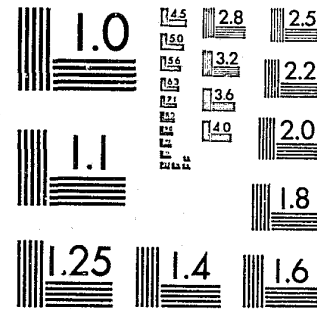


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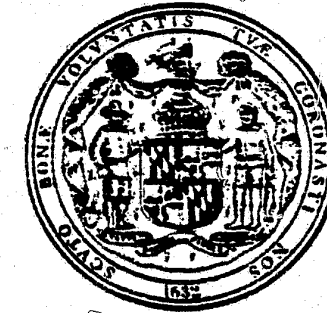
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National Institute of Justice
United States Department of Justice
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5/31/85

OFFICE OF THE PUBLIC DEFENDER



STATE OF MARYLAND

92272

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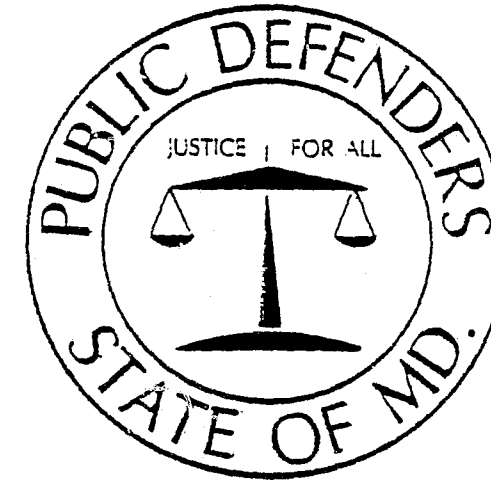
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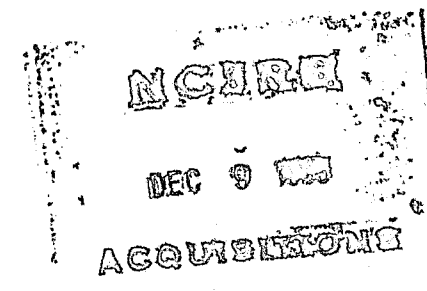
Twelfth Report
Fiscal Year 1983

Section 11, Article 27A

"On or before the 30th day of September of each year, the Public Defender shall submit a report to the BOARD OF TRUSTEES AND TO THE Governor and to the General Assembly. The report shall include pertinent data concerning the operations of the Office of the Public Defender including: projected needs; a breakdown of the number and type of classes handled and relative dispositions; recommendations for statutory changes including changes in the criminal law or court rules as may be appropriate or necessary for the improvement of the system of criminal justice and control of crime and rehabilitation of offenders."



REPORT OF THE PUBLIC DEFENDER
Fiscal Year 1983



ALAN HAMILTON MURRELL
PUBLIC DEFENDER

ALFRED J. O'FERRALL, III
DEPUTY PUBLIC DEFENDER

Central Offices
Tower Building
222 E. Baltimore Street
Baltimore, Maryland 21202

BOARD OF TRUSTEES

William W. Cahill, Jr., Chairman
M. Albert Figinski

INTRODUCTION

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

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

The Public Defender, with the approval of the Board, has the power to appoint the District Defenders, and as many Assistant Public Defenders as may be required for the proper performance of the duties of the office, and as provided in the Budget. All of the Assistant Public Defenders serve at the pleasure of the Public Defender, and he serves at the pleasure of the Board of Trustees, there being no tenure in any of the legal positions in the System. The State is divided into twelve operational Districts, conforming to the geographic boundaries of the District Court, as set forth in Article 26, Section 140 of the Annotated Code. Each District is headed by a District Defender responsible for all defense activities in his District, reporting directly to the Office of the Public Defender.

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

ARTICLE 27A
PUBLIC DEFENDER

§ 1. Declaration of policy and legislative intent.

It is hereby declared to be the policy of the State of Maryland to provide for the realization* of the constitutional guarantees of counsel in the representation of indigents, including related necessary services and facilities, in criminal and juvenile proceedings within the State, and to assure effective assistance and continuity of counsel to indigent accused taken into custody and indigent defendants in criminal and juvenile proceedings before the courts of the State of Maryland, and to authorize the Office of the Public Defender to administer and assure enforcement of the provisions of this article in accordance with its terms. (1971, ch. 209, §1.)

**Gideon vs. Wainwright*, S.C. 372 U.S. 335 (1963):

"In our adversary system of criminal justice any person hailed into court who is too poor to hire a lawyer cannot be assured a fair trial unless counsel is provided for him."

PUBLIC DEFENDER SERVICES

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.

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 4 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 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.

THE DEATH PENALTY IN MARYLAND

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.

The debates¹ in the Maryland General Assembly prior to the enactment of Section 412(b) - 413 of Article 27 of the Annotated Code of Maryland (1978) (the Death Penalty Statute), provides little, if any, projected cost data on the implementation of the Statute; but, the record is quite clear that the death penalty cases are in fact demanding the most irrational disproportionate continuing expenditure of energy and money in the history of criminal justice in the Maryland Free State.

Since Gideon v. Wainwright, S.Ct. 372 U.S. 335 (1963), it has been the law that the indigent defendant must be provided counsel by the State in order to insure a fair trial. This constitutional right to counsel does not mean a warm legal body or welfare gratuity benevolently bestowed by the State. It means "an attorney who has the range and exercise of skill and knowledge meeting the standards of professional trial competence." State v. Mazullo, 561 F.2d 540 (1977), S.Ct. 434 U.S. 1011 (1978).

Any review of Public Defender assigned counsel/attorney fee expenditures, entails the realization that competent private criminal trial attorneys simply cannot be expected to continuously give up his or her private legal practice in order to devote the weeks and months of preparation and trial time required to handle death penalty cases without receiving reasonable compensation.

The diversion of the expert Public Defender staff attorneys to the exclusive handling of such cases eliminates their individual daily trial docket and leads to either the costly panelling of their assigned cases or adding them to the already astronomical Public Defender staff trial inventory.

The devastating fiscal impact of capital punishment cases cannot be overemphasized. In fiscal year 1982, 1983 and 1984 to date, nearly 90% of the Public Defender budget overexpenditures are directly attributable to the death penalty demands (upon the whim of the prosecutors) and severely questions our ability without adequate funding to continue to meet the constitutional guarantees of effective representation to the indigent accused as mandated under the Public Defender Statute.

ALAN H. MURRELL
Public Defender
for the State of Maryland

¹It did produce inflammatory rhetoric by proponents of the Death Penalty and similar denouncements by opponents.

1983 REPORTS OF THE DISTRICT PUBLIC DEFENDERS

DISTRICT NO. 1
Baltimore City

District Public Defender
Norman N. Yankellow

Tower Building
222 East Baltimore Street
Baltimore, Maryland 21202

Total Population: 772,600

No. of Panel Attorneys 142

No. of District Courts: 13 (8 Criminal - 5 Traffic)

No. of Juvenile Courts: 8 (7 Masters and 1 Judge)

No. of Criminal Courts (Supreme Bench Level): 12

During the 1983 fiscal year 7,782 cases were completed at trial by panel attorneys, which is more than twice the number utilized than in the previous fiscal year. There were 31,714 cases completed at trial by District 1 staff attorneys. In addition, 24,873 other instances of representation were provided. These included representation at line ups, police interrogations, bail reduction hearings, violation of probation hearings, revocation of parole hearings and administrative hearings at mental health institutions. The staff who handled this workload consisted of the District Public Defender and 53 Assistant Public Defenders who were supported by 26 investigators, law clerks and 17 secretaries and clerks.

The level of cases completed in the District Courts continues to grow with the total actual trials completed for the 1983 fiscal year up 28.6% from the previous year.

In the past year, through the combined efforts of the court, the State's Attorney's Office and the District 1 office at the arraignment level, a great number of Circuit Court cases have been eliminated. As a direct result of this and the absence of any death penalty cases, the daily caseload of the Felony Trial division has been reduced to reasonably manageable levels.

However, District 1 continues to be plagued with an ever-increasing number of cases to be handled by the District Court staff. These cases at the Circuit Court level include jury trials prayed or appealed. This has resulted in a backlog of 7,956 cases assigned to the District Court staff for fiscal 1983.

A review of payments to panel attorneys indicates that District 1 is expending large sums of money to employ counsel for representation in CINA cases. In many instances, the employment of such counsel is questionable but is required because of the statutory mandate to represent all parties in juvenile proceedings.

A major problem facing District 1 is a deterioration of the morale of both the professional and clerical staff. This is created solely by the horrible conditions of the offices from which they are required to work. The lack of heat in the winter complemented by the lack of air conditioning in the summer, and the miserable physical facility itself all combine to affect the efficiency of the staff.

REPORT OF INVESTIGATIVE ACTIVITIES

Investigative activity in this agency is the foundation for competent, effective representation. These activities extend from the initial interview of a defendant to the development of post trial information. From determining eligibility to determining the strength of the state's case, the responsibility is the investigators.

For fiscal year 1983, a detailed accounting of the Investigative employees of District 1 is as follows:

OFFICE INTAKE

The Office Intake Section is located at the Central Office and is responsible for determining eligibility for all applicants for services who are on personal recognizance or bail and advising all persons seeking collateral services.

Personnel Assigned

- 1 Public Defender Intake Supervisor
- +1 Public Defender Investigators
- 4 Public Defender Aides

+This represents a decrease of one position from the previous fiscal year.

Statistics

Central Office Intake handled the following workload during FY 1983:

