

IN THE GENERAL SESSIONS COURT FOR KNOX COUNTY, TENNESSEE
MISDEMEANOR DIVISION

IN RE: PETITION OF THE KNOX COUNTY PUBLIC DEFENDER-- SWORN
 PETITION TO SUSPEND APPOINTMENT OF THE DISTRICT PUBLIC
 DEFENDER TO DEFENDANTS IN THE KNOX COUNTY GENERAL
 SESSIONS COURT, MISDEMEANOR DIVISION.

AFFIDAVIT OF ANDREW FREEMAN

STATE OF TENNESSEE)
)
COUNTY OF KNOX)

I, Andrew Freeman, first having been duly sworn, state and testify as follows:

1. My name is Andrew Freeman. I work at the Knox County Public Defender's Community Law Office located at 1101 Liberty St. Knoxville, TN 37919. I am 36 years of age. My admission to practice law in the State of Tennessee is pending the results of the February 2008 Tennessee Bar Exam.

2. I began work as an assistant public defender on October 1, 2007.

3. I am currently assigned to General Sessions Court for Knox County, Tennessee, Misdemeanor Division.

4. In Misdemeanor Court, my caseload assignment is determined by the docket on the particular day I am in court. I am in court on average 5 days every other week. Cases assigned to me are determined by the court date and by the first letter of the last name of each defendant.

5. From October 1, 2007 to January 18, 2008, I have been handling cases in Misdemeanor Court as they have been assigned to me by my court partners. From January 19, 2008 through February 29, 2008, I have been out of the office while

preparing for the February 2008 Tennessee Bar Exam. I have not yet been assigned my own 'letters' of the alphabet as of yet (to determine which clients I will be handling in court when), but I will be receiving my own 'letters' in March 2008.

6. I do not know the exact number of cases that are currently open under my name at this time. All I am able to do is rely on the data that our office provides from our database system, LegalPro. Until yesterday, I did not know that cases had been opened under my name in LegalPro, as I am not very familiar with the system. However, after now having seen the numbers that LegalPro produced, I believe that I have in fact handled and am handling more cases than what is currently open under my name. This is because I have ended up handling cases that weren't opened under my name initially, as my court partners give me cases to handle at random. Hence, I do not feel as if there is a definite way to know an exact number.

7. I do not know the exact number of cases that have been opened under my name between January 7, 2008 and February 6, 2008, nor do I know the exact number of cases that have been closed under my name between January 7, 2008 and February 6, 2008. Again, I did not know cases had been opened under my name; However, I was aware that cases were probably closed under my name. From looking at my prior dockets, I can very easily go back and note how many persons I have represented and how many charges I have handled in court on any given day. However, as Tennessee Statute defines 'case' as a 'single instance', I am unsure and unable to determine an exact number of 'cases' that I have opened and/or closed between January 7, 2008 and February 6, 2008, for some clients pick up their charges all at once and some clients pick up their charges across separate incidents.

8. I have no way of knowing for certain how many cases I have closed between January 7, 2008 and February 6, 2008; However, I would estimate that I on average close around one-third of my cases on a daily and weekly basis.

9. According to our office database, LegalPro, it is indicated that at present, I am the defendant's attorney in approximately 2 cases. Of those indicated 2 cases, both of those cases are misdemeanors.

10. According to our office database, LegalPro, it is indicated that between January 7, 2008 and February 6, 2008, I closed approximately 5 felony cases, 23 misdemeanors cases, and 2 probation violation cases.

11. According to our office database, LegalPro, it is indicated that between January 7, 2008 and February 6, 2008, I was assigned approximately 2 new felony cases, 6 new misdemeanor cases, and 1 new probation violation case.

12. Regarding the felony cases that our office database, LegalPro, reports, I do have reason to believe there has been slight error in these reports. As I am stationed in Misdemeanor Court, I have never handled a felony charge (and only would have handled a felony case out of Misdemeanor court if it was a Class E Evading Arrest charge). I have recently learned that our office database, LegalPro, has been recording Simple Possession charges entered during January 7, 2008 and February 6, 2008 as Class E felonies rather than Class A misdemeanors (as they should more accurately be reported). Although this slight error affects the degree of the cases I have handled, I do not believe that it changes the overall total number of cases in general.

13. I am really perplexed as to why cases have ever been opened under my name, as I have not been assigned 'letters' as of yet, and hence no cases should have

been opened under my name. As a result, my LegalPro numbers are very misleading, for while LegalPro makes it appear as if I have very few cases open, I have in fact handled several cases from start to finish and have handled approximately at least 5 cases a day on any given day that I have been in court.


14. Other than the information that I have been provided with, I have no means, method, or knowledge to affirm that what our office database, LegalPro, reflects is true and accurate. By looking at the numbers and reflecting on my experience as an attorney, I do believe I have handled more cases than LegalPro represents, and I also believe that my numbers will continue to increase upon my return to the office in March 2008.

Further, affiant saith not.



ANDREW FREEMAN

Sworn to and subscribed before me
this the 29th day of Feb. 2008.



NOTARY PUBLIC

My commission expires 2/3/08

