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OFFICE OF THE PUBLIC DEFENDER



STATE OF MARYLAND

Fifteenth
Annual Report 86

107368

Fiscal Year 1986

107368

REPORT OF THE PUBLIC DEFENDER
Fiscal Year 1986

107368

U.S. Department of Justice
National Institute of Justice

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Public Defender

ALFRED J. O'FERRALL, III
Deputy Public Defender

Central Offices

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Baltimore, Maryland 21201

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INTRODUCTION

The Office of the Public Defender came into legislative existence on July 1, 1971 and became fully operational on January 1, 1972. The enabling statute, Article 27A of the Annotated Code of Maryland, charges the Public Defender with providing legal representation, including necessary related services, for any eligible indigent taken into custody under any proceedings in accordance with the laws of the State of Maryland or ordinances of any County, Municipality or Baltimore City, involving possible incarceration. Representation is provided in criminal trials, appeals, juvenile causes, post-conviction proceedings and other collateral matters, probation and parole revocations, disposition of detainees and involuntary commitments to mental institutions.

Under the Act, the Governor of Maryland is vested with the exclusive authority to appoint a Board of Trustees, consisting of three members who, in turn, appoint the Public Defender and oversee the operation of the Public Defender System.

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 geographical boundaries of the District Court, as set forth in Courts & Judicial Proceeding Article of the Annotated Code. Each District is headed by a District Defender responsible for all defense activities in his District, reporting directly to the Public Defender.

The District Defenders are given almost complete autonomy in their individual jurisdictions by the Public Defender; problems peculiar to each locality, therefore, 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.

GOALS OF THE OFFICE OF THE PUBLIC DEFENDER

1. To provide legal representation for the indigent in criminal, juvenile and related matters where incarceration is possible that is equal to or exceeds that representation afforded by the private Bar.
2. To develop and retain within the Office a cadre of legal talent who are dedicated, highly professional and zealous in their representation of the indigent.
3. To increase the efficiency of the Agency by the application of management techniques and resources which increase attorney productivity with no loss of attorney effectiveness.
4. To work cooperatively with other members of the Criminal Justice System toward the improvement of that system and the representation of clients.
5. To maintain a quick access record keeping system which accurately documents the client's case history and which provides the data needed for the daily operation of the Agency and for short and long range planning.
6. To monitor the costs of representation of clients to insure the cost-effectiveness of our services, but not to have a negative impact on the quality of the representation provided.
7. To maintain a professional work environment for employees.
8. To encourage, when possible, the professional and career development of all employees, so that the employee's value to the Agency and client is enhanced.
9. To recognize the contributions of all employees to the success of the Agency.

OVERVIEW 1986

During the past Legislative Meeting a familiar refrain was repeated "the Public Defender represents too many people." With the unsaid corollary, "you are spending too much money in the representation of the indigent." The unstated underlying philosophy seems to be that the indigent accused deserves justice, but not too much!

Indeed, the caseload increase of this agency has been incredible with representation at the trial table raising from 28,330 in FY 1973 to 94,239 in FY 1986, while the rate of growth reached 14.6% in FY 1983, 14.8% in FY 1984, and 13.8% in FY 1985. This rapid consistent rate increase outstrips all traditional growth indicators and has raised questions in both Budget and Fiscal Planning and, apparently, the legislature as to the validity of budget forecasts. In fact, our cost projections of workload increases have been largely ignored and downplayed and the appropriation (MARC) continued to be established on the previous fiscal year's actual expenditures with its built-in shortfall ignored and adjusted for COLA only.

It is not difficult to find answers for our escalating workload - economic factors - past inflation and continuing unemployment - coupled with a growing acceptance and confidence in the Office's representation. The cost of living, which results in less disposable income of clients and higher fees charged by private attorneys, has forced more and more clients to the Public Defender System. An indigent accused is defined in Article 27A, Section 2 (f), "any person taken into custody or charged with a serious crime ..., who, under oath or affirmation, subscribes and states in writing that he is financially unable, without due hardship, to provide for the full payment of an attorney and all other necessary expenses of legal representation."

Periodically, this Office conducts a survey of the private Bar to attempt to establish the prevailing fees charged by private attorneys and relate those fees to the determination of client eligibility for services by this Agency. Results of surveys of the private Bar conducted in 1981 and 1986:

1. There are attorneys available for reasonable fees, but they are few in number or not engaged in any significant criminal practice.

2. Fees charged by attorneys vary significantly within each District and widely throughout the State for all types of cases.

The responses to our most recent survey in 1986 varied from 0% return in District 7 (Anne Arundel) to 67% in District 2 (Upper Eastern Shore). The Montgomery County Office (District 6) submitted a County Bar Association survey conducted two years earlier which, in comparison with other data, seems somewhat outdated. Other than the Montgomery County figures, the fees charged throughout the State demonstrate a reasonable and expected variance, with fees being lower on the Eastern Shore and in Southern and Western Maryland.

Baltimore City is representative of the metropolitan area. Between 1981 and 1986, the average fee for theft went from \$355 to \$612; assault from \$307 to \$545; possession of a controlled dangerous substance from \$336 to \$620; driving while intoxicated from \$520 to \$962; homicide from \$3,790 to \$11,000; arson from \$2,150 to \$5,469; burglary from \$1,546 to \$2,839; and rape from \$2,773 to \$5,125.

Fees charged in Baltimore City were exceeded in District 5 (Prince George's County) and District 10 (Howard and Carroll Counties) for both misdemeanor and felony cases.

As long as this Agency must qualify applicants for its services based on the statutorily mandated ability to pay, without undue hardship, the full fee of private counsel and all other necessary expenses of legal representation and as long as the private Bar continues to escalate its fees, the caseload of the Public Defender will increase. There was a 37.8% increase in Public Defender caseload (from 69,763 to 96,130 completed cases) between 1981 and 1986. In that five year period, the private Bar almost doubled its fees!

The chronic underfunding has created further problems in the supportive service areas in that the Agency has been forced to forego vital office space for personnel and furnishings, postponing the procurement of modern and more efficient office equipment, cutting to the bone in all possible areas for the purpose of abating deficiencies, but in the end simply compounding production problems.

Our major answer to production problems keeping pace with our growing caseload has been the use of contractual employees, particularly attorneys. This Agency

has, in fact, become greatly dependent upon contractual services out of necessity, because of:

1. Emphasis on child abuse and neglect prosecutions.
2. Continuous caseload growth in specific Districts of the State.
3. Extraordinary efforts by the Agency to provide representation in a cost-effective manner.

1. The CINA Problem.

Public Defender involvement in CINA (child abuse and neglect proceedings) started in 1980 as the direct result of the¹ Legal Aid Bureau, Inc. cutback in representation for lack of Federal funding. What began as a minor accommodation to the Juvenile Courts, primarily in emergency hearings, has grown into a fiscal caseload never anticipated by the Agency. Baltimore City is a classic example of a growing Statewide problem. In 1980, our Charm City Juvenile Division assigned two of its attorneys and one office clerk to the newly created CINA Unit to handle all CINA (child in need of assistance), CINS (child in need of supervision) and Interstate Compact cases (runaways and absconders). The Unit's workload, from its inception, was over 95% CINA cases. CINA is the civil trial in which the issue is the placement of or the possible removal of the child from the home into a foster care situation. No additional funding or positions were obtained to staff this Unit.

By 1983, State and Federal Law, PL 96-272, mandated that all cases in which the child is placed in foster care must be reviewed by the Court every 18 months. The public's awareness of child abuse and the mandated Court review of children in foster care resulted in a significant increase in caseload for this Unit. Baltimore City has 50% (2,700) of the children placed in foster care throughout Maryland.

With no additional funding, the Office of the Public Defender increased the staffing of the Unit in 1983 and again in 1985 to deal with the astronomical caseload.

¹July 1, 1986 Fixed Price State Contracts - Legal Aid Bureau, Inc., \$1,485,432 and MD Disability Law Center, \$219,753 to furnish legal services to children in need of assistance (CINA).

By 1986, the Unit had grown to five full-time attorneys (three staff and two contractuals) and four legal assistants (one staff and two and one-half contractuals) and one staff office clerk. In 1986, the CINA Unit in Baltimore City alone handled 749 new cases and 901 reviews which represented 15% of the workload of the entire Juvenile Division. As of September, the Baltimore City Department of Social Services is receiving 785 referrals per month for child abuse and neglect accusations.

The CINA problem is most obvious in Baltimore City, but the other Districts have not gone unscathed. A survey conducted in December, 1985 revealed that:

1. Virtually all Districts represent one or more of the "parties" in CINA cases.
2. Districts 4, 6 and 11, often or always, represent both the child and the parents which results in a panelling of one or more parties because of conflict.
3. Districts 1, 3 and 7 have 25% or greater frequency in representing multiple parents (mother and one or more fathers) resulting in panel fees.
4. The greatest number of CINA cases and reviews are found in Districts:
 - 1 - Baltimore City
 - 3 - Upper Eastern Shore
 - 5 - Prince George's County
 - 6 - Montgomery County

Throughout the State, CINA cases have generally been absorbed by the staff except in District 1, Baltimore City (contractual attorneys) and in Districts 4 (per diem), 5 (per diem), 6 (panel), 10 (contractual) and 12 (contractual).

2. CASELOAD Growth and the Rape of Baltimore City.

The establishment of the CINA Unit out of "nothing" required the shifting of three attorneys from the Delinquency Unit to staff the new CINA Unit, but this is not the only time Baltimore City was used as a reservoir of

talent and experience for transfer of staff to other parts of the System. In the last few years, there has been a reoccurring rape of the City to respond to emergency situations throughout the State.

In 1985, the Baltimore County (District 8) Office underwent a change in the District Public Defender. With the advent of the new administration, the caseload in District 8 went from 6,259 cases in 1984 to 6,725 cases in 1985. In 1986, the caseload significantly increased again to 8,367. The 34% increase from 1984 to 1986 necessitated shifting experienced attorneys and support staff from Baltimore City to the Baltimore County Office, increasing that attorney staff from six attorneys (in addition to the District Public Defender) to a total of twenty staff and contractual attorneys, three investigators and other support staff.

An analysis of the workload in District 11, Frederick and Hagerstown Offices, in 1986 showed that the District exceeded proposed ABA Standards by over 70%. To address that critical need, the Office again shifted an experienced attorney to the Frederick Office from Baltimore City. There is still a pressing need for another attorney in the Hagerstown Office, but we have denuded the Baltimore City Office to a point where we have had to replace that staff with contractual attorneys to meet Baltimore's caseload demand. District 11's productivity still exceeds the recommended ABA Standards by 42%, due exclusively to an overload in the Hagerstown Office.

Special Workload Problems:

The use of contractual attorneys in both District 6 (Montgomery County) and District 8 (Baltimore County) is inconsistent with the rest of the State. In these Districts, there is approximately a 4:3 ratio of staff to contractual attorneys, whereas in the other Districts, there is no greater than a 4:1 ratio of staff to contractual attorneys.

The reasons for the over-dependence on contractual attorneys in Districts 6 and 8 differ. In District 8, there was a rapid expansion of workload necessitating a quick response, resulting in an Office heavily staffed with contractual attorneys in order to reduce panel costs.

District 6 had in 1983 nine staff attorneys and seven part-time contractual attorneys with a caseload of 7,835, by 1986, the caseload had increased to 11,135, a 42% increase. During that time, three and one-half full-time

staff and two additional contractual attorneys were added, making a total of nine contractual attorneys. We have never been able to "catch-up" to proper staffing levels in District 6 because of an ever-increasing caseload.

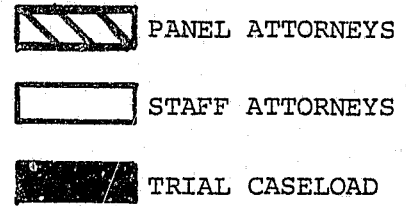
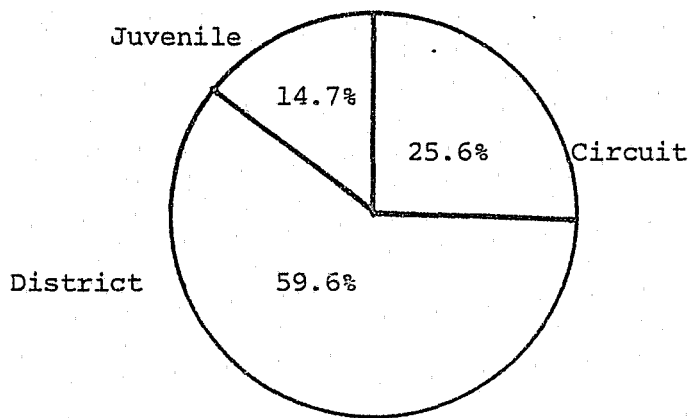
Future caseloads in Districts 6 and 8 are projected to increase which means that we will continue to need the services of the attorneys under contract in Fiscal Year 1988 and beyond.

The caseload increase in District 5 (Prince George's County) has been horrendous (34.5% increase in three years). Staffing problems in this District have been compounded by a lack of expansion room in the Office. Major changes were made in Fiscal Year 1986 to have the majority of the caseload handled "in house" by staff or contractual attorneys, rather than panel. In 1985, 61% of the cases were closed by panel at a cost of \$340,108 to the Agency; in 1986, 39% of the caseload was completed by panel at a cost of \$321,050. The administrative nightmare of the rotating panel system, together with the difficulty of containing bottom line panel costs even with a major shift to staff, necessitated the recent authorization of three contractual attorneys to meet the 10% increase in caseload at District Court and to further reduce reliance of panel assignment.

