

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

----- x  
JOSEPH RAKOFSKY, and :  
RAKOFSKY LAW FIRM, P.C. : Index No. 105573/11  
 :  
Plaintiffs, :  
 :  
- against - :  
 :  
THE WASHINGTON POST, et al., : Justice Goodman  
 :  
Defendants. :  
----- x

**AFFIDAVIT OF JEANNE O'HALLERAN**

STATE OF GEORGIA )  
 ) ss.:  
COUNTY OF PAULDING )

Jeanne O'Halleran, being duly sworn, deposes and says:

1. I am over the age of 18, a resident and citizen of Dallas, Georgia and competent to make this affidavit. I have personal knowledge of the statements sworn to below. I make this affidavit in support of my and my law firm's motion to dismiss the complaint on the grounds that this court lacks personal jurisdiction.

2. I am a defendant in the above-captioned action and the sole principal of defendant The Law Office of Jeanne O'Halleran, LLC (incorrectly sued as "O'Halleran Law").

3. I am an attorney admitted to the State Bar of Georgia. I have been admitted to the State Bar of Georgia since 2001. My offices are located at 1033 Merchants Drive, Suite B, Dallas, Georgia, 30132, in Paulding County. I am not admitted to practice in any state other than Georgia, and I do not maintain an office in any other state.

4. I am a resident of the State of Georgia and have resided there since 1986. I have resided in Georgia for my entire adult life. Prior to 1986 (when I was 10 years old), I resided in New Jersey.

5. From 2005 to 2010, I practiced law as an Assistant District Attorney for the Paulding Judicial Circuit. During my time as an ADA, I prosecuted a wide variety of cases, ranging from Driving Under the Influence to Burglary and Aggravated Assault. As a prosecutor, I handled all aspects of criminal cases, from bond and preliminary hearings, through plea negotiations and both bench and jury trials.

6. Since entering private practice in 2010, I have handled a variety of civil and criminal matters in Georgia state and local courts. My clients are natural persons who reside in or around Paulding County, Georgia, or businesses that conduct business in or around Paulding County, Georgia.

7. I have never represented a client from outside of Georgia, with the exception of one client from Illinois involved in a Georgia-based custody dispute. I do not target advertisements to out-of-state clients or otherwise seek to obtain clients from outside of Georgia.

8. I have never practiced law in New York.

9. I have never resided in New York.

10. I have never traveled to New York in connection with my work as an attorney. I have only visited the state about four times, all on non-business-related vacations.

11. I have not represented any clients who resided in New York State.

12. I have never had an office or other place of business in New York.

13. I have never owned or leased real property in New York.

14. I have never employed any individuals in New York.

15. I do not maintain any banking or investment accounts in New York.

16. On April 4, 2011, the website of the *ABA Journal* published an article entitled “‘Astonished’ Judge Declares Murder Mistrial Due to Defense Lawyer Who Never Tried a Case.” (the “ABA Journal Article”).

17. On April 8, 2011, I posted a short comment about and a link to the ABA Journal Article on a forum section of Paulding.com, a hyperlocal news website operated out of Paulding County, Georgia. A copy of my posting is attached as Exhibit A.

18. Paulding.com publishes a mix of original reporting, community information and user-generated commentary relating to news and events in Paulding County. One of the purposes of the website is to provide a vehicle for local businesses to connect with the community. I have a paid membership to the site that is available for local small businesses.

19. Upon information and belief, Paulding.com’s forums are intended to offer citizens of Paulding County the opportunity to speak out on a number of topics of local interest, including local politics, education, sports, and real estate. In posting my comment, I was participating in what I considered to be a purely local conversation among local residents of Paulding County, Georgia, and I had no intention of reaching or speaking to a wider audience. I certainly had no intention of reaching or speaking to a New York audience.

20. At the time of my posting, I did not know that the plaintiff Joseph Rakofsky was a resident of New York State, and I did not learn this alleged fact until the filing of this lawsuit.

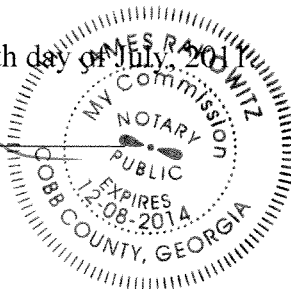
FURTHER YOUR AFFIANT SAYETH NOT.

By: \_\_\_\_\_

Jeanne O'Halloran

Sworn to before me this 18th day of July, 2011

Notary Public



# **EXHIBIT A**



Page 1 of 1

**NOW OPEN**  
Ace Hardware of Dallas  
263 East Paulding Drive  
Dallas, GA  
Tel: (678) 363-8191  
Mon - Sat: 8am - 8pm  
Sun: 11am - 6pm

# Mistrial in Murder Case Because of Atty Incompetance These are the people that give lawyers a bad name



**Jeanne O'Halleran Law**

Posted 08 April 2011

A judge recently declared a mistrial in a murder case because of the defense attorney's incompetence. He had never tried a case I UNBELIEVABLE! A waste of limited state resources, and possibly someone getting away with murder, if the State decides it doe to do another trial.

