

**PUBLIC DEFENDER SERVICE  
FOR THE  
DISTRICT OF COLUMBIA**

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**MICROFICHE**

**FIFTH ANNUAL REPORT  
Fiscal Year 1975  
(July 1, 1974-June 30, 1975)**

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# **FIFTH ANNUAL REPORT**

**Fiscal Year 1975**

**July 1, 1974-June 30, 1975**

## **Report of the Board of Trustees**

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**Public Defender Service for the**

**District of Columbia**

**601 Indiana Avenue, N.W.**

**Washington, D.C. 20004**

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## INTRODUCTION

This is the Fifth Annual Report of the Public Defender Service (PDS), established in July 1970 pursuant to an Act of Congress. 2 D. C. Code §§ 2-2201 thru 2-2228 (Supp II 1975). The Public Defender Service is the successor to the Legal Aid Agency, which was created in 1960.

The primary purpose of the Public Defender Service is to represent those accused in the District of Columbia unable to afford counsel in the criminal and juvenile courts and in mental health commitment proceedings. Under its statute, the Public Defender Service is authorized to provide representation for up to "sixty percentum of the persons who are annually determined to be financially unable to obtain adequate representation." Those indigent persons not represented by the Service are represented by private attorneys compensated under either the D. C. or Federal Criminal Justice Act.

The Public Defender Service, as the sole publicly funded agency for the representation of indigent criminal defendants, (1) has limited workloads, an important contributing factor to quality service; (2) provides individual and continuous representation for all clients; (3) maintains constant substantive and procedural training for the Service and private bar; and (4) effectively manages and administers PDS as a large law firm with the purpose of high quality representation.

Other major functions of the Service include:

- a) the appeal of cases of clients represented by the agency;
- b) legal assistance and representation for the inmates at the Lorton Correctional Complex in criminal and administrative matters;
- c) service to the local bar through information (regular publication of a Public Defender Bulletin on substantive and procedural criminal law and seminars), consultation, and use of the library and investigative services;
- d) the recruitment and training of volunteer and paid law students as investigators to aid counsel representing the indigent in criminal cases;

- e) diversion of some accused out of the criminal justice system or shortening their involvement or incarceration through counseling, job development, and other rehabilitative assistance;
- f) assistance to the courts in coordinating an effective system for the appointment of private counsel for clients in criminal and juvenile cases not represented by PDS.

The agency is governed by a seven-member uncompensated Board of Trustees, appointed for three-year terms by the Chief Judges of the District's four courts and the Mayor.

Norman Lefstein, the former Director, resigned on June 30, 1975 to accept a teaching position with the University of North Carolina School of Law at Chapel Hill. J. Patrick Hickey, the Deputy Director of the agency, was selected by the Board of Trustees to be Director and began duty in that capacity on July 1, 1975. Donald Wheeler Jones, the former Deputy Director of the Community Relations Service, Department of Justice, was recommended by the new Director and confirmed in the position of Deputy Director by the Board of Trustees. He began his duty as Deputy Director in November, 1975.

REPORT ON CRIMINAL DEFENSE SERVICES  
IN THE DISTRICT OF COLUMBIA  
BY THE JOINT COMMITTEE OF THE  
JUDICIAL CONFERENCE OF THE D. C. CIRCUIT  
AND THE D. C. BAR (UNIFIED) APRIL, 1975

The Joint Committee on Criminal Defense Services was established in 1974, pursuant to a resolution of the Judicial Conference of the District of Columbia Circuit, to evaluate and make recommendations concerning the entire system for providing defense services to indigents accused of crimes in the District of Columbia.

Its membership was drawn from a cross-section of the private bar of the District of Columbia. The basic question which dominated the study was - "What are the essential elements of a system which will ensure that defendants who cannot afford to retain their own counsel are accorded full protection of their rights to the effective assistance of counsel under the Sixth Amendment?"

It conducted its inquiry with the assistance of advisory panels from the U.S. Attorney's Office and the Public Defender Service.

The Committee's report was based upon interviews and statistical analyses which enabled an in-depth comparison of the manner in which the Public Defender Service and the appointed private bar represent the indigent in the District of Columbia.<sup>1/</sup> The Committee drew certain

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1/ In February, 1974, the Public Defender Service was designated an "exemplary project" by the Department of Justice's Law Enforcement Administration (LEAA). In announcing the award, Charles R. Work, Deputy Administrator of LEAA stated:

"[T]he D. C. Public Defender Service has successfully overcome the traditional barriers faced by public defender services--high case-loads and poorly paid, often inadequately trained attorneys."

