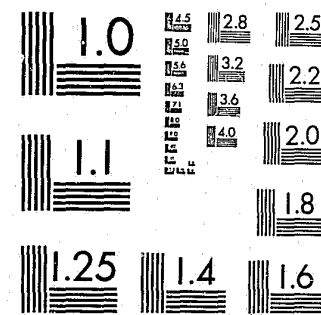


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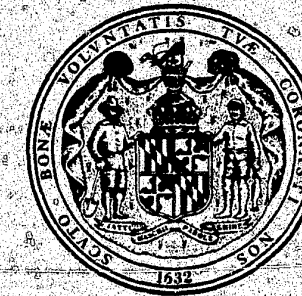
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National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531

3/2/83

OFFICE OF THE PUBLIC DEFENDER



STATE OF MARYLAND

U.S. Department of Justice  
National Institute of Justice  
82651

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Tenth Report  
Fiscal Year 1981

#### **Section 11, Article 27A**

"On or before the 30th day of September of each year, the Public Defender shall submit a report to the BOARD OF TRUSTEES AND TO THE Governor and to the General Assembly. The report shall include pertinent data concerning the operations of the Office of the Public Defender including: projected needs; a breakdown of the number and type of classes handled and relative dispositions; recommendations for statutory changes including changes in the criminal law or court rules as may be appropriate or necessary for the improvement of the system of criminal justice and control of crime and rehabilitation of offenders."

#### **INTRODUCTION**

The Public Defender System came into legislative existence July 1, 1971 excepting Section 3 of Article 27A providing for the Office of the Public Defender and statewide legal and supportive personnel to take effect July 1, 1972.

In brief, under the Act, the Governor of Maryland is vested with the exclusive authority to appoint a Board of Trustees, consisting of three members, to oversee the operation of the Public Defender System, and who in turn appoint the Public Defender.

The Public Defender, with the approval of the Board, has the power to appoint the District Defenders, and as many Assistant Public Defenders as may be required for the proper performance of the duties of the office, and as provided in the Budget. All of the Assistant Public Defenders serve at the pleasure of the Public Defender, and he serves at the pleasure of the Board of Trustees, there being no tenure in any of the legal positions in the System. The State is divided into twelve operational Districts, conforming to the geographic boundaries of the District Court, as set forth in Article 26, Section 140 of the Annotated Code. Each District is headed by a District Defender responsible for all defense activities in his District, reporting directly to the Office of the Public Defender.

With the District Defenders given almost complete autonomy in their individual jurisdictions by the Public Defender, problems peculiar to the locality can be more speedily and satisfactorily handled, while still adhering to the same basic standards governing the provision of effective Public Defender services, from time of arrest through to ultimate disposition of the case.

ARTICLE 27A  
PUBLIC DEFENDER

§ 1. Declaration of policy and legislative intent.

It is hereby declared to be the policy of the State of Maryland to provide for the realization\* of the constitutional guarantees of counsel in the representation of indigents, including related necessary services and facilities, in criminal and juvenile proceedings within the State, and to assure effective assistance and continuity of counsel to indigent accused taken into custody and indigent defendants in criminal and juvenile proceedings before the courts of the State of Maryland, and to authorize the Office of the Public Defender to administer and assure enforcement of the provisions of this article in accordance with its terms. (1971, ch. 209, §1.)

\**Gideon vs. Wainwright*, S.C. 372 U.S. 335 (1963):

"In our adversary system of criminal justice any person hailed into court who is too poor to hire a lawyer cannot be assured a fair trial unless counsel is provided for him."

The Public Defender provides legal representation for eligible indigents in criminal and juvenile proceedings within the State requiring Constitutional Guarantees of Counsel in the following:

1. Prior to presentment before a Commissioner or Judge.
2. Arraignments, preliminary hearings, suppression hearings, motions, trials and sentencings in the District and Circuit Courts.
3. Appeals and Writs of Certiorari in the Court of Special Appeals of Maryland, the Court of Appeals of Maryland and the U.S. Supreme Court.
4. Post-conviction proceedings under Article 27, Annotated Code of Maryland, habeas corpus and other collateral proceedings.
5. Any other proceeding where possible incarceration pursuant to a judicial commitment of individuals to institutions of a public or private nature may result.

The Public Defender may represent an eligible indigent in a Federal Court under certain circumstances, and the expenses attached to the representation will be an obligation of the Federal Government. Investigations are made to determine the eligibility to receive legal services from the Public Defender. The Public Defender also provides investigative and technical assistance to any staff attorneys and panel attorneys appointed to represent an indigent person. In some instances, the Public Defender will obtain reimbursement for legal services when the client has some limited resources. Liens are executed when necessary to protect the interests of the State of Maryland.

The Public Defender's operations beginning in Fiscal Year 1980 have been divided into 4 programs. These allocations of the agency's personnel and resources to specific areas in separate programs should prove to both upgrade the Public Defender services and create greater fiscal control.

The Public Defender's activities are now defined in the following program areas:

A. General Administration (Program .01)

The Public Defender, Deputy Public Defender, District Public Defenders and the administrative staff:

1. Establishes guidelines for the qualifications of clients.
2. Establishes procedures for the handling of client's cases by staff and panel attorneys.
3. Establishes qualifications for panel attorneys and fee schedules.
4. Handles all personnel and fiscal matters.
5. Makes legislative proposals.
6. Supervises all training.



B. District Office (Program .02)

The twelve (12) District Offices as established by Article 27A:

1. Qualifies indigent clients for Public Defender defense services.
2. Provides representation to qualified clients in District Courts, Juvenile Courts, Circuit Courts, police custody (line-ups, interrogations, etc.), post-convictions, habeas corpus, bail hearings, probation violations and appeals by staff and assignment of panel attorneys.
3. Establishes approved panel attorney lists for its District, assigns the cases to panel attorneys and authorizes the payment of fees to panel attorneys.
4. Provides investigative services for staff and panel attorney assistance.
5. Sets fees for clients required to reimburse for legal services and collects such fees and executes liens.

STATEWIDE DIVISIONS SERVING DISTRICT CLIENTS IN SPECIALIZED AREAS:

C. Appellate and Inmate Services (Program .03)

1. Appellate Division

- a. Administers all work in the Appellate Court in conjunction with the District Public Defenders.
- b. Qualifies indigent clients who seek appellate relief.
- c. Provides representation to indigent clients.
- d. Assigns appellate cases to panel attorneys when needed.
- e. Provides continuing training by seminars and newsletters.

2. Inmate Services Division

- a. Provides advice and assistance to indigent inmates of Maryland penal institutions regarding their criminal convictions.
- b. Represents indigent inmates in habeas corpus, post-conviction proceedings, parole violations and detainer matters.

D. Involuntary Institutionalization Services (Program .04)

1. Provides representation to indigents upon admission to mental institutions.
2. Provides six month and annual reviews to persons committed to mental institutions.
3. Provides representation to indigents seeking judicial release from mental institutions.

1981 REPORTS OF THE DISTRICT PUBLIC DEFENDERS

DISTRICT NO. 1  
Baltimore City

District Public Defender  
Norman N. Yankellow

800 Equitable Building  
Baltimore, Maryland 21202

Total Population: 772,600

No. of Panel Attorneys: 107

No. of District Courts: 13 (8 Criminal - 5 Traffic)

No. of Juvenile Courts: 8 (7 Masters and 1 Judge)

No. of Criminal Courts (Supreme Bench Level): 12

During the Fiscal Year 1981, 864 cases were completed at trial by panel attorneys, up 2.6% over the previous year but at a reduced cost of \$9,100 less than F.Y. 1980. District #1 staff attorneys completed 29,576 representation of clients for trial during the same period; in addition thereto, 22,015 other instances of representation were provided. These included representation at line-ups, police interrogations, bail reduction hearings, violation of probation hearings, revocation of parole hearings and administrative hearings at mental health institutions, etc. The staff who handled this workload consists of the District Public Defender, forty-nine Assistant Public Defenders supported by 24 investigators, 17 law clerks and 15 secretaries.

The level of cases completed in the District Courts continues to grow. In the District Court the total actual trials completed by staff for fiscal year 1981 was 16,463, up 9.8% from the previous year. Juvenile Court proceedings, also handled virtually exclusively by staff, were up 60%. This was largely due to the fact that almost all CINA representations were thrust upon the Districts' operation this year.

During the past year, the procedure for pretrial conferences in cases was abandoned. One of the main reasons for the abandonment of these pretrial conferences is the fact that cases were not being heard in the courtroom to which they had been scheduled, and the conferences had become counter-productive.

During the past year, the inventory of open cases has increased drastically at the felony level. At the beginning of F.Y. 1981 there were 269 open cases. At the close of the year there were 499 felony cases scheduled for trial - almost a one-hundred percent increase.

At the beginning of the year the total number of open cases for trial at the District Court level was 2,972. At the close of the year the total number of untried cases had increased to 3,818. Additionally, inventory of misdemeanor jury trials prayed had increased from 20 to 249 cases.

This office has already seen the impact of the 89 day law (Ch. 608, Acts of 1981), and there has been a dramatic decrease in the number of warrant cases in which jury trials have been prayed. It is expected that as this trend continues, the Supreme Bench will be able to furnish another Criminal Court for the trial of felony cases and that, thereby, the backlog of open cases will be diminished.

It has become apparent that each year as we become more sophisticated in the presentation of the defense of our clients' cases, more attorney and support personnel will be needed to handle the caseload.

The resources of this office are rapidly becoming overwhelmed, and a major factor has been the amount of case preparation necessary to construct a proper defense in "death penalty" cases. Additionally, the inordinate length of time necessary to try such cases creates an additional burden on the court system and causes a back-up in the trial of other cases. If this problem is not soon alleviated, it is foreseeable that the delay in the trial of cases will soon reach constitutional proportions.

Norman N. Yankellow,  
District Public Defender

## INVESTIGATION

James T. Chenault, Jr.,  
Public Defender Investigations Assistant Chief

James W. Watkins,  
Public Defender Investigations Chief

Between July 1, 1980 and June 30, 1981, twenty-two investigators, two Public Defender Aides, and two Contract Interviewers were assigned to the Investigation Division. These employees were assisted for brief periods by two work-study students.

The twenty-seven employees of the Investigation Division covered assignments in Office Intake, Jail Intake, Arraignment, and District-Field Investigations. The Division also supported operations in three other Public Defender Districts.

The following is a detailed accounting of the activities of the employees of the Investigation Division during F.Y. 1981:

## OFFICE INTAKE

The Office Intake Section is located at the Central Office and is responsible for determining eligibility for all applicants for services who are on personal recognizance or bail and advising all persons seeking collateral services.

### Personnel Assigned:

- 2 Public Defender Investigators
- 2 Public Defender Aides
- 2 Contract Interviewers (Part-time)
- 2 Work-Study (Part-time)

## Statistics

Because of high private legal fees, a worsening economy, and increasing confidence in Public Defender Services, the Office Intake Section handled the following workload during F.Y. 1981:

	Monthly	Total Accepted	Advised	Reject
July	1,349	703	570	76
August	1,282	703	535	44
September	1,585	866	643	76
October	1,409	857	484	68

November	1,213	675	490	48
December	1,470	825	610	35
January	1,513	745	730	38
February	1,362	662	650	50
March	1,619	886	676	57
April	1,543	853	636	54
May	1,428	797	591	40
June	1,690	1,019	647	24
Totals	17,463 (14,628)*	9,591 (8,370)*	7,262 (5,806)*	610 (474)*
Increase	16.23%	12.73%	20.04%	22.29%

#### JAIL INTAKE

The Jail Section is responsible for determining eligibility and developing initial client information from all persons seeking Public Defender services while incarcerated at the Baltimore City Jail or metropolitan Baltimore correctional facilities.

#### Personnel Assigned:

5 Public Defender Investigators

#### Statistics:

The Jail Intake Section accepted the following cases during 1981:

July	480
August	425
September	657
October	528
November	356
December	417
January	454
February	431
March	456
April	465
May	442
June	491
Total	5,602 (5,136)*
Increase	8.3%

\* 1980 Figure for Comparison

#### DISTRICT-FIELD INVESTIGATION and ARRAIGNMENT

District and field investigators are responsible for assisting the Staff Attorneys assigned to each of the District Courts. These investigators also conduct all field investigations requested by staff and panel attorneys. All except two investigators assigned to this section have this dual responsibility.