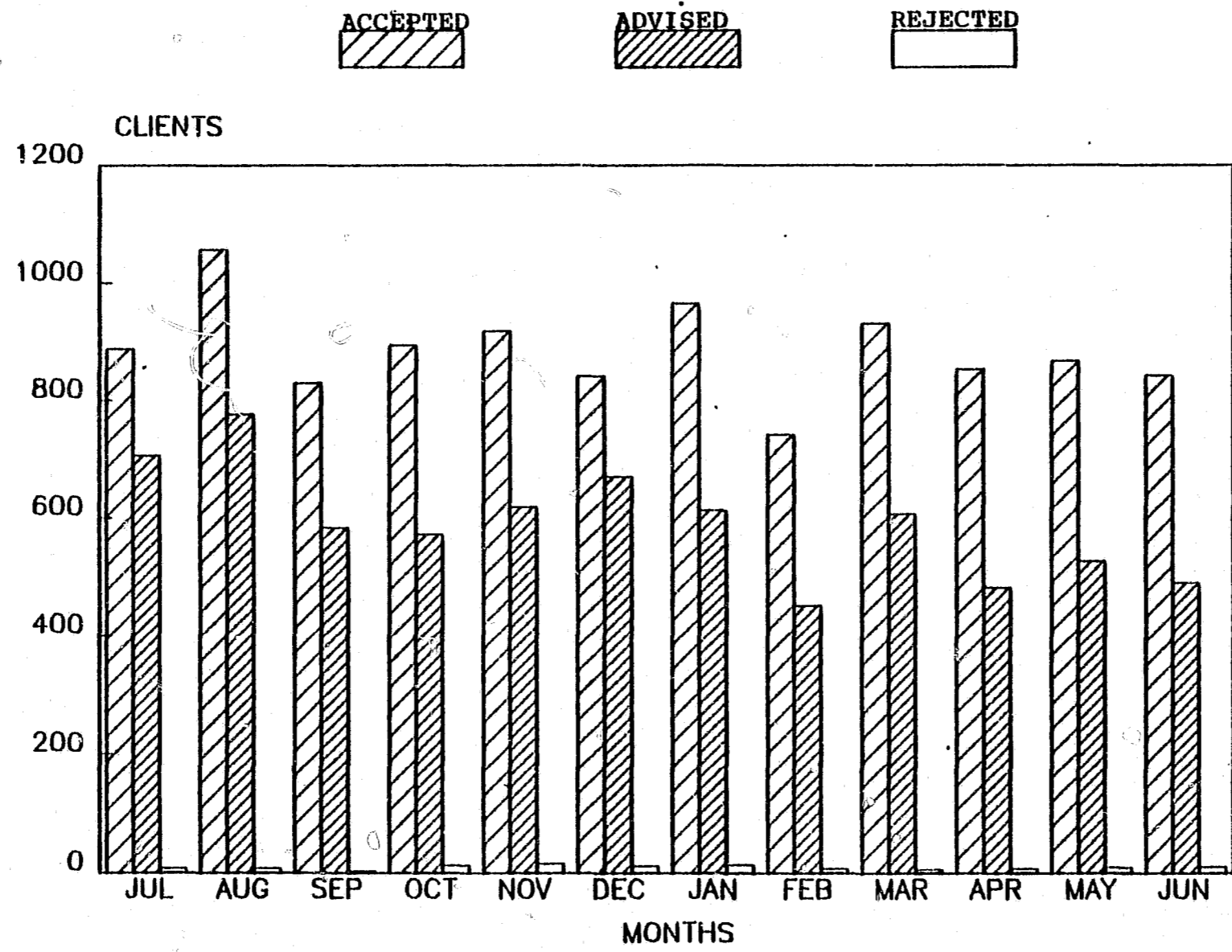
| | Monthly Total | Accepted | Advised | Reject |
|-----------|---------------|-----------|----------|----------|
| JULY | 1601 | 888 | 705 | 8 |
| AUGUST | 1821 | 1037 | 776 | 8 |
| SEPTEMBER | 1415 | 829 | 583 | 3 |
| OCTOBER | 1479 | 894 | 572 | 13 |
| NOVEMBER | 1552 | 918 | 618 | 10 |
| DECEMBER | 1522 | 841 | 669 | 12 |
| JANUARY | 1592 | 965 | 613 | 14 |
| FEBRUARY | 1200 | 741 | 451 | 8 |
| MARCH | 1545 | 931 | 607 | 6 |
| APRIL | 1345 | 853 | 482 | 8 |
| MAY | 1406 | 868 | 527 | 10 |
| JUNE | 1345 | 843 | 490 | 11 |
| TOTALS | 17,823 | 10,608 | 7,093 | 111 |
| | *(18,642) | *(10,332) | *(8,145) | *(165) |
| | 4.40% | 2% | .87% | .67% |
| | Decrease | Increase | Decrease | Decrease |

Intake statistics are graphically portrayed on the following page.

*FY 1982 Figure for Comparison

CLIENT SERVICES OPD INTAKE

Fiscal 1983



JAIL INTAKE

The Jail Intake Section is responsible for determining eligibility and developing initial client information from all persons seeking Public Defender Services while incarcerated at the Baltimore City Jail or Metropolitan Baltimore Correctional facilities.

Personnel Assigned

- 1 Public Defender Intake Supervisor
- 4 Public Defender Investigators

Statistics

The Jail Intake Section accepted the following cases during fiscal year 1983:

| | |
|-----------|-----|
| JULY | 479 |
| AUGUST | 566 |
| SEPTEMBER | 557 |
| OCTOBER | 482 |
| NOVEMBER | 408 |
| DECEMBER | 489 |
| JANUARY | 450 |
| FEBRUARY | 455 |
| MARCH | 514 |
| APRIL | 415 |
| MAY | 467 |
| JUNE | 426 |

TOTAL 5708

*(4,933)

Increase 13%

FIELD INVESTIGATION, ARRAIGNMENT, AND TRAFFIC COURT

Field Investigators are solely responsible for conducting those investigations requested by staff and panel attorneys. One Investigator, assisted by a Public Defender Aide, is responsible for the Arraignment Court. An Investigator, assisted by an interviewer, assists the attorney in Traffic Court and provides administrative support to the Baltimore Office:

Personnel Assigned

- 09 Field Investigators
- 1 Traffic Court Investigator
- 1 Arraignment Court Investigator
- 1 Contract Interviewer

*1982 Figure for Comparison

These employees conducted the following interviews and investigations:

| Leads and Cases Assigned | | |
|--------------------------|---------------------|-------------------|
| | Leads | Cases |
| JULY | 119 | 46 |
| AUGUST | 131 | 46 |
| SEPTEMBER | 168 | 63 |
| OCTOBER | 187 | 56 |
| NOVEMBER | 216 | 58 |
| DECEMBER | 171 | 54 |
| JANUARY | 159 | 60 |
| FEBRUARY | 185 | 69 |
| MARCH | 191 | 75 |
| APRIL | 150 | 59 |
| MAY | 157 | 50 |
| JUNE | 244 | 66 |
| TOTAL | 2058 *(2559) | 702 *(824) |
| | 19.5% Decrease | 14.8 Decrease |

TRAFFIC COURT INTERVIEWS

| | |
|--------------|---------------------|
| JULY | 107 |
| AUGUST | 60 |
| SEPTEMBER | 114 |
| OCTOBER | 158 |
| NOVEMBER | 107 |
| DECEMBER | 97 |
| JANUARY | 137 |
| FEBRUARY | 101 |
| MARCH | 152 |
| APRIL | 218 |
| MAY | 81 |
| JUNE | 271 |
| TOTAL | 1,608 *(881) |
| | Increase 82% |

CASES ASSIGNED to ARRAIGNMENT 3,415 *(3,367)
Increase 1.4%

CASES ASSIGNED to DISTRICT COURT 20,227 *(18,869)
Increase 7.1%

*FY 1982 Figure for Comparison

COMMENT

Between July 1, 1982, and June 30, 1983 statewide investigative activities continued a moderate increase as illustrated in the statistics for Baltimore City. Indeed, investigative employees in every district have proven to be invaluable during these years of increasing volume.

While these numbers point out the quantity of the Investigator workload, the ability to attract, retain, and develop competent investigative employees must be strengthened. Supervisory investigator grades are now used in most Metropolitan Public Defender Districts. After years of prodding, personnel professionals recognized that responsibility requires additional compensation. Neither this change nor a proposed change in the entire salary structure provides adequate compensation for the working investigator. This agency can not expect to recruit skilled and experienced investigative employees when it does not pay wages to attract those employees. It is equally unreasonable to expect to be able to retain employees when they are not compensated adequately. Currently, all metropolitan and rural police agencies have entry salaries higher than the maximum Public Defender Investigator salary.

It is not enough for an investigator to receive an adequate wage, adequate training must also be given. A continuing agency funded program providing as a minimum training in forensics, interviewing techniques, photography, and law must be instituted. Well trained attorneys are most effective with well trained investigators.

In the coming year, these two areas must be addressed if we are to continue to provide quality service to our clients.

James W. Watkins
Chief Investigator

JWW:eec

DISTRICT NO. 2
Dorchester, Somerset, Wicomico and Worcester Counties

District Public Defender
Robert B. Fine

120 East Main Street
Salisbury, Maryland 21801

107 West Market Street
Snow Hill, Maryland 21863

Prince William Street
Princess Anne, Maryland 21853

P. O. Box 512
Cambridge, Maryland 21613

Total Population: 147,500

No. of Panel Attorneys: 31

No. of District Courts: 5

No. of Circuit Courts: 4

No. of Juvenile Courts: 4

The State presently provides one office in the District located in Salisbury. It is staffed by the District Public Defender, 1 Assistant Public Defender, 1 Investigator, 1 Public Defender Aide, 1 full and 2 part-time secretaries. This past year there was 1 Assistant Public Defender in each of the following cities: Ocean City, Snow Hill, Princess Anne and Cambridge. The State provided a full-time secretary in Ocean City and a part-time secretary in Princess Anne. The Assistant Public Defenders in Cambridge and Snow Hill provide their own secretarial help. For the fiscal year 1984, it is planned to consolidate the Worcester County Office in Snow Hill with the State providing the office. Both Assistant Public Defenders and a full-time secretary will staff this office.

In fiscal year 1983 the District's increase in cases accepted was 46 higher than in fiscal year 1982. The following chart illustrates the workload increase in the District for the past five years:

| Cases | 1983 | 1982 | 1981 | 1980 | 1979 |
|--------------|-------|-------|-------|-------|-------|
| Accepted | 3,604 | 3,573 | 3,258 | 2,709 | 2,328 |
| Assigned to: | | | | | |
| Staff | 3,106 | 2,724 | 2,487 | 1,907 | 1,483 |
| Panel | 498 | 849 | 771 | 802 | 845 |

| | | | | | |
|------------|-------|-------|-------|-------|-------|
| Completed: | 3,529 | 3,531 | 3,241 | 2,372 | 2,283 |
| Staff | 2,713 | 2,739 | 2,608 | 1,547 | 1,421 |
| Panel | 816 | 792 | 633 | 825 | 862 |

| | | | | | |
|---------------------|---|---|---|---|---|
| Attorneys on Staff: | 6 | 6 | 5 | 4 | 4 |
|---------------------|---|---|---|---|---|

A breakdown of the 3,604 cases accepted and the 3,529 cases completed by county is as follows (the figures in parenthesis show the breakdown for fiscal year 1982).

| Cases | Dorchester | Somerset | Wicomico | Worcester |
|----------|------------|-----------|---------------|---------------|
| Accepted | 509 (687) | 400 (402) | 1,466 (1,380) | 1,229 (1,094) |

| | | | | |
|--------------|-----------|-----------|---------------|-----------|
| Assigned to: | | | | |
| Staff | 424 (487) | 398 (389) | 1,324 (1,146) | 960 (702) |
| Panel | 85 (200) | 2 (13) | 142 (234) | 269 (392) |

| | | | | |
|------------|-----------|-----------|---------------|---------------|
| Completed: | 499 (633) | 385 (374) | 1,405 (1,378) | 1,240 (1,146) |
| Staff | 386 (469) | 381 (356) | 1,231 (1,134) | 715 (780) |
| Panel | 113 (164) | 4 (18) | 174 (244) | 525 (366) |

| | | | | |
|---------------------|-------|-------|-------|-------|
| Attorneys on Staff: | 1 (1) | 1 (1) | 2 (2) | 2 (2) |
|---------------------|-------|-------|-------|-------|

The above figures indicate that the case load per individual staff attorney remained in excess of 500 cases per annum. It should be noted that the number of cases assigned to panel attorneys has been significantly reduced from 849 cases in fiscal year 1982 to 498 cases in fiscal year 1983. It is anticipated that this trend will continue.

