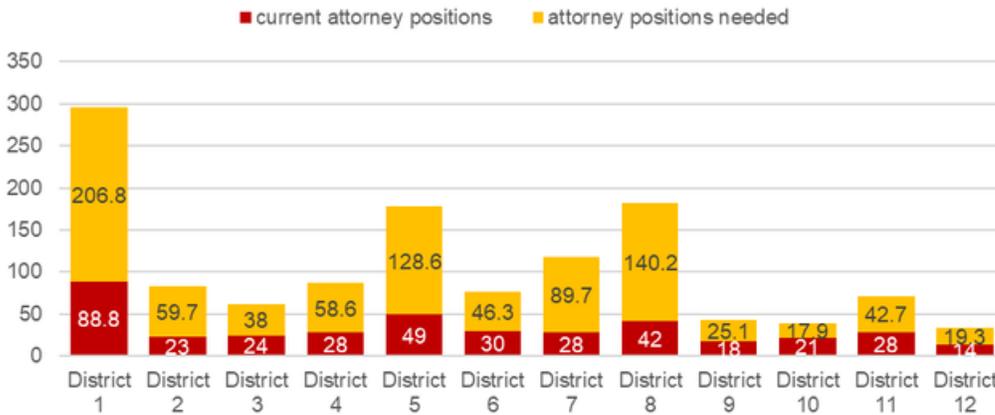


# National Public Defender Standards and Maryland OPD Workloads



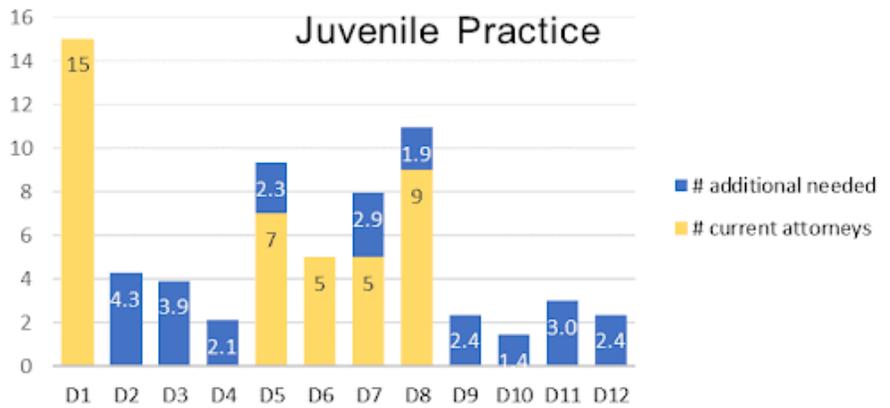
**OPD needs 924 additional attorneys and 239 non-attorney positions to meet workload standards. OPD has developed a multiyear approach to address this tremendous gap.**

Adult District and Circuit Court Practice



**National standards released in September 2023 focused on attorney workloads for adult criminal practice (OPD's district and circuit court practice). Based on FY2023 data, OPD needs 1,267 attorneys for adult criminal practice to comply with the standards, requiring 873 new positions.**

**Juvenile practice was examined in a recent study in Oregon, whose standards show that OPD needs 23 additional juvenile defenders.**



Division totals



*Under their respective best available standards, our four statewide divisions (appellate, mental health, parental defense, post-conviction) need 28 additional attorneys.*

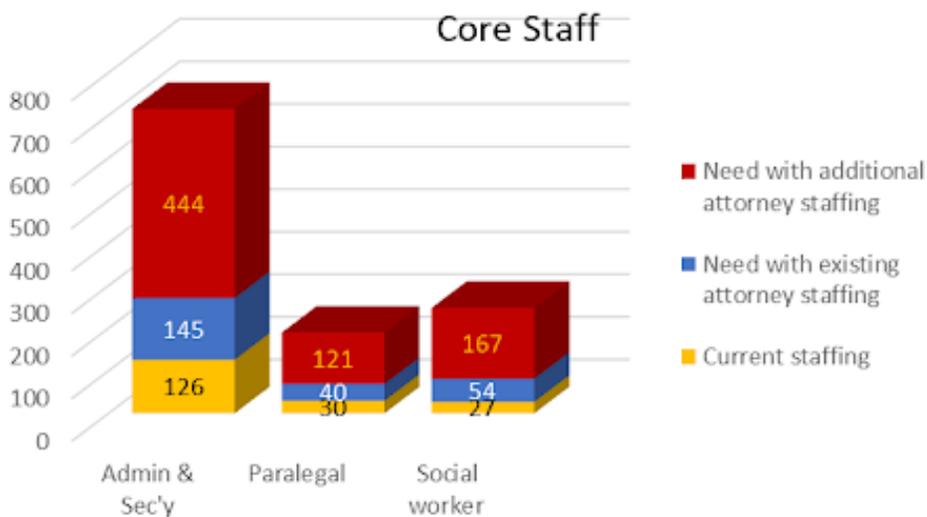


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## National Public Defender Standards and Maryland OPD Workloads

Core staff are not included in any of the recent standards. Maryland's 2005 standards provided recommended ratios for various positions based on the number of attorneys. Relying on those ratios, OPD needs 239 additional positions for sufficient core staff under current attorney staffing, and 547 additional positions under attorney staffing that complies with the best available standards.



### What are the standards?

Workload standards serve as a benchmark for constitutional compliance by measuring the effort needed to meet the Sixth Amendment and ethical rules for effective assistance of counsel.

The new standards account for the realities of modern practice – most notably police body-worn cameras and other e-discovery – that have impacted the effort needed in each case exponentially.

The National Standards only address adult criminal trial practice (OPD's district and circuit court practices). Standards developed in 2022 in Oregon and New Mexico relied on the same experts and methodology as the national standards and provided measures for juvenile (OR), appellate (NM), and parental defense (OR) practice areas. Mental health, post-conviction, and core staff continue to rely on Maryland's 2005 standards.

### How are the standards calculated and applied?

The standards provide the average number of hours a public defender should devote to each category of cases, recognizing that charges with more serious penalties require more time and expertise. These hours are then applied to each office's caseload to determine the number of attorneys needed.

OPD modified the standards to account for Maryland's unique practice. This included creating an incarcerable traffic category to distinguish these lower effort cases from other misdemeanors; categorizing misdemeanors with high sentencing exposure in a lower category to account for their typical resolution in district court; and consolidating district and circuit court matters that involve the same allegations.