One investigator is assigned exclusively to Traffic Court where he assists the assigned attorney and performs liaison with District Court headquarters personnel. Another investigator is assigned to the Arraignment Section exclusively where she conducts liaison with the Supreme Bench.

#### Personnel Assigned:

8 District-Field Investigators  
1 Traffic Court  
1 Arraignment

#### Statistics:

These personnel conducted the following interviews and investigations:

#### Leads and Cases Assigned

	Leads	Cases
July	171	78
August	174	67
September	190	62
October	188	62
November	153	43
December	225	72
January	178	54
February	217	60
March	241	65
April	197	68
May	176	63
June	138	51
Additional cases completed during FY'81	113	36
Total	2,361 (2,546)*	781 (1,073)*

\* F.Y. 1980 Figure for Comparison

TRAFFIC COURT INTERVIEWS

July	95
August	90
September	34
October	97
November	21
December	87
January	80
February	72
March	96
April	56
May	64
June	42
Total	834 (1,252) *

CASES ASSIGNED to ARRAIGNMENT

Total	2,697 (2,197) *
-------	--------------------

\* F.Y. 1980 Figure for Comparison

James T. Chenault, Jr.,  
Public Defender Investigations  
Assistant Chief

James W. Watkins,  
Public Defender Investigations  
Chief

DISTRICT #2  
Dorchester, Somerset, Wicomico and Worcester Counties

District Public Defender  
Patrick L. Rogan, Jr.

120 East Main Street  
Salisbury, MD 21801

3409 Coastal Highway  
Ocean City, MD 21842

Prince William Street  
Princess Anne, MD 21853

P.O. Box 512  
Cambridge, MD 21613

Total Population: 147,500

No. of Panel Attorneys: 33

No. of District Courts: 5

No. of Circuit Courts: 4

No. of Juvenile Courts: 4

Organization:

The State provides one office in the District located at Salisbury. It is staffed by the District Public Defender, one Assistant Public Defender, one investigator, one full time and two part-time secretaries. There is one Assistant Public Defender in each of the following cities: Ocean City, Princess Anne and Cambridge; each of whom provide their own office space. The Ocean City office has one secretary and the Princess Anne office has a part-time secretary. The Cambridge Assistant Public Defender provides for his own secretary. Effective July 1, 1981, a new Assistant Public Defender was hired in Snow Hill who provides his own office and secretarial help. The administration for the four county district is handled by the District Public Defender's Office in Salisbury.

Work Load:

During the fiscal year ending June 30, 1981, the District showed a dramatic increase in cases accepted of 29% over F.Y. 1980. It is anticipated that the caseload will again increase in F.Y. 1982.

The following chart illustrates the workload increase in the District for the past five years:

<u>Cases</u>	<u>1981</u>	<u>1980</u>	<u>1979</u>	<u>1978</u>	<u>1977</u>
Accepted	3,258	2,709	2,328	2,100	1,871
Assigned to					
Staff	2,487	1,907	1,483	1,151	738
Panel	771	802	845	949	1,133
Completed	3,241	2,372	2,283	2,470	1,848
by Staff	2,608	1,547	1,421	1,335	743
by Panel	633	825	862	1,135	1,105
Attorneys on Staff	5	4	4	4	3

A breakdown of the 3,258 cases accepted and the 3,241 cases completed by county is as follows:

<u>Cases</u>	<u>Dorchester</u>	<u>Somerset</u>	<u>Wicomico</u>	<u>Worcester</u>
Accepted	593	445	1,148	1,072
Assigned to				
Staff	444	443	1,070	530
Panel	149	2	78	542
Completed	540	490	1,128	1,083
by Staff	406	485	1,054	663
by Panel	134	5	74	420
Attorneys on Staff	1	1	2	1

The above figures indicate that in Dorchester, Somerset and Wicomico Counties, the staff attorneys pretty well handled the bulk of the work. The Worcester County figures, however, clearly showed the need for another attorney, which was accomplished on July 1, 1981, by the hiring of a new Assistant Public Defender in Snow Hill.

A breakdown of the 3,258 cases accepted and the 3,241 cases completed in the various counties by Staff and Panel attorneys is as follows:

<u>Cases Accepted</u>					
<u>Court</u>	<u>Dorchester</u>	<u>Somerset</u>	<u>Wicomico</u>	<u>Worcester</u>	<u>Totals</u>
Circuit					
by Staff	101	75	166	62	404
by Panel	44	0	15	27	86

District					
by Staff	272	336	772	435	1,815
by Panel	103	0	53	459	615
Juvenile					
by Staff	71	32	132	33	268
by Panel	2	2	10	56	70

#### Cases Completed

<u>Court</u>	<u>Dorchester</u>	<u>Somerset</u>	<u>Wicomico</u>	<u>Worcester</u>	<u>Totals</u>
Circuit					
by Staff	92	90	210	96	488
by Panel	44	2	24	74	144
District					
by Staff	239	361	717	510	1,827
by Panel	89	1	45	295	430
Juvenile					
by Staff	75	34	127	57	293
by Panel	1	2	5	51	59

#### General Observations:

F.Y. 1981 showed an increase in cases accepted for defense of 29 per cent, and an increase in cases completed of 37 per cent. Be it because of the economy, unemployment, the annual Ocean City population explosion or whatever, it is fairly certain that the work load will increase in F.Y. 1982.

Staff attorneys are being worked to the limit closing an average of 521 cases per attorney in fiscal 1981. The greatest need in the District is, however, support personnel. The District contains 2,000 square miles and has only one investigator. Two staff attorneys do not have secretarial help. The cost to the State of giving indigents effective assistance of counsel can do nothing but rise.

Patrick L. Rogan, Jr.,  
District Public Defender



DISTRICT NO. 3  
Caroline, Cecil, Kent, Queen Anne's and Talbot Counties

District Public Defender  
John W. Sause, Jr.

115 Lawyers Row  
P.O. Drawer H  
Centreville, MD 21617

204 E. Main Street  
Elkton, MD 21921

Total Population: 154,000

No. of Panel Attorneys: 19

No. of District Courts: 5

No. of Circuit Courts: 5

No. of Juvenile Courts: 5

#### Organization and General Operation

Caroline, Cecil, Kent, Queen Anne's and Talbot Counties comprise District Three of the Office of the Public Defender. Each of the five counties has its own separate Circuit, Juvenile and District courts, State's Attorney's office, police agencies and court-support systems, such as probation and juvenile agencies.

The District Public Defender and three Assistant Public Defenders provided the major part of the Office's representation in these five counties.

During F.Y. 1981, the District office was staffed by the District Public Defender, a secretary and an investigator. All Public Defender activities were coordinated there, including administrative matters and those relating to the assignment and payment of "panel attorneys".

During the year, the Administrative Judge of the District Court provided space in the District Court Building in Elkton for the Assistant Public Defender, part-time clerk and law clerk-interviewer who works in Cecil County. Assistant Public Defenders located in Chestertown and Easton operated from their private offices, all expenses of those offices (except telephone) being borne by those assistants.

Persons seeking representation in the lower four counties made application for appointment of counsel at the Centreville office, or to a staff member working

out of that office. Under a policy adopted at the end of the fiscal year, an investigator or aide from the Office is available in each of those counties at least once a week to receive applications and take initial statements from prospective clients. More frequent visits are made to a county upon notification that a prospective client is incarcerated. An interviewer is available each working day in Cecil County; and applications received by him are forwarded to Centreville for final determination with respect to eligibility.

#### General view of 1981

During the fiscal year ending June 30, 1981, the overall workload of the District showed an increase of 316 cases, an rate of increase 18%. In accepted cases, the increase was a more modest 7% -- down radically from 23% increase in accepted cases between the preceding fiscal years.

New matters dealt with in the 1981 fiscal year totaled 2,117 cases, compared to 1,801 in 1980. Comparative figures follow:

	<u>1981</u>	<u>1980</u>	<u>1979</u>	<u>1978</u>	<u>1977</u>	<u>1976</u>
Accepted	1,346	1,263	1,029	924	910	828
Denied	502	403	422	440	374	391
Appeals	29	40	41	50	48	39
Other	240	95	194	265	242	129
	2,117	1,801	1,686	1,679	1,574	1,387

The figures in each category are more fully explained in the following sections of this Report.

#### The Active Caseload

##### 1. Accepted cases -- by county

The table below shows the comparative distribution of accepted cases among the 5 counties in the District, as well as dramatic increases in the caseloads of Queen Anne's and Talbot counties:

	<u>1981</u>	<u>1980</u>	<u>1979</u>	<u>1978</u>	<u>%change</u> <u>1980-81</u>
Caroline	180	194	128	111	- 7
Cecil	568	585	497	434	- 3
Kent	120	136	112	102	- 12

Queen Anne's	224	147	128	135	+	52
Talbot	254	201	164	142	+	26
Totals	1,346	1,263	1,029	924		

The additional 83 cases accepted in 1981 represent an increase of 7%, compared to an increase between 1979 and 1980 of 23% (234 cases) and 11% (105 cases) between 1978 and 1979. There was an increase of less than 2% (14 cases) between 1977 and 1978.

## 2. Accepted cases -- court distribution

The District courts accounted for the largest number of cases (59%) assigned in fiscal 1981, with only about half as many (30%) in the Circuit Courts, and only a handful (152, or 11%) in juvenile courts. The following table indicates the number of cases in each court and the number and percent of those cases assigned to staff and panel attorneys:

	District		Circuit		Juvenile	
	#	%	#	%	#	%
Caroline						
Staff	95	86	35	90	21	70
Panel	16	14	4	10	9	30
Cecil						
Staff	306	87	109	65	44	86
Panel	44	13	58	35	7	14
Kent						
Staff	47	67	34	83	6	67
Panel	23	33	7	17	3	3
Queen Anne's						
Staff	81	70	79	87	9	50
Panel	34	30	12	13	9	50
Talbot						
Staff	124	86	51	78	37	84
Panel	21	14	14	22	7	16
Total Cases						
Staff	653	83	308	76	117	77
Panel	138	17	95	24	35	23

## 3. Disposition of cases

Although 1,346 cases were accepted during the year, staff and panel attorneys actually worked on 1,572 cases and closed 1,250 of them. This included the disposition of all 226 cases open from the prior fiscal year:

	Staff	Panel	Total
Open 6/30/80	174	52	226
Assigned F/Y 1981	1,078	268	1,346
Closed F/Y 1981	1,050-	200-	1,250-
Open 6/30/81	202	120	322

The 322 open cases at the end of F.Y. 1981 represent an increase of almost 43% over the open cases at the beginning of the year. Predictably, that number and the increased staff-panel ratio (63/37) will have an initial impact upon both fees and assignments for F.Y. 1982.

During the last fiscal year, the average fee paid to panel attorneys in District #3 for the 189 cases closed by them was \$114.47! The average during the prior fiscal year was \$124.93. Included within the current average are the fees of a number of highly competent attorneys with 10 or more years of trial practice -- and those fees included the handling of serious felony cases. Amazing as it might seem, no District 3 panel attorney was paid more than \$600 for any case:

\$ 99 or under	116
100 to 199	40
200 to 299	17
300 to 399	12
400 to 499	3
500 to 599	1

It is ironic that the handful of private attorneys who are both willing and able to fulfill this important (and, constitutionally-mandated) role are so shabbily treated. In order to approach staying within budget appropriations, the Public Defender has set ceilings of what may be paid to panel attorneys: \$25 per hour for time spent in court and \$20 for preparation time. These rates, which have been unchanged in 10 years, are MAXIMUM rates; and periodically the Districts are asked to apply lower rates of compensation.

A new member of the Bar in District #3, who had been practicing for less than a year and yet to see the inside of a Circuit courtroom in a criminal case, recently indicated that his fee to private clients was \$55 per hour. There is no comparing that rate to the \$114 average fee paid our panel attorneys.

### Appeals

Appellate matters arising in District#3 are handled by the District office. Initially, the Office assumes responsibility for securing the transcript and perfecting all appeals. After a matter is docketed in the appellate court, the transcript is reviewed and counsel assigned on the basis of availability and experience with the issues involved. All but one of the appeals noted below as "staff" (a majority of all appeals) were prosecuted by the District Public Defender.