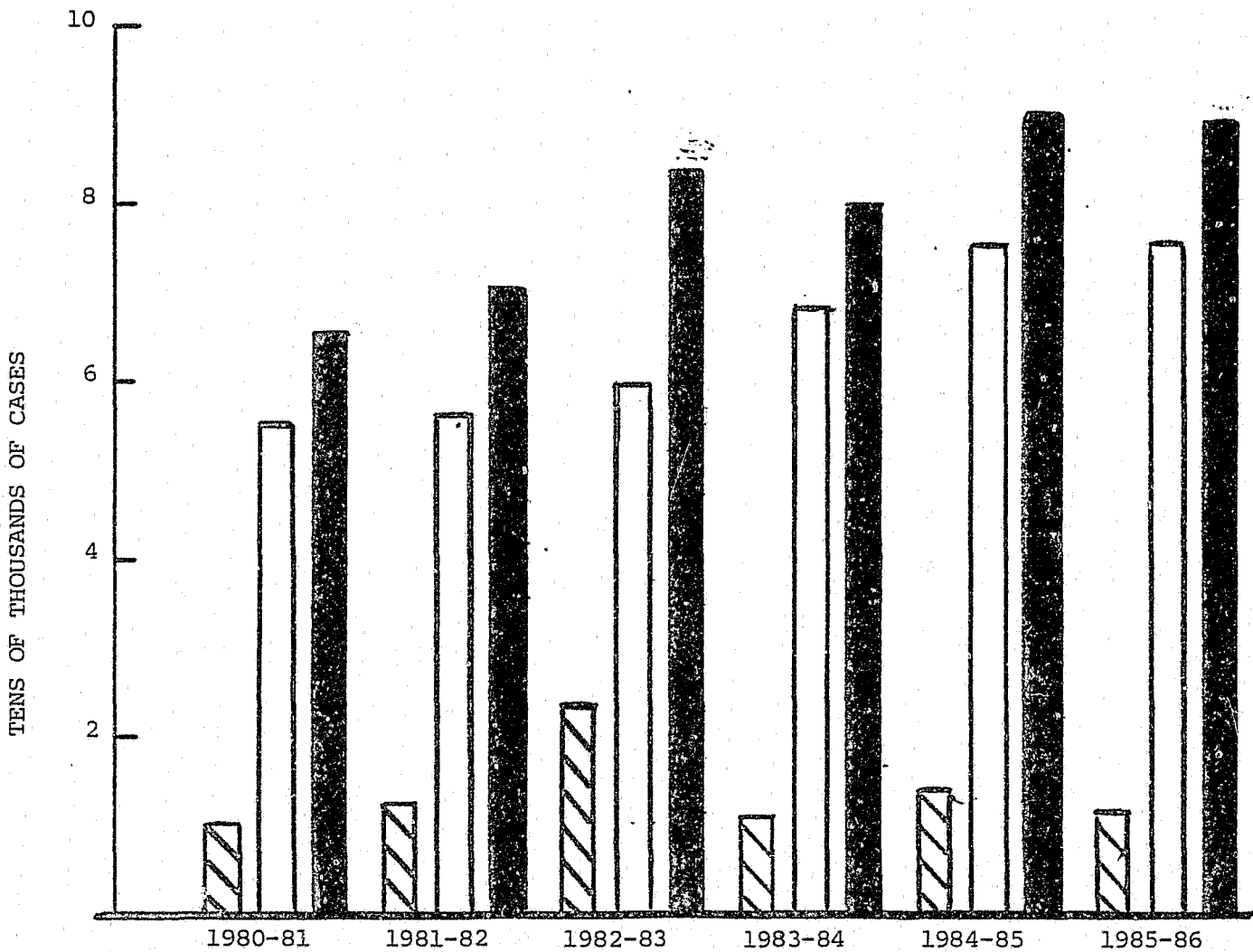
3. COST EFFECTIVE Use of Contractuals.

District 7 (Anne Arundel) has been an exceptionally economic operation. In 1986, fully 90% of all cases were completed by staff or contractual attorneys with a cost of \$29,805 in panel fees. District 7 is the 5th largest District in caseload, yet ranks only 9th in panel attorney fees. Two contractual attorneys supplement the eleven attorneys on staff, besides the District Public Defender.

DISTRICT OPERATIONS -
CASELOAD BY FISCAL YEAR



PERCENTAGE BREAKDOWN of
caseload by Court.



1986 REPORTS OF THE DISTRICT PUBLIC DEFENDERS

DISTRICT NO. 1
Baltimore City

DISTRICT PUBLIC DEFENDER:
Norman N. Yankellow

312 N. Eutaw Street
Baltimore, Maryland 21201

Juvenile/District Court Divisions:
231 E. Baltimore Street
7th Floor
Baltimore, Maryland 21202

TOTAL POPULATION: 772,600

NO. OF PANEL ATTORNEYS: 97

NO. OF DISTRICT COURTS: 13 (8 Criminal - 5 Traffic)

NO. OF CIRCUIT COURTS: 12

NO. OF JUVENILE COURTS: 8 (7 Masters - 1 Judge)

District No. 1 continued, as it has in the past, to maintain the quality of its services to its clients, notwithstanding problems created by external policies over which it has no control.

The Felony Trial staff has been able to sustain a manageable workload, but has been severely hampered in its inability to visit clients at the Baltimore City Jail. The jail, because of its own manpower problems, has restricted attorney visits to the hours of 11:00 a.m. to 4:00 p.m. This has severely hampered our efforts to see our clients because these hours coincide with the regular visiting hours at the jail and causes the staff to compete for space with family visitation of the prisoners in a very limited time span. Previously, attorney visiting hours were 8:30 a.m. until 7:00 p.m. on weekdays and 8:30 a.m. to 5:00 p.m. on Saturdays. Compounding this problem is the fact that the visiting hours are limited to time periods during which the attorneys first obligation is to the courts, and scheduling of such visits becomes tremendously difficult.

A new problem at the felony level is that the State's Attorney's Office has unilaterally adopted a policy that it will not deviate from the original plea offer proposed at arraignment. Unless this Office can convince the State's Attorney's Office that such a policy is not in the best interest of the Criminal Justice System, it is seriously

contemplated that we will forego the arraignment procedures which have worked so well in the past and will adopt a procedure whereby we will enter our appearance for those clients for whom we have files immediately after the indictment and will not appear at arraignment. Obvious possible consequence of such an action would be to increase client caseloads for each attorney and to cause the court to devise its own method for handling unrepresented individuals.

The opening of the Borgerding Courthouse has provided the District Court Division with more office space and has made the handling of District Court cases slightly more efficient. Unfortunately, this decentralization has created a problem in our ability to handle our files in an appropriate manner. Hopefully this is a short term problem which will resolve itself as soon as our Central Offices are completed.

With regard to jury trials prayed, we have been able to maintain a fairly constant backlog, but have been unable to diminish the size of the caseload.

During the past year, Richard Bartholomee has resigned and Earl L. Carey, Jr. was promoted to the position of Chief Juvenile Attorney. We have found that our prior system of assigning juvenile offenders a new case file for new charges is counterproductive, and we are revamping our Juvenile files so that when a file is opened for a particular individual at the juvenile level, that file will remain open and will be used until the juvenile reaches maturity. In order to maintain adequate records of new incidents, we have decided that a complete revision of our juvenile file folder is required, and we are hopeful that we may be able to produce a new file and a tracking system which will be capable of being used statewide.

No progress at all has been made in curbing the cost of our CINA cases; we continue to work on this problem.

The problem of understaffing has been with us since the inception of this Office. It is now reaching grave proportions and will have to be addressed in a positive manner in the very near future. When one considers that we are responsible for the trials of more than 27,000 individuals per year, it is unbelievable that our file room has just two full-time people responsible for keeping the file room up to date. It is virtually imperative that additional personnel be obtained so that we can maintain our file room in a professional manner.

DISTRICT NO. 2

Dorchester, Somerset, Wicomico and Worcester Counties

DISTRICT PUBLIC DEFENDER:

Robert B. Fine

120 E. Main Street
Salisbury, Maryland 21801

106 W. Market Street
Snow Hill, Maryland 21863

Prince William Street
Princess Anne, Maryland 21853

P.O. Box 512
Cambridge, Maryland 21613

TOTAL POPULATION: 165,000

NO. OF PANEL ATTORNEYS: 25

NO. OF DISTRICT COURTS: 5

NO. OF CIRCUIT COURTS: 4

NO. OF JUVENILE COURTS: 4

I. STAFF

District No. 2 is comprised of Wicomico, Worcester, Dorchester and Somerset Counties. The District Office is located in Salisbury (Wicomico County) and is staffed by the District Public Defender, two Assistant Public Defenders, one Intake Supervisor, one Investigator, one Administrative Aide, one full-time Secretary and two part-time Secretaries. There are also satellite offices located in each of the other counties. The Office in Worcester County is located in Snow Hill, but includes courts both in Snow Hill and Ocean City, Maryland and is staffed by two Assistant Public Defenders, one Investigator and one full-time Secretary. The Office in Dorchester County (Cambridge) is staffed by one Assistant Public Defender and one contractual Secretary. The Office in Somerset County is presently staffed by one Assistant Public Defender and one part-time Secretary.

II. DISTRICT COURT

A. Number of Accepted Cases: 2,761

B. Increase from 1985: 201

III. CIRCUIT COURT

A. Number of Accepted Cases: 635

B. Increase from 1985: 158

IV. JUVENILE COURT

A. Number of Accepted Cases:	232
B. Increase from 1985:	14
C. Number of Rejected Cases:	496

V. ADDITIONAL SERVICES OFFERED

We are called upon to handle Bail Reduction Hearings and line-ups.

VI. PANELED CASES

	<u>1985</u>	<u>1986</u>
A. Number of Paneled Cases:	374	499
B. Cost of Paneled Cases:	\$42,163.45	\$32,621.74
C. Decrease:		\$ 9,541.71

VII. REIMBURSEMENTS

District No. 2 received reimbursements from defendants totaling \$3,807.00.

VIII. ADDITIONAL COMMENTS

District No. 2 had another productive year in 1986. With the opening of the prison in Somerset County, it is anticipated that there will be a need for an additional Assistant Public Defender.

DISTRICT NO. 3

Caroline, Cecil, Kent, Queen Anne's and Talbot Counties

DISTRICT PUBLIC DEFENDER:

C. Daniel Saunders

State Office Building	District Court Multi-Service Center
120 Broadway	170 E. Main Street
Centreville, Maryland 21617	Elkton, Maryland 21921

106 Church Alley
Chestertown, Maryland 21620

TOTAL POPULATION:	151,380
NO. OF PANEL ATTORNEYS:	10
NO. OF DISTRICT COURTS:	6
NO. OF CIRCUIT COURTS:	6
NO. OF JUVENILE COURTS:	5

District No. 3 of the Maryland Office of the Public Defender is comprised of Caroline, Cecil, Kent, Queen Anne's and Talbot Counties. The District is approximately 120 miles across. The seventeen courts in the District include Circuit, Juvenile and District Courts for each County.

The District is now served by the District Public Defender, two full-time Assistant Public Defenders, four part-time Assistant Public Defenders, four Secretaries and three Investigators/Law Clerks.

Because of the vast size of District No. 3 and the number of courts contained therein, the District is currently served by three office locations. The Office of the District Public Defender is located in Chestertown. The Administrative Office is located in Centreville, and there is an additional office in Elkton housing three Assistant Public Defenders, two Secretaries and one Investigator. Additionally, resident Public Defenders in Kent, Caroline and Talbot Counties essentially operate out of their private offices with limited staff support from the various District Offices.

The most dramatic change in the District operation over the past year has been the increase in part-time staff attorney positions. Thus, in the last two years, two full-time positions have been replaced by four part-time positions. This has resulted in marketedly better coverage of the many courts within our jurisdiction.

The use of resident Defenders in the lower counties has been accompanied by a decentralization of the application and investigative phase of intake. Investigators for the lower four counties are now present in each county for part of every day of the week. This has eliminated the need for applicants to travel long distances to apply for our services and, at the same time, has enabled us to interview applicants sooner after their arrest, thereby avoiding the inevitable delays which are associated with late applications.

ELIGIBILITY DETERMINATIONS

The factors considered by the District Public Defender in determining eligibility include not only the income and asset resources of the applicant, but the complexity of the case, and the anticipated cost of retaining private counsel in the matter. The District Defender also determines counsel assignment, including whether or not the case should be assigned to panel counsel.

In Fiscal Year 1986, 3,333 applications were processed in the District. Of those applications, 2,832 were accepted and 501 were denied. This amounts to a rejection rate of 15%. The trends in this regard can be seen by reference to Figure 1:

	<u>Acceptance v. Denials</u>				
	<u>1986</u>	<u>1985</u>	<u>1984</u>	<u>1983</u>	<u>1982</u>
Applications	3,333	3,076	2,613	2,678	2,243
Accepted	2,832	2,632	2,137	2,084	1,722
Denied	501	444	476	594	521
Rejection Rate	15%	14%	18%	22%	23%

It can be noted that more and more cases are being accepted, while fewer cases are being denied. It is believed that this trend can be explained as reflecting an increasing awareness among potential applicants, as well as court personnel within the District as to who is eligible and who is not, resulting in a lower percentage of unqualified persons applying for the services of our Office.

Persons whose applications have been rejected by the Office are advised that they may seek further review of their application by the District Public Defender or by the

court before whom their case is pending, after contacting two private attorneys. If the applicant is unsuccessful in this endeavor, he is usually offered an opportunity to obtain the services of the Public Defender on a contractual basis. Reimbursement to the Public Defender's Office is based, not upon the cost of providing counsel to the client, but upon the prevailing rate for comparable services in the marketplace.

Any misrepresentation or withholding of financial information at the time of application is aggressively investigated by the District Office. The courts, State's Attorneys, and staff and panel attorneys are all encouraged to disclose information concerning hidden assets or income. Fraudulent obtainment of Public Defender services, if proven, is turned over to the appropriate State's Attorney for prosecution.

CASELOAD ANALYSIS

The Office has accepted 2,832 cases in the past year. The distribution of those cases by county is set forth and compared to previous years in Figure 2:

	<u>New Case Distribution by County</u>						
	<u>1986</u>	<u>1985</u>	<u>1984</u>	<u>1983</u>	<u>1982</u>	<u>1981</u>	<u>1980</u>
Caroline	510	421	301	309	205	180	194
Cecil	1,235	1,156	990	935	861	568	585
Kent	272	247	183	206	161	120	136
Queen Anne's	349	366	378	292	215	224	147
Talbot	<u>466</u>	<u>441</u>	<u>286</u>	<u>342</u>	<u>280</u>	<u>254</u>	<u>201</u>
TOTAL	2,832	2,631	2,138	2,084	1,722	1,346	1,263

It should be noted that the total number of cases accepted has almost tripled since 1979. Caroline County continues to out-distance the other lower counties of the District in growth.

