

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

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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)

**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),

p. 35. This Court did not rule on that motion while the District's appeal was pending and, after the case was remanded by the court of appeals on class certification grounds, this Court denied plaintiffs' motion without prejudice to refile. *See* Memorandum Order, dated June 11, 2013 (ECF No. 366). To avoid confusion and additional work for the District, plaintiffs have divided their fee application into Period 1 and Period 2, and have endeavored to change as little as possible regarding their Period 1 application and the related exhibits.<sup>1</sup>

4. Plaintiffs have incorporated into this current Period 1 request all reductions that were made on the previous reply brief.<sup>2</sup> Plaintiffs have also made other reductions to their Period 1 fees and expenses, which are identified below (para. 33) and in the accompanying affidavits of Jeffrey Gutman and Margaret Kohn. Nonetheless, plaintiffs' request for Period 1 is higher than it was as of the 2012 application because plaintiffs seek compensation based on current hourly rates for that work (*see* para. 84 below), which are higher in 2016 than they were in 2012.<sup>3</sup>

5. Period 2 refers to work performed from November 17, 2011, through June 22, 2016. Plaintiffs excluded from Period 2 work that preceded June 22, 2016, but that relates to (1) this fee application (for example, briefing related to the fee application schedule), or (2) preparation for the pending appeal. Plaintiffs intend to move for fees and expenses related to that work in the future.

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<sup>1</sup> Where plaintiffs have attached to this application an exhibit that corresponds to an exhibit that was submitted with the earlier briefing, plaintiffs have, in their exhibit list accompanying their memorandum, identified the docket number from the earlier briefing.

<sup>2</sup> Since those are reductions, and to limit the volume of this application, plaintiffs have not discussed herein the basis for those reductions.

<sup>3</sup> In addition, during Period 1, plaintiffs mistakenly billed the 17.134 hours of time for attorney Jane Liu at the paralegal rate. That has been corrected to the rate corresponding to her appropriate experience category at the time, which was 4-7 years of experience.

### **TIME RECORDS AND EXHIBITS**

6. The fees and expenses for Periods 1 and 2 are explained in greater depth below and in exhibits cited throughout the application and its accompanying documents. To assist the Court and the District, I have listed here the exhibits that relate to TPM's Period 1 time and expenses and Period 2 time and expenses.

(a) Plaintiffs' Exhibit 4 is a summary of all of the fees and expenses sought by plaintiffs. It provides subtotals for fees and expenses for Period 1 for TPM and co-counsel, the fees and expenses for Period 2 for TPM and co-counsel, and the totals for Periods 1 and 2.

(b) For Period 1, the summary of TPM time by billing category is provided in Plaintiffs' Exhibit 5,<sup>4</sup> the contemporaneous time records for TPM attorneys and paralegals are provided in Plaintiffs' Exhibit 6, TPM "No Charge" time records are provided in Plaintiffs' Exhibit 7, the summary of TPM expenses is provided in Plaintiffs' Exhibit 8, the summary of reductions made to TPM's fees and expenses that were made previously on reply (*see* para. 4 above) is provided in Plaintiffs' Exhibit 9, and information related to additional reductions made to TPM's fees and expenses is provided in Plaintiffs' Exhibit 10.

(c) For Period 2, the summary of TPM time by billing category is provided in Plaintiffs' Exhibit 11, the contemporaneous time records for TPM attorneys and paralegals are provided in Plaintiffs' Exhibit 12, TPM "No Charge" time records are provided in Plaintiffs' Exhibit 13, and the summary of TPM expenses is provided in Plaintiffs' Exhibit 14.

7. TPM uses computerized timekeeping software to track the time expended by individuals and the expenses associated with a particular case. That software was used for the

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<sup>4</sup> Plaintiffs' exhibits, such as exhibit 5, which identify time billed by TPM attorneys and paralegals, identify the timekeepers' initials, rather than full names (*e.g.*, JL or JML rather than Jane Liu). Those initials and the corresponding names, positions at TPM, year of law school graduation, years of experience, and corresponding rates are provided in Plaintiffs' Exhibit 2.

time and expenses presented in this application, and to generate the data presented in the exhibits in support of this application. The organization of those exhibits is described below (paras. 35-38 (Period 1) and 71-78 (Period 2)).

### ATTORNEYS

8. Terris, Pravlik & Millian is a public interest law firm that handles cases in areas of the law where people traditionally have not been represented. Approximately 95 percent of the firm's work is done without charge to the client or the client pays for only a small proportion of the work and expenses based on the hope that the client will prevail and attorneys' fees will be awarded by the court or will be received in settlement. When the firm does charge its clients, it charges far below market rates to enable individuals who would otherwise not be able to afford legal representation to obtain it. The firm, therefore, does not have billing rates that reflect the value of its attorneys' services in the marketplace. *See SPIRG v. AT&T Bell Laboratories*, 842 F.2d 1436, 1442 (3d Cir. 1988); *see also Salazar v. District of Columbia*, 809 F. 3d 58, 64-65 (D.C. Cir. 2015) (in affirming fee awards based on prevailing market rates from the LSI *Laffey* Matrix, the court of appeals necessarily determined that TPM does not have rates that reflect the value of its services in the marketplace). TPM has always represented plaintiffs in this case on an entirely contingent basis for all of our fees and expenses—that is, we would only receive compensation if we prevailed and we therefore received payment from the District.

9. TPM, which has 11 attorneys, engages almost exclusively in litigation in the areas of poverty, employment, civil rights, and environmental law. Although our firm is located in Washington, D.C., we frequently litigate complex federal cases in other states. TPM routinely encounters other Washington, D.C., counsel as its adversaries in other states. TPM has extensive experience litigating complex class actions in federal courts. *See, e.g., Palmer v. Kissinger*, D.D.C., Civ. Nos. 76-1439, 77-2006 (class action challenging the sexually discriminatory



employment practices of the Department of State; filed in 1976 and closed in 2009); *Salazar v. District of Columbia*, D.D.C., Civ. No. 93-452 (class action challenging the District's failure properly to deliver Medicaid services; filed in 1993 and currently ongoing).

10. Many TPM attorneys have worked on this litigation since it has been pending for over 11 years. I worked on this case from the outset and provided legal guidance, took many depositions, and was lead counsel at both trials. In addition, this case was staffed at any given time primarily by one or two other attorneys, who handled the day-to-day work of the case. The attorney or attorneys that handled the day-to-day work on the case changed when such attorneys left TPM. These primary attorneys are listed below in the order in which they worked on the case.<sup>5</sup>

(a) I am a 1957 graduate of Harvard Law School, *magna cum laude*, where I was Articles Editor of the Harvard Law Review. I have practiced law for over 50 years, including 7 years in the Office of the Solicitor General where I drafted or edited approximately 70 briefs on the merits in the Supreme Court. I have also presented 20 oral arguments to the Supreme Court. I was one of the founders of both the Legal Services Program in the original Office of Economic Opportunity and the Center for Law and Social Policy, one of the country's first major public interest law firms.

(b) Shina Majeed graduated from New York University School of Law, *cum laude*, in 2000, where she served as Senior Articles Editor for the New York University Review of Law and Social Change. Before joining the firm as an associate in February 2005, Ms. Majeed was a clerk to the Honorable Gladys Kessler of the United States District Court for the District of

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<sup>5</sup> The resumes for all of the TPM attorneys described herein, as of now or as of the time that they were previously with the firm, are attached in alphabetical order by last name as Plaintiffs' Exhibit 3.

Columbia and a Skadden Law Fellow at the Urban Justice Center in New York City and the Legal Aid Society for the District of Columbia. She joined the firm as an associate in February 2005, where her practice focused primarily on this case. She left the firm in September 2007.

(c) Emily A. Benfer earned her J.D., *cum laude*, from Indiana University School of Law. Prior to joining the firm as an associate in September 2007, Ms. Benfer was an Equal Justice Works Fellow at the Washington Legal Clinic for the Homeless. Ms. Benfer's practice at the firm focused primarily on this case. She left the firm in April 2008.

(d) Alexander R. Karam graduated from Columbia University School of Law in 2004, where he served as Articles Editor for the Columbia Law Review. Before joining the firm as an associate in September 2007, Mr. Karam was a judicial clerk to the Honorable Frederic Block of the United States District Court for the Eastern District of New York and a staff attorney at Sanctuary for Families, a domestic violence agency in New York City. His practice focused on complex litigation, including this case and another class action brought against the District of Columbia on behalf of Medicaid beneficiaries. He left the firm in May 2011.

(e) Ehsan Tabesh graduated from the University of Virginia School of Law in 2010, where he served as an Editorial Board Member of the Virginia Journal of Social Policy & the Law. Before joining the firm as an associate in March 2011, Mr. Tabesh was a Public Interest Fellow at the District of Columbia Office of the Attorney General. Beginning after the first trial, he was assigned the day-to-day responsibilities of this case. He left the firm in July 2012.

(f) Jane M. Liu graduated from the University of Pennsylvania Law School in 2005. Before joining the firm as an associate in December 2008, Ms. Liu was a staff attorney for the Public Defender Division of the Committee for Public Counsel Services in Boston, Massachusetts. Her practice at TPM focused on complex litigation, including work on this case

and two class actions brought against the District of Columbia on behalf of Medicaid beneficiaries. She took the lead on the appeal and handled other matters for this case. She took a leave of absence in July 2015 and left the firm in March 2016.

(g) Todd A. Gluckman graduated from Cornell Law School, *cum laude*, in 2005, where he served as an Articles Editor for the Cornell International Law Journal. Before joining the firm, Mr. Gluckman was a clerk to the Honorable Frederick J. Martone of the United States District Court for the District of Arizona and an associate at White & Case LLP. Mr. Gluckman joined the firm in March 2011. Mr. Gluckman has handled most of the day-to-day responsibilities of this case on remand from the court of appeals.

(h) Lauren E. Seffel graduated from Harvard Law School, *cum laude*, in 2010, where she served as Book Review Editor for the Journal of Law and Gender. Before joining the firm as an associate in July 2013, Ms. Seffel was a clerk to the Honorable R. Malcolm Graham of the Massachusetts Appeals Court and an associate at Sanford Heisler, LLP. On this case, Ms. Seffel worked during Period 2 on the review of individual children's files and the accompanying Sample Analysis, handled additional discovery work, and prepared for and participated in the trial. She left the firm in December 2015.

11. In addition, three non-TPM attorneys have acted as co-counsel on this case:

(a) Jeffrey S. Gutman obtained his J.D. *cum laude* from Harvard Law School in 1986. *See* Affidavit of Jeffrey Gutman, Pl. Ex. 15, para. 4. Mr. Gutman is currently a Professor of Clinical Law at The George Washington University ("GWU") Law School. *Id.*, para. 1. Prior to joining the GWU Law School faculty in 1994, Mr. Gutman served as a Trial Attorney with the Federal Programs Branch, Civil Division, United States Department of Justice. *Id.*, para. 4. Mr. Gutman was instrumental to bringing this case to TPM, he supervised his clinical students who

investigated this case, reviewed documents, and provided strategic advice regarding this case. *Id.*, paras. 5-27.

(b) Margaret A. Kohn graduated from Columbia University School of Law in 1972. *See* Affidavit of Margaret Kohn, Pl. Ex. 16, para. 1. After law school, Ms. Kohn was a fellow at the Center for Law and Social Policy, a staff attorney at the Legal Services Bureau of the Correctional Association of New York and the Women's Rights Project at the Center for Law and Social Policy, and was a managing attorney at the National Women's Law Center. *Id.*, para. 3. Since 1988, Ms. Kohn has focused her practice on special education law. *Id.*, para. 4. She is currently a solo practitioner. *Ibid.* She has been the class counsel in this litigation since 2003. Her extensive knowledge of special education law and the Child Find operations, policies, and practices of the District enabled her to provide essential contributions as class counsel. *Id.*, paras. 4-8, 15-22, 27-35. She also served as the primary contact with the named plaintiffs, whom she had represented in their individual Individuals with Disabilities Education Act ("IDEA") claims. *Id.*, para. 15.

(c) Cyrus Mehri graduated from Cornell Law School in 1988. *See* Affidavit of Cyrus Mehri, Pl. Ex. 17, para. 3. Mr. Mehri clerked for the Honorable John T. Nixon, Chief Judge of the Middle District of Tennessee. *Ibid.* He is a founding partner of Mehri & Skalet, PLLC, and an extremely experienced class action litigator and expert on class certification. *Id.*, paras. 1, 3-4, 8-11. Mr. Mehri did work on this case related to class certification and settlement. *Id.*, paras. 11-12.

12. Other TPM attorneys were involved when they had a particular expertise in a subject that was being briefed or when we needed additional assistance with a particular task. Those attorneys are described below in alphabetical order.

(a) Benjamin S. Davis graduated from University of Michigan Law School, *cum laude*, in 2014. Mr. Davis worked at the firm as a summer law clerk before graduation from law school, and he also worked at the firm after he graduated law school. He assisted on this case with fact research, legal research, and drafting.

(b) Janice D. Gorin graduated from Harvard Law School, *cum laude*, in 2004. Prior to joining the firm in September 2007, Ms. Gorin was an associate at Steptoe & Johnson, LLP, where she represented clients in civil litigation and regulatory matters. She assisted on this case with motions practice and discovery work. She left the firm in October 2009.

(c) Michael Huang graduated from the Georgetown University Law Center in 2007, where he served as Notes Editor for The Georgetown Law Journal. Before joining the firm, Mr. Huang was an associate counsel to the State & Local Legal Center and a clerk to the Honorable Erik P. Christian of the Superior Court of the District of Columbia. He joined the firm in March 2012. He assisted on this case with the appeal.

(d) Andrew Kirtley earned a Master of Environmental Law and Policy degree from Vermont Law School and graduated from Northeastern University School of Law in 2014. Mr. Kirtley worked at the firm in 2014 and 2015. He assisted on this case with various research tasks.

(e) Elisabeth J. Lyons graduated from the Georgetown University Law Center in 1988. She was an associate practicing labor and employment law at Semmes, Bowen and Semmes until 1990, when she first joined TPM. Ms. Lyons was an associate at the firm until 1994. From 1994 until 2007, Ms. Lyons was in private practice concentrating in family law, adoptions, and child-welfare law. Ms. Lyons re-joined TPM in October 2007 and left the firm in

2015. She assisted on this case with calls to parents related to the FERPA notice described below.

(f) Kathleen L. Millian graduated from Stanford Law School in 1985. Before beginning employment with the firm, Ms. Millian was a judicial clerk to the Honorable James K. Singleton of the Alaska Court of Appeals from 1985 to 1986. She began employment with the firm in 1987 and became a partner in 1992. Since joining the firm, she has litigated complex cases in the federal courts. From time to time, she has reviewed the written materials and provided legal guidance.

(g) Carolyn Smith Pravlik graduated from Catholic University Law School in 1980. After law school, Ms. Pravlik was a participant in the Solicitor's Honors Program at the United States Department of the Interior. Ms. Pravlik joined the firm in 1981 and became a partner in 1987. Since 1982, Ms. Pravlik has litigated complex cases in the federal courts. A significant amount of that time has involved the litigation of fees. She assisted with the fee application that was briefed in 2012. She has also provided legal guidance regarding this case.

(h) Patrick A. Sheldon graduated from University of Chicago Law School in 2004. Before joining the firm in 2010, Mr. Sheldon was an Associate Legal Officer at the International Criminal Tribunal for the former Yugoslavia and an associate at Cleary Gottlieb Steen & Hamilton LLP. Mr. Sheldon assisted with the fee application that was briefed in 2012.

(i) Nicholas F. Soares graduated from the Georgetown University Law Center, *cum laude*, in 2012. He joined the firm in November 2012. He assisted on this case with legal research and drafting.

(j) Michelle Weaver graduated from Columbia University School of Law in 2006, where she served as co-senior editor of the Columbia Journal of Environmental Law. She joined the firm in 2006. She assisted on this case with drafting and document review.

### **EXPERTS**

13. Over the course of the case, plaintiffs were significantly supported by two experts: Dr. Carl J. Dunst, who dealt with special education issues, and Dr. Leonard A. Cupingood, who dealt with statistical issues. In addition to analyzing the District's documents and data and advising us, the experts prepared expert reports and testified at depositions and at both trials. The experts' qualifications and their work in the case is described further in their affidavits and in the attachments thereto. *See* Pl. Exs. 18, 20.

14. As they did in their 2012 briefing, plaintiffs request payment for all of the fees and expenses that they paid these experts during Period 1, totaling \$121,207.82. *See* Pl. Ex. 18, para. 9 (Dunst: \$55,919.07); Pl. Ex. 20, para. 14 (Cupingood: \$65,288.75). As described in Plaintiffs' Memorandum in Support of Plaintiffs' Motion for an Award of Litigation Costs, Including Attorneys' Fees and Related Expenses (Section V(C)) and in the 2012 briefing, if this Court is disinclined to award that amount, plaintiffs request that they be compensated for time and expenses related to depositions and trial attendance, which totals \$15,530.50.<sup>6</sup> *See* Pl. Ex. 19, pp. 1-3 (Dunst, \$6,501.00); Pl. Ex. 21, p. 1 (Cupingood, \$9,029.50).

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<sup>6</sup> This number is slightly higher than the amount requested in 2012 for time and expenses related to depositions and trial attendance because plaintiffs had overlooked some costs related to hotel stays for Dr. Dunst in that prior request. *See* Pl. Ex. 19, pp. 1-3, nn. 3, 10. While plaintiffs had inadvertently omitted those expenses from their secondary request for time and expenses related to depositions and trial attendance, those expenses were included in plaintiffs' primary request under the Rehabilitation Act for all of the fees and expenses that they had paid to experts over that period.

15. For Period 2, plaintiffs paid their experts \$137,001.26 for their work. *See* Pl. Ex. 18, para. 12 (Dunst: \$62,875.85); Pl. Ex. 20, para. 16 (Cupingood: \$74,125.41). However, they are not requesting that they be compensated for those amounts. As described in plaintiffs' memorandum (Section V(C)) and detailed in Plaintiffs' Exhibits 19 and 21, for Period 2, plaintiffs request instead that they receive the much lower amount that relates to the time and expenses associated with the experts' trial attendance, which is \$1,809.25. *See* Pl. Ex. 19, pp. 4-5 (Dunst: \$1,338.25); Pl. Ex. 21, p. 2 (Cupingood: \$471.00). Plaintiffs have already been compensated by the District for their experts' Period 2 deposition expenses. *See* Order, dated June 10, 2015 (ECF No. 447).<sup>7</sup>

#### **SUMMARY OF WORK PERFORMED DURING PERIOD 1**

16. Below is a summary of the primary work performed during Period 1. Further below is detail related to the particular categories and subcategories of work that was performed during Period 1.

17. Period 1 began with preparing to draft the complaint and ended with the Court's November 16, 2011 Order (ECF No. 295), which held that the District was in violation of the IDEA, the Rehabilitation Act, and District of Columbia law through April 6, 2011. The parties vigorously litigated numerous complex legal and fact issues during Period 1.

18. Discovery was long and contentious. The District engaged in a rolling production of over 100,000 e-mails and documents, before, during, and even after trial. The District served several requests for documents and interrogatories on plaintiffs, and plaintiffs produced approximately 25,000 pages of documents. Due to the District's tardy productions and

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<sup>7</sup> For Period 2, since plaintiffs are not requesting the full amount of their payments to experts, plaintiffs have removed those totals from their expenses summary (Pl. Ex. 14), and have identified the amount of the requested Period 2 expert fees and expenses related to trial attendance as a line item on Plaintiffs' Exhibit 4.



violations of numerous discovery deadlines, plaintiffs made several requests for the District to supplement its discovery responses and sent numerous letters expressing their concerns about the completeness of the District's document productions. Plaintiffs deposed 16 witnesses and the District deposed 2 witnesses.

19. Plaintiffs filed three motions to compel. *See* Plaintiffs' Motion to Compel Defendants' Responses to Plaintiffs' First Set of Requests for Production of Documents, dated July 10, 2006 (ECF No. 41); Plaintiffs' Motion to Compel Defendants' Responses to Plaintiffs' First, Second, and Third Sets of Requests for Production of Documents and Plaintiffs' First Set of Interrogatories, dated February 4, 2008 (ECF No. 91); Plaintiffs' Motion to Compel Deposition of Defendants' Expert prior to Deadline for Plaintiffs' Expert Rebuttal Reports, dated August 26, 2009 (ECF No. 153). On June 27, 2008, this Court issued a Memorandum Opinion (ECF No. 107) that granted in part plaintiffs' 2008 motion to compel and ordered the District to pay plaintiffs' reasonable attorneys' fees.

20. The District's discovery violations continued. On the eve of the first trial and shortly thereafter, the District produced nearly 25,000 e-mails and documents. On the first day of trial, plaintiffs moved to compel discovery of the remaining responsive documents. Trial Tr., dated April 6, 2011, p. 4. On April 7, 2011, the Court granted plaintiffs' request and held "that all privileges and objections [were] deemed WAIVED," with respect to the District's remaining productions. ECF No. 232, p. 1.

21. On April 11, 2011, the District filed its Motion for Reconsideration (ECF No. 233) of the Court's discovery ruling. In its May 9, 2011, Memorandum Opinion (ECF No. 247, p. 16), the Court denied the District's motion and held that the District had been "openly,

continuously, and repeatedly violating multiple Court orders, \* \* \* and committing a discovery abuse so extreme as to be literally unheard of in this Court.”

22. During the six years that this case was pending prior to trial, the District filed three motions to dismiss. Defendants’ Motion for Dismissal of the Complaint (“Defendants’ First Motion to Dismiss”), dated November 10, 2005 (ECF No. 18), argued that plaintiffs’ purported failure to exhaust their remedies under the IDEA warranted dismissal of their claims. Defendants’ Motion for Dismissal of Plaintiffs’ Claim of a Violation of Section 504 of the Rehabilitation Act (“Defendants’ Second Motion to Dismiss”), dated November 16, 2005 (ECF No. 19), moved to dismiss plaintiffs’ claims due to the alleged failure to state a viable claim. Defendants’ Motion for Dismissal of Defendant District of Columbia Public Schools Superintendent Clifford Janey (“Defendants’ Third Motion to Dismiss”), dated December 8, 2005 (ECF No. 23), argued that plaintiffs could not sue a District employee in his official capacity.

23. The parties filed cross-motions for summary judgment. *See* ECF Nos. 177, 178. Resolving those motions, in its August 10, 2010, Memorandum Opinion (ECF No. 198), the Court found that defendants had violated the IDEA, the Rehabilitation Act, and District law through 2007.

24. In preparing their case, plaintiffs relied on substantial evidence, including statistical analyses and analyses of demographic data about the District in comparison to other states. Plaintiffs’ experts spent considerable time analyzing the District’s data and preparing reports and written testimony relevant to this case.

25. From 2005-2011, the parties spent substantial time preparing for and participating in settlement discussions and mediations, which were unsuccessful.

26. Approximately two weeks before trial, the District filed its Motion to Decertify Class, dated March 23, 2011 (ECF No. 214), and its Motion for Relief from Judgment and for Judgment as a Matter of Law, dated March 25, 2011 (ECF No. 221). The District also sought an expedited briefing schedule on its Motion to Decertify Class. *See* Defendants' Emergency Motion for Expedited Briefing on Motion to Decertify Class, dated March 23, 2011 (ECF No. 215). After extensive briefing, the Court denied the District's motions. *See* ECF Nos. 296, 299.

27. During trial, the District agreed to plaintiffs' post-trial submission of additional exhibits and additional testimony due to the District's delinquent document productions. On June 3, 2011, plaintiffs filed their Motion for Leave to Re-open the Record and to Admit Additional Exhibits (ECF No. 255). After opposing plaintiffs' motion, the District filed its own Motion for Leave to Re-Open the Record to Admit Contrary Evidence, dated November 4, 2011 (ECF No. 289).

28. Plaintiffs spent considerable time drafting their Proposed Post-Trial Findings of Fact and Conclusions of Law (ECF No. 256) and Proposed Order (ECF No. 256-1). The Proposed Order set forth the terms of injunctive and declaratory relief adopted by the Court in its November 16, 2011, Order (ECF No. 295).

29. Two months after trial concluded, but before this Court issued its decision, the Supreme Court decided *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338 (2011), which altered the law relating to class certification. In response to the decision, the District filed its Supplemental Memorandum of Law in Support of their Motion to Decertify Class, dated July 1, 2011 (ECF No. 265). After examining the *Wal-Mart* decision and its impact on plaintiffs' claims, on May 6, 2011, plaintiffs filed a Praecipe (ECF No. 246), which informed the Court of their intent to oppose the District's supplemental brief and of their plan to move to re-certify the class and to

amend the complaint. On August 18, 2011, plaintiffs filed their Motion for Class Recertification (ECF No. 271) and Motion for Leave to File Their Second Amended Complaint for Declaratory and Injunctive Relief (ECF No. 270).

30. After extensive briefing by both sides, on November 16, 2011, the Court re-certified plaintiffs' claims as a "hybrid" class action under Rule 23(b)(2) and Rule 23(b)(3). Memorandum Opinion (Class Action Issues), dated November 16, 2011 (ECF No. 297). The Court also held that the District violated the IDEA, the Rehabilitation Act, and District law through April 6, 2011, ordered class-wide injunctive and declaratory relief, and ordered the parties to submit a proposal for addressing class member's claims for individual relief. Memorandum Opinion & Findings of Fact and Conclusions of Law (ECF No. 294); Order (ECF No. 295).

#### **SPECIFIC WORK PERFORMED DURING PERIOD 1**

31. TPM has exercised billing judgment in identifying the time for which compensation is sought. TPM is seeking compensation only for time that it would have billed to paying clients. *See* paras. 8, 91 herein (plaintiffs are not fee-paying clients). In the exercise of billing judgment, we eliminated 153.535 hours of work, totaling \$67,989.07, computed at the current rates sought in this application. These hours are the No Charge Time Records attached as Plaintiffs' Exhibit 7.

32. Also, as described above (para. 3), in response to objections raised in Defendants' Opposition to Plaintiffs' Motion for an Award of Litigation Costs, Including Attorneys' Fees and Related Expenses (ECF No. 343), TPM has made additional reductions to its fees for work performed during Period 1. TPM eliminated \$63,710.24, computed at the current rates sought in this application. *See* Pl. Ex. 9. Those reductions are incorporated into this application.

33. In 2008, plaintiffs moved for fees and expenses related to work done to compel discovery from the District. *See* Motion for an Award of Litigation Costs, Including Attorneys' Fees and Out-of-Pocket Expenses, for Plaintiffs' Motion to Compel Discovery, dated July 25, 2008 (ECF No. 110). This Court did not award certain portions of those fees and expenses. *See* Memorandum Opinion, dated March 11, 2009 (ECF No. 139), pp. 13-14. Having prevailed after trial, in 2012, plaintiffs requested a portion of the fees that the Court had not previously awarded. That amounted to \$41,207.55 (\$40,001.04 of which were TPM fees), which is based on the rates sought in plaintiffs' 2008 motion to compel fee application. *See* Memorandum in Support of Plaintiffs' Motion for an Award of Litigation Costs, Including Attorneys' Fees and Expenses, dated April 30, 2012 (ECF No. 325-1), p. 45, n. 48; Summary of Remaining Fees Sought in 2008 MTC Fee Petition, ECF No. 325-11. To simplify matters, plaintiffs have not requested that amount here. TPM has also removed from this application two additional time entries totaling \$1,451.65 that corresponded to that work, which had inadvertently not been requested with the initial motion to compel fee application, but were requested in the 2012 fee application. *See* para. 38(i)(xv) below; Pl. Ex. 10. Since TPM has not charged for any attorneys or paralegals that billed fewer than 10 hours on this case in either Period 1 or Period 2, TPM has also removed from this application one time entry from an attorney who billed 0.433 hours to this case during Period 1, and whose time was inadvertently included in the 2012 fee application. *See* Pl. Ex. 10.

34. After reductions, TPM is requesting \$3,371,131.27 in fees for Period 1. Pl. Ex. 4.

35. We have broken down the fees for TPM work in Period 1 into categories and subcategories, each of which relate to particular work that was performed. To the extent possible, the categories and subcategories follow the order in which the activities arose during

the litigation. Activities that span the breadth of Period 1, such as settlement discussions, are described at the end.

36. This breakdown is set forth in the Summary of Time by Category for Period 1, which is Plaintiffs' Exhibit 5. That exhibit shows the requested hourly rate for the experience level attained by the individual (identified by initials) at the time the work was performed, the total amount of time expended in each category and subcategory by each individual, and the total amount of fees related to each category and subcategory.

37. This breakdown into categories and subcategories is also set forth in Plaintiffs' Exhibit 6, which includes the contemporaneous time records related to the work. The time records are organized by category, subcategory, individual, and date. Within each category and subcategory, the time is divided by individual and then by date. Individuals are identified by their initials and the initials are presented in alphabetical order. For ease of reference, each time record is assigned a line number.

38. Plaintiffs' Exhibit 5 and 6 are organized by the categories and subcategories described below.

(a) **Complaint.** This category involves work researching and preparing the Complaint (ECF No. 1). This category is divided into the following subcategories.

(i) **Drafting the Complaint.** This subcategory involves work drafting the Complaint.

(ii) **Plaintiffs' Search.** This subcategory involves work on class counsel's search for class representatives. Class counsel corresponded with other attorneys and various legal, public health, and education organizations in the District in regular contact with potential class members.

(iii) **Plaintiffs' Motion to Substitute Defendants.** This subcategory involves work drafting Plaintiffs' Motion to Substitute Defendant, dated November 28, 2007 (ECF No. 85). Plaintiffs sought an order substituting defendants DCPS Chancellor Michelle Rhee and District of Columbia State Superintendent of Education Deborah Gist for Superintendent Clifford B. Janey.

(iv) **Fact Research.** This subcategory involves factual research associated with drafting the Complaint.

(v) **Legal Research.** This subcategory involves legal research associated with drafting the Complaint.

(vi) **Strategy Discussions.** This subcategory involves strategy discussions related to drafting the Complaint.

(vii) **Communications with Co-Counsel.** This subcategory involves time expended communicating with co-counsel regarding the Complaint.

(b) **Plaintiffs' Motion for Certification.** This category involves work on Plaintiffs' Motion for Class Certification, dated September 1, 2005 (ECF No. 5). This category is divided into subcategories related to the initial certification motion, the briefs filed in opposition to and in support of the motion, and the Court's Memorandum Opinion, dated August 25, 2006 (ECF No. 57) and Order, dated August 25, 2006 (ECF No. 58).

(c) **Rule 26(f) Meeting.** This category involves work on the meetings required by Rule 26(f) of the Federal Rules of Civil Procedure and Rule 16.3 of the Local Rules, and the negotiation of a discovery plan.

(d) **Plaintiffs' Initial Disclosures.** This category involves work on plaintiffs' disclosure obligations. This category is divided into the following subcategories.

(i) **Plaintiffs' Initial Disclosures.** This subcategory involves work on the initial disclosures required of plaintiffs by Rule 26(a)(1) of the Federal Rules of Civil Procedure.

(ii) **Plaintiffs' Supplement to Initial Disclosures.** This subcategory involves work on Plaintiffs' Supplement to their Rule 26(a)(1) Initial Disclosures of October 25, 2005, submitted to the District on March 29, 2006, and Plaintiffs' Second Supplement to their Rule 26(a)(1) Initial Disclosures of October 25, 2005, submitted to the District on April 3, 2009.

(e) **Defendant's Motion to Dismiss.** This category involves work on the District's First Motion to Dismiss (ECF No. 18), due to plaintiffs' purported failure to exhaust their administrative remedies under the IDEA. This category is divided into the following subcategories.

(i) **Defendants' Initial Brief.** This subcategory involves work reviewing the District's motion.

(ii) **Plaintiffs' Opposition Brief.** This subcategory involves work on plaintiffs' opposition (ECF No. 24).

(iii) **Defendants' Reply Brief.** This subcategory involves work reviewing the District's reply (ECF No. 29).

(iv) **Plaintiffs' Sur-Reply Brief.** This subcategory involves work on Plaintiffs' Consent Motion for Leave to File a Sur-Reply to Defendants' Motion for Dismissal of the Complaint for Failure to Exhaust Administrative Remedies, dated January 20, 2006 (ECF No. 36).

(v) **Plaintiffs' Motion to Strike Defendants' Supplemental Reply Brief.** This subcategory involves work on Plaintiffs' Motion to Strike Defendants' Supplement to their December 29, 2005, Reply to Plaintiffs' Opposition to Defendants' Motion for Dismissal of the



Complaint for Failure to Exhaust Administrative Remedies, dated January 20, 2006 (ECF No. 35) and the reply brief in support of that motion (ECF No. 38).

(vi) **Court's Decision.** This subcategory involves work reviewing this Court's August 25, 2006, Memorandum Opinion (ECF No. 53) and Order (ECF No. 54).

(f) **Defendants' Second Motion to Dismiss.** This category involves the work on the District's Second Motion to Dismiss, based on plaintiffs' purported failure to state a claim (ECF No. 19). This category is divided into subcategories that relate to briefs in opposition to that motion.

(g) **Defendants' Third Motion to Dismiss.** This category involves work on the District's Third Motion to Dismiss (ECF No. 23). This category is divided into subcategories that relate to the briefs filed in opposition to and in support of that motion.

(h) **Plaintiffs' First Motion to Amend the Complaint.** This category involves work on Plaintiffs' Motion for Leave to File Their First Amended Complaint for Declaratory and Injunctive Relief, dated August 3, 2006 (ECF No. 46). Plaintiffs moved to amend the complaint in order to update the facts related to the named plaintiffs, to remove two of the named plaintiffs, and to refine further the allegations in the complaint. This category is divided into subcategories that relate to the initial motion and the briefs filed in opposition to and in support of the motion.

(i) **Plaintiffs' Discovery.** This category is divided into the following subcategories that relate to the discovery undertaken by plaintiffs.

(i) **Discovery Plan.** This subcategory involves work preparing and negotiating a discovery plan.

(ii) **Protective/Confidentiality Order.** This subcategory involves work drafting and negotiating the Joint Motion for Protective Order, dated October 28, 2005 (ECF No.

15) and Order, dated October 31, 2005 (ECF No. 17), which sought to protect the exchange of confidential information about minor children and their parents.

(iii) **Joint Motion for Extension of Discovery.** This subcategory involves work on the Parties' Joint Motion to Amend the Scheduling Order, dated March 28, 2006 (ECF No. 39), and the Joint Motion to Amend the Scheduling Order, dated December 11, 2006 (ECF No. 72), which sought an extension of time for both parties to complete their fact and expert discovery.

(iv) **Joint Status Report.** This subcategory involves work on the Parties' Joint Status Report and Motion to Extend Time to File Renewed Motions to Compel Discovery Responses, dated December 7, 2006 (ECF No. 69).

(v) **Consent Protective Order.** This subcategory involves work drafting the Amended Protective Order, dated June 2, 2008 (ECF No. 105), and the Parties Agreement Regarding Discovery, completed on February 15, 2011, which sought to protect the confidentiality of information about minor children and their parents or guardians during the discovery process, and to allow for public filings with the Court with adequate protection for such information during the litigation.

(vi) **Plaintiffs' 1st Document Request.** This subcategory involves work preparing Plaintiffs' First Set of Requests for Production of Documents, submitted to the District on December 28, 2005.

(vii) **Plaintiffs' 2d Document Request.** This subcategory involves work preparing Plaintiffs' Second Set of Requests for Production of Documents, submitted to the District on September 17, 2007.

(viii) **Plaintiffs' 1st Set of Interrogatories and 3d Set of Document Requests.**

This subcategory involves work preparing Plaintiffs' First Set of Interrogatories and Third Set of Requests for Production of Documents, submitted to the District on September 28, 2007.

(ix) **Plaintiffs' 2d Set of Interrogatories.**

This subcategory involves work preparing Plaintiffs' Second Set of Interrogatories, submitted to the District on December 16, 2010.

(x) **Plaintiffs' 4th Wave of Discovery.**

This subcategory involves work preparing plaintiffs' fourth wave of document requests to the District. Rather than submitting specific document requests, plaintiffs sent a December 16, 2010, letter to the District's counsel requesting supplemental responses to plaintiffs' prior document requests and interrogatories.

(xi) **Defendants' 5th Supplemental Document Production.**

This subcategory involves work reviewing the fifth set of documents produced by the District on July 13, 2007.

(xii) **Review Documents Produced by Defendants.**

This subcategory involves work reviewing documents produced by the District in response to plaintiffs' discovery requests, where the review of documents was not limited to a specific document production. For example, from February to April 2011, the District engaged in a rolling production of documents in response to various document requests from plaintiffs that dated back to 2008, 2009, and 2010.

(xiii) **Review Defendants' Interrogatory Responses.**

This subcategory involves work reviewing the District's responses to plaintiffs' interrogatories.

(xiv) **Defendants' Motion for Protective Order.**

This subcategory involves work reviewing Defendants' Motion for Protective Order Deferring Expert Deposition Pending

Exchange of Expert Reports, dated August 24, 2009 (ECF No. 151), and drafting plaintiffs' opposition (ECF No. 152).

(xv) **Plaintiffs' Motion to Compel.** As explained above (*see* para. 33), plaintiffs' previously sought the attorneys' fees and expenses associated with plaintiffs' motions to compel. That related to plaintiffs' first and second motions to compel. This category includes the two additional time slips regarding the work on the first motion to compel that were mistakenly omitted from the initial fee application for that work in 2008. I have included this description because these slips were in the exhibits that were previously filed with plaintiffs' 2012 fee application, but we are no longer asking for compensation for the time associated with these time slips. *See* para. 33 above; Pl. Ex. 10 (reductions).

(xvi) **Plaintiffs' 3d Motion to Compel - Plaintiffs' Initial Brief.** This subcategory involves work on Plaintiffs' Motion to Compel Deposition of Defendants' Expert prior to Deadline for Plaintiffs' Expert Rebuttal Reports, dated August 26, 2009 (ECF No. 153).

(xvii) **Plaintiffs' 3d Motion to Compel - Defendants' Opposition Brief.** This subcategory involves work reviewing Defendants' Opposition to Plaintiffs' Motion to Compel and Reply in Support of Defendants' Motion for a Protective Order, dated September 2, 2009 (ECF No. 155).

(xviii) **Plaintiffs' 3d Motion to Compel - Plaintiffs' Reply Brief.** This subcategory involves work on Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel and Reply in Support of Defendants' Motion for a Protective Order, dated September 8, 2009 (ECF No. 159).

(xix) **Plaintiffs' 3d Motion to Compel - Supplemental Brief.** This subcategory involves work on Plaintiffs' Motion for Leave to File Supplemental Brief in Support

of Plaintiffs' Motion to Compel Deposition of Defendants' Expert Prior to Deadline for Plaintiffs' Expert Rebuttal Reports, dated September 17, 2009 (ECF No. 161).

(xx) **Defendants' Motion for Reconsideration.** This subcategory involves work on Defendants' Motion for Reconsideration, dated April 11, 2011 (ECF No. 233), which requested reconsideration of the April 7, 2011, ruling regarding privileges with respect to documents that had yet to be produced to plaintiffs. This subcategory includes work on the briefs filed in opposition to and in support of the motion.

(xxi) **Defendants' Motion to Stay.** This subcategory involves work regarding Defendants' Motion for Stay Pending Reconsideration, dated April 11, 2011 (ECF No. 234), and the briefs filed in opposition to and in support of the motion.

(xxii) **Plaintiffs' Fact Depositions.** This subcategory involves the work preparing for and taking the depositions of Nathaniel Beers, Joan Christopher, Maxine Freund, Genevieve Johnson, Zondra Johnson, Barbara Ferguson Kamara, Amy Maisterra, and Chanda Whitaker. Plaintiffs prepared for but did not take the depositions of Miriam Calderon and Marla Oakes. Dr. Oakes died before her deposition. Plaintiffs did not depose Miriam Calderon after the District objected to the expected deposition length and in order to reserve more time to depose the District's expert.

(xxiii) **Rule 30(b)(6) Depositions.** This subcategory involves work on the Rule 30(b)(6) depositions of Joann Clark, Sharon Dunmore, Tameria Lewis, Badiyah Mushirah-Sharif, Jerri Johnston-Stewart, Patricia Young, Noah Wepman, and Alexandra Williamson.

(xxiv) **Communications with Co-Counsel.** This subcategory involves time expended communicating with co-counsel regarding plaintiffs' discovery requests.

(xxv) **Communications with Opposing Counsel.** This subcategory involves time expended communicating with opposing counsel regarding plaintiffs' discovery requests.

(xxvi) **Document/Database Management.** This subcategory involves work cataloging and organizing the significant number of documents produced in discovery. TPM relied on an internal database to manage the documents, to track the source of documents, and to use the documents as exhibits in this case. During the course of the litigation, the District produced over 100,000 e-mails and documents, before, during, and even after trial.

(j) **Defendants' Discovery.** This category is divided into the following subcategories that relate to the discovery undertaken by the District.

(i) **Plaintiffs' Response to Defendants' 1st Document Request.** This subcategory involves work on Plaintiffs' Responses to Defendants' First Request for Production of Documents and Things to Plaintiffs, submitted to the District on December 10, 2005.

(ii) **Plaintiffs' Response to Defendants' 1st Set of Interrogatories.** This subcategory involves work on Plaintiffs' Response to Defendants' First Set of Interrogatories, submitted to the District on January 11, 2008.

(iii) **Plaintiffs' Response to Defendants' 2d Wave of Discovery.** This subcategory involves work on Plaintiffs' Response to Defendant's Second Set of Interrogatories and Plaintiffs' Response to Defendants' Second Request for Production of Documents and Things to Plaintiffs, submitted to the District on March 18, 2009.

(iv) **Plaintiffs' Response to Defendants' 3rd Set of Interrogatories.** This subcategory involves work on Plaintiffs' Response to Defendant's [Third] Set of Interrogatories, submitted to the District on February 23, 2011.<sup>8</sup>

(v) **Plaintiffs' Supplemental Response to Defendants' 1st and 2d Set of Document Requests.** This subcategory involves work on Plaintiffs' Supplemental Responses to Defendants' First and Second Requests for Production of Documents and Things to Plaintiffs, submitted to the District on April 13, 2009, April 29, 2009, May 27, 2009, June 10, 2009, December 18, 2009, February 4, 2010, and August 10, 2010.

(vi) **Plaintiffs' Supplemental Response to Defendants 1st and 2d Set of Interrogatories.** This subcategory involves work providing a Supplement to Plaintiffs' Responses to Defendants' First and Second Sets of Interrogatories, submitted to the District on April 13, 2009.

(vii) **Plaintiffs' Supplemental Response to Defendants' 3d Set of Interrogatories.** This subcategory involves work on Plaintiffs' Supplemental Response to Defendant's [Third] Set of Interrogatories, submitted to the District on March 7, 2011.

(viii) **Defendants' Motion to Compel.** This subcategory involves work reviewing Defendants' Motion to Compel Discovery Production of Documents by Plaintiffs, dated August 1, 2006 (ECF No. 45), and drafting Plaintiffs' Opposition to Defendants' Motion to Compel, dated August 15, 2006 (ECF No. 48).

(ix) **Defendants' 2d Motion to Compel.** This subcategory involves work reviewing Defendants' Motion to Compel Discovery, dated February 27, 2008 (ECF No. 95),

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<sup>8</sup> Defendants incorrectly labeled their third set of interrogatory requests as "Defendants' Second Set of Interrogatories."

and drafting Plaintiffs' Opposition to Defendants' Motion to Compel, dated March 12, 2008 (ECF No. 98).

(k) **Experts.** This category is divided into the following subcategories.

(i) **Retention of Experts.** This subcategory involves work obtaining information regarding the qualifications and prior work of plaintiffs' experts.

(ii) **Defendants' Experts.** This subcategory involves work obtaining information regarding the qualifications and prior work of the District's proposed experts.

(iii) **Consultations with Experts.** This subcategory involves work consulting with plaintiffs' experts on the large number of issues presented throughout the litigation.

(iv) **Plaintiffs' Expert Reports.** This subcategory involves work on the reports of plaintiffs' experts.

(v) **Defendants' Expert Reports.** This subcategory involves work reviewing the reports of the District's expert.

(vi) **Deposition of Plaintiffs' Experts.** This subcategory involves work preparing for and defending the District's depositions of plaintiffs' experts.

(vii) **Deposition of Defendants' Experts.** This subcategory involves work preparing for and conducting the depositions of the District's expert.

(viii) **Documents for Plaintiffs' Experts.** This subcategory involves work reviewing and identifying the documents obtained in discovery for review by plaintiffs' experts.

(ix) **Defendants' Discovery.** This subcategory involves work identifying and producing to the District the sources and documents relied on by plaintiffs' experts.

(l) **Defendants' Motion for Summary Judgment.** This category involves work associated with Defendants' Motion for Summary Judgment, dated March 22, 2010 (ECF No.



177). The category is divided into subcategories related to the initial motion, the briefs filed in opposition to and in support of the motion, and plaintiffs' motion for an oral argument on the summary judgment motions.

(m) **Plaintiffs' Summary Judgment Motion.** This category involves work associated with Plaintiffs' Motion for Partial Summary Judgment on Liability, dated March 22, 2010 (ECF No. 178). The category is divided into subcategories related to the initial motion, the briefs filed in opposition to and in support of the motion, and the Court's Memorandum Opinion, dated August 10, 2010 (ECF No. 198).

(n) **Defendants' Motion to Strike Cupingood Testimony.** This category involves work on Defendants' Motion to Strike Report and Testimony of Dr. Leonard Cupingood, Along with All Evidence Based Thereon, dated April 19, 2010 (ECF No. 181). This category is divided into subcategories related to the District's initial motion, the briefs filed in opposition to and in support of the motion, and review of the Court's Order, dated August 10, 2010 (ECF No. 195), and Memorandum Opinion, dated August 10, 2010 (ECF No. 196).

(o) **Defendants' Motion to Decertify the Class.** This category involves work on the District's Motion to Decertify Class, dated March 23, 2011 (ECF No. 214), which argued that the named plaintiffs lacked standing to assert claims for ongoing harm resulting from the District's failures. The category is divided into the following subcategories.

(i) **Defendants' Initial Brief.** This subcategory involves work reviewing the District's motion.

(ii) **Plaintiffs' Opposition Brief.** This subcategory involves work drafting Plaintiffs' Opposition to Defendants' Motion to Decertify the Class, dated April 22, 2011 (ECF No. 238).

(iii) **Defendants' Reply Brief.** This subcategory involves work reviewing Defendants' Reply in Support of Motion to Decertify Class, dated May 16, 2011 (ECF No. 252).

(iv) **Plaintiffs' Motion for Leave to File Sur-Reply Brief.** This subcategory involves work drafting Plaintiffs' Motion for Leave to File a Sur-Reply to Defendants' Reply in Support of Motion to Decertify Class, dated June 13, 2011 (ECF No. 259).

(v) **Plaintiffs' Sur-Reply Brief.** This subcategory involves work drafting Plaintiffs' Sur-Reply Brief to Defendants' Reply in Support of Motion to Decertify Class, dated June 13, 2011 (ECF No. 259-1).

(vi) **Defendants' Supplemental Brief.** This subcategory involves work reviewing and discussing responses to Defendants' Supplemental Memorandum of Law in Support of Their Motion to Decertify Class, dated July 1, 2011 (ECF No. 265), which was filed in response to the Supreme Court's decision in *Wal-Mart*.

(vii) **Defendants' Motion to Expedite.** This subcategory involves work on Defendants' Emergency Motion for Expedited Briefing on Motion to Decertify Class, dated March 23, 2011 (ECF No. 215), and the briefs filed in opposition to and in support of the motion.

(viii) **Legal Research.** This subcategory involves legal research associated with plaintiffs' response to the District's supplemental memorandum of law. The research examined the effects of *Wal-Mart* on class actions.

(ix) **Praecipe.** This subcategory involves drafting a Praecipe, dated August 24, 2011 (ECF No. 274), informing the Court of plaintiffs' intent to submit an opposition brief to the District's supplemental memorandum of law.

(x) **Plaintiffs' Supplemental Brief.** This subcategory involves the work on Plaintiffs' Supplemental Memorandum of Law in Opposition to Defendants' Motion to Decertify Class (ECF No. 267).

(xi) **Court's Opinion.** This subcategory involves reviewing the Court's Memorandum Opinion (Class Action Issues), dated November 16, 2011 (ECF No. 297).

(xii) **Communications with Co-Counsel.** This subcategory involves time communicating with co-counsel regarding the District's Motion to Decertify the Class (ECF No. 214).

(xiii) **Communications with Opposing Counsel.** This subcategory involves time communicating with opposing counsel regarding the District's Motion to Decertify the Class (ECF No. 214).

(p) **Defendants' Motion for Oral Direct Testimony.** This category involves work on Defendants' Motion to Present Oral Direct Testimony, dated March 24, 2011 (ECF No. 218), at trial.

(q) **Defendants' Motion to Strike Objections to Pretrial Statement.** This category involves work on Defendants' Motion to Strike in Part Plaintiffs' Objections to Defendants' Pretrial Statement, dated March 25, 2011 (ECF No. 219). This category is divided into subcategories related to the District's initial motion and plaintiffs' opposition.

(r) **Defendants' Motion for Judgment.** This category involves work on the District's Motion for Relief from Judgment and for Judgment as a Matter of Law, dated March 25, 2011 (ECF No. 221), which sought relief from the Court's finding of partial summary judgment in favor of plaintiffs. This category is divided into subcategories related to the initial motion and the briefs filed in opposition to and in support of the motion.

(s) **Pretrial Statement.** This category involves work on the parties' pre-trial statements. This category is divided into the following subcategories.

(i) **Plaintiffs' Pretrial Statement.** This subcategory involves work preparing Plaintiffs' Pretrial Statement, dated March 15, 2011 (ECF No. 207).

(ii) **Defendants' Pretrial Statement.** This subcategory involves work reviewing and preparing for the arguments made in Defendants' Pretrial Statement, dated March 15, 2011 (ECF No. 208). For example, the District's pretrial statement noted their intent to move for decertification of plaintiffs' class and for judgment as a matter of law on the basis that the IDEA allegedly does not create a private right of action to seek broad injunctive relief.

(t) **Pretrial Conference.** This category involves work preparing for the March 29, 2011, pretrial conference.

(u) **Pretrial Order.** This category involves work reviewing the Court's Pretrial Order, dated March 29, 2011 (ECF No. 229), and preparing a response to the District's conditional stipulations offered in their pretrial statement.

(v) **Trial Preparation.** This category involves work preparing the factual and legal materials for trial. The time in this category is divided into the following subcategories.

(i) **Defendants' Exhibits.** This subcategory involves work reviewing the District's trial exhibits.

(ii) **Plaintiffs' Exhibits.** This subcategory involves work preparing plaintiffs' trial exhibits.

(iii) **Fact Research.** This subcategory involves factual research associated with plaintiffs' pre-trial preparation.

(iv) **Legal Research.** This subcategory involves legal research associated with plaintiffs' pre-trial preparation.

(v) **Preparation of Written Testimony.** This subcategory involves work on the written testimonies of plaintiffs' three witnesses and the supplement to the direct testimony of one witness.

(vi) **Defendants' Witnesses.** This subcategory involves work reviewing the direct testimonies of the District's witnesses and preparing the cross-examination questions for each witness.

(vii) **Plaintiffs' Witness List.** This subcategory involves work identifying plaintiffs' witnesses and preparing a witness list for trial.

(viii) **Plaintiffs' Witness.** This subcategory involves work preparing plaintiffs' witnesses for trial.

(ix) **Trial Outline.** This subcategory involves work creating an outline of the presentation of evidence and witnesses at trial.

(x) **Opening Oral Argument.** This subcategory involves time expended preparing for the opening statement at trial.

(xi) **Preparation of Closing Argument.** This subcategory involves time expended preparing for the closing argument at trial.

(xii) **Strategy Discussions.** This subcategory involves work discussing a variety of trial issues and strategies for presenting the evidence.

(xiii) **Subpoenas to Third Parties.** This subcategory involves work on a subpoena for testimony.

(w) **Trial.** This category involves time spent attending and participating in the April 6-7, 2011, trial.

(x) **Plaintiffs' Motion to Reopen Record.** This category involves work preparing Plaintiffs' Motion for Leave to Re-open the Record and to Admit Additional Exhibits, dated June 3, 2011 (ECF No. 255), pursuant to the Court's April 7, 2011, Order (ECF No. 232). This category is divided into subcategories related to the initial motion, the briefs filed in opposition to and in support of the motion, and the Court's Memorandum and Order, dated October 25, 2011 (ECF No. 287).

(y) **Plaintiffs' Post-Trial Findings & Conclusions.** This category involves work on Plaintiffs' Proposed Post-Trial Findings of Fact and Conclusions of Law, dated June 3, 2011 (ECF No. 256), and the Proposed Order, dated June 3, 2011 (ECF No. 256-1).

(z) **Plaintiffs' Second Motion to Amend Complaint.** This category involves work on Plaintiffs' Motion for Leave to File Their Second Amended Complaint for Declaratory and Injunctive Relief, dated August 18, 2011 (ECF No. 270). This category is divided into subcategories related to the initial motion, and the briefs filed in opposition to and in support of the motion.

(aa) **Plaintiffs' Renewed Motion for Certification.** This category involves work on Plaintiffs' Motion for Class Recertification, dated August 18, 2011 (ECF No. 271). This category is divided into subcategories related to the initial motion, the briefs filed in opposition to and in support of the motion, and the Court's Memorandum Opinion (Class Action Issues) (ECF No. 297) and Order (Class Action Issues), dated November 16, 2011 (ECF No. 296).

(bb) **Defendants' Motion to Reopen Record.** This category involves work on Defendants' Motion for Leave to Re-Open the Record to Admit Contrary Evidence, dated

November 4, 2011 (ECF No. 289), pursuant to the Court's October 25, 2011 Order (ECF No. 287). This category is divided into subcategories related to the initial motion, the briefs filed in opposition to and in support of the motion, and the Court's Memorandum and Order of November 16, 2011 (ECF No. 298).

(cc) **Court's Decision.** This category involves work reviewing the Court's Memorandum Opinion & Findings of Fact and Conclusions of Law (ECF No. 294), Order (ECF No. 295), Memorandum Opinion (Class Action Issues) (ECF No. 297), and Memorandum and Order, dated November 16, 2011 (ECF No. 298).

(dd) **Court's Decision - Motion to Compel.** This category involves reviewing the Court's Memorandum Opinion (ECF No. 139) and Order (ECF No. 140), regarding plaintiffs' Motion for an Award of Litigation Costs, Including Attorneys' Fees and Out-of-Pocket Expenses, for Plaintiffs' Motion to Compel Discovery, dated July 25, 2008 (ECF No. 110).

(ee) **Attorney's Fees.** This category involves the work on the attorneys' fees available to plaintiffs under the IDEA and the Rehabilitation Act.

(ff) **Mediation.** This category involves work preparing for and participating in mediation with the District throughout the course of the litigation that aimed to reach an agreement on necessary improvements to the District's special education policies and procedures for preschool-age children. The category is divided into the following subcategories.

(i) **Plaintiffs' Motion to Compel Mediation - Initial Brief.** This subcategory involves drafting Plaintiffs' Opposed Motion for an Order Appointing a Magistrate Judge as Mediator and Compelling the Parties to Participate in Mediation, dated January 11, 2010 (ECF No. 172).

(ii) **Plaintiffs' Motion to Compel Mediation - Opposition Brief.** This subcategory involves reviewing Defendants' Memorandum in Opposition to Plaintiffs' Motion to Compel Mediation, dated January 26, 2010 (ECF No. 173).

(iii) **Plaintiffs' Motion to Compel Mediation - Reply Brief.** This subcategory involves drafting Plaintiffs' Reply in Further Support of Their Motion for an Order Appointing a Magistrate Judge as Mediator and Compelling the Parties to Participate in Mediation, dated February 4, 2010 (ECF No. 174).

(iv) **Mediation Preparation.** This subcategory involves preparing for several days of mediation with the District, by, for example, drafting proposals for resolving plaintiffs' individual relief claims.

(v) **Mediation Session.** This subcategory involves participating in eight days of mediation with the District.

(vi) **Communications with Client.** This subcategory involves communications with plaintiffs about the goals and progress of the mediation and any proposed settlements with the District.

(vii) **Communications with Opposing Counsel.** This subcategory involves communicating with opposing counsel regarding the mediation.

(gg) **Settlement.** This category involves the time spent preparing for and participating in numerous settlement discussions with the District from 2005 to 2011 that sought to reach an agreement regarding improvements to the District's special education policies and practices.

(hh) **General Research.** This category involves work on general research for the case. This research is labeled general because it is not directly associated with the preparation of a particular pleading, brief, or other paper.



(ii) **Scheduling.** This category involves work scheduling and managing the deadlines throughout the course of the litigation. The time is divided into subcategories related to various motions to amend scheduling orders, to set pretrial deadlines, and to extend the period for discovery.

(jj) **Scheduling/Status Conferences.** This category involves scheduling/status conferences conducted throughout the case. The time is divided into subcategories that are titled by the date of the particular status conference.

(kk) **Communications with Client.** This category involves general communications with our clients during the course of the litigation.

(ll) **Notice of Appearance.** This category involves work preparing notices of appearance for plaintiffs' counsel and reviewing the notices filed by the District's counsel.

(mm) **Case Administration.** This category involves general work on the management and development of the case. For example, this category includes the time expended to manage ECF filings in TPM's document management system.

#### **EXPENSES ACCRUED DURING PERIOD 1**

39. TPM has requested reimbursement for expenses. These are the type of expenses which we would bill to paying clients and that law firms typically charge their clients.

40. TPM has not produced the back-up documentation (*e.g.*, taxi receipts) for these expenses (or the Period 2 expenses) because it is voluminous. TPM will produce those materials to the District or the Court if it is requested and will file it with the Court, as necessary, if it is challenged.

41. TPM also has not produced the detailed expense logs for these expenses (or the Period 2 expenses), which include, for example, an entry every time that a document is printed. These documents are voluminous. Given the volume of this filing, plaintiffs are attempting to

reduce its size. Plaintiffs will produce that material to the District or the Court if it is requested and will file it with the Court, as necessary, if it is challenged.

42. We are filing herewith as Plaintiffs' Exhibit 8 a summary of the Period 1 expenses. We divided the expenses into the following categories, which are identified in that summary. I describe these categories below.

(a) **Conference Calls.** This was the cost of conference calls.

(b) **Documents and Reference Materials.** These were the costs to obtain reference material specific to this case.

(c) **Expert Fees.** These were the costs during Period 1 for the services of plaintiffs' experts, Dr. Carl J. Dunst and Dr. Leonard Cupingood.

(d) **Facsimile Transmission.** These were the costs for sending correspondence and other documents via fax. Over Period 1, we charged 50 cents or \$1.00 for faxes. TPM has lowered its cost to 15 cents per fax. Accordingly, we have reduced the request so that all faxes are 15 cents per page. *See* Pl. Ex. 10 (reductions).

(e) **Filing Fee.** This was the cost for filing this action.

(f) **Interpreter Fees.** This category was inadvertently omitted from the corresponding affidavit that I submitted in 2012. In our billing judgment, we are not seeking this amount. *See* Pl. Ex. 10 (reductions).

(g) **LEXIS.** These were the costs for LEXIS computerized legal research.

(h) **Local Travel.** These were the costs of taxi travel in Washington, D.C.

(i) **Messenger Delivery Fees.** These were the costs for local delivery of documents and correspondence.

(j) **Miscellaneous.** These were miscellaneous expenses. We are no longer seeking these expenses. *See* Pl. Exs. 9, 10 (reductions).

(k) **Overnight Delivery Charges.** These were the costs for overnight delivery. Overnight delivery is used only when it was requested, when necessary due to court-ordered deadlines, and/or due to the importance or time-sensitive nature of the materials and when the item could not be sent via e-mail or other electronic means.

(l) **Overtime Meals.** These were the costs for food when working overtime. Although these expenses were requested in the 2012 briefing, we have ceased billing for overtime meals and have removed these expenses from the request. *See* Pl. Ex. 10 (reductions).

(m) **PACER Court Docket System.** These were the fees charged for use of the Court's PACER docket system in conjunction with this case.

(n) **Photocopying - B&W (In-House).** These were the costs for the copying of court papers, deposition exhibits, expert reports, some documents produced in discovery, and correspondence. During the 2012 briefing, we charged 20 cents per page. TPM has lowered its cost to 15 cents per page. Accordingly, we have reduced this request to 15 cents per page. *See* Pl. Ex. 10 (reductions).

(o) **Photocopying - External.** These were the costs for copying that was not able to be done in-house.

(p) **Postage.** These were the postage costs.

(q) **Printing - B&W.** These were the costs for printing pages in black and white. During the 2012 briefing, we charged 20 cents per page. We have lowered this cost to 15 cents per page. Accordingly, we have reduced this request to 15 cents per page. *See* Pl. Ex. 10 (reductions).

(r) **Printing - Color.** These were the costs for printing pages in color. During the 2012 briefing, we charged \$1.00 per page. We have lowered this cost to 25 cents per page. Accordingly, we have reduced this request to 25 cents per page. *See* Pl. Ex. 10 (reductions).

(s) **Process Server Fees.** These were the costs of serving the complaint and subpoenas.

(t) **Scanning - Internal.** These were the costs for scanning materials in-house. During Period 1, we charged 15 cents or 20 cents per page for scanning. We have lowered this cost to 15 cents per page. Accordingly, we have reduced this request so that all scanning is 15 cents per page. *See* Plaintiffs' Exhibit 10 (reductions).

(u) **Support Staff Overtime.** These were the costs to the firm of clerical overtime. This overtime was charged because this work had to be completed on an urgent basis.

(v) **Telephone/Telephone (Taxes Computed by Computer).** These two categories represent costs incurred for long-distance telephone calls. During the course of the case, we entered a contract under which we no longer incur long distance telephone charges. In our billing judgment, we are no longer seeking the earlier telephone charges we incurred. *See* Pl. Ex. 10 (reductions).

(w) **Transcript/Reporting Fees.** These were the costs for deposition transcripts.

(x) **Travel Expenses.** This is the cost of a round-trip ticket for plaintiffs' expert. Unlike the other expert fees, we paid for this ticket ourselves and seek reimbursement.

(y) **Velobinding Charges.** These were the costs for binding briefs and other materials.

(z) **Westlaw.** These were the costs for Westlaw computerized legal research. As noted above, plaintiffs' counsel also incurred LEXIS costs. During the course of this litigation, we switched from LEXIS to Westlaw.

(aa) **Witness Fees.** These were the costs related to plaintiffs' witnesses and deponents.

43. In the previous fee application, TPM requested payment of \$210,502.42 for expenses. *See* Pl. Ex. 8. On reply, TPM reduced that amount by \$10,000 related to a retainer fee for plaintiff's expert. *See* Pl. Ex. 9, p. 6. In addition, as described above, TPM has revised its billing practices and no longer charges for various items. Accordingly, TPM has removed an additional \$9,685.14 in expenses from its Period 1 request. *See* Pl. Ex. 10. After these reductions, TPM requests payment for \$190,817.28 in expenses for Period 1. Pl. Ex. 4.

#### **SUMMARY OF WORK PERFORMED DURING PERIOD 2**

44. Below is a summary of the primary work performed during Period 2. Further below is detail related to the particular categories and subcategories of work that was performed during Period 2. As described herein, the parties vigorously litigated numerous complex legal and fact issues during Period 2.

45. Period 2 began after the Court issued its decision following the first trial. That includes work in the court of appeals related to the District's appeal. The law developed quickly following the Supreme Court's decision in *Wal-Mart*. Class certification was a critical issue to this case and a substantial amount of work was devoted to researching class certification issues, monitoring case law, briefing the appeal, communicating with *amici*, and preparing for oral argument.

46. Period 2 also includes work on the first post-trial fee application in this case (ECF Nos. 325-326), which was fully briefed in 2012, and the District's related motion to hold fees

briefing in abeyance. A substantial amount of work went into the application, which included the plaintiffs' opening brief and reply, which were supported with 94 exhibits (*see* ECF No. 348, pp. 36-40 (exhibit list)), as well as briefing related to a sur-reply and a sur-sur-reply (ECF Nos. 349, 353, 354). Much of the briefing related to the issues regarding hourly rates, particularly the differences between the update of the *Laffey* Matrix using the Legal Services Index ("LSI") Component of the Consumer Price Index ("CPI") and the update of the *Laffey* Matrix by the United States Attorney's Office ("USAO") using the All-Items Regional CPI. Plaintiffs demonstrated that the LSI *Laffey* Matrix was more closely aligned with prevailing market rates than the USAO *Laffey* Matrix advocated by the District.<sup>9</sup> Similar issues are again the subject of briefing on this motion, however, as described below (paras. 87-89) a different USAO matrix is at issue. While the 2012 motion for attorneys' fees was never ruled upon, that work was put to use in this fee application. Rather than start from scratch, plaintiffs were able to build off of the existing fee application to prepare this application.

47. The largest portion of work related to Period 2 relates to litigating the merits of the case in the district court. During Period 2, the case proceeded through amendment of the complaint, class certification briefing, motion to dismiss briefing, fact discovery, expert discovery, summary judgment briefing, pre-trial motions practice, trial preparations, trial, and post-trial work. This was a second full round of litigation. The District again fought this case strenuously and, ultimately, the Court issued an injunction that was very similar to that which was issued in 2011.

48. Work during Period 2 in the district court began with activities following the 2011 decision, such as negotiating, drafting, and briefing a proposal to provide individual relief to

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<sup>9</sup> This same issue was later resolved in the plaintiffs' favor in *Salazar v. District of Columbia*, 809 F.3d 58, 64-65 (D.C. Cir. 2015), a case involving plaintiffs' lead counsel here.

members of the class, briefing and negotiation related to Defendants' Motion for Reconsideration, dated January 12, 2012 (ECF No. 307), in which the District asked that the Court modify several provisions of the injunction, and monitoring the District's performance pursuant to the injunction.

49. After remand from the court of appeals, there was contentious briefing related to plaintiffs' motion for class certification (ECF No. 358). After successfully challenging the single class in the court of appeals, the District challenged plaintiffs' four proposed subclasses in the district court. Plaintiffs also moved to reinstate this court's prior liability findings (ECF No. 358) and moved to amend the complaint (ECF No. 359). The District further moved to dismiss the case (ECF No. 365), which was briefed around the same time.

50. Discovery proceeded after the subclasses were certified. This went through several different phases. Plaintiffs initially expected discovery to be relatively straightforward, but as they dug below the District's summary statistics, they identified numerous issues that undermined their reliability and required further consideration.

51. First, plaintiffs reviewed documents, met with the District, and developed a discovery plan. At the same time, the District petitioned the court of appeals to review this Court's class certification decision (*see* para. 67 below) and also asked the district court and the court of appeals for a stay of discovery.

52. Plaintiffs met with District staff, learned more about the District's databases, negotiated issues with the District regarding access to databases, samples, confidentiality issues, and FERPA obligations, and plaintiffs conferred with their experts and further assessed the information that they needed to litigate this case.

53. Plaintiffs served three discovery requests. In response, the District produced thousands of pages of documents as well as hundreds of spreadsheets, and provided access to data and documents in the Special Education Data System (“SEDS”) database, and needed to reproduce many of its documents due to bates numbering problems. The parties were in constant written and oral communication to work through discovery issues.

54. Plaintiffs reviewed the documents to develop their case, forwarded many of them to their experts, and conferred with their experts about them. Many of the District’s documents were spreadsheets with data from the District’s databases. A substantial amount of work was done to understand those materials.

55. The District provided plaintiffs with access to information related to samples of children in their SEDS database. This required negotiation over confidentiality issues and agreement on a protective order. It also required the District to notify parents that their children’s information might be turned over to plaintiffs, which resulted in a deluge of telephone calls to us, which was substantially increased by the fact that the notice was not timely sent and many parents were worried about the release of their children’s information.

56. Plaintiffs had two paralegals review the District’s SEDS database. The information in the District’s databases raised numerous questions related to the accuracy of the District’s statistics—far more questions than plaintiffs had expected. Accordingly, plaintiffs drafted an analysis of the facts related to many of the sampled children and asked if the District would agree to a cooperative method for it to review plaintiffs’ analysis and to respond by providing documents and information to supplement or dispute it. Plaintiffs’ goal was to ensure that they had access to all documents and information related to the children that could affect the District’s statistics in order to identify and resolve, as much as possible, potential disputes



regarding these children prior to trial. The District informed plaintiffs that it would not agree to such a cooperative method to address plaintiffs' assessments of these children, but, if plaintiffs served a discovery request upon the District, it would respond as it deemed appropriate.

57. The process related to that review was the subject of much dispute and took substantial time. Plaintiffs developed that analysis (the Sample Analysis), served it on the District with a document request, received additional documents from the District regarding the descriptions in that analysis, revised their analysis (the Revised Sample Analysis), and provided the analyses to Dr. Dunst, and data related to the analyses to Dr. Cupingood, who issued reports and revised reports that relate to that information.

58. The District strongly challenged all of the materials related to those analyses. It moved to exclude the expert's reports based on, *inter alia*, the use of data from the analyses. *See* Defendants' Motion to Exclude the Expert Reports and Testimony of Carl Dunst and Leonard Cupingood, dated December 19, 2014 (ECF No. 427). Plaintiffs stripped the analysis of conclusions and moved *in limine* for the admission of the resulting Factual Summary (ECF No. 455), and the District cross-moved to exclude it (ECF No. 460). The Court admitted the summary but permitted the District to depose plaintiffs' counsel and required plaintiffs' counsel to introduce it at trial and be subject to cross-examination. Memorandum Opinion, dated October 23, 2015 (ECF No. 478). Ultimately, plaintiffs filed their proposed findings of facts and conclusions of law regarding individual children (ECF Nos. 485-486, 514-2), which was based on these materials.

59. Plaintiffs took Rule 30(b)(6) depositions on five separate dates, many of which included two witness at once, and in total included 10 witnesses.

60. Plaintiffs' experts were critical to their case. Plaintiffs' counsel therefore spent a substantial amount of time working with their experts to analyze the case, regarding their reports, preparing for their depositions, preparing their written direct testimony, and preparing them for trial. This work included, for Dr. Dunst, addressing numerous complex special education issues and, for Dr. Cupingood, complicated statistical issues. Plaintiffs also reviewed the report of the District's expert, conferred with Dr. Dunst regarding it, and deposed her.

61. Plaintiffs moved for partial summary judgment. ECF No. 416. The District moved for summary judgment (ECF No. 417) and to exclude plaintiffs' experts' reports (ECF No. 427). After those motions were fully briefed and decided, the case moved forward to trial.

62. Trial preparations were also time-consuming. In addition to standard pre-trial work, such as preparation of the pre-trial statement, there was significant motions practice. The District moved to decertify subclass 1 (ECF No. 467), to dismiss as moot plaintiffs' Rehabilitation Act claims (ECF No. 466), and for reconsideration of part of the Court's summary judgment decision (ECF No. 468). Both parties filed contested motions to supplement the written direct testimony. ECF Nos. 489, 490. The District also made ongoing productions to plaintiffs and the parties negotiated an agreement as to what data would be produced and be admissible at trial, since it would not have been possible to receive and assess data up to trial.

63. It took plaintiffs' counsel a substantial amount of time to marshal the evidence identified during discovery, which counsel did through 305 trial exhibits (ECF No. 502-1), a 67-page pre-trial proposed findings of fact and conclusions of law regarding individual children (ECF No. 486), and a 195-page post-trial proposed findings of fact and conclusions of law (ECF No. 511-1). That 195-page document was filed after trial, but plaintiffs spent substantial time working on it (and an evidence outline, which helped plaintiffs' counsel to prepare it) before

trial, and initially planned to file it before trial. Preparation of that document considerably aided plaintiffs' trial preparation.

64. The trial was only three days long. That was in large part due to the fact that the parties had filed written direct testimony, which substantially decreased the trial's length.

65. After trial, substantial work went into plaintiffs' post-trial proposed findings of facts and conclusions of law. The District also moved again to dismiss the Rehabilitation Act claims (ECF No. 510), which plaintiffs opposed.

66. Plaintiffs are also seeking fees related to some of the work following the Court's trial decision (*see* para. 5 above), including review of the Court's decision, the parties' motions to correct minor errors in the decision, and review of publicly-available documents related to the District's performance up to June 22, 2016. This application also includes time, on several occasions over the course of Period 2, related to plaintiffs' attempts to settle this case.

67. Period 2 also includes work litigating the petition that the District filed in the court of appeals seeking interlocutory review of this Court's class certification decision and the corresponding request in the court of appeals to stay discovery in the district court.

#### **SPECIFIC WORK PERFORMED DURING PERIOD 2**

68. As described above with regard to Period 1, TPM has exercised billing judgment in identifying the time for which compensation is sought. TPM is seeking compensation only for time that it would have billed to paying clients. In the exercise of billing judgment, TPM eliminated 306.661 hours of work from Period 2, totaling \$128,037.68. These hours are the No Charge Time Records attached as Plaintiffs' Exhibit 13.<sup>10</sup>

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<sup>10</sup> This No Charge time includes time for non-working travel. During Period 2, TPM began billing its clients at 50 percent of their hourly rate for time to travel to case-related matters (*e.g.*, a taxi to court), when they were not working during that travel. TPM did not segregate any non-working travel time that may have existed for such short trips during Period 1 or for part of

69. In addition, TPM has, in the exercise of billing judgment, made various other reductions.

(a) First, TPM is reducing the time spent on the appeal by 25 percent. TPM billed \$720,818.29 with regard to the appeal. *See* Pl. Ex. 11, pp. 1-7. TPM is reducing its request by 25 percent, which is \$180,204.57.

(b) Second, TPM is reducing time spent by Ehsan Tabesh for legal research and other work related to the appellees' brief for the appeal by 75 percent. Mr. Tabesh performed research and other tasks related to appellees' brief, but left TPM before he was able to draft appellees' brief. That time totals 144.902 hours, which amounts to \$49,556.48. *See* Pl. Ex. 11, pp. 2-3 (time for ET). TPM is reducing its request by 75 percent of that amount, which is \$37,167.36. In fact, Mr. Tabesh's time on that work is being reduced by more than 75 percent, since TPM is also reducing all of its appeal fees by 25 percent, as described above.

(c) Third, TPM has reduced by 25 percent the time that Benjamin Davis spent working on Plaintiffs' Opposition to Defendants' Motion to Dismiss the "Second Claim" of the Second Amended Complaint, dated October 8, 2015 (ECF No. 471). *See* para. 77(y) below (referring to time spent on Defendants' Mootness Motion). Mr. Davis' work on that opposition cost \$36,907.96. Pl. Ex. 11, p. 41 (time for BSD). TPM is reducing the application by 25 percent of that, which is \$9,226.99.

(d) Fourth, TPM has reduced by 75 percent the time that Andrew Kirtley worked on this case. Mr. Kirtley's work cost \$111,610.05. TPM is reducing its request by 75 percent of that amount, which is \$83,707.54.

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Period 2 and therefore cannot reduce that time by 50 percent. To approximate the appropriate reduction, TPM is not billing for any of its non-working travel that TPM segregated for Period 2. Otherwise said, TPM has reduced segregated non-working travel during Period 2 by 50 percent and is not requesting the 50 percent balance to account for the prior non-working travel.

(e) Fifth, TPM has reduced by 25 percent the time related to the preparation of the pre-trial version of plaintiffs' proposed findings of fact and conclusions of law. As described herein, that document was of substantial assistance with regard to the preparation for trial and for the preparation of the post-trial version of the document, but plaintiffs did not file it pre-trial. TPM billed \$204,340.13 with regard to this work. Pl. Ex. 11, p. 36. TPM is reducing the request by 25 percent of that, which is \$51,085.03.

70. These reductions total \$361,391.49. Once reduced, this yields \$5,823,226.84 in fees for TPM for Period 2. Pl. Ex. 4.

71. As with Period 1, for Period 2, we have broken down TPM's fees into categories and subcategories, each of which relate to particular work that was performed. To the extent possible, the categories and subcategories follow the order in which the activities arose during the litigation. Activities that span the breadth of Period 2, such as settlement discussions, are described at the end.

72. This breakdown is set forth in the Summary of Time by Category (Period 2), which is Plaintiffs' Exhibit 11. Plaintiffs' Exhibit 11 shows the requested hourly rate for the experience level attained by the individual (identified by initials) at the time the work was performed, the total amount of time expended in each category and subcategory by each individual, and the total amount of related fees.

73. This breakdown into categories and subcategories is also set forth in Plaintiffs' Exhibit 12, which includes the contemporaneous time records related to the Period 2 work. The time records are organized by category, subcategory, individual, and date. Within each category and subcategory, the time is divided by individual and then by date. Individuals are identified by

their initials and the initials are presented in alphabetical order. For ease of reference, each time record is assigned a line number.

74. Period 2 time is also broken down in Plaintiffs' Exhibits 11 and 12 by "client." This does not relate to a division among actual clients, but rather was a method to divide work among different stages of the litigation using TPM's timekeeping software. The applicable "client" is identified in the lower left corner of each page of the exhibits. Those "clients" are (1) Child Find Appeal, which relates to the appeal following this Court's first injunction, (2) Child Find Fees 2, which relates to the 2012 fees briefing, (3) Child Find – Post Judgment, which relates to merits work in the district court, and (4) Child Find Rule 23 Petition, which relates to the District's petition for an interlocutory appeal in the court of appeals challenging this Court's post-appeal certification of the four subclasses.

75. The time records in Plaintiffs' Exhibit 11 and 12 with regard to Child Find Appeal (the initial appeal) are organized by the categories and subcategories described below.

(a) **Notice of Appeal and Appeal Forms.** This category involves work related to the preparation of initial appeal forms, the initial scheduling order, and a subsequent notice of appearance.

(b) **Appellant's Brief.** This category involves work related to appellant's brief. The category is divided into subcategories related to review of, and research related to, the page proof version of that brief, and scheduling issues.

(c) **Appellees' Brief.** This category involves work related to the preparation of appellees' brief. The category is divided into subcategories related to preparation of the page-proof version of the brief, preparation of the final version of the brief, legal research, strategy discussions, and scheduling issues.

(d) **Amicus Brief.** This category involves work related to the amicus brief that was filed in the appeal. The category is divided into subcategories related to communications with third parties (the *amici*), review of the amicus brief, strategy discussions, and scheduling issues.

(e) **Appellant's Reply Brief.** This category involves review of and research related to appellant's reply brief.

(f) **Joint Appendix.** This category involves work related to the preparation of the joint appendix.

(g) **Oral Argument.** This category involves work related to preparation for the oral argument and the oral argument. It is divided into subcategories related to preparation for the oral argument by the attorney arguing the case as well as other counsel and paralegals that provided assistance in the preparation for oral argument by drafting memoranda and arranging materials for review, as well as subcategories related to the moot court, the oral argument, legal research, scheduling, and time related to requesting the oral argument transcript.

(h) **Notice of Recent Decision.** This category involves work related to submissions to the court of appeals describing post-briefing decisions in other cases. The time is broken down by subcategories related to appellants' letters regarding recent decisions, appellees' response letters, and post-briefing legal research.

(i) **Court's Decision.** This category involves review of the court of appeals' decision.

(j) **Petition for Rehearing.** This category involves work assessing a potential petition for rehearing.

(k) **Communications with Client.** This category involves communications with the lead plaintiffs regarding the appeal, arguments, the oral argument, and the court of appeals' decision.

(l) **Case Administration.** This category includes one subcategory (ECF Management), which is for paralegal work managing ECF filings in TPM's document management system.

76. The time records in Plaintiffs' Exhibits 11 and 12 with regard to Child Find Fees 2 (the 2012 fees briefing) are organized by the categories and subcategories described below.

(a) **Plaintiffs' Initial Fee Application.** This category involves work related to the preparation of plaintiffs' fee application. The work is divided into the following subcategories.

(i) **Plaintiffs' Initial Brief.** This subcategory involves work researching and preparing the Memorandum in Support of Plaintiffs' Motion for an Award of Litigation Costs, Including Attorneys' Fees and Related Expenses, dated April 30, 2012 (ECF No. 325).

(ii) **Supporting Affidavits & Exhibits – Initial Brief.** This subcategory involves work reviewing fees and expenses and preparing affidavits and other exhibits to support the application, including with regard to the time worked and the rates requested. This work took a substantial amount of time because it involved the review and description of approximately six years of work on this case and the marshalling of affidavits and other evidence regarding market rates for complex federal litigation. Plaintiffs supported their opening brief with 78 exhibits.

(iii) **PI Motion for Extension of Time.** This subcategory involves work on two consent motions for extensions of time: one filed November 29, 2011, to set the initial schedule beyond the 14 days provided under the federal rules (ECF No. 302), and one filed



February 24, 2012, for an extension due in part to other post-trial activities in which the parties had engaged (ECF No. 315).

(iv) **Defendants' Opposition Brief.** This subcategory involves review of Defendants' Opposition to Plaintiffs' Motion for an Award of Litigation Costs, Including Attorneys' Fees and Related Expenses, dated September 4, 2012 (ECF No. 343).

(v) **Motion for Extension of Time.** This subcategory involves work on the Consent Motion to Set Schedule for Briefing of Plaintiffs' Application for Attorneys' Fees, dated July 25, 2012 (ECF No. 339), which, *inter alia*, requested an extension of time for the District to file its opposition, and plaintiffs to file their reply.

(vi) **Plaintiffs' Reply Brief.** This subcategory involves work on plaintiffs' 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). The District's arguments related to numerous discrete issues, which required a substantial amount of time for response.

(vii) **Supporting Affidavits & Exhibits – Reply Brief.** This subcategory involves work preparing affidavits and other exhibits to support the reply brief.

(viii) **Plaintiffs' Motion to Exceed the Page Limit.** This subcategory involves work preparing plaintiffs' Unopposed Motion for Leave to File a Reply Memorandum Exceeding the Court's Page Limitation, dated October 1, 2012 (ECF No. 344).

(ix) **Defendants' Sur-Reply Brief.** This subcategory involves work reviewing and opposing Defendants' Motion for Leave to File a Sur-Reply, dated October 26, 2012 (ECF No. 349), and the District's corresponding sur-reply, and in preparing Plaintiffs' Opposition to Defendants' Motion for Leave to File a Sur-Reply and Cross-Motion for Leave to

File a Sur-Sur-Reply in the Event that Defendants Are Permitted a Sur-Reply, dated November 13, 2012 (ECF Nos. 353, 354).

(x) **Plaintiffs' Sur-Sur-Reply Brief.** This subcategory involves preparing Plaintiffs' Sur-Sur-Reply in Support of Their Motion for an Award of Litigation Costs, Including Attorneys' Fees and Related Expenses, dated November 13, 2012 (ECF No. 353-1).

(xi) **Plaintiffs' Motion for Oral Argument.** This subcategory involves work related to Plaintiffs' Motion for Oral Argument Regarding Plaintiffs' Motion for an Award of Litigation Costs, Including Attorneys' Fees and Related Expenses, dated October 26, 2012 (ECF No. 351).

(b) **Defendants' Motion to Hold Briefing in Abeyance.** This category involves Defendants' 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, dated May 11, 2012 (ECF No. 330). The category is divided into subcategories related to the District's initial brief, plaintiffs' opposition brief, the District's reply brief, and plaintiffs' sur-reply brief (which relates to Plaintiffs' Consent Motion for Leave to File a Sur-Reply Brief, dated June 6, 2012 (ECF No. 335), and the corresponding sur-reply brief (ECF No. 335-1)).

77. The time records in Plaintiffs' Exhibits 11 and 12 with regard to Child Find – Post Judgment (merits work in the district court) are organized by the categories and subcategories described below.

(a) **Post-Decision Activities.** This category involves work assessing the Court's 2011 injunction and related legal research, which took place after Period 1.

(b) **Individual Relief.** This category involves work related to individual relief after the Court issued its November 16, 2011, Order (ECF No. 295), which stated (para. 30) that “the

parties shall meet and confer, and propose a procedure for addressing class members' claims for individual relief." Pursuant to that order, the parties engaged in extensive negotiations and drafted documents regarding the individual relief procedure. *See, e.g.*, Proposed Decree for Individual Relief, dated January 31, 2012 (ECF No. 310); Plaintiffs' Memorandum of Points and Authorities in Support of the Disputed Provisions of the Proposed Decree Proposed by Plaintiffs and in Opposition to the Disputed Provisions Proposed by Defendants, dated February 10, 2012 (ECF No. 313). This category is subdivided into work related to plaintiffs' individual relief proposal, plaintiffs' individual notice proposal, defendants' proposal, negotiation with defendants, a motion for extension of time, the proposed consent decree identified above, and plaintiffs' memorandum in support of the proposed decree identified above.

(c) **Defendants' Motion for Reconsideration.** This category involves work on Defendants' Motion for Reconsideration, dated January 12, 2012 (ECF No. 307), in which the District asked that the Court modify several provisions of the injunction. This category is divided into the following subcategories.

(i) **Defendants' Initial Brief.** This subcategory involves work reviewing the District's motion.

(ii) **Plaintiffs' Motion for Extension of Time.** This subcategory involves work on Plaintiffs' Consent Motion to Extend Time to File Plaintiffs' Opposition to Defendants' Motion for Reconsideration, dated January 30, 2012 (ECF No. 308).

(iii) **Plaintiffs' Opposition Brief.** This subcategory involves work on Plaintiffs' Opposition to Defendants' Motion for Reconsideration, dated February 17, 2012 (ECF No. 314), which required, *inter alia*, conferring with plaintiffs' special education expert.

(iv) **Negotiations with Defendants.** This subcategory involves work negotiating the District's proposed modifications to the injunction.

(v) **Defendants' Reply Brief.** This subcategory involves work reviewing the Reply in Further Support of Defendants' Motion for Reconsideration, dated March 14, 2012 (ECF No. 317).

(vi) **Praecipe.** This subcategory involves work on plaintiffs' Praecipe, dated March 16, 2012 (ECF No. 318), regarding further discussions with the District regarding its request to modify the injunction.

(vii) **Plaintiffs' Sur-Reply Brief.** This subcategory involves work on Plaintiffs' Motion for Leave to File a Sur-Reply Brief to Defendants' Reply in Further Support of Motion for Reconsideration, dated April 19, 2012 (ECF No. 321), and the corresponding sur-reply (ECF No. 321-1), to inform the Court of the issues that the parties had resolved and to address the remaining issue.

(viii) **Court's Decision.** This subcategory involves the work reviewing the Memorandum & Order, dated April 25, 2012 (ECF No. 322).

(d) **Post-Judgment Monitoring.** This category involves work monitoring the judgment and is divided into the following subcategories.

(i) **General.** This subcategory involves initial review of monitoring documents by Todd Gluckman around the time that he initially appeared on this case and related discussion.

(ii) **First Programmatic Report.** This subcategory involves work reviewing Defendants' June 1, 2012, Report on Programmatic Requirements (ECF No. 333-1), conferring

with plaintiffs' special education expert, correspondence with the District requesting additional information, and review of the additional material produced and follow up with the District.

(iii) **First Numeric and Programmatic Report.** This subcategory involves work reviewing Defendants' December 1, 2012, Report on Numerical and Programmatic Requirements (ECF No. 356-1), conferring with plaintiffs' special education expert, correspondence with the District requesting additional information, review of the additional material produced, and additional correspondence with the District.

(iv) **Second Programmatic Report.** This subcategory involves work related to the District's potential motion regarding the filing of its next programmatic report.

(v) **Fact Research.** This subcategory involves work researching information that relates to the District's compliance with the injunction.

(vi) **Document/Database Management.** This subcategory involves paralegal work organizing monitoring documents.

(e) **Plaintiffs' Motions for Certification, Reinstatement of Findings of Liability and Order Granting Relief, and Amendment of the Complaint.** This category involves work on Plaintiffs' Motion for Class Certification and Reinstatement of Findings of Liability and Order Granting Relief, dated June 4, 2013 (ECF No. 358), and Plaintiffs Motion to Amend the First Amended Complaint, dated June 4, 2013 (ECF No. 359), which were originally prepared together but were ultimately filed as two separate but related motions. A substantial amount of work went into these motions, given the importance of class certification to the outcome of this case. This category is divided into the following subcategories.

(i) **Plaintiffs' Initial Brief.** This subcategory involves work researching and drafting plaintiffs' initial briefs.

(ii) **Defendants' Opposition Brief.** This subcategory relates to Defendants' Opposition to Plaintiffs' Motion for Class Certification and Reinstatement of Findings of Liability and Order Granting Relief, dated July 15, 2013 (ECF No. 370), and Defendants' Opposition to Plaintiffs' Motion for Leave to Amend Their First Amended Complaint, dated July 15, 2013 (ECF No. 371). Additional time related to these opposition briefs is incorporated in the work described below (para. 77(f) & (g)) with regard to the respective motions.

(iii) **Plaintiffs' Motion for Extension of Time/Pages.** This subcategory involves work on Plaintiffs' Partial Consent Motion to Extend the Time to File Plaintiffs' Reply Briefs in Support of Their Motion for Certification and Motion to Amend the Complaint and to Exceed the Page Limitation for their Reply Brief in Support of Their Motion for Certification, dated July 26, 2013 (ECF No. 372).

(iv) **Plaintiffs' Reply Brief.** This subcategory relates to the reply briefs in support of the two motions. Most of the time related to the preparation of the reply briefs is organized below with regard to the respective motions.

(v) **Legal Research.** This subcategory involves legal research related to the motions beyond that incorporated in time entries related to the individual briefs.

(f) **Plaintiffs' Motion for Certification and Reinstatement.** This category involves additional briefing regarding Plaintiffs' Motion for Class Certification and Reinstatement of Findings of Liability and Order Granting Relief, dated June 4, 2013 (ECF No. 358). This category is divided into the following subcategories.

(i) **Defendants' Opposition Brief.** This subcategory involves work reviewing Defendants' Opposition to Plaintiffs' Motion for Class Certification and

Reinstatement of Findings of Liability and Order Granting Relief, dated July 15, 2013 (ECF No. 370).

(ii) **Plaintiffs' Reply Brief.** This subcategory involves work preparing Plaintiffs' Reply in Support of Motion for Class Certification and Reinstatement of Findings of Liability and Order Granting Relief, dated August 14, 2013 (ECF No. 379).

(iii) **Defendants' Sur-Reply Brief.** This subcategory involves work reviewing and opposing Defendants' Motion for Leave to File a Sur-Reply, dated August 27, 2013 (ECF No. 383), and Defendants' Sur-Reply Regarding Plaintiffs' Motion for Class Certification and Reinstatement of Findings of Liability and Order Granting Relief, dated August 27, 2013 (ECF No. 383-1).

(iv) **Notice of Recent Decision.** This subcategory involves work related to supplemental materials, including reviewing and responding to the District's two documents, both entitled Notice of Supplemental Authority Regarding Plaintiffs' Motion for Class Certification, dated August 14, 2013 (ECF Nos. 377, 378), preparing Plaintiffs' Notice of Supplemental Authority Regarding Plaintiffs' Motion for Class Certification, dated September 10, 2013 (ECF No. 385), reviewing the District's response and replying in support of plaintiffs' notice, and work related to potential additional notices.

(v) **Court's Decision.** This subcategory involves the review of this Court's Memorandum Opinion, dated November 8, 2013 (ECF No. 389), and the corresponding order (ECF No. 388), and consideration of future actions.

(vi) **Communications with Client.** This subcategory involves communications with the lead plaintiffs regarding the Court's decision.

(g) **Plaintiffs' Motion to Amend the Complaint.** This category involves additional briefing regarding Plaintiffs Motion to Amend the First Amended Complaint, dated June 4, 2013 (ECF No. 359). It is divided into the following subcategories.

(i) **Defendants' Opposition Brief.** This subcategory involves work reviewing Defendants' Opposition to Plaintiffs' Motion for Leave to Amend Their First Amended Complaint, dated July 15, 2013 (ECF No. 371).

(ii) **Plaintiffs' Reply Brief.** This subcategory involves work on Plaintiff's Reply in Support of Plaintiff's Motion to Amend the First Amended Complaint, dated August 14, 2013 (ECF No. 380).

(h) **Defendants' Motion for a Status Conference.** This category involves work associated with Defendants' Emergency Motion for a Status Conference, dated June 4, 2013 (ECF No. 360). The category is divided into subcategories related to plaintiffs' opposition brief, the District's reply, and the Court's decision.

(i) **Defendants' Motion to Dismiss.** This category involves work opposing Defendants' Motion to Dismiss, dated June 10, 2013 (ECF No. 365). This category is divided into the following subcategories.

(i) **Defendants' Initial Brief.** This subcategory involves work reviewing the District's motion.

(ii) **Plaintiffs' Opposition Brief.** This subcategory involves work on Plaintiffs' Memorandum of Points and Authorities in Opposition to Defendants' Motion to Dismiss, dated July 3, 2013 (ECF No. 369).



(iii) **Defendants' Reply Brief.** This subcategory involves work reviewing Defendants' Reply in Further Support of Defendants' Motion to Dismiss, dated July 26, 2013 (ECF No. 373).

(iv) **Plaintiffs' Sur-Reply Brief.** This subcategory involves work on Plaintiffs' Motion for Leave to File a Sur-Reply Brief to Defendants' Reply in Further Support of Defendants' Motion to Dismiss, dated August 13, 2013 (ECF No. 376), and corresponding sur-reply brief (ECF No. 376-2), and work related to the District's opposition (ECF No. 381).

(j) **Answer.** This category involves time related to the District's request for an extension of time to answer the amended complaint (ECF No. 391), and reviewing Defendants' Answer to the Second Amended Complaint, dated December 20, 2013 (ECF No. 402).

