

## **AFFIDAVIT OF STACEY FLYNN MORRIS**

Stacey Flynn Morris having personal knowledge of the matters stated herein, deposes and states as follows:

1. My name is Stacey Flynn Morris. I am an attorney-at-law and have been a member in good standing of the Georgia Bar since December 16, 2004.

2. I have been engaged in the active practice of law since my admission. My law office is located at 2011 Commerce Drive, Suite A111, Peachtree City, GA 30269.

3. From April, 2009 until March, 2011, I was an attorney in the Capital Defender Office of the Georgia Public Defender Standards Council. My supervisor was supposed to be Burt Baker, although he was suspended from supervision for about half of that time because of his sexual harassment of me and other women in the office.

4. During the time that I worked as a Capital Defender, Mr. Baker started off being very nice, kindly and welcoming to me. After a few weeks however he began, and continuously made numerous inappropriate and unwelcome advances towards me and other women, said inappropriate things such as how nice my legs

looked and how “hot” my shoes were, gave me lingerie, and treated me and fellow employees unfairly when I, or other women, rebuffed his advances. One year Mr. Baker had two other women in the office go shopping with him to get me a “wedding present” from Victoria’s Secret. In a parking garage in Griffin, he presented to me a short red night gown made of see-through material; that was clearly not from Victoria’s Secret. One of the other women later told me that in the Victoria’s Secret store the day they all went shopping for my “wedding present”, that they picked out, and Mr. Baker purchased, a white, silk nightgown or robe. She also told me that she was incredibly uncomfortable and wanted no part of the shopping excursion, but Mr. Baker insisted that they accompany him. I found the whole situation totally disgusting.

Another time, our legal team of myself, Mr. Baker, our mitigation specialist and our female investigator all went to lunch together at a restaurant in Spalding County. I moved to sit next to our Investigator in the restaurant booth and Burt insisted that I sit on the other side, next to our mitigation specialist. Our Investigator was obviously visibly upset and aggravated to be sitting next to Mr. Baker; and I actually watched her move her body over as far as she possibly could until she was pressed up against the side of the booth. She whispered loudly enough for me to hear the words “get off of me” to Mr. Baker. I was

concerned and asked her later if she was ok and what was going on and she explained that Mr. Baker would not leave her alone, had sent her sexually explicit cards and letters, had shown up unannounced at her house, had given her lingerie and had said multiple inappropriate things to her. He even showed up unannounced, unwelcome and uninvited to her father's funeral and tried to act like they were dating. She revealed that the day at the restaurant he had reached under the table and grabbed either her knee or her thigh (I cannot remember exactly which one at this point - but it was a part of her upper leg). I told her about all of the things Mr. Baker had been doing to me and told her we should complain together to our Head Supervisor, Jerry Word. She was reluctant to do it because she was a single mother and could not afford to lose her job, so I complained to the director and deputy director of the capital defender office in May, 2010, that Mr. Baker had been treating me, and other women, in this manner.

5. Mr. Baker persisted in his advances despite my repeated and unequivocal rejections of them. His advances repeatedly got in the way of our representation of clients. After I complained, cases were reassigned so that the Investigator and I were not working on any cases with him. He was relieved of any supervisory responsibilities over us. I was told by Mr. Word that I had now

gotten married, so he was sure that Mr. Baker would stop his harassment of me. Mr. Baker was directed to have no contact with either of us except through the director of the capital defender office. Nevertheless, he persisted. He continued to send multiple e-mails to me and cards and letters to the other woman. At a capital defender annual training after these measures had been taken, we were all broken up into different groups and assigned rooms to go to and work on our cases. Mr. Baker was put in a separate group from me and the other victim, but he left his group and joined ours. I had broken my leg and was in a wheelchair at the time and literally could not get away from him. He got a chair from the side of the room, picked it up and put it right at the end of my wheelchair, in between myself and the other victim. He kept making faces and snarky comments about how we “ladies” had tried to escape him, but that he had found his “girls” and wasn’t about to leave us again. My broken leg was propped up on the straightened part of the wheelchair and I just had to sit there, with him right at my sock covered foot, for hours until the break when I could get away. I tried to leave the group, but was commanded to remain where I was by our Director.