Since staff assignments are divided almost equally between Cecil County and the remaining four lower counties, it is appropriate to compare caseload trends between those two areas. Figure 3 sets forth the distribution of new cases in Cecil County and in the combined lower 4 counties:

New Case Distribution: Cecil v. Lower Counties

	<u>1986</u>	<u>1985</u>	<u>1984</u>	<u>1983</u>
Cecil	1,235 (44%)	1,156 (44%)	990 (46%)	935 (45%)
Lower Counties	1,597 (56%)	1,476 (56%)	1,148 (54%)	1,149 (55%)

It is clear from the statistics set forth in Figure 3 that the lower 4 counties are accounting for an ever increasing share of the total caseload in the District. This fact, coupled with the large number of courts and vast areas to be covered in the lower 4 counties explains the proportionally high usage of panel attorneys in the lower counties.

PANEL ATTORNEYS

Cases assigned to panel attorneys in 1986 represented 12% of the total caseload. The trends in this area are reflected in Figure 4:

	<u>Panel Share of Caseload</u>				
	<u>1986</u>	<u>1985</u>	<u>1984</u>	<u>1983</u>	<u>1982</u>
Total New Cases	2,832	2,632	2,136	2,084	1,722
Assigned/Panel	342	303	140	230	354
Panel % of Total	12%	12%	6%	11%	21%
\$ Paid Out to Panel	21,918.	18,690.	16,254.	26,193.	46,542.

In Fiscal Year 1986, 334 cases were closed by panel attorneys. The District Defender authorized a total of \$21,918.00 in payment for services rendered in connection with those cases. This represents an average of \$65.00 per case.

COSTS RECOUPMENT

Through court ordered reimbursement or contracts entered into with clients, the District Office is able to recoup some funds for the State of Maryland each year. It must be noted that these funds are returned directly to the General Fund and are credited neither to the District No. 3 budget, nor to the funds allocated to the State Public Defender's Office. In Fiscal Year 1986, District No. 3 was able to recoup \$13,453.00 for return to the State General Fund.

CONCLUSION

It is believed a recent change in the distribution of personnel will lead to greater decentralization of the operation of the District, providing more local communication between the courts, clerical staff and local Assistant Public Defenders. Shorter processing time of applications, earlier applications, and local availability of counsel to clients should serve the courts and our clients better. The District has already experienced a dramatic reduction in the number of requests for continuance, particularly in the District Court.

The District Public Defender continues to enjoy excellent cooperation from all of the courts and their clerks, as well as most of the prosecutors in the District.

DISTRICT NO. 4

Charles, Calvert and St. Mary's Counties

DISTRICT PUBLIC DEFENDER:

T. Myron Loyd

Courthouse, Room 237
La Plata, Maryland 20646

P.O. Box 409
138 Washington Street
Leonardtown, Maryland 20650

Courthouse, Room 208
Prince Frederick, Maryland 20678

TOTAL POPULATION:	196,850
NO. OF PANEL ATTORNEYS:	24
NO. OF DISTRICT COURTS:	3
NO. OF CIRCUIT COURTS:	4
NO. OF JUVENILE COURTS:	3 (1 with Juvenile Master)

The Public Defender's Office in District No. 4, consisting of Charles, Calvert and St. Mary's Counties, is staffed by a District Public Defender, one Deputy District Public Defender, three Assistant Public Defenders, one contract Assistant Public Defender, one Administrative Aide, one Investigator, one Steno-Law/Legislative, two Secretaries, one part-time Law Clerk and one contract Clerk Typist.

There was approximately a 6% increase in accepted cases over the previous fiscal year. The staff represented 92% (or 2,689 cases) of all accepted cases, and the remaining 8% (or 220 cases) were assigned to panel attorneys.

The cost for panel attorney cases for this past fiscal year was \$46,406., an increase from the previous year due to two death penalty cases. The average fee for panel attorney cases increased to about \$178. this fiscal year due to the two death penalty cases.

In the La Plata (Charles County) Administrative Office, we have been experiencing a shortage of space over the past several years. At the present time, the County Commissioners are planning on moving all of the county offices out of the courthouse and remodeling the vacant space to accommodate two additional courtrooms (one new Circuit and one new District) as well as to allow for expansion of the Clerk's Offices of the District and Circuit

Courts. There will be additional space to be used by the Public Defender's Office, Parole and Probation, Juvenile Services, State's Attorney and Judges of Orphan's Court. We have advised our County Commissioners and our Baltimore Office regarding our need for additional space when the courthouse is remodeled. The County Commissioners have informed us that this project is scheduled for completion in August of 1987. With the addition of two extra courtrooms, we anticipate the need for two additional Assistant Public Defender positions beginning in Fiscal Year 1988 (July 1987) and the need for an additional secretarial position.

Presently, plans are underway in Leonardtown (St. Mary's County) for the building of a Multi-Service Center which will house the District Court. Our Baltimore Office has been working with General Services Administration concerning space for our Leonardtown Office in this new building when completed sometime within the next two years. We do not anticipate any additional staff needs for Fiscal Year 1988 for this Office.

In our Prince Frederick (Calvert County) Office, we need one additional Assistant Public Defender position as soon as possible to assist with the very heavy caseload. We would like to obtain this new position this fiscal year if possible.

Plans are also underway for building a Multi-Service Center to house the District Courts and State agencies. This project is expected to be completed within the next two or three years.

Due to our increased caseload and because our one Investigator serves all three counties of the 4th District, we are requesting an additional Investigator position as soon as possible.

DISTRICT NO. 5
Prince George's County

DISTRICT PUBLIC DEFENDER:
E. Allen Shepherd, Jr.

Administrative Office:
15050 Buck Lane
Upper Marlboro, Md. 20772

Maryland District Court
County Service Building
5012 Rhode Island Avenue
Hyattsville, Md. 20781

Maryland District Court
Court House
Upper Marlboro, Md. 20772

Juvenile Court Division
Court House
Upper Marlboro, Md. 20772

TOTAL POPULATION: 676,400
NO. OF PANEL ATTORNEYS: 105
NO. OF DISTRICT COURTS: 8
NO. OF CIRCUIT COURTS: 13
NO. OF JUVENILE COURTS: 3

At the present time, District No. 5 has a Main Administrative Office located within one mile of the Court House in Upper Marlboro. On the ground floor of the Court House, the Public Defender's Office has a District Court Office and a Juvenile Court Office. Another District Court Office is located in Hyattsville. A separate building houses an Office for the Investigators near the Court House in Upper Marlboro. Experience has demonstrated that continuity and cohesiveness is lacking due to the number of separate office locations. These problems will be alleviated to a large degree, when the District Court Multi-Service Building is constructed behind the Upper Marlboro Court House. At completion, the Administrative Office, the Upper Marlboro District Court Office, the Investigator's Office and, possibly, the Juvenile Court Office will be located in the new building. Unfortunately, it will be several more years before the new District Court Multi-Service Building will be ready for occupancy.

District No. 5 has a dedicated staff of forty-five employees. The seventeen staff attorneys include a District Public Defender, a Deputy District Public Defender, thirteen full-time Assistant Public Defenders and two part-time Assistant Public Defenders. The Office staff includes an Administrative Aide, five Steno-Law/Legislative Secretaries, one Steno-Clerk and one contractual Office Assistant. The Public Defender Aide staff consists of six full-time

permanent Public Defender Aides, three full-time contractual Public Defender Aides and one part-time contractual Public Defender Aide. An Intake Supervisor, five Investigators, two full-time contractual Law Clerks and two part-time contractual Law Clerks complete the support staff.

In the District Court last year, staff attorneys handled 56% (3,980) of the 7,092 cases. The number of cases handled by staff attorneys represents an increase of 290% in cases with only a 50% increase in staff attorneys. District Court panel attorneys are employed on a per diem basis to cover courtrooms as necessary.

The Circuit Court staff attorneys handled 21% (268) more cases than in 1985. This was accomplished with no increase in staff. The large percentage of cases, 1,160 or 43%, handled by panel attorneys is due to potential conflict cases but, primarily, due to the large number of jury trial prayers and appeals from District Court. Also, all non-support cases are handled by panel attorneys.

The caseload in Juvenile Court has increased an unbelievable 53% over 1985. This increase was evenly divided between delinquencies and CINA cases. Our staff attorney was able to handle a large increased caseload (30%) but more panel attorneys were required to handle the huge increase.

During the past year, death penalty notices were filed by the State's Attorney in ten cases handled by the District Public Defender's Office. There are presently five cases pending trials in which the death penalty notice has been filed.

During Fiscal Year 1985, the Prince George's County Public Defender's Office entered appearances in 11,500 cases; in 3,740 cases, representation was denied because defendants did not meet financial guidelines. The 11,500 caseload is an increase of 23% over the 9,332 cases represented by the Office in 1985.

DISTRICT COURT

A. Number of Accepted Cases:	7,092
B. Increase over Fiscal Year 1985:	1,470 (26%)

CIRCUIT COURT

A. Number of Accepted Cases:	2,712
B. Increase over Fiscal Year 1985:	107 (4%)

JUVENILE COURT

- A. Number of Accepted Cases: 1,696
- B. Increase over Fiscal Year 1985: 591 (53%)

STAFF ATTORNEYS

- District Court: 3,980 (56%)
- Circuit Court: 1,552 (57%)
- Juvenile Court: 444 (26%)

PANEL ATTORNEYS

- District Court: 3,112 (44%)
- Circuit Court: 1,160 (43%)
- Juvenile Court: 1,252 (74%)

With respect to reimbursements, District No. 5 received \$20,221.93 from defendants capable of partial payment for legal services. This figure represents a decrease of \$8,366.68 or 29% from Fiscal Year 1985.

District No. 5 is in urgent need of an increased secretarial staff. The staff of attorneys has grown while the number of Secretaries has remained the same for the last six years. Our secretarial staff not only provides legal secretarial duties, but has a great deal of administrative details to attend to with the paneling of cases, processing of assignments and processing of Legal Fee and Petitions for panel attorneys.

The investigative staff has not increased since March of 1979, although five attorneys have been added to the staff since that time. In addition, one of that staff of six Investigators has been reclassified to Intake Supervisor which, in effect, has reduced his time for investigations by as much as 60% due to the demands of administration in this position. An additional strain on the Investigations Division is the intensity of investigations required in the great number of cases in which the State is seeking the death penalty. Not only are the cases assigned staff attorneys demanding, but the cases assigned panel attorneys also require the services of our Investigators. In order to properly investigate all of these cases, it has become necessary to utilize, to some extent, the services of our contractual Public Defender Aides and Law Clerks as Investigators. It is imperative that this Office's

investigative staff be increased if it is to provide the quality of representation that has, heretofore, been afforded the indigent.

Additional attorney staff on all levels is another urgent need. Our staff continues to carry increased caseload, but are unable to keep pace with the total increase in the number of cases, therefore, requiring a large budget for panel attorneys.

In order to keep qualified support staff, more permanent positions for the present contractual employees are needed in District No. 5. Much of our turnover in support staff is due to a lack of available permanent positions.

District No. 5 completed another successful year of providing quality legal representation for the indigent due to the dedication and hard work of all the staff.

DISTRICT NO. 6
Montgomery County

DISTRICT PUBLIC DEFENDER:
J. Theodore Wieseman

414 Hungerford Drive
Suite 250
Rockville, Maryland 20850

TOTAL POPULATION:	630,400
NO. OF PANEL ATTORNEYS:	155
NO. OF DISTRICTS COURTS:	7 (3 Locations)
NO. OF CIRCUIT COURTS:	2
NO. OF JUVENILE COURTS:	2

During Fiscal Year 1986, District No. 6 reached a level of staffing - Attorneys, Investigators, Secretaries and Aides - adequate for our caseload and for the work to be done. In addition, we began to make full use of our terminal to the Montgomery County Criminal Justice Information System and our two computers for word processing and data retrieval, which resulted in savings of time for secretaries and clerical personnel. The savings in time and costs were large. For example, during the year, our legal staff expanded by four full-time contractual attorneys, while our secretarial staff remained stable; and the computers freed enough time for the existing secretarial staff to handle the needs of the four new attorneys.

CASELOAD

Our overall caseload appeared to decrease slightly in Fiscal Year 1986. The number of new cases declined by 35 from 8,311 cases in Fiscal Year 1985 to 8,276 cases in Fiscal Year 1986. However, this apparent decline masked a startling 32% increase in Circuit Court cases, an increase of 537 new cases from 1,703 in Fiscal Year 1985 to 2,240 cases in Fiscal Year 1986. Even more startling was a comparison of Fiscal Year 1986 Circuit Court cases with Fiscal Year 1984. Circuit Court cases increased from 1,090 in Fiscal Year 1984 to 2,240 in 1986, a 95% increase. The increase in Circuit Court cases accompanied a decrease of 588 District Court cases from 5,645 in Fiscal Year 1985 to 5,057 in Fiscal Year 1986; however, Circuit Court and District Court cases are not fungible, and the decline in the District Court hardly compensated for the rise in the Circuit Court.

Over 50% of the Circuit Court caseload of 2,240 new cases consisted of felony thefts (424), burglaries (444) and violations of probation (364). The large numbers of felony theft and burglary cases corresponded to a decision made during Fiscal Year 1986 by the Montgomery County State's Attorney to prosecute property offenses in the Circuit Court whenever possible. The violations of probation statistics corresponded to an unexplained but heavy increase in Montgomery County in the filing of violations of probation.

We have described our decrease in District Court cases as "apparent" because we suspect that the decrease was the fruit of an accounting error instead of a decline in the actual caseload.

The totals of other categories of cases - juvenile, mental health and death penalty - remained stable during the year.

CIRCUIT COURT

Our Circuit Court staff handles all Circuit Court cases except for District Court appeals and jury trial demands, which are handled by our District Court attorneys. The staff consists of a Chief Attorney, nine other Attorneys, three Secretaries and four field Investigators. Each attorney, including the Chief, carries 40 open cases pending trial, plea or violation hearing, unless a particular attorney is also handling one or more death penalty cases. Cases pending sentencing are not counted as part of an attorney's caseload.

