RECOMMENDATIONS ON
ADMINISTRATION AND EVALUATION
OF THE PILOT
PUBLIC DEFENDER PROJECT
STATE OF VIRGINIA
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I. INTRODUCTION

In November 1972, the state of Virginia launched a pilot public defender project with the opening in Waynesboro of the first of three scheduled pilot public defender field offices. This pilot program, authorized by the Virginia General Assembly and funded through the State's Division of Justice and Crime Prevention (S.P.A.) is designed to provide representation to indigents at the misdemeanor, felony and post-conviction levels, as well as to represent youngsters in juvenile proceedings. A second office opened in eastern Virginia postponed because of funding limitations, is slated for Fairfax County. The remainder of the state will continue to be provided with indigent defense services by the previous system of assigned private counsel.

Administration of the pilot project is legislatively vested in a Public Defender Commission with the specific responsibility for providing overall policy supervision and assuring that the services provided con- form with the enabling statute. The Commission is also responsible for providing the General Assembly in November 1974 with an evaluation of the project's operation and an evaluation of the relative merits of the services provided by public defenders in the pilot offices vis-a-vis defense services funded through the current system of court-appointed counsel.

To conduct this evaluation, a uniform data base and standardized office policies were needed. In this regard, the Executive Director of the Public Defender Commission, Overton Pollard, requested assistance through LEAA's Criminal Courts Technical Assistance Project at the
American University in developing a standardized and comprehensive data recording system for the pilot offices and recommending improvements in office organization as well as suggesting an appropriate methodology for conducting the evaluation.

A two-man consultant team from the National Legal Aid and Defender Association conducted a site visit September 18-21 meeting with Mr. Pollard at the Public Defender Commission office in Richmond, as well as reviewing operations of the pilot offices in Virginia Beach and Waynesboro. In the latter two communities, the consultants interviewed the court clerks of the District Court, Circuit Court and Juvenile Court* as well as local officials involved in the project's operation.

* The District Court has misdemeanor jurisdiction and conducts probable cause hearings in felony cases. The Circuit Court proceeds in the trial of a felony matter after there has been a bindover order from the District Court. The Juvenile Court proceeds in delinquency matters.
II. ANALYSIS OF EXISTING SITUATION

The three pilot public defender field offices have been planned to serve diverse areas of the state. The Virginia Beach office is located in the southeast coastal region; the Waynesboro office is in the western area (Augusta County) and also serves Staunton and Owensborough. The planned Fairfax County office will be located in the heavily populated northern portion of the Washington, D. C. metropolitan area. As noted earlier, the remainder of the state is provided with indigent defense services through the existing assigned counsel system.

The Public Defender Commission in charge of the pilot project consists of five lawyer members, with Mr. Pollard serving as Executive Director on a part-time basis. Since he is principally engaged in the private practice of law, he performs Commission functions from his private law office in Richmond, Virginia, which is over 100 miles from each of the defender offices.

In conformity with the State Planning Agency Grant Award, each of the two operating defender offices is administered by a full-time public defender. Each defender has a full-time secretary and a full-time investigator. The Virginia Beach Public Defender has three assistant public defenders, while the Waynesboro Public Defender has two assistant public defenders. Each of the assistant public defenders is part-time and engages in private practice in addition to his defender work. Each assistant operates out of his own private law office, utilizes his own private secretary, and maintains his own case files.
III. RECOMMENDATIONS REGARDING REPORTING PRACTICES

A. Develop Case Docketing System

In order to ensure that attorneys cover their court assignments and to enable them to readily determine the next court date as well as the progress made in each case, an active case docketing system should be developed. Such a system will require the maintenance of three separate files for each active case:

1. the open case file itself, which should include all pertinent material such as client and witness statements, motions, pleadings, etc.,

2. an index card maintained at the defender office, and

3. a docket book or calendar.

All cases should be identified by a public defender file number. Active cases may be filed alphabetically. Inactive cases, however, should be filed by public defender number since alphabetical order becomes awkward when the dead case file becomes extensive, as it will after the first year of the program's operation.

The open case file should be kept by each attorney in his office. However, an index card for each active case should be maintained at the main office and readily available to the secretary and chief defender. It should contain the name and address of the defendant, the charge, the file number, the next court date, and a summary of what occurred on each day the case was in court. With this record, the chief defender of each office can keep track of individual cases and determine their stage and progress without bothering the assigned attorney. The card on active cases should be maintained in alphabetical order and filed permanently in alphabetical order when the case is closed as a cross check. The
docket book or calendar should contain the next court appearance for each trial case so that the central office can properly notify defendants on bond of their next court day and provide such information to relatives of the defendant, as well as make certain that each case is covered on its court day.

B. Collect Data Routinely on Standardized Forms

Sample recommended forms for individual case records as well as staff attorney caseload summaries are included in Appendix A. These forms have been designed for potential use in the pilot offices to provide current information regarding individual cases, assist in developing client interviews, as well as to indicate periodically the level of activity of the project's operations. Taken together the reporting forms should provide a composite picture of case activity for individual attorneys as well as the office as a whole.

The forms suggested here should be examined carefully by the Executive Director and his entire staff, professional and non-professional. An all day meeting of the staff, including secretaries, investigators, and staff attorneys, should be arranged to review each form and changes should be made where advisable. It is essential that each staff member understands the forms and that agreement on reporting procedures and the importance of accuracy and completeness in reporting be established before any new methods are employed. The specific terminology and purpose of the individual forms are described below:

1. Definition of "Case"

The term "case" refers to any charge or group of charges arising out of one transaction confronting one defendant in a single court
proceeding at one level of proceedings. Where separate charges arising out of separate transactions that would have normally been tried separately are disposed of at one time as part of a plea bargain, each charge is considered a separate case. Levels of proceedings are divided into trial, appellate, and collateral attack in the trial court. Thus, under the definition, a case includes the bond hearing, the probable cause hearing and all other trial court proceedings arising out of one transaction, even though several distinct trial courts are involved. If the trial verdict is appealed, then statistically the appeal is another case. If a collateral attack proceeding, habeas corpus or other post-conviction relief is sought in the matter, this action represents another case. Where the collateral attack is appealed, a third case would result. Where two or more defendants are joined together for one joint trial, each defendant represents a separate case.

2. Explanation of Forms
   a. Form #1—Client Interview Form

   The various categories of information are intended as checks and reminders to the interviewer of information that is generally considered important. According to the team's information, the investigator in one of the offices is able to use an electronic recording device for interviews. Such a technique should be encouraged and this interview form should not replace electronic recordation of interviews. However, it is suggested that the interviewer follow the interview
form and when the recording is transcribed, that it be transcribed into the suggested interview form.

It is recommended that all initial client interviews be conducted by the assigned attorney and not by an investigator. While investigators should be introduced to the client by the attorney and may from time to time obtain supplementary information from the client, initial interviews (except interviews to determine financial eligibility) should be conducted by the assigned lawyer so that a good relationship between client and attorney can be established at the outset. The attorney conducted interview can also raise significant questions essential to the development of the case and a theory for its defense -- i.e., the possibilities of such situations as entrapment, self-defense, or insanity. An attorney is not only in a position to best recognize such situations, but is also best able to develop an appropriate line of questioning necessary to fully explore such possibilities.

b. Form #2--Daily Case Report

This form is intended to be utilized by the attorney assigned to the case. The Virginia experimental project is unusual in that while the Defender Director of each of the two offices is full-time and operates out of the defender office, his assistants are part-time and work from their private law offices. As a result, the Director of each office has no way of reviewing and keeping current with the progress of the cases assigned to assistants as the cases progress. The Director of
the Virginia Beach office does maintain a monthly court schedule of the court duties of each assistant; the Director of the Waynesboro office, however, does not keep such records. It would be valuable for the director of each office to have readily available in the defender office an up-to-date summary of each case assigned to an assistant. The index card maintained for each case at the main office can be utilized to note the progress of the case. At the end of each day the defender secretary should check the master calendar of court dates, telephone each attorney who had a court appearance for a defender case and record what transpired in the case on the index card.

c. **Form #3—Attorney Case Summary Report**

The assigned counsel should complete this form at the conclusion of each case. The original completed form should be delivered to the defender office, with a copy retained by the attorney for his monthly report.

d. **Form #4—Attorney (Office) Monthly Report**

Within three days after the month's close each attorney should turn in this report to the local defender. The report contains a summary of all cases that he closed for the month as well as other court work in connection with all cases, including open cases. This form, like the comprehensive Monthly Attorney Office Report (form #5) can be utilized as both the attorney monthly summary and the office monthly summary. It
is suggested that if form #4 is adopted as the attorney report, it should also be used to complete the office report.

e. Form #5—Monthly Investigation Report

   This report should be completed by the investigator and delivered to the local defender within three days of the end of the month. It summarizes the investigator's activities. Because each of the offices has only one investigator, a copy of each monthly report may be sent to the Public Defender Commission Office in Richmond.

f. Form #6—Attorney Report—Monthly Office Report

   This form is presented as an alternative attorney and office monthly summary. Form number 6 differs from form number 4 in that it provides a cumulative summary of case status for the individual monthly total.

In addition to the forms discussed above, a copy of the FY '73 Annual Report of the Maryland Public Defender is included in Appendix B as a suggestion for possible annual data presentation.
IV. RECOMMENDATIONS FOR IMPROVING THE OPERATIONS OF THE PROJECT

A. Continue to Strive for High Quality Representation

During the team's site visit, various aspects of defender services were discussed with both the staff of each office as well as the Executive Director. Such matters as performing intake functions adequately, and assuring the proper elements and sufficient scope of representation were discussed. Among those areas deemed of high priority for the project to deal were the following:

1. Attorneys should enter the case at the earliest possible time immediately after arrest or before arrest (where the client becomes aware that he is a principal suspect).

2. The client should be free on bond if possible and bond motions, where appropriate, should be made promptly.

3. Established standards for determining eligibility were important in assuring the private bar and the public that only those who were financially unable to hire their own attorney utilized the project's service. In this regard, however, the consultants advised that eligibility be assessed by either the judge or another agency so that the initial interview between the client and the attorney did not focus on determining the client's resources.

B. Employ All Attorneys on a Full-time Basis When the Second Year of the Grant is Renewed.

The fragmentation in terms of staff organization in each defender office can be detrimental to the development of an effective defender program. With assistant defenders working out of their own private law offices, the possibility of developing cooperation and coordination among attorneys as well as encouraging attorney supervision and specialization becomes
very difficult. Moreover, where the defender is part-time conflicts may
develop between his private and his defender practice. During the initial
grant period, neither the grant provisions nor the budget permit the
employment of experienced assistant public defenders on a full-time basis
and the experimental nature of the project discourages full-time attorney
effort. However, when the grant is renewed for the second year, each
attorney employed by the Commission should have full-time employment status
at an adequate salary and have a private office in a defender suite.

C. Develop Staff Capabilities to Explore Alternatives to Incarceration

Currently no staff are employed with the professional capabilities
to develop alternatives to incarceration. Personnel such as social
workers with such capabilities are invaluable since, presumably, many
of the defender clients will be convicted and could benefit considerably
from intelligently developed rehabilitation programs rather than simple
incarceration in a penitentiary or jail.

D. Create Staff Capability for Developing Alternatives to Money Bond

Since the defender clients are indigent, very few will be able to
obtain funds for a bond for pretrial release. However, chances of ac-
quittal or probation increase if the accused is free during the pretrial
stage.* Thus, the Defender Commission should request that the grant
renewal for the second year include funding for such staff functions.
One social worker with para-professional assistance in each office to
perform both the pre-trial and post-trial functions suggested here should

* See Commentary to Standard 1.1, Standards Relating to Pre-Trial
be added experimentally until complete caseload statistics are developed.
Once the programs have operated for a year, a reassessment of support staff
requirements should be made.

E. Develop an Appellate and Post-Conviction Capability

Since the project has just gotten started, there is no appellate
or other post-conviction caseload. However, second year operations may
require such a capability. Consideration should be given to locating a
post-conviction defender unit in either Richmond or in the Waynesboro office.
Either location has its advantage. Richmond houses both the Virginia
Supreme Court as well as the University of Richmond Law School which could
be utilized for student assistance. On the other hand, an office in
Waynesboro would be approximately ten miles from Charlottesville, the
site of the University of Virginia Law School where a law student appellate
program might be developed. In any case, the centralized appellate office
should serve both of the Virginia defender offices.
V. RECOMMENDATIONS REGARDING EVALUATION METHODOLOGY

A review of the Circuit and District Court docket records indicates that it would be impossible to reconstruct a case history from docket entries. The Circuit Court clerks report some court statistics to the Virginia Supreme Court of Appeals; however the reports do not, among other things, distinguish assigned cases from retained cases, indicate the outcome or sentences imposed, or note pre-trial motions and rulings. Hence the only way to obtain statistical information about assigned private counsel cases for comparison with defender cases would be by a case by case file examination.

Accordingly, the team concludes that no worthwhile statistical comparisons of assigned counsel and public defender services could be made unless the state was committed to a relatively expensive evaluation program.

However, an effective evaluation could be undertaken less expensively by utilizing the statistics produced by the recommended forms on the current project and comparing this data with information on the previous appointed counsel system gathered through interviews. Such interviews could be conducted with persons aware and involved in the previous system's operation -- i.e., judges, prosecutors, local and state bar leaders, private practitioners, clients, leaders from the client community, and leaders in the community generally. Such an evaluation would require careful preparation and consultation with criminal justice system officials in the state and should include prepared questions covering the following areas:
A. Prompt Disposition

Does the defender organization dispose of cases in less time, more time, or in about the same time, from arrest to final order, as private assigned counsel? Form 4, parts F and G, and form 6, parts F and G will provide statistical information about the defender agency's disposal time. Part G of forms 4 and 6 will also indicate which element in the system, i.e., the court, prosecutor or defender is principally responsible for delay in dispositions. The measure proposed here may also provide information on the impact of the organized defenders on the overall administration of justice by determining time for disposition.

