

**AFFIDAVIT**

STATE OF LOUISIANA     §  
   §  
PARISH OF ORLEANS     §

BEFORE ME, the undersigned Notary Public, personally came and appeared:

STANISLAV MOROZ, DOB: 12/27/1989, who after being duly sworn did depose  
and state the following:

1. My name is Stanislav Moroz. I graduated law school in 2014. I am an attorney at the Orleans Public Defenders office, and licensed to practice law in the State of Louisiana (Bar No. 35927). I have only worked at the Orleans Public Defenders since graduating law school.
2. Since January 1, 2015, I have handled 209 felony cases, 238 misdemeanors, and 58 revocation cases. Since January 1, 2015, I have received 227 new misdemeanors, 169 new felonies, and 55 new revocation cases. My current caseload includes 55 felonies<sup>1</sup>, approximately 180 misdemeanors,<sup>2</sup> and 19 revocation cases.
3. Of those 55 felony cases, 25 are in jail. Most are housed at the Orleans Parish Prison complex. Visitation at the Orleans Parish Prison complex is extremely time consuming. I have on many occasions waited over one hour just to see one client because there are not enough visitation rooms and because it takes a very long time for sheriff's deputies to transport inmates from their cells to the visitation rooms. I have on multiple occasions waited over an hour and still ended up leaving without seeing any of my clients because I have too much other work to do and there are still other attorneys ahead of me in line to see their clients. This is true even when I call ahead to try to schedule my visits: the deputies often have no record that I called or say that the rooms are full anyway so they cannot honor my scheduled visit.
4. Last I checked, ten of my clients are housed in out of parish jails or prisons. It is nearly impossible to visit these clients given my court schedule and caseload. Some of these clients are housed as far as three to four hours away from New Orleans. I cannot even speak to those clients on the phone because our phone system is not set up to receive calls

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<sup>1</sup> This number is unusually low because I have been out of felony pickup for approximately the past three and a half months. In August, I had about 140 open felony cases.

<sup>2</sup> My caseload in municipal court changes very rapidly so it is hard to get a fully accurate count.

from those parishes' correctional facilities. I also have two clients who are housed in a psychiatric hospital in Jackson, LA, which is about an hour and 45 minutes away from New Orleans. I have only taken two trips to an out of parish facility throughout my time as a public defender.

5. Many of my clients suffer from mental health issues. Some of those are housed at Hunt Correctional, which is over an hour away. I had a trial set for Wednesday 11/18/15 for a client housed at Hunt. I tried to make an appointment to go visit him last Friday, was told at 4:30pm I had to wait until Monday because the scheduler goes home at 3:30 on Fridays; then on Monday was told they cannot schedule a visit on the same day because their computer system doesn't let them. I had to wait until Tuesday, the day before trial, to have a scheduled visit with my client facing a trial the next day. In order to make my scheduled visit, I had to tell a judge in a different section of court that I could not stay for a scheduled motions hearing in court, even though the officer was there and we could have done the hearing.
6. Visitation with female clients is particularly difficult. There are two options for visiting female clients. The first is to use the video visitation option at the Temporary Detention Center. However, the atrocious sound quality of these video booths makes it nearly impossible to actually conduct a conversation. It is even difficult to obtain basic information like contact information for a client's family members through these booths because the sound quality is so poor. The second option is to set up a contact visit. However, in order to do so, I must call four hours in advance of the meeting. About half the time that I set up a contact visit, I arrive at the jail and the deputy at the jail has no record that I have set up a contact visit.
7. I try not to speak to my clients on the phone because the calls are recorded and provided to the prosecutors. Regardless, I cannot call my clients, so I can only receive calls if my client calls me and I happen to be at my desk, which is rare. The jail phone system does not permit my in-jail clients to leave voice messages on my answering machine. In a typical week, I miss somewhere from 30-50 phone calls from in-jail clients. Because the system does not permit my in-jail clients to leave voice messages, I never know which clients have been trying to reach me.