During Fiscal Year 1986, District No. 6 attorneys handled eight open death penalty cases; two in Montgomery County and six in other counties.

DISTRICT COURT

Our District Court Division serves three District Court locations with a total of twenty-five dockets per week. The Office employs five full-time contractual attorneys who are primarily assigned to District Court cases. In addition to their District Court assignments, the contractual attorneys provide representation in the Juvenile Court and with jury demands/appeals in the Circuit Court.

Court and case assignments are made by the Chief Attorney of the District Court Division who works directly under the District Public Defender. The position of Chief has, during the past three years, been occupied by a part-time staff attorney who, in addition to his supervisory duties, assumes responsibility for one docket per week and

is assigned to fifteen/twenty additional District Court/Circuit Court cases per year. The Chief is responsible for the annual Office training program which is conducted during early September.

JUVENILE COURT

District No. 6 serves two Juvenile Courts which operate five days per week from its satellite office at the District Court Building in Gaithersburg. Personnel include a Chief Juvenile Court Attorney, one part-time Paralegal, one part-time Secretary, and several District Court staff attorneys who rotate through the Juvenile Division.

All emergency Shelter Care and Detention Hearings were handled by staff. Staff attorneys were assigned to all delinquency cases except where a conflict existed and staff attorneys were also assigned to one party in CINA proceedings. (In Montgomery County, the Office of the Public Defender represents both children and parents in CINA cases.) Until this past Fiscal Year, all juvenile cases had been paneled. It is expected that the panel fees and costs expended in Juvenile Court will be lower in Fiscal Year 1987 as a result of increased staffing, including the addition of two part-time contractual attorneys, by shifting caseloads from panel attorneys to staff/contractual attorneys.

The fact that the total number of cases for Fiscal Year 1986 has increased only slightly from Fiscal Year 1985 was attributable to the presence of a supervising attorney to oversee the intake procedure. If the caseload remains stable in Fiscal Year 1987, there should be substantial savings on panel attorney fees.

The changes that District No. 6 has made in Juvenile Court has also resulted in better representation for our clients. Since mid March when experienced staff trial attorneys began representing delinquents, the results at trial and disposition have improved dramatically. Additionally, our Office has begun to make good records for appeal in this most important Court.

However, the Juvenile Division continues to need additional secretarial support for its attorneys. Our Chief Judge has indicated that all motions are now to be in writing and filed before trial.

NEEDS OF DISTRICT NO. 6

District No. 6 has two major needs: one, salary increases for attorneys and two, office space.

Our attorneys - Circuit, District and Juvenile - are dedicated professionals working an average of 60 - 70 hours per week. When District No. 6 received an unexpected 32% increase in its Circuit Court caseload in Fiscal Year 1986, the existing staff handled 95% of the additional cases. Few cases were paneled to private attorneys. Our staff handled the extra cases because our attorneys - as well as our secretaries and investigators - were professionals who worked extra hours of overtime "to get the job done." Unfortunately, such dedication and professionalism have gone unrewarded. Attorneys have not received long overdue salary increases. The discrepancy between Assistant Public Defenders and Assistant State's Attorneys' salaries in Montgomery County has become alarming. Salary increases for our attorneys is our most urgent need for the coming year.

The second pressing need of District No. 6 is office space. Our annual report for last year, Fiscal Year 1985, described our space problems in detail and concluded:

For more than three years, the question of adequate new space for District No. 6 has been put off based on the assumption that space would soon be available in the old Circuit Court Building in Rockville which is to be remodeled for the District Court. It is now estimated that the "jolly grey courthouse" will not be opened for occupancy for at least another two and a half years. We simply cannot wait that long for new office space. Our support staff is disillusioned and leaving for jobs with better working conditions.*

The situation in Fiscal Year 1986 remained the same: 1) no remodeled Courthouse, 2) no office space and 3) our support staff continued its disillusionment and exodus for jobs with better working conditions.

*Office of the Public Defender, Report of the Public Defender, Fiscal Year 1985, 34-35.

TABLE 1: CASES OPENED

	CIRCUIT COURT			DISTRICT COURT			JUVENILE COURT			Death Penalty	Mental Health	Total
	Staff	Panel	Total	Staff	Panel	Total	Staff	Panel	Total			
1982	533	706	1,239	4,044	1,237	5,281	0	819	819	5	0	7,339
1983	708	816	1,524	1,990	3,656	5,646	0	733	733	0	0	7,903
1984	757	393	1,150	3,077	2,386	5,463	0	815	815	0	38	7,428
1985	1,561	142	1,703	5,585	60	5,645	0	911	911	7	45	8,311
1986	1,845	395	2,240	4,928	129	5,057	242	685	927	3	49	8,276

TABLE II: PANEL ATTORNEY FEES

FISCAL YEAR	MENTAL HEALTH	DOCKET ATTYS.	CIRCUIT COURT	DISTRICT COURT	JUVENILE COURT	TOTAL FEES
1982	0	NO RECORD	175,316	83,026	84,449	342,791
1983	C	NO RECORD	162,772	111,491	71,234	345,497
1984	NO RECORD	NO RECORD	181,396	98,031	76,979	356,406
1985	NO RECORD	50,676	104,848	27,215	105,046	287,785
1986	2,250	53,229	100,122	19,155	112,983	288,753

DISTRICT NO. 7
Anne Arundel County

DISTRICT PUBLIC DEFENDER:
Stephen E. Harris

60 West Street
Suite 203
Annapolis, Maryland 21401

District Court Building
7500 Ritchie Highway
Glen Burnie, Maryland 21061

District Court Building A-2
580 Taylor Avenue
Annapolis, Maryland 21401

TOTAL POPULATION:	411,356
NO. OF PANEL ATTORNEYS:	23
NO. OF DISTRICT COURTS:	2 Court Locations - 6 Judges
NO. OF CIRCUIT COURTS:	9 Judges
NO. OF JUVENILE COURTS:	3 (2 Masters - 1 Judge)

I. STAFF

The staff of District No. 7 consists of the District Public Defender, one Senior Assistant Public Defender, nine Assistant Public Defenders, two Contractual Attorneys, an Administrative Aide, three Secretaries, one Intake Supervisor, three Investigators, one Aide, five Law Clerks and a Clerk Typist. This represents a decline in Contractual Attorneys and three Law Clerks.

II. DISTRICT COURT

A. Number of Accepted Cases:	3,163
B. Number of Rejected Cases:	164
C. Increase Over 1985:	273

III. CIRCUIT COURT

A. Number of Accepted Cases:	1,126
B. Number of Rejected Cases:	104
C. Increase Over 1985:	157

IV. JUVENILE COURT

A. Number of Accepted Cases:	147
B. Number of Rejected Cases:	30
C. Increase Over 1985:	7

V. ADDITIONAL SERVICES OFFERED

Attorneys from this Office appeared at 71 Bond and/or Preliminary Hearings. Representation is also provided at Violation of Probation Hearings and Show Cause Hearings in contempt cases.

VI. PANELED CASES

The number of paneled cases in Fiscal Year 1985 totaled 79 at an overall cost of \$8,070.75.

VII. REIMBURSEMENTS

District No. 7 received reimbursements from defendants totaling \$9,143.59.

VIII. ADDITIONAL COMMENTS

With limited resources, the staff of District No. 7 has, again, done a quality job. This Office is recognized for the quality of service given to our clients by the Courts and the Criminal Justice System in general.

There is a need for additional support staff and services. For example, the library needs drastic upgrading. There is a need to train young attorneys and to keep sharp the skills of our proven lawyers through training seminars and reading materials. Our attorneys should be able to travel at the Agency's expense to seminars conducted on the national level to hear nationally recognized experts in our field.

Our Office machines urgently need to be updated, and there is a need for word processors, and a computer system to tie our District into the County Circuit Court System and the Anne Arundel County Detention Center along with other like agencies.

More importantly, we need additional secretarial staff to handle the work of our attorneys and administrative work as well.

Our Administrative Aide and her staff has allowed us to function at the level we do with the limited resources we have and for this they have our gratitude.

DISTRICT NO. 8
Baltimore County

DISTRICT PUBLIC DEFENDER:
Thomas J. Saunders

500 Virginia Avenue
Towson, Maryland 21204

TOTAL POPULATION: 675,257
NO. OF PANEL ATTORNEYS: 69
NO. OF DISTRICT COURTS: 11
NO. OF CIRCUIT COURTS: 5
NO. OF JUVENILE COURTS: 2

I. STAFF

The Office is staffed by the District Public Defender, the Deputy District Public Defender, eleven Staff Attorneys, three full-time Contractual Attorneys, eight part-time Contractual Attorneys, three Investigators, five Interviewers, six Paralegals, one Law Clerk, one Office Manager, five Secretaries and a Receptionist.

II. DISTRICT COURT

A. Number of Accepted Cases: 4,899
B. Number of Rejected Cases: 1,236
C. Decrease From 1985: 105 - 2%

III. CIRCUIT COURT

A. Number of Accepted Cases: 2,740
B. Number of Rejected Cases: 397
C. Increase Over 1985: 454 - 20%

IV. JUVENILE COURT

A. Number of Accepted Cases: 1,234
B. Number of Rejected Cases: 162
C. Increase Over 1985: 334 - 37%

V. ADDITIONAL SERVICES OFFERED

The Office provides representation at Interrogations, Line-ups, Modifications, Bail Reviews, Preliminary Hearings, Violation Hearings and Habeas Corpus Proceedings.

VI. PANELED CASES

- A. Circuit Court - 300 cases were opened on the panel and 377 cases were closed at a cost of \$50,914. or \$135. per case. This is a decrease of 394 cases and \$77,857. over Fiscal Year 1985.
- B. District Court - 1,001 cases were paneled at a cost of \$21,940. or \$21.90 per case. Although this is an increase of 521 cases paneled, costs per case between contract and panel are the same and represent no increase in costs to the Agency.
- C. Juvenile Court - 220 cases were paneled at a cost of \$6,940. or \$32. per case. This is a decrease of 222 cases being paneled and an increase of \$1. per case handled over Fiscal Year 1985.

Overall the Office authorized fee petitions in the amount of \$79,796., a decrease of \$73,599.

VII. REIMBURSEMENTS

District No. 8 received reimbursements from defendants totaling \$12,398.73.

VIII. ADDITIONAL COMMENTS

Caseload Increase - The total caseload in Baltimore County has increased from 6,333 in Fiscal Year 1984 to 8,873 in Fiscal Year 1986 or an overall increase of 2,540 cases. Thus, in Fiscal Year 1985, there was a 29% overall caseload increase and in Fiscal Year 1986, there was an 8% caseload increase.

Several causes are immediately obvious, not all within the control of the Office. Crime statistics compiled by the Police Department show a 4 to 5% increase in crime per year in each of the last two calendar years. Additionally, serious crimes are increasing at a higher percentage, and our Office receives a higher percentage of those cases. With the fall of the Gerstung Rule, misdemeanor jury trial caseload exploded at a rate of 35 - 40% increase annually according to the County Courts Administration. We have absorbed a disproportionate number of these cases.

Because of the dramatic increase and some criticism of our intake procedures, we reviewed the entire intake process, made changes in our forms and invited the local bench and bar to sit in on our training session for interviewers to hear firsthand what our standards are.

A review of the last three years does not show any increase in the percentage of clients accepted by the Office, but rather a dramatic increase in applications.

	<u>F.Y.</u> <u>1984</u>	<u>F.Y.</u> <u>1985</u>	<u>F.Y.</u> <u>1986</u>
1 Interviews	7,270	9,124	10,668
2. % Accepted	87.2%	90.7%	83.2%
3. % Rejected	12.8%	9.3%	16.8%
4. No. Rejected	937	934	1,795

Illustrative of the problem of caseload increase is an analysis of the Court Administrator's figures comparing overall Circuit Court caseload in Fiscal Year 1985 and Fiscal Year 1986.

	<u>F.Y.</u> <u>1985</u>	<u>F.Y.</u> <u>1986</u>	<u>Percent</u>
Indictment/Information	1,508	1,807	+20%
MJT/DCA	2,352	3,298	+40%

Therefore, the issue is one of overall caseload increase in the Criminal Justice System in Baltimore County and our growth problems are the result of social pressures beyond our control. If this trend continues, provision must be made for future expansion to maintain control over this caseload explosion.

Death Penalty Cases

The Office continues to handle its own capital cases. This year, we closed four capital cases; two through negotiations and two through trial and sentencing, resulting in a unanimous life sentence in one case and a manslaughter conviction (not guilty on first-degree murder) in the other. One conflict case on the panel went to trial and sentencing but resulted in a mistrial. Going into the new fiscal year, we have two capital cases on staff and one out to the panel.

DISTRICT NO. 9
Harford County

DISTRICT PUBLIC DEFENDER:
Henry C. Engel, Jr.

Mary E. W. Risteau
District Court Multi-Service Center
2 South Bond Street
Bel Air, Maryland 21014

TOTAL POPULATION: 153,000
NO. OF PANEL ATTORNEYS: 14
NO. OF DISTRICT COURTS: 3 (2 Locations)
NO. OF CIRCUIT COURTS: 4 (and 1 Juvenile Master)

District No. 9, which is Harford County, celebrated two milestones this year. The Office completed twenty years of service to the County, and the District Public Defender completed twenty years in his job. He was ably assisted, throughout the year, by his very capable and experienced staff, three Senior Assistant Public Defenders, an Administrative Aide, a Law and Legislative Stenographer, a contractual Clerk Typist and two full-time Investigators. Of significant importance was the decision to allow the hiring in late March of a contractual attorney to assist with the District Court caseload, thereby reducing the pressure upon the staff attorneys and allowing them to more efficiently and thoroughly handle their respective caseloads. We also benefited from the occasional services of an attorney normally assigned to Administration which has finally allowed our staff attorneys to take some well earned leave without throwing an intolerable burden on their fellow staff members.

A further improvement in the operation of the Office was accomplished this year when we were finally able to sort and catalog all of our sizeable accumulation of closed files, dispose of those that were eligible for destruction, and send the remainder, over three years old, to Jessup for storage. This enabled us to gain an additional office and, with the acquisition of appropriate furniture in the new fiscal year, every member of the staff will have their own adequate work space.

