

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

OFFICE OF STATE PUBLIC DEFENDER;
ANDRÉ DE GRUY; and
JENNIFER MORGAN, BRENDA LOCKE,
and A. ARMAN MIRI, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

KATHARINE SURKIN, DIRECTOR OF
THE ADMINISTRATIVE OFFICE OF THE
COURTS, in her official capacity,

Defendant.

Case No.: _____

DECLARATION OF A. ARMAN MIRI

I, A. Arman Miri, hereby declare:

1. I am a named Partner with the law firm Lowrey, Fortner, & Miri P.A., a private law firm based in Hattiesburg, Mississippi. I submit this declaration in support of the motion for a temporary restraining order, preliminary injunction, and class certification in the above-captioned case. I am over the age of 18, competent to testify, and make the following declaration based on my personal knowledge, education, training, and experience, except as to those matters stated on information and belief, and as to those I believe them to be true. If called as a witness, I could and would testify competently to the contents of this declaration.

Background

2. I am admitted to the state bars of Mississippi and Texas, and the U.S. District Courts for the Northern and Southern Districts of Mississippi, and the U.S. Court of Appeals for the Fifth Circuit. I represent clients in both state and federal court and practice in the areas of

criminal defense, youth court, and civil litigation. I am the City of Hattiesburg Public Defender and Vice President of the Mississippi Public Defenders Association. I also teach constitutional and criminal law at the Southern Regional Public Safety Institute.

3. I have represented parents and children in Youth Court proceedings since 2014. I began by taking appointments in Forrest County, and I now accept cases from multiple counties throughout the state of Mississippi. I constantly maintain a docket of active Youth Court cases. Currently, I have five clients with open cases in Youth Court and I am continuing to take appointments.

4. I maintain a close working relationship with the Office of the State Public Defender (“OSPD”). I am regularly appointed as counsel on behalf of indigent clients that contact OSPD for representation. In addition to direct appointments, I also engage in appellate work for the OSPD office when conflicts arise. I regularly attend and present in OSPD-sponsored training programs, certification courses, and continuing legal education focused on Youth Court practice, parent representation, appeals, and best practices for representing indigent families and children. I routinely utilize sample motions, practice guides, and other high-quality resources developed by OSPD in preparing and filing documents in my cases. When confronting novel, complex, or resource-intensive issues in Youth Court matters, I have sought and received timely one-on-one technical assistance, strategic guidance, and mentorship from OSPD staff attorneys. My practice in Youth Court is directly impacted by OSPD’s systematic administrative and education support.

Youth Court Proceedings

5. Youth Court cases impact parents’ and children’s most important liberty interests, including their right to be a family and children’s right to physical liberty. These proceedings routinely litigate fundamental constitutional rights, including a parent’s substantive due process

rights to the care, custody, and management of their children, and a child's right to be free from arbitrary institutional detention. Drawing on my extensive experience in both criminal defense and Youth Court matters, I can attest that the consequences of an adverse Youth Court outcome are frequently more profound, enduring, and life-altering than those in many criminal cases, where any deprivation of liberty is generally finite and defined by statute or sentencing guidelines. Parents consistently tell me that there is nothing worse than the threat or reality of losing a child to the state because these cases strike at the core of their identity, purpose, and family legacy. Effective legal representation is therefore indispensable to safeguarding these paramount rights, ensuring accurate fact-finding, and preventing erroneous governmental interference in the most intimate sphere of human life.

6. In addition to impacting fundamental rights, these cases are also procedurally similar to criminal cases, in that the government levies allegations at a parent or youth and then must prove them according to legal standards and based on reliable evidence. There is a judge who is supposed to be neutral, who considers competing versions of the truth, makes discretionary decisions, and decides on consequences. Despite these parallel stakes, Youth Court proceedings lack the robust procedural guardrails found in standard criminal courts, frequently operating with an alarming degree of informality.

