

MARYLAND OFFICE OF THE
PUBLIC DEFENDER
Justice, Fairness, & Dignity for All

2023 ANNUAL REPORT

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MARYLAND OFFICE OF THE PUBLIC DEFENDER



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.

MARYLAND OFFICE OF THE PUBLIC DEFENDER

From the Public Defender



The work of the Maryland Office of the Public Defender (MOPD) is essential to upholding individual dignity and maintaining humanity throughout the State of Maryland. We fight to confront and dismantle racist police practices and carceral systems. It has been a robust year filled with triumphs and challenges.

Each day I witness the consistently amazing work of my colleagues and their unyielding dedication to the clients, the community and one another. It is this undeniable spirit that we celebrated last fall during MOPD's 50th anniversary. It was a spectacular gathering of the legal community to commemorate the establishment of MOPD, acknowledge the richness of staff talent and recognize MOPD's status as the premier criminal defense firm in the State of Maryland.

We remain steadfast in our commitment to attack systemic racism and pursue meaningful reform of the criminal legal system, as shown through our work in the courts, community, and legislature. Whether appearing before a judge, attending a council meeting, or providing formal testimony before a legislative committee MOPD shows up with zeal and passion. MOPD's Forensic, Juvenile and Parental Defense Divisions are good examples. Our inhouse Digital Forensic Lab brings specialized expertise (rare in defense practice) and the ability to compile and analyze cell phone data evidence thereby helping to level the field against law enforcement and prosecution. Our Youth Access to Counsel (YAC) hotline ensures that children, prior to facing coercive police interrogation tactics, are advised of their legal rights in child appropriate terms to ensure understanding. Our expanded advocacy teams include peer specialists who provide clients with mentoring and support from the invaluable lived perspective to ensure long term positive outcomes. Our legislative work resulted in the passage of new laws which included expanding the scope of expungement to provide a clean slate and diminishing police contact by enacting new cannabis legislation. Our collaborative teams of attorneys, social workers, paralegals, secretaries, and other staff provide holistic representation at the highest quality level.

MOPD provides approximately 90% of all criminal defense representation in the State of Maryland. In an era of everchanging legal landscape and the exponential growth of technology, it has become increasingly difficult to honor the constitutional mandates of 'right to counsel'. Defending an individual against the enormous power of the state requires hard work, careful preparation, and a well-funded office. A more equitable distribution of resources between the prosecution and defense is needed to adequately address MOPD's urgent staffing needs. Equally the establishment of policies and laws which abandon outdated and racist practices and policies, and the incorporation of restorative justice practices is essential to dismantling the prison pipeline and effectively improving public safety.

Although we grapple with insufficient resources, increasing workloads and diminished staff numbers, we remain galvanized by the resilience and the strength of the individuals we serve. This report highlights the successes and challenges of our fight to ensure "justice, fairness and dignity for all". I hope that you find it informative and inspiring.



MARYLAND OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATION

Public Defender
Natasha Dartigue

Deputy Public Defender
Keith Lotridge

Chief of Staff
Willie Flowers

Chief Financial Officer
Kathleen Mattis

Chief Information Officer
Mark Six

Director of Diversity, Equity & Inclusion
Rachel Lindley

Director of General Administration
Tammy Jarnagin

Chief Human Resources Officer
Cynthia Knight

Chief of External Affairs
Melissa Rothstein

Director of Recruitment
Durriyah Hollimon

Director of Training
Patrice Fulcher

General Counsel
Donald Zaremba

MARYLAND OFFICE OF THE PUBLIC DEFENDER

Division and District Leaders

DISTRICTS

DISTRICT 1 - BALTIMORE CITY
District Public Defender, Marguerite Lanaux
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

DISTRICT 5 – PRINCE GEORGE'S COUNTY
District Public Defender, Melissa Pryce
Deputy, Rhonda Hudson Fowler

DISTRICT 6 – MONTGOMERY COUNTY
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, John Janowich

DISTRICT 10 – CARROLL, HOWARD
District Public Defender, Joshua Speert
Deputy, Laura Kozlowski

DISTRICT 11 – FREDERICK, WASHINGTON
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, Stephanie Wolf

JUVENILE PROTECTION DIVISION
Chief, Deborah St. Jean

MAJOR CRIMES & COMPLEX LITIGATION
Chief, Katy O'Donnell

SOCIAL WORK DIVISION
Director, Terri Collins-Green

MARYLAND OFFICE OF THE PUBLIC DEFENDER

FY2023: Year In Pictures

MARYLAND OFFICE OF THE PUBLIC DEFENDER

Community outreach and engagement is a high priority at OPD. During her first year as the Maryland Public Defender, Natasha Dartigue and OPD staff participated in numerous events throughout the state.

























