

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

\_\_\_\_\_  
DL, *et al.*, on behalf )  
of themselves and all others )  
similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
THE DISTRICT OF COLUMBIA, )  
*et al.*, )  
 )  
Defendants. )  
\_\_\_\_\_

**Plaintiffs' Exhibit**  
**1**  
Civ. No. 05-1437 (RCL)

Civil Action No. 05-1437 (RCL)

**This is an excerpt of the exhibit that was filed with the joint appendix. This stamp is not part of the initial filings in *DL v. District of Columbia*.**

**AFFIDAVIT OF BRUCE J. TERRIS**

1. I am a partner in the Washington, D.C., law firm of Terris, Pravlik & Millian, LLP (hereafter “Terris, Pravlik & Millian” or “TPM”). Since 2005, the firm has served as lead counsel in this class action.

2. I offer this affidavit in support of plaintiffs’ Motion for an Award of Litigation Costs, Including Attorneys’ Fees and Related Expenses, filed contemporaneously with this affidavit. In that motion, plaintiffs request fees and expenses for work up to and including June 22, 2016, and have separated that work into two periods: Period 1 and Period 2.

3. Period 1 refers to work performed through November 16, 2011, the date of the Court’s decision after the first trial (ECF No. 294). On April 30, 2012, plaintiffs filed their Motion for an Award of Litigation Costs, Including Attorneys’ Fees and Related Expenses (ECF No. 325), requesting payment for work performed during Period 1. That motion was fully briefed. On reply, plaintiffs made certain concessions in response to the arguments of defendants (“the District”) and therefore requested a smaller award than they had requested in their initial motion. *See* Reply Memorandum in Support of Plaintiffs’ Motion for an Award of Litigation Costs, Including Attorneys’ Fees and Related Expenses, dated October 5, 2012 (ECF No. 348),

- (e) **Documents and Reference Materials.** These were the costs to obtain reference material related to hourly rates in the District.
- (f) **Local Travel.** These were the costs of taxi travel in Washington, D.C.
- (g) **Messenger Delivery Fees.** These were the costs for local delivery of documents.
- (h) **PACER Court Docket System.** These were the fees charged for use of the Court's PACER docket system.
- (i) **Postage.** These were the postage costs.
- (j) **Transcript/Reporting Fees.** These were the costs for deposition and trial transcripts.
- (k) **Westlaw.** These were the costs for Westlaw computerized legal research.
- (l) **Witness Fees.** This was the cost that plaintiffs' counsel paid defendants, pursuant to F.R.C.P. Rule 26(b)(4)(E)(i), for time by their expert related to her deposition. Having prevailed, plaintiffs are entitled to a refund of that expense.

#### **HOURLY RATES**

82. As discussed more fully in plaintiffs' memorandum (Section I), plaintiffs request that this Court award them fees based on the reasonable hourly rates from the *Laffey* Matrix updated to the present using the Legal Services Index ("LSI"). To obtain hourly rates for the work on this case, plaintiffs applied the following methodology. First, plaintiffs began with the *Laffey* Matrix, as it was updated through May 31, 1989, in *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516 (D.C. Cir. 1988). Second, plaintiffs obtained data for the legal services component ("LSI") of the Consumer Price Index ("CPI") produced by the Bureau of Labor Statistics of the United States Department of Labor. Pl. Ex. 22. Third, plaintiffs applied the LSI to the *Laffey* matrix rates for each experience level in order to produce a current hourly rate for

each experience level.<sup>12</sup> These calculations are set forth in Plaintiffs’ Exhibit 23. This is the same methodology used to produce the LSI *Laffey* Matrix affirmed in *Salazar v. District of Columbia*, 809 F.3d 58, 64-65 (D.C. Cir. 2015)(“*Salazar V*”). Under this methodology, the rates applicable to this application are:

Years Out of Law School	Hourly Rate
20 <sup>th</sup> +	\$826
11 <sup>th</sup> -19th	\$686
8 <sup>th</sup> -10th	\$608
4 <sup>th</sup> -7th	\$421
1 <sup>st</sup> -3 <sup>rd</sup>	\$342
Paralegals/Law Clerks	\$187

83. Plaintiffs are requesting the hourly rate applicable to the experience level of each attorney at the time that he or she performed the work in question. Plaintiffs’ summaries of time by category (Pl. Exs. 5 and 11) show the lodestar amounts computed on the basis of these hourly rates.

84. Although plaintiffs seek compensation at the hourly rate applicable to the experience level of each attorney at the time the work was performed, they seek compensation based on current hourly rates for the applicable experience level to account for the delay in payment. *See Missouri v. Jenkins*, 491 U.S. 274, 283-284 (1989).

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<sup>12</sup> Specifically, the LSI for June of each year, starting with 1989, was divided by the LSI for the preceding June. This results in the adjustment factor. The matrix rates from the preceding year are multiplied by the adjustment factor to get the next year’s rates. See Pl. Ex. 23. For example, the LSI for June 1989 (114.6) is divided by the LSI for June 1988 (107.1). The result (1.070028) is the adjustment factor for updating rates from the year from June 1, 1988, to May 31, 1989, to the year from June 1, 1989, to May 31, 1990. Each rate in the year from June 1, 1988, to May 31, 1989, is multiplied by the adjustment factor to produce the rate for that experience level for the next year. Multiplication of the 20+ experience level rate (\$265) by the adjustment factor (1.070028) gives the rate of \$284 for the next year. The adjustment factor for each period and the *Laffey* rates for each year from 1989 to the present are set forth in Plaintiffs’ Exhibit 23. The LSI for each of the years from 1988 to the present is set forth in Plaintiffs’ Exhibit 22.

85. Our firm bills paralegal and law clerk time to its paying clients in the same manner as attorneys' time. As a result, we have included such time in the lodestar calculations. *See Missouri v. Jenkins, supra*, 491 U.S. at 284-288.

86. Plaintiffs' Memorandum in Support of Plaintiffs' Motion for an Award of Litigation Costs, Including Attorneys' Fees and Related Expenses (p. 23, n. 26), references the law firms of Harmon & Weiss, now known as Harmon, Curran, Spielberg & Eisenberg, LLP and Galloway & Greenberg. Both firms are small, public interest law firms.

87. The District informed plaintiffs that it intends to argue that the applicable prevailing market rates are those in the USAO Matrix 2015-2017. Plaintiffs have tried unsuccessfully to obtain both of the rates surveys that underlie the matrix. *See* Affidavit of Carolyn Smith Pravlik (Pl. Ex. 26). Even though plaintiffs were not able to obtain both surveys or to confirm whether the USAO Matrix 2015-2017 presents rates for complex federal litigation, plaintiffs have incorporated the USAO Matrix 2015-2017 rates in their comparison to market data described below.

88. Under my direction, we collected and analyzed Washington, D.C., market rates data for complex federal litigation for the period from January 1, 2015, to the present.<sup>13</sup> These rates are presented in tables as Plaintiffs' Exhibits 47 to 49, based on data from the following sources:

(a) **Westlaw Legal Billing Reports.** Three times a year, Westlaw compiles a report of fee applications filed in bankruptcy cases by firms located in several regions across the United

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<sup>13</sup> We attempted to compile data on market rates as close as possible to the filing of plaintiffs' fee application. As described in paragraph 88(b) below, we searched for fee applications from the time period between January 1, 2015, and August 25, 2016. As described in paragraph 88(c) below, we obtained affidavits from law firm partners setting forth current rates. The affidavit most recently obtained for this purpose is dated September 26, 2016. *See* Pl. Ex. 68.

States, including the District of Columbia. *See* Pl. Exs. 43-45. These reports list, *inter alia*, the law school graduation year, rate billed for attorneys practicing in Washington, D.C., that are covered by the fee applications, and the time period covered by the fee applications. *See ibid.* Exhibits 43 to 45 are excerpts of the Westlaw Billing Reports that apply to Washington, D.C., from 2015 through 2016.

(i) We reviewed the data underlying the Westlaw Billing Reports for errors in each attorney's experience level and geographic location by comparing the information listed in the Westlaw Billing Reports with the information listed in the website biography of the attorney's firm or the attorney's LinkedIn profile. Under the assumption that these online biographies would contain more accurate information than the Westlaw Billing Reports, we excluded data if an attorney's biography showed that the attorney was based in a jurisdiction outside of Washington, D.C.<sup>14</sup> We categorized the experience level of an attorney based on the graduation date in the attorney's online biography.<sup>15</sup>

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<sup>14</sup> We excluded the billing rate information from the Westlaw Billing Reports based on the location of the following attorneys: a New York-based attorney from Bracewell LLP (John G. Klauberg), Chicago-based attorneys from Foley & Lardner LLP (Mark L. Prager and Gary S. Rovner), a Delaware-based attorney from Landis Rath & Cobb LLP (Matthew B. McGuire), and a New York-based attorney and a California-based attorney from O'Melveny & Myers LLP (Michael Lotito and Adam Ackerman). *See* Pl. Ex. 44. Plaintiffs note that, with the exception of the rate for Mr. McGuire, the rates for all of these attorneys are more closely aligned with the LSI *Laffey* Matrix than the USAO Matrix 2015-2017. *See ibid.* Most of these attorneys bill at rates that are above the LSI *Laffey* Matrix. Their inclusion in the tables prepared by plaintiffs would skew the calculation of average rates in plaintiffs' favor.

<sup>15</sup> The decision to categorize the experience of an attorney according to the firm biography was conservative. The Westlaw Billing Report for December 2015 (Pl. Ex. 44) lists the graduation date of Emily B. Slavin of Arent Fox as 2013, whereas her firm biography lists her graduation date as 2012. Assuming that the firm biography is correct, plaintiffs have categorized her experience level at the time of the Arent Fox fee application (between 7/5/2015 and 10/31/2015) as four-to-seven years rather than one-to-three years. This assumption results in a rate more closely aligned with the USAO Matrix 2015-2017 than the LSI *Laffey* Matrix.

Similarly, the Westlaw Billing Report for May 2016 (Pl. Ex. 45) lists incorrect graduation dates for John P. Quinn of Akin Gump, Daniel A. Bress of Kirkland & Ellis, Charles D. Wineland, III,

(ii) We also reviewed the Westlaw Billing Reports to ensure that rates relate to partners, associates, and paralegals. We did not use rates for other individuals such as staff attorneys, summer associates, special counsel, counsel, of counsel, senior counsel, and the like.

(b) **Fee Applications.** We have assembled affidavits and other court filings prepared by attorneys and other professionals familiar with rates in the Washington, D.C., legal market, which were filed in other cases and which describe Washington, D.C., market rates. These filings are Plaintiffs' Exhibits 56 to 65.

(i) These affidavits were collected by searching for fee applications in Westlaw and the electronic case filing ("ECF") systems of each court. Searches in Westlaw were focused on fee applications in the United States District Court for the District of Columbia, requesting fees for attorneys and paralegals whose offices were based in the District of Columbia, from the time period between January 1, 2015, and August 25, 2016. We chose this time period because it encompasses the same time period as the Westlaw Billing Reports and, in addition, contains fee applications based on the most up-to-date billing rates available.

(ii) In our search of fee applications, we disregarded information in which (1) the firm requested rates for years outside of the relevant time period (*i.e.*, prior to 2015); (2) the individuals for whom rates were requested were not Washington, D.C.-based attorneys or paralegals (*i.e.*, their offices were not located in the District of Columbia); (3) the firm did not describe the experience level of the attorneys involved in the litigation (based on the number of years out of law school or year of bar admission); (4) the firm requested rates set forth in either

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of Kirkland & Ellis, C. Frederick Beckner, III, of Sidley Austin, and Benjamin Beaton of Sidley Austin. Each of their correct graduation dates, according to their online biographies, places them in a higher experience category. However, their rates are so high that this correction does not affect the result that their rates are more closely aligned with the LSI *Laffey* Matrix than the USAO Matrix 2015-2017. *See also* Pl. Ex. 47, nn. 5, 15, 26.

the LSI *Laffey* Matrix, the USAO *Laffey* Matrix, or the USAO Matrix 2015-2017 (*i.e.*, not the firm's regular billing rates); (5) the firm requested rates allowable under the Equal Access to Justice Act;<sup>16</sup> (6) the case would not be classified as complex federal litigation (*e.g.*, personal bankruptcy); (7) the individuals for whom fees were sought had titles other than partner, associate, or paralegal; and (8) the case involved individual IDEA claims.<sup>17</sup> If we found documents listing a firm's billing rate for the same attorney for multiple years, we used only the documents reflecting the most recent rates. We did not use additional documents listing the same or similar rates for the same year for attorneys with the same experience level.

**(c) Affidavits and Declarations from Partners at Washington, D.C. Law Firms.**

We asked partners of Washington, D.C., law firms for information about their firms' billing rates. We obtained the following affidavits or declarations containing rates information based on this request: Affidavit of Cyrus Mehri (Pl. Ex. 17); Affidavit of Nathan Lewin (Pl. Ex. 67); Affidavit of Barry Coburn (Pl. Ex. 68).

89. Based on the data described in paragraph 88, we created three sets of tables: (1) 2015-2016 Range of Firm Billing Rates Table ("Rates Range Table") (Pl. Ex. 47); (2) 2015-2016 Average Firm Billing Rates Table ("Average Rates Table") (Pl. Ex. 48); and (3) 2015-2016 Percentage Difference in Billing Rates Tables ("Percentage Difference Tables") (Pl. Ex. 49). The tables compare market rates from 2015 to 2016 with current (2016-2017) rates under the LSI *Laffey* Matrix, the USAO Matrix 2015-2017, and the USAO *Laffey* Matrix. Below is an explanation of how we prepared these tables:

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<sup>16</sup> Fees under the Equal Access to Justice Act are capped at \$125 per hour. 28 U.S.C. 2412(d)(2)(A).

<sup>17</sup> Cases involving individual IDEA claims may involve complex or non-complex litigation. In order to avoid making case-by-case determinations as to this issue, plaintiffs chose to ignore entirely the fee applications filed in individual IDEA cases.

(a) The tables are organized by the *Laffey* experience categories and firm. If the information sources described above contain only one billing rate for a particular *Laffey* experience category (e.g., one attorney that graduated from law school more than 20 years ago), we included that rate. If the information contained a range of rates for a particular *Laffey* experience category, we included the full range. If the information did not contain any rates for a particular *Laffey* experience category, we left the corresponding cell blank. We rounded all rates to the nearest dollar.

(b) As described in paragraph 88 above, market data were obtained from information sources for the time period between January 1, 2015, and the present. Although plaintiffs are requesting LSI *Laffey* Matrix rates for the time period between June 1, 2016, and May 31, 2017, there is little market data within that time period, since the period has just begun. Thus, the tables rely on rates evidence from the closest time period for which evidence is available, 2015 to 2016, as evidence for the 2016-2017 market rates. The comparison between 2015-2016 market rates and 2016-2017 LSI *Laffey* Matrix, USAO Matrix 2015-2017, and USAO *Laffey* Matrix rates is useful and conservative, since it shows that older market rates are closer to the current LSI *Laffey* Matrix rates than the current USAO Matrix 2015-2017 rates or USAO *Laffey* Matrix rates.

(c) The USAO Matrix 2015-2017 (Pl. Ex. 24), which is the rates matrix currently used by the USAO, includes rates for the 2015-2016 rates period and the 2016-2017 rates period. We only used the 2016-2017 rates from the USAO Matrix 2015-2017 for the comparison with market data presented in Plaintiffs' Exhibits 47 to 49.

(d) In the USAO Matrix 2015-2017, the experience levels have changed as compared to the earlier USAO *Laffey* Matrix and the LSI *Laffey* Matrix. Compare Pl. Ex. 24 (USAO



Matrix 2015-2017) with Pl. Ex. 25 (USAO *Laffey* Matrix) and Pl. Ex. 23 (LSI *Laffey* Matrix). In order to present the comparison in Plaintiffs' Exhibits 47 and 48, plaintiffs presented the USAO Matrix 2015-2017 using the *Laffey* Matrix experience levels, but using the highest USAO Matrix 2015-2017 rate applicable to the experience level for the rates year 2016-2017. For example, the *Laffey* Matrix has an experience level of 20+ years (Pl. Ex. 23) and the USAO Matrix 2015-2017 has three comparable experience levels – 16-20, 21-30, and 31+ years (Pl. Ex. 24) – each with a separate hourly rate for 2016-2017 – \$516, \$543, and \$581, respectively (*ibid.*). For the comparison at the 20+ level, plaintiffs used the USAO Matrix 2015-2017 rate of \$581, which is the highest rate from that matrix applicable to someone at the 20+ level. *See* Pl. Exs. 47-49.

(e) The USAO *Laffey* Matrix was abandoned by the USAO in 2015 in favor of the USAO Matrix 2015-2017. However, to present another point of comparison with market rates, we updated the USAO *Laffey* Matrix from 2014-2015 (the last update available from the USAO) using the former USAO methodology. In updating the USAO *Laffey* Matrix rates, we followed the explanatory notes released by the USAO in its last update. *See* Pl. Ex. 25. We relied on the USAO *Laffey* Matrix rates from 2014-2015 (*ibid.*) as a baseline. Following the former USAO methodology, we calculated an adjustment factor by dividing the All-Items CPI of the update year (from May 2016) by the All-Items CPI of the baseline year (from May 2014). *See* Pl. Ex. 25; Pl. Ex. 46. These rates were rounded to the nearest multiple of \$5 (up if within \$3 of the next multiple of \$5). *See* Pl. Ex. 25, n. 3. The resulting rates are set forth in the columns labeled “USAO *Laffey* Matrix” in Plaintiffs' Exhibits 47-49.

(f) In the Rates Range Table and the Average Rates Table, we shaded cells red or blue based on a comparison between the 2015-2016 market data, the LSI *Laffey* Matrix, and the USAO Matrix 2015-2017. We did not shade cells based on a comparison between market data

and the USAO *Laffey* Matrix. If the average (mean) rate for a particular *Laffey* experience level was numerically closer to the corresponding rate in the LSI *Laffey* Matrix than the corresponding rate in the USAO Matrix 2015-2017, we shaded the cell red in the rates tables. *See* Pl. Exs. 47-48. If it was numerically closer to the corresponding rate in the USAO Matrix 2015-2017 than the corresponding rate in the LSI *Laffey* Matrix, we shaded the cell blue in the rates tables. *Ibid.* The tables are overwhelmingly red, showing that the LSI *Laffey* Matrix is well-aligned with the D.C. market.

(g) The Rates Range Table (Pl. Ex. 47) identifies market rates from January 1, 2015, to the present, and compares those rates to the LSI *Laffey* Matrix rates, the USAO Matrix 2015-2017 rates, and the USAO *Laffey* Matrix rates for the period from June 1, 2016, to May 31, 2017. We identified the date range for the affidavit or fee application. If a firm had multiple fee applications over the relevant period, we identified the date range that includes those fee applications and the range of rates that correspond to those fee applications.

(h) After we prepared the Rates Range Table (Pl. Ex. 47), we prepared the Average Rates Table (Pl. Ex. 48), in which we identified the average of the range of rates for each *Laffey* experience category for each firm, or, where there was not a range of rates for a particular category, identified the only rate available. We then compared those average rates to the corresponding 2016-2017 rates under the LSI *Laffey* Matrix and the USAO Matrix 2015-2017.

(i) The Average Rates Table (Pl. Ex. 48) reports data for 24 firms. The rates for 18 of the firms (or 75%) are aligned primarily with the LSI *Laffey* Matrix with 16 of the firms completely aligned. Two firms have 50% of their rates that align with each matrix. The rates of 4 of the 24 firms (or 16.66%) are aligned completely with the USAO Matrix 2015-2017.

(j) To further determine whether the LSI *Laffey* Matrix is more closely aligned to the market data average than either the USAO Matrix 2015-2017 or the USAO *Laffey* Matrix, we examined the percentage difference between these three matrices and the Washington, D.C., market rates. To do so, we created the document titled 2015-2016 Percentage Difference in Billing Rates Tables. Pl. Ex. 49. Plaintiffs' Exhibit 49 demonstrates that the market data for 2015-2016 are more closely aligned with the LSI *Laffey* Matrix rates for 2016-2017 than the USAO Matrix 2015-2017 and the USAO *Laffey* Matrix rates. In fact, the market data reflect rates that are higher than the rates in all matrices, and substantially higher than the rates in the USAO Matrix 2015-2017 and the USAO *Laffey* Matrix. The LSI *Laffey* Matrix rates are on average 9.36 percent lower than the market data that plaintiffs identified. The USAO Matrix 2015-2017 rates are far lower, averaging 29.68 percent lower than the market. The USAO *Laffey* Matrix rates are even lower, averaging 36.31 percent lower than the market. In other words, the LSI *Laffey* Matrix far more closely aligns with the prevailing market rates in Washington, D.C., than the USAO Matrix 2015-2017 or the USAO *Laffey* Matrix.

90. The rates evidence we present is the same type of evidence we presented in *Salazar III and IV*. The evidence presented here is not the exact same evidence as presented in *Salazar* because that evidence related to rates for an earlier time period. Plaintiffs' market data evidence also includes evidence of billing rates from periods prior to 2015. *See* Pl. Exs. 40-42; 50-53.

\* \* \*

91. TPM has not received any payments from the plaintiffs for their time and expenses litigating this case and, with the exception of payments from the District related to the prior fee award relating to the motion to compel (*see* para. 33 above), and an agreement related

to fees related to the experts' Period 2 depositions (*see* para. 15 above), TPM has not received any payments for its fees and expenses that have accrued during the long course of this litigation.

92. For work done during Period 1, with the billing reductions explained above (paras. 31-33, 42-43), TPM is requesting attorneys' fees of \$3,371,131.27 for the work of TPM attorneys and \$190,817.28 for expenses incurred by TPM. For work done during Period 2, with the billing reductions explained above (paras. 68-70), TPM is requesting attorneys' fees of \$5,823,226.84 for the work of TPM attorneys and \$68,938.89 for expenses incurred by TPM. Those fees and expenses are summarized in Plaintiffs' Exhibit 4.

93. In this affidavit, I have attempted to describe, as concisely as possible, the work that has been performed and the expenses incurred. The firm has maintained detailed records of its work and expenses. These records will enable me, if necessary, to supplement the description of any of the work or expense categories that I have described above. Thus, if the Court requests, I would be pleased to expand my discussion of any category, the nature of the work or expense, or the amount of time expended or expenses incurred.

94. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on September 28, 2016.

/s/ Bruce J. Terris  
BRUCE J. TERRIS

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**17**  
 Civ. No. 05-1437 (RCL)

DL, *et al.*, on behalf )  
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 v. )  
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 Defendants. )

Civil Action No. 05-1437 (RCL)

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 initial filings in *DL v.  
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AFFIDAVIT OF CYRUS MEHRI

I, Cyrus Mehri, hereby depose and state:

1. I am a founding partner of Mehri & Skalet, PLLC (“M&S”) and an attorney on behalf of the plaintiffs in the above-referenced action. I offer this affidavit in support of Plaintiffs’ Motion for an Award of Litigation Costs, Including Attorneys’ Fees and Related Expenses, which is being filed contemporaneously with this affidavit.
2. The fees and expenses accrued by me with regard to this case are discussed below. They relate to work that occurred during Period 2, as defined in the accompanying fee application (November 17, 2011, through June 22, 2016). Neither I nor my firm have been paid for any of my fees and expenses on this case.
3. M&S, which is located in Washington, D.C., and has 15 attorneys, represents plaintiffs in group actions and class actions. During the past 25 years, I have represented plaintiffs in dozens of class actions in a variety of subject matters, including employment discrimination and other civil rights issues, as well as consumer fraud and antitrust. Over the past 20 years, I have represented women and people of color in employment discrimination and other civil rights class actions. Some of my cases are listed in paragraph 8 below. Prior to private practice, I clerked for the Honorable John T. Nixon, Chief Judge of the Middle District of Tennessee. I graduated from Cornell Law School in 1988 where I served as Article Editor of the Cornell Journal on International Law. My firm biography is attached as Attachment A.

#### BILLING RATE

4. Throughout my career, I have engaged in complex federal litigation in the Washington, D.C., legal marketplace and in many other jurisdictions around the country. I am familiar with the marketplace for complex federal litigation in Washington, D.C., and other jurisdictions.

5. My standard hourly rate is \$795.00. M&S typically charges my standard hourly rate for all work performed by me on a matter including both class action and pay by the hour matters. My hourly rate does not change to reflect the simplicity or complexity of the particular task involved.

6. Based on my knowledge of the marketplace for complex federal litigation in Washington, D.C., my standard hourly rate is consistent with or slightly below the prevailing market rates for complex federal litigation for someone of my skill and experience. M&S views all firms engaged in complex federal litigation in Washington, D.C., as its competitors in that marketplace. In no way does M&S consider itself to be in competition with only other small or boutique firms. In order to be competitive in the marketplace for complex federal litigation, M&S sets its hourly rates in a manner that includes consideration of our competitors' rates, regardless of size of the competitor. I have had courts approve my firm's fee petitions with my then-current hourly rate dozens of times. I have never had a court reduce my fee request or question my M&S hourly rate.

7. Although I am the only attorney at M&S that billed on this case, I have attached as Attachment B the rates that were effective on June 22, 2016, for attorneys at M&S based on their years of experience.

8. I currently serve or have previously served as co-lead class counsel for certified plaintiff classes in *Roberts v. Texaco Inc.*, No. 94 Civ. 2015 (CLB) (S.D.N.Y. 1997) (settled for \$176 million and broad programmatic relief on behalf of African-American employees); *Ingram v. Coca-Cola Co.*, No. 1:98-CV-3679, 200 F.R.D. 685 (N.D. Ga. 2000) (settled for \$192 million and broad programmatic relief on behalf of salaried African-American employees); *Robinson v. Ford Motor Co.*, No. 1:04-CV-00844, 2005 U.S. Dist. LEXIS 11673 (S.D. Ohio 2005) (settled for \$10 million and creation of over 270 apprenticeship positions for African-Americans); *Augst-Johnson v. Morgan Stanley & Co.*, No. 1:06-CV-

01142 (D.D.C. 2007) (recently referred to Kollar-Kotelly, J.) (\$46 million settlement and programmatic relief on behalf of female financial advisors); *Amochaev v. Citigroup Global Markets d/b/a Smith Barney*, No. 3:05-cv-01298-PJH (N.D. Cal. 2008) (\$33 million settlement and similar injunctive relief consolidated with *Augst-Johnson* and recently referred to Kollar-Kotelly, J.); *Norflet v. John Hancock Life Insurance*, No. 3:04CV1099 (JBA) (D. Conn. 2009) (\$24.4 million settlement on behalf of African-Americans denied equal opportunity in the purchase of life insurance); *Carter v. Wells Fargo Advisors, LLC*, No. 1:09-CV-01752-CKK (D.D.C. 2011) (Kollar-Kotelly, J.) (\$32 million settlement and similar injunctive relief); and *Brown v. Medicis*, D.D.C., No. 1:13-CV-1345 (\$7.1 million for approximately 225 female employees, one of the largest gender case resolutions on a per class member basis).

9. For all of these cases, I have received the fees that I requested, which used the current rates at that time. In *Medicis*, the most recent case, Judge Leon approved our fee petition in its entirety in July of this year. The petition used my current hourly rate of \$795, which is what I am using here. In the *Medicis* case, Judge Leon complimented the work of my firm, stating during the Final Fairness Hearing that the “case has been very well and very efficiently pursued,” that my firm’s “pleadings have been outstanding,” and our “presentations to date have been outstanding.” No. 1:13-CV-1345 (Transcript of hearing of June 1, 2016).

10. This Court has also appointed my firm and myself as co-lead interim class counsel on behalf of consumers in *Mackmin v. Visa Inc., et. al.*, No. 1:11-CV-1831 (D.D.C. March 3, 2016) (J. Leon), which is on the docket for the U.S. Supreme Court this term.

#### **TIME EXPENDED**

11. I had two roles in this case. First, I did work related to class certification. I communicated with AARP to invite an *amicus* brief in support of plaintiffs on the topic of class certification. A group of *amici* (AARP, the Judge David L. Bazelon Center for Mental Health Law, the Council of Parent Attorneys and Advocates, the Lawyers’ Committee for Civil Rights Under Law, the National Disability Rights Network, the National Health Law Program, the National Federation of the Blind, and University Legal Services Protection & Advocacy Program) thereafter filed an *amicus* brief in

support of plaintiffs in the appeal. I also assisted lead counsel with class certification issues, including advice with regard to the briefing and the oral argument on appeal, and advice on class certification on remand. Lead counsel asked for my input on this phase of the case based of my class action expertise. I am a leading practitioner, writer and speaker on the changed legal landscape following *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338 (2011).

12. Second, I felt strongly that the parties should settle the case, especially considering the positive impact that it could have on disabled children of the City and I believed that, given my limited involvement in the case, I might help to broker a resolution. Lead counsel agreed. As a result, I reached out to the City to try and broker a resolution to this case. Unfortunately, I was not successful.

13. My firm uses Timeslips as a computerized method to maintain time records. I generally maintain records daily. I reviewed my time records, which are attached as Attachment C. In the exercise of billing judgment, I excluded several hours of my time and paralegal time. I am seeking compensation for 26.75 hours of time, totaling \$21,266.25.

**EXPENSES**

14. I am not seeking compensation for any expenses my firm incurred in this matter.

**WORK OF OTHER ATTORNEYS**

15. Other attorneys for plaintiffs in this case request that this Court award them fees based on the hourly rates from the LSI *Laffey* Matrix. Those rates are:

<b>Years</b>	<b>Hourly Rate</b>
20 <sup>th</sup> +	\$826
11 <sup>th</sup> -19 <sup>th</sup>	\$686
8 <sup>th</sup> -10 <sup>th</sup>	\$608
4 <sup>th</sup> -7 <sup>th</sup>	\$421
1 <sup>st</sup> -3 <sup>rd</sup>	\$342
Paralegals/Law Clerks	\$187

16. Based on my knowledge of the market for complex federal litigation, these rates are consistent with prevailing market rates.



17. Pursuant to 28 U.S.C. 1746, I declare under the penalty of perjury that the foregoing is true. Signed on September 26, 2016, in Washington, DC.



CYRUS MEHRI

## Attachment A



# Firm Resume

**Mehri & Skalet, PLLC**  
**1250 Connecticut Ave., NW, Suite 300**  
**Washington, DC 20036**  
**Tel: (202) 822-5100**  
**Fax: (202) 822-4997**  
**[www.findjustice.com](http://www.findjustice.com)**

## OUR BACKGROUND AND COMMITMENT

*Mehri & Skalet PLLC* (M&S) believes that powerful institutions and corporations are not above the law. This belief inspires our work and informs our practice. Whether the target is deceptive sales practices or unfair employment practices, M&S uses the legal system to correct the imbalance of power that often favors big business over private citizens.

In cases ranging in focus from consumer protection to civil rights to corporate fraud, we are tenacious, creative and public-spirited in our approach to legal work. We do high impact cases with high integrity, and have a track record for getting far-reaching results. We prove every day that the law can be used to achieve fairness and justice.

M&S is a law firm with seasoned attorneys who fight complex cases on behalf of employees, consumers, investors, citizen groups and small businesses. M&S attorneys bring together decades of front-line experience in litigation and issue advocacy and build upon strong ties with public interest, consumer, labor, whistleblower and civil rights organizations. M&S combines superior legal work and advocacy to serve our clients.

Our search for justice for our clients takes us to federal and state courts across the country, where we primarily litigate civil and consumer rights class actions; cases involving corporate abuse in real estate, financing and other areas; whistleblower suits alleging fraud on behalf of the government; as well as individual cases with a public interest impact.



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## PRACTICE AREAS

### Civil Rights

Mehri & Skalet, PLLC, has represented employees in discrimination cases filed across the United States. Currently the firm is actively investigating, litigating or participating in settlement talks in numerous matters involving employment discrimination. Mehri & Skalet also prosecutes cases regarding racial bias against consumers in the market place.

Using federal and state anti-discrimination laws, Mehri & Skalet represents individuals fighting unlawful discrimination that adversely impacts their employment, business, or financial circumstances. While M&S maintains a broad-based practice, many of our cases fit into these general categories of discrimination:

- \* “glass ceiling” and discrimination in promotions and advancement
- \* discrimination in pay, and distribution of business opportunities
- \* discrimination in employer testing and other selection procedures
- \* discrimination in contract formation and financial endeavors

### Partnerships with the Non-Profit Community

M&S has forged creative partnerships with key civil rights organizations to address inequities in the workplace:

#### *The Madison Avenue Project*

The Madison Avenue Project was formed by the NAACP and M&S to reverse the widespread, entrenched discrimination against African American professionals employed in the advertising industry. For more than forty years, the advertising industry has been investigated and charged by government agencies for discriminatory employment practices which resulted in a deficiency of African American new hires and promotions. The industry has fallen far short in adequately addressing these disparities. The Madison Avenue Project seeks to redress the historical discrimination against African American advertising professionals and to create systematic changes in the culture, policies, and practices of the advertising



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agencies to promote diversity and equality.

**The Women on Wall Street Project**

On April 6, 2004, the National Council of Women's Organizations asked M&S to coordinate an investigation of eight financial services companies that would be called the Women on Wall Street Project. The NCWO asked our firm to investigate because it had heard from women in many of these companies. Their stories indicate that many of America's top financial services companies are rife with gender discrimination, ranging from pay inequity and glass ceiling issues to sexual harassment. Since 2004, we have been receiving intake calls from employees at several financial sector companies, and we, in collaboration with experienced co-counsel, are investigating allegations of gender discrimination.

**Key Civil Rights Cases**

A sample of current and past civil rights cases prosecuted by M&S lawyers includes:

\* **Brown v. Medicis Pharmaceutical Corp.**

M&S and co-counsel represent a proposed class of over 200 women who have reached a settlement with Medicis that has been preliminarily approved by the United States District Court for the District of Columbia. The class alleges that Medicis' top executive created a sexually hostile environment for the women in its sales force and discriminated against them in pay and promotions. Under the settlement, Medicis, which was acquired by Valeant Pharmaceuticals International after the events at issue in the case, has agreed to pay a total of about \$7.1 million, an average of over \$30,000 per class member, and to provide comprehensive programmatic relief. More information about the settlement can be found at [www.medicisgendersettlement.com](http://www.medicisgendersettlement.com).

\* **White v. Lynch**

M&S represents a certified class of over 400 women alleging that the Federal Bureau of Prisons permitted the inmates at its largest correctional complex to create a hostile work environment over many years toward female employees. The women

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allege that many managers were hostile toward their presence in the workforce and that the Agency did not adopt reasonable measures to prevent or deter the virtually incessant harassment. Discovery has been completed in this case before an EEOC Administrative Judge, and M&S anticipates that cross-motions for summary judgment will be filed in the Spring of 2016, with a trial of any liability issues not resolved by summary judgment to occur later in 2016.

**\* Roberts v. Texaco**

Six plaintiffs filed *Roberts v. Texaco* as a class action in 1994, alleging that the company discriminated against African-American employees by failing to promote and adequately compensate them in relation to Caucasian employees. Each of the six plaintiffs hit a glass ceiling when they tried to advance to management. In addition, in an industry that was known to be behind in diversity, Texaco's minority representation was significantly lower than others in the oil industry. Discovery revealed that African Americans were significantly under-represented in higher levels of management. The investigation also revealed that Texaco maintained a secret list of "high potential" employees and no African Americans were on that list. The case was settled in 1996 for what was the largest sum ever allowed in a race discrimination case, \$176.1 million. In addition to damages, the settlement called for pay raises for about 1,400 black employees as well as systemic programmatic relief.

**\* Ingram v. The Coca-Cola Company**

Four named plaintiffs represented a class of 2,200 current and former salaried, African-American employees of Coca-Cola in this class action filed April 1999 in the Northern District of Georgia. The case involved race discrimination in promotions, compensation and evaluations. The plaintiffs alleged a substantial difference in pay between African-American and white employees; a "glass ceiling" that kept African-Americans from advancing past entry-level management positions; "glass walls" that channeled African-Americans to management in areas like human resources and away from power centers such as marketing and finance; and senior management knowledge of these problems since 1995 and a failure to remedy them.

On June 7, 2001, the Court approved a final Settlement Agreement, valued at

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\$192.5 million and designed to ensure dramatic reform of Coca-Cola's employment practices. A court-appointed task force chaired by Alexis Herman, former Secretary of Labor, issued several annual task force reports highlighting the progress Coca-Cola made in complying with the Settlement Agreement.

**\* Robinson v. Ford Motor Company**

M&S and the Equal Employment Opportunity Commission (“EEOC”) each filed a lawsuit on December 27, 2004, challenging Ford's procedures for selecting apprentices nationwide. These suits alleged that, since 1997, Ford had discriminated against African-Americans on the basis of race in selecting apprentices. The two cases were consolidated in the Southern District of Ohio.

A Settlement Agreement was approved by Judge S. Arthur Spiegel on June 15, 2005. Judge Spiegel said “The settlement provides substantial monetary and non-monetary benefits to the class... as well as extensive systemic relief. The new testing procedures benefitted not only the class members, but potentially also all employees and future employees of Ford.” The EEOC held a Commissioners’ meeting that focused on this settlement and removing bias in testing procedures on May 16, 2007. A companion case, Love v. Automotive Components Holdings, LLC et al. received final approval on December 20, 2007.

**\* Augst-Johnson v. Morgan Stanley & Co., Inc.**

On June 22, 2006, M&S filed a lawsuit against Morgan Stanley on behalf of female financial advisors. The complaint alleged that Morgan Stanley engaged in systematic gender discrimination against women financial advisors with respect to compensation, account assignments, partnership participation, promotions, training and mentoring and other terms and conditions of employment, all in violation of Title VII of the Civil Rights Act of 1964, as amended. On October 26, 2007, the U.S. District Court of the District of Columbia approved a class action settlement with Morgan Stanley and the class of approximately 2,700 women Financial Advisors and Registered Financial Advisor Trainees employed at Morgan Stanley.

The five-year settlement included a lump sum payment by Morgan Stanley of





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\$46 million and significant programmatic relief. The parties estimate that, in addition to the Settlement Fund, the changes called for in the programmatic relief will increase the earnings of women financial advisors by at least \$16 million over five years and the diversity efforts by the Company over five years will cost an additional \$7.5 million. The parties jointly selected an independent diversity monitor to oversee the settlement and two outside experts to develop non-discriminatory human resource policies and procedures.

**\*Amochaev v. Smith Barney**

On March 31, 2005, plaintiffs in Northern California filed a nationwide class-action lawsuit on behalf of female Financial Advisors who alleged that Smith Barney discriminated against them in account distribution, business leads, referral business, partnership opportunities, and sales support. On August 13, 2008, U.S. District Judge Phyllis Hamilton granted final approval to a settlement of this gender discrimination case against Smith Barney. The settlement provides significant programmatic relief, including an independent diversity monitor, as well as over \$33 million to the class.

**\*Maxey v. ALCOA**

On February 14, 2002, five named plaintiffs representing a class of hourly African-American and Hispanic Cleveland Works employees of ALCOA, Inc., filed a class action lawsuit in the Northern District of Ohio. The case involved allegations that ALCOA's system of selecting apprentices at ALCOA'S Cleveland Works Facility discriminated on the basis of race and national origin. In 2003 the parties reached an innovative settlement, which the Court approved. The settlement called for the creation of a new testing procedure created by a jointly selected independent expert, the selection of new apprentices from the class, and a \$500,000 Educational Foundation to benefit the Black and Hispanic communities in Cleveland. The Settlement also provides monetary relief of \$10,000 in compensatory damages to each class member who took the apprenticeship selection test since February 14, 1996, and did not enter an apprenticeship program.

**\*Carter v. Wells Fargo Advisors**



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In 2009, as part of our Women on Wall Street Project, M&S along with co-counsel filed a class action lawsuit against Wachovia Securities, LLC, alleging that the company engaged in systemic gender discrimination against its female financial advisors. In December 2010, the parties reached a proposed class settlement that includes a \$32 million fund from which awards, fees and costs will be paid. The settlement also requires the company to make significant changes to its internal policies that affect the distribution of business opportunities, including the appointment of an independent monitor and a jointly selected expert. In June 2011, the Court approved the settlement.

**\* Norflet v. John Hancock Life Insurance Company**

On July 7, 2004, M&S, along with co-counsel, initiated a ground-breaking class action lawsuit against John Hancock Life Insurance for its company-wide policy prohibiting the sale of life insurance to African-Americans in the early to mid-20th century. The lawsuit also confronted John Hancock's practice of offering African-Americans substandard and seriously inferior life insurance products when it did sell insurance to African-Americans. The named Plaintiff is an African-American woman whose mother had purchased life insurance policies from John Hancock in 1940s and 1950s. The Court granted the Plaintiff's motion for class certification in September of 2007.

The parties reached a settlement in 2009, which created a \$24 million fund to pay claims to the class plus fees and costs. There is also a large *cy pres* component of approximately \$15 million, which is being distributed to organizations that benefit African-American communities by a court-appointed committee.

**Whistleblower Protection**

Whistleblowers serve as society's "canaries in the coal mine," alerting the public to fraud, waste, abuse, and criminal activity. M&S recognizes the critical role whistleblowers can play in: protecting public funds, ensuring the safety of food and drugs, protecting the environment, exposing securities laws violations, and in disclosing problems in many other sectors of the economy.

M&S attorneys are involved in investigating and litigating cases under the



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Federal False Claims Act involving frauds perpetrated against the Government concerning subsidized housing, defense, office equipment and supplies, health care, and federal grants.

Similarly, M&S attorneys assist whistleblowers in filing tips with the Securities and Exchange Commission, Internal Revenue Service, Commodity Futures Trading Commission, U.S. Attorney General, Federal Deposit Insurance Corporation, and Treasury Department concerning violations of standards maintained by those agencies. Successful prosecutions based on this information may result in a whistleblower award.

The firm represents whistleblowers who have been subjected to retaliation in violation of any of the twenty-four major federal whistleblower protection provisions. M&S also litigates cases under the state equivalents of those federal laws.

### **Workers' Rights**

Wage and hour laws exist to protect employees, who are often dependent upon their employers for financial security, from being exploited in the workplace. Similar to victims of discrimination, employees who have been denied wages or benefits are often unaware of how to enforce their rights. At M&S, we use our understanding of the law to ensure that workers receive the wages and benefits they have earned. The federal Fair Labor Standards Act (FLSA) requires that employers pay minimum wage for hours worked each week and pay overtime to all non-exempt workers, generally after forty hours a week. Many salaried or commissioned workers may be considered non-exempt under federal law. In addition, numerous states provide greater worker protections than federal law, such as reimbursement of most expenses, paid meal and rest periods, and higher minimum wage.

M&S represents a class of about 25,000 federal employees who were required to work during the partial government shutdown in October 2013 but were not paid on their regularly scheduled paydays by the government. They allege that they were not timely paid minimum wage and, to the extent that they were required to work overtime, were not timely paid overtime wages either. The Court of Federal Claims



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has ruled that the government did indeed violate the FLSA, but has not yet decided whether the class is entitled to liquidated damages.

M&S also is litigating numerous cases against the Bureau of Prisons in front of arbitrators for correctional officers and other employees who work in facilities located from New Jersey to Hawaii. These cases are proceeding under many different theories, such as that the Bureau has not paid overtime to employees who in reality work from the time they enter the portal to the prison until the time they leave that portal, not the more circumscribed hours for which the Bureau pays them. In other cases the workers argue, for example, that they have not been paid appropriately for meal breaks and have not been paid for overtime in a timely manner.

The firm also litigates FLSA cases against private employers. For example, in 2008, M&S, along with co-counsel, filed suit on behalf of a putative class of Bank of America mortgage loan officers who were misclassified as exempt from the FLSA and thereby were improperly denied reimbursement of expenses, in violation of California law. In September 2010, the Court approved the class action settlement, which provided for payment of more than \$8 million to class members.

### **Real Estate/ Housing/Lending**

Guided by the expertise of M&S principal Steve Skalet, who has over 35 years of litigation and transactional experience in real estate and financial fraud, M&S represents clients in cases involving real estate, lending and debt collection practices, and defective construction materials.

In the class action context, the firm handles cases under the Equal Credit Opportunity Act, Truth in Lending Act, Fair Debt Collection Practices Act, Real Estate Settlement Procedures Act and other federal and state consumer protection statutes.

#### **\* Reverse Mortgages: *Bennett v. Donovan and Plunkett v. Castro***

M&S represented plaintiffs in a series of cases in federal court in the District of Columbia that resulted in three landmark reforms in the federal reverse mortgage program: (1) HUD revised the program in 2015 to allow surviving spouses of



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borrowers to obtain protection from foreclosure; (2) HUD rewrote its model mortgages in 2014 to protect spouses from foreclosure; and (3) HUD withdrew illegal “guidance” it had issued in 2008 that prevented borrowers from selling their homes to spouses or family members at fair market value.

Congress enacted the Home Equity Conversion Mortgage (HECM) program almost 30 years ago. Its purpose is to allow elderly borrowers to access the equity in their homes, while protecting them from displacement by predatory lenders. An explicit statutory protection in federal law is that spouses of reverse mortgage borrowers should be treated as “homeowners,” even if they are not listed as borrowers on the mortgage. It also allows them to sell their property at or slightly under its appraised value to a spouse or family member, so that the family will not lose its home if housing values drop. Borrowers pay for these protections through required contributions to a federal insurance program. Congress did not want elderly individuals facing foreclosure at the worst possible moment in their lives: right after they lose a spouse.

Due to HUD’s failure to protect spouses in its regulations, this is exactly what happened. M&S and AARP Foundation Litigation sued the U.S. Department of Housing and Urban Development (HUD) in 2011 on behalf of three individuals, all of whom faced foreclosure soon after they lost their spouses. HUD immediately withdrew its illegal guidance restricting the borrower’s right to sell the property. The Court of Appeals for the D.C. Circuit ruled in 2013 that Plaintiffs had standing to challenge HUD’s illegal regulations, and also opined that HUD’s regulations were illegal. Soon afterward, a federal district court ruled that HUD’s regulations were illegal, and remanded the matter to HUD to fashion a remedy. Beginning with mortgages issued in August 2014, all surviving spouses in the reverse mortgage program will be eligible for protection from foreclosure. In June 2015, HUD announced a program allowing surviving spouses to stay in their homes by having the ir reverse mortgages assigned to HUD.

Based on HUD’s own estimates, this case will benefit thousands and likely tens of thousands of current borrowers and their families, and all future borrowers in the



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program.

**\*Amerisave Mortgage Corporation**

In 2011, M&S, along with co-counsel, filed a class action lawsuit in the California Superior Court for San Francisco County against Amerisave Mortgage Corporation for violating the Truth in Lending Act through their deceptive advertising practices in the selling of residential mortgages. The suit alleges that Amerisave promises customers they can quickly request a “lock-in” of low advertised online rates, requires the consumer to pay for a property appraisal prior to the rate being locked-in, and then allows the lock in period to expire, locking the customer into the agreement at a higher rate. In 2013, the case was settled for \$3.1 million, which was distributed to class members to compensate them for a portion of the improper fees they paid.

**\* Twin Towers Tenant Association v. Capitol Park Associates**

M&S also advocates for tenants’ rights. We have been lead counsel in a series of cases in the District of Columbia fighting to protect and preserve tenants’ rights of first refusal whenever a residential apartment building is sold. We assist tenant associations in purchasing their buildings establishing condominium or cooperatives. Where appropriate, we seek innovative ways to preserve affordable housing. Determined to keep the project as long-term affordable housing, we worked with community representatives, real estate financiers, and federal regulators to help the Tenants’ Association implement a unique long-term solution. Not only did M&S help save the homes of more than 800 people, it secured their futures by empowering them with eventual ownership of the properties.

**\* Metropolitan Money Store**

*Mehri & Skalet* represented numerous homeowners who had been stripped of hundreds of thousands of dollars of home equity through a mortgage rescue scam that lured individuals facing potential foreclosure to “temporarily” sign away the deeds to their homes with a promise of redemption after their credit improved through credit counseling. This practice allowed scam artists to gain access to home



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equity which was then stolen from the homeowner. The *Washington Lawyers' Committee on Civil Rights and Urban Affairs* referred the clients to *Mehri & Skalet*, which provided *pro bono* representation to these victims of fraud. In 2009, we successfully resolved the cases to protect the homeowners.

M&S also handles both individual and class action product liability cases, with an emphasis on defective construction materials, such as defective water pipes (polybutylene pipe), defective exterior siding products (artificial stucco, siding or roofing), and fire retardant plywood (FRT Plywood). Each of these products were foisted on an unsuspecting public by manufacturers who refused to voluntarily take responsibility for their defective products, which caused enormous economic and health problems.

### **Consumer Protection**

The strength and integrity of our practice benefits from our attorneys' strong ties to premier consumer advocate organizations, such as the Center for Auto Safety, the Center for Science in the Public Interest and Public Citizen.

Mehri & Skalet remains true to its roots in the U.S. consumer movement. In each class action we investigate or file, we never lose sight of the ultimate beneficiaries of our work – the consuming public.

M&S attorneys investigate and litigate all types of consumer and small business protection issues, including:

- \* Automotive and other consumer product defects and recalls
- \* Antitrust, unfair pricing and deceptive billing practices
- \* Predatory lending, credit and insurance schemes
- \* Consumer and small business on-line and support services
- \* Fraud or unfair practices in real estate, banking and finance
- \* Medical, pharmaceutical and healthcare-related fraud

M&S is litigating or has settled a number of consumer class actions. These



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include:

**\* Hunter v. MedStar Georgetown University Hospital et al.**

M&S represents consumers in a proposed class action alleging that two D.C. hospitals overcharge their patients for copies of their own medical records. Hospitals and other care providers received millions of federal tax dollars to convert to electronic medical recordkeeping systems, in order to make medical care more cost-efficient and accessible for patients. Yet defendants continue charging the same high per-page rates for electronic records that they charged for paper records that had to be manually copied.

In 2015, plaintiffs won a motion to remand the case to D.C. Superior Court. The case is in its early stages.

**\* Worth v. CVS**

M&S is co-counsel with Center for Science in the Public Interest on behalf of two consumers in a proposed class action filed in federal court in the Eastern District of New York, alleging that CVS falsely markets its “Algal-900 DHA” product to improve memory. Plaintiffs allege that the study CVS relies on for its claim was conducted by the in-house scientists for another supplements company, which withdrew its own product from the market after the Federal Trade Commission warned that the study did not support its memory claims. In addition, Plaintiffs allege that larger and more rigorous studies have consistently found no effect of DHA supplements on memory.

**\* In re Apple MagSafe Adapter Litigation**

M&S served as co-lead class counsel on behalf of millions of consumers, alleging that Apple’s “MagSafe” adapter, which powered its laptop computers, was defectively designed and would prematurely fray and fail to work. In 2015, a California federal court approved a settlement providing up to 100% cash refunds for adapters that failed in the first year of use, and a percentage of the purchase cost for adapters that failed up to three years after purchase. In addition, Apple provided a free, redesigned adapters for anyone who presented one at an Apple store.





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\* **Schaffer v. Hewlett Packard Company**

This lawsuit alleged that certain models of the HP Pavilion desktop computer contained a defective motherboard that caused the computers to suffer performance problems such as “hanging, freezing and locking.” HP denied these allegations and admitted no wrongdoing. M&S negotiated a settlement with HP that provided class members with a direct monetary payment, reimbursement of out-of-pocket expenses, and/or a discount certificate. A federal judge in Michigan approved the settlement in 2006.

\* **Niewinski, et al. v. Resurrection Health Care Corporation**

On September 16, 2004, M&S filed a lawsuit in Illinois state court on behalf of uninsured patients against Resurrection Health Care Corporation (Resurrection), a not-for-profit health care system that includes nine hospitals in the Chicago metropolitan area. The suit alleged that Resurrection charged uninsured patients substantially more than patients covered by insurance, and failed to provide poor patients with an adequate opportunity to apply for financial assistance to pay their bills. Plaintiffs further alleged that in addition to price-gouging the uninsured and reducing its charitable expenditures, Resurrection employed unjust methods of collecting overdue bills, harassing even the poorest patients with collection lawsuits and garnishing their wages. In January 2009, the court approved a settlement in which Resurrection agreed to recalculate patients’ bills and give refunds to class members totaling as much as \$3 million, as well as giving a 25 percent discount to uninsured patients.

\* **Lazo v. Mercury Marine**

In the fall of 2004, M&S successfully settled this class action lawsuit against Mercury Marine for excessive problems with their 2000-2004 2.5L and 3.0L OptiMax Engines. The problem was generated from the powerhead and/or direct fuel injection system, which at times caused engines to cut off or freeze. Pursuant to the settlement, all members of the class were given an extended warranty and/or a rebate on Mercury or QuickSilver Products.



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**\* Car Dealership Overcharges**

Some new car dealers overcharge their customers for legitimate fees or add bogus charges when they lease a car. M&S has been named class counsel in several class actions in New Jersey charging car dealers with consumer fraud for such overcharges. Many of these cases have recently settled, tens of thousands of Class Members each receiving certificates redeemable for both cash and credit.

**\* Telephone Service Overcharges**

M&S brought several cases concerning overcharges and deceptive practices against local, long distance, and cell phone service providers. M&S settled a class action against Verizon New Jersey, Inc. for failing to implement a small business discount. Verizon overcharged Class Members by \$1.01 per month for between one to four auxiliary phone lines. Under the terms of the settlement, Class Members will receive a payment or credit of \$1.65 for each such overcharge. M&S also brought a successful class action against Verizon-New Jersey for charging customers for inoperable services. The case also resulted in a substantial settlement.

**\* Ford Focus Brake Defects**

In 2002, M&S filed a class action against Ford Motor Company alleging defects in the front braking system of the 2000 and 2001 Ford Focus. M&S represented plaintiffs who alleged that the braking system contains a systemic defect that caused the front brake pads and rotors to wear out prematurely, forcing unsuspecting owners to spend hundreds of dollars in repairs and maintenance on a recurring basis. In December 2005, M&S, together with co-counsel, filed a motion to certify a class of all persons who purchased or leased one of these vehicles in the State of California. The motion contained multiple reports from experts, hundreds of pages of documents and depositions, and statements from clients. The Los Angeles County Superior Court certified a proposed class in 2006. In July 2008, the court granted final approval of a settlement that provided full cash reimbursement for qualifying parts and labor for all California owners and lessees who experienced premature front brake wear, including reimbursement for brake pads and rotors.

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**\* Mitsubishi Galant Brake Defects**

M&S settled a class action in 2004 against Mitsubishi for a defect in the brake system of the 1999 Mitsubishi Galant. The defect caused extremely premature wear on the rotors and brake pads grossly in excess of normal use. Plaintiffs raised claims of breach of warranty and consumer fraud. Mitsubishi denied all claims. The parties reached a settlement where Class Members received either an inspection and repair of the brake problem, a reimbursement of all out-of-pocket expenses of brake and/or rotor repairs, or a service voucher.

**\* Apple Computer**

M&S filed and settled a class action against Apple Computer, Inc. that obtained relief for a nationwide class of buyers who unwittingly purchased an Apple wireless networking product that was incompatible with America Online ("AOL"). The settlement secures out-of-pocket damages of \$45 for each class member and changes to Apple's notice and packaging practices related to this product. The settlement was approved in 2002.

**\* Bridgestone-Firestone, Inc.**

In August 2000, M&S filed suit against Bridgestone-Firestone, Inc. in the first weeks of the company's massive tire recall effort. *Farkas v. Bridgestone-Firestone* sought to enjoin Firestone from discontinuing its policy of reimbursing customers for the cost of non-Firestone replacement tires. The restraining order obtained in *Farkas* was enforceable against Firestone on a nationwide basis and immediately produced a dramatic reversal in company policy. As a result, hundreds of thousands of Firestone customers retained the ability to replace their defective tires with tires from another manufacturer, and then seek reimbursement from Firestone -- thus speeding the efficient removal of millions of unsafe tires from our nation's roads.

**Antitrust and Commodities Manipulation**

Vigorous enforcement of antitrust laws is essential to a free and fair marketplace. The Supreme Court has made clear that private antitrust lawsuits are an important part of antitrust enforcement, in *Hawaii v. Standard Oil Co. of Cal.*, 405 U.S.

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251, 262 (1972).

Every violation of the antitrust laws is a blow to the free-enterprise system envisaged by Congress. Congress encourages private attorney general enforcement of antitrust laws. It is in the spirit of a “private attorney general” that M&S prosecutes antitrust class action litigation: to combat and deter anticompetitive practices, and to give wronged consumers and businesses a remedy for illegal behavior in the marketplace.

M&S attorneys have served as counsel in antitrust class actions, including in cases challenging monopolization by brand-name drugmakers, who thwart competition by generics, and price-fixing in the market for air freight services and auto wire harnesses. M&S also has experience in class actions under the Commodity Exchange Act, 7 U.S.C. § 1. This statute provides a private right of action to futures traders who were harmed by manipulative activity.

**\* ATM Antitrust Litigation**

M&S, along with Quinn Emmanuel and Hagens Berman, represents consumers in a proposed antitrust class action, alleging that they have paid inflated “access fees” in connection with ATM withdrawals. Plaintiffs allege that Visa and MasterCard, who own the predominant ATM networks over which withdrawals are processed, contractually forbid ATMs from charging higher access fees for transactions processed over Visa and MasterCard’s networks, even though those networks pay the lowest “interchange” rates to ATM owners. The result of this illegal price-fixing agreement is that ATMs must raise their prices across the board, so consumers pay more.

In 2015, Plaintiffs received an excellent ruling in the Court of Appeals for the D.C. Circuit, stating that Plaintiffs had stated a claim for relief under federal antitrust law, and remanding the matter for further proceedings. 797 F.3d 1057 (D.C. Cir. 2015).

**Investor Protection**

Corporate fraud at some of the nation's leading corporations has harmed



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countless institutional and individual investors. Scores of hardworking Americans have suffered losses in their pension funds, retirement accounts, college and general savings accounts as a result of fraudulent conduct. We believe that investors deserve zealous representation in their fight for a return of those assets. M&S represents institutional investors concerned about securities fraud and corporate governance, as well as 401(k) beneficiaries enforcing ERISA.

Founding partner Cyrus Mehri has represented shareholders in securities class actions for many years. His experience includes recovering assets for those involved in the elaborate scandals involving junk bonds committed by Ivan Boesky and Michael Milken in the 1980's, as well as savings and loan institutions. In addition, Mr. Mehri served as class counsel in *Florin v. NationsBank* in 1993, which restored \$16 million to a pension plan that was bilked by company insiders at Simmons Mattress Company. And in 1991, *In re Bolar Pharmaceutical Co.* he helped to return over \$25 million to defrauded shareholders. Mr. Mehri was also the principal attorney in *Roosevelt v. E. I. Dupont de Nemours and Co.*, which established the right for shareholders to go to federal court to require corporations to include proxy resolutions. M&S helped prosecute a securities fraud case against AOL Time Warner – one of the largest such cases in U.S. history, it settled for \$2.4 billion. M&S's ERISA cases involve Visteon, Avaya and National City.

Mr. Mehri also co-authored a series of articles on securities enforcement and corporate governance including *Labor & Corporate Governance* articles entitled "Stock Option Equity: Building Democracy While Building Wealth" (November 2002), and "The Latest Retreat by the SEC" (February 2003). Mr. Mehri also co-authored an article in *The Journal of Investment Compliance* (Winter 2002/2003) entitled "Slipping Back to Business as Usual, Six Months After the Passage of Sarbanes-Oxley". Mr. Mehri co-authored a letter to the SEC regarding diversity in Board appointments.



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## ATTORNEY BIOGRAPHIES

### Cyrus Mehri

Cyrus Mehri is a founding partner of the law firm Mehri & Skalet, PLLC.

The business press has long followed Mr. Mehri's work. The New York Times stated, "Mr. Mehri's vision for corporate America involves sweeping change, not the piece meal kind." Fast Company says "He is something of a one-man army in the battle against business as usual . . . [H]is impact - both in terms of penalties and remedies - is undeniable." In 2001, he was named by Regardie's Power magazine as one of "Washington's Ten Most Feared Lawyers" and in 2003, by Workforce magazine as "Corporate America's Scariest Opponent."

Mr. Mehri served as Class Counsel in the two largest race discrimination class actions in history: *Roberts v. Texaco Inc.* which settled in 1997 for \$176 million and *Ingram v. The Coca-Cola Company*, which settled in 2001 for \$192.5 million. Both settlements include historic programmatic relief, featuring independent Task Forces with sweeping powers to reform key human resources practices such as pay, promotions and evaluations.

Trial Lawyers for Public Justice named Mr. Mehri a finalist for "Trial Lawyer of the Year" in 1997 and 2001 for his work on the Texaco and Coca-Cola matters respectively.

In September of 2008, Mr. Mehri testified before the Senate Judiciary Committee alongside Supreme Court litigant Lilly Ledbetter. Mr. Mehri's testimony called for diversifying the pool of potential judicial nominations not just in terms of race and gender but also in terms of life and work experience.

In October of 2008, Mr. Mehri co-authored a paper called "21st Century Tools for Advancing Equal Opportunity: Recommendations for the Next Administration." This paper was released by the American Constitution Society along with papers by several other authors including Senator Ted Kennedy and Former Attorney General Janet Reno.

On April 6, 2004, Mr. Mehri, along with Martha Burk and the National Council of Women's Organizations announced a project called "Women on Wall Street." The project focuses on gender discrimination in financial institutions.



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In 2007, Mehri & Skalet announced a \$46 million settlement with Morgan Stanley on behalf of female financial consultants. In 2008, the firm announced a comparable \$33 million settlement with Smith Barney. Both are settlements that have sweeping reforms that will fundamentally change the allocation of business opportunities at these brokerage houses.

Mr. Mehri served as lead counsel in *Robinson v. Ford Motor Company*. The settlement created a record 279 highly-coveted apprenticeship positions for African American employees as well as payment of \$10 million. In a May 2007 EEOC Commissioners meeting, Mr. Mehri and others testified about this settlement's significance on testing procedures in the workplace.

On September 30, 2002, Mr. Mehri and Johnnie L. Cochran, Jr. released the report, *Black Coaches in the National Football League: Superior Performance, Inferior Opportunities*. The report became the catalyst for the NFL's creation of a Workplace Diversity Committee and the adoption of a comprehensive diversity program. The NFL now has a record number of African American head coaches. Mr. Mehri serves as counsel for the Fritz Pollard Alliance, an affinity group for minority coaches, front office and scouting personnel in the NFL.

Mr. Mehri represents institutional investors concerned about securities fraud and corporate governance. Mr. Mehri has a long history of representing defrauded investors, pensioners and consumers, as well as small businesses subjected to price-fixing, in other class actions. For example, in 1993 *Florin v. Nations Bank* restored \$16 million to a pension plan that was bilked by company insiders at Simmons Mattress Company. In 1991, *In re Bolar Pharmaceutical Co.* returned over \$25 million to defrauded shareholders. Mr. Mehri serves as co-lead counsel in numerous consumer class actions. Mr. Mehri helped to prosecute one of the largest securities cases in history, a \$2.5 billion settlement with AOL Time Warner.

Mr. Mehri co-authored a series of articles on securities enforcement and corporate governance including Labor & Corporate Governance articles entitled "Stock Option Equity: Building Democracy While Building Wealth" (November 2002) and "The Latest Retreat by the SEC" (February 2003). Mr. Mehri also co-authored an article in *The Journal of Investment Compliance* (Winter 2002/2003) entitled "Slipping



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Back to Business As Usual, Six Months After the Passage of Sarbanes-Oxley.”

He is also the co-author of the article: “One Nation, Indivisible: The Use of Diversity Report Cards to Promote Transparency, Accountability, and Workplace Fairness”; Fordham Journal of Corporate and Financial Law, 9, 99-152 (with Andrea Giampetro-Meyer & Michael B. Runnels).

For the 2008 National Employment Law Association Convention, Mr. Mehri co-authored a paper, "A 'Toolbox' for Innovative Title VII Settlement Agreements."

Mr. Mehri graduated from Cornell Law School in 1988, where he served as Articles Editor for the Cornell International Law Journal. After law school, he clerked for the Honorable John T. Nixon, U.S. District Judge for the Middle District of Tennessee. Mr. Mehri has received the Outstanding Youth Alumnus Award from Hartwick College and the Alumni Award from Wooster School in Danbury, Connecticut “for becoming a beacon of good, positively affecting the lives of many.” Most recently, Mr. Mehri was asked to give the 2009 Commencement Speech at Hartwick College and the Founder’s Day Speech at Wooster School.

The Pigskin Club of Washington, DC granted Mr. Mehri, the prestigious “Award of Excellence.”

In March 2003, the Detroit City Council passed a testimonial resolution honoring Mr. Mehri and wishing him “continued success in changing the fabric of America.”

In 2007, Mr. Mehri was given the “Distinguished Visitor” Award by the Miami-Dade County Office of the Mayor and Board of County Commissioners at the Fritz Pollard Alliance’s Second Annual Salute to Excellence Program.

Mr. Mehri is a frequent guest on radio and TV and is guest columnist for Diversity, Inc.

### **Steven A. Skalet**

Steven A. Skalet is a principal and managing partner in the firm of Mehri & Skalet, PLLC. Mr. Skalet is involved in all aspects of the firm's litigation practice--especially in the areas of consumer and financial fraud--and continues his real estate and finance practice. Mr. Skalet has over 35 years of litigation and transactional





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experience in real estate, consumer fraud, bank fraud and class action litigation.

Mr. Skalet began his career with the Washington, D.C. firm of Melrod, Redman & Gartlan, where he worked on a number of American Civil Liberties Union cases, including a case granting women the right to employment with the U.S. Park Service as park police.

Mr. Skalet has had a varied litigation practice before state and federal courts throughout his career. From 1995 until the formation of M&S, Mr. Skalet practiced with Kass & Skalet, PLLC, a well-known real estate, litigation, complex business and consumer protection firm. Prior to that, he and another lawyer formed a practice that focused on real estate and litigation, including consumer class actions under the Truth-in-Lending and Equal Credit Opportunity acts. That firm grew to approximately 23 lawyers in 3 jurisdictions and, when it split up in 1995, was known as Kass, Skalet, Segan, Spevack & Van Grack, PLLC.

In 2001, Mr. Skalet and Cyrus Mehri started the firm of Mehri & Skalet, PLLC, concentrating in complex litigation and class actions. The firm has developed a varied and successful litigation practice in state and federal courts. Since its inception Mr. Skalet has been lead counsel or co-lead counsel in successful class action cases against Dell, Inc., Mercury Marine, Hewlett Packard, Sony, Ford, Verizon, Mitsubishi, Morgan Stanley, and many other companies.

Mr. Skalet has been an advisor to the Federal Reserve Board on credit and banking matters. He has served on the Montgomery County Advisory Committee reviewing the wholesale simplification of the Montgomery County Code. He also served on the District of Columbia Bar Committee responsible for drafting form commercial leases and the Montgomery County Board of Realtors committee responsible for drafting residential real estate contracts.

Mr. Skalet has actively participated in Community Associations Institute activities and was Chair of the District of Columbia Legislative Action Committee for many years. In 1999, and again in 2001, he was awarded the Public Advocate Award for his work on District of Columbia legislation. He is a frequent speaker and has



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authored numerous articles pertaining to real estate and community associations.

Mr. Skalet graduated from the University of Pennsylvania School of Law in 1971 and the University of Rochester in 1968. He lives in Bethesda, Maryland with his wife, Linda, and has two grown sons.

**Craig L. Briskin**

Craig Briskin joined the Washington, D.C. office of Mehri & Skalet, PLLC as an associate in May 2007, and became a partner in 2009. He focuses his practice primarily on antitrust and consumer law.

Prior to joining the firm, Mr. Briskin prosecuted antitrust and commodities class actions at Labaton Sucharow LLP in New York. Among other matters, Mr. Briskin represented a class of natural gas futures traders who claimed damages resulting from defendant natural gas traders' manipulation of prices through false reporting to industry publications. Settlements with defendants, the last of which were approved in June 2007, were in excess of \$100 million. Mr. Briskin also represented consumers and third-party payers in several successful antitrust actions alleging that brand-name drugmakers blocked generic competition and charged supracompetitive prices for their products, through abuse of the patent system and sham litigation.

From 1999-2001, Mr. Briskin was an Equal Justice Works fellow at New York Legal Assistance Group. He represented indigent and primarily immigrant clients in welfare, disability and immigration matters, in administrative hearings, and in state and federal court.

Mr. Briskin graduated from Harvard College in 1994, and from Harvard Law School in 1998. Mr. Briskin served as a law clerk for Justice Alexander O. Bryner of the Alaska Supreme Court from 1998 to 1999. He is a member of the state bars of the District of Columbia, New York and Massachusetts, and is admitted to practice in the Southern and Eastern Districts of New York, the District of Columbia, and the Court of Appeals for the Ninth and District of Columbia Circuits. He serves as co-chair for the District of Columbia chapter of the National Association of Consumer Advocates.



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**Jay Angoff**

Jay Angoff, who served as the first director of Affordable Care Act implementation at HHS and as Missouri Insurance Commissioner, is a partner at Mehri & Skalet. He heads the firm's insurance practice. Among the cases in which he has obtained refunds for consumers overcharged by insurers are *Landers v. Interinsurance Exchange of the Automobile Club* (LA County, Cal., \$24 million settlement), *Clutts v. Allstate* (Madison County, Ill., \$6 million settlement), and *Foundation for Taxpayer and Consumer Rights v. GEICO* (LA County, Cal., settlement valued at up to \$12 million.) He currently represents consumers challenging the practice of price optimization--charging policyholders based on their willingness to tolerate a price increase, rather than on the risk they present--by major auto insurers.

Mr. Angoff has also represented and advised state insurance departments in connection with proposed mergers and restructurings, including the Maryland, Pennsylvania, and Montana Departments and, currently, the Missouri Department. He also represents and advises both for-profit and non-profit organizations on ACA- and other insurance-related matters. In one such matter, on behalf of the St. Louis Effort for AIDS, he successfully challenged a Missouri statute which limited the ability of ACA-authorized consumer assistance organizations to help consumers obtain health insurance. In another, on behalf of the Consumers Council of Missouri, he successfully challenged HHS's refusal to make rate justifications public--so that consumers could comment on them, and regulators could consider them in ruling on the proposed increases--until after the increases took effect. After the lawsuit was filed, HHS agreed to make such justifications public.

At HHS Mr. Angoff's responsibilities included developing the new regulations governing the individual and small group markets, including the Patient's Bill of Rights, Medical Loss Ratio rule and Rate Review rule; implementing the Rate Review, Consumer Assistance and Exchange grant programs; and establishing the Early Retiree Reinsurance Program and Preexisting Condition Insurance Plan. Mr. Angoff also served at HHS as the Senior Advisor to the Secretary and as the HHS Regional Director for Region VII, headquartered in Kansas City.



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Between 1993 and 1998 Mr. Angoff served as Director of the Missouri Department of Insurance. There he became one of the first Insurance Commissioners to order a traditionally non-profit Blue Cross plan to establish a healthcare foundation with the full value of its assets. He also helped implement an Exchange for state workers, which reduced their health insurance rates by up to 45%. And he established a competitive bidding process for workers compensation insurers that reduced workers comp rates by 24%. He also oversaw and accelerated the run-off of the Transit Casualty and Mission insolvencies, two of the largest and longest-running insurer insolvencies in the nation.

Prior to coming to Missouri, Mr. Angoff served as Deputy Insurance Commissioner of New Jersey and Special Assistant to the Governor for Health Insurance Policy. In those positions, he helped draft and implement New Jersey's individual and small group reform laws.

Mr. Angoff began his career as an antitrust lawyer with the Federal Trade Commission. He also served as a staff attorney for Congress Watch, a public interest lobbying organization, as counsel to the National Insurance Consumer Organization, and as Vice-President for Strategic Planning for Quotesmith.com (now insure.com), an internet quotation service and insurance broker. He has written for The New York Times, The Washington Post, and The Wall Street Journal, among other publications, and he is a frequent commentator on MSNBC and FOX News. He is a member of the District of Columbia, Missouri, New Jersey, and U.S. Supreme Court bars, and is a graduate of Oberlin College and Vanderbilt Law School.

**Heidi Burakiewicz**

Heidi Burakiewicz joined the Washington, D.C. office of Mehri & Skalet, PLLC in 2010. She focuses her practice primarily on cases brought pursuant to the Fair Labor Standards Act ("FLSA") and state wage and hour laws on behalf of employees who are required to perform work off-the-clock without compensation or who have been incorrectly told by their employers that they are exempt and are not entitled to time and one-half overtime compensation for working in excess of forty hours in a week. She is currently handling several cases brought pursuant to the Fair Labor



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Standards Act (“FLSA”) on behalf of employees seeking unpaid wages and overtime compensation.

Since graduating from American University, Washington College of Law in 2000, Ms. Burakiewicz has represented employees and unions in collective/class action and multi-plaintiff suits before various federal courts as well as in arbitration. Of particular significance, she has collected over \$20 million dollars in backpay and liquidated damages from the United States government on behalf of employees who were required to perform work off-the-clock during their uncompensated meal breaks or who were required to perform work before and/or after their scheduled shifts such as picking-up equipment and walking to their job sites. Ms. Burakiewicz has also successfully handled cases against employers for violating free speech and association rights protected by the U.S. Constitution, including a case in which she successfully argued an appeal before the U.S. Court of Appeals for the Eighth Circuit, and for subjecting employees to sexual harassment and discrimination on the bases of race, sex, and disability.

### **N. Jeremi Duru**

N. Jeremi Duru, a Professor of Law at American University’s Washington College of Law, serves as “of counsel” to Mehri & Skalet. Before entering academia, Professor Duru was an associate at Mehri & Skalet, where he represented plaintiffs’ interests in employment discrimination and other civil rights matters.

Much of Professor Duru’s work involved challenges to discriminatory employment practices in professional athletics. In recognition of this work, the National Bar Association honored Professor Duru with its 2005 Entertainment and Sports Lawyer of the Year award. Professor Duru has lectured and written extensively on sports law and employment law topics and, among other publications, is co-author of *Sports Law and Regulation: Cases, Materials, and Problems* (3d ed.) (Wolters Kluwer) and author of *Advancing the Ball: Race, Reformation, and the Quest for Equal Coaching Opportunity in the NFL* (Oxford University Press).

After receiving his undergraduate education at Brown University, Professor Duru completed a joint-degree program at Harvard University, receiving a Master’s



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degree in Public Policy from the John F. Kennedy School of Government and a Juris Doctorate from Harvard Law School. He then served as a law clerk to the Honorable Damon J. Keith of the United States Court of Appeals for the Sixth Circuit.

**Michael Lieder**

For the previous 21 years, Mr. Lieder was of counsel, a partner, and a member of Sprenger + Lang, PLLC. At that firm, he generally served as lead counsel or in another leading role in employment discrimination, ERISA, wage and hour, and consumer class action litigation, including the following prominent cases:

- *In re TV Writers Cases*, No. 268836 et al. (Cal. Sup. Ct. (Los Angeles Cty.) 2011) (age discrimination class action);
- *Whitaker v. 3M Co.*, (Minn. Sup. Ct. (Ramsey Cty.) 2011) (age discrimination class action);
- *Seraphin v. SBC Internet Servs., Inc.*, No. CV 09-131-S-REB (D. Idaho 2011) (consumer class action);
- *Jarvoise v. RAND Corp.*, No. 1:96-CV-2680 (D.D.C. 2007) (gender discrimination class action);
- *Carlson v. C.H. Robinson Worldwide, Inc.*, No. CV-02-3780 (D. Minn. 2006) (gender discrimination class action);
- *Lucich v. New York Life Ins. Co.*, No. 01-1747 (S.D.N.Y. 2004) (ERISA pension benefits class action);
- *Franklin v. First Union Corp.*, Nos. 3:99cv344 and 610 (E.D. Va. 2001) (ERISA breach of fiduciary duty class action);
- *Thornton v. National Railroad Passenger Corp.*, No. 98-890 (D.D.C. 2000) (race discrimination class action);
- *McLaurin v. National Railroad Passenger Corp.*, No. 98-2019 (D.D.C. 1999) (race discrimination class action);
- *Hyman v. First Union Corporation*, No. 94-1043 (D.D.C. 1997) (age discrimination collective action);
- *Burns v. Control Data Corporation*, No. M.D. 4-96-41 (D. Minn. 1997) (age discrimination collective action);



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- *In Re: Maytag Corporation/Dixie Narco Plant Closing Litigation*, No. 92-C-417 (Jefferson County, West Virginia Circuit Court 1995) (breach of contract and fraud class action); and
  - *In re Pepco Employment Litigation*, No. 86-0603 (D.D.C. 1993) (race discrimination class action).

The settlements in many of the cases required comprehensive injunctive relief in addition to substantial payments to the class members. In the majority of these cases, Mr. Lieder worked closely with co-counsel from other firms.

During his time at Sprenger + Lang, Mr. Lieder became well known in the class action employment bar. In the last seven years alone, he has written papers and spoken at seminars and webinars concerning certification of employment discrimination class actions, the impact of Dukes on certification of employment discrimination class actions, statistical evidence in employment discrimination cases, mediation of employment discrimination cases, the Age Discrimination in Employment Act, Rule 23(f) review of class action certification decisions, ERISA litigation, and wage-and-hour litigation. He also has authored several amicus briefs to the Supreme Court and Courts of Appeal. In 2007, he was named one of "500 Leading Plaintiffs' Lawyers in America" by Lawdragon magazine, and in 2013, he was selected as a "Super Lawyer."

Mr. Lieder brought with him to Mehri & Skalet several cases initiated while he was at Sprenger & Lang, including a breach-of-contract, ERISA and age discrimination case against Allstate Insurance Company on behalf of over 6,200 insurance agents (if the class is certified) and two cases raising cutting edge consumer law issues. In addition, Mehri & Skalet quickly is integrating Mr. Lieder into its employment class action litigation practice.

Before beginning work at Sprenger + Lang in 1991, Mr. Lieder graduated magna cum laude from Georgetown University Law Center, where he was a Notes and Comments editor on the Georgetown Law Journal, worked for six years as an associate at the Madison, Wisconsin office of Foley & Lardner LLP, and served as a



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visiting assistant professor for a year at the University of Toledo College of Law.

Mr. Lieder is also an accomplished author with wide-ranging interests. He co-authored a book, *Wild Justice: The People of Geronimo vs. the United States*, published by Random House in 1997, which was favorably reviewed by the New York Times and the Washington Post, among other leading publications.

In April 2013, Mr. Lieder co-authored an article about successfully pursuing employment justice in the wake of Wal-Mart v. Dukes, which significantly heightened requirements for class actions. The article, "Onward and Upward after Wal-Mart v. Dukes," was co-authored with M&S's Cyrus Mehri.

Mr. Lieder also wrote or co-authored five pieces published in various law journals:

- Class Actions Under ERISA, 10 Employee Rights & Employment Policy J. 665 (2006);
- Navajo Dispute Resolution and Promissory Obligations: Continuity & Change in the Largest Native American Nation, 18 Amer. Ind. L. Rev. 1 (1992);
- Constructing a New Action for Negligent Infliction of Economic Loss: Building on Cardozo & Coase, 66 Wash. L. Rev. 937 (1991);
- Religious Pluralism and Education in Historical Perspective: A Critique of the Supreme Court's Establishment Clause Jurisprudence, 22 Wake Forest L. Rev. 813 (1987); and
- Adjudication of Indian Water Rights Under the McCarran Amendment: Two Courts Are Better Than One, 71 Geo. L.J. 1023 (1983).

Mr. Lieder has a wonderful wife and son who help to keep him enthusiastic and energetic about his life and legal career. He is looking forward to new challenges at Mehri & Skalet.

### **Richard Condit**

Richard Condit became "of counsel" to Mehri & Skalet in 2015. He heads the firm's Whistleblower Law practice, including cases involving whistleblower retaliation, disclosures to the SEC and other federal agencies, and false claims or





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fraud against the government or its contractors. Mr. Condit has over 25 years of experience working with whistleblowers of diverse backgrounds in a wide variety of industries, representing lawyers, doctors, bank executives, firefighters, social workers, police officers, engineers, and laborers. The subject matter of the issues raised by whistleblowers Mr. Condit has worked with are equally diverse, covering such problems as fraud against the government, nuclear safety, environmental protection, bank fraud, food safety, mortgage fraud, securities law or regulatory violations, public transit safety, and many others.

Prior to joining the firm, Mr. Condit worked at the Government Accountability Project (GAP) for eight years (1987-1995) before rejoining the organization in 2007. In his first stint at GAP, Mr. Condit helped develop the organization's environmental whistleblower and citizen enforcement programs. After returning to GAP in 2007, Mr. Condit served as Senior Counsel, leading the organization's in-house litigation of whistleblower and open government cases.

Mr. Condit has also spent time in Colorado as the Legal/Toxics Director of the Land and Water Fund of the Rockies (now Western Resource Advocates), and more than five years as Counsel to the Chemical Weapons Working Group (CWWG), which led an international effort to require the U.S. Army to safely dispose of stockpiled chemical warfare agents. As General Counsel for Public Employees for Environmental Responsibility (PEER), Mr. Condit led the group's whistleblower litigation efforts.

Mr. Condit is an adjunct faculty member of the University of the District of Columbia David A. Clarke School of Law. For the past seven years, he has taught Whistleblower Law and Practice in the classroom and through the school's highly regarded clinical program.

A licensed attorney in the District of Columbia, Mr. Condit is also admitted to practice before the U.S. Supreme Court, U.S. District Courts for the District of Columbia, District of Colorado, and Southern District of Indiana. He has appeared before U.S. Courts of Appeal in numerous circuits. Mr. Condit regularly practices before the U.S. Department of Labor and has presented whistleblower cases to the

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U.S. Office of Special Counsel and U.S. Merit Systems Protection Board. He has also been permitted to practice pro hac vice before other federal and state courts and agencies.

Mr. Condit graduated with a Bachelor of Science from the New Jersey Institute of Technology (1980), and received his Juris Doctorate from the Antioch School of Law (1986).

**Stephanie J. Bryant**

Stephanie J. Bryant joined Mehri & Skalet in November 2013 as an Associate Attorney. Her work focuses in civil rights litigation and Fair Labor Standards Act violations.

Prior to joining Mehri & Skalet, Ms. Bryant was an attorney with Clifford & Garde, LLP in Washington, DC. She handled employment cases under Title VII, the Family and Medical Leave Act, Americans with Disabilities Act, DC Human Rights Act, and whistleblower retaliation statutes in state and federal courts, and before federal agencies. She also handled general civil litigation, temporary restraining orders, and SEC civil litigation.

Ms. Bryant is a 2007 graduate of Case Western Reserve University School of Law. Prior to law school, Ms. Bryant worked as a Conditional Release Specialist for the Department of Corrections in Milwaukee, WI. She graduated from Marquette University with Bachelor's degrees in Criminology and Political Science.

Ms. Bryant is licensed to practice in the District of Columbia and Pennsylvania, as well as in the US District Court for the District of Columbia. She is a member of the National Employment Lawyers Association, Metropolitan Washington Employment Lawyers Association, DC Bar Association, and is an Employment Law Mentor for the DC Bar Advice & Referral Clinic.

**Pia Winston**

Pia Winston joined Mehri & Skalet as a Find Justice Fellow in February 2013. Her work focuses on the civil rights, wage and hour, and consumer protection aspects



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of the firm's practice.

Before joining Mehri & Skalet as the Find Justice Fellow, Ms. Winston served as a law clerk for the National Consumer Law Center (NCLC). She also completed a fellowship with the National Whistleblower Center where she advocated for the rights of whistleblowers and litigated cases involving employee retaliation within the federal government.

Ms. Winston graduated from William & Mary Law School in 2012. While in law school she served on the William & Mary Journal of Women and the Law and served as National Parliamentarian for the National Black Law Students Association. Ms. Winston also competed in national competitions in criminal and employment law as a member of the W&M National Trial Team and Alternative Dispute Resolution Team.

Prior to attending law school, Ms. Winston graduated with honors from the University of California, Berkeley with a B.A. in African American Studies and Anthropology. She is licensed to practice in Maryland and Washington, D.C.

### **Joanna Wasik**

Joanna Wasik joined Mehri & Skalet in 2015 as an Associate Attorney. Her work focuses on the civil rights, consumer protection, and wage and hour aspects of the firm's practice.

Prior to joining Mehri & Skalet, Ms. Wasik served as law clerk to Judge J. Curtis Joyner on the U.S. District Court for the Eastern District of Pennsylvania, and worked as an Associate at Freshfields, Bruckhaus, Deringer US LLP. At Freshfields, Ms. Wasik worked in the firm's global investigations and commercial litigation groups, and her pro bono work focused on prisoners' civil rights.

Ms. Wasik graduated magna cum laude from Georgetown Law in 2012. While in law school she served as a Managing Editor of the Georgetown Journal of International Law, a Legal Research and Writing Fellow, and a Global Law Scholar. She was also a member of the Georgetown Human Rights Institute's Fact-Finding Mission in 2010-2011.



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Prior to attending law school, Ms. Wasik graduated magna cum laude from Amherst College, with a B.A. in political science.

**Robert DePriest**

Robert DePriest joined Mehri & Skalet as an Associate Attorney in August 2015. His work focuses on civil rights litigation and Fair Labor Standards Act violations. Prior to joining the firm, Mr. DePriest worked as an attorney with The Brownell Law Firm, PC, where he defended federal employees in investigations, professional responsibility matters, and disciplinary actions. He has represented clients before federal agencies, the U.S. Merit Systems Protection Board, Equal Employment Opportunity Commission, and Court of Appeals for the Federal Circuit.

Mr. DePriest graduated from The George Washington University Law School in 2009, where he was president of the Native American Law Students Association and Phi Alpha Delta Law Fraternity. He received an undergraduate degree in history from Vanderbilt University in 2006.

Mr. DePriest is licensed to practice in the District of Columbia and New York. He lives in Washington, DC, with his wife and daughter, and serves on the board of directors of the Foggy Bottom Association.

**Brett Watson**

Brett Watson joined Mehri & Skalet in 2015 as a Find Justice Fellow. His work focuses on the civil rights, wage and hour, and consumer rights areas of the firm's practice.

Before joining Mehri & Skalet, Mr. Watson was the Disability Rights Fellow at Brown, Goldstein & Levy LLP in Baltimore. His practice there included all areas of civil litigation with a particular focus on disability and other civil rights, as well as criminal defense.

Mr. Watson graduated from Northeastern University School of Law in 2013. During law school, he completed several internships as part of Northeastern's cooperative legal education program. Mr. Watson interned at the Washington Lawyers' Committee for Civil Rights and Urban Affairs as well as Cohen Milstein



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Sellers & Toll PLLC, both in Washington, DC. He also completed a judicial internship for the Honorable Norman H. Stahl, U.S. Court of Appeals for the First Circuit. Prior to law school, Brett was a Field Representative for U.S. Representative Tammy Baldwin, for whom he served as a congressional liaison to constituent organizations and local government officials in his home state of Wisconsin.

**Amelia Friedman**

Amelia Friedman joined Mehri & Skalet in September 2015 as a Find Justice Fellow. Her work focuses on the civil rights, employment discrimination, wage and hour, insurance and healthcare, whistleblower, and consumer protection aspects of the firm's practice.

Prior to joining Mehri & Skalet, Ms. Friedman clerked for the Honorable Nancy F. Atlas on the U.S. District Court for the Southern District of Texas. She also completed a one-year fellowship with the Texas Title Project assisting low income homeowners obtain housing relief through the Hurricane Ike and Dolly Round 2.2 Disaster Recovery Housing Program.

Ms. Friedman graduated with High Honors from The University of Texas School of Law in 2013. During law school, she was a Public Service Scholar with the William Wayne Justice Center for Public Interest Law and served as Administrative Editor of the Texas Law Review.

Before attending law school, Ms. Friedman graduated from the University of Auckland, in Auckland, New Zealand, with a B.A. Honours in Political Studies and a B.A. double majoring in Political Studies and Film, TV & Media Studies.

Ms. Friedman is a member of the Texas bar.

## Attachment B

**Fee Schedule**

<b>Years</b>	<b>Hourly Rate</b>
20 <sup>th</sup> +	\$795
11 <sup>th</sup> -19 <sup>th</sup>	\$660
8 <sup>th</sup> -10 <sup>th</sup>	\$585
4 <sup>th</sup> -7 <sup>th</sup>	\$405
1 <sup>st</sup> -3 <sup>rd</sup>	\$330
Paralegals/Law Clerks	\$180

# Databases, Tables & Calculators by Subject

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Change Output Options: From:  To:  **GO**  
 include graphs  include annual averages

[More Formatting Options](#)

Data extracted on: July 18, 2016 (10:18:34 AM)

## Consumer Price Index - All Urban Consumers

Series Id: CUUR0000SEGD01  
 Not Seasonally Adjusted  
 Area: U.S. city average  
 Item: Legal services  
 Base Period: DECEMBER 1986=100

**Plaintiffs' Exhibit**  
**22**  
 Civ. No. 05-1437 (RCL)

Download: [XLS](#) [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	HALF1	HALF2
1986												100.0		
1987	101.0	101.8	102.2	102.5	102.9	103.3	103.9	104.1	104.4	104.8	105.2	105.2		
1988	105.6	106.1	106.7	106.8	106.9	107.1	107.9	108.3	108.5	108.8	109.3	109.9		
1989	111.1	111.7	111.6	112.2	112.7	114.6	115.0	115.5	116.1	116.2	115.9	116.8		
1990	117.7	118.2	120.4	120.9	123.4	123.7	123.8	123.8	124.4	124.8	124.8	124.8		
1991	126.2	126.3	128.1	128.7	129.0	129.2	130.3	130.6	131.6	131.5	131.5	131.9		
1992	134.7	135.8	136.4	135.9	135.6	135.8	136.1	136.1	136.7	137.1	137.2	137.2		
1993	137.7	138.1	137.8	138.5	142.9	143.3	143.5	143.7	143.9	144.0	144.9	145.1		
1994	145.5	145.7	146.1	146.3	146.3	146.7	146.8	146.8	146.9	147.9	148.2	147.9		
1995	148.3	150.5	150.0	150.7	151.2	151.4	152.4	152.5	152.7	153.1	153.3	153.5		
1996	153.5	153.7	155.0	156.0	157.3	157.4	158.0	158.3	158.6	158.6	159.3	159.3		
1997	159.7	160.1	160.7	161.0	161.5	164.0	163.8	166.5	166.5	167.2	167.4	167.5		
1998	168.6	169.9	170.2	170.5	171.1	171.2	171.3	171.9	172.9	173.8	174.0	174.6		
1999	175.7	177.3	178.2	178.6	179.6	179.6	180.0	180.9	181.5	182.3	182.5	183.5		
2000	184.9	185.6	186.0	187.8	188.7	189.1	190.2	191.0	191.5	192.2	192.5	192.6		
2001	193.4	194.7	195.5	196.1	196.6	196.8	199.5	203.0	203.2	204.8	204.9	205.1		
2002	207.0	208.6	209.7	209.7	210.9	211.1	211.2	211.8	212.3	212.7	213.7	213.9		
2003	216.1	218.8	221.1	221.2	221.4	221.8	222.0	222.3	223.1	223.6	224.5	224.6		
2004	226.5	228.4	230.3	231.1	231.5	231.9	232.5	233.6	234.3	234.8	235.6	236.6		
2005	238.5	238.3	239.3	239.5	242.1	241.8	243.0	243.2	243.4	243.5	243.8	244.6		
2006	246.0	246.6	247.4	247.1	247.8	248.0	249.4	252.1	252.1	253.6	254.5	255.5		
2007	255.961	256.503	258.069	259.058	260.499	260.772	260.822	261.368	262.509	262.493	262.315	262.910		
2008	266.221	266.634	267.350	268.828	270.892	271.236	271.852	272.776	272.583	272.583	272.946	274.810		
2009	275.818	275.836	276.071	276.042	276.357	277.162	276.868	277.024	277.608	282.107	283.443	283.418		
2010	284.964	285.617	286.287	286.638	286.189	286.509	287.176	289.018	290.862	290.796	290.889	292.614		
2011	294.975	295.771	295.663	296.150	296.530	296.585	296.416	298.623	299.429	298.706	299.800	300.480		
2012	301.013	300.865	301.696	301.859	302.998	304.234	303.017	303.978	304.011	305.880	305.976	306.049		
2013	306.202	309.892	310.386	310.395	310.244	311.652	311.908	314.108	314.021	314.979	313.736	314.281		
2014	315.758	317.364	318.334	318.769	317.820	318.963	318.925	319.115	319.095	319.485	319.485	318.795		
2015	319.390	319.613	320.198	321.015	321.825	321.793	323.086	324.413	327.485	327.557	328.393	327.925		
2016	326.621	326.680	326.714	327.114	331.779	333.681								

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Adjustments to the 1988-1989 *Laffey* Matrix Rates Using the Legal Services Index<sup>1</sup>

**Plaintiffs' Exhibit**  
**23**  
 Civ. No. 05-1437 (RCL)

<i>Years Out of Law School</i>	<i>06/01/88-05/31/89<sup>2</sup></i>	<i>06/01/89-05/31/90</i>	<i>06/01/90-05/31/91</i>	<i>06/01/91-05/31/92</i>	<i>06/01/92-05/31/93</i>	<i>06/01/93-05/31/94</i>	<i>06/01/94-05/31/95</i>	<i>06/01/95-05/31/96</i>	<i>06/01/96-05/31/97</i>	<i>06/01/97-05/31/98</i>
20th+	\$265	\$284	\$306	\$320	\$336	\$355	\$363	\$375	\$389	\$406
11th - 19th	\$220	\$235	\$254	\$265	\$279	\$294	\$301	\$311	\$323	\$337
8th - 10th	\$195	\$209	\$225	\$235	\$247	\$261	\$267	\$276	\$287	\$299
4th - 7th	\$135	\$144	\$156	\$163	\$171	\$181	\$185	\$191	\$198	\$207
1st - 3rd	\$110	\$118	\$127	\$133	\$139	\$147	\$151	\$155	\$162	\$168
Paralegal/Law Clerk	\$60	\$64	\$69	\$72	\$76	\$80	\$82	\$85	\$88	\$92
Adjustment Factor <sup>3</sup>		1.070028	1.079406	1.044462	1.051083	1.055228	1.023726	1.032038	1.039630	1.041931

<sup>1</sup> *Laffey* refers to *Laffey v. Northwest Airlines*, 572 F. Supp. 354 (D.D.C. 1983), affirmed in part and reversed in part on other grounds, 746 F.2d 4 (D.C. Cir. 1984), overruled in part on other grounds, *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516, 1525 (D.C. Cir. 1988)(en banc).

<sup>2</sup> The rates in this column represent the 1989 update to the *Laffey* matrix rates for Washington, D.C. See *Covington v. District of Columbia*, 839 F. Supp. 894, 904 (D.D.C. 1993).

<sup>3</sup> The Adjustment Factor refers to the legal services component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor. Each Adjustment Factor is calculated by dividing the legal services component for June of the current year by the component for June of the previous year.

<i>Years Out of Law School</i>	<i>06/01/97-05/31/98<sup>4</sup></i>	<i>06/01/98-05/31/99</i>	<i>06/01/99-05/31/00</i>	<i>06/01/00-05/31/01</i>	<i>06/01/01-05/31/02</i>	<i>06/01/02-05/31/03</i>	<i>06/01/03-05/31/04</i>	<i>06/01/04-05/31/05</i>	<i>06/01/05-05/31/06</i>	<i>06/01/06-05/31/07</i>
20th+	\$406	\$424	\$445	\$468	\$487	\$523	\$549	\$574	\$599	\$614
11th - 19th	\$337	\$352	\$369	\$389	\$404	\$434	\$456	\$477	\$497	\$510
8th - 10th	\$299	\$312	\$327	\$345	\$359	\$385	\$404	\$423	\$441	\$452
4th - 7th	\$207	\$216	\$227	\$239	\$248	\$266	\$280	\$293	\$305	\$313
1st - 3rd	\$168	\$175	\$184	\$194	\$202	\$216	\$227	\$238	\$248	\$254
Paralegal/Law Clerk	\$92	\$96	\$101	\$106	\$110	\$118	\$124	\$130	\$136	\$139
Adjustment Factor <sup>3</sup>		1.043902	1.049065	1.052895	1.040719	1.072663	1.050687	1.045537	1.042691	1.025641

<sup>4</sup>Column repeated from previous page.

<i>Years Out of Law School</i>	<i>06/01/06-05/31/07<sup>s</sup></i>	<i>06/01/07-05/31/08</i>	<i>06/01/08-05/31/09</i>	<i>06/01/09-05/31/10</i>	<i>06/01/10-05/31/11</i>	<i>06/01/11-05/31/12</i>	<i>06/01/12-05/31/13</i>	<i>06/01/13-05/31/14</i>	<i>06/01/14-05/31/15</i>	<i>06/01/15-05/31/16</i>
20th+	\$614	\$646	\$672	\$686	\$709	\$734	\$753	\$772	\$790	\$797
11th - 19th	\$510	\$536	\$558	\$570	\$589	\$610	\$626	\$641	\$656	\$662
8th - 10th	\$452	\$475	\$494	\$505	\$522	\$541	\$554	\$568	\$581	\$586
4th - 7th	\$313	\$329	\$342	\$350	\$362	\$374	\$384	\$393	\$403	\$406
1st - 3rd	\$254	\$267	\$278	\$284	\$293	\$304	\$312	\$319	\$327	\$330
Paralegal/Law Clerk	\$139	\$146	\$152	\$155	\$161	\$166	\$171	\$175	\$179	\$180
Adjustment Factor <sup>3</sup>		1.051500	1.040127	1.021848	1.033724	1.035168	1.025790	1.024383	1.023459	1.008873

<sup>5</sup>Column repeated from previous page.

<i>Years Out of Law School</i>	<i>06/01/15-05/31/16<sup>6</sup></i>	<i>06/01/16-05/31/17</i>	<i>06/01/17-05/31/18</i>	<i>06/01/18-05/31/19</i>	<i>06/01/19-05/31/20</i>	<i>06/01/20-05/31/21</i>	<i>06/01/21-05/31/22</i>	<i>06/01/22-05/31/23</i>	<i>06/01/23-05/31/24</i>	<i>06/01/24-05/31/25</i>
20th+	\$797	\$826	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
11th - 19th	\$662	\$686	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
8th - 10th	\$586	\$608	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
4th - 7th	\$406	\$421	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1st - 3rd	\$330	\$342	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Paralegal/Law Clerk	\$180	\$187	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Adjustment Factor <sup>3</sup>		1.036943	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000

<sup>6</sup>Column repeated from previous page.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**27**  
Civ. No. 05-1437 (RCL)

DL,<sup>1</sup> *et al.*, on behalf of themselves )  
and all others similarly situated, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 THE DISTRICT OF COLUMBIA, )  
*et al.*, )  
 Defendants. )  
\_\_\_\_\_ )

Civil Action No. 05-1437 (RCL)

DECLARATION OF MICHAEL KAVANAUGH

Michael Kavanaugh affirms and states:

1. My name is Michael Kavanaugh. I am an economist in private practice at 19-4231 Road E, PO Box 1228, Volcano Hawaii, 96785.
2. I hold a Ph.D. in economics from the University of Cincinnati (1975) and a BA in economics from Xavier University (1970). I have taught economics at the University of Cincinnati and at Northern Kentucky University. For over 35 years, I have worked as an economist for a variety of clients including the U.S. Department of Justice, the U.S. Environmental Protection Agency, the U.S. Department of the Interior, the States of Ohio, California, and Alaska, citizen groups, and private industry. I have been qualified as an expert in Federal court in financial and economic matters many times. Attachment 1 is a copy of my resume with a listing of sworn federal testimony in the last five years and all publications published in the last ten years.
3. In 1983, the plaintiffs in *Laffey v. Northwest Airlines, Inc.*, 572 F. Supp. 354 (D.D.C. 1983), affirmed in part, reversed in part on other grounds, 746 F.2d 4 (D.C. Cir. 1984), cert.

<sup>1</sup> Pursuant to Local Rule 5.4(f)(2), minors are identified by their initials.

denied, 472 U.S. 1021 (1985), overruled in part on other grounds, *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516 (D.C. Cir. 1988)(*en banc*) sought an award of attorneys' fees under the applicable law. Those plaintiffs collected information on the hourly billing rates charged to fee-paying clients in 1981-1982 in Washington, D.C., by attorneys engaged in complex federal litigation and created a composite of those rates, which has become known as the *Laffey Matrix*. The 1981-1982 *Laffey Matrix* was updated to 1988-1989 rates with a new survey in connection with the *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516 (D.C. Cir. 1988)(*en banc*) litigation at the urging of the D.C. Circuit. See Declaration of Joseph A. Yablonski, Pl. Ex. 33.

4. The *Laffey Matrix* has been updated over the years using two different price indices. The first uses a component of the Consumer Price Index (CPI) known as the Legal Services Index (LSI).<sup>2</sup> I use this index.<sup>3</sup> The second uses the All-Items Regional CPI for metropolitan Washington, D.C. Until 2015, the United States Attorney's Office (USAO) used the All-Items Regional CPI to update the *Laffey Matrix*. I refer to the former as the LSI *Laffey Matrix* and the latter as the USAO *Laffey Matrix*.<sup>4</sup>
5. Beginning in the period 2015-2016, the USAO adopted a new matrix that is not based on a sample of rates for performing complex federal litigation. I refer to the new USAO matrix as the USAO Matrix 2015-2017.<sup>5</sup> The USAO Matrix 2015-2017 uses the Producer Price Index-Offices of Lawyers (PPI-OL) index for adjustment purposes.<sup>6</sup> I

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<sup>2</sup> Consumer Price Index for U.S. City Average, Legal Services.

<sup>3</sup> The *Laffey* matrix updated using the LSI is set forth in Plaintiffs' Exhibit 23.

<sup>4</sup> These are the labels used by the Court of Appeals for the D.C. Circuit in its two 2015 decisions addressing the two matrices. *Salazar v. District of Columbia*, 809 F.3d 58 (D.C. Cir. 2015)(*"Salazar V"*); *Eley v. District of Columbia*, 793 F.3d 97 (D.C. Cir. 2015).

<sup>5</sup> The USAO Matrix 2015-2017 provides rates for two rate periods, 2015-2016 and 2016-2017.

<sup>6</sup> See: <https://www.justice.gov/usao-dc/file/796471/download> Explanatory Note #2.

discuss the USAO Matrix 2015-2017 and PPI-OL below.

6. The first time I offered an opinion on the appropriate method for updating the *Laffey* Matrix was in a 1996 affidavit that the plaintiffs submitted in *Salazar v. District of Columbia*, 123 F. Supp. 2d 8 (D.D.C. 2000), in support of their first application for attorneys' fees. I opined that using the LSI was the appropriate method for updating the *Laffey* Matrix. I continue to hold that opinion today. The Court explicitly adopted my analysis in its decision. See *Salazar v. District of Columbia*, 123 F. Supp. 2d 8 (D.D.C. 2000) ("*Salazar I*").
7. Since then, I have prepared declarations/affidavits on the same topic in several other cases. Although I do not maintain a complete list of all my work, I do know my analysis was adopted in the following decisions: *Salazar v. District of Columbia*, 991 F. Supp. 2d 39 (D.D.C. 2014) ("*Salazar III*"), affirmed, 809 F. 3d 58 (D.C. Cir. 2015) ("*Salazar V*"); *Salazar v. District of Columbia*, 30 F. Supp. 3d 47 (D.D.C. 2014) ("*Salazar IV*"), affirmed, 809 F. 3d 58 (D.C. Cir. 2015) ("*Salazar V*"); *Eley v. District of Columbia*, 999 F. Supp. 2d 137 (D.D.C. 2013), reversed on other grounds, 793 F.3d 97 (D.C. Cir. 2015); *Hash v. United States of America* 1:99-CV-00324-MNW, 2012 WL 1252624, at \*22 (D. Idaho Apr. 13, 2012); *Salazar v. District of Columbia*, 750 F. Supp. 2d 70 (D.D.C. 2011) ("*Salazar II*"); *Interfaith Community Organization v. Honeywell*, 336 F. Supp. 2d 370 (D.N.J. 2004), affirmed, 426 F. 3d 694 (3d Cir. 2005); *PIRG v. Magnesium Elecktron, Inc.*, 1995 WL 866983, \*2, 10 (D.N.J. Dec. 28, 1995), vacated on other grounds, 123 F.3d 111 (3d Cir. 1997).
8. Plaintiffs' counsel asked me to compare the LSI index with the PPI-OL index and to address the USAO Matrix 2015-2017. My opinions are stated to a reasonable degree of certainty under the standards of my profession.
9. As discussed in more detail below, indices observe the prices of selected goods and services over time and create



an index. This allows calculation of the rate of price change over various time intervals for the goods and services represented by the sample. Once the rates of price change are established they may be used to make statements about the cost of living or to adjust past market prices to estimate prevailing market prices.

10. There are two bases for distinguishing among the LSI, PPI-OL and the All-Items Regional CPI. They are: (1) the specific goods and services included in each index, and (2) the geographic reach of the sample.
11. All-item consumer price indices, including the All-Items Regional CPI, combine the price changes of over one hundred thousand (100,000) commodities into a single index value to measure the rate of price change in the overall cost of living for consumers. In my opinion it is far better to update the *Laffey* survey of billing rates using an index specific to legal services rather than a broad index, such as the All-Items Regional CPI, because the latter contains components that are not relevant to the market for legal services.
12. Both the LSI and the PPI-OL measure the fees charged for providing specific legal services. These services include, *inter alia*, preparing a brief, attending a deposition and representing parties in civil proceedings. These are services provided in complex federal litigation. Just as a national CPI does not include all items in the U.S. economy, neither the LSI nor the PPI-OL includes the fees charged for every possible service rendered by lawyers.<sup>7</sup> The size and complexity of the U.S. economy and the practice of law makes impossible the inclusion of every price in the economy or every service provided in a law

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<sup>7</sup> The LSI and the PPI-OL data are the billing rates for legal services performed on behalf of individuals, households, non-profits and businesses, including proprietors, partnerships and corporations. There are slight differences between the two indices in the sampling used to measure the rate of change in the price of legal services. These differences are not relevant here. For example, the PPI-OL index is evolving and may begin to reflect changes in product demand and the industry's use of technology.

practice in an index.<sup>8</sup>

13. The use of an index specific to legal services is more likely to reflect the rate of change in the prevailing billing rates for legal services than a general consumer price index. A general CPI -- whether national, regional, or local -- includes items that are not relevant to the market for legal services. These other items, such as housing and transportation, are given much more weight than legal services. When an All-Items CPI is applied to the billing rates in the *Laffey* Matrix, this obfuscates the rate of price change of legal services.
14. In my opinion, resource mobility and low-cost communication combine to make the market for legal services in complex federal litigation in Washington, D.C., a national market not a local market. Therefore, it would be more appropriate to use the LSI or the PPI-OL, which capture supply and demand factors particular to the legal services markets nationally and not the All-Items Regional CPI, which captures local price changes of over 100,000 items.
15. In other words, Washington, D.C., area law firms *compete* with law firms in other areas such as New York, Philadelphia, Chicago, Dallas, and San Francisco. Plaintiffs' legal market experts, Michael Downey and Bruce MacEwen, agree that the Washington, D.C., market for complex federal litigation is a national market. Pl. Exs. 28-29. The geographic extent of the market for complex legal services provides another reason why the LSI or the PPI-OL produces adjusted rates that are more reflective of the marketplace than the All Items Regional CPI. They more accurately reflect the conditions of competition in the

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<sup>8</sup> It is common practice in economics to make prices for part of an industry stand for prices in the whole industry. This is what the Department of Commerce does when it prepares estimates of an industry's contribution to gross domestic product (GDP). For example, when measurements of the legal industry's contribution to the output of the nation are made, the legal services component of the Consumer Price Index is used; when the contribution to GDP of all physicians' services is calculated, the medical care services component of the Consumer Price Index is used; and when the contributions to GDP of radio, or TV, or air conditioning repair services are calculated, the specific component indices of the Consumer Price Index are used.

Washington, D.C., marketplace.

16. Since Washington, D.C., firms compete in a national market, their rates must be competitive. Since their rates must be competitive, the rate of change in their rates is also likely to be similar.
17. The USAO is now using the PPI-OL instead of the All-Item Regional CPI to adjust for the passage of time. So, I compared the LSI with the PPI-OL. As discussed above, both the LSI and the PPI-OL measure a national rate of change of prices for legal services. The Bureau of Labor Statistics has maintained the LSI since 1987 and the PPI-OL since 1997. For the years they have in common, these two indices report comparable rates of price change for legal services.<sup>9</sup> This means that when the same hourly rate is adjusted with the LSI compared to the PPI-OL, the resulting LSI hourly rate is about the same as the PPI-OL.
18. Although both indices are for legal services and are national in scope, characteristics which are important to updating the *Laffey* Matrix, I prefer the LSI over the PPI-OL to adjust the *Laffey* Matrix. The adjustment for the passage of time needs to run from 1989 to present. However, the PPI-OL does not run from 1989 to present. The first full year of index values for the PPI-OL is 1997 and 1998 is the first year an annual price change can be observed (e.g. June 1997 to June 1998). This means that in order to adjust the *Laffey* Matrix, the LSI must be used for the period from 1989 through 1998 and the PPI-OL used to continue from 1998 to present. Unless there is a material difference in using different price indexes to adjust for the passage of time, it is a better practice to adjust values using a single index rather than to switch indices when adjusting for the passage of time.

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<sup>9</sup> Attachment 2 shows the annual adjustment for the LSI and for the PPI-OL since 1997. The adjustment is the value by which the sample or baseline hourly rate is multiplied each year to produce the updated rate. The adjustment is calculated by dividing the index value for June of the current year by the value for June of the previous year. This is the rate of price change from one year to the next. Attachment 2 also shows the difference in the adjustment between the two indices. The PPI-OL adjustment exceeds the LSI adjustment in twelve of the nineteen years.

19. In *Heller v. District of Columbia*, 832 F. Supp. 2d 32 (2011), the Court adopted the USAO *Laffey* Matrix over the LSI *Laffey* Matrix based on an assumption that the LSI update represents large law firms and the attorneys who represented the plaintiffs were from small law firms.
20. Market prices for a specific good or service cannot be expected to vary by firm size. A barrel of oil sells for the same price whether it is produced by a small well in Eastern Ohio or the world's largest well in Saudi Arabia. The auto market is not divided into a large automaker market and a small automaker market. Regardless of size automakers compete against each other in the marketplace. The same is true of law firms. Small, medium and large firms compete with one another for clients in the complex federal litigation market. From that competition a market price emerges.<sup>10</sup>
21. When the USAO created its new matrix it not only changed the price index (it switched to the PPI-OL), but also it changed the sample that underlies the hourly rate data. The USAO Matrix 2015-2017 is no longer based on a sample of rates for complex federal litigation. It is based on ALM Legal Intelligence survey data from 2010 and 2011.<sup>11</sup> The USAO does not describe its new sample but its consultant has described the 2011 ALM Survey as consisting of "billing rates of attorneys in the Washington, DC area from law offices of *all sizes and types*" (emphasis added).<sup>12</sup>

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<sup>10</sup> While casual observation or firm-wide averages might suggest that small firms charge less than large firms, what I think is being observed is that smaller firms are providing a product mix that contains a larger share of simple services. Since simple services are billed at a lower rate than the rate for complex federal litigation services, firms with product mixes that have a large share of simple services will *appear* to have lower billing rates. Nevertheless, when a small firm provides complex federal litigation services, market forces will allow it to bill at the prevailing market rates for complex federal litigation services. So, when conducting a rate survey, the better question to ask is not about firm size but product mix (i.e. simple versus complex).

<sup>11</sup> See: <https://www.justice.gov/usao-dc/file/796471/download> Explanatory Note #2.

<sup>12</sup> See Declaration of Dr. Laura A. Malowane, para. ¶12 in *Makray v. Perez* (U.S. Secretary of Labor) Civil Action No. 12-0520 (BAH)(ECF No. 88-1).

