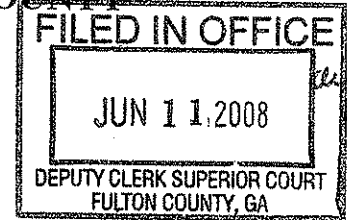


IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



PEOPLE ACCUSED OF CRIMES
AND THEIR COUNSEL, to wit,
NKOSI GADSON, JONATHAN
ROBINSON, CLIFTON KILPATRICK
KESHANDRA ROBINSON, MICHAEL
PERRYMAN, on behalf of themselves and
all persons similarly situated;
SCOTT DAWKINS, TIMOTHY L.
SPRUELL, PETER C. FOLLOWILL
and JOHN ODEN

Plaintiffs,

v.

MACK CRAWFORD, Director,
Georgia Public Defender Standards
Council,

GEORGIA PUBLIC DEFENDER
STANDARDS COUNCIL,

WILSON DuBOSE, DAVID DUNN,
PAUL KURTZ, The Honorable WILLIE
LOCKETTE, E. LEE MORRIS III,
DONALD FREDERICK OLIVER,
WYCLIFFE ORR, WILLIAM C.
RUMER, The Honorable MARK
ANTHONY SCOTT, STEPHEN
ELLIOT TILLMAN, and JERRY WORD,
each in his official capacity as member
of the Georgia Public Defenders
Standards Council,

Defendants.

CIVIL ACTION No. 2008CV151884

VERIFIED COMPLAINT

1. Plaintiffs seek declaratory and injunctive relief to protect the rights of clients represented by the Metro Conflict Defender Office in the Superior and Juvenile Courts of Fulton and DeKalb Counties to continued representation by counsel, to access to the judicial system, and to due process of law required by the Georgia and United States Constitutions and other applicable law. They also seek to protect the legal, professional and ethical responsibilities of lawyers at Metro Conflict Defender Office to continue their representation of clients after entering an appearance on their behalf in accordance with applicable law and codes of ethics and professional responsibility. In addition, they seek redress for the illegal and unauthorized acts of the defendants which, unless enjoined by this Court, will result in those violations of fundamental constitutional principles, laws and ethical and professional responsibilities.

2. Plaintiffs bring this suit in response to the firing by Defendant Mack Crawford, of all of the lawyers and other staff at the Metro Conflict Office who represent clients in the Superior and Juvenile Courts of Fulton and DeKalb Counties. Defendant Crawford lacked legal authority to fire the attorneys and staff. He acted without notice to or approval by the defendant Georgia Public Defender Standards Council. The firings were announced to the lawyers and staff and to Fulton County officials on June 6, 2008, to be effective just three weeks

later, June 30. Defendant Crawford fired the staff without regard to the rights of the clients of the lawyers, the courts involved, and the employees who were discharged. He acted without making any arrangements for an orderly transition in representation, assuming that such a mass replacement of counsel would be lawful.

3. The firings, if upheld, will abruptly interrupt ongoing attorney-client relationships of plaintiffs Gadson, Jonathan Robinson, Kilpatrick, Keshandra Robinson and Perryman and over 1,800 other clients of the Metro Conflict Defender. It will leave them without representation or with grossly inadequate representation by lawyers who are not familiar with their cases and have no relationship of trust and confidence with them. It will disrupt the orderly administration of justice in the Superior and Juvenile Courts of Fulton and DeKalb Counties. And it will leave, with virtually no warning, 16 attorneys and five other employees of the Metro Conflict Defender without employment, income or benefits.

4. Plaintiffs Gadson, Jonathan Robinson, Kilpatrick, Keshandra Robinson and Perryman bring this class action on behalf of themselves and other clients of the Metro Conflict Defender Office. Plaintiffs Dawkins, Spruell, Followill, and Oden, attorneys at law with the Metro Conflict Defender Office, bring this action on behalf of their clients and on their own behalf.

JURISDICTION AND VENUE

5. This action is brought to enforce and to vindicate rights conferred by the Sixth and Fourteenth Amendments to the United States Constitution, by the Georgia Constitution (Ga. Const., Art. I, § 1, Para XII and Para XIV.), and other applicable law, and the legal and ethical obligations of lawyers as officers of the Court. It is brought under the authority vested in this Court by virtue of GA. CODE ANN §§ 9-4-2 and -3, GA. CODE ANN § 9-5-1, GA. CODE ANN §§ 9-6-20 to 23, -25. 42 U.S.C. § 1983, 42 U.S.C. § 1985, 28 U.S.C. § 1331, 28 U.S.C. § 1343, and 28 U.S.C. § 1367. See Main v. Thiboutot, 448 U.S. 1, 10-11 (1980) (Section 1983 actions may be brought in state court).

6. Venue is proper in Fulton County pursuant to GA. CODE ANN. §§ 9-10-30 and -93 (2000) as a substantial portion of the acts or omissions alleged in this class action occurred in Fulton County.

7. All actions, and refusals to act, of the Defendants were under color of state law and with deliberate indifference to Plaintiffs' rights.

PARTIES

8. Plaintiff NKOSI GADSON is a client of Plaintiff SCOTT DAWKINS, an attorney employed by the Metro Conflict Defender. Plaintiff GADSON has

been held at the Fulton County Jail since October 13, 2005 on charges of murder, felony murder and other offenses. Plaintiff DAWKINS has filed a plea in bar and a motion for dismissal due to violation of Plaintiff GADSON's right to a speedy trial. Plaintiff GADSON's case is specially set for trial on July 14, 2008 before Judge Johnson in the Superior Court of Fulton County. The motion is to be heard before trial. If Plaintiff DAWKINS is replaced as Plaintiff GADSON's counsel, the motion cannot be heard and his case cannot be tried on July 14. Removal of his counsel will result in delay of resolution of his case, denial of his right to counsel and due process, and cause substantial and irreparable injury to Plaintiff GADSON.