Fifty-two appeals were processed during F.Y. 1981:

	Open 7/1/80	New Cases assigned	Closed	Open 6/30/81
Staff	14	18	- 19	13
Panel	9	11	- 11	9

Total fees paid for the 11 appeals closed by panel attorneys was \$4,161.00, an average of \$462.33 for the 9 cases in which a fee was charged.

### Reimbursements

District 3 collected over \$21,140.00 during fiscal year 1981 -- slightly less than the \$24,457.00 collected during fiscal 1980. Nevertheless, the funds collected were within \$500 of the amount paid out by District 3 to panel attorneys.

Reimbursement was required in 219 of the 1,250 cases closed during F.Y. 1981. The following is an analysis of the sources of that fee requirement. We caution that these figures cannot be used in conjunction with the amount of money collected, since some of the latter represents reimbursements from prior years; and many of the reimbursement requirements imposed represented in the following table had not yet been fulfilled:

	Required by			
	Office	Court	Both	Total
Caroline				
District	3	4	1	8
Circuit		2	1	3
Cecil				
District	23	36	6	65
Circuit	14	19	2	35

Kent				
District	2	10	1	13
Circuit		12	1	13
Queen Anne's				
District	3	16	2	21
Circuit	3	5	2	10
Talbot				
District	4	33	1	38
Circuit	5	5		10
Total	57	142	17	

In two other cases, the Office has required reimbursement from parents in juvenile cases; and in one other a juvenile court exercised its power to require repayment.

John W. Sause, Jr.  
District Public Defender

DISTRICT #4  
Charles, Calvert and St. Mary's Counties

District Public Defender  
John F. Slade, III

Administrative Office  
Courthouse - Room 237  
La Plata, MD 20646

P. O. Box 409  
Mattingly Building  
Leonardtown, MD 20650

Courthouse  
Prince Frederick, MD 20673

Total Population: 174,100

No. of Panel Attorneys: 32

No. of District Courts: 3

No. of Circuit Courts: 4  
(Juvenile Masters: 1)

The Public Defender's Office in District #4, consisting of Charles, Calvert and St. Mary's Counties, is staffed by a District Public Defender, four Assistant Public Defenders, one Service Specialist, two secretaries, one investigator, one Public Defender Aide and one part-time law clerk. One of the four Assistant Public Defender positions was only a temporary position for part of fiscal year 1981, but this position became a permanent position on July 1, 1981. The Public Defender's Office maintains an office in each of the three counties, with the La Plata office serving as the administrative office for the District.

During Fiscal Year 1981, District #4 processed 3,458 applications for appointment of counsel and accepted 2,589 applicants as clients, an average of 216 new clients each month. The total number of cases accepted this fiscal year slightly increased over the previous fiscal year. However, we refused approximately 19% more applications this fiscal year over the previous year. Of the new cases accepted, 2,120 or 82% were handled by staff attorneys, an increase of 7% for staff participation over the previous year. The remaining 469 cases or 18% were assigned to the 27 panel attorneys utilized by District #4.

The average fee paid per case to panel attorneys for cases completed in F.Y. 1981 was \$109.00 which was a decrease from \$115.00 from the previous fiscal year.

The average fee paid was \$180 for Circuit Court, \$75.00 for District Court cases and \$76.00 for Juvenile cases.

During F.Y. 1981, District #4 received as reimbursement from clients the sum of \$5,561.90 which represented an increase of over 100% from the previous fiscal year.

It is anticipated that the caseload of the District will increase to approximately 230 or more cases per month in fiscal year 1982.

The only practical solution, in view of our budgetary limitations and steadily increasing caseload, is to provide more staff attorneys for our District. Generally, it has been our experience that cases can be handled more efficiently by the use of staff attorneys rather than panel attorneys who volunteer from the private bar.

John F. Slade, III  
District Public Defender



DISTRICT #5  
Prince George's County

James E. Kenkel  
District Public Defender

Main Office  
4604 Largo Road  
P. O. Box 728  
Upper Marlboro, MD 20772

Maryland District Court  
Lucente Building  
5418 Oxon Hill Road  
Oxon Hill, MD 20021

Maryland District Court  
County Service Building  
5012 Rhode Island Avenue  
Hyattsville, MD 20781

Maryland District Court  
Bowie Building  
East Court Drive  
Upper Marlboro, MD 20772

Total Population: 665,200  
No. of Panel Attorneys: 173  
No. of District Courts: 5  
No. of Circuit Courts: 12  
No. of Juvenile Courts: 3

The main administrative office is located in Upper Marlboro, Maryland, and is staffed by the District Public Defender, operations manager, four secretaries, four Public Defender Aides, and a law clerk. In addition, ten staff attorneys use the main office for client interviews and the administrative workload. In addition to the main office in Upper Marlboro at 4604 Largo Road, District Five has office space provided at the three District Court locations in Hyattsville, Oxon Hill and Upper Marlboro, and at the Juvenile Court located in the Court House in Upper Marlboro. A small space is provided for use by our office at the County Detention Center for interviewing of inmates for District Court bond hearings and other inmate services. All activities for the Office of the Public Defender are coordinated with the main office in Upper Marlboro. Administrative matters related to employees within the District are handled there as are matters related to the assignment and payment of panel attorneys.

Caseload

Fiscal year ending June 30, 1981, saw a dramatic rise in our caseload of almost a thousand additional cases (996). This is an 18.6% increase over F.Y. 1980

in the total caseload. The impact was even greater in Circuit Court where the caseload jumped 25.6% from 1,476 to 1,854 cases. As outlined further below, the Circuit Court caseload continues to be our greatest problem for several reasons. The average length of a criminal felony trial is now approximately two days, a large number involve co-defendants, and a vast majority of all Circuit Court criminal cases that are disposed of via trial are jury trials as opposed to court trials. Thought of in terms of the impact on the available hours of the staff attorneys, these factors make the caseload all the more staggering.

The Juvenile Court docket, handled almost totally by staff attorneys, showed an increase from 1,074 cases to 1,158, an increase of 8%. The District Court caseload increased from 2,800 cases to 3,250 cases, a 16.7% increase. This is a significant increase, particularly in view of the number of jury trials prayed at the District Court level.

As a result of the Court of Appeals decision, this office has had an additional burden with the handling of Equity (non-support) cases. These 85 cases have been handled entirely by panel attorneys in F.Y. 1981.

During F.Y. 1981 this office represented 5,149 defendants at bond hearings, a 33.6% increase, and almost 1,300 more than F.Y. 1980. The number of bond hearings has almost doubled in the last two years.

In addition, we declined to represent 1,679 persons accused of crimes, up approximately 231 from F.Y. 1980.

Panel Attorneys/Staff Attorneys

This fiscal year saw an increase in the percentage of the total caseload handled by the panel attorneys from 42.4% to 50.46%. This increase in the percentage of cases handled by panel attorneys is very deceiving as can readily be seen from the fact that panel attorney expenses decreased over \$100,000 compared to F.Y. 1980. Most of the increase occurred in District Court where the panel attorneys handled 74.12% of the cases.

The ratio of staff and panel attorney appointments should change somewhat during the next fiscal year. With the addition of three staff attorneys, 80% or more of the District Court cases will be handled by staff attorneys. During F.Y. 1981 with the even greater

shortage of staff attorneys, the decision was made to panel the District Court cases since the cost per case is insignificant compared with that of a Circuit Court case. In addition, the staff attorneys were given heavier caseloads in an attempt to cope with the increasing Circuit Court docket and to mitigate the budget problems associated with panel attorney expenses.

We must note once again that as a result of the inadequate funding for panel attorneys, District #5 was required to reduce the hourly rate for panel attorneys effective July 1, 1980, to \$20 per hour for in-court time and \$15 per hour for out-of-court time. As forecast previously, this \$5 per hour across the board decrease has taxed the abilities of the Office of the Public Defender because of the number of panel attorneys who decided to resign from the panel because of this grossly inadequate compensation. The number of attorneys serving on the panel has dropped from 177 at the beginning of the fiscal year to 56 at the present time. It is now questionable whether such a small number of panel attorneys will be sufficient to handle the overload of cases as well as co-defendant cases and other conflicts which necessitate the paneling of cases.

During F.Y. 1981, fees were approved for panel attorneys in District #5 in the total amount of \$223,347.80, compared to \$336,125.49 in F.Y. '80. This savings of \$112,000 was accomplished with the addition of only one staff attorney during F.Y. '81.

At the end of F.Y. 1980, there were 1,184 cases open from prior fiscal years. As of June 30, 1981, there were 1,544 cases on hand representing an increase of 360 cases or 30% in the number of open cases. During F.Y. '81, a total of 5,987 cases were closed compared to 5,613 during F.Y. 1980, an increase of 374 cases, of 6.6%.

#### Reimbursement of Funds

District #5 collected \$33,230.41 in F.Y. 1981, compared to \$45,890.27 in F.Y. 1980, a decrease of \$12,659.86. This decrease is probably reflective of the general economic conditions for District #5 which continues to lead the State in the collection of fees from clients. Fees so collected are deposited in the General Funds of the State and are not available as a supplement to the funds budgeted to our office.

#### Significant Litigation

Again this year, this District received an unprecedented number of homicide cases, almost all of which were handled by staff attorneys except in co-defendant conflict cases. The District Public Defender continues to be personally engaged in the defense of death penalty cases. One of the cases in particular, State v. Kiley, received considerable pre-trial, trial, and post-trial publicity wherein the family members of the deceased were often quoted in support of the State's request for capital punishment. Of the death penalty cases handled as of this date, no defendant has yet been sentenced to death despite the active efforts of the State.

#### Other Matters

In addition to handling the Circuit Court caseload, District Court caseload and Juvenile Court caseload, the Office of the Public Defender represents defendants at Violation of Probation Hearings, Motions for Reduction of Sentence, Petitions for Release from Clifton T. Perkins Hospital, Petitions for Bail Pending Appeal, and various detainer matters (both intra-state and inter-state).

There is also a great amount of work performed which is not reflected in the statistics. For example, on a daily basis our support staff of secretaries and aides handle hundreds of inquiries for direction and assistance. The inquiries cover a wide spectrum from inmates in need of immediate assistance to minor traffic and civil matters. Not all of these matters are the responsibility of the Public Defender's Office, but all must be addressed, and this, of course, is in addition to their normal full-time duties.

The addition of the Compucorp 665 Word Processor in December, 1980, has been a great benefit in helping the staff withstand the caseload. In January, 1981, the office joined with several court agencies and private law firms in the WESTLAW computer - assisted legal research system sponsored by the Prince George's County Bar Association. The office has also made application to be placed "on line" with the County's Criminal Justice Information System which would alleviate much time consuming manual search for information regarding defendants and the status of their cases. Only in adopting current and effective applications of such available equipment can the office continue to provide the required services with otherwise limited funding and staff allotments.

### Future Trends

We have been advised that the District Court will be closing its annex at the Oxon Hill location during the coming fiscal year and will be replaced by additional courtrooms in Upper Marlboro. The effects of this change remain to be seen but it will not lessen our present requirements for attorneys and support staff. The staff attorneys handling Circuit Court cases received an average of 183 new cases during this fiscal year. No attorney can adequately prepare and defend 183 clients in a year. While our staff attorneys and support staff have taken up this increase in workload in the past, that workload has reached the point where it is adversely affecting the morale of all our personnel and is such that we must now question our ability to render adequate and proper representation to our clients. Relief must be afforded if the office is to continue to carry out its necessary functions.

James E. Kenkel  
District Public Defender

### DISTRICT #6 Montgomery County

District Public Defender  
DeLawrence Beard

414 Hungerford Drive  
Suite 250  
Rockville, MD 20850

Total Population:	586,400
No. of Panel Attorneys:	187
No. of District Courts: (2 Juvenile Courts)	8
U. S. Commissioner:	1
No. of Circuit Courts:	10

### Staff

The District #6 office remains in the same location in a private office building within easy walking distance of the Circuit Court. Additional offices also exist in the District Courts located in the north-eastern and western areas of the county.

The supporting staff consists of one public defender aide, three full time investigators and two part-time investigators. In addition, there was one full time contractual law clerk and one part-time contractual aide. The secretarial support was provided by one part-time and two full time positions. An additional full time secretarial slot exists and needs desperately to be filled but due to the fact that the eligibility list has remained unavailable for the last two years, the position at this time remains open.