The designation reflects LEAA's judgment that the Service is a model for other jurisdictions in the establishment and operation of its defender offices. As a result of this designation, materials describing the Service's operations have been made available by LEAA on a nationwide basis. These materials are available on request from: National Criminal Justice Reference Service, Law Enforcement Assistance Administration, Washington, D. C. 20530.

official conclusions as a result of its comprehensive interview and survey process which it published.<sup>2/</sup>

(1) "It is clear from our own interviews with Superior Court and U. S. District Judges that PDS enjoys an excellent reputation. Twenty-five of the twenty-seven Superior Court Judges questioned on this point stated that PDS representation was uniformly 'very good' or 'outstanding.' The only criticisms offered were a tendency of PDS attorneys to be 'over-technical' and a disinclination on the part of some attorneys to seek plea dispositions. These criticisms could reasonably be taken as indications of vigorous representation."<sup>3/</sup>

(2) Suffice it to note here that PDS attorneys perform better than others in obtaining third-party custody and unsecured bail for their clients,<sup>4/</sup> and substantially better in winning acquittals in felony trials."

The Committee made several far-reaching recommendations regarding PDS:

(1) It should have more staff and money to provide more training and other similar services to the private bar.

(2) PDS should assume all administrative responsibility pertaining to the appointed counsel program.

(3) PDS' staff should be enlarged (to approximately double its size) in order to "at least double its capacity to handle criminal and juvenile cases in Superior Court."<sup>5/</sup>

(4) PDS should continue to function in the federal courts of the District of Columbia rather than creating another defender organization to serve the federal court exclusively (as distinguished from the Superior Court).

2/ Report on Criminal Defense Services in the District of Columbia.

This report by the Joint Committee of the Judicial Conference of the D. C. Circuit and the D. C. Bar (Unified), April, 1975, prepared under Grant No. 1973-A-311, O. C. J. P. Subgrant No. 74-101, Law Enforcement Assistance Administration, will be hereinafter referred to as the Austern-Rezneck Report.

3/ Austern-Rezneck Report, pages 98, 99.

4/ Austern-Rezneck Report, page 99, also see table 6, page 20.

5/ Austern-Rezneck Report, page 104.



## BUDGET HISTORY

In FY 1975, the agency staff was reduced from 109 to 87. This decrease was mandated despite a substantial increase in the Superior Court's caseload <sup>6/</sup> and while the agency was found to be rendering excellent services as has been set forth herein. This reduction has caused the agency to necessarily reduce its caseload to a smaller share of the overall total for the Superior Court caseload. In short, when the Superior Court caseload substantially increases and the staff of Public Defender Service substantially decreases, the inevitable result is that the agency handles a smaller percentage of the Superior Court's rising caseload. As a result of these reductions, the agency is farther away from representing the statutory sixty percent maximum of the indigent caseload in the District as it has been in previous fiscal years.

The effect of the aforementioned decrease can be seen in the following summary statement:

Since fiscal year 1974, the agency has decreased

from 46 to 41 attorney positions  
from 13 to 5 investigator positions  
from 13 to 9 ORD\* positions  
from 12 to 11 CJA\*\* positions  
from 25 to 21 administrative, secretarial and  
clerical positions

Total reduction from 109 to 87 positions

A Financial Statement can be found under the Appendix Section, Appendix B, page 29.

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6/ The Superior Court caseload increased by 20% during fiscal year 1975 over the previous fiscal year.

\* Offender Rehabilitation Division to be discussed hereinafter.

\*\* Criminal Justice Administration to be discussed hereinafter.

## COMPARATIVE LEGAL SERVICES

The United States Attorney's Office has an authorized staff of 154 Assistant United States Attorneys, approximately 140 of whom are assigned to representation of the government in criminal trials and appeals. The Corporation Counsel has 17 attorneys authorized to handle juvenile cases.

The Public Defender Service has responsibility for representation of poor clients in both criminal and juvenile cases. The Service also represents hundreds of clients in Superior Court and before the Mental Health Commission because of mental health matters. All of these services were undertaken with a staff of only 39 full-time litigating lawyers, excluding the Director and Deputy Director who have management and administrative duties, primarily. Despite these meager staff resources, PDS closed the cases of more than 4,066 clients during fiscal 1975.

### PDS Serious Felony Caseload

The Public Defender Service lawyers are usually appointed to serious felony cases as the agency is viewed by the courts as a concentration of expertise for representation in such matters. Moreover, the agency is appointed to represent few defendants who are charged with misdemeanors.

Serious felony case assignment averaged 68% during the First Quarter of fiscal 1975, 76.4% during the Second Quarter, 73.1% during the Third Quarter, and 78.7% during the Fourth Quarter.

