

SB 255_O'Neill_Fav.pdf

Uploaded by: Casi O'Neill

Position: FAV



Maryland Defenders Union
Local 423, AFSCME Council 3
marylanddefendersunion@gmail.com



Marci Tarrant Johnson, *President*
Kalia Woods, *Non-Attorney Vice-President*
Shomari Taylor, *Attorney Vice-President*
Henry Druschel, *Recording Secretary*
Cheryl Hughes-Redd, *Secretary-Treasurer*

Sally Larsen, *Attorney Board Member*
Stephanie Joseph, *Attorney Board Member*
Isabel Lipman, *Attorney Board Member*
Afrika Kwanna, *Non-Attorney Board Member*
Casi O'Neill, *Non-Attorney Board Member*
David Pyle, *Trustee*

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

FAVORABLE

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

My name is Casi O'Neill, and I am a social worker at the Maryland Office of the Public Defender (OPD), and an executive board member of the Maryland Defenders Union (MDU), AFSCME Local 423. I am writing in support of SB 255.

I have been a social worker in the Juvenile Division in Baltimore City for three years. Social workers at OPD help our clients access services, navigate the complicated legal process, and cope with some of the most difficult moments of their lives. We also provide in-depth psychosocial assessments and expert testimony to the Courts. While I am truly honored to have this job, I know we need to improve things at my agency. Gaining a voice through collective bargaining is the way we can do that.

Passing SB 255 is a matter of fairness, first and foremost. If I were employed as a social worker with any other State agency in Maryland, I would already have collective bargaining rights. OPD workers like me are unnecessarily excluded from the benefits that 30,000 other state employees have. Our assistant public defenders are *doubly* excluded, as their at-will status means they can be demoted, transferred, or fired at any time, without cause. When it comes to speaking out about health and safety concerns that impact ourselves and our clients, at-will employees have had to consider whether it could jeopardize their careers. SB 255 will allow *all of us* to have the same basic rights to due process as other State employees.

SB 255 is also a matter of values. Social workers believe in self-determination, empowering our clients, and ensuring that impacted persons have a voice in the decisions that affect their lives. We want the same for ourselves! Social workers, core staff, and attorneys deserve to have a voice when it comes to our own working conditions. By passing SB 255, we will have an opportunity to weigh in on the things that concern us most.

While social workers are committed to our work, our high caseloads leave us stretched thin. I often feel I must “triage” my caseload based on whose situation is most serious or most time-sensitive. What I *want* to do is serve each client with the level of attention and care they need. It makes me feel guilty that I can never do enough, and I know I am not alone. It is routine for me and my colleagues to work late into the night to meet deadlines and respond to client crises. Many of us hear complaints from our partners and loved ones that our devotion to our work causes us to miss out on our own lives. Collective bargaining will let us negotiate for caseload limits, adequate resources, and the vital staffing we need to provide holistic defense services without sacrificing our own mental health.

Our jobs are essential to Marylanders. Our dignity and the dignity of our clients demands the right to collective bargaining. We urge the committee to provide a favorable report on SB 255.

Respectfully submitted,

Casi O'Neill
Social Worker
AFSCME Local 423

CASA_FAV_SB255.pdf

Uploaded by: Cathryn Paul

Position: FAV



Testimony in SUPPORT of Senate Bill 255
State Personnel and Pensions – Office of the Public Defender –
Collective Bargaining and Placement
Finance Committee

February 8, 2022

Good afternoon Chair Kelley, Vice-Chair Feldman, and Members of the Committee:

CASA respectfully urges the committee to provide a favorable recommendation SB255. CASA is the largest membership-based immigrant services and advocacy organization in Maryland with a membership of over 122,000 Black and Latino immigrants and working families.

This legislation enables collective bargaining for the hard-working employees in the Office of the Public Defender and converts the attorneys from “at-will” special appointees into the state merit system. As an organization dedicated to advancing the civil rights of Black and brown immigrants in Maryland and standing up for everyone’s due process rights during criminal proceedings, we believe the employees who provide those same services must have due process rights themselves.

Public Defenders in Maryland do incredibly critical work for our communities, and they often do so short-staffed and under-resourced. They deserve to have a seat at a table when it comes to negotiating their pay and working conditions, just like 30,000 other Maryland state employees have. We believe every worker deserves the right to collectively bargain, and OPD employees should be no exception.

Collective bargaining and merit protections also helps promote a workforce that is career-oriented and can help with retaining dedicated staff to better serve those in need of public defense. Too often, those who cannot afford legal representation are the same individuals who have the system stacked against them. Every Marylander deserves excellent representation during what can be the worst time of someone’s life. We are confident that Collective Bargaining for OPD employees will help provide even better legal services to those who depend on them.

CASA strongly supports SB255 and urges a favorable report from the committee.

Cathryn Paul
Government Relations & Public Policy Manager
cpaul@wearecasa.org

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SB 255 CB OPD.pdf

Uploaded by: Denise Riley

Position: FAV



A Union of Professionals
AFT-Maryland

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Marietta English
PRESIDENT

Kenya Campbell
SECRETARY-TREASURER

**Written Testimony Submitted to the
Maryland Senate Finance Committee
SB 255 - State Personnel Management System - Office of the Public Defender –
Placement and Collective Bargaining
February 10, 2022**

SUPPORT

Chair Kelley and members of the committee. On behalf of the American Federation of Teachers - Maryland (AFT-Maryland), which represents more than 20,000 educators, government, and healthcare workers across Maryland, I urge you to support SB 255 - State Personnel Management System - Office of the Public Defender - Placement and Collective Bargaining.

The Office of the Public Defender (OPD) is one of the largest groups of state employees who do not have the right to collectively bargain over salaries, advancement or working conditions. This hurts OPD workers and the low-income Marylanders who rely on OPD to advocate for them in their times of greatest need. Every day, the employees fight for the civil rights and well-being of Maryland residents who can't afford to pay for legal representation.

This bill will grant OPD workers the long-overdue right to collectively bargain. Employees of OPD chose to embark on this campaign to finally have a seat at the table. Please support their fight for workers' rights and for a strong Office of the Public Defender. We ask this committee for a favorable report on SB 255. Thank you.

Kenya Campbell
President

SB 255 - CB - Office of the Public Defender.pdf

Uploaded by: Donna Edwards

Position: FAV



MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

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Secretary-Treasurer

Gerald W. Jackson

**SB 255 – State Personnel Management System – Office of the Public Defender –
Placement and Collective Bargaining
Senate Finance Committee
February 10, 2022**

SUPPORT

**Donna S. Edwards
President**

Maryland State and DC AFL-CIO

Madam Chair and members of the Committee, thank you for the opportunity to submit testimony in support SB 255 – State Personnel Management System – Office of the Public Defender – Placement and Collective Bargaining. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland’s 340,000 union members, I offer the following comments.

SB 255 brings fairness and equity to the Office of the Public Defender. First, it designates the positions of the Public Defender into appropriate employment categories in the State Personnel Management System. Second, it provides freedom for the employees to fully exercise their right to collective bargaining under the law.

SB 255 is an affirmation of our State’s values to encourage and empower workers to have a voice in discussing with employers their safety concerns, productivity, pay and benefits, and other working conditions. This is critically important with everything we have witnessed since March of 2020 and the COVID pandemic. Fundamentally, this is enabling legislation. It does not mandate a union. It does not force any worker to join or oppose a union.

The freedom to form and join a union is core to the U.N. Universal Declaration on Human Rights and is an “enabling” right—a fundamental right that ensures the ability to protect other rights.¹ SB 255 affords employees in the Office of the Public Defender (OPD) the same rights that 30,000 other Maryland State employees currently enjoy: The right to make their own

¹ <https://www.un.org/en/universal-declaration-human-rights/>

decision as to whether they want to organize and form a union. And, Maryland would join 18 other states where public defender employees have collective bargaining rights.

