



March 19, 2015

House Judiciary Committee  
House Office Building Room 101  
Annapolis, MD 21401

Re: Letter in Support of HB 1119

Dear Members of the House Judiciary Committee:

We, the undersigned officers of the National Association of Public Defense (NAPD), write in support of HB 1119. This legislation addresses the issue of excessive workloads which, along with insufficient resources, has been identified as the primary problem in public defense systems throughout the United States. NAPD believes the time has come for every public defense provider to develop, adopt and institutionalize meaningful workload standards in its jurisdiction. Systems around the country including Missouri and Rhode Island statewide systems, the Texas Indigent Defense Commission's statewide sample and the Miami-Dade Public Defenders among others have all begun to collect and analyze a statistically significant critical mass of reliable data that will establish workload limits. Maryland's Attorney and Staff Workload Assessment developed in 2005 by the National Center for State Courts is one of the first in the nation studies of attorneys and support staff workloads. Its findings, though now ten years old, are as accurate today as they were in 2005 in explaining the problem of excessive workloads:

*Excessive workloads for public defenders jeopardize the constitutional rights of the accused. Providing effective assistance of counsel is directly related to the number of public defenders and support staff available to handle the nearly 180,000 cases opened by the Office of the Public Defender (OPD) in Maryland each year. Over the last decade caseloads in Maryland have risen sharply; for that reason, attorney caseloads on the OPD far surpass national standards. As a result attorneys are forced to spend less time in each case in order to stay current with active caseloads. As caseloads continue to rise without additional attorneys and staff resources, the OPD is increasingly unable to meet its constitutional and statutory obligations.*

The stated purpose of the study was to "develop caseload standards upon which to base its operating budget". While the standards have been in place for more than ten years now, we understand, OPD has lacked the legislative authority and statutory mechanism to reduce existing caseloads to within standards. HB 119 and its Senate counterpart SB 626 would provide the statutory impetus in the budgeting process and a realistic mechanism to bring caseloads to within compliance by paneling excess cases when sufficient funds are appropriated to do so.

While simultaneously evaluating the "supply side" of public defense delivery, NAPD is laying the foundation to use this data to address the "demand side" encouraging lawmakers to remove conduct that has no public safety consequences from criminal codes, shifting them into civil infraction codes instead. We applaud the Maryland Legislature in its leadership in recognizing the wisdom of "decriminalization" of minor conduct. The cost savings of removing jailable penalties for minor infractions is being seen throughout the system.

Respectfully submitted,

Tim Young, NAPD Chair  
Ohio Public Defender

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