PUBLIC DEFENDER SERVICE

FOR THE

DISTRICT OF COLUMBIA

THIRD ANNUAL REPORT, 3rd,

Fiscal Year 1973

(July 1, 1972–June 30, 1973)

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Report of the Board of Trustees

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 Third Annual Report of the Public Defender Service, established in July 1970 pursuant to an Act of Congress. 2 D. C. Code § 2221-2228 (Supp. V 1972). The Public Defender Service is the successor to the Legal Aid Agency, which was created in 1960.

Although the Public Defender Service has broader responsibilities than its predecessor agency, the primary purpose remains unchanged: to represent those unable to afford counsel in criminal, juvenile and 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 not represented by the Service are represented by private attorneys compensated under the Criminal Justice Act. The statute thus guarantees, wisely, we think, a "mixed" system of representation consisting of both private and public defenders. In large cities where there is no mixed system and public defenders handle all or nearly all of the cases, the result has sometimes been disastrous. Caseloads increase faster than the size of the staff and necessary revenues, making quality legal representation impossible. Ultimately, when there is not a vigorous defense bar, the system of criminal justice suffers. In order to assure that the mixed system of representation functions effectively, Congress gave the Public Defender Service responsibility for coordinating a system for the appointment of private counsel, and for supplying to assigned counsel information and materials on defense representation.

The Public Defender Service 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-Commissioner.

STAFF POSITIONS

During its first year, fiscal 1971, the Public Defender Service was enlarged by the Congress to 44 attorney positions. Although 12 additional attorney positions were requested for fiscal 1972 and approved by the District of Columbia Government, the increase was not approved by the Congress, and several previously authorized, but unfunded, positions within the agency were eliminated. Increases in attorney positions again were requested for fiscal years 1973 and 1974, and again were refused by the Congress. Thus, at least throughout fiscal 1974, the Public Defender Service will continue at 109 authorized positions consisting of a Director, Deputy Director, 44 staff attorneys, investigators, social workers (Offender Rehabilitation Division), staff for the Appointment of Counsel Program, and administrative/secretarial/clerical employees.

During the past fiscal year the Service's attorneys closed the cases of more than 6,800 persons. While this represented an increase over the preceding fiscal year, it is clear that the PDS will not soon achieve its goal of representing 60 percent of all persons eligible for appointment of counsel. The capacity of the Service to provide representation is placed in perspective by contrasting its attorney staff size with that of the District of Columbia prosecutor offices. The United States Attorney has an authorized staff of 154 assistants, approximately 140 of whom are designated for the handling of criminal trials and appeals. The Corporation Counsel has 15 assistants authorized to handle juvenile cases. The Public Defender Service has responsibility for providing representation in both criminal and juvenile matters, and the PDS also appears in hundreds of Mental Health Commission hearings in which normally neither the United States Attorney nor the Corporation Counsel are involved. While complete statistics are lacking for all courts, probably about 90 percent of the persons prosecuted for criminal and juvenile offenses by the United States Attorney and the Corporation Counsel Offices are indigent. This means that from a comparative standpoint the Public Defender Service should have, at the very least, a staff of about 80 attorneys, i.e., 60 percent of the total number of Assistant United States Attorneys and Assistant Corporation Counsels assigned to criminal and juvenile cases less about 10 percent for non-indigent cases. In fact, the PDS believes that its attorney staff size must be substantially larger than 80, since the time demands in defending criminal and juvenile cases frequently are greater than those involved in prosecution.

LEGAL SERVICES

Staff Assignments and Persons Represented

The Public Defender Service, according to its statute, is required to "determine the best practicable allocation of its staff personnel to the courts where it furnishes representation." Throughout the year the Service's attorneys were assigned in various numbers to the following courts or tribunals: the United States District Court where primarily felony cases were defended; the Superior Court's Criminal Division where both misdemeanors and felonies were defended; the Superior Court's Family Division where delinquency and in need of supervision cases were represented; the United States Magistrates where felony presentments and preliminary hearings were handled; and the Mental Health Commission where representation was provided in civil commitment proceedings. In addition, by the end of the fiscal year, PDS attorneys were assigned to providing representation primarily before the District of Columbia Court of Appeals.

The majority of Public Defender Service representation during the past fiscal year was furnished in criminal and juvenile cases in Superior Court. This emphasis on Superior Court cases resulted largely from the ever-present threat throughout the fiscal year that there would be a deficiency in available funds to compensate private counsel appointed under the Criminal Justice Act. Every case represented by a Public Defender Service attorney meant one less voucher submitted by a private attorney for compensation under the Criminal Justice Act. In addition, the Superior Court requested that the agency deploy its staff resources to the fullest extent possible to the court's criminal and juvenile caseload.

During fiscal 1973 the Service had an average of 34 attorneys available to handle cases. Moreover, five attorneys served primarily as supervisors and thus handled few cases of their own. The average of 34 attorneys also excludes the Service's Director and Deputy Director, plus time spent by new attorneys in the Service's training program, since court assignments are not taken during this period. As noted previously, the Service's attorneys during the fiscal year closed the cases of more than 6,800 persons. Thus, each PDS attorney, utilizing the average number of 34, was responsible for closing approximately 200 cases in the courts. Of course, a wide variety of cases are included

within this figure. For example, many serious felony cases require several weeks for preparation and trial, and virtually all appeals are extremely time consuming. But the 200 closed cases figure also includes numerous miscellaneous proceedings (e.g., reviews of juvenile orders and conditional release hearings) which take relatively little time.

Near the close of the fiscal year the Public Defender Service Board of Trustees adopted a memorandum setting forth standards for staff attorney caseload levels in the Criminal and Family Divisions of the Superior Court. The problem of excessive caseloads is common among public defender offices, and through this memorandum the Board sought to assure that Public Defender Service attorneys would continue to be able to provide high quality legal representation. Factors bearing on the adequacy of public defender caseloads are outlined in the memorandum:

1) Quality of Representation -- fixing caseloads at levels which do not compel staff attorneys to prepare cases in an incomplete and summary fashion;

2) Speed of Turnover of Cases -- the faster the rate at which cases are closed, the smaller must be an attorney's caseload;

3) Percentage of Cases Tried -- the higher the percentage of cases reaching trial, the lower the caseload must be;

4) Extent of Support Services Available to Staff Attorneys -- adequate support services in the form of secretaries, investigators, social workers, law student researchers and paraprofessional aides increase the staff attorney's capability to handle cases;

5) Court Procedures -- court delays and time spent awaiting action on cases diminish an attorney's ability to provide representation; and

6) Other Activities or Complex Litigation -- protracted litigation or special projects imposing substantial time demands reduce the caseload capabilities of an attorney.