I continued to complain about his treatment of me, along with two other women in the office at this point who did not want to be left alone in a room with him. Eventually, our Director assigned another case to me, with Burt as my

co-counsel. Mr. Word told me that he believed enough time had gone by and that I should just let it go and leave Mr. Baker alone because the two of them had been friends for a very long time and always would be. It became one of the main reasons that I decided to leave my job with the Capital Defender's Office and go into private practice.

Even after I left the Office, Mr. Baker continued to try and harass and intimidate me. On the one occasion I have seen him since I left the office, we both were attending the funeral of a fellow lawyer in the community, Tamara Jacobs Bell. I avoided him at all cost, but as I was walking to my car, Mr. Baker drove by, rolled down his window and yelled out "that's a real pretty dress you are wearing there Girl", in a manner and way that was clearly meant to be leering and gross. I am so happy that I no longer have to have any more contact with that man. He made my work environment incredibly hostile and made me hate a job that I had hoped to love. I have always prided myself on my ability to take an off-color comment, or a remark about my looks or my being a young female in a male dominated profession, but Mr. Baker took everything to a whole other level that made me feel uncomfortable and awful every time I had to be around him.

6. I know women who report sexual harassment get stigmatized, but I am willing to take that risk if it helps keep Mr. Baker from harassing more women and hurting clients.

Stacey F. Morris  
Stacey Flynn Morris  
GA BAR No. 141710

Subscribed and sworn to before me by Stacey Flynn Morris this 11 day of September, 2014.

Stephanie Trietsch  
Notary Public

My commission expires: 3-6-2017

Stephanie Trietsch  
Notary Public, Fayette County, Georgia  
COMMISSION EXPIRES: MARCH 06, 2017

STACEY FLYNN-MORRIS

Attorney at Law  
103 Adams Fall  
Peachtree City, Georgia 30269  
404/308-0778

March 4, 2011

*Via Hand Delivery*  
Mr. Jerry Word  
Capital Defenders Office  
Atlanta, Georgia 30303

Dear Jerry:

Please accept this as my letter of resignation and two week notice from today's date.

I am stunned and disgusted that Burt Baker is allowed to continue working, unprimanded and unhindered, after being accused of and admitting to the sexual harassment of two female employees, while I have been placed on probation for reasons that are still not fully clear to me. As I informed you and Christian last May, 2010, that over a ten month period Mr. Baker made numerous inappropriate and unwelcome advances towards me, said inappropriate things to me, gave me lingerie and treated me and fellow employees unfairly when I rebuffed his requests. Another employee, \_\_\_\_\_, made the same accusations against Mr. Baker around the same time that I did. In addition, Ms. \_\_\_\_\_ gave you copies of sexually inappropriate cards and notes that Mr. Baker gave her. She also gave you the lingerie that Mr. Baker sent to her. She informed you of how Mr. Baker showed up, unannounced and uninvited, at her house and refused to leave, how he showed up, unannounced and uninvited, at her father's funeral and refused to leave, how he grabbed her buttocks, rubbed up against her and physically intimidated her. She told you about all the inappropriate things he said to her and about how he repeatedly treated other employees unfairly when she rebuffed his unwanted sexual advances. It is my understanding that you met with Mr. Baker and he admitted the truth of these allegations to you. Nevertheless, Mr. Baker was not reprimanded in any way, other than he was removed from his position as our supervising attorney. The only administrative move you made to protect and me was to reassign clients so that we were not working on any cases with Mr.

