

Testimony of Paul B. DeWolfe, Public Defender

Maryland Office of the Public Defender

Budget C80B00

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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.

Thank you, Ben, for your experienced and insightful analysis of OPD operations and your appreciation of the challenges facing our Agency this fiscal year and next. Historically, OPD has struggled for resources to support excessive caseloads and administrative responsibilities carried by our District and Circuit court attorneys. However, as pointed out in Ben's analysis, several recent developments are having a positive effect on OPD's ability to measure and analyze our caseloads, to assess the resources required to support caseloads and, in general, meet our clients' needs more effectively.

In Fiscal 2018, OPD received \$1 million in additional funding for panel fees to lower caseloads, which was used to develop and implement the Work Reduction Pilot Program, or WRPP. Effective July through December 2018, under this Program, specially-trained panel attorneys in seven OPD districts were assigned to represent clients on District Court traffic dockets. While the Program increased the administrative workloads for Core Staff somewhat, OPD attorneys were relieved of cases and court appearances covered by the panel attorneys. During the six-month period, panel attorneys covered over 1,400 dockets, accounting for more than 15,000 cases of which over 9,500 were closed. The impressive success of the program, in terms of caseload relief and increased morale, has led to the continuation of funding through fiscal 2020. In addition, OPD continues to advocate for the decriminalization and removal of jail sentences for minor offenses without affecting public safety, in the spirit of “Justice Reinvestment.”

Also, starting in Fiscal 2018, OPD received funding for approximately 60 contractual employees to provide administrative support primarily in district and division offices for clerical, secretarial and paralegal support for attorneys, clients and case management. This program has offset a significant amount of the administrative workload from attorneys and OPD

management, and has resulted in the hiring of dozens of qualified, trained and experienced Core Staff as permanent employees.

One area of expertise needed, however, for which OPD has not been able to hire contractual staff, is for social workers. These licensed professionals are in great demand, turn over frequently and are critical to OPD for client assessments, community engagement and outreach, improved communications between partner agencies and OPD, advocating for reduced charges and sentencing, and accommodating successful reentry, on-going support and stability for our clients. OPD is currently campaigning to classify these professionals as “essential personnel” to enable on-going recruitment and more competitive salaries, thereby minimizing vacancies and turnover.

Another area of concern for OPD is in matching new judgeships with attorney staffing. Many years ago, OPD received approval to hire additional new attorneys to meet the logistical challenges of new courtrooms. Since this practice ended over ten years ago, there have been a significant number of new judges added without adding new OPD attorney positions.

Finally, OPD’s new case management system, eDefender, is currently under development and planned for implementation in 2019. The eDefender system was selected and developed in partnership with the Attorney

General's Office and is designed to update the tracking, analysis and reporting of OPD matters, cases, clients and case-related expenses. In addition, OPD intends to use the system to update the agency's caseload standards using time studies available in eDefender that should be more reliable and accurate. Lastly, such standards will be linked to other up-to-date requirements for client representation in Maryland like eDiscovery and MDEC, rather than the agency's current comparative standards that were derived in 2005.

OPD has worked tirelessly to manage our resources to ensure effectiveness of counsel to indigent clients in Maryland. We are grateful for these opportunities to report on our successes and discuss areas of opportunity to improve.

Thank you.