



MARYLAND OFFICE OF THE
PUBLIC DEFENDER

2024 ANNUAL REPORT





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MISSION

Since 1972, MOPD has zealously advocated on behalf indigent individuals throughout the State of Maryland. In each district office and division, we amplify the voices of marginalized individuals to expose injustice, defend the accused to preserve liberty, and challenge the unfair application of laws to protect the constitution. Each day we work to combat the harms of the criminal justice system and serve as the premiere experts in criminal law.



LETTER FROM THE PUBLIC DEFENDER

Lady Justice, depicted as a blindfolded woman with scales in one hand and a sword in the other, symbolizes the ideals that the administration of justice is fair. The criminal legal system is neither just nor is it fair. Marylanders across the state frequently witness the devastating consequences of an unjust system, including biased sentencing practices, wrongful convictions and the corrosion of integrity and trust in the justice system. This leads many to remark that Lady Justice is peeking through her blindfold.

A professional headshot of Natasha M. Dartigue, a Black woman with long, curly hair, wearing a blue blazer and a pearl necklace. She is smiling at the camera.

NATASHA M. DARTIGUE
Maryland Public Defender

Each day at the Maryland Office of the Public Defender (OPD) we uphold our constitutional obligation to zealously advocate on behalf of indigent individuals, and our moral obligation to fight against oppressive systems that strip our clients of their dignity. Through our direct client practice, educational community events, and expertise shared in policy-level discussions, OPD sheds light on the harms caused by heightened police engagement, heavy reliance on carceral systems, and the continuing practices that exacerbate racial disparities.

As I reflect on OPD's past year of holistic representation, reform centered advocacy, and engaged community building, I am inspired by the impassioned dedication and skill my colleagues bring to bear each day. Our zealotness in the courtroom is matched only by our criminal law expertise and leadership in the community. As warriors on the frontline, we relentlessly demand that the scales of justice are balanced. We fight for the rights and dignity of all persons. We amplify the voices of the people and communities we serve through collaborations with an increasing array of criminal justice stakeholders. OPD's historic partnership with the Office of the Attorney General to create the Maryland Equitable Justice Collaborative (MEJC) is an effort to establish meaningful, sustained reform that addresses the underlying causes of mass incarceration, reduces the prison and jail population and uplifts communities. OPD is poised in the role as an equal and valued partner.

As public defenders, we are the most significant and visible check on abuses of power along a person's legal journey. OPD's holistic approach to representation addresses underlying issues such as mental health, substance abuse disorder, and the social determinants of crime. The criminal justice system is an ecosystem in which the components of safety, fairness and trust are inextricable. By the sheer volume of our caseload and level of criminal law expertise, OPD must be viewed as an invaluable voice, central to brainstorming solutions and resolving issues of public safety.

To truly reflect that the Office of the Public Defender is an equal and valued member of the criminal legal system, we must be properly funded. Effective public defense is an integral component to public confidence in the fairness and integrity of the criminal justice system. Adequate resources are essential to ensure manageable workloads and competent representation. Even in a tough budget environment, properly funding the Maryland Office of the Public Defender must be among Maryland's budget priorities.

This report is only a glimpse into the tremendous work done throughout OPD's many areas of practice. It also highlights challenges experienced. I hope that you find it both inspiring and informative.

A handwritten signature in black ink, appearing to read 'Natasha M. Dartigue'.