A breakdown of the cases accepted and completed in the various courts in each county is as follows (the figures in parentheses show the breakdown for fiscal year 1982).

| Court | <u>Cases Accepted</u> | | | |
|------------------|-----------------------|-----------------|-----------------|------------------|
| | <u>Dorchester</u> | <u>Somerset</u> | <u>Wicomico</u> | <u>Worcester</u> |
| <u>Circuit:</u> | | | | |
| Staff | 79 (155) | 50 (55) | 178 (204) | 101 (99) |
| Panel | 12 (26) | 0 (0) | 25 (17) | 28 (52) |
| <u>District:</u> | | | | |
| Staff | 290 (274) | 323 (316) | 1,023 (832) | 788 (555) |
| Panel | 71 (166) | 2 (7) | 91 (169) | 231 (330) |
| <u>Juvenile:</u> | | | | |
| Staff | 55 (58) | 25 (18) | 123 (108) | 71 (48) |
| Panel | 2 (8) | 0 (5) | 26 (48) | 10 (19) |

| Court | <u>Cases Completed</u> | | | |
|------------------|------------------------|-----------------|-----------------|------------------|
| | <u>Dorchester</u> | <u>Somerset</u> | <u>Wicomico</u> | <u>Worcester</u> |
| <u>Circuit:</u> | | | | |
| Staff | 80 (149) | 59 (51) | 208 (236) | 107 (116) |
| Panel | 23 (33) | 0 (0) | 45 (28) | 121 (62) |
| <u>District:</u> | | | | |
| Staff | 260 (262) | 299 (287) | 901 (788) | 546 (606) |
| Panel | 36 (129) | 4 (13) | 98 (167) | 392 (283) |
| <u>Juvenile:</u> | | | | |
| Staff | 46 (58) | 23 (18) | 122 (110) | 62 (58) |
| Panel | 4 (2) | 0 (5) | 31 (49) | 12 (21) |

District 2's caseload continues to increase and the number of cases assigned to panel attorneys continues to decline. It is expected that this trend will continue in fiscal 1984. The District Public Defender is not requesting additional attorneys in fiscal year 1984. However, it is requested that the Assistant Public Defender for Dorchester County be provided with some reimbursement for his secretarial or office expense. Presently, he is not receiving any reimbursement for either expense.

DISTRICT NO. 3
Caroline, Cecil, Kent, Queen Anne's and Talbot Counties

District Public Defender
C. Daniel Saunders

State Office Building
120 Broadway
Centreville, Maryland 21617

District Court Multi-
Service Center
East Main Street
Elkton, Maryland 21921

Total Population: 154,000
No. of Panel Attorneys: 20
No. of District Courts: 5
No. of Circuit Courts: 5
No. of Juvenile Courts: 5

District 3 is comprised of Caroline, Cecil, Kent, Queen Anne's and Talbot Counties. Each of the five counties has its own Circuit, Juvenile and District courts, State's Attorney's office, police agencies and court-support system, such as probation and juvenile agencies.

During the first quarter of the fiscal year, the legal staff was composed of the District Public Defender, 2 full-time Assistant Public Defenders and 2 part-time Assistants. The two part-time positions were made full-time in October. The legal staff provided the major part (89%) of the representation provided within the 5 counties. Until June, all indigent appeals to the Court of Special Appeals from Circuit Courts in the 5 counties were handled by the District office.

The main office is located in Centreville, but because of the size of the District, 3 of the staff attorneys operate from a separate location. Staff support in this office consists of the Secretary to the District Public Defender, an Administrative Assistant, an Investigator and a Public Defender Aide. In July, District 3 moved into a new State Multi Service Building. All Public Defender activities were coordinated at the Centreville office, including administrative matters and those relating to the assignment and payment of panel attorneys.

In 1982, the Administrative Judge of the District Court provided a room in the District Court Building in Elkton for use by the 2 Assistant Public Defenders, part-time clerk and law clerk-interviewer who work in Cecil County. In May, that office moved into the new State Multi Service Building.

Persons seeking representation in the lower 4 counties made application for appointment of counsel at the Centreville office. Under a policy adopted last year, an Investigator or Aide from the office is available in each of those counties at least once a week to receive applications and take initial statements from those seeking representation. More frequent visits are made to a county upon notification that a prospective client is incarcerated. An interviewer is available each working day in Cecil County; and applications received by him are forwarded to Centreville for final determination of eligibility. Applicants who do not qualify for representation are promptly notified in writing and of the fact that the court will make an independent determination of eligibility.

Under an administrative procedure adopted jointly by the office and the Judges of the Second Circuit, notification is given to the office of the institution of all juvenile proceedings involving allegations of delinquency. If no application is on file and there is no indication of the appearance of private counsel, the parents or guardians of the child are notified by the office of the child's rights to an attorney and the availability of the services of the office.

During the 1983 fiscal year the overall workload of the District showed an increase of 365 cases. This is 15% more than last year. This is comparable to the 14% increase between the preceding fiscal years. In accepted cases, the increase was 21%. This is slightly less than the 28% increase in accepted cases between the preceding fiscal years.

| | <u>1983</u> | <u>1982</u> | <u>1981</u> | <u>1980</u> | <u>1979</u> | <u>1978</u> | <u>1977</u> |
|----------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Accepted | 2084 | 1722 | 1346 | 1263 | 1029 | 924 | 828 |
| Denied | 594 | 521 | 502 | 403 | 422 | 440 | 374 |
| Appeal's | 49 | 53 | 29 | 40 | 41 | 50 | 48 |
| Other | 161 | 127 | 240 | 95 | 194 | 265 | 242 |
| | 2788 | 2423 | 2117 | 1801 | 1686 | 1679 | 1574 |

The following table shows the comparative distribution of accepted cases within the 5 counties of the District:

| | <u>1983</u> | <u>1982</u> | <u>1981</u> | <u>1980</u> | <u>1979</u> | %change <u>83 82</u> |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------------------|
| Caroline | 309 | 205 | 180 | 194 | 128 | +51 +14 |
| Cecil | 935 | 861 | 568 | 585 | 497 | + 9 +52 |
| Kent | 206 | 161 | 120 | 136 | 112 | +28 +34 |
| Queen Anne's | 206 | 215 | 224 | 147 | 128 | +36 - 4 |
| Talbot | 342 | 280 | 254 | 201 | 164 | +22 +10 |
| Totals | 2084 | 1722 | 1346 | 1263 | 924 | |

Although 2,084 cases were accepted during the year, staff and panel attorneys actually worked on 2,439 cases and closed 2,049 of them. This included the disposition of all 355 cases open from the prior fiscal year.

| | <u>Staff</u> | <u>Panel</u> | <u>Total</u> |
|------------------|--------------|--------------|--------------|
| Open 6/30/82 | 281 | 74 | 355 |
| Assigned F.Y.'83 | 1854 | 230 | 2084 |
| Closed F.Y.'83 | 1805- | 244- | 2049- |
| Open 6/30/82 | 330 | 74 | 390 |

As indicated in the last table, staff attorneys were assigned to 1,854 (89%) of the cases accepted during fiscal 1983. This was up from 79% in fiscal 1982. In addition, the staff handled and completed 281 cases held over from fiscal 1982.

These figures show that an Assistant Public Defender in District 3 was carrying an average caseload well in excess of 500 cases and completed over 460 cases.

The first 4 columns of the following table reflect the degree of reliance upon panel attorneys since the establishment of the office.

| | <u>All Cases</u> | <u>-- Panel Attorneys--</u> | | |
|------|------------------|-----------------------------|----------|------------------|
| | | <u>#</u> | <u>#</u> | <u>Fees Paid</u> |
| 1973 | 541 | 320 | 59 | 42,183 |
| 1974 | 584 | 309 | 53 | 39,428 |
| 1975 | 817 | 449 | 55 | 56,380 |
| 1976 | 828 | 427 | 52 | 49,698 |
| 1977 | 910 | 394 | 43 | 45,628 |
| 1978 | 924 | 405 | 44 | 42,776 |

| | | | | |
|------|------|-----|----|--------|
| 1979 | 1029 | 447 | 43 | 44,179 |
| 1980 | 1263 | 348 | 28 | 46,722 |
| 1981 | 1346 | 268 | 20 | 21,635 |
| 1982 | 1722 | 354 | 21 | 46,542 |
| 1983 | 2084 | 230 | 11 | 26,193 |

Included are two fees of unusual size: one for \$1500 in an involved matter remanded from the Court of Appeals for a new trial, and the other a manslaughter case, in which a fee of \$1757 was set by a Circuit Court. The average fee paid to a panel attorney was \$114.38.

Only four of the 229 fees paid in District 3 were more than \$500.

| | |
|---------------|-----|
| No fee | 15 |
| \$99 or under | 155 |
| 100 to 199 | 49 |
| 200 to 299 | 15 |
| 300 to 399 | 2 |
| 400 to 499 | 4 |
| 500 to 599 | 1 |
| Over 600 | 3 |

Ninety-three appeals were processed during fiscal 1983. In June the Appellate Division in Baltimore began handling these matters for District 3. Twenty-four cases were referred to the Appellate Division at the time of this change. The others were disposed of as follows:

| | <u>Unassigned</u> | <u>Staff</u> | <u>Panel</u> | <u>App. Div.</u> |
|----------------|-------------------|--------------|--------------|------------------|
| Open 7/1/82 | 13 13- | 17 9 | 14 2 | 2 2 |
| New Cases-1983 | | 16 42 | 11 27 | 22 |
| Closed-1983 | | 32- | 17- | |
| Open 6/30/83 | | 10 | 10 | |

Denials represented approximately 22% of the 2678 cases in which action was taken upon formal written application. This was about the same as the 23% denial rate in 1982.

Through fee agreements and probation requirements, District 3 collected \$32,582.14 during fiscal 1983. This was more than the \$24,520 collected during fiscal 1982.

DISTRICT NO. 4
Charles, Calvert and St. Mary's Counties

District Public Defender
T. Myron Loyd

Administrative Office
Courthouse, Room 237
La Plata, Maryland 20646

P.O. Box 409
Mattingly Building
Leonardtwn, Maryland 20650

Courthouse, Room 237
Prince Frederick, Maryland 20678

Total Population: 178,000

No. of Panel Attorneys: 32

No. of District Courts: 3

No. of Circuit Courts: 4
(Juvenile Masters: 1)

The Public Defender's Office in District 4, consisting of Charles, Calvert and St. Mary's Counties, is staffed by a District Public Defender, 4 Assistant Public Defenders, 1 Service Specialist, 2 secretaries, 1 Investigator, 1 Public Defender Aide and 1 part-time law clerk. The 4th District maintains an office in each of the three counties, with the La Plata office serving as the administrative office for the District.

During fiscal year 1983, District 4 processed 3,536 applications for appointment of counsel and accepted 2,760 applicants as clients, an average of 230 new clients each month. Of the new cases accepted, 2,065 or 75% were handled by staff attorneys. Each staff attorney accepted approximately 35 new cases each month. The remaining 695 cases or 25% were assigned to the 23 panel attorneys utilized by District 4. Approximately 50% of the panel attorney cases were handled by the one per diem contract attorney assigned to the Charles County Public Defender office. This past year the Judges of the District Courts have been thoroughly screening the potential clients as to their financial status thereby reducing the number of clients referred to the office for representation.

The average fee paid per case to panel attorneys for cases completed in fiscal year 1983 was \$98.72, an increase from \$68.00 from the previous fiscal year. The reason for this increase was because of two death penalty cases in

District 4 the past fiscal year. The average fee paid was \$231.67 for Circuit Court; \$74.61 for District Court cases; and \$67.37 for Juvenile cases.

During fiscal year 1983, District 4 received as reimbursement from clients the sum of \$32,135.35 which represented an increase of 345% from the previous fiscal year. This increase is due mostly to the efforts of Judge Robert C. Nalley of the Charles County District Court. In almost every Public Defender case he ordered the defendant to reimburse the State of Maryland thru the Public Defender office. Needless to say, these court ordered reimbursements have put a strain on the office staff. It takes one person devoting about one-half of her time in the collection of these court ordered reimbursements.

It is anticipated that the caseload of District 4 will increase in the next fiscal year.

DISTRICT NO. 5
Prince George's County

James E. Kenkel
District Public Defender

Main Office
4604 Largo Road
P.O. Box 728
Upper Marlboro, Maryland 20772

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

Maryland District Court
5300 Water Street
Upper Marlboro, Maryland 20772

| | |
|-------------------------|---------|
| Total Population: | 665,200 |
| No. of Panel Attorneys: | 120 |
| No. of District Courts: | 6 |
| No. of Circuit Courts: | 13 |
| No. of Juvenile Courts: | 3 |

The main administrative office is located in Upper Marlboro and houses facilities for the District Public Defender, 13 staff attorneys, 6 secretaries, 1 clerk-typist and 2 law clerks. This location also services as headquarters for the supervisor of public defender aides and 4 public defender aides.