9. Plaintiff JONATHAN ROBINSON is also a client of Plaintiff DAWKINS. Plaintiff ROBINSON has been held at the Fulton County Jail since June 8, 2005 on charges of rape, kidnapping, armed robbery, and other offenses. Removal of his counsel will result in delay of resolution of his case, denial of his right to counsel and due process, and cause substantial and irreparable injury to Plaintiff ROBINSON.

10. Plaintiff CLIFTON KILPATRICK is represented by Plaintiff PETER FOLLOWILL of the Metro Conflict Defender. Plaintiff KILPATRICK has been detained at the Fulton County Jail since April 15, 2008 on charges of murder and

theft by taking. Removal of his counsel will result in delay of resolution of his case, denial of his right to counsel and due process, and cause substantial and irreparable injury to Plaintiff KILPATRICK.

11. Plaintiff KESHANDRA ROBINSON is also represented by Plaintiff PETER FOLLOWILL of the Metro Conflict Defender. Plaintiff ROBINSON has been detained in the Fulton County Jail since April 14, 2008 on charges of felony murder and conspiring to commit armed robbery. Removal of her counsel will result in delay of resolution of her case, denial of her right to counsel and due process, and cause substantial and irreparable injury to Plaintiff ROBINSON.

12. Plaintiff MICHAEL PERRYMAN is also represented by Plaintiff PETER FOLLOWILL of the Metro Conflict Defender. Plaintiff PERRYMAN has been detained at the Fulton County Jail since April 2008 on charges of burglary. Removal of his counsel will result in delay of resolution of his case, denial of his right to counsel and due process, and cause substantial and irreparable injury to Plaintiff PERRYMAN.

13. Plaintiff SCOTT DAWKINS is an attorney employed by the Metro Conflict Defender Office who represents approximately 60 clients in the Superior Court of Fulton County. His caseload includes serious felony cases, including

murder cases, and complex cases. Plaintiff DAWKINS has developed relationships of trust with his clients. On Friday, June 6, 2008, Plaintiff DAWKINS received notification by the Georgia Public Defender Standards Council of termination of his employment, effective June 30, 2008. As a result, Plaintiff DAWKINS cannot fulfill his legal, professional and ethical duties to his clients. Plaintiff DAWKINS' removal from representation of his clients will delay the resolution of their cases, violate their rights to counsel and due process, and cause them substantial and irreparable injury.

14. Plaintiff TIMOTHY SPRUELL is an attorney employed by the Metro Conflict Defender Office who represents approximately 275 children in the Juvenile Court of Fulton County. He is responsible for five to six courts, two or three at a time. He usually answers 16 calendars a week. He has developed relationships of trust with his clients. On Friday, June 6, 2008, Plaintiff SPRUELL received notification by the Georgia Public Defender Standards Council of termination of his employment, effective June 30, 2008. As a result, Plaintiff SPRUELL cannot fulfill his legal, professional and ethical duties to his clients. Plaintiff SPRUELL's removal from representation of his clients will delay the resolution of their cases, violate their rights to counsel and due process, and cause them substantial and irreparable injury.

15. Plaintiff PETER C. FOLLOWILL is an attorney employed by the Metro Conflict Defender Office who represents clients in the “non-complex division” of the Superior Court of Fulton County. The division is designed so that cases go to trial or are otherwise resolved within nine weeks of a person’s arrest. Plaintiff FOLLOWILL is appointed new clients every eight weeks. During his last eight-week cycle, he was appointed 85 new clients of which approximately 60 were non-complex cases. He is being assigned clients at first appearance hearings through June 21, 2008, whose cases will be scheduled for preliminary hearings during the first week of July. In addition, Plaintiff FOLLOWILL is attorney for some clients with more complex cases involving charges of murder, felony murder and other serious offenses. He has developed relationships of trust with his clients. On Friday, June 6, 2008, Plaintiff FOLLOWILL received notification by the Georgia Public Defender Standards Council of the termination of his employment, effective June 30, 2008. As a result, Plaintiff FOLLOWILL cannot fulfill his legal, professional and ethical duties to his clients. Removal of Plaintiff FOLLOWILL from representation of his clients will delay the resolution of their cases, violate their rights to counsel and due process, and cause them substantial and irreparable injury.

16. Plaintiff JOHN ODEN is an attorney employed by the Metro Conflict

Defender Office who represents approximately 60 clients facing felony charges in the Superior Court of Fulton County. His caseload includes serious felony cases, including murder cases. He has developed relationships of trust with his clients. On Friday, June 6, 2008, Plaintiff ODEN received notification by the Georgia Public Defender Standards Council of employment termination effective June 30, 2008. As a result, Plaintiff ODEN cannot fulfill his legal, professional and ethical duties to his clients. His removal from representation of his clients will delay the resolution of their cases, violate their rights to counsel and due process, and cause them substantial and irreparable injury.