(k) **Plaintiffs' Discovery.** This category involves plaintiffs' discovery and is divided into the following subcategories.

(i) **Discovery Plan.** This subcategory involves the initial work related to plaintiffs' discovery, including plaintiffs' review of documents and initial assessment of needed discovery, meeting and conferring with the District, preparing the Parties' Joint Report, dated December 9, 2013 (ECF No. 395), regarding the discovery schedule, preparing for and attending the status conference with the Court on December 18, 2013, at which time discovery issues were addressed, and briefing and notices related to Defendants' Motion for Stay, dated November 22, 2013 (ECF No. 394), in which the District asked that discovery be stayed pending its request for an interlocutory appeal.

(ii) **Analysis of Potential Discovery.** This subcategory involves the next phase of work related to plaintiffs' discovery, including meeting with the District's attorneys and staff about its program and databases, meeting with the District regarding potential access to its

databases, telephone calls and e-mails regarding discovery issues, review of documents and assessment of data and other evidence that was needed, consideration of confidentiality issues including the negotiation of a protective order, assessment of potential sampling, conferring with plaintiffs' experts, consideration of FOIA requests and the interview of witnesses, and the initial drafting of deposition outlines.

(iii) **Plaintiffs' First Wave of Discovery.** This subcategory involves the preparation of Plaintiffs' First Post-Trial Set of Requests for Production of Documents and Set of Interrogatories, dated December 24, 2013, and communications with plaintiffs' experts and others related thereto.

(iv) **Plaintiffs' Second Document Requests.** This subcategory involves the preparation of Plaintiffs' Second Post-Trial Set of Requests for Production, dated February 6, 2014, and communications with plaintiffs' expert and others related thereto.

(v) **Defendants' Response to Plaintiffs' Discovery Requests.** This subcategory includes the review and analysis (by counsel or paralegals) of documents and data produced by the District, providing documents and data to plaintiffs' experts and conferring with them, continuation of discovery tasks with the District that relate to the production of information including negotiation of the protective order, negotiation of samples, numerous telephone calls and e-mails with the District to address discovery issues, discussion with the District regarding electronic searches for e-mails, preparation for the review of the SEDS database system, and management of the District's productions.

(vi) **FERPA Notice.** The District sent a letter to parents of children whose information would potentially be provided to plaintiffs' counsel as part of this action. That letter advised parents to contact class counsel with questions about this lawsuit, and to contact a

District representative by a particular date to prevent information from being disclosed to class counsel. The letter was not timely sent, which caused many parents to believe that their information had been wrongly disseminated to class counsel, and caused the District to send a follow-up postcard to parents. Plaintiffs' counsel were inundated with telephone calls and e-mails as a result of these communications. This subcategory relates to fielding those communications and responding to every parent (in English or Spanish, as appropriate), who contacted plaintiffs' counsel.

(vii) **SEDS Review.** The District provided plaintiffs' counsel with access to its SEDS database for samples of children. Paralegals reviewed the SEDS data for those children to determine whether the information matched information in the District's spreadsheets and statistics that had been provided to plaintiffs and whether the data demonstrated other relevant issues. This subcategory involves work related to training on SEDS and this review.<sup>11</sup>

(viii) **Plaintiffs' Third Document Requests.** This subcategory involves the preparation of Plaintiffs' Third Post-Trial Set of Requests for Production, dated July 11, 2014, which asked the District for all documents that contradict, modify, supplement, or further explain the issues in plaintiffs' Sample Analysis (*see* para. 77(n) below).

(ix) **Defendants' Response to Plaintiffs' Third Document Request.** This subcategory involves the review of the District's production in response to Plaintiffs' Third Post-Trial Set of Requests for Production.

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<sup>11</sup> Plaintiffs' counsel retained a temporary paralegal to assist with this task. Plaintiffs do not have billing records for that temporary paralegal and are therefore not billing for that temporary paralegal's time.

(x) **Rule 30(b)(6) Depositions.** This subcategory involves the time preparing for, noticing, taking, and reviewing the transcripts for Rule 30(b)(6) depositions that took place on five dates and involved 10 witnesses.

(xi) **Continuing Discovery.** This subcategory involves review of the District's supplemental productions and related discovery work, including communications with the District regarding discovery issues, which took place after the parties moved for summary judgment.

(xii) **Continuing Discovery/Data Agreement.** This subcategory involves negotiations with the District regarding the parties' agreement as to continued productions and reliance on data at trial. As part of the negotiation of that agreement, the parties negotiated terms related to the scope of their experts' testimony regarding the Rehabilitation Act. A small amount of work in this subcategory relates to that topic.

(xiii) **Fact Research.** This subcategory involves fact research, such as reviewing publicly available reports.

(xiv) **Legal Research.** This subcategory involves legal research related to plaintiffs' discovery.

(xv) **Scheduling.** This subcategory involves scheduling work related to Plaintiffs' Consent Motion to Modify the Scheduling Order, dated April 2, 2014 (ECF No. 408), Plaintiffs' Motion for a Limited Extension of the Fact Discovery Deadline, dated July 15, 2014 (ECF No. 410), and the parties' Joint Motion to Modify the Scheduling Order, dated July 23, 2014 (ECF No. 412).

(l) **Defendants' Discovery.** This category involves the District's discovery and is divided into the following subcategories.

(i) **Plaintiffs' Response to Defendants' First Discovery Request.** This subcategory involves review of Defendants' Discovery Requests, dated February 28, 2014, preparation of plaintiffs' response, preparation of numerous supplemental productions, and communications with the District.

(ii) **Deposition of Counsel.** This subcategory involves plaintiffs' counsel, Lauren Seffel, preparing for the District's deposition of her regarding a Rule 1006 summary and being deposed, plaintiffs' other counsel preparing for and defending that deposition, and communications with the District.

(iii) **Defendants' Motion to Compel.** This subcategory involves review of and preparation to oppose Defendants' Motion to Compel Foundational Evidence or to Exclude Plaintiffs' Factual Summary, dated November 9, 2015 (ECF No. 497).

(m) **Experts.** This category is divided into the following subcategories.

(i) **Expert Discovery Requests.** This subcategory involves preparation of Plaintiffs' First Post-Trial Expert Discovery Request, dated August 15, 2014, and review of the documents produced in response.

(ii) **Plaintiffs' Expert Reports.** This subcategory relates to the preparation of the Expert Report of Dr. Carl J. Dunst, dated July 25, 2014, the Supplement to Expert Report of Dr. Carl J. Dunst, dated September 17, 2014, the Report of Dr. Leonard A. Cupingood, dated July 25, 2014, and the Amended Report of Dr. Leonard A. Cupingood, dated September 16, 2014. Dr. Dunst's supplement and Dr. Cupingood's amended report addressed the revisions in the Revised Sample Analysis, which is described in paragraph 77(n) below.

(iii) **Plaintiffs' Supplemental Expert Reports.** This subcategory involves the preparation of the Supplemental Report of Dr. Leonard A. Cupingood, dated October 17, 2014, which revised his analysis.

(iv) **Defendants' Expert Reports.** This subcategory involves the review of the Expert Report of Dr. Maxine Freund, dated August 29, 2014.

(v) **Depositions of Plaintiffs' Experts.** This subcategory involves assessing issues that could arise at the depositions of plaintiffs' experts, Dr. Dunst and Dr. Cupingood, preparing them for their depositions, and related tasks.

(vi) **Deposition of Defendants' Expert.** This subcategory involves preparing for and deposing the District's special education expert, Dr. Maxine Freund.

(vii) **Depositions.** This subcategory involves work related to the depositions of both plaintiffs and the District's experts, which is not incorporated in the subcategories above.

(viii) **Payment of Expert Deposition Expenses.** This subcategory involves negotiations with the District regarding payment for the experts' time and expenses associated with the expert depositions, and the preparation of Plaintiffs' Consent Motion for an Order Requiring Payment of Expert Fees and Expenses, dated April 15, 2015 (ECF No. 443).

(ix) **Legal Research.** This subcategory involves research regarding the experts.

(n) **Plaintiffs' Submission re: Sample Analysis.** This category involves the preparation of Plaintiffs' Sample Analysis, which is a summary of facts and conclusions regarding individual children that plaintiffs' counsel prepared based on the District's data to which plaintiffs were provided access, and Plaintiffs' Revised Sample Analysis, which incorporated information from the District's production in response to Plaintiffs' Third Post-

Trial Set of Requests for Production, described above (para. 77(k)(viii)). These analyses were useful to ensure that the District had produced all documents related to the children described therein, to help plaintiffs' experts assess the District's program, and to help plaintiffs assess the District's program and support plaintiffs' claims. This category is divided into subcategories involving the Sample Analysis and the Revised Sample Analysis.

(o) **Plaintiffs' Summary Judgment Motion.** This category involves the work associated with Plaintiffs' Motion for Partial Summary Judgment as to Defendants' Liability through 2007 and for Judgment as to Defendants' Liability for the Period from January 1, 2008, through April 6, 2011, dated October 24, 2014 (ECF No. 416). The category is divided into subcategories related to the initial motion, the District's opposition, plaintiffs' reply, and legal research.

(p) **Defendants' Motion for Summary Judgment.** This category involves the work associated with Defendants' Motion for Summary Judgment, dated October 24, 2014 (ECF No. 417). This category is subdivided into the following subcategories.

(i) **Defendants' Initial Brief.** This subcategory involves work reviewing the District's initial brief.

(ii) **Plaintiffs' Opposition Brief.** This subcategory involves work preparing Plaintiffs' Opposition to Defendants' Motion for Summary Judgment, dated November 21, 2014 (ECF No. 422), the corresponding Plaintiffs' Statement of Genuine Issues as to Material Facts in Dispute in Opposition to Defendants' Motion for Summary Judgment, dated November 21, 2014 (ECF No. 422), and the corresponding 61 exhibits.

(iii) **Defendants' Reply Brief.** This subcategory involves time reviewing the District's Reply in Further Support of Defendants' Motion for Summary Judgment, dated December 19, 2014 (ECF No. 428).

(iv) **Plaintiffs' Sur-Reply Brief.** This subcategory involves work preparing Plaintiffs' Motion for Leave to File a Sur-Reply in Response to Defendants' Reply in Further Support of Their Motion for Summary Judgment, dated January 21, 2015 (ECF No. 436), and the corresponding Plaintiffs' Sur-Reply in Response to Defendants' Reply in Further Support of Their Motion for Summary Judgment, dated January 21, 2015 (ECF No. 436-2), in reviewing defendants' opposition (ECF No. 440), and in preparing plaintiffs' reply (ECF No. 441).

(q) **Defendants' Motion to Exclude.** This category involves Defendants' Motion to Exclude the Expert Reports and Testimony of Carl Dunst and Leonard Cupingood, dated December 19, 2014 (ECF No. 427). The category is divided into the following subcategories.

(i) **Defendants' Initial Brief.** This subcategory involves work reviewing the District's initial brief.

(ii) **Plaintiffs' Motion for Extension of Time.** This subcategory involves Plaintiffs' Consent Motion to Modify the Briefing Schedule Related to Defendants' Motion to Exclude the Expert Reports and Testimony of Carl Dunst and Leonard Cupingood, dated December 23, 2014 (ECF No. 429).

(iii) **Plaintiffs' Opposition Brief.** This subcategory involves work preparing Plaintiffs' Opposition to Defendants' Motion to Exclude the Expert Reports and Testimony of Carl Dunst and Leonard Cupingood, dated January 15, 2015 (ECF No. 431).



(iv) **Defendants' Reply Brief.** This subcategory involves time reviewing the District's Reply in Further Support of Defendants' Motion to Exclude the Expert Reports and Testimony of Carl Dunst and Leonard Cupingood, dated February 6, 2015 (ECF No. 439).

(r) **Motion for a Status Conference.** This category involves the parties' Joint Motion to Schedule a Status Conference, dated April 3, 2015 (ECF No. 442).

(s) **Court's Decision.** This category involves the review of the Memorandum Opinion, dated June 10, 2015 (ECF No. 444).

(t) **Defendants' Scheduling Motion.** This category involves work related to Defendants' Motion to Continue June 30, 2015 Status Conference, dated June 11, 2015 (ECF No. 448).

(u) **Pretrial Preparation.** This category involves preparation for trial. It is divided into the following subcategories.

(i) **Status Report.** This subcategory involves preparation of the Parties' Joint Status Report, dated June 25, 2015 (ECF No. 452), identifying the issues related to trial to be discussed at the subsequent status conference. This required plaintiffs to consider numerous trial issues and confer with the District regarding them.

(ii) **Status Conference.** This subcategory involves preparation for and attending the status conference held on July 7, 2015.

(iii) **Evidence Outline.** This subcategory involves review of evidence including deposition transcripts and the preparation of an extensive outline that described plaintiffs' claims, the arguments that had to be made to support plaintiffs' claims, the evidence plaintiffs had to support those arguments, and citations to that evidence.

(iv) **Plaintiffs' Experts.** This subcategory involves preparation of the Direct Testimony of Dr. Carl J. Dunst, dated October 15, 2015 (ECF No. 475-1), the Direct Testimony of Dr. Leonard A. Cupingood, dated October 22, 2015 (ECF No. 475-2), corresponding communications with those experts, assessing issues that may arise on cross-examination to prepare those experts for trial, and preparation of those experts for trial.

(v) **Plaintiffs' Fact Witness.** This subcategory involves the Direct Testimony of Lauren E. Seffel, dated October 29, 2015 (ECF No. 487-1), and review of documents and other preparation for her cross-examination.

(vi) **Defendants' Witnesses.** This subcategory involves review of the written direct testimonies of the District's 13 fact witnesses and their expert, and preparation to cross-examine those witnesses.

(vii) **Plaintiffs' Trial Exhibits and Exhibit List.** This subcategory involves reviewing documents to assemble exhibits, organizing them, managing them to avoid disclosing or losing electronic markup, finding the correct copies (the District re-produced most of their productions with corrected bates numbers), excerpting them to avoid inundating the Court with unnecessary pages, efforts to avoid marking unnecessary exhibits, identifying and preparing rebuttal exhibits, work related to deposition designations and counter-designations, marking the exhibits with exhibit numbers and confidential and excerpt stamps, reviewing the final exhibits, addressing the District's objections, and preparing exhibits for the pre-trial conference. A substantial amount of work was necessary to prepare and organize plaintiffs' 305 trial exhibits. *See* Plaintiffs' Trial Exhibit List and Defendants' Objections Thereto (ECF No. 502-1). This work was divided between attorneys and paralegals based on the relevant task.

(viii) **Defendants' Exhibits.** This subcategory involves the review of the District's exhibits and the preparation of objections.

(ix) **Pre-Trial Statement.** This subcategory involves preparation of the Parties' Joint Pretrial Statement, dated October 26, 2015 (ECF No. 484). This required consideration of pre-trial issues, discussions with the District, agreeing on a timeline for preparation of the document, preparing the document including objections to the District's portions, and preparing a list of deposition designations and responding to objections to designations.

(x) **Pre-Trial Conference.** This subcategory involves preparation for and attending the pre-trial conference held on October 29, 2015.

(xi) **Plaintiffs' Findings and Conclusions.** This subcategory involves the review of plaintiffs' evidence outline described above (para. 77(u)(iii)), and extensive evidence, in order to prepare a pre-trial version of plaintiffs' proposed findings of fact and conclusions of law. Although plaintiffs decided not to file this document pre-trial, it was of great assistance in preparing plaintiffs' case for trial and in preparing the post-trial version of the document. The substantial amount of work that went into this document ultimately resulted in Plaintiffs' Post-Trial Proposed Findings of Fact and Conclusions of Law (ECF No. 511-1), which was 195 pages long.

(xii) **Plaintiffs' Findings and Conclusions Re Individual Children.** This subcategory involves the preparation of Plaintiffs' Pre-Trial Proposed Findings of Fact and Conclusions of Law Regarding Individual Children, dated October 29, 2015 (ECF Nos. 485, 486). This document addresses facts and conclusions specific to individual sampled children that are the subject of the Factual Summary described above (para. 58).

(xiii) **Pre-Trial Analysis.** This subcategory involves consideration, conferring, and drafting related to pre-trial tasks and trial strategy, including evidence issues, fact issues, legal issues, organization and preparation of exhibits, and preparation of a trial agenda.

(xiv) **Organization of Trial Materials.** This subcategory involves the organization of materials for trial, including materials specific to witnesses and page proofing of exhibits binders.

(xv) **Opening Oral Argument.** This subcategory involves preparation for plaintiffs' opening statement.

(xvi) **Class Certification.** This subcategory involves consideration of class certification issues prior to trial, apart from the parties' briefing and legal research regarding certification and decertification addressed elsewhere.

(xvii) **Communication with Client.** This subcategory involves communications with the lead plaintiffs.

(xviii) **Fact Research.** This subcategory involves the review and organization of materials related to fact issues in preparation for trial.

(xix) **Legal Research.** This subcategory involves legal research in preparation for trial.

(xx) **Scheduling.** This subcategory involves negotiation of a pre-trial schedule with the District, the corresponding preparation of Parties' Joint Proposed Pre-Trial Schedule, dated July 20, 2015 (ECF No. 454), and other scheduling communications with the District.

(xxi) **Document/Database Management.** This subcategory involves document management by paralegals not dealt with above.

(v) **Plaintiffs' Motion in Limine.** This category involves work associated with Plaintiffs' Motion *in Limine* Regarding Plaintiffs' Factual Summary, dated July 29, 2015 (ECF No. 455). The category is divided into subcategories related to plaintiffs' initial brief (which includes work on supporting documents such as Plaintiffs' Factual Summary), the District's opposition, plaintiffs' reply, and review of the Court's Memorandum Opinion, dated October 23, 2015 (ECF No. 478).

(w) **Defendants' Motion in Limine.** As part of their opposition to plaintiffs' motion *in limine* described above, defendants cross-moved to exclude plaintiffs' Factual Summary. *See* Defendants' Opposition to Plaintiffs' Motion *In Limine* Regarding Plaintiffs' Factual Summary and Cross Motion *In Limine* to Exclude Plaintiffs' Factual Summary, dated August 24, 2015 (ECF No. 460). This category involves work reviewing Defendants' Reply in Support of Cross Motion *in Limine* to Exclude Plaintiffs' Factual Summary, dated September 14, 2015 (ECF No. 465).

(x) **Defendants' Motion to Decertify the Class.** This category involves work associated with Defendants' Motion to Decertify Subclass 1, dated September 21, 2015 (ECF No. 467). The category is divided into subcategories related to the District's initial brief, plaintiffs' opposition, the District's reply, and review of the Court's Memorandum Opinion, dated October 23, 2015 (ECF No. 482).

(y) **Defendants' Mootness Motion.** This category involves work associated with Defendants' Motion to Dismiss the "Second Claim" of the Second Amended Complaint, dated September 21, 2015 (ECF No. 466). The category is divided into subcategories related to the District's initial brief, plaintiffs' opposition, and the District's reply.

(z) **Defendants' Motion for Reconsideration.** This category involves work on Defendants' Motion for Reconsideration, dated September 21, 2015 (ECF No. 468), in which the District asked that the Court reconsider its finding regarding when services must commence upon transition from Part C to Part B services. The category is divided into subcategories related to the District's initial brief, plaintiffs' opposition, and the District's reply.

(aa) **Plaintiffs' Motion for Clarification.** This category involves work associated with Plaintiffs' Consent Motion to Clarify the Record, dated November 2, 2015 (ECF No. 488).

(bb) **Plaintiffs' Motion to Supplement the Record.** This category involves work associated with Plaintiffs' Motion to Submit Supplemental Written Direct Testimony, dated November 2, 2015 (ECF No. 489). The category is divided into subcategories related to plaintiffs' initial brief and plaintiffs' reply.

(cc) **Defendants' Motion to Supplement.** This category involves work associated with Defendants' Motion for Leave to Supplement Written Direct Examination of Sean Compagnucci, dated November 3, 2015 (ECF No. 490). The category is divided into subcategories related to plaintiffs' opposition, the District's reply, and the Court's decision.

(dd) **Trial.** This category involves the trial and preparations over the trial period, including preparation for closing arguments.

(ee) **Defendants' Second Mootness Motion.** This category involves the work associated with Defendants' Motion to Dismiss the "Second Claim" of the Second Amended Complaint, dated February 5, 2016 (ECF No. 510). The Court had "DENIED without prejudice to further consideration post-trial" the District's previous motion of the same name. Order, dated October 23, 2015 (ECF No. 483). The category is divided into subcategories related to the District's initial brief, plaintiffs' opposition, the District's reply, and the Court's decision.

(ff) **Post-Trial Activities**

(i) **Exhibits.** This subcategory involves work related to exhibits after trial, including Plaintiffs' Notice Regarding Plaintiffs' Exhibit List, dated November 24, 2015 (ECF No. 502).

(ii) **Plaintiffs' Findings and Conclusions.** This subcategory involves the preparation of Plaintiffs' Post-Trial Proposed Findings of Fact and Conclusions of Law (ECF No. 511-1). This involved updating the version of this document that plaintiffs prepared prior to trial, including addressing issues and evidence that arose at trial, reviewing the trial transcripts and adding citations to the trial testimony, and addressing arguments that the District raised at trial or was likely to raise in Defendants' Proposed Findings of Fact and Conclusions of Law. The document ultimately was 195 pages. Given the volume of material, it took a substantial amount of time to consolidate the material and present it in a way that was accessible.

(iii) **Plaintiffs' Findings and Conclusions Regarding Individual Children.** This subcategory involves updating the pre-trial version of this document to prepare Plaintiffs' Post-Trial Proposed Findings of Fact and Conclusions of Law Regarding Individual Children, dated February 5, 2015 (ECF No. 514-2).

(iv) **Defendants' Findings and Conclusions.** This subcategory involves the review of Defendants' Proposed Findings of Fact and Conclusions of Law, dated February 5, 2016 (ECF No. 513).

(v) **Organization of Trial Materials.** This subcategory involves the organization of materials after trial.

(vi) **Miscellaneous.** This subcategory involves miscellaneous post-trial work, including post-trial discussions and review of the trial transcripts for possible redactions to

protect any confidential child-identifying information before the transcripts were made publicly available.

(gg) **2016 Post-Decision Activities.** This category involves work following the Court's Memorandum Opinion and Findings of Facts & Conclusions of Law, dated May 18, 2016 (ECF No. 520). It is divided into the following subcategories.

(i) **Court's Decision.** This subcategory involves review of the Court's decision, including assessing potential errors, cataloging requirements imposed on the District for monitoring purposes, and conferring with the District after the decision.

(ii) **Communication with Client.** This subcategory involves communications with the lead plaintiffs regarding the decision.

(hh) **Plaintiffs' Motion to Amend Order/Judgment.** This category involves assessing issues with the Court's decision, discussing them with opposing counsel, and preparing Plaintiffs' Consent Motion to Correct This Court's Decision pursuant to Rule 60(a), dated June 17, 2016 (ECF No. 530).

(ii) **Defendants' Motion to Amend Judgment.** This category involves discussion with opposing counsel and review of Defendants' Consent Motion to Correct the Court's Decision, dated June 17, 2016 (ECF No. 529).

(jj) **Monitoring Implementation of Remedy.** This category involves reviewing and organizing documents and updated data and preparing materials to track the District's performance.

(kk) **Settlement.** This category involves time related to settlement efforts. It is divided into subcategories related to work spent preparing for and participating in settlement negotiations in 2012, 2013, 2014, and preparation for possible settlement negotiations in 2016.



(ll) **Legal Research.** This category involves legal research regarding class certification and attorneys' fees, which is not accounted for above, and is divided into corresponding subcategories. Given the class certification issues that have developed throughout this case, it has been important to monitor relevant class certification law. It was also appropriate for plaintiffs to do attorneys' fees research since plaintiffs are seeking that relief.

(mm) **Notice of Appearance.** This category involves preparation of notices of appearance.

(nn) **Counsel's Motion to Withdraw.** This category relates to the Consent Motion to Withdraw Appearance of Jeffrey Gutman as Class Counsel for Plaintiffs, dated October 30, 2014 (ECF No. 419).

(oo) **Case Administration.** This category includes one subcategory (ECF Management), which is for paralegal work managing ECF filings in TPM's document management system.

78. The time records in Plaintiffs' Exhibits 11 and 12 with regard to the Child Find Rule 23 Petition (the District's attempted interlocutory appeal) are organized by the categories and subcategories set forth below.

(a) **Petition for Review.** This category involves the District's Petition for Permission to Appeal under Federal Rule of Civil Procedure 23(f), dated November 22, 2013 (ECF No. 1467728). The work is subcategorized according to the petition, plaintiffs' motion for an extension of time to answer, the answer, and defendant's reply.

(b) **Defendants' Motion to Stay.** This category involves Petitioner's Motion to Order a Stay of Discovery, dated December 24, 2013 (ECF No. 1472227), which the District filed in the court of appeals requesting a stay of discovery in this Court. The work is divided into

subcategories that involve reviewing the District's initial brief, preparing the opposition, and reviewing the District's reply.

(c) **Case Administration.** This category includes one subcategory (ECF Management), which is for paralegal work managing ECF filings in TPM's document management system.

#### **EXPENSES ACCRUED DURING PERIOD 2**

79. In this application, TPM has also requested reimbursement for the expenses that we incurred during Period 2. These are the type of expenses which we would bill to paying clients and that law firms typically charge their clients.

80. As described above (para. 15), for Period 2, TPM paid plaintiffs' experts \$137,001.26 for their work, but they are only seeking compensation for \$1,809.25 of that amount. In addition, TPM accrued other Period 2 expenses of \$67,129.64 (Pl. Ex. 14), for a total of \$68,938.89 for Period 2 expenses.

81. Plaintiffs' Exhibit 14 is a summary of the Period 2 expenses other than expert expenses. In Plaintiffs' Exhibit 14, the expenses are separated by billing "client" (*see* para. 74 above) and by the following categories:

(a) **Conference Calls.** These were the costs of conference calls.

(b) **Document Production B&W.** TPM now uses this category for printing and copying of B&W pages and the scanning and faxing of all pages, for which TPM charges 15 cents per page.

(c) **Document Production Color.** TPM now uses this category for printing and copying of color pages, for which TPM charges 25 cents per page.

(d) **Document Production External.** These were the costs for copying and binding that were not able to be done in-house.

(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:

<b>Years Out of Law School</b>	<b>Hourly Rate</b>
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, <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 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**  
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**Washington, DC 20036**  
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## 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 worse 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);
- *Jarvaise 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



## Attachment C

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Slip Listing 2015

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 Selection Criteria
 

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Slip.Transaction Dat      Earliest - 6/22/2016  
 Slip.Slip Type            Time  
 Clie.Selection            Include: DL vs District of Columbia  
 Slip.Billing Status        Billable

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Rate Info - identifies rate source and level

Slip ID	Timekeeper	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Client	Est. Time	Bill Status	
Description	Reference	Variance		
216921	CBM	1.00	795.00	795.00
7/12/2012	Investigation -	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Meeting with Ehsan and Jane regarding schedule/amicus briefs.		0.00		
218164	CBM	0.20	795.00	159.00
8/23/2012	Court Hearings	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review e-mails by Jane regarding AARP; compose and send e-mail to AARP regarding amicus in defense of Judge Lamberth's decision.		0.00		
218881	CBM	0.10	795.00	79.50
9/5/2012	Case Management	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Various e-mails to and from AARP.		0.00		
218909	CBM	0.10	795.00	79.50
9/7/2012	Pleadings Briefs	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review, forward and respond to e-mails to AARP regarding amicus.		0.00		
220097	CBM	1.00	795.00	795.00
9/19/2012	Pleadings Briefs	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Telephone call with co-counsel and AARP regarding Amicus briefing.		0.00		
220167	CBM	1.00	795.00	795.00
9/27/2012	Pleadings Briefs	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Read draft brief; telephone call to J. Liu.		0.00		
220933	CBM	0.90	795.00	715.50
10/1/2012	Pleadings Briefs	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Read drafts of appellate court brief; telephone call with Jane Liu; email Jane Liu.		0.00		

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Slip ID	Timekeeper	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Client	Est. Time	Bill Status	
Description	Reference	Variance		
230794	CBM	1.00	795.00	795.00
1/7/2013	Case Management	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Prepare for Court of Appeals Moot Court; review brief and lower court opinion		0.00		
230790	CBM	1.00	795.00	795.00
1/7/2013	Case Management	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review potential cases for Moot Court preparation; send same to Jane Liu		0.00		
230795	CBM	4.70	795.00	3736.50
1/8/2013	Communications	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Prepare for class counsel call and Moot Court; participate in Moot Court		0.00		
230819	CBM	0.30	795.00	238.50
1/18/2013	Communications	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Telephone call with Jane Liu; follow-up to Court of Appeals argument		0.00		
236172	CBM	0.20	795.00	159.00
4/5/2013	Communications	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review emails on correspondence to the Court of Appeals		0.00		
238361	CBM	1.50	795.00	1192.50
5/6/2013	Case Management	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Meeting with Jane Liu regarding next steps in light of court of appeals decision; class definition and other legal and settlement issues.		0.00		
241193	CBM	0.20	795.00	159.00
5/15/2013	Case Strategy	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review and respond to email from co-counsel regarding class definition for new motion		0.00		
239183	CBM	0.70	795.00	556.50
5/21/2013	Settlement	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Various telephone calls; e-mails with Jane Liu; discussion with Craig Briskin regarding Todd Kim; call Todd Kim to suggest settlement dialogue.		0.00		

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Slip ID	Timekeeper	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Client	Est. Time	Bill Status	
Description	Reference	Variance		
241232	CBM	0.40	795.00	318.00
5/28/2013	Case Management	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review new 9th Circuit opinion; forward same to Jane Liu		0.00		
241247	CBM	1.25	795.00	993.75
5/30/2013	Pleadings Briefs	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review and analyze draft class certification paper		0.00		
241253	CBM	1.50	795.00	1192.50
5/31/2013	Case Management	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Discuss class certification motion, class definition and other issues with Jane Liu		0.00		
241698	CBM	0.20	795.00	159.00
6/4/2013	Case Management	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review Notice of Appearance; discussion with Ian Hawkins		0.00		
241727	CBM	1.60	795.00	1272.00
6/11/2013	Settlement	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Telephone call with Chad-line attorney for City regarding process for settlement; telephone call; update with Jane Liu		0.00		
243210	CBM	0.50	795.00	397.50
6/27/2013	Settlement	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Telephone call with D.C. Counsel regarding settlement process; email JAMS regarding same		0.00		
246351	CBM	0.20	795.00	159.00
8/8/2013	Settlement	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Telephone call with Todd regarding outline for settlement details to present to City		0.00		
246352	CBM	1.00	795.00	795.00
8/8/2013	Case Management	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review draft brief; send information and comments regarding Whirlpool case and write up on Whirlpool to Jane Liu		0.00		
246544	CBM	0.30	795.00	238.50
8/12/2013	Pleadings Briefs	0.00	T@19	
WIP	DL vs District of Colum	0.00		

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Slip ID	Timekeeper	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Client	Est. Time	Bill Status	
Description	Reference	Variance		
Review and respond to case law questions from Jane Liu		0.00		
246556 TIME	CBM	0.30	795.00	238.50
8/14/2013	Case Management	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review District of Columbia Circuit Rail Freight/Supplemental Authority		0.00		
247368 TIME	CBM	0.10	795.00	79.50
9/3/2013	Settlement	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review emails regarding settlement; discuss with Todd Gluckman regarding same		0.00		
248513 TIME	CBM	0.20	795.00	159.00
9/6/2013	Settlement	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Email exchange regarding settlement approach and possible terms; review settlement memo		0.00		
248890 TIME	CBM	1.00	795.00	795.00
9/10/2013	Settlement	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Telephone call with Bruce and Todd Gluckman regarding communication around possibilities on settlement terms; telephone call with Chad Copeland regarding same		0.00		
249077 TIME	CBM	1.00	795.00	795.00
9/18/2013	Settlement	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Telephone call with Chad Copeland regarding settlement update; update Jane Liu and Bruce Terris regarding same		0.00		
252840 TIME	CBM	1.00	795.00	795.00
11/6/2013	Case Management	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review L'Oreal decision; email Jane Liu		0.00		
252859 TIME	CBM	1.00	795.00	795.00
11/8/2013	Pleadings Briefs	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review Judge Lamberth's decision; review co-counsel emails		0.00		
252766 TIME	CBM	0.30	795.00	238.50
11/13/2013	Settlement	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Telephone call with Todd Gluckman regarding settlement proposal to city.		0.00		

9/26/2016  
6:13 PMMehri & Skalet, PLLC  
Slip Listing 2015

Page 5

Slip ID	Timekeeper	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Client	Est. Time	Bill Status	
Description	Reference	Variance		
252889	CBM	0.10	795.00	79.50
11/18/2013	Settlement	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Telephone call with Chad Copeland at District of Columbia government regarding settlement meeting		0.00		
265212	CBM	0.30	795.00	238.50
4/14/2014	Communications	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Call with Todd regarding settlement meeting with Chad; follow-up emails to and from Todd		0.00		
265884	CBM	0.10	795.00	79.50
4/15/2014	Settlement	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Collect time records		0.00		
268215	CBM	0.10	795.00	79.50
4/18/2014	Settlement	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review/respond to email by Todd Gluckman on settlement		0.00		
268205	CBM	0.10	795.00	79.50
5/8/2014	Case Strategy	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review/respond to email regarding settlement		0.00		
324510	CBM	0.30	795.00	238.50
7/7/2015	Case Management	0.00	T@19	
WIP	DL vs District of Colum	0.00		
Review court orders email co-counsel		0.00		
Grand Total				
	Billable	26.75		21266.25
	Unbillable	0.00		0.00
	Total	26.75		21266.25

# Databases, Tables & Calculators by Subject

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## 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)**

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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

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<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.

## USAO ATTORNEY'S FEES MATRIX – 2015 – 2017

*Revised Methodology starting with 2015-2016 Year*

<b>Plaintiffs' Exhibit</b>
<b>24</b>
Civ. No. 05-1437 (RCL)

Years (Hourly Rate for June 1 – May 31, based on change in PPI-OL since January 2011)

Experience	2015-16	2016-17
31+ years	568	581
21-30 years	530	543
16-20 years	504	516
11-15 years	455	465
8-10 years	386	395
6-7 years	332	339
4-5 years	325	332
2-3 years	315	322
Less than 2 years	284	291
Paralegals & Law Clerks	154	157

### *Explanatory Notes*

1. This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared by the Civil Division of the United States Attorney's Office for the District of Columbia (USAO) to evaluate requests for attorney's fees in civil cases in District of Columbia courts. The matrix is intended for use in cases in which a fee-shifting statute permits the prevailing party to recover "reasonable" attorney's fees. *See, e.g.*, 42 U.S.C. § 2000e-5(k) (Title VII of the 1964 Civil Rights Act); 5 U.S.C. § 552(a)(4)(E) (Freedom of Information Act); 28 U.S.C. § 2412(b) (Equal Access to Justice Act). The matrix has not been adopted by the Department of Justice generally for use outside the District of Columbia, or by other Department of Justice components, or in other kinds of cases. The matrix does **not** apply to cases in which the hourly rate is limited by statute. *See* 28 U.S.C. § 2412(d).
2. A "reasonable fee" is a fee that is sufficient to attract an adequate supply of capable counsel for meritorious cases. *See, e.g., Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 552 (2010). Consistent with that definition, the hourly rates in the above matrix were calculated from average hourly rates reported in 2011 survey data for the D.C. metropolitan area, which rates were adjusted for inflation with the Producer Price Index-Office of Lawyers (PPI-OL) index. The survey data comes from ALM Legal Intelligence's 2010 & 2011 Survey of Law Firm Economics. The PPI-OL index is available at <http://www.bls.gov/ppi>. On that page, under "PPI Databases," and "Industry Data (Producer Price Index - PPI)," select either "one screen" or "multi-screen" and in the resulting window use "industry code" 541110 for "Offices of Lawyers" and "product code" 541110541110 for "Offices of Lawyers." The average hourly rates from the 2011 survey data are multiplied by the PPI-OL index for May in the year of the update, divided by 176.6, which is the PPI-OL index for January 2011, the month of the survey data, and then rounding to the nearest whole dollar (up if remainder is 50¢ or more).
3. The PPI-OL index has been adopted as the inflator for hourly rates because it better reflects the mix of legal services that law firms collectively offer, as opposed to the legal services that typical consumers use, which is what the CPI-

Legal Services index measures. Although it is a national index, and not a local one, *cf. Eley v. District of Columbia*, 793 F.3d 97, 102 (D.C. Cir. 2015) (noting criticism of national inflation index), the PPI-OL index has historically been generous relative to other possibly applicable inflation indexes, and so its use should minimize disputes about whether the inflator is sufficient.

4. The methodology used to compute the rates in this matrix replaces that used prior to 2015, which started with the matrix of hourly rates developed in *Laffey v. Northwest Airlines, Inc.* 572 F. Supp. 354 (D.D.C. 1983), *aff'd in part, rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *cert. denied*, 472 U.S. 1021 (1985), and then adjusted those rates based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Baltimore (DC-MD-VA-WV) area. Because the USAO rates for the years 2014-15 and earlier have been generally accepted as reasonable by courts in the District of Columbia, see note 9 below, the USAO rates for those years will remain the same as previously published on the USAO's public website. That is, the USAO rates for years prior to and including 2014-15 remain based on the prior methodology, *i.e.*, the original *Laffey* Matrix updated by the CPI-U for the Washington-Baltimore area. See *Citizens for Responsibility & Ethics in Washington v. Dep't of Justice*, --- F. Supp. 3d ---, 2015 WL 6529371 (D.D.C. 2015) and Declaration of Dr. Laura A. Malowane filed therein on Sept. 22, 2015 (Civ. Action No. 12-1491, ECF No. 46-1) (confirming that the USAO rates for 2014-15 computed using prior methodology are reasonable).
5. Although the USAO will not issue recalculated *Laffey* Matrices for past years using the new methodology, it will not oppose the use of that methodology (if properly applied) to calculate reasonable attorney's fees under applicable fee-shifting statutes for periods prior to June 2015, provided that methodology is used consistently to calculate the entire fee amount. Similarly, although the USAO will no longer issue an updated *Laffey* Matrix computed using the prior methodology, it will not oppose the use of the prior methodology (if properly applied) to calculate reasonable attorney's fees under applicable fee-shifting statutes for periods after May 2015, provided that methodology is used consistently to calculate the entire fee amount.
6. The various "brackets" in the column headed "Experience" refer to the attorney's years of experience practicing law. Normally, an attorney's experience will be calculated starting from the attorney's graduation from law school. Thus, the "Less than 2 years" bracket is generally applicable to attorneys in their first and second years after graduation from law school, and the "2-3 years" bracket generally becomes applicable on the second anniversary of the attorney's graduation (*i.e.*, at the beginning of the third year following law school). See *Laffey*, 572 F. Supp. at 371. An adjustment may be necessary, however, if the attorney's admission to the bar was significantly delayed or the attorney did not otherwise follow a typical career progression. See, *e.g.*, *EPIC v. Dep't of Homeland Sec.*, 999 F. Supp. 2d 61, 70-71 (D.D.C. 2013) (attorney not admitted to bar compensated at "Paralegals & Law Clerks" rate); *EPIC v. Dep't of Homeland Sec.*, 982 F. Supp. 2d 56, 60-61 (D.D.C. 2013) (same). The various experience levels were selected by relying on the levels in the ALM Legal Intelligence 2011 survey data. Although finer gradations in experience level might yield different estimates of market rates, it is important to have statistically sufficient sample sizes for each experience level. The experience categories in the current USAO Matrix are based on statistically significant sample sizes for each experience level.
7. ALM Legal Intelligence's 2011 survey data does not include rates for paralegals and law clerks. Unless and until reliable survey data about actual paralegal/law clerk rates in the D.C. metropolitan area become available, the USAO will compute the hourly rate for Paralegals & Law Clerks using the most recent historical rate from the USAO's former *Laffey* Matrix (*i.e.*, \$150 for 2014-15) updated with the PPI-OL index. The formula is \$150 multiplied by the PPI-OL index for May in the year of the update, divided by 194.3 (the PPI-OL index for May 2014), and then rounding to the nearest whole dollar (up if remainder is 50¢ or more).
8. The USAO anticipates periodically revising the above matrix if more recent reliable survey data becomes available, especially data specific to the D.C. market, and in the interim years updating the most recent survey data with the PPI-OL index, or a comparable index for the District of Columbia if such a locality-specific index becomes available.
9. Use of an updated *Laffey* Matrix was implicitly endorsed by the Court of Appeals in *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516, 1525 (D.C. Cir. 1988) (en banc). The Court of Appeals subsequently stated that parties may rely on the updated *Laffey* Matrix prepared by the USAO as evidence of prevailing market rates for litigation counsel in the Washington, D.C. area. See *Covington v. District of Columbia*, 57 F.3d 1101, 1105 & n.14, 1109 (D.C. Cir. 1995), *cert. denied*, 516 U.S. 1115 (1996). Most lower federal courts in the District of Columbia

have relied on the USAO Matrix, rather than the so-called “*Salazar* Matrix” (also known as the “LSI Matrix” or the “Enhanced *Laffey* Matrix”), as the “benchmark for reasonable fees” in this jurisdiction. *Miller v. Holzmans*, 575 F. Supp. 2d 2, 18 n.29 (D.D.C. 2008) (quoting *Pleasants v. Ridge*, 424 F. Supp. 2d 67, 71 n.2 (D.D.C. 2006)); *see, e.g., Joaquin v. Friendship Pub. Charter Sch.*, --- F. Supp. 3d ---, 2016 WL 3034151 (D.D.C. 2016); *Prunty v. Vivendi*, --- F. Supp. 3d ---, 2016 WL 3659889 (D.D.C. 2016); *CREW v. U.S. Dep’t of Justice*, --- F. Supp. 3d ---, 2015 WL 6529371 (D.D.C. 2015); *McAllister v. District of Columbia*, 21 F. Supp. 3d 94 (D.D.C. 2014); *Embassy of Fed. Republic of Nigeria v. Ugwuonye*, 297 F.R.D. 4, 15 (D.D.C. 2013); *Berke v. Bureau of Prisons*, 942 F. Supp. 2d 71, 77 (D.D.C. 2013); *Fisher v. Friendship Pub. Charter Sch.*, 880 F. Supp. 2d 149, 154-55 (D.D.C. 2012); *Sykes v. District of Columbia*, 870 F. Supp. 2d 86, 93-96 (D.D.C. 2012); *Heller v. District of Columbia*, 832 F. Supp. 2d 32, 40-49 (D.D.C. 2011); *Hayes v. D.C. Public Schools*, 815 F. Supp. 2d 134, 142-43 (D.D.C. 2011); *Queen Anne’s Conservation Ass’n v. Dep’t of State*, 800 F. Supp. 2d 195, 200-01 (D.D.C. 2011); *Woodland v. Viacom, Inc.*, 255 F.R.D. 278, 279-80 (D.D.C. 2008); *American Lands Alliance v. Norton*, 525 F. Supp. 2d 135, 148-50 (D.D.C. 2007). *But see, e.g., Salazar v. District of Columbia*, 123 F. Supp. 2d 8, 13-15 (D.D.C. 2000). The USAO contends that the *Salazar* Matrix is fundamentally flawed, does not use the *Salazar* Matrix to determine whether fee awards under fee-shifting statutes are reasonable, and will not consent to pay hourly rates calculated with the methodology on which that matrix is based.

**LAFFEY MATRIX – 2014-2015**

Years (Rate for June 1 – May 31, based on prior year's CPI-U)

Experience	14-15
20+ years	520
11-19 years	460
8-10 years	370
4-7 years	300
1-3 years	255
Paralegals & Law Clerks	150

*Explanatory Notes:*

1. This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared by the Civil Division of the United States Attorney's Office for the District of Columbia. The matrix is intended to be used in cases in which a "fee-shifting" statute permits the prevailing party to recover "reasonable" attorney's fees. *See, e.g.*, 42 U.S.C. § 2000e-5(k) (Title VII of the 1964 Civil Rights Act); 5 U.S.C. § 552(a)(4)(E) (Freedom of Information Act); 28 U.S.C. § 2412(b) (Equal Access to Justice Act). The matrix does **not** apply to cases in which the hourly rate is limited by statute. *See* 28 U.S.C. § 2412(d).
2. This matrix is based on the hourly rates allowed in *Laffey v. Northwest Airlines, Inc.*, 572 F. Supp. 354 (D.D.C. 1983), *aff'd in part, rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *cert. denied*, 472 U.S. 1021 (1985). It is commonly referred to by attorneys and federal judges in the District of Columbia as the "Laffey Matrix" or the "United States Attorney's Office Matrix." The various "brackets" in the column headed "Experience" refer to the years following the attorney's graduation from law school, and are intended to correspond to "junior associates" (1-3 years after law school graduation), "senior associates" (4-7 years), "experienced federal court litigators" (8-10 and 11-19 years), and "very experienced federal court litigators" (20 years or more). Thus, the "1-3 years" bracket is generally applicable to attorneys in their first, second, and third years after graduation from law school, and the "4-7 years" bracket generally becomes applicable on the third anniversary of the attorney's graduation (*i.e.*, at the beginning of the fourth year following law school). *See Laffey*, 572 F. Supp. at 371; *but cf. EPIC v. Dep't of Homeland Sec.*, No. 11-2261, \_\_\_ F. Supp. 2d \_\_\_, 2013 WL 6047561, \*6 -\*7 (D.D.C. Nov. 15, 2013) (attorney not admitted to bar compensated at "Paralegals & Law Clerks" rate); *EPIC v. Dep't of Homeland Sec.*, 982 F. Supp.2d 56, 60-61 (D.D.C. 2013) (same).
3. The hourly rates approved in *Laffey* were for work done principally in 1981-82. The matrix begins with those rates. *See Laffey*, 572 F. Supp. at 371 (attorney rates) & 386 n.74 (paralegal and law clerk rate). The rates for subsequent yearly periods were determined by adding the change in the cost of living for the Washington, D.C. area to the applicable rate for the prior year, and then rounding to the nearest multiple of \$5 (up if within \$3 of the next multiple of \$5). The result is subject to adjustment if appropriate to ensure that the relationship between the highest rate and the lower rates remains reasonably constant. Changes in the cost of living are measured by the Consumer Price Index for All Urban Consumers (CPI-U) for Washington-Baltimore, DC-MD-VA-WV, as announced by the Bureau of Labor Statistics for May of each year.
4. Use of an updated Laffey Matrix was implicitly endorsed by the Court of Appeals in *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516, 1525 (D.C. Cir. 1988) (en banc). The Court of Appeals subsequently stated that parties may rely on the updated *Laffey* Matrix prepared by the United States Attorney's Office as evidence of



prevailing market rates for litigation counsel in the Washington, D.C. area. *See Covington v. District of Columbia*, 57 F.3d 1101, 1105 & n.14, 1109 (D.C. Cir. 1995), *cert. denied*, 516 U.S. 1115 (1996). Most lower federal courts in the District of Columbia have relied on the United States Attorney's Office Matrix, rather than the so-called "Updated Laffey Matrix," as the "benchmark for reasonable fees" in this jurisdiction. *Miller v. Holzmann*, 575 F. Supp. 2d 2, 18 n.29 (D.D.C. 2008) (quoting *Pleasants v. Ridge*, 424 F. Supp. 2d 67, 71 n.2 (D.D.C. 2006)); *see, e.g., Berke v. Bureau of Prisons*, 942 F. Supp. 2d 71, 77 (D.D.C. 2013); *Heller v. District of Columbia*, 832 F. Supp. 2d 32, 40-49 (D.D.C. 2011); *American Lands Alliance v. Norton*, 525 F. Supp. 2d 135, 150 (D.D.C. 2007). *But see Salazar v. District of Columbia*, 123 F. Supp. 2d 8, 14-15 (D.D.C. 2000). The United States Attorney's Office does not use the "Updated Laffey Matrix" to determine whether fee awards under fee shifting statutes are reasonable.



ALM Survey, I was informed by the library staff that after making a staff inquiry, the library deems the 2011 ALM Survey to be lost. I reviewed the 2010 ALM Survey and made copies of selected pages. Plaintiffs' Exhibit 38 is an excerpt from the 2010 ALM Survey.

3. In addition to the Supreme Court library, we were informed that the surveys are available at the Department of Justice and Williams & Connolly libraries. We have requested access to the surveys at each of these libraries, but have been informed by each library that it does not permit public access. Each library also informed us that it does not have either survey.

4. On July 13, 2016, plaintiffs submitted a FOIA request to the Department of Justice seeking the 2010 and 2011 ALM Surveys referenced in the USAO Matrix 2015-2017. To date, despite inquiries, plaintiffs have neither received a response to the FOIA request, nor received the surveys from the District.

Pursuant to 28 U.S.C. 1746, I do declare under penalty of perjury that the foregoing is true and correct. Executed on September 23, 2016.

/s/ Carolyn Smith Pravlik

Carolyn Smith Pravlik

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

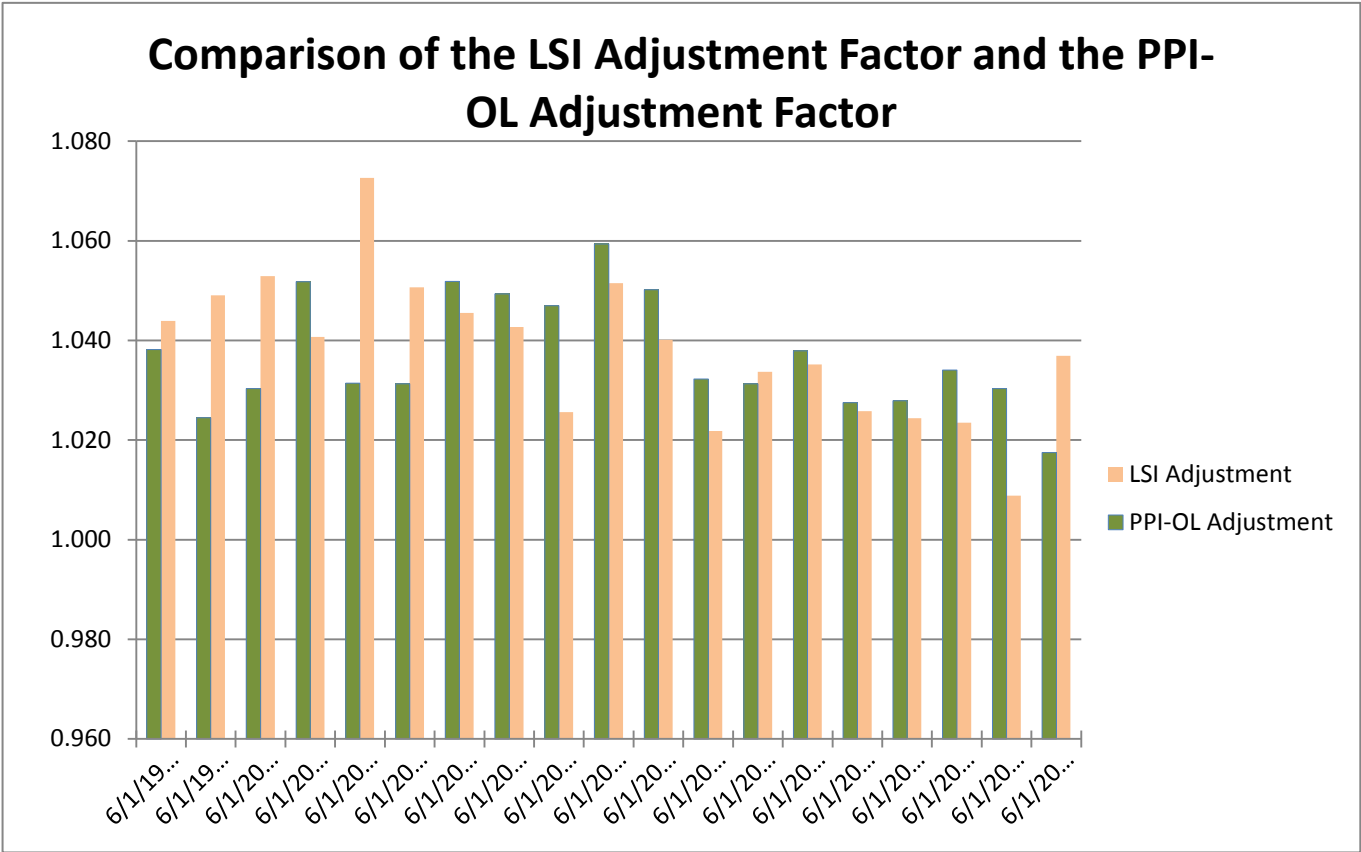
Hawai'i Wildlife Fund, Sierra Club - Maui Group, Surfrider Foundation, and West Maui Preservation Association v. County of Maui (5/15) Civil Case No. 12-00198 SOM, BMK

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



<b>Comparison of the LSI Adjustment Factor and the PPI-OL Adjustment Factor</b>				
<b>Rate Year</b>		<b>LSI Adjustment</b>	<b>PPI-OL Adjustment</b>	<b>PPI-OL Differential</b>
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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1 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.

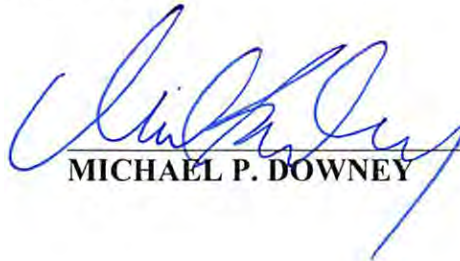
16. The market for complex federal litigation, in Washington, D.C. and elsewhere, is comprised of law firms of different sizes all of which compete against each other. Each of the firms in the market competes against each other to represent those who require the services of litigators experienced in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

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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*® 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)

Curriculum Vitae of Michael P. Downey

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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](http://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)

Curriculum Vitae of Michael P. Downey

September 21, 2016

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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)

Curriculum Vitae of Michael P. Downey

September 21, 2016

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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)

Curriculum Vitae of Michael P. Downey

September 21, 2016

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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)

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- 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)

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- 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

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- 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)

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- 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)

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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)

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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

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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



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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)

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- 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)

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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)

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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)

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## **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

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

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

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

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<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

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**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)

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**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.

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

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**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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<b>OTHER</b>	
	<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)

<hr/>		)
MARY PAT LAFFEY, <u>et al.</u> ,		)
		)
	Plaintiffs,	)
		)
	v.	)
		)
NORTHWEST AIRLINES, INC.		)
		)
	Defendant.	)
<hr/>		)

Civil Action  
No. 2111-70

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.

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

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

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

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.)

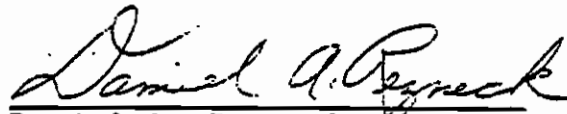
(m) Arthur W. Leibold, Jr., a partner in the Washington office of Dechert Price and Rhoads, states that as of 1982 his rate was \$195 an hour and several of his partners and senior partners had rates of \$200 and \$225 an hour. (Affidavit of Arthur W. Leibold, In re National Student Marketing Litigation, 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.

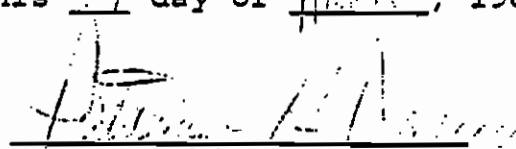
(o) Eldon V.C. Greenberg, formerly of the Washington office of Tuttle & Taylor, who is a 1969 law school graduate and has handled substantial environmental litigation, had a standard billing rate

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 31, 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>1</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)

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\* 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>28</sup>	1975	\$115 (in 1982)
Associate with less than 4 years' seniority <sup>24</sup>		\$ 70-90 (current minimum)
A.B. Ianniello <sup>28</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 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(1).
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(1); 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(1); 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.

<b>Plaintiffs' Exhibit</b> <b>31</b> Civ. No. 05-1437 (RCL)
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## 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)

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\* 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>28</sup>	1975	\$115 (in 1982)
Associate with less than 4 years' seniority <sup>24</sup>		\$ 70-90 (current minimum)
A.B. Ianniello <sup>28</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>20</sup>	1965	\$185 (current)
Arthur F. Matthews <sup>21</sup>	1962	\$185 (in 1982)
Steven F. Black <sup>21</sup>	1968	\$170 (in 1982)
Stephen P. Doyle <sup>21</sup>	1976	\$120 (in 1982)
Associates <sup>21</sup>		\$105 (in 1982)
Partners and associates <sup>20</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 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(1).
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(1); 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(1); 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.

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Plaintiffs' Exhibit  
32  
Civ. No. 05-1437 (RCL)

EXCERPT



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DISTRICT OF COLUMBIA

CAMP, CARMONCHE, PALMER, BARSZ & HUNTER (Continued)  
CAPPEL, HOWARD, KNABE & COBBS, P.A. (Continued)

RESIDENT PERSONNEL

Timothy Sullivan, born Detroit, Michigan, May 16, 1948; admitted to bar, 1975, Virginia; 1976, District of Columbia. Preparatory education, University of Michigan (B.A., 1970); legal education, Georgetown University Law Center (J.D., 1975). Member of Staff, Georgetown Law Journal, 1974-1975. Member: The District of Columbia Bar; Virginia State Bar; American Bar Association.

1979, District of Columbia; 1980, U.S. District Court for the District of Columbia and U.S. Court of Appeals for the District of Columbia Circuit. Preparatory education, Georgetown University (A.B., 1971); legal education, Georgetown University Law Center (J.D., 1975). Law Clerk to Hon. Howard F. Corcoran, U.S. District Judge for the District of Columbia, 1975-1977. Member: The District of Columbia Bar; Federal, Pennsylvania and American Bar Associations.

John J. Kelly, born Rockville Centre, New York, July 4, 1949; admitted to bar, 1976, Pennsylvania;

Federal Tax Practice  
Corporations, Securities,  
Antitrust, Transportation,  
International and  
Administrative Practice

CAPLIN & DRYSDALE, Chartered

1101 SEVENTEENTH STREET, N.W.  
WASHINGTON, D. C. 20036

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(202) 862-5000  
Cable Address:  
"CAPDALE"  
Telex: 248626  
CAPLUR

Columbia Bar; American Bar Association.

Mortimer M. Caplin, born New York, N. Y., July 11, 1916; admitted to bar, 1941, Virginia; 1942, New York; 1964, District of Columbia. Preparatory education, University of Virginia (B.S., 1937); legal education, University of Virginia (LL.B., 1940) and New York University (J.S.D., 1953). *Fraternalities*: Phi Beta Kappa; Order of the Coif. Editor-in-Chief, Virginia Law Review, 1939-1940. Professor of Law, 1950-1960; Professorial Lecturer, 1964-; University of Virginia. U.S. Commissioner of Internal Revenue, 1961-1964. Trustee, George Washington University, 1964-; Member: American Bar Association (Member, House of Delegates, 1980); American Law Institute. Fellow, American Bar Foundation.

Douglas D. Drysdale, born Philadelphia, Pennsylvania, August 9, 1924; admitted to bar, 1952, Virginia; 1964, District of Columbia. Preparatory education, University of Virginia (B.A., 1944); legal education, University of Virginia (LL.B., 1953). *Fraternalities*: Phi Delta Phi; Order of the Coif; Phi Beta Kappa. Lecturer in Taxation, University of Virginia Law School, 1960-; Member: The District of Columbia Bar; Virginia State and American Bar Associations.

Robert A. Klayman, born Cincinnati, Ohio, April 5, 1929; admitted to bar, 1954, West Virginia; 1964, District of Columbia. Preparatory education, West Virginia University (B.S., 1951); legal education, West Virginia University Law School (LL.B., 1954). *Fraternalities*: Phi Beta Kappa. Member, Board of Editors, West Virginia Law Review, 1953-1954. Attorney: Office of Chief Counsel, IRS, 1957-1960; Office of Tax Legislative Counsel, Treasury Department, 1960-1964. Associate Tax Legislative Counsel, 1964. Member: The District of

Thomas A. Troyer, born Omaha, Nebraska, August 15, 1933; admitted to bar, 1958, Colorado; 1967, District of Columbia. Preparatory education, Harvard University (A.B., 1955); legal education, University of Michigan Law School (J.D., 1958). *Fraternalities*: Phi Beta Kappa; Order of the Coif. Associate Editor, Michigan Law Review, 1957-1958. Attorney: Tax Division, Department of Justice, 1962-1964; Office of Tax Legislative Counsel, Treasury Department, 1964-1966. Associate Tax Legislative Counsel, 1966-1967. Professorial Lecturer, George Washington University Law School, Washington, D. C., 1970-1975. Adjunct Professor, Georgetown University Law Center, Georgetown University, Washington, D. C., 1971-1977. Member: The District of Columbia Bar; American Bar Association (Chairman, Committee on Exempt Organizations, Tax Section, 1973-1975; Chairman, Committee on Small Taxpayer Assistance Program, Tax Section, 1976-1978; Chairman, Committee on Technical Review, 1980-).

Irving Salem, born New York, N. Y., July 31, 1935; admitted to bar, 1960, District of Columbia and Maryland. Preparatory education, George Washington University (A.B., with distinction, 1957); legal education, George Washington University (J.D., with honors, 1960). *Fraternalities*: Phi Eta Sigma; Phi Delta Phi; Order of the Coif. Member, Board of Editors, George Washington Law Review, 1959-1960. Attorney: Office of Chief Counsel, Internal Revenue Service, 1960-1962; Office of Tax Legislative Counsel, Treasury Department, 1962-1964. Technical Assistant to Chief Counsel, Internal Revenue Service, 1964-1965. Member: The District of Columbia Bar; Federal

(This card continued)

DISTRICT OF COLUMBIA

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CAPLIN & DRYSDALE, Chartered (Continued)

and American Bar Associations.

Robert H. Elliott, Jr., born Kansas City, Kansas, July 23, 1934; admitted to bar, 1960, New York; 1962, California; 1964, District of Columbia. Preparatory education, University of Kansas (B.S., 1955); legal education, University of Michigan Law School (J.D., 1958). *Fraternalities*: Order of the Coif; Phi Delta Phi. Associate Editor, Michigan Law Review, 1957-1958. Attorney: Office of Chief Counsel, IRS, 1961-1962; Office of Tax Legislative Counsel, Treasury Department, 1962-1964. Associate Professorial Lecturer in Law, George Washington University, 1966-1970. Member: The District of Columbia Bar; The State Bar of California; New York State and American Bar Associations.

Ralph A. Mucio, born New York, N. Y., October 12, 1932; admitted to bar, 1962, New York; 1965, District of Columbia. Preparatory education, Wharton School of Finance & Commerce, University of Pennsylvania (B.S., Econ., 1955); legal education, Harvard University (LL.B., 1961). Attorney, Tax Division, Department of Justice, 1961-1965. Professorial Lecturer, George Washington University Law School, Washington, D. C., 1975-1979. Member: The District of Columbia Bar; New York State and American Bar Associations.

H. David Rosenbloom, born New York, N. Y., May 26, 1941; admitted to bar, 1967, New York; 1968, District of Columbia and U.S. Supreme Court. Preparatory education, Princeton University (A.B., summa cum laude, 1962) and University of Florence; legal education, Harvard University Law School (J.D., magna cum laude, 1966). President, Harvard Law Review, 1966. Special Assistant to U.S. Ambassador to United Nations, 1966-1967. Law Clerk, U.S. Supreme Court, 1967-1968. International Tax Counsel, U.S. Treasury Department, 1978-1981. Member: The District of Columbia Bar.

Peter Van N. Lockwood, born New York, N. Y., April 23, 1940; admitted to bar, 1968, District of Columbia. Preparatory education, Harvard University (B.A., 1963); legal education, Harvard University (LL.B., 1966). Member, Board of Editors, Harvard Law Review, 1964-1966. Supreme Court Note and Developments Editor, 1965-1966. Law Clerk to: Chief Judge Bailey Aldrich, U.S. Court of Appeals for the First Circuit, 1966-1967; Justice Thurgood Marshall, U.S. Supreme Court, 1967-1968. Member: The District of Columbia Bar; American Bar Association (Member: Sections on: Corporation, Banking and Business Law; Litigation; Partnership Committee, Section of Taxation, 1974-).

Ronald B. Lewis, born Chicago, Illinois, August 31, 1940; admitted to bar, 1966, California; 1969, District of Columbia. Preparatory education, Harvard University (A.B., 1962); legal education, Harvard University (LL.B., 1965). Editor, 1963-1964 and Article Editor, 1964-1965. Lecturer in Law, George Washington University, 1977-1979. Deputy Advisor for Regulatory Policies, The

White House, Council on Wage and Price Stability, 1979-1981. Special Assistant to the Assistant Attorney General (Antitrust), U.S. Department of Justice, 1966-1969. Member of the Council, Administrative Conference of the United States, 1980-; Member: The District of Columbia Bar; The State Bar of California; American Bar Association.

Leon E. Irish, born Superior, Wisconsin, June 19, 1938; admitted to bar, 1965, California; 1968, U.S. Supreme Court; 1969, District of Columbia; 1970, U.S. Tax Court and U.S. Court of Military Appeals. Preparatory education, Stanford University (B.A., 1960); legal education, University of Michigan (J.D., 1964) and Lincoln College, Oxford University, Oxford, England (D.Phil., 1973). *Fraternalities*: Order of the Coif. Associate Editor, Notes and Comments, Michigan Law Review, 1963-1964. Law Clerk to Justice Byron R. White, Associate Justice of the Supreme Court, October Term, 1967. Legal Consultant to the Office of Foreign Direct Investments, Department of Commerce, 1968-1969. Professorial Lecturer in Law, The National Law Center, George Washington University, 1975-1976. Adjunct Professor, Georgetown University Law Center, 1977-; Special Representative of the Secretary of Defense to the Seventh Session of the Law of the Sea Conference. Director, Law of the Sea Task Force, U.S. Department of Defense, 1978-; Consultant for the Law of the Sea, U.S. Department of Defense, 1979. Member: American Bar Association (Member, Employee Benefits and Continuing Legal Education Committees, Section on Taxation, 1975-; Chairman, Committee on Plan Terminations, Mergers, Asset Transfers and Termination Insurance, 1975-; Joint Committee on Employee Benefits, 1981. Section on Real Property, Probate and Trust Law); American Law Institute.

Walter B. Slocombe, born Albuquerque, New Mexico, September 23, 1941; admitted to bar, 1970, District of Columbia. Preparatory education, Princeton University (B.A., 1963) and Oxford University, Oxford, England; legal education, Harvard University (LL.B., 1968). Deputy Assistant Secretary of Defense (ISA), 1977-1979. Deputy Under Secretary of Defense, 1979-1981. Member: The District of Columbia Bar; American Bar Association.

Herbert N. Beller, born Chicago, Illinois, April 3, 1943; admitted to bar, 1967, Illinois; 1969, District of Columbia. Preparatory education, Northwestern University (B.S.B.A., 1964); legal education, Northwestern University (J.D., cum laude, 1967). Member, Editorial Board, Northwestern University Law Review, 1966-1967. Certified Public Accountant, Illinois, 1965. Law Clerk to Judge Theodore Tannenwald, Jr., United States Tax Court, 1967-1968. Adjunct Professor of Law, Georgetown University Law Center, 1972-; Member: The District of Columbia Bar; Illinois State and American (Chairman, Committee on Closely Held Corporations, Taxation Section, 1981-); Bar Associations.

Cono R. Namorato, born Brooklyn, New York,

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Case 1:05-cv-01437-RCL Document 32-6-11 Filed 04/30/12 Page 3 of 16

CAPLIN & DRYSDALE, Chartered (Continued)

July 2, 1942; admitted to bar, 1968, New York; 1969, District of Columbia. Preparatory education, Iona College (B.B.A., summa cum laude, 1963); legal education, Brooklyn Law School (J.D., 1968). Attorney, 1968-1975, Chief Criminal Section, 1975-1977 and Deputy Assistant Attorney General, 1977-1978, Tax Division, U.S. Department of Justice. Member: The District of Columbia Bar; American Bar Association (Member, Taxation and Litigation Sections).

Richard W. Skillman, born New York, N. Y., October 8, 1945; admitted to bar, 1971, New York; 1972, District of Columbia. Preparatory education, Amherst College (B.A., 1967); legal education, New York University (J.D., 1970). Fraternity: Order of the Coif. Member, 1968-1970, Editor-in-Chief, 1969-1970, New York University Law Review. Adjunct Professor of Law, Georgetown University Law Center, 1979-. Law Clerk to: Hon. John J. Gibbons, Circuit Judge, U.S. Court of Appeals for the Third Circuit, 1970-1971; Hon. Warren E. Burger, Chief Justice, U.S. Supreme Court, 1971-1972. Member: The District of Columbia Bar; Bar Association of the District of Columbia; New York State Bar; American Bar Association (Member, Section on Taxation).

Daniel B. Rosenbaum, born Brooklyn, New York, January 14, 1944; admitted to bar, 1969, New York; 1972, U.S. Supreme Court; 1973, District of Columbia. Preparatory education, Brooklyn College and City College of the City University of New York (B.B.A., cum laude, 1965); legal education, Stanford University (J.D., 1968). Adjunct Professor of Law, Georgetown University Law Center, 1976-1980. Attorney, U.S. Department of Justice, Tax Division, 1968-1972.

Patricia G. Lewis, born Philadelphia, Pennsylvania, January 8, 1945; admitted to bar, 1971, Massachusetts; 1972, District of Columbia; 1974, New York. Preparatory education, Wellesley College (B.A., 1966) and Harvard University (M.B.A., with high distinction, 1971); legal education, Harvard University (J.D., cum laude, 1971). Professional Lecturer, George Washington University Law School, Washington, D. C., 1980. Member: The District of Columbia Bar; American Bar Association (Member, Taxation Section).

Richard E. Timbie, born Winchester, Massachusetts, August 22, 1946; admitted to bar, 1973, District of Columbia. Preparatory education, Stanford University (B.S., 1968); legal education, Stanford University (J.D., 1971). Fraternity: Order of the Coif. President, Stanford Law Review, 1970-1971. Professorial Lecturer, George Washington University Law School, Washington, D. C., 1979-. Member: The District of Columbia Bar; American Bar Association (Member, Sections on: Taxation; Litigation).

Robert C. Pozen, born New York, N. Y., August 8, 1946; admitted to bar, 1977, New York; 1978, District of Columbia; 1980, U.S. Supreme Court. Preparatory education, Harvard University (A.E., 1968); legal education, Yale University

(J.D., 1972; J.S.D., 1973). Fraternity: Phi Beta Kappa. Author: "Financial Institutions: Cases and Materials on Investment Management," West, 1978. Associate Professor, New York University, 1974-1977. Adjunct Professor, Georgetown University, 1980-1981. Associate General Counsel, SEC, 1978-1980. Consultant to Pension Administrator, 1977. Member: The District of Columbia Bar; American Bar Association.

Bernard S. Bailor, born Lewistown, Pennsylvania, May 8, 1940; admitted to bar, 1970, Maryland; 1976, District of Columbia. Preparatory education, St. Francis College (B.S., 1965); legal education, Georgetown University (J.D., 1970). Senior Trial Attorney, Criminal Section, Tax Division, U.S. Department of Justice, 1971-1977. Member: The District of Columbia Bar; Maryland State and American (Member, Committee on Discovery in Criminal Cases, Section of Criminal Justice, 1975-1976) Bar Associations; The Association of Trial Lawyers of America.

John C. Ver Steeg, born New York, N. Y., February 13, 1947; admitted to bar, 1975, New York; 1980, District of Columbia. Preparatory education, Harvard University (A.B., 1968); legal education, Stanford University (J.D., 1971). Article Editor, Stanford Law Review, 1970-1971. Author: "Strict Liability and Judicial Resources," 3 Journal of Legal Studies 217, 1974. Research Fellow in Law and Economics, University of Chicago Law School, 1972-1973. Law Clerk to the Hon. John C. Godbold, U.S. Circuit Judge for the 5th Circuit, 1971-1972. Member: New York State Bar Association; Bar Association of the District of Columbia.

Geoffrey J. Vitt, born New York, N. Y., October 30, 1946; admitted to bar, 1972, Virginia; 1976, U.S. Supreme Court; 1980, District of Columbia. Preparatory education, George Washington University (B.A., 1969); legal education, George Washington University (J.D., with honors, 1972). Associate Professorial Lecturer, George Washington University Law School, Washington, D. C., 1979-. Member: The District of Columbia Bar; Virginia State Bar; American Bar Association; The Association of Trial Lawyers of America.

Stuart L. Brown, born New York, N. Y., May 12, 1950; admitted to bar, 1975, District of Columbia. Preparatory education, Yale University (B.A., magna cum laude, 1972); legal education, Harvard University (J.D., cum laude, 1975). Fraternity: Phi Beta Kappa. Law Clerk to Judge Raup, U.S. Tax Court, 1975-1977. Lecturer, Washington College of Law, American University, 1981. Adjunct Professor, Georgetown University Law Center, 1982. Member: The District of Columbia Bar; American Bar Association (Member, Taxation Section).

Graeme W. Bush, born Washington, D. C., March 23, 1950; admitted to bar, 1976, Maryland; 1977, District of Columbia. Preparatory educa-

(This card continued)

DISTRICT OF COLUMBIA

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CAPLIN & DRYSDALE, Chartered (Continued)

tion, Wesleyan University (B.A., 1971); legal education, University of Maryland (J.D., 1976). Member: The District of Columbia Bar; Maryland State Bar Association.

Stafford Smiley, born White Plains, New York, August 14, 1948; admitted to bar, 1976, District of Columbia. Preparatory education, Yale University (B.A., 1970); legal education, Harvard University (J.D., 1976). Editor, Harvard Journal on Legislation, 1975-1976. Law Clerk to Judge Arnold Raup, U.S. Tax Court, 1976-1978. Member: The District of Columbia Bar.

Richard M. Lent, born Buffalo, New York, August 14, 1952; admitted to bar, 1979, District of Columbia; 1980, U.S. Tax Court; 1980, U.S. Court of Claims. Preparatory education, Cornell University (A.B., magna cum laude, 1974); legal education, Harvard University (J.D., cum laude, 1977). Fraternities: Phi Beta Kappa; Phi Kappa Phi. Member, Board of Editors, Harvard Law Review, 1975-1977. Law Clerk to Judge William E. Doyle, U.S. Court of Appeals, Tenth Circuit, 1977-1978. Member: The District of Columbia Bar; American Bar Association.

Mitchel R. Cohen, born Portland, Oregon, March 15, 1951; admitted to bar, 1976, Oregon; 1979, District of Columbia. Preparatory education, Colgate University (B.A., 1973); legal education, Gonzaga University (J.D., magna cum laude, 1976) and New York University (LL.M., 1977). Editor, Gonzaga Law Review, 1975-1976. Graduate Editor, Tax Law Review, 1976-1977. Member: The District of Columbia Bar; Oregon State Bar; American Bar Association.

Albert G. Lauber, Jr., born Bronxville, New York, January 1, 1950; admitted to bar, 1977, Connecticut; 1978, District of Columbia. Preparatory education, Yale College (B.A., summa cum laude, 1971) and Clare College, Cambridge University, Cambridge, England (M.A., 1974); legal education, Yale University (J.D., 1977). Fraternity: Phi Beta Kappa. Woodrow Wilson Fellow, Mellon Fellow. Note Editor, Yale Law Journal, 1976-1977. Law Clerk to: Hon. Malcolm R. Wilkey, U.S. Court of Appeals for the District of Columbia Circuit, 1977-1978; Hon. Harry A. Blackmun, U.S. Supreme Court, 1978-1979. Member: American Bar Association.

Robert Boisture, born Baton Rouge, Louisiana, October 22, 1952; admitted to bar, 1979, District of Columbia. Preparatory education, Princeton University (A.B., 1974) and University College, Oxford, England (B.A., 1976); legal education, Yale University (J.D., 1979). Fraternity: Phi Beta Kappa. Marshall Scholar. Member: The District of Columbia Bar; American Bar Association (Member, Taxation Section; Committees on: Exempt Organizations, 1980; Technical Review, 1980).

Stephen G. Utz, born Baton Rouge, Louisiana, June 8, 1947; admitted to bar, 1979, Texas (Not

admitted in District of Columbia). Preparatory education, Louisiana State University and A. and M. College (B.A., 1967) and King's College, Cambridge, England (Ph.D., 1976); legal education, University of Texas (J.D., 1979). Fraternities: Phi Kappa Phi; Order of the Coif. John Marshall Scholar. Woodrow Wilson Fellow. Member, 1977-1979 and Articles Editor, 1978-1979, Texas Law Review. Author: Comment, 56 Texas Law Review 301, 1978. Law Clerk to Judge Joseph T. Sneed, U.S. Court of Appeals for the Ninth Circuit, 1979-1980. Adjunct Professor, Washington College of Law of American University, D. C., 1981. Member: State Bar of Texas.

Wendy S. Rudolph, born Pittsburgh, Pennsylvania, May 28, 1954; admitted to bar, 1978, District of Columbia. Preparatory education, George Washington University (B.A., 1975); legal education, George Washington University (J.D., 1978). Member, 1976-1978 and Notes Editor, 1977-1978, George Washington Law Review. Member: The District of Columbia Bar.

Daniel M. Davidson, born Rockville Centre, New York, July 9, 1950; admitted to bar, 1975, District of Columbia; 1977, California; 1979, U.S. Tax Court. Preparatory education, Williams College (B.A., summa cum laude, 1972); legal education, Harvard University (J.D., magna cum laude, 1975). Fraternity: Phi Beta Kappa. Law Clerk to Hon. Robert Braucher, Supreme Judicial Court of Massachusetts, 1975-1976. Member: The District of Columbia Bar; State Bar of California; American Bar Association (Member, Taxation Section).

Howard B. Jacobson, born Detroit, Michigan, July 18, 1955; admitted to bar, 1979, District of Columbia and U.S. Tax Court. Preparatory education, University of Michigan (A.B., 1976); legal education, Harvard University (J.D., 1979). Member: The District of Columbia Bar.

Frank M. Chapper, born Framingham, Massachusetts, June 3, 1917; admitted to bar, 1954, District of Columbia. Preparatory education, George Washington University (B.A., 1949); legal education, George Washington University (LL.B., 1954). Member, George Washington Law Review, 1954. Author: "Disclosure & Reporting," New York University Conference on Charitable Foundations 8-191, 1967. Nonretroactive Application of Exemption Rulings," Exempt Organizations New Ideas, Prentice-Hall, 1977. Adjunct Professor of Law, Georgetown University Law Center, 1967-1968; 1975-1977. Technical Advisor to: Director Tax Rulings Division, 1961, 1965; the Assistant Commissioner (Technical), 1967, 1973. I.R.S.-Chief, Conference and Review Staff, Exempt Organizations Branch, 1965, 1967 and 1973-1974. Member: The District of Columbia Bar; Federal and American Bar Associations.

OF COUNSEL

Myron C. Batum, born New York, N. Y., October 1, 1917; admitted to bar, 1940, New York; 1948, U.S. Supreme Court; 1951, District of Columbia; 1974, U.S. Court of Claims. Preparatory

(This card continued)



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DISTRICT OF COLUMBIA

CAPLIN & DRYSDALE, Chartered (Continued)

education, City College of the City University of New York (A.B., 1936); legal education, New York University School of Law (LL.B., 1940). Trial and Appellate Attorney, Department of Justice, 1944-1959. Chief, Refund Trial Section No. 2, 1959-1972. Deputy for Refund Litigation, 1972-1973. Deputy Assistant Attorney General,

1973-1979. Acting Assistant Attorney General, Tax Division, Department of Justice, 1976-1977. Member: The District of Columbia Bar; Federal and American (Member: Committees on Court Procedure and Standards of Taxation, Section of Taxation, 1977--; Section of Litigation) Bar Associations.

David Carliner, born Washington, D. C., August 12, 1918; admitted to bar, 1940, Virginia; 1946, District of Columbia; 1953, U.S. Supreme Court. Preparatory education, American University and University of Virginia; legal education, University of Virginia and National University (LL.B., 1941). Author: "The Rights of Aliens," published by Avon Press, December, 1975. Chairman: Washington Chapter, 1956-1957; National Board, 1955-1979. Editor of Bulletin of Association of Immigration and Nationality Lawyers, 1955-1965. General Counsel, American Civil Liberties Union, 1976-1979. Chair, International Human Rights Law Group, 1980-. Member: The District of Columbia Bar (Member, Board of Governors, 1980-); Virginia State Bar; Federal (Chairman, Committee on

Immigration and Nationality Law. Administrative Law International Law

DAVID CARLINER, P.C. SUITE 931 INVESTMENT BUILDING 1511 K STREET, N. W. WASHINGTON, D. C. 20005

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David Carliner, born Washington, D. C., August 12, 1918; admitted to bar, 1940, Virginia; 1946, District of Columbia; 1953, U.S. Supreme Court. Preparatory education, American University and University of Virginia; legal education, University of Virginia and National University (LL.B., 1941). Author: "The Rights of Aliens," published by Avon Press, December, 1975. Chairman: Washington Chapter, 1956-1957; National Board, 1955-1979. Editor of Bulletin of Association of Immigration and Nationality Lawyers, 1955-1965. General Counsel, American Civil Liberties Union, 1976-1979. Chair, International Human Rights Law Group, 1980-. Member: The District of Columbia Bar (Member, Board of Governors, 1980-); Virginia State Bar; Federal (Chairman, Committee on

Immigration and Naturalization, 1961-1962) and American (Member, 1954-1956; 1969-- and Chair, 1979--; Immigration and Nationality Committee, Administrative Law Section) Bar Associations; World Peace Through Law; American Law Institute.

Robert A. Remes, born New York, N. Y., August 16, 1948; admitted to bar, 1973, Massachusetts; 1974, District of Columbia. Preparatory education, Cornell University (B.S., 1970); legal education, Boston University (J.D., 1973). Member: Massachusetts Bar Association; The District of Columbia Bar.

REFERENCES: American Security Bank; First National Bank.

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MEMBERS OF FIRM

Lawrence E. Carr, Jr., born Colorado Springs, Colorado, August 10, 1923; admitted to bar, 1949, Colorado; 1952, District of Columbia; 1961, Maryland. Preparatory education, University of Notre

Dame (B.S., 1948); legal education, University of Notre Dame (LL.B., 1949) and George Washington University (LL.M., 1954). Member, Judicial Conference for the District of Columbia Circuit,

## DISTRICT OF COLUMBIA

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## EPSTEIN BECKER BORSODY &amp; GREEN, P.C. (Continued)

Katherine A. McBroom-Redwine, born Ann Arbor, Michigan, December 18, 1943; admitted to bar, 1976, Illinois (Not admitted in District of Columbia). Preparatory education, University of Wisconsin-Madison (B.A., with honors, 1966; M.A., 1968); legal education, Loyola University (J.D., 1976). Ford Foundation Fellow. *Member:* Illinois State and American (Member, Committees on: Labor Law, 1976—; Equal Employment Opportunity, 1976—) Bar Associations; State Bar of Wisconsin.

Robert J. Moses, born Pittsburgh, Pennsylvania, February 24, 1955; admitted to bar, 1979, Maryland (Not admitted in District of Columbia). Preparatory education, The Johns Hopkins University (B.A., cum laude, 1976); legal education, Georgetown University (J.D., 1979). *Fraternity:* Phi Alpha Delta. Author: "The World Bank Group," 10 Law and Policy in International Business 269-79, 1978; "Inter-American Development Bank," 10 Law and Policy in International Business 280-86, 1978. *Member:* Maryland State Bar Association.

Donald S. Picard, born Milwaukee, Wisconsin, March 8, 1955; admitted to bar, 1980, District of Columbia and U.S. District Court, District of Columbia. Preparatory education, University of Wisconsin-Madison (B.A., with distinction, 1977); legal education, Boston University (J.D., 1980). *Fraternities:* Phi Kappa Phi; Omicron Delta Epsilon; Society of Mace. Member, Albers Moot Court Competition. *Member:* The District of Columbia Bar; American Bar Association.

Robert D. Reif, born Philadelphia, Pennsylvania, November 4, 1952; admitted to bar, 1977, Virginia and District of Columbia; 1979, U.S. Tax Court. Preparatory education, Lehigh University and University of Delaware (B.A., magna cum laude, 1974); legal education, Columbus School of Law, Catholic University of America (J.D., 1977). *Fraternities:* Phi Kappa Phi; Pi Sigma Alpha. Recipient: American Jurisprudence Award for Excellence; West Publishing Company Award for Scholastic Achievement. *Member:* The Dis-

trict of Columbia Bar; State Bar of Virginia; American Bar Association (Member, Section of Litigation). (Also at New York and San Francisco Offices)

Lynn E. Shapiro, born Plainfield, New Jersey, October 17, 1956; admitted to bar, 1979, District of Columbia. Preparatory education, Franklin & Marshall College (B.A., magna cum laude, 1976); legal education, George Washington University (J.D., 1979). Phi Beta Kappa; Pi Gamma Mu. Author: "Medical Review Organizations (A Model State Immunity Statute)," Group Practice Journal, 1980. *Member:* The District of Columbia Bar; National Health Lawyers Association.

Kenneth B. Weckstein, born Elizabeth, New Jersey, August 28, 1952; admitted to bar, 1976, Virginia; 1977, District of Columbia; 1979, U.S. Tax Court; 1980, U.S. Supreme Court. Preparatory education, American University (B.A., cum laude, 1973); legal education, George Washington University (J.D., with honors, 1976; LL.M., 1979). *Member:* The District of Columbia Bar; Federal and American (Member, Sections on: Taxation; Public Contract Law) Bar Associations.

Kathleen M. Williams, born Phillipsburg, Pennsylvania, April 25, 1952; admitted to bar, 1980, District of Columbia. Preparatory education, University of Pennsylvania (B.A., magna cum laude, 1974); legal education, George Washington University (J.D., 1980). Delta Phi Alpha. Co-author: "Affirmative Action Plan Workbook for Federal Contracts," 1979. *Member:* The District of Columbia Bar; American Bar Association.

## OF COUNSEL

Edwin N. Epstein, born New York, N. Y., April 1, 1915; admitted to bar, 1946, New York; 1979, District of Columbia. Preparatory education, New York University (B.S., 1939); legal education, New York University (J.D., 1946). Member, Panel of Arbitrators, American Arbitration Association. *Member:* The District of Columbia Bar. [U.S. Army, 1944-1946] (Also at New York Office)

## THOMAS R. EWALD

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Thomas R. Ewald, born Chicago, Illinois, September 17, 1929; admitted to bar, 1957, Illinois; 1969, District of Columbia; 1976, U.S. Supreme Court. Preparatory education, Harvard University (A.B., 1951); legal education, University of Chicago (J.D., 1957). Lecturer: American Law Institute-American Bar Association Course on Energy and the Law, 1978; American Law Institute-American Bar Association Course on Potential Liability of Local Governments under Federal Antitrust and Civil Rights Laws, 1979. Author: "Discovery and the Computer," 1 Litigation 27, American Bar Association, Section of Litigation, Spring, 1975, and in Computer Law Service §5-4.4, March,

1976; "Public and Private Enforcement of Title VII of the Civil Rights Act of 1964," 101 Urban Law Annual, 1974. Professorial Lecturer on: Trial Advocacy, Catholic University Law School, 1975-1976; Litigation, Rutgers University Law School, 1980. Lecturer, National College of Advocacy, 1974. *Member:* The District of Columbia Bar; Illinois State, Federal and American (Member, Sections of: Litigation; Antitrust Law; Local Government Law; Public Utility Law; Labor Relations Law) Bar Associations; Federal Energy Bar Association; The Association of Trial Lawyers of America; National Institute of Municipal Law Officers.



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Bradley G. McDonald, born Oklahoma, September 16, 1934; admitted to bar, 1961, District of Columbia; 1967, U.S. Supreme Court. Preparatory education, University of Oklahoma (B.A., 1956); legal education, Georgetown University (J.D., 1961). Legislative Assistant, House of Representatives, 1959-1961. Member: The District of Columbia Bar; Bar Association of the District of

Columbia; Federal and American (Member, Sections on: Administrative Law; Litigation; Corporation, Banking and Business Law; Individual Rights and Responsibilities; Member, Judicial Administration Division) Bar Associations; World Peace Through Law Center (Member, Center Planning Committee, 1965-1979). [1st Lt., USMC, 1956-1958]

REFERENCES: Union First National Bank of Washington; First Federal Savings & Loan Association of Arlington.

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John T. Ketcham, born Grand Rapids, Michigan, February 28, 1937; admitted to bar, 1961, Virginia; 1962, District of Columbia. Preparatory education, George Washington University (B.A., 1958); legal education, George Washington University (J.D., 1961). Member: The District of Columbia Bar; Virginia State Bar; Federal Energy and American Bar Associations.

University (LL.B., 1963). Deputy Assistant Commissioner for Procurement Policy, Federal Supply Service, 1963-1964. Attorney and Chief Counsel, General Services Administration, 1964-1966. Assistant Director, United States Secret Service, 1966-1970. Member: The District of Columbia Bar; Federal Energy Bar Association.

Robert J. Haggerty, born Los Angeles, California, June 9, 1943; admitted to bar, 1969, District of Columbia. Preparatory education, Georgetown University (A.B., 1965); legal education, Georgetown University (J.D., 1968). Fraternity: Phi Alpha Delta. Member: The District of Columbia Bar; Federal Energy and American Bar Associations.

Cameron R. Graham, born Long Beach, California, May 2, 1943; admitted to bar, 1969, California and New Mexico; 1980, District of Columbia. Preparatory education, Yale University (B.A., cum laude, 1965); legal education, Stanford University (J.D., 1968). Assistant General Counsel, Regulatory Interventions, Department of Energy, 1978-1979. Member: The District of Columbia Bar; State Bar of California; State Bar of New Mexico; Federal Energy and American Bar Associations.

Phil W. Jordan, born Atlanta, Georgia, August 17, 1913; admitted to bar, 1963, District of Columbia. Preparatory education, Georgia Institute of Technology and University of Georgia (B.S., 1935); legal education, George Washington Uni-

James S. D. Eisenhower III, born Philadelphia, Pennsylvania, June 24, 1946; admitted to bar, 1977, Virginia; 1981, District of Columbia. Preparatory

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DISTRICT OF COLUMBIA

MILLER, CANFIELD, PADDOCK AND STONE (Continued)

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Lansing, Michigan Office: 110 Business & Trade Center, 200 Washington Square North
Moore, Michigan Office: The Executive Centre, 214 East Elm Avenue
Traverse City, Michigan Office: 13999 West Bay Shore Drive

RESIDENT PARTNER

John W. Gelder, P.C., born Buffalo, New York, August 7, 1933; admitted to bar, 1960, Michigan; 1981, District of Columbia. Preparatory education, University of Michigan (B.B.A., 1956); legal education, University of Michigan (J.D., 1959). Fraternity: Order of the Coif. Member, Board of Editors, Michigan Law Review, 1958-1959. Member: District of Columbia Bar; Detroit and American Bar Associations; State Bar of Michigan.

OF COUNSEL

Robert P. Griffin, born Detroit, Michigan, November 6, 1923; admitted to bar, 1951, Michigan; 1978, District of Columbia. Preparatory education, Central Michigan University (A.B., 1947; B.S., 1947); legal education, University of Michigan (J.D., 1950). Representative in Congress, Ninth Michigan District, 1957-1961. United States Senator, Michigan, 1966-1978. Member: District of Columbia Bar; Grand Traverse-Leelanau-Antrim County and American Bar Associations; State Bar of Michigan.

RESIDENT COUNSEL

James F. Schoener, born Piqua, Ohio, December

(For Complete Biographical Data on all Personnel, see Biographical Card at Detroit, Michigan)

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MEMBERS OF FIRM

Herbert J. Miller, Jr., born Minneapolis, Minnesota, January 11, 1924; admitted to bar, 1949, District of Columbia. Preparatory education, University of Minnesota and George Washington University (B.A., 1948); legal education, George Washington University (LL.B., 1949). Fraternity: Order of the Coif; Phi Delta Phi. Assistant U.S. Attorney General, Criminal Division, Department of Justice, 1961-1965. Chairman, President's Commission on Crime in the District of

(This card continued)

DISTRICT OF COLUMBIA

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MILLER, CASSIDY, LARROCA & LEWIN (Continued)

Columbia, July, 1965-January, 1967. Adjunct Professor, Georgetown Law School, 1973-1974. Member: The District of Columbia Bar; Bar Association of the District of Columbia (Director, 1968-1969; Vice-President, 1969-1970; President, 1970-1971); Federal and American Bar Associations.

John J. Cassidy, born Washington, D. C., February 8, 1930; admitted to bar, 1955, District of Columbia. Preparatory education, Georgetown University (B.S., 1952); legal education, Georgetown University (J.D., 1955). Executive Assistant, Board of Monitors, U.S. District Court, District of Columbia, 1958-1961. Attorney, Criminal Division, Department of Justice, 1961-1965. Special Assistant to U.S. Attorney General, 1964-1965. Vice Chairman, Law Enforcement and Criminal Justice Commission, Montgomery County, Maryland, 1967-1970. Member: The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association. [J.A.G.C., U.S. Army, 1955-1958.]

Raymond G. Larroca, born San Juan, Puerto Rico, January 5, 1930; admitted to bar, 1957, District of Columbia. Preparatory education, Georgetown University (B.S.S., 1952); legal education, Georgetown University Law School (J.D., 1957). Fraternity: Phi Delta Phi. Member, Board of Editors, Georgetown Law Journal, 1956. Member: The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association (Member, Sections on: International Law; Criminal Justice; Litigation).

