# Judicial natures color lawyers' cases

Collegian Staff Writer

The temperament and disposition of a judge can often in part determine how a lawyer presents his'case, according to a confidential survey of 20 local attorneys.

Of those surveyed, 17 felt that courtroom demeanor is shaped by the personality of the presiding judge.

"A judge is only human. A lawyer knows this," one attorney said. "Obviously he is going to present his client's case in a manner that will be viewed favorably by the judge.'

All lawyers interviewed cautioned that usually the lawyer-judge relationship played only a small part in the presentation of their

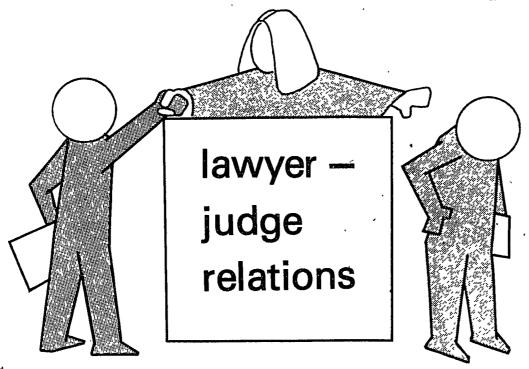
"It's a consideration, but only a slight one," an attorney said.

However, in extreme cases, according to James Eisenstein, associate professor of political science, a lawyer's relationship with a judge may be a major concern.

"A judge in a courtroom has tremendous power. Every lawyer knows this," Eisenstein

Eisenstein said the number of judges in a jurisdiction can affect the importance of a lawyer's need to remain on a judge's positive side. In a one-judge district such as Centre Courty this concern can be magnified because the attorney knows he will have to face the same judge repeatedly.

Local attorneys were divided on this



question. Of those interviewed, ten felt that a one-judge county slightly increased the importance of good lawyer-judge relations, five thought that the number of judges made no difference and another five preferred a single judge county.

The attorneys who favored a single-judge county said they could learn to deal with one judge's personality thoroughly. Many of the attorneys agreed that the judge's behavior towards a lawyer could affect the outcome of "The jury looks to the judge for guidance. In their eyes he is good," one attorney said. "If the judge is constantly showing displeasure with a lawyer, it certainly will have an effect."

Attorneys said judges can intimidate a lawyer in many ways.

"He can embarrass you in front of the jury. He can embarrass you in front of the other attorneys," a lawyer said. "Just by his tone of voice or his mannerisms he can create an impression in a juror's mind.'

Robert O'Connor, assistant professor of political science, said that it was possible in a single-judge county for a judge to be so powerful that lawyers find themselves forced to consider their future before making strong presentations of cases known to antagonize him. He added that in such a county a lawyer might hesitate to appeal a case to avoid

angering the judge. The attorneys disputed this, saying that they were ethically bound to represent a client's best interests and not to consider their

"No judge likes to be overruled. Of course they don't like to be told they are wrong," an attorney said. "But a lawyer's commitment is to his client. How the judge feels is irrelevant."

Eisenstein said that while in most cases a lawyer's concerns are the same as his client's, it is possible that there could be "a" divergence of interests," and a lawyer might not benefit from a case.

## Feds battle meds in aid fraud case

WASHINGTON (UPI) -Federal investigators using computers have ferreted out 172 doctors and druggists suspected of being among the worst cheaters in the nation's \$18 billion a year Medicaid program, HEW Secretary Joseph Califano said yesterday.

Califano said the investigation — conducted by the Department of Health, Education and Welfare's new inspector general — is aimed at uncovering the 500 worst offenders in the nation.

So far, the probe, called "Project Integrity," has screened bills submitted under Medicaid by 231,000 doctors and 44,000 pharmacies.

Califano said the cases uncovered include 92 physicians and 80 pharmacists and involve most. states and the District of

He did not release names or detailed figures for the states involved.

"Using computers programmed to flag suspicious cases in state Medicaid files, we have identified 172 cases involving what appear to be the worst physician and pharmacist offenders against the Medicaid system," Califano said.

He said cheating by Medicaid providers costs taxpayers \$800 million to \$900 million a year, and the federal investigation could save \$25 million to \$30 million.

Doctors and druggists receive about 16 per cent of the \$18 billion spent annually by Medicaid.

Califano said the investigation eventually will be extended to Medicare and to hospitals and nursing homes which participate in the Medicaid program.

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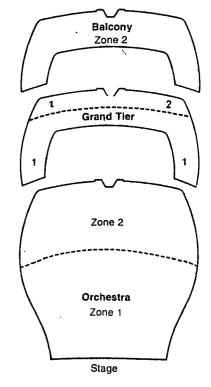
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