ADMINISTRATION

Public Defender

Natasha M. Dartigue

Deputy Public Defender

Keith Lotridge

Chief of Staff

Hannibal Kemerer

Chief Financial Officer

Thaddaeus Hubbard

Chief Human Resources Officer

Cynthia Knight

Chief of External Affairs

Melissa Rothstein

Chief Information Officer

Mark Six

Director of Recruitment

Durriyah Hollimon

Director of Training

Patrice Fulcher

Director of Diversity, Equity & Inclusion

Rachel Lindley

Director of General Administration

Tammy Jarnagin

General Counsel

Donald Zaremba



LEADERSHIP

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, Wesley Moore

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

District Public Defender, Tamara Stofa
Deputy, Nicole Pallia

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

District Public Defender, Michele Harewood
Deputy, Amber Wetzel

DISTRICT 5 – PRINCE GEORGE'S COUNTY

District Public Defender, Melissa Pryce
Deputy, Rhonda Hudson Fowler

DISTRICT 6 – MONTGOMERY COUNTY

District Public Defender, Sean Mukherjee
Deputy, Elizabeth Zoulas

DISTRICT 7 – ANNE ARUNDEL COUNTY

District Public Defender, Elizabeth Palan
Deputy, Ellen Goodman Duffy

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

Chief, Brian Zavin
Deputy, Amy Brennan

DECARCERATION INITIATIVE

Director, Brian Saccenti

FORENSICS

Chief, Jeffrey Gilleran

FORENSICS MENTAL HEALTH

Director, Kimberlee Watts

IMMIGRATION

Director, Stephanie Wolf

JUVENILE PROTECTION

Chief, Deborah St. Jean

MAJOR CRIMES & COMPLEX LITIGATION

Chief, Katy O'Donnell

MENTAL HEALTH

Chief, Carroll McCabe

PARENTAL DEFENSE

Chief, Nena Villamar
Deputy, Hayley Lichterman

POST CONVICTION

Chief, Initia Lettau
Deputy, Nayda Kuachusri

SOCIAL WORK

Director, Terri Collins-Green

IMPACT

DIVISION HIGHLIGHTS



POST CONVICTION

OPD's commitment to fairness and integrity is embodied by our Post Conviction Division, which represents individuals currently serving a sentence or on parole or probation on challenges to the constitutionality, jurisdiction and/or legality of the sentence or judgment imposed. In FY2024, the Post Conviction Division's advocacy resulted in 16 new trials, 2 new sentencing hearings, 2 not criminally responsible pleas vacated; and 4 life sentences

removed, reducing a total of 552.5 years from previously imposed sentences. The 552.5 years of reduced incarceration alone (which does not account for any reductions in sentences resulting from new trials) is estimated to have saved the state \$17 million in taxpayer dollars.



DECARCERATION INITIATIVE

OPD believes in second chances. Our Decarceration Initiative advocates for sentence reductions and the release of incarcerated clients who have served long sentences, and supports them during the reentry process. As a result, individuals who would otherwise languish in prison have become forces for good within their families and communities. These individuals work and volunteer as mentors to



young people, violence interrupters, reentry specialists, community organizers, and members of neighborhood organizations that provide food and support to those in need. In FY2024, the Decarceration Initiative secured the release of 11 OPD clients, with eight more receiving a sentence reduction.



SOCIAL WORK

By engaging a multidisciplinary team, OPD provides clients with high quality representation and resources that address their underlying needs. Our nationally recognized Social Work Division is essential to this work. At the most basic level, social workers identify alternatives to incarceration to develop a support network outside of the criminal justice system. In more complex cases, our licensed social workers conduct biopsychosocial assessments that explore the impact of biological, psychological, and social factors on current functioning. The social work engagement improves attorney/client relationships, case outcomes, and access to appropriate treatment services. These efforts reduce incarceration, lower the risk of recidivism, and decrease state and county criminal justice costs.



PARENTAL DEFENSE

Families are better when they stay together. OPD's Parental Defense Division launched the Better Together Program (BTP) to provide assistance and support to families who are being investigated or otherwise involved with Child Protective Services (CPS). BTP's goal is to prevent separation, address the underlying issues that brought the family to the attention of CPS, and avoid the families' involvement in the juvenile legal system, all of which will spare children and families from the trauma of family separation and system involvement. Since its launch, BTP has served more than 37 families, with a 97% success rate in preventing the families from being separated and avoiding a case being opened in juvenile court.



ADVOCATES IN ACTION



Community outreach and engagement is a high priority at OPD. The Maryland Public Defender Natasha M. Dartigue and OPD staff hosted and participated in numerous events throughout the state.





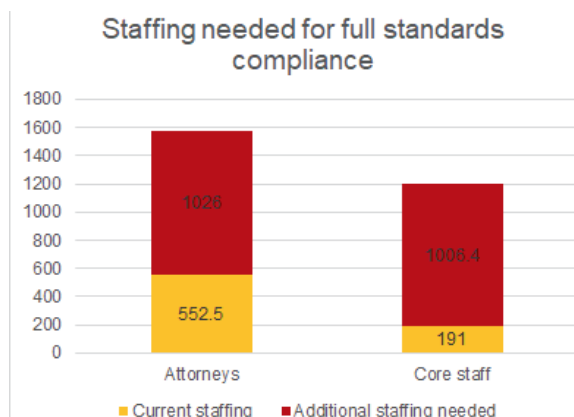


HOLISTIC PRACTICE

OPD represents indigent individuals in criminal matters (District Court and Circuit Court), Juvenile proceedings, Appellate matters, Post-Conviction cases, involuntary commitment proceedings (Mental Health), child in need of assistance (CINA) and termination of parental rights (TPR) cases (Parental Defense). The vast majority of this representation happens in-house, by dedicated full-time assistant public defenders. When necessary, OPD panels the case to a private attorney to provide conflict-free representation.

Statewide, OPD had an increase in new cases, from 108,000 in FY 2023 to 110,386 in FY 2024. Juvenile cases increased more than 30% from 2,818 in FY23 to 3,736 in FY24. In both adult criminal and appellate practice, the higher workloads were disproportionately the most resource-intensive cases -- with more serious felony charges and longer transcripts respectively. OPD prioritizes training, supervision, and professional development to ensure that attorneys are capable and qualified to provide zealous client-centered representation for each client regardless of the seriousness of the charges or the complexity of the proceedings.

| Practice Area | OPD represented cases | Paneled cases | Total |
|------------------|-----------------------|---------------|---------|
| Adult Circuit | 18,401 | 2,023 | 20,424 |
| Adult District | 76,324 | 8,741 | 85,065 |
| Juvenile | 3,736 | 1,285 | 5,021 |
| Appellate | 658 | 51 | 709 |
| Post-Conviction | 1,611 | 27 | 1,638 |
| Mental Health | 8,785 | 1 | 8,786 |
| Parental Defense | 871 | 600 | 1,471 |
| TOTAL | 110,386 | 12,728 | 123,114 |



OPD has always been adept at doing more with less, and the workload analysis provides useful guidance on what is needed to comply with best practices. Relying on the best available standard, OPD needs a total of 1,570.5 attorney positions and 811 non-attorney positions. This does not include the peer specialist, intake, and investigator positions that do not have any available standards.