17. Defendant MACK CRAWFORD is the Director of the Georgia Public Defender Standards Council. As Director, Defendant CRAWFORD is responsible for protecting the rights of poor people accused of crimes established by the United States Supreme Court in Gideon v. Wainwright, 372 U.S. 335 (1963), In re Gault, 387 U.S. 1 (1967), and their progeny, as well as the provisions of the United States and Georgia Constitutions providing for the right of access to the courts. He is charged with providing “support services and programs for circuit public defenders and other attorneys representing indigent persons in criminal or juvenile cases in order to improve the quality and effectiveness of legal representation and to fulfill the purposes of Chapter 12 of O.C.G.A. Title 17.” See GEORGIA PUBLIC

DEFENDER STANDARDS COUNCIL BYLAWS § 5.3. Defendant CRAWFORD is an attorney-at-law, a member of the Georgia Bar, and, as part of his duties, is responsible for overseeing the work of other attorneys in their representation of poor people accused of crimes. As such, he has a responsibility to be aware of and to follow the ethical and professional responsibilities of attorneys and to insure that attorneys in the program he oversees comply with those responsibilities.

Defendant CRAWFORD acted unilaterally in firing lawyers and other staff at the Metro Conflict Defender in breach of his legal, professional and ethical responsibilities.

18. Defendant GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL is the state agency responsible for assuring that “adequate and effective legal representation is provided, independently of political considerations, or private interests, to indigent persons who are entitled to representation under this chapter.” See GA. CODE ANN. § 17-12-1 (2003). It too is responsible for protecting the rights of poor people accused of crimes established by the United States Supreme Court in Gideon v. Wainwright, 372 U.S. 335 (1963), In re Gault, 387 U.S. 1 (1967), and their progeny, as well as the provisions of the United States and Georgia Constitutions providing for access to the courts.

19. Defendants WILSON DuBOSE, DAVID J. DUNN, PAUL KURTZ,

The Honorable WILLIE LOCKETT, E. LEE MORRIS III, DONALD FREDERICK OLIVER, WYCLIFFE ORR, WILLIAM C. RUMER, The Honorable MARK ANTHONY SCOTT, STEPHEN ELLIOT TILLMAN, and JERRY WORD are members of the GPDSC and are sued in their official capacity as members of the GPDSC. As members of the Council, they are responsible for seeing that it fulfills its constitutional and statutory mandates.

CLASS ACTION ALLEGATIONS

20. Plaintiffs GADSON, JONATHAN ROBINSON, KILPATRICK, KESHANDRA ROBINSON and PERRYMAN, who are represented by attorneys employed by the Metro Conflict Defender Office, bring this action under GA. CODE ANN. § 9-11-23, on behalf of themselves and all other clients of the Metro Conflict Defender Office in the Juvenile and Superior Courts of Fulton and DeKalb Counties.

21. The proposed class consists of all indigent persons who are clients of the Metro Conflict Defender Office in any pending matter in the Superior and Juvenile Courts of Fulton and DeKalb Counties and all potential future clients of the Metro Conflict Defender Office.

22. Plaintiffs meet the requirements of GA. CODE ANN. § 9-11-23(a) in that:

(a) The members of the class are so numerous as to make it impracticable to bring them all before the court. Over 1,800 people accused of felony and juvenile offenses in Fulton and DeKalb Counties are represented at present by attorneys employed by the Metro Conflict Defender Office who were fired by Defendant Crawford. In addition, thousands of persons will be accused of felony and juvenile offenses in those courts and will have interests which conflict with those of clients represented by the Circuit Public Defenders in those jurisdictions. The firings by Defendant Crawford, which destroyed the juvenile and Superior Court units of the Conflict Defender, will result in those people receiving only perfunctory representation by lawyers contracted to handle a high volume of cases for meager compensation or lawyers paid a token amount per case without investigators or other support staff. Representation by knowledgeable and competent public defenders will be replaced by representation by lawyers who meet, greet and plead their clients in as little time as possible. Accordingly, the proposed class satisfies the numerosity requirement of OFF. CODE GA. ANN § 9-11-23(a).

(b) The firings challenged in this action apply equally to Plaintiffs and all members of the proposed class. That is, effective June 30, 2008, the attorney-client relationships built between plaintiffs and their conflict defenders will be involuntarily terminated in violation of the constitutions and laws of the United

States and Georgia, and applicable codes of legal and professional responsibility. They and future members of the class will be denied adequate representation in violation of those same provisions.

(c) Plaintiffs assert claims which are typical of claims members of the proposed class have against all Defendants. Plaintiffs, like other class members, have formed attorney-client relationships with their attorneys from the Metro Conflict Defender Office which will be abruptly terminated in violation of their right to counsel, to due process and to access to the court system.

(d) Plaintiffs and their counsel will adequately represent the interests of all members of the proposed class. The named plaintiffs do not have any interests that would conflict with members of the class. Plaintiffs' counsel have the experience and resources necessary to adequately represent all members of the proposed class; and

(e) A class action is a superior and necessary form for resolving the issues raised by this Complaint because Defendant Crawford's action, in firing lawyers for the class members, affects all members of the proposed class and results in a systematic change in the provision of defense representation to people who would have been represented by the Metro Conflict Defender, making appropriate

declaratory and prospective injunctive relief against the Defendants with respect to all members of the class.

23. Plaintiffs and members of the class are particularly vulnerable because they are being denied their most fundamental right, the right to counsel, by the director and the Council of the agency responsible for protecting that right. They are indigent and therefore do not have alternative access to representation. Thus, members of the class will suffer substantial and irreparable injury.

FACTUAL ALLEGATIONS

24. The Fulton County Conflict Defender was incorporated in 1996 as a Georgia non-profit corporation and as a public defender organization of the Georgia Indigent Defense Council. The Conflict Defender's mission was to provide quality representation for indigent persons accused of felony crimes in Fulton County, whose interests conflicted with clients represented by the Fulton County Public Defender's Office (now the Atlanta Judicial Circuit Public Defender's Office).