Our caseload, again, grew slowly with cases accepted for Circuit Court showing a moderate increase; District Court declining and Juvenile remaining about constant. For the first time since Argersinger and Scott made their full

impact on the Court system, our Circuit Court caseload exceeded 25% of our total. Reflecting our continued tightening of our intake requirements, our declination of clients increased again, but only slightly this year. Reimbursements showed an increase of \$700. from the prior year for a total of \$8,741.

Several problems within the judicial system during the year have hampered our ability to try and close cases. As a result, the staff was only able to close 493 Circuit Court cases, 1,293 District Court cases and 197 Juvenile cases, a reduction of 153 from last year. As a result, the cases on hand for staff grew from 541 at the beginning of the year to 697 at the close of the fiscal year.

Our situation with regard to panel cases continues to improve. We were able to reduce our panel assignments from 401 in 1985 to 202 in 1986. The number of cases on hand assigned to panel attorneys dwindled from 118 at the beginning of the year to 54 at the end of the year. During the year, 266 panel cases were approved for payment of fee. Of these, 17 were at the Circuit Court level and totaled \$8,683.25, up \$2,349.25 from last year. However, \$5,000. of this amount was attributable to four cases. Two hundred forty-four (244) District Court cases were approved, for a total of \$14,080.28, a reduction of \$2,662.07 from last year. Five (5) Juvenile Court cases were closed by panel attorneys during the year for a total cost of \$826.25, a reduction of approximately \$200. These figures represent a total cost to the Agency of \$23,589.78, down \$497. from the prior year. Circuit Court cases and Juvenile cases are paneled only in the event of viable conflicts. Most of the District Court cases that are paneled are on the Aberdeen court docket but some conflict situations, such as cross warrants, etc., still require the paneling of a few cases in the Bel Air District Courts.

The entire staff feels that we have made progress in the past year. The improvements that have taken place in our working conditions, the library additions, improvements in equipment available to the support staff, and the ability of the attorneys to function under slightly less pressure have all had a positive effect on moral. The staff attorneys have begun to enjoy the luxury of having time to do some research during the week, instead of on weekends as in the past, since we have no law clerks. I feel that if we can retain the contractual attorney, with the hope that someday he will become a regular staff member, and our caseload does not grow at too rapid a rate, we will be in a position to continue to furnish, as we have strived in the past, first class representation to our clients. We have also continued during the year, as we have in the past, to participate in the entry level and in-service programs

offered for law enforcement officers in the Training Academy and continued our participation in the educational programs of our local high schools and community college and various other projects that we hope help to promote and improve the image of the Office of the Public Defender. We would also wish to express our appreciation to our Headquarters' staff for helping us to address and resolve some of our on-going problems and, if we can continue in the mode we are presently in, we should be able to survive a few more years.

DISTRICT NO. 10
Howard and Carroll Counties

DISTRICT PUBLIC DEFENDER:
Carol A. Robertson

3451 Court House Drive
Ellicott City, Maryland 21043

55 N. Court Street
Westminster, Maryland 21157

TOTAL POPULATION: 267,220

NO. OF PANEL ATTORNEYS: 40

NO. OF DISTRICT COURTS: 6

NO. OF CIRCUIT COURTS: 6

NO. OF JUVENILE COURTS: 2

Statistical Information

Cases handled by staff: 3,327

Cases paneled out: 724

The Office of the Public Defender for District No. 10 is comprised of two counties, Carroll County and Howard County. An Office and staff is located in each county. The Senior Assistant Public Defender in Carroll County manages the Carroll County Office and maintains contact with the District Public Defender whose Office is located in Howard County. The District Public Defender makes periodic visits to Carroll County for meetings with staff and attorneys.

There are four staff attorneys in each county and both counties panel all juvenile matters. Howard County has one contractual attorney working primarily in District Court. The addition of the contractual attorney has resulted in substantial savings to the Office in that cases previously paneled are now being handled by staff. It is anticipated that the contractual attorney position will be converted to a staff position in July, 1987.

In the past year, additional space was acquired in Howard County in the form of two rental offices and a conference room within walking distance of Circuit Court. These offices are used by the Circuit Court attorneys and Investigators. The use of the rental space, as an annex, has alleviated overcrowding in the Howard County Public Defender's Office located in the District Court Multi-Service Center.

It is suggested that both the Howard County and Carroll County Offices would benefit greatly by the introduction of word processing and computer equipment. Although the initial investment is not insubstantial, the District would operate much more efficiently with these capabilities. It is hoped that equipment would be procured in the coming year.

The statistics for this year as compared with last year reflect an increase in staff productivity, and a substantial reduction in the number of cases paneled. District No. 10 increased the number of cases handled by staff attorneys by 34% while decreasing the number of panel cases by 45%. The overall increase in caseload was 10.8%.

DISTRICT NO. 11
Frederick and Washington Counties

DISTRICT PUBLIC DEFENDER:
William R. Leckemby, Jr.

100 West Patrick Street
Frederick, Maryland 21701

100 West Franklin Street
Hagerstown, Maryland 21740

TOTAL POPULATION: 244,086

NO. OF PANEL ATTORNEYS: 24

NO. OF DISTRICT COURTS: 4

NO. OF CIRCUIT COURTS: 6

NO. OF JUVENILE COURTS: 2

I. STAFF

The Public Defender's Office in District No. 11, consisting of Frederick and Washington Counties, is staffed by the District Public Defender who is headquartered in Frederick, three Assistant Public Defenders for Frederick County, two Assistant Public Defenders and one three-quarter Assistant Public Defender for Washington County, three Investigators, two full-time Secretaries, one part-time Secretary and one contractual Secretary.

II. STATISTICAL INFORMATION

Cases closed by staff: 3,294

Cases closed by panel: 448

III. DISTRICT COURT

A. Number of Accepted Cases: 2,578

B. Number of Rejected Cases: 226*

C. Increase Over 1985: 69

IV. CIRCUIT COURT

A. Number of Accepted Cases: 901

B. Increase Over 1985: 238

*This figure represents the total number of rejected cases; rejections are not broken down by courts.

V.	JUVENILE COURT	
	A. Number of Accepted Cases:	552
	B. Decrease Over 1985:	12
VI.	INMATES AND MENTAL	
	A. Number of Accepted Cases:	101
	B. Decrease Over 1985:	4
VII.	BREAKDOWN BY COUNTIES	

Frederick County

	<u>Staff</u>	<u>Panel</u>
<u>CIRCUIT</u>		
Received:	333	113
Closed:	234	90
<u>DISTRICT</u>		
Received:	1,381	81
Closed:	1,223	39
<u>JUVENILE</u>		
Received:	265	11
Closed:	220	5
<u>APPELLATE</u>		
Received:	4	-
Closed:	3	-
<u>INMATE</u>		
Received:	-	1
Closed:	-	1
<u>TOTAL REJECTED:</u>	139	

Washington County

	<u>Staff</u>	<u>Panel</u>
<u>CIRCUIT</u>		
Received:	386	69
Closed:	315	71
 <u>DISTRICT</u>		
Received:	987	129
Closed:	1,045	119
 <u>JUVENILE</u>		
Received:	220	56
Closed:	233	49
 <u>INMATE</u>		
Received:	17	78
Closed:	17	73
 <u>MENTAL</u>		
Received:	4	1
Closed:	4	1
<u>TOTAL REJECTED:</u>	87	

VIII. ADDITIONAL SERVICES OFFERED

In addition to trial representation, staff and panel attorneys provided representation at all pre and post trial stages such as Bond Reviews, Identification Proceedings, Modification of Sentence, Review of Sentence and securing, whenever possible, a program for rehabilitation as opposed to incarceration.

Staff Investigators also interview clients incarcerated at Maryland Correctional Institute and Maryland Correctional Training Center in Hagerstown for other Districts.

IX. PANELED CASES

The number of paneled cases which were closed in Fiscal Year 1986 totaled 448. Fees authorized to panel attorneys during the same period amounted to \$28,061., which was well below our budget for the year; however, without additional staff, I can't promise that will continue.

X. REIMBURSEMENTS

District No. 11 received reimbursements from defendants totaling \$2,640.

XI. ADDITIONAL COMMENTS

Again this year, our caseload increased and due to the rapid growth in the area, I expect it to continue as shown above; we had an increase this year of 291 cases.

Our District is continuing to grow at a rapid pace so I must predict the same for our caseload. There are three major penal institutions in Washington County with an average total daily population of 5,350. This generates a population of the county and, nine times out of ten, a matter coming from any of the institutions will be a trial. Our immediate need is for an additional full-time staff attorney for Hagerstown with future staff needs for the District to be determined by growth.

During Fiscal Year 1986, 3,742 cases were closed; 3,294 were closed by staff attorneys - the balance of 448 cases were closed by panel attorneys.

Again, our immediate need is for additional staff for the Washington County Office.

DISTRICT NO. 12
Allegany and Garrett Counties

DISTRICT PUBLIC DEFENDER:
Michael R. Burkey

District Court Building
59 Prospect Square
Cumberland, Maryland 21502

The Professional Building
105 S. Second Street
Oakland, Maryland 21550

TOTAL POPULATION: 107,000

NO. OF PANEL ATTORNEYS: 17

NO. OF DISTRICT COURTS: 4

NO. OF CIRCUIT COURTS: 2

NO. OF JUVENILE COURTS: 2

I. STAFF ATTORNEYS

The Allegany County Office of the Public Defender is staffed by the District Public Defender, one full-time Investigator, one full-time Secretary and one part-time contractual Secretary.

The Garrett County Office of the Public Defender houses one part-time Assistant Public Defender, one part-time Secretary and one part-time Investigator.*

II. PANEL ATTORNEYS

The Allegany County panel numbers fourteen private attorneys, one of whom has a contract with the Office of the Public Defender to represent clients in the District Court for Allegany County.

The Garrett County panel numbers only three members of the private bar to whom the Assistant District Public Defender may assign cases.

III. COURTS

The District Court for Allegany County, Maryland

*The part-time Investigator assigned to the Garrett County Office was a contractual employee in Fiscal Year 1986, but has since been employed as a half-time employee.

This Court sits at three locations with the main courthouse being located at 59 Prospect Square. On two dates during the month, the Court sits in Frostburg and once a month, the Court sits in Westernport, Maryland. Panel attorneys are almost invariably assigned to these Courts as trials are held on the same dates at the main courthouse.

The District Court for Garrett County, Maryland

The District Court in Garrett County maintains one courtroom at 204 South Third Street in Oakland, Maryland.

Circuit Courts

The Allegany County Courthouse is located at 30 Washington Street in Cumberland. All Circuit Court cases in Allegany County are tried at that location. One Circuit Court located at 203 South Fourth Street in Oakland, Maryland tries all Circuit Court cases in Garrett County.

Juvenile Courts

Juvenile Courts for both Allegany and Garrett Counties are attached to the Circuit Courts of their respective counties.

The number of cases handled in each of the foregoing Courts are as follows:

District Courts

Allegany County		Garrett County	
Staff:	379	Staff:	180
Panel:	<u>306</u>	Panel:	<u>84</u>
Total:	685	Total:	264
TOTAL DISTRICT COURT CASES:		949	

Circuit Courts

Allegany County		Garrett County	
Staff:	32	Staff:	29
Panel:	<u>68</u>	Panel:	<u>14</u>
Total:	100	Total:	43
TOTAL CIRCUIT COURT CASES:		143	

Juvenile Courts

Allegheny County		Garrett County	
Staff:	28	Staff:	14
Panel:	<u>34</u>	Panel:	<u>6</u>
Total:	62	Total:	20

TOTAL JUVENILE COURT CASES: 82

The total cost of paneled cases is \$43,297.80 and is broken down by Courts as follows:

Circuit Court Cases: 82 - \$16,350.31

District Court Cases: 390 - \$23,178.74

Juvenile Court Cases: 40 - \$ 3,768.75

The overall average fee per case is \$84.57; by Court, the average fee is as follows:

Circuit Court: \$ 199.39

District Court: \$ 59.43

Juvenile Court: \$ 94.22

The high cost of juvenile cases is in great part attributable to CINA cases which continue a great length of time and usually involve at least two hearings and often three or more. Since this Office was not formerly involved in CINA cases, a great increase in panel expenditure can be expected. In the first month of Fiscal Year 1987, the upward trend can be seen dramatically.

IV. ADDITIONAL SERVICES

In each felony case, thefts excepted, representation is provided in a Preliminary Hearing. In Fiscal Year 1986, approximately 100 Preliminaries, which are not counted separately but are included in the Circuit Court cases, were held. Also, hearings on Modification or Reduction of Sentence are not included in the above figures, nor are the filing of Petitions for Review of Sentence. Bond Hearings and Habeas Corpus Hearings are also included in the cases and are not listed separately.

V. ADDITIONAL COMMENTS

The lack of new attorneys entering practice in Allegheny and Garrett Counties continues to be a problem in the paneling of cases. As older and more experienced

members of the bar become more involved with their private practice, they either do not wish to be on the panel at the present fee scale or increase their Fee Petitions beyond budgetary limits. The addition of one per diem attorney in the District Court has been of great assistance in alleviating the problem, but as the trend seems to be continuing, an additional staff attorney to be used in both Allegany and Garrett Counties is requested.

APPELLATE DIVISION

DIVISION CHIEF:

Dennis M. Henderson

312 N. Eutaw Street
Baltimore, Maryland 21201

The Appellate Division has Statewide responsibility for all appellate litigation involving Public Defender clients and provides research and consultation on legal issues for staff and panel attorneys throughout the twelve Public Defender Districts. The Division also publishes a monthly Digest which contains a cumulative summary of all reported Maryland Appellate Court and Supreme Court opinions relating to criminal law as well as comments and articles on procedure, trial tactics and changes in rules of procedure and criminal statutes. The Appellate staff consists of sixteen Lawyers, nine Secretaries, one Investigator, six Law Clerks and three part-time Xerox Operators. The Appellate Division has its Office in Baltimore City.