### Circuit Court

F.Y. 1981 has been a year of sweeping changes in Montgomery County and also in the District #6 office structure. In 1980 the total number of Circuit Court cases received by the Montgomery County Public Defender's office was 788 (no juvenile). In 1981 it increased to 1,025, a 237 case increase or 30%. In an effort to keep up with the Circuit Court caseload increase coupled with the decrease in our budget, several changes were made in court assignments. One

District Court location that had a relatively low number of cases per day (5-8) was paneled on a contractual basis at an average rate of approximately \$12.50 per case. This was not a "Queen for the Day" type of arrangement which has inherent problems with continuances, preparation and co-ordination but was a long term commitment by one attorney to handle the cases at this rate with an informal 30 day notice of termination. The net result allowed one District Court staff attorney to be moved to Circuit Court.

In addition to moving this one attorney to Circuit Court, an additional attorney was assigned to Circuit Court cases by sharing the responsibilities for various traffic dockets in District Court among the Circuit Court staff members. This was only made possible by the total cooperation of all staff members in substituting regularly for any attorney that had a conflict on an assigned day.

Statistically the net result of this reorganization allowed the Circuit Court staff attorney to close 415 Circuit Court cases in 1981 as opposed to 205 cases closed by two attorneys in 1980, a 102% increase in staff closures.

In addition to the 415 closed cases, approximately 150 cases were reduced from Circuit Court felonies to District Court misdemeanors by screening the cases before indictment. This was accomplished by having the District's chief investigator and assistant staff attorney review all Circuit Court cases. Areas that were concentrated on are show by the following:

Aggravated assaults to assault and battery

Possessions with intent to possession

Theft Over \$500 to theft under \$500

Strong armed robbery to theft and A & B

Burglary and B & E to B & E, 33A; 31A; 31B theft

Forgery and uttering to theft

These cases were reduced with the understanding that there were no agreements as to guilty pleas in the District Court.

The average closure per Circuit Court attorney was approximately eight cases per month. The range was from a low of 2.5 cases to a high of 10.1.

District #6 also enjoyed a significant victory in a first degree murder trial, State of Maryland v. Charles Terry, Criminal No. 23879. This case was defended by an Assistant Public Defender and involved a total of six months preparation with two months exclusively devoted to this case. There were 73 witnesses involved, 180 exhibits, 3 weeks of trial and the voir dire of the jury panel took ten hours due to extensive pretrial publicity. The issues ranged from the use of hypnotically produced testimony of the defendant, to conflicting forensic testimony by five experts regarding blood, hair, glass and liquid samples. The jury returned a not guilty finding after seven hours of deliberation. This was the only acquittal in a murder case in this county with recent memory and resulted in extensive publicity and a real boost for the Public Defender's Office image and morale. In addition, the Public Defender Investigator assigned to the case was able to uncover significant evidence "overlooked" by the police and prosecution.

#### District Court

As indicated, the reorganization in Circuit Court was effectuated by transferring attorneys from District Court. In 1981 there was a 2% increase over 1980 in case closures by staff in District Court, (3,471 vs. 3,392). On a case closure by attorney ratio there was, however, a 36% increase in work product since one staff attorney was transferred and the remaining three attorneys handled a majority of the caseload.

All juvenile cases which are in District Court in this county, continue to be handled by panel attorneys at \$10.00 per hour. By efforts coordinated through the Bar Association and the Juvenile Court Judges there has been a 6% decrease in Public Defender cases in that court. This was mainly achieved through encouraging the Judges to use "section 3-834" appointments and compiling a list of attorneys who would accept appointments under this provision of the Court's article.

The District Court assistants have also had to deal with a "30 day arrest to trial" court policy. This has been in effect for the last fiscal year and has required a great deal of extra effort on the part of the staff attorneys, investigators and secretaries to deal with the accelerated trial dates.



### Miscellaneous Developments

The office has increased its reimbursed expenses from \$2,415.00 in 1980 to \$4,480.25 in 1981.

Approximately 1,326 individuals were disqualified in 1981 for Public Defender representation and of the individuals qualified, only 1% to 3% retained private counsel. We feel that this is a clear indication that the qualification process is being efficiently and thoroughly used to assure the eligibility of people seeking Public Defender services.

### General Overview - Future Trends

In general, District #6 experiences approximately a 6% increase in cases each year. In 1980, 5,852 cases were accepted and in 1981, 6,196 cases were opened. There has been a significant increase in staff cases closures which was necessitated by budget costs. District #6 was aggressively attempting to stay within budget in 1981 and will have to make additional efforts in 1982 since the budget for panel fees has been cut by another \$45,000 this fiscal year. The office reorganizations saved approximately \$56,000 in panel fees (net) in the Circuit Court when compared to an increased caseload analysis of that court. With expansion of the Circuit and District Court in this county, additional staff will have to be allocated to handle Circuit Court cases in order to stay within budget and keep up with the greater number of cases in that court.

DeLawrence Beard  
District Public Defender

### DISTRICT #7 Anne Arundel County

District Public Defender  
Stephen E. Harris

Main Office  
60 West Street  
Annapolis, MD 21401

91 Aquahart Road  
Glen Burnie, MD 21061

District Court of Maryland  
District Court Building  
Taylor Avenue & Rowe Blvd.  
Annapolis, MD 21401

Total Population: 380,100  
No. of Panel Attorneys: 27  
No. of District Courts: 2  
No. of Circuit Courts: 4  
No. of Juvenile Courts: 1

The Office of the Public Defender for Anne Arundel County continues to maintain three offices for the purpose of providing legal services to indigent clients. The primary office for this jurisdiction is located at 60 West Street in Annapolis, with branch offices located at both District Court sites in Anne Arundel County.

During the fiscal year 1981, this office accepted 3,648 new cases for legal representation and closed 3,265 cases. A total of 583 persons who applied for services from this office were rejected because they did not satisfy the criteria for indigency. There was an increase of 399 new cases accepted in 1981 from the number of the previous year while 204 more cases were closed. Key statistics for District #7 activities are as follows:

	<u>Staff</u>	<u>Panel</u>
<u>TOTAL NUMBER OF CASES OPENED</u>	3,648	98
Circuit	1,121	64
District	2,332	17
Juvenile	195	17
Total Increase from FY 1980	399	21

<u>TOTAL NUMBER OF CASES CLOSED</u>	3,265	67
Circuit	915	43
District	2,232	16
Juvenile	118	8
Total <u>Increase</u> from FY 1980	204	
Total <u>Decrease</u> from FY 1980		26

TOTAL NUMBER OF CASES REJECTED - 583 INCREASE FROM FY 1980 - 97

TOTAL MONIES COLLECTED -\$5,830.00 INCREASE FROM FY 1980 -\$5,140.00

TOTAL FEES PAID PANEL ATTORNEYS --\$13,033.50 DECREASE FROM FY 1980 - \$9,135.03

As reflected by the figures above, over 98% of the cases received for representation by the District #7 office were handled by staff attorneys. Of the total number of cases closed, only 67 were paneled to the private bar. For the second consecutive year, this office was able to reduce its total panel attorney expenditures, from \$22,168.53 in fiscal year 1980 to \$13,033.50 in fiscal year 1981, representing a savings of \$9,135.03.

This reduction was achieved, moreover, at a time when the caseload per individual staff attorney remained at one in excess of 400 cases per annum. Despite this heavy caseload, however, the District #7 Public Defender's Office has been cited repeatedly during the past year by the judges of the Circuit and District Courts for providing the best criminal defense representation in Anne Arundel County.

This office continues, as in the past, to be staffed by eight trial attorneys in addition to the District Public Defender, three and one-half investigators, and four secretaries. With the present complement of attorneys and investigators, the daily operational plan for this office provides for the appearance of six attorneys at Circuit and District Court proceedings in Annapolis assisted by two investigators. Additionally, two staff attorneys and two investigators maintain daily office hours at the District Court facility in Glen Burnie during all court sessions and working hours.

Attorneys are required to make daily appearances in court and stand available to receive cases referred to them by the presiding judge or by the court commissioners. Of those attorneys assigned to the Circuit Court in Annapolis, one attorney provides daily representation to indigents in the District Court located on Rowe Boulevard, while one attorney is assigned to handle all juvenile cases at the Circuit Court level. This office is also fortunate to have the services of two part-time contractual attorneys.

A critical variable with regard to the continued effective functioning of this office, and one whose importance tends to be underestimated in the delivery of quality professional services, is that of secretarial personnel. During the past ten years, although the responsibilities given to the secretaries in this office have increased by more than 500%, their number has not increased by even one. In weighing their relative importance to the daily operation of this office, it is clear that if District #7 is to sustain its present high professional standards, there must be not only an increase in the number of secretarial positions, but the provision of more competitive salaries as well, ones that are truly commensurate with the duties they perform.

In addition to providing the mandated legal services to indigent clients, District #7 participates in a number of projects designed to improve relations with the professional and lay community. One of these is an intern program with the University of Baltimore and Georgetown Law Schools whereby two third-year law students per semester are provided with supervision by the District Public Defender and staff attorneys in the preparation and handling of two jury trials and approximately ten misdemeanor cases. Another is a volunteer speakers' program whereby colleges, high schools, and community organizations are furnished with staff attorneys who take part in panel discussions and act as consultants to mock trial proceedings. Similarly, the District Public Defender participates, also in a voluntary capacity, as a member of the Anne Arundel County Executive's Commission on Domestic Violence and the Anne Arundel County chapter of Offender Aide and Restoration, and attends regular meetings convened by the judges of the 5th Judicial Circuit and the 7th District Court Circuit.

At present, no major problems exist in the administration of the District #7 office. The existence of two pending death penalty cases, however, assigned

to this office because of reversals won by the Appellate Division, undoubtedly will have a significant adverse effect on this normally smooth operation. This office would like to suggest that a possible remedy to the hardships imposed on individual districts by the amount of preparation required for the defense of capital cases would be the creation of a separate division within the Office of the Public Defender specifically designed for the handling of capital cases. In light of the current national mood toward crime, the establishment of such a division probably would be a more rational and cost-effective response to capital punishment statutes than is any expectation of their abolition.

I would like to reiterate, in closing, that it is only due to the tireless dedication and competence of the entire District #7 staff that this office, despite a continuing lack of adequate resources, is able to continue providing legal representation of the highest caliber.

Stephen E. Harris  
District Public Defender

DISTRICT #8  
Baltimore County

District Public Defender  
Paul J. Feeley

101 Investment Building  
Towson, MD 21204

Total Population: 660,000  
No. of Panel Attorneys: 75  
No. of District Courts: 6  
No. of Circuit Courts: 3  
No. of Juvenile Courts: 2  
(2 Masters)

<u>TOTAL CASES COMPLETED</u>		<u>INCREASE FROM</u>
<u>DURING YEAR</u>		<u>FISCAL YEAR 1980</u>
District Court	4,395	14%
Circuit Court	785	26%
Juvenile Court	741	22%

The District Public Defender and two members of the staff handled 373 cases in the Circuit Court, an increase of 107% from the year before. As a result, the panel attorneys were paid the sum of \$72,606, a decrease of \$3,000 over the previous year, even though the total number of defendants represented in the Circuit Court increased 26%.

Our juvenile case load increased by 22% but all of the cases were still able to be handled by our two contract attorneys assisted part time by two law students. The total amount paid for Juvenile representation amounts to less than \$30 per case. Periodically there has been some pressure from the Juvenile Masters for additional attorneys to handle the caseload but we hope that we will be able to continue the same system in the present year.

The sum of \$16,565 was collected from defendants represented by our office during the year.

Our staff remains the same as of this time last year except that one of our staff attorneys had to resign because of ill health.

Our two secretaries and their clerk assistant have been, as always, splendid and merit the continuing appreciation and thanks of all the staff.

Our two investigators have continued to facilitate the operation at the District Court level and the staff also extends it's thanks to them.

It is our hope that the new rule covering prayers for jury trials at the District Court level will reduce the number of circuit court cases and result in an overall decrease in panel attorney's fees.

Paul J. Feeley  
District Public Defender

DISTRICT #9  
Harford County

District Public Defender  
Henry C. Engel, Jr.