Based on an analysis of these six factors, the following standards were announced: felony trial caseload - 30, Family Division caseload - 38. The complete text of the Board of Trustees caseload memorandum is reproduced as Appendix A.

Detailed statistical information on all cases represented by the Service during fiscal 1973 is contained in Appendix B. The jury trial chart in Appendix B, page 31, indicates that during fiscal 1973 PDS attorneys tried a total of 146 jury cases -- 58 in United States District Court and 88 in the Superior Court's Criminal Division. The Government in these cases was successful in obtaining convictions to either one or more of the most serious offenses charged, or to lesser included offenses in only 46 percent of the cases. In a majority of the jury cases tried by the Service the client either was acquitted outright (42 percent), found not guilty by reason of insanity (1 percent), or a mistrial declared due to a hung jury or other reasons (11 percent).

In the area of mental health representation, the Public Defender Service has greatly expanded its efforts during the past several years. Currently, four attorneys plus a social worker are assigned full time to mental health representation, and the PDS now operates directly out of offices at St. Elizabeths Hospital. As the chart on page 35, in Appendix B indicates, a total of 2,144 patients were represented by the Service's mental health staff during the fiscal year. Of this number, only 107 (5 percent) were civilly committed.

In the fall of 1972 the District of Columbia Court of Appeals requested that the Public Defender Service handle the appeals of all convicted persons represented by PDS at the trial level. In response, the Service established a full-scale appellate section; thus far, six attorneys who were formerly available to try cases have been assigned to appeals. In fiscal 1973, 76 appellate cases were opened, 56 in the District of Columbia Court of Appeals and 20 in the United States Court of Appeals. Briefs were filed in 38 cases, 23 in the District of Columbia Court of Appeals and 15 in the United States Court of Appeals. Approximately 75 appellate cases were pending at the end of the fiscal year, and an increase of 25 percent in the appellate workload has been projected for fiscal 1974.

In addition to the regular work of the Service, an unusual effort was demanded during the October 1972 D.C. Jail disturbance, when the Director of the Department of Corrections and several correctional officers were held hostage for 24 hours by inmates. During the disorder,

inmate representatives were brought to a late-night emergency hearing held by the Honorable William B. Bryant, before whom litigation challenging conditions at the Jail was pending. At Judge Bryant's request, PDS attorneys and some members of the private bar interviewed all Jail inmates who wished legal advice concerning their grievances. These interviews, of more than 100 prisoners, took place throughout the night and early morning hours of October 11-12. Follow-up action by PDS attorneys included meetings with judges of both the District Court and the Superior Court, leading to a review of the bail status of all pretrial detainees; the transmittal of information concerning their cases to inmates and to their appointed counsel; and, in instances where appointed counsel was unavailable, presentation of complaints to the appropriate courts. While these emergency steps undoubtedly were helpful in resolving immediate problems, long-range solutions to conditions at the D. C. Jail have yet to be achieved.

Appellate and Special Litigation

During the past fiscal year an expanded appellate staff enabled the Public Defender Service, for the first time, to provide across-the-board appellate representation for all PDS clients. In addition to representation in appeals arising after the conclusion of cases at the trial level, the agency undertook a comprehensive bond appeal program with significant results, and several actions in the nature of mandamus or prohibition were fruitfully taken at interlocutory stages of trial proceedings. Substantively, much of the PDS appellate workload during the fiscal year was comprised of cases dealing with suppression of evidence issues, the administration of the Jencks Act and the Youth Corrections Act. The following cases are illustrative of some of the important issues raised by the Service in appellate courts during fiscal 1973.

Criminal Law and Procedure

In the past it was common practice at bond hearings in this jurisdiction for the government to furnish the court, but not the defense, with police reports relating to the nature of the offense charged. These reports were not made a part of the record. The Service challenged this practice in a number of cases, and in Bouknight v. United States, 305 A.2d 524 (D. C. C. A., 1973) (Separate statement by Judge Nebeker), the District of Columbia Court of Appeals expressed support for the PDS position. Subsequently, the practice at the trial level about which the PDS complained was largely discontinued.

In Coleman v. Burnett, ____ U.S.App.D.C. ____, 477 F.2d 1187 (1973), PDS attorneys brought an affirmative lawsuit seeking relief from judicial rulings restricting the ability of defense counsel at preliminary hearings to cross-examine government witnesses and to subpoena witnesses, including complainants, to such hearings. From the defense standpoint, the preliminary hearing in this jurisdiction had been reduced to a ritualistic sham, where defense counsel were not permitted to explore effectively the issue of probable cause. In the Coleman opinion, the United States Court of Appeals granted a significant measure of the relief sought by the Service; particularly important was the reaffirmation of the right of the defense to subpoena witnesses to preliminary hearings upon a showing of materiality, without regard to which side might be expected to call the witness at trial.

PDS attorneys also challenged during the past fiscal year the validity of indictments in two cases on the ground that evidence was presented to the grand jury in such fashion as to deprive that body of its ability independently to evaluate the facts. In United States v. Martinez, 298 A.2d 504, 506 (D. C. C. A., 1972), the testimony of the crucial government witnesses, who did not speak English, was presented through an interpreter who, as the trial court put it, had "not been qualified as an interpreter by any of the normal objective standards in terms of the taking of an examination and the meeting of civil service qualifications...." In United States v. Wagoner, D.C.C.A., No. 7192, decided January 14, 1974, no live witnesses appeared before the grand jury; the grand jury saw and heard only the prosecutor who read the transcript of a prior proceeding before a different grand jury. In both cases the District of Columbia Court of Appeals sustained the validity of the indictments, although in the Wagoner case a petition for rehearing is pending.

In this jurisdiction appellate courts rarely have addressed the issue of the dimensions of a trial judge's discretion to limit the questions put to a panel of prospective jurors during the voir dire. In Harvin v. United States, 297 A.2d 774 (D. C. C. A., 1972), the Service contended that the trial court had improperly restricted the scope of such voir dire questions, and the District of Columbia Court of Appeals agreed.

