

4.

I understand from reading Mr. Hintz' 2255 that he has claimed that I was ineffective because I conspired with Magistrate Judge Alan J. Baverman; a relative of Judge Baverman's, Paul Morochnik; and his first appointed appellate attorney, Lynn Fant to deprive Mr. Hintz of his constitutional right to counsel because my relationship with Judge Baverman, Morochnik, and Fant was such that I had an alleged conflict of interest in representing Mr. Hintz. These allegations are difficult for me to understand because I believe them to be absurd and totally false. I categorically state, at no time during my representation of Mr. Hintz did I ever discuss his guilty plea and/or sentencing with Judge Baverman, Elida Baverman, Mr. Morochnik or Ms. Fant.

5.

I have known Judge Baverman for more than twenty years. He was hired by me as an associate in the then law firm of Kadish and Kadish, Atlanta, Georgia, sometime in the early 1980's, to the best of my recollection. We worked on a large number of criminal cases together until sometime in the late 1980's; I had, and continue to have, a high regard for his integrity and intellect. I also know Elida Baverman, Judge Baverman's wife. I did socialize with the Bavermans but only two or three times a year. I had no involvement with Alan Baverman becoming a Magistrate Judge. I have appeared before Judge Baverman as counsel in several cases and to my knowledge judicial appointments were randomly made according to the Rules set by the U.S. Magistrate Judges Division of the United States District Court for the Northern District of Georgia. To my knowledge, Judge Baverman, personally or professionally, had nothing whatsoever to do with Mr. Hintz' case prior to his appointment of Lynn Fant as appellate counsel. Judge Baverman and I