Equitable Building  
220 South Main Street  
Bel Air, MD 21014

P. O. Box 311  
Bel Air, MD 21014

Total Population: 149,700  
No. of Panel Attorneys: 17  
No. of District Courts: 3  
No. of Circuit Courts: 3 Judges, 1 Juvenile Master

The Public Defender's Office, for the last nine years District #9 completed fifteen years of operation on June 30, 1981. The District Public Defender also completed fifteen years, the Senior Assistant thirteen years, and the other two attorneys, 8 1/2 and 3 years respectively. The stability of the office is further reflected by our two secretaries completing nine years and eight years with us, the latter having transferred from Baltimore City where she had been for 1 1/2 years. Our only turnover has been in the investigator's position, but this year we were fortunate to secure the return of a former employee as a half-time investigator to supplement our full time position, markedly increasing our ability to properly prepare cases.

We continue to face more complex and serious cases, including several capital punishment cases. One of which has resulted in a death sentence, which is now on appeal. As a result, our cases on hand rose by 147 to a total of 487. Our staff closed 272 Circuit Court cases, up six, but District Court declined by 14 to 806, Juvenile declined by 22 to 243, a total decline of 30 to 1321. Miscellaneous appearances increased by 101 to 633 and we declined 52 additional persons for a total of 151.

We paneled 54 fewer cases this year, 345, but saw our authorization for fee payments climb by \$5,009.25 to a total of \$20,592.10, averaging about \$59.58 per case, up about \$20 from last year. These cases were spread as follows: 17 Circuit Court cases, down 4, at a cost of \$3,311.24, averaging \$194.78, up about \$95.00 from last year, but including two large bills: 326 District Court cases, down 51, but up in cost to



\$17,188.86, averaging \$52.72 each, up \$17 from last year, reflecting in part our emphasis on more thorough trial preparation by our panel attorneys of District Court cases.

Although it has been more costly, the Judges have publicly praised the superior quality of the representation being afforded to our clients at all levels. This year it was also necessary to panel two Juvenile cases at a total cost of \$92.00. We also noted a rise of \$887.75 in reimbursements to a total of \$3,487.75.

Another problem District #9 encountered in the fiscal area as a result of our capital punishment and life imprisonment cases was the expenditure of \$25,000 in psychiatric and other witness fees.

Harford County was the "non-urban" county included in the Sentencing Guidelines Project and the Staff participated in the training sessions and implementation of the project on June 1, 1981. So far no problems have developed, but it will take several more months before an accurate assessment of its effect on our operation can be made.

Looking to the future, we anticipate a few adjustments in our operation. The District Court is still seriously considering expanding the caseload in the Aberdeen Court. The Circuit Court will add a fourth judge in 1982, but still retain the Juvenile Master, to allow for increased assignment of criminal cases. While we must seriously consider additional staff or face more panel activity, our current space limitations, four rooms for eight people, will not be relieved until the completion of our spacious new quarters in the District Court Multi-Service Center in 1983. This will also coincide with the expected appointment of an additional District Court Judge. Meanwhile the crime rate in Harford County continues to rise, our percentage of cases handled does not diminish, and the vicious cycle remains unbroken. Although the future will be difficult, we are confident that the clients will continue to receive first quality representation.

Henry C. Engel, Jr.  
District Public Defender

DISTRICT #10  
Howard and Carroll Counties

District Public Defender  
Orrin J. Brown, III

3691 Park Avenue  
Ellicott City, MD 21043

13 North Court Street  
Westminster, MD 21157

Total Population: 225,800  
No. of Panel Attorneys: 42  
No. of District Courts: 5  
No. of Circuit Courts: 5

During the Fiscal Year 1980-1981 staff in District #10 remained constant. We have six staff attorneys, three secretaries and three investigators.

The Howard County office will move into a new state office building in the early spring of 1982.

GRAPHIC ANALYSIS OF WHAT HAPPENED  
IN DISTRICT #10

CARROLL COUNTY

	<u>CASES PANELED</u>		
	<u>1979-80</u>	<u>1980-81</u>	<u>CHANGE</u>
Juvenile Court	199	275	76
District Court	30	13	- 17
Circuit Court	21	41	20
TOTAL CASES PANELED	250	329	79
Actual Caseload in Carroll County Caseload Handled by Staff	983	1,215	232
	733	890	157

HOWARD COUNTY

	<u>CASES PANELED</u>		
	<u>1979-80</u>	<u>1980-81</u>	<u>CHANGE</u>
Juvenile Court	29	74	45
District Court	151	96	- 55
Circuit Court	55	19	- 36
TOTAL CASES PANELED	235	189	- 46

Actual Caseload in			
Howard County	1,038	1,595	557
Caseload Handled			
by Staff	803	1,406	603

#### SUMMARY OF PERFORMANCE BY COUNTY

##### A. Carroll County

Carroll County, currently staffed by two staff attorneys continues to operate efficiently. The caseload has increased by 50% (from 812 in 1978-79 to 1,215 in 1980-81) in a two year period. Paneling a large number of cases in Carroll County has become mandatory. We now have two contracts with attorneys in Carroll County totalling \$1,700.00 per month. Those two contracts constitute over two-thirds of the total budget for District #10. Although staff handled more cases this year than last, the number of paneled cases has also increased.

##### B. Howard County

Caseload in Howard County has increased by 50% in the last year (from 1,038 to 1,595). Virtually all juvenile cases are now being paneled and staff is concentrating on Circuit Court and District Court cases. The efficiency of staff in Howard County has greatly increased. Staff has handled about 600 more cases this year as compared to last. Much of this can be attributed to the fact that this is our first full year with the additional staff attorney. Although the caseload increased we were able to panel less cases this year as compared to last year.

#### Fiscal - Impact of Death Penalty Murder Cases

District #10 spent about \$2,000.00 less on panel attorneys this fiscal year compared to last year (1980-81 was \$36,419.24 and 1979-80 was \$38,540.94). Until April it appeared that we would complete the year within our \$30,000.00 budget. One death penalty murder case required the virtual full time of two staff attorneys for approximately two months. During that period we were required to panel a substantial number of cases which destroyed our chances of meeting the budget.

The prospect of District #10 meeting its 1981-82 \$30,000.00 fiscal budget is non-existent. A second death penalty murder trial which was paneled because of

a Bruton conflict cost the taxpayers of the State of Maryland over 50% of our budget. In addition we are committed to pay two contract attorneys in Carroll County over \$20,000 for the coming fiscal year. It appears that our total panel costs will approach \$50,000.00 for 1981-82.

Carroll County will need an additional staff attorney as soon as one is available. Howard County staff is now working at capacity. In the event of another 50% increase in caseload Howard County may need another staff attorney also.

Howard County will be getting a Fourth Circuit Court judge in January 1982.

#### Conclusion

Both Howard County and Carroll County are continuing to have increased caseloads with no leveling off in the near future. Death penalty murder trials have proven to be very expensive for the State of Maryland particularly when it is taken into consideration the net result which has been life imprisonment. From our point of view the Death Penalty Statute is a waste of taxpayer's money.

Orrin J. Brown, III  
District Public Defender

DISTRICT #11  
Frederick and Washington Counties

District Public Defender  
William R. Leckemby, Jr.

18 West Church Street  
Frederick, MD 21701

120 West Washington Street  
Hagerstown, MD 21740

Total Population: 232,600

No. of Panel Attorneys: 27

No. of District Courts: 4

No. of Circuit Courts: 4

No. of Juvenile Courts: 2

The Public Defender's Office in District #11, consisting of Frederick and Washington Counties, is staffed by the District Public Defender who is headquartered in Frederick County, a Deputy District Public Defender who is in Washington County, 1 Assistant Public Defender for Washington County and 1 Assistant Public Defender for Frederick County, 3 investigators and 2 full-time secretaries.

Entering into Fiscal Year 1982, we will have the benefit of two additional staff attorneys, one in Washington County and one in Frederick County.

During this fiscal year, 2,813 individuals were accepted for representation, an increase of 381 over last fiscal year; 494 applicants were rejected because they failed to meet the established financial guidelines. During this fiscal year, 2,618 cases were closed, of which number, 1,946 were closed by staff attorneys and the balance of 678 cases being closed by panel attorneys.

A breakdown of the cases closed follows:

	<u>Staff</u>	<u>Panel</u>
Inmate and Mental Health	11	2
Circuit Court	490	177
District Court	1,246	397
Juvenile Court	<u>193</u>	<u>102</u>
	1,940	678

Our District has seen, year after year, a significant increase in the demand for representation by indigent individuals. We can only anticipate an ever increasing caseload but with additional staff attorneys hopefully we will be able to reduce panelling and live within our budget.

William R. Leckemby, Jr.  
District Public Defender

DISTRICT #12  
Allegany and Garrett Counties

District Public Defender                      59 Prospect Square  
Paul J. Stakem                                      Cumberland, MD 21502

Total Population:                      107,200  
No. of Panel Attorneys:                      30  
No. of District Courts:                      2  
No. of Circuit Courts:                      2  
No. of Juvenile Courts:                      2

During the 1981 fiscal year, the Public Defender's Office in District #12, Allegany and Garrett Counties, was manned by one District Public Defender, one investigator, one full-time secretary, and one part-time secretary, operating from offices located in Cumberland, Maryland. There were no Assistant Public Defenders assigned to this office.

Twenty-seven (27) members of the Allegany and Garrett County Bars comprise the panel for District #12 with 18 of these attorneys residing in Allegany County. As can be seen from the statistics listed below, 58% of the cases defended by this office in Allegany County were handled personally by the District Public Defender and nearly all of the cases defended by this office in Garrett County were assigned to the nine panel attorneys operating in that area, with assistance from the District Public Defender and panel attorneys from Allegany County when necessary.

During the past fiscal year, District #12 accepted 990 indigent defendants as clients. Another 174 prospective clients were rejected in accordance with financial eligibility guidelines. The number of cases accepted represents an increase of 36 cases over the caseload of F.Y. 1980. It should also be noted that in every fiscal year except 1977, the caseload has increased over the previous year's total. Primarily because of the economic conditions and high unemployment rate which exists in Western Maryland, the trend of a progressive increase in the number of indigent defendants eligible for the services of the Public Defender's Office can be expected to continue, and an increase in the F.Y. 1982 caseload is anticipated.

Of the 990 cases accepted during the 1981 fiscal year, 356 cases originated in Garrett County and the remaining 634 cases in Allegany County. All Garrett County cases, except one, were assigned to panel attorneys, and of the 634 Allegany County cases, 367 were handled personally by the District Public Defender and the remaining 267 cases were assigned to panel attorneys. During the same fiscal year, a total of 1,021 cases were closed, 371 of these being closed by Garrett County panel attorneys. Of the remaining 650 cases, 380 were closed by the District Public Defender and 270 were closed by Allegany County panel attorneys. Fees paid to panel attorneys during 1981 totalled \$58,901.65. Of this amount, \$31,482.93 was paid to attorneys handling Garrett County cases, and \$27,418.72 was paid to panel attorneys representing clients in Allegany County cases. A breakdown of the cases closed according to courts, shows that 19% of the cases closed were tried in the Circuit Courts, 73% in the District Courts, and the remaining 8% in the Juvenile Courts.

During the 1981 Fiscal Year, both the number of clients accepted for representation and the number of cases closed in District #12 reached their highest levels since the beginning of the Public Defender System. The amount paid to Panel Attorneys in District #12 also reached its highest point for any fiscal year. Effective July 1, 1981, a part-time Assistant Public Defender will be functioning in Garrett County. This addition to the District #12 staff will fulfill the long standing need for an office to serve our Garrett County clients and will result in a substantial saving of funds formerly paid to panel attorneys. No further additions to the District #12 staff should be necessary in the foreseeable future, and no major problems are anticipated in the operation of the District #12 office during the 1982 fiscal year.

Paul J. Stakem  
District Public Defender



## 1981 REPORT OF THE APPELLATE DIVISION

Chief, Appellate Division  
Dennis M. Henderson

800 Equitable Building  
Baltimore, MD 21202

The Appellate Division, with headquarters in Baltimore City, has state-wide responsibility for all appellate litigation involving Public Defender clients and provides continuing education and research services for staff and panel attorneys through the 12 Public Defender Districts. It is staffed by 13 lawyers, 8 secretaries, 1 investigator and several law clerks.

Fortunately, the unprecedented surge in the number of appeals being filed which began in fiscal 1980, abated during the current fiscal year. Approximately 26% fewer cases were opened this year as compared to last year (849 in '81 vs. 1112 in '89). The number of cases opened this year was only slightly higher than in fiscal 1979, the year which formed the basis for the present Appellate Division staffing level. Projections for the coming year, based upon the number of cases filed in the Court of Special Appeals during the first four months of its 1982 term, which began March 1, 1981, are that the appellate caseload for fiscal 1982 will be at this year's level or only slightly higher.