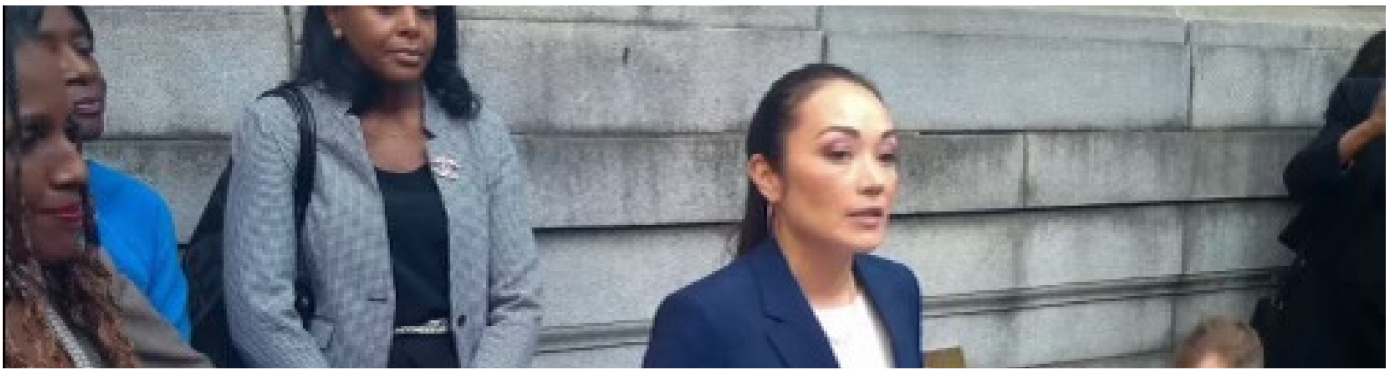







MOPD










MARYLAND AFRICAN AMERICAN HISTORY


Know Your Rights
Know Your Rights
Know Your Rights

Peer Support

Through pilot programs established with federal, state, and private grant funding, OPD's holistic concern for clients and multidisciplinary practice has begun to include Peer Specialists. Peer Specialists are individuals with lived experience within institutions, who have a substance use disorder, mental health issue, and/or experience with domestic violence. Peers serve as mentors, confidants, truth tellers, resource brokers, active listeners and advocates.

Peer Recovery Specialists who are engaged as part of a criminal legal team meet with clients at the jail who have a substance use disorder and provide valuable mentorship and support as someone who can say "I've been where you've been." They connect with the client to help inform decisions for treatment placement and prepare them for success.

Parent Advocates provide similar services to clients of OPD's Parental Defense Division. Assisting parents navigate the child welfare system, as they too once navigated, Parent Advocates relate to clients' emotions and feelings as they navigate family separation. They are able to meet clients where they are at, identify resources that they may need, and relay the client's feelings and desires to the defense team.

Peer specialists have expanded our ability to provide multidisciplinary representation- bringing perspectives forward that we may not have seen in the past and ensuring that our exemplary representation connects clients with services and support they need.









Holistic Parental Defense

OPD's Parental Defense Division (PDD) provides zealous and tenacious advocacy to parents and guardians who are caught up in the family policing system and often separated from their children. With federal matching funds secured under Title IV-E of the Social Security Act, the Parental Defense Division has been able to realize its long-held goal of providing multidisciplinary defense to parents.

Title IV-E provides funds to enhance the representation of certain children and their parents in child welfare legal proceedings. OPD was one of the first parental defense entities in the country to secure an agreement with our state administrating agency, Maryland Department of Human Services to obtain IV-E matching funds. With these funds, OPD has secured dedicated social workers and parent advocates to assess clients, provide a path to remedying any barriers to reunification with their children, and offer resources and support throughout the process. The federal funds have also enabled the PDD to provide for critical needs of our impoverished clients, including transportation to court and visitation dates, a food pantry so clients do not have to choose between feeding their family and paying their rent, and hygiene packs, for clients who need essential sundries.

The multidisciplinary defense model piloted in Maryland with Title IV-E money is an established best practice that improves outcomes for parents and children alike by preventing family separation, shortening the time children spend in foster care, and reducing the trauma that is inevitable when a family is torn apart.



CIPA Hotline

In 2022, the Maryland General Assembly passed the Child Interrogation Protection Act (CIPA) to ensure children have a trained advocate to help them understand their rights and how to use them. Without an attorney, 90% of children give up their right to remain silent, even though most cannot explain what that means. During these interrogations, young people are three times more likely to false confess than adults, resulting in wrongful convictions and years of unjust incarceration.

CIPA requires law enforcement to allow a child to speak to an attorney before a custodial interrogation. To ensure the law's proper implementation, OPD runs a CIPA hotline that connects children in custody with an attorney. Upon receiving a hotline call, an OPD attorney explains the law in age-appropriate terms, answers legal questions, and helps children understand the process.

