

MOPD

Maryland Office of the Public Defender



MARYLAND OFFICE OF THE
PUBLIC DEFENDER

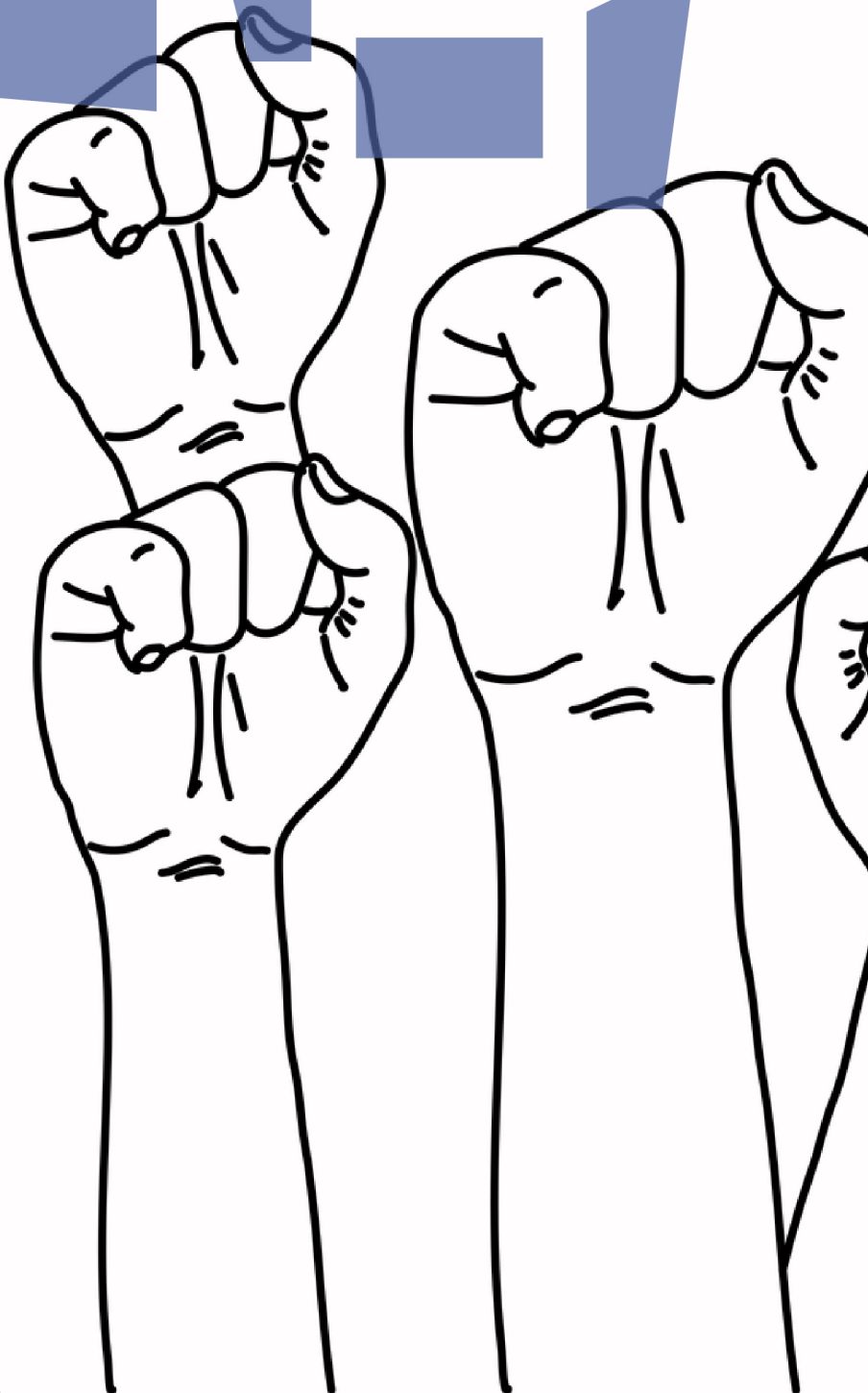
Annual Report 2022

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Maryland Office of the Public Defender

WE ARE THE
STATEWIDE
ADVOCATES FOR
SECURING
JUSTICE,
PROTECTING CIVIL
RIGHTS, AND
PRESERVING
LIBERTY. OUR
WORK SPANS
CRIMINAL,
JUVENILE,
PARENTAL
DEFENSE, AND
INVOLUNTARY
COMMITMENT
PROCEEDINGS.



From the Public Defender



I am pleased to present this annual report, highlighting aspects of our work from the past fiscal year. I began my term as Public Defender on July 1, 2022 and embarked on a journey to continue the legacy of excellence in advocacy. Our attorneys, social workers, and core staff are true warriors in the fight for justice. Each day, we zealously fight for the clients we serve both in the courtroom and in communities throughout Maryland.

OPD opened its doors in 1972 and this year proudly celebrates 50 years of upholding an indigent person's constitutional right to counsel in Maryland. We work tirelessly to provide superior representation for all clients while also tackling the pervasive problems of the criminal justice system. A strong public defense system is fundamental to creating meaningful criminal justice reform. As we have seen, the devastating consequences of inadequate representation are wrongful convictions, unjust sentences and the corrosion of the integrity in the criminal legal system. OPD serves to maintain the integrity of law and prevent its corruption. OPD continues to drive significant change in the areas of juvenile justice, police integrity practices and the daily lives of Marylanders whose voices have long gone unheard. It is imperative that the right to counsel is protected. Justice works best when all players within the system are competent and have access to adequate resources. Protecting the right to counsel requires manageable workloads for OPD attorneys and an appropriate ratio of core staff members and social workers. Support services are critical to rendering superior legal services. Equal justice can only be achieved with the existence of a robust public defense system that is supported through equitable resources.

OPD also works to transform the criminal legal system by serving as agents of change in the community. OPD is best equipped to tell the stories of Marylanders negatively impacted by the counterproductive effects of punitive laws. Public defenders work daily to combat the harms of the criminal justice system and serve as the premiere experts in criminal law. Throughout Maryland, we share our legal knowledge and educate individuals through public forums, task forces, and trainings. In Annapolis, we engage with senators and delegates across party lines to provide insight and secure legislation that positively impacts lives. This collaboration has resulted in the recent passage of the Child Interrogation Protection Act and the Juvenile Restoration Act. OPD leads the charge to creating positive reform in the criminal justice system.

I hope that you find this report informative and seek your continued support as we passionately build upon our successes and zealously challenge unjust practices in Maryland.