District 5 also maintains 2 offices in the Court House for District Court and Juvenile interviews as well as a District Court office in the Hyattsville County Service Building. Although recent acquisition of the District Court space in the Court House has improved working conditions for client confidentiality, increased case load has nevertheless resulted in overcrowding related to space and personnel shortages. District 5 has also been designated a cell for conducting interviews at the County Detention Center.

The Circuit Court's grant to District 5 of the Grand Jury Room for client interviews on days of arraignment is a notable improvement. This, however, is a temporary arrangement that may be terminated at any time.

Of the 9,638 formal applications made in fiscal 1983, 2,105 or 28% were declined resulting in a new caseload of 7,533. This is an increase of 6% over fiscal 1982.

Circuit Court caseload for fiscal 1983 has increased by 24% from 1,936 cases to 2,401 cases. As a result of the screening policy of the State's Attorney's Office, a greater number of these cases are of a more serious nature with stronger evidence and a greater probability of conviction. Additionally, there has been a sharp increase in the number of Public Defender District Court cases appealed. This amounts to an increase of 38% from fiscal 1982. The Circuit Court hears about 60 appeal cases a day for one or more days a month. District 5 must have additional attorneys present on those days to manage the overload. Under such conditions attorneys must be appointed from panel lists because staff attorneys have prior commitments for felony trials.

The number of juvenile cases for fiscal 1983 decreased slightly by 67 cases due to a continuing effort by the Court to waive juvenile defendants to Circuit Court.

Public Defender caseload for District Court in fiscal 1983 has increased to 4,087 or 10% over the 3,712 cases for fiscal 1982. Because of the less extensive nature of the litigation in this court and lower associated costs, the District Public Defender has appointed panel attorneys for about 74% of the cases resulting in an expenditure of only 27% of the office's spending for 54% of the year's total caseload and freeing staff attorneys for Circuit Court.

As anticipated, there has been an increase in the number of equity (non-support) cases from 218 in fiscal 1982 to 253 in fiscal 1983. Panel attorneys have been used almost exclusively in these cases.

The Juvenile Court for Prince George's County has continued its recent policy of waiving more cases to Circuit Court. During the first six months of 1983 alone, 120 cases have been waived, as contrasted with 145 waivers for calendar year 1982. Projection would suggest an anticipated increase of 75% over fiscal 1982. The continuing trend toward waiver has resulted in increased demands upon attorney preparation, time spent in court, as well as associated expenditures at the Circuit Court level. No abatement of this trend is anticipated.

The Office has instituted a policy of assigning District Court cases to specific attorneys and forwarding all available information to each counsel. The office also files Lines for those applicants refused as well as those accepted so as to keep the court informed. Efforts are also continuing to assign OPD numbers to all District Court cases at the time of assignment, which will allow a smoother

transition to the PROMIS Computer.

Other factors to note are that clients were represented in 6,286 instances at bond hearings. This is an increase of 12% over fiscal 1982. District 5 declined to represent 2,105 persons of the 9,638 who applied. This is about 22%. Reimbursements totaling \$40,730.75 were collected by District 5. This is an increase of \$12,693.75 over the sum collected in fiscal 1982.

Staff attorneys have continued to handle the great majority of Circuit Court cases. A complete illustration is shown in the following table:

| Cases Opened By District Five Fiscal Years 1980 -1983 | | | |
|--|------------|------------|-------|
| F.Y. | Staff | Panel | Total |
| F.Y. 1983 | | | |
| Circuit | 1402 (69%) | 639 (31%) | 2041 |
| District | 1044 (26%) | 3043 (74%) | 4087 |
| Juvenile | 506 (44%) | 646 (56%) | 1152 |
| F.Y. 1982 | | | |
| Circuit | 1376 (71%) | 557 (29%) | 1936 |
| District | 1440 (39%) | 2272 (61%) | 3712 |
| Juvenile | 1018 (84%) | 170 (16%) | 1219 |
| F.Y. 1981* | | | |
| Circuit | 1282 (69%) | 572 (31%) | 1854 |
| District | 841 (26%) | 2409 (74%) | 3250 |
| Juvenile | 1021 (88%) | 137 (12%) | 1158 |
| F.Y. 1980 | | | |
| Circuit | 540 (58%) | 936 (42%) | 1476 |
| District | 1585 (23%) | 1215 (77%) | 2800 |
| Juvenile | 958 (88%) | 116 (12%) | 1074 |

*3 Staff Attorneys were added

District 5 noted a problem with an inadequate budget with \$166,000 allotted for panel attorneys. This is contrasted with an anticipated liability estimated as \$319,140 with a projected liability for fiscal 1983 at \$372,589.

Fiscal 1983 has seen an increase in homicides which required Public Defender representation. In fiscal 1982 alone, District 5 was responsible for defending 18 cases in which the death penalty was sought.

DISTRICT NO. 6
Montgomery County

District Public Defender
J. Theodore Wieseman

414 Hungerford Drive
Suite 250
Rockville, Maryland 20850

| | |
|--|---------|
| Total Population: | 586,400 |
| No. of Panel Attorneys: | 167 |
| No. of District Courts: (3 Juvenile Courts) | 8 |
| No. of Circuit Courts: | 12 |

The District 6 main office is located in a private office building in Rockville within easy walking distance of the Circuit Court. District 6 also maintains office space in the three District Courts at Shady Grove, Silver Spring and Bethesda.

The staff consists of the District Public Defender, 9 staff attorneys, 5 investigators, 2 full-time and one part-time public defender aides and 6 secretaries. There are also 15 contractual employees including 1 full-time and 7 part-time attorneys, 1 field investigator, 2 aides, 1 secretary, 1 part-time clerical employee, and 2 law clerks.

The number of new cases received by District 6 has continued to increase. There were 7,903 cases opened in fiscal 1983 which is an increase of 8% over 1982. Circuit Court cases increased by 23%.

The new District Court cases showed an increase of 7%. This may be deceptively low because of a change in intake policies in driving while intoxicated and other traffic cases. Prior to 1983 District 6 interviewed clients and opened cases when they came into the office with their charging documents. In Montgomery County there has been a three to six month delay between the time the clients receive the charges and the time they receive notice of the first court date. Due to administrative problems created by accepting a large number of cases without court dates, District 6 adopted a policy of not opening traffic cases until after clients had received their notices of the court date. As a result, there was a hiatus during fiscal 1983 in which few traffic cases were opened, but the 25% increase of

cases in 1982 was still being felt.

Juvenile cases, all handled by panel attorneys in Montgomery County, declined 11% to 733.

There were 7 death cases in Montgomery County during fiscal 1983. All of these were handled by District 6 staff or panel attorneys. As the felony caseload grew during fiscal 1983, District 6 was forced to assign more staff attorneys to handle Circuit Court cases until, by the end of the year, all staff attorneys except one were working exclusively in the Circuit Court.

A complete statistical breakdown of cases and assignments to staff and panel attorneys is illustrated in the table at the end of the section.

During the fiscal year, District 6 began handling the involuntary commitment hearings at the two psychiatric hospitals in Montgomery County. It had become financially impracticable to continue to staff those hearings with staff attorneys from Baltimore.

An important development in District 6 operations was the creation of a full-time staff of 4 field investigators. There were a significant number of cases that were dismissed prior to trial or won in the courtroom as a direct result of evidence uncovered by the investigators.

During the year, the District 6 panel grew from 138 to 167 attorneys, which is a small number when placed in context with the over 1,700 attorneys in Montgomery County. The staff was also expanded by 4 state employees and 6 contractual employees. Even with the increased personnel, the lack of a word processor or any computerized data-processing equipment, and other modern office equipment has caused a serious inadequacy in normal office procedures.

With the increased caseload over the last 5 years District 6 still needs additional personnel as well as modern office equipment to carry out its responsibilities.

CASES OPENED BY DISTRICT SIX
FISCAL YEARS 1980-1983

Fiscal Year 1980

| | Staff | Panel | % Panel | Total | Increase Over 1979 |
|----------------|-------------|-------------|------------|-------------|--------------------|
| Circuit Court | 205 | 591 | 74% | 796 | 42% |
| District Court | 3472 | 640 | 15% | 4112 | 21% |
| Juvenile Court | 0 | 864 | 100% | 864 | 23% |
| TOTAL | 3677 | 2095 | 36% | 5772 | 24% |

Fiscal Year 1981

| | Staff | Panel | % Panel | Total | Increase Over 1980 |
|----------------|-------------|-------------|------------|-------------|--------------------|
| Circuit Court | 415 | 610 | 60% | 1025 | 29% |
| District Court | 3571 | 668 | 16% | 4239 | 3% |
| Juvenile Court | 0 | 832 | 100% | 832 | (-4%) |
| TOTAL | 3986 | 2110 | 35% | 6096 | 6% |

Fiscal Year 1982

| | Staff | Panel | % Panel | Total | Increase Over 1981 |
|----------------|-------------|-------------|------------|-------------|--------------------|
| Circuit Court | 533 | 706 | 57% | 1239 | 21% |
| District Court | 4044 | 1237 | 23% | 5281 | 25% |
| Juvenile Court | 0 | 819 | 100% | 819 | (-2%) |
| TOTAL | 4577 | 2762 | 38% | 7339 | 20% |

Fiscal Year 1983

| | Staff | Panel | % Panel | Total | Increase Over 1982 |
|----------------|-------------|-------------|------------|-------------|--------------------|
| Circuit Court | 708 | 816 | 54% | 1524 | 23% |
| District Court | 1990 | 3656* | 65%* | 5646 | 7% |
| Juvenile Court | 0 | 733 | 100% | 733 | (-11%) |
| TOTAL | 2698 | 5205 | 66% | 7903 | 8% |

PERCENTAGE INCREASE IN CASELOAD
FISCAL YEARS 1979-1983

| | |
|----------------|------------|
| Circuit Court | 171% |
| District Court | 66% |
| Juvenile Court | 4% |
| TOTAL | 69% |

*Panel cases in District Court include cases handled by full-time contractual attorneys.

DISTRICT NO. 7
Anne Arundel County

District Public Defender
Stephen E. Harris

Main Office
60 West Street
Annapolis, Maryland 21401

District Court Building
7500 Ritchie Highway
Glen Burnie, Maryland 21061

District Court of Maryland
District Court Building
Taylor Avenue & Rowe Blvd.
Annapolis, Maryland 21401

Total Population: 380,100

No. of Panel Attorneys: 26

No. of District Courts: 2 Annapolis, Glen Burnie

No. of Circuit Courts: 4

No. of Juvenile Courts: 3

The administrative office for District 7 is located at 60 West Street in Annapolis with branch offices at both District Court locations.

