

**Testimony of Paul B. DeWolfe, Public Defender**

**For the Office of the Public Defender**

**Budget C80B00**

February 19, 2015

1:00 p.m.

Good afternoon, Mr. Chairman and members of the subcommittee. I am Paul DeWolfe, Public Defender for the State of Maryland. And this is Kathy Mattis, our Chief Fiscal Officer.

Let me begin by thanking our budget analyst from the Department of Legislative Services, Leah Clague, for her thorough and thoughtful analysis. She has a solid understanding of the issues confronting the Office of the Public Defender, most importantly, excessive caseloads and the adverse impact of under funding and understaffing.

As her analysis accurately describes, historically, OPD has been under overwhelming strain due to increases in the number of clients and cases required to be represented by OPD, primarily as a result of OPD v. State, the Court of Appeals decision in 2010 requiring OPD to expand its client eligibility criteria to meet those outlined in the Public Defender Statute, and

the state of the economy. Since 2010, OPD cases have increased nearly 13% through calendar year 2013. Actual caseloads for calendar year 2013 and estimates for calendar 2014-15, indicate that only two of twelve districts will meet standard for circuit court cases with the remaining districts anywhere from 8% to more than 200% above standard. For district court cases, all but two districts are estimated to exceed standard, with the suburban counties showing caseloads from 24% to 69% over standard. OPD's short-term goal is to have 50% and 40% of the districts in line with standard for circuit and district cases, respectively. We are a long way off and losing ground.

While the workload has increased, staffing and funding for infrastructure and operations have not kept pace. Since more than 90% of OPD's operating expenses are attributable to personnel, state-mandated and overhead costs, there are limited sources for savings to meet reductions in funding. As a result, while we all face challenges in FY2015 and 2016, OPD must extend the hiring freeze we enforced at the start of FY2015 and manage for additional vacancies, both of which further exacerbate excessive caseloads. OPD is working with DBM and the Governor's Office to review our recommendations for reductions and this information will be shared with the committees.

OPD strongly supports the right to counsel. The Agency's position has been consistent. In order to provide effective assistance of counsel, OPD must have adequate funding and staffing.