The caseload of the Appellate Division did not change significantly during the past year, and there were no changes in statutes, court rules or case law that would be likely to result in either an increase or decrease in the caseload during the coming year. The number of new appeals opened in Fiscal Year 1986 rose by 69 cases. That represents an 8% increase over Fiscal Year 1985, but the total number of cases opened during this year is at nearly the same level as in Fiscal Year 1984.

The most notable change in the Appellate Division's operations during the past year was a sharp reduction in cases assigned to panel attorneys. More than 90% of the cases on appeal are now being handled by Appellate staff lawyers. The number of cases assigned to panel attorneys was cut by more than one-third from the level of a year ago. The resulting savings in panel expenses was substantial. The Appellate Division expended nearly \$30,000. less in panel fees this year as compared to last year. Several factors contributed to these circumstances. The most important cause appears to be that there has been virtually no turnover in staff attorney positions during the past year and a half. Consequently, no attorney time has been lost while filling vacant positions, and there has been no reduction in caseload while new attorneys become oriented. There has also been the obvious effect that as the experience level of the individual attorneys increases, they are able to efficiently handle more cases. A similar stability in secretarial positions also aided overall staff performance.

Looking to the needs for the coming year, the Appellate Division is adequately and ably staffed. Recent acquisition of word processing and photocopying equipment, the replacement of outdated typewriters and office furnishings during the year and the move into new and greatly improved office facilities have left the Division with no urgent logistical needs and well equipped to begin Fiscal Year 1987.

One area that will require considerable attention in the future is the Public Defender library which has been maintained as an adjunct to the Appellate Division. The library serves the Baltimore City Public Defender's Office and the other Statewide Divisions as well as the Appellate Division. There has been no significant expansion of the library facilities since the Public Defender law library was first assembled nearly 15 years ago, and many of the volumes acquired at that time are in poor condition from continuous use. The library in its present form is totally inadequate to the needs of a major law office. Plans for the prospective move into the new Public Defender Building adjacent to the Baltimore City Circuit Court House should include provisions for an updated, expanded and professionally staffed library.

FISCAL YEAR 1986 APPELLATE STATISTICS

	STAFF	PANEL	TOTAL
Cases Opened as of 7/1/85:	477	67	544
Cases Opened During F.Y. 1986:	751	96	847
Cases Closed During F.Y. 1986:	630	106	736
Cases Open as of 6/30/86:	598	57	655

CERTIORARI REVIEW

Total Opinions Reviewed:		547	
Certiorari Petitions Filed in Court of Appeals			
Petitions Granted		19	
Petitions Denied		78	
Petitions Pending		<u>56</u>	
TOTAL		153	

Certiorari Petitions Filed in U.S. Supreme Court			
Petitions Granted		0	
Petitions Denied		4	
Petitions Pending		<u>3</u>	
TOTAL		7	

INMATE SERVICES DIVISION

DIVISION CHIEF:

Dene L. Lusby

312 N. Eutaw Street
Baltimore, Maryland 21201

The Inmate Services Division of the Office of the Public Defender was established effective January 1, 1975. Its missions and goals are to provide to indigent inmates a wide range of legal representation in collateral post-trial criminal proceedings. The matters handled are for the most part (but certainly not exclusively) post-conviction applications, parole revocations, habeas corpus proceedings (which include extraditions), interstate and intrastate detainers and requests for credit for time spent in prison prior to sentencing. The Division also attempts to deal with a myriad of miscellaneous problems that inmates bring to its attention which run the gamut of human experience. The latter are often referred or forwarded to the Prisoner's Assistance Project of the Legal Aid Bureau, Inc. and to the Maryland Inmate Grievance Commission. Referrals are made to the Legal Aid Bureau of civil matters wherein the Office of the Public Defender, pursuant to Article 27A, does not have authority or jurisdiction to afford representation. Similarly, referrals are made to the Inmate Grievance Commission regarding complaints of an administrative nature about conditions of confinement and incarceration.

The day-to-day operation of the Division involves it extensively with the District Public Defender Offices, the State Judiciary, the Maryland Parole Commission (and the parole agencies of other States), the Maryland Division of Parole and Probation and the Maryland Division of Correction. One of the goals of the Division is to maintain not only a professional relationship but, also, an amicable relationship with such agencies, and it is felt that this goal is being met.

The Post-Sentence Assistance Unit has been functioning on site at the Maryland Reception, Diagnostic and Classification Center since the Summer of 1980. The PSAU provides recently incarcerated inmates with information regarding post-sentence remedies and detainers by means of individual interviews conducted upon request of the inmates, facilitates Statewide Public Defender operations related thereto by providing coordinating legal services, assists mentally handicapped inmates who may require or qualify for alternative commitment, and develops and reports data relevant to Statewide sentencing profiles. In this reporting period, the Unit provided orientation to 5,653

inmates and provided individual consultation to 2,714 inmates. Also, upon arrival at the Reception Center, inmates are furnished an Orientation Booklet composed and printed by the Office of the Public Defender which outlines the processes and procedures involved in appeals, review and reconsideration of sentence, post-conviction petitions and requests for speedy trials under the Intrastate and Interstate Detainer Acts. The Unit is staffed by one Attorney, one Legal Assistant, two Law Clerks and one Secretary.

The personnel structure of the Inmate Services Division is as follows: Division Chief, seven Assistant Public Defenders, one Administrative Aide, two Legal Secretaries, four Legal Assistants, four Contractual Employees and one Receptionist. The Division is based at the Headquarters of the Office of the Public Defender in the City of Baltimore. Operations of the Division are carried out throughout the State of Maryland.

Legislation enacted in its 1986 Session by the General Assembly and signed into law by the Governor effective July 1, 1986, limits to two the number of post-conviction petitions an inmate can file in a given case. There will be no effect on this Division because we furnish representation on the first petition only, unless an Evidentiary Hearing is held on a subsequent petition, a rare occurrence.

Although the Division's caseload has increased over Fiscal Year 1985, it is not contemplated that additional staff will be required at this time.

There has been no turnover in the Division's staff for more than two years. The specialization and consequent expertise possessed and provided by the Inmate Services Division in its area of responsibility continues to assure persons snared in the web of the Maryland Criminal Justice System due process and equal protection under the law.

FISCAL YEAR 1986 INMATE SERVICES' STATISTICS

	<u>CARRY OVER</u>	<u>RECEIVED</u>	<u>CLOSED</u>	<u>PENDING</u>
Post-Convictions	662	779	797	644
Detainers	5	99	99	5
Habeas Corpus	28	3	28	3
Parole Revocation Hearings	66	302	320	48
Referrals to Legal Aid	0	62	62	0
Pre-Trial Status (Jail Credit)	66	16	46	36
Misc. (Civil Grievances)	0	113	113	0
Referrals from Legal Aid	1	3	1	3
Referrals Other Than District No. 1	13	46	48	11
Extraditions	<u>1</u>	<u>10</u>	<u>8</u>	<u>3</u>
TOTALS	<u>842</u>	<u>1,433</u>	<u>1,522</u>	<u>753</u>

Violation of Probation - 562

Appeal Bonds - 40

POST-SENTENCE ASSISTANCE UNIT

ANNUAL ACTION SUMMARY
Fiscal Year 1986

UNIT ACTIONS

<u>Subject</u>	<u>Number of Cases</u>
Appeals:	
District Court	87
Circuit Court	162
Post-Convictions	61
Sentence Modification/Reviews	390
Sentence Correction/Jail Credit	101
Interviews Pending Charges (Referrals to OPD)	351
Detainers/Disposition Requests (Referrals to MRDCC)	0
Parole Revocation Interviews	123
Other PSAU Actions	5,168
Subtotal of Above	6,443
Inmate Orientation	5,653
Inmate Consultation	<u>2,714</u>
Total PSAU Actions	<u><u>14,810</u></u>

**INVOLUNTARY INSTITUTIONALIZATION
SERVICES DIVISION**

DIVISION CHIEF:
George M. Lipman

312 N. Eutaw Street
Baltimore, Maryland 21201

During the past year, the Involuntary Institutionalization Division (Mental Health Division) continued to represent clients in the following areas:

1. General Civil Commitment.
2. Commitment After a Finding of Insanity.
3. Commitment of Juveniles.

As in previous years, Division attorneys aided District Public Defenders in cases where mental health issues such as insanity, incompetency and the sentencing of mentally ill clients were present. Working closely with the Death Penalty Defense Unit, the Division remained deeply involved in the investigation and presentation of mitigating circumstances relating to our clients' mental state and background.

A total of 6,539 clients were represented in the general civil commitment area during Fiscal Year 1986. This total reflects an increase of more than 500 cases from 1985 and more than 1,000 cases since 1984. The large mental health facilities such as Spring Grove and Springfield are showing larger numbers as are the smaller psychiatric units in general hospitals. For whatever reason, we are witnessing a clear long-term increase in civil commitments in this State. The implications to the Division are obvious. A greater number of hearing locations and a greater caseload requires increased attorney and investigator time. For the first time in the Division's history, it has been necessary to panel cases due to scheduling conflicts of the staff attorneys.

More requests are being made for consultant psychiatrists in criminal cases. Numerous studies and task forces have noted the large number of mentally ill persons in prisons and jails. The Department of Health and Mental Hygiene facilities including Perkins are filled in capacity with mentally ill persons charged with crimes. This increase in clients coupled with a greater awareness of mental health issues by staff and panel attorneys throughout the State has resulted in greater requests for assistance

from Division attorneys and the need for consultant psychiatric evaluations. While the number of death penalty cases at the trial level has decreased somewhat in the last year, there is no question that the death penalty continues the need for preparation and investigation of mitigating circumstances.

In summary, the demands on the Division have increased in the last year. It is my opinion that this is a long-term trend rather than a one year phenomenon.

F.Y. 1986 MENTAL HEALTH DIVISION STATISTICS

I. CIVIL COMMITMENTS

Patient Contacts at Hospital:

Large State Facilities *

Observation Status	2,954
Six Month and Annual	1,129

<u>Smaller Facilities</u>	<u>2,456</u>
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TOTAL	<u>6,539</u>
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Cases Concluded Without Hearings:
Released Prior to Hearing

Large State Facilities	621
Smaller Facilities	<u>150</u>

TOTAL	771
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Voluntaries:

Large State Facilities	1,306
Smaller Facilities	<u>1,207</u>

TOTAL	2,513
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Other

Large State Facilities	59
Smaller Facilities	<u>60</u>

TOTAL	119
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TOTAL (Above Three Categories)	<u>3,403</u>
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* Includes Springfield, Crownsville and Spring Grove Hospitals.

Hearings:

Released

Large State Facilities	156
Smaller Facilities	<u>177</u>

TOTAL	333
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Retained

Large State Facilities	1,941
Smaller Facilities	<u>862</u>

TOTAL	2,803
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GRAND TOTAL	6,539
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II. JUDICIAL HEARINGS

Dorsey	172
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Misc. (including Judicial Release and Habeas Corpus)	91
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Pre-Trial Screenings	160
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Juvenile	133
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DEATH PENALTY DEFENSE UNIT

DIVISION CHIEF:

Gary W. Christopher

520 W. Fayette Street
Baltimore, Maryland 21201

The Death Penalty Defense Unit is responsible for assuring the Public Defender's delivery of legal defense services in capital murder cases. Although its four attorneys occasionally serve at the trial table in such cases, their principal function is as a support staff for the Public Defender staff and panel attorneys assigned to defend capital cases throughout the twelve Public Defender Districts. The Unit tracks capital cases and their cost to the Agency; it coordinates the appointment of counsel, experts and investigators in capital cases; it consults with the appointed attorneys on theory and practice; it provides them with legal research and regularly updated pleadings, instructions and memoranda; and through its regular publications and seminars, it endeavors to keep the public defense bar abreast of developments in capital punishment law and tactics.

No death sentences were imposed in Maryland in Fiscal Year 1986 and at the year's end, eighteen inmates were under sentence of death - two fewer than a year ago. While the phenomenon was less likely a trend than a swing of the pendulum, there was in a number of respects less capital litigation at the trial level this year than last.

	<u>F.Y.</u> <u>1986</u>	<u>F.Y.</u> <u>1985</u>
Death Notices Active End of F.Y.	15	20
Death Notices Filed	22	28
Total Death Notices Active	42	59
Death Case Guilt Phases	10	14
Penalty Phases	7	10
Death Sentences Imposed	0	6
Cases Closed (trial)	27	39
Panel Attorneys (trial)	32	34
Staff Attorneys (trial)	40	49
Private Counsel Cases	7	4

The year saw more capital litigation in the Appellate and Post-Conviction Courts than in any prior year. The Court of Appeals heard ten death appeals in its 1985 Term - all of them Public Defender cases - and ruled against the capital defendants in ten of the eleven death case opinions it issued during the fiscal year. At year's end, thirteen cases were pending on Supreme Court certiorari petition or on post-conviction. Tichnell v. State, 306 Md. 428, 509 A.2d 1179 (1986), reversing the Post-Conviction Court's award of relief was, in many respects, a watershed; it signaled both the Court's alarming tolerance of tepid death penalty representation and the commencement of Federal Court Review.

The burdensome cost of capital litigation did not abate in 1986, with panel fees increasing approximately 10% to \$102,498. Five cases which went to a penalty phase with assigned counsel accounted for 60% of that amount. The cases which settled tended to do so much later than in previous years, with a resulting substantial increase in fees and costs for settled cases.

The work of the Death Penalty Defense Unit broadened in Fiscal Year 1986. Unit staff attorneys entered appearances at the trial level in Districts 1, 2, 3, 4, 9 and 11 and, at the post-conviction level, in District 8. Publication of Maryland Death Penalty Update was regularized. The three day Capital Punishment Seminar held in August in Baltimore was attended by nearly 100 attorneys and investigators. In April, the Unit staff moved to new quarters in the Maryland Bar Center under an arrangement with the University of Maryland School of Law whereby its students, by participating in the Unit's projects and litigation, will constitute a significant new resource for the Public Defender's death penalty effort.

The coming year will likely see the pendulum swing back to a higher volume of capital litigation, but it should see, as well, the Unit's still growing ability to assist the District Public Defenders with that onerous caseload. A number of circumstances suggests the Unit's achievement of a greater number of its long-term goals with probably a modestly smaller staff. The problems will include finding counsel willing and qualified to handle the mushrooming death post-conviction caseload.