MEASURING WORKLOADS



ABOUT THE STANDARDS

Workload standards are an established practice for determining public defense personnel needs. They serve as a benchmark for constitutional compliance by measuring the effort required to meet the Sixth Amendment and ethical rules for effective assistance of counsel.

The National Public Defense Workload Study (“the National Standards”), released in September 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.

Standards developed in 2022 in Oregon and New Mexico relied on the same experts and methodology as the national standards and provide measures for juvenile (OR), appellate (NM), and parental defense (OR) practice areas.

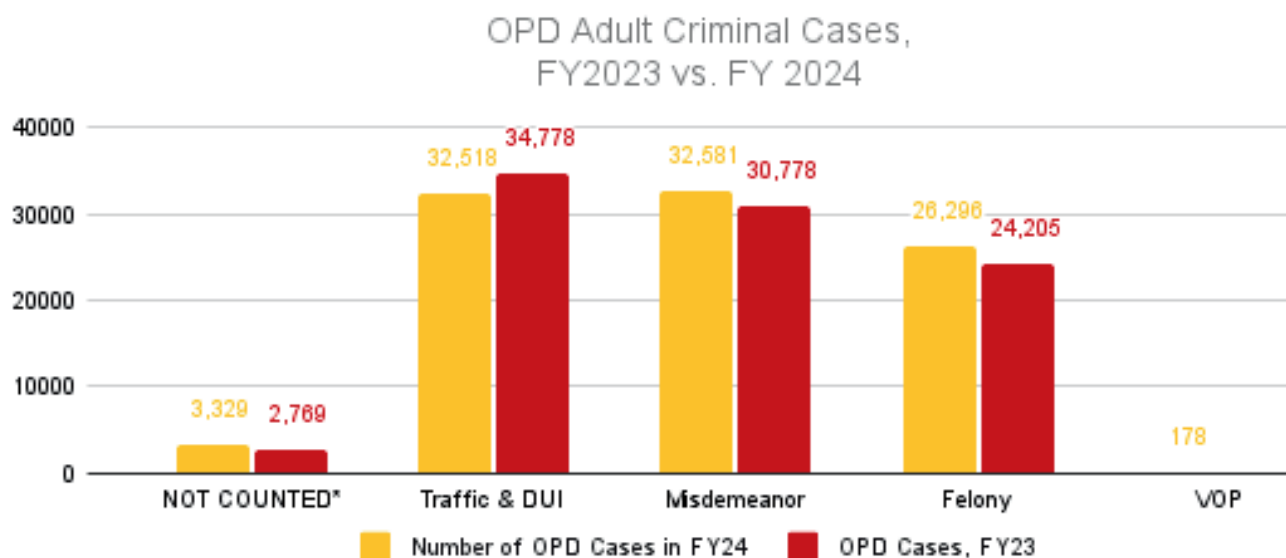
Standards for mental health and post-conviction practices, as well as staffing ratios for core staff were addressed in standards developed for Maryland in 2005. Those standards do not account for the realities of modern practice -- such as electronic filing, police body-worn cameras and e-discovery -- or the additional proceedings that have since been required in post-conviction and mental health practice. Nonetheless, as the only measure currently available, ODP continues to rely on these standards to assess workloads in these areas.

All of the standards rely exclusively on new cases, those that were first initiated that year, to measure workloads. However, cases often last for multiple years and require continued client engagement, investigation, and court involvement.. To illustrate this distinction, we calculated the total number of active cases, which includes both cases that were newly initiated this fiscal year, and cases from prior fiscal years in which a new event, disposition, internal assignment, or document filing took place.



