The Maryland Office of the Public Defender's

## **Decarceration Initiative**

## **Pro Bono Opportunity**

Recognizing that young people convicted of serious crimes are capable of changing and safely rejoining society, the Maryland General Assembly in April 2021 enacted the Juvenile Restoration Act (JRA). Effective October 1, 2021, this act allows people who have served at least 20 years of a sentence for a crime committed when they were under the age of 18 to file a motion asking the court to reduce their sentence. In light of the number of people who will need legal assistance, the Office of the Public Defender (OPD) is recruiting and training private attorneys who are willing to represent one or more people *pro bono* in their effort to obtain their freedom. Here's how it works:

**Signing up**. You can sign up by emailing Brian Saccenti at <a href="mailto:biran.saccenti@maryland.gov">biran.saccenti@maryland.gov</a>. If you are barred elsewhere but not in Maryland, we will work with you to get you admitted *pro hac vice*. Criminal litigation experience is not required, as we'll be providing extensive training on how to handle these cases.

**Getting a case**. Once you've requested a case, the OPD will identify a client who needs representation. We will then email you information so you can check for conflicts. If the conflict check clears, the OPD will then send you the case file and a letter appointing you to represent the client as an Assigned Public Defender, and will notify the client.

Working with the client and gathering mitigation. Typically, you should write to the client immediately after you're assigned the case and arrange to visit the client within a few weeks. Another important task will be gathering mitigation. We've been hard at work gathering some documentation from the clients' prison, parole and medical files, but you'll undoubtedly need to gather additional material through interviews with your client and their family, review of the circuit court files, etc. When we assign you your case, we'll grant you access to a file containing the documents we've gathered.

**Trainings and support**. We have recorded trainings for *pro bono* attorneys on various aspects of representing clients in these cases. We will also provide access to templates, research, twice-monthly Q&A videoconferences, a listserv, and experienced attorneys to answer any questions you might have. When needed, the OPD can provide reentry planning, social work, and expert witness resources.

**Preparing and litigating the motion**. The law is straightforward in these cases. The crux of these cases will really be about mitigation, and providing context that frames the crime as a product of youth and immaturity rather than permanent incorrigibility. You will tell the story of how the client has matured and rehabilitated while incarcerated, and prepare a release plan. We will provide trainings on preparing the motion, advocating with the State's Attorney's Office, and litigating the motion at the court hearing.

Thank you for your interest in this important work! If you have any questions or would like to sign up, please email Brian Saccenti at <a href="mailto:brian.saccenti@maryland.gov">brian.saccenti@maryland.gov</a>.