ADMINISTRATION



Public Defender
Natasha Dartigue

Deputy Public Defender
Keith Lotridge

Chief Financial Officer
Kathleen Mattis

Chief Information Officer
Mark Six

Director of Diversity, Equity & Inclusion
Rachel Lindley

Director of General Administration
Tammy Jarnagin

Director of Human Resources
Cynthia Knight

Director of Policy & Development
Melissa Rothstein

Director of Recruitment
Durriyah Hollimon

Director of Training
Patrice Fulcher

General Counsel
Donald Zarembo

Division and District Leaders

DISTRICTS

DISTRICT 1 - BALTIMORE CITY

Acting District Public Defender, Marguerite Lanaux
Acting Deputy, Alycia Capozello

DISTRICT 2 - DORCHESTER, SOMERSET, WICOMICO, WORCESTER

District Public Defender, Chasity Simpson
Deputy, Archibald McFadden

DISTRICT 3 — CAROLINE, CECIL, KENT, QUEEN ANNE'S, TALBOT

District Public Defender, Tamara Stofa
Deputy, Jason Ricke

DISTRICT 4 - CALVERT, CHARLES, ST. MARY'S

District Public Defender, Michele Harewood
Deputy, Kathryn Batey

DISTRICT 5 - PRINCE GEORGE'S COUNTY

District Public Defender, Melissa Pryce
Deputy, Rhonda Hudson Fowler

DISTRICT 6 - MONTGOMERY COUNTY

Acting District Public Defender, Michael Beach

DISTRICT 7 - ANNE ARUNDEL COUNTY

District Public Defender, Elizabeth Palan
Deputy, Ellen Goodman

DISTRICT 8 - BALTIMORE COUNTY

District Public Defender, James Dills
Deputy, Gayle Robinson

DISTRICT 9 - HARFORD COUNTY

District Public Defender, Kelly Casper
Deputy, John Janowich

DISTRICT 10 - CARROLL, HOWARD

District Public Defender, Allison Sayers
Deputy, Laura Kozlowski

DISTRICT 11 - FREDERICK, WASHINGTON

Acting District Public Defender, Angela Oetting

DISTRICT 12 - ALLEGANY, GARRETT

District Public Defender, Jessica Colwell

DIVISIONS

APPELLATE DIVISION

Chief, Brian Zavin
Deputy, Amy Brennan

MENTAL HEALTH DIVISION

Chief, Carroll McCabe

PARENTAL DEFENSE DIVISION

Chief, Nena Villamar
Deputy, Hayley Lichterman

POST CONVICTION DEFENDERS

Chief, Initia Lettau
Deputy, Nayda Kuachusri

DECARCERATION INITIATIVE

Director, Brian Saccenti

FORENSICS DIVISION

Chief, Jeffrey Gilleran

FORENSICS MENTAL HEALTH

Director, Mary Pizzo

IMMIGRATION

Director, Nadine Wettstein

JUVENILE PROTECTION DIVISION

Chief, Deborah St. Jean

MAJOR CRIMES & COMPLEX LITIGATION

Chief, Katy O'Donnell

SOCIAL WORK DIVISION

Director, Terri Collins-Green

Introducing Our



Natasha Dartigue, Maryland Public Defender

Natasha Dartigue began her appointment as the Maryland Public Defender on July 1, 2022, and has been with OPD since 1996. During her tenure, Ms. Dartigue has represented clients in the juvenile, district and circuit court divisions of OPD's Baltimore City office. She previously served as a felony trial supervisor and the Deputy District Public Defender for Baltimore City. Prior to joining OPD, she clerked in the Baltimore City Circuit Court for the late Judge Roger W. Brown. Ms. Dartigue is a graduate of the Howard University School of Law, where she was a member of the Howard Law Journal and served as 3L Class Vice President.

Ms. Dartigue is a first generation American and the proud daughter of Haitian immigrants. She is a strong believer in the power of community and serves as an advocate and leader throughout Maryland. She is a member of the 'Board of Governors' for the Maryland State Bar Association (MSBA), Past President of the Monumental City Bar Association, Past Co-Chair of the Bench Bar Committee of the Bar Association of Baltimore City, board member of the Baltimore Bar Foundation, member of the Alliance of Black Women Attorneys and an Executive Mentor for Innovation Works. For her accomplishments and public service, Ms. Dartigue has received various recognitions and acknowledgements, including service awards from the Maryland Office of the Public Defender, National Association of Public Defense and the Baltimore City Department of Recreation & Parks; the Government Lawyer of the Year by the Bar Association of Baltimore City, and the Leadership in Law Award and 2018 Top 100 Women from the Daily Record.

Sherron Offer-Mitchell, Executive Associate to the Public Defender

Sherron Mitchell joined the Maryland Office of the Public Defender in 2019. She brings to OPD a wealth of executive, judicial and legal experience. Prior to joining OPD, Ms. Mitchell's career included positions as a paralegal assistant with the Department of Justice, judicial administrative assistant to the Honorable Brian F. Holeman, Judge at the Superior Court for the District of Columbia and as a courtroom clerk with the Anne Arundel County Circuit Court. She attended Anne Arundel Community College with an emphasis in Business Law and Paralegal Studies.



During her tenure with OPD, Ms. Mitchell has held the positions of Secretary and Administrative Officer I in the Howard County and Baltimore County OPD offices. In July 2022, she joined the OPD administration as the Executive Associate to the newly appointed Public Defender, Natasha Dartigue. Ms. Mitchell is a tremendous asset to OPD and has been an excellent addition to the leadership team.

New Leadership

Keith Lotridge, Deputy Public Defender

Keith Lotridge first joined the Office of the Public Defender in 2005, and has been the Deputy Public Defender since October 2021. He previously served as the District Public Defender, Deputy District Public Defender, Circuit Court Supervising Attorney, and Assistant Public Defender in Circuit and District Courts, all in Prince George's County. He previously spent time in private practice but found his driving passion in representing indigent clients in criminal cases.



In Prince George's County, Mr. Lotridge helped establish and renegotiate participation in several Specialty Court programs, coordinated federal litigation on multiple issues, fostered close relationships with community activist and grassroots organizations, and was appointed to the Police Reform Committee for Prince George's County.

Mr. Lotridge has won numerous awards, including the Maryland Office of the Public Defender's 2017 Alan H. Murrell, Leader of Justice Award, the Chesapeake Habitat for Humanity Appreciation Award, and the Susanna Wesley House Recognition Award. He is also a member of the Calvert County Election Board.