Since the law went into effect on October 1, 2022, OPD has responded to more than 290 calls across the state. Nearly 11% of these calls involved children under the age of 14, who are the most vulnerable to providing a false confession. The majority of calls have come from the four largest jurisdictions: Prince George's County (57 calls); Montgomery County (40 calls); Baltimore County (26 calls); and Baltimore City (23 calls).



Digital Forensic Lab

Forensic technology is largely considered a surveillance tool for identifying perpetrators, but it can also provide the proof needed to exonerate an innocent defendant or raise sufficient doubt about one's guilt. While commonly relied upon by law enforcement and prosecutors, digital forensic tools are rarely available to the defense.

In partnership with the Abell Foundation, OPD established the Public Defender Digital Forensics Lab to provide in-house expertise on cell-site location data and evidence from mobile devices, cloud storage, and social media accounts.

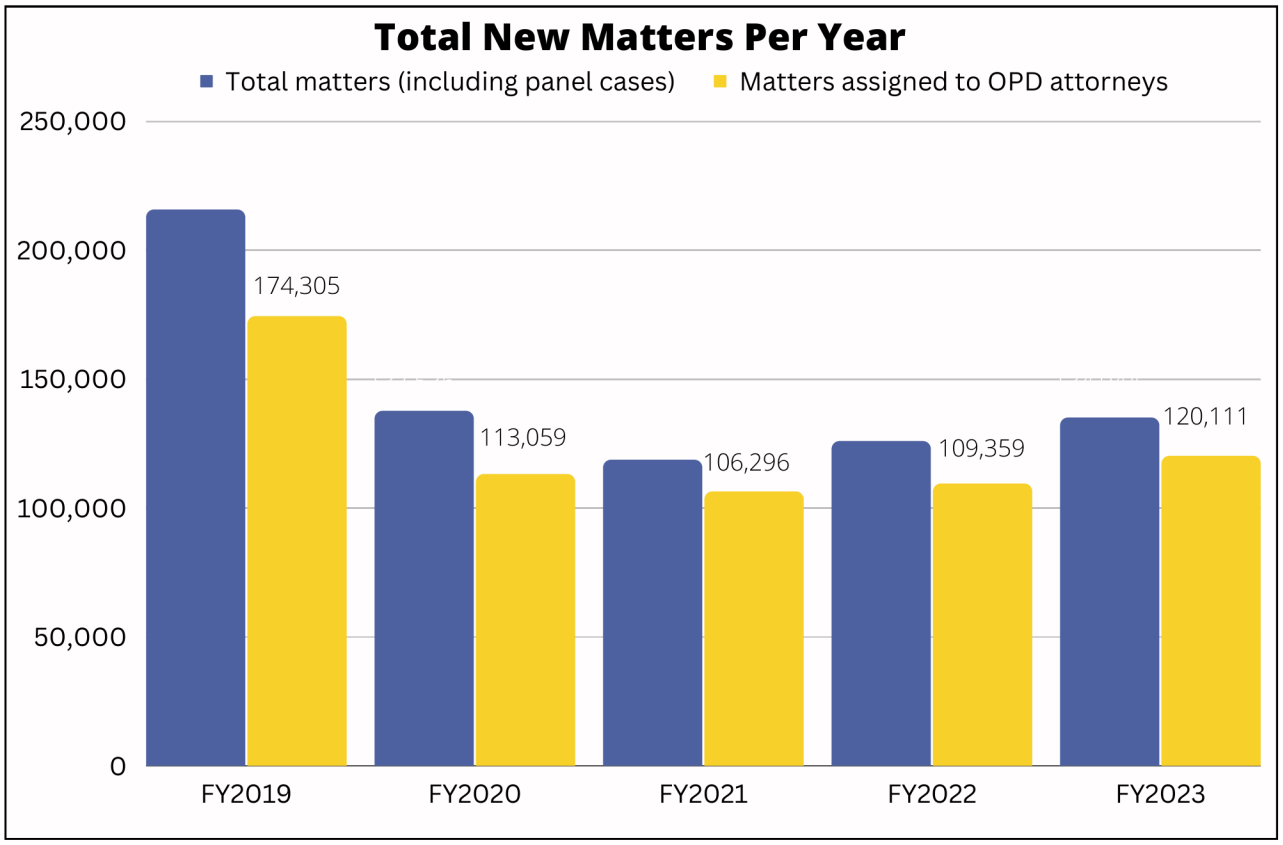
In FY2023, the Digital Forensic Lab received 72 referrals from OPD attorneys. OPD's Digital Forensic Analyst assists with trial preparation and litigation by developing new evidence, reviewing data obtained by law enforcement, and advising on how these technologies work. With this in-house expertise, OPD clients receive the highest quality representation without the state incurring the extensive expert fees.