DISTRICT OPERATIONS

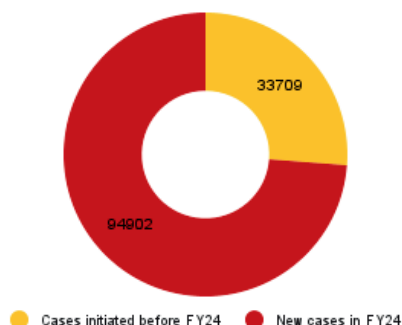
ADULT CRIMINAL PRACTICE



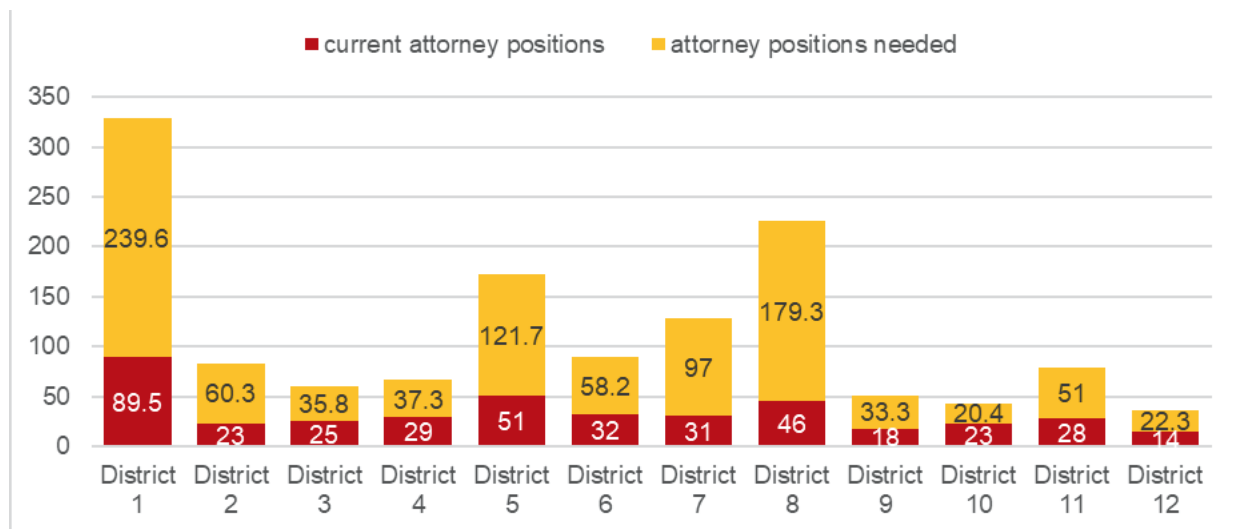
Maryland's adult criminal practice takes place in two courts, with District Court attorneys managing a heavy docket of cases that often resolve quickly or transfer to Circuit Court, and Circuit Court attorneys focusing on increasingly serious and complex trials. The National Standards do not account for Maryland's two-court structure; instead, the total time needed for both levels of litigation are accounted for together based on the seriousness of the top charge. This report does so as well. In counting the number of adult criminal cases, the district court matter was excluded whenever a circuit court matter was initiated on the same allegations.

Fiscal Year 2024 saw an increase of more than 2,000 new cases initiated compared to Fiscal Year 2023 (94,902 in FY24 vs. 92,530 in FY23). The bulk of this increase was for serious felonies, which require the most attorney time. Homicide, sex offenses, and other charges that could result in a sentence greater than 15 years' incarceration increased by nearly 10% from 9,876 new cases in FY2023 to 10,867 in FY2024. Homicides alone increased by nearly 20%, from 704 in FY2023 to 867 in FY2024.

New cases accounted for only 74% of the active adult criminal cases in FY2024



While workload examinations focus on new cases, a significant percentage of attorney caseload is carryover cases from prior years. For adult criminal practice, this has been particularly dramatic since the COVID pandemic had created a greater backlog of trials. In FY2024, OPD had a total of 128,611 active criminal cases, with 25% of criminal practice concerning cases that were initiated in prior years.



OPD's assessment of attorney need is similar to the National Standards' framework in that OPD focuses on 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.

Every district's workload is above standards, with most districts having a workload that is two to three times what is recommended for their staff size.

To comply with the National Standards, OPD would need a total of 1,366 attorneys for its adult criminal practice. There are currently 409.5 assistant public defender positions designated for adult criminal practice statewide, therefore requiring 956.5 additional positions to achieve standards compliance.

| Type of charge | # Clients Per Case Type Adjusted* | Hours per charge | Total hours | # attorneys needed |
|----------------------|-----------------------------------|------------------|-------------|--------------------|
| NOT COUNTED* | 3,329 | | | |
| Incarcerable Traffic | 27,978 | 2 | 55,956 | 26.90 |
| Misdemeanor Low | 17,894 | 13.8 | 246,937 | 118.72 |
| Misdemeanor High | 14,687 | 22.3 | 327,520 | 157.46 |
| DUI Low | 4,440 | 19 | 84,360 | 40.56 |
| DUI High | 100 | 33 | 3,300 | 1.59 |
| Felony Mid | 15,429 | 57 | 879,453 | 422.81 |
| Felony High Other | 9,473 | 99 | 937,827 | 450.88 |
| Felony High Sex | 527 | 167 | 88,009 | 42.31 |
| Felony High Murder | 867 | 248 | 215,016 | 103.37 |
| VOP | 178 | 13.5 | 2,403 | 1.16 |
| Total | 94,902 | | 2,840,781 | 1,365.76 |