Obtaining Records in Youth Court Proceedings

7. In my experience as a Youth Court attorney representing parents and children, it is difficult to obtain records related to cases in which I am counsel. AOC controls my access to MYCIDS and all Youth Court records stored in that system—just as it controls everyone's access to Youth Court records in the system. AOC routinely fails to provide me, other Youth Court attorneys, and parents involved in Youth Court cases with access to case records that we need

for cases in which we are counsel or a party. My access to Youth Court records is routinely delayed and has been denied entirely in some cases. My clients are routinely denied access to their own records. I am now and will continue to be subject to AOC's policies and practices regarding access to Youth Court records. The same is true for my clients and all litigants in Youth Court. As of July 1, 2026, AOC will be prohibited from providing access to any Youth Court records to me, any other Youth Court attorney, or to any parent or child involved in a Youth Court case.

8. Records related to a Youth Court case are generated and must be uploaded to MYCIDS throughout the life of the case.

9. These records are necessary for me to provide competent and ethical representation to my clients. For example, a petition in dependency court is required so I can represent my client in contesting the bases for removal. I need copies of court orders to advise my clients on how to comply with the court's requirements. If the court order shows that a case is closed in the parent's favor, it will be necessary for the parent to prove to schools, doctors, and others that the natural parent has full rights to the child. Forensic reports are required so that I and my clients can fully understand the government's arguments for removal, separation, or termination. I also need these reports in order to identify expert witnesses and conduct other investigation. I need records in order to challenge psychological evaluations, drug tests, forensic reports, or witnesses' credibility. Access to information about my clients' prior involvement with Youth Court can provide me with evidence that supports their reunification with their children. I need transcripts, orders, and copies of evidence in order to file an appeal. Beyond these, I critically require immediate access to Mississippi Department of Child Protection Services (MDCPS) case plans, safety plans, caseworker notes, visitation logs, drug and alcohol screening results, home studies,

relative placement assessments, visitation and parenting time reports or logs, school and medical records obtained by the agency, prior CPS or Youth Court history involving the family or household members and any other investigative materials or correspondence generated during the life of the case. I am sometimes denied access to these records, and my access is routinely delayed or limited. Without access to these ongoing records, I am effectively blindfolded at critical statutory hearings.

10. Even when I am able to eventually review or obtain these records, there are limits on my access. Sometimes, I am forced to review the records in the clerk's office under the watchful eye of a CPS employee. This dynamic destroys attorney-client privilege and work-product protections, as I cannot freely annotate files, flag weaknesses in the state's case, or review evidence privately without disclosing my defense strategy to opposing state agents.

11. Without records, I cannot provide effective or competent assistance of counsel and I cannot meet the basic ethical standards required of attorneys. I cannot prepare effectively for hearings, counsel my clients on their options, prepare a litigation strategy, assess factual disputes, conduct a meaningful investigation, or hire relevant experts.

12. If I cannot access the records and information necessary to contest the government's allegations, the chance that the judicial officer will make the wrong decision is high. Without those records and information, I cannot subject witnesses to effective cross-examination or challenge the reliability of other evidence.

13. My clients are routinely denied access to their own records. Sometimes, my ability to show their records to them is also prohibited. These limitations make it much harder for me to provide effective counsel. Only a client can point out that a caseworker's narrative misidentifies dates, mischaracterizes conversations, or fabricates non-compliance. Denying a

parent the right to see the records against them prevents them from helping me identify critical rebuttal witnesses, clear up medical or psychological misinterpretations, and actively participate in their own defense.

14. My clients are particularly vulnerable. They are indigent families whose lives are in crisis, facing separation or other serious consequences. They deserve effective assistance of counsel and a fair hearing. To provide effective counsel, I require access to all of the records associated with my clients' cases. And for them to receive a fair hearing, they need access to their own records.

