During the 40th anniversary year of the U.S. Supreme Court’s decision in *Gideon v. Wainwright*, the American Bar Association’s Standing Committee on Legal Aid and Indigent Defendants (ABA SCLAID) in 2003 held a series of public hearings to examine the implementation of the right to counsel in state court proceedings for poor persons accused of crimes. In January 2005, ABA SCLAID published its final report based on the testimony provided at the hearings, entitled “*Gideon’s Broken Promise: America’s Continuing Quest for Equal Justice.*” This fact sheet contains a short summary of the “Problems in Indigent Defense” and “Model Approaches to Providing Services” in Maryland that were reported by one of the hearing witnesses. For the complete information regarding each of the statements listed below (including references to hearing transcripts, reports, and other supporting materials), please see “*Gideon’s Broken Promise: America’s Continuing Quest for Equal Justice,*” available at [http://www.indigentdefense.org/brokenpromise](http://www.indigentdefense.org/brokenpromise).

### Problems in Indigent Defense

The following problems were reported by the hearing witness:

- Oftentimes caseloads far exceed national standards, making it impossible for even the most industrious of attorneys to deliver effective representation in all cases. During 2002, public defenders in Baltimore were handling 80-100 pending serious felony cases at any given time, leading the state’s chief public defender to announce that attorneys in that office would not accept any new cases. Within two weeks, the state public defender agency through emergency measures was provided ten new attorneys and three new support staff for the Baltimore office. But this was described by the witness as a temporary solution at best.

- A recent study found that, when it comes to juveniles, judges in Maryland flagrantly disregard Supreme Court decisions requiring them to determine that a waiver of the right to counsel is knowing, voluntary, and intelligent before accepting it; instead, they habitually suggest to juveniles that they waive their right to an attorney.

- Compensation and support for indigent defense attorneys lag far behind their prosecution counterparts.
Model Approaches to Providing Services

The following model approach to providing services was reported by the hearing witness:

- The Office of the Public Defender in Maryland manages that state’s public defender system, resulting in centralized administration of district offices that provide trial level services throughout the state. In addition, the agency recently established a new forensics division and maintains other specialty divisions to handle appeals, death penalty cases, mental health cases, post-conviction/collateral review, and dependency/termination of parental rights cases.