TOTAL FELONIES RECEIVED FIRST QUARTER		178
Most Serious Felonies		
(15 years to Life Maximum)	121	68.0%
Less Serious Felonies		
(10 years to Less Maximum)	57	32.0%

TOTAL FELONIES RECEIVED SECOND QUARTER 127

Most Serious Felonies (15 years to Life Maximum)	97	76.4%
Less Serious Felonies (10 years to Less Maximum)	30	23.6%

TOTAL FELONIES RECEIVED THIRD QUARTER 245

Most Serious Felonies (15 years to Life Maximum)	179	73.1%
Less Serious Felonies (10 years to Less Maximum)	66	26.9%

TOTAL FELONIES RECEIVED FOURTH QUARTER 197

Most Serious Felonies (15 years to Life Maximum)	155	78.7%
Less Serious Felonies (10 years Less Maximum)	42	21.3%

The serious felony caseload ranged from 81.5% of the monthly felony caseload in November, 1974 to a low average of 63.2% in August, 1974.

In our view, more time is generally required in defending criminal and juvenile cases than prosecuting such cases. The time required is multiplied by the factor of a predominantly serious felony workload. Consequently, our lawyers characteristically spend many nights, weekends, and holidays preparing for representation in grave matters on uncompensated time.

The facts argue for, as the Report on Criminal Defense Services in the District recommends, a substantial increase in the staff of the Public Defender Service.

## APPELLATE LITIGATION

Since the fall of 1972, the District of Columbia Court of Appeals has required the Public Defender Service to handle the appellate cases of all convicted persons represented by the agency at trial. The Service, therefore, has deemed it essential to establish an appellate section, and during the past fiscal year approximately six attorneys who otherwise would have been available to take cases at the trial level were assigned to appeals.

This Division is composed of 11 employees. It is headed by Mr. Frederick H. Weisberg, employs approximately six attorneys,<sup>7/</sup> one law clerk <sup>8/</sup>, and three secretaries.

Within fiscal 1975, 92 appellate cases were begun, 84 in the District of Columbia Court of Appeals, 6 in the United States Court of Appeals, and 2 in the United States Supreme Court. Briefs or petitions were filed in 78 cases, 70 in the District of Columbia Court of Appeals, 6 in the United States Court of Appeals and 2 in the United States Supreme Court. At the close of the fiscal year, the Service had a workload of 89 pending appellate cases.

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<sup>7/</sup> Attorneys are assigned to various divisions on a rotating basis; therefore, this number is not constant due to an unavoidable lag or carry over of cases when being transferred.

<sup>8/</sup> This position is not permanent, but a part of our student investigative programs--the person is subject to be replaced on a school year basis.

## CORRECTIONAL SERVICES PROGRAM

The Correctional Services Program staff of the Public Defender provides legal assistance to inmates at the Lorton Correctional Complex. The service is limited to criminal and administrative matters. Civil matters are referred to other agencies. The services are performed in coordination with other volunteer legal assistance programs which are operative at local and federal prisons. In providing these post-conviction services, the Correctional Services Program conforms to one of the goals of the Law Enforcement Assistance Administration which has funded this activity since fiscal 1974.

The representation provided is of a rich and diverse nature. The gamut runs from due process concerns such as the right of a federal prisoner on parole to a timely parole revocation hearing when charged with a new intervening offense to alleged specially selective, punitive conditions within certain cell blocks. It encompasses matters of procedural due process in disciplinary hearings.

Many of the staff's legal concerns are less dramatic but equally as important such as enlarging educational opportunities, repair of broken windows which are preventing proper heating, and the securing of approval for a Bible study group.

Then, there are the serious, but fairly routine matters such as lifting of detainers, sentence computations, motions to reduce sentence and corrections of judgment and commitment papers.

All of these activities have brought into reality and practice the American Bar Association Standards Relating to Post-Conviction Remedies which states in Section 3.1(d) that:

"optimally, a state could establish a regular agency to be charged with the responsibility of providing legal advice and representation to its prisoners. A state with a public defender system could make this task an added function of that office. . . ."

The Correctional Services Program, in operation for slightly less than two (2) years, filled the continuing crucial need for effective post-conviction relief during the past year. The Program consist of six employees, Mr. Kirby Howlett, Program Director, two staff attorneys, one law clerk, one clerk typist, and a program administrator.

## MENTAL HEALTH REPRESENTATION

The Public Defender Service continued its policy of expanding mental health representation during the past fiscal year. In fiscal 1975, a fifth attorney was added to the staff to manage an LEAA funded project designed to improve the quality of legal services furnished to patients confined to St. Elizabeths Hospital through the criminal process. The project's goal is to represent these individuals in matters relating to the legality of their confinement at John Howard Pavilion, the hospital's criminal pavilion. To a limited extent, the project also addresses patients' ancillary legal problems which are closely related to or stem from their confinement.

In fiscal 1975, the Mental Health Division (MHD) became increasingly involved in formal court action as a means of obtaining relief for its clients. MHD attorneys represented their clients in a greater number of probable cause hearings, habeas corpus proceedings, motions, jury trials and appeals. The Service vigorously pursued the placement of its clients in facilities more suited to their treatment needs. For instance, a large effort was devoted to the court-ordered transfer of children and the elderly from the Hospital to special schools and nursing facilities.