In an Executive Order early last year, President Biden reaffirmed the position of the United States on collective bargaining rights by stating “*It is also the policy of the United States to encourage union organizing and collective bargaining.*”² We believe that the State of Maryland should follow the lead of the United States and do the same

For freedom and equity, we ask for a favorable report on SB 255.

² <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/22/executive-order-protecting-the-federal-workforce/>

SB255_Burke_FAV.pdf

Uploaded by: Julia Burke

Position: FAV

**Written Testimony Submitted for the Senate Finance Committee
Julia Burke and Drew Northrup, members, Maryland Defenders Union, AFSCME Local 423
SB255 - State Personnel Management System - Office of the Public Defender – Placement and Collective Bargaining**

Sponsors: Senators Beidle, Benson, Carter, Feldman, Hettleman, Klausmeier, Kramer, Waldstreicher, and Smith
Senate Finance Committee, Thursday, February 10, 2022

SUPPORT

Dear Senators:

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). Along with my colleague Drew Northrup, an Assistant Public Defender and MDU member, I write in support of SB 255 and I 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. Drew experienced collective bargaining rights in two public defenders offices - in Cook County, Illinois under AFSCME Local 3315, and in Minnesota, under Teamsters Local 320. Collectively, we have nearly twenty years of experience as unionized public defenders.

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

We have never seen our unionized public defender offices do anything detrimental to our clients, and often, our unions were integral to advancing justice for our clients even outside the courtroom.

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 Senate Finance Committee to submit a favorable report on SB 255.

Respectfully submitted,

Julia Burke

Assistant Public Defender

AFSCME Local 423

Former member of UAW-ALAA 2325 (NY)

Drew Northrup

Assistant Public Defender

AFSCME Local 423

Former member of AFSCME Local 3315 (IL)

Former member of Teamsters Local 320 (MN)

SB 255_FAV_ACLUMD_LOCAL2UNION_Nalley.pdf

Uploaded by: Justin Nalley

Position: FAV



**Testimony for the Senate Finance Committee
February 10, 2022**

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

FAVORABLE

The OPEIU LOCAL 2 Union Shop of the ACLU of Maryland supports SB 255 that would reclassify employees of the Public Defender and allow for the rights under collective bargaining. The ACLU of Maryland unit, comprised of organizers, attorneys, legal fellows and assistants, associates, and policy specialists, were recognized on July 31st 2019. Collective bargaining statutes provide critical and necessary protection for workers who exercise basic civil rights, in particular, the rights of speech, association, and petition. Efforts to strip workers of these protections have no place in our democracy.

It is important that OPD employees receive the same rights and protections 30,000 other Maryland state employees in executive branch agencies, enjoy through a collective bargaining agreement. The attorneys who work for OPD have also been excluded from the merit protections offered under the state personnel management system (SPMS) and are misclassified as “at-will” special appointees.

Public Defender employees can become stronger advocates to reverse the chronic underfunding and systemic injustices their clients have experienced with the power of collective bargaining and reclassification.

For the foregoing reasons, the OPEIU LOCAL 2 Union Shop of the ACLU of Maryland urges a favorable report on SB 255.

SB 255 Testimony20220208_10184161.pdf

Uploaded by: Pamela Beidle

Position: FAV

PAMELA G. BEIDLE
Legislative District 32
Anne Arundel County

Finance Committee

Vice Chair

Executive Nominations Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 10, 2022

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

Good Afternoon Chair Kelley, Vice Chair Feldman and Members of the Finance Committee:

SB 255 makes changes to the employment status of the attorneys in the Office of the Public Defenders from the classification "special appointee" to the more appropriate "professional service" under the State Personnel Management System. They go from being at will to having the same rights and protections that other state employees in professional service have.

SB 255 adds the OPDs to the list of State agencies that are covered under collective bargaining. This is enabling legislation, once passed the OPD employees will still need to do an election with the State Labor Relations Board to certify a collective bargaining unit to represent them.

A minor technical amendment is needed, in the drafting process a sentence was stricken that prohibits the attorneys in the office from engaging in private practice. I will have an amendment prepared to remove the prohibition.

Collective bargaining for OPD's is allowed in 19 other states. It's beyond time that our Maryland OPD attorneys and employees have the same due process that most other State employees have. The reason the OPD's do not currently have collective bargaining dates back to 1996 when an executive order from the Governor directed that all agencies covered by his direct control would be covered by collective bargaining. OPD's are considered independent, since 1998 independent agencies have been largely added by piecemeal. It's time to allow OPDs to have the right to collective bargaining.

Thank you for the opportunity to present SB255, and I respectfully request a favorable report.

SB255_Amendment933925-01

Uploaded by: Pamela Beidle

Position: FAV



SB0255/933925/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

08 FEB 22
12:14:04

BY: Senator Beidle
(To be offered in the Finance Committee)

AMENDMENT TO SENATE BILL 255

(First Reading File Bill)

On page 3, in line 16, after “(d)” insert “**(1)**”; in line 17, strike the colon; in line 18, strike “(1)”; in the same line, strike “; and” and substitute a period; and in line 19, before “may” insert “**THE DEPUTY PUBLIC DEFENDER, DISTRICT PUBLIC DEFENDERS, AND ASSISTANT PUBLIC DEFENDERS**”.

SB255_MDCLN_Hullinger_FAV.pdf

Uploaded by: Ty Hullinger

Position: FAV

MARYLAND CATHOLIC LABOR NETWORK

Testimony Supporting SB255: State Personnel Management System – Office of the Public
Defender – Placement and Collective Bargaining
Senate Finance Committee
Thursday, February 10, 2022 at 1:00pm

Position: SUPPORT

Dear Chair Kelley, Vice Chair Feldman, and members of the Senate Finance Committee,

The Maryland Catholic Labor Network writes in support of SB255, legislation that would guarantee employees of the Office of the Public Defender the right to organize and bargain collectively.

The Maryland Catholic Labor Network is an association of Catholic trade union activists and Catholic clergy, religious and lay social ministry leaders committed to Catholic Social Teaching on labor and work. And Catholic teaching on this subject is clear: all workers have the right to organize in unions.

The right of workers to organize in unions and bargain collectively has been a core element of Catholic Social Teaching since Pope Leo XIII issues his encyclical letter *Rerum Novarum* in 1891. This teaching has been reaffirmed many times since. As Pope Benedict XVI concluded in *Caritas in Veritate* (2009), “The repeated calls issued within the Church’s social doctrine, beginning with *Rerum Novarum*, for the promotion of workers’ associations that can defend their rights must therefore be honoured today even more than in the past (25).”

In the case of Maryland’s public defenders, there is additional reason for Catholics to support the right to organize. The employees of the Maryland OPD serve the poor of Maryland by working to ensure that every client is treated fairly under the law and in accord with their human dignity. The work is draining, even overwhelming, with caseloads often reaching unmanageable levels. With guaranteed access to grievance procedures and the right to collectively bargain, employees of the Maryland OPD would be in a much stronger position to ensure that their indigent clients receive outstanding representation and that they themselves are treated fairly in the process.

As a matter of justice for workers, and justice for criminal defendants, the Maryland Catholic Labor Network urges a favorable report on SB255. Thank you for your consideration.