B. Adequacy of Preparation and Thoroughness of Representation

Does a better attorney client relationship exist between the defender attorney and his client, or between the court-appointed attorney and his indigent client? Form 1 is designed to encourage the defender attorney to fully and thoroughly interview the client and develop all facts. However, that is only the first stage. The defender attorney should periodically see his assigned client and fully advise the client of the progress in the case. While good results are very important to client satisfaction, it is equally important that the defenders demonstrate a sincere interest in the client. Frequent consultation with the client is also an essential ingredient to adequate preparation.

Forms 3 and 4 require reporting of the number of motions and hearings in a case, thus providing statistics on adequacy of representation. The reporting requirements may also serve as a constant reminder for attorneys of the possibility of filing such motions. Forms 3 and 4 also report the
amount of attorney and investigator contact with the client. Form 5 reports on the extensiveness of office investigative procedures and serves as a constant reminder as to the kind of investigation that should normally be provided. By providing such information on these forms, it would be hoped that a future evaluator could then assess the preparedness, skill and expertise involved in the defender cases. It is also expected that requiring reporting of client contact will encourage more frequent client contact.

It should be noted that the criteria above are consistent with the objective of improving the criminal justice system as a whole and more particularly defense services to the indigent criminally accused. In Standards Relating to the Prosecution and Defense Function, (Standard 3.6 March, 1970) the American Bar Association recommends that the attorney, "inform the accused of his rights and take all necessary action to indicate such rights." The standard further provides that the attorney must consider all procedural steps available, including motions and pretrial release. It is hoped that the forms will enable an evaluator to assess how well that standard has been followed by the defender agency.

C. Measuring Results for the Client in Terms of Disposition

Obviously the number and percentages of acquittals is of the utmost importance in assessing the quality of a criminal legal defense service, hence the won and lost record is a statistic to be reported. However, that statistic alone is not a sole indicator of the quality of the system. Regardless of whether one approves of the plea negotiation process, it is a part of the Virginia criminal justice system. In many cases, it
takes as much preparation and skill to plea negotiate effectively as it does to try a case. What must be determined, therefore, is which pleas were effectuated as the result of skillful, effective representation and which pleas of guilty involved little or no effective representation. Moreover, even when a guilty verdict after trial is the outcome, the defense lawyer may still have achieved a substantial victory by a judgment on a lesser included charge. In such cases where a conviction of a lesser offense than the one charged results, appropriate credit must be given.

Another factor demonstrating effectiveness of representation is the dismissal of a case without trial. Occasionally such a disposition results because the prosecutor exercised his discretion based on his own assessment of the case. But many dismissals without trial are the result of the efforts of the defense attorney who successfully prosecuted pre-trial motions or investigated until he uncovered facts exonerating his client which he disclosed to the prosecutor. Where the dismissal occurred because the defense attorney won a hard fought motion to suppress evidence, proper statistical credit should be given for that achievement. Where the dismissals resulted because of extensive investigation by the defense which uncovered evidence of innocence or made the case impossible to prosecute, appropriate recognition is also in order.

Such efforts must be reduced to a measurable statistic so that the effectiveness of representation may be measured in more than the one dimension of a won and lost record. As a result, form 4 in Section B 2 addresses itself not only to pleas of guilty, but to the results of the negotiation by counting specifically pleas to lesser charges, and which result in
other charges being dismissed and/or probation. Form 4, in section B3 records dismissals in a way that one may assess the defense effort that achieved the dismissal. Similarly, B4 and B5 in form 4 and section B of form 6 measure more than won and lost statistics by identifying guilty results where a greater offense was charged and not guilty judgments of companion charges. In addition, both forms 4 and 6 in section C provide statistics on the severity of sentences imposed.

Thus, the reporting forms suggested by the team are not keyed in with any court record-keeping system, but designed, rather, to assist a future evaluator of the pilot project in compiling quickly an objective meaningful picture of the activities of the defenders and the quality of representation provided. Moreover, the suggested forms, if maintained accurately and reported promptly, should facilitate supervision by the executive director and the commission.
VI. SUMMARY

The forms recommended for use by the Pilot Public Defender Project are geared to both the current operations of the program as well as its possible expansion. The forms suggested here will be helpful to the Commission and the defender offices in maintaining records and statistics in the coming year. The information thereby collected will allow for an accurate, uniform and comprehensive data base which can be utilized for purposes of both administration and evaluation. Such a record-keeping system should also go a long way toward upgrading the program's capability for providing effective services, and it is hoped that these forms will contribute to that goal.

This data base should be considered the minimum for record collection. The potential analysis and interpretation of this data may well lead to modifications of forms used as well as suggest the need for additional data. For this purpose, the Maryland Public Defender Report can be a useful guide in utilizing such data effectively.
APPENDIX A

RECOMMENDED FORMS
### C. Sentences Imposed:
1. Probation or susp. sent.
2. Fine only
3. Probation w/jail time
4. Penitentiary 2yrs or less
5. 2-5 years
6. 5-10 years
7. 10-20 years
8. 20-50 years
9. 50 years or more
10. Capital punishment

### D. Court appearances:
1. Bail release hearings
2. Prob. cause hearings
3. Arraignments
4. Continuances
5. Other

### E. Pre-trial motions:
1. To reduce bond
   - granted
   - denied
   **TOTAL**
2. To suppress evidence
   - granted
   - denied
   **TOTAL**
3. To suppress identification
   - granted
   - denied
   **TOTAL**
4. To suppress defendant's statements
   - granted
   - denied
   **TOTAL**
5. Other motions:

### F. Time since in completed cases; (average)
1. Arrest to 1st contact
3. Arrest to trial
4. Arrest to completion of trial, incl. sentencing
5. Average amt. of time spent/case(0hrs.-100yrs)
6. Notice of appeal to filing of pct. for lv. to appeal
7. Granting of lv. to appeal
8. Filing of state's brief to filing of reply brief
9. Notice of Appeal to decision

### G. Continuances or Extension
1. Motion Prosecutor
2. Motion Defense
3. Court Order
4. By Agreement
MONTHLY (ATTORNEY) OFFICE REPORT
(To be compiled by head of each office)

Month of

Location of office

<table>
<thead>
<tr>
<th>No. During Month</th>
<th>Cumulative Total from 19</th>
</tr>
</thead>
</table>

A. Pending cases:
1. No. of new cases
   1. No. of new charges

B. Dispositions:
1. P.D. withdrawn:
   a) Def. Ineligible
   b) Priv. atty. ret.
   c) Conflict
   d) Other
2. Pleas of Guilty:
   a) As charged
   b) To lesser charge
   c) Dismissal of companion charge
   d) To Probation
3. Dismissals:
   a) At proge. hear.
   b) After motion sust.
   c) During or after tr.
   d) Petition dismissed w/o evid. hearing
   e) Petition dismissed after evid. hearing
   f) After investigation & discussion with
4. Bench trials:
   a) As charged
   b) Lesser incl. off.
   c) 1 or more charges
   d) Not guilty
5. Jury trials:
   a) As charged
   b) Lesser incl. off.
   c) 1 or more charges
   d) Not guilty
6. Other action:
   a) Pet. to app. den.
   b) Affirmances
   c) Pet. to app. gr.
   d) Reversals
   e) Rev. & remand
   f) Aff'd sent. red.
   g) Rem. w/spec. dir.
   h) P.C. petition:
      1. new trial ord.
      2. outright acquit.

* Each indictment or complaint is a separate charge

** Dispositions are reported by case rather than by charge
MONTHLY INVESTIGATION REPORT
(To be completed by investigators and attorneys)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of cases investigated</td>
<td></td>
</tr>
<tr>
<td>No. of persons interviewed</td>
<td></td>
</tr>
<tr>
<td>Crime scene investigations</td>
<td></td>
</tr>
<tr>
<td>Consultations with experts</td>
<td></td>
</tr>
</tbody>
</table>

Diagram and chart preparation
(List cases in which special charts or diagrams were prepared)

<table>
<thead>
<tr>
<th>Name of Client</th>
<th>Def. File No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Other (Explain)

<table>
<thead>
<tr>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
</tbody>
</table>

FORM 5
D. COURT APPEARANCES IN COMPLETED CASES

1. Bail release hearing
2. Probable cause hearings
3. Arraignments
4. Continuances
5. Other

E. PRE-TRIAL MOTIONS PRESENTED IN COMPLETED CASES

1. Motion to reduce bond
   - Granted
   - Denied
   - Total

2. Motion to suppress evidence
   - Granted
   - Denied
   - Total

3. Motion to suppress identification
   - Granted
   - Denied
   - Total

4. Motion to suppress defendant's statements
   - Granted
   - Denied
   - Total

5. Other motions:

F. AVERAGE MONTHLY TIME SPAN IN COMPLETED CASES

1. Arrest to first contact with P. D.
2. Arrest to first court appearance
3. Arrest to trial
4. Arrest to completion of trial, including sentencing
5. Average amount of time spent per case (3 hrs. = 1 day)
6. Notice of appeal to filing of petition for leave to appeal
7. Granting of leave to filing brief
8. Filing of state's brief to filing of reply brief
9. Notice of appeal to decision

G. NO. OF CONTINUANCES - TOTAL ALL CASES DISPOSED OF DURING MONTH

1. Motion of Prosecution
2. Motion of Defense
3. Order of Court w/o Motion
4. By Agreement of the Parties
1. Public defender withdrew:
   a. Defendant financially ineligible
   b. Private attorney retained
   c. Conflict of interest
   d. Other

2. Pleas of guilty:
   a. Guilty as charged
   b. Guilty to lesser charge
   c. Guilty with dismissal of companion charges
   d. To probation

3. Dismissed:
   a. At probable cause hearing
   b. After pre-trial motion sustained
   c. During or after trial
   d. Petition dismissed without evidentiary hearing
   e. Petition dismissed after evidentiary hearing
   f. After investigation and discussion with the prosecutor

4. Bench trials:
   a. Guilty as charged
   b. Guilty of lesser included offense
   c. Guilty on one or more charges
   d. Not guilty

5. Jury trials:
   a. Guilty as charged
   b. Guilty of lesser included offense
   c. Guilty on one or more charges
   d. Not guilty

6. Other action:
   a. Petition for leave to appeal denied
   b. Affirmances
   c. Petition for leave to appeal granted
   d. Reversals
   e. Reverse and remand
   f. Affirmed, but sentence reduced
   g. Remanded with special direction
   h. Post-conviction petition granted:
      i. New trial ordered
      ii. Outright acquittal
   i. Post-conviction petition denied

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**C. SENTENCES IMPOSED**

1. Probation or suspended sentence
2. Fine only
3. Probation with jail time
4. Penitentiary 2 years or less
5. Two - five years
6. Five - ten years
7. Ten - twenty years
8. Twenty - 30 years
9. Fifty years or more
10. Capital punishment
### ATTORNEY (OFFICE) MONTHLY REPORT
(To be completed by each attorney monthly)

**Name of Attorney**

**Month of**

**Location of Office**

### A. PENDING CASES

1. **No. of new cases:**
   - a. Felonies
   - b. Misdemeanors
   - c. Appeals
   - d. Post-conviction
   
   **Total New Cases**

2. **No. of pending cases carried into month:**
   - a. Felonies
   - b. Misdemeanors
   - c. Appeals
   - d. Post-conviction
   
   **Total Cases Carried from Previous Month**

3. **No. of clients free on bond:**
   - a. Felonies
   - b. Misdemeanors
   - c. Appeals
   
   **Total Bailed Clients**

4. **No. of cases closed during month:**
   - a. Felonies
   - b. Misdemeanors
   - c. Appeals
   - d. Post-conviction
   
   **Total Cases Closed**

5. **No. of cases carried into next month:**
   - a. Felonies
   - b. Misdemeanors
   - c. Appeals
   - d. Post-conviction
   
   **Total Cases Carried Forward**

# Count each indictment or complaint as a separate charge for statistical purposes.

## If a trial court case has been completed, enter it as a closed case and enter the appeal as a new cases. In this space enter only cases which were appeals during month.
Investigation:

No. of Witnesses Interviewed ________________

Prosecution Physical Evidence Examined  Yes ______ No _______

Crime Scene Examined  Yes ______ No _______

Medical or Forensic Assistance  Yes ______ No _______

Explain if helpful: _____________________________________________

_________________________________________________________________

_________________________________________________________________

Pre-sentence Investigation ________________________________

Comments: ____________________________________________

_________________________________________________________________

_________________________________________________________________
FORM 3 Continued

III.

a. Pre-trial Motions Filed:
   (Check appropriate box)

<p>| Evidentiary |</p>
<table>
<thead>
<tr>
<th>Hearing Held</th>
<th>Granted</th>
<th>Denied</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

   
   Discovery Motions
   M/Case of Particulars
   M/Dismiss
   M/Suppress Evidence -
   Search and Seizure
   M/Suppress Defendant's
   Statements
   M/Suppress Identification
   Evidence
   M/Severance
   M/Reduce Bail
   Other Motions

   
   b. Post-trial Motions:

   M/Probation
   M/New Trial
   M/Arrest of Judgment
   Other Motions

   Notice of Appeal Filed
   Yes   No

   M/for Transcripts Granted
   Denied

   Client Interviewed by

   1. Attorney   No. of Times
       Approximate total time spent with client outside of court
       Approximate total time spent in investigation, research & review

   2. Investigator No. of Times
       Approximate time spent with client outside of court
       Approximate time spent in investigation
FORM 3  
(This form is to be filled out in DUPLICATE at the close of the case, one form to be provided to the chief defender of the office and the second form retained permanently in the file.)