8. I am a "Level 3" attorney, meaning that most of my new clients are charged with Burglary, Drug Distribution, or Possession with a Firearm by a Felon. The majority of my clients are facing decades in prison if found guilty at trial.
9. Of my 55 current felony cases, 16 are "quads," meaning they are facing mandatory minimum sentences of twenty to thirty years and could be sentenced to life in prison, all without the possibility of early release or parole.
10. It is office policy that I see clients within 48 hours of appointment, which happens at first appearances. Because of my caseload, it usually takes me a week, and sometimes two to three weeks before I can meet new clients in jail for the first time.
11. In most cases, I do not have time to visit clients more than twice between arrest and a substantive court hearing, such as a hearing on motions to suppress evidence or a preliminary examination. This makes it very difficult to develop rapport with my clients or get them to trust me. A trusting relationship is necessary for my clients to be willing to confide in me with what are often crucial pieces of information about their case. Further, with the number of cases I have, I sometimes have trouble keeping straight the individual details of each client's case.
12. When I do visit a client at jail, I am generally visiting multiple clients during the same visitation period. During my visits, I am always mindful that I have other clients to see and other work to do, so I cannot spend very much time with any one client. Instead, I get just the most basic information and convey the most basic information about the case before moving on to the next client. A typical jail visit would last 20 to 40 minutes.
13. If my client is out on bond, it is very rare that I meet with them before arraignment. I have to prioritize my jailed clients. Therefore, it is very rare that I investigate those cases prior to arraignment or try to arrange pre-acceptance dispositions for those cases.
14. In the majority of cases, I plead clients guilty without any investigation being done in the case. I am forced to triage my cases, and often do not ask investigators to investigate cases that seem likely to plead. I very rarely would be able to investigate or request investigation into potentially exculpatory videos that get overwritten within one to two weeks of an alleged offense.
15. Oftentimes the prosecution will make plea offers on the day of arraignment. The prosecutors will sometimes claim that those plea offers will be withdrawn after

arraignment. In those cases, I often have not seen the police report or will be handed the police report at the same time as the offer is given. Usually, everything I know about the case until that point will have come from the “gist” that the police write to make out probable cause for arrest. Because of this, I generally have to try to advise clients about whether or not to plead guilty without having done any independent investigation or having reviewed the full police report.

16. On many occasions I have been forced to counsel clients about pleading guilty on the same day that I meet them. This typically happens when an out-of-jail client appears for an arraignment in Criminal District Court. It is normal for me to have anywhere from four to ten cases set in morning Criminal District Court on any given day. This does not include my duties as “section” attorney. Thus, I may only have about fifteen minutes to speak to a complete stranger about whether they would like to plead guilty, often to a felony charge.
17. On an average day, I spend from five to seven hours in court. I am in Criminal District Court almost every morning. I arrive from 8am to 9am, and typically leave anywhere from 11am to 1pm.
18. When I am in court, I am often the “section attorney” assigned to one section of the court. That means I have to stand in for other attorneys’ arraignments, assist people who have come to court unrepresented for probation status hearings, handle revocation hearings, and assist people arrested on a warrant for failing to pay fines and fees. I also have to spend a lot of time trying to communicate with my colleagues, the other public defenders who have cases set in that section of court, to get information from them about what date their case should be set for next or when they might be able to come to court to handle their matter. As a section attorney, I have very little time to do anything other than actively respond and react to what is happening in court.
19. When I am section attorney, I also usually have many matters set in other sections of court. On a typical day, I will have matters set in 4 sections of court. In order to leave the section I am covering to go to another section, I need to wait for another attorney to come and fill in for me so I can leave. That means when I am actually able to leave the court section I am covering, I have to rush from section to section to handle my matters. My interactions with my clients during section coverage days are usually extremely



rushed because judges, who have been waiting for my arrival, often call my cases right away upon my entrance into the section. Often, judges are angry and berate me for not being present when they called the case earlier. This damages my relationship with my clients, who see me as incompetent because I am getting yelled at by the judge.