In spite of the reduction in the number of new cases this year, carry-over from last year's unusually high volume of cases put considerable strain on the division's resources. More cases were completed this year than in any previous year. Cases closed by staff lawyers rose by 83 and panel cases by 42 over last year. Of the 995 cases concluded, 81.4% were handled in staff. The carry-over also resulted in a 20% rise in the number of Court of Special Appeals opinions reviewed to determine whether petitions for Writ of Certiorari should be filed. Thirty-three more petitions were filed this year than last year.

The addition of two attorney positions to the appellate staff, effective July 1, 1980, was expected to result in the ability to handle 90% of all appeals with staff lawyers and a substantial reduction in panel fee expenditures. Due to the carry-over in cases from the previous year and attorney time lost due to turnover in the staff, that expectation was not realized during the year. (Four attorney positions had to be refilled during the year.) However, by the close of the year only 42, (6.5%) of the 639 pending cases were assigned to panel attorneys.

Appellate Division attorneys devoted considerable time and resources this year to death penalty litigation, and also participated in the Public Defender trial tactics seminar on the death penalty held at the University of Maryland Law School on March 7, 1981. The Court of Appeals reversed and remanded the case of Timothy Clyde Poole, 190 Md. 114 (1981), on evidentiary grounds but left unresolved questions raised in the brief as to the constitutionality of Maryland's death penalty statute. There are now four persons under sentence of death in Maryland. Appeals in which representation is being provided by Appellate Division attorneys are pending in all four cases. Pretrial appeals were filed in three additional cases in which the Baltimore City State's Attorney sought removal of the trials to Garrett County. Those appeals were later withdrawn after the State abandoned its efforts to remove the cases. In a separate appeal involving two of these same defendants, the Appellate Division successfully resisted efforts by the Hearst Corporation which was seeking the right to intervene in the cases in order to have the defendants' protective "gag" order set aside. The News American Division, the Hearst Corporation, Intervenor v. State of Maryland et al., Md. App. \_\_\_\_\_, (July 24, 1981). In addition to direct representation in death cases, Appellate Division attorneys were called upon for consultation and research assistance in numerous other cases including 26 where death was a potential penalty. Since the enactment of the present capital punishment statute the Appellate Division has served as the Public Defender system central resource for research and pleadings for death penalty cases.

Although there should be no need in the foreseeable future to increase the number of staff attorneys, an additional secretary and word processing equipment for the present secretaries will be needed in order to maintain the volume of cases now being handled within the staff.

### STATISTICS

	STAFF	PANEL	TOTAL
Cases Open as of 7/1/80:	661	124	785
Cases Opened During F.Y. 1981:	742	107	849
Cases Closed During F.Y. 1981:	810	185	995
Cases Open as of 6/30/1981:	593	46	639

CERTIORARI REVIEW

Total Opinions Reviewed ..... 553

Certiorari Petitions Filed  
in Court of Appeals:

Petitions Granted .....	22
Petitions Denied .....	102
Petitions Pending .....	<u>47</u>
Total .....	171

Certiorari Petitions Filed  
in U.S. Supreme Court:

Petitions Granted .....	0
Petitions Denied .....	1
Petitions Pending .....	<u>0</u>
Total .....	1

Dennis M. Henderson  
Chief, Appellate Division

1981 REPORT OF THE INMATE SERVICES DIVISION

Chief, Inmate Services Division  
Melvin C. Paul

900 Equitable Building  
Baltimore, MD 21202

The Inmate Services Division of the Office of the Public Defender has been in operation since January 1, 1975. It works extensively in conjunction with District Public Defender Offices, the Courts of the State of Maryland, the Maryland Parole Commission the Maryland Department of Parole and Probation, and the Maryland Department of Corrections to provide a full range of legal representation in collateral post-trial criminal proceedings, to indigent inmates in the Maryland Department of Corrections.

The Division currently is staffed by a Division Chief, 6 Assistant Public Defenders, 2 contractual Public Defenders, 3 legal secretaries, 5 para-legal assistants, 2 investigators, 1 file clerk, and 3 contractual employees who operate out of the Head-quarter Office in Baltimore City.

Our Division continually receives telephone calls from the various Circuit Courts requesting aid and assistance when they receive correspondence or complaints from inmates incarcerated in Maryland institutions.

Divisional staff attorneys have developed a high expertise in handling the representation of these inmate cases involving post conviction applications, parole revocations, habeas corpus proceedings (contesting extradition), detainers, "jail time" credit requests and other miscellaneous problems that inmates may have while incarcerated.

Two (2) Assistant Public Defenders from this Division handle all violation of probation hearings involving indigents before the Supreme Bench of Baltimore City, along with requests for appeal bonds, bail reductions, etc. There is a continuous flow of writs of habeas corpus for inmates requesting transcripts, whereby this Agency has been successfully defended by this Division.

Due to the recent decision of the Supreme Court of the United States in Cuyler vs. Adams, which has now changed the procedures for the execution of Interstate Detainers, a new procedure has been formulated, along

with cooperation from the Attorney General's Office. As it now stands, inmates are entitled to legal assistance and to a court hearing, if they desire to contest a request for temporary custody from another state.

Since the advent of our Post Sentence Assistance Unit (PSAU), that is now operating in the Maryland Reception Diagnostic and Classification Center, this Unit offered an improved flow of communication for inmates when they are first incarcerated in the Department of Corrections. This Unit enables the Inmate Services Division to respond and act quickly to protect the rights of inmates in criminal matters, namely appeals and sentencing corrections or request for reduction of sentences.

All detainer situations involving any inmate in the Department of Correction is referred immediately to the Inmate Services Division. The Division staffs one legal assistant who has the sole responsibility for processing and assisting inmates with dispositions of their detainees. This staffing has greatly assisted in obtaining speedy trials or dismissal of charges that are pending. Further, this staffing will enable the inmate to either be eligible for early parole, release, or allow the inmate to be transferred from a maximum to a minimum security institution.

On many occasions, this Division will directly handle referrals from our District Offices relating to collateral criminal matters. This assistance has alleviated many problems and extra caseloads of the Districts' staff.

With the average caseload and increasing number inmates in the Department of Corrections, more and more demands are placed upon our limited staff.

During our six years of existence, the Inmate Services Division has brought a new level of professionalism and expertise in collateral criminal proceedings assuring Maryland inmates due process and equal protection under the law.

Relevant statistics follow:

July 1, 1980 through June 30, 1981

	<u>Carry- Over</u>	<u>Rec'd</u>	<u>Closed</u>	<u>Open</u>
Post Convictions	463	657	624	496
Detainers	75	783	694	164
Habeas Corpus	1	18	18	1
Parole Revocation Hearings	7	462	465	4
Referrals to Legal Aid	-	119	119	-
Pre-Trial Status (Jail Credit)	7	62	39	30
Miscellaneous (Civil Grievances)	-	37	37	-
Referrals from Legal Aid	-	100	100	-
Referrals Other Than District No. 1	-	115	115	-
TOTAL	<u>517</u>	<u>2,195</u>	<u>2,165</u>	<u>547</u>

Violation of Probations - 1,855

Appeal Bonds - 54

Melvin C. Paul  
Chief, Inmate Services

REPORT OF THE POST SENTENCE ASSISTANCE UNIT

Unit Legal Consultant  
Isaac S. Kershner

900 Equitable Building  
Baltimore, MD 21202

Unit Coordinator  
Charisse Davis

Maryland Reception  
Diagnostic Classification  
954 Forrest Street  
Baltimore, MD 21202

The Post Sentence Assistance Unit was initiated in Mid-June 1980, as a cooperative pilot program with the Maryland Reception, Diagnostic and Classification Center. The Unit operation, on-site at the Reception Center, provides inmates information regarding post-sentence remedies and detainers through group orientation sessions and individual interviews; facilitates state-wide public defender operations related thereto by providing coordinating legal services; assists mentally handicapped inmates who may require or qualify for alternative commitments; and develops and reports data relevant to state-wide sentencing profiles. The Unit is staffed by one attorney, one legal assistant, and two investigators from the Office of the Public Defender, and one secretary provided by the Reception Center. Space and office equipment provided by the Reception Center.

In the Fiscal Year 1980, the Unit provided orientation to 3,730 inmates and provided, upon request, individual consultations to 2,406 inmates. Orientation of inmates, conducted on the day after their arrival at the Reception Center, includes general, comprehensive instruction regarding the processes and procedures involved in Appeals, Review and Reconsideration of Sentences, Post Conviction Petitions, and requests for Speedy Trial under the Intra-Inter-State Detainer Acts. Approximately two-thirds of the inmates who received orientation were interviewed individually; and one-half of these inmates (1,224) required direct assistance from the Unit with respect to pending charges (658), sentence modification or correction (283), Appeals (180), and post conviction relief (83).

In the pending charge cases, detailed investigative reports describing the nature and circumstances of the offense, and financial statements, qualifying the inmate for Public Defender services, were forwarded to the appropriate District Public Defender; and, in

appropriate cases, requests to invoke speedy trial rights under the statutes were initiated. Appeals were noted by the Unit Legal Consultant or referred to the trial attorneys for appropriate action, and completed applications for public defender representation were forwarded to the Appellate Division of the Office of Public Defender. Requests for sentence modification or correction and for post conviction relief were forwarded to the appropriate attorneys or public defender division with supplementary information to facilitate the necessary actions.

The Unit's service enables inmates to apply for remedial relief selectively; mitigates their anxiety and frustration by providing early client contact and promoting their understanding of remedial and detainer processes; enhances the ability of the Office of Public Defender to provide quality and timely representation to inmates and enables early identification and correction of sentencing defects, such as the failure to award jail credit for pre-sentence incarceration.

The imminent relocation of the Reception Center to new facilities offers the prospect of greater access to inmates and a substantial increase in the demand for the Unit's services. Among the primary goals of the Unit in the coming fiscal year are meeting these increased demands and developing, in cooperation with the Reception Center, a more effective process for identifying and securing relief for mentally handicapped inmates who require or may qualify for alternative commitments. The accomplishments of the first year of the Unit's operation were due in large measure to the unqualified support and cooperation provided by the Superintendent and staff of the Reception Center. To carry out the Unit's mission successfully in the coming fiscal year, we look forward to and depend upon the continuation of the cooperative inter-agency relationship which has evolved.

Isaac S. Kershner  
Unit Legal Consultant

1981 REPORT OF THE INVOLUNTARY  
INSTITUTIONALIZATION SERVICES DIVISION

Chief, Involuntary Institutionalization  
Services Division  
George M. Lipman

900 Equitable Building  
Baltimore, MD 21202

The majority of clients represented by the Involuntary Institutionalization Service Division in Fiscal Year 1981, continued to fall into three categories.

1. Persons civilly committed to facilities licensed by the Department of Health and Mental Hygiene pursuant to Article 59, Section 12 of the Code.
2. Persons found not guilty by reason of insanity and civilly committed to mental health facilities pursuant to Article 59, Section 27A-C of the Code.
3. Juveniles civilly committed to mental institutions by the Juvenile Courts.

Nearly a decade of federal and state court litigation, legislation and rule making have resulted in a fairly uniform and complete set of procedures regarding the civil commitment of these persons. For example, last year witnessed enactment of legislation modifying and revising emergency evaluation procedures and new regulations promulgated by the Department of Health and Mental Hygiene, governing civil commitments.

Practice under Regulation D (C.O.M.A.R. 10.21.01) has shown a slight decrease in patient contacts, 6,222 contacts in F.Y. 1979, 6,851 in fiscal year 1980, and 6,125 in fiscal year 1981, with an increase in hearing locations. While we have maintained field offices in the major regional hospitals, Springfield, Spring Grove and Crownsville, attorneys in each field office have, of necessity, tried cases in increased locations. For example, the single assistant presently assigned to the Spring Grove Office is responsible for hearings scheduled twice a week at Spring Grove and once a week at Carter Center, Sheppard Pratt Hospital, Southern Maryland Hospital, Gundry Sanitarium and Leland Hospital.