Maryland Catholic Labor Network

Fr. Ty Hullinger (St. Anthony of Padua, St Dominic & Most Precious Blood Parishes, Baltimore)
Chuck Hendricks (Unite Here), *Steering Committee Representatives*

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NAACP_SB-255_Finance.docx.pdf

Uploaded by: Willie Flowers

Position: FAV



NAACP

Maryland

STATE CONFERENCE

SB -255

**State Personnel and Pensions – Office of the Public Defender –
Collective Bargaining and Placement
Willie Flowers; President
NAACP-MSA**

**Appropriations Committee
Thursday, February 10, 2022
POSITION: Favorable**

The Maryland NAACP Statewide Conference is in support of Senate Bill -255. This legislation extends collective bargaining to state employees in the Office of the Public Defender (OPD) who are currently excluded. It would also provide merit protections to the attorneys in the OPD. We believe collective bargaining plays an important role in sustaining a robust and diverse middle class in Maryland. The secretaries, paralegals, social workers, and attorneys in the Office of the Public Defender deserve to have a voice in negotiating their wages, just as other state employees have.

Many of the clients served by the OPD are Black and Brown and they are subjected to a criminal justice system that has well documented biases. In recent years, the Maryland General Assembly has attempted to tackle these injustices by taking up justice reinvention, police reform and this year, cannabis legislation. As we look to make fundamental shifts in our criminal-legal system, we must look at our Public Defenders as a first line of defense against the injustices of this biased system. All Marylanders deserve zealous legal representation and due process, regardless of their race or income. The right to public defense is guaranteed in the constitution and we must engage in better policy decisions to make sure this defense is excellent. That includes providing adequate resources to the OPD to ensure manageable caseloads and enough staff to adequately prepare a client's defense. It also means retaining experienced staff. All of which, collective bargaining helps with.

We believe every worker in America should have the right to collectively bargain and we are proud to support the employees in the Office of the Public Defender who have been organizing for this right for the last two years. We urge the committee to provide a favorable report on HB 90. Let them have a voice.

SB 255_Caldwell_Fav.pdf

Uploaded by: Adam Caldwell

Position: FWA

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

FAVORABLE

Dear Chair Kelley, Vice-Chair Feldman, and Members of the Finance 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 SB 255 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
Assistant Public Defender II
Prince George's County
AFSCME Local 423

SB 255_Kwanna_FAV.pdf

Uploaded by: Alexa Nelen

Position: FWA



Maryland Defenders Union
Local 423, AFSCME Council 3
marylanddefendersunion@gmail.com



Marci Tarrant Johnson, President
Kalia Woods, Non-Attorney Vice-President
Shomari Taylor, Attorney Vice-President
Henry Druschel, Recording Secretary
Cheryl Hughes-Redd, Secretary-Treasurer

Sally Larsen, Attorney Board Member
Stephanie Joseph, Attorney Board Member
Isabel Lipman, Attorney Board Member
Afrika Kwanna, Non-Attorney Board Member
Casi O'Neill, Non-Attorney Board Member
David Pyle, Trustee

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

FAVORABLE

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

My name is Afrika Kwanna and I am an Administrative Aide at the Maryland Office of the Public Defender. I am also a proud member of AFSCME Local 423 the Maryland Defenders Union. I am asking for your support in voting YES on SB 255, to extend collective bargaining to the Office of the Public Defender employees.

We believe that we should have the right to have a seat at the table just like 30,000 other state employees to bargain our wages and working conditions. I have worked for the Office of the Public Defender for 5 years and I am always hearing of fellow core staff who have to work second and third jobs just to put food on the table. No one who works for the state of Maryland should be struggling this way.

I currently work a part time job to pay for other bills that my fulltime job can't cover. No one should have to have to make the choice between buying groceries and paying their rent. Dozens of core staff have left our agency, because no one heard them when they said they were drowning.

I had to keep my youngest daughter home from daycare because the fees increased after during the COVID-19 pandemic. Luckily, I'm able to telework both jobs. However, 90% of my fellow core staff colleagues were not given that option. If my coworkers and I had the same right as any other administrative aide in the state we would be able to advocate for more funding, retain quality staff, and not have to choose between juggling three jobs and never seeing our children or quitting our job to look for something else. We want to be at OPD. We love what we do. We are asking for your support.

Vote YES on SB 255 so the hard working OPD employees can have a voice on the job, and advocate for a better agency.

Afrika Kwanna
Administrative Aide
Anne Arundel County- OPD
AFSCME Local 423

SB 255_Schorr_FAV.pdf

Uploaded by: Alexa Nelen

Position: FWA

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

FAVORABLE

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

My name is Carolyn Schorr and I have been working at the Maryland Office of the Public Defender since last spring. I left the private law world to be a public defender because I firmly believe in our organization's mission. I grew up in Baltimore and I live a block away from my parents. I was raised to give back to our city and our community. Being a public defender is one of the best ways I can do that.

As a public defender, I am on the front lines of our judicial system. I have had to push aside health concerns in the middle of a pandemic to visit clients in prisons across the state, facilities who have utterly failed in protecting my clients from the spread of COVID-19. In the face of court closures, our workload continues to grow and our clients suffer from massive backlogs. Courts ignore our concerns and our clients' rights on a regular basis.

One step to address these issues is to allow our employees the right to collective bargaining. We know better than anyone what obstacles we face. The past two years have shown that we do not have the luxury of remaining at home while our clients suffer behind bars. However, without our voices being actively heard as part of the future of our organization, how can we expect OPD to have the proper tools to ensure a successful future for our clients?

My future is OPD and my future is Baltimore City. Please vote YES on SB 255 to ensure that remains a possibility for me and my family. Thank you for your consideration.

Carolyn Schorr
Assistant Public Defender
Baltimore City
Senate District 46
AFSCME Local 423

SB 255_Preston_Fav.pdf

Uploaded by: Darlene Preston

Position: FWA

**Written Testimony Submitted for the Senate Finance Committee
Darlene Preston, member, Maryland Defenders Union, AFSCME Local 423
SB 255 - State Personnel Management System - Office of the Public Defender – Placement and
Collective Bargaining
Sponsor: Senator Pam Beidle
Senate Finance Committee, Thursday, February 10, 2022**

FAVORABLE

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

My name is Darlene Preston and I am a proud employee of the Maryland Office of the Public Defender in Wicomico County. I am writing today to ask for your support in passing SB 255.

For the last 10 years I have dedicated my career to OPD and our clients. As an intake specialist, I help our clients navigate a system they hoped they would never find themselves in. I interview clients and gather the data we need to pass on to their attorney. Without intake specialists, the application process would be quite challenging.

Over the last decade I've also been forced to have two, sometimes even three jobs just to get by. Even now I pick up work where I can, and when I can't I'm having to make the difficult decisions on which bills to pay, and where to cut back. Without competitive salaries and a voice in our working conditions, we cannot retain quality staff, which places the burden of higher workloads on the rest of us. Without collective bargaining, the overworked staff cannot advocate for ourselves and our clients to make the improvements we need.

With collective bargaining OPD employees who spend their careers on the front lines of the agency would be able to bring their expertise and advice to the table with management and make sensible policy decisions that make the agency better. We would be able to address policy changes and adequate work distribution in an open and transparent ways that would leave us feeling less hopeless about a seemingly never-ending pile of cases.

The attorneys work hard in giving the best representation they can to the clients, and core staff is a huge part of that. Without the ability to speak up, negotiate with management, or forming a clear process for who issues at the agency are addressed, we will continue to lose quality staff and the clients will suffer.

I am asking for your support in voting YES to pass SB 255.

