active cases handled this year and an actual increase in the number of cases closed, it is especially evident that in the area of capital litigation, costs can not be adequately predicted on the basis of volume of cases alone. The complexity and protracted nature of specific litigation will greatly influence the necessary expenditures. This year for instance, twice as many cases were successfully diverted from having a death notice filed as during the last fiscal year. This achievement dramatically effects costs in most capital litigation areas including attorneys fees, mental health experts, and numerous other related costs of case preparation. As always, since litigation in capital cases commonly extends over several fiscal years, fluctuations in costs can be anticipated.

Costs associated with mitigation and investigation; however, remain virtually unchanged, as these areas are critical in demonstrating either legal ineligibility for capital prosecution or in light of case specific mitigating factors, that a death sentence is not warranted. When both the prosecution and the defense can agree that a case is not appropriate for capital prosecution in the earlier stages of litigation, there is a significant savings in resources and expenditures. Accordingly, the Capital Defense Division will continue to employ techniques and commit resources to further sustain this successful and cost saving resolution to potential death penalty cases.



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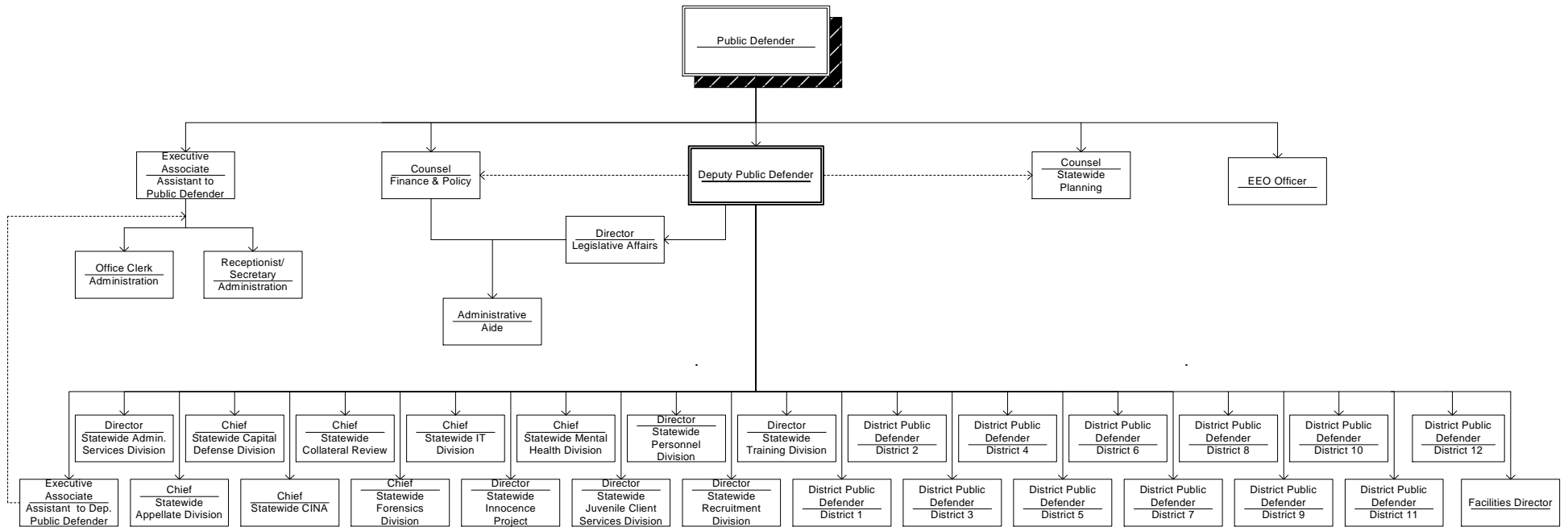
## **APPENDICES**

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# APPENDIX A ORGANIZATIONAL CHART

## Office of the Public Defender



**KEY**

- ↓ Solid lines indicate direct supervision over the positions in the boxes that the arrow is directed and all other positions under it.
- ⋮ Dotted lines indicate authority and/or indirect supervision over the positions in the boxes that the arrow is directed and all other positions under it.
- ⋮ Dotted boxes indicate that the position is also listed as a solid box under the position that has direct supervision.
- ▣ Highlighted boxes indicate that the position has the authority of the shadowed box in the absence of the person in the position of the shadowed box.

