

**Maryland Office of the Public Defender  
Fiscal Year 2027 Operating Budget**

**House Appropriations Committee  
Public Safety and Administration Subcommittee  
Delegate Gabriel Acevero, Chair  
February 12, 2026**

**Senate Budget & Taxation Committee  
Public Safety, Transportation, and Environment Subcommittee  
Senator Shelly L. Hettleman, Chair  
February 13, 2026**

Thank you for this opportunity to discuss the FY27 Budget for the Office of the Public Defender (OPD) and to respond to the Department of Legislative Services' Fiscal Year 2027 budget analysis. We recognize and thank Scott Benson, OPD's DLS budget analyst, for his expertise and thorough, insightful analysis.

Since the publication of the 2005 Maryland Caseload Study Standards for the Agency, OPD has continually reported on the growing crisis of excessive workloads for our attorneys and core staff and advocated for additional staff and resources. Over the past two decades, as the number of OPD staff attorneys remained relatively static and core district staff positions were eliminated, time commitments for client representation increased significantly. This is due to new investigative technologies, electronic and DNA evidence expansion, and resource growth for policing and the judiciary. OPD has fallen behind year after year in resources and capacity to address excessive workloads.

As indicated in last year's budget presentation, the [National Public Defense Workload Study](#) (National Study) was released on September 12, 2023. The National Study establishes guidelines for the number of cases a public defender should handle, based on the hours required for each case category. The National Study stresses maintaining manageable workloads and ensuring lawyers devote sufficient time to each client. The study was led by a team of attorneys and researchers from nationally known organizations, including the RAND Corporation, the National Center for State Courts, the Law Office of Lawyer Hanlon, and the American Bar Association Standing Committee on Legal Aid and Indigent Defense.

The National Study focuses exclusively on attorneys providing adult criminal trial representation. As a result, it does not address OPD's entire practice of law (appellate, juvenile, mental health, parental defense, and post-conviction), nor does it account for non-attorney needs

(secretaries, clerks, social workers, paralegals, intake, investigators). By its nature, the National Study is not explicitly tailored to Maryland practice and leaves several key components unaddressed, including the distinctions among circuit court, district court, and juvenile practices specific to Maryland's court system. To address these gaps, OPD is currently conducting a Maryland-specific workload study that will examine these practice areas and the unique demands of Maryland's multi-tiered court structure. This study is projected to conclude in early summer 2026. Nonetheless, the National Study clearly shows that excessive workloads are a pervasive problem. The study provides a roadmap for improving an overtaxed public defense system, offers a data-backed basis for funding and staffing estimates, and establishes a framework for appropriate oversight and workload expectations.

Our analysis indicates that OPD would require 2.5 to 3 times the current number of adult criminal attorneys to address the issues identified in the National Study. We have a multi-pronged strategy to close, if not shorten, the gaps of representation, workload, and time for Maryland public defenders:

## RECRUITMENT

Renewed recruitment efforts (hiring fairs, campus visits, community events, and targeted advertising) have resulted in many offers to qualified individuals. For FY25, OPD attorney hires totaled 111. To date, for FY26, OPD has hired 42 attorneys.

	Attorney Hires	Core Staff Hires	Contract Hires	Total Hires			Attorney Hires	Core Staff Hires	Contract Hires	Total Hires
<b>FY 2023</b>						<b>FY 2024</b>				
Jul - Sep 2022	24	8	11	43	Jul - Sep 2023	27	22	6	55	
Oct - Dec 2022	6	7	8	21	Oct - Dec 2023	39	18	16	73	
Jan - Mar 2023	17	5	9	31	Jan - Mar 2024	20	13	8	41	
Apr - June 2023	10	9	8	27	Apr - Jun 2024	18	7	14	39	
	57	29	36	122		104	60	44	208	

	Attorney Hires	Core Staff Hires	Contract Hires	Total Hires			Attorney Hires	Core Staff Hires	Contract Hires	Total Hires
<b>FY 2025</b>										
July - Sep 2024	37	10	4	51		July - Sep 2025	28	17	0	45
Oct - Dec 2024	24	6	7	37		Oct - Dec 2025	1	8	5	14
Jan - Mar 2025	33	6	5	44		Jan - Mar 2026	12	2	3	17
Apr - Jun 2025	17	18	4	39		Apr - Jun 2026	1	0	0	1
	111	40	20	171			42	27	8	77

***Status of vacancies:***

As of January 31, 2026, there are 54 vacant attorney positions (8.64% vacancy rate), 48.5 vacant Core Staff positions (12.55% vacancy rate), and an overall vacancy rate of 10.13%. On July 1, 2025, OPD received 51 PINS. It is important to note that with the addition of new attorney PINS, the attorney vacancy rate rose to 9.71%.