Thank you,

Darlene Preston
Intake Specialist
Wicomico County

SB255_AFSCME3_FWA.pdf

Uploaded by: Denise Gilmore

Position: FWA



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Patrick Moran - President

SB 255
State Personnel Management System - Office of the Public Defender –
Placement and Collective Bargaining
Finance Committee
February 10, 2022
FAVORABLE WITH AMENDMENT

AFSCME Council 3 supports SB 255. This legislation enables collective bargaining for the state employees at Maryland Office of the Public Defender (OPD). SB 255 also provides that the assistant public defenders, who would otherwise be described as “professional service” under the State Personnel Management System (SPMS), be removed from the category of “special appointee.” Upon enactment, OPD employees will still have to hold an election with the State Labor Relations Board to certify a collective bargaining agent before they are eligible to bargain.

SB 255 strives to give OPD employees the same collective bargaining rights that roughly 30,000 Maryland state employees currently enjoy. The lawyers, paralegals, social workers, and clerical staff for the OPD are employees with supervisors and managers, just like other state employees who have collective bargaining. Doctors and other human service professionals who work for the state have merit protections and collective bargaining. OPD attorneys deserve these same rights – they too have caseloads of Marylanders who are seeking the state’s help during the most vulnerable times in their life.

There is no legal justification for excluding OPD employees from collective bargaining. In fact, eighteen (18) other states allow employees of the Public Defender, including its attorneys, to collectively bargain. (SEE CHART ON PAGE 2). The original collective bargaining legislation in 1998 codified an Executive Order from 1996. Governor Glendening’s Executive Order could only cover agencies under his direct control. The OPD, by being independent and having its own board, could not legally be covered under an Executive Order. Since 1998, independent agencies have largely been added piecemeal as workers within that agency have organized.

The COVID-19 pandemic has served as catalyst for employee organizing. OPD employees often work right alongside state employees who have collective bargaining in our state hospitals, prisons, juvenile detention centers, and courthouses. OPD employees, however, were never given the opportunity to negotiate for higher wages or better safety protocols like their colleagues in other agencies. They have also been more vulnerable to losing their job for speaking up about safety concerns since “at-will” special appointees do not have the same merit protections and due process rights as those in the “skilled” and “professional” service.

Ultimately, collective bargaining is about having a voice, and the nearly 650 employees of the OPD who stand to benefit from this legislation have been denied one for far too long. SB 255 helps to ensure that the state employees who work for the OPD have a fair and just workplace. A minor technical amendment is needed – a sentence prohibiting OPD attorneys from engaging in private criminal practice was struck out. Our members would like to maintain this prohibition. We urge the committee to provide a favorable recommendation on SB 255.

Every AFSCME Maryland State and University contract guarantees a right to union representation.
An employee has the right to a union representative if requested by the employee.
800.492.1996

STATES WHERE OPD ATTORNEYS CAN COLLECTIVELY BARGAIN

States with Collective Bargaining for OPD Employees, Including the Attorneys	Government level**
California	Local
Connecticut*	State
Illinois*	Local
Iowa*	State
Massachusetts	State
Michigan*	Local
Minnesota*	State/Local
Montana*	State
Nevada	Local
New Hampshire	State/Private
New Jersey	State
New Mexico*	State
New York*	Local/Private
Ohio*	Local
Oregon*	Local/Private
Pennsylvania*	Local
Vermont	State
Washington*	Local
<p>*State has PD employees organized with AFSCME</p> <p>**Nationally, OPD services are operated either at local and county levels, through private organizations, or like Maryland through a statewide agency.</p>	

SB 255_Gillis_Fav.pdf

Uploaded by: Emily Gillis

Position: FWA

**Written Testimony Submitted for the Senate Finance Committee
Emily Gillis, member, Maryland Defenders Union, AFSCME Local 423
SB 255 - State Personnel Management System - Office of the Public Defender – Placement and
Collective Bargaining
Sponsor: Senator Pam Beidle
Finance Committee, Thursday, February 10, 2022**

SUPPORT

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

My name is Emily Gillis and I've been an Assistant Public Defender since 2018. I work in Cecil County, one of 5 counties in District 3, OPD's largest District by several counties, and Cecil happens to handle more than 50% of the cases for my district.

Since I started with OPD I have seen my caseload increase every day. In 2019, I was specifically assigned over 1800 cases. These do not include the cases that I handled during bail reviews in both District and Circuit Court, fugitive hearings, cases I covered for other attorneys because they were out or unavailable, or on the days when I helped colleagues who had unmanageable dockets. I have had to address issues with my own mental health due to the overwhelming and seemingly never ending increase in cases.

Every day that I wake up, I struggle to make it through the day without feeling overwhelmed or hopeless. I am not merely someone's legal representative, but I'm also often their therapist or social worker. In these roles, I'm often taking on difficult and emotional conversations with my clients and their family members at the hardest point in their lives. This job has often made me choose between taking a break to concentrate on my own mental health, or try and keep up with my docket. This is an impossible balance no one should have to deal with.

Every single day, I put my clients first. I must because I'm already in a position where I have to triage my cases to see who deserves more of my attention. I sit every day weighing one person's freedom versus another's because there is not enough time in the day and not enough days in a week or a year for me to put in the time I would like for every single client. I believe I give good representation, but our clients deserve the best representation, and that can only happen when the staff of OPD have a way to advocate for themselves and the work.

Collective bargaining for me would be a godsend. With collective bargaining I would no longer have to pick which clients I can spare five more minutes for on their case, and which ones I am forced to meet at the last minute. Collective bargaining would mean that I wouldn't have to selfishly pick my mental health over preparing a little longer on case. How would this be possible? Collective bargaining would allow myself and every other attorney, who often wear many different hats in this agency, to have a seat at the table and discuss reasonable caseloads so each client is given the time and energy they deserve.

I urge you to vote YES on SB 255, and extend collective bargaining to employees at the Office of the Public Defender.

Emily Gillis
Assistant Public Defender
Cecil County

SB255_ATLetter_FAV.pdf

Uploaded by: Isabel Lipman

Position: FWA

February 3, 2022

To whom it may concern:

My name is Amy Tannenbaum and I am a staff attorney at a civil legal services non-profit in Los Angeles, California; I write to you in my personal capacity. Our organization provides a range of civil legal services in the areas of eviction defense, immigrants' rights, consumer justice, veteran's rights, community development, and children's rights. I specifically work on a team providing eviction defense to low-income tenants; we handle all stages of litigation in the fast-paced context of unlawful detainers, including discovery, motions, depositions, and jury trials.

In May 2019, our non-managerial staff – non-supervisory staff attorneys and fellows, social workers, paralegals, intake coordinators, and administrative assistants, among others – unionized as a local of the American Federation of State, County and Municipal Employees (AFSCME). We signed our first contract with management in June 2021. I have personally been active in our local, including serving on its first two executive boards and sitting on the negotiations committee.

Becoming a union shop, and having the right to collectively bargain with our employer, has had an enormously positive impact on my personal work experience and that of my colleagues. Our choice to unionize as a bargaining unit reflected longstanding problems in the workplace that left workers feeling undervalued and that made it difficult to recruit and retain quality attorneys and paraprofessionals. Prior to unionizing, many of our staff members spent a great deal of time and energy advocating for their needs individually, or trying to convince management to enact even incremental changes to work policies that would make our work much easier. The process of collective bargaining allowed us to delegate much of that work to a dedicated negotiations committee. Ultimately, through collective bargaining, we attained benefits like increased pay scales, translation pay for staff who regularly use a language other than English on the job, improvements to parental leave and spouse and dependent insurance coverage, and compensatory time for exempt employees. We have also been able to work collaboratively with management to address the challenges of the COVID-19 pandemic, such as implementing an office vaccination policy. In sum, collective bargaining has resulted in significant improvements to our working conditions and compensation, and has greatly improved morale amongst staff.