20. I am in an afternoon section of municipal court nearly every day. Every other week, I spend each day that week "covering" an afternoon section of municipal court along with one other attorney from my office. This means that I, along with one other attorney, represent every in-jail client who is brought to that section of municipal court and does not have a private attorney present. It is rare for even one in-jail client on any given day to have a private attorney present. I have on numerous occasions represented over ten municipal clients in a single court session.
21. When I cover municipal court, I typically arrive at 2pm, and leave after 5pm, sometimes as late as 7pm or 8pm. On days that I cover municipal court, I often spend as much as 7 or 8 hours in CDC and municipal court combined. When I am not "covering" a section of Municipal Court, I still handle my individual cases in municipal court, which requires me to be in municipal court most days.
22. Because of my court schedule, I am usually unable to visit in-jail clients on weekdays unless they have a substantive hearing or trial set that week. Recently, I have been working past 9pm most days of the week and working ten to fifteen hours on average during weekends. I worked 60 hours a week in July, 68 hours a week in August, and 72 hours a week in September.
23. I cannot have confidential conversations with my clients in court because they are sitting next to other inmates on the bench. I've had other inmates chime in with advice or thoughts while I was attempting to have confidential conversations with my clients in court. Usually, I can just briefly tell my clients what is happening on their case procedurally, but cannot give actual meaningful updates because of the lack of privacy and because I often have not had time to do much work on the case.
24. Judges have threatened to waive my hearings because I am not present when the case is called because I need to be in so many places at once. That also damages my relationship with my clients.

25. In most weeks I have 8 to 12 motions hearings set and 1 to 3 trials in Criminal District Court<sup>3</sup>. I have had weeks with twenty motions hearings set, not including other substantive matters I have had set in court. I rarely have time to prepare for my motions hearings, where 1 to 2 police officers will testify, more than a day before they are set. I almost never visit the crime scenes before motions or before guilty pleas. I would only visit the crime scene if it appears the case is going to trial, and even then I often would not have time. Similarly, I almost never view the evidence in a case before a suppression hearing about that evidence or before a guilty plea. Again, at best I would view it if the case is going to trial.
26. If a case is going to trial I often cannot start working on it until the weekend before it is set. That means I do not have time to subpoena witnesses I need to testify or get records that could help my client's case. In the past 3 weeks I've had 3 felony trials in which I had done no investigation until the weekend before trial.
27. I have nine felony trials set between now and the end of January I have twenty-one substantive evidentiary hearings in Criminal District Court set between now and the end of December. I typically have 5-10 misdemeanor trials set each week. With respect to the felony cases, these numbers are low because of Thanksgiving and winter holidays, and because the courthouse does not have jurors available between the end of the second week of December and the New Year.
28. I often do not have the opportunity to file discovery motions or subpoenas until it is too late to have them be effective.
29. I rarely have the opportunity to write original motions addressing the legal issues in my clients cases. In most cases the most I can do is pull form motions written by other attorneys on different cases and cut and paste them into my own motions. I very rarely can do actual legal research; I often spot issues that need follow up research in my cases but almost never have time to do it.
30. I rely on other lawyers in my office to let me know about case law developments or changes to statutes. I have very little time to do any of that on my own.

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<sup>3</sup> This was typical when I had a full felony caseload, prior to August of this year, when I stopped picking up felony cases and began taking on municipal cases.

31. I almost never have time to consider whether hiring or consulting with an expert would be helpful in a given case.

32. I do not believe I am providing effective representation to the majority of my clients. Instead, I feel like a case processor, not an attorney. I spend my days pleading people guilty in the blind, not challenging the state's evidence in court or investigating the claims made by the police.

That these statements are true and correct to the best of my knowledge, information and belief.

  
STANISLAV MOROZ

SWORN TO AND SUBSCRIBED TO BEFORE ME, NOTARY, THIS 20 DAY OF NOVEMBER 2015.

  
NOTARY PUBLIC