

STATE OF MARYLAND OFFICE OF THE PUBLIC DEFENDER



FISCAL YEAR 2012 ANNUAL REPORT With Strategic Plan 40th Anniversary Edition

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Public Defender**

www.opd.state.md.us

TABLE OF CONTENTS

LETTER FROM THE PUBLIC DEFENDER.....	1
OPD CORE VALUES	2
OPD STRATEGIC PLAN	3
1972 INTRODUCTION TO THE PUBLIC DEFENDER	5
PUBLIC DEFENDER OPERATIONS (2012).....	6
A COMPARISON OF DISTRICT OPERATION BY DISTRICT 1972 v. 2011	9
DIVISIONS 1972 V. 2011	18
ANNUAL AVERAGE CASELOAD REPORT 2011	19
CHART 1 TEN YEAR GROWTH IN CASES OPENED	19
CHART 2 CASES OPENED BY DISTRICT/DIVISION CALENDAR YEAR 2011	20
AVERAGE ATTORNEY CASELOADS BY GEOGRAPHIC REGION	
CALENDAR YEAR 2010-CALENDAR YEAR 2011	20
CHART 3 - BALTIMORE CITY - URBAN DISTRICT	23
CHART 4 - CIRCUIT COURT - RURAL DISTRICTS	21
CHART 5 - CIRCUIT COURT - SUBURBAN DISTRICTS	21
CHART 6 - DISTRICT COURT - RURAL DISTRICTS	22
CHART 7 - DISTRICT COURT - SUBURBAN DISTRICTS	22
CHART 8 - JUVENILE COURT RURAL DISTRICTS.....	23
CHART 9 - JUVENILE COURT - SUBURBAN DISTRICTS	23
CHART 10	
DIVISION CASELOAD CHART	24
CHART 11	
TOTAL CASES OPENED IN DISTRICT OPERATIONS BY COUNTY AND	
AREA OF LAW - CALENDAR YEAR 2011.....	25

LETTER FROM THE PUBLIC DEFENDER



January 2012 marked the 40th anniversary of the Office of the Public Defender opening its doors to represent the indigent accused in Maryland. 2013 marks the 50th anniversary of the landmark United States Supreme Court case of *Gideon v., Wainwright*, which held that representation by counsel at a criminal trial is not a luxury but a constitutional right of all citizens, rich or poor. The Office celebrates these dual anniversaries with a variety of events and initiatives. A 40th Anniversary Gala and Awards Dinner will be held at the Baltimore Visionary Art Museum on November 14, 2012. A “Gideon Lecture Series” will continue throughout the year featuring inspirational speakers from indigent defense agencies across the country. The office continues to implement its strategic plan, which includes our vision of Justice, Fairness and Dignity for all and our core values of Culture of Excellence, Client-Centered Representation, Tenacious Advocacy and United in Our Mission. That mission is to provide superior representation to the indigent defendants in Maryland.

In January 2012 the Maryland Court of Appeals decided the case of *DeWolfe v. Richmond*. The opinion held a “right to counsel” exists under the Public Defender Act at the initial appearance before District Court Commissioners and before a judge at a judicial bail review. The General Assembly promptly amended the statute to remove the declared right before the District Court Commissioner. However, the same amendment expressly authorized public defender representation at judicial bail review hearings in the circuit and district court. Accordingly, the office began representing eligible clients at these hearings in the courts throughout the state on June 1, 2012.

In the following pages we briefly contrast the size and scope of the office as it exists today with that of the agency at its inception 40 years ago. From an office of 72 lawyers, 17 locations and 16,000 cases in 1972 to 570 lawyers, 50 locations and 234,000 cases in 2012. While the growth in the number of attorneys and locations is significant, the number of cases per attorney has nearly doubled 40 years later.

The final section of this annual report contains our yearly caseload charts, which measure attorney caseloads in each of the districts and divisions against the Maryland caseload standards developed by the case-weighting study prepared by the National Center for State Courts in 2005.

Over these 40 years, we have seen many advances outside and inside the courtroom. Our Forensics Division continues to develop “cutting edge” strategies for attacking faulty scientific evidence. Our Appellate Division continues to realize

significant victories in our appellate courts. Our trial lawyers and CINA Division lawyers continue to represent our clients with distinction. The Office of Public Defender has come a long way between 1972 and 2012. We are immensely proud of the representation our dedicated defenders have provided to our clients. We continue to strive to fulfill our vision of bringing Justice, Fairness and Dignity to all we serve.



Paul B. DeWolfe
Public Defender
September 28, 2011



Office of the Public Defender Core Values

Culture of Excellence

- We embody the highest standards of professionalism in all aspects of our work.
- We act with integrity.
- We consistently follow best practices.
- We embrace diversity.
- We learn from our experiences.
- We continuously raise the bar through healthy competition.
- We are open to new ideas and concepts.
- We are hard-working, dedicated, and committed.
- We expect excellence.

Tenacious Advocacy

- We litigate aggressively.
- We are relentless and resourceful problem solvers for our clients.
- We are engaged, prepared, passionate, and assertive.
- We advocate for our clients at every opportunity

Client Centered

- We are compassionate.
- We strive to achieve our client's objectives.
- We communicate effectively with our clients at every stage.
- We counsel our clients about their choices.
- We listen and are responsive to our clients.
- We respect and advocate for the dignity of each individual.

United in Our Mission

- We are one team working toward shared goals.
- We value and appreciate every employee.
- We take a collaborative approach in all that we do.
- We celebrate our successes as a community.
- We promote shared resources.
- We are inclusive, respectful and supportive of each other.



OPD Strategic Plan, 2011-2014

Focus Area	Goals		
Culture of Excellence	1. Develop clear standards of work performance.	2. Build a talent-based organization.	3. Develop mechanisms that promote excellence.
Client Centered	1. OPD provides best legal representation through vigorous advocacy in courtroom and out.	2. Ensure the defense team includes the client.	3. Secure client access to necessary, related services.
Leadership & Management	1. Ensure clear, transparent, and consistent communication.	2. Allocate available resources fairly, consistent with OPD priorities.	3. Appoint effective managers.
Positive Work Environment	1. Create a team-driven agency.	2. Improve morale within the agency.	3. OPD employees have sufficient resources and adequate physical workplaces.
I/T Is Mission Critical	1. Achieve and maintain current technology.	2. Empower full use of technology resources.	3. Innovate to achieve efficiencies & synergy.

OPD Strategic Plan & Baltimore City District Public Defender Strategic Plan developed with funding from Open Society Institute-Baltimore. Statewide implementation supported with a technical assistance grant from the U.S. D.O.J. Bureau of Justice Assistance National Training and Technical Assistance Center.

Introduction

(As printed in the first Fiscal Annual Report, 1972)

In 1967, the President's Commission on Law Enforcement and Administration of the Criminal Justice Systems difficulties stem from its reluctance to change old ways or to put the same proposition in reverse, its reluctance to try new ones."

The Public Defender System came into legislative existence July 1, 1971 excepting Section 3 of Article 27A for the Office of the Public defender and State wide legal and supportive personnel to take effect January 1, 1972.

By enactment of Article 27A(the Public Defender Statute), the Maryland Legislature in establishing the Office of the Public Defender in the Executive Branch of the Government of the State of Maryland turned its back on the old ways and embarked upon a new order of things in the legal representation of the poor, for whom in the past equal justice under the law was indeed a mockery, and the adversary system of criminal justice in its traditional form either was ineffective or did not work at all.

