

Testimony of Paul B. DeWolfe, Public Defender

For the Office of the Public Defender

Budget C80B00

February 8, 2018

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.

I want to thank Ben. His understanding of the issues facing our agency is evident in his thorough and experienced analysis. Historically, OPD has been underfunded and under resourced resulting in excessive caseloads and carryover of case-related expenses from year to year. These excessive caseloads have been exacerbated by administrative casework requirements for attorneys. As the analysis shows, there are favorable trends in the aggregate case data, but OPD still has about the same number of cases we did in 2008 with 88% of the staffing, even including the recent contractual hires. OPD continually redeploys attorneys and core staff positions across jurisdictions and areas of law in the most efficient and timely manner to support mission critical operations and ensure the highest

quality legal representation for our clients. While Baltimore City has required fewer resources over the past decade, Prince George's County has required more and continues to be a focus of our efforts to optimize staffing and management oversight.

One opportunity for improvement in targeted districts, including Prince George's County, is the Panel Attorney Pilot Program funded for FY19 under which district court traffic dockets will be assigned to panel attorneys for the second half of CY18. The intent is to relieve attorneys in those districts of days spent in court for docket coverage, thereby also reducing OPD caseloads by approximately 2,000 cases. Funding for this pilot program was provided in response to OPD's request to panel certain cases across the State consistent with proposed legislation, currently under consideration, for the removal of jail sentences for minor offenses. This measure is in the spirit of "Justice Reinvestment" to decriminalize and remove jail sentences from minor offenses, without affecting public safety.

While these initiatives aid in the effort to reduce attorney caseloads, additional resources are still needed for administrative and case-related staff support. Contrary to expectations, OPD has not experienced lighter administrative workloads as a result of the transfer of eligibility

determinations to the Judiciary. We continue to perform this functions for more than 16,000 clients a year and there is extensive support required for the Judiciary process that was implemented. The additional funding for contractual core staff in FY2018 has significantly improved our ability to meet this change and recover from the loss of twenty five administrative positions in FY2016, as well as support continuing operations during periods of high or fluctuating personnel turnover and eliminate our heavy reliance on temporary personnel. The addition of contractual positions has afforded OPD the most flexibility and efficiency to hire and deploy support staff by function, position, jurisdiction and area of law. The increased turnover expectancy for FY19 will be a challenge, but OPD will continue to work with DBM to ensure that our human resources are staffed and focused on areas with the most need and operational impact, including a process for converting contractual positions to permanent staff.

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. OPD is committed to analyzing and evaluating caseload standards on an annual basis as documented in our comments to the January 2018 OLA Audit Report. OPD would like to fully update our caseload standards using the new eDefender case management

system when it is operational. There are no funds or time for our attorneys and management to commit to updating those standards by October 2018, as recommended in the DLS analysis. (The previous time study cost millions of dollars). Thus, we respectfully request that OPD be able to meet the DLS recommendation to update caseload standards when the eDefender system for tracking attorney time is implemented.

Thank you.