During the fiscal year 1983, District 7 accepted 3,729 new cases for legal representation and closed 3,481 cases. A total of 577 persons who applied for services from this office were rejected because they did not satisfy the criteria for indigency. There was an increase of 24 new cases accepted in 1983 from the number of the previous year while 130 fewer cases were closed. Key statistics for District 7's activities are as follows:

| | Staff | Panel |
|-------------------------------------|-------------|-----------|
| TOTAL NUMBER OF CASES OPENED | | |
| Circuit | 875 | 36 |
| District | 2699 | 35 |
| Juvenile | 155 | 25 |
| TOTAL | 3729 | 96 |

Total Increase in cases accepted 24

Total Decrease in cases panelled 45

TOTAL NUMBER OF CASES CLOSED

| | |
|--|---|
| Circuit | 856 |
| District | 2471 |
| Juvenile | <u>154</u> |
| TOTAL | 3481 |
| Total Decrease in cases closed | 130 |
| <u>TOTAL NUMBER OF CASES REJECTED</u> | 577 |
| Total Increase | 19 |
| <u>TOTAL MONIES COLLECTED</u> | \$8,567 |
| Total Increase | \$ 482 |
| <u>TOTAL FEES PAID PANEL ATTORNEYS</u> | \$13,837.06 (Includes death penalty case) |
| Total Decrease | \$3,978.19 |

The figures above reflect that over 97% of the cases received for representation were handled by staff attorneys. For the third consecutive year, District 7 was able to reduce its total panel attorney expenditures from \$17,815 to \$13,837. This is a savings of \$3,978. This reduction was achieved, moreover, at a time when the caseload per individual staff attorney remained at 400 cases per annum.

District 7 is staffed by 8 trial attorneys in addition to the District Public Defender, 3 full-time and 1 part-time investigators, and 4 secretaries. Six attorneys appear at Circuit and District Court proceedings in Annapolis assisted by 2 investigators. Additionally, 2 staff attorneys and 2 investigators maintain daily office hours at the District Court facility in Glen Burnie.

District 7 also participates in a number of projects designed to improve relations with the professional and lay community. These include volunteer speakers' programs and internship programs with the University of Baltimore and Georgetown Law Schools.

In addition to the cases noted before, District 7 handled 4 death penalty cases. These took an extensive amount of time for both staff and panel attorneys, especially since three of the four cases involved multiple defendants.

DISTRICT NO. 8
Baltimore County

District Public Defender
Paul J. Feeley

Virginia Towers
500 Virginia Avenue
Towson, Maryland 21202

| | |
|--|---------|
| Total Population: | 660,000 |
| No. of Panel Attorneys: | 72 |
| No. of District Courts: | 6 |
| No. of Circuit Courts: | 3 |
| No. of Juvenile Courts: (2 Masters) | 2 |

| | <u>TOTAL CASES COMPLETED DURING YEAR</u> | <u>INCREASE FROM FISCAL YEAR 1982</u> |
|----------------|--|---------------------------------------|
| District Court | 4,709 | + 5% |
| Circuit Court | 1,207 | +15% |
| Juvenile Court | 820 | +20% |

The District Defender, together with two members of the staff, handled 403 cases at the Circuit Court level which left 806 cases to be tried by panel attorneys. The sum of \$92,511 was paid to members of the panel for those cases.

In addition to the actual number of cases tried as set forth above, the staff handled 1,661 miscellaneous matters which included attendance at police line ups, preliminary hearings, arraignments and other court appearances which were not actual trials.

All the juvenile cases have continued to be handled by two attorneys paid on a per diem basis. They have been assisted on a part-time basis by two law clerks. As a result, the 820 trials were handled at a cost average of less than \$30 per case.

The five staff members handling all the District Court

trials have continued to operate on the same basis and are on hand to represent all indigents in the 27 separate criminal court sessions per week in the five different District Courts of Baltimore County. The two investigators assigned to the District Courts are still helping to smooth the operations of these Courts.

An investigator has been added to the staff to interview all defendants as soon as possible after they arrive at the Baltimore County Detention Center. The new file and card system which this practice has created has caused a tremendous additional burden on the two secretaries and their clerk assistant.

The present need is that the clerk assistant, who has been with District 8 three years now, become a classified employee and that some other clerical help be given to combat the increased paper work generated by the new detention center system.

DISTRICT NO. 9
Harford County

Henry C. Engel, Jr.
District Public Defender

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

No. of Panel Attorneys: 15
No. of District Courts: 3 (2 locations)
No. of Circuit Courts: 3 and 1 Juvenile Master

District 9, which serves Harford County, is staffed with 4 attorneys, 2 secretaries, and 1 full-time and 1 part-time investigator. District 9 is handling an increased caseload and feels that an increase in personnel should be considered. This consideration would include an additional clerical position, another staff attorney and that the part-time investigator's position be made full-time. In the Fall of 1983 District 9 will be moving to new quarters in the Multi-Service Center.

As had earlier been anticipated, the addition to Harford County Court House was completed, an additional judge was appointed and the criminal assignment in that Court was enlarged requiring the use of additional staff to handle same. The coming year will see the District Court moving to its new quarters with more courtrooms. The State's Attorney's Office has managed to have its staff increased to thirteen attorneys and is currently advertising for two additional positions for a total of fifteen.

In fiscal 1983, District 9 accepted an additional 150 clients for representation for a total of 1,997. There was an increase of 147 cases that were on hand but untried, bringing that total to 692. The staff attorneys tried and closed 1,708 cases. This is an increase of 92 over the previous year. The number of persons declined dropped by 20 to 97 and miscellaneous appearances were decreased by 131 to a total of 566. Reimbursements rose by \$7,195 to a total of \$9,925 for the year.

Although it was necessary to panel an additional 56 cases this year for a total of 511, there was a reduction in panel fees of \$14,102.63 for a total approval of payment of \$21,863.07. This was a total overall average of \$42.78 per

case panelled. Circuit Court cases panelled because of irreconcilable conflicts, dropped by 6 to a total of 10, at an average cost of \$329.45 a case, or a total of \$3,294.50. In the Juvenile Court, it was necessary to panel 14 additional cases for a total of 29 for the year, at an average cost of \$45.40 or a total of \$1,316.50. Once again, the bulk of panelled cases was at the District Court level and primarily to handle the Aberdeen Court location. In this area, the number panelled increased by 48 to a total of 472. However, total fees dropped by \$129.73 to a total of \$17,252.07 or an average of \$36.55 a case.

During the past year, District 9 has continued to participate closely with the Sentencing Guidelines Project, participate with the Training Academy in teaching both entry level and in-service programs for police officers, speaking with high school and community college classes in law and government related fields and participating in other community projects to promote and improve the public image of the Public Defender Office.

DISTRICT NO. 10
Howard and Carroll Counties

District Public Defender
Bernard F. Goldberg

District Court Multi-Service Center
3451 Court House Drive
Ellicott City, Maryland 21043

55 North Court Street
Westminster, Maryland 21157

Total Population: 221,811
No. of Panel Attorneys: 31
No. of District Courts: 6
No. of Circuit Courts: 6

During the fiscal year 1983, the staff in District 10 consisted of 7 staff attorneys, 3 secretaries and 3 investigators.

The Howard County office moved into new quarters in the District Court Multi-Service Building in October, 1982.

GRAPHIC ANALYSIS OF

WHAT HAPPENED IN

DISTRICT 10

CARROLL COUNTY

| | <u>1981-82</u> | <u>1982-83</u> | <u>CHANGE</u> |
|----------------|----------------|----------------|---------------|
| Cases Paneled: | | | |
| Juvenile Court | 322 | 254 | -68 |
| District Court | 640 | 313 | -327 |
| Circuit Court | 38 | 28 | -10 |
| TOTAL | 1000 | 595 | -405 |

| | | | |
|--------------------------------------|------|------|------|
| Caseload Handled by Staff | 568 | 984 | +416 |
| Actual Caseload in Carroll County | 1568 | 1579 | -405 |

This is the first full year Carroll County has had an additional staff attorney. There are now three. This addition in staff is clearly reflected in production. Total cases paneled decreased by 405 and total cases handled by staff increased by 416.

HOWARD COUNTY

| | <u>1981-82</u> | <u>1982-83</u> | <u>Change</u> |
|-------------------------------------|----------------|----------------|---------------|
| Cases Paneled: | | | |
| Juvenile Court | 125 | 190 | +65 |
| District Court | 163 | 113 | -50 |
| Circuit Court | <u>35</u> | <u>42</u> | <u>+7</u> |
| TOTAL | 323 | 345 | +22 |
| Caseload Handled by Staff | 1458 | 1633 | +175 |
| Actual Caseload in Howard County | 1781 | 1978 | +197 |

Caseload increased in Howard County by about 10% indicating a continued leveling off of the increase in caseload. Staff has handled almost the total increase and panelling has increased minimally.

DISTRICT NO. 11
Frederick and Washington Counties

District Public Defender
William R. Leckemby, Jr.

18 West Patrick Street
Frederick, Maryland 21701

120 West Washington Street
Hagerstown, Maryland 21740

| | |
|-------------------------|---------|
| Total Population: | 232,600 |
| No. of Panel Attorneys: | 31 |
| No. of District Courts: | 4 |
| No. of Circuit Courts: | 5 |
| No. of Juvenile Courts: | 2 |

The Public Defender's Office in District 11, consisting of Frederick and Washington Counties, is staffed by the District Public Defender who is headquartered in Frederick County, 2 1/2 Assistant Public Defenders for Washington County, 2 Assistant Public Defenders for Frederick County, 3 Investigators and 2 full-time secretaries.

During this fiscal year, 3,411 cases were accepted for representation, an increase of 135 over last fiscal year; 275 applicants were rejected because they failed to meet the established financial guidelines. During this fiscal year, 3,585 cases were closed; 3,070 were closed by staff attorneys and the balance of 515 cases being closed by panel attorneys.

A breakdown of the cases closed follows:

| | <u>Staff</u> | <u>Panel</u> |
|------------------------|--------------|--------------|
| Inmate & Mental Health | 63 | 26 |
| Circuit Court | 545 | 113 |
| District Court | 2087 | 304 |
| Juvenile Court | <u>375</u> | <u>72</u> |
| TOTAL F.Y. 1983 | 3070 | 515 |
| F.Y. 1982 | 2788 | 254 |
| Increase | 282 | 262 |

The number of cases closed by staff attorneys increased by 282 over fiscal 1982. Included in the cases closed by

staff attorneys was one capital case wherein the State unsuccessfully sought the death penalty. This case required the services of two staff attorneys who spent over one week in trial plus hundreds of hours in trial preparation.

In addition to District Court sitting in Frederick County five days a week, one District Court Judge sits in Brunswick once a month and in Thurmont once a month thereby requiring one staff attorney to be away from the Frederick Courts two full days a month.

As District 11 continues to grow so does the caseload. The most vital need is additional staff attorneys both in Frederick County and Washington County. Frederick County has seven prosecuting attorneys and Washington County has seven and one-half while the staff numbers remain constant.

Another serious problem that will be confronting the presently overloaded staff is the expansion of the correctional facilities in Hagerstown which, if past experience is worth anything, will greatly add to District 11's caseload.

DISTRICT NO. 12
Allegany and Garrett Counties

District Public Defender
Michael R. Burkey

59 Prospect Square
Cumberland, Maryland 21502

Professional Building
Oakland, Maryland 21550

| | |
|-------------------------|---------|
| Total Population: | 107,000 |
| No. of Panel Attorneys: | 30 |
| No. of District Courts: | 2 |
| No. of Circuit Courts: | 2 |
| No. of Juvenile Courts: | 2 |

The Office of the Public Defender for District 12 maintained two offices during fiscal year 1983 to serve the residents of Allegany and Garrett Counties. The office was maintained in Allegany County, located in the District Court Building on Prospect Square, adjacent to the Circuit Court Building. The second office is privately leased in the Professional Building in Oakland, in Garrett County. The staff consists of the District Public Defender, 1 full-time investigator, 1 full-time secretary and 1 part-time secretary in Allegany County; and 1 full-time Assistant Public Defender and 1 part-time secretary in Garrett County.