In brief, under the Act, the Governor of Maryland is vested with the exclusive authority to appoint a board of Trustees, consisting of three members, to oversee the operation of the Public Defender system, and who in turn appoint the Public Defender.

The Public defender with the approval of the Board, has the power to appoint the District Defenders, and as many Assistant Public defenders as may be required for the proper performance of the duties of the office, and as provided in the Budget. All of the Assistant Public Defenders serve at the pleasure of the Public Defender, and he serves at the pleasure of the Board of Trustees, there being no tenure in any of the legal positions in the System. The State is divided into twelve operational Districts, conforming to the

geographic boundaries of the District Court, as set forth in Article 26, Section 140 of the Annotated Code. Each District is headed by a District Defender responsible for all defense activities in his District, reporting directly to the Office of the Public Defender.

With the District Defenders given almost complete autonomy in their individual jurisdictions, problems peculiar to the locality can be more speedily and satisfactorily handled, while still adhering to the same basic standards governing the provision of effective Public Defender services, from time of arrest through to ultimate disposition of the case.

This most unusual operational chain of command permits, among other things, the employment throughout the entire system of both staff and panel trial lawyers selected for their proven expertise in the criminal law field, thus equalizing the professionalization of legal services for the indigent accused at a level that afforded a defendant financially able to employ his own counsel. As viewed by this office, the role of defense counsel involves multiple obligations. Toward his client he is counselor and advocate; toward the State prosecutor he is a professional adversary; and toward the court he is both advocate for his client and counselor to the Court; his obligation to his client in the role of advocate, whether as a member of the Public Defender staff, or as panel attorney, requires his conduct of the case not to be governed by any personal views of rights and justice, but only by the fundamental task of furthering his client's interest to the fullest extent that the law permits. Functioning within this professional code, the Maryland Public Defender System is simply a single "law firm" devoting its entire efforts exclusively to the representation of the indigent accused.

PUBLIC DEFENDER OPERATIONS

2012 Marks the 40th Anniversary of the Maryland Office of the Public Defender

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.

On March 18, 1963, 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. 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 which opened its doors in 1972.¹

OPD Structure

A thirteen-member Board of Trustees is composed of 11 members appointed by the Governor with the advice and consent of the Senate and one member each appointed by the President of the Senate and the Speaker of the House of Delegates respectively. The Board of Trustees appoints a Public Defender who serves a six-year term.

OPD’s Administrative Office provides support and oversight to its District and Division offices. Administrative departments include:

- (1) Administrative Services Unit
- (2) General Counsel
- (3) Information Technology
- (4) Government Relations
- (5) Human Resources
- (6) Recruitment
- (7) Training

The State is divided into twelve operational districts, conforming to the geographical boundaries of the District Court of Maryland. The District Public Defenders appointed by the Public Defender with the approval of the Board of Trustees, are responsible for representing all eligible indigent defendants in the District and Circuit Courts within their geographical boundaries.

¹ The OPD enabling statute can be found in Criminal Procedure Article, Title 16. The statute sets forth OPD’s mandate, structure, and eligibility for OPD representation.

In addition to the district offices, there are seven statewide operational divisions within the OPD that represent indigent defendants at all levels of the criminal justice process and in other proceedings where the rights of indigent defendants are implicated:

- (1) The Appellate Division handles all public defender appeals in the state appellate courts, and the United States Supreme Court;
- (2) The Collateral Review Division provides representation in post conviction hearings, coram nobis, state habeas corpus, extradition hearings and parole revocation hearings;
- (3) The Mental Health Division provides representation to those indigent clients involuntarily confined to public and private mental health facilities;
- (4) The Children In Need of Assistance Division (CINA) provides representation to parents and legal guardians in cases involving allegations of abuse and neglect or where the state seeks termination of parental rights (TPR).
- (5) The Forensics Division provides OPD attorneys with technical and litigation support regarding the use of forensic experts;
- (6) The Aggravated Homicide Division provides direct representation, training and litigation consultation in capital cases and other complex aggravated homicide cases statewide;
- (7) The Juvenile Protection Division monitors the conditions of confinement of all OPD juvenile clients committed to the custody of Juvenile Services;

The OPD also operates the Innocence Project in collaboration with the University of Baltimore Law School Law Clinic. This unit screens over 150 cases annually to assess whether an inmate claiming innocence may have a viable wrongful conviction claim. It utilizes contemporary forensic testing on old evidence retained by the police. It litigates viable innocence claims through all stages of the process.

OPD Representation

By statute, OPD representation of an indigent individual extends to criminal (or Juvenile) proceedings in which a defendant (or party) is alleged to have committed a serious offense. Md. Code, Criminal Procedure Article, Section 16-204(b).

“An individual may apply for services of the Office as an indigent individual, if the individual states in writing under oath or affirmation that the individual, without undue financial hardship, cannot provide the full payment of an attorney and all other necessary expenses of representation...” Md. Code, Criminal Procedure Article, Section 16-210(a). Every applicant for OPD services must complete a detailed written application that includes income, liability, and assets that are measured against the projected expenses of representation based on the complexity of the case and the charges involved, as mandated by statute.

The January 2012 Court of Special Appeals mandate from DeWolfe v. Richmond now requires OPD to provide representation to indigent clients at judicial bail reviews. This new responsibility places additional burdens on both OPD attorneys and intake staff. To comply with this mandate, OPD received

sufficient funding to staff the judicial bail review hearing in all jurisdictions. We expect that the addition of attorney and support staff will result in some relief to the excessive attorney caseloads in District Operations.

Eligible 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 \$750 in most misdemeanor cases and \$3,000 for most felony cases. The Public Defender exercises discretion in approving fees exceeding the maximum amount.

More information about the Office of the Public Defender is available at the website: <http://www.opd.state.md.us>.

District Operations 1972 v. 2011

The statewide system of the Office of the Public Defender offices opened on January 1, 1972. There were twelve districts located throughout Maryland and 17 offices. By, June 30 1972, the statewide system employed 73 attorneys and 74.5 support staff including, secretaries, interviewers and investigators. The District Public Defender managed each District. To address caseload needs, 1,059 panel attorneys were used throughout the state. Cooperation among the courts, the local Bar Associations, and the State's Attorneys office for each of the Districts made the transition from court appointment to the statewide system easier.

Today the Public Defender's Office employs over 900 employees, 570 attorneys alone. There are 52 offices located throughout the twelve districts within the state. Most of the offices are located in the District Court Buildings, while some are located in detention centers and mental health facilities. The District Public Defender supervises each district and each has a Deputy District Public Defender. Due to budget constraints, panel attorneys are now primarily used in cases involving conflicts-of-interest.

District One Baltimore City

In 1972, the District One (Baltimore City) Public Defender's Office was located on the 8th floor of the Equitable Building at Calvert and Fayette Streets in Baltimore, Maryland. It was staffed by District Public Defender Alfred O'Ferrall, III, twenty-four Assistant Public Defenders, and nine temporary secretaries. A Federal LEAA Grant provided funding for eight of the Assistant Public Defenders (APDs). Within the first 30 days the office opened 2000 cases. To assist with this caseload, the office used 285 panel attorneys.

By February 1st, the temporary secretaries were replaced by seven permanent secretaries and four intake workers. Eight additional APDs were provided under an additional LEAA Grant. Twenty-five investigators were hired between February 16th and the middle of May to assist attorneys in everything from interviewing clients to investigating cases. Ultimately, four more attorneys were hired to address the extreme backlog in the Juvenile Court.