22. The USAO's adoption of the PPI-OL, which is similar to the LSI, ends the discussion over the appropriate index to update the *Laffey* Matrix. USAO's adoption of the ALM survey changes the discussion to whether the ALM survey is appropriate to use to find prevailing billing rates for complex federal litigation.
23. It is my understanding that the goal is to produce a matrix of hourly rates that reflect prevailing market rates for complex federal litigation in Washington, D.C.
24. I reviewed the summary of affidavits and court documents collected by plaintiffs' counsel of prevailing market billing rates charged by Washington, D.C., firms in 2015 and 2016 (Pl. Exs. 47-49 ). These materials show that the LSI *Laffey* Matrix produces a better approximation of prevailing billing rates for complex federal litigation in the Washington, D.C., market than the USAO Matrix 2015-2017.
25. Since the LSI *Laffey* Matrix and USAO Matrix 2015-2017 use nearly identical price indices, the more probable reason why the USAO Matrix 2015-2017 makes an inferior estimate of prevailing market rates for complex federal litigation is because the USAO Matrix 2015-2017 applies its national price index for legal services to a sample that does not represent the billing rates for performing complex federal litigation.<sup>13</sup>
26. Adjusting the ALM survey for the passage of time will not correct this defect in the data. So, it is simply incorrect to use the USAO Matrix 2015-2017 to find prevailing hourly billing rates for complex federal litigation.

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<sup>13</sup> Previously, the USAO *Laffey* Matrix was updated with an improper price index, namely, a cost of living index, the All-Item Regional CPI, that gave almost no weight to the fees for legal services.

27. My billing rate for the preparation of this affidavit is \$250/hour.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. This document executed on September 24, 2016.

*mkavanaugh*

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MICHAEL KAVANAUGH, PhD

## Attachment 1

**MICHAEL KAVANAUGH**  
**Research Economist**  
Phone: 808 985 7031  
E-mail: [M.Kavanaugh@att.net](mailto:M.Kavanaugh@att.net)

P.O. Box 1228  
19-4231 Road E  
Volcano, Hawaii 96785

**PRESENT POSITION:** Private Practice since 1985  
Volcano, Hawaii 2008 to present  
Batavia, Ohio 1993–2008  
Washington, DC 1985-1993

### **PREVIOUS POSITIONS:**

- Senior Economist, ICF Incorporated, 1983-85, Washington, D.C.
- Research Director, Public Interest Economics, 1976-1983, Washington, D.C. and San Francisco, CA.
- Assistant Professor, Northern Kentucky University, 1975-76

### **EDUCATION:**

- PhD., Economics, University of Cincinnati, 1975
- BA. Economics, Xavier University, 1970

### **EXPERIENCE**

- An independent research economist with years of experience;
- A national expert in the economic aspects of environmental enforcement and policies for controlling pollution;
- Experienced in regional economic analysis;
- Experienced in the use of economic indices;
- Experienced in valuing damages to persons, households, and commercial enterprises;
- Experienced in assessing natural resource damages; and,
- An author of groundwater management and climate change papers.

Short descriptions of selected projects follow.

### **ECONOMICS & FINANCE**

I applied economics to many of the environmental changes of the last thirty years including:

- Estimating the ability of defendants to pay a penalty and the financial effects of penalties in enforcement cases;
- Estimating the benefits of cleaner beaches and rivers;

- Developing methods to determine the effects of water quality policies on agricultural output, employment and income;
- Developing methods to estimate the benefits of preserving groundwater quality;
- Advised on the adequacy of financial assurance mechanisms;
- Estimating expected and realized benefits of irrigation projects; and,
- Critiquing efforts to regulate effluents from several industries.

Designed and used financial after-tax, cash flow models to:

- Measure the ability to pay a penalty and the effects of penalties on financial position;
- Estimate the economic benefit gained by entities that violate law and regulation; and,
- Estimate the burden on the residential sector from municipal compliance with law and regulation.

Provided expert economic and litigation support services to the United States (and others) in Clean Water Act, Clean Air Act, Superfund, RCRA and groundwater quality cases.

*Exxon Valdez* – Estimated the employment and income effects from spending the civil settlement. The work involved characterizing the options in the restoration plan in term of input/output models.

For an environmental group, wrote a declaration on the economic studies needed to establish that a spillover effect was reasonably certain to result from a National Marine Fishery Service proposal to allow an expansion of the Hawaii-based fishing fleet. In the absence of a spillover effect, the expansion of the Hawaii-based fleet would jeopardized an endangered turtle species.

### **Natural resource damage assessments**

- Ohio River – valued public resource damages from spills from tugs and barges. The work combined results from Natural Resource Damage Assessment models, studies of the costs of reducing risks to drinking water, and restoration costs.
- Kailua Beach State Park – valued a three-mile beach based on recreational use and estimated the damage from wastewater treatment plant effluent. The work involved reviewing, updating and synthesizing a variety of studies that valued recreation.
- Florida Beaches – valued beach closures from pollution at several beaches. The work involved extensive use of the Natural Resource



Damage Assessment models for coastal and marine environments.

### **Energy & Environment**

- Commented on economic impacts to employment and structures of planned, utility-scale photovoltaic projects in Southern California.
- Conducted several analyses of U.S. energy industry to estimate current and future energy production and consequences in wetlands and in the North Aleutian Basin.
- Estimated the cost effectiveness of technologies to control produced water discharges in wetlands.
- Estimated the impact of produced water controls on production, royalties and returns from coal bed methane production.
- Estimated the change in rates needed to pay for adopting cooling water intake controls at a nuclear power plant.
- Advised environmental groups on methods to fund the WV acid mine drainage reclamation fund.
- Design team member to size and fund the Superfund.
- Estimated onshore economic impacts of outer continental shelf oil and gas development in California.
- Examined the efficiency and equity of federal leasing policies for oil and gas on public lands

### **Global Climate**

- Estimated current and future greenhouse gas emissions by fuel, sector and region. The work involved estimating long-term energy using an economic model based on prices, income and combustion technology.
- Estimated greenhouse gas emissions by jets at altitude by region and the change in emissions from adopting advanced jet technology.
- Modeled current and future emission from the US automobile fleet under various assumptions about future fuel efficiency.
- Analyzed the benefits of substituting hydrocarbon propellants for CFC propellants in aerosol products. The results showed the same level of consumer satisfaction could be obtained without CFCs and without increasing prices.

**Publications since 2005**

none

**Federal Court Trial Testimony since September 2011**

Sierra Club v. Virginia Electric and Power Company d/b/a Dominion Virginia Power; United States District Court for the Eastern District of Virginia, Richmond, Virginia Civil Case No. 2:15-CV-112-RAJ-DRM-JAG (6/16)

**Deposition Testimony since September 2011**

Little Hocking Water Association v. Dupont (5/14) 2:09-cv-010BI-GCS-NMK

Ohio Valley Environmental Coalition, et al. v. Consol of Kentucky, Inc., (10/14) cv: 2:13-5005

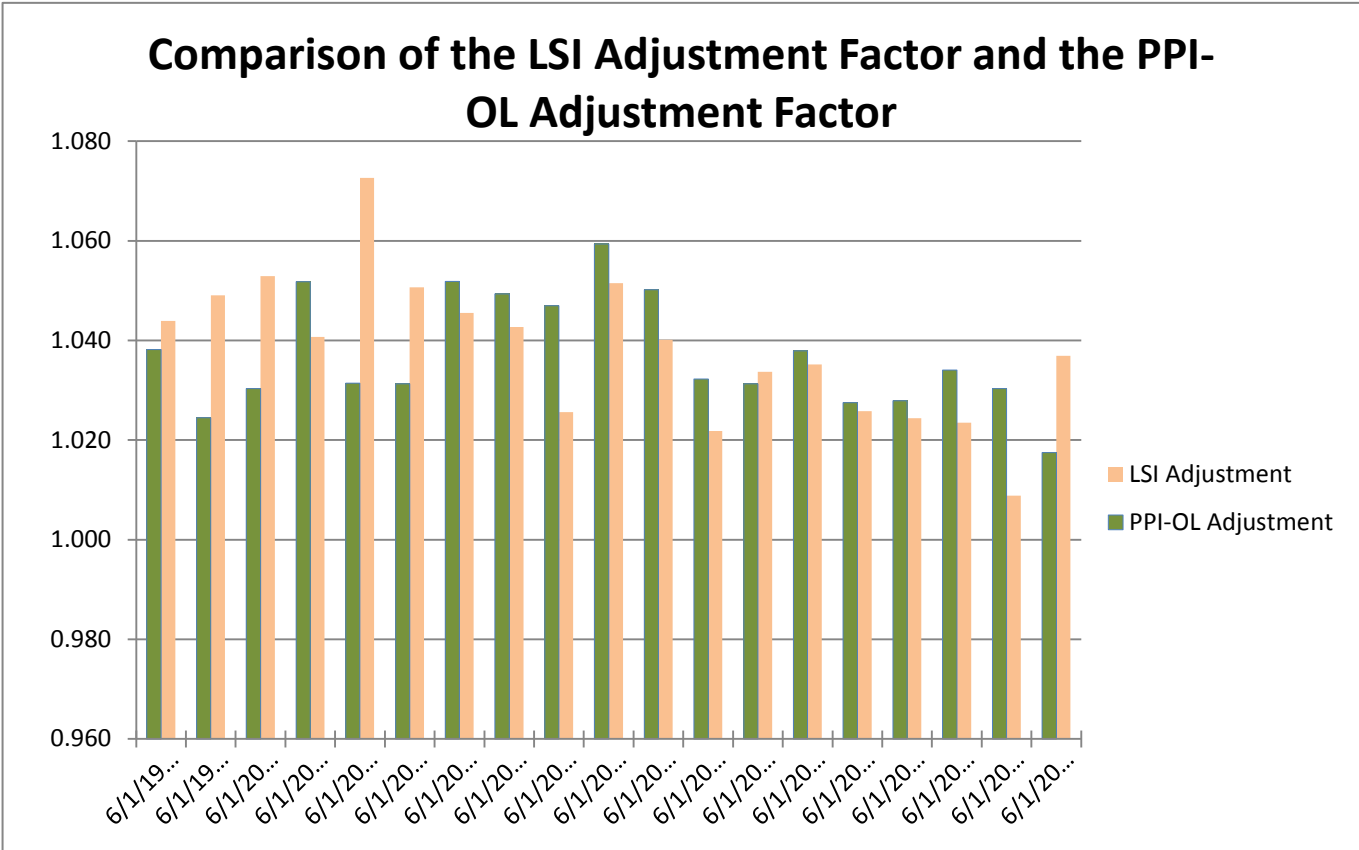
PennEnvironment and Sierra Club v. PPG, Inc. et al. (1/15) 2:12-cv-00342-RCM

Hawai'i Wildlife Fund, Sierra Club - Maui Group, Surfrider Foundation, and West Maui Preservation Association v. County of Maui (5/15) Civil Case No. 12-00198 SOM, BMK

California Communities Against Toxics v. Armorcast Products Company, Inc. et al. (10/15) Civil Case No. Case No. 2:14-cv-05728-PA-FFM

Sierra Club v. Virginia Electric and Power Company d/b/a Dominion Virginia Power; United States District Court for the Eastern District of Virginia, Richmond, Virginia (5/16) Civil Case No. 2:15-CV-112-RAJ-DRM-JAG

Comparison of the LSI Adjustment Factor and the PPI-OL Adjustment Factor				
Rate Year		LSI Adjustment	PPI-OL Adjustment	PPI-OL Differential
6/1/2016	5/31/2017	1.036943	1.017474	-0.019469
6/1/2015	5/31/2016	1.008873	1.030350	0.021477
6/1/2014	5/31/2015	1.023459	1.034043	0.010584
6/1/2013	5/31/2014	1.024383	1.027884	0.003501
6/1/2012	5/31/2013	1.025790	1.027528	0.001738
6/1/2011	5/31/2012	1.035168	1.037901	0.002733
6/1/2010	5/31/2011	1.033724	1.031269	-0.002455
6/1/2009	5/31/2010	1.021848	1.032278	0.010430
6/1/2008	5/31/2009	1.040127	1.050196	0.010069
6/1/2007	5/31/2008	1.051500	1.059392	0.007892
6/1/2006	5/31/2007	1.025641	1.046999	0.021358
6/1/2005	5/31/2006	1.042691	1.049317	0.006626
6/1/2004	5/31/2005	1.045537	1.051875	0.006338
6/1/2003	5/31/2004	1.050687	1.031276	-0.019411
6/1/2002	5/31/2003	1.072663	1.031409	-0.041254
6/1/2001	5/31/2002	1.040719	1.051786	0.011067
6/1/2000	5/31/2001	1.052895	1.030359	-0.022536
6/1/1999	5/31/2000	1.049065	1.024505	-0.024560
6/1/1998	5/31/1999	1.043902	1.038160	-0.005742



**UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF COLUMBIA**

DL<sup>1</sup>, *et al.*, on behalf of themselves )  
 and all others similarly situated, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 THE DISTRICT OF COLUMBIA, )  
*et al.*, )  
 Defendants. )  
 \_\_\_\_\_ )

**Plaintiffs' Exhibit  
 28  
 Civ. No. 05-1437 (RCL)**

Civil Action No. 05-1437 (RCL)

**AFFIDAVIT OF MICHAEL P. DOWNEY**

I, Michael P. Downey, Esq., declare, pursuant to 28 U.S.C. 1746 and under the penalty of perjury, that the following is true and correct.

**A. Background and Qualifications.**

1. *Law Practice.* I am a legal ethics lawyer and founder of Downey Law Group LLC, a law firm devoted to legal ethics, law firm risk management, and the law of lawyering. Prior to starting Downey Law Group LLC in February 2015, I spent almost four years as a (non-equity) partner in the Litigation practice group at Armstrong Teasdale LLP in St. Louis, Missouri, and before that I worked for more than a decade at law firms employing between approximately 10 attorneys (Fox Galvin LLC) to more than 450 attorneys (Hinshaw & Culbertson LLP).

2. I am licensed to practice law in Missouri (since October 1998) and in Illinois (since May 1999). I am also admitted to practice before the United States Supreme Court, the United States Courts of Appeal for the Seventh and Eighth Circuits, and United States District Courts including the United States District Courts for the Eastern and Western Districts of Missouri and the Central and Southern Districts of Illinois.

3. *Teaching.* In addition to my full-time law practice, I teach legal ethics and law firm practice management. I have taught as an adjunct professor at Washington University School of Law since 2001 and at St. Louis University School of Law since 2010. Courses that I have taught at Washington University School of Law include the legal ethics courses Practical Ethics for Civil Litigation (2003-05); Lawyer Ethics (2007 and 2009); and Ethics & Practice Management (2008, 2011 and 2013). In 2010, 2012, and 2014, I taught Legal Professions at St. Louis University School of Law. Each of these classes is a general legal ethics class, and satisfies students' requirement to take legal ethics before graduation. Since 2008, I have also taught a Washington

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<sup>1</sup> Pursuant to Local Rule 5.4(f)(2), minors are identified by their initials.

University School of Law January intersession class titled Introduction to Law Firm Practice, which focuses on how law firms are structured and operate, develop clients, generate revenues, and compensate employees. Since 2003, I have regularly taught law students regarding law firm billing, including methods of billing, billing rates, ethical limitations on billing, and related issues.

4. *Relevant Bar Committee Work.* I am active and have held leadership positions in numerous national, state, and local bar association committees related to legal ethics and law firm practice. This includes work as:

- Former chair of the American Bar Association (ABA) Law Practice Division, as well as service as the Secretary, Vice Chair, and Chair Elect of this group when it was known as the ABA Law Practice Management Section
- Former chair of the ABA Law Practice Division's Ethics Committee
- Past member of the ABA Task Force on the Future of Legal Education
- Past member and former chair of the Standing Committee on Professional Conduct of the Illinois State Bar Association (ISBA)
- Past member and former chair of the Professionalism & Ethics Committee of the Bar Association of Metropolitan St. Louis (BAMSL)
- Past member of the Missouri Bar and Missouri Supreme Court's Joint Task Force on the Future of the Profession
- Past member of the Technology Working Group for the ABA's Commission on Ethics 20/20

5. *Publications and Presentations.* I authored the book *Introduction to Law Firm Practice* (ABA LPD 2010) and have published more than 150 articles, including columns that appear in the ABA publications *Litigation* and *Law Practice* and the BAMSL publication the *St. Louis Lawyer*. I have presented more than 500 times on professional ethics, mainly legal ethics.

6. In December 2013, Missouri Lawyers Weekly named me a 2014 Most Influential Lawyer for my work as leader of the ABA Law Practice Division and as the "go-to legal ethics lawyer" in Missouri. I was also named one of the "Top 50 Lawyers in St. Louis" by *Super Lawyers* in October 2015, and also a "Super Lawyer" in 2016.

7. I have been interviewed and quoted more than seventy-five times on professional (usually legal) ethics including by the *New York Times*, *ABA Journal*, *Illinois Bar Journal*, *National Law Journal*, and *Missouri Lawyers' Weekly*.

8. A copy of my curriculum vitae is attached as Exhibit A.

9. *Expert witness work.* I have provided testimony – in person or by affidavit – in more than twenty cases including cases pending in Missouri, Illinois, and Kansas, and also previously in this case in the District of Columbia. I have also provided testimony in an arbitration matter pending in Pennsylvania. Many of the cases where I have testified relate to lawyer billing and ethical issues relating to legal fees and billing. My prior expert testimony is listed in Exhibit B to this affidavit.

10. *Education.* I graduated first in my class from Washington University School of Law in May 1998. I also earned a graduate certificate in Law Firm Management from the College of Professional Studies at George Washington University in 2006. My bachelor's degree in Classics (Humanities) is from Georgetown University with honors.

11. *Familiarity with Law Firm Billing and Related Issues, Including in the District of Columbia.* Through my legal practice and teaching, as well as from my work on bar committees related to law firm practice, I am familiar with the market practices and hourly rates for lawyers, including those for complex federal litigation nationally and in the Washington, D.C. market. In addition, my teaching, speaking, and writing cause me to gather and review substantial amounts of information regarding law firm rates and billing. Also, over the course of my career, I have worked with a number of law firms in Washington, D.C., on issues related to firm management.

12. Although I am located in the Midwest, my legal work, teaching, and bar activities cause me to be familiar with all major United States legal markets. My students also seek employment and work in all major United States legal markets, so I keep current on law firm practice trends throughout the country, particularly with regard to Washington, D.C., New York, Los Angeles, San Francisco, Denver, and Charlotte. Washington, D.C. is among the most significant legal markets in the country. Washington, D.C. usually ranks second or third in terms of the most firms in the National Law Journal's annual list of the country's largest law firms, which in June 2016 was expanded to 500 firms.

#### **B. Opinions in this Case.**

13. In my professional opinion, the market for complex federal litigation is a national market. This means that firms from all over the country compete to handle such litigation. The Washington, D.C. market is part of that national market. Firms from around the country come into the Washington, D.C. market to handle cases in the federal courts and District firms handle cases in other markets.

14. Some of this national competition is evidenced by the fact that many firms from around the country have offices in Washington, D.C. It is also evidenced by the fact that firms from markets around the country, including my former firms Armstrong Teasdale LLP and Hinshaw & Culbertson LLP, come to Washington, D.C., to litigate in many of its federal courts,

including the Federal Circuit and the Supreme Court, which are unique to Washington, D.C.<sup>2</sup>

15. Because of this flow of litigators, local and non-local firms compete in the market for complex federal litigation. This includes competition regarding billing rates.

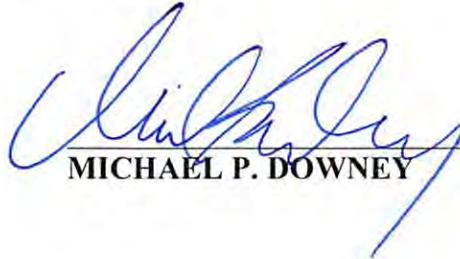
16. The market for complex federal litigation, in Washington, D.C. and elsewhere, is comprised of law firms of different sizes all of which compete against each other. Each of the firms in the market competes against each other to represent those who require the services of litigators experienced in complex federal litigation.

17. Both firm size and firm overhead are not significant factors in the setting of hourly rates for complex federal litigation. Instead, rates are a function of the value of the services in the market. When setting rates for time-based billing, firms do not use cost-plus pricing. Most firms also normally do not consider overhead a major factor in setting rates.

18. In some instances, firms charge a trial rate and a preparation rate. Such practices are unusual, however, and ordinarily do not occur in the handling of complex federal litigation. Rather, in such litigation, firms customarily bill a client one rate for a particular attorney irrespective of the type of legal activity performed by the attorney in the matter. The complexity of tasks is accounted for in two ways other than switching rates: the reasonableness of number of hours necessary to accomplish the task and the appropriateness of the experience level or seniority of the individual assigned to undertake the task. Thus, if it is appropriate to have senior counsel performing the task, the task is billed at the senior counsel's hourly rate.

19. I am being paid \$500 for the preparation of this revised affidavit.

Executed on this 21<sup>st</sup> day of September 2016.



MICHAEL P. DOWNEY

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<sup>2</sup> The national character of the Washington, D.C. legal market is also seen in the fact that membership in the District of Columbia is open to most attorneys regardless of their geographical location.



**MICHAEL P. DOWNEY**

Downey Law Group LLC  
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Saint Louis, Missouri 63119  
(314) 961-6644 (314) 482-5449 Cell  
[Mdowney@DowneyLawGroup.com](mailto:Mdowney@DowneyLawGroup.com)

**EDUCATION**

- 2006 GEORGE WASHINGTON UNIVERSITY, Alexandria, Virginia  
Graduate Certificate in Law Firm Management Grade Point: 4.0  
Program co-sponsored by the College of Professional Studies and Hildebrandt Institute
- 1998 WASHINGTON UNIVERSITY SCHOOL OF LAW, St. Louis, Missouri  
Juris Doctor Class Rank: 1 of 211 Order of the Coif  
Executive Articles Editor, Washington University Law Quarterly  
Research Assistant to Dean Dorsey Ellis (1995-97) and Professor Stuart Banner (1996)
- 1994 WASHINGTON UNIVERSITY DEPARTMENT OF EDUCATION, St. Louis, Missouri  
Post-A.B. Teaching Certification, Latin Language
- 1992 GEORGETOWN UNIVERSITY, Washington, D.C.  
Bachelor of Arts, cum laude, Classics (Humanities)

**JUDICIAL CLERKSHIP**

- 1998- U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT, Kansas City, Missouri
- 1999 Law Clerk for the Honorable Pasco M. Bowman, II, Chief Judge

**LAW SCHOOL TEACHING**

- 2010- ST. LOUIS UNIVERSITY SCHOOL OF LAW, St. Louis, Missouri  
Adjunct professor teaching legal ethics in the Juris Doctor Program  
*Course taught:* Spring 2010, 2012, 2014 Legal Professions
- 2000- WASHINGTON UNIVERSITY SCHOOL OF LAW, St. Louis, Missouri  
Adjunct Professor teaching legal ethics and law firm practice in the Juris Doctor program (2003-) and Introduction to U.S. Law & Methods in the International LL.M. program (2001-02)  
*Courses:* Fall 2007, Spring 2009 Lawyer Ethics  
Spring 2008, 2011, 2013 Ethics & Practice Management  
January 2008-16, Summer 2010 Introduction to Law Firm Practice  
Spring 2007 Litigation Ethics & Practice Management  
Spring 2003-05 Practical Ethics for Civil Litigation  
Spring 2002 Introduction to U.S. Law & Methods II  
Spring 2001 Introduction to U.S. Law & Methods



Curriculum Vitae of Michael P. Downey

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## PROFESSIONAL EXPERIENCE

- 2015- DOWNEY LAW GROUP LLC, Saint Louis, Missouri  
Legal ethics lawyer and founder of a law firm devoted to legal ethics, law firm risk management, lawyer discipline defense, and the law of lawyering
- 2011- ARMSTRONG TEASDALE LLP, St. Louis, Missouri  
2015 Partner in the litigation practice group, with practice focused on complex civil litigation, ethics and discipline, risk management, and related matters for lawyers and other professionals
- 2007- HINSHAW & CULBERTSON LLP, St. Louis, Missouri  
2011 Partner in the national *Lawyers for the Profession*<sup>®</sup> practice group, with practice focused on ethics, discipline, risk management, and related matters for lawyers and accountants
- 2001- FOX GALVIN, LLC, St. Louis, Missouri  
2007 Partner (2006-07) and associate (2001-07) representing companies in civil litigation, including commercial, class action, environmental, and product liability cases; also advise lawyers and accountants on ethics and disciplinary issues
- 1999- STINSON, MAG & FIZZELL, P.C., St. Louis, Missouri  
2001 Associate primarily representing companies in civil litigation, including commercial, employment, and class-action matters, in Missouri and Illinois state and federal courts
- 1992- SCHOOL DISTRICT OF THE CITY OF LADUE, St. Louis, Missouri  
1995 Taught Latin I-V and coached soccer and chess

## PUBLICATIONS

### Books, Chapters & Monographs

- 2015 Chapter, *Legal Ethics and Lawyer Business Development*, in *Grow Your Practice: Legal Marketing and Business Development Strategies*, New York State Bar Association (2015)
- 2011 Chapter, *Satisfying Ethical Obligations When Outsourcing Legal Work Overseas*, in intellectual property strategies for the 21<sup>st</sup> century corporation, John Wiley & Sons, Inc. (2011)
- 2010 Book, *Introduction to Law Firm Practice*, American Bar Association Law Practice Management Section (2010)
- 2006 *Monograph on Missouri Warnings Law*, in ABA Survey of State Product Liability Warnings, ABA Section of Litigation—Product Liability Committee (Summer 2006)

### Articles & Columns (Public)

- 2016 Column, *Managing a Law Firm Through Dissolution: Part II*, *Law Practice* (September/October 2016)
- 2016 Column, *Responding to a Subpoena Seeking Client Information*, *Litigation* (Summer 2016)
- 2016 Column, *Eleven Tips for Managing and Protecting Client Records*, *St. Louis Lawyer* (July 2016)

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- 2016 Column, *Managing a Law Firm Through Dissolution: Part I*, Law Practice (July/August 2016)
- 2016 Column, *New ABA Opinion 474 helps define “joint responsibility” in fee-sharing arrangements*, St. Louis Lawyer (June 2016)
- 2016 Column, *Caught with an Adversary’s Privileged Emails: In re Eisenstein* (2016), St. Louis Lawyer (May 2016)
- 2016 Column, *11 Ethics Guidelines for Alternative Fee Arrangements*, Law Practice (May/June 2016)
- 2016 Column, *Erin Andrews’ Trial Shows Ethics Rule Is Needed*, National Law Journal (April 25, 2016)
- 2016 Column, *Upjohn Warnings*, Litigation (Spring 2016)
- 2016 Column, *Technically Truthful but Unethical Conduct Before Tribunals under In re Krigel and Rule 4-3.3(A)(3)*, St. Louis Lawyer (April 2016)
- 2016 Column, *Legal Ethics and Flexible Lawyer Staffing, Part II*, Law Practice (March/April 2016)
- 2016 Column, *Protect Yourself When Doing Business With Clients*, St. Louis Lawyer (March 2016)
- 2016 Column, *Legal Ethics and Flexible Lawyer Staffing, Part I*, Law Practice (January/February 2016)
- 2015 Column, *Illinois Updates Its Legal Ethics Rules*, St. Louis Lawyer (December 2015)
- 2015 Column, *Don’t Let the Grapes Sour When Lawyers Depart*, National Law Journal (November 23, 2015)
- 2015 Column, *Selling or Transferring a Law Practice*, Law Practice (November/December 2015)
- 2015 Column, *Adversity to a Colleague’s Former Colleague*, Litigation (Fall 2015)
- 2015 Column, *A Client’s Right to the Legal File*, St. Louis Lawyer (October 2015)
- 2015 Column, *Are You Handling Client Credit Card Payments Properly*, Law Practice (September/October 2015)
- 2015 Column, *Don’t Be an Ostrich with Risk Management*, National Law Journal (August 10, 2015)
- 2015 Article, *Nine Ways to Build Your Law Practice by Publishing*, Law Practice Today (August 4, 2015)
- 2015 Column, *Lawyer Substance Abuse and Legal Ethics*, St. Louis Lawyer (August 2015)
- 2015 Column, *Legal Ethics and Loop Holes*, St. Louis Lawyer (July 2015)
- 2015 Column, *Responding to Media Reports About Your Client’s Case*, Litigation (Summer 2015)
- 2015 Column, *Craft a Proper Partnership Agreement Now*, Law Practice (July/August 2015)

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- 2015 Column, *Protecting your client's (former) employees from opposing counsel*, St. Louis Lawyer (June 2015)
- 2015 Column, *10 Tips for Moving Client Work to a New Firm*, Law Practice (May/June 2015)
- 2015 Column, *Obtaining Evidence from Former Counsel*, Litigation (Spring 2015)
- 2015 Column, *11 tips for responding to an ethics complaint*, St. Louis Lawyer (May 2015)
- 2015 Column, *The Lawyer Ethics Lessons of Ferguson*, National Law Journal (April 27, 2015)
- 2015 Column, *Making your client's problems your problem*, St. Louis Lawyer (April 2015)
- 2015 Column, *Seven Tips to Keep Client Solicitations Ethical*, Law Practice (March/April 2015)
- 2015 Column, *Discovering an Adversary's Medical Records*, Litigation (Winter 2015)
- 2015 Column, *Comparing the attorney-client privilege and work-product protection*, St. Louis Lawyer (March 2015)
- 2015 Column, *Law Office Risk Management Checkup*, St. Louis Lawyer (February 2015)
- 2015 Column, *What's In A Name? Could Be Ethics Violations*, National Law Journal (January 12, 2015)
- 2015 Column, *Five Points to Know about Non-Compete Agreements for Lawyers*, St. Louis Lawyer (January 2015)
- 2015 Column, *11 Tips on How to Cease Representing a Troublesome Client*, Law Practice (January/February 2015)
- 2015 Article, *Legal Ethics and Developing New Clients*, St. Louis Bar Journal (Winter 2015)
- 2014 Column, *Assessing the fitness of future lawyers*, St. Louis Lawyer (December 2014)
- 2014 Column, *Law practice sales improved by ABA Formal Opinion 468*, St. Louis Lawyer (November 2014)
- 2014 Column, *When Can a Lawyer Cease Representing a Troublesome Client*, Law Practice (November/December 2014)
- 2014 Column, *A Hot Check Can Plunge A Lawyer Into Hot Water*, National Law Journal (October 6, 2014)
- 2014 Column, *Dealing with a colleague's health-related impairments*, St. Louis Lawyer (October 2014)
- 2014 Column, *Letters of Protection*, Litigation (Fall 2014)
- 2014 Column, *9 Legal Ethics Aspects of Lawyer Criminal Convictions*, St. Louis Lawyer (September 2014)

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- 2014 Column, *Nine Tips for Referral Arrangements with Nonlawyers*, Law Practice (September/October 2014)
- 2014 Column, *Attorney Testimony to Enforce Settlement Agreements*, St. Louis Lawyer (August 2014)
- 2014 Column, *Perspectives: Buck Up and (Really) Innovate*, Law Practice (July/August 2014)
- 2014 Column, *Imputation of conflicts for government and non-government lawyers*, St. Louis Lawyer (July 2014)
- 2014 Column, *Time to Nix the Rule on "Specialist" Designations*, National Law Journal (June 16, 2014)
- 2014 Column, *The Scope of the Duty to Preserve*, Litigation (Summer 2014)
- 2014 Column, *Googling jurors – ABA takes position*, St. Louis Lawyer (June 2014)
- 2014 Column, *Perspective: Handling Problematic Rainmakers*, Law Practice (May/June 2014)
- 2014 Column, *A lawyer's duty to supervise and ethics liability for subordinates' actions*, St. Louis Lawyer (May 2014)
- 2014 Column, *Soliciting legal business in person*, St. Louis Lawyer (April 2014)
- 2014 Column, *Accessing an Adversary's Emails*, Litigation (Spring 2014)
- 2014 Column, *Truth (and taste) in advertising: Jamie Casino and the ABA Marketing Conference*, St. Louis Lawyer (March 2014)
- 2014 Column, *Perspectives: Lawyers and Their Devices: Will Clients Show Interest*, Law Practice (March/April 2014)
- 2014 Column, *Handling emails for a lawyer who has exited the firm*, St. Louis Lawyer (February 2014)
- 2014 Column, *Online Pretrial PR – Protected but Risky*, National Law Journal (January 27, 2014)
- 2014 Column, *Impact of GALs on application of the Anti-Contact Rule (Rule 4-4.2)*, St. Louis Lawyer (January 2014)
- 2014 Column, *Perspectives: The LP Division's Focus on Gender Equity*, Law Practice (January/February 2014)
- 2014 Column, *Threatening an Adversary*, Litigation (Winter 2014)
- 2013 Column, *Unpaid law student interns can help law firms provide pro bono legal services*, St. Louis Lawyer (December 2013)
- 2013 Article, *The Delicate Balance of Booting Judges*, National Law Journal (November 4, 2013)
- 2013 Column, *Professional Discipline for Personal Misconduct? In re Hess (Mo. 2013) defines the scope of Rule 4-3.1*, St. Louis Lawyer (November 2013)

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- 2013 Column, *Perspectives: Digital Legal Marketing and the Threat to Client Confidences*, Law Practice (November/December 2013)
- 2013 Column, *Interfering with Client Relationships*, Litigation (Fall 2013)
- 2013 Column, *Hiding or Removing Harmful Social Media Posts*, St. Louis Lawyer (September 2013)
- 2013 Column, *Perspectives: Changes to Nonlawyer Ownership Coming from the Bottom Up*, Law Practice (September/October 2013)
- 2013 Column, *The Ethics of Attracting Attention through Search Engine Marketing*, St. Louis Lawyer (August 2013)
- 2013 Column, *Navigating LinkedIn Ethically and Effectively*, St. Louis Lawyer (July 2013)
- 2013 Column, *The Lying Client*, Litigation (Summer 2013)
- 2013 Column, *New rules on Missouri Lawyer Trust Accounts*, St. Louis Lawyer (June 2013)
- 2013 Column, *Evaluating Attorney-Fee Awards: Berry v. Volkswagen Group*, St. Louis Lawyer (May 2013)
- 2013 Column, *Ex Parte Contacts with an Adversary's (Former) Clients*, Litigation (Spring 2013)
- 2013 Column, *Broad Advance Waivers of Future Conflicts and Galderma*, St. Louis Lawyer (April 2013)
- 2013 Column, *What about financial assistance to clients?*, St. Louis Lawyer (March 2013)
- 2013 Column, *Communicating with an Unrepresented Adversary*, Litigation (Winter 2013)
- 2013 Column, *Ethics and the Virtual Law Office*, St. Louis Lawyer (February 2013)
- 2013 Column, *No Firing Clients to Cure Conflicts: the "Hot Potato" Doctrine*, St. Louis Lawyer (January 2013)
- 2012 Column, *Beware the Partner Trap*, National Law Journal (November 12, 2012)
- 2012 Column, *The Ethics of "Daily Deals,"* St. Louis Lawyer (November 2012)
- 2012 Column, *Sinister Secret Settlements*, Litigation (Summer/Fall 2012)
- 2012 Column, *Conflicts of Interest, Part III—Resolving a Conflict of Interest*, St. Louis Lawyer (October 2012)
- 2012 Article, *Dealing with Outside Counsel's Conflict of Interest, Part II—The Relationship's Over, Let's Litigate*, ACC-STL Focus Newsletter (September 2012)
- 2012 Column, *Conflicts of Interest, Part II—Analyzing Conflicts of Interest*, St. Louis Lawyer (September 2012)

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- 2012 Column, *Conflicts of Interest, Part I—Identifying and Categorizing Clients*, St. Louis Lawyer (August 2012)
- 2012 Article, *Ethical Rules for Litigating in the Court of Public Opinion*, Section of Litigation Ethics & Professionalism E-Newsletter (Summer 2012); reprinted as *Litigating in the court of public opinion*, Missouri Lawyers Weekly (May 6, 2013)
- 2012 Column, *Legal ethics, online data storage, and proposed Rule 1.6(c)*, St. Louis Lawyer (July 2012)
- 2012 Column, *When Pled Allegations Hit the Newspapers*, Litigation (Spring 2012)
- 2012 Column, *Legal Q&A Websites and the Lessons of SC Opinion 12-03*, St. Louis Lawyer (June 2012)
- 2012 Article, *Pretexting and the Discovery of Social Media*, Litigation (Winter 2012)
- 2012 Article, *Dealing with Outside Counsel's Conflict of Interest (Part I)*, ACC-STL Focus Newsletter (April 2012)
- 2012 Article, *Building a Portable Book of Business*, Law Practice (March/April 2012)
- 2012 Article, *Lawyer Advertising, In re Hunter, and the First Amendment*, ABA Section of Litigation, First Amendment & Media Litigation website (March 2012)
- 2012 Participant, *Symposium on Legal Education's Response to the Economic Realities Facing the Profession* sponsored by www.LegalEthicsForum.com (February 2012)
- 2011 Column, *The Lawyer as Witness*, Litigation (Fall 2011)
- 2011 Article, *Why Law Firms Should Use Separation Agreements for Departing Lawyers: Vance v. Griggs*, Missouri Bar Journal (November-December 2011)
- 2011 Column, *Handling Flat Fees*, Litigation (Summer 2011)
- 2011 Article, *Happiness at a Law Firm -- Building a Portable Book of Business*, St. Louis Bar Journal (Fall 2011)
- 2011 Article, *Elements of an Effective Ethical Screen*, ABA/BNA Lawyers Manual on Professional Conduct (September 2011); shortened version published in *BNA's Corporate Counsel Weekly* (October 5, 2011)
- 2011 Column, *Counseling a Client to Waive Ineffective Assistance of Counsel—Burgess v. State (Mo. 2011) revisited*, St. Louis Lawyer (August 2011)
- 2011 Column, *Managing the Risks of Limited Scope Engagements under Missouri Rule 4-1.2*, St. Louis Lawyer (February 2011)
- 2010 Column (with Anthony Davis), *Protecting and Securing Client Information*, New York Law Journal (November 5, 2010)

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- 2010 Article, *Serious About Confidentiality*, National Law Journal (October 18, 2010)
- 2010 Column (with Anthony Davis), *Weighing the Risks of Suing for Fees*, New York Law Journal (September 7, 2010)
- 2010 Column, “*Material Adversity*” and *Former Client Conflicts*: *Miess v. Port City Trucking*, St. Louis Lawyer (August 2010)
- 2010 Article, *12 Tips for Reducing Online Dangers and Liabilities*, Law Practice (July/August 2010)
- 2010 Article, *Thanks for the Headache*, ABA Journal (March 2010)
- 2010 Column, *Sinner or Saint? Attorney-Client Relationships and Former Client Conflicts Under St. Stanislaus*, St. Louis Lawyer (March 2010) (Reprinted in Missouri Bar’s *Precedent* 2011)
- 2009 Article, *Law Firm Online Activity Policy*, The Professional Lawyer (December 2009)
- 2009 Column, *In re Coleman and the Power to Settle*, St. Louis Lawyer (October 2009); reprinted in Missouri Bar’s *Precedent* (Summer 2010)
- 2009 Column, *Surprise! Conflicts in Seemingly Unrelated Representations*, St. Louis Lawyer (July 2009)
- 2009 Column, *Is Your Firm Ready for Disaster*, St. Louis Lawyer (April 2009)
- 2009 Column, *Ethics and Leaving or Changing Law Firms*, St. Louis Lawyer (February 2009)
- 2008 Column, *Eye on Ethics: Recovering Fees When Lawyer-Client Relationships End*, St. Louis Lawyer (May 2008)
- 2008 Column, *Eye on Ethics: Ethics and Contingency Fees*, St. Louis Lawyer (April 2008); reprinted in Missouri Bar’s *Precedent* (Spring 2012)
- 2008 Column, *Eye on Ethics: Eighth Circuit Explores the Crime-Fraud Exception to Privilege and the Work-Product Protection*, St. Louis Lawyer (February 2008) (Reprinted in Missouri Bar’s *Precedent* 2011)
- 2007 Interview, *Profile in Professionalism: Meet John M. “Jack” Brant*, Winter 2007 ABA Center\_Piece (December 2007)
- 2007 Article, *Don’t Be Vague in Top 10 Ethics Traps*, ABA Journal (November 2007)
- 2007 Column, *Eye on Ethics: Rule 4-1.8(c) and the Solicitation of Gifts from Clients*, St. Louis Lawyer (July 2007)
- 2007 Column, *Eye on Ethics: The 2007 Amendments to the Missouri Rules of Professional Conduct*, St. Louis Lawyer (May 2007)
- 2007 Interview, *Eye on Ethics: Alan Pratzel—Missouri’s New Chief Disciplinary Counsel*, St. Louis Lawyer (April 2007)

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- 2007 Interview, *Profile in Professionalism: Meet William Freivogel*, Spring 2007 ABA Center\_Piece (March 2007)
- 2007 Article, *E-Discovery Survival Guide for Litigators*, St. Louis Lawyer (February 2007)
- 2006 Column, *Ethics and E-Data Destruction*, For the Defense (December 2006)
- 2006 Column, *Ethical Obligations Upon Receiving Inadvertently Disclosed Privileged Metadata*, St. Louis Lawyer (December 2006)
- 2006 Article, *Eye on Ethics: Fee Sharing Among Lawyers*, St. Louis Lawyer (August 2006)
- 2006 Article, *Does a Conflict Vicariously Taint an Associated Firm?*, Litigation Ethics (Spring 2006 Issue, June 2006)
- 2006 Column, *Navigating an Insurer-Insured Conflict over Settlement*, For the Defense (May 2006)
- 2006 Column, *Advance Waivers of Future Conflicts*, For the Defense (April 2006)
- 2006 Column, *Eye on Ethics: Disclosing a Client's Intended Misconduct under Missouri and Illinois Law*, St. Louis Lawyer (January 2006)
- 2006 Column, *Ethics and Time-Based Billing*, Law Practice TODAY Webzine (January 2006)
- 2006 Column, *Defense Ethics and Professionalism: Distinct Issues—Use of Temporary Lawyers*, For the Defense (January 2006)
- 2005 Column, *Eye on Ethics: Ethics and Time-Based Billing*, St. Louis Lawyer (December 2005)
- 2005 Article, *Over the River and Through the MJP Thicket*, St. Louis Bar Journal (Fall 2005)
- 2005 Column, *Eye on Ethics: Does a Governmental Attorney-Client Privilege Protect John Roberts' Memoranda?*, St. Louis Lawyer (September 2005)
- 2005 Column, *Eye on Ethics: A Duty to Investigate Your Own Client?*, St. Louis Lawyer (July 2005)
- 2005 Column, *Defense Ethics and Professionalism: The Ethics of Bluffing*, For the Defense (June 2005)
- 2005 Column, *Eye on Ethics: Guidance on Multijurisdictional Practice Issues: Missouri Amends Rules 4-5.5*, St. Louis Lawyer (June 2005)
- 2005 Column, *Eye on Ethics: Clients with Diminished Capacity*, St. Louis Lawyer (January 2005)
- 2004 Column, *Defense Ethics and Professionalism: Avoid Discipline for Criticism*, For the Defense (December 2004)
- 2004 Column with Richard Ahrens, *Eye on Ethics: Improving the Advertising Rules: The Perspective of 2 Members of the BAMSL Professionalism & Ethics Committee*, St. Louis Lawyer (November 2004)



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- 2004 Column, *Eye on Ethics: Missouri Bar Proposes New Rules on Lawyer Marketing; BAMSL Hosts Town Hall Meeting to Debate on September 10*, St. Louis Lawyer (September 2004)
- 2004 Column, *Eye on Ethics: Ethical Screens*, St. Louis Lawyer (July 2004)
- 2004 Article, *State changes ethics rules for accountants, lawyers*, St. Louis Business Journal (May 14-20, 2004) Reprint of *In Enron's Shadow*
- 2004 Article, *In Enron's Shadow, Missouri Quietly Adopts New Ethics Rules for All Accountants and Lawyers*, published by the Missouri Bar in *Corporate Law Update: A Collection of Timely Articles for Law Day 2004* (April 2004)
- 2004 Column, *Eye on Ethics: The practice and unauthorized practice of law*, St. Louis Lawyer (February 2004)
- 2003 Column, *Eye on Ethics: Rules 1.8 and 5.7 and law-related businesses*, St. Louis Lawyer (December 2003)
- 2003 Column, *Eye on Ethics: A non-payer client may not interfere with legal representation*, St. Louis Lawyer (October 2003)
- 2003 Column, *Eye on Ethics: Attorneys are not "GLB" (covered by the Graham-Leach-Bliley Act)*, St. Louis Lawyer (September 2003)
- 2003 Column, *Eye on Ethics: What duties and responsibilities do attorneys owe prospective clients? The Missouri Supreme Court may adopt an answer*, St. Louis Lawyer (August 2003)
- 2002 Article, *Contacts with Agents and Former Agents of Represented Entities: The Missouri anti-contact rule past, present, and future*, St. Louis Lawyer (October 2002)
- 1998 Note, *The Jeffersonian Myth in Supreme Court Seditious Jurisprudence*, 76 Washington University Law Quarterly 683 (1998)

### Podcasts

2012- *Ethics Sound Advice* Podcasts, American Bar Association Litigation Section, available at [http://www.americanbar.org/groups/litigation/resources/sound\\_advice/ethics.html](http://www.americanbar.org/groups/litigation/resources/sound_advice/ethics.html) (posts normally monthly)

### Blog

2015 Contributor, [www.LegalTechnologyToday.com](http://www.LegalTechnologyToday.com)

2012-14 Contributor, [www.MissouriEthicsLawyer.com](http://www.MissouriEthicsLawyer.com)

2008-10 Contributor, [www.TheEthicalQuandary.com](http://www.TheEthicalQuandary.com)

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## **PRESENTATIONS (Not on Client Matters)**

### **On Legal Ethics & Law Practice**

- 2016 Presentation, *Ethics*, St. Louis University School of Law Externship Program, St. Louis, Missouri (September 2016)
- 2016 Presentation, *Managing Risk in Partnership Agreements in an Anti-Jewel World*, American Bar Association Webinar (August 2016)
- 2016 Presentation, *Dealing with Ethical Issues in Your Practice, Part II: Ethics and Emerging Technologies*, Missouri Bar Association Telephone Seminar (August 2016)
- 2016 Presentation, *Legal Ethics Boot Camp*, Downey Law Group LLC, St. Louis, Missouri (August 2016)
- 2016 Presentation, *Legal Ethics I and II*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (June 2016)
- 2016 Presentation, *Litigation Ethics*, U.S. District Court for the Eastern District of Missouri – Northern Division Bench & Bar Seminar, Hannibal, Missouri (June 2016)
- 2016 Presentation, *Ethics at Sunrise – Recent Developments*, Missouri Bar, St. Charles, Missouri (June 2016)
- 2016 Presentation, *Legal Ethics: To Mistakes That Lead to Malpractice*, National Business Institute, Fairview Heights, Illinois (June 2016)
- 2016 Presentation, *Recent Legal Ethics Developments: What Lawyers Need to Know*, Simon Law Firm, P.C., St. Louis, Missouri (June 2016)
- 2016 Presentation, *Dealing with an Opposing Party Who Is Proceeding Pro Se*, Missouri Bar Solo & Small Firm Conference, Lake Ozarks, Missouri (June 2016)
- 2016 Presentation, *Using Technology in Your Practice*, Missouri Bar Solo & Small Firm Conference, Lake Ozarks, Missouri (June 2016)
- 2016 Presentation, *Practical Ethics*, Springfield Bar Association, Springfield, Missouri (June 2016)
- 2016 Presentation, *Recent Legal Ethics Developments: What Lawyers Need to Know*, Springfield Bar Association, Springfield, MO (June 2016)
- 2016 Presentation, *Bad Reviews? Bad Response? Bad Idea!* ABA Law Practice Division Telephone Seminar (June 2016)
- 2016 Presentation, *Legal Ethics Update: Recent Developments in Missouri and Illinois Lawyer Regulation*, Law Library Association of St. Louis, St. Louis, Missouri (June 2016)
- 2016 Panelist, *Let the (Ethical) Games Begin!*, ABA Young Lawyers Division, St. Louis, Missouri (May 2016)

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- 2016 Presentation, *Legal Ethics*, Bar Association of Metropolitan St. Louis 27th Annual Estate Planning Institute, St. Louis, Missouri (April 2016)
- 2016 Presentation, *15 Tips for an Ethical Practice*, Joint CLE Conference of the Jackson County and Williamson County Bar Associations, Carbondale, Illinois (April 2016)
- 2016 Presentation, *Recent Developments in Missouri and Illinois Ethics*, Missouri and Southern Illinois Chapter of the American Board of Trial Advocates, St. Louis, Missouri (April 2016)
- 2016 Presentation, *Legal Ethics: Taking Perspective*, Downey Law Group LLC, St. Louis, Missouri (April 2016)
- 2016 Presentation, *Judicial Ethics*, Missouri Office of State Court Administration, Lake of the Ozarks, Missouri (March 2016)
- 2016 Presentation, *Ethics: What Attorneys Need to Know*, Illinois State Bar Association Advanced Workers Compensation Seminar – 2015, Fairview Heights, Illinois (February 2016)
- 2016 Presentation, *Ethics*, St. Louis University School of Law Externship Program, St. Louis, Missouri (January 2016)
- 2015 Presentation, *Financial Management for Lawyers: Ethically Managing Law Firm Income*, ABA Law Practice Division (December 2015)
- 2015 Presentation, *Do You Really Know Your Client? How to Ethically & Effectively Use Law Practice Managers, Business Analysts, and Client Service Professionals*, ABA Law Practice Division (December 2015)
- 2015 Presentation, *Joint Representations: Avoiding Ethical Issues*, Lorman Education Services Telephone Seminar (December 2015)
- 2015 Presentation, *ARDC Complaints and Professionalism Considerations*, Land of Lincoln Legal Services Family Law Seminar, Collinsville, Illinois (November 2015)
- 2015 Presentation, *Legal Ethics: Keeping Lawyers Out of Trouble*, Missouri Lawyers Assistance Program (MOLAP) Conference, Chesterfield, Missouri (November 2015)
- 2015 Presentation, *The Ethics of Addressing Latent Sources of Corporate Liability*, Georgetown University Hotel & Lodging Legal Summit, Washington, DC (November 2015)
- 2015 Presentation, *Ethics of Cloud Computing*, Missouri Bar LexPort 2015, St. Charles, Missouri (October 2015)
- 2015 Presentation, *Legal Ethics & Technology*, Missouri Bar LexPort 2015, St. Charles, Missouri (October 2015)
- 2015 Presentation, *Ethics*, Illinois State Bar Association Advanced Workers Compensation Seminar – 2015, Fairview Heights, Illinois (October 2015)
- 2015 Presentation, *Legal Ethics Obligations in E-Discovery*, Bar Association of Metropolitan St. Louis Fourth Annual E-Discovery Symposium, St. Louis, Missouri (October 2015)

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- 2015 Presentation, *Technology for the Mobile Lawyer*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (September 2015)
- 2015 Presentation, *Ethics Essentials for Staff and Outside Insurance Defense Counsel*, American Bar Association Tort & Insurance Practice Section, Philadelphia, Pennsylvania (September 2015)
- 2015 Presentation, *Nine Ways to Practice Smarter Not Harder*, Illinois State Bar Association, Fairview Heights, Illinois (September 2015)
- 2015 Presentation, *Ethics*, St. Louis University School of Law Externship Program, St. Louis, Missouri (September 2015)
- 2015 Presentation, *Legal Ethics & Technology*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (June 2015)
- 2015 Presentation, *Law Firm Succession Planning*, Missouri Association of Trial Attorneys, Lake of the Ozarks, Missouri (June 2015)
- 2015 Presentation, *Ethics of Running a Law Practice in a Mobile World*, ALA Chicago Chapter, Chicago, Illinois (June 2015)
- 2015 Presentation, *The Role of a Lawyer and Legal Ethics*, Duke TIPS Program, St. Louis, Missouri (June 2015) (Two presentations)
- 2015 Presentation, *The Office: Are You Mother Goose?*, Missouri Bar Solo & Small Firm Conference, Branson, Missouri (June 2015)
- 2015 Presentation, *Law Firm Succession Planning: Ethical Issues in Retiring, Winding Down, Selling or Leaving a Law Practice*, Missouri Bar Solo & Small Firm Conference, Branson, Missouri (June 2015)
- 2015 Presentation, *Trial Advocacy – Ethics & Professionalism*, American College of Trial Lawyers, St. Louis, Missouri (June 2015)
- 2015 Presentation, *The Lawyer's Pen as Mighty Client-Finder: Writing for Business Development*, Illinois State Bar Association Telephone Seminar (June 2015)
- 2015 Presentation, *Ethics & Integrity: How to Develop and Lead as a Lawyer With a Stellar Personal Brand Presence – in Person and in Social Media/Advertising*, ABA Law Practice Division (June 2015)
- 2015 Presentation, *15 Tips for an Ethical Law Practice*, Illinois State Bar Association Webinar (May 2015)
- 2015 Presentation, *Social Media: The Impact on Lawyer Ethics, Malpractice, and Professionalism*, Missouri Bar Association Telephone Seminar (May 2015)
- 2015 Moderator, *Real World Ethical Issues in Pro Bono Practice*, Volunteer Lawyers & Accountants for the Arts, St. Louis, Missouri (May 2015)

- 2015 Presentation, *Ethical Issues Involving Lawyers Moving Law Firms and Law Firm Breakups*, US Arbitration & Mediation, Collinsville, Illinois (May 2015)
- 2015 Presentation, *IPRP Underwriting Meetings Seminar*, London, England (April 2015)
- 2015 Presentation, *Ethics of Cloud Computing*, ABA Law Practice Division Telephone Seminar (April 2015)
- 2015 Presentation, *Cloudy with a Chance of Ethics – Making Educated Decisions When Choosing Cloud Services*, ABA TECHSHOW, Chicago, Illinois (April 2015)
- 2015 Presentation, *Legal Ethics of Sex and Drugs*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (April 2015)
- 2015 Presentation, *Ethics for Health Lawyers*, St. Louis Association of Health Lawyers, St. Louis, Missouri (April 2015)
- 2015 Presentation, *Appeal to Your Clients w/ Great Law Marketing*, Unidev, St. Louis, Missouri (March 2015)
- 2015 Presentation, *Cloud Computing Issues that Trip Lawyers Up*, American Bar Association Telephone Seminar (March 2015)
- 2015 Presentation, *Running an Ethical Law Practice in a Mobile World*, Greater Chicago Chapter of the Association of Legal Administrators, Chicago, Illinois (March 2015)
- 2015 Presentation, *Developments in Legal Ethics and Technology*, Missouri Bar Spring Committee Meetings, Jefferson City, Missouri (March 2015)
- 2015 Presentation, *Ethics*, Illinois State Bar Association Advanced Workers Compensation – 2015, Fairview Heights, Illinois (February 2015)
- 2015 Presentation, *Ethics and Cloud Computing: Cloud Computing Fundamentals for Lawyers*, ABA Center for Professional Responsibility Telephone Seminar (January 2015)
- 2015 Presentation, *Legal Project Management Stage 1: Introduction & Engaging with the Client*, American Bar Association Telephone Seminar (January 2015)
- 2015 Presentation, *Identifying and Resolving Conflicts of Interest for the Large Firm Lawyer*, Armstrong Teasdale LLP, St. Louis, Missouri (January 2015)
- 2014 Presentation, *The Lawyer's Guide to Records Management and Retention*, American Bar Association Law Practice Division Telephone Seminar (December 2014)
- 2014 Presentation/Moderator, *The Ethics of Practice Management: Playing by the Rules*, Missouri Bar Telephone Seminar (December 2014)
- 2014 Presentation, *Legal Ethics*, Land of Lincoln Legal Services Family Law Seminar, Collinsville, Illinois (November 2014)

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- 2014 Presentation, *The Interplay Between Ethics and LPL Claims and Protecting Against Damages from Companion Ethics Cases*, American Conference Institute's Advanced Forum on LPL/Legal Malpractice, New York, New York (November 2014)
- 2014 Presentation, *Limits on Lawyer Communications with Non-Lawyers*, Armstrong Teasdale (November 2014)
- 2014 Presentation, *Cyber Security Issues Facing Intellectual Property Law Firms*, Intellectual Property Risk Preferred group, Las Vegas, Nevada (November 2014)
- 2014 Presentation, *Trial Lawyers' Use of Social Media*, District of Connecticut Bench-Bar Conference, Portland, Connecticut (October 2014)
- 2014 Presentation, *The Ethics of Negotiation*, USA&M, St. Louis, Missouri (October 2014)
- 2014 Presentation, *The Legal Ethics of Technology 2014*, Missouri Bar's LexPort 2014, St. Charles, Missouri (October 2014)
- 2014 Presentation, *12 Ethics Tips for All Lawyers and Social Media and Its Impact on Lawyer Ethics, Malpractice, and Professional Responsibility*, Illinois State Bar Association ISBA's Solo & Small Firm Practice Institute, Fairview Heights, Illinois (September 2014)
- 2014 Presentation, *Current Issues in Legal Ethics & Emerging Technologies*, Missouri Bar Telephone Seminar, with rebroadcasts due to technical problems (September 2014)
- 2014 Presentation, *"I'll Practice Forever!" is Not Succession Planning: Ethical Issues in Retiring, Winding Down, Selling or Leaving a Law Practice*, Missouri Bar Annual Meeting, Kansas City, Missouri (September 2014)
- 2014 Presentation, *Legal Ethics I and II: Technology Issues & Ethics in the News*, Bar Association of Metropolitan St. Louis (June 2014)
- 2014 Presentation, *Legal Ethics Update 2014*, Armstrong Teasdale LLP, St. Louis, Missouri (June 2014)
- 2014 Presentation, *Multijurisdictional Practice Issues for Traveling Lawyers*, Armstrong Teasdale LLP, St. Louis, Missouri (June 2014)
- 2014 Presentation, *Legal Ethics & Emerging Technologies*, Hispanic Bar Association of St. Louis, Louis, Missouri (June 2014)
- 2014 Presentation, *Legal Ethics & Emerging Technologies*, Bryan Cave LLP, St. Louis, Missouri (June 2014)
- 2014 Presentation, *"I'll Practice Forever!" is Not Succession Planning: Ethical Issues in Retiring, Winding Down, Selling or Leaving a Law Practice*, St. Louis County Bar Association, St. Louis, Missouri (June 2014)
- 2014 Presentation, *Legal Ethics Lessons from My Dog*, Simon Law Firm Annual Seminar, St. Louis, Missouri (June 2014)

- 2014 Presentation, *Dealing with Difficult Opposing Counsel*, Law Library Association of St. Louis, St. Louis, Missouri (June 2014)
- 2014 Presentation, *Professional Ethics for Estate Planning Professionals*, St. Louis University Planned Giving Department, St. Louis, Missouri (June 2014)
- 2014 Presentation, *Teaching Ethics to Practicing Lawyers*, ABA National Conference on Professional Responsibility, Long Beach, California (May 2014)
- 2014 Presentation, *Social Media: The Impact on Lawyer Ethics, Malpractice, and Professionalism*, Missouri Bar Association Telephone Seminar (May 2014)
- 2014 Presentation, *Serving on Non-Profit Boards*, Volunteer Lawyers & Accountants for the Arts, St. Louis, Missouri (May 2014)
- 2014 Presentations, *The Ethics of Talking Online*, ABA Law Practice Division Law Firm Marketing Strategies Conference, St. Louis, Missouri (May 2014)
- 2014 Presentation, *Practical Lessons in Leadership*, ALI CLE-ABA Law Practice Division Telephone Seminar (April 2014)
- 2014 Presentation, *Ethical Issues with a Multijurisdictional Practice*, Illinois State Bar Association, Bloomington, Illinois (April 2014)
- 2014 Presentation, *The Top Ten Risk Management Issues Every Estate Planning Attorney Needs to Understand!*, Bar Association of Metropolitan St. Louis 25<sup>th</sup> Annual Estate Planning Institute, St. Louis, Missouri (April 2014)
- 2014 Presentation, *Legal Ethics & Emerging Technologies*, Shands Elbert Gianoulakis & Giljum, LLP, St. Louis, Missouri (April 2014)
- 2014 Presentation, *Legal Privilege I and II*, Missouri Association of Probate and Associate Circuit Judges Annual Meeting, Lake Ozarks, Missouri (April 2014)
- 2014 Presentation, *Spotting Current Client Conflicts of Interest in Patent Practice from Litigation to Opinions to Prosecution*, American Intellectual Property Law Association Telephone Seminar (April 2014)
- 2014 Presentation, *Trust and Estate Ethics*, Washington University School of Law Advanced Estate Planning & Drafting Course (March 2014)
- 2014 Presentation, *Avoiding Potential Legal & Business Conflicts of Interest When Developing New Clients and New Legal Work - Key Ethical Issues re: Business, Client Development and "Sales" for Lawyers*, Business Development Inc. Telephone Seminar (March 2014)
- 2014 Presentation, *Plenary Session: Inoculating Against Conflicts of Interest: What You Didn't Learn in Your Law School Ethics Class*, ABA Litigation Section Corporate Counsel CLE Seminar, Rancho Mirage, California (February 2014)
- 2014 Presentation, *Ethics*, St. Louis University School of Law Externship Program, St. Louis, Missouri (January 2014)

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- 2013 Keynote Presentation, *The Role of Professional Development Professionals for a Changing Legal Profession*, PDC, Washington, DC (December 2013)
- 2013 Presentation/Moderator, *The Ethics of Practice Management: Playing by the Rules*, Missouri Bar Telephone Seminar (December 2013)
- 2013 Presentation, *Legal Ethics*, Land of Lincoln Legal Services Family Law Seminar, Collinsville, Illinois (November 2013)
- 2013 Presentation, *Ethics*, St. Louis University Business Associations Course, St. Louis, Missouri (November 2013)
- 2013 Presentation, *Who's Your Client*, Metropolitan Municipal Attorneys Association, St. Louis, Missouri (October 2013)
- 2013 Presentation, *Ten Ethical Considerations with Pro Bono Legal Work*, Legal Services of Eastern Missouri, St. Louis, Missouri (October 2013)
- 2013 Presentation, *Ethical Issues in Malpractice Litigation*, Missouri Bar, St. Louis, Missouri (October 2013)
- 2013 Presentation, *Using the Internet and Social Media*, BJC HealthCare, St. Louis, Missouri (October 2013)
- 2013 Presentation, *Ethics: Using the Internet and Social Media*, Illinois State Bar Association, Fairview Heights, Illinois (October 2013)
- 2013 Moderator, *My Partners' Keeper: Legal Ethics for Lawyer Supervisors and Supervised Lawyers*, ABA Law Practice Division/ABA Young Lawyers Division, Phoenix, Arizona (October 2013)
- 2013 Presentation, *Dealing with the Media on Client Matters*, Congress of School Attorneys, Jefferson City, Missouri (October 2013)
- 2013 Presentation, *Starting and Ending Lawyer-Client Relationships*, Illinois Credit Union League, Oak Brook, Illinois (September 2013)
- 2013 Presentation, *"I'll Practice Forever!" Is Not Succession Planning: Ethical Issues in Retiring, Winding Down, Selling or Leaving a Law Practice*, Missouri Bar, Columbia, Missouri (September 2013)
- 2013 Presentation, *Ethics*, St. Louis University School of Law Externship Program, St. Louis, Missouri (August 2013)
- 2013 Presentation, *Attorney Conduct in Blogging, Social Media and Listservs*, Association of Professional Responsibility Lawyers, San Francisco, California (August 2013)
- 2013 Presentation, *Ethics*, Bar Association of Metropolitan St. Louis (June 2013)
- 2013 Presentation, *The Lawyer Who Kicked the Hornet's Nest: Ethical Rules for Litigating in the Court of Public Opinion*, Armstrong Teasdale LLP, St. Louis, Missouri (June 2013)



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- 2013 Presentation, *Ethical Issues in Trust and Estate Practice*, 25<sup>th</sup> Annual Advanced Estate Planning Techniques, NBI, St. Louis, Missouri (June 2013)
- 2013 Presentation, *Building a Safe, Successful & Ethical Law Practice*, St. Louis University, St. Louis, Missouri (June 2013)
- 2013 Presentation, *Conflicts of Interest*, Evans & Dixon PC, St. Louis, Missouri (June 2013)
- 2013 Presentation, *Legal Billing for the 21st Century Lawyer: The New Normal*, ABA CLE (June 2013)
- 2013 Presentation, *Ethics for the Business Lawyer: Conflicts of Interest*, ALI CLE Telephone Seminar (June 2013)
- 2013 Presentation, *Ethical Rules for Litigating in the Court of Public Opinion*, Armstrong Teasdale LLP, Washington, DC (June 2013)
- 2013 Presentation, *Protecting Client Information: Lawyer-Client Privilege and Confidentiality*, Law Library Association of St. Louis, St. Louis, Missouri (May 2013)
- 2013 Presentation, *Ethics for In-House Counsel: Client Identification, Conflicts and Confidentiality*, Bar Association of Metropolitan St. Louis Corporate Counsel Institute, St. Louis, Missouri (May 2013)
- 2013 Presentation, *Social Media: The Impact on Lawyer Ethics, Malpractice, and Professionalism*, Missouri Bar Telephone Seminar (May 2013)
- 2013 Presentation, *Ethics for the Business Lawyer: Confidentiality, Negotiation Ethics, and Multijurisdictional Practice*, ALI CLE Telephone Seminar (May 2013)
- 2013 Presentation, *Ethical Issues Arising from the Use of Emerging Technologies*, Missouri Bar Local Government and Technology Committees Joint Meeting, Jefferson City, Missouri (May 2013)
- 2013 Presentation, *Emerging Legal Issues with the Interactive Web: Ethics, Social Media, Privacy, Cloud Computing, and More*, AB InBev, St. Louis, Missouri (May 2013)
- 2013 Presentation, *What's New in Legal Ethics 2012-13*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (April 2013)
- 2013 Presentation, *Multijurisdictional Practice*, Illinois State Bar Association, Chicago, Illinois (April 2013)
- 2013 Presentation, *Legal Ethics & Social Media*, Danna McKittrick, P.C., St. Louis, Missouri (March 2013)
- 2013 Presentation, *Multistate Tax Commission Legal Ethics: Identifying Clients & Protecting Communications*, Multistate Tax Commission Meeting, St. Louis, Missouri (March 2013)
- 2013 Presentation, *10 Risk Management Tips for Improving Your Practice (and Life)*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (February 2013)

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- 2013 Presentation, *Ethics*, Illinois State Bar Association Advanced Workers Compensation – 2013, Fairview Heights, Illinois (February 2013)
- 2013 Presentation, *The Ethics of Technology*, United States Arbitration and Mediation, Midwest Inc., St. Louis, Missouri (January 2013)
- 2013 Presentation, *Trust and Estate Ethics*, Washington University School of Law Advanced Estate Planning & Drafting Course (January 2013)
- 2013 Presentation, *Lawyers on Boards: Marketing and Ethics Issues*, Armstrong Teasdale LLP, St. Louis, Missouri (January 2013)
- 2012 Presentation/Moderator, *The Ethics of Practice Management: Playing by the Rules*, Missouri Bar Telephone Seminar (December 2012)
- 2012 Presentation, *Ethics for Local Government Attorneys: Communications with Clients and the Media*, Missouri Bar Local Government Committee, Jefferson City, Missouri (November 2012)
- 2012 Presentation, *Confidentiality, Conflicts, and Dangerous Clients*, Association of Women Lawyers of Greater Kansas City, Kansas City, Missouri (October 2012)
- 2012 Presentation, *The Ethics of Ending Attorney-Client Relationships*, American Bar Association Telephone Seminar (October 2012)
- 2012 Presentation, *Advertising Rules, Marketing, and Advertising Strategies*, Missouri Bar Telephone Seminar (October 2012)
- 2012 Presentation, *The Legal Ethics of Technology*, Missouri Bar's LexPort 2012, St. Charles, Missouri (September 2012)
- 2012 Presentation, *Legal Ethics: Conflicts of Interest in Case Studies*, National Business Institute Webinar (September 2012)
- 2012 Presentation, *Social Media Ethics Game*, Association of Professional Responsibility Lawyers, Chicago, Illinois (August 2012)
- 2012 Presentation, *Ethics of Lawyer Advertising*, Bar Association of Metropolitan St. Louis (BAMSL), St. Louis, Missouri (June 2012)
- 2012 Presentation, *Delicate Balancing Act: Attorney-Client Privilege, Attorney Work Product, and Technology*, National Association of College & University Attorneys (NACUA), Chicago, Illinois (June 2012)
- 2012 Presentation, *The Ethics of Negotiation*, Armstrong Teasdale LLP, St. Louis, Missouri (June 2012)
- 2012 Presentation, *Who Is the Client and Reporting by Constituents*, Society of Corporate Secretaries & Governance Professionals, St. Louis, Missouri (June 2012)
- 2012 Presentation, *Ethics Update 2012*, Armstrong Teasdale LLP, St. Louis, Missouri (June 2012)

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- 2012 Presentation, *"Dirty Jobs" - The Relationship Between Inside and Outside Counsel: Alternative Fees*, Armstrong Teasdale LLP, Kansas City, Missouri (June 2012)
- 2012 Presentation, *Ethics Part I—Fees, Fee Sharing, and Liens and Ethics, Part II—Conflicts of Interest*, Simon Law Firm Annual Seminar, St. Louis, Missouri (June 2012)
- 2012 Presentation, *Ethics for the Business Lawyer*, ALI CLE Telephone Seminar (June 2012)
- 2012 Presentation, *Ethics and Social Media*, New York City Bar, International Legal Technology Association (ILTA) & West LegalEdcenter CFO/CIO/COO Forum, New York (June 2012)
- 2012 Presentation, *Conflicts for the Business Lawyer*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (May 2012)
- 2012 Presentation, *Effective Ethical Screens: Practical Tips for Avoiding Risks*, Hildebrandt Law Firm General Counsel Roundtable, Dallas, Texas (May 2012)
- 2012 Presentation, *Legal Ethics in Missouri: Attorney-Client Privilege and Work Product Protection” and “Engagement Agreements,”* Lorman Education Services, St. Louis, Missouri (May 2012)
- 2012 Presentation, *Ethics of Social Networking*, ABA Section of State and Local Government Law Telephone Seminar (April 2012)
- 2012 Presentation, *Legal Marketing in a Web 2.0 Environment: Top Ten Mistakes to Avoid*, ABA Litigation Section, Washington, DC (April 2012)
- 2012 Presentation, *Facebook or Face Plant? Limiting Ethical and Legal Risks from Social Networking*, Armstrong Teasdale Litigation Practice Group Associates, St. Louis, Missouri (April 2012)
- 2012 Presentation, *Ethical Considerations in Law Firm Breakups*, Madison County Bar Association, Collinsville, Illinois (April 2012)
- 2012 Presentation, *What Can Be Discovered? The Attorney-Client Privilege and Work Product Protection*, Family Business Legal Toolkit, St. Louis, Missouri (April 2012)
- 2012 Presentation, *Handing Down the Family Business: Ethical Lessons for Trust & Estate Counsel*, Peoples National Bank (April 2012)
- 2012 Presentation, *Ethics Update*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (April 2012)
- 2012 Presentation, *The “Big Bang Theory” Comes to Legal Fees and Litigation Funding*, ACC-St. Louis Chapter and Armstrong Teasdale LLP, St. Louis, Missouri (March 2012)
- 2012 Presentation, *When Consent Is Not Enough: Ethical Issues in Joint Representations*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (March 2012)
- 2012 Presentation, *Privilege for Employment Lawyers*, Bar Association of Metropolitan St. Louis Employment Law Section, St. Louis, Missouri (March 2012)

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- 2012 Presentation, *Business Successors and the Transpositional Attorney-Client Relationship*, Armstrong Teasdale LLP Corporate Services Group, St. Louis, Missouri (February 2012)
- 2012 Presentation, *Ethical Pitfalls in Client Billing and Fee Collection*, Strafford Publications Telephone Seminar (February 2012)
- 2012 Presentation, *Privilege*, BJC Compliance Department, St. Louis, Missouri (February 2012)
- 2012 Presentation, *Ethics*, St. Louis University School of Law Externship Program, St. Louis, Missouri (January 2012)
- 2011 Presentation/Moderator, *The Ethics of Practice Management: Playing by the Rules*, Missouri Bar Telephone Seminar (December 2011)
- 2011 Presentation, *Who Is Your Client*, Missouri Bar Annual Government Practice Institute, Jefferson City, Missouri (December 2011)
- 2011 Presentations, *Say What to Whom, When? Ex Parte Communications and Related Discovery Concerns* and *Rule Book, Law Book, Facebook: the Ethics of Social Media*, Missouri Bar Ethics In Litigation Program, St. Louis, Missouri (November 2011)
- 2011 Presentation, *Ethics - It Does Not Require a Wizard*, National Association of Regulatory Utility Commissioners (NARUC) Annual Meeting, St. Louis, Missouri (November 2011)
- 2011 Presentation, *What Estate Planning Lawyers Need to Know to Avoid Malpractice Claims*, Peoples National Bank, St. Louis, Missouri (November 2011)
- 2011 Presentation, *Associate Business Development Training*, ABA Law Firm Marketing Strategies Conference, Philadelphia, Pennsylvania (November 2011)
- 2011 Presentation, *Effects of Rankings & Ratings on the Legal Profession*, ABA Law Firm Marketing Strategies Conference, Philadelphia, Pennsylvania (November 2011)
- 2011 Presentation, *Technology and Law Firm Risk Management*, LeClairRyan, Richmond, Virginia (October 2011)
- 2011 Presentation, *Social Media, Intellectual Property, and Ethics*, Missouri Bankers Association Banking Legal Issues Seminar, Columbia, Missouri (October 2011)
- 2011 Presentation, *Ethics—An Unhealthy Situation*, St. Louis Health Lawyers Association, St. Louis, Missouri (October 2011)
- 2011 Presentation, *The Ethics of Preparing Your Case and Dealing with Difficult Adversaries*, Bar Association of Metropolitan St. Louis Product Liability Seminar, St. Louis, Missouri (September 2011)
- 2011 Presentation, *Ethics in a Wireless World*, Association of Legal Administrators Webinar (September 2011)
- 2011 Presentation, *Ethics*, St. Louis University School of Law Externship Program, St. Louis, Missouri (August 2011)

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- 2011 Presentation, *Ethics and Ending the Attorney-Client Relationship*, Strafford Publications Telephone Seminar (August 2011)
- 2011 Presentation, *eAttorney, miAttorney: How Technology has Changed Communication and Collaboration with Clients*, ABA Annual Meeting, Toronto, Canada (August 2011)
- 2011 Presentation, *A Saucerful of (Corporate) Secrets/Keeping Corporate Communications Privileged*, Armstrong Teasdale LLP, St. Louis, Missouri (July 2011)
- 2011 Presentation, *Ethics in the Wireless World*, ALA Mile High Chapter, Denver, Colorado (July 2011)
- 2011 Presentation, *Succession Planning for Solo and Small Firms Including How to Ethically Sell a Law Practice*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (June 2011)
- 2011 Presentation, *Ethical Issues in Trust and Estate Practice*, 23<sup>rd</sup> Annual Advanced Estate Planning Techniques, NBI, St. Louis, Missouri (June 2011)
- 2011 Presentation, *Conflicts of Interest for the Business Lawyer*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (June 2011)
- 2011 Presentation, *Ethics in a Wireless World*, Association of Legal Administrators—Gateway Chapter, St. Louis, Missouri (June 2011)
- 2011 Presentation, *Ethics in a Wireless World*, Louisville Bar Association, Louisville, Kentucky (June 2011)
- 2011 Presentation, *Ethics Update of Attorneys and Accountants*, Edward Jones 2011 Tax and Legal Continuing Education Seminar, St. Louis, Missouri (May 2011)
- 2011 Presentation, *Ethics and Board Membership*, Volunteer Lawyers and Accountants for the Arts, St. Louis, Missouri (May 2011)
- 2011 Panelist, *Large Firm Management Roundtable*, ABA Law Practice Management Section Meeting, Palm Springs, California (May 2011)
- 2011 Presentation, *Risk Management*, A Professional Liability Seminar for Large Law Firms, CNA, London, England (May 2011)
- 2011 Presentation, *Protecting against the Risks of Social Networking*, Hildebrandt Institute’s Law Firm General Counsel Roundtable, Boston, Massachusetts (May 2011)
- 2011 Presentation, *Teaching New Lawyers About the Law Firm as a Business*, NALP 2011 Annual Education Conference, Palm Springs, California (April 2011)
- 2011 Presentation, *Legal Ethics for Whistleblower/Qui Tam Claims*, KCMBA, Kansas City, Missouri (April 2011)
- 2011 Presentation, *The Promise of Technology: New Challenges and Opportunities for Delivering Legal Services*, The University of the Pacific, McGeorge School of Law Conference “Ethics

- 20/20—Globalization, Technology and Transforming the Practice of Law,” Sacramento, California (April 2011)
- 2011 Presentation, *Ethical Pitfalls & Important Terms in the Purchase/Sale of a Law Practice*, United States Arbitration and Mediation, Midwest Inc., St. Louis, Missouri (April 2011)
- 2011 Presentation, *Ethics in Bankruptcy Practice*, Missouri Bar Annual Bankruptcy Institute, Cape Girardeau, Missouri (March 2011)
- 2011 Presentation, *Regulation of Lawyer Advertising*, Hinshaw & Culbertson LLP Marketing Department, Chicago, Illinois (March 2011)
- 2011 Presentation, *Trust and Estate Ethics*, Washington University School of Law Estate Planning & Drafting Course (March 2011)
- 2011 Presentation, *Ethics and Legal Process Outsourcing*, Telephone Seminar sponsored by New York Law Journal and Pangea 3 (March 2011)
- 2011 Presentation, *Ethics*, Bar Association of Metropolitan St. Louis Labor & Employment Section, Clayton, Missouri (February 2011)
- 2011 Presentation, *On the Horizon: Is Susskind Right? Technology and the Future of Large Law Firms*, Legal Malpractice & Risk Management Conference, Chicago, Illinois (February 2011)
- 2011 Moderator, *The Growing Threats to Client (and Firm) Data—Managing Technology to Meet the Challenges*, Legal Malpractice & Risk Management Conference, Chicago, Illinois (February 2011)
- 2011 Presentation, *Ethics in Bankruptcy Practice*, Missouri Bar Annual Bankruptcy Institute, St. Louis, Missouri (February 2011)
- 2011 Presentation, *Social Media and Legal Ethics, Consumer Protection Conference*, ABA Antitrust Section, Washington, D.C. (February 2011)
- 2011 Presentation, *Panel discussion on Ethics of Pro Bono Work*, Bar Association of Metropolitan St. Louis Pro Bono Day, St. Louis, Missouri (January 2011)
- 2011 Presentation, *Ethics Rules for Trust Accounting with Precautions against Fraud and Money Laundering*, West LegalEdcenter telephone seminar (January 2011)
- 2011 Presentation, *Making Partner: Finding Your Equation for Success*, American Bar Association Telephone Seminar (January 2011)
- 2010 Presentation/Moderator, *The Ethics of Practice Management: Playing by the Rules*, Missouri Bar Telephone Seminar (December 2010)
- 2010 Presentation, *Ethics & E-Discovery*, Missouri Bar Labor & Employment Law Symposium, Columbia, Missouri (November 2010)
- 2010 Presentation, *Who’s the Client? Ethical Dilemmas of In-House Counsel*, Missouri Bar, St. Louis, Missouri (October 2010)

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- 2010 Presentation, *Advertising Rules, Marketing, and Advertising Strategies*, Missouri Bar Webinar (October 2010)
- 2010 Presentation, *Client Billing and Fee Collection: Ethical Considerations*, Stafford Publications Telephone Seminar (October 2010)
- 2010 Presentation, *Ethical Screens*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (October 2010)
- 2010 Presentation, *Risk Challenges of Changing Technology*, Hildebrandt Institute's Law Firm General Counsel Roundtable, Minneapolis, Minnesota (October 2010)
- 2010 Presentation, *Ethics in the Wireless World*, Association of Legal Administrators Region IV Meeting, Dallas, Texas (October 2010)
- 2010 Presentation, *Ethical Pitfalls for Solos*, American Bar Association Smart Soloing School Webcast (September 2010)
- 2010 Presentation, *Ethical Considerations Arising in the Simultaneous Defense of Collateral Criminal, Regulatory, Employment and Civil Neglect Claims*, DRI Nursing Home/ALF Litigation Conference, Chicago, Illinois (September 2010)
- 2010 Presentation, *Succession Planning and Business Survival*, West LegalEdcenter 2<sup>nd</sup> Annual Midwestern Law Firm Management Conference, Chicago, Illinois (September 2010)
- 2010 Presentation, *Changing Technology: Opportunities and Challenges*, Hildebrandt Institute's 9th Annual Law Firm General Counsels' Forum, New York, New York (September 2010)
- 2010 Presentation, *Fiduciaries: Are You One and What Does That Mean*, Estate Planning Counsel of St. Louis (September 2010)
- 2010 Presentations, *Law Firm Management* and *Law Firm Risk Management*, NBI Video Seminars, filmed in Minneapolis, Minnesota (August 2010)
- 2010 Presentation, *Hot Ethics Issues for Young Trial Lawyers (and the Young at Heart)*, ABA Criminal Justice Section, ABA Annual Meeting, San Francisco, California (August 2010) (Presidential CLE Centre Program)
- 2010 Presentation, *Food for Thought on the New Rules*, Illinois ARDC Hearing Board Meeting, Springfield, Illinois (July 2010)
- 2010 Presentation, *The Ethics of Social Media: Facebook, Twitter, LinkedIn*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (June 2010)
- 2010 Presentation, *Ethical Issues in Trust and Estate Practice*, 22<sup>nd</sup> Annual Advanced Estate Planning Techniques, NBI, St. Louis, Missouri (June 2010)
- 2010 Presentation, *Ethics: Managing Relationships with Troubled Clients in Fuzzy Situations*, Missouri Bar Annual Real Estate Institute, Springfield, Missouri (June 2010)

- 2010 Presentation, *Ethics CLE—Confidentiality and Privilege*, Hinshaw & Culbertson LLP, St. Louis, Missouri (June 2010)
- 2010 Presentation, *How to Ethically Market Your Law Practice*, Simon Law Firm program (June 2010)
- 2010 Presentation, *Ethics: Managing Relationships with Troubled Clients in Fuzzy Situations*, Missouri Bar Annual Real Estate Institute, Columbia, Missouri (June 2010)
- 2010 Presentation, *Ethical Issues Facing Bankruptcy Practitioners*, United States Bankruptcy Court for the Eastern District of Missouri, St. Louis, Missouri (June 2010)
- 2010 Presentation, *Legal Ethics and Risk Management in Turbulent Economic Times*, Louisville Bar Association, Louisville, Kentucky (June 2010)
- 2010 Presentation, *Conflicts of Interest for the Business Lawyer*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (June 2010)
- 2010 Presentations, *Legal Ethics in Missouri: Attorney-Client Privilege and Work-Product Protections and Engagement Letters*, Lorman Education Services, St. Louis, Missouri (June 2010)
- 2010 Presentation, *Protecting Client Confidences—It's Not That Simple*, St. Louis Law Firm Management Roundtable, Hinshaw & Culbertson LLP, St. Louis, Missouri (June 2010)
- 2010 Presentation, *Protecting Client Confidences—It's Not That Simple*, Kansas City Law Firm Management Roundtable, Hinshaw & Culbertson LLP, Kansas City, Missouri (June 2010)
- 2010 Presentation, *The Ethics of Social Media: Facebook, Twitter, LinkedIn*, Bar Association of Metropolitan St. Louis Bench & Bar, Lake Ozarks, Missouri (June 2010)
- 2010 Presentation, *Outsourcing and Ethical Issues*, International Trademark Association, Boston, Massachusetts (May 2010)
- 2010 Presentation, *The Supreme Court's Role in Attorney Disciplinary Matters*, Mound City Bar Association, St. Louis, Missouri (May 2010)
- 2010 Presentation, *Social Media: What's New, What's Dangerous, and What's Ethical?*, 29<sup>th</sup> Annual Corporate Counsel Institute, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (May 2010)
- 2010 Moderator, *The Ethics of Starting Your Own Firm*, American Bar Association Center for Professional Responsibility Telephone Seminar (May 2010)
- 2010 Presentation, *Ethics for the Business Lawyer: Confidentiality, Negotiation Ethics, and Multijurisdictional Practice*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (April 2010)
- 2010 Presentation, *Legal Ethics and Social Media*, Hinshaw & Culbertson LLP School Law Group, Chicago, Illinois (April 2010)
- 2010 Presentation, *Ethics for Private Client Lawyers ... and Others*, Bryan Cave LLP (April 2010)



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- 2010 Presentation, *The Ethics of Getting Paid*, West LegalEdcenter Webinar (March 2010)
- 2010 Presentation, *Ethics for Public Defenders*, Missouri State Public Defender Office, 22<sup>nd</sup> Circuit (St. Louis City), St. Louis, Missouri (March 2010)
- 2010 Presentation, *Legal Ethics and Social Media*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (March 2010)
- 2010 Presentation, *Duty of Confidentiality under the New RPC 1.6*, Hinshaw & Culbertson, LLP, Chicago, Illinois (March 2010)
- 2010 Presentation, *Ethical Traps in the Use of Social Networking Sites Online*, 39<sup>th</sup> Annual Conference on Environmental Law, American Bar Association Section of Environment, Energy, and Resources, Salt Lake City, Utah (March 2010)
- 2010 Presentation, *Ethics (Paralegal Ethics and Billable Hours)*, St. Louis Association of Legal Assistants (March 2010)
- 2010 Presentation, *Stump the Panel and Managing Client and Law Firm Data, and What Gives When Client and Firm Policies Conflict*, Legal Malpractice & Risk Management Conference, Chicago, Illinois (March 2010)
- 2010 Presentation, *Conflicts of Interest: What Every Lawyer Needs To Know*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (February 2010)
- 2010 Presentation, *Trust and Estate Ethics*, Washington University School of Law Estate Planning & Drafting Course (February 2010)
- 2010 Presentation, *Ethics & Risk Management in a Wireless World*, Fox Galvin LLC, St. Louis, Missouri (January 2010)
- 2010 Presentation, *The Duty of Confidentiality Under the New RPC 1.6*, Hinshaw & Culbertson LLP General Counsel Roundtable, Chicago, Illinois (January 2010)
- 2009 Presentation, *Websites and Blogs: the Risks for Law Firms*, PLI Winter Ethic Program—2009, New York, New York (December 2009)
- 2009 Presentation, *The Ethics of Negotiation*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (December 2009)
- 2009 Presentation, *Selling Your Law Practice*, West LegalEdcenter Webinar (December 2009)
- 2009 Presentation, *Ethical Pitfalls for Practitioners*, ABA Connection Telephone Seminar (December 2009)
- 2009 Presentation, *Ethical Risks of Online Communications by Attorneys*, Strafford Publications Telephone Seminar (December 2009)
- 2009 Presentation, *Ethics Issues in a Tight Economy*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (November 2009)

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- 2009 Presentation, *Law Marketing & Advertising Ethics Update—New Rules; New Tools*, ABA Law Practice Management Section Marketing Strategies Conference, Philadelphia, Pennsylvania (November 2009)
- 2009 Panelist, *The 2009 Annual International Conference Plenary Session*, Center for Academic Integrity, Clayton, Missouri (October 2009)
- 2009 Presentation, *Ethics in a Wireless World*, Association of Legal Administrators, St. Louis, Missouri (October 2009)
- 2009 Presentation, *How to Deal with the “Rambo” Litigator: Ethics—It’s Legal, But Is It Right*, National Business Institute, Clayton, Missouri (September 2009)
- 2009 Presentation, *Preventing or Responding to Potential Employee Embezzlement at Law Firms*, ABA Law Practice Management Section Telephone Seminar (September 2009)
- 2009 Presentation, *Claims Against Lawyers by Non-Clients: Identifying and Reducing the Risks*, West LegalEdcenter Webinar (August 2009)
- 2009 Presentation, *Subrogation and Liens in Auto Accident Litigation: Ethics*, National Business Institute, Clayton, Missouri (August 2009)
- 2009 Presentation, *Ethical Conduct in Bankruptcy Proceedings*, National Business Institute Telephone Seminar (August 2009)
- 2009 Presentation, *Publishing and Publicizing Disciplinary Proceedings: Good or Bad?*, National Organization of Bar Counsel/Association of Professional Responsibility Lawyers Joint Program, Chicago, Illinois (August 2009)
- 2009 Presentation, *Ethical Pitfalls in Client Billing and Fee Collection*, Strafford Publications Telephone Seminar (July 2009)
- 2009 Presentation, *Ethical Implications of Marketing in a Web 2.0 World*, ABA Law Practice Management Section Telephone Seminar (July 2009)
- 2009 Presentation, *Business Law from A to Z: Avoiding Ethical Issues*, National Business Institute, Clayton, Missouri (July 2009)
- 2009 Presentation, *Automobile Cases from Start to Finish: Ethical Issues to Beware Of*, Institute for Paralegal Education, St. Louis, Missouri (June 2009)
- 2009 Presentation, *Negotiation Ethics: What Every Lawyer Needs to Know About Something Every Lawyer Does*, Minnesota CLE Webcast (June 2009)
- 2009 Presentation, *The Law Firm as a Business*, Hinshaw & Culbertson LLP, Chicago, Illinois (June 2009)
- 2009 Presentation, *Lawyer Ethics in Troubled Economic Times*, Simon Law Firm Program (June 2009)
- 2009 Presentation, *Lawyer Ethics and Risk Management in an Economic Downturn*, Louisville Bar Association, Louisville, Kentucky (June 2009)

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- 2009 Presentation, *Ethics for the Business Lawyer: Confidentiality, Negotiation Ethics, and Multijurisdictional Practice*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (June 2009)
- 2009 Presentation, *Ethical Issues in Real Estate*, Halfmoon Seminars, Clayton, Missouri (June 2009)
- 2009 Presentation, *Advanced Estate Planning Techniques: Ethical Issues in a Trust & Estate Practice*, National Business Institute, Clayton, Missouri (June 2009)
- 2009 Presentation, *Effective New Business Intake Management*, Thomson Elite Users Conference, San Diego, California (June 2009)
- 2009 Presentation, *The Ethics of Social Networking Sites and Other Electronic Media*, 24th Annual What's New in Legal Ethics and Fee Disputes Seminar, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (June 2009)
- 2009 Presentation, *Managing the Risk of Lateral Movement and Law Firm Mergers*, Hinshaw & Culbertson LLP Law Firm Management Roundtable, St. Louis, Missouri (June 2009)
- 2009 Presentation, *Managing the Risk of Lateral Movement and Law Firm Mergers*, Hinshaw & Culbertson LLP Law Firm Management Roundtable, Kansas City, Missouri (June 2009)
- 2009 Presentation, *Finding a (Fun and Profitable) Niche Practice*, Hinshaw & Culbertson LLP, St. Louis, Missouri (May 2009)
- 2009 Presentation, *Conflicts of Interest for the Business Lawyer*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (May 2009)
- 2009 Presentation, *Ethical Implications of Marketing in a Web 2.0 World: From Facebook to LinkedIn, Websites to Blogs*, ABA Law Practice Management Section and Young Lawyers Division, New Orleans, Louisiana
- 2009 Presentation, *Legal Ethics*, Harpo Inc./LexisNexis, Chicago, Illinois (March 2009)
- 2009 Presentation, *Disciplinary Hearing Officer Training: The Respondent's Perspective*, Missouri Supreme Court Advisory Committee, Columbia, Missouri (March 2009)
- 2009 Presentation, *Lawyer Ethics and Risk Management in an Economic Downturn*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (March 2009)
- 2009 Presentation, *Risk Management and Electronic Advertising—Websites and E-mail*, Legal Malpractice & Risk Management Conference, Chicago, Illinois (March 2009)
- 2009 Presentation, *The Ethics of Billing*, West LegalEdcenter Webinar (February 2009)
- 2009 Presentation, *Reining in Rambo Lawyers*, Missouri Bar Young Lawyers Division, St. Louis, Missouri (February 2009)
- 2009 Presentation, *Trust and Estate Ethics*, Washington University School of Law Estate Planning & Drafting Course (January 2009)

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- 2009 Presentation, *The Ethics of Negotiation*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (January 2009)
- 2008 Presentation, *Conflicts and Solicitation for Lessons in Professional Responsibility: Learned from the Illinois Law Practice of Abraham Lincoln*, Illinois State Bar Association CLE Video Production (taped December 2008)
- 2008 Presentation, *The Ins and Outs of Privilege Reviews*, West LegalEdcenter Webinar (December 2008)
- 2008 Presentation, *Ethical, Effective and Enjoyable Lawyering: Billing Ethics*, DRI Lawyers Professionalism & Ethics Telephone Seminar (December 2008)
- 2008 Presentation/Moderator, *Ethics of Practice Management*, Missouri Bar Telephone Seminar (December 2008)
- 2008 Presentation, *Ethical Risks of Offshore Outsourcing of Legal Services*, Strafford Publications Telephone Seminar (December 2008)
- 2008 Presentation, *Trust & Estate Ethics*, Milwaukee Bar, Milwaukee, Wisconsin (December 2008)
- 2008 Presentations, *Preparing Experts for Deposition* and *Ethics and the Use of Experts*, NBI, St. Louis, Missouri (November 2008)
- 2008 Presentation, *Ethics for Entrepreneur*, Center for Emerging Technologies, St. Louis, Missouri (November 2008)
- 2008 Presentation, *Legal Ethics*, Washington University Office of General Counsel, St. Louis, Missouri (October 2008)
- 2008 Presentation, *Loss Prevention in Cyberia: Promoting Basic Digital Hygiene in Your Firm*, Aon 2008 Large Firm Risk Management Symposium, Chicago, Illinois (October 2008)
- 2008 Presentation, *Professional Responsibility I: Trust Accounts & Privilege*, Hinshaw University: Hinshaw & Culbertson LLP, Chicago, Illinois (October 2008)
- 2008 Presentation, *Ethical Risks of Offshore Outsourcing of Legal Services*, Strafford Publications Telephone Seminar (October 2008)
- 2008 Presentation, *Collecting Your Fee When the Lawyer-Client Relationship Sours*, West LegalEdcenter Webinar (September 2008)
- 2008 Moderator, *Avoiding Common Mistakes Associates Make in Client Communications*, ABA Law Practice Management Section Telephone Seminar (September 2008)
- 2008 Presentation, *Drafting LLC Agreements: Ethics*, NBI, Clayton, Missouri (September 2008)
- 2008 Presentation, *Marketing on the Internet in the 21st Century: Modern Technology Meets Lawyer Regulation*, Association of Professional Responsibility Lawyers, New York, New York (August 2008)

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- 2008 Presentation, *Joining and Excelling in a Firm—Money Issues: The Market for Legal Services and Billing & Profitability*, American Bar Association Law Student Division/Law Practice Management Section, New York, New York (August 2008)
- 2008 Presentation, *Ethical Risks of Offshore Outsourcing of Legal Services*, Strafford Publications Telephone Seminar (August 2008)
- 2008 Presentation, *Engagement Letters and Conflict Waivers*, Hinshaw & Culbertson LLP, St. Louis, Missouri (July 2008)
- 2008 Presentation, *The Anti-Contact Rule*, West LegalEdcenter Webinar (July 2008)
- 2008 Presentation, *Advanced Estate Planning Techniques: Ethical Issues in a Trust & Estate Practice*, National Business Institute, Clayton, Missouri (June 2008)
- 2008 Presentation, *Law Office Management & Economics Breakfast Symposium: “Making Alternative Billing Work,”* 132nd Illinois State Bar Association Annual Meeting, St. Louis, Missouri (June 2008)
- 2008 Presentation, *Post SOX Legal Ethics: Considerations in a Changing Corporate Legal Environment*, Navistar/LexisNexis, Warrenville, Illinois (June 2008)
- 2008 Presentation, *Dealing with Difficult Clients*, 23rd Annual What’s New in Legal Ethics and Fee Disputes Seminar, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (May 2007)
- 2008 Presentation, *Ethics for the Business Lawyer: Confidentiality, Negotiation Ethics, and Multijurisdictional Practice*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (June 2008)
- 2008 Presentation, *Special Issues for Government Lawyers and Private Sector Lawyers Practicing Before Government Agencies*, Law Seminars International, Chicago, Illinois (June 2008)
- 2008 Presentations, *Legal Ethics in Missouri: Attorney-Client Privilege and Work-Product Protections and Engagement Letters*, Lorman Education Services, St. Louis, Missouri (June 2008)
- 2008 Presentation, *Navigating an Ethical Complaint in a Sea of Uncertainty*, Missouri Solo & Small Firm Conference, Osage Beach, Missouri (June 2008)
- 2008 Presentation, *Keeping Rambo Lawyers in Retirement—A Review of Federal Sanctions Law*, Clerk’s Retreat, United States District Court for the Eastern District of Missouri, St. Louis, Missouri (June 2008)
- 2008 Presentation, *Lawyer Ethics and Legal Websites*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (June 2008)
- 2008 Presentation, *Good Culture: Moving Beyond Loss Prevention in Law Firms*, 34th Annual National Conference on Professional Responsibility, American Bar Association Center for Professional Responsibility, Chicago, Illinois (May 2008)
- 2008 Group Facilitator, *Living a Life in the Law: Managing Up, Down, & Around*, ABA Law Practice Management Section Spring Meeting, Santa Fe, New Mexico (May 2008)

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- 2008 Presentation, *Conflicts of Interest Within Corporate Legal Departments and With Outside Firms*, Ethics Seminar co-sponsored by the Association of Corporate Counsel—Chicago Chapter and Hinshaw & Culbertson LLP, Chicago, Illinois (May 2008)
- 2008 Presentation, *Attorney/Client Privilege and Electronic Communications from an Ethics Perspective*, American College of Investment Council (ACIC) 2008 Spring Forum, Chicago, Illinois (April 2008)
- 2008 Presentation, *Reprise of “Ethical Considerations” from ISBA’s The Ongoing Struggle: Balancing of Students’ Education Rights v. Students’ Safety*, Hinshaw & Culbertson, LLP School Law Group (April 2008)
- 2008 Presentation, *Litigation Ethics*, Hinshaw & Culbertson, LLP Trial Advocacy Program, Chicago, Illinois (March 2008)
- 2008 Presentation, *Conflicts of Interest for the Business Lawyer*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (March 2008)
- 2008 Presentation, *Ethics and Alternative Billing*, American Bar Association Law Practice Management Section Finance Core Group Telephone Conference (March 2008)
- 2008 Presentation, *Ethics and Paralegal Billing*, St. Louis Association of Legal Assistants, St. Louis, Missouri (March 2008)
- 2008 Presentation, *Various Ethics Issues for the Trusts and Estates Practitioner*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (March 2008)
- 2008 Presentation/Moderator, *Advertising for the Next Generation: From Billboards to Blogs*, ABA Center for Professional Responsibility Telephone Seminar (March 2008)
- 2008 Presentation, *Fee Disputes: New Solutions to an Old Problem*, Legal Malpractice & Risk Management Conference, Chicago, Illinois (February 2008)
- 2008 Presentation, *Insurance Defense Ethical Issues and Ethics and Experts*, Hinshaw & Culbertson LLP, Belleville, Illinois (February 2008)
- 2008 Presentation, *Back to Basics—Common Ethical Questions Facing Bankruptcy Practitioners*, Missouri Bar Annual Bankruptcy Institute, St. Louis, Missouri (February 2008)
- 2008 Column, *Eye on Ethics: Eighth Circuit Explores the Crime-Fraud Exception to Privilege and the Work-Product Protection*, St. Louis Lawyer (February 2008)
- 2008 Presentation, *The Missouri Anti-Contact Rule and The Attorney-Client Privilege*, Hinshaw & Culbertson LLP, St. Louis, Missouri (January 2008)
- 2007 Presentation, *Practicing With Non-Lawyers and in “Law-Related Businesses,”* DRI Lawyers Professionalism & Ethics Telephone Seminar (December 2007)
- 2007 Presentation, *Ethical Risks of Legal Outsourcing*, Strafford Publications Telephone Seminar (December 2007)

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- 2007 Presentation/Moderator, *The Ethics of Practice Management*, Missouri Bar Telephone Seminar (December 2007)
- 2007 Presentation, *Professional Responsibility and Ethics Issues*, Illinois State Bar Association Basic Skills Program, Chicago, Illinois (December 2007)
- 2007 Presentation, *Problems in Ex Parte Communications with Adversaries, Experts, & Witnesses and Recurring Conflict of Interest Issues in Litigation*, Missouri Bar, St. Louis, Missouri (November 2007)
- 2007 Presentation/Moderator, *The Top Ethics Traps for Lawyers*, ABA Connection Telephone Seminar (November 2007)
- 2007 Presentation, *Professional Responsibility and Ethics Issues*, Illinois State Bar Association Basic Skills Program, Springfield, Illinois (November 2007)
- 2007 Moderator, *10x10 Extreme Marketing: Best Practice Case Studies*, American Bar Association Law Practice Management Law Firm Marketing Strategies Conference, Washington, D.C. (November 2007)
- 2007 Presentation, *Small and Medium Firms & Update on Marketing Ethics*, American Bar Association Law Practice Management Law Firm Marketing Strategies Conference, Washington, D.C. (November 2007)
- 2007 Presentations, *Ethics I and II*, Edward Jones Tax & Legal Professionals Continuing Education Series, Kansas City, Missouri (November 2007)
- 2007 Presentation, *Ethics of Negotiation*, Virginia CLE Telephone Seminar (October 2007)
- 2007 Presentation, *Ethics in Preparing and Representing Witnesses at Deposition*, West LegalEdcenter Webinar (October 2007)
- 2007 Presentation, *Ethics and Expert Witnesses*, Lawyers Professionalism and Ethics Committee, DRI Annual Meeting, Washington, DC (October 2007)
- 2007 Presentation, *The Privilege Review*, Fox Galvin, LLC (July 2007)
- 2007 Moderator, *Collecting Your Fee: Ethically Getting Paid from Intake to Invoice*, ABA Law Practice Management Section Telephone Seminar (June 2007)
- 2007 Presentation, *Missouri Legal Ethics: Attorney-Client Privilege and Work Product Protections*, Lorman Education Services, St. Louis, Missouri (June 2007)
- 2007 Presentation, *The 2007 Amendments to Missouri's Rules of Professional Conduct*, BJC Healthcare, St. Louis, Missouri (June 2007)
- 2007 Presentation, *Lawyer Ethics and Legal Websites*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (June 2007)

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- 2007 Presentation, *Embedded Data and Other Invisible Confidences*, 33rd Annual National Conference on Professional Responsibility, American Bar Association Center for Professional Responsibility, Chicago, Illinois (June 2007)
- 2007 Presentation, *The New, New, New Missouri Rules of Professional Conduct*, 21st Annual What's New in Legal Ethics Seminar, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (May 2007)
- 2007 Presentation, *Conflict Issues for Illinois Practitioners: Small Firms, Sole Practitioners and Laterals*, Illinois State Bar Association Practical Ethical Advice Seminar, Collinsville, Illinois (April 2007)
- 2007 Presentation/Moderator, *Conflicts and Conflict Waivers*, ABA Law Practice Management Section Telephone Seminar (April 2007)
- 2007 Presentation, *Comparative Professional Ethics: Lawyers & CPAs*, Comparative Professional Ethics Class, Washington University School of Law, St. Louis, Missouri (March 2007)
- 2007 Presentation, *The Ethics of Negotiation*, American Law Institute | American Bar Association (ALI-ABA) Telephone Seminar (March 2007)
- 2007 Judge for *Demonstration Daubert Hearing*, Seventeenth Annual Association for Environmental Health and Science Meeting and West Coast Conference, San Diego, California (March 2007)
- 2007 Presentation, *Ethics*, St. Louis Chapter of the Institute of Internal Auditors, St. Louis, Missouri (January 2007)
- 2006 Presentation/Moderator, *The Ethics of Managing Multistate Law Practices*, ABA Law Practice Management Section Telephone Seminar (December 2006)
- 2006 Presentation, *Ethics and the Acquisition of Clients in an Internet World*, West LegalEdcenter (West Group)/NBI Webcast (December 2006)
- 2006 Presentation, *Changes to the Federal Rules of Civil Procedure*, Fox Galvin, LLC, St. Louis, Missouri (December 2006)
- 2006 Column, *Ethical Obligations Upon Receiving Inadvertently Disclosed Privileged Metadata*, St. Louis Lawyer (December 2006)
- 2006 Presentation, *Ethics and the New Federal Rules of Civil Procedure*, Applied Discovery 2006 Holiday Webinar Series (December 2006)
- 2006 Presentation/Moderator, *The Ethics of Practice Management*, Missouri Bar Telephone Seminar (December 2006)
- 2006 Presentation, *Ethics and Professionalism Issues in Investigation and Discovery*, DRI Lawyers Professionalism & Ethics Telephone Seminar (December 2006)
- 2006 Presentation, *Ethics Update*, Special Education: A Review of the Basics of Due Process, Illinois State Bar Association Law Ed CLE, Springfield, IL (November 2006)



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- 2006 Presentation, *Tricky Ethical Issues Through Lawyer Jokes*, The Boeing Company, St. Louis, Missouri (October 2006)
- 2006 Presentation, *Ten Unexpected Ethical Traps and How to Avoid Getting Snared*, DRI Asbestos Medicine Seminar, Las Vegas, Nevada (October 2006)
- 2006 Presentation, *Employee Monitoring versus Privacy Rights*, Fox Galvin Employment Law Seminar 2006, St. Louis, Missouri (October 2006)
- 2006 Presentation, *DoubleE: Ethics and E-Discovery*, Bar Association of Metropolitan St. Louis Telephone Seminar (October 2006)
- 2006 Presentation, *Crossing State Lines—Ethical and Malpractice Issues Arising from Multijurisdictional Practice*, DRI Annual Meeting, San Francisco, California (October 2006)
- 2006 Presentation, *Do You Know, Do You Care? How to Make Ethics CLEs More Lively*, Association of Professional Responsibility Lawyers, Santa Monica, California (July 2006)
- 2006 Presentation, *Ethical Considerations in E-Discovery*, Applied Discovery Summer 2006 Webinar Series (July 2006)
- 2006 Judge for *Mock Daubert Trial*, National Groundwater Association Ground Water and Environmental Law Conference, Chicago, Illinois (July 2006)
- 2006 Presentation, *Expert Witness or Hired Hack: When Paid Witnesses Advocate Too Much*, National Groundwater Association Ground Water and Environmental Law Conference, Chicago, Illinois (July 2006)
- 2006 Presentation, *Insurance Defense Ethical Issues*, Fox Galvin, LLC, St. Louis, Missouri
- 2006 Article, *Does a Conflict Vicariously Taint an Associated Firm?*, *Litigation Ethics* (Spring 2006 Issue, June 2006)
- 2006 Presentation, *Ethical Issues in Insurance Defense and Coverage Practice*, DRI Lawyers Professionalism & Ethics Telephone Seminar (June 2006)
- 2006 Presentation, *Update on Missouri Ethics Law 2006*, 20th Annual What's New in Legal Ethics Seminar: The Mind of the Virtuous Lawyer . . . and More, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (June 2006)
- 2006 Column, *Navigating an Insurer-Insured Conflict over Settlement*, *For the Defense* (May 2006)
- 2006 Presentation, *Empowered Paralegals: The Ethics of Serving As and Using Paralegals*, St. Louis Association of Legal Assistants, St. Louis, Missouri (May 2006)
- 2006 Presentation, *How to . . . Deal with the Procrastinating Client*, 17th Annual Estate Planning Institute, Bar Association of Missouri St. Louis Probate & Trust Section, St. Louis, Missouri (April 2006)
- 2006 Presentation, *Using Client Surveys to Improve Your Practice*, American Bar Association Law Practice Management Section Telephone Seminar (March 2006)

Curriculum Vitae of Michael P. Downey

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- 2006 Presentation, *Humorous Update on Ethics in a Probate & Trust Practice*, Bar Association of Missouri St. Louis Probate & Trust Section, St. Louis, Missouri (March 2006)
- 2006 Presentation, *Legal Ethics through Lawyer Jokes: Should it hurt when they laugh?*, Young Lawyers' Section of the Missouri Bar, St. Louis, Missouri (February 2006)
- 2006 Presentation, *Faith and Law—Integrating Christian Faith and a Private Legal Practice*, Webster Groves Presbyterian Church (February 2006)
- 2006 Presentation, *Top 10 Ethics Issues for Volunteers*, Volunteer Lawyers and Accountants for the Arts, St. Louis, Missouri (January 2006)
- 2006 Presentation, *Tax Practitioner? Meet Circular 230*, Bar Association of Metropolitan St. Louis Telephone Seminar (January 2006)
- 2005 Presentation, *Ethical Advertising and Multijurisdictional Practice*, West LegalEdcenter (West Group)/NBI Audio-Only Webcast (December 2005)
- 2005 Presentation/Moderator, *The Ethics of Practice Management*, Missouri Bar Telephone Seminar (December 2005)
- 2005 Presentation, *Annual Training for Discipline System: Multijurisdictional Practice Issues*, Office of Chief Disciplinary Counsel for the Supreme Court of Missouri, St. Louis, Missouri (October 2005)
- 2005 Presentation, *The Ethics of Bluffing*, Lawyers Professionalism and Ethics Committee, DRI Annual Meeting, Chicago, Illinois (October 2005)
- 2005 Presentation, *Current Ethics Issues: Multijurisdictional Practice Issues*, Bar Association of Metropolitan St. Louis Telephone Seminar (July 2005)
- 2005 Presentation, *Confidentiality and Conflict Issues for Environmental Attorneys and Experts*, National Ground Water Association Ground Water and Environmental Law Conference, Baltimore, Maryland (July 2005)
- 2005 Presentation, *Key Ethical Issues*, Bar Association of Metropolitan St. Louis Telephone Seminar (June 2005)
- 2005 Presentation, *Multijurisdictional Practice Issues*, 19th Annual What's New in Legal Ethics Seminar, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (June 2005)
- 2005 Presentation, *Managing Ethical Issues in Your Day-to-Day Practice in Missouri: Advertise Your Services Without Fear & Key Ethical Issues*, National Business Institute, St. Louis, Missouri (June 2005)
- 2005 Presentation, *The Ethics of Preparing and Using Surveys in a Law Practice*, American Bar Association Law Practice Management Section meeting, Orlando, Florida (May 2005)
- 2005 Presentation, *Ethics in the House 2005*, Fox Galvin, LLC, St. Louis, Missouri (April 2005)

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- 2004 Presentation/Moderator, *The Ethics of Practice Management: Playing by the Rules*, Missouri Bar Telephone Seminar (December 2004)
- 2004 Presentation, *Maritime Law Seminar: Attorney Ethical Conflicts in the Maritime Setting*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (November 2004)
- 2004 Presentation, *Ethics for Young Attorneys*, Bar Association of Metropolitan St. Louis, St. Louis Missouri (October 2004)
- 2004 Panelist, *Black, White or Shades of Gray: The Ethics of Negotiation*, Missouri Bar/Missouri Judicial Conference Annual Meeting, St. Louis, Missouri (September 2004)
- 2004 Presentation, *Ethical Responsibilities of Legal Assistants*, NALS of Missouri, St. Louis, Missouri (September 2004)
- 2004 Presentation/Moderator, *Town Forum on the Proposed Changes to Missouri Supreme Court Rules 7.1-7.3 on Lawyer Advertising*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (September 2004)
- 2004 Presentation, *How to Practice Ethically in Both Missouri and Illinois*, 18th Annual What's New in Legal Ethics seminar, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (June 2004)
- 2003 Presentation, *Are the Revised Model Rules Treating Law as a Business? A Discussion of the Implications for Missouri Lawyers*, Missouri Bar Professionalism Committee, Jefferson City, Missouri (November 2003)
- 2003 Presentation, *Ethics in the House*, Fox Galvin LLC, St. Louis, Missouri
- 2003 Presentation, *Strength in Numbers: The Paralegal's Guide to Conducting Discovery in Class Action Lawsuits*, Institute for Paralegal Education, St. Louis, Missouri (September 2003)
- 2003 Presentation, *Communications with Clients, the Courts, and Others*, 17th Annual What's New in Legal Ethics seminar, Bar Association of Metropolitan St. Louis, St. Louis, Missouri (June 2003)
- 2002 Presentation, *Ethics in Litigation*, Bar Association of Metropolitan St. Louis, St. Louis, Missouri
- 2000 Presentation, *Is E-Mail Open Mail? Issues of Privacy, Confidentiality, & Security*, Greater St. Louis Legal Secretaries Association, St. Louis, Missouri