Baker. He was directed to have no contact with us that were not forwarded through you first. Mr. Baker ignored this directive and continued to send multiple emails to [redacted] and me. This was ignored by you and no disciplinary action was taken. Mr. Baker was even put in a separate meeting group from us at our annual training, yet he left his group and joined ours, and when we complained about this to our supervising attorney, Brad Gardner, no action was taken. and I were basically told to accept the way it was. After I made this report, my cases were reassigned and my State car was taken away from me and given to Mr. Baker. The reason you gave me was that Mr. Baker was being assigned to cases farther away from his house, so he was going to be driving more miles than me and needed the car. Soon after, the car was taken from Mr. Baker and given to Mr. Gardner. At the meeting on Wednesday, you informed me that the only case I was keeping was one that you had previously removed me from (because Mr. Baker is the lead attorney), and that you were now reassigning me to that case with Mr. Baker still assigned as lead. You were unhappy in the meeting that I expressed my concern and alarm at being reassigned to a case with Mr. Baker. I am also aware that you have now assigned to two of Mr. Baker's cases as well. Since I made these accusations I have been consistently treated differently and negatively by you. You justified Mr. Baker's actions and excused them because you said I was single at the time of his inappropriate behavior and he had probably stopped since I got married (it didn't affect you to learn that he had not stopped at all, and in fact had continued to say inappropriate things to me as late as my last, involuntary, contact with him in August, 2010). In fact, one of the reasons given for my being placed on probation is that I am not getting along with Mr. Baker. You have given no consideration to the circumstances of my not getting along with Mr. Baker.

Employee Memo  
Re: Burt Baker  
Incident Report Date: April 8, 2010

On April 8, 2010, following the Erica Brennan sentencing I was approached by [REDACTED] wanting to talk to me. We spoke in the parking lot of the Long County Courthouse. ([REDACTED] had called me several months earlier wanting to talk, but had said it could wait in light of her father's illness and my son's illness during the same time period)

[REDACTED] told me that she felt her supervisor, Burt Baker had made inappropriate sexual advances towards her. She then showed me a card from Mr. Baker. On the inside it referenced lingerie that apparently accompanied the card. [REDACTED] offered to show me the lingerie, which she retained. She also gave me a portable air compressor given to her by Mr. Baker, along with a series of emails, so of which were inappropriate, when taken in context with other emails. Over the next few days, [REDACTED] forwarded a number of emails over a period of several months.

[REDACTED] also told of an incident where Mr. Baker came to her house to allegedly pick up work items, but claimed he was feeling ill and needed to lie down. She protested and asked him to leave, but finally gave in and told him he could stay until he felt better. She immediately left to pick up her children, and stayed away until after dark. When she returned he was still there. He offered to buy pizza for her and the children in an effort to stay at the house. He finally left.

[REDACTED] indicated that several times she had told him to stop this behavior and he agreed, but he would then become short with her in professional dealings. If she was the least bit nice, he would start up again, and then get mad when rebuffed. The emails reflected this pattern in their tone.

During our meeting, [REDACTED] indicated that she did not want Mr. Baker fired, but merely wanted him to stop the advances and behave in a professional manner. She did worry about the possibility of his continued supervision of her, for fear he would retaliate and try to adversely impact her work. However, she stated she would be able to continue working under his supervision as long as he acted professionally.

[REDACTED] allowed me to keep the card and copies of the emails, but asked me to safeguard it. I also took copies of a few of the emails. I told her not to have contact with Mr. Baker until I could talk with him.

I immediately called Christian Lamar, Deputy Director of Litigation and gave him a summary of this information. We arranged to meet with Mr. Baker the following week. Since Christian was not available in the early part of that week because of the impending Parker trial, I decided to meet with Burt by myself to speed up addressing the issue.

I met with Mr. Baker on the following Tuesday, April 13, in Macon at Cracker Barrel for breakfast. I show him the card and confronted him with the allegations. He admitted that he had acted inappropriately with [REDACTED]. While Mr. Baker felt that his actions towards [REDACTED]

were initially consensual, he acknowledged that regardless, as her supervisor he was in the wrong and the relationship was inappropriate. We discussed remedial measures.

I expressed [REDACTED] concerns that she wanted a work environment where she did not have to fear for her job and that she wanted the message to be clear that she did not want any more sexual harassment in any form. I made it clear that even if his perception that the initial advances were consensual was partially or wholly correct, that from this point forward they would be considered sexual harassment and would have to result in severe sanctions, including termination of his employment. As Mr. Baker's supervisor, I could not tolerate sexual harassment.