**CASE SUMMARY**

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
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<tbody>
<tr>
<td>Attorney</td>
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<tr>
<td>Defendant</td>
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<tr>
<td>Ct. Docket No.</td>
<td></td>
</tr>
<tr>
<td>Public Defender File No.</td>
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<tr>
<td>Date of Appointment</td>
<td></td>
</tr>
<tr>
<td>Date of First Interview</td>
<td></td>
</tr>
<tr>
<td>Place</td>
<td></td>
</tr>
<tr>
<td>Date of Disposition</td>
<td></td>
</tr>
<tr>
<td>Date Client Released on Bail</td>
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<tr>
<td>Date of Final Trial</td>
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<tr>
<td>Court Disposition:</td>
<td></td>
</tr>
<tr>
<td>I. Court Appearances</td>
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</tr>
<tr>
<td>a. Ball Release Hearings</td>
<td></td>
</tr>
<tr>
<td>b. Probable Cause Hearings</td>
<td></td>
</tr>
<tr>
<td>c. Arraignments</td>
<td></td>
</tr>
<tr>
<td>d. No. of Continuance</td>
<td></td>
</tr>
<tr>
<td>Prosecution Motion</td>
<td></td>
</tr>
<tr>
<td>Defendant's Motion</td>
<td></td>
</tr>
<tr>
<td>By Agreement</td>
<td></td>
</tr>
<tr>
<td>Court's Continuance</td>
<td></td>
</tr>
<tr>
<td>Reason for Extraordinary Delay</td>
<td></td>
</tr>
<tr>
<td>Dismissed</td>
<td></td>
</tr>
<tr>
<td>a. No Probable Cause Hearing</td>
<td></td>
</tr>
<tr>
<td>b. After Pretrial Motion Sustained</td>
<td></td>
</tr>
<tr>
<td>c. During or After Trial</td>
<td></td>
</tr>
<tr>
<td>d. After Investigation and discussion with prosecutor</td>
<td></td>
</tr>
<tr>
<td>Bench Trial</td>
<td></td>
</tr>
<tr>
<td>a. Guilty as Charged</td>
<td></td>
</tr>
<tr>
<td>b. Guilty of lesser</td>
<td></td>
</tr>
<tr>
<td>c. Guilty (on one or more Charges)</td>
<td></td>
</tr>
<tr>
<td>d. Not Guilty (on one or more Charges)</td>
<td></td>
</tr>
<tr>
<td>e. Not Guilty</td>
<td></td>
</tr>
<tr>
<td>Jury Trials</td>
<td></td>
</tr>
<tr>
<td>a. Guilty as Charged</td>
<td></td>
</tr>
<tr>
<td>b. Guilty of lesser</td>
<td></td>
</tr>
<tr>
<td>c. Guilty (on one or more Charges)</td>
<td></td>
</tr>
<tr>
<td>d. Not Guilty (on one or more Charges)</td>
<td></td>
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<tr>
<td>e. Not Guilty</td>
<td></td>
</tr>
<tr>
<td>Sentence</td>
<td></td>
</tr>
<tr>
<td>No. of Continuances</td>
<td></td>
</tr>
<tr>
<td>a. Motion of Prosecutor</td>
<td></td>
</tr>
<tr>
<td>b. Motion of Defense</td>
<td></td>
</tr>
<tr>
<td>c. Court Order w/o Motion from either side</td>
<td></td>
</tr>
<tr>
<td>d. By Agreement of each party</td>
<td></td>
</tr>
</tbody>
</table>
FORM 2 (An index card on each case will be maintained in the central office so that assigned attorney can telephone in case results each day case is up.)

**DAILY CASE PROGRESS REPORT**

<table>
<thead>
<tr>
<th>Defendant:</th>
<th>Defendant's Address:</th>
<th>Phone:</th>
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<tbody>
<tr>
<td>Date of Arrest:</td>
<td>Defendant in Custody:</td>
<td>On Bail:</td>
</tr>
<tr>
<td>Charge(s):</td>
<td>Place of Incarceration:</td>
<td>Date Released:</td>
</tr>
<tr>
<td>Date of First Client Contact:</td>
<td>Date of Interview:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DATE</th>
<th>PROCEEDINGS</th>
<th>ORDERS OF COURT</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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### Statements to Police

<table>
<thead>
<tr>
<th>Vol.</th>
<th>Invol.</th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>Oral</td>
<td>Signed</td>
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<tr>
<td>Contents of Statement</td>
<td></td>
<td></td>
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</table>

| Where | What seized |

| When |            |

### Physical Evidence

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>When and where seized</td>
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### Identification

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<tr>
<th>Yes</th>
<th>No</th>
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<tr>
<td>Where</td>
<td></td>
</tr>
<tr>
<td>When</td>
<td></td>
</tr>
<tr>
<td>Lineup (others viewed)</td>
<td></td>
</tr>
</tbody>
</table>

| Show up | Circumstances |

### Complainant's Name

| Complainant's Address |

### Address of Offense

### Defendant's physical characteristics on the date of the offense charged:

- Beard ______ Mustache ______ Style of hair ______ Eye glasses ______
- Scars ______ Clothing description: ______________________

### Occurrence Witnesses

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
</table>

### Defendant's Witnesses

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
</table>

### Other Possible Witnesses

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
</table>

### SYNOPSIS OF DEFENDANT'S STATEMENT

(Include full interview, either on reverse side or attach additional pages.)

### POLICE VERSION OF CASE

Possible Areas for Investigation
<table>
<thead>
<tr>
<th>Name</th>
<th>Place of Interview</th>
<th>Charges</th>
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</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

**REPORT ON INTERVIEW WITH DEFENDANT**

- **Date of Birth:** 
- **Place of Birth:** 
- **How long have you lived in county:** 
- **Interviewed by:** 
- **Notify of Trial Date:** 

<table>
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<tr>
<th>ARREST</th>
<th>PARENTS - SPOUSE</th>
<th>MILITARY RECORD</th>
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<tbody>
<tr>
<td>Date</td>
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<td>Branch</td>
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<td>Place</td>
<td>Deceased</td>
<td>Yrs.</td>
</tr>
<tr>
<td>Hour</td>
<td>When</td>
<td></td>
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<td>Separated</td>
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<td></td>
<td>When</td>
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<td>NARCOTICS</td>
<td>Address</td>
<td>Discharge</td>
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<tr>
<td>Type</td>
<td>Telephone</td>
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<tr>
<td>How Long ago?</td>
<td>Married</td>
<td>Overseas</td>
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<tr>
<td>No.</td>
<td>Single</td>
<td>Citations</td>
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<td>Other</td>
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<tr>
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<td>Where</td>
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<td></td>
<td>Yrs.</td>
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<table>
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<th>PREVIOUS RECORD</th>
<th>Charges</th>
<th>Disposition</th>
<th>Dates</th>
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<p>| | | | |
|                  |         |             |       |
|                  |         |             |       |
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<table>
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<tr>
<th>STATESMENTS TO POLICE</th>
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<th>IDENTIFICATION</th>
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<tr>
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<td>Yes ______ No _____</td>
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<tr>
<td>Oral ______ Signed ______</td>
<td>When and where seized</td>
<td>Where ______</td>
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<tr>
<td>Contents of Statement</td>
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<td>When ______</td>
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<tr>
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<td>Lineup (others viewed)</td>
</tr>
<tr>
<td>When ______</td>
<td></td>
<td>Show up ______</td>
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</table>

Complainant's Name __________________________ Complainant's Address __________________________
Address of Offense __________________________

Defendant's physical characteristics on the date of the offense charged:
Beard ______ Mustache ______ Style of hair _______ Eye glasses _________
Scars ______ Clothing description: __________________________

Occurrence Witnesses
Name __________________ Address __________________
Name __________________ Address __________________

Defendant's Witnesses
Name __________________ Address __________________

Other Possible Witnesses
Name __________________ Address __________________

SYNOPSIS OF DEFENDANT'S STATEMENT
(Include full interview, either on reverse side or attach additional pages.)

POLICE VERSION OF CASE

Possible Areas for investigation ____________________
APPENDIX B

ANNUAL REPORT, OFFICE OF THE PUBLIC DEFENDER FOR THE STATE OF MARYLAND, JUNE 1973
SECOND REPORT
OF THE OFFICE OF
THE PUBLIC DEFENDER
FOR THE STATE OF MARYLAND

FISCAL YEAR 1973
Operational Period
July 1, 1972 - June 30, 1973

ALAN HAMILTON MURRELL
PUBLIC DEFENDER

Central Offices
800 Equitable Building
Baltimore, Maryland 21202

BOARD OF TRUSTEES
Honorable James K. Cullen, Chairman
Alfred L. Scanlan, Esq.
William W. Cahill, Jr., Esq.
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

In 1967 the President's Commission on Law Enforcement and Administration of Justice said in its summary report, "Many of the Criminal Justice Systems difficulties stem from its reluctance to change old ways or to put the same proposition in reverse, its reluctance to try new ones."

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 January 1, 1972.

By enactment of Article 27A (The Public Defender Statute), the Maryland Legislature in establishing the Office of the Public Defender in the Executive Branch of the Government of the State of Maryland, turned its back on the old ways and embarked upon a new order of things in the legal representation of the poor, for whom in the past equal justice under the law was indeed a mockery, and the adversary system of criminal justice in its traditional form either was ineffective or did not work at all.

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. See Exhibit A (Organizational Chart)

With the District Defenders given almost complete autonomy in their individual jurisdictions, 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.

This most unusual operational chain of command permits, among other things, the employment throughout the entire system of both staff and panel trial lawyers selected for their proven expertise in the criminal law field, thus equalizing the professionalization of legal services for the indigent accused at a level of that afforded a defendant financially able to employ his own counsel. As viewed by this office, the role of defense counsel involves multiple obligations. Toward his client he is counselor and advocate; toward the State prosecutor he is a professional adversary; and toward the Court he is both advocate for his client and counselor to the Court; his obligation to his client in the role of advocate, whether as a member of the Public Defender staff, or as panel attorney, requires his conduct of the case not to be governed by any personal views of rights and justice, but only by the fundamental task of furthering his client's interest to the fullest extent that the law permits. Functioning within this professional code, the Maryland Public Defender System is simply a single "law firm" devoting its entire efforts exclusively to the representation of the indigent accused.
REPORT OF THE PUBLIC DEFENDER
Fiscal Year 1973

The operations of the twelve individual Public Defender Districts for the period July 1, 1972 to June 30, 1973 are summarized as follows.

DISTRICT NO. 1
Baltimore City
District Defender
Norman N. Yankelew
800 Equitable Building
Baltimore, Maryland 21202
Total Population: 905,727
No. of Panel Attorneys: 339
No. of District Courts: 14 (9 Criminal — 5 Traffic)
No. of Juvenile Courts: 8 (7 Masters and 1 Judge)
No. of Criminal Courts (Supreme Bench Level): 10

The District 1 Public Defender’s Office closed out its first full year of operation manned by a full-time staff of 30 lawyers supported by 16 secretaries, 30 investigators, 22 Public Defender Aides. This staff was responsible, in conjunction with panel attorneys, for providing representation in 17,188 completed criminal trials. Moreover, the staff provided other defense services, i.e. counsel for line-ups, police interrogations, bail reductions; violations of probation, etc. in 14,410 other instances. All told, the District 1 Office provided legal representation in 31,531 separate instances. Each full-time staff member provided on the average over 600 instances of representation during the 1973 fiscal year. That same attorney provided individual representation in 300 full criminal trials for 500 different defendants.

This caseload, of course, varied according to the individual attorney’s responsibility. Attorneys in the District Court, due to that Court’s greater caseload, closed out considerably more cases than those on the Supreme Bench level who further had the additional responsibility of reviewing all possible cases for assignment to panel attorneys. During this same fiscal year period, 239 different lawyers participated in the handling of cases as panel attorneys in District 1.

For their services, these panel attorneys were paid well in excess of $100,000, a figure never before approached in the annals of criminal defense in Baltimore City. During this second year of operation, Baltimore City accepted some 10,147 different defendants as Public Defender clients, representing 53.1% of the entire caseload of the Public Defender System.

The overview of the operation of District 1 Public Defender’s Office presents a picture of an efficient and successful handling of indigent cases; a vast improvement over the plight of the poor in the past. There are many problems still to be ironed out, but with the continued cooperation of the Bench, the private Bar, the State’s Attorneys and all other members of the Criminal Justice System, there will be continued progress.

The Public Defender has sought involvement in the community and has participated with many organizations and the news media in presenting information about the Public Defender System. Throughout the year the District 1 Public Defender participated as a member of the Mayor’s Coordinating Council on Criminal Justice. He also cooperated with a number of student projects involving evaluation of Public Defender concepts, including Washington and Jefferson College, the Johns Hopkins University, American University, Loyola College and the University of Maryland Law School. On numerous occasions, staff attorneys talked to church, civic and school groups throughout the State. Such groups included the American Civil Liberties Union, the ASAP Seminar, the Exchange Club of Baltimore, the Kiwanis Club of Baltimore, the Baltimore City Grand Jury, Woodlawn Senior High School, Loyola College, Baltimore City Bar Association, the Queensbury Recreation Center, the University of Baltimore Law School, the Health and Welfare Council’s Correctional Group, WBAL TV on Law Day, the Guilford School and numerous other occasions not duly noted. The reception by these various groups has been gratifying and these experiences have proved to be most valuable both to the Public Defenders involved and to the public.

