

**Written Testimony Submitted for the House Appropriations Committee
Adam Caldwell, member, 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 Adam Caldwell and I am an Assistant Public Defender at the Maryland Office of the Public Defender. Over the past ten years I have worked at the Maryland Office of the Public Defender as a law clerk, a student attorney, and as an Assistant Public Defender in District and Circuit Courts. I've dedicated over a decade of my career standing up for the rights of the most vulnerable among us. Only with the steadfast support of my family have I been able to do this work. Today I am asking you to stand for those who have devoted their lives to representing the indigent, and for those who support our work.

I became a Public Defender because protecting the rights of the poor ensures a fair criminal justice system for everyone. There are thousands of Marylanders affected every year on charges as petty as driving without a license or as serious as murder. My clients are our neighbors, friends, and family. They are not a just another number. However, it is clear when examining the number of clients and cases that high turnover and unrealistic caseloads have created an imbalanced equation. On one side of that equation is time worked and quality of representation, and unfortunately, that must be balanced against hours in the day. The imbalance creates an untenable situation where Public Defenders and their families make sacrifices to make up the difference.

During my tenure at the office, I've experienced unrealistic caseloads and high turnover in the agency tempting Public Defenders to see each new case as just another number beyond the recommended case load standards. Our agency and the American Bar Association have set these standards to ensure competent representation. I have had years when my caseload exceeded these standards by 200%, and it's difficult if not impossible, to ensure each case is given adequate time. The result: I end up working weekends, late into the night and even on days I have taken for vacation or sick leave to fulfill my responsibilities to my clients. My family is often left to carry the full weight of responsibility at home. When consumed with my caseload, I cannot contribute to my household equitably, and family ends up taking up slack so I can spend a moment with a client in jail or counsel another on how to best navigate their case. I exchange time with my family for time with clients because it's more than a job, it's a calling. But as Public Defenders we should no longer have to choose between our families and our work or place our burdens upon them.

My clients deserve better and that can only happen by changing the working conditions within my office. We at the Office of the Public Defender have organized our union because we are the voices for our ourselves and our clients. We need collective bargaining in order to have a seat at

the table where policy decisions are made that affect our caseloads and our day-to-day work. When employees have a say in the decisions that affect them, they're more likely to stay in the agency and they're more likely to invest in the Public Defender's Office for the long-term. If we cannot retain our dedicated attorneys, it is our society who suffers the loss of perpetual turnover.

I urge you to vote YES on HB 90 and extend collective bargaining rights to Maryland's Office of the Public Defender employees. It's time we sat beside the 30,000 other state employees and have a say in our wages, working conditions, and become more able to advocate for the high standard of representation our clients deserve.

Adam Caldwell
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