We discussed the fact that his actions had compromised his ability to supervise [REDACTED] and that if he treated her different in any way in the future, it could be considered retaliation for her disclosure. We discussed possible solutions to the problem, including his reassignment, her reassignment, change of supervisors. However, I made it clear that any solution could not include any adverse action to [REDACTED] employment and that her reassignment would not be an effective option because I was not going to in any way punish her for his improper actions. Mr. Baker several times acknowledged that he knew his actions were wrong and he would not let it happen again.

Because there was no clear solution that would work with the structure of the office, it became apparent that we would have to continue with both Mr. Baker and [REDACTED] working in the same office. I directed that Mr. Baker's direct face to face contact with [REDACTED] be limited to work settings where other employees were present, that he never again visit her home, that phone contact be at a minimum as necessary to perform his job, and that he copy me on all email communication to [REDACTED]. I further instructed him that at no time was he to create a work environment that could be perceived by [REDACTED] hostile, and that if he could not deal with her on a completely professional basis for whatever reason, that he consider letting her be supervised by Brad Gardner. Mr. Baker agreed to these conditions.

Once I had finished my conversations with Mr. Baker I left Macon. On the way home I called [REDACTED] to report on my conversation and instructions to Mr. Baker. I inquired of her if this was satisfactory, and informed her that if she had any concerns to let me know. I tried to make it clear that I would do what was necessary to see that she was not impacted by Mr. Baker's inappropriate actions.

The following day, April 14, 2010, Mr. Baker called and said that after further reflection that he felt it was best if Brad Gardner supervised [REDACTED]. He advised that he had informed Mr. Gardner of this and would no longer directly supervise [REDACTED].

A copy of this Memo is being placed in Mr. Baker's employee file. At [REDACTED] request, the original "Card" is being returned to her and she is being sent a copy of this memo.,

Gerald P. Word  
Director, Georgia Capital Defender

(handwritten version follows)

[Redacted]

Please don't be mad or upset at me. I am probably wrong to indulge myself with the thoughts I have of you right now.

I promise not to try to seduce you TODAY!

But I'd love to see you model this [lingerie] for me.

I know you have run the worse case scenario in your mind, but what about the best case scenario?

I am trying to resist you as best I can. I do not desire to bring any more stress into your life, but I think I can bring a lot of stress relief if you'll let me.

I'll try not to push, but it is hard (no pun intended).

Go put this on!

Model it for me.

Come kiss me. I'll leave in ~~10~~ 7 1/2 minutes

Promise

Burt

Text message from Baker [included with e-mail of January 14, 2010]:

U r telling me that all u feel for me is friendship? regardless of my marital status which is subject to change

[REDACTED]

Please don't be mad or  
upset w me. I am probably  
wrong to indulge myself  
with the thoughts I have  
of you right now.

I promise not to try to  
seduce you TODAY!  
But I'd love to see you  
model this outfit for me!  
I know you have run the worst  
case scenario in your mind,  
but what about the best case  
scenario?

I am trying to assist you as  
best I can. I do not desire to  
bring any more stress to your life,  
but I think I can bring alot of  
stress relief if you'll let me.

I'll try not to push, but  
it is hard (no pun intended).

Go put this on!