Nathan Lewin, born Lodz, Poland, January 31, 1936; admitted to bar, 1962, New York; 1963, District of Columbia. Preparatory education, Yeshiva College (B.A., summa cum laude, 1957); legal education, Harvard University (J.D., magna cum laude, 1960). Editor, 1958-1959 and Treasurer, 1959-1960, Harvard Law Review. Adjunct Professor, Georgetown Law School, 1971-1974, 1975-1977. Visiting Professor, Harvard Law School, 1974-1975. Law Clerk to: Chief Judge J. Edward Lumbard, U.S. Court of Appeals, Second Circuit, 1960-1961; Justice John M. Harlan, U.S. Supreme Court, 1961-1962. Special Assistant to Assistant Attorney General, Criminal Division, Department of Justice, 1962-1963. Assistant to Solicitor General, Department of Justice, 1963-1967. Deputy Administrator, Bureau of Security and Consular Affairs, Department of State, 1967-1968. Deputy Assistant Attorney General, Civil Rights Division, Department of Justice, 1968-1969. Member: The District of Columbia Bar; Bar Association of the District of Columbia; Federal and American Bar Associations.

Martin D. Minsker, born Brooklyn, New York, December 18, 1942; admitted to bar, 1969, Massachusetts; 1972, District of Columbia. Preparatory education, Cornell University (B.S., 1964); legal

education, Harvard University (J.D., magna cum laude, 1969; LL.M., 1970). Note Editor, Harvard Law Review, 1968-1969. Law Clerk to Justice John M. Harlan, United States Supreme Court, 1970-1971. Member: The District of Columbia Bar; Federal and American Bar Associations.

William H. Jeffress, Jr., born Birmingham, Alabama, July 17, 1945; admitted to bar, 1971, District of Columbia. Preparatory education, Washington & Lee University (B.A., summa cum laude, 1967); legal education, Yale University (LL.B., 1970). Fraternity: Phi Beta Kappa. Editor-in-Chief, Yale Law Journal, 1969-1970. Law Clerk to: Judge Gerhard A. Gesell, U.S. District Court, District of Columbia, 1970-1971; Justice Potter Stewart, U.S. Supreme Court, 1971-1972. Member: The District of Columbia Bar; American Bar Association.

R. Stan Mortenson, born Columbia, South Carolina, February 14, 1945; admitted to bar, 1972, District of Columbia; 1973, U.S. Court of Claims; 1974, U.S. Tax Court. Preparatory education, Baylor University and Ohio University (A.B., cum laude, 1967); legal education, University of Michigan (J.D., magna cum laude, 1970). Fraternity: Order of the Coif. Associate Editor, Michigan Law Review, 1969-1970. Law Clerk to Judge Stanley N. Barnes, U.S. Court of Appeals, Ninth Circuit, 1970-1971. Member: The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association.

Thomas B. Carr, born Norfolk, Virginia, August 10, 1943; admitted to bar, 1969, Virginia; 1970, District of Columbia. Preparatory education, Georgetown University (B.S., 1965) and Brandeis University (M.A., 1966); legal education, University of Virginia (LL.B., 1969). Fraternity: Order of the Coif. Member, Board of Editors, Virginia Law Review, 1967-1969. Member: The District of Columbia Bar; Virginia State Bar; Federal and American Bar Associations.

Jamie S. Goreflick, born New York, N. Y., May 6, 1950; admitted to bar, 1975, District of Columbia. Preparatory education, Radcliffe College and Harvard University (B.A., magna cum laude, 1972); legal education, Harvard Law School (J.D., cum laude, 1975). Recipient: Secretary of Energy's Outstanding Service Medal, 1980; Exceptional Service Award, Department of Energy, 1979. Comments Editor, Harvard Civil Rights-Civil Liberties Law Review, 1974-1975. Assistant to the Secretary and Counsellor to the Deputy Secretary, Department of Energy, 1979-1980. Member, Secretary's Transition Team, Department of Energy, 1979. Vice-Chairman, Task Force on Evaluation of Audit, Investigative and Inspection Components of the Department of Defense, 1979-1980. Member: District of Columbia Bar (Member, Legal Ethics Committee, 1978-1981; Member, Board of Governors and Secretary, 1981-);

(This card continued)



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DISTRICT OF COLUMBIA

MILLER, CASSIDY, LARROCA & LEWIN (Continued)

American Bar Association.

James E. Rocap, III, born Indianapolis, Indiana, February 23, 1950; admitted to bar, 1975, District of Columbia. Preparatory education, University of Notre Dame (B.A., magna cum laude, 1971); legal education, Georgetown University (J.D., 1975). Member, 1973-1974 and Case and Note Editor, 1974-1975, Georgetown Law Journal. Law Clerk to Judge William B. Jones, Chief Judge of the U.S. District Court District of Columbia, 1975-1976. Member: The District of Columbia Bar.

ASSOCIATES

Stephen L. Nightingale, born Charleston, West Virginia, August 31, 1951; admitted to bar, 1978, District of Columbia. Preparatory education, Princeton University (A.B., with high honors, 1973); legal education, Harvard Law School (J.D., magna cum laude, 1977). Fraternity: Phi Beta Kappa. Editor, 1975-1976 and Supreme Court Note Editor, 1976-1977, Harvard Law Review. Law Clerk to Judge Walter R. Mansfield, U.S. Court of Appeals, Second Circuit, 1977-1978. Member: The District of Columbia Bar.

Seth P. Waxman, born Hartford, Connecticut, November 28, 1951; admitted to bar, 1978, District of Columbia. Preparatory education, Harvard University (A.B., summa cum laude, 1973); legal education, Yale University (J.D., 1977). Fraternity: Phi Beta Kappa. Rockefeller Fellow, 1973-1974. Editor, 1975-1976 and Managing Editor, 1976-1977, Yale Law Journal. Law Clerk to Judge Gerhard A. Gesell, U.S. District Court, District of Columbia, 1977-1978. Member: The District of Columbia Bar.

David O. Stewart, born Washington, D. C., April 2, 1951; admitted to bar, 1980, District of Columbia. Preparatory education, Yale University (B.A., summa cum laude, 1973); legal education, Yale University (J.D., 1978). Fraternity: Phi Beta Kappa. Article and Book Review Editor, Yale Law Journal, 1977-1978. Author: "Competition in the Telephone Equipment Industry: Beyond Tolent," 86 Yale Law Journal 538, 1977. Law Clerk to Judge David L. Bazelon, U.S. Court of Appeals, District of Columbia Circuit, 1978; Judge Honorable J. Skelly Wright, U.S. Court of Appeals, District of Columbia Circuit, 1978-1979; Justice Lewis F. Powell, Jr., U.S. Supreme Court, 1979-1980. Member: The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association.

Jonathan B. Sallet, born Abington, Pennsylvania, April 10, 1952; admitted to bar, 1980, District of Columbia. Preparatory education, Brown University (A.B., 1974); legal education, University of Virginia (J.D., 1978). Member, 1976-1977 and Editor-in-Chief, 1977-1978, Virginia Law Review. Member: Raven Society; Order of the Coif. Co-Author: "Wainwright v. Sykes: The Lower Federal Courts Respond," 30 Hastings Law Journal 1683, 1979. Law Clerk to Judge Edward A. Tamm, U.S. Court of Appeals, District of Columbia Circuit, 1978-1979; Law Clerk to Justice Lewis F. Powell, Jr., U.S. Supreme Court, 1979-1980. Member: The District of Columbia Bar; American Bar Association; American Judicature Society.

Anne Shere Wallwork, born Winnipeg, Canada, January 8, 1951; admitted to bar, 1980, District of Columbia. Preparatory education, Wellesley College (B.A., 1973); legal education, Yale University (J.D., 1979). Phi Beta Kappa. Editor, Yale Law Journal, 1978-1979. Wellesley College Scholar. Semifinalist, Yale Moot Court Competition. Author: "Anti-Discrimination Class Actions Under the Federal Rules of Civil Procedure: The Transformation of Rule 23(b) (2)," 88 Yale Law Journal 868, 1979. Law Clerk to Judge Thomas Gibbs Gee, U.S. Court of Appeals, Fifth Circuit, 1979-1980. Member: The District of Columbia Bar.

Suzanna Sherry, born New York, N. Y., March 29, 1954; admitted to bar, 1980, District of Columbia. Preparatory education, Middlebury College (A.B., cum laude, 1976); legal education, University of Chicago (J.D., cum laude, 1979). Member, Order of the Coif. Member, University of Chicago Law Review, 1977-1979. Law Clerk to Judge John C. Godbold, U.S. Court of Appeals, Fifth Circuit, 1979-1980. Member: The District of Columbia Bar; American Bar Association.

OF COUNSEL

Courtney A. Evans, born Wright County, Missouri, November 12, 1914; admitted to bar, 1940, Michigan; 1950, U.S. Supreme Court; 1965, District of Columbia. Preparatory education, Highland Park Junior College and University of Michigan; legal education, Detroit College of Law (A.B., 1940); Assistant Director, F.B.I., Department of Justice, 1961-1964. Special Assistant to U.S. Attorney General, 1965-1968. Member: The District of Columbia Bar; Bar Association of the District of Columbia; State Bar of Michigan; American Bar Association. (Also Of Counsel to Carman, Evans & Campbell)

## DISTRICT OF COLUMBIA

1657B

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Robert Netherland Miller (1879-1968).

Stuart Chevalier (1879-1956).

Numa Lamar Smith, Jr., born November 22, 1915; admitted to bar, 1942, New York; 1947, District of Columbia. Preparatory education, Furman University (A.B., summa cum laude, 1938); legal education, Duke University (LL.B., with distinction, 1941). *Fraternities*: Order of the Coif. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; Federal and American Bar Associations; American Law Institute. Fellow, American Bar Foundation. (Also Member, Everett, Johnson & Breckinridge, New York, N. Y.)

John Stephan Nolan, born Cincinnati, Ohio, January 12, 1926; admitted to bar, 1951, District of Columbia; 1959, Maryland. Preparatory education, University of North Carolina (B.S., 1947); legal education, Harvard Law School (LL.B., magna cum laude, 1951). *Fraternities*: Phi Beta Kappa; Beta Gamma Sigma. Adjunct Professor, Georgetown University Law School, 1955-1959, 1972-1979. Member, Advisory Group to Commissioner of Internal Revenue, 1967-1968. Deputy Assistant Secretary of Treasury for Tax Policy, 1969-1972. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; Federal and American (Vice Chairman, Section of Taxation, 1965-1968, Chairman-Elect, 1980-1981 and Chairman, 1981-1982; Chairman, Standing Committee on Retirement of Lawyers, 1976-1979) Bar Associations. Fellow, American Bar Foundation.

Raphael Sherfy, born Washington, D. C., January 30, 1911; admitted to bar, 1936, District of Columbia. Preparatory education, George Washington University (A.B., 1933); legal education, George Washington University (LL.B., 1936; LL.M., 1938) and Harvard Law School (LL.M., 1937); Graduate School, George Washington University (M.A., 1941). Adjunct Professor, Georgetown University Law School, 1962—. Lecturer at Law, University of Virginia Law School, 1967. Associate Tax Legislative Counsel, U.S. Treasury Department, 1952-1959. Member, Advisory Group to Commissioner of Internal Revenue, 1964-1965. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association.

John Mourer Bixler, born October 14, 1927; admitted to bar, 1954, District of Columbia; 1960, Maryland. Preparatory education, University of Pennsylvania (B.S., 1949); legal education, Harvard Law School (LL.B., 1954). *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; Maryland State, Federal and

American (Member of the Council, Section of Taxation, 1979—) Bar Associations. Fellow: American College of Tax Counsel; American College of Probate Counsel.

Clarence Turner Kipps, Jr., born September 3, 1929; admitted to bar, 1953, District of Columbia; 1954, Virginia. Preparatory education, American University (B.S., 1951); legal education, George Washington University (J.D., 1953). *Fraternities*: Gamma Eta Gamma. Student Editor, George Washington Law Review, 1952-1953. Law Clerk, U.S. Court of Claims, 1953-1956. Editorial Consultant, BNA Federal Contracts Report, 1970—. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia (Chairman, Court of Claims Committee, 1976-1977); Virginia, Federal (Chairman, Board of Contract Appeals Committee, 1975-1976) and American (Chairman, Board of Contract Appeals Committee, Public Contracts Section, 1973-1974) Bar Associations.

James F. Gordy, born Ann Arbor, Michigan, January 10, 1924; admitted to bar, 1951, Pennsylvania; 1960, District of Columbia. Preparatory education, University of Michigan (A.B., 1948); legal education, University of Michigan (J.D., 1950). *Fraternities*: Phi Delta Phi; Order of the Coif. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; Federal and American Bar Associations.

Philip Stanley Neal, born April 6, 1933; admitted to bar, 1959, Virginia and District of Columbia. Preparatory education, University of Colorado (A.B., 1954); legal education, George Washington University (J.D., 1959). *Fraternities*: Phi Beta Kappa; Order of the Coif. *Member*: The District of Columbia Bar; American Bar Association; National Health Lawyers Association.

Robert L. Moore II, born Harrisonburg, Virginia, February 25, 1939; admitted to bar, 1964, Virginia; 1967, District of Columbia. Preparatory education, Davidson College (B.A., 1961); legal education, University of Virginia (LL.B., 1964). *Fraternities*: Phi Alpha Delta; Phi Beta Kappa; Order of the Coif. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; Virginia State Bar; Federal and American Bar Associations.

A. John Gabig, born Washington, Pennsylvania, July 4, 1935; admitted to bar, 1963, Virginia; 1968, District of Columbia. Preparatory education, Gettysburg College (A.B., 1957); legal education, Dickinson School of Law (LL.B., 1961). *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; Federal and American Bar



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DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA

1658B

## MILLER &amp; CHEVALIER, Chartered (Continued)

Associations; Virginia State Bar.

Charles J. Monahan, born New York, N. Y., May 1, 1936; admitted to bar, 1959, District of Columbia. Preparatory education, St. Louis University (B.S., 1957); legal education, Georgetown University (J.D., 1959). *Fraternity*: Phi Alpha Delta. Editor, Georgetown Law Journal, 1958-1959. Attorney, Office of the Chief Counsel, Internal Revenue Service, 1961-1969. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; Federal and American Bar Associations.

Dennis P. Bedell, born Detroit, Michigan, July 13, 1939; admitted to bar, 1965, District of Columbia. Preparatory education, Harvard College (A.B., cum laude, 1961); legal education, University of Michigan (J.D., 1964). Adjunct Professor, Georgetown University Law School, 1977—. Assistant Chief of Staff, Joint Committee on Internal Revenue Taxation, U.S. Congress, 1970-1972. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association.

Charles D. Woodruff, born Delta, Colorado, May 13, 1910; admitted to bar, 1934, Illinois; 1946, New York and District of Columbia; 1950, Texas; 1952, California. Preparatory education, University of Chicago (B.A., 1931); legal education, University of Chicago (J.D., 1934). *Member*: The District of Columbia Bar; State Bar of California; State Bar of Texas; Federal and American (Chairman: Committees on: Federal Procurement Statutes & Regulations, 1974-1975; Bids & Protests, 1975-1976; Organization Conflicts of Interest, 1979-1981, Public Contract Law) Bar Associations.

Robert D. Heyde, born Logansport, Indiana, July 29, 1938; admitted to bar, 1965, Virginia; 1969, District of Columbia. Preparatory education, Indiana University (B.S., 1960); legal education, University of Virginia (LL.B., 1965). Law Clerk to Judge Charles R. Simpson, U.S. Tax Court, 1966-1968. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; Virginia State Bar; Federal and American Bar Associations.

James K. Jeanblanc, born July 10, 1941; admitted to bar, 1966, Illinois; 1970, District of Columbia. Preparatory education, University of Illinois (B.S., with high honors, 1963); legal education, University of Illinois (J.D., 1966) and George Washington University (LL.M. in Taxation, 1967). *Fraternities*: Beta Gamma Sigma; Phi Alpha Delta. Adjunct Professor, Georgetown University Law School, 1972-1979. Attorney, Office of the Chief Counsel, Internal Revenue Service, 1966-1969; Attorney, Office of Tax Legislative Counsel, U.S. Treasury Department, 1969-1970. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; Illinois State, Federal and American Bar Associations.

John Lloyd Rice, born River Falls, Wisconsin, May 28, 1940; admitted to bar, 1965, Illinois; 1970,

District of Columbia. Preparatory education, Wisconsin State University (B.S., 1962); legal education, Harvard Law School (LL.B., 1965). Attorney, Office of the Secretary of Defense, 1967-1970. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; Illinois State and American Bar Associations.

Donald B. Craven, born Durham, North Carolina, August 19, 1941; admitted to bar, 1967, North Carolina; 1973, Virginia; 1975, District of Columbia. Preparatory education, University of North Carolina (A.B., 1963); legal education, Duke University (LL.B., 1967) and Georgetown University. *Fraternity*: Phi Delta Phi (Magister, 1966-1967). *Member*, Editorial Board, Duke Law Journal, 1966-1967. Trial Attorney, Tax Division, U.S. Department of Justice, 1968-1973. Associate Assistant Administrator and Acting Assistant Administrator, Federal Energy Administration, 1974-1975. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; North Carolina, Virginia and American Bar Associations; North Carolina State Bar; Virginia State Bar.

Gary G. Quintiere, born Passaic, New Jersey, November 26, 1944; admitted to bar, 1969, Virginia; 1970, District of Columbia. Preparatory education, Lafayette College (A.B., 1966); legal education, George Washington University (J.D., with honors, 1969). *Fraternity*: Order of the Coif. Notes Editor, George Washington University Law Review 1968-1969. Law Clerk to Judge Philip Nichols, Jr., U.S. Court of Claims, 1969-1970. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; Virginia and American Bar Associations.

Theodore E. Rhodes, born Los Angeles, California, July 20, 1943; admitted to bar, 1969, California; 1976, District of Columbia. Preparatory education, Oregon State University (B.S., 1965); legal education, Hastings College of Law, University of California (J.D., 1968) and New York University (LL.M. in Tax, 1969). *Member*, Office of Tax Legislative Counsel, U.S. Treasury Department, 1973-1976. *Member*: The District of Columbia Bar; State Bar of California.

Jay L. Carlson, born Superior, Wisconsin, November 27, 1943; admitted to bar, 1970, District of Columbia. Preparatory education, University of Wisconsin (B.S., 1965); legal education, George Washington University (J.D., 1970). Managing Editor, George Washington University Law Review, 1969-1970. Lecturer in Law, American University Law School, 1972-1973. Assistant General Counsel for Litigation, Federal Energy Administration, 1975-1976. *Member*: The District of Columbia Bar; American Bar Association.

Mark L. Evans, born Brooklyn, New York, December 2, 1942; admitted to bar, 1968, New York; 1969, District of Columbia. Preparatory education, Hamilton College (A.B., with honors, 1964); legal education, Cornell University (J.D., with

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## MILLER &amp; CHEVALIER, Chartered (Continued)

distinction, 1968). *Fraternities*: Order of the Coif; Phi Kappa Phi. Editor-in-Chief, Cornell Law Review, 1967-1968. Law Clerk to Circuit Judge John A. Danaher, U.S. Court of Appeals, District of Columbia Circuit, 1968-1969. Assistant to the Solicitor General, U.S. Department of Justice, 1972-1976. General Counsel, Interstate Commerce Commission, 1976-1979. *Member*: The District of Columbia Bar; American Bar Association.

Homer E. Moyer, Jr., born November 20, 1942; admitted to bar, 1967, Georgia; 1973, District of Columbia. Preparatory education, Emory University (B.A., 1964); legal education, Yale Law School (LL.B., 1967). *Fraternities*: Phi Beta Kappa; Omicron Delta Kappa. President, Washington Council of Lawyers, 1977-1978. Deputy General Counsel, 1976-1978, Counsellor to the Secretary, 1979 and General Counsel, 1980-1981, U.S. Department of Commerce. *Member*: The District of Columbia Bar. [USN, JAG, 1967-1971]

James W. Midgley, born Rochester, New York, May 28, 1947; admitted to bar, 1971, District of Columbia. Preparatory education, Case Western Reserve University (B.A., 1968); legal education, George Washington University (J.D., 1971). *Fraternity*: Order of the Coif. *Member*, George Washington Law Review, 1970-1971. Law Clerk to Chief Judge Wilson Cowen, U.S. Court of Claims, 1971-1972. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; Federal and American Bar Associations.

F. Brook Vought, born Jackson, Mississippi, August 20, 1945; admitted to bar, 1971, Florida; 1973, District of Columbia. Preparatory education, University of Alabama (B.S., 1967; M.A., 1968); legal education, University of Florida (J.D., 1971). *Fraternities*: Beta Gamma Sigma; Phi Kappa Phi; Phi Delta Phi; Order of the Coif. Executive Editor, Florida Law Review, 1970-1971. Attorney-Advisor, U.S. Tax Court, 1971-1973. *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; The Florida Bar; American Bar Association.

Frederick H. Robinson, born Chicago, Illinois, October 23, 1945; admitted to bar, 1973, Virginia; 1974, District of Columbia. Preparatory education, Cornell University (B.A., 1967); legal education, University of Virginia (J.D., 1973). *Member*: The District of Columbia Bar; Bar Association of the District of Columbia; Virginia State Bar; American Bar Association.

John B. Magee, born Seattle, Washington, August 4, 1944; admitted to bar, 1972, Washington; 1977, District of Columbia. Preparatory education, Pomona College (B.A., 1966); legal education, University of Washington (J.D., 1972) and Georgetown University (LL.M., 1977). *Fraternity*: Order of the Coif. *Member*: Washington State and American Bar Associations; The District of Columbia Bar.

Emmett B. Lewis, born Wilmington, North Carolina, February 11, 1943; admitted to bar, 1967,

(This card continued)

Ohio and Georgia; 1980, District of Columbia. Preparatory education, Duke University (B.A., 1964); legal education, Duke University (J.D., 1967). *Fraternity*: Phi Delta Phi. Assistant Chief Admiralty and Shipping Section, 1974-1979. Assistant Director, Torts Brand, Civil Division, 1978-1979, U.S. Department of Justice. *Member*: The District of Columbia Bar; Cleveland and American Bar Association; Maritime Law Association of the United States. [LCDR, JAGC, U.S. Navy, 1968-1971, Ret.]

Craig D. Miller, born Des Moines, Iowa, February 3, 1947; admitted to bar 1974, California and District of Columbia. Preparatory education, University of Iowa (B.A., 1969); legal education, University of California at Berkeley (J.D., 1973). *Fraternities*: Omicron Delta Kappa; Phi Beta Kappa; Order of the Coif. Note and Comment Editor, California Law Review, 1972-1973. *Member*: The District of Columbia Bar; State Bar of California.

Robert K. Huffman, born Bethlehem, Pennsylvania, November 30, 1947; admitted to bar, 1973, California; 1975, District of Columbia. Preparatory education, Harvard University (B.A., 1969); legal education, Stanford University (J.D., 1973). Adjunct Professor, Federal Energy Law, Georgetown University Law School, 1976—. Law Clerk, U.S. District Court for the Eastern District of Pennsylvania, 1973-1975. *Member*: The District of Columbia Bar; American Bar Association.

Ewing Everett, born June 5, 1897; admitted to bar, 1924, New York; 1937, District of Columbia. Preparatory education, Columbia Military Academy, Columbia, Tenn.; Leland Stanford, Jr. University; Yale University (A.B., cum laude, 1920); legal education, Yale Law School (LL.B., 1922). *Member*: The District of Columbia Bar; Association of the Bar of the City of New York; American Bar Association. (Resident at New York City, see individual alphabetical listing, New York Geographical Section)

Malcolm Johnson, born May 1, 1913; admitted to bar, 1936, Kentucky; 1938, New York; 1953, District of Columbia. Preparatory education, Princeton University (A.B., 1934); legal education, University of Louisville (LL.B., 1937). *Member*: The District of Columbia Bar; Association of the Bar of the City of New York; New York County Lawyers Association; New York State, Kentucky and American Bar Associations. (Resident at New York City, see individual alphabetical listing, New York Geographical Section)

## COUNSEL

David Walker Richmond, born April 20, 1914; admitted to bar, 1936, District of Columbia; 1946, Illinois; 1950, Maryland. Preparatory education, Hutchinson, Kansas Junior College; legal education, George Washington University (LL.B., 1937). *Member*, Advisory Group to Commissioner of Internal Revenue, 1955. *Member*: The District of

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DISTRICT OF COLUMBIA

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## MILLER &amp; CHEVALIER, Chartered (Continued)

Columbia Bar; Bar Association of the District of Columbia; Illinois State and American (Chairman, Section of Taxation, 1955-1957; Member, House of Delegates, 1958-1960) Bar Associations; American Law Institute. Fellow, American Bar Foundation; American College of Trial Lawyers.

Charles T. Akre, born October 12, 1909; admitted to bar, 1934, District of Columbia; 1941, Illinois; 1960, Florida. Preparatory education, State University of Iowa (B.A., 1931); legal education, George Washington University (J.D., 1934) and Graduate School, Rutgers University. Member: The District of Columbia Bar; Bar Association of the District of Columbia; The Florida Bar; American Bar Association.

Barron Kelly Greer, born September 2, 1910; admitted to bar, 1933, North Carolina; 1952, District of Columbia. Preparatory education, University of North Carolina; legal education, Wake Forest College. Member: The District of Columbia Bar; Bar Association of the District of Columbia; North Carolina, Federal and American Bar Associations.

C. Frederick Oliphant III, born Chattanooga, Tennessee, September 25, 1949; admitted to bar, 1975, District of Columbia. Preparatory education, University of North Carolina (A.B., 1971); legal education, University of Michigan (J.D., cum laude, 1975). Fraternities: Phi Beta Kappa. Member, University of Michigan Journal of Law Reform, 1973-1975. Member: The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association.

Ronald D. Aucutt, born St. Paul, Minnesota, December 28, 1945; admitted to bar, 1975, Minnesota; 1976, District of Columbia; 1978, Virginia. Preparatory education, University of Minnesota (B.A., summa cum laude, 1967); legal education, University of Minnesota (J.D., magna cum laude, 1975). Fraternities: Phi Beta Kappa; Order of the Coif. Note and Article Editor, Minnesota Law Review, 1974-1975. Member: The District of Columbia Bar; American Bar Association. [Lt., U.S. Navy, 1970-1973].

James M. Lenaghan, born Englewood, New Jersey, June 9, 1949; admitted to bar, 1974, Rhode Island; 1978, District of Columbia. Preparatory education, University of North Carolina (B.A., cum laude, 1971); legal education, Harvard Law School (J.D., cum laude, 1974). Fraternities: Phi Beta Kappa; Phi Eta Sigma. Member: The District of Columbia Bar; Rhode Island and American Bar Associations.

Stuart M. Bluestone, born Pittsburgh, Pennsylvania, October 17, 1946; admitted to bar, 1973, District of Columbia; 1975, Pennsylvania. Preparatory education, Trinity College, Hartford, Connecticut (B.A., 1968); legal education, Georgetown University (J.D., 1972). Fraternities: Pi Gamma Mu; Phi Chi. Member: The District of Columbia Bar; Pennsylvania and American Bar Associations.

Terry Bancroft Dowd, born New York, N. Y., January 12, 1940; admitted to bar, 1974, Connecticut; 1976, District of Columbia. Preparatory education, University of Wisconsin at Madison (B.A., 1965); legal education, University of Connecticut (J.D., magna cum laude, 1974). Associate Editor, University of Connecticut Law Review, 1974. Member: The District of Columbia Bar; Connecticut Bar Association; National Health Lawyers Association; American Bar Association.

Thomas D. Johnston, born Port Huron, Michigan, March 27, 1953; admitted to bar, 1976, District of Columbia. Preparatory education, University of Pennsylvania (B.S., cum laude, 1973); legal education, University of Michigan (J.D., magna cum laude, 1976). Managing Editor, University of Michigan Journal of Law Reform, 1975-1976. Member: The District of Columbia Bar; American Bar Association.

John J. Brogan, born Kearny, New Jersey, December 18, 1946; admitted to bar, 1976, New York; 1977, District of Columbia. Preparatory education, Georgetown University (A.B., 1968), University of California at Los Angeles (M.A., 1971); legal education, Georgetown University (J.D., 1975, LL.M., 1980). Staff, Georgetown Law Journal, 1974-1975. Member: The District of Columbia Bar; New York State and American Bar Associations.

F. Shaun Burns, born Clovis, New Mexico, April 1, 1950; admitted to bar, 1976, District of Columbia. Preparatory education, California State University at San Diego (A.B., magna cum laude, 1972), University of California at Berkeley and Georgetown University; legal education, George Washington University (J.D., cum laude, 1975). Fraternities: Phi Kappa Phi. Member, George Washington Law Review, 1973-1975. Assistant Law Clerk to Judge Robert L. Kinsig, U.S. Court of Claims, 1973-1974. Law Clerk to Judge Patricia M. Wald, U.S. Court of Appeals, D. C. Circuit, 1979-1980. Member: The District of Columbia Bar; American Bar Association.

James P. Tuite, born Oneida, New York, June 27, 1948; admitted to bar, 1973, Texas (Not admitted in District of Columbia). Preparatory education, Duke University (A.B., 1970); legal education, University of Texas (J.D., 1975). Member: State Bar of Texas; American Bar Association.

Gerald B. Fleming, born Cushing, Oklahoma, August 12, 1944; admitted to bar, 1977, Virginia; 1980, District of Columbia. Preparatory education, University of Oklahoma (B.S., with highest honors, 1966; M.A., 1969); legal education, Georgetown University (J.D., 1977). Fraternities: Phi Beta Kappa; Editor, Georgetown Law Journal, 1976-1977. Member: The District of Columbia Bar; Virginia State Bar; American Bar Association.

James B. Altman, born Chicago, Illinois, September 4, 1949; admitted to bar, 1978, District

## MILLER &amp; CHEVALIER, Chartered (Continued)

of Columbia. Preparatory education, Massachusetts Institute of Technology (B.S., 1971; M.S., 1975); legal education, Boalt Hall School of Law, University of California (J.D., 1978). Associate Editor, California Law Review, 1977-1978. Member: The District of Columbia Bar; American Bar Association.

Stephanie A. Stahr, born Lexington, Kentucky, September 27, 1952; admitted to bar, 1978, District of Columbia. Preparatory education, Smith College (A.B., magna cum laude, 1974); legal education, University of Virginia (J.D., 1978). Fraternities: Phi Beta Kappa. Member: The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association.

David B. Cubeta, born New Haven, Connecticut, March 27, 1951; admitted to bar, 1978, New York; 1979, District of Columbia. Preparatory education, Colgate University (B.A., 1974); legal education, Albany Law School (J.D., cum laude, 1977). Member, Justinian Honor Society, Chief Notes Editor, Albany Law Review, 1976-1977. Member: The District of Columbia Bar; New York State Bar Association.

Paul D. Jacokes, born Durham, North Carolina, February 10, 1953; admitted to bar, 1979, District of Columbia. Preparatory education, University of North Carolina (B.A., with highest honors, 1975); legal education, Yale University (J.D., 1979). Fraternities: Phi Beta Kappa. Member: The District of Columbia Bar; American Bar Association.

Nancy G. Miller, born Louisville, Kentucky, August 17, 1953; admitted to bar, 1978, California; 1979, District of Columbia. Preparatory education, University of California at San Diego (B.A., with highest honors, 1975); legal education, University of California at Berkeley (J.D., 1978). Managing Editor, Ecology Law Quarterly, 1977-1978. Member: The District of Columbia Bar; State Bar of California; American Bar Association.

B. Jean Likes, born Glasgow, Montana, February 2, 1950; admitted to bar, 1977, California; 1979, District of Columbia. Preparatory education, University of California at Berkeley (B.A., 1972); legal education, University of California at Davis (J.D., 1977); Georgetown University (M.L.T., 1981). Member: The District of Columbia Bar; State Bar of California; American Bar Association.

Joanne Thomas Asbill, born Kingston, Ontario, Canada, January 22, 1952; admitted to bar, 1977, Pennsylvania; 1979, District of Columbia. Preparatory education, Syracuse University (B.A., 1974); legal education, Temple University (J.D., 1977). Editor-in-Chief, Temple Law Quarterly, 1976-1977. Member: The District of Columbia Bar; Bar Association of the District of Columbia; Pennsylvania and American Bar Associations.

Stephen W. Comiskey, born Wantagh, New York, July 14, 1947; admitted to bar, 1976, Virginia; 1980, District of Columbia. Preparatory education, U.S. Naval Academy (B.S., 1969); legal education, American University (J.D., magna cum laude, 1976). Managing Editor, American Law Review, 1975-1976. Special Assistant, General Counsel of the Navy, 1978-1980. Member: The District of Columbia Bar; American Bar Association; Virginia State Bar. [With USMC, Judge Advocate, 1976-1980].

Alan C. Brown, born Milwaukee, Wisconsin, May 19, 1952; admitted to bar, 1977, Virginia; 1981, District of Columbia. Preparatory education, University of Notre Dame (B.A., 1974); legal education, George Washington University (J.D., high honors, 1977). Fraternities: Order of the Coif; Phi Delta Phi. Member, George Washington Law Review, 1975-1977. Trial Attorney: Civil Division, U.S. Department of Justice, Frauds Section, 1977-1979; Commercial Litigation Branch, 1979-1981. Member: The District of Columbia Bar; Virginia State Bar; American Bar Association.

Vincent I. Polley, born Detroit, Michigan, October 28, 1954; admitted to bar, 1979, District of Columbia. Preparatory education, Harvard University (A.B., cum laude, 1976); legal education, University of Michigan (J.D., cum laude, 1979). Member: The District of Columbia Bar; American Bar Association (Member, Sections on: Corporation, Banking and Business Law; Science and Technology; Taxation).

Sara P. Walsh, born Abilene, Texas, August 24, 1952; admitted to bar, 1978, Tennessee; 1980, District of Columbia. Preparatory education, University of Arizona (B.A., cum laude, 1975); legal education, Vanderbilt University (J.D., 1978). Student Writing Editor, Vanderbilt Law School, 1978. Law Clerk to Chief Justice Joseph W. Henry, Tennessee Supreme Court, 1978-1979. Member: The District of Columbia Bar; Tennessee and American Bar Associations.

Ruth E. Kent, born Kingston, New York, December 20, 1947; admitted to bar, 1980, District of Columbia. Preparatory education, University of Denver (B.A., 1968); legal education, Harvard University (J.D., 1980). Member: The District of Columbia Bar; American Bar Association.

Harry J. Conaway, born Wilmington, Delaware, May 21, 1952; admitted to bar, 1980, District of Columbia. Preparatory education, Trinity College (B.A., 1974) and University of Pennsylvania (M.A., 1977); legal education, George Washington University (J.D., 1980). Editor-in-Chief, Journal of International Law and Economics, Vol. 14, 1979-1980. Member: The District of Columbia Bar.

Victor Thuryoni, born Washington, D. C., April 13, 1956; admitted to bar, 1981, District of Columbia. Preparatory education, Trinity College, Cam-

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MILLER & CHEVALIER, Chartered (Continued)

bridge (B.A., 1977); legal education, Harvard University (J.D., 1980). Member, Board of Editors, Harvard Law Review, 1978-1980. Member:

The District of Columbia Bar; American Bar Association.

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Herman Miller (1906-1976).

Kenneth J. Loewinger, born Washington, D. C., September 22, 1945; admitted to bar, 1971, District of Columbia and U.S. Court of Appeals for the District of Columbia Circuit; 1972, District of Columbia Court of Appeals; 1979, U.S. Supreme Court. Preparatory education, Georgetown University (B.A., 1967); legal education, Georgetown University (J.D., 1971). Fraternity: Delta Theta Phi. Member: The District of Columbia Bar; The Bar Association of the District of Columbia; Federal and American Bar Associations; American Judicature Society.

Michael E. Brand, born New Haven, Connecticut, January 20, 1950; admitted to bar, 1975, District of Columbia and U.S. District Court for the District of Columbia; 1976, Connecticut and U.S. Court of Appeals for the District of Columbia Circuit; 1977, Maryland. Preparatory education, University of Rochester (A.B., 1971); legal education, University of Toledo and Catholic University of America (J.D., 1974). Recipient, American Jurisprudence Award in Property. Member, Catholic University of America Law Review, 1973-1974. Member: The District of Columbia Bar; The Bar Association of the District of Columbia; Connecticut, Maryland State and American Bar Associations.

Jeffry A. Kappstatter, born Huntington, New York, September 26, 1946; admitted to bar, 1974, District of Columbia and U.S. District Court for the District of Columbia; 1975, U.S. Court of Appeals for the District of Columbia Circuit; 1978, U.S. Court of Claims; 1980, U.S. Supreme Court. Preparatory education, St. Lawrence University (B.A., with honors, 1968); legal education, Georgetown University (J.D., 1974). Fraternity: Pi Sigma Alpha. Assistant Corporation Counsel, District of Columbia, 1974-1980. Member: The District of Columbia Bar; American Bar Association.

Philip M. Musolino, born Troy, New York, November 3, 1952; admitted to bar, 1979, District of Columbia; 1980, U.S. District Court for the District of Columbia. Preparatory education, Long Island University (B.A., 1976); legal education, George Washington University (J.D., 1979). Member: The District of Columbia Bar.

Lisa J. Dessel, born New Brunswick, New Jersey, May 15, 1953; admitted to bar, 1978, New Jersey and U.S. District Court, District of New Jersey; 1979, District of Columbia. Preparatory education, Boston University (B.S., with honors, 1975); legal education, Syracuse University (J.D., 1978). Member, Moot Court Program. Member: The District of Columbia Bar; New Jersey State and American Bar Associations.

DISTRICT OF COLUMBIA

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NOSSAMAN, KRUEGER & MARSH (Continued)

paratory education, Abraham Baldwin Agricultural College and Northwestern State University (B.S., 1960); legal education, University of Mississippi (LL.B., 1963) and Georgetown University (LL.M. in Taxation, 1970). Fraternity: Phi Alpha Delta. Author: "The Corporate Minute Book: A Tool in Business & Tax Planning in Closely Held Corporations," 1969; "The Foreign Tax Credit Under HR 13270," International Trade, 1970. Administrative Assistant to U.S. Representative, 1965. Special Assistant to the Governor of Louisiana, 1966-1968. Assistant Collector of Revenue for Tax Policy, Louisiana, January-June, 1970. Member: The District of Columbia Bar; Baton Rouge, Louisiana State and American (Member, Section of Taxation) Bar Associations; Mississippi State Bar. [With U.S. Air Force, 1954-1958] (Also Member, Jones, Beckner & Gill, Baton Rouge, Louisiana and Washington, D. C.)

RESIDENT ASSOCIATES

James F. Perna, born Greenwich, Connecticut, December 1, 1947; admitted to bar, 1976, California; 1977, Connecticut and U.S. Tax Court; 1980,

District of Columbia and U.S. Court of Claims. Preparatory education, Cornell University (A.B., 1969) and University of California at Berkeley (M.B.A., 1974); legal education, Boalt Hall School of Law, University of California (J.D., 1976) and Georgetown University (LL.M., 1979). Fraternity: Beta Gamma Sigma. Associate Editor, Industrial Relations Law Journal, 1975-1976. Attorney, Office of Chief Counsel, Internal Revenue Service, 1976-1979. Attorney-Advisor, Judge Howard A. Dawson, Jr., U.S. Tax Court, 1979-1981. Member: The District of Columbia Bar.

Thomas R. Lundquist, born Jamestown, New York, March 11, 1952; admitted to bar, 1977, Massachusetts; 1979, District of Columbia. Preparatory education, Union University (B.S., magna cum laude, 1974); legal education, Harvard University (J.D., 1977). Fraternity: Phi Beta Kappa. Author: "The Iceberg Cometh?: International Law Relating to Arctic Iceberg Exploitation," 17 Natural Resources Journal 1, 1977. Member: The District of Columbia Bar.

(For Biographical Data on all Personnel, see Biographical Card at Los Angeles, California)

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MEMBERS OF FIRM

Michael Nussbaum, born Berlin, Germany, March 26, 1935; admitted to bar, 1962, New York; 1964, District of Columbia; 1971, U.S. Supreme Court. Preparatory education, Dartmouth College and Hofstra College (B.A., 1957); legal education, University of Chicago (J.D., 1961; M.C.L., 1963) and University of Brussels. Member, Panel of Arbitrators, American Arbitration Association. Instructor, University of Michigan Law School, 1963-1964. Intern, Legal Service of European Economic Community, Brussels, Belgium, 1963. Member, Judicial Conference, D. C. Circuit, 1972-. Member: Bar Association of the District of Columbia; The District of Columbia Bar; American Bar Association; American Society of International Law.

Marguerite S. Owen, born Washington, D. C., September 1, 1938; admitted to bar, 1964, District of Columbia. Preparatory education, Vassar College (A.B., 1960); legal education, Yale University (LL.B., 1963). Fraternities: Phi Beta Kappa; Order of the Coif. Member: The District

of Columbia Bar; Bar Association of the District of Columbia; American Bar Association.

David N. Webster, born Providence, Rhode Island, March 31, 1934; admitted to bar, 1958, District of Columbia. Preparatory education, Providence College (A.B., 1955); legal education, Georgetown University (J.D., 1958). Recipient, Georgetown Alumni Club, Alumni Achievement Award, 1976. Lecturer, Trial Practice, Catholic University School of Law, 1971-1974. Faculty, National Institute of Trial Advocacy, 1979-. Chairman, First Inquiry Committee, Disciplinary Board, District of Columbia Bar, 1973-1976. Member: Judicial Conference, District of Columbia Circuit, 1975-; District of Columbia Court of Appeals, 1976-. Member: The District of Columbia Bar (Member, Legal Ethics Committee, 1978-); The Bar Association of the District of Columbia (Member, Board of Directors, 1972-1975; President, 1975-1976); American Bar Association (Member, Section on Litigation); The Barristers; American Judicature Society; The Counsellors; Association

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DISTRICT OF COLUMBIA

NUSSBAUM, OWEN & WEBSTER (Continued)

of Plaintiffs' Trial Attorneys; Washington Council of Lawyers. Fellow, American Bar Foundation.

Earl C. Dudley, Jr., born Manila, Philippine Islands, January 8, 1941; admitted to bar, 1967, Virginia; 1969, District of Columbia; 1970, U.S. Supreme Court. Preparatory education, Amherst College (B.A., magna cum laude, 1961) and Harvard University; legal education, University of Virginia (LL.B., 1967). Fraternities: Phi Beta Kappa; Omicron Delta Kappa; Order of the Coif; Phi Delta Phi. Editor in Chief, Virginia Law Review, 1966-1967. Author: "The Congress, The Court and Jury Selection," 52 Virginia Law Review 1069, 1966. Co-Author: "Business Crime," published by Matthew Bender & Company, Inc., 1980. General Counsel, Committee on the Judiciary, U.S. House of Representatives, 1975-1977. Adjunct Professor of Law, Georgetown University Law Center, 1971-1973. Law Clerk to Mr. Justice Reed and Chief Justice Warren, U.S. Supreme Court, 1967-1968. Member: The District of Columbia Bar; Virginia and American Bar Associations.

Ronald G. Precup, born Aurora, Illinois, June 11, 1942; admitted to bar, 1968, District of Columbia and U.S. Court of Military Appeals; 1976, U.S. Supreme Court. Preparatory education, Georgetown University (A.B., 1964); legal education, Georgetown University (J.D., 1967). Fraternity: Delta Theta Phi. Member, Executive Board, Georgetown Law Journal, 1966-1967. Member: The District of Columbia Bar; American Bar Association. [Capt., JAGC, U.S. Army, 1968-1972]

James P. Davenport, born Raleigh, North Carolina, January 23, 1944; admitted to bar, 1971, District of Columbia. Preparatory education, Duke University (A.B., 1966); legal education, Duke University (J.D., 1969). Court Law Clerk, U.S. Court of Appeals, District of Columbia Circuit, 1969-1970. Counsel, U.S. Senate Committee on the District of Columbia, 1970-1971. Member: The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association.

Martin R. Beach, born Chicago, Illinois, April 18, 1948; admitted to bar, 1974, Ohio; 1975, District of Columbia. Preparatory education, Washington University (A.B., 1969) and Indiana University (M.A., 1971); legal education, University

of Cincinnati (J.D., 1974). Fraternity: Order of the Coif. Article Editor, University of Cincinnati Law Review, 1973-1974. Member: The District of Columbia Bar; Bar Association of The District of Columbia; American Bar Association.

ASSOCIATES

Kate Abbott Martin, born Pasadena, California, March 11, 1952; admitted to bar, 1977, Virginia; 1978, District of Columbia. Preparatory education, Pomona College (B.A., 1973); legal education, University of Virginia (J.D., 1977). Editor, Virginia Law Review, 1975-1977. Member: The District of Columbia Bar.

Colette J. Winston, born Washington, D. C., December 1, 1952; admitted to bar, 1979, District of Columbia. Preparatory education, Georgetown University (B.S., summa cum laude, 1974); legal education, University of Maryland (J.D., 1977). Phi Beta Kappa; Alpha Sigma Nu. Editor in Chief, Maryland Law Forum, 1976-1977. Staff Member, Maryland Law Review, 1975-1976. Member: The District of Columbia Bar; The Bar Association of the District of Columbia; American Bar Association; Womens' Bar Association of the District of Columbia; Washington Foreign Law Society.

Sally A. Regal, born Boston, Massachusetts, February 5, 1953; admitted to bar, 1979, District of Columbia. Preparatory education, Northwestern University and Georgetown University (B.A., 1975); legal education, Boston College and Georgetown University (J.D., 1979). Member: The District of Columbia Bar.

OF COUNSEL

Lucien Hilmer, born New York, N. Y., March 18, 1908; admitted to bar, 1932, New York; 1946, District of Columbia. Preparatory education, Williams College (B.A., 1928); legal education, Harvard University (LL.B., 1931). Associate Counsel, U.S. Senate Committee on Interstate Commerce, 1936-1940. Assistant General Counsel, Federal Communications Commission, 1940-1942. Division Chief, Foreign Economic Administration, 1942-1946. Staff Director, Select Committee on Lobbying Activities, House of Representatives, 1950. Member: The District of Columbia Bar; American Bar Association (Member, Advisory Committee on Probate and Fiduciary Rules of the Superior Court, 1972-).

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(For Biographical Data on all Firm Personnel, see Biographical Card at Boston, Massachusetts)

1836B

**DISTRICT OF COLUMBIA**

**SEYMOUR, SEEFRIED & HOFFMAN, Chartered**

General Practice before all Trial and Appellate Courts, Departments and Administrative Agencies Antitrust and Trade Regulation, Corporation, Energy, Municipal, Labor and Criminal Law

SUITE 810, 1010 WISCONSIN AVENUE, N. W.  
WASHINGTON, D. C. 20007

Telephone:  
(202) 965-7100

Samuel H. Seymour, born Washington, D. C., June 22, 1935; admitted to bar, 1962, District of Columbia; 1963, U.S. Court of Appeals, District of Columbia Circuit; 1967, U.S. Supreme Court. Preparatory education, Georgetown University (A.B., 1957); legal education, Harvard University (J.D., 1962). Lecturer in Class Actions, University of Virginia School of Law, 1972-1975. Member: The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association (Member, Sections on: Antitrust Law; Litigation).

Robert A. Seefried, born Buffalo, New York, June 20, 1946; admitted to bar, 1971, Minnesota; 1975, Illinois; 1976, District of Columbia and U.S. Court of Appeals Seventh and District of Columbia Circuits; 1980, U.S. Supreme Court. Preparatory education, Union College (B.S., 1968); legal education, University of Minnesota (J.D., 1971). Member, Minnesota Law Review, 1970-1971. Executive Editor, Manual for Complex Litigation, 1973-1975. Law Clerk to U.S. District Judge Miles W. Lord, District of Minnesota, 1971-1972. Executive Attorney, Judicial Panel on Multidistrict Litigation, 1972-1975. Member: District of Columbia Bar; Federal and American (Member, Sections on: Antitrust Law; Litigation) Bar Associations.

Allan S. Hoffman, born Boca Raton, Florida, February 19, 1945; admitted to bar, 1969, Ohio; 1971, District of Columbia; 1975, U.S. Supreme Court. Preparatory education, Syracuse University (B.A., 1965); legal education, University of Virginia (J.D., 1969).

city (B.S., 1966); legal education, University of Akron (J.D., 1969). Case Note Editor, Akron Law Review, 1967-1969. Trial Attorney, Antitrust Division, U.S. Department of Justice, 1969-1973. Member: District of Columbia Bar; American Bar Association (Member, Sections of: Antitrust Law; Litigation).

Richard S. Lurye, born Brooklyn, New York, February 9, 1948; admitted to bar, 1976, New York; 1979, U.S. District Court, Southern and Eastern Districts of New York, U.S. Court of Appeals, Second Circuit and U.S. Supreme Court (Not admitted in District of Columbia). Preparatory education, State University of New York at Stony Brook (B.A., 1970); legal education, Brooklyn Law School (J.D., 1975) and New York University (LL.M. in Criminal Justice, 1980). Author: "A District Attorney's Rape Coordination Project," published in Rape-Helping The Victim, A Treatment Manual, 1978. Assistant District Attorney, Queens County, New York, 1975-1978. Associate Attorney in Charge, St. John's Law School, District Attorney's Criminal Justice Clinic, 1976-1978. Inspector General, New York City Department of Environmental Protection, 1978-1980. Assistant New York State Attorney General, Deputy Litigation Unit Chief, 1980-1981. Member: The Association of the Bar of the City of New York; New York State and American (Member, Sections on: Antitrust Law; Criminal Justice; Litigation) Bar Associations; New York County Lawyers Association.

General Practice, including all Courts, Departments, Commissions, and Federal Agencies. Corporation, International Trade and Communications Law

**SHACK & KIMBALL, P.C.**

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New York, N. Y. Office: Suite 2200, 630 Fifth Avenue. Telephone: (202) 489-1374

Thomas G. Shack, Jr., born Boston, Massachusetts, November 27, 1933; admitted to bar, 1958, Massachusetts; 1960, District of Columbia; 1965, U.S. Supreme Court. Preparatory education, Boston College (B.S., 1955); legal education, Boston College (J.D., 1958). Member: The District of Columbia Bar; Bar Association of the Dis-

trict of Columbia; Massachusetts, Federal and American Bar Associations (Member, Section on International Law); Federal Communications Bar Association.

Raymond J. Kimball, born Philadelphia, Pennsylvania, January 8, 1948; admitted to bar, 1974,

(This card continued)



2048B

Practice before Federal  
Agencies. Federal Energy  
Law

**JUSTIN R. WOLF**  
COMMONWEALTH BUILDING  
1625 K STREET, N. W.  
WASHINGTON, D. C. 20006

Telephone:  
(202) 737-2413

Justin R. Wolf, born Omaha, Nebraska, April 17, 1911; admitted to bar, 1936, Nebraska; 1948, District of Columbia. Preparatory education, Harvard University (A.B., 1932); legal education, University of Nebraska (J.D., 1936) and Harvard University (LL.M., 1937). Assistant General Counsel, 1941-1944, Petroleum Administration for War. General Counsel and Assistant Deputy Administrator, 1950-1951, Petroleum Administration for Defense. Member: The District of Columbia Bar; Bar Association of The District of Columbia; Nebraska State, American and Federal Energy (President, 1954-1955; Member, Executive Committee, 1952-1958) Bar Associations.

#### ASSOCIATES

Louise C. Powell, born Burlington, Iowa; admitted to bar, 1948, California; 1949, District of Columbia; 1961, Arizona. Preparatory education,

University of Nebraska (A.B., 1941); legal education, Stanford University (J.D., 1948). Order of the Coif. Sorority: Kappa Beta Pi. Secretary, 1965-1966, Vice-President, 1966-1967 and President, 1967, Bankruptcy Bar of Phoenix. Member: The District of Columbia Bar; State Bar of Arizona; The State Bar of California; Federal Energy (Secretary, 1952-1955) and American Bar Associations.

George H. Rothschild, Jr., born Alexandria, Louisiana, April 25, 1951; admitted to bar, 1978, District of Columbia. Preparatory education, Oberlin College (B.A., 1973); legal education, Boston University (J.D., 1978). Member: The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association; Federal Energy Bar Association.

General Practice  
Corporate, Real  
Estate, Taxation, Civil  
and Criminal Litigation,  
Estate Planning, Probate  
and Private International  
Law

**WOLF, AMRAM AND HAHN**  
Professional Corporation  
SUITE 1100, 1155 15TH STREET, N. W.  
WASHINGTON, D. C. 20005

Telephone:  
(202) 783-3444  
Cable Address:  
"HASUN"

Gilbert Hahn, Jr., born Washington, D. C., 1921; admitted to bar, 1948, District of Columbia; 1958, Maryland. Preparatory education, Princeton University (A.B., with high honors, 1943); legal education, Yale Law School (LL.B., 1948). President, Washington Hospital Center, 1967-1969. Chairman, City Council, District of Columbia, 1969-1972. Chairman, District of Columbia General Hospital Commission, 1978-. Member: The District of Columbia Bar; Maryland State Bar Association.

William B. Wolf, Jr., born Washington, D. C., 1927; admitted to bar, 1951, District of Columbia; 1954, U.S. Supreme Court; 1963, Maryland. Preparatory education, Princeton University (A.B., 1947) and University of Oxford, graduate study; legal education, Yale University (LL.B., 1951). Fraternity: Phi Alpha Delta. Member: The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association; American Judicature Society.

Mary Kathleen Hite, born Lilly, Pennsylvania, 1944; admitted to bar, 1975, District of Columbia. Preparatory education, Pennsylvania State University (B.A., with high distinction, 1965); legal education, Harvard University (J.D., 1974). Fraternity: Phi Beta Kappa. Law Clerk to Hon. Theodore R. Newman, Jr., Superior Court of the District of Columbia, 1974-1975. Member: The District of Columbia Bar.

Barry L. Leibowitz, born New York, N. Y., 1947; admitted to bar, 1972, Maryland and District of Columbia. Preparatory education, Newark College of Engineering (B.S., 1968); legal education, American University (J.D., 1972). Editor, American University Law Review, 1971-1972. Assistant U.S. Attorney for the District of Columbia, 1972-1979. Member: The District of Columbia Bar; Maryland State Bar Association.

Gilbert Hahn, III, born Washington, D. C., November 12, 1952; admitted to bar, 1978, District of

(This card continued)

## DISTRICT OF COLUMBIA

2049B

### WOLF, AMRAM AND HAHN (Continued)

Columbia; 1979, Pennsylvania. Preparatory education, Dartmouth College (A.B., cum laude, 1975); legal education, Vanderbilt University (J.D., 1978). Associate Editor, Vanderbilt Law Review, 1977-1978. Law Clerk to Hon. Theodore R. Newman, Jr., Chief Judge, District of Columbia Court of Appeals, 1978-1979. Member: The District of Columbia Bar

#### OF COUNSEL

Philip Werner Amram, born Philadelphia, Pennsylvania, 1900; admitted to bar, 1927, Pennsylvania; 1945, District of Columbia. Preparatory education, University of Pennsylvania (A.B., 1920) and Pennsylvania State College (B.S.A., 1922); legal

education, University of Pennsylvania (LL.B., cum laude, 1927). Editor, University of Pennsylvania Law Review, 1926-1927. Vice-Chairman, 1940-1958 and Chairman, 1958-, Civil Procedural Rules Committee, Supreme Court of Pennsylvania. Chairman, Advisory Committee, United States Commission on International Rules of Judicial Procedure, 1959-1966. Member, 1964-1976 and Vice Chairman, 1970-1976, State Department Advisory Committee on International Private Law. Member, 1956-1976 and Chairman of Delegation, 1972, U.S. Delegations Hague Conference on Private International Law. Member: The District of Columbia Bar.

### WOLF, ARNOLD AND CARDOSO, P.C.

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Maritime Financing,  
Trade and Energy Law  
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Brazil and other Latin  
American and Caribbean  
Countries

Rio de Janeiro, Brazil, Carlos E. Cardoso, Rua Pedro Lessa 35  
7 Andar. Telephones: 252-9263; 242-5698  
Guatemala City, Guatemala, Bufeta Yaqüin Otero,  
3a Avenida 12-51, Zona 1. Telephone: 24603  
Bogotá, Colombia, Arango, Nieto, Cárdenas & Asociados  
Edificio Seguros Fenix, Carrera 7, No. 32-33. Telephones: 345166; 812404

Maurice Wolf, born London, England, October 15, 1931; admitted to bar, 1962, New York; 1964, District of Columbia. Preparatory education, Universidad Nacional Autonoma de Mexico (Certificate, 1957) and University of California at Los Angeles (B.A., with honors, 1959); legal education, Columbia University (LL.B., 1962). Fraternity: Pi Gamma Mu. Harlan Fiske Stone Scholar, 1962. Attorney-Advisor, Office of Satellite Communications, Federal Communications Commission, 1962-1966. Project Attorney, 1966-1972. Senior Attorney, 1972-1974 and Senior Counsel, 1974-1977, Legal Department, Inter-American Development Bank. President, Columbia Society of International Law, 1961-1962. Member: The District of Columbia Bar (Chairman, Banking and Finance Subcommittee, Committee on International Investment and Finance, 1975-1976); Federal and Inter-American Bar Associations; American Society of International Law (Member, Standing Panel on International Telecommunications Policy, 1968-1974). Languages: Spanish and Portuguese.

Eiting Arnold, born Staatsburg, New York, Au-

gust 1, 1912; admitted to bar, 1938, New York; 1949, District of Columbia. Preparatory education, Williams College (B.A., summa cum laude, 1934); legal education, Columbia University (LL.B., 1937). Fraternity: Phi Beta Kappa. Member, Columbia University Law Review, 1935-1937. Author: "The Inter-American Development Bank," in A Lawyer's Guide to International Business Transactions, Surrey & Shaw, Eds., 1963; "The Inter-American Development Bank," in Foreign Development Lending-Legal Aspects, S. J. Rubin, Ed. (A. W. Sijthoff) 1971. Attorney, U.S. Treasury Department, 1939-1948. Assistant General Counsel, Treasury, 1948-1960. Acting Director Foreign Assets Control, Treasury, 1950-1960. General Counsel, Inter-American Development Bank, 1960-1971. Special Assistant and Senior Adviser to General Counsel, Treasury, 1971-1975. Counselor, Legal Department, Inter-American Development Bank, 1975-1977. Member: The District of Columbia Bar; Federal and American Bar Associations; Inter-American Bar Association; American Society of International Law; Washington Foreign Law Society (President, 1978-1979). Languages: Spanish and Portuguese.

(This card continued)

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.

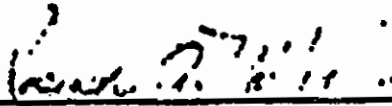
7. Upon completing the matrix, I shared copies with various attorneys who have been active in statutory fee litigation in this jurisdiction including Mr. Reznick of Arnold & Porter; Roger Warin of Steptoe & Johnson who has handled the fee litigation in the McKenzie and Thompson cases involving the Government 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



**YABLONSKI, BOTH & EDELMAN****ABOUT  
THE FIRM****OUR  
PRACTICE****OUR  
ATTORNEYS****OUR  
CASES****Plaintiffs' Exhibit****34****Civ. No. 05-1437 (RCL)****Main Menu**

- [About Our Firm](#)
- [Our Practice](#)
- [Our Attorneys](#)
- [Our Cases](#)

**About the Firm**

Established in 1975, Yablonski Both & Edelman concentrated on civil litigation involving employment. Our firm included its three founding partners: Joseph A. Yablonski, Charles R. Both and Daniel B. Edelman.

Our practice emphasized prosecution and defense of claims involving labor, civil rights, employee benefits, stock options, wrongful termination, sexual harassment, hostile environment, affirmative action, antitrust in the labor context, collective bargaining agreements, wrongful death, personal injury, disability, and breach of contract.

With just three attorneys, we offered small-firm advantages of centralized responsibility for client matters, collegiality and easy accessibility. At the same time, we successfully undertook extremely large cases--in some instances independently and in some as co-counsel with other outstanding firms or with civil rights organizations--for individual employees and groups of employees against large and powerful opponents represented by major national firms. The firm established a track record of success in handling civil cases under diverse federal and state statutes at the trial and appellate levels.

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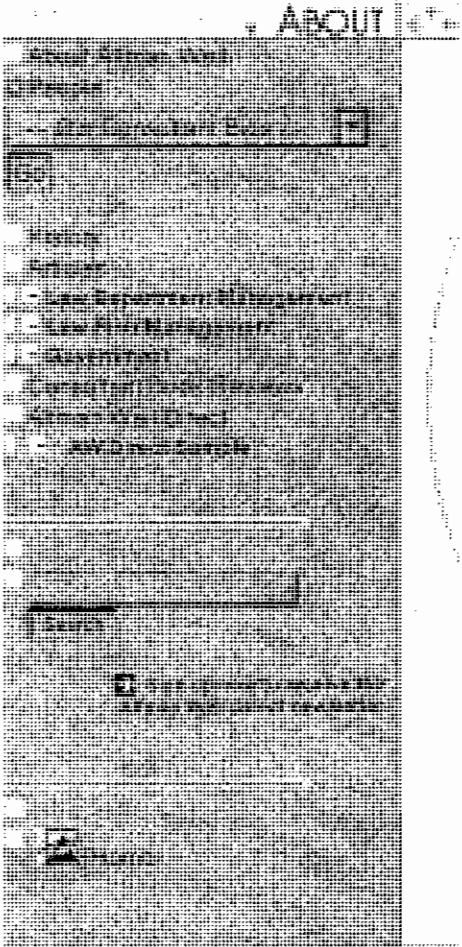




The leader in legal consulting.

**Plaintiffs' Exhibit**  
**36**  
Civ. No. 05-1437

**EXCERPT**



## PEOPLE



### Ward Bower

wbower@altmanweil.com



[Click here for contact card](#)

What is a contact card?

Ward Bower is a principal of Altman Weil, Inc. He heads consulting assignments in law firm organization, strategic and partnership planning, mergers and compensation-related issues. He has consulted to leading law firms throughout the world.

He is co-author of a law office management treatise published by Matthew Bender & Co. and has authored articles for numerous publications, including *The American Lawyer*, *The National Law Journal*, *ABA Journal*, *International Financial Law Review* and *Legal Business*. Mr. Bower is a frequent speaker on law office management-related topics, and has made presentations for the ABA, international, state and local bar associations, law schools, law office administrators and other legal groups throughout the world.

Mr. Bower is admitted to the Pennsylvania Bar, and is a former Council member and Division Chair of the Law Practice Management Section of the American Bar Association. He also has served as a Committee Chair and as a Council member of the Section on Legal Practice of the International Bar Association, and taught for years at the ABA/ICL Strategic Planning Institute at the University of Michigan Business School. He is a Fellow of both the American Bar Foundation and the College of Law Practice Management, and serves as a member of the Board of Governors of The Dickinson School of Law of the Pennsylvania State University. He also represented the International Bar Association at the United Nations Conference on International Public Law in 1995 and has chaired the IBA's Working Group on MDPs since its inception in 1996.

Mr. Bower is a former US Army officer and previously worked in industry as a consultant, before attending law school. He is a graduate of Bucknell University and the Dickinson School of Law.

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ALISON PALMER, et al., x  
Plaintiffs. :  
vs. : Civil Action No.  
COLIN L. POWELL, : 76-1439 (HHK/JMF)  
Defendant. x

MARGUERITE COOPER, et al., x  
Plaintiffs, :  
vs. : Civil Action No.  
COLIN L. POWELL, : 77-2006 (HHK/JMF)  
Defendant. x

Washington, D.C.  
Monday, July 19, 2004

DEPOSITION OF:

WARD BOWER,

a witness, was called for examination by counsel  
for the plaintiffs, pursuant to Notice and  
agreement of the parties as to time and date,  
beginning at approximately 12:15 o'clock, p.m.,  
at the United States Attorney's Office, 501 Third  
Street, N.W., Fourth Floor, Washington, D.C. 20001,



**CAROL J. THOMAS STENOTYPE  
REPORTING SERVICES, INC.**  
3162 MUSKET COURT  
FAIRFAX, VIRGINIA 22030  
(703) 273-9221

1 school?

2 A. In 1975.

3 Q. Have you ever practiced law?

4 A. No, I haven't.

5 Q. Between law school and your present  
6 position, would you please list for me the jobs  
7 that you have held and the period of time in each  
8 job?

9 A. I joined Altman Weil in 1957, when I  
10 graduated from law school. I have been there ever  
11 since, 29 years.

12 Q. That makes that easy.

13 A. It sure does.

14 Q. Have you held the same position from  
15 1975 to the present?

16 A. No. I started as a staff consultant  
17 with Bob Weil and Maryann Altman, who was the  
18 entirety of the company at that time, and have over  
19 the years become a principal in the firm. I have  
20 been an officer, a director since 1980.

21 Technically, I'm president of the  
22 firm of the corporation but I'm -- but I have held

1 a number of different positions over the years  
2 there. Since the early 1980's, I have been a  
3 director and an officer.

4 Q. What is Altman Weil's business?

5 A. We provide management consulting  
6 services to legal organizations, law firms,  
7 corporate law departments, and government legal  
8 agencies.

9 Q. What are management consulting  
10 services?

11 A. We assist our clients in the  
12 organization and management of their business.  
13 Much of that work is in the areas of strategy,  
14 organizational development, financial management,  
15 economic performance improvement and related  
16 matters.

17 Q. How did you acquire knowledge as to  
18 how a law firm might organize and manage itself?

19 A. Well, that's interesting. I worked  
20 in consulting and industry after I got out of the  
21 army and before I started law school, and based  
22 upon that experience, decided to combine that

1 experience with my legal education at the urging of  
2 Maryann Altman while I was in law school and to  
3 come to work for she and Bob Weil as a consultant.

4 I sort of delayed that, and at the  
5 last minute told them I would give them a year if  
6 they let me take the bar exam. That was 29 years  
7 ago it. It was really on-the-job experience.

8 I worked very closely with the two  
9 founders of the company during the early years.  
10 Picked up a lot from them. Worked very hard on the  
11 surveys and the editing of survey data and the  
12 like. You can learn a lot of law firm economics  
13 doing that and what the economic dynamics that  
14 drive law firms are.

15 That was my early probably three to  
16 five years of experience, which gave me the ability  
17 to expand beyond what we had done at that point in  
18 time, which mostly was organization and financial  
19 improvement studies into the areas that I work in  
20 now, which is primarily strategy, business  
21 strategy.

22 Q. What do you mean by organization of

1 a law firm?

2 A. The systems and processes that are  
3 in place for decision making, the levels at which  
4 decisions will be made, the execution of those  
5 decisions, the accountability for those decisions,  
6 and the management reporting that enables that  
7 accountability, everything related to it.

8 Q. What are the decisions that you're  
9 talking about?

10 A. Decisions with regard to what  
11 business the firm will be in, who its clients will  
12 be, who they will attempt to sell their services  
13 to, what services they will provide, what practice  
14 areas to what segments of the market, where they  
15 will practice geographically, where they will  
16 extend their reach geographically, who they will  
17 hire, what they will ask those people to do, how  
18 they will operate the firm from a financial systems  
19 standpoint, how they will compensate people, and  
20 all of the related areas.

21 Q. Does any of that involve decisions  
22 made in how to litigate a particular case?

1           A.       No, it doesn't. Well, no, it  
2       doesn't.

3           Q.       From the management perspective,  
4       what services does your firm offer to law firms?

5           A.       We provide firms assistance in  
6       strategic planning; in organizational development;  
7       how to structure the firm; should it be run by an  
8       executive committee, a management committee, a  
9       management partner or what; and how to determine  
10      the pricing for their services; how to set up and  
11      operate the billing systems; whether or not to  
12      automate them. If they were going to automate  
13      them, we do studies, feasibility studies to  
14      determine the best vendor for their particular  
15      purposes; how to implement that technology.

16                   In the strategy area, we get  
17      involved in marketing. That is how the firm is  
18      going to organize itself to market its services,  
19      what message it's going to take to the marketplace,  
20      how it's going to do that. All of that is subsumed  
21      in that management area.

22           Q.       In the management area, does any of

1           it involve advice or counseling to your clients as  
2           to how they should manage litigation?

3           A.       It involves how they should organize  
4           to manage their various practice areas, whether or  
5           not they should organize into departments or  
6           practice groups.  If they should, how they should  
7           be led, what that person's responsibility should  
8           be, what their training and background should be,  
9           how they should delegate, how they should hold  
10          people accountable.

11          Q.       Does any of that get into case  
12          specific management?

13          A.       No.

14          Q.       Why don't you get involved in case  
15          specific management?

16          A.       Once you get into that, you're  
17          walking precariously close to what might be  
18          determined to be legal advice, and we don't  
19          practice law.  We studiously avoid that.

20          Q.       That's a good idea.

21          A.       We think so.

22          Q.       Are your consulting services



1           designed for law firms that want to enhance the  
2           bottom line?

3                   A.       Yes.

4                   Q.       Are they for any other purpose?

5                   A.       Yes.

6                   Q.       What other purposes?

7                   A.       Law firms that want to grow, law  
8           firms that want to expand geographically, law firms  
9           that want to enhance their perception or reputation  
10          in the community. There are a lot of objectives  
11          that law firms will seek from a strategy standpoint  
12          in addition to bottom line improvement.

13                               Frankly, we think that improving the  
14          law firm's capability of delivering quality  
15          services is probably the single most important  
16          thing it could do to enhance its bottom line.

17                   Q.       What do you recommend that lawyers  
18          do to enhance the quality of their services?

19                   A.       A number of things: Manage their  
20          practice well, specialize, offer a higher level of  
21          expertise within a less broad area of practice in  
22          order to bring more value to the client,

1           communicate with the client in such a way that the  
2           client is going to recognize the value they are  
3           receiving, concentrate on areas of practice that  
4           are of highest value in the marketplace and that  
5           clients are willing to pay more for, and thereby  
6           improve the top line which in turn improves the  
7           bottom line.

8                                 There is some expense control  
9           involved in that. Frankly, when it comes to the  
10          improvement of the economics of a law practice,  
11          improvement of the perceived value of what a firm  
12          is doing in the marketplace is the most important  
13          thing it can do.

14                         Q.       In what field or fields do you  
15          expect to be qualified as an expert witness in this  
16          case?

17                         A.       With regard to the pricing of legal  
18          services.

19                         Q.       Anything else?

20                         A.       Primarily that. I mean, you can't  
21          take that away from the business of law practice,  
22          though.

1                   Q.       What do you mean by the business of  
2 law practice?

3                   A.       What law firms do in order to serve  
4 their clients and fulfill their functions. It's  
5 all related.

6                   Q.       And do you consider yourself an  
7 expert in the field of the pricing of legal  
8 services?

9                   A.       Yes.

10                  Q.       Why?

11                  A.       I have assisted law firms in  
12 analyzing the economics of the practice to  
13 determine what they have to yield on an annual, a  
14 monthly, an hourly basis in order to sustain the  
15 economics of the practice. I have assisted them in  
16 determining how to approach various segments of the  
17 market in order to be able to yield more for the  
18 work that they do.

19                           I have assisted them in determining  
20 means by which they will price their services, be  
21 it hourly or other means, fixed fees, flat fees,  
22 percentage contingencies and the like that are



1           Q.       If an attorney needs to provide  
2           direction to clerical staff as to how a document  
3           should be dealt with, how do D.C. firms treat that  
4           lawyer's time, as billable or not billable?

5           A.       Depends on what it is. I think  
6           generally speaking, it's going to be billable.  
7           It's time that the lawyer spends that is devoted to  
8           the client's legal matter and it's going to be  
9           billable.

10                       If the lawyer is doing the clerical  
11           stuff, then it's not billable. But if he's  
12           providing direction to people who are going to do  
13           stuff, it's billable if it's in pursuit of the  
14           client's interests.

15           Q.       Subject, of course, to our earlier  
16           discussion about the lawyer who is typing the brief  
17           or whatever?

18           A.       Right. That depends. That depends  
19           on a lot of things.

20           Q.       Are you aware of any D.C. firms that  
21           charge multiple rates for the same person to the  
22           same client?

1 A. Let me think. Yes.

2 Q. How many firms?

3 A. I can think of a firm that I worked  
4 with that draws a distinction for its litigators  
5 between time spent in court and time spent doing  
6 other things.

7 Q. Is that the only firm that you can  
8 think of?

9 A. Where I am certain that that's the  
10 case. My guess is that there are probably other  
11 firms that are involved in litigation that may have  
12 differentials between trial rates and preparation  
13 rates.

14 Q. Is that the customary practice in  
15 D.C.?

16 A. No. It's one rate. It used to be  
17 but they figured out how to get the office rates up  
18 to their trial rates.

19 Q. I could argue that they should be  
20 the reverse, but anyway. The opinions that you  
21 have expressed in your expert report is based on  
22 several surveys that you have specifically referred

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**37**  
Civ. No. 05-1437 (RCL)

JUNE CHEWNING, et al., :  
 :  
 Plaintiffs, :  
 :  
 v. :  
 :  
 JAMES B. EDWARDS, :  
 :  
 Defendant. :

C.A. No. 76-0334

AFFIDAVIT OF DAVID N. WEBSTER

CITY OF WASHINGTON )  
 ) ss.:  
 DISTRICT OF COLUMBIA )

Before me, the undersigned authority, personally appeared David N. Webster, who after having been sworn did state the following:

1. I am a partner in the firm of Nussbaum, Owen & Webster. I was admitted to the Bar of this Court in 1958 and have been engaged in the active practice of law in this city since 1959. I have been a member of the Legal Ethics Committee of the District of Columbia Bar since 1978. I served a three-year term as a member of the Legal Ethics Committee of the Bar Association of the District of Columbia from 1971 to 1974, and in the third year I chaired the Committee. I was a member of the Board of Directors of the Bar Association of the District of Columbia from 1972 to 1975, and served as its President from 1975 to 1976. I was a partner in the firm of Williams & Connolly from 1967 to 1981, when I became a partner in my present firm. Previously, from 1959 to 1967, I was associated with the firm of Hogan & Hartson.

2. On November 3, 1978, subsequent to the Consent Order which concluded the liability stage of this litigation, I entered my appearance along with those of other attorneys from Williams & Connolly. I was actively involved in the initial phases of the remedy proceedings which culminated in the Second Amended Order of Reference to Special Master and Protocol of October 31, 1979. Since that time, I have remained involved in the litigation, participated in major decisions regarding its conduct and settlement, and have appeared at hearings and conferences before the Court and the Magistrate on numerous occasions. Attorneys from Williams & Connolly, along with Gary H. Simpson, represented the First Flight of class members employed in Defendant's Personnel Department in extensive proceedings before Special Master Howard A. Glickstein in 1980. Along with Mr. Simpson, I took the lead in May and June 1981 in recruiting additional firms to represent class members in the remaining 15 Flights. Incident to my appearance in November 1978 and thereafter, I became quite familiar with the liability stage proceedings. In connection with preparing this Affidavit, I reviewed drafts of Plaintiff's Applications for final fee awards for liability stage services and remedy stage services from July 14, 1978 through March 31, 1981.

3. During the last seventeen years of my practice, I have been involved almost continuously in large, complex litigation. I spent the seven years after joining Hogan & Hartson doing civil trials in the courts of the District of Columbia, mainly on the defense side. During 1965 and 1966, I worked very closely with the late Paul R. Connolly on some large, complex civil cases in the areas of securities fraud (defense), airplane crashes (plaintiff), products liability drug cases (defense), a corporate takeover fight (plaintiff), and



and a multi-million dollar breach of contract matter for two oil companies (defense). After joining in the foundation of Williams & Connolly in 1967, I handled civil and criminal cases (more civil than criminal) about evenly divided between plaintiffs and defendants, in state and federal courts located in Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, the District of Columbia, West Virginia, North Carolina, Georgia, Florida, Texas, Illinois, Ohio and Montana. Many of these cases were large, complex cases with real case management problems in which new modes had to be designed to ease the loads imposed on the court system. For example, I represented over 1,100 children in their individual claims for psychic injury arising out of the bursting of a dam in Buffalo Creek, West Virginia, on February 26, 1972. In another case, I represented over 50 persons, all residents of a rural West Virginia community, in their claims arising out of the pollution caused by a continuously burning coal seam inside an adjoining mountain. Cases such as these and others, including this one, have tested the outer limits of the judicial system in terms of accommodating different litigating and settlement modes. In the context of litigation in which I have participated, I would say that the problems of discovery management and structuring of statistical proof posed during the liability stage of this proceeding were of the highest order of difficulty and complexity.

4. I understand that lodestar hourly rates are to be requested for liability stage work and remedy stage work through March 31, 1981 based on the hourly rates set in North Slope Borough v. Andrus, 511 F. Supp. 961, 966-70 (D.D.C. 1981); Environmental Defense Fund v. Environmental Protection Agency, \_\_\_ U.S. App. D.C. \_\_\_, 672 F.2d 42, 58, n. 11 (1982), and

Sierra Club v. Gorsuch, No. 79-1565 (C.A.D.C. July 16, 1982).

These rates -- \$125 an hour for an attorney such as myself with more than twenty years experience; \$110 an hour for attorneys such as Gary Simpson with nine to twenty years of experience; \$80 for those attorneys with four to eight years experience; and \$65 for those with less than four years experience -- are less than the billing rates which my firm routinely bills for attorneys of comparable experience and are less than rates for attorneys of comparable experience which have prevailed in the District of Columbia for the past several years. In my opinion, the requested rates are reasonable for attorneys of the qualifications and ability of those involved in this case and are fair figures for the quality of the work with which I am familiar.

5. In my experience, the rates for handling complex federal civil litigation, which this case surely represents, currently range from \$135 to \$185 per hour depending on the experience of the advocate, with some lawyers charging more and a few charging less. As of 1980, the range was \$125 to \$175; as of 1978, \$110 to \$160. My own standard rate in my present firm is \$180 an hour; at Williams & Connolly in 1981 it was \$220 an hour. My firm's current rates for attorneys with various levels of experience are as follows:

<u>Year of Experience</u>	<u>Rate</u>
First	\$ 70
Third	\$ 90
Fifth	\$100
Seventh	\$125
Tenth	\$135
Thirteenth	\$150

Our standard rate for paralegals is \$25 an hour.

6. The practice of my present firm and my immediately prior firm was and is to assign a billing rate to each attorney based upon his or her individual experience. This rate would be charged irrespective of the subject of the particular matter being litigated (e.g., employment discrimination as opposed to other kinds of litigation) and without regard to the specific type of legal activity being carried on in a matter. With the exception of some firms doing primarily insurance defense work, I do not know of any Washington law firms assigning different billing rates for different litigation activities, e.g., preparing pleadings, attendance at depositions, argument of motions, etc. I have not encountered any attorneys with different billing rates depending upon the subject matter of the particular litigation. The rates stated are those which would be charged by my firm to clients regularly billed at hourly rates and would apply to work of the sort done in the liability stage of this case.

7. My firm's rates are based on our knowledge of prevailing community rates and are generally within the range of those rates. While I would certainly agree that those rates are not always collected because of various reasons -- including free or reduced-rate representation, a complaint about the size of a bill, my feeling that the total is too high given the result, and other reasons -- those rates are our standard billing rates and represent what we would charge a client, personal or corporate, for litigation type work, in the absence of some special circumstances such as I have outlined in this paragraph.

8. In a case in which counsel face the risk of receiving no compensation if their clients are unsuccessful, it is traditional that the fee will be larger than if counsel were

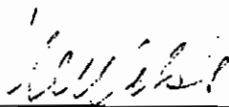
Case 1:05-cv-01437-RCL Document 326-4 Filed 04/30/12 Page 5 of 7  
being compensated on an ongoing basis whether they win or lose. In lawsuits for damages, the degree of risk of non-recovery assumed by the attorney is frequently reflected in the percentage of the recovery which will be paid to the attorney as his fee in the event of success. The greater the uncertainty of result, the greater the percentage fee may be, albeit always within the limit of reasonableness. In a lawsuit in which the court is awarding fees based on an Act of Congress, it is appropriate to accomplish the same result by awarding a contingency bonus on top of the amount which would be obtained by multiplication of a reasonable hourly rate by a reasonable number of hours. Court-awarded fees in antitrust cases have used multiples of 3 to 4 times the product of a reasonable rate and a reasonable number of hours.

9. I understand that Defendant has entered into a Stipulation accepting the time spent in the liability stage as reasonable. In my opinion, the fees requested for work in the liability stage of this case are reasonable and in conformance with recognized and acceptable practices within the legal profession. I believe that the fees requested for remedy stage work through March 31, 1981 by Mr. Simpson's office and my former firm, Williams & Connolly, are also fair and reasonable. The requested award would not enrich counsel unduly, and an award substantially below that requested may lead other counsel, of comparable qualifications, to avoid plaintiff's Title VII work and to concentrate instead on commercial cases. This would tend to defeat the purposes of Congress in enacting the fee-award provisions of Title VII.

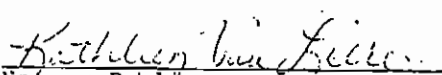
10. Neither I, my present firm, nor Williams & Connolly has any interest in the amount of the fee awarded for work done in the liability stage of the litigation. Williams

Case 1:05-cv-01437-RCL Document 326-4 Filed 04/30/12 Page 7 of 7

& Connolly received an interim fee pursuant to the Report and Recommendation of Special Master Howard A. Glickstein of November 19, 1981 which was approved by the Court on January 15, 1982 for work done through March 31, 1981. Final application will be made on behalf of Williams & Connolly for time which I expended while still at that firm. Since joining my present firm, I have spent 52.20 hours, for which compensation will also be sought. The sole financial interest of my firm in this case lies in obtaining compensation for my rather small time expenditure and in reimbursement of related costs. I have previously been asked to provide Affidvits in support of fee applications in three other cases -- Roberts v. Solomon, C.A. No. 77-2188 (D.D.C.); National Wildlife Federation v. Watt, C.A. No. 82-0320 (D.D.C.); and Natural Resources Defense Council v. Environmental Protection Agency, C.A. No. 81-2068 (D.D.C.) -- in which neither I nor my firm had participated. The recitations here are identical to those in my previous Affidvits with the exception that the range of prevailing rates has risen somewhat since my Affidvit of July 29, 1980 in Roberts.

  
\_\_\_\_\_  
DAVID N. WEBSTER

Subscribed and sworn to  
before me this 26<sup>th</sup> day  
of September, 1982, in  
Washington, D.C.

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

My Commission Expires January 1, 1985

# THE SURVEY OF LAW FIRM ECONOMICS

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*2010 Edition*

**Plaintiffs' Exhibit  
38  
Civ. No. 05-1437 (RCL)**

Conducted and Published by

THE NATIONAL  
LAW JOURNAL

-- and --

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INTELLIGENCE

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**EXCERPT**

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**Section VI -- Questionnaire**





## INTRODUCTION

The National Law Journal's *Survey of Law Firm Economics, 2010 Edition* (based on 2009 data) is one of the most complete, accurate and up-to-date set of economic statistics and financial data available about the legal profession. This year's survey contains information from 10,913 lawyers including 3,712 associates, 6,236 partners/shareholders (equity and non-equity), 608 active counsels, and 357 staff lawyers working in 187 U.S. law firms. In its 38<sup>th</sup> year, the survey remains an invaluable tool for managers of law firms.

To be a useful tool, the survey must provide the relevant information required by law firm managers. ALM Legal Intelligence partners with the International Paralegal Management Association each year to develop and publish a more comprehensive tool for managing paralegal positions. If you are interested in paralegal data, please contact ALM Legal Intelligence for product information and pricing.

ALM Legal Intelligence is committed to meeting the information needs of the legal profession and, as such, invites you as a purchaser and/or participant to call or write us with your candid critique, suggestions and questions. The survey will continue to improve only through our ability to understand your evolving needs for information. We invite you to contact us with any thoughts and/or questions, [almlegalintel@alm.com](mailto:almlegalintel@alm.com).

## USE OF THE SURVEY

The survey is designed to provide the information necessary for law firm managers to evaluate their firm's performance relative to comparable law firms. The statistics included in the survey represent broad performance benchmarks against which an individual firm can be measured. Using this information, law firm management can compare their firm's performance and figures with those of the profession as a whole, as well as with firms of similar size, geographic location, population, practice specialty, etc.

This survey is particularly useful to firm management, administrators, strategic planners and office or department heads, who are able to efficiently develop comparative analyses of the various statistical data with their firm's data. Many are experienced in development of these analyses and in development of effective presentation charts and graphs. However, over the years we have encountered others who have found the analysis more difficult. Accordingly, we have developed a program that will prepare customized tabulation of your data against relative benchmarks.

Please contact ALM Legal Intelligence at (888) 770-5647, if you wish to discuss development of comparative charts for your firm.

**RECOMMENDED APPROACH TO DEVELOPMENT OF COMPARATIVE DATA**

At first glance, the survey may seem to contain an overwhelming volume of information. However, if you follow the suggested steps, you should be able to easily develop useful, meaningful comparisons.

*Step 1 - Collection of Your Firm's Data*

The first step in using the survey is to develop your firm's data for fiscal year 2009. This is best accomplished by using a copy of your survey response form and worksheet. The questionnaire used in the study is included in Section VI. A review of the questions used will enable you to better understand the data herein and to make optimal use of the survey.

Also, please note that your timely pre-publication participation in our survey next year will add your firm's data to the ALM Legal Intelligence survey database, will enable us to review your data for possible corrections, as well as give you a head start on your analysis.

*Step 2 - Calculate Per Lawyer or Fee Earner Statistics and Other Ratios*

The second step is to calculate the various performance indicators and ratios using the data compiled in Step 1. It is important to calculate all data using the same formulae which were used to produce the data in the survey. Most

information is presented in a **per equity partner, per lawyer or per fee earner** format. For example, to develop per lawyer gross receipts you would divide the total firm income for the year by the total number of full-time equivalent (FTE) lawyers. FTEs are defined in the questionnaire.

Example - Per Lawyer		
<u>Total Gross Receipts</u>	<u>\$10,000,000</u>	= \$200,000
Total FTE Lawyers	50	Per Lawyer

Per fee earner gross receipts would be calculated by dividing the total firm income for the year by the total number of (FTE) lawyers plus one half of the full-time equivalent (FTE) paralegal staff. A further explanation of the per equity partner, per lawyer and per fee earner format is provided in the introduction to the Financial section.

Example - Fee Earner		
<u>Total Gross Receipts</u>	<u>\$10,000,000</u>	= \$181,818
Total FTE Lawyers	55	Per Fee Earner
+ One Half FTE Paralegal Staff (10 FTE Paralegals x .5 = 5)		

### *Step 3 - Evaluating Results*

Next, assess your firm's performance with the survey results of comparable firms in terms of size, location, similar population base and legal specialty. As you do so, several points should be recognized.

1. A deviation between your firm's figures (for any performance measure) and numbers in the report is not necessarily good or bad. It merely indicates that additional analysis may be required. As a rule, the larger the difference, the greater the need for further investigation.
2. In situations where large deviations do exist, it may be helpful to calculate the same performance measure over the past several years to identify trends that may exist.
3. The information in this survey should be used as **guidelines** rather than absolute **standards**. Firms differ, as does their mix of practice specialties, location, size and other factors. Any two firms can be successful, yet have very different experiences with regard to certain performance measures.

Any level of performance requires certain trade-offs. Very high dollars may require extraordinarily long hours, tremendous expertise, superlative results and even luck. On the other hand, if performance results are lacking, there may be areas where improvement simply to levels customarily achieved in other law firms will provide impressive returns.

### **TREND DATA**

This survey contains a *snapshot* of the economic performance of the legal profession for 2009. However, the best analysis of a firm's economic performance and position occurs through evaluation of trend information. Selected trend information is provided in each section of the survey. For more complete historical data, we recommend prior copies of the survey that are available at reduced prices to those who wish to compare their firm on a trend basis. Quotes on prices for copies of past surveys can be obtained by contacting ALM Legal Intelligence at (888) 770-5647.

### **TERMS AND DEFINITIONS**

In order to obtain maximum value from this survey, it is important to understand what the information means and how to best use it. Following are explanations of some of the data and definitions used in the report. We have also provided brief comments on the statistical terms used.

#### *Billable Hours*

For those persons who regularly report billable hours, hours recorded during the reporting year, which were chargeable to clients (i.e., billable work).

#### *Billing Rates*

Most commonly assigned (standard) hourly rate as of January 1, 2010.

Compensation

**Salary/Draw**

*For Professional Corporations/Associations:*

Salary-Federal taxable income amount shown on W-2 plus voluntary before-tax employee reductions for:

- 401(k) plans;
- Flexible spending accounts (FSAs);
- Other qualified flexible benefit programs.

*For Partnerships/Proprietorships:*

Draw-Periodic cash distributions including quarterly tax draws and guaranteed payments.

**Bonus/Distribution in Cash**

*For Professional Corporations/Associations:*

Bonus-Year end cash bonus paid during 2009.

*For Partnerships/Proprietorships:*

Distribution-Cash distribution to partners.

**Cash Compensation**

Salary plus Bonus.

**Benefits/Distribution in Kind**

*For Professional Corporations/Associations:*

Nontaxable benefit costs, which include: qualified profit sharing plans, life, health and disability insurance, medical reimbursement plans, employer payroll taxes (including FICA) and pension

contributions. Excludes auto, parking, memberships and CLE expenses.

*For Partnerships and Proprietorships:*

Report distribution in kind (firm payments for benefits on behalf of the partners).

**Total Compensation**

Salary/Draw, Bonus/Distribution in Cash, plus Benefits/Distribution in Kind.

Firm Specialization

These specialized firms derived 50% or more of their gross receipts from one area of legal work. The survey instrument reports areas of specialization in the financial section as follows:

- Commercial Litigation
- Insurance Defense Litigation
- General (no area responsible for 50% or more)
- Other

Lawyer Specialization

The questionnaire requests information on any legal specialty in which each reported individual spent more than half of his/her billable time. The list of specialties requested is shown below. It is not an exhaustive list, but enables some analysis of the relative earnings of various specialty groups.

Non-Litigation	Litigation
100 = Admin/Legislative/Reg.	200 = Antitrust
101 = Banking	201 = Bankruptcy
102 = Bankruptcy	202 = Collections
103 = Collections	203 = Comm./Contracts
104 = Commercial/Contract	204 = Criminal
105 = Education	205 = Education
106 = Employee Benefits	206 = Insured Defense
107 = Employment	207 = Self-insured Defense
108 = Environmental	208 = Employee Benefits
109 = Family Law	209 = Employment
110 = General Business	210 = Environmental
111 = Health Care	211 = Family Law
112 = Insurance	212 = Health Care
113 = Intellectual Property	213 = Intellectual Property
114 = International	214 = International
115 = Labor/Management	215 = Labor/Management
116 = Labor/Union	216 = Labor/Union
117 = Maritime	217 = Maritime
118 = Merger/Acquisitions	218 = Natural Resource
119 = Municipal Finance	219 = Personal Injury
120 = Natural Resources	220 = Products Liability
121 = Real Estate	221 = Real Estate
122 = Securities	222 = Securities
123 = Taxation	223 = Taxation
124 = Trust/Estates/Probate	224 = Trust/Estates/Probate
125 = Utilities	225 = Workers' Compensation
126 = Other Non-litigation Spec.	226 = Other Litigation Spec.
127 = Multi Non-litigation Spec.	227 = Multi Litigation Spec.
300 = Generalist	

Multioffice Firms

Multioffice law firms are shown as a separate category within the financial section wherever information is segregated by firm size, region and size of municipality. Within the category of MULTIOFFICE law firms, each firm is treated as a single entity. **In addition**, each multiple office firm is treated as a separate unit within the reporting categories of size, location, and population in this section.

When reporting information in the remaining sections of the report, each individual fee earner is re-categorized according to the region of employment. For example, a firm's main office is in Minneapolis, and the branch office is in Sarasota, Florida. The individual fee earner information is reported as South Atlantic.

Offices

The term OFFICES indicates the number of law firm offices reported within a category. Branch offices are counted as single offices.

Geographic Regions

Regions are determined using geographic divisions as defined by the U.S. Census Bureau. (See map on page 13). Puerto Rico and the Virgin Islands are included with "South Atlantic;" Hawaii and Alaska with "Pacific."

Population Area

Population area categorizations are determined using definitions determined by U.S. Office of Management and Budget (OMB) as applied to U.S. Census Bureau data. For more information visit:  
[www.census.gov/population/www/estimates/aboutmetro.html](http://www.census.gov/population/www/estimates/aboutmetro.html).

Status*Partners/Shareholders/Associates***10 - Equity Partner/Shareholder/Proprietor**

**11 - Non-Equity Partner, Salaried Partner, Non-Participating Partner** - Any individual who is held out to the public as a partner or principal, but is clearly in a separate class that is characterized as having lower capital contribution requirements, lesser voting rights and lesser economic risk or reward potential. May be classified as either a W-2 employee or K-1 partner for tax purposes.

**20 - Associate Lawyer** - A lawyer employed by the firm who is understood to be in a program leading to consideration for partnership or shareholder status, or who has been so considered.

**21 - Staff Lawyer** - A lawyer employed by a law firm who is hired with the understanding that the position will **not** lead to consideration for ownership status.

**30 - Counsel** - (of counsel) working actively; normally over 800 billable hours.

In analysis titled "*By Individual Status*," each status code is listed separately. This breakout is shown **only** at the national level. In the remaining analyses, the heading *Partner/Shareholder-Equity/Non-Equity* includes partners in partnerships, shareholders in professional corporations/associations and sole proprietors. This would include equity and non-equity positions. The heading *Associate/Staff* includes associate and staff attorney positions defined earlier.

**STATISTICAL TERMS USED**

The statistical terms used in the survey are defined below and illustrated in the example.

Quartiles are used to define the middle 50% of the range. One quarter of the observations lies below the **first or lower quartile** (or 25th percentile). One quarter lies above the **third or upper quartile** (or 75th percentile). In some tables the **ninth decile** (or 90th percentile) is also shown; 10% of cases lie above this point.