25. The Conflict Defender earned a reputation as one of the best, if not the best, public defender office in Georgia at one time. It employed not only salaried attorneys who specialized in the defense of criminal cases and were familiar with

the Fulton prosecutors and court system, and investigators, but also social workers who developed client-specific sentencing proposals to deal with drug, alcohol or other factors that were related to the antisocial behavior of offenders represented by the attorneys in the office.

26. The Spangenberg Group, a criminal justice research and consulting firm which has been assisting the American Bar Association since 1985, visited and assessed the Conflict Defender in 1998. The study concluded the office “serves its client[s] well... [and] is a viable and sensible structure for providing quality representation in a cost effective manner.”

27. The Conflict Defender Office responded in 2002 to the lack of competent representation in Fulton State Court and, since that time, has provided representation to defendants in that court pursuant to a contract with Fulton County.

28. In 2003, Georgia created a state-wide system for providing representation to poor people accused of crimes. GA. CODE ANN § 17-12-1 et seq. The Georgia Public Defender Standards Council was established by statute to oversee the program. GA. CODE ANN § 17-12-3. The following year, the legislature provided some funding for the program, although not nearly as much as

required. The program began operations on January 1, 2005.

29. The Fulton County Conflict Defender program became a part of the state system the following year, which appears to be lead to its destruction. Initially, the office's jurisdiction was expanded to include the Juvenile and Superior Courts of DeKalb County, and it was renamed the Metro Conflict Defender. At that time, the office employed 54 people, including attorneys, investigators, paralegals and administrative personnel. As the Metro Conflict Defender Office, the office continued to accept appointments for adult and juvenile cases which circuit public defenders could not take because of conflicts of interest.

30. The staff of the Metro Conflict Defender was reduced significantly in 2007. Nevertheless, 16 attorneys, supported by two investigators and some support staff, continue to provide representation to persons facing felony or juvenile charges in Fulton and DeKalb Counties.

31. On Friday, June 6, 2008, defendant Crawford announced the "Friday Morning Massacre" – the firing of all attorneys and staff that provide representation to clients in the Superior and Juvenile Courts of Fulton and DeKalb Counties. Termination notices, such as the one appended to this Complaint, were distributed. Remarkably, Defendant Crawford had no plan for providing

representation for clients of those fired. On June 10 – four days after the firings – he announced that he would be meeting with the Chief Judge of the Fulton Superior Court to develop an “alternative delivery system” for the future.

32. With the money available, the “alternative delivery system” will inevitably be token representation by lawyers contracted to handle a high volume of cases for meager compensation without investigators. Another “alternative” is lawyers paid \$200 for a plea and \$600 for a trial in *felony cases*. If allowed to happen, this would mark a tragic return to the darkest and most shameful period of providing lawyers for poor people accused of crimes in Georgia.

33. The abrupt firing of the attorneys and staff will disrupt ongoing representation and the orderly administration of the courts in hundreds of cases and make it impossible for the conflict defenders to comply with their legal, professional and ethical obligations to complete representation in cases in which they have entered appearances on behalf of clients. One Fulton Superior Court judge has informed three lawyers employed by the Conflict Defender that they must continue to represent their clients even though they will receive no salary after June 30.

34. Beyond the harm to clients, the abrupt firings were a unconscionable

way to treat dedicated public defenders. (A section of the office represents people in Fulton State Court. It is funded by Fulton County. Those lawyers will continue to represent people in misdemeanor cases.)

35. Defendant Crawford lacked legal authority to fire the lawyers, investigators and support staff. He spoke with only two members of the GPDSC with regard to his decision to fire the staff of the Conflict Defender handling felony and juvenile offenses. At a specially called meeting of the Council on June 10, 2008, Defendant Crawford said that he thought the two had approved his action, but there was no suggestion that he even notified any of the other members of the Council that he was contemplating such drastic action. The two with whom he did discuss it said they did not understand that they had agreed to fire the entire juvenile and felony unit for the Metro Conflict Defender Office, but attributed Defendant Crawford's perception that they had agreed to a "misunderstanding."

36. Despite the fact that Defendant Crawford unilaterally took such drastic action – firing 21 people and effectively destroying the juvenile and felony units of the Metro Conflict Defender office – the GPDSC on June 10, by a vote of 6-4 refused to overrule his decision and deferred action until June 20, just a week before the terminations become final and after there would be virtually no chance of resurrecting the Metro Conflict Defender office. Thus, the defendants made the

casual decision to dispense with the Conflict Defender Office, long an important asset to the criminal justice system in Fulton County in particular, without a serious investigation of its value or how it might continue to play its vital role in implementing the right to counsel for countless people accused of crimes who cannot be represented by the Atlanta or Stone Mountain circuit public defender offices.

37. The Sixth and Fourteenth Amendments to the United States Constitution, as well as Article I, Section 1, Paragraph XIV of the Georgia Constitution, impose on the State of Georgia the obligation, delegated to the GPDSC, to ensure that indigent persons accused of crimes for which they may be imprisoned are provided with effective legal representation. See GA. CODE ANN. § 17-12-1.

38. In purporting to carry out the responsibility of providing representation for indigent persons accused of crime, Defendants CRAWFORD, DuBOSE, DUNN, KURTZ, LOCKETTE, MORRIS, OLIVER, ORR, RUMER, SCOTT, TILLMAN, and WORD are state actors and subject to federal constitutional obligations.