DISTRICT COURTS

During fiscal year 1973, in order to meet the sudden upsurge of caseload brought about by the Supreme Court’s decision in Agyersinger v. Hamlin, decided on June 12, 1972, it was necessary to staff the 10 different parts of the District Court of Baltimore City with 10 attorneys, all experienced and most of whom tried cases in the District Court for considerable periods of time before being hired as a full-time member of the Public Defender’s Office. Representation was provided to 9,882 different defendants during the 1973 fiscal year. This represents a caseload of nearly 475 separate episodes of representation by each staff attorney during the past year or slightly better than 2 cases per Court day per man. Not only did the staff attorneys assigned to the District Court handle the aforementioned caseload, but they also assumed the burden of trying all appeal cases from the District Court to the Supreme Bench of Baltimore, plus many representations in line-ups, etc.

The majority of these attorneys, seeking to broaden their experience, have also provided representation in a number of trials at the Supreme Bench level after indictment. These hard working dedicated attorneys make the Public Defender system worthwhile and readily illustrates that the public is getting dollar value for dollar spent.

The handling of cases in the District Court has evolved virtually to complete handling by the Public Defender staff. Only in case of conflict are cases assigned to panel attorneys.

During the past year, we have seen the average date from arrest to trial reduced to some 9 days in Baltimore City District Court, a commendable figure which, undoubtedly, could not have been accomplished without the availability of the Public Defender. The private Bar, simply, cannot meet this staggering caseload in such a short time period with the same degree of efficiency and economy as do the staff attorneys. There is simply not enough time to prepare for trial after assignment by this Office; nor could the private lawyers afford to work for the same dollar that we utilize to employ staff attorneys.

The present work-up of the District Court case, refined after a year and a half’s operation, shows excellent results as to representation of indigent persons needing the Public Defender representation in that Court. An investigator is assigned to each of the 16 District Courts each day and interviews all
persons held in the police lock-ups. He further checks the Court dockets of the night before to determine other potential Public Defender clients. After a person qualifies for Public Defender services, his case is worked up, offense reports are ordered from the Baltimore City Police Department, the defendant is interviewed, potential witnesses are interviewed, and investigation is made as required for the appropriate defense of the individual case. This system assures thorough case preparation for the individual defendant and enables the Public Defender System, within hours of arrest, to begin representation of all indigent defendants. The investigator assigned to the District Court also assists the Assistant Public Defender with his caseload daily.

The present staff for the handling of District Court cases appears to be adequate for the handling of the caseload as it now exists. That caseload, over the last 9 months of the year, has remained relatively stable at slightly in excess of 800 cases per month. Absent from another dramatic change in the law, the number of Public Defender clients in the District Court will most likely not change. It should be noted that the Public Defender representation amounts to approximately 32% of the caseload of the District Courts. The remaining 68% being represented by the private Bar.

JUVENILE COURT

Having helped reduce the extraordinary backlog of cases in the Juvenile Court during our first 6 months of operation, the District 1 Office of the Public Defender has continued its accomplishments during the last year by providing meaningful representation to all juvenile defendants who qualify for our services. The staff in the Juvenile Court has been increased to 14 lawyers, 88% of whom are provided for by Federal funds under an LEAA Grant. These lawyers are supported by 11 Public Defender Aides and 2 secretaries. All juveniles who come before the Baltimore City Juvenile Court are interviewed by members of the Public Defender staff. These interviews ascertain the eligibility of the juveniles for Public Defender services, interview the juvenile, interview his parents and witnesses, and accumulate all other information that may be necessary to the individual case. These interviews are conducted in the main by the Public Defender Aides, who further assist the attorney in trial preparation, help maintain statistics and, in fact, aid in all aspects of the Juvenile Court operation.

Each day approximately 40 to 50 juveniles were interviewed at arraignment proceedings. Representation was actually provided during the 1973 fiscal year to 5,422 different juvenile respondents, representing a caseload of approximately 370 cases per attorney per year. In addition thereto, special problems such as detention hearings, violations of probation, etc. necessitated further appearances in Court by these same attorneys 1,444 additional times. The operation in the Juvenile Court appears to be highly successful, which, in turn, is due wholly to the interest and dedication of the staff involved.

SUPREME BENCH

During the first 6 months of operation, the vast majority of cases eligible for Public Defender services which would eventually be tried in the Criminal Court of Baltimore were assigned by the District Public Defender to panel attorneys. That procedure proved to be highly inefficient and unsatisfactory. Cases were dismissed, not prosecuted or not indicted; all through little or no effort on the part of the assigned attorney. Assigned counsel sought cases which would eventually be tried out and, moreover, the assignment of frivolous cases proved to be expensive to the Public Defender System. The screening process which evolved has proven to be both efficient and successful. Eight (8) trial attorneys with highest qualifications are assigned to the Supreme Bench level. These attorneys rotate as Administrative Assistant on a weekly basis. During their period of duty, they screen all cases which are received in the Public Defender's Office for trial on the Supreme Bench level.

The cases are evaluated by the attorney as to complexity and seriousness and are assigned in accordance with the experience of the attorney available on the District 1 panel. The success of this mode of operation has been evidenced by fewer complaints on behalf of defendants as to assigned counsel.

Furthermore, Supreme Bench attorneys have reacted to assuming a greater and greater caseload on their individual parts as Public Defender funds were depleted for payment to panel attorneys. The problem was simply that the $920,000 allotted in our budget for panel attorney fees was insufficient to adequately pay members of the private Bar who had made themselves available to the various panels. Although fees were time and time again drastically reduced by the District Public Defenders to keep within budgetary limits, there was still expended nearly $1,200,000 for panel attorney fees. Of this amount, more than one-third went to members of the Baltimore City Bar. With 339 lawyers participating, the amounts collected by the individual panel attorney has declined considerably on the average. In face of this financial dilemma, nearly 40% of the Supreme Bench caseload is now being absorbed by Public Defender staff. The remaining 60% has been and will continue to be assigned to the panel attorneys.

COLLATERAL PROCEEDINGS

During the first six months of operation, a most troublesome area in District 1 was the handling of post convictions, defective delinquents, habeas corpus proceedings and violations of probation by assigned panel attorneys. Many of these proceedings are exceedingly time consuming and are for the most part frivolous in nature. This proved to be an extremely expensive portion of the Public Defender operation. Coupled with the monetary factor was a growing reluctance of the members of the private Bar to handle such proceedings. To meet this problem head-on, a staff of 5 lawyers have been assigned to this area, supported by 5 Public Defender Aides and 1 secretary.

Today, virtually all of the aforementioned proceedings, excepting defective delinquent hearings, are now being handled by the staff attorneys.

These lawyers have been handling, individually, between 20 and 30 such hearings per month; a considerable caseload in view of the complexity of the habeas corpus and post conviction proceedings. They also have assumed the defense of many cases on the Supreme Bench level, and have assisted in providing representation to the District Court when needed. As a result of providing a staff for collateral proceedings, there has evolved an extremely competent group of specialists giving superior representation to all indigents in this field.

APPEALS

The problems of management of Appellate proceedings has required the assignment of 1 full-time Assistant Public Defender, together with a secretary and investigator to this area of representation. All appeals are screened by this Assistant and his investigator both as to eligibility of the individual
appellant and as to the nature and complexity of the appeal. Ninety percent (90%) of all appeals are thereafter assigned to a special Appellate panel of private attorneys. The remaining 10% of appeal cases represents areas of special interest retained by members of the Public Defender staff.

It is envisioned in the future, in view of the effectiveness of the appellate operation in Baltimore City, that this division will be transferred under the jurisdiction of the Central Public Defender Office for the handling of appeals statewide in a similar manner.

INVESTIGATORS

The investigative staff of the District 1 Office has grown to 30 full-time employees. While they operate under the direct supervision of the Chief of the statewide Public Defender System it has become necessary because of the complexity of their duties to designate certain members of the staff to supervise various investigative functions. Although the operation of investigative services in District 1 has been efficient (all that is asked of the investigators has been accomplished in an exemplary manner) there is imminent danger that giving additional responsibility and supervisory capacity to a few members of the staff will cause considerable staff dissension if these individuals are not given an increase in grade over those who they must supervise. The various functions of the investigative services consist of the following assignments: a general supervisor for District 1; a review desk; 10 investigators assigned daily to each of the District Courts; 3 investigators assigned daily to the Baltimore City Jail; 1 investigator who investigates all appellate proceedings; 4 investigators who are assigned to the District 1 Office for the purpose of interviewing walk-in clients; and 10 of whom are placed on special assignments to do investigation on a case-by-case basis, providing such services for both staff and panel attorneys in all Courts, including the Supreme Bench, District Court and Juvenile Court.

The Public Defender Investigator has proven to be a dedicated employee who through his perseverance and diligence has enabled in many instances the indigent defendant to present a complete defense heretofore unavailable.

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SECRETARIES

The secretarial staff of the District 1 Office now comprises 16 stenographers who only through their tremendous loyalty and devotion provide stenographic services to 50 lawyers and 30 investigators, as well as to supervise the maintenance of files, handle phone inquiries and messages, etc. One (1) secretary is assigned to the District Public Defender; 1 to the Assistant who handles appeals; 4 are assigned to the Supreme Bench attorneys; 2 to the Juvenile Court; 2 to the investigators; 1 to the District Court attorneys; 2 to the Collateral Proceedings attorneys; and 3 exclusively for the maintenance of the files.

Again a particular note of appreciation must be extended to these dedicated employees without whom the whole District 1 operation would founder.

PUBLIC DEFENDER TRAINING PROGRAMS

The District 1 Public Defender's Office in its efforts to provide the best representation possible to all who qualify for its services has initiated several different training programs. First, an in-house training program has been provided for the investigator and Public Defender Aide staff. Throughout the Fall and Winter months and early Spring of fiscal year 1973, twice weekly sessions were conducted at which time the various members of the Public Defender staff and outside lecturers discussed with the investigators and aides various aspects of their duties, particularly with regard to the art of interviewing and the handling of the individual client. We were fortunate during these sessions to have experts from the Baltimore City Police Department, the Federal Narcotics Bureau and other agencies to provide lectures and films for us.

Additionally, a day long seminar was held at the University of Maryland, Adult Education Center, concerning the role of the police and courts. Judge Gerstung of the District Court and Judge Basin of the Second Circuit Court provided a most interesting insight as to what those Courts consider to be their functions. Lieutenant Ford of the Washington, D.C. Metropolitan Police Department presented our personnel with an excellent insight as to police techniques; while Professor Tomlinson of the University of Maryland Law School brought us up to date with recent constitutional developments in the criminal law through Supreme Court decisions.

Other seminars are planned in the future, one, in particular, will emphasize the correct procedures for interviewing criminal defendants, particularly with regard to the defense aspects of his case.

The staff attorneys meet at least on a monthly basis to discuss various problems within their areas of expertise and are kept up to date with recent developments in the Courts and in the criminal law.

Furthermore, for the last 2 years, a joint seminar has been held with the State's Attorney's Association at the Adult Education Center, University of Maryland, at the time the Courts held their Judicial Conference. This past Spring, a 3 day seminar was conducted covering a large number of topics regarding problems peculiar both to the defense and the prosecution, with particular emphasis on the forensic sciences. These seminars have been a worthwhile experience, and it is hoped that they will be continued in the future.

Another equally successful program has been developed with the University of Baltimore Law School and the University of Maryland Law School. Intern Programs have been initiated wherein law students are given credit for work done in the Office of the Public Defender. During the fiscal year 1973, 48
students from these law schools participated in Public Defender work. These students took part in actual trials, did considerable legal research and, in many instances, filled in for investigators, fulfilling his role in an exemplary manner. These Intern Programs, we believe, are extremely beneficial to the student. They enable the student to relate his academic work to the practical application of the law. Moreover, the Public Defender System is able to provide more service to the public by virtue of the additional man hours provided through this program.

Of particular note is Professor Peter Smith's class of the University of Maryland Law School which operates exclusively in the Juvenile Court. Eight (8) students, in conjunction with Professor Smith, handled individual cases of juvenile respondents; several of which brought about meaningful litigation in the juvenile area.

District No. 2
Dorchester, Wicomico, Somerset & Worcester Counties

District Defender
Alfred T. Truitt, Jr.

1 Plaza East
Salisbury, Maryland 21801

P.O. Box 140
Berlin, Maryland 21811

Prince William Street
Princess Anne, Maryland 21853

Total Population: 127,007
No. of Panel Attorneys: 50
No. of District Courts: 4
No. of Circuit Courts: 4 (Juvenile)

The District 2 Office of the Public Defender, now firmly established in its permanent headquarters located at 1 Plaza East, Salisbury, Maryland, has successfully completed its first full year of operation in the face of a dramatic increase in caseload. That caseload could, in no way, have been anticipated when the System started in light of the projection of figures for the years immediately preceding the establishment of the Public Defender System, as appointments made by the Court were minimal.

Statistical data indicates that 1,178 cases were completed by the District 2 Office, a 20% increase over the initial 6 months Public Defender operation which, in itself, was a significant increase over previous appointments. The District is now staffed, in addition to the District Public Defender, with 2 Assistant Public Defenders, 1 of whom is on a part-time basis, 2 secretaries and 1 investigator. Offices are also maintained in Berlin, Maryland as well as Princess Anne, Maryland.

District No. 3
Queen Anne's, Talbot, Cecil, Caroline and Kent Counties

District Defender
John W. Sause, Jr.

115 Lawyers Row
Centreville, Maryland 21617

204 E. Main Street
Elkton, Maryland 21921

118 Market Street
Denton, Maryland 21629

Total Population: 131,322
No. of Panel Attorneys: 45
No. of District Courts: 5
No. of Circuit Courts: 5

(Juvenile)

During the 1973 fiscal year, the local Bar in District 2 has been most cooperative; the number of private attorneys available for the panels now having been increased to 50. The relationship with the Bar and the sharing of the caseload with staff attorneys in this District has been particularly gratifying.