Rachel Lindley, Director of Diversity, Equity and Inclusion



Rachel Lindley has extensive experience in the direct planning, implementation and improvement of policies, procedures and programs that promote access to justice for all members of the public. Prior to joining OPD this past summer, Ms. Lindley was the Trial Court Administrator and the Specialty Courts and Pretrial Administrator with the Van Buren County Courts in Michigan.

Ms. Lindley previously worked as a job coach, case manager, substance abuse counselor, program manager, clinical supervisor, and developmental specialist for various Michigan-based organizations. In her various roles, Ms. Lindley worked

to implement training and advance awareness of diversity, equity and inclusion and build intentional spaces and a working environment where talented people from a variety of backgrounds could thrive.

Ms. Lindley has a B.S. in Criminal Justice, M.S. in Administration and graduate certificates in Organizational Leadership, Human Resources Management and Diversity & Inclusion.

Decarceration Initiative

In 2021, the General Assembly passed the Juvenile Restoration Act, which permits people who have served at least 20 years' incarceration for a crime that occurred when they were under the age of 18 to seek a reduction in their sentence. Shortly after the law passed, OPD established the Decarceration Initiative to coordinate representation of indigent people eligible for reconsideration under the law. Working closely with community partners, the Decarceration Initiative assembled a team of Assistant Public Defenders, law school clinics, pro bono private attorneys, and panel attorneys who, with OPD's Social Work Division and Community Engagement Unit, undertook to represent approximately 160 clients on these motions.

Litigating these cases involves gathering mitigation, preparing the motions, and developing re-entry plans. Since the law went into effect on October 1, 2021, courts have decided 24 OPD cases. In 20 of these cases, courts granted the motions and reduced the duration of the sentences. In 16 of these cases, the courts' rulings resulted in the immediate release of our clients from prison.



At left: Decarceration Initiative client K.W. with Community Engagement Coordinator Shannice Anderson, at a celebration for graduates of a program phase of TIME Organization. Ms. Anderson had facilitated K.M.'s participation in TIME's program.

Following page: Members of the Social Work Division and Peer Support Unit teams at a program retreat.

Social Work Division

OPD's Social Work Division serves as a national model for public defender offices around the country. With specialized training in forensic services, licensed clinicians enhance OPD's multidisciplinary representation by assessing the underlying causes of clients' behaviors and developing individualized recommendations to respond to their needs.



The Social Work Division utilizes the highest standards of social work practice. The team screens clients for trauma and adheres to research-informed practice to inform and improve client outcomes. OPD social workers have expertise in addiction, trauma, adolescent development, chronic mental illness, and developmental disabilities.

Social workers serve as client services specialists, sentencing and reentry planning specialists, and mitigation specialists. The social work team serves clients at all stages of legal representation: bail review, disposition, sentencing, modifications, and post conviction. While previously focused on criminal and juvenile cases, in January 2021 a dedicated team of Parental Defense social workers team was created to provide out of court advocacy for parents whose children are in foster care.

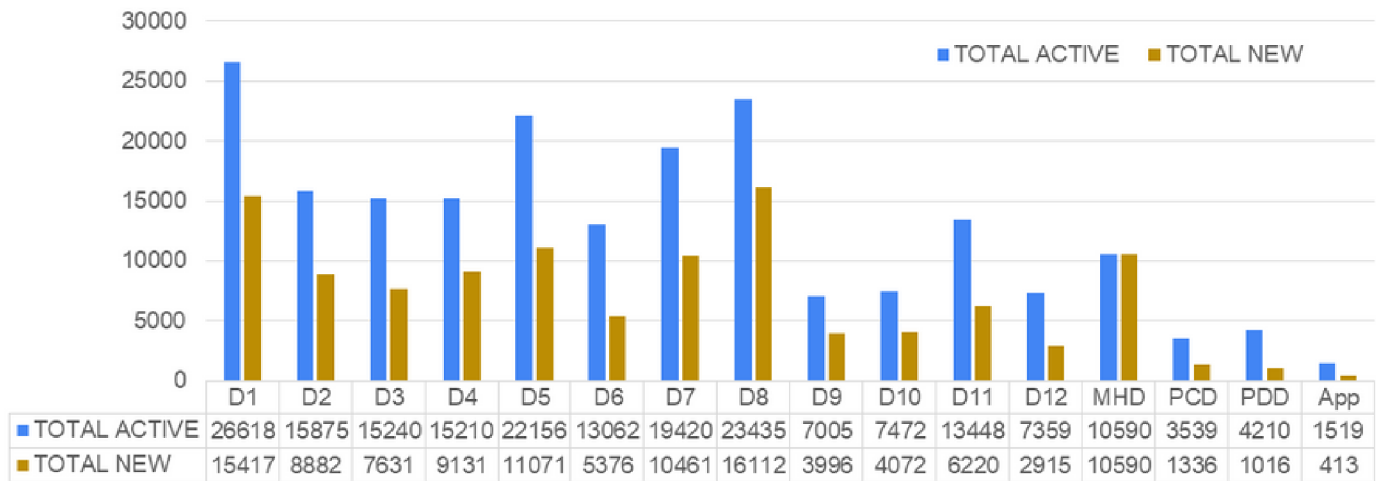
Community Engagement Reentry Project

The Community Engagement Reentry Project (CERP) connects OPD clients to resources and services within the community to provide sustainable reentry. Piloted in Baltimore in 2020 to assist clients being released at start of the COVID pandemic, CERP has provided over 400 referrals to date and has been growing to provide assistance in surrounding counties.

CERP staff connect clients to needed services and resources, including substance use and mental health treatment, employment and workforce development, GED and college planning, vital documents retrieval, food security, housing, and peer support. The team builds partnerships with service providers within the community so that referrals can be made directly and support is easily accessible.

Active and New Matters

Matters Per District and Division



Historically, OPD has relied only new matters as a proxy for workload, which has been particularly inapplicable in recent years. While the number of new matters have declined, the number of matters that remained pending from prior fiscal years is notably higher. The suspension of jury trials and the reduction in court dockets in FY2020 and FY2021 created a significant backlog for FY2022. As a result, OPD attorneys were required to significantly expand their pretrial practice, particularly for clients who remained incarcerated for months without resolution to their cases.

Starting in 2021, OPD began tracking active matters along with new matters. Active matters are matters in which, during the fiscal year, there was at least one entry in OPD’s case management system other than an entry (a) closing the matter, (b) deeming the client ineligible for public defender services, or (c) assigning a panel attorney.



