

Sincerely yours,

/s/ Joseph H. Manning  
Deputy Secretary

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House Bill No. 1533 - Public Defenders' Attorney

AN ACT to repeal and re-enact, with amendments, Section 6(b) of Article 27A of the Annotated Code of Maryland (1972 Supplement), title "Public Defender," to provide that the district public defender shall make maximum use of panel attorneys subject only to the availability of attorneys on the panel.

June 1, 1973.

Honorable Thomas Hunter Lowe  
Speaker of the House of Delegates  
State House  
Annapolis, Maryland 21404

Dear Mr. Speaker:

In accordance with Article II, Section 17, of the Maryland Constitution, I have today vetoed House Bill 1533.

This bill amends Section 6(b) of Article 27A of the Annotated Code of Maryland, title "Public Defender", to require the district public defender to make maximum use of panel attorneys, "subject only to the availability of attorneys on the panel".

The Office of the Public Defender and the Board of Trustees of the Public Defender System have requested that I veto House Bill 1533 because, inter alia, it would unnecessarily entail a cost to the State of a minimum of \$2,000,000 over the sum approved by the legislature for panel attorneys for fiscal year 1974.

The present language of Section 6(b) provides that "[t]he maximum use of panel attorneys shall be made insofar as practicable". Since the inception of the Public Defender System in January of 1972, this language has been construed to mean the assignment to panel attorneys of such cases as are necessary to meet the requirements of the courts in the prompt and competent handling of pending case loads, within budgetary limitations. Panel attorneys in a majority of the public defender districts have accepted this assignment policy and have cooperated fully with the professional staff of the Public Defender System. The result has been a workable, cooperative system furnishing equal justice under the law to accused indigents, a system which has gained widespread acceptance by the bench, the bar and the general public.

I have been advised that the particular impetus behind House Bill 1533 is the sincere belief of several members of the Montgomery County Bar Association that the local bar, generally, and its members, in particular, ought commit themselves personally to greater involvement in matters related to indigents unable otherwise to retain the services of private counsel. Since the adjournment of the General Assembly, the State Public Defender met with both the sponsor of House Bill 1533 and members of the Montgomery County bar. At that meeting, a specific program was formulated and agreed upon for the expanded future utilization of panel attorneys in Montgomery County without, however, any unnecessary budgetary