#### **On Accounting Ethics & Risk Management**

- 2012 Presentation, *CPA Ethics 2012*, Brown Smith Wallace LLC, St. Louis, Missouri (December 2012)
- 2012 Presentation, *Current Ethical Issues: Scenarios & Solutions*, Missouri Society of Certified Public Accountants, St. Louis, Missouri (November 2012)
- 2012 Presentation, *CPA Ethics 2012*, Stone Carlie, St. Louis, Missouri (November 2012)

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- 2012 Presentation, *CPA Ethics 2012*, Brown Smith Wallace LLC, St. Louis, Missouri (November 2012)
- 2012 Presentation, *Accounting Ethics: Nonprofits*, Missouri Society of Certified Public Accountants, St. Louis, Missouri (October 2012)
- 2012 Presentation, *Accounting Ethics*, Boeing Company, St. Louis, Missouri (October 2012)
- 2012 Presentation, *CPA Ethics 2012*, Conner Ash P.C., St. Louis, Missouri (October 2012)
- 2012 Presentation, *Ethics for Tax Professionals*, Deloitte LLP, St. Louis, Missouri (August 2012)
- 2012 Presentation, *CPA Ethics 2012*, Hochschild, Bloom & Co. LLP, St. Louis, Missouri (August 2012)
- 2012 Presentation, *Ethical Challenges Faced by CPAs in Practice*, Beta Alpha Psi 2012 Missouri Valley Regional Meeting, St. Louis, Missouri (March 2012)
- 2011 Presentation, *CPA Ethics 2011*, Missouri Society of Certified Public Accountants, St. Louis, Missouri (December 2011)
- 2011 Presentation, *CPA Ethics 2011*, Hochschild, Bloom & Co. LLP, St. Louis, Missouri (December 2011)
- 2011 Presentation, *CPA Ethics 2011*, Brown Smith Wallace LLC, St. Louis, Missouri (December 2011)
- 2011 Presentation, *CPA Ethics 2011*, St. Louis Society of Women Certified Public Accountants, St. Louis, Missouri (November 2011)
- 2011 Presentation, *CPA Ethics 2011*, Missouri Society of Certified Public Accountants, Columbia, Missouri (November 2011)
- 2011 Presentation, *CPA Ethics 2011*, Missouri Society of Certified Public Accountants Accounting & Technology Conference, St. Louis, Missouri (November 2011)
- 2011 Presentation, *CPA Ethics 2011*, Brown Smith Wallace LLC, St. Louis, Missouri (November 2011)
- 2011 Presentation, *CPA Ethics 2011*, Stone Carlie, St. Louis, Missouri (November 2011)
- 2011 Presentation, *CPA Ethics 2011*, Conner Ash P.C., St. Louis, Missouri (October 2011)
- 2011 Presentation, *CPA Ethics 2011*, Lopata Flegel & Company LLP, St. Louis, Missouri (October 2011)
- 2011 Presentation, *CPA Ethics 2011*, Anders Minkler Diehl LLP, St. Louis, Missouri (September 2011)
- 2010 Presentation, *CPA Ethics 2010*, Brown Smith Wallace LLC, St. Louis, Missouri (December 2010)

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- 2010 Presentation, *Ethical & Profitable Accounting in a Wireless World*, 2010 AccountingToday Profitability & Growth Summit, Las Vegas, Nevada (November 2010)
- 2010 Presentation, *CPA Ethics 2010*, Missouri Society of Certified Public Accountants, St. Louis, Missouri (November 2010) (three presentations)
- 2010 Presentation, *Ethics*, Missouri Society of Certified Public Accountants, Cape Girardeau, Missouri (November 2010)
- 2010 Presentation, *CPA Ethics 2010*, Brown Smith Wallace LLC, St. Louis, Missouri (November 2010)
- 2010 Presentation, *Ethics*, Anders Minkler & Diehl LLP, St. Louis, Missouri (October 2010)
- 2010 Presentation, *Ethics 2010*, Conner Ash PC, St. Louis, Missouri (October 2010)
- 2010 Presentation, *Family Law—Malpractice Session*, Illinois CPA Society, Chicago, Illinois (October 2010)
- 2009 Presentation, *CPA Ethics 2009*, Missouri Society of Certified Public Accountants, Kansas City, Missouri (November 2009)
- 2009 Presentation, *Ethics—Independence, Objectivity, and Conflicts of Interest*, Grant Thornton, Kansas City, Missouri (November 2009)
- 2009 Presentation, *CPA Ethics 2009*, Missouri Society of Certified Public Accountants, St. Louis, Missouri (November 2009)
- 2009 Presentation, *CPA Ethics 2009*, Stone Carlie & Co., St. Louis, Missouri (November 2009)
- 2009 Presentation, *CPA Ethics 2009*, Missouri Society of Certified Public Accountants, Columbia, Missouri (November 2009)
- 2009 Presentations, *CPA Ethics 2009*, Missouri Society of Certified Public Accountants, St. Charles, Missouri (November 2009)
- 2009 Presentation, *CPA Ethics 2009*, Brown Smith Wallace LLC, St. Louis, Missouri (November 2009)
- 2009 Presentation, *CPA Ethics 2009*, Missouri Society of Certified Public Accountants, Cape Girardeau, Missouri (November 2009)
- 2008 Presentation, *CPA Ethics 2008*, Missouri Society of Certified Public Accountants, Springfield, Missouri (December 2008)
- 2008 Presentation, *CPA Ethics 2008*, Missouri Society of Certified Public Accountants, Kansas City, Missouri (December 2008)
- 2008 Presentation, *CPA Ethics 2008*, Brown Smith Wallace LLC, St. Louis, Missouri (December 2008)
- 2008 Presentation, *CPA Ethics 2008*, Humes & Barrington, LLP, St. Louis, Missouri (November 2008)

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- 2008 Presentation, *CPA Ethics 2008*, Stone Carlie & Co., St. Louis, Missouri (November 2008)
- 2008 Presentation, *CPA Ethics 2008*, Missouri Society of Certified Public Accountants, St. Louis, Missouri (November 2008)
- 2008 Presentation, *CPA Ethics 2008*, Brown Smith Wallace LLC, St. Louis, Missouri (November 2008)
- 2008 Presentation, *CPA Management Breakfast Series: CPA Ethics 2008*, St. Louis Community College, St. Louis, Missouri (September 2008)
- 2008 Presentation, *CPA Ethics: 6 Tips for a Relaxed Mind*, BDO Seidman Alliance, Chicago, Illinois (August 2008)
- 2008 Presentation, *CPA Ethics 2008*, BKD LLP Audit Department, St. Louis, Missouri (August 2008)
- 2008 Presentations, *Managing Liability & Risk in You Practice*, Michigan Association of Certified Public Accountants Summer Management Information Show (June 2008)
- 2007 Presentation, *CPA Ethics 2007*, Missouri Society of Certified Public Accountants, Springfield, Missouri (December 2007)
- 2007 Presentation, *CPA Ethics 2007*, Kirkpatrick Phillips Miller, Springfield, Missouri (December 2007)
- 2007 Presentation, *CPA Ethics 2007*, Missouri Society of Certified Public Accountants, Kansas City, Missouri (December 2007)
- 2007 Presentation/Moderator, *The Ethics of Practice Management*, Missouri Bar Telephone Seminar (December 2007)
- 2007 Presentation, *Professional Responsibility and Ethics Issues*, Illinois State Bar Association Basic Skills Program, Chicago, Illinois (December 2007)
- 2007 Presentation, *CPA Ethics 2007*, Brown Smith Wallace LLC, St. Louis, Missouri (December 2007)
- 2007 Presentation, *CPA Ethics 2007*, Humes & Barrington, LLP, St. Louis, Missouri (November 2007)
- 2007 Presentation, *CPA Ethics 2007*, Missouri Society of Certified Public Accountants, St. Louis, Missouri (November 2007)
- 2007 Presentation, *CPA Ethics 2007*, 2007 Jack Lipsitz Memorial Lectures Series of the Accountants Emergency Assistance Association, St. Louis, Missouri (November 2007)
- 2007 Presentation, *CPA Ethics 2007*, Jefferson Wells, St. Louis, Missouri (November 2007)
- 2007 Presentations, *Ethics I and II*, Edward Jones Tax & Legal Professionals Continuing Education Series, Kansas City, Missouri (November 2007)
- 2007 Presentation, *CPA Ethics 2007*, Brown Smith Wallace LLC, St. Louis, Missouri (November 2007)

Curriculum Vitae of Michael P. Downey

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- 2007 Presentation, *CPA Ethics 2007*, Anders Minkler & Diehl LLP, St. Louis, Missouri (November 2007)
- 2007 Presentation, *CPA Ethics 2007*, Hochschild, Bloom & Co. LLP, St. Louis, Missouri (October 2007)
- 2007 Presentation, *CPA Management Breakfast Series: Ethics for CPAs*, St. Louis Community College, St. Louis, Missouri (October 2007)
- 2007 Presentation, *Ethics for CPAs*, Stone Carlie & Co., St. Louis, Missouri (August 2007)
- 2007 Presentation, *Comparative Professional Ethics: Lawyers & CPAs*, Comparative Professional Ethics Class, Washington University School of Law, St. Louis, Missouri (March 2007)
- 2006 Presentation, *Ethics for CPAs*, Missouri Society of Certified Public Accountants, Kansas City, Missouri (December 2006)
- 2006 Presentation, *Ethics for CPAs*, Humes & Barrington, LLP, St. Louis, Missouri (December 2006)
- 2006 Presentation, *Ethics for CPAs*, Missouri Society of Certified Public Accountants, St. Louis, Missouri (December 2006)
- 2006 Presentation, *Ethics for CPAs*, Brown Smith Wallace, LLC, St. Louis, Missouri (December 2006)
- 2006 Presentation, *Ethics for CPAs*, Brown Smith Wallace, LLC, St. Louis, Missouri (November 2006)
- 2006 Presentation, *Ethics for CPAs*, Anders Minkler & Diehl LLP, St. Louis, Missouri (November 2006)
- 2006 Presentation, *CPA Management Breakfast Series: Ethics Update for CPAs*, St. Louis Community College, St. Louis, Missouri (September 2006)
- 2006 Presentation, *Current Ethical Issues for Missouri CPAs*, 2006 Annual Members Convention, Missouri Society of Certified Public Accountants, Lake Ozarks, Missouri (June 2006)
- 2005 Presentation, *Ethical Pitfalls 2005*, Missouri Society of Certified Public Accountants, St. Louis, Missouri (December 2005)
- 2005 Presentation, *Ethical Pitfalls 2005*, Missouri Society of Certified Public Accountants, Cape Girardeau, Missouri (December 2005)
- 2005 Presentation, *Ethical Pitfalls—Vintage 2005*, Brown Smith Wallace, LLC, St. Louis, Missouri (December 2005)
- 2005 Presentation, *Ethical Pitfalls 2005*, Missouri Society of Certified Public Accountants, Columbia, Missouri (December 2005)
- 2005 Presentation, *Ethical Pitfalls 2005*, Missouri Society of Certified Public Accountants, Springfield, Missouri (December 2005)
- 2005 Presentation, *Ethical Pitfalls 2005 for Hochschild, Bloom & Co.*, Hochschild, Bloom & Co. LLP, St. Louis, Missouri (November 2005)

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- 2005 Presentation, *CPA Management Breakfast Series: Accounting Ethics at Dawn*, St. Louis Community College, St. Louis, Missouri (November 2005)
- 2005 Presentation, *Ethics for Internal Auditors*, Institute of Internal Auditors, Jefferson City, Missouri (November 2005)
- 2005 Presentation, *Ethical Pitfalls—Vintage 2005*, Brown Smith Wallace, LLC, St. Louis, Missouri (November 2005)
- 2005 Presentation, *Ethical Pitfalls—Vintage 2005*, Anders Minkler & Diehl LLP, St. Louis, Missouri (October 2005)
- 2005 Presentation, *Ethics for Tax Accountants*, 2005 Jack Lipsitz Memorial Lectures Series of the Accountants Emergency Assistance Association, St. Louis, Missouri (October 2005)
- 2005 Presentation, *Current Ethics Issues: Multijurisdictional Practice Issues*, Bar Association of Metropolitan St. Louis Telephone Seminar (July 2005)
- 2004 Presentation, *CPA Management Breakfast Series: Accounting Ethics—Inside, Outside, Upside Down*, St. Louis Community College, St. Louis, Missouri (December 2004)
- 2004 Presentations, *Avoiding Ethical Pitfalls*, Hochschild, Bloom & Co. LLP, St. Louis, Missouri (December 2004)
- 2004 Presentations, *Avoiding Ethical Pitfalls*, UHY Advisors, St. Louis, Missouri (November and December 2004)
- 2004 Presentations, *Avoiding Ethical Pitfalls*, Missouri Society of Certified Public Accountants, Cape Girardeau, Missouri (October 2004) and Kansas City and St. Louis, Missouri (November 2004)
- 2003 Presentation, *CPA Management Breakfast Series: Avoiding Ethical Pitfalls*, St. Louis Community College, St. Louis, Missouri (December 2003)

#### **On Other Topics**

- 2016 Presentation, *Governmental Ethics: Avoiding Conflicts of Interest*, Municipal Officers Training Academy, St. Louis, Missouri (February 2016)
- 2014 Presentation, *The Future of Legal Education: Continuing Progress*, St. Louis University School of Law, St. Louis, Missouri (April 2014)
- 2013 Presentation, *Business Ethics for Healthcare Professionals*, HFMA Southern Illinois Chapter, O'Fallon, Illinois (November 2013)
- 2013 Presentation, *Growing the ABA by Leveraging Section Strengths*, ABA Section Officers Conference, Chicago, Illinois (September 2013)
- 2013 Presentation *Civil Rights and the War on Terror*, Congregational Summer Assembly mens' group, Frankfort, Michigan (July 2013)



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- 2011 Presentations, *Creating an Ethics & Compliance Program, The Role of Fiduciary, and Preventing Fraud*, St. Louis University Executive Certificate In Corporate Ethics & Compliance Management (August 2011)
- 2011 Presentation, *How to Use Powerpoint I*, Hinshaw & Culbertson LLP, St. Louis, Missouri (February 2011)
- 2010 Presentation, *Fiduciaries: Are You One and What Does That Mean*, Estate Planning Counsel of St. Louis (September 2010)
- 2008 Presentation, *Ethics for Entrepreneur*, Center for Emerging Technologies, St. Louis, Missouri (November 2008)
- 2007 Judge for *Demonstration Daubert Hearing*, Seventeenth Annual Association for Environmental Health and Science Meeting and West Coast Conference, San Diego, California (March 2007)
- 2007 Presentation, *Ethics and Discrimination*, Frontenac Bank, St. Louis, Missouri (February 2007)
- 2006 Judge for *Mock Daubert Trial*, National Groundwater Association Ground Water and Environmental Law Conference, Chicago, Illinois (July 2006)
- 2005 Panel Member, *Legal challenges of Missouri's Total Maximum Daily Load (TMDL) 303d list*, Missouri Chamber of Commerce Environmental Conference at the Lake, Osage Beach, Missouri (July 2005)
- 2003 Presentation, *How to Argue a Motion*, Introduction to U.S. Law & Methods Course, Washington University School of Law, St. Louis, Missouri
- 2002 Presentation, *Confidentiality of Medical/Mental Health Records*, Medical Educational Services, Inc. (MEDS)/Professional Development Network (PDN), Clayton, Missouri
- 2001 Presentation, *Oral Argument*, Appellate Advocacy Seminar, Washington University School of Law
- 2001 Presentation, *HIPAA & Other Legal Requirements for Computerized Medical Records in Nebraska*, Lorman Education Services, Omaha, Nebraska

## PROFESSIONAL INVOLVEMENT

### 1998- AMERICAN BAR ASSOCIATION

Member, ABA Task Force on the Future of Legal Education, 2012-2014  
Member, ABA Commission on Ethics 20/20 Technology Working Group, 2010-13  
Class Representative, Section Officers Committee (Secretaries), 2010-11  
Member, Executive Committee for the Section Officers Committee, 2010-11

Law Practice Division (Law Practice Management Section until 2013)

Chair 2013-14

Chair Elect 2012-13

Vice Chair 2011-12

Secretary 2010-11  
Section Council 2008-10  
ABA TECHSHOW 2017 Vice-Chair 2016- and Planning Board Member 2016-  
Ethics Task Force Chair 2011-12, 2014- and Member 2011-  
Strategy & Planning Committee 2010-12  
Education Board Co-Chair 2007-8 and Member 2004-08  
Publication Board 2008-09  
Marketing and Membership Committee Member 2004-07, 2009-10  
Leadership Mentee 2004-06

Center for Professional Responsibility  
Standing Committee on Lawyer Discipline Member 2016-  
Ethics and Technology Committee Chair 2006-09 and Member 2005-09  
Center Coordinating Council Member 2006-09  
Center Strategic Development Committee Member 2007-10  
Center for Professional Responsibility Membership Committee Member 2004-07  
ABA Canons of Professional Ethics Centennial Planning Committee Member 2007-08  
Chair, Section Officers Committee Task Force on Tax Strategy Patents 2008

Litigation Section Ethics & Professionalism Committee  
Co-Chair, Legislation and Rules Subcommittee 2008-  
Member, Ad Hoc Committee on ULC Collaborative Law Model Act 2008

1998- MISSOURI BAR ASSOCIATION  
Joint Task Force of the Supreme Court of Missouri and The Missouri Bar on the Future of the  
Profession Member 2015-16  
Missouri Bar "Ethics 2005" Committee Member 2005-06  
Special Committee on Lawyer Advertising Member 2004-06, 2007-09  
Helped evaluate proposed mandatory professionalism training program as member of the  
Professionalism Committee 2002

2005- MISSOURI SUPREME COURT, Jefferson City, Missouri  
2008 Disciplinary Hearing Officer appointed to preside over attorney discipline cases

2003- ASSOCIATION OF PROFESSIONAL RESPONSIBILITY LAWYERS  
Member, WebSite Committee 2006-08 and Member, Programs Committee 2008-10

2003- DEFENSE RESEARCH INSTITUTE  
2015 Lawyers Professionalism & Ethics Committee Co-Chair of Programs 2006-07, 2009-10 and  
Member 2004-15

2000- WASHINGTON UNIVERSITY SCHOOL OF LAW ALUMNI ASSOCIATION  
2008 Alumni Executive Committee Member 2000-8  
Young Alumni Committee Chair 2001-04 and Member 2001-05

1999- BAR ASSOCIATION OF METROPOLITAN ST. LOUIS  
Professionalism and Ethics Committee Chair 2003-06, Vice Chair 2001-03, and Member 1999-

1999- ILLINOIS STATE BAR ASSOCIATION  
Draft and prepare ethics advisory opinions as a member of the Standing Committee on  
Professional Conduct 2003-10, 2012-16, Chair 2008-09

Serve on the Standing Committee on Law Office Management & Economics 1014-

**MEDIA APPEARANCES (Not on Client Matters)**

- 2016 Quoted in *In Lee's Summit school district feud, board member and superintendent trade calls to resign*, Kansas City Star (March 23, 2016)
- 2016 Quoted in *Conflicts of Interest: 3M's Delay in Protesting Conflict Dooms DQ Motion*, 32 ABA/BNA Lawyers Manual of Professional Conduct 111 (February 24, 2016)
- 2016 Quoted in *Twitter plays key role for Steven Avery's lawyer*, USA Today Network (January 27, 2016)
- 2015 Quoted in *How To Avoid The Naughty List While Filling Clients' Stockings*, Law360 (December 17, 2015)
- 2015 Quoted in *Dewey-Era Decadence Still Alive and Well at BigLaw*, Law 360 (June 12, 2015)
- 2015 Quoted in *Lincoln County murder retrial hearing to examine testimony, possibly prosecutor's conduct*, St. Louis Post Dispatch (June 5, 2015)
- 2015 Quoted in *Online Marketing Can Lead to Inadvertent Revelations*, Motherboard (May 14, 2015)
- 2015 Quoted in *A web of lawyers play different roles in different courts*, St. Louis Post Dispatch (March 29, 2015)
- 2015 Quoted in *The ethics behind fixing tickets in Missouri*, Missouri Lawyers Weekly (March 19, 2015)
- 2015 Quoted in *Ferguson judge criticized as revenue generator who helped bring in millions*, St. Louis Post Dispatch (March 9, 2015)
- 2015 Quoted in *Local attorneys question St. Louis newcomers*, Missouri Lawyers Weekly (March 9, 2015)
- 2015 Interview, *How Michael Downey Started His Solo Practice*, Legal Talk Network (March 5, 2015)
- 2015 Interview, *New gig for former Armstrong attorneys*, Missouri Lawyers Weekly (February 18, 2015)
- 2014 Quoted in *How to Build a Book of Business in 5 Painless Steps*, Law360 (December 5, 2014)
- 2014 Quoted in *Supreme Court takes increasing interest in attorney discipline*, Missouri Lawyers Weekly (November 11, 2014)
- 2014 Quoted in *Ferguson case tests rule on attorneys public comments*, Missouri Lawyers Weekly (October 31, 2014)
- 2014 Quoted in *The Ghost Writing Debate Continues*, Litigation News (Fall 2014)

- 2014 Quoted in *At Your Service, Legally*, The Dollar Business (September 2014)
- 2014 Quoted in *How We Kill: the State of the Death Penalty*, St. Louis Magazine (April 25, 2014)
- 2014 Quoted in *This Scam Alert Went Unheeded*, Legal Times (March 31, 2014)
- 2013 Quoted in *Pay Peril: Attorneys can run into trouble when fee payers try to get creative*, Missouri Lawyers Weekly (December 30, 2013)
- 2013 Quoted in *Can You Tell Your Client to Clean Up Their Facebook Pages*, Litigation News (Fall 2013)
- 2013 Quoted in *New rules on client trust accounts take effect*, Missouri Lawyers Weekly (August 23, 2013)
- 2013 Quoted in *Legality of legal advertising disclaimer disputed*, Missouri Lawyers Weekly (July 22, 2013)
- 2013 Quoted in *Tips for staying ethical online*, Missouri Lawyers Weekly (June 24, 2013)
- 2013 Quoted in *May Judges "Friend" Attorneys on Social Media?*, Litigation News (Spring 2013)
- 2013 Quoted in *Judges Cracking Under Pressure*, National Law Journal (April 22, 2013); reprinted as *Legal Experts Say Judges Cracking from Presentation*, Legal Intelligencer (April 24, 2013)
- 2013 Quoted in *ABA's 20/20 Commission proposes final changes*, Missouri Lawyers Weekly (March 9, 2013)
- 2013 Quoted in *ABA Tells Judges to 'Tweet,' 'Friend' and 'Like' With Caution*, National Law Journal (February 26, 2013)
- 2013 Quoted in *A Call for Drastic Changes in Educating New Lawyers*, New York Times (February 10, 2013)
- 2013 Quoted in *Trust but Verify*, Missouri Lawyers Weekly (January 28, 2013)
- 2013 Quoted in *Kent Syverud, Lawyer of the Year*, Missouri Lawyers Weekly (January 28, 2013)
- 2013 Quoted in *To safeguard money, lawyers must think like business owners*, Missouri Lawyers Weekly (January 25, 2013)
- 2012 Quoted in *Customers are always right when they praise your firm*, Missouri Lawyers Weekly (December 31, 2012)
- 2012 Quoted in *Fix-it Man*, Missouri Lawyers Weekly (December 24, 2012)
- 2012 Quoted in *Tweeting the law: St. Louis prosecutor gets praise and criticism*, St. Louis Post Dispatch (December 2, 2012)
- 2012 Quoted in *Lawyer Websites: The New Yellow Pages*, Illinois State Bar Journal (August 2012)
- 2012 Quoted in *Ethical Pitfalls in Question-and-Answer Websites*, Litigation News (Summer 2012)

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- 2012 Quoted in *\$5.8M judgment shows perils of oversight*, Missouri Lawyers Weekly (May 14, 2012)
- 2012 Quoted in *Law Firm Names: An Explanation*, WSJ Law Blog (February 9, 2012)
- 2012 Quoted in *Missouri legal malpractice: Claims of lawyers' mistakes grow costlier*, Missouri Lawyers Media (January 20, 2012)
- 2011 Quoted in *An attorney free-for-all*, National Law Journal (December 19, 2011)
- 2011 Quoted in *Law Life: Discarded laptops, flash drives create ethical obligations for lawyers*, Detroit Legal News (November 28, 2011)
- 2011 Quoted in *Oops: Claims of Lawyers' Mistakes Grow Costlier*, Missouri Lawyers Weekly (Oct. 10, 2011)
- 2011 Quoted in *Friending Your Enemies, Tweetings Your Trials: Using Social Media Ethically*, Illinois Bar Journal (October 2011)
- 2011 Referenced in *Ethics 20/20 Commission Approves Release of Draft to Allow Nonlawyer Owners in Firms*, ABA/BNA Lawyers Manual on Professional Conduct (August 17, 2011)
- 2011 Quoted in *License Suspended?*, Missouri Lawyers Weekly (August 15, 2011)
- 2011 Quoted in *Paralegal site charged with unauthorized practice of law*, Lawyers USA (June 1, 2011)
- 2011 Quoted in *Lingering Signs of Attorney Job Frustration*, Litigation News (Spring 2011)
- 2011 Quoted in *The Lowdown on LPM: System Stirs Buzz, But Does it have Bite?*, ABA Journal (May 2011)
- 2011 Quoted in *Cape Girardeau County prosecutor says recusal in Buerkle case fitting, declines to discuss conflict*, Southeast Missourian (January 6, 2011)
- 2011 Quoted in *Ethics in the age of Twitter*, Illinois Bar Journal (January 2011)
- 2010 Quoted in *Yellow Pages Starting to Fade*, Missouri Lawyers Weekly (December 6, 2010)
- 2010 Quoted in *Law Life: Discarded laptops, flash drives may impose ethical obligations on attorneys*, LegalNews.com (November 25, 2010)
- 2010 Quoted in *Discarded laptops, flash drives may impose ethical obligations on attorneys*, Lawyers USA (November 16, 2010)
- 2010 Quoted in *Website infraction leads to lawyer discipline*, Lawyers USA (November 5, 2010)
- 2010 Quoted in *Don't answer that chat room question*, Missouri Lawyers Weekly (October 5, 2010)
- 2010 Quoted in *ABA weighs in on ethical pitfalls of online legal marketing*, Missouri Lawyers Media (October 4, 2010)
- 2010 Quoted in *New lawyer advertising rules put on hold*, Lawyers USA (August 2010)

Curriculum Vitae of Michael P. Downey

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- 2010 Quoted in *Law Firm Didn't Violate Confidentiality of Partner Who Used Crack Cocaine, Court Rules*, National Law Journal (July 16, 2010)
- 2010 Quoted in *The ethics of Web 2.0*, Lawyers USA (July 2010)
- 2010 Quoted in *Nine Kinds of Clients to Avoid*, Missouri Lawyers Weekly (June 28, 2010)
- 2010 Quoted in *Avoiding Withdrawal Pains*, Illinois Bar Journal (May 2010)
- 2010 Quoted in *Risk-Averse Lawyers Surf Net Into Stormy Ethical Seas*, ABA Journal Online (May 13, 2010)
- 2010 Quoted in *Lawyers' Ethical Stumbles Increase Online*, National Law Journal (May 11, 2010)
- 2010 Quoted in *Does Connecticut Hate the Net*, ABA Journal (April 2010)
- 2010 Quoted in *What should the judicial system in Missouri do to halt a rash of thefts by court clerks?*, Missouri Lawyers' Media (February 22, 2010)
- 2009 Quoted in *Tight times tempt lawyers to cut corners*, St. Louis Daily Record (December 21, 2009)
- 2009 Quoted in *Texting your clients: convenient, yes, but risky too*, Lawyers USA (November 15, 2009)
- 2009 Quoted in *Law firms vulnerable to embezzlement*, Michigan Lawyers Weekly (October 26, 2009)
- 2009 Guest on *Social Media Crashes The Courtroom*, NPR's Talk of the Nation (September 17, 2009)
- 2009 Quoted in *What happens to a firm if a lawyer doesn't file taxes?*, Minnesota Lawyer (September 7, 2009; also published in the South Carolina Lawyers Weekly (October 19, 2009)
- 2009 Quoted in *A Legal Battle: Online Attitude v. Rules of the Bar*, New York Times (September 13, 2009)
- 2009 Quoted in *Listserv postings raise ethical issues*, Lawyers USA (August 2009)
- 2009 Quoted in *Law firms make easy pickings for embezzlers*, National Law Journal (June 8, 2009)
- 2009 Quoted in *Take a break, advises Missouri attorney*, Missouri Lawyers Weekly (May 21, 2009)
- 2009 Quoted in *Downey explores dangers of online networking*, Missouri Lawyers Weekly (April 13, 2009); modified version of article published as *The dangers of online networking*, Lawyers USA (April 13, 2009)
- 2009 Quoted in *Federal judges approve new conduct rules*, St. Louis Daily Record (March 24, 2009)
- 2009 Quoted in *Doing Well By Doing Good: Volunteering on community boards gets your name out*, Missouri Lawyers Weekly (February 23, 2009)
- 2009 Quoted in *Clients, Law Firms Get 'Savage' As Legal Malpractice Claims Increase*, ABA Journal (On-Line February 17, 2009)

Curriculum Vitae of Michael P. Downey

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- 2009 Quoted in *Hot or not? What Missouri lawyers expect to be up, down legal areas in 2009*, Kansas City Daily Record (January 5, 2009)
- 2009 Quoted in *Missouri law firms to increase focus on value, strategy*, Kansas City Daily Record (January 5, 2009)
- 2008 Quoted in *Observers Mull Impacts of Multinational Practice and Suggest Possible Alternatives*, ABA/BNA Reporter (December 2008)
- 2008 Quoted in *Web-Scamming the Lawyers: Even attorneys can be bilked in phony-check schemes*, ABA Journal (November 2008)
- 2008 Quoted in *Not rich? You still need a will*, MSN Money (March 4, 2008)
- 2007 Quoted in *A Need for a Will? Often, There's an Online Way*, New York Times (October 14, 2007)
- 2007 Quoted in *What's Your Duty Under Himmel*, Illinois Bar Journal (June 2007)
- 2007 Appeared and quoted in *Client case information from disbarred lawyer is found discarded*, KMOV-TV News 4 Evening News at 6 PM and 10 PM (broadcast March 19, 2007)
- 2007 Quoted in *Supreme Court passes overhaul of ethics guidelines*, Missouri Lawyers Weekly (March 19, 2007)
- 2007 Quoted in *Client surveys slow to catch on as a legal marketing tool*, Lawyers' Weekly USA (January 29, 2007)
- 2006 Quoted in *Does a Sitting Judge Have a Right to Write?* St. Louis Daily Record (December 29, 2006)
- 2006 Quoted in *Attorneys may review 'metadata,' ABA says*, St. Louis Daily Record (November 11, 2006)
- 2006 Quoted in *The Scarlet D: Court to consider placing disciplinary records online*, Missouri Lawyers Weekly (March 27, 2006)
- 2005 Quoted in *Spam I Am: Mass E-Mail Marketing Can Make Sense, But it Can Be Solicitation in Some States*, ABA Journal (January 2005)
- 2004 Quoted in *Standing out in the crowd gets harder for lawyers who advertise*, Chicago Daily Law Bulletin (September 8, 2004)
- 2004 Quoted in *SEC ruling could blur attorney-client confidentiality*, St. Louis Business Journal, St. Louis, Missouri (January 12, 2004); article also appeared in the East Bay (California) Business Journal (March 1, 2004) Nashville Business Journal (March 26, 2004); and Business First of Columbus (Ohio) (April 19, 2004)
- 2003 Appeared and quoted in *Missouri Lawyers' Weekly* segment on Lawyer Advertising, KTVI Fox 2 News at 9 PM, St. Louis, Missouri (broadcast December 17, 2003)

## **RULEMAKING ACTIVITIES**

- 2013 Submission as Chair-Elect of the ABA Law Practice Division to amend ABA Model Rule of Professional Conduct 1.17 (August 2013)
- 2010 Testimony to the American Bar Association Commission on Ethics 20/20 regarding technology issues for solo practitioners
- 2009 Consultant and primary author, Missouri Public Service Commission Ex Parte and Extra-Record Communications Rule (codified as 4 CSR 240-4.020)
- 2007 Letter to the Missouri Bar regarding proposed rules relating to limited scope engagements
- 2004 Letters to the Missouri Bar regarding possible adoption of proposed changes to the Missouri Supreme Court Rules on Advertising, Rules 4-7.1 to 4-7.3 (co-author)
- 2003 Letter to the Missouri Bar regarding possible adoption of August 2003 amendments to Model Rules of Professional Conduct 1.6 and 1.13 (primary author)
- 2003 Letter to the Missouri State Board of Accountancy regarding possible adoption of AICPA Code of Professional Conduct as ethical code for Missouri accountants

## **HONORS & AWARDS**

- 2015 Named a Fellow in the College of Law Practice Management
- 2014- Named a "Super Lawyer" by *Super Lawyers* magazine  
*Top 50 Lawyer in St. Louis* (2015)
- 2013 Named a "2014 Most Influential Lawyer" by *Missouri Lawyers Weekly*
- 2013- Rated AV by Martindale-Hubbell
- 2013 Distinguished Legal Writing Award from the Burton Awards for Legal Achievement for the article *Ethical Rules for Litigating in the Court of Public Opinion*
- 2005 Inaugural Fellow, First Annual Workshop on Teaching Ethics and Professionalism, National Institute for the Teaching of Ethics and Professionalism, Atlanta, Georgia

# # #





**MICHAEL P. DOWNEY**  
Downey Law Group LLC  
49 North Gore Avenue, Suite 2  
St. Louis, Missouri 63119  
(314) 961-6644 main  
(314) 482-5449 direct/cell  
mdowney@downeylawgroup.com

**TESTIMONY AS EXPERT WITNESS  
AS OF SEPTEMBER 2016**

**In-Person (before Tribunal or at Deposition)**

1. *Ron Cote v. Hazelton & Laner*, Case No. 14BA-CV04154 (Circuit Court of Boone County, Missouri 2016). Provided deposition testimony regarding formation of the attorney-client relationship, duties owed to clients and non-clients, and standard of care issues in a malpractice case relating to the transfer of a business. Retained by defendants' counsel Fox Galvin LLC (contact Erica Reynolds).
2. *AAA Arbitration No. 14-194-00075-13* (2016). Prepare report and testify regarding duty of partner to disclose information regarding clients' malfeasance to partners; formation of the attorney-client relationship; duty to resign from firm when indicted; and duty not to use client-related information to disadvantage of client. Retained by Jacobs Law Group (contact Gene Linkmeyer).
3. *Ann Greenspan v. Aaron Greenspan*, Case No. 1522-PN01941 (Circuit Court of the City of St. Louis, Missouri 2015). Testified in opposition to motion to disqualify based upon meeting with prospective but declined client. Retained by Hais Hais & Goldberger PC (contact Sam Hais).
4. *Daniel Finney v. Russell Watters et al.*, Case No. 1222-CC09426 (Circuit Court of the City of St. Louis, Missouri 2014). Provided deposition testimony primarily regarding a lawyer's duties of candor to a tribunal and to third parties and regarding conflict of interest issues in a lawsuit brought against another attorney for malicious prosecution and fraud. Retained by plaintiff Daniel Finney, attorney litigating *pro se*.
5. *In re Revocation of Permit No. 84777, New Life Evangelical Center, Respondent* (St. Louis City Board of Public Service, Missouri 2014). Testified at a public hearing regarding conflict of interest rules for a lawyer who moves from government to private practice in opposition to motion to disqualify filed by respondent. Retained by petitioner's counsel Bick & Kistner (contact Elkin Kistner).
6. *Cockriel & Christofferson, LLC v. Bowlin*, Case No. 12 SL-CC03097 (Circuit Court of St. Louis County, Missouri 2012 and 2013). Provided deposition testimony regarding

standard of care and fiduciary duties relating to investigation of a client's case and relating to billing for legal services; testified in court proceeding regarding law firm's attempt to recover attorney fees on their engagement agreement. Retained by defendant/counterclaimant's counsel the Kirksey Law Firm (contact Jay Kirksey).

7. *Estate of Bonifer v. Kullman, Klein & Dioneda*, Case No. 11SL-CC02443 (Circuit Court of St. Louis County, Missouri 2012). Provided deposition testimony regarding standard of care and fiduciary duties when plaintiff firm learns its client has died and that spouse may be implicated in death. Retained by plaintiffs' counsel Cosgrove Law, LLC (contact Mary Hodges).

8. *Choice Homes, LLC v. Capes Sokol Goodman & Sarachan*, Case No. 09SL-CC00574 (Circuit Court of St. Louis County, Missouri 2011). Provided deposition testimony regarding duties of law firm upon realizing it had compromised client's claim. Retained by plaintiffs' counsel Rosenblum Goldenhersh Silverstein & Zafft, P.C. (contact David Oetting).

9. *Ruzicka v. Orco Investment Company*, Case No. 06CC-000023 (Circuit Court of St. Louis County, Missouri 2008). Prepared expert report and provided deposition testimony regarding ethical and fiduciary obligations of lawyer including when representing a corporation and its shareholder. Retained by plaintiffs' counsel Foley & Mansfield, PLLP (contact C. Raymond Bell).

10. *Foner v. Joseph*, Case No. 03FC-012101 (Circuit Court of St. Louis County, Missouri 2007-08). Testified in November 2007 court proceeding and submitted a supplemental expert declaration in January 2008 in response to a motion to disqualify Hais, Hais, Kallen & Goldberger, P.C. Testimony focused primarily on Missouri Supreme Court Rules 4-1.9 and 4-1.10. Retained by Hais, Hais, Kallen & Goldberger, P.C. (contact Sam Hais).

### **Submission of Report or Affidavit Only**

1. *Oetting v. Heffler, Radetich & Saitta, LLP*, Case No. 2:11-cv-04757-JD (U.S. District Court, Eastern District of Pennsylvania 2016). Prepared expert report concerning relationship between class action claims administrator and class and fiduciary obligations claims administrator owes to class. Retained by Tomlinson Law, LLC (contact Frank H. Tomlinson).

2. *D.L. v. District of Columbia*, Civil Action No. 05-1437 (U.S. District Court, District of Columbia 2016). Prepared updated affidavit in support of attorney fee petition from plaintiffs' counsel Terris, Pravlik & Millian, LLP. Retained by Terris Pravlik & Millian, LLP (contact Michael Huang).

3. *Cori v. Martin*, Case No. 2016 MR 000111 (Circuit Court of Madison County, Illinois) Prepared affidavit in opposition to motion to disqualify counsel, focusing

primarily on Illinois Rule of Professional Conduct 1.9. Retained by Spencer Fane LLP (contact Erik Solverud).

4. [Forthcoming – Missouri arbitration] Prepared affidavit regarding the enforceability of a fee-sharing arrangement between attorneys not associated in the same law firm for an arbitration matter. *Disclosure incomplete because retaining counsel has not yet clarified my obligations under confidentiality requirements.*

5. *In re Coolfire Media, LLC, Form I-129 Petition for Nonimmigrant Worker* (2015). Prepared affidavit regarding educational and experience requirements for international law clerk. Retained by Hacking Law Practice LLC (contact James Hacking).

6. *Petition for Fees of Rogers Cartage*, Case No. (Circuit Court of St. Clair County, Illinois 2015). Prepared affidavit in opposition to petition for attorney fees submitted. Retained by Dentons US LLP (contact Geoffrey Repo).

7. *Monroy v. Hi-Gene's Janitorial Services, Inc.*, Case No. 14-cv-36 (U.S. District Court, Western District of Missouri 2015) Prepared an affidavit in support of attorney fee petition from plaintiffs' counsel Brady & Associates (contact Michael Brady).

8. *Anderson v. Seasons Care Center, LLC*, Case No. 14-cv-269 (U.S. District Court, Western District of Missouri 2014) Prepared an affidavit in support of attorney fee petition from plaintiffs' counsel Brady & Associates (contact Michael Brady).

9. *Jancich v. Stonegate Mortgage Corporation*, Case No. 11-CV-2602 (U.S. District Court, District of Kansas 2014) Prepared an affidavit in support of attorney fee petition from plaintiffs' counsel Brady & Associates (contact Michael Brady).

10. *Montoya v. Nation Pizza Products, L.P.*, Case No. 13-CV-2036 (U.S. District Court, District of Kansas 2014). Prepared an affidavit in support of attorney fee petition from plaintiffs' counsel Brady & Associates (contact Michael Brady).

11. *Marvin M. Klamen v. William K. Halliburton, et al.*, Case No. 11SL-CC01073 (Circuit Court of St. Louis County, Missouri 2014). Prepared an affidavit at the request of defendant's counsel Menees, Whitney, Burnet & Trog (contact Hardy Menees) in support of a response in opposition to a motion for partial summary judgment. The affidavit discussed issues relating to formation of a client-lawyer relationship, obligations owed to a client, the impact of Missouri Rule 4-5.7 on such issues, and a lawyer's duties to a tribunal under Missouri Rules 4-3.1 and 4-3.3.

12. *Montgomery v. United States of America*, Case No. 14-2437 (U.S. Court of Appeals for the Eighth Circuit 2014). Prepared an affidavit in support of petition for mandamus from petitioner's counsel (contact Kelley J. Henry, Office of the Federal Public Defender, Nashville, Tennessee) regarding conduct of trial counsel during post-conviction proceedings alleging ineffective assistance of that trial counsel.

13. *Manning v. Federal Savings Bank*, Case No. 12-cv-2640 (U.S. District Court, District of Kansas 2014). Prepared an affidavit in support of attorney fee petition from plaintiffs' counsel Brady & Associates (contact Michael Brady).
14. *Alewell v. Dex One Services, Inc.*, Case No. 13-CV-2312 (U.S. District Court, District of Kansas 2014). Prepared an affidavit in support of attorney fee petition from plaintiffs' counsel Brady & Associates (contact Michael Brady).
15. *Jacobs v. Brown Bag Liquor, LLC*, Case No. 2:12-CV-2311 (U.S. District Court, District of Kansas 2013). Prepared an affidavit in support of attorney fee petition from plaintiffs' counsel Brady & Associates (contact Michael Brady).
16. *Barbosa v. National Beef Packing Company, LLC*, Case No. 12-cv-2640 (U.S. District Court, District of Kansas 2013). Prepared an affidavit in support of attorney fee petition from plaintiffs' counsel Brady & Associates (contact Michael Brady).
17. *Shackleford v. Cargill Meat Solutions Corp.*, 12-CV-4065-FJG (U.S. District Court, Western District of Missouri 2013) Prepared an affidavit in support of attorney fee petition from plaintiffs' counsel Brady & Associates (contact Michael Brady).
18. *State of Missouri v. Haynes*, Case No. 12BA-CR03795 (Circuit Court of Boone County, Missouri 2012). Prepared an affidavit in support of a petition for withdrawal of attorney Rodney Massman (contact at Missouri State Board of Nursing), who had been appointed to represent defendant in a criminal case.
19. *D.L. v. District of Columbia*, Civil Action No. 05-1437 (U.S. District Court, District of Columbia 2012). Prepared an affidavit in support of attorney fee petition from plaintiffs' counsel Terris, Pravlik & Millian, LLP (contact Carolyn Smith Pravlik).
20. *McDonald v. The Kellogg Company*, Case No. 08-CV-2473 JWL-JPO (U.S. District Court, District of Kansas 2012). Prepared an affidavit in support of attorney fee petition from plaintiffs' counsel Brady & Associates (contact Michael Brady).
21. *Sanderson v. Unilever Supply Chain, Inc.*, Case No. 10-CV-00775-FJG (U.S. District Court, Western District of Missouri 2011). Prepared an affidavit in support of attorney fee petition from plaintiffs' counsel Brady & Associates (contact Michael Brady) in wage and hour case.
22. *Fulton v. TLC Lawn Care, Inc.*, Case No. 10-2645-KHV-JPO (U.S. District Court, District of Kansas 2011). Prepared an affidavit in support of attorney fee petition from plaintiff's counsel Brady & Associates (contact Michael Brady).
23. *Sanderson v. Conopco, Inc.*, Case No. 4:10-CV-775 (U.S. District Court, Western District of Missouri 2011). Prepared an affidavit in support of attorney fee petition from plaintiff's counsel Brady & Associates (contact Michael Brady).

24. *Sokol v. Sachs*, Case No. 0931-CV-02336 (Circuit Court of Green County, Missouri 2009). Prepared an affidavit regarding notice, confidentiality, and related issues that arise when a lawyer leaves a law firm. Retained by defendant Aaron Sachs & Associates and its counsel the Placzek Law Firm (contact Mathew Placzek).

# # #

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**29**  
Civ. No. 05-1437 (RCL)

DL<sup>1</sup>, *et al.*, on behalf of themselves )  
and all others similarly situated, )  
 )  
 )  
 Plaintiffs, )  
 )  
 )  
 v. )  
 )  
 )  
 THE DISTRICT OF COLUMBIA, )  
*et al.*, )  
 )  
 Defendants. )  
 )

Civil Action No. 05-1437 (RCL)

**AFFIDAVIT OF BRUCE MacEWEN**

I, Bruce MacEwen, declare, pursuant to 28 U.S.C. 1746 and under the penalty of perjury, that the following is true and correct.

1. I am a lawyer and consultant to law firms on strategic and economic issues. I founded and am the President of Adam Smith, Esq., LLC. Since 2002, we have provided high-end consulting services to the legal profession and those who work with or for it. Our services include: strategic assessments; client relationship programs; compensation structures; marketing, branding, and communications; leadership development; mergers and acquisitions. Adam Smith, Esq. provides services nationwide in the United States and internationally; we have worked with law firm clients in the UK, the EU, Canada, Brazil, and China. We provide services to law firms of all sizes, but primarily to sophisticated firms offering specialized legal services.

2. As part of our services, we publish AdamSmithEsq.com, a website which provides insights on the business of large, sophisticated law firms. Since the site's launch in late 2003, over

<sup>1</sup> Pursuant to Local Rule 5.4(f)(2), minors are identified by their initials.

1,500 articles have appeared on “Adam Smith, Esq.” covering such topics as strategy, leadership, globalization, merger and acquisition, finance, compensation, cultural considerations, and partnership structures.

3. I earned my Bachelor of Arts degree in Economics, *magna cum laude*, from Princeton University in 1976 and my Juris Doctorate from Stanford Law School in 1980.

4. Prior to beginning my consulting practices, I practiced litigation and corporate law with Shea & Gould and with Breed, Abbott & Morgan in New York, New York for seven years. I then practiced securities law in-house for nearly ten years at Dean Witter/Morgan Stanley.

5. My consulting practice consists of advising commercial law firms, of all sizes, on strategic and economic issues. Some of my recent engagements have included developing strategic plans for offices, practice groups, and firms as a whole; advising on pre-merger due diligence and post-merger integration; assisting firms to develop strategies for re-conceiving associate career paths; assisting firms in addressing alternative and strategic billing; and advising firms on the consequences of the economic “Great Reset” in 2008-2009 as well as the trend towards increasing segmentation among Global 100 law firms.

6. I have written for or been quoted in *Fortune*, *The Wall Street Journal*, *The New York Times*, *The Washington Post*, Bloomberg News/Radio/TV, *Business 2.0*, *The International Herald Tribune*, *The National Law Journal*, *The ABA Journal*, *The Lawyer*, and other publications. I frequently speak at law firm retreats and legal industry conferences in the United States and overseas.

7. I am familiar with the Washington, D.C. legal market, including the market for complex federal litigation, through working with firms in the market as part of my consulting practice. In addition, I work with many other firms that want to expand into the Washington, D.C. market. I know a number of prominent Washington, D.C. practitioners. I am also familiar with the other major legal

markets throughout the country and around the world, primarily including Canada and the large legal services market serving the UK from London, Ireland, and Scotland, as part of my consulting practice.

8. The National Law Journal annually surveys the top law firms in the United States. Of the cities in which those firms have offices, Washington, D.C. is the most common city. Law firms from all over the United States have an office there. Strategically, having a Washington, D.C. presence is more important than having a presence elsewhere.

9. In my opinion, the Washington, D.C. market for complex federal litigation is not a local market, but a national market. Firms from around the country come into the Washington, D.C., market to handle cases in the federal courts and District firms handle cases in other markets. There are local legal markets in some legal areas, but the market for complex federal litigation is not one of them.

10. To some degree, the national character of the Washington market for complex federal litigation is related to the fact that many cases litigated in Washington, D.C. have a national impact or outcome. The *DL* case is a class action concerning civil rights enforcement. It is a case seeking to enforce a federal statute which could reasonably be expected to have national repercussions. There is one national legal market in the United States for attorneys handling such cases.

11. The market for complex federal litigation, in Washington, D.C. and elsewhere, is a single market comprised of law firms of different sizes, all of which compete against each other. Each of the firms in the market competes against each other to represent those who require the services of litigators experienced in complex federal litigation.

12. Both firm size and firm overhead are irrelevant to the setting of hourly rates for complex federal litigation. Instead, rates are a function of the value of the services in the market.

13. In some instances, firms charge a preparation rate and a trial rate, but it is customary practice to bill a client one rate for a particular attorney irrespective of the type of legal activity



performed by the attorney in the matter. The complexity of tasks is accounted for in two ways other than switching rates based on the complexity of the particular work: the reasonableness of the number of hours necessary to accomplish the task and the appropriateness of the experience level or seniority of the individual assigned to undertake the task. Thus, if it is appropriate to have senior counsel performing the task, the task is billed at the senior counsel's hourly rate regardless of the complexity of the task.

14. A copy of my curriculum vitae is attached to this declaration as Attachment 1 and I incorporate it herein by reference. My publications are available at AdamSmithEsq.com.

15. I am being paid \$650 for the preparation of this affidavit.

Executed on this K/11 day of September, 2016.

  
BRUCE MacEWEN

**BRUCE MACEWEN**

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305 West 98<sup>th</sup> Street/#4C-S  
New York, New York 10025

[bruce@adamsmithesq.com](mailto:bruce@adamsmithesq.com)

office: 212.866.4800  
cell: 212.866.2630

---

**PROFESSIONAL**

**CURRENT (2002— )**      **President, Adam Smith, Esq., LLC: New York (AdamSmithEsq.com)**

- Management consultancy to law firms and the legal industry, operating globally. Recent engagements have included developing strategic plans for offices, practice groups, and firms as a whole; pre-merger due diligence and post-merger integration; partner compensation systems design.
  - Adam Smith, Esq. is also an online publication providing insights on the business of large, sophisticated law firms. The site generates over 4-million page-views annually and since the site's launch in late 2003, over 1,500 articles have appeared, covering such topics as strategy, leadership, globalization, M&A, finance, compensation, cultural considerations, and partnership structures.
  - Author *Growth Is Dead: Now What?* (2012) and of *A New Taxonomy: The seven law firm business models* (2014)
- 

**PREVIOUSLY (1995 – 2001)**      **CEO and Founder, Pro/Se Systems, Inc.: New York**

“Dot-com” focused on applying knowledge management to create a content-driven on-line platform for targeted, zero-marginal-cost marketing and business-development efforts by leading law firms.

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**(1986 – 1995)**      **Dean Witter/Morgan Stanley (Securities Attorney): New York**

**First Vice President, (1988—1995); Vice President (1986—1988)**

- Designed departmental case tracking system, later adopted by Discover Card subsidiary, saving over \$1-million/year in license fees and freeing five full-time IT support personnel.
  - Cut total outside law firm expense by \$3-million (15%) in two years (with level caseload) by initiating “best practices” methodology.
  - Conceived and led creation of first departmental intranet (1993) including document management system.
- 

**1980—1986**      **Shea & Gould (1983—1986) and Breed, Abbott & Morgan (1980—1983): New York**  
**Associate Attorney:** Litigation, corporate, and securities

---

**EDUCATION**

**Princeton University**  
**B.A., *magna cum laude*, 1976**  
Economics major

**Bruce MacEwen**

**Stanford Law School**  
J.D., 1980

**New York University: Stern School of Business**  
Completed M.B.A. coursework (evening program), 1988 — 1991  
Finance major

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OTHER	
	<ul style="list-style-type: none"><li data-bbox="347 415 1393 478">▪ Admitted to practice law, New York (1981) and Pennsylvania (2003) (now on inactive status)</li><li data-bbox="347 506 1409 569">▪ Chair of the Finance Committee and Assistant Treasurer on the Vestry of St. Michael's Episcopal Church (New York)</li><li data-bbox="347 596 1089 632">▪ Married, life-long distance runner (NYC Marathon top 10%)</li></ul>

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**30**  
Civ. No. 05-1437 (RCL)

MAY PAT LAFFEY, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	Civil Action
v.	)	No. 2111-70
	)	
NORTHWEST AIRLINES, INC.	)	
	)	
Defendant.	)	

FIRST AFFIDAVIT OF DANIEL A. REZNECK

CITY OF WASHINGTON	)	
	)	ss:
DISTRICT OF COLUMBIA	)	

Daniel A. Rezneck, being duly sworn, voluntarily deposes and says:

1. I am a partner in the firm of Arnold & Porter. I am a member of the Bars of the District of Columbia and New York.

2. I graduated from Harvard College, B.A., in 1956, and from Harvard Law School, LL.B., in 1959. Following my law school graduation, I served as assistant to Professor Paul A. Freund of the Harvard Law School in 1959-1960 and as law clerk to Justice William J. Brennan of the United States Supreme Court in 1960-1961.

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3. I was admitted to the Bar of the State of New York in 1959 and the District of Columbia in 1961. I was an Assistant U.S. Attorney for the District of Columbia from 1961 to 1964. I joined Arnold & Porter in 1964 and have been a partner there since 1969.

4. I have long been active in Bar affairs in the District of Columbia. In 1975-1976, I was President of the District of Columbia Bar. Since 1979, I have served as a member of the District of Columbia Commission on Judicial Disabilities and Tenure. I am also a Trustee of the Public Defender Service of the District of Columbia. I have been a member of the Judicial Conference of the District of Columbia Circuit and the Judicial Conference of the District of Columbia. I have served as a trustee of the D.C. Bar Foundation and have chaired or been a member of numerous committees appointed by the courts and the D.C. Bar.

5. My practice at Arnold & Porter has involved complex civil and criminal litigation, such as antitrust, securities, government contracts, constitutional and other civil rights, and white collar crime. I have also represented other attorneys and law firms in a number of matters. I have been involved in matters

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involving the setting of attorneys' fees. I have represented both plaintiffs and defendants in complex federal court litigation. Through my practice and longstanding involvement in Bar activities, I am familiar with the standards of legal practice in the District of Columbia. I am also familiar with the standards for setting attorneys' fees and other costs of litigation.

6. For several years, I was in charge of our pro bono program at Arnold & Porter. In the course of that activity, I had overall supervisory responsibility for several employment discrimination matters in which our firm represented plaintiffs. I became generally cognizant of the characteristics and complexities of such cases, and I familiarized myself with the standards governing allowance of attorneys' fees under applicable federal statutes.

7. Arnold & Porter is engaged in a broad general practice, which involves substantial federal litigation in many areas of the law, including employment discrimination. Individual attorney time is customarily charged to clients on the basis of standard hourly rates determined by level of experience, without regard to the subject matter of the particular work or whether it involves litigation or some other form of legal

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representation. In the context of litigation, our firm does not make any distinction for purposes of billing between in-court and out-of-court time or between or among other types of litigation activity; all are billed at the same standard hourly rates. Moreover, Arnold & Porter does not differentiate employment discrimination cases for fee-paying clients from other types of litigation with respect to billing; we customarily bill and collect from fee-paying clients in employment discrimination matters at the same standard hourly rates billed for other matters. Arnold & Porter customarily bills at the same standard hourly rate irrespective of the outcome of the litigation.

8. Fees in this litigation are being requested for attorneys from the firm of Bredhoff & Kaiser at the following rates:

(a) \$175 an hour for very experienced federal court litigators, e.g., lawyers in their 20th year after graduation from law school and thereafter. The following individuals are in this category for some of the years they worked on the Laffey case: Messrs. Gottesman, Bredhoff and Cohen. By far the largest number of hours in this group were worked by Mr. Gottesman.

(b) \$150 an hour for experienced federal court litigators, e.g., lawyers in their 11th through 19th years after graduation from law school. Messrs. Gottesman, Cohen, Weinberg and Petramalo are in this category for some of the years they worked on the Laffey case, as is associated counsel Gilbert Feldman.

(c) \$125 an hour for experienced litigators in their 8th through 10th years after graduation from law school. Messrs. Weinberg, Petramalo and Ms. Julia Penny Clark are in this category for some of the years they worked on the Laffey case.

(d) \$100 an hour for senior associates in their 4th through 7th years after graduation from law school. Mr. Weinberg, Mr. Petramalo, Ms. Clark, Dennis Clark, Jeremiah Collins, Mady Gilson, and James J. Brudney are in this category for some of the years they worked on the Laffey case.

(e) \$75 an hour for junior associates in their 1st through 3rd years after graduation from law school. Mr. Clark, Mr. Collins, and Mr. Brudney are in this category for some of the years they worked on the Laffey case.



A chart showing the lodestar figures computed on the basis of these rates for work on the merits during the period up to and including February 28, 1983 for Bredhoff & Kaiser attorneys (and Mr. Feldman) is attached hereto as Exhibit A. A chart showing the lodestar figures computed on the basis of these rates for work on the attorneys' fee issue for the same period for Bredhoff & Kaiser attorneys is attached hereto as Exhibit A-1.

Compensation at the same rates for the same categories of experience is being requested for the attorneys at Arnold & Porter who have worked on the attorneys' fee issue, i.e., myself; Jeffrey A. Burt, a 1970 law school graduate; and Timothy J. Lindon, a 1980 law school graduate.

A chart showing the lodestar figures computed on the basis of these rates for Arnold & Porter attorneys up to and including February 28, 1983, is attached as Exhibit B hereto.

9. I have caused an inquiry to be made and have inquired into the billing rates of firms in Washington, D.C., which are engaged in active litigation practice in the federal courts. A number of attorneys from such firms have executed affidavits in this case giving

specific rate information, supporting and substantiating the rates described in paragraph 8, supra, and demonstrating that the requested rates are equal to or below prevailing market rates in the community for lawyers of similar skill and experience. Those affidavits are contained in Appendix II to this application. In addition, examination of the files and reports of cases in the District of Columbia and elsewhere has disclosed further substantial corroborative information as to prevailing market rates in the District of Columbia for complex federal litigation such as Laffey, and copies of affidavits and excerpts from affidavits filed in a number of such cases are summarized below and attached as exhibits to this affidavit. This is in accord with the statement of the U.S. Court of Appeals in National Association of Concerned Veterans, 675 F.2d 1319, 1326 (D.C. 1982) that: "Evidence submitted by attorney fee applicants in prior cases may also be relied on in compiling an attorney fee application. There is no requirement that each attorney develop all of the evidence for the hourly rate he seeks from scratch."

10. The examination I have caused to be conducted shows that the standard hourly rates of many lawyers in the District of Columbia, customarily billed and

collected, in complex federal litigation are \$200 an hour or more.

11. The standard hourly rates at Arnold & Porter, customarily billed and collected, are equal to or in excess of the rates requested here at the various levels of experience of attorneys for which application is made. I graduated from law school in the same year as Mr. Gottesman and am somewhat junior to Messrs. Bredhoff and Cohen at Bredhoff & Kaiser in year of graduation from law school and admission to the Bar. I became a partner at Arnold & Porter several years after Mr. Gottesman became a partner in the firm which is now Bredhoff & Kaiser. My current standard hourly billing rate, applicable to all civil litigation matters for fee-paying clients, is \$200 an hour. Mr. Burt is junior in year of graduation from law school and admission to the Bar to Messrs. Weinberg and Petramalo of Bredhoff & Kaiser. Mr. Burt's current standard hourly billing rate is \$160. Mr. Lindon's current standard hourly billing rate is \$95. During the entire time of my representation of plaintiffs on the attorney fee issue, to the best of my knowledge, all or virtually all of my time in all the other civil cases in which I have represented fee-paying clients has been billed at my

stated standard hourly rates. Furthermore, to the best of my knowledge all or virtually all of such time billed to and paid by such fee-paying clients has been paid at the stated standard hourly rates. None of these matters was handled on a contingent basis, and my standard hourly rate does not include an allowance for the contingent nature of any cases. The same is true of Messrs. Burt and Lindon.

12. Most other lawyers at Arnold & Porter of equivalent years of experience to myself and to the senior members of the Bredhoff & Kaiser firm that I have listed (Messrs. Gottesman, Bredhoff, and Cohen) also bill and collect from fee-paying clients at current standard rates of \$200 or \$190 an hour. The current standard billing rates at Arnold & Porter thus equal or exceed the \$175 and \$150 an hour rates requested for Messrs. Gottesman, Bredhoff and Cohen at their various levels of experience during the Laffey case.

13. Likewise, the current standard hourly rates applicable at Arnold & Porter to partners of comparable age and status to Messrs. Weinberg and Petramalo of Bredhoff & Kaiser equal or exceed the \$150, \$125 and \$100 per hour rates requested for the services of those attorneys at their various levels of experience during

the Laffey case. Mr. Weinberg is a 1968 law school graduate, a member of the D.C. Bar since 1969, and a partner at Bredhoff & Kaiser since 1977. Mr. Petramalo is a 1969 law school graduate, became a member of the D.C. Bar in that year, and has been a partner since 1978. Arnold & Porter's standard hourly billing rate for most partners in their 11th year after graduation from law school is \$150, and ordinarily increases thereafter with increased experience. The current standard rate for most partners of Mr. Weinberg's and Mr. Petramalo's years of experience is from \$160 to \$170 an hour. The current standard hourly rates at Arnold & Porter exceed the \$125 and \$100 rates requested at various levels of experience for J. Penny Clark, a 1973 graduate admitted to partnership in 1981. The current standard hourly rate for most partners in the 10th year after graduation from law school is \$145.

14. With respect to associates, Arnold & Porter's current standard hourly billing rates likewise exceed the rates requested here for associates Dennis Clark, Jeremiah Collins, Mady Gilson, and James J. Brudney. The current standard hourly rates for first-year associates are \$80, for fourth-year associates \$105, and for associates during the seventh year \$125. The

time of associates who graduated in 1976, the same year as attorneys Collins and Gilson, is currently billed at \$125 an hour. Thus the request of \$75 an hour for junior associates of Bredhoff & Kaiser who worked on Laffey during their first three years and of \$100 an hour for senior associates who worked on the case during their fourth through seventh years is below the current standard hourly rate that Arnold & Porter charges for the services of persons of equivalent experience.

15. Compensation for the services of paralegals and law clerks of Bredhoff & Kaiser is being requested at the rate of \$30 an hour. Arnold & Porter's customary hourly rates for paralegals are \$40 an hour after they have been at the firm for six months (\$32 an hour prior to that time) and \$45 an hour for the time of law clerks.

16. My examination and inquiry into the rates charged to fee-paying clients by many other firms and attorneys in Washington, D.C. engaged in complex litigation in the federal courts, including employment discrimination and other civil rights, antitrust, securities, tax, environmental, and general litigation, discloses rates consistent with the rates requested here. Appendix II contains numerous affidavits of practitioners as to current rates in Washington, D.C.

These affidavits state that employment discrimination cases are billed to fee-paying clients at the same standard hourly rates as all other complex federal litigation. In addition to the other affidavits filed with this application, I have set forth data derived from affidavits and pleadings filed in other cases in the paragraphs below, with attached exhibits. It should be noted that most of these affidavits were filed in cases prior to 1983, and current rates may be even higher.

(a) Thomas R. Ewald, admitted to practice in 1957, and Samuel Seymour, admitted to practice in 1962, both Washington, D.C. practitioners, were awarded fees for representing plaintiffs in a Title VII case at the lodestar rate of \$175 an hour on the basis of a specific finding by the Court that this was a reasonable hourly rate in Washington, D.C. for an experienced litigator as of 1980. Chrapliwy v. Uniroyal, Inc., 670 F.2d 760, 764, 768-69 (7th Cir. 1982).

(b) In affidavits filed in other Title VII cases, Jane McGrew, a member of the firm of Steptoe & Johnson, Chartered, who graduated from law school in 1970, became a partner in 1977, and has specialized in Title VII work, states that she routinely bills fee-paying clients at the rate of at least \$160 an hour, including employment

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discrimination work. (Affidavits of Jane McGrew in Chewning v. Duncan, U.S.D.C. D.C., Civil Action No. 76-0334, and Kohne v. Imco Container Co., U.S.D.C. for the Western District of Virginia, Civil Action No. 74-C-110(H) attached as Exhibits C and D hereto.)

According to her affidavit, Ex. D, p. 4, the standard hourly rates of other lawyers of Steptoe & Johnson as of 1982 were as follows:

<u>Level of Seniority</u>	<u>Minimum Hourly Rate</u>
20 years or more	\$170
9 to 20 years	\$125 to \$200
4 to 8 years	\$ 95 to \$125
Less than 4 years	\$ 70 to \$ 95

According to Ms. McGrew, standard billing rates in 1982 at Steptoe & Johnson for paralegal time were \$45 to \$50 an hour. (Id.)

(c) This Court in Connors v. Drivers, Chauffeurs & Helpers Local Union 639, Civ. Act. 82-1840, March 4, 1983, awarded the following rates to Steptoe & Johnson lawyers, which it found to be the actual rates charged by the firm during 1982:

J.D. Hutchinson, a 1968 law school graduate -- \$190 an hour.



P.J. Ondrasik, Jr., a 1975 law school graduate -- \$115 an hour.

A.B. Ianniello, a 1980 law school graduate -- \$80 an hour.

(d) Roger Warin, who is a 1970 law school graduate, became a partner in Steptoe & Johnson in 1978, and has handled numerous employment discrimination and other civil rights matters, states that in 1982 his normal billing rate was \$150 an hour. (Affidavit of Roger E. Warin, Bachman v. Miller, U.S.D.C. D.C., Civil Action No. 76-0079, p. 3, Exhibit E hereto.) He further states that John R. Labovitz, a 1969 law school graduate who became a partner at Steptoe & Johnson in 1979, also had a normal billing rate in 1982 of \$150 an hour. (Id., p. 7)

(e) Nathan Lewin, of Miller, Cassidy, Larocca & Lewin, an experienced litigator who is a 1960 law school graduate and frequently handles civil rights matters in this and other courts, ordinarily charged fee-paying clients in 1982 at the standard rate of \$250 an hour for his services. (Affidavit of Jamie S. Gorelick, National Public Radio v. Copyright Royalty Tribunal, U.S. Court of Appeals for the D.C. Circuit, Docket No. 80-2281, pp. 9-10, Exhibit F hereto.)

(f) Partners of the Washington office of White & Case have stated their hourly rates as of 1982 as follows:

John W. Barnum, a 1957 law school graduate,  
\$225;

John J. McAvoy, a 1958 law school graduate,  
\$210;

Paul L. Friedman, a 1968 law school  
graduate, \$180.

(In re AOV Industries, Inc., U.S. Bankruptcy Court for  
the District of Columbia, Case No. 81-00617 et al.,  
Fifth Application of White & Case for Interim Compensation  
and Reimbursement of Expenses, December 15, 1982, p. 4,  
Exhibit G hereto.)

(g) David I. Shapiro of the firm of Dickstein,  
Shapiro & Morin billed at the standard hourly rate of  
\$200 in 1981. (Exhibit B to Affidavit of David I. Shapiro  
in In re Ampicillin Antitrust Litigation, U.S.D.C. D.C.,  
M.D.L. Docket No. 50 (Misc. 45-70), 526 F. Supp. 494  
(D.D.C. 1981), Exhibit H hereto.)

(h) Joseph D. Tydings, who became a partner  
in the firm of Danzansky, Dickey, Tydings, Quint & Gordon  
in 1971, is now a member of the firm of Finley, Kumble,  
Wagner, Heine, Underberg, and Casey, and is an experienced  
litigator, also billed at the rate of \$200 an hour for

litigation services as far back as 1980. (Affidavit of Joseph D. Tydings, In re Corrugated Container Antitrust Litigation, U.S.D.C. Southern District of Texas, M.D.L 310, Exhibit I hereto.)

(i) The standard billing rate to fee-paying clients for an experienced litigator at Covington & Burling, was at least \$180 an hour in 1982. (Smith v. Pro-Football, Inc., U.S.D.C. D.C., Civ. Act. No. 1643-70, Tagliabue Affidavit, ¶ 8, cited in Memorandum of Estate of Stuart H. Johnson, Jr., in Support of Plaintiff's Motion for an Award of Attorney's Fees and Costs and in Response to Objections of Defendant National Football League, Sept. 9, 1982, pp. 28-29.)

(j) Timothy J. Waters of the firm of Peabody, Lambert & Meyers, who graduated from law school in 1968, became a partner in 1973, and is a litigator, had a standard billing rate of \$150 an hour in antitrust litigation as of 1982. (Affidavit of Timothy J. Waters, Smith v. Pro-Football, Inc., supra, p. 3, Exhibit J hereto.)

(k) The time of Arthur F. Matthews, an experienced litigator at the firm of Wilmer, Cutler & Pickering, who graduated from law school and was admitted to the

D.C. Bar in 1962, was billed at \$185 an hour in 1982.

The time of his partner, Stephen F. Black, who graduated in 1968, was a law school classmate of Robert M. Weinberg Bredhoff & Kaiser, and was admitted to the D.C. Bar in 1969, is billed at the rate of \$170 an hour. The time of Stephen P. Doyle, a 1976 graduate, is billed at \$120 an hour; the time of associates who graduated in 1979, Richard Goodstein, Kathy B. Weinman, and Robert M. Pozin, is billed at \$105 an hour. (See the submission of Wilmer, Cutler & Pickering in the OPM Leasing Services fraud investigation, Reorganization No. 81-B-10533, U.S. Bankruptcy Court for the Southern District of New York, attached as Exhibit K hereto.)

(1) Bradley G. McDonald, a 1961 law school graduate, stated in an affidavit in the D.C. professional tax case, Superior Court of the District of Columbia, Tax Division, Docket No. 2362, Bishop v. District of Columbia, that he had a standard billing rate, as of 1980, of \$150 an hour (Affidavit of Bradley G. McDonald, p. 3, Exhibit L hereto); his practice included Title VII cases as well as other forms of complex federal court litigation. Other regular billing rates set forth in the affidavits filed in that case include John M. Bixler of Miller & Chevalier at \$160 an hour as of 1980, and

\$200 for other senior partners of Miller & Chevalier, a firm specializing in tax matters. (Bishop v. District of Columbia, supra, Affidavit of John M. Bixler, Exhibit M, pp. 3-4.)

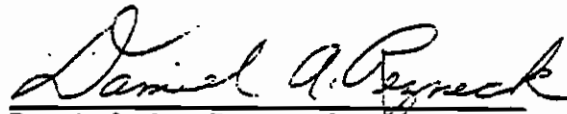
(m) Arthur W. Leibold, Jr., a partner in the Washington office of Dechert Price and Rhoads, states that as of 1982 his rate was \$195 an hour and several of his partners and senior partners had rates of \$200 and \$225 an hour. (Affidavit of Arthur W. Leibold, In re National Student Marketing Litigation, U.S.D.C. D.C., M.D.L. Docket No. 105, Exhibit N hereto.)

(n) Gilbert Hahn, Jr., a senior litigator formerly at the firm of Wolf, Amram and Hahn, stated in his submission in Metropolitan Washington Coalition for Clean Air v. District of Columbia, Civil Action Nos. 1424-73 and 1844-73 (D.D.C. 1981) that his hourly rate as far back as 1980 was \$175. He was awarded fees by this Court at that lodestar rate.

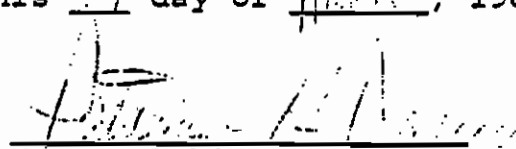
(o) Eldon V.C. Greenberg, formerly of the Washington office of Tuttle & Taylor, who is a 1969 law school graduate and has handled substantial environmental litigation, had a standard billing rate

of \$155 an hour to fee-paying clients as of 1982.

(Declaration of Eldon V.C. Greenberg, National Wildlife Federation v. Watt, U.S.D.C., D.C. Civil Action No. 82-0320, p. 1, Exhibit O hereto.)

  
Daniel A. Rezneck

Subscribed and sworn to before  
me this 7 day of March, 1983.

  
Notary Public

My Commission Expires:

March 21 1984



EXHIBIT 1

EVIDENCE OF HOURLY RATES CHARGED BY ATTORNEYS  
 FOR COMPLEX LITIGATION IN THE DISTRICT OF COLUMBIA

Lodestar Rates Requested for  
 Bredhoff & Kaiser and Arnold & Porter Attorneys

\$175 an hour for very experienced federal court litigators, e.g., lawyers in their twentieth year or more after graduation from law school;

\$150 an hour for experienced litigators, e.g., lawyers in their eleventh through nineteenth years after graduation from law school;

\$125 an hour for experienced litigators in their eighth through tenth years after graduation from law school;

\$100 an hour for senior associates in their fourth through seventh years after graduation from law school;

\$75 an hour for junior associates in their first through third years after graduation from law school.

<u>Law Firm and/or Attorney</u>	<u>Year of Graduation</u>	<u>Hourly Rate</u>
ARNOLD & PORTER		
Daniel A. Rezneck <sup>1</sup>	1959	\$200 (current) \$190 (in 1982)
Other attorneys of equivalent experience to Mr. Rezneck <sup>2</sup>		\$190-200 (current)
James A. Dobkin <sup>3</sup>	1964	\$180
Jeffrey A. Burt <sup>1</sup>	1970	\$160 (current) \$150 (in 1982)
Partner in the 11th year after graduation <sup>4</sup>		\$150 (current)



<u>Law Firm and/or Attorney</u>	<u>Year of Graduation</u>	<u>Hourly Rate</u>
Partner in the 10th year after graduation <sup>6</sup>		\$145 (current)
Seventh-year associate <sup>6</sup>		\$125 (current)
Fourth-year associate <sup>6</sup>		\$105 (current)
Timothy J. Lindon <sup>6</sup>	1980	\$ 95 (current)
First-year associate <sup>6</sup>		\$ 80 (current)
<b>BARNETT &amp; ALAGIA</b>		
William A. Carey <sup>6</sup>	1957	\$150 (current)
<b>CAPLIN &amp; DRYSDALE</b>		
Irving Salem <sup>7</sup>	1960	\$200 (current)
Cono R. Namorato <sup>7</sup>	1968	\$185 (current)
Peter Van N. Lockwood <sup>7</sup>	1966	\$175 (current)
Robert C. Pozen <sup>7</sup>	1972	\$150 (current)
Partners <sup>7</sup>		\$120-300 (current)
Associates <sup>7</sup>		\$ 75-105 (current)
<b>COVINGTON &amp; BURLING</b>		
Experienced partner <sup>8</sup>	1947	\$180 minimum (in 1982)
<b>DECHERT PRICE &amp; RHOADS</b>		
Senior partners <sup>9</sup>		\$200-225 (in 1982)
Arthur W. Leibold <sup>9</sup>	1956	\$195 (in 1982)
Senior associate <sup>9</sup>		\$110 (in 1982)
Associate <sup>9</sup>		\$100 (in 1982)

<u>Law Firm and/or Attorney</u>	<u>Year of Graduation</u>	<u>Hourly Rate</u>
DICKSTEIN, SHAPIRO & MORIN		
Senior partner <sup>10</sup>		\$225-250 (current)
Experienced partners <sup>10</sup>		\$150-200 (current)
David I. Shapiro <sup>11</sup>	1949	\$200 (in 1981)
James vanRoden Springer <sup>10</sup>	1962	\$170 (current)
EWALD, THOMAS R.	1957	
Experienced D.C. litigator		
Fee award by Court <sup>12</sup>		\$175 (in 1980)
FINLEY, KUMBLE, WAGNER, HEINE, UNDERBERG & CASEY		
Joseph D. Tydings <sup>13</sup>	1953	\$200 (in 1980)
HAHN, GILBERT, JR.	1948	
Fee award by Court <sup>14</sup>		\$175 (in 1980)
HOGAN & HARTSON		
Attorneys <sup>15</sup>		Firm's 1983 rates are equivalent to requested rates*
KAYE, SCHOLER, FIERMAN, HAYS & HANDLER		
Kenneth R. Feinberg <sup>16</sup>	1970	\$200 (current)
MCDONALD, BRADLEY G. <sup>17</sup>	1961	\$150 (in 1980)
MILLER, CASSIDY, LARROCA & LEWIN		
Nathan Lewin <sup>18</sup>	1960	\$250 (in 1982)
Senior partners <sup>19</sup>		\$175-250 (current)

\* Requested rates are listed at the head of this table.

<u>Law Firm and/or Attorney</u>	<u>Year of Graduation</u>	<u>Hourly Rate</u>
Jamie Gorelick <sup>19</sup>	1975	\$100-125 (current)
Associates <sup>19</sup>		\$ 70-110 (current)
MILLER & CHEVALIER		
Senior partner <sup>20</sup>		\$200 (in 1980)
John M. Bixler <sup>20</sup>	1954	\$160 (in 1980)
Associates <sup>20</sup>		\$ 90 (in 1980)
paralegals <sup>20</sup>		
Steven F. Black <sup>20</sup>		
NÜSSBAUM, OWEN & WEBSTER		
David N. Webster <sup>21</sup>	1958	\$180 (current)
"...experienced litigators for handling complex federal civil litigation..." <sup>21</sup>		\$135-185 (current)
PEABODY, LAMBERT & MEYERS		
Partners <sup>22</sup>		\$130-180 (current)
Charles T. Duncan <sup>22</sup>	1950	\$170 (current)
Timothy Waters <sup>22</sup>	1968	\$150 (in 1982)
Senior associates <sup>22</sup>		\$100 (in 1982)
Associates <sup>22</sup>		\$ 75-100 (current)
SEYMOUR, SAMUEL	1962	
Experienced D.C. litigator		\$175 (in 1980)
Fee award by Court <sup>12</sup>		
STEPTOE & JOHNSON		
J.D. Hutchinson <sup>25</sup>	1968	\$190 (in 1982)

<u>Law Firm and/or Attorney</u>	<u>Year of Graduation</u>	<u>Hourly Rate</u>
Attorney with 20 or more years' experience <sup>24</sup>		\$170 (current minimum)
Attorney with 9 to 20 years' experience <sup>24</sup>		\$125-200 (current minimum)
Jane McGrew <sup>24</sup>	1970	at least \$160 (current)
Roger E. Warin <sup>26</sup>	1970	\$150 (in 1982)
John R. Labovitz <sup>26</sup>	1969	\$150 (in 1982)
Associate with 4 to 8 years' seniority <sup>26</sup>		\$ 95-125 (current minimum)
P.J. Ondrasik <sup>25</sup>	1975	\$115 (in 1982)
Associate with less than 4 years' seniority <sup>24</sup>		\$ 70-90 (current minimum)
A.B. Ianniello <sup>25</sup>	1980	\$ 80 (in 1982)
<b>TUTTLE &amp; TAYLOR</b>		
Eldon Greenberg <sup>27</sup>	1969	\$155 (in 1982)
<b>WHITE &amp; CASE</b>		
John W. Barnum <sup>28</sup>	1957	\$225 (in 1982)
John J. McAvoy <sup>28</sup>	1958	\$210 (in 1982)
Paul L. Friedman <sup>28</sup>	1968	\$180 (in 1982)
Senior Associate <sup>28</sup>		\$120-130 (in 1982)
Junior Associate <sup>28</sup>		\$ 65 (in 1982)

<u>Law Firm and/or Attorney</u>	<u>Year of Graduation</u>	<u>Hourly Rate</u>
WILLIAMS & CONNOLLY Partners & Associates <sup>23</sup>		Firm's current rates are "at least equivalent" to the requested rates*
WILMER, CUTLER & PICKERING James Robertson <sup>30</sup>	1965	\$185 (current)
Arthur F. Matthews <sup>31</sup>	1962	\$185 (in 1982)
Steven F. Black <sup>31</sup>	1968	\$170 (in 1982)
Stephen P. Doyle <sup>31</sup>	1976	\$120 (in 1982)
Associates <sup>31</sup>		\$105 (in 1982)
Partners and associates <sup>30</sup>		Firm's current rates are "at least equal to" requested rates*

Paralegals and Law Clerks

Lodestar Rate Requested for Bredhoff & Kaiser  
 and Arnold & Porter Law Clerks and Paralegals:

\$30 an hour

<u>Law Firm</u>	<u>Rate</u>
ARNOLD & PORTER paralegals <sup>22</sup>	\$32 in first six months, \$40 after six months' experience (current)
law clerks <sup>22</sup>	\$45 (current)
CAPLIN & DRYSDALE paralegals <sup>7</sup>	\$35-40 (current)
law clerks <sup>7</sup>	\$50 (current)
DECHERT PRICE & RHOADS paralegals <sup>9</sup>	\$32 (in 1982)
DICKSTEIN, SHAPIRO & MORIN paralegals <sup>18</sup>	\$40 (current)
HOGAN & HARTSON law clerks and paralegals <sup>18</sup>	Current firm rates are equivalent to re- quested rate*
NUSSBAUM, OWEN & WEBSTER paralegals and law clerks <sup>21</sup>	Requested rate* is in accordance with current pre- vailing rates

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\* Requested rate is listed at the head of this table.

<u>Law Firm</u>	<u>Rate</u>
PEABODY, LAMBERT & MEYERS paralegals <sup>22</sup>	\$55 (current)
STEPTOE & JOHNSON paralegals <sup>26</sup>	\$45-50 (in 1982)
WHITE & CASE paralegals <sup>28</sup>	\$35 (in 1982)
WILLIAMS & CONNOLLY paralegals <sup>29</sup>	Firms' current rate is "at least equivalent" to the requested rate*
WILMER, CUTLER & PICKERING paralegals <sup>31</sup>	\$48 (in 1982)
law clerks <sup>30</sup>	Firms' current rate is "at least equal to" to the requested rate*

Endnotes

1. Affidavit of Daniel A. Rezneck, ¶ 11.
2. Affidavit of Daniel A. Rezneck, ¶ 12.
3. Affidavit of James A. Dobkin, ¶ 5.
4. Affidavit of Daniel A. Rezneck, ¶ 13.
5. Affidavit of Daniel A. Rezneck, ¶ 14.
6. Affidavit of William A. Carey, ¶ 8.
7. Affidavit of Peter Van N. Lockwood, ¶ 5.
8. Affidavit of Daniel A. Rezneck, ¶ 16(i).
9. Affidavit of Daniel A. Rezneck, ¶ 16(m); Exhibit N, p.2.
10. Affidavit of James vanRoden Springer, ¶¶ 2-3.
11. Affidavit of Daniel A. Rezneck, ¶ 16(g); Exhibit H.
12. Affidavit of Daniel A. Rezneck, ¶ 16(a).
13. Affidavit of Daniel A. Rezneck, ¶ 16(h); Exhibit I.
14. Affidavit of Daniel A. Rezneck, ¶ 16(n).
15. Affidavit of David S. Tatel, ¶ 15.
16. Affidavit of Kenneth R. Feinberg, ¶ 6.
17. Affidavit of Daniel A. Rezneck, ¶ 16(l); Exhibit L, ¶ 3.
18. Affidavit of Daniel A. Rezneck, ¶ 16(e); Exhibit F, ¶ 16.
19. Affidavit of Jamie S. Gorelick, ¶ 5.
20. Affidavit of Daniel A. Rezneck, ¶ 16(l); Exhibit M, ¶¶ 3-5.
21. Affidavit of David N. Webster, ¶ 8.



22. Affidavit of Charles T. Duncan, ¶ 11.
23. Affidavit of Daniel A. Rezneck, ¶ 16(j); Exhibit J, ¶ 5.
24. Affidavit of Daniel A. Rezneck, ¶ 16(b); Exhibit C, ¶¶ 6-7; Exhibit D, ¶ 9.
25. Affidavit of Daniel A. Rezneck, ¶ 16(c).
26. Affidavit of Daniel A. Rezneck, ¶ 16(d); Exhibit E, ¶ 4, ¶ 8, ¶ 11.
27. Affidavit of Daniel A. Rezneck, ¶ 16(o); Exhibit O, ¶ 2.
28. Affidavit of Daniel A. Rezneck, ¶ 16(f); Exhibit G, ¶ 6.
29. Affidavit of Robert L. Weinberg, ¶ 6.
30. Affidavit of James Robertson, ¶ 4, ¶ 8.
31. Affidavit of Daniel A. Rezneck, ¶ 16(k); Exhibit K.
32. Affidavit of Daniel A. Rezneck, ¶ 15.

**Plaintiffs' Exhibit**  
**31**  
Civ. No. 05-1437 (RCL)

EXHIBIT 1

EVIDENCE OF HOURLY RATES CHARGED BY ATTORNEYS  
FOR COMPLEX LITIGATION IN THE DISTRICT OF COLUMBIA

Lodestar Rates Requested for  
Bredhoff & Kaiser and Arnold & Porter Attorneys

\$175 an hour for very experienced federal court litigators, e.g., lawyers in their twentieth year or more after graduation from law school;

\$150 an hour for experienced litigators, e.g., lawyers in their eleventh through nineteenth years after graduation from law school;

\$125 an hour for experienced litigators in their eighth through tenth years after graduation from law school;

\$100 an hour for senior associates in their fourth through seventh years after graduation from law school;

\$75 an hour for junior associates in their first through third years after graduation from law school.

<u>Law Firm and/or Attorney</u>	<u>Year of Graduation</u>	<u>Hourly Rate</u>
ARNOLD & PORTER		
Daniel A. Rezneck <sup>1</sup>	1959	\$200 (current) \$190 (in 1982)
Other attorneys of equivalent experience to Mr. Rezneck <sup>2</sup>		\$190-200 (current)
James A. Dobkin <sup>3</sup>	1964	\$180
Jeffrey A. Burt <sup>1</sup>	1970	\$160 (current) \$150 (in 1982)
Partner in the 11th year after graduation <sup>4</sup>		\$150 (current)

<u>Law Firm and/or Attorney</u>	<u>Year of Graduation</u>	<u>Hourly Rate</u>
Partner in the 10th year after graduation <sup>6</sup>		\$145 (current)
Seventh-year associate <sup>5</sup>		\$125 (current)
Fourth-year associate <sup>5</sup>		\$105 (current)
Timothy J. Lindon <sup>1</sup>	1980	\$ 95 (current)
First-year associate <sup>5</sup>		\$ 80 (current)
<b>BARNETT &amp; ALAGIA</b>		
William A. Carey <sup>6</sup>	1957	\$150 (current)
<b>CAPLIN &amp; DRYSDALE</b>		
Irving Salem <sup>7</sup>	1960	\$200 (current)
Cono R. Namorato <sup>7</sup>	1968	\$185 (current)
Peter Van N. Lockwood <sup>7</sup>	1966	\$175 (current)
Robert C. Pozen <sup>7</sup>	1972	\$150 (current)
Partners <sup>7</sup>		\$120-300 (current)
Associates <sup>7</sup>		\$ 75-105 (current)
<b>COVINGTON &amp; BURLING</b>		
Experienced partner <sup>8</sup>	1947	\$180 minimum (in 1982)
<b>DECHERT PRICE &amp; RHOADS</b>		
Senior partners <sup>9</sup>		\$200-225 (in 1982)
Arthur W. Leibold <sup>9</sup>	1956	\$195 (in 1982)
Senior associate <sup>9</sup>		\$110 (in 1982)
Associate <sup>9</sup>		\$100 (in 1982)

<u>Law Firm and/or Attorney</u>	<u>Year of Graduation</u>	<u>Hourly Rate</u>
DICKSTEIN, SHAPIRO & MORIN		
Senior partner <sup>10</sup>		\$225-250 (current)
Experienced partners <sup>10</sup>		\$150-200 (current)
David I. Shapiro <sup>11</sup>	1949	\$200 (in 1981)
James vanRoden Springer <sup>10</sup>	1962	\$170 (current)
EWALD, THOMAS R.	1957	
Experienced D.C. litigator		
Fee award by Court <sup>12</sup>		\$175 (in 1980)
FINLEY, KUMBLE, WAGNER, HEINE, UNDERBERG & CASEY		
Joseph D. Tydings <sup>13</sup>	1953	\$200 (in 1980)
HAHN, GILBERT, JR.	1948	
Fee award by Court <sup>14</sup>		\$175 (in 1980)
HOGAN & HARTSON		
Attorneys <sup>15</sup>		Firm's 1983 rates are equivalent to requested rates*
KAYE, SCHOLER, FIERMAN, HAYS & HANDLER		
Kenneth R. Feinberg <sup>16</sup>	1970	\$200 (current)
MCDONALD, BRADLEY G. <sup>17</sup>	1961	\$150 (in 1980)
MILLER, CASSIDY, LARROCA & LEWIN		
Nathan Lewin <sup>18</sup>	1960	\$250 (in 1982)
Senior partners <sup>19</sup>		\$175-250 (current)

\* Requested rates are listed at the head of this table.

<u>Law Firm and/or Attorney</u>	<u>Year of Graduation</u>	<u>Hourly Rate</u>
Jamie Gorelick <sup>19</sup>	1975	\$100-125 (current)
Associates <sup>19</sup>		\$ 70-110 (current)
<b>MILLER &amp; CHEVALIER</b>		
Senior partner <sup>20</sup>		\$200 (in 1980)
John M. Bixler <sup>20</sup>	1954	\$160 (in 1980)
Associates <sup>20</sup>		\$ 90 (in 1980)
<b>NÜSSBAUM, OWEN &amp; WEBSTER</b>		
David N. Webster <sup>21</sup>	1958	\$180 (current)
"...experienced litigators for handling complex federal civil litigation..." <sup>21</sup>		\$135-185 (current)
<b>PEABODY, LAMBERT &amp; MEYERS</b>		
Partners <sup>22</sup>		\$130-180 (current)
Charles T. Duncan <sup>22</sup>	1950	\$170 (current)
Timothy Waters <sup>22</sup>	1968	\$150 (in 1982)
Senior associates <sup>22</sup>		\$100 (in 1982)
Associates <sup>22</sup>		\$ 75-100 (current)
<b>SEYMOUR, SAMUEL</b>	1962	
Experienced D.C. litigator Fee award by Court <sup>12</sup>		\$175 (in 1980)
<b>STEPTOE &amp; JOHNSON</b>		
J.D. Hutchinson <sup>25</sup>	1968	\$190 (in 1982)

<u>Law Firm and/or Attorney</u>	<u>Year of Graduation</u>	<u>Hourly Rate</u>
Attorney with 20 or more years' experience <sup>24</sup>		\$170 (current minimum)
Attorney with 9 to 20 years' experience <sup>24</sup>		\$125-200 (current minimum)
Jane McGrew <sup>24</sup>	1970	at least \$160 (current)
Roger E. Warin <sup>26</sup>	1970	\$150 (in 1982)
John R. Labovitz <sup>26</sup>	1969	\$150 (in 1982)
Associate with 4 to 8 years' seniority <sup>26</sup>		\$ 95-125 (current minimum)
P.J. Ondrasik <sup>25</sup>	1975	\$115 (in 1982)
Associate with less than 4 years' seniority <sup>24</sup>		\$ 70-90 (current minimum)
A.B. Ianniello <sup>25</sup>	1980	\$ 80 (in 1982)
<b>TUTTLE &amp; TAYLOR</b>		
Eldon Greenberg <sup>27</sup>	1969	\$155 (in 1982)
<b>WHITE &amp; CASE</b>		
John W. Barnum <sup>28</sup>	1957	\$225 (in 1982)
John J. McAvoy <sup>28</sup>	1958	\$210 (in 1982)
Paul L. Friedman <sup>28</sup>	1968	\$180 (in 1982)
Senior Associate <sup>28</sup>		\$120-130 (in 1982)
Junior Associate <sup>28</sup>		\$ 65 (in 1982)

<u>Law Firm and/or Attorney</u>	<u>Year of Graduation</u>	<u>Hourly Rate</u>
WILLIAMS & CONNOLLY Partners & Associates <sup>23</sup>		Firm's current rates are "at least equivalent" to the requested rates*
WILMER, CUTLER & PICKERING James Robertson <sup>30</sup>	1965	\$185 (current)
Arthur F. Matthews <sup>31</sup>	1962	\$185 (in 1982)
Steven F. Black <sup>31</sup>	1968	\$170 (in 1982)
Stephen P. Doyle <sup>31</sup>	1976	\$120 (in 1982)
Associates <sup>31</sup>		\$105 (in 1982)
Partners and associates <sup>30</sup>		Firm's current rates are "at least equal to" requested rates*

Paralegals and Law Clerks

Lodestar Rate Requested for Bredhoff & Kaiser  
 and Arnold & Porter Law Clerks and Paralegals:

\$30 an hour

<u>Law Firm</u>	<u>Rate</u>
ARNOLD & PORTER paralegals <sup>22</sup>	\$32 in first six months, \$40 after six months' experience (current)
law clerks <sup>22</sup>	\$45 (current)
CAPLIN & DRYSDALE paralegals <sup>7</sup>	\$35-40 (current)
law clerks <sup>7</sup>	\$50 (current)
DECHERT PRICE & RHOADS paralegals <sup>8</sup>	\$32 (in 1982)
DICKSTEIN, SHAPIRO & MORIN paralegals <sup>18</sup>	\$40 (current)
HOGAN & HARTSON law clerks and paralegals <sup>18</sup>	Current firm rates are equivalent to re- quested rate*
NUSSBAUM, OWEN & WEBSTER paralegals and law clerks <sup>21</sup>	Requested rate* is in accordance with current pre- vailing rates

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\* Requested rate is listed at the head of this table.



<u>Law Firm</u>	<u>Rate</u>
PEABODY, LAMBERT & MEYERS paralegals <sup>22</sup>	\$55 (current)
STEPTOE & JOHNSON paralegals <sup>26</sup>	\$45-50 (in 1982)
WHITE & CASE paralegals <sup>28</sup>	\$35 (in 1982)
WILLIAMS & CONNOLLY paralegals <sup>29</sup>	Firms' current rate is "at least equiva- lent" to the requested rate*
WILMER, CUTLER & PICKERING paralegals <sup>31</sup>	\$48 (in 1982)
law clerks <sup>30</sup>	Firms' current rate is "at least equal to" to the requested rate*

Endnotes

1. Affidavit of Daniel A. Rezneck, ¶ 11.
2. Affidavit of Daniel A. Rezneck, ¶ 12.
3. Affidavit of James A. Dobkin, ¶ 5.
4. Affidavit of Daniel A. Rezneck, ¶ 13.
5. Affidavit of Daniel A. Rezneck, ¶ 14.
6. Affidavit of William A. Carey, ¶ 8.
7. Affidavit of Peter Van N. Lockwood, ¶ 5.
8. Affidavit of Daniel A. Rezneck, ¶ 16(i).
9. Affidavit of Daniel A. Rezneck, ¶ 16(m); Exhibit N, p.2.
10. Affidavit of James vanRoden Springer, ¶¶ 2-3.
11. Affidavit of Daniel A. Rezneck, ¶ 16(g); Exhibit H.
12. Affidavit of Daniel A. Rezneck, ¶ 16(a).
13. Affidavit of Daniel A. Rezneck, ¶ 16(h); Exhibit I.
14. Affidavit of Daniel A. Rezneck, ¶ 16(n).
15. Affidavit of David S. Tatel, ¶ 15.
16. Affidavit of Kenneth R. Feinberg, ¶ 6.
17. Affidavit of Daniel A. Rezneck, ¶ 16(l); Exhibit L, ¶ 3.
18. Affidavit of Daniel A. Rezneck, ¶ 16(e); Exhibit F, ¶ 16.
19. Affidavit of Jamie S. Gorelick, ¶ 5.
20. Affidavit of Daniel A. Rezneck, ¶ 16(l); Exhibit M, ¶¶ 3-5.
21. Affidavit of David N. Webster, ¶ 8.

22. Affidavit of Charles T. Duncan, ¶ 11.
23. Affidavit of Daniel A. Rezneck, ¶ 16(j); Exhibit J, ¶ 5.
24. Affidavit of Daniel A. Rezneck, ¶ 16(b); Exhibit C, ¶¶ 6-7; Exhibit D, ¶ 9.
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32. Affidavit of Daniel A. Rezneck, ¶ 15.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CATHERINE A. BRODERICK,  
Plaintiff,

v.

DAVID S. RUDER, Chairman,  
U.S. Securities &  
Exchange Commission,  
Defendant.

Civil Action No.  
86-1834 (Pratt, J.)

Plaintiffs' Exhibit  
33  
Civ. No. 05-1437 (RCL)

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DECLARATION OF JOSEPH A. YABLONSKI

JOSEPH A. YABLONSKI declares and states:

1. Since October 1975, I have been a partner in the law firm of Yablonski, Both & Edelman. I received my LL.B. degree from the University of Pittsburgh in 1965. My firm is engaged in a general litigation practice and has been involved extensively in federal court litigation involving issues of labor law and employment relations and also in litigation under numerous federal statutes which provide for recovery of fees by prevailing parties.

2. I conducted the attorney fee litigation which resulted in the Court of Appeals' en banc decision in Save Our Cumberland Mountains v. Hodel, 857 F.2d 1216 (D.C. Cir. 1988). I strongly agreed with the Court's observation that "the most desirable result" of the litigation would be "development of a . . . schedule of prevailing community rates for . . . relevant years", id. at 1525, in order to simplify fee determination in future cases.

3. With a view to pursuing settlement of the fee issues in SOCH and to realization of the hope expressed by the Court, I undertook to prepare a matrix of prevailing District of Columbia rates, a copy of which is attached. To the best of my knowledge, the rates appearing on the schedule accurately reflect the prevailing rates in effect in this jurisdiction during the time periods indicated. The fee issues in the SOCH litigation were finally settled, at hourly rates extremely close to those reflected on the matrix, with the Government agreeing that I should be paid at rates of \$ 245 to \$ 255 per hour for work performed in 1988, respectively, for the periods prior to June 1, 1988 and afterward. The Government also agreed that time of our associate John Colwell, a 1985 Yale Law School Graduate, should be compensated at the rates of \$ 100 and \$ 110 per hour.

4. In preparing the matrix, I used one-year periods running from June 1 to May 31 to correspond with the typical practice under which attorneys commonly begin practice shortly after law school graduation in June. Based on the approving reference of the Court in SOCH to the matrix developed in connection with Laffey v. Northwest Airlines, Inc., 572 F. Supp. 354 (D.D.C. 1983), rev'd in part, 746 F.2d 4 (D.C. Cir. 1984), I used the same gradations of experience levels which Judge Robinson had used there. After review of the massive material submitted regarding prevailing rates in the Laffey case, I found that the material had been current as of the year 1981-82.

5. In preparing the new matrix envisioned by the SOCH on

hang decision, I extrapolated backward to the year 1980-81 and forward to the year 1988-89 with the knowledge that prevailing rates charged by attorneys in this market have regularly increased throughout these years. I discussed this matter extensively with Daniel Rezneck who developed the original Laffey matrix in the course of his work on the fee litigation in that case. Mr. Rezneck's view, which he has expressed in his affidavit in Laffey and which I share, is that the hourly rates stated in the Laffey matrix were quite conservative and, in fact, understated prevailing rates then in effect. I have also reviewed Mr. Rezneck's subsequent affidavits such as in the matters of In re Meese, No. 84-1 (D.C. Cir.)(Indep. Counsel Div.) and In re Donovan, No. 85-1 (D.C. Cir.)(Indep. Counsel Div.) where he described changes in prevailing rates which had occurred since he prepared the Laffey matrix. I also reviewed the voluminous more recent information regarding hourly rates which was submitted by the firm of Steptoe & Johnson regarding some 20 firms who had participated in the remedial stages of McKenzie v. Kennickell, C.A. No. 73-974 (D.D.C.). During the past several years, because of my involvement in the SOCH case and other fee litigation, I have kept abreast of statutory attorney fee developments in this jurisdiction particularly as they have borne on the question of prevailing rates. In the course of preparing the matrix, I spoke with attorneys from various firms including Dow, Lohnes & Albertson; Arnold & Porter; Galloway and Greenberg; Sachs, Greenebaum & Tayler; Baker & Botts; Morgan, Louis &

Bockius; and Lee, Toomey & Kent.

6. Additionally, in preparing the matrix, I compared the rates I had found with the rates set forth in two broad-ranging surveys of hourly rates published in the National Law Journal in November 1987 and November 1988. The information reflected in these surveys supported the correctness of the rates I had determined for the more recent years.

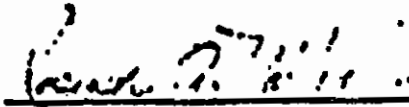
7. Upon completing the matrix, I shared copies with various attorneys who have been active in statutory fee litigation in this jurisdiction including Mr. Reznick of Arnold & Porter; Roger Warin of Steptoe & Johnson who has handled the fee litigation in the McKenzie and Thompson cases involving the Government Printing Office; Richard T. Seymour of the Lawyers Committee for Civil Rights Under Law; Roderic V.O. Boggs of the Washington Lawyers Committee for Civil Rights Under Law; and attorneys in Bierbower & Bierbower; Zuckerman, Spaeder, Goldstein, Taylor & Kolker; and several other major firms in this City. In our discussions, none of these individuals have indicated anything other than agreement with the rate information presented.

8. Incident to settlement of the SOCY case, a reference to the matrix appeared in the Legal Times. Subsequently various attorneys have requested copies of the matrix in connection with pending fee issues. Among the attorneys to whom I provided the matrix was Lawrence Speiser who submitted in connection with a fee claim in Trout v. Ball. The fee decision by Judge Greene

confirmed the accuracy of the matrix in upholding the hourly rate sought by Mr. Speiser for his time in that matter. Trout v. Ball, 705 F. Supp. 705, 709 n.10 (D.D.C. 1989).

9. I believe that the rate information set forth on the matrix states accurately, and indeed conservatively, prevailing rates in effect in the years described.