Nearly 45 percent of all active matters were opened in prior fiscal years, a 10 percent increase from last year. As a result even with new matters decreasing, the total number of active matters increased from FY2021.

| | FY2021 | FY2022 |
|----------------------|---------|---------|
| Total Active Matters | 179,838 | 206,158 |
| Total New Matters | 119,356 | 114,639 |

Workload Calculations

To calculate the average annual workload per attorney, we relied upon the ratio between the adjusted active matter count and the number of attorneys in that district/division and practice. The resulting workloads are then compared to the workload standards created in 2005, in collaboration with the National Center for State Courts (NCSC). The 2005 Standards were created to provide uniform and comparable measures of the number of attorneys and support staff needed to ensure that Maryland fulfills its constitutional obligation to provide effective assistance of counsel. The standards distinguish between felony (including homicide), misdemeanor (including traffic) and juvenile cases. For the purposes of this report, OPD has equated felony cases with Circuit Court matters and misdemeanor and traffic cases with District Court matters.

The 2005 Standards do not accurately reflect the full scope of current practice. Body worn cameras and other forms of e-discovery require many hours for review and barely existed 16 years ago, but are commonplace now even in misdemeanor practice. NCSC, in collaboration with the American Bar Association (ABA), and the RAND Corporation are expected to release new nationwide attorney workload standards. These standards were developed based on a review of time studies for attorney work across the country that account for advanced forensics, DNA and video evidence which are not accounted for in the outdated Maryland standards currently in use.

The time studies conducted since Maryland's 2005 effort support dramatically lower standards. The charts on the following pages include the recommended workloads from states with workload studies in the past five years.

Nine states have conducted workload studies during 2017-2021: Colorado, Indiana, Louisiana, Michigan, North Carolina, New Mexico, Oregon, Rhode Island, and Utah. All nine examined adult criminal cases; five included juvenile cases; three looked at appellate cases; three looked at parental defense cases; one looked at post-convictions cases. None of the available studies looked at mental health cases or non-lawyer staff.

The charts on the following pages provide the standards from other states as an additional comparison. These studies have slight variations, but all rely on more nuanced delineations than Maryland's 2005 standards. For example, serious felonies with potential life sentences are separated from more minor felonies. To allow for a meaningful comparison, we utilized the mean of serious and mid-range felonies for each state for Circuit Court comparison, and the mean for low-level felonies, misdemeanors, and traffic cases for District Court comparison.

Whenever needed, we always rounded up so that the workload estimate would include more cases per attorney. Our discussion relies on the state with highest workload mean based on these calculations.

- Colorado
- Indiana
- Louisiana
- Michigan
- North Carolina
- New Mexico
- Oregon
- Rhode Island
- Utah

Rural Jurisdictions

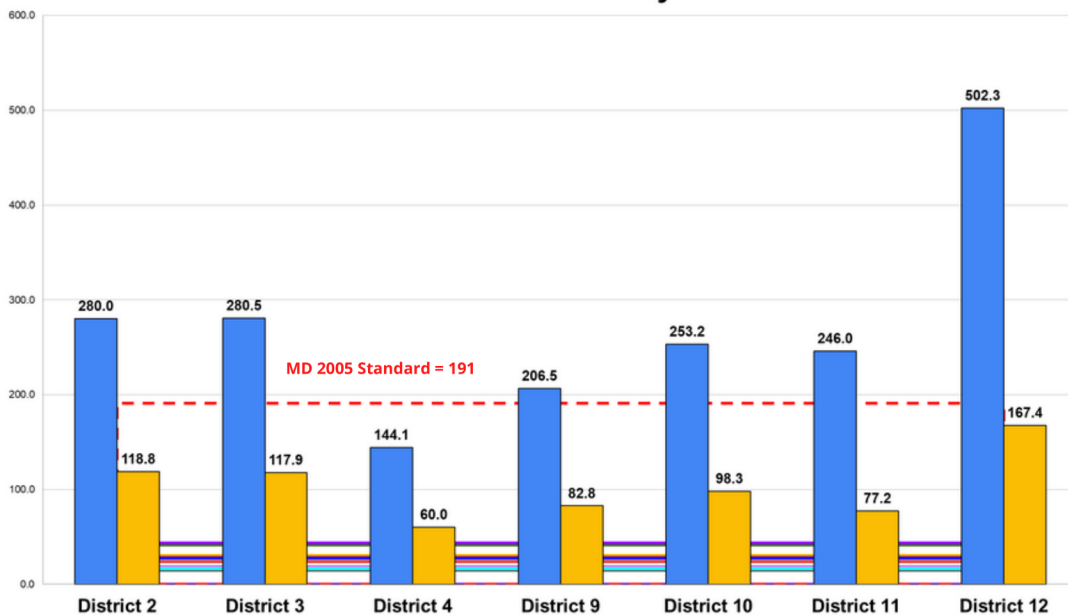
Circuit and District Court Practice

While the workloads for new matters in some districts are within the 2005 standards, workloads for active matters in most rural Circuit Courts and several District Courts are well above even these higher standards.

For Circuit Court/high felony cases, Rhode Island had the highest workload standard among the cohort of recent studies. With a recommended 44 matters per attorney, all rural districts have actual workloads that are more than triple that amount.

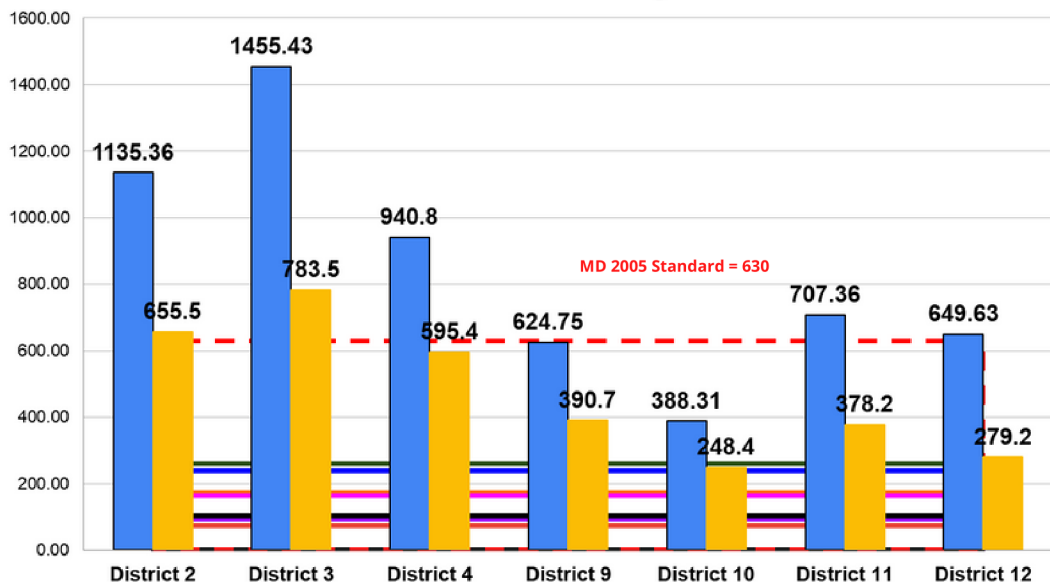
In District Court/low felony and misdemeanor cases, the highest workload standard among the recent studies is Michigan, with 260 matters per attorney. Active district court matters across the rural districts range from being nearly 50% to more than 500% above that standard.