**APPENDIX B  
COUNTIES BY DISTRICT**

<b><i>DISTRICT</i></b>	<b><i>COUNTY</i></b>
District 1	Baltimore City
District 2	Dorchester County Somerset County Wicomico County* Worcester County
District 3	Caroline County Cecil County Kent County Queen Anne's County* Talbot County
District 4	Calvert County Charles County* St. Mary's County
District 5	Prince George's County
District 6	Montgomery County
District 7	Anne Arundel County
District 8	Baltimore County
District 9	Harford County
District 10	Carroll County Howard County*
District 11	Frederick County* Washington County
District 12	Allegany County* Garrett County

**\*District Headquarters Office**



## APPENDIX C DISTRICTS BY COUNTY

<i>County</i>	<i>District</i>
Allegany County	District 12
Anne Arundel County	District 7
Baltimore County	District 8
Baltimore City	District 1
Calvert County	District 4
Caroline County	District 3
Carroll County	District 10
Cecil County	District 3
Charles County	District 4
Dorchester County	District 2
Frederick County	District 11
Garrett County	District 12
Harford County	District 9
Howard County	District 10
Kent County	District 3
Montgomery County	District 6
Prince George's County	District 5
Queen Anne's County	District 3
Somerset County	District 2
St. Mary's County	District 4
Talbot County	District 3
Washington County	District 11
Wicomico County	District 2
Worcester County	District 2

**APPENDIX D  
CY 2005 CASES OPENED BY DISTRICT AND DIVISION**

<i><b>District:</b></i>	<i><b>Circuit Court</b></i>	<i><b>District Court</b></i>	<i><b>Juvenile Court</b></i>	<i><b>Total</b></i>
District One	20,188	56,896	6,528	83,612
District Two	2,484	6,228	785	9,497
District Three	1,754	4,157	645	6,556
District Four	1,672	4,791	611	7,074
District Five	4,006	12,258	1,219	17,483
District Six	2,016	9,696	877	12,589
District Seven	2,194	9,322	1,101	12,617
District Eight	3,741	9,268	2,438	15,447
District Nine	1,548	2,842	577	4,967
District Ten	1,658	3,273	1,034	5,965
District Eleven	2,735	4,948	991	8,674
District Twelve	393	2,703	261	3,357
<b>TOTALS</b>	<b>44,389</b>	<b>126,382</b>	<b>17,067</b>	<b>187,838</b>
<b>Division:</b>				
	<i><b>Case Opened</b></i>			<i><b>Total</b></i>
Appellate	886			886
Capital Defense		15*		
Collateral Review	2,249			2,249
CINA	3,875			3,875
Innocence Project		27**		
Mental Health	6,484			6,484
<b>Division Totals</b>				<b>13,494</b>
*Cases not counted in total because cases are opened in Districts.				
**Case not counted in total.				
<b>GRAND TOTAL -</b>				<b>201,332</b>