In fiscal 1983, 1,261 new cases were opened, and the following chart represents the breakdown of cases opened, by court and type of attorney assigned:

| <u>NEW CASES OPENED (Fiscal 1983)</u> | | | |
|---------------------------------------|------------------|------------------|--------------|
| | <u>Staff</u> | <u>Panel</u> | <u>Total</u> |
| Circuit | 66 (37%) | 111 (63%) | 177 |
| District | 586 (59%) | 411 (41%) | 997 |
| Juvenile | 39 (45%) | 48 (55%) | 87 |
| TOTAL | 691 (55%) | 570 (45%) | 1261 |

As indicated by the figures above, the 2 staff attorneys handled 55% of the cases received.

During the same fiscal year 1,219 cases were closed in District 12, and again the following chart shows the breakdown according to court and type of attorney assigned.

CASES CLOSED (Fiscal 1983)

| | <u>Staff</u> | <u>Panel</u> | <u>Total</u> |
|----------|--------------|--------------|--------------|
| Circuit | 56 (34%) | 107 (66%) | 163 |
| District | 593 (61%) | 376 (39%) | 969 |
| Juvenile | 39 (45%) | 48 (44%) | 87 |
| TOTAL | 688 | 531 | 1219 |

The figures again show approximately the same percentage of cases were closed by the panel and staff attorneys as originally received.

The 531 cases assigned to panel attorneys were tried at a cost of \$50,569.55, which averages \$95.23 per case. This average is somewhat askewed by the fact that \$4,172.00 was spent in July, 1982 in representation of two cases.

These figures indicate an increase in caseload from fiscal year 1982 of 7%, which follows an increase from fiscal year 1981 of 18.8%. This increase in caseload has increased expenses by \$4,241.61.

Of all persons applying for representation through this office 188 failed to meet financial guidelines and were not assigned counsel.

Since the emphasis on reimbursement to the Public Defender's Office for representation, this office has collected, by court order, \$2,816.25. In fiscal year 1982 \$647 was received showing a marked increase of \$2,169.25.

It is almost certain that the caseload will continue to increase in fiscal year 1984, based on the increases which have occurred during fiscal years 1981, 1982, and 1983. Increase is further insured by the economic conditions which now exist in Allegany and Garrett Counties. Though better economic conditions are beginning to appear in the urban areas, the effect seems to come much slower to the more rural areas served by District 12.

Increase in caseload of 25.8% in the last two fiscal years has, in general, been absorbed by the 2 staff attorneys and hopefully the predicted increase in 1984 will, in large part, be so absorbed again. From the benefit received by the hiring of the Assistant Public Defender in Garrett County in 1981, it is apparent that the addition of one further Assistant will greatly reduce panel attorney expenses in 1984. Without the additional staff attorney, it is believed that District 12 will be unable to operate within the present budget. Since this District has had relatively few capital cases in the last few fiscal years, it is expected this office will not exceed its allotted funds by any great degree. If, however, an increase in

capital offenses occurs in 1984, it is obvious that any prediction of operating closely within the limits of the budget would be invalid.

1983 REPORT OF THE APPELLATE DIVISION

Chief, Appellate Division 222 East Baltimore Street
 Dennis M. Henderson Baltimore, Maryland 21202

The Appellate Division has state-wide responsibility for all appellate litigation involving Public Defender clients and provides research and consultation on legal issues for staff and panel attorneys throughout the 12 Public Defender Districts. With headquarters in Baltimore City, it is staffed by 16 lawyers, 9 secretaries, an Investigator and 6 law clerks.

Over the past five years the number of cases accepted for appellate representation has increased over 40%. During the past year this continuing rise in caseload required a sharp increase in the volume of cases assigned to panel attorneys. The number of cases completed by use of the panel was twice the figure for the previous year resulting in a steep rise in panel expenditures. No additional staff attorney positions have been provided for the 1984 fiscal year, so it is likely that there will again be heavy reliance on the panel during the coming year.

The rising caseload has also had a significant impact on the Court of Special Appeals and on the clients we represent in that court. Even after adding additional cases to its monthly argument schedule, the court was still unable to reach all of the cases on its docket last term. Many had to be carried over to the following term. The result for our clients has been further delay in bringing their cases to final disposition. It formerly took an average of ten months to complete the appellate process. Now more than a year elapses in most cases between the time an appeal is filed and the final decision is issued.

By legislation which took effect July 1, 1983, the right to appeal was eliminated in guilty plea cases. This new measure, however, is expected to have only a minimal effect on next year's caseload. Few defendants who enter guilty pleas file appeals.

At the close of the fiscal year the Public Defender's Office had seven death penalty cases pending in the Court of Appeals. Four capital cases in which representation was provided by the appellate staff were reversed during the year. Appeals resulting from the lengthy and complex trials in cases in which the death penalty was sought put considerable strain on Appellate Division resources last year and there is no indication that the volume of litigation in capital cases is likely to diminish during the coming year.

FY 1983 APPELLATE STATISTICS

| | <u>Staff</u> | <u>Panel</u> | <u>Total</u> |
|------------------------------|--------------|--------------|--------------|
| Cases Open as of 7/1/82: | 728 | 95 | 823 |
| Cases Opened During FY 1983: | 817 | 278 | 1095 |
| Cases Closed During FY 1983: | 684 | 256 | 940 |
| Cases Open as of 6/30/83: | 861 | 117 | 978 |

Certiorari Review

Total Opinions Reviewed..... 699

Certiorari Petitions Filed
in Court of Appeals:

| | |
|------------------------|-----------|
| Petitions Granted..... | 25 |
| Petitions Denied..... | 78 |
| Petitions Pending..... | <u>25</u> |

Total..... 128

Certiorari Petitions Filed
in U.S. Supreme Court:

| | |
|------------------------|----------|
| Petitions Granted..... | 0 |
| Petitions Denied..... | 1 |
| Petitions Pending..... | <u>0</u> |

Total..... 1

1983 REPORT OF THE INMATE SERVICES DIVISION

Chief, Inmate Services Division 222 East Baltimore Street
Dene Lusby Baltimore, Maryland 21202

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 post-conviction applications, parole revocations, habeas corpus proceeding (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, but also 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 state-wide 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 state-wide sentencing profiles. In this reporting period, the unit provided orientation to 4,626 inmates, and provided individual consultation to 2,258 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 1 attorney, 1 legal assistant, 2 investigators, 2 office assistants and 1 secretary provided by the Division of Correction.

The personnel structure of the Inmate Services Division is as follows: Division Chief, 6 Assistant Public Defenders, 2 contractual Public Defenders, 3 legal secretaries, 1 para-legal assistant, 2 investigators, and 9 contractual employees. 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.

The two contractual Assistant Public Defenders with the Division handle all violation of probation hearings involving indigents before the Supreme Bench of Baltimore City, together with requests for appeal bonds and bail reductions.

All detainer matters are handled by one of the Division's legal assistants who has responsibility in this area. This operation has been of significant assistance in obtaining speedy trial or dismissal of pending charges for inmates. It has also been of significant assistance to the judiciary and its overcrowded dockets. The operation also is often of benefit to inmates regarding parole, discharge and classification matters such as transfer from one institution to another.

The Division receives many referrals from the district offices and, although it cannot be said that the Division's assistance has alleviated the problem caseloads in the districts, it can definitely be said that the situation would be much worse in that regard without the Division's assistance.

As is true of all agencies and organizations involved directly or tangentially with the Criminal Justice System, increasing caseload and number of inmates places increasing demands on the Division.

The specialization and consequent expertise possessed and provided by the Inmate Services Division in its area of responsibility continue to assure persons snared in the web of the Maryland Criminal Justice System due process and equal protection under the law.

Relevant statistics follow:

| | <u>Carry Over</u> | <u>Rec'd.</u> | <u>Closed</u> | <u>Pending</u> |
|----------------------------------|-------------------|---------------|---------------|----------------|
| Post Convictions | 582 | 845 | 750 | 677 |
| Detainers | 66 | 798 | 791 | 73 |
| Habeas Corpus | 4 | 45 | 33 | 16 |
| Parole Revocation Hearings | 41 | 439 | 444 | 36 |
| Referrals to Legal Aid | - | 53 | 53 | - |
| Pre-Trial Status (Jail Credit) | 41 | 74 | 87 | 28 |
| Referrals from Legal Aid | - | 5 | 5 | - |
| Referrals Other Than District #1 | 7 | 44 | 26 | 25 |
| Total | 741 | 2366 | 2252 | 855 |

1982 REPORT OF THE INVOLUNTARY
INSTITUTIONALIZATION SERVICES DIVISION

Chief, Involuntary Institutionalization
Services Division
George M. Lipman
222 East Baltimore Street
Baltimore, Maryland 21202

In fiscal year 1983 the Involuntary Institutionalization Services Division continued to represent clients in civil commitments, juvenile commitments, insanity defenses, commitments after a finding of insanity and death penalty cases.

In the area of civil commitment, the number of client contacts remain relatively constant. However, more clients were represented in the smaller facilities and a slightly higher percentage of cases were concluded without a hearing. This is a continuation of trends that have been seen in the last few years caused in part by the decrease in bed space in the large state hospitals and a greater familiarity with the involuntary commitment procedure by the medical staffs of the various hospitals.

At the end of the fiscal year there was a restructuring of the division due in part because of the demands of death penalty and insanity cases. An Assistant Public Defender from the division was assigned to Baltimore City and a Deputy was appointed. The Deputy's primary responsibility will be the coordination of the civil commitment and juvenile cases. In the last year, a greater percentage of time was devoted to the civil commitment area and the scheduling of these cases has become increasingly more difficult.

This year also saw an increased public and governmental debate regarding the insanity defense. This division was represented on the Governor's Task Force to Review the Defense of Insanity. While the task force recommendations are not yet complete, there is a likelihood that the legislature may seriously consider changing the burden of proof regarding the insanity defense and release after a successful insanity defense. At present, the burden of persuasion is upon the state in both areas. If the burden is switched to the defense, this will require more attorney and investigator hours in preparation of insanity defenses and in the preparation of insanity defense hearings. At the present time, nearly one-half of the civil commitment hearings following an insanity verdict are for district court misdemeanors. Well over 50% of those cases are released from the regional hospitals at their initial civil commitment hearings. In most of these cases the doctors from the state hospitals are unable to conclude to a reasonable degree of medical probability that the client is

dangerous. If the burden of persuasion is switched in that area, it will be necessary for the client to prove that he is not dangerous and will necessitate more evaluations by independent doctors and more lengthy preparations of the cases by the staff. Certainly this will require increased expert witness expense and probably an increase in staff.

The greatest burden on the Mental Health Division in the last year has been the preparation of mitigating circumstances in death penalty cases. As prosecutors are increasingly seeking the death penalty, it becomes necessary in an ever greater number of cases to thoroughly evaluate the defendant's background and isolate possible mitigating factors. This requires exhaustive investigation and lengthy evaluation by expert witnesses. Unlike the relatively precise standards for competency, insanity and civil commitment, any factor of the defendant's background or mental state is an arguable mitigating circumstance in death penalty litigation. Thus, adequate preparation requires an exhaustive review of the persons mental state and background. Not surprisingly, the bulk of the expert witness fund was expended on death penalty litigation.