If the caseload should continue to grow at its present rate, it may well be absorbed by thrusting more caseload to the staff and, hopefully, by the continuing increased cooperation of the private Bar. If there is this increase in caseload, additional secretarial help will be needed in this immediate future.
District No. 4
Charles, St. Mary's and Calvert Counties

District Defender
Franklin B. Clingled
206 Court House
La Plata, Maryland 20646
128 Court Square Building
Leonardtown, Maryland 20650

Court House
Prince Frederick, Maryland 20678

Total Population: 115,748
No. of Panel Attorneys: 72
No. of District Courts: 3
No. of Circuit Courts: 3 (Juvenile)

The Public Defender's Office for District 4, comprising of Charles, St. Mary's and Calvert Counties is staffed by a District Public Defender, an Assistant Public Defender, 3 secretaries and an investigator. The headquarters is located in La Plata, Maryland with branch offices in Leonardtown and Prince Frederick.

For the fiscal year 1973, we accepted for representation 1,114 cases on an average of 85 cases a month. Of the cases accepted, 68% were assigned to panel attorneys and 32% were handled by staff lawyers. During this period, 72 panel attorneys participated in Public Defender work. While 1970 experienced a 40% increase of caseload over the first 6 months of operation, it is expected for fiscal year 1974 that the caseload will increase only to 90 cases per month. This anticipated increase could normally be absorbed by existing staff if it were not for the diverse location of the Courts in the tri-county area. Even based upon the present caseload, an additional Assistant Public Defender is needed to economically handle the District Court trials in Calvert County. The present investigative needs do not require any additional help in this area.

District No. 5
Prince George's County

District Defender
Edward I. Canus
14821 Pratt Street
Upper Marlboro, Maryland 20770
5418 Oxon Hill Road
Oxon Hill, Maryland 20021
206 County Service Building
Hyattsville, Maryland 20781

Total Population: 661,082
No. of Panel Attorneys: 146
No. of District Courts: 3
No. of Circuit Courts: 1 (Juvenile)

U.S. Commissioner: 1

District 5's headquarters is located in Upper Marlboro, Maryland with branch offices in Oxon Hill, Maryland and Hyattsville, Maryland. Presently, the office is staffed with 4 secretaries, 2 investigators, 2 Public Defender Aides and 6 staff attorneys.

During the past year, with the help of the Supreme Court and other causes, our caseload increased approximately 20% over the preceding period. To handle this caseload, we had no increase in staff and thus, the individual responsibility for the accomplishment of our task was pushed to its limit.

The number of reported cases continues to increase over last year, even though the FBI and the local police statistics indicate that crime is on the decline. If their figures are accurate, it is hard to explain why we are getting far more cases than last year.

During this last year we instituted, with the aid of the State's Attorney's Office and the District Court Judges, a pre-trial release program in the District Court. Daily, the new "jailers" are interviewed by either our Public Defender Aide, investigator or available attorney in order to secure an affidavit of indigency and to bring to the attention of the District Court Judge any facts pertinent in a bond hearing. Daily, a District Court Judge holds bond hearings for all new jailers and those asking for a review of their bond. This has resulted in more reasonable bonds for defendants and has decreased our jail population considerably. Thus, while the county has saved a considerable sum of money, we have increased tremendously our work load by pursuing this program which is averaging 206 cases per month.

Our liaison with the District Court and Circuit Court Judges appears more than adequate, and we have had no complaints from the bench regarding our services.

Our working with the Sheriff's Department appears to have resulted in better conditions at our local jail. Daily, we have at least 1 of our staff in the jail to receive specific and general complaints, including jail conditions. We perform this service in order to build confidence in the defendants of our representation of them and our broad interest in their welfare.

The Upper Marlboro District Court has just opened another Court room. Two (2) rooms will be operating there on a full time basis; 2 are operating in Oxon Hill and 2 are operating in Hyattsville. Thus, 6 District Courts operate daily, placing additional daily case burden upon our staff. We are handling Juvenile Court proceedings entirely through panel attorneys for lack of available staff.

The investigators being requested by panel attorneys have increased drastically over last year. Our staff attorneys handle a considerable number of Circuit Court cases that need investigations, and we find ourselves unable to handle such investigations with 3 investigators. Presently, our investigators are assisting in each District Court on a daily basis, and thus, at least half their day is taken up in the Courts, leaving very little time for the investigations necessary.

With 3 investigators and 2 Public Defender Aides actively handling case investigations, etc., 1 additional secretary is needed to exclusively handle the dictation and paper work generated therefrom.

One (1) additional typist-clerk is needed to handle the more routine duties and specifically to work on our collection procedure and all the associated paper work that results from our caseload.
The Montgomery County Public Defender, J. James McKenna, took his office on April 1, 1973 after John J. Mitchell was appointed Judge in the District Court. This District is staffed by the Public Defender, 5 Assistant Public Defenders, 4 full-time secretaries, 3 investigators and 1 interviewer.

Each of the District Courts are handled almost entirely by staff attorneys. One (1) exception to this is the Juvenile Court which is being handled by attorneys from the Bar Association on a daily basis. This is a pilot program whereby an attorney is assigned to all the cases in Juvenile Court on a particular day. In the Circuit Court, there is 1 staff attorney available to handle most bench warrants, some Circuit Court cases and all arraignments. By providing a staff attorney to stand-in at arraignments for the panel attorneys, there has been a great cut in cost for panel attorneys. The remaining cases which our staff is unable to handle are panelled out to an attorney on the panel list. Two hundred seventeen (217) members of the Montgomery County Bar Association make their services available to the Public Defender System and this number is increasing daily.

The investigators interview the prospective clients to see if they qualify for the service of the Public Defender, investigate and interview witnesses for both the staff and panel lawyers' cases, visit the lock-up and local jail and are available to screen problem calls. In addition, 1 investigator has been assigned to the Circuit Court arraignment along with the staff attorney in order that each defendant at arraignment who has not already been interviewed can be. This enables the Courts to proceed with the arraignment instead of continuing the case until a later date.

With the increase of 3 more full-time secretaries since this time last year, this District has been able to initiate new filing systems, begin a motion form file for staff and panel attorneys, and handle problems and questions that arise from both attorneys and clients. This is in addition to the usual legal secretarial work that is done day by day.

There have been several improvements in the composition and operation of our office over the past year. The staff has grown from 3 Assistant Public Defenders to 5, and we have acquired 3 more secretaries. These acquisitions are necessary to keep pace with our ever increasing caseload.

In view of the ever increasing workload at the District Court level, especially Juvenile causes, it will soon be necessary to add 1 more investigator to our staff. This would enable 1 investigator to handle all interviews in the Detention Center, Reformatory or State institutions without taking an investigator away from the District Court. Finally, it would be very beneficial to have a law clerk in the office able to draw up motions and do research that would free our staff attorneys for more important tasks.

The operational activities of the Office of the Public Defender in Anne Arundel County are headquartered at the Maryland National Bank Building, Church Circle, Annapolis, Maryland, adjacent to the Anne Arundel County Circuit Court. Additionally, this District maintains a branch office in Glen Burnie, Maryland in a suite of offices contiguous with the District Court of Maryland which operates 3 Court rooms at this location. District 7 is staffed by a total of 7 experienced trial attorneys in addition to the District Public Defender, 4 investigators and 4 secretaries.

With this present compliment of attorneys and investigators, the daily operational plan for this office provides for the appearance of 5 staff attorneys at the Circuit Court and District Court in Annapolis, together with 2 investigators. Additionally, 2 staff attorneys and 2 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 attend available to receive cases referred to them by the Presiding Judge or by Court Commissioners. Of these attorneys assigned to the Circuit Court in Annapolis, 1 attorney provides daily representation to indigents in the District Court, while 1 attorney is regularly assigned to Juvenile proceedings at the Circuit Court level. The remaining 3 staff attorneys assigned to the Circuit Court in Annapolis provide representation at the Circuit Court level in as many cases as feasible.

During the fiscal year of operations between July, 1972 through June, 1973, the records of District 7 reflect that a total of 1,818 cases were received for representation. Of that total number of cases received, 1,391 were closed. Of the total number received for representation, 109 cases were assigned to panel attorneys, the remainder of cases were handled by staff attorneys assigned to this office. The records of this office further reflect that a total of 417 individuals applied for representation...
by this office but were declined representation based on a
financial disclosure of assets sufficient to retain private counsel.

With regard to future operations of this office, it is anticipated
that the present staff is adequate to meet current needs.
In the event, however, that the caseload for this jurisdiction
would increase by 10% within the next 6 months of operations,
it is suggested that the addition of 1 staff attorney to the existing
staff would be necessary to meet the mounting caseload and at
the same time, maintain the same high standard of performance
by all personnel. Additionally, it is anticipated that during
the next calendar year, a District Court building will be con-
structed in Annapolis with the result that this office will be
required to provide staff attorneys and investigators at 3 dif-
ferent Court locations. At the time of the commencement
of operation of this new Court facility, it is similarly expected
that an additional staff attorney will be required in addition
to 1 investigator to provide adequate service to the public at
each of the 3 Court facilities.

DISTRICT NO. 9
Baltimore County

District Defender
Paul J. Feeley

101 Jefferson Building
Towson, Maryland 21204

Total Population: 620,409
No. of Panel Attorneys: 111
No. of District Courts: 7
No. of Circuit Courts: 1

(Juvenile)

The Public Defender's Office for District 8 consists of 5
Assistant Public Defenders, 1 of whom functions as the first
assistant to the District Public Defender, 1 investigator who
doubles in the District Court since he is an attorney, and 2
secretaries.

There are 7 separate District Courts spread throughout
Baltimore County which comprises District 8. These Courts
hold a total of 20 morning and afternoon criminal sessions.
Each of these sessions are attended by 1 of our staff attorneys
in order to represent any indigent defendants called for trial
at the session.

Panel attorneys are not appointed to represent any de-
defendants at the District Court level. Our staff attorneys are also
present in any Preliminary hearings held in the District Court.
At the Circuit Court level, most all of the defendants are re-
presented by panel attorneys selected from a list of 111 such
attorneys. The total number of cases handled during the year
by the District 8 Office was 2,025 of which 520 were in the
Circuit Court and 1,505 in the District Court. At the end of
the fiscal year, there were 176 cases which have been assigned
to members of the panel awaiting trial on the Circuit Court
level and 148 cases awaiting trial by our staff attorneys at the
District Court level. The figures showing the number of cases
reported by the office during this year would indicate a cas-
eload increase of 13% over the comparable figures representing
the first 6 months of operation of the Public Defender System.

We see no appreciable change in the number of defendants
that our office deals with and we, therefore, anticipate that
we can fulfill our responsibilities under the present system
during 1971 fiscal year at the same number of personnel as
at present.

DISTRICT NO. 9
Harford County

District Defender
Henry C. Engol, Jr.

Equitable Building
Bel Air, Maryland 21014

Total Population: 115,378
No. of Panel Attorneys: 14
No. of District Courts: 3
No. of Circuit Courts: 1

(Juvenile — 1 Master)

The District 9 Office shifted from a County Public De-
defender's Office of some 8 years experience to a State Office on
July 1, 1972. Inasmuch as the County Bar Association, the
Courts and other interested parties were used to working with
a Public Defender System, the transition was quite smooth and
the Office has progressed accordingly. On October 2, 1972, the
office moved to its expanded quarters in the Equitable Building,
adjacent to the Bel Air District Courts of District No. 9. The
staff comprises a District Public Defender and 2 Assistant
Public Defenders, the second having been added to the staff on
January 3, 1973. There is also an investigator assigned to the
District and a secretary. The personnel situation appears to
be stable; however, inasmuch as the staff handles a large
percentage of the office cases, all appeals and other proceed-
ings, entailing a considerable amount of secretarial work, it is anticipated
that an additional office secretary might be necessary in
the future.

Fourteen (14) members of the Harford County Bar have
made themselves available to the Office as panel attorneys, but
on a rather limited basis.

During the fiscal year just ended, the Office accepted 753
defendants for representation, a substantial increase over its
last year as a County Office when 448 defendants were accepted.
A portion of the increase is, of course, attributable to the
Argersinger decision and, also, to the close proximity of
the Office to the main operation of the District Court. The staff
provides service to the District Court which sits at 2 Divisions
at Bel Air and, also, sits 2 days a week in remote locations
at Aberdeen and Havre de Grace, Maryland. We also provide
service in both of the Circuit Courts and before the Juvenile
Master.

As stated, the Harford County Bar, Bench and other re-
lated Law Enforcement and Judicial Agencies were all familiar
with the operation of the Public Defender System and the
atmosphere of good cooperation between all concerned has con-
tinued to exist through our seventh year of operation. Thus,
we feel, has made it much easier for the Office to provide
adequate representation and service to our clients.
DISTRICT NO. 10
Howard and Carroll Counties

District Defender
Bernard F. Goldberg
3601 Park Avenue
Ellicott City, Maryland 21043
10 Court Street
Westminster, Maryland 21157

Total Population: 130,617
No. of Panel Attorneys: 46
No. of District Courts: 3
No. of Circuit Courts: 3
(Juvenile — 1 Master)

The headquarters for District 10 Offices of the Public Defender is located in Ellicott City, Maryland with a branch office in Westminster, Maryland. The staff is comprised of a District Public Defender and 2 Assistant Public Defenders. Each of the Assistant Public Defenders is in the respective offices as set forth above. Each of the 2 offices is assigned 1 secretary and 1 investigator.