Rural Circuit Courts - Attorney Workloads



- Active Matters
- New Matters
- Colorado
- Indiana
- Louisiana
- Michigan
- North Carolina
- New Mexico
- Oregon
- Rhode Island
- Utah
- Maryland

Rural District Courts - Attorney Workloads

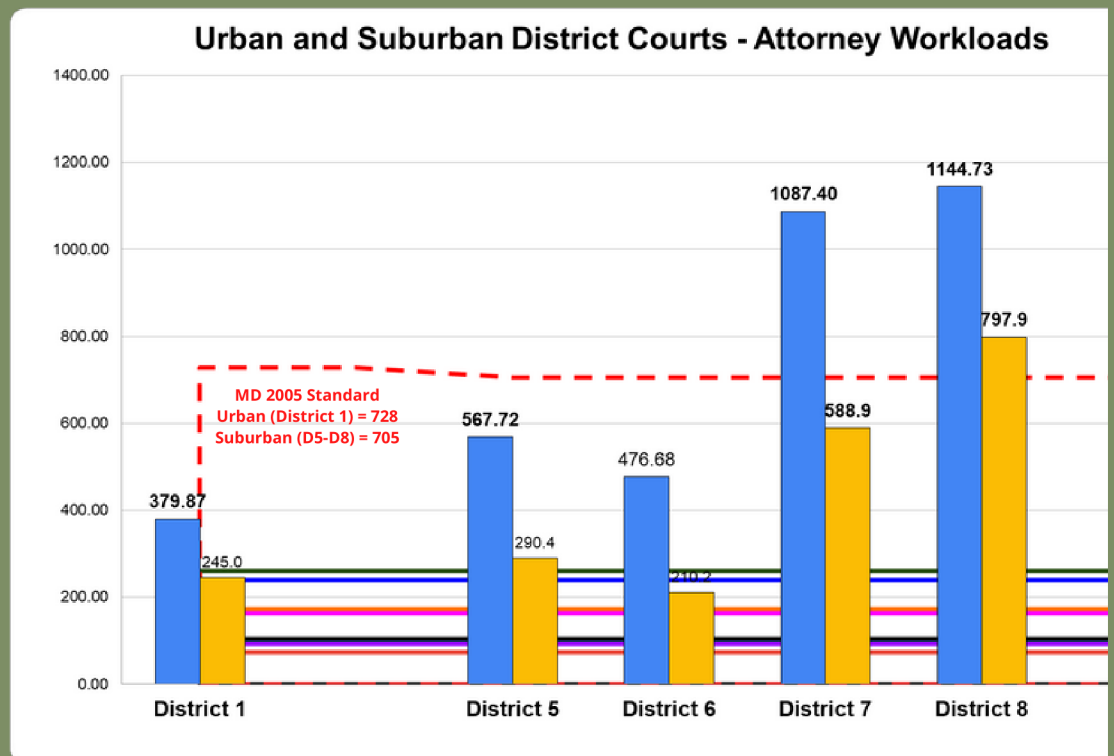
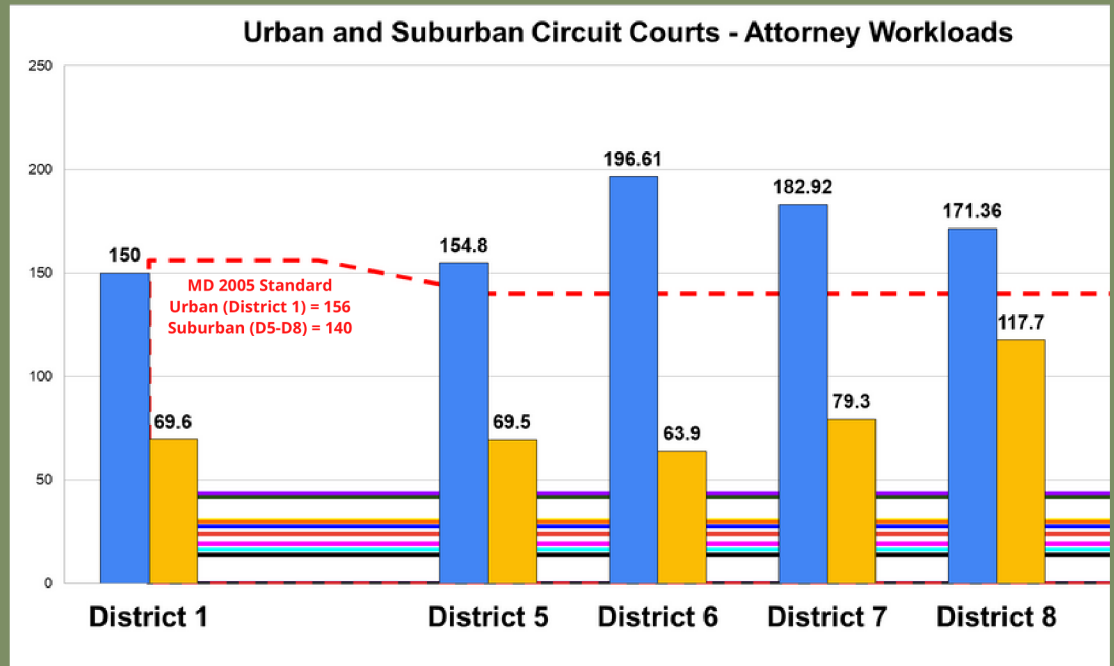


Urban and Suburban Jurisdictions

Circuit and District Court Practice

Urban and suburban Jurisdictions are well above the recently developed standards similar to the trends seen in rural districts: Circuit Court practice is at least three times above recommended standards in all five jurisdictions; District Court practice is 45 percent to 440 percent above the highest standard of the recent cohort.