FY 1983 MENTAL HEALTH DIVISION STATISTICS

I. CIVIL COMMITMENTS

Patient Contacts at Hospital:

| | |
|----------------------|--------------|
| Observation Status | 4,878 |
| Six Month and Annual | <u>1,245</u> |
| Total | 6,123 |

Cases Concluded Without Hearing:

| | |
|---------------------------|------------|
| Released Prior to Hearing | 693 |
| Voluntary | 1,860 |
| Other* | <u>143</u> |
| Total | 2,696 |

Hearings:

| | |
|----------|--------------|
| Released | 315 |
| Retained | <u>3,112</u> |
| Total | 3,427 |

II. JUDICIAL HEARINGS

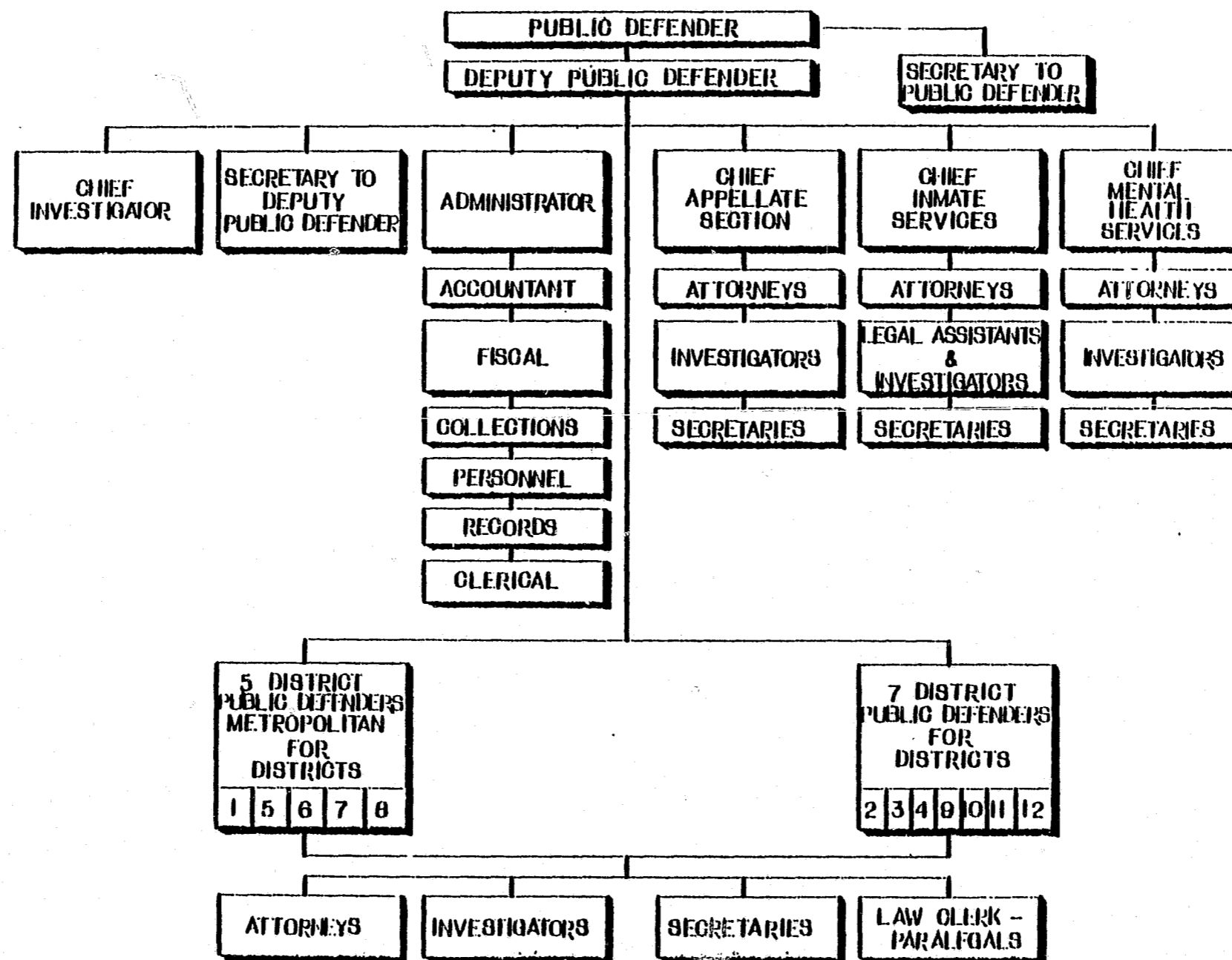
| | |
|----------|-----|
| Dorsey | 223 |
| Juvenile | 120 |
| Other | 32 |

*Includes not eligible, refused representation, eloped, death, miscellaneous.

APPENDIX

MARYLAND PUBLIC DEFENDER SYSTEM

BOARD OF TRUSTEES



App. I

**PERSONNEL ALLOCATIONS
FISCAL YEAR ENDING 6/30/83**

PROGRAM .01

ADMINISTRATION (17.5 Positions)

| | |
|------------------------|-------------|
| Public Defender | 1 |
| Deputy Public Defender | 1 |
| Chief Investigator | 1 |
| Administrator | 1 |
| Accountant | 1 |
| Administrative | 2 |
| Fiscal | 3 |
| Secretaries | 3.5 |
| Personnel | 2 |
| Records & Statistics | 2 |
| | <u>17.5</u> |

SUMMARY F.Y.E. 6/30/83

| | |
|-------------|-----------------|
| Program .01 | 17.5 Positions |
| Program .02 | 251.5 Positions |
| Program .03 | 38.0 Positions |
| Program .04 | 15.0 Positions |
| | <u>322.0</u> |

PROGRAM .02

DISTRICT OPERATIONS (251.5 Positions)

| <u>DISTRICT #1</u> | | <u>DISTRICT #5</u> | | <u>DISTRICT #9</u> | |
|--------------------------|--------------|--------------------------|-------------|--------------------------|-------------|
| District Public Defender | 1 | District Public Defender | 1 | District Public Defender | 1 |
| Attorneys | 57 | Attorneys | 13 | Attorneys | 3 |
| Investigators | 23.5 | Investigators | 5.5 | Investigators | 1.5 |
| Law Clerks/Para-Legals | 9.5 | Law Clerks/Para-Legals | 4 | Secretaries | 2 |
| Secretaries | 15 | Secretaries | 7 | | <u>7.5</u> |
| | <u>106.0</u> | | <u>30.5</u> | | |
| <u>DISTRICT #2</u> | | <u>DISTRICT #6</u> | | <u>DISTRICT #10</u> | |
| District Public Defender | 1 | District Public Defender | 1 | District Public Defender | 1 |
| Attorneys | 5 | Attorneys | 10 | Attorneys | 5 |
| Investigators | 1 | Investigators | 4 | Investigators | 2 |
| Law Clerks/Para-Legals | 1 | Law Clerks/Para-Legals | 2.5 | Law Clerks/Para-Legals | 3 |
| Secretaries | 3.5 | Secretaries | 5 | Secretaries | 3 |
| | <u>11.5</u> | | <u>22.5</u> | | <u>11</u> |
| <u>DISTRICT #3</u> | | <u>DISTRICT #7</u> | | <u>DISTRICT #11</u> | |
| District Public Defender | 1 | District Public Defender | 1 | District Public Defender | 1 |
| Attorneys | 4 | Attorneys | 8 | Attorneys | 4.5 |
| Investigators | 1 | Investigators | 3.5 | Investigators | 3 |
| Law Clerks/Para-Legals | 1.5 | Secretaries | 4 | Secretaries | 2 |
| Secretaries | 2 | | <u>16.5</u> | | <u>10.5</u> |
| | <u>9.5</u> | | | | |
| <u>DISTRICT #4</u> | | <u>DISTRICT #8</u> | | <u>DISTRICT #12</u> | |
| District Public Defender | 1 | District Public Defender | 1 | District Public Defender | 1 |
| Attorneys | 4 | Attorneys | 6 | Attorneys | .5 |
| Investigators | 1 | Investigators | 3 | Investigators | 1 |
| Law Clerks/Para-Legals | 1.5 | Secretaries | 2 | Secretaries | 1 |
| Secretaries | 3 | | <u>12</u> | | <u>3.5</u> |
| | <u>10.5</u> | | | | |

PROGRAM .03

APPELLATE AND INNATE SERVICES (38 Positions)

| <u>APPELLATE (25 Positions)</u> | | <u>INNATE SERVICES (13 Positions)</u> | |
|---------------------------------|-----------|---------------------------------------|-----------|
| Chief Attorney | 1 | Chief Attorney | 1 |
| Attorneys | 14 | Attorneys | 4 |
| Investigators | 1 | Investigators | 1 |
| Secretaries | 9 | Legal Assistants | 4 |
| | <u>25</u> | Secretaries | 3 |
| | | | <u>13</u> |

PROGRAM .04

INVOLUNTARY INSTITUTIONALIZATION (15 Positions)

| | |
|----------------|-----------|
| Chief Attorney | .1 |
| Attorneys | 5 |
| Investigators | 4 |
| Secretaries | 5 |
| | <u>15</u> |

BUDGET

OFFICE OF THE PUBLIC DEFENDER

| | <u>ACTUAL F.Y. 1983</u> | <u>APPROPRIATION F.Y. 1984</u> | <u>REQUEST F.Y. 1985</u> |
|---|-----------------------------|------------------------------------|------------------------------|
| Number of Authorized Positions | 312 | 320 | 320 |
| Salaries and Wages | \$ 7,537,105. | \$ 7,635,736. | \$ 8,435,718. |
| Technical and Special Fees | 2,245,504. | 2,003,434. | 2,094,545. |
| Operating Expenses | 1,781,317. | 1,740,794. | 3,386,279. |
| Original General Fund Appropriation | 10,081,926. | 11,379,964. | 13,916,542. |
| Transfer of General Fund Appropriation | 1,482,000. | | |
| TOTAL GENERAL FUND EXPENDITURES | <u>\$11,563,926.</u> | <u>\$11,379,964.</u> | <u>\$13,916,542.</u> |
| <u>PROGRAM:</u> | <u>ACTUAL F.Y. 1983</u> | <u>APPROPRIATION F.Y. 1984</u> | <u>REQUEST F.Y. 1985</u> |
| Administration | \$ 473,208. | \$ 436,514. | \$ 527,889. |
| District Operations | 8,477,400. | 8,471,027. | 10,339,370. |
| Appellate and Inmate Services | 2,179,243. | 2,041,221. | 2,556,404. |
| Involuntary Institutionalization Services | 434,075. | 431,202. | 492,879. |
| TOTAL | <u>\$11,563,926.</u> | <u>\$11,379,964.</u> | <u>\$13,916,542.</u> |

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 the assignment of panel attorneys.

| | <u>1982</u> <u>Actual</u> | <u>1983</u> <u>Actual</u> | <u>1984</u> <u>Estimated</u> | <u>1985</u> <u>Estimated</u> |
|------------------------------------|------------------------------|------------------------------|---------------------------------|---------------------------------|
| Units of Measurement: | | | | |
| Clients Interviewed for Services | 112,685 | 119,058 | 124,295 | 129,480 |
| New Trial Cases Accepted | 72,813 | 77,418 ⁽¹⁾ | 82,295 ⁽¹⁾ | 87,480 ⁽¹⁾ |
| Trial Representation Provided | 71,154 | 83,006 ⁽²⁾ | 80,649 | 85,730 |
| Other Defense Services | 39,872 | 41,640 | 42,000 | 42,000 |
| Cases Completed by Staff | 57,357 | 59,577 ⁽²⁾ | 67,308 | 67,308 |
| Panel Attorneys Utilized | 739 | 763 | 750 | 750 |
| Cases Completed by Panel Attorneys | 13,979 | 23,429 ⁽³⁾ | 19,341 | 18,422 |
| Fees Collected | \$137,533 | | | |

(1) ARI = 6.3%; (2) 1735 Cases closed administratively; (3) 14,483 Cases handled by attorneys paid per diem (vis-a-vis by case).

App. IV

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 services 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.