A top benefit that accrues from collective bargaining is contracting for compensation and benefits that match area and industry standards and reflect the needs of attorneys, legal workers, and support staff. This helps civil legal services offices to retain the skillful and trained attorneys they have on staff, providing clients with continuity of representation and making it more likely that staff will stay at the organization long-term to bring those years of experience to bear for their clients. It also helps to recruit talented new staff, who appreciate not only being compensated in accordance with the value they will bring to the organization and to clients, but also the intangible value of working in a union shop where workers have collective bargaining rights.

From my experience with my own union and observing the experiences of many colleagues at other unionized civil legal services organizations and public defender offices, attorneys and legal

workers at these offices provide the same, if not better, quality of representation to clients than those at non-union shops. Just cause protections give us peace of mind as we work tirelessly to serve our clients, coming up with creative solutions to difficult problems. When issues arise with our working conditions, the time and energy that we previously would have used to advocate for ourselves or to try to fix the problem can be spent on client services; now, our union representatives help us find a solution with management. And the transparency around compensation, evaluations, and promotions helps reduce staff anxiety, allowing us to focus on the fast-paced, high-stakes legal services we provide. In other words, collective bargaining helps us stay focused on the reason we all took these jobs: the work we do for our clients.

For these reasons, I strongly urge you to support HB 90/SB 255. The hard-working staff of the Maryland Office of the Public Defender would greatly benefit from this change, and it will help them continue to provide high-quality representation to their clients.

Thank you,

A handwritten signature in cursive script that reads "Amy Tannenbaum".

Amy Tannenbaum

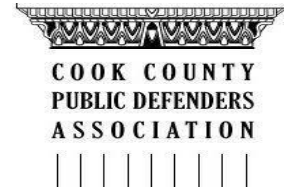
SB255_Letter to Maryland Legislators_FAV.pdf

Uploaded by: Isabel Lipman

Position: FWA



Cook County Public Defenders Association AFSCME Local 3315
President - Kevin Ochalla Vice President - Mark Douglass
Secretary - Kyan Keenan Treasurer - Brett Gallagher
Crystal Brown - Theresa Nelson - Takenya Nixon
2650 S. California Ave. 8th Floor, Chicago Illinois 60608
773-674-3217



February 5, 2022

Dear Maryland Legislators,

We write this letter in support of the attorneys of the Maryland Public Defender's Office in their effort to establish collective bargaining rights for themselves and their core staff and social worker colleagues. While we understand that Union Public Defenders from Cook County Illinois are not your constituents, we write in support of HB90/SB255 to so show that collective bargaining has been incredibly beneficial for the quality of representation by our office.

Collective bargaining has been a significant factor in raising the quality and skill level of the attorneys in our office. We organized 1987 and prior to that time the average attorney's length of employment was often only a couple of years. This had a negative effect on representation in that attorneys would gain some courtroom experience and then move on to private practice thereby denying indigent defendants the benefit of the experience that they gained. Also as there was no real system for assigning attorneys to courtroom assignments or for assigning cases to qualified attorneys less experienced attorneys were assigned to complex, serious cases well before they were truly qualified to handle such matters.

Collective bargaining helped establish several things that have benefits to those we represent. For example, there is now a process for promotion that takes into account both experience and seniority. There is a process where an attorney can bid to a location where they want to work or in an area of law they want to practice; juvenile justice, child protection, misdemeanor, felony or homicide.

The Union is also a mentoring system where members meet with other members from all over the county. Through Union culture younger members meet more experienced members and professional relationships are established, benefiting both members and the clients. We currently have about 420 Union attorneys in our office. The Union has also pushed continuing legal education even before it was mandated in our state.

Union attorneys from the Cook County Public Defender's Office are some of the most skilled lawyers in the state. The job of a Public Defender is one of the most challenging and difficult in the law. Those that choose to do this work take on the trauma of those they represent. No one meets a Public Defender because they had a good day. Public Defenders, in representing their clients must often confront the state's attorney, the judge, the police and often times the public. A Union, committed to supporting Public Defenders, creating a positive work environment, establishing standards for continuing education and promotion, and that fosters a culture of highly skilled employee retention will only strengthen any criminal justice system in which they operate by ensuring the best quality of representation for indigent defendants.

In Solidarity,

K J Ochalla
President

Joshua Nathan
Chief Steward

Mark Douglass
Vice-President

Brett Gallagher
Treasurer

Kyan Keenan
Secretary

Crystal Brown
Executive at Large

Theresa Nelson
Executive at Large

Takenya Nixon
Executive at Large

SB255_Lipman_FAV.pdf

Uploaded by: Isabel Lipman

Position: FWA



Maryland Defenders Union
Local 423, AFSCME Council 3
marylanddefendersunion@gmail.com



Marci Tarrant Johnson, *President*
Kalia Woods, *Non-Attorney Vice-President*
Shomari Taylor, *Attorney Vice-President*
Henry Druschel, *Recording Secretary*
Cheryl Hughes-Redd, *Secretary-Treasurer*

Sally Larsen, *Attorney Board Member*
Stephanie Joseph, *Attorney Board Member*
Isabel Lipman, *Attorney Board Member*
Afrika Kwanna, *Non-Attorney Board Member*
Casi O'Neill, *Non-Attorney Board Member*
David Pyle, *Trustee*

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

FAVORABLE

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

My name is Isabel Lipman. I am an assistant public defender in Baltimore City, in the Felony Trial Unit. I have worked for the Office of the Public Defender (OPD) for fifteen years. My colleagues and I strive to provide outstanding representation to my clients, who are exposed to lengthy prison sentences, and often life in prison. However, we are constantly undermined by under-resourced and understaffed offices, a lack of leadership on systemic issues important to our clients, and a toxic agency culture.

Our clients deserve to have lawyers, core staff, and social workers on their team who can speak up about issues like these without fear of retribution. They deserve to have the support of core staff who earn a living wage. They deserve to have attorneys who have manageable caseloads and the resources they need to prepare an excellent defense.

Employees of the OPD deserve the civil right to collectively bargain – a right enjoyed by 30,000 of our fellow State workers. It would give all of us who defend the indigent the voice, the tools, and the security we need to provide the fierce and effective representation our clients deserve, and that the United States Constitution demands.

I urge the committee to support SB255 favorable with amendment.

Isabel Lipman
Assistant Public Defender
Maryland Defenders Union
AFSCME Local 423

SB 255_Cover_Fav.pdf

Uploaded by: Kelli Cover

Position: FWA

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

FAVORABLE

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

My name is Kelli Cover and I am an Assistant Public Defender for the Maryland Office of the Public Defender in Baltimore County. I'm writing in **support of SB 255**. Collective Bargaining is important to me because it would bring stability to our workforce and improve retention, which would lead to better representation of our clients.

In my three years with the agency, I have witnessed countless employees leave our office. In addition to those that left by choice due to the working conditions, many have also been the subject of a "midnight transfer." Within my first week of employment, my direct supervisor and another supervisor were demoted without warning, and our office manager was moved out of the district. Within my first year, our District Public Defender was transferred without notice.

As criminal defense attorneys, our clients deserve zealous representation. When we fear retaliation and know we have no protection or avenue for recourse, this impedes on our ability to effectively represent our clients.

Collective Bargaining would not only provide due process for employees, but it would allow us to advocate for more resources to better represent our clients and support our staff. This would lead to improved retention, as well as the ability to recruit and retain the best staff.

When an attorney leaves the office, cases must be absorbed by other attorneys and the client's representation is negatively impacted. I was recently assigned a case in which I am the client's 3rd attorney in less than a year. Not only would SB 255 improve continuity of representation by improving employee retention, but it would allow us to create a processes for issues like employee transfers and for our clients when changes do occur.

It is a privilege to do this work for our clients. We pour our heart and soul into this work and want to keep doing so, but with the rights and protections we desperately need. Protection for us will result in better protection for our clients.

