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Dissent Raised on Rigid Court Rules

For the fourth time this year, Justice Hugo L. Black protested yesterday Supreme Court refusals to consider cases because of what he called a lawyer's "mere paper-filing negligence."

For the fourth time Black was dissenting by himself, this time as the Court dismissed an appeal brought by the Pittsburgh Towing Co. over an Interstate Commerce Commission operating certificate.

The Court said a lawyer's explanation that he and his client had a "misunderstanding" did not excuse his filing

an appeal 22 days after the deadline set by the Court's rules. An unsigned order said there must be "some limit" to the Court's generosity in overlooking errors of counsel.

"If a pound of flesh is required because of negligence of a lawyer," said Black, "why not impose the penalty on

him and not his innocent client?"

"The conflict between the interest of the court clerk in the timely filing of papers and the interest of the citizen

in having his lawsuit tried should be resolved in favor of the citizen, not the court clerk."