Hearings pursuant to Article 59, Section 27 A-C, have increased in the last year. Under the constitutional mandate of Dorsey v. Solomon 435 F. Supp. 725 (D. Md. 1977) and subsequent legislation, persons found not guilty by reason of insanity are entitled to precommitment and periodic review hearings, to test their present need for inpatient care. In fiscal year 1980, there were 171 such hearings. This year there were 260 hearings. This increase reflects a slightly higher rate of insanity acquittals. More importantly, this increase reflects the fact that this year was the first in which virtually all persons committed to Clifton T. Perkins Hospital upon an insanity finding were eligible for a hearing during some part of the fiscal year. One full time staff attorney, and half of the time an investigator are now required to handle Clifton T. Perkins civil commitment cases.

Fiscal Year 1981 was also the first full year of practice under the Federal District Court decision in Johnson v. Solomon. Johnson and subsequent legislation require periodic review hearings for juveniles committed to mental hospitals. An attorney from the division has been assigned to coordinate initial representation of the juveniles prior to commitment and to assume full representation of these juveniles in subsequent proceedings. The major problem in this area is the lack of alternative placements for these children. Repeatedly juveniles whose parents are either unwilling or unable to care for them and whose mental disorder or emotional problems do not require lengthy inpatient hospitalization are often unable to find other placement. Defense counsel and the courts are faced with an impossible task; insuring that only juveniles who need inpatient care are committed to the hospital when there exists no other place to house these young persons.

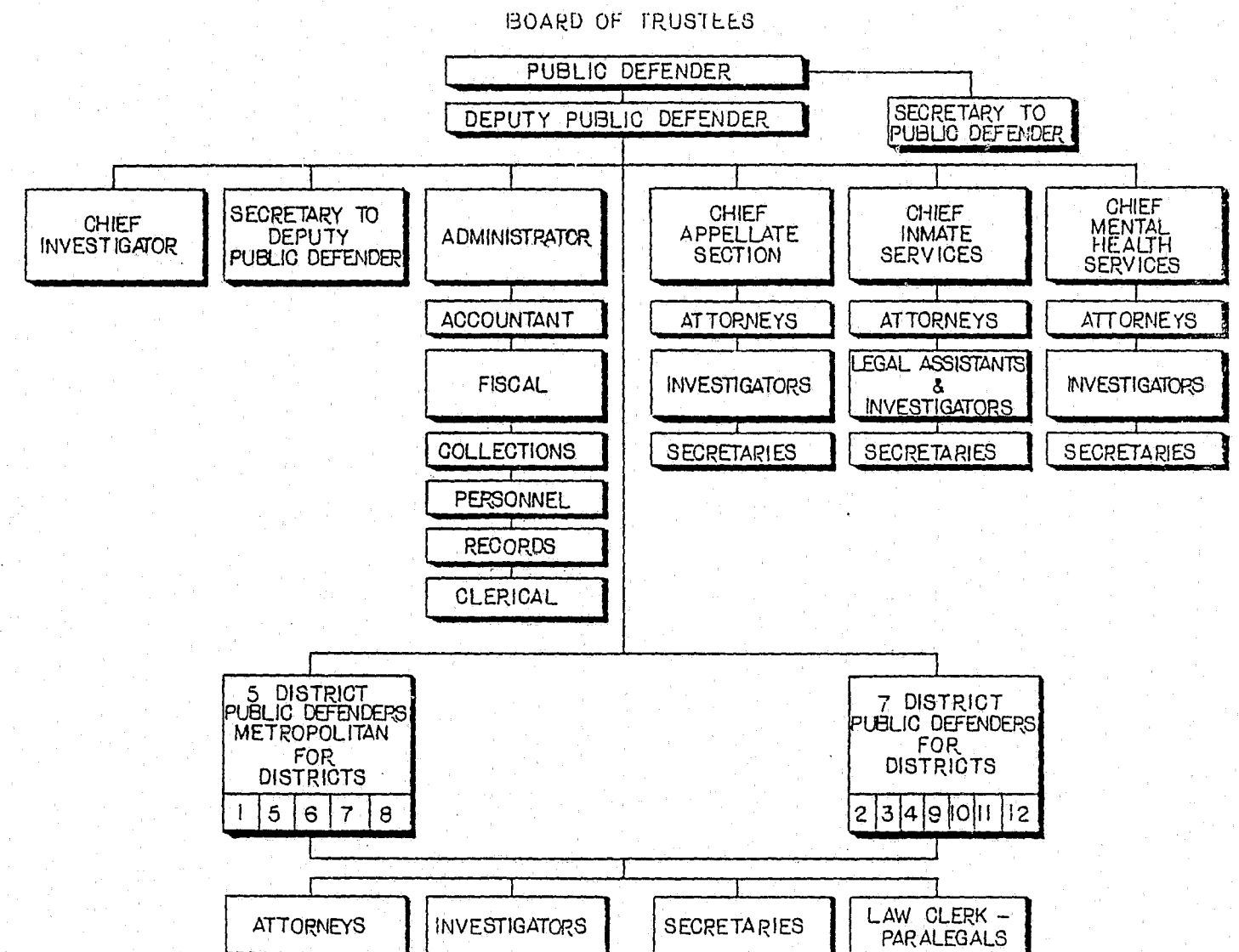
Prosecution under Maryland's death penalty statute began in earnest last year. Further, serious felonies committed by persons with severe mental disorders increased dramatically. During the last fiscal year an attorney for the division spent over three months as counsel in the first death penalty prosecution in Baltimore City. At the time of the writing of this report at least 26 potential death penalty cases are pending. Full time efforts of at least one staff attorney and an investigator are required simply to competently handle the mental health issues in death penalty and serious insanity cases.



Three years ago, seven staff attorneys in the division spent the majority of their time on civil commitment cases with occasional judicial release petitions from Perkins, insanity defenses, and other criminal cases. At present, three of the seven staff attorneys spend nearly their entire time handling juvenile, insanity, Clifton T. Perkins release and most importantly, death penalty cases. Only four attorneys now spend the majority of their time on regional hospital civil commitment cases. In summary, involuntary commitment contacts have remained relatively stable. However, existing staff has of necessity absorbed juvenile civil commitments, increased representation of persons committed to Perkins, dramatic increase in insanity cases requiring independent evaluation, and most significantly, lengthy death penalty litigation.

George M. Lipman  
Chief, Involuntary  
Institutionalization  
Services Division

## MARYLAND PUBLIC DEFENDER SYSTEM



**PERSONNEL ALLOCATIONS**  
**FISCAL YEAR ENDING 6/30/81**

**PROGRAM .01**

**ADMINISTRATION (16.5 Positions)**

Public Defender	1
Deputy Public Defender	1
Chief Investigator	1
Administrator	1
Accountant	1
Administrative	2
Fiscal	3
Secretaries	2.5
Personnel	2
Records & Statistics	2
	<u>16.5</u>

**PROGRAM .02**

**DISTRICT OPERATIONS (236.5 Positions)**

**DISTRICT #1**

District Public Defender	1
Attorneys	50
Investigators	21.5
Law Clerks/Para-Legals	3.5
Secretaries	15
	<u>96</u>

**DISTRICT #2**

District Public Defender	1
Attorneys	4
Investigators	1
Secretaries	3.5
	<u>9.5</u>

**DISTRICT #3**

District Public Defender	1
Attorneys	3
Investigators	1
Law Clerks/Para-Legals	1.5
Secretaries	2
	<u>8.5</u>

**DISTRICT #4**

District Public Defender	1
Attorneys	4
Investigators	1
Law Clerks/Para-Legals	1.5
Secretaries	4
	<u>11.5</u>

**PROGRAM .03**

**APPELLATE AND INMATE SERVICES**

**APPELLATE (22 Positions)**

Chief Attorney	1
Attorneys	12
Investigators	1
Secretaries	8
	<u>22</u>

**PROGRAM .04**

**INVOLUNTARY INSTITUTIONALIZATION (19 Positions)**

Chief Attorney	1
Attorneys	6
Investigators	5
Law Clerks/Para-Legals	1
Secretaries	5
	<u>19</u>

**SUMMARY F.Y.E. 6/30/81**

Program .01	16.5 Positions
Program .02	236.5 Positions
Program .03	43.0 Positions
Program .04	19.0 Positions
	<u>314.0 Positions</u>
<b>Unassigned</b>	
Public Defender	
Investigator	1.0
Public Defender	
Aide	9.0
	<u>324.0 Positions</u>

**DISTRICT #5**

District Public Defender	1
Attorneys	13
Investigators	5
Law Clerks/Para-Legals	4.5
Secretaries	6
	<u>29.5</u>

**DISTRICT #6**

District Public Defender	1
Attorneys	9
Investigators	3.5
Law Clerks/Para-Legals	1
Secretaries	5
	<u>19.5</u>

**DISTRICT #7**

District Public Defender	1
Attorneys	3
Investigators	3.5
Secretaries	4
	<u>16.5</u>

**DISTRICT #8**

District Public Defender	1
Attorneys	6
Investigators	2
Secretaries	2
	<u>11</u>

**DISTRICT #9**

District Public Defender	1
Attorneys	3
Investigators	1.5
Secretaries	2
	<u>7.5</u>

**DISTRICT #10**

District Public Defender	1
Attorneys	5
Investigators	3
Law Clerks/Para Legals	1
Secretaries	3
	<u>13</u>

**DISTRICT #11**

District Public Defender	1
Attorneys	3
Investigators	4.5
Secretaries	2
	<u>10.5</u>

**DISTRICT #12**

District Public Defender	1
Attorneys	1.5
Investigators	1
Secretaries	1
	<u>3.5</u>

**\* PERSONNEL SUMMARY**

305 Full Time Positions
7 Shared Positions
<u>312</u>
2 (4 Half Time Positions)
<u>314</u>

**BUDGET**

**OFFICE OF THE PUBLIC DEFENDER**

	ACTUAL F.Y. 1981	APPROPRIATION F.Y. 1982	REQUEST F.Y. 1983
<b>Number of Authorized Positions</b>	299	312	320
Salaries and Wages	\$6,250,023.	\$6,624,642.	\$6,853,383.
Technical and Special Fees	1,505,492.	1,028,186.	1,192,331.
Operating Expenses	987,777.	1,196,383.	1,308,124.
Original General Fund Appropriation	7,688,169.	8,849,211.	9,353,838.
Transfer of General Fund Appropriation	1,055,123.		
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$8,743,292.</b>	<b>\$8,849,211.</b>	<b>\$9,353,838.</b>

PROGRAM:	ACTUAL F.Y. 1981	APPROPRIATION F.Y. 1982	REQUEST F.Y. 1983
Administration	\$ 380,662.	\$ 381,168.	\$ 385,869.
District Operations	6,703,424.	6,649,194.	7,076,639.
Appellate & Inmate Services	1,300,570.	1,473,003.	1,527,128.
Involuntary Institutionalization Services	358,636.	345,846.	364,202.
<b>TOTAL</b>	<b>\$8,743,292.</b>	<b>\$8,849,211.</b>	<b>\$9,353,838.</b>

OFFICE OF THE PUBLIC DEFENDER  
Period: July 1, 1980 to June 30, 1981

Total Number of Incidents of Representation .....	117,019
Total Expenditures .....	\$8,743,292.00
Average Cost per Client Representation (Including Payments to Panel Attorneys) .....	\$ 74.72
Total Fees Paid Panel Attorneys .....	\$1,135,845.00
Average Cost per Case of Payments to Panel Attorneys .....	\$ 107.61

WORKLOAD DISTRIBUTION

PERIOD: JULY 1, 1980 TO JUNE 30, 1981

Division	Total Cases Accepted	Other Defense Services Provided	Total Workload	% Overall Workload	% Workload District Operations
District #1	31,761	22,015	53,776	43.7%	48.3%
2	3,263	160	3,423	2.8	3.1
3	1,346	502	1,848	1.5	1.7
4	2,589	1,078	3,667	3.0	3.3
5	6,347	6,837	13,184	10.7	11.9%
6	6,096	4,182	10,278	8.3	9.3%
7	3,746	642	4,388	3.6	4.0%
8	5,800	2,393	8,193	6.7	7.4%
9	1,813	795	2,608	2.1	2.4
10	3,154	909	4,063	3.3	3.7
11	2,813	735	3,548	2.9	3.2
12	990	296	1,286	1.0	1.2
District Totals	69,718	40,544	110,262	89.6%	100.0%
Appellate	995	553	1,548	1.3	
Inmate Services	2,353	2,004	4,357	3.5	
Involuntary Institutionalization Services	296	5,580	5,876	5.5	
TOTAL	73,362	49,681	123,043	100.0%	

\* The Five Metropolitan Districts carry 81.4% of the District Operations Workload.