CHILDREN IN ADULT COURT



TRANSFER HEARINGS

Maryland law permits that children as young as 16 automatically be charged as an adult for any one of 32 crimes, and four offenses for which children as young as 14 must be charged as an adult. The State's Attorney may petition the juvenile court for other charges to be waived up to criminal court. Automatic charging has resulted in more children charged as adults in Maryland than in almost any other state in the country. In FY2024, OPD represented 618 children charged as adults.¹

| | Number of children charged as adults |
|--------------|---|
| District 1 | 177 |
| District 2 | 33 |
| District 3 | 16 |
| District 4 | 27 |
| District 5 | 98 |
| District 6 | 53 |
| District 7 | 47 |
| District 8 | 105 |
| District 9 | 19 |
| District 10 | 12 |
| District 11 | 24 |
| District 12 | 7 |
| TOTAL | 618 |

Children charged as adults, with the exception of children facing life imprisonment for homicide, are entitled to a transfer hearing. These hearings allow the court to consider transferring the case to juvenile court so that the child can be treated like other system-involved children – with a focus on developmentally-appropriate rehabilitation and accountability. While criminal and juvenile cases hold the prosecutor to the burden of proving their case, for transfer hearings, the defense bears the burden of showing that the transfer is in the best interests of society or our child clients.

Transfer hearings are among the most resource intensive proceedings. For the defense alone, best practice generally encourages a legal team consisting of two defense attorneys (one who specializes in juvenile practice and one with adult felony expertise), and a social worker to prepare mitigation and release plans. In addition, an outside psychologist is usually required to evaluate current developmental capacity, which costs, on average, \$4,000 per client. In 2024, OPD incurred approximately \$800,000.00 in transfer evaluations costs. OPD's workload analysis incorporates children charged as adults in its adult criminal practice calculations, as the National Standards (which do not include juvenile court representation) do not



account for these hearings. However, Oregon's juvenile standards estimate that these types of cases require 261.48 hours/per case, higher than the amount for even the most serious felony under the National Standards. Under this analysis, OPD would need 78 attorneys exclusively for representing children charged as adults statewide.

Most children charged as adults will ultimately have their case transferred down to juvenile court. OPD supports legislative changes that would start all child cases in juvenile court, with State's Attorneys able to request waiver hearings for eligible cases that they seek to prosecute in adult court. In addition to preventing adult incarceration of children who will ultimately be prosecuted in juvenile court, this shift would save the State millions of dollars in cases where the prosecution agrees that juvenile court is appropriate.

¹ A prior version of this report provided different numbers, based on a miscalculation from OPD's case management system. The disparity was identified and corrected in November 2024.

JUVENILE PRACTICE



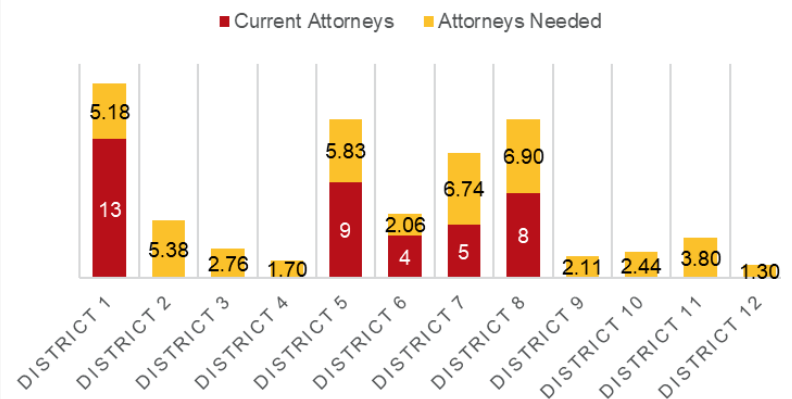
| Case Type | Hours per Case | Number of Cases | Attorneys Needed |
|-----------------------|----------------|-----------------|------------------|
| Other | n/a | 123 | |
| Misdemeanor & Traffic | 35.65 | 676 | 11.59 |
| Mid-felony & DUI | 43.79 | 1,945 | 40.95 |
| High felony | 68.50 | 992 | 32.67 |
| TOTAL | | 3,736 | 85.20 |

While the National Standards focused exclusively on adult practice, a 2022 workload study in Oregon conducted by co-authors of the National Standards included delinquency representation, which are relied upon here. The Oregon standards use the same framework and similar charge classifications as the National Standards. Driving-related charges, which were not included in either set of standards, often result in more extensive monitoring and additional proceedings in juvenile matters, compared to adult matters. As a result, incarcerable traffic charges in juvenile matters were included in the misdemeanor category and assigned the same numbers of hours per matter.

Similar to adult practice, the juvenile court workload increased from last year, by about one-third (from 2,818 cases juvenile cases in FY23 to 3,736 in FY24). While misdemeanor and traffic cases were relatively the same, high felonies (charges subject to more than 15 years' incarceration in the adult system) increased by 28% (773 in FY2023 and 992 in FY24) while mid-level felonies (charges subject to 3-15 years' incarceration in the adult system) grew by more than 50% (1,274 in FY23 and 1,945 in FY24).