**APPENDIX E  
CY 2005 CASES OPENED BY CASE TYPE AND BY COUNTY**

Cases Opened	AreaOfLaw																
	Counties	Circuit					Circuit Total	District					District Total	Juvenile		Juvenile Total	Grand Total
		CI	DA	JT	NS	SC		VC	CR	PH	SD	TR		VD	JUV		
<b>Baltimore City</b>																	
<b>District 1</b>	8,349	265	6,363	508	129	4,574	20,188	43,363	5,613	155	4,665	3,100	56,896	6523	5	6,528	83,612
<b>Dorchester</b>	73	6	26	9	9	73	196	640	47	4	195	94	980	142	3	145	1,321
<b>Somerset</b>	122	7	126	18	12	47	332	457	100	4	135	18	714	111	10	121	1,167
<b>Wicomico</b>	449	19	336	58	30	303	1,195	1,490	373	6	745	134	2,748	408		408	4,351
<b>Worcester</b>	169	20	341	83	13	135	761	1,094	167	5	422	98	1,786	111		111	2,658
<b>District 2</b>	813	52	829	168	64	558	2,484	3,681	687	19	1,497	344	6,228	772	13	785	9,497
<b>Caroline</b>	66	6	94	4	3	58	231	515	15		217	45	792	105	3	108	1,131
<b>Cecil</b>	243	10	373	93	35	188	942	866	126	6	381	105	1,484	345	10	355	2,781
<b>Kent</b>	53	3	81	5	13	43	198	233	15	6	110	18	382	52	3	55	635
<b>Queen Anne's</b>	33	3	63	12	15	26	152	351	18	28	218	105	720	70	2	72	944
<b>Talbot</b>	93	2	37	4	21	74	231	421	66	2	198	92	779	55		55	1,065
<b>District 3</b>	488	24	648	118	87	389	1,754	2,386	240	42	1,124	365	4,157	627	18	645	6,556
<b>Calvert</b>	81	5	63	93	17	78	337	821	3	14	277	92	1,207	160	3	163	1,707
<b>Charles</b>	339	13	194	119	61	194	920	1,474	77	14	473	191	2,229	205	54	259	3,408
<b>St. Mary's</b>	209	4	86	43	14	59	415	886	9	20	370	70	1,355	164	25	189	1,959
<b>District 4</b>	629	22	343	255	92	331	1,672	3,181	89	48	1,120	353	4,791	529	82	611	7,074
<b>Prince George's</b>																	
<b>District 5</b>	1,966	10	1,285	38	75	632	4,006	7,386	1,750	7	2,784	331	12,258	1218	1	1,219	17,483
<b>Montgomery</b>																	
<b>District 6</b>	826	443	14	214	123	396	2,016	5,616	909	19	2,300	852	9,696	803	74	877	12,589
<b>Anne Arundel</b>																	
<b>District 7</b>	907	202	324	80	102	579	2,194	6,548	329	35	1,585	825	9,322	1075	26	1,101	12,617
<b>Baltimore</b>																	
<b>District 8</b>	1,497	392	488	109	419	836	3,741	5,079	959	230	2,171	829	9,268	2425	13	2,438	15,447

Cases Opened	AreaOfLaw																	
	Counties	Circuit						Circuit Total	District					District Total	Juvenile		Juvenile Total	Grand Total
		CI	DA	JT	NS	SC	VC		CR	PH	SD	TR	VD		JUV	VJ		
Harford																		
<b>District 9</b>	266	58	700	54	52	418	1,548	1,602	174	79	603	384	2,842	504	73	577	4,967	
Carroll	165	27	336	20	113	288	949	923	82	21	252	145	1,423	482	31	513	2,885	
Howard	164	25	233	8	107	172	709	1,050	94	80	415	211	1,850	512	9	521	3,080	
<b>District 10</b>	329	52	569	28	220	460	1,658	1,973	176	101	667	356	3,273	994	40	1,034	5,965	
Frederick	240	56	475	53	105	230	1,159	1,166	168	66	662	143	2,205	375	109	484	3,848	
Washington	356	90	566	170	78	316	1,576	1,636	273	54	528	252	2,743	388	119	507	4,826	
<b>District 11</b>	596	146	1,041	223	183	546	2,735	2,802	441	120	1,190	395	4,948	763	228	991	8,674	
Allegany	94	15	147	2	14	38	310	1,193	64	8	422	136	1,823	206	41	216	2,349	
Garrett	38	1	27		8	9	83	568	53	40	135	84	880	10	4	45	1,008	
<b>District 12</b>	132	16	174	2	22	47	393	1,761	117	48	557	220	2,703	216	45	261	3,357	
<b>Grand Total</b>	<b>16,798</b>	<b>1,682</b>	<b>12,778</b>	<b>1,797</b>	<b>1,568</b>	<b>9,766</b>	<b>44,389</b>	<b>85,378</b>	<b>11,484</b>	<b>903</b>	<b>20,263</b>	<b>8,354</b>	<b>126,382</b>	<b>16,449</b>	<b>618</b>	<b>17,067</b>	<b>187,838</b>	