During the 1973 fiscal year, the District 10 Office accepted 1,143 indigent defendants as clients, a 20% increase over the first 6 months of operation. The 3 attorneys, together with 46 panel attorneys from the Bars of Howard and Carroll Counties, have provided the necessary representation for these defendants.

The District operation continues to progress with minimal difficulties, although there is a very apparent need for additional supportive services to the staff and panel attorneys, i.e., at least 1 additional investigator will be necessary in the immediate future.

DISTRICT NO. 11
Frederick and Washington Counties

District Defender
William R. Leckemby, Jr.
18 West Church Street
Frederick, Maryland 21701
120 W. Washington Street
Hagerstown, Maryland 21740

Total Population: 188,756
No. of Panel Attorneys: 39
No. of District Courts: 3
No. of Circuit Courts: 1
(Juvenile)

Frederick and Washington Counties comprise District 11. The operations for the office are headquartered in Frederick, Maryland with a branch office in Hagerstown, Maryland. The District Public Defender handles the caseload for Frederick County assisted by a secretary and an investigator. An additional investigator and secretary assist the Assistant Public Defender who handles the caseload for Washington County.

The work load during the 1973 fiscal year substantially increased to 1,650 cases accepted, representing a 67% increase over the first 6 months of operation. Through the cooperation of 39 members of the private Bar on the District 11 panel, we have been able to handle the increase with little problem. With the continued growth of District 11, it is reasonable to conclude that there will be a continued caseload increase which, most likely, will necessitate the employment of additional staff in the future.

DISTRICT NO. 12
Allegany and Garrett Counties

District Defender
Paul J. Stakem
227 Algonquin Hotel
Cumberland, Maryland 21502

Total Population: 105,920
No. of Panel Attorneys: 11
No. of District Courts: 2
No. of Circuit Courts: 1
(Juvenile)

The Public Defender's Office in District No. 12, consisting of Allegany and Garrett Counties, is manned by 1 District Public Defender and 1 secretary operating from Offices located in Cumberland, Maryland. There are no Assistant Public Defenders or investigators assigned to this Office.

During the past fiscal year, District No. 12 has accepted 449 indigent defendants as clients.

Eleven (11) members of the Allegany and Garrett County Bars presently comprise the panel for District No. 12, with 9 of these attorneys residing in Allegany County. The majority of cases defended by this Office in Allegany County are handled by the District Public Defender, and nearly all of the cases defended by this Office in Garrett County and assigned to the 2 panel attorneys operating in that area, with the assistance of the District Public Defender and panel attorneys from Allegany County when necessary.

As the system is presently operating, it does not appear that there will be any particular case or work load problems through June, 1974. The District Public Defender and the panel attorneys are able to handle the present caseload without any great difficulty, and it does not appear necessary that additional staff attorneys be assigned to District No. 12 at the present time.

The only addition to the staff in District No. 12 which would appear desirable at the present time would be that of an investigator who could assist the District Public Defender and panel attorneys in both Allegany and Garrett Counties.

Population figures secured from Population Division, Federal Government, Suitland, Maryland (7/19/73).
PROJECTED NEEDS

The decision of the Supreme Court in Argesinger vs. Hamlin, No. 76-5015 on June 12, 1972 for all practical purposes emasculated Section 2 (2) of Article 27A of the Annotated Code of Maryland (The Public Defender Statute), which limited representation by the Office of the Public Defender to those indigents accused of a "serious crime," i.e., any felony or misdemeanor for penalty for which the possible penalty for confinement for more than three months or a fine of more than $500.00. The decision holds that no accused person may be deprived of his liberty as a result of any criminal prosecution in which he is denied assistance of counsel without regard to whether the crime charged is a misdemeanor or a felony, or the duration of the jail sentence, thus opening for possible Public Defender representation all indigents charged with violation of:

a) Article 64½ of the Annotated Code of Maryland (Traffic Laws), practically all moving violation sections thereof carrying a minimum penalty of two months imprisonment.
b) Section 123 of Article 27 of the Annotated Code of Maryland (Criminal Code), Disorderly Conduct carrying penalty of sixty days imprisonment, plus $50.00 fine.
c) Section 88 of Article 27 of the Annotated Code of Maryland (Criminal Code), Desertion and Non-support of Wife and Child, carrying three years imprisonment and fine of $100.00.

The impact of Argesinger upon the Public Defender System is dramatically pointed up by a comparison of the statistical data contained in the First Report of this office for the operational period January 1, 1972 to June 30, 1972, and the present report. In the six months pre-Argesinger, the statewide District caseload totaled 16,276 (see p. 27, First Report of Public Defender). If the same rate had continued throughout the twelve months we would have processed 32,552 cases. However, as shown on page 17 of this report, the twelve Districts, for the period of July 1, 1972 to June 30, 1973, processed 49,117 cases, or an overall increase of 82%. As set forth in the fiscal summary of the Department of Fiscal Services to the 1973 Legislature, "The size of the Public Defender Program is not within the control of the Agency, as every indigent defendant must be supplied counsel at State expense and the number of defendants is beyond the control of the Judiciary or the Office of the Public Defender". Thus it appears that the Agency is only funded by the Executive to handle 33,925 of the 15,570 new cases, plus 20,586 pending of the caseload projected for the Fiscal Year 1974".

That an eighteen months old System, starting entirely from "scratch", has been able to efficiently absorb such a climatic increase and demand for defender services, is due almost entirely to the tremendous loyalty and devotion to duty of the entire Public Defender legal staff, administrative personnel, and the splendid cooperation of the Bench and organized bar.

The plain and inescapable fact is that we cannot continue indefinitely to handle a caseload of such proportions or effectively furnish collateral defense services meeting the Legislative Mandate of Article 27A without either fiscal insolvency or loss of dedicated personnel. Necessarily, the alternatives are specific enactment of legislation leading to relief on certain types of cases, or diminution of Public Defender standards of professional representation.

RECOMMENDED LEGISLATION

Section 11 of Article 27A requires this Office to recommend necessary Statutory changes in the Criminal Law. Without infringing on the priority and presentation by the Commission on Criminal Law of the proposed Criminal Code to the Legislature, we can think of nothing more urgent and vital in proposed legislation than to follow the suggestion of the Supreme Court to reclassify specific non-violent crimes wherein the accused indigent now has a constitutional right to counsel. We accordingly again suggest legislation be enacted whereby:

a) All charges of Non-support, now criminal offenses under Section 88 of Article 27 of the Annotated Code, be treated as civil proceedings and processed in the Equity Courts of this State. Precedent for this is presented by Section 66 of Article 10 of the Annotated Code of Maryland, wherein all Paternity cases formerly criminal (bastardy) are now civil proceedings.

Strangely enough, under the present Law of this State, a person failing to support his legitimate children is guilty of a misdemeanor, tried in the Criminal Court, and faces imprisonment of three years; whereas, if he fails to support his illegitimate children, proceedings against him are civil, and handled in the Equity Court.

b) That the penalty for Disorderly Conduct, under Article 27 Sec. 123 of the Annotated Code of Maryland, be amended to provide for a fine only.

c) A Constitutional Amendment to remove majority of Traffic Violations under Article 64½ from the Court System, and transferred to a Specialized Administrative Body.

It is estimated, and our experience to date indicates, that enactment of such legislation would reduce present caseload in specific traffic, non-support hearings, and disorderly conduct trials, by 6,10,000 cases.

d) Section 7 (d) of Article 27A should be amended to provide for the Office of the Public Defender to docket a lien in appropriate cases for the reasonable value of legal services upon personally, as well as all real property (exclusive of residence). Section 7 (c) should also be amended to provide that the Lien Docket in Baltimore City be maintained in the Office of the Clerk of the Superior Court of Baltimore City, rather than as now vested in the Office of the Circuit Court of the Supreme Bench, and that all liens whether arising out of the Circuit Court or the District Court, be maintained in one lien docket per jurisdiction, and preferably at the Circuit Court level. The reasons for the suggested amendments in chronological order are as follows:

1. Very few persons who qualify for our services own real estate, whereas many have some personal property.

2. That the Office of the Clerk of the Supreme Bench has neither the staff nor facilities to maintain a Lien Docket, and if vested in the Clerk of the Superior Court of Baltimore City would greatly assist the searchers and other persons interested in liens and judgments.

3. That docketing all liens at the Circuit Court originally rather than dividing between the District Court and the Circuit Court would avoid duplication of lien records and services of processing personnel.

4. Legislation patterned after the Welfare Fraud Law, Article 27, Section 230A, affording a criminal sanctions against someone who defrauds the Office of the Public Defender of legal services through false and fraudulent statements as to assets and liabilities. Under the present status the only criminal sanction available is that of perjury, which in many cases might not be sustainable because of failure to administer oaths.
ignorance of the implications involved in the execution of the
application for defender services; etc.

In the meantime, we are pledged to carry out our legislative
and moral commitments to assure effective assistance and con-
tinuity of counsel to the thousands of indigents accused, from
time of arrest to ultimate disposition in the Courts of this State.
Because this objective cannot be accomplished within our present
budget fiscal limitations, the proposed Public Defender Budget
for Fiscal Year 1975 reflects the basic minimum legal and sup-
portive personnel to meet our responsibilities. (See Exhibit B)

PUBLIC DEFENDER STAFF VS
ASSIGNED COUNSEL

Section 6 of Article 27A delineates the appointment, duties, and
respective responsibilities of the District Public Defender
and panel attorneys of the individual District.

Section 6 (b) states that, "except in those cases where represen-
tation is provided by an attorney in the Office of the
Public Defender, the District Public Defender shall appoint
attorneys from the appropriate panels to represent indigents,
the maximum use of panel attorneys shall be made insofar as
practicable."

This office has construed "practicable" to mean within
budget limitations and availability of competent criminal trial
lawyers, and as of the present date we are working daily with
total statewide panels numbering 1,601. Because of attempts to
amend Section 6 (b) in the 1973 Legislature through H.B.
1533, later vetoed by the Governor, and due to what seems to be
a misunderstanding in some legal and legislative circles of
the problems that are involved in the assignment of counsel,
may be the situation to bear in mind the revolutionary changes since
1963 when the Supreme Court, in Gideon vs. Wainwright (372
U.S. 355), exploded onto the scene requiring counsel for all
indigents accused of felonies, up to Arpsinger vs Illinois (407
U.S. 25, 1972), mandating a Constitutional Right to anyone
accused of any crime in which there is any possibility of
incarceration. With Public Defender statewide indigent represen-
tation standing now at almost 60,000 cases annually, it is
impractical and legally impossible to expect private practi-
tioners, no matter where located, to undertake the mass of
representation of the indigent accused. In many localities, par-
ricularly in the rural areas, there are not sufficient attorneys
available at the private bar, nor is it realistic to assume that
private counsel, most of whom are non-criminal practitioners,
can undertake competently the complex and constantly changing
representation.

Numerous studies, including that of the President's Com-
mission on Law Enforcement (1970), National Conference on
Legal Manpower Needs (1970), and Virginia Bar Association
Report to the Governor and General Assembly of Virginia
(1971), all conclude that an exclusive defender legal system
has the advantage of both economy and efficiency over the
organized bar Indigent Defense Program, either Court appointed
or administratively assigned. Nevertheless, our experience dur-
ing the past eighteen months has solidified our stated position
that only the combination of a professional Public Defender
staff and private criminal practitioners, working hand-in-hand with each other, can furnish the expert
type of defense services to the indigent accused, as mandated
by the Maryland Legislature under Article 27A, and to which
he or she is constitutionally and morally entitled.

The dispersion of indigent cases to panel or staff attorneys
is left entirely up to the District Defender as he knows the
problems peculiar to his District and how best to effectively
handle the caseload within the budget limitations. A review of
the reports on the individual Districts and statistical data
pertaining thereto clearly establishes that the results obtained
for our clients represents the joint efforts of professional
advocates, both staff and private, operating in the highest
traditions of the Bar.

THE PLEA BARGAINING PRACTICE

We think the position of the Office of the Public Defender
on the disposition of cases through the so-called plea bargain-
ing process should be clearly stated.

In our opinion the entire practice of plea bargaining as
carried on today is completely repugnant to the adversary sys-
tem in that it destroys the presumption of innocence, prostitutes
the lawyer-client relationship, and encourages defense counsel
to ignore his fundamental duty of furthering his client's interest
and interest to the fullest extent that the law permits, substituting,
therefore, the bargain basement atmosphere of plea negotiating on
the exclusive premise of a reduced sentence for a crime of which
his client may not be guilty or of which the State could not
prove his or her guilt at an adversary trial.

To quote from the recent report of the National Advisory
Commission on Criminal Justice on Standards and Goals—"Plea
negotiation not only serves no legitimate function in the pro-
cessing of criminal defendants, but it also encourages irra-
tionality in court process, burdens the exercise of individual
rights and endangers the right of innocent defendants to be
acquitted".

Basically, whether a defendant is convicted should depend
exclusively upon the evidence to convict him of the charges.
while the disposition to be made of the convicted defendant
should depend upon what action best serves rehabilitation and
deterrent requisites. Necessarily, these fundamental factors
are lost in the horse-trading of plea negotiations wherein
the defense counsel endeavors to sell a guilty plea to his
client in exchange for a promise of a lighter or lesser sentence,
while the prosecutor hones concessions on the basis of an over-
loaded trial docket, local jail conditions or both.

Ironically enough, plea bargaining would have little if any
place in the administration of criminal justice were the pro-
secutor to only charge the defendant with offenses for which
the admissible evidence was sufficient to support a guilty verdict.
The reason for not doing so, lies almost exclusively in the
fact that in Baltimore City, as in most urban areas, the police
place multiple charges in line with the prosecution's theory
that placing the defendant in the position of facing a number
of charges of greater and lesser degree facilitates the "in-
extricable" bargaining for pleas of guilty.