I urge the committee to provide a favorable report on SB 255.

Kelli Cover
Assistant Public Defender
Baltimore County
AFSCME Local 423

OPD Partners Letter_v6.pdf

Uploaded by: Marci Johnson

Position: FWA



We are Maryland residents, allies inside the Office of the Public Defender (OPD), and members of supporting organizations across the state who are grateful for OPD's many contributions to their clients and our communities. We are proud of OPD's frontline staff and their work serving the people of Maryland in seeking fair treatment, liberty, and access to justice for all.

In unprecedented times they have worked to ensure Maryland's public defense was effective and everyone received representation. They never faltered in their determination to fulfill the agency's mission for "justice, fairness and dignity for all." We now call on you to ensure those values are extended to the staff at OPD as well.

The strain of a global pandemic, high turnover, unmanageable workloads and the lack of policy consistency across districts has put a considerable burden on the staff and on the services they provide. **It's time OPD staff are included in the 30,000 other state employees who have a voice in the policies, procedures and pay that affect their work lives.**

There is no reason core staff, attorneys and social workers at OPD should be left behind and denied their basic civil right to negotiate their wages and working conditions. In supporting collective bargaining rights and merit status for OPD employees, we are supporting their clients. Every person deserves the highest quality of representation under the law, and in order to achieve that, OPD staff need to have adequate resources and a voice in raising standards in their agency.

By signing this petition, we are calling on Maryland Delegates and Senators to **pass HB 90/SB 255 expanding collective bargaining rights and merit status for OPD employees.**

We the undersigned...



**JEWES UNITED
FOR JUSTICE**

THINK JEWISHLY. ACT LOCALLY.

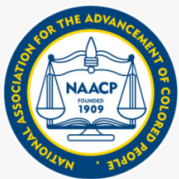


**ACL
Union**

**CASA
DE MARYLAND™**

BALT
BALTIMORE ACTION LEGAL TEAM

**PUBLIC
JUSTICE
CENTER**



NAACP
Maryland
STATE CONFERENCE

**Center
FOR URBAN
FAMILIES**
HELPING FATHERS AND FAMILIES WORK



MONTGOMERY
COUNTY, MARYLAND

WOMEN'S
DEMOCRATIC CLUB

**JUSTICE
POLICY
INSTITUTE**

AFSCME MARYLAND LOCALS:



Local 239 - Frostburg State University

Local 354 - Washington & Frederick Counties Employees

Local 539 - Carroll & Howard County Employees

Local 557 - Clifton T. Perkins Hospital Center

Local 631 - Suburban Washington Employees

Local 1081 - Lower Eastern Shore Employees

Local 1459 - University of MD Baltimore County

Local 1535 - Maryland State Employees, Baltimore City

Local 1606 - MDTA-Baltimore Area

Local 1803 - MD Employees in Anne Arundel County

Local 1870 - Baltimore City Community College

Local 3167 - Department of Juvenile Services

Local 3478 - Eastern Correctional Institution

Local 3644 - Dept of Education, IWIF & Worker's Comp Employees

Local 3661 - Parole & Probation Employees

...support this letter.

**WE STAND IN SOLIDARITY WITH THE
MARYLAND DEFENDERS UNION.**



SB 255_Johnson_FAV.pdf

Uploaded by: Marci Johnson

Position: FWA



Maryland Defenders Union
Local 423, AFSCME Council 3
marylanddefendersunion@gmail.com



Marci Tarrant Johnson, President
Kalia Woods, Non-Attorney Vice-President
Shomari Taylor, Attorney Vice-President
Henry Druschel, Recording Secretary
Cheryl Hughes-Redd, Secretary-Treasurer

Sally Larsen, Attorney Board Member
Stephanie Joseph, Attorney Board Member
Isabel Lipman, Attorney Board Member
Afrika Kwanna, Non-Attorney Board Member
Casi O'Neill, Non-Attorney Board Member
David Pyle, Trustee

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

SB 255_Bennett_FAV.pdf

Uploaded by: Rachel Bennett

Position: FWA



Maryland Defenders Union
Local 423, AFSCME Council 3
marylanddefendersunion@gmail.com



Marci Tarrant Johnson, *President*
Kalia Woods, *Non-Attorney Vice-President*
Shomari Taylor, *Attorney Vice-President*
Henry Druschel, *Recording Secretary*
Cheryl Hughes-Redd, *Secretary-Treasurer*

Sally Larsen, *Attorney Board Member*
Stephanie Joseph, *Attorney Board Member*
Isabel Lipman, *Attorney Board Member*
Afrika Kwanna, *Non-Attorney Board Member*
Casi O'Neill, *Non-Attorney Board Member*
David Pyle, *Trustee*

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

FAVORABLE

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

I am an attorney with the Maryland Office of the Public Defender and I am writing to ask for your support for Senate Bill 255, which will extend collective bargaining rights to the attorneys, social workers and core staff at OPD. I have worked as an Assistant Public Defender for nearly nine years. I represent clients charged with felony offenses in the Baltimore County Circuit Court. I feel privileged to have found a career that is both challenging and rewarding. Yet, serving year after year in a persistently underfunded agency, I know it is critical that we have the tools to demand adequate resources and for our voices to be heard in Annapolis.

We need a union in order to get the basic resources that we need to represent our clients. If I had fewer cases, I wouldn't work less, I would do a better job for each of my clients. I regularly carry a caseload of 70 felony cases. The majority of my clients face over twenty years in prison. I have five clients facing life sentences—colleagues of mine have twice that number. In addition to my regular caseload, I am asked to handle bail review hearings, violation of probation hearings and preliminary hearings.

We have an inadequate number of attorneys to carry out the mandate of *Gideon v. Wainwright*, that anyone charged with a crime is entitled to have a competent legal representative at their side. Due to the volume of cases, an individual arrested and charged with a felony in Baltimore County who applies for a public defender will wait six weeks—sometimes in jail—before an attorney is appointed to their case.

We represent some of the most vulnerable people in Maryland. We represent clients with serious mental illness who are patients at psychiatric facilities. We represent young adults aging out of the foster care system who lack familial support. We represent clients with developmental and intellectual disabilities. We represent people struggling with addiction. We represent survivors of domestic abuse and trauma. We meet all of these individuals at a moment of crisis.

We lack the basic resources we need to do our job. Our support staff are far too few and underpaid. The single secretary assigned to my unit is asked to handle assignments from multiple attorneys. In the evenings, he works a second job at Autozone to provide for his kids. I frequently must reach into my own pocket to pay for supplies and expenses needed to represent my clients. I bring in my own binders, folders, staples, even office furniture. If my client needs a suit to wear for trial, I need to provide it. When our office hosts an annual conference, we are asked to pay our own way. When I've sought out training programs with national organizations outside of our agency, I'm repeatedly told no funding is available for me to attend. When our colleagues throw the towel in and quit, we're handed their caseload and told there are no pins authorized to hire a replacement.

It is critical that we have the right to organize and bargain collectively so that we can advocate for the tools and resources we need to fulfill our constitutional mandate. I urge you to vote YES on SB 255.