Circuit Court Case Type Codes  
CI – Criminal Indictment/Information  
DA – District Court Appeal  
JT – Jury Trial Demand  
NS – Nonsupport  
SC – Sentence Review  
VC – Violation of Probation

District Court Case Type Codes  
CR – Criminal  
PH – Preliminary Hearing  
SD – Sentence Review  
TR – Traffic  
VD – Violation of Probation

Juvenile Court Case Type Codes  
JUV – Juvenile  
VJ – Violation of Probation – Juvenile

**APPENDIX F  
MANAGING FOR RESULTS  
KEY AGENCY GOALS**

- Goal 1.** The Office of the Public Defender will provide superior representation to indigent defendants at all critical stages of representation throughout the State of Maryland.
- Goal 2.** The Office of the Public Defender will provide sufficient and balanced resource distribution throughout the Agency.
- Goal 3.** The Office of the Public Defender will recruit and maintain a qualified and competent workforce.
- Goal 4.** The Office of the Public Defender will provide a sufficient information technology infrastructure to efficiently support all Agency operations.
- Goal 5.** The Office of the Public Defender will consult with the Courts, the State legislature and other public organizations regarding the protection of procedural rights, the due process of law, constitutional safeguards and the administration of criminal justice.



# **OFFICE LISTINGS**





**STATE OF MARYLAND  
OFFICE OF THE PUBLIC DEFENDER LISTINGS**

**ADMINISTRATION**

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Charlene D. Dukes, Deputy Public Defender  
Lorenzo Bellamy, Director, Legislative Affairs  
Lynn Bellamy, EEO Officer  
Cynthia Boersma, Counsel, Finance & Policy  
Patricia Chappell, Counsel, Strategic Planning  
Maureen Essex, Director of Training  
Dawn Kouneski, Personnel Administrator  
Dennis Krysiak, Director of Admin. Services  
Diane Lach, Director of Recruitment*

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**APPELLATE DIVISION**

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(CINA)**

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**DISTRICTS**

**DISTRICT ONE (Baltimore City)**

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***Central Booking & Intake Center***

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***District Court - Eastside***  
Eastside Courts Building  
1400 East North Avenue  
Baltimore, Maryland 21213  
(410) 878-8617

***District Court - Westside***  
Borgerding District Court/MSC  
5800 Wabash Avenue  
Baltimore, Maryland 21215  
(410) 878-8130

***District Court - Southern***  
John R. Hargrove, Sr. Building  
700 East Patapsco Avenue  
Baltimore, Maryland 21225  
(410) 878-8402

**DISTRICT TWO (*Dorchester, Somerset, Wicomico and Worcester Counties*)**  
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***Somerset County***  
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***Worcester County***  
203 River Street  
Snow Hill, Maryland 21863  
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**DISTRICT THREE (*Caroline, Cecil, Kent, Queen Anne's and Talbot Counties*)**  
**Stefan R. Skipp, District Public Defender**

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***Caroline County***  
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***Cecil County***  
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Elkton, Maryland 21921  
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***Kent County***  
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Chestertown, Maryland 21620  
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***Talbot County***  
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**DISTRICT FOUR (*Calvert, Charles and St. Mary's Counties*)**

***Sheila J. Sullivan*, District Public Defender**

***Charles County***

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***Calvert County***

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Prince Frederick, Maryland 20678  
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***St. Mary's County***

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**DISTRICT FIVE (*Prince George's County*)**

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***Glen Burnie District Court***

**George M. Taylor District Court/MSC  
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***Annapolis District Court***

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**DISTRICT TEN (*Howard and Carroll Counties*)**  
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***Carroll County***  
**District Court/MSC**  
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**Westminster, Maryland 21157**  
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**DISTRICT ELEVEN (*Frederick and Washington Counties*)**  
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***Washington County***  
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**DISTRICT TWELVE (*Allegany and Garrett Counties*)**  
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***Garrett County***  
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