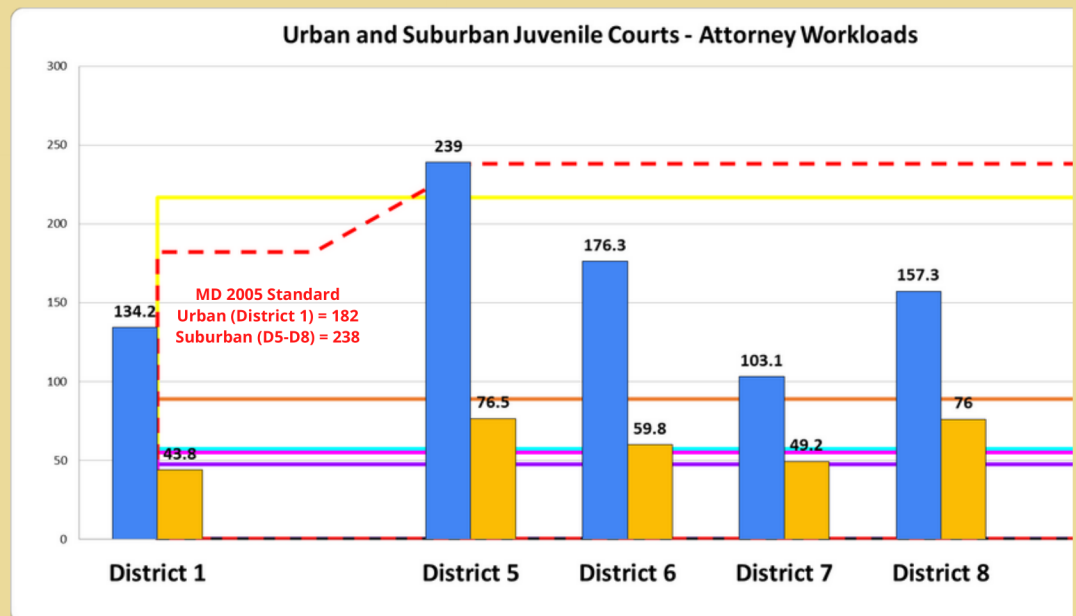
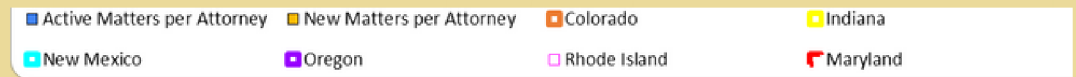
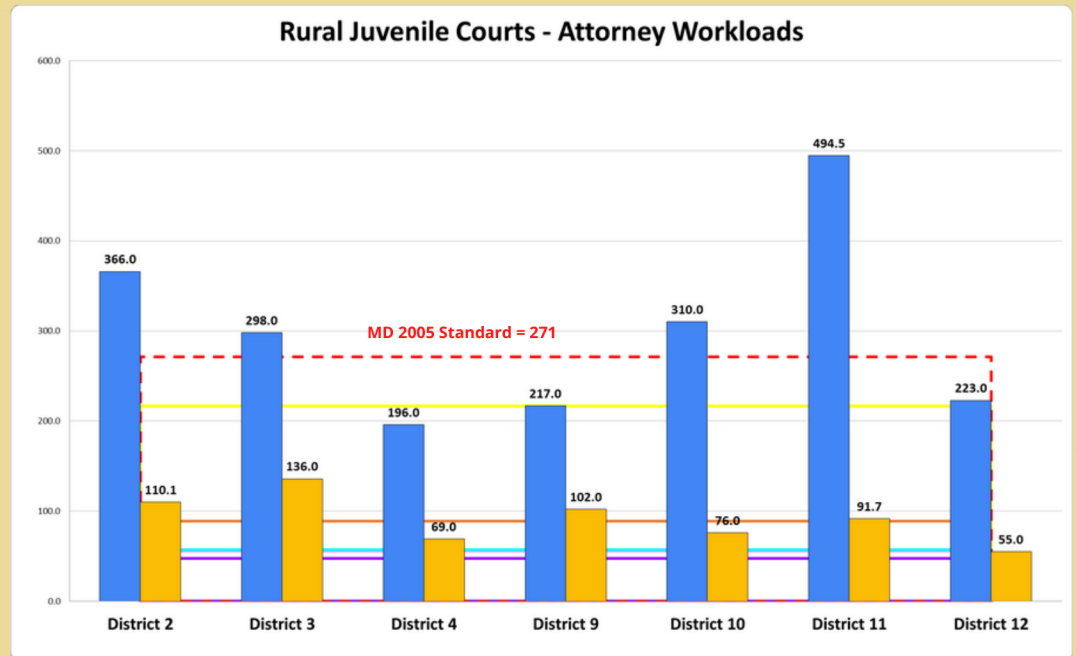
While Maryland's 2005 standards have different workload amounts for urban, suburban, and rural jurisdictions, the data available from the recent workload studies has no such distinction. Thus, the analysis relies on the same standards discussed for rural jurisdictions, 44 cases per Circuit Court attorney (Oregon) and 260 cases per District Court attorney (Michigan).



Juvenile Court

Juvenile standards among the recent cohort of workload studies vary dramatically, with Indiana's standard being higher than the 2005 urban and suburban standards and lower than the 2005 rural standard.

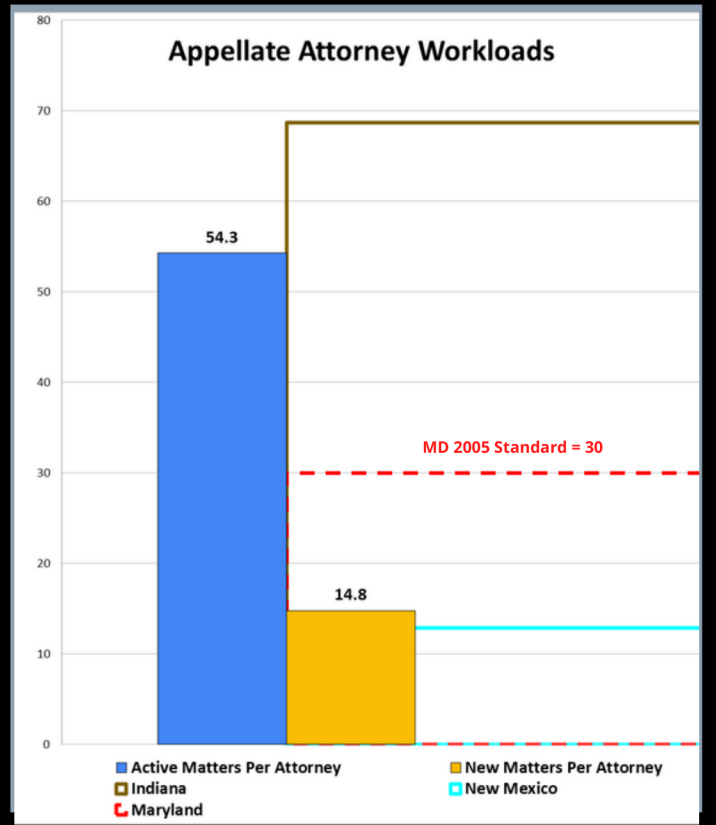
By those metrics, actual workloads were within standards in all but five districts: District 2, District 3, District 5, District 10, and District 11.:



