



March 8, 2017

Maryland House Judiciary Committee  
House Office Building, Room 101  
Annapolis, MD 21401

**Re: Letter of Opposition to HB 839**

Dear Members of the House Judiciary Committee:

On behalf of the National Association of Criminal Defense Lawyers (NACDL), I write to urge an unfavorable report on HB 839. This legislation would curtail the delivery of defense services to indigent Marylanders accused of a crime by interfering with the right of poor citizens to access state-furnished counsel provided by the Maryland Office of the Public Defender.

NACDL is the preeminent organization advancing the mission of the criminal defense bar to ensure justice and due process for persons accused of crime or wrongdoing. A professional bar association founded in 1958, NACDL's approximately 9,000 direct members in 28 countries—and 90 state, provincial and local affiliate organizations totaling up to 40,000 attorneys—include private criminal defense lawyers, public defenders, military defense counsel, law professors and judges committed to preserving fairness and promoting a rational and humane criminal justice system.

HB 839 seeks to have the Public Defender representation of a poor client terminate after bail review, unless the client remains in custody. Therefore, poor people who are released after bail review will not have a continuity of legal counsel. Rather, those released will have to come back to the OPD for a financial re-qualification interview, resulting in an increased workload for OPD. The fiscal note attached to HB 839 estimates that OPD would have to spend an additional \$250,000 in fiscal year 2018 to accommodate the costs associated with hiring 5.5 additional intake specialists to deal with this increased workload.

The bill also raises serious ethical and constitutional concerns. We urge this body to reject attempts to curtail the right to counsel.

We ask for an unfavorable report for HB 839.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle O'Dowd". The signature is fluid and cursive, with the first name "Kyle" being the most prominent part.

Kyle O'Dowd  
Associate Executive Director for Policy  
National Association of Criminal Defense Lawyers