The Mental Health Division tried a total of 15 jury cases in the Superior Court and was successful in achieving clients' discharge in 8 of those cases. Civil commitment resulted from the other 7 cases. Additional statistical information regarding this Division can be found in Appendix A, page 29.

This Division employs 14 people, Mr. Harry Fulton, Chief, four staff attorneys, one social worker, one social work student, three secretaries, three investigators under our student-investigator programs, and one part-time janitor.

OFFENDER REHABILITATION DIVISION\*  
(SOCIAL SERVICES)

The Offender Rehabilitation Division (ORD) of the Public Defender Service provides social service assistance to indigent juveniles and adults, often soon after arrest. Acting through referrals from attorneys, ORD provides a myriad of services such as arrangements for psychiatric counseling, narcotics treatment, vocational training, and job development. ORD draws upon community agencies and resources for supportive services in an effort to divert the client from the criminal justice system by aiding in the achievement of demonstrable rehabilitation prior to prosecution or sentencing.

ORD prepares reports for the use of the courts at the request of attorneys which contain valuable background information, information about rehabilitation efforts and recommendations pertinent to sentencing or other dispositions.

This division, originally sponsored by the Georgetown University Institute of Criminal Law and Procedure, was later funded for three years by the Office of Economic Opportunity to test the efficacy of defense counsels' use of social services as aids to clients. The demonstrated success of the division caused it to become a regular permanent part of the agency in December, 1969.

ORD gives organizational reality to the American Bar Association's Standards Relating to Providing Defense Services:

"[T]he expanding concept of the lawyer's function in a criminal case, which may include a significant role in the development of a program of rehabilitation for the defendant, necessitates the availability of personnel skilled in social work and other related disciplines."

A staff member of the Offender Rehabilitation Division assisted the Mental Health Division during the past fiscal year. A social worker who has a Masters Degree in social work worked full-time at the

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\*Statistical information on this Division can be found under Appendix A, page 21.

Mental Health Division on assignment from the Offender Rehabilitation Division. Additionally, the division fortunately received the services of a Masters Degree Candidate whose work at the Offender Rehabilitation Division during the past fiscal year constituted clinical experience required for the Masters Degree.

This social work staff provided the lawyers of PDS and court-appointed members of the private bar with assistance in developing alternatives to involuntary hospitalization e.g., housing and nursing home care for the elderly, drug and alcohol rehabilitation programs for addicts, etc.

The Offender Rehabilitation Division is comprised of twelve employees, Mr. Charles Rouselle, Chief, five social workers, one program developer, two job developers, two aides, and one secretary. Three of these employees are funded by the Concentrated Employment and Training Act (CETA).



## APPOINTMENT OF COUNSEL PROGRAM

The Public Defender Service is required by its statute to assist the courts in coordinating an effective system for the appointment of private counsel in criminal and juvenile cases not represented by PDS lawyers. In the Superior Court, staff of the agency work closely with the court in preparing lists of private lawyers eligible for taking court appointments. Personnel of the Public Defender Service interview defendants to determine their eligibility for appointment of private counsel, prepare orders which require some persons of limited financial resources to contribute to their defense, maintain and prepare daily lists of attorneys available to accept court appointments, and process payment vouchers submitted by court appointed counsel.

The Appointment of Counsel Staff is comprised of ten employees, consisting of Mr. Thomas Guidoboni, Director, Mr. Howard Hughes, Coordinator, an assistant coordinator, three secretaries, one legal assistant, two investigators, and one statistical assistant.

## SERVICES TO THE PRIVATE BAR AND COMMUNITY

The Public Defender Service "may furnish technical and other assistance to private attorneys appointed to represent persons" accused of crime, in accordance with the statute which created it. That assistance was provided during the past fiscal year, as in previous years, in a variety of effective ways.

The CJA Appointment of Counsel Program which PDS helps to administer is for the benefit of the clients, the bar, and the broader community.

The private Bar and the public have the services of a PDS Duty Day Attorney who answers questions from the public and private lawyers assigned to represent indigent defendants.

Staff lawyers provide consultation and other assistance to lawyers representing indigent clients.

The PDS library is a resource to members of the private Bar, a place where they can readily find sample motions, memoranda, briefs and other research materials. The library also offers many specialized periodicals with materials on narcotics, psychiatry, medicine, etc.

Our permanent investigative staff is used in the service of the private Bar almost exclusively. Since there are only 5 permanent investigators, CJA lawyers sometimes have to wait several weeks for services. The staff attorneys rely principally upon law student investigators.

The Offender Rehabilitation Division provides services to both PDS and CJA counsel.

PDS lawyers have contributed much to the Annual Criminal Practice Institute of the Young Lawyers Section which last year drew more than 500 attorneys for lectures, workshops and seminars over two weekends. As the Austern-Rezneck Report notes discussing the services to the bar, previously mentioned, "It is clear from the strong response of the Bar to these efforts that PDS is meeting a vital need." <sup>9/</sup>

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<sup>9/</sup> Austern-Rezneck Report, page 97.