Division Workloads

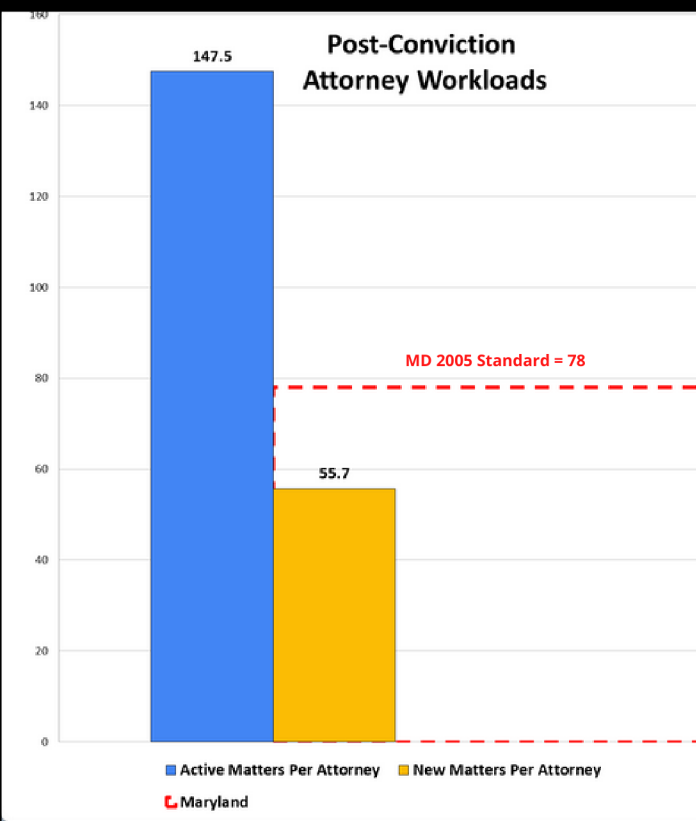
Appellate Division

Appellate standards range from more than double the 2005 Standard (68.6 in Indiana) to less than half the 2005 Standard (12.9 in New Mexico). By any measure, the new matters are within standards, while the active matters are above both the 2005 and New Mexico standards.



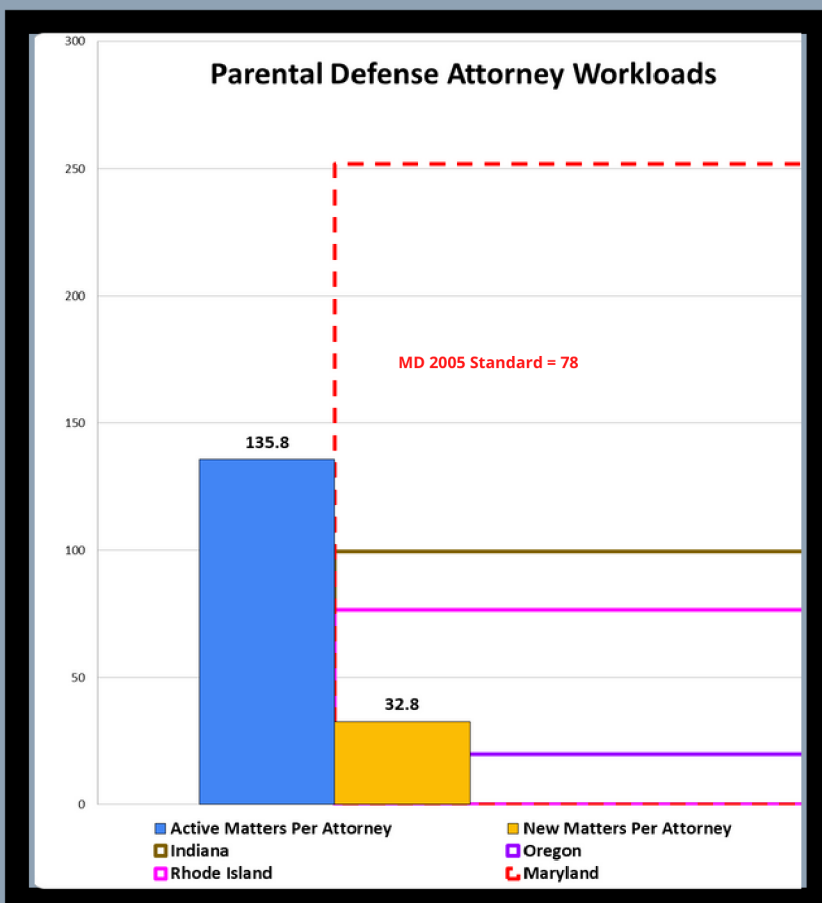
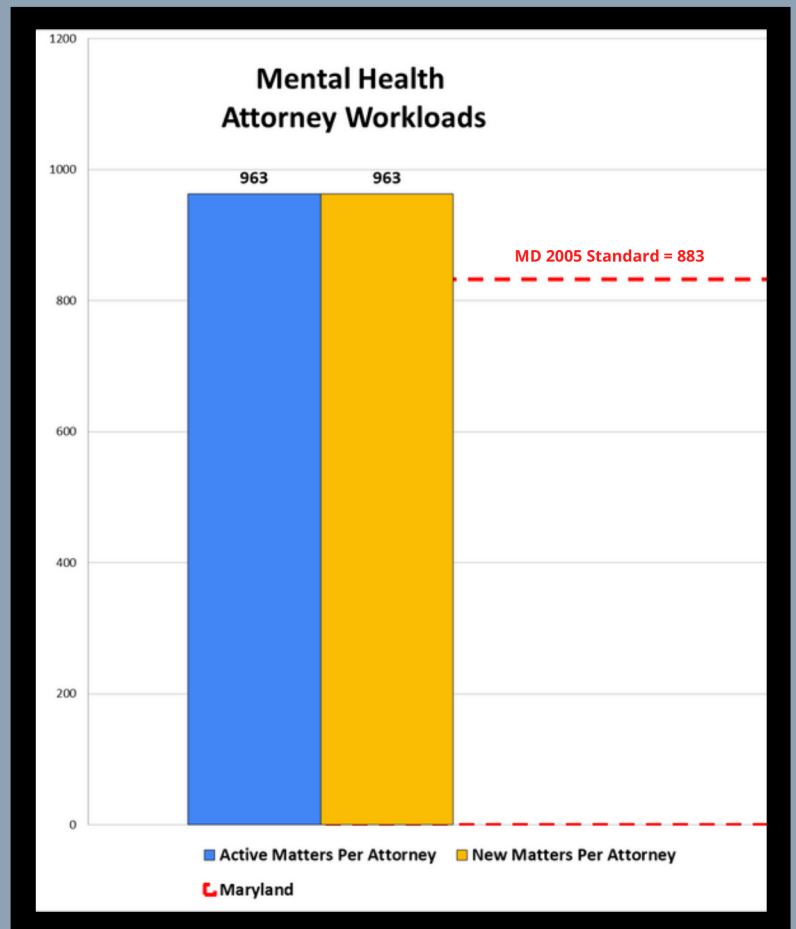
Post-Conviction Division