Matters Over Time



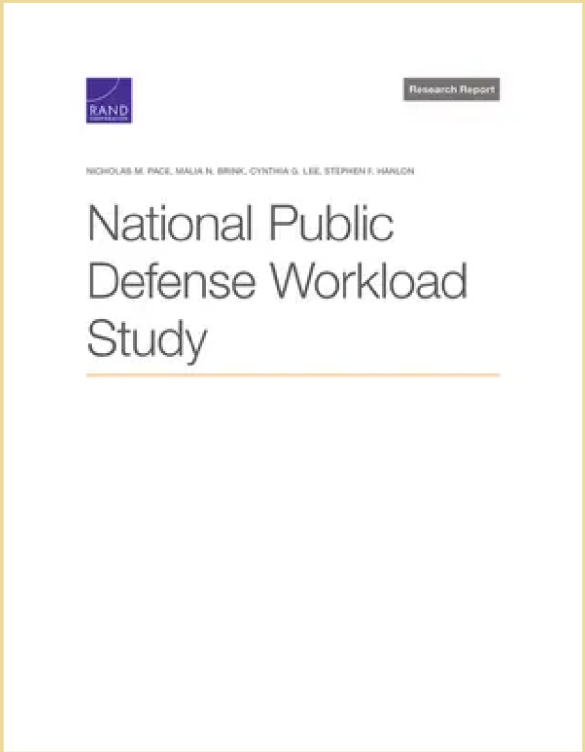
While workload standards generally consider new matters only, 36 percent of all active matters in Fiscal Year 2023 were opened in prior fiscal years. This is a decrease from last year, when COVID shutdowns had continued to cause significant delays.



	FY2021	FY2022	FY2023
Total Active Matters	179,838	206,158	187,738
Total New Matters	119,356	114,639	120,111

The National Public Defense Workload Study

Workload standards are an established practice for determining public defense personnel needs. OPD has been relying on the same standards since 2005, which were created based on a case-weighting study prepared by the National Center for State Courts that year. The 2005 standards are unable to account for the significant advancements in defender practice that have taken place in the past 19 years. Police body-worn cameras, DNA testing tools, requirements to review more scientific and digital evidence, additional proceeding obligations and challenges to extensive pretrial incarceration and more punitive sentences have drastically changed the time needed for every client and case.



The National Public Defense Workload Study ("the National Standards"), released on Sept. 12, 2023, provides new standards for how many hours public defenders should devote to specific categories of cases to maintain manageable workloads and ensure lawyers devote sufficient time to each of their clients. The study was led by a team of attorneys and researchers from nationally-known organizations, including the RAND Corporation, the National Center for State Courts, the Law Office of Lawyer Hanlon, and the American Bar Association Standing Committee on Legal Aid and Indigent Defense.

The National Standards focus exclusively on attorneys needed for adult criminal trial practice. As a result, they do not address OPD's other areas of law (appellate, juvenile, mental health, parental defense, and post-conviction), nor do they account for non-attorney needs (secretaries/clerks, social workers, paralegals, intake, investigators). By their nature, National Standards are also not tailored specifically to Maryland practice. Nonetheless, they provide a roadmap for how to improve an over-taxed system; offer a data-backed basis for funding and staffing estimates; and create a framework for conducting appropriate oversight and establishing workload expectations.

Workload Calculations

Unlike Maryland's 2005 standards, the National Standards do not distinguish workloads based on geography (urban, suburban, rural). Rather, the National Standards determine the average amount of time needed based on the sentencing exposure for the highest charge. This distinction recognizes that a homicide case with a potential life sentence will require substantially more time than a third-degree burglary charge, with a potential maximum sentence of 10 years. To apply the National Standards to Maryland's practice, OPD classified Maryland charges in accordance with the National Standards' categories based on the maximum sentence available by law.