The office handled 10,182 cases in the first six months of operation. District and juvenile court cases were handled almost entirely by Office of the Public Defender staff, while the 949 cases in Supreme Bench and 184 cases on Appeal were assigned to panel attorneys.

The current District Public Defender is Elizabeth Julian. District One now has nine locations throughout Baltimore City and also staffs all of the detention facilities in the city including the Central Booking and Intake Facility. It opened 71,269 cases.

1971 – 2011 Comparison

	1972	2011
Total Cases Opened	10,182	71,269
Total Number of Attorneys	37	162

District One
Calendar Year 2011 – Caseload

Area of Law	Caseload
Circuit	171
District	954
Juvenile	108

District Two
Lower Eastern Shore
Dorchester, Somerset, Wicomico and Worcester Counties

In 1972, the OPD office for District Two was located at 1 Plaza East Building, Salisbury, MD. The office was staffed by District Defender Alfred Truitt, Jr., one APD and one secretary. The office covered all four counties on the lower eastern shore. District Two utilized 41 panel attorney who were members of the local bar associations from all four of the counties. By April 1972, one investigator was hired to handle the entire district.

There were 469 cases opened for District Two through June 30, 1972. Worcester and Wicomico had the vast majority of those cases and were handled almost entirely by OPD staff. The remaining cases were paneled.

Today, District Two has five office locations, one located in each of the counties within the jurisdiction. Worcester County has two locations; one is located at the court building in Ocean City, Maryland and operates only during the summer months. District Two is supervised by Acting District Public Defender, Arch McFadden. There are 21 attorneys employed in District Two. In 2011, District Two opened 11,750 cases assigning 1,758 of those cases to panel attorneys.

1972 v. 2011 Comparison

	1972	2011
Total Cases Opened	469	11,750
Total Number of Attorneys	2	21

Calendar Year 2011 – Caseload

Area of Law	Caseload
Circuit	230
District	696
Juvenile	411

District Three
Upper Eastern Shore
Caroline, Cecil, Kent, Queen Anne and Talbot Counties

In 1972, District Three had offices in only two of its five counties: Centreville, Queen Anne County and Elkton, Cecil County. The District Public Defender, John Sause, Jr., staffed the Centreville office along with 1 secretary and 1 investigator. There was one APD in Elkton. There were 37 attorneys from the local bar association who signed on as panel attorneys. Of the 229 cases opened for District Two, 145 (63.3%) were handled by panel attorneys.

A 24 hour phone line was set up with the cooperation of the courts, panel attorneys and OPD personnel. A “duty” attorney or OPD personnel manned the phone line continuously. The investigator for District 2 and the investigator for District 3 cooperated to assured continuous investigative coverage for all nine counties on the shore.

Today, there is an office in each of the five counties. The District Public Defender is Stefan Skipp, whose primary office is in Centreville. The Deputy District Public Defender is stationed in Elkton. There are a total of 16 attorneys assigned to this District. During Calendar year 2011, District Two opened 10,447, and paneled only 1,471 of their cases.

1972 v. 2011 Comparison

	1972	2011
Total Cases Opened	229	10,447
Total Number of Attorneys	2	16

Calendar Year 2011 – Caseload

Area of Law	Caseload
Circuit	398
District	872
Juvenile	114

District Four
Southern Maryland
Calvert, Charles and St. Mary’s Counties

In 1972, District four had two office locations; one in LaPlata, Charles County and the other in Leonardtown, St. Mary’s County. District Public Defender Franklin B. Olmstead, and 1 secretary staffed the LaPlata office. One APD and one secretary staffed the Leonardtown office. The District shared their one investigator between all three counties. There were 366 cases in District Four the six months period from opening date to end of fiscal year. The District used 90 panel attorneys to handled nearly 85% of the cases opened.

Today there are three offices located in District Four. In addition to locations in Charles and St. Mary's counties, there is also a location in Calvert County. District Public Defender Janet Hart supervises District 4 and is assigned to the Charles County office. The Deputy Public Defender and a managing supervising attorney supervises the other two offices. During 2011, 12,334 cases were opened. District Four assigned 873 of those cases to panel attorneys.

1972 v. 2011 Comparison

	1972	2011
Total Cases Opened	366	12,334
Total Number of Attorneys	2	20

Calendar Year 2011 – Caseload

Area of Law	Caseload
Circuit	398
District	872
Juvenile	114

District Five Prince George's County

In 1972, the only office location in District 5 was in Upper Marlboro. The office included District Defender, Edward Camus, 5 APDs, 3 secretaries, 1 interviewer and 2 investigators. They were later granted approval to hire 2 more investigators. Although not opened initially, the Hyattsville office was opened with the completion of the District Court Building. District 5 used 148 panel attorneys. By the end of the fiscal year, District 5 had opened a mere 1,467 cases.

Today, District Public Defender, Brian Denton supervises the two District 5 offices. In addition to a Deputy District Public Defender there are 41 attorneys. During calendar year 2011, District 5 opened 24,259 cases. They paneled 1,374 cases.

1972 v. 2011 Comparison

	1972	2011
Total Cases Opened	1,467	24,259
Total Number of Attorneys	6	43

Calendar Year 2011 – Caseload

Area of Law	Caseload
Circuit	201
District	1,695
Juvenile	138

District Six Montgomery County

In 1972, the District 6 Montgomery County office was located in Rockville, Maryland. John J. Mitchell, then Montgomery County Public Defender was hired as the state, District 6 Public Defender bringing with him several legal and administrative personnel from the County System. The staff at the office consisted of the District Public Defender, 3 APDs, (one of whom was made possible through a LEAA Grant), 3 investigators, 1 interviewer, 1 full time secretary and 1 part-time secretary. Two hundred and one members of the local bar made up the panel list and handled all appeals, and the bulk of the Circuit Court cases. OPD personnel handled the Juvenile and District Courts. Fortunately, District 6 was able to supplement its staff with volunteer students from American University and Georgetown University. While District 6 opened only 553 cases the first six months of operation, they projected having to open 3000 cases the following year.

Today, District 6 has two locations adding a location in the Silver Spring District Court building. Brian Shefferman is the District Public Defender. In addition to a Deputy District Public Defender, District 6 has 25 APDs. District 6 continues to have volunteer assistance from American and Georgetown Universities as well as other law schools, colleges and universities. A total of 16,496 cases were opened last year, 1,262 cases were assigned to a panel attorney.

District Six
1972 v. 2011 Comparison

	1972	2011
Total Cases Opened	553	16,496
Total Number of Attorneys	4	27

Calendar Year 2011 – Caseload

Area of Law	Caseload
Circuit	141
District	1,573
Juvenile	167

District Seven
Anne Arundel County

In 1972, District Seven’s only location was in Glen Burnie. There temporary location was on Crain Highway until completion of the Circuit Court Building in Annapolis. In addition to the District Public Defender, J. Joseph Touhey, there were four APDs and two investigators at the beginning. Eventually two secretaries joined the staff. But, because of the increasing caseload, two more attorneys and two investigators were made available under a LEAA Grant in May, 1972. There were 63 private attorneys from the local bar who served as panel attorneys. During the first six months of operation, District 7 opened 910 cases.

Today, William Davis oversees operation in the three office locations. There is a location at the Glen Burnie and Annapolis District Court buildings as well as one on Margaret Avenue in Annapolis. In addition to a Deputy District Public Defender, District 7 has 25 APDs. During Calendar year 2011, District 7 opened 16,487 cases.