Plea bargaining per se violates, therefore, fundamental
principles of due process of law in general, the judicial process
in particular, erodes law enforcement, and public respect for
the entire system of criminal justice.

Irrespective of the degrading impact that plea bargaining
has upon the public concept of criminal justice, it is generally
condoned on the premise that it is not possible with present
resources to actually try even a fraction of those persons charged
by the State. While the short answer might lie in more intelli-
gent screening of charges by the State, this office does not believe
that the end justifies the means, and takes issue that plea
bargaining should be considered an essential or indispensable
element in the criminal process.
In light of the various decisions of the Supreme Court in those cases where the client consents with full knowledge of all of the contingencies involved and after confronted with the results of a thorough work-up of facts and applicable law of the case against him, our staff is authorized in their professional judgment to discuss with the prosecution in advance of any scheduled trial date, the possibilities of the entry of a plea. This practice may indeed slow down the assembly line speed of the indigent accused through the System. It must, however, be remembered that there are reasonably disputed questions of law and fact, the law itself should not provide an incentive for either the State or the accused to waive through plea bargaining a full and fair resolution of the issues in an adversary trial. It is within this context of due process that our professional staff will continue to function to the end of advancing the true administration of criminal justice.

COLLECTION PROCEDURES AND IMPACT OF RECENT DECISIONS

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 elsewhere in this report, the individual District Offices have assessed expenses of representation, collected and deposited to the credit of the State Treasurer’s Office, the Fiscal Year, a total of $47,391.23 cash.

We have been circumstantial in the administration of Section 7. One reason was the question of its constitutionality by virtue of the Supreme Court decision in Strange vs Kansas (40 U.S. Law Week 4711) of June 12, 1972, wherein it was held that the Kansas Public Defender recoupment of the Indigent Legal Expenses Act was in violation of the equal protection clause of the U.S. Constitution. Secondly, was the inherent concern that the State, after forcing counsel for his choice upon an indigent, could end up becoming the largest priority judgment lien holder against any future assets that he or she may require.

On August 1, 1972, the Attorney General of Maryland rendered an opinion holding Section 7 (c, d, f) of Article 27A, in light of Strange vs Kansas supra, was constitutional since among other things it does not deny any substantive exemption to other debtors, and thereby avoids the constitutional infirmities found in the Kansas Defender Statute. We have accordingly been reviewing our administrative procedures for determining criteria of indigency under the Act and entering into arrangements with the new State Agency, Central Collection Unit, of The Department of Budget and Fiscal Planning, Section 71 (c-1) of Article 41, created by the 1973 Legislature (H.B. 1608), to handle collections of outstanding expenses of representation. In this connection it is pertinent to point out that the California Appellate Court, in People vs Jones (Clearinghouse #2008, April 12, 1972), held that assessment of Public Defender attorneys fees to an indigent who was found not guilty must be based on “present ability to pay”. The Court did not reach the inter-


“If it reasonably appears that due process would be so afforded by lack of assistance of counsel, the Public Defender should provide representation, and if the Public Defender declines to do so the Court should appoint counsel”.

Statewide statistics on the number of original and revocation hearings can only be approximated, but number at least 5,000 annually, of which the vast majority qualify as indigents.

In June 1972, as a result of the holding in Anderson vs Solomon (Civil Action #70-247-T), the U.S. District Court for the District of Maryland faced the challenge of the constitutionality of committing persons to hospitals for the mentally disordered without affording such persons a basic hearing in which they would be entitled to present evidence of sanity. A settlement of the issues resulted in certain Regulations adopted by the State Department of Health and Mental Hygiene, requiring an administrative hearing be held prior to or immediately following the involuntary mental hospitalization of any person, and that each proposed patient be notified of his right to consult and to have legal counsel. The number of such commitments has been estimated between 7,500 annually.

To date this office has taken the position that absent a specific Constitutional Right to Counsel, we are obligated only to furnish representation to a qualified indigent in pending State Court proceedings, as the language of Section 4 (2) of Article 27A refers to specific Courts, and Section 4 (2-e) pertains to representation only to the Courts of this State, and not where someone is facing involuntary admission under the affidavit or diagnostic statement of two qualified psychiatrists.

Necessarily, where there is some specific action pending in a State Court initiated by an inmate committed to one of the mental institutions and who meets our qualifications of indigency, full consideration has been and will be given to representation by this office. We believe the position that we have assumed is legally and morally valid, and any change will simply have to await a future Supreme Court decision on the Constitutional Right of Counsel in cases of this nature.

INVESTIGATIVE SERVICES

The Investigative Division is headed by a Chief Investigator attached to the staff of the Public Defender, and reporting directly to him on the over-all operation and deployment of investigation personnel throughout the twelve Districts of the system. Specific direction and responsibility for the workload of the Investigator, both for the staff and panel attorneys in the assigned District is left entirely up to the District Defender. All investigative personnel must meet the rigid requirements and qualifications of the Public Defender System as established by the Maryland State Department of Personnel, and are full time employees. Recruitment for these very sensitive and important positions started in April 1972, after certification from the Department of qualified applicants.

Our experience to date with investigative personnel has established what most of the staff and panel attorneys already knew, i.e., that no more vital weapon of defense exists than the securing and correlating of the facts of the case by a professional investigator.

* See Exhibit A for deployment by district.

**STATISTICAL REPORT—**

**ALL PUBLIC DEFENDER DISTRICTS**

July 1, 1972 - June 30, 1973

It has been said that statistics in government are usually presented to justify the existence of the agency, but in our case the figures submitted not only indicate the tangible overall work load and end-results of our activity during the Fiscal Year, but in analysis points out the differences that exist in our clients background, make-up, and criminal proclivity from District to District.

As Baltimore City, District No. 1, represents 51.9% of the total State caseload, we have set forth its operation statistically in the District, Supreme Bench, and Juvenile Courts, and for purposes of comparison in combination with the other Districts.

It is interesting to note that of the total number of Public Defender clients which we represented in all Districts during the period, 19.7% were subjected to incarceration or juvenile detention centers, while 39.5% were released under some form of supervision, or as the result of dispositions or findings of innocence. See Exhibit D.

The significance of these figures while perhaps indicating the professional competency of our Public Defender personnel, also reflects the great strides made since our inception, January 1, 1972, by all of the components of the Criminal Justice System in Maryland (Public Defender, State’s Attorney, and Bench), to handle such a caseload at all judicial levels, yet at the same time affording the accused a speedy, just, and fair trial. “Assembly line justice”, so familiar in the past, and particularly to the Indigent accused, is now ended. More than ever before trial issues are being narrowed, rules of evidence strictly adhered to, and prosecution testimony and evidence more carefully examined and evaluated, to the end that no matter what the ultimate disposition of the case may be, none of our clients will be able to truthfully say that he or she did not receive equal justice under the law.
### Exhibit B

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<tr>
<td>Stenographer - Clerk III</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Typist - Clerk I</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>378</strong></td>
<td><strong>53</strong></td>
<td><strong>431</strong></td>
<td><strong>179</strong></td>
<td><strong>53</strong></td>
<td><strong>9</strong></td>
<td><strong>241</strong></td>
</tr>
</tbody>
</table>

* Grant Funds - LEAA - Available Only Through March 31, 1975.*
<table>
<thead>
<tr>
<th>District No.</th>
<th>Total Cases Accepted</th>
<th>Other Defense Services</th>
<th>Total Workload</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>19,117</td>
<td>11,436</td>
<td>33,553</td>
<td>57%</td>
</tr>
<tr>
<td>2</td>
<td>1,113</td>
<td>73</td>
<td>1,716</td>
<td>2%</td>
</tr>
<tr>
<td>3</td>
<td>539</td>
<td>160</td>
<td>709</td>
<td>1%</td>
</tr>
<tr>
<td>4</td>
<td>1,027</td>
<td>378</td>
<td>1,305</td>
<td>2%</td>
</tr>
<tr>
<td>5</td>
<td>3,677</td>
<td>3,355</td>
<td>6,955</td>
<td>12%</td>
</tr>
<tr>
<td>6</td>
<td>2,807</td>
<td>720</td>
<td>3,527</td>
<td>6%</td>
</tr>
<tr>
<td>7</td>
<td>2,003</td>
<td>479</td>
<td>2,482</td>
<td>5%</td>
</tr>
<tr>
<td>8</td>
<td>2,126</td>
<td>2,295</td>
<td>4,421</td>
<td>8%</td>
</tr>
<tr>
<td>9</td>
<td>665</td>
<td>11</td>
<td>676</td>
<td>1%</td>
</tr>
<tr>
<td>10</td>
<td>1,113</td>
<td>369</td>
<td>1,482</td>
<td>3%</td>
</tr>
<tr>
<td>11</td>
<td>2,050</td>
<td>192</td>
<td>1,242</td>
<td>2%</td>
</tr>
<tr>
<td>12</td>
<td>533</td>
<td>62</td>
<td>595</td>
<td>1%</td>
</tr>
<tr>
<td>Total</td>
<td>36,600</td>
<td>22,157</td>
<td>58,757</td>
<td>100%</td>
</tr>
</tbody>
</table>
DISTRIBUTION 2 - 22

STATISTICAL REPORT
Period: July 1, 1972 to June 30, 1972

Percent of Workload Completed

<table>
<thead>
<tr>
<th>DISTRICT NO. 1</th>
<th>DISTRICTS NO. 2 - 12</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases Completed</td>
<td>Other Services</td>
<td>Total</td>
</tr>
<tr>
<td>24,957</td>
<td>13,313</td>
<td>58,627</td>
</tr>
<tr>
<td>Percent Completed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>By District No. 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>57.5%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>By District 2 - 12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### EXHIBIT D

#### DISTRICT NO. 1 - 22
**Statistical Report**
**Period:** July 1, 1972 to June 30, 1973
**Percent Released**

<table>
<thead>
<tr>
<th></th>
<th>AVR</th>
<th>DIST</th>
<th>Crim. Ct.</th>
<th>Supreme Court</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Cases</strong></td>
<td>5109</td>
<td>9649</td>
<td>2616</td>
<td>13728</td>
<td></td>
</tr>
<tr>
<td><strong>Local</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Counsel</td>
<td>(318)</td>
<td>(817)</td>
<td>(1147)</td>
<td>(1365)</td>
<td></td>
</tr>
<tr>
<td>Held for Grand Jury</td>
<td>(666)</td>
<td>(666)</td>
<td>(92)</td>
<td>(92)</td>
<td></td>
</tr>
<tr>
<td><strong>Total Cases Completed</strong></td>
<td>5112</td>
<td>7114</td>
<td>2471</td>
<td>13199</td>
<td></td>
</tr>
<tr>
<td><strong>Local</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State/Correctional Institutions</td>
<td>618</td>
<td>3399</td>
<td>913</td>
<td>2688</td>
<td></td>
</tr>
<tr>
<td><strong>Total Released</strong></td>
<td>4594</td>
<td>6035</td>
<td>1530</td>
<td>12069</td>
<td></td>
</tr>
<tr>
<td><strong>Percent Released</strong></td>
<td>86.8%</td>
<td>81.6%</td>
<td>61.6%</td>
<td>80.7%</td>
<td></td>
</tr>
</tbody>
</table>

#### DISTRICT NO. 2 - 12
**Statistical Report**
**Period:** July 1, 1972 to June 30, 1973
**Percent of Cases Completed**

<table>
<thead>
<tr>
<th></th>
<th>AVR</th>
<th>DIST</th>
<th>Crim. Ct.</th>
<th>Supreme Court</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Cases</strong></td>
<td>1770</td>
<td>13106</td>
<td>13876</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Local</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Counsel</td>
<td>(26)</td>
<td>(161)</td>
<td>(141)</td>
<td>(177)</td>
<td>(177)</td>
</tr>
<tr>
<td>Held for Grand Jury</td>
<td>(90)</td>
<td>(90)</td>
<td>(90)</td>
<td>(90)</td>
<td>(90)</td>
</tr>
<tr>
<td><strong>Total Cases Completed</strong></td>
<td>1765</td>
<td>13122</td>
<td>13171</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Local</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State/Correctional Institutions</td>
<td>681</td>
<td>3200</td>
<td>913</td>
<td>2694</td>
<td></td>
</tr>
<tr>
<td><strong>Total Released</strong></td>
<td>5962</td>
<td>12555</td>
<td>1530</td>
<td>12376</td>
<td></td>
</tr>
<tr>
<td><strong>Percent Released</strong></td>
<td>84.8%</td>
<td>80.14%</td>
<td>61.6%</td>
<td>80.6%</td>
<td></td>
</tr>
</tbody>
</table>

---

#### DISTRICT NO. 1
**Statistical Report**
**Period:** July 1, 1972 to June 30, 1973
**Percent Completed**

<table>
<thead>
<tr>
<th></th>
<th>AVR</th>
<th>DIST</th>
<th>Crim. Ct.</th>
<th>Supreme Court</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cases Completed</strong></td>
<td>5112</td>
<td>7144</td>
<td>2171</td>
<td>11457</td>
<td></td>
</tr>
<tr>
<td><strong>Percent Completed</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>By District No. 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>52.0%</td>
</tr>
<tr>
<td>By Districts 2 - 12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>47.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100%</td>
</tr>
</tbody>
</table>
DISTRICT NO. 3 - 19

INFORMAL PROFESSIONAL REPORT

Dated: April 21st (except Juvenile Courts)

July 1, 1972 to June 30, 1973

WORKLOAD:

The Office of the Public Defender provided counsel for indigent defendants, facing a total of charges: 23,604

23,604

DISPOSITION:

Private counsel was retained in cases. Of the balance represented defendants were held for the Grand Jury representing approximately 1,101 cases, representing approximately 110.

