

# U.S. to Pay Lawyers For Defending Poor

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The Federal Government loosened its purse strings and took a major step yesterday toward reforming conditions in Washington's Court of General Sessions.

In a ruling that went contrary to advice from top officials of the Federal court system, the U.S. Comptroller General decided that lawyers representing penniless defendants in General Sessions can be paid by the Government under the Criminal Justice Act of 1964.

The decision opens the door to possible Federal payment of nearly \$250,000 to attorneys appointed to defend about 5000 indigents prosecuted by the U.S. Attorney's Office in General Sessions each year.

Until now, appointed attorneys in General Sessions criminal cases went without fees if

their assigned clients could not afford to pay them.

Court critics had argued that this discouraged better defense attorneys from accepting appointments in the court, leaving most of the thousands of indigent cases to a handful of lawyers who regularly practiced there.

A series of articles on General Sessions, published in The Washington Post four months ago, detailed complaints that some of these regulars were lax in their defense of non-paying defendants, overly eager to obtain money from those who could pay and guilty of such breaches of legal ethics as appearing in court drunk.

After the articles appeared, one General Sessions judge, Harold H. Green, issued an opinion arguing that appointed attorneys in the court be re-

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Attorney's General Sessions caseload amounted to 20 per cent of all the criminal cases prosecuted by the Federal Government in the Nation.

The Justice Department also supported Greene's position. It hoped that it would clear up the question of who paid for trial transcripts of indigents appealing General Sessions convictions.

Although the U.S. Court of Appeals here had ruled that the Government must pay for the transcripts, there was no Federal money available. They now can be included in the court expenses for which appointed attorneys will be reimbursed under the Act.

Court observers point out that much of the impact of yesterday's action on legal representation in General Sessions will be determined by the court's judges in the use of their power to determine which lawyers will be eligible for the funds.

It also will be necessary for Congress to give Washington's courts money for an adequate staff to administer the Act and supervise attorney appointments under it.

Sen. Joseph D. Tydings (D-Md.), who called for approval of the Federal payments for General Sessions lawyers in a speech last month, said yesterday that "this decision provides the foundation for solving the problem of providing competent counsel for indigents in General Sessions."

He said he not yet studied it well enough to "determine whether additional implementation will be necessary."

In another development affecting General Sessions yesterday, the future of a Congressional bill to add five judges to the court appeared to be in jeopardy.

Sen. Wayne Morse (D-Ore.), in a sharply worded Senate speech, said he could not support the bill so long as it included an amendment to increase the retirement pay of General Sessions Judge George D. Neilson.

Morse originally introduced the bill for five new judges which has been passed by both the Senate and the House.

But the House added an amendment raising Neilson's retirement pay and giving him the equivalent of full-time judge's salary whenever he fills in full-time on the bench. The bill is now slated for a conference of the House and Senate District Committees.

Morse said Neilson has been "actively lobbying . . . persistently and somewhat effectively" for the bill in an attempt "to turn his retirement

into another appointment to the court . . . which he could not get through regular channels."

He questioned "the wisdom of the presiding court judge" (John Lewis Smith Jr.) in letting Neilson fill in on the General Sessions bench full-time.

"My suggestion to Judge Neilson is that if he wants to be of assistance to the court," Morse said, "he should withdraw his amendments and go into judicial retirement."

Otherwise, Morse pointedly hinted, the General Sessions judgeship bill may be doomed in the House-Senate conference.

"The Neilson bill, in my judgement," he said, "possesses the odor of the barnyard and should not receive favorable action."

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Imbursed under the Criminal Justice Act.

Green said Federal payments to the lawyers would:

- Encourage better attorneys to take appointed cases in General Sessions because they would be paid for their work.

- Provide an incentive to those regularly practicing in the court to render more effective service.

- Give the court's judges a more effective means of supervising attorneys by carefully selecting those to be made eligible for the Federal funds.

Greene's opinion, and a voucher he signed to pay \$50 to an attorney appointed to de-

fend an indigent in a misdemeanor case in General Sessions, went to the Administrative Office of the Federal court system.

Officials there passed the question to the Comptroller General's office with a recommendation that the money not be paid on the grounds that General Sessions was not listed as an eligible court in the Criminal Justice Act.

Greene argued, and the Comptroller General yesterday agreed, that the Act applies to all Federal courts and therefore should apply to cases in General Sessions that are prosecuted by the Federal Government.

Under existing law, these cases—about 7000 serious misdemeanors tried in the U.S. Branch of General Sessions—also could be tried in the U.S. District Court here.

Greene and the Comptroller General said that if the Act did not cover General Sessions, the U. S. Attorney's office thus could deprive a defendant of paid appointed counsel by prosecuting a case in the lower court instead of District Court, where the Act already was being used.

ad four Fees—L . . . R . . . Greene added that the U.S.