1972 v. 2011 Comparison

	1972	2011
Total Cases Opened	910	16,487
Total Number of Attorneys	7	27

Calendar Year 2011 – Caseload

Area of Law	Caseload
Circuit	227
District	1,049
Juvenile	247

District Eight Baltimore County

In 1972 the District Eight office was located at the Jefferson Building in Towson and was supervised by District Public Defender Paul J. Feeley. There were five APDs, 1 investigator and two secretaries. To supplement this staff, one hundred and three members of the county bar availed their services as panel attorneys.

During the six month period between the beginning of operations and the end of the fiscal year, the office accepted 940 cases. Approximately 70% were tried in the district court and handled by staff, circuit court cases where almost entirely handled by panel assignment.

Today, District Public Defender Donald Zaremba supervises the sole office in Towson. Recently the office was moved from its long time location at Virginia Ave to Jefferson Ave. The office now employs 41 full time attorneys and three half time attorneys. Last year 23,280 cases were opened in District 8.

1972 v. 2011 Comparison

	1972	2011
Total Cases Opened	940	23,280
Total Number of Attorneys	6	42.5

Calendar Year 2011 – Caseload

Area of Law	Caseload
Circuit	405
District	974
Juvenile	198

District Nine Harford County

Initially, in 1972 Harford County exercised its option under the Article 27A to remain out of the statewide public defender system, Subsequently county official agreed to join the state system effective July 1, 1972. Therefore, there were no individual data to report for the first fiscal reporting other than there were 110 cases on hand beginning July 1, 1972. The District Public Defender beginning July 1st was Henry C. Engel, Jr.

Today the office is now located on Bond Street and is supervised by District Public Defender, Kelly Casper. There are 13 attorneys currently in the District. There were 6,033 cases opened last year.

1972 v. 2011 Comparison

	1972	2011
Total Cases Opened	-	6,033
Total Number of Attorneys	-	13

District Nine
Calendar Year 2011 – Caseload

Area of Law	Caseload
Circuit	243
District	1,353
Juvenile	172

District Ten
Central Maryland
Carroll and Howard Counties

In 1972 the District Ten had an office in each of its county’s town center of Ellicott City and Westminster. The office staff consisted of the District Public Defender Bernard F. Goldberg and one APD and one secretary at each office. The District shared one investigator. Forty-three attorneys from the local bar association served as panel attorney. OPD staff and the panel attorneys provided representation for the 484 clients served during the first six months of operation.

Today, District Public Defender, Carol Hanson supervises the two offices, which continue to be situated in Ellicott City and Westminster. There are now 19.5 attorneys on staff. During calendar year 2011, District 10 opened 9,041 cases.

1972 v. 2011 Comparison

	1972	2011
Total Cases Opened	484	9,041
Total Number of Attorneys	3	19.5

Calendar Year 2011 – Caseload

Area of Law	Caseload
Circuit	185
District	747
Juvenile	193

District Eleven
Frederick and Washington Counties

In 1972, the two District 11 offices were located in the county seats of Frederick and Hagerstown. William R. Leckemby was the first District Public Defender for the district. The only other attorney for the district was an APD who was located in Washington County. Each office had one secretary. The district shared its investigator. The 314 cases which were opened in those first six months were handled by the two attorneys and the 32 panel attorneys from the bar association.

Today Mary Riley is the District Public Defender with an attorney staff of nineteen. Last year the District opened 12,172 cases. Of those, 1,667 were assigned to panel attorneys.

District Eleven
1972 v. 2011 Comparison

	1972	2011
Total Cases Opened	314	12,172
Total Number of Attorneys	2	20

Calendar Year 2011 – Caseload

Area of Law	Caseload
Circuit	290
District	1,127
Juvenile	283

District Twelve
Allegany and Garrett Counties

At the beginning of 1972, the District Twelve office operated out of the Algonquin Motor Inn in Cumberland, Maryland. District Public Defender, Paul J. Stakem was the only staff attorney. He was assisted by one secretary and did not have any investigative staff. There were a total of nine members of the bar associations from both counties who served as panel attorneys. However, there were only two members of the bar association in Garrett County who agreed to serve. These attorneys handled the entire caseload in Garrett County.

Today, there are offices in both Allegany and Garret counties with a total of eight staff attorneys. In 2011, the District Public Defender was James Malone. The district opened 4,300 cases in 2011.

1972 v. 2011 Comparison

	1972	2011
Total Cases Opened	252	4,300
Total Number of Attorneys	1	8

Calendar Year 2011 – Caseload

Area of Law	Caseload
Circuit	156
District	680
Juvenile	372

DIVISIONS

In the 1972 Annual Report there were no statewide designations of Divisions. District One Operations handled the post conviction, defective delinquency and habeas corpus proceedings, which were assigned to panel attorneys. So too were the Appellate cases.

Other Divisions such as Mental Health, CINA, Capital Defense (formerly Death Penalty Unit) and Juvenile Protection Division did not exist until 1975, 1991, 1988 and 2007 respectively.

Collateral Proceedings

For the first four months of 1972, Collateral Proceedings were entirely assigned to panel attorneys. In 1975, the Inmate Services Unit was formed. This unit was later renamed the Collateral Review Division. A screening process was developed with the hiring of an Assistant Public Defender with “vast experience” in this field. Thereafter, panel attorneys were assigned only those cases which could be assured to go to hearing.

Appellate Proceedings

In 1972, all Appellate proceedings were assigned to panel attorneys. This process would continue until 1975 when the Appellate Division was formed.

Annual Caseloads Report Calendar Year 2011

The following charts illustrate the average annual caseload per attorney in each of the agency’s Districts and Divisions. The State of Maryland, in compliance with recommendations of the American Bar Association, adopted caseload standards for all Maryland case types in 2005.² These standards protect the right to *effective* assistance of counsel by establishing the maximum number of cases an attorney can competently handle. The following charts measure average annual attorney caseloads against these caseload standards.

The Office of the Public Defender uses caseload data to project its personnel and operating budget needs, support its operating budget submissions and allocate its resources effectively across the state.

By any measure, attorney caseloads in almost every area of law and region of the State far exceed acceptable caseload standards established to protect *effective* representation as guaranteed by the U.S. Constitution, the Maryland Declaration of Rights and Maryland law. The American Bar Association has declared that public defenders have an ethical obligation to decline new cases when current caseloads prevent them from effectively representing their clients. As the charts show, not only do excessive caseloads jeopardize effective assistance of counsel, statewide, these caseloads, with few exceptions, continued to increase in calendar year 2011 as they have over the last decade.