The **median** (or 50th percentile) is the middle or central number in a series of numbers arranged in order of value. In the following example, the median is 50. There are equal numbers of smaller and larger observations.

The **average** (or mean) is the total value of all observations divided by the number of observations. This number may be distorted by a few outliers, as is the case in our example. The mean is useful in hourly rates and in billable hours, because few outliers are possible. It is not as good a measure for comparisons of earnings.



**Example**

Item No.	Amount
1.	400 (Outlier)
2.	90
3.	80 – 75 <sup>th</sup> percentile or upper quartile
4.	70
5.	60
6.	50 – Median or 50 <sup>th</sup> percentile
7.	45
8.	40
9.	30 – 25 <sup>th</sup> percentile or lower quartile
10.	20
11.	10

Average is 82  
Middle range is 30 to 80

**INFORMATION ABOUT THE DATA BASE**

This study is undertaken annually. An invitation to participate was sent to a selected group of law firms. These are firms that have had prior contact with ALM Legal Intelligence and include past participants and purchasers of our various surveys. Invitations to participate were also sent to various members of the Association of Legal Administrators and other law firm management mailing lists.

Only U.S. law firms are included in this study. Sole practitioners are excluded from this report. ALM Legal Intelligence has a separate report on small U.S. law firms entitled the *Small Law Firm Economic Survey, 2010 Edition*. This survey includes information furnished by sole practitioners through law firms with up to 20 lawyers.

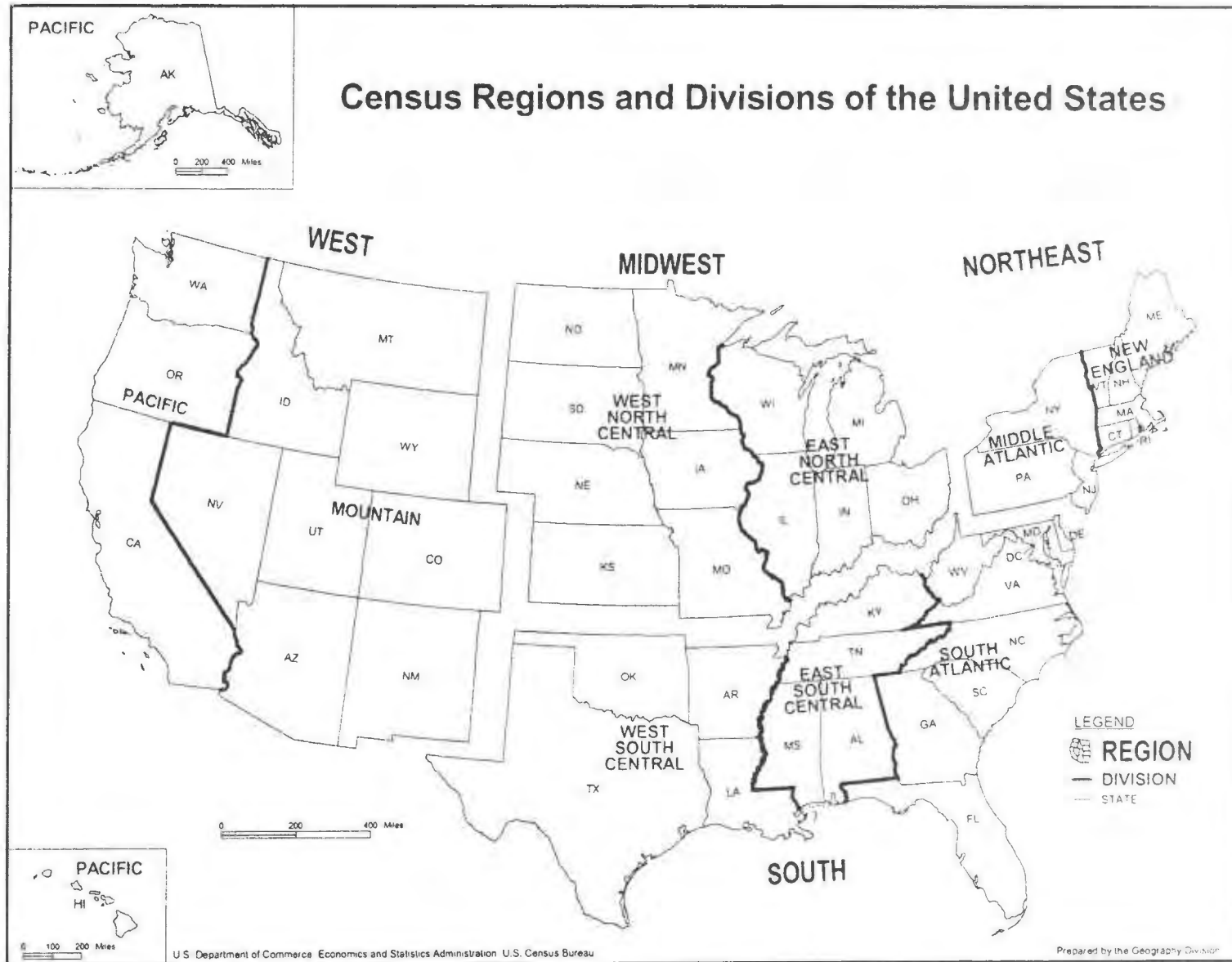
Information was collected in several areas for each lawyer who worked at the participating law firm in 2009. Earnings and billable hours information is included only for individuals who worked full-time for all of 2009.

A total of 187 firms are included in this report. Usable information was provided for 10,913 lawyers, including 3,712 associates, 6,236 partners/shareholders (equity and non-equity), 608 active counsel and 357 staff lawyers.

To ensure more accurate information, no statistics are shown for any category that does not have information supplied by at least five firms/offices and seven individual positions. Medians are only shown for 11 or more data points. Quartile and ninth decile information is only shown for 17 or more data points. Certain tables show only averages, even though sufficient data exists for additional statistical comparison. The number of firms or offices and number of positions are indicated on the tables as appropriate.

In some instances, the sum total of percentage breakouts may not equal 100%, because numbers have been rounded to the nearest one-tenth of one percent.





## DISTRIBUTION OF LAWYERS BY OFFICE FOR PARTICIPATING LAW FIRMS

Breakout of Data		Region								Total Lawyers	
		New England	Middle Atlantic	South Atlantic	East South Central	West South Central	East North Central	West North Central	Mountain		Pacific
Population Area	Micropolitan/Rural	20	7	21	1	0	11	7	2	7	76
	Metropolitan	127	974	1,884	408	743	1,689	821	577	265	7,488
	Metropolitan Division	52	890	497	0	83	953	0	0	266	2,741
Size of Firm	2 to 8 Lawyers	11	2	23	0	3	14	7	4	8	72
	9 to 20 Lawyers	16	79	161	54	9	84	78	29	22	532
	21 to 40 Lawyers	61	68	169	159	128	217	197	78	272	1,349
	41 to 75 Lawyers	42	266	367	19	346	429	410	444	41	2,364
	76 to 150 Lawyers	22	352	1,205	16	340	1,163	94	17	132	3,341
	Over 150 Lawyers	47	1,104	477	161	0	746	42	7	63	2,647
Practice Area	Commerical Litigation	18	0	139	0	0	241	0	0	1	399
	Insurance Defense Litigation	15	13	410	18	25	439	42	7	63	1,032
	General Law	132	1,805	1,703	372	785	1,764	685	565	439	8,250
	Other	34	53	150	19	16	209	101	7	35	624
Type of Firm	Partnership	3	157	0	0	76	4	0	5	173	418
	Professional Corporation	79	913	1,125	22	327	310	416	390	206	3,788
	Professional Corporation w/"S"	8	0	55	2	3	186	13	0	0	267
	Limited Liability Company	32	448	285	307	139	481	38	77	41	1,848
	Limited Liability Partnership	77	353	937	78	281	1,672	361	107	118	3,984
Total Lawyers		199	1,871	2,402	409	826	2,653	828	579	538	10,305

Does not include Of Counsel positions.

## STANDARD HOURLY BILLING RATES

This section presents standard billing rates for equity partners and shareholders, non-equity partners and shareholders, associates and staff lawyers. Information is collected for each lawyer on the "individual's most commonly used hourly rate as of January 1, 2010." Law firms frequently employ this rate, usually called the Standard Rate, in their budgeting practices. Years of experience is calculated in this section from the year admitted to bar. Average billing rates, as well as quartiles and ninth decile data, are reported as follows:

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REGION BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2010

Region/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
New England	Under 2 Years	6	9	167	--	--	--	--
	2 or 3 Years	7	15	187	--	165	--	--
	4 or 5 Years	8	17	203	173	190	207	327
	6 or 7 Years	9	17	225	190	202	223	355
	8 to 10 Years	9	17	241	205	245	275	328
	11 to 15 Years	12	22	285	243	273	310	425
	16 to 20 Years	10	29	312	240	265	393	465
	21 to 30 Years	13	38	328	240	290	393	477
31 or More Years	12	32	334	265	318	383	466	
Middle Atlantic	Under 2 Years	27	93	188	158	175	228	250
	2 or 3 Years	33	131	209	175	200	245	275
	4 or 5 Years	38	128	237	195	235	275	301
	6 or 7 Years	34	97	258	215	250	300	338
	8 to 10 Years	51	163	296	235	275	350	410
	11 to 15 Years	48	245	327	275	315	383	450
	16 to 20 Years	49	214	351	290	338	400	475
	21 to 30 Years	57	417	396	325	380	475	540
31 or More Years	57	336	412	345	400	480	550	
South Atlantic	Under 2 Years	58	159	182	150	180	220	240
	2 or 3 Years	62	216	201	158	200	239	267
	4 or 5 Years	64	200	213	163	218	254	280
	6 or 7 Years	61	171	229	175	235	279	300
	8 to 10 Years	73	210	255	181	265	315	350
	11 to 15 Years	80	308	292	225	300	350	391
	16 to 20 Years	81	244	313	236	325	391	440
	21 to 30 Years	84	470	355	285	355	425	490
31 or More Years	77	330	388	325	395	450	519	

(continued on next page)

STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2010

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
DC	Under 2 Years	1	1	--	--	--	--	--
	2 or 3 Years	3	7	--	--	--	--	--
	4 or 5 Years	2	4	--	--	--	--	--
	6 or 7 Years	3	6	--	--	--	--	--
	8 to 10 Years	3	6	--	--	--	--	--
	11 to 15 Years	3	10	--	--	--	--	--
	16 to 20 Years	4	7	--	--	--	--	--
	21 to 30 Years	5	19	457	420	475	500	510
	31 or More Years	7	19	470	420	450	530	625
DE	Under 2 Years	3	4	--	--	--	--	--
	2 or 3 Years	1	2	--	--	--	--	--
	4 or 5 Years	1	2	--	--	--	--	--
	6 or 7 Years	2	8	--	--	--	--	--
	8 to 10 Years	2	6	--	--	--	--	--
	11 to 15 Years	3	5	--	--	--	--	--
	16 to 20 Years	3	7	--	--	--	--	--
	21 to 30 Years	5	17	452	400	440	520	578
	31 or More Years	3	13	--	--	--	--	--
FL	Under 2 Years	16	45	194	173	185	220	260
	2 or 3 Years	14	43	218	177	200	260	305
	4 or 5 Years	17	52	235	201	223	264	332
	6 or 7 Years	11	31	234	166	235	300	355
	8 to 10 Years	15	45	257	196	265	300	361
	11 to 15 Years	19	72	283	202	300	330	379
	16 to 20 Years	19	47	305	220	325	350	444
	21 to 30 Years	20	100	345	274	350	389	500
	31 or More Years	17	66	407	334	420	461	555

(continued on next page)

INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2010

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Bankruptcy	Under 2 Years	8	12	197	--	208	--	--
	2 or 3 Years	8	11	255	--	265	--	--
	4 or 5 Years	10	11	253	--	230	--	--
	6 or 7 Years	5	5	--	--	--	--	--
	8 to 10 Years	14	14	278	--	250	--	--
	11 to 15 Years	11	14	299	--	280	--	--
	16 to 20 Years	13	13	377	--	395	--	--
	21 to 30 Years	28	40	391	326	398	461	515
	31 or More Years	8	8	442	--	--	--	--
Collections	Under 2 Years	1	1	--	--	--	--	--
	2 or 3 Years	1	1	--	--	--	--	--
	4 or 5 Years	1	1	--	--	--	--	--
	6 or 7 Years	1	1	--	--	--	--	--
	8 to 10 Years	1	1	--	--	--	--	--
	11 to 15 Years	1	1	--	--	--	--	--
	16 to 20 Years	3	4	--	--	--	--	--
	21 to 30 Years	6	10	303	--	--	--	--
	31 or More Years	1	1	--	--	--	--	--
Comm'l./Contract	Under 2 Years	25	40	210	175	215	245	264
	2 or 3 Years	36	66	228	185	235	261	288
	4 or 5 Years	32	61	256	210	260	295	330
	6 or 7 Years	28	50	261	215	260	300	330
	8 to 10 Years	29	48	305	225	295	390	410
	11 to 15 Years	45	100	340	276	325	414	474
	16 to 20 Years	41	60	347	275	333	425	485
	21 to 30 Years	59	130	392	300	375	485	530
	31 or More Years	51	96	429	321	425	524	583

(continued on next page)

INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2010

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Criminal	2 or 3 Years	2	2	--	--	--	--	--
	4 or 5 Years	2	2	--	--	--	--	--
	8 to 10 Years	2	3	--	--	--	--	--
	11 to 15 Years	4	4	--	--	--	--	--
	16 to 20 Years	4	4	--	--	--	--	--
	21 to 30 Years	8	10	414	--	--	--	--
	31 or More Years	13	14	435	--	438	--	--
Insured Defense	Under 2 Years	21	47	154	143	150	163	181
	2 or 3 Years	30	75	153	140	152	164	176
	4 or 5 Years	28	65	159	140	155	175	200
	6 or 7 Years	29	55	164	139	152	180	225
	8 to 10 Years	27	55	188	155	180	200	258
	11 to 15 Years	43	72	209	168	200	244	290
	16 to 20 Years	44	68	212	170	198	245	291
	21 to 30 Years	45	107	229	176	213	280	350
31 or More Years	31	47	264	198	250	325	386	
Employment	Under 2 Years	8	9	211	--	--	--	--
	2 or 3 Years	19	24	224	171	220	265	300
	4 or 5 Years	14	17	238	215	235	277	305
	6 or 7 Years	17	19	287	230	290	325	365
	8 to 10 Years	17	20	294	249	298	349	365
	11 to 15 Years	36	48	315	256	332	365	398
	16 to 20 Years	28	31	332	280	325	350	457
	21 to 30 Years	39	51	336	275	325	390	433
31 or More Years	19	21	369	300	400	415	468	

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INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2010

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Environmental	Under 2 Years	2	3	--	--	--	--	--
	2 or 3 Years	7	12	185	--	185	--	--
	4 or 5 Years	5	10	207	--	--	--	--
	6 or 7 Years	5	6	--	--	--	--	--
	8 to 10 Years	4	6	--	--	--	--	--
	11 to 15 Years	10	11	276	--	290	--	--
	16 to 20 Years	9	14	297	--	318	--	--
	21 to 30 Years	21	27	324	285	315	390	475
31 or More Years	14	17	318	278	324	380	401	
Family & Domestic Law	Under 2 Years	1	1	--	--	--	--	--
	2 or 3 Years	5	5	--	--	--	--	--
	4 or 5 Years	8	10	204	--	--	--	--
	6 or 7 Years	3	3	--	--	--	--	--
	8 to 10 Years	6	7	264	--	--	--	--
	11 to 15 Years	8	11	293	--	290	--	--
	16 to 20 Years	8	9	305	--	--	--	--
	21 to 30 Years	16	16	342	--	325	--	--
31 or More Years	7	7	349	--	--	--	--	
Health Care	Under 2 Years	4	4	--	--	--	--	--
	2 or 3 Years	4	8	--	--	--	--	--
	4 or 5 Years	6	7	204	--	--	--	--
	6 or 7 Years	6	10	171	--	--	--	--
	8 to 10 Years	11	17	247	189	235	263	382
	11 to 15 Years	10	16	290	--	270	--	--
	16 to 20 Years	10	11	268	--	285	--	--
	21 to 30 Years	21	29	321	208	285	400	500
31 or More Years	7	11	340	--	300	--	--	

(continued on next page)



INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2010

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Intellectual Property	Under 2 Years	3	3	--	--	--	--	--
	2 or 3 Years	7	10	201	--	--	--	--
	4 or 5 Years	4	5	--	--	--	--	--
	6 or 7 Years	5	5	--	--	--	--	--
	8 to 10 Years	7	9	324	--	--	--	--
	11 to 15 Years	4	4	--	--	--	--	--
	16 to 20 Years	5	5	--	--	--	--	--
	21 to 30 Years	15	19	412	345	410	495	535
	31 or More Years	5	5	--	--	--	--	--
Labor-Mgmt.	Under 2 Years	4	5	--	--	--	--	--
	2 or 3 Years	4	5	--	--	--	--	--
	4 or 5 Years	3	5	--	--	--	--	--
	6 or 7 Years	7	12	242	--	230	--	--
	8 to 10 Years	3	7	--	--	--	--	--
	11 to 15 Years	10	15	298	--	295	--	--
	16 to 20 Years	11	12	312	--	328	--	--
	21 to 30 Years	11	17	349	290	340	388	468
	31 or More Years	17	25	388	305	405	440	544
Natural Resources	2 or 3 Years	1	1	--	--	--	--	--
	4 or 5 Years	1	1	--	--	--	--	--
	8 to 10 Years	1	1	--	--	--	--	--
	16 to 20 Years	1	2	--	--	--	--	--
	21 to 30 Years	3	6	--	--	--	--	--
	31 or More Years	6	10	334	--	--	--	--

(continued on next page)

## INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE

## STANDARD HOURLY BILLING RATES

As of January 1, 2010

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Personal Injury	Under 2 Years	5	6	--	--	--	--	--
	2 or 3 Years	4	5	--	--	--	--	--
	4 or 5 Years	1	2	--	--	--	--	--
	6 or 7 Years	4	4	--	--	--	--	--
	8 to 10 Years	8	8	225	--	--	--	--
	11 to 15 Years	9	9	301	--	--	--	--
	16 to 20 Years	18	18	284	231	290	350	374
	21 to 30 Years	22	27	316	260	325	400	416
	31 or More Years	23	28	319	264	308	375	441
Products Liability	Under 2 Years	11	15	177	--	179	--	--
	2 or 3 Years	17	21	186	159	172	193	274
	4 or 5 Years	15	20	213	170	195	275	280
	6 or 7 Years	14	22	237	184	210	293	350
	8 to 10 Years	21	31	269	210	230	345	394
	11 to 15 Years	16	27	265	204	230	310	438
	16 to 20 Years	18	33	343	270	330	430	473
	21 to 30 Years	38	84	354	258	345	435	515
	31 or More Years	24	33	360	298	350	413	466
Real Estate	Under 2 Years	7	8	196	--	--	--	--
	2 or 3 Years	7	10	194	--	--	--	--
	4 or 5 Years	7	7	248	--	--	--	--
	6 or 7 Years	7	8	191	--	--	--	--
	8 to 10 Years	7	10	256	--	--	--	--
	11 to 15 Years	12	23	257	225	260	310	328
	16 to 20 Years	8	9	321	--	--	--	--
	21 to 30 Years	10	15	303	--	310	--	--
	31 or More Years	9	10	354	--	--	--	--

(continued on next page)

## INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE

## STANDARD HOURLY BILLING RATES

As of January 1, 2010

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Trusts/Estates/Probate	Under 2 Years	2	2	--	--	--	--	--
	2 or 3 Years	2	2	--	--	--	--	--
	4 or 5 Years	1	1	--	--	--	--	--
	6 or 7 Years	1	1	--	--	--	--	--
	8 to 10 Years	3	3	--	--	--	--	--
	11 to 15 Years	5	5	--	--	--	--	--
	16 to 20 Years	8	9	328	--	--	--	--
	21 to 30 Years	5	5	--	--	--	--	--
	31 or More Years	9	9	342	--	--	--	--
Workers' Compensation	Under 2 Years	6	14	123	--	132	--	--
	2 or 3 Years	13	21	140	127	130	146	180
	4 or 5 Years	12	21	151	135	140	149	214
	6 or 7 Years	10	13	169	--	151	--	--
	8 to 10 Years	14	27	150	134	140	161	182
	11 to 15 Years	19	33	185	149	157	228	260
	16 to 20 Years	15	27	203	158	220	240	277
	21 to 30 Years	25	34	190	150	165	230	293
	31 or More Years	12	14	194	--	174	--	--
Other Litigation	Under 2 Years	12	37	186	180	180	195	210
	2 or 3 Years	15	36	204	181	200	230	245
	4 or 5 Years	16	23	236	181	250	260	296
	6 or 7 Years	10	18	249	223	250	280	301
	8 to 10 Years	20	28	249	203	230	308	327
	11 to 15 Years	28	52	303	255	288	368	375
	16 to 20 Years	18	35	312	265	305	385	400
	21 to 30 Years	29	55	347	290	335	400	442
	31 or More Years	32	48	375	305	375	435	483

(continued on next page)

## INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE

## STANDARD HOURLY BILLING RATES

As of January 1, 2010

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Multiple Litigation	Under 2 Years	77	147	185	160	180	210	235
	2 or 3 Years	95	178	203	170	191	225	265
	4 or 5 Years	80	167	219	183	200	255	280
	6 or 7 Years	89	163	235	195	230	265	300
	8 to 10 Years	108	199	259	215	250	300	340
	11 to 15 Years	125	276	280	226	275	325	380
	16 to 20 Years	124	238	300	230	288	365	435
	21 to 30 Years	130	353	338	262	345	410	475
31 or More Years	121	255	370	300	370	445	520	

**2012-2013 Range of Firm Billing Rates Table****Comparison of LSI (Plaintiffs') Updated *Laffey*<sup>1</sup> Matrix, All-Items CPI (USAO) Updated *Laffey* Matrix, and Washington, D.C. Rates for 2012-2013**

	LSI	All Items CPI	Akin Gump Strauss Hauer & Feld LLP <sup>2</sup>	Arent Fox LLP <sup>3</sup>	Beveridge & Diamond, P.C. <sup>4</sup>	Caplin & Drysdale, Chartered <sup>5</sup>	Cleary Gottlieb Steen & Hamilton LLP <sup>6</sup>	Cooley LLP <sup>7</sup>
<b>Rate Year</b>	6/1/12-5/31/13	6/1/12-5/31/13	3/1/13-3/31/13	10/1/12-3/31/13	9/1/12-2/28/13	10/1/12-10/31/12	8/1/12-5/31/13	7/1/12-3/31/13
<b>Since Grad.<sup>8</sup></b>								
<b>20th+</b>	\$753	\$505	\$770	\$650-\$720	\$506-\$750	\$555-\$935	\$915-\$1130	\$832
<b>11th-19th</b>	\$626	\$445					\$1110	
<b>8th-10th</b>	\$554	\$355						\$585
<b>4th-7th</b>	\$384	\$290	\$500-\$560	\$405	\$304-\$365			
<b>1st-3rd</b>	\$312	\$245					\$415	
<b>Paralegal</b>	\$171	\$145		\$160-\$290	\$179	\$225		\$220-\$245

	Aligned with LSI Update
	Aligned with All-Items CPI Update

<sup>1</sup>*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*).

<sup>2</sup>See Pl. Ex. 30, p. 3.

<sup>3</sup>See Pl. Ex. 29, p. 3; Pl. Ex. 30, p. 3.

<sup>4</sup>See Pl. Ex. 29, p. 3; Pl. Ex. 30, p. 3.

<sup>5</sup>See Pl. Ex. 29, p. 3.

<sup>6</sup>See Pl. Ex. 29, p. 4; Pl. Ex. 31, p. 4.

<sup>7</sup>See Pl. Ex. 29, p. 4; Pl. Ex. 30, p. 3.

<sup>8</sup>Refers to *Laffey* experience categories based on years out of law school.

	LSI	All Items CPI	Covington & Burling LLP <sup>9</sup>	Crowell & Moring LLP <sup>10</sup>	Dow Lohnes PLLC <sup>11</sup>	Fulbright & Jaworski LLP <sup>12</sup>	Gibson Dunn & Crutcher LLP <sup>13</sup>	Groom Law Group <sup>14</sup>	Hogan Lovells LLP <sup>15</sup>
<b>Rate Year</b>	6/1/12- 5/31/13	6/1/12- 5/31/13	5/1/12- 2013	8/1/12- 2013	6/1/12- 12/31/12	2012-2013	10/1/12- 2013	6/1/12- 3/31/13	11/1/12- 2/28/13
<b>Since Grad.</b>									
<b>20th+</b>	\$753	\$505	\$670-\$855	\$780-\$895	\$550-\$760	\$795-\$825	\$765-\$1020	\$612-\$910	\$705-\$735
<b>11th-19th</b>	\$626	\$445	\$715	\$625-\$660	\$450	\$625-\$645	\$788-\$885	\$558-\$665	\$625
<b>8th-10th</b>	\$554	\$355			\$390	\$400-\$500		\$480-\$600	\$565
<b>4th-7th</b>	\$384	\$290			\$310-\$350	\$285-\$340	\$515-\$580	\$320-\$570	
<b>1st-3rd</b>	\$312	\$245					\$445-\$535	\$275-\$420	\$340
<b>Paralegal</b>	\$171	\$145	\$170-\$275		\$220-\$280	\$265-\$295	\$255-\$365	\$160-\$190	

<sup>9</sup>See Pl. Ex. 29, p. 4; Pl. Ex. 30, p. 4; Pl. Ex. 35, p. 2; Pl. Ex. 34, pp. 6-12, 21-25. We included the \$670/hour rate for Covington partner Jeannie Perron under the 20+ attorney category because she graduated from law school in 1985, although she may not have worked as an attorney for at least part of that period while she went to veterinary school and practiced veterinary medicine part time. See Pl. Ex. 35, p. 2; Pl. Ex. 34, p. 9.

<sup>10</sup>See Pl. Ex. 29, p. 4; Pl. Ex. 30, p. 4; Pl. Ex. 36, pp. 1, 3.

<sup>11</sup>See Pl. Ex. 28, p. 3; Pl. Ex. 29, p. 5; Pl. Ex. 30, p. 4.

<sup>12</sup>See Pl. Ex. 30, p. 4; Pl. Ex. 32, pp. 89-101; Pl. Ex. 33, pp. 2-7.

<sup>13</sup>See Pl. Ex. 29, p. 5; Pl. Ex. 30, p. 5; Pl. Ex. 37, pp. 1-2. The Westlaw CourtExpress survey (Pl. Ex. 29, p. 5) identified an hourly rate for Gibson & Dunn partner Theodore Olson of \$1,800, which is an unusually high rate. We have omitted this rate from our calculation to avoid having that rate skew the average rate calculations. The Westlaw CourtExpress survey (Pl. Ex. 30, p. 5) identified Gibson & Dunn partner William C. Thomas, Jr. as graduating from law school in 2004. His firm website states that he graduated law school in 1998. We corrected that error by correctly categorizing Mr. Thomas' rate above.

<sup>14</sup>See Pl. Ex. 28, p. 4; Pl. Ex. 29, pp. 5-6; Pl. Ex. 30, pp. 5-6.

<sup>15</sup>See Pl. Ex. 30, p. 6.

	LSI	All Items CPI	Jones Day <sup>16</sup>	K&L Gates LLP <sup>17</sup>	Kaye Scholer LLC <sup>18</sup>	Kelley Drye & Warren LLP <sup>19</sup>	Kirkland & Ellis LLP <sup>20</sup>	Latham & Watkins LLP <sup>21</sup>
<b>Rate Year</b> <b>Since</b> <b>Grad.</b>	6/1/12- 5/31/13	6/1/12- 5/31/13	11/1/12- 3/31/13	3/1/13- 3/31/13	12/1/12- 12/31/12	10/4/12- 1/31/13	9/27/12- 3/31/13	11/1/2012- 2/28/2013
<b>20th+</b>	\$753	\$505	\$775-\$975	\$525	\$795-\$920	\$600	\$805-\$1150	\$930-\$965
<b>11th-19th</b>	\$626	\$445	\$625				\$670-\$830	
<b>8th-10th</b>	\$554	\$355	\$625				\$685-\$715	\$750-\$795
<b>4th-7th</b>	\$384	\$290	\$450-\$525		\$475-\$550	\$450	\$625-\$675	\$700
<b>1st-3rd</b>	\$312	\$245	\$375				\$445-\$495	
<b>Paralegal</b>	\$171	\$145		\$315	\$165		\$335	\$215-\$260

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<sup>16</sup>See Pl. Ex. 29, p. 6; Pl. Ex. 30, pp. 6-7.

<sup>17</sup>See Pl. Ex. 30, p. 7.

<sup>18</sup>See Pl. Ex. 30, p. 7.

<sup>19</sup>See Pl. Ex. 30, p. 8.

<sup>20</sup>See Pl. Ex. 29, pp. 6-7; Pl. Ex. 30, pp. 8-9. The Westlaw CourtExpress surveys identified Kirkland & Ellis partner Michael Williams as graduating from law school in 2011. His firm website states that he graduated law school in 2001. The surveys also incorrectly identified Kirkland & Ellis partner Christopher Landau as graduating from law school in 1998. His firm website states that he graduated law school in 1989. We have corrected those errors by correctly categorizing the respective attorneys' rates above.

<sup>21</sup>See Pl. Ex. 29, p. 7; Pl. Ex. 30, p. 9.

	LSI	All Items CPI	Levine Sullivan Koch & Schulz LLP <sup>22</sup>	McDermott, Will & Emery LLP <sup>23</sup>	Milbank Tweed Hadley & McCloy LLP <sup>24</sup>	Morgan Lewis & Bockius LLP <sup>25</sup>	Morrison & Foerster LLP <sup>26</sup>	Orrick, Herrington & Sutcliffe LLP <sup>27</sup>
<b>Rate Year</b>	6/1/12-5/31/13	6/1/12-5/31/13	10/1/2012-12/31/2012	10/1/2012-12/31/2012	11/1/12-3/31/13	3/1/13-3/31/13	6/1/12-10/31/12	6/1/12-3/31/13
<b>Since Grad.</b>								
<b>20th+</b>	\$753	\$505	\$455	\$645-\$1040		\$626	\$725	\$875-\$995
<b>11th-19th</b>	\$626	\$445		\$765-\$795	\$950-\$1125	\$387		\$650
<b>8th-10th</b>	\$554	\$355				\$455		
<b>4th-7th</b>	\$384	\$290	\$335	\$500-\$640	\$650-\$695	\$281		\$550
<b>1st-3rd</b>	\$312	\$245			\$570	\$268-\$272		
<b>Paralegal</b>	\$171	\$145	\$195	\$265-\$375		\$174-\$238		\$270

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<sup>22</sup>See Pl. Ex. 29, p. 7; Pl. Ex. 30, p. 9.

<sup>23</sup>See Pl. Ex. 29, p. 7; Pl. Ex. 30, p. 9.

<sup>24</sup>See Pl. Ex. 29, p. 8; Pl. Ex. 30, p. 10.

<sup>25</sup>See Pl. Ex. 30, p. 10.

<sup>26</sup>See Pl. Ex. 28, p. 5; Pl. Ex. 29, p. 8.

<sup>27</sup>See Pl. Ex. 29, p. 8; Pl. Ex. 30, p. 10.



	LSI	All Items CPI	Patton Boggs LLP <sup>28</sup>	Paul Hastings LLP <sup>29</sup>	Pillsbury Winthrop Shaw Pittman LLP <sup>30</sup>	Seyfarth Shaw LLP <sup>31</sup>	Sheppard Mullin Richter & Hampton LLP <sup>32</sup>	Sidley Austin LLP <sup>33</sup>
<b>Rate Year</b>	6/1/12-5/31/13	6/1/12-5/31/13	10/29/12-5/15/13	1/1/13-1/31/13	6/1/12-6/30/12	7/2/12-10/31/12	6/1/12-3/31/13	9/1/12-12/31/12
<b>Since Grad.</b>								
<b>20th+</b>	\$753	\$505	\$625-\$945	\$820-\$900	\$750	\$695	\$575-\$830	\$725-\$1000
<b>11th-19th</b>	\$626	\$445	\$530				\$525-\$530	
<b>8th-10th</b>	\$554	\$355	\$525			\$410		
<b>4th-7th</b>	\$384	\$290	\$470		\$490	\$360	\$455	\$585
<b>1st-3rd</b>	\$312	\$245	\$330-\$400	\$385			\$285	\$395
<b>Paralegal</b>	\$171	\$145	\$185-\$240	\$175-\$315				

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<sup>28</sup>See Pl. Ex. 30, p. 11; Pl. Ex. 31, p. 8.

<sup>29</sup>See Pl. Ex. 30, p. 11

<sup>30</sup>See Pl. Ex. 28, p. 6.

<sup>31</sup>See Pl. Ex. 29, p. 9.

<sup>32</sup>See P. Ex. 28, p. 7; Pl. Ex. 30, p. 11.

<sup>33</sup>See P. Ex. 29, p. 9; Pl. Ex. 30, p. 12.

	LSI	All Items CPI	Step toe & Johnson LLP <sup>34</sup>	Stinson Morrison Hecker LLP <sup>35</sup>	Venable LLP <sup>36</sup>	Weil, Gotshal & Manges LLP <sup>37</sup>	Williams & Connolly <sup>38</sup>	Wilmer Cutler Pickering Hale and Dorr LLP <sup>39</sup>
<b>Rate Year</b>	6/1/12-5/31/13	6/1/12-5/31/13	11/2/12-1/31/13	3/1/13-3/31/13	4/1/13-5/21/13	9/1/12-2/28/13	5/1/13-5/31/13	9/1/12-2/28/13
<b>Since Grad.</b>								
<b>20th+</b>	\$753	\$505	\$760-\$920	\$600	\$815	\$775-\$1075		\$875
<b>11th-19th</b>	\$626	\$445	\$630-\$805	\$400	\$605		\$620-\$690	\$785-\$975
<b>8th-10th</b>	\$554	\$355	\$665			\$730-\$790	\$540	
<b>4th-7th</b>	\$384	\$290				\$515-\$705		\$550-\$645
<b>1st-3rd</b>	\$312	\$245						
<b>Paralegal</b>	\$171	\$145	\$190		\$375		\$180	

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<sup>34</sup>See Pl. Ex. 30, p. 12.

<sup>35</sup>See Pl. Ex. 30, p. 12.

<sup>36</sup>See Pl. Ex. 31, p. 9.

<sup>37</sup>See Pl. Ex. 29, pp. 9-10; Pl. Ex. 30, pp. 12-13.

<sup>38</sup>See Pl. Ex. 31, p. 10.

<sup>39</sup>See Pl. Ex. 29, p. 10; Pl. Ex. 30, p. 13.

	LSI	All Items CPI	Winston & Strawn LLP <sup>40</sup>	Zuckerman Spaeder LLP <sup>41</sup>
<b>Rate Year</b>	6/1/12-5/31/13	6/1/12-5/31/13	2012-2013	6/1/12-10/31/12
<b>Since Grad.</b>				
<b>20th+</b>	\$753	\$505	\$780-\$995	\$790
<b>11th-19th</b>	\$626	\$445		\$610
<b>8th-10th</b>	\$554	\$355		
<b>4th-7th</b>	\$384	\$290	\$460-\$525	
<b>1st-3rd</b>	\$312	\$245	\$370-\$390	
<b>Paralegal</b>	\$171	\$145	\$160-\$275	\$280

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<sup>40</sup>See Pl. Ex. 38, pp. 2-3; Pl. Ex. 39, p. 2.

<sup>41</sup>See Pl. Ex. 28, p. 7; Pl. Ex. 29, p 10.

**Plaintiffs' Exhibit**  
**41**  
Civ. No. 05-1437 (RCL)

**2012-2013 Average Firm Billing Rates Table**

	LSI	All Items CPI	Akin Gump	Arent Fox	Beveridge	Caplin	Cleary	Cooley	Covington	Crowell	Dow Lohnes	Fulbright	Gibson Dunn	Groom	Hogan Lovells
<b>20th+</b>	\$753	\$505	\$770	\$685	\$628	\$745	\$1,023	\$832	\$763	\$838	\$655	\$810	\$893	\$761	\$720
<b>11th-19th</b>	\$626	\$445					\$1,110		\$715	\$643	\$450	\$635	\$837	\$612	\$625
<b>8th-10th</b>	\$554	\$355						\$585			\$390	\$450		\$540	\$565
<b>4th-7th</b>	\$384	\$290	\$530	\$405	\$335						\$330	\$313	\$548	\$445	
<b>1st-3rd</b>	\$312	\$245					\$415						\$490	\$348	\$340
<b>Paralegal</b>	\$171	\$145		\$225	\$179	\$225		\$233	\$223		\$250	\$280	\$310	\$175	

	Jones Day	K&L Gates	Kaye Scholer	Kelley Drye	Kirkland	Latham	Levine Sullivan	McDermott	Milbank	Morgan Lewis	Morrison	Orrick	Patton Boggs	Paul Hastings
<b>20th+</b>	\$875	\$525	\$858	\$600	\$978	\$948	\$455	\$843		\$626	\$725	\$935	\$785	\$860
<b>11th-19th</b>	\$625				\$750			\$780	\$1,038	\$387		\$650	\$530	
<b>8th-10th</b>	\$625				\$700	\$773				\$455			\$525	
<b>4th-7th</b>	\$488		\$513	\$450	\$650	\$700	\$335	\$570	\$673	\$281		\$550	\$470	
<b>1st-3rd</b>	\$375				\$470				\$570	\$270			\$365	\$385
<b>Paralegal</b>		\$315	\$165		\$335	\$238	\$195	\$320		\$206		\$270	\$213	\$245

	Aligned with LSI Update
	Aligned with All-Items CPI Update

	LSI	All Items CPI	Pillsbury	Seyfarth	Sheppard	Sidley	Stephco	Stinson	Venable	Weil	Williams	Wilmer	Winston	Zuckerman
<b>20th+</b>	\$753	\$505	\$750	\$695	\$703	\$863	\$840	\$600	\$815	\$925		\$875	\$888	\$790
<b>11th-19th</b>	\$626	\$445			\$528		\$718	\$400	\$605		\$655	\$880		\$610
<b>8th-10th</b>	\$554	\$355		\$410			\$665			\$760	\$540			
<b>4th-7th</b>	\$384	\$290	\$490	\$360	\$455	\$585				\$610		\$598	\$493	
<b>1st-3rd</b>	\$312	\$245			\$285	\$395							\$380	
<b>Paralegal</b>	\$171	\$145					\$190		\$375		\$180		\$218	\$280

	Aligned with LSI Update
	Aligned with All-Items CPI Update

**Plaintiffs' Exhibit**  
**42**  
Civ. No. 05-1437 (RCL)

**2012-2013 Percentage Difference in Billing Rates Tables**

**All-Items CPI *Laffey* Update vs. Law Firm Average**

<i>Laffey</i> Experience Levels	Average of Law Firm Averages	USAO/All-Items CPI <i>Laffey</i> Update	USAO/All-Items CPI <i>Laffey</i> Update Greater (Less)	Average Difference
20th+	\$781	\$505	-35%	-38%
11th-19th	\$672	\$445	-34%	
8th-10th	\$570	\$355	-38%	
4th-7th	\$487	\$290	-40%	
1st-3rd	\$391	\$245	-37%	
Paralegal	\$244	\$145	-41%	

**LSI (Plaintiffs') *Laffey* Update vs. Law Firm Average**

<i>Laffey</i> Experience Levels	Average of Law Firm Averages	Plaintiffs'/LSI <i>Laffey</i> Update	Plaintiffs'/LSI <i>Laffey</i> Update Greater (Less)	Average Difference
20th+	\$781	\$753	-4%	-14%
11th-19th	\$672	\$626	-7%	
8th-10th	\$570	\$554	-3%	
4th-7th	\$487	\$384	-21%	
1st-3rd	\$391	\$312	-20%	
Paralegal	\$244	\$171	-30%	

**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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Firm **Akin Gump Strauss Hauer & Feld LLP**

Firm Size: 791 Firm Rank 40

Court Name Delaware  
 Case Name Cal Dive International, Inc.,  
 Case Number 15-10458 (CSS)

For fee applications  
 5/1/2015 through 5/31/2015

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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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>

Firm <b>Landis Rath &amp; Cobb LLP.</b> Firm Size: 12 Firm Rank 0	Court Name Delaware Case Name Quicksilver Resources Inc Case Number 15-10585(LSS)	For fee applications 7/1/2015 through 10/31/2015					
<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><u>508.60</u></b>	<b><u>\$269,558.00</u></b>

Firm <b>Morrison &amp; Foerster LLP</b> Firm Size: 1025 Firm Rank 22	Court Name Delaware Case Name ENERGY FUTURE HOLDINGS CORP Case Number 14-10979 (CSS)	For fee applications 8/1/2015 through 8/31/2015					
<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><u>262.20</u></b>	<b><u>\$130,987.50</u></b>

Firm <b>O'Melveny &amp; Myers LLP</b> Firm Size: 1193 Firm Rank 16	Court Name Delaware Case Name Colt Holding Company Case Number 15-11296 (LSS)	For fee applications 8/1/2015 through 9/30/2015					
<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><u>4.70</u></b>	<b><u>\$2,675.50</u></b>

Firm <b>Paul Hastings LLP</b> Firm Size: 881 Firm Rank 30	Court Name Delaware Case Name Molycorp, Inc Case Number 15-11357 (CSS)	For fee applications 8/1/2015 through 9/30/2015					
<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><u>2.70</u></b>	<b><u>\$2,652.00</u></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)					
	<b>Name</b>	<b>Title</b>	<b>State</b>	<b>Graduated</b>	<b>Admitted</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>

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)					
	<b>Name</b>	<b>Title</b>	<b>State</b>	<b>Graduated</b>	<b>Admitted</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>

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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Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
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>

Firm <b>Akin Gump Strauss Hauer &amp; Feld LLP</b> Firm Size: 790 Firm Rank 40	Court Name Delaware Case Name Quicksilver Resources Inc Case Number 15-10585(LSS)	For fee applications 10/1/2015 through 2/29/2016
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Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
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>

Firm <b>Cleary Gottlieb Steen &amp; Hamilton LLP</b> Firm Size: 1183 Firm Rank 16	Court Name Delaware Case Name Nortel Networks Inc. Case Number 09-10138	For fee applications 11/1/2015 through 2/29/2016
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Name	Title	State	Graduated	Admitted	Rate	Hours	Fees
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>		Court Name	Delaware		For fee applications		
Firm Size: 1039 Firm Rank 21		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
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>		Court Name	Delaware		For fee applications		
Firm Size: 2407 Firm Rank 3		Case Name	American Apparel, Inc		10/5/2015 through 2/4/2016		
		Case Number	15-12055 (BLS)				
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>

<b>Firm</b> Kirkland & Ellis LLP	Court Name	Delaware						For fee applications
Firm Size: 1442 Firm Rank 13	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	
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><u>3308.10</u></b>	<b><u>\$2,638,061.50</u></b>

<b>Firm</b> Kirkland & Ellis LLP	Court Name	Delaware						For fee applications
Firm Size: 1442 Firm Rank 13	Case Name	SAMSON RESOURCES CORPORATION,						12/1/2015 through 12/31/2015
	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><u>2.00</u></b>	<b><u>\$2,004.50</u></b>

<b>Firm</b> Landis Rath & Cobb LLP.	Court Name	Delaware						For fee applications
Firm Size: 12 Firm Rank 0	Case Name	Quicksilver Resources Inc						10/1/2015 through 2/29/2016
	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><u>121.00</u></b>	<b><u>\$66,550.00</u></b>

Firm <b>Morrison &amp; Foerster LLP</b> Firm Size: 1025 Firm Rank 22	Court Name Delaware Case Name ENERGY FUTURE HOLDINGS CORP Case Number 14-10979 (CSS)	For fee applications 9/1/2015 through 1/31/2016					
<b>Name</b>	<b>Title</b>	<b>State</b>	<b>Graduated</b>	<b>Admitted</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>
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> Firm Size: 55 Firm Rank 0	Court Name Delaware Case Name Global Aviation Holdings Inc Case Number 13-12945 (MFW)	For fee applications 9/30/2014 through 12/31/2015					
<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 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> Firm Size: 1592 Firm Rank 10	Court Name Delaware Case Name ENERGY FUTURE HOLDINGS CORP Case Number 14-10979 (CSS)	For fee applications 9/1/2015 through 1/31/2016					
<b>Name</b>	<b>Title</b>	<b>State</b>	<b>Graduated</b>	<b>Admitted</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>
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> Firm Size: 1442 Firm Rank 13	Court Name Illinois Northern Case Name CAESARS ENTERTAINMENT OPERATING Case Number 15-01145 (ABG)	For fee applications 10/1/2015 through 3/31/2016					
<b>Name</b>	<b>Title</b>	<b>State</b>	<b>Graduated</b>	<b>Admitted</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>
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)			
	<b>Name</b>	<b>Title</b>	<b>State</b>	<b>Graduated</b>	<b>Admitted</b>	<b>Rate</b>	<b>Hours</b>	<b>Fees</b>
	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)			
	<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 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>



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# Databases, Tables & Calculators by Subject

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Data extracted on: September 16, 2016 (11:43:43 AM)

## Consumer Price Index - All Urban Consumers

**Series Id:** CUURA311SA0  
 Not Seasonally Adjusted  
**Area:** Washington-Baltimore, DC-MD-VA-WV  
**Item:** All items  
**Base Period:** NOVEMBER 1996=100

**Plaintiffs' Exhibit**  
**46**  
 Civ. No. 05-1437 (RCL)

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Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
1996											100.0				
1997	100.4		100.8		100.5		101.1		101.4		100.5		100.8	100.6	101.0
1998	101.0		101.6		101.5		102.8		102.9		102.4		102.1	101.5	102.7
1999	102.8		103.2		103.6		104.6		105.4		105.0		104.2	103.4	105.1
2000	105.4		107.1		106.7		108.4		108.7		108.5		107.6	106.6	108.6
2001	108.9		109.7		110.1		110.8		111.7		110.9		110.4	109.7	111.1
2002	110.9		111.9		112.8		113.4		114.0		114.0		113.0	112.1	113.9
2003	114.6		115.9		115.7		116.8		117.2		116.7		116.2	115.6	116.9
2004	117.1		118.1		118.9		120.2		120.8		120.9		119.5	118.3	120.7
2005	121.3		122.7		123.6		125.0		126.7		125.4		124.3	122.8	125.8
2006	126.3		126.8		128.8		130.7		130.2		129.3		128.8	127.7	130.0
2007	129.956		131.945		132.982		134.442		134.678		135.151		133.464	132.000	134.927
2008	136.293		138.090		139.649		142.065		142.036		138.547		139.499	138.490	140.509
2009	137.598		138.620		139.311		140.810		140.945		140.718		139.814	138.777	140.850
2010	141.124		141.741		142.025		141.966		142.738		142.915		142.218	141.700	142.736
2011	144.327		146.044		147.554		147.747		147.658		147.565		146.975	146.259	147.691
2012	148.163		150.074		150.155		149.838		151.732		150.646		150.212	149.603	150.822
2013	150.845		152.188		151.908		152.657		153.532		153.160		152.500	151.798	153.203
2014	153.700		154.600		155.198		155.220		155.522		154.926		154.847	154.626	155.069
2015	153.376		154.984		155.880		155.546		156.278		155.820		155.353	154.886	155.820
2016	155.519		156.493		157.770		157.673							156.770	

### TOOLS

- Areas at a Glance
- Industries at a Glance
- Economic Releases
- Databases & Tables
- Maps

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- Location Quotient
- Injury And Illness

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- Inspector General (OIG)
- Budget and Performance
- No Fear Act
- USA.gov
- Benefits.gov
- Disability.gov

**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**

	<i>Laffey Experience Level</i>	<i>LSI Laffey Matrix<sup>2</sup></i>	<i>USAO Matrix 2015-2017<sup>3</sup></i>	<i>USAO Laffey Matrix (CPI)<sup>4</sup></i>	<i>Akin Gump<sup>5</sup></i>	<i>Arent Fox<sup>6</sup></i>	<i>Bracewell<sup>7</sup></i>	<i>Coburn &amp; Greenbaum<sup>8</sup></i>	<i>Davis Wright Tremaine<sup>9</sup></i>	<i>Dickstein Shapiro<sup>10</sup></i>	<i>Gibson Dunn<sup>11</sup></i>	<i>Jeffrey Light<sup>12</sup></i>	<i>Jenner &amp; Block<sup>13</sup></i>	<i>Jones Day<sup>14</sup></i>	<i>Kirkland &amp; Ellis<sup>15</sup></i>
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			

	<i>Laffey Experience Level</i>	<i>Kohn, Kohn &amp; Colapinto<sup>16</sup></i>	<i>Lewin &amp; Lewin<sup>17</sup></i>	<i>Mehri &amp; Skalet<sup>18</sup></i>	<i>Miller Masciola<sup>19</sup></i>	<i>Morrison Foerster<sup>20</sup></i>	<i>Ogletree Deakins<sup>21</sup></i>	<i>Pachulski Stang<sup>22</sup></i>	<i>Paul Hastings<sup>23</sup></i>	<i>Relman, Dane &amp; Colfax<sup>24</sup></i>	<i>Robbins Russell<sup>25</sup></i>	<i>Sidley Austin<sup>26</sup></i>	<i>Weil Gotshal<sup>27</sup></i>	<i>Winston Strawn<sup>28</sup></i>
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**  
**48**  
 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**

<i>Laffey</i> 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

**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 <i>Laffey</i> 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, <i>et al.</i> , )	
)	
Plaintiffs )	
)	
v. )	Civil Action No. 82-0220 (RJL)
)	
ISLAMIC REPUBLIC OF IRAN, <i>et al.</i> , )	
)	
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.



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.

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 V. (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.



**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	2007	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.		Thomas Day	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	LIT	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	FALSE	GOVT		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	INTEL			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		SEC	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.	Aretn 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

Sipple	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	
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	
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	GOVCONT	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.	Huntton & 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	

Exhibit E

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			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			2010	2010 NJ	Washington, DC	495	2012
Zack	Catharine	H.	Kirkland & Ellis LLP	Associate	Telecommunications	LIT	SEC			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

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.



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.

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.

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

Excerpt of  
 Case 1:12-cv-00520-BAH Document 185-2 Filed 04/21/15 Page 15 of 15  
**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.

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

Case 1:12-cv-00520-BAH Document 119-1 Filed 09/08/15 Page 4 of 7  
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.

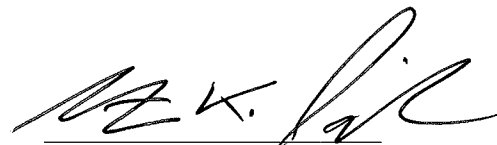
18. All of the conclusions and opinions stated above are based on my 30 years of experience in private practice as a litigator based in the District of Columbia. During my years of practice, I have litigated with counsel for other parties and as co-counsel with experienced trial lawyers in the DC metropolitan area, and have been made aware of their rates on many

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



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

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.

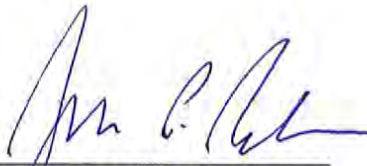
20. I am aware of Mr. Seldon's relevant experience in employment and civil rights litigation as described in the Declaration that Mr. Seldon is providing to the Court to support the request that the Court award of a portion of his time at the LSI-adjusted Laffey rate.

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.  
\_\_\_\_\_

)  
)  
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)  
) Civil Action No. 1:11-cv-02052 (RBW)  
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**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



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**  
[meghan.largent@arentfox.com](mailto:meghan.largent@arentfox.com) | [www.arentfox.com](http://www.arentfox.com)

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To: [cpravlik@tpmlaw.com](mailto:cpravlik@tpmlaw.com) [Remove](#) this sender from my allow list  
From: [meghan.largent@arentfox.com](mailto:meghan.largent@arentfox.com)

*You received this message because the sender is on your allow list.*

**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



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

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 &amp; Skalet, PLLC and Valli Kane &amp; 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>.

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, <i>et al.</i> ,	)
	)
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.

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.

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, <i>et al.</i> ,	)	
	)	
	)	
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.



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.

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  
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Tamara.miller@millermasciola.com

*Counsel for Plaintiff Shawn Westfahl*

8/13/2015

# Billing List

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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

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 mooted 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, : Case No.: 1:14-cv-02073-APM

v. :

VIVENDI, ET AL., :  
Defendants :

\_\_\_\_\_ :

**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.

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

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<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)

- l. *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, <i>et al.</i> , on behalf	)
of themselves and all others	)
similarly situated,	)
	)
Plaintiffs,	)
	)
v.	)
	)
THE DISTRICT OF COLUMBIA,	)
<i>et al.</i> ,	)
	)
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:

<b>Years Out of Law School</b>	<b>Hourly Rate</b>
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

**Plaintiffs' Exhibit**  
**67**  
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)

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

<b>Plaintiffs' Exhibit</b>
<b>68</b>
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. )  
 )  
 )  
 )  
 )  
 )

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**  
**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 28, 2017.

  
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Bruce MacEwen

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**Plaintiffs' Exhibit**  
**74**  
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)


**AFFIDAVIT OF ROBERT MATTERN**

I, Robert Mattern, do hereby depose and state:

1. I am the principal of Mattern & Associates, LLC. I have been retained by counsel for plaintiffs to prepare this affidavit for the above-captioned matter. My resume is attached.
2. I have been in the support services business since 1988. I founded Mattern & Associates in 1997. Mattern & Associates provides law firms around the United States with advice related to services such as printing, photocopying, mailing, records, and office supplies, and cost recovery for those services. Since the company's founding, we have been involved in over 450 consulting engagements. Through those consulting engagements Mattern & Associates has compiled a database of costs charged by law firms for support services, which is updated annually through a survey of those firms.
3. That survey shows that, in 2016, law firms charged their clients on average 17 cents per black and white page for printing and 18 cents per black and white page for photocopying, and 56 cents per color page for printing and 60 cents per color page for photocopying. That survey is based on data from 38 firms around the United States.

4. This information relates to what firms charge their clients in general. Of course, some large clients of firms have bargaining power to drive down those prices. That is common in the insurance defense industry. Large insurance companies often reach agreements with their defense lawyers that they will be charged a lower rate for photocopying or printing. I have heard of rates being negotiated down to 7 cents per page, but that is on the low end.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on April 21, 2017.



ROBERT MATTERN



**Mattern &  
Associates, LLC**

Unbiased Support Services Analysts & Cost Recovery Experts

223 Wilmington/West Chester Pike, Suite 104  
Chadds Ford, PA 19317 | (610) 459-7750  
www.matternassoc.com

**Robert C. Mattern**  
President/Founder



Mr. Mattern founded Mattern & Associates LLC in 1997 to provide unbiased consulting services to law firms in the areas of support services, cost recovery and output management. Mattern & Associates has participated in over 450 consulting engagements with some of the most distinguished law firms in the nation.

Mattern & Associates is credited with developing the Mattern Method<sup>®</sup>. This is a proprietary process to analyze and benchmark workflows and contracts in the legal environment to procure the most competitive pricing and terms, while increasing the firm's net realization of billable cost recovery revenue.

His organization also conducts the Mattern & Associates Cost Recovery Survey, which has been recognized as the legal market's preeminent source of unbiased cost recovery benchmarking data. Mattern is also the author of the book The Mattern Method<sup>®</sup> – Proven Strategies for Increasing the Value and Profitability of Your Support Services. His articles have been published in ILTA's Peer to Peer Magazine, ALA Currents, Legal Tech Newsletter, Law.com, Legal Management, The Chicago Lawyer and The American Legal Technology Insider. He has spoken at ALA Chapters across the country as well as the national ALA conference and to numerous professional organizations.

The Mattern & Associates website is [www.matternassoc.com](http://www.matternassoc.com) and their blog is [www.matternoffact](http://www.matternoffact). You can follow them on Twitter [@matternoffact](https://twitter.com/matternoffact).

#### **Education & Certifications**

MBA in Financial Management, Drexel University, Philadelphia, PA  
BA in Economics, Villanova University, Villanova, PA

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 <i>Laffey</i> 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 <i>Laffey</i> 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	
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	

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	



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
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	

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
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	
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	\$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	

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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	

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
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	

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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	



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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	

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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

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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	

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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		16-20	
1995			
1996			
1997			
1998	11-15		11-15
1999			
2000			
2001			
2002		8-10	
2003	8-10		
2004			
2005		6-7	8-10
2006			
2007	4-5	6-7	
2008		4-5	4-5
2009	2-3		2-3
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		
2010	1-3	4-7
2011		
2012		1-3
2013		

# THE SURVEY OF LAW FIRM ECONOMICS

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***2011 Edition***

**Plaintiffs' Exhibit**  
**81**  
Civ. No. 05-1437 (RCL)

Conducted and Published by

**EXCERPT**

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and

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## INTRODUCTION

The National Law Journal's *Survey of Law Firm Economics, 2011 Edition* (based on 2010 data) is one of the most complete, accurate and up-to-date set of economic statistics and financial data available about the legal profession. This year's survey contains information from 12,952 lawyers including 4,535 associates, 7,306 partners/shareholders (equity and non-equity), 772 active counsels, and 339 staff lawyers working in 202 U.S. law firms. In its 39<sup>th</sup> year, the survey remains an invaluable tool for managers of law firms.

To be a useful tool, the survey must provide the relevant information required by law firm managers. ALM Legal Intelligence partners with the International Paralegal Management Association each year to develop and publish a more comprehensive tool for managing paralegal positions. If you are interested in paralegal data, please contact ALM Legal Intelligence for product information and pricing.

ALM Legal Intelligence is committed to meeting the information needs of the legal profession and, as such, invites you as a purchaser and/or participant to call or write us with your candid critique, suggestions and questions. The survey will continue to improve only through our ability to understand your evolving needs for information. We invite you to contact us with any thoughts and/or questions, [almlegalintel@alm.com](mailto:almlegalintel@alm.com).

### USE OF THE SURVEY

The survey is designed to provide the information necessary for law firm managers to evaluate their firm's performance relative to comparable law firms. The statistics included in the survey represent broad performance benchmarks against which an individual firm can be measured. Using this information, law firm management can compare their firm's performance and figures with those of the profession as a whole, as well as with firms of similar size, geographic location, population, practice specialty, etc.

This survey is particularly useful to firm management, administrators, strategic planners and office or department heads, who are able to efficiently develop comparative analyses of the various statistical data with their firm's data. Many are experienced in development of these analyses and in development of effective presentation charts and graphs. However, over the years we have encountered others who have found the analysis more difficult. Accordingly, we have developed a program that will prepare customized tabulation of your data against relative benchmarks.

Please contact ALM Legal Intelligence at (888) 770-5647, if you wish to discuss development of comparative charts for your firm.

**RECOMMENDED APPROACH TO DEVELOPMENT OF COMPARATIVE DATA**

At first glance, the survey may seem to contain an overwhelming volume of information. However, if you follow the suggested steps, you should be able to easily develop useful, meaningful comparisons.

*Step 1 - Collection of Your Firm's Data*

The first step in using the survey is to develop your firm's data for fiscal year 2010. This is best accomplished by using a copy of your survey response form and worksheet. The questionnaire used in the study is included at the end of this Survey report. A review of the questions used will enable you to better understand the data herein and to make optimal use of the survey.

Also, please note that your timely pre-publication participation in our survey next year will add your firm's data to the ALM Legal Intelligence survey database, will enable us to review your data for possible corrections, as well as give you a head start on your analysis.

*Step 2 - Calculate Per Lawyer or Fee Earner Statistics and Other Ratios*

The second step is to calculate the various performance indicators and ratios using the data compiled in Step 1. It is important to calculate all data using the same formulae which were used to produce the data in the survey. Most information is presented in a **per equity partner, per lawyer or per fee earner** format. For example, to develop per lawyer

gross receipts you would divide the total firm income for the year by the total number of full-time equivalent (FTE) lawyers. FTEs are defined in the questionnaire.

**Example - Per Lawyer**

<u>Total Gross Receipts</u>	<u>\$10,000,000</u>	=	\$200,000
Total FTE Lawyers	50		Per Lawyer

Per fee earner gross receipts would be calculated by dividing the total firm income for the year by the total number of (FTE) lawyers plus one half of the full-time equivalent (FTE) paralegal staff. A further explanation of the per equity partner, per lawyer and per fee earner format is provided in the introduction to the Financial section.

**Example - Fee Earner**

<u>Total Gross Receipts</u>	<u>\$10,000,000</u>	=	\$181,818
Total FTE Lawyers	55		Per Fee Earner
+ One Half FTE Paralegal Staff (10 FTE Paralegals x .5 = 5)			

*Step 3 - Evaluating Results*

Next, assess your firm's performance with the survey results of comparable firms in terms of size, location, similar population base and legal specialty. As you do so, several points should be recognized.

1. A deviation between your firm's figures (for any performance measure) and numbers in the report is not necessarily good or bad. It merely indicates that additional analysis may be required. As a rule, the larger the difference, the greater the need for further investigation.
2. In situations where large deviations do exist, it may be helpful to calculate the same performance measure over the past several years to identify trends that may exist.
3. The information in this survey should be used as **guidelines** rather than absolute **standards**. Firms differ, as does their mix of practice specialties, location, size and other factors. Any two firms can be successful, yet have very different experiences with regard to certain performance measures.

Any level of performance requires certain trade-offs. Very high dollars may require extraordinarily long hours, tremendous expertise, superlative results and even luck. On the other hand, if performance results are lacking, there may be areas where improvement simply to levels customarily achieved in other law firms will provide impressive returns.

**TREND DATA**

This survey contains a *snapshot* of the economic performance of the legal profession for 2010. However, the best analysis of a firm's economic performance and position occurs through evaluation of trend information. Selected trend information is provided in each section of the survey. For more complete historical data, we recommend prior copies of the survey that are available at reduced prices to those who wish to compare their firm on a trend basis. Quotes on prices for copies of past surveys can be obtained by contacting ALM Legal Intelligence at (888) 770-5647.

**TERMS AND DEFINITIONS**

In order to obtain maximum value from this survey, it is important to understand what the information means and how to best use it. Following are explanations of some of the data and definitions used in the report. We have also provided brief comments on the statistical terms used.

*Billable Hours*

For those persons who regularly report billable hours, hours recorded during the reporting year, which were chargeable to clients (i.e., billable work).

*Billing Rates*

Most commonly assigned (standard) hourly rate as of January 1, 2011.

Compensation

**Salary/Draw**

*For Professional Corporations/Associations:*

Salary-Federal taxable income amount shown on W-2 plus voluntary before-tax employee reductions for:

- 401(k) plans;
- Flexible spending accounts (FSAs);
- Other qualified flexible benefit programs.

*For Partnerships/Proprietorships:*

Draw-Periodic cash distributions including quarterly tax draws and guaranteed payments.

**Bonus/Distribution in Cash**

*For Professional Corporations/Associations:*

Bonus-Year end cash bonus paid during 2010.

*For Partnerships/Proprietorships:*

Distribution-Cash distribution to partners.

**Cash Compensation**

Salary plus Bonus.

**Benefits/Distribution in Kind**

*For Professional Corporations/Associations:*

Nontaxable benefit costs, which include: qualified profit sharing plans, life, health and disability insurance, medical reimbursement plans, employer payroll taxes (including FICA) and pension contributions. Excludes auto, parking, memberships and CLE expenses.

*For Partnerships and Proprietorships:*

Report distribution in kind (firm payments for benefits on behalf of the partners).

**Total Compensation**

Salary/Draw, Bonus/Distribution in Cash, plus Benefits/  
Distribution in Kind.

Firm Specialization

These specialized firms derived 50% or more of their gross receipts from one area of legal work. This survey reports areas of specialization in the financial section as follows:

- Commercial Litigation
- Insurance Defense Litigation
- Labor/Employment
- General (no area responsible for 50% or more)
- Other

Lawyer Specialization

The questionnaire requests information on any legal specialty in which each reported individual spent more than half of his/her billable time. The list of specialties requested is shown below. It is not an exhaustive list, but enables some analysis of the relative earnings of various specialty groups.

Non-Litigation	Litigation
100 = Admin/Legislative/Reg.	200 = Antitrust
101 = Banking	201 = Bankruptcy
102 = Bankruptcy	202 = Collections
103 = Collections	203 = Comm./Contracts
104 = Commercial/Contract	204 = Criminal
105 = Education	205 = Education
106 = Employee Benefits	206 = Insured Defense
107 = Employment	207 = Self-insured Defense
108 = Environmental	208 = Employee Benefits
109 = Family Law	209 = Employment
110 = General Business	210 = Environmental
111 = Health Care	211 = Family Law
112 = Insurance	212 = Health Care
113 = Intellectual Property	213 = Intellectual Property
114 = International	214 = International
115 = Labor/Management	215 = Labor/Management
116 = Labor/Union	216 = Labor/Union
117 = Maritime	217 = Maritime
118 = Merger/Acquisitions	218 = Natural Resource
119 = Municipal Finance	219 = Personal Injury
120 = Natural Resources	220 = Products Liability
121 = Real Estate	221 = Real Estate
122 = Securities	222 = Securities
123 = Taxation	223 = Taxation
124 = Trust/Estates/Probate	224 = Trust/Estates/Probate
125 = Utilities	225 = Workers' Compensation
126 = Other Non-litigation Spec.	226 = Other Litigation Spec.
127 = Multi Non-litigation Spec.	227 = Multi Litigation Spec.
300 = Generalist	

Multioffice Firms

Multioffice law firms are shown as a separate category within the financial section wherever information is segregated by firm size, region and size of municipality. Within the category of MULTIOFFICE law firms, each firm is treated as a single entity. **In addition**, each multiple office firm is treated as a separate unit within the reporting categories of size, location, and population in this section.

When reporting information in the remaining sections of the report, each individual fee earner is re-categorized according to the region of employment. For example, a firm's main office is in Minneapolis, and the branch office is in Sarasota, Florida. The individual fee earner information is reported as South Atlantic.

Offices

The term OFFICES indicates the number of law firm offices reported within a category. Branch offices are counted as single offices.

Geographic Regions

Regions are determined using geographic divisions as defined by the U.S. Census Bureau. (See map on page 16). Puerto Rico and the Virgin Islands are included with "South Atlantic;" Hawaii and Alaska with "Pacific."



Population Area

Population area categorizations are determined using definitions determined by U.S. Office of Management and Budget (OMB) as applied to U.S. Census Bureau data. For more information visit: <http://www.census.gov/population/www/metroareas/aboutmetro.html>.

Status*Partners/Shareholders/Associates*

- 10 - Equity Partner/Shareholder/Proprietor**
- 11 - Non-Equity Partner, Salaried Partner, Non-Participating Partner** - Any individual who is held out to the public as a partner or principal, but is clearly in a separate class that is characterized as having lower capital contribution requirements, lesser voting rights and lesser economic risk or reward potential. May be classified as either a W-2 employee or K-1 partner for tax purposes.
- 20 - Associate Lawyer** - A lawyer employed by the firm who is understood to be in a program leading to consideration for partnership or shareholder status, or who has been so considered.
- 21 - Staff Lawyer** - A lawyer employed by a law firm who is hired with the understanding that the position will **not** lead to consideration for ownership status.
- 30 - Counsel** - (of counsel) working actively; normally over 800 billable hours.

In analysis titled “*By Individual Status*,” each status code is listed separately. This breakout is shown **only** at the national level. In the remaining analyses, the heading *Partner/Shareholder-Equity/Non-Equity* includes partners in partnerships, shareholders in professional corporations/ associations and sole proprietors. This would include equity *and* non-equity positions. The heading *Associate/Staff* includes associate *and* staff attorney positions defined earlier.

**STATISTICAL TERMS USED**

The statistical terms used in the survey are defined below and illustrated in the example.

Quartiles are used to define the middle 50% of the range. One quarter of the observations lies below the **first or lower quartile** (or 25th percentile). One quarter lies above the **third or upper quartile** (or 75th percentile). In some tables the **ninth decile** (or 90th percentile) is also shown; 10% of cases lie above this point.

The **median** (or 50th percentile) is the middle or central number in a series of numbers arranged in order of value. In the following example, the median is 50. There are equal numbers of smaller and larger observations.

The **average** (or mean) is the total value of all observations divided by the number of observations. This number may be distorted by a few outliers, as is the case in our example. The mean is useful in hourly rates and in billable hours, because few outliers are possible. It is not as good a measure for comparisons of earnings.

**Example**

Item No.	Amount
1.	400 (Outlier)
2.	90
3.	80 – 75 <sup>th</sup> percentile or upper quartile
4.	70
5.	60
6.	50 – Median or 50 <sup>th</sup> percentile
7.	45
8.	40
9.	30 – 25 <sup>th</sup> percentile or lower quartile
10.	20
11.	10

Average is 82  
Middle range is 30 to 80

**INFORMATION ABOUT THE DATA BASE**

This study is undertaken annually. An invitation to participate was sent to a selected group of law firms. These are firms that have had prior contact with ALM Legal Intelligence and include past participants and purchasers of our various surveys. Invitations to participate were also sent to various members of the Association of Legal Administrators and other law firm management mailing lists.

Only U.S. law firms are included in this study. Sole practitioners are excluded from this report. ALM Legal Intelligence has a separate report on small U.S. law firms entitled the *Small Law Firm Economic Survey, 2011 Edition*. This survey includes information furnished by sole practitioners through law firms with up to 20 lawyers.

Information was collected in several areas for each lawyer who worked at the participating law firm in 2010. Earnings and billable hours information is included only for individuals who worked full-time for all of 2010.

A total of 202 firms are included in this report. Usable information was provided for 12,952 lawyers, including 4,535 associates, 7,306 partners/shareholders (equity and non-equity), 772 active counsel and 339 staff lawyers.

To ensure more accurate information, no statistics are shown for any category that does not have information supplied by at least five firms/offices and seven individual positions. Medians are only shown for 11 or more data points. Quartile and ninth decile information is only shown for 17 or more data points. Certain tables show only averages, even though sufficient data exists for additional statistical comparison. The number of firms or offices and number of positions are indicated on the tables as appropriate.

In some instances, the sum total of percentage breakouts may not equal 100%, because numbers have been rounded to the nearest one-tenth of one percent.

*Weighted vs. Unweighted Data*

In the financial section, both weighted and unweighted data are used. Where tables show quartiles and deciles, data are unweighted. All other tables are weighted.

Weighted data are analogous to the House of Representatives (i.e., states have more or less representation based on their size); unweighted data are like the Senate (i.e., each state has the same representation).

Weighted Data

Weighted data use the number of lawyers in the firm as part of the calculation (e.g., a firm with five lawyers gets a weight of five - a firm with 300 lawyers gets a weight of 300). In calculating weighted data for Gross Receipts, for instance, Gross Receipts for all firms are totaled, all lawyers are totaled, then total Gross Receipts is divided by total lawyers.

Step 1

	Firm 1	\$ gross receipts	no. of lawyers
	Firm 2	\$ gross receipts	no. of lawyers
	:	:	:
	:	:	:
	\$ Total gross receipts		Total no. of lawyers

Step 2

	\$ Total gross receipts	
	Total no. of lawyers	=data in table

Unweighted Data

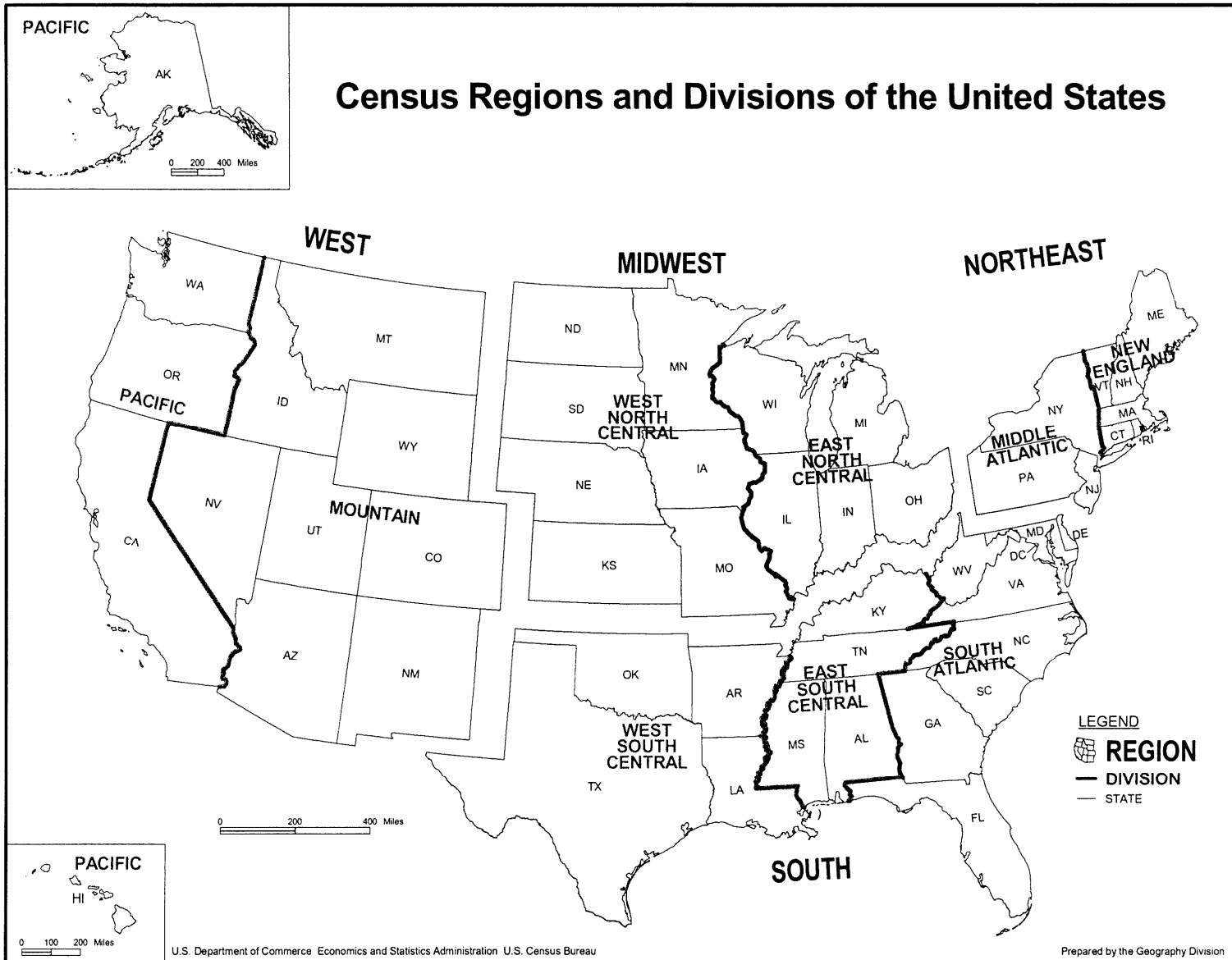
Unweighted data uses one figure for each firm. In calculating unweighted data for Fees Receivable, for instance, Fees Receivable for each firm is divided by the number of lawyers for that firm. These new Per Lawyer Fees Receivable numbers are then totaled for all firms; the total is divided by the number of firms.

Step 1

	Firm 1	\$ fees rec./no. of lawyers	=\$ per lawyer fees rec.
	Firm 2	\$ fees rec./no. of lawyers	=\$ per lawyer fees rec.
	:	:	:
	:	:	:
	Total no. of firms		\$ Total per lawyer fees rec.

Step 2

	\$ Total per lawyer fees rec.	
	Total no. of firms	=data in table



## DISTRIBUTION OF PARTICIPATING LAW FIRMS

Breakout of Data		Region									Total Firms
		New England	Middle Atlantic	South Atlantic	East South Central	West South Central	East North Central	West North Central	Mountain	Pacific	
Population Area	Micropolitan/Rural	2	0	1	0	0	1	0	0	0	4
	Metropolitan	4	15	34	10	18	33	15	18	11	158
	Metropolitan Division	0	14	6	0	3	10	0	0	7	40
Size of Firm	2 to 8 Lawyers	0	2	5	0	2	2	2	2	4	19
	9 to 20 Lawyers	1	4	9	1	4	5	1	4	5	34
	21 to 40 Lawyers	2	7	7	7	7	12	2	3	5	52
	41 to 75 Lawyers	3	6	5	1	4	11	8	7	3	48
	76 to 150 Lawyers	0	4	12	0	3	9	2	1	1	32
	Over 150 Lawyers	0	6	3	1	1	5	0	1	0	17
Practice Area	Commerical Litigation	0	0	2	1	2	3	0	2	0	10
	Insurance Defense Litigation	0	0	5	1	4	4	1	1	1	17
	Labor/Employment	0	2	2	0	0	0	0	0	1	5
	General Law	5	24	26	8	10	33	11	13	13	143
	Other	1	3	6	0	5	4	3	2	3	27
Type of Firm	Partnership	0	0	0	1	2	2	0	1	2	8
	Professional Corporation	3	9	19	2	8	10	8	11	7	77
	Professional Corporation w/"S"	0	3	5	0	1	3	0	2	3	17
	Limited Liability Company	1	4	5	4	2	5	2	1	2	26
	Limited Liability Partnership	2	13	12	3	8	24	5	3	4	74
Total Firms		6	29	41	10	21	44	15	18	18	202

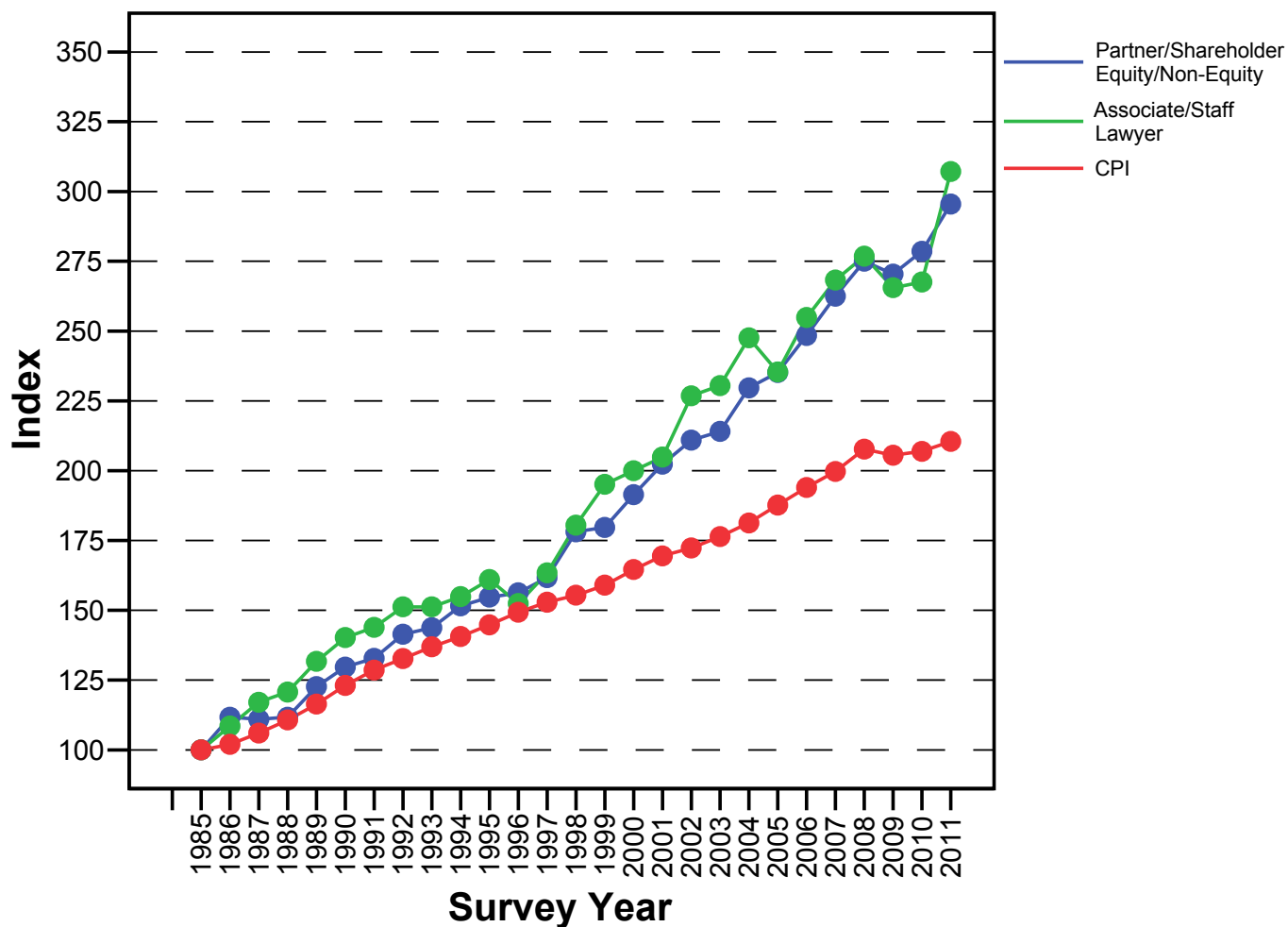
## STANDARD HOURLY BILLING RATES

This section presents standard billing rates for equity partners and shareholders, non-equity partners and shareholders, associates and staff lawyers. Information is collected for each lawyer on the “individual’s most commonly used hourly rate as of January 1, 2011.” Law firms frequently employ this rate, usually called the Standard Rate, in their budgeting practices. Years of experience is calculated in this section from the year admitted to bar. Average billing rates, as well as quartiles and ninth decile data, are reported as follows:

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## TREND COMPARISON OF AVERAGE HOURLY BILLING RATES 25-29 YEAR PARTNERS AND 5 YEAR ASSOCIATES



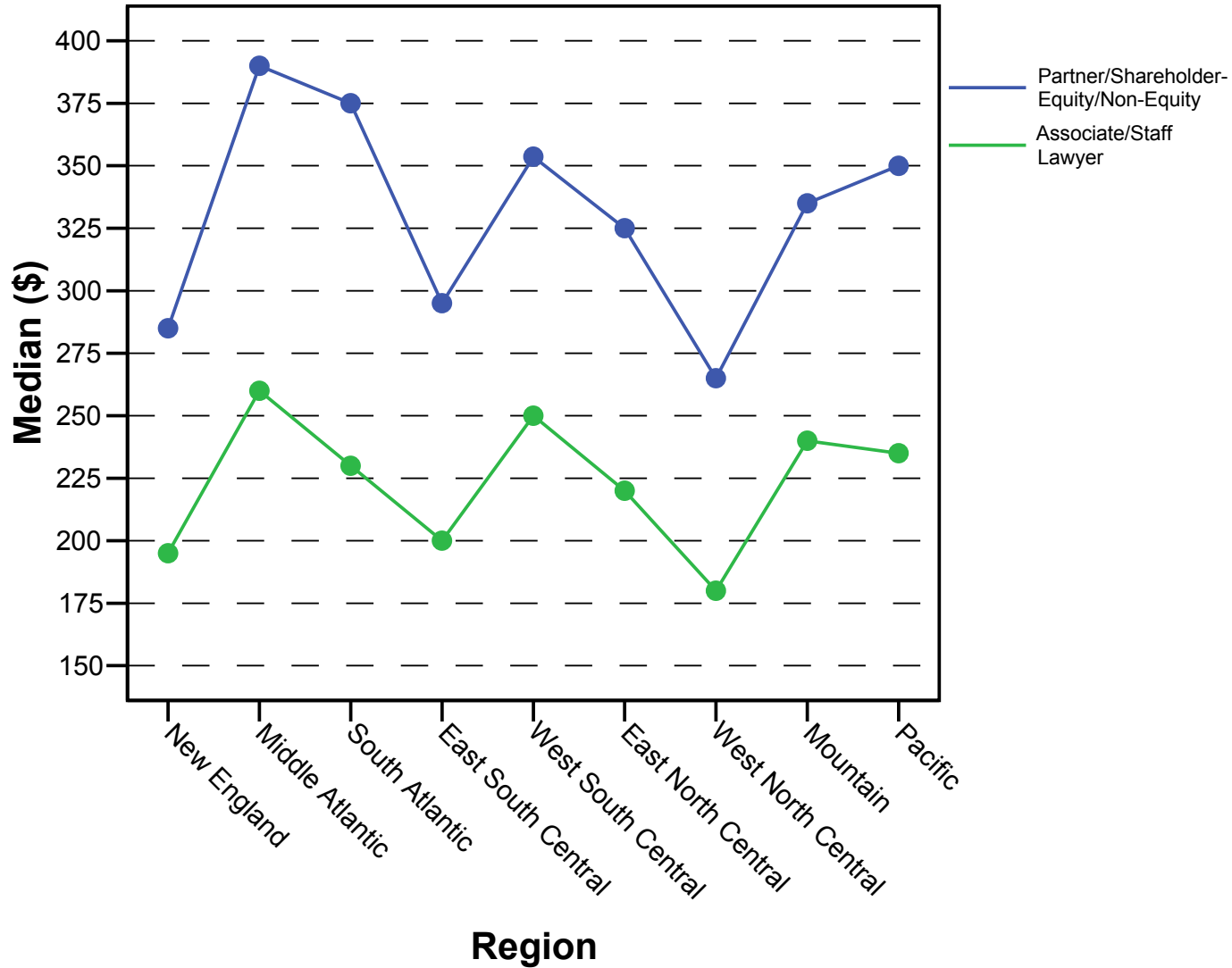


**TREND COMPARISON OF AVERAGE BILLING RATES IN LAW FIRMS  
FOR 25 TO 29 YEAR PARTNERS AND 5 YEAR ASSOCIATES**

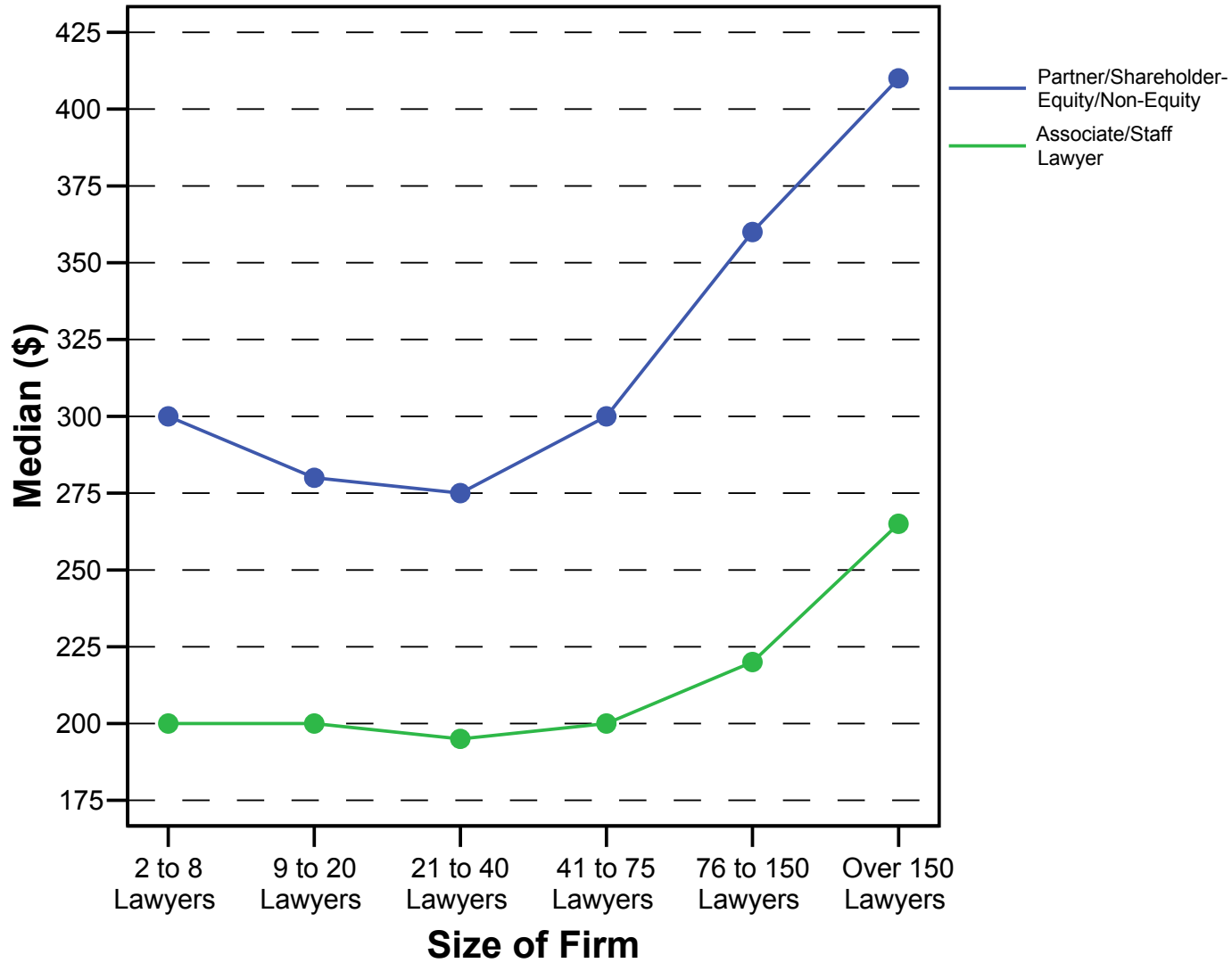
		25th to 29th Year Partner/Shareholder		5th Year Associate		Ratio Partner to Associate Rates	CPI
		\$	Index	\$	Index		
Survey Year	1985	128	100	82	100	1.56	100
	1986	143	112	89	109	1.61	102
	1987	142	111	96	117	1.48	106
	1988	143	112	99	121	1.44	111
	1989	157	123	108	132	1.45	116
	1990	166	130	115	140	1.44	123
	1991	170	133	118	144	1.44	129
	1992	181	141	124	151	1.46	133
	1993	184	144	124	151	1.48	137
	1994	194	152	127	155	1.53	141
	1995	198	155	132	161	1.50	145
	1996	200	156	125	152	1.60	149
	1997	207	162	134	163	1.54	153
	1998	228	178	148	180	1.54	155
	1999	230	180	160	195	1.44	159
	2000	245	191	164	200	1.49	165
	2001	259	202	168	205	1.54	170
	2002	270	211	186	227	1.45	172
	2003	274	214	189	230	1.45	176
	2004	294	230	203	248	1.45	181
	2005	301	235	193	235	1.56	188
	2006	318	248	209	255	1.52	194
	2007	336	263	220	268	1.53	200
2008	352	275	227	277	1.55	208	
2009	346	270	218	266	1.59	206	
2010	357	279	219	268	1.63	207	
2011	378	295	252	307	1.50	210	
<b>% Change 1985-2010</b>			<b>195%</b>		<b>207%</b>	<b>1.50</b>	<b>110%</b>

NOTE: Rates are as of January 1st of the year indicated.