OPD has demonstrated the capacity to recruit and hire at scale and does not have a hiring or recruitment deficiency. In FY24, OPD hired and filled more than 200 positions. Any current hiring delays were the result of the hiring freeze and OPD's obligation to remain fiscally responsible while meeting the established vacancy rate. Additionally, positions were allocated to OPD but subsequently placed on hold, prohibiting OPD from filling them. Despite being unavailable for hire, these positions continued to be counted toward OPD's authorized staffing levels. OPD remains understaffed and unable to meet operational demands.

Office of the Public Defender				Office of the Public Defender				
Vacancy Data - Total Staff PINS				Turnover Rates				
	Attorney	Core Staff	Combined		Attorney	Core Staff	Combined	
<b>FY 2025</b>								
July 2024	97.5	40	137.5		July 2024	15.92%	10.84%	14.01%
Aug 2024	83.5	38	121.5		Aug 2024	13.63%	10.30%	12.38%
Sept 2024	79.5	39.0	118.5		Sep 2024	12.98%	10.57%	12.07%
Oct 2024	72.5	37.0	109.5		Oct 2024	11.84%	10.03%	11.16%
Nov 2024	63.5	36.0	99.5		Nov 2024	10.37%	9.76%	10.14%

Dec 2024	67.5	36.0	103.5		Dec 2024	11.02%	9.76%	10.55%
Jan 2025	41.5	37.0	78.5		Jan 2025	6.78%	10.03%	8.00%
Feb 2025	42.5	37.0	79.5		Feb 2025	6.94%	10.03%	8.10%
Mar 2025	44	40.5	84.5		Mar 2025	7.19%	10.96%	8.61%
Apr 2025	43	31.5	74.5		Apr 2025	7.03%	8.53%	7.59%
May 2025	39	28.5	67.5		May 2025	6.37%	7.71%	6.88%
June 2025	38	26.5	64.5		June 2025	6.21%	7.17%	6.57%

## RETENTION

OPD continues to face retention challenges attributable to salary inequities with similarly situated state agencies and insufficient employee incentives. These structural barriers directly impact OPD's capacity to maintain adequate staffing levels and deliver constitutionally mandated representation. Specifically, OPD's current workload and retention challenges are driven by:

- Absence of pay parity with the Office of the Attorney General, placing OPD attorneys at a competitive disadvantage in recruitment and retention.
- Lack of salary adjustments for Core Staff employees to remediate longstanding compensation inequities affecting paralegals, investigators, social workers, and administrative personnel.
- Absence of a sustained, funded legal intern and law clerk program, eliminating a proven pipeline for cultivating dedicated public defense attorneys.
- Disproportionate growth in Core Staff positions relative to other criminal justice agencies, resulting in inadequate support infrastructure compared to prosecutor offices, courts, and law enforcement entities.

These systemic deficiencies compound: experienced attorneys leave for higher compensation elsewhere, essential support positions remain vacant, and the remaining staff manage unsustainable workloads. This ultimately compromises the quality and efficacy of indigent defense services.

## WORKLOAD STUDY

The 2023 National Public Defense Workload Study indicates that OPD is critically understaffed and operating at unsustainable levels. Meeting nationally recognized standards requires a substantial increase in attorney headcount, as current deficits directly undermine morale, retention, and the quality of representation. Operational effectiveness also depends on adequate staffing for Core Staff. When investigator, paralegal, social worker, and administrative positions remain vacant, attorneys must divert time to non-legal tasks, exacerbating their workloads. Competitive compensation for Core Staff is essential to ensure attorneys can focus on client representation, thereby reducing burnout and improving outcomes.

