



Maryland Defenders Union
Local 423, AFSCME Council 3
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February 8, 2022

RE: SB 255- State Personnel Management System - Office of the Public Defender –
Placement and Collective Bargaining

Sponsored by: Senator Pamela Beidle

Bill Hearing: Senate Finance Committee
Thursday February 10, 2022

Dear Chair Kelley, Vice-Chair Feldman, and Members of the Finance Committee:

My name is Marci Tarrant Johnson. I am the president of the Maryland Defenders Union (MDU) AFSCME Local 423, and I have been an attorney at the Office of the Public Defender in Baltimore City for 27 years, currently working in the felony trial division in Baltimore City. **I am writing in support of SB 255.**

For me, this profession is a calling. It is why I went to law school, and it is the only attorney job I've ever had (or wanted). It is a difficult job with many challenges, but so important to those we represent and their families. No one chooses this job because they want to get rich. People choose to work at our agency because they care about fairness, justice and protecting the constitutional rights of the citizens of Maryland.

We need collective bargaining so that we can retain our talented and experienced employees. Over the years I have seen talented and experienced colleagues leave in droves. Some have been forced out without recourse (as attorneys are "at-will" in our agency). Some have chosen to leave because their work environments have been hostile, and our administration offers to transfer them instead of correcting the problem with management. Some have left because of overwhelming caseloads, coupled with no support or assistance from their supervisors. Some have left because the path for career advancement is inconsistent and opaque, and often non-existent. Some unfortunately have left because they feel their offices don't support or embrace diversity. When we formed this union we began doing exit interviews. Of those we interviewed, **none** left to make more money. In fact, some even took a pay cut to go elsewhere, where they felt more supported and appreciated. And this is devastating to our clients, as they rely on continuity of representation and preparedness for their cases.

We need collective bargaining so that we can negotiate caseload/workload caps.

Our agency suffers from a staggering caseload in most jurisdictions, which has been exacerbated by a pandemic backlog that will not be resolved any time soon. Last year, for our testimony at the budget hearing, I calculated that I would need to work 4,760 hours per year (91 hours per week) just to give my clients an **adequate** defense. These caseloads are not even remotely sustainable, and the work trickles down to our core staff. Our offices have an insufficient number of non-attorney personnel, and our core staff often find themselves working hours they are not paid for and working outside of their classification.

Employees at the Public Defenders Office deserve a seat at the table.

Our employees are Maryland State Employees and deserve the same rights and protections as other Maryland State Employees. We deserve to negotiate for our salaries and resources like everyone else, especially as our agency has been woefully underfunded for decades. Our core staff deserve the ability to negotiate for pay parity and a fair path to advancement like similarly situated workers with collective bargaining across Maryland. Our social workers shouldn't be the only social workers in the State without a contract. Our

attorneys deserve employment protections equal to those our non-attorney coworkers and other professionals in state service enjoy.

This bill will benefit our clients immeasurably.

I have an ethical duty to the people I represent, which I take very seriously. My clients deserve not just an adequate defense, but an **excellent** defense. My ability to provide that excellence is hindered by a lack of resources and personnel that will only be solved if we have collective bargaining. Our clients rely on us to represent them zealously, without reservation, with the freedom to exercise the ethics and professional responsibility we are sworn to.

We enjoy robust community support.

We are proud to have support throughout the State of Maryland from many organizations focused on civil rights, and we also have the support of many AFSCME locals (see attached).

I implore this committee to provide a favorable report on SB 255.

A handwritten signature in black ink, appearing to read 'M. J. Johnson', with a stylized flourish at the end.

Marci Tarrant Johnson
President, Maryland Defenders Union