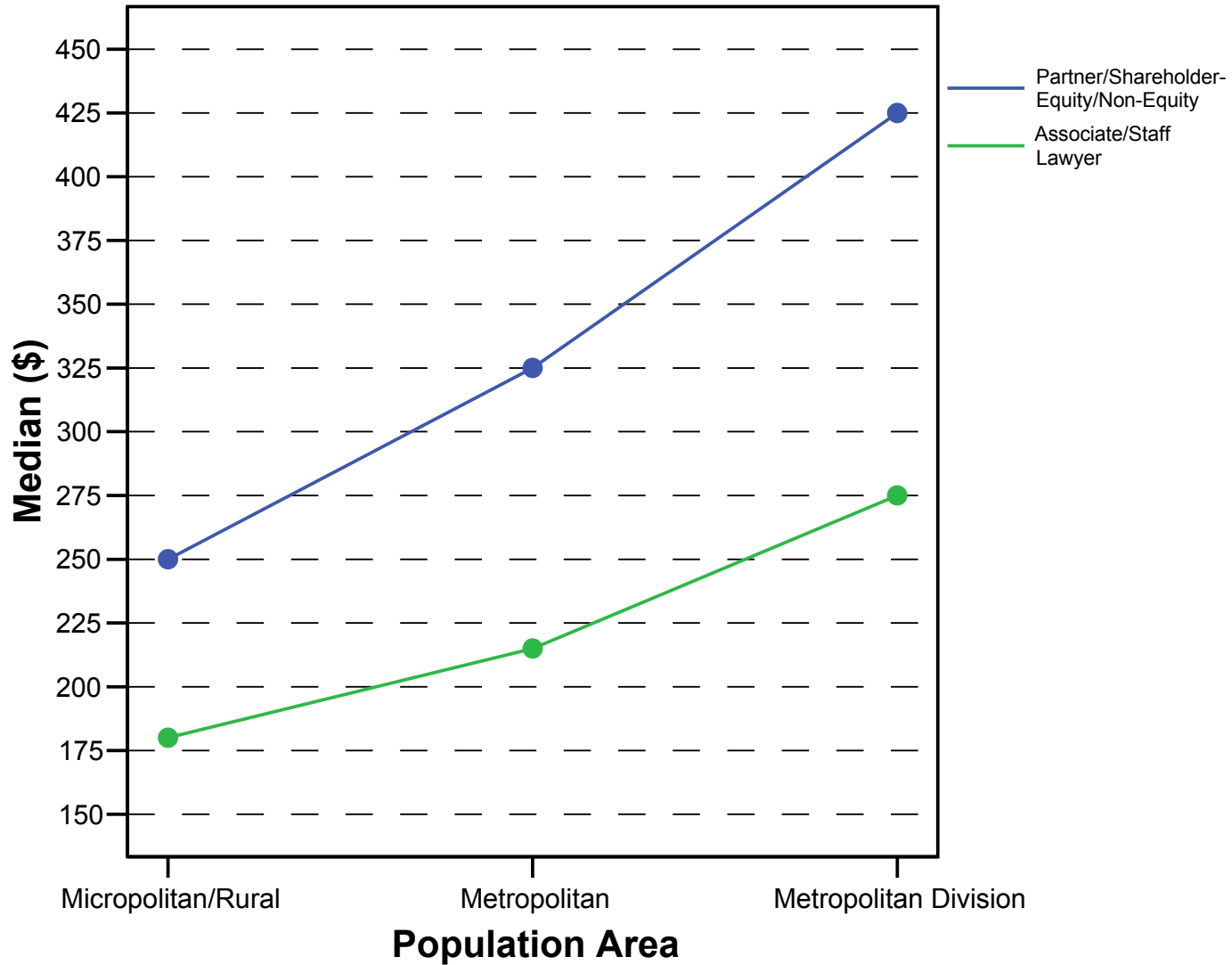
## MEDIAN STANDARD HOURLY RATE BY REGION



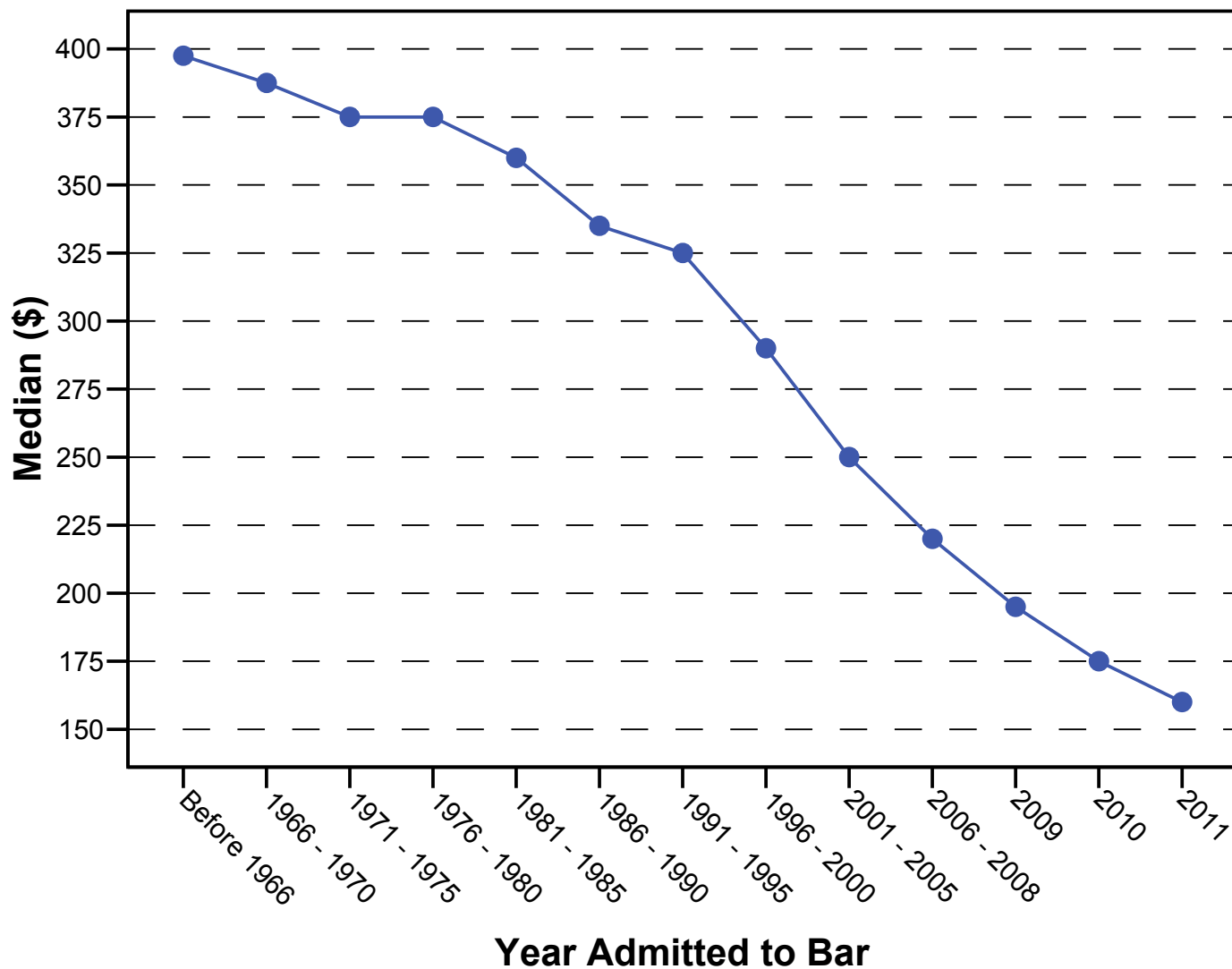
## MEDIAN STANDARD HOURLY RATE BY FIRM SIZE



## MEDIAN STANDARD HOURLY RATE BY POPULATION AREA



## MEDIAN STANDARD HOURLY RATE BY YEAR ADMITTED TO BAR



**NATIONAL INDIVIDUAL STATUS CODES  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Status	Number of Offices	RATE					
		Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Equity Partner/Shareholder	466	5,322	364	276	350	425	525
Non-Equity Partner	295	1,856	354	257	335	425	525
Associate Lawyer	446	4,306	241	184	230	285	340
Staff Lawyer	82	329	232	150	210	295	365
Of Counsel	218	737	384	295	370	450	571

**NATIONAL COMBINED STATUS CODES  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Status	Number of Offices	RATE					
		Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Equity Partner/Shareholder	466	5,322	364	276	350	425	525
Non-Equity Partner	295	1,856	354	257	335	425	525
Associate/Staff Lawyer	458	4,635	240	180	230	285	345
Of Counsel	218	737	384	295	370	450	571

**GENDER**  
**STANDARD HOURLY BILLING RATES**  
As of January 1, 2011

Gender/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Female	Equity Partner/Shareholder	262	835	339	260	320	400	500
	Non-Equity Partner	177	508	329	237	315	400	495
	Associate/Staff Lawyer	372	1,989	236	180	225	275	340
Male	Equity Partner/Shareholder	442	4,320	369	285	350	430	535
	Non-Equity Partner	256	1,312	363	265	347	440	550
	Associate/Staff Lawyer	392	2,503	243	180	230	290	350



**GENDER BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Gender/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Female	Under 2 Years	138	288	197	160	190	230	276
	2 or 3 Years	191	401	220	175	210	260	308
	4 or 5 Years	201	453	240	185	230	285	350
	6 or 7 Years	179	347	249	194	240	280	370
	8 to 10 Years	186	396	269	208	260	310	412
	11 to 15 Years	220	484	293	225	275	350	438
	16 to 20 Years	191	336	327	250	310	390	485
	21 to 30 Years	217	492	344	250	325	415	529
	31 or More Years	76	110	405	302	388	500	595
Male	Under 2 Years	163	377	197	160	185	230	265
	2 or 3 Years	206	525	223	175	220	265	310
	4 or 5 Years	217	526	248	190	235	295	350
	6 or 7 Years	207	432	262	200	250	310	383
	8 to 10 Years	235	587	280	220	270	325	421
	11 to 15 Years	321	1,057	321	250	305	380	475
	16 to 20 Years	308	894	352	270	335	416	523
	21 to 30 Years	357	1,881	369	285	350	435	539
	31 or More Years	364	1,795	396	305	375	455	584

**REGION**  
**STANDARD HOURLY BILLING RATES**  
As of January 1, 2011

Region/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
New England	Equity Partner/Shareholder	13	87	279	200	250	349	403
	Non-Equity Partner	8	46	350	253	335	440	497
	Associate/Staff Lawyer	12	78	219	161	195	267	325
Middle Atlantic	Equity Partner/Shareholder	64	840	419	325	390	500	600
	Non-Equity Partner	42	345	399	325	390	450	525
	Associate/Staff Lawyer	64	844	270	210	260	315	380
South Atlantic	Equity Partner/Shareholder	127	1,121	389	313	385	450	540
	Non-Equity Partner	89	469	353	274	360	425	495
	Associate/Staff Lawyer	117	1,112	236	170	230	285	335
East South Central	Equity Partner/Shareholder	26	300	295	240	295	350	400
	Non-Equity Partner	15	50	299	273	290	334	375
	Associate/Staff Lawyer	30	207	216	170	200	250	294
West South Central	Equity Partner/Shareholder	35	455	385	290	350	450	587
	Non-Equity Partner	25	175	395	275	370	515	604
	Associate/Staff Lawyer	38	430	262	200	250	315	375
East North Central	Equity Partner/Shareholder	99	1,292	350	279	335	402	460
	Non-Equity Partner	63	527	338	234	300	400	590
	Associate/Staff Lawyer	101	1,088	228	175	220	265	325
West North Central	Equity Partner/Shareholder	25	408	279	240	275	310	345
	Non-Equity Partner	17	83	233	194	220	250	320
	Associate/Staff Lawyer	23	266	186	162	180	204	220
Mountain	Equity Partner/Shareholder	42	536	358	265	330	450	522
	Non-Equity Partner	19	78	360	305	350	425	478
	Associate/Staff Lawyer	38	349	250	190	240	300	360
Pacific	Equity Partner/Shareholder	35	283	367	290	360	425	520
	Non-Equity Partner	17	83	348	260	305	390	575
	Associate/Staff Lawyer	35	261	244	185	235	280	329

**REGION BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
As of January 1, 2011

Region/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
New England	Under 2 Years	4	5	--	--	--	--	--
	2 or 3 Years	5	12	185	--	155	--	--
	4 or 5 Years	8	12	198	--	185	--	--
	6 or 7 Years	8	14	213	--	198	--	--
	8 to 10 Years	7	17	237	185	220	285	385
	11 to 15 Years	9	25	253	180	250	301	351
	16 to 20 Years	9	33	307	235	274	393	483
	21 to 30 Years	10	40	311	189	275	411	495
	31 or More Years	8	31	317	219	275	385	548
Middle Atlantic	Under 2 Years	34	117	208	160	180	285	285
	2 or 3 Years	41	169	247	188	235	313	330
	4 or 5 Years	38	183	273	210	260	325	380
	6 or 7 Years	42	124	281	218	270	325	400
	8 to 10 Years	44	160	319	255	295	380	460
	11 to 15 Years	50	232	340	275	325	390	500
	16 to 20 Years	56	246	386	305	365	450	540
	21 to 30 Years	55	420	414	335	390	475	599
31 or More Years	58	375	444	350	415	525	657	
South Atlantic	Under 2 Years	53	146	202	160	195	235	275
	2 or 3 Years	72	230	218	167	210	260	300
	4 or 5 Years	74	256	240	180	240	289	345
	6 or 7 Years	69	210	249	198	250	295	360
	8 to 10 Years	69	255	271	175	275	325	402
	11 to 15 Years	98	368	327	255	335	395	471
	16 to 20 Years	98	288	355	275	350	430	525
	21 to 30 Years	100	520	384	305	385	450	540
31 or More Years	96	412	424	360	425	488	580	

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**REGION BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Region/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
East South Central	Under 2 Years	16	34	171	150	165	208	220
	2 or 3 Years	17	34	188	164	180	225	250
	4 or 5 Years	13	33	213	180	215	250	255
	6 or 7 Years	14	36	215	183	208	247	300
	8 to 10 Years	20	44	226	180	215	286	320
	11 to 15 Years	18	80	262	226	263	295	335
	16 to 20 Years	19	59	288	250	275	320	395
	21 to 30 Years	24	119	299	250	300	350	400
31 or More Years	20	117	318	259	320	375	425	
West South Central	Under 2 Years	20	81	214	178	215	245	245
	2 or 3 Years	25	94	243	208	255	275	290
	4 or 5 Years	28	108	265	200	265	339	350
	6 or 7 Years	27	65	292	210	285	368	400
	8 to 10 Years	27	78	319	230	285	413	485
	11 to 15 Years	28	143	345	250	305	445	534
	16 to 20 Years	29	110	371	275	325	461	585
	21 to 30 Years	32	217	395	290	350	485	632
31 or More Years	26	163	417	310	385	495	640	
East North Central	Under 2 Years	50	168	194	165	190	220	245
	2 or 3 Years	57	212	216	173	219	250	290
	4 or 5 Years	53	209	232	182	225	265	340
	6 or 7 Years	57	185	250	194	238	280	350
	8 to 10 Years	67	253	264	210	250	305	368
	11 to 15 Years	80	409	305	235	290	355	435
	16 to 20 Years	73	300	330	240	300	390	460
	21 to 30 Years	90	636	342	260	325	405	475
31 or More Years	87	500	376	289	353	443	555	

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**REGION BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
**As of January 1, 2011**

Region/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
West North Central	Under 2 Years	15	55	157	145	160	170	180
	2 or 3 Years	14	52	167	160	165	175	184
	4 or 5 Years	19	69	187	180	190	196	205
	6 or 7 Years	16	46	195	178	196	215	227
	8 to 10 Years	19	70	221	200	220	240	255
	11 to 15 Years	24	107	242	210	240	265	292
	16 to 20 Years	21	71	269	232	270	300	343
	21 to 30 Years	22	163	276	235	275	310	333
	31 or More Years	22	123	308	275	310	340	369
Mountain	Under 2 Years	18	48	202	165	195	250	252
	2 or 3 Years	27	82	221	180	210	275	295
	4 or 5 Years	27	85	256	200	250	300	360
	6 or 7 Years	25	75	284	215	270	350	388
	8 to 10 Years	25	85	273	220	250	325	375
	11 to 15 Years	35	131	309	240	300	375	447
	16 to 20 Years	26	88	343	276	335	423	453
	21 to 30 Years	33	204	371	291	360	450	525
	31 or More Years	32	164	406	300	395	500	583
Pacific	Under 2 Years	16	32	204	175	195	235	271
	2 or 3 Years	23	61	225	168	225	268	316
	4 or 5 Years	26	57	254	194	250	303	350
	6 or 7 Years	23	52	269	207	265	299	401
	8 to 10 Years	20	46	285	225	285	318	415
	11 to 15 Years	29	90	310	250	300	361	448
	16 to 20 Years	25	66	333	264	323	391	483
	21 to 30 Years	29	127	374	288	375	425	557
	31 or More Years	28	85	385	295	380	474	590

**STATE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
AK	Partner/Shareholder-Equity/Non-Equity	1	2	--	--	--	--	--
	Associate/Staff Lawyer	1	2	--	--	--	--	--
AL	Partner/Shareholder-Equity/Non-Equity	8	61	281	220	265	333	400
	Associate/Staff Lawyer	9	31	237	180	225	288	366
AR	Partner/Shareholder-Equity/Non-Equity	4	34	--	--	--	--	--
	Associate/Staff Lawyer	3	10	--	--	--	--	--
AZ	Partner/Shareholder-Equity/Non-Equity	10	160	436	375	450	500	525
	Associate/Staff Lawyer	9	93	290	250	300	325	375
CA	Partner/Shareholder-Equity/Non-Equity	18	151	435	350	425	520	648
	Associate/Staff Lawyer	17	128	266	198	250	313	386
CO	Partner/Shareholder-Equity/Non-Equity	8	65	424	350	425	475	566
	Associate/Staff Lawyer	7	45	273	225	270	298	360
CT	Partner/Shareholder-Equity/Non-Equity	1	8	--	--	--	--	--
	Associate/Staff Lawyer	1	8	--	--	--	--	--
DC	Partner/Shareholder-Equity/Non-Equity	10	104	526	430	520	600	675
	Associate/Staff Lawyer	9	55	331	260	325	400	450
DE	Partner/Shareholder-Equity/Non-Equity	9	41	476	400	470	548	619
	Associate/Staff Lawyer	5	28	310	249	308	369	420
FL	Partner/Shareholder-Equity/Non-Equity	41	329	348	290	350	400	465
	Associate/Staff Lawyer	33	265	235	180	225	285	339
GA	Partner/Shareholder-Equity/Non-Equity	27	196	329	188	313	430	517
	Associate/Staff Lawyer	18	166	205	147	168	250	330
IA	Partner/Shareholder-Equity/Non-Equity	8	134	269	235	270	306	330
	Associate/Staff Lawyer	6	54	186	173	180	190	215
ID	Partner/Shareholder-Equity/Non-Equity	7	66	236	190	240	266	307
	Associate/Staff Lawyer	4	25	--	--	--	--	--
IL	Partner/Shareholder-Equity/Non-Equity	29	586	392	237	340	528	675
	Associate/Staff Lawyer	26	356	261	186	240	310	390
IN	Partner/Shareholder-Equity/Non-Equity	14	231	358	300	360	420	450
	Associate/Staff Lawyer	13	118	231	200	225	265	301
KS	Partner/Shareholder-Equity/Non-Equity	1	2	--	--	--	--	--
	Associate/Staff Lawyer	1	1	--	--	--	--	--

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**STATE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
KY	Partner/Shareholder-Equity/Non-Equity	2	12	--	--	--	--	--
	Associate/Staff Lawyer	4	11	--	--	--	--	--
LA	Partner/Shareholder-Equity/Non-Equity	8	184	325	286	305	370	403
	Associate/Staff Lawyer	7	86	246	204	225	256	350
MA	Partner/Shareholder-Equity/Non-Equity	5	39	369	257	370	460	500
	Associate/Staff Lawyer	4	20	--	--	--	--	--
MD	Partner/Shareholder-Equity/Non-Equity	13	247	443	395	450	485	535
	Associate/Staff Lawyer	9	145	289	260	285	300	347
ME	Partner/Shareholder-Equity/Non-Equity	2	32	--	--	--	--	--
	Associate/Staff Lawyer	2	14	--	--	--	--	--
MI	Partner/Shareholder-Equity/Non-Equity	25	434	322	265	320	400	450
	Associate/Staff Lawyer	21	207	220	182	220	255	310
MN	Partner/Shareholder-Equity/Non-Equity	4	93	--	--	--	--	--
	Associate/Staff Lawyer	4	61	--	--	--	--	--
MO	Partner/Shareholder-Equity/Non-Equity	11	89	250	198	236	282	345
	Associate/Staff Lawyer	6	67	172	150	163	188	209
MS	Partner/Shareholder-Equity/Non-Equity	3	93	--	--	--	--	--
	Associate/Staff Lawyer	4	59	--	--	--	--	--
NC	Partner/Shareholder-Equity/Non-Equity	22	354	393	325	400	445	528
	Associate/Staff Lawyer	17	227	230	175	235	275	325
NE	Partner/Shareholder-Equity/Non-Equity	6	136	282	256	290	310	310
	Associate/Staff Lawyer	6	83	182	160	180	205	215
NH	Partner/Shareholder-Equity/Non-Equity	2	11	--	--	--	--	--
	Associate/Staff Lawyer	1	9	--	--	--	--	--
NJ	Partner/Shareholder-Equity/Non-Equity	17	278	444	375	435	500	552
	Associate/Staff Lawyer	15	228	292	250	285	325	387
NM	Partner/Shareholder-Equity/Non-Equity	4	92	--	--	--	--	--
	Associate/Staff Lawyer	2	48	--	--	--	--	--
NV	Partner/Shareholder-Equity/Non-Equity	8	74	433	360	400	500	575
	Associate/Staff Lawyer	8	62	271	230	260	300	351
NY	Partner/Shareholder-Equity/Non-Equity	30	363	406	335	385	435	561
	Associate/Staff Lawyer	30	282	264	209	260	300	360

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**STATE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
OH	Partner/Shareholder-Equity/Non-Equity	21	362	339	300	340	375	403
	Associate/Staff Lawyer	25	324	202	150	203	240	265
OK	Partner/Shareholder-Equity/Non-Equity	3	87	--	--	--	--	--
	Associate/Staff Lawyer	4	36	--	--	--	--	--
OR	Partner/Shareholder-Equity/Non-Equity	7	81	307	268	295	348	385
	Associate/Staff Lawyer	7	45	216	165	225	260	277
PA	Partner/Shareholder-Equity/Non-Equity	22	544	402	295	375	485	600
	Associate/Staff Lawyer	19	334	258	190	235	315	380
RI	Partner/Shareholder-Equity/Non-Equity	2	20	--	--	--	--	--
	Associate/Staff Lawyer	2	11	--	--	--	--	--
SC	Partner/Shareholder-Equity/Non-Equity	16	178	317	275	350	385	400
	Associate/Staff Lawyer	12	120	186	138	170	225	255
SD	Partner/Shareholder-Equity/Non-Equity	1	37	--	--	--	--	--
TN	Partner/Shareholder-Equity/Non-Equity	14	184	289	236	290	350	400
	Associate/Staff Lawyer	13	106	211	170	200	250	288
TX	Partner/Shareholder-Equity/Non-Equity	23	325	457	360	465	570	644
	Associate/Staff Lawyer	24	298	278	234	265	340	390
UT	Partner/Shareholder-Equity/Non-Equity	7	152	307	236	285	339	474
	Associate/Staff Lawyer	7	71	235	175	200	265	380
VA	Partner/Shareholder-Equity/Non-Equity	12	121	314	239	285	375	459
	Associate/Staff Lawyer	12	94	216	170	200	250	300
VT	Partner/Shareholder-Equity/Non-Equity	2	23	--	--	--	--	--
	Associate/Staff Lawyer	2	16	--	--	--	--	--
WA	Partner/Shareholder-Equity/Non-Equity	9	132	314	265	310	375	407
	Associate/Staff Lawyer	10	86	227	160	225	275	300
WI	Partner/Shareholder-Equity/Non-Equity	17	206	270	229	266	320	350
	Associate/Staff Lawyer	16	83	204	175	199	230	266
WV	Partner/Shareholder-Equity/Non-Equity	2	20	--	--	--	--	--
	Associate/Staff Lawyer	2	12	--	--	--	--	--
WY	Partner/Shareholder-Equity/Non-Equity	1	5	--	--	--	--	--
	Associate/Staff Lawyer	1	5	--	--	--	--	--



**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
AL	Under 2 Years	3	4	--	--	--	--	--
	2 or 3 Years	4	4	--	--	--	--	--
	4 or 5 Years	2	2	--	--	--	--	--
	6 or 7 Years	4	9	--	--	--	--	--
	8 to 10 Years	2	2	--	--	--	--	--
	11 to 15 Years	5	17	273	223	265	315	361
	16 to 20 Years	4	9	--	--	--	--	--
	21 to 30 Years	8	20	300	236	300	344	418
31 or More Years	6	25	295	210	280	383	421	
AZ	Under 2 Years	4	14	--	--	--	--	--
	2 or 3 Years	6	17	254	225	275	275	296
	4 or 5 Years	5	25	296	283	300	300	360
	6 or 7 Years	6	19	315	300	325	350	380
	8 to 10 Years	5	18	314	273	325	356	385
	11 to 15 Years	7	36	370	335	375	400	433
	16 to 20 Years	7	28	419	381	425	450	510
	21 to 30 Years	8	51	445	425	450	510	525
31 or More Years	7	45	495	450	500	525	581	
CA	Under 2 Years	7	17	220	180	215	255	275
	2 or 3 Years	12	28	255	208	245	299	328
	4 or 5 Years	12	24	278	225	278	324	370
	6 or 7 Years	12	28	288	202	265	330	495
	8 to 10 Years	8	19	307	179	300	415	495
	11 to 15 Years	13	36	357	240	373	445	503
	16 to 20 Years	11	28	379	303	375	469	544
	21 to 30 Years	14	59	441	360	425	535	665
31 or More Years	13	30	491	419	478	591	650	

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**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
CO	Under 2 Years	1	1	--	--	--	--	--
	2 or 3 Years	5	12	253	--	243	--	--
	4 or 5 Years	3	7	--	--	--	--	--
	6 or 7 Years	5	13	293	--	270	--	--
	8 to 10 Years	5	11	296	--	300	--	--
	11 to 15 Years	5	18	374	270	373	471	501
	16 to 20 Years	5	8	357	--	--	--	--
	21 to 30 Years	5	24	434	400	425	469	538
31 or More Years	4	16	--	--	--	--	--	
DC	Under 2 Years	3	5	--	--	--	--	--
	2 or 3 Years	7	12	293	--	290	--	--
	4 or 5 Years	5	17	339	318	360	380	408
	6 or 7 Years	7	11	323	--	325	--	--
	8 to 10 Years	4	8	--	--	--	--	--
	11 to 15 Years	7	14	496	--	505	--	--
	16 to 20 Years	8	18	492	410	510	571	609
	21 to 30 Years	8	35	535	475	520	600	675
31 or More Years	9	33	570	443	600	658	763	
DE	Under 2 Years	2	2	--	--	--	--	--
	2 or 3 Years	3	5	--	--	--	--	--
	4 or 5 Years	2	3	--	--	--	--	--
	6 or 7 Years	1	2	--	--	--	--	--
	8 to 10 Years	3	11	--	--	--	--	--
	11 to 15 Years	4	10	--	--	--	--	--
	16 to 20 Years	4	8	--	--	--	--	--
	21 to 30 Years	5	17	456	388	450	545	601
31 or More Years	2	10	--	--	--	--	--	

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**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
FL	Under 2 Years	13	32	199	171	195	215	275
	2 or 3 Years	18	48	216	175	200	249	300
	4 or 5 Years	21	57	238	192	225	283	337
	6 or 7 Years	21	50	233	190	233	261	322
	8 to 10 Years	19	55	256	177	270	300	358
	11 to 15 Years	24	84	296	218	313	349	398
	16 to 20 Years	28	66	318	234	328	384	415
	21 to 30 Years	27	107	345	280	350	400	467
	31 or More Years	25	92	404	350	395	450	549
GA	Under 2 Years	7	27	175	146	170	184	258
	2 or 3 Years	10	39	199	151	168	225	335
	4 or 5 Years	8	36	211	143	169	280	362
	6 or 7 Years	9	30	240	148	250	296	427
	8 to 10 Years	8	41	235	155	178	275	430
	11 to 15 Years	16	48	276	174	267	354	442
	16 to 20 Years	13	40	323	201	300	397	550
	21 to 30 Years	7	44	292	171	202	410	493
	31 or More Years	18	55	400	320	430	458	527
IA	Under 2 Years	3	5	--	--	--	--	--
	2 or 3 Years	3	13	--	--	--	--	--
	4 or 5 Years	4	17	--	--	--	--	--
	6 or 7 Years	4	10	--	--	--	--	--
	8 to 10 Years	5	11	232	--	215	--	--
	11 to 15 Years	6	27	232	210	240	260	265
	16 to 20 Years	5	15	258	--	265	--	--
	21 to 30 Years	6	50	275	235	275	313	325
	31 or More Years	7	40	289	245	288	340	350

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**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
ID	Under 2 Years	1	3	--	--	--	--	--
	2 or 3 Years	3	9	--	--	--	--	--
	4 or 5 Years	3	4	--	--	--	--	--
	6 or 7 Years	1	3	--	--	--	--	--
	8 to 10 Years	3	8	--	--	--	--	--
	11 to 15 Years	5	16	199	--	175	--	--
	16 to 20 Years	2	6	--	--	--	--	--
	21 to 30 Years	3	17	--	--	--	--	--
	31 or More Years	4	25	--	--	--	--	--
IL	Under 2 Years	12	55	210	163	220	245	290
	2 or 3 Years	13	85	241	184	235	290	316
	4 or 5 Years	12	82	267	190	253	341	375
	6 or 7 Years	13	65	279	187	240	373	420
	8 to 10 Years	15	71	300	200	253	425	485
	11 to 15 Years	22	144	343	230	320	458	550
	16 to 20 Years	17	97	384	218	340	585	640
	21 to 30 Years	24	186	400	240	353	573	665
	31 or More Years	20	134	457	256	417	675	720
IN	Under 2 Years	8	30	202	189	205	215	243
	2 or 3 Years	7	21	224	198	230	248	281
	4 or 5 Years	8	22	231	189	230	258	306
	6 or 7 Years	6	18	264	224	263	310	328
	8 to 10 Years	9	33	277	228	270	303	361
	11 to 15 Years	9	55	320	285	320	370	402
	16 to 20 Years	10	40	330	281	340	390	430
	21 to 30 Years	10	67	372	310	375	440	450
	31 or More Years	10	63	390	320	410	445	478

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**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
LA	Under 2 Years	5	16	194	--	200	--	--
	2 or 3 Years	6	22	213	190	215	225	254
	4 or 5 Years	5	20	227	210	225	244	255
	6 or 7 Years	6	15	267	--	265	--	--
	8 to 10 Years	5	14	273	--	273	--	--
	11 to 15 Years	4	32	--	--	--	--	--
	16 to 20 Years	8	30	334	265	315	354	409
	21 to 30 Years	7	63	342	290	335	385	416
31 or More Years	7	57	349	300	365	390	452	
MD	Under 2 Years	5	21	235	228	230	235	270
	2 or 3 Years	6	26	270	255	260	293	325
	4 or 5 Years	7	31	286	265	280	295	345
	6 or 7 Years	6	27	302	285	295	315	349
	8 to 10 Years	6	40	333	295	330	354	442
	11 to 15 Years	10	55	378	350	365	400	475
	16 to 20 Years	9	40	427	395	448	463	475
	21 to 30 Years	10	82	455	424	450	485	546
31 or More Years	10	69	485	443	490	525	575	
MI	Under 2 Years	9	43	188	175	190	205	220
	2 or 3 Years	11	28	218	200	235	249	250
	4 or 5 Years	14	39	212	170	220	265	280
	6 or 7 Years	14	45	236	194	240	280	319
	8 to 10 Years	13	47	276	230	300	335	345
	11 to 15 Years	21	79	301	250	310	380	395
	16 to 20 Years	20	73	312	235	310	403	418
	21 to 30 Years	22	162	311	250	303	416	450
31 or More Years	21	125	338	279	335	425	455	

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**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
MO	Under 2 Years	3	13	--	--	--	--	--
	2 or 3 Years	2	7	--	--	--	--	--
	4 or 5 Years	5	13	164	--	165	--	--
	6 or 7 Years	4	16	--	--	--	--	--
	8 to 10 Years	4	13	--	--	--	--	--
	11 to 15 Years	8	29	235	191	220	256	337
	16 to 20 Years	5	13	219	--	206	--	--
	21 to 30 Years	6	30	242	195	229	281	300
	31 or More Years	6	21	290	239	279	334	422
NC	Under 2 Years	8	37	220	185	225	248	282
	2 or 3 Years	13	58	217	175	220	265	290
	4 or 5 Years	13	58	247	218	250	296	325
	6 or 7 Years	9	42	262	213	260	325	360
	8 to 10 Years	12	52	268	165	293	329	400
	11 to 15 Years	13	83	362	290	375	435	495
	16 to 20 Years	16	58	393	320	403	450	566
	21 to 30 Years	18	115	410	330	420	475	577
	31 or More Years	12	75	411	360	400	455	525
NE	Under 2 Years	5	23	152	140	150	165	170
	2 or 3 Years	4	21	--	--	--	--	--
	4 or 5 Years	5	22	194	184	193	205	214
	6 or 7 Years	4	11	--	--	--	--	--
	8 to 10 Years	6	22	234	220	238	251	255
	11 to 15 Years	6	23	257	240	260	280	294
	16 to 20 Years	5	22	281	270	280	300	300
	21 to 30 Years	5	39	292	285	300	310	310
	31 or More Years	5	36	310	306	310	310	320

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**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
NJ	Under 2 Years	7	21	248	200	270	285	285
	2 or 3 Years	7	42	259	219	250	295	330
	4 or 5 Years	8	56	279	243	275	295	368
	6 or 7 Years	8	32	288	265	278	300	372
	8 to 10 Years	8	49	343	283	330	410	430
	11 to 15 Years	10	61	364	305	350	438	473
	16 to 20 Years	14	65	412	340	410	460	540
	21 to 30 Years	11	106	453	384	443	500	582
31 or More Years	14	74	476	400	460	525	600	
NV	Under 2 Years	4	6	--	--	--	--	--
	2 or 3 Years	4	16	--	--	--	--	--
	4 or 5 Years	7	20	282	250	273	300	354
	6 or 7 Years	6	12	308	--	298	--	--
	8 to 10 Years	4	12	--	--	--	--	--
	11 to 15 Years	6	13	352	--	350	--	--
	16 to 20 Years	4	11	--	--	--	--	--
	21 to 30 Years	6	27	436	375	415	500	550
31 or More Years	5	19	533	475	550	590	650	
NY	Under 2 Years	14	50	189	160	175	200	300
	2 or 3 Years	20	53	238	200	215	275	328
	4 or 5 Years	15	45	267	223	260	300	350
	6 or 7 Years	20	37	308	250	295	350	428
	8 to 10 Years	20	48	305	260	280	346	401
	11 to 15 Years	24	77	332	270	325	358	479
	16 to 20 Years	24	74	381	293	350	396	543
	21 to 30 Years	24	130	408	335	390	443	564
31 or More Years	24	130	421	355	390	450	574	

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**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Years of Experience		Number of Offices	RATE					Ninth Decile \$
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	
OH	Under 2 Years	13	28	172	150	165	190	220
	2 or 3 Years	15	59	187	150	185	225	235
	4 or 5 Years	13	53	202	150	215	235	250
	6 or 7 Years	16	43	221	195	220	250	275
	8 to 10 Years	21	80	229	160	238	264	310
	11 to 15 Years	16	93	265	238	265	315	345
	16 to 20 Years	16	59	309	275	315	350	385
	21 to 30 Years	20	143	324	295	330	360	400
31 or More Years	19	116	365	330	370	400	450	
OR	Under 2 Years	3	5	--	--	--	--	--
	2 or 3 Years	5	13	200	--	185	--	--
	4 or 5 Years	6	14	218	--	220	--	--
	6 or 7 Years	3	7	--	--	--	--	--
	8 to 10 Years	5	7	262	--	--	--	--
	11 to 15 Years	7	24	286	260	295	300	370
	16 to 20 Years	6	16	290	--	290	--	--
	21 to 30 Years	5	22	335	293	336	375	407
31 or More Years	6	17	320	285	295	325	516	
PA	Under 2 Years	13	46	211	160	183	285	285
	2 or 3 Years	14	74	246	175	255	315	340
	4 or 5 Years	15	82	271	190	238	360	380
	6 or 7 Years	14	55	259	200	225	315	420
	8 to 10 Years	16	63	310	225	275	440	472
	11 to 15 Years	16	94	331	260	295	385	535
	16 to 20 Years	18	107	375	300	350	450	552
	21 to 30 Years	20	184	395	296	370	460	605
31 or More Years	20	171	448	305	425	550	675	

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**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
SC	Under 2 Years	10	14	160	--	170	--	--
	2 or 3 Years	9	26	170	128	168	189	250
	4 or 5 Years	10	27	187	139	185	225	255
	6 or 7 Years	10	34	211	142	238	255	288
	8 to 10 Years	10	30	206	148	184	275	295
	11 to 15 Years	13	42	285	164	318	350	382
	16 to 20 Years	11	31	292	199	325	350	383
	21 to 30 Years	11	53	324	254	375	385	400
31 or More Years	9	41	380	375	385	425	429	
TN	Under 2 Years	9	17	171	150	170	215	225
	2 or 3 Years	8	19	188	165	180	225	250
	4 or 5 Years	8	20	221	186	223	255	255
	6 or 7 Years	8	20	206	176	195	263	299
	8 to 10 Years	10	22	213	154	200	283	324
	11 to 15 Years	9	40	262	230	265	305	348
	16 to 20 Years	9	28	295	255	288	356	402
	21 to 30 Years	11	64	287	236	285	350	410
31 or More Years	11	60	312	250	310	375	425	
TX	Under 2 Years	12	57	225	215	235	245	250
	2 or 3 Years	15	62	264	255	265	286	290
	4 or 5 Years	17	76	286	210	315	340	375
	6 or 7 Years	16	42	319	258	350	390	407
	8 to 10 Years	18	52	354	275	390	440	489
	11 to 15 Years	18	90	392	284	410	495	559
	16 to 20 Years	16	63	413	280	435	525	625
	21 to 30 Years	17	109	468	333	485	588	705
31 or More Years	14	72	505	407	533	629	702	

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**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
UT	Under 2 Years	5	11	176	--	165	--	--
	2 or 3 Years	6	16	213	--	180	--	--
	4 or 5 Years	6	21	222	195	200	215	360
	6 or 7 Years	5	19	280	210	215	380	420
	8 to 10 Years	5	24	269	220	240	269	443
	11 to 15 Years	7	35	275	235	260	285	421
	16 to 20 Years	5	23	289	260	285	315	371
	21 to 30 Years	6	49	336	283	320	360	515
	31 or More Years	7	24	364	280	343	399	608
VA	Under 2 Years	3	6	--	--	--	--	--
	2 or 3 Years	5	15	202	--	180	--	--
	4 or 5 Years	7	23	199	169	185	225	273
	6 or 7 Years	5	12	222	--	222	--	--
	8 to 10 Years	5	15	244	--	215	--	--
	11 to 15 Years	10	31	255	215	226	275	379
	16 to 20 Years	7	21	260	190	250	296	338
	21 to 30 Years	12	59	325	250	290	350	495
31 or More Years	10	32	330	265	329	393	450	

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**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
WA	Under 2 Years	6	10	186	--	--	--	--
	2 or 3 Years	6	20	199	160	180	224	296
	4 or 5 Years	8	19	249	180	235	275	350
	6 or 7 Years	8	17	254	225	265	285	306
	8 to 10 Years	6	19	274	250	285	305	340
	11 to 15 Years	9	30	271	244	275	314	359
	16 to 20 Years	7	21	310	258	320	380	419
	21 to 30 Years	9	45	308	245	310	383	421
31 or More Years	8	37	331	295	350	395	425	
WI	Under 2 Years	8	12	175	--	175	--	--
	2 or 3 Years	11	19	187	170	185	203	235
	4 or 5 Years	6	13	201	--	210	--	--
	6 or 7 Years	8	14	228	--	220	--	--
	8 to 10 Years	9	22	232	200	233	276	285
	11 to 15 Years	12	38	246	200	248	289	325
	16 to 20 Years	10	31	246	199	240	295	322
	21 to 30 Years	14	78	275	229	273	321	350
31 or More Years	17	62	284	239	300	332	371	

**FIRM SIZE**  
**STANDARD HOURLY BILLING RATES**  
As of January 1, 2011

Firm Size/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
2 to 8 Lawyers	Equity Partner/Shareholder	16	41	317	225	300	425	458
	Non-Equity Partner	3	4	--	--	--	--	--
	Associate/Staff Lawyer	13	28	220	168	200	280	298
9 to 20 Lawyers	Equity Partner/Shareholder	42	245	307	245	285	340	435
	Non-Equity Partner	14	24	278	203	275	300	353
	Associate/Staff Lawyer	38	160	213	175	200	250	290
21 to 40 Lawyers	Equity Partner/Shareholder	65	802	293	235	275	335	400
	Non-Equity Partner	34	146	289	203	278	346	412
	Associate/Staff Lawyer	59	490	208	165	195	240	295
41 to 75 Lawyers	Equity Partner/Shareholder	81	1,327	315	260	300	350	425
	Non-Equity Partner	52	253	294	235	285	350	398
	Associate/Staff Lawyer	79	862	210	170	200	240	285
76 to 150 Lawyers	Equity Partner/Shareholder	115	1,291	371	320	370	425	475
	Non-Equity Partner	85	473	320	240	315	400	457
	Associate/Staff Lawyer	124	1,360	228	167	220	275	325
Over 150 Lawyers	Equity Partner/Shareholder	147	1,616	444	360	425	525	646
	Non-Equity Partner	107	956	400	295	385	490	605
	Associate/Staff Lawyer	145	1,735	276	220	265	325	385

**FIRM SIZE BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
As of January 1, 2011

Firm Size/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
2 to 8 Lawyers	Under 2 Years	3	5	--	--	--	--	--
	2 or 3 Years	3	4	--	--	--	--	--
	4 or 5 Years	3	3	--	--	--	--	--
	6 or 7 Years	6	6	--	--	--	--	--
	8 to 10 Years	5	6	--	--	--	--	--
	11 to 15 Years	4	6	--	--	--	--	--
	16 to 20 Years	8	12	307	--	300	--	--
	21 to 30 Years	7	11	255	--	225	--	--
	31 or More Years	11	20	360	278	313	450	577
9 to 20 Lawyers	Under 2 Years	13	20	183	175	175	200	218
	2 or 3 Years	26	39	188	160	175	210	230
	4 or 5 Years	18	24	202	180	198	210	275
	6 or 7 Years	17	30	228	188	250	265	298
	8 to 10 Years	21	30	249	225	248	275	300
	11 to 15 Years	31	64	271	225	270	300	353
	16 to 20 Years	31	58	270	224	268	318	341
	21 to 30 Years	31	69	308	250	285	350	480
	31 or More Years	32	91	325	250	300	355	538
21 to 40 Lawyers	Under 2 Years	39	82	176	150	165	195	225
	2 or 3 Years	38	93	187	160	180	205	235
	4 or 5 Years	39	107	206	180	190	225	263
	6 or 7 Years	44	93	231	188	225	275	346
	8 to 10 Years	43	105	233	190	230	270	316
	11 to 15 Years	56	186	258	200	250	310	372
	16 to 20 Years	50	151	277	230	270	310	388
	21 to 30 Years	56	300	295	240	285	345	405
	31 or More Years	55	278	318	250	300	375	471

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**FIRM SIZE BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
As of January 1, 2011

Firm Size/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
41 to 75 Lawyers	Under 2 Years	50	145	174	150	170	190	210
	2 or 3 Years	54	191	194	165	180	220	250
	4 or 5 Years	57	202	211	180	205	230	275
	6 or 7 Years	54	150	225	195	215	251	295
	8 to 10 Years	58	190	253	214	240	281	340
	11 to 15 Years	67	332	277	235	265	310	375
	16 to 20 Years	61	247	298	255	290	330	396
	21 to 30 Years	72	535	314	260	300	345	435
	31 or More Years	78	447	340	295	325	385	450
76 to 150 Lawyers	Under 2 Years	60	201	192	160	185	215	249
	2 or 3 Years	70	280	211	165	201	250	290
	4 or 5 Years	75	291	230	179	225	265	335
	6 or 7 Years	64	213	243	194	240	280	350
	8 to 10 Years	76	305	250	180	255	299	350
	11 to 15 Years	95	408	299	250	310	350	400
	16 to 20 Years	81	303	336	285	340	398	450
	21 to 30 Years	95	641	358	300	370	425	465
	31 or More Years	82	472	408	355	405	450	510
Over 150 Lawyers	Under 2 Years	61	233	225	197	230	250	285
	2 or 3 Years	90	339	260	225	265	295	325
	4 or 5 Years	94	385	286	243	295	340	375
	6 or 7 Years	96	315	293	222	285	360	420
	8 to 10 Years	95	372	322	240	310	410	470
	11 to 15 Years	118	589	363	275	355	450	520
	16 to 20 Years	125	490	406	315	395	485	600
	21 to 30 Years	134	890	430	335	420	525	640
	31 or More Years	119	662	471	375	450	560	700

**POPULATION AREA  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Population Area/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Micropolitan/Rural	Equity Partner/Shareholder	18	56	282	206	250	338	452
	Non-Equity Partner	6	8	305	--	--	--	--
	Associate/Staff Lawyer	14	30	196	154	180	237	293
Metropolitan	Equity Partner/Shareholder	334	4,083	340	275	325	400	465
	Non-Equity Partner	209	1,114	327	250	315	390	475
	Associate/Staff Lawyer	326	3,187	225	175	215	260	315
Metropolitan Division	Equity Partner/Shareholder	114	1,183	451	350	445	545	660
	Non-Equity Partner	80	734	396	272	390	495	610
	Associate/Staff Lawyer	118	1,418	275	207	275	325	390

**POPULATION AREA BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Population Area/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Micropolitan/Rural	Under 2 Years	2	2	--	--	--	--	--
	2 or 3 Years	2	3	--	--	--	--	--
	4 or 5 Years	2	2	--	--	--	--	--
	6 or 7 Years	1	1	--	--	--	--	--
	8 to 10 Years	6	7	245	--	--	--	--
	11 to 15 Years	10	14	193	--	180	--	--
	16 to 20 Years	6	8	209	--	--	--	--
	21 to 30 Years	12	18	327	219	330	450	461
	31 or More Years	12	20	278	206	250	314	504
Metropolitan	Under 2 Years	172	515	190	160	180	215	245
	2 or 3 Years	205	659	207	170	200	240	275
	4 or 5 Years	205	676	228	185	219	265	317
	6 or 7 Years	199	566	244	195	235	280	350
	8 to 10 Years	220	714	258	202	250	300	355
	11 to 15 Years	268	1,134	297	240	285	350	410
	16 to 20 Years	261	889	322	260	310	380	435
	21 to 30 Years	281	1,758	340	275	325	400	475
31 or More Years	272	1,446	367	300	360	425	500	
Metropolitan Division	Under 2 Years	52	169	221	170	230	275	285
	2 or 3 Years	74	284	257	208	265	310	330
	4 or 5 Years	79	334	277	213	275	345	375
	6 or 7 Years	81	240	288	210	275	350	415
	8 to 10 Years	72	287	320	240	300	400	465
	11 to 15 Years	93	437	356	260	350	445	521
	16 to 20 Years	89	364	405	291	400	495	600
	21 to 30 Years	102	670	431	322	430	531	650
31 or More Years	93	504	485	375	465	600	705	



**YEAR ADMITTED TO BAR  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Year Admitted to Bar	Number of Offices	RATE					
		Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Before 1966	96	152	403	300	398	494	600
1966 - 1970	171	318	405	314	388	460	578
1971 - 1975	261	683	399	300	375	465	600
1976 - 1980	324	1,069	386	300	375	450	550
1981 - 1985	329	1,246	373	285	360	445	545
1986 - 1990	323	1,178	352	270	335	420	521
1991 - 1995	366	1,313	341	260	325	404	503
1996 - 2000	377	1,620	304	235	290	360	450
2001 - 2005	372	1,979	261	200	250	305	380
2006 - 2008	321	1,477	227	177	220	275	320
2009	185	431	205	165	195	245	275
2010	126	235	185	155	175	210	245
2011	12	20	176	156	160	201	233

**YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Years of Experience	Number of Offices	RATE					
		Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Under 2 Years	226	686	197	160	189	230	270
2 or 3 Years	281	946	222	175	215	265	307
4 or 5 Years	286	1,012	244	190	235	295	350
6 or 7 Years	281	807	257	200	250	300	376
8 to 10 Years	298	1,008	275	215	260	325	411
11 to 15 Years	371	1,585	312	244	300	375	452
16 to 20 Years	356	1,261	345	265	330	410	500
21 to 30 Years	395	2,446	365	280	350	435	535
31 or More Years	377	1,970	397	305	380	460	580

**INDIVIDUAL NON-LITIGATION SPECIALTIES  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Specialty/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Administrative	Partner/Shareholder-Equity/Non-Equity	34	74	397	290	375	484	568
	Associate/Staff Lawyer	12	28	237	178	228	290	341
Banking	Partner/Shareholder-Equity/Non-Equity	60	166	425	324	420	500	615
	Associate/Staff Lawyer	29	79	254	191	250	315	340
Bankruptcy	Partner/Shareholder-Equity/Non-Equity	41	77	377	313	375	438	480
	Associate/Staff Lawyer	24	51	225	170	220	260	322
Collections	Partner/Shareholder-Equity/Non-Equity	8	10	269	--	--	--	--
	Associate/Staff Lawyer	3	11	--	--	--	--	--
Comm'l./Contract	Partner/Shareholder-Equity/Non-Equity	48	104	336	275	325	375	468
	Associate/Staff Lawyer	20	36	251	195	221	284	426
Education	Partner/Shareholder-Equity/Non-Equity	15	24	244	220	240	269	300
	Associate/Staff Lawyer	6	10	172	--	--	--	--
Employee Benefits	Partner/Shareholder-Equity/Non-Equity	43	76	387	316	378	445	488
	Associate/Staff Lawyer	18	32	271	223	288	314	335
Employment	Partner/Shareholder-Equity/Non-Equity	62	105	340	275	335	401	448
	Associate/Staff Lawyer	23	37	218	175	198	248	291
Environmental	Partner/Shareholder-Equity/Non-Equity	37	68	330	271	317	400	451
	Associate/Staff Lawyer	17	22	223	192	223	261	275
Family/Domestic Law	Partner/Shareholder-Equity/Non-Equity	13	40	404	340	388	460	545
	Associate/Staff Lawyer	14	35	252	220	250	295	300
General Business	Partner/Shareholder-Equity/Non-Equity	140	533	417	305	385	510	640
	Associate/Staff Lawyer	103	294	247	195	235	285	340
Health Care	Partner/Shareholder-Equity/Non-Equity	54	113	392	310	385	450	500
	Associate/Staff Lawyer	27	47	238	195	235	280	313
Insurance	Partner/Shareholder-Equity/Non-Equity	13	23	420	227	360	660	735
	Associate/Staff Lawyer	5	11	190	--	195	--	--
Intellectual Property	Partner/Shareholder-Equity/Non-Equity	60	153	406	325	390	450	591
	Associate/Staff Lawyer	35	95	273	225	260	325	356
International	Partner/Shareholder-Equity/Non-Equity	7	7	417	--	--	--	--
	Associate/Staff Lawyer	4	4	--	--	--	--	--
Labor-Mgmt.	Partner/Shareholder-Equity/Non-Equity	29	62	371	300	330	418	514
	Associate/Staff Lawyer	13	23	245	200	220	275	340

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**INDIVIDUAL NON-LITIGATION SPECIALTIES  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Specialty/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Labor-Union	Partner/Shareholder-Equity/Non-Equity	4	7	--	--	--	--	--
	Associate/Staff Lawyer	1	2	--	--	--	--	--
Maritime	Partner/Shareholder-Equity/Non-Equity	1	1	--	--	--	--	--
Mergers/Acquisitions	Partner/Shareholder-Equity/Non-Equity	28	53	412	330	390	490	565
	Associate/Staff Lawyer	5	8	237	--	--	--	--
Municipal Finance	Partner/Shareholder-Equity/Non-Equity	27	76	427	320	378	510	640
	Associate/Staff Lawyer	20	41	277	196	270	355	420
Natural Resources	Partner/Shareholder-Equity/Non-Equity	12	27	482	300	440	650	741
	Associate/Staff Lawyer	4	18	--	--	--	--	--
Real Estate	Partner/Shareholder-Equity/Non-Equity	145	413	395	310	370	450	560
	Associate/Staff Lawyer	87	251	241	150	225	295	380
Securities	Partner/Shareholder-Equity/Non-Equity	30	44	390	300	378	464	588
	Associate/Staff Lawyer	8	13	277	--	215	--	--
Taxation	Partner/Shareholder-Equity/Non-Equity	63	107	399	310	379	435	580
	Associate/Staff Lawyer	27	40	242	200	230	289	337
Trusts/Estates/Probate	Partner/Shareholder-Equity/Non-Equity	144	261	332	275	320	375	444
	Associate/Staff Lawyer	66	98	224	190	220	250	286
Utilities	Partner/Shareholder-Equity/Non-Equity	18	39	354	300	350	400	475
	Associate/Staff Lawyer	5	8	271	--	--	--	--
Other Non-litigation	Partner/Shareholder-Equity/Non-Equity	73	171	341	250	310	415	518
	Associate/Staff Lawyer	44	123	218	180	210	250	275
Multiple Non-litigation	Partner/Shareholder-Equity/Non-Equity	70	226	342	275	330	400	477
	Associate/Staff Lawyer	53	115	210	175	200	250	275

**INDIVIDUAL NON-LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
**As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Administrative	Under 2 Years	2	2	--	--	--	--	--
	2 or 3 Years	3	6	--	--	--	--	--
	4 or 5 Years	3	5	--	--	--	--	--
	6 or 7 Years	4	5	--	--	--	--	--
	8 to 10 Years	5	5	--	--	--	--	--
	11 to 15 Years	8	13	313	--	280	--	--
	16 to 20 Years	8	14	331	--	333	--	--
	21 to 30 Years	20	30	419	333	425	500	579
	31 or More Years	15	19	431	310	380	550	665
Banking	Under 2 Years	6	10	181	--	--	--	--
	2 or 3 Years	8	11	233	--	235	--	--
	4 or 5 Years	10	18	259	205	253	325	327
	6 or 7 Years	9	16	282	--	290	--	--
	8 to 10 Years	16	25	335	255	335	403	490
	11 to 15 Years	21	36	379	301	360	469	514
	16 to 20 Years	16	26	458	361	450	580	607
	21 to 30 Years	37	61	421	303	415	545	633
	31 or More Years	30	42	414	303	373	465	699
Bankruptcy	Under 2 Years	8	9	202	--	--	--	--
	2 or 3 Years	10	14	234	--	225	--	--
	4 or 5 Years	7	9	226	--	--	--	--
	6 or 7 Years	5	7	230	--	--	--	--
	8 to 10 Years	5	7	223	--	--	--	--
	11 to 15 Years	15	20	341	274	325	375	495
	16 to 20 Years	10	10	363	--	--	--	--
	21 to 30 Years	28	34	372	308	390	441	455
	31 or More Years	14	18	398	340	405	455	512

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**INDIVIDUAL NON-LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Comm'l./Contract	Under 2 Years	2	2	--	--	--	--	--
	2 or 3 Years	7	8	204	--	--	--	--
	4 or 5 Years	9	9	255	--	--	--	--
	6 or 7 Years	7	8	245	--	--	--	--
	8 to 10 Years	13	14	250	--	241	--	--
	11 to 15 Years	13	18	302	250	287	343	441
	16 to 20 Years	9	10	337	--	--	--	--
	21 to 30 Years	23	38	335	295	325	375	431
	31 or More Years	25	32	390	325	366	474	647
Education	Under 2 Years	2	2	--	--	--	--	--
	2 or 3 Years	2	3	--	--	--	--	--
	4 or 5 Years	3	3	--	--	--	--	--
	11 to 15 Years	6	6	--	--	--	--	--
	16 to 20 Years	3	3	--	--	--	--	--
	21 to 30 Years	6	10	248	--	--	--	--
	31 or More Years	7	7	253	--	--	--	--
Employee Benefits	Under 2 Years	2	2	--	--	--	--	--
	2 or 3 Years	4	4	--	--	--	--	--
	4 or 5 Years	5	6	--	--	--	--	--
	6 or 7 Years	5	8	277	--	--	--	--
	8 to 10 Years	8	9	318	--	--	--	--
	11 to 15 Years	7	7	357	--	--	--	--
	16 to 20 Years	10	11	368	--	370	--	--
	21 to 30 Years	27	32	356	305	325	420	468
	31 or More Years	23	29	422	358	425	475	550

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**INDIVIDUAL NON-LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Employment	Under 2 Years	7	9	202	--	--	--	--
	2 or 3 Years	9	9	199	--	--	--	--
	4 or 5 Years	3	4	--	--	--	--	--
	6 or 7 Years	5	5	--	--	--	--	--
	8 to 10 Years	7	8	283	--	--	--	--
	11 to 15 Years	11	12	302	--	325	--	--
	16 to 20 Years	26	32	319	258	300	393	438
	21 to 30 Years	34	44	334	268	313	403	434
	31 or More Years	15	19	387	350	397	441	455
Environmental	Under 2 Years	3	3	--	--	--	--	--
	2 or 3 Years	2	2	--	--	--	--	--
	4 or 5 Years	7	7	218	--	--	--	--
	6 or 7 Years	3	3	--	--	--	--	--
	8 to 10 Years	6	7	252	--	--	--	--
	11 to 15 Years	11	12	280	--	250	--	--
	16 to 20 Years	6	8	367	--	--	--	--
	21 to 30 Years	24	30	323	275	300	393	448
	31 or More Years	15	17	359	304	330	433	470
Family/Domestic Law	Under 2 Years	3	5	--	--	--	--	--
	2 or 3 Years	5	7	204	--	--	--	--
	4 or 5 Years	7	11	250	--	255	--	--
	6 or 7 Years	2	3	--	--	--	--	--
	8 to 10 Years	3	4	--	--	--	--	--
	11 to 15 Years	5	11	359	--	365	--	--
	16 to 20 Years	6	11	330	--	325	--	--
	21 to 30 Years	7	8	399	--	--	--	--
	31 or More Years	7	15	460	--	460	--	--

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**INDIVIDUAL NON-LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
General Business	Under 2 Years	36	52	190	160	188	213	256
	2 or 3 Years	43	70	225	175	215	261	315
	4 or 5 Years	42	72	259	205	245	314	374
	6 or 7 Years	29	42	277	220	280	311	364
	8 to 10 Years	44	58	295	235	285	336	407
	11 to 15 Years	60	101	370	265	360	468	539
	16 to 20 Years	45	66	420	295	410	550	635
	21 to 30 Years	99	190	417	290	375	519	640
	31 or More Years	90	172	443	330	395	536	675
Health Care	Under 2 Years	5	5	--	--	--	--	--
	2 or 3 Years	11	13	214	--	210	--	--
	4 or 5 Years	10	12	240	--	248	--	--
	6 or 7 Years	8	9	261	--	--	--	--
	8 to 10 Years	4	5	--	--	--	--	--
	11 to 15 Years	16	19	320	255	315	375	475
	16 to 20 Years	17	18	350	289	340	415	436
	21 to 30 Years	23	33	411	303	430	475	579
	31 or More Years	28	44	424	328	420	482	513
Insurance	Under 2 Years	1	1	--	--	--	--	--
	2 or 3 Years	1	1	--	--	--	--	--
	6 or 7 Years	3	4	--	--	--	--	--
	8 to 10 Years	2	3	--	--	--	--	--
	11 to 15 Years	1	1	--	--	--	--	--
	16 to 20 Years	5	5	--	--	--	--	--
	21 to 30 Years	8	11	391	--	360	--	--
	31 or More Years	4	6	--	--	--	--	--

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**INDIVIDUAL NON-LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
**As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Intellectual Property	Under 2 Years	9	15	234	--	230	--	--
	2 or 3 Years	14	26	254	195	250	325	345
	4 or 5 Years	14	23	303	255	285	340	406
	6 or 7 Years	14	19	278	220	250	325	430
	8 to 10 Years	16	21	338	278	325	395	467
	11 to 15 Years	32	52	373	304	353	433	495
	16 to 20 Years	25	38	411	335	393	471	603
	21 to 30 Years	22	27	446	365	420	455	678
	31 or More Years	22	27	428	320	415	490	627
Labor-Mgmt.	Under 2 Years	3	5	--	--	--	--	--
	2 or 3 Years	3	3	--	--	--	--	--
	4 or 5 Years	3	3	--	--	--	--	--
	6 or 7 Years	5	5	--	--	--	--	--
	8 to 10 Years	7	9	288	--	--	--	--
	11 to 15 Years	7	8	353	--	--	--	--
	16 to 20 Years	6	9	344	--	--	--	--
	21 to 30 Years	13	17	368	303	325	438	534
	31 or More Years	17	25	391	308	355	425	624
Mergers/Acquisitions	Under 2 Years	3	3	--	--	--	--	--
	2 or 3 Years	1	1	--	--	--	--	--
	4 or 5 Years	1	1	--	--	--	--	--
	6 or 7 Years	2	2	--	--	--	--	--
	8 to 10 Years	3	3	--	--	--	--	--
	11 to 15 Years	10	11	391	--	385	--	--
	16 to 20 Years	6	7	418	--	--	--	--
	21 to 30 Years	17	22	422	348	393	459	600
	31 or More Years	8	11	466	--	475	--	--

(continued on next page)

**INDIVIDUAL NON-LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Municipal Finance	Under 2 Years	6	6	--	--	--	--	--
	2 or 3 Years	6	7	261	--	--	--	--
	4 or 5 Years	7	8	281	--	--	--	--
	6 or 7 Years	4	4	--	--	--	--	--
	8 to 10 Years	9	9	362	--	--	--	--
	11 to 15 Years	12	15	324	--	310	--	--
	16 to 20 Years	8	10	359	--	--	--	--
	21 to 30 Years	20	34	407	312	360	450	625
	31 or More Years	14	24	486	328	438	633	788
Natural Resources	Under 2 Years	1	2	--	--	--	--	--
	2 or 3 Years	3	5	--	--	--	--	--
	4 or 5 Years	4	8	--	--	--	--	--
	6 or 7 Years	1	1	--	--	--	--	--
	8 to 10 Years	3	3	--	--	--	--	--
	11 to 15 Years	3	3	--	--	--	--	--
	16 to 20 Years	5	6	--	--	--	--	--
	21 to 30 Years	5	8	576	--	--	--	--
	31 or More Years	7	9	434	--	--	--	--
Real Estate	Under 2 Years	18	25	191	150	167	225	276
	2 or 3 Years	23	42	191	150	153	211	319
	4 or 5 Years	34	56	225	150	205	279	360
	6 or 7 Years	34	40	290	230	265	376	420
	8 to 10 Years	43	71	285	225	275	330	457
	11 to 15 Years	49	71	322	260	310	395	493
	16 to 20 Years	48	64	373	291	350	430	525
	21 to 30 Years	89	156	406	325	375	470	592
	31 or More Years	83	137	408	320	390	458	592

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**INDIVIDUAL NON-LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Securities	Under 2 Years	1	1	--	--	--	--	--
	2 or 3 Years	3	3	--	--	--	--	--
	4 or 5 Years	1	1	--	--	--	--	--
	6 or 7 Years	2	4	--	--	--	--	--
	8 to 10 Years	4	4	--	--	--	--	--
	11 to 15 Years	9	10	356	--	--	--	--
	16 to 20 Years	9	10	384	--	--	--	--
	21 to 30 Years	11	13	420	--	425	--	--
	31 or More Years	10	11	415	--	385	--	--
Taxation	Under 2 Years	6	6	--	--	--	--	--
	2 or 3 Years	8	9	245	--	--	--	--
	4 or 5 Years	4	4	--	--	--	--	--
	6 or 7 Years	9	9	256	--	--	--	--
	8 to 10 Years	7	9	299	--	--	--	--
	11 to 15 Years	12	15	327	--	305	--	--
	16 to 20 Years	6	10	350	--	--	--	--
	21 to 30 Years	29	36	412	305	378	450	698
	31 or More Years	36	43	424	340	395	475	622
Trusts/Estates/Probate	Under 2 Years	13	13	175	--	175	--	--
	2 or 3 Years	18	20	193	156	183	215	260
	4 or 5 Years	16	18	221	194	208	248	282
	6 or 7 Years	16	18	241	214	233	254	290
	8 to 10 Years	14	15	265	--	245	--	--
	11 to 15 Years	41	48	286	250	270	309	376
	16 to 20 Years	44	47	317	275	300	350	419
	21 to 30 Years	67	78	331	275	320	375	441
	31 or More Years	78	101	352	295	330	400	470

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**INDIVIDUAL NON-LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
**As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Utilities	2 or 3 Years	1	1	--	--	--	--	--
	4 or 5 Years	1	2	--	--	--	--	--
	6 or 7 Years	1	1	--	--	--	--	--
	8 to 10 Years	4	4	--	--	--	--	--
	11 to 15 Years	7	8	332	--	--	--	--
	16 to 20 Years	3	3	--	--	--	--	--
	21 to 30 Years	10	13	323	--	330	--	--
	31 or More Years	13	15	394	--	375	--	--
Other Non-litigation	Under 2 Years	11	16	191	--	180	--	--
	2 or 3 Years	11	16	211	--	200	--	--
	4 or 5 Years	16	27	212	180	202	250	276
	6 or 7 Years	14	29	225	176	225	253	330
	8 to 10 Years	16	28	237	182	241	270	302
	11 to 15 Years	31	49	280	220	265	335	410
	16 to 20 Years	24	31	307	230	275	385	446
	21 to 30 Years	33	48	349	270	305	440	547
31 or More Years	34	48	385	288	375	473	560	
Multiple Non-litigation	Under 2 Years	15	23	179	155	175	205	205
	2 or 3 Years	26	30	197	173	185	210	250
	4 or 5 Years	18	22	223	184	210	250	317
	6 or 7 Years	13	16	212	--	210	--	--
	8 to 10 Years	22	26	272	225	255	311	378
	11 to 15 Years	34	51	298	235	295	350	389
	16 to 20 Years	22	28	343	286	340	379	487
	21 to 30 Years	38	67	363	280	375	445	487
	31 or More Years	40	77	347	275	331	413	500

**INDIVIDUAL LITIGATION SPECIALTIES  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Specialty/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Antitrust	Partner/Shareholder-Equity/Non-Equity	3	3	--	--	--	--	--
Bankruptcy	Partner/Shareholder-Equity/Non-Equity	53	108	398	295	375	460	550
	Associate/Staff Lawyer	34	61	255	213	250	288	330
Collections	Partner/Shareholder-Equity/Non-Equity	13	20	315	243	290	369	457
	Associate/Staff Lawyer	2	3	--	--	--	--	--
Comm'l./Contract	Partner/Shareholder-Equity/Non-Equity	97	350	382	285	358	450	575
	Associate/Staff Lawyer	71	219	236	195	230	270	300
Criminal	Partner/Shareholder-Equity/Non-Equity	17	27	444	330	400	550	669
	Associate/Staff Lawyer	6	8	204	--	--	--	--
Educational	Partner/Shareholder-Equity/Non-Equity	3	4	--	--	--	--	--
	Associate/Staff Lawyer	2	4	--	--	--	--	--
Insured Defense	Partner/Shareholder-Equity/Non-Equity	91	354	228	175	200	265	330
	Associate/Staff Lawyer	65	346	166	147	160	175	210
Self-Insured Defense	Partner/Shareholder-Equity/Non-Equity	8	17	243	205	245	277	302
	Associate/Staff Lawyer	7	16	178	--	178	--	--
Employee Benefits	Partner/Shareholder-Equity/Non-Equity	9	10	359	--	--	--	--
	Associate/Staff Lawyer	1	1	--	--	--	--	--
Employment	Partner/Shareholder-Equity/Non-Equity	120	307	374	325	385	430	461
	Associate/Staff Lawyer	85	189	273	233	280	318	350
Environmental	Partner/Shareholder-Equity/Non-Equity	34	73	342	295	350	390	459
	Associate/Staff Lawyer	18	41	203	145	205	250	283
Family & Domestic Law	Partner/Shareholder-Equity/Non-Equity	22	36	318	264	300	348	430
	Associate/Staff Lawyer	12	18	251	209	255	283	319
Health Care	Partner/Shareholder-Equity/Non-Equity	34	98	289	219	250	350	423
	Associate/Staff Lawyer	18	54	208	160	190	264	300
Intellectual Property	Partner/Shareholder-Equity/Non-Equity	31	67	495	370	485	610	721
	Associate/Staff Lawyer	19	56	291	235	283	329	417
International	Partner/Shareholder-Equity/Non-Equity	2	2	--	--	--	--	--
	Associate/Staff Lawyer	1	1	--	--	--	--	--
Labor-Mgmt.	Partner/Shareholder-Equity/Non-Equity	27	69	352	300	350	410	440
	Associate/Staff Lawyer	12	31	252	220	245	275	299

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**INDIVIDUAL LITIGATION SPECIALTIES  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Specialty/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Labor-Union	Partner/Shareholder-Equity/Non-Equity	4	10	--	--	--	--	--
	Associate/Staff Lawyer	2	4	--	--	--	--	--
Maritime	Partner/Shareholder-Equity/Non-Equity	8	11	337	--	275	--	--
	Associate/Staff Lawyer	3	3	--	--	--	--	--
Natural Resources	Partner/Shareholder-Equity/Non-Equity	11	25	353	288	310	390	583
	Associate/Staff Lawyer	3	4	--	--	--	--	--
Personal Injury	Partner/Shareholder-Equity/Non-Equity	44	75	328	270	325	400	429
	Associate/Staff Lawyer	13	20	226	175	225	275	285
Products Liability	Partner/Shareholder-Equity/Non-Equity	50	167	341	244	325	400	502
	Associate/Staff Lawyer	30	102	241	174	220	283	395
Real Estate	Partner/Shareholder-Equity/Non-Equity	22	34	338	269	335	391	450
	Associate/Staff Lawyer	18	47	215	150	195	275	315
Securities	Partner/Shareholder-Equity/Non-Equity	12	21	505	385	495	615	723
	Associate/Staff Lawyer	2	5	--	--	--	--	--
Taxation	Partner/Shareholder-Equity/Non-Equity	10	20	456	325	398	600	600
	Associate/Staff Lawyer	5	7	267	--	--	--	--
Trusts/Estates/Probate	Partner/Shareholder-Equity/Non-Equity	18	26	329	265	325	393	447
	Associate/Staff Lawyer	5	5	--	--	--	--	--
Workers' Compensation	Partner/Shareholder-Equity/Non-Equity	38	101	201	153	169	245	289
	Associate/Staff Lawyer	29	96	157	132	143	168	228
Other Litigation	Partner/Shareholder-Equity/Non-Equity	110	585	322	234	300	380	455
	Associate/Staff Lawyer	82	371	223	182	210	250	299
Multiple Litigation	Partner/Shareholder-Equity/Non-Equity	178	964	365	285	350	430	525
	Associate/Staff Lawyer	145	759	247	190	230	285	350

**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Bankruptcy	Under 2 Years	7	8	224	--	--	--	--
	2 or 3 Years	11	14	229	--	230	--	--
	4 or 5 Years	12	13	279	--	275	--	--
	6 or 7 Years	8	8	246	--	--	--	--
	8 to 10 Years	13	15	284	--	285	--	--
	11 to 15 Years	20	25	319	263	290	370	427
	16 to 20 Years	14	16	446	--	403	--	--
	21 to 30 Years	35	48	429	335	413	490	553
	31 or More Years	16	17	392	323	390	440	558
Collections	6 or 7 Years	1	1	--	--	--	--	--
	8 to 10 Years	1	1	--	--	--	--	--
	11 to 15 Years	1	1	--	--	--	--	--
	16 to 20 Years	5	6	--	--	--	--	--
	21 to 30 Years	6	10	314	--	--	--	--
	31 or More Years	2	2	--	--	--	--	--
Comm'l./Contract	Under 2 Years	24	35	187	156	175	220	240
	2 or 3 Years	29	39	214	180	225	245	260
	4 or 5 Years	29	51	234	200	225	260	300
	6 or 7 Years	30	45	244	210	230	275	340
	8 to 10 Years	33	62	284	229	268	301	458
	11 to 15 Years	42	90	355	265	333	435	550
	16 to 20 Years	40	51	351	265	300	385	566
	21 to 30 Years	59	101	398	298	375	458	637
	31 or More Years	54	94	419	319	383	495	598
Criminal	2 or 3 Years	1	1	--	--	--	--	--
	4 or 5 Years	1	1	--	--	--	--	--
	8 to 10 Years	5	5	--	--	--	--	--
	11 to 15 Years	4	5	--	--	--	--	--
	16 to 20 Years	4	4	--	--	--	--	--
	21 to 30 Years	5	5	--	--	--	--	--
	31 or More Years	13	14	503	--	490	--	--

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**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
**As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Insured Defense	Under 2 Years	23	48	163	150	160	173	185
	2 or 3 Years	32	67	165	152	160	172	201
	4 or 5 Years	39	83	165	142	159	180	211
	6 or 7 Years	29	52	168	144	160	191	222
	8 to 10 Years	30	73	179	150	169	197	243
	11 to 15 Years	52	100	205	159	186	233	300
	16 to 20 Years	42	73	221	176	200	250	322
	21 to 30 Years	56	140	229	169	200	260	348
	31 or More Years	42	63	238	175	200	285	360
Employment	Under 2 Years	11	19	237	215	250	300	300
	2 or 3 Years	22	28	250	207	260	289	303
	4 or 5 Years	35	58	266	230	278	311	345
	6 or 7 Years	27	32	290	246	291	344	369
	8 to 10 Years	29	36	315	256	325	363	401
	11 to 15 Years	55	85	342	278	357	385	432
	16 to 20 Years	52	76	377	326	395	410	475
	21 to 30 Years	59	88	368	301	380	420	460
	31 or More Years	35	58	411	383	430	456	507
Environmental	Under 2 Years	3	4	--	--	--	--	--
	2 or 3 Years	5	9	174	--	--	--	--
	4 or 5 Years	10	12	226	--	233	--	--
	6 or 7 Years	4	5	--	--	--	--	--
	8 to 10 Years	6	8	234	--	--	--	--
	11 to 15 Years	9	13	299	--	295	--	--
	16 to 20 Years	13	17	305	258	310	350	408
	21 to 30 Years	19	27	361	295	380	400	488
	31 or More Years	16	19	349	315	350	400	475

(continued on next page)



**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
**As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Family & Domestic Law	2 or 3 Years	2	3	--	--	--	--	--
	4 or 5 Years	2	2	--	--	--	--	--
	6 or 7 Years	6	6	--	--	--	--	--
	8 to 10 Years	6	8	280	--	--	--	--
	11 to 15 Years	7	8	288	--	--	--	--
	16 to 20 Years	8	9	292	--	--	--	--
	21 to 30 Years	11	11	329	--	310	--	--
	31 or More Years	6	7	379	--	--	--	--
Health Care	Under 2 Years	6	8	151	--	--	--	--
	2 or 3 Years	5	5	--	--	--	--	--
	4 or 5 Years	5	12	184	--	171	--	--
	6 or 7 Years	6	9	204	--	--	--	--
	8 to 10 Years	12	17	232	192	217	275	315
	11 to 15 Years	17	26	279	215	250	338	437
	16 to 20 Years	10	14	255	--	241	--	--
	21 to 30 Years	21	39	293	225	275	350	410
31 or More Years	15	20	336	250	300	400	520	
Intellectual Property	Under 2 Years	3	7	--	--	--	--	--
	2 or 3 Years	7	18	260	208	265	311	336
	4 or 5 Years	4	13	--	--	--	--	--
	6 or 7 Years	6	8	327	--	--	--	--
	8 to 10 Years	6	11	378	--	380	--	--
	11 to 15 Years	12	17	427	313	380	550	616
	16 to 20 Years	11	15	464	--	430	--	--
	21 to 30 Years	16	18	483	360	468	560	803
	31 or More Years	10	14	614	--	663	--	--

(continued on next page)

**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Labor-Mgmt.	Under 2 Years	3	4	--	--	--	--	--
	2 or 3 Years	4	5	--	--	--	--	--
	4 or 5 Years	6	8	219	--	--	--	--
	6 or 7 Years	6	7	262	--	--	--	--
	8 to 10 Years	3	6	--	--	--	--	--
	11 to 15 Years	7	11	320	--	330	--	--
	16 to 20 Years	13	14	323	--	335	--	--
	21 to 30 Years	13	19	330	300	310	385	430
	31 or More Years	17	26	397	329	415	440	569
Natural Resources	2 or 3 Years	1	1	--	--	--	--	--
	4 or 5 Years	1	1	--	--	--	--	--
	8 to 10 Years	2	2	--	--	--	--	--
	16 to 20 Years	2	2	--	--	--	--	--
	21 to 30 Years	5	9	343	--	--	--	--
	31 or More Years	8	14	348	--	330	--	--
Personal Injury	Under 2 Years	5	5	--	--	--	--	--
	2 or 3 Years	4	4	--	--	--	--	--
	4 or 5 Years	1	2	--	--	--	--	--
	6 or 7 Years	3	3	--	--	--	--	--
	8 to 10 Years	4	4	--	--	--	--	--
	11 to 15 Years	7	8	283	--	--	--	--
	16 to 20 Years	15	16	323	--	320	--	--
	21 to 30 Years	20	24	326	285	320	400	435
	31 or More Years	22	28	351	296	350	400	463

(continued on next page)

**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
**As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Products Liability	Under 2 Years	9	12	172	--	158	--	--
	2 or 3 Years	11	16	222	--	195	--	--
	4 or 5 Years	13	17	238	175	200	285	344
	6 or 7 Years	14	21	239	180	220	278	389
	8 to 10 Years	11	23	279	215	230	350	430
	11 to 15 Years	18	32	249	208	231	295	319
	16 to 20 Years	15	33	344	263	340	440	513
	21 to 30 Years	36	78	355	255	338	421	523
	31 or More Years	25	35	374	300	370	425	504
Real Estate	Under 2 Years	4	5	--	--	--	--	--
	2 or 3 Years	5	8	189	--	--	--	--
	4 or 5 Years	3	3	--	--	--	--	--
	6 or 7 Years	5	6	--	--	--	--	--
	8 to 10 Years	6	10	223	--	--	--	--
	11 to 15 Years	10	17	278	171	295	325	459
	16 to 20 Years	6	7	322	--	--	--	--
	21 to 30 Years	9	13	299	--	315	--	--
31 or More Years	7	9	336	--	--	--	--	
Securities	2 or 3 Years	2	2	--	--	--	--	--
	4 or 5 Years	1	1	--	--	--	--	--
	6 or 7 Years	1	1	--	--	--	--	--
	11 to 15 Years	4	4	--	--	--	--	--
	16 to 20 Years	3	6	--	--	--	--	--
	21 to 30 Years	1	1	--	--	--	--	--
	31 or More Years	9	10	542	--	--	--	--
Trusts/Estates/Probate	Under 2 Years	2	2	--	--	--	--	--
	2 or 3 Years	1	1	--	--	--	--	--
	6 or 7 Years	1	1	--	--	--	--	--
	11 to 15 Years	6	6	--	--	--	--	--
	16 to 20 Years	4	5	--	--	--	--	--
	21 to 30 Years	8	8	343	--	--	--	--
	31 or More Years	5	5	--	--	--	--	--

(continued on next page)

**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
**As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Workers' Compensation	Under 2 Years	8	12	138	--	142	--	--
	2 or 3 Years	8	17	134	127	128	143	150
	4 or 5 Years	7	14	145	--	136	--	--
	6 or 7 Years	12	17	177	134	143	230	250
	8 to 10 Years	15	31	162	138	149	170	230
	11 to 15 Years	18	33	183	151	160	220	263
	16 to 20 Years	15	24	202	157	212	240	265
	21 to 30 Years	23	32	217	160	195	283	327
	31 or More Years	13	17	209	153	190	250	370
Other Litigation	Under 2 Years	24	46	194	176	200	215	225
	2 or 3 Years	33	74	206	180	209	230	250
	4 or 5 Years	41	67	221	185	219	255	271
	6 or 7 Years	37	62	216	180	204	255	287
	8 to 10 Years	39	84	244	186	234	290	335
	11 to 15 Years	60	152	280	217	258	322	394
	16 to 20 Years	54	116	311	214	288	364	432
	21 to 30 Years	83	210	319	230	300	376	443
	31 or More Years	65	135	363	250	365	425	516
Multiple Litigation	Under 2 Years	73	148	203	170	189	230	275
	2 or 3 Years	82	164	234	185	225	284	320
	4 or 5 Years	81	167	254	195	235	335	360
	6 or 7 Years	81	150	272	214	250	316	399
	8 to 10 Years	84	154	279	225	260	316	400
	11 to 15 Years	107	211	311	260	300	350	420
	16 to 20 Years	92	166	348	280	330	401	497
	21 to 30 Years	125	311	381	300	375	455	535
	31 or More Years	110	245	414	320	400	495	595

**INDIVIDUAL NON-SPECIALISTS  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Specialty/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Generalist	Partner/Shareholder-Equity/Non-Equity	32	63	319	250	300	375	447
	Associate/Staff Lawyer	22	51	205	175	190	225	284

**INDIVIDUAL NON-SPECIALISTS BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
**As of January 1, 2011**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Generalist	Under 2 Years	6	9	175	--	--	--	--
	2 or 3 Years	7	12	205	--	183	--	--
	4 or 5 Years	8	15	207	--	205	--	--
	6 or 7 Years	5	7	187	--	--	--	--
	8 to 10 Years	7	9	223	--	--	--	--
	11 to 15 Years	7	10	255	--	--	--	--
	16 to 20 Years	8	9	318	--	--	--	--
	21 to 30 Years	10	15	334	--	315	--	--
	31 or More Years	18	25	354	253	345	407	447

# Survey of Law Firm Economics

Deadline for Submission: April 22, 2011

Publication Date: July 2011

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THE NATIONAL  
LAW JOURNAL

2011  
edition





# **Survey of Law Firm Economics 2011 Edition**

Conducted and Published by  
The National Law Journal and ALM Legal Intelligence

## **Submission Form Instructions and Worksheets**

**Deadline for Submission: April 22, 2011**  
**Publication Date: July 2011**

Your participation is vital to the success of the survey. The National Law Journal and ALM Legal Intelligence thank you in advance for taking the time to compile and submit your data. Please complete and return your submission as promptly as possible, but no later than **April 22, 2011**. We suggest you retain a copy of your submission in case we need to contact you. Your responses will be kept strictly confidential. Access to your completed questionnaire is limited to the survey staff. All data reported on in the published survey is presented only in aggregate.

**Contact Information:**

**ALM Legal Intelligence**  
**120 Broadway, 5<sup>th</sup> Floor**  
**New York, NY 10271**

**Phone: 888-770-5647**

**Fax: 646-822-5263**

**Email: [almlegalintel@alm.com](mailto:almlegalintel@alm.com)**

**Participation Details: [www.almlegalintelligence.com/SLFEParticipate](http://www.almlegalintelligence.com/SLFEParticipate)**

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**NEW for 2011!**

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This year the submission packet mailed to you is broken into two parts. Your packet includes a booklet with instructions/worksheets AND a separate submission form. As in the past, you can use the booklet to guide you as you gather and compile your firm's data for submission. However, we ask that this year you **only return the submission form**. Please keep the booklet and a copy of the submission form for your records.

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**Instructions for Optional Electronic Submission of Data**

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**You have the option of submitting your responses electronically. All that is required is an Internet connection, Microsoft<sup>®</sup> Excel<sup>®</sup>, and the most recent version of Adobe<sup>®</sup> Reader<sup>®</sup>.**

The electronic form provides you with the ability to save both a form-enabled Adobe<sup>®</sup> PDF and Excel<sup>®</sup> worksheet for the individual lawyer data to your computer for completion as time permits. You can open and close the form and worksheet as many times as you need, just ensure you save your work locally. Upon completion, open your Internet connection to electronically submit your data.

**If you are interested in completing the questionnaire electronically, please visit our website at: [www.almlegalintelligence.com/SLFEParticipate](http://www.almlegalintelligence.com/SLFEParticipate)**

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**GENERAL INSTRUCTIONS:** If your firm has two or more offices, please submit only **one** submission form **per firm**. DO NOT report foreign branch office data within this submission.

### SECTION 1: Participant Information

**ALL participants will receive a Survey Excerpt.** Please ensure the correct contact information, including email address, is provided on the submission form. If you received your submission packet via postal mail, the Mail Code is printed on the back of your submission form.

### SECTION 2: Firm Profile

**Questions 1 through 3:** Please complete questions 1 through 3 on the submission form to ensure correct categorization of your firm.

### SECTION 3: Firm Management

**Questions 4 through 17:** Each year we receive requests to include additional questions and to analyze some areas of law firm management in more detail. This year, in order to provide you with the data you need to manage your law firm, included on the submission form are some new questions of topical interest to our participants.

#### Question 11--Definitions

- **Flat Fee:** Client pays an agreed upon sum of money for an agreed-upon amount of work. Unlike hourly fee arrangements, flat-fee arrangements have the law firm assume the risk of cost overruns and the client assumes the risk of a bad result.
- **Contingent Fee:** Law firm gets paid only if it achieves a financial recovery or other result for the client. Typically, the law firm receives a percentage of the total recovery.
- **Flat Fee with Shared Savings:** If at the conclusion of the work fees calculated on the basis of the hours worked would be less than the flat fee, the client and law firm share the savings.
- **Capped Fee:** Client pays up to an agreed upon sum for an agreed-upon amount of work or for an engagement. Capped fees often are used in conjunction with an hourly rate agreement, but the total amount charged by the hour cannot exceed the cap.
- **Partial contingency or success fee:** Law firm might be paid a fraction of its fee under an hourly, flat, or capped-fee arrangement, and an additional amount if the result exceeds agreed-upon criteria.
- **Defense contingency fee:** Law firm defending a client against a monetary claim agrees with the client on an expected outcome. If the firm achieves a better result than the expected outcome, the client pays the firm a percentage of the savings.
- **Phased Fee:** Law firm and the client agree upon fees for discreet phases of the work. Different phases might utilize different structures, including the hourly rate, a flat fee, a contingency fee, or an AFA.
- **Holdback:** Client withholds an agreed-upon amount or percentage of the fee until an agreed-upon milestone or result is achieved, or until completion of the engagement. The obligation to pay the amount withheld is triggered if the law firm achieves a result.
- **Blended Rate:** A blended rate is an agreed-upon hourly rate that applies to all lawyers working on a matter. Some firms consider discounts to the hourly rate a form of AFA.

**SECTION 4: Financial Profile**

**Instructions:** Report financial information for last complete twelve-month fiscal year.

**18. Cash Basis Income Statement (Report on a firm-wide basis.)**

**Instructions:** In order to complete this question, you will need a year-end financial statement or the firm’s tax return. If you use the enclosed Chart of Accounts you can follow the account numbers provided in parentheses for each line item. Report all numbers to the nearest whole dollar, omitting cents. **Use the cash basis of accounting.**

**A. Gross Receipts** to include: legal fees, fees forwarded to other lawyers, charges for word processing, legal research, photocopies, messengers and other office services (net of actual cost), other earned income, investment income and all other miscellaneous income. **(400-440)**

\$ \_\_\_\_\_

**B. Expenses**

**Important: Compensation** is defined to include **all** of the following items: **salary, bonus, and benefits**. Benefits include employer payroll taxes, group insurance premiums, medical reimbursements, retirement plan contributions, workers’ compensation, and other mandatory insurance. If you are having difficulty breaking out the total benefits for each category of employee, please review page 16.

1) **Lawyer** compensation expense for: shareholders, associates, other salaried lawyers, temporary/contract lawyers and patent agents. **Please report shareholders separately from all other salaried lawyers. Non-equity partners/shareholders should be included in “All other salaried lawyers.” Exclude partners and unadmitted summer associates. (500-510 and portions of 560 and 570)**

a) **Shareholders**

\$ \_\_\_\_\_

b) **All other salaried lawyers**

\$ \_\_\_\_\_

2) **Paralegal** compensation expense for paralegal assistants, billed law clerks, and other billed professionals, such as librarians (if 75% of time is billable) and investigators. **(522-529 and portions of 560 and 570)**

\$ \_\_\_\_\_

3) **Secretarial, clerical and all administrative** compensation expense to include: office administrators, directors, managers, supervisors, librarians (not billed), bookkeepers and accountants, administrative assistants, secretaries, receptionists, clerks, WP operators, non-billable law clerks, summer interns, full-time, part-time or temporary administrative help. Include exempt and non-exempt staff. **(521; 530-540 and portions of 560 and 570; 580)**

\$ \_\_\_\_\_

- 4) **Occupancy** expense for rent, utilities, amortization of leasehold improvements, depreciation of owned buildings, maintenance, housekeeping, real estate taxes and lease pass through, insurance, moving, and storage. **(600-610)**

\$ \_\_\_\_\_
- 5) **Equipment lease, maintenance and depreciation** expense for computers, network hardware, reproduction equipment, communications equipment, and all other office machines. Subtract credit for chargebacks to clients up to actual cost. When the amount collected exceeds costs, put the excess in gross receipts. **Exclude furniture expenses. (Portions of 710, 720, 730 and 740)**

\$ \_\_\_\_\_
- 6) **Reference material**, library, including books, periodicals, subscriptions, newspapers and research services expense. If books are depreciated, include only depreciation amount. Subtract credit for chargebacks to clients up to actual cost. When the amount collected exceeds costs, put the excess in gross receipts. **(830)**

\$ \_\_\_\_\_
- 7) **Malpractice** insurance premium and settlement costs. **(841)**

\$ \_\_\_\_\_
- 8) **Promotion and marketing** expense including club dues, seminars and speaking engagements (net of payment received), presentations to prospective clients, client entertainment and gifts, printing/distribution of brochures, announcements and invitations, newsletters, directory listings and advertisements, market research studies and client surveys, other media expense and PR/marketing consultant fees. **(810, 863)**

\$ \_\_\_\_\_
- 9) **Payments to former partners/shareholders and inactive of counsel**, deductible payments only. Does not include return of capital or purchase of shares in a P.C.

\$ \_\_\_\_\_
- 10) **All other** expenses. **(590, 700, 711, 721, 731, 741, 750, 760, 770, 780, 800, 820, 849, 850, 860 [excluding 863], 870, 880)**

\$ \_\_\_\_\_
- C. **Gross Profit** to include: profits distributed to partners (but not payments made to shareholder-employees). If number is a loss, please indicate with minus sign in the appropriate box.

\$ \_\_\_\_\_

**IMPORTANT NOTE: GROSS RECEIPTS (A) MINUS ALL EXPENSES (B) MUST EQUAL NUMBER REPORTED IN GROSS PROFIT (C).**

**19. Year-End Cash Basis Balance Sheet**

**Instructions: Exclude escrow and trust a/c assets and liabilities.** Record the total of unbilled client costs advanced plus client costs receivable on line A. 2) below. Partnerships should record **undistributed** year-end profits as a liability. Include only profits that **will be distributed**, not profits retained as additional capital. **Reclassify loan to/from owners as capital. Complete only if reported on a cash basis.**

**A. Assets**

- 1) Current assets **(100, 120, 140, 150)** \$ \_\_\_\_\_  
 Line #s 1, 4, 5, 6 on Schedule L Form 1120, 1120S, 1065
  
- 2) Client costs advanced—Billed and Unbilled **(130)** \$ \_\_\_\_\_
  
- 3) Fixed Assets **(160)**, net of depreciation **(170)** \$ \_\_\_\_\_  
 Line #s 10, 12, 13 on Schedule L Form 1120, 1120S / Line #s 9, 11, 12 on Schedule L Form 1065
  
- 4) Other Assets **(190)** \$ \_\_\_\_\_  
 Line #s 8, 9, 14 on Schedule L Form 1120, 1120S / Line #s 7, 8, 13 on Schedule L Form 1065
  
- 5) Total Assets \$ \_\_\_\_\_

**B. Liabilities**

- 1) Debt and capitalized leases (including current and long-term) **(250, 260)** \$ \_\_\_\_\_  
 Line #s 17, 20 on Schedule L Form 1120, 1120S / Line #s 16, 18, 19 on Schedule L Form 1065
  
- 2) Obligations to deceased and retired partners **(290)** \$ \_\_\_\_\_
  
- 3) Other Liabilities **(200, 210, 220, 230, 240, 270)** \$ \_\_\_\_\_  
 Line #s 16, 18, 21 on Schedule L Form 1120, 1120S / Line #s 15, 17, 20 on Schedule L Form 1065
  
- 4) Undistributed current year (2010) profits for partnerships **(Include only profits that will be distributed, not profits retained as additional capital.)** \$ \_\_\_\_\_

**C. Permanent Capital or Shareholder Equity (B plus C must equal A). If deficit, please use minus sign.** \$ \_\_\_\_\_

**20. Other Assets at Year-End**

**A. Work-in-Progress (Unbilled Time)**

- 1) Contingent Fee Matters \$ \_\_\_\_\_
- 2) Non-Contingent Fee Matters \$ \_\_\_\_\_
- 3) Total WIP \$ \_\_\_\_\_

**B. Collectible Accounts Receivable, fees only** \$ \_\_\_\_\_

**C. Dollar value of Fees Receivable written off** \$ \_\_\_\_\_

Report the total value of adjustments to bills previously sent to clients. This amount includes write-downs and write-offs of **fees receivable** only.

**21. Realization**

**A. Report the total dollar value of all time taken out or relieved from work-in-progress (unbilled time) for matters during the 12-month period.** The number reported here includes fees billed, write-downs, write-offs and other adjustments.

- 1) Computed using STANDARD RATES \$ \_\_\_\_\_
- 2) Computed using ACTUAL RATES \$ \_\_\_\_\_

**B. Total dollar amount actually billed for work reported above in 21. A.** Report your fee billings for the 12-month period. \$ \_\_\_\_\_

**SECTION 5: Staffing Profile**

**FTE Definition:** A full-time equivalent (FTE) is defined as a function of the amount of time with the firm **and** the employment status of an individual during a complete fiscal year. For example, a part-time employee working three days per week for the full-year represents “.6”. New full-time hires employed mid-year count as “.5”. A part-time new hire working three days a week hired mid-year counts as “.3”. Adjust for others **who left or were added** in a similar manner.

**22. Number of FTEs**

**Instructions:** Indicate the number of FTEs during the last complete fiscal year for your entire firm using the staffing categories provided on the submission form. Please include individuals employed directly by the firm and through temporary agencies or on a contract basis. Do not include staff on-site in outsourcing arrangements that cover entire functional areas, such as, mailroom, messenger service, etc. Report to the nearest tenth (e.g., 10.4).