39. State actors are prohibited from interfering with an ongoing attorney-

client relationship in a single case. See Grant v. State, 278 Ga. 817 (2005); Williams v. State, 279 Ga. 154 (2005); Roberts v. State, 263 Ga. 764 (1994); Davis v. State, 261 Ga. 221 (1991); Amadeo v. State, 259 Ga. 469 (1989). Interference in hundreds of cases is unprecedented. It constitutes a gross and unconscionable disregard for the most fundamental right of one accused of a crime.

40. Because of the fundamental and unique nature of the right to counsel, interference with it causes irreparable injury to the plaintiff clients and other class members. See United States v. Gonzalez-Lopez, 548 U.S. 140, 126 S.Ct. 2557 (2006) (holding that interference with the right to counsel constitutes “structural error” which requires reversal without an inquiry into prejudice).

41. Defendant Crawford’s decision to fire the Conflict Defenders was based upon nothing more than a comparison of the percentage of conflict cases from one circuit to another, without an informed consideration of the difference between circuits or an accurate understanding of what constitutes a conflict in the representation of multiple defendants. It was based upon defendant Crawford’s finding that Fulton’s 18 percent of indigent cases treated as conflict cases is more than the state average of 6 percent. However, all circuits are not alike. Some multi-county circuit defenders have several offices (e.g., one in each of the counties in the circuit) and treat each as a different office for purposes of

representing clients with conflicting interests. Some represent as many as 5 co-defendants with conflicting interests without assigning any to lawyers outside their offices. Some circuit defenders – under great pressure to represent co-defendants – simply ignore conflicts for the most part.

42. Based on a comparison of percentages and without looking behind them, Defendant Crawford decreed that conflict cases may not make up more than 4.5% of the indigent cases in a circuit. This is as ludicrous as decreeing that burglary cases will not exceed 5% of the cases in a circuit.

43. The decision to fire lawyers at the Conflict Defender office was also based upon a fundamental misunderstanding of what constitutes conflicting interests on the part of people accused of crimes. As the Georgia Supreme Court made clear long ago, conflicts are not limited to situations when one defendant testifies against another, but other situations as well.

[O]ne accused's defense is that the other defendant and not he committed the crime; or *that his degree of culpability is less than that of the other*; or that *in mitigation of his punishment the jury should consider that his codefendant was a bad influence on him*.

Davis v. State, 201 S.E. 2d 345, 348 (GA App 1973) [emphasis added].

43. Nevertheless, circuit defender offices have been pressured to represent multiple defendants until a conflict “develops.” However, once an office engages

in this practice and learns that there is a conflict, it must withdraw from both cases because it has information from both clients. In representing either, the lawyers can rely on information gained from the other.

COUNT I:
VIOLATION OF THE RIGHT TO COUNSEL

44. The allegations of the foregoing paragraphs are incorporated herein as if set forth in full.

45. Defendant Crawford by firing 16 lawyers and five investigators and support staff employed by the Metro Conflict Defender office, and Defendant GPDSC and its members by acquiescing in his action, have abruptly interrupted ongoing attorney-client relationships of Plaintiffs Gadson, Jonathan Robinson, Kilpatrick, Keshandra Robinson and Perryman and other clients represented by attorneys employed by the Metro Conflict Defender Office in violation of Article I, Section 1, Paragraph XIV of the Georgia Constitution, and the Sixth and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983 and other applicable law.

COUNT II:
INTERFERENCE WITH THE LEGAL,
PROFESSIONAL AND ETHICAL DUTIES OF ATTORREYS

46. The allegations of the foregoing paragraphs are incorporated herein as if set forth in full.

47. Defendant Crawford, by firing 16 lawyers and five investigators and support staff employed by the Metro Conflict Defender office with only three weeks notice, and Defendant GPDSC and its members by acquiescing in his action, have unlawfully interfered with the legal, professional and ethical obligations of Plaintiffs Dawkins, Spruell, Followill, and Oden to carry through to conclusion all matters undertaken for their clients, see Ga. Rules of Prof'l Conduct R. 1.3 (2000); ABA Standards for Criminal Justice 5-6.2 (3d ed. 1992); Standards for Administration of Assigned Counsel Systems 2.6(b)(Nat'l Legal Aid & Defender Ass'n 1989); Guidelines for Legal Defense Systems in the United States 5.11 (Nat'l Study Comm'n on Def. Servs. 1976), and in doing so have deprived Plaintiffs Gadson, Jonathan Robinson, Kilpatrick, Keshandra Robinson and Perryman and other members of the class of their right to counsel, to due process, and to access to the courts in violation of Article I, Section 1, Paragraph XIV of the

Georgia Constitution, and the Sixth and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983 and other applicable law.

COUNT III:
***ULTRA VIRES* ACTION IN VIOLATION OF
THE GEORGIA INDIGENT DEFENSE ACT**

48. The foregoing allegations are incorporated herein as if set forth in full.

49. Defendant CRAWFORD lacked the authority to fire the lawyers and staff working for the Conflict Defender representing people charged with felony and juvenile offenses without the approval of the Georgia Public Defender Standards Council. His action was *ultra vires* and without lawful authority and therefore invalid.