The United States Court of Appeals for the District of Columbia ruled in United States v. Brawner, ____ U.S.App.D.C. ____, 471 F.2d 969 (1972), that an accused, without presenting a full insanity defense, may introduce evidence of his abnormal mental condition to negate a specific intent element of a crime. In two cases, Baxter v. United States, D. C. C. A., No. 7100 and Davis v. United States, D. C. C. A., No. 7475, the Service has urged this evidentiary rule upon the District of Columbia Court of Appeals.

As to the insanity defense itself, defense counsel in this jurisdiction have faced an uphill battle since the District of Columbia Court Reform and Criminal Procedure Act of 1970 placed the burden of proof upon the defendant to show his entitlement to an acquittal by reason of insanity. This statutory shift in burden was upheld against constitutional attack by the United States Court of Appeals in United States v. Green, No. 72-1130, decided October 4, 1973. The Service presently is challenging the validity of this provision in the District of Columbia Court of Appeals in Cooper v. United States, D. C. C. A., No. 7591.

Also pending as of this date are two appeals which challenge the constitutionality of applying criminal statutes to the private sexual conduct of consenting adults. In United States v. Wiggins, D. C. C. A., No. 7301, the Service contended that application of the sodomy statute to private consensual conduct of adults was a violation of the constitutional right of privacy. A similar claim has been made in United States v. Flemming, D. C. C. A., No. 6705, where the statutory provision attacked was the prohibition against solicitation for lewd and immoral conduct.

In three cases, in response to invitations from the United States Court of Appeals for the District of Columbia Circuit, the Service participated as amicus curiae. In United States v. Wright, No. 72-1356, decided October 9, 1973, the Service submitted a memorandum on whether a trial court may properly order production of an investigative report prepared by a defense investigator. The Court in its decision agreed with the position of the Service that such reports are not producible. In United States v. Brown, ____ U. S. App. D. C. ____, 483 F. 2d 1314 (1973), the question was the standard to apply in the resolution of motions for bail pending appeal where the movant is convicted of a D. C. Code offense in Federal District Court. The D. C. Code standard, enacted in the Court Reform and Criminal Procedure Act of 1970, requires that release be denied unless the trial court finds by clear and convincing evidence that the appeal raises a substantial question "likely to result in reversal;" the federal statute, on the other hand, requires only that the trial judge find that the issue to be raised on appeal is non-frivolous. In its opinion, the Court adopted the PDS view that the D. C. Code provision was inapplicable to D. C. Code offenses tried in federal court. In United States v. Anderson, Nos. 72-2074 and 72-2113, decided January 4, 1974, the Service submitted an amicus brief arguing that a defendant charged with one crime may not be placed in a line-up related solely to another crime for which he is not charged without a judicial finding of probable cause. The argument was rejected by the Court of Appeals.

Juvenile Delinquency

The D. C. Code defines a "child in need of supervision" as one who "is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian." 16 D. C. Code § 2301 (8) (a) (iii). A juvenile found in need of supervision pursuant to the above provision may be ordered confined. During the past year PDS attorneys in a number of cases attacked the foregoing provision as unconstitutionally vague. In several cases the attack succeeded at the trial level, and the issue is now on appeal in In the Matter of B. J. R., D. C. C. A., No. 7651, where the government is seeking review of a successful PDS motion to dismiss.

The past fiscal year saw what may prove to be the final chapter of the litigation brought by the PDS challenging practices and conditions at the District of Columbia Receiving Home. In 1973 the Honorable Harold H. Greene, Chief Judge of the Superior Court, ordered that the Receiving Home could no longer be used as a long-term pre-trial detention facility. Additionally, the order required a doubling of the number of existing pre-trial shelter care houses and established a home detention program whereby juveniles receive at their own homes extensive supervision and counseling from probation officers employed by the court. In The Matter of J. F. S. et. al., No. J-4808-70, decided January 12, 1973.

In a pending case, W. E. P. v. District of Columbia, D. C. C. A., No. 6979, the Service has presented a constitutional challenge to the application of the carnal knowledge statute to males under the age of sixteen. Since there is no consent defense to carnal knowledge, it was argued, the statute violates basic notions of equal protection and due process by subjecting only the male to legal sanction when juveniles engage in consensual sexual conduct.

Mental Health

The Service was successful this past year in obtaining judicial recognition of an important new right for persons alleged to be mentally ill. In In Re Ballay, ____ U. S. App. D. C. ____, 482 F. 2d 648 (1973), the Service contended that the Constitution requires proof beyond a reasonable doubt that a person is mentally ill and likely to injure himself or others before he may be involuntarily committed to a mental institution. The Court in Ballay so held. The Service presently is urging the District of Columbia Court of Appeals to adopt the same position in In Re Hodges, D. C. C. A., No. 7638.

Correctional Law Program

In August 1971 the Public Defender Service established a program to furnish post-conviction legal services to indigent offenders sentenced under the Youth Corrections Act. Pursuant to this program, which continued throughout fiscal year 1973, cases were referred to the Service under a contract with the Center for Correctional Justice (CCJ), an Office of Economic Opportunity funded non-profit corporation. The services of one lawyer and investigator were devoted to the program, and funds for these personnel were made available by the CCJ. Most of the cases referred to the program during the past fiscal year involved sentencing and detainer problems, and a few required the agency to furnish representation at parole revocation hearings.

The presence of a detainer lodged against an inmate of the Lorton Youth Center frequently has a detrimental effect on his parole consideration, since it is impossible to set up a program of reintegration into the community when parole would do nothing more than effect a transfer to a prosecuting jurisdiction. On a number of occasions the Public Defender Service was successful in convincing other jurisdictions to withdraw detainers against inmates of D. C. Department of Corrections. There also were cases where the Service succeeded in convincing judges to reduce sentences and to vacate and correct illegal sentences which had been imposed.

The program achieved, moreover, a significant litigation objective in the United States District Court case of Orlando Ray Willis v. Department of Corrections, Civil Action No. 734-41, decided April 15, 1973. There the Service challenged the administrative practice of the Department of Corrections in transferring to adult facilities certain classes of inmates sentenced under the Youth Corrections Act. The court agreed with the Public Defender Service position and permanently enjoined the Department of Corrections from making such transfers in the future. In addition, the Department of Corrections was ordered to return forthwith to properly certified Youth Corrections Act facilities several hundred persons then in an illegal custodial status.