<b>Staffing Categories</b>	<b>Helpful Definitions</b>
<b>Equity Partners/Shareholders/Proprietors</b>	
<b>Non-equity Partners/Salaried Partners/Non-participating Partners</b>	Any individual who is held out to the public as a partner or principal, but is clearly in a separate class that is characterized as having lower capital contribution requirements, lesser voting rights and lesser economic risk or reward potential. May be classified as either a W-2 employee or K-1 partner for tax purposes.
<b>Associates/Patent Agents</b>	A lawyer employed by the firm who is understood to be in a program leading to consideration for partnership or shareholder status, or who has been so considered. Include patent agents in this category.
<b>Staff Lawyers</b>	A lawyer employed by a law firm who is hired with the understanding that the position will not lead to consideration for ownership status.
<b>Contract/Temporary Lawyers</b>	A lawyer employed under contract to perform work for the firm on a temporary basis.
<b>Counsel Working Actively</b>	An individual working actively; normally over 800 billable hours.
<b>Paralegals</b>	A person in this category is one who does legal work under the supervision of a lawyer at least 75% of the working day. Includes "law clerks" who produce billable hours, investigators and patent draftsmen. Excludes patent agents and summer associates. <b>NOTE: If a secretarial employee is performing paralegal duties, please allocate the FTE percentage between this category and the secretarial category below accordingly.</b>
<b>Administrative Assistants/Legal Secretaries</b>	Includes non-exempt personnel only. Please remember to adjust for those employees performing paralegal duties.
<b>Technology Employees</b>	Includes exempt and non-exempt personnel.
<b>Finance/Accounting Employees</b>	Includes exempt and non-exempt personnel.
<b>Administrative and Clerical Employees</b>	Includes exempt and non-exempt personnel, i.e., Firm Administrator, Human Resources, Marketing, Library, Mailroom, etc. <b>Excludes Legal Secretaries, Technology and Finance/Accounting personnel reported above.</b>
<b>All Other Staff</b>	Includes all other personnel employed by the firm.
<b>Total Firm FTE Contingent</b>	<b>Sum of FTEs for all staff identified above.</b>

### 23. Offers to 2011 law school graduates

**Instructions:** Indicate the number of offers made to 2011 law school graduates whom the firm expects to employ in 2011. (If no offers made, please indicate using "0.") Calculate the average of all annual starting salaries and signing bonuses. If amounts are uncertain, please provide your best estimate.

### SECTION 6: Earnings Data for Administrative/Support Staff for 2010

**Instructions:** Please use the following instructions to complete the grid on page 6 of the submission form. Report the total dollar earnings as reported on the W-2 form **before** voluntary before-tax employee reductions. Provide **aggregated** information for each position defined below pertinent to your firm. **It may be the case that you have individuals that do not match any one of these categories; if so, please report in the "Other" category at the end of the grid.** This will help us determine new titles for subsequent editions.

#### Columns A and B Status Code with Position Titles/Descriptions

**60 Legal Administrator** - An individual responsible for the development of the firm's organizational and business goals. Involved in strategic planning and formulating administrative policies. He/she primarily supervises exempt staff and is responsible for the daily operations of the firm. Incumbents generally have ten or more years of experience, an advanced degree and/or some professional certification. If this position is a lawyer, he/she does not practice law. In a small firm, this position is generally the Administrative/Office Manager, (see below).

- 61 Administrative/Office Manager** - An individual responsible for the daily operations of the support functions. He/she supervises the staff responsible for the daily operations of the organization. He/she normally reports to a supervising lawyer or committee of lawyers responsible for the daily operations of the firm. Incumbents generally have five or more years of experience and a college degree.
- 62 Branch Office Manager** - An individual who is the administrator of another location of a multi-office organization and is responsible for the succeeding locations' business management. Incumbents generally have two or more years of experience and at least some college education.
- 70 Comptroller/Finance Director** - An individual reporting to the Principal Administrator and is responsible for finance, treasury functions, including managing all aspects of the firm's financial, time, billing, and collection systems. Incumbents generally supervise exempt and non-exempt staff, have five or more years experience, a four-year college degree and professional certification.
- 71 Accounting Manager** - An individual who reports to the Principal Administrator or Comptroller and is responsible for the accounting function. The individual will generally supervise non-exempt staff and maintain the equipment necessary to carry out these responsibilities. Incumbents generally have five or more years of experience and at least some college education. The Principal Administrator in smaller law firms may perform this function.
- 72 Risk Manager** - An individual who plans, organizes, coordinates, directs and implements the risk management plan for the law firm. Educates staff on risk management issues. Measures and evaluates risk management issues, trends and patterns. Develops and implements a comprehensive plan that identifies, investigates, analyzes, treats, manages and evaluates risks that detract from law firm operations. Minimum of three years experience, at least a four-year college degree and professional certification.
- 73 Accounting Supervisor** - An individual responsible for directly supervising all or part of the accounting staff in the operation of the accounting department. This position usually exists in a large firm and the person reports directly to the Accounting Manager or Comptroller. Incumbents generally have two or more years of experience.
- 74 Accounting Clerk/Bookkeeper**
- 80 Information Services Director** - An individual who plans, manages and directs the overall technology and information systems of the organization. Increasingly, communications and library functions are coming within the individual's responsibility. Duties consist of planning, budgeting, research and development, as well as, the supervision of primarily exempt/non-exempt staff directly involved in this activity. The individual directs such activities as applications development/support and training at a firm and practice area level. Incumbents generally have five or more years of experience and at least a four-year college degree.
- 81 Network Administrator** - An individual responsible for the day-to-day operation and maintenance of the cable plant, network design, and the network. This may include diagnosing repair problems on a timely basis, relocating and changing computer equipment, and cabling as it becomes necessary.
- 82 Technology, Help Desk and Training Positions**
- 90 Human Resources Director**  
**91 Human Resources Manager**  
 An individual responsible for all personnel matters regarding non-lawyer staff in the organization, including hiring, assignments, supervision, training, evaluation, personnel records, salary administration and benefits. In larger organizations, the position may have a "Director" title and include professional staff as well. Incumbents generally supervise non-exempt personnel, have five or more years experience and at least some college education. In larger organizations, a "Director" generally supervises exempt and non-exempt personnel, has ten or more years of experience and at least a four-year college degree.
- 92 Benefits, Recruiting and Other HR Clerical Positions**
- 100 Chief Marketing Officer/Marketing Director** - An individual, often the most senior marketing professional in the firm, responsible for the development and implementation of firm-wide marketing and business development plans. This includes strategy, creative content, budgeting, training, event planning, and other support. This individual works directly with lawyers responsible for its marketing and related activities by providing administrative support and guidance. Incumbent generally supervises exempt and non-exempt staff, has five or more years of experience and a minimum of a four-year college degree.
- 101 Marketing Manager** - An individual who actively participates in firm-wide and specific practice area marketing and business planning yet does not lead the initiatives. In larger firms, usually reports to another marketing professional within the firm.
- 102 Marketing Coordinator** - An individual whose activities focus on implementation and can either include follow-up and monitoring of marketing tactics or execution of specific tasks, such as website management, media placement, seminars and more, based upon their skills and background.
- 103 Marketing Assistant** - An entry-level individual who typically supports all activities of the marketing department.

- 110 Library Manager** - An individual responsible for administering all aspects of the firm's physical and virtual libraries. Develops and directs implementation of strategic plans, administrative policies, budgets and acquisitions for the firm's libraries. This individual manages and directs research-related information systems for the firm's libraries, intranet and knowledge management systems, including research training programs and licenses for computer systems and electronic databases. Supervises professional and paraprofessional staff providing research, reference, indexing, cataloging, acquisitions and circulation. The position requires five or more years of library experience and a master's degree from an accredited library science program; incumbents in large firms may also hold the JD degree.
- 111 Manager of One-Person Library** - An individual responsible for administering all aspects of the organization's physical and virtual library. The incumbent provides research services, maintains the catalog, acquires and circulates materials. The incumbent develops and implements budgets, strategic plans and administrative policies for the library. This individual manages and directs research-related information systems for the library and may administer the library's intranet research page. Incumbents may also coordinate online legal research training. The position requires three or more years of library experience and a master's degree from an accredited library science program.
- 112 Library Clerk** - A library clerk provides routing library services and day-to-day tasks such as shelving, filing, making copies, locating books and basic ready reference. The library clerk processes mail, files loose-leaf services and supplements, coordinates circulation and retrieval of materials, and may process interlibrary loans. The incumbent orders library acquisitions and generally implements any budgets, plans and strategies developed under the direction of a Library Manager/Managing Partner or Office Manager. The incumbent commonly will possess a college degree and/or three years of law firm experience.
- 120 Administrative Assistant/Legal Secretary**
- 130 Office Services Manager** - An individual responsible for supervising auxiliary support staff, including messengers, mailroom clerks, receptionists, telephone operators, supply clerks, copy center personnel, file clerks and the like. This position often manages facility operations including janitorial, housekeeping, leasehold improvements, furnishings, relocations, etc. Incumbents generally supervise non-exempt staff, have three or more years of experience and may or may not have college education.
- 131 Word Processing Operator**
- 132 Records/File Room Clerk**
- 133 Document Processing/Duplication Positions**
- 134 Mailroom Positions**
- 135 Messenger**
- 136 Receptionist/Telephone Operator**
- 991/992/993 Other**

**Column C** If your systems report data on an FTE basis, be sure to include the correct FTE counts in the "Number of FTE Incumbents" column. If FTE data is not available, include only individuals working full time AND for the full year. Please report decimal places as needed.

**Column D** Report the total wages before voluntary before-tax employee reductions paid by the firm for all incumbents reported in Column C for the year 2010.

<b>SECTION 7: Individual Lawyer Data--Fee Earners Only for 2010</b>
---

Please read the following instructions prior to completing grid on page 7 of the submission form. Include all fee-earner lawyers employed during 2010. Please DO NOT add \$ signs, fractions or cents. Provide exact numbers--do not estimate.

**Column B** Show the year first admitted to the Bar in any state as a four-digit number.

**Column C** Use code below to indicate status at year-end as follows:

**10 Equity Partner/Shareholder/Proprietor**

**11 Non-equity Partner/Salaried Partner/Non-participating Partner** - Any individual who is held out to the public as a partner or principal, but is clearly in a separate class that is characterized as having lower capital contribution requirements, lesser voting rights and lesser economic risk or reward potential. May be classified as either a W-2 employee or K-1 partner for tax purposes.

**20 Associate Lawyer** - A lawyer employed by the firm who is understood to be in a program leading to consideration for partnership or shareholder status, or who has been so considered.

**21 Staff Lawyer** - A lawyer employed by a law firm who is hired with the understanding that the position will not lead to consideration for ownership status.

**30 Counsel (of counsel)** - An individual working actively; normally **over 800** billable hours.

**50 Sole Practitioners**

**Column D** Select one code below to indicate gender.

**F** Female

**M** Male

**Column E** Select one code below to indicate activity level.

**PT** Part-time

**M** Significant mgmt. responsibilities; requires an annual commitment of 500 hours or more

**L** Leave of absence with pay

**Blank** Full-time

**Column F Salary (or draw if partner)**

*For partnerships and proprietorships:* Report partner's or proprietor's draw including guaranteed payments. (If your records do not provide you with data to separate partner compensation into three components [draw, cash distribution and benefits/distribution in kind], then record the partner's K-1 income in column F and indicate N/A in columns G and H.)

*For professional corporations/associations:* Report salary paid before voluntary before-tax employee reductions for: 401(k) plans, flexible spending accounts; other qualified flexible benefit programs.

**Column G Bonus (or distribution in cash if partner)**

Report cash bonuses paid during 2010.

*For partnerships:* Report the remainder after subtracting the draw reported in Column F and benefits paid in Column H from the partner's K-1 income.

*For professional corporations/associations:* The total of salary plus cash bonuses should equal gross W-2 wages paid before voluntary before-tax employee reductions for: 401(k) plans, flexible spending accounts, and other qualified flexible benefit programs.

*For "S" corporations:* In addition to bonuses reported through wages, report the shareholder's share of any income or loss as reflected on the shareholder's K-1 from the "S" corporation.

**Column H Benefits (or distribution in kind if partner)**

See page 16 for detailed instructions on benefit calculations if unable to provide on an individual basis.

**Column I** Report hours recorded during the reporting year that were chargeable to clients (i.e., billable work). Show hours only for those persons who regularly report billable hours. Omit if you do not have complete records. **Round to whole hours.**

**Column J** Show each individual's most commonly assigned (standard) hourly rate on 1/1/11. **Omit cents.**

**Column K** Choose one practice area code for each lawyer. An individual must spend 50% or more of their billable time in this area. **List only one code for each individual;** for others, use the designation that includes multiple specialties or multidisciplinary.

**NON-LITIGATION**

100 = Administrative/Legislative/Regulatory  
 101 = Banking  
 102 = Bankruptcy  
 103 = Collections  
 104 = Commercial/Contracts  
 105 = Education  
 106 = Employee Benefits (ERISA)  
 107 = Employment (FLSA, ADA, ADEA)  
 108 = Environmental  
 109 = Family Law/Domestic Relations  
 110 = General Business  
 111 = Health Care  
 112 = Insurance  
 113 = Intellectual Property  
 114 = International  
 115 = Labor/Collective Bargaining (Mgmt.)  
 116 = Labor/Collective Bargaining (Union)  
 117 = Maritime  
 118 = Mergers/Acquisitions  
 119 = Municipal Finance  
 120 = Natural Resources (oil/gas/coal/timber)  
 121 = Real Estate  
 122 = Securities  
 123 = Taxation  
 124 = Trusts/Estates/Probate  
 125 = Utilities  
 126 = Other Non-litigation Specialty  
 127 = Multiple Non-litigation Specialties

**LITIGATION**

200 = Antitrust  
 201 = Bankruptcy  
 202 = Collections  
 203 = Commercial/Contracts  
 204 = Criminal  
 205 = Education  
 206 = Insured Defense  
 207 = Self-insured Defense  
 208 = Employee Benefits (ERISA)  
 209 = Employment (FLSA, ADA, ADEA)  
 210 = Environmental  
 211 = Family Law/Domestic Relations  
 212 = Health Care  
 213 = Intellectual Property  
 214 = International  
 215 = Labor/Collective Bargaining (Mgmt.)  
 216 = Labor/Collective Bargaining (Union)  
 217 = Maritime  
 218 = Natural Resources (oil/gas/coal/timber)  
 219 = Personal Injury  
 220 = Products Liability  
 221 = Real Estate  
 222 = Securities  
 223 = Taxation  
 224 = Trusts/Estates/Probate  
 225 = Workers' Compensation  
 226 = Other Litigation Specialty  
 227 = Multiple Litigation Specialties

300 = Multidisciplinary

**Column L** Please check ("√") to indicate individual was employed for only part of the year (**new hire, resignation or termination.**)

**Column M** Five digit zip code of **work** location for individual lawyer; **report only** if different from that of headquarters location.

*SUPPLEMENTAL WORKSHEET INSTRUCTIONS FOR BENEFIT CALCULATIONS*

**You can use this supplemental worksheet to help calculate benefits to report in the Financial Profile section as well as on the Individual Lawyer Data grid. If you used this supplemental worksheet to calculate individual lawyer benefit amounts, please ensure you move the results to the submission form.**

**For partnerships and proprietorships:** Report distribution in kind (firm payments for benefits on behalf of the partner).

**For professional corporation/associations:** Report nontaxable benefit costs, which include: qualified profit sharing plans, life, health and disability insurance, medical reimbursement plans, employer payroll taxes (including FICA) and pension contributions. **Exclude auto, parking, memberships, and CLE expenses.**

There are three basic methods for supplying employee benefits information for the survey.

**Method 1:** Calculate for each individual a dollar figure based on the sum of the following benefits:

- a) Employer portion of FICA;
- b) Employer payments for: health insurance, life insurance, disability insurance, medical reimbursement, retirement/profit sharing; and,
- c) Employer contributions for unemployment compensation and workers' compensation.

**Method 2:** Divide benefits into per capita and compensation-based costs as follows:

- a) 

<b>Compensation-based [A]</b>	<b>Per Capita-based [B]</b>
FICA, WC, UC	Health Insurance
Life Insurance	Medical Reimbursement
Disability Insurance	
Retirement	
- b) Determine the % of compensation dollars for [A] benefits and per-capita cost of [B] benefits.
- c) Multiply the sum of columns F plus G on the Individual Lawyer Data grid sheet by the % for [A] benefits and add the cost of [B] benefits.
- d) This may be calculated in aggregate for all individuals or by breaking out by class of employee shown in Method 3 below.

**Method 3:** Compute the total costs of the detailed expenses to include the following. Calculate averages for each class of employee needed, and then list the average for each individual in that class on the questionnaire.

	Employee Class 1	Employee Class 2	Employee Class 3	Employee Class 4	Employee Class 5	Total
FICA	_____	_____	_____	_____	_____	_____
Health Insurance	_____	_____	_____	_____	_____	_____
Life Insurance	_____	_____	_____	_____	_____	_____
Disability Insurance	_____	_____	_____	_____	_____	_____
Medical Reimbursement	_____	_____	_____	_____	_____	_____
Retirement	_____	_____	_____	_____	_____	_____
Unemployment Comp.	_____	_____	_____	_____	_____	_____
Workers' Comp.	_____	_____	_____	_____	_____	_____
<hr style="border: 1px solid black;"/>						
Total	_____	_____	_____	_____	_____	_____
No. of FTEs	_____	_____	_____	_____	_____	_____
<b>Average/FTE</b>	_____	_____	_____	_____	_____	_____

## FOR REFERENCE ONLY

RECOMMENDED CHART OF ACCOUNTS  
SURVEY PARTICIPANTS

January 2011

The types of assets, categories of liabilities, sources of income and the nature of expenditures of law firms are basically similar, regardless of size or specialty. To facilitate the comparison of various firms, we have developed a standard format for law firm accounts.

This standard chart of accounts draws from *A Model Chart of Accounts* published in 1990 by the Section of Law Practice Management of the American Bar Association, which contains detailed explanations of many of the accounts and terms used herein. To the extent practical, the account numbers from that publication are used herein, but numbers are not identical in all cases. The basic outline of this chart, that is, the categories of assets, liabilities, income and expenditures, will fit firms of every size, proprietorships, partnerships and corporations. The simplest structure is that represented by the accounts printed in CAPS, which could easily meet the needs of a solo or very small law office. As firms grow, greater breakdown and specificity may be appropriate. The accounts shown herein will suffice for many law firms. Additional detail can be obtained by using the subaccount codes as shown below. If analysis by department is desired then the account structure must expand to report by office. Multi-office firms will most likely want to add reporting capability by office, which must then be incorporated into the account structure. Those firms with a need for a full account code structure should obtain a copy of the ABA publication previously mentioned.

Items marked \* apply only to professional corporations/associations, and should be disregarded by lawyers practicing in other forms.

## CHART OF ACCOUNTS

## ASSETS

100	CASH
101.00	Operating account
102.00	Payroll account
103.00	Savings account
104.00	Petty cash
110	CLIENT TRUST ACCOUNTS
111.00	Funds held in trust
112.00	Liability for funds held in trust
120	SHORT-TERM INVESTMENTS
121.00	Treasury securities
122.00	Other marketable securities
130	CLIENT COSTS ADVANCED
131.00	Disbursements for clients - unbilled
132.00	Disbursements for clients - billed
140	ADVANCES, RECEIVABLES, DEPOSITS
141.00	Expense advances
142.00	Deposits (refundable)
143.00	Employee notes and loans receivable
144.00	Partners (officer) notes and loans receivable
149.00	Miscellaneous

150	OTHER CURRENT ASSETS
151.00	Prepaid insurance
159.00	Other current assets
160	FIXED ASSETS
161.00	Furnishings and fixtures
162.00	Leasehold improvements
163.00	Library
164.00	Equipment
164.10	Reproduction
164.20	Communication
164.30	Computer
164.31	Software
164.90	Other
165.00	Building
167.00	Other depreciable fixed assets
168.00	Land
169.00	Non-depreciable fixed assets
170	RESERVE FOR DEPRECIATION AND AMORTIZATION (subaccounts should repeat fixed assets above)
190	OTHER LONG-TERM ASSETS
191.00	Cash surrender value of life insurance owned by firm
192.00	Miscellaneous securities
193.00	Joint ventures
194.00	Real estate investments
199.00	Other
<hr/>	
LIABILITIES AND CAPITAL (*EQUITY)	
<hr/>	
200	EMPLOYEE TAX LIABILITY
201.00	Federal income tax withheld
202.00	State income tax withheld
203.00	Employee payroll taxes withheld
203.10	Social Security tax withheld
203.20	Medicare tax withheld
204.00	Employer payroll taxes accrued
204.10	Social Security tax accrued
204.20	Medicare tax accrued
205.00	Federal unemployment tax accrued
206.00	State unemployment tax accrued
207.00	Local income taxes withheld
209.00	Other employee taxes withheld
210	EMPLOYEE WITHHOLDINGS
211.00	Hospitalization withholdings
212.00	Life insurance withholdings
213.00	FSA healthcare withholdings
214.00	FSA dependent-care withholdings
215.00	Employee pension plan contributions withheld
219.00	Other
220	ACCRUED PENSION CONTRIBUTIONS
230	ACCRUED INCOME TAXES
240	ACCRUED CLIENT COSTS
250	LOANS PAYABLE
260	CAPITAL LEASE OBLIGATIONS
270	CLIENT DEPOSITS & OTHER CREDIT BALANCES
290	OBLIGATIONS TO DECEASED, RETIRED AND WITHDRAWN PARTNERS
300	PARTNERS' CAPITAL ACCOUNTS (*CAPITAL STOCK)
310	*PAID-IN CAPITAL
320	*TREASURY STOCK
330	PARTNERS' CURRENT ACCOUNTS (*RETAINED EARNINGS)

## REVENUE

400	FEES FROM LEGAL SERVICES
Sub accounts should be used for each practice area	
410	OTHER FEE REVENUE
411.00	Boards of Directors fees
412.00	Executor (rix) fees
413.00	Administrator fees
414.00	Conservators fees
415.00	Guardian fees
420	REVENUE FROM OTHER SERVICES
421.00	Word processing/secretarial document creation charges
422.00	Librarian and other internal research charges
423.00	Internal messenger charges
424.00	Overtime recovery
424.10	Secretarial
424.20	Word processing
424.30	Messenger
424.90	Other
430	OTHER EARNED REVENUE
431.00	Teaching income
432.00	Publishing royalties
433.00	Speaking honoraria
434.00	Subscription income
440	OTHER INCOME
441.00	Interest income
442.00	Dividend income
443.00	Gain on sale of investments
444.00	Gain on sale of fixed assets
445.00	Rental income

## EMPLOYEE COSTS

500	*OFFICER COMPENSATION
501.00	Officers
501.10	Salaries
501.20	Bonuses
510	OTHER EMPLOYED LAWYER COMPENSATION
511.00	Associate compensation
511.10	Salaries
511.20	Bonuses
512.00	Of Counsel compensation
513.00	Contract associate compensation
514.00	Temporary lawyer compensation
520	NON-LAWYER LEGAL STAFF
521.00	Summer associate compensation
521.10	Salaries
521.20	Bonuses
521.30	Overtime
522.00	Legal assistant compensation
523.00	Law clerk compensation
529.00	Other non-lawyer legal staff compensation
530	SECRETARY AND WORD PROCESSING COMPENSATION
531.00	Secretary compensation
532.00	Word processing compensation
540	OTHER ADMINISTRATIVE STAFF COMPENSATION
541.00	Exempt personnel compensation
542.00	Non-exempt personnel compensation

560 MANDATORY EMPLOYEE BENEFITS	730 INTEREST EXPENSE	814.00 Public relations
561.00 Social Security taxes	731.00 Furniture	815.00 Practice development meals
561.10 Officers	732.00 Reproduction equipment	816.00 Firm publications
561.20 Associates	733.00 Computer equipment	819.00 Other
561.30 Of Counsel	733.10 Software	820 PROFESSIONAL RECRUITING
561.40 Other legal staff	734.00 Communication equipment	820.00 Professional staff recruiting travel, accommodations
561.50 Secretary/Word processing	739.00 Other	822.00 Professional staff recruiting meals
561.60 Other administrative staff	740 MAINTENANCE AND REPAIR OF FURNITURE/EQUIPMENT	823.00 Summer associate meals
562.00 Medicare taxes	741.00 Furniture	824.00 Other summer associate program costs
563.00 FUTA/SUT	742.00 Reproduction equipment	825.00 Other professional staff recruiting expenses
564.00 WC insurance	743.00 Computer equipment	825.10 Recruiting publications
570 DISCRETIONARY EMPLOYEE BENEFITS	743.10 Software	825.20 Recruiting agency fees and advertising
571.00 Group health/dental/vision	744.00 Communication equipment	825.30 Relocation of new lawyers
572.00 Group life	749.00 Other	825.90 Other
573.00 Group disability	750 ADMINISTRATIVE EXPENSES	826.00 Relocation costs for inter-office transfers
574.00 Medical reimbursement	751.00 Travel and accommodations	830 LIBRARY/REFERENCE SERVICES
575.00 Pension	752.00 Travel related meals	831.00 Book purchases
576.00 Supplemental health/dental/vision	753.00 Education	832.00 Depreciation of capitalized books
577.00 Supplemental life	754.00 Employer lunchroom/coffee/soda/snacks	833.00 Periodical subscriptions
578.00 Supplemental disability	755.00 Office entertainment	834.00 Library supplies
579.00 Other	756.00 Employer gifts/flowers	838.00 Outside data base research
580 TEMPORARY SERVICES	760 NON-LAWYER HIRING EXPENSES	839.00 Client reimbursement
581.00 Temporary secretarial/word processing	761.00 Agency fees	840 INSURANCE
582.00 Temporary administrative staff	762.00 Employment advertising	841.00 Professional liability
590 OTHER EMPLOYEE EXPENSES	763.00 Employee relocation	841.10 Premiums
591.00 Parking	764.00 Travel, lodging and subsistence	841.20 Deductibles
591.10 Regular	764.10 Employees on recruiting trips	841.30 Settlements
591.20 Overtime	764.20 Recruits for interviews	849.00 Other
592.00 Supper money	770 COMMUNICATION EXPENSES	850 TAXES
593.00 Cab fare	771.00 Telephone	851.00 Personal property taxes
599.00 Other	771.10 Local service	852.00 State business taxes
600 OCCUPANCY EXPENSES	771.20 Long-distance	853.00 Local business taxes
601.00 Rent	772.00 Client reimbursement for telephone	854.00 Unincorporated business taxes
602.00 Utilities (electricity, water, heat, sewer)	773.00 Telex, facsimile and e-mail costs	860 PROFESSIONAL SERVICES
603.00 Amortization/depreciation	774.00 Client reimbursement for telex, facsimile and e-mail costs	861.00 Accounting/auditing/tax
603.10 Amortization of leasehold improvements	775.00 Postage	862.00 Management consulting
603.20 Depreciation of building	776.00 Client reimbursement for postage	863.00 Marketing consulting
604.00 Maintenance and repairs to premises	777.00 Courier and delivery services	864.00 Legal (for the firm)
605.00 Janitorial and housekeeping expenses	778.00 Client reimbursement for courier/delivery	865.00 Pension (for the firm)
606.00 Real estate taxes	780 MISC. OFFICE EXPENSES	866.00 Outside payroll services
607.00 Lease pass-throughs	781.00 Plants and flowers	867.00 Outside computer services
608.00 Insurance (building, contents, general liability, etc.)	789.00 Other	870 CLIENT EXPENSES
609.00 Other (storage, moving, etc.)	800 PROFESSIONAL EXPENSES	871.0 Recoverable costs written off
610 OTHER OCCUPANCY EXPENSES	801.00 Associate expenses	871.10 Unbilled
611.00 Off-site storage	801.10 Bar association dues	871.20 Billed
612.00 Office relocation	801.11 Professional association dues	871.30 Recovery of costs written off
619.00 Other	801.20 Association travel/accommodations	878.00 Business meals and entertainment
700 STATIONERY, PRINTING AND SUPPLIES	801.30 Association meals	878.10 Meals
701.00 Stationery	801.90 Other association expenses	878.20 Entertainment
702.00 Printing	802.00 Firm meetings/retreats	879.00 Business meals/entertainment charged to client
703.00 Paper and supplies	802.10 Travel and accommodations	880 OTHER EXPENSES
704.00 Computer supplies	802.20 Meals	881.00 Loss on sale of investments
710 FURNITURE/EQUIPMENT RENTAL	802.30 Meeting room/equipment rental	882.00 Loss on disposal of assets
711.00 Office furniture and fixtures	802.40 Entertainment	883.00 Investment property real estate taxes
712.00 Reproduction equipment	802.90 Other	884.00 Charitable contributions
713.00 Computer equipment	803.00 CLE	890 INCOME TAXES
713.10 Software	803.10 Program fees	891.00 Federal
714.00 Communication equipment	803.20 Travel and accommodations	892.00 State
719.00 Other	803.30 Meals	893.00 Local
720 DEPRECIATION OF FURNITURE & EQUIPMENT	803.90 Other	
721.00 Furniture	810 BUSINESS DEVELOPMENT	
722.00 Reproduction equipment	811.00 Club dues and expenses	
723.00 Computer equipment	812.00 Attendance/speaking at industry/civic meetings	
723.10 Software	813.00 Advertising/listings in publications & directories	
724.00 Communication equipment		
729.00 Other		



**Submission Form**  
**Survey of Law Firm Economics, 2011 Edition**

**SECTION 1: Participant Information**

Firm Name: \_\_\_\_\_  
\_\_\_\_\_

Contact Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Mail Code: \_\_\_\_\_ (located on the back page of this submission form)

*If the person completing this questionnaire is different than above, please complete the following:*

Contact Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**SECTION 2: Firm Profile**

**1. Please check one box identifying the type of firm information to follow in this questionnaire.**

- Headquarters only
- Headquarters with branch offices, specify # of offices \_\_\_\_\_
- Single office
- Multiple offices in one metro area
- Sole practitioner

**2. Please check one of the following describing your firm's business organization.**

- Sole Proprietorship
- Partnership (may include individual PCs)
- Professional Corporation/Association
- Professional Corporation w/"S" election
- Limited Liability Company (LLC)
- Professional Limited Liability Company (PLLC)
- Limited Liability Partnership (LLP)
- Professional Limited Liability Partnership (PLLP)
- Other (please specify) \_\_\_\_\_

**3. If more than 50% of revenues are derived from any ONE specialty area, please check the one box that best describes your firm's specialty.**

- Banking
- Bankruptcy
- Civil Trial Practice
- Collections
- Commercial litigation
- Corporate/Commercial (non-litigation)
- Criminal
- Environmental
- Family
- Government
- Healthcare
- Immigration
- Insurance defense litigation
- International
- Intellectual Property/Patent
- Labor/Employment
- Legislative
- Maritime/Admiralty
- Mergers and Acquisitions
- Municipal/Public finance

- Plaintiffs' Contingency Litigation
- Real Estate and Land Use
- Securities
- Taxation
- Trusts/Estates
- Utilities/Energy
- Other (please specify) \_\_\_\_\_

**SECTION 3: Firm Management**

**4. Looking ahead to next year, with respect to your law firm, you are:**

- Optimistic
- Pessimistic
- Uncertain

**5. In which practice area do you expect to see the most revenue growth in 2011?**

- Litigation
- Corporate
- Bankruptcy/restructuring
- Intellectual property
- Real estate
- Other (please specify) \_\_\_\_\_

**6. How do you expect the U.S. economy to perform in 2011?**

- Grow rapidly
- Grow slightly
- Flat growth
- Decline slightly
- Decline sharply

**7. With respect to profits per partner, in 2011 you expect:**

- They will grow by more than 5 percent
- They will grow by 5 percent or less
- They will be flat
- They will decrease

**8. What did you do with billing rates for 2011?**

- Increased them by more than 5 percent
- Increased them by 5 percent or less
- Held them flat
- Decreased them by 5 percent or less
- Decreased them by more than 5 percent

**9. In 2010, approximately what percentage of your firm billing is/was valued through an arrangement that is not based solely on hourly rates?**

- Between 1% and 10%
- Between 11% and 25%
- Between 26% and 50%
- Greater than 50%
- None

**10. What change did you see in the volume of alternative fee billings in 2010 from 2009?**

- Increase--enter percent    %
- Decrease—enter percent    %
- No change

**11. Of the alternative fee arrangements employed in 2010, which of the following does/did your law firm use? (check all that apply)**

See page 6 of instruction booklet for definitions.

- Flat Fee
- Contingent Fee
- Flat Fee with Shared Savings
- Capped Fee
- Partial contingency or success fee
- Defense contingency fee
- Phased Fee
- Holdback
- Blended Rate
- Other (please specify) \_\_\_\_\_

**12. What percentage of your library budget is spent on electronic vs. print resources?**

- Electronic    %
- Print    %

**13. Please tell us about how much of your electronic research budget is devoted to the following.**

- % LexisNexis
- % Westlaw
- % Bloomberg
- % Other (please specify) \_\_\_\_\_
- Not applicable

**14. What percentage of your clientele requires your firm to bill electronically?**

- None
- 1% to 25%
- 26% to 50%
- 51% to 75%
- 76% to 100%

**15. What time and billing software does your firm use?**

- Elite Billing Manager (Thomson)
- Tabs3 (Software Technology Inc.)
- Timeslips (Sage)
- Rainmaker
- Juris (Lexis)
- PC Law (Lexis)
- Other (please specify) \_\_\_\_\_
- None

**16. What will your biggest tech investment be in 2011?**

- Computers (desktops)
- Computers (laptops)
- Handheld devices
- Servers
- Software
- Other (please specify) \_\_\_\_\_

**17. Approximately how much is your firm devoting to this investment?**

\$    ,     ,

**SECTION 4: Financial Profile**

**18. Cash Basis Income Statement**

A. Gross Receipts.....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
B. Expenses												
1) Lawyer compensation												
a) Shareholders.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
b) All other salaried lawyers.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
2) Paralegal compensation.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
3) Secretarial, clerical and all administrative compensation.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
4) Occupancy.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
5) Equipment, lease, maintenance and depreciation.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
6) Reference material.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
7) Malpractice insurance.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
8) Promotion and marketing.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
9) Payments to former partners/shareholders/inactive counsel.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
10) All other expenses.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
C. Gross Profit.....	= \$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>

**19. Year-End Cash Basis Balance Sheet**

A. Assets												
1) Current assets.....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
2) Client costs advanced.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
3) Fixed assets, net of depreciation.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
4) Other Assets.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
5) Total Assets.....	= \$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
B. Liabilities												
6) Debt and capitalized leases.....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
7) Obligations to deceased/retired partners.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
8) Other liabilities.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
9) Undistributed (2010) profits for partnerships.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
10) Total Liabilities.....	= \$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
C. Permanent Capital or Shareholder Equity.....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
(Total Liabilities plus Permanent Capital must equal Total Assets)												

**SECTION 4: Financial Profile (continued)**

**20. Other Assets at Year-End**

A. Work-in-Progress (Unbilled Time)

1) Contingent fee matters..... \$ ,,  
 2) Non-contingent fee matters..... + \$ ,,  
 3) Total WIP..... = \$ ,,

B. Collectible Accounts Receivable, fees only..... \$ ,,

C. Dollar value of Fees Receivable written off..... \$ ,,

**21. Realization**

A. Total dollar value of time relieved from WIP (standard rates)..... \$ ,,  
 Total dollar value of time relieved from WIP (actual rates)..... \$ ,,  
 B. Total dollar amount actually billed..... \$ ,,

**SECTION 5: Staffing Profile**

**22. Number of FTEs**

A. Equity Partners/Shareholders/Proprietors ..... ,.  
 B. Non-equity Partners/Salaried Partners/Non-participating Partners ..... + ,.  
 C. Associates/Patent Agents ..... + ,.  
 D. Staff lawyers ..... + ,.  
 E. Contract/Temporary lawyers ..... + ,.  
 F. Counsel working actively..... + ,.  
 G. Paralegals..... + ,.  
 H. Administrative Assistants/Legal Secretaries ..... + ,.  
 I. Technology employees ..... + ,.  
 J. Finance/Accounting employees ..... + ,.  
 K. Administrative and Clerical employees ..... + ,.  
 L. All other staff..... + ,.  
 M. Total Firm FTE Contingent..... = ,.

**23. Offers to 2011 law school graduates**

A. Number of offers.....   
 B. Average starting salary..... \$ ,  
 C. Average signed bonus..... \$ ,

**SECTION 6: Earnings Data for Administrative/Support Staff**

Position	Total Number of FTEs					Total Wages per Position Category														
						\$														
60 Legal Admin/Exec Dir/COO						\$														
61 Administrative/Office Manager						\$														
62 Branch Office Manager						\$														
70 Finance Director/Comptroller/CFO						\$														
71 Accounting Manager						\$														
72 Risk Manager						\$														
73 Accounting Supervisor						\$														
74 Accounting Clerk/Bookkeeper						\$														
80 Information Services Director/CTO						\$														
81 Network Administrator						\$														
82 Technology/Help Desk/Training						\$														
90 Human Resources Director						\$														
91 Human Resources Manager						\$														
92 Benefits, Recruiting and Other HR						\$														
100 Marketing Director/CMO						\$														
101 Marketing Manager						\$														
102 Marketing Coordinator						\$														
103 Marketing Assistant						\$														
110 Library Manager						\$														
111 Manager of One-Person Library						\$														
112 Library Clerk						\$														
120 Administrative Asst/Legal Secretary						\$														
130 Office Services Manager						\$														
131 Word Processing Operator						\$														
132 Records/File Room Clerk						\$														
133 Document Processing/Duplication						\$														
134 Mailroom						\$														
135 Messenger						\$														
136 Receptionist/Telephone Operator						\$														
991 Other: _____						\$														
992 Other: _____						\$														
993 Other: _____						\$														

**SECTION 7: Individual Lawyer Data (Fee Earners Only) for 2010**

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)
Line #	Year Admitted to Bar	Status Code	Gender	Activity Code	Salary (or draw if partner)	Bonus (or distribution in cash if partner)	Benefits (or distribution in kind if partner)	Chargeable Hours	Hourly Rate as of 1/1/11	Specialty Code	Check if less than full-year	Zip if different than headquarters
1.					\$	\$	\$		\$			
2.					\$	\$	\$		\$			
3.					\$	\$	\$		\$			
4.					\$	\$	\$		\$			
5.					\$	\$	\$		\$			
6.					\$	\$	\$		\$			
7.					\$	\$	\$		\$			
8.					\$	\$	\$		\$			
9.					\$	\$	\$		\$			
10.					\$	\$	\$		\$			
11.					\$	\$	\$		\$			
12.					\$	\$	\$		\$			
13.					\$	\$	\$		\$			
14.					\$	\$	\$		\$			
15.					\$	\$	\$		\$			
16.					\$	\$	\$		\$			

Photocopy additional pages as needed.

**Survey of Law Firm Economics, 2011 Edition  
Submission Form**

**SECTION 1: Participant Information**

Firm Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Mail Code: \_\_\_\_\_

If the person completing this questionnaire is different than above, please complete the following:

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**SECTION 2: Firm Profile**

1. Please check one box identifying the type of firm information to follow in this questionnaire.

- Headquarters only
- Headquarters with branch offices  
*specify # of offices* \_\_\_\_\_
- Single office
- Multiple offices in one metro area
- Sole practitioner

2. Please check one of the following describing your firm's business organization.

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- Professional Corporation/Association
- Professional Corporation w/"S" election
- Limited Liability Company (LLC)
- Professional Limited Liability Company (PLLC)
- Limited Liability Partnership (LLP)
- Professional Limited Liability Partnership (PLLP)
- Other (please specify) \_\_\_\_\_

3. If more than 50% of revenues are derived from any ONE specialty area, please check the one box that best describes your firm's specialty.

- Banking
- Bankruptcy
- Civil Trial Practice
- Collections
- Commercial litigation
- Corporate/Commercial (non-litigation)
- Criminal
- Environmental
- Family
- Government
- Healthcare
- Immigration
- Insurance defense litigation
- International
- Intellectual Property/Patent
- Labor/Employment
- Legislative
- Maritime/Admiralty
- Mergers and Acquisitions
- Municipal/Public finance
- Plaintiffs' Contingency Litigation
- Real Estate and Land Use
- Securities
- Taxation
- Trusts/Estates
- Utilities/Energy
- Other (please specify) \_\_\_\_\_



**SECTION 3: maybe operations?**

**During the last two complete fiscal years, how many new legal matters did the firm open?**

	2009	2010
# of new matters		

**Thinking about 2011, what type of trend do you anticipate in regards to the number of new matters your firm will open?**

- Will open more in 2011
- Will open about the same number as 2010
- Will open less in 2011

**Which online legal research database(s) do you currently subscribe to and what is the annual subscription fee? (check all that apply)**

- LexisNexis \$ \_\_\_\_\_
- Westlaw \$ \_\_\_\_\_
- Loislaw \$ \_\_\_\_\_
- VersusLaw \$ \_\_\_\_\_
- ? \_\_\_\_\_
- ? \_\_\_\_\_
- Other: \_\_\_\_\_ \$ \_\_\_\_\_

ADD ? Alternative billing arrangements

ADD ? Technology

**SECTION 4: Financial Profile**

**4. Cash Basis Income Statement**

A. Gross Receipts.....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
B. Expenses												
1) Lawyer compensation												
a) ..Shareholders.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
b) All other salaried lawyers.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
2) Paralegal compensation.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
3)...Secretarial, clerical and all administrative compensation .....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
4) Occupancy .....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
5) Equipment, lease, maintenance and depreciation .....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
6) Reference material.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
7) Malpractice insurance .....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
8) Promotion and marketing .....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
9) Payments to former partners/shareholders/inactive counsel.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
10) All other expenses.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
C. Gross Profit .....	= \$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>

**5. Year-End Cash Basis Balance Sheet**

A. Assets												
1) Current assets.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
2) Client costs advanced .....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
3) Fixed assets, net of depreciation .....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
4) Other Assets .....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
5) Total Assets .....	= \$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
B. Liabilities												
1) Debt and capitalized leases .....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
2) Obligations to deceased/retired partners .....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
3) Other liabilities.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
4) Undistributed (2010) profits for partnerships.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
5) Total Liabilities .....	= \$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
C. Permanent Capital or Shareholder Equity.....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
(Total Liabilities plus Permanent Capital must equal Total Assets)												

**SECTION 4: Financial Profile (continued)**

**6. Other Assets at Year-End**

A. Work-in-Progress (Unbilled Time)

1) Contingent fee matters..... \$ ,,  
 2) Non-contingent fee matters..... + \$ ,,  
 3) Total WIP..... = \$ ,,

B. Collectible Accounts Receivable, fees only..... \$ ,,

C. Dollar value of Fees Receivable written off..... \$ ,,

**7. Realization**

A. Total dollar value of time relieved from WIP ..... \$ ,,

B. Total dollar amount actually billed ..... \$ ,,

**SECTION 5: Staffing Profile**

**8. Number of FTEs**

A. Equity Partners/Shareholders/Proprietors ..... ,.  
 B. Non-equity Partners/Salaried Partners/Non-participating Partners ..... + ,.  
 C. Associates/Patent Agents ..... + ,.  
 D. Staff lawyers..... + ,.  
 E. Contract/Temporary lawyers..... + ,.  
 F. Counsel working actively..... + ,.  
 G. Paralegals ..... + ,.  
 H. Administrative Assistants/Legal Secretaries..... + ,.  
 I. Technology employees ..... + ,.  
 J. Finance/Accounting employees ..... + ,.  
 K. Administrative and Clerical employees ..... + ,.  
 L. All other staff ..... + ,.  
 M. Total Firm FTE Contingent..... = ,.

**9. Offers to 2011 law school graduates**

A. Number of offers .....   
 B. Average starting salary ..... \$ ,  
 C. Average signed bonus ..... \$ ,



**SECTION 7: Individual Lawyer Data (Fee Earners Only) for 2010**

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)
Line #	Year Admitted to Bar	Status Code	Gender	Activity Code	Salary (or draw if partner)	Bonus (or distribution in cash if partner)	Benefits (or distribution in kind if partner)	Chargeable Hours	Hourly Rate as of 1/1/11	Specialty Code	Check if less than full-year	Zip if different than headquarters
1.					\$	\$	\$		\$			
2.					\$	\$	\$		\$			
3.					\$	\$	\$		\$			
4.					\$	\$	\$		\$			
5.					\$	\$	\$		\$			
6.					\$	\$	\$		\$			
7.					\$	\$	\$		\$			
8.					\$	\$	\$		\$			
9.					\$	\$	\$		\$			
10.					\$	\$	\$		\$			
11.					\$	\$	\$		\$			
12.					\$	\$	\$		\$			
13.					\$	\$	\$		\$			
14.					\$	\$	\$		\$			
15.					\$	\$	\$		\$			
16.					\$	\$	\$		\$			

Photocopy additional pages as needed.

# **Survey of Law Firm Economics 2011 Edition**

## **Submission Form Instructions and Worksheet**

Conducted and Published by  
ALM Legal Intelligence and The National Law Journal

**Deadline for Submission: April 22, 2011**  
**Publication Date: July 2011**

Your participation is vital to the success of the survey. ALM Legal Intelligence and The National Law Journal thank you in advance for taking the time to compile and submit your data. Please complete and return your submission as promptly as possible, but no later than **April 22, 2011**. We suggest you retain a copy of your submission in case we need to contact you. Your responses will be kept strictly confidential. Access to your completed questionnaire is limited to the survey staff. All data reported on in the published survey is presented only in aggregate.

**Contact Information:**

**ALM Legal Intelligence**  
**120 Broadway, 5<sup>th</sup> Floor**  
**New York, NY 10271**

**Phone: 888-770-5647**

**Fax: 646-822-5263**

**Email: [almlegalintel@alm.com](mailto:almlegalintel@alm.com)**

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**NEW for 2011!**

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This year the submission packet mailed to you is broken into two parts. Your packet includes an instruction/worksheet booklet AND a separate submission form. As in the past, you can use the booklet to guide you as you gather and compile your firm's data for submission. However, we ask that this year you **only return the submission form**. Please keep the booklet for your records.

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**Instructions for Optional Electronic Submission of Data**

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**You have the option of submitting your responses electronically. All that is required is an Internet connection, Microsoft® Excel®, and the most recent version of Adobe® Reader®.**

The electronic form provides you with the ability to save both a form-enabled Adobe® PDF and Excel® worksheet to your computer for completion as time permits. You can open and close the form and worksheet as many times as you need, just ensure you save your work locally. Upon completion, open your Internet connection to electronically submit your data.

**If you are interested in completing the questionnaire electronically, please visit our website at: <http://www.almlegalintelligence.com/SLFEParticipate>.**

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**GENERAL INSTRUCTIONS:** If your firm has two or more offices, please submit only **one** submission form **per firm**. DO NOT report foreign branch office data within this submission.

**SECTION 1: Participant Information**

**ALL participants will receive a Survey Excerpt.** Please ensure the correct contact information, including email address, is provided on the submission form. If you received your submission packet via postal mail, the Mail Code is printed on the back of your submission form.

**SECTION 2: Firm Profile**

**Questions 1 through 3:** Please complete questions 1 through 3 on the submission form to ensure correct categorization of your firm.

**SECTION 3: Operational Issues??**

**Questions 4 through XX:** Each year we receive requests to include some operational questions and to analyze some areas of the Survey in more detail. This year, in order to provide you with the data you need to manage your law firm, included are some new questions of topical interest to our participants.

**SECTION 4: Financial Profile**

**Instructions:** Report financial information for last complete twelve-month fiscal year.

**4. Cash Basis Income Statement (Report on a firm-wide basis.)**

**Instructions:** In order to complete this question, you will need a year-end financial statement or the firm's tax return. If you use the Chart of Accounts (enclosed), you can follow the account numbers provided in parentheses for each line item. Report all numbers to the nearest whole dollar, omitting cents. **Use the cash basis of accounting.**

**A. Gross Receipts** to include: legal fees, fees forwarded to other lawyers, charges for word processing, legal research, photocopies, messengers and other office services (net of actual cost), other earned income, investment income and all other miscellaneous income. **(400-440)**

\$ \_\_\_\_\_

**B. Expenses**

**Important: Compensation** is defined to include **all** of the following items: **salary, bonus, and benefits**. Benefits include employer payroll taxes, group insurance premiums, medical reimbursements, retirement plan contributions, workers' compensation, and other mandatory insurance. If you are having difficulty breaking out the total benefits for each category of employee, please review page XX.

1) **Lawyer** compensation expense for: shareholders, associates, other salaried lawyers, temporary/contract lawyers and patent agents. **Please report shareholders separately from all other salaried lawyers. Non-equity partners/shareholders should be included in "All other salaried lawyers." Exclude partners and unadmitted summer associates. (500-510 and portions of 560 and 570)**

\$ \_\_\_\_\_

a) **Shareholders**

b) **All other salaried lawyers**

\$ \_\_\_\_\_

2) **Paralegal** compensation expense for paralegal assistants, billed law clerks, and other billed professionals, such as librarians (if 75% of time is billable) and investigators. **(522-529 and portions of 560 and 570)**

\$ \_\_\_\_\_

3) **Secretarial, clerical and all administrative** compensation expense to include: office administrators, directors, managers, supervisors, librarians (not billed), bookkeepers and accountants, administrative assistants, secretaries, receptionists, clerks, WP operators, nonbillable law clerks, summer interns, full-time, part-time or temporary administrative help. Include exempt and non-exempt staff. **(521; 530-540 and portions of 560 and 570; 580)**

\$ \_\_\_\_\_

4) **Occupancy** expense for rent, utilities, amortization of leasehold improvements, depreciation of owned buildings, maintenance, housekeeping, real estate taxes and lease pass through, insurance, moving, and storage. **(600-610)**

\$ \_\_\_\_\_

- 5) **Equipment lease, maintenance and depreciation** expense for computers, network hardware, reproduction equipment, communications equipment, and all other office machines. Subtract credit for chargebacks to clients up to actual cost. When the amount collected exceeds costs, put the excess in gross receipts. **Exclude furniture expenses. (Portions of 710, 720, 730 and 740)** \$ \_\_\_\_\_
  
- 6) **Reference material**, library, including books, periodicals, subscriptions, newspapers and research services expense. If books are depreciated, include only depreciation amount. Subtract credit for chargebacks to clients up to actual cost. When the amount collected exceeds costs, put the excess in gross receipts. **(830)** \$ \_\_\_\_\_
  
- 7) **Malpractice** insurance premium and settlement costs. **(841)** \$ \_\_\_\_\_
  
- 1. **Promotion and marketing** expense including club dues, seminars and speaking engagements (net of payment received), presentations to prospective clients, client entertainment and gifts, printing/distribution of brochures, announcements and invitations, newsletters, directory listings and advertisements, market research studies and client surveys, other media expense and PR/marketing consultant fees. **(810, 863)** \$ \_\_\_\_\_
  
- 9) **Payments to former partners/shareholders and inactive of counsel**, deductible payments only. Does not include return of capital or purchase of shares in a P.C. \$ \_\_\_\_\_
  
- 10) **All other** expenses. **(590, 700, 711, 721, 731, 741, 750, 760, 770, 780, 800, 820, 849, 850, 860 [excluding 863], 870, 880)** \$ \_\_\_\_\_
  
- C. **Gross Profit** to include: profits distributed to partners (but not payments made to shareholder-employees). If number is a loss, please indicate with minus sign in the appropriate box. \$ \_\_\_\_\_

**IMPORTANT NOTE: GROSS RECEIPTS (A) MINUS ALL EXPENSES (B) MUST EQUAL NUMBER REPORTED IN GROSS PROFIT (C).**

**5. Year-End Cash Basis Balance Sheet**

**Instructions: Exclude escrow and trust a/c assets and liabilities.** Record the total of unbilled client costs advanced plus client costs receivable on line A. 2) below. Partnerships should record **undistributed** year-end profits as a liability. Include only profits that **will be distributed**, not profits retained as additional capital. **Reclassify loan to/from owners as capital. Complete only if reported on a cash basis.**

**A. Assets**

- 1) Current assets **(100, 120, 140, 150)** \$ \_\_\_\_\_  
 Line #s 1, 4, 5, 6 on Schedule L Form 1120, 1120S, 1065
  
- 2) Client costs advanced—Billed and Unbilled **(130)** \$ \_\_\_\_\_
  
- 3) Fixed Assets **(160)**, net of depreciation **(170)** \$ \_\_\_\_\_  
 Line #s 10, 12, 13 on Schedule L Form 1120, 1120S / Line #s 9, 11, 12 on Schedule L Form 1065
  
- 4) Other Assets **(190)** \$ \_\_\_\_\_  
 Line #s 8, 9, 14 on Schedule L Form 1120, 1120S / Line #s 7, 8, 13 on Schedule L Form 1065
  
- 5) Total Assets \$ \_\_\_\_\_

**B. Liabilities**

- 1) Debt and capitalized leases (including current and long-term) **(250, 260)** \$ \_\_\_\_\_  
 Line #s 17, 20 on Schedule L Form 1120, 1120S / Line #s 16, 18, 19 on Schedule L Form 1065
  
- 2) Obligations to deceased and retired partners **(290)** \$ \_\_\_\_\_
  
- 3) Other Liabilities **(200, 210, 220, 230, 240, 270)** \$ \_\_\_\_\_  
 Line #s 16, 18, 21 on Schedule L Form 1120, 1120S / Line #s 15, 17, 20 on Schedule L Form 1065
  
- 4) Undistributed current year (2010) profits for partnerships **(Include only profits that will be distributed, not profits retained as additional capital.)** \$ \_\_\_\_\_

**C. Permanent Capital or Shareholder Equity (B plus C must equal A). If deficit, please use minus sign.** \$ \_\_\_\_\_

**9. Other Assets at Year-End**

**A. Work-in-Progress (Unbilled Time)**

- 1) Contingent Fee Matters \$ \_\_\_\_\_
- 2) Non-Contingent Fee Matters \$ \_\_\_\_\_
- 3) Total WIP \$ \_\_\_\_\_

**B. Collectible Accounts Receivable, fees only**

\$ \_\_\_\_\_

**C. Dollar value of Fees Receivable written off**

Report the total value of adjustments to bills previously sent to clients. This amount includes write-downs and write-offs of **fees receivable** only.

\$ \_\_\_\_\_

**7. Realization**

**A. Report the total dollar value of time taken out or relieved from work-in-progress (unbilled time) for matters during the 12-month period.** The number reported here is prior to making adjustments for write-downs, write-offs and other adjustments.

- 1) Computed using STANDARD RATES \$ \_\_\_\_\_
- 2) Computed using ACTUAL RATES \$ \_\_\_\_\_

**B. Total dollar amount actually billed for work reported above in 7.A.**

Report your fee billings for the 12-month period.

\$ \_\_\_\_\_

**SECTION 5: Staffing Profile**

**Instructions:** Please include individuals employed directly by the firm and through temporary agencies or on a contract basis. Do not include staff on-site in outsourcing arrangements that cover entire functional areas, such as, mailroom, messenger service, etc.

**FTE Definition:** A full-time equivalent (FTE) is defined as a function of the amount of time with the firm **and** the employment status of an individual during a complete fiscal year. For example, a part-time employee working three days per week for the full-year represents “.6”. New full-time hires employed mid-year count as “.5”. A part-time new hire working three days a week hired mid-year counts as “.3”. Adjust for others **who left or were added** in a similar manner.

(continued next page)

## 8. Number of FTEs during last complete fiscal year for entire firm. Report decimal to the nearest tenth (e.g., 10.4).

<b>Staff Categories</b>	<i>Number of FTEs</i>	<i>Helpful Definitions</i>
<b>Equity Partners/Shareholders/Proprietors</b>		
<b>Non-equity Partners/Salaried Partners/Non-participating Partners</b>		Any individual who is held out to the public as a partner or principal, but is clearly in a separate class that is characterized as having lower capital contribution requirements, lesser voting rights and lesser economic risk or reward potential. May be classified as either a W-2 employee or K-1 partner for tax purposes.
<b>Associates/Patent Agents</b>		A lawyer employed by the firm who is understood to be in a program leading to consideration for partnership or shareholder status, or who has been so considered. Include patent agents in this category.
<b>Staff Lawyers</b>		A lawyer employed by a law firm who is hired with the understanding that the position will not lead to consideration for ownership status.
<b>Contract/Temporary Lawyers</b>		A lawyer employed under contract to perform work for the firm on a temporary basis.
<b>Counsel Working Actively</b>		An individual working actively; normally over 800 billable hours.
<b>Paralegals</b>		A person in this category is one who does legal work under the supervision of a lawyer at least 75% of the working day. Includes "law clerks" who produce billable hours, investigators and patent draftsmen. Excludes patent agents and summer associates. <b>NOTE: If a secretarial employee is performing paralegal duties, please allocate the FTE percentage between this category and the secretarial category below accordingly.</b>
<b>Administrative Assistants/Legal Secretaries</b>		Includes non-exempt personnel only. Please remember to adjust for those employees performing paralegal duties.
<b>Technology Employees</b>		Includes exempt and non-exempt personnel.
<b>Finance/Accounting Employees</b>		Includes exempt and non-exempt personnel.
<b>Administrative and Clerical Employees</b>		Includes exempt and non-exempt personnel, i.e., Firm Administrator, Human Resources, Marketing, Library, Mailroom, etc. <b>Excludes Legal Secretaries, Technology and Finance/Accounting personnel reported above.</b>
<b>All Other Staff</b>		Includes all other personnel employed by the firm.
<b>Total Firm FTE Contingent</b>		<b>Sum of FTEs for all staff identified above.</b>

9. Indicate the number of offers made to 2011 law school graduates whom the firm expects to employ in 2011. (If no offers made, please indicate using "0.") Calculate the average of all annual starting salaries and signing bonuses. If amounts are uncertain, please provide your best estimate.

<b>Number of Offers</b>	<b>Average Starting Salary \$</b>	<b>Average Signing Bonus \$</b>

**SECTION 6: Earnings Data for Administrative/Support Staff in 2010**

**Instructions:** Please use the following instructions to complete the grid on page XX. Report the total dollar earnings as reported on the W-2 form **before** voluntary before-tax employee reductions. Provide **aggregated** information for each position defined below pertinent to your firm. **It may be the case that you have individuals that do not match any one of these categories; if so, please report in the “Other” category at the end of the grid.** This will help us determine new titles for subsequent editions.

**Columns A and B      Status Code with Position Titles/Descriptions**

- 60      Legal Administrator** - An individual responsible for the development of the firm’s organizational and business goals. Involved in strategic planning and formulating administrative policies. He/she primarily supervises exempt staff and is responsible for the daily operations of the firm. Incumbents generally have ten or more years of experience, an advanced degree and/or some professional certification. If this position is a lawyer, he/she does not practice law. In a small firm, this position is generally the Administrative/Office Manager, (see below).
- 61      Administrative/Office Manager** - An individual responsible for the daily operations of the support functions. He/she supervises the staff responsible for the daily operations of the organization. He/she normally reports to a supervising lawyer or committee of lawyers responsible for the daily operations of the firm. Incumbents generally have five or more years of experience and a college degree.
- 62      Branch Office Manager** - An individual who is the administrator of another location of a multi-office organization and is responsible for the succeeding locations’ business management. Incumbents generally have two or more years of experience and at least some college education.
- 70      Comptroller/Finance Director** - An individual reporting to the Principal Administrator and is responsible for finance, treasury functions, including managing all aspects of the firm’s financial, time, billing, and collection systems. Incumbents generally supervise exempt and non-exempt staff, have five or more years experience, a four-year college degree and professional certification.
- 71      Accounting Manager** - An individual who reports to the Principal Administrator or Comptroller and is responsible for the accounting function. The individual will generally supervise non-exempt staff and maintain the equipment necessary to carry out these responsibilities. Incumbents generally have five or more years of experience and at least some college education. The Principal Administrator in smaller law firms may perform this function.
- 72      Risk Manager** - An individual who plans, organizes, coordinates, directs and implements the risk management plan for the law firm. Educates staff on risk management issues. Measures and evaluates risk management issues, trends and patterns. Develops and implements a comprehensive plan that identifies, investigates, analyzes, treats, manages and evaluates risks that detract from law firm operations. Minimum of three years experience, at least a four-year college degree and professional certification.
- 73      Accounting Supervisor** - An individual responsible for directly supervising all or part of the accounting staff in the operation of the accounting department. This position usually exists in a large firm and the person reports directly to the Accounting Manager or Comptroller. Incumbents generally have two or more years of experience.
- 74      Accounting Clerk/Bookkeeper**
- 80      Information Services Director** - An individual who plans, manages and directs the overall technology and information systems of the organization. Increasingly, communications and library functions are coming within the individual’s responsibility. Duties consist of planning, budgeting, research and development, as well as, the supervision of primarily exempt/non-exempt staff directly involved in this activity. The individual directs such activities as applications development/support and training at a firm and practice area level. Incumbents generally have five or more years of experience and at least a four-year college degree.
- 81      Network Administrator** - An individual responsible for the day-to-day operation and maintenance of the cable plant, network design, and the network. This may include diagnosing repair problems on a timely basis, relocating and changing computer equipment, and cabling as it becomes necessary.
- 82      Technology, Help Desk and Training Positions**
- 90      Human Resources Director**
- 91      Human Resources Manager**  
An individual responsible for all personnel matters regarding non-lawyer staff in the organization, including hiring, assignments, supervision, training, evaluation, personnel records, salary administration and benefits. In larger organizations, the position may have a “Director” title and include professional staff as well. Incumbents generally supervise non-exempt personnel, have five or more years experience and at least some college education. In larger organizations, a

"Director" generally supervises exempt and non-exempt personnel, has ten or more years of experience and at least a four-year college degree.

**92 Benefits, Recruiting and Other HR Clerical Positions**

- 100 Chief Marketing Officer/Marketing Director** - An individual, often the most senior marketing professional in the firm, responsible for the development and implementation of firm-wide marketing and business development plans. This includes strategy, creative content, budgeting, training, event planning, and other support. This individual works directly with lawyers responsible for its marketing and related activities by providing administrative support and guidance. Incumbent generally supervises exempt and non-exempt staff, has five or more years of experience and a minimum of a four-year college degree.
- 101 Marketing Manager** - An individual who actively participates in firm-wide and specific practice area marketing and business planning yet does not lead the initiatives. In larger firms, usually reports to another marketing professional within the firm.
- 102 Marketing Coordinator** - An individual whose activities focus on implementation and can either include follow-up and monitoring of marketing tactics or execution of specific tasks, such as website management, media placement, seminars and more, based upon their skills and background.
- 103 Marketing Assistant** - An entry-level individual who typically supports all activities of the marketing department.
- 110 Library Manager** - An individual responsible for administering all aspects of the firm's physical and virtual libraries. Develops and directs implementation of strategic plans, administrative policies, budgets and acquisitions for the firm's libraries. This individual manages and directs research-related information systems for the firm's libraries, intranet and knowledge management systems, including research training programs and licenses for computer systems and electronic databases. Supervises professional and paraprofessional staff providing research, reference, indexing, cataloging, acquisitions and circulation. The position requires five or more years of library experience and a master's degree from an accredited library science program; incumbents in large firms may also hold the JD degree.
- 111 Manager of One-Person Library** - An individual responsible for administering all aspects of the organization's physical and virtual library. The incumbent provides research services, maintains the catalog, acquires and circulates materials. The incumbent develops and implements budgets, strategic plans and administrative policies for the library. This individual manages and directs research-related information systems for the library and may administer the library's intranet research page. Incumbents may also coordinate online legal research training. The position requires three or more years of library experience and a master's degree from an accredited library science program.
- 112 Library Clerk** - A library clerk provides routing library services and day-to-day tasks such as shelving, filing, making copies, locating books and basic ready reference. The library clerk processes mail, files loose-leaf services and supplements, coordinates circulation and retrieval of materials, and may process interlibrary loans. The incumbent orders library acquisitions and generally implements any budgets, plans and strategies developed under the direction of a Library Manager/Managing Partner or Office Manager. The incumbent commonly will possess a college degree and/or three years of law firm experience.
- 120 Administrative Assistant/Legal Secretary**
- 130 Office Services Manager** - An individual responsible for supervising auxiliary support staff, including messengers, mailroom clerks, receptionists, telephone operators, supply clerks, copy center personnel, file clerks and the like. This position often manages facility operations including janitorial, housekeeping, leasehold improvements, furnishings, relocations, etc. Incumbents generally supervise non-exempt staff, have three or more years of experience and may or may not have college education.
- 131 Word Processing Operator**
- 132 Records/File Room Clerk**
- 133 Document Processing/Duplication Positions**
- 134 Mailroom Positions**
- 135 Messenger**
- 136 Receptionist/Telephone Operator**

**Column C** If your systems report data on an FTE basis, be sure to include the correct FTE counts in the "Number of FTE Incumbents" column. If FTE data is not available, include only individuals working full time AND for the full year. Please report decimal places as needed.

**Column D** Report the total wages before voluntary before-tax employee reductions paid by the firm for all incumbents reported in Column C for the year 2010.



**SECTION 6: Earnings Data for Administrative/Support Staff in 2010 (continued)**

(A)	(B)	(C)	(D)
Status Code	Position Title	Total Number of FTE Incumbents	Total Wages Per Staff Category
60	Legal Administrator		\$
61	Administrative/Office Manager		\$
62	Branch Office Manager		\$
70	Comptroller/Finance Director		\$
71	Accounting Manager		\$
72	Risk Manager		\$
73	Accounting Supervisor		\$
74	Accounting Clerk/Bookkeeper		\$
80	Information Services Director		\$
81	Network Administrator		\$
82	Technology, Help Desk and Training Positions		\$
90	Human Resource Director		\$
91	Human Resources Manager		\$
92	Benefits, Recruiting and Other HR Clerical Positions		\$
100	Chief Marketing Officer/Marketing Director		\$
101	Marketing Manager		\$
102	Marketing Coordinator		\$
103	Marketing Assistant		\$
110	Library Manager		\$
111	Manager of One-Person Library		\$
112	Library Clerk		\$
120	Administrative Assistant/Legal Secretary		\$
130	Office Services Manager		\$
131	Word Processing Operator		\$
132	Records/File Room Clerk		\$
133	Document Processing/Duplication Positions		\$
134	Mailroom Positions		\$
135	Messenger		\$
136	Receptionist/Telephone Operator		\$

**SECTION 7: Individual Lawyer Data-Fee Earners Only for 2010**

**Please read the following instructions prior to completing grid on page XX. Include all lawyers employed during 2010. Please DO NOT add \$ signs, fractions or cents. Provide exact numbers--do not estimate.**

**Column B** Show the year first admitted to the Bar in any state as a four-digit number.

**Column C** Use code below to indicate status at year-end as follows:

**10 Equity Partner/Shareholder/Proprietor**

**11 Non-equity Partner/Salaried Partner/Non-participating Partner** - Any individual who is held out to the public as a partner or principal, but is clearly in a separate class that is characterized as having lower capital contribution requirements, lesser voting rights and lesser economic risk or reward potential. May be classified as either a W-2 employee or K-1 partner for tax purposes.

**20 Associate Lawyer** - A lawyer employed by the firm who is understood to be in a program leading to consideration for partnership or shareholder status, or who has been so considered.

**21 Staff Lawyer** - A lawyer employed by a law firm who is hired with the understanding that the position will not lead to consideration for ownership status.

**30 Counsel (of counsel)** - An individual working actively; normally **over 800** billable hours.

**50 Sole Practitioners**

**Column D** Select one code below to indicate gender.

**F** Female

**M** Male

**Column E** Select one code below to indicate activity level.

**PT** Part-time

**M** Significant mgmt. responsibilities; requires an annual commitment of 500 hours or more

**L** Leave of absence with pay

**Blank** Full-time

**Column F Salary (or draw if partner)**

*For partnerships and proprietorships:* Report partner's or proprietor's draw including guaranteed payments. (If your records do not provide you with data to separate partner compensation into three components [draw, cash distribution and benefits/distribution in kind], then record the partner's K-1 income in column F and indicate N/A in columns G and H.)

*For professional corporations/associations:* Report salary paid before voluntary before-tax employee reductions for: 401(k) plans, flexible spending accounts; other qualified flexible benefit programs.

**Column G Bonus (or distribution in cash if partner)**

Report cash bonuses paid during 2010.

*For partnerships:* Report the remainder after subtracting the draw reported in Column F and benefits paid in Column H from the partner's K-1 income.

*For professional corporations/associations:* The total of salary plus cash bonuses should equal gross W-2 wages paid before voluntary before-tax employee reductions for: 401(k) plans, flexible spending accounts, and other qualified flexible benefit programs.

*For "S" corporations:* In addition to bonuses reported through wages, report the shareholder's share of any income or loss as reflected on the shareholder's K-1 from the "S" corporation.

**Column H Benefits (or distribution in kind if partner)**

See page XX for detailed instructions on benefit calculations if unable to provide on an individual basis.

**Column I** Report hours recorded during the reporting year that were chargeable to clients (i.e., billable work). Show hours only for those persons who regularly report billable hours. Omit if you do not have complete records. **Round to whole hours.**

**Column J** Show each individual's most commonly assigned (standard) hourly rate on 1/1/11. **Omit cents.**

**Column K** Choose one practice area code for each lawyer. An individual must spend 50% or more of their billable time in this area. **List only one code for each individual;** for others, use the designation that includes multiple specialties or multidisciplinary.

**NON-LITIGATION**

- 100 = Administrative/Legislative/Regulatory
- 101 = Banking
- 102 = Bankruptcy
- 103 = Collections
- 104 = Commercial/Contracts
- 105 = Education
- 106 = Employee Benefits (ERISA)
- 107 = Employment (FLSA, ADA, ADEA)
- 108 = Environmental
- 109 = Family Law/Domestic Relations
- 110 = General Business
- 111 = Health Care
- 112 = Insurance
- 113 = Intellectual Property
- 114 = International
- 115 = Labor/Collective Bargaining (Mgmt.)
- 116 = Labor/Collective Bargaining (Union)
- 117 = Maritime
- 118 = Mergers/Acquisitions
- 119 = Municipal Finance
- 120 = Natural Resources (oil/gas/coal/timber)
- 121 = Real Estate
- 122 = Securities
- 123 = Taxation
- 124 = Trusts/Estates/Probate
- 125 = Utilities
- 126 = Other Non-litigation Specialty
- 127 = Multiple Non-litigation Specialties

**LITIGATION**

- 200 = Antitrust
- 201 = Bankruptcy
- 202 = Collections
- 203 = Commercial/Contracts
- 204 = Criminal
- 205 = Education
- 206 = Insured Defense
- 207 = Self-insured Defense
- 208 = Employee Benefits (ERISA)
- 209 = Employment (FLSA, ADA, ADEA)
- 210 = Environmental
- 211 = Family Law/Domestic Relations
- 212 = Health Care
- 213 = Intellectual Property
- 214 = International
- 215 = Labor/Collective Bargaining (Mgmt.)
- 216 = Labor/Collective Bargaining (Union)
- 217 = Maritime
- 218 = Natural Resources (oil/gas/coal/timber)
- 219 = Personal Injury
- 220 = Products Liability
- 221 = Real Estate
- 222 = Securities
- 223 = Taxation
- 224 = Trusts/Estates/Probate
- 225 = Workers' Compensation
- 226 = Other Litigation Specialty
- 227 = Multiple Litigation Specialties

300 = Multidisciplinary

**Column L** Please check ("√") to indicate individual was employed for only part of the year (**new hire, resignation or termination.**)

**Column M** Zip Code of **work** location for lawyer; **report only** if different from that of headquarters location.

**SECTION 7: Individual Lawyer Data-Fee Earners Only for 2010 (continued)**

The table below is provided for your benefit while working on the submission. You may choose instead to enter this data directly on the final submission form. However, please remember to keep a copy for your records.

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)
Line #	Year Admitted to Bar	Status Code	Gender	Activity Code	Salary (or draw if partner)	Bonus (or distribution in cash if partner)	Benefits (or distribution in kind if partner)	Chargeable Hours	Hourly Rate as of 1/1/11	Specialty Code	Check if less than full-year	Zip if different than headquarters
1.					\$	\$	\$		\$			
2.					\$	\$	\$		\$			
3.					\$	\$	\$		\$			
4.					\$	\$	\$		\$			
5.					\$	\$	\$		\$			
6.					\$	\$	\$		\$			
7.					\$	\$	\$		\$			
8.					\$	\$	\$		\$			
9.					\$	\$	\$		\$			
10.					\$	\$	\$		\$			
11.					\$	\$	\$		\$			
12.					\$	\$	\$		\$			
13.					\$	\$	\$		\$			
14.					\$	\$	\$		\$			
15.					\$	\$	\$		\$			
16.					\$	\$	\$		\$			

Please photocopy additional pages as needed.



**Plaintiffs' Exhibit**  
**84**  
 Civ. No. 05-1437 (RCL)

**WASHINGTON, D.C. METRO AREA  
 YEARS OF LEGAL EXPERIENCE  
 STANDARD HOURLY BILLING RATES  
 As of January 1, 2011**

Years of Experience		Number of Offices	RATE					Ninth Decile \$
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	
Years of Experience	Under 2 Years	13	9	252	235	240	278	--
	2 or 3 Years	13	24	279	255	280	323	345
	4 or 5 Years	13	34	288	210	275	360	383
	6 or 7 Years	14	26	294	248	295	328	405
	8 to 10 Years	12	30	342	283	315	428	483
	11 to 15 Years	14	43	403	325	380	470	582
	16 to 20 Years	15	40	447	374	450	524	575
	21 to 30 Years	19	83	470	400	459	520	634
	31 or More Years	19	61	503	423	460	600	695

**Plaintiffs' Exhibit**  
**85**  
Civ. No. 05-1437 (RCL)

**From:** Copeland, Chad (OAG) <chad.copeland@dc.gov>  
**Sent:** Tuesday, March 07, 2017 5:10 PM  
**To:** Carolyn Smith Pravlik  
**Cc:** Todd A. Gluckman; Blecher, Matthew (OAG)  
**Subject:** DL | Fees  
**Attachments:** 2010 2011 ALM Rates by YoE Washington.pdf

Carolyn –

Attached is the here is the portion of the 2011 ALM SLFE data relied on by Dr. Malowane.

Thanks.

Chad Copeland  
Assistant Deputy Attorney General  
Public Interest Division  
Office of the Attorney General for the District of Columbia  
441 Fourth Street, N.W., Suite 630 South  
Washington, D.C. 20001  
chad.copeland@dc.gov  
Phone: (202) 724-6623  
Fax: (202) 741-8880

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**WASHINGTON, D.C. METRO AREA  
YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2011**

Years of Experience		Number of Offices	RATE					Ninth Decile \$
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	
Years of Experience	Under 2 Years	13	9	252	235	240	278	--
	2 or 3 Years	13	24	279	255	280	323	345
	4 or 5 Years	13	34	288	210	275	360	383
	6 or 7 Years	14	26	294	248	295	328	405
	8 to 10 Years	12	30	342	283	315	428	483
	11 to 15 Years	14	43	403	325	380	470	582
	16 to 20 Years	15	40	447	374	450	524	575
	21 to 30 Years	19	83	470	400	459	520	634
	31 or More Years	19	61	503	423	460	600	695



**Plaintiffs' Exhibit**  
**86**  
Civ. No. 05-1437 (RCL)

**From:** Carolyn Smith Pravlik  
**Sent:** Tuesday, March 07, 2017 5:46 PM  
**To:** 'Copeland, Chad (OAG)'  
**Cc:** Todd A. Gluckman; Blecher, Matthew (OAG)  
**Subject:** RE: DL | Fees

Chad: 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. Carolyn

Carolyn Smith Pravlik  
Terris, Pravlik & Millian, LLP  
1121 12th Street, NW  
Washington, DC 20005-4632  
Main Phone: 202-682-2100  
Direct Phone: 202-204-8475  
Fax: 202-289-6795  
Email: [cpravlik@tpmlaw.com](mailto:cpravlik@tpmlaw.com)  
Website: <http://tpmlaw.com/>

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**Sent:** Tuesday, March 07, 2017 5:10 PM  
**To:** Carolyn Smith Pravlik <cpravlik@tpmlaw.com>  
**Cc:** Todd A. Gluckman <tgluckman@tpmlaw.com>; Blecher, Matthew (OAG) <matthew.blecher@dc.gov>  
**Subject:** DL | Fees

Carolyn –

Attached is the here is the portion of the 2011 ALM SLFE data relied on by Dr. Malowane.

Thanks.

Chad Copeland  
Assistant Deputy Attorney General  
Public Interest Division  
Office of the Attorney General for the District of Columbia  
441 Fourth Street, N.W., Suite 630 South

Washington, D.C. 20001

[chad.copeland@dc.gov](mailto:chad.copeland@dc.gov)

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**Plaintiffs' Exhibit**  
**87**  
Civ. No. 05-1437 (RCL)

**From:** Copeland, Chad (OAG) <chad.copeland@dc.gov>  
**Sent:** Friday, March 10, 2017 5:27 PM  
**To:** Carolyn Smith Pravlik  
**Cc:** Blecher, Matthew (OAG); Todd A. Gluckman  
**Subject:** DL

Carolyn –

In response to your emails from Tuesday, we have no further documents to produce.

Thanks.

Chad Copeland  
Assistant Deputy Attorney General  
Public Interest Division  
Office of the Attorney General for the District of Columbia  
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**88**  
Civ. No. 05-1437 (RCL)

**From:** Copeland, Chad (OAG) <chad.copeland@dc.gov>  
**Sent:** Friday, March 24, 2017 5:49 PM  
**To:** Carolyn Smith Pravlik; Blecher, Matthew (OAG)  
**Cc:** Todd A. Gluckman  
**Subject:** RE: DL | Fees

Carolyn –

The document reflects a custom pull of data by ALM from the 2011 ALM SLFE.

Chad Copeland  
Assistant Deputy Attorney General  
Public Interest Division  
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**From:** Carolyn Smith Pravlik [mailto:cpravlik@tpmlaw.com]  
**Sent:** Friday, March 24, 2017 5:28 PM  
**To:** Copeland, Chad (OAG); Blecher, Matthew (OAG)  
**Cc:** Todd A. Gluckman  
**Subject:** FW: DL | Fees

Chad: I am forwarding the email you sent on March 7 so that the attachment is easily available to you. Would you please provide the page number from the 2011 ALM SLFE for this page you supplied from Dr. Malowane. As you can see, the attached page does not have a page number. Thanks. Carolyn

Carolyn Smith Pravlik  
Terris, Pravlik & Millian, LLP  
1121 12th Street, NW  
Washington, DC 20005-4632  
Main Phone: 202-682-2100

Direct Phone: 202-204-8475  
Fax: 202-289-6795  
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**Sent:** Tuesday, March 07, 2017 5:10 PM  
**To:** Carolyn Smith Pravlik <[cpravlik@tpmlaw.com](mailto:cpravlik@tpmlaw.com)>  
**Cc:** Todd A. Gluckman <[tgluckman@tpmlaw.com](mailto:tgluckman@tpmlaw.com)>; Blecher, Matthew (OAG) <[matthew.blecher@dc.gov](mailto:matthew.blecher@dc.gov)>  
**Subject:** DL | Fees

Carolyn –

Attached is the here is the portion of the 2011 ALM SLFE data relied on by Dr. Malowane.

Thanks.

Chad Copeland  
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Public Interest Division  
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ZENIA SANCHEZ FUENTES  
PATRICK A. SHELDON  
TODD A. GLUCKMAN  
MICHAEL L. HUANG

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NICHOLAS SOARES  
BENJAMIN S. DAVIS  
STEPHANIE ANN MADISON

LYNN E. CUNNINGHAM  
Of Counsel

July 13, 2016

*Submitted via e-mail and first-class mail*

**Plaintiffs' Exhibit**

**89**

**Civ. No. 05-1437 (RCL)**

Susan B. Gerson  
Acting Assistant Director, FOIA/Privacy Unit  
Executive Office for United States Attorneys  
Department of Justice  
Room 7300, 600 E Street, N.W.  
Washington, DC 20530-0001  
USAEO.FOIA.Requests@usdoj.gov

**Re: Freedom of Information Act Request for Survey Underlying the USAO Attorney's Fees Matrix**

Dear Ms. Gerson:

We are attorneys that represent the plaintiffs in *DL v. District of Columbia*, Civil Action No. 05-1437, a class action in the United States District Court for the District of Columbia. The plaintiffs there are pre-school-aged children with disabilities who have successfully challenged the District of Columbia's failure to implement policies and procedures related to special education services required by federal and District law.

We are writing to request, pursuant to the Freedom of Information Act, 5 U.S.C. 552, information that is relevant to the upcoming dispute in *DL* regarding the hourly rate for attorneys' fees.

The USAO Attorney's Fees Matrix 2015-2016 (<https://www.justice.gov/usao-dc/file/796471/download>) states that it is based on survey data from ALM Legal Intelligence's 2010 & 2011 Survey of Law Firm Economics. We request that the Department of Justice produce that or those surveys. We also request all documents in the Department's possession or control related to the preparation of ALM Legal Intelligence's 2010 and 2011 Survey of Law Firm Economics, including, but not limited to, all raw data, charts, survey questions, and methodology.

Our law firm contacted the Department of Justice about this survey and we understand that it may not be in the Department's possession, but rather in the possession of the Department's expert, Laura Malowane. If it is in the possession of the Department's expert, we believe it is under the Department's control and is therefore subject to disclosure.

July 13, 2016  
Page 2

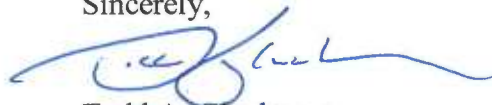
If it is your position that records exist responsive to this FOIA request, but that those records (or portions of those records) are exempt from disclosure, please identify the records that are being withheld, state the basis for the denial for each record being withheld, and provide the non-exempt portions of the records.

The Individuals with Disabilities Education Act (“IDEA”) and the Rehabilitation Act, the statutes under which we sued in *DL*, provide for the payment of attorneys’ fees because Congress decided that it was in the public interest for prevailing plaintiffs to have their attorneys’ fees paid by defendants. We are a public interest law firm and intend to use the documents produced in response to this FOIA request with regard to our application for attorneys’ fees accrued while working on behalf of pre-school-aged children with disabilities in *DL*. Accordingly, we seek a fee waiver for fees related to this request.

If the records can be produced in electronic form, we request them in this form. If fees may be incurred, please contact Ashley Connelly at [aconnelly@tpmlaw.com](mailto:aconnelly@tpmlaw.com) or (202) 204-8487 with the cost of any proposed search, review, and reproduction before those activities are carried out.

Thank you in advance for your assistance in this matter. Please do not hesitate to contact Ms. Connelly with any questions or concerns.

Sincerely,



Todd A. Gluckman  
Ashley Connelly, *Paralegal*



U.S. Department of Justice



Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

Suite 7300, Bicentennial Building  
600 E Street, NW  
Washington, DC 20530

(202) 252-6020  
FAX (202) 252-6047

October 11, 2016

Todd Gluckman  
Terris, Pravlik & Millian, LLP  
1121 12th Street N.W.  
Washington, District of Columbia 20005-4632

**Plaintiffs' Exhibit**  
**90**  
Civ. No. 05-1437 (RCL)

Re: Request Number: FOIA-2016-03456  
Date of Receipt: July 13, 2016  
Subject of Request: D.C. Attorney's Fees Matrix -USAO D.C.

Dear Requester Connelly:

Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys' Office. To provide you with the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

All of the records you seek are being made available to you. We have processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. This letter is a full release.

A review of the material revealed:

Our office located records that originated with another government component. **These records were found in the U.S. Attorney's Office files.** Once we have received the above payment, these records will be referred to the following component(s) listed for review and direct response to you:

There are public records which may be obtained from the clerk of the court or this office, upon specific request. If you wish to obtain a copy of these records, you must submit a new request. These records will be provided to you subject to copying fees.

Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

[ ] See additional information on next page.

This is the final action on this above-numbered request. If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following website:

<https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may contact our FOIA Public Liaison at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Thomas D. Anderson  
Acting Assistant Director

Enclosure(s)

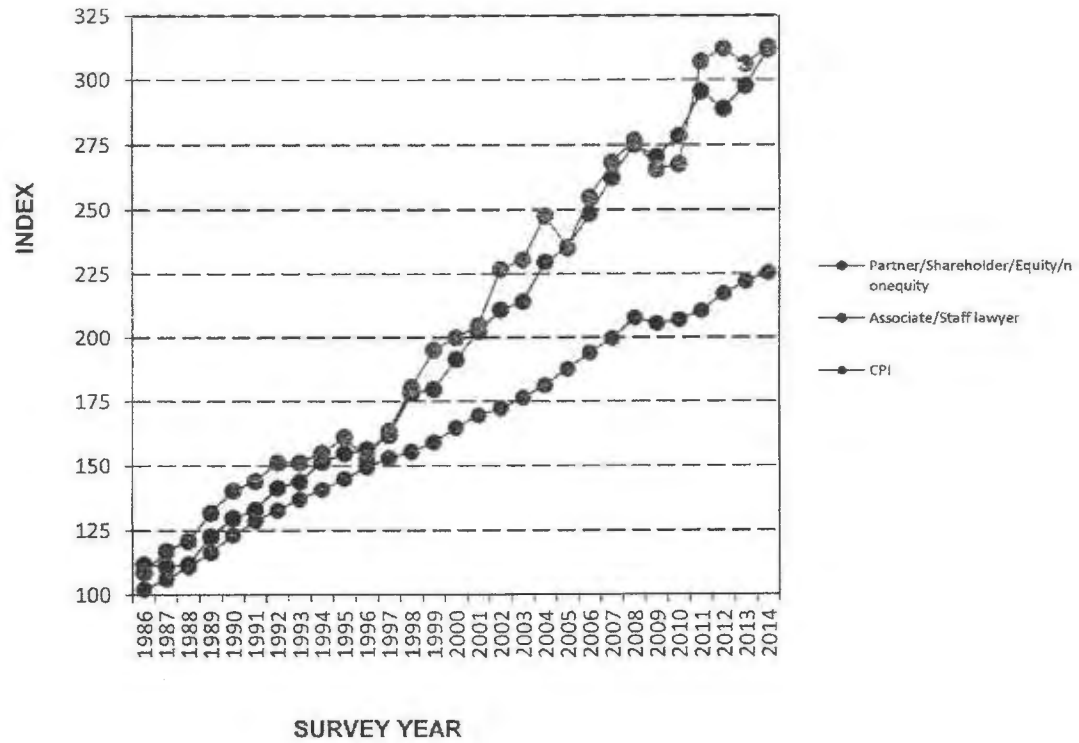
WASHINGTON, D.C. METRO AREA  
 YEARS OF LEGAL EXPERIENCE  
 STANDARD HOURLY BILLING RATES  
 As of January 1, 2011

USAO Laffey Years of Experience	ALM data	Number of Offices	RATE					Ninth Decile \$
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	
1-3	Under 2 Years	13	9	252	235	240	278	-
	2 or 3 Years	13	24	279	255	280	323	345
4-7	4 or 5 Years	13	34	288	210	275	360	383
	6 or 7 Years	14	26	294	248	295	328	405
8-10	8 to 10 Years	12	30	342	283	315	428	483
11-19	11 to 15 Years	14	43	403	325	380	470	582
	16 to 20 Years	15	40	447	374	450	524	575
20+	21 to 30 Years	19	83	470	400	459	520	634
	31 or More Years	19	61	503	423	460	600	695

WASHINGTON, D.C. METRO AREA  
 YEARS OF LEGAL EXPERIENCE  
 STANDARD HOURLY BILLING RATES  
 As of January 1, 2011

Years of Experience		Number of Offices	RATE					Ninth Decile \$
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	
Years of Experience	Under 2 Years	13	9	252	235	240	278	--
	2 or 3 Years	13	24	279	255	280	323	345
	4 or 5 Years	13	34	288	210	275	360	383
	6 or 7 Years	14	26	294	248	295	328	405
	8 to 10 Years	12	30	342	283	315	428	483
	11 to 15 Years	14	43	403	325	380	470	582
	16 to 20 Years	15	40	447	374	450	524	575
	21 to 30 Years	19	83	470	400	459	520	634
	31 or More Years	19	61	503	423	460	600	695

TREND COMPARISON OF AVERAGE HOURLY BILLING RATES  
25-29 YEAR PARTNERS AND 5 YEAR ASSOCIATES



**YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Years of Experience	Number of Offices	RATE					
		Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Under 2 Years	86	370	204	175	190	235	260
2 or 3 Years	96	454	219	180	215	260	285
4 or 5 Years	95	516	242	190	240	290	325
6 or 7 Years	92	502	258	210	250	305	350
8 to 10 Years	101	639	285	235	280	335	385
11 to 15 Years	100	843	323	265	312	385	450
16 to 20 Years	103	781	365	295	360	442	495
21 to 30 Years	106	1,391	387	310	385	460	530
31 or More Years	107	1,411	430	350	420	505	595

REGION BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014

Region/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Middle Atlantic <i>NY PA NJ</i>	Under 2 Years	12	61	207	175	190	240	260
	2 or 3 Years	12	82	228	195	228	260	284
	4 or 5 Years	11	103	267	220	260	315	333
	6 or 7 Years	12	91	283	230	275	345	360
	8 to 10 Years	14	127	294	245	285	350	395
	11 to 15 Years	15	165	360	290	340	425	495
	16 to 20 Years	14	172	405	330	390	475	529
	21 to 30 Years	15	327	435	350	410	525	595
31 or More Years	15	332	484	395	475	595	660	
South Atlantic <i>VA, DC, MD, WV, VA down to FL.</i>	Under 2 Years	26	116	205	170	190	235	272
	2 or 3 Years	26	132	206	152	195	245	295
	4 or 5 Years	30	185	232	175	230	280	325
	6 or 7 Years	27	159	241	167	250	295	335
	8 to 10 Years	26	177	272	208	275	325	375
	11 to 15 Years	27	269	308	198	315	387	450
	16 to 20 Years	30	229	373	295	375	455	525
	21 to 30 Years	29	378	381	300	390	465	525
31 or More Years	30	365	426	350	425	495	575	
East South Central	Under 2 Years	6	26	168	160	160	175	195
	2 or 3 Years	7	28	184	160	180	190	250
	4 or 5 Years	6	33	185	180	185	200	206
	6 or 7 Years	6	30	214	200	210	225	272
	8 to 10 Years	8	48	236	210	245	255	277
	11 to 15 Years	7	62	258	235	263	300	321
	16 to 20 Years	7	55	283	250	290	310	335
	21 to 30 Years	8	85	315	275	310	345	397
31 or More Years	8	107	364	315	360	420	460	

*Natl*

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**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Years of Experience	Number of Offices	RATE						
		Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$	
Bankruptcy	6 or 7 Years	7	8	291	--	--	--	--
	8 to 10 Years	8	10	290	--	--	--	--
	11 to 15 Years	10	14	336	--	320	--	--
	16 to 20 Years	6	7	371	--	--	--	--
	21 to 30 Years	12	18	431	365	433	500	605
	31 or More Years	18	23	440	340	470	510	580
Collections	21 to 30 Years	6	10	290	--	--	--	--
Comm'l./Contract	Under 2 Years	15	25	209	178	210	238	259
	2 or 3 Years	15	28	241	185	258	275	295
	4 or 5 Years	20	39	260	215	250	305	330
	6 or 7 Years	22	36	275	235	258	319	347
	8 to 10 Years	22	45	304	230	305	365	400
	11 to 15 Years	23	62	350	275	343	428	450
	16 to 20 Years	21	40	384	300	363	434	570
	21 to 30 Years	27	75	407	325	375	460	595
Insured Defense	Under 2 Years	11	35	160	147	160	176	185
	2 or 3 Years	13	45	168	140	167	183	206
	4 or 5 Years	12	52	169	145	163	182	211
	6 or 7 Years	10	46	167	143	161	185	212
	8 to 10 Years	12	41	184	147	174	214	256
	11 to 15 Years	13	53	193	163	184	200	264
	16 to 20 Years	17	38	226	161	195	303	335
	21 to 30 Years	25	91	250	183	223	300	408
Employment	Under 2 Years	5	10	231	--	--	--	--
	2 or 3 Years	9	16	241	--	255	--	--

A0076745\_6-0000000



**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
As of January 1, 2014

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Employment	4 or 5 Years	11	17	262	225	269	290	353
	6 or 7 Years	11	20	257	203	258	297	320
	8 to 10 Years	10	19	288	260	300	318	325
	11 to 15 Years	13	34	346	290	352	396	446
	16 to 20 Years	16	39	372	300	375	443	475
	21 to 30 Years	25	48	369	300	370	424	467
	31 or More Years	11	30	430	335	433	503	591
Environmental	16 to 20 Years	6	9	373	--	--	--	--
	21 to 30 Years	12	23	381	328	385	440	490
	31 or More Years	12	17	397	288	430	463	572
Family & Domestic Law	11 to 15 Years	6	9	338	--	--	--	--
	21 to 30 Years	11	13	380	--	365	--	--
Health Care	Under 2 Years	6	8	228	--	--	--	--
	4 or 5 Years	7	8	265	--	--	--	--
	11 to 15 Years	8	13	330	--	300	--	--
	16 to 20 Years	8	10	379	--	--	--	--
	21 to 30 Years	11	18	352	210	345	439	584
	31 or More Years	12	17	383	275	350	450	637
Intellectual Property	21 to 30 Years	9	11	420	--	425	--	--
Labor-Mgmt.	21 to 30 Years	6	10	312	--	--	--	--
Personal Injury	21 to 30 Years	9	15	316	--	305	--	--
	31 or More Years	11	12	365	--	325	--	--
Products Liability	8 to 10 Years	8	24	227	199	220	245	280
	16 to 20 Years	7	24	312	271	305	375	388
	21 to 30 Years	9	29	356	288	360	420	475
	31 or More Years	8	31	412	360	420	490	524
Real Estate	16 to 20 Years	6	8	367	--	--	--	--

**Plaintiffs' Exhibit**  
**91**  
 Civ. No. 05-1437 (RCL)

WASHINGTON, D.C. METRO AREA  
 YEARS OF LEGAL EXPERIENCE  
 STANDARD HOURLY BILLING RATES  
 As of January 1, 2011

USAO Laffey Years of Experience	ALM data	Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Years of Experience 1-3	Under 2 Years	13	9	252	235	240	278	-
	2 or 3 Years	13	24	279	255	280	323	345
4-7	4 or 5 Years	13	34	288	210	275	360	383
	6 or 7 Years	14	26	294	248	295	328	405
8-10	8 to 10 Years	12	30	342	283	315	428	483
11-19	11 to 15 Years	14	43	403	325	380	470	582
	16 to 20 Years	15	40	447	374	450	524	575
20+	21 to 30 Years	19	83	470	400	459	520	634
	31 or More Years	19	61	503	423	460	600	695

WASHINGTON, D.C. METRO AREA  
 YEARS OF LEGAL EXPERIENCE  
 STANDARD HOURLY BILLING RATES  
 As of January 1, 2011

Years of Experience		Number of Offices	RATE					Ninth Decile \$
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	
Years of Experience	Under 2 Years	13	9	252	235	240	278	--
	2 or 3 Years	13	24	279	255	280	323	345
	4 or 5 Years	13	34	288	210	275	360	383
	6 or 7 Years	14	26	294	248	295	328	405
	8 to 10 Years	12	30	342	283	315	428	483
	11 to 15 Years	14	43	403	325	380	470	582
	16 to 20 Years	15	40	447	374	450	524	575
	21 to 30 Years	19	83	470	400	459	520	634
	31 or More Years	19	61	503	423	460	600	695

A0076745\_2-000000

**Plaintiffs' Exhibit**  
**92**  
Civ. No. 05-1437 (RCL)

**From:** Cindy Leung <CLEung@alm.com>  
**Sent:** Monday, April 24, 2017 4:05 PM  
**To:** Stephanie A. Madison  
**Subject:** FW: 2011 ALM SLFE

Hi Cindy,

We're not able to get specific enough for counties, but the metro area is defined as DC-VA-MD-WV.