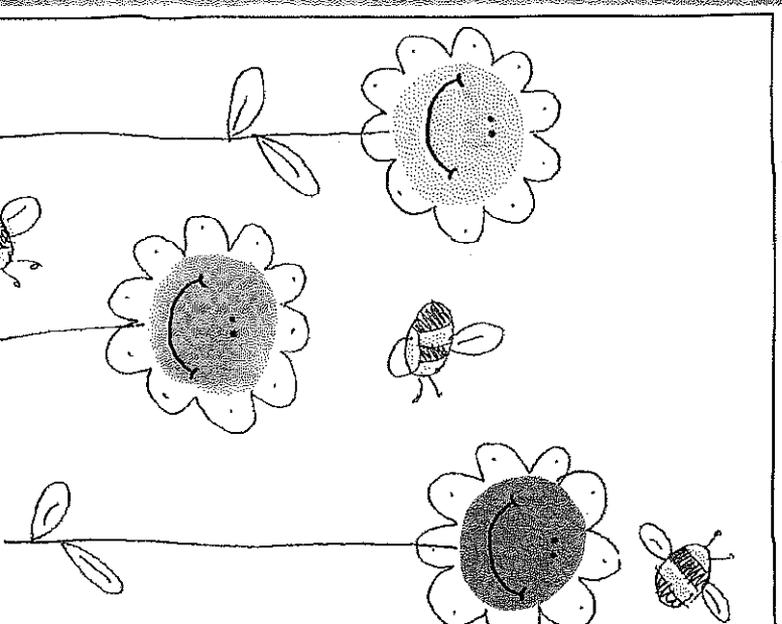
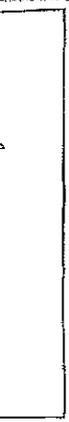
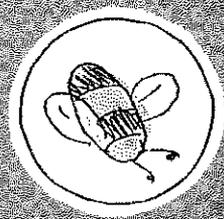
Model it for me.

Come kiss me. I'll

leave in  $\$10$ <sup>1/2</sup> minutes

Promise

Bob



**From:**  
**Sent:**  
**To:**

Thursday, January 14, 2010 8:16 PM

FW: From: [REDACTED] Call: [REDACTED] Msg: I want 2 spend some alone time with you.

**From:**  
**Sent:**  
**To:**

Thursday, January 14, 2010 8:16 PM

FW: From: [REDACTED] Call: [REDACTED] Msg: We do if we plan it . do u just not want 2 be alone with me ?

From:  
Sent:  
To:

Thursday, January 14, 2010 9:13 PM

FW: From: [REDACTED] Call: [REDACTED] FW: From: [REDACTED] Call: [REDACTED] Msg: I am telling u that we have a great friendship that i value but that i am not interested in anything more w anyone. We have had this talk b4. I am trying to work on a project w cullen right now and i really dont care to continue this right now [REDACTED] Msg: I think it would do us both a world of good.

FW: From: [REDACTED] Call: [REDACTED] Msg: I think it would do us both a world of good.

FW: From: [REDACTED] Call: [REDACTED] Msg: U know how i feel about the situation

FW: From: [REDACTED] Call: [REDACTED] Msg: U do not enjoy being with me or around me? u r not attracted 2 me ? u do not enjoy flirting w me? bs

FW: From: [REDACTED] Call: [REDACTED] Msg: Burt we are great friends but that is all we can ever be and u know that. U r married and my life is complicated enough as it is

FW: From: [REDACTED] Call: [REDACTED] Msg: U r telling me that all u feel for me is friendship ? regardless of my marital status which is subject to change.

From:  
Sent:  
To:

Thursday, January 14, 2010 9:15 PM

FW: From: [REDACTED] Call: [REDACTED] Msg: Mine just threw up. gotta go take care of him. i'll leave u alone.

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**From:**

**Sent:**

Thursday, January 14, 2010 9:30 PM

**To:**

FW: From: [REDACTED] Call: [REDACTED] Msg: my boy is sick! That was nasty. guess everyone is sick of me tonight! thanks 4 ur time and such. i do not buy longire for friends. i thought we'd get passed that. my bad. sleep well.

In a message dated 7/29/2010 10:55:54 A.M. Eastern Daylight Time,

xx writes:

Again I want to express to you that I do not feel comfortable working with him, I feel that his conduct was very inappropriate and offensive. But I need my job so I can only try to do what you ask.

xx

**Investigator**

**Georgia Capital Defender**

**From:** [GPWORD@aol.com](mailto:GPWORD@aol.com) [mailto:[GPWORD@aol.com](mailto:GPWORD@aol.com)]

**Sent:** Thursday, July 29, 2010 11:08 AM

**To:** xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

**Subject:** Re: Updated Case List and Office Realignment

xxxxxxxxxxxx:

We have previously discussed this by telephone. For clarification, it is my understanding that Burt has made no offensive conduct towards you directly or in your presence. Your knowledge of this matter comes primarily from your conversations with xxxxxx. Per our discussion, if Burt ever engages in any inappropriate conduct towards you or in your presence, please let me know and I will immediately address the issue and he will be terminated from employment.