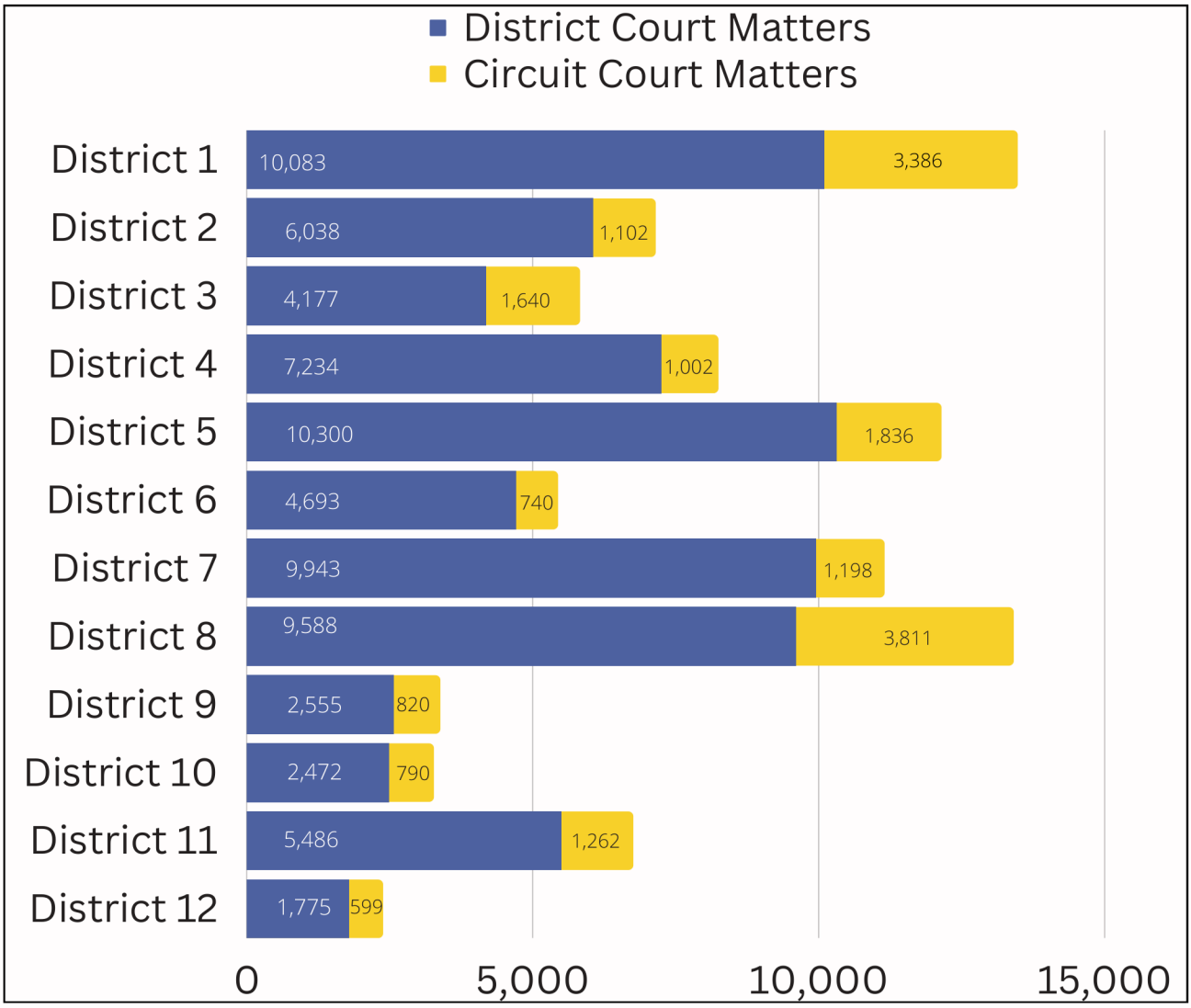
	Type of charge	Hours per charge	# Cases Per Client Adjusted*	Total hours	Attorneys needed (hours/2080)
District Court	Other/Unknown	0	2,769	0	-
	Incarcerable Traffic	2	29,425	58,850.0	28.39
	Misdemeanor Low (Up to 1 year)	13.8	17,224	237,691.2	114.27
	Misdemeanor High (Up to 2 years, or usually resolved in district court)	22.3	13,554	302,254.2	145.31
	DUI Low (Up to 2 years)	19	5,233	99,427.0	47.80
	DUI High (More than 2 years)	33	120	3,960.0	1.90
Circuit Court	Felony Mid (3-15 years maximum sentence)	57	14,329	816,753.0	362.67
	Felony High Sex (Up to 15 years)	99	8,682	859,518.0	413.23
	Felony High Murder (Up to life)	167	490	81,830.0	39.34
	Felony High Other (Up to 15 years)	248	704	174,592.0	83.94
	Total		**92,530**	**2,634,875.4**	**1,266.77**

A felony low category was provided in the National Standards with a sentencing exposure that overlapped with the National Standards' classification of misdemeanor high, but with a higher number of needed hours per charge. They were all placed in the misdemeanor high category. In addition, select charges that have a sentencing exposure of more than three years but are generally resolved in district court with a lower sentence – most notably assault in the second degree and theft – were classified as misdemeanors despite their maximum sentence equivalent to a felony under the National Standards.

The National Standards do not account for incarcerable traffic cases, for which OPD estimated the time needed as two hours per matter. In addition, there were 2,769 matters which did not have a clear sentencing exposure, and were not included in the calculations to determine need.