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
JOSEPH A. YABLONSKI

Executed on: Nov 2, 1989



**LAFLEY MATRIX**

**YEARS 1/  
(Hourly Rates)**

EXPERIENCE OF ATTORNEY	1980	1981	1982	1983	1984	1985	1986	1987	1988
Very experienced federal litigators (20+ years):	\$165	\$175	\$190	\$200	\$210	\$225	\$240	\$255	\$265
Experienced federal litigators (15th thru 19th years):	\$140	\$150	\$160	\$170	\$180	\$190	\$200	\$210	\$220
Experienced litigator (10th thru 14th years):	\$115	\$125	\$135	\$145	\$155	\$165	\$175	\$185	\$195
Senior associates (5th thru 9th years):	\$ 95	\$100	\$105	\$110	\$115	\$120	\$125	\$130	\$135
Junior associates (1st thru 4th years):	\$ 70	\$ 75	\$ 80	\$ 85	\$ 90	\$ 95	\$100	\$105	\$110
Paralegals/Law Clerks:	\$ 30	\$ 35	\$ 40	\$ 45	\$ 50	\$ 55	\$ 55	\$ 60	\$ 60

June 1 - May 31

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**Plaintiffs' Exhibit**  
**43**  
Civ. No. 05-1437 (RCL)

**EXCERPT**

# LEGAL BILLING REPORT

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Volume 17, Number 2  
August 2015



THOMSON REUTERS

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District of Columbia Region

Firm	Akin Gump Strauss Hauer & Feld LLP			Court Name	Delaware	For fee applications	
Firm Size:	791	Firm Rank	40	Case Name	Cal Dive International, Inc.,	5/1/2015 through 5/31/2015	
				Case Number	15-10458 (CSS)		

Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
Kevin M. Eide	Counsel	DC	2009	2009	\$750	98.45	\$73,837.50
<b>Total:</b>						<b><u>98.45</u></b>	<b><u>\$73,837.50</u></b>

**Plaintiffs' Exhibit**  
**44**  
Civ. No. 05-1437 (RCL)

**EXCERPT**

# LEGAL BILLING REPORT

## By Region, By Firm

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Volume 17, Number 3  
December 2015



THOMSON REUTERS

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Firm <b>Ogletree, Deakins, Nash, Smoak &amp; Stewa</b> Firm Size: 543 Firm Rank 73	Court Name Alabama Northern Case Name Walter Energy Inc Case Number 15-02741-TOM11	For fee applications 7/15/2015 through 10/31/2015
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Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
John R. Woodrum	Shareholder	DC	1974	1974	\$525	320.40	\$168,210.00
W. Gregory Mott	Of Counsel	DC	1991	1991	\$380	0.80	\$304.00
<b>Total:</b>						<b><u>321.20</u></b>	<b><u>\$168,514.00</u></b>

Firm <b>Akin Gump Strauss Hauer &amp; Feld LLP</b> Firm Size: 790 Firm Rank 40	Court Name Delaware Case Name Nortel Networks Inc. Case Number 09-10138	For fee applications 8/1/2015 through 8/31/2015
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Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
Julius Chen	Counsel	DC	2010	2010	\$625	7.50	\$4,687.50
<b>Total:</b>						<b><u>7.50</u></b>	<b><u>\$4,687.50</u></b>

Firm <b>Bracewell &amp; Giuliani LLP</b> Firm Size: 422 Firm Rank 103	Court Name Delaware Case Name Optim Energy, LLC, et al, Case Number 14-10262 (BLS)	For fee applications 2/12/2014 through 10/15/2015
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Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
John G. Klauberg	Partner	DC	1984	1984	\$905	2.30	\$2,081.50
John G. Klauberg	Partner	DC	1984	1984	\$885	111.20	\$98,433.13
Catherine P. McCarthy	Partner	DC	1993	1993	\$744	12.50	\$9,308.00
Jason B. Hutt	Partner	DC	1999	1999	\$710	1.30	\$923.00
<b>Total:</b>						<b><u>127.30</u></b>	<b><u>\$110,745.63</u></b>

Firm <b>Dickstein Shapiro LLP</b> Firm Size: 343 Firm Rank 128	Court Name Delaware Case Name Reichhold Holdings US, Inc Case Number 1:14-BK-12237	For fee applications 8/1/2015 through 9/30/2015
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Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
John Heintz	Partner	DC	1977	1977	\$1,050	15.60	\$16,380.00
Justin Lavella	Associate	DC	2002	2002	\$610	0.60	\$366.00
Kyle BRICKMAN	Associate	DC	2010	2010	\$495	41.20	\$20,394.00
<b>Total:</b>						<b><u>57.40</u></b>	<b><u>\$37,140.00</u></b>

Firm <b>Foley &amp; Lardner LLP</b> Firm Size: 874 Firm Rank 31	Court Name Delaware Case Name Universal Cooperatives Inc Case Number 14-11187 (MFW)	For fee applications 8/1/2015 through 8/31/2015
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Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
Mark L. Prager	Partner	DC	1976	1976	\$960	40.50	\$38,880.00
Gary S. Rovner	Partner	DC	1995	1995	\$690	3.40	\$2,346.00
<b>Total:</b>						<b><u>43.90</u></b>	<b><u>\$41,226.00</u></b>

Firm <b>Jones Day</b> Firm Size: 2407 Firm Rank 3	Court Name Delaware Case Name RS Legacy Corporation Case Number 15-10197 (BLS)	For fee applications 6/1/2015 through 10/7/2015
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Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
Candace Ridgway	Partner	DC	1987	1988	\$925	40.50	\$37,462.50
<b>Total:</b>						<b><u>40.50</u></b>	<b><u>\$37,462.50</u></b>

Firm <b>Kirkland &amp; Ellis LLP</b> Firm Size: 1442 Firm Rank 13	Court Name Delaware Case Name ENERGY FUTURE HOLDINGS CORP Case Number 14-10979 (CSS)	For fee applications 8/1/2015 through 8/31/2015
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Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
Ellen M. Jakovic	Partner	DC	1985	1985	\$1,040	5.60	\$5,824.00
Jeanne T Cohn-Connor	Partner	DC	1985	1985	\$955	120.30	\$114,886.50
Matthew E Papez, P.C.	Partner	DC	1999	1999	\$935	2.00	\$1,870.00
Bryan M Stephany	Partner	DC	2007	2007	\$880	105.50	\$92,840.00
Jeffrey M. Gould	Partner	DC	2006	2006	\$880	105.50	\$92,840.00
Cormac T Connor	Partner	DC	2002	2002	\$845	18.20	\$15,379.00
Jonathan F. Ganter	Associate	DC	2010	2010	\$825	179.60	\$148,170.00
Lucas J Kline	Associate	DC	2009	2009	\$825	87.30	\$72,022.50
Mark F Schottinger	Associate	DC	2012	2012	\$710	38.50	\$27,335.00
Carleigh T Rodriguez	Associate	DC	2013	2013	\$665	4.10	\$2,726.50
Charles D Wineland III	Associate	DC	2013	2013	\$635	77.20	\$49,022.00
Stephanie Shropshire	Associate	DC	2014	2014	\$635	33.50	\$21,272.50
Holly R Trogdon	Associate	DC	2014	2014	\$555	74.50	\$41,347.50
<b>Total:</b>						<b><u>851.80</u></b>	<b><u>\$685,535.50</u></b>

<b>Firm</b>	<b>Landis Rath &amp; Cobb LLP.</b>	<b>Court Name</b>	Delaware	<b>For fee applications</b>				
	Firm Size: 12 Firm Rank 0	<b>Case Name</b>	Quicksilver Resources Inc	7/1/2015 through 10/31/2015				
		<b>Case Number</b>	15-10585(LSS)					
	<b>Name</b>	<b>Title</b>	<b>State</b>	<b>Graduated</b>	<b>Admitted</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>
	Matthew B. McGuire	Partner	DC	2000	2003	\$530	508.60	\$269,558.00
						<b>Total:</b>	<b>508.60</b>	<b>\$269,558.00</b>

<b>Firm</b>	<b>Morrison &amp; Foerster LLP</b>	<b>Court Name</b>	Delaware	<b>For fee applications</b>				
	Firm Size: 1025 Firm Rank 22	<b>Case Name</b>	ENERGY FUTURE HOLDINGS CORP	8/1/2015 through 8/31/2015				
		<b>Case Number</b>	14-10979 (CSS)					
	<b>Name</b>	<b>Title</b>	<b>State</b>	<b>Graduated</b>	<b>Admitted</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>
	Zori G. Ferkin	Of Counsel	DC	1981	1981	\$750	4.70	\$3,525.00
	Kirk Sigmon	Associate	DC	2013	2013	\$495	257.50	\$127,462.50
						<b>Total:</b>	<b>262.20</b>	<b>\$130,987.50</b>

<b>Firm</b>	<b>O'Melveny &amp; Myers LLP</b>	<b>Court Name</b>	Delaware	<b>For fee applications</b>				
	Firm Size: 1193 Firm Rank 16	<b>Case Name</b>	Colt Holding Company	8/1/2015 through 9/30/2015				
		<b>Case Number</b>	15-11296 (LSS)					
	<b>Name</b>	<b>Title</b>	<b>State</b>	<b>Graduated</b>	<b>Admitted</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>
	Michael Lotit	Associate	DC	2011	2011	\$665	2.90	\$1,928.50
	Adam Ackerman	Associate	DC	2014	2014	\$415	1.80	\$747.00
						<b>Total:</b>	<b>4.70</b>	<b>\$2,675.50</b>

<b>Firm</b>	<b>Paul Hastings LLP</b>	<b>Court Name</b>	Delaware	<b>For fee applications</b>				
	Firm Size: 881 Firm Rank 30	<b>Case Name</b>	Molycorp, Inc	8/1/2015 through 9/30/2015				
		<b>Case Number</b>	15-11357 (CSS)					
	<b>Name</b>	<b>Title</b>	<b>State</b>	<b>Graduated</b>	<b>Admitted</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>
	j mark poerio	Partner	DC	1984	1984	\$1,050	0.20	\$210.00
	Mark J. Poerio	Partner	DC	1985	1985	\$1,050	1.90	\$1,995.00
	MICHELLE E. CLINE	Associate	DC	2012	2012	\$745	0.60	\$447.00
						<b>Total:</b>	<b>2.70</b>	<b>\$2,652.00</b>

Firm	<b>Robbins, Russell, Englert, Orseck, Unterei</b>	Court Name	Delaware					For fee applications
	Firm Size: 20 Firm Rank 0	Case Name	Trump Entertainment Resorts, Inc					4/15/2013 through 9/30/2015
		Case Number	14-12103 (KG)					
Name	Title	State	Graduated	Admitted	Rate	Hours	Fees	

Roy T. Englert	Partner	DC	1981	1981	\$800	2.00	\$1,600.00	
						<b>Total:</b>	<b><u>2.00</u></b>	<b><u>\$1,600.00</u></b>

Firm	<b>Arent Fox LLP</b>	Court Name	Virginia Eastern					For fee applications
	Firm Size: 315 Firm Rank 136	Case Name	PLLC Morris Schneider Wittstadt VA					7/5/2015 through 10/31/2015
		Case Number	15-33370 (KLP)					
Name	Title	State	Graduated	Admitted	Rate	Hours	Fees	

Jackson D. Toof	Associate	DC	2002	2003	\$545	129.40	\$70,523.00	
Emily B. Slavin	Member	DC	2013	2013	\$360	55.50	\$19,980.00	
Manuel G. Arreaza	Associate	DC	2013	2013	\$360	217.50	\$78,300.00	
Amit S. Bhatti	Associate	DC	2015	2015	\$325	6.80	\$2,210.00	
						<b>Total:</b>	<b><u>409.20</u></b>	<b><u>\$171,013.00</u></b>

**Plaintiffs' Exhibit**  
**45**  
Civ. No. 05-1437 (RCL)

**EXCERPT**

# LEGAL BILLING REPORT

## By Region, By Firm

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Volume 18, Number 1  
May 2016



THOMSON REUTERS

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<b>Firm</b>	<b>Akin Gump Strauss Hauer &amp; Feld LLP</b>			Court Name	Delaware	For fee applications	
Firm Size:	790	Firm Rank	40	Case Name	Nortel Networks Inc.	11/1/2015 through 2/29/2016	
				Case Number	09-10138		
<b>Name</b>	<b>Title</b>	<b>State</b>	<b>Graduated</b>	<b>Admitted</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>
Scott D. Johnson	Associate	DC	2008	2008	\$975	97.90	\$95,452.50
Karol A Kepchar	Partner	DC	1992	1992	\$825	13.50	\$11,137.50
<b>Total:</b>						<b><u>111.40</u></b>	<b><u>\$106,590.00</u></b>

<b>Firm</b>	<b>Akin Gump Strauss Hauer &amp; Feld LLP</b>			Court Name	Delaware	For fee applications	
Firm Size:	790	Firm Rank	40	Case Name	Quicksilver Resources Inc	10/1/2015 through 2/29/2016	
				Case Number	15-10585(LSS)		
<b>Name</b>	<b>Title</b>	<b>State</b>	<b>Graduated</b>	<b>Admitted</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>
Z.W. Julius Chen	Associate	DC	2010	2010	\$750	9.20	\$6,900.00
Douglas I. Brandon	Partner	DC	1987	1987	\$730	0.50	\$365.00
David H. Quigley	Partner	DC	1998	2000	\$715	0.80	\$572.00
John P. Quinn	Associate	DC	2008	2008	\$715	0.40	\$286.00
Howard B Jacobson	Partner	DC	1979	1979	\$410	4.00	\$1,640.00
<b>Total:</b>						<b><u>14.90</u></b>	<b><u>\$9,763.00</u></b>

<b>Firm</b>	<b>Cleary Gottlieb Steen &amp; Hamilton LLP</b>			Court Name	Delaware	For fee applications	
Firm Size:	1183	Firm Rank	16	Case Name	Nortel Networks Inc.	11/1/2015 through 2/29/2016	
				Case Number	09-10138		
<b>Name</b>	<b>Title</b>	<b>State</b>	<b>Graduated</b>	<b>Admitted</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>
Steven Kaiser	Counsel	DC	1995	1995	\$205	120.00	\$24,600.00
<b>Total:</b>						<b><u>120.00</u></b>	<b><u>\$24,600.00</u></b>



Firm <b>Gibson Dunn &amp; Crutcher, LLP</b> Firm Size: 1039 Firm Rank 21	Court Name Delaware Case Name ENERGY FUTURE HOLDINGS CORP Case Number 14-10979 (CSS)	For fee applications 9/1/2015 through 1/31/2016
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Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
Joseph Kattan	Partner	DC	1980	1980	\$1,100	46.00	\$50,600.00
Joseph Kattan	Partner	DC	1980	1980	\$1,030	0.90	\$927.00
Joseph Kattan	Partner	DC	1980	1980	\$1,000	62.20	\$62,200.00
Elizabeth A. Ising	Partner	DC	2000	2000	\$805	1.00	\$805.00
Janine Durand	Senior Counsel	DC	1999	1999	\$800	36.10	\$28,880.00
Andrew Cline	Counsel	DC	2000	2000	\$745	6.10	\$4,544.50
Andrew Cline	Counsel	DC	2000	2000	\$650	57.30	\$37,245.00
Robert Nichols	Associate	DC	2014	2014	\$650	0.90	\$585.00
Robert Nichols	Associate	DC	2014	2014	\$520	101.50	\$52,780.00
<b>Total:</b>						<b><u>312.00</u></b>	<b><u>\$238,566.50</u></b>

Firm <b>Jones Day</b> Firm Size: 2407 Firm Rank 3	Court Name Delaware Case Name American Apparel, Inc Case Number 15-12055 (BLS)	For fee applications 10/5/2015 through 2/4/2016
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Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
C.A. Ridgway	Partner	DC	1988	1988	\$950	10.20	\$9,690.00
C.A. Ridgway	Partner	DC	1988	1988	\$925	9.00	\$8,325.00
<b>Total:</b>						<b><u>19.20</u></b>	<b><u>\$18,015.00</u></b>

Firm		Court Name	Delaware		For fee applications		
Kirkland & Ellis LLP		Case Name	ENERGY FUTURE HOLDINGS CORP		9/1/2015 through 1/31/2016		
Firm Size: 1442 Firm Rank 13		Case Number	14-10979 (CSS)				
Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
Ellen M. Jakovic	Partner	DC	1985	1985	\$1,040	74.20	\$77,168.00
Jeanne T Cohn-Connor	Partner	DC	1985	1985	\$955	11.40	\$10,887.00
Bryan M Stephany	Partner	DC	2007	2007	\$880	757.30	\$666,424.00
Jeffrey M. Gould	Partner	DC	2006	2006	\$880	142.20	\$125,136.00
Cormac T Connor	Partner	DC	2002	2002	\$845	439.60	\$371,462.00
Jonathan F Ganter	Partner	DC	2010	2010	\$825	853.40	\$704,055.00
Lucas J Kline	Associate	DC	2009	2009	\$825	89.20	\$73,590.00
Michael A. Petrino	Partner	DC	2008	2008	\$825	289.00	\$238,425.00
Mark F Schottinger	Associate	DC	2012	2012	\$710	6.90	\$4,899.00
Carleigh T Rodriguez	Associate	DC	2013	2013	\$665	40.80	\$27,132.00
Charles D Wineland III	Associate	DC	2013	2013	\$635	22.10	\$14,033.50
Stephanie Shropshire	Associate	DC	2014	2014	\$635	23.00	\$14,605.00
Holly R Trogdon	Associate	DC	2014	2014	\$555	559.00	\$310,245.00
					<b>Total:</b>	<b>3308.10</b>	<b>\$2,638,061.50</b>

Firm		Court Name	Delaware		For fee applications		
Kirkland & Ellis LLP		Case Name	SAMSON RESOURCES CORPORATION,		12/1/2015 through 12/31/2015		
Firm Size: 1442 Firm Rank 13		Case Number	15-11934 (CSS)				
Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
Patrick F. Philbin	Partner	DC	1995	1995	\$1,060	1.30	\$1,378.00
Edward Holzwanger	Associate	DC	2001	2004	\$895	0.70	\$626.50
					<b>Total:</b>	<b>2.00</b>	<b>\$2,004.50</b>

Firm		Court Name	Delaware		For fee applications		
Landis Rath & Cobb LLP.		Case Name	Quicksilver Resources Inc		10/1/2015 through 2/29/2016		
Firm Size: 12 Firm Rank 0		Case Number	15-10585(LSS)				
Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
Matthew B. McGuire	Partner	DC	2000	2003	\$550	121.00	\$66,550.00
					<b>Total:</b>	<b>121.00</b>	<b>\$66,550.00</b>

Firm	<b>Morrison &amp; Foerster LLP</b>	Court Name	Delaware					For fee applications
	Firm Size: 1025 Firm Rank 22	Case Name	ENERGY FUTURE HOLDINGS CORP					9/1/2015 through 1/31/2016
		Case Number	14-10979 (CSS)					
Name	Title	State	Graduated	Admitted	Rate	Hours	Fees	
Kirk Sigmon	Associate	DC	2013	2013	\$495	133.40	\$66,033.00	
						<b>Total:</b>	<b><u>133.40</u></b> <b><u>\$66,033.00</u></b>	

Firm	<b>Pachulski Stang Ziehl Young Jones &amp; Wei</b>	Court Name	Delaware					For fee applications
	Firm Size: 55 Firm Rank 0	Case Name	Global Aviation Holdings Inc					9/30/2014 through 12/31/2015
		Case Number	13-12945 (MFW)					
Name	Title	State	Graduated	Admitted	Rate	Hours	Fees	
Michael Seidl	Partner	DC	1996	1996	\$675	11.50	\$7,762.50	
						<b>Total:</b>	<b><u>11.50</u></b> <b><u>\$7,762.50</u></b>	

Firm	<b>Sidley Austin LLP</b>	Court Name	Delaware					For fee applications
	Firm Size: 1592 Firm Rank 10	Case Name	ENERGY FUTURE HOLDINGS CORP					9/1/2015 through 1/31/2016
		Case Number	14-10979 (CSS)					
Name	Title	State	Graduated	Admitted	Rate	Hours	Fees	
C. Frederick Beckner, III	Partner	DC	1997	1997	\$935	3.90	\$3,646.50	
Benjamin Beaton	Associate	DC	2012	2012	\$570	0.70	\$399.00	
						<b>Total:</b>	<b><u>4.60</u></b> <b><u>\$4,045.50</u></b>	

Firm	<b>Kirkland &amp; Ellis LLP</b>	Court Name	Illinois Northern					For fee applications
	Firm Size: 1442 Firm Rank 13	Case Name	CAESARS ENTERTAINMENT OPERATING					10/1/2015 through 3/31/2016
		Case Number	15-01145 (ABG)					
Name	Title	State	Graduated	Admitted	Rate	Hours	Fees	
Christopher Landau	Partner	DC	1998	1990	\$1,325	2.30	\$3,047.50	
Timothy Stephenson	Partner	DC	1990	1990	\$1,090	0.30	\$327.00	
Britt C. Grant	Associate	DC	2007	2009	\$895	28.00	\$25,060.00	
Daniel A Bress	Partner	DC	2008	2008	\$895	6.50	\$5,817.50	
Judson Brown	Associate	DC	2004	2004	\$895	179.20	\$160,384.00	
Michael L. Fitzgerald	Associate	DC	2014	2014	\$555	29.60	\$16,428.00	
						<b>Total:</b>	<b><u>245.90</u></b> <b><u>\$211,064.00</u></b>	

Firm	<b>Winston &amp; Strawn LLP</b>	Court Name	Illinois Northern	For fee applications			
Firm Size:	928	Firm Rank	25	Case Name	CAESARS ENTERTAINMENT OPERATING	10/1/2015 through 3/31/2016	
				Case Number	15-01145 (ABG)		

Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
Jeffrey H. Elkin	Partner	DC	1971	1971	\$1,000	3.40	\$3,400.00
William B. Jackson	Associate	DC	2012	2012	\$575	7.60	\$4,370.00
Alex H. Pepper	Associate	DC	2014	2014	\$495	138.80	\$68,706.00
<b>Total:</b>						<b><u>149.80</u></b>	<b><u>\$76,476.00</u></b>

Firm	<b>Weil, Gotshal &amp; Manges LLP</b>	Court Name	New York Southern	For fee applications			
Firm Size:	1153	Firm Rank	17	Case Name	The Great Atlantic & Pacific Tea Compa	12/1/2015 through 12/31/2015	
				Case Number	10-24549 (RDD)		

Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
Matthew D. Morton	Associate	DC	2001	2001	\$925	6.30	\$5,827.50
John Butenas	Associate	DC	1977	1991	\$885	21.20	\$18,762.00
<b>Total:</b>						<b><u>27.50</u></b>	<b><u>\$24,589.50</u></b>

**Plaintiffs' Exhibit**  
**47**  
 Civ. No. 05-1437 (RCL)

**2015-2016 Range of Firm Billing Rates Table**

Comparison of LSI Laffey<sup>1</sup> Matrix, USAO Matrix 2015-2017, USAO Laffey Matrix, and Washington, D.C. Market Rates Data for 2015-2016

Laffey Experience Level	LSI Laffey Matrix <sup>2</sup>	USAO Matrix 2015-2017 <sup>3</sup>	USAO Laffey Matrix (CPI) <sup>4</sup>	Akin Gump <sup>5</sup>	Arent Fox <sup>6</sup>	Bracewell <sup>7</sup>	Coburn & Greenbaum <sup>8</sup>	Davis Wright Tremaine <sup>9</sup>	Dickstein Shapiro <sup>10</sup>	Gibson Dunn <sup>11</sup>	Jeffrey Light <sup>12</sup>	Jenner & Block <sup>13</sup>	Jones Day <sup>14</sup>	Kirkland & Ellis <sup>15</sup>
Fee Application Date Range				5/1/15 - 5/31/15, 8/1/15 - 2/29/16	7/5/15 - 10/31/15	2/12/14 - 10/15/15	9/1/2016	8/10/2015	8/1/15 - 9/30/15	9/1/15 - 1/31/16	11/9/2015, 8/10/15	10/1/2015	6/1/5 - 2/4/16	8/1/2015 - 3/31/16
20th+	\$826	\$581	\$530	\$730-\$825	\$819	\$744	\$700	\$690	\$1,050	\$1000-\$1100	\$747	\$925-\$950	\$955-\$1325	
11th-19th	\$686	\$516	\$470	\$715	\$545	\$710			\$610	\$805.00	\$661	\$613	\$845-\$935	
8th-10th	\$608	\$395	\$375	\$715									\$825-\$895	
4th-7th	\$421	\$339	\$305	\$750-\$975	\$360				\$495	\$520-\$650	\$502		\$635-\$825	
1st-3rd	\$342	\$322	\$260		\$325-\$360								\$555-\$665	
Paralegal	\$187	\$157	\$150								\$230			

Laffey Experience Level	Kohn, Kohn & Colapinto <sup>16</sup>	Lewin & Lewin <sup>17</sup>	Mehri & Skalet <sup>18</sup>	Miller Masciola <sup>19</sup>	Morrison Foerster <sup>20</sup>	Ogletree Deakins <sup>21</sup>	Pachulski Stang <sup>22</sup>	Paul Hastings <sup>23</sup>	Relman, Dane & Colfax <sup>24</sup>	Robbins Russell <sup>25</sup>	Sidley Austin <sup>26</sup>	Weil Gotshal <sup>27</sup>	Winston Strawn <sup>28</sup>
Fee Application Date Range		5/27/2016	11/9/2015	8/1/15 - 1/31/16	7/15/15 - 10/31/15	9/30/14 - 12/31/15	8/1/15 - 9/30/15	3/18/2016	4/15/13 - 9/30/15	9/1/15 - 1/31/16	12/1/15 - 12/31/15	10/1/15 - 3/31/16	
20th+	\$789-\$995	\$750	\$795	\$796	\$525	\$675	\$1,050	\$825	\$800	\$935	\$885	\$1,000	
11th-19th		\$660						\$400		\$925			
8th-10th		\$585						\$375					
4th-7th		\$405					\$745		\$570			\$575	
1st-3rd	\$328	\$330	\$495									\$495	
Paralegal	\$179	\$180	\$179					\$175					

Aligned with LSI Laffey Matrix  
 Aligned with USAO Matrix 2015-2017

1. *Laffey* refers to *Laffey v. Northwest Airlines, Inc.*, 572 F. Supp 354 (D.D.C. 1983), reversed in relevant part, 746 F.2d 4 (D.C. Cir. 1984), overruled in relevant part, *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516, 1525 (D.C. Cir 1988) (en banc).
2. Pl. Ex. 23, p. 4.
3. The USAO Matrix 2015-2017 divides years of experience into more categories than the *Laffey* Matrix. Compare Pl. Ex. 23 with Pl. Ex. 24. In order to compare the USAO Matrix 2015-2017 rates with LSI *Laffey* rates, plaintiffs used the highest USAO Matrix 2015-2017 rate applicable to the experience level for the rates year 2016-2017. Terris Aff., para. 89(d).
4. In 2015, the USAO abandoned the *Laffey* Matrix and its use of the All-Items CPI. For purposes of comparison, plaintiffs have updated the USAO *Laffey* Matrix to 2016-2017 rates using the former USAO methodology. See Terris Aff., para. 89(e).
5. See Pl. Ex. 43, p. 4; Pl. Ex. 44, p. 4; Pl. Ex. 45, p. 4. The Westlaw CourtExpress Legal Billing Report ("Westlaw Report") identified \$410 as the billing rate for a partner at Akin Gump. Pl. Ex. 45, p. 4. Plaintiffs have excluded included this rate from the average billing rate for Akin Gump, because plaintiffs have confirmed that this is not the partners' standard hourly rate. Pl. Ex. 66, para. 7. The Westlaw Report also identified 2008 as the graduation year for an attorney at Akin Gump. Pl. Ex. 45, p. 4. Based on the attorney's LinkedIn page, he graduated in 2007. Therefore, he has been categorized in the 8-10 experience level.
6. See Pl. Ex. 44, p. 7. The Westlaw Report identified 2013 as the graduation year for an attorney at Arent Fox. Pl. Ex. 44, p. 7. According to Arent Fox's website, the attorney graduated in 2012. Therefore, she has been categorized in the 4-7 experience level. See also Pl. Exs. 58, 59.
7. See Pl. Ex. 44, p. 4.
8. See Pl. Ex. 68, paras. 1, 5.
9. See Pl. Ex. 65, paras. 2, 10.
10. See Pl. Ex. 44, p. 4.
11. See Pl. Ex. 45, p. 5.
12. See Pl. Ex. 62, para. 7; Pl. Ex. 65, para. 12.
13. See Pl. Ex. 64, p. 7, paras. 13-15.
14. See Pl. Ex. 44, p. 5; Pl. Ex. 45, p. 5.
15. See Pl. Ex. 44, p. 5; Pl. Ex. 45, pp. 6, 7. The Westlaw Report identified an attorney as graduating in 2008. Pl. Ex. 45, p. 7. According to the firm's website, this attorney graduated in 2005. Therefore, he has been categorized in the 11-19 experience level. The Westlaw Report identified an attorney as graduating in 2013. Pl. Ex. 44, p. 5; Pl. Ex. 45, p. 6. According to the firm's website, this attorney graduated in 2012. Therefore, he has been categorized in the 4-7 experience level.
16. See Pl. Ex. 61, paras. 3, 10.
17. See Pl. Ex. 67, paras. 1, 12.
18. See Pl. Ex. 17, attachment B; Pl. Ex. 60, p. 6.
19. See Pl. Ex. 63, para. 11, attachment 1, p. 7.
20. See Pl. Ex. 44, p. 6; Pl. Ex. 45, p. 7.
21. See Pl. Ex. 44, p. 4.
22. See Pl. Ex. 45, p. 7. The Westlaw Report identified an attorney whose *Laffey* experience level changed over the course of the fee application. Pl. Ex. 45, p. 7. Although the attorney was at the 11-19 level for a majority of the time covered by the fee application, he has been included in the 20+ level to produce a more conservative estimate of the market rates.
23. See Pl. Ex. 44, p. 6.

24. *See* Pl. Ex. 56, para. 6; Pl. Ex. 57, paras. 5, 8, 14, Ex. B.

25. *See* Pl. Ex. 44, p. 7.

26. *See* Pl. Ex. 45, p. 7. The Westlaw Report identified an attorney as graduating in 1997. Pl. Ex. 45, p. 7. According to the firm's website, this attorney graduated in 1994. Therefore, he has been categorized in the 20+ experience level. The Westlaw Report identified an attorney as graduating in 2012. Pl. Ex. 45, p. 7. According to the firm's website, this attorney graduated in 2009. Therefore, he has been categorized in the 4-7 experience level.

27. *See* Pl. Ex. 45, p. 8.

28. *See* Pl. Ex. 45, p. 8.

**Plaintiffs' Exhibit**  
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 Civ. No. 05-1437 (RCL)

**2015-2016 Average of Firm Billing Rates Table**

Comparison of LSI *Laffey* Matrix, USAO Matrix 2015-2017, USAO *Laffey* Matrix, and Washington, D.C. Market Rates Data for 2015–2016

Laffey Experience Level	LSI <i>Laffey</i> Matrix	USAO Matrix 2015-2017	USAO <i>Laffey</i> Matrix (CPI)	Akin Gump	Arent Fox	Bracewell	Coburn & Greenbaum	Davis Wright Tremaine	Dickstein Shapiro	Gibson Dunn	Jeffrey Light	Jenner & Block	Jones Day	Kirkland & Ellis
20th+	\$826	\$581	\$530	\$778	\$819	\$744	\$700	\$690	\$1,050	\$1,043	\$747	\$933	\$1,066	
11th-19th	\$686	\$516	\$470	\$715	\$545	\$710			\$610	\$805	\$661	\$613	\$885	
8th-10th	\$608	\$395	\$375	\$715									\$873	
4th-7th	\$421	\$339	\$305	\$863	\$360			\$495	\$585		\$502		\$749	
1st-3rd	\$342	\$322	\$260		\$343								\$609	
Paralegal	\$187	\$157	\$150								\$230			

Years since graduation	Kohn, Kohn & Colapinto	Lewin & Lewin	Mehri & Skalet	Miller Masciola	Morrison Foerster	Ogletree Deakins	Pachulski Stang	Paul Hastings	Relman, Dane & Colfax	Robbins Russell	Sidley Austin	Weil, Gotshal	Winston Strawn	Average of the Averages
20th+	\$919	\$750	\$795	\$796		\$525	\$675	\$1,050	\$825	\$800	\$935	\$885	\$1,000	\$842
11th-19th			\$660					\$400			\$925			\$684
8th-10th			\$585					\$375						\$637
4th-7th			\$405				\$745			\$570		\$575		\$585
1st-3rd	\$328		\$330		\$495							\$495		\$433
Paralegal	\$179		\$180	\$179				\$175						\$189

Aligned with LSI *Laffey* Matrix  
 Aligned with USAO Matrix 2015-2017



**Plaintiffs' Exhibit**  
**49**  
 Civ. No. 05-1437 (RCL)

**Percentage Difference between 2015-2016 Market Rates Data**  
**and 2016-2017 Rate Matrices**

<b>LSI Laffey Matrix vs. Law Firm Average</b>				
<i>Laffey</i> Experience Levels	Average of Law Firm Averages (Pl. Ex. 48)	LSI <i>Laffey</i> Matrix (2016-2017 Rates)	LSI <i>Laffey</i> Matrix Greater (Less)	Average Difference
20th+	\$842	\$826	-1.91%	-9.36%
11th-19th	\$684	\$686	0.23%	
8th-10th	\$637	\$608	-4.56%	
4th-7th	\$585	\$421	-28.02%	
1st-3rd	\$433	\$342	-21.07%	
Paralegal	\$189	\$187	-0.85%	

<b>USAO Matrix 2015-2017 vs. Law Firm Average</b>				
<i>Laffey</i> Experience Levels	Average of Law Firm Averages (Pl. Ex. 48)	USAO Matrix 2015-2017 (2016-2017 Rates)	USAO Matrix 2015-2017 Greater (Less)	Average Difference
20th+	\$842	\$581	-31.00%	-29.68%
11th-19th	\$684	\$516	-24.61%	
8th-10th	\$637	\$395	-38.00%	
4th-7th	\$585	\$339	-42.04%	
1st-3rd	\$433	\$322	-25.69%	
Paralegal	\$189	\$157	-16.76%	

<b>USAO Laffey Matrix vs. Law Firm Average</b>				
<i>Laffey</i> Experience Levels	Average of Law Firm Averages (Pl. Ex. 48)	USAO <i>Laffey</i> Matrix (2016-2017 Rates)	USAO <i>Laffey</i> Matrix Greater (Less)	Average Difference
20th+	\$842	\$530	-37.06%	-36.31%
11th-19th	\$684	\$470	-31.33%	
8th-10th	\$637	\$375	-41.14%	
4th-7th	\$585	\$305	-47.85%	
1st-3rd	\$433	\$260	-40.00%	
Paralegal	\$189	\$150	-20.47%	

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**50**  
 Civ. No. 05-1437 (RCL)

**EXCERPT**

\_\_\_\_\_)  
 MCKESSON CORPORATION, *et al.*, )  
 )  
 Plaintiffs )  
 )  
 v. ) Civil Action No. 82-0220 (RJL)  
 )  
 ISLAMIC REPUBLIC OF IRAN, *et al.*, )  
 )  
 Defendants )  
 \_\_\_\_\_)

**DECLARATION OF MARK N. BRAVIN IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR ENTRY OF SUPPLEMENTAL JUDGMENT  
FOR ATTORNEYS' FEES AND NONTAXABLE COSTS**

I, Mark N. Bravin, declare as follows:

1. I am a member in good standing of the bar of the District of Columbia admitted to practice before this Court, and the lead counsel for McKesson Corporation in this action. I make this declaration on the basis of my own personal knowledge unless otherwise indicated.

2. This Court's March 27, 2013 Order provided that McKesson is "entitled to seek additional fees and costs incurred after June 30, 2012 and until the conclusion of this litigation and [is] authorized to submit a further application for such fees and costs consistent with this Judgment" (Dkt. 982). Pursuant to that Order, I am submitting this declaration in support of McKesson's request for an award of attorneys' fees and nontaxable costs McKesson incurred from July 1, 2012 through April 15, 2013.<sup>1</sup> The total amount requested is \$451,458.00, consisting of \$434,385.00 in fees and \$17,073.00 in costs.

<sup>1</sup> The Court has made two prior awards to McKesson for its attorneys' fees and costs. On November 30, 2000, Judge Thomas A. Flannery granted McKesson's first application, awarding McKesson the full amount of its attorneys' fees and nontaxable costs incurred from April 1986 through July 2000. Dkts. 547, 548. The Court's March 27, 2013 judgment awarded approximately 90 percent of McKesson's requested fees and nontaxable costs incurred from August 2000 through June 30, 2012.

3. I am the Winston & Strawn partner who prepares and issues bills to McKesson for this litigation. I prepared the bills reflected in this fee application, for the period July 2012 through March 2013, from detailed, contemporaneously recorded time records of the kind customarily used by Winston & Strawn in billing this client and other clients. In so doing, I exercised the judgment and discretion that I regularly apply in determining fees and costs charged to this client and other clients. Accordingly, I excluded from the invoices issued to and paid by McKesson certain time charges for work done and disbursements actually incurred.

4. This fee application excludes amounts billed and paid for legal work related to McKesson's claim but not specifically related to the litigation (e.g., settlement negotiations, enforcement of the judgment, discussions with OPIC). The application also excludes timekeepers whose time charges were less than \$1,000.00. The application includes a small amount of time charges for work done from April 1-15, 2013 in connection with the preparation of this fee application; fees for that time will be billed to McKesson in May 2013 and should be paid in the ordinary course of business.

#### **MCKESSON'S CLAIM FOR FEES AND NONTAXABLE COSTS**

##### **A. Reasonable Hourly Rates**

5. This application is based on 751.40 hours billed by Winston timekeepers from July 1, 2012 to April 15, 2013. This comprises 718.60 hours of lawyer time and 32.80 hours of paralegal time. Consistent with McKesson's prior fee petitions, Tab 1 gives a breakdown for each Winston timekeeper by year (2012 and 2013), their level of seniority (measured by years of practice), hourly rate, hours billed, and the amount of fees billed and collected for the services they performed. Tab 2 lists each of the Winston timekeepers, their position, education, and bar admissions.

6. The actual rates charged for each timekeeper shown in Tab 1 correspond to the usual rates Winston & Strawn has customarily applied in billing its clients for services by such timekeepers during the years in question. This Court recently held those rates to be reasonable. March 27, 2013 Mem. Op. (Dkt. 981) at 7-11. The portion of McKesson's motion covering July 1 – December 31, 2012 is based on the same court-approved rates. For work done since January 1, 2013, based on the reputation, experience, seniority and skill of the principal individual timekeepers, Winston & Strawn billed McKesson at its standard hourly rates for 2013, which are slightly higher than in 2012. These rates for each timekeeper are shown in Exhibit 1. McKesson is not asking the Court to apply the lodestar method for 2012 legal work.

**B. Reasonable Amount of Hours**

7. McKesson is seeking to recover fees only for legal work that was necessary to properly conclude the litigation. Tab 4 consists of a description by date of each task performed by Winston & Strawn timekeepers on this case for the period July 1, 2012 to April 15, 2013. The listed tasks all relate to the litigation and reflect legal services that, in my judgment as the lead attorney on the case, were reasonably necessary to represent effectively McKesson's interests in the litigation and therefore were appropriately billed. Overall, the vast majority of hours worked by Winston & Strawn personnel were spent on the opposition to Iran's petition for Supreme Court review and McKesson's contested 2012 fee petition; with a small number of hours related to periodic reports to the D.C. Circuit concerning Iran's pending appeal from the November 30, 2000 judgment, Iran's petition for rehearing in the Court of Appeals, and to this motion.

8. During the period covered by this motion, most of the work was done by just one partner and one associate. At the hearing on McKesson's 2012 fee petition, McKesson was

represented by only one attorney. As reflected in Tab 1, 285.9 hours in total were billed by two partners—Gene Schaerr, who heads Winston & Strawn’s Supreme Court and Appellate practice group (7.3 hours), and me (278.6 hours). In addition, 429.6 hours in total were billed by two associates—Eric M. Goldstein (386.40 hours) and Christine M. Waring (43.20 hours). Ms. Waring, a first-year associate, provided legal research and assistance with McKesson’s brief to the Supreme Court. Also, 3.10 hours were billed by Professor Don Wallace (Of Counsel), who is Chairman of the International Law Institute. Finally, 32.8 hours in total were billed by two paralegals (Barbara Esquibel and Avery Archambo).

9. We have included in the descriptions of work done as much detail as possible based on actual time records. The tasks performed are described in enough detail to make clear what each lawyer or paralegal was doing, keeping in mind the Court’s observation that the time records need not “present the exact number of minutes spent nor the precise activity to which each hour was devoted.” March 27, 2013 Mem. Op. at 13 (citing *Cobell v. Norton*, 231 F. Supp. 2d 295, 306 (D.D.C. 2002)).

**C. Nontaxable Costs**

10. From June 1, 2012 through March 31, 2013, Winston & Strawn billed McKesson a total of \$17,073.00 in nontaxable costs. Those costs are itemized in the table provided at Tab 3. They are all costs necessarily incurred by McKesson for this litigation and they are similar in kind to the costs this Court recently held should be recoverable by McKesson.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of April, 2013.

/s/ Mark N. Bravin

Mark N. Bravin

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____ )	
MCKESSON CORPORATION, <i>et al.</i> , )	
)	
Plaintiffs )	
)	
v. )	Case No. 1:82-cv-00220-RJL
)	
ISLAMIC REPUBLIC OF IRAN, <i>et al.</i> , )	
)	
Defendants )	
_____ )	

**Exhibits to Declaration of Mark N. Bravin**

- Tab 1 Winston & Strawn Timekeeper Rates/Hours/Fees
- Tab 2 Winston & Strawn Timekeepers' Position, Education, Bar Admissions
- Tab 3 Nontaxable Costs
- Tab 4 Detailed Summary of Work Performed (date, timekeepers, hours, rate, billed amount, description of services provided)

**TAB 1**

**Tab 1**

**WINSTON & STRAWN LLP TIMEKEEPER RATES/HOURS/FEEES  
 July 1, 2012 through April 15, 2013**

		<b>2012</b>	<b>2013</b>	<b>Total Hours and Fees</b>
<b><u>Partners:</u></b>				
<b>Bravin, Mark N.</b>	Level (years)	34	35	
	Rate	\$780.00	\$810.00	
	Hours	204.80	73.80	278.60
	Fees	\$159,744.00	\$59,778.00	\$219,522.00
<b>Schaerr, Gene C.</b>	Level (years)	27	28	
	Rate	\$970.00	\$995.00	
	Hours	6.20	1.10	7.30
	Fees	\$6,014.00	\$1,094.50	\$7,108.50
<b><u>Of Counsel:</u></b>				
<b>Wallace, Don</b>	Level (years)	55	56	
	Rate	\$735.00	\$770.00	
	Hours	0.30	2.80	3.10
	Fees	\$220.50	\$2,156.00	\$2,376.50
<b><u>Associates:</u></b>				
<b>Goldstein, Eric M.</b>	Level (years)	4	5	
	Rate	\$460.00	\$525.00	
	Hours	301.60	84.80	386.40
	Fees	\$138,736.00	\$44,520.00	\$183,256.00
<b>Waring, Christine M.</b>	Level (years)	<1	1	
	Rate	\$370.00	\$390.00	
	Hours	34.70	8.50	43.20
	Fees	\$12,839.00	\$3,315.00	\$16,154.00
<b><u>Professional Support Staff:</u></b>				
<b>Esquibel, Barbara</b>	Rate	\$260.00	\$275.00	
	Hours	4.90	2.00	6.90
	Fees	\$1,274.00	\$550.00	\$1,824.00
<b>Archambo, Avery</b>	Rate	\$160.00	\$170.00	
	Hours	25.90	0.00	25.90
	Fees	\$4,144.00	\$0.00	\$4,144.00
	<b>TOTAL HOURS</b>			<b>751.40</b>
	<b>TOTAL FEES</b>			<b>\$434,385.00</b>



**TAB 2**

**Tab 2**

**WINSTON & STRAWN LLP TIMEKEEPERS'  
 POSITION, EDUCATION, BAR ADMISSIONS  
 From 7/1/2012 to 4/15/213**

<u>NAME</u>	<u>Position</u>	<u>Education</u>	<u>Admitted to Bar</u>
Mark N. Bravin	Partner	B.A. 1973 UCLA J.D. 1978 Harvard M.P.P. 1978 Harvard	Dist. of Columbia
Gene C. Schaerr	Partner	B.A. 1981 Brigham Young U. J.D. 1985 Yale M.A. 1985 Yale M.Phil. 1986 Yale	Dist. of Columbia
Eric M. Goldstein	Associate	B.A. 2005 Cornell J.D. 2008 Washington U.	Dist. of Columbia New Jersey New York
Don Wallace	Of Counsel	B.A. 1953 Yale L.L.B. 1957 Harvard	Dist. of Columbia New York
Christine M. Waring	Associate	B.A. 2007 George Washington J.D. 2012 Columbia	Maryland
Barbara Esquibel	Senior Paralegal	B.A. 1988 North Carolina University at Greensboro Paralegal Certification 1988, National Center for Paralegal Training, Atlanta, GA	N/A
Avery Archambo	Paralegal	B.A. 2008 Southwestern College Paralegal Certificate 2011 Georgetown University	N/A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

POLICEMEN’S ANNUITY AND BENEFIT FUND OF THE CITY OF CHICAGO, LABORERS’ PENSION FUND AND HEALTH AND WELFARE DEPARTMENT OF THE CONSTRUCTION AND GENERAL LABORERS’ DISTRICT COUNCIL OF CHICAGO AND VICINITY, IOWA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM, ARKANSAS PUBLIC EMPLOYEES’ RETIREMENT SYSTEM, VERMONT PENSION INVESTMENT COMMITTEE, WASHINGTON STATE INVESTMENT BOARD, ARKANSAS TEACHER RETIREMENT SYSTEM, MISSISSIPPI PUBLIC EMPLOYEES’ RETIREMENT SYSTEM, CITY OF TALLAHASSEE RETIREMENT SYSTEM, and CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND,

Plaintiffs,

- against -

BANK OF AMERICA, N.A. (as Trustee Under Various Pooling and Servicing Agreements) and U.S. BANK NATIONAL ASSOCIATION (as Trustee Under Various Pooling and Servicing Agreements),

Defendants.

CASE NO. 1:12-CV-02865-KBF

**Plaintiffs' Exhibit  
51  
Civ. No. 05-1437 (RCL)**

**EXCERPT**

**DECLARATION OF JULIE GOLDSMITH REISER IN SUPPORT OF  
CLASS COUNSEL’S MOTION FOR AN AWARD OF ATTORNEYS’ FEES  
AND REIMBURSEMENT OF LITIGATION EXPENSES, FILED ON  
BEHALF OF COHEN MILSTEIN SELLERS & TOLL PLLC**

I, JULIE GOLDSMITH REISER, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner of the law firm of Cohen Milstein Sellers & Toll PLLC. I submit this declaration in support of Class Counsel’s application for an award of attorneys’ fees in connection with services rendered in the above-captioned class action (the “Action”), as well as

for reimbursement of expenses incurred by my firm in connection with the Action. Unless otherwise stated herein, I have personal knowledge of the facts set forth herein and, if called upon to testify, could and would testify competently thereto.

2. My firm served as counsel for Plaintiffs, Iowa Public Employees' Retirement System ("IPERS"), Laborers' Pension Fund and Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity ("Chicago Laborers") and Arkansas Public Employees' Retirement System ("APERS") as well as counsel for the proposed settlement class.

3. Cohen Milstein is a national law firm with offices in Washington, D.C., New York, Philadelphia, Chicago, Denver and Palm Beach Gardens. The firm has litigated class actions in the Southern District of New York and in courts around the country. A copy of my firm's resume as well as a brief biography of any former personnel that billed time in this Action is attached hereto as Exhibit A.

4. I personally rendered legal services in this Action and was responsible for coordinating and supervising activities carried out by attorneys and other professional staff at Cohen Milstein. Cohen Milstein's involvement in the litigation commenced prior to our formal appearance. Cohen Milstein attorneys investigated the facts and claims asserted in the Complaint filed by Scott+Scott on April 11, 2012, prior to Chicago Laborers, APERS and IPERS joining as plaintiffs in the Action following this Court's ruling on Defendants' first motion to dismiss. Once joining in the Action, Cohen Milstein participated in all of the pleadings and briefing for Plaintiffs, including drafting the Amended Complaints, responding to Defendants' motions to dismiss the Second Amended Complaint, drafting Plaintiffs' class certification motion and reply, and oppositions to Defendant USB's two summary judgment motions. 15

percent of Cohen Milstein's time in this Action was spent performing legal research, drafting complaints and briefing motions on behalf of the Class.

5. Further, in support of Plaintiffs' discovery efforts, Cohen Milstein worked with Class Counsel to obtain extensive discovery on an aggressive schedule set in this Action. Cohen Milstein prepared initial disclosures for the Named Plaintiffs, responded to Defendants' document requests and reviewed approximately 60,000 documents collected by APERS, IPERS and Chicago Laborers for production. In addition, Cohen Milstein pursued non-party discovery including issuing and negotiating subpoenas for trade data from more than 60 financial institutions in order to satisfy Fed. R. Civ. P. 23's numerosity requirements. Cohen Milstein, with the other Class Counsel, also worked to review more than 3 million pages of documents produced by Defendants and non-parties in the less than 7 months. At the same time, Cohen Milstein participated in 33 depositions, including defending a deposition of each Plaintiff and each of Plaintiffs' investment managers. 82 percent of Cohen Milstein's time in this Action was spent participating in discovery.

6. In order to complete the necessary discovery tasks in the time allotted, Cohen Milstein employed discovery counsel to assist in the review and analysis of the three million documents produced. Each discovery counsel had prior experience with and was knowledgeable about mortgage-backed securities and complex class action litigation. The biographies of each of Cohen Milstein's discovery counsel are listed in Attachment 1 to Cohen Milstein's resume in Exhibit A.

7. Based on my work performed in this Action as well as my receipt and review of the billing records reflecting work performed by attorneys and paraprofessionals at Cohen Milstein in this Action ("Timekeepers") as reported by said Timekeepers, I directed the

preparation of the chart set forth as Exhibit B hereto. This chart (i) identifies the names and positions (*i.e.*, title) of the firm's Timekeepers who undertook litigation activities in connection with the Action; (ii) provides the total number of hours each such Timekeeper reported expending in connection with work on the Action from Cohen Milstein's investigation of the potential claims leading to November 7, 2014, when the Plaintiffs filed their motion seeking preliminary approval of this Settlement; (iii) provides each such Timekeeper's hourly rate in 2014; and (iv) provides the total billable amount, in dollars, of the work by each Timekeeper and the entire firm.<sup>1</sup> For Timekeepers who are no longer employed by the firm, the hourly rate used is the billing rate for such personnel in his or her final year of employment by the firm. The firm's billing records, which are regularly prepared from the contemporaneous daily time records, are available at the request of the Court. Time expended in preparing any papers for this motion for fees and reimbursement of expenses has not been included in this request.

8. The hourly rates charged by the Timekeepers are the firm's regular rates for contingent cases. Based on my knowledge and experience, these rates are also within the range of rates normally and customarily charged in their respective cities by attorneys and paraprofessionals of similar qualifications and experience in cases similar to the Action and have been approved in connection with other class action settlements.

9. The total number of hours expended by the firm on this Action from intervention through November 7, 2014 is 13,929, which amounts to \$5,979,127.50 in lodestar, consisting of \$5,793,702.50 for attorney time and \$185,425.00 for professional support staff time.

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<sup>1</sup> As indicated above, the information concerning each Timekeeper's hours and hourly rate are not based upon personal knowledge, but on the information reported by each such Timekeeper and/or the files and records of Cohen Milstein, as well as my familiarity with the work undertaken by Cohen Milstein in the Action.

10. In my judgment, the number of hours expended and the services performed by the attorneys and paraprofessionals at Cohen Milstein were reasonable and expended for the benefit of the Settlement Class in this Action.

11. My firm's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

12. As set forth in Exhibit C, Cohen Milstein has incurred a total of \$852,175.68 in unreimbursed expenses in connection with the prosecution of this Action from inception through November 7, 2014. Of this amount, \$753,375.00 was a contribution to the litigation fund which is described at length in the Joint Declaration of Class Counsel, was used to cover the costs of the larger litigation expenses incurred, including expert fees. In my judgment, these expenses were reasonable and expended for the benefit of the Settlement Class in this Action.

13. These expenses are reflected on the books and records of my firm. It is the firm's policy and practice to prepare such records from expense vouchers, check records, credit card records and other source materials. Based on my oversight of the Action and my review of these records, I believe them to be an accurate record of the expenses actually incurred by the firm in connection with this Action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: January 30, 2015

/s/ Julie Goldsmith Reiser  
Julie Goldsmith Reiser  
on behalf of Cohen Milstein Sellers & Toll PLLC

# EXHIBIT B



**EXHIBIT B**

**COHEN MILSTEIN SELLERS & TOLL PLLC TIME REPORT**

**From Inception through November 7, 2014**

<b>NAME</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
<b>Attorneys</b>			
Steven J. Toll	233.25	\$895	\$208,758.75
Julie Goldsmith Reiser	1,304.75	\$665	\$867,658.75
Daniel B. Rehns	1,314.25	\$535	\$703,123.75
Kenneth M. Rehns	741	\$475	\$351,975.00
Elizabeth Guarnieri	99	\$475	\$47,025.00
Joshua Devore	174.75	\$635	\$110,966.25
Matthew Ruan	71.75	\$500	\$35,875.00
Total Attorney Time	<b>3,938.75</b>		<b>\$2,325,382.50</b>
<b>Staff Attorneys</b>			
Robert Dumas	2,070.50	\$425	\$879,962.50
<b>Discovery Counsel</b>			
Keith Geffen	909.75	\$385	\$350,253.75
Robert Ulon	1,681.25	\$325	\$546,406.25
Joseph Ferrone	2,661.50	\$385	\$1,024,677.50
Pietro deVolpi	248.25	\$310	\$76,957.50
Christopher Aguwa	462.5	\$310	\$143,375.00
Marcus Nagel	545.75	\$325	\$177,368.75
France Kaczanowski	164.5	\$385	\$63,332.50
Larry Welch	63.25	\$385	\$24,351.25
Jennifer Trenery	208.5	\$385	\$80,272.50
Violet Moton	222	\$375	\$83,250.00
Romola Lucas	51.75	\$350	\$18,112.50
Total Discovery Counsel Time	<b>7,219.00</b>		<b>\$2,588,357.50</b>
<b>Paralegals</b>			
Jihoon Lee	233.5	\$260	\$60,710.00
Daniel Sutter	67	\$250	\$16,750.00
Michael McBride	400.75	\$260	\$107,965.00
Total Paralegal Time	<b>701.25</b>		<b>\$185,425.00</b>
<b>TOTAL LODESTAR</b>	<b>13,929.50</b>		<b>\$5,979,127.50</b>

**Plaintiffs' Exhibit**  
**52**  
Civ. No. 05-1437 (RCL)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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ALFRED G. OSTERWEIL,

Plaintiff,

v.

Case No. 1:09-cv-825 (MAD/DRH)

GEORGE R. BARTLETT, III,

Defendant.

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**DECLARATION OF PAUL D. CLEMENT**

PAUL D. CLEMENT, affirms under penalty of perjury that:

1. I am a partner in the firm Bancroft PLLC and, along with other Bancroft attorneys and attorneys from Greenbaum, Rowe, Smith & Davis LLP, represented plaintiff Alfred G. Osterweil in proceedings before the U.S. Court of Appeals for the Second Circuit and the New York State Court of Appeals. Accordingly, I am fully familiar with the facts and circumstances pertaining to this matter. This declaration is in support of plaintiff's motion pursuant to 42 U.S.C. § 1988 and Fed. R. Civ. P. 54(d)(2) to award attorneys' fees as the prevailing party.

2. This motion is submitted on the basis that this Court rendered judgment in favor of plaintiff by determining that plaintiff, as a part-time New York resident, is entitled to apply for a handgun license pursuant to New York law notwithstanding that he is not domiciled in New York.

3. I am a member of the Bars of Virginia, Washington, DC, and Wisconsin; the Bar of the United States Supreme Court; the Bars of the United States Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, D.C., and Federal Circuits; and bars of other courts.

4. I served as the 43rd Solicitor General of the United States from June 2005 until

June 2008. Before my confirmation, I served as Acting Solicitor General for nearly a year and as Principal Deputy Solicitor General for over three years. I have argued over 70 cases before the United States Supreme Court. Although I am an appellate attorney, rather than a subject-matter specialist, I have successfully handled Second Amendment litigation, including the Supreme Court argument in *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010), in which fees were awarded under 42 U.S.C. 1988.

5. I have received, among other awards, the Edmund Randolph Award, the U.S. Department of Justice's highest honor. I have served as an adjunct professor at the Georgetown University Law Center since 1998 and frequently write and lecture for various continuing legal education programs on topics involving appellate and Supreme Court advocacy. In 2012, I was named Lawyer of the Year by the Bar Association of the District of Columbia and was selected by the National Law Journal in 2013 as one of the 100 most influential lawyers in America.

#### **FACTUAL BACKGROUND**

6. The record in this matter reveals the following facts: Mr. Osterweil is a retired attorney who previously served in the U.S. Army. For a number of years, Mr. Osterweil lived with his family full-time on a 21-acre plot of land in Schoharie County in Summit, New York. While living in Summit full-time, Mr. Osterweil served as a commissioner on the Summit Fire District Board of Commissioners and as an unpaid member of the Board of Directors of the Western Catskills Revitalization Corporation. After he retired, he decided to split his time between New York and Louisiana. He now spends the majority of his time in Louisiana and is domiciled there. Mr. Osterweil keeps a .22-caliber revolver in his Louisiana home for purposes of self-defense.

7. On May 21, 2008, Mr. Osterweil applied to Schoharie County officials for a New York State pistol license pursuant to N.Y. Penal Law § 400.00(2)(a), without which he may not lawfully possess a handgun in his home under New York law. To obtain a license, an applicant must meet several requirements. The licensing process begins with the submission of an application to the local licensing officer. § 400.00(3). The applicant must be over 21 years of age, of good moral character, not have a history of crime or mental illness, and there must not exist any other “good cause” for denying the license. § 400.00(1).

8. The application triggers a local investigation probing the applicant’s mental health and criminal history, moral character, and, in some circumstances, whether there is a “need” for the requested license. § 400.00(2). The investigating authority also takes the applicant’s fingerprints and uses that information to check for criminal history through the New York State Division of Criminal Justice Services (“DCJS”), the National Crime Information Center (“NCIC”), and the Federal Bureau of Investigation. The New York licensing law also states that an application for “a license to carry or possess a pistol or revolver” “shall be made . . . to the licensing officer in the city or county . . . where the applicant resides, is principally employed or has his principal place of business as merchant or storekeeper.” § 400.00(3)(a).

9. Mr. Osterweil’s home-handgun license application set this statutory machinery in motion. The Schoharie County Sheriff initiated the required investigation. He verified the information set forth in Mr. Osterweil’s application, contacted his references, conducted a background check using state information resources and the NCIC, and obtained and submitted Mr. Osterweil’s fingerprints to the DCJS and the FBI.

10. On June 24, 2008, the Sheriff sent a letter to Mr. Osterweil informing him that he needed to come to the Sheriff's office "to correct and/or complete some information" on his application. In a letter sent on June 25, 2008, Mr. Osterweil informed the Sheriff that since the time he had submitted his original permit application he had purchased a home in Louisiana that he intended to use as his primary residence, and that he would now use his Schoharie residence for only part of the year. The letter inquired whether under such circumstances Mr. Osterweil was still eligible for a permit.

11. On February 18, 2009, the Sheriff informed Mr. Osterweil that he was forwarding his application to Bartlett. As relevant here, in a February 20, 2009 letter, Bartlett informed Mr. Osterweil that his non-resident status would likely prevent the issuance of a home handgun license.

12. After several exchanges between Mr. Osterweil and Bartlett, Bartlett issued a decision on May 29, 2009, denying Mr. Osterweil's request for a pistol permit. Bartlett concluded that pistol permits may not be issued to "non-residents," and that Mr. Osterweil was a "non-resident" under New York law. That conclusion was primarily based on Bartlett's application of *In re Mahoney v. Lewis*, 605 N.Y.S.2d 168 (App. Div. 3d Dep't 1993), which held that § 400.00(3) requires that an individual be a New York domiciliary to be eligible for a handgun license. Bartlett further determined that New York's domicile requirement was consistent with the U.S. Supreme Court's decision in *District of Columbia v. Heller*, 554 U.S. 570 (2008).

13. Bartlett never concluded that Mr. Osterweil lacked the necessary character or qualifications to obtain a home handgun license. The license denial was predicated on the conclusion that Mr. Osterweil is domiciled in Louisiana and therefore is not a New

York resident, notwithstanding that Mr. Osterweil owns a home in New York and lives there part of the year with his wife, that he has family in Summit, and that Mr. Osterweil and his wife have participated and continue to participate in social, political, and community affairs in Schoharie County, including remaining as dues-paying members of the Summit Snow Riders, a local social group, and the Summit Conservation Club.

14. Mr. Osterweil, proceeding pro se, filed suit pursuant to 42 U.S.C. § 1983 against Bartlett, David A. Patterson, then Governor of the State of New York, and Andrew M. Cuomo, then Attorney General of the State of New York. Bartlett and his co-defendants were represented by the New York State Department of Law and the Office of the Attorney General of the State of New York. As relevant here, Mr. Osterweil's complaint alleged that the defendants denied him his fundamental Second Amendment right to keep and bear arms by denying his license request based on his part-time resident status and that this denial ran afoul of both the Second Amendment and the Equal Protection Clause.

15. After the defendants other than Bartlett were dismissed from the suit, both Mr. Osterweil and Bartlett moved for summary judgment. The New York Attorney General's Office argued that *Heller* and *McDonald* did not call into question state law "limiting its residency-based permits to domiciliaries" and that limiting home handgun possession to domiciliaries was consistent with "long-standing" New York precedent. The New York Attorney General's Office told this Court that Mr. Osterweil's contention that the Second Amendment protected his right to keep a handgun in his New York home was predicated on a misreading of *Heller* and *McDonald*. This Court ruled against Mr. Osterweil, holding that limiting home handgun licenses to domiciliaries did not violate the

Second Amendment or the Equal Protection Clause.

16. Mr. Osterweil retained counsel and appealed this Court’s ruling. Just eight days before New York’s brief was due to the Second Circuit (and a full 83 days after Mr. Osterweil’s attorneys filed their opening brief) New York filed a motion asking the Second Circuit to certify the following question to this Court: “Does the applicant residency requirement in New York’s pistol permit statute, N.Y. Penal Law § 400.00(3), require not merely residency but domicile in the State of New York?” New York opined that “[f]ollowing the Supreme Court’s recent and dramatic shift in Second Amendment jurisprudence, there is reason to question whether the Court of Appeals would” conclude that New York law requires domicile as a precondition for a home handgun license. After that motion was referred to the merits panel, New York reiterated its view that a domicile requirement was constitutionally suspect in its brief on the merits and again requested certification. At the same time, however, New York also argued—in seeming conflict with the premise of its request for certification—that a domicile requirement would be constitutional under intermediate scrutiny.

17. The Second Circuit certified the following question to the New York Court of Appeals:

Is an applicant who owns a part-time residence in New York but makes his permanent domicile elsewhere eligible for a New York handgun license in the city or county where his part-time residence is located?

18. The New York Court of Appeals accepted the certified question and, after briefing and argument, answered the question in the affirmative, ruling that Mr. Osterweil could not be precluded from applying for a handgun license based on his part-time resident status.

19. Upon receiving the ruling of the New York Court of Appeals, the Second Circuit remanded the matter back to this Court.

20. On February 7, 2014, this Court directed that judgment be entered in Plaintiff's favor and ordered the case closed.



### APPLICATION FOR ATTORNEY'S FEES

21. In my experience leading a national appellate practice at Bancroft PLLC, I have become familiar with the economics of law practice, billing rates, billing practices, the cost and recovery of litigation support services and other expenses of litigation, and the setting and collection of legal fees in a variety of circumstances, including cases presenting professional demands, factual and legal complexity, and risk and expense levels comparable to the instant case. I have derived this knowledge from personal experience negotiating fee agreements with sophisticated consumers of legal services, billing and collecting fees and expenses from clients and/or adverse parties in the legal marketplace, and regularly representing plaintiffs and defendants on an hourly rate basis. I have extensive experience related to billing practices for representation before the federal appellate courts.

22. I personally supervised the work done by the Bancroft PLLC attorneys and other employees in this case. I have endeavored to keep the number of personnel assigned to this case to the minimum reasonably necessary to serve my client's needs efficiently. Likewise, I have endeavored to make work assignments appropriate to each attorney or employee's skill set and level of experience.

23. The attached itemization of time spent on representing plaintiff in this matter is based on records made contemporaneously at the time the work was completed or the expense was paid. *See* Invoices attached hereto as Exhibit A.

24. The attached itemization reflects the reasonable hourly rates and time necessarily spent to challenge New York's unlawful denial of Mr. Osterweil's handgun license application on the ground that he is not domiciled in New York. I presently bill time at \$1350 per hour. However, as reflected in Exhibit A, at all times in this matter, my time

has been billed at my 2011 rate of \$1100 per hour. The time for all other Bancroft attorneys who worked on this matter has been billed at 2011 rates as well, ranging from \$425 per hour to \$625 per hour. All of the attorneys that worked on this matter have extensive experience in briefing and arguing constitutional matters in the federal courts. Case manager and research associate time was also billed at 2011 rates throughout the case—\$250 per hour for case manager work and \$225 per hour for research associate work.

25. A substantial amount of the billable work in this case was done by Bancroft associate D. Zachary Hudson. Zac received his B.S. with honors from the United States Naval Academy and a Masters in Public Policy from Georgetown University. Zac received his law degree from the Yale Law School, where he served as the Managing Editor of the Yale Law Journal and Articles Editor of the Yale Law and Policy Review. Following law school, Zac served as a law clerk to Chief Justice John G. Roberts, Jr., in the Supreme Court of the United States and Judge Brett M. Kavanaugh of the U.S. Court of Appeals for the D.C. Circuit. Zac has drafted briefs filed in cases in the United States Court of Appeals for the First, Second, Third, Fourth, Seventh, Ninth, Eleventh, and Federal Circuits. Bancroft currently bills and collects for Zac's work at the standard hourly rate of \$550, but his hourly rate throughout this case was \$425.

26. The time devoted to this matter by Bancroft's case manager and research associates has been written off in the exercise of reasonable billing judgment, and plaintiff does not seek reimbursement for the substantial work performed by them. *See* Exhibit A.

27. Additionally, during the course of this litigation, I reviewed and reduced many of the time entries for myself and other Bancroft attorneys in the exercise of reasonable billing judgment.

28. I have practiced law for over 20 years in the federal district courts, courts of appeals, and the U.S. Supreme Court. Since joining Bancroft PLLC in 2011, I have appeared in courts throughout the country, including:

- U.S. District Court, D.D.C., S.D.N.Y., E.D.N.Y., D. Mass., E.D. Pa., N.D. Okla., N.D. Ill., and E.D.N.C.
- U.S. Courts of Appeals for the First, Second, Third, Fourth, Fifth, Seventh, Eighth, Ninth, Tenth, Eleventh, D.C., and Federal Circuits.
- U.S. Supreme Court (argued 16 times in the last two Terms).

29. In the last four years, I have handled numerous cases in the U.S. courts of appeals on the merits, including:

- *Sony BMG Music Entm't v. Tenenbaum*, 660 F.3d 487 (1st Cir. 2011)
- *KG Urban Enterprises, LLC v. Patrick*, 693 F.3d 1 (1st Cir. 2012)
- *In re Methyl Tertiary Butyl Ether Products Liability Litigation*, 725 F.3d 2013 (2d Cir. 2013)
- *NCAA v. Governor of New Jersey*, 730 F.3d 208 (3d Cir. 2013)
- *Lincoln Nat. Life Ins. Co. v. Management Compensation Group Lee Inc.*, 532 F. App'x 480 (5th Cir. 2013)
- *Thompson v. Retirement Plan for Employees of S.C. Johnson & Son, Inc.*, 651 F.3d 600 (7th Cir. 2011)
- *S.C. Johnson & Son, Inc. v. Transport Corporation of America, Inc.*, 697 F.3d 544 (7th Cir. 2012)
- *Capitol Records, Inc. v. Thomas-Rasset*, 692 F.3d 899 (8th Cir. 2012)
- *Florida v. U.S. Dept. of Health and Human Services*, 648 F.3d 1235 (11th Cir. 2011)
- *Sovereign Military Hospitaller Order of Saint John of Jerusalem of Rhodes & of Malta v. Florida Priory of Knights Hospitallers of Sovereign Order of Saint John of Jerusalem, Knights of Malta, Ecumenical Order*, 702 F.3d 1279 (11th Cir. 2012)

30. Bancroft's fees and disbursements in this matter are commensurate with those in

the cases listed above, especially given the drawn out nature of the appellate process in this case, which involved not only merits briefing and argument in the U.S. Court of Appeals for the Second Circuit, but also briefing on the State's motion for certification and briefing and argument in the New York Court of Appeals after certification was accepted.

31. Bancroft's fees and disbursements in this matter are also consistent with the rates in the national appellate market for the price of legal services of comparable quality rendered in cases demanding similar skill, judgment, time, and performance. As a point of comparison, attached hereto as Exhibit B is the ABA Journal's December 19, 2009, article, "Some Top Lawyers Bill More than \$1,000 an Hour for Bankruptcy Work." This report reflects that bankruptcy attorneys have charged upwards of \$1,000 per hour for their work since at least 2009. In comparison, the hourly rates requested by Bancroft PLLC are reasonable.

32. By accepting this case, I was precluded from taking on other representation.

33. This case imposed time limitations on my schedule.

34. I am familiar with this type of litigation and the complexities of the constitutional and statutory issues involved. To accept a case of this type, I know from my experience that counsel is naturally precluded from accepting other employment. There are very few attorneys who practice Second Amendment constitutional litigation. The importance of effective legal representation is underscored in this case, in which Mr. Osterweil was unsuccessful when proceeding pro se, and yet the State modified its position significantly in response to the opening appellate brief, which represented contributions of counsel.

35. Congress' intent when it authorized attorney's fees and costs under 42 U.S.C. § 1988 was to permit plaintiffs to bring constitutional claims against governmental entities and to ensure that litigation costs did not deter plaintiffs from vindicating their constitutional

rights.

36. I submit that the request for \$189,294.28 (\$183,919.25 in fees and \$5,375.03 in disbursements) for services rendered to March 10, 2014—as outlined in Exhibit A—is reasonable in light of all the facts and circumstances surrounding plaintiff’s claim and the lawsuit which resulted in a judgment for plaintiff on February 7, 2014 by this Court.

**DECLARATION UNDER PENALTY OF PERJURY**

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

WHEREFORE, plaintiff respectfully requests that this Court grant his motion pursuant to Fed. R. Civ. P. 54(d)(2) and 42 U.S.C. § 1988 (b) for the relief sought herein.

Dated: March 10, 2014



Paul D. Clement  
BANCROFT PLLC  
1919 M St., NW, Suite 470  
Washington, DC 20036  
Telephone: (202) 234-0900  
pclement@bancroftpllc.com

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

DOROTHY L. BIERY, and )  
 )  
JERRAMY PANKRATZ, and )  
ERIN PANKRATZ, et al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
THE UNITED STATES OF AMERICA, )  
 )  
Defendant. )

**Plaintiffs' Exhibit**  
**53**  
Civ. No. 05-1437 (RCL)

Case Nos. 07-693L  
07-675L

**EXCERPT**

The Hon. Nancy B. Firestone

**DECLARATION OF MARK F. (THOR) HEARNE, II IN SUPPORT OF KANSAS  
LANDOWNERS' APPLICATION FOR ATTORNEYS FEES PURSUANT TO THE  
UNIFORM RELOCATION ASSISTANCE ACT AND LOCAL RULE 54(d)**

1. This declaration is made in support of the application for attorneys' fees submitted by Landowners.

2. I am a partner in the Arent Fox LLP, law firm. Washington D.C. is Arent Fox's principal office and headquarters. I have been admitted practice before the Supreme Courts of Michigan, Missouri, and in the District of Columbia. I have also been admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Federal Circuit, the Eighth Circuit, Seventh Circuit, Sixth Circuit, and Second Circuit as well as in the United States Court of Federal Claims, the United States Court of International Trade, and the United States Tax Court. I have practiced law since 1987. Prior to joining Arent Fox LLP, I was a partner with Lathrop & Gage LLP.

3. I have provided a more detailed summary of my experience and education in my prior declaration, which I incorporate by reference here. Since my prior declaration, I have been named a Washington, D.C. "Super Lawyer" by the lawyer rating publication, have served for the third year as faculty for the American Law Institute annual seminar on eminent domain litigation. I have continued to maintain my AV rating by Martindale-Hubble. I was invited to present for the second year at the annual Brigham-Kanner Property Rights Conference sponsored by William & Mary law school. I was invited (along with Ms. Largent and Mr. Haskins) to submit a law review article on Fifth Amendment taking litigation that was published by the Brigham-Kanner Property Rights Conference Journal, Vol. 1, September 2012, and was counsel for the Cato Institute and National Association of Reversionary Property Owners as *Amicus Curiae* in the Petition for Certiorari to the U.S. Supreme Court in *Brandt v. United States*, No. 12-1173. This was in addition to continued representation before this Court, the Federal Circuit and U.S. Tax Court in a number of other trials and appeals involving property valuation, Fifth

Amendment takings and related matters. I also serve on the Arent Fox Appellate Practice Committee.

4. Arent Fox currently has offices in five cities around the United States: Washington, D.C., New York City, Los Angeles, San Francisco, and St. Louis, Missouri. I have physical offices in both St. Louis and Washington D.C., and regularly work out of each office and conduct business, meet with clients, and work from both offices. The vast majority of my litigation practice involves matters pending in courts sitting in Washington, D.C.

5. Arent Fox generally bills clients on a monthly basis based on the hourly rate charged for each billing attorney or paralegal and their work devoted to representation of each client. These fees are billed with the expectation that payment will be made within thirty days of the billing. When Arent Fox establishes the hourly rates it charges for each attorney and paralegal, Arent Fox considers the physical location where each attorney or paralegal performs the work, related overhead expenditures, and the skill and experience of each attorney and paralegal. Geographical market considerations are taken into account in the determination of Arent Fox's usual and customary rates.

6. Lathrop & Gage has several offices in Missouri, as well as offices in Washington D.C., Chicago, Los Angeles, Boston, Denver, New York, Boulder, and Overland Park. Like Arent Fox, Lathrop & Gage generally bills clients on a monthly basis based on the hourly rate charged for each attorney or paralegal.

7. The market for legal services is highly competitive, and Arent Fox must consistently monitor its rates to ensure that they are consistent with that market. Arent Fox relies on various market data and surveys to establish the billing rates for its attorneys and paralegals



and to assure these rates are competitive with the prevailing market rate for comparable legal representation. These rates are adjusted annually based upon market conditions.

8. In addition to considering market data, Arent Fox considers, *inter alia*, the attorney's skill and experience, the nature of the legal representation, the likelihood of repayment, any existing relationship with the client, and firm overhead. After taking all of these factors into account, each professional at Arent Fox charges a rate commensurate with what the firm understands to be the prevailing market rate for comparable legal representation.

9. The attorneys and paralegals involved in this litigation kept records of the time devoted to their work on behalf of these Landowners. Our accounting department has prepared a detailed summary of the billing records kept by the lawyers and paralegals whose time has been spent in this litigation. These detailed billing records are through June 30, 2013 and are attached as Exhibit A. To the best of my knowledge and belief these detailed billing records are correct and accurate. (We will separately supplement this detailed billing record with additional work performed after June 30<sup>th</sup>.)

10. The lodestar calculation of the fee has been calculated using three different rate schedules.

11. The first lodestar calculation is the historical rate customarily charged by Arent Fox for time by each attorney and paralegal in complex litigation cases that is comparable to this litigation. Because this lodestar calculation is based upon the hourly rates established by Arent Fox, the rates for those attorney and paralegals for time while at Lathrop & Gage has been calculated using the historical Adjusted *Laffey* Matrix rate. A true and correct copy of the *Laffey* Matrix rate table is attached hereto as Exhibit B. The amount incurred using this methodology is \$1,892,101.

12. The second lodestar calculation is made using the current (2013) Adjusted *Laffey* Matrix rates for each attorney and paralegal. Though the Court has already determined these Landowners should be reimbursed using a lodestar calculation using historical rates, I have submitted this “current *Laffey* rate” calculation by way of comparison and to establish what the lodestar fee would be using current *Laffey* rates. The amount incurred using this methodology is \$2,065,962.

13. The third lodestar calculation is made using the historical Adjusted *Laffey* Matrix rates for each timekeeper. As noted in more detail in our briefing, we provide this calculation because courts routinely look to the Adjusted *Laffey* Matrix as a presumption of the prevailing market rate for legal services (especially legal representation in federal litigation) in the Washington D.C. market. The amount incurred using this methodology is \$1,891,506.

14. The government contended that counsel for Landowners performed all—or virtually all—of their work in this lawsuit in metropolitan St. Louis. This is not accurate. I have included Exhibit C—a summary of the number of hours spent by each attorney and paralegal on this case, and their resident office. Arent Fox attorneys and staff based outside of Missouri spent hundreds of hours on this case. In addition, the parties conducted oral argument regarding their cross-motions for summary judgment in Washington, D.C., and the deposition of Dr. Laura Malowane, an expert retained by the landowners took place in Arent Fox’s Washington, D.C., office.

15. I have exercised my billing judgment in submitting these detailed billing records. I have eliminated time that I considered may reflect inefficiency or duplication.

16. In an effort to avoid a “second major litigation” over the reimbursement of the legal fees required by the URA, I made several efforts to reach settlement with the government.

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None of these efforts were successful and, indeed, the government's best offer was a mere fraction of the fees and expenses incurred by these Landowners in the course of this six-year lawsuit.

17. *The National Law Journal* publishes a survey every year of billing rates reported by 150 of the largest law firms in the nation. Both Arent Fox's and Lathrop & Gage's rates are reported as part of this survey. A true and correct copy of this survey for the years between 2010-2012 is attached hereto as Exhibit D.

18. Valeo Partners manages and maintains the Valeo Attorney Hourly Rates and AFA Database. The Database contains hourly rates for attorneys and staff at over 600 firms in 80 practice areas, and in over 300 cities worldwide. It is my understanding that this database contains rates that are actually billed to a client or determined by a court—they are not surveyed, self-reported, or estimated. The Database lists hourly rates and fees by individual Attorney, Firm, Practice Area and City of Practice, Experience, Client and Client's Industry. Attached to this declaration as Exhibit E is a list of reported rates for litigators with similar experience and background in complex litigation, all of which compare favorably with the rates used to calculate the lodestar fee the landowners are requesting this Court to award.

19. Each year, PriceWaterhouse Coopers LLP undertakes the Billing Rates and Associate Salary Survey in various legal markets across the United States. Arent Fox is a participant in that survey. A true and correct copy of PriceWaterhouse Coopers' analysis of Arent Fox's rates for the Washington D.C. market, and its analysis of the rates of Arent Fox's peer firms, during the years 2010-2012 is attached hereto as Exhibit F.

20. A summary of the attorneys that have participated in this action, and their background and experience, is provided in my earlier declaration. (Dkt. No. 127-1.) Two

additional attorneys have provided a material amount of assistance in this matter since my earlier declaration. They are Jerry Abeles and Steven Bledsoe.

21. Jerry Abeles is a partner in Arent Fox's Complex Litigation Practice Group, and was one of the founding partners of Arent Fox's Los Angeles office when it opened seven years ago. He has 25 years of business litigation experience, and has tried a wide variety of complex construction, insurance and business torts cases. Jerry holds leadership positions in the Los Angeles County Bar Association and has published multiple articles on litigation procedures and best practices. Mr. Abeles is an experienced brief writer who has been tasked with handling the brief-writing responsibilities for the substantive appeal of this matter on behalf of non-prevailing landowners.

22. Mr. Bledsoe is also a partner in Arent Fox's Complex Litigation Practice Group and one of the founding partners of Arent Fox's Los Angeles office. Mr. Bledsoe's practice focuses on complex commercial litigation, particularly breach of contract, consumer class actions, intellectual property, securities, and insurance coverage litigation. Mr. Bledsoe has been tasked with assisting in resolving the dispute with the government regarding Plaintiffs' attorneys' fees and reasonable expenses. Mr. Bledsoe has significant experience in resolving and reviewing disputes over attorney fees and litigation expenses.

23. These Landowners have incurred \$201,257.22 in expenses in this matter. A true and correct summary of those expenses is attached hereto as Exhibit G. As with the requested attorneys' fees, I have exercised my billing judgment in submitting these records, eliminating time that I considered may reflect inefficiency or duplication.

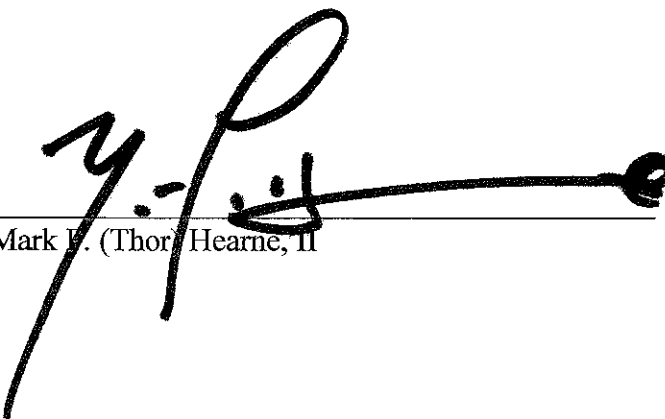
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24. These Landowners are continuing to incur fees and costs as a result of this litigation, including fees and costs after June 30, 2013. For this reason, they will supplement their request at the hearing with the additional time spent on this litigation.

25. In my more than 25 years of experience as a practicing attorneys, including my experience as a partner with three prominent law firms (including Arent Fox and Lathrop & Gage), I have become familiar with the customary rates charged by attorneys possessing various levels of skill and experience representing clients in a variety of different legal matters - especially federal trial and appellate practice. Based upon this experience and my personal familiarity with this lawsuit involving seven years of litigation against the federal government it is my good faith belief that Landowners' requested attorney fees of \$1,892,101 and \$201,257.22 for litigation expenses, is fair and reasonable.<sup>1</sup>

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate.

Executed on July 31, 2013.



Mark F. (Thor) Hearne, II

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<sup>1</sup> I believe – for those reasons explained in our accompanying briefing – the appropriate lodestar calculation should be based upon current rates or include an enhancement for the substantial delay between when the work was performed and when the fee was ultimately paid. But, in deference to this Court's prior decision, we have submitted this motion for attorney fees using historical rates to calculate the lodestar fee.

032121 Biery & 032129 Pankratz  
 Timekeeper Rate Listing

Tkpr Name	Firm	Tkpr Title	Current Laffey Matrix Rates								Historical Laffey Matrix Rates								AF "National" Rates			
			Jun-06 - May-07	Jun-07 - May-08	Jun-08 - May-09	Jun-09 - May-10	Jun-10 - May-11	Jun-11 - May-12	Jun-12 - May-13	Jun-13 - May-14	Jun-06 - May-07	Jun-07 - May-08	Jun-08 - May-09	Jun-09 - May-10	Jun-10 - May-11	Jun-11 - May-12	Jun-12 - May-13	Jun-13 - May-14	2010	2011	2012	2013
Abeles, Jerrold	AF	PARTNER	771	771	771	771	771	771	771	771	n/a	n/a	n/a	686	709	734	753	771	560	585	620	655
Albin-Riley, Debra	AF	PARTNER	771	771	771	771	771	771	771	771	n/a	n/a	n/a	686	709	734	753	771	685	705	730	760
Hearne II, Mark "Thor" F.	LG/AF	PARTNER	771	771	771	771	771	771	771	771	614	645	671	686	709	734	753	771	686	706	736	761
Murray, Thomas V.	LG	ATTY	771	771	771	771	771	771	771	771	614	645	671	686	709	734	753	771				
		Laffey YOЕ	20+	20+	20+	20+	20+	20+	20+	20+	20+	20+	20+	20+	20+	20+	20+	20+				
Bledsoe, Steven E.	AF	PARTNER	n/a	n/a	n/a	640	771	771	771	771	n/a	n/a	n/a	569	709	734	753	771	605	630	670	705
O'Brien, Robert C.	AF	PARTNER	n/a	n/a	n/a	640	771	771	771	771	n/a	n/a	n/a	569	709	734	753	771	605	630	670	705
		Laffey YOЕ				11-19	20+	20+	20+	20+				11-19	20+	20+	20+	20+				
Jacober, Matthew A.	LG	ATTY	567	567	640	640	640	640	640	640	452	475	557	569	589	609	625	640				
		Laffey YOЕ	8-10	8-10	11-19	11-19	11-19	11-19	11-19	11-19	8-10	8-10	11-19	11-19	11-19	11-19	11-19	11-19				
Sears, J. Robert	LG	ATTY	640	640	640	640	640	640	640	771	509	536	557	569	589	609	625	771				
Wald, Steven	LG	ATTY	640	640	640	640	640	640	640	771	509	536	557	569	589	609	625	771				
		Laffey YOЕ	11-19	11-19	11-19	11-19	11-19	11-19	11-19	20+	11-19	11-19	11-19	11-19	11-19	11-19	11-19	20+				
Corbin, Matthew K.	LG	ATTY	393	393	393	393	567	567	567	567	313	329	342	349	522	540	554	640				
		Laffey YOЕ	4-7	4-7	4-7	4-7	8-10	8-10	8-10	11-19	4-7	4-7	4-7	4-7	8-10	8-10	8-10	11-19				
Gillette, Clayton E.	LG	ATTY	320	320	567	567	567	567	567	567	255	268	342	349	361	374	554	567				
Haskins, Steven A.	AF	ASSOCIATE	320	320	393	393	393	393	567	567	n/a	n/a	n/a	349	361	374	554	567	450	480	510	555
Largent, Meghan S.	LG/AF	ASSOCIATE	320	320	393	393	393	393	567	567	255	268	342	349	361	374	554	567	350	375	410	435
		Laffey YOЕ	1-3	1-3	4-7	4-7	4-7	4-7	8-10	8-10	1-3	1-3	4-7	4-7	4-7	4-7	8-10	8-10				
Brinton, Lindsay	LG/AF	ASSOCIATE	320	320	320	393	393	393	393	567	255	268	279	349	361	374	383	567	350	375	410	435
		Laffey YOЕ	1-3	1-3	1-3	4-7	4-7	4-7	4-7	8-10	1-3	1-3	1-3	4-7	4-7	4-7	4-7	8-10				
Cavinato, Joseph	AF	ASSOCIATE	n/a	n/a	320	320	320	393	393	393	n/a	n/a	279	285	294	374	383	393	370	410	440	480
		Laffey YOЕ			1-3	1-3	1-3	4-7	4-7	4-7			1-3	1-3	1-3	4-7	4-7	4-7				
Canterbury, Crystal	AF	ASSOCIATE	n/a	n/a	n/a	n/a	320	320	320	393	n/a	n/a	n/a	n/a	294	305	312	393		340	365	420
		Laffey YOЕ					1-3	1-3	1-3	4-7					1-3	1-3	1-3	4-7				
Barney, Alexandra	AF	PARALEGAL	175	175	175	175	175	175	175	175	139	146	152	155	161	166	170	175	150	155	185	190
Dixon, Pamela	LG	PARALEGAL	175	175	175	175	175	175	175	175	139	146	152	155	161	166	170	175				
Errett, Kathleen S.	LG	PARALEGAL	175	175	175	175	175	175	175	175	139	146	152	155	161	166	170	175				
King, Benjamin L.	AF	LAW CLERK	175	175	175	175	175	175	175	175	139	146	152	n/a	n/a	166	170	175			185	190
Moore, Richelle	LG/AF	PARALEGAL	175	175	175	175	175	175	175	175	139	146	152	155	161	166	170	175	195	200	230	235
Vail, Justin	AF	LAW CLERK	175	175	175	175	175	175	175	175	139	146	152	n/a	161	166	170	175		140		
Yearwood, David A.	AF	PARALEGAL	175	175	175	175	175	175	175	175	139	146	152	155	161	166	170	175	250	310	310	320

Laffey Matrix rates per <http://www.laffeymatrix.com/>

**2012/2013 Washington, DC Timekeeper Rates  
per Valeo Partners**

<b>Position</b>	<b>Min</b>	<b>Median</b>	<b>Avg</b>	<b>Max</b>
Partner	215	663	652	1160
Counsel/Of Counsel	180	605	591	920
Associate/Sr Associate	310	595	620	1050

Exhibit E

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date	State Bar	City	Actual Rate	Rate Year
Ackerman	David	I.	SNR Denton LLP	Associate	Pharmaceuticals	SEC	LIT		2002	2003	DC	Washington, DC	468	2012
Allen	Winn		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CLASS	TORTS	2008	2010	GA	Washington, DC	595	2012
Amin	Hisham	M.	Groom Law Group, Chartered	Associate	Aviation	LIT	ERISA		1997	2002	MD	Washington, DC	513	2012
Andersen	Alison	L.	Arent Fox LLP	Associate	Bankruptcy	LIT	LAB	ERISA	2009	2009	DC	Washington, DC	365	2012
Andersen	Alison	L.	Arent Fox LLP	Associate	Bankruptcy	LIT	LAB	ERISA	2009	2009	DC	Washington, DC	365	2013
Anstett	Michael	J.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	CONTR	CRIM	1999	2000	NY	Washington, DC	760	2012
Assaf, P.C.	Eugene	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	IP	CLASS	1989	1989	PA	Washington, DC	925	2012
Auchterlonie	Sarah	J.	Weil, Gotshal & Manges LLP	Associate	Financial Services	FIN	LIT		2005	2005	DC	Washington, DC	610	2012
Auerbach	Dennis	B.	Covington & Burling LLP	Of Counsel	Bankruptcy	LIT	ENGY	CORP	1989	1989	DC	Washington, DC	765	2012
Avergun	Jodi	L.	Cadwalader, Wickersham & Taft LLP	Partner	Bankruptcy	LIT	REG		1987	1988	DC	Washington, DC	835	2012
Avergun	Jodi	L.	Cadwalader, Wickersham & Taft LLP	Partner	Media	LIT	REG		1987	1988	DC	Washington, DC	835	2012
Azer	Adrian		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2003	2003	DC	Washington, DC	750	2012
Baldwin	Edward		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2003	2004	NY	Washington, DC	750	2012
Bamberger	David	Henry	DLA Piper	Partner	Food and Beverage	ANTI	LIT	TRADE	1981	1981	DC	Washington, DC	825	2012
Barnes	Denise		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2009	2010	DC	Washington, DC	680	2013
Barnes	Denise		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2009	2010	DC	Washington, DC	625	2012
Bash	John		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	SC&APPL	LIT		2006	2009	TX	Washington, DC	640	2012
Bassett	Nicholas		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2006	2007	NY	Washington, DC	740	2013
Bassett	Nicholas		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2006	2007	NY	Washington, DC	695	2012
Bassett	Nicholas		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2006	2007	NY	Washington, DC	650	2012
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Bankruptcy	BNK	LIT	INS	1983	1985	DC	Washington, DC	855	2012
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Sports/Entertainment	BNK	LIT	INS	1983	1985	DC	Washington, DC	855	2012
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Green Technology	BNK	LIT	INS	1983	1985	DC	Washington, DC	855	2012
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Manufacturing	BNK	LIT	INS	1983	1985	DC	Washington, DC	727	2012
Becker	Michael	S	Jackson Lewis LLP	Associate	Healthcare	ANTI	LIT		1994	1994	VA	Washington, DC	215	2012
Bender	Kimberly	M.	BuckleySandler LLP	Associate	Bankruptcy	BNK	LIT	FRAUD	2008	2008	DC	Washington, DC	415	2012
Bendernagel, Jr.	James		Sidley Austin LLP	Partner	Media	ENGY	LIT		1976	1977	NY	Washington, DC	900	2012
Benfield	Brianna		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2008	2008	VA/DC	Washington, DC	625	2012
Berg	Andrew	G	Greenberg Traurig LLP	Partner	Hotel and Casino	LIT	ANTI	M&A	1980		PA	Washington, DC	725	2013
Bopp	Michael	D.	Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	POL	LIT	CRIM	1992	1993	NY	Washington, DC	850	2013
Bopp	Michael	D.	Thompson Krone Gibson P.L.C.	Partner	Telecommunications	POL	LIT	CRIM	1992	1993	NY	Washington, DC	850	2013
Bopp	Michael	D.	Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	POL	LIT	CRIM	1992	1993	NY	Washington, DC	765	2012
Bosset	Eric	C.	Covington & Burling LLP	Partner	Green Technology	LIT	LAB	ERISA	1987	1987	FL	Washington, DC	730	2012
Bragg	Jennifer	L.	Skadden, Arps, Slate, Meagher & Flom LLP	Partner	Healthcare	HEALTH	LIT		1996	1996	DC	Washington, DC	1010	2013
Brand	Aaron	S.	Arent Fox LLP	Associate	Food and Beverage	LIT	HEALTH	GOVT	2009	2010	MD	Washington, DC	330	2012
Branfman	Eric	J.	Bingham McCutchen LLP	Partner	Communications	LIT	FIN	CORP	1972	1973	DC	Washington, DC	760	2012
Branfman	Eric	J.	Bingham McCutchen LLP	Partner	Bankruptcy	LIT	FIN	CORP	1972	1973	DC	Washington, DC	652	2012
Bress	Daniel	A.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	SC&APPL		2005	2008	CA	Washington, DC	670	2012
Brookover	Laura		Covington & Burling LLP	Associate	Green Technology	PRIVDATA	LIT	CLASS	2010	2011	PA	Washington, DC	365	2012
Brown	Judson		Kirkland & Ellis LLP	Partner	Energy	LIT			2004	2004	TN	Washington, DC	780	2013
Brown	Judson		Kirkland & Ellis LLP	Partner	Energy	LIT			2004	2004	TN	Washington, DC	685	2012
Brown	Timothy	F.	Arent Fox LLP	Partner	Bankruptcy	LIT	BNK		1981	1982	WA	Washington, DC	690	2012
Brown	Timothy	F.	Arent Fox LLP	Partner	Construction	LIT	BNK		1981	1982	WA	Washington, DC	575	2012
Buddensick	Caroline	D.	Kirkland & Ellis LLP	Associate	Aviation	LIT			2010	2010	VA	Washington, DC	565	2013
Buddensick	Caroline	D.	Kirkland & Ellis LLP	Associate	Aviation	LIT			2010	2010	VA	Washington, DC	495	2012
Burke	James	E.	Covington & Burling LLP	Associate	Bankruptcy	LIT			2009	2009	CA	Washington, DC	395	2012
Bush	Graeme	W.	Zuckerman Spaeder LLP	Partner	Bankruptcy	LIT	CRIM	CLASS	1976	1976	MD	Washington, DC	875	2012
Caridas	Andrew		Zuckerman Spaeder LLP	Associate	Bankruptcy	LIT			2008	2008	IL	Washington, DC	375	2012
Chapman	Floyd	B.	Wiley Rein LLP	Partner	Technology	IP	LIT		1993	1993	FL	Washington, DC	575	2012
Chesley	John	W.F.	Gibson, Dunn & Crutcher LLP	Associate	Energy	LIT	LAB	SEC	2006	2006	MD	Washington, DC	665	2012
Choi	Min		Pepper Hamilton LLP	Associate	Bankruptcy	LIT	FRAUD	SEC	2004	2006	IL	Washington, DC	369	2013
Citron	Eileen	Hren	Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2009	2009	DC	Washington, DC	585	2012
Cohen	David	S.	Milbank, Tweed, Hadley & McCloy LLP	Partner	Telecommunications	LIT	TECH		1994	1994	NA	Washington, DC	1125	2012
Cohen	David	S.	Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT	TECH		1994	1994	NA	Washington, DC	1125	2012
Cohen	David		Milbank, Tweed, Hadley & McCloy LLP	Partner	Telecommunications	LIT			1981	1982	NY	Washington, DC	1160	2013
Cohen	David		Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT			1981	1982	NY	Washington, DC	1160	2013
Cohen	David		Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT			1981	1982	NY	Washington, DC	1125	2012
Coleman	Joshua	J.	Groom Law Group, Chartered	Associate	Aviation	LIT	FID				DC	Washington, DC	319.5	2012
Crossman	Matthew	T.	Paul Hastings LLP	Associate	Aviation	LIT			2011	2011	CA	Washington, DC	370	2012
Cullen	Thomas F.		Paul Hastings LLP	Partner	Food and Beverage	LIT			1974	1974	MA	Washington, DC	925	2012
Daley	Brooke		Orrick, Herrington & Sutcliffe LLP	Associate	Bankruptcy	LIT			2011	2012	NY	Washington, DC	355	2012
Davis	Maria	T.	Paul Hastings LLP	Associate	Aviation	LIT			2009	2009	MA	Washington, DC	520	2012
Dechter	Anne	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	TEL	TORTS	2011	2011	MD	Washington, DC	445	2012



Exhibit E

Dechter	Anne	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	TEL	TORTS	2011	2011 MD	Washington, DC	370	2012
Dewey	Samuel	E.	Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	CONSTI		2009	2010 MD	Washington, DC	580	2013
Dewey	Samuel	E.	Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	CONSTI		2009	2010 MD	Washington, DC	515	2012
Diamant	Michael	S.	Gibson, Dunn & Crutcher LLP	Partner	Financial Services	LIT	SEC	CORP	2003	2003 VA	Washington, DC	725	2012
Diesenhau	Jonathan	L.	Hogan Lovells LLP	Partner	Science Products & Services	HEALTH	LIT		1988	1988 CO	Washington, DC	775	2013
Diesenhau	Jonathan	L.	Hogan Lovells LLP	Partner	Science Products & Services	HEALTH	LIT		1988	1988 CO	Washington, DC	697.5	2013
DiPompeo	Christopher		Jones Day	Associate	Manufacturing	BNK	LIT	SC&APPL	2009	2009 MD	Washington, DC	475	2013
Dixon	Steven	R.	Miller Chevalier	Counsel	Financial Services	TAX	LIT		2002	2002 IL	Washington, DC	640	2012
Dolin	Mitchell	F.	Covington & Burling LLP	Partner	Bankruptcy	LIT	INS		1981	1982 DC	Washington, DC	855	2012
Donovan	Daniel	T.	Kirkland & Ellis LLP	Partner	Paper	LIT			1996	1997 OH	Washington, DC	795	2012
Donovan	Daniel	T.	Kirkland & Ellis LLP	Partner	Paper	LIT			1996	1997 OH	Washington, DC	755	2012
Doroshov	Kenneth	L.	Jenner & Block LLP	Partner	Media	LIT	MEDIA	ENT	1989	1991 DC	Washington, DC	685	2012
Dowd	Matthew	J.	Wiley Rein LLP	Associate	Technology	IP	LIT	SC&APPL	2007	2009 DC	Washington, DC	485	2012
Duston	Robert	L.	Saul Ewing LLP	Partner	Metals	CONS	LIT	FIN	1984	1984 DC	Washington, DC	500	2012
Ebersole	J.	Ashley	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT			2007	2008 DC	Washington, DC	745	2013
English	Caroline	Turner	Arent Fox LLP	Partner	Bankruptcy	ERISA	LIT	BNK	1996	1996 VA	Washington, DC	570	2012
English	Caroline	Turner	Arent Fox LLP	Partner	Bankruptcy	ERISA	LIT	BNK	1996	1996 VA	Washington, DC	570	2013
Englund	Steven	R.	Jenner & Block LLP	Partner	Media	LIT	MEDIA		1989	1990 DC	Washington, DC	765	2012
Fabrizio	Steven	B.	Jenner & Block LLP	Partner	Media	LIT	MEDIA	ENT	1988	1989 NY	Washington, DC	750	2012
Feinberg	Adam	P.	Miller Chevalier	Partner	Financial Services	LIT	INTL	GOVCONT	1994	1994 VA	Washington, DC	710	2012
Fiet	Kyle	J	Sidley Austin LLP	Associate	Energy	LIT			2007	2007 NC	Washington, DC	540	2012
Finch	Nathan	D.	Motley Rice LLC	Partner	Bankruptcy	LIT	BNK	SEC	1992	1992 VA	Washington, DC	750	2012
Finch	Nathan	D.	Motley Rice LLC	Partner	Bankruptcy	LIT	BNK	SEC	1992	1992 VA	Washington, DC	680	2012
Fjellstedt	Andre	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT	SEC	2009	2009 DC	Washington, DC	625	2012
Flagg	Ronald		Sidley Austin LLP	Partner	Media	LIT			1978	1981 DC	Washington, DC	725	2012
Flicker	Scott	M.	Paul Hastings LLP	Partner	Aviation	LIT	ERISA	GOVCONT	1988	1988 CA	Washington, DC	900	2012
Flicker	Scott	M.	Paul Hastings LLP	Partner	Aviation	LIT	ERISA	GOVCONT	1988	1988 CA	Washington, DC	900	2013
Forman	Andrew		Cadwalader, Wickersham & Taft LLP	Partner	Bankruptcy	LIT	ANTI		2000	2000 NA	Washington, DC	800	2012
Forman	Andrew		Cadwalader, Wickersham & Taft LLP	Partner	Advertising	LIT	ANTI		2000	2000 NA	Washington, DC	800	2012
Foster	Matthew	D.	Pepper Hamilton LLP	Associate	Bankruptcy	LIT			2005	2005 VA	Washington, DC	420	2012
Foster	Matthew	D.	Pepper Hamilton LLP	Associate	Bankruptcy	LIT			2005	2005 VA	Washington, DC	409.5	2013
Fotouhi	David		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	ENV	TORTS	2010	2010 TX	Washington, DC	535	2013
Fotouhi	David		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	ENV	TORTS	2010	2010 TX	Washington, DC	445	2012
Franklin	Jonathan	S.	Norton Rose Fulbright LLP	Partner	Medical Equipment	BNK	LIT		1990	1990 PA	Washington, DC	800	2012
Franklin	Jonathan	S.	Norton Rose Fulbright LLP	Partner	Medical Equipment	BNK	LIT		1990	1990 PA	Washington, DC	775	2012
Freedman	Laurence		Patton Boggs LLP	Partner	Healthcare	LIT			1987	1987 NY	Washington, DC	780	2012
Froelich	Edward	L.	Morrison & Foerster LLP	Of Counsel	Bankruptcy	LIT	ENGY		1994	1994 MD	Washington, DC	815	2013
Froelich	Edward	L.	Morrison & Foerster LLP	Of Counsel	Bankruptcy	LIT	ENGY		1994	1994 MD	Washington, DC	760	2012
Frutig	Brian		Motley Rice LLC	Associate	Bankruptcy	BNK	LIT		2008	2009 NY	Washington, DC	300	2012
Gagnon	Richard	J	Shearman & Sterling LLP	Of Counsel	Financial Services	TAX	LIT		1991	DC	Washington, DC	745	2012
Gagnon	Richard	J	Shearman & Sterling LLP	Counsel	Bankruptcy	TAX	LIT		1991	DC	Washington, DC	785	2012
Gagnon	Richard	J	Shearman & Sterling LLP	Counsel	Financial Services	TAX	LIT		1991	DC	Washington, DC	745	2012
Geneson	David	F.	Sheppard Mullin Richter & Hampton LLP	Partner	Aviation	CRIM	LIT		1974	1974 FL	Washington, DC	830	2012
Geneson	David	F.	Sheppard Mullin Richter & Hampton LLP	Partner	Aviation	CRIM	LIT		1974	1974 FL	Washington, DC	625	2013
Gibb	Daniel	C.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	REG		2004	2005 KS	Washington, DC	420	2012
Gibb	Daniel	C.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	REG		2004	2005 KS	Washington, DC	378	2012
Gigot	Thomas	S.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT	ERISA	BEN	1984	1984 DC	Washington, DC	657	2012
Gillespie, P.C.	James	P.	Kirkland & Ellis LLP	Partner	Aviation	LIT	CORP		1988	1990 NY	Washington, DC	835	2012
Goldblatt	Craig	T.	WilmerHale	Partner	Printing	LIT			1993	1994 PA	Washington, DC	975	2012
Goldblatt	Craig	T.	WilmerHale	Partner	Bankruptcy	LIT			1993	1994 PA	Washington, DC	975	2012
Gomez	Daniel		Kirkland & Ellis LLP	Associate	Paper	LIT	TORTS	SEC	2008	2008 PA	Washington, DC	625	2012
Gordon	Adam	H.	Wiley Rein LLP	Partner	Pharmaceuticals	TRADE	LIT		1993	1993 CT	Washington, DC	540	2012
Gore	John	M.	Jones Day	Associate	Aviation	LIT	ANTI	COMP	2005	2005 TX	Washington, DC	531.25	2013
Graham	Tammy	L.	Paul Hastings LLP	Associate	Paper	LIT			2006	2006 DC	Washington, DC	700	2012
Graham	Tammy	L.	Paul Hastings LLP	Associate	Research	LIT			2006	2006 DC	Washington, DC	700	2012
Graham	Tammy	L.	Paul Hastings LLP	Associate	Paper	LIT			2006	2006 DC	Washington, DC	670	2012
Greaney	William		Covington & Burling LLP	Partner	Bankruptcy	INS	LIT	ADR	1981	1981 DC	Washington, DC	782	2012
Greaney	William		Covington & Burling LLP	Partner	Manufacturing	INS	LIT	ADR	1981	1981 DC	Washington, DC	732	2012
Greenberg	David	S.	Arent Fox LLP	Associate	Bankruptcy	HEALTH	LIT	ERISA	2003	2003 MD	Washington, DC	505	2012
Grunberg	Nancy	R.	Venable LLP	Partner	Manufacturing	LIT	CORPGOV	SEC	1979	1979 PA	Washington, DC	800	2012
Guy	Jonathan		Orrick, Herrington & Sutcliffe LLP	Partner	Bankruptcy	BNK	LIT		1993	1994 DC	Washington, DC	735	2012
Hallward-Driemeier	Douglas		Ropes & Gray LLP	Partner	Consulting	LIT	CORP		1994	1995 MA	Washington, DC	830	2013
Hamelburg	Mark		SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT	GOVT	1988	1990 DC	Washington, DC	556	2012
Hanke	Amy	L.	Sidley Austin LLP	Associate	Media	CORP	LIT		2006	2006 PA	Washington, DC	585	2012

Exhibit E

Harding	Barbara	M.	Jones Day	Partner	Manufacturing	LIT	TORTS	PROD	1988	1988 VA	Washington, DC	750	2012
Harding	Barbara	M.	Jones Day	Partner	Manufacturing	LIT	TORTS	PROD	1988	1988 VA	Washington, DC	575	2012
Hassel	Lonie	A.	Groom Law Group, Chartered	Partner	Aviation	BEN	LIT	BNK	1980	1980 DC	Washington, DC	679.5	2012
Hataway	C.	Scott	Paul Hastings LLP	Partner	Aviation	LIT	ANTI	TRADEM	2000	2001 DC	Washington, DC	750	2012
Hauss	Stephen	M.	Quinn Emanuel Urquhart & Sullivan, LLP	Associate	Bankruptcy	LIT			2006	2007 CA	Washington, DC	590	2012
Hays	Michael	D.	Dow Lohnes PLLC	Partner	Media	LIT			1976	1977 DC	Washington, DC	680	2012
Hellmich	Christopher	W.	Patton Boggs LLP	Partner		LIT	ADR	FIN	1993	1993 NE	Washington, DC	514.25	2012
Henningsen	Kate	G.	Caplin & Drysdale	Associate	Bankruptcy	LIT			2010	2010 WI	Washington, DC	255	2012
Herring	Michael	E.	Dewey & LeBoeuf LLP	Associate	Aviation	LIT			2011	MD	Washington, DC	355	2012
Hessler	Karin	A.	Wiley Rein LLP	Associate	Technology	IP	LIT			2008 VA	Washington, DC	435	2012
Hewitt	Paul	B.	Akin Gump Strauss Hauer & Feld LLP	Partner	Bankruptcy	LIT	ANTI	ENGY	1974	1979 DC	Washington, DC	795	2012
Hirsch	Emil		Bradley Arant Boult Cummings LLP	Partner	Financial Services	LIT	REAL	BNK	1976	1976 MD	Washington, DC	480.5	2012
Hirsch	Emil		Bradley Arant Boult Cummings LLP	Partner	Financial Services	LIT	REAL	BNK	1976	1976 MD	Washington, DC	450	2012
Hoffinger	Adam	S.	Morrison & Foerster LLP	Partner	Bankruptcy	LIT			1982	1982 NY	Washington, DC	855	2013
Hohengarten	William	M.	Jenner & Block LLP	Partner	Media	LIT			1994	1995 New York	Washington, DC	675	2012
Honig	Emily		Ropes & Gray LLP	Associate	Consulting	LIT	FIN		2010	2010 MA	Washington, DC	450	2013
Hopkins	Tammy		Brown Rudnick LLP	Associate	Bankruptcy	LIT	GOVCONT		1997	1997 MD	Washington, DC	550	2012
Hopkins	Tammy		Brown Rudnick LLP	Associate	Bankruptcy	LIT	GOVCONT		1997	1997 MD	Washington, DC	550	2013
Hopson	Eli	W.L.	Latham & Watkins LLP	Associate	Manufacturing	ENV	LIT		2010	2010 DC	Washington, DC	535	2012
Hulbig	Ngoc	Pham	Cadwalader, Wickersham & Taft LLP	Associate	Bankruptcy	LIT	ANTI	M&A	2001	2002 NY	Washington, DC	745	2012
Hulbig	Ngoc	Pham	Cadwalader, Wickersham & Taft LLP	Associate	Advertising	LIT	ANTI	M&A	2001	2002 NY	Washington, DC	745	2012
Ignat	Ana-Maria		Morrison & Foerster LLP	Associate	Bankruptcy	FIN	LIT		2004	2005 VA	Washington, DC	589.5	2013
Jacobs	Kurt	H.	Sidley Austin LLP	Counsel	Energy	LIT	ENGY	REG	1990	1990 PA	Washington, DC	675	2012
Jakovic	Ellen		Kirkland & Ellis LLP	Partner	Bankruptcy	LIT			1985	1985 MA	Washington, DC	875	2012
Jakovic	Ellen		Kirkland & Ellis LLP	Partner	Food and Beverage	LIT			1985	1985 MA	Washington, DC	835	2012
James	Tanisha	A.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2008	2008 MD	Washington, DC	522	2012
Jefcoat	Kyle	R.	Latham & Watkins LLP	Counsel	Telecommunications	LIT	GOVT	CONTR	1999	1999 NY	Washington, DC	845	2012
Jenkins	Marina	K.	Jenner & Block LLP	Associate	Media	LIT			2010	2010 NJ	Washington, DC	395	2012
Jones	Jonathan	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT		2011	2012 NY	Washington, DC	445	2012
Jones	Jonathan	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT		2011	2012 NY	Washington, DC	445	2013
Kamen	Katherine	S.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT			1990	1990 NY	Washington, DC	544.5	2012
Kane	Amanda	J.	Akin Gump Strauss Hauer & Feld LLP	Associate	Telecommunications	LIT			2009	2011 DC	Washington, DC	390	2012
Keisler	Peter	D.	Sidley Austin LLP	Partner	Media	LIT	ENGY	SEC	1985	1989 DC	Washington, DC	1000	2012
Kelleher	Leslie	M.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CRED		1988	1989 NY	Washington, DC	615	2012
King	Kevin		Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Financial Services	LIT			1997	1997 DC	Washington, DC	710	2012
Kinnaird	Steven	B.	Paul Hastings LLP	Partner	Aviation	LIT			1994	1995 NY	Washington, DC	905	2012
Kirby	Richard A.		K&L Gates LLP	Partner	Energy	CLASS	LIT	SEC	1974	1974 MD	Washington, DC	840	2013
Kirby	Richard A.		K&L Gates LLP	Partner	Energy	CLASS	LIT	SEC	1974	1974 MD	Washington, DC	800	2012
Korman	Marc	A.	Sidley Austin LLP	Associate	Media	LIT	REG	TRANS	2010	2010 MD	Washington, DC	395	2012
Korns	John	H.	Buchanan Ingersoll & Rooney PC	Of Counsel	Automotive	LIT	IP	ERISA	1970	1972 DC	Washington, DC	495	2012
Koski	Jeanna	M. Rickards	Caplin & Drysdale	Associate	Bankruptcy	CRED	LIT		2004	2009 WA	Washington, DC	420	2012
Kostolampros	George		Venable LLP	Partner	Bankruptcy	SEC	LIT	CLASS	1999	2001 NY	Washington, DC	590	2012
Kostolampros	George		Venable LLP	Partner	Manufacturing	SEC	LIT	CLASS	1999	2001 NY	Washington, DC	590	2012
Kramer	Beth	M.	Crowell & Moring LLP	Partner	Telecommunications	TORTS	LIT		1995	1995 MD	Washington, DC	690	2013
Kramer	Beth	M.	Crowell & Moring LLP	Partner	Telecommunications	TORTS	LIT		1995	1995 MD	Washington, DC	660	2012
Laemmle-Weidenfeld	Laura	F.	Patton Boggs LLP	Partner	Healthcare	GOVT	LIT	HEALTH	1996	1996 VA	Washington, DC	589.5	2012
Landis	Jeffrey G.		Kirkland & Ellis LLP	Partner	Paper	LIT			2003	2003 DC	Washington, DC	715	2012
Lear	Richard	E.	Holland & Knight LLP	Partner	Bankruptcy	BNK	LIT			1986 DC	Washington, DC	635	2013
Lear	Richard	E.	Holland & Knight LLP	Partner	Bankruptcy	BNK	LIT			1986 DC	Washington, DC	635	2012
Leblanc	Andrew		Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT			1998	1998 MI	Washington, DC	1160	2013
Leblanc	Andrew		Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT			1998	1998 MI	Washington, DC	1030	2012
Lee	Jason	H.	Groom Law Group, Chartered	Associate	Aviation	FID	LIT	ERISA		2006 NY	Washington, DC	490.5	2012
Levine	Alexander		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2005	2006 DC	Washington, DC	730	2012
Levine	Jay	L.	Bradley Arant Boult Cummings LLP	Partner	Financial Services	LIT	HEALTH	ANTI	1990	1990 NY	Washington, DC	570	2012
Liesemer	Jeffrey	A.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CRED		1993	1993 VA	Washington, DC	555	2012
Linton	Denise		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2009	2010 NY	Washington, DC	625	2012
Linton	Denise		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2009	2010 NY	Washington, DC	550	2012
Longman	Timothy	S.	Dewey & LeBoeuf LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2012
Longman	Timothy	S.	Paul Hastings LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2012
Longman	Timothy	S.	Paul Hastings LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2013
Lopez	Caroline	D.	Jenner & Block LLP	Associate	Media	LIT			2008	2008 VA	Washington, DC	490	2012
Lopez	Katherine	V.	King & Spalding	Associate	Healthcare	ANTI	LIT		2010	2010 VA	Washington, DC	395	2012
Lowe	Brett		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2012	PENDING	Washington, DC	480	2013
Lowe	Brett		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2012	PENDING	Washington, DC	295	2012

Lowe	Brett		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT				2012	PENDING	Washington, DC	295	2013
Lyle	Michael		Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	FIN	INV		1988	1989 DC	Washington, DC	975	2012
Lynch	John	C.	Troutman Sanders LLP	Partner	Financial Services	LIT	FIN	CLASS		1994	1995 VA	Washington, DC	400	2012
Lyons	Derek		Gibson, Dunn & Crutcher LLP	Counsel	Telecommunications	LIT				2008	2008 TX	Washington, DC	555	2012
Lyttle	Eric	C.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT				2002	2002 DC	Washington, DC	790	2012
Machlin	Marc	D.	Pepper Hamilton LLP	Partner	Bankruptcy	LIT		ENGY		1981	1981 DC	Washington, DC	540	2012
Maclay	Kevin	C.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CRED			1994	1994 MD	Washington, DC	555	2012
Macres	Philip	J.	Bingham McCutchen LLP	Of Counsel	Communications	TEL	LIT			1997	1998 FL	Washington, DC	600	2012
Mahaley	Peri	N.	Orrick, Herrington & Sutcliffe LLP	Partner	Bankruptcy	INS	LIT			1979	1979 DC	Washington, DC	650	2012
Mahler	Aaron	C.	BuckleySandler LLP	Associate	Bankruptcy	CLASS	LIT	GOVCONT		2006	2006 VA	Washington, DC	525	2012
Marrocco	Drew	W.	SNR Denton LLP	Partner	Pharmaceuticals	LIT	CORP	FIN		1991	1995 VA	Washington, DC	575	2012
Marrow	Jason	E.	Gibson, Dunn & Crutcher LLP	Associate	Pharmaceuticals	LIT	INVEST			2005	2006 DC	Washington, DC	665	2012
Marshall	C. Kevin		Jones Day	Partner	Manufacturing	LIT				1998	1998 IN	Washington, DC	700	2013
Marzen	Steven	J.	Shearman & Sterling LLP	Partner	Financial Services	LIT	TRADE	TECH		1984	1988 DC	Washington, DC	900	2012
Matthews	John	A.	Latham & Watkins LLP	Associate	Telecommunications	LIT	REG			2007	2008 CA	Washington, DC	675	2012
McCollum	Bill		SNR Denton LLP	Partner	Pharmaceuticals	LIT	HEALTH	GOVT		1968	1968 FL	Washington, DC	675	2012
McCrone	Mark		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT				2011	2011 DC	Washington, DC	645	2013
McCrone	Mark		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT				2011	2011 DC	Washington, DC	570	2012
McCullough	James		Fried, Frank, Harris, Shriver & Jacobson LLP	Partner	Aviation	CORP	LIT			1976	1976 VA	Washington, DC	930	2012
McEldowney	Sean	M.	Kirkland & Ellis LLP	Partner	Aviation	IP	LIT			2005	2007 CA	Washington, DC	670	2012
McGinley	Sarah	J.	Dow Lohnes PLLC	Associate	Media	AVI	LIT			2009	2009 CT	Washington, DC	310	2012
McMillan	Ann	C.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CORP	CRED		1984	1984 CA	Washington, DC	645	2012
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT			1997	1997 MD	Washington, DC	760	2013
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT			1997	1997 MD	Washington, DC	730	2012
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT			1997	1997 MD	Washington, DC	730	2013
Medsker	R.	Scott	Jones Day	Associate	Food and Beverage	LAB	LIT			2006	2006 VA	Washington, DC	525	2012
Medsker	R.	Scott	Jones Day	Associate	Food and Beverage	LAB	LIT			2006	2006 VA	Washington, DC	500	2012
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Financial Services	LIT	ANTI	TORTS		1972	1972 TX	Washington, DC	1000	2012
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	ANTI	TORTS		1972	1972 TX	Washington, DC	775	2012
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	ANTI	TORTS		1972	1972 TX	Washington, DC	775	2013
Millett	Patricia	A.	Akin Gump Strauss Hauer & Feld LLP	Partner	Bankruptcy	SC&APPL	LIT			1988	1988 MA	Washington, DC	805	2012
Mollen	Neal	D.	Paul Hastings LLP	Partner	Aviation	LAB	LIT	SC&APPL		1985	1985 VA	Washington, DC	820	2012
Mollen	Neal	D.	Paul Hastings LLP	Partner	Aviation	LAB	LIT	SC&APPL		1985	1985 VA	Washington, DC	820	2013
Moltenbrey	Mary Jean		Dewey & LeBoeuf LLP	Partner	Aviation	ANTI	LIT			1984	1985 DC	Washington, DC	855	2012
Moltenbrey	Mary Jean		Paul Hastings LLP	Partner	Aviation	ANTI	LIT			1984	1985 DC	Washington, DC	855	2012
Moltenbrey	Mary Jean		Paul Hastings LLP	Partner	Aviation	ANTI	LIT			1984	1985 DC	Washington, DC	855	2013
Moore	Jason	D.	Arent Fox LLP	Associate	Bankruptcy	LIT		GOVT	FALSE	2008	2008 VA	Washington, DC	395	2012
Morabito	Erika	L.	Foley & Lardner LLP	Partner	Hotel and Casino	LIT	BNK	CRED		1999	1999 VA	Washington, DC	680	2012
Morabito	Erika	L.	Foley & Lardner LLP	Partner	Bankruptcy	LIT	BNK	CRED		1999	1999 VA	Washington, DC	680	2012
Morris	Ryan	C.	Sidley Austin LLP	Associate	Media	LIT	INTL			2005	2007 VA	Washington, DC	610	2012
Morrissey	Brendan	J.	Wiley Rein LLP	Associate	Pharmaceuticals	LIT	TEL			2005	2005 OH	Washington, DC	515	2012
Morton	Matthew	D.	Weil, Gotshal & Manges LLP	Associate	Aviation	FIN	LIT			2001	2001 MD	Washington, DC	795	2013
Morton	Matthew	D.	Weil, Gotshal & Manges LLP	Associate	Aviation	FIN	LIT			2001	2001 MD	Washington, DC	760	2012
Musallam	Samer	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT			2004	2004 DC	Washington, DC	705	2012
Musallam	Samer	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT			2004	2004 DC	Washington, DC	705	2013
Neil	Rosanna	M.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT			2009	2010 DC	Washington, DC	480	2012
Neil	Rosanna	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT			2009	2010 DC	Washington, DC	480	2012
Nelson	Brittany	J.	Foley & Lardner LLP	Associate	Hotel and Casino	BNK	LIT	TRADE		2003	2003 UT	Washington, DC	470	2012
Nelson	Brittany	J.	Foley & Lardner LLP	Associate	Bankruptcy	BNK	LIT	TRADE		2003	2003 UT	Washington, DC	470	2012
Nelson	Brittany	J.	Foley & Lardner LLP	Associate	Hotel and Casino	BNK	LIT	TRADE		2003	2003 UT	Washington, DC	440	2012
Newborn	Steven		Weil, Gotshal & Manges LLP	Partner	Aviation	LIT				1974	1975 NY	Washington, DC	1075	2012
Nord	Erin	K.	Wiley Rein LLP	Associate	Technology	LIT	CRIM	CONTR		2009	2010 DC	Washington, DC	400	2012
Noreika	Keith	A.	Parker & Covert LLP	Partner	Bankruptcy	FIN	LIT	CORP		1997	1997 TX	Washington, DC	584	2012
Orr	Kathleen		Orrick, Herrington & Sutcliffe LLP	Associate	Bankruptcy	BNK	LIT			2001	2001 MD	Washington, DC	495	2012
Orr	Kathleen		Orrick, Herrington & Sutcliffe LLP	Senior Associate	Bankruptcy	BNK	LIT			2001	2001 MD	Washington, DC	495	2012
Palan	Stephen	W.	Crowell & Moring LLP	Partner	Telecommunications	IP	LIT			1997	1998 MD	Washington, DC	655	2012
Parish	Jason	R.	Kirkland & Ellis LLP	Partner	Aviation	LIT				2005	2007 DC	Washington, DC	755	2013
Parish	Jason	R.	Kirkland & Ellis LLP	Partner	Aviation	LIT				2005	2007 DC	Washington, DC	670	2012
Park	Sangyoon	Nathan	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN			2007	2008 NY	Washington, DC	675	2012
Patton, Jr.	George	T.	Bose McKinney & Evans LLP	Partner	Hotel and Casino	LIT				1987	1987 IN	Washington, DC	385	2012
Perry	Philip	J.	Latham & Watkins LLP	Partner	Telecommunications	LIT	ANTI	TAX		1990	1990 CA	Washington, DC	930	2012
Petrich	Samantha	R.	Patton Boggs LLP	Associate	Financial Services	LIT	SEC			2005	2006 VA	Washington, DC	525	2012
Petrich	Samantha	R.	Patton Boggs LLP	Associate	Financial Services	LIT	SEC			2005	2006 VA	Washington, DC	525	2013
Phillips	Todd	E.	Caplin & Drysdale	Associate	Bankruptcy	LIT	CRED			2005	1984 CA	Washington, DC	380	2012