OPD's juvenile practice had relatively low number of carry-over cases, with only 14% of its active caseload initiated in prior years. Nonetheless, the increase in new cases has created a substantial burden. **To comply with the best available (Oregon) standards, OPD would need a total of 85 dedicated juvenile public defenders. There are currently 39 assistant public defender positions designated for juvenile practice statewide (not including hybrid attorneys in rural jurisdictions), therefore requiring 46 additional positions to achieve standards compliance.**

JUVENILE PRACTICE



APPELLATE

DIVISION



| Case Type | Hours per case | New cases, FY24 | Attorneys needed |
|--|----------------|-----------------|------------------|
| Appellate Court: Record under 250 pages | 89.87 | 177 | 7.65 |
| Appellate Court: Record 250-750 pages | 123.85 | 327* | 19.47 |
| Appellate Court: Record 750-1,500 pages | 161.14 | 109 | 8.44 |
| Appellate Court: Record over 1,500 pages | 232.07 | 36 | 4.02 |
| Supreme Court | 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.

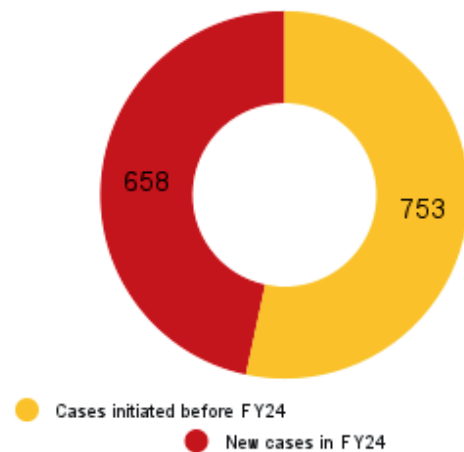
The number of new Appellate Court cases increased approximately 10% (649 in FY24; 582 in FY23). However, the number with transcripts of more than 1,500 pages, indicative of the highest level of effort needed, nearly doubled (36 in FY24; 19 in FY23). The number of Supreme Court cases remained the same (9).

Appeals often take time to secure and review the full record, communicate with incarcerated clients, draft the briefs, and argue the case. As a result, more than half of the appellate workload consists of cases that were initiated in a prior fiscal year.

To comply with the best available (New Mexico) appellate standards, OPD would need a total of 40.5 attorneys for its appellate practice. There are currently 29 assistant public defender positions designated for appellate practice, therefore requiring 11.5 additional positions to achieve standards compliance.

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. Transcript pages serve as an effective proxy for effort; the larger the transcript, the more potential issues that may have been raised at trial and are grounds for appeal. OPD's Appellate Division leadership relies on transcript length to make its assignments.

New cases were only 47% of the active appellate workload





POST CONVICTION DIVISION

There are no recent standards for post-conviction practice. As a result, we continue to rely on the Maryland's 2005 Standards. However, in the past twenty years, there have been new types of proceedings, additional issues, and increased records and investigatory needs due to forensic advancements that were not considered in 2005.

Moreover, the 2005 workload study did not rely on current best practices and only provided 26.6 hours per post conviction matter (78 matters/attorney). In most post conviction proceedings, the attorney needs to review records that typically total thousands of pages; visit clients who are incarcerated often many hours away; investigate issues relevant to post-conviction claims; interview trial counsel, family members, and other relevant individuals; develop a legal strategy and, where appropriate, a release plan; draft petitions and motions; prepare for and participate in court proceedings; and maintain ongoing communications with each client.

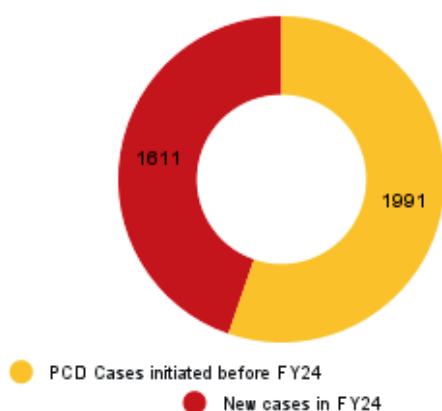
| | Standards | OPD |
|--------------------|-------------------------|-----------------------|
| # cases | | 1,611 |
| cases per attorney | standard is 78/attorney | actual is 66/attorney |
| total attorneys | 20.65 | 26 |

Under the 2005 Standards, the Post Conviction Division is within workloads. Similar to appellate practice, post-conviction proceedings often take years to resolve. More than half (55%) of the post-conviction workload concerned cases that were initiated in prior fiscal years. The number of new post-conviction matters also increased slightly from 1,498 in FY23 to 1,611 in FY24. *

JUVRA REPRESENTATION

Recognizing that young people convicted of serious crimes are capable of changing and safely rejoining society, the Maryland General Assembly enacted the Juvenile Restoration Act (JuvRA) in 2021. JuvRA allows for people who have served at least twenty years incarceration for a conviction imposed when they were a child to have their sentence reduced. If the court determines that they are not a danger to the public and that reducing their sentence will serve the interests of justice. The Decarceration Initiative, highlighted on page 6, represents individuals eligible for sentence reconsideration under the JuvRA. The law has been a tremendous success, reuniting families, strengthening communities, and saving the state millions of dollars in unnecessary incarceration costs.