Rachel Bennett
Assistant Public Defender
Maryland Office of the Public Defender
Felony Circuit Court Division

SB255_Musselman_FAV.pdf

Uploaded by: Stephen Musselman

Position: FWA



Maryland Defenders Union
Local 423, AFSCME Council 3
marylanddefendersunion@gmail.com



Marci Tarrant Johnson, *President*
Kalia Woods, *Non-Attorney Vice-President*
Shomari Taylor, *Attorney Vice-President*
Henry Druschel, *Recording Secretary*
Cheryl Hughes-Redd, *Secretary-Treasurer*

Sally Larsen, *Attorney Board Member*
Stephanie Joseph, *Attorney Board Member*
Isabel Lipman, *Attorney Board Member*
Afrika Kwanna, *Non-Attorney Board Member*
Casi O'Neill, *Non-Attorney Board Member*
David Pyle, *Trustee*

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

FAVORABLE

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

My name is Steve Musselman and I am a felony public defender in Hagerstown, MD. I have been with the officer for over twenty years and a practicing attorney for over twenty-nine years. I have been a prosecutor or public defender in Maryland, Louisiana, and Maryland for my whole career. **I am writing in support of SB 255.**

This collective bargaining bill is the final step that I see to protect and successfully represent our clients and meet the mandate of our office of “justice, fairness and dignity.” You have the power to permit us – on the front lines – to do the best for our clients and to do the best that every legislator wants to see.

It is 2022 and I urge you to address the unfairness that public defenders, social workers and core staff employees who do not have the rights of other state workers. State workers make our state better with a “place at the table” and we want to do the same.

Our peer offices have long ago extended these rights to their employees from Los Angeles to Chicago to New York. We wish to join those offices in gaining the right to bargain our wages, working conditions and advocating for our clients. Public Defense can further meet its Constitutional mandates with your support of this bill by advocating for the resources we need, retain high quality staff, and have an open dialogue with the OPD administration on problem solving to better serve our clients.

Furthermore, the attorneys, social workers and core staff are ready to join our 30,000 peer state works with a voice in our future and the ability to equitably and properly foster safety and stability within the agency. The uniqueness of our jobs representing and advocating for those who are voiceless further screams out that we need you to act and give us the protections that should have been extended to us years ago.

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

Steve Musselman
Assistant Public Defender
Maryland Defenders Union
AFSCME Local 423

C Knight OPD Position on SB0255.pdf

Uploaded by: Cynthia Knight

Position: UNF



PAUL DEWOLFE
PUBLIC DEFENDER
KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER
CYNTHIA KNIGHT
CHIEF HUMAN RESOURCES OFFICER

POSITION ON PROPOSED LEGISLATION

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

FROM: Cynthia Knight, Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 2/8/2022

As the Chief Human Resources Officer for the Office of the Public Defender, I respectfully request that the Committee issue an unfavorable report on Senate Bill 255. SB 255 seeks to place our Special Appointment attorneys in the merit system.

The Office of the Public Defender is a law firm. At its inception, the framers of our agency were sensitive to this distinction and ensured we were not set up as a typical state agency.

The 1992 ABA report: Ten Principles of a Public Defense Delivery System reinforces our structure when it wrote:

1. The public defense function, including the selection, funding, and payment of defense counsel, is independent. The public defense function should be independent from political influence and subject to judicial supervision only in the same manner and to the same extent as retained counsel. To safeguard independence and to promote efficiency and quality of services, a nonpartisan board should oversee defender, assigned counsel, or contract systems. Removing oversight from the judiciary ensures judicial independence from undue political pressures and is an important means of furthering the independence of public defense. The selection of the chief defender and staff should be made on the basis of merit, and recruitment of attorneys should involve special efforts aimed at achieving diversity in attorney staff.

The OPD and the Attorney General's office meet those clear guidelines by maintaining the existing arrangement.

Furthermore, the Office of the Public Defender was established as an independent agency designed to be free from outside and political influence to solely focus on advocacy for our clients. For fifty years, we

have been a national model for the effective delivery of indigent defense services. We have pioneered models for effective death penalty defense, juvenile representation, integration of social work services, and attorney training. The Special Appointment designation allows for our Public Defenders to advocate for clients in the most flexible and proactive way possible.

There have been statements made that misrepresent the Special Appointment designation. I would like to offer clarification: Special Appointments are “at-will” employees who follow the same hiring and disciplinary appeals processes as Executive Service and Management Service positions. Special Appointments have all the rights and privileges of regular State Employees. They are annually evaluated by the PEP process, contribute to the robust pension system for retirement benefits, and are not subject to an annual reevaluation of their job as contractual employees are.

This bill will also substantially change our ability to recruit and hire incoming attorneys. By statute, an attorney must be admitted to practice law in the State by the Court of Appeals of Maryland to be an Assistant Public Defender. If only qualified candidates could be considered for attorney positions, we would be required to end our current practice of extending contingent offers to candidates awaiting bar admission, thereby eliminating recruitment of law students, recent law school graduates, as well as out of state lawyers. The impact would be extreme. For example, ending the practice would mean that recent law school graduates would need to wait at least six months to apply to an entry-level position to OPD. In today’s labor market, that would be devastating to our recruitment efforts. And that is just one example. It cannot be stressed enough how heavily we rely on bar contingent offers to recruit the committed and capable attorneys our clients deserve.

Because of the importance of their work, Assistant Public Defenders deserve the flexibility in advancements and promotions that Special Appointment allows. A promising young district court attorney can participate in felony trial cases sooner than the merit system will allow; leadership positions can be selected based on skill and commitment to clients rather than seniority, and transfers can swiftly be executed to accommodate individual attorney lifestyles and overall client needs. As I have repeatedly said, converting assistant public defenders to professional service provides merit protections for underperforming attorneys, but is a demotion in opportunities for rising stars.

The merit system would require a rigid advancement structure that shifts priorities away from our client-centered values and obligations. An attorney who is not well suited for felony trial work should not be representing felony clients at trial merely because they have seniority in state employment.

The Office of the Public Defender proudly employs 561 attorneys:

- 209 of whom have the distinction of being long-term attorneys.
- 110 have served faithfully for more than ten years;
- 74 have served 20 years, and
- 25 attorneys have 30 years of service or more.

From January 1, 2020 through March 1, 2022:

- 56 employees submitted for retirement:
- 16 retired with 20 years or more of service;
- 19 retired with 30 years;
- 8 retired with 40 years or more; and we had
- 1 employee who retired with 50 years of service.

OPD has proven itself as a place where attorneys called to this mission can have a long-term career.

Our current disciplinary process is used sparingly and in only the most extreme situations. Over the past three years, we have had only (3) three attorney terminations, and (3) three core staff terminations. Over the span of 10 years, we have had 42 terminations, 29.5 on which were attorney positions.

Being a Public Defender is a difficult job with long hours and unique circumstances. You will often hear our attorneys say “being a public defender is not a job it’s a calling.” Please allow us to nurture that calling in an appropriate and effective manner by retaining the broad flexibility that the framers of the Office of the Public Defender outlined and implemented.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB0255.

Submitted by: Maryland Office of the Public Defender.

Authored by: Cynthia Knight, Chief Human Resources Officer, cynthial.knight@maryland.gov, 443-920-4774.

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Uploaded by: Michael Beach

Position: UNF



PAUL DeWOLFE
PUBLIC DEFENDER
KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

POSITION ON PROPOSED LEGISLATION

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

FROM: Michael Beach, Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 2/8/2022

My name is Michael Beach, and I am OPD's Director of Strategic Litigation and Law Reform. Until October of last year, I was the District Public Defender for Calvert, Charles, and St. Mary's Counties. I had the privilege of serving as District Public Defender for 7 ½ years and was the Deputy District Public Defender for two years before that. I have been with OPD for 18 ½ years, but I was not always a public defender. For six years after law school, I was a judicial law clerk, worked at a large law firm, and was a graduate teaching fellow at Georgetown University Law Center.

In 2003, I found my true calling and began working for the Maryland Office of the Public Defender, and I have never looked back. Over 18 ½ years, I have seen this agency transform itself into the biggest and best law firm in the state – it pioneered death penalty defense and celebrated the end of the death penalty in Maryland. It created and sustained an unparalleled team of juvenile defenders and integrated social work services. It has created a recruiting and training program that attracts the best talent from coast to coast. I have watched it become one of the finest public defender systems in the country.