Personnel and Training

An extremely large number of highly qualified attorneys seek legal positions with the Public Defender Service each year. During the past fiscal year, for example, the Service received more than 600 new applications, many from attorneys in other parts of the country possessing exceptional academic backgrounds. Virtually all new attorneys hired by the Service have had prior legal experience, and such experience has become, with rare exceptions, a requisite for employment. The legal backgrounds of the Service's attorneys include clerkships to trial and appellate court judges, work in other government agencies, and the private practice of law.

The new attorneys who began work with the Service in fiscal 1973 participated in an intensive training program. The program included case readings, staging of mock motions, arguments and trial hearings, and visits to penal institutions, treatment facilities, and the Metropolitan Police Department. A principal objective of the program is to acquaint new lawyers with various types of trial problems. As in the past, many of the training program performances were video taped so that both the new lawyers and instructors could carefully review the presentations. Classes were taught by senior attorneys, including the Director and Deputy Director.

A grant to the Public Defender Service from the Law Enforcement Assistance Administration for a Defense Attorneys Training and Services Project to begin early in fiscal 1974 will provide resources for the ongoing training of PDS staff attorneys. Specifically, the project will involve a thorough review of present training materials and methods in use at the Service, an evaluation of these materials and methods in terms of their effectiveness, and the development of new training practices for both PDS and private lawyers. Among the most significant priorities are preparation of a trial manual and the compilation of defense materials on expert witnesses.

APPOINTMENT OF COUNSEL PROGRAM

Under its statute, the Service is responsible for the establishment and coordination of an effective system for appointing counsel to those cases within its jurisdiction which are not handled by PDS staff attorneys. After extensive preparation and planning, a new appointed counsel program, which for the first time attempted to coordinate appointments made by the four courts (United States Court of Appeals, District of Columbia Court of Appeals, United States District Court and the Superior Court of the District of Columbia) was scheduled to begin operation in March 1972.

Prior to its scheduled commencement, approximately 4,000 attorneys eligible for appointment to indigent cases were assigned to the four courts on the basis of each court's needs and the experience of the attorneys. The plan called for advance notice to each attorney of the date of his forthcoming appointment and an opportunity to obtain a postponement through the Service if his schedule required. This advance notification was intended to avoid the inconvenience to the courts of substituting counsel when the originally appointed attorney proved to be unable to serve.

The program began as scheduled in the two appellate courts, and during the four months of operation in fiscal 1972, 87 attorneys were appointed under the program in the United States Court of Appeals. However, between July 1 and December 31, 1972, the Service submitted the names of 125 non-volunteer attorneys to the United States Court of Appeals, but only 30 of these attorneys were appointed. Hence, there was no need for the submission of additional names and none were submitted during the last six months of fiscal 1973. The court makes most of its appointments from its own roster consisting of attorneys who have appeared previously before the court in civil or criminal cases. In the District of Columbia Court of Appeals the Service submitted 83 names of non-volunteer attorneys during the last six months of fiscal 1973 and 48 were appointed. In the vast majority of cases in this court the trial attorney is appointed to the appeal.

In both the Superior Court and the United States District Court, the initiation of the program was postponed to allow each court to consider the matter further. The District Court ultimately determined not to implement the program as proposed by the Service, but to rely largely on volunteer attorneys. However, the program did begin on a limited scale in the Superior Court on May 1, 1972. That court determined to begin with only 500 attorneys rather than the 3,000 originally assigned to its panels. The 500

most experienced of that group were divided among the court (100 for service in felony cases, 200 in misdemeanors and 200 for cases in the Family Division), although an average of only 30 attorneys per month actually were appointed by the court during fiscal 1973.

Near the close of the fiscal year the Public Defender Service published and distributed its first Quarterly Report on the Program for Furnishing Legal Representation to Indigents in the District of Columbia. According to its statute, the PDS is required to "report to the courts at least quarterly on matters relating to the operation of the appointment system and . . . [to] consult with the courts on the need for modifications and improvements." Hopefully, by providing both statistical data and narrative discussion, the quarterly reports will provide a factual basis for such changes in the procedures for the appointment of counsel as are deemed necessary by the courts. The first Quarterly Report for the period January 1, 1973, through March 31, 1973, dealt with the overall status of the appointed counsel program. Its conclusions were (1) that the vast majority of the private bar, contrary to the Criminal Justice Act plan adopted by the courts, are not involved in the criminal justice system, and (2) that most appointments in the District of Columbia's trial courts are given to a relatively small group of attorneys who volunteer for assignments and to PDS staff attorneys. An additional problem is that the program as it now operates discriminates against the relatively few attorneys who courts have authorized to be drafted whereas the overwhelming majority of the bar is never asked to take a court assignment. These difficulties are suggestive of the kinds of fundamental issues which comprise the agenda for the agency's appointed counsel program in fiscal 1974.

SERVICES TO THE PRIVATE BAR AND COMMUNITY

Under its statute the Public Defender Service "may furnish technical and other assistance to private attorneys appointed to represent persons" accused of crime. The PDS is greatly interested in assuring the private bar the same support and up-to-date information available to staff attorneys. In fiscal 1973, as in past years, the staffs of the Investigative and Offender Rehabilitation Divisions were available to aid the clients of private attorneys appointed under the Criminal Justice Act.

As mentioned previously, the Service has been awarded a Law Enforcement Assistance Administration grant for a Defense Attorneys' Training and Services Project to begin in fiscal 1974. The project's major objective is the improvement of training and services to attorneys appointed in indigent cases (both PDS staff and private attorneys) in order to enable them to more effectively discharge the duties of appointed counsel. Pursuant to the grant, for example, the Service plans to reinstitute publication of the Public Defender Service Bulletin, which is aimed at bringing to the attention of the bar recent court decisions and other developments in local practice. The PDS also plans to conduct special training programs for the private bar and to publish materials on criminal and juvenile defense.

Throughout the past fiscal year the library of the PDS, located near all of the courts, was used by many appointed counsel. Included in the library are a number of volumes dealing with defense representation, investigation and trial practice, plus sample motions and jury instructions previously used by PDS lawyers. Attorneys are encouraged to use the library and to come to the office to discuss with PDS staff attorneys ideas and tactics for better defense representation.