During fiscal 1975, as a result of funds made available through a Law Enforcement Assistance Administration grant, the Service continued its Defense Attorneys Training and Service Project. The project's major objective is the improvement of training and services to attorneys appointed to indigent cases (both PDS staff and private attorneys), in order to assist them in discharging their duties more effectively. Pursuant to the grant, the Service has reinstituted publication of the Public Defender Service Bulletin, which is aimed at bringing to the attention of the bar recent court decisions and significant developments in local criminal law practices. The grant also has enabled the agency to conduct, without charge, several special training seminars which have been well attended by the private criminal defense bar. The most recent seminar, given on December 6, 1975 featured prominent medical examiners who lectured and answered questions on "Medical Evidence in Homicide Cases." This seminar's attendance was extraordinary and included law students, members of the private bar, and Assistant U. S. Attorneys as well as PDS lawyers. A major undertaking of the project, which presently is nearing completion, is publication of an extensive trial manual designed for use by defense attorneys in the District of Columbia. The project, staffed by one attorney and a secretary is scheduled to continue at least until April, 1976.

In March, 1975, the Public Defender Service received a grant from LEAA to elevate the quality of defense services in the District of Columbia courts through recruitment, training and assignment of part-time investigators, many of whom have been law students. The Project Coordinator of the program is responsible for (a) recruiting law students to conduct fact investigations, (b) the proper training of students before they begin investigative work and (c) assignment of these students to private counsel and the PDS staff.

The program attracts both paid and volunteer law students from local law schools -- Antioch, American, Catholic, Georgetown, George Washington and Howard.

## INVESTIGATIVE SERVICES\*

### Permanent Professional Staff

The principal functions of PDS investigators include interviews of witnesses, photographing and measurements of crime scenes, and obtaining police records and other data for the attorney. Frequently, witnesses are exceedingly difficult to locate, and many hours are sometimes devoted to the task of finding a critical government or defense witness. Adequate legal representation for the accused in criminal and juvenile cases depends upon a full, factual investigation of the charges. Without such information, an attorney is unable to make an informed judgment about whether to advise his client to plead guilty or to contest the government's evidence in a trial.

In addition, the Mental Health Division has a separate investigative staff. These law students aid the legal staff in case investigations including fact-finding, interviewing clients, witnesses, and mental health professionals.

This Division consist of seven positions, Mr. Robert Reed, Chief, five investigators, and one secretary.

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\*Statistical information regarding this Division can be found in Appendix A, page 21.

## PERSONNEL AND TRAINING

PDS professional staff consists of attorneys, social workers, and investigators.

### Attorneys

The "exemplary project" designation by LEAA, and the complimentary statements about the agency in the Austern-Rezneck Report have been increasingly echoed during interviews with hundreds of applicants who compete for the few vacancies that we have each year. So it was during the past fiscal year. Over and over again, recent law school graduates and lawyers with experience from virtually all regions of the country, possessing extraordinary qualifications, stated that they considered PDS a prime and perhaps peerless agency in which to learn and practice criminal law. We have, consequently, been able to attract an exceptional staff. Applicants are attracted to PDS, among other reasons, because of its reputation of providing superior training under demanding but manageable conditions, i. e., limited caseloads, individual case assignments and attorney-client relationships, independence from arbitrary interference or political considerations and training.

The new attorneys' training include an intensive six week training course which consists of required case study, mock hearings and trials (many of which are video-taped for institutional review and critique), and visits to appropriate courts, and other agencies. Classes are taught by the Director and senior attorneys. This practice achieves excellent instruction and also practical instruction liberally spiced with pragmatic, anecdotal advice that only experienced trial lawyers with scholars' legal interests can impart.

### Social Workers

Applicants for social work positions with ORD must normally possess, minimally, a bachelor's degree, and have not less than one year of relevant experience. Two of the seven professional employees have master degrees in social work and correctional administration. Another is pursuing a master's degree in counseling. Two others are planning to earn master's degrees in counseling psychology, social work. In addition, each staff person has participated in post-graduate, non-degree programs to improve interview skills and crisis intervention techniques.

The (two) job developers, currently enrolled at the undergraduate school level, have participated in training seminars conducted by the Civil Service Commission and the D. C. Bureau of Employment Security. One job developer received training in conducting therapy groups under the direction of the Psychiatric Institute Foundation.

ORD orientation and training for new employees consists of visits to local institutions and community agencies to discuss the nature and appropriateness of their services for our clients; observation of court proceedings and use of information retrieval systems; interview and report writing techniques; and referral methods. Case progress and techniques are routinely discussed individually with the division chief and during weekly staff meetings.

### Investigators

To qualify for a position as staff investigator with PDS, the applicant must have been employed as an investigator with one of a number of highly regarded investigative agencies, or be a student in one of the Cities four accredited law schools with an evening program, which will permit full-time employment with this agency.