OFFICE OF THE PUBLIC DEFENDER TEN YEAR GROWTH IN CASES OPENED

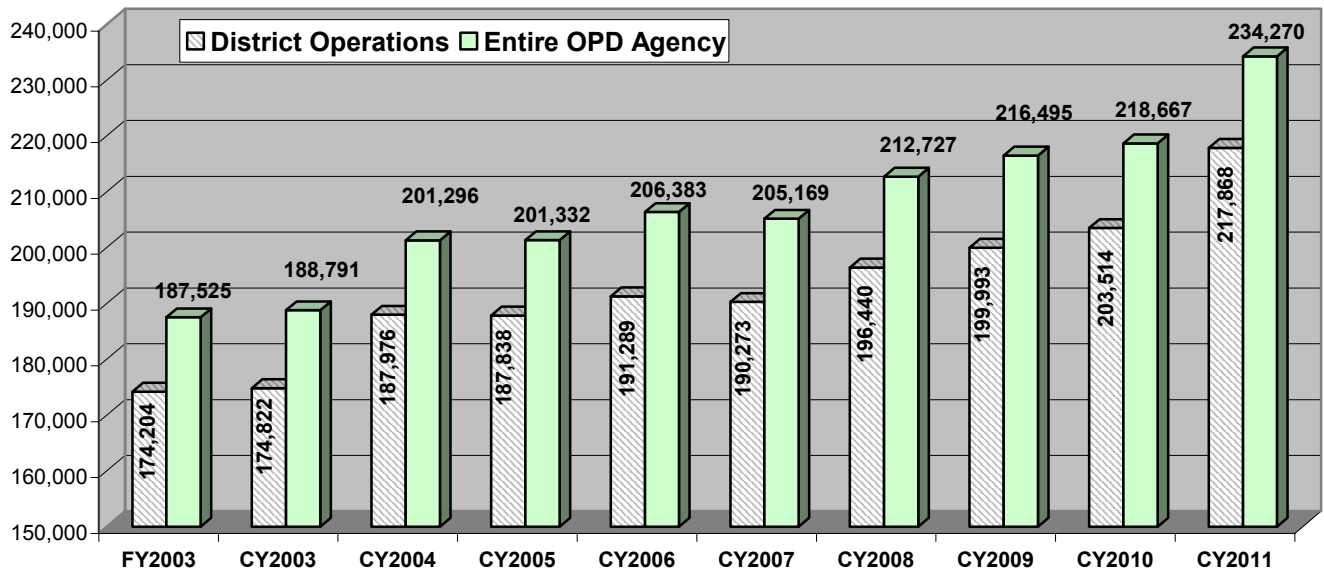


Chart 1

² Methodology used to establish caseload standards, case-weighting study and detailed caseload standards are published in “Maryland Attorney and Staff Workload Assessment, 2005” by the National Center for State Courts; this report is available at the OPD website: www.opd.state.md.us.

**OFFICE OF THE PUBLIC DEFENDER
Calendar Year 2011 Cases Opened
Per District or Division & Area of Law**

Calendar Year 2011	CIRCUIT	DISTRICT	JUVENILE	DISTRICT TOTALS
DISTRICT 1	15,531	52,288	3,450	71,269
DISTRICT 2	2,525	8,368	857	11,750
DISTRICT 3	3,081	6,996	370	10,447
DISTRICT 4	2,579	8,490	1,265	12,334
DISTRICT 5	5,239	17,514	1,506	24,259
DISTRICT 6	2,179	13,220	1,097	16,496
DISTRICT 7	2,674	12,746	1,067	16,487
DISTRICT 8	7,655	13,305	2,320	23,280
DISTRICT 9	1,766	3,842	425	6,033
DISTRICT 10	1,991	6,304	746	9,041
DISTRICT 11	3,364	7,659	1,149	12,172
DISTRICT 12	591	3,365	344	4,300
SUB-TOTALS	49,175	154,097	14,596	217,868
DIVISIONS				
APPELLATE	825			
CINA	6,674			
COLLATERAL REVIEW	2,307			
MENTAL HEALTH	6,596			
DIVISION TOTALS	16,402			16,402
OPD GRAND TOTAL				234,270