Link to article:

([http://http://www.abajournal.com/news/article/astonished\\_judge\\_declares\\_murder\\_mistrial\\_cites\\_inexperienced\\_lawyer\\_vutm\\_source=maestro&utm\\_medium=email&utm\\_campaign=weekly\\_email](http://http://www.abajournal.com/news/article/astonished_judge_declares_murder_mistrial_cites_inexperienced_lawyer_vutm_source=maestro&utm_medium=email&utm_campaign=weekly_email))



hoojaa

Link doesnt work. Must be log in site at the ABA?

Posted 08 April 2011

This ad is viewed over a million times every 30 days

**Jeanne O'Halleran Law**

Posted 08 April 2011



(<http://paulding.com/forum/index.php?app=forums&module=forums&section=findpost&pid=3425561>) hoojaa, on 08 Apr 01:18 PM, said:

Link doesnt work. Must be log in site at the ABA?

No Contracts No Production Fees

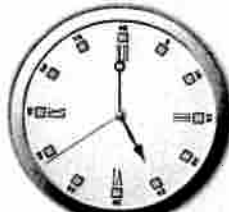
There might be a log-in. I just go directly from the newsletter I get. Here's the text of the article from the ABA website:

## 'Astonished' Judge Declares Murder Mistrial Due to Defense Lawyer Who Never Tried a Case

Posted Apr 4, 2011 6:00 AM CDT

By [Debra Cassens Weiss](http://www.abajournal.com/authors/4/) (<http://www.abajournal.com/authors/4/>)

A Washington, D.C., judge declared a mistrial in a murder case Friday, saying he was "astonished" at the performance of the defi Lawyer who confessed to jurors he'd never tried a case before.



Judge William Jackson said Lawyer Joseph Rakofsky did not have a good grasp of legal procedures, citing as an example the att rambling opening statement in which he told of his inexperience, the Washington Post ([http://www.washingtonpost.com/local/superior-court-judge-declares-mistrial-over-attorneys-competence-in-murder-case/2011/04/01/AFlymrJC\\_story.html](http://www.washingtonpost.com/local/superior-court-judge-declares-mistrial-over-attorneys-competence-in-murder-case/2011/04/01/AFlymrJC_story.html)) reports Rakofsky graduated from Touro law school in 2009 and obtained a law license in New Jersey less than a year ago, the story says.

Rakofsky had repeated disagreements with his local D.C. counsel, causing his client, Dontrell Deaner, to become "visibly frustrat Post says. On Friday, Deaner told the judge he wanted a new Lawyer.

The judge declared a mistrial after reviewing a court filing in which an investigator had claimed Rakofsky fired him for refusing t out the Lawyer's emailed suggestion to "trick" a witness, the story says. Rakofsky's suggestion allegedly read: "Thank you for you Please trick the old lady to say that she did not see the shooting or provide information to the Lawyers about the shooting."

Afterward, Rakofsky refused to comment and rushed out of the courthouse, the story says.

**ATTORNEY**  
Jeanne O'Halleran  
CIVIL & CRIMINAL CASES  
678-535-3232  
WWW.JOLAWOFFICE.COM

hoojaa

Posted 08 April 2011

(<http://paulding.com/forum/index.php?app=forums&module=forums&section=findpost&pid=3425566>) Jeanne O, on 08 A - 01:22 PM, said:

Afterward, Rakofsky refused to comment and rushed out of the courthouse, the story says.

They left out the part about "tail between his legs"...

\$150 off mention ad  
LOW down payments  
low monthly payments  
  
CIVIL ORTHODONTICS  
770.942.4100

**Jeanne O'Halleran Law**

Posted 08 April 2011

(<http://paulding.com/forum/index.php?app=forums&module=forums&section=findpost&pid=3425577>) hoojaa, on 08 Apr 01:26 PM, said:

They left out the part about "tail between his legs"...



In another article it said he posted on his FB page: "1st Degree Murder trial - Mistrial" like he was proud of it. What an idiot!

**SPORTS SOURCE**

Posted 08 April 2011

SAD!!! I hope no one else is hurt - or MURDERED - with the person being freed due to this attorney's incompetence. 😞

**PowderSpringsDad**

Posted 08 April 2011

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Link:

<http://www.abajournal.com/news/article/astonished-judge-declares-murder-mistrial-cites-inexperienced-lawyer-who-never-tryed-a-case>  
(<http://www.abajournal.com/news/article/astonished-judge-declares-murder-mistrial-cites-inexperienced-lawyer-who-never-tryed-a-case>) utm\_source=maestro&utm\_medium=email&utm\_campaign=weekly\_email

**can't fix stupid**

Posted 08 April 2011

I totally believe this is what Casey Anthony's attorney Jose Baez is trying to do!!!!!!!

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