Daily the PDS receives numerous phone calls and visits from citizens and attorneys seeking aid and information in regard to criminal and juvenile cases. In order to handle the many inquiries received, an attorney is assigned each day to clear his schedule so as to be present in the office to handle all questions as they arise. If an inquiry is beyond the experience of the attorney assigned for the "duty day," he arranges to find the answer and return the call.

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 investigative staff during the year closed 502 cases and received for investigation 510 criminal and juvenile matters.

Fiscal Year Statistics

	Cases Received		Cases Closed	
	PDS*	CJA**	PDS*	CJA**
Felony	155	199	135	215
Misdemeanor	5	12	8	13
Juvenile	32	56	28	55
Supplemental	12	21	11	19
Miscellaneous	14	4	14	4
Subtotals	218	292	196	306
Totals	510		502	

*Cases for investigation derived from Public Defender Service attorneys.

**Cases for investigation derived from counsel assigned under the Criminal Justice Act.

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 of whether to advise his client to plead guilty or to contest the government's evidence in a trial.

When, as often happened during the past year, staff investigators were unavailable to work for PDS attorneys due to the volume of work received from appointed counsel, reliance was placed on volunteer investigators from local law schools -- American, Catholic, Georgetown, George Washington and Howard. During fiscal 1973, moreover, the entire first year class of Antioch Law School was involved in volunteer investigative work. Substantial effort was expended in recruiting these law students and in orienting them to the PDS and the criminal justice system. Although the law students are supervised by the attorneys for whom they work, all of the students are required to attend a training session before they commence the investigation of cases. At this initial training program they are given written materials describing the policies and practices of the Service in regard to the investigation of criminal and juvenile cases. These materials include not only practical hints on conducting investigations, but also explicit instructions on a wide variety of ethical problems which sometimes arise in conversations with witnesses.

During the summer months of 1972 and 1973, twelve outstanding law students were recruited from the District of Columbia and elsewhere to aid staff attorneys with fact investigations.

SOCIAL SERVICES

The American Bar Association's Standards Relating to Providing Defense Services recognize that effective defense representation requires that an attorney do more than simply address himself to legal issues:

> "[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."

The Offender Rehabilitation Division (ORD) of the Public Defender Service, which provides social services to criminal and juvenile offenders as part of the defense-client relationship, represents an effort by the agency to comply with this concept. ORD originally was sponsored by the Georgetown University Institute of Criminal Law and Procedure, and later was funded for three years by the Office of Economic Opportunity as a pilot project to explore the efficacy of social services offered through defense counsel. As revealed in the chart below, during the past year ORD assisted nearly one thousand persons.

Fiscal Year Statistics

	New Cases Received	Cases Closed	Total Persons Assisted During FY
Criminal Cases	422	392	594
Juvenile Cases	136	54	198
Job Development Services	240	238	240
Total	798	684	992

Unlike the probation departments of the courts, the staff of ORD begins working with their clients in the vast majority of cases soon after the person has been arrested and well before conviction. Thus, the ORD worker frequently enters the case at the same time as the defense lawyer, often aiding the client's release from custody by locating a job or a place to live. While the case is pending, the ORD worker deals with the client in tandem with the lawyer, arranging for psychiatric or family counseling, narcotics treatment, vocational training or whatever is indicated to avoid future involvement in the criminal process. At the request of the attorney, ORD workers prepare reports about the client containing recommendations for sentence. These reports focus on the contacts of the ORD staff with the client, the program developed for him, and how the experience of the ORD relates to the recommendation which is made.

The experience of the Offender Rehabilitation Division is that although there are a number of services and facilities available in the community, knowledge of them is limited. ORD workers gain access to programs which would otherwise be unknown or unavailable to defense lawyers and their clients. Services used by the ORD staff during the past year ranged from Bureau of Rehabilitation halfway houses, psychologists and psychiatrists, to Job Corps, Pride, Inc. and Federal City College, as a small sampling.

APPENDICES

APPENDIX A

PUBLIC DEFENDER SERVICE

FOR THE DISTRICT OF COLUMBIA

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MEMORANDUM OF THE BOARD OF TRUSTEES RE CASELOAD LEVELS OF STAFF ATTORNEYS

INTRODUCTION

A common and well-recognized problem faced by many public defender offices is the failure to restrict the caseloads of its attorneys to a number of cases that allows each lawyer to furnish quality legal representation. This situation has developed in other jurisdictions because of a lack of independence of public defender offices as well as an inability to identify the optimum number of cases that can be handled consistent with effective legal services. To assure that as the Public Defender Service (PDS) grows it does not experience this problem and to guarantee the continued high quality of PDS representation, the Board of Trustees of the Public Defender Service, pursuant to the power vested in it by D. C. Code § 2-2223 (a) (Supp. IV., 1971) hereby adopts standards for the caseloads of its staff attorneys.

The caseload standards set forth in this memorandum are intended to control the work of staff attorneys practicing primarily in the Criminal and Family Divisions of the Superior Court.[1] These standards are not and cannot be the product of a mathematical formula: the high number of variables and the impossibility of scientifically defining "quality legal representation" militate against such an approach. They represent, however, the Board's best judgment of how to balance and synthesize the considerations outlined below.

1 This memorandum does not discuss the caseloads which attorneys assigned to appellate, mental health or magistrate representation should carry.

FACTORS CONSIDERED IN ARRIVING AT STANDARDS

1. Quality of Representation. This is both the most important ingredient and the most difficult to measure in determining what is a reasonable caseload. While not susceptible of ready definition, it is clear that "high quality legal representation" is characterized by extensive fact investigation, sometimes necessary merely to be certain that a client's desire to plead guilty is supported by provable facts; or, through research required to develop a legal theory; or, by scrupulously careful preparation for trial. Representation of this type is, of course, time-consuming; it is also indispensable if PDS clients are to receive the representation that traditionally has been furnished by this agency. The goal must be to fix caseloads at levels which will not compel staff attorneys to prepare cases in an incomplete and summary fashion.