Adult Criminal Practice

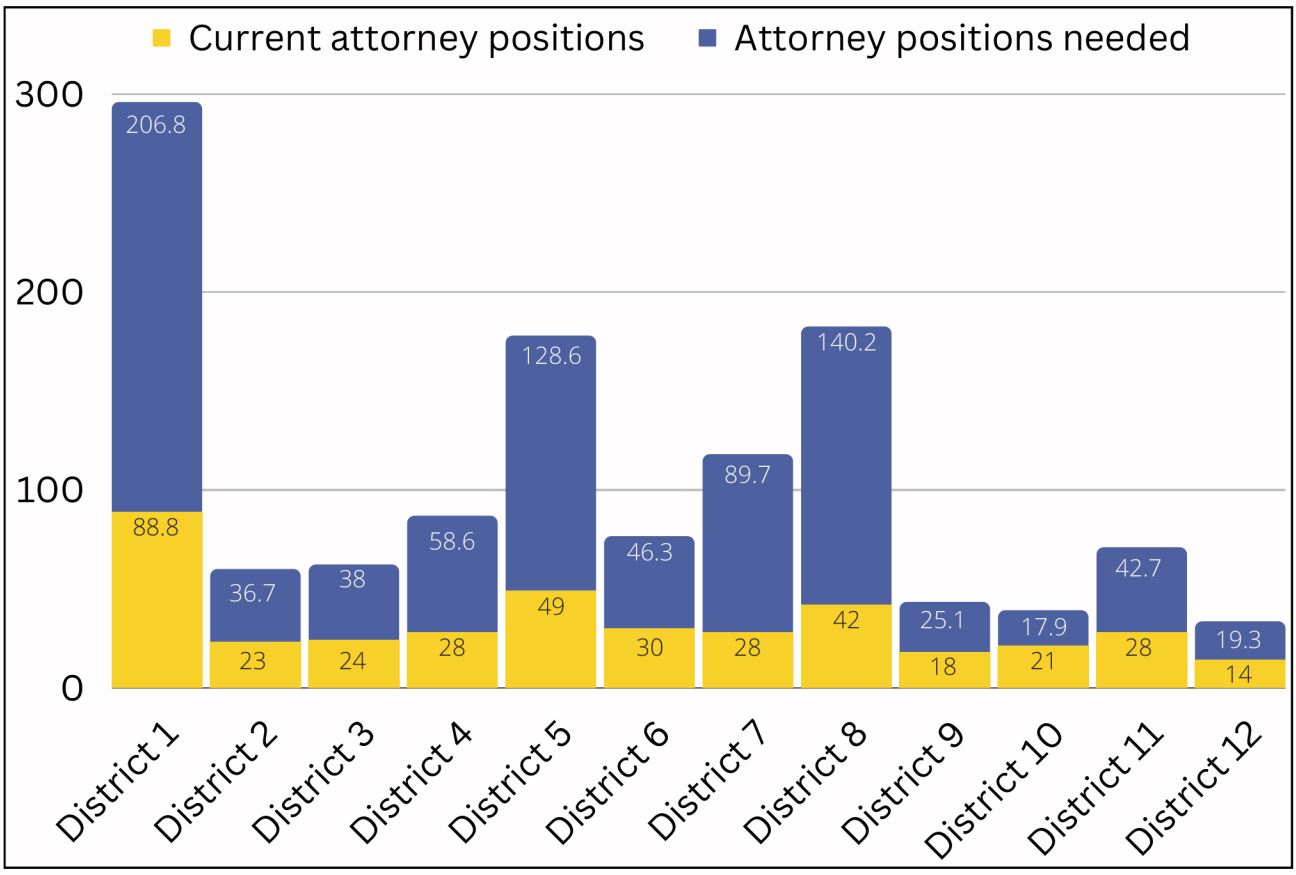
The National Standards do not account for Maryland's two-court structure for criminal matters. While the District Court and Circuit Court proceedings for the same client and charge were counted as separate matters for their respective workloads in the 2005 Standards, the National Standards factor in the time needed for both levels of litigation together. As a result, the District Court numbers provided here exclude matters that were subsequently litigated in Circuit Court.



District and Circuit Courts

While the practices are different – with District Court attorneys managing a heavy docket of cases that often resolve quickly and Circuit Court attorneys focused on increasingly serious and complex trials – OPD's assessment of attorney need is similar to the National Standards' framework in that OPD focuses district-wide gaps, rather than examining statewide practices in District Court and Circuit Court separately. The district-based focus is particularly relevant in rural districts, where attorneys often carry hybrid workloads that include circuit, district, and juvenile matters, and attorney positions are not designated to any individual practice area.

The numbers of attorneys needed for adult criminal practice was calculated based on the following equation: [sum of (number of matters x average hours per matter)] ÷ 2,080.