Chart 2

**BALTIMORE CITY - URBAN DISTRICT
2010-2011 Average Annual Caseload**

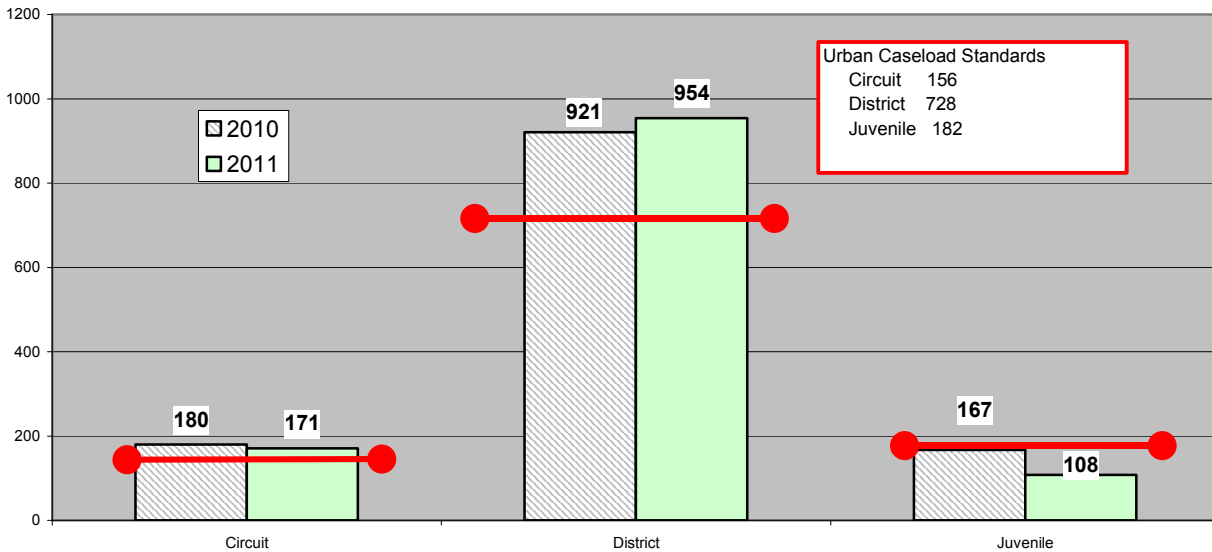


Chart 3

**CIRCUIT COURT - RURAL DISTRICTS
2010-2011 Average Attorney Caseloads**

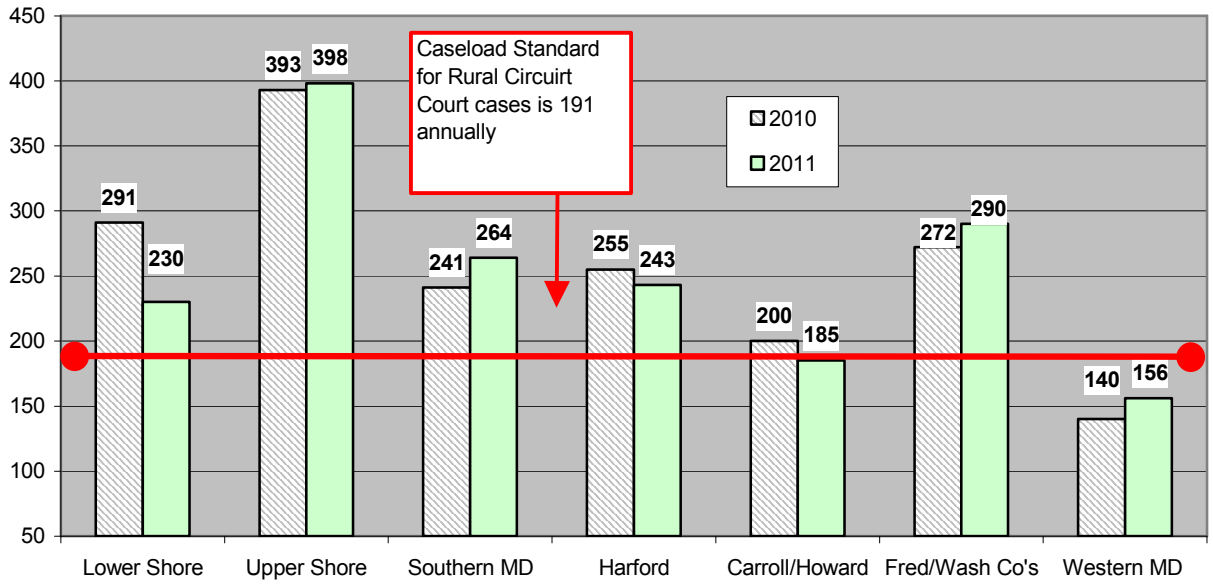


Chart 4

**CIRCUIT COURT - SUBURBAN DISTRICTS
2010-2011 Average Attorney Caseloads**

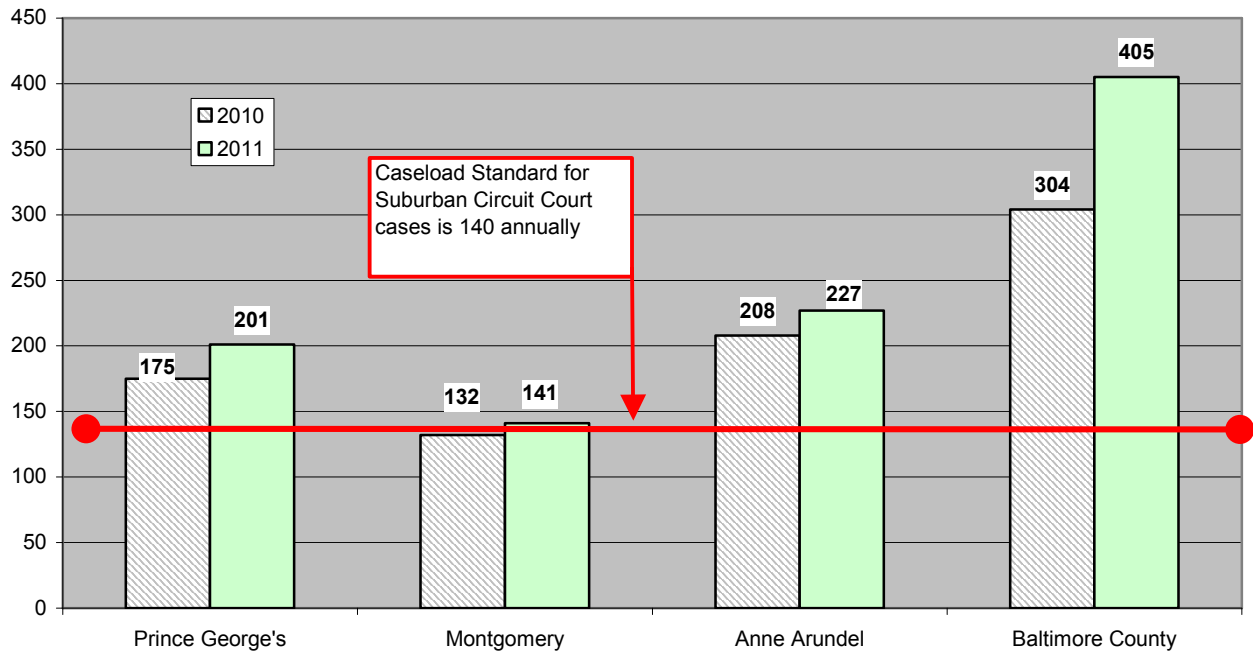


Chart 5

**DISTRICT COURT - RURAL DISTRICTS
2010-2011 Average Attorney Caseloads**

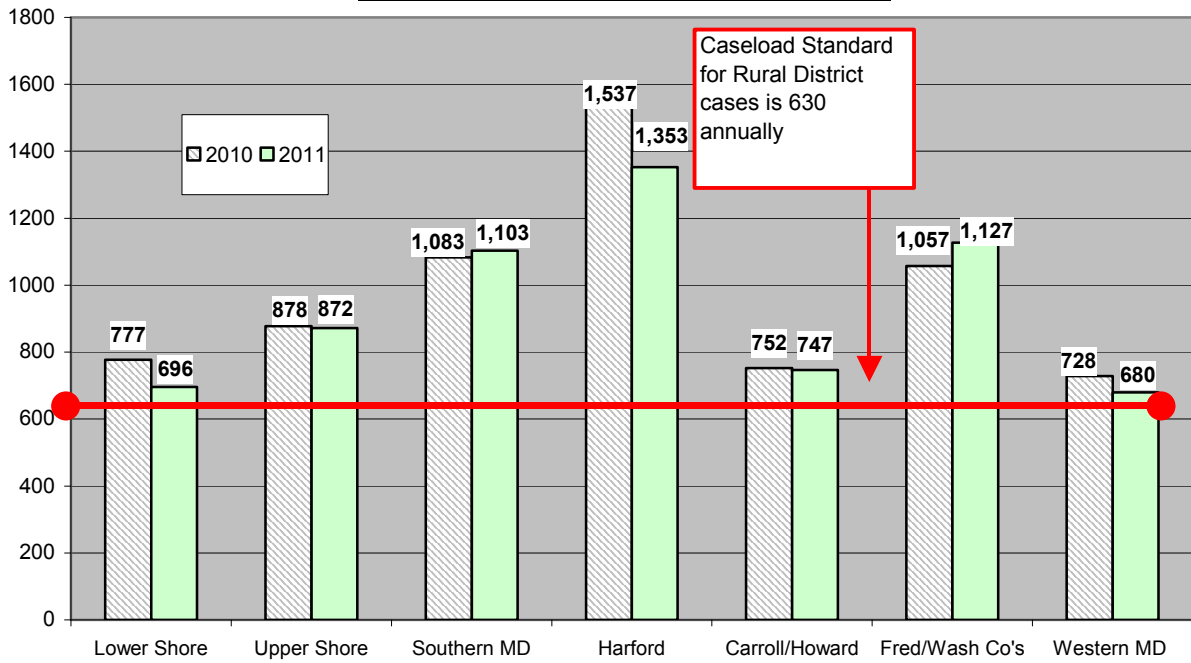


Chart 6

**DISTRICT COURT - SUBURBAN DISTRICTS
2010-2011 Average Attorney Caseloads**

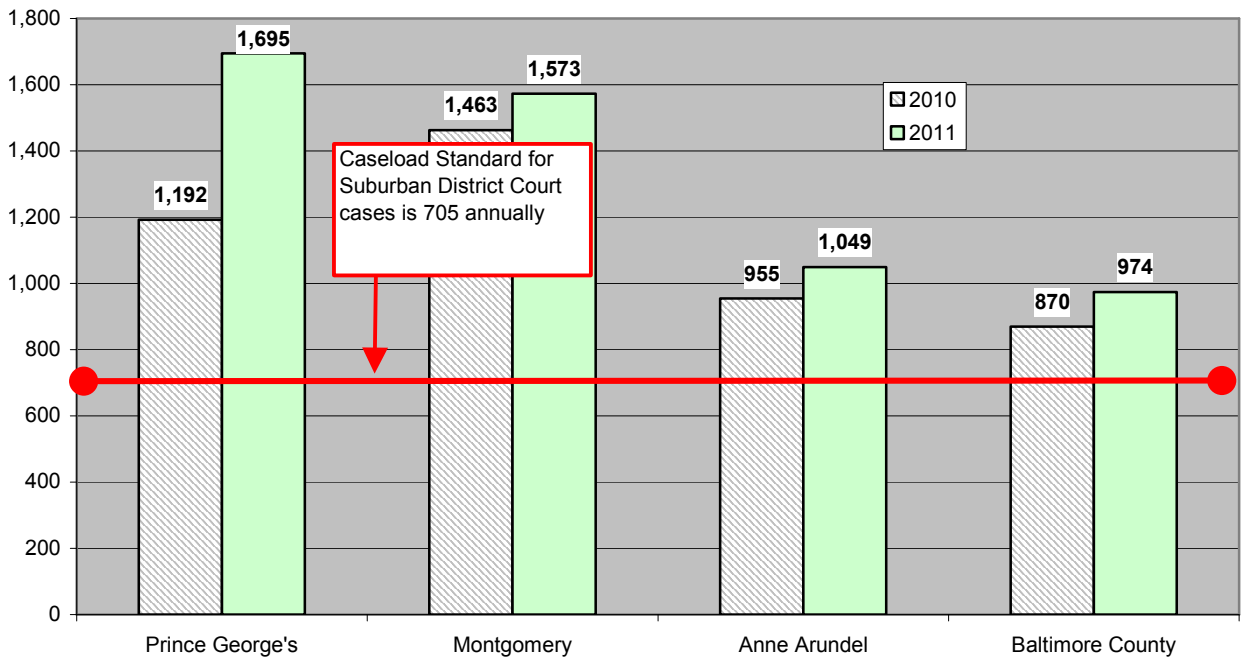


Chart 7

**JUVENILE COURT - RURAL DISTRICTS
2010-2011 Average Attorney Caseloads**

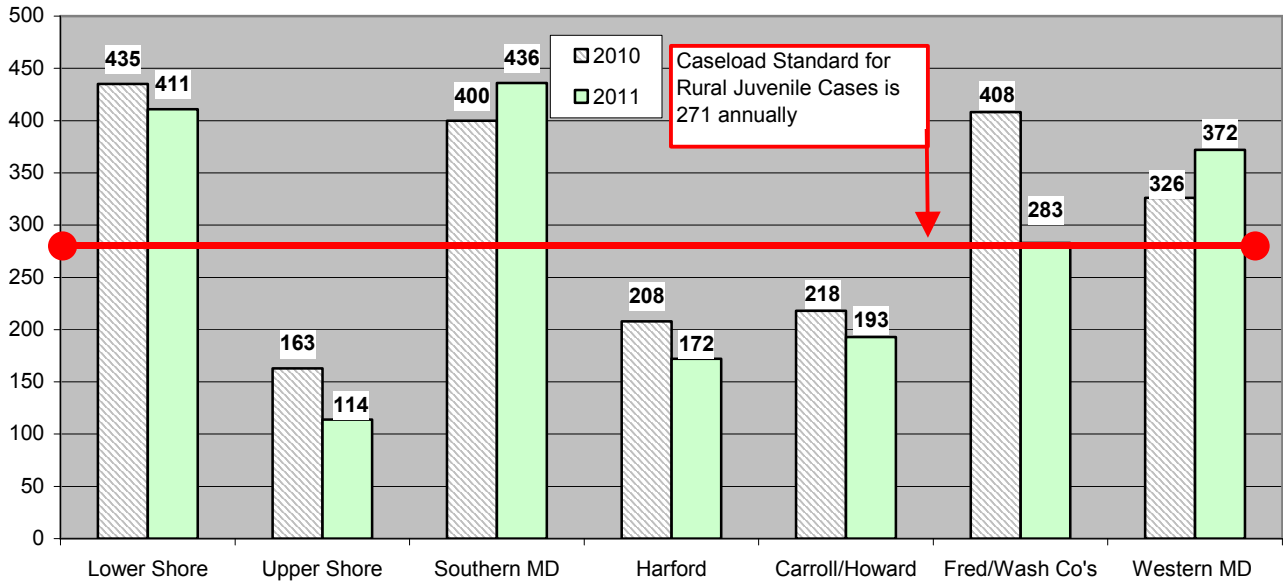


Chart 8

**JUVENILE COURT - SUBURBAN DISTRICTS
2010-2011 Average Attorney Caseloads**

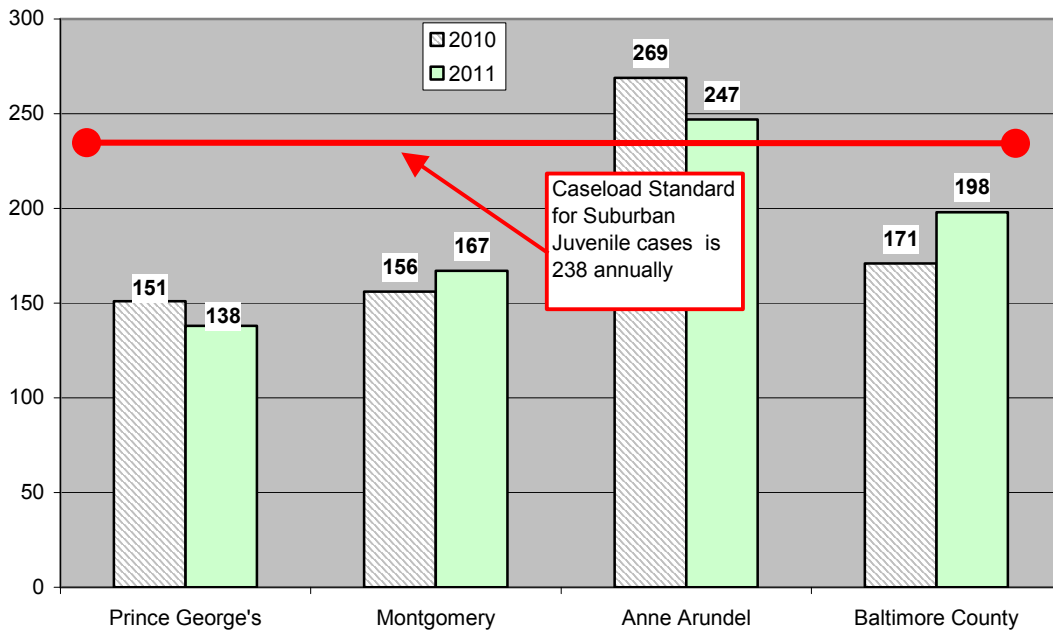


Chart 9

2010-2011 Average Attorney Caseloads Divisions

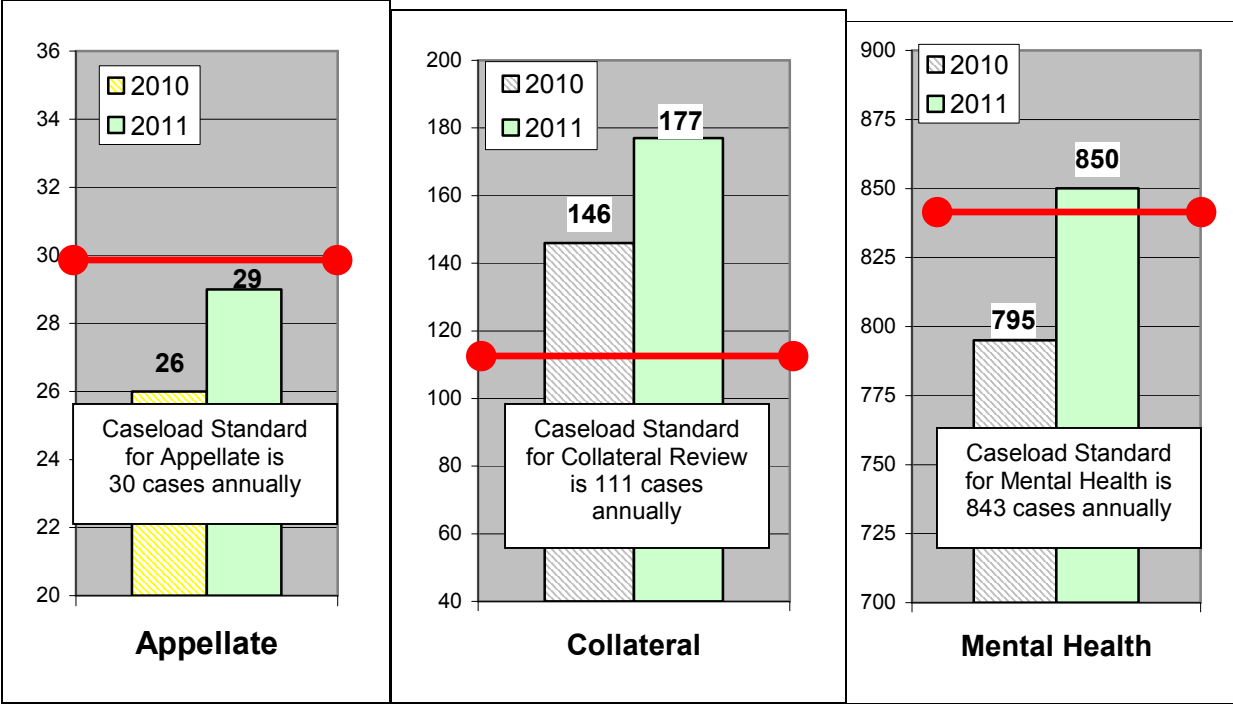


Chart 10

**OFFICE OF THE PUBLIC DEFENDER
CY2011 Total Cases Opened by District by Area of Law & Matter Type**

Matters Opened		AreaOfLaw																		
Calendar Year 2011		Circuit							Circuit Total	District						District Total	Juvenile		Juvenile Total	Total
District	County	CI	DA	JT	NS	OC	SC	VC	CR	OD	PH	SD	TR	VD	DE	VJ	Total			
01	Baltimore City	5,078	333	5,768	243	39	280	3,790	15,531	42,585	17	4,249	23	3,800	1,614	52,288	3,324	126	3,450	71,269
01 Total		5,078	333	5,768	243	39	280	3,790	15,531	42,585	17	4,249	23	3,800	1,614	52,288	3,324	126	3,450	71,269
02	Dorchester County	122	9	143	9	21	17	118	439	706	6	106	9	385	125	1,337	242	2	244	2,020
	Somerset County	154	7	69	33	2	3	77	345	579	3	48	1	268	81	980	91	-	91	1,416