The National Study focuses exclusively on adult criminal trial representation, excluding appellate work, juvenile proceedings, mental health cases, parental defense, post-conviction matters, and specialized divisions. Mental health representation exemplifies these gaps. Competency and civil commitment proceedings require extensive client assessments, psychiatric record review, treatment provider coordination, multiple hearings, placement advocacy, and ongoing monitoring—specialized work absent from adult criminal trial calculations.

OPD is also required to provide representation for Assisted Outpatient Treatment (AOT) cases, despite having no dedicated funding or staffing for this purpose. This is an unfunded mandate that will dramatically increase our workload. To be clear, OPD was provided no funds in FY26, FY27, or any future fiscal year to manage this increase. AOT cases require specialized mental health expertise, intensive client engagement, provider coordination, and sustained monitoring. This forces a critically understaffed agency to absorb complex caseloads without the necessary corresponding resources.

To address these data gaps, OPD contracted with the Rand Corporation in late 2024 to conduct a Maryland Public Defense Workload Study. Anticipated for completion in early summer 2027, this study will assess all practice areas, court-specific demands, staffing requirements, and the impact of unfunded mandates.

### **Responses to the DLS Budget Analysis**

*The Department of Legislative Services (DLS) recommends reducing the fiscal 2026 deficiency appropriation that supplements the IT appropriation by \$65,000, as the funds for the unidentified contract can be repurposed.*

OPD disagrees with DLS's recommendation. OPD is required to use the technology platforms used by its justice system partners to communicate effectively and receive discovery materials. These technology systems are selected and implemented by individual jurisdictions and are not within OPD's control. However, OPD must maintain compatibility with each system to ensure timely access to case information and comply with statutory and procedural obligations. As a result, OPD is required to support and operate across multiple, varying technology platforms to meet operational demands.

*(Given the higher vacancy level than is budgeted,) DLS recommends that the budgeted turnover adjustment for OPD be reduced by \$920,904 for existing regular positions in order to align the budgeted amount more closely with the agency's current vacancy rate.*

OPD has demonstrated the capacity to recruit and hire at scale and does not have a hiring or recruitment deficiency, having hired and filled more than 200 positions in FY24. Hiring freezes and fiscal constraints, including positions allocated to OPD but placed on hold and still counted toward authorized staffing levels, have resulted in an artificially high vacancy rate and left OPD understaffed and unable to meet operational demands.

***OPD should discuss actions that are being taken to (1) increase efficiency of managing more complex caseloads with current resources and (2) monitor the hours spent on each case.***

OPD remains committed to efficiency and accountability. To date, we have achieved the following milestones:

**RAND Workload Study:** We commissioned this study to provide empirical proof of our evolving needs. We are currently in Phase 1, conducting a 60-day time study where a representative sample of attorneys tracks every minute spent on case preparation. By coding for complexity factors such as digital evidence volume and witness counts, this study will produce definitive data on how preparation time has increased from 2019 to 2024 and establish evidence-based caseload standards.

**AXON Digital Evidence Platform Pilot:** We piloted AXON with 55 attorneys in Baltimore County. Because local prosecutors and law enforcement use this platform to deliver discovery, it is essential that OPD attorneys have access to the same technology for effective analysis. Trial attorneys report a significant reduction in review time, enabling them to search transcribed footage in minutes rather than watching hours of video manually.

**JusticeText Transcription Deployment:** We have deployed 81 JusticeText licenses to serve 625 attorneys statewide. This tool enables attorneys to transcribe body-worn and dashcam footage overnight. For example, our attorneys used it to identify Miranda violations in a three-hour interrogation. However, our current 13% coverage rate forces us to ration access, creating inequity among clients.

**Westlaw AI Partnership:** We negotiated a partnership with the Office of the Attorney General to leverage volume pricing for AI-powered legal research. This tool can answer complex Fourth Amendment questions in seconds, rather than the 45 minutes it takes to conduct manual research. As the explosion of digital evidence has significantly increased the volume of suppression motions, this partnership is vital to managing a research burden that has nearly doubled per felony case.

These initiatives are critical to maintaining parity with the prosecution and ensuring effective representation for our clients.