COUNT IV:
**VIOLATION OF DUE PROCESS
AND RIGHT OF ACCESS TO COURTS**

50. The foregoing allegations are incorporated herein as if set forth in full.

51. Defendant Crawford, by firing counsel and staff for clients of the Metro Conflict Defender office, and Defendant GPDSC and its members by acquiescing in his action, violated the due process rights and the right of access to the courts of

Plaintiffs Gadson, Jonathan Robinson, Kilpatrick, Keshandra Robinson, Perryman and other class members guaranteed by Article I, Section 1, Paragraph XII of the Georgia Constitution and by the Sixth and Fourteenth Amendments to the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, based on the foregoing and such other reasons as may be presented at a hearing in this matter and as may appear to the Court, Plaintiffs respectfully pray that this Court grant the following:

1. Issue a temporary restraining order requiring the defendants to immediately rescind the notices of termination issued to lawyers and staff at the Metro Conflict Defender office;
2. Issue a preliminary injunction requiring the defendants to maintain the Metro Conflict Defender Office, as currently staffed, for a period of at least six months in order to preserve the status quo while the issues presented herein are litigated and decided;
3. Certify the case as a class action;
4. Grant Plaintiffs a trial in this matter;
5. Issue a declaratory judgment holding that the Defendants violated their

constitutional, statutory, administrative, and ethical obligations in firing the lawyers and support staff of the Metro Conflict Defender office which provides representation in the Superior and Juvenile Courts of Fulton and DeKalb Counties.

6. Issue an permanent injunction requiring Defendants to comply with constitutional, statutory, administrative, and ethical obligations governing the representation of indigent defendants in conflict cases in the Superior and Juvenile Courts in Fulton and DeKalb counties by maintaining the Metro Conflict Defender office;

7. Grant Plaintiffs such other relief as the Court deems necessary and proper.

Respectfully submitted this 11th day of June, 2008.

STEPHEN B. BRIGHT
Georgia Bar No. 082075
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Pro Hac Vice Application pending
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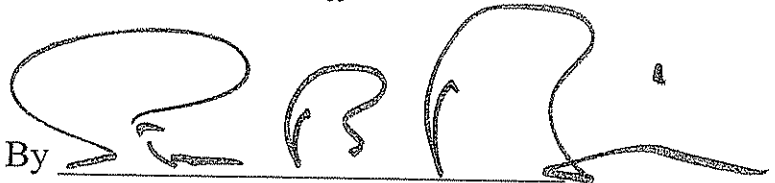
(continued on following page)

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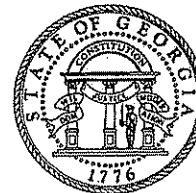
Counsel for Plaintiffs

By

A handwritten signature in black ink, appearing to be "R. Knowles", written over a horizontal line.

**GEORGIA PUBLIC DEFENDER
STANDARDS COUNCIL**

104 Marietta Street, Ste. 200
Atlanta, Georgia 30303



Mack Crawford
Director

404-232-8900 • (800)676-4432 • Facsimile 404-463-1903 • www.gpdsc.com

NOTICE OF SEPARATION

DATE: June 11, 2008

TO:

FROM: Mack Crawford, Director

We regret to inform you that your position has been eliminated due to a severe reduction in agency funds for the conflict program in Fiscal Year 2009. This letter will serve as your official notice of separation from employment with the Georgia Public Defender Standards Council ("Standards Council"). Your employment with the Standards Council will end on June 30, 2008.

Because of the budget shortfall and a reorganization effort, the Standards Council has implemented a workforce reduction plan. This plan consists of policy decisions which will allow the agency to continue to provide its mandatory services while remaining within the limitations of the 2009 budget.

After June 30, 2008, you will be eligible to continue your insurance coverage, pursuant to COBRA, for an additional 18 months by paying the Standards Council 100% of the conventional premium rate, subject to COBRA rules and provisions. You may utilize the Employee Assistance Program (EAP) to provide counseling and support services to you until June 30, 2008.

On behalf of the Standards Council, we want to thank you for your service. We wish we had the necessary funds and ability to continue the operations as they were originally envisioned. Should a position become available in the future, we hope that you will re-apply to become a member of our organization. Again thank you for your contribution to the Standards Council.

Verification and Affidavit

1. I, NKosi Gadson, am in the Fulton County Jail facing charges of murder.
2. I have been in the jail since October 13, 2005.
3. My trial is set for July 14, 2008.
4. I am represented by Scott Dawkins of the Metro Conflict Defender Office. I want to continue to be represented by Mr. Dawkins.
5. If Mr. Dawkins is removed as my lawyer on June 30, it will be impossible to have my court date on July 14.
6. It would be very damaging to my case if Mr. Dawkins is replaced.

NKosi Gadson

NKosi Gadson

State of Georgia

County of Fulton

The signature on the foregoing Verification and Affidavit was subscribed and sworn to before me by NKosi Gadsen this 10th day of June, 2008.

Mary Schuyler K. Harbert

Notary Public, DeKalb County, Georgia
My Commission Expires Jan. 6, 2012

Verification and Affidavit

1. I, Johnathon Robinson, am in the Fulton County Jail facing charges of rape, kidnapping, armed robbery, aggravated sodomy and impersonating an officer.
2. I have been here since June 8, 2005.
3. I have been represented by the Metro Conflict Defender Office for approximately one year. Mr. Scott Dawkins of the Conflict Defender ~~has been~~^{is} my lawyer.
4. I would like to continue with Mr. Dawkins as my lawyer because it will be damaging to my case if he is replaced.

Jonathan Robinson
Johnathon Robinson

State of Georgia

County of Fulton

The signature on the foregoing Verification and Affidavit was subscribed and sworn to before me by Johnathon Robinson this 10th day of June, 2008.

Mary Shug K. Harbert

Notary Public, DeKalb County, Georgia
My Commission Expires Jan. 6, 2012

VERIFICATION AND AFFIDAVIT

Clifton Kilpatrick, being duly sworn, deposes and states as follows:

1. I am in the Fulton County Jail facing charges of murder and theft by taking.
 2. I have been in the jail since April 15, 2008.
 3. I am represented by Pete Followill of the Metro Conflict Defender Office.
- I would like to retain Mr. Followill as my lawyer because it will be damaging to my case if he is replaced.