Thanks,  
Cindy Leung

Begin forwarded message:

**From:** "Stephanie A. Madison" <[smadison@tpmlaw.com](mailto:smadison@tpmlaw.com)>  
**Date:** April 21, 2017 at 5:10:39 PM EDT  
**To:** Cindy Leung <[CLEung@alm.com](mailto:CLEung@alm.com)>  
**Subject:** RE: 2011 ALM SLFE

Hi Cindy,

Yes, that is correct! Thank you again.

Best,  
Stephanie

Stephanie A. Madison  
Terris, Pravlik & Millian, LLP  
[1121 12th Street, NW](http://112112thStreetNW.com)  
[Washington, DC 20005-4632](http://WashingtonDC200054632.com)  
Main Phone: [202-682-2100](tel:202-682-2100)  
Direct Phone: [202-204-8474](tel:202-204-8474)  
Fax: [202-289-6795](tel:202-289-6795)  
Email: [smadison@tpmlaw.com](mailto:smadison@tpmlaw.com)

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---

**From:** Cindy Leung [<mailto:CLEung@alm.com>]  
**Sent:** Friday, April 21, 2017 1:02 PM  
**To:** Stephanie A. Madison <[smadison@tpmlaw.com](mailto:smadison@tpmlaw.com)>  
**Subject:** FW: 2011 ALM SLFE

Hi Stephanie

I just spoke with you a little earlier regarding the 2011 SLFE report  
Below is the most recent email from Carolyn, are you referring to this custom report?  
You want to know what counties are included on this report?

Thanks,  
Cindy Leung

---

**From:** Ron Dinkins  
**Sent:** Monday, March 27, 2017 9:56 AM  
**To:** Carolyn Smith Pravlik  
**Cc:** Cindy Leung  
**Subject:** RE: 2011 ALM SLFE

Hi Carolyn,

Our research department indicated the chart came from a custom data run from the 2011 SLFE study.

**Ron Dinkins**  
**Account Executive**  
**ALM Legal Intelligence**

120 Broadway, 5th Floor, New York, NY 10271  
T: 212-457-7819 F: 646-822-5326  
[rdinkins@alm.com](mailto:rdinkins@alm.com)

---

**From:** Carolyn Smith Pravlik [<mailto:cpravlik@tpmlaw.com>]  
**Sent:** Friday, March 24, 2017 5:47 PM  
**To:** Cindy Leung  
**Cc:** Ron Dinkins  
**Subject:** 2011 ALM SLFE

Cindy: Would ALM please confirm whether the attached page comes from the 2011 ALM SLFE. In the email below, it is represented that this page comes from the 2011 ALM SLFE. I was not able to locate a chart resembling the attached page in the 2011 ALM SLFE that I recently purchased through you and Ron Dinkins. Thanks for your help. Carolyn

Carolyn Smith Pravlik  
Terris, Pravlik & Millian, LLP  
1121 12th Street, NW  
Washington, DC 20005-4632  
Main Phone: 202-682-2100  
Direct Phone: 202-204-8475  
Fax: 202-289-6795  
Email: [cpravlik@tpmlaw.com](mailto:cpravlik@tpmlaw.com)  
Website: <http://tpmlaw.com/>

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**From:** Copeland, Chad (OAG) [<mailto:chad.copeland@dc.gov>]  
**Sent:** Tuesday, March 07, 2017 5:10 PM  
**To:** Carolyn Smith Pravlik <[cpravlik@tpmlaw.com](mailto:cpravlik@tpmlaw.com)>  
**Cc:** Todd A. Gluckman <[tgluckman@tpmlaw.com](mailto:tgluckman@tpmlaw.com)>; Blecher, Matthew (OAG) <[matthew.blecher@dc.gov](mailto:matthew.blecher@dc.gov)>  
**Subject:** DL | Fees

Carolyn –

Attached is the here is the portion of the 2011 ALM SLFE data relied on by Dr. Malowane.

Thanks.

Chad Copeland  
Assistant Deputy Attorney General  
Public Interest Division  
Office of the Attorney General for the District of Columbia  
441 Fourth Street, N.W., Suite 630 South  
Washington, D.C. 20001  
[chad.copeland@dc.gov](mailto:chad.copeland@dc.gov)  
Phone: (202) 724-6623  
Fax: (202) 741-8880

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From: [cleung@alm.com](mailto:cleung@alm.com)

*You received this message because the sender is on your allow list.*

**Plaintiffs' Exhibit**  
**95**  
Civ. No. 05-1437 (RCL)

**From:** Todd A. Gluckman  
**Sent:** Tuesday, February 21, 2017 12:34 PM  
**To:** 'chad.copeland@dc.gov'  
**Cc:** Blecher, Matthew (OAG)  
**Subject:** DL - Material related to fee opposition

Chad,

Please provide the following documents and information related to your fee opposition:

1. All pages of the 2011 ALM survey relied upon by Dr. Malowane, including pages with definitions such as that referred to in footnote 2 to her declaration.
2. All pages of the 2014 ALM survey relied upon by Dr. Malowane, including pages with definitions.
3. The Bureau of Labor Statistics, Industry Synopsis: NAICS 541110 – Office of Lawyers 2013 relied upon by Dr. Malowane.
4. The calculations updating the 2011 ALM Survey rates to the rates shown in the USAO Matrix.
5. A signed copy of Mr. Christensen’s affidavit.

Thanks,  
Todd

**Todd Gluckman**  
Terris, Pravlik & Millian, LLP  
1121 12th Street NW  
Washington, DC 20005-4632  
202-204-8482  
[tgluckman@tpmlaw.com](mailto:tgluckman@tpmlaw.com)

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# THE SURVEY OF LAW FIRM ECONOMICS

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***2014 Edition***

Conducted and Published by

THE NATIONAL  
**LAW JOURNAL**

-- and --

**ALM** LEGAL  
INTELLIGENCE

120 Broadway, 5th Floor  
New York, NY 10271  
(888) 770-5647  
almlegalintel@alm.com  
www.almlegalintelligence.com

Release Date: July 23, 2014

**Plaintiffs' Exhibit**

**96**

Civ. No. 05-1437 (RCL)

**EXCERPT**

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## INTRODUCTION

The *National Law Journal's Survey of Law Firm Economics, 2014 Edition* (based on 2013 data) is one of the most complete, accurate and up-to-date set of economic statistics and financial data available about the legal profession. This year's survey contains information from 8,194 lawyers including 2,644 associates, 4,853 partners/shareholders (equity and non-equity), 474 active counsel and 197 staff lawyers working in 162 U.S. law firms. In its 42nd year, the survey remains an invaluable tool for managers of law firms.

To be a useful tool, the survey must provide the relevant information required by law firm managers. ALM Legal Intelligence partners with the International Paralegal Management Association each year to develop and publish a more comprehensive tool for managing paralegal positions. If you are interested in paralegal data, please contact ALM Legal Intelligence for product information and pricing.

ALM Legal Intelligence is committed to meeting the information needs of the legal profession and, as such, invites you as a purchaser and/or participant to call or write us with your candid critique, suggestions and questions. The survey will continue to improve only through our ability to understand your evolving needs for information. We invite you to contact us with any thoughts and/or questions. E-mail us at [almlegalintel@alm.com](mailto:almlegalintel@alm.com).

## USE OF THE SURVEY

The survey is designed to provide the information necessary for law firm managers to evaluate their firm's performance relative to comparable law firms. The statistics included in the survey represent broad performance benchmarks against which an individual firm can be measured. Using this information, law firm management can compare their firm's performance and figures with those of the profession as a whole, as well as with firms of similar size, geographic location, population, practice specialty, and other data points.

This survey is particularly useful to firm management, administrators, strategic planners and office or department heads who are able to efficiently develop comparative analyses of the various statistical data with their firm's data. Many are experienced in development of these analyses and in development of effective presentation charts and graphs. However, over the years we have encountered others who have found the analysis more difficult. Accordingly, we have developed a program that will prepare customized tabulation of your data against relative benchmarks.

## RECOMMENDED APPROACH TO DEVELOPMENT OF COMPARATIVE DATA

At first glance, the survey may seem to contain an overwhelming volume of information. However, if you follow the suggested steps, you should be able to easily develop useful, meaningful comparisons.

### Step 1 - Collection of Your Firm's Data

The first step in using the survey is to develop your firm's data for fiscal year 2013. This is best accomplished by using a copy of your survey response form and worksheet. The questionnaire used in the study is included at the end of this Survey report. A review of the questions used will enable you to better understand the data herein and to make optimal use of the survey.

### Step 2 - Calculate Per Lawyer or Fee Earner Statistics and Other Ratios

The second step is to calculate the various performance indicators and ratios using the data compiled in Step 1. It is important to calculate all data using the same formulae which were used to produce the data in the survey. Most information is presented in a per equity partner, per lawyer or per fee earner format. For example, to develop per lawyer gross receipts you would divide the total firm income for the year by the total number of full-time equivalent (FTE) lawyers. FTEs are defined in the questionnaire.

#### **Example - Per Lawyer**

<u>Total Gross Receipts</u>	<u>\$10,000,000</u>	=	\$200,000
Total FTE Lawyers	50		Per Lawyer

Per fee earner gross receipts would be calculated by dividing the total firm income for the year by the total number of (FTE) lawyers plus one half of the full-time equivalent paralegal staff. A

further explanation of the per-equity partner, per-lawyer and per-fee earner format is provided in the Financial section.

<b>Example - Fee Earner</b>		
<u>Total Gross Receipts</u>	<u>\$10,000,000</u>	= \$181,818
Total FTE Lawyers	55	Per Fee Earner
+ One Half FTE Paralegal		
Staff (10 FTE Paralegals x .5 = 5)		

### Step 3 - Evaluating Results

Next, assess your firm's performance with the survey results of comparable firms in terms of size, location, similar population base and legal specialty. As you do so, several points should be recognized.

A deviation between your firm's figures (for any performance measure) and numbers in the report is not necessarily good or bad. It merely indicates that additional analysis may be required.

As a rule, the larger the difference, the greater the need for further investigation.

In situations where large deviations do exist, it may be helpful to calculate the same performance measure over the past several years to identify trends that may exist.

The information in this survey should be used as guidelines rather than absolute standards. Firms differ, as does their mix of practice specialties, location, size and other factors. Any two

firms can be successful, yet have very different experiences with regard to certain performance measures.

Any level of performance requires certain trade-offs. Very high dollars may require extraordinarily long hours, tremendous expertise, superlative results and even luck. On the other hand, if performance results are lacking, there may be areas where improvement simply to levels customarily achieved in other law firms will provide impressive returns.

### **TREND DATA**

This survey contains a *snapshot* of the economic performance of the legal profession for 2013. However, the best analysis of a firm's economic performance and position occurs through evaluation of trend information. Selected trend information is provided in each section of the survey. For more complete historical data, we recommend prior copies of the survey that are available at reduced prices to those who wish to compare their firm on a trend basis. Quotes on prices for copies of past surveys can be obtained by contacting ALM Legal Intelligence at (888) 770-5647.

### **TERMS AND DEFINITIONS**

In order to obtain maximum value from this survey, it is important to understand what the information means and how to best use it. Following are explanations of some of the data and definitions used in the report. We have also provided brief comments on the statistical terms used.

Billable Hours

For those persons who regularly report billable hours, hours recorded during the reporting year, which were chargeable to clients (i.e., billable work).

Billing Rates

Most commonly assigned, or standard hourly rate as of January 1, 2014.

Compensation

*Salary/Draw*

*For Professional Corporations/Associations:*

Salary-Federal taxable income amount shown on W-2 plus voluntary before-tax employee reductions for:

- 401(k) plans;
- Flexible spending accounts (FSAs);
- Other qualified flexible benefit programs.

*For Partnerships/Proprietorships:*

Draw-Periodic cash distributions including quarterly tax draws and guaranteed payments.

*Bonus/Distribution in Cash*

*For Professional Corporations/Associations:*

Bonus-Year end cash bonus paid during 2013.

*For Partnerships/Proprietorships:*

Distribution-Cash distribution to partners.

*Cash Compensation*

Salary plus Bonus.

*Benefits/Distribution in Kind*

*For Professional Corporations/Associations:*

Nontaxable benefit costs, which include: qualified profit sharing plans, life, health and disability insurance, medical reimbursement plans, employer payroll taxes (including FICA) and pension contributions. Excludes auto, parking, memberships and CLE expenses.

*For Partnerships and Proprietorships:*

Report distribution in kind (firm payments for benefits on behalf of the partners).

*Total Compensation*

Salary/Draw, Bonus/Distribution in Cash, plus Benefits/Distribution in Kind.

Firm Specialization

These specialized firms derived 50% or more of their gross receipts from one area of legal work. This survey reports areas of specialization in the financial section as follows:

- Commercial Litigation
- Insurance Defense Litigation
- Labor/Employment
- General (no area responsible for 50% or more)
- Other

Lawyer Specialization

The questionnaire requests information on any legal specialty in which each reported individual spent more than half of his/her billable time. The list of specialties requested is shown below. It is not an exhaustive list, but enables some analysis of the relative earnings of various specialty groups.

Non-Litigation	Litigation
100 = Admin/Legislative/Reg.	200 = Antitrust
101 = Banking	201 = Bankruptcy
102 = Bankruptcy	202 = Collections
103 = Collections	203 = Comm./Contracts
104 = Commercial/Contract	204 = Criminal
105 = Education	205 = Education
106 = Employee Benefits	206 = Insured Defense
107 = Employment	207 = Self-insured Defense
108 = Environmental	208 = Employee Benefits
109 = Family Law	209 = Employment
110 = General Business	210 = Environmental
111 = Health Care	211 = Family Law
112 = Insurance	212 = Health Care
113 = Intellectual Property	213 = Intellectual Property
114 = International	214 = International
115 = Labor/Management	215 = Labor/Management
116 = Labor/Union	216 = Labor/Union
117 = Maritime	217 = Maritime
118 = Merger/Acquisitions	218 = Natural Resource
119 = Municipal Finance	219 = Personal Injury
120 = Natural Resources	220 = Products Liability
121 = Real Estate	221 = Real Estate
122 = Securities	222 = Securities
123 = Taxation	223 = Taxation
124 = Trust/Estates/Probate	224 = Trust/Estates/Probate
125 = Utilities	225 = Workers' Compensation
126 = Other Non-litigation Spec.	226 = Other Litigation Spec.
127 = Multi Non-litigation Spec.	227 = Multi Litigation Spec.
300 = Generalist	

### Multioffice Firms

Multioffice law firms are shown as a separate category within the financial section wherever information is segregated by firm size, region and size of municipality. Within the category of MULTIOFFICE law firms, each firm is treated as a single entity. In addition, each multiple office firm is treated as a separate unit within the reporting categories of size, location, and population in this section.

When reporting information in the remaining sections of the report, each individual fee earner is re-categorized according to the region of employment. For example, a firm's main office is in Minneapolis, and the branch office is in Sarasota, Florida. The individual fee earner information is reported as South Atlantic.

### Offices

The term OFFICES indicates the number of law firm offices reported within a category. Branch offices are counted as single offices.

### Geographic Regions

Regions are determined using geographic divisions as defined by the U.S. Census Bureau (see map following introduction). Puerto Rico and the Virgin Islands are included with "South Atlantic;" Hawaii and Alaska with "Pacific."

### Population Area

Population area categorizations are determined using definitions determined by U.S. Office of Management and Budget (OMB) as applied to U.S. Census Bureau data.

### Status

- 10 Equity Partner/Shareholder/Proprietor**
- 11 Non-Equity Partner, Salaried Partner, Non-Participating Partner** - Any individual who is held out to the public as a partner or principal, but is clearly in a separate class that is characterized as having lower capital contribution requirements, lesser voting rights and lesser economic risk or reward potential. May be classified as either a W-2 employee or K-1 partner for tax purposes.
- 20 Associate Lawyer** - A lawyer employed by the firm who is understood to be in a program leading to consideration for partnership or shareholder status, or who has been so considered.
- 21 Staff Lawyer** - A lawyer employed by a law firm who is hired with the understanding that the position will **not** lead to consideration for ownership status.
- 30 Counsel** - (of counsel) working actively; normally over 800 billable hours.

In analysis titled "*By Individual Status*," each status code is listed separately. This breakout is shown **only** at the national level. In the remaining analyses, the heading *Partner/Shareholder-Equity/Non-Equity* includes partners in partnerships, shareholders in professional corporations/ associations and sole proprietors. This would include equity *and* non-equity positions. The heading *Associate/Staff* includes associate *and* staff attorney positions defined earlier.

## STATISTICAL TERMS USED

The statistical terms used in the survey are defined below and illustrated in the example. Quartiles are used to define the middle 50% of the range. One quarter of the observations lies below the **first or lower quartile** (or 25th percentile). One quarter lies above the **third or upper quartile** (or 75th percentile). In some tables the **ninth decile** (or 90th percentile) is also shown; 10% of cases lie above this point.

The **median** (or 50th percentile) is the middle or central number in a series of numbers arranged in order of value. In the following example, the median is 50. There are equal numbers of smaller and larger observations.

The **average** (or mean) is the total value of all observations divided by the number of observations. This number may be distorted by a few outliers, as is the case in our example. The mean is useful in hourly rates and in billable hours, because few outliers are possible. It is not as good a measure for comparisons of earnings.

Example	
Item No.	Amount
1.	400 (Outlier)
2.	90
3.	80 – 75 <sup>th</sup> percentile or upper quartile
4.	70
5.	60
6.	50 – Median or 50 <sup>th</sup> percentile
7.	45
8.	40
9.	30 – 25 <sup>th</sup> percentile or lower quartile
10.	20
11.	10

Average is 82  
Middle range is 30 to 80



## INFORMATION ABOUT THE RESPONDENT SET

This study is undertaken annually. An invitation to participate was sent to a selected group of law firms. These are firms that have had prior contact with ALM Legal Intelligence and include past participants and purchasers of our various surveys. Invitations to participate were also sent to various members of the Association of Legal Administrators and other mailing lists.

Only U.S. law firms are included in this study. **Sole practitioners are included in this report for the first time.** Therefore any trending data such as firm financials, compensation or billing rates will not be completely trendable with previous editions of the survey. To accommodate this group, ALM Legal Intelligence has a separate data cut for firm sizes 10 attorneys or less.

Information was collected in several areas for each lawyer who worked at the participating law firm in 2013. Earnings and billable hours information is included only for individuals who worked full-time for all of 2013.

To ensure more accurate information, no statistics are shown for any category that does not have information supplied by at least five firms/offices and seven individual positions. Medians are only shown for 11 or more data points. Quartile and ninth decile information is only shown for 17 or more data points. Certain tables show only averages, even though sufficient data exists for additional statistical comparison. The number of firms or offices and number of positions are indicated on the tables as appropriate.

In some instances, the sum total of percentage breakouts may not equal 100%, because numbers have been rounded to the nearest one-tenth of one percent.

### Weighted vs. Unweighted Data

In the financial section, both weighted and unweighted data are used. Where tables show quartiles and deciles, data are unweighted. All other tables are weighted.

Weighted data are analogous to the House of Representatives (i.e., states have more or less representation based on their size); unweighted data are like the Senate (i.e., each state has the same representation).

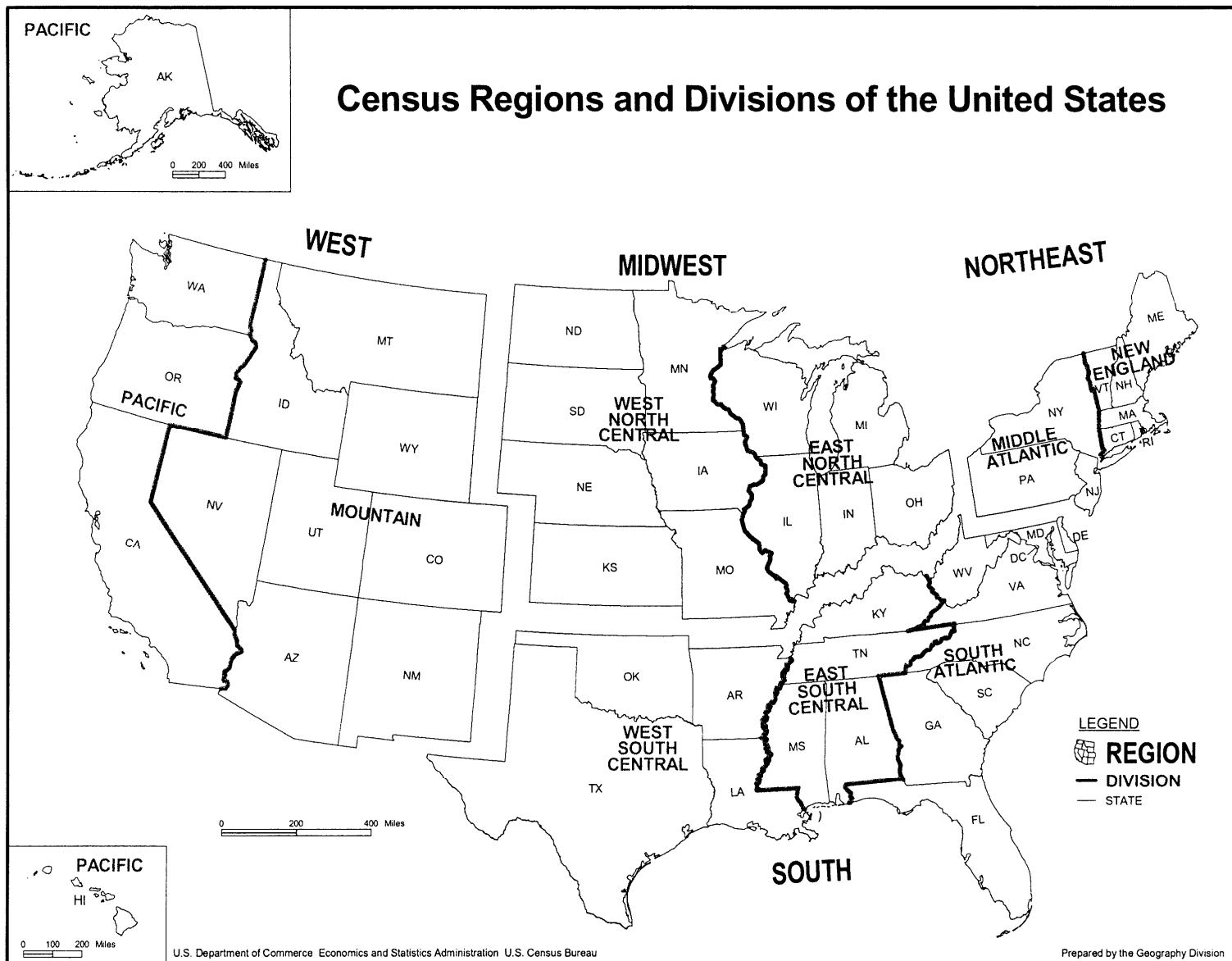
### *Weighted Data*

Weighted data use the number of lawyers in the firm as part of the calculation (e.g., a firm with five lawyers gets a weight of five - a firm with 300 lawyers gets a weight of 300). In calculating weighted data for Gross Receipts, for instance, Gross Receipts for all firms are totaled, all lawyers are totaled, then total Gross Receipts is divided by total lawyers.

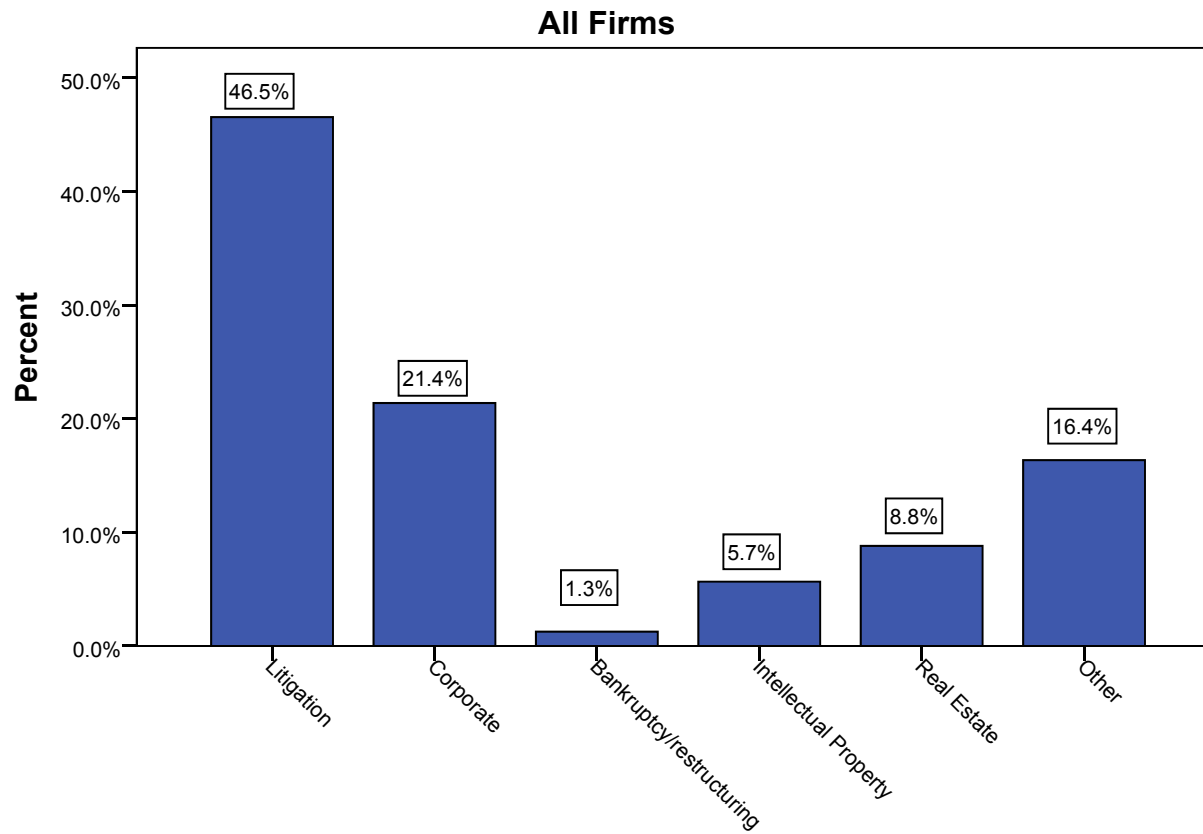
### *Unweighted Data*

Unweighted data uses one figure for each firm. In calculating unweighted data for Fees Receivable, for instance, Fees Receivable for each firm is divided by the number of lawyers for that firm. These new Per Lawyer Fees Receivable numbers are then totaled for all firms; the total is divided by the number of firms.

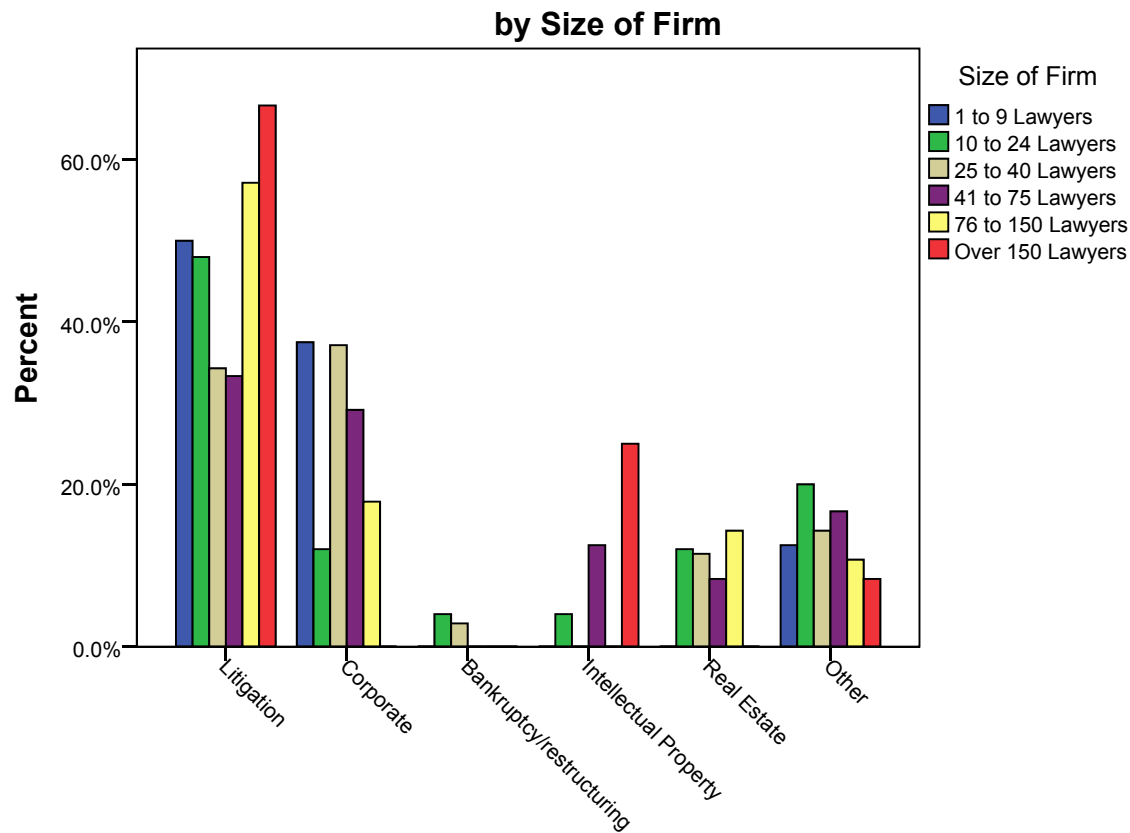




**In which practice area do you expect to see the most revenue growth in 2014?**



### In which practice area do you expect to see the most revenue growth in 2014?



		In which practice area do you expect to see the most revenue growth in 2014?											Total		
		Litigation		Corporate		Bankruptcy/restructuring		Intellectual Property		Real Estate		Other		%	Number of Firms
		%	Number of Firms	%	Number of Firms	%	Number of Firms	%	Number of Firms	%	Number of Firms	%	Number of Firms		
Size of Firm	1 to 9 Lawyers	50.0%	4	37.5%	3	.0%	0	.0%	0	.0%	0	12.5%	1	100.0%	8
	10 to 24 Lawyers	48.0%	12	12.0%	3	4.0%	1	4.0%	1	12.0%	3	20.0%	5	100.0%	25
	25 to 40 Lawyers	34.3%	12	37.1%	13	2.9%	1	.0%	0	11.4%	4	14.3%	5	100.0%	35
	41 to 75 Lawyers	33.3%	8	29.2%	7	.0%	0	12.5%	3	8.3%	2	16.7%	4	100.0%	24
	76 to 150 Lawyers	57.1%	16	17.9%	5	.0%	0	.0%	0	14.3%	4	10.7%	3	100.0%	28
	Over 150 Lawyers	66.7%	8	.0%	0	.0%	0	25.0%	3	.0%	0	8.3%	1	100.0%	12
Total		45.5%	60	23.5%	31	1.5%	2	5.3%	7	9.8%	13	14.4%	19	100.0%	132

**REGION  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Region/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Middle Atlantic	Equity Partner/Shareholder	16	640	445	361	420	525	620
	Non-Equity Partner	12	394	427	339	408	510	595
	Associate/Staff Lawyer	16	602	279	220	265	320	394
South Atlantic	Equity Partner/Shareholder	30	877	400	318	400	475	550
	Non-Equity Partner	22	384	342	254	350	425	488
	Associate/Staff Lawyer	31	782	236	167	225	295	350
East South Central	Equity Partner/Shareholder	8	246	309	255	310	350	420
	Non-Equity Partner	5	65	321	270	325	355	420
	Associate/Staff Lawyer	7	166	211	175	200	245	275
West South Central	Equity Partner/Shareholder	15	447	396	325	395	465	515
	Non-Equity Partner	12	193	358	315	360	408	463
	Associate/Staff Lawyer	15	320	262	225	260	295	325
East North Central	Equity Partner/Shareholder	17	443	392	315	385	465	510
	Non-Equity Partner	15	213	312	250	300	365	450
	Associate/Staff Lawyer	17	351	261	201	245	300	359
West North Central	Equity Partner/Shareholder	9	274	300	255	305	350	370
	Non-Equity Partner	5	33	265	240	270	280	333
	Associate/Staff Lawyer	9	139	212	175	195	230	300
Mountain	Equity Partner/Shareholder	8	237	403	290	420	495	575
	Associate/Staff Lawyer	8	167	261	200	250	310	361
Pacific	Equity Partner/Shareholder	10	156	382	325	375	425	510
	Associate/Staff Lawyer	10	95	255	215	250	290	326

**REGION BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Region/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Middle Atlantic	Under 2 Years	12	61	207	175	190	240	260
	2 or 3 Years	12	82	228	195	228	260	284
	4 or 5 Years	11	103	267	220	260	315	333
	6 or 7 Years	12	91	283	230	275	345	360
	8 to 10 Years	14	127	294	245	285	350	395
	11 to 15 Years	15	165	360	290	340	425	495
	16 to 20 Years	14	172	405	330	390	475	529
	21 to 30 Years	15	327	435	350	410	525	595
	31 or More Years	15	332	484	395	475	595	660
South Atlantic	Under 2 Years	26	116	205	170	190	235	272
	2 or 3 Years	26	132	206	152	195	245	295
	4 or 5 Years	30	185	232	175	230	280	325
	6 or 7 Years	27	159	241	167	250	295	335
	8 to 10 Years	26	177	272	208	275	325	375
	11 to 15 Years	27	269	308	198	315	387	450
	16 to 20 Years	30	229	373	295	375	455	525
	21 to 30 Years	29	378	381	300	390	465	525
	31 or More Years	30	365	426	350	425	495	575
East South Central	Under 2 Years	6	26	168	160	160	175	195
	2 or 3 Years	7	28	184	160	180	190	250
	4 or 5 Years	6	33	185	180	185	200	206
	6 or 7 Years	6	30	214	200	210	225	272
	8 to 10 Years	8	48	236	210	245	255	277
	11 to 15 Years	7	62	258	235	263	300	321
	16 to 20 Years	7	55	283	250	290	310	335
	21 to 30 Years	8	85	315	275	310	345	397
	31 or More Years	8	107	364	315	360	420	460



**REGION BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Region/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
West South Central	Under 2 Years	13	61	225	210	235	245	280
	2 or 3 Years	13	76	245	225	255	270	295
	4 or 5 Years	13	65	268	245	275	293	317
	6 or 7 Years	13	69	282	248	295	320	350
	8 to 10 Years	14	82	317	270	325	360	392
	11 to 15 Years	11	96	357	296	360	404	450
	16 to 20 Years	13	106	369	305	365	426	485
	21 to 30 Years	12	172	395	340	400	460	500
	31 or More Years	12	175	426	350	435	500	575
East North Central	Under 2 Years	11	49	210	184	200	240	255
	2 or 3 Years	16	59	236	200	230	270	285
	4 or 5 Years	14	65	247	200	240	300	325
	6 or 7 Years	12	58	266	229	262	330	355
	8 to 10 Years	14	97	285	235	280	333	385
	11 to 15 Years	16	132	329	265	313	400	450
	16 to 20 Years	16	106	363	290	348	455	465
	21 to 30 Years	16	202	370	300	360	450	500
	31 or More Years	16	186	421	349	415	501	530
West North Central	Under 2 Years	6	22	169	155	175	175	184
	2 or 3 Years	7	23	184	170	182	195	205
	4 or 5 Years	7	21	201	193	200	215	230
	6 or 7 Years	7	29	224	210	225	250	260
	8 to 10 Years	8	30	241	212	243	266	293
	11 to 15 Years	8	47	270	245	275	295	320
	16 to 20 Years	7	38	271	243	285	305	331
	21 to 30 Years	8	76	296	258	305	335	367
	31 or More Years	8	68	332	296	350	385	405

**REGION BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Region/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Mountain	Under 2 Years	6	19	207	160	210	245	250
	2 or 3 Years	7	30	215	170	200	270	285
	4 or 5 Years	6	23	246	190	225	310	334
	6 or 7 Years	7	44	265	201	260	315	360
	8 to 10 Years	8	51	313	250	310	375	405
	11 to 15 Years	8	45	329	255	355	395	432
	16 to 20 Years	7	48	365	275	390	429	462
	21 to 30 Years	8	90	408	300	440	485	537
	31 or More Years	8	112	448	343	475	543	600
Pacific	Under 2 Years	5	15	197	--	185	--	--
	2 or 3 Years	7	22	218	190	215	246	257
	4 or 5 Years	7	14	259	--	255	--	--
	6 or 7 Years	6	17	284	255	290	307	353
	8 to 10 Years	7	20	327	275	325	369	399
	11 to 15 Years	7	23	320	275	325	365	398
	16 to 20 Years	7	20	339	315	333	369	429
	21 to 30 Years	8	48	377	325	368	410	513
	31 or More Years	8	55	405	350	400	450	516

**STATE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

State/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
CA	Partner/Shareholder-Equity/Non-Equity	5	74	424	364	405	486	538
	Associate/Staff Lawyer	5	45	273	215	275	325	350
FL	Partner/Shareholder-Equity/Non-Equity	5	191	336	285	345	390	434
	Associate/Staff Lawyer	5	147	239	182	225	265	366
GA	Partner/Shareholder-Equity/Non-Equity	7	241	353	198	310	469	579
	Associate/Staff Lawyer	7	214	214	153	175	256	360
IL	Partner/Shareholder-Equity/Non-Equity	5	200	359	246	325	450	565
	Associate/Staff Lawyer	5	142	255	188	240	301	350
LA	Partner/Shareholder-Equity/Non-Equity	6	338	366	320	350	425	476
	Associate/Staff Lawyer	6	124	249	221	250	285	305
MI	Partner/Shareholder-Equity/Non-Equity	5	266	408	349	400	475	510
	Associate/Staff Lawyer	5	129	290	235	270	338	405
NC	Partner/Shareholder-Equity/Non-Equity	5	332	432	350	433	494	575
	Associate/Staff Lawyer	5	150	267	225	260	306	350
NY	Partner/Shareholder-Equity/Non-Equity	5	260	374	340	385	400	440
	Associate/Staff Lawyer	5	204	259	220	260	285	310
PA	Partner/Shareholder-Equity/Non-Equity	7	627	466	360	470	575	636
	Associate/Staff Lawyer	7	328	293	220	273	350	421
TN	Partner/Shareholder-Equity/Non-Equity	5	89	283	220	260	333	450
TX	Partner/Shareholder-Equity/Non-Equity	7	263	416	350	425	475	550
	Associate/Staff Lawyer	7	179	276	240	275	315	350

**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
FL	Under 2 Years	5	26	200	175	200	210	233
	2 or 3 Years	5	20	200	183	200	224	232
	4 or 5 Years	5	30	220	188	228	246	260
	8 to 10 Years	5	39	262	219	275	305	330
	16 to 20 Years	5	32	323	267	363	375	395
	21 to 30 Years	5	61	351	298	370	398	450
	31 or More Years	5	62	377	302	383	431	495
GA	Under 2 Years	6	34	174	148	164	183	242
	2 or 3 Years	5	34	180	150	170	200	255
	4 or 5 Years	6	41	192	153	171	240	274
	6 or 7 Years	6	31	191	152	170	210	274
	11 to 15 Years	5	64	267	181	262	353	407
	16 to 20 Years	6	52	333	197	310	442	484
	21 to 30 Years	6	67	291	187	270	406	477
	31 or More Years	6	63	398	290	430	522	589
IL	2 or 3 Years	5	21	246	182	240	293	335
	4 or 5 Years	5	29	244	184	230	305	350
	6 or 7 Years	5	32	256	210	251	280	340
	8 to 10 Years	5	41	268	211	243	310	394
	11 to 15 Years	5	48	320	237	288	440	471
	16 to 20 Years	5	37	353	269	325	433	535
	21 to 30 Years	5	74	340	236	310	418	565
	31 or More Years	5	41	465	339	495	575	714

**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
LA	Under 2 Years	5	28	219	210	230	243	245
	2 or 3 Years	5	30	241	224	250	275	290
	4 or 5 Years	5	30	258	245	263	285	304
	6 or 7 Years	6	31	263	235	260	310	315
	8 to 10 Years	6	38	296	270	315	331	370
	16 to 20 Years	5	59	358	305	350	405	455
	21 to 30 Years	5	96	380	340	388	448	483
31 or More Years	5	86	396	340	395	475	512	
MI	2 or 3 Years	5	25	239	210	240	278	285
	8 to 10 Years	5	33	325	278	330	378	396
	11 to 15 Years	5	54	366	310	375	425	440
	16 to 20 Years	5	47	405	345	445	460	465
	21 to 30 Years	5	84	416	360	425	475	503
	31 or More Years	5	92	432	358	423	510	529
NC	Under 2 Years	5	33	235	185	230	270	326
	4 or 5 Years	5	50	276	225	263	325	359
	11 to 15 Years	5	55	386	310	385	465	506
	16 to 20 Years	5	63	447	370	450	499	615
	21 to 30 Years	5	97	451	380	455	500	596
	31 or More Years	5	88	454	385	445	524	590
NY	6 or 7 Years	5	30	275	245	275	295	346
	8 to 10 Years	5	38	277	254	285	295	350
	11 to 15 Years	5	61	333	293	320	360	397
	16 to 20 Years	5	48	349	300	360	385	400
	21 to 30 Years	5	101	370	330	385	400	450
	31 or More Years	5	87	393	385	400	400	475

**STATE BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

State/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
PA	Under 2 Years	6	32	216	175	230	245	260
	2 or 3 Years	6	39	224	185	200	270	295
	4 or 5 Years	7	69	274	200	310	328	340
	6 or 7 Years	6	60	286	230	268	350	360
	8 to 10 Years	6	84	300	233	290	375	395
	11 to 15 Years	7	100	375	286	350	458	550
	16 to 20 Years	7	119	425	360	420	495	545
	21 to 30 Years	7	213	466	368	465	575	620
31 or More Years	7	239	519	430	535	620	675	
TN	8 to 10 Years	5	14	225	--	223	--	--
	21 to 30 Years	5	23	279	225	275	330	415
	31 or More Years	5	31	339	255	325	450	470
TX	Under 2 Years	6	29	239	225	240	280	280
	2 or 3 Years	6	40	256	245	260	270	295
	4 or 5 Years	6	32	283	261	290	304	336
	6 or 7 Years	6	36	300	253	320	335	357
	8 to 10 Years	6	38	347	333	350	371	404
	11 to 15 Years	6	45	368	303	380	430	456
	16 to 20 Years	6	44	388	303	400	465	495
	21 to 30 Years	5	64	431	391	450	491	513
31 or More Years	5	71	479	430	495	575	595	

**INDIVIDUAL NON-LITIGATION SPECIALTIES  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Administrative	Partner/Shareholder-Equity/Non-Equity	14	41	436	318	435	550	635
Banking	Partner/Shareholder-Equity/Non-Equity	24	88	452	343	460	529	636
	Associate/Staff Lawyer	9	37	277	205	270	345	403
Bankruptcy	Partner/Shareholder-Equity/Non-Equity	22	84	478	396	475	550	643
	Associate/Staff Lawyer	15	47	292	240	300	315	359
Comm'l./Contract	Partner/Shareholder-Equity/Non-Equity	22	85	426	310	400	543	635
	Associate/Staff Lawyer	12	34	263	204	245	310	433
Education	Partner/Shareholder-Equity/Non-Equity	9	16	284	--	303	--	--
	Associate/Staff Lawyer	6	15	222	--	240	--	--
Employee Benefits	Partner/Shareholder-Equity/Non-Equity	21	48	434	378	468	500	532
	Associate/Staff Lawyer	19	34	287	240	280	328	378
Employment	Partner/Shareholder-Equity/Non-Equity	18	63	423	310	405	505	652
	Associate/Staff Lawyer	10	22	234	180	218	284	341
Environmental	Partner/Shareholder-Equity/Non-Equity	24	55	394	310	355	470	576
	Associate/Staff Lawyer	7	24	283	199	278	336	423
Family/Domestic Law	Partner/Shareholder-Equity/Non-Equity	11	40	424	356	410	479	550
	Associate/Staff Lawyer	7	25	270	240	275	300	333
General Business	Partner/Shareholder-Equity/Non-Equity	53	283	381	300	360	455	513
	Associate/Staff Lawyer	41	148	251	195	243	295	346
Health Care	Partner/Shareholder-Equity/Non-Equity	29	95	429	325	440	520	581
	Associate/Staff Lawyer	19	52	276	201	250	338	437

**INDIVIDUAL NON-LITIGATION SPECIALTIES  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Insurance	Partner/Shareholder-Equity/Non-Equity	7	15	420	--	400	--	--
Intellectual Property	Partner/Shareholder-Equity/Non-Equity	30	116	424	356	415	475	575
	Associate/Staff Lawyer	19	78	285	244	278	325	376
Labor-Mgmt.	Partner/Shareholder-Equity/Non-Equity	13	51	458	385	477	525	579
	Associate/Staff Lawyer	6	13	359	--	315	--	--
Mergers/Acquisitions	Partner/Shareholder-Equity/Non-Equity	20	53	455	373	460	528	636
	Associate/Staff Lawyer	6	24	308	230	323	365	395
Municipal Finance	Partner/Shareholder-Equity/Non-Equity	15	46	390	300	365	445	592
	Associate/Staff Lawyer	8	16	244	--	240	--	--
Natural Resources	Partner/Shareholder-Equity/Non-Equity	6	11	329	--	350	--	--
	Associate/Staff Lawyer	5	12	243	--	253	--	--
Real Estate	Partner/Shareholder-Equity/Non-Equity	60	303	402	330	400	460	525
	Associate/Staff Lawyer	44	135	287	220	275	330	392
Securities	Partner/Shareholder-Equity/Non-Equity	19	30	413	314	415	495	549
Taxation	Partner/Shareholder-Equity/Non-Equity	35	62	422	348	413	476	558
	Associate/Staff Lawyer	17	21	274	220	275	333	366
Trusts/Estates/Probate	Partner/Shareholder-Equity/Non-Equity	60	177	376	303	365	438	503
	Associate/Staff Lawyer	39	80	267	205	255	310	370
Utilities	Partner/Shareholder-Equity/Non-Equity	6	12	443	--	460	--	--
Other Non-litigation	Partner/Shareholder-Equity/Non-Equity	24	60	417	341	433	473	589
	Associate/Staff Lawyer	17	31	268	215	250	295	324



**INDIVIDUAL NON-LITIGATION SPECIALTIES  
 STANDARD HOURLY BILLING RATES  
 As of January 1, 2014**

Specialty/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Multiple Non-litigation	Partner/Shareholder-Equity/Non-Equity	29	180	382	300	375	450	523
	Associate/Staff Lawyer	25	96	220	185	220	245	275

**INDIVIDUAL NON-LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Administrative	11 to 15 Years	6	7	307	--	--	--	--
	16 to 20 Years	5	7	386	--	--	--	--
	21 to 30 Years	7	13	444	--	445	--	--
	31 or More Years	5	11	567	--	570	--	--
Banking	Under 2 Years	6	10	217	--	--	--	--
	8 to 10 Years	5	7	347	--	--	--	--
	11 to 15 Years	7	13	410	--	475	--	--
	16 to 20 Years	5	19	502	390	490	625	650
	21 to 30 Years	11	25	469	355	470	610	650
	31 or More Years	15	21	459	360	445	538	645
Bankruptcy	2 or 3 Years	6	7	254	--	--	--	--
	4 or 5 Years	10	15	295	--	305	--	--
	8 to 10 Years	7	10	345	--	--	--	--
	11 to 15 Years	10	20	408	313	403	471	559
	16 to 20 Years	10	15	436	--	445	--	--
	21 to 30 Years	11	29	521	443	500	595	650
	31 or More Years	11	17	537	455	525	630	683
Comm'l./Contract	4 or 5 Years	7	8	251	--	--	--	--
	8 to 10 Years	5	8	298	--	--	--	--
	11 to 15 Years	7	14	393	--	333	--	--
	16 to 20 Years	5	12	394	--	423	--	--
	21 to 30 Years	10	25	467	335	420	630	664
	31 or More Years	11	26	434	321	420	543	647

**INDIVIDUAL NON-LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Years of Experience	Number of Offices	RATE						
		Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$	
Employee Benefits	6 or 7 Years	7	10	287	--	--	--	--
	8 to 10 Years	6	9	333	--	--	--	--
	11 to 15 Years	7	7	318	--	--	--	--
	16 to 20 Years	8	11	461	--	470	--	--
	21 to 30 Years	13	16	431	--	458	--	--
	31 or More Years	13	16	429	--	435	--	--
Employment	11 to 15 Years	6	10	325	--	--	--	--
	21 to 30 Years	8	17	429	343	405	490	620
	31 or More Years	10	21	505	395	475	660	660
Environmental	11 to 15 Years	6	9	348	--	--	--	--
	16 to 20 Years	6	10	343	--	--	--	--
	21 to 30 Years	9	16	363	--	340	--	--
	31 or More Years	14	26	436	333	408	574	606
Family/Domestic Law	21 to 30 Years	7	13	413	--	400	--	--
	31 or More Years	7	15	452	--	475	--	--
General Business	Under 2 Years	21	32	195	175	190	209	249
	2 or 3 Years	11	19	223	185	200	270	325
	4 or 5 Years	17	29	240	198	235	275	325
	6 or 7 Years	17	28	258	213	248	284	356
	8 to 10 Years	25	48	305	260	308	340	396
	11 to 15 Years	24	46	358	295	325	418	481
	16 to 20 Years	14	26	370	286	345	461	496
	21 to 30 Years	34	71	396	335	375	475	505
31 or More Years	39	97	423	350	410	495	541	

**INDIVIDUAL NON-LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Health Care	Under 2 Years	7	9	202	--	--	--	--
	4 or 5 Years	6	9	261	--	--	--	--
	8 to 10 Years	7	10	279	--	--	--	--
	11 to 15 Years	8	14	345	--	343	--	--
	16 to 20 Years	10	15	420	--	405	--	--
	21 to 30 Years	18	32	429	329	450	475	585
	31 or More Years	16	36	476	380	475	548	608
Intellectual Property	2 or 3 Years	10	20	260	241	245	299	347
	4 or 5 Years	11	23	288	235	290	325	426
	6 or 7 Years	7	14	268	--	255	--	--
	8 to 10 Years	15	21	328	285	315	380	412
	11 to 15 Years	13	20	371	320	368	400	449
	16 to 20 Years	11	30	424	368	418	480	525
	21 to 30 Years	11	24	440	364	445	506	585
	31 or More Years	13	21	495	370	460	603	676
Labor-Mgmt.	21 to 30 Years	6	15	469	--	478	--	--
	31 or More Years	8	25	504	438	512	563	595
Mergers/Acquisitions	16 to 20 Years	5	8	438	--	--	--	--
	21 to 30 Years	7	10	438	--	--	--	--
	31 or More Years	13	25	497	375	495	615	677
Municipal Finance	11 to 15 Years	6	11	317	--	300	--	--
	21 to 30 Years	8	13	395	--	355	--	--
	31 or More Years	7	16	443	--	428	--	--

**INDIVIDUAL NON-LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Real Estate	Under 2 Years	17	19	203	175	190	235	260
	2 or 3 Years	11	20	221	193	213	251	275
	4 or 5 Years	10	15	261	--	260	--	--
	6 or 7 Years	12	18	288	259	280	320	343
	8 to 10 Years	20	35	319	285	325	365	379
	11 to 15 Years	27	39	332	285	315	375	435
	16 to 20 Years	23	44	377	291	385	454	483
	21 to 30 Years	41	101	408	345	405	473	524
	31 or More Years	40	111	434	365	415	495	587
Securities	21 to 30 Years	9	10	405	--	--	--	--
	31 or More Years	9	10	446	--	--	--	--
Taxation	8 to 10 Years	9	10	318	--	--	--	--
	11 to 15 Years	7	9	344	--	--	--	--
	16 to 20 Years	7	9	386	--	--	--	--
	21 to 30 Years	12	14	421	--	415	--	--
	31 or More Years	22	27	464	375	455	510	647
Trusts/Estates/Probate	Under 2 Years	8	8	201	--	--	--	--
	2 or 3 Years	7	9	201	--	--	--	--
	4 or 5 Years	14	15	247	--	245	--	--
	6 or 7 Years	12	15	263	--	255	--	--
	8 to 10 Years	21	23	289	260	275	310	373
	11 to 15 Years	19	21	305	245	310	355	412
	16 to 20 Years	19	28	352	296	315	433	467
	21 to 30 Years	33	48	383	325	355	454	536
31 or More Years	41	67	404	325	390	445	556	

**INDIVIDUAL NON-LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Utilities	21 to 30 Years	5	8	412	--	--	--	--
Other Non-litigation	6 or 7 Years	5	8	264	--	--	--	--
	8 to 10 Years	7	10	303	--	--	--	--
	11 to 15 Years	12	16	352	--	338	--	--
	16 to 20 Years	12	15	373	--	375	--	--
	21 to 30 Years	6	8	486	--	--	--	--
	31 or More Years	14	21	471	378	450	583	650
Multiple Non-litigation	Under 2 Years	13	32	200	175	195	225	251
	2 or 3 Years	12	20	203	175	205	225	250
	4 or 5 Years	12	20	228	211	233	254	275
	6 or 7 Years	11	17	241	216	240	275	289
	8 to 10 Years	9	18	263	219	240	281	390
	11 to 15 Years	12	21	328	263	325	395	400
	16 to 20 Years	16	30	354	277	380	410	448
	21 to 30 Years	17	49	398	305	410	478	525
31 or More Years	23	59	413	330	410	475	575	

**INDIVIDUAL LITIGATION SPECIALTIES  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Bankruptcy	Partner/Shareholder-Equity/Non-Equity	34	66	400	305	388	496	547
	Associate/Staff Lawyer	16	32	281	227	260	335	421
Collections	Partner/Shareholder-Equity/Non-Equity	10	20	302	229	285	350	453
Comm'l./Contract	Partner/Shareholder-Equity/Non-Equity	40	260	398	325	375	459	585
	Associate/Staff Lawyer	31	177	265	215	257	310	350
Criminal	Partner/Shareholder-Equity/Non-Equity	9	12	439	--	423	--	--
Educational	Partner/Shareholder-Equity/Non-Equity	5	10	425	--	--	--	--
Insured Defense	Partner/Shareholder-Equity/Non-Equity	35	228	243	180	214	300	375
	Associate/Staff Lawyer	20	222	168	144	164	182	207
Self-Insured Defense	Partner/Shareholder-Equity/Non-Equity	5	21	260	206	257	299	362
Employment	Partner/Shareholder-Equity/Non-Equity	40	156	369	300	355	434	481
	Associate/Staff Lawyer	27	87	271	225	265	305	372
Environmental	Partner/Shareholder-Equity/Non-Equity	20	64	379	325	383	435	493
	Associate/Staff Lawyer	8	22	261	219	260	315	329
Family & Domestic Law	Partner/Shareholder-Equity/Non-Equity	14	37	364	323	350	400	463
	Associate/Staff Lawyer	12	20	248	193	238	314	315
Health Care	Partner/Shareholder-Equity/Non-Equity	19	55	358	250	350	435	550
	Associate/Staff Lawyer	11	35	265	200	265	300	382
Intellectual Property	Partner/Shareholder-Equity/Non-Equity	14	27	401	330	380	470	579
	Associate/Staff Lawyer	5	8	239	--	--	--	--

**INDIVIDUAL LITIGATION SPECIALTIES  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Labor-Mgmt.	Partner/Shareholder-Equity/Non-Equity	8	32	348	301	340	385	467
Natural Resources	Partner/Shareholder-Equity/Non-Equity	5	16	495	--	455	--	--
Personal Injury	Partner/Shareholder-Equity/Non-Equity	18	42	349	274	325	409	475
	Associate/Staff Lawyer	9	16	229	--	205	--	--
Products Liability	Partner/Shareholder-Equity/Non-Equity	15	107	347	280	350	400	466
	Associate/Staff Lawyer	8	61	213	190	205	225	269
Real Estate	Partner/Shareholder-Equity/Non-Equity	11	20	350	267	360	404	494
	Associate/Staff Lawyer	6	14	262	--	273	--	--
Taxation	Partner/Shareholder-Equity/Non-Equity	7	9	346	--	--	--	--
Trusts/Estates/Probate	Partner/Shareholder-Equity/Non-Equity	9	19	393	305	395	460	495
	Associate/Staff Lawyer	5	9	331	--	--	--	--
Workers' Compensation	Partner/Shareholder-Equity/Non-Equity	16	83	200	155	166	255	305
	Associate/Staff Lawyer	11	80	153	133	145	156	223
Other Litigation	Partner/Shareholder-Equity/Non-Equity	31	293	401	335	395	465	521
	Associate/Staff Lawyer	26	194	277	230	265	315	375
Multiple Litigation	Partner/Shareholder-Equity/Non-Equity	74	652	373	300	360	430	525
	Associate/Staff Lawyer	54	370	245	195	235	275	330



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**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
As of January 1, 2014

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Bankruptcy	6 or 7 Years	7	8	291	--	--	--	--
	8 to 10 Years	8	10	290	--	--	--	--
	11 to 15 Years	10	14	336	--	320	--	--
	16 to 20 Years	6	7	371	--	--	--	--
	21 to 30 Years	12	18	431	365	433	500	605
	31 or More Years	18	23	440	340	470	510	580
Collections	21 to 30 Years	6	10	290	--	--	--	--
Comm'l./Contract	Under 2 Years	15	25	209	178	210	238	259
	2 or 3 Years	15	28	241	185	258	275	295
	4 or 5 Years	20	39	260	215	250	305	330
	6 or 7 Years	22	36	275	235	258	319	347
	8 to 10 Years	22	45	304	230	305	365	400
	11 to 15 Years	23	62	350	275	343	428	450
	16 to 20 Years	21	40	384	300	363	434	570
	21 to 30 Years	27	75	407	325	375	460	595
	31 or More Years	25	71	450	355	420	510	660
Insured Defense	Under 2 Years	11	35	160	147	160	176	185
	2 or 3 Years	13	45	168	140	167	183	206
	4 or 5 Years	12	52	169	145	163	182	211
	6 or 7 Years	10	46	167	143	161	185	212
	8 to 10 Years	12	41	184	147	174	214	256
	11 to 15 Years	13	53	193	163	184	200	264
	16 to 20 Years	17	38	226	161	195	303	335
	21 to 30 Years	25	91	250	183	223	300	408
	31 or More Years	20	38	279	191	254	353	405
Employment	Under 2 Years	5	10	231	--	--	--	--
	2 or 3 Years	9	16	241	--	255	--	--

**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Employment	4 or 5 Years	11	17	262	225	269	290	353
	6 or 7 Years	11	20	257	203	258	297	320
	8 to 10 Years	10	19	288	260	300	318	325
	11 to 15 Years	13	34	346	290	352	396	446
	16 to 20 Years	16	39	372	300	375	443	475
	21 to 30 Years	25	48	369	300	370	424	467
	31 or More Years	11	30	430	335	433	503	591
Environmental	16 to 20 Years	6	9	373	--	--	--	--
	21 to 30 Years	12	23	381	328	385	440	490
	31 or More Years	12	17	397	288	430	463	572
Family & Domestic Law	11 to 15 Years	6	9	338	--	--	--	--
	21 to 30 Years	11	13	380	--	365	--	--
Health Care	Under 2 Years	6	8	228	--	--	--	--
	4 or 5 Years	7	8	265	--	--	--	--
	11 to 15 Years	8	13	330	--	300	--	--
	16 to 20 Years	8	10	379	--	--	--	--
	21 to 30 Years	11	18	352	210	345	439	584
	31 or More Years	12	17	383	275	350	450	637
Intellectual Property	21 to 30 Years	9	11	420	--	425	--	--
Labor-Mgmt.	21 to 30 Years	6	10	312	--	--	--	--
Personal Injury	21 to 30 Years	9	15	316	--	305	--	--
	31 or More Years	11	12	365	--	325	--	--
Products Liability	8 to 10 Years	8	24	227	199	220	245	280
	16 to 20 Years	7	24	312	271	305	375	388
	21 to 30 Years	9	29	356	288	360	420	475
	31 or More Years	8	31	412	360	420	490	524
Real Estate	16 to 20 Years	6	8	367	--	--	--	--

**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Trusts/Estates/Probate	21 to 30 Years	5	7	410	--	--	--	--
Workers' Compensation	4 or 5 Years	6	13	161	--	145	--	--
	6 or 7 Years	4	14	142	--	141	--	--
	8 to 10 Years	5	19	170	146	151	170	250
	11 to 15 Years	6	37	158	146	153	164	184
	16 to 20 Years	6	17	213	160	171	278	309
	21 to 30 Years	13	30	218	163	175	278	324
	31 or More Years	6	10	222	--	174	--	--
Other Litigation	Under 2 Years	7	27	235	225	240	245	260
	2 or 3 Years	10	36	242	203	255	275	285
	4 or 5 Years	13	35	267	220	275	315	337
	6 or 7 Years	17	42	295	240	313	351	360
	8 to 10 Years	14	40	315	269	315	375	394
	11 to 15 Years	15	62	359	280	360	425	457
	16 to 20 Years	15	57	380	320	365	453	476
	21 to 30 Years	21	103	392	320	385	455	513
	31 or More Years	22	81	447	375	430	513	570
Multiple Litigation	Under 2 Years	22	47	192	175	180	205	236
	2 or 3 Years	32	78	221	190	215	246	276
	4 or 5 Years	30	76	233	200	225	250	302
	6 or 7 Years	31	70	256	225	250	281	330
	8 to 10 Years	34	88	274	240	275	300	341
	11 to 15 Years	41	95	306	269	300	350	375
	16 to 20 Years	45	108	337	300	325	390	440
	21 to 30 Years	50	150	379	318	385	425	509
	31 or More Years	58	184	419	350	410	485	575

**INDIVIDUAL NON-SPECIALISTS  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Status		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Generalist	Partner/Shareholder-Equity/Non-Equity	16	101	351	258	310	393	565
	Associate/Staff Lawyer	12	64	240	186	210	283	350

**INDIVIDUAL NON-SPECIALISTS BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Generalist	Under 2 Years	5	12	199	--	205	--	--
	2 or 3 Years	8	14	229	--	200	--	--
	4 or 5 Years	7	17	237	183	210	310	354
	6 or 7 Years	6	9	247	--	--	--	--
	8 to 10 Years	9	13	246	--	225	--	--
	11 to 15 Years	9	18	327	223	275	469	492
	16 to 20 Years	8	12	355	--	290	--	--
	21 to 30 Years	10	32	359	290	310	394	565
	31 or More Years	12	36	375	295	343	389	690

**Submission Form**  
**Survey of Law Firm Economics, 2014 Edition**

**SECTION 1: Participant Information**

Firm Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

*If the person completing this questionnaire is different than above, please complete the following:*

Contact Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**SECTION 2: Firm Profile**

**1. Please select the choice that best describes your firm.**

- Headquarters only
- Headquarters with branch offices (*specify # of offices \_\_\_\_\_*)
- Single office
- Multiple offices in one metro area
- Sole practitioner

**2. Please check one of the following describing your firm's business organization.**

- Sole Proprietorship
- Partnership (may include individual PCs)
- Professional Corporation/Association
- Professional Corporation w/"S" election
- Limited Liability Company (LLC)
- Professional Limited Liability Company (PLLC)
- Limited Liability Partnership (LLP)
- Professional Limited Liability Partnership (PLLP)
- Other (please specify) \_\_\_\_\_

**3. What is your firm's BIGGEST single practice area in terms of revenues (e.g. the majority of revenues are derived from that particular specialty area), and approximately what percentage of overall firm revenues is generated by work in that practice area?**

- |  |   |
|--|---|
| <input type="checkbox"/> Banking                               | <input type="checkbox"/> Intellectual Property/Patent       |
| <input type="checkbox"/> Bankruptcy                            | <input type="checkbox"/> Labor/Employment                   |
| <input type="checkbox"/> Civil Trial Practice                  | <input type="checkbox"/> Legislative                        |
| <input type="checkbox"/> Collections                           | <input type="checkbox"/> Maritime/Admiralty                 |
| <input type="checkbox"/> Commercial litigation                 | <input type="checkbox"/> Mergers and Acquisitions           |
| <input type="checkbox"/> Corporate/Commercial (non-litigation) | <input type="checkbox"/> Municipal/Public finance           |
| <input type="checkbox"/> Criminal                              | <input type="checkbox"/> Plaintiffs' Contingency Litigation |
| <input type="checkbox"/> Environmental                         | <input type="checkbox"/> Real Estate and Land Use           |
| <input type="checkbox"/> Family                                | <input type="checkbox"/> Securities                         |
| <input type="checkbox"/> Government                            | <input type="checkbox"/> Taxation                           |
| <input type="checkbox"/> Healthcare                            | <input type="checkbox"/> Trusts/Estates                     |
| <input type="checkbox"/> Immigration                           | <input type="checkbox"/> Utilities/Energy                   |
| <input type="checkbox"/> Insurance defense litigation          | <input type="checkbox"/> Other (please specify) _____       |
| <input type="checkbox"/> International                         |   |

**Percentage of firm revenues \_\_\_\_\_%**

**SECTION 3: Firm Management**

**4. Looking ahead to 2015, with respect to your law firm, you are:**

- Optimistic                       Pessimistic                       Uncertain

**5. In which practice area do you expect to see the most revenue growth in 2014?**

- Litigation  
 Corporate  
 Bankruptcy/restructuring  
 Intellectual property  
 Real estate  
 Other (please specify) \_\_\_\_\_

**6. With respect to profits per partner, in 2014 you expect:**

- They will grow by more than 5 percent  
 They will grow by 5 percent or less  
 They will be flat  
 They will decrease

**7. What is your firm planning to do with billing rates for 2014?**

- Increase them by more than 5 percent  
 Increase them by 5 percent or less  
 Hold them flat  
 Decrease them by 5 percent or less  
 Decrease them by more than 5 percent

**8. In 2013, approximately what percentage of your firm billing was valued through an arrangement that was not based solely on hourly rates?**

- Between 1% and 10%  
 Between 11% and 25%  
 Between 26% and 50%  
 Greater than 50%  
 None

**9. What change did you see in the volume of alternative fee billings in 2013 (from 2012)?**

- Increase--enter percent    %
- Decrease—enter percent    %
- No change

**10. What change did you see in your firm’s staffing levels in 2013 (from 2012)?**

	<u><b>Partners</b></u>	<u><b>Associates</b></u>	<u><b>Non-Attorney Staff</b></u>
Increase—enter number	<input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
Decrease—enter number	<input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
No change	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**11. Concerning mergers with other law firms, is your firm: (select one)**

- Seeking merger partners
- Open to merger partners
- Not interested

**12. What are the THREE biggest economic challenges your law firm faces in 2014?**

Please rank the three issues in order of priority, with 1= highest priority.

- Client retention
- Adding new clients
- Expanding business of current clients
- Pressure from clients to decrease costs
- Increasing revenue
- Expense management
- Maintaining profitability
- General growth of the firm
- Competitive pressure from other firms in our area
- Succession planning
- Attorney or staff retention
- Attorney or staff recruiting or training
- Other (please specify) \_\_\_\_\_



**SECTION 4: Financial Profile**

**13. CASH BASIS INCOME STATEMENT**

A. Gross Receipts (total) .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
A1). Amount of gross receipts comprised of legal fees only.....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
B. Expenses												
1) Lawyer Total Compensation												
a) Shareholders.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
b) All other salaried lawyers .....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
2) Paralegal Total Compensation.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
3) Secretarial, Clerical and Administrative Total Compensation.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
4) Occupancy .....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
5) Equipment, Lease, Maintenance & Depreciation.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
6) Reference Material / Libraries .....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
7) Malpractice Insurance .....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
8) Promotion, Marketing or Business Development.....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
9) Payments to Former Partners/Shareholders/Inactive Counsel....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
10) All Other Expenses .....	-\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
C. Gross Profit .....	= \$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>

**14. YEAR-END CASH BASIS BALANCE SHEET**

A. Assets												
1) Current Assets .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
2) Client Costs Advanced.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
3) Fixed Assets, Net of Depreciation.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
4) Other Assets .....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
5) Total Assets .....	= \$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
B. Liabilities												
6) Debt and Capitalized Leases .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
7) Obligations to Deceased or Retired partners.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
8) Other Liabilities .....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
9) Undistributed (2013) Profits for Partnerships.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
10) Total Liabilities .....	= \$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
C. Permanent Capital or Shareholder Equity .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>(Total Liabilities plus Permanent Capital must equal Total Assets)</i>												

**SECTION 4: Financial Profile (continued)**

**15. OTHER ASSETS AT YEAR-END**

A. Work-in-Progress (Unbilled Time)

1) Contingent Fee Matters.....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
2) Non-Contingent Fee Matters.....	+\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
3) Total Work-in-Progress .....	= \$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>

B. Collectible Accounts Receivable, Fees Only.....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
--	----	----------------------	----------------------	----------------------	---	----------------------	----------------------	----------------------	---	----------------------	----------------------	----------------------

C. Dollar Value of Fees Receivable Written Off.....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
---	----	----------------------	----------------------	----------------------	---	----------------------	----------------------	----------------------	---	----------------------	----------------------	----------------------

**16. REALIZATION**

A. Total dollar value of time relieved from WIP (standard rates).....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
Total dollar value of time relieved from WIP (actual rates) .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
B. Total dollar amount actually billed .....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>

**SECTION 5: Staffing Profile**

**17. NUMBER OF FTEs**

A. Equity Partners/Shareholders/Proprietors.....		<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>
B. Non-Equity Partners/Salaried Partners/Non-Participating Partners .....	+	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>
C. Associates .....	+	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>
D. Staff Lawyers.....	+	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>
E. Contract/Temporary Lawyers .....	+	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>
F. Of Counsel.....	+	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>
G. Paralegals.....	+	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>
H. Administrative Assistants/Legal Secretaries .....	+	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>
I. Technology Employees .....	+	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>
J. Finance/Accounting Employees .....	+	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>
K. Administrative and Clerical Employees .....	+	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>
L. Marketing & Business Development Staff .....	+	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>
M. All Other Staff .....	+	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>
N. Total Firm FTE Contingent .....	=	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>

**18. OFFERS TO 2014 LAW SCHOOL GRADUATES**

A. Number of offers.....		<input type="text"/>	<input type="text"/>	<input type="text"/>				
B. Average starting salary.....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>
C. Average signed bonus.....	\$	<input type="text"/>	<input type="text"/>	<input type="text"/>	,	<input type="text"/>	<input type="text"/>	<input type="text"/>

**SECTION 6: Earnings Data for Administrative/Support Staff**

<u>Position</u>	<u>Total Number of FTEs</u>	<u>Total Wages per Position Category</u>
60 Legal Admin/Exec Dir/COO	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
61 Administrative/Office Manager	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
70 Comptroller/ Finance Dir./CFO	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
71 Accounting Manager	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
73 Accounting Supervisor	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
74 Collections Manager	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
75 Accounting Clerk/Staff	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
80 Info. Services Director/CTO	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
81 Network Administrator	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
82 Technology/Help Desk/Training	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
90 Human Resources Director	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
91 Human Resources Manager	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
92 Benefits, Recruiting & Other HR	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
100 Marketing Director/CMO	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
101 Marketing Manager	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
102 Marketing Coordinator/Assistant	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
110 Library Director/Manager	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
115 Records Manager/File Clerk	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
118 e-Discovery Manager	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
120 Admin. Asst./Legal Secretary	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
123 Litigation Support Manager	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
125 Word Processing Staff	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
130 Office Services Manager	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
134 Mailroom and Messengers	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>
136 Receptionist	<input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/>	\$ <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> <input type="text"/>

**SECTION 7: Individual Lawyer Data (Fee Earners Only)**

(A) Line #	(B) Year Admitted to Bar	(C) Status Code	(D) Gender	(E) Activity Code	(F) Salary (draw, if partner)	(G) Bonus (cash distribution if partner)	(H) Benefits (distribution in kind if partner)	(I) Chargeable Hours	(J) Hourly Rate as of 1/1/2014	(K) Specialty Code	(L) Less than full-year?	(M) Zip (if different from HQ)	(N) New Client Originations 2013
1.					\$	\$	\$		\$				
2.					\$	\$	\$		\$				
3.					\$	\$	\$		\$				
4.					\$	\$	\$		\$				
5.					\$	\$	\$		\$				
6.					\$	\$	\$		\$				
7.					\$	\$	\$		\$				
8.					\$	\$	\$		\$				
9.					\$	\$	\$		\$				
10.					\$	\$	\$		\$				
11.					\$	\$	\$		\$				
12.					\$	\$	\$		\$				
13.					\$	\$	\$		\$				
14.					\$	\$	\$		\$				
15.					\$	\$	\$		\$				

Photocopy additional pages as needed

# **The Survey of Law Firm Economics 2014 Edition**

**Conducted and Published by**

THE NATIONAL  
**LAW JOURNAL** and **ALM** LEGAL  
INTELLIGENCE

## **Submission Form Instructions and Worksheets**

**Deadline for Submission: May 9, 2014**  
**Publication Date: July 2014**

Your participation is vital to the success of the survey. *The National Law Journal* and ALM Legal Intelligence thank you in advance for taking the time to compile and submit your data. Please complete and return your submission as promptly as possible, but no later than **May 9, 2014**. We suggest you retain a copy of your submission in case we need to contact you.

All information provided is strictly confidential. Access to your completed questionnaire is limited to the survey staff. All data reported on in the published survey is presented only in aggregate and no identifying data will be revealed to any participant or to the survey sponsor.

**Contact Information:**

**ALM Legal Intelligence**  
**120 Broadway, 5<sup>th</sup> Floor**  
**New York, NY 10271**

**Phone:** (888) 770-5647  
**Fax:** (646) 822-5263  
**Email:** [almlegalintel@alm.com](mailto:almlegalintel@alm.com)

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## Submissions

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This submission packet mailed to you is broken into two parts. Your packet includes a booklet with instructions/worksheets AND a separate submission form. As in the past, you can use the booklet to guide you as you gather and compile your firm's data for submission. However, we ask that you only return the submission form. Please keep the booklet and a copy of the submission form for your records.

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## Instructions for Optional Electronic Submission of Data

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**You have the option of submitting your responses electronically. All that is required is an Internet connection and Microsoft® Excel®**

The electronic survey tool allows you to take the survey online and complete as time permits, and even gives you the ability to upload an Excel® worksheet with your individual personnel compensation profile. You can open and close the electronic worksheet as many times as you need, just bookmark the page, enable cookies in your browser, and check the "Save & Continue" button at any stopping point.

If you are interested in completing the questionnaire electronically, please visit our website at:

**[www.almlegalintelligence.com/SLFEParticipate](http://www.almlegalintelligence.com/SLFEParticipate)**

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## GENERAL INSTRUCTIONS:

Firm-wide data is reported on a national basis. If your firm has two or more offices, please submit only **ONE** submission form **PER FIRM**. DO NOT report foreign branch office data within this submission.

Data on a per lawyer basis (such as compensation or billable hours) can be submitted at the branch level.

### SECTION 1: Participant Information

**ALL participants will receive a Survey Excerpt.** Please ensure the correct contact information, including email address, is provided on the submission form. If you received your submission packet via postal mail, the Mail Code is printed on the back of your submission form.

### SECTION 2: Firm Profile

**Questions 1 through 3:** Please complete questions 1 through 3 on the submission form to ensure correct categorization of your firm.

### SECTION 3: Firm Management

**Questions 4 through 12:** Each year we receive requests to include additional questions and to analyze some areas of law firm management in more detail. This year, in order to provide you with the data you need to manage your law firm, included on the submission form are some new questions of topical interest to our participants.



**SECTION 4: Financial Profile**

**Instructions:** Report financial information for last complete twelve-month fiscal year.

**13. CASH BASIS INCOME STATEMENT (REPORT ON A FIRM-WIDE BASIS.)**

**Instructions:** In order to complete this question, you will need a year-end financial statement or the firm’s tax return. If you use the enclosed Chart of Accounts you can follow the account numbers provided in parentheses for each line item. Report all numbers to the nearest whole dollar, omitting cents. **Use the cash basis of accounting.**

**A. Gross Receipts** to include: legal fees, fees forwarded to other lawyers, charges for word processing, legal research, photocopies, messengers and other office services (net of actual cost), other earned income, investment income and all other miscellaneous income. **(400-440)**

\$ \_\_\_\_\_

A1. Amount of Gross receipts that are comprised of legal fees ONLY

\$ \_\_\_\_\_

**B. Expenses**

**Important: Total Compensation** is defined to include **all** of the following items: **salary, bonus, and benefits.** Benefits include employer payroll taxes, group insurance premiums, medical reimbursements, retirement plan contributions, workers’ compensation, and other mandatory insurance. If you are having difficulty breaking out the total benefits for each category of employee, please review page 16.

1) **Lawyer** compensation expense for: shareholders, associates, other salaried lawyers, temporary/contract lawyers and patent agents. **Please report shareholders separately from all other salaried lawyers. Non-equity partners/shareholders should be included in “All other salaried lawyers.” Exclude partners and unadmitted summer associates. (500-510 and portions of 560 and 570).** Breakouts for salary, bonus and benefits will be broken out on a per-lawyer basis.

\$ \_\_\_\_\_

2) **Paralegal** compensation expense for paralegal assistants, billed law clerks, and other billed professionals, such as librarians (if 75% of time is billable) and investigators. **(522-529 and portions of 560 and 570)**

\$ \_\_\_\_\_

3) **Secretarial, clerical and all administrative** compensation expense to include: office administrators, directors, managers, supervisors, librarians (not billed), bookkeepers and accountants, administrative assistants, secretaries, receptionists, clerks, WP operators, non-billable law clerks, summer interns, full-time, part-time or temporary administrative help. Include exempt and non-exempt staff. **(521; 530-540 and portions of 560 and 570; 580)**

\$ \_\_\_\_\_

- 4) **Occupancy** expense for rent, utilities, amortization of leasehold improvements, depreciation of owned buildings, maintenance, housekeeping, real estate taxes and lease pass through, insurance, moving, and storage. **(600-610)**
- 5) **Equipment lease, maintenance and depreciation** expense for computers, network hardware, reproduction equipment, communications equipment, and all other office machines. Subtract credit for chargebacks to clients up to actual cost. When the amount collected exceeds costs, put the excess in gross receipts. **Exclude furniture expenses. (Portions of 710, 720, 730 and 740)**
- 6) **Reference material**, library, including books, periodicals, subscriptions, newspapers and research services expense. If books are depreciated, include only depreciation amount. Subtract credit for chargebacks to clients up to actual cost. When the amount collected exceeds costs, put the excess in gross receipts. **(830)**
- 7) **Malpractice** insurance premium and settlement costs. **(841)**
- 8) **Promotion and marketing** expense including club dues, seminars and speaking engagements (net of payment received), presentations to prospective clients, client entertainment and gifts, printing/distribution of brochures, announcements and invitations, newsletters, directory listings and advertisements, market research studies and client surveys, other media expense and PR/marketing consultant fees. **(810, 863)**
- 9) **Payments to former partners/shareholders and inactive of counsel**, deductible payments only. Does not include return of capital or purchase of shares in a P.C.
- 10) **All other** expenses. **(590, 700, 711, 721, 731, 741, 750, 760, 770, 780, 800, 820, 849, 850, 860 [excluding 863], 870, 880)**
- C. Gross Profit** to include: profits distributed to partners (but not payments made to shareholder-employees). If number is a loss, please indicate with minus sign in the appropriate box.

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

**IMPORTANT NOTE: GROSS RECEIPTS (A) MINUS ALL EXPENSES (B) MUST EQUAL NUMBER REPORTED IN GROSS PROFIT (C).**

**14. YEAR-END CASH BASIS BALANCE SHEET**

**Instructions: Exclude escrow and trust a/c assets and liabilities.** Record the total of unbilled client costs advanced plus client costs receivable on line A. 2) below. Partnerships should record **undistributed** year-end profits as a liability. Include only profits that **will be distributed**, not profits retained as additional capital. **Reclassify loan to/from owners as capital. Complete only if reported on a cash basis.**

**A. Assets**

- 1) Current assets **(100, 120, 140, 150)** \$ \_\_\_\_\_  
 Lines 1, 4, 5, 6 on Schedule L Form 1120, 1120S, 1065
- 2) Client costs advanced—Billed and Unbilled **(130)** \$ \_\_\_\_\_
- 3) Fixed Assets **(160)**, net of depreciation **(170)** \$ \_\_\_\_\_  
 Lines 10, 12, 13 on Schedule L Form 1120, 1120S / Lines 9,11,12 on Schedule L Form 1065
- 4) Other Assets **(190)** \$ \_\_\_\_\_  
 Lines 8, 9, 14 on Schedule L Form 1120, 1120S / Lines 7, 8, 13 on Schedule L Form 1065
- 5) Total Assets \$ \_\_\_\_\_

**B. Liabilities**

- 1) Debt and capitalized leases (including current and long-term) **(250, 260)** \$ \_\_\_\_\_  
 Lines 17, 20 on Schedule L Form 1120, 1120S / Lines 16, 18, 19 on Schedule L Form 1065
- 2) Obligations to deceased and retired partners **(290)** \$ \_\_\_\_\_
- 3) Other Liabilities **(200, 210, 220, 230, 240, 270)** \$ \_\_\_\_\_  
 Lines 16,18,21 on Schedule L Form 1120, 1120S / Lines 15,17,20 on Schedule L Form 1065
- 4) Undistributed current year (2010) profits for partnerships **(Include only profits that will be distributed, not profits retained as additional capital.)** \$ \_\_\_\_\_

**C. Permanent Capital or Shareholder Equity (B plus C must equal A). If deficit, please use minus sign.** \$ \_\_\_\_\_

**15. OTHER ASSETS AT YEAR-END**

**A. Work-in-Progress (Unbilled Time)**

1) Contingent Fee Matters

\$ \_\_\_\_\_

2) Non-Contingent Fee Matters

\$ \_\_\_\_\_

3) Total Work-In-Progress

\$ \_\_\_\_\_

**B. Collectible Accounts Receivable, Fees Only**

\$ \_\_\_\_\_

**C. Dollar Value of Fees Receivable Written Off**

Report the total value of adjustments to bills previously sent to clients. This amount includes write-downs and write-offs of **fees receivable** only.

\$ \_\_\_\_\_

**16. REALIZATION**

**A. Report the total dollar value of all time taken out or relieved from work-in-progress (unbilled time) for matters during the 12-month period.** The number reported here includes fees billed, write-downs, write-offs and other adjustments.

Computed using STANDARD RATES (rates reported by firms for a matter)

\$ \_\_\_\_\_

Computed using ACTUAL RATES (final rates used by firm for a matter)

\$ \_\_\_\_\_

**B. Total dollar amount actually billed for work reported above in 16A.**

Report your fee billings for the 12-month period.

\$ \_\_\_\_\_

**SECTION 5: Staffing Profile**

**FTE Definition:** A full-time equivalent (FTE) is defined as a function of the amount of time with the firm **and** the employment status of an individual during a complete fiscal year. For example, a part-time employee working three days per week for the full-year represents “.6”. New full-time hires employed mid-year count as “.5”. A part-time new hire working three days a week hired mid-year counts as “.3”. Adjust for others **who left or were added** in a similar manner.

**17. NUMBER OF FTES**

**Instructions:** Indicate the number of FTEs during the last complete fiscal year for your entire firm using the staffing categories provided on the submission form. Please include individuals employed directly by the firm and through temporary agencies or on a contract basis. Do not include staff on-site in outsourcing arrangements that cover entire functional areas, such as, mailroom, messenger service, etc. Report to the nearest tenth (e.g., 10.4).

<b>Staffing Categories</b>	<b>Helpful Definitions</b>
<b>Non-Equity Partners/Salaried Partners/Non-Participating Partners</b>	Any individual who is held out to the public as a partner or principal, but is clearly in a separate class that is characterized as having lower capital contribution requirements, lesser voting rights and lesser economic risk or reward potential. May be classified as either a W-2 employee or K-1 partner for tax purposes.
<b>Associates</b>	A lawyer employed by the firm who is understood to be in a program leading to consideration for partnership or shareholder status, or who has been so considered. Include patent agents in this category.
<b>Staff Lawyers</b>	A lawyer employed by a law firm who is hired with the understanding that the position will not lead to consideration for ownership status.
<b>Contract/Temporary Lawyers</b>	A lawyer employed under contract to perform work for the firm on a temporary basis.
<b>Of Counsel</b>	An individual working actively; normally over 800 billable hours.
<b>Paralegals</b>	A person in this category is one who does legal work under the supervision of a lawyer at least 75% of the working day. Includes “law clerks” who produce billable hours, investigators and patent draftsmen. Excludes patent agents and summer associates. <b>NOTE: If a secretarial employee is performing paralegal duties, please allocate the FTE percentage between this category and the secretarial category below accordingly.</b>
<b>Administrative Assistants &amp; Legal Secretaries</b>	Includes non-exempt personnel only. Please remember to adjust for those employees performing paralegal duties.
<b>Technology Employees</b>	Includes exempt and non-exempt personnel.
<b>Finance &amp; Accounting Employees</b>	Includes exempt and non-exempt personnel.
<b>Administrative and Clerical Employees</b>	Includes exempt and non-exempt personnel, i.e., Firm Administrator, Human Resources, Library, etc. <b>Excludes Legal Secretaries, Technology, Marketing and Finance/Accounting personnel reported above.</b>
<b>Marketing / Business Development Employees</b>	Includes exempt and non-exempt personnel.
<b>All Other Staff</b>	Includes all other personnel employed by the firm.

**SECTION 6: Earnings Data for Administrative/Support Staff for 2013**

**Instructions:** Please use the following instructions to complete the grid on page 7 of the submission form. Report the total dollar earnings as reported on the W-2 form **before** voluntary before-tax employee reductions. Provide **aggregated** information for each position defined below pertinent to your law firm.

**Columns A and B      Status Code with Position Titles/Descriptions**

- 60      Legal Administrator/Executive Director/COO**—An individual responsible for the development of the firm’s organizational and business goals. Involved in strategic planning and formulating administrative policies. He/she primarily supervises exempt staff and is responsible for the daily operations of the firm. Incumbents generally have ten or more years of experience, an advanced degree and/or some professional certification. If this position is a lawyer, he/she does not practice law. In a small firm, this position is generally the Administrative/Office Manager, (see below).
- 61      Administrative/Office Manager**—An individual responsible for the daily operations of the support functions. He/she supervises the staff responsible for the daily operations of the organization. He/she normally reports to a supervising lawyer or committee of lawyers responsible for the daily operations of the firm. May be a branch office manager. Incumbents generally have five or more years of experience and a college degree.
- 70      Comptroller/Finance Director/CFO**—An individual reporting to the Principal Administrator and is responsible for finance, treasury functions, including managing all aspects of the firm’s financial, time, billing, and collection systems. Incumbents generally supervise exempt and non-exempt staff, have five or more years experience, a four-year college degree and professional certification.
- 71      Accounting Manager**—An individual who reports to the Principal Administrator or Comptroller and is responsible for the accounting function. The individual will generally supervise non-exempt staff and maintain the equipment necessary to carry out these responsibilities. Incumbents generally have five or more years of experience and at least some college education. The Principal Administrator in smaller law firms may perform this function.
- 73      Accounting Supervisor**—An individual responsible for directly supervising all or part of the accounting staff in the operation of the accounting department. This position usually exists in a large firm and the person reports directly to the Accounting Manager or Comptroller. Incumbents generally have two or more years of experience.
- 74      Accounting Clerks/Staff**
- 75      Billing and Collections Manager**—Organizes and manages the firm’s financial relationship with clients, client intake recommendations, establishes credit thresholds, monitors work-in-progress of client to assure timely billing and the development of strategies for collection of past due client accounts. Managing billing cycle for matters.
- 80      Information Services Director**—An individual who plans, manages and directs the overall technology and information systems of the organization. Increasingly, communications and library functions are coming within the individual’s responsibility. Duties consist of planning, budgeting, research and development, as well as, the supervision of primarily exempt/non-exempt staff directly involved in this activity. The individual directs such activities as applications development/support and training at a firm and practice area level. Incumbents generally have five or more years of experience and at least a four-year college degree.
- 81      Network Administrator**—An individual responsible for the day-to-day operation and maintenance of the cable plant, network design, and the network. This may include diagnosing repair problems on a timely basis, relocating and changing computer equipment, and cabling as it becomes necessary.
- 82      Technology, Help Desk and Training Positions**
- 90      Human Resources Director**—An Individual responsible for all personnel matters regarding non-lawyer staff in the organization, including hiring, assignments, supervision, training, evaluation, personnel records, salary administration and benefits. In larger organizations, the position may have a “Director” title and include professional staff as well. Incumbents generally supervise non-exempt personnel, have five or more years experience and at least some college education. In larger organizations, a “Director” generally supervises exempt and non-exempt personnel, has ten or more years of experience and at least a four-year college degree.

- 91 Human Resources Manager**—Responsibility for personnel matters regarding support staff. May include hiring, assignments, supervision, orientation, training, evaluation, personnel records, and salary and benefits administration.
- 92 Benefits, Recruiting and Other HR Clerical Positions**—Responsible for day-to-day administration of the firm's benefits program
- 100 Chief Marketing Officer/Marketing Director**—An individual, often the most senior marketing professional in the firm, responsible for the development and implementation of firm-wide marketing and business development plans. This includes strategy, creative content, budgeting, training, event planning, and other support. This individual works directly with lawyers responsible for its marketing and related activities by providing administrative support and guidance. Incumbent generally supervises exempt and non-exempt staff, has five or more years of experience and a minimum of a four-year college degree.
- 101 Marketing Manager**—An individual who actively participates in firm-wide and specific practice area marketing and business planning yet does not lead the initiatives. In larger firms, usually reports to another marketing professional within the firm.
- 102 Marketing Coordinator, Marketing Assistant**—An individual whose activities focus on implementation and can either include follow-up and monitoring of marketing tactics or execution of specific tasks, such as website management, media placement, seminars and more, based upon their skills and background. Assistants are entry-level individual who typically supports all activities of the marketing department.
- 110 Library Director/Manager**—An individual responsible for administering all aspects of the firm's physical and virtual libraries. Develops and directs implementation of strategic plans, administrative policies, budgets and acquisitions for the firm's libraries. This individual manages and directs research-related information systems for the firm's libraries, intranet and knowledge management systems, including research training programs and licenses for computer systems and electronic databases. Supervises professional and paraprofessional staff providing research, reference, indexing, cataloging, acquisitions and circulation. The position requires five or more years of library experience and a master's degree from an accredited library science program; incumbents in large firms may also hold the JD degree.
- 115 Records Managers/File Clerks**—An individual within the firm responsible for managing the organization's legal files and other vital records.
- 118 e-Discovery Manager**—An individual responsible for maintaining, preserving, collecting, and producing electronic information relative to cases and matters.
- 120 Administrative Assistant/Legal Secretary**—Performs complete secretarial duties for a lawyer or supervisor. Requires knowledge of policies, procedures, formats, and specialized terminology. Maintains a working knowledge of a lawyer's area of practice.
- 123 Litigation Support Manager**—Organizes, manages and directs the firm's presentation of transcripts, briefs, memoranda and evidence in cases
- 125 Word Processing Staff**—Responsible for supervision of word processing operators within the organization
- 130 Office Services Manager**—An individual responsible for supervising auxiliary support staff, including messengers, mailroom clerks, receptionists, telephone operators, supply clerks, copy center personnel, file clerks and the like. This position often manages facility operations including janitorial, housekeeping, leasehold improvements, furnishings, relocations, etc. Incumbents generally supervise non-exempt staff, have three or more years of experience and may or may not have college education.
- 134 Mailroom and Messengers**
- 136 Receptionist**
- Column C** If your systems report data on an FTE basis, be sure to include the correct FTE counts in the "Number of FTE Incumbents" column. If FTE data is not available, include only individuals working full time AND for the full year. Please report decimal places as needed.
- Column D** Report total 2013 wages before voluntary before-tax employee reductions paid by the firm for all incumbents reported in Column C.

**SECTION 7: Individual Lawyer Data for 2013—Fee Earners Only**

Please read the following instructions prior to completing grid on page 8 of the submission form. Include all fee-earner lawyers employed during 2013. Please DO NOT add \$ signs, fractions or cents. Provide exact numbers--do not estimate.

