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# The Federal Defender Program

The Board of Editors

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## THE FEDERAL DEFENDER PROGRAM

THE BOARD OF EDITORS\*

**A** BOLD step forward in the criminal defense of the indigent was taken in the organization of an Illinois, not-for-profit corporation, the Federal Defender Program, Inc. Justice Clark is the Honorary Chairman, and Chief Judge Hastings, of the United States Court of Appeals for the Seventh Circuit, is the Chairman of the Board of Directors. Chief Judge Campbell, of the United States District Court for Illinois, Northern District was elected President of the corporation. The directors of the corporation are the judges of the district court, the six deans of Chicago-area law schools, the President of the Chicago Bar Association, and the President of the Seventh Circuit Bar Association.

The responsibility of coordinating this Illinois corporation falls on the shoulders of Raymond K. Berg. Mr. Berg is a De Paul University Law School graduate, *cum laude*, and a past editor of the *De Paul Law Review*. After leaving De Paul, Mr. Berg went to Cambridge University where he received his D.C.L. Prior to this appointment as Director of the Federal Defender Program, Mr. Berg was a law clerk of Chief Judge Campbell and an assistant United States Attorney, as well as an associate in a private law firm. The degree of Mr. Berg's success is reflected in the favorable nationwide attention the Defender Program has received.

The primary purpose of this pioneer effort is the implementation of the constitutional right to counsel. The program makes available to the indigent two benefits which have been of growing concern as a result of the generic changes in procedural due process. Upon the arrest of the indigent suspect, the Director of the Program is contacted. The attorney on duty that day is assigned the case, and he contacts the indigent suspect. The accused has the advantage of immediate advice of counsel. He is informed of his rights, represented

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\* This brief exposition concerning the Federal Defender Program is to inform our readers, both lawyers and students, of this important development in the legal profession. It is not the Board of Editor's normal function to present material in this manner, but the significance of the Program was felt to warrant this variance.

before the United States Commissioner, and defended in all subsequent proceedings.

The caliber of the defense which the indigent receives places him on equal footing with a man of means. This is the second contribution to the personal rights of the indigent made by the Defender Program. The defense counsel has at his disposal the secretarial services of the Program, a law clerk, and the advice of those well-established criminal defense attorneys who actively participate in the supervisory panel.

Before the program went into effect, federal court judges appointed attorneys to represent the indigent. These lawyers received no compensation for their work. Through the Congressional appropriation of three million dollars, the attorneys are compensated for each hour they are in court and for each hour spent out of court working on the case. There is a maximum fee established for felonies and misdemeanors. Although these amounts do not adequately compensate the attorney for the number of hours he is away from his practice, it does afford these dedicated men an opportunity to contribute more of their time to the indigent defendant. The improved caliber of defense received by the indigent results from the integration of the Program's compensation, secretarial services, law clerks, and supervisory counsel, with the high standards of those attorneys who have traditionally been appointed by the federal court judges.

Through a suggestion by Justice Clark, volunteers from the Chicago-area law schools were included in the program. For the student, the Federal Defender Program makes the transition from the classroom to the courtroom. He is an apprentice, doing research for, and working with, an established practitioner as that practitioner formulates and proffers the defense in a criminal case. Participation is a privilege which injects two particular elements into the student's course of studies.

The first element is of a practical vein. Through attendance at the Saturday morning lectures, which stress trial technique, and by being present from the time of the defendant's appearance before the United States Commissioner until the accused is dismissed or sentenced, the student has the opportunity to watch and learn as the concepts of law school are applied by a well-recognized member of the legal profession.

The second contribution made by the Federal Defender Program to the student's legal education is subjective. The active participation

in a criminal trial casts the courses studied in a new light of realism. The defendant is no longer an abstract concept.

The combination of the practical and subjective elements leads to a better understanding and greater interest in those courses in law school which relate to the practice of criminal law under the federal system in particular, and to trial technique, in general.

The Federal Defender Program, which Chief Justice Earl Warren has described as the "most exciting new development in the field of criminal law," has an integral relationship with De Paul University through the Director of the Program, Raymond K. Berg, a De Paul graduate, and through the ten participating De Paul law students. We have taken this opportunity to inform our readers of the objectives of the Federal Defender Program in the hope that they will join with us in encouraging and supporting the continued growth and development of this most worthwhile undertaking.

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