DISTRICTS NO. 1 - 12  
Statistical Report  
Period: July 1, 1980 to June 30, 1981  
Percent of Workload Completed

	DISTRICT NO. 1			DISTRICTS NO. 2 - 12			TOTALS		
	Cases Completed By Trial	Other Defense Services	Total	Cases Completed By Trial	Other Defense Services	Total	Cases Completed By Trial	Other Defense Services	Total
Cases Completed	30,383	22,015	52,398	35,184	18,529	53,713	65,567	40,544	106,111
Percent Completed									
By District No. 1			49.4%						
By Districts No. 2 - 12						50.6%			
Total									100%

PROCEEDINGS FOR TRIALS COMPLETED\*

DISTRICT NO.:

1
2
3
4
5
6
7
8
9
10
11
12

DISTRICT TOTALS

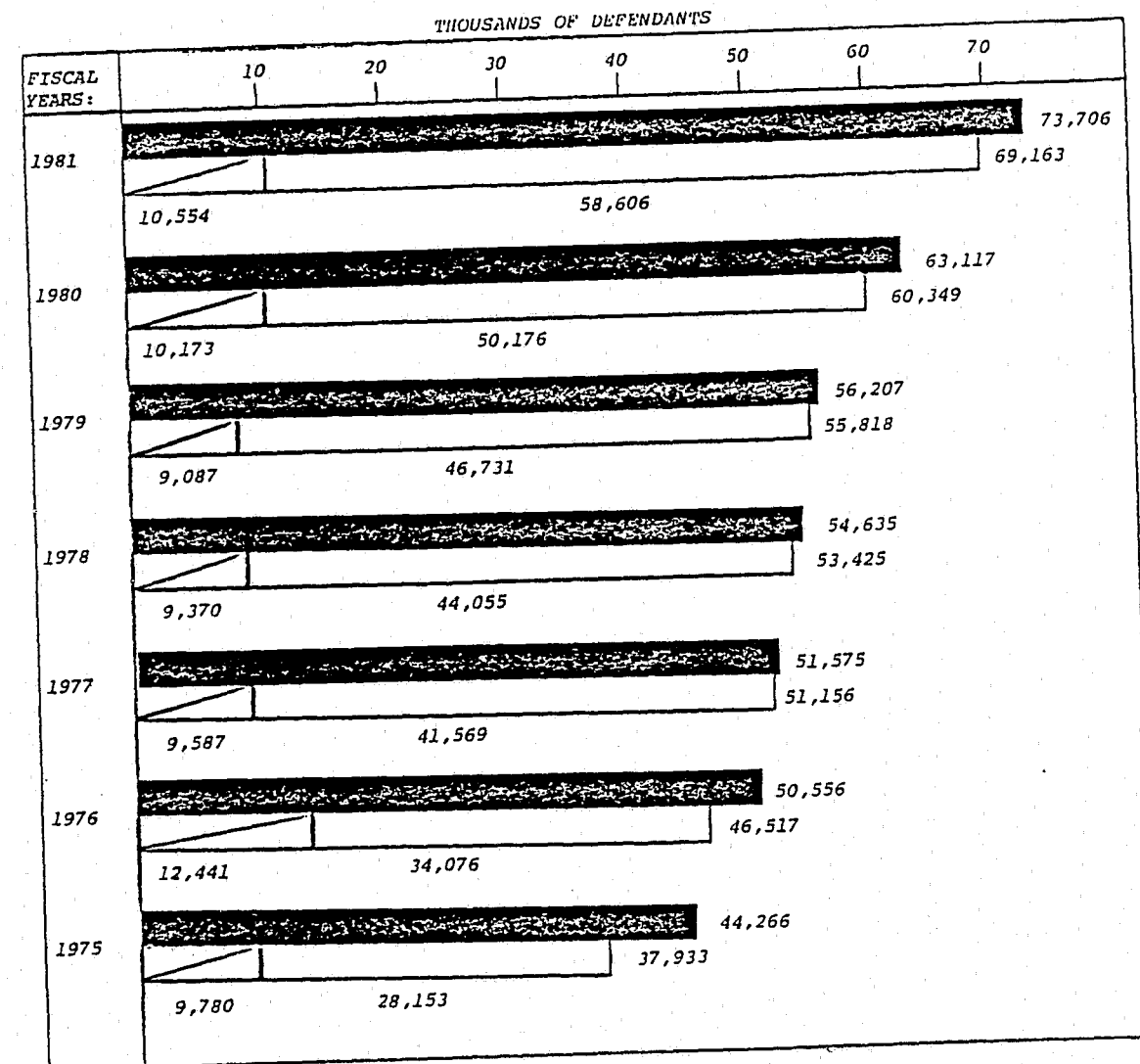
Appellate  
Inmate Services  
Involuntary Institutionalization

AGENCY TOTALS

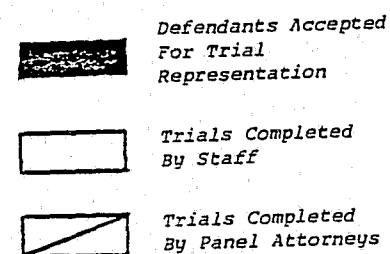
TOTAL CASES COMPLETED		% OF CHANGE	F.Y. 1981 COMPLETED BY:		% BY STAFF
F.Y. '81	F.Y. '80		STAFF	P.A.	
30,383	26,532	+14.5%	29,576	804	97%
3,197	2,351	+36.0%	2,607	590	82%
1,266	1,288	- 1.7%	1,050	216	83%
2,570	2,422	+ 6.1%	2,021	549	79%
5,764	5,340	+ 7.9%	2,820	2,944	49%
5,226	4,453	+17.4%	3,353	1,874	64%
3,440	3,308	+ 4.0%	3,262	178	95%
5,928	5,274	+12.4%	4,742	1,186	80%
1,635	1,720	- 4.9%	1,321	314	81%
2,680	2,474	+ 8.3%	2,357	323	88%
2,495	2,363	+ 5.6%	1,848	647	74%
983	927	+ 6.0%	380	603	39%
65,567	58,452	+12.2%	55,337	10,228	84%
961	840	+14.4%	791	170	82%
2,339	1,280	+82.7%**	2,207	132	94%
296	242	+22.3%	271	25	92%
69,163	60,814	+13.7%	58,606	10,555	85%

\* Compiled in accordance with the Agency's monthly management reports.

\*\* Revised reporting.



REPRESENTATION FOR TRIAL  
(By Defendants)



#### THE PUBLIC DEFENDER CLIENT

The Statewide profile of the Public Defender client has remained somewhat stable over the years. At the Circuit Court level, where the more serious felonies are tried, our typical client is a white (53%) male (88%) twenty-five years of age (43% between the ages of 21-30) who has completed 10.5 years of school. He is unemployed (88%), does not head a household (18% are the heads of household), and denies addiction either to drugs or alcohol (91.5% claim no addiction). Fifty-one percent (51%) of the Public Defender's clients in Circuit Court have been charged with a felony (49% of the Circuit Court caseload is jury trials prayed at the District Court level or appeals from that court). Forty-three percent (43%) of all charges involving our clients at the Circuit Court level result in a not guilty finding or dismissal (including stets and nolle prosequis), while 29% are disposed of by probation or fine. In the remaining 28% of the cases, jail terms are imposed.

The typical District Court Public Defender client is likewise a white (53%) male (82%) between the ages of 21-30 (42.5%) who has completed 10.7 years of school. He, too, is unemployed (78%) and reports no responsibility for a family (16.6% are the heads of a household). Only 6% of our District Court clients report either alcohol or drug addiction. Forty-five percent (45%) of all charges result in not guilty findings or dismissal (including stets and nolle prosequis), while 43% are disposed of by fine (18%) or probation (25%). Our District Court clients receive jail terms in only 12% of the cases at that level.

Our typical Juvenile client continues, as in the past, to be a 16 year old black (57%) male (82%) who has completed the 8th grade and is unemployed (97%). Thirty percent (30%) of all juveniles represented are committed for placement or institutionalization. Approximately 70% of all proceedings are for delinquency with 28.6% resulting in commitment to a juvenile institution. Fifty percent (50%) of those charged with delinquency are placed on probation, while the balance have the charges against them dismissed. Representation for Children in Need of Supervision and Children in Need of Assistance has now reached 30% of our juvenile caseload.

# REIMBURSEMENTS

Section 7 (c,d,f) of the Act requires the Public Defender in the name of the State to collect all monies due to the State by way of reimbursement from those defendants who have or reasonably expect to have means to meet some part of the expenses for services rendered to them by the Office of the Public Defender. As set forth below, the individual District Offices have assessed expenses of representation, collected and deposited to the credit of the State Treasurer's Office in the fiscal year, a total of \$128,446.76.

July 1, 1980 to June 30, 1981

<u>District No.</u>	<u>Amount</u>
1	\$ 13,115.32
2	9,111.50
3	21,110.43
4	6,091.90
5	34,300.80
6	5,880.50
7	6,175.00
8	17,253.08
9	3,292.75
10	6,140.00
11	1,605.50
12	478.98
Misc. Revenue	3,891.00
	<u>\$128,446.76</u>

## OFFICE OF THE PUBLIC DEFENDER

PUBLIC DEFENDER.....	ALAN H. MURRELL	(301) 659-4830
For the State of Maryland	800 Equitable Building Baltimore, MD 21202	
DEPUTY PUBLIC DEFENDER.....	ALFRED J. O'FERRALL III	(301) 659-4832
For the State of Maryland	800 Equitable Building Baltimore, MD 21202	
APPELLATE DIVISION.....	Dennis M. Henderson	(301) 659-4861
	800 Equitable Building Baltimore, MD 21202	
INMATE SERVICES DIVISION.....	Melvin C. Paul	(301) 659-4871
	900 Equitable Building Baltimore, MD 21202	
INVOLUNTARY INSTITUTIONALIZATION.....	George M. Lipman	(301) 659-4884
SERVICES DIVISION (MENTAL HEALTH)	900 Equitable Building Baltimore, MD 21202	
Information: (301) 659-4900		
DISTRICT NO. 1.....	Norman N. Yankellow	(301) 659-4834
Baltimore City	800 Equitable Building Baltimore, MD 21202	
DISTRICT NO. 2.....	Patrick L. Rogan, Jr.	(301) 749-2430
Dorchester, Wicomico, Somerset, and Worcester Counties	P.O. Box 195, 120 E. Main Street Salisbury, MD 21801	
DISTRICT NO. 3.....	John W. Sause, Jr.	(301) 758-2683
Queen Anne's, Talbot, Cecil, Caroline and Kent Counties	115 Lawyers Row P.O. Drawer H. Centreville, MD 21617	
DISTRICT NO. 4.....	John F. Slade, III	(301) 934-9420
Charles, St. Mary's and Calvert Counties	Court House - Room 257 La Plata, MD 20646	
DISTRICT NO. 5.....	James E. Kenkel	(301) 627-1600
Prince George's County	P.O. Box 728, 4604 Largo Road Upper Marlboro, MD 20772	
DISTRICT NO. 6.....	DeLawrence Beard	(301) 424-4990
Montgomery County	Suite 250, 414 Hungerford Drive Rockville, MD 20850	
DISTRICT NO. 7.....	Stephen E. Harris	(301) 269-2201
Anne Arundel County	60 West Street Annapolis, MD 21401	
DISTRICT NO. 8.....	Paul J. Feeley	(301) 296-2340
Baltimore County	101 Investment Building Towson, MD 21204	
DISTRICT NO. 9.....	Henry C. Engel, Jr.	(301) 838-0833
Harford County	P.O. Box 311 Bel Air, MD 21014	
DISTRICT NO. 10.....	Orrin J. Brown, III	(301) 465-8900
Howard and Carroll Counties	3691 Park Avenue Ellicott City, MD 21043	
DISTRICT NO. 11.....	William R. Lackemby, Jr.	(301) 663-8524
Frederick and Washington Counties	18 West Church Street Frederick, MD 21701	
DISTRICT NO. 12.....	Michael R. Burkey	(301) 777-2142
Allegany and Garrett Counties	District Court Building P.O. Box 1434 59 Prospect Square Cumberland, MD 21502	

Effective 10/19/81



**END**