Application of the National Standards to OPD's District and Circuit Court practice indicates that, in order to comply, OPD's attorney staff would need to grow threefold, requiring 1,266.5 attorneys (873 new positions) for District and Circuit Courts.

Juvenile Practice

While the National Standards did not include juvenile representation, a 2022 workload study in Oregon included delinquency representation relying on the same charge classifications as in the National Standards. The calculations to determine the number of Juvenile attorneys needed utilize the same equation as in adult criminal practice: [sum of (number of matters x average hours per matter)] ÷ 2,080.

Matter Type	Hours per Matter	Number of OPD Matters	Total hours	Attorneys Needed
Other	Not calculated	92		
Misdemeanor/Traffic	35.65	679	24,206.35	11.64
Mid-felony/DUI	43.79	1,274	55,788.46	26.82
High felony	68.5	2,032	139,192.00	66.92
Waiver	261.48	Not calculated		
Probation Violation/Contempt	14.07	Not calculated		
TOTAL		4,077	219,186.81	105.38

Incarcerable traffic charges often result in more extensive monitoring and additional proceedings in juvenile matters, compared to adult matters. As a result, they were included in the misdemeanor category and assigned the same numbers of hours per matter.

Notably, we did not provide increased hours for waiver cases (or transfer cases in the adult system) nor do we separately track probation violations. As the Oregon Standards indicate, transfer and waiver matters require significantly more time and coordination between Juvenile and Circuit Court attorneys than other juvenile or adult proceedings.

Rural jurisdictions generally do not have designated juvenile attorneys. The hybrid attorneys who provide representation in District, Circuit, and Juvenile Courts were counted as full-time dedicated to adult criminal practice. These hybrid attorneys provided representation in 927 juvenile matters .

TOTAL ATTORNEYS NEEDED = 105.38 CURRENT OPD POSITIONS = 41 ADDITIONAL POSITIONS NEEDED = 64.3

Appellate Workloads

New Mexico's 2002 standards included appellate practice and, consistent with the nuances of the National Standards, distinguish the different workload needs for different cases. To determine the amount of time needed per case, the New Mexico standards rely on the number of transcript pages.

Matter Type	Hours per matter	Number of OPD matters	Number of attorneys needed
Appellate Court (formerly Court of Special Appeals)			
Record under 250 pages	89.87	134	5.79
Record 250-750 pages *	123.85	322	19.23
Record 750-1,500 pages	161.14	97	7.51
Record over 1,500 pages	232.07	19	2.19
Supreme Court (formerly Court of Appeals) review	191.37	9	0.83

*** There were 101 matters in which the number of record pages was not known. OPD assumed that the records for these matters averaged 500 pages and included them within the 322 matters with records of 250-750 pages.**

The attorney need is calculated by multiplying the number of matters and the average hours per matter, and then dividing the sum of those calculations by 2,080, the number of hours equivalent to a full-time position:

Total Attorneys Needed = 35.5
Current OPD Positions = 28
Additional Positions Needed = 8

((89.87*134) + (123.85*322) + (161.14*97) + (232.07*19) + (191.37*9)) ÷ 2080.

Post-Conviction Workloads

There are no recently developed workload standards for post-conviction work. As a result, we continue to rely upon the 2005 Standards. These standards, proposing 78 cases per attorney, provide for only 26.6 hours per case. Each post-conviction matter requires review of records that often span hundreds or thousands of pages; visiting clients who are often incarcerated hours away; investigating issues relevant to post-conviction claims; interviewing trial counsel, family members, and other relevant individuals; developing a legal strategy and, where appropriate, a release plan; drafting petitions and motions; preparing for and participating in court proceedings; and maintaining ongoing communications with each client.

	OPD	**2005 Standard**
Number of cases	2,072 total	78/attorney
Number of Attorneys	24	26 attorneys needed (2 additional positions) to meet 2005 standard

Mental Health Workloads

There are no recently developed workload standards for representation of people committed to psychiatric facilities. As a result, we continue to rely upon the 2005 Standards, which propose 883 matters per attorney. This averages a shocking 2.4 hours per client, affording virtually no time for preparation and the most minimal client contact beyond appearing at the hearing.

Beyond not providing time for the necessary review of extensive medical records, consultations with hospital staff and other experts, and communications with clients and family members required, the standard ignores the multiple hearings that clients are entitled to receive, the time needed to advise clients for whom a hearing is not in their best interest at that time, and the delays in release due to lack of outpatient resources that result in additional proceedings.

	OPD	**2005 Standard**
Number of cases	9,651 total	883/attorney
Number of Attorneys	11	20 attorneys needed (9 additional positions) to meet 2005 standard

Parental Defense Workloads

The Oregon Standards, developed in 2022, include parent representation in their juvenile court standards. Like the National Standards (and the uniformly recognized best practice), they rely on the average number of hours needed for different types of matters.