2. Speed of Turnover of Cases. It is evident that the faster the rate at which cases are closed the smaller must be an attorney's caseload. If all the work preceding a trial, plea, or dismissal must be telescoped into a few weeks, a trial attorney can handle far fewer cases than if months of preparation time were available. In the Superior Court's Criminal Division this factor achieves particular importance in light of the plea practice: the most advantageous bargain from the defendant's standpoint usually can be struck prior to indictment. At present, cases are indicted on the average within 30 days of arrest. This means that an informed decision as to whether or not to enter a guilty plea must be made within three weeks of arrest. The decision normally requires fact investigation to be certain the case could be proved if tried, conferences with the Assistant United States Attorney to strike the bargain, conferences with the defendant to obtain his decision and a court appearance to enter the guilty plea. The speed of disposition following indictment is equally rapid with judgments entered on the average within 70 days following arrest, thereby telescoping the defense preparation into a comparatively brief period. This obviously argues for a lower caseload than would be manageable if the disposition time were greater.

3. Percentage of Cases Tried. It is apparent that the higher the percentage of cases reaching trial, the lower the caseload must be. In many large urban courts intense time pressures

and clogged calendars result in only 1 or 2 percent of the criminal cases being tried to a jury. In the District of Columbia, however, this is not the situation. During the past several years PDS attorneys consistently have had jury trials in 10-12 percent of their criminal cases. Although jury trials are not available in the Family Division, the percentage of juvenile cases tried before judges is approximately the same.

4. Extent of Support Services Available to Staff Attorneys. To the extent that staff attorneys have available to them adequate support services in the form of secretaries, investigators, social worker assistance, law student researchers and paraprofessional aides, their efficiency and capability to handle cases will be increased. The availability of these support services fluctuates from time to time. For setting caseloads at present, the resources currently available will be assumed.

5. Court Procedures. To the extent that attorneys spend time in court awaiting action on their cases, their ability to provide representation is diminished. This constitutes an important problem at present in the Criminal Division where attorneys typically spend several hours waiting for presentments and preliminary hearings, proceedings which usually take a short time to complete. Court delays in the Family Division also are common.

6. Other Activities or Complex Litigation. From time to time staff attorneys become engaged in protracted or complex litigation or in special projects in addition to normal trial activities. Either of these situations can impose great time demands on the attorney, warranting the reduction of his caseload below the figure deemed to be the standard for an attorney without such unusual time pressures.

PRESENT STANDARDS

An analysis of the foregoing factors, measured against the prevailing practice in the Criminal and Family Divisions lead the Board of Trustees to set for the present time the following standards:

Felony Trial Caseload: 30. Of this number, it is assumed that approximately 20 will be active cases (i. e., cases pending indictment, pending trial or pending a pretrial motion likely to dispose of the case); the balance will be in less active posture, including cases in

which a guilty plea has been entered or a decision to plead made as well as cases in which the defendant is a fugitive for less than six months. A small but not insignificant fraction of cases begin as felonies and end as misdemeanors. Therefore, a staff attorney with a felony caseload may, from time to time, have 4 or 5 misdemeanor cases in active posture as well.

Family Division Caseload: 38. Of this number, it is assumed that approximately 15 will be active cases with a likelihood of trial, the balance consisting of cases where a disposition short of trial seems more likely in view of the operative social and legal factors.

Based on the foregoing caseloads, and assuming the rate of disposition described above, a PDS attorney would close, in the Criminal Division between 110-120 criminal cases annually, depending in part on the lapse time from judgment to sentence, in the case of defendants found guilty. A PDS attorney assigned to the Family Division would close cases at the annual rate of approximately 180.[2]

2 In the literature concerning public defender offices there is a dearth of helpful information on caseload standards, and the information available has attained whatever value it has on a bootstrap basis. For example, a 1966 "Conference on Legal Manpower Needs of Criminal Law" arrived at the estimate of 150 as a satisfactory felony caseload based on a "crude survey of present practice". See 41 F.R.D. 389 at 393. In turn, this Conference served as the basis of a similar estimate by the President's Commission on Law Enforcement and the Administration of Criminal Justice. See Task Force Report, The Courts, p. 56 (1967). And both documents are cited to justify a similar estimate by the National Legal Aid and Defender Association (NLADA) which is presently preparing standards to guide public defenders. (Unpublished Standards -- Draft Form § 7.4, currently under consideration by the NLADA). An estimate respecting juvenile delinquency proceedings, 200 annual matters, is contained in § 7.4(1)(c) of the NLADA standards. Significantly, none of these studies or reports provide the documentation that should underlie the estimates and their worth is accordingly suspect. Consultation with persons familiar with the literature and work in this area confirms

(cont'd.)

To give these figures some dimension, it is helpful to appreciate what tasks would be required of a staff attorney representing, for example, 30 persons, the bulk of whom are charged with felonies, 20 of which are in an "active" status. The chart which follows is an illustration of what is typically required of a PDS staff attorney handling a caseload of 30 felonies during a six-week period, approximately one-half the average life of an active felony case. In addition, the chart details time required for attendance at PDS staff meetings, efforts necessary to maintain familiarity with current legal developments, and duty day assignments during which attorneys furnish members of the private bar and community with legal advice. While the chart is constructed in terms of a normal, five-day work week, experience suggests that the burden of work invariably spills over to the weekends.

2 (cont'd.) the absence of meaningful standards. As for court decisions, there appears to be only one which deals with caseloads of public defenders. In an effort to secure for defendants effective legal assistance as required by the Constitution, recently a Federal District judge imposed caseload limits on attorneys employed by the Kings County Branch of the New York Legal Aid Society. See Wallace v. Kern, Nos. 72-C-898, 73-C-55 and 73-C-113 (E.D. N.Y., decided May 13, 1973).

Illustrative Table of Required Tasks for PDS Staff Attorneys While Representing 30 Defendants*

Days 1-5	Presentment (1) Presentment (2) Interview Defendant (13)	Arraignment (11) Instruct Investigator (24) Discovery Conference (24)	Arraignment (12) Interview Defendant (25) Plea Conference (25) [Staff Meeting]	Legal Research (13) Enter Plea (28) Status Conference (29)	Trial Preparation (13) Interview Defendant (13) Legal Research (29)
Days 6-10	Trial Preparation (13) Interview Witnesses (13) Interview Defendant (13) [Review Slip Opinions/Legal Developments]	Presentment (3) Presentment (4) Presentment (5) Presentment (6) Trial Preparation (18)	Jury Trial (13)	Jury Trial (13) Discovery Conference (11) Discovery Conference (12)	Plea Conference (7) Interview Witnesses (15) Prepare Motions (16) Legal Research (23)

*Explanatory Note: This chart depicts the range of activities in which a PDS lawyer necessarily becomes involved while representing 30 defendants. Each of the numbers in parentheses refer to one of the attorney's 30 cases. For example, on the chart's first day it is hypothesized that the attorney interviews the defendant in case number 13, then again on days 4, 5 and 6 there are additional interviews plus legal research and general trial preparation. Case number 13, according to the chart, is tried before a jury on days 8 and 9. The several presentments listed which do not have a number represent new cases received during the six-week period and take the place of cases closed due to dismissal, acquittal or conviction. Thus, during a six-week period a staff attorney normally will be representing only about 30 clients at a given time, but always some cases are being closed and new ones added to the workload. Bracketed entries on the chart refer to obligations that do not arise out of any assigned cases, but are nevertheless an integral part of a staff attorney's activities.