	Wicomico County	444	40	240	100	43	6	269	1,142	2,226	17	264	4	1,181	297	3,989	410	3	413	5,544
	Worcester County	311	23	106	32	1	1	125	599	1,307	1	135	1	535	83	2,062	109	-	109	2,770
02 Total		1,031	79	558	174	67	27	589	2,525	4,818	27	553	15	2,369	586	8,368	852	5	857	11,750
03	Caroline County	99	4	251	10	4	6	111	485	860	4	87	-	352	110	1,413	63	1	64	1,962
	Cecil County	244	32	962	48	3	10	400	1,699	1,583	-	70	-	722	127	2,502	142	1	143	4,344
	Kent County	40	5	115	56	3	4	75	298	335	8	20	-	269	57	689	39	7	46	1,033
	Queen Anne's County	52	18	150	23	2	34	64	343	498	12	58	17	379	151	1,115	86	2	88	1,546
	Talbot County	93	-	21	15	-	10	117	256	669	-	19	3	477	109	1,277	29	-	29	1,562
03 Total		528	59	1,499	152	12	64	767	3,081	3,945	24	254	20	2,199	554	6,996	359	11	370	10,447
04	Calvert County	123	7	80	222	-	39	128	599	1,427	1	74	20	704	168	2,394	311	82	393	3,386
	Charles County	481	18	332	223	31	58	301	1,444	2,126	6	133	38	1,147	271	3,721	476	132	608	5,773
	St. Mary's County	173	15	99	154	2	17	76	536	1,585	1	34	32	567	156	2,375	231	33	264	3,175
04 Total		777	40	511	599	33	114	505	2,579	5,138	8	241	90	2,418	595	8,490	1,018	247	1,265	12,334
05	Prince George's County	1,655	28	2,262	245	31	252	766	5,239	9,811	7	2,031	2	5,471	192	17,514	1,502	4	1,506	24,259
05 Total		1,655	28	2,262	245	31	252	766	5,239	9,811	7	2,031	2	5,471	192	17,514	1,502	4	1,506	24,259
06	Montgomery County	867	504	27	207	20	48	506	2,179	7,115	7	773	16	4,049	1,260	13,220	1,019	78	1,097	16,496
06 Total		867	504	27	207	20	48	506	2,179	7,115	7	773	16	4,049	1,260	13,220	1,019	78	1,097	16,496
07	Anne Arundel County	964	222	464	84	20	130	790	2,674	7,322	7	449	29	3,822	1,117	12,746	981	86	1,067	16,487
07 Total		964	222	464	84	20	130	790	2,674	7,322	7	449	29	3,822	1,117	12,746	981	86	1,067	16,487