You seem to be implying that somehow your job is in jeopardy. I am not sure where that is coming from.

I am troubled by the fact that the offended party has not asked for Burt to be fired, but you seem to be insisting on it. We work with people every day who have murdered other human beings, but you are not willing to extend a second chance to a fellow worker, also fighting to save lives, just like you.

Jerry

## **AFFIDAVIT OF JASON CARINI**

Jason Carini, having personal knowledge of the matters stated herein, deposes and states as follows:

1. My name is Jason Carini. I am an attorney-at-law and have been a member in good standing of the Georgia Bar since November 7, 2005 and of the State Bar of California since June 10, 2009.

2. I was an attorney in the office of the Cordele Circuit Public Defender from August 2005 to August 2008. Burt Baker was the Circuit Public Defender when I started in the office; he left January 15, 2007. He returned as interim Circuit Public Defender for two months starting July 1, 2008.

3. My position as a public defender in Cordele was my first position after graduating from law school in the spring of 2005. I had a number of concerns about the office, but I address three here: the hostile work environment for women, Mr. Baker's disdain for motions, and my experience with an appeal drafted by Mr. Baker.

4. In his role as manager of the office, Mr. Baker tolerated and contributed to an office environment that was extremely hostile to women. For a time, the

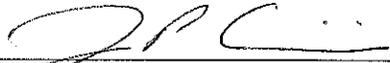
screensaver on his computer (visible to anyone who visited his office, including clients) was a photograph of scantily-clad actress Phoebe Cates rising out of a swimming pool from the movie "Fast Times at Ridgemont High." He was eventually persuaded to replace it after women in the office objected to it. Mr. Baker refused to intervene when some men in the office made inappropriate comments of a sexual nature about female attorneys and a female social worker. He seemed threatened by the implication that there was anything wrong with these comments. Mr. Baker handled the issue in the worst possible way - he made it clear, completely unnecessarily, that if he had to choose between the men making the inappropriate comments or the affected women, he would choose the men.

5. Mr. Baker had a disdain for motions practice. This was made abundantly clear after I received the discovery in my first cases and filed a number of motions. I had learned in law school and at training provided by the Georgia Public Defender Standards Council that motions practice is an important part of representing people accused of crimes that often helps us get better results for them. It is necessary to file motions in order to suppress illegally obtained evidence and to build a record for trial and appeal. Even when motions are not successful, the hearings provide a preview of the evidence that helps us prepare for trial. Motions practice also helps build good client relations, which can be very important if the circumstances require a difficult conversation with a client about

the strength of the evidence and a possible resolution with a plea bargain. When I filed the first motions I had drafted, the clerks were mystified. They had not seen motions coming out of the Public Defender's Office; they literally asked me what the motions were for and what was supposed to happen with them. Not long after I filed the motions, Mr. Baker called me into his office and suggested that it might be best for me to file far fewer motions in the future and to consider withdrawing or dismissing some of the motions I had already filed.

6. When Mr. Baker returned in 2008, he took charge of writing an appeal for a case that I had tried. I checked in with him several times to make sure it was coming along, and he assured me that it was. On the day before the appeal was due – and the deadline had already been extended, so we really were out of time – Mr. Baker told me that he had finished the appeal, and asked me to proofread it the following morning. I was quite surprised to find, that next morning, that the appeal was in the form of a one-page outline that missed all of the key issues. I spent the day scrambling to put something together that would at least give our client a sliver of a chance. I do not believe I have ever been angrier. Because of Mr. Baker's laziness, incompetence, and/or utter failure to communicate, our client missed his best chance to avoid spending the rest of his life in prison. Mr. Baker later bought me a bottle of bourbon to apologize for putting me in that position, which suggests

he fundamentally misunderstands our responsibilities; it was definitely not me that he needed to apologize to.

  
\_\_\_\_\_  
Jason Carini

Subscribed and sworn to before me by Jason Carini this 10th day of September, 2014.

  
\_\_\_\_\_  
Notary Public

My commission expires: 9/14 July 14, 2019