Days 11-15	Preliminary Hearing (1) Preliminary Hearing (2) Prepare Motions (17)	Motion Hearing (16) Motion Hearing (17) Status Conference (18) Sentence (22)	Plea Conference (8) Instruct Investigator (18) Instruct Investigator (19) [Staff Meeting]	Trial Preparation (14) Interview Witnesses (14) [Duty Day - Private Attorneys & Citizen Inquiries]	Preliminary Hearing (5) Preliminary Hearing (6) Instruct Investigator (19) Plea Conference (30)
Days 16-20	Pre-Sentence Investigation (9) Pre-Sentence Investigation (10) Presentment Presentment	Preliminary Hearing (3) Preliminary Hearing (4) Legal Research (15) [Emergency Court Appointment--Advise Witness]	Enter Plea (7) Trial Preparation (14) Interview Defendant (14) Presentment Presentment	Jury Trial (14)	Jury Trial (14)
Days 21-25	Prepare Motions (15) Instruct Investigator (20) Presentment	Enter Plea (8) Motion Hearing (15) [Review Slip Opinions/Legal Developments]	Jury Trial (15) [Staff Meeting]	Jury Trial (15)	Jury Trial (15) Sentence (9) Sentence (10)

Days 21-25 (cont'd)	Presentment [Consult with Private Attorney]		Instruct Investigator (21)
Days 26-30	Legal Research (5) Instruct Investigator (21)	Arraignment (1)	Judge Trial (23) [Probation Revocation Hearing - Earlier Case]
	Presentment	Plea Conference (29)	Plea Conference (23) Status Hearing (23)
	Presentment	Enter Plea (29)	[Review Slip Opinions/Legal Developments]
		Arraignment (2)	
		Interview Defendant (23)	
		Plea Conference (23)	
		Sentence (28)	

FLEXIBILITY OF STANDARDS

It is evident that the above caseload guidelines cannot be rigidly administered. Attorneys with little experience cannot operate as efficiently as those with greater experience. Even among equally experienced attorneys, one can expect to see some variation in capacity to dispose of cases. Of course, the disposition rate of an attorney at a given time can be higher than anticipated by these standards, thereby justifying a caseload increase. Similarly, court procedures may be amended to improve the efficiency of PDS practice also allowing an increase in cases. The standards set forth above must not only be evaluated periodically to determine what adjustments are necessary in light of experience, they must also be administered with regard for the variation of individual attorneys and cases.

ADOPTION OF MEMORANDUM AND STANDARDS

The Board of Trustees hereby adopts, as its position on Public Defender Service caseloads, this memorandum and the standards outlined herein. Further the Trustees hereby instruct the Director of the Public Defender Service to implement these standards, with the request that he give due regard to the flexibility necessary to accommodate individual attorneys and the goal of quality legal representation, and the need to furnish representation to indigents. The Board of Trustees agrees to review this memorandum at six month intervals.

Approved this 25th day of June, 1973.

/s/ Samuel Dash
Samuel Dash, Chairman
Board of Trustees
Public Defender Service for
the District of Columbia

APPENDIX B

Statistical Information on Cases Represented By
Public Defender Service Attorneys in
Fiscal 1973

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 1973 necessarily depends upon the self-reporting of each lawyer.

In the chart immediately below, we indicate that during fiscal 1973 the Public Defender Service closed a total of 6,846 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 IN ALL COURTS

Court-Type Proceedings		N*
District Court (felonies)		328
Superior Court (felonies)		1,104
Superior Court (misdemeanors)		488
Superior Court—Juvenile Branch (delinquency; in need of supervision cases)		1,730
United States Magistrates (presentments and preliminary hearings on felonies)		478
Mental Health Commission		2,144
Appeals		42
United States Court of Appeals	18	
District of Columbia Court of Appeals	24	
Miscellaneous Hearings and Proceedings (e.g., probation and parole revocations; contempts; Narcotic Addict Rehabilitation Act cases; § 2255's; conditional and unconditional releases)		532
Total		6,846

* N = number of cases.

UNITED STATES MAGISTRATES

Cases Closed During Fiscal Year

	N	%*
Lawyer Participation Terminated Before Final Disposition	145	30
Held for Grand Jury	120	25
Dismissed—Referred to Superior Court for Extradition	8	1
Dismissed**	72	15
Misdemeanor Treatment in Superior Court	5	1
Removed Pursuant to Rule 40	20	4
Guilty Plea Pursuant to Rule 20	6	1
Guilty Plea to Felony—No Grand Jury Indictment	1	—
Guilty Plea to Misdemeanor—No Grand Jury Indictment	65	14
Other	36	8
Total	478	

* Percentages in this and subsequent charts may not add up to 100 due to rounding.

** While statistics are unavailable, undoubtedly some of the cases dismissed at the Magistrate stage were indicted later as grand jury originals.

JURY TRIALS IN UNITED STATES DISTRICT COURT AND SUPERIOR COURT

Disposition	District Court (felonies)	Superior Court (felonies)	Superior Court (misdemeanors)	Totals N	Totals %
Guilty on One or More of Most Serious Offenses Charged	25	30	10	65	37
Guilty on Lesser Included Offense	11	5	—	16	9
Not Guilty	12	38	12	62	36
Not Guilty by Reason of Insanity	1	1	—	2	1
Motion for Judgment of Acquittal	3	6	2	11	6
Mistrial—Hung Jury	4	4	2	10	6
Mistrial—Other Reason	2	4	2	8	5
Totals	58	88	28	174	

UNITED STATES DISTRICT COURT

Cases Closed During Fiscal Year

		N	%
Lawyer Participation Terminated Before Final Disposition		23	7
Guilty Pleas		186	57
Guilty Pleas to Most Serious Offense	74		
Lesser Included Offense*—Felony	71		
Lesser Included Offense—Misdemeanor	41		
Dismissed		55	17
Jury Trials		51	16
Judge Trials		10	3
Other		3	1
Total		328	

* As used in this and subsequent charts, "lesser included offense" (LIO) means either a lesser offense actually charged or one to which a plea was accepted, regardless of whether technically a lesser offense within the strict definition of the phrase.