There are no recent standards from other states for post-conviction workloads. However, even by the standard of the outdated 2005 Standards, active matters by attorney are nearly double the standard.



Mental Health Division

The cohort of recent standards does not include any workload study for involuntary commitment hearing representation. The increase in Mental Health Division matters last year – due to new inpatient psychiatric facilities, units, and beds within existing units – continued to result in disproportionately high workload numbers even by the 2005 Standards measure.

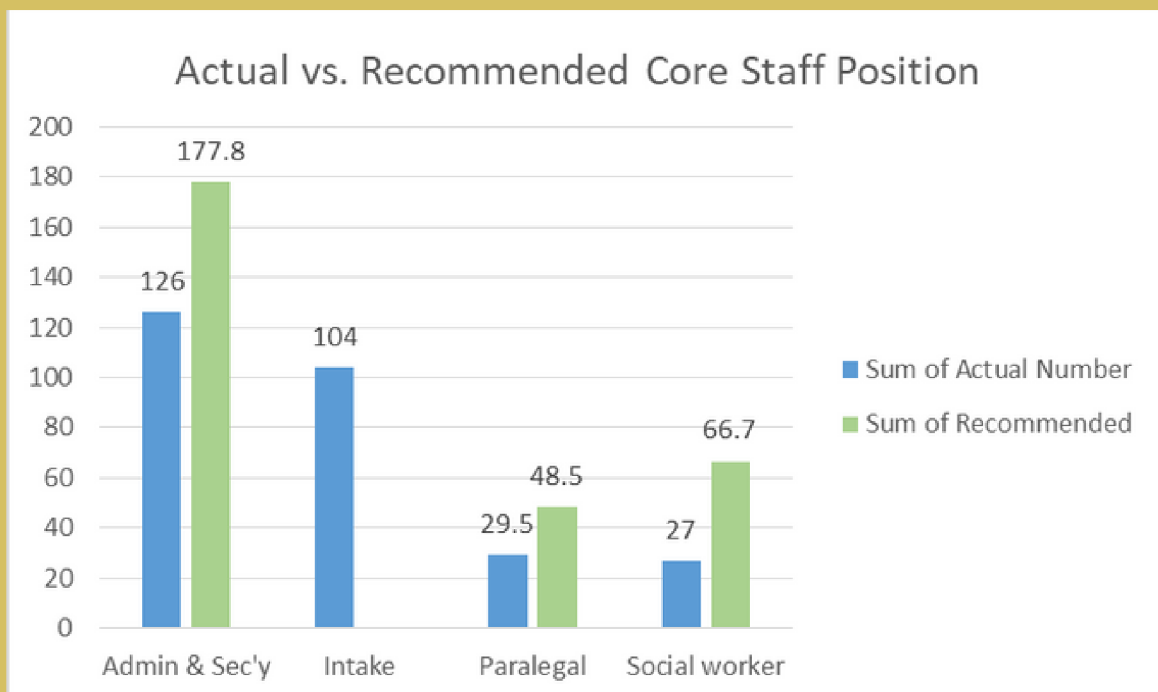


Parental Defense Division

The Parental Defense Division workloads are slightly higher than the highest standard among the recent workload study cohort (Indiana, 99.5). The 2005 Standards are especially inapplicable here, as they do not factor in additional hearings that were mandated after those standards were established

Core Staff

Core staff members – clerks, secretaries, social workers, paralegals, investigators and intake workers – are critical to agency functioning. Electronic filing and ediscovery, particularly from police body worn cameras and video surveillance operations require extensive clerical tasks, which require a sufficient core of secretaries, clerks and paralegals to increase efficiency and reduce workloads. Likewise, intake specialists and social workers gather important client information more appropriately and effectively than relying solely on the attorney for every interaction. In particular, the clinical expertise that social workers provide plays a vital role in interdisciplinary representation and has had proven success.



While none of the recent cohort of workload studies examined core staff needs, Maryland's 2005 Standards provided attorney ratios for clerks and secretaries, social workers and paralegals. All three categories have higher attorney ratios than recommended.

The 2005 Standards recommend a ratio of 3 attorneys to every clerk or secretary. OPD has a ratio of 4.2 attorneys per clerk secretary. Approximately 50 more positions would be needed to be in line with the standards.

For paralegals, the 2005 Standards recommended an 11:1 ratio of attorneys to paralegal. OPD relies on a ratio of 18:1. Six offices have no paralegals on staff and the majority of other locations are understaffed. To operate within standards, OPD would need 19 more paralegals.

OPD currently has 26 Social Workers on staff, which is 25 below the standard required for the proper ratio to attorneys. No OPD districts or divisions, except the Mental Health division which is severely understaffed for attorneys, are within the standard of 8 attorneys per social worker.

In 2012, OPD investigator positions were abolished in all offices, but the two Eastern Shore districts and the Mental Health division. The rest of the districts and divisions have effectively used contract investigators for the past ten years.

Finally, intake workers' roles have changed significantly over the past few years, but they still play a very important function. While no longer making financial eligibility determinations in adult criminal cases (but still required to do so at the start of most other proceedings), intake workers open the case at OPD both administratively by establishing the matter and entering initial information in our case management system, and substantively by gathering initial information and securing releases from clients as they are certified for representation. The 2005 Standards do not include a recommended ratio for intake positions.



Justice, Fairness, & Dignity for All