Exhibit E

Pikofsky	Sara	R.	Jones Day	Partner	Food and Beverage	ERISA	LIT		BNK	1997	1998 NY	Washington, DC	675	2013
Pikofsky	Sara	R.	Jones Day	Partner	Food and Beverage	ERISA	LIT		BNK	1997	1998 NY	Washington, DC	625	2012
Pinegar	Noah	B.	Paul Hastings LLP	Associate	Aviation	MAR	LIT			2010	2010 TX	Washington, DC	410	2012
Pinkel	Michael	V.	Williams & Connolly LLP	Associate	Pharmaceuticals	GOVT	LIT			2007	2007 CA	Washington, DC	455	2012
Planzos	Sotiris	A.	Patton Boggs LLP	Partner	Financial Services	LIT	ADR		SEC		1983 NY	Washington, DC	685	2012
Podberesky	Michael		Kirkland & Ellis LLP	Associate	Aviation	LIT	CORP			2008	2008 MD	Washington, DC	625	2012
Polebaum	Elliot	E.	Fried, Frank, Harris, Shriver & Jacobson LLP	Partner	Aviation	INTL	LIT			1977	1978 NY	Washington, DC	1025	2012
Porter	Jonathan	D.	Simpson Thacher & Bartlett LLP	Associate	Financial Services	LIT	FIN			2010	2010 VA	Washington, DC	510	2012
Porterfield	Latoya	L.	Paul Hastings LLP	Associate	Aviation	LIT				2008	2008 DC	Washington, DC	580	2012
Potter	Patrick	J.	Pillsbury Winthrop Shaw Pittman LLP	Partner	Natural Resources	BNK	LIT		REAL	1989	1989 MI	Washington, DC	750	2012
Potter	Patrick	J.	Pillsbury Winthrop Shaw Pittman LLP	Partner	Natural Resources	BNK	LIT		REAL	1989	1989 MI	Washington, DC	675	2012
Powell	Benjamin		WilmerHale	Partner	Printing	REG	LIT		CORP	1997	1999 DC	Washington, DC	750	2012
Pozefsky	Steven	A.	Bradley Arant Boult Cummings LLP	Associate	Financial Services	GOVCONT	LIT		FIN	1998	1998 MD	Washington, DC	323	2012
Prame	Michael	J.	Groom Law Group, Chartered	Partner	Aviation	HEALTH	LIT		BNK		1994 MD	Washington, DC	612	2012
Price	Matthew	E.	Jenner & Block LLP	Associate	Media	LIT	CLASS			2006	2007 MA	Washington, DC	500	2012
Pull	Joseph	A.	Fredrikson & Byron, P.A.	Associate	Real Estate	LIT				2006	2006 MN	Washington, DC	180	2012
Quarcoo	S.	Chartey	Hogan Lovells LLP	Associate	Science Products & Services	LIT				2007	2008 NY	Washington, DC	525	2013
Quarcoo	S.	Chartey	Hogan Lovells LLP	Associate	Science Products & Services	LIT				2007	2008 NY	Washington, DC	472.5	2013
Raimondo	Katherine		Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	INTL			2007	2007 PA	Washington, DC	605	2012
Rao	P.	Nikhil	Jones Day	Associate	Aviation	LIT	CORP		INVEST	2004	2004 NY	Washington, DC	531.25	2013
Razzano	Frank	C.	Pepper Hamilton LLP	Partner	Bankruptcy	LIT	SEC		CRIM	1972	1973 NY	Washington, DC	675	2013
Razzano	Frank	C.	Pepper Hamilton LLP	Partner	Bankruptcy	LIT	SEC		CRIM	1972	1973 NY	Washington, DC	657	2013
Rein	Bert	W.	Wiley Rein LLP	Partner	Pharmaceuticals	ANTI	LIT		INTL	1964	1964 DC	Washington, DC	920	2012
Reinert, Jr.	Thomas	E.	Morgan, Lewis & Bockius LLP	Partner	Aviation	LAB	LIT		PROF	1980	1980 DC	Washington, DC	625.5	2012
Reinert, Jr.	Thomas	E.	Morgan, Lewis & Bockius LLP	Partner	Aviation	LAB	LIT		PROF	1980	1980 DC	Washington, DC	625.5	2013
Reingold	Barry	J.	Perkins Coie LLP	Partner	Bankruptcy	LIT	FIN		IP	1977	1977 DC	Washington, DC	580.5	2012
Reingold	Barry	J.	Perkins Coie LLP	Partner	Bankruptcy	LIT	FIN		IP	1977	1977 DC	Washington, DC	554.26	2012
Reiziss	Jay	H.	Brinks Hofer Gilson & Lione	Partner	Printing	IP	LIT		TRADE	1988	1988 MD	Washington, DC	520	2012
Remenick	James		Remenick PLLC	Partner	Technology	IP	LIT		TECH	1990	1991 MD	Washington, DC	740	2012
Remenick	James		Remenick PLLC	Partner	Technology	IP	LIT		TECH	1990	1991 MD	Washington, DC	725	2012
Renenger	Aaron		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT				2002	2002 CA	Washington, DC	750	2012
Renenger	Aaron		Milbank, Tweed, Hadley & McCloy LLP	Associate	Telecommunications	LIT				2002	2002 CA	Washington, DC	750	2012
Renenger	Aaron		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT				2002	2002 CA	Washington, DC	715	2012
Reynolds	Lesley	Carol	Norton Rose Fulbright LLP	Partner	Medical Equipment	HEALTH	LIT			2003	2003 DC	Washington, DC	525	2012
Reynolds	Lesley	Carol	Norton Rose Fulbright LLP	Senior Associate	Medical Equipment	HEALTH	LIT			2003	2003 DC	Washington, DC	525	2012
Rizek	Christopher	S.	Caplin & Drysdale	Partner	Bankruptcy	TAX	LIT			1982	1983 DC	Washington, DC	655	2012
Rockefeller	Mark	L.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	INTL			2006	2006 DC	Washington, DC	700	2013
Rockefeller	Mark	L.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	INTL			2006	2006 DC	Washington, DC	650	2012
Rockefeller	Mark	L.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	INTL			2006	2006 DC	Washington, DC	600	2012
Rodriguez	Grace	M.	King & Spalding	Partner	Healthcare	LIT	ANTI			1986	1987 NY	Washington, DC	720	2012
Rogers	Andrew	B.	Paul Hastings LLP	Associate	Aviation	LAB	LIT			2005	2005 VA	Washington, DC	620	2012
Ross	Thomas	E.	Sidley Austin LLP	Associate	Media	TRADE	LIT			2009	2009 FL	Washington, DC	445	2012
Ruffing	Katie		DLA Piper	Associate	Food and Beverage	LIT	SEC		ANTI	2009	2009 DC	Washington, DC	480	2012
Rule	Charles (Rick)	F.	Cadwalader, Wickersham & Taft LLP	Partner	Advertising	LIT	ANTI			1981	1983 DC	Washington, DC	1050	2012
Ryan	Alexander	P.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT	FID		BEN		2001 NC	Washington, DC	517.5	2012
Sackett	Andrew	J.	Caplin & Drysdale	Associate	Bankruptcy	LIT	CRED			2005	2005 CA	Washington, DC	380	2012
Salzberg	Mark		Patton Boggs LLP	Partner	Financial Services	BNK	LIT			1992	1992 FL	Washington, DC	690	2012
Salzberg	Mark		Patton Boggs LLP	Partner	Healthcare	BNK	LIT			1992	1992 FL	Washington, DC	690	2012
Salzberg	Mark		Patton Boggs LLP	Partner	Bankruptcy	BNK	LIT			1992	1992 FL	Washington, DC	690	2012
Salzberg	Mark		Patton Boggs LLP	Partner	Bankruptcy	BNK	LIT			2002	2002 MD	Washington, DC	750	2012
Scalia	Eugene		Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	LAB	LIT		REG	1990	1990 CA	Washington, DC	1020	2013
Scalia	Eugene		Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	LAB	LIT		REG	1990	1990 CA	Washington, DC	980	2012
Scallet	Edward	A.	Groom Law Group, Chartered	Partner	Aviation	ERISA	LIT		TAX	1975	1975 MO	Washington, DC	738	2012
Schaaf	Lyle	Vander	Brinks Hofer Gilson & Lione	Partner	Printing	IP	LIT		TRADE	1988	1988 MD	Washington, DC	575	2012
Schaaf	Lyle	Vander	Brinks Hofer Gilson & Lione	Associate	Printing	IP	LIT		TRADE	1988	1988 MD	Washington, DC	575	2012
Schopf	Simeon	M.	King & Spalding	Counsel	Healthcare	ANTI	LIT			1996	1996 MD	Washington, DC	565	2012
Schwartz	Jason	C.	Gibson, Dunn & Crutcher LLP	Partner	Financial Services	LIB	LIT			1998	1999 VA	Washington, DC	890	2012
Scindian	Kelly	M.	Akin Gump Strauss Hauer & Feld LLP	Associate	Bankruptcy	LAB	LIT		CLASS	2007	2008 MD	Washington, DC	500	2012
Shaw	Anthony	W.	Arent Fox LLP	Of Counsel	Bankruptcy	IP	LIT			1981	1982 DC	Washington, DC	670	2012
Shin	Joseph		Wiley Rein LLP	Associate	Technology	IP	LIT				2009 VA	Washington, DC	400	2012
Shoudt	Erin	M.	SNR Denton LLP	Counsel	Pharmaceuticals	LIT	CLASS			2003	2003 DC	Washington, DC	496	2012
Shoudt	Erin	M.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	CLASS			2003	2003 DC	Washington, DC	496	2012
Sigworth	Ronald	L.	Crowell & Moring LLP	Counsel	Telecommunications	IP	LIT			1997	1997 VA	Washington, DC	575	2012
Sipple	John	M.	Weil, Gotshal & Manges LLP	Counsel	Aviation	LIT	ANTI		COMP	1969	1980 DC	Washington, DC	860	2012

Exhibit E

Exhibit E

Supple	John	M	Weil, Gotshal & Manges LLP	Counsel	Financial Services	LIT	ANTI		COMP	1969	1980 DC	Washington, DC	840	2012
Smilowitz	Matthew		Stinson Morrison Hecker LLP	Associate	Food and Beverage	LIT				2006	2006 DC	Washington, DC	310	2012
Smith	Micah	R.	Arent Fox LLP	Associate	Food and Beverage	OPS	LIT			2006	2007 DC	Washington, DC	380	2012
Snodgrass	John	C.	Pepper Hamilton LLP	Associate	Bankruptcy	LIT	CRIM		SEC	1997	1998 NY	Washington, DC	333	2013
Soares	Karen		Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	GOVT		INV		2006 DC	Washington, DC	690	2012
Sosna	Daniel	M.	Bingham McCutchen LLP	Associate	Financial Services	TAX	LIT			2009	2010 DC	Washington, DC	510	2012
Spinosa	Selina		Norton Rose Fulbright LLP	Associate	Medical Equipment	HEALTH	LIT			2008	2010 DC	Washington, DC	340	2012
Springer	Rebecca	L.	Crowell & Moring LLP	Counsel	Telecommunications	LAB	LIT			1999	1999 VA	Washington, DC	454.5	2012
Stanford	Brian	M.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	GOVCONT			2008	2008 MD	Washington, DC	575	2012
Stepnowsky	Dana	M.	Paul Hastings LLP	Associate	Aviation	LIT	REG			2010	2010 VA	Washington, DC	410	2012
Stratton	Grayson	D.	DLA Piper	Associate	Food and Beverage	LIT	CORP		CRIM	2003	2003 DC	Washington, DC	590	2012
Stuckwisch	William	J.	Kirkland & Ellis LLP	Partner	Aviation	LIT	GOVCONT			1995	1996 VA	Washington, DC	745	2012
Stuebner	Brian	D.	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT				2008	2009 DC	Washington, DC	710	2013
Stuebner	Brian	D.	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT				2008	2009 DC	Washington, DC	685	2012
Stults	Kevin	R.	Bingham McCutchen LLP	Associate	Financial Services	TAX	LIT			2005	2005 DC	Washington, DC	715	2012
Sulkowski	Sarah	A.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT				2005	2006 DC	Washington, DC	720	2012
Sulkowski	Sarah	A.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT				2005	2006 DC	Washington, DC	675	2012
Supko	Mark		Crowell & Moring LLP	Partner	Telecommunications	IP	LIT			1993	1993 NY	Washington, DC	780	2012
Swett	Trevor	W.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CRED		TAX	1981	1982 DC	Washington, DC	735	2012
Thiagarajah	Janakan		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CORP			2009	2009 IL	Washington, DC	630	2013
Thiagarajah	Janakan		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CORP			2009	2009 IL	Washington, DC	575	2012
Thornton	D.	McCarty	SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT			1972	1972 DC	Washington, DC	670	2012
Timofeyev	Igor	V.	Paul Hastings LLP	Of Counsel	Paper	LIT	INTL			2001	2007 NY	Washington, DC	795	2012
Timofeyev	Igor	V.	Paul Hastings LLP	Of Counsel	Aviation	LIT	INTL			2001	2007 NY	Washington, DC	765	2012
Tollefson	Brian	A.	Rothwell, Figg, Ernst & Manbeck, P.C.	Partner	Sports/Entertainment	TRADEM	LIT		TECH	1998	1998 MD	Washington, DC	530	2012
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Telecommunications	LIT	FIN			2010	2011 NY	Washington, DC	645	2013
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN			2010	2011 NY	Washington, DC	570	2012
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Food and Beverage	LIT	FIN			2010	2011 NY	Washington, DC	570	2012
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN			2010	2011 NY	Washington, DC	570	2013
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN			2010	2011 NY	Washington, DC	460	2012
Treat	Forrest		Shearman & Sterling LLP	Associate	Bankruptcy	LIT	ANTI				2009 DC	Washington, DC	580	2012
Tucker	Aaron	T.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	HEALTH			2006	2006 MD	Washington, DC	635	2012
Tysse	James	E.	Akin Gump Strauss Hauer & Feld LLP	Associate	Bankruptcy	SC&APPL	LIT			2006	2008 DC	Washington, DC	500	2012
Unter	Jennifer		WilmerHale	Associate	Printing	LIT				2011	2011 MA	Washington, DC	395	2012
Vander Schaaf	Lyle		Brinks Hofer Gilson & Lione	Partner	Printing	LIT	IP			1988	1988 MD	Washington, DC	575	2012
Voorhees	John		Patton Boggs LLP	Partner	Healthcare	LIT	ENV		ENGY	1976	1976 DC	Washington, DC	640	2012
Waite	Natalie		Shearman & Sterling LLP	Associate	Financial Services	LIT				2007	2008 NY	Washington, DC	465	2012
Walden	Elisabeth	S.	Akin Gump Strauss Hauer & Feld LLP	Associate	Bankruptcy	LIT	ENGY		REG	2007	2009 MD	Washington, DC	460	2012
Walker	Melanie	E	Sidley Austin LLP	Partner	Media	LIT	SEC			2000	2000 IL	Washington, DC	650	2012
Warin	F.	Joseph	Gibson, Dunn & Crutcher LLP	Partner	Pharmaceuticals	LIT	ANTI		INV	1975	1975 DC	Washington, DC	995	2012
Weckstein	Kenneth	B.	Brown Rudnick LLP	Partner	Bankruptcy	LIT	REAL			1976	1976 VA	Washington, DC	830	2012
Weckstein	Kenneth	B.	Brown Rudnick LLP	Partner	Bankruptcy	LIT	REAL		GOVCONT	1976	1976 VA	Washington, DC	830	2013
Wehner	James	P.	Caplin & Drysdale	Partner	Bankruptcy	LIT	BNK		CRED	1995	1995 VA	Washington, DC	555	2012
Weiner	Rachel	L.	WilmerHale	Senior Associate	Printing	LIT				2008	2008 NJ	Washington, DC	575	2012
Weinreich	Gadi		SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT			1987	1987 MA	Washington, DC	640	2012
Wenger	Edward	M.	Jones Day	Associate	Food and Beverage	LIT	SEC		CLASS	2009	2010 FL	Washington, DC	450	2013
Wilder	Will	E.	Groom Law Group, Chartered	Associate	Aviation	HEALTH	LIT		ERISA		2006 DC	Washington, DC	454.5	2012
Wilkens	Scott	B.	Jenner & Block LLP	Partner	Media	LIT	MEDIA			2002	2003 CA	Washington, DC	585	2012
Wilkins	Nicholas	L.	Bingham McCutchen LLP	Associate	Financial Services	LIT	TAX		FIN	2007	2007 MA	Washington, DC	510	2012
Williams	David	F	Cadwalader, Wickersham & Taft LLP	Partner	Bankruptcy	LIT	BNK		FIN	1979	1979 VA	Washington, DC	925	2012
Williams	Karen	D.	Akin Gump Strauss Hauer & Feld LLP	Associate	Telecommunications	LIT				2009	2010 VA	Washington, DC	390	2012
Williams	Karen	D.	Akin Gump Strauss Hauer & Feld LLP	Associate	Bankruptcy	LIT				2009	2010 VA	Washington, DC	390	2012
Williams	Michael	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI		FIN	2001	2002 NJ	Washington, DC	830	2013
Williams	Michael	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI		FIN	2001	2002 NJ	Washington, DC	745	2012
Wilson	J.	Douglas	Jenner & Block LLP	Associate	Media	LIT	INTL			2006	2008 NY	Washington, DC	490	2012
Wiltzie	Susan	F.	Hunton & Williams LLP	Counsel	Bankruptcy	LAB	LIT		UNFAIR	1989	1989 VA	Washington, DC	520	2013
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Energy	LIT				2006	2007 DC	Washington, DC	705	2012
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT				2006	2007 DC	Washington, DC	705	2012
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Aviation	LIT				2006	2007 DC	Washington, DC	705	2012
Wise	Michael	S.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT			2007	2007 VA	Washington, DC	620	2012
Wollenberg	Jennifer	M.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	CRIM		SEC	2004	2005 NY	Washington, DC	690	2012
Wright	Gregory	S.	K&L Gates LLP	Partner	Energy	INS	LIT			1994	1994 MD	Washington, DC	750	2013
Wright	Gregory	S.	K&L Gates LLP	Partner	Energy	INS	LIT			1994	1994 MD	Washington, DC	650	2012
Wright	Miles J.		Weil, Gotshal & Manges LLP	Associate	Energy	LIT				2004	2005 DC	Washington, DC	750	2012

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Wright	Miles J.		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2004	2005	DC	Washington, DC	750	2012
Yannucci, P.C.	Thomas	D.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI	CORP	1976	1977	OH	Washington, DC	1045	2012
Yates	Erin K.		Weil, Gotshal & Manges LLP	Associate	Energy	LIT			2008	2009	NY	Washington, DC	625	2012
Yates	Erin K.		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2008	2009	NY	Washington, DC	625	2012
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Paper	BNK	LIT		2011	2011	NY	Washington, DC	540	2012
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Bankruptcy	BNK	LIT		2011	2011	NY	Washington, DC	540	2012
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Research	BNK	LIT		2011	2011	NY	Washington, DC	540	2012
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Paper	BNK	LIT		2011	2011	NY	Washington, DC	460	2012
Zack	Catharine	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	SEC	CORP	2010	2010	NJ	Washington, DC	495	2012
Zack	Catharine	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	SEC	CORP	2010	2010	NJ	Washington, DC	445	2012
Zepeda	Paloma	A.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	ANTI		2010	2011	NY	Washington, DC	495	2012
Zuckerman	Julia	E.	Groom Law Group, Chartered	Associate	Aviation	BEN	LIT			2005	CA	Washington, DC	490.5	2012
Zumwalt	Sarah	A.	Groom Law Group, Chartered	Associate	Aviation	LIT				2003	VA	Washington, DC	513	2012
Zuver	Robert	E.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2007	2008	CA	Washington, DC	575	2012
Zuver	Robert	E.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2008	CA	Washington, DC	575	2012
Zuver	Robert	E.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2008	CA	Washington, DC	575	2013



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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**LAURA J. MAKRAY,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **THOMAS E. PEREZ,** )  
 **Secretary Of Labor,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**Plaintiffs' Exhibit  
54  
Civ. No. 05-1437 (RCL)**

**Civ. Action No. 12-0520 (BAH)**

**DECLARATION OF STEVEN K. DAVIDSON**

**BACKGROUND AND EXPERIENCE**

1. I am a partner in the law firm of Steptoe & Johnson LLP (“Steptoe”), with my office at 1330 Connecticut Avenue, N.W., Washington, D.C. 20036. I have practiced law at Steptoe since 1985 and have been a partner of the firm since 1993. Throughout my career, I have represented top Fortune 500 corporations, including ExxonMobil, Google, Motorola, and US Airways, in litigation throughout the United States and abroad, as well as in domestic and international arbitrations. I focus on trial and arbitration work, and have substantial experience with complex disputes. Additionally, I maintain an active pro bono practice and have litigated several discrimination cases, including working closely with the Washington Lawyer’s Committee for Civil Rights and Urban Affairs on a number of matters. In my thirty years of practice, I have appeared in federal courts, state courts and before various arbitral bodies, in matters covering a wide variety of subjects.

2. I received a Bachelor of Arts degree in 1982 (summa cum laude and Phi Beta Kappa) and a Master of Arts in 1983, both from Boston University. I received my J.D. degree



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from Northwestern Law School in 1985. I am a member of the Bars of the District of Columbia (since 1987) and Virginia (since 1985) and numerous federal district courts and circuit courts of appeal.

3. From 2001-2012, I served as the head of Steptoe's commercial litigation group. During my years at Steptoe, I have had a wide variety of firm management responsibilities. Currently, I serve on the firm's Management Committee. Previously, I have served as a member of our Executive Committee—an elected group that essentially manages the firm's affairs and sets policy; the Professional Advancement Committee—an elected group that makes recommendations to the firm's partnership on the professional advancement of the firm's attorneys, including on advancement to partner; and the Strategic Planning Committee. My sustained involvement in the management of a large law firm has given me a great deal of experience with the issues facing a provider of legal services—issues both internal to the firm itself and inherent in the lawyer-client relationship, especially with respect to the setting of hourly billing rates for firm professionals.

4. I have particularly been involved in supervising, as the lead attorney, a number of what are commonly referred to as “complex cases.” In my practice, this means that in addition to being analytically complex, the cases are also large in size in terms of the amount of documents and other information that has to be handled in the course of the litigation.

5. In most of the large matters I have handled over the years, I have been not only the lead partner in providing services to the client, I have also been the partner responsible for billing. I have reviewed many hundreds of invoices and submitted them to clients, and I have dealt with any client questions that arose about those billings. In addition, I have consulted with a number of my partners over the years about billing questions involving clients for whom they were responsible. I have also been responsible for negotiating rates with clients on matters based here in D.C. and throughout the

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world. As a result, I have become quite familiar with the applicable rates lawyers charge for a variety of civil cases, including those charged by D.C. attorneys for work performed in the D.C. courts.

6. Additionally, I have been retained as fee counsel or consulted on a number of cases involving attorneys' fees disputes. Most often, I have represented prevailing plaintiffs and their counsel seeking attorneys' fees and expenses under civil rights laws or other fee-shifting statutes. I have also represented parties opposing an award of fees, and I have served as an expert witness on attorneys' fee issues. Through these representations, I have developed a familiarity with fee shifting statutes and fee petitions.

7. I have also represented numerous clients in attorney malpractice, legal ethics, and professional liability matters. These disputes generally require detailed analysis of billing records, time sheets, and expense reports. As a result, I have extensive knowledge of the billing practices and procedures at a number of law firms in the Washington metropolitan area.

8. As a result of the activities described in paragraphs 3 through 7 above, I have reviewed hourly rates and billing practices of a variety of law firms in many different types of cases. In particular, I have significant knowledge of the hourly rates typically charged by firms involved in all types of litigation, including the rates of firms which practice before state and federal courts in Maryland, Virginia, and the District of Columbia. It is also part of my practice to keep current on reported attorneys' fees decisions, so that I can be aware of legal developments in the field and the type, nature, and amount of fees and expenses courts approve as reasonable, including the hourly rates that firms charge and courts approve.

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9. I have been asked to make this Declaration in support of Plaintiff's Petition for Partial Award at *Salazar*/LSI Rate ("fee petition"). I understand that it will be filed with the Court in connection with that Petition.

10. I am being compensated for my services as an expert witness in this matter. I am providing this Declaration for a flat fee of \$1000. An associate, with an hourly rate of \$515, supports me in locating and reviewing materials for my use in forming my expert opinion.

11. Over the course of the last two years, I have represented Seldon, Bofinger & Associates (the "firm") and Mr. Seldon on two matters. I am familiar with the firm, its work and expertise.

12. I have reviewed the firm's fee petition in this matter. The firm is entitled to reasonable attorneys' fees that are "in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation." *Covington v. District of Columbia*, 57 F.3d 1101, 1109 (D.C. Cir. 1995) (quoting *Blum v. Stenson*, 465 U.S. 886, 895 n.11 (1984)). My years of experience in the setting of rates puts me in a position to be aware of rates generally in the market. It is my understanding that the Government only contests a portion of the fees that Seldon, Bofinger & Associates seeks for Mr. Seldon's time on this matter. The government has agreed to the use of the *Laffey* matrix for an award to Seldon, Bofinger & Associates, taking into account a small downward adjustment made by the firm for the time of one of the attorneys on the case, Charlene Bofinger, because she was second chair to Mr. Seldon. I also understand that the government agreed that the number of hours spent by each attorney was reasonable, after the firm exercised billing judgment to make

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certain modest adjustments. I understand that the firm is seeking the LSI-adjusted *Laffey* matrix rate for Mr. Seldon's time from denial of summary judgment through trial. As such, I have only assessed the reasonableness of those rates. In my judgment, the rate sought by Seldon, Bofinger & Associates for Mr. Seldon's time is well within the reasonable range of rates for a firm undertaking matters of the complexity of those involved here.

13. The rate sought by Seldon, Bofinger & Associates for Mr. Seldon's time is within the bounds of what is customary in the marketplace in the Washington, D.C. metropolitan area. While information on rates charged by other Washington, D.C. law firms for complex Title VII litigation, such as this, is not readily available to the public, I have consulted sources of information on both rates generally and specific rates charged or sought by firms on specific matters. I have consulted both types of information in reaching my conclusion that the rate sought by Seldon, Bofinger & Associates is reasonable and consistent with the customary market rates for the District of Columbia.

14. I am also knowledgeable about the fact that firms, including my own, represent defendants in employment cases. The hourly rates that are charged for defense work in the employment field are the same as those rates charged by comparably experienced attorneys in other types of litigation in federal court.

15. Employment cases can pose particularly daunting challenges for a plaintiff's lawyer. Perhaps the most prominent one is that employment cases are largely proven with circumstantial evidence, in other words without favorable testimony from decision-makers and officials with inside knowledge. Employment cases are not unique in this respect; anti-trust cases also often have to be proven without direct evidence. Regardless of the stakes, the size

of a case, the amount of time spent in trial, or the complexity of particular legal issues, every type of specialized litigation presents its own set of challenges and demands. Whatever those challenges are, the common requirement for the consistent, successful prosecution and defense of cases in federal court are highly experienced, accomplished attorneys. In my expert opinion, there is no reason to charge more or less for an accomplished litigator just because the field in which they specialize is employment law.

16. First, to assess the reasonableness of the rate sought by Seldon Bofinger & Associates for Mr. Seldon's time—\$789 per hour—I consulted the widely used *Laffey* matrix, as updated using the nation-wide legal services component of the Consumer Price Index produced by the Bureau of Labor Statistics of the Department of Labor. The *Laffey* matrix consists of a chart delineating “reasonable market rates for the DC market” established by the U.S. District Court for the District of Columbia in *Laffey v. Northwest Airlines, Inc.*, 746 F.2d 4 (D.C. Cir. 1984) after an extensive survey of rates in Washington, D.C. The matrix, established in 1982 and updated annually, has been accepted as evidence of reasonable market rates for complex litigation in the District of Columbia by D.C. courts, avoiding repetitive wasteful litigation over market rates. *See, e.g., Blackman v. District of Columbia*, 59 F. Supp. 2d 37, 43 (D.D.C. 1999). In *Salazar v. District of Columbia*, 123 F. Supp. 2d 8, 14 (D.D.C. 2000), the United States District Court for the District of Columbia performed a thorough examination of the matrix and the methodology employed for adjusting the 1982 rates to account for inflation. The *Salazar* Court found that use of the nationwide legal services component of the Consumer Price Index is the best indicator of the effect of inflation on rates for legal services in the District of Columbia (the “LSI-adjusted *Laffey* matrix”). That methodology has been repeatedly employed by this court. *See Salazar v. District of Columbia*,

991 F. Supp.2d 39, 47 (D.D.C. 2014) (applying the LSI-adjusted *Laffey* matrix rather than the USAO matrix in a 42 U.S.C. § 1983 case); *Citizens for Responsibility and Ethics in Washington v. Dep't of Justice*, No. 11-0754, Mem. Op. (August 4, 2014) (applying the LSI-adjusted *Laffey* matrix in a FOIA case); *Eley v. District of Columbia*, 999 F. Supp. 2d 137 (D.D.C. 2013) (applying the LSI-adjusted *Laffey* matrix in an extensively-litigated IDEA case). I recognize that the LSI-adjusted *Laffey* matrix has not been universally accepted by this court, but in my expert opinion, it is the more accurate schedule of hourly rates.

17. Using the LSI-adjusted *Laffey* matrix, the highest experience tier is for attorneys with twenty years of experience or more. Those attorneys—such as Mr. Seldon, with thirty-nine years of experience—have a LSI-adjusted *Laffey* matrix rate of \$789 per hour. This is the rate that the firm seeks for Mr. Seldon's time from the denial of summary judgment through trial. The LSI-adjusted *Laffey* matrix indicates that the fees sought are reasonable.

18. A second source of information on rates is the court filings of other counsel with similar experience. In *McKesson Corp. v. Islamic Republic of Iran*, the lead attorney, Mark Bravin, a 1978 law school graduate, was awarded rates of \$780 per hour, whereas the LSI-adjusted *Laffey* matrix rate at that time would have been \$771. *See McKesson Corp. v. Islamic Republic of Iran*, 935 F. Supp. 2d 34, 43 (D.D.C. 2013) (granting fee award), vacated in part on other grounds, 753 F.3d 239 (D.C. Cir. 2014); Exhibit A (attached), Exhibit to Declaration of Mark N. Bravin (listing rates). I examined this filing, which sets out the rate of a lead trial attorney with a level of experience similar to Mr. Seldon, in the course of arriving at my opinion that the rate sought by the firm in this case is reasonable.

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19. A third source of information on market rate generally is local and national publications that survey firms on rates. In analyzing the rates sought here, I consulted the National Law Journal's annual survey of billing rates for 2014. Exhibit B attached hereto lists the responses from Washington, D.C. law firms. Each of the twelve firms that participated in the survey provided a range of partner billing rates. The average low end billing rate for a Partner was \$571.67. The average high end billing rate for a partner was \$1,032.92. The average partner billing rate across the firms surveyed is \$742.67. The rate sought for Mr. Seldon's time—\$789 per hour— for a discrete part of *Makray* is within the range of the firms surveyed. In fact, it is well below the average high partner rate and within \$50 per hour of the average partner billing rate. Based on my experience, it is reasonable that Mr. Seldon's rate would be higher than the average partner rate, as he has upwards of thirty years more experience than many junior partners at those firms. These rates are equally indicative of reasonable rates for specialized small firms, such as Seldon, Bofinger & Associates. *See Citizens for Responsibility and Ethics in Washington v. Dep't of Justice*, No. 11-00374, Mem. Op. (February 11, 2015) (looking "to law firm billing rates as a benchmark for the reasonableness of the rates proposed" for a public interest attorney and a solo practitioner).

20. Over the course of the last two years, I have had the occasion to become familiar with the nature of Mr. Seldon's practice and his skill as a civil litigator. I am particularly familiar with another cutting-edge case with vigorously disputed medical issues handled by Seldon, Bofinger & Associates against the Department of Labor that arose under the Americans With Disabilities Act, 42 U.S.C. § 12112. After reviewing that case in detail and select records in this case, I have concluded that a rate of \$789 per hour for Mr. Seldon's time from the denial of summary judgment through trial is reasonable. Mr. Seldon is a skilled civil

litigator with close to forty years of experience. He is well respected by his colleagues and adversaries. Mr. Seldon has had extensive success litigating employment claims and often against the Federal government and has developed expertise in a particularly specialized area of law. He is a full-time practitioner in this unique area of law. As a result, he is in a better position to appreciate the nuances and complexity of these cases, to have access to high caliber lay and expert witnesses, and to maintain the respect of his adversaries.

21. This case presented a number of difficulties which Mr. Seldon—through his talent and experience—was able to negotiate, including a challenging discovery schedule, complicated summary judgment proceedings, demanding pre-trial procedures, in limine practice regarding claims of reverse race discrimination, a mediation and ultimately an eight day jury trial in Federal Court with fifteen witnesses.

22. It is my opinion that the rate of \$789 per hour sought by Seldon, Bofinger & Associates for Mr. Seldon's time from denial of summary judgment through trial is reasonable and consistent with the prevailing market rates in the DC metropolitan area. I see no reason why they should not be honored by this court.

23. All opinions expressed by me in this Declaration have been stated within a reasonable degree of professional certainty.



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Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
and correct.

Washington, D.C.  
April 20, 2015

  
Steven K. Davidson

# Exhibit A

**TAB 1**

**Tab 1**

**WINSTON & STRAWN LLP TIMEKEEPER RATES/HOURS/FEEES  
 July 1, 2012 through April 15, 2013**

		2012	2013	Total Hours and Fees
<b><u>Partners:</u></b>				
<b>Bravin, Mark N.</b>	Level (years)	34	35	
	Rate	\$780.00	\$810.00	
	Hours	204.80	73.80	278.60
	Fees	\$159,744.00	\$59,778.00	\$219,522.00
<b>Schaerr, Gene C.</b>	Level (years)	27	28	
	Rate	\$970.00	\$995.00	
	Hours	6.20	1.10	7.30
	Fees	\$6,014.00	\$1,094.50	\$7,108.50
<b><u>Of Counsel:</u></b>				
<b>Wallace, Don</b>	Level (years)	55	56	
	Rate	\$735.00	\$770.00	
	Hours	0.30	2.80	3.10
	Fees	\$220.50	\$2,156.00	\$2,376.50
<b><u>Associates:</u></b>				
<b>Goldstein, Eric M.</b>	Level (years)	4	5	
	Rate	\$460.00	\$525.00	
	Hours	301.60	84.80	386.40
	Fees	\$138,736.00	\$44,520.00	\$183,256.00
<b>Waring, Christine M.</b>	Level (years)	<1	1	
	Rate	\$370.00	\$390.00	
	Hours	34.70	8.50	43.20
	Fees	\$12,839.00	\$3,315.00	\$16,154.00
<b><u>Professional Support Staff:</u></b>				
<b>Esquibel, Barbara</b>	Rate	\$260.00	\$275.00	
	Hours	4.90	2.00	6.90
	Fees	\$1,274.00	\$550.00	\$1,824.00
<b>Archambo, Avery</b>	Rate	\$160.00	\$170.00	
	Hours	25.90	0.00	25.90
	Fees	\$4,144.00	\$0.00	\$4,144.00
<b>TOTAL HOURS</b>				<b>751.40</b>
<b>TOTAL FEES</b>				<b>\$434,385.00</b>

# Exhibit B

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**Excerpt of**  
**2014 National Law Journal Billing Survey**  
**for Washington, D.C. Firms**

Year	Firm Name	Location	Average FTE Attorneys	Partner Billing Rate High	Partner Billing Rate Low	Partner Billing Rate Avg	Associate Billing Rate High	Associate Billing Rate Low	Associate Billing Rate Avg
2014	<b>Akin Gump Strauss Hauer &amp; Feld</b>	Washington, DC	809	\$1220.00	\$615.00	\$785.00	\$660.00	\$365.00	\$525.00
2014	<b>Arent Fox</b>	Washington, DC	330	\$860.00	\$500.00	\$650.00	\$595.00	\$275.00	\$395.00
2014	<b>Arnold &amp; Porter</b>	Washington, DC	720	\$950.00	\$670.00	\$815.00	\$610.00	\$345.00	\$500.00
2014	<b>Covington &amp; Burling</b>	Washington, DC	760	\$890.00	\$605.00	\$780.00	\$565.00	\$320.00	\$415.00
2014	<b>Dickstein Shapiro</b>	Washington, DC	254	\$1250.00	\$590.00	\$750.00	\$585.00	\$310.00	\$475.00
2014	<b>Hogan Lovells</b>	Washington, DC	2,313	\$1000.00	\$705.00	\$835.00			
2014	<b>Holland &amp; Knight</b>	Washington, DC	956	\$1085.00	\$355.00	\$625.00	\$595.00	\$210.00	\$340.00
2014	<b>Pillsbury Winthrop Shaw Pittman</b>	Washington, DC	591	\$1070.00	\$615.00	\$865.00	\$860.00	\$375.00	\$520.00
2014	<b>Sterne, Kessler, Goldstein &amp; Fox</b>	Washington, DC	122	\$795.00	\$450.00	\$577.00	\$470.00	\$265.00	\$346.00
2014	<b>Venable</b>	Washington, DC	533	\$1075.00	\$470.00	\$660.00	\$575.00	\$295.00	\$430.00
2014	<b>Wiley Rein</b>	Washington, DC	277	\$950.00	\$550.00	\$665.00	\$535.00	\$320.00	\$445.00
2014	<b>Wilmer Cutler Pickering Hale and Dorr</b>	Washington, DC	988	\$1250.00	\$735.00	\$905.00	\$695.00	\$75.00	\$290.00
	<b>Average</b>		<b>721</b>	<b>\$ 1,032.92</b>	<b>\$ 571.67</b>	<b>\$ 742.67</b>	<b>\$ 613.18</b>	<b>\$ 286.82</b>	<b>\$ 425.55</b>

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**55**  
Civ. No. 05-1437 (RCL)

LAURA J. MAKRAY, )  
)  
Plaintiff, )  
)  
v. )  
)  
THOMAS E. PEREZ, )  
Secretary Of Labor, )  
)  
Defendant. )  
\_\_\_\_\_ )

Civ. Action No. 12-0520 (BAH)

**SUPPLEMENTAL DECLARATION OF STEVEN K. DAVIDSON**

1. My name is Steven K. Davidson and I am submitting this Declaration to supplement a Declaration I submitted in this matter on April 20, 2015 (“Original Declaration”) (ECF No. 85-2). Since April 20, 2015, I have reviewed the United States Court of Appeals for the District of Columbia’s opinion in *Eley v. District of Columbia*, No. 13-7196 (D.C. Cir. July 10, 2015), and the Declarations of Dr. Laura A. Malowane dated May 11, 2015 (ECF No. 88-1) and July 28, 2015 (ECF No. 104-1) and the accompanying appendices.

2. In my Original Declaration, I concluded that the rate of \$789 per hour sought by Seldon, Bofinger & Associates for Mr. Seldon’s time from denial of summary judgment through trial is reasonable and consistent with the prevailing market rates for complex litigation in the DC metropolitan area. I reached this conclusion based on two distinct analyses: (1) a comparison to the market and (2) accounting for inflation in the market for legal services by updating the historic *Laffey* matrix. As for the first method, to evaluate the rate, I relied on my detailed knowledge of the DC metropolitan market for complex federal court litigation based on my thirty years of experience, survey data, and a fee petition from a

practitioner with similar experience to Mr. Seldon to reach my conclusion. As for the second method, I consulted the LSI-adjusted *Laffey* matrix to assess the reasonableness of the rate.

3. The opinions I expressed in my Original Declaration have not changed based on the additional information I have reviewed. Indeed, the additional information I reviewed further supports my opinion that the rate sought by Seldon, Bofinger & Associates for Mr. Seldon's time is well within the reasonable range of rates for a practitioner of Mr. Seldon's skill, experience, and reputation in the Washington, D.C. metropolitan area – the relevant community – undertaking matters of the complexity of those involved here.

4. I am being compensated as an expert witness in this matter. I provided my Original Declaration for a flat fee of \$1000. I am providing this Declaration for a flat fee of \$500. An associate, with an hourly rate of \$515, supports me in locating and reviewing materials for my use in forming my expert opinion. My firm has been paid for the full amount of fees and costs we have charged in this matter. I have no interest in the outcome of this particular litigation, nor do I rely on fee-shifting statutes for compensation in my regular practice at Steptoe & Johnson LLP. This Declaration contains my opinions based on the facts of the representation in this case and their consistency with billing practices of other attorneys in the District of Columbia who handle complex federal litigation.

5. To compare the rate sought by Seldon, Bofinger & Associates to the market, it is necessary to define the relevant market. Here, the relevant market is complex federal litigation in the DC metropolitan area. *See Blum v. Stenson*, 465 U.S. 886, 893 (1984). Mr. Seldon is a highly experienced, successful lawyer with a stellar reputation, including as a trial lawyer. As I stated in my Original Declaration, there is no reason to charge more or less for an accomplished trial lawyer just because the field in which they specialize is employment law.



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6. In my Original Declaration, I analyzed the National Law Journal's annual survey of billing rates for 2014 for Washington, D.C. law firms. *See* ECF No. 85-2, ¶8. This is an appropriate survey to consult in this case. The relevant inquiry for assessing the reasonableness of fees is the expertise of the attorney, not the size of the law firm. Many attorneys with reasonably comparable skill, experience and reputation to Mr. Seldon – highly experienced litigators, handling complex federal litigation – work at large law firms in the DC metropolitan area. There is only one market for highly accomplished trial lawyers – regardless of whether they work at a small firm or at a large firm. As such, the rates charged by highly accomplished trial lawyers at large law firms are equally indicative of the rates that are reasonable for Mr. Seldon's time.

7. Based on my extensive experience described in my Original Declaration, the rate Mr. Seldon seeks is within the range of rates charged by experienced partners litigating complex federal cases at large firms.

8. Attorneys at large firms will frequently discount their rates under certain circumstances, such that they do not collect their full rate. Typically, attorneys agree to those discounts because of the volume of work that they expect to receive from the client and an expectation (if not also a history) of prompt payment. If an attorney does not anticipate prompt payment, it would be very unlikely for a firm to agree to a discounted rate. In a situation like this case, where payment occurs years after service was provided, it would be extremely rare for an attorney's rate to be discounted.

9. Seldon, Bofinger & Associates seeks a rate of \$789 for Mr. Seldon's time from the denial of summary judgment through trial. Mr. Seldon's extensive experience litigating complex cases is most valuable to his clients when preparing for and conducting the trial. A

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rate of \$789 per hour – even if it were not limited to this portion of the case – is within the range of rates customarily charged by trial lawyers of similar experience, skill and reputation. Additionally, the average rate sought by Mr. Seldon is considerably lower than \$789 per hour, because Seldon, Bofinger & Associates accepted a rate of \$520 per hour for the remainder of Mr. Seldon’s time.

10. I have reviewed the analysis provided by Dr. Malowane in two declarations. Dr. Malowane has improperly defined the relevant market. The relevant market is the District of Columbia metropolitan area. Dr. Malowane’s opinion, however, relies on data from the South Atlantic region, which has overall lower hourly rates, reflecting the skill and complexity of litigation in that broader area.

11. Dr. Malowane relied on The 42<sup>nd</sup> Annual Survey of Law Firm Economics (“Survey of Law Firm Economics”) to conduct her analysis. She relied on data for the South Atlantic region, which includes Delaware, District of Columbia, Georgia, Florida, Maryland, North Carolina, South Carolina, Virginia and West Virginia. The data from many of these jurisdictions have little to no bearing on the rates customarily charged for complex federal litigation in the District of Columbia. The South Atlantic region is not a valid starting point for Dr. Malowane’s statistical analysis.

12. Additionally, the Survey of Law Firm Economics presents limited data. For example, Dr. Malowane points to the rates presented for employment litigators with 31 years or more experience. However, Dr. Malowane fails to report that for the entire country only 30 attorneys in that category were surveyed. There is no suggestion that those 30 attorneys conduct complex federal trials. Survey of Law Firm Economics, p.166. Dr. Malowane then takes that limited national data and applies the “South Atlantic Inflator” she created to attempt

to estimate the rates for employment litigators in the South Atlantic region. Malowane Decl., July 28, 2015, ECF No. 104-1 ¶¶ 14-15.

13. As described above, the South Atlantic region is not relevant to assessing the reasonableness of the rate sought by Seldon, Bofinger & Associates for complex federal trial work in the District of Columbia. Many types of complex federal litigation are conducted principally within the District of Columbia, as such, proper comparators are solely from within the District of Columbia metropolitan area, or perhaps New York City.

14. Defendant claims that the *Laffey* rate of \$520 per hour is actually “quite generous.” ECF No. 104, p.5. However, Dr. Malowane’s declaration does not support this conclusion as to Mr. Seldon. Even Dr. Malowane acknowledges that “[t]he top 10% of all highly experienced employment litigation attorneys in the nation’s most populated urban areas have estimated billing rates of \$704.” Pg. 8-9. While I disagree with Dr. Malowane’s methodology – this time starting with the same 30 employment litigators nationwide and using an “Urban Inflator,” – she acknowledged that under her estimates many employment litigators earn more than the *Laffey* rate of \$520/hour.

15. If Mr. Seldon did complex federal trial work for private corporations, his expertise, demonstrated track record and reputation would command rates in the top 10% of the complex litigation field. A rate of \$789 per hour is well within the range of rates charged by the top complex civil litigators in the DC metropolitan area.

16. Contrary to Dr. Malowane's assertions, the fact that other attorneys have accepted *Laffey* rates has no bearing on the reasonableness of the rates sought by Seldon, Bofinger & Associates. The *Laffey* rate is a rate that – at least in theory – the government will not dispute. Based on my experience with fee shifting cases, I am aware that many attorneys accept *Laffey* rates for a variety of reasons, knowing that it is lower than market value. One such reason is to avoid litigation. Accepting the *Laffey* rates allows the attorney to be compensated more quickly and to avoid additional litigation to seek “fees on fees.”

17. As my Original Declaration laid out, the LSI-adjusted *Laffey* matrix separately indicates that the rate sought by Seldon, Bofinger & Associates is reasonable. ¶¶ 16-17. That matrix uses the nationwide legal services component of the Consumer Price Index to update the historic *Laffey* matrix. The government advocates for the use of the USAO *Laffey* matrix, which has been updated for change in the cost of living using the Consumer Price Index for All Urban Consumers for Washington-Baltimore. The survey that Dr. Malowane utilizes – the Survey of Law Firm Economics – demonstrates that legal rates have outpaced the growth of the CPI. For example, from 1985 through 2014, the CPI increased 125%. Pg. 131-32. Over that same time period, the average billing rates for partners with 25 to 29 years of experience increased 212%. *Id.* Thus, the LSI-adjusted *Laffey* rate is a better indicator of reasonable rates in today's legal market. The USAO *Laffey* model is of limited value in determining whether a rate is reasonable for a practitioner of similar skill, experience and reputation.

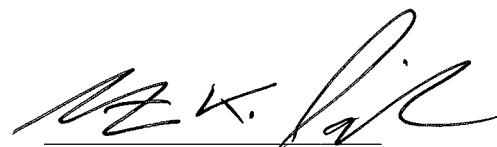
18. All of the conclusions and opinions stated above are based on my 30 years of experience in private practice as a litigator based in the District of Columbia. During my years of practice, I have litigated with counsel for other parties and as co-counsel with experienced trial lawyers in the DC metropolitan area, and have been made aware of their rates on many

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occasions. These collective experiences have given me a good understanding of the practices  
of litigators that handle complex federal litigation.

19. All opinions expressed by me in this Declaration have been stated within a  
reasonable degree of professional certainty.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing  
is true and correct.

Washington, D.C.  
September 8, 2015



Steven K. Davidson

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

LAURA J. MAKRAY,

Plaintiff,

v.

THOMAS E. PEREZ,

Secretary Of Labor,

Defendant.

**Plaintiffs' Exhibit**  
**56**  
Civ. No. 05-1437 (RCL)

Civ. Action No. 12-0520 (BAH)

**DECLARATION OF JOHN P. RELMAN**

I, John P. Relman, hereby declare and state the following:

1. I am a civil rights lawyer with 29 years of civil rights practice experience.
2. I am a resident of the District of Columbia and am admitted to practice law in the District of Columbia and the Commonwealth of Massachusetts, as well as numerous federal courts including, but not limited to, this Court, the D.C. Circuit, and the U.S. Supreme Court.
3. I am the founder and Managing Partner of Relman, Dane & Colfax PLLC (formerly Relman & Associates PLLC and Relman & Dane PLLC) (hereinafter "the Firm"), a private law firm in Washington, D.C., that specializes in civil rights litigation.
4. The Firm exclusively litigates civil rights matters and specializes in fair housing, fair lending, employment discrimination, disability, public accommodations, and police accountability. The Firm's practice includes individual and class action lawsuits on behalf of plaintiffs who have suffered discrimination and harassment on the basis of race, national origin, color, religion, sex, disability, age, familial status, source of income, and sexual orientation. The Firm presently has twenty-two attorneys, one legal fellow, and ten paralegals. The Firm has a

national civil rights practice and is highly regarded within the civil rights community for its expertise in civil rights litigation.

5. I make this declaration in support of Plaintiffs' Petition for a Partial Award at the *Salazar*/LSI Rate. Specifically, this Declaration provides support for an award of Plaintiff's lead counsel, Robert C. Seldon, Esq., for the time he spent from the denial of summary judgment through trial at the LSI-adjusted version of the Laffey matrix rate of \$789.00 per hour rather than the rate that the U.S. Attorney's Office has accepted in the USAO Laffey matrix of \$520.00 per hour. In my opinion and experience, this is a reasonable market rate for Mr. Seldon, not only for a discrete portion of this case, but for its entirety.

#### **The Background of John P. Relman**

6. I graduated *cum laude* from Harvard College in 1979. In 1983, I graduated from the University of Michigan Law School. At Michigan I served as an Articles Editor for the *University of Michigan Journal of Law Reform* and received three academic honors: The Raymond K. Dykema Scholarship Award (1981-1982); the Louis Honigman Memorial Award (1983); and the Writing and Advocacy Book Award (1980-1981).

7. Following graduation from law school, I served as a law clerk for the Honorable Sam J. Ervin, III of the U.S. Court of Appeals for the Fourth Circuit and for the Honorable Joyce Hens Green of the U.S. District Court for the District of Columbia.

8. In October, 1986, I joined the National Office of the Lawyers' Committee for Civil Rights Under Law as a staff attorney. While at the National Office of the Lawyers' Committee, I litigated, in conjunction with local counsel and colleagues at the Lawyers' Committee, a variety of fair housing, employment discrimination, and death penalty cases in jurisdictions across the country. Among those cases were the following employment discrimination cases: *Bell v. City of*

*Jackson* (S.D. Miss.) (lead counsel) (enforcement of consent decree governing hiring and promotions in the City of Jackson Fire Department); *Anderson v. Douglas & Lomason* (N.D. Miss.) (co-counsel) (Title VII class action; race discrimination); *Byrd v. Travenol Laboratories* (N.D. Miss.) (co-counsel) (Title VII class action; race and sex discrimination).

9. In 1989, I left the National Office of the Lawyers' Committee to join the Washington Lawyers' Committee for Civil Rights and Urban Affairs. Upon joining the Washington Lawyers' Committee, I became Director of the Fair Housing Project, a position that I held until I left the Committee in October, 1999 to found Relman & Associates. During the ten years that I served as Director of the Fair Housing Project, the Washington Lawyers' Committee maintained a national reputation as one of the country's leading centers for the litigation of fair housing, fair lending, and public accommodations cases. As Director of the Fair Housing Project, I litigated numerous fair housing and public accommodations cases in federal district courts around the country. While at the Washington Lawyers' Committee, I authored numerous publications in the area of civil rights law and litigation, including: Housing Discrimination Practice Manual (West) (Revised 2014).

10. In October, 1999, I left the Washington Lawyers' Committee to found a civil rights law firm, which is now Relman, Dane & Colfax PLLC. The Firm is described above, and some of our cases in this Court are identified below.

11. In addition to my position at the Firm, I teach and lecture in the area of civil rights law and litigation. I have recently been a member of the Adjunct Faculty of Georgetown University Law Center and the University of Michigan Law School. Over the past fifteen years I have lectured widely on civil rights issues at legal conferences in the Washington, D.C. area and around the country, and have conducted numerous seminars and trainings for lawyers in civil



rights law, litigation, and advocacy. In 2007, I was listed as one of the best lawyers in America. I have repeatedly been listed as one of the best civil rights lawyers in Washington, D.C. by the Washingtonian Magazine.

**Plaintiff's Petition for a Partial Award at the Salazar/LSI Rate**

12. Mr. Seldon, Plaintiff's lead counsel, asked that I provide a Declaration regarding the hourly rate Mr. Seldon requests in Plaintiffs' Petition for a Partial Award at the *Salazar/LSI Rate* in this action.

13. The Firm litigates civil rights cases in the United States District Court for the District of Columbia, including employment discrimination, fair housing and lending, disability, public accommodations, and police misconduct cases. These cases include, among others: *Moore, et al. v. Johnson* (federal sector employment discrimination), 760 F.3d 66 (D.C. Cir. 2014), 926 F. Supp. 2d 8 (D.D.C. 2013), 255 F.R.D. 10 (D.D.C. 2008), 437 F. Supp. 2d 156 (D.D.C. 2006); *Caudle, et al. v. District of Columbia* (employment retaliation), 08-00205 at Docket Entry 426 (jury verdict for all plaintiffs); *Young, et al. v. District of Columbia Housing Authority* (disability discrimination), 31 F. Supp. 3d 90 (D.D.C. 2014); *Brown v. Short* (police misconduct), 729 F. Supp. 2d 125 (D.D.C. 2010); *Newman v. Borders* (public accommodations), 530 F. Supp. 2d 346 (D.D.C. 2008), *National Community Reinvestment Coalition v. Accredited Home Lenders Holding Company, et al.* (lending discrimination), 573 F. Supp. 2d 70 (D.D.C. 2008); *National Fair Housing Alliance, et al. v. Prudential Insurance Company* (lending discrimination), 208 F. Supp. 2d 46 (D.D.C. 2002); *Hargraves v. Capital City Mortgage*(lending discrimination), 140 F. Supp. 2d 7 (D.D.C. 2000); *Wai v. Allstate Insurance Company* (housing and lending discrimination), 75 F. Supp. 2d 1 (D.D.C. 1999).

14. As Managing Partner at the Firm, I have knowledge of the Firm's billing rates. The

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Firm maintains customary billing rates for each attorney at the Firm. These rates reflect the qualifications and experience of the attorney performing the work, as well as the legal market (the District of Columbia) where the Firm is based.

15. The Firm's current billing rates for attorneys cover a range of rates based on experience and expertise. The Firm sets rates by attorney, and does not have different rates for different types of civil rights litigation (e.g. housing versus employment discrimination) or different stages of a case. My customary rate is the highest among lawyers at the Firm.

16. For the last three years, my customary rate has always been above the LSI-adjusted Laffey rate sought for Mr. Seldon's work. Paying clients of the Firm have paid more than the LSI-adjusted Laffey rate and the USAO Laffey rate for my services.

17. In addition to my own rate being above the LSI-adjusted Laffey rate sought by Mr. Seldon of \$789, I am aware that the rate of \$789 is below the rate charged by skilled civil litigators with twenty or more years of experience in the Washington, D.C. market. My knowledge of rates for highly experienced civil litigators in the Washington, D.C. market comes from working with co-counsel at D.C. law firms and from submitting fee petitions in the Firm's cases. For example, three highly experienced Washington, D.C. attorneys who practice in federal court submitted declarations in support of the Firm's fee petition in *Caudle v. District of Columbia* (08-cv-00205-BJR at Docket Entry 335, Exhibits B-D). These highly experienced attorneys explained that the Firm's customary rates are comparable to or below the prevailing market rates in the District of Columbia market, including for attorneys who litigate civil rights cases on behalf of paying clients.

18. In my opinion, the rates in the version of the Laffey matrix accepted by the U.S. Attorney's Office, which currently range from \$255 to \$520, are well below the market for

skilled litigators in federal court in the District of Columbia.

19. Mr. Seldon has asked me to address the reasonableness of an hourly rate of \$789 per hour, which is the LSI-adjusted Laffey rate for an attorney with his experience in complex civil litigation. Mr. Seldon has asked the Court that this rate be used for his time after the denial of summary judgment until the conclusion of trial.

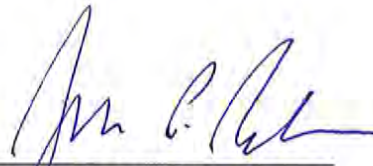
20. I am aware of Mr. Seldon's relevant experience in employment and civil rights litigation as described in the Declaration that Mr. Seldon is providing to the Court to support the request that the Court award of a portion of his time at the LSI-adjusted Laffey rate.

21. In my opinion, based on my knowledge of billing and practices of my firm and in the market for highly experienced practitioners in federal civil rights litigation, \$789 is a reasonable rate to charge for all of Mr. Seldon's work.

I hereby declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge.

Executed on:

4/20/15



\_\_\_\_\_  
John P. Relman

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**57**  
Civ. No. 05-1437 (RCL)

**EXCERPT**

\_\_\_\_\_  
BRIGGITTA HARDIN,  
Plaintiff,  
  
v.  
  
MICK DADLANI, et al.,  
Defendants.  
\_\_\_\_\_

Civil Action No. 1:11-cv-02052 (RBW)

**DECLARATION OF MEGAN CACACE**

I, Megan Cacace, hereby declare as follows:

1. I am a partner at the law firm of Relman, Dane & Colfax, PLLC, which represented Plaintiff Briggitta Hardin. I have knowledge of the facts stated herein.
2. Relman, Dane & Colfax is a twenty-five-attorney public interest law firm founded in 1999 specializing in employment discrimination, fair housing, fair lending, public accommodations, and police accountability litigation.
3. Relman, Dane & Colfax has been involved in this case since its inception in 2011. I have had primary responsibility for the day-to-day litigation and management of the case for the duration of the litigation.
4. I have litigated multiple civil rights cases in federal court, conducting both bench trials and jury trials in employment discrimination and fair housing cases. My practice focuses on employment discrimination and fair housing litigation.
5. Prior to joining Relman, Dane & Colfax in 2008, I worked in the Employment Discrimination Project of the National Lawyers' Committee for Civil Rights as a recipient of Harvard Law School's Irving R. Kaufman Fellowship. While at the National Lawyers' Committee, I served as trial counsel in a Title VII employment case in federal court. I graduated

*magna cum laude* from Harvard Law School in 2006 and clerked for the Honorable Morris E. Lasker of the U.S. District Court for the District of Massachusetts before joining the National Lawyers' Committee.

6. I am a member of the District of Columbia, New York, and Massachusetts bars, and am admitted to practice in the U.S. District Court for the District of Columbia, the U.S District Court for the District of Massachusetts, the U.S. Court of Appeals for the D.C. Circuit, and the U.S. Supreme Court.

7. Jia Cobb, an attorney at Relman, Dane & Colfax, also played a significant role in the litigation of this case from discovery through trial. Since Ms. Cobb joined Relman, Dane & Colfax in 2012, she has been involved in every phase of the case from discovery through dispositive motions and trial.

8. Prior to joining Relman, Dane & Colfax, Ms. Cobb worked for approximately six years as a trial attorney at the Public Defender Service for the District of Columbia (PDS). At PDS, Ms. Cobb tried dozens of cases to verdict and worked as a supervising attorney for incoming trial lawyers. Ms. Cobb graduated *cum laude* from Harvard Law School in 2005. After graduation, she clerked for Chief Judge Diane Wood of the Seventh Circuit Court of Appeals.

9. Plaintiff's counsel leanly staffed this case, with myself and Ms. Cobb being the primary attorneys responsible for the entirety of the litigation. In order to conduct the litigation efficiently and effectively, Ms. Cobb and I divided tasks, with each of us drafting different portions of briefs, arguing different motions, and having responsibility for preparing examinations of different witnesses at trial.

10. In addition to myself and Ms. Cobb, Plaintiff seeks to recover fees for the work performed by the four paralegals primarily assigned to the case.

11. The primary Relman, Dane & Colfax paralegals on the case—Hannah Kieschnick, Joni Hirsch, Casey Graetz, and Nicole Mauri—played a host of critical roles throughout the litigation. Ms. Kieschnick was involved in the case from its inception in 2011 until 2013 (when her term as a paralegal at Relman, Dane & Colfax concluded), and provided critical support in the discovery phase, including reviewing and analyzing Defendants’ document productions, and assisting in factual development. Ms. Kieschnick was replaced by Ms. Hirsch, who was the primary paralegal assigned to the case from 2014 through 2015 during the punitive damages discovery period and the reopened discovery period. In 2015, Ms. Hirsch left Relman, Dane & Colfax’s employment and Ms. Graetz and Ms. Mauri took over as the primary paralegals on the case as the litigation intensity increased as trial approached. Throughout the case, Plaintiff’s counsel relied substantially on paralegals’ knowledge of the factual record and documents produced in the case and tasked them with assisting in the identification of relevant documents for use at depositions, during summary judgment, and as exhibits at trial. The paralegals’ detailed cataloguing and familiarity with the documents produced in discovery enabled Plaintiff’s counsel to entrust such important assignments to paralegals rather than attorneys who bill at a higher rate. Ms. Graetz and Ms. Mauri also provided vital assistance prior to and during trial, including the significant task of preparing and organizing trial exhibits, meticulously documenting the Court’s pretrial rulings on deposition designations and other matters (in circumstances where no official transcript would be available prior to trial), communicating with and managing witnesses during trial, and documenting key evidence and testimony presented at trial for counsel’s use in preparing closing argument.

12. Consistent with Relman, Dane & Colfax’s practice, all attorneys and paralegals maintained contemporaneous records of the amount of time and descriptions of the tasks and

activities that they performed in this case. Those records and descriptions were entered into the electronic database that the firm maintains for this purpose.

13. The record of the time spent, tasks, and activities entered into the firm's database for the timekeepers for whom Plaintiff seeks recovery are reflected in Exhibit A to this Declaration.

14. The value of the time expended is calculated in Exhibit A using the firm's hourly rates that it customarily charges to its paying clients. Those rates are \$400/hour for Ms. Cobb, \$375/hour for Ms. Cacace, and \$175/hour for paralegals. These rates are set forth in the rate sheet that is attached hereto as Exhibit B.

15. I became a partner at Relman, Dane & Colfax on January 1, 2016. My billing rate increased above \$375/hour in 2016 in conjunction with my becoming partner. However, Plaintiff does not seek to recover my 2016 rate for the work (including trial) I performed in 2016. Instead, in an exercise of billing discretion, Plaintiff seeks to recover only pre-partner associate rates in effect prior to 2016, rather than my higher partner rate in effect in 2016.

16. I have carefully reviewed each time entry and description for each attorney and staff member for whom fees are sought and have exercised billing judgment to forego recovery of certain work so as to ensure that the fees requested are reasonable. I did not alter the content of the time entries themselves to remove time that has been excluded from Plaintiff's fee petition in the exercise of billing discretion. In other words, Exhibit A reflects the original descriptions and content of counsel's billing records, as opposed to a description of solely those tasks for which Plaintiff seeks compensation.

17. The specific reductions to Plaintiff's lodestar that I made in the exercise of billing judgment fall into the following categories: (1) all time expended by all timekeepers except myself, Ms. Cobb, and the few paralegals with primary responsibility for the case; (2) attorney or

paralegal time associated with attending depositions or hearings at which that attorney or paralegal's presence was not required; (3) time expended on any motion on which Plaintiff did not substantially prevail; (4) time spent completing tasks qualifying as clerical in nature; (5) travel time; (6) time associated with responding to press inquiries; (7) time spent transitioning counsel onto the case; and (8) hours associated with responding to Defendants' November 1, 2015 Trial Brief. Each is described in more detail below.

18. First, I excluded from Plaintiff's petition, all work performed by all attorneys who worked on the case, with the exception of myself and Ms. Cobb. By eliminating all of the work performed by other attorneys (including senior partners), I cut from Plaintiff's fee petition 1,369.54 hours of attorney work on this case, worth over \$525,691. In doing so, I chose not to seek compensation for five attorneys who devoted over 100 hours to the case. Foregoing recovery of those five attorneys' time alone eliminated \$425,571 from Plaintiff's fee petition.

19. In eliminating from Plaintiff's fee petition all attorney work except that performed by myself and Ms. Cobb, I also excluded the significant contributions of attorneys from the Washington Lawyers' Committee for Civil rights and Urban Affairs ("Lawyers' Committee"). The Washington Lawyers' Committee is a non-profit civil rights organization dedicated to combatting discrimination and poverty in the Washington, D.C. community. They have been co-counsel with Relman, Dane & Colfax since this case first began in 2011. Attorneys from the Lawyers' Committee made important contributions to this case, including conducting a thorough factual investigation, identifying and interviewing witnesses, contributing to pleadings and briefs, participating in mediation, and providing other strategic input. Nevertheless, in the exercise of billing discretion, I excluded 65 hours of work the skilled Lawyers' Committee attorneys contributed to this case, reducing Plaintiff's fee petition by \$28,585.



20. My exercise of billing discretion to exclude timekeepers also involved foregoing recovery for all paralegal work performed on the case except for that performed by the four paralegals with primary responsibility for the case (Hannah Kieschnick, Joni Hirsch, Casey Graetz, and Nicole Mauri). (These paralegals did not all work on the case at once. Plaintiff seeks recovery for no more than two paralegals at a time; there are four paralegals total for whom Plaintiff seeks compensation because different paralegals were assigned to the case at different times, as paralegals came and left employment at Relman, Dane & Colfax). By excluding all other paralegal work on this case, I reduced Plaintiff's fee petition by 221 hours worth \$38,727.

21. Overall, my exclusion of timekeepers in the exercise of billing judgment reduced Plaintiff's fee petition by 1,572.56 hours of work, valued at \$557,652, which amounts to reduction in Plaintiff's lodestar of more than 20 percent.

22. In further exercise of billing discretion, I excluded all attorney and paralegal time spent attending any deposition or hearing at which their presence was not required. Any attorney or paralegal time spent at a deposition was cut, except for the one attorney taking or defending the deposition. Similarly, I excluded all attorney and paralegal time spent attending any discovery hearings or status conferences, except for the attorney who argued the motion or participated in the conference. The only proceedings for which Plaintiff seeks compensation for paralegal time is for the paralegal work performed during pretrial conferences and trial, where they played a vital role in documenting court rulings, managing witnesses, and preparing notes for counsel's use at oral argument and in closing. Similarly, the only proceedings for which Plaintiff seeks recovery for both my time and Ms. Cobb's time are pretrial conferences (which both counsel were required to attend and in which both counsel participated) and trial. By removing the time

spent by attorneys and paralegals at depositions, conferences, and hearings, I reduced Plaintiff's fee request by 129.7 hours or \$45,335.

23. I also exercised billing judgment to remove all time associated with work on motions on which Plaintiff did not at least partially prevail. Accordingly, I cut all attorney and paralegal time associated with: (1) opposing Defendants' request for production of Plaintiff's medical records; (2) seeking a ruling regarding witness Jon Calvert's ability to give testimony pursuant to subpoena regardless of any non-disparagement clause (*see* Doc.44); (3) Plaintiff's Requests for Admission (*see* Docs. 49 and 50); and (4) Plaintiff's Motion to Exclude Undisclosed Witnesses (Doc. 81). *Id.* at ¶. This exercise of billing judgment reduced Plaintiff's petition by another 127.7 hours or \$47,199.50 of work.

24. I also removed another 82.9 hours and \$15,722.50 from Plaintiff's fee petition by cutting all attorney and paralegal time devoted to any task that could be described as "clerical" in nature, such as photocopying, scheduling, filing briefs, bates stamping documents, updating calendars, handling invoices, or communicating with court reporters regarding depositions or transcripts.

25. I also exercised billing judgment to exclude from Plaintiff's fee request all attorney and paralegal time spent traveling to and from depositions, hearings, or meetings. In doing so, I removed 44.8 hours valued at \$14,067.50 from Plaintiff's fee petition.

26. In further exercise of billing discretion, I removed all time spent responding to press inquiries, reducing Plaintiff's fee petition by 4.4 hours and \$1,590.

27. In an effort to ensure the reasonableness of Plaintiff's fee request, I excluded time that Ms. Cobb spent reviewing pleadings, witness statements, and case documents to get up to speed on the case when she first joined the firm. That exclusion reduced Plaintiff's fee petition by \$1,240.

28. The Court previously ordered Defendants to compensate Plaintiff for the time Plaintiff's counsel spent preparing a response to Defendants' November 1, 2015 Trial Brief. While the amount Defendants paid in November 2015 was less than the total amount Plaintiff's counsel reasonably expended responding to the November 1, 2015 Trial Brief, Plaintiff nevertheless agreed to forego recovering the difference so as to avoid having to raise the issue with the Court at the time. Therefore, in keeping with Plaintiff's agreement, I excluded from Plaintiff's fee petition all time devoted to responding to Defendants' November 1 Trial Brief, including the \$1,637.50 of work performed by myself, Ms. Cobb, and paralegals.

29. Before the exercise of billing judgment, Plaintiff's total lodestar of attorney's fees incurred was \$2,782,249.50. Through the above-described deductions, I reduced Plaintiff's fee request by nearly 25 percent, foregoing recovery of over 1,972 hours of work valued at \$684,444. As a result, rather than seeking her full lodestar fee, Plaintiff seeks only \$2,097,805 in attorney's fees.

30. I have reviewed all of the descriptions of time for which Plaintiffs seek compensation, as set forth in Exhibit A, and based on my experience both in this case and in litigating civil rights cases (in particular employment discrimination cases) generally, I believe that the time for which Relman, Dane & Colfax seeks compensation was necessary and essential to litigate this case and obtain the favorable results that were achieved for Plaintiff.

31. Plaintiff sought \$26,025.50 in costs through her verified Bill of Costs (Doc. 181) filed on February 18, 2016. The costs sought through Plaintiff's Bill of Costs are those automatically taxable under Local Rule 54.1.

32. Separate and apart from the costs automatically taxable under Local Rule 54.1, Plaintiff seeks through her Motion for Attorney's Fees and Costs \$25,510.96 in costs reimbursable pursuant to 28 U.S.C. § 1920 and 42 U.S.C. § 1988.

33. The categories of costs for which Plaintiff seeks reimbursement in her Motion for Attorney's Fees and Costs under §§ 1920 and 1988 are: (a) \$17,975.75 in online research fees; (b) \$875.17 for travel and lodging expenses necessarily incurred by counsel in connection with the deposition of an out-of-state witness; (c) \$4,552.72 in appearance and mileage or travel fees paid to witnesses in connection with their depositions; and (d) \$2,107.35 in copying and printing costs (distinct from the \$300 in copying fees sought in Plaintiff's Bill of Costs).

34. Plaintiff seeks to recover \$17,975.75 in online research costs necessarily incurred during the case. These costs include fees for legal research on Westlaw, which was necessary to address legal questions and issues raised during the litigation, prepare filings and arguments, and attempt to resolve disputes with opposing counsel. These online research costs also include fees for public records searches on LexisNexis, which were performed to locate potential witnesses. Attached as Exhibit C to this declaration are Plaintiff's counsel's invoice records documenting these online research charges.

35. Plaintiff seeks to recover costs counsel was required to incur traveling to Florida to depose Sean Goss, a witness identified by Defendants as having relevant knowledge in the case. The \$875.17 Plaintiff seeks to recover represents airfare, lodging, and costs associated with travel within Florida for the one attorney (Jia Cobb) who traveled to Florida to depose Sean Goss. Records of these expenses are attached to this Declaration as Exhibit D.

36. Plaintiff also seeks reimbursement for \$4,552.72 in fees paid in connection with witness appearances at depositions. This figure includes \$895.02 in appearance and mileage fees for 14

witnesses traveling from within the jurisdiction and \$3,657.70 in appearance fees, airfare, and overnight hotel costs for two witnesses, Corrie Tabb and Sonia Bel Hadj, who resided in Atlanta, Georgia, and Abu Dhabi, United Arab Emirates, respectively, at the time of their depositions. Records of these expenditures are contained in Exhibit E, attached hereto.

37. Plaintiff seeks reimbursement for \$2,107.35 in printing and copying costs charged at \$0.10/page and necessarily incurred in this matter. These printing and copying records are attached Exhibit F to this Declaration.

38. I have carefully reviewed the costs for which Plaintiff seeks reimbursement and have determined that they were necessarily incurred.

39. Plaintiff does not seek reimbursement for all costs incurred in this case. Plaintiff has voluntarily excluded \$3,173.28 in reasonably incurred costs from her Motion for Attorney's Fees and Costs. In doing so, Plaintiff reduced her cost request by approximately 11 percent. These excluded costs include the following: (a) long distance phone charges associated with communicating with witnesses outside the jurisdiction; (b) postage fees for mailings to deponents, parties, and witnesses; (c) courier services for delivery of materials to deponents, witnesses, and the Court; (d) private investigator costs incurred to locate key witnesses; (e) fees associated with accessing records in the electronic Pacer database of court filings; and (f) costs charged by health care providers to provide copies of Plaintiff's medical records to Plaintiff (which were then produced to Defendants).

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

EXECUTED ON: 3/18/16 BY: Megan Cacace  
Date Megan Cacace

# **EXHIBIT**

## **B**

2015 RATES

Effective 06/01/2015

John P. Relman	\$825/hr
Stephen M. Dane	\$700/hr
Reed N. Colfax	\$650/hr
Michael Allen	\$650/hr
Jennifer I. Klar	\$600/hr
Glenn Schlactus	\$600/hr
Jocelyn Bramble	\$650/hr
Sandra Wilmore	\$575/hr
Ken Edwards	\$575/hr
Scott Chang	\$550/hr
Sasha Samberg-Champion	\$550/hr
Stephen Smith	\$525/hr
Eric Sublett	\$425/hr
Matthew Tiberio	\$400/hr
Jia Cobb	\$400/hr
Megan Cacace	\$375/hr
Jamie Crook	\$375/hr
Tasha Brown	\$350/hr
Ryan Downer	\$350/hr
Tara Ramchandani	\$350/hr
Laura Arandes	\$325/hr
Yaya Wu	\$325/hr
Jean Zachariasiewicz	\$325/hr
Civil Rights Fellow	\$300/hr
Legal Interns/Summer Associates	\$195/hr
Paralegals	\$175/hr

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

JUANITA CAMPBELL, et al., )  
)  
Plaintiffs, )  
)  
v. )  
)  
UNITED STATES OF AMERICA, )  
)  
Defendant. )

No. 1:13-cv-00324 VJW  
Hon. Victor J. Wolski

**Plaintiffs' Exhibit**  
**58**  
Civ. No. 05-1437 (RCL)

**EXCERPT**

**LANDOWNERS' MEMORANDUM IN SUPPORT  
OF MOTION FOR ATTORNEY FEES  
AND LITIGATION EXPENSES**

Respectfully submitted:  
August 31, 2016

MARK F. (THOR) HEARNE, II  
LINDSAY S.C. BRINTON  
MEGHAN S. LARGENT  
STEPHEN S. DAVIS  
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debra.riley@arentfox.com

*Counsel for Landowners*



Department for this litigation strategy, stating, “[i]n contrast [to the “open, transparent, and helpful” Army Corps of Engineers], the Department of Justice pursued a litigation strategy of contesting each and every issue”); *see also* Mark F. (Thor) Hearne, *et al.*, *The Trails Act: Railroad Property Owners and Taxpayers for More than a Quarter Century*, 45 ABA REAL PROPERTY, TRUST & ESTATE LAW JOURNAL (Spring 2010), pp. 170-75.

**B. After prevailing, the owners now ask this Court to award an unadjusted lodestar fee that is supported by a wealth of evidence.**

Section 4654(c) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) says this Court “*shall*” award owners a “reasonable attorney fee” and reimburse their litigation expenses. In an inverse condemnation action, the U.S. Solicitor General emphasized to the Supreme Court that the URA differed from other fee-shifting statutes because it mandates an attorney fee award upon settlement with the government:

[W]hile most fee-shifting provisions make awards discretionary, Section 4654(c) is phrased in mandatory terms, requiring ... the Attorney General (when she settles a case without a court judgment) “*shall* determine and award” a sum to “reimburse [the takings] plaintiff” for his reasonable litigation expenses.

*Haggart v. Woodley*, No. 15-1072,  
United States Brief in Opposition, p. 10.<sup>3</sup>

After prevailing on the merits and achieving a settlement in which the government admitted liability and agreed to pay compensation, the owners now submit their attorney fees and expenses. We ask this Court to reimburse these owners’ unadjusted lodestar fee and actual out-of-pocket expenses. The lodestar fee was calculated using the usual hourly rates Arent Fox charges private clients for similar complex federal litigation. The fee submission is supported by a wealth of evidence including detailed billing records, expert declarations, and market surveys

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<sup>3</sup> Citations omitted; emphasis by the Solicitor General. Brief available at: <<https://www.justice.gov/osg/supreme-court-briefs>> (last visited August 31, 2016).

demonstrating the lodestar fee is a reasonable attorney fee. Through June 2016 the total fee is \$689,161 and the out-of-pocket litigation expenses are \$48,003. The supporting evidence includes:

- Detailed billing records and invoices for all litigation expenses through June 2016 (Exhibit 1).
- The declaration of the owners' lead counsel, Thor Hearne, testifying that the lodestar fee we request this Court to award is consistent with prevailing market rates charged (and paid by) private clients (Exhibit 2).
- Elizabeth Munno's declaration (Exhibit 3). Munno is Arent Fox's chief financial officer. Munno testified that Arent Fox is a Washington, D.C.-based law firm, and the hourly rates Arent Fox charges "are consistent with market conditions" and are the usual and customary rates Arent Fox charges as its usual rate-setting practice for comparable complex federal litigation charged to and paid by private clients. Exhibit 3 ¶¶3, 5.
- Two declarations by Dr. Michael Kavanaugh, an economist and expert (Exhibits 4 and 5). Dr. Kavanaugh's method of adjusting the *Laffey* Matrix was first adopted in *Salazar v. District of Columbia*, 123 F. Supp.2d 8 (D.D.C. 2000), and has been followed by the D.C. Circuit and D.C. district court.
- Two declarations of Dr. Malowane, an expert on law firm economics (Exhibits 6 and 7). Malowane was the Justice Department's expert witness in at least three prior attorney fee lawsuits. Dr. Malowane testified Arent Fox's rates "are competitive with market rates." Exhibit 6 ¶24.
- Two surveys of prevailing market rates – the 2016 *PriceWaterhouseCoopers* survey and the 2014 *National Law Journal Billing Survey* (Exhibit 8). These surveys demonstrate

Case 1:13-cv-00324-VJW Document 95-1 Filed 08/31/16 Page 10 of 29

that, although Arent Fox is one of the top-fifty Washington, D.C., firms, Arent Fox's hourly rates are consistent with, *or lower than*, the hourly rates charged by comparable firms.<sup>4</sup>

- The LSI-adjusted *Laffey*-rates for 2016 are very similar to Arent Fox's usual hourly rates.
- The Justice Department time and expense summaries (Exhibit 9).
- In an earlier Trails Act litigation the government agreed Arent Fox's 2013 rates of between \$706 and \$375 were consistent with then-prevailing Washington, D.C., rates.<sup>5</sup> The supporting evidence confirms Arent Fox's 2016 rates of between \$819 and \$210 are consistent with the now prevailing Washington, D.C., rates.

---

<sup>4</sup> In 2013 Arent Fox's high and low hourly billing rate for partners was \$765 and \$400 and for associates was \$475 and \$240. *See* Exhibit 8. This is slightly less than the rates other Washington DC-based firms charged which were between \$935 and \$406 for a partner and between \$515 and \$236 for associates. In 2016 Arent Fox's billing rates were similarly consistent with or slightly below rates comparable firms charged. *Id.*

<sup>5</sup> In *Biery* the government's lawyer, Kris Tardiff, admitted, "I think the Court can probably just accept for that purpose only the forum rates (for Washington DC) as plaintiffs are arguing them to be." Exhibit 10 (hearing transcript).

**Carolyn Smith Pravlik**

---

**From:** Largent, Meghan <Meghan.Largent@arentfox.com>  
**Sent:** Tuesday, September 20, 2016 3:54 PM  
**To:** Carolyn Smith Pravlik  
**Cc:** Davis, Stephen S.; Thornet  
**Subject:** Campbell v. US Fee Application to CFC

**Plaintiffs' Exhibit**  
**59**  
Civ. No. 05-1437 (RCL)

Carolyn,

In the case *Campbell v. US*, the highest rate we requested, \$819, was a for a partner with 20+ years' experience. Please let me know if you need any further clarification of the rates requested in our fee application in *Campbell*.

Thanks,  
Meghan

**Meghan Largent**  
Counsel

**Arent Fox LLP** | Attorneys at Law  
112 S. Hanley Road, Ste. 200  
Clayton, MO 63105-3418

1717 K Street, NW  
Washington, DC 20036-5342

314.296.4003 **DIRECT** | 202.857.6395 **FAX**  
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Case 1:13-cv-01345-RJL Document 47-1 Filed 05/27/16 Page 1 of 60

**Plaintiffs' Exhibit**  
**60**  
Civ. No. 05-1437 (RCL)

**EXCERPT**

*Brown et al. v. Medicis Pharmaceutical Corporation,*

No. 1:13-cv-01345-RJL

# EXHIBIT 1

Exhibit to Plaintiffs' Memorandum of Points and Authorities in Support of Joint Motion for  
Final Approval of Class Settlement

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

---

Bonnie Brown, Leslie Baginski,	)	
Lisa Cummings-Gallina, Laurie Introp,	)	
Lisa Levine, Bridget Oliveto, & Lindsay Pihaly	)	
on behalf of themselves and all others similarly	)	
situated,	)	NO. 1:13-cv-01345
	)	CLASS ACTION
Plaintiffs,	)	
v.	)	
	)	
Medicis Pharmaceutical Corporation,	)	
	)	
Defendant.	)	

---

**DECLARATION OF CYRUS MEHRI IN SUPPORT OF FINAL APPROVAL OF  
THE CLASS ACTION SETTLEMENT AND AN AWARD OF ATTORNEYS' FEES  
AND EXPENSES**

Pursuant to 28 U.S.C. § 1746, I, Cyrus Mehri, hereby declare and state, as follows:

1. I am over the age of eighteen years. Except as otherwise noted, I have personal knowledge of the facts set forth herein in which my firm was involved, and am competent to testify thereto.

2. I am a founding partner of Mehri & Skalet, PLLC ("M&S"), and co-lead class counsel (along with Sara Wyn Kane of Valli Kane & Vagnini LLP) for the Plaintiffs in the above-referenced action. We are assisted by a number of skilled lawyers in our firms who have helped obtain an excellent result for the Class in this case.

3. We have decided to submit only a single declaration to facilitate the Court's review.

4. I am making this declaration in connection with the parties' Joint Motion for Final Approval of the Proposed Class Settlement, and Plaintiffs' Motion for An Award of Attorneys'

Fees and Expense Reimbursement.

**Qualifications of Co-Lead Class Counsel**

5. My firm, M&S, represents plaintiffs in group actions, particularly employment discrimination class actions. During the past 25 years, I have represented plaintiffs in dozens of class actions in a variety of fields, including consumer fraud and antitrust. Most significantly, over the past 20 years, I have had the privilege of representing women and people of color in employment discrimination and other civil rights class actions. Prior to private practice, I clerked for the Honorable John T. Nixon, Chief Judge of the Middle District of Tennessee. I graduated from Cornell Law School in 1988 where I served as Article Editor of the Cornell Journal on International Law.

6. I currently serve or have previously served as co-lead class counsel for certified plaintiff classes in *Roberts v. Texaco Inc.*, 94 Civ. 2015 (CLB) (S.D.N.Y. 1997) (settled for \$176 million and broad programmatic relief on behalf of African-American employees); *Ingram v. Coca-Cola Company*, No. 1:98-CV-3679, 200 F.R.D. 685 (N.D. Ga. 2000) (settled for \$192 million and broad programmatic relief on behalf of salaried African-American employees); *Robinson v. Ford Motor Co.*, No. 1:04-CV-00844, 2005 U.S. Dist. LEXIS 11673 (S.D. Ohio 2005) (settled for \$10 million and creation of over 270 apprenticeship positions for African Americans); *Augst-Johnson v. Morgan Stanley & Co.*, No. 1:06-CV-01142 (D.D.C. 2007) (recently referred to Kollar-Kotelly, J.) (\$46 million settlement and programmatic relief on behalf of female financial advisors); *Amochaev v. Citigroup Global Markets d/b/a Smith Barney*, No. 3:05-cv-01298-PJH (N.D. Cal. 2008) (\$33 million settlement and similar injunctive relief); *Norflet v. John Hancock Life Insurance*, 3:04CV1099 (JBA) (D. Conn. 2009) (\$24.4 million settlement of behalf of African Americans denied equal opportunity in the purchase of life

Case 1:13-cv-01345-RJL Document 47-1 Filed 05/27/16 Page 4 of 60

insurance); *Carter v. Wells Fargo Advisors, LLC*, No. 1:09-CV-01752-CKK (D.D.C. 2011) (Kollar-Kotelly, J.) (\$32 million settlement and similar injunctive relief and certifying Mehri & Skalet as class counsel). This Court has also appointed my firm as co-lead interim class counsel on behalf of consumers in *Mackmin v. Visa Inc. et. al.*, 1:11-CV-1831 (D.D.C. March 3, 2016).

7. Michael Lieder has been heavily involved in this case since joining my firm in 2012. He has served as lead counsel or in another leading role in several major employment discrimination class actions in this District. *See Thornton v. Nat'l R.R. Passenger Corp.*, No. 1:98-cv-890 (D.D.C.) (Sullivan, J.) (\$16 million plus broad injunctive relief in race discrimination class action); *McLaurin v. Nat'l R.R. Passenger Corp.*, 1:98-cv-2019 (D.D.C.) (Sullivan, J.) (\$8 million plus broad injunctive relief in race discrimination class action); *Hyman v. First Union Corp.*, No. 94-1043 (D.D.C.) (Lamberth, J.) (\$58.5 million in age discrimination collective action); *In re PEPCO Employment Litig.*, No. 86-0603, 1993 U.S. Dist. LEXIS 7905 (D.D.C.) (June 8, 1993) (Lamberth, J.) (\$38.4 million and broad injunctive relief). He also has served in similar roles in employment discrimination class cases throughout the country, including in the TV Writers Cases, which settled for \$70 million in California state court.

8. Mr. Lieder and I have recently co-authored a chapter in a book on statistics for employment cases. The book is named *Adverse Impact Analysis: Understanding Data, Statistics and Risk* and is planned for publication in early 2017. Both of us are frequent speakers at CLEs involving employment class actions.

9. My co-lead counsel, Sara Wyn Kane, is a founding partner of the firm Valli Kane & Vagnini, and has primarily devoted her practice to employment discrimination and civil rights. She has represented thousands of employees in mass, group, and class actions in labor and employment cases before numerous Federal Courts around the country and in the EEOC as



*Brown et al. v. Medicis Pharmaceutical Corporation,*

No. 1:13-cv-01345-RJL

# EXHIBIT A

Exhibit to Mehri Declaration

**TIME REPORT - TOTALS FOR ALL FIRMS**

Firm Name: Mehri & Skalet, PLLC and Valli Kane & Vagnini LLP

Client Name: Medicis Gender

Reporting Period: Inception - May 2016

Mehri & Skalet Staff	Status	Current Hourly Rate	Total Hours	Lodestar
Cyrus Mehri	P	\$795.00	532.35	\$423,218.25
Steven Skalet	P	\$795.00	5.10	\$4,054.50
Ellen Eardley	P	\$660.00	870.05	\$574,233.00
Michael Lieder	OC	\$795.00	302.17	\$240,225.15
Janelle Carter	A	\$585.00	27.50	\$16,087.50
Joanna Wasik	A	\$330.00	147.10	\$48,543.00
Karla Gilbride	A	\$585.00	0.20	\$117.00
Lindsay Dembner	A	\$330.00	207.25	\$68,392.50
Taryn Null	A	\$585.00	134.25	\$78,536.25
Teresa Yeh	A	\$405.00	46.00	\$18,630.00
David March	PL	\$180.00	39.85	\$7,173.00
Earl Lin	PL	\$180.00	0.40	\$72.00
Elizabeth Susong	PL	\$180.00	20.00	\$3,600.00
Jasmin Alford	PL	\$180.00	34.40	\$6,192.00
Katherine Afzal	PL	\$180.00	42.90	\$7,722.00
Kristen Ferris	PL	\$180.00	5.10	\$918.00
Lee-ann Foster	PL	\$180.00	2.50	\$450.00
Logan Meltzer	PL	\$180.00	10.00	\$1,800.00
Nabila Abdulhafiz	PL	\$180.00	0.25	\$45.00
Rachel Heidmann	PL	\$180.00	7.00	\$1,260.00
Rebecca Bohl	PL	\$180.00	156.75	\$28,215.00
Suritia Taylor	PL	\$180.00	4.50	\$810.00
Tatiana Reyes	PL	\$180.00	23.75	\$4,275.00
Zachary Kamin	PL	\$180.00	0.10	\$18.00
<b>Total Mehri &amp; Skalet Hours &amp; Lodestar Post-Billing Judgment</b>			<b>2619.47</b>	<b>\$1,534,587.15</b>

Valli, Kane & Vagnini Staff	Status	Current Hourly Rate	Total Hours	Lodestar
James A. Vagnini	P	\$575.00	93.86	\$53,969.50
Robert J. Valli, Jr.	P	\$600.00	206.14	\$123,684.00
Sara W. Kane	P	\$575.00	897.60	\$516,120.00
Andrew Kimble	A	\$250.00	31.05	\$7,762.50
Deborah Rubin	A	\$350.00	367.47	\$128,614.50
Monica Hincken	A	\$225.00	24.94	\$5,611.50
Jesse Rose	PL	\$150.00	13.85	\$2,077.50
Hope Zapata	PL	\$150.00	7.00	\$1,050.00
Ana Martinez	PL	\$150.00	16.28	\$2,442.00
Caren Leipsic	PL	\$150.00	2.39	\$358.50
Siobhan Watts	PL	\$150.00	4.50	\$675.00
Melissa Young	PL	\$175.00	8.87	\$1,552.25
Maryanne Greenfield	PL	\$175.00	6.45	\$1,128.75
Justin Levy	PL	\$150.00	3.00	\$450.00
Intern	I	\$150.00	4.48	\$672.00
Case Clerk	PL	\$150.00	0.13	\$19.50
<b>Total Pre-Billing Judgment</b>			<b>1688.01</b>	<b>\$846,187.50</b>
<b>Billing Judgment</b>			<b>-55.55</b>	<b>-\$30,938.37</b>
<b>Total Valli, Kane &amp; Vagnini Hours &amp; Lodestar Post-Billing Judgment</b>			<b>1632.46</b>	<b>\$815,249.13</b>
<b>Total Combined Hours &amp; Lodestar</b>			<b>4251.93</b>	<b>\$2,349,836.28</b>

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**CITIZENS FOR RESPONSIBILITY AND  
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. DEPARTMENT OF JUSTICE,**

Defendant.

**Plaintiffs' Exhibit  
61  
Civ. No. 05-1437 (RCL)**

Civ. No. 12-1491 (JDB)

**DECLARATION OF DAVID K. COLAPINTO**

David K. Colapinto hereby deposes and states:

1. I am a member in good standing of the bar of the District of Columbia, and a member of the bar of the following state and federal courts: Supreme Judicial Court of Massachusetts, District of Columbia Court of Appeals, U.S. Supreme Court, U.S. Courts of Appeals for the District of Columbia Circuit, the Federal Circuit, Ninth Circuit, the Eleventh Circuit, and the U.S. District Court for the District of Columbia, U.S. District Court of the Southern District of Indiana and U.S. District Court for the District of Massachusetts.

2. I obtained my license to practice law in 1988. I am also a member of the American Bar Association.

3. I graduated with a Bachelor of Arts degree from Boston University in 1984. I was awarded a Juris Doctorate degree from Antioch School of Law in 1987.

4. In the course of my 27-year career as an attorney, I have developed expertise in complex civil litigation, with specific emphasis on whistleblower laws, employment laws and also litigation under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Privacy

Act, 5 U.S.C. § 552a. I have represented numerous federal employees in employment and/or retaliation-related cases and as a component of those representations I often seek information or file requests pursuant to FOIA and the Privacy Act and I have extensive experience pursuing FOIA and Privacy Act requests through the administrative process and in litigation before federal courts. Many of my clients and cases have been nationally recognized.

5. In 1988, my current partners, Michael D. Kohn and Stephen M. Kohn, and I founded the law firm of Kohn, Kohn and Colapinto, LLP, located in Washington, D.C. Since 1988 I have been employed as a Partner with this firm. The firm was founded as a public interest firm, reflecting the non-economic goals of the partners and reflecting the partners' strong commitment to representation of employees and whistleblowers. All of the partners had worked or clerked for a non-profit whistleblower advocacy organization prior to forming the law firm, and the firm was dedicated, from its inception, to helping meritorious whistleblowers and employees.

6. In 1988, I also co-founded the non-profit organization, the National Whistleblower Center ("NWC"). This organization has remained active in assisting whistleblowers on a *pro bono* basis. I have held a leadership position with that organization since 1988, and have been continuously and actively involved in supporting employees in civil rights and whistleblower cases since 1988. The NWC has also submitted FOIA requests to government agencies to obtain information related to whistleblowing issues and I have advised and represented the NWC regarding FOIA issues and in FOIA litigation. On occasion, the NWC has become a party to FOIA cases as a plaintiff.

7. Since its formation, the Kohn firm has specialized in the representation of employee whistleblowers. Most of our clients cannot afford the firm's market rates.

Consequently, the firm regularly discounts its hourly fee or waives the advance payment of such fees in consideration of contingency fee payments and/or obtaining our full market rate from an award of statutory fees. When the firm makes a reduced fee or contingency fee retainer agreement with a client, it reflects our intention to seek our full market rate from the opposing party through a fee petition.

8. The Kohn firm has extensive experience and expertise specifically litigating complex FOIA and Privacy Act cases. I have successfully represented plaintiffs in FOIA and Privacy Act cases and won legal victories or successfully settled those cases. *Edmonds v. FBI*, 417 F.3d 1319 (D.C. Cir. 2005) (favorable ruling on FOIA case holding that an order granting expedited processing satisfies the prevailing party standard for granting an award of attorneys fees); *Whitehurst v. FBI, et al.*, C.A. No. 96-572(GK)(D.D.C.), Order (Feb. 5, 1997) (granting motion for expedited processing under FOIA and Privacy Act); *NACDL and Whitehurst v. DOJ*, No. 97-CV-00372(GK) (D.D.C.) and *NACDL, et al. v. DOJ*, 182 F.3d 981 (D.C. Cir. 1999) (Successful Freedom of Information litigation resulting in the release of the DOJ Inspector General report exposing high-level misconduct within the FBI crime lab, and awarding interim attorneys fees under FOIA); *Forensic Justice Project v. FBI*, C.A. No. 04-cv-01415-PLF (D.D.C. 2005) (settlement resulting in waiver of copying and search fees and expedited processing claims); and *National Whistleblower Center v. HHS*, 904 F. Supp.2d 59 (D.D.C. 2012) (Obtaining preliminary injunction forcing FDA to immediately release records related to FDA's email monitoring of employee-whistleblowers; precedent holding that agencies waive right to withhold privileged documents that contain strong evidence of government misconduct.).

9. The Kohn firm is a private law firm that practices law in the public interest. The firm bases its fee structure in large part on the *Laffey* Matrix, as adjusted for inflation using the

method approved by the court in *Salazar v. District of Columbia*, 123 F. Supp. 2d 8, 13 (D.D.C. 2000).

10. Our relevant current fees are as follows:

Senior Partners (thirty plus years):	\$995.00/hour
Senior Partners (25-29 years):	\$895.00/hour
Partners (20-24 years):	\$789.00/hour
Associate Attorneys (1-3 years experience):	\$328.00/hour
Paralegal/Law Clerk:	\$179.00/hour

11. The firm's full fee structure is published on its web site, [www.kkc.com/the-firm/standard-billing-rates](http://www.kkc.com/the-firm/standard-billing-rates).

12. Clients who have the means to pay the firm's standard market rates are required to pay those fees, and they do, in fact, pay those fees. Prospective clients regularly contact the firm and agree to pay the firm's market rate. Based on the nature of the case, the firm often agrees to represent clients who are willing to pay market rates. For example, the Kohn firm currently has a client who is being charged \$995.00 per hour for the time that one of the senior partners is devoting to that client's representation, and \$179.00 per hour for paralegal/law clerk time. The fees in that matter are billed on an hourly basis at the Kohn firm's hourly standard market rates and they are being paid. Additionally, another current client of the firm has been charged and paid fees that are billed at the Kohn firm's hourly standard market rates. Other clients of the Kohn firm have in the past also been billed and paid fees at the firm's hourly standard market rates.

13. Because the Kohn firm is a public interest firm, we also agree to represent clients who lack the financial resources to pay the firm's market rate, but whose cases raise significant

Case 1:12-cv-01491-JDB Document 47-1 Filed 09/22/15 Page 6 of 9

issues regarding the vindication of civil rights, rights under federal fee-shifting statutes (such as the FOIA and Privacy Act) and/or the vindication of the policy goals behind whistleblower protection. The fact that the firm is willing to reduce market fee rates in public interest cases is also reflected on the law firm's web page.

14. For clients who have important public interest cases, but have inadequate financial resources, the firm either discounts its hourly rate, requests that the client pay an affordable amount of money each month toward his or her bill and/or agrees to represent the client on a pure statutory fee and/or contingency fee basis. In all of the discounted/statutory fee cases, the firm expects to obtain its full standard market rate (or more if there is a high contingency fee) based on a settlement of the claims or based on the fees awarded/obtained upon final judgment (if there is no settlement). This intention is explicitly described in the agreement the firm signed with each client.

15. This policy of regularly charging clients reduced fees, or working purely on a contingency/fee-shifting basis, causes the Kohn firm to incur substantial financial risk. My partners and I frequently pass up opportunities to represent wealthier clients who could afford our hourly rates in favor of clients with less means, but who have suits that we believe are of greater importance to the public interest.

16. FOIA cases are comparable to complex litigation under analogous fee-shifting statutes, such as the federal employment and whistleblower statutes. Based on more than 25 years experience litigating whistleblower and employment cases and also litigating claims arising under the FOIA and Privacy Acts I can attest that FOIA litigation is complex civil litigation. This is based on my personal experiences successfully litigating *Whitehurst v. FBI*, *National Whistleblower Center v. HHS*, *Edmonds v. FBI*, and *Forensic Justice Project v. FBI*,

cited above, all of which involved statutory fee claims under FOIA and the Privacy Act. All of those cases (except for *National Whistleblower Center v. HHS*, which is pending) settled so the fee issue was not litigated in those cases.

17. While *Laffey* rates can be considered a starting point for statutory fees they should not be the end point in determining reasonable market rates. However, the DOJ's *Laffey* rates are considerably below the prevailing hourly market rates charged by law firms that handle complex litigation in the District of Columbia. A survey of market rates for private sector firms in the District of Columbia published by the *National Law Journal* in January of 2014 supports that prevailing hourly market rates for senior partners at such firms in Washington, D.C. range between \$780-\$1250 per hour as of January of 2014.<sup>1</sup> The attached chart lists the firms located in the District of Columbia and shows the data extracted about the hourly rates charged by those firms as published by the *National Law Journal* in January of 2014. These firms were chosen because, at the time, each maintained its largest office in Washington, DC.

18. It is my opinion, based on long experience, that a FOIA case would be extremely undesirable in the private bar. Its undesirability is especially true because the only relief available is injunctive relief to compel the disclosure of records or compliance with the FOIA statute. Without the possibility of recovering any damages, and the high risks involved in prevailing in FOIA litigation and the delays in resolving such cases, there would be little motive for an attorney to take the case.

19. Another factor that makes FOIA cases undesirable within the private bar is that the defendant is a large federal agency with substantial resources to litigate and pursue appeals. These cases are often hard-fought and unquestionably demand a large amount of time and labor

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<sup>1</sup> See <http://www.nationallawjournal.com/id=1202636785489/Billing-Rates-Across-the-Country>.

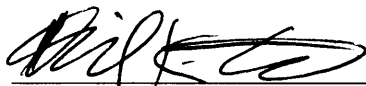


Case 1:12-cv-01491-JDB Document 47-1 Filed 09/22/15 Page 8 of 9

given the need to take a large federal agency to court to compel compliance with the FOIA statute.

20. It is critical for public interest attorneys and public interest groups and firms to be paid the full hourly rate for similar services offered in the Washington, D.C. market.

I declare, pursuant to 28 U.S.C. §1746, that the above is true and correct to the best of my knowledge.

  
\_\_\_\_\_  
David K. Colapinto

8/17/15  
\_\_\_\_\_  
Dated

ATTACHMENT TO DECLARATION OF DAVID K. COLAPINTO

**CHART OF RATES CHARGED BY PRIVATE SECTOR FIRMS IN D.C.**

Firm	Equity/Senior Partner	Junior Partner	Senior Associate	Mid-Level Associate	Junior Associate
Wilmer	\$1250	\$735	\$695	\$290	\$75
Pillsbury Winthrop	\$1070	\$615	\$860	\$520	\$375
Hogan Lovells	\$1000	\$705	n/a	n/a	n/a
Arnold & Porter	\$950	\$670	\$610	\$500	\$345
Akin Gump	\$1220	\$615	\$660	\$525	\$365
Covington & Burling	\$890	\$605	\$585	\$415	\$320
Dickstein Shapiro	\$1250	\$590	\$585	\$475	\$310
Patton Boggs	\$780	\$490	\$475	\$405	\$325
Wiley Rein	\$950	\$550	\$535	\$445	\$320
Venable	\$1075	\$470	\$575	\$430	\$295
Arent Fox	\$860	\$500	\$595	\$395	\$275
Holland & Knight	\$1035	\$335	\$575	\$325	\$210

Source: *National Law Journal*, “The National Law Journal's annual survey of law firm billing rates for partners and associates” (Jan. 13, 2014).

Read more: <http://www.nationallawjournal.com/id=1202636785489/Billing-Rates-Across-the-Country#ixzz3j5okFi8U>

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**62**  
Civ. No. 05-1437 (RCL)

**EXCERPT**

SHAWN WESTFAHL, )  
)  
PLAINTIFF ) Civil Action No. 1:11-cv-2210 (CRC)  
vs. )  
)  
DISTRICT OF COLUMBIA, *et al.*, )  
)  
)  
DEFENDANTS )  
\_\_\_\_\_ )

DECLARATION OF JEFFREY L. LIGHT

1. My name is Jeffrey L. Light. I am of the attorneys for Plaintiff in the above-captioned case.

**Education and Experience**

2. I graduated from Georgetown University Law Center in 2004.

3. I have been licensed to practice law in the District of Columbia since 2004, and have regularly handled criminal, civil rights, and appellate litigation since that time.

4. I have worked as a solo practitioner for my entire career. After graduating law school, I was the sole employee of the nonprofit Patients not Patents, through which I litigated complex consumer protection cases in federal and D.C. courts. I subsequently established the Law Office of Jeffrey L. Light.

5. I have handled over a dozen § 1983 or *Bivens* civil rights cases in this Court involving allegations of police misconduct. Some examples of police misconduct cases in this Court for which I achieved a favorable judgment or settlement for my client are: *(Sara) Shaw v. District of Columbia*, 1:13-cv-1174 (§ 1983 excessive force, settled); *McClinton v. Dyson* 1:12-cv-536 (§

1983 excessive force, settled); *(Patti) Shaw v. District of Columbia*, 1:12-cv-538 (§ 1983 and Bivens, strip search and failure to protect, settled); *Patterson v. Lemke*, 1:13-cv-85 (Bivens false arrest, settled); *Dudani v. District of Columbia*, 1:14-cv-1209 (§ 1983 unlawful detention, accepted offer of judgment); *Jenkins v. Coley*, 1:13-cv-553 (§ 1983 excessive force, settled with one Defendant, obtained summary judgment for other defendant); *Pipkin v. District of Columbia*, 1:14-cv-1170 (§ 1983 false arrest, accepted offer of judgment); *Tucker v. District of Columbia*, 1:12-cv-777 (§ 1983 false arrest, settled).

### **Billing Rates**

6. In addition to civil rights cases, which I typically handle on a contingency-fee or fee-shifting basis, my practice includes litigation for paying clients. For cases involving complex federal litigation, my typical and customary practice is to charge clients rates which are explicitly tied to the LSI-adjusted *Laffey* matrix. My retainer agreements with clients who pay an hourly rate for complex federal litigation include the following language (with the amount modified based on the then-current LSI-Adjusted *Laffey* Matrix rate): “The firm bases its customary hourly rate on the Adjusted *Laffey* Matrix. (<http://www.laffeymatrix.com/see.html>) As of May 31, 2014, my hourly rate was \$655/hr.” I have many clients who pay me a rate tied to the LSI-Adjusted *Laffey* Matrix.

7. My current standard hourly billing rate is \$661/hr., which I set based on the LSI-adjusted *Laffey* matrix. I have many clients who pay this rate without any cap or discounts. Among those clients who pay an hourly rate, for certain public interest cases, I charge the same rate, but cap the number of hours that the client will be billed for. For clients who cannot afford an hourly

rate, I do not charge an hourly rate, and either perform the work pro bono, agree to a contingency fee, or depend on fee-shifting statutes.

8. I have also been awarded the LSI-adjusted *Laffey* matrix rate for litigation in the District of Columbia courts. I was counsel of record for the defendants in *Goldman Sachs v. Stop Huntingdon Animal Cruelty*, a case in which the plaintiffs sought and obtained a preliminary injunction against a group of animal rights protesters. I successfully obtained a reversal of the preliminary injunction from the D.C. Court of Appeals. Although the majority in *Ortberg v. Goldman Sachs Group*, 64 A.3d 158 (D.C. 2013) (as the case was captioned on appeal) decided the case on common law grounds, almost all of the briefing revolved around constitutional issues. On remand, the Superior Court awarded me attorney's fees for all of the work performed on appeal obtaining the reversal of the preliminary injunction. The Court awarded me attorney fees at the rate of \$567/hr, reflecting the then-current LSI-adjusted *Laffey* matrix rates for an attorney who had been out of law school for 8-10 years. I had been out of law school for 9 years at that time. A copy of the Superior Court's order is included in this filing as Exhibit 5.

### **Billing Practice**

9. I have attached an itemization of my time-keeping records. The time itemized on the attachment hereto was spent in reference to the above-captioned case.

10. My standard practice is to contemporaneously record my time using computer software. For the period of June 5, 2012 to the present, I used ClickTime, which has a "stopwatch" feature allowing me to turn off the timer when I am working on other cases or matters.

Case 1:11-cv-02210-CRC Document 133-18 Filed 11/09/15 Page 4 of 10

11. Prior to June 5, 2012, I used LEXIS NEXIS Practice Advantage software to contemporaneously record my time. Like ClickTime, Practice Advantage has a “stopwatch” feature allowing me to turn off the timer when I am working on other cases or matters.
12. All time spent on this case (and expenses incurred) were reasonable and necessary for representing Plaintiff.
13. I exercised my discretion not to include in my fee petition all hours that were for purely administrative tasks of the kind that would typically be performed by secretaries. I further exercised my discretion not to charge for travel time.
14. In calculating the number of hours I expended on this case, I excluded time spent on work which was solely related to unsuccessful claims whenever it was possible to do so.

#### **Turning Down Other Work**

15. As a solo practitioner, I have a very limited amount of time and resources to devote to litigation. Due to my acceptance of this case, which demanded hundreds of hours of work, I have had to turn down several potentially lucrative cases. One of these cases was an employment discrimination, which I referred to a colleague. The case settled relatively quickly, earning the attorney nearly \$20,000 in fees. Other cases I have had to turn down include FOIA cases with potential clients who were willing to pay an hourly rate based on the LSI-adjusted *Laffey* matrix rate.

#### **Involvement with this Case**

16. The plaintiff in this case, Mr. Shawn Westfahl, contacted me a few days after the incident at issue in this case. He told me that he was looking for a civil rights lawyer to represent him.

17. Mr. Westfahl informed me that I was recommended to him as an attorney known to the activist community in Washington, D.C. as providing excellent representation for political protesters. Mr. Westfahl explained what happened to him at the protest and asked me to represent him.

18. Mr. Westfahl did not have the resources to pay me an hourly rate, so I agreed to represent him on a contingency fee basis. Indeed, Mr. Westfahl did not even have the resources to retain a lawyer to defend him in his criminal case, and was being represented by a CJA Attorney. The charges against Mr. Westfahl were serious misdemeanors – Assault on a Police Officer and Possession of a Prohibited Weapon.

19. I agreed to take the case for Mr. Westfahl because I believed that it would be in the public interest to vindicate the constitutional rights of a protester against whom the police used excessive force.

20. As a sole practitioner, however, I had limited financial resources to pay for expert witnesses and deposition costs. I also do not have any assistance from a paralegal or secretary. I therefore asked a colleague of mine, Daniel Schultz, to join as co-counsel on the case. Attorney Schultz employed an excellent paralegal named Ryan Andrews, and their assistance proved invaluable.

Case 1:11-cv-02210-CRC Document 133-18 Filed 11/09/15 Page 6 of 10

21. After Attorney Schultz retired, prior to the trial in this case, I sought out another attorney to continue the case with me as co-counsel. I asked Attorney Tamara Miller to co-counsel the remainder of the case and she agreed.