Judge Trials

	N	%
Guilty on One or More of Serious Offenses Charged	4	40
Not Guilty	—	—
Not Guilty by Reason of Insanity	6	60
Total	10	

Sentences Imposed

		N	%
Prison		96	42
Youth Correction Act		43	19
Prison—Split Sentence		5	2
Prison—Work Release		1	—
Narcotic Addict Rehabilitation Act—Title II		6	3
Probation		75	33
Execution of Sentence Suspended	31		
Imposition of Sentence Suspended	44		
Other		1	—
Total		227	

SUPERIOR COURT—CRIMINAL DIVISION

Cases Closed During Fiscal Year

Misdemeanors		N	%
Lawyer Participation Terminated Before Final Disposition		21	5
Guilty Pleas		153	31
Guilty Pleas to Most Serious Misdemeanor	117		
Lesser Included Offense—Misdemeanor	36		
Guilty Plea—Reduced from Superior Court Felony Solely for Plea		11	2
Guilty Plea—Referred from Magistrates Solely for Plea		2	—
Dismissed		245	50
Jury Trials		27	6
Judge Trials		21	4
Other		8	2
Total		488	

Felonies		N	%
Lawyer Participation Terminated Before Final Disposition		114	10
Guilty Pleas		264	24
Guilty Pleas to Most Serious Offense	90		
Lesser Included Offense—Felony	75		
Lesser Included Offense—Misdemeanor	99		
Dismissed*		607	55
Jury Trials		89	8
Judge Trials		21	2
Other		9	1
Total		1,104	

* 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.

Judge Trials

Misdemeanors	N	%
Guilty on One or More of Most Serious Offenses Charged	10	48
Guilty—Lesser Included Offense	2	10
Not Guilty	5	24
Not Guilty by Reason of Insanity	—	—
Motion for Judgment of Acquittal	4	19
Total	21	

Felonies	N	%
Guilty on One or More of Most Serious Offenses Charged	4	21
Guilty—Lesser Included Offense	1	5
Not Guilty	3	16
Not Guilty by Reason of Insanity	11	58
Motion for Judgment of Acquittal	—	—
Total	19	

SUPERIOR COURT—CRIMINAL DIVISION

Cases Closed During Fiscal Year

Sentences Imposed

Misdemeanors		N	%
Prison		21	11
Youth Corrections Act		8	4
Prison—Split Sentence		6	3
Prison—Work Release		6	3
Probation		116	61
Execution of Sentence Suspended	88		
Imposition of Sentence Suspended	28		
Fine/Restitution Only		18	9
Other		16	8
Total		191	

Felonies		N	%
Prison		78	26
Youth Corrections Act		55	18
Prison—Split Sentence		15	5
Prison—Work Release		11	4
Narcotic Addict Rehabilitation Act—Title II		2	1
Probation		135	45
Execution of Sentence Suspended	85		
Imposition of Sentence Suspended	50		
Fine/Restitution Only		5	2
Other		1	—
Total		302	

SUPERIOR COURT—FAMILY DIVISION*

Cases Closed During Fiscal Year

	N	%
Lawyer Participation Terminated Before Final Disposition	29	2
Guilty Pleas	205	12
Dismissed	230	13
Dismissed—Consent Decree	404	23
Jury Trials	—	—
Judge Trials	114	7
Waived to District Court for Trial as Adult	2	—
Closed Without a Finding	595	34
Detention and/or Initial Hearing Only	26	2
Attachments, Interstate Compact Cases and Other Miscellaneous Proceedings	125	7
Total	1,730	

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

SUPERIOR COURT—FAMILY DIVISION

Cases Closed During Fiscal Year

Judge Trials

		N	%
Guilty on One or More of Most Serious Offenses Charged		69	61
Guilty—Lesser Included Offense		8	7
Felony	2		
Misdemeanor	6		
Not Guilty		25	22
Motion for Judgment of Acquittal		8	7
Other		3	3
Total		113	

Sentences Imposed

	N	%
No Sanction	25	9
Probation	160	57
Suspended Commitment/Probation	33	12
Committed	48	17
Civil Commitment	—	—
Other	15	5
Total	281	

MENTAL HEALTH COMMISSION

Patients Represented During Fiscal Year

	N
Assigned to PDS Mental Health Division	2,144
Favorable* Disposition Prior to Mental Health Commission Hearing	1,833
Heard by Mental Health Commission	311
Commitment Recommended by Commission	127
Favorable Disposition Prior to Superior Court Hearing	9
Hearings in Superior Court	118
Favorable Dispositions, Pre-Trial	9
Commitment Accepted and Trial Waived	102
Total Committed	107

* A favorable disposition includes both discharge and conversion to voluntary status.

APPENDIX C

Financial Statement for Fiscal 1973

STATEMENT OF OBLIGATIONS INCURRED BY THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA DURING THE FISCAL YEAR ENDED JUNE 30, 1973*

	Amount Available	Obligations	Unobligated Balance
Personnel Compensation	$1,561,200	$1,432,360	$128,840
Personnel Benefits	128,100	117,694	10,406
Travel:			
Staff	10,800	13,180	—2,380
Transportation of Things	1,000	58	942
Rent, Communications and Utilities	17,800	49,004	—31,204
Printing and Reproduction	13,000	8,580	4,420
Other Services	19,600	88,570	—68,970
Supplies and Materials	14,600	14,309	291
Equipment	—1,300**	20,979	—22,279
TOTAL	$1,764,800	$1,744,734	$ 20,066

* This is a statement of account prepared by the Administrative Office of the United States Courts.

** Although undoubtedly the result of inadvertence, the Service's fiscal 1973 appropriation as received from the Congress actually contained a minus $1,300 for equipment.

END