

Letters to the Editor

Two Takes on the Conflicts Panel Issue

I read Dennis Opatrny's piece "The Conflicts Conspiracy" (March 8) with dismay. Rarely has *The Recorder* published so much about so little. Neither the headline nor the subhead ("How PDs, DAs, judges steer [the choice court-appointed] cases to a [favored] few") are borne out by facts. Indeed, while Opatrny begins the article by reporting accusations, writing that "it's not an uncommon lament" that cheating is going on is a far cry from showing that cheating actually occurred. Opatrny's investigation is impressive for what he didn't discover, not for what he did.

Ten years or so ago, as the first chair of a bar association committee created to oversee the conflicts panels and create a dialogue with the courts about conflicts appointments, I heard the same rumors Opatrny did.

Even most of the names of the lawyers accused haven't changed. We investigated, found that the facts did not support the allegations, warned everyone about the practice of "steering" cases, and moved on. Opatrny investigated, found no more facts to support the rumors than we did, and wound up with two and one-half pages in *The Recorder*.

The Recorder is a good newspaper. You can certainly do better than this.

Richard Zitrin
San Francisco

I read your article in *The Recorder* regarding conflict cases in murder charges ("The Conflicts Conspiracy," March 8). It was well written and very interesting to an old lawyer.

I have tried many, many capital cases and thankfully have never had a client receive the death penalty. Capital cases

(murder) require experience in trial by the defendant's lawyer. A lawyer with little experience in capital cases sometimes gets lucky, but the defendant is entitled to an experienced capital lawyer when the defendant's life or residing in prison for life is involved.

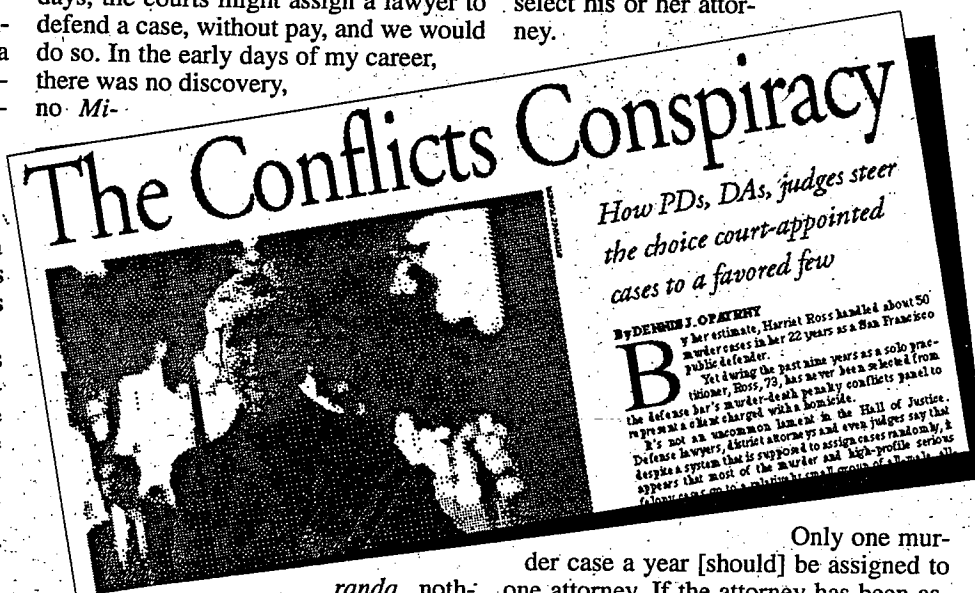
I have never been on a panel. In the old days, the courts might assign a lawyer to defend a case, without pay, and we would do so. In the early days of my career, there was no discovery, no Mi-

cases. I would suggest that any attorney who wishes to appear as counsel in a murder case prepare a résumé of his or her background and set forth all the murder cases and felony cases that he or she has tried and set forth the results of the trials. Then in a conflict case, the client can be shown the résumés and be allowed to select his or her attorney.

of the state where the applicant practices, and the attorney must be approved by the executive committee.

Harriet Ross, whom you mention in your article, is not only a fellow, but is a past president of the ABCL. It seems that a person with her background and abilities not to be appointed to defend murder cases proves something is wrong with the selection process.

Nathan Cohn
San Francisco



randia, nothing. A felony jury case would be tried in a week. When the jury went out on one case, we sometimes started another jury case and recessed to take the first jury's verdict. We could easily try 20 to 25 jury cases a year.

We obtained experience in the field of battle. I started in 1947 and retired a short time ago. Your article interested me and caused me to write this letter.

A panel of attorneys who are to be assigned to represent a client in a murder case should require an attorney to have at least five satisfactory verdicts in murder

Only one murder case a year [should] be assigned to one attorney. If the attorney has been assigned a murder case that year, then his or her résumé is removed from those supplied to the client.

There is something wrong with the present selection process in my opinion. We have a national organization called the American Board of Criminal Lawyers. To become a fellow (member) an attorney must have tried over 35 felony jury trials, and the attorney must have tried at least five capital cases successfully, and the attorney must have recommendations of three judges, and the attorney must have the approval of all the fellows in the area

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The Recorder welcomes letters on matters of interest to our readers. Letters must include name, address and telephone number

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