

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION**

MARYLAND OFFICE OF THE PUBLIC  
DEFENDER, *et al.*

PLAINTIFFS,

v.

TALBOT COUNTY, MARYLAND,

DEFENDANT.

**Civil Action No.: No. 1:21-cv-01088-ELH  
Judge Ellen L. Hollander**

**DECLARATION OF PAUL B. DEWOLFE, JR.**

I, Paul B. DeWolfe, Jr., upon my personal knowledge, hereby submit this Declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am the Public Defender for the State of Maryland. I was appointed to this position in 2009 by the Board of Trustees of the Maryland Office of Public Defender (“OPD”). I am currently serving in the fifth year of my second six-year term.

2. As the Public Defender, I oversee the administration of OPD, including the work of 561 attorneys who serve as assistant public defenders throughout Maryland. I also oversee the work of 342 non-lawyer professionals and staff.

3. OPD has 12 districts, and maintains at least one office in each county of Maryland and in the City of Baltimore. The district offices provide legal services to defendants in felony, misdemeanor, traffic, and juvenile delinquency actions where a defendant may be subject to incarceration or detention. OPD provides representation at arraignments, bail review, preliminary hearings, pre-trial motions, trial, sentencing, post-sentencing, and violations of probation. OPD

also has different divisions that provide representation to defendants in different types of proceedings, including appeals, post-conviction proceedings, parental defense, and mental health involuntary commitments. The office also has a Juvenile Protection Division, a Forensics Division and the Innocence Project.

4. OPD also coordinates its services with federal programs providing counsel to indigent defendants. In addition, OPD cooperates with professional groups to evaluate the causes of crime, develop ways to reduce or discourage criminal behavior and rehabilitate offenders, and improve the administration of the criminal justice system.

5. OPD's Vision Statement is "Justice, Fairness, and Dignity for All," and that motto is executed through our mission of seeking justice for, and protecting the civil rights and liberties of, all of our clients, regardless of a client's background.

6. Talbot County is in the Third District. Four of OPD's six full-time employees in the Talbot County office are Black, including attorney Kisha Petticolas, whose work routinely requires her to be at the Talbot County courthouse. As with all of its defendant clients, OPD represents Black defendants in various legal actions in Talbot County, and they must also appear in court in the Talbot County courthouse.

7. I authorized OPD to join the captioned lawsuit against Talbot County on behalf of itself and OPD's employees and clients because I view this lawsuit as necessary to further the aim and mission of OPD to ensure its attorneys and other professionals a safe, diverse, and inclusive workplace free of discrimination and hostility, and to ensure that its clients obtain appropriate legal representation and equal protection under the law.

8. Among other things, OPD is responsible for:

a. providing its employees (attorneys and other professionals alike) an inclusive and safe workplace free of hostility and discrimination of any type, whether based on race, gender, orientation, or otherwise;

b. providing its attorneys, in particular, with a work environment that supports OPD's institutional mission while encouraging and supporting the individual fiduciary duty of every associate public defender to represent her or his clients zealously and unwaveringly in the Maryland courts; and

c. representing its clients in a manner that safeguards their dignity, due process, and equal protection under the law.

9. Being responsible for the administration of OPD and the management of all OPD attorneys and other OPD professionals and staff, I am personally familiar with the work environment OPD strives to provide to its workforce, as well as the sorts of actions or occurrences within the workplace that make it difficult to comply with OPD policies, Title VII of the Civil Rights Act of 1964, the U.S. Constitution, and other civil rights laws. The presence of racist symbols, iconography, and monuments in or around a courthouse makes it more challenging for OPD to protect its clients and staff from racial discrimination.

10. I am personally familiar with the pain and suffering that the Talbot Boys statue causes both OPD employees and our clients, in particular our Black employees and our Black clients, and have received complaints about the issue from staff, including Ms. Petticolas, in the past.

11. I have read the declaration prepared by Ms. Petticolas and spoken to her at length about this issue. The pain and trauma that she recounts in her declaration resulting from her

personal contact with the Talbot Boys statue, which she cannot avoid because of her professional obligations to regularly appear in the Talbot County Courthouse and thus to walk past the statue, are injuries that she has recounted personally to me. The Talbot County Courthouse is an unavoidable extension of her workplace as an OPD attorney, and as the Public Defender and her ultimate supervisor, OPD and I are responsible for her well-being while at the courthouse. The Talbot Boys statue makes it more challenging for me and OPD to provide her and other Black staff who must occasionally appear at the courthouse with a workplace free of racial hostility and discrimination, and accordingly directly interferes with our obligations as an employer.

12. Ms. Petticolas has also recounted to me that she does not believe she can fully and faithfully perform her duties as a public defender to her Black clients in light of the racially hostile message the Talbot Boys statue sends. She and other OPD attorneys who work in Talbot County have informed me of Black clients who have told them of the fear, inferiority, and injustice that they experience as a result of the Talbot Boys statue, and that they do not think they can receive fair and impartial treatment in any court—whether by judge or jury—that showcases on its front lawn a memorial to the racist legacy of the Confederacy. The Talbot Boys statue makes it impossible for OPD to assure our Black clients that they will receive fair due process and equal treatment under the law. That in turn prevents OPD clients in Talbot County from placing their complete trust in our attorneys, which means OPD attorneys representing Black clients in Talbot County cannot fully perform their jobs.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: August 13, 2021

A handwritten signature in blue ink, appearing to read "P. DeWolfe, Jr.", is positioned above a horizontal line.

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Paul B. DeWolfe, Jr., Public Defender  
Maryland Office of Public Defender