INTERNSHIP/SUPPORT STAFF PROGRAM

COORDINATOR:

Stuart M. Goldberg

312 N. Eutaw Street
Baltimore, Maryland 21201

The Internship/Support Staff Program for the Office of the Public Defender was formally established in July of 1979 with the addition of a full-time Coordinator who serves as an Administrative Aide to the Deputy Public Defender and Chief Counsel, Administration.

The Program consists of individuals, often students, placed throughout the Public Defender System as Rule 18 law students, law clerks, interns, work-study students and volunteers.

The five major objectives of the Program are:

1. Provide legal and clerical support to various Districts, Divisions and Units within the Public Defender System.
2. Develop and operate a formalized Intern Program with the cooperation of the District Public Defenders and Division Chiefs.
3. Permit participating students to fulfill the criteria and requirements set by their respective academic institutions.
4. Serve as a mechanism through which the role, functions and ideals of the Public Defender System can be experienced firsthand by those expressing interest in the Criminal Justice System.
5. Provide qualified individuals with work experience needed to obtain a position in the legal system in today's job market.

We are proud that the Program draws academic interns from various area universities, colleges, junior colleges and law schools and, also, from major respected universities and colleges outside the State.

Students are selected for participation based on a commitment to community service, an interest in the legal profession and academic preparation.

An important prerequisite for District and Division participation in the academic program is the willingness of the District Public Defender or Division Chief to identify supervising attorneys who are able to provide the guidance, feedback and evaluation criteria to a learning situation. Students often have preconceived notions concerning "Public Defender"; however, their ideas and concepts are quickly changed after working with the professionals and staff within our Agency.

In Fiscal Year 1986 and on the average, the Agency has 35 student interns, including work-study and volunteers, during each of the three academic semesters.

Since journalized record keeping began in 1977, we have seen approximately 600 "interns" pass through the Public Defender System, with an estimated 15% obtaining paid contractual positions, 4% becoming State employees and 3% achieving attorney status.*

Other activities during Fiscal Year 1986 included the revision and preparation of the Agency's Intern Manual, the coordination of the annual John Motley Moorehead Seminar and participation by Agency personnel in a speakers bureau for academic institutions.

Future plans include a forthcoming Agency Law-Clerk Manual and support staff seminars.

This Program has truly become an integral part of the Agency and a true benefit to the academic community and the Criminal Justice System in Maryland.

*These figures represent an approximate number of individuals, as relates to District No. 1 and our Statewide Divisions only.

A P P E N D I X

PUBLIC DEFENDER OPERATIONS

The Public Defender provides legal representation for eligible indigents in criminal and juvenile proceedings within the State requiring Constitutional Guarantees of Counsel in the following:

1. Prior to presentment before a Commissioner or Judge.
2. Arraignments, preliminary hearings, suppression hearings, motions, trials and sentencings in the District and Circuit Courts.
3. Appeals and Writs of Certiorari in the Court of Special Appeals of Maryland, the Court of Appeals of Maryland and the U.S. Supreme Court.
4. Post-conviction proceedings under Article 27, Annotated Code of Maryland, habeas corpus and other collateral proceedings.
5. Any other proceeding where possible incarceration pursuant to a judicial commitment of individuals to institutions of a public or private nature may result (Article 27A, Section 4).

The Public Defender may represent an eligible indigent in a Federal Court under certain circumstances, and the expenses attached to the representation will be an obligation of the Federal Government. Investigations are made to determine the eligibility to receive legal services from the Public Defender. The Public Defender also provides investigative and technical assistance to any staff attorneys and panel attorneys appointed to represent an indigent person. In some instances, the Public Defender will obtain reimbursement for legal services when the client has some limited resources. Liens are executed when necessary to protect the interests of the State of Maryland.

The Public Defender's operations beginning in Fiscal Year 1980 have been divided into four programs. These allocations of the Agency's personnel and resources to specific areas in separate programs should prove to both upgrade the Public Defender services and create greater fiscal control.

The Public Defender's activities are now defined in the following program areas:

A. General Administration (Program .01)

The Public Defender, Deputy Public Defender, District Public Defenders, Chief Counsel for Administration, Division Chiefs and the administrative staff:

1. Establishes guidelines for the qualifications of clients.
2. Establishes procedures for the handling of client's cases by staff and panel attorneys.
3. Establishes qualifications for panel attorneys and fee schedules.
4. Handles all personnel and fiscal matters.
5. Makes legislative proposals.
6. Supervises all training.

B. District Office (Program .02)

The twelve (12) District Offices as established by Article 27A.

1. Qualifies indigent clients for Public Defender defense services.
2. Provides representation to qualified clients in District Courts, Juvenile Courts, Circuit Courts, police custody (line-ups, interrogations, etc.), post-convictions, habeas corpus, bail hearings, probation violations and appeals by staff and assignment of panel attorneys.
3. Establishes approved panel attorney lists for its District, assigns the cases to panel attorneys and authorizes the payment of fees to panel attorneys.
4. Provides investigative services for staff and panel attorney assistance.
5. Sets fees for clients required to reimburse for legal services and collects such fees and executes liens.

STATEWIDE DIVISIONS SERVING DISTRICT CLIENTS IN SPECIALIZED AREAS:

C. Appellate and Inmate Services (Program .03)

1. Appellate Division

- a. Administers all work in the Appellate Court in conjunction with the District Public Defenders.
- b. Qualifies indigent clients who seek appellate relief.
- c. Provides representation to indigent clients.
- d. Assigns appellate cases to panel attorneys when needed.
- e. Provides continuing training by seminars and newsletters.

2. Inmate Services Division

- a. Provides advice and assistance to indigent inmates of Maryland penal institutions regarding their criminal convictions.
- b. Represents indigent inmates in habeas corpus, post-conviction proceedings, parole violations and detainer matters.

D. Involuntary Institutionalization Services (Program .04)

1. Provides representation to indigents upon admission to mental institutions.
2. Provides six month and annual reviews to persons committed to mental institutions.
3. Provides representation to indigents seeking judicial release from mental institutions.

PERSONNEL ALLOCATIONS
FISCAL YEAR ENDING 6/30/1986

PROGRAM .01

ADMINISTRATION (16.5 Positions)

SUMMARY F.Y.E. 6/30/1986

Public Defender	1
Deputy Public Defender	1
Chief Counsel, Administration	1
Chief Investigator	1
Accountant	1
Administrative	2
Fiscal	2
Secretaries	4.5
Personnel	2
Records & Statistics	1
	<u>16.5</u>

Program .01	16.5 Positions
Program .02	295.5 Positions
Program .03	44.0 Positions
Program .04	<u>17.0 Positions</u>
	<u>373.0</u>

PROGRAM .02

CAPITAL CRIMES (5 Positions)

Chief Attorney	1
Attorneys	3
Secretaries	<u>1</u>
	<u>5</u>

PROGRAM .03

APPELLATE AND INMATE SERVICES (44 Positions)

APPELLATE (26 Positions)

INMATE SERVICES (18 Positions)

Chief Attorney	1
Attorneys	14
Investigators	1
Secretaries	<u>10</u>
	<u>26</u>

Chief Attorney	1
Attorneys	7
Legal Assistants	3
Secretaries	5
Law Clerks/Para-Legals	<u>2</u>
	<u>18</u>

PROGRAM .04

INVOLUNTARY INSTITUTIONALIZATION (17 Positions)

Chief Attorney	1
Attorneys	5
Investigators	6
Secretaries	<u>5</u>
	<u>17</u>

PROGRAM .02

DISTRICT OPERATIONS (290.5 Positions)

DISTRICT #1

District Public Defender	1
Attorneys	55
Investigators	19.5
Legal Assistants	2
Secretaries	15
Law Clerks/Para-Legals	<u>13.5</u>
	<u>106</u>

DISTRICT #2

District Public Defender	1
Attorneys	6
Investigators	2
Secretaries	4.5
Law Clerks/Para-Legals	<u>1</u>
	<u>14.5</u>

DISTRICT #3

District Public Defender	1
Attorneys	4.5
Investigators	1
Secretaries	3
Law Clerks/Para-Legals	<u>1.5</u>
	<u>11</u>

DISTRICT #4

District Public Defender	1
Attorneys	4
Investigators	1
Secretaries	4
Law Clerks/Para-Legals	<u>.5</u>
	<u>10.5</u>

DISTRICT #5

District Public Defender	1
Attorneys	15
Investigators	6
Secretaries	7
Law Clerks/Para-Legals	<u>6</u>
	<u>35</u>

DISTRICT #6

District Public Defender	1
Attorneys	12
Investigators	5
Secretaries	7
Law Clerks/Para-Legals	<u>4</u>
	<u>29</u>

DISTRICT #7

District Public Defender	1
Attorneys	10
Investigators	4
Secretaries	<u>4</u>
	<u>19</u>

DISTRICT #8

District Public Defender	1
Attorneys	13
Investigators	4
Legal Assistants	1
Secretaries	3
Law Clerks/Para-Legals	<u>4</u>
	<u>26</u>

DISTRICT #9

District Public Defender	1
Attorneys	3
Investigators	2
Secretaries	<u>2</u>
	<u>8</u>

DISTRICT #10

District Public Defender	1
Attorneys	7
Investigators	2
Secretaries	3
Law Clerks/Para-Legals	<u>2</u>
	<u>15</u>

DISTRICT #11

District Public Defender	1
Attorneys	5.5
Investigators	3
Secretaries	<u>2.5</u>
	<u>12</u>

DISTRICT #12

District Public Defender	1
Attorneys	.5
Investigators	1.5
Secretaries	<u>1.5</u>
	<u>4.5</u>

BUDGET

OFFICE OF THE PUBLIC DEFENDER

	<u>ACTUAL</u> F.Y. 1986	<u>APPROPRIATION</u> F.Y. 1987	<u>REQUEST</u> F.Y. 1988
Number of Authorized Positions	371	382	389
<hr/>			
Salaries and Wages	\$12,387,377.	\$13,104,529.	\$13,964,745.
Technical and Special Fees	3,342,165.	2,372,701.	3,508,987.
Operating Expenses	2,607,298.	2,609,311.	2,899,924.
<hr/>			
Original General Fund Appropriation	\$15,656,861.	\$17,465,317.	\$20,373,656.
Transfer of General Fund Appropriation	2,679,979.	621,224.	
<hr/>			
TOTAL GENERAL FUND EXPENDITURES	\$18,336,840.	\$18,086,541.	\$20,373,656.
<hr/>			

<u>PROGRAM:</u>	<u>ACTUAL</u> F.Y. 1986	<u>APPROPRIATION</u> F.Y. 1987	<u>REQUEST</u> F.Y. 1988
Administration	\$ 729,602.	\$ 683,319.	\$ 982,782.
District Operations	14,004,341.	13,784,786.	15,783,370.
Appellate and Inmate Services	2,961,557.	2,952,503.	2,949,932.
Involuntary Institutionalization Services	641,340.	665,933.	657,572.
TOTAL	<u>\$18,336,840.</u>	<u>\$18,086,541.</u>	<u>\$20,373,656.</u>

GENERAL ADMINISTRATION

Program and Performance:

This program provides administration and coordination to all Public Defender services. The Public Defender and the Deputy Public Defender, along with the administrative staff, handle all personnel and fiscal matters for the Office of the Public Defender. Budgeting, planning, accounting and data collection, procurement, and training coordination is the responsibility of the administrative staff. The staff also screens, drafts and recommends all legislative proposals for the Office of the Public Defender.

	<u>1985</u> <u>Actual</u>	<u>1986</u> <u>Actual</u>	<u>1987</u> <u>Estimated</u>	<u>1988</u> <u>Estimated</u>
Units of Measurement:				
Clients Interviewed and Accepted (Excludes Rejected Applicants)	123,335	112,036	120,701	129,587
Workload Completed:				
Criminal Trials and Appeals	90,219	93,818	100,019	107,949
Other Hearings and Defense Services	<u>42,792</u>	<u>29,797</u>	<u>32,114</u>	<u>33,896</u>
Total	133,011	123,615	132,133	141,845

IIIA

DISTRICT OPERATIONS

Program and Performance:

The Public Defender provides legal services to indigents through twelve district offices. Each district conforms to the statutory geographic boundaries for the District Court. Legal representation by the Public Defender extends to all stages in criminal proceedings, including custody, interrogation, preliminary hearing, arraignment, trial and appeal. Representation is provided to qualified indigents in District Courts, Juvenile Courts, Circuit Courts, police custody and related collateral court hearings by staff and by assignment of panel attorneys.

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Units of Measurement:

	<u>1985</u> <u>Actual</u>	<u>1986</u> <u>Actual</u>	<u>1987</u> <u>Estimated</u>	<u>1988</u> <u>Estimated</u>
All Clients Interviewed for Services	126,107	114,287	123,430 ⁽¹⁾	133,304 ⁽¹⁾
New Trial Cases Accepted	89,985	93,654	101,146 ⁽¹⁾	109,238 ⁽¹⁾
Trial Representation Provided	89,366	93,082	99,123	107,053
Other Defense Services (Includes Rejects)	36,122	20,633	22,284	24,066
Cases Completed by Staff	70,064	80,430	86,418	92,601
Panel Attorneys Utilized	609	548	550	550
Cases Completed by Panel Attorneys	14,302	12,652	12,705	14,452

⁽¹⁾ARI = 8%

APPELLATE AND INMATE SERVICES

Program and Performance:

Appellate Services

Appellate Services has statewide responsibility for all Appellate litigation involving Public Defender clients and provides educational and research services for staff and panel attorneys throughout the twelve Public Defender districts. The Appellate Division provides representation through use of staff and panel attorneys in appellate cases, reviews for and files appropriate petitions for writs of certiorari, provides continuing education in criminal law and procedure by seminars and newsletters, and provides a central source of information for quick reference and particular expertise.

Inmate Services

Inmate Services provides assistance to indigent inmates for post conviction, parole violation, habeas corpus, extradition, detention, "jail time" credit and transcript requests. This Division operates statewide and provides counsel for collateral criminal proceedings throughout the twelve districts of the Public Defender System. Provides, through a contract (Prisoner Assistance Program), legal assistance to inmates who raise claims that their civil rights were violated.