Prison/Jail/Correctional Institution terms were received in cases representing approximately 6,662 cases, representing approximately 66.

The balance of defendants were released, either upon some sort of supervision or as a result of dismissals or findings of innocence, representing approximately 16,785 of the total cases.

ACTIVITY:

The daily average of completed cases was 86.

PROFILE:

The overall profile of the average defendant seeking representation by the office of the Public Defender is:

- 28 year - old negro who represents 88% of the defendants, with an unemployment rate of 64.1%

- The majority of the defendants or approximately 86% are male.

- Approximately 32% are head of household.

- Those on welfare are 12.1%

- Those addicted to drugs in one form or another are 30.7%

- The average education in years is 10

- Of the total charges, 76.4% are misdemeanors.
<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Cases Disposed</strong></td>
<td>3009</td>
<td>2784</td>
<td>2471</td>
<td>2625</td>
<td>2251</td>
<td>1968</td>
<td>1669</td>
<td>1684</td>
<td>1594</td>
<td>1530</td>
<td>1355</td>
<td>1176</td>
<td>10749</td>
</tr>
<tr>
<td><strong>Total Cases Discharged</strong></td>
<td>1976</td>
<td>1816</td>
<td>1625</td>
<td>1760</td>
<td>1549</td>
<td>1326</td>
<td>1186</td>
<td>1165</td>
<td>1069</td>
<td>1008</td>
<td>852</td>
<td>742</td>
<td>7658</td>
</tr>
</tbody>
</table>

**TYPE OF OFFENSES**

- Felony: 3668 (603), 772, 901, 1049, 1347, 753, 202, 933, 3320, 815, 1016
- Misdemeanor: 1070, 603, 772, 901, 1049, 1347, 753, 202, 933, 3320, 815, 1016

**DISPOSITION OF CASES**

A. Field and Police
   1. Field: 13711, 1786, 1684, 1684, 1706, 1350, 1332, 1332, 1332, 1332, 1332, 1332, 16846

**DEFENDANT CHARACTERISTICS**

A. Legal/Criminal Groups
   1. Caucasian: 669, 772, 772, 772, 772, 772, 772, 772, 772, 772, 772, 772, 772
   2. Asian: 101, 103, 103, 103, 103, 103, 103, 103, 103, 103, 103, 103, 103
   3. Native American: 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1
   4. Hispanic: 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1
   6. Others: 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2

B. Sex
   1. Male: 2124, 1193, 1799, 1795, 15154, 1684, 1705, 1536, 1658, 1918, 7788, 1602, 20539
   2. Female: 975, 1591, 1721, 1744, 1534, 1350, 1332, 1332, 1332, 1332, 1332, 1332

C. Age
   1. Under 20 years: 369, 126, 516, 811, 102, 69, 172, 137, 198, 667, 526, 6048
   2. 20-30 years: 287, 128, 509, 722, 91, 72, 155, 127, 159, 562, 421, 4718
   3. 30-40 years: 223, 113, 453, 629, 79, 64, 139, 111, 138, 437, 331, 3640
   5. 50 & over: 19, 9, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4

D. Race of Household
   1. Black: 555, 682, 678, 669, 654, 642, 607, 592, 569, 555, 555, 555, 555
   2. White: 489, 505, 501, 496, 483, 478, 472, 466, 466, 466, 466, 466, 466

E. Uniformed Recipient
   1. Yes: 989, 689, 678, 669, 654, 642, 607, 592, 569, 555, 555, 555, 555
   2. No: 489, 505, 501, 496, 483, 478, 472, 466, 466, 466, 466, 466, 466

F. Addictions
   1. Alcohol: 21, 96, 70, 51, 36, 29, 22, 21, 21, 21, 21, 21, 21
   3. Barbiturate: 11, 5, 4, 3, 2, 2, 2, 2, 2, 2, 2, 2, 2
   4. Other: 11, 5, 4, 3, 2, 2, 2, 2, 2, 2, 2, 2, 2

G. Probation
   1. Yes: 689, 678, 669, 654, 642, 607, 592, 569, 555, 555, 555, 555, 555
   2. No: 489, 505, 501, 496, 483, 478, 472, 466, 466, 466, 466, 466, 466

H. Education

I. Parole
   1. Released/Paroled: 1070, 1703, 1659, 1533, 1427, 1339, 1248, 1156, 1084, 1034, 984, 934, 10742
   5. Other: 11, 11, 11, 11, 11, 11, 11, 11, 11, 11, 11, 11, 11
**WORRY CARD**

The office of the Public Defender provided counsel for indigent defendants, facing a total of charges:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cases</th>
<th>Representing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private counsel was retained in</td>
<td>677</td>
<td>5553</td>
</tr>
<tr>
<td>defendants were held for the grand jury</td>
<td></td>
<td>10.5%</td>
</tr>
<tr>
<td>Prison/dem/Correctional Institution terns were received in</td>
<td>1329</td>
<td>102%</td>
</tr>
<tr>
<td>cases, representing approximately</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The balance of defendants were released, either under some sort of supervision or as a result of dismissal or findings of innocence, representing approximately 83% of the total cases.

**ACTIVITY**

The daily average of completed cases was 29.5.

**PROFILE**

The overall profile of the average defendant seeking representation by the office of the Public Defender is:

- A young year-old negro who represents 26% of the defendants, with an unemployment rate of 26%.
- The majority of the defendants or approximately 81% are male.
- Approximately 36% are head of household.
- Those shown on welfare are 20%.
- Those addicted to drugs in one form or another are 31%.
- The average weekly wage of those shown is 567 while the average education in years is 10.
- Of the total charges, 79% are misdemeanors.
| PAGE 88 |

**DISTRICT No. 1**

**CRIMINAL REPORT**

**OFFENSES - July 1, 1947 to June 30, 1948**

<table>
<thead>
<tr>
<th>Total Cases Reported</th>
<th>387</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Convictions</td>
<td>214</td>
</tr>
</tbody>
</table>

**TYPICAL OF CHARGES**

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>387</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>2147</td>
</tr>
<tr>
<td>Percentage</td>
<td>100</td>
<td>93.8</td>
<td>93.8</td>
<td>93.8</td>
<td>93.8</td>
<td>93.8</td>
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<td>93.8</td>
<td>93.8</td>
<td>93.8</td>
<td>100%</td>
</tr>
</tbody>
</table>

**DEFENDANTS CHARACTERISTICS**

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Total</td>
<td>387</td>
<td>364</td>
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<td>364</td>
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<td>364</td>
<td>364</td>
<td>2147</td>
</tr>
<tr>
<td>Percentage</td>
<td>100</td>
<td>93.8</td>
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<td>93.8</td>
<td>100%</td>
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</tbody>
</table>

<table>
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</thead>
<tbody>
<tr>
<td>Total</td>
<td>387</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
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<td>364</td>
<td>2147</td>
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<tr>
<td>Percentage</td>
<td>100</td>
<td>93.8</td>
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<td>93.8</td>
<td>93.8</td>
<td>93.8</td>
<td>100%</td>
</tr>
</tbody>
</table>

**RESPONSIBILITY**

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>387</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>364</td>
<td>2147</td>
</tr>
<tr>
<td>Percentage</td>
<td>100</td>
<td>93.8</td>
<td>93.8</td>
<td>93.8</td>
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<td>93.8</td>
<td>93.8</td>
<td>93.8</td>
<td>93.8</td>
<td>93.8</td>
<td>100%</td>
</tr>
</tbody>
</table>
DISTRICT NO. 3
DETAILED CRIMINAL REPORT
COUNTY: OCEAN HAV. \& HARBOUR (Supreme Bench of N.J., City)
July 1, 1962 to June 30, 1962

WORKLOAD

The Office of the Public Defender provided counsel for
Indigent defendants, facing a total of charges

DISPOSITION

Private counsel was retained in cases.
Prison/civil terms were received in cases, representing approximately of the total cases.
Of the balance defendants were released, either under some sort of supervision or as a result of dismissal or findings of innocence, representing approximately of the total cases.
The daily average of completed cases was

PROFILE

The overall profile of the average defendant seeking representation by the Office of the Public Defender is:

- Approximately 85 year old Negro who represents of the defendants, with an unemployment rate of.

- The majority of the defendants or approximately are male.

- Approximately 165 of the defendants are head of household.

- Those addicted to alcohol and/or drugs in one form or another are.

- The average weekly wage of those shown is while the average education in years is.

- Of the total charges, are misdemeanors.
<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Cases - Completed</td>
<td>37</td>
<td>286</td>
<td>170</td>
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The Office of the Public Defender provided counsel for 22,166 indigent defendants, facing a total of 22,166 charges.

**Disposition**

Private counsel was retained in 381 cases. Of the balance represented 94 defendants were held for the Grand Jury representing approximately 84%.

Prison/civil/correctional institution terms were received in 2302 cases, representing approximately 79% of the total cases.

The balance of 9210 defendants were released, either under some sort of supervision or as a result of dismissals or findings of innocence, representing approximately 79% of the total cases.

**Activity**

The daily average of completed cases was 16.76.

**Profile**

The overall profile of the average defendant seeking representation by the office of the Public Defender is a young, year-old Caucasian who represents 63% of the defendants, with an unemployment rate of 59%.

The majority of the defendants or approximately 86.15% are male. Approximately 32.7% are head of household.

Those shown on welfare are 7.3%, Those addicted to drugs in one form or another are 26.1%, The average weekly wage of those shown is 880.

The average education in years is 10.6.

Of the total charges, 75.6% are misdemeanors.
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JUVENILE PROCEDURES

Elsewhere in this report appear numerous references to our operation in the Juvenile Courts throughout the State. Because of what seems to be a general lack of knowledge of our functioning in the juvenile area, we feel it vitally important that our procedural policy in juvenile cases be clearly stated. It is in fact quite simple. Our staff and panel attorneys operate in the Juvenile Courts on the exclusive premise that the adversary system is the most reliable and just method of fact finding, and that the indigent juvenile has a constitutional if not a moral right to an attorney who will defend him competently and vigorously to the fullest extent of the law, and not attempt to play the role of father, judge, probation officer, or social service worker.

We are fortified in the strength of our advocacy position not only by the results obtained for our juvenile clients as shown in the statistics, but because we earnestly believe that only through such type of legal representation is the accused juvenile or adult afforded a fair and just trial.
The Office of the Public Defender provided counsel for
indigent defendants, facing a total of charges

In addition to the above, private counsel was retained in
cases.
Correctional Institution terms were received in
cases representing approximately
of the total cases.
The balance of
defendants were released, either under some sort of supervision or as a result of
dismissal or findings of not delinquent, representing approximately
of the total cases.
The daily average of completed cases was
The overall profile of the average defendant seeking representation by the
Office of the Public Defender is a young, approximately
year old Negro who represents
of the defendants, with an unemployment rate of
The majority of the defendants or approximately
are male.
Approximately
are head of households.
Those shown on welfare are
Those addicted to alcohol and/or drugs in one form or another are
The average education in years is
Of the total charges,
### Juvenile Statistics

**District No. 1-22**

**Period:** July 1, 1972 to June 30, 1973

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WORKLOAD

The office of the Public Defender provided counsel for ____________________________indigent defendants, facing a total of charges ____________________________.

DESCRIPTION

In addition to the above, private counsel was retained in ____________________________cases.

Correctional Institution terms were received in ____________________________cases representing approximately ____________________________of the total cases.

The balance of defendants were released, either under some sort of supervision or as a result of dismissals or findings of not delinquent, representing approximately ____________________________of the total cases.

The daily average of completed cases was ____________________________.

The overall profile of the average defendant seeking representation by the Office of the Public Defender is a young, approximately ____________________________year old negro who represents ____________________________of the defendants, with an unemployment rate of ____________________________.

The majority of the defendants or approximately ____________________________are male.

The number of defendants who are head of household ____________________________

Those shown on welfare are ____________________________

Those addicted to alcohol and/or drugs in one form or another are ____________________________

The average weekly wage of those shown is ____________________________

while the average education in years is ____________________________

Of the total charges, ____________________________are misdemenors.
### JUVENILE STATISTICS

**District No. 1**

**Period:** July 1, 1972 to June 30, 1972

|----------------|------|------|-------|------|------|------|------|------|------|------|-----|------|-------|

**Distribution (Releases):**

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**Age:**

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District No. 2 - 12

Detailed Statistical Report
July 1, 1972 - June 30, 1973

SPECIAL

The Office of the Public Defender provided counsel for
indigent defendants, facing a total of charges

DISPOSITION

Private counsel was retained in

cases.

Correctional Institution terms were received in

cases representing approximately

of the total cases.

The balance of
defendants were released, either under some sort of supervision or as a result of
dismissals or findings of not delinquent, representing approximately

of the total cases.

The daily average of completed cases was

The overall profile of the average defendant seeking representation by the
Office of the Public Defender is a young, approximately

year old caucasian who represents

of the defendants, with an unemployment rate of

The majority of the defendants or approximately

are male.

Approximately

of the defendants are head of household.

Those shown on welfare are

Those addicted to alcohol and/or drugs in one form or another are

The average weekly wage of those shown is

while the average education in years is

Of the total charges,

are misdemeanors.
### JUVENILE STATISTICS

**District No. 1-12**

**Period:** July 1, 1972 to June 30, 1973

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**Previous Court Cases:**

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### PERIOD CHARACTERISTICS

**A. Ethnic/Vital Status**

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**B. Sex**

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**C. Age - Time of Offense**

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**D. Head of Household**

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**E. Welfare Recipients**

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**F. Addictions**

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**G. Declared**

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**H. Unemployed**

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**I. Education (Age, Yrs.)**

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