

AFFIDAVIT

STATE OF LOUISIANA §  
§  
PARISH OF ORLEANS §

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

**MARIAH HOLDER, DOB: 10/14/1980**, who after being duly sworn did depose

and state the following:

1. My name is Mariah Holder. I graduated law school in 2010. I am an attorney at the Orleans Public Defenders office, and licensed to practice law in the State of Louisiana (Bar No. 33184). I worked at the Orleans Public Defenders from 2010 to 2012, left to work in private practice in Maine for two and half years, and returned to the Orleans Public Defenders in April 2015.
2. Since April 2015, I have handled 198 felony cases, 6 misdemeanors, and 27 revocations. My current caseload includes 147 felonies, 3 misdemeanors, and 14 revocations.
3. Of those 147 felony cases, 58 are in jail. Most are housed at the Orleans Parish Prison complex. Visitation at the Orleans Parish Prison complex is extremely time consuming. I often wait at jail for hours 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 often will wait for hours and still end 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. For example, recently I called a little before 5 pm to see if I should just go to see clients or schedule visits. I was told it was best to schedule them and that 7 pm would be a good time to go because they would be finished with count by 7 or 7:15. I gave them the names of my clients and specified I'd like to see them on the first floor at intake. I arrived at intake a few minutes after 7. There wasn't a deputy anywhere. Finally someone showed up at 7:20 and took the names of my clients. They didn't call them in until 7:36 and they had no information about my scheduled visits. My first client was brought down at 8:34 but they couldn't open the door to let him into the interview room. I kept asking when I could see him and finally it became apparent that he had been in the interview room but

that the deputy thought I had to be let in the back and didn't know that I was allowed in the open side. I saw my first client at 9:02. I waited until about 9:40 to see my second client and had to call control because nobody in intake knew how to determine if any more clients were coming for visitation. My third client came down at 10 pm.

4. Last I checked, nine of my clients are housed in East Carroll or Franklin Parishes. Each of those parishes is a four-hour drive away. I have never visited a client in either East Carroll or Franklin Parish because I do not have time to make an eight hour round trip.
5. 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.
6. I am a "Level 4" attorney, meaning the majority of my new clients are charged with Armed Robbery, Forcible Rape, or Attempted Murder. I have a very high number of "Level 3" clients as well, charged with drug distribution or gun possession. The vast majority of my clients are facing decades in prison if found guilty at trial.
7. 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 six weeks before I can meet new clients in jail for the first time. I have occasionally met clients sometimes for the first time at arraignment, after their case has been accepted.
8. I recently received 29 new cases in two weeks; almost all of those new clients did not bond out of jail. I did not visit any of them within 48 hours of their first appearance. There are many I still have not visited. I have not made phone calls or done investigation requests for almost any of them. I did not file a bond reduction motion for any of those clients. Of those clients, 17 are still in jail. Their charges include: simple burglary, aggravated battery, domestic abuse aggravated assault, purse snatching, illegal carrying of weapons with a controlled dangerous substance, illegal possession of a stolen auto, possession of a firearm by a felon, PWIT cocaine, illegal possession of stolen things, and aggravated assault with a firearm.
9. 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. Sometimes I ask to speak to clients in judges' chambers because I know that I might not be able to visit them again before their next court date.

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.

10. I have a very large number of clients suffering from mental illness. Those clients particularly need additional visits from me in order to get them to trust me and for me to build enough rapport to adequately explain what is happening in their case. For example, one of my clients who has extreme paranoia does not trust me. I have to visit him frequently in order to keep his trust; otherwise he stands and screams and pounds the glass when I visit him if I have not seen him in awhile. I visit him at the expense of other clients because he is so needy. Many of my other mentally ill clients who suffer from issues such as schizophrenia are housed in Hunt Correctional, over an hour away. One of my clients housed there believes he has a voodoo curse on him and that his family is serpents. I have never been able to visit that client in jail because he was taken to Hunt immediately following his first appearance.
11. 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 20-30 minutes.
12. 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.
13. 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.
14. On an average day, I spend five hours in court and up to two hours in jail. Some sections of court start early and finish early; others start late and finish late. I am assigned mostly

to cases in Sections G, H, B, and J. Section G starts at 8:15 am. Sections H, B, and J often are in session until late in the afternoon. It is very hard to predict how long I will be in court on a given day. Cases are not set to be handled at a specific time and they are not called in any particular order.

15. I work past 7:30 pm most days of the week and work six hours on average during weekends. I almost always work at least ten hours a day and often twelve or more hours a day during the work week.
16. 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.
17. 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 5 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.
18. I cannot have confidential conversations with my clients in court because they are sitting next to other inmates on the bench. 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 anyway.

19. In most weeks, I have 12-16 motions hearings set and 4 jury trials. 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.
20. 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.
21. I have 16 trials set between now and the end of January. I have 34 substantive evidentiary hearings set between now and the end of January. These numbers are low for a typical two month stretch 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. On several of those trials I have done no investigation or prep. The cases I have done work to prepare include charges of aggravated battery, which carries up to ten years in jail, aggravated assault with a firearm, which carries up to ten years, and possession with intent to distribute cocaine, which carries up to thirty years.
22. I often do not have the opportunity to file discovery motions or subpoenas until it is too late to have them be effective.
23. Often revocation hearings are handled the first time the defendants appear in court. In those cases, I never investigate the allegations or explore alternative to incarceration.
24. 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.
25. 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.

26. 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.

  
MARIAH HOLDER

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

  
NOTARY PUBLIC