App. V

| | <u>1982</u> <u>Actual</u> | <u>1983</u> <u>Actual</u> | <u>1984</u> <u>Estimated</u> | <u>1985</u> <u>Estimated</u> |
|---------------------------------|------------------------------|------------------------------|---------------------------------|---------------------------------|
| Units of Measurement: | | | | |
| Cases Accepted | 1,058 | 1,095 | 1,200 | 1,300 |
| Cases Closed | 885 | 940 | 1,020 | 1,105 |
| (Staff) | 771 | 684 | 840 | 840 |
| (Panel) | 114 | 256 | 180 | 265 |
| Certiorari Opinions Reviewed | 583 | 699 | 720 | 740 |
| Certiorari Petitions Filed | 97 | 128 | 144 | 148 |
| | | | | |
| Inmate Cases Received | 2,357 | 2,366 | 2,400 | 2,400 |
| Inmate Cases Closed | 2,261 | 2,252 | 2,280 | 2,280 |
| Other Miscellaneous Proceedings | 4,394 | 4,946 | 5,500 | 6,000 |

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 month and annual reviews to persons committed to mental institutions, and representation to indigents seeking judicial release from mental institutions.

| | <u>1982 Actual</u> | <u>1983 Actual</u> | <u>1984 Estimated</u> | <u>1985 Estimated</u> |
|----------------------------------|------------------------|------------------------|---------------------------|---------------------------|
| Units of Measurement: | | | | |
| Patient Contacts | 6,475 | 6,123 | 6,500 | 6,500 |
| Patient Hearings | 3,497 | 3,427 | 3,500 | 3,500 |
| Court Hearings | 290 | 375 | 375 | 375 |
| Cases Concluded Without Hearings | 2,978 | 2,690 | 3,000 | 3,000 |

App. VI

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, 1980 to June 30, 1981</u> | | <u>July 1, 1981 to June 30, 1982</u> | | <u>July 1, 1982 to June 30, 1983</u> | |
|--|-------------------|--|-------------------|--|-------------------|
| <u>District No.</u> | <u>Amount</u> | <u>District No.</u> | <u>Amount</u> | <u>District No.</u> | <u>Amount</u> |
| 1 | 13,115.32 | 1 | 11,401.33 | 1 | 6,830.07 |
| 2 | 9,111.50 | 2 | 12,683.80 | 2 | 10,150.70 |
| 3 | 21,110.43 | 3 | 23,915.00 | 3 | 29,757.14 |
| 4 | 6,091.90 | 4 | 9,826.25 | 4 | 32,070.35 |
| 5 | 34,300.80 | 5 | 28,702.80 | 5 | 42,270.75 |
| 6 | 5,880.50 | 6 | 7,620.31 | 6 | 10,816.00 |
| 7 | 6,175.00 | 7 | 8,585.00 | 7 | 7,083.94 |
| 8 | 17,253.08 | 8 | 20,411.82 | 8 | 13,233.31 |
| 9 | 3,292.75 | 9 | 2,740.00 | 9 | 9,915.00 |
| 10 | 6,140.00 | 10 | 6,558.00 | 10 | 11,388.50 |
| 11 | 1,605.50 | 11 | 4,390.00 | 11 | 6,523.25 |
| 12 | 478.98 | 12 | 698.50 | 12 | 2,911.25 |
| Misc. Revenue | 3,891.00 | Misc. Revenue | 3,282.17 | Misc. Revenue | 3,766.00 |
| | | Cancelled Disbursement Check | 1,403.50 | Cancelled Disbursement Check | 640.00 |
| | | | | Return of Salary Check | 394.15 |
| | <u>128,446.76</u> | | <u>142,218.48</u> | | <u>187,750.16</u> |

App. VII

STATE OF MARYLAND
OFFICE OF THE PUBLIC DEFENDER

PER CAPITA COSTS OF INDIGENT DEFENSE SYSTEM

*A study by the Federal Government shows that indigent criminal defense expenditures constitute only 1.5% of the total spent for criminal justice matters by the State and local governments. This compares to 5.9% for the prosecution and 13.1% for the judiciary with balance spent on corrections and police.

| Fiscal Year | Total Agency Cost | Total State Population** | Total Per Capita Expense | Total Per Capita Cost Increase | % Of Total Per Capita Cost Increase |
|-------------|-------------------|--------------------------|--------------------------|--------------------------------|-------------------------------------|
| 1980 | \$ 7,777,674 | 4,216,446 | \$1.84 | | |
| 1981 | \$ 8,743,292 | 4,233,096 | \$2.07 | \$.23 | 12.5% |
| 1982 | \$10,027,310 | 4,253,845 | \$2.36 | \$.29 | 14.0% |
| 1983 | \$11,565,926 | 4,279,213 | \$2.70 | \$.34 | 14.4% |

App. VIII

* Lefstein "Criminal Defense for the Poor" Report to the American Bar Association, May, 1982.

**Population Projections of Department of State Planning, State of Maryland.

WORKLOAD DISTRIBUTION

PERIOD: JULY 1, 1982 TO JUNE 30, 1983

| <u>Division</u> | <u>Total Cases Accepted</u> | <u>Other Defense Services Provided</u> | <u>Total Workload</u> | <u>& Overall Workload</u> | <u>% Workload District Operations</u> |
|---|-------------------------------------|--|---------------------------|---------------------------------------|---|
| District #1 | 33,350 | 20,920 | 54,270 | 40.3% | 45.6% * |
| 2 | 3,610 | 225 | 3,835 | 2.9% | 3.2% |
| 3 | 2,074 | 404 | 2,478 | 1.8% | 2.1% |
| 4 | 2,769 | 846 | 3,615 | 2.7% | 3.0% |
| 5 | 7,365 | 7,057 | 14,422 | 10.7% | 12.1% * |
| 6 | 7,903 | 7,406 | 15,309 | 11.4% | 12.9% * |
| 7 | 3,825 | 550 | 4,375 | 3.2% | 3.7% * |
| 8 | 6,697 | 2,063 | 8,760 | 6.5% | 7.4% * |
| 9 | 2,366 | 558 | 2,924 | 2.2% | 2.4% |
| 10 | 3,191 | 957 | 4,148 | 3.1% | 3.5% |
| 11 | 3,009 | 455 | 3,464 | 2.6% | 2.9% |
| 12 | 1,259 | 199 | 1,458 | 1.1% | 1.2% |
| District Totals | 77,418 | 41,640 | 119,058 | 88.5% | 100.0% |
| Appellate | 1,095 | 699 | 1,794 | 1.3% | |
| Inmate Services | 2,366 | 4,946 | 7,312 | 5.4% | |
| Involuntary Insti- tutionalization Services | 395 | 6,123 | 6,518 | 4.8% | |
| TOTAL | 81,274 | 53,408 | 134,682 | 100.0% | |

* The Five Metropolitan Districts carry 81.59% of the District Operations Workload.

PROCEEDINGS FOR TRIALS COMPLETED

| <u>DISTRICT NO.:</u> | <u>TOTAL CASES COMPLETED</u> | | <u>% OF CHANGE</u> | <u>F.Y. 1983 COMPLETED BY:</u> | | <u>% BY STAFF</u> |
|---|------------------------------|-----------------|--------------------|--------------------------------|---------------|-------------------|
| | <u>F.Y. '83</u> | <u>F.Y. '82</u> | | <u>STAFF</u> | <u>P.A.</u> | |
| 1 | 39,496 | 31,142 | 26.83% | 31,714 | 7,782 | 80.30% |
| 2 | 3,509 | 3,510 | (0.03%) | 2,713 | 796 | 77.32% |
| 3 | 2,102 | 1,696 | 23.94% | 1,869 | 233 | 88.92% |
| 4 | 2,767 | 2,843 | (2.67%) | 2,047 | 720 | 73.98% |
| 5 | 6,931 | 6,346 | 9.22% | 3,005 | 3,926 | 43.36% |
| 6 | 7,835 | 6,575 | 19.16% | 2,299 | 5,536 | 29.34% |
| 7 | 4,231 | 3,930 | 7.66% | 3,540 | 691 | 83.67% |
| 8 | 6,738 | 5,834 | 15.50% | 5,112 | 1,626 | 75.87% |
| 9 | 2,178 | 2,036 | 6.97% | 1,708 | 470 | 78.42% |
| 10 | 2,864 | 3,141 | (8.82%) | 2,140 | 724 | 74.72% |
| 11 | 3,104 | 2,994 | 3.67% | 2,747 | 357 | 88.50% |
| 12 | 1,251 | 1,107 | 13.01% | 633 | 568 | 54.60% |
| DISTRICT TOTALS | 83,006 | 71,154 | 16.66% | 59,577 | 23,429 | 71.77% |
| APPELLATE | 940 | 853 | 10.20% | 684 | 256 | 72.77% |
| INMATE SERVICES | 2,252 | 4,516 | (50.13%) | 876 | 1,376 | 38.89% |
| INVOLUNTARY INSTI- TUTIONALIZATION | 3,802 | 1,848 | 105.74% | 844 | 2,958 | 22.19% |
| AGENCY TOTALS | 90,000 | 78,371 | 14.84% | 61,981 | 28,019 | 68.87% |

App. X

OFFICE OF THE PUBLIC DEFENDER
TOWER BUILDING
222 EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202
659-4900

| | | |
|---|--|----------|
| PUBLIC DEFENDER for the State of Maryland | ALAN H. MURRELL | 659-4830 |
| DEPUTY PUBLIC DEFENDER for the State of Maryland | ALFRED J. O'FERRALL, III | 659-4832 |
| <hr/> | | |
| APPELLATE DIVISION | Dennis M. Henderson | 659-4861 |
| INMATE SERVICES DIVISION . . . | Dene Lusby | 659-4872 |
| INVOLUNTARY INSTITUTION- ALIZATION SERVICES DIVISION | George M. Lipman (MENTAL HEALTH) | 659-4884 |
| INVESTIGATION DIVISION | James W. Watkins | 659-4892 |
| <hr/> | | |
| DISTRICT NO. 1 Baltimore City | Norman N. Yankellow 222 East Baltimore Street Baltimore, Maryland 21202 | 659-4834 |
| DISTRICT NO. 2 Dorchester, Wicomico, Somerset and Worcester Counties | Robert B. Fine P.O. Box 195 120 East Main Street Salisbury, Maryland 21801 | 749-2430 |
| DISTRICT NO. 3 Queen Anne's, Talbot, Cecil, Caroline and Kent Counties | C. Daniel Saunders State Office Building 120 Broadway Centreville, Maryland 21617 | 758-2683 |
| DISTRICT NO. 4 Charles, St. Mary's and Calvert Counties | T. Myron Loyd Court House - Room 237 LaPlata, Maryland 20646 | 934-9420 |
| DISTRICT NO. 5 Prince George's County | James E. Kenkel P.O. Box 728 4604 Largo Road Upper Marlboro, Maryland 20772 | 952-3088 |
| DISTRICT NO. 6 Montgomery County | J. Theodore Wieseman Suite 250 414 Hungerford Drive Rockville, Maryland 20850 | 424-4990 |

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|---|---|----------|
| DISTRICT NO. 7 Anne Arundel County | Stephen E. Harris 60 West Street Annapolis, Maryland 21401 | 269-2201 |
| DISTRICT NO. 8 Baltimore County | Paul J. Feeley Virginia Towers 500 Virginia Avenue Towson, Maryland 21401 | 296-2340 |
| DISTRICT NO. 9 Harford County | Henry C. Engel, Jr. Mary E.W. Risteau District Court/Multi- Service Center Bel Air, Maryland 21014 | 838-0895 |
| DISTRICT NO. 10 Howard and Carroll Counties | Bernard F. Goldberg 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 P.O. Box 1434 59 Prospect Square Cumberland, Maryland 21502 | 777-2142 |

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