OPD needs \$2.2 million in annual funding to deploy a platform such as Axon Justice (Justice Premier Plus tier), JusticeText, or a similar product statewide. This investment will serve all of our staff while modernizing our approach to digital evidence. Implementing this platform will:

1. Unlock \$101–118 million in labor value over 10 years by reducing time spent on evidence review and administrative tasks.
2. Ensure constitutional parity by providing defense attorneys with the same digital tools currently utilized by prosecutors.
3. Avoid significant recurring costs for third-party storage, transcription, and translation services.
4. Support workforce stability by reducing burnout and preserving institutional knowledge.
5. Maximize existing appropriations by redirecting attorney time from evidence management to client advocacy and case preparation.

Investing in a digital evidence management platform, such as JusticText or Axon Justice Premier Plus, is the fiscally responsible path forward. Independent analysis of OPD's operational data indicates that this technology will save each user 60–75 minutes per day, representing a 5:1-5.5:1 return on investment.

The alternative, manual processing of exponentially growing digital evidence, is financially unsustainable, requiring approximately 122 additional attorneys at a 10-year cost of \$250 million.

This request is a necessary response to the fundamentally transformed criminal justice landscape. It ensures that state-funded resources are dedicated to advocacy, not the administrative burden of managing digital evidence.

***OPD should specify how the funding originally budgeted for panel attorney expenses in fiscal 2025 was used and discuss the reason for realigning those funds to other purposes. DLS recommends adding budget bill language restricting funds budgeted for panel attorney expenses in the fiscal 2026 deficiency appropriation and in the fiscal 2027 allowance to that purpose only.***

OPD maintains a panel of private attorneys to provide constitutionally mandated representation when staff attorneys are ethically unable to serve a client. These assignments are non-discretionary and fulfill our Sixth Amendment obligations in instances of conflicts of interest, ethical caseload limits, or requirements for specialized expertise. This includes co-defendant cases, cases where OPD previously represented an adverse witness, and complex litigation.

All funding budgeted for panel attorney expenses in fiscal year 2025 was used exclusively to compensate private attorneys for constitutionally required representation. Before Month 13 adjustments, our total panel attorney expenses were \$12,288,569. These costs represent actual legal services rendered (not administrative or discretionary spending) for clients whom we were legally obligated to serve but could not represent internally. The FY25 panel attorney expenses of \$8,569,685 were realigned to FY26 to balance the FY25 budget. It was not a budget surplus; it was an accounting adjustment to offset budget shortfalls.

***OPD should discuss (1) the reason for the lower funding in fiscal 2026 and 2027 for this purpose compared to recent actual experience; (2) how it would cover any shortfalls in this spending; and (3) how it would adjust hourly rates if costs of current services outpace the budgeted amounts.***

1. Reason for lower funding in FY26 and FY27 compared to actuals

The lower funding for panel attorneys in FY26 and FY27 is a result of an FY26 reduction of \$1,619,824 due to fiscal constraints. This funding level was maintained through FY27. This reduction does not reflect a decrease in need; conflict case volume, co-defendant prosecutions, and specialized representation requirements remain at historical levels.

## 2. How shortfalls would be covered

Any shortfalls would be addressed through deficiency appropriation requests to the Department of Budget and Management. Panel attorney expenses are constitutionally mandated; when a case requires a panel attorney, we have no discretion to decline the assignment of outside counsel. If expenditures exceed the budget due to increased conflict cases, extended trials, or higher co-defendant prosecutions, we will submit deficiency requests documenting the constitutional necessity and requesting supplemental appropriations to fulfill our Sixth Amendment obligations.

## 3. Adjustment of hourly rates if costs outpace the budget

Hourly rates will not be adjusted if costs outpace the budget. Panel attorney rates are contractual and cannot be unilaterally modified without violating agreements. Such a change would cause qualified attorneys to refuse appointments, leaving us unable to fulfill court-ordered representation. Current rates are already significantly below fair market value. Further reductions would make it impossible to effectively panel cases statewide, as qualified attorneys would favor private clients paying market rates. The constitutionally appropriate response to costs exceeding the budget is a deficiency appropriation request, rather than contractual rate reductions that would undermine our ability to recruit and retain qualified counsel.