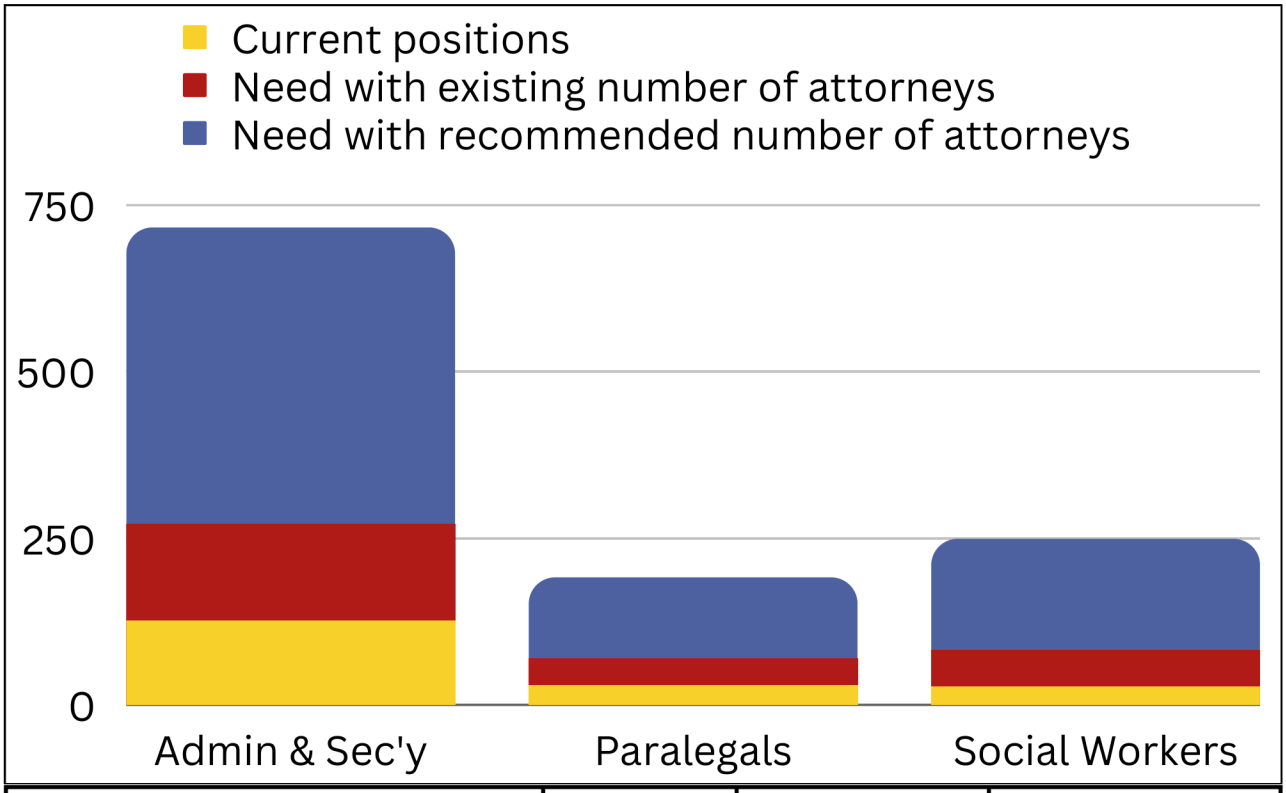
As with criminal and juvenile practice, the number of parental defense attorneys needed is calculated by multiplying the hours per matter by the number of matters, and then dividing the sum of those calculations by the total number of hours for full time employment over the course of year: ((115.62*817) + (104.92*84)) ÷ 2,080.

Matter Type	Hours per matter	Number of OPD matters	Number of hours	Number of attorneys needed
Dependency (CINA Petition)	115.62	817	94,461.5	45.4
Termination of Parental Rights	104.92	84	8,813.3	4.25
TOTAL		901	103.274.8	49.65

Total Attorneys Needed = 49.65
Current OPD Positions = 32
Additional Positions Needed = 17.65

Core Staff

There are no recently developed workload standards for any non-attorney positions. As a result, we continue to rely upon the 2005 Standards' attorney to core staff ratios for social workers (8 attorneys: 1 social worker), paralegals (11:1), and administrative workers/secretaries (3:1).In the past two decades, matters have increased in complexity, additional proceedings have been authorized, mitigation and investigation practices have expanded, and electronic filing has developed, all of which increase core staff responsibilities but are not factored into the 2005 Standards.



	Admin & Sec'y	Paralegals	Social Worker
Current positions	128	29.5	27
Need with existing number of attorneys	145	39.5	54.31
Need with standards' compliance	444	121	166.5

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Justice, Fairness, & Dignity for All