

**Written Testimony Submitted for the House Appropriations Committee
Julia Burke and Andrew Northrup, members, Maryland Defenders Union, AFSCME Local 423
HB 90 - State Personnel Management System - Office of the Public Defender – Placement and Collective
Bargaining**

Sponsor: Del. Shaneka Henson

Appropriations Committee, Tuesday, January 18, 2022

SUPPORT

Dear Chair McIntosh, Vice-Chair Chang, and Members of the Appropriations Committee:

My name is Julia Burke, and I am an Assistant Public Defender at the Maryland Office of the Public Defender, and I am a proud member of the Maryland Defenders Union (MDU). Together with my colleague Andrew Northrup, another Assistant Public Defender and MDU member, we write in support of HB 90 and want to share why collective bargaining is beneficial and necessary for public defenders and all Marylanders.

Prior to working at the Maryland Office of the Public Defender, I was a public defender in New York City with the Legal Aid Society and the Office of the Appellate Defender. Both of these offices are unionized with the United Auto Workers as the Association of Legal Aid Attorneys - Local 2325. Andrew experienced collective bargaining rights in two public defender offices - in Cook County, Illinois where he was a member of AFSCME Local 3315, and with the State of Minnesota Public Defender's Office where he was a Steward in Teamsters Local 320. Collectively, we have nearly twenty years of experience as unionized public defenders.

Throughout our time as unionized public defenders, we have experienced the benefits of collective bargaining on the quality of representation of our clients, especially when we bargained for reasonable caseloads, higher pay, as well as safe and transparent working conditions.

Reasonable caseloads for attorneys, social workers, and staff have tangible, life-changing benefits for our clients. As unionized public defenders with reasonable caseloads, we spent more time on each client's case. We got to know our clients and their unique circumstances better, and were better able to advocate for them. Caseload limits increased our advocacy and productivity, and produced better outcomes for all parties.

Higher pay also helps to attract and retain the most talented attorneys, social workers, and staff. Retention of employees leads to continuity of representation, meaning that clients do not have the additional stress of a new, unfamiliar legal team as they're navigating their court case. This also naturally increases court efficiency by reducing delays for personnel changes. But most of all, it means our clients have the same advocacy team by their side throughout their case.

Finally, collective bargaining benefits public defenders by allowing us to negotiate the safest possible working conditions during the ongoing pandemic. Unlike other state employees who regularly enter prisons, jails, and courts, our members are unable to bargain for hazard pay or proper protective gear. As a public defender in New York City in the early days of the pandemic, I benefited from flexible workplace accommodations which allowed me to keep myself healthy so I could keep showing up for my clients remotely and with proper protective gear in-person.

While some have raised the question as to whether unionization could have an adverse effect on the quality of client representation, the answer to that question is a resounding no. We have never seen or experienced the unionization of an office either directly or indirectly adversely affecting the quality of client representation. In fact, often our unions were integral to advancing justice for our clients inside and outside of the courtroom.

With the high stakes involved, and a steep learning curve, retaining experienced people is mission critical for this agency. While most of us view this job as a calling, and want stay, our office is experiencing an unprecedented level of turnover, which exacerbates already difficult working conditions and leads to more people leaving. Allowing us a voice in our workplace will be a powerful tool in the retention of good and experienced public defenders.

Our members deserve the same bargaining rights as other unionized workers in Maryland, but moreover, the people of Maryland deserve public defenders who can collectively bargain for themselves.

Maryland should join 19 other states across the country with unionized public defenders in advancing racial, economic, and social justice for our clients. We urge the committee to provide a favorable report on HB 90.

Respectfully submitted,

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