I, Jeffrey L. Light, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: November 9, 2015

/s/ Jeffrey Light  
Jeffrey L. Light  
D.C. Bar #485360  
1712 Eye St., NW  
Suite 915  
Washington, DC 20006  
(202)277-6213  
Jeffrey@LawOfficeOfJeffreyLight.com  
*Counsel for Plaintiff*



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**63**  
Civ. No. 05-1437 (RCL)

SHAWN WESTFAHL, )  
)  
PLAINTIFF ) Civil Action No. 1:11-cv-2210 (CRC)  
vs. )  
)  
DISTRICT OF COLUMBIA, *et al.*, )  
)  
)  
DEFENDANTS )  
\_\_\_\_\_ )

**FEE AFFIDAVIT OF TAMARA L. MILLER**

1. I, Tamara L. Miller, as one of the attorneys for Plaintiff in the above-captioned case, state the following is true to the best of my knowledge and belief:

2. I graduated from the University of Michigan Law School in 1985, and have been a licensed attorney since November 1985. I was admitted to practice law in Illinois in 1985; and in 1996, I was admitted to practice law in the District of Columbia, the U.S. District Court for the District of Columbia, the U.S. District Court for the District of Maryland, the U.S. Court of Veterans Appeals, and the U.S. Supreme Court. I was admitted to the U.S. Court of Appeals for the Fourth Circuit in 2011, and the U.S. Court of Appeals for the District of Columbia Circuit in 2013.

3. I have been an Adjunct Law Professor at the George Washington University Law School since 2014.

4. Since October 2010, I have been the Managing Partner of MillerMasciola, Attorneys-At-Law, 1825 K St., N.W., Suite 1150, Washington, DC. My practice involves complex civil rights litigation and general civil litigation. Our law firm handles complex medical malpractice cases, to include cases under the Federal Tort Claims Act brought by family members of military

service members receiving substandard medical care causing catastrophic injury; federal sector employment cases, to include race and gender discrimination claims under Title VII of the Civil Rights Act, disability claims under the Americans with Disabilities Act, and related statutes; civil rights cases to include allegations of police misconduct under § 1983; and general litigation to include breach of contracts and breach of privacy claims.

5. Within the past five years, I have achieved favorable judgments or settlements for my clients in this Court (*Bregman v. Perles et al.*, CA 11-cv-01886), Maryland Circuit Court (*Donna Doe, et al. v. Community Radiology Associates, Inc.*, CAL12-40826); and the District of Maryland (*Reeves v. Medstar So. Maryland Hospital Center*, CA 13-cv-02163; *Davis v. Northrop Grumman Systems Corporation*, CA 14-2107). I have presented cases in the U.S. Court of Appeals for the District of Columbia Circuit (*Bregman v. Perles et al.*, USCA 12-7091, and in the U.S. Court of Appeals for the Fourth Circuit Court of Appeals (*Hancox v. Performance Anesthesia, P.A.*, 10-2077). I currently am lead counsel in several cases pending in this Court (*Espinosa v. HUD*, CA 14-482, DDC; *Cahill v. VA*, 15-cv-01447, DDC; *Ross v. U.S. Capitol Police*, CA 14-cv-1400, DDC). I also have successfully represented numerous federal employees in administrative proceedings before the Equal Employment Opportunity Commission and Merit Systems Protection Board.

6. In November 1985, following my admission to the Illinois Bar, I began my active duty military service in the U.S. Air Force as a Judge Advocate. I gained experience in federal sector employment law in 1992, when I became a Trial Attorney in the Air Force General Law Division, Civilian Personnel Section, in Rosslyn Virginia. In this capacity, for two years, I represented the Air Force in litigation involving labor-management relations and employment discrimination in U.S. District Courts and Courts of Appeals throughout the country.

Case 1:11-cv-02210-CRC Document 133-20 Filed 11/09/15 Page 3 of 9

7. After separating from active duty in the U.S. Air Force in February 1995, I joined the law firm of Robins, Kaplan, Miller & Ciresi, in Washington, D.C., as a Senior Litigation Associate. During my approximately two year tenure with the firm, my practice focused on federal and private sector employment law, representing employers and employees before federal courts in the District of Columbia and the Eastern District of Virginia, and before the D.C. Human Rights Commission.

8. From October 1996 through July 2003, at the U.S. Department of Justice, Civil Rights Division, Criminal Section, I prosecuted cases involving criminal violations of federal civil rights statutes, including 4th Amendment excessive force cases under color of law, hate crimes, church arsons, violence at women's reproductive health clinics, human trafficking and worker exploitation, in close coordination with United States Attorney's Offices nationwide. I also served as a Deputy Chief for five years, and supervised ten trial attorneys prosecuting criminal civil rights cases in the western United States. I personally handled several high profile prosecutions as lead counsel involving the use of excessive force by police officers and correctional officials in Alabama, Connecticut, Florida, and Colorado, securing indictments after "flipping" officer witnesses previously covering up for fellow officers and felony convictions in jury trials and negotiated plea agreements.

9. In August 2003, I was appointed to the Senior Executive Service (SES), and became the Director of Civil Rights at the Transportation Security Administration (TSA's). In this capacity, I led programs in equal employment opportunity, alternative dispute resolution, external civil rights compliance, and diversity management, enforcing Title VII of the Civil Rights Act of 1964 and other federal civil rights statutes ensuring equal employment opportunity for TSA's workforce. In October 2005, I was appointed as the TSA Special Counselor to the Assistant

Secretary, where I was responsible for oversight and leadership of the TSA Offices of Civil Rights and Liberties, Privacy, Freedom of Information, Ombudsman, Executive Secretariat, GAO/IG Audit Liaison, Sensitive Security Information, and Transportation Security Redress. In this capacity, I continued to work to ensure the effective enforcement of federal employment statutes guaranteeing equal employment opportunity for TSA employees nationwide.

10. December 2006, I joined the Department of Health and Human Services (HHS), as the Deputy Director for Civil Rights, where I provided national-level leadership and oversight to ten regional offices and 23 senior civil rights analysts and equal opportunity specialists in the Headquarters Civil Rights Division within the HHS Office for Civil Rights, to enforce Title VI of the Civil Rights Act and related federal civil rights statutes requiring nondiscrimination in HHS-funded programs through investigations and compliance reviews to help ensure that people throughout our country have access to quality health care and social services. From this position, I retired from the federal service in July 2010, and began in private practice handling complex civil rights cases and general civil litigation since that time.

#### **Billing Rates**

11. While I typically handle medical malpractice and police misconduct cases on a contingency-fee basis, for federal employment litigation my typical and customary practice is to charge clients rates that are explicitly tied to the LSI-adjusted *Laffey* matrix. My retainer agreements with clients who pay an hourly rate for complex federal litigation include the following language (with the amount modified based on the then-current LSI-Adjusted *Laffey* Matrix rate): “The firm bases its customary hourly rate on the Adjusted *Laffey* Matrix. (<http://www.laffeymatrix.com/see.html>). As of May 31, 2014, my hourly rate, as an attorney out of law school for over 20 years, was \$796/hr.

12. My discounted hourly billing rate for federal employees is \$425 per hour. Pursuant to *Hatfield v. Secretary of Navy*, EEOC Appeal No. 01892909 (1989), my law firm charges federal sector clients at rates lower than the standard and accepted market rates for discrimination cases for non-economic, public interest reasons. In *Hatfield*, the Commission found that attorneys who can demonstrate they charge reduced rates to federal employees in discrimination cases, based on public interest motives, are nevertheless entitled to be compensated at their higher market rate. See also *Lai v. Securities and Exchange Commission*, EEOC Appeal No. 01974652 (2/02/00) (attorney fees awarded at prevailing market rate notwithstanding reduced rate retainer agreement).

#### **Billing Practice**

13. I have attached an itemization of my time-keeping records. The time itemized on the attachment hereto was spent in reference to the above-captioned case.

14. My standard practice is to contemporaneously record my time using billing software in tenths of an hour, which is standard practice for attorneys representing employees.

15. All time spent on this case (and expenses incurred) were reasonable and necessary for representing Plaintiff.

16. I exercised my discretion not to include in my fee petition all hours that were for purely administrative tasks of the kind that would typically be performed by secretaries. I further exercised my discretion not to charge for travel time.

Case 1:11-cv-02210-CRC Document 133-20 Filed 11/09/15 Page 6 of 9

17. In calculating the number of hours I expended on this case, I excluded time spent on work which was solely related to unsuccessful claims whenever it was possible to do so.

I, Tamara L. Miller, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: November 2, 2015

/s/ Tamara L. Miller

TAMARA L. MILLER (DC BAR NO. 435156)  
MILLERMASCIOLA, ATTORNEYS AT LAW  
1825 K Street, NW, Suite 1150  
Washington, DC 20006  
Tel: (202) 223-8181  
Fax: (202) 318-0559  
Tamara.miller@millermasciola.com

*Counsel for Plaintiff Shawn Westfahl*

8/13/2015

# Billing List

[Print](#) | [Close Window](#)

INVOICED AND UN-INVOICED TIME ▼

Date	Client Name	Project	Description	Hours	Rate	Amount
5/15/2015	Shawn Westfahl	Legal Services	Attorney meeting re case and trial strategy	2.50	\$789.00	\$1,972.50
6/18/2015	Shawn Westfahl	Legal Services	Meeting with co-counsel Jeff Light re prehearing report, motions, witnesses and evidence	2.00	\$789.00	\$1,578.00
6/19/2015	Shawn Westfahl	Paralegal Services	Prepare praecipe to enter appearance of Tamara Miller as counsel.	0.40	\$179.00	\$71.60
6/19/2015	Shawn Westfahl	Paralegal Services	Compile initial draft of plaintiff's proposed jury instructions.	2.00	\$179.00	\$358.00
6/26/2015	Shawn Westfahl	Legal Services	Review and edit draft Pl. Motion in Limine, and confer with co-counsel re same	1.00	\$789.00	\$789.00
6/29/2015	Shawn Westfahl	Legal Services	Correspondence with expert witness Robert Klotz re trial prep	0.20	\$789.00	\$157.80
6/30/2015	Shawn Westfahl	Legal Services	Correspondence from expert Klotz re preparation and availability	0.10	\$789.00	\$78.90
7/2/2015	Shawn Westfahl	Paralegal Services	Preparation and mailing of deposition materials to expert Klotz.	0.30	\$179.00	\$53.70
7/6/2015	Shawn Westfahl	Legal Services	Correspondence with expert Klotz re schedule	0.10	\$789.00	\$78.90
7/6/2015	Shawn Westfahl	Legal Services	Review and edit Def. Voir Dire for possible joint submission, final draft jury instructions and telecom with co-counsel re trial strategy and edits.	1.10	\$789.00	\$867.90
7/7/2015	Shawn Westfahl	Legal Services	Correspondence with co-counsel re videographer - and editing video for trial purposes	0.10	\$789.00	\$78.90
7/13/2015	Shawn Westfahl	Legal Services	Trial prep meeting with co-counsel - review videos, discuss evidence and witnesses	3.00	\$789.00	\$2,367.00
7/13/2015	Shawn Westfahl	Paralegal Services	Assembly of trial pleadings binder for Attorney Miller.	1.00	\$179.00	\$179.00
7/14/2015	Shawn Westfahl	Paralegal Services	Telephone call with witness Max Ace.	0.40	\$179.00	\$71.60

JA 861

7/15/2015	Shawn Westfahl	Paralegal Services	Discussion with attorneys of agenda for trial planning.	0.30	\$179.00	\$53.70
7/15/2015	Shawn Westfahl	Paralegal Services	E-mail communication with witness Max Ace.	0.10	\$179.00	\$17.90
7/17/2015	Shawn Westfahl	Legal Services	Pretrial Conference with Judge Cooper, pre and post meetings with co-counsel	2.50	\$789.00	\$1,972.50
7/17/2015	Shawn Westfahl	Paralegal Services	Pretrial conference planning, note-taking, and post-conference strategy meeting.	2.50	\$179.00	\$447.50
7/20/2015	Shawn Westfahl	Legal Services	Review expert witness Klotz expert reports, deposition transcript and police reports.	2.45	\$789.00	\$1,933.05
7/20/2015	Shawn Westfahl	Legal Services	Review Officer Robinson UFIR and deposition transcript.	1.50	\$789.00	\$1,183.50
7/20/2015	Shawn Westfahl	Paralegal Services	Researching travel arrangements for witness Mr. Biros.	0.50	\$179.00	\$89.50
7/21/2015	Shawn Westfahl	Paralegal Services	Assembly, organization, and mailing of trial prep materials to expert Klotz.	1.50	\$179.00	\$268.50
7/21/2015	Shawn Westfahl	Legal Services	Telecon with expert witness Bob Klotz de trial preparation and testimony	1.00	\$789.00	\$789.00
7/22/2015	Shawn Westfahl	Paralegal Services	Researching and finalizing flight, hotel, and taxi arrangements for witness Mr. Biros.	0.90	\$179.00	\$161.10
7/23/2015	Shawn Westfahl	Paralegal Services	Prepare subpoena, witness fee check, and package of materials for potential witness Dr. Mark Carney; conduct witness-location research; telephone call with Dr. Carney's employer to assess availability to receive service; delivery of package of materials to process server.	2.20	\$179.00	\$393.80
7/23/2015	Shawn Westfahl	Legal Services	Trial preparation - determine order of witnesses, witness strategy, Confer with Trial consultant Masciola re witness testimony	2.00	\$789.00	\$1,578.00
7/26/2015	Shawn Westfahl	Paralegal Services	Plan and rehearse of audiovisual technology for trial; assist with witness preparation; prepare physical exhibits for use in trial.	7.50	\$179.00	\$1,342.50
7/26/2015	Shawn Westfahl	Legal Services	Trial Witness preparation (Eestfahl, Biros) - and moot opening statement and exhibhts display	7.50	\$789.00	\$5,917.50
7/26/2015	Shawn Westfahl	Legal Services	Draft Openjng Statement	2.00	\$789.00	\$1,578.00
7/27/2015	Shawn Westfahl	Legal Services	Trial day 1	9.00	\$789.00	\$7,101.00
7/27/2015	Shawn Westfahl	Legal Services	Finalize Openig Statement	1.80	\$789.00	\$1,420.20



8/13/2015

7/27/2015	Shawn Westfahl	Paralegal Services	Note taking and operating A/V presentation during day one of trial.	9.00	\$179.00	\$1,611.00
7/28/2015	Shawn Westfahl	Paralegal Services	Correction and submission of plaintiff's trial exhibit list, review and bookmarking of defendant deposition videos; create summary of deposition transcripts; note-taking and feedback for mootings of closing arguments; selection of video stills and excerpts.	6.50	\$179.00	\$1,163.50
7/28/2015	Shawn Westfahl	Legal Services	Pretrial preparation meeting with expert Robert Klotz	2.50	\$789.00	\$1,972.50
7/28/2015	Shawn Westfahl	Legal Services	Prepare outline of direct testimony for expert witness Klotz	1.50	\$789.00	\$1,183.50
7/28/2015	Shawn Westfahl	Legal Services	Trial preparation - moot closing argument, prepare demonstrative stills of videos, review deposition excerpts for defendants' cross, correspondence with agency counsel re Plaintiff's witnesses, review additional agency exhibits.	5.80	\$789.00	\$4,576.20
7/29/2015	Shawn Westfahl	Legal Services	Trial day 2	9.50	\$789.00	\$7,495.50
7/29/2015	Shawn Westfahl	Legal Services	Prepare cross examination for Officer defendants and witnesses	2.50	\$789.00	\$1,972.50
7/29/2015	Shawn Westfahl	Paralegal Services	Operating A/V presentation and note-taking during day two of trial.	9.50	\$179.00	\$1,700.50
7/30/2015	Shawn Westfahl	Paralegal Services	Note-taking, preparation and operation of A/V presentation during day three of trial.	8.80	\$179.00	\$1,575.20
7/30/2015	Shawn Westfahl	Legal Services	Trial day 3	8.80	\$789.00	\$6,943.20
7/30/2015	Shawn Westfahl	Legal Services	Prepare cross examination for defense expert witness	1.00	\$789.00	\$789.00
<b>TOTALS</b>				<b>124.85</b>		<b>\$65,932.65</b>

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**64**  
Civ. No. 05-1437 (RCL)

**EXCERPT**

\_\_\_\_\_  
ROBERT R. PRUNTY,  
Plaintiff,  
  
v.  
  
VIVENDI, ET AL.,  
Defendants  
\_\_\_\_\_

Case No.: 1:14-cv-02073-APM

**DECLARATION OF JESSICA RING AMUNSON**  
**IN SUPPORT OF VIVENDI DEFENDANTS' MOTION FOR ATTORNEYS' FEES**

JESSICA RING AMUNSON, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an attorney admitted to the United States District Court for the District of Columbia and am a partner at Jenner & Block LLP ("Jenner"). I am serving as counsel for Defendants Vivendi SA ("Vivendi"), UMG Recordings, Inc. ("UMG"), and The Island Def Jam Music Group ("Def Jam") (collectively, the "Vivendi Defendants") in this matter. I submit this declaration in support of the Vivendi Defendants' Motion for Attorneys' Fees.

**Jenner's Work On Behalf Of The Vivendi Defendants**

2. On December 9, 2014, Plaintiff instituted this action by filing a Complaint against fourteen defendants, including the Vivendi Defendants. (ECF No. 1.) However, Plaintiff never filed proof of service with this Court showing that his original complaint was served on the Vivendi Defendants, and the Vivendi Defendants therefore did not respond to the Complaint.

3. On February 2, 2015, Plaintiff filed an Amended Complaint against multiple defendants, including the Vivendi Defendants. (ECF No. 6.) The Amended Complaint alleged

six claims against the Vivendi Defendants: violation of the Thirteenth Amendment; a copyright infringement claim; two common law fraud claims; and two statutory civil rights claims. (*Id.*)

4. On February 3, 2015, after filing the Amended Complaint, Plaintiff filed a motion for a default judgment against Vivendi for its purported failure to respond to the initial Complaint. (ECF No. 8.) Plaintiff sought a judgment against Vivendi for \$75 million. (*Id.* ¶ 7.)

5. As this Court recognized when it denied Plaintiff's motion for default judgment, at the time Plaintiff filed his motion for entry of a default judgment, the initial Complaint was no longer operative, rendering Plaintiff's motion moot. (ECF No. 24 at 2.) Moreover, the motion was procedurally improper. *Id.* However, Vivendi was forced to file an opposition to the motion. (ECF No. 14.)

6. On February 19, 2015, I requested from Plaintiff a one-week extension of the Vivendi Defendants' time to answer Plaintiff's Amended Complaint. This request was made via telephone.

7. Plaintiff refused to grant the requested reasonable extension of the Vivendi Defendants' time to answer his Amended Complaint. (*See* ECF No. 12 ¶ 8.) Because of this refusal, the Vivendi Defendants were forced to move the Court for additional time. (*See* ECF No. 12.)

8. On February 26, 2015, the Vivendi Defendants timely filed their motion to dismiss the Amended Complaint for failure to state a claim, which addressed all six claims filed against them. Because Jenner, on behalf of the other defendants in the case, had already briefed a motion to dismiss five of the six claims in the Amended Complaint (*See* ECF No. 10), Jenner spent the vast majority of its time briefing the Copyright Act claim, which Plaintiff alleged only against the Vivendi Defendants.

**The Vivendi Defendants' Request For Attorneys' Fees**

9. The Vivendi Defendants request attorneys' fees totaling \$36,699.20 for the work performed by two attorneys and one paralegal at Jenner in connection with Plaintiff's three statutory claims.

10. The invoice issued by Jenner in this matter is attached hereto as Exhibit A. As reflected in the invoice, Jenner has billed the Vivendi Defendants for its work on an hourly basis. The invoice includes a summary of the charges, along with detailed billing records that describe the work performed by each attorney or paralegal and how much time was spent on each task.

11. The total fees billed to the Vivendi Defendants, as reflected in the invoice, were \$47,965.60. However, in the exercise of reasonable billing judgment, the Vivendi Defendants are requesting a lesser amount than the total reflected in the invoice for two reasons. First, the Vivendi Defendants have not included the time billed by Michael DeSanctis, a partner at Jenner whom Plaintiff named as a defendant in the case. Second, although Jenner spent the great majority of its representation of the Vivendi Defendants addressing the Copyright Act claim against them, the Vivendi Defendants have in good faith reduced the fees billed (less Mr. DeSanctis's fees) by twenty percent to account for any of Jenner's representation that was related to the defense of the non-statutory claims against the Vivendi Defendants.

12. The total fees sought are summarized in Exhibit B. Exhibit B summarizes the fees sought for each individual, listing the attorney or paralegal who billed time, the number of hours billed, the hourly rate that was charged (already discounted from Jenner's standard rates), the invoiced amount for each individual, the 20% reduction of that invoiced amount, and the total fees sought.

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13. The primary attorneys who billed time on this matter are identified below, along with their experience, hourly rates, and involvement with the case. The valuable work performed by the paralegal on this matter, who was supervised by the primary attorneys, is detailed in the invoice attached as Exhibit A.

14. I am a partner at Jenner, an international law firm respected for its litigation expertise. I have acted as lead counsel for the Vivendi Defendants in this matter. I have been the supervising partner on this case and have had ultimate decision-making responsibility since its inception. I have practiced law for over 11 years and have been involved in litigation and appellate matters involving highly complex areas of law. A true and correct copy of my work experience from Jenner's website is attached hereto as Exhibit C. My billing rate on this matter was \$613 per hour. The total fees sought for my work are \$5,786.72.

15. Michelle Singer is an experienced litigation associate who was the primary drafter of the documents filed in this case on behalf of the Vivendi Defendants. A true and correct copy of Ms. Singer's work experience from Jenner's website is attached hereto as Exhibit D. Ms. Singer's billing rate on this matter was \$502 per hour. The total fees sought for Ms. Singer's work are \$29,035.68.

16. The hourly rates charged for my work and for Ms. Singer's work are comparable to rates charged by lawyers with similar expertise who are similarly employed at large, well-respected law firms. *See, e.g., Billing Rates Across the Country*, Nat'l L. J., Jan. 13, 2014, available at <http://www.nationallawjournal.com/id=1202636785489/Billing-Rates-Across-the-Country>.

**Reasonableness of Attorneys' Fees**

17. As reflected in the contemporaneous time records, the time spent by Jenner was both reasonable and necessary to defend this action. The litigation, while frivolous, required significant efforts to defend. Jenner has reviewed the factual record, researched and briefed an opposition to a motion for default judgment, and researched and briefed a motion to dismiss.<sup>1</sup> Throughout the litigation, Jenner never staffed more than two primary attorneys on the matter – one handling day-to-day and drafting responsibilities and one supervising the matter.

18. In addition, the Vivendi Defendants coordinated their efforts closely with the other defendants in the case to eliminate duplicative work wherever possible. For example, Jenner took the lead on researching and briefing the opposition to the motion Plaintiff filed pursuant to Federal Rule of Civil Procedure 60 (ECF No. 28), which the Vivendi Defendants joined. Because Jenner was one of the defendants on whose behalf that opposition was filed, Jenner did not bill the Vivendi Defendants for any of its services related to that opposition brief. Jenner likewise did not bill the Vivendi Defendants for the costs involved in researching and drafting the opposition to the motion to dismiss filed by the non-Vivendi Defendants.

\*\*\*

19. For the foregoing reasons, the Vivendi Defendants' request for an award in the amount of \$36,699.20 in attorneys' fees should be granted in its entirety.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 1, 2015  
Washington, DC

/s/ Jessica Ring Amunson  
Jessica Ring Amunson

---

<sup>1</sup> The Vivendi Defendants will seek fees relating to the current motion in their Reply.

# EXHIBIT A

LAW OFFICES  
**JENNER & BLOCK LLP**  
 353 N. Clark Street  
 CHICAGO, ILLINOIS 60654-3456  
 (312) 222-9350

3/15/15	MOS	4.00	Edited reply brief in accordance with comments from S. Bauman [3.8] corresponded with J. Amunson re same [.1]; corresponded with C. Olson re cite-checking of brief [.1].	2,008.00
3/16/15	CLO	2.20	Cite checked reply memorandum in support of motion to dismiss first amended complaint.	506.00
3/16/15	MOS	1.70	Made cite-checking edits to reply brief [.9]; spoke and corresponded with C. Olson re same [.2]; edited reply brief in accordance with edits from S. Bauman [.5]; corresponded with J. Amunson re same [.1].	853.40
3/17/15	MOS	.70	Proofread reply brief [.4]; supervised filing of brief [.2]; corresponded with S. Bauman re same.	351.40
3/26/15	MOS	.70	Reviewed surreply filed by plaintiff [.4]; corresponded with J. Amunson re same [.2]; corresponded with S. Bauman re same [.1].	351.40
		97.10	PROFESSIONAL SERVICES	\$47,965.60

**DISBURSEMENTS**

2/26/15	B&W Copy			20.24
2/26/15	UPS tracking# 1Z22124E0190817550 Inv# 0000022124E095			11.89
3/10/15	B&W Copy			8.03
3/17/15	B&W Copy			2.09
3/17/15	UPS tracking# 1Z22124E0190419383 Inv# 0000022124E125			11.60
	TOTAL DISBURSEMENTS			\$53.85

INVOICE TOTAL \$ 48,019.45

**SUMMARY OF PROFESSIONAL SERVICES**

NAME	HOURS	RATE	TOTAL
MICHAEL B. DESANCTIS	2.80	747.00	2,091.60
JESSICA RING AMUNSON	11.80	613.00	7,233.40
MICHELLE R. SINGER	72.30	502.00	36,294.60
CHERYL L. OLSON	10.20	230.00	2,346.00
TOTAL	97.10		\$47,965.60



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**65**  
Civ. No. 05-1437 (RCL)

ALEX YOUNG,	)	
	)	
PLAINTIFF	)	Civil Action No. 1:14-cv-1203 (BAH)
vs.	)	
	)	
RICHARD SARLES,	)	
	)	
DEFENDANT	)	
_____	)	

AFFIDAVIT OF ROBERT CORN-REVERE

1. I am an attorney admitted to practice before the District of Columbia Court of Appeals and this Court. This declaration is submitted in support of the attorneys' fees requested by counsel in this matter. I make this declaration from facts of which I have personal knowledge and, if I were called to testify to those facts, I could and would do so competently.

2. I graduated from The Catholic University of America, Columbus School of Law in 1983. I have been in private practice since 1983.

3. I am currently a Partner at the Washington, D.C. office of Davis, Wright, Tremaine, LLP, where I specialize in First Amendment law and communication.

4. Prior to my work at Davis, Wright, Tremaine, LLP, I was a Partner in the Washington, D.C. office of Hogan & Hartson, LLP from 1994-2003, and an associate at the Washington, D.C. office of Hogan & Hartson, LLP from 1985-1989. From 1983-1985, I was an associate at the Washington, D.C. office of Steptoe & Johnson, LLP.

5. I served as Adjunct Professor at The Catholic University of America, Columbus School of Law from 1987-2001.

6. I am currently the National Chairman of the First Amendment Lawyers

## Association

7. My practice involves complex civil rights litigation, primarily in the area of First Amendment rights.

8. The following is a representative list of First Amendment cases in which I have served as lead counsel:

- a. *Sanders v. Guzman* – Representing Blinn College student who was instructed by university official that she and her friends would need "special permission" to display political signs on campus and to remain within the college's "free speech zone" if she wanted to demonstrate. (W.D. Tex., Ongoing)
- b. *Tomas v. Coley* – Representing student at California Polytechnic State University, Pomona who was stopped by campus police from handing out flyers without a "permit" outside the campus "free speech zone." (C.D. Cal.; Ongoing)
- c. *Jergins v. Williams* – Representing students at Dixie State University in First Amendment challenge to unconstitutional enforcement of a "free speech zone" and to policies that impose prior restraints on students' speech. Students further allege that the university refused to approve promotional flyers produced by the Young Americans for Liberty (YAL) student group that featured images negatively portraying Presidents George W. Bush and Barack Obama, and Che Guevara because school policy does not permit students to "disparage" or "mock[]" individuals." (D. Utah, Ongoing)
- d. *Kalamazoo Peace Center v. Dunn* – Western Michigan University settled with non-profit student organization and its two co-directors in civil rights action against university administrators who demanded that the organization pay a hefty and arbitrary security fee before hosting rapper and social activist at annual event. In settlement, University adopted new policies to comply with the First Amendment and pay \$35,000 in damages and attorneys' fees (W.D. Mich. 2015)
- e. *Smith v. McDavis* – Ohio University settled with student after he and fellow student group members were ordered by administrators not to wear a t-shirt advertising their student defense service featuring the phrase "We get you off for free." In settlement, University adopted new policies to adopt a definition of harassment that complies with the First Amendment and paid student \$32,000. (S.D Ohio 2015)

- f. *Beverly v. Watson* – Representing two professors in action seeking relief from unconstitutional speech policies at Chicago State University and an order enjoining administrators from continuing efforts to shut down the professors' blog, which is often critical of the University's administration. Motion to dismiss denied, *Beverly v. Watson*, \_\_ F.Supp.3d \_\_, 2015 WL 170409 (N.D. Ill. Jan. 13, 2015) (N.D. Ill., Ongoing)
- g. *Sinapi-Riddle v. Citrus Community College District* – Represented student who was threatened with removal from campus for asking a fellow student to sign a petition outside the College's restrictive "free speech area." Obtained \$110,000 settlement under which College agreed to revise its policies to permit free expression in all open areas of campus and to adopt a definition of harassment that complies with the First Amendment. (C.D. Cal. 2014)
- h. *Gerlich v. Leath* – Representing Iowa State University student members of the university chapter of the National Organization for the Reform of Marijuana Laws (NORML ISU) challenging the University adoption and enforcement of policies that unconstitutionally restrict the group's ability to engage in political advocacy through license of university trademarks for t-shirts and other apparel. Motion to dismiss denied. *Gerlich v. Leath*, 2015 WL 4097755 (S.D. Iowa Jan. 6, 2015) (S.D. Iowa, Ongoing)
- i. *Burch v. University System of Hawaii*— Represented students in civil rights lawsuit claiming denial of their right to hand out literature, the unconstitutionality of the university's "free speech zone," and the failure of university officials to adequately train administrators on the rights of college students. Resulted in settlement under which the entire University of Hawaii system agreed to revise its policies to allow free speech in open areas across all campuses and to pay plaintiffs \$50,000. (D. Haw. 2014)
- j. *Van Tuinen v. Modesto Community College* – Represented student in civil rights lawsuit against community college district that prevented him from handing out copies of U.S. Constitution on Constitution Day, resulting in settlement under which the district agreed to revise its policies to allow free speech in open areas across campus and agreed to pay plaintiff \$50,000. (E.D. Cal. 2014)
- k. *Garcia v. Montgomery County et al.* – Representing photojournalist and video producer Mannie Garcia in a federal civil rights action against

Montgomery County, the Montgomery County Police Department, the Chief of Police, and individual police officers for falsely arresting Mr. Garcia and using excessive force while he filmed another arrest on a public street. (D. Md. Ongoing)

1. *Chamber of Commerce of the United States v. Servin, et al.* – Represented the Yes Men against trademark claims filed after they performed a political parody of the Chamber of Commerce's controversial position on global climate change; three years after defendants moved to dismiss, the Chamber dropped its lawsuit. USDC D.C. 09cv 2014 (2013)
- m. *Barnes v. Zaccari* – Lead counsel in case holding that qualified immunity does not protect university president who summarily expelled students for exercising First Amendment rights in violation of procedural due process requirements. (11th Cir. 2012)
- n. *United States v. Stevens* – Co-counsel for respondent in case challenging the constitutionality of a federal law prohibiting depictions of "animal cruelty." The Court ruled 8-1 that the law violates the First Amendment. (U.S. 2009)
- o. *Berger v. City of Seattle* – Counsel for appellant in successful First Amendment challenge to restrictions on use of the public forum in the Seattle Center, a multipurpose cultural and entertainment venue. (9th Cir. 2009) (en banc)
- p. *Huminski v. Corsones* – Counsel for plaintiff in a case holding that individual members of the public have a First Amendment right to attend court proceedings. (2d Cir. 2006)
- q. *United States v. Playboy Entertainment Group, Inc.* (U.S. 2000). Lead counsel for Playboy in successful First Amendment challenge to Section 505 of the Telecommunications Act of 1996.

9. For First Amendment cases in which I have represented a prevailing Plaintiff in § 1983 litigation, I generally seek attorneys' fees, either through settlement or by petitioning the court. In preparing for settlement negotiations or filing a petition, I familiarize myself with the most recent prevailing market rates. To obtain relevant comparisons for billing rates, I obtain information concerning rates for attorneys in both larger law firms engaged in complex litigation, as well as smaller boutique civil rights law firms.

10. My current billing rate for First Amendment litigation is \$690 per hour.

11. I understand that Plaintiff's attorneys are seeking fees based on the rates set forth in the LSI-adjusted Laffey Matrix.

12. I further understand that Attorney Light, who graduated from law school in 2004, is seeking the LSI-adjusted Laffey Matrix rate for an attorney who has been out of law school for 11-19 years. According to the LSI-adjusted Laffey Matrix, that rate is currently \$661/hr, and was \$655/hr last year, and \$640/hr the year before.

13. The LSI-adjusted Laffey Matrix rates for Attorney Light are reasonable and consistent with the prevailing market rate in the Washington, D.C. area for First Amendment litigation.

14. I also understand that Attorneys Day and McKusick are seeking the LSI-adjusted Laffey Matrix rate for attorneys who have been out of law school for over 20 years. According to the LSI-adjusted Laffey Matrix, that rate is currently \$796/hr, and was \$789/hr last year, and \$771/hr the year before.

15. The LSI-adjusted Laffey Matrix rates for Attorneys Day and McKusick are reasonable and consistent with the prevailing market rate in the Washington, D.C. area for First Amendment litigation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed August 11, 2015

  
\_\_\_\_\_  
Robert Corn-Revere, Esq.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DL, *et al.*, on behalf )  
of themselves and all others )  
similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
THE DISTRICT OF COLUMBIA, )  
*et al.*, )  
 )  
Defendants. )  
 )  
 )  
 )

**Plaintiffs' Exhibit**  
**66**  
Civ. No. 05-1437 (RCL)

Civil Action No. 05-1437 (RCL)

**AFFIDAVIT OF ANTHONY T. PIERCE**

I, Anthony T. Pierce, hereby depose and state:

1. I graduated from Georgetown University Law Center in 1987. Since then, my practice has involved complex federal and state litigation in the District of Columbia and other jurisdictions.

2. I am a partner at the law firm of Akin Gump Strauss Hauer & Feld LLP (“Akin Gump”). Akin Gump is an international law firm with over 900 attorneys. I am the partner in charge of Akin Gump’s Washington, D.C. office, which has 256 attorneys. I am also a member of the firm’s management committee.

3. I am familiar with the hourly rates that Akin Gump charges in Washington, D.C. and elsewhere. I am also familiar with the hourly rates that Akin Gump and other law firms in Washington, D.C. charge for complex federal litigation.

4. The *Laffey* Matrix is a schedule of hourly rates developed in *Laffey v. Northwest Airlines*, 572 F. Supp. 354 (D.D.C. 1983), *aff'd in part and rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *overruled in part on other grounds*, *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516, 1525 (D.C. Cir. 1988)(*en banc*). See e.g., *Salazar v. D.C.*, 809 F.3d 58,

60, 64-65 (D.C. Cir. 2015). It is my understanding that plaintiffs' counsel in the above captioned case are requesting reimbursement for their work based on an update to the *Laffey* Matrix using the Legal Services Index (hereafter "LSI *Laffey* Matrix").

5. Plaintiffs' counsel have represented to me that the LSI *Laffey* Matrix rates for 2016-2017 are:

Years Out of Law School	Hourly Rate
20th+	\$826
11th – 19th	\$686
8th – 10th	\$608
4th – 7th	\$421
1st – 3rd	\$342
Paralegal/Law Clerk	\$187

6. In my opinion, the hourly rates in the LSI *Laffey* Matrix are comparable to, if not below, the market rates for complex federal litigation in Washington, D.C.

7. Howard B. Jacobson is a partner at Akin Gump's Washington office. His standard hourly rate is not \$410. His standard hourly rate is higher than the top rate in the LSI *Laffey* Matrix.

Pursuant to 28 U.S.C. 1746, I declare under the penalty of perjury that the foregoing is true.

Date: September 26, 2016

  
ANTHONY T. PIERCE

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DL, *et al.*, on behalf )  
of themselves and all others )  
similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
THE DISTRICT OF COLUMBIA, )  
*et al.*, )  
 )  
Defendants. )  
 )  
 )  
 )

**Plaintiffs' Exhibit**  
**67**  
Civ. No. 05-1437 (RCL)

Civil Action No. 05-1437 (RCL)

**AFFIDAVIT OF NATHAN LEWIN**

I, Nathan Lewin, hereby depose and state:

1. I am a 1960 graduate of Harvard Law School. Following law school, I served as a law clerk to Chief Judge J. Edward Lumbard of the United States Court of Appeals for the Second Circuit (1960-1961) and then to Associate Justice John M. Harlan of the Supreme Court of the United States (1961-1962). Thereafter, I served as an Assistant to the Solicitor General in the Department of Justice under Solicitors General Archibald Cox and Thurgood Marshall. I also served as Deputy Assistant Attorney General in the Civil Rights Division of the Department of Justice and as Deputy Administrator of the Bureau of Security and Consular Affairs at the Department of State.

2. Upon leaving government service in 1969, I became a founding partner of Miller, Cassidy, Larroca and Lewin (“Miller Cassidy”), which was one of the nation’s foremost litigation “boutiques” for more than 30 years. In January 2001, when Miller Cassidy merged with the Washington office of Baker Botts, LLP, I did not participate in the merger. For a brief period, I joined the Washington office of Mintz Levin Cohn Ferris Glovsky and Popeo, PC. In



May 2002, I formed Lewin & Lewin, LLP, in Washington, D.C. Lewin & Lewin, LLP, engages in complex federal litigation.

3. Throughout my career, I have engaged in complex federal litigation in the Washington, D.C., legal marketplace and in many other jurisdictions around the country. I am familiar with the marketplace for complex federal litigation in Washington, D.C. and other jurisdictions.

4. Miller Cassidy was one of the firms whose rates information was included in the fee matrix created to support the 1983 fee application in *Laffey v. Northwest Airlines*, 572 F. Supp. 354 (D.D.C. 1983), *rev'd*, 746 F.2d 4 (D.C. Cir. 1984), *overruled on other grounds*, *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516, 1525 (D.C. Cir. 1988) (en banc). That matrix has come to be known as the “*Laffey* matrix.” As can be seen, my hourly rate of \$250 is among the highest rates in the data underlying the *Laffey* matrix. Only partners at Caplin & Drysdale had a higher rate (\$300) and senior partners at Dickstein, Shapiro & Morin also had a rate of \$250. By comparison, Daniel A. Rezneck, then of Arnold & Porter, who compiled the data and created the *Laffey* matrix, had an hourly rate of \$200.

5. In *Heller v. District of Columbia*, No. 03-213,2011 WL 6826278 at \*9 (D.D.C. Dec. 29, 2011), appeals docketed, Nos. 12-7021, 12-7022 (D.C. Cir. Feb. 23, 2012), the court assumes from the Malowane Declaration that the hourly rates of large firms engaged in complex federal litigation are higher than those of small or boutique firms engaged in such practice. Based on my knowledge of the marketplace, this is not the case. The rates of all firms in the complex federal litigation marketplace are comparable. It is my experience that law firms, like other businesses, must respond to the whole market, not just a segment.

6. Throughout my tenure at Miller Cassidy, the firm viewed all firms engaged in complex federal litigation in Washington, D.C., as its competitors in that marketplace. This includes both other boutique firms and large firms. In no way did Miller Cassidy consider itself to be in competition with only small or boutique firms. In order to be competitive in the marketplace for complex federal litigation, Miller Cassidy set its hourly rates in a manner that included consideration of our competitors' rates, regardless of size of the competitor.

7. The overhead of Miller Cassidy was of little or no consideration in the setting of hourly rates.

8. In 2001, when I left Miller Cassidy, my hourly rate for complex federal litigation was \$500. When I started Lewin & Lewin, LLP, I adjusted my Miller Cassidy rate upward to \$550 to reflect a general increase in rates.

9. Lewin & Lewin, LLP, views all firms engaged in complex federal litigation in Washington, D.C., as its competitors in that marketplace. This includes other boutique firms and large firms. Lewin & Lewin, LLP, does not consider itself to be in competition with only small or boutique firms. In order to be competitive in the marketplace for complex federal litigation, Lewin & Lewin, LLP, sets its competitive hourly rates regardless of the size of the competitor.

10. The overhead of Lewin & Lewin, LLP, is of little or no consideration in the setting of hourly rates.

11. In the *Heller* case, the Malowane Declaration assumed that smaller firms had lower overhead than large firms. Based on my experience at Miller Cassidy, a 35-attorney firm, and at Lewin & Lewin, LLP, a 2-attorney firm, the smaller the firm the greater the overhead on a per-attorney basis.

12. Today, my hourly rate for complex federal litigation is \$ 750.00.

13. Except for cases in which my hourly rate was adjusted to reflect the fact that the litigation was undertaken on a partial *pro bono* basis, the firms with which I have been associated charged the same hourly rate for all work performed by me on a matter. The hourly rate did not change to reflect the simplicity or complexity of the particular task involved.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true.

Date: September 13, 2016

s/Nathan Lewin

\_\_\_\_\_  
NATHAN LEWIN

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DL, *et al.*, on behalf )  
of themselves and all others )  
similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
THE DISTRICT OF COLUMBIA, )  
*et al.*, )  
 )  
Defendants. )

**Plaintiffs' Exhibit**  
**68**  
Civ. No. 05-1437 (RCL)

Civil Action No. 05-1437 (RCL)

**AFFIDAVIT OF BARRY COBURN**

I, Barry Coburn, hereby depose and state:

1. I graduated from Harvard Law School in 1981. I am a member in good standing of the Bar of the District of Columbia. I am admitted to several federal district courts and courts of appeal.

2. I have over twenty-five years of experience litigating complex civil and criminal cases in the federal courts. Following law school, I served as a Special Assistant to the Director of Operations in the United States Department of Justice Antitrust Division from 1981 to 1985. After that, I served in the United States Attorney's Office for the District of Columbia from 1985 to 1990.

3. For the last twenty-six years, I have worked in private practice. I have practiced almost exclusively at small litigation firms, focusing on what is typically referenced as "white collar" and other criminal defense cases as well as civil and administrative litigation. I have tried a large number of cases in federal and state/local courts.

4. I currently practice at Coburn & Greenbaum, PLLC, which is based in Washington, D.C. Coburn & Greenbaum has seven attorneys, including myself. Coburn &

Greenbaum engages in complex federal litigation in Washington, D.C. and in other jurisdictions around the country.

5. My current hourly rate for complex federal litigation is \$700.00.

6. My hourly rate for complex federal litigation is based on the market for complex federal litigation in the District of Columbia.

7. Litigation matters that are not complex typically command a lower hourly rate in the marketplace. I base my hourly rate for non-complex litigation on this marketplace.

8. Coburn & Greenbaum competes with all firms, large and small, that are engaged in complex federal litigation in Washington, D.C. In order to be competitive in the marketplace for complex federal litigation, Coburn & Greenbaum sets its hourly rates for complex federal litigation in a manner that includes consideration of our competitors' rates, regardless of firm size.

9. Coburn & Greenbaum has litigated cases in jurisdictions across the country. When we litigate cases in the District Court for the District of Columbia, it is not uncommon for co-counsel or opposing counsel to be from firms that are based in cities outside of the District of Columbia. Conversely, when we litigate cases in other jurisdictions, it is not uncommon for co-counsel or opposing counsel to be from firms that are based in Washington, D.C.

10. The overhead of Coburn & Greenbaum is of little or no consideration in the setting of my hourly rate for complex federal litigation.

11. I have been asked by Terris Pravlik & Millian, LLP ("TPM") to provide my opinion on the reasonableness of the hourly rates that they are seeking in the present case. In order to do so, I have reviewed background information on the experience of the attorneys primarily involved in this litigation.

12. I understand that Bruce Terris and Todd Gluckman of TPM are the current lead attorneys who tried this case. Mr. Terris is a 1957 graduate of Harvard Law School, *magna cum laude*. He has practiced law for over fifty years, including seven years in the Office of the Solicitor General, where he drafted or edited approximately seventy briefs on the merits in the Supreme Court. He has extensive experience arguing before the Supreme Court.

13. Mr. Gluckman is a 2005 graduate of Cornell Law School, *cum laude*. He is a former clerk of the Honorable Frederick J. Martone of the United States District Court for the District of Arizona and was an associate with White & Case LLP.

14. This case appears to have a long history, having been pending for over eleven years. It is reasonable for multiple attorneys to have worked on a case of such duration and complexity, and my understanding is that there have been numerous other attorneys that have worked on this case in addition to Mr. Terris and Mr. Gluckman. I have reviewed the backgrounds of the several other attorneys who have worked on this case, including the following: Shina Majeed, a 2000 graduate of New York University School of Law, *cum laude*, Alexander R. Karam, a 2004 graduate of Columbia University School of Law, Ehsan Tabesh, a 2010 graduate of the University of Virginia School of Law, Jane Liu, a 2005 graduate of the University of Pennsylvania School of Law, and Lauren Seffel, a 2010 graduate of Harvard Law School. In addition to these attorneys for TPM, I understand that there are co-counsel who are seeking fees: Jeffrey S. Gutman, a 1986 graduate of Harvard Law School and Professor of Clinical Law at the George Washington University School of Law, Margaret Kohn, a 1972 graduate of the Columbia University School of Law, and Cyrus Mehri, a 1988 graduate of Cornell Law School at Mehri & Skalet, PLLC.

15. Based on my review, each of these attorneys possesses impressive credentials and professional experience in the area of complex federal litigation. Based on my experience and knowledge regarding billing rates at my firm as well as those of other firms engaged in equally complex litigation, it is my opinion that the rates sought by TPM are reasonable. The rates sought are equivalent to the prevailing market rates in the District of Columbia, regardless of firm size.

Pursuant to 28 U.S.C. 1746, I declare under the penalty of perjury that the foregoing is true.

Date: September 26, 2016



BARRY COBURN

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**70**  
Civ. No. 05-1437 (RCL)

DL, *et al.*, on behalf )  
of themselves and all others )  
similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
THE DISTRICT OF COLUMBIA, )  
*et al.*, )  
 )  
Defendants. )  
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 )

Civil Action No. 05-1437 (RCL)

**SECOND AFFIDAVIT OF CAROLYN SMITH PRAVLIK**

I, Carolyn Smith Pravlik, hereby depose and state:

1. I am a partner in the firm of Terris, Pravlik & Millian, LLP (“TPM”). I am one of plaintiffs’ counsel in the above-referenced case.

2. Since joining the Terris firm in 1981, I have been a complex federal litigator. All of my time has been spent in complex federal litigation. All complex federal litigation involves straightforward work in addition to more complex work. The fact that the litigation includes some straightforward work does not change the character of the overall litigation.

3. TPM has a highly specialized knowledge in the litigation of fees, particularly fee litigation issues in the District of Columbia Circuit, which is the relevant jurisdiction to the fees issues here. The firm has been litigating fees issues under many fee-shifting statutes, particularly environmental and civil rights statutes, since it was founded. I have been litigating fees issues, particularly the issue of reasonable hourly rates, since 1981, prior to the creation of the *Laffey* Matrix (some of the history of the *Laffey* Matrix is set forth in plaintiffs’ 2016 fee application (pp. 26-29)).



**USAO MATRIX 2015-2017 AND 2011 ALM SLFE**

4. When I called the USAO to obtain information regarding the USAO Matrix 2015-2017 before plaintiffs filed their 2016 fee application, I learned that the new matrix had been prepared by the USAO's expert Laura Malowane. Dr. Malowane is also the District's expert and the District submitted her declaration in opposition to plaintiffs' 2016 fee application. Dr. Malowane's declaration is Defendants' Exhibit 11.

5. On July 13, 2016, plaintiffs submitted a FOIA request to the Department of Justice seeking the ALM Legal Intelligence Surveys of Law Firm Economics (ALM SLFE) referenced in the USAO Matrix 2015-2017 (Pl. Ex. 24, Explanatory Note 2).<sup>1</sup> By letter dated October 11, 2016, the Department of Justice responded to the FOIA request providing all of the records sought. The response is Plaintiffs' Exhibit 90. Two pages of the materials provided related to 2011. The other materials related to 2014. The two pages of 2011 material are set forth in Plaintiffs' Exhibit 91. The two pages in Plaintiffs' Exhibit 91 are exactly the same except for the handwritten notes on the pages. In other words, each page has the same rates data for 2011.

6. By email dated February 21, 2017 (Pl. Ex. 95), plaintiffs requested from the District materials relied upon by Dr. Malowane in support of the testimony in her declaration (Def. Ex. 11). On March 7, 2017, the District's counsel, Chad Copeland, responded to the email attaching a single page from the 2011 ALM SLFE as material relied upon by Dr. Malowane. *See* Pl. Ex. 85. The single page provided by Mr. Copeland is provided separately as Plaintiffs' Exhibit 84.

7. On March 7, 2017, after receiving Mr. Copeland's email with the single page relied upon by Dr. Malowane (Pl. Ex. 84), I responded by asking Mr. Copeland about the following (Pl. Ex. 86):

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<sup>1</sup> The FOIA request is Plaintiffs' Exhibit 89.

Dr. Malowane must have relied upon more than the single page of the 2011 ALM survey you provided. I say this because she states in footnote 2 of her declaration that ALM follows the U.S. Census definition of the Washington, DC Metropolitan Area. This information does not appear on the page you supplied. Also, paragraph 6 of her declaration states that the survey represents “*actual* average billing rates of attorneys from all size firms in the Washington, DC metropolitan area.” This information does not appear on the page you supplied. Paragraph 14 of her declaration provides further information which does not appear on the page you provided. There may be other information in her declaration that is based on the ALM survey. This is not meant to be an exhaustive list. Please provide all pages from the survey upon which Dr. Malowane relied in forming the opinions set forth in her declaration. Thanks.

In response to my email, Mr. Copeland reiterated that the single page provided on March 7 was the only material. *See* Pl. Ex. 87.

8. Afterward, I obtained the 2011 ALM SLFE. The page that is Plaintiffs’ Exhibit 84 is not in the 2011 ALM SLFE.

9. On March 24, 2017, I emailed Mr. Copeland asking him to provide the page number from the 2011 ALM SLFE for the single page he had supplied from Dr. Malowane (Pl. Ex. 84). He responded that “[t]he document reflects a custom pull of data by ALM from the 2011 ALM SLFE.”<sup>2</sup> Pl. Ex. 88.

10. Plaintiffs’ Exhibit 84 (the single page provided by the District upon which Dr. Malowane relied) and Plaintiffs’ Exhibit 91 (the pages provided by DOJ in response to plaintiffs’ FOIA request) are the same page with the same rates data. The heading on the top of each of these pages is (Pl. Exs. 84, 91):

**WASHINGTON, D.C. METRO AREA  
YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

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<sup>2</sup> On that same date, I supplied the single page provided by Mr. Copeland as the page relied upon by Dr. Malowane to ALM Legal Intelligence and asked it to confirm whether the page came from the 2011 ALM SLFE. ALM Legal Intelligence responded that the page was a custom report from the 2011 ALM SLFE. Pl. Ex. 92, p. 2.

11. Dr. Malowane states that the “Washington, DC metropolitan area is defined by the U.S. Census Bureau, and ALM Legal Intelligence follows that definition in its surveys.” Def. Ex. 11, para. 6, n. 2. We asked ALM Legal Intelligence to provide us with the scope of the geography for the Washington, D.C. metro area as used in the 2011 ALM SLFE custom report relied upon by Dr. Malowane (Pl. Ex. 84). ALM Legal Intelligence informed us that, in Dr. Malowane’s custom report, the Washington, DC metropolitan area “is defined as DC-VA-MD-WV.” Pl. Ex. 92.

12. Excerpts of the 2011 ALM SLFE are set forth in Plaintiffs’ Exhibit 81. The 2011 ALM SLFE survey includes rates by experience level on a state-by-state basis.<sup>3</sup> See Pl. Ex. 81, p. 143. The District of Columbia is included as one of the states. See *ibid*. No rates data are provided for the District of Columbia at the “Under 2 Years” and “8 to 10” experience levels. At each of the other experience levels, the rates provided for the District of Columbia are higher than the rates for the Washington, DC, metropolitan area provided in Plaintiffs’ Exhibits 84 and 91. I asked plaintiffs’ expert, Dr. Michael Kavanaugh, to address this difference.<sup>4</sup>

**VALEO RATES DATA  
(PLAINTIFFS’ EXHIBITS 79 AND 80)**

13. In support of plaintiffs’ fee application, we filed Plaintiffs’ Exhibit 53, the Declaration of Mark F. (Thor) Hearne II, filed in *Biery v. United States*, No. 07-693L (Fed. Cl.), with Exhibit A (excerpted) and Exhibit E. In the brief in support of the application, we argued that the 2012 and 2013 Valeo rates data in Exhibit E to Plaintiffs’ Exhibit 53 supported plaintiffs’ position that the LSI *Laffey* Matrix is a better reflection of the prevailing market rates for complex federal litigation than the USAO Matrix 2015-2017. Pl. Br. 19. Based on the District’s arguments

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<sup>3</sup> Rates are presented in Plaintiffs’ Exhibits 84 and 91 by experience level.

<sup>4</sup> I also asked Dr. Kavanaugh to address the other matters set forth in his second declaration in support of plaintiffs’ 2016 fee application. His second declaration is Plaintiffs’ Exhibit 78.

in opposition to plaintiffs' fee application, we have adjusted the 2012 and 2013 Valeo rates data to present (2016-2017 rates year) using the same method of adjustment used in the USAO Matrix 2015-2017 (*see* Pl. Ex. 24, Explanatory Note 2), namely, the Producer Price Index-Office of Lawyers (PPI-OL). Plaintiffs' Exhibit 79 presents the adjusted Valeo rates data. To create Plaintiffs' Exhibit. 79, we imported to Microsoft Word the data in Exhibit E to Plaintiffs' Exhibit 53, which was in PDF format.<sup>5</sup> From Microsoft Word, the data was transferred into an Excel workbook. For a limited number of values that could not be easily pasted into Excel due to their formatting in Word, the data were entered manually. To ensure accuracy, the manually entered data and the imported data were checked against the original PDF (Pl. Ex. 53, Exhibit E).

14. After ensuring accuracy and preserving the original spreadsheet, the data were sorted first by rate year (2012 rates separated from 2013 rates) and then by graduation year. The sorted data was copied into two identical spreadsheets for sorting by experience levels. The first spreadsheet was categorized by the USAO Matrix 2015-2017 experience levels. Pl. Ex. 79, pp. 4-19; *see also* Pl. Ex. 24, Explanatory Note 6. The second was categorized by the *Laffey* experience level. Pl. Ex. 79, pp. 20-34.

15. In each spreadsheet, the rates for each experience level were averaged. The rates were averaged separately for 2012 and 2013. *See* Pl. Ex. 79, pp. 2-3. With the average rates, four tables were created: the first table updated the 2012 rates using the USAO Matrix 2015-2017 experience levels (*id.*, p. 2), the second updated the 2013 rates using the USAO Matrix 2015-2017 experience levels (*ibid.*), the third updated the 2012 rates using the *Laffey* Matrix experience levels (*id.*, p. 3), and the fourth updated the 2013 rates using the *Laffey* Matrix experience levels (*ibid.*).

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<sup>5</sup> The importing was required because I was not able to obtain from Mr. Hearne (Pl. Ex. 53) the Valeo rates data in spreadsheet form.

16. In each table, the rates were updated or adjusted using the same method described in the USAO Matrix 2015-2017 using the Producer Price Index-Office of Lawyers (PPI-OL) index. *See* Pl. Ex. 24, Explanatory Note 2. I asked Dr. Kavanaugh to confirm that Plaintiffs' Exhibit 79 correctly updated the Valeo rates data using the same method used in the USAO Matrix 2015-2017. He informed me that it does. *See* Pl. Ex. 78, para. 20.

17. To create tables from the Valeo rates data that did not include rates from bankruptcy litigation, the following was done. Using duplicate spreadsheets of those sorted and categorized by experience level as described above for Plaintiffs' Exhibit 79, the column labelled "Industry" was sorted to highlight all values equal to "Bankruptcy." All rows where the industry was identified as bankruptcy were deleted. Once the bankruptcy data were deleted, the same methodology described above was followed to average the rates and adjust them to 2016-2017 rates. Plaintiffs' Exhibit 80 sets forth the Valeo rates data update to 2016-2017 without the bankruptcy data.

18. For Plaintiffs' Exhibit 79 and 80, all calculations for the averages, adjustment factors, and updated rates were performed in the Excel spreadsheets. The Excel spreadsheets were then saved in PDF format to create Plaintiffs' Exhibits 79 and 80.

#### **EXCLUSIONS FROM PLAINTIFFS' EXHIBITS 47-49**

19. The District argues that plaintiffs' market data (Pl. Exs. 47-49) is distorted because certain data were excluded. *Opp.* 16-17. Plaintiffs did exclude the data identified by the District because the data were deficient in some regard as explained below.

20. In Plaintiffs' Exhibit 47, we excluded data when we could not verify the graduation year or experience level for an attorney. *See* Terris Aff., para. 88(b)(ii)(3) (Pl. Ex. 1). Specifically, we excluded the rates for attorneys from Relman, Dane & Colfax listed in Plaintiffs' Exhibit 57 for whom we could not verify the graduation year. Plaintiffs' Exhibit 57 does not include

graduation years. Relman, Dane & Colfax does not list attorney graduation years on their website. Therefore, we only included the rates for the attorneys whose experience level was stated in the Declaration of Megan Cacace (Pl. Ex. 57) and the Declaration of John R. Relman (Pl. Ex. 56).

21. In Plaintiffs' Exhibit 47, we excluded data from lawyers that were not located in the District of Columbia. *See Terris Aff.*, para. 88(a)(i) & (b)(ii)(2). For example, we excluded the rates for attorneys from Valli, Kane & Vagnini in Plaintiffs' Exhibit 60, because they are located in Garden City, New York.

22. In Plaintiffs Exhibit 47, we also excluded data for all attorneys who were not listed as an associate or partner in the Westlaw Legal Billing Reports (*e.g.* biller W. Gregory Mott, listed as "Of Counsel" at Olgetree, Deakins, Nash, Smoak & Stewart, PC). *See Terris Aff.*, para. 88(a)(ii). We excluded these billers, because plaintiffs are not seeking fees for individuals classified as "Of Counsel" and because we could not verify that "Of Counsel" were considered the same as permanent associates or partners and that they were given equally difficult assignments commanding the same rates as permanent associates or partners. In response to the District's objection, in Plaintiffs' Exhibits 79 and 80 (Valeo rates data), we included all Of Counsel data from Plaintiffs' Exhibit 53, Exhibit E.

### ***SALAZAR CASE***

23. The District argues that there is a submarket related to institutional reform cases against the District and that in that submarket the fee awards show that the prevailing market rates are the USAO Matrix 2015-2017 rates. Opp. 6-9. In this submarket, the District argues that *Salazar* is unique because the "consent decree provides for Enhanced *Laffey* rates." Opp. 25; *see also* Opp. 8. TPM is plaintiffs' counsel in *Salazar v. District of Columbia*, D.D.C., Civ. No. 93-452 (GK). Contrary to the District's claim, the consent decree does not provide for the "Enhanced *Laffey* rates," the District's label for the LSI *Laffey* Matrix. In that case, we have litigated the issue

of which rates matrix best reflects the prevailing market rates for complex federal litigation in Washington, D.C., since 1999. *See Salazar v. District of Columbia*, 123 F. Supp. 2d 8, 11-15 (D.D.C. 2000)(“*Salazar I*”); *Salazar v. District of Columbia*, 750 F. Supp. 2d 70, 72-74 (D.D.C. 2011)(“*Salazar II*”); *Salazar v. District of Columbia*, 991 F. Supp. 2d 39, 47-49 (D.D.C. 2014)(“*Salazar III*”); *Salazar v. District of Columbia*, 30 F. Supp. 3d 47, 51 (D.D.C. 2014)(“*Salazar IV*”); *Salazar v. District of Columbia*, 809 F.3d 58, 64-65 (D.C. Cir. 2015)(“*Salazar V*”)(affirming *Salazar III* and *Salazar IV*). The consent decree in that case does not specify that the fees are to be computed on the basis of the LSI *Laffey* Matrix rates as the District states (Opp. 25). *See Salazar V*, 809 F.3d at 61.<sup>6</sup>

24. The rates evidence submitted in September 2016 in support of plaintiffs’ fee application is almost indistinguishable from the rates evidence submitted by TPM in *Salazar IV* except that it was updated to reflect that the rates at issue in *Salazar IV* were for 2012-2013 and the rates at issue here are for 2016-2017. This required collecting new marketplace evidence to submit in support of this application. However, the same type of marketplace evidence was used to support this application as was presented in *Salazar IV*. Another distinction is that by the time of this application, the USAO had abandoned its *Laffey* Matrix and use of the Consumer Price Index (CPI) to update it. *See* Pl. Br. 11-16. As a result, we did not include the *Salazar IV* evidence used to compare the LSI and the CPI. Instead, plaintiffs developed new evidence that addressed the LSI and the PPI-OL, the index now used by the USAO for the USAO Matrix 2015-2017. *See* Pl. Ex. 27.

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<sup>6</sup> As part of the settlement of the *Salazar* class action, plaintiffs agreed to be compensated at below market rates for some of the work done under the consent decree.

25. The District asserts that plaintiffs' fee materials in support of the 2012 fee application in this case are "lifted directly" from the briefing their counsel filed in *Salazar*. Opp. 31; *see also* Def. Ex. 12, paras. 65-71. The District then proceeds without any proof to accuse plaintiffs' counsel of attempting to double bill the taxpayers for the same work. *Ibid*. This is a baseless accusation. We do re-use the same briefing materials as often as possible. This is both practical and sensible. Since our fees are contingent on success, we run the risk that we may never be compensated for our work in a case. Therefore, it is sensible to invest as little time as is appropriate on any given activity. One way to do this is to re-use material as much as possible. It is also sensible to re-use the same argument if it has been successful in another case (the *Salazar* rates arguments have been successful). We do not double bill for work that is re-used. We merely cut and paste prior usable material into the work underway. However, we do bill for the time needed to update the prior work. Most of the re-used material here relates to the many arguments that are raised regarding hourly rates. I do much of TPM's briefing related to hourly rates because I am very familiar with the topic and can prepare briefing on the topic more quickly and at less cost than others. Tasks are appropriately undertaken by a senior attorney if the senior attorney can perform them more cost effectively than a junior attorney. I am also intimately familiar with our historic briefing on these issues. I know which prior materials present the most recent discussion of an issue and utilize that prior material as the base material in the new presentation. The material is changed as needed to reflect changes in caselaw, evidence, and arguments presented by the opposition. For example, if the prior briefing related to rates evidence for an earlier rates period, that evidence, including the marketplace data comparison, and related briefing, would be updated for the present briefing.



**CHALLENGES TO TIME FOR THE  
2012 FEE APPLICATION**

26. Preparation of fee applications is a complex task. With regard to the reasonableness of the time expended, it is necessary to present in a clear manner detail regarding work on the case, which has usually spanned many years, and explain why the amount of work that was performed was reasonable. It is also necessary to present the evidence regarding the prevailing market rates for the type of case at issue. In 2012, plaintiffs' counsel knew from years of experience litigating against the District that there would be a dispute in this case regarding whether the LSI *Laffey* Matrix or the USAO *Laffey* Matrix better reflected the prevailing market rates for complex federal litigation. It is also evident from the caselaw in this court that there is often a dispute between the parties on this topic. Accordingly, we prepared an application that satisfied plaintiffs' burden under *Covington v. D.C.*, 57 F.3d 1101 (D.C. Cir. 1995).

27. TPM billed \$130,143.18 for work on their opening brief (ECF Nos. 325, 326), \$199,090.88 for work preparing their 76 exhibits supporting their application, and \$50,588.82 for work preparing the 16 exhibits supporting their reply in support of their fee application (ECF No. 348), totaling \$379,822.88.<sup>7</sup> Pl. Ex. 11, pp. 8-10. Mr. Christensen believes that that is excessive. Christensen Dec., paras. 63-81. He proposes reducing the work on the opening brief by \$61,155 (Christensen Dec., para. 72) and reducing the work on all of the supporting affidavits and exhibits by \$133,977 (*id.*, para. 81), for a total reduction of \$195,132. That would reduce the total award for work related to the opening brief and the affidavits and exhibits supporting the opening brief

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<sup>7</sup> Mr. Christensen challenged the work related to preparing affidavits and exhibits supporting plaintiffs' reply brief with his challenge to the work related to the affidavits and exhibits supporting plaintiffs' opening brief. Accordingly, plaintiffs address here the work related to plaintiffs' opening brief and the affidavits and exhibits supporting plaintiffs' opening and plaintiffs' reply brief, and address below the work related to plaintiffs' reply brief.

and the reply brief to \$184,690.88. That is approximately a 50 percent reduction from \$379,822.88.

28. Mr. Christensen explains that it took plaintiffs “more than five 40 hour work weeks [] to prepare their Initial Fee Application” and “almost three months of 40 hour work weeks” to prepare the supporting affidavits and exhibits related to the opening and reply briefs. Christensen Dec., paras. 63, 73. This is, of course, a substantial amount of time. However, this is the time that it reasonably took. It was not just plaintiffs that put such substantial work into this fees litigation. The District requested five months to oppose plaintiffs’ 2012 fee application. Defendants’ Memorandum in Support of Their Defendants’ [sic] Motion to Hold in Abeyance Briefing on Plaintiffs’ Motion for Attorneys’ Fees Pending Appeal or, in the Alternative, Motion for Enlargement of Time to Oppose, ECF No. 330, p. 4. They ultimately received over four months to do so. Order, July 9, 2012, ECF No. 336 (deadline August 15, 2012, to oppose the fee application filed April 30, 2012); Order, July 26, 2012, ECF No. 340 (extending deadline to September 4, 2012).

29. Mr. Christensen contends that plaintiffs should have billed less time to this because they had litigated many previous fee applications. Christensen Dec., paras. 63-64. As explained above (para. 25), TPM re-uses as much prior fee briefing and evidence in fee applications as possible. However, this does not mean that the preparation of a fee application and its supporting evidence is not a substantial undertaking. It just means that the fees are lower than they would have been if we had to start from scratch.

30. This cost savings is only applicable to the hourly rates issues where TPM is able to borrow from earlier briefing and evidence. Even though TPM re-uses as much material as possible from prior fee applications, the underlying research must be updated for the passage of time even

though this might not require any change in the prior material. Research on fees issues, whether for the application or reply briefs, is complicated and time-consuming.

31. The cost savings from re-use of prior materials does not apply to the evidence needed to support the reasonableness of the time which is unique to each case. Here, the effort to support the reasonableness of the time in the 2012 fee application was complicated by the fact that we had turnover regarding the associate with the day-to-day responsibility in the case between the trial and the preparation of the 2012 fee application. Alexander R. Karam left the firm in May 2011. Ehsan Tabesh took over for Mr. Karam at that time. Mr. Tabesh was responsible for the preparation of the work related to the reasonableness of the hours in plaintiffs' 2012 fee application. That is not paralegal work. That work was more time consuming for Mr. Tabesh than it would have been for Mr. Karam because Mr. Tabesh was not as familiar with the course of the litigation as Mr. Karam.

32. In any event, to limit the dispute regarding this fees work, plaintiffs are now reducing the TPM time related to the opening brief and affidavits and other exhibits related to that opening brief by 15 percent, which totals \$49,385.11. *See* Pl. Ex. 102; Pl. Rev. Ex. 4. That reduces the work on plaintiffs' opening application (the brief and the supporting exhibits, *see* Pl. Ex. 11, p. 8) to \$279,848.95. These fees are more than reasonable. Plaintiffs' fees of \$50,588.82 related to the affidavits and exhibits supporting the reply brief are also reasonable.

33. Mr. Christensen contends that the work on the affidavits and exhibits supporting plaintiffs' opening brief and reply brief should have, in total, taken no more than three days of work, mostly by a paralegal, for the Terris Affidavit (ECF No. 325-3), which described extensive detail regarding the attorneys, experts, work done, expenses accrued, and rates billed on the case, and 63 additional hours to complete the remainder of the supporting affidavits and exhibits (he

provides no explanation as to how he arrived at that number). Christensen Dec., paras. 77, 81. That is simply impossible. Given the size of the application, it would take a substantial amount of time to just review the supporting materials, let alone make all the decisions associated with drafting and otherwise preparing them.

**CHALLENGES TO TIME FOR REPLY BRIEF  
IN SUPPORT OF 2012 FEE APPLICATION**

34. TPM billed \$119,220.54 on plaintiffs' reply brief in support of their 2012 fee application (not including the work related to supporting affidavits and exhibits, which is addressed above). Pl. Ex. 11, p. 9. Mr. Christensen contends, in a conclusory manner, that no more than 60 hours should have gone into that reply. Christensen Dec., para. 83. Mr. Christensen bases that conclusion "upon a careful review of the brief, and in consideration of the work previously done in connection with the Initial Fee Application." *Ibid.*

35. It would not have been possible to do the work on the reply brief in 60 hours. The research and drafting on the hourly rates issues alone required substantial time. This was because we needed to prepare new material to respond to the District's arguments. Rather than offering evidence on the prevailing market rates, the District used only caselaw to support its position that the USAO *Laffey* Matrix was a better surrogate for prevailing market rates for complex federal litigation and plaintiffs had to demonstrate how the caselaw did not support the District or satisfy its burden under *Covington*. See Reply Memorandum in Support of Plaintiffs' Motion for an Award of Litigation Costs, Including Attorneys' Fees and Related Expenses, Oct. 5, 2012, ECF No. 348, pp. 7-10. Such arguments require careful review of the distinguishing factors between cases. Preparation of such arguments is time-consuming. Plaintiffs also had to demonstrate how the CPI used to update the USAO *Laffey* Matrix did not support the District's argument regarding geography. *Id.*, pp. 5-7. This involved an analysis of how the geography of the CPI changed over

time. *Ibid.* Moreover, the District raised numerous arguments related to the work performed by TPM and co-counsel, expenses, and the IDEA fee cap, to which plaintiffs needed to respond. *Id.*, pp. 2-4, 10-34. The scope of the District's opposition meant it could not be reasonably addressed in 60 hours.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on April 26, 2017.

/s/ Carolyn Smith Pravlik  
CAROLYN SMITH PRAVLIK

**UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF COLUMBIA**

**Plaintiffs' Exhibit**  
**72**  
 Civ. No. 05-1437 (RCL)

DL, *et al.*, on behalf )  
 of themselves and all others )  
 similarly situated, )  
 Plaintiffs, )  
 v. )  
 THE DISTRICT OF COLUMBIA, )  
*et al.*, )  
 Defendants. )

Civil Action No. 05-1437 (RCL)

**SECOND AFFIDAVIT OF MARGARET A. KOHN**

I, Margaret A. Kohn, hereby depose and state:

1. I am a special education attorney and co-counsel for the plaintiff subclasses in this case. I offer this affidavit in support of Plaintiffs’ Motion for an Award of Litigation Costs, Including Attorneys’ Fees and Related Expenses. My qualifications are described in my first affidavit in support of that motion, which was filed as Plaintiffs’ Exhibit 16 (ECF No. 537-16).

2. As a special education attorney, I provide legal representation to parents and guardians of children with disabilities with regard to their special education needs. Accordingly, I have been counsel in hundreds of administrative proceedings, also called due process hearings, under the Individuals with Disabilities Education Act (“IDEA”) in the District of Columbia and Maryland. I have appealed adverse administrative decisions to the district court and I have filed complaints in the district court that solely seek attorneys’ fees for prevailing in the administrative proceeding. I have appeared as counsel in individual IDEA cases before the U.S. Court of Appeals for the D.C. Circuit.

3. I have also been involved in two IDEA class actions. I am co-counsel for the plaintiff subclasses for this case. In addition, I was counsel for a group of 31 District children

with disabilities, their parents, and nine of the attorneys who had represented them in opposing the first proposed class settlement agreement at the fairness hearing in *Blackman v. District of Columbia*, D.D.C., Civ. No. 97-2402, consolidated with *Jones v. District of Columbia*, D.D.C., Civ. No. 97-1629.

4. I have worked as class counsel on other civil rights class actions in federal court. From 1980-1985, I was co-counsel for the plaintiff class in *Haffer v. Temple University*, E.D. Pa., Civ. No. 80-1362, a Title IX claim brought by female student athletes against Temple University. I was co-counsel for the plaintiff class in *LaKendra Nelson, by her Mother and Next Friend, Wanda Clegg v. District of Columbia*, D.D.C., Civ. No. 00-2930, an action brought against the District by a group of students with mobility impairments under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

5. There are major differences between individual IDEA cases (whether at the administrative level or on appeal to the district court) and IDEA class actions in the District of Columbia. There are significant differences in the legal services rendered, the legal and factual issues in the actions, the type and length of their proceedings, and the resources and skills needed. Several of the differences are described below. Of course, there are complex individual IDEA cases, both at the administrative level and before the district courts, but, even then, meaningful differences exist between those actions and IDEA class actions.

6. This affidavit describes the differences between individual IDEA cases and this IDEA class action. This affidavit is limited to my experience providing legal representation in the District of Columbia. Therefore, the administrative and district court proceedings described herein are limited to those in the District of Columbia.

### INDIVIDUAL IDEA CASES

7. Individual IDEA cases generally involve a substantial amount of work before a complaint is filed with the Office of the State Superintendent's Office of Dispute Resolution ("ODR") requesting a due process hearing. A parent, on behalf of the student, may be represented for months or more than a year prior to the filing of a complaint. The legal representation required during this time typically involves obtaining the student's educational record, investigating to determine the strength of the claims, and engaging in team meetings at the student's school.

8. The due process complaint filed with the ODR most commonly concerns whether the petitioner, a student, has received an appropriate educational program and placement or necessary services.

9. Once a due process complaint is filed with the ODR, the administrative procedures available to petitioners are relatively limited. The Federal Rules of Civil Procedure are not controlling in these administrative actions; instead the due process proceedings are governed by Standard Operating Procedures, which are considerably less involved. Also, no rules of evidence are strictly applied in the administrative hearing. The Federal Rules of Evidence may be referred to, but they do not strictly govern the administrative hearing. For example, frequently hearsay that does not fall into any exception is admitted as evidence in the administrative hearing.

10. In general, the proceedings are limited to status conferences, a prehearing conference, and the hearing. In addition, the parties are required to attend a resolution (*i.e.* settlement) meeting on the record well before the hearing commences unless the meeting is mutually waived. These meetings typically last between half of an hour and three hours, but are rarely a full morning or afternoon. Discovery is generally limited to accessing the student's



educational record and allowing the parent to observe any proposed educational placements. There is no provision for depositions, interrogatories, or requests for production (other than the production of the student's educational record).

11. In addition, motions practice is limited. The petitioners typically file motions to access the student's educational record, to have the student "stay put" in the last agreed-upon educational placement, to compel the school to allow the parent to observe the proposed placement, and to obtain a judgment prior to the hearing date (comparable to motions for summary judgment). Respondents may file a motion to dismiss the petitioner's claims. Motions for continuance are common from all parties. If a party objects to the admission of an expert, the party typically makes an oral objection immediately prior to the hearing during the discussion of preliminary matters, or when the expert witness is presented at the hearing. A witness may be designated as an expert and their testimony may be admitted if it is helpful to the trier of fact.

12. There is an exchange of information between the parties five business days prior to the due process hearing. In this exchange, all parties must disclose the documents they intend to introduce at the hearing and must provide a list of all witnesses they intend to call. In addition, any party that intends to present a witness as an expert must provide the other parties with a copy of the expert's C.V. or resume at that time.

13. Evidence in the due process hearing generally includes documentary evidence, including the student's educational record, and witness testimony offered by each party. It may also include tape recordings of team meetings or a video of the student, however, this is rare. There are typically no more than 50 exhibits offered by the petitioner and frequently fewer in the due process hearing.

14. The due process hearing may last anywhere from a half a day to multiple days. By statute, unless good cause is shown for a continuance, the hearing officer must issue a final determination no later than 75 days after the filing of the due process complaint.

15. When a parent or guardian prevails in a due process hearing, they have the right to their reasonable attorneys' fees and expenses accrued.<sup>1</sup> Any party, including a parent or guardian, who is aggrieved by the final hearing officer's determination has 90 days to appeal the hearing officer's decision to the district court. 20 U.S.C. 1415. A very small percentage of the substantive IDEA issues adjudicated by hearing officers in the District of Columbia are heard by the federal courts.

16. On appeal to the district court, the individual IDEA case is generally limited to the record developed before the hearing officer. *See Board of Educ. v. Rowley*, 458 U.S. 176, 206 (1982). Counsel can move to augment the record, but, in my experience, such requests are generally denied.

17. An individual IDEA case before the district court typically includes a complaint, an answer, status conferences, and cross-motions for summary judgment. There may be other motions depending on the circumstances. The full record in even an unusually complex individual IDEA case appealed to the district court would typically fit into two banker's boxes. However, in most cases, the record is significantly smaller. A district court appeal is usually resolved within one year. A significant number of individual IDEA cases before the district court involve claims that only relate to attorneys' fees. Only a small percentage of the IDEA decisions in the district court are appealed to the D.C. Circuit.

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<sup>1</sup> In individual IDEA cases, I am regularly compensated by the District for, *inter alia*, my travel expenses and my printing, up to 15 cents per page.

**CONTRAST BETWEEN INDIVIDUAL IDEA CASES  
AND THIS IDEA CLASS ACTION**

18. This IDEA class action resembles the other federal civil rights class actions in which I have been involved. Both types of class actions involve similar proceedings, require similar resources needed for extensive discovery activities including the management of the large information flow resulting from discovery, and require similar skills from counsel to handle the extensive and varied motions practice and other issues. As described below, such class actions have very little in common with individual IDEA cases, even complex ones.

19. **Counsel.** Claimants in individual IDEA cases are typically represented by one attorney, both at the administrative and district court level. Plaintiffs' Exhibit 105 is a copy of the District's guidelines from 2011 related to how the District would reimburse claimants who have succeeded at the administrative hearing.<sup>2</sup> It states: "Characteristically, due process proceedings are not so complex that they involve more than one attorney. Accordingly, DCPS will generally not compensate multiple attorneys for individual tasks." DCPS Guidelines for the Payment of Attorney Fees in IDEA Cases, Nov. 1, 2011, Pl. Ex. 105, p. 2. In contrast, the plaintiff subclasses here have been represented by multiple attorneys at Terris, Pravlik & Millian, LLP, Jeffrey Gutman and his law students in the Public Justice Advocacy Clinic at George Washington University Law School, Cyrus Mehri, a class action expert, and me, a special education advocate. Counsel in this class action engaged in strategy discussions as necessary throughout the case and all attorneys added value on different aspects of the case. In addition, counsel in this class action, as in class actions generally, had to be deemed adequate to represent the plaintiff subclasses during class certification.

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<sup>2</sup> These guidelines were subsequently modified and then were withdrawn by the District.

20. **Plaintiffs' Bar.** There are anywhere between 100 and 150 practitioners who litigate IDEA individual cases at the administrative or district court level in the District of Columbia. Many of the lawyers who handle these cases are on the Counsel for Child Abuse and Neglect (CCAN) Office Program list as educational advocates. Some practitioners are from law school clinics or are attorneys at the Public Defender Service, Children's Law Center, and other nonprofits. When these practitioners encounter circumstances that could give rise to class actions, they do not handle those actions themselves. They seek out counsel familiar with complex federal litigation to engage with them on the class action. The counsel who litigated this IDEA class action, other than myself, are not in competition for work with attorneys who litigate individual IDEA actions. As a solo practitioner, I could not have handled this class action on my own. This lack of competition is inconsistent with the District's characterization of a single "IDEA litigation" marketplace that lumps this IDEA class action together with individual IDEA actions.

21. **Preparation Prior to Filing.** In individual IDEA actions, there is a substantial amount of work done marshaling the evidence for one student's claims prior to filing a due process complaint for an administrative hearing. Similarly, there is a substantial amount of work done marshaling the evidence and exhausting the administrative process prior to filing a complaint in the district court. This work is compounded in IDEA class actions. In preparation to file this class action complaint, numerous individuals had to marshal evidence in their individual cases and exhaust the administrative process. Plaintiffs' counsel had to manage these numerous individuals and ensure that their problems were representative of systemic problems.<sup>3</sup> Therefore, in addition to investigating individual claims, plaintiffs' counsel had the added

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<sup>3</sup> I was counsel for all named plaintiffs at the administrative level.

responsibility of managing the claims of numerous individuals and marshaling the complex and extensive evidence necessary to support allegations of systemic deficiencies.

22. **Scope of the Claims and Relief.** Individual IDEA administrative cases are brought on behalf of a single child whose parent or guardian contends that he or she was deprived of a free and appropriate public education. There have been some individual cases in which systemic relief has been requested, but generally the relief is limited to the single child. In contrast, this class action is brought on behalf of thousands of children divided into four subclasses seeking systemic improvements to the District's Child Find program.

23. **Scope and Length of the Proceedings.** Individual IDEA due process proceedings typically involve a resolution (settlement) meeting within the first 30 days, status conferences and a prehearing conference, and limited discovery and motions practice. By statute, the hearing officer is required to issue a final determination within 75 days of the filing of the due process complaint. Individual IDEA cases that are appealed to the district court typically last approximately another year. In contrast, this class action has been pending for over 11 years. It has proceeded through two full rounds of litigation, both including extensive discovery, motions to dismiss, motions for class certification, motions for summary judgment, trials, and appeals. The parties also spent considerable time in settlement discussions, lasting multiple days. In addition, the parties engaged in lengthy negotiations formulating an individual dispute resolution procedure after the first trial decision. Plaintiffs' counsel in this case have had immense responsibilities for a wide variety of complex proceedings, including extensive and varied motions practice, which are entirely absent in individual cases. The Affidavit of Bruce J. Terris ("Terris Aff.," Pl. Ex. 1, ECF No. 537-1) describes at length in paragraphs 16-30, 38, 44-67, and 75-78 the extent of this work.

24. **Governing Rules.** Due process hearings are governed by Standard Operating Procedures, which are considerably less involved than the Federal Rules of Civil Procedure. The Federal Rules of Evidence are not strictly applied in administrative hearings, nor are any other rules of evidence.

25. **Discovery.** In individual IDEA cases, both at the administrative level and in district court, discovery is limited. In contrast, discovery in this case has been protracted, complicated, and, during Period 1,<sup>4</sup> contentious. It required plaintiffs' counsel to review and store very large amounts of confidential information. Moreover, during Period 1 alone, the District produced over 100,000 e-mails and documents. *Terris Aff.*, para. 18. During Period 1, eighteen depositions were taken. *Ibid.* During Period 2, plaintiffs took Rule 30(b)(6) depositions on five separate dates, many of which included 2 witnesses at once, and in total included 10 witnesses. *Id.*, para. 59. With such substantial discovery, discovery disputes and complexities are common, and this case was no exception. For example, (1) prior to the first trial, the District seriously violated the discovery rules, which caused plaintiffs to move to compel four times (*id.*, paras. 19-21), (2) after the first trial, the parties negotiated access to a sample of files for individual children in the District's special education database, which required negotiation of a confidentiality agreement (*id.*, para. 55), and (3) during the second round of discovery, bates numbering errors by the District (*id.*, para. 53) caused substantial additional work to manage documents and information. Such discovery issues do not arise in individual IDEA cases.

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<sup>4</sup> Period 1 covers the time from the beginning of work on the case through November 16, 2011, the date of the first injunction. Period 2 covers work from November 17, 2011, through June 22, 2016, with the exception of the work over that period related to this fee application and the second appeal.

26. **Motions Practice.** Motions practice in individual IDEA cases is limited at the administrative level and at the district court (if it gets there). In contrast, this case involved extensive motions practice. There were over 60 contested motions. *See* ECF docket. They involved a wide variety of issues, including, *inter alia*, substitution of parties; amendment of the complaint; class certification and decertification; compelling responses to discovery; protective orders; *Daubert* motions; substantive issues such as in motions to dismiss, for summary judgment, and for judgment as a matter of law; and trial-related motions, such as motions *in limine*, supplementation of written testimony, and re-opening the record after trial. In this case, that work was exacerbated by the fact that there was a full new round of litigation, including discovery and motions practice, after the first appeal.

27. **Class Certification.** There are no class claims in individual IDEA cases. Class actions are complicated, and have been made more so after the Supreme Court's decision in *Wal-Mart v. Dukes*, 564 U.S. 338 (2011). Plaintiffs' counsel are required to adequately represent the class, which requires consideration and reconsideration of class issues throughout the case, especially when defendants move to decertify, as occurred here. The class certification issues have been particularly complex in this case. Plaintiffs have filed three motions related to class certification. *See* Terris Aff., paras. 29, 38(b), 38(aa), 49, 77(e)-(f). The District has filed two motions objecting to class certification. *Id.*, paras. 26, 29, 38(o), 62, 77(x). This case went to the court of appeals on certification issues shortly after *Wal-Mart* issued. Since that time, the District attempted unsuccessfully to appeal certification again in 2013, and an appeal is currently pending related, *inter alia*, to certification. Numerous *amici* organizations filed an *amici* brief for plaintiffs on class certification issues in both appeals. All of this has required extensive work.

28. **Experts.** In individual IDEA cases at the administrative level, expert testimony is generally limited to the circumstances of the single child. The party providing the expert need not submit a report, but only the expert's resume or C.V. Objections are usually made orally at the due process hearing. Here, the parties exchanged expert reports and expert rebuttal reports, and their experts were deposed. The experts' work included analysis of complex statistical and demographic issues, and analysis of the sufficiency of the District's policies and procedures and their outcome. The District twice filed *Daubert* motions to exclude opinions by both of plaintiffs' experts.

29. **Size of the Record.** As discussed in paragraph 13 above, in administrative hearings for individual IDEA due process claims, petitioner's counsel generally enters fewer than fifty exhibits. In contrast, there are more than 550 filings on the docket in this case. Moreover, at the second trial in 2015, plaintiffs submitted 305 exhibits and defendants submitted 55 exhibits. That total substantially understates the quantity of defendants' exhibits because many of them were composed of multiple files. Given the volume of the exhibits, plaintiffs submitted both parties' exhibits on CDs to the court of appeals as part of the record related to the recent appeal. Defendants' exhibits alone totaled 381 pdf files and spreadsheets. Moreover, the total size of the docket and the number of exhibits is just a percentage of the number of pages produced in discovery in this case. As noted above, the District produced over one hundred thousand documents in Period 1.

30. **Appeals.** Only a small percentage of individual IDEA cases are appealed to the court of appeals. In contrast, this case has been to the court of appeals twice, and the District's request to the court of appeals for an interlocutory appeal on a third occasion was denied.



Pursuant to 28 U.S.C. 1746, I declare under the penalty of perjury that the foregoing is true. Signed on April 27, 2017, in Washington, D.C.

/s/ Margaret A. Kohn  
Margaret A. Kohn

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**73**  
Civ. No. 05-1437 (RCL)

DL, *et al.*, on behalf )  
of themselves and all others )  
similarly situated, )  
Plaintiffs, )  
v. )  
THE DISTRICT OF COLUMBIA, )  
*et al.*, )  
Defendants. )

Civil Action No. 05-1437 (RCL)

**SECOND AFFIDAVIT OF BRUCE MacEWEN**

I, Bruce MacEwen, hereby depose and state:

1. My qualifications are set forth in my first affidavit which is Plaintiffs' Exhibit 29 (ECF No. 537-29) to plaintiffs' fee application.

2. As part of my practice, I routinely advise my clients on setting rates and how to assess whether their rates are in line with the relevant marketplace for their legal services. I do not advise my clients to rely on surveys such as the ALM Legal Intelligence Survey of Law Firm Economics ("ALM SLFE"). I consider the ALM SLFE to be too generalized to provide a good assessment of the rates of their competitors. It is impossible to identify the rates or other data of a firm's competitors from the ALM SLFE. For example, in the 2014 ALM SLFE, the rates data are presented by region. 2014 ALM SLFE, pp. 12, 140-143 (Pl. Ex. 96). New York City is in the Middle Atlantic region and Washington, D.C., is in the South Atlantic region. *Id.*, p. 12. Obviously, it would be impossible to set rates appropriately for a firm in New York City based on data that included western and upstate New York, as well as, central and western Pennsylvania. Likewise, it would be impossible to set rates for a firm in Washington, D.C., based on data that includes West Virginia, North Carolina, and South Carolina. There is some

rates data on a state-by-state basis. *Id.*, pp. 144-147. However, D.C. is not included in the state-based data. *Ibid.* The statewide data presents the same problem as the regional data. It would be impossible to set rates properly for a firm in New York City based on data that includes western and upstate New York.

3. I recommend that my clients look to the rates of a handful of their most immediate competitors. This method provides my clients with information as to the prevailing rates in their marketplace for the relevant type of work.

4. I emphasize with my clients the importance of making sure that the peers they compare themselves to are truly alternatives to them in the marketplace. In the automobile marketplace, luxury cars are priced based on comparable luxury cars not on the basis of economy cars or a mixture of cars. The same is true with attorneys. Litigators of complex federal matters must price themselves compared to other complex federal litigators not to those who engage in general litigation. As I explained in my earlier affidavit (Pl. Ex. 29), this is not a function of firm size since there are large, medium and small size firms who are competitors for complex federal litigation.

5. ALM seems to be recognizing that its surveys are too generalized for purposes of determining market rates because it is now offering a service that looks more like my recommended approach. According to ALM, its new service can be used to “[j]ustify rates to clients using data pulled from peer-firms.” <http://www.almlegalintel.com/ALI/billingrates>. ALM’s database seems to be limited to the regions and practice areas for which it collects data. *Ibid.*

6. Law firms offer rates that are discounted from their standard billing rates, but discounts are not routinely offered and the availability and level of the discount depends on a

number of factors. Discounts are obviously not offered to clients who are not paying. Instead, the firm expects a risk premium, essentially a bonus, in a purely contingent representation. The expectation is that, should the firm prevail, the firm will make more money in the contingent arrangement than it would from the calculation of rates times hours. This is to compensate for the risk that the firm might not prevail and accordingly receive no or minimal fees.

7. The availability and level of the discount depend on a number of factors. The following factors will result in a lower discount (higher rates), if a discount is offered at all:

- (a) The more sophisticated the work involved;
- (b) The more expertise required;
- (c) The fewer the number of peer firms doing the type of work;
- (d) The more desirable the work; and
- (e) The more at stake in a case.

8. Realization rates measure the difference between recorded time and the percentage of that time paid for by the client. For example, if ten hours of billable time per day is recorded but only eight of those ten hours are paid for by the client, then the realization rate is 80%. There are two primary reasons why a firm would only receive income for eight of the ten hours worked. First, the client may request a fee reduction or contest the validity of certain time entries. Second, partners reviewing billing invoices may write off time for various reasons. In short, realization rates are expressed as a percentage and are a measure of a firm's recovery on its work.

9. Since realization rates for law firms are a comparison of the total amount of time expended to the total amount for which compensation is received, realization rates are looked at in primarily two ways. First, the total fees expended computed using the standard billing rate

compared to the total fees collected.<sup>1</sup> Second, the total fees expended computed using the billed rate compared to the total fees collected.<sup>2</sup> Realization rates can be computed on many bases, including:

- (a) For the whole firm;
- (b) For the work done for a single client;
- (c) For the work done for a single case, matter, or activity; and
- (d) For the work of a single attorney.

10. In the fee-shifting context, the realization rate is the comparison of the amount expended to the amount awarded. It is a calculation of the rate of recovery.

11. The District presents the concept of realization rate as if it is an alternative to standard hourly rates. Opp. 22-23; Def. Ex. 11, para. 43. However, a realization rate applies to the total fee – not the rates component of the lodestar for a fee award. As explained above, it is the percentage by which a firm is compensated in comparison to the total amount expended – a measure of its recovery. Calculation of the realization rate includes both the hourly rate and the time expended; it is not just a concept of hourly rates. Mathematically, a realized hourly rate can be determined. However, such determination is not helpful to the computation of the lodestar for a fee application because it is the result of the end product (the fee awarded) not a component of the calculation. For example, if an attorney expends five hours at his standard hourly rate of \$800 for a total of \$4,000, but the client through negotiation with the attorney agrees to pay

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<sup>1</sup> In the Thomson Reuters' 2017 Report on the State of the Legal Market (Def. Ex. 13, p. 5 (ECF No. 554-13)), the average realization rate computed on this basis for all the participating firms is the rate that the District points to in support of its position that the realization rate is 83% (Opp. 22).

<sup>2</sup> In the Thomson Reuters' 2017 Report on the State of the Legal Market (Def. Ex. 13, p. 6 (ECF No. 554-13)), the average realization rates computed on this basis for all the participating firms is 89.1%. A calculation on this basis has already factored in any discount provided on the hourly rates.

\$3,500, the attorney's realization rate is 87.5% and the resulting or computed hourly rate for the five hours expended is \$700. Although the realized hourly rate can be computed, it is not helpful for fee-shifting or other purposes.

12. I should also note that Chart 6 on page 6 of the Thomson Reuters' 2017 Report on the State of the Legal Market notes explicitly in its legend that the three separate trend lines displayed represent the "Am Law 100," the "Am Law Second 100," and "Midsize [firms]." This highlights the fact that this data is drawn from all practice areas and all jurisdictions in which those firms work; none of it is strictly limited to complex federal litigation, the subject at issue here. In my experience, the greater degree of sophistication and expertise required for complex federal litigation entails lower discount rates and higher realization than firmwide/nationwide averages (see *supra* para. 7).

13. Federal court class actions seeking institutional reform are considered complex federal litigation.

14. Bankruptcy proceedings can be quite complex, especially regarding large entities. On the other hand, many bankruptcy proceedings are not very complex.

15. Some insurance defense litigation is complex federal litigation and some of it is not. Often, insurance defense litigation involves non-complex litigation on behalf of individual policy holders.

16. The rates for antitrust litigation are among the highest for federal litigation work. The rates for antitrust litigation tend to be higher than those for complex bankruptcy litigation.

17. The District's expert Wallace A. Christensen relies on Litigation Management Guidelines for insurance defense litigation to support his opinions that certain time and expenses are not billable to clients. The Litigation Management Guidelines are only applicable in

insurance defense work. They have been developed there because the insurance defense industry is unique. That industry involves large repeat players with unusual bargaining power, which cause law firms to reduce rates and change their billing practices. I am not aware of any other litigation situation where such guidelines are routinely employed.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on April 20, 2017.

  
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Bruce MacEwen

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**75**  
 Civ. No. 05-1437 (RCL)

DL, <i>et al.</i> , on behalf	)	
of themselves and all others	)	
similarly situated,	)	
	)	
Plaintiffs,	)	Civil Action No. 05-1437 (RCL)
	)	
v.	)	
	)	
THE DISTRICT OF COLUMBIA,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**AFFIDAVIT OF BRADFORD P. JOHNSON**

I, Bradford P. Johnson, hereby depose and state:

1. I am the principal attorney at the Johnson Law Group International, PLLC, with offices at 1321 Pennsylvania Avenue, SE, Washington, DC 20003 and 77 College Street, Suite 3C, Burlington, VT 05401.

2. This affidavit describes my experience recovering attorneys' fees and costs as counsel to the plaintiff class in *Petties et al. v. District of Columbia*, 95-cv-0148 (PLF).

3. On January 25, 1995, my former law partner at Goodman & Johnson, LLP, Beth Goodman, while employed by the law firm of Feldesman, Tucker, Fidell and Bank, brought a class action on behalf of plaintiffs Nikita Petties, et al., pursuant to the Civil Rights Act, 42 U.S.C. §1983, alleging systemic violations of the Individuals With Disabilities Education Act ("IDEA"), 20 U.S.C. §§1400, *et seq.*, and its implementing regulations, §504 of the Rehabilitation Act of 1973, 29 U.S.C. §794, and its implementing regulations, 28 U.S.C. §§1331 and 1361. On March 17, 1995, a hearing was held and the Court granted plaintiffs' motions for class certification and a preliminary injunction. Subsequently, on June 29, 1995, plaintiffs succeeded in obtaining an order



authorizing plaintiffs to recover fees and costs incurred for monitoring defendants' compliance in quarterly interim fees petitions.

4. The case subsequently was transferred from Feldesman, Tucker to my firm, Goodman and Johnson, working in conjunction with University Legal Services.

5. I prepared these interim fees petitions on behalf of Goodman & Johnson, LLP and University Legal Services from 1998 until 2012.<sup>1</sup> In each of our fees petitions, we requested USAO *Laffey* Matrix rates. We requested these rates in part because we wanted to avoid protracted litigation on fees. At no time did defendants oppose the application of USAO *Laffey* Matrix rates. The quarterly nature of our fees petitions would have made any fees disputes extremely cumbersome.

Pursuant to 28 U.S.C. 1746, I declare under the penalty of perjury that the foregoing is true.  
Signed on April 27, 2017, in Washington, D.C.



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Bradford P. Johnson

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<sup>1</sup> I entered an appearance in 2002, after Beth Goodman passed away.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**78**  
Civ. No. 05-1437 (RCL)

DL, *et al.*, on behalf of themselves )  
and all others similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
THE DISTRICT OF COLUMBIA, )  
*et al.*, )  
Defendants. )

Civil Action No. 05-1437 (RCL)

SECOND DECLARATION OF DR. MICHAEL KAVANAUGH  
IN SUPPORT OF PLAINTIFFS' 2016 FEE APPLICATION

Michael Kavanaugh affirms and states:

1. I have provided several declarations or affidavits in this case. In my declaration offered in support of plaintiffs' 2016 fee application -- found at Plaintiffs' Exhibit 27 -- I presented my credentials, described my experience and stated opinions on how to adjust attorney billing rates for complex federal litigation for the passage of time. As in my earlier declarations or affidavits, my opinions here are stated to a reasonable degree of certainty under the standards of my profession.
2. I have been asked by plaintiffs' counsel to examine several matters raised by the District's expert Dr. Laura A. Malowane in her declaration (Def. Ex. 11): (1) the USAO Matrix 2015-2017;<sup>1</sup> (2) the ALM Legal Intelligence 2011 Survey of Law Firm Economics (2011 ALM SLFE), which provides the rate data for

<sup>1</sup> The USAO Matrix 2015-2017 is the label used by plaintiffs to distinguish the current USAO Matrix from the earlier matrix that was based on the *Laffey* Matrix. See: <https://www.justice.gov/usao-dc/file/796471/download>, Explanatory Note #4.

the USAO Matrix 2015-2017;<sup>2</sup> and, (3) data from the ALM Legal Intelligence 2014 Survey of Law Firm Economics (2014 ALM SLFE) used by Dr. Malowane in her declaration. Plaintiffs' counsel also asked me to examine: (1) Plaintiffs' Exhibits 84 and 91, which set forth the specific 2011 ALM SLFE rates used to calculate the USAO Matrix 2015-2017; and (2) Plaintiffs' Exhibit 79 which updates rate data collected by Valeo Partners (Valeo).<sup>3</sup> After my examinations, I continue to maintain my opinion that the LSI *Laffey* Matrix is a better reflection of the prevailing market rates for complex federal litigation in Washington, D.C., than the USAO Matrix 2015-2017.

3. In my last declaration in this case, Plaintiffs' Exhibit 27, I addressed the LSI *Laffey* Matrix and the USAO Matrix 2015-2017 by looking at the underlying surveys and the two price indices that are used to adjust the rates for the passage of time.<sup>4</sup> I examined the surveys and price indices and opined that: there is no material difference between the price indices used to adjust the surveyed rates;<sup>5</sup> so the difference in estimates of prevailing market rates is due to differences in the underlying survey.
4. The 2011 ALM SLFE and the 2014 ALM SLFE are nonprobability convenience samples.<sup>6</sup> A convenience

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<sup>2</sup> See: <https://www.justice.gov/usao-dc/file/796471/download>, Explanatory Note #2.

<sup>3</sup> The update uses the Producer Price Index-Office of Lawyers (PPI-OL).

<sup>4</sup> The LSI *Laffey* Matrix is based on the 1989 update of the *Laffey* Matrix conducted at the suggestion of the court of appeals in *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516 (D.C. Cir. 1988)(*en banc*) by Joseph A. Yablonski (Pl. Ex. 33). The LSI or Legal Services Index is used to adjust this matrix. The PPI-OL is used to adjust the 2011 ALM SLFE data for the USAO Matrix 2015-2017. See: <https://www.justice.gov/usao-dc/file/796471/download>, Explanatory Note #2.

<sup>5</sup> See my last declaration, Plaintiffs' Exhibit 27 at ¶11 and its Attachment 2.

<sup>6</sup> Generally, sampling methods may be described as either *probability* or *nonprobability*. In probability samples, each member of the population has a known chance of being selected. Probability methods include random sampling, systematic sampling, and stratified sampling. The advantage of probability sampling is that

sample selects elements of the sample because they are easy to obtain, (e.g., the respondents mailed the results back or answered question on a web site, or they were interviewed while shopping). The purpose is to obtain data conveniently, (perhaps for use to design another type of sample). For the ALM surveys, the purpose is to provide a set of economic and financial data that offers a description of the legal profession. The method is to organize and report the observations on the returned questionnaires.

5. The 1989 *Laffey* Matrix survey is a nonprobability expert sample. In an expert survey, respondents are selected on the basis of a judgment of a knowledgeable person. Here the purpose was to find billing rates for complex federal litigation. Its method was to identify attorneys performing complex federal litigation and interview them.<sup>7</sup>
6. The USAO Matrix 2015-2017 uses standard hourly billing rates for the Washington, D.C., metropolitan area drawn from the 2011 ALM SLFE. It adjusts those rates for the passage of time using the PPI-OL.<sup>8</sup>
7. The 2011 ALM SLFE was designed to provide a set of economic and financial data about the legal

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sampling error can be calculated. Sampling error is an estimate of how much a sample might differ from the population. So when inferences made from the sample are applied to the population, the results are reported plus or minus the sampling error.

In non-probability samples, members are selected from the population in a specified, non-random way. These methods include convenience sampling and expert sampling which are described below. When inferences made from the sample are applied to the population, the results are not and cannot be reported plus or minus the sampling error.

<sup>7</sup> In preparing the 1989 update to the *Laffey* Matrix, Mr. Yablonski used a procedure comparable to the one used by Daniel Rezneck when he conducted the expert sample underlying the original *Laffey* Matrix (See First Affidavit of Daniel Rezneck from the *Laffey* case, Pl. Ex. 30).

<sup>8</sup> See: <https://www.justice.gov/usao-dc/file/796471/download>, Explanatory Note #2.

profession.<sup>9</sup> It does not provide a separate sample of rates for that part of the profession that practices complex federal litigation.

8. It is a simple economic principle that comparable prices are found by observing comparable goods. In preparing an offer for a luxury car, for example, prospective buyers seeking a comparable price do not look at car prices for cars of all sizes and types, they do not look at the whole automobile market. Instead, comparable prices are sought from the prices of comparable luxury cars. The same is true for attorneys. The price for DWI/DUI legal defense work is not comparable to the price for complex federal litigation. The attorneys in these two markets command different prices and their skills are not ready substitutes.
9. Dr. Laura Malowane has described the data from the 2011 ALM SLFE underlying the USAO Matrix 2015-2017 as consisting of "actual average billing rates of attorneys in the Washington, DC area from law offices of all sizes and types."<sup>10</sup>
10. The use of a rate survey consisting of "billing rates of attorneys in the Washington, DC area from law offices of all sizes and types" to establish prevailing billing rates for conducting complex federal litigation is a serious defect. This is because complex federal litigation is not practiced at all types of law firms. Moreover, including rates for conducting all types of representation obscures the billing rates for complex federal litigation.

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<sup>9</sup> See: 2011 ALM Survey, p. 5 (Pl. Ex. 81).

<sup>10</sup> See Declaration of Dr. Laura A. Malowane at ¶12 in *Makray v. Perez* (U.S. Secretary of Labor) Civil Action No. 12-0520 (BAH)(ECF No. 88-1)(Pl. Ex. 99). In her declaration in this case, Dr. Malowane describes this less fully. She omits the reference to all types of firms. See Def. Ex. 11 at ¶6. See also ¶22 of this declaration.

11. The 2011 ALM SLFE obscures rates data for complex federal litigation by combining rates from complex litigation with rates from non-complex litigation. The 2011 ALM SLFE on page 14, provides the distribution of the law firms participating in its survey. For the South Atlantic region, of which the District of Columbia is a part, twenty-six of the forty-one firms identified their practice area as General Law.<sup>11</sup> Only seven of the forty-one firms identified their practice area as litigation. Five of the seven identified as Insurance Defense Litigation. Often, such litigation is not complex federal litigation.<sup>12</sup>
  
12. This defect is intensified here because plaintiffs' counsel are located in Washington, D.C., while the rates data underlying the USAO Matrix 2015-2017 are for the Washington, D.C., metropolitan area.<sup>13</sup> The 2011 ALM SLFE bases its geographic areas on the "definitions determined by the U.S. Office of Management and Budget (OMB) as applied to U.S. Census Bureau data."<sup>14</sup> The Washington, D.C., metropolitan area as defined by these sources includes the District of Columbia, Virginia, West Virginia, and Maryland.<sup>15</sup> As the geography of the survey area expands, the composition of the data or product mix changes. Data limited to the District of Columbia likely included some rates for complex federal litigation and some rates for non-complex representation, but as the geography is expanded the composition or product mix changes to include

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<sup>11</sup> See: 2011 ALM SLFE, pp. 13-14 (Pl. Ex. 81).

<sup>12</sup> Second McEwen Aff. (Pl. Ex. 73), at ¶15.

<sup>13</sup> As explained in the Second Pravlik Affidavit (Pl. Ex. 70), Plaintiffs' Exhibit 91 was obtained from the Department of Justice (of which the USAO is a part) pursuant to a FOIA request seeking the ALM rates underlying the USAO Matrix 2015-2017. As also explained by Ms. Pravlik in her affidavit, Plaintiffs' Exhibits 84 and 91 provide the same rates data by experience level for 2011 for the Washington, DC, metropolitan area. Dr. Malowane relied upon plaintiffs' Exhibit 84 in preparing her declaration in this case. See Pl. Ex. 85.

<sup>14</sup> See: 2011 ALM SLFE, p. 10 (Pl. Ex. 81).

<sup>15</sup> See: Second Pravlik Affidavit (Pl. Ex. 70), para. 6; Pl. Ex. 92.

more practitioners of other types of legal services, such as DWI/DUI defense, wills and trusts, and simple bankruptcies. The more data added for services other than complex federal litigation, the more the product mix of complex federal litigation to non-complex federal litigation shifts toward non-complex federal litigation. As the product mix shifts toward non-complex federal litigation, this dilutes the rates and reduces the degree to which the data reflects rates for complex federal litigation. Thus, the use of geographically expanded data dilutes the rates for complex federal litigation beyond that addressed above.<sup>16</sup>

13. Some of this dilution can be seen by comparing the data in: (i) Plaintiffs' Exhibit 91 which provides the rates underlying the USAO Matrix 2015-2017 (the broader D.C. metropolitan area); with, (ii) the data on page 143 of the 2011 ALM SLFE which shows rates by experience level only for the District of Columbia itself.<sup>17</sup> The rates for the District of Columbia itself are higher at each experience level (where rates are provided) than the rates in Plaintiffs' Exhibit 91. For example, the average rate for the "31 or More Years" experience level is \$570 for the District of Columbia itself on page 143 of the 2011 ALM SLFE and it is \$503 on Plaintiffs' Exhibit 91 (the broader D.C. metropolitan area). The ninth decile rate for this experience level is \$763 for the District of Columbia itself.<sup>18</sup>

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<sup>16</sup> As can be seen from comparing the "Number of Offices" and the "Number of Lawyers" columns on page 143 (Pl. Ex. 81) and Plaintiffs' Exhibit 91, many more lawyers and offices from outside the District of Columbia are represented in the data for the Washington, DC, metropolitan area than in the data for the District of Columbia alone. For example, at the "21 to 30" experience level, data for 83 lawyers is included in the rates for the Washington, DC, metropolitan area. Only 35 of those lawyers are located in the District of Columbia. Therefore, the data for more than half of the lawyers comes from outside of the District of Columbia.

<sup>17</sup> Although page 143 of the 2011 ALM SLFE (Pl. Ex. 81) lacks data for two experience levels, a comparison between it and Plaintiffs' Exhibit 91 can still be drawn.

<sup>18</sup> See the discussion about the ninth decile rates in paragraph 16 below.

14. What is needed to estimate prevailing market rates for complex federal litigation is a survey of billing rates for conducting complex federal litigation. The 2011 ALM SLFE is not designed for this purpose. It is a survey designed to provide economic and financial data about the legal profession.
15. Since the USAO Matrix 2015-2017 rates are derived from the broad 2011 ALM SLFE survey and since complex federal litigation is performed by only a narrow part of the legal profession, it is incorrect to use the broad-based USAO Matrix 2015-2017 rates to find prevailing market rates for the narrow part of the legal profession, the part that performs complex federal litigation.
16. Dr. Malowane acknowledges the inappropriateness of using rates for all types of legal work in a later part of her declaration. She examines the rates for litigation specialization in the 2014 ALM SLFE and compared those rates to the USAO Matrix 2015-2017 and the LSI *Laffey* Matrix rates. For this comparison, she states, "Since complex federal litigation may have some of the higher rates in the litigation specialty, I also looked at the rates charged by the top 10% of attorneys in the nation for litigation services."<sup>19</sup> The top 10% rates are shown in the 2014 ALM SLFE in the ninth decile column.<sup>20</sup> The 2011 ALM SLFE has ninth decile rates for the District of Columbia.<sup>21</sup> The ninth decile rate for the top experience level is \$763. If that rate is adjusted in the same manner as the USAO Matrix 2015-2017 updates the 2011 ALM SLFE data, then the updated rate is \$879. This adjusted rate is higher than the

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<sup>19</sup> Def. Ex. 11 at ¶17.

<sup>20</sup> 2014 ALM SLFE, p. 9 (Pl. Ex. 96). Page references to Plaintiffs' Exhibit 96 refer to the page numbers at the bottom of the page, not to the ECF stamp from a previous filing at the top of the page.

<sup>21</sup> 2011 ALM SLFE, pp. 10, 143 (Pl. Ex. 81).



top rate of \$826 in the LSI *Laffey* Matrix.

17. An appropriate way to find billing rates for complex federal litigation is to begin with a survey of prevailing rates for complex federal litigation and then adjust those rates for the passage of time. The LSI *Laffey* Matrix is based on a survey of rates for performing complex federal litigation. (See Yablonski declaration, Pl. Ex. 33). It is adjusted for the passage of time by using the LSI, which as addressed in my last declaration in this case, is comparable to the PPI-OL.
18. In my previous declaration (Pl. Ex. 27), I performed a test that compared the rates from an adjusted LSI *Laffey* Matrix to the billing rates in the summary of affidavits and court documents collected by plaintiffs' counsel of prevailing market billing rates charged by Washington, D.C., firms in 2015 and 2016. The rates in these documents provide additional evidence of prevailing market rates in Washington, D.C. (Pl. Exs. 47-49). The evidence shows that the adjusted LSI *Laffey* Matrix produces a better approximation of prevailing rates for complex federal litigation in the Washington, D.C., market than the USAO Matrix 2015-2017.
19. In this declaration, I present another test. Plaintiffs' Exhibit 53 includes rates data from Valeo. Plaintiffs' counsel adjusted the Valeo data for the passage of time using the PPI-OL index in the same manner that the USAO Matrix 2015-2017 updated the 2011 ALM SLFE data. See Plaintiffs' Exhibit 79.
20. I have reviewed Plaintiffs' Exhibits 79. My review of Plaintiffs' Exhibit 79 did not evaluate whether the Valeo data was entered and sorted correctly. I assumed that the data are correctly entered and sorted. I did confirm that plaintiffs' counsel adjusted the rates in the same manner as the USAO Matrix 2015-2017. The results show that the adjusted Valeo rates are higher than the LSI *Laffey* Matrix rates. The adjusted Valeo rates data demonstrates that the rates in the LSI *Laffey* Matrix are a better

reflection of the prevailing market rates for complex federal litigation in Washington, D.C., than the rates in the USAO Matrix 2015-2017.