Lawyers in Youth Court

15. The timing of attorney appointments in Youth Court varies drastically by county and is plagued by systemic delays. While some jurisdictions appoint counsel early, I am frequently not appointed until after the initial, critical emergency shelter hearing has already occurred. By the time I enter a case, critical records have been generated in the case and no one working on behalf of the parent—let alone the parent themselves—has viewed them. Children have already been removed from the home, temporary custody has been granted to the state, and the momentum of the case has heavily swung against the family. The availability of counsel prior to formal appointment is practically non-existent for indigent parents, leaving them completely unrepresented during initial MDCPS interrogations and emergency removals.

16. Youth Court lawyers in Mississippi operate under acute, systemic conflicting incentives. Because Mississippi lacks a centralized, independent public defender system for Youth Court, appointed attorneys are completely beholden to the local Youth Court judicial officer for their employment, contract renewals, and continued inclusion on appointment wheels.

17. These conflicting incentives manifest directly in daily case-related decisions,

creating a pervasive culture of risk aversion. Appointed attorneys are acutely aware that zealously litigating a case may irritate the court and disrupts crowded dockets. Consequently, attorneys frequently pull their punches. They decline to file necessary motions or to appeal erroneous orders out of a justified fear that doing so will result in the judicial officer quietly removing them from future appointments, effectively threatening their professional livelihood.

18. This dynamic creates a profound and pervasive risk of retaliation against both the attorney who engages in zealous advocacy and the client who insists upon their rights. In my practice, I have observed that retaliation rarely takes the form of an overt, explicit threat; instead, it manifests through deeply destructive, informal, and subtle counter-measures, or through calculated administrative inaction. In dependency and termination of parental rights (TPR) proceedings, this frequently occurs through the caseworker's framing of case reports, their testimony on the stand, or a reluctance to assist the client in accessing required statutory services.

19. This systemic manifestation of retaliation has direct, tangible consequences for clients. In delinquency and Child in Need of Supervision (CHINS) cases, this friction can result in a child being held in secure detention longer than necessary. It can also manifest as a child remaining on an electronic ankle monitor indefinitely, having probation extended, having additional conditions added to the disposition, or having statutory hearings repeatedly continued. For parents in dependency matters, it can mean slower progress toward reunification, more restrictive visitation or placement decisions, findings that reasonable efforts were made despite limited actual support, or an accelerated path to termination of parental rights. These dynamics create a powerful chilling effect: clients, whose primary goal is to regain or retain custody of their children or to secure their liberty, often choose not to press for records, file motions, or challenge deficiencies because the risk feels too great. This undermines the fundamental fairness

of Youth Court proceedings and the right to effective assistance of counsel.

20. Given the culture of practice in Mississippi Youth Courts and my experience over the past 12 years, I routinely caution my clients that pressing for access to records, filing motions, or appealing orders carries a real risk of informal retaliation by CPS, the State, or the court. Because the state systematically denies them direct access to their own files, my clients are already forced to navigate this system entirely in the dark. Demanding basic transparency or asserting legal rights means inviting administrative friction that can directly result in delayed family reunification or extended juvenile detention—and they may never know what happened behind the scenes because they do not have access to the records. This dynamic creates a profound and immediate chilling effect. The parents I represent want their children back more than anything, and the youth I represent want to stay out of secure confinement. When forced to choose between blindly fighting for their due process rights or protecting themselves from extended state-sanctioned separation, my clients understandably decide that the risk of demanding fair proceedings is simply too high. The result is that legitimate efforts to obtain basic information, challenge the government's case, or hold the system accountable are chilled before they ever begin. This is not how a fair adversarial process is supposed to work.

21. I have spoken with counsel and agree to act as a class representative. I understand the responsibility of prosecuting a class action on behalf of all Youth Court attorneys in Mississippi. I am familiar with the Complaint and the concept of a class action. I am also deeply familiar with the AOC's secrecy policies and practices, and the constitutional rights they violate. I am prepared to respond to discovery requests if needed. I am fully dedicated to fulfilling the role and duties of a class representative.

Executed on this ____ day of June, 2026, at _____.


Andrew Arman Miri (Jun 24, 2026 11:04:58 CDT)

A. Arman Miri

06/24/2026