	<u>1985</u> <u>Actual</u>	<u>1986</u> <u>Actual</u>	<u>1987</u> <u>Estimated</u>	<u>1988</u> <u>Estimated</u>
Units of Measurement:				
Cases Accepted	778	847	914	914
Cases Closed	853	736	896	896
(Staff)	686	630	766	766
(Panel)	167	106	130	130
Certiorari Opinions Reviewed	665	547	600	600
Certiorari Petitions Filed	150	153	157	157
Inmate Cases Received	1,951	1,433	1,600	1,600
Inmate Cases Closed	2,015	1,522	1,520	1,520

INVOLUNTARY INSTITUTIONALIZATION SERVICES

Program and Performance:

The Involuntary Institutionalization Services program provides assistance of counsel to every indigent person involuntarily confined pursuant to Article 59, to a facility under the jurisdiction of or licensed by the State Department of Health and Mental Hygiene. The services include: representation to indigents upon admission to mental institutions, six months and annual reviews to persons committed to mental institutions, and representation to indigents seeking judicial release from mental institutions.

	<u>1985</u> <u>Actual</u>	<u>1986</u> <u>Actual</u>	<u>1987</u> <u>Estimated</u>	<u>1988</u> <u>Estimated</u>
Units of Measurement:				
Patient Contacts	6,015	6,539	7,100	7,100
Patient Hearings	2,670	3,136	3,310	3,310
Court Hearings	345	556	610	610
Cases Concluded Without	3,123	3,403	3,790	3,790

LEASE EXPENSE FOR FISCAL YEAR ENDING 30 JUNE 1988
BY PUBLIC DEFENDER DISTRICT

<u>District</u>	<u>Location</u>		
#1	Provident Bldg., Balto. City	\$: 70,207.50	
	American Bldg., Balto. City	53,499.50	
	Baltimore Bar Center, Balto. City	<u>18,426.75</u>	\$142,133.75
#2	Salisbury, 120 E. Main St.	12,720.00	
	Snow Hill	4,365.72	
	Princess Anne	4,950.00	
	Cambridge	<u>4,200.00</u>	26,235.72
#3	Easton	3,600.00	3,600.00
#4	LaPlata	18,163.00	
	Prince Frederick	10,066.80	
	Leonardtwn	<u>28,464.80</u>	56,694.60
#5	Upper Marlboro, 15050 Buck Lane	29,428.60	
	Upper Marlboro, Main Street	<u>14,850.00</u>	44,278.60
#6	Rockville Grey Court House	116,400.00	116,400.00
#7	Annapolis, 60 West St.	38,334.39	38,334.39
#8	Towson, Virginia Towers	88,664.00	88,664.00
#10	Ellicott City, 3697 Park Avenue	7,171.80	
	Westminster, County Multi-Service	<u>11,381.00</u>	18,552.80
#11	Frederick, County Multi-Service	14,202.00	
	Hagerstown, 100 W. Franklin St.	<u>8,881.25</u>	23,083.25
#12	Cumberland, Dist. Court Bldg.	4,030.00	
	Oakland, Lease Pending	<u>4,000.00</u>	<u>8,030.00</u>
			<u>\$566,007.11</u>

BUDGET ESTIMATES

FISCAL YEAR 1986

We generate General Fund Revenue by collecting fees from those determined able to reimburse the Agency for its services:

A SUMMARY OF COLLECTIONS

	<u>July 1, 1983 to June 30, 1984</u>		<u>July 1, 1984 to June 30, 1985</u>		<u>July 1, 1985 to June 30, 1986</u>
<u>District No.</u>	<u>Amount</u>	<u>District No.</u>	<u>Amounts</u>	<u>District No.</u>	<u>Amount</u>
1	11,260.00	1	18,437.47	1	16,176.61
2	6,731.00	2	7,053.00	2	5,131.80
3	27,575.45	3	34,598.23	3	38,346.51
4	32,576.85	4	19,910.00	4	21,764.88
5	40,006.60	5	32,458.92	5	26,082.94
6	20,092.50	6	8,360.00	6	6,906.11
7	10,127.50	7	9,251.29	7	17,349.62
8	18,435.98	8	20,234.75	8	23,789.51
9	9,241.50	9	7,655.00	9	9,371.00
10	11,187.50	10	8,762.21	10	9,024.70
11	5,388.05	11	4,556.00	11	3,673.40
12	2,395.62	12	2,121.25	12	2,921.20
Misc. Revenue*	<u>3,221.44</u>	Misc. Revenue*	<u>1,279.62</u>	Misc. Revenue*	<u>3,314.81</u>
Revenue Total	<u>198,239.99</u>	Revenue Total	<u>174,677.74</u>	Revenue Total	<u>183,853.09</u>

*Miscellaneous Revenue consists of Appearance Fees and State Checks (cancelled during FY closing).

WORKLOAD ANALYSIS

<u>DISTRICT NO.</u>	<u>NEW CASES ACCEPTED</u>		<u>% OF CHANGE</u>	<u>CASES COMPLETED</u>		<u>% OF WORKLOAD BY DISTRICT</u>	<u>% OF COST OF DISTRICT OPERATIONS</u>
	<u>F.Y. 1985</u>	<u>F.Y. 1986</u>		<u>F.Y. 1986</u>	<u>PROJECTED¹ F.Y. 1987</u>		
1	39,710	39,750	+ 0.1%	37,187	38,622	42.3%	33.1%
2	3,256	3,526	+ 8.3%	3,494	3,528	4.0%	4.2%
3	2,637	2,832	+ 7.4%	2,446	3,441	2.8%	3.1%
4	2,726	2,909	+ 6.7%	2,747	2,952	3.1%	3.4%
5	9,332	11,499	+23.2%	9,322	11,985	10.6%	12.6%
6	8,262	8,276	+ 0.2%	9,244	9,483	10.5%	12.3%
7	4,089	4,429	+ 8.3%	4,458	5,175	5.1%	6.3%
8	8,588	8,859	+ 3.2%	8,367	10,581	9.5%	9.7%
9	2,463	2,273	(- 7.7%)	2,110	2,184	2.4%	2.6%
10	3,803	4,051	+ 6.5%	3,858	3,837	4.4%	4.9%
11	3,849	4,023	+ 4.5%	3,483	4,215	3.9%	3.8%
12	1,275	1,227	(- 3.7%)	1,103	1,062	1.3%	1.5%
DIST. TOTALS	89,990	93,654	+ 4.1%	87,819	97,065²	100.0%	97.5%³
APPELLATE	778	847	+ 8.8%	736	889		
INMATE SERVICES	1,962	1,433	(-26.9%)	1,572	1,823		
INVOLUNTARY INSTITUTIONAL- IZATION SERVS.	6,015	6,539	+ 8.7%	6,539	6,539		
TOTAL	98,745	102,473	+ 3.8%	96,666	106,316		

¹Based on 10/31/86 closings.

²F.Y. 1987 projects 9.98% increase overall in Agency workload over F.Y. 1986.

³District operations totaled \$13,958,357 in F.Y. 1986 (includes Capital Crimes Unit at 2.5% of District's operations.)

FISCAL YEAR 1986
CASELOAD ANALYSIS
WORKLOAD PERCENTAGE

Dist.	No. Cases/ Defendants Completed By Staff	No. APD Staff	No. Contractual	% Caseload Distribution			Weighted Recom. ABA Standard	Public Defender Caseload/Atty.	Productivity Factor		Productivity Ranking	
				Dist.	Juv.	Cir.			F.Y. 85	F.Y. 86	F.Y. 85	F.Y. 86
1	36,264	55.0	9.0	55	18	27	302	567	1.75	1.87	1.0	1.0
2	3,060	7.0	0	69	6	25	328	437	1.23	1.34	7.5	4.0
3	2,169	5.0	0	72	7	21	337	434	1.27	1.30	5.0	5.0
4	2,543	5.0	1.0	59	13	28	310	424	1.23	1.39	7.5	3.0
5	5,628	16.0	0	71	7	22	331	352	1.03	1.06	10.0	10.0
6	6,142	12.4	9.15 ¹	66	3	29	314	317	0.84	1.01	12.0	11.0
7	3,995	11.0	2.0 ¹	69	3	28	324	320	0.97	0.99	11.0	12.0
8	7,203	13.0	8.0 ¹	53	14	33	296	379	1.29	1.28	4.0	6.0
9	1,929	4.2	1.0	64	10	26	320	371	1.38	1.18	2.0	8.0
10	3,024	8.0	1.0	63	0	37	308	336	1.25	1.09	6.0	9.0
11	3,207	6.75	0	69	14	16	337	475	1.37	1.42	3.0	2.0
12	662	1.5	0	84	6	9	364	441	1.16	1.22	9.0	7.0
Dist.	19,791	18.0	0	100	-	-	400	1,100	2.35	2.75	-	-
Juv.	6,817	15.0	5.0	-	100	-	250	340	1.57	1.70	-	-
Cir.	9,656	26.0	0	-	-	100	150	371*	2.38*	2.47*	-	-

¹ Adjusted for turnover.

* including misdemeanor/jury trial.

IAX

PROCEEDINGS FOR TRIALS COMPLETED

XVII

<u>DISTRICT NO.</u>	<u>TOTAL CASES COMPLETED</u>		<u>% OF CHANGE</u>	<u>F.Y. 1986 COMPLETED BY:</u>		<u>% BY STAFF</u>
	<u>F.Y. 1985</u>	<u>F.Y. 1986</u>		<u>STAFF</u>	<u>P.A.</u>	
1	40,851	37,187	(- 9.0%)	36,264	923	97.5%
2	3,233	3,494	+ 8.1%	3,060	434	87.6%
3	2,493	2,446	(- 2.0%)	2,169	277	88.7%
4	2,562	2,747	+ 7.2%	2,543	204	92.6%
5	8,939	9,322	+ 4.3%	5,628	3,694	60.4%
6	7,623	9,244	+21.3%	6,142	3,102	66.4%
7	4,430	4,458	+ 0.6%	3,995	463	89.6%
8	8,394	8,367	(- 0.3%)	7,203	1,164	86.1%
9	2,488	2,110	(-15.2%)	1,929	181	91.4%
10	3,456	3,858	+11.6%	3,024	834	78.4%
11	3,713	3,483	(- 6.2%)	3,207	276	92.1%
12	1,191	1,103	(- 7.4%)	662	441	60.0%
DISTRICT TOTALS	89,373	87,819	(- 1.7%)	75,826	11,993	86.3%
APPELLATE	853	736	(-13.7%)	630	106	85.6%
INMATE SERVICES	2,015	1,522	(-24.4%)	1,464	58	96.2%
INVOLUNTARY INSTITUTIONALIZATION	3,015	3,692	+22.4%	3,267	435	88.4%
AGENCY TOTALS	95,256	93,769	(- 1.6%)	81,187	12,592	86.6%

OFFICE OF THE PUBLIC DEFENDER
312 N. Eutaw Street
Baltimore, Maryland 21201

333-4900

PUBLIC DEFENDER ALAN H. MURRELL 333-4830
for the State of Maryland

DEPUTY PUBLIC DEFENDER ALFRED J. O'FERRALL, III 333-4832
for the State of Maryland

APPELLATE DIVISION Dennis M. Henderson 333-4861

INMATE SERVICES DIVISION Dene L. Lusby 333-4882

INVOLUNTARY INSTITUTION- George M. Lipman 333-4887
ALIZATION SERVICES DIVISION
(Mental Health)

DEATH PENALTY UNIT Gary W. Christopher 333-4840

INVESTIGATION DIVISION James W. Watkins 333-4888

DISTRICT NO. 1 Norman N. Yankellow 333-4835
Baltimore City 312 N. Eutaw Street
Baltimore, Maryland 21201

District Court Division David H. Cohen 333-4828
231 E. Baltimore Street
7th Floor
Baltimore, Maryland 21202

Juvenile Division Earl L. Carey, Jr. 333-4899
231 E. Baltimore Street
7th Floor
Baltimore, Maryland 21202

DISTRICT NO. 2 Robert B. Fine 749-2430
Dorchester, Wicomico,
Somerset and Worcester P.O. Box 195
Counties 120 East Main Street
Salisbury, Maryland 21801

DISTRICT NO. 3 C. Daniel Saunders 758-2683
Queen Anne's, Talbot,
Cecil, Caroline and State Office Building
Kent Counties 120 Broadway
Centreville, Maryland 21617

DISTRICT NO. 4 Charles, St. Mary's and Calvert Counties	T. Myron Loyd Court House - Room 237 La Plata, Maryland 20646	934-9420
DISTRICT NO. 5 Prince George's County	E. Allen Shepherd 15050 Buck Lane Upper Marlboro, Maryland 20772	952-3083
DISTRICT NO. 6 Montgomery County	J. Theodore Wieseman Suite 250 414 Hungerford Drive Rockville, Maryland 20850	294-1300
DISTRICT NO. 7 Anne Arundel County	Stephen E. Harris 60 West Street Annapolis, Maryland 21401	269-2201
DISTRICT NO. 8 Baltimore County	Thomas J. Saunders Virginia Towers 500 Virginia Avenue Towson, Maryland 21204	321-2902
DISTRICT NO. 9 Harford County	Henry C. Engel, Jr. Mary E. W. Risteau District Court/Multi-Service Center 2 South Bond Street Bel Air, Maryland 21014	836-4880
DISTRICT NO. 10 Howard and Carroll Counties	Carol A. Robertson 3451 Court House Drive Ellicott City, Maryland 21043	455-8688
DISTRICT NO. 11 Frederick and Washington Counties	William R. Leckemby, Jr. 100 West Patrick Street Frederick, Maryland 21701	694-1988
DISTRICT NO. 12 Allegany and Garrett Counties	Michael R. Burkey District Court Building 59 Prospect Square Cumberland, Maryland 21502	777-2142

"The indigent defendant . . . faces a system determined to arrange for his arrest, provide for his prosecution, and require his incarceration if convicted. It is less determined to pay for his effective representation in court."

"Overall 1.5% of total expenditures for Criminal Justice are spent for defense of indigents, compared to 5.9% for prosecution and 13.1% for the judiciary." ABA Bar Information Program, 1984.