08	Baltimore County	2,371	595	2,336	531	17	350	1,455	7,655	7,219	4	924	221	4,410	527	13,305	2,024	296	2,320	23,280
08 Total		2,371	595	2,336	531	17	350	1,455	7,655	7,219	4	924	221	4,410	527	13,305	2,024	296	2,320	23,280
09	Harford County	326	282	528	45	3	61	521	1,766	2,016	17	158	62	1,148	441	3,842	387	38	425	6,033
09 Total		326	282	528	45	3	61	521	1,766	2,016	17	158	62	1,148	441	3,842	387	38	425	6,033
10	Carroll County	181	24	467	43	20	87	371	1,193	1,286	3	143	35	684	175	2,326	231	21	252	3,771
	Howard County	278	17	138	44	5	125	191	798	1,850	5	168	84	1,650	221	3,978	477	17	494	5,270
10 Total		459	41	605	87	25	212	562	1,991	3,136	8	311	119	2,334	396	6,304	708	38	746	9,041
11	Frederick County	263	59	583	89	29	118	406	1,547	1,684	3	184	22	1,059	305	3,257	342	67	409	5,213
	Washington County	507	79	488	216	39	91	397	1,817	2,309	8	431	112	1,081	461	4,402	563	177	740	6,959
11 Total		770	138	1,071	305	68	209	803	3,364	3,993	11	615	134	2,140	766	7,659	905	244	1,149	12,172
12	Allegany County	156	10	212	3	-	14	69	464	1,529	7	221	53	413	264	2,487	233	23	256	3,207
	Garrett County	61	4	13	7	4	21	17	127	487	1	60	39	188	103	878	81	7	88	1,093
12 Total		217	14	225	10	4	35	86	591	2,016	8	281	92	601	367	3,365	314	30	344	4,300
Total		15,043	2,335	15,854	2,682	339	1,782	11,140	49,175	99,114	145	10,839	823	34,761	8,415	154,097	13,393	1,203	14,596	217,868

Key

CI = Crim Information/Indictment	NS = Non-Support	OC = Other Circuit	SD = Sentence Review District	DE = Juvenile Delinquency
DA = District Court Appeal	SC = Sentence Review Cir	CR = Criminal District	TR = Traffic - District	VJ = Violation of Probation - Juvenile
JT = Jury Trial Demand	VC = VOP Circuit	PH = Preliminary Hearing	VD = Violation of Probation - District	

Chart 11