Three of the four present full-time staff investigators are students in the evening program at Georgetown University Law Center. A fourth member of the staff, who worked for Public Defender Service on a part-time basis before being elevated to a full-time position, recently graduated magna cum laude from the University of Maryland and will begin his law studies in an evening program in the fall of 1976.

New staff investigators must complete our training program before receiving case assignments. The program consists of a training film, a series of lectures by staff attorneys on legal problems, such as search and seizure, identification, Jencks Act material, Miranda Rights, and other court decisions germane to a thorough pre-trial investigation. There are a series of classes that cover fact investigations, as well as locating and interviewing witnesses, taking written and signed statements, and preparing final written reports for attorneys. Most of these classes are based upon our own training manual which was developed for investigator training.

The new staff member must work with experienced investigators, for several weeks, before undertaking investigations alone. Throughout the staff investigator's career with the Public Defender Service, he is in a continuous training program, through staff meetings with the chief investigator and receives ad hoc advice, individually or collectively, from the attorney-advisor to the investigator division. Additionally, there are special classes as required when new developments in the law affect the investigator's role.

## Secretaries

The standards of secretarial service at PDS are high. Applicants for secretarial positions are given two typing tests and, normally, must type 60 net words per minute to pass. In addition, the tape of a legal motion, dictated by a staff attorney, is used to test the transcribing skills of the applicant. A thorough reference check of past employment is also a determining factor in considering applicants.

Backgrounds of the secretarial staff include a wide variety of training, experience and education. Among these are: training at various colleges, universities, institutes, and junior colleges; and experience with prominent law firms. Two secretaries have B.A. Degrees from the University of Maryland and Barnard College. Another has teaching experience in the fields of English, Typing, and Shorthand. One secretary who has a Certificate of Completion of Paralegal Studies, is currently attending the University of Maryland pursuing a bachelor's degree.

This dedicated, competent secretarial staff enables the conversion of our thoughts into a form in which they can be of service to our clients. The unfortunate aspect of our secretarial situation is that because of the shortage of funds and authorized positions, two (2) of these excellent secretaries have to service as many as 9 litigating lawyers. One secretary works for 6 lawyers and the average lawyer-secretary ratio at PDS is 1 to 6. Most experienced law firms know that a ratio of more than 1 to 2 results in overwork of such serious proportions as to be inefficient and wasteful. Such unacceptable ratios of lawyer-secretarial personnel not only takes its toll on the secretarial staff but it also forces the lawyers to do much of the work that secretaries would normally do. A lawyer earning \$21,000 per year who has to type his own motion is, during that typing period, one of the highest paid legal secretaries working in Washington, D. C.

# APPENDICES



## APPENDIX A

### Statistical Information on Cases Represented By Public Defender Service Attorneys in Fiscal 1975

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#### Explanatory Note

Public Defender Service attorneys provide representation in four courts in more than twenty different types of cases, all with varying kinds of dispositions. The system for maintaining agency statistics principally utilizes several specially designed cards keyed to the courts in which attorneys practice. At the conclusion of a case each attorney is required to complete a "case card." But since notifications of virtually all court appointments are given directly to staff attorneys, the data for fiscal 1975 necessarily depends upon the self-reporting of each lawyer.

In the chart immediately below, we indicate that during fiscal 1975 the Public Defender Service closed a total of 4,066 cases. This figure includes all kinds of matters, ranging from the trial of complicated felonies to miscellaneous hearings in the Family Division of Superior Court taking only several hours. A "case" means an individual. Usually the Service represents only one of several co-defendants, but in the unusual event that more than one defendant in the same case was represented, it would be counted in our records as two cases. Similarly, if the same defendant has had two separate charges against him not arising out of the same transaction or otherwise treated jointly by the courts, it would be included in our record system as two separate cases.

The percentage of total cases represented by the Service in the various forums in which it practices differed greatly during the fiscal year. Before the Mental Health Commission, for example, the agency handled nearly 100 percent of all eligible persons, whereas in District and Superior Courts the percentage of cases represented was substantially smaller, with assigned counsel handling a majority of the cases pursuant to the Criminal Justice Act.

