

Chesimard's Lawyer Faces Ethics Hearing; Judge Denies a Role

The Superior Court judge in the Joanne Chesimard murder case said yesterday that an ethics investigation into statements by a defense attorney is "the best thing that could have happened."

But Judge Theodore Appleby denied playing any part in the Middlesex County Bar Association's probe into remarks by Lennox Hinds one of the lawyers handling Mrs. Chesimard's federal suit to suspend Friday court proceedings because of her Muslim religious beliefs.

Chief Defense Counsel William M. Kunstler complained that the investigation, which could lead to Hinds' disbarment, was a violation of the lawyer's constitutional rights. Kunstler also suggested that Appleby was behind the probe.

Appleby said he had no knowledge of the action until Kunstler brought it out in court. But he added, "I'm not happy about him saying I'm a racist judge running a kangaroo court."

Hinds, who received word of the ethics investigation by mail Monday, made the remarks during a January press conference called to announce the federal suit. He said Appleby didn't have "the judicial temperament nor the racial sensitivity to conduct a fair trial."

Hinds won the first legal round in getting the Friday court sessions suspended on grounds that Friday is the Muslim sabbath. The prosecution is appealing that decision.

Mrs. Chesimard, 29, is charged with killing Trooper Werner Foerster and wounding another trooper during a May 1973 shootout on the New Jersey Turnpike. A co-defendant in the case, Clark Squire, was convicted of the murder in 1974 and is serving a life term at Trenton State Prison.

At a press conference yesterday, Defense Attorney Lewis Myers emphasized that Hinds, executive director of the National Conference of Black Lawyers, has had nothing to do with the criminal trial.

Myers said the ethics investigation will hinder defense efforts because Hinds has been one of the principal fund-raisers. If he is taken away from that, Myers said, one of the other defense counsels will have to do the job.

In trial testimony, a forensic chemist, Charles R. Midkiff Jr., testified that he had conducted special tests on Mrs. Chesimard and four others at the scene of the shootout. Midkiff said the tests, conducted to determine if a person had recently fired a weapon, were inconclusive.