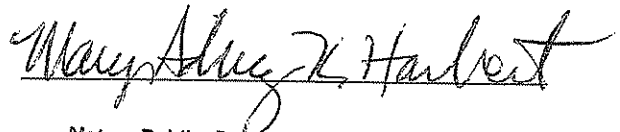


Clifton Kilpatrick

STATE OF GEORGIA

COUNTY OF FULTON

The signature on the foregoing Verification and Affidavit was subscribed and sworn to before me by Clifton Kilpatrick this 10th day of June, 2008.

A handwritten signature in cursive script, reading "Mary Alice K. Harbert", written over a horizontal line.

Notary Public, DeKalb County, Georgia
My Commission Expires Jan. 6, 2012

VERIFICATION AND AFFIDAVIT

Keshandra Robinson/Webster, being duly sworn,
deposes and states as follows :

1. I am in the Fulton County Jail facing charges of felony murder and conspiracy to commit armed robbery.
2. I have been in the jail since April 14, 2008
3. I am represented by Peter Followill of the Metro Conflict Defender Office. I would like to retain Mr. Followill as my lawyer because it will be damaging to my case if he is replaced.

Keshandra Robinson
Keshandra Robinson

STATE OF GEORGIA

COUNTY OF FULTON

The signature on the foregoing Verification and Affidavit was subscribed and sworn to before me by Keshandra Robinson this 10th day of June, 2008.

Mary Sidney K. Harbert

Notary Public, DeKalb County, Georgia
My Commission Expires Jan. 6, 2012

VERIFICATION AND AFFIDAVIT

Michael Perryman, being duly sworn,
deposes and states as follows:

1. I am in the Fulton County Jail facing ~~probation revocation~~ for burglary charges.
2. I have been in the jail since April 2008.
3. I am represented by Peter Followill of the Metro Conflict Defender Office. I would like to retain Mr. Followill as my lawyer because it will be damaging to my case if he is replaced.

Michael Perryman
Michael Perryman

State of Georgia

County of Fulton

The signature on the foregoing Verification and Affidant was subscribed and sworn to before me by Michael Perryman this 10th day of June, 2008.

Mary Sidney K. Harbert
Mary Sidney K. Harbert
Notary Public for the State of Georgia
My Commission Expires Jan. 6, 2012

**VERIFICATION AND AFFIDAVIT
OF SCOTT DAWKINS**

Scott Dawkins, being duly sworn, deposes and states as follows:

1. My name is Scott Dawkins. I am an attorney at law and a member of the Georgia Bar employed by the Metro Conflict Defender Office in Atlanta, Georgia. I have been a lawyer at the Metro Conflict Defender Office for one year.

2. My practice at the Metro Conflict Defender office consists of representing people accused of felonies in the Superior Court of Fulton County. I practice before Judges Moore and Johnson. I currently have about 60 open cases.

3. On Friday, June 6, I was notified by the Georgia Public Defender Standards Council that my employment with the Conflict Defender Office is terminated effective June 30, 2008.

4. Termination of my employment on such short notice does not give me sufficient time to complete my representation of my clients. My caseload includes serious felony cases, including murder cases. Many of the cases are complex. Many of my clients have been in the Fulton County Jail for a substantial amount of time, many of them for over a year. Investigators at the Metro Conflict Defender Office have been investigating these cases. All of my clients are depending upon

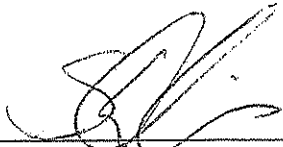
me for representation. I have devolved relationships of trust with them and with many of their families. My removal from their cases will be prejudicial to them in many ways, including delaying resolution of their cases.

5. Nkosi Gadson is one of the clients that I represent. He is charged with murder, felony murder and other offenses. He had three or four lawyers before me. His case has been pending for approximately two and a half years and I have filed a plea in bar and a motion for dismissal due to violation of his right to a speedy trial. The case is specially set for trial on July 14, 2008 before Judge Johnson. That motion is to be heard right before trial. If I am replaced as his counsel, that motion cannot be heard and his case cannot be tried by new lawyer at that time. My removal will be prejudicial and will delay his case even further.

6. I cannot fulfill my legal and ethical responsibilities to my clients if I am removed from these cases on such short notice. What is happening to the clients represented by the Metro Conflict Defender Office is a travesty. They are being abandoned without representation. They are not going to receive the legal representation to which they are entitled if my colleagues and I are replaced by lawyers who have no personal relationship with the clients, know nothing about their cases, have not been involved in working with the investigators on their cases, know nothing about the procedural history in the cases and have no relationship

with the clients, their families and, in some cases, important witnesses. This is an injustice to each and every one of these clients.

This does not exhaust my knowledge of this subject.

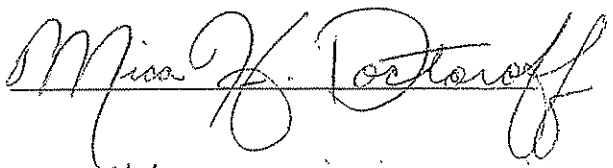


Scott Dawkins

STATE OF GEORGIA

COUNTY OF FULTON

The signature on the foregoing Verification and Affidavit was subscribed and sworn to before me by Scott Dawkins this 10th day of June, 2008.