#### CASES CLOSED DURING FISCAL YEAR

Total Number of Cases Closed (includes Mental Health) .....	4,066
Superior Court Felonies	
a. Total Cases Closed .....	882
b. Jury Trials .....	67
c. Judge Trials .....	8
d. Number of Sentences Imposed .....	417
Superior Court Misdemeanors	
a. Total Cases Closed .....	218
b. Jury Trials .....	10
c. Judge Trials .....	7
d. Number of Sentences Imposed .....	81
Family Division Cases Closed .....	497
Mental Health Cases Closed .....	1,823

# SUPERIOR COURT—CRIMINAL DIVISION

## Cases Closed During Fiscal Year

<i>Felonies</i>	N	%
Lawyer Participation Terminated Before Final Disposition .....	81	9
Guilty Pleas .....	372	42
Guilty Pleas to Most Serious Offense .....	92	
Lesser Included Offense—Felony .....	168	
Lesser Included Offense—Misdemeanor .....	112	
Dismissed * .....	347	39
Jury Trials .....	67	8
Judge Trials .....	8	1
Other .....	7	1
Total .....	882	

### JURY TRIALS

#### Disposition

Guilty on One or More of Most Serious Offenses Charged .....	28	42
Guilty on Lesser Included Offense .....	11	17
Not Guilty .....	17	26
Not Guilty by Reason of Insanity .....	—	—
Motion for Judgment of Acquittal .....	7	11
Mistrial—Hung Jury .....	2	2
Mistrial—Other Reason .....	2	2
Totals .....	67	

#### Judge Trials

Guilty on One or More of Most Serious Offenses Charged .....	1	13
Guilty—Lesser Included Offense .....	2	25
Not Guilty by Reason of Insanity .....	5	63
Motion for Judgment of Acquittal .....	—	—
Total .....	8	

### Sentences Imposed

Prison .....	135	32
Youth Corrections Act .....	65	16
Prison—Split Sentence .....	9	2
Prison—Work Release .....	6	1
Narcotic Addict Rehabilitation Act—Title II .....	11	3
Probation .....	182	44
Execution of Sentence Suspended .....	131	
Imposition of Sentence Suspended .....	51	
Other .....	9	2
Total .....	417	

\* Included in this category are cases dismissed at the preliminary hearing stage; while statistics are unavailable, undoubtedly some of these cases were indicted later as grand jury originals.

# SUPERIOR COURT—CRIMINAL DIVISION

## Cases Closed During Fiscal Year

<i>Misdemeanors</i>	N	%
Lawyer Participation Terminated Before Final Disposition .....	11	5
Guilty Pleas .....	75	34
Guilty Pleas to Most Serious Misdemeanor ..... 68		
Lesser Included Offense—Misdemeanor ..... 7	1	—
Guilty Plea—Reduced from Superior Court Felony Solely for Plea .....	114	52
Dismissed * .....	10	5
Jury Trials .....	7	3
Judge Trials .....	—	—
Other .....	—	—
Total .....	218	

## JURY TRIALS

### Disposition

Guilty on One or More of Most Serious Offenses Charged .....	2	20
Guilty on Lesser Included Offense .....	—	—
Not Guilty .....	7	70
Not Guilty by Reason of Insanity .....	—	—
Motion for Judgment of Acquittal .....	1	10
Mistrial—Hung Jury .....	—	—
Mistrial—Other Reason .....	—	—
Totals .....	10	

### Judge Trials

Guilty on One or More of Most Serious Offenses Charged .....	3	43
Guilty—Lesser Included Offense .....	—	—
Not Guilty .....	4	57
Total .....	7	

## Sentences Imposed

Prison .....	7	9
Youth Corrections Act .....	4	5
Prison—Split Sentence .....	1	1
Prison—Work Release .....	4	5
Narcotic Addict Rehabilitation Act—Title II .....	—	—
Probation .....	53	65
Execution of Sentence Suspended ..... 26		
Imposition of Sentence Suspended ..... 27		
Fine/Restitution Only .....	8	10
Other .....	4	5
Total .....	81	

\* Included in this category are cases dismissed at the preliminary hearing stage; while statistics are unavailable, undoubtedly some of these cases were indicted later as grand jury originals.

# SUPERIOR COURT—FAMILY DIVISION \*

## Cases Closed During Fiscal Year

	N	%
Lawyer Participation Terminated Before Final Disposition .....	13	3
Guilty Pleas .....	72	14
Dismissed .....	96	19
Dismissed—Consent Decree .....	88	18
Judge Trials .....	39	8
Closed Without a Finding .....	155	31
Detention and/or Initial Hearing Only .....	5	1
Attachments, Interstate Compact Cases and Other Miscellaneous Proceedings	29	6
Total .....	497	

\* These statistics relate to representation in the Family Division's Juvenile Branch of persons alleged to be delinquent or in need of supervision.