New cases were only 45% of the post-conviction workload



*OPD's FY2023 Annual Report listed 2,072 post-conviction matters because it included administrative post-conviction matters. As these cases only require a review by the Division Chief, they were removed from the calculations this year.



MENTAL HEALTH

DIVISION

| | Standards | OPD |
|--------------------|--------------------------|------------------------|
| # cases | | 1,611 |
| cases per attorney | standard is 883/attorney | actual is 676/attorney |
| total attorneys | 9 | 13 |

FROM EMERGENCY PETITION TO HOSPITALIZATION

Each year, thousands of Marylanders are forcibly admitted to a hospital, where they become clients of MOPD. The process begins with an emergency petition, which authorizes a police officer to forcibly bring someone to a psychiatric hospital for examination. If two medical professionals determine that the person meets the designated criteria, the person is involuntarily admitted into the hospital.

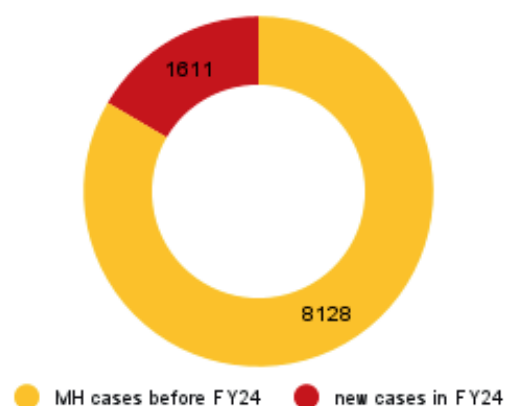
The individual has a right to a hearing before an administrative law judge (ALJ) within 10 days of admission to a psychiatric facility. OPD represents the stated interests of the client. If the client cannot state their interest, OPD must advocate for their right to freedom and liberty in the least restrictive environment. If the ALJ orders involuntary civil commitment, the order lasts for 6 months. At that time, the hospital can seek to recertify the person, and a new commitment hearing is held, where OPD will again represent the person..

People experiencing mental health crises often end up in the carceral system, either due to an emergency petition resulting in involuntary hospitalization or deriving from an arrest resulting in jail detention that may ultimately lead to hospitalization. OPD's Mental Health Division represents individuals throughout Maryland in psychiatric hospitals against their will.

Similar to post-conviction practice, there are no recently developed mental health workloads, and the 2005 Standards do not account for all of the current proceedings or the extent of effort required. These standards propose 883 cases per attorney, averaging a mere 2.4 hours per client.

Even more than other practice areas, the Mental Health Division is particularly impacted by cases initiated in prior fiscal years. More than 80% of the active mental health workload involved clients whose proceedings began prior to FY2023. The number of new cases initiated decreased from FY2023 to FY2024.

New cases constitute only 17% of the mental health workload





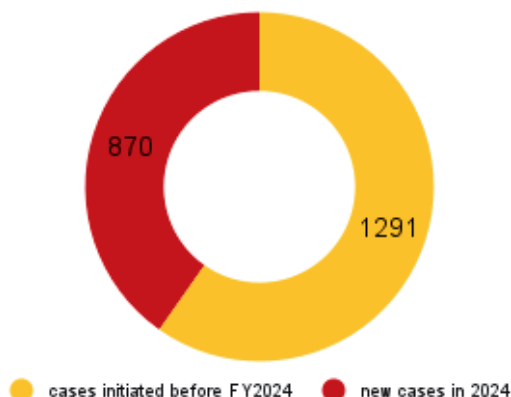
PARENTAL DEFENSE

DIVISION

| | Hours per case | New cases | Attorneys needed |
|--------------------------------|----------------|-----------|------------------|
| Termination of Parental Rights | 104.92 | 81 | 4.09 |
| Dependency (CINA) | 115.62 | 790 | 43.91 |
| Total | | 871 | 48.00 |

The Oregon Standards, relied upon for juvenile practice, are also the best available standards for parental defense and distinguish between the two primary types of proceedings – termination of parental rights (TPR) and dependency (Child in Need of Assistance, or CINA). Parental defense representation typically lasts for many years, and 60% of the Parental Defense Division’s workload consists of cases that were initiated prior to FY2024. The number of new cases initiated decreased from last year.

New cases constituted 40% of the full Parental Defense workload



To comply with the best available (Oregon) standards, OPD would need a total of 48 attorneys for its parental defense practice. There are currently 36 assistant public defender positions designated for parental defense, therefore requiring 12 additional positions to achieve standards compliance.

TITLE IV-E FUNDS

Under Title IV-E of the Social Security Act, the federal government offers matching funds to enhance state spending in child welfare cases. In 2019, Title IV-E was expanded to include coverage of parent representation in eligible matters. OPD was one of the first offices to receive IV-E funds under this expansion.