My commission expires
Sept. 10, 2010

**VERIFICATION AND AFFIDAVIT
OF TIMOTHY L. SPRUELL**

Timothy L. Spruell, being duly sworn, deposes and states as follows:

1. My name is Timothy L. Spruell. I am an attorney at law employed by the Metro Conflict Defender Office in Atlanta, Georgia. I represent clients in the Juvenile Court of Fulton County.

2. I have a list of about 275 children who I continue to represent. Most have active cases (one has five active cases right now), some are out on trial release and I will have to represent them again for final disposition, and some are on probation. I have just over 250 active cases. I have closed about 270 already this year. There are a number of children that I represented in the past that I will represent if they are charged with additional delinquent acts before they turn seventeen. I am responsible to five to six courts, two or three at a time. I am in court every day. I usually answer sixteen calendars a week.

3 On Friday, June 6, I was notified by the Georgia Public Defender Standards Council that my employment with the Conflict Defender Office is terminated effective June 30, 2008.

4 Termination of my employment on such short notice does not give me sufficient time to complete my representation of my clients. My clients will be prejudiced if the attorney-client relationship that we have is abruptly interrupted. I

cannot fulfill my legal and ethical responsibilities to my clients if I am removed from these cases on such short notice.

This does not exhaust my knowledge of this subject.

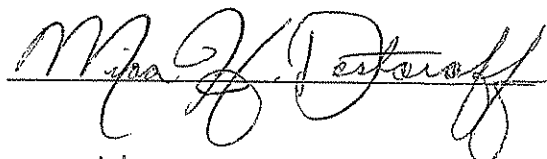


Timothy L. Spruell

STATE OF GEORGIA

COUNTY OF FULTON

The signature on the foregoing Verification and Affidavit was subscribed and sworn to before me by Timothy L. Spruell this 10th day of June, 2008.



My commission expires
Sept. 10, 2010

VERIFICATION AND AFFIDAVIT

Peter C. Followill, being duly sworn, deposes and states as follows:

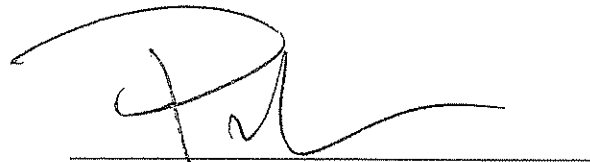
1. I am an attorney at law employed by the Metro Conflict Defender Office in Atlanta, Georgia. I represent clients in Fulton County Superior Court's non-complex division. The non-complex division is designed so that cases go to trial or are otherwise resolved within nine weeks of a client's arrest. I am appointed new clients every eight weeks. During my last eight-week cycle, I was appointed approximately eighty-five (85) new clients, of which approximately sixty (60) were non-complex cases.

2. On Friday, June 6, I was notified by the Georgia Public Defender Standards Council that my employment with the Conflict Defender Office is terminated effective June 30, 2008.

3. Termination of my employment on such short notice does not give me sufficient time to complete my representation of my clients. I am at the beginning of my non-complex rotation, meaning that clients from first appearance hearings are currently being assigned to me through Saturday June 21, 2008. Clients assigned to me from first appearance hearings occurring June 17 through June 21 will be scheduled for preliminary hearings during the first week of July, after the proposed closing of Metro Conflict Defender.

In addition to incoming non-complex cases, I remain the attorney of record for clients charged with murder, felony murder, kidnapping, and other “complex” offenses. These clients are incarcerated and their cases have yet to be presented by the District Attorney to the grand jury. I continue to monitor these cases so that I can move that bond be set in the event that the cases are not indicted within ninety days of arrest. I regularly communicate with these clients regarding the status of their cases. My clients will be prejudiced if the attorney-client relationship that we have is abruptly interrupted. I cannot fulfill my legal and ethical responsibilities to my clients if I am removed from these cases on such short notice.

This does not exhaust my knowledge of this subject.


A handwritten signature in black ink, appearing to read 'P. Followill', is written over a horizontal line.

Peter C. Followill

STATE OF GEORGIA

COUNTY OF FULTON

The signature on the foregoing Verification and Affidavit was subscribed and sworn to before me by Peter C. Followill this 10th day of June, 2008.


My commission expires
Sept. 10, 2010

VERIFICATION AND AFFIDAVIT


John Oden, being duly sworn, deposes and states as follows:

1. I am an attorney at law employed by the Metro Conflict Defender Office in Atlanta, Georgia. I currently have 60 open cases. I practice before Judges Arrington and Campbell in the Superior Court of Fulton County.

2. On Friday, June 6, I was notified by the Georgia Public Defender Standards Council that my employment with the Conflict Defender Office is terminated effective June 30, 2008.

3. Termination of my employment on such short notice does not give me sufficient time to complete my representation of my clients. My caseload includes serious felony cases, including murder cases. My clients will be prejudiced if the attorney-client relationship that we have is abruptly interrupted. I cannot fulfill my legal and ethical responsibilities to my clients if I am removed from these cases on such short notice.

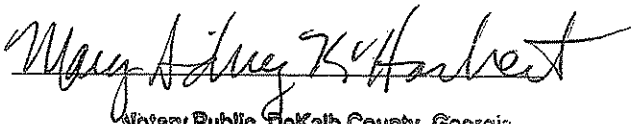
This does not exhaust my knowledge of this subject.


John Oden

STATE OF GEORGIA

COUNTY OF FULTON

The signature on the foregoing Verification and Affidavit was subscribed and sworn to before me by John Oden this 10th day of June, 2008.


Notary Public, DeKalb County, Georgia,
My Commission Expires Jan. 6, 2012