Of course, we can always get better, but this bill undercuts so much of what has brought us to where we are today. The complaints you may hear about caseloads and turnover are not unique to the Maryland Office of Public Defender. Even states like Minnesota and New York, whose attorneys are unionized, face the same issues, as mentioned in the attached two articles:

- "Minnesota's public defense system seeing an exodus of attorneys," January 11, 2022 (Minnesota Assistant Public Defenders Union, Teamsters Local 320):

<https://www.twincities.com/2022/01/11/minnesotas-public-defense-system-seeing-exodus-of-attorneys-over-low-pay-high-caseloads/>

- "Low pay for public defenders seen as threat to justice," October 29, 2018 (pre-pandemic). "Office is suffering from a crisis of attrition and facing difficulty recruiting new lawyers." (Association of Legal Aid Attorneys (NY) UAW Local 2325):

<https://citylimits.org/2018/10/29/low-pay-for-public-defenders-and-prosecutors-seen-as-threat-to-justice/>

I love the clients we serve. They inspire us daily, even though we often find them at what is the lowest moment in their lives. My colleagues inspire me every day too – all the wonderful lawyers and core staff I’ve been lucky enough to work with since 2003. I’ve also had the unique privilege to supervise the newest generation of public defenders over the past several years. I’ve found myself learning far more from them than they have learned from me. That’s because OPD has had the flexibility to hire, promote and retain the top law students and attorneys, who are also singularly dedicated to our mission. That will change under this bill. That is a bad thing for our agency and a bad thing for the justice system as a whole.

First, this bill amends the Public Defender statute to allow assistant public defenders to engage in the private practice of criminal law. This is a grave mistake and drastic change in the law, our culture, and our history -- public defenders have been prohibited from engaging in the private practice of criminal law from the very beginning of the agency. The criminal justice system disproportionately impacts poor people and people of color. We, as an agency, cannot live up to our mission and our ethical duty of loyalty to our clients while moonlighting in the private sector. Our caseloads are too large, our time is too limited, and our loyalties must be undivided.

Second, under this bill, we will no longer be able to hire the best law students, like some of my amazing colleagues in Southern Maryland to whom we extended job offers while they were still in law school. Putting public defenders under the State Personnel Management System (SPMS) will forbid us from offering jobs to third-year law students before they pass the bar, putting us at a huge disadvantage to other offices competing for this limited and unique talent pool. This will be damaging to our mission. As District Public Defender, I have personally experienced the challenges of hiring through the SPMS, which is already used for our core staff. Its slow processes and prioritization of hiring factors detached from our mission won’t translate well at all into public defender hiring. To advance our unique role in the criminal justice system, people who want to be public defenders as a calling should get the same shot at working with us as do others with qualifying state employment experience who may be looking for another government job. Of course, state employees should get a fair shot if they believe in our mission, but they should not get a leg up on everyone else.

Third, this bill will remove our current flexibility to promote the best and brightest. We have been able to advance younger attorneys who show exceptional promise, providing them felony cases and jury trial experience at a very early stage in their careers. This improves morale and retention. Our flexibility in recruiting, hiring, and promotion has also promoted DEI priorities in our personnel actions, and the agency has become more and more diverse over my time at OPD. This bill will result in seniority prevailing over talent and DEI priorities, it will open the door to grievances over perceived unfairness in case assignments and other job conditions -- all of which will distract from our daily work, and could even result in disputes between attorneys and clients being aired in administrative hearings over job performance, implicating sacred client privileges.

Fourth, as detailed in the testimony provided by OPD's Chief Human Resources Officer, Cynthia Knight, OPD rarely terminates attorneys and limits termination to the most exceptional circumstances. I can attest to this from personal experience, having requested termination only twice during my nine years in leadership in Southern Maryland (and not at all for more than three years). In both instances, our clients were being seriously hurt, and the attorneys were given ample opportunities to turn things around. I have also seen firsthand how lengthy and convoluted the termination process is for administrative professionals under SPMS. Being forced to keep the rare attorney who is providing incompetent or unethical representation for a year or more while the disciplinary process plays out, means, by necessity, that the attorney must continue appearing in court, resulting in significant post-conviction issues and disproportionate harm to poor people and people of color. This is something unique to our agency because of how frequently we must be in court and must engage in direct client representation. Termination is always a last resort, but a lack of flexibility in dealing with the very rare attorney who is hurting our clients will undermine our unique mission and make the harm to our clients worse.

I have been blessed in my years at OPD, particularly my time in leadership. I am a personal witness to some of the great things about our agency that this bill will take away. Being able to hire and supervise a young and diverse cadre of attorneys and watch them try and win cases in front of a jury within a year of being hired is inspiring. Watching attorneys try and win serious felony cases for clients facing life in prison within just a few years of being hired is extraordinary. Being able to hire, supervise, and learn from the best and most dedicated public defenders in the country as they fight for the dignity of people our criminal justice system has often neglected, mistreated, or ignored – be it in juvenile court, at trial, at sentencing, or post-conviction -- makes this a rewarding and purposeful career.

I think I have the best job there is. I love this agency, and it has come so far. I urge you not to advance a bill that undoes so much progress.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB0255.

Submitted by: Maryland Office of the Public Defender.

**Authored by: Michael Beach, Director of Strategic Litigation and Law Reform,
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SB 255 SMPS-Office of Public Defender-Placement (B

Uploaded by: Barbara Wilkins

Position: INFO



Maryland

DEPARTMENT OF BUDGET
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SENATE BILL 255 State Personnel Management System – Office of the Public Defender – Placement (Beidle)

STATEMENT OF INFORMATION

DATE: February 10, 2022

COMMITTEE: Senate Finance

SUMMARY OF BILL: SB 255 removes the assistant public defenders and other positions in the Office of Public Defender from appointed positions and places them into a merit protected status. Assistant Public Defenders, intake specialists and investigators shall be placed in bargaining unit F for social and human services professionals. The Deputy Public Defender is in the executive service of the and the district public defender is in the management service. Employees in the professional or skill service categories may only be terminated for cause. By January 1, 2023, the Secretary of the Department of Budget and Management shall assign each appointee or employee of the Office to the appropriate employment category.

EXPLANATION: SB 255 converts assistant public defenders and other positions in the Office from at-will employees to merit protected employees.

A long-standing practice in the State is to not simply convert at-will employees to merit protected positions without a competitive recruitment. Typically, these positions are only converted to merit upon vacancy. Incoming employees would then gain merit-protected status after going through the state's competitive selection process, which is a fundamental tenet of the merit system. Typically, similar legislation has included provisions that make employees merit protected only upon vacancy, including major personnel reform legislation (Ch. 690 of 2009) that repealed the automatic at-will status of a number of groups of employees throughout the State government. Therefore, employees hired into those positions would be hired on a competitive basis.

If the General Assembly feels that such an amendment is appropriate, the amendment is as follows: On page 7, strike lines 4-7, and substitute,

“SECTION 2. AND BE IT FURTHER ENACTED, That a position identified to change employment category as a result of Section 1 of this Act shall remain an at-will position until the position becomes vacant.”

Further, on page 6, in lines 4-6, the bill takes authority away from the State Labor Relations Board (SLRB) to determine the appropriate bargaining unit into which assistant public defenders, intake specialists and investigators shall be assigned. There is no valid reason to statutorily mandate that these positions be represented by AFSCME bargaining unit F for social and human services professionals and the determination should be left to the SLRB.

**For additional information, contact Barbara Wilkins at
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