In FY2024, OPD used these funds to engage six social workers and five parent advocates in its parental defense practice, help launch the Better Together program discussed on page 6, establish a client fund to secure transportation to court and needed resources for client success, and provide training for its parental defense team.



CLIENT SERVICES

SOCIAL WORKERS AND PEER RECOVERY SPECIALISTS



Social workers were included in the 2005 Standards based on a ratio of one social worker to eight attorneys. Current state funding provides for only 29 social workers to assist the more than 550 attorneys in our district and division practice areas. Through federal, state, and private partnerships, OPD has secured grants that provide the salaries for an additional 16 social workers. These grant positions have allowed for us to provide resources to special populations who may not receive services otherwise, particularly in district court where individuals with a behavioral health concern may not be facing significant prison time on any individual case but are at risk of cycling in and out of the system repeatedly. OPD would need a total of 69 social workers to be compliant with the standards under its current staffing, and 196 social workers to comply under the standards' recommended attorney staffing.

Peer recovery specialists are an emerging best practice in public defense, with unique expertise in navigating systems and identifying appropriate resources. OPD converted two state-funded positions to provide permanent employment to long-standing peer leaders. Otherwise, its peer unit is exclusively grant funded. Through these grant projects, they have become vital members of the legal team for clients with substance use disorders, children charged with gun possession, and parents at risk of losing custody of their children.

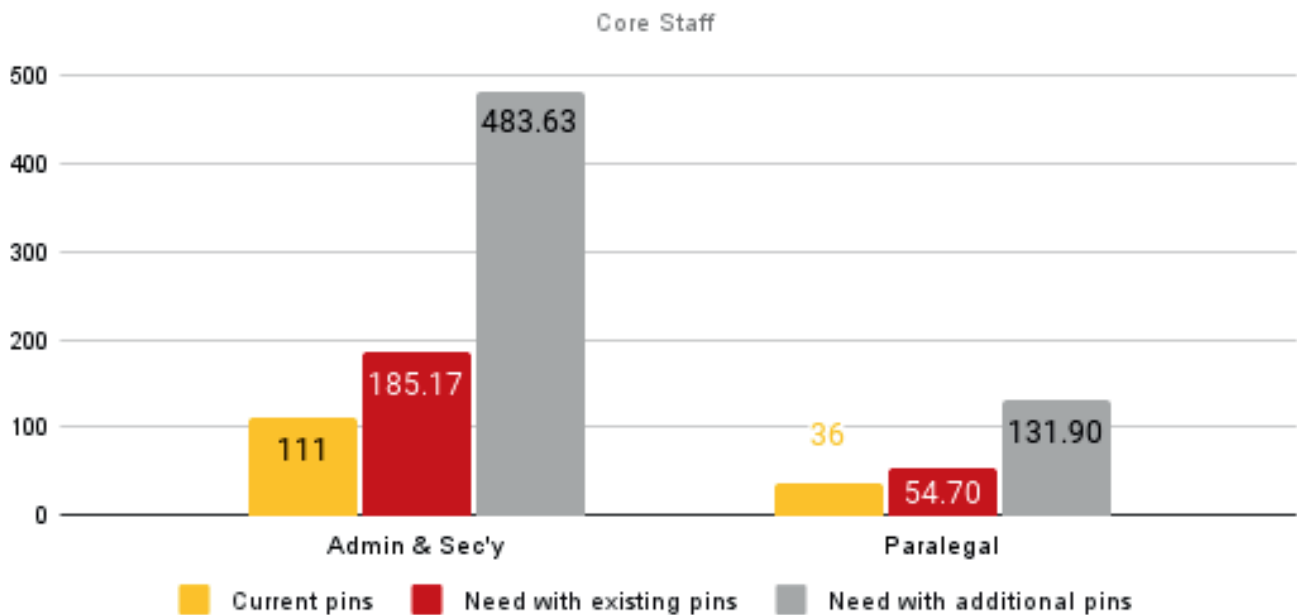
OPD's Social Work Division and Peer Support Unit provide vital services both for the legal case and the client wellbeing. The Social Work Division is composed of licensed forensic social workers who apply their clinical expertise to assess the underlying causes of clients' behaviors, develop individualized recommendations for treatment, and offer alternatives to incarceration and expert testimony. By investigating a client's social history, our social workers unearth the root causes of a client's decision-making and develop meaningful plans to remove barriers to success in the future.





ADMINISTRATIVE SUPPORT

CORE STAFF



Attorneys cannot do their jobs without administrative support. This is particularly true in today's practice, which requires expanded recordkeeping, navigation of multiple technology systems, and increased organization of larger and more complex case files and eDiscovery.

The 2005 Standards recognized the fundamental role of these team members, and established ratio standards of one secretary or administrative aide to every three attorneys and one paralegal to every 11 attorneys. Under current staffing, OPD would need 74 more secretaries and 19 more paralegals to achieve compliant ratios. If attorney levels were compliant with the standards, OPD would need an additional 373 secretaries and 96 paralegals.

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