21. The adjusted Valeo rates provide another validation of the LSI *Laffey* Matrix. This is because the Valeo data are limited to complex federal litigation<sup>22</sup> while the USAO Matrix 2015-2017 that is based on the 2011 ALM SLFE is not limited to complex federal litigation.
22. As mentioned in paragraph 9 above, Dr. Malowane claims that the rates in the 2011 ALM SLFE are “actual” billing rates.<sup>23</sup> It appears that Dr. Malowane is attempting to distinguish between standard rates and actual rates. Dr. Malowane is incorrect. Plaintiffs’ Exhibit 84, which she relied upon in preparing her declaration and which is the same as Plaintiffs’ Exhibit 91, states that it provides “Standard Hourly Billing Rates.”<sup>24</sup>
23. In my earlier declaration (Pl. Ex. 27 at ¶ 13-15), I stated that it is appropriate to use either the LSI or the PPI-OL to adjust for the passage of time. Either index provides the national rate of price change for legal services. I gave as one of the reasons why I thought a nationally based index was appropriate the fact that the market for complex federal litigation in Washington, D.C., is a national rather than a local market. I stated that it was a national market because “Washington, D.C., area law firms compete with law firms in other areas such as New York, Philadelphia, Chicago, Dallas, and San Francisco.” In

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<sup>22</sup> See: Declaration of Mark F. (Thor) Hearne, Pl. Ex. 53 at ¶18.

<sup>23</sup> See: Def. Ex. 11 at ¶6.

<sup>24</sup> Page 16 of the 2011 ALM SLFE instructions (Pl. Ex. 83, unnumbered page after page 15), directs the survey participant to provide in Column J the individual’s standard hourly rate. Page 10 of the instructions refers to standard and actual rates independently so the 2011 ALM SLFE does not treat these rates as being synonymous. Page 143 of the 2011 ALM SLFE (Pl. Ex. 81) and Plaintiffs’ Exhibit 91 both report standard rates data, not actual rates data.

response to this statement, Dr. Malowane (Def. Ex. 11 at ¶17-20) compared the LSI *Laffey* Matrix rates and the USAO Matrix rates for 2015 to the national rates for litigation in the 2014 ALM SLFE in order to demonstrate that the USAO Matrix rates are more representative than the LSI *Laffey* Matrix rates.

24. Dr. Malowane's comparison is flawed. The data that Dr. Malowane relies upon are not limited to complex federal litigation. Dr. Malowane's Table 2 is titled "National Litigation Billing Rates vs Matrix Rates". The "National Litigation Billing Rates" are from the category "other litigation" in the 2014 ALM SLFE.<sup>25</sup> There is no reason to conclude that "other litigation" is only complex federal litigation. It presumably includes non-complex and non-federal litigation. In fact, Dr. Malowane explains that although the 2014 ALM SLFE "breaks down litigation rates by sub-specialty," "complex federal litigation is not part of the breakdown."<sup>26</sup> The inclusion of these other litigation rates obscures the rates for complex federal litigation and reduces the rates. Although the data she cites is limited to litigation, it does not cure the problem of being too broad because the litigation is not limited to complex federal litigation.
25. Since the 2014 ALM SLFE litigation rates data are too broad in type of services, they do not constitute a valid data set to test whether the LSI *Laffey* Matrix or the USAO Matrix 2015-2017 is the better estimator of the prevailing market rates for complex federal litigation in Washington, D.C.
26. Dr. Malowane attempts to overcome problems with the "other litigation" data in the 2014 ALM SLFE by examining only data for a subset of the ALM survey—billing rates for bankruptcy representation—and argues that these rates more closely approximate the USAO matrix rates than the LSI *Laffey* Matrix.

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<sup>25</sup> See: 4/10/2017 Email from Chad Copeland (Pl. Ex. 108).

<sup>26</sup> Def. Ex. 11 at ¶19.

27. Dr. Malowane does not present evidence that the bankruptcy litigation in her comparison is for complex litigation.<sup>27</sup> She does note that in the 2014 ALM SLFE bankruptcy is described as "one of the highest paying sub-specialties."<sup>28</sup> As with the general litigation data, the bankruptcy litigation data is too broad. While some bankruptcy representation may require the same skills as other complex federal litigation, not all bankruptcies require the skills needed for complex federal litigation.<sup>29</sup> If the billing rates for litigating bankruptcy are to be a proxy for complex federal litigation, then including billing rates for simple bankruptcies reduces the reported combined (simple plus complex) billing rates and thereby biases downward the estimates of billing rates for complex federal litigation.
28. My review of the 2014 ALM SLFE shows it distinguishes between litigation and non-litigation bankruptcies.<sup>30</sup> It asks the respondents to report how bankruptcy representations are staffed.<sup>31</sup> It asks the respondent to forecast the likely future importance of bankruptcy representation to the firm.<sup>32</sup> These results provide interesting information about the legal profession but the results are not relevant to establishing prevailing rates for performing complex federal litigation.
29. Further, the 2014 ALM SLFE does not identify other factors that could influence rates such as whether the rates charged for bankruptcy representation are for:

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<sup>27</sup> See: Def. Ex. 11 at ¶19.

<sup>28</sup> Ibid.

<sup>29</sup> See Second MacEwen Aff. (Pl. Ex. 73), at ¶14.

<sup>30</sup> See: 2014 ALM SLFE, p. 7 (Pl. Ex. 96).

<sup>31</sup> op cit. pp. 155-168.

<sup>32</sup> op cit. pp. 19-21.

- corporations or households,
  - complex or simple cases,
  - contested or uncontested cases,
  - administrative work,
  - cases that have a large number of creditors,
  - cases with creditors represented by other attorneys,
  - cases that have a long duration,
  - cases that are eligible for in-house representation,
  - cases that require knowledge of a particular industry, or,
  - cases that require advice on restructuring.
30. Dr. Malowane's use of the bankruptcy data from the 2014 ALM SLFE as a proxy for complex federal litigation rates produces results that are not reliable. Her assumptions are that: all bankruptcy litigation is complex litigation (this is not so, as addressed above in paras. 27 and 29); and, that the standard rates for complex federal litigation are indicated by the standard rates published in the ALM survey for bankruptcy litigation (ALM Specialty Code 201). This may not be so. The ALM survey may be reporting some of the rates for bankruptcy litigation as bankruptcy litigation (ALM Specialty Code 201); and some of the bankruptcy rates as rates for practicing in the multiple practice areas (ALM Specialty Codes 127, 227 or 300). (This is explained below in ¶31.) These considerations diminish the confidence in the belief that the ALM bankruptcy rates represent prevailing market rates for complex federal litigation.
31. The instructions for the 2014 ALM SLFE request the responder to indicate "each individual's most commonly assigned (standard) hourly rate on 1/1/2014."<sup>33</sup> The instructions also request that only one "Specialty Code" be assigned for each lawyer.<sup>34</sup>

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<sup>33</sup> See: 2014 ALM SLFE Submission Form Instructions and Worksheets, p. 13 (Pl. Ex. 98)

<sup>34</sup> op cit. p.13.

There are fifty-seven "Specialty Codes" divided between non-litigation and litigation. The instructions direct that for a code to be assigned, "[a]n individual must spend **50% or more** of their billable time in this area."<sup>35</sup> However, an attorney with a diverse practice that includes significant bankruptcy litigation may nonetheless appropriately respond with the 'multiple litigation' specialty (Code 227), or 'multiple non-litigation (code 127)' or 'multidisciplinary (Code 300)' because no single specialty makes up 50% or more of her practice. When this happens the "multiple" categories (127, 227, 300) will be comprised of standard rates charged from specific categories (e.g., Code 201 bankruptcy - litigation). Some bankruptcy rates are lost to a multiple category. This underreporting may result in an increase or a decrease in the published bankruptcy rate. This uncertainty diminishes the confidence that the reported standard rate for a specialty represents the prevailing rate for a specialty.<sup>36</sup>

32. Dr. Malowane's use of the bankruptcy standard rates in the 2014 ALM SLFE as a proxy for complex federal litigation rates produces unreliable results for another reason. The 2014 ALM SLFE data are unclear about how standard rates are influenced by complexity and litigation. Look at the rate data for non-litigation bankruptcy<sup>37</sup> and for litigation bankruptcy.<sup>38</sup> Compare the standard billing rates at the ninth decile for attorneys with >20 years experience for non-litigating representation with those for litigating representation. The non-litigating standard rate exceeds the litigating standard rate.

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<sup>35</sup> op cit. p.13 (emphasis in original).

<sup>36</sup> In contrast, plaintiffs' prevailing market rates information is based on sworn statements submitted to a federal court that a particular lawyer charges a particular rate in litigation before the court in which a party is seeking a fee award.

<sup>37</sup> See: 2014 ALM SLFE 2014 p. 158 (Pl. Ex. 96).

<sup>38</sup> See: op. cit. p. 165.

Why does this happen? It could be that experienced attorneys who *litigate* bankruptcies more than 50% of the time are handling simple bankruptcies (households, a few creditors, etc.) while experienced attorneys whose specialty is *non-litigation* bankruptcies are representing corporations in complex matters involving restructuring and numerous creditors. So which rate should be used to indicate complex federal litigation? The rate for complex representation or the rate for litigation? The one with litigation in the title or the one that may be representing complex matters? I conclude, again, that the bankruptcy data in the 2014 ALM SLFE do not provide a consistent indicator of complexity and do not provide a reliable indicator of prevailing market rates for complex federal litigation.

33. The 1989 update to the *Laffey* Matrix conducted at the suggestion of the court of appeals in *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516 (D.C. Cir. 1988)(*en banc*),<sup>39</sup> was designed to elicit billing rates for complex federal litigation. It was an expert survey that targeted attorneys who were performing complex federal litigation and asked for billing rates for defined levels of experience.
34. Simply put, all surveys are not alike. The ALM SLFE surveys and the survey for the 1989 update of the *Laffey* Matrix served different purposes. They surveyed different populations. Their results are not substitutes for one another. An updated 1989 *Laffey* Matrix does not provide a set of economic and financial data about the entire legal profession; and, the ALM SLFE surveys (2011 and 2014) do not provide reliable estimates of prevailing rates for complex federal litigation.
35. My billing rate for the preparation of this affidavit is \$250/hour.

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<sup>39</sup> See: Declaration of Joseph A. Yablonski, Pl. Ex. 33.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. This document executed on April 26, 2017.

*mkavanaugh*

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MICHAEL KAVANAUGH, PhD



**Plaintiffs' Exhibit**  
**79**  
Civ. No. 05-1437 (RCL)

## **Update of Valeo Rates Data from Plaintiffs' Exhibit 53**

**This Exhibit Should Be Printed in Color**

**Valeo 2012 Rates from Pl. Ex. 53**  
**Updated to 2016 - 2017 Rates Using PPI and USAO Matrix Experience Levels**

Years of Experience	Valeo Data Average Rate 2012	2013 -2014	2014 - 2015	2015 -2016	2016 -2017	USAO Matrix 2016-2017	LSI <i>Laffey</i> Matrix 2016-2017
31+	\$772	\$798	\$825	\$848	\$864	\$581	\$826
21-30	\$740	\$765	\$790	\$813	\$828	\$543	\$826
16-20	\$696	\$719	\$743	\$764	\$778	\$516	\$686
11-15	\$683	\$706	\$730	\$750	\$764	\$465	\$686
8-10	\$610	\$631	\$652	\$670	\$683	\$395	\$608
6-7	\$586	\$606	\$626	\$644	\$656	\$339	\$421
4-5	\$540	\$558	\$576	\$593	\$604	\$332	\$421
2-3	\$464	\$479	\$495	\$509	\$519	\$322	\$342
Less than 2	\$427	\$441	\$456	\$469	\$477	\$291	\$342
Adjustment Factor		1.032967033	1.067582418	1.097802198	1.118131868		

**Valeo 2013 Rates from Pl. Ex. 53**  
**Updated to 2016 - 2017 Rates Using PPI and USAO Matrix Experience Levels**

Years of Experience	Valeo Data Average Rate 2013	2014 - 2015	2015 -2016	2016 - 2017	USAO Matrix 2016-2017	LSI <i>Laffey</i> Matrix 2016-2017
31+	\$812	\$849	\$873	\$889	\$581	\$826
21-30	\$810	\$847	\$871	\$887	\$543	\$826
16-20	\$701	\$733	\$754	\$768	\$516	\$686
11-15	\$871	\$911	\$937	\$954	\$465	\$686
8-10	\$577	\$604	\$621	\$632	\$395	\$608
6-7	\$619	\$647	\$666	\$678	\$339	\$421
4-5	\$556	\$581	\$598	\$609	\$332	\$421
2-3	\$551	\$576	\$592	\$603	\$322	\$342
Less than 2	\$480	\$502	\$516	\$526	\$291	\$342
Adjustment Factor		1.045748116	1.075349839	1.09526372		

**Valeo 2012 Rates from Pl. Ex. 53**  
**Updated to 2016 - 2017 Rates Using PPI and Laffey Matrix Experience Levels**

Years of Experience	Valeo Data Average Rate 2012	2013 -2014	2014 - 2015	2015 -2016	2016 -2017	USAO Matrix 2016-2017	LSI Laffey Matrix 2016-2017
20+	\$749	\$774	\$800	\$822	\$838	\$543-\$581	\$826
11-19	\$684	\$706	\$730	\$751	\$765	\$465-\$516	\$686
8-10	\$592	\$612	\$632	\$650	\$662	\$395	\$608
4-7	\$533	\$551	\$569	\$586	\$596	\$332-\$339	\$421
1-3	\$439	\$454	\$469	\$482	\$491	\$291-\$322	\$342
Adjustment Factor		1.032967033	1.067582418	1.097802198	1.118131868		

**Valeo 2013 Rates from Pl. Ex. 53**  
**Updated to 2016 - 2017 Rates Using PPI and Laffey Matrix Experience Levels**

Years of Experience	Valeo Data Average Rate 2013	2014 - 2015	2015 -2016	2016 - 2017	USAO Matrix 2016-2017	LSI Laffey Matrix 2016-2017
20+	\$809	\$846	\$870	\$886	\$543-\$581	\$826
11-19	\$734	\$767	\$789	\$803	\$465-\$516	\$686
8-10	\$603	\$631	\$649	\$710	\$395	\$608
4-7	\$562	\$587	\$604	\$615	\$332-\$339	\$421
1-3	\$523	\$547	\$563	\$573	\$291-\$322	\$342
Adjustment Factor		1.045748116	1.075349839	1.09526372		

**Data from Pl. Ex. 53 "2012/2013 Washington, DC Timekeeper Rates per Valeo Partners"  
 Sorted by Rate Year and USAO Experience Level**

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Rein	Bert	W.	Wiley Rein LLP	Partner	Pharmaceuticals	ANTI	LIT	INTL	1964	1964 DC	Washington, DC	920	2012	
McCullum	Bill		SNR Denton LLP	Partner	Pharmaceuticals	LIT	HEALTH	GOVT	1968	1968 FL	Washington, DC	675	2012	
Sipple	John	M.	Weil, Gotshal & Manges LLP	Counsel	Aviation	LIT	ANTI	CORP	1969	1980 DC	Washington, DC	860	2012	
Sipple	John	M	Weil, Gotshal & Manges LLP	Counsel	Financial Services	LIT	ANTI	COMP	1969	1980 DC	Washington, DC	840	2012	
Korns	John	H.	Buchanan Ingersoll & Rooney PC	Of Counsel	Automotive	LIT	IP	ERISA	1970	1972 DC	Washington, DC	495	2012	
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Financial Services	LIT	ANTI	TORTS	1972	1972 TX	Washington, DC	1000	2012	
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	ANTI	TORTS	1972	1972 TX	Washington, DC	775	2012	
Branfman	Eric	J.	Bingham McCutchen LLP	Partner	Communications	LIT	FIN	CORP	1972	1973 DC	Washington, DC	760	2012	
Thornton	D.	McCarty	SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT		1972	1972 DC	Washington, DC	670	2012	
Branfman	Eric	J.	Bingham McCutchen LLP	Partner	Bankruptcy	LIT	FIN	CORP	1972	1973 DC	Washington, DC	652	2012	
Newborn	Steven		Weil, Gotshal & Manges LLP	Partner	Aviation	LIT			1974	1975 NY	Washington, DC	1075	2012	
Cullen	Thomas F.		Jones Day	Partner	Food and Beverage	LIT			1974	1974 MA	Washington, DC	925	2012	
Geneson	David	F.	Sheppard Mullin Richter & Hampton LLP	Partner	Aviation	CRIM	LIT		1974	1974 FL	Washington, DC	830	2012	
Kirby	Richard A.		K&L Gates LLP	Partner	Energy	CLASS	LIT	SEC	1974	1974 MD	Washington, DC	800	2012	
Hewitt	Paul	B.	Akin Gump Strauss Hauer & Feld LLP	Partner	Bankruptcy	LIT	ANTI	ENGY	1974	1979 DC	Washington, DC	795	2012	
Warin	F.	Joseph	Gibson, Dunn & Crutcher LLP	Partner	Pharmaceuticals	LIT	ANTI	INV	1975	1975 DC	Washington, DC	995	2012	
Scallet	Edward	A.	Groom Law Group, Chartered	Partner	Aviation	ERISA	LIT	TAX	1975	1975 MO	Washington, DC	738	2012	
Yannucci, P.C.	Thomas	D.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI	CORP	1976	1977 OH	Washington, DC	1045	2012	
McCullough	James		Fried, Frank, Harris, Shriver & Jacobson LLP	Partner	Aviation	CORP	LIT		1976	1976 VA	Washington, DC	930	2012	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Bendernagel, Jr.	James		Sidley Austin LLP	Partner	Media	ENGY	LIT		1976	1977 NY	Washington, DC	900	2012	
Bush	Graeme	W.	Zuckerman Spaeder LLP	Partner	Bankruptcy	LIT	CRIM	CLASS	1976	1976 MD	Washington, DC	875	2012	
Weckstein	Kenneth	B.	Brown Rudnick LLP	Partner	Bankruptcy	LIT	REAL	GOVCONT	1976	1976 VA	Washington, DC	830	2012	
Hays	Michael	D.	Dow Lohnes PLLC	Partner	Media	LIT			1976	1977 DC	Washington, DC	680	2012	
Voorhees	John		Patton Boggs LLP	Partner	Healthcare	LIT	ENV	ENGY	1976	1976 DC	Washington, DC	640	2012	
Hirsch	Emil		Bradley Arant Boulton Cummings LLP	Partner	Financial Services	LIT	REAL	BNK	1976	1976 MD	Washington, DC	480.5	2012	
Hirsch	Emil		Bradley Arant Boulton Cummings LLP	Partner	Financial Services	LIT	REAL	BNK	1976	1976 MD	Washington, DC	450	2012	
Reingold	Barry	J.	Perkins Cole LLP	Partner	Bankruptcy	LIT	FIN	IP	1977	1977 DC	Washington, DC	580.5	2012	
Reingold	Barry	J.	Perkins Cole LLP	Partner	Bankruptcy	LIT	FIN	IP	1977	1977 DC	Washington, DC	554.26	2012	
Flagg	Ronald		Sidley Austin LLP	Partner	Media	LIT			1978	1981 DC	Washington, DC	725	2012	
Williams	David	F	Cadwalader, Wickersham & Taft LLP	Partner	Bankruptcy	LIT	BNK	FIN	1979	1979 VA	Washington, DC	925	2012	
Grunberg	Nancy	R.	Venable LLP	Partner	Manufacturing	LIT	CORPGOV	SEC	1979	1979 PA	Washington, DC	800	2012	
Mahaley	Peri	N.	Orrick, Herrington & Sutcliffe LLP	Partner	Bankruptcy	INS	LIT		1979	1979 DC	Washington, DC	650	2012	
Hassel	Lonie	A.	Groom Law Group, Chartered	Partner	Aviation	BEN	LIT	BNK	1980	1980 DC	Washington, DC	679.5	2012	
Reinert, Jr.	Thomas	E.	Morgan, Lewis & Bockius LLP	Partner	Aviation	LAB	LIT	PROF	1980	1980 DC	Washington, DC	625.5	2012	
Cohen	David		Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT			1981	1982 NY	Washington, DC	1125	2012	
Rule	Charles (Rick)	F.	Cadwalader, Wickersham & Taft LLP	Partner	Advertising	LIT	ANTI		1981	1983 DC	Washington, DC	1050	2012	
Dolin	Mitchell	F.	Covington & Burling LLP	Partner	Bankruptcy	LIT	INS		1981	1982 DC	Washington, DC	855	2012	
Bamberger	David	Henry	DLA Piper	Partner	Food and Beverage	ANTI	LIT	TRADE	1981	1981 DC	Washington, DC	825	2012	
Greaney	William		Covington & Burling LLP	Partner	Bankruptcy	INS	LIT	ADR	1981	1981 DC	Washington, DC	782	2012	
Swett	Trevor	W.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CRED	TAX	1981	1982 DC	Washington, DC	735	2012	
Greaney	William		Covington & Burling LLP	Partner	Manufacturing	INS	LIT	ADR	1981	1981 DC	Washington, DC	732	2012	
Brown	Timothy	F.	Arent Fox LLP	Partner	Bankruptcy	LIT	BNK		1981	1982 WA	Washington, DC	690	2012	
Shaw	Anthony	W.	Arent Fox LLP	Of Counsel	Bankruptcy	IP	LIT		1981	1982 DC	Washington, DC	670	2012	
Brown	Timothy	F.	Arent Fox LLP	Partner	Construction	LIT	BNK		1981	1982 WA	Washington, DC	575	2012	
Machlin	Marc	D.	Pepper Hamilton LLP	Partner	Bankruptcy	LIT	REG	ENGY	1981	1981 DC	Washington, DC	540	2012	\$772.32

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Rizek	Christopher	S.	Caplin & Drysdale	Partner	Bankruptcy	TAX	LIT		1982	1983 DC	Washington, DC	655	2012	
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Bankruptcy	BNK	LIT	INS	1983	1985 DC	Washington, DC	855	2012	
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Sports/Entertainment	BNK	LIT	INS	1983	1985 DC	Washington, DC	855	2012	
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Green Technology	BNK	LIT	INS	1983	1985 DC	Washington, DC	855	2012	
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Manufacturing	BNK	LIT	INS	1983	1985 DC	Washington, DC	727	2012	
Marzen	Steven	J	Shearman & Sterling LLP	Partner	Financial Services	LIT	TRADE	TECH	1984	1988 DC	Washington, DC	900	2012	
Moltenbrey	Mary Jean		Dewey & LeBoeuf LLP	Partner	Aviation	ANTI	LIT		1984	1985 DC	Washington, DC	855	2012	
Moltenbrey	Mary Jean		Paul Hastings LLP	Partner	Aviation	ANTI	LIT		1984	1985 DC	Washington, DC	855	2012	
Gigot	Thomas	S.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT	ERISA	BEN	1984	1984 DC	Washington, DC	657	2012	
McMillan	Ann	C.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CORP	CRED	1984	1984 CA	Washington, DC	645	2012	
Duston	Robert	L.	Saul Ewing LLP	Partner	Metals	CONS	LIT	FIN	1984	1984 DC	Washington, DC	500	2012	
Keisler	Peter	D.	Sidley Austin LLP	Partner	Media	LIT	ENGY	SEC	1985	1989 DC	Washington, DC	1000	2012	
Jakovic	Ellen		Kirkland & Ellis LLP	Partner	Bankruptcy	LIT			1985	1985 MA	Washington, DC	875	2012	
Jakovic	Ellen		Kirkland & Ellis LLP	Partner	Food and Beverage	LIT			1985	1985 MA	Washington, DC	835	2012	
Mollen	Neal	D.	Paul Hastings LLP	Partner	Aviation	LAB	LIT	SC&APPL	1985	1985 VA	Washington, DC	820	2012	
Rodriguez	Grace	M.	King & Spalding	Partner	Healthcare	LIT	ANTI		1986	1987 NY	Washington, DC	720	2012	
Avergun	Jodi	L.	Cadwalader, Wickersham & Taft LLP	Partner	Bankruptcy	LIT	REG		1987	1988 DC	Washington, DC	835	2012	
Avergun	Jodi	L.	Cadwalader, Wickersham & Taft LLP	Partner	Media	LIT	REG		1987	1988 DC	Washington, DC	835	2012	
Freedman	Laurence		Patton Boggs LLP	Partner	Healthcare	LIT			1987	1987 NY	Washington, DC	780	2012	
Bosset	Eric	C.	Covington & Burling LLP	Partner	Green Technology	LIT	LAB	ERISA	1987	1987 FL	Washington, DC	730	2012	
Weinreich	Gadi		SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT		1987	1987 MA	Washington, DC	640	2012	
Patton, Jr.	George	T.	Bose McKinney & Evans LLP	Partner	Hotel and Casino	LIT			1987	1987 IN	Washington, DC	385	2012	
Lyle	Michael		Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	FIN	INV	1988	1989 DC	Washington, DC	975	2012	
Flicker	Scott	M.	Paul Hastings LLP	Partner	Aviation	LIT	ERISA	GOVCONT	1988	1988 CA	Washington, DC	900	2012	
Gillespie, P.C.	James	P.	Kirkland & Ellis LLP	Partner	Aviation	LIT	CORP		1988	1990 NY	Washington, DC	835	2012	
Millett	Patricia	A.	Akin Gump Strauss Hauer & Feld LLP	Partner	Bankruptcy	SC&APPL	LIT		1988	1988 MA	Washington, DC	805	2012	
Fabrizio	Steven	B.	Jenner & Block LLP	Partner	Media	LIT	MEDIA	ENT	1988	1989 NY	Washington, DC	750	2012	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Harding	Barbara	M.	Jones Day	Partner	Manufacturing	LIT	TORTS	PROD	1988	1988 VA	Washington, DC	750	2012	
Kelleher	Leslie	M.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CRED		1988	1989 NY	Washington, DC	615	2012	
Harding	Barbara	M.	Jones Day	Partner	Manufacturing	LIT	TORTS	PROD	1988	1988 VA	Washington, DC	575	2012	
Schaaf	Lyle	Vander	Brinks Hofer Gilson & Lione	Partner	Printing	IP	LIT	TRADE	1988	1988 MD	Washington, DC	575	2012	
Schaaf	Lyle	Vander	Brinks Hofer Gilson & Lione	Associate	Printing	IP	LIT	TRADE	1988	1988 MD	Washington, DC	575	2012	
Vander Schaaf	Lyle		Brinks Hofer Gilson & Lione	Partner	Printing	LIT	IP		1988	1988 MD	Washington, DC	575	2012	
Hamelburg	Mark		SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT	GOVT	1988	1990 DC	Washington, DC	556	2012	
Reiziss	Jay	H.	Brinks Hofer Gilson & Lione	Partner	Printing	IP	LIT	TRADE	1988	1988 MD	Washington, DC	520	2012	
Assaf, P.C.	Eugene	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	IP	CLASS	1989	1989 PA	Washington, DC	925	2012	
Auerbach	Dennis	B.	Covington & Burling LLP	Of Counsel	Bankruptcy	LIT	ENGY	CORP	1989	1989 DC	Washington, DC	765	2012	
Englund	Steven	R.	Jenner & Block LLP	Partner	Media	LIT	MEDIA		1989	1990 DC	Washington, DC	765	2012	
Potter	Patrick	J.	Pillsbury Winthrop Shaw Pittman LLP	Partner	Natural Resources	BNK	LIT	REAL	1989	1989 MI	Washington, DC	750	2012	
Doroshov	Kenneth	L.	Jenner & Block LLP	Partner	Media	LIT	MEDIA	ENT	1989	1991 DC	Washington, DC	685	2012	
Potter	Patrick	J.	Pillsbury Winthrop Shaw Pittman LLP	Partner	Natural Resources	BNK	LIT	REAL	1989	1989 MI	Washington, DC	675	2012	
Scalia	Eugene		Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	LAB	LIT	REG	1990	1990 CA	Washington, DC	980	2012	
Perry	Philip	J.	Latham & Watkins LLP	Partner	Telecommunications	LIT	ANTI	TAX	1990	1990 CA	Washington, DC	930	2012	
Franklin	Jonathan	S.	Norton Rose Fulbright LLP	Partner	Medical Equipment	BNK	LIT		1990	1990 PA	Washington, DC	800	2012	
Franklin	Jonathan	S.	Norton Rose Fulbright LLP	Partner	Medical Equipment	BNK	LIT		1990	1990 PA	Washington, DC	775	2012	
Remenick	James		Remenick PLLC	Partner	Technology	IP	LIT	TECH	1990	1991 MD	Washington, DC	740	2012	
Remenick	James		Remenick PLLC	Partner	Technology	IP	LIT	TECH	1990	1991 MD	Washington, DC	725	2012	
Jacobs	Kurt	H.	Sidley Austin LLP	Counsel	Energy	LIT	ENGY	REG	1990	1990 PA	Washington, DC	675	2012	
Levine	Jay	L.	Bradley Arant Boult Cummings LLP	Partner	Financial Services	LIT	HEALTH	ANTI	1990	1990 NY	Washington, DC	570	2012	
Kamen	Katherine	S.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT			1990	1990 NY	Washington, DC	544.5	2012	
Gagnon	Richard	J	Shearman & Sterling LLP	Counsel	Bankruptcy	TAX	LIT		1991	DC	Washington, DC	785	2012	
Gagnon	Richard	J	Shearman & Sterling LLP	Of Counsel	Financial Services	TAX	LIT		1991	DC	Washington, DC	745	2012	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Gagnon	Richard	J	Shearman & Sterling LLP	Counsel	Financial Services	TAX	LIT		1991	DC	Washington, DC	745	2012	
Marrocco	Drew	W.	SNR Denton LLP	Partner	Pharmaceuticals	LIT	CORP	FIN	1991	1995 VA	Washington, DC	575	2012	\$740.27
Bopp	Michael	D.	Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	POL	LIT	CRIM	1992	1993 NY	Washington, DC	765	2012	
Finch	Nathan	D.	Motley Rice LLC	Partner	Bankruptcy	LIT	BNK	SEC	1992	1992 VA	Washington, DC	750	2012	
Salzberg	Mark		Patton Boggs LLP	Partner	Financial Services	BNK	LIT		1992	1992 FL	Washington, DC	690	2012	
Salzberg	Mark		Patton Boggs LLP	Partner	Healthcare	BNK	LIT		1992	1992 FL	Washington, DC	690	2012	
Salzberg	Mark		Patton Boggs LLP	Partner	Bankruptcy	BNK	LIT		1992	1992 FL	Washington, DC	690	2012	
Finch	Nathan	D.	Motley Rice LLC	Partner	Bankruptcy	LIT	BNK	SEC	1992	1992 VA	Washington, DC	680	2012	
Goldblatt	Craig	T.	WilmerHale	Partner	Printing	LIT			1993	1994 PA	Washington, DC	975	2012	
Goldblatt	Craig	T.	WilmerHale	Partner	Bankruptcy	LIT			1993	1994 PA	Washington, DC	975	2012	
Supko	Mark		Crowell & Moring LLP	Partner	Telecommunications	IP	LIT		1993	1993 NY	Washington, DC	780	2012	
Guy	Jonathan		Orrick, Herrington & Sutcliffe LLP	Partner	Bankruptcy	BNK	LIT		1993	1994 DC	Washington, DC	735	2012	
Chapman	Floyd	B.	Wiley Rein LLP	Partner	Technology	IP	LIT		1993	1993 FL	Washington, DC	575	2012	
Liesemer	Jeffrey	A.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CRED		1993	1993 VA	Washington, DC	555	2012	
Gordon	Adam	H.	Wiley Rein LLP	Partner	Pharmaceuticals	TRADE	LIT		1993	1993 CT	Washington, DC	540	2012	
Hellmich	Christopher	W.	Patton Boggs LLP	Partner		LIT	ADR	FIN	1993	1993 NE	Washington, DC	514.25	2012	
Cohen	David	S.	Milbank, Tweed, Hadley & McCloy LLP	Partner	Telecommunications	LIT	TECH		1994	1994 NA	Washington, DC	1125	2012	
Cohen	David	S.	Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT	TECH		1994	1994 NA	Washington, DC	1125	2012	
Kinnaird	Steven	B.	Paul Hastings LLP	Partner	Aviation	LIT			1994	1995 NY	Washington, DC	905	2012	
Froelich	Edward	L.	Morrison & Foerster LLP	Of Counsel	Bankruptcy	LIT	ENGY		1994	1994 MD	Washington, DC	760	2012	
Feinberg	Adam	P.	Miller Chevalier	Partner	Financial Services	LIT	INTL	GOVCONT	1994	1994 VA	Washington, DC	710	2012	
Hohengarten	William	M.	Jenner & Block LLP	Partner	Media	LIT			1994	1995 New York	Washington, DC	675	2012	
Wright	Gregory	S.	K&L Gates LLP	Partner	Energy	INS	LIT		1994	1994 MD	Washington, DC	650	2012	
Maclay	Kevin	C.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CRED		1994	1994 MD	Washington, DC	555	2012	
Lynch	John	C.	Troutman Sanders LLP	Partner	Financial Services	LIT	FIN	CLASS	1994	1995 VA	Washington, DC	400	2012	
Becker	Michael	S	Jackson Lewis LLP	Associate	Healthcare	ANTI	LIT		1994	1994 VA	Washington, DC	215	2012	
Stuckwisch	William	J.	Kirkland & Ellis LLP	Partner	Aviation	LIT	GOVCONT		1995	1996 VA	Washington, DC	745	2012	
Kramer	Beth	M.	Crowell & Moring LLP	Partner	Telecommunications	TORTS	LIT		1995	1995 MD	Washington, DC	660	2012	
Wehner	James	P.	Caplin & Drysdale	Partner	Bankruptcy	LIT	BNK	CRED	1995	1995 VA	Washington, DC	555	2012	
Donovan	Daniel	T.	Kirkland & Ellis LLP	Partner	Paper	LIT			1996	1997 OH	Washington, DC	795	2012	



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Donovan	Daniel	T.	Kirkland & Ellis LLP	Partner	Paper	LIT			1996	1997 OH	Washington, DC	755	2012	
Laemmle-Weidenfeld	Laura	F.	Patton Boggs LLP	Partner	Healthcare	GOVT	LIT	HEALTH	1996	1996 VA	Washington, DC	589.5	2012	
English	Caroline	Turner	Arent Fox LLP	Partner	Bankruptcy	ERISA	LIT	BNK	1996	1996 VA	Washington, DC	570	2012	
Schopf	Simeon	M.	King & Spalding	Counsel	Healthcare	ANTI	LIT		1996	1996 MD	Washington, DC	565	2012	\$695.90
Polebaum	Elliot	E.	Fried, Frank, Harris, Shriver & Jacobson LLP	Partner	Aviation	INTL	LIT		1997	1978 NY	Washington, DC	1025	2012	
Powell	Benjamin		WilmerHale	Partner	Printing	REG	LIT	CORP	1997	1999 DC	Washington, DC	750	2012	
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT		1997	1997 MD	Washington, DC	730	2012	
King	Kevin		Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Financial Services	LIT			1997	1997 DC	Washington, DC	710	2012	
Palan	Stephen	W.	Crowell & Moring LLP	Partner	Telecommunications	IP	LIT		1997	1998 MD	Washington, DC	655	2012	
Pikofsky	Sara	R.	Jones Day	Partner	Food and Beverage	ERISA	LIT	BNK	1997	1998 NY	Washington, DC	625	2012	
Macres	Philip	J.	Bingham McCutchen LLP	Of Counsel	Communications	TEL	LIT		1997	1998 FL	Washington, DC	600	2012	
Noreika	Keith	A.	Parker & Covert LLP	Partner	Bankruptcy	FIN	LIT	CORP	1997	1997 TX	Washington, DC	584	2012	
Sigworth	Ronald	L.	Crowell & Moring LLP	Counsel	Telecommunications	IP	LIT		1997	1997 VA	Washington, DC	575	2012	
Hopkins	Tammy		Brown Rudnick LLP	Associate	Bankruptcy	LIT	GOVCONT		1997	1997 MD	Washington, DC	550	2012	
Amin	Hisham	M.	Groom Law Group, Chartered	Associate	Aviation	LIT	ERISA		1997	2002 MD	Washington, DC	513	2012	
Leblanc	Andrew		Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT			1998	1998 MI	Washington, DC	1030	2012	
Schwartz	Jason	C.	Gibson, Dunn & Crutcher LLP	Partner	Financial Services	LIB	LIT		1998	1999 VA	Washington, DC	890	2012	
Tollefson	Brian	A.	Rothwell, Figg, Ernst & Manbeck, P.C.	Partner	Sports/Entertainment	TRADEM	LIT	TECH	1998	1998 MD	Washington, DC	530	2012	
Pozefsky	Steven	A.	Bradley Arant Boult Cummings LLP	Associate	Financial Services	GOVCONT	LIT	IN	1998	1998 MD	Washington, DC	323	2012	
Jefcoat	Kyle	R.	Latham & Watkins LLP	Counsel	Telecommunications	LIT	GOVT	CONTR	1999	1999 NY	Washington, DC	845	2012	
Anstett	Michael	J.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	CONTR	CRIM	1999	2000 NY	Washington, DC	760	2012	
Morabito	Erika	L.	Foley & Lardner LLP	Partner	Hotel and Casino	LIT	BNK	CRED	1999	1999 VA	Washington, DC	680	2012	
Morabito	Erika	L.	Foley & Lardner LLP	Partner	Bankruptcy	LIT	BNK	CRED	1999	1999 VA	Washington, DC	680	2012	
Kostolampros	George		Venable LLP	Partner	Bankruptcy	SEC	LIT	CLASS	1999	2001 NY	Washington, DC	590	2012	
Kostolampros	George		Venable LLP	Partner	Manufacturing	SEC	LIT	CLASS	1999	2001 NY	Washington, DC	590	2012	
Springer	Rebecca	L.	Crowell & Moring LLP	Counsel	Telecommunications	LAB	LIT		1999	1999 VA	Washington, DC	454.5	2012	

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Forman	Andrew		Cadwalader, Wickersham & Taft LLP	Partner	Bankruptcy	LIT	ANTI		2000	2000 NA	Washington, DC	800	2012	
Forman	Andrew		Cadwalader, Wickersham & Taft LLP	Partner	Advertising	LIT	ANTI		2000	2000 NA	Washington, DC	800	2012	
Hataway	C.	Scott	Paul Hastings LLP	Partner	Aviation	LIT	ANTI	TRADEM	2000	2001 DC	Washington, DC	750	2012	
Walker	Melanie	E	Sidley Austin LLP	Partner	Media	LIT	SEC		2000	2000 IL	Washington, DC	650	2012	
Timofeyev	Igor	V.	Paul Hastings LLP	Of Counsel	Paper	LIT	INTL		2001	2007 NY	Washington, DC	795	2012	
Timofeyev	Igor	V.	Paul Hastings LLP	Of Counsel	Aviation	LIT	INTL		2001	2007 NY	Washington, DC	765	2012	
Morton	Matthew	D	Weil, Gotshal & Manges LLP	Associate	Aviation	FIN	LIT		2001	2001 MD	Washington, DC	760	2012	
Hulbig	Ngoc	Pham	Cadwalader, Wickersham & Taft LLP	Associate	Bankruptcy	LIT	ANTI	M&A	2001	2002 NY	Washington, DC	745	2012	
Hulbig	Ngoc	Pham	Cadwalader, Wickersham & Taft LLP	Associate	Advertising	LIT	ANTI	M&A	2001	2002 NY	Washington, DC	745	2012	
Williams	Michael	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI	FIN	2001	2002 NJ	Washington, DC	745	2012	
Orr	Kathleen		Orrick, Herrington & Sutcliffe LLP	Associate	Bankruptcy	BNK	LIT		2001	2001 MD	Washington, DC	495	2012	
Orr	Kathleen		Orrick, Herrington & Sutcliffe LLP	Senior Associate	Bankruptcy	BNK	LIT		2001	2001 MD	Washington, DC	495	2012	\$683.37
Lyttle	Eric	C.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT			2002	2002 DC	Washington, DC	790	2012	
Renenger	Aaron		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2002	2002 CA	Washington, DC	750	2012	
Renenger	Aaron		Milbank, Tweed, Hadley & McCloy LLP	Associate	Telecommunications	LIT			2002	2002 CA	Washington, DC	750	2012	
Saul	Benjamin	P.	BuckleySandler LLP	Partner	Bankruptcy	CLASS	LIT	SEC	2002	2002 MD	Washington, DC	750	2012	
Renenger	Aaron		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2002	2002 CA	Washington, DC	715	2012	
Dixon	Steven	R.	Miller Chevalier	Counsel	Financial Services	TAX	LIT		2002	2002 IL	Washington, DC	640	2012	
Wilkens	Scott	B.	Jenner & Block LLP	Partner	Media	LIT	MEDIA		2002	2003 CA	Washington, DC	585	2012	
Ackerman	David	I.	SNR Denton LLP	Associate	Pharmaceuticals	SEC	LIT		2002	2003 DC	Washington, DC	468	2012	
Azer	Adrian		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2003	2003 DC	Washington, DC	750	2012	
Baldwin	Edward		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2003	2004 NY	Washington, DC	750	2012	
Diamant	Michael	S.	Gibson, Dunn & Crutcher LLP	Partner	Financial Services	LIT	SEC	CORP	2003	2003 VA	Washington, DC	725	2012	

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Landis	Jeffrey G.		Kirkland & Ellis LLP	Partner	Paper	LIT			2003	2003 DC	Washington, DC	715	2012	
Stratton	Grayson	D.	DLA Piper	Associate	Food and Beverage	LIT	CORP	CRIM	2003	2003 DC	Washington, DC	590	2012	
Reynolds	Lesley	Carol	Norton Rose Fulbright LLP	Partner	Medical Equipment	HEALTH	LIT		2003	2003 DC	Washington, DC	525	2012	
Reynolds	Lesley	Carol	Norton Rose Fulbright LLP	Senior Associate	Medical Equipment	HEALTH	LIT		2003	2003 DC	Washington, DC	525	2012	
Greenberg	David	S.	Arent Fox LLP	Associate	Bankruptcy	HEALTH	LIT	ERISA	2003	2003 MD	Washington, DC	505	2012	
Shoudt	Erin	M.	SNR Denton LLP	Counsel	Pharmaceuticals	LIT	CLASS		2003	2003 DC	Washington, DC	496	2012	
Shoudt	Erin	M.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	CLASS		2003	2003 DC	Washington, DC	496	2012	
Nelson	Brittany	J.	Foley & Lardner LLP	Associate	Hotel and Casino	BNK	LIT	TRADE	2003	2003 UT	Washington, DC	470	2012	
Nelson	Brittany	J.	Foley & Lardner LLP	Associate	Bankruptcy	BNK	LIT	TRADE	2003	2003 UT	Washington, DC	470	2012	
Nelson	Brittany	J.	Foley & Lardner LLP	Associate	Hotel and Casino	BNK	LIT	TRADE	2003	2003 UT	Washington, DC	440	2012	
Wright	Miles J.		Weil, Gotshal & Manges LLP	Associate	Energy	LIT			2004	2005 DC	Washington, DC	750	2012	
Wright	Miles J.		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2004	2005 DC	Washington, DC	750	2012	
Musallam	Samer	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2004	2004 DC	Washington, DC	705	2012	
Wollenberg	Jennifer	M.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	CRIM	SEC	2004	2005 NY	Washington, DC	690	2012	
Brown	Judson		Kirkland & Ellis LLP	Partner	Energy	LIT			2004	2004 TN	Washington, DC	685	2012	
Gibb	Daniel	C.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	REG		2004	2005 KS	Washington, DC	420	2012	
Koski	Jeanna	M. Rickards	Caplin & Drysdale	Associate	Bankruptcy	CRED	LIT		2004	2009 WA	Washington, DC	420	2012	
Gibb	Daniel	C.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	REG		2004	2005 KS	Washington, DC	378	2012	\$610.45
Levine	Alexander		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2005	2006 DC	Washington, DC	730	2012	
Sulkowski	Sarah	A.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2005	2006 DC	Washington, DC	720	2012	
Stults	Kevin	R.	Bingham McCutchen LLP	Associate	Financial Services	TAX	LIT		2005	2005 DC	Washington, DC	715	2012	
Sulkowski	Sarah	A.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2005	2006 DC	Washington, DC	675	2012	
Bress	Daniel	A.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	SC&APPL		2005	2008 CA	Washington, DC	670	2012	
McEldowney	Sean	M.	Kirkland & Ellis LLP	Partner	Aviation	IP	LIT		2005	2007 CA	Washington, DC	670	2012	
Parish	Jason	R.	Kirkland & Ellis LLP	Partner	Aviation	LIT			2005	2007 DC	Washington, DC	670	2012	
Marrow	Jason	E.	Gibson, Dunn & Crutcher LLP	Associate	Pharmaceuticals	LIT	INVEST		2005	2006 DC	Washington, DC	665	2012	
Rogers	Andrew	B.	Paul Hastings LLP	Associate	Aviation	LAB	LIT		2005	2005 VA	Washington, DC	620	2012	

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Auchterlonie	Sarah	J	Weil, Gotshal & Manges LLP	Associate	Financial Services	FIN	LIT		2005	2005 DC	Washington, DC	610	2012	
Morris	Ryan	C.	Sidley Austin LLP	Associate	Media	LIT	INTL		2005	2007 VA	Washington, DC	610	2012	
Petrich	Samantha	R.	Patton Boggs LLP	Associate	Financial Services	LIT	SEC		2005	2006 VA	Washington, DC	525	2012	
Foster	Matthew	D.	Pepper Hamilton LLP	Associate	Bankruptcy	LIT			2005	2005 VA	Washington, DC	420	2012	
Phillips	Todd	E.	Caplin & Drysdale	Associate	Bankruptcy	LIT	CRED		2005	1984 CA	Washington, DC	380	2012	
Sackett	Andrew	J.	Caplin & Drysdale	Associate	Bankruptcy	LIT	CRED		2005	2005 CA	Washington, DC	380	2012	
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Energy	LIT			2006	2007 DC	Washington, DC	705	2012	
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2006	2007 DC	Washington, DC	705	2012	
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Aviation	LIT			2006	2007 DC	Washington, DC	705	2012	
Graham	Tammy	L.	Paul Hastings LLP	Associate	Paper	LIT			2006	2006 DC	Washington, DC	700	2012	
Graham	Tammy	L.	Paul Hastings LLP	Associate	Research	LIT			2006	2006 DC	Washington, DC	700	2012	
Bassett	Nicholas		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2006	2007 NY	Washington, DC	695	2012	
Graham	Tammy	L.	Paul Hastings LLP	Associate	Paper	LIT			2006	2006 DC	Washington, DC	670	2012	
Chesley	John	W.F.	Gibson, Dunn & Crutcher LLP	Associate	Energy	LIT	LAB	SEC	2006	2006 MD	Washington, DC	665	2012	
Bassett	Nicholas		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2006	2007 NY	Washington, DC	650	2012	
Rockefeller	Mark	L.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	INTL		2006	2006DC	Washington, DC	650	2012	
Bash	John		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	SC&APPL	LIT		2006	2009 TX	Washington, DC	640	2012	
Tucker	Aaron	T.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	HEALTH		2006	2006 MD	Washington, DC	635	2012	
Rockefeller	Mark	L.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	INTL		2006	2006 DC	Washington, DC	600	2012	
Hauss	Stephen	M.	Quinn Emanuel Urquhart & Sullivan, LLP	Associate	Bankruptcy	LIT			2006	2007 CA	Washington, DC	590	2012	
Hanke	Amy	L.	Sidley Austin LLP	Associate	Media	CORP	LIT		2006	2006 PA	Washington, DC	585	2012	
Mahler	Aaron	C.	BuckleySandler LLP	Associate	Bankruptcy	CLASS	LIT	GOVCONT	2006	2006 VA	Washington, DC	525	2012	
Medsker	R.	Scott	Jones Day	Associate	Food and Beverage	LAB	LIT		2006	2006 VA	Washington, DC	525	2012	
Medsker	R.	Scott	Jones Day	Associate	Food and Beverage	LAB	LIT		2006	2006 VA	Washington, DC	500	2012	
Price	Matthew	E.	Jenner & Block LLP	Associate	Media	LIT	CLASS		2006	2007 MA	Washington, DC	500	2012	

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Tysse	James	E.	Akin Gump Strauss Hauer & Feld LLP	Associate	Bankruptcy	SC&APPL	LIT		2006	2008 DC	Washington, DC	500	2012	
Wilson	J.	Douglas	Jenner & Block LLP	Associate	Media	LIT	INTL		2006	2008 NY	Washington, DC	490	2012	
Smith	Micah	R.	Arent Fox LLP	Associate	Food and Beverage	OPS	LIT		2006	2007 DC	Washington, DC	380	2012	
Smilowitz	Matthew		Stinson Morrison Hecker LLP	Associate	Food and Beverage	LIT			2006	2006 DC	Washington, DC	310	2012	
Pull	Joseph	A.	Fredrikson & Byron, P.A.	Associate	Real Estate	LIT			2006	2006 MN	Washington, DC	180	2012	\$586.28
Matthews	John	A.	Latham & Watkins LLP	Associate	Telecommunications	LIT	REG		2007	2008 CA	Washington, DC	675	2012	
Park	Sangyoon	Nathan	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2007	2008 NY	Washington, DC	675	2012	
Wise	Michael	S.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2007 VA	Washington, DC	620	2012	
Raimondo	Katherine		Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	INTL		2007	2007 PA	Washington, DC	605	2012	
Longman	Timothy	S.	Dewey & LeBoeuf LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2012	
Longman	Timothy	S.	Paul Hastings LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2012	
Zuver	Robert	E.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2007	2008 CA	Washington, DC	575	2012	
Zuver	Robert	E.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2008 CA	Washington, DC	575	2012	
Fiet	Kyle	J	Sidley Austin LLP	Associate	Energy	LIT			2007	2007 NC	Washington, DC	540	2012	
Wilkins	Nicholas	L.	Bingham McCutchen LLP	Associate	Financial Services	LIT	TAX	FIN	2007	2007 MA	Washington, DC	510	2012	
Scindian	Kelly	M.	Akin Gump Strauss Hauer & Feld LLP	Associate	Bankruptcy	LAB	LIT	CLASS	2007	2008 MD	Washington, DC	500	2012	
Dowd	Matthew	J.	Wiley Rein LLP	Associate	Technology	IP	LIT	SC&APPL	2007	2009 DC	Washington, DC	485	2012	
Waites	Natalie		Shearman & Sterling LLP	Associate	Financial Services	LIT			2007	2008 NY	Washington, DC	465	2012	
Walden	Elisabeth	S.	Akin Gump Strauss Hauer & Feld LLP	Associate	Bankruptcy	LIT	ENGY	REG	2007	2009 MD	Washington, DC	460	2012	
Pinkel	Michael	V.	Williams & Connolly LLP	Associate	Pharmaceuticals	GOVT	LIT		2007	2007 CA	Washington, DC	455	2012	
Stuebner	Brian	D.	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT			2008	2009 DC	Washington, DC	685	2012	
Benfield	Brianna		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2008	2008 VA/DC	Washington, DC	625	2012	
Gomez	Daniel		Kirkland & Ellis LLP	Associate	Paper	LIT	TORTS	SEC	2008	2008 PA	Washington, DC	625	2012	
Podberesky	Michael		Kirkland & Ellis LLP	Associate	Aviation	LIT	CORP		2008	2008 MD	Washington, DC	625	2012	
Yates	Erin K.		Weil, Gotshal & Manges LLP	Associate	Energy	LIT			2008	2009 NY	Washington, DC	625	2012	
Yates	Erin K.		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2008	2009 NY	Washington, DC	625	2012	

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Allen	Winn		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CLASS	TORTS	2008	2010 GA	Washington, DC	595	2012	
Porterfield	Latoya	L.	Paul Hastings LLP	Associate	Aviation	LIT			2008	2008 DC	Washington, DC	580	2012	
Stanford	Brian	M.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	GOVCONT		2008	2008 MD	Washington, DC	575	2012	
Weiner	Rachel	L.	WilmerHale	Senior Associate	Printing	LIT			2008	2008 NJ	Washington, DC	575	2012	
Lyons	Derek		Gibson, Dunn & Crutcher LLP	Counsel	Telecommunications	LIT			2008	2008 TX	Washington, DC	555	2012	
James	Tanisha	A.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2008	2008 MD	Washington, DC	522	2012	
Lopez	Caroline	D.	Jenner & Block LLP	Associate	Media	LIT			2008	2008 VA	Washington, DC	490	2012	
Bender	Kimberly	M.	BuckleySandler LLP	Associate	Bankruptcy	BNK	LIT	FRAUD	2008	2008 DC	Washington, DC	415	2012	
Moore	Jason	D.	Arent Fox LLP	Associate	Bankruptcy	LIT	FALSE	GOVT	2008	2008 VA	Washington, DC	395	2012	
Caridas	Andrew		Zuckerman Spaeder LLP	Associate	Bankruptcy	LIT			2008	2008 IL	Washington, DC	375	2012	
Spinos	Selina		Norton Rose Fulbright LLP	Associate	Medical Equipment	HEALTH	LIT		2008	2010 DC	Washington, DC	340	2012	
Frutig	Brian		Motley Rice LLC	Associate	Bankruptcy	BNK	LIT		2008	2009 NY	Washington, DC	300	2012	\$539.91
Barnes	Denise		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2009	2010 DC	Washington, DC	625	2012	
Fjellstedt	Andre	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT	SEC	2009	2009 DC	Washington, DC	625	2012	
Linton	Denise		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2009	2010 NY	Washington, DC	625	2012	
Citron	Eileen	Hren	Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2009	2009 DC	Washington, DC	585	2012	
Thiagarajah	Janakan		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CORP		2009	2009 IL	Washington, DC	575	2012	
Linton	Denise		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2009	2010 NY	Washington, DC	550	2012	
Davis	Maria	T.	Paul Hastings LLP	Associate	Aviation	LIT			2009	2009 MA	Washington, DC	520	2012	
Dewey	Samuel	E.	Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	CONSTI		2009	2010 MD	Washington, DC	515	2012	
Sosna	Daniel	M.	Bingham McCutchen LLP	Associate	Financial Services	TAX	LIT		2009	2010 DC	Washington, DC	510	2012	
Neil	Rosanna	M.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2009	2010 DC	Washington, DC	480	2012	
Neil	Rosanna	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2009	2010 DC	Washington, DC	480	2012	
Ruffing	Katie		DLA Piper	Associate	Food and Beverage	LIT	SEC	ANTI	2009	2009 DC	Washington, DC	480	2012	
Ross	Thomas	E.	Sidley Austin LLP	Associate	Media	TRADE	LIT		2009	2009 FL	Washington, DC	445	2012	
Nord	Erin	K.	Wiley Rein LLP	Associate	Technology	LIT	CRIM	CONTR	2009	2010 DC	Washington, DC	400	2012	

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Burke	James	E.	Covington & Burling LLP	Associate	Bankruptcy	LIT			2009	2009 CA	Washington, DC	395	2012	
Kane	Amanda	J.	Akin Gump Strauss Hauer & Feld LLP	Associate	Telecommunications	LIT			2009	2011 DC	Washington, DC	390	2012	
Williams	Karen	D.	Akin Gump Strauss Hauer & Feld LLP	Associate	Telecommunications	LIT			2009	2010 VA	Washington, DC	390	2012	
Williams	Karen	D.	Akin Gump Strauss Hauer & Feld LLP	Associate	Bankruptcy	LIT			2009	2010 VA	Washington, DC	390	2012	
Andersen	Alison	L.	Arent Fox LLP	Associate	Bankruptcy	LIT	LAB	ERISA	2009	2009 DC	Washington, DC	365	2012	
Brand	Aaron	S.	Arent Fox LLP	Associate	Food and Beverage	LIT	HEALTH	GOVT	2009	2010 MD	Washington, DC	330	2012	
McGinley	Sarah	J.	Dow Lohnes PLLC	Associate	Media	AVI	LIT		2009	2009 CT	Washington, DC	310	2012	
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2010	2011 NY	Washington, DC	570	2012	
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Food and Beverage	LIT	FIN		2010	2011 NY	Washington, DC	570	2012	
Hopson	Eli	W.L.	Latham & Watkins LLP	Associate	Manufacturing	ENV	LIT		2010	2010 DC	Washington, DC	535	2012	
Porter	Jonathan	D.	Simpson Thacher & Bartlett LLP	Associate	Financial Services	LIT	FIN		2010	2010 VA	Washington, DC	510	2012	
Buddensick	Caroline	D.	Kirkland & Ellis LLP	Associate	Aviation	LIT			2010	2010 VA	Washington, DC	495	2012	
Zack	Catharine	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	SEC	CORP	2010	2010 NJ	Washington, DC	495	2012	
Zepeda	Paloma	A.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	ANTI		2010	2011 NY	Washington, DC	495	2012	
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2010	2011 NY	Washington, DC	460	2012	
Fotouhi	David		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	ENV	TORTS	2010	2010 TX	Washington, DC	445	2012	
Zack	Catharine	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	SEC	CORP	2010	2010 NJ	Washington, DC	445	2012	
Pinegar	Noah	B.	Paul Hastings LLP	Associate	Aviation	MAR	LIT		2010	2010 TX	Washington, DC	410	2012	
Stepnowsky	Dana	M.	Paul Hastings LLP	Associate	Aviation	LIT	REG		2010	2010 VA	Washington, DC	410	2012	
Jenkins	Marina	K.	Jenner & Block LLP	Associate	Media	LIT			2010	2010 NJ	Washington, DC	395	2012	
Korman	Marc	A.	Sidley Austin LLP	Associate	Media	LIT	REG	TRANS	2010	2010 MD	Washington, DC	395	2012	
Lopez	Katherine	V.	King & Spalding	Associate	Healthcare	ANTI	LIT		2010	2010 VA	Washington, DC	395	2012	
Brookover	Laura		Covington & Burling LLP	Associate	Green Technology	PRIVDATA	LIT	CLASS	2010	2011 PA	Washington, DC	365	2012	
Henningsen	Kate	G.	Caplin & Drysdale	Associate	Bankruptcy	LIT			2010	2010 WI	Washington, DC	255	2012	\$463.95
McCrone	Mark		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2011	2011 DC	Washington, DC	570	2012	
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Paper	BNK	LIT		2011	2011 NY	Washington, DC	540	2012	
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Bankruptcy	BNK	LIT		2011	2011 NY	Washington, DC	540	2012	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Research	BNK	LIT		2011	2011 NY	Washington, DC	540	2012	
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Paper	BNK	LIT		2011	2011 NY	Washington, DC	460	2012	
Dechter	Anne	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	TEL	TORTS	2011	2011 MD	Washington, DC	445	2012	
Jones	Jonathan	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT		2011	2012 NY	Washington, DC	445	2012	
Unter	Jennifer		WilmerHale	Associate	Printing	LIT			2011	2011 MA	Washington, DC	395	2012	
Crossman	Matthew	T.	Paul Hastings LLP	Associate	Aviation	LIT			2011	2011 CA	Washington, DC	370	2012	
Dechter	Anne	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	TEL	TORTS	2011	2011 MD	Washington, DC	370	2012	
Daley	Brooke		Orrick, Herrington & Sutcliffe LLP	Associate	Bankruptcy	LIT			2011	2012 NY	Washington, DC	355	2012	
Herring	Michael	E.	Dewey & LeBoeuf LLP	Associate	Aviation	LIT			2011	MD	Washington, DC	355	2012	
Lowe	Brett		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2012	PENDING	Washington, DC	295	2012	
Lowe	Brett		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2012	PENDING	Washington, DC	295	2012	\$426.79
Soares	Karen		Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	GOVT	INV		2006 DC	Washington, DC	690	2012	No Graduation Date
Planzos	Sotiris	A.	Patton Boggs LLP	Partner	Financial Services	LIT	ADR	SEC		1983 NY	Washington, DC	685	2012	No Graduation Date
Lear	Richard	E.	Holland & Knight LLP	Partner	Bankruptcy	BNK	LIT			1986 DC	Washington, DC	635	2012	No Graduation Date
Prame	Michael	J.	Groom Law Group, Chartered	Partner	Aviation	HEALTH	LIT	BNK		1994 MD	Washington, DC	612	2012	No Graduation Date
Treat	Forrest		Shearman & Sterling LLP	Associate	Bankruptcy	LIT	ANTI			2009 DC	Washington, DC	580	2012	No Graduation Date
Ryan	Alexander	P.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT	FID	BEN		2001 NC	Washington, DC	517.5	2012	No Graduation Date
Morrissey	Brendan	J.	Wiley Rein LLP	Associate	Pharmaceuticals	LIT	TEL			2005 OH	Washington, DC	515	2012	No Graduation Date
Zumwalt	Sarah	A.	Groom Law Group, Chartered	Associate	Aviation	LIT				2003 VA	Washington, DC	513	2012	No Graduation Date
Lee	Jason	H.	Groom Law Group, Chartered	Associate	Aviation	FID	LIT	ERISA		2006 NY	Washington, DC	490.5	2012	No Graduation Date
Zuckerman	Julia	E.	Groom Law Group, Chartered	Associate	Aviation	BEN	LIT			2005 CA	Washington, DC	490.5	2012	No Graduation Date
Wilder	Will	E.	Groom Law Group, Chartered	Associate	Aviation	HEALTH	LIT	ERISA		2006 DC	Washington, DC	454.5	2012	No Graduation Date
Hessler	Karin	A.	Wiley Rein LLP	Associate	Technology	IP	LIT			2008 VA	Washington, DC	435	2012	No Graduation Date
Shin	Joseph		Wiley Rein LLP	Associate	Technology	IP	LIT			2009 VA	Washington, DC	400	2012	No Graduation Date
Coleman	Joshua	J.	Groom Law Group, Chartered	Associate	Aviation	LIT	FID			DC	Washington, DC	319.5	2012	No Graduation Date



Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	ANTI	TORTS	1972	1972 TX	Washington, DC	775	2013	
Razzano	Frank	C.	Pepper Hamilton LLP	Partner	Bankruptcy	LIT	SEC	CRIM	1972	1973 NY	Washington, DC	675	2013	
Razzano	Frank	C.	Pepper Hamilton LLP	Partner	Bankruptcy	LIT	SEC	CRIM	1972	1973 NY	Washington, DC	657	2013	
Kirby	Richard A.		K&L Gates LLP	Partner	Energy	CLASS	LIT	SEC	1974	1974 MD	Washington, DC	840	2013	
Geneson	David	F.	Sheppard Mullin Richter & Hampton LLP	Partner	Aviation	CRIM	LIT		1974	1974 FL	Washington, DC	625	2013	
Weckstein	Kenneth	B.	Brown Rudnick LLP	Partner	Bankruptcy	LIT	REAL	GOVCONT	1976	1976 VA	Washington, DC	830	2013	
Berg	Andrew	G	Greenberg Traurig LLP	Partner	Hotel and Casino	LIT	ANTI	M&A	1980	PA	Washington, DC	725	2013	
Reinert, Jr.	Thomas	E.	Morgan, Lewis & Bockius LLP	Partner	Aviation	LAB	LIT	PROF	1980	1980 DC	Washington, DC	625.5	2013	
Cohen	David		Milbank, Tweed, Hadley & McCloy LLP	Partner	Telecommunications	LIT			1981	1982 NY	Washington, DC	1160	2013	
Cohen	David		Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT			1981	1982 NY	Washington, DC	1160	2013	
Hoffinger	Adam	S.	Morrison & Foerster LLP	Partner	Bankruptcy	LIT			1982	1982 NY	Washington, DC	855	2013	\$811.59
Moltenbrey	Mary Jean		Paul Hastings LLP	Partner	Aviation	ANTI	LIT		1984	1985 DC	Washington, DC	855	2013	
Mollen	Neal	D.	Paul Hastings LLP	Partner	Aviation	LAB	LIT	SC&APPL	1985	1985 VA	Washington, DC	820	2013	
Flicker	Scott	M.	Paul Hastings LLP	Partner	Aviation	LIT	ERISA	GOVCONT	1988	1988 CA	Washington, DC	900	2013	
Diesenhaus	Jonathan	L.	Hogan Lovells LLP	Partner	Science Products & Services	HEALTH	LIT		1988	1988 CO	Washington, DC	775	2013	
Diesenhaus	Jonathan	L.	Hogan Lovells LLP	Partner	Science Products & Services	HEALTH	LIT		1988	1988 CO	Washington, DC	697.5	2013	
Wiltsie	Susan	F.	Hunton & Williams LLP	Counsel	Bankruptcy	LAB	LIT	UNFAIR	1989	1989 VA	Washington, DC	520	2013	
Scalia	Eugene		Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	LAB	LIT	REG	1990	1990 CA	Washington, DC	1020	2013	
Bopp	Michael	D.	Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	POL	LIT	CRIM	1992	1993 NY	Washington, DC	850	2013	
Bopp	Michael	D.	Thompson Krone Gibson P.L.C.	Partner	Telecommunications	POL	LIT	CRIM	1992	1993 NY	Washington, DC	850	2013	\$809.72
Hallward-Driemeier	Douglas		Ropes & Gray LLP	Partner	Consulting	LIT	CORP		1994	1995 MA	Washington, DC	830	2013	
Froelich	Edward	L.	Morrison & Foerster LLP	Of Counsel	Bankruptcy	LIT	ENGY		1994	1994 MD	Washington, DC	815	2013	
Wright	Gregory	S.	K&L Gates LLP	Partner	Energy	INS	LIT		1994	1994 MD	Washington, DC	750	2013	
Kramer	Beth	M.	Crowell & Moring LLP	Partner	Telecommunications	TORTS	LIT		1995	1995 MD	Washington, DC	690	2013	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Bragg	Jennifer	L.	Skadden, Arps, Slate, Meagher & Flom LLP	Partner	Healthcare	HEALTH	LIT		1996	1996 DC	Washington, DC	1010	2013	
English	Caroline	Turner	Arent Fox LLP	Partner	Bankruptcy	ERISA	LIT	BNK	1996	1996 VA	Washington, DC	570	2013	
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT		1997	1997 MD	Washington, DC	760	2013	
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT		1997	1997 MD	Washington, DC	730	2013	
Pikofsky	Sara	R.	Jones Day	Partner	Food and Beverage	ERISA	LIT	BNK	1997	1998 NY	Washington, DC	675	2013	
Hopkins	Tammy		Brown Rudnick LLP	Associate	Bankruptcy	LIT	GOVCONT		1997	1997 MD	Washington, DC	550	2013	
Snodgrass	John	C.	Pepper Hamilton LLP	Associate	Bankruptcy	LIT	CRIM	SEC	1997	1998 NY	Washington, DC	333	2013	\$701.18
Leblanc	Andrew		Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT			1998	1998 MI	Washington, DC	1160	2013	
Marshall	C. Kevin		Jones Day	Partner	Manufacturing	LIT			1998	1998 IN	Washington, DC	700	2013	
Williams	Michael	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI	FIN	2001	2002 NJ	Washington, DC	830	2013	
Morton	Matthew	D	Weil, Gotshal & Manges LLP	Associate	Aviation	FIN	LIT		2001	2001 MD	Washington, DC	795	2013	\$871.25
Brown	Judson		Kirkland & Ellis LLP	Partner	Energy	LIT			2004	2004 TN	Washington, DC	780	2013	
Musallam	Samer	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2004	2004 DC	Washington, DC	705	2013	
Ignat	Ana-Maria		Morrison & Foerster LLP	Associate	Bankruptcy	FIN	LIT		2004	2005 VA	Washington, DC	589.5	2013	
Rao	P.	Nikhil	Jones Day	Associate	Aviation	LIT	CORP	INVEST	2004	2004 NY	Washington, DC	531.25	2013	
Choi	Min		Pepper Hamilton LLP	Associate	Bankruptcy	LIT	FRAUD	SEC	2004	2006 IL	Washington, DC	369	2013	
Parish	Jason	R.	Kirkland & Ellis LLP	Partner	Aviation	LIT			2005	2007 DC	Washington, DC	755	2013	
Gore	John	M.	Jones Day	Associate	Aviation	LIT	ANTI	COMP	2005	2005 TX	Washington, DC	531.25	2013	
Petrich	Samantha	R.	Patton Boggs LLP	Associate	Financial Services	LIT	SEC		2005	2006 VA	Washington, DC	525	2013	
Foster	Matthew	D.	Pepper Hamilton LLP	Associate	Bankruptcy	LIT			2005	2005 VA	Washington, DC	409.5	2013	\$577.28
Bassett	Nicholas		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2006	2007 NY	Washington, DC	740	2013	
Rockefeller	Mark	L.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	INTL		2006	2006 DC	Washington, DC	700	2013	
Ebersole	J.	Ashley	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT			2007	2008 DC	Washington, DC	745	2013	
Longman	Timothy	S.	Paul Hastings LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2013	
Zuver	Robert	E.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2008 CA	Washington, DC	575	2013	
Quarcoo	S.	Chartey	Hogan Lovells LLP	Associate	Science Products & Services	LIT			2007	2008 NY	Washington, DC	525	2013	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Quarcoo	S.	Chartey	Hogan Lovells LLP	Associate	Science Products & Services	LIT			2007	2008 NY	Washington, DC	472.5	2013	\$618.93
Stuebner	Brian	D.	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT			2008	2009 DC	Washington, DC	710	2013	
Barnes	Denise		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2009	2010 DC	Washington, DC	680	2013	
Thiagarajah	Janakan		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CORP		2009	2009 IL	Washington, DC	630	2013	
Dewey	Samuel	E.	Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	CONSTITUTIONAL		2009	2010 MD	Washington, DC	580	2013	
DiPompeo	Christopher		Jones Day	Associate	Manufacturing	BNK	LIT	SC&APPL	2009	2009 MD	Washington, DC	475	2013	
Wenger	Edward	M.	Jones Day	Associate	Food and Beverage	LIT	SEC	CLASS	2009	2010 FL	Washington, DC	450	2013	
Andersen	Alison	L.	Arent Fox LLP	Associate	Bankruptcy	LIT	LABOR	ERISA	2009	2009 DC	Washington, DC	365	2013	\$555.71
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Telecommunications	LIT	FIN		2010	2011 NY	Washington, DC	645	2013	
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2010	2011 NY	Washington, DC	570	2013	
Buddensick	Caroline	D.	Kirkland & Ellis LLP	Associate	Aviation	LIT			2010	2010 VA	Washington, DC	565	2013	
Fotouhi	David		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	ENVIRONMENTAL	TORTS	2010	2010 TX	Washington, DC	535	2013	
Honig	Emily		Ropes & Gray LLP	Associate	Consulting	LIT	FIN		2010	2010 MA	Washington, DC	450	2013	
McCrone	Mark		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2011	2011 DC	Washington, DC	645	2013	
Jones	Jonathan	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT		2011	2012 NY	Washington, DC	445	2013	\$550.71
Lowe	Brett		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2012	PENDING	Washington, DC	480	2013	\$480.00
Lear	Richard	E.	Holland & Knight LLP	Partner	Bankruptcy	BNK	LIT			1986 DC	Washington, DC	635	2013	No Graduation Date

**Data from Pl. Ex. 53 "2012/2013 Washington, DC Timekeeper Rates per Valeo Partners"  
 Sorted by Rate Year and Laffey Experience Level**

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Rein	Bert	W.	Wiley Rein LLP	Partner	Pharmaceuticals	ANTI	LIT	INTL	1964	1964 DC	Washington, DC	920	2012	
McCollum	Bill		SNR Denton LLP	Partner	Pharmaceuticals	LIT	HEALTH	GOVT	1968	1968 FL	Washington, DC	675	2012	
Sipple	John	M.	Weil, Gotshal & Manges LLP	Counsel	Aviation	LIT	ANTI	CORP	1969	1980 DC	Washington, DC	860	2012	
Sipple	John	M	Weil, Gotshal & Manges LLP	Counsel	Financial Services	LIT	ANTI	COMP	1969	1980 DC	Washington, DC	840	2012	
Korns	John	H.	Buchanan Ingersoll & Rooney PC	Of Counsel	Automotive	LIT	IP	ERISA	1970	1972 DC	Washington, DC	495	2012	
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Financial Services	LIT	ANTI	TORTS	1972	1972 TX	Washington, DC	1000	2012	
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	ANTI	TORTS	1972	1972 TX	Washington, DC	775	2012	
Branfman	Eric	J.	Bingham McCutchen LLP	Partner	Communications	LIT	FIN	CORP	1972	1973 DC	Washington, DC	760	2012	
Thornton	D.	McCarty	SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT		1972	1972 DC	Washington, DC	670	2012	
Branfman	Eric	J.	Bingham McCutchen LLP	Partner	Bankruptcy	LIT	FIN	CORP	1972	1973 DC	Washington, DC	652	2012	
Newborn	Steven		Weil, Gotshal & Manges LLP	Partner	Aviation	LIT			1974	1975 NY	Washington, DC	1075	2012	
Cullen	Thomas F.		Jones Day	Partner	Food and Beverage	LIT			1974	1974 MA	Washington, DC	925	2012	
Geneson	David	F.	Sheppard Mullin Richter & Hampton LLP	Partner	Aviation	CRIM	LIT		1974	1974 FL	Washington, DC	830	2012	
Kirby	Richard A.		K&L Gates LLP	Partner	Energy	CLASS	LIT	SEC	1974	1974 MD	Washington, DC	800	2012	
Hewitt	Paul	B.	Akin Gump Strauss Hauer & Feld LLP	Partner	Bankruptcy	LIT	ANTI	ENGY	1974	1979 DC	Washington, DC	795	2012	
Warin	F.	Joseph	Gibson, Dunn & Crutcher LLP	Partner	Pharmaceuticals	LIT	ANTI	INV	1975	1975 DC	Washington, DC	995	2012	
Scallet	Edward	A.	Groom Law Group, Chartered	Partner	Aviation	ERISA	LIT	TAX	1975	1975 MO	Washington, DC	738	2012	
Yannucci, P.C.	Thomas	D.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI	CORP	1976	1977 OH	Washington, DC	1045	2012	
McCullough	James		Fried, Frank, Harris, Shriver & Jacobson LLP	Partner	Aviation	CORP	LIT		1976	1976 VA	Washington, DC	930	2012	
Bendemagel, Jr.	James		Sidley Austin LLP	Partner	Media	ENGY	LIT		1976	1977 NY	Washington, DC	900	2012	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Bush	Graeme	W.	Zuckerman Spaeder LLP	Partner	Bankruptcy	LIT	CRIM	CLASS	1976	1976 MD	Washington, DC	875	2012	
Weckstein	Kenneth	B.	Brown Rudnick LLP	Partner	Bankruptcy	LIT	REAL	GOVCONT	1976	1976 VA	Washington, DC	830	2012	
Hays	Michael	D.	Dow Lohnes PLLC	Partner	Media	LIT			1976	1977 DC	Washington, DC	680	2012	
Voorhees	John		Patton Boggs LLP	Partner	Healthcare	LIT	ENV	ENGY	1976	1976 DC	Washington, DC	640	2012	
Hirsch	Emil		Bradley Arant Boult Cummings LLP	Partner	Financial Services	LIT	REAL	BNK	1976	1976 MD	Washington, DC	480.5	2012	
Hirsch	Emil		Bradley Arant Boult Cummings LLP	Partner	Financial Services	LIT	REAL	BNK	1976	1976 MD	Washington, DC	450	2012	
Reingold	Barry	J.	Perkins Cole LLP	Partner	Bankruptcy	LIT	FIN	IP	1977	1977 DC	Washington, DC	580.5	2012	
Reingold	Barry	J.	Perkins Cole LLP	Partner	Bankruptcy	LIT	FIN	IP	1977	1977 DC	Washington, DC	554.26	2012	
Flagg	Ronald		Sidley Austin LLP	Partner	Media	LIT			1978	1981 DC	Washington, DC	725	2012	
Williams	David	F	Cadwalader, Wickersham & Taft LLP	Partner	Bankruptcy	LIT	BNK	FIN	1979	1979 VA	Washington, DC	925	2012	
Grunberg	Nancy	R.	Venable LLP	Partner	Manufacturing	LIT	CORPGOV	SEC	1979	1979 PA	Washington, DC	800	2012	
Mahaley	Peri	N.	Orrick, Herrington & Sutcliffe LLP	Partner	Bankruptcy	INS	LIT		1979	1979 DC	Washington, DC	650	2012	
Hassel	Lonie	A.	Groom Law Group, Chartered	Partner	Aviation	BEN	LIT	BNK	1980	1980 DC	Washington, DC	679.5	2012	
Reinert, Jr.	Thomas	E.	Morgan, Lewis & Bockius LLP	Partner	Aviation	LAB	LIT	PROF	1980	1980 DC	Washington, DC	625.5	2012	
Cohen	David		Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT			1981	1982 NY	Washington, DC	1125	2012	
Rule	Charles (Rick)	F.	Cadwalader, Wickersham & Taft LLP	Partner	Advertising	LIT	ANTI		1981	1983 DC	Washington, DC	1050	2012	
Dolin	Mitchell	F.	Covington & Burling LLP	Partner	Bankruptcy	LIT	INS		1981	1982 DC	Washington, DC	855	2012	
Bamberger	David	Henry	DLA Piper	Partner	Food and Beverage	ANTI	LIT	TRADE	1981	1981 DC	Washington, DC	825	2012	
Greaney	William		Covington & Burling LLP	Partner	Bankruptcy	INS	LIT	ADR	1981	1981 DC	Washington, DC	782	2012	
Swett	Trevor	W.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CRED	TAX	1981	1982 DC	Washington, DC	735	2012	
Greaney	William		Covington & Burling LLP	Partner	Manufacturing	INS	LIT	ADR	1981	1981 DC	Washington, DC	732	2012	
Brown	Timothy	F.	Arent Fox LLP	Partner	Bankruptcy	LIT	BNK		1981	1982 WA	Washington, DC	690	2012	
Shaw	Anthony	W.	Arent Fox LLP	Of Counsel	Bankruptcy	IP	LIT		1981	1982 DC	Washington, DC	670	2012	
Brown	Timothy	F.	Arent Fox LLP	Partner	Construction	LIT	BNK		1981	1982 WA	Washington, DC	575	2012	
Machlin	Marc	D.	Pepper Hamilton LLP	Partner	Bankruptcy	LIT	REG	ENGY	1981	1981 DC	Washington, DC	540	2012	
Rizek	Christopher	S.	Caplin & Drysdale	Partner	Bankruptcy	TAX	LIT		1982	1983 DC	Washington, DC	655	2012	
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Bankruptcy	BNK	LIT	INS	1983	1985 DC	Washington, DC	855	2012	
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Sports/Entertainment	BNK	LIT	INS	1983	1985 DC	Washington, DC	855	2012	

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Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Green Technology	BNK	LIT	INS	1983	1985 DC	Washington, DC	855	2012	
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Manufacturing	BNK	LIT	INS	1983	1985 DC	Washington, DC	727	2012	
Marzen	Steven	J	Shearman & Sterling LLP	Partner	Financial Services	LIT	TRADE	TECH	1984	1988 DC	Washington, DC	900	2012	
Moltenbrey	Mary Jean		Dewey & LeBoeuf LLP	Partner	Aviation	ANTI	LIT		1984	1985 DC	Washington, DC	855	2012	
Moltenbrey	Mary Jean		Paul Hastings LLP	Partner	Aviation	ANTI	LIT		1984	1985 DC	Washington, DC	855	2012	
Gigot	Thomas	S.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT	ERISA	BEN	1984	1984 DC	Washington, DC	657	2012	
McMillan	Ann	C.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CORP	CRED	1984	1984 CA	Washington, DC	645	2012	
Duston	Robert	L.	Saul Ewing LLP	Partner	Metals	CONS	LIT	FIN	1984	1984 DC	Washington, DC	500	2012	
Keisler	Peter	D.	Sidley Austin LLP	Partner	Media	LIT	ENGY	SEC	1985	1989 DC	Washington, DC	1000	2012	
Jakovic	Ellen		Kirkland & Ellis LLP	Partner	Bankruptcy	LIT			1985	1985 MA	Washington, DC	875	2012	
Jakovic	Ellen		Kirkland & Ellis LLP	Partner	Food and Beverage	LIT			1985	1985 MA	Washington, DC	835	2012	
Mollen	Neal	D.	Paul Hastings LLP	Partner	Aviation	LAB	LIT	SC&APPL	1985	1985 VA	Washington, DC	820	2012	
Rodriguez	Grace	M.	King & Spalding	Partner	Healthcare	LIT	ANTI		1986	1987 NY	Washington, DC	720	2012	
Avergun	Jodi	L.	Cadwalader, Wickersham & Taft LLP	Partner	Bankruptcy	LIT	REG		1987	1988 DC	Washington, DC	835	2012	
Avergun	Jodi	L.	Cadwalader, Wickersham & Taft LLP	Partner	Media	LIT	REG		1987	1988 DC	Washington, DC	835	2012	
Freedman	Laurence		Patton Boggs LLP	Partner	Healthcare	LIT			1987	1987 NY	Washington, DC	780	2012	
Bosset	Eric	C.	Covington & Burling LLP	Partner	Green Technology	LIT	LAB	ERISA	1987	1987 FL	Washington, DC	730	2012	
Weinreich	Gadi		SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT		1987	1987 MA	Washington, DC	640	2012	
Patton, Jr.	George	T.	Bose McKinney & Evans LLP	Partner	Hotel and Casino	LIT			1987	1987 IN	Washington, DC	385	2012	
Lyle	Michael		Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	FIN	INV	1988	1989 DC	Washington, DC	975	2012	
Flicker	Scott	M.	Paul Hastings LLP	Partner	Aviation	LIT	ERISA	GOVCONT	1988	1988 CA	Washington, DC	900	2012	
Gillespie, P.C.	James	P.	Kirkland & Ellis LLP	Partner	Aviation	LIT	CORP		1988	1990 NY	Washington, DC	835	2012	
Millett	Patricia	A.	Akin Gump Strauss Hauer & Feld LLP	Partner	Bankruptcy	SC&APPL	LIT		1988	1988 MA	Washington, DC	805	2012	
Fabrizio	Steven	B.	Jenner & Block LLP	Partner	Media	LIT	MEDIA	ENT	1988	1989 NY	Washington, DC	750	2012	
Harding	Barbara	M.	Jones Day	Partner	Manufacturing	LIT	TORTS	PROD	1988	1988 VA	Washington, DC	750	2012	
Kelleher	Leslie	M.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CRED		1988	1989 NY	Washington, DC	615	2012	
Harding	Barbara	M.	Jones Day	Partner	Manufacturing	LIT	TORTS	PROD	1988	1988 VA	Washington, DC	575	2012	
Schaaf	Lyle	Vander	Brinks Hofer Gilson & Lione	Partner	Printing	IP	LIT	TRADE	1988	1988 MD	Washington, DC	575	2012	

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Schaaf	Lyle	Vander	Brinks Hofer Gilson & Lione	Associate	Printing	IP	LIT	TRADE	1988	1988 MD	Washington, DC	575	2012	
Vander Schaaf	Lyle		Brinks Hofer Gilson & Lione	Partner	Printing	LIT	IP		1988	1988 MD	Washington, DC	575	2012	
Hamelburg	Mark		SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT	GOVT	1988	1990 DC	Washington, DC	556	2012	
Reiziss	Jay	H.	Brinks Hofer Gilson & Lione	Partner	Printing	IP	LIT	TRADE	1988	1988 MD	Washington, DC	520	2012	
Assaf, P.C.	Eugene	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	IP	CLASS	1989	1989 PA	Washington, DC	925	2012	
Auerbach	Dennis	B.	Covington & Burling LLP	Of Counsel	Bankruptcy	LIT	ENGY	CORP	1989	1989 DC	Washington, DC	765	2012	
Englund	Steven	R.	Jenner & Block LLP	Partner	Media	LIT	MEDIA		1989	1990 DC	Washington, DC	765	2012	
Potter	Patrick	J.	Pillsbury Winthrop Shaw Pittman LLP	Partner	Natural Resources	BNK	LIT	REAL	1989	1989 MI	Washington, DC	750	2012	
Doroshov	Kenneth	L.	Jenner & Block LLP	Partner	Media	LIT	MEDIA	ENT	1989	1991 DC	Washington, DC	685	2012	
Potter	Patrick	J.	Pillsbury Winthrop Shaw Pittman LLP	Partner	Natural Resources	BNK	LIT	REAL	1989	1989 MI	Washington, DC	675	2012	
Scalia	Eugene		Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	LAB	LIT	REG	1990	1990 CA	Washington, DC	980	2012	
Perry	Philip	J.	Latham & Watkins LLP	Partner	Telecommunications	LIT	ANTI	TAX	1990	1990 CA	Washington, DC	930	2012	
Franklin	Jonathan	S.	Norton Rose Fulbright LLP	Partner	Medical Equipment	BNK	LIT		1990	1990 PA	Washington, DC	800	2012	
Franklin	Jonathan	S.	Norton Rose Fulbright LLP	Partner	Medical Equipment	BNK	LIT		1990	1990 PA	Washington, DC	775	2012	
Remenick	James		Remenick PLLC	Partner	Technology	IP	LIT	TECH	1990	1991 MD	Washington, DC	740	2012	
Remenick	James		Remenick PLLC	Partner	Technology	IP	LIT	TECH	1990	1991 MD	Washington, DC	725	2012	
Jacobs	Kurt	H.	Sidley Austin LLP	Counsel	Energy	LIT	ENGY	REG	1990	1990 PA	Washington, DC	675	2012	
Levine	Jay	L.	Bradley Arant Boult Cummings LLP	Partner	Financial Services	LIT	HEALTH	ANTI	1990	1990 NY	Washington, DC	570	2012	
Kamen	Katherine	S.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT			1990	1990 NY	Washington, DC	544.5	2012	
Gagnon	Richard	J	Shearman & Sterling LLP	Counsel	Bankruptcy	TAX	LIT		1991	DC	Washington, DC	785	2012	
Gagnon	Richard	J	Shearman & Sterling LLP	Of Counsel	Financial Services	TAX	LIT		1991	DC	Washington, DC	745	2012	
Gagnon	Richard	J	Shearman & Sterling LLP	Counsel	Financial Services	TAX	LIT		1991	DC	Washington, DC	745	2012	
Marrocco	Drew	W.	SNR Denton LLP	Partner	Pharmaceuticals	LIT	CORP	FIN	1991	1995 VA	Washington, DC	575	2012	
Bopp	Michael	D.	Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	POL	LIT	CRIM	1992	1993 NY	Washington, DC	765	2012	
Finch	Nathan	D.	Motley Rice LLC	Partner	Bankruptcy	LIT	BNK	SEC	1992	1992 VA	Washington, DC	750	2012	
Salzberg	Mark		Patton Boggs LLP	Partner	Financial Services	BNK	LIT		1992	1992 FL	Washington, DC	690	2012	
Salzberg	Mark		Patton Boggs LLP	Partner	Healthcare	BNK	LIT		1992	1992 FL	Washington, DC	690	2012	

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Salzberg	Mark		Patton Boggs LLP	Partner	Bankruptcy	BNK	LIT		1992	1992 FL	Washington, DC	690	2012	
Finch	Nathan	D.	Motley Rice LLC	Partner	Bankruptcy	LIT	BNK	SEC	1992	1992 VA	Washington, DC	680	2012	
Goldblatt	Craig	T.	WilmerHale	Partner	Printing	LIT			1993	1994 PA	Washington, DC	975	2012	
Goldblatt	Craig	T.	WilmerHale	Partner	Bankruptcy	LIT			1993	1994 PA	Washington, DC	975	2012	
Supko	Mark		Crowell & Moring LLP	Partner	Telecommunications	IP	LIT		1993	1993 NY	Washington, DC	780	2012	
Guy	Jonathan		Orrick, Herrington & Sutcliffe LLP	Partner	Bankruptcy	BNK	LIT		1993	1994 DC	Washington, DC	735	2012	
Chapman	Floyd	B.	Wiley Rein LLP	Partner	Technology	IP	LIT		1993	1993 FL	Washington, DC	575	2012	
Liesemer	Jeffrey	A.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CRED		1993	1993 VA	Washington, DC	555	2012	
Gordon	Adam	H.	Wiley Rein LLP	Partner	Pharmaceuticals	TRADE	LIT		1993	1993 CT	Washington, DC	540	2012	
Hellmich	Christopher	W.	Patton Boggs LLP	Partner		LIT	ADR	FIN	1993	1993 NE	Washington, DC	514.25	2012	\$749.05
Cohen	David	S.	Milbank, Tweed, Hadley & McCloy LLP	Partner	Telecommunications	LIT	TECH		1994	1994 NA	Washington, DC	1125	2012	
Cohen	David	S.	Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT	TECH		1994	1994 NA	Washington, DC	1125	2012	
Kinnaird	Steven	B.	Paul Hastings LLP	Partner	Aviation	LIT			1994	1995 NY	Washington, DC	905	2012	
Froelich	Edward	L.	Morrison & Foerster LLP	Of Counsel	Bankruptcy	LIT	ENGY		1994	1994 MD	Washington, DC	760	2012	
Feinberg	Adam	P.	Miller Chevalier	Partner	Financial Services	LIT	INTL	GOVCONT	1994	1994 VA	Washington, DC	710	2012	
Hohengarten	William	M.	Jenner & Block LLP	Partner	Media	LIT			1994	1995 New York	Washington, DC	675	2012	
Wright	Gregory	S.	K&L Gates LLP	Partner	Energy	INS	LIT		1994	1994 MD	Washington, DC	650	2012	
Maclay	Kevin	C.	Caplin & Drysdale	Partner	Bankruptcy	LIT	CRED		1994	1994 MD	Washington, DC	555	2012	
Lynch	John	C.	Troutman Sanders LLP	Partner	Financial Services	LIT	FIN	CLASS	1994	1995 VA	Washington, DC	400	2012	
Becker	Michael	S	Jackson Lewis LLP	Associate	Healthcare	ANTI	LIT		1994	1994 VA	Washington, DC	215	2012	
Stuckwisch	William	J.	Kirkland & Ellis LLP	Partner	Aviation	LIT	GOVCONT		1995	1996 VA	Washington, DC	745	2012	
Kramer	Beth	M.	Crowell & Moring LLP	Partner	Telecommunications	TORTS	LIT		1995	1995 MD	Washington, DC	660	2012	
Wehner	James	P.	Caplin & Drysdale	Partner	Bankruptcy	LIT	BNK	CRED	1995	1995 VA	Washington, DC	555	2012	
Donovan	Daniel	T.	Kirkland & Ellis LLP	Partner	Paper	LIT			1996	1997 OH	Washington, DC	795	2012	
Donovan	Daniel	T.	Kirkland & Ellis LLP	Partner	Paper	LIT			1996	1997 OH	Washington, DC	755	2012	
Laemmler-Weidenfeld	Laura	F.	Patton Boggs LLP	Partner	Healthcare	GOVT	LIT	HEALTH	1996	1996 VA	Washington, DC	589.5	2012	
English	Caroline	Turner	Arent Fox LLP	Partner	Bankruptcy	ERISA	LIT	BNK	1996	1996 VA	Washington, DC	570	2012	
Schopf	Simeon	M.	King & Spalding	Counsel	Healthcare	ANTI	LIT		1996	1996 MD	Washington, DC	565	2012	
Polebaum	Elliot	E.	Fried, Frank, Harris, Shriver & Jacobson LLP	Partner	Aviation	INTL	LIT		1997	1978 NY	Washington, DC	1025	2012	
Powell	Benjamin		WilmerHale	Partner	Printing	REG	LIT	CORP	1997	1999 DC	Washington, DC	750	2012	
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT		1997	1997 MD	Washington, DC	730	2012	



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King	Kevin		Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Financial Services	LIT			1997	1997 DC	Washington, DC	710	2012	
Palan	Stephen	W.	Crowell & Moring LLP	Partner	Telecommunications	IP	LIT		1997	1998 MD	Washington, DC	655	2012	
Pikofsky	Sara	R.	Jones Day	Partner	Food and Beverage	ERISA	LIT	BNK	1997	1998 NY	Washington, DC	625	2012	
Macres	Philip	J.	Bingham McCutchen LLP	Of Counsel	Communications	TEL	LIT		1997	1998 FL	Washington, DC	600	2012	
Noreika	Keith	A.	Parker & Covert LLP	Partner	Bankruptcy	FIN	LIT	CORP	1997	1997 TX	Washington, DC	584	2012	
Sigworth	Ronald	L.	Crowell & Moring LLP	Counsel	Telecommunications	IP	LIT		1997	1997 VA	Washington, DC	575	2012	
Hopkins	Tammy		Brown Rudnick LLP	Associate	Bankruptcy	LIT	GOVCONT		1997	1997 MD	Washington, DC	550	2012	
Amin	Hisham	M.	Groom Law Group, Chartered	Associate	Aviation	LIT	ERISA		1997	2002 MD	Washington, DC	513	2012	
Leblanc	Andrew		Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT			1998	1998 MI	Washington, DC	1030	2012	
Schwartz	Jason	C.	Gibson, Dunn & Crutcher LLP	Partner	Financial Services	LIB	LIT		1998	1999 VA	Washington, DC	890	2012	
Tollefson	Brian	A.	Rothwell, Figg, Ernst & Manbeck, P.C.	Partner	Sports/Entertainment	TRADEM	LIT	TECH	1998	1998 MD	Washington, DC	530	2012	
Pozefsky	Steven	A.	Bradley Arant Boult Cummings LLP	Associate	Financial Services	GOVCONT	LIT	IN	1998	1998 MD	Washington, DC	323	2012	
Jefcoat	Kyle	R.	Latham & Watkins LLP	Counsel	Telecommunications	LIT	GOVT	CONTR	1999	1999 NY	Washington, DC	845	2012	
Anstett	Michael	J.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	CONTR	CRIM	1999	2000 NY	Washington, DC	760	2012	
Morabito	Erika	L.	Foley & Lardner LLP	Partner	Hotel and Casino	LIT	BNK	CRED	1999	1999 VA	Washington, DC	680	2012	
Morabito	Erika	L.	Foley & Lardner LLP	Partner	Bankruptcy	LIT	BNK	CRED	1999	1999 VA	Washington, DC	680	2012	
Kostolampros	George		Venable LLP	Partner	Bankruptcy	SEC	LIT	CLASS	1999	2001 NY	Washington, DC	590	2012	
Kostolampros	George		Venable LLP	Partner	Manufacturing	SEC	LIT	CLASS	1999	2001 NY	Washington, DC	590	2012	
Springer	Rebecca	L.	Crowell & Moring LLP	Counsel	Telecommunications	LAB	LIT		1999	1999 VA	Washington, DC	454.5	2012	
Forman	Andrew		Cadwalader, Wickersham & Taft LLP	Partner	Bankruptcy	LIT	ANTI		2000	2000 NA	Washington, DC	800	2012	
Forman	Andrew		Cadwalader, Wickersham & Taft LLP	Partner	Advertising	LIT	ANTI		2000	2000 NA	Washington, DC	800	2012	
Hataway	C.	Scott	Paul Hastings LLP	Partner	Aviation	LIT	ANTI	TRADEM	2000	2001 DC	Washington, DC	750	2012	
Walker	Melanie	E	Sidley Austin LLP	Partner	Media	LIT	SEC		2000	2000 IL	Washington, DC	650	2012	
Timofeyev	Igor	V.	Paul Hastings LLP	Of Counsel	Paper	LIT	INTL		2001	2007 NY	Washington, DC	795	2012	
Timofeyev	Igor	V.	Paul Hastings LLP	Of Counsel	Aviation	LIT	INTL		2001	2007 NY	Washington, DC	765	2012	
Morton	Matthew	D	Weil, Gotshal & Manges LLP	Associate	Aviation	FIN	LIT		2001	2001 MD	Washington, DC	760	2012	

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Hulbig	Ngoc	Pham	Cadwalader, Wickersham & Taft LLP	Associate	Bankruptcy	LIT	ANTI	M&A	2001	2002 NY	Washington, DC	745	2012	
Hulbig	Ngoc	Pham	Cadwalader, Wickersham & Taft LLP	Associate	Advertising	LIT	ANTI	M&A	2001	2002 NY	Washington, DC	745	2012	
Williams	Michael	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI	FIN	2001	2002 NJ	Washington, DC	745	2012	
Orr	Kathleen		Orrick, Herrington & Sutcliffe LLP	Associate	Bankruptcy	BNK	LIT		2001	2001 MD	Washington, DC	495	2012	
Orr	Kathleen		Orrick, Herrington & Sutcliffe LLP	Senior Associate	Bankruptcy	BNK	LIT		2001	2001 MD	Washington, DC	495	2012	
Lyttle	Eric	C.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT			2002	2002 DC	Washington, DC	790	2012	
Renenger	Aaron		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2002	2002 CA	Washington, DC	750	2012	
Renenger	Aaron		Milbank, Tweed, Hadley & McCloy LLP	Associate	Telecommunications	LIT			2002	2002 CA	Washington, DC	750	2012	
Saul	Benjamin	P.	BuckleySandler LLP	Partner	Bankruptcy	CLASS	LIT	SEC	2002	2002 MD	Washington, DC	750	2012	
Renenger	Aaron		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2002	2002 CA	Washington, DC	715	2012	
Dixon	Steven	R.	Miller Chevalier	Counsel	Financial Services	TAX	LIT		2002	2002 IL	Washington, DC	640	2012	
Wilkens	Scott	B.	Jenner & Block LLP	Partner	Media	LIT	MEDIA		2002	2003 CA	Washington, DC	585	2012	
Ackerman	David	I.	SNR Denton LLP	Associate	Pharmaceuticals	SEC	LIT		2002	2003 DC	Washington, DC	468	2012	\$683.95
Azer	Adrian		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2003	2003 DC	Washington, DC	750	2012	
Baldwin	Edward		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2003	2004 NY	Washington, DC	750	2012	
Diamant	Michael	S.	Gibson, Dunn & Crutcher LLP	Partner	Financial Services	LIT	SEC	CORP	2003	2003 VA	Washington, DC	725	2012	
Landis	Jeffrey G.		Kirkland & Ellis LLP	Partner	Paper	LIT			2003	2003 DC	Washington, DC	715	2012	
Stratton	Grayson	D.	DLA Piper	Associate	Food and Beverage	LIT	CORP	CRIM	2003	2003 DC	Washington, DC	590	2012	
Reynolds	Lesley	Carol	Norton Rose Fulbright LLP	Partner	Medical Equipment	HEALTH	LIT		2003	2003 DC	Washington, DC	525	2012	
Reynolds	Lesley	Carol	Norton Rose Fulbright LLP	Senior Associate	Medical Equipment	HEALTH	LIT		2003	2003 DC	Washington, DC	525	2012	
Greenberg	David	S.	Arent Fox LLP	Associate	Bankruptcy	HEALTH	LIT	ERISA	2003	2003 MD	Washington, DC	505	2012	
Shoudt	Erin	M.	SNR Denton LLP	Counsel	Pharmaceuticals	LIT	CLASS		2003	2003 DC	Washington, DC	496	2012	
Shoudt	Erin	M.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	CLASS		2003	2003 DC	Washington, DC	496	2012	
Nelson	Brittany	J.	Foley & Lardner LLP	Associate	Hotel and Casino	BNK	LIT	TRADE	2003	2003 UT	Washington, DC	470	2012	
Nelson	Brittany	J.	Foley & Lardner LLP	Associate	Bankruptcy	BNK	LIT	TRADE	2003	2003 UT	Washington, DC	470	2012	
Nelson	Brittany	J.	Foley & Lardner LLP	Associate	Hotel and Casino	BNK	LIT	TRADE	2003	2003 UT	Washington, DC	440	2012	

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Wright	Miles J.		Weil, Gotshal & Manges LLP	Associate	Energy	LIT			2004	2005 DC	Washington, DC	750	2012	
Wright	Miles J.		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2004	2005 DC	Washington, DC	750	2012	
Musallam	Samer	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2004	2004 DC	Washington, DC	705	2012	
Wollenberg	Jennifer	M.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	CRIM	SEC	2004	2005 NY	Washington, DC	690	2012	
Brown	Judson		Kirkland & Ellis LLP	Partner	Energy	LIT			2004	2004 TN	Washington, DC	685	2012	
Gibb	Daniel	C.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	REG		2004	2005 KS	Washington, DC	420	2012	
Koski	Jeanna	M. Rickards	Caplin & Drysdale	Associate	Bankruptcy	CRED	LIT		2004	2009 WA	Washington, DC	420	2012	
Gibb	Daniel	C.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	REG		2004	2005 KS	Washington, DC	378	2012	
Levine	Alexander		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2005	2006 DC	Washington, DC	730	2012	
Sulkowski	Sarah	A.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2005	2006 DC	Washington, DC	720	2012	
Stults	Kevin	R.	Bingham McCutchen LLP	Associate	Financial Services	TAX	LIT		2005	2005 DC	Washington, DC	715	2012	
Sulkowski	Sarah	A.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2005	2006 DC	Washington, DC	675	2012	
Bress	Daniel	A.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	SC&APPL		2005	2008 CA	Washington, DC	670	2012	
McEldowney	Sean	M.	Kirkland & Ellis LLP	Partner	Aviation	IP	LIT		2005	2007 CA	Washington, DC	670	2012	
Parish	Jason	R.	Kirkland & Ellis LLP	Partner	Aviation	LIT			2005	2007 DC	Washington, DC	670	2012	
Marrow	Jason	E.	Gibson, Dunn & Crutcher LLP	Associate	Pharmaceuticals	LIT	INVEST		2005	2006 DC	Washington, DC	665	2012	
Rogers	Andrew	B.	Paul Hastings LLP	Associate	Aviation	LAB	LIT		2005	2005 VA	Washington, DC	620	2012	
Auchterlonie	Sarah	J	Weil, Gotshal & Manges LLP	Associate	Financial Services	FIN	LIT		2005	2005 DC	Washington, DC	610	2012	
Morris	Ryan	C.	Sidley Austin LLP	Associate	Media	LIT	INTL		2005	2007 VA	Washington, DC	610	2012	
Petrich	Samantha	R.	Patton Boggs LLP	Associate	Financial Services	LIT	SEC		2005	2006 VA	Washington, DC	525	2012	
Foster	Matthew	D.	Pepper Hamilton LLP	Associate	Bankruptcy	LIT			2005	2005 VA	Washington, DC	420	2012	
Phillips	Todd	E.	Caplin & Drysdale	Associate	Bankruptcy	LIT	CRED		2005	1984 CA	Washington, DC	380	2012	
Sackett	Andrew	J.	Caplin & Drysdale	Associate	Bankruptcy	LIT	CRED		2005	2005 CA	Washington, DC	380	2012	\$592.08
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Energy	LIT			2006	2007 DC	Washington, DC	705	2012	
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2006	2007 DC	Washington, DC	705	2012	

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Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Aviation	LIT			2006	2007 DC	Washington, DC	705	2012	
Graham	Tammy	L.	Paul Hastings LLP	Associate	Paper	LIT			2006	2006 DC	Washington, DC	700	2012	
Graham	Tammy	L.	Paul Hastings LLP	Associate	Research	LIT			2006	2006 DC	Washington, DC	700	2012	
Bassett	Nicholas		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2006	2007 NY	Washington, DC	695	2012	
Graham	Tammy	L.	Paul Hastings LLP	Associate	Paper	LIT			2006	2006 DC	Washington, DC	670	2012	
Chesley	John	W.F.	Gibson, Dunn & Crutcher LLP	Associate	Energy	LIT	LAB	SEC	2006	2006 MD	Washington, DC	665	2012	
Bassett	Nicholas		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2006	2007 NY	Washington, DC	650	2012	
Rockefeller	Mark	L.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	INTL		2006	2006DC	Washington, DC	650	2012	
Bash	John		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	SC&APPL	LIT		2006	2009 TX	Washington, DC	640	2012	
Tucker	Aaron	T.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	HEALTH		2006	2006 MD	Washington, DC	635	2012	
Rockefeller	Mark	L.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	INTL		2006	2006 DC	Washington, DC	600	2012	
Hauss	Stephen	M.	Quinn Emanuel Urquhart & Sullivan, LLP	Associate	Bankruptcy	LIT			2006	2007 CA	Washington, DC	590	2012	
Hanke	Amy	L.	Sidley Austin LLP	Associate	Media	CORP	LIT		2006	2006 PA	Washington, DC	585	2012	
Mahler	Aaron	C.	BuckleySandler LLP	Associate	Bankruptcy	CLASS	LIT	GOVCONT	2006	2006 VA	Washington, DC	525	2012	
Medsker	R.	Scott	Jones Day	Associate	Food and Beverage	LAB	LIT		2006	2006 VA	Washington, DC	525	2012	
Medsker	R.	Scott	Jones Day	Associate	Food and Beverage	LAB	LIT		2006	2006 VA	Washington, DC	500	2012	
Price	Matthew	E.	Jenner & Block LLP	Associate	Media	LIT	CLASS		2006	2007 MA	Washington, DC	500	2012	
Tysse	James	E.	Akin Gump Strauss Hauer & Feld LLP	Associate	Bankruptcy	SC&APPL	LIT		2006	2008 DC	Washington, DC	500	2012	
Wilson	J.	Douglas	Jenner & Block LLP	Associate	Media	LIT	INTL		2006	2008 NY	Washington, DC	490	2012	
Smith	Micah	R.	Arent Fox LLP	Associate	Food and Beverage	OPS	LIT		2006	2007 DC	Washington, DC	380	2012	
Smilowitz	Matthew		Stinson Morrison Hecker LLP	Associate	Food and Beverage	LIT			2006	2006 DC	Washington, DC	310	2012	
Pull	Joseph	A.	Fredrikson & Byron, P.A.	Associate	Real Estate	LIT			2006	2006 MN	Washington, DC	180	2012	
Matthews	John	A.	Latham & Watkins LLP	Associate	Telecommunications	LIT	REG		2007	2008 CA	Washington, DC	675	2012	
Park	Sangyoon	Nathan	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2007	2008 NY	Washington, DC	675	2012	
Wise	Michael	S.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2007 VA	Washington, DC	620	2012	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Raimondo	Katherine		Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	INTL		2007	2007 PA	Washington, DC	605	2012	
Longman	Timothy	S.	Dewey & LeBoeuf LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2012	
Longman	Timothy	S.	Paul Hastings LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2012	
Zuver	Robert	E.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2007	2008 CA	Washington, DC	575	2012	
Zuver	Robert	E.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2008 CA	Washington, DC	575	2012	
Fiet	Kyle	J	Sidley Austin LLP	Associate	Energy	LIT			2007	2007 NC	Washington, DC	540	2012	
Wilkins	Nicholas	L.	Bingham McCutchen LLP	Associate	Financial Services	LIT	TAX	FIN	2007	2007 MA	Washington, DC	510	2012	
Scindian	Kelly	M.	Akin Gump Strauss Hauer & Feld LLP	Associate	Bankruptcy	LAB	LIT	CLASS	2007	2008 MD	Washington, DC	500	2012	
Dowd	Matthew	J.	Wiley Rein LLP	Associate	Technology	IP	LIT	SC&APPL	2007	2009 DC	Washington, DC	485	2012	
Waites	Natalie		Shearman & Sterling LLP	Associate	Financial Services	LIT			2007	2008 NY	Washington, DC	465	2012	
Walden	Elisabeth	S.	Akin Gump Strauss Hauer & Feld LLP	Associate	Bankruptcy	LIT	ENGY	REG	2007	2009 MD	Washington, DC	460	2012	
Pinkel	Michael	V.	Williams & Connolly LLP	Associate	Pharmaceuticals	GOVT	LIT		2007	2007 CA	Washington, DC	455	2012	
Stuebner	Brian	D.	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT			2008	2009 DC	Washington, DC	685	2012	
Benfield	Brianna		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2008	2008 VA/DC	Washington, DC	625	2012	
Gomez	Daniel		Kirkland & Ellis LLP	Associate	Paper	LIT	TORTS	SEC	2008	2008 PA	Washington, DC	625	2012	
Podberesky	Michael		Kirkland & Ellis LLP	Associate	Aviation	LIT	CORP		2008	2008 MD	Washington, DC	625	2012	
Yates	Erin K.		Weil, Gotshal & Manges LLP	Associate	Energy	LIT			2008	2009 NY	Washington, DC	625	2012	
Yates	Erin K.		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2008	2009 NY	Washington, DC	625	2012	
Allen	Winn		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CLASS	TORTS	2008	2010 GA	Washington, DC	595	2012	
Porterfield	Latoya	L.	Paul Hastings LLP	Associate	Aviation	LIT			2008	2008 DC	Washington, DC	580	2012	
Stanford	Brian	M.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	GOVCONT		2008	2008 MD	Washington, DC	575	2012	
Weiner	Rachel	L.	WilmerHale	Senior Associate	Printing	LIT			2008	2008 NJ	Washington, DC	575	2012	
Lyons	Derek		Gibson, Dunn & Crutcher LLP	Counsel	Telecommunications	LIT			2008	2008 TX	Washington, DC	555	2012	
James	Tanisha	A.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2008	2008 MD	Washington, DC	522	2012	
Lopez	Caroline	D.	Jenner & Block LLP	Associate	Media	LIT			2008	2008 VA	Washington, DC	490	2012	
Bender	Kimberly	M.	BuckleySandler LLP	Associate	Bankruptcy	BNK	LIT	FRAUD	2008	2008 DC	Washington, DC	415	2012	
Moore	Jason	D.	Arent Fox LLP	Associate	Bankruptcy	LIT	FALSE	GOVT	2008	2008 VA	Washington, DC	395	2012	
Caridas	Andrew		Zuckerman Spaeder LLP	Associate	Bankruptcy	LIT			2008	2008 IL	Washington, DC	375	2012	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Spinos	Selina		Norton Rose Fulbright LLP	Associate	Medical Equipment	HEALTH	LIT		2008	2010 DC	Washington, DC	340	2012	
Frutig	Brian		Motley Rice LLC	Associate	Bankruptcy	BNK	LIT		2008	2009 NY	Washington, DC	300	2012	
Barnes	Denise		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2009	2010 DC	Washington, DC	625	2012	
Fjellstedt	Andre	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT	SEC	2009	2009 DC	Washington, DC	625	2012	
Linton	Denise		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2009	2010 NY	Washington, DC	625	2012	
Citron	Eileen	Hren	Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2009	2009 DC	Washington, DC	585	2012	
Thiagarajah	Janakan		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CORP		2009	2009 IL	Washington, DC	575	2012	
Linton	Denise		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2009	2010 NY	Washington, DC	550	2012	
Davis	Maria	T.	Paul Hastings LLP	Associate	Aviation	LIT			2009	2009 MA	Washington, DC	520	2012	
Dewey	Samuel	E.	Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	CONSTI		2009	2010 MD	Washington, DC	515	2012	
Sosna	Daniel	M.	Bingham McCutchen LLP	Associate	Financial Services	TAX	LIT		2009	2010 DC	Washington, DC	510	2012	
Neil	Rosanna	M.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2009	2010 DC	Washington, DC	480	2012	
Neil	Rosanna	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2009	2010 DC	Washington, DC	480	2012	
Ruffing	Katie		DLA Piper	Associate	Food and Beverage	LIT	SEC	ANTI	2009	2009 DC	Washington, DC	480	2012	
Ross	Thomas	E.	Sidley Austin LLP	Associate	Media	TRADE	LIT		2009	2009 FL	Washington, DC	445	2012	
Nord	Erin	K.	Wiley Rein LLP	Associate	Technology	LIT	CRIM	CONTR	2009	2010 DC	Washington, DC	400	2012	
Burke	James	E.	Covington & Burling LLP	Associate	Bankruptcy	LIT			2009	2009 CA	Washington, DC	395	2012	
Kane	Amanda	J.	Akin Gump Strauss Hauer & Feld LLP	Associate	Telecommunications	LIT			2009	2011 DC	Washington, DC	390	2012	
Williams	Karen	D.	Akin Gump Strauss Hauer & Feld LLP	Associate	Telecommunications	LIT			2009	2010 VA	Washington, DC	390	2012	
Williams	Karen	D.	Akin Gump Strauss Hauer & Feld LLP	Associate	Bankruptcy	LIT			2009	2010 VA	Washington, DC	390	2012	
Andersen	Alison	L.	Arent Fox LLP	Associate	Bankruptcy	LIT	LAB	ERISA	2009	2009 DC	Washington, DC	365	2012	
Brand	Aaron	S.	Arent Fox LLP	Associate	Food and Beverage	LIT	HEALTH	GOVT	2009	2010 MD	Washington, DC	330	2012	
McGinley	Sarah	J.	Dow Lohnes PLLC	Associate	Media	AVI	LIT		2009	2009 CT	Washington, DC	310	2012	\$533.42
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2010	2011 NY	Washington, DC	570	2012	
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Food and Beverage	LIT	FIN		2010	2011 NY	Washington, DC	570	2012	
Hopson	Eli	W.L.	Latham & Watkins LLP	Associate	Manufacturing	ENV	LIT		2010	2010 DC	Washington, DC	535	2012	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Porter	Jonathan	D.	Simpson Thacher & Bartlett LLP	Associate	Financial Services	LIT	FIN		2010	2010 VA	Washington, DC	510	2012	
Buddensick	Caroline	D.	Kirkland & Ellis LLP	Associate	Aviation	LIT			2010	2010 VA	Washington, DC	495	2012	
Zack	Catharine	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	SEC	CORP	2010	2010 NJ	Washington, DC	495	2012	
Zepeda	Paloma	A.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	ANTI		2010	2011 NY	Washington, DC	495	2012	
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2010	2011 NY	Washington, DC	460	2012	
Fotouhi	David		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	ENV	TORTS	2010	2010 TX	Washington, DC	445	2012	
Zack	Catharine	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	SEC	CORP	2010	2010 NJ	Washington, DC	445	2012	
Pinegar	Noah	B.	Paul Hastings LLP	Associate	Aviation	MAR	LIT		2010	2010 TX	Washington, DC	410	2012	
Stepnowsky	Dana	M.	Paul Hastings LLP	Associate	Aviation	LIT	REG		2010	2010 VA	Washington, DC	410	2012	
Jenkins	Marina	K.	Jenner & Block LLP	Associate	Media	LIT			2010	2010 NJ	Washington, DC	395	2012	
Korman	Marc	A.	Sidley Austin LLP	Associate	Media	LIT	REG	TRANS	2010	2010 MD	Washington, DC	395	2012	
Lopez	Katherine	V.	King & Spalding	Associate	Healthcare	ANTI	LIT		2010	2010 VA	Washington, DC	395	2012	
Brookover	Laura		Covington & Burling LLP	Associate	Green Technology	PRIVDATA	LIT	CLASS	2010	2011 PA	Washington, DC	365	2012	
Henningsen	Kate	G.	Caplin & Drysdale	Associate	Bankruptcy	LIT			2010	2010 WI	Washington, DC	255	2012	
McCrone	Mark		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2011	2011 DC	Washington, DC	570	2012	
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Paper	BNK	LIT		2011	2011 NY	Washington, DC	540	2012	
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Bankruptcy	BNK	LIT		2011	2011 NY	Washington, DC	540	2012	
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Research	BNK	LIT		2011	2011 NY	Washington, DC	540	2012	
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Paper	BNK	LIT		2011	2011 NY	Washington, DC	460	2012	
Dechter	Anne	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	TEL	TORTS	2011	2011 MD	Washington, DC	445	2012	
Jones	Jonathan	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT		2011	2012 NY	Washington, DC	445	2012	
Unter	Jennifer		WilmerHale	Associate	Printing	LIT			2011	2011 MA	Washington, DC	395	2012	
Crossman	Matthew	T.	Paul Hastings LLP	Associate	Aviation	LIT			2011	2011 CA	Washington, DC	370	2012	
Dechter	Anne	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	TEL	TORTS	2011	2011 MD	Washington, DC	370	2012	
Daley	Brooke		Orrick, Herrington & Sutcliffe LLP	Associate	Bankruptcy	LIT			2011	2012 NY	Washington, DC	355	2012	
Herring	Michael	E.	Dewey & LeBoeuf LLP	Associate	Aviation	LIT			2011	MD	Washington, DC	355	2012	
Lowe	Brett		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2012	PENDING	Washington, DC	295	2012	
Lowe	Brett		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2012	PENDING	Washington, DC	295	2012	\$439.35
Soares	Karen		Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	GOVT	INV		2006 DC	Washington, DC	690	2012	No graduation date