## Judge Trials

	N	%
Guilty on One or More of Most Serious Offenses Charged .....	23	59
Guilty—Lesser Included Offense .....	7	18
Felony .....	4	
Misdemeanor .....	3	
Not Guilty .....	5	13
Motion for Judgment of Acquittal .....	4	10
Other .....	—	—
Total .....	39	

## Sentences Imposed

	N	%
No Sanction .....	4	4
Probation .....	43	42
Suspended Commitment/Probation .....	29	28
Committed .....	24	24
Civil Commitment .....	—	—
Other .....	2	2
Total .....	102	

## SUPERIOR COURT—FAMILY DIVISION

Mental Health Branch	N	%
Assigned to PDS Mental Health Division .....	1,823	100

### PROBABLE CAUSE HEARINGS

Hearings calendared: .....	213	100
Favorable disposition pre-hearing .....	147	69
Probable Cause Found at Hearing .....	46	21.6
Probable Cause NOT Found at Hearing .....	19	8.9
Miscellaneous .....	1	.5
Favorable Disposition * Prior to Scheduling of Mental Health Commission (MHC) Hearing .....	1,283**	70.4

### MENTAL HEALTH COMMISSION HEARINGS

Cases Set for MHC Hearings .....	540	29.6
Favorable Disposition Prior to MHC Adjudication .....	314	17.2
Adjudicated by the MHC .....	226	1.2
Discharged by the MHC .....	22	9.9
Continued by the MHC: .....	181	
Favorable Dispositon After Continuance: .....	142	
Commitment Recommended After Continuance: .....	39	
Commitment Recommended by the MHC: (includes the 39 recommended for commitment after continuance) .....	62	

### JURY TRIALS

Trials Requested *** .....	41	2.2
Favorable Disposition Prior to Trial .....	18	1
Commitment Accepted & Trial Request Withdrawn .....	8	.4
Trials Held: .....	15	.8
Discharged at Trial .....	8	.4
Awaiting Trial .....	2	.1
Committed at Trial .....	7	.4
TOTAL COMMITTED: .....	24	1.3
Includes: Commitment Accepted/Trial Waived .....	9	
Commitment Accepted/Trial Request Withdrawn .....	8	
Committed at Trial .....	7	

\* A favorable disposition includes both discharge from the hospital and conversion to voluntary status (client no longer remains in the civil commitment process).

\*\* The 1,283 figure includes 166 clients whose probable cause hearings were calendared and who subsequently received favorable dispositions. Over 1,000 of the remaining clients received favorable dispositions with PDS involvement short of calendaring a probable cause hearing. The remaining clients (approximately 100) received a favorable disposition with minimal PDS involvement.

\*\*\* Of the 62 recommended for commitment by the MHC, 21 clients did not request a trial. Of that 21, 9 were subsequently committed and 12 received favorable dispositions.

## INVESTIGATIVE SERVICES

As noted previously, the Investigative Division works both for private attorneys appointed under the Criminal Justice Act and for PDS staff attorneys. The main objective of the Division is a complete pretrial factual investigation, of all aspects of the case, submitted to counsel in written form, prior to trial. The investigative staff during the year closed 287 cases and received for investigation 296 criminal and juvenile matters.

### Fiscal Year Statistics

	Cases Received		Cases Closed	
	PDS*	CJA**	PDS*	CJA**
Felony .....	31	208	24	195
Misdemeanor .....	1	3	1	3
Juvenile .....	1	1	1	5
Supplemental .....	5	9	3	19
Miscellaneous .....	18	19	21	15
Subtotals .....	56	240	50	237
Totals .....	296		287	

\* Investigative requests from Public Defender Service attorneys.

\*\* Investigative requests from counsel assigned under the Criminal Justice Act.

**OFFENDER REHABILITATION DIVISION  
(SOCIAL SERVICES)**

**Fiscal Year Statistics**

	New Cases Received	Cases Closed	Total Persons Assisted FY 75
Criminal Cases .....	314	274	448
Juvenile Cases .....	71	116	261
Job Development Services * .....	381	381	381

**Reports and Major Areas of Service Concentration**

Defendant Studies .....	96
Social Reports ** .....	47
Employment/Training .....	188
Psychological/Psychiatric Evaluations .....	39
Third Party Custody Arranged .....	28
Counselling (Individual or Family) .....	316
Drug/Alcohol Counselling or Treatment .....	119

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\* ORD was successful in obtaining employment and/or training for 49.5% of its clients.

\*\* Social Reports are rather detailed discussion of clients' situations for attorney/court information, but does not include a formal recommendation for disposition as does the defendant study.





## APPENDIX B

### Financial Statement Fiscal 1975

#### STATEMENT OF OBLIGATIONS INCURRED BY THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA DURING THE FISCAL YEAR ENDED JUNE 30, 1975 \*

	Amount Available	Obligations	Unobligated Balance
Personnel Compensation .....	\$1,446,290	\$1,417,241	\$29,049
Personnel Benefits .....	126,397	122,714	3,683
Travel:			
Staff .....	13,070	13,053	17
Transportation of Things .....	143	143	—0—
Rent, Communications and Utilities .....	48,000	46,500	1,500
Printing and Reproduction .....	3,000	2,804	196
Other Services .....	146,000	149,500	—3,500
Supplies and Materials .....	24,000	23,600	400
Equipment .....	26,100	25,400	700
Total .....	<u>\$1,833,000</u>	<u>\$1,800,955</u>	<u>\$32,045</u>

\* Includes \$25,800 supplemental apportionment. These figures are unofficial, but reflect the best information available to date.