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Planzos	Sotiris	A.	Patton Boggs LLP	Partner	Financial Services	LIT	ADR	SEC		1983 NY	Washington, DC	685	2012	No graduation date
Lear	Richard	E.	Holland & Knight LLP	Partner	Bankruptcy	BNK	LIT			1986 DC	Washington, DC	635	2012	No graduation date
Prame	Michael	J.	Groom Law Group, Chartered	Partner	Aviation	HEALTH	LIT	BNK		1994 MD	Washington, DC	612	2012	No graduation date
Treat	Forrest		Shearman & Sterling LLP	Associate	Bankruptcy	LIT	ANTI			2009 DC	Washington, DC	580	2012	No graduation date
Ryan	Alexander	P.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT	FID	BEN		2001 NC	Washington, DC	517.5	2012	No graduation date
Morrissey	Brendan	J.	Wiley Rein LLP	Associate	Pharmaceuticals	LIT	TEL			2005 OH	Washington, DC	515	2012	No graduation date
Zumwalt	Sarah	A.	Groom Law Group, Chartered	Associate	Aviation	LIT				2003 VA	Washington, DC	513	2012	No graduation date
Lee	Jason	H.	Groom Law Group, Chartered	Associate	Aviation	FID	LIT	ERISA		2006 NY	Washington, DC	490.5	2012	No graduation date
Zuckerman	Julia	E.	Groom Law Group, Chartered	Associate	Aviation	BEN	LIT			2005 CA	Washington, DC	490.5	2012	No graduation date
Wilder	Will	E.	Groom Law Group, Chartered	Associate	Aviation	HEALTH	LIT	ERISA		2006 DC	Washington, DC	454.5	2012	No graduation date
Hessler	Karin	A.	Wiley Rein LLP	Associate	Technology	IP	LIT			2008 VA	Washington, DC	435	2012	No graduation date
Shin	Joseph		Wiley Rein LLP	Associate	Technology	IP	LIT			2009 VA	Washington, DC	400	2012	No graduation date
Coleman	Joshua	J.	Groom Law Group, Chartered	Associate	Aviation	LIT	FID			DC	Washington, DC	319.5	2012	No graduation date
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	ANTI	TORTS	1972	1972 TX	Washington, DC	775	2013	
Razzano	Frank	C.	Pepper Hamilton LLP	Partner	Bankruptcy	LIT	SEC	CRIM	1972	1973 NY	Washington, DC	675	2013	
Razzano	Frank	C.	Pepper Hamilton LLP	Partner	Bankruptcy	LIT	SEC	CRIM	1972	1973 NY	Washington, DC	657	2013	
Kirby	Richard A.		K&L Gates LLP	Partner	Energy	CLASS	LIT	SEC	1974	1974 MD	Washington, DC	840	2013	
Geneson	David	F.	Sheppard Mullin Richter & Hampton LLP	Partner	Aviation	CRIM	LIT		1974	1974 FL	Washington, DC	625	2013	
Weckstein	Kenneth	B.	Brown Rudnick LLP	Partner	Bankruptcy	LIT	REAL	GOVCONT	1976	1976 VA	Washington, DC	830	2013	
Berg	Andrew	G	Greenberg Traurig LLP	Partner	Hotel and Casino	LIT	ANTI	M&A	1980	PA	Washington, DC	725	2013	
Reinert, Jr.	Thomas	E.	Morgan, Lewis & Bockius LLP	Partner	Aviation	LAB	LIT	PROF	1980	1980 DC	Washington, DC	625.5	2013	
Cohen	David		Milbank, Tweed, Hadley & McCloy LLP	Partner	Telecommunications	LIT			1981	1982 NY	Washington, DC	1160	2013	
Cohen	David		Milbank, Tweed, Hadley & McCloy LLP	Partner	Bankruptcy	LIT			1981	1982 NY	Washington, DC	1160	2013	
Hoffinger	Adam	S.	Morrison & Foerster LLP	Partner	Bankruptcy	LIT			1982	1982 NY	Washington, DC	855	2013	
Moltenbrey	Mary Jean		Paul Hastings LLP	Partner	Aviation	ANTI	LIT		1984	1985 DC	Washington, DC	855	2013	
Mollen	Neal	D.	Paul Hastings LLP	Partner	Aviation	LAB	LIT	SC&APPL	1985	1985 VA	Washington, DC	820	2013	
Flicker	Scott	M.	Paul Hastings LLP	Partner	Aviation	LIT	ERISA	GOVCONT	1988	1988 CA	Washington, DC	900	2013	



Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Diesenhuis	Jonathan	L.	Hogan Lovells LLP	Partner	Science Products & Services	HEALTH	LIT		1988	1988 CO	Washington, DC	775	2013	
Diesenhuis	Jonathan	L.	Hogan Lovells LLP	Partner	Science Products & Services	HEALTH	LIT		1988	1988 CO	Washington, DC	697.5	2013	
Wiltzie	Susan	F.	Hunton & Williams LLP	Counsel	Bankruptcy	LAB	LIT	UNFAIR	1989	1989 VA	Washington, DC	520	2013	
Scalia	Eugene		Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	LAB	LIT	REG	1990	1990 CA	Washington, DC	1020	2013	
Bopp	Michael	D.	Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	POL	LIT	CRIM	1992	1993 NY	Washington, DC	850	2013	
Bopp	Michael	D.	Thompson Krone Gibson P.L.C.	Partner	Telecommunications	POL	LIT	CRIM	1992	1993 NY	Washington, DC	850	2013	
Hallward-Driemeier	Douglas		Ropes & Gray LLP	Partner	Consulting	LIT	CORP		1994	1995 MA	Washington, DC	830	2013	
Froelich	Edward	L.	Morrison & Foerster LLP	Of Counsel	Bankruptcy	LIT	ENGY		1994	1994 MD	Washington, DC	815	2013	
Wright	Gregory	S.	K&L Gates LLP	Partner	Energy	INS	LIT		1994	1994 MD	Washington, DC	750	2013	\$809.13
Kramer	Beth	M.	Crowell & Moring LLP	Partner	Telecommunications	TORTS	LIT		1995	1995 MD	Washington, DC	690	2013	
Bragg	Jennifer	L.	Skadden, Arps, Slate, Meagher & Flom LLP	Partner	Healthcare	HEALTH	LIT		1996	1996 DC	Washington, DC	1010	2013	
English	Caroline	Turner	Arent Fox LLP	Partner	Bankruptcy	ERISA	LIT	BNK	1996	1996 VA	Washington, DC	570	2013	
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT		1997	1997 MD	Washington, DC	760	2013	
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT		1997	1997 MD	Washington, DC	730	2013	
Pikofsky	Sara	R.	Jones Day	Partner	Food and Beverage	ERISA	LIT	BNK	1997	1998 NY	Washington, DC	675	2013	
Hopkins	Tammy		Brown Rudnick LLP	Associate	Bankruptcy	LIT	GOVCONT		1997	1997 MD	Washington, DC	550	2013	
Snodgrass	John	C.	Pepper Hamilton LLP	Associate	Bankruptcy	LIT	CRIM	SEC	1997	1998 NY	Washington, DC	333	2013	
Leblanc	Andrew			Partner	Bankruptcy	LIT			1998	1998 MI	Washington, DC	1160	2013	
Marshall	C. Kevin		Jones Day	Partner	Manufacturing	LIT			1998	1998 IN	Washington, DC	700	2013	
Williams	Michael	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI	FIN	2001	2002 NJ	Washington, DC	830	2013	
Morton	Matthew	D	Weil, Gotshal & Manges LLP	Associate	Aviation	FIN	LIT		2001	2001 MD	Washington, DC	795	2013	\$733.58
Brown	Judson		Kirkland & Ellis LLP	Partner	Energy	LIT			2004	2004 TN	Washington, DC	780	2013	
Musallam	Samer	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2004	2004 DC	Washington, DC	705	2013	
Ignat	Ana-Maria		Morrison & Foerster LLP	Associate	Bankruptcy	FIN	LIT		2004	2005 VA	Washington, DC	589.5	2013	
Rao	P.	Nikhil	Jones Day	Associate	Aviation	LIT	CORP	INVEST	2004	2004 NY	Washington, DC	531.25	2013	
Choi	Min		Pepper Hamilton LLP	Associate	Bankruptcy	LIT	FRAUD	SEC	2004	2006 IL	Washington, DC	369	2013	
Parish	Jason	R.	Kirkland & Ellis LLP	Partner	Aviation	LIT			2005	2007 DC	Washington, DC	755	2013	
Gore	John	M.	Jones Day	Associate	Aviation	LIT	ANTI	COMP	2005	2005 TX	Washington, DC	531.25	2013	
Petrich	Samantha	R.	Patton Boggs LLP	Associate	Financial Services	LIT	SEC		2005	2006 VA	Washington, DC	525	2013	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Foster	Matthew	D.	Pepper Hamilton LLP	Associate	Bankruptcy	LIT			2005	2005 VA	Washington, DC	409.5	2013	
Bassett	Nicholas		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2006	2007 NY	Washington, DC	740	2013	
Rockefeller	Mark	L.	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	INTL		2006	2006 DC	Washington, DC	700	2013	\$603.23
Ebersole	J.	Ashley	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT			2007	2008 DC	Washington, DC	745	2013	
Longman	Timothy	S.	Paul Hastings LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2013	
Zuver	Robert	E.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2008 CA	Washington, DC	575	2013	
Quarcoo	S.	Chartey	Hogan Lovells LLP	Associate	Science Products & Services	LIT			2007	2008 NY	Washington, DC	525	2013	
Quarcoo	S.	Chartey	Hogan Lovells LLP	Associate	Science Products & Services	LIT			2007	2008 NY	Washington, DC	472.5	2013	
Stuebner	Brian	D.	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT			2008	2009 DC	Washington, DC	710	2013	
Barnes	Denise		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2009	2010 DC	Washington, DC	680	2013	
Thiagarajah	Janakan		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CORP		2009	2009 IL	Washington, DC	630	2013	
Dewey	Samuel	E.	Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	CONSTI		2009	2010 MD	Washington, DC	580	2013	
DiPompeo	Christopher		Jones Day	Associate	Manufacturing	BNK	LIT	SC&APPL	2009	2009 MD	Washington, DC	475	2013	
Wenger	Edward	M.	Jones Day	Associate	Food and Beverage	LIT	SEC	CLASS	2009	2010 FL	Washington, DC	450	2013	
Andersen	Alison	L.	Arent Fox LLP	Associate	Bankruptcy	LIT	LAB	ERISA	2009	2009 DC	Washington, DC	365	2013	
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Telecommunications	LIT	FIN		2010	2011 NY	Washington, DC	645	2013	
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT	FIN		2010	2011 NY	Washington, DC	570	2013	
Buddensick	Caroline	D.	Kirkland & Ellis LLP	Associate	Aviation	LIT			2010	2010 VA	Washington, DC	565	2013	
Fotouhi	David		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	ENV	TORTS	2010	2010 TX	Washington, DC	535	2013	
Honig	Emily		Ropes & Gray LLP	Associate	Consulting	LIT	FIN		2010	2010 MA	Washington, DC	450	2013	\$561.62
McCrone	Mark		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2011	2011 DC	Washington, DC	645	2013	
Jones	Jonathan	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT		2011	2012 NY	Washington, DC	445	2013	
Lowe	Brett		Milbank, Tweed, Hadley & McCloy LLP	Associate	Bankruptcy	LIT			2012	PENDING	Washington, DC	480	2013	\$523.33
Lear	Richard	E.	Holland & Knight LLP	Partner	Bankruptcy	BNK	LIT			1986 DC	Washington, DC	635	2013	No graduation date

**Key for Color-Coding USAO Experience Levels  
 in Data from Plaintiffs' Exhibit 53**

<b>Graduation Year</b>	<b>Rate Year 2012</b>	<b>Rate Year 2013</b>	
1983	31+	31+	
1982	21-30	31+	
1983		21-30	
1984			
1985			
1986			
1987			
1988			
1989			
1990			
1991			
1992	16-20		21-30
1993			
1994			
1995			
1996			
1997	11-15	16-20	
1998			
1999			
2000			
2001			
2002	8-10	11-15	
2003			
2004			
2005	6-7		8-10
2006			
2007	4-5	6-7	
2008			
2009	2-3	4-5	
2010			
2011	<2	2-3	
2012			
2013		<2	

**Key for Color-Coding Laffey Experience Levels  
 in Data from Plaintiffs' Exhibit 53**

<b>Graduation Year</b>	<b>Rate Year 2012</b>	<b>Rate Year 2013</b>
1993	20+	20+
1994	11-19	20+
1995		11-19
1996		
1997		
1998		
1999		
2000		
2001		
2002		
2003		
2004	8-10	8-10
2005	4-7	8-10
2006		
2007		
2008		
2009		4-7
2010	1-3	1-3
2011		
2012		1-3
2013		

**Plaintiffs' Exhibit**  
**80**  
Civ. No. 05-1437 (RCL)

# **Update of Valeo Rates Data from Plaintiffs' Exhibit 53 Excluding Bankruptcy Rates Data**

**This Exhibit Should Be Printed in Color**

**All data in this exhibit excludes bankruptcy rates, even though two tables in it inadvertently state "with" bankruptcy rates. Compare JA1392-1427 with JA1428-1454.**

**This stamp is not part of the initial filings in *DL. v. District of Columbia*.**

**Valeo 2012 Rates with Bankruptcy Rates from Pl. Ex. 53  
 Updated to 2016 - 2017 Rates Using PPI and USAO Matrix Experience Levels**

Years of Experience	Valeo Survey Average Rate 2012	2013 -2014	2014 - 2015	2015 -2016	2016 -2017	USAO Matrix 2016-2017	LSI <i>Laffey</i> Matrix 2016-2017
31+	\$783	\$809	\$836	\$860	\$876	\$581	\$826
21-30	\$736	\$761	\$786	\$808	\$823	\$543	\$826
16-20	\$682	\$704	\$728	\$749	\$762	\$516	\$686
11-15	\$691	\$713	\$737	\$758	\$772	\$465	\$686
8-10	\$600	\$619	\$640	\$658	\$671	\$395	\$608
6-7	\$596	\$615	\$636	\$654	\$666	\$339	\$421
4-5	\$565	\$584	\$603	\$621	\$632	\$332	\$421
2-3	\$462	\$477	\$493	\$507	\$516	\$322	\$342
Less than 2	\$436					\$291	\$342
Adjustment Factor		1.032967033	1.067582418	1.097802198	1.118131868		

**Valeo 2013 Rates with Bankruptcy Rates from Pl. Ex. 53  
 Updated to 2016 - 2017 Rates Using PPI and USAO Matrix Experience Levels**

Years of Experience	Valeo Survey Average Rate 2013	2014 - 2015	2015 -2016	2016 - 2017	USAO Matrix 2016-2017	LSI <i>Laffey</i> Matrix 2016-2017
31+	\$792	\$828	\$851	\$867	\$581	\$826
21-30	\$846	\$885	\$910	\$927	\$543	\$826
16-20	\$778	\$813	\$836	\$852	\$516	\$686
11-15	\$775	\$810	\$833	\$849	\$465	\$686
8-10	\$638	\$667	\$686	\$699	\$395	\$608
6-7	\$579	\$605	\$622	\$634	\$339	\$421
4-5	\$569	\$595	\$612	\$623	\$332	\$421
2-3	\$528	\$552	\$568	\$578	\$322	\$342
Less than 2	No Data				\$291	\$342
Adjustment Factor		1.045748116	1.075349839	1.09526372		

**Valeo 2012 Rates without Bankruptcy Rates from Pl. Ex. 53**  
**Updated to 2016 - 2017 Rates Using PPI and Laffey Matrix Experience Levels**

Years of Experience	Valeo Survey Average Rate 2012	2013 -2014	2014 - 2015	2015 -2016	2016 -2017	USAO Matrix 2016-2017	LSI Laffey Matrix 2016-2017
20+	\$749	\$774	\$800	\$822	\$837	\$543-\$581	\$826
11-19	\$681	\$704	\$727	\$748	\$762	\$465-\$516	\$686
8-10	\$609	\$630	\$651	\$669	\$681	\$395	\$608
4-7	\$540	\$558	\$577	\$593	\$604	\$332-\$339	\$421
1-3	\$447	\$462	\$477	\$491	\$500	\$291-\$322	\$342
Adjustment Factor		1.032967033	1.067582418	1.097802198	1.118131868		

**Valeo 2013 Rates without Bankruptcy Rates from Pl. Ex. 53**  
**Updated to 2016 - 2017 Rates Using PPI and Laffey Matrix Experience Levels**

Years of Experience	Valeo Survey Average Rate 2013	2014 - 2015	2015 -2016	2016 - 2017	USAO Matrix 2016-2017	LSI Laffey Matrix 2016-2017
20+	\$819	\$856	\$880	\$897	\$543-\$581	\$826
11-19	\$774	\$809	\$832	\$847	\$465-\$516	\$686
8-10	\$638	\$667	\$686	\$751	\$395	\$608
4-7	\$567	\$593	\$609	\$621	\$332-\$339	\$421
1-3	\$445	\$465	\$479	\$487	\$291-\$322	\$342
Adjustment Factor		1.045748116	1.075349839	1.09526372		

**Data from Pl. Ex. 53 "2012/2013 Washington, DC Timekeeper Rates per Valeo Partners"  
 Sorted by Rate Year and USAO Experience Level, Excluding Bankruptcy Rates**

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Rein	Bert	W.	Wiley Rein LLP	Partner	Pharmaceuticals	ANTI	LIT	INTL	1964	1964 DC	Washington, DC	920	2012	
McColum	Bill		SNR Denton LLP	Partner	Pharmaceuticals	LIT	HEALTH	GOVT	1968	1968 FL	Washington, DC	675	2012	
Sipple	John	M.	Weil, Gotshal & Manges LLP	Counsel	Aviation	LIT	ANTI	CORP	1969	1980 DC	Washington, DC	860	2012	
Sipple	John	M	Weil, Gotshal & Manges LLP	Counsel	Financial Services	LIT	ANTI	COMP	1969	1980 DC	Washington, DC	840	2012	
Korns	John	H.	Buchanan Ingersoll & Rooney PC	Of Counsel	Automotive	LIT	IP	ERISA	1970	1972 DC	Washington, DC	495	2012	
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Financial Services	LIT	ANTI	TORTS	1972	1972 TX	Washington, DC	1000	2012	
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	ANTI	TORTS	1972	1972 TX	Washington, DC	775	2012	
Branfman	Eric	J.	Bingham McCutchen LLP	Partner	Communications	LIT	FIN	CORP	1972	1973 DC	Washington, DC	760	2012	
Thornton	D.	McCarty	SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT		1972	1972 DC	Washington, DC	670	2012	
Newborn	Steven		Weil, Gotshal & Manges LLP	Partner	Aviation	LIT			1974	1975 NY	Washington, DC	1075	2012	
Cullen	Thomas F.		Jones Day	Partner	Food and Beverage	LIT			1974	1974 MA	Washington, DC	925	2012	
Geneson	David	F.	Sheppard Mullin Richter & Hampton LLP	Partner	Aviation	CRIM	LIT		1974	1974 FL	Washington, DC	830	2012	
Kirby	Richard A.		K&L Gates LLP	Partner	Energy	CLASS	LIT	SEC	1974	1974 MD	Washington, DC	800	2012	
Warin	F.	Joseph	Gibson, Dunn & Crutcher LLP	Partner	Pharmaceuticals	LIT	ANTI	INV	1975	1975 DC	Washington, DC	995	2012	
Scallet	Edward	A.	Groom Law Group, Chartered	Partner	Aviation	ERISA	LIT	TAX	1975	1975 MO	Washington, DC	738	2012	
Yannucci, P.C.	Thomas	D.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI	CORP	1976	1977 OH	Washington, DC	1045	2012	
McCullough	James		Fried, Frank, Harris, Shriver & Jacobson LLP	Partner	Aviation	CORP	LIT		1976	1976 VA	Washington, DC	930	2012	
Bendernagel, Jr.	James		Sidley Austin LLP	Partner	Media	ENGY	LIT		1976	1977 NY	Washington, DC	900	2012	
Hays	Michael	D.	Dow Lohnes PLLC	Partner	Media	LIT			1976	1977 DC	Washington, DC	680	2012	
Voorhees	John		Patton Boggs LLP	Partner	Healthcare	LIT	ENV	ENGY	1976	1976 DC	Washington, DC	640	2012	
Hirsch	Emil		Bradley Arant Boult Cummings LLP	Partner	Financial Services	LIT	REAL	BNK	1976	1976 MD	Washington, DC	480.5	2012	



Hirsch	Emil		Bradley Arant Boul Cummings LLP	Partner	Financial Services	LIT	REAL	BNK	1976	1976 MD	Washington, DC	450	2012	
Flagg	Ronald		Sidley Austin LLP	Partner	Media	LIT			1978	1981 DC	Washington, DC	725	2012	
Grunberg	Nancy	R.	Venable LLP	Partner	Manufacturing	LIT	CORPGOV	SEC	1979	1979 PA	Washington, DC	800	2012	
Hassel	Lonie	A.	Groom Law Group, Chartered	Partner	Aviation	BEN	LIT	BNK	1980	1980 DC	Washington, DC	679.5	2012	
Reinert, Jr.	Thomas	E.	Morgan, Lewis & Bockius LLP	Partner	Aviation	LAB	LIT	PROF	1980	1980 DC	Washington, DC	625.5	2012	
Rule	Charles (Rick)	F.	Cadwalader, Wickersham & Taft LLP	Partner	Advertising	LIT	ANTI		1981	1983 DC	Washington, DC	1050	2012	
Bamberger	David	Henry	DLA Piper	Partner	Food and Beverage	ANTI	LIT	TRADE	1981	1981 DC	Washington, DC	825	2012	
Greaney	William		Covington & Burling LLP	Partner	Manufacturing	INS	LIT	ADR	1981	1981 DC	Washington, DC	732	2012	
Brown	Timothy	F.	Arent Fox LLP	Partner	Construction	LIT	BNK		1981	1982 WA	Washington, DC	575	2012	\$ 783.18
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Sports/Entertainment	BNK	LIT	INS	1983	1985 DC	Washington, DC	855	2012	
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Green Technology	BNK	LIT	INS	1983	1985 DC	Washington, DC	855	2012	
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Manufacturing	BNK	LIT	INS	1983	1985 DC	Washington, DC	727	2012	
Marzen	Steven	J	Shearman & Sterling LLP	Partner	Financial Services	LIT	TRADE	TECH	1984	1988 DC	Washington, DC	900	2012	
Moltenbrey	Mary Jean		Dewey & LeBoeuf LLP	Partner	Aviation	ANTI	LIT		1984	1985 DC	Washington, DC	855	2012	
Moltenbrey	Mary Jean		Paul Hastings LLP	Partner	Aviation	ANTI	LIT		1984	1985 DC	Washington, DC	855	2012	
Gigot	Thomas	S.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT	ERISA	BEN	1984	1984 DC	Washington, DC	657	2012	
Duston	Robert	L.	Saul Ewing LLP	Partner	Metals	CONS	LIT	FIN	1984	1984 DC	Washington, DC	500	2012	
Keisler	Peter	D.	Sidley Austin LLP	Partner	Media	LIT	ENGY	SEC	1985	1989 DC	Washington, DC	1000	2012	
Jakovic	Ellen		Kirkland & Ellis LLP	Partner	Food and Beverage	LIT			1985	1985 MA	Washington, DC	835	2012	
Mollen	Neal	D.	Paul Hastings LLP	Partner	Aviation	LAB	LIT	SC&APPL	1985	1985 VA	Washington, DC	820	2012	
Rodriguez	Grace	M.	King & Spalding	Partner	Healthcare	LIT	ANTI		1986	1987 NY	Washington, DC	720	2012	
Avergun	Jodi	L.	Cadwalader, Wickersham & Taft LLP	Partner	Media	LIT	REG		1987	1988 DC	Washington, DC	835	2012	
Freedman	Laurence		Patton Boggs LLP	Partner	Healthcare	LIT			1987	1987 NY	Washington, DC	780	2012	
Bosset	Eric	C.	Covington & Burling LLP	Partner	Green Technology	LIT	LAB	ERISA	1987	1987 FL	Washington, DC	730	2012	
Weinreich	Gadi		SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT		1987	1987 MA	Washington, DC	640	2012	
Patton, Jr.	George	T.	Bose McKinney & Evans LLP	Partner	Hotel and Casino	LIT			1987	1987 IN	Washington, DC	385	2012	
Lyle	Michael		Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	FIN	INV	1988	1989 DC	Washington, DC	975	2012	
Flicker	Scott	M.	Paul Hastings LLP	Partner	Aviation	LIT	ERISA	GOVCONT	1988	1988 CA	Washington, DC	900	2012	
Gillespie, P.C.	James	P.	Kirkland & Ellis LLP	Partner	Aviation	LIT	CORP		1988	1990 NY	Washington, DC	835	2012	
Fabrizio	Steven	B.	Jenner & Block LLP	Partner	Media	LIT	MEDIA	ENT	1988	1989 NY	Washington, DC	750	2012	

Harding	Barbara	M.	Jones Day	Partner	Manufacturing	LIT	TORTS	PROD	1988	1988 VA	Washington, DC	750	2012	
Harding	Barbara	M.	Jones Day	Partner	Manufacturing	LIT	TORTS	PROD	1988	1988 VA	Washington, DC	575	2012	
Schaaf	Lyle	Vander	Brinks Hofer Gilson & Lione	Partner	Printing	IP	LIT	TRADE	1988	1988 MD	Washington, DC	575	2012	
Schaaf	Lyle	Vander	Brinks Hofer Gilson & Lione	Associate	Printing	IP	LIT	TRADE	1988	1988 MD	Washington, DC	575	2012	
Vander Schaaf	Lyle		Brinks Hofer Gilson & Lione	Partner	Printing	LIT	IP		1988	1988 MD	Washington, DC	575	2012	
Hamelburg	Mark		SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT	GOVT	1988	1990 DC	Washington, DC	556	2012	
Reiziss	Jay	H.	Brinks Hofer Gilson & Lione	Partner	Printing	IP	LIT	TRADE	1988	1988 MD	Washington, DC	520	2012	
Assaf, P.C.	Eugene	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	IP	CLASS	1989	1989 PA	Washington, DC	925	2012	
Englund	Steven	R.	Jenner & Block LLP	Partner	Media	LIT	MEDIA		1989	1990 DC	Washington, DC	765	2012	
Potter	Patrick	J.	Pillsbury Winthrop Shaw Pittman LLP	Partner	Natural Resources	BNK	LIT	REAL	1989	1989 MI	Washington, DC	750	2012	
Doroshov	Kenneth	L.	Jenner & Block LLP	Partner	Media	LIT	MEDIA	ENT	1989	1991 DC	Washington, DC	685	2012	
Potter	Patrick	J.	Pillsbury Winthrop Shaw Pittman LLP	Partner	Natural Resources	BNK	LIT	REAL	1989	1989 MI	Washington, DC	675	2012	
Scalia	Eugene		Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	LAB	LIT	REG	1990	1990 CA	Washington, DC	980	2012	
Perry	Philip	J.	Latham & Watkins LLP	Partner	Telecommunications	LIT	ANTI	TAX	1990	1990 CA	Washington, DC	930	2012	
Franklin	Jonathan	S.	Norton Rose Fulbright LLP	Partner	Medical Equipment	BNK	LIT		1990	1990 PA	Washington, DC	800	2012	
Franklin	Jonathan	S.	Norton Rose Fulbright LLP	Partner	Medical Equipment	BNK	LIT		1990	1990 PA	Washington, DC	775	2012	
Remenick	James		Remenick PLLC	Partner	Technology	IP	LIT	TECH	1990	1991 MD	Washington, DC	740	2012	
Remenick	James		Remenick PLLC	Partner	Technology	IP	LIT	TECH	1990	1991 MD	Washington, DC	725	2012	
Jacobs	Kurt	H.	Sidley Austin LLP	Counsel	Energy	LIT	ENGY	REG	1990	1990 PA	Washington, DC	675	2012	
Levine	Jay	L.	Bradley Arant Boult Cummings LLP	Partner	Financial Services	LIT	HEALTH	ANTI	1990	1990 NY	Washington, DC	570	2012	
Kamen	Katherine	S.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT			1990	1990 NY	Washington, DC	544.5	2012	
Gagnon	Richard	J	Shearman & Sterling LLP	Of Counsel	Financial Services	TAX	LIT		1991	DC	Washington, DC	745	2012	
Gagnon	Richard	J	Shearman & Sterling LLP	Counsel	Financial Services	TAX	LIT		1991	DC	Washington, DC	745	2012	
Marrocco	Drew	W.	SNR Denton LLP	Partner	Pharmaceuticals	LIT	CORP	FIN	1991	1995 VA	Washington, DC	575	2012	\$ 736.43
Bopp	Michael	D.	Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	POL	LIT	CRIM	1992	1993 NY	Washington, DC	765	2012	
Salzberg	Mark		Patton Boggs LLP	Partner	Financial Services	BNK	LIT		1992	1992 FL	Washington, DC	690	2012	
Salzberg	Mark		Patton Boggs LLP	Partner	Healthcare	BNK	LIT		1992	1992 FL	Washington, DC	690	2012	
Goldblatt	Craig	T.	WilmerHale	Partner	Printing	LIT			1993	1994 PA	Washington, DC	975	2012	
Supko	Mark		Crowell & Moring LLP	Partner	Telecommunications	IP	LIT		1993	1993 NY	Washington, DC	780	2012	

Chapman	Floyd	B.	Wiley Rein LLP	Partner	Technology	IP	LIT		1993	1993 FL	Washington, DC	575	2012	
Gordon	Adam	H.	Wiley Rein LLP	Partner	Pharmaceuticals	TRADE	LIT		1993	1993 CT	Washington, DC	540	2012	
Hellmich	Christopher	W.	Patton Boggs LLP	Partner		LIT	ADR	FIN	1993	1993 NE	Washington, DC	514.25	2012	
Cohen	David	S.	Milbank, Tweed, Hadley & McCloy LLP	Partner	Telecommunications	LIT	TECH		1994	1994 NA	Washington, DC	1125	2012	
Kinnaird	Steven	B.	Paul Hastings LLP	Partner	Aviation	LIT			1994	1995 NY	Washington, DC	905	2012	
Feinberg	Adam	P.	Miller Chevalier	Partner	Financial Services	LIT	INTL	GOVCONT	1994	1994 VA	Washington, DC	710	2012	
Hohengarten	William	M.	Jenner & Block LLP	Partner	Media	LIT			1994	1995 New York	Washington, DC	675	2012	
Wright	Gregory	S.	K&L Gates LLP	Partner	Energy	INS	LIT		1994	1994 MD	Washington, DC	650	2012	
Lynch	John	C.	Troutman Sanders LLP	Partner	Financial Services	LIT	FIN	CLASS	1994	1995 VA	Washington, DC	400	2012	
Becker	Michael	S.	Jackson Lewis LLP	Associate	Healthcare	ANTI	LIT		1994	1994 VA	Washington, DC	215	2012	
Stuckwisch	William	J.	Kirkland & Ellis LLP	Partner	Aviation	LIT	GOVCONT		1995	1996 VA	Washington, DC	745	2012	
Kramer	Beth	M.	Crowell & Moring LLP	Partner	Telecommunications	TORTS	LIT		1995	1995 MD	Washington, DC	660	2012	
Donovan	Daniel	T.	Kirkland & Ellis LLP	Partner	Paper	LIT			1996	1997 OH	Washington, DC	795	2012	
Donovan	Daniel	T.	Kirkland & Ellis LLP	Partner	Paper	LIT			1996	1997 OH	Washington, DC	755	2012	
Laemmle-Weidenfeld	Laura	F.	Patton Boggs LLP	Partner	Healthcare	GOVT	LIT	HEALTH	1996	1996 VA	Washington, DC	589.5	2012	
Schopf	Simeon	M.	King & Spalding	Counsel	Healthcare	ANTI	LIT		1996	1996 MD	Washington, DC	565	2012	\$ 681.85
Polebaum	Elliot	E.	Fried, Frank, Harris, Shriver & Jacobson LLP	Partner	Aviation	INTL	LIT		1997	1978 NY	Washington, DC	1025	2012	
Powell	Benjamin		WilmerHale	Partner	Printing	REG	LIT	CORP	1997	1999 DC	Washington, DC	750	2012	
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT		1997	1997 MD	Washington, DC	730	2012	
King	Kevin		Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Financial Services	LIT			1997	1997 DC	Washington, DC	710	2012	
Palan	Stephen	W.	Crowell & Moring LLP	Partner	Telecommunications	IP	LIT		1997	1998 MD	Washington, DC	655	2012	
Pikofsky	Sara	R.	Jones Day	Partner	Food and Beverage	ERISA	LIT	BNK	1997	1998 NY	Washington, DC	625	2012	
Macres	Philip	J.	Bingham McCutchen LLP	Of Counsel	Communications	TEL	LIT		1997	1998 FL	Washington, DC	600	2012	
Sigworth	Ronald	L.	Crowell & Moring LLP	Counsel	Telecommunications	IP	LIT		1997	1997 VA	Washington, DC	575	2012	
Amin	Hisham	M.	Groom Law Group, Chartered	Associate	Aviation	LIT	ERISA		1997	2002 MD	Washington, DC	513	2012	
Schwartz	Jason	C.	Gibson, Dunn & Crutcher LLP	Partner	Financial Services	LIB	LIT		1998	1999 VA	Washington, DC	890	2012	
Tollefson	Brian	A.	Rothwell, Figg, Ernst & Manbeck, P.C.	Partner	Sports/Entertainment	TRADEM	LIT	TECH	1998	1998 MD	Washington, DC	530	2012	
Pozefsky	Steven	A.	Bradley Arant Boult Cummings LLP	Associate	Financial Services	GOVCONT	LIT	IN	1998	1998 MD	Washington, DC	323	2012	
Jefcoat	Kyle	R.	Latham & Watkins LLP	Counsel	Telecommunications	LIT	GOVT	CONTR	1999	1999 NY	Washington, DC	845	2012	
Anstett	Michael	J.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	CONTR	CRIM	1999	2000 NY	Washington, DC	760	2012	

Morabito	Erika	L.	Foley & Lardner LLP	Partner	Hotel and Casino	LIT	BNK	CRED	1999	1999 VA	Washington, DC	680	2012	
Kostolampros	George		Venable LLP	Partner	Manufacturing	SEC	LIT	CLASS	1999	2001 NY	Washington, DC	590	2012	
Springer	Rebecca	L.	Crowell & Moring LLP	Counsel	Telecommunications	LAB	LIT		1999	1999 VA	Washington, DC	454.5	2012	
Forman	Andrew		Cadwalader, Wickersham & Taft LLP	Partner	Advertising	LIT	ANTI		2000	2000 NA	Washington, DC	800	2012	
Hataway	C.	Scott	Paul Hastings LLP	Partner	Aviation	LIT	ANTI	TRADEM	2000	2001 DC	Washington, DC	750	2012	
Walker	Melanie	E	Sidley Austin LLP	Partner	Media	LIT	SEC		2000	2000 IL	Washington, DC	650	2012	
Timofeyev	Igor	V.	Paul Hastings LLP	Of Counsel	Paper	LIT	INTL		2001	2007 NY	Washington, DC	795	2012	
Timofeyev	Igor	V.	Paul Hastings LLP	Of Counsel	Aviation	LIT	INTL		2001	2007 NY	Washington, DC	765	2012	
Morton	Matthew	D	Weil, Gotshal & Manges LLP	Associate	Aviation	FIN	LIT		2001	2001 MD	Washington, DC	760	2012	
Hulbig	Ngoc	Pham	Cadwalader, Wickersham & Taft LLP	Associate	Advertising	LIT	ANTI	M&A	2001	2002 NY	Washington, DC	745	2012	
Williams	Michael	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI	FIN	2001	2002 NJ	Washington, DC	745	2012	\$ 690.62
Lyttle	Eric	C.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT			2002	2002 DC	Washington, DC	790	2012	
Renenger	Aaron		Milbank, Tweed, Hadley & McCloy LLP	Associate	Telecommunications	LIT			2002	2002 CA	Washington, DC	750	2012	
Dixon	Steven	R.	Miller Chevalier	Counsel	Financial Services	TAX	LIT		2002	2002 IL	Washington, DC	640	2012	
Wilkens	Scott	B.	Jenner & Block LLP	Partner	Media	LIT	MEDIA		2002	2003 CA	Washington, DC	585	2012	
Ackerman	David	I.	SNR Denton LLP	Associate	Pharmaceuticals	SEC	LIT		2002	2003 DC	Washington, DC	468	2012	
Diamant	Michael	S.	Gibson, Dunn & Crutcher LLP	Partner	Financial Services	LIT	SEC	CORP	2003	2003 VA	Washington, DC	725	2012	
Landis	Jeffrey G.		Kirkland & Ellis LLP	Partner	Paper	LIT			2003	2003 DC	Washington, DC	715	2012	
Stratton	Grayson	D.	DLA Piper	Associate	Food and Beverage	LIT	CORP	CRIM	2003	2003 DC	Washington, DC	590	2012	
Reynolds	Lesley	Carol	Norton Rose Fulbright LLP	Partner	Medical Equipment	HEALTH	LIT		2003	2003 DC	Washington, DC	525	2012	
Reynolds	Lesley	Carol	Norton Rose Fulbright LLP	Senior Associate	Medical Equipment	HEALTH	LIT		2003	2003 DC	Washington, DC	525	2012	
Shoudt	Erin	M.	SNR Denton LLP	Counsel	Pharmaceuticals	LIT	CLASS		2003	2003 DC	Washington, DC	496	2012	
Shoudt	Erin	M.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	CLASS		2003	2003 DC	Washington, DC	496	2012	
Nelson	Brittany	J.	Foley & Lardner LLP	Associate	Hotel and Casino	BNK	LIT	TRADE	2003	2003 UT	Washington, DC	470	2012	
Nelson	Brittany	J.	Foley & Lardner LLP	Associate	Hotel and Casino	BNK	LIT	TRADE	2003	2003 UT	Washington, DC	440	2012	
Wright	Miles J.		Weil, Gotshal & Manges LLP	Associate	Energy	LIT			2004	2005 DC	Washington, DC	750	2012	
Wright	Miles J.		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2004	2005 DC	Washington, DC	750	2012	
Musallam	Samer	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2004	2004 DC	Washington, DC	705	2012	
Wollenberg	Jennifer	M.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	CRIM	SEC	2004	2005 NY	Washington, DC	690	2012	
Brown	Judson		Kirkland & Ellis LLP	Partner	Energy	LIT			2004	2004 TN	Washington, DC	685	2012	

Gibb	Daniel	C.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	REG		2004	2005 KS	Washington, DC	420	2012	
Gibb	Daniel	C.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	REG		2004	2005 KS	Washington, DC	378	2012	\$ 599.67
Levine	Alexander		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2005	2006 DC	Washington, DC	730	2012	
Stults	Kevin	R.	Bingham McCutchen LLP	Associate	Financial Services	TAX	LIT		2005	2005 DC	Washington, DC	715	2012	
Bress	Daniel	A.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	SC&APPL		2005	2008 CA	Washington, DC	670	2012	
McEldowney	Sean	M.	Kirkland & Ellis LLP	Partner	Aviation	IP	LIT		2005	2007 CA	Washington, DC	670	2012	
Parish	Jason	R.	Kirkland & Ellis LLP	Partner	Aviation	LIT			2005	2007 DC	Washington, DC	670	2012	
Marrow	Jason	E.	Gibson, Dunn & Crutcher LLP	Associate	Pharmaceuticals	LIT	INVEST		2005	2006 DC	Washington, DC	665	2012	
Rogers	Andrew	B.	Paul Hastings LLP	Associate	Aviation	LAB	LIT		2005	2005 VA	Washington, DC	620	2012	
Auchterlonie	Sarah	J	Weil, Gotshal & Manges LLP	Associate	Financial Services	FIN	LIT		2005	2005 DC	Washington, DC	610	2012	
Morris	Ryan	C.	Sidley Austin LLP	Associate	Media	LIT	INTL		2005	2007 VA	Washington, DC	610	2012	
Petrich	Samantha	R.	Patton Boggs LLP	Associate	Financial Services	LIT	SEC		2005	2006 VA	Washington, DC	525	2012	
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Energy	LIT			2006	2007 DC	Washington, DC	705	2012	
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2006	2007 DC	Washington, DC	705	2012	
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Aviation	LIT			2006	2007 DC	Washington, DC	705	2012	
Graham	Tammy	L.	Paul Hastings LLP	Associate	Paper	LIT			2006	2006 DC	Washington, DC	700	2012	
Graham	Tammy	L.	Paul Hastings LLP	Associate	Research	LIT			2006	2006 DC	Washington, DC	700	2012	
Graham	Tammy	L.	Paul Hastings LLP	Associate	Paper	LIT			2006	2006 DC	Washington, DC	670	2012	
Chesley	John	W.F.	Gibson, Dunn & Crutcher LLP	Associate	Energy	LIT	LAB	SEC	2006	2006 MD	Washington, DC	665	2012	
Bash	John		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	SC&APPL	LIT		2006	2009 TX	Washington, DC	640	2012	
Tucker	Aaron	T.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	HEALTH		2006	2006 MD	Washington, DC	635	2012	
Hanke	Amy	L.	Sidley Austin LLP	Associate	Media	CORP	LIT		2006	2006 PA	Washington, DC	585	2012	
Medsker	R.	Scott	Jones Day	Associate	Food and Beverage	LAB	LIT		2006	2006 VA	Washington, DC	525	2012	
Medsker	R.	Scott	Jones Day	Associate	Food and Beverage	LAB	LIT		2006	2006 VA	Washington, DC	500	2012	
Price	Matthew	E.	Jenner & Block LLP	Associate	Media	LIT	CLASS		2006	2007 MA	Washington, DC	500	2012	
Wilson	J.	Douglas	Jenner & Block LLP	Associate	Media	LIT	INTL		2006	2008 NY	Washington, DC	490	2012	
Smith	Micah	R.	Arent Fox LLP	Associate	Food and Beverage	OPS	LIT		2006	2007 DC	Washington, DC	380	2012	
Smilowitz	Matthew		Stinson Morrison Hecker LLP	Associate	Food and Beverage	LIT			2006	2006 DC	Washington, DC	310	2012	
Pull	Joseph	A.	Fredrikson & Byron, P.A.	Associate	Real Estate	LIT			2006	2006 MN	Washington, DC	180	2012	\$ 595.56
Matthews	John	A.	Latham & Watkins LLP	Associate	Telecommunications	LIT	REG		2007	2008 CA	Washington, DC	675	2012	
Wise	Michael	S.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2007 VA	Washington, DC	620	2012	

Raimondo	Katherine		Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	INTL		2007	2007 PA	Washington, DC	605	2012	
Longman	Timothy	S.	Dewey & LeBoeuf LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2012	
Longman	Timothy	S.	Paul Hastings LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2012	
Zuver	Robert	E.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2007	2008 CA	Washington, DC	575	2012	
Zuver	Robert	E.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2008 CA	Washington, DC	575	2012	
Fiet	Kyle	J	Sidley Austin LLP	Associate	Energy	LIT			2007	2007 NC	Washington, DC	540	2012	
Wilkins	Nicholas	L.	Bingham McCutchen LLP	Associate	Financial Services	LIT	TAX	FIN	2007	2007 MA	Washington, DC	510	2012	
Dowd	Matthew	J.	Wiley Rein LLP	Associate	Technology	IP	LIT	SC&APPL	2007	2009 DC	Washington, DC	485	2012	
Waites	Natalie		Shearman & Sterling LLP	Associate	Financial Services	LIT			2007	2008 NY	Washington, DC	465	2012	
Pinkel	Michael	V.	Williams & Connolly LLP	Associate	Pharmaceuticals	GOVT	LIT		2007	2007 CA	Washington, DC	455	2012	
Stuebner	Brian	D.	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT			2008	2009 DC	Washington, DC	685	2012	
Benfield	Brianna		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2008	2008 VA/DC	Washington, DC	625	2012	
Gomez	Daniel		Kirkland & Ellis LLP	Associate	Paper	LIT	TORTS	SEC	2008	2008 PA	Washington, DC	625	2012	
Podberesky	Michael		Kirkland & Ellis LLP	Associate	Aviation	LIT	CORP		2008	2008 MD	Washington, DC	625	2012	
Yates	Erin K.		Weil, Gotshal & Manges LLP	Associate	Energy	LIT			2008	2009 NY	Washington, DC	625	2012	
Yates	Erin K.		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2008	2009 NY	Washington, DC	625	2012	
Allen	Winn		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CLASS	TORTS	2008	2010 GA	Washington, DC	595	2012	
Porterfield	Latoya	L.	Paul Hastings LLP	Associate	Aviation	LIT			2008	2008 DC	Washington, DC	580	2012	
Stanford	Brian	M.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	GOVCONT		2008	2008 MD	Washington, DC	575	2012	
Weiner	Rachel	L.	WilmerHale	Senior Associate	Printing	LIT			2008	2008 NJ	Washington, DC	575	2012	
Lyons	Derek		Gibson, Dunn & Crutcher LLP	Counsel	Telecommunications	LIT			2008	2008 TX	Washington, DC	555	2012	
James	Tanisha	A.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2008	2008 MD	Washington, DC	522	2012	
Lopez	Caroline	D.	Jenner & Block LLP	Associate	Media	LIT			2008	2008 VA	Washington, DC	490	2012	
Spinos	Selina		Norton Rose Fulbright LLP	Associate	Medical Equipment	HEALTH	LIT		2008	2010 DC	Washington, DC	340	2012	\$ 565.27
Fjellstedt	Andre	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT	SEC	2009	2009 DC	Washington, DC	625	2012	
Citron	Eileen	Hren	Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2009	2009 DC	Washington, DC	585	2012	
Thiagarajah	Janakan		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CORP		2009	2009 IL	Washington, DC	575	2012	
Davis	Maria	T.	Paul Hastings LLP	Associate	Aviation	LIT			2009	2009 MA	Washington, DC	520	2012	
Dewey	Samuel	E.	Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	CONSTI		2009	2010 MD	Washington, DC	515	2012	

Sosna	Daniel	M.	Bingham McCutchen LLP	Associate	Financial Services	TAX	LIT		2009	2010 DC	Washington, DC	510	2012	
Neil	Rosanna	M.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2009	2010 DC	Washington, DC	480	2012	
Neil	Rosanna	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2009	2010 DC	Washington, DC	480	2012	
Ruffing	Katie		DLA Piper	Associate	Food and Beverage	LIT	SEC	ANTI	2009	2009 DC	Washington, DC	480	2012	
Ross	Thomas	E.	Sidley Austin LLP	Associate	Media	TRADE	LIT		2009	2009 FL	Washington, DC	445	2012	
Nord	Erin	K.	Wiley Rein LLP	Associate	Technology	LIT	CRIM	CONTR	2009	2010 DC	Washington, DC	400	2012	
Kane	Amanda	J.	Akin Gump Strauss Hauer & Feld LLP	Associate	Telecommunications	LIT			2009	2011 DC	Washington, DC	390	2012	
Williams	Karen	D.	Akin Gump Strauss Hauer & Feld LLP	Associate	Telecommunications	LIT			2009	2010 VA	Washington, DC	390	2012	
Brand	Aaron	S.	Arent Fox LLP	Associate	Food and Beverage	LIT	HEALTH	GOVT	2009	2010 MD	Washington, DC	330	2012	
McGinley	Sarah	J.	Dow Lohnes PLLC	Associate	Media	AVI	LIT		2009	2009 CT	Washington, DC	310	2012	
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Food and Beverage	LIT	FIN		2010	2011 NY	Washington, DC	570	2012	
Hopson	Eli	W.L.	Latham & Watkins LLP	Associate	Manufacturing	ENV	LIT		2010	2010 DC	Washington, DC	535	2012	
Porter	Jonathan	D.	Simpson Thacher & Bartlett LLP	Associate	Financial Services	LIT	FIN		2010	2010 VA	Washington, DC	510	2012	
Buddensick	Caroline	D.	Kirkland & Ellis LLP	Associate	Aviation	LIT			2010	2010 VA	Washington, DC	495	2012	
Zack	Catharine	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	SEC	CORP	2010	2010 NJ	Washington, DC	495	2012	
Zepeda	Paloma	A.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	ANTI		2010	2011 NY	Washington, DC	495	2012	
Fotouhi	David		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	ENV	TORTS	2010	2010 TX	Washington, DC	445	2012	
Zack	Catharine	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	SEC	CORP	2010	2010 NJ	Washington, DC	445	2012	
Pinegar	Noah	B.	Paul Hastings LLP	Associate	Aviation	MAR	LIT		2010	2010 TX	Washington, DC	410	2012	
Stepnowsky	Dana	M.	Paul Hastings LLP	Associate	Aviation	LIT	REG		2010	2010 VA	Washington, DC	410	2012	
Jenkins	Marina	K.	Jenner & Block LLP	Associate	Media	LIT			2010	2010 NJ	Washington, DC	395	2012	
Korman	Marc	A.	Sidley Austin LLP	Associate	Media	LIT	REG	TRANS	2010	2010 MD	Washington, DC	395	2012	
Lopez	Katherine	V.	King & Spalding	Associate	Healthcare	ANTI	LIT		2010	2010 VA	Washington, DC	395	2012	
Brookover	Laura		Covington & Burling LLP	Associate	Green Technology	PRIVDATA	LIT	CLASS	2010	2011 PA	Washington, DC	365	2012	\$ 461.90
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Paper	BNK	LIT		2011	2011 NY	Washington, DC	540	2012	
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Research	BNK	LIT		2011	2011 NY	Washington, DC	540	2012	
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Paper	BNK	LIT		2011	2011 NY	Washington, DC	460	2012	
Dechter	Anne	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	TEL	TORTS	2011	2011 MD	Washington, DC	445	2012	
Jones	Jonathan	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT		2011	2012 NY	Washington, DC	445	2012	
Unter	Jennifer		WilmerHale	Associate	Printing	LIT			2011	2011 MA	Washington, DC	395	2012	
Crossman	Matthew	T.	Paul Hastings LLP	Associate	Aviation	LIT			2011	2011 CA	Washington, DC	370	2012	
Dechter	Anne	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	TEL	TORTS	2011	2011 MD	Washington, DC	370	2012	
Herring	Michael	E.	Dewey & LeBoeuf LLP	Associate	Aviation	LIT			2011	MD	Washington, DC	355	2012	\$ 435.56
Soares	Karen		Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	GOVT	INV		2006 DC	Washington, DC	690	2012	No Graduation Date

Planzos	Sotiris	A.	Patton Boggs LLP	Partner	Financial Services	LIT	ADR	SEC		1983 NY	Washington, DC	685	2012	No Graduation Date
Prame	Michael	J.	Groom Law Group, Chartered	Partner	Aviation	HEALTH	LIT	BNK		1994 MD	Washington, DC	612	2012	No Graduation Date
Ryan	Alexander	P.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT	FID	BEN		2001 NC	Washington, DC	517.5	2012	No Graduation Date
Morrissey	Brendan	J.	Wiley Rein LLP	Associate	Pharmaceuticals	LIT	TEL			2005 OH	Washington, DC	515	2012	No Graduation Date
Zumwalt	Sarah	A.	Groom Law Group, Chartered	Associate	Aviation	LIT				2003 VA	Washington, DC	513	2012	No Graduation Date
Lee	Jason	H.	Groom Law Group, Chartered	Associate	Aviation	FID	LIT	ERISA		2006 NY	Washington, DC	490.5	2012	No Graduation Date
Zuckerman	Julia	E.	Groom Law Group, Chartered	Associate	Aviation	BEN	LIT			2005 CA	Washington, DC	490.5	2012	No Graduation Date
Wilder	Will	E.	Groom Law Group, Chartered	Associate	Aviation	HEALTH	LIT	ERISA		2006 DC	Washington, DC	454.5	2012	No Graduation Date
Hessler	Karin	A.	Wiley Rein LLP	Associate	Technology	IP	LIT			2008 VA	Washington, DC	435	2012	No Graduation Date
Shin	Joseph		Wiley Rein LLP	Associate	Technology	IP	LIT			2009 VA	Washington, DC	400	2012	No Graduation Date
Coleman	Joshua	J.	Groom Law Group, Chartered	Associate	Aviation	LIT	FID			DC	Washington, DC	319.5	2012	No Graduation Date
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	ANTI	TORTS	1972	1972 TX	Washington, DC	775	2013	
Kirby	Richard A.		K&L Gates LLP	Partner	Energy	CLASS	LIT	SEC	1974	1974 MD	Washington, DC	840	2013	
Geneson	David	F.	Sheppard Mullin Richter & Hampton LLP	Partner	Aviation	CRIM	LIT		1974	1974 FL	Washington, DC	625	2013	
Berg	Andrew	G	Greenberg Traurig LLP	Partner	Hotel and Casino	LIT	ANTI	M&A	1980	PA	Washington, DC	725	2013	
Reinert, Jr.	Thomas	E.	Morgan, Lewis & Bockius LLP	Partner	Aviation	LAB	LIT	PROF	1980	1980 DC	Washington, DC	625.5	2013	
Cohen	David		Milbank, Tweed, Hadley & McCloy LLP	Partner	Telecommunications	LIT			1981	1982 NY	Washington, DC	1160	2013	\$ 791.75
Moltenbrey	Mary Jean		Paul Hastings LLP	Partner	Aviation	ANTI	LIT		1984	1985 DC	Washington, DC	855	2013	
Mollen	Neal	D.	Paul Hastings LLP	Partner	Aviation	LAB	LIT	SC&APPL	1985	1985 VA	Washington, DC	820	2013	
Flicker	Scott	M.	Paul Hastings LLP	Partner	Aviation	LIT	ERISA	GOVCONT	1988	1988 CA	Washington, DC	900	2013	
Diesenhaus	Jonathan	L.	Hogan Lovells LLP	Partner	Science Products & Services	HEALTH	LIT		1988	1988 CO	Washington, DC	775	2013	
Diesenhaus	Jonathan	L.	Hogan Lovells LLP	Partner	Science Products & Services	HEALTH	LIT		1988	1988 CO	Washington, DC	697.5	2013	
Scalia	Eugene		Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	LAB	LIT	REG	1990	1990 CA	Washington, DC	1020	2013	
Bopp	Michael	D.	Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	POL	LIT	CRIM	1992	1993 NY	Washington, DC	850	2013	



Bopp	Michael	D.	Thompson Krone Gibson P.L.C.	Partner	Telecommunications	POL	LIT	CRIM	1992	1993 NY	Washington, DC	850	2013	\$ 845.94
Hallward-Driemeier	Douglas		Ropes & Gray LLP	Partner	Consulting	LIT	CORP		1994	1995 MA	Washington, DC	830	2013	
Wright	Gregory	S.	K&L Gates LLP	Partner	Energy	INS	LIT		1994	1994 MD	Washington, DC	750	2013	
Kramer	Beth	M.	Crowell & Moring LLP	Partner	Telecommunications	TORTS	LIT		1995	1995 MD	Washington, DC	690	2013	
Bragg	Jennifer	L.	Skadden, Arps, Slate, Meagher & Flom LLP	Partner	Healthcare	HEALTH	LIT		1996	1996 DC	Washington, DC	1010	2013	
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT		1997	1997 MD	Washington, DC	760	2013	
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT		1997	1997 MD	Washington, DC	730	2013	
Pikofsky	Sara	R.	Jones Day	Partner	Food and Beverage	ERISA	LIT	BNK	1997	1998 NY	Washington, DC	675	2013	\$ 777.86
Marshall	C. Kevin		Jones Day	Partner	Manufacturing	LIT			1998	1998 IN	Washington, DC	700	2013	
Williams	Michael	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI	FIN	2001	2002 NJ	Washington, DC	830	2013	
Morton	Matthew	D	Weil, Gotshal & Manges LLP	Associate	Aviation	FIN	LIT		2001	2001 MD	Washington, DC	795	2013	\$ 775.00
Brown	Judson		Kirkland & Ellis LLP	Partner	Energy	LIT			2004	2004 TN	Washington, DC	780	2013	
Musallam	Samer	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2004	2004 DC	Washington, DC	705	2013	
Rao	P.	Nikhil	Jones Day	Associate	Aviation	LIT	CORP	INVEST	2004	2004 NY	Washington, DC	531.25	2013	
Parish	Jason	R.	Kirkland & Ellis LLP	Partner	Aviation	LIT			2005	2007 DC	Washington, DC	755	2013	
Gore	John	M.	Jones Day	Associate	Aviation	LIT	ANTI	COMP	2005	2005 TX	Washington, DC	531.25	2013	
Petrich	Samantha	R.	Patton Boggs LLP	Associate	Financial Services	LIT	SEC		2005	2006 VA	Washington, DC	525	2013	\$ 637.92
Ebersole	J.	Ashley	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT			2007	2008 DC	Washington, DC	745	2013	
Longman	Timothy	S.	Paul Hastings LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2013	
Zuver	Robert	E.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2008 CA	Washington, DC	575	2013	
Quarcoo	S.	Charley	Hogan Lovells LLP	Associate	Science Products & Services	LIT			2007	2008 NY	Washington, DC	525	2013	
Quarcoo	S.	Charley	Hogan Lovells LLP	Associate	Science Products & Services	LIT			2007	2008 NY	Washington, DC	472.5	2013	\$ 578.50
Stuebner	Brian	D.	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT			2008	2009 DC	Washington, DC	710	2013	
Thiagarajah	Janakan		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CORP		2009	2009 IL	Washington, DC	630	2013	
Dewey	Samuel	E.	Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	CONSTI		2009	2010 MD	Washington, DC	580	2013	
DiPompeo	Christopher		Jones Day	Associate	Manufacturing	BNK	LIT	SC&APPL	2009	2009 MD	Washington, DC	475	2013	
Wenger	Edward	M.	Jones Day	Associate	Food and Beverage	LIT	SEC	CLASS	2009	2010 FL	Washington, DC	450	2013	\$ 569.00
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Telecommunications	LIT	FIN		2010	2011 NY	Washington, DC	645	2013	

Buddensick	Caroline	D.	Kirkland & Ellis LLP	Associate	Aviation	LIT			2010	2010 VA	Washington, DC	565	2013	
Fotouhi	David		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	ENV	TORTS	2010	2010 TX	Washington, DC	535	2013	
Honig	Emily		Ropes & Gray LLP	Associate	Consulting	LIT	FIN		2010	2010 MA	Washington, DC	450	2013	
Jones	Jonathan	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT		2011	2012 NY	Washington, DC	445	2013	\$ 528.00

**Data from Pl. Ex. 53 "2012/2013 Washington, DC Timekeeper Rates per Valeo Partners"  
 Sorted by Rate Year and Laffey Experience Level, Excluding Bankruptcy Rates**

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Rein	Bert	W.	Wiley Rein LLP	Partner	Pharmaceuticals	ANTI	LIT	INTL	1964	1964 DC	Washington, DC	920	2012	
McColum	Bill		SNR Denton LLP	Partner	Pharmaceuticals	LIT	HEALTH	GOVT	1968	1968 FL	Washington, DC	675	2012	
Sipple	John	M.	Weil, Gotshal & Manges LLP	Counsel	Aviation	LIT	ANTI	CORP	1969	1980 DC	Washington, DC	860	2012	
Sipple	John	M	Weil, Gotshal & Manges LLP	Counsel	Financial Services	LIT	ANTI	COMP	1969	1980 DC	Washington, DC	840	2012	
Korns	John	H.	Buchanan Ingersoll & Rooney PC	Of Counsel	Automotive	LIT	IP	ERISA	1970	1972 DC	Washington, DC	495	2012	
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Financial Services	LIT	ANTI	TORTS	1972	1972 TX	Washington, DC	1000	2012	
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	ANTI	TORTS	1972	1972 TX	Washington, DC	775	2012	
Branfman	Eric	J.	Bingham McCutchen LLP	Partner	Communications	LIT	FIN	CORP	1972	1973 DC	Washington, DC	760	2012	
Thornton	D.	McCarty	SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT		1972	1972 DC	Washington, DC	670	2012	
Newborn	Steven		Weil, Gotshal & Manges LLP	Partner	Aviation	LIT			1974	1975 NY	Washington, DC	1075	2012	
Cullen	Thomas F.		Jones Day	Partner	Food and Beverage	LIT			1974	1974 MA	Washington, DC	925	2012	
Geneson	David	F.	Sheppard Mullin Richter & Hampton LLP	Partner	Aviation	CRIM	LIT		1974	1974 FL	Washington, DC	830	2012	
Kirby	Richard A.		K&L Gates LLP	Partner	Energy	CLASS	LIT	SEC	1974	1974 MD	Washington, DC	800	2012	
Warin	F.	Joseph	Gibson, Dunn & Crutcher LLP	Partner	Pharmaceuticals	LIT	ANTI	INV	1975	1975 DC	Washington, DC	995	2012	
Scallet	Edward	A.	Groom Law Group, Chartered	Partner	Aviation	ERISA	LIT	TAX	1975	1975 MO	Washington, DC	738	2012	
Yannucci, P.C.	Thomas	D.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI	CORP	1976	1977 OH	Washington, DC	1045	2012	
McCullough	James		Fried, Frank, Harris, Shriver & Jacobson LLP	Partner	Aviation	CORP	LIT		1976	1976 VA	Washington, DC	930	2012	
Bendernagel, Jr.	James		Sidley Austin LLP	Partner	Media	ENGY	LIT		1976	1977 NY	Washington, DC	900	2012	
Hays	Michael	D.	Dow Lohnes PLLC	Partner	Media	LIT			1976	1977 DC	Washington, DC	680	2012	
Voorhees	John		Patton Boggs LLP	Partner	Healthcare	LIT	ENV	ENGY	1976	1976 DC	Washington, DC	640	2012	
Hirsch	Emil		Bradley Arant Boult Cummings LLP	Partner	Financial Services	LIT	REAL	BNK	1976	1976 MD	Washington, DC	480.5	2012	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Hirsch	Emil		Bradley Arant Boult Cummings LLP	Partner	Financial Services	LIT	REAL	BNK	1976	1976 MD	Washington, DC	450	2012	
Flagg	Ronald		Sidley Austin LLP	Partner	Media	LIT			1978	1981 DC	Washington, DC	725	2012	
Grunberg	Nancy	R.	Venable LLP	Partner	Manufacturing	LIT	CORPGOV	SEC	1979	1979 PA	Washington, DC	800	2012	
Hassel	Lonie	A.	Groom Law Group, Chartered	Partner	Aviation	BEN	LIT	BNK	1980	1980 DC	Washington, DC	679.5	2012	
Reinert, Jr.	Thomas	E.	Morgan, Lewis & Bockius LLP	Partner	Aviation	LAB	LIT	PROF	1980	1980 DC	Washington, DC	625.5	2012	
Rule	Charles (Rick)	F.	Cadwalader, Wickersham & Taft LLP	Partner	Advertising	LIT	ANTI		1981	1983 DC	Washington, DC	1050	2012	
Bamberger	David	Henry	DLA Piper	Partner	Food and Beverage	ANTI	LIT	TRADE	1981	1981 DC	Washington, DC	825	2012	
Greaney	William		Covington & Burling LLP	Partner	Manufacturing	INS	LIT	ADR	1981	1981 DC	Washington, DC	732	2012	
Brown	Timothy	F.	Arent Fox LLP	Partner	Construction	LIT	BNK		1981	1982 WA	Washington, DC	575	2012	
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Sports/Entertainment	BNK	LIT	INS	1983	1985 DC	Washington, DC	855	2012	
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Green Technology	BNK	LIT	INS	1983	1985 DC	Washington, DC	855	2012	
Baxter	Michael	St. Patrick	Covington & Burling LLP	Partner	Manufacturing	BNK	LIT	INS	1983	1985 DC	Washington, DC	727	2012	
Marzen	Steven	J	Shearman & Sterling LLP	Partner	Financial Services	LIT	TRADE	TECH	1984	1988 DC	Washington, DC	900	2012	
Moltenbrey	Mary Jean		Dewey & LeBoeuf LLP	Partner	Aviation	ANTI	LIT		1984	1985 DC	Washington, DC	855	2012	
Moltenbrey	Mary Jean		Paul Hastings LLP	Partner	Aviation	ANTI	LIT		1984	1985 DC	Washington, DC	855	2012	
Gigot	Thomas	S.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT	ERISA	BEN	1984	1984 DC	Washington, DC	657	2012	
Duston	Robert	L.	Saul Ewing LLP	Partner	Metals	CONS	LIT	FIN	1984	1984 DC	Washington, DC	500	2012	
Keisler	Peter	D.	Sidley Austin LLP	Partner	Media	LIT	ENGY	SEC	1985	1989 DC	Washington, DC	1000	2012	
Jakovic	Ellen		Kirkland & Ellis LLP	Partner	Food and Beverage	LIT			1985	1985 MA	Washington, DC	835	2012	
Mollen	Neal	D.	Paul Hastings LLP	Partner	Aviation	LAB	LIT	SC&APPL	1985	1985 VA	Washington, DC	820	2012	
Rodriguez	Grace	M.	King & Spalding	Partner	Healthcare	LIT	ANTI		1986	1987 NY	Washington, DC	720	2012	
Avergun	Jodi	L.	Cadwalader, Wickersham & Taft LLP	Partner	Media	LIT	REG		1987	1988 DC	Washington, DC	835	2012	
Freedman	Laurence		Patton Boggs LLP	Partner	Healthcare	LIT			1987	1987 NY	Washington, DC	780	2012	
Bosset	Eric	C.	Covington & Burling LLP	Partner	Green Technology	LIT	LAB	ERISA	1987	1987 FL	Washington, DC	730	2012	
Weinreich	Gadi		SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT		1987	1987 MA	Washington, DC	640	2012	
Patton, Jr.	George	T.	Bose McKinney & Evans LLP	Partner	Hotel and Casino	LIT			1987	1987 IN	Washington, DC	385	2012	
Lyle	Michael		Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	FIN	INV	1988	1989 DC	Washington, DC	975	2012	

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Flicker	Scott	M.	Paul Hastings LLP	Partner	Aviation	LIT	ERISA	GOVCONT	1988	1988 CA	Washington, DC	900	2012	
Gillespie, P.C.	James	P.	Kirkland & Ellis LLP	Partner	Aviation	LIT	CORP		1988	1990 NY	Washington, DC	835	2012	
Fabrizio	Steven	B.	Jenner & Block LLP	Partner	Media	LIT	MEDIA	ENT	1988	1989 NY	Washington, DC	750	2012	
Harding	Barbara	M.	Jones Day	Partner	Manufacturing	LIT	TORTS	PROD	1988	1988 VA	Washington, DC	750	2012	
Harding	Barbara	M.	Jones Day	Partner	Manufacturing	LIT	TORTS	PROD	1988	1988 VA	Washington, DC	575	2012	
Schaaf	Lyle	Vander	Brinks Hofer Gilson & Lione	Partner	Printing	IP	LIT	TRADE	1988	1988 MD	Washington, DC	575	2012	
Schaaf	Lyle	Vander	Brinks Hofer Gilson & Lione	Associate	Printing	IP	LIT	TRADE	1988	1988 MD	Washington, DC	575	2012	
Vander Schaaf	Lyle		Brinks Hofer Gilson & Lione	Partner	Printing	LIT	IP		1988	1988 MD	Washington, DC	575	2012	
Hamelburg	Mark		SNR Denton LLP	Partner	Pharmaceuticals	HEALTH	LIT	GOVT	1988	1990 DC	Washington, DC	556	2012	
Reiziss	Jay	H.	Brinks Hofer Gilson & Lione	Partner	Printing	IP	LIT	TRADE	1988	1988 MD	Washington, DC	520	2012	
Assaf, P.C.	Eugene	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	IP	CLASS	1989	1989 PA	Washington, DC	925	2012	
Englund	Steven	R.	Jenner & Block LLP	Partner	Media	LIT	MEDIA		1989	1990 DC	Washington, DC	765	2012	
Potter	Patrick	J.	Pillsbury Winthrop Shaw Pittman LLP	Partner	Natural Resources	BNK	LIT	REAL	1989	1989 MI	Washington, DC	750	2012	
Doroshov	Kenneth	L.	Jenner & Block LLP	Partner	Media	LIT	MEDIA	ENT	1989	1991 DC	Washington, DC	685	2012	
Potter	Patrick	J.	Pillsbury Winthrop Shaw Pittman LLP	Partner	Natural Resources	BNK	LIT	REAL	1989	1989 MI	Washington, DC	675	2012	
Scalia	Eugene		Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	LAB	LIT	REG	1990	1990 CA	Washington, DC	980	2012	
Perry	Philip	J.	Latham & Watkins LLP	Partner	Telecommunications	LIT	ANTI	TAX	1990	1990 CA	Washington, DC	930	2012	
Franklin	Jonathan	S.	Norton Rose Fulbright LLP	Partner	Medical Equipment	BNK	LIT		1990	1990 PA	Washington, DC	800	2012	
Franklin	Jonathan	S.	Norton Rose Fulbright LLP	Partner	Medical Equipment	BNK	LIT		1990	1990 PA	Washington, DC	775	2012	
Remenick	James		Remenick PLLC	Partner	Technology	IP	LIT	TECH	1990	1991 MD	Washington, DC	740	2012	
Remenick	James		Remenick PLLC	Partner	Technology	IP	LIT	TECH	1990	1991 MD	Washington, DC	725	2012	
Jacobs	Kurt	H.	Sidley Austin LLP	Counsel	Energy	LIT	ENGY	REG	1990	1990 PA	Washington, DC	675	2012	
Levine	Jay	L.	Bradley Arant Boult Cummings LLP	Partner	Financial Services	LIT	HEALTH	ANTI	1990	1990 NY	Washington, DC	570	2012	
Kamen	Katherine	S.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT			1990	1990 NY	Washington, DC	544.5	2012	
Gagnon	Richard	J	Shearman & Sterling LLP	Of Counsel	Financial Services	TAX	LIT		1991	DC	Washington, DC	745	2012	
Gagnon	Richard	J	Shearman & Sterling LLP	Counsel	Financial Services	TAX	LIT		1991	DC	Washington, DC	745	2012	
Marrocco	Drew	W.	SNR Denton LLP	Partner	Pharmaceuticals	LIT	CORP	FIN	1991	1995 VA	Washington, DC	575	2012	

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Bopp	Michael	D.	Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	POL	LIT	CRIM	1992	1993 NY	Washington, DC	765	2012	
Salzberg	Mark		Patton Boggs LLP	Partner	Financial Services	BNK	LIT		1992	1992 FL	Washington, DC	690	2012	
Salzberg	Mark		Patton Boggs LLP	Partner	Healthcare	BNK	LIT		1992	1992 FL	Washington, DC	690	2012	
Goldblatt	Craig	T.	WilmerHale	Partner	Printing	LIT			1993	1994 PA	Washington, DC	975	2012	
Supko	Mark		Crowell & Moring LLP	Partner	Telecommunications	IP	LIT		1993	1993 NY	Washington, DC	780	2012	
Chapman	Floyd	B.	Wiley Rein LLP	Partner	Technology	IP	LIT		1993	1993 FL	Washington, DC	575	2012	
Gordon	Adam	H.	Wiley Rein LLP	Partner	Pharmaceuticals	TRADE	LIT		1993	1993 CT	Washington, DC	540	2012	
Hellmich	Christopher	W.	Patton Boggs LLP	Partner		LIT	ADR	FIN	1993	1993 NE	Washington, DC	514.25	2012	\$748.97
Cohen	David	S.	Milbank, Tweed, Hadley & McCloy LLP	Partner	Telecommunications	LIT	TECH		1994	1994 NA	Washington, DC	1125	2012	
Kinnaird	Steven	B.	Paul Hastings LLP	Partner	Aviation	LIT			1994	1995 NY	Washington, DC	905	2012	
Feinberg	Adam	P.	Miller Chevalier	Partner	Financial Services	LIT	INTL	GOVCONT	1994	1994 VA	Washington, DC	710	2012	
Hohengarten	William	M.	Jenner & Block LLP	Partner	Media	LIT			1994	1995 New York	Washington, DC	675	2012	
Wright	Gregory	S.	K&L Gates LLP	Partner	Energy	INS	LIT		1994	1994 MD	Washington, DC	650	2012	
Lynch	John	C.	Troutman Sanders LLP	Partner	Financial Services	LIT	FIN	CLASS	1994	1995 VA	Washington, DC	400	2012	
Becker	Michael	S	Jackson Lewis LLP	Associate	Healthcare	ANTI	LIT		1994	1994 VA	Washington, DC	215	2012	
Stuckwisch	William	J.	Kirkland & Ellis LLP	Partner	Aviation	LIT	GOVCONT		1995	1996 VA	Washington, DC	745	2012	
Kramer	Beth	M.	Crowell & Moring LLP	Partner	Telecommunications	TORTS	LIT		1995	1995 MD	Washington, DC	660	2012	
Donovan	Daniel	T.	Kirkland & Ellis LLP	Partner	Paper	LIT			1996	1997 OH	Washington, DC	795	2012	
Donovan	Daniel	T.	Kirkland & Ellis LLP	Partner	Paper	LIT			1996	1997 OH	Washington, DC	755	2012	
Laemmle-Weidenfeld	Laura	F.	Patton Boggs LLP	Partner	Healthcare	GOVT	LIT	HEALTH	1996	1996 VA	Washington, DC	589.5	2012	
Schopf	Simeon	M.	King & Spalding	Counsel	Healthcare	ANTI	LIT		1996	1996 MD	Washington, DC	565	2012	
Polebaum	Elliot	E.	Fried, Frank, Harris, Shriver & Jacobson LLP	Partner	Aviation	INTL	LIT		1997	1978 NY	Washington, DC	1025	2012	
Powell	Benjamin		WilmerHale	Partner	Printing	REG	LIT	CORP	1997	1999 DC	Washington, DC	750	2012	
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT		1997	1997 MD	Washington, DC	730	2012	
King	Kevin		Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Financial Services	LIT			1997	1997 DC	Washington, DC	710	2012	
Palan	Stephen	W.	Crowell & Moring LLP	Partner	Telecommunications	IP	LIT		1997	1998 MD	Washington, DC	655	2012	
Pikofsky	Sara	R.	Jones Day	Partner	Food and Beverage	ERISA	LIT	BNK	1997	1998 NY	Washington, DC	625	2012	
Macres	Philip	J.	Bingham McCutchen LLP	Of Counsel	Communications	TEL	LIT		1997	1998 FL	Washington, DC	600	2012	
Sigworth	Ronald	L.	Crowell & Moring LLP	Counsel	Telecommunications	IP	LIT		1997	1997 VA	Washington, DC	575	2012	

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Amin	Hisham	M.	Groom Law Group, Chartered	Associate	Aviation	LIT	ERISA		1997	2002 MD	Washington, DC	513	2012	
Schwartz	Jason	C.	Gibson, Dunn & Crutcher LLP	Partner	Financial Services	LIB	LIT		1998	1999 VA	Washington, DC	890	2012	
Tollefson	Brian	A.	Rothwell, Figg, Ernst & Manbeck, P.C.	Partner	Sports/Entertainment	TRADEM	LIT	TECH	1998	1998 MD	Washington, DC	530	2012	
Pozefsky	Steven	A.	Bradley Arant Boult Cummings LLP	Associate	Financial Services	GOVCONT	LIT	IN	1998	1998 MD	Washington, DC	323	2012	
Jefcoat	Kyle	R.	Latham & Watkins LLP	Counsel	Telecommunications	LIT	GOVT	CONTR	1999	1999 NY	Washington, DC	845	2012	
Anstett	Michael	J.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	CONTR	CRIM	1999	2000 NY	Washington, DC	760	2012	
Morabito	Erika	L.	Foley & Lardner LLP	Partner	Hotel and Casino	LIT	BNK	CRED	1999	1999 VA	Washington, DC	680	2012	
Kostolampros	George		Venable LLP	Partner	Manufacturing	SEC	LIT	CLASS	1999	2001 NY	Washington, DC	590	2012	
Springer	Rebecca	L.	Crowell & Moring LLP	Counsel	Telecommunications	LAB	LIT		1999	1999 VA	Washington, DC	454.5	2012	
Forman	Andrew		Cadwalader, Wickersham & Taft LLP	Partner	Advertising	LIT	ANTI		2000	2000 NA	Washington, DC	800	2012	
Hataway	C.	Scott	Paul Hastings LLP	Partner	Aviation	LIT	ANTI	TRADEM	2000	2001 DC	Washington, DC	750	2012	
Walker	Melanie	E	Sidley Austin LLP	Partner	Media	LIT	SEC		2000	2000 IL	Washington, DC	650	2012	
Timofeyev	Igor	V.	Paul Hastings LLP	Of Counsel	Paper	LIT	INTL		2001	2007 NY	Washington, DC	795	2012	
Timofeyev	Igor	V.	Paul Hastings LLP	Of Counsel	Aviation	LIT	INTL		2001	2007 NY	Washington, DC	765	2012	
Morton	Matthew	D	Weil, Gotshal & Manges LLP	Associate	Aviation	FIN	LIT		2001	2001 MD	Washington, DC	760	2012	
Hulbig	Ngoc	Pham	Cadwalader, Wickersham & Taft LLP	Associate	Advertising	LIT	ANTI	M&A	2001	2002 NY	Washington, DC	745	2012	
Williams	Michael	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI	FIN	2001	2002 NJ	Washington, DC	745	2012	
Lyttle	Eric	C.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT			2002	2002 DC	Washington, DC	790	2012	
Renenger	Aaron		Milbank, Tweed, Hadley & McCloy LLP	Associate	Telecommunications	LIT			2002	2002 CA	Washington, DC	750	2012	
Dixon	Steven	R.	Miller Chevalier	Counsel	Financial Services	TAX	LIT		2002	2002 IL	Washington, DC	640	2012	
Wilkens	Scott	B.	Jenner & Block LLP	Partner	Media	LIT	MEDIA		2002	2003 CA	Washington, DC	585	2012	
Ackerman	David	I.	SNR Denton LLP	Associate	Pharmaceuticals	SEC	LIT		2002	2003 DC	Washington, DC	468	2012	\$681.12
Diamant	Michael	S.	Gibson, Dunn & Crutcher LLP	Partner	Financial Services	LIT	SEC	CORP	2003	2003 VA	Washington, DC	725	2012	
Landis	Jeffrey G.		Kirkland & Ellis LLP	Partner	Paper	LIT			2003	2003 DC	Washington, DC	715	2012	
Stratton	Grayson	D.	DLA Piper	Associate	Food and Beverage	LIT	CORP	CRIM	2003	2003 DC	Washington, DC	590	2012	

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Reynolds	Lesley	Carol	Norton Rose Fulbright LLP	Partner	Medical Equipment	HEALTH	LIT		2003	2003 DC	Washington, DC	525	2012	
Reynolds	Lesley	Carol	Norton Rose Fulbright LLP	Senior Associate	Medical Equipment	HEALTH	LIT		2003	2003 DC	Washington, DC	525	2012	
Shoudt	Erin	M.	SNR Denton LLP	Counsel	Pharmaceuticals	LIT	CLASS		2003	2003 DC	Washington, DC	496	2012	
Shoudt	Erin	M.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	CLASS		2003	2003 DC	Washington, DC	496	2012	
Nelson	Brittany	J.	Foley & Lardner LLP	Associate	Hotel and Casino	BNK	LIT	TRADE	2003	2003 UT	Washington, DC	470	2012	
Nelson	Brittany	J.	Foley & Lardner LLP	Associate	Hotel and Casino	BNK	LIT	TRADE	2003	2003 UT	Washington, DC	440	2012	
Wright	Miles J.		Weil, Gotshal & Manges LLP	Associate	Energy	LIT			2004	2005 DC	Washington, DC	750	2012	
Wright	Miles J.		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2004	2005 DC	Washington, DC	750	2012	
Musallam	Samer	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2004	2004 DC	Washington, DC	705	2012	
Wollenberg	Jennifer	M.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	CRIM	SEC	2004	2005 NY	Washington, DC	690	2012	
Brown	Judson		Kirkland & Ellis LLP	Partner	Energy	LIT			2004	2004 TN	Washington, DC	685	2012	
Gibb	Daniel	C.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	REG		2004	2005 KS	Washington, DC	420	2012	
Gibb	Daniel	C.	SNR Denton LLP	Associate	Pharmaceuticals	LIT	REG		2004	2005 KS	Washington, DC	378	2012	
Levine	Alexander		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2005	2006 DC	Washington, DC	730	2012	
Stults	Kevin	R.	Bingham McCutchen LLP	Associate	Financial Services	TAX	LIT		2005	2005 DC	Washington, DC	715	2012	
Bress	Daniel	A.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	SC&APPL		2005	2008 CA	Washington, DC	670	2012	
McEldowney	Sean	M.	Kirkland & Ellis LLP	Partner	Aviation	IP	LIT		2005	2007 CA	Washington, DC	670	2012	
Parish	Jason	R.	Kirkland & Ellis LLP	Partner	Aviation	LIT			2005	2007 DC	Washington, DC	670	2012	
Marrow	Jason	E.	Gibson, Dunn & Crutcher LLP	Associate	Pharmaceuticals	LIT	INVEST		2005	2006 DC	Washington, DC	665	2012	
Rogers	Andrew	B.	Paul Hastings LLP	Associate	Aviation	LAB	LIT		2005	2005 VA	Washington, DC	620	2012	
Auchterlonie	Sarah	J	Weil, Gotshal & Manges LLP	Associate	Financial Services	FIN	LIT		2005	2005 DC	Washington, DC	610	2012	
Morris	Ryan	C.	Sidley Austin LLP	Associate	Media	LIT	INTL		2005	2007 VA	Washington, DC	610	2012	
Petrich	Samantha	R.	Patton Boggs LLP	Associate	Financial Services	LIT	SEC		2005	2006 VA	Washington, DC	525	2012	\$609.42
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Energy	LIT			2006	2007 DC	Washington, DC	705	2012	
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2006	2007 DC	Washington, DC	705	2012	
Wine	Jennifer	L.	Weil, Gotshal & Manges LLP	Associate	Aviation	LIT			2006	2007 DC	Washington, DC	705	2012	
Graham	Tammy	L.	Paul Hastings LLP	Associate	Paper	LIT			2006	2006 DC	Washington, DC	700	2012	



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Graham	Tammy	L.	Paul Hastings LLP	Associate	Research	LIT			2006	2006 DC	Washington, DC	700	2012	
Graham	Tammy	L.	Paul Hastings LLP	Associate	Paper	LIT			2006	2006 DC	Washington, DC	670	2012	
Chesley	John	W.F.	Gibson, Dunn & Crutcher LLP	Associate	Energy	LIT	LAB	SEC	2006	2006 MD	Washington, DC	665	2012	
Bash	John		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	SC&APPL	LIT		2006	2009 TX	Washington, DC	640	2012	
Tucker	Aaron	T.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	HEALTH		2006	2006 MD	Washington, DC	635	2012	
Hanke	Amy	L.	Sidley Austin LLP	Associate	Media	CORP	LIT		2006	2006 PA	Washington, DC	585	2012	
Medsker	R.	Scott	Jones Day	Associate	Food and Beverage	LAB	LIT		2006	2006 VA	Washington, DC	525	2012	
Medsker	R.	Scott	Jones Day	Associate	Food and Beverage	LAB	LIT		2006	2006 VA	Washington, DC	500	2012	
Price	Matthew	E.	Jenner & Block LLP	Associate	Media	LIT	CLASS		2006	2007 MA	Washington, DC	500	2012	
Wilson	J.	Douglas	Jenner & Block LLP	Associate	Media	LIT	INTL		2006	2008 NY	Washington, DC	490	2012	
Smith	Micah	R.	Arent Fox LLP	Associate	Food and Beverage	OPS	LIT		2006	2007 DC	Washington, DC	380	2012	
Smilowitz	Matthew		Stinson Morrison Hecker LLP	Associate	Food and Beverage	LIT			2006	2006 DC	Washington, DC	310	2012	
Pull	Joseph	A.	Fredrikson & Byron, P.A.	Associate	Real Estate	LIT			2006	2006 MN	Washington, DC	180	2012	
Matthews	John	A.	Latham & Watkins LLP	Associate	Telecommunications	LIT	REG		2007	2008 CA	Washington, DC	675	2012	
Wise	Michael	S.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2007 VA	Washington, DC	620	2012	
Raimondo	Katherine		Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	INTL		2007	2007 PA	Washington, DC	605	2012	
Longman	Timothy	S.	Dewey & LeBoeuf LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2012	
Longman	Timothy	S.	Paul Hastings LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2012	
Zuver	Robert	E.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2007	2008 CA	Washington, DC	575	2012	
Zuver	Robert	E.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2008 CA	Washington, DC	575	2012	
Fiet	Kyle	J	Sidley Austin LLP	Associate	Energy	LIT			2007	2007 NC	Washington, DC	540	2012	
Wilkins	Nicholas	L.	Bingham McCutchen LLP	Associate	Financial Services	LIT	TAX	FIN	2007	2007 MA	Washington, DC	510	2012	
Dowd	Matthew	J.	Wiley Rein LLP	Associate	Technology	IP	LIT	SC&APPL	2007	2009 DC	Washington, DC	485	2012	
Waites	Natalie		Shearman & Sterling LLP	Associate	Financial Services	LIT			2007	2008 NY	Washington, DC	465	2012	
Pinkel	Michael	V.	Williams & Connolly LLP	Associate	Pharmaceuticals	GOVT	LIT		2007	2007 CA	Washington, DC	455	2012	
Stuebner	Brian	D.	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT			2008	2009 DC	Washington, DC	685	2012	
Benfield	Brianna		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2008	2008 VA/DC	Washington, DC	625	2012	
Gomez	Daniel		Kirkland & Ellis LLP	Associate	Paper	LIT	TORTS	SEC	2008	2008 PA	Washington, DC	625	2012	
Podberesky	Michael		Kirkland & Ellis LLP	Associate	Aviation	LIT	CORP		2008	2008 MD	Washington, DC	625	2012	

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Yates	Erin K.		Weil, Gotshal & Manges LLP	Associate	Energy	LIT			2008	2009 NY	Washington, DC	625	2012	
Yates	Erin K.		Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2008	2009 NY	Washington, DC	625	2012	
Allen	Winn		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CLASS	TORTS	2008	2010 GA	Washington, DC	595	2012	
Porterfield	Latoya	L.	Paul Hastings LLP	Associate	Aviation	LIT			2008	2008 DC	Washington, DC	580	2012	
Stanford	Brian	M.	Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	GOVCONT		2008	2008 MD	Washington, DC	575	2012	
Weiner	Rachel	L.	WilmerHale	Senior Associate	Printing	LIT			2008	2008 NJ	Washington, DC	575	2012	
Lyons	Derek		Gibson, Dunn & Crutcher LLP	Counsel	Telecommunications	LIT			2008	2008 TX	Washington, DC	555	2012	
James	Tanisha	A.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2008	2008 MD	Washington, DC	522	2012	
Lopez	Caroline	D.	Jenner & Block LLP	Associate	Media	LIT			2008	2008 VA	Washington, DC	490	2012	
Spinos	Selina		Norton Rose Fulbright LLP	Associate	Medical Equipment	HEALTH	LIT		2008	2010 DC	Washington, DC	340	2012	
Fjellstedt	Andre	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT	SEC	2009	2009 DC	Washington, DC	625	2012	
Citron	Eileen	Hren	Weil, Gotshal & Manges LLP	Associate	Financial Services	LIT			2009	2009 DC	Washington, DC	585	2012	
Thiagarajah	Janakan		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CORP		2009	2009 IL	Washington, DC	575	2012	
Davis	Maria	T.	Paul Hastings LLP	Associate	Aviation	LIT			2009	2009 MA	Washington, DC	520	2012	
Dewey	Samuel	E.	Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	CONSTI		2009	2010 MD	Washington, DC	515	2012	
Sosna	Daniel	M.	Bingham McCutchen LLP	Associate	Financial Services	TAX	LIT		2009	2010 DC	Washington, DC	510	2012	
Neil	Rosanna	M.	Dewey & LeBoeuf LLP	Associate	Aviation	ANTI	LIT		2009	2010 DC	Washington, DC	480	2012	
Neil	Rosanna	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2009	2010 DC	Washington, DC	480	2012	
Ruffing	Katie		DLA Piper	Associate	Food and Beverage	LIT	SEC	ANTI	2009	2009 DC	Washington, DC	480	2012	
Ross	Thomas	E.	Sidley Austin LLP	Associate	Media	TRADE	LIT		2009	2009 FL	Washington, DC	445	2012	
Nord	Erin	K.	Wiley Rein LLP	Associate	Technology	LIT	CRIM	CONTR	2009	2010 DC	Washington, DC	400	2012	
Kane	Amanda	J.	Akin Gump Strauss Hauer & Feld LLP	Associate	Telecommunications	LIT			2009	2011 DC	Washington, DC	390	2012	
Williams	Karen	D.	Akin Gump Strauss Hauer & Feld LLP	Associate	Telecommunications	LIT			2009	2010 VA	Washington, DC	390	2012	
Brand	Aaron	S.	Arent Fox LLP	Associate	Food and Beverage	LIT	HEALTH	GOVT	2009	2010 MD	Washington, DC	330	2012	
McGinley	Sarah	J.	Dow Lohnes PLLC	Associate	Media	AVI	LIT		2009	2009 CT	Washington, DC	310	2012	\$540.12
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Food and Beverage	LIT	FIN		2010	2011 NY	Washington, DC	570	2012	
Hopson	Eli	W.L.	Latham & Watkins LLP	Associate	Manufacturing	ENV	LIT		2010	2010 DC	Washington, DC	535	2012	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Porter	Jonathan	D.	Simpson Thacher & Bartlett LLP	Associate	Financial Services	LIT	FIN		2010	2010 VA	Washington, DC	510	2012	
Buddensick	Caroline	D.	Kirkland & Ellis LLP	Associate	Aviation	LIT			2010	2010 VA	Washington, DC	495	2012	
Zack	Catharine	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	SEC	CORP	2010	2010 NJ	Washington, DC	495	2012	
Zepeda	Paloma	A.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	ANTI		2010	2011 NY	Washington, DC	495	2012	
Fotouhi	David		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	ENV	TORTS	2010	2010 TX	Washington, DC	445	2012	
Zack	Catharine	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	SEC	CORP	2010	2010 NJ	Washington, DC	445	2012	
Pinegar	Noah	B.	Paul Hastings LLP	Associate	Aviation	MAR	LIT		2010	2010 TX	Washington, DC	410	2012	
Stepnowsky	Dana	M.	Paul Hastings LLP	Associate	Aviation	LIT	REG		2010	2010 VA	Washington, DC	410	2012	
Jenkins	Marina	K.	Jenner & Block LLP	Associate	Media	LIT			2010	2010 NJ	Washington, DC	395	2012	
Korman	Marc	A.	Sidley Austin LLP	Associate	Media	LIT	REG	TRANS	2010	2010 MD	Washington, DC	395	2012	
Lopez	Katherine	V.	King & Spalding	Associate	Healthcare	ANTI	LIT		2010	2010 VA	Washington, DC	395	2012	
Brookover	Laura		Covington & Burling LLP	Associate	Green Technology	PRIVDATA	LIT	CLASS	2010	2011 PA	Washington, DC	365	2012	
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Paper	BNK	LIT		2011	2011 NY	Washington, DC	540	2012	
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Research	BNK	LIT		2011	2011 NY	Washington, DC	540	2012	
Yetter	Michelle	E.	Paul Hastings LLP	Associate	Paper	BNK	LIT		2011	2011 NY	Washington, DC	460	2012	
Dechter	Anne	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	TEL	TORTS	2011	2011 MD	Washington, DC	445	2012	
Jones	Jonathan	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT		2011	2012 NY	Washington, DC	445	2012	
Unter	Jennifer		WilmerHale	Associate	Printing	LIT			2011	2011 MA	Washington, DC	395	2012	
Crossman	Matthew	T.	Paul Hastings LLP	Associate	Aviation	LIT			2011	2011 CA	Washington, DC	370	2012	
Dechter	Anne	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	TEL	TORTS	2011	2011 MD	Washington, DC	370	2012	
Herring	Michael	E.	Dewey & LeBoeuf LLP	Associate	Aviation	LIT			2011	MD	Washington, DC	355	2012	\$446.96
Soares	Karen		Fried, Frank, Harris, Shriver & Jacobson LLP	Associate	Aviation	LIT	GOVT	INV		2006 DC	Washington, DC	690	2012	No graduation date
Planzos	Sotiris	A.	Patton Boggs LLP	Partner	Financial Services	LIT	ADR	SEC		1983 NY	Washington, DC	685	2012	No graduation date
Prame	Michael	J.	Groom Law Group, Chartered	Partner	Aviation	HEALTH	LIT	BNK		1994 MD	Washington, DC	612	2012	No graduation date
Ryan	Alexander	P.	Groom Law Group, Chartered	Of Counsel	Aviation	LIT	FID	BEN		2001 NC	Washington, DC	517.5	2012	No graduation date
Morrissey	Brendan	J.	Wiley Rein LLP	Associate	Pharmaceuticals	LIT	TEL			2005 OH	Washington, DC	515	2012	No graduation date
Zumwalt	Sarah	A.	Groom Law Group, Chartered	Associate	Aviation	LIT				2003 VA	Washington, DC	513	2012	No graduation date
Lee	Jason	H.	Groom Law Group, Chartered	Associate	Aviation	FID	LIT	ERISA		2006 NY	Washington, DC	490.5	2012	No graduation date
Zuckerman	Julia	E.	Groom Law Group, Chartered	Associate	Aviation	BEN	LIT			2005 CA	Washington, DC	490.5	2012	No graduation date

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
Wilder	Will	E.	Groom Law Group, Chartered	Associate	Aviation	HEALTH	LIT	ERISA		2006 DC	Washington, DC	454.5	2012	No graduation date
Hessler	Karin	A.	Wiley Rein LLP	Associate	Technology	IP	LIT			2008 VA	Washington, DC	435	2012	No graduation date
Shin	Joseph		Wiley Rein LLP	Associate	Technology	IP	LIT			2009 VA	Washington, DC	400	2012	No graduation date
Coleman	Joshua	J.	Groom Law Group, Chartered	Associate	Aviation	LIT	FID			DC	Washington, DC	319.5	2012	No graduation date
Miller	Ralph	I.	Weil, Gotshal & Manges LLP	Partner	Aviation	LIT	ANTI	TORTS	1972	1972 TX	Washington, DC	775	2013	
Kirby	Richard A.		K&L Gates LLP	Partner	Energy	CLASS	LIT	SEC	1974	1974 MD	Washington, DC	840	2013	
Geneson	David	F.	Sheppard Mullin Richter & Hampton LLP	Partner	Aviation	CRIM	LIT		1974	1974 FL	Washington, DC	625	2013	
Berg	Andrew	G	Greenberg Traurig LLP	Partner	Hotel and Casino	LIT	ANTI	M&A	1980	PA	Washington, DC	725	2013	
Reinert, Jr.	Thomas	E.	Morgan, Lewis & Bockius LLP	Partner	Aviation	LAB	LIT	PROF	1980	1980 DC	Washington, DC	625.5	2013	
Cohen	David		Milbank, Tweed, Hadley & McCloy LLP	Partner	Telecommunications	LIT			1981	1982 NY	Washington, DC	1160	2013	
Moltenbrey	Mary Jean		Paul Hastings LLP	Partner	Aviation	ANTI	LIT		1984	1985 DC	Washington, DC	855	2013	
Mollen	Neal	D.	Paul Hastings LLP	Partner	Aviation	LAB	LIT	SC&APPL	1985	1985 VA	Washington, DC	820	2013	
Flicker	Scott	M.	Paul Hastings LLP	Partner	Aviation	LIT	ERISA	GOVCONT	1988	1988 CA	Washington, DC	900	2013	
Diesenhuis	Jonathan	L.	Hogan Lovells LLP	Partner	Science Products & Services	HEALTH	LIT		1988	1988 CO	Washington, DC	775	2013	
Diesenhuis	Jonathan	L.	Hogan Lovells LLP	Partner	Science Products & Services	HEALTH	LIT		1988	1988 CO	Washington, DC	697.5	2013	
Scalia	Eugene		Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	LAB	LIT	REG	1990	1990 CA	Washington, DC	1020	2013	
Bopp	Michael	D.	Gibson, Dunn & Crutcher LLP	Partner	Telecommunications	POL	LIT	CRIM	1992	1993 NY	Washington, DC	850	2013	
Bopp	Michael	D.	Thompson Krone Gibson P.L.C.	Partner	Telecommunications	POL	LIT	CRIM	1992	1993 NY	Washington, DC	850	2013	
Hallward-Driemeier	Douglas		Ropes & Gray LLP	Partner	Consulting	LIT	CORP		1994	1995 MA	Washington, DC	830	2013	
Wright	Gregory	S.	K&L Gates LLP	Partner	Energy	INS	LIT		1994	1994 MD	Washington, DC	750	2013	\$818.63
Kramer	Beth	M.	Crowell & Moring LLP	Partner	Telecommunications	TORTS	LIT		1995	1995 MD	Washington, DC	690	2013	
Bragg	Jennifer	L.	Skadden, Arps, Slate, Meagher & Flom LLP	Partner	Healthcare	HEALTH	LIT		1996	1996 DC	Washington, DC	1010	2013	
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT		1997	1997 MD	Washington, DC	760	2013	

Last Name	First Name	Middle Name	Firm	Position	Industry	Practice Area 1	Practice Area 2	Practice Area 3	Grad Date	Bar Date State Bar	City	Actual Rate	Rate Year	Average Rate for Experience Level
McPhee	Gillian		Gibson, Dunn & Crutcher LLP	Of Counsel	Financial Services	SEC	LIT		1997	1997 MD	Washington, DC	730	2013	
Pikofsky	Sara	R.	Jones Day	Partner	Food and Beverage	ERISA	LIT	BNK	1997	1998 NY	Washington, DC	675	2013	
Marshall	C. Kevin		Jones Day	Partner	Manufacturing	LIT			1998	1998 IN	Washington, DC	700	2013	
Williams	Michael	F.	Kirkland & Ellis LLP	Partner	Telecommunications	LIT	ANTI	FIN	2001	2002 NJ	Washington, DC	830	2013	
Morton	Matthew	D	Weil, Gotshal & Manges LLP	Associate	Aviation	FIN	LIT		2001	2001 MD	Washington, DC	795	2013	\$773.75
Brown	Judson		Kirkland & Ellis LLP	Partner	Energy	LIT			2004	2004 TN	Washington, DC	780	2013	
Musallam	Samer	M.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2004	2004 DC	Washington, DC	705	2013	
Rao	P.	Nikhil	Jones Day	Associate	Aviation	LIT	CORP	INVEST	2004	2004 NY	Washington, DC	531.25	2013	
Parish	Jason	R.	Kirkland & Ellis LLP	Partner	Aviation	LIT			2005	2007 DC	Washington, DC	755	2013	
Gore	John	M.	Jones Day	Associate	Aviation	LIT	ANTI	COMP	2005	2005 TX	Washington, DC	531.25	2013	
Petrich	Samantha	R.	Patton Boggs LLP	Associate	Financial Services	LIT	SEC		2005	2006 VA	Washington, DC	525	2013	\$637.92
Ebersole	J.	Ashley	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT			2007	2008 DC	Washington, DC	745	2013	
Longman	Timothy	S.	Paul Hastings LLP	Associate	Aviation	LIT			2007	2008 NY	Washington, DC	575	2013	
Zuver	Robert	E.	Paul Hastings LLP	Associate	Aviation	ANTI	LIT		2007	2008 CA	Washington, DC	575	2013	
Quarcoo	S.	Chartey	Hogan Lovells LLP	Associate	Science Products & Services	LIT			2007	2008 NY	Washington, DC	525	2013	
Quarcoo	S.	Chartey	Hogan Lovells LLP	Associate	Science Products & Services	LIT			2007	2008 NY	Washington, DC	472.5	2013	
Stuebner	Brian	D.	Skadden, Arps, Slate, Meagher & Flom LLP	Associate	Healthcare	LIT			2008	2009 DC	Washington, DC	710	2013	
Thiagarajah	Janakan		Kirkland & Ellis LLP	Associate	Telecommunications	LIT	CORP		2009	2009 IL	Washington, DC	630	2013	
Dewey	Samuel	E.	Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	CONSTI		2009	2010 MD	Washington, DC	580	2013	
DiPompeo	Christopher		Jones Day	Associate	Manufacturing	BNK	LIT	SC&APPL	2009	2009 MD	Washington, DC	475	2013	
Wenger	Edward	M.	Jones Day	Associate	Food and Beverage	LIT	SEC	CLASS	2009	2010 FL	Washington, DC	450	2013	
Totino	Christina	R	Milbank, Tweed, Hadley & McCloy LLP	Associate	Telecommunications	LIT	FIN		2010	2011 NY	Washington, DC	645	2013	
Buddensick	Caroline	D.	Kirkland & Ellis LLP	Associate	Aviation	LIT			2010	2010 VA	Washington, DC	565	2013	
Fotouhi	David		Gibson, Dunn & Crutcher LLP	Associate	Telecommunications	LIT	ENV	TORTS	2010	2010 TX	Washington, DC	535	2013	
Honig	Emily		Ropes & Gray LLP	Associate	Consulting	LIT	FIN		2010	2010 MA	Washington, DC	450	2013	\$566.61
Jones	Jonathan	P.	Kirkland & Ellis LLP	Associate	Aviation	IP	LIT		2011	2012 NY	Washington, DC	445	2013	\$445.00

**Key for Color-Coding USAO Experience Levels  
 in Data from Plaintiffs' Exhibit 53**

<b>Graduation Year</b>	<b>Rate Year 2012</b>	<b>Rate Year 2013</b>
1983	31+	31+
1982	21-30	31+
1983		
1984		
1985		
1986		
1987		
1988		
1989		
1990		
1991		
1992	16-20	21-30
1993		
1994		
1995		
1996		
1997	11-15	16-20
1998		
1999		
2000		
2001		
2002	8-10	11-15
2003		
2004		
2005	6-7	8-10
2006		
2007	4-5	6-7
2008		
2009	2-3	4-5
2010		
2011	<2	2-3
2012		
2013		<2

**Key for Color-Coding Laffey Experience Levels  
 in Data from Plaintiffs' Exhibit 53**

<b>Graduation Year</b>	<b>Rate Year 2012</b>	<b>Rate Year 2013</b>
1993	20+	20+
1994	11-19	20+
1995		11-19
1996		
1997		
1998		
1999		
2000		
2001		
2002		
2003	8-10	
2004		
2005		
2006	4-7	4-7
2007		
2008		
2009		
2010	1-3	1-3
2011		
2012		
2013		

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**124**  
 Civ. No. 05-1437 (RCL)

\_\_\_\_\_  
 DL, *et al.*, on behalf )  
 of themselves and all others )  
 similarly situated, )  
 Plaintiffs, )  
 v. )  
 THE DISTRICT OF COLUMBIA, )  
*et al.*, )  
 Defendants. )  
 \_\_\_\_\_

Civil Action No. 05-1437 (RCL)

**THIRD AFFIDAVIT OF CAROLYN SMITH PRAVLIK**

I, Carolyn Smith Pravlik, hereby depose and state:

1. I am a partner in the firm of Terris, Pravlik & Millian, LLP (“TPM”). I am one of plaintiffs’ counsel in the above-referenced case.

2. In his declaration in *Broderick v. Ruder*, Joseph Yablonski explained that, upon completion of the 1989 *Laffey* Matrix, he “shared copies with various attorneys who have been active in statutory fee litigation in this jurisdiction including \* \* \* attorneys in Bierbower & Bierbower” and “none of these individuals have indicated anything other than agreement with the rate information presented.” Pl. Ex. 33, para. 7. The United States contends that “[t]he named attorneys with whom Mr. Yablonski ‘confirmed the accuracy of his survey’ all appear to have been engaged at that time as plaintiff’s lawyers, and there is no indication that he consulted even one defense counsel or other person lacking a potential self-interest in the rates he proposed.” US Br. 9. The Washington Post, in its obituary to James Bierbower of Bierbower & Bierbower, describes his defense of two high profile government officials. James Bierbower; Lawyer in High-Profile Cases, Pl. Ex. 126, p. 1. It describes Mr. Bierbower as working at Bierbower & Bierbower from 1980 until he retired in 1995. *Id.*, p. 2. Plaintiffs’ counsel identified several decisions since 1980



which identify James Bierbower as working for defendants, two of which also identify Mark Bierbower as working for defendants. *See Consolidated Metal Products, Inc. v. American Petroleum Institute*, 569 F. Supp. 773 (D.D.C. 1983); *Professional Association Travel Service, Inc. v. Arrow Air, Inc.*, 597 F. Supp. 475 (D.D.C. 1984); *U.S. v. Lavelle*, 751 F.2d 1266 (D.C. Cir. 1985); *Bituminous Coal Operators' Assoc., Inc. v. Connors*, 676 F. Supp. 1 (D.D.C. 1987).

3. Plaintiffs' evidence of market rates for complex federal litigation in the District of Columbia includes evidence of rates from 78 firms, 23 in plaintiffs' exhibits 47 and 48 (excluding Mr. Seidl's firm, as described in paragraph 4 below) and 55 more firms (excluding overlap with exhibits 47 and 48) in the Valeo data (Pl. Ex. 79).

4. Plaintiffs inadvertently included in their market data (*see* Pl. Exs. 47-49) the rate for one attorney (Michael Siedl) who is located in Delaware. He was inadvertently included because he is a D.C. admitted attorney and, in our review of market evidence, we missed that he is located in Delaware. This error has no material effect, and, if anything, favors the District. Mr. Seidl's rate brought the average rates for attorneys working on complex federal litigation in the District down—it did not increase it. Excluding Mr. Seidl's rate of \$675 would increase the average billing rate for such attorneys with 20 or more years of experience from \$842 to \$850.

5. Plaintiffs' Exhibit 109 is volume 1 of the joint appendix from the appeal in *Covington v. D.C.*, 57 F.3d 1101 (D.C. Cir. 1995) certiorari denied, 516 U.S. 1115 (1996). Plaintiffs obtained the joint appendix from the National Archives and Records Administration's Washington National Records Center. Pages I-25, I-33-34, I-56-59, I-78, and I-188 of the joint appendix are not in the copy that we received. We called the Washington National Records Center, which explained that those pages are not in the original volume stored at the Center.

6. The joint appendix for the appeal in *Galloway v. D.C. Courts*, 1994 WL 162410 (D.D.C. 1994), which was consolidated with *Covington* (*see* 57 F.3d at 1103), is set forth in Plaintiffs' Exhibit 128. Plaintiffs obtained the joint appendix from the National Archives and Records Administration's Washington National Records Center.

7. The *Covington* appeal was also consolidated with *Sexcius v. D.C.*, 839 F. Supp. 919 (D.D.C. 1993), but only the Joint Appendix volumes for the *Covington* and *Galloway* portions of the appendix were relevant and included as exhibits here.

8. Plaintiffs' Exhibit 112 is the Fourth Supplemental Declaration of Joseph A. Yablonski and Plaintiffs' Market-Rate Exhibits, which was filed in *Brown v. Pro Football, Inc.*, Case No. 90-1071 (RCL). Plaintiffs obtained this from the National Archives and Records Administration's Washington National Records Center, which copied the material behind each tab of the original filing. When plaintiffs received it, it was evident, based on the table of contents, that the document under tab 16 belonged under tab 15, which did not have any accompanying document. It was also evident that the first two pages under tab 17 belonged under tab 16. Plaintiffs made these corrections to the materials. Additionally, plaintiffs created new labels to identify each tab to replace the handwritten notations made by the Washington National Records Center. Where there were blank pages in the exhibit, plaintiffs left them in. Plaintiffs added consecutive page numbers to the entire document to simplify citation to it.

9. Plaintiffs' Exhibit 121, U.S. Department of Labor Program Highlights, The 1998 CPI Revision: Changes in Available Data Series, is also available, as of the signature date below, at <https://www.bls.gov/cpi/cpi1998a.pdf>.

10. Plaintiffs' Exhibit 122 is an excerpt of the document called Metropolitan Areas and Components, 1990, which is available, as of the signature date below, in full, at

<https://www2.census.gov/programs-surveys/metro-micro/geographies/reference-files/1990/historical-delineation-files/90mfips.txt>.

11. Plaintiffs' Exhibit 123 is an excerpt of the document called Metropolitan Areas and Components, 1999, which is available, as of the signature date below, in full, at <https://www2.census.gov/programs-surveys/metro-micro/geographies/reference-files/1999/historical-delineation-files/99mfips.txt>.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on June 5, 2017.

/s/ Carolyn Smith Pravlik  
CAROLYN SMITH PRAVLIK