**Column B Admitted to Bar:** Show the year first admitted to the Bar in any state as a four-digit number.

**Column C Status Code:** Use code below to indicate status at year-end as follows:

**10 Equity Partner/Shareholder/Proprietor**

**11 Non-equity Partner/Salaried Partner/Non-Participating Partner**—Any individual who is held out to the public as a partner or principal, but is clearly in a separate class that is characterized as having lower capital contribution requirements, lesser voting rights and lesser economic risk or reward potential. Either a W-2 employee or K-1 partner for tax purposes.

**20 Associate Lawyer**—A lawyer employed by the firm who is understood to be in a program leading to consideration for partnership or shareholder status, or who has been so considered.

**21 Staff Lawyer**—A lawyer employed by a law firm who is hired with the understanding that the position will not lead to consideration for ownership status.

**30 Of Counsel**—An individual working actively; normally over 800 billable hours.

**50 Sole Practitioner**

**Column D Gender:** F (Female); M (Male)

**Column E Activity Level:** Select one code below to indicate activity level.

**PT** Part-time

**M** Significant mgmt. responsibilities; requires an annual commitment of 500 hours or more

**L** Leave of absence with pay

**Blank** Full-time

**Column F Salary (or draw if partner)**

*For partnerships and proprietorships:* Report partner's or proprietor's draw including guaranteed payments. (If your records do not provide you with data to separate partner compensation into three components [draw, cash distribution and benefits/distribution in kind], then record the partner's K-1 income in column F and indicate N/A in columns G and H.)

*For professional corporations/associations:* Report salary paid before voluntary before-tax employee reductions for: 401(k) plans, flexible spending accounts; other qualified flexible benefit programs.

**Column G Bonus (or distribution in cash if partner):** Report cash bonuses paid during 2013.

*For partnerships:* Report the remainder after subtracting the draw reported in Column F and benefits paid in Column H from the partner's K-1 income.



*For professional corporations/associations:* The total of salary plus cash bonuses should equal gross W-2 wages paid before voluntary before-tax employee reductions for: 401(k) plans, flexible spending accounts, and other qualified flexible benefit programs.

*For "S" corporations:* In addition to bonuses reported through wages, report the shareholder's share of any income or loss as reflected on the shareholder's K-1 from the "S" corporation.

**Column H Benefits (or distribution in kind if partner):** See page 16 for detailed instructions on benefit calculations.

**Column I Chargeable Hours:** Report hours recorded during the reporting year (2013) that were chargeable to clients (i.e., billable work). Show hours only for those persons who regularly report billable hours. Omit if you do not have complete records. **Round to whole hours.**

**Column J Standard Hourly Rate:** Show each individual's most commonly assigned (standard) hourly rate on 1/1/2014. Omit cents.

**Column K Specialty Code:** Choose one practice area code for each lawyer. An individual must spend **50% or more** of their billable time in this area. List only **one code for each individual**; for others, use the designation that includes multiple specialties or multidisciplinary.

**NON-LITIGATION**

- 100 = Administrative/Legislative/Regulatory
- 101 = Banking
- 102 = Bankruptcy
- 103 = Collections
- 104 = Commercial/Contracts
- 105 = Education
- 106 = Employee Benefits (ERISA)
- 107 = Employment (FLSA, ADA, ADEA)
- 108 = Environmental
- 109 = Family Law/Domestic Relations
- 110 = General Business
- 111 = Health Care
- 112 = Insurance
- 113 = Intellectual Property
- 114 = International
- 115 = Labor/Collective Bargaining (Mgmt.)
- 116 = Labor/Collective Bargaining (Union)
- 117 = Maritime
- 118 = Mergers/Acquisitions
- 119 = Municipal Finance
- 120 = Natural Resources (oil/gas/coal/timber)
- 121 = Real Estate
- 122 = Securities
- 123 = Taxation
- 124 = Trusts/Estates/Probate
- 125 = Utilities
- 126 = Other Non-litigation Specialty
- 127 = Multiple Non-litigation Specialties

**LITIGATION**

- 200 = Antitrust
- 201 = Bankruptcy
- 202 = Collections
- 203 = Commercial/Contracts
- 204 = Criminal
- 205 = Education
- 206 = Insured Defense
- 207 = Self-insured Defense
- 208 = Employee Benefits (ERISA)
- 209 = Employment (FLSA, ADA, ADEA)
- 210 = Environmental
- 211 = Family Law/Domestic Relations
- 212 = Health Care
- 213 = Intellectual Property
- 214 = International
- 215 = Labor/Collective Bargaining (Mgmt.)
- 216 = Labor/Collective Bargaining (Union)
- 217 = Maritime
- 218 = Natural Resources (oil/gas/coal/timber)
- 219 = Personal Injury
- 220 = Products Liability
- 221 = Real Estate
- 222 = Securities
- 223 = Taxation
- 224 = Trusts/Estates/Probate
- 225 = Workers' Compensation
- 226 = Other Litigation Specialty
- 227 = Multiple Litigation Specialties
- 300 = Multidisciplinary

**Column L Partial Year:** Please check ("√") to indicate individual was employed for only part of the year (new hire, resignation or termination.)

**Column M Zip Code of Lawyer Location:** Work location for individual lawyer; report only if different from that of headquarters location.

**Column N New Client Originations:** Number of new clients that attorney has brought to the firm in 2013.

**SUPPLEMENTAL WORKSHEET INSTRUCTIONS FOR BENEFIT CALCULATIONS**

You can use this supplemental worksheet to help calculate benefits to report in the Financial Profile section as well as on the Individual Lawyer Data grid. *If you used this supplemental worksheet to calculate individual lawyer benefit amounts, please ensure you move the results to the submission form.*

**For partnerships and proprietorships:** Report distribution in kind (firm payments for benefits on behalf of the partner).

**For professional corporation/associations:** Report nontaxable benefit costs, which include: qualified profit sharing plans, life, health and disability insurance, medical reimbursement plans, employer payroll taxes (including FICA) and pension contributions. **Exclude auto, parking, memberships, and CLE expenses.**

**There are three basic methods for supplying employee benefits information for the survey.**

**Method 1:** Calculate for each individual a dollar figure based on the sum of the following benefits:

- a) Employer portion of FICA;
- b) Employer payments for: health insurance, life insurance, disability insurance, medical reimbursement, retirement/profit sharing; and,
- c) Employer contributions for unemployment compensation and workers' compensation.

**Method 2:** Divide benefits into per capita and compensation-based costs as follows:

- a) 

<b>Compensation-based [A]</b>	<b>Per Capita-based [B]</b>
FICA, WC, UC	Health Insurance
Life Insurance	Medical Reimbursement
Disability Insurance	
Retirement	
- b) Determine the % of compensation dollars for [A] benefits and per-capita cost of [B] benefits.
- c) Multiply the sum of columns F plus G on the Individual Lawyer Data grid sheet by the % for [A] benefits and add the cost of [B] benefits.
- d) This may be calculated in aggregate for all individuals or by breaking out by class of employee shown in Method 3 below.

**Method 3:** Compute the total costs of the detailed expenses to include the following. Calculate averages for each class of employee needed, and then list the average for each individual in that class on the questionnaire.

	Employee Class 1	Employee Class 2	Employee Class 3	Employee Class 4	Employee Class 5	Total
FICA	_____	_____	_____	_____	_____	_____
Health Insurance	_____	_____	_____	_____	_____	_____
Life Insurance	_____	_____	_____	_____	_____	_____
Disability Insurance	_____	_____	_____	_____	_____	_____
Medical Reimbursement	_____	_____	_____	_____	_____	_____
Retirement	_____	_____	_____	_____	_____	_____
Unemployment Comp.	_____	_____	_____	_____	_____	_____
Workers' Comp.	_____	_____	_____	_____	_____	_____
<hr style="border: 1px solid black;"/>						
<b>Total</b>	_____	_____	_____	_____	_____	_____
<b>No. of FTEs</b>	_____	_____	_____	_____	_____	_____
<b>Average/FTE</b>	_____	_____	_____	_____	_____	_____

**FOR REFERENCE ONLY**

RECOMMENDED CHART OF ACCOUNTS  
FOR SURVEY PARTICIPANTS

January 2014

The types of assets, categories of liabilities, sources of income and the nature of expenditures of law firms are basically similar, regardless of size or specialty. To facilitate the comparison of various firms, we are attaching a standard format for law firm accounts.

This standard chart of accounts draws from *A Model Chart of Accounts* published in 1990 by the Section of Law Practice Management of the American Bar Association, which contains detailed explanations of many of the accounts and terms used herein. To the extent practical, the account numbers from that publication are used herein, but numbers are not identical in all cases. The basic outline of this chart, that is, the categories of assets, liabilities, income and expenditures, will fit firms of every size, proprietorships, partnerships and corporations. The simplest structure is that represented by the accounts printed in CAPS, which could easily meet the needs of a solo or very small law office. As firms grow, greater breakdown and specificity may be appropriate. The accounts shown herein will suffice for many law firms. Additional detail can be obtained by using the subaccount codes as shown below. If analysis by department is desired then the account structure must expand to report by office. Multi-office firms will most likely want to add reporting capability by office, which must then be incorporated into the account structure. Those firms with a need for a full account code structure should obtain a copy of the ABA publication previously mentioned.

Items marked \* apply only to professional corporations/associations, and should be disregarded by lawyers practicing in other forms.

**CHART OF ACCOUNTS**

**ASSETS**

- 100 CASH
  - 101.00 Operating account
  - 102.00 Payroll account
  - 103.00 Savings account
  - 104.00 Petty cash
- 110 CLIENT TRUST ACCOUNTS
  - 111.00 Funds held in trust
  - 112.00 Liability for funds held in trust
- 120 SHORT-TERM INVESTMENTS
  - 121.00 Treasury securities
  - 122.00 Other marketable securities

- 130 CLIENT COSTS ADVANCED
  - 131.00 Disbursements for clients - unbilled
  - 132.00 Disbursements for clients - billed
- 140 ADVANCES, RECEIVABLES, DEPOSITS
  - 141.00 Expense advances
  - 142.00 Deposits (refundable)
  - 143.00 Employee notes and loans receivable
  - 144.00 Partners (officer) notes and loans receivable
  - 149.00 Miscellaneous
- 150 OTHER CURRENT ASSETS
  - 151.00 Prepaid insurance
  - 159.00 Other current assets
- 160 FIXED ASSETS
  - 161.00 Furnishings and fixtures
  - 162.00 Leasehold improvements
  - 163.00 Library
  - 164.00 Equipment
    - 164.10 Reproduction
    - 164.20 Communication
    - 164.30 Computer
      - 164.31 Software
      - 164.90 Other
  - 165.00 Building
  - 167.00 Other depreciable fixed assets
  - 168.00 Land
  - 169.00 Non-depreciable fixed assets
- 170 RESERVE FOR DEPRECIATION AND AMORTIZATION  
(subaccounts should repeat fixed assets above)
- 190 OTHER LONG-TERM ASSETS
  - 191.00 Cash surrender value of life insurance owned by firm
  - 192.00 Miscellaneous securities
  - 193.00 Joint ventures
  - 194.00 Real estate investments
  - 199.00 Other

**LIABILITIES AND CAPITAL (\*EQUITY)**

- 200 EMPLOYEE TAX LIABILITY
  - 201.00 Federal income tax withheld
  - 202.00 State income tax withheld
  - 203.00 Employee payroll taxes withheld
    - 203.10 Social Security tax withheld
    - 203.20 Medicare tax withheld
  - 204.00 Employer payroll taxes accrued
    - 204.10 Social Security tax accrued
    - 204.20 Medicare tax accrued
  - 205.00 Federal unemployment tax accrued
  - 206.00 State unemployment tax accrued
  - 207.00 Local income taxes withheld
  - 209.00 Other employee taxes withheld

- 210 EMPLOYEE WITHHOLDINGS
  - 211.00 Hospitalization withholdings
  - 212.00 Life insurance withholdings
  - 213.00 FSA healthcare withholdings
  - 214.00 FSA dependent-care withholdings
  - 215.00 Employee pension plan contributions withheld
  - 219.00 Other
- 220 ACCRUED PENSION CONTRIBUTIONS
- 230 ACCRUED INCOME TAXES
- 240 ACCRUED CLIENT COSTS
- 250 LOANS PAYABLE
- 260 CAPITAL LEASE OBLIGATIONS
- 270 CLIENT DEPOSITS & OTHER CREDIT BALANCES
- 290 OBLIGATIONS TO DECEASED, RETIRED AND WITHDRAWN PARTNERS
- 300 PARTNERS' CAPITAL ACCOUNTS (\*CAPITAL STOCK)
- 310 \*PAID-IN CAPITAL
- 320 \*TREASURY STOCK
- 330 PARTNERS' CURRENT ACCOUNTS  
(\*RETAINED EARNINGS)

**REVENUE**

- 400 FEES FROM LEGAL SERVICES  
Sub accounts should be used for each practice area
- 410 OTHER FEE REVENUE
  - 411.00 Boards of Directors fees
  - 412.00 Executor (-rix) fees
  - 413.00 Administrator fees
  - 414.00 Conservators fees
  - 415.00 Guardian fees
- 420 REVENUE FROM OTHER SERVICES
  - 421.00 Word processing/secretarial document creation charges
  - 422.00 Librarian and other internal research charges
  - 423.00 Internal messenger charges
  - 424.00 Overtime recovery
    - 424.10 Secretarial
    - 424.20 Word processing
    - 424.30 Messenger
    - 424.90 Other
- 430 OTHER EARNED REVENUE
  - 431.00 Teaching income
  - 432.00 Publishing royalties
  - 433.00 Speaking honoraria
  - 434.00 Subscription income

## 440 OTHER INCOME

441.00 Interest income  
 442.00 Dividend income  
 443.00 Gain on sale of investments  
 444.00 Gain on sale of fixed assets  
 445.00 Rental income

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 EMPLOYEE COSTS
 

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## 500 \*OFFICER COMPENSATION

501.00 Officers  
     501.10 Salaries  
     501.20 Bonuses

## 510 OTHER EMPLOYED LAWYER COMPENSATION

511.00 Associate compensation  
     511.10 Salaries  
     511.20 Bonuses  
 512.00 Of Counsel compensation  
 513.00 Contract associate compensation  
 514.00 Temporary lawyer compensation

## 520 NON-LAWYER LEGAL STAFF

521.00 Summer associate compensation  
     521.10 Salaries  
     521.20 Bonuses  
     521.30 Overtime  
 522.00 Legal assistant compensation  
 523.00 Law clerk compensation  
 529.00 Other non-lawyer legal staff compensation

## 530 SECRETARY AND WORD PROCESSING COMPENSATION

531.00 Secretary compensation  
 532.00 Word processing compensation

## 540 OTHER ADMINISTRATIVE STAFF COMPENSATION

541.00 Exempt personnel compensation  
 542.00 Non-exempt personnel compensation

## 560 MANDATORY EMPLOYEE BENEFITS

561.00 Social Security taxes  
     561.10 Officers  
     561.20 Associates  
     561.30 Of Counsel  
     561.40 Other legal staff  
     561.50 Secretary/Word processing  
     561.60 Other administrative staff  
 562.00 Medicare taxes  
 563.00 FUTA/SUT  
 564.00 WC insurance

## 570 DISCRETIONARY EMPLOYEE BENEFITS

571.00 Group health/dental/vision  
 572.00 Group life  
 573.00 Group disability  
 574.00 Medical reimbursement  
 575.00 Pension  
 576.00 Supplemental health/dental/vision  
 577.00 Supplemental life  
 578.00 Supplemental disability  
 579.00 Other

## 580 TEMPORARY SERVICES

581.00 Temporary secretarial/word processing  
 582.00 Temporary administrative staff

## 590 OTHER EMPLOYEE EXPENSES

591.00 Parking  
     591.10 Regular  
     591.20 Overtime  
 592.00 Supper money  
 593.00 Cab fare  
 599.00 Other

## 600 OCCUPANCY EXPENSES

601.00 Rent  
 602.00 Utilities (electricity, water, heat, sewer)  
 603.00 Amortization/depreciation  
     603.10 Amortization of leasehold improvements  
     603.20 Depreciation of building  
 604.00 Maintenance and repairs to premises  
 605.00 Janitorial and housekeeping expenses  
 606.00 Real estate taxes  
 607.00 Lease pass-throughs  
 608.00 Insurance (building, contents, general liability, etc.)  
 609.00 Other (storage, moving, etc.)

## 610 OTHER OCCUPANCY EXPENSES

611.00 Off-site storage  
 612.00 Office relocation  
 619.00 Other

## 700 STATIONERY, PRINTING AND SUPPLIES

701.00 Stationery  
 702.00 Printing  
 703.00 Paper and supplies  
 704.00 Computer supplies

## 710 FURNITURE/EQUIPMENT RENTAL

711.00 Office furniture and fixtures  
 712.00 Reproduction equipment  
 713.00 Computer equipment  
     713.10 Software  
 714.00 Communication equipment  
 719.00 Other

## 720 DEPRECIATION OF FURNITURE &amp; EQUIPMENT

721.00 Furniture  
 722.00 Reproduction equipment  
 723.00 Computer equipment  
     723.10 Software  
 724.00 Communication equipment  
 729.00 Other

## 730 INTEREST EXPENSE

731.00 Furniture  
 732.00 Reproduction equipment  
 733.00 Computer equipment  
     733.10 Software  
 734.00 Communication equipment  
 739.00 Other

740 MAINTENANCE AND REPAIR OF FURNITURE/  
EQUIPMENT

741.00 Furniture  
 742.00 Reproduction equipment  
 743.00 Computer equipment  
     743.10 Software  
 744.00 Communication equipment  
 749.00 Other

## 750 ADMINISTRATIVE EXPENSES

751.00 Travel and accommodations  
 752.00 Travel related meals  
 753.00 Education  
 754.00 Employer lunchroom/coffee/soda/snacks  
 755.00 Office entertainment  
 756.00 Employer gifts/flowers

## 760 NON-LAWYER HIRING EXPENSES

761.00 Agency fees  
 762.00 Employment advertising  
 763.00 Employee relocation  
 764.00 Travel, lodging and subsistence  
     764.10 Employees on recruiting trips  
     764.20 Recruits for interviews

## 770 COMMUNICATION EXPENSES

771.00 Telephone  
     771.10 Local service  
     771.20 Long-distance  
 772.00 Client reimbursement for telephone  
 773.00 Telex, facsimile and e-mail costs  
 774.00 Client reimbursement for telex, facsimile and e-mail costs  
 775.00 Postage  
 776.00 Client reimbursement for postage  
 777.00 Courier and delivery services  
 778.00 Client reimbursement for courier/delivery

## 780 MISC. OFFICE EXPENSES

781.00 Plants and flowers  
789.00 Other

## 800 PROFESSIONAL EXPENSES

801.00 Associate expenses  
801.10 Bar association dues  
801.11 Professional association dues  
801.20 Association travel/ accommodations  
801.30 Association meals  
801.90 Other association expenses  
802.00 Firm meetings/retreats  
802.10 Travel and accommodations  
802.20 Meals  
802.30 Meeting room/equipment rental  
802.40 Entertainment  
802.90 Other  
803.00 CLE  
803.10 Program fees  
803.20 Travel and accommodations  
803.30 Meals  
803.90 Other

## 810 BUSINESS DEVELOPMENT

811.00 Club dues and expenses  
812.00 Attendance/speaking at industry/ civic meetings  
813.00 Advertising/listings in publications & directories  
814.00 Public relations  
815.00 Practice development meals  
816.00 Firm publications  
819.00 Other

## 820 PROFESSIONAL RECRUITING

820.00 Professional staff recruiting travel, accommodations  
822.00 Professional staff recruiting meals  
823.00 Summer associate meals  
824.00 Other summer associate program costs  
825.00 Other professional staff recruiting expenses  
825.10 Recruiting publications  
825.20 Recruiting agency fees and advertising  
825.30 Relocation of new lawyers  
825.90 Other  
826.00 Relocation costs for inter-office transfers

## 830 LIBRARY/REFERENCE SERVICES

831.00 Book purchases  
832.00 Depreciation of capitalized books  
833.00 Periodical subscriptions  
834.00 Library supplies  
838.00 Outside data base research  
839.00 Client reimbursement

## 840 INSURANCE

841.00 Professional liability  
841.10 Premiums  
841.20 Deductibles  
841.30 Settlements  
849.00 Other

## 850 TAXES

851.00 Personal property taxes  
852.00 State business taxes  
853.00 Local business taxes  
854.00 Unincorporated business taxes

## 860 PROFESSIONAL SERVICES

861.00 Accounting/auditing/tax  
862.00 Management consulting  
863.00 Marketing consulting  
864.00 Legal (for the firm)  
865.00 Pension (for the firm)  
866.00 Outside payroll services  
867.00 Outside computer services

## 870 CLIENT EXPENSES

871.0 Recoverable costs written off  
871.10 Unbilled  
871.20 Billed  
871.30 Recovery of costs written off  
878.00 Business meals and entertainment  
878.10 Meals  
878.20 Entertainment  
879.00 Business meals/entertainment charged to client

## 880 OTHER EXPENSES

881.00 Loss on sale of investments  
882.00 Loss on disposal of assets  
883.00 Investment property real estate taxes  
884.00 Charitable contributions

## 890 INCOME TAXES

891.00 Federal  
892.00 State  
893.00 Local



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

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**Plaintiffs' Exhibit**  
**106**  
Civ. No. 05-1437 (RCL)

Civil Action No. 93-452  
(GK) *In Forma Pauperis*

AFFIDAVIT OF DR. 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 30 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. A copy of my curriculum vitae with a listing of sworn federal testimony is attached to this affidavit as Attachment 1.
3. I have been asked by plaintiffs' counsel to explain why (1) the Consumer Price Index for U.S. City Average, Legal Service Fees ("Legal Services Index" or "LSI") is still a better measure of the change in prices for legal services in Washington, D.C., than the Consumer Price Index for Washington, D.C., Maryland, Virginia, and West Virginia

("All-Items Regional CPI")<sup>1</sup>; and (2) to respond to criticisms about using the LSI for updating or adjusting the *Laffey* matrix as previously adopted by this Court in *Salazar v. District of Columbia*, 123 F. Supp. 2d 8 (D.D.C. 2000), to approximate current attorneys' fees rates for complex federal litigation in the Washington, D.C. market. My opinions are stated to a reasonable degree of certainty under the standards of my profession.

4. The first time that I offered an opinion on the appropriate method for updating the *Laffey* matrix was in a 1996 affidavit that plaintiffs submitted in this case in support of their first application for attorneys' fees. A copy of that earlier affidavit is attached as Attachment 2. This Court explicitly adopted my analysis in its decision. See *Salazar v. District of Columbia, supra*, 123 F. Supp. 2d at 14. I continue to hold the opinions expressed in that affidavit.
5. 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 cases of *Interfaith Community Organization v. Honeywell*, 336 F.Supp.2d 370 (D.N.J. 2004), affirmed, 426 F. 3d 694 (3d Cir. 2005) and *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).
6. I understand that defendants in this case are now requesting that the Court apply the *Laffey* matrix update maintained by the Office of the U.S. Attorney for the District of Columbia (USAO) to plaintiffs' fees applications. The USAO update uses the All-Items Regional CPI, a consumer price index that combines the price changes of over a hundred thousand diverse commodities into a single measure for the rate of price change for that bundle of commodities. I understand that, prior to 1998, the BLS produced a CPI for the Washington, D.C. metropolitan area. In 1998, BLS stopped producing this metropolitan Washington, D.C. CPI and began producing a regional CPI that includes Washington, D.C, Maryland, Virginia, and

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<sup>1</sup> Both the Legal Services Index and the All-Items Regional CPI are maintained by the U.S. Department of Labor, Bureau of Labor Statistics (BLS).



West Virginia.<sup>2</sup> The USAO uses this regional CPI, what I have referred to as the All-Items Regional CPI, to update the *Laffey* matrix. I address the specific commodities included in the All-Items Regional CPI below.

7. In my opinion it is far better to update the *Laffey* matrix using an index specific to legal services<sup>3</sup> (i.e., the Legal Services Index) 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.
8. The use of an index specific to legal services is more likely to reflect the rate of change in the prevailing billing rates 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. As explained below, these other items are given much more weight than legal services. This obfuscates the rate of price change of legal services when the All-Items Regional CPI is applied to the billing rates in the *Laffey* matrix.
9. Consumer Price Indices combine the prices of about one hundred thousand (100,000) goods and services to estimate changes in the overall cost of living for consumers. For example, the 2007 Consumer Price Index for all urban consumers contains a legal services component, which accounts for less than 0.3% (.003) of the total spending represented in the Consumers Price Index. See <http://www.bls.gov/cpi/cpiri2007.pdf>. Thus, 99.7% of the spending reflected in the 2007 Consumer

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<sup>2</sup> The old index included the District of Columbia, Montgomery County, MD; Prince George's County, MD; Alexandria city, VA; Arlington County, VA Fairfax County, VA Falls Church city, VA.

The new index includes all of the areas in the old index and adds: Baltimore City and the counties of Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Harford, Howard, Queen Anne's, and Washington in Maryland; the cities of Fredericksburg, Manassas, and Manassas Park and the counties of, Clarke, Fauquier, King George, Loudoun, Prince William, Rappahannock, Spotsylvania, Stafford, and Warren in Virginia; and the counties of Berkeley and Jefferson in West Virginia. See <http://www.bls.gov/ro3/cpiwb.htm> and <http://www.census.gov/population/www/metroareas/lists/historical/60mfips.txt>

<sup>3</sup> The LSI data are for legal services performed on behalf of individuals rather than corporate clients.

Price Index is for items other than legal services. The component representing food prices accounts for about 16% (.16) of the total 2007 Consumer Price Index. See <http://www.bls.gov/cpi/cpiri2007.pdf> Updating legal billing rates using this CPI would give fifty three times more weight to food markets than to the legal services market. These same percentages apply to the regional CPI at issue here, which I have referred to as the All-Items Regional CPI.

10. As I explained in my earlier affidavit (para. 9), economists try to use the most specific index available. This helps them make a more accurate assessment of the market forces that influence prices. The specific components of the CPI, such as the LSI, to the extent they are available, are the better resource to update an industry's prices (as opposed to the entire CPI or the All-Item Regional CPI). This is because there are two strong forces that exert pressure on prices over time. One is inflation, a rise in the general price level; the other is a supply and demand imbalance. Often for a specific good or service, supply and demand imbalances are the stronger of the two and can accentuate or negate the general effects of inflation on a particular price (e.g. billing rates for legal services). If a broad index is used to adjust an industry's prices over time, then the specific supply and demand effects are suppressed and only the effect of inflation is captured. On the other hand, when a specific index is used the net effect of both inflation and supply and demand imbalances are captured. This is why it is preferable, and more accurate, to use a specific index rather than a broad index.
11. Market imbalances negating inflation may be seen in the market for electrical components and parts (e.g., computers) over the last thirty years. Due to strong advances in productivity in this industry, computer prices have declined while prices generally have increased due to inflation.
12. Market imbalances have recently accentuated inflation in the market for fossil fuels. From mid-1998 to mid-2008, fuel prices increased within the region covered by the All-Items Regional CPI by 5.7% per year while prices for all items increased by 3.2% per year. Thus, if the All-Items

Regional CPI were used to calculate the change in fuel cost for this 10-year period, it would underestimate the change by 25%.

13. As I discuss below, the market for legal services in complex federal litigation in Washington, D.C., is not a local market. Therefore, it would be more appropriate to use the Legal Services Index, which captures supply and demand factors particular to the legal services market as well as inflation, as compared to the All-Items Regional CPI, which chiefly captures inflation effects.
14. In summary, use of the Legal Services Index for updating the *Laffey* matrix is more likely to produce rates that reflect prevailing billing rates because it applies a specific index as compared to an update using a broad index.
15. I was asked to review the August 11, 2009 affidavit of Dr. Laura A. Malowane and offer any opinions regarding some of her assertions. I understand that Dr. Malowane prepared this affidavit for another case (*Norden v. Clough*, D.D.C., Civ. Action. No. 05-1232), but that defendants have submitted it in this case to support their argument that the Court should apply the USAO *Laffey* update to set the rates for plaintiffs' fees application. I do not know the details of that other case. However, as I describe in more detail below, Dr. Malowane's criticisms of plaintiffs' method for updating the *Laffey* matrix are unfounded.
16. Dr. Malowane's first argument against using the Legal Services Index (pp. 4-5) is that it measures price changes for basic, personal legal services such as will preparation, and not complex federal litigation. This criticism is without merit. The Legal Services Index measures, *inter alia*, the fees charged for providing specific legal services. These measures include preparing a brief, attending a deposition and representing parties in civil proceedings. Clearly, preparing for and conducting depositions and writing briefs are inputs to complex litigation. Nevertheless, just as a national CPI does not include all items in the U.S. economy, the LSI does not and cannot include the fees charged for every possible service rendered by lawyers. The size and complexity of the U.S. economy and the practice of law makes impossible including every price in

the economy or a law practice in an index.<sup>4</sup>

17. 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 entire 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 physician component of the Consumer Price Index is used; and when the contribution to GDP of radio, TV, air conditioning repair services is calculated, the appliance and furniture repair component of the Consumer Price Index is used.
18. BLS, the agency that constructs the LSI, is a disinterested governmental unit that has a half-century of experience in constructing indices. Demanding a more specific index, one that fits the situation in exacting detail, is to demand an index be built for every situation. Where, as here, choices have to be made between existing indices, I prefer, as do most economists, using an index that is as specific to the type of services in question (*i.e.*, legal services) as is possible.
19. Dr. Malowane's further argues (pp. 5-6) against using the Legal Services Index because it is a nationwide index and is not specific to the Washington, D.C. area. I disagree now for the same reasons as stated in my earlier affidavit (para. 15). 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. In other words,

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<sup>4</sup> The list of services that the BLS field staff samples is found on the entry-level checklist. See Pl. Ex. 32. The services included in this checklist are common services provided by law firms. By surveying the prices for these services month after month, BLS is able to create a record of how the prices of the services change over time. For the index to be of value, BLS must be able to use the same set of services in each survey period. This is the same procedure that BLS uses to survey prices for other services such as medical services or financial services. It is impractical to suggest that BLS survey every possible legal service. Moreover, doing so would defeat the purpose of taking a sample.

Washington, D.C., area law firms compete with law firms in other areas such as New York, Philadelphia, Chicago, Dallas, and San Francisco. The geographic extent of the market for complex legal services provides another reason to use the legal services component of the CPI. It more accurately reflects the conditions of competition.

20. Adjusting the *Laffey* matrix with a national index assumes that the rate of change of prices for legal services is about the same everywhere. I note that this is not the same thing as prices being the same everywhere. Even if prices differ in different places, the rate of change in prices is likely to be about the same. With resource mobility and the ability to communicate easily over distances, this is a plausible assumption. While it is possible for prices for the same good or service to change at different rates in different places, this is most likely to happen for goods or services for which there is only a local market because their transport is expensive relative to their value (*e.g.*, fast food) or because communication is difficult.
21. When Washington, D.C., firms compete in the national marketplace, their rates must be competitive in the national marketplace. Since their rates must be competitive, the rate of change in their rates is also likely to follow the national trend.
22. I have reviewed Plaintiffs' Exhibit 36 showing the rate of change in the average billing rates for ten cities nationwide. I have not checked the compilation of the data or the specific calculations for the city averages. I checked the percent change for the years specified, I reviewed the concept and the formula used and agree that, on the assumption that all the data and calculations are correct, this exhibit shows the rate of change in billing rates for the identified cities.
23. Plaintiffs' Exhibit 36 supports my opinion that the Washington, D.C., marketplace reflects the national marketplace.
24. Dr. Malowane's argument assumes that the geography for the All-Items Regional CPI is a better reflection of the rate of price change in the Washington, D.C. marketplace. The

All-Items Regional CPI, however, covers too much geographic area if the goal of updating the *Laffey* matrix is to replicate the prevailing market rates only in the District of Columbia. As the geographic scope of the index increases by adding outlying areas with lower living costs, the measured change in the cost of living will be reduced. The All-Items Regional CPI weights housing costs with 42 points out of 100 points (42%). This share is distributed over shelter costs (32.3 points), fuel and utilities (5.1 points), and furnishings (4.6 points). (See <http://www.bls.gov/news.release/pdf/cpi.pdf>) Empirical analysis dating from the late 1970s and continuing until the present shows that there are persistent differences in housing prices between a city and its outlying areas. These price differences are thought to reflect income differences and can exceed 20%. (See [http://www.bea.gov/scb/pdf/2008/11%20November/1108\\_spotlight\\_parities.pdf](http://www.bea.gov/scb/pdf/2008/11%20November/1108_spotlight_parities.pdf)) and Goodman A. C., "Hedonic Prices, Price Indices and Housing Markets," *Journal of Urban Economics* 5, 471-478 (1978).

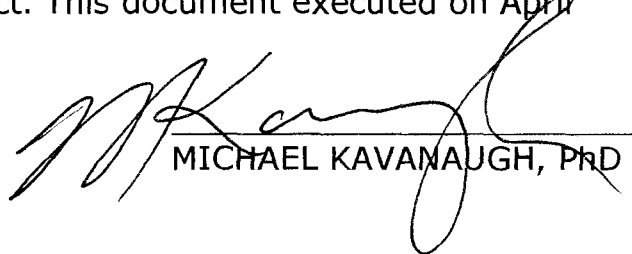
25. The addition of outlying areas in Maryland, Virginia and West Virginia in 1998 to the All-Items Regional CPI brought with it the inclusion of lower housing costs. Since housing costs are a large component of the CPI, the inclusion of outlying areas places downward pressure on the overall All-Items Regional CPI. The lower housing costs can lead to a material change in the measurement of the cost of living. Changes in the measured cost of living have the potential to affect poverty measures and the administration of Federal programs. The effect of intra-area price differences is not unique to the All-Items Regional CPI and has been noted as a general problem. (See: [http://www.indexmeasures.com/V1%20FCh7%2004,03,09%20Heston\\_Nakamura.pdf](http://www.indexmeasures.com/V1%20FCh7%2004,03,09%20Heston_Nakamura.pdf)). Thus, the fact that the All-Items Regional CPI includes price data from West Virginia and other areas with costs of living below that of the District of Columbia means that measured changes in the index's data are reduced, thus producing a lower rate of change.
26. Nevertheless, even if the market for complex federal litigation was a local market, it is impossible to avoid using

the Legal Services Index. This is because the Legal Services Index is a component of all regional and metropolitan Consumer Price Indices, including the All-Items Regional CPI that the USAO uses. There is simply no regional or metropolitan index for legal services. Since the Legal Services Index is used in constructing all CPI's, Dr. Malowane's criticisms would apply to the use of any CPI, including the All-Items Regional CPI that she prefers.

27. Dr. Malowane's further argues (pp. 6-7) that the Legal Services Index is based on flat-fee legal services and not hourly rates. This argument is also without merit, since BLS collects both flat-fee and hourly rate data to create the LSI. See Pl. Ex. 32.
28. Finally, Dr. Malowane argues (pp. 9-13) that the Legal Services Index should not be used because the resulting *Laffey* matrix would result in overcompensation to the plaintiffs' counsel in *Norden v. Clough*. In support, she cites a custom report based on Altman Weil's 2008/2007 Survey of Law Firm Economics. According to Dr. Malowane, this report shows prevailing market rates that are closer to rates listed in the USAO *Laffey* update than those listed in the *Laffey* update adopted by the Court in this case. Since I have not seen the custom report, I cannot form an opinion as to whether Dr. Malowane's interpretation of the data contained in that report is valid.
29. In forming my opinion, I also reviewed the summary of affidavits and court documents collected by plaintiffs' counsel regarding recent billing rates charged by Washington, D.C. firms (Pl. Exs. 56-57). These materials support my opinion that the LSI update of the *Laffey* matrix adopted by the Court in this case produces a better approximation of current rates for complex federal litigation in the Washington, D.C. market than the USAO *Laffey* update produces.

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 27, 2010.

27

  
MICHAEL KAVANAUGH, PhD

**MICHAEL KAVANAUGH**  
**Research Economist**  
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19-4231 Road E  
Volcano, Hawaii 96785

**PRESENT POSITION:** Private Practice since 1985

**PREVIOUS POSITIONS:**

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

**EDUCATION:**

- Ph.D., Economics, University of Cincinnati, 1975
- BA. Economics, Xavier University, 1970

**EXPERIENCE**

Dr. Kavanaugh is:

- An independent research economist with many years of experience;
- A national expert in the economic aspects of environmental enforcement and policies for municipal and industrial pollutions sources;
- Experienced in damage assessments to residential and commercial enterprises;
- Experienced in natural resource damage assessments and regional economic impact assessment; and,
- An author of groundwater management and climate change papers.

Short descriptions of selected projects follow.

**ECONOMICS & FINANCE**

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 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.

### **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.
- Advised environmental groups on the use of contingent valuation to value natural resource damages and commented on the Federal Register notice on the use of contingent valuation to value damage

### **Energy & Environment**

- Conducted several analyses of U.S. energy industry to estimate current and future production in wetlands and in the artic.
- Estimated consequences of oil and gas leasing 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.

### **SELECTED PUBLICATIONS**

“Fuel economies available from ultrahigh bypass jet engines’ in Cost estimates of measures available to reduce US, greenhouse gas emissions by 2010. ICF, Washington D.C. 1990.

“End—use efficiency and NOx emissions in aviation’. In S. Meyers, Ed. Energy efficiency and structural change: Implications for the Greenhouse problem. Lawrence Berkeley laboratory, Berkeley 1990

Estimates of future CO, N2O and NOx emissions from energy combustion, Atmospheric Environment, March 1987

Tropospheric CH4/CD/NOx: The next 50 years. Co—author with Anne M. Thompson. UNEP/USEPA International Ozone conference, 1986

Eliminating CFCs from aerosol uses: the U.S. experience and its applicability to other nations. U.S. Environmental Protection Agency, Washington, February 1986.

The 1983 world oil surplus: some implications for OCS leasing. Prepared for the U.S. House Subcommittee on the Panama Canal/OCS

Washington, April 1983.

The effect of OCS leasing schedules and procedures on fair market value  
Paper presented to the Western Economic Association, Seattle July 1983.

Efficient strategies for preserving groundwater quality, with Rob Wolcott  
U.S. Environmental Protection Agency, May 1992.

Exclusive territorial distributorships and consumer welfare: the case of beer.  
Food Marketing Institute, Washington D.C. 1982.

The Great Giveaway, with others, Sierra Club, October 1982.

The public benefits of the proposed Union Pacific, Missouri  
Pacific, Western Pacific consolidation. Interstate Commerce  
Commission, August 1981

Regional economic impacts of OCS oil and gas development, with  
Susan Little and Rob Wolcott. Governor's Office of Planning and  
Research, California, November 1976.

### **Federal Court Trial Testimony Since 1/91**

NRDC v. Texaco — Wilmington - 2/91, 88—263—JRR  
U.S. v. City of San Diego — San Diego — 2/91, 88—1101—B(IEG)

SCLDF v. City/County of Honolulu — Honolulu - 1/93, 90—00218—HMF  
Friends of Earth v Laidlaw — Columbia SC — 11/93, DSC 3—92-1697—17

PIRG v, MEI - Newark — 1/94, DNJ 89—3193

Friends of Earth v Laidlaw — Columbia SC — 7/95, DSC 3—92—1697—17  
Friends of Earth v. Gaston Recycling 7/95, DSC 3—92—2574—0

PIRG v, Hercules — Camden NJ — 2/97, DNJ 89—2291

U.S. v. Rapanos et al. — Detroit MI — 10/2000, 94—CV—70788DT

PIRG v. Rahway — Rahway NJ — 4/2001, UNN—L—163—98

Sierra Club v. Colorado Springs - Denver Colorado - 1/2008, 05-CV-1994-  
WDM-BNB

American Canoe Association, Inc., et al. v. Louisa Water and Sewer  
Commission - Ashland KY. 7/2009, 01-cv-00099-ART

### **Deposition Testimony since 1/91**

U.S. v. San Diego 1/91, 2/91, 88-1101-B(IEG)  
SCLDF v. C&C Honolulu (Sand Island) 2/91, 90-00219 ACK  
U.S. v. Louisiana Pacific & Simpson Paper 4/91, C-87-0567-MHF  
PIRG v. Hercules 7/91, DNJ 99-2291  
U.S. v. Corning 9/91, 3:CV-90-207

NRDC v. Total Petroleum 5/92  
PIRG v. Witco 5/92, DNJ 89-3146  
Hawaii's Thousand Friends v. C&C Honolulu (Honouliuli) 6/92, 90-00218- HMF  
PIRG v. Circuit Foil 12/92, DNJ 89-5371

Arkansas Wildlife Fed v. Hudson Food 5/93  
U.S. v. Lawrence County 5/93, C-1-91-302  
PIRG v. Essex County 6/93, DNJ 92-4465

TN. Environmental Council v. Dana 4/94, 1-92-0074

Friends of the Earth v. Gaston Recycling 1/95, DSC 3-92-2574-0  
Stevens v. McGinnis, Inc., et al, 2/95, C-1-93-442  
Save Our Beaches v. C&C Honolulu (Kaneohe/Kailua) 3/95, 92-00263  
DAE

City of Independence, Mo. v. Amoco 8/96  
California Sport Fishing Alliance v. El Dorado 9/96, CV-S-95-699

SF Bay Keeper v. Dow Chemical Co., 9/98, C97-01988  
American Canoe Association v. Green Valley-Greenwood PSD, City of St.  
Albans and Dunbar PSD, WVA 10/98, 97-0949

Interfaith Community Organization v. Shinn et al., 2/00, 93-4774, 94-3434, 94-3793  
U.S. v. Rapanos et al., 9/00, 94-CV-70788DT  
American Littoral Society v. Rahway Valley Sewerage Authority 10/00, UNN 163-98

American Canoe Association v. WASA 4/02, 1:99cv02798(HHK)  
U.S. et al. v. Hamilton County 4/03, 1-02-107

Northern Plains Resource Council v. Fidelity Exploration and Production Company 7/04 CV 00-105-BLG-SHE

Adams et al. v. Teck Cominco Alaska Inc., 2/05, A04-49 CV (JWS)

In re: Flood Litigation (1/06), CV 02-C-797, Upper Guyandotte Watershed  
(Judge Hutchison)

Pierre Hodgins v. Carlisle Engineered Products, Inc. (1/06), 1:02CV1454

Office of the District Attorney 10<sup>th</sup> Judicial District of Colorado et al. v.

Colorado Springs Utility (8/06) CV-019994-WBM-BDD

Assoc. of Irrigated Residents v. C&R Vanderham Dairy, et al. (6/07) 1:05-CV-  
01593-OWW-SMS

Assoc. of Irrigated Residents v. South Lakes Dairy, et al. (2/08) 1:05-CV-  
01593-OWW-SMS 1:05-CV-00707-OWW-SMS

American Canoe Association et al. v. City of Louisa Water and Sewer  
Commission et al., (3/08), 01-99

Humboldt Bay Keeper et al. v. Union Pacific Railroad et al. (5/08) C 06-02560  
JSW WDB

New Jersey Municipal Authorities et al. v. Honeywell International et. al  
(9/09) 05-5955 DMC

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

Civil Action No. 93-452 (GK)

AFFIDAVIT OF MICHAEL KAVANAUGH

I, Michael Kavanaugh, Ph.D., do hereby affirm and state:

1. My name is Michael Kavanaugh. I am an economist doing business at 160 Wood Street, Batavia, OH 45103.

2. I hold a Ph.D. in economics from the University of Cincinnati (1975) and a B.A. in economics from Xavier University (1970). I have taught economics at the University of Cincinnati and at Northern Kentucky University. I have worked as a natural resource and environmental economist for a variety of clients, including the U.S. Department of Justice, the U.S. Environmental Protection Agency, environmental groups and private industry for over 20 years. I have been qualified as an expert in Federal court on financial and economic matters ten times. I copy of my curriculum vitae is attached as Attachment 1 and I incorporate it herein by reference.

3. I have been asked by plaintiffs' counsel to render my opinion as to the appropriate price index to be used to update the Laffey matrix of attorneys' fees rates for complex federal litigation in the Washington, D.C. market.

4. Based on the information supplied to me by plaintiffs' counsel, the Laffey matrix was updated to 1988-1989 rates in connection with the Save Our Cumberland Mountains v. Hodel, 857 F.2d 1516 (D.C. Cir. 1988) (en banc) litigation. See Declaration of Joseph A. Yablonski, Pl. Ex. 30.

5. The method that plaintiffs' counsel has used to determine the increase in Laffey rates from 1988-1989 rates to the present is to calculate the June to June change in the legal services component of the consumer price index and to apply the change to a base year to arrive at an estimate for the next year. See Plaintiffs' Application for an Award of Litigation Costs, Including Attorneys' Fees and Out-of-Pocket Expenses, July 1, 1996, p. 14. The process is repeated and a chain of estimates results with each year's estimate linked to the preceding year's estimate by the change in the price index. This is an appropriate and common use of index numbers.

6. In my opinion, as explained below, the Consumer Price Index for U.S. City Average, Legal Service Fees ("Legal Services Index") maintained by the U.S. Department of Labor, Bureau of Labor Statistics (Pl. Ex. 6) is a better measure of the change in prices for legal services in Washington, D.C., than the Consumer Price Index for Washington, D.C., Maryland, Virginia, All Items ("DC Metro CPI") (Def. Ex. 2).

7. I have reviewed both the update to the Laffey matrix prepared by plaintiffs' counsel (Plaintiffs' Application for an Award of Litigation Costs, Including Attorneys' Fees and Out-of-Pocket Expenses, July 1, 1996, p. 14), which uses the Legal Services Index to

bring 1988-1989 rates forward to present, and the update referred to as the United States Attorneys' Office Laffey matrix, which utilizes the DC Metro CPI to bring 1981-1982 rates forward to present (Pl. Exs. 7, 31).

8. Both the Legal Services Index and the DC Metro CPI are readily available and are maintained by the U.S. Department of Labor, Bureau of Labor Statistics. The underlying data are collected by the U.S. Department of Commerce, Census Bureau as part of its quinquennial census and its annual surveys.

9. Economists use as specific an index as possible to determine changes in prices in a part of an industry, such as here changes of prices in legal services in the District of Columbia. Thus, components of the Consumer Price Index are the better tool to use to update an industry's prices rather than the entire Consumer Price Index. This is because there are two strong forces exerting pressure on prices over time. One is inflation, a rise in the general price level; the other is supply and demand imbalances. Often for a particular good or service, supply and demand imbalances are the stronger of the two and can accentuate or negate inflation. If a broad index is used to adjust an industry's prices over time, then the specific supply and demand effects are suppressed and only the effect of inflation is captured. On the other hand, when a specific index is used the net effect both of inflation and of supply and demand imbalances is captured. Accordingly, to measure changes in an industry's prices, it is far preferable to use a specific index rather than a broad index.



10. The Consumer Price Index, U.S. City Average incorporates the Legal Service Index along with many other indices to estimate the cost of living. For example, in the 1995 Consumer Price Index, U.S. City Average for all urban consumers, legal services account for less than .5% of the spending considered by the Consumer Price Index, U.S. City Average. See Pl. Ex. 32, p. 7. In contrast, food prices account for about 16% of total Consumer Price Index, U.S. City Average spending. Adjusting legal fees using the Consumer Price Index, U.S. City Average would give 32 times more weight to food markets than to the markets for legal services.

11. The same comparison is not possible for the DC Metro CPI because the DC Metro CPI does not have a separate component for legal services. See Pl. Ex. 32, p. 13. This is because there were insufficient observations of legal services in the Washington, D.C. metropolitan area to create a statistically valid index. Legal services in the Washington, D.C. metropolitan area are not separately accounted for, but are included in the "Other goods and services category" which also includes tobacco, cosmetics, haircuts, school tuition, day care and funeral expenses. Id., pp. 7, 13. It is fair to conclude that legal services have even less weight in the DC Metro CPI than in the Consumer Price Index, U.S. City Average since there are not sufficient observations for a separate index relating solely to legal services.

12. The Legal Services Index measures, inter alia, the hourly rate of providing many different legal services to households. These services include: preparing a brief, attending a deposition,

representing plaintiffs and defendants in divorce proceedings, and preparing a short form will. Thus, the Legal Services Index is based on a sample of prices of specific items. Just as the overall Consumer Price Index does not include all items available in the U.S. economy, the Legal Services Index does not measure the fees charged for every service rendered by lawyers. Because of the extremely large size of the U.S. economy, it would not be feasible to include every price in the economy in an index.

13. 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 entire 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 physician component of the Consumer Price Index is used; and when the contribution to GDP of radio, TV, air conditioning repair services is calculated, the appliance and furniture repair component of the Consumer Price Index is used.

14. The Legal Services Index is a national index that includes the metropolitan Washington, D.C., area. Adjusting the Laffey matrix with a national index assumes that the rate of change of prices for legal services is about the same everywhere. I note that this is not the same thing as prices being the same everywhere. Even if prices differ in different places, the rate of change in prices is likely to

be about the same. With resource mobility and the ability to communicate easily over distances, this is a plausible assumption. While it is possible for prices for the same good or service to change at different rates in different places, this is most likely to happen for goods or services for which there is only a local market because their transport is expensive relative to their value (e.g., fast food) or because communication is difficult.

15. In my opinion, the market for legal services in complex federal litigation in Washington, D.C. is not a local market. Therefore, it would be more appropriate to use the Legal Services Index, which captures supply and demand factors particular to the legal services market as well as inflation, as compared to the DC Metro CPI, which chiefly captures inflation effects.

16. Finally, I note that the Laffey matrix prepared by plaintiffs' counsel is preferable to the United States Attorneys' Office Laffey matrix for an additional reason. Plaintiffs' Laffey matrix update is based on observations from 1988-1989, while the United States Attorneys' Office Laffey matrix uses 1981-1982 rates as a base. In general, the more contemporary the observations, the less possibility exists for forecasting errors. Thus, plaintiffs' Laffey matrix is more likely to be an accurate forecast of rates because it applies an index to more recent observations to bring rates forward to the present as contrasted to the United States Attorneys' Office Laffey matrix which uses an index to bring forward much earlier observations.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on September 26, 1996.

  
MICHAEL KAVANAUGH

**MICHAEL KAVANAUGH**

160 Wood St.  
Batavia, OH 45103-2923  
Voice/Fax (513) 732-3939  
E-Mail Kavanaug@iglou.com

**PRESENT POSITION:** Private practice, since 1985

**PREVIOUS POSITIONS**

Senior Economist/Project Manager, ICF Incorporated, 1983-85,  
Washington DC  
Research Director, Public Interest Economics Foundation, 1976-83  
Washington DC & San Francisco CA  
Assistant Professor, Northern Kentucky University, 1975-76

**EDUCATION**

Ph.D., Economics, University of Cincinnati, 1975  
B.A., Economics, Xavier University, 1970

**EXPERIENCE**

Dr. Kavanaugh is an independent research economist with over 20 years of experience in applied economics. He is a national expert in environmental enforcement and policies for municipal and industrial point sources of pollution. He has written about groundwater management and climate change. He is experienced in natural resource damage assessment and regional economic impact assessment. Selected projects include:

**ECONOMICS**

Provided expert economic and litigation support services to the United States (and others) in Clean Water Act, Clean Air Act, Superfund, Resource Conservation and Recovery Act Enforcement Cases. He estimates the economic benefit gained by entities who violate their discharge permits; and, measures the effect of penalties on their financial position. This work is based on financial after-tax, cash-flow models.

Prepared testimony on the benefits North Miami received from a landfill and on the economics of operating a landfill (Orange County, NY).

Prepared testimony on the influence of groundwater quality on residential property values; and advised and submitted affidavits supporting Alaska's position on oil and gas leasing in the North Aleutian Basin.

Conducted several analyses of the economic effects of water quality including: estimating the benefits of clean water on 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; estimating expected and realized benefits and costs of irrigation projects; and critiquing efforts to regulate effluents from several industries. Examples include:

Ohio River - (in progress) values public resource damages from spills from tugs and barges. The work combines results from the Natural Resources Damage Assessment models for Great Lake environments, studies of the costs of reducing risks to drinking water, and restoration costs.

Kailua Beach State Park - valued a three mile public beach based on recreational use and estimated the damage to the beach 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 Florida beaches. The work involved extensive use of the Natural Resource Damage Assessment models for coastal and marine environments.

Estimated the employment and income effects from spending the Exxon Valdez settlement. The work involved characterising the options in the restoration plan in terms of input/output models.

Conducted several analyses of the U.S. petroleum industry to estimate current and future production in wetlands and in the arctic; and to estimate the cost effectiveness of technologies to control produced water discharges.

Estimated current and future greenhouse gas emissions by fuel, sector, and region. The work involved estimating long-term energy use using an economic model based on prices and income and forecasting combustion technology. The work is used by atmospheric modelers.

Advised environmental groups on the use of contingent valuation to value natural resource damages and commented on the Federal Register Notice on the use of contingent valuation to determine damages.

## PUBLICATIONS

"Fuel economies available from ultrahigh bypass jet engines" in Cost estimates of measures available to reduce U.S. greenhouse gas emissions by 2010. ICF Washington D.C. 1990.

"End-use efficiency and NOx emissions in aviation". In S. Meyers, ed. Energy efficiency and structural change: Implications for the Greenhouse problem. Lawrence Berkeley Laboratory, Berkeley CA 1988.

Estimates of future CO, N2O and NOx emissions from energy combustion. Atmospheric Environment, March 1987.

Tropospheric CH4/CO/NOx: The next 50 years. coauthor with Anne M. Thompson. UNEP/USEPA International Ozone Conference, 1986.

Eliminating CFCs from aerosol uses: the U.S. experience and its applicability to other nations. U.S. Environmental Protection Agency, Washington, February 1986.

The 1983 world oil surplus: some implications for OCS leasing. Prepared for the U.S. House Subcommittee on the Panama Canal/OCS Washington, April 1983.

The effect of OCS leasing schedules and procedures on fair market value. Paper presented to the Western Economic Association, Seattle July 1983.

Efficient strategies for preserving groundwater quality, with Rob Wolcott. U.S. Environmental Protection Agency, May 1982.

Exclusive territorial distributorships and consumer welfare: the case of beer. Food Marketing Institute, Washington D.C. 1982.

The Great Giveaway, with others, Sierra Club, October 1982.

The public benefits of the proposed Union Pacific, Missouri Pacific, Western Pacific Consolidation. Interstate Commerce Commission, August 1981

Regional economic impacts of OCS oil and gas development. with Susan Little and Rob Wolcott. Governor's Office of Planning and Research, California, November 1976.

**Plaintiffs' Exhibit**  
**108**  
Civ. No. 05-1437 (RCL)

**From:** Copeland, Chad (OAG) <chad.copeland@dc.gov>  
**Sent:** Monday, April 10, 2017 5:27 PM  
**To:** Carolyn Smith Pravlik  
**Cc:** Blecher, Matthew (OAG); Todd A. Gluckman  
**Subject:** RE: DL | Charts 2 & 3 from Dr. Malowane's Declaration  
**Attachments:** 2014 SLFE Excerpts.pdf

Carolyn –

Tables 2 and 3 were created by Dr. Malowane to display information she pulled from various sources. There are no backup calculations as all numbers were pulled directly from the sources cited in the tables.

For Table 2, the figures for Average (2014), Median (2014), Top 25% (2014) and Top 10% (2014) are from page 167 of the 2014 ALM Survey (attached). The figures are under the category “other litigation.” Figures for the USAO Matrix and Salazar Matrix are from the USAO and laffeymatrix websites cited in the table, respectively.

For Table 3, the figures for Bankruptcy Litigation Average (2014) and Bankruptcy Litigation Median (2014) are from page 165 of the 2014 ALM Survey (attached). The figures are under the category of “bankruptcy.” USAO Matrix and Salazar Matrix rates are from the USAO and laffeymatrix websites cited in the table, respectively.

I appreciate plaintiffs’ patience regarding this information. I also note that, in the time since you have made this request, I have provided periodic updates to you, assuring you that your requests were not being ignored or forgotten.

Chad Copeland  
Assistant Deputy Attorney General  
Public Interest Division  
Office of the Attorney General for the District of Columbia  
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**From:** Carolyn Smith Pravlik [mailto:cpravlik@tpmlaw.com]  
**Sent:** Sunday, April 09, 2017 6:25 PM  
**To:** Copeland, Chad (OAG)  
**Cc:** Blecher, Matthew (OAG); Todd A. Gluckman  
**Subject:** RE: DL | Charts 2 & 3 from Dr. Malowane's Declaration

Chad: Please provide the calculations that underlie Tables 2 and 3 in Dr. Malowane's declaration by the end of this week. I requested these calculations during a call in early March. I followed up on that request in my email of March 24, which is attached since you did not continue the thread. It is unreasonable that it has taken the District so long to obtain this material from Dr. Malowane and provide it to us. Thank you for providing the calculations by April 14. Carolyn

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**Subject:** DL | Charts 2 & 3 from Dr. Malowane's Declaration

Carolyn –

I continue to work on this. It is not off my radar. I apologize for the length of time it is taking.

Thanks.

Chad Copeland  
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Office of the Attorney General for the District of Columbia  
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2014 EDITION

# The 42<sup>nd</sup> Annual Survey of Law Firm Economics

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# THE SURVEY OF LAW FIRM ECONOMICS

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Firm Specialization

These specialized firms derived 50% or more of their gross receipts from one area of legal work. This survey reports areas of specialization in the financial section as follows:

- Commercial Litigation
- Insurance Defense Litigation
- Labor/Employment
- General (no area responsible for 50% or more)
- Other

Lawyer Specialization

The questionnaire requests information on any legal specialty in which each reported individual spent more than half of his/her billable time. The list of specialties requested is shown below. It is not an exhaustive list, but enables some analysis of the relative earnings of various specialty groups.

Non-Litigation	Litigation
100 = Admin/Legislative/Reg.	200 = Antitrust
101 = Banking	201 = Bankruptcy
102 = Bankruptcy	202 = Collections
103 = Collections	203 = Comm./Contracts
104 = Commercial/Contract	204 = Criminal
105 = Education	205 = Education
106 = Employee Benefits	206 = Insured Defense
107 = Employment	207 = Self-insured Defense
108 = Environmental	208 = Employee Benefits
109 = Family Law	209 = Employment
110 = General Business	210 = Environmental
111 = Health Care	211 = Family Law
112 = Insurance	212 = Health Care
113 = Intellectual Property	213 = Intellectual Property
114 = International	214 = International
115 = Labor/Management	215 = Labor/Management
116 = Labor/Union	216 = Labor/Union
117 = Maritime	217 = Maritime
118 = Merger/Acquisitions	218 = Natural Resource
119 = Municipal Finance	219 = Personal Injury
120 = Natural Resources	220 = Products Liability
121 = Real Estate	221 = Real Estate
122 = Securities	222 = Securities
123 = Taxation	223 = Taxation
124 = Trust/Estates/Probate	224 = Trust/Estates/Probate
125 = Utilities	225 = Workers' Compensation
126 = Other Non-litigation Spec.	226 = Other Litigation Spec.
127 = Multi Non-litigation Spec.	227 = Multi Litigation Spec.
300 = Generalist	

Multioffice Firms

Multioffice law firms are shown as a separate category within the financial section wherever information is segregated by firm size, region and size of municipality. Within the category of MULTIOFFICE law firms, each firm is treated as a single entity. In addition, each multiple office firm is treated as a separate unit within the reporting categories of size, location, and population in this section.

When reporting information in the remaining sections of the report, each individual fee earner is re-categorized according to the region of employment. For example, a firm's main office is in Minneapolis, and the branch office is in Sarasota, Florida. The individual fee earner information is reported as South Atlantic.

Offices

The term OFFICES indicates the number of law firm offices reported within a category. Branch offices are counted as single offices.

Geographic Regions

Regions are determined using geographic divisions as defined by the U.S. Census Bureau (see map following introduction). Puerto Rico and the Virgin Islands are included with "South Atlantic;" Hawaii and Alaska with "Pacific."

Population Area

Population area categorizations are determined using definitions determined by U.S. Office of Management and Budget (OMB) as applied to U.S. Census Bureau data.

Status

- 10 Equity Partner/Shareholder/Proprietor**
- 11 Non-Equity Partner, Salaried Partner, Non-Participating Partner** - Any individual who is held out to the public as a partner or principal, but is clearly in a separate class that is characterized as having lower capital contribution requirements, lesser voting rights and lesser economic risk or reward potential. May be classified as either a W-2 employee or K-1 partner for tax purposes.
- 20 Associate Lawyer** - A lawyer employed by the firm who is understood to be in a program leading to consideration for partnership or shareholder status, or who has been so considered.
- 21 Staff Lawyer** - A lawyer employed by a law firm who is hired with the understanding that the position will **not** lead to consideration for ownership status.
- 30 Counsel** - (of counsel) working actively; normally over 800 billable hours.

In analysis titled "*By Individual Status*," each status code is listed separately. This breakout is shown **only** at the national level. In the remaining analyses, the heading *Partner/Shareholder-Equity/Non-Equity* includes partners in partnerships, shareholders in professional corporations/ associations and sole proprietors. This would include equity *and* non-equity positions. The heading *Associate/Staff* includes associate *and* staff attorney positions defined earlier.

## STATISTICAL TERMS USED

The statistical terms used in the survey are defined below and illustrated in the example. Quartiles are used to define the middle 50% of the range. One quarter of the observations lies below the **first or lower quartile** (or 25th percentile). One quarter lies above the **third or upper quartile** (or 75th percentile). In some tables the **ninth decile** (or 90th percentile) is also shown; 10% of cases lie above this point.

The **median** (or 50th percentile) is the middle or central number in a series of numbers arranged in order of value. In the following example, the median is 50. There are equal numbers of smaller and larger observations.

The **average** (or mean) is the total value of all observations divided by the number of observations. This number may be distorted by a few outliers, as is the case in our example. The mean is useful in hourly rates and in billable hours, because few outliers are possible. It is not as good a measure for comparisons of earnings.

Example	
Item No.	Amount
1.	400 (Outlier)
2.	90
3.	80 – 75 <sup>th</sup> percentile or upper quartile
4.	70
5.	60
6.	50 – Median or 50 <sup>th</sup> percentile
7.	45
8.	40
9.	30 – 25 <sup>th</sup> percentile or lower quartile
10.	20
11.	10
Average is 82	
Middle range is 30 to 80	

## INFORMATION ABOUT THE RESPONDENT SET

This study is undertaken annually. An invitation to participate was sent to a selected group of law firms. These are firms that have had prior contact with ALM Legal Intelligence and include past participants and purchasers of our various surveys. Invitations to participate were also sent to various members of the Association of Legal Administrators and other mailing lists.

Only U.S. law firms are included in this study. **Sole practitioners are included in this report for the first time.** Therefore any trending data such as firm financials, compensation or billing rates will not be completely trendable with previous editions of the survey. To accommodate this group, ALM Legal Intelligence has a separate data cut for firm sizes 10 attorneys or less.

Information was collected in several areas for each lawyer who worked at the participating law firm in 2013. Earnings and billable hours information is included only for individuals who worked full-time for all of 2013.

To ensure more accurate information, no statistics are shown for any category that does not have information supplied by at least five firms/offices and seven individual positions. Medians are only shown for 11 or more data points. Quartile and ninth decile information is only shown for 17 or more data points. Certain tables show only averages, even though sufficient data exists for additional statistical comparison. The number of firms or offices and number of positions are indicated on the tables as appropriate.

In some instances, the sum total of percentage breakouts may not equal 100%, because numbers have been rounded to the nearest one-tenth of one percent.

### Weighted vs. Unweighted Data

In the financial section, both weighted and unweighted data are used. Where tables show quartiles and deciles, data are unweighted. All other tables are weighted.

Weighted data are analogous to the House of Representatives (i.e., states have more or less representation based on their size); unweighted data are like the Senate (i.e., each state has the same representation).

### *Weighted Data*

Weighted data use the number of lawyers in the firm as part of the calculation (e.g., a firm with five lawyers gets a weight of five - a firm with 300 lawyers gets a weight of 300). In calculating weighted data for Gross Receipts, for instance, Gross Receipts for all firms are totaled, all lawyers are totaled, then total Gross Receipts is divided by total lawyers.

### *Unweighted Data*

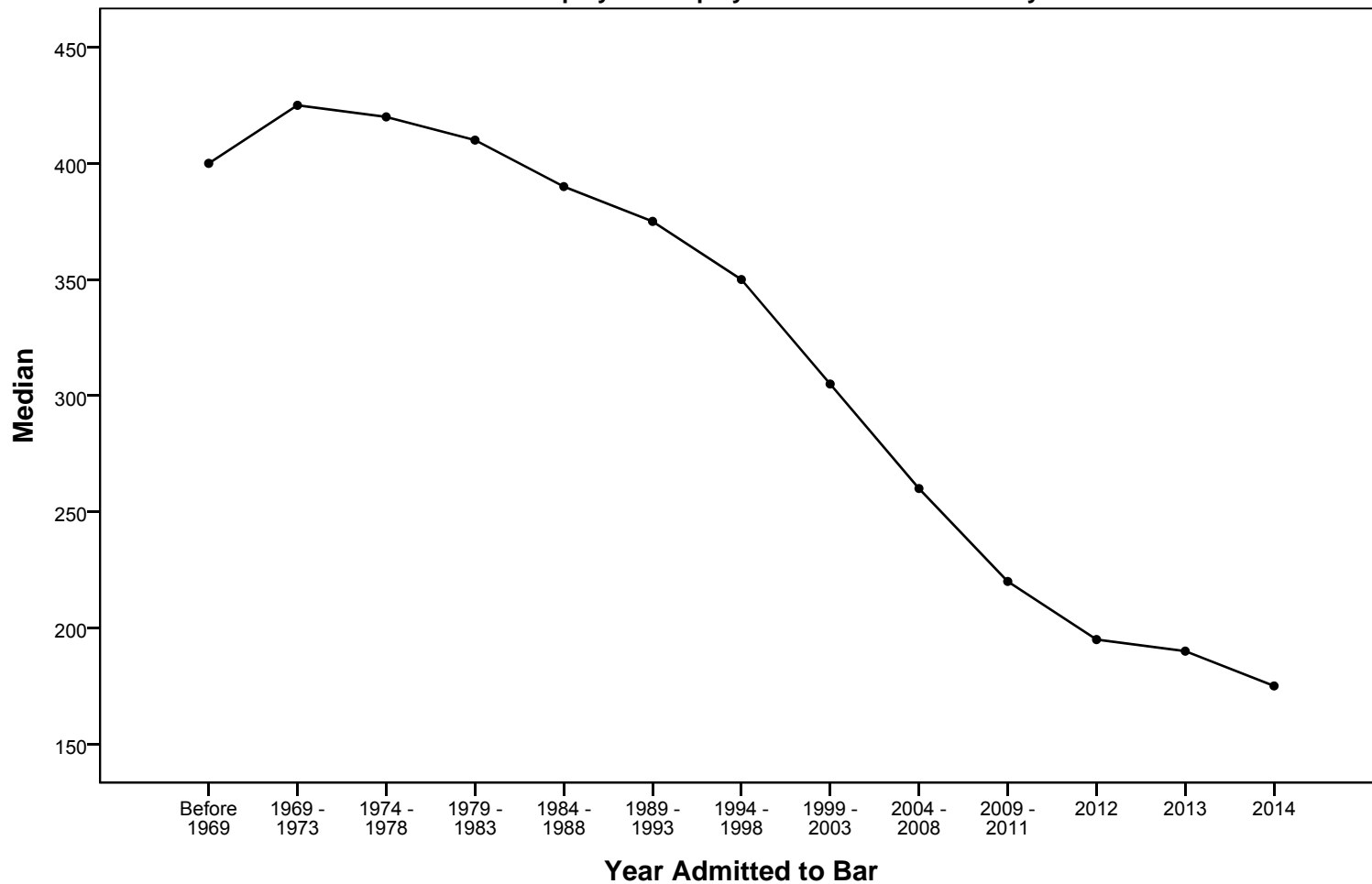
Unweighted data uses one figure for each firm. In calculating unweighted data for Fees Receivable, for instance, Fees Receivable for each firm is divided by the number of lawyers for that firm. These new Per Lawyer Fees Receivable numbers are then totaled for all firms; the total is divided by the number of firms.





### MEDIAN STANDARD HOURLY RATE BY YEAR ADMITTED TO BAR

Partner/Sharholder-Equity/Non-Equity and Associate/Staff Lawyer



**YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Years of Experience	Number of Offices	RATE					
		Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Under 2 Years	86	370	204	175	190	235	260
2 or 3 Years	96	454	219	180	215	260	285
4 or 5 Years	95	516	242	190	240	290	325
6 or 7 Years	92	502	258	210	250	305	350
8 to 10 Years	101	639	285	235	280	335	385
11 to 15 Years	100	843	323	265	312	385	450
16 to 20 Years	103	781	365	295	360	442	495
21 to 30 Years	106	1,391	387	310	385	460	530
31 or More Years	107	1,411	430	350	420	505	595

**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Bankruptcy	6 or 7 Years	7	8	291	--	--	--	--
	8 to 10 Years	8	10	290	--	--	--	--
	11 to 15 Years	10	14	336	--	320	--	--
	16 to 20 Years	6	7	371	--	--	--	--
	21 to 30 Years	12	18	431	365	433	500	605
	31 or More Years	18	23	440	340	470	510	580
Collections	21 to 30 Years	6	10	290	--	--	--	--
Comm'l./Contract	Under 2 Years	15	25	209	178	210	238	259
	2 or 3 Years	15	28	241	185	258	275	295
	4 or 5 Years	20	39	260	215	250	305	330
	6 or 7 Years	22	36	275	235	258	319	347
	8 to 10 Years	22	45	304	230	305	365	400
	11 to 15 Years	23	62	350	275	343	428	450
	16 to 20 Years	21	40	384	300	363	434	570
	21 to 30 Years	27	75	407	325	375	460	595
	31 or More Years	25	71	450	355	420	510	660
Insured Defense	Under 2 Years	11	35	160	147	160	176	185
	2 or 3 Years	13	45	168	140	167	183	206
	4 or 5 Years	12	52	169	145	163	182	211
	6 or 7 Years	10	46	167	143	161	185	212
	8 to 10 Years	12	41	184	147	174	214	256
	11 to 15 Years	13	53	193	163	184	200	264
	16 to 20 Years	17	38	226	161	195	303	335
	21 to 30 Years	25	91	250	183	223	300	408
	31 or More Years	20	38	279	191	254	353	405
Employment	Under 2 Years	5	10	231	--	--	--	--
	2 or 3 Years	9	16	241	--	255	--	--

**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE**  
**STANDARD HOURLY BILLING RATES**  
As of January 1, 2014

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Employment	4 or 5 Years	11	17	262	225	269	290	353
	6 or 7 Years	11	20	257	203	258	297	320
	8 to 10 Years	10	19	288	260	300	318	325
	11 to 15 Years	13	34	346	290	352	396	446
	16 to 20 Years	16	39	372	300	375	443	475
	21 to 30 Years	25	48	369	300	370	424	467
	31 or More Years	11	30	430	335	433	503	591
Environmental	16 to 20 Years	6	9	373	--	--	--	--
	21 to 30 Years	12	23	381	328	385	440	490
	31 or More Years	12	17	397	288	430	463	572
Family & Domestic Law	11 to 15 Years	6	9	338	--	--	--	--
	21 to 30 Years	11	13	380	--	365	--	--
Health Care	Under 2 Years	6	8	228	--	--	--	--
	4 or 5 Years	7	8	265	--	--	--	--
	11 to 15 Years	8	13	330	--	300	--	--
	16 to 20 Years	8	10	379	--	--	--	--
	21 to 30 Years	11	18	352	210	345	439	584
	31 or More Years	12	17	383	275	350	450	637
Intellectual Property	21 to 30 Years	9	11	420	--	425	--	--
Labor-Mgmt.	21 to 30 Years	6	10	312	--	--	--	--
Personal Injury	21 to 30 Years	9	15	316	--	305	--	--
	31 or More Years	11	12	365	--	325	--	--
Products Liability	8 to 10 Years	8	24	227	199	220	245	280
	16 to 20 Years	7	24	312	271	305	375	388
	21 to 30 Years	9	29	356	288	360	420	475
	31 or More Years	8	31	412	360	420	490	524
Real Estate	16 to 20 Years	6	8	367	--	--	--	--

**INDIVIDUAL LITIGATION SPECIALTIES BY YEARS OF LEGAL EXPERIENCE  
STANDARD HOURLY BILLING RATES  
As of January 1, 2014**

Specialty/Years of Experience		Number of Offices	RATE					
			Number of Lawyers	Average \$	Lower Quartile \$	Median \$	Upper Quartile \$	Ninth Decile \$
Trusts/Estates/Probate	21 to 30 Years	5	7	410	--	--	--	--
Workers' Compensation	4 or 5 Years	6	13	161	--	145	--	--
	6 or 7 Years	4	14	142	--	141	--	--
	8 to 10 Years	5	19	170	146	151	170	250
	11 to 15 Years	6	37	158	146	153	164	184
	16 to 20 Years	6	17	213	160	171	278	309
	21 to 30 Years	13	30	218	163	175	278	324
	31 or More Years	6	10	222	--	174	--	--
Other Litigation	Under 2 Years	7	27	235	225	240	245	260
	2 or 3 Years	10	36	242	203	255	275	285
	4 or 5 Years	13	35	267	220	275	315	337
	6 or 7 Years	17	42	295	240	313	351	360
	8 to 10 Years	14	40	315	269	315	375	394
	11 to 15 Years	15	62	359	280	360	425	457
	16 to 20 Years	15	57	380	320	365	453	476
	21 to 30 Years	21	103	392	320	385	455	513
	31 or More Years	22	81	447	375	430	513	570
Multiple Litigation	Under 2 Years	22	47	192	175	180	205	236
	2 or 3 Years	32	78	221	190	215	246	276
	4 or 5 Years	30	76	233	200	225	250	302
	6 or 7 Years	31	70	256	225	250	281	330
	8 to 10 Years	34	88	274	240	275	300	341
	11 to 15 Years	41	95	306	269	300	350	375
	16 to 20 Years	45	108	337	300	325	390	440
	21 to 30 Years	50	150	379	318	385	425	509
	31 or More Years	58	184	419	350	410	485	575

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**  
**115**  
Civ. No. 05-1437 (RCL)

Civil Action No. 05-1437 (RCL)

**Plaintiffs'**  
**2012**  
**Exhibit**  
**30**

AFFIDAVIT OF DR. 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 curriculum vitae with a listing of sworn federal testimony and all publications published in the last 10 years. I incorporate it herein by reference.
3. In 1983, the plaintiffs in *Laffey v. Northwest Airlines, Inc.*, 572 F. Supp. 354 (D.D.C. 1983), affirmed in part, reversed

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

in part on other grounds, 746 F.2d 4 (D.C. Cir. 1984), cert. 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. 52.

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.
5. 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. A copy of that affidavit is attached as Attachment 2. I opined that using the LSI was the appropriate method for updating the *Laffey* matrix. The Court explicitly adopted my analysis in its decision. See *Salazar v. District of Columbia*, 123 F. Supp. 2d 8 (D.D.C. 2000). I continue to hold the opinions expressed in that affidavit.
6. 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 cases of *Salazar v. District of Columbia*, 750 F. Supp. 2d 70 (D.D.C. 2011); *Interfaith*

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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 5.



*Community Organization v. Honeywell*, 336 F.Supp.2d 370 (D.N.J. 2004), affirmed, 426 F. 3d 694 (3d Cir. 2005) and *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).

7. Plaintiffs' counsel asked me to explain why (1) the Legal Services Index (LSI) is a better measure of the change in prices for legal services in Washington, D.C., than the Consumer Price Index for metropolitan Washington, D.C., which includes Washington, D.C., Maryland, Virginia, and West Virginia<sup>4</sup> ("All-Items Regional CPI")<sup>5</sup>; and (2) to respond to criticisms about using the LSI for updating or adjusting the *Laffey* matrix to approximate current attorneys' fees for complex federal litigation in the Washington, D.C. market. My opinions are stated to a reasonable degree of certainty under the standards of my profession.
8. As discussed in more detail below, indices such as the LSI or the All-Items Regional CPI sample the prices of certain goods and service and create an index. This allows a calculation of the rate of price change over various time intervals for the products 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.

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<sup>4</sup> Prior to 1998, the index included the District of Columbia, Montgomery County, MD; Prince George's County, MD; Alexandria city, VA; Arlington County, VA Fairfax County, VA Falls Church city, VA.

Since 1998, the index includes all of the areas in the older index and adds: Baltimore City and the counties of Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Harford, Howard, Queen Anne's, and Washington in Maryland; the cities of Fredericksburg, Manassas, and Manassas Park and the counties of Clarke, Fauquier, King George, Loudoun, Prince William, Rappahannock, Spotsylvania, Stafford, and Warren in Virginia; and the counties of Berkeley and Jefferson in West Virginia. See <http://www.bls.gov/ro3/cpiwb.htm> and <http://www.census.gov/population/www/metroareas/lists/historical/60mfips.txt>

<sup>5</sup> Both the LSI and the All-Items Regional CPI are maintained by the U.S. Department of Labor, Bureau of Labor Statistics (BLS).

9. There are only two bases for distinguishing between the LSI 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.
10. 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 of the rate of price change in the overall cost of living for consumers. For example, the 2010 CPI for all urban consumers contains a legal services component, which accounts for less than .325% (.00325) of the total spending represented in the CPI.<sup>6</sup> Thus, 99.675% of the spending reflected in the 2010 CPI is for items other than legal services. The component representing food prices accounts for about 15% (.15) of the total 2010 CPI. If legal billing rates were updated using this CPI, this would give fifty times more weight to food markets than to the legal services market. These same percentages apply to the All-Items Regional CPI. In my opinion it is far better to update the *Laffey* survey of billing rates using an index specific to legal services<sup>7</sup> 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.
11. In contrast, the LSI measures the fees charged for providing specific legal services. These services include preparing a brief, attending a deposition and representing parties in civil proceedings, which are services provided in complex federal litigation. Just as a national CPI does not include all items in the U.S. economy, the LSI does not and cannot include the fees charged for every possible service rendered by lawyers. The size and complexity of

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<sup>6</sup> See <ftp://ftp.bls.gov/pub/special.requests/cpi/cpiri2010.txt>. 2010 is the most recent year for which BLS reports its relative component analysis.

<sup>7</sup> The LSI data are the billing rates for legal services performed on behalf of individuals and households including proprietors and partnerships. As will be discussed below, billing rates for legal services performed on behalf of corporate clients are reflected in the Producer Price Index.

the U.S. economy and the practice of law makes impossible the inclusion of every price in the economy or a law practice in an index.<sup>8</sup>

12. 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. As explained below, these other items 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.
13. Economists try to use the most specific index available. This helps them make a more accurate assessment of the market forces that influence prices. The specific components of the CPI, such as the LSI, to the extent they are available, are the better resource to update an industry's prices than the general CPI. This is because there are two strong forces that exert pressure on prices over time. One is inflation, a rise in the general price level; the other is a supply and demand imbalance. Often for a specific good or service, supply and demand imbalances are the stronger of the two and can accentuate or negate

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<sup>8</sup> The list of services that the BLS field staff samples is found on the entry-level checklist. See Pl. Ex. 32. The services included in this checklist are common services provided by law firms. By surveying the prices for these services month after month, BLS is able to create a record of how the prices of the services change over time. For the index to be of value, BLS must be able to use the same set of services in each survey period. This is the same procedure that BLS uses to survey prices for other services, such as medical services or financial services. It is impractical for the BLS survey to include every possible legal service. Moreover, doing so would defeat the purpose of taking a sample.

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.

the general effects of inflation on a particular price (e.g. billing rates for legal services). If a broad index is used to adjust an industry's prices over time, then the specific supply and demand effects are suppressed and only the effect of inflation is captured. On the other hand, when a specific index is used, the net effect of both inflation and supply and demand imbalances is captured. This is why it is preferable, and more accurate, to use a specific index rather than a broad index.

14. Market imbalances negating inflation may be seen in the market for electrical components and parts (e.g., computers) over the last thirty years. Due to strong advances in productivity in this industry, computer prices have declined while prices generally have increased due to inflation.
15. Market imbalances have recently accentuated inflation in the market for fossil fuels. From mid-1998 to mid-2008, fuel prices increased within the region covered by the All-Items Regional CPI by 5.7% per year while prices for all items increased by 3.2% per year. Thus, if the All-Items Regional CPI were used to calculate the change in fuel cost for this 10-year period, it would underestimate the change by over 25%.<sup>9</sup>
16. The market for legal services in complex federal litigation in Washington, D.C., is not a local market. Therefore, it would be more appropriate to use the Legal Services Index, which captures supply and demand factors particular to the legal services markets nationally as well as inflation, as compared to the All-Items Regional CPI, which captures inflation effects for 100,000 items.
17. 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. In other words,

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<sup>9</sup> As an example, if heating oil in 1998 were priced at \$1000 per tank, according to the CPI a tank of oil would cost \$1370 in 2008. The calculation is:  $\$1000 \times (1.032)^{10} = \$1370$ . But, an index specific to fuels would show the price to be \$1740 in 2008. The calculation is:  $\$1000 \times (1.057)^{10} = \$1740$ . The difference ( $1740/1370 = 1.27$ ) or  $(370/1370 = .27)$  is over 25%.

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. 77-78. The geographic extent of the market for complex legal services provides another reason why the LSI produces adjusted rates that are more reflective of the marketplace than the All Items Regional CPI. It more accurately reflects the conditions of competition in the Washington, D.C. marketplace.

18. Adjusting *Laffey* with a national index assumes that the rate of change of prices for legal services is about the same everywhere. I note that this is not the same thing as prices being the same everywhere. Even if prices differ in different places, the rate of change in prices is likely to be about the same. With resource mobility and the ability to communicate easily over distances, this is a plausible assumption. While it is possible for prices for the same good or service to change at different rates in different places, this is most likely to happen for goods or services for which there is only a local market because their transport is expensive relative to their value (e.g., fast food) or because communication is difficult.
19. 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.
20. I reviewed Plaintiffs' Exhibit 36 showing the rate of change in the average billing rates for ten cities nationwide. I have not checked the compilation of the data or the specific calculations for the city averages. I checked the percent change for the years specified, I reviewed the concept and the formula used and agree that, on the assumption that all the data and calculations are correct, this exhibit shows the rate of change in billing rates for the identified cities. This shows that the rate of change in hourly rates in Washington, D.C. is higher than in almost all of the other cities. This further supports use of the LSI as a means of adjusting for the rate of change in the *Laffey* matrix.

21. Plaintiffs' Exhibit 36 supports my opinion that the Washington, D.C., marketplace reflects the national marketplace.
22. In some cases, it has been concluded that the geographic reach for the All-Items Regional CPI is better than the LSI in reflecting the rate of price change in the Washington, D.C. marketplace. The All-Items Regional CPI, however, covers too much geographic area if the goal in updating the *Laffey* matrix is to replicate the prevailing market rates only in the District of Columbia. Furthermore, as the geographic reach of the index increases by adding outlying areas with lower living costs, the measured change in the cost of living will be reduced.<sup>10</sup>
23. The addition of outlying areas in Maryland, Virginia and West Virginia in 1998 to the All-Items Regional CPI brought with it the inclusion of lower housing costs. Since housing costs are a large component of the CPI, the inclusion of outlying areas places downward pressure on the overall All-Items Regional CPI. The lower housing costs may lead to a material reduction in the measured cost of living. Reductions in the measured cost of living have the potential to affect poverty measures and the administration of Federal programs. The effect of intra-area price differences is not unique to the All-Items Regional CPI and is a general problem.<sup>11</sup> Thus, the All-Items Regional CPI includes price data from West Virginia and other areas with costs of living below that of the District of Columbia. This produces a lower rate of price change that is then applied to the *Laffey* survey.

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<sup>10</sup> The All-Items Regional CPI weights housing costs with 42 points out of 100 points (42%). This share is distributed over shelter costs (32.3 points), fuel and utilities (5.1 points), and furnishings (4.6 points). (See <http://www.bls.gov/news.release/pdf/cpi.pdf>) Empirical analysis dating from the late 1970s and continuing until the present shows that there are persistent differences in housing prices between a city and its outlying areas. These price differences are thought to reflect income differences and can exceed 20%. (See [http://www.bea.gov/scb/pdf/2008/11%20November/1108\\_spotlight\\_parities.pdf](http://www.bea.gov/scb/pdf/2008/11%20November/1108_spotlight_parities.pdf)) and Goodman A. C., "Hedonic Prices, Price Indices and Housing Markets," *Journal of Urban Economics* 5, 471-478 (1978).

<sup>11</sup> See: <http://www.indexmeasures.com/V1%20FCh7%2004,03,09%20Heston+Nakamura.pdf>

24. In summary, use of the LSI for updating the *Laffey* matrix is more likely to produce rates that reflect prevailing billing rates because it applies a specific legal index as compared to a broad consumer goods and service index and its geographic reach is more representative of the Washington, D.C. market for complex federal litigation.
25. Over the years, criticisms have been made of updating the *Laffey* matrix using the LSI as compared to the All-Item Regional CPI. The most recent criticisms were made by the Court in *Heller v. District of Columbia*, 2011 WL 6826278 (D.D.C. December 29, 2011). I discuss *Heller* and the other criticisms below.
26. In *Heller*, the Court adopted the All-Items Regional CPI update of the *Laffey* matrix over the LSI update based on an assumption that the LSI update represents large law firms and the attorneys who represented the plaintiffs were from small law firms. The *Heller* decision necessarily assumes that the All-Items Regional CPI update is more representative of the prices at small firms. This assumption is incorrect.
27. When BLS samples prices and constructs its price indices-- either for the LSI or for the All Items Regional CPI-- it does not consider firm size as a factor. BLS collects data for a good regardless of whether the good is purchased from a large national firm (e.g. Sears) or a small neighborhood firm.
28. 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.
29. Moreover, the LSI does not have a systematic bias to large size firms. The LSI data are for legal services performed on

behalf of households. Although the BLS does not keep statistics on the size of firms from which its LSI data is collected, it believes that the data are weighted toward smaller firms because it believes those are the firms most likely to be consulted by households.<sup>12</sup>

30. According to BLS, the rate of price change for large law firms is more likely to be reflected in the legal services price data it collects as part of the Producer Price Index (PPI).<sup>13</sup> To the extent that businesses prefer to use large law firms when they seek representation, then the PPI may exhibit a systematic bias towards large firms. Moreover, the legal services data within the PPI would certainly reflect the rate of change in prices for complex federal litigation to the extent that complex federal litigation is litigated on behalf of businesses. The PPI survey data have only been collected since 1996 and would require the use of another index for the years prior to 1996 in order to update *Laffey*. Since 1996, the rate of change for the legal services covered by the PPI has been 78%. In contrast, since 1996 the rate of change for the LSI has been 71%. As another comparison, based on data from the National Law Journal, the rate of change for rates at the top of the range for partners in Washington, D.C., law firms since 1996 has been 146%. Pl. Ex. 25. Thus, the LSI likely understates the rate of price change for billing rates for legal services.
31. The court in *Heller* also criticized the LSI update over the All-Items Regional CPI update because the LSI has been applied to the 1988-1989 *Laffey* survey that was prepared at the D.C. Circuit's urging in *Save Our Cumberland Mountains* when it overruled the *Laffey* decision instead of the 1981-1982 *Laffey* survey. In general, the more contemporary the observations, the less possibility exists

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<sup>12</sup> Mr. Dan Ginsburg at BLS, 202-691-6986.

<sup>13</sup> The PPI is based on a sample of the prices of 100,000 goods and services received by 25,000 establishments. The sample represents the output of all industries in the goods-producing sector and more than three-quarters of the service sector's output. The quotations are formed into indices that can then be used to measure the average change over time in prices received by domestic producers of goods and services. <http://www.bls.gov/ppi/ppiover.htm#data>



for forecasting errors. Thus, using the 1988-1989 *Laffey* survey data as the baseline is more likely to produce an accurate forecast of billing rates because it applies an index to more recent observations to bring rates forward to the present. In contrast, the All-Items Regional CPI update is used to bring forward much earlier observations.

32. Furthermore, the choice of a price index may be a stronger influence on billing rates than the choice of a base year. Consider the following exercise, I used the LSI to update the 1981-82 *Laffey* survey and the 1989 *Laffey* survey to 2011-2012. Then, I added a column that shows the update of the 1981-82 survey by using the All-Items Regional CPI.<sup>14</sup> The results, shown below, suggest that the choice of an index makes a larger difference in estimated billing rates than does the choice of a base year.<sup>15, 16</sup>

<i>Laffey</i> Experience Levels	LSI Update to 2011-12 of 88-89 survey	LSI Update to 2011-12 of 81-82 survey	All-Items Regional CPI Update to 2011-12 of 81-82 survey
20+	734	653	495
11 – 19	610	564	435
8 – 10	541	444	350
4 – 7	374	370	285
1 – 3	304	295	240
Paralegals	166	149	140

33. In forming my opinion, I also reviewed the summary of affidavits and court documents collected by plaintiffs’ counsel regarding billing rates charged by Washington, D.C. firms in 2007 and 2008 (Pl. Exs. 56-57). These

<sup>14</sup> See [http://www.justice.gov/usao/dc/divisions/civil\\_Laffey\\_Matrix\\_2003-2012.pdf](http://www.justice.gov/usao/dc/divisions/civil_Laffey_Matrix_2003-2012.pdf)

<sup>15</sup> I note that the LSI update of the 1981-1982 survey produces slightly lower billing rates than the LSI update of the 1988-1989 survey. This may be attributable to the fact that the LSI was not available until 1986. So, to update the 1981-82 survey to 1986 it was necessary to use the published calculations for 1986. See [http://www.justice.gov/usao/dc/divisions/civil\\_laffey\\_matrix\\_1.html](http://www.justice.gov/usao/dc/divisions/civil_laffey_matrix_1.html). Effectively, this means that the update from 1981 to 1986 uses the All-Items Regional CPI index not the LSI index.

<sup>16</sup> The calculations are in Plaintiffs’ Ex.29.

materials support my opinion that the LSI update of the *Laffey* matrix produces a better approximation of current rates for complex federal litigation in the Washington, D.C. market than the All-Items Regional CPI *Laffey* update produces.

34. My billing rate for the preparation of this affidavit is \$175/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 April 25, 2012.

*Mkavanaugh*  
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MICHAEL KAVANAUGH, PhD

**MICHAEL KAVANAUGH**  
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**PRESENT POSITION:** Private Practice since 1985

**PREVIOUS POSITIONS:**

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

**EDUCATION:**

- Ph.D., Economics, University of Cincinnati, 1975
- BA. Economics, Xavier University, 1970

**EXPERIENCE**

- An independent research economist with many years of experience;
- A national expert in the economic aspects of environmental enforcement and policies for municipal and industrial pollutions sources;
- Experienced in damage assessments to residential and commercial enterprises;
- Experienced in natural resource damage assessments and regional economic impact assessment; 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 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.

### **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.
- Advised environmental groups on the use of contingent valuation to value natural resource damages and commented on the Federal Register notice on the use of contingent valuation to value damage

### **Energy & Environment**

- Conducted several analyses of U.S. energy industry to estimate current and future production in wetlands and in the artic.
- Estimated consequences of oil and gas leasing 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.

### **SELECTED PUBLICATIONS**

Fuel economies available from ultrahigh bypass jet engines' in Cost estimates of measures available to reduce US, greenhouse gas emissions by 2010. ICF, Washington D.C. 1990.

"End—use efficiency and NO<sub>x</sub> emissions in aviation'. In S. Meyers, Ed. Energy efficiency and structural change: Implications for the Greenhouse problem. Lawrence Berkeley laboratory, Berkeley 1990

Estimates of future CO, N<sub>2</sub>O and NO<sub>x</sub> emissions from energy combustion, *Atmospheric Environment*, March 1987

Tropospheric CH<sub>4</sub>/CD/NO<sub>x</sub>: The next 50 years. Coauthor with Anne M. Thompson. UNEP/USEPA International Ozone conference, 1986

Eliminating CFCs from aerosol uses: the U.S. experience and its applicability to other nations. U.S. Environmental Protection Agency, Washington, February 1986.

Efficient strategies for preserving groundwater quality, with Rob Wolcott U.S. Environmental Protection Agency, May 1992.

Regional economic impacts of OCS oil and gas development, with Susan Little and Rob Wolcott. Governor's Office of Planning and Research, California, November 1976.

### **Federal Court Trial Testimony Since 1/91**

NRDC v. Texaco — Wilmington - 2/91, 88—263—JRR  
U.S. v. City of San Diego — San Diego — 2/91, 88—1101—B(IEG)

SCLDF v. City/County of Honolulu — Honolulu - 1/93, 90—00218—HMF  
Friends of Earth v Laidlaw — Columbia SC — 11/93, DSC 3—92-1697—17

PIRG v, MEI - Newark — 1/94, DNJ 89—3193

Friends of Earth v Laidlaw — Columbia SC — 7/95, DSC 3—92—1697—17  
Friends of Earth v. Gaston Recycling 7/95, DSC 3—92—2574—0

PIRG v, Hercules — Camden NJ — 2/97, DNJ 89—2291

U.S. v. Rapanos et al. — Detroit MI — 10/2000, 94—CV—70788DT

PIRG v. Rahway — Rahway NJ — 4/2001, UNN—L—163—98

Sierra Club v. Colorado Springs - Denver Colorado - 1/2008, 05-CV-1994-WDM-BNB

American Canoe Association, Inc., et al. v. Louisa Water and Sewer Commission - Ashland KY. 7/2009, 01-cv-00099-ART

Ohio Valley Environmental Coalition, et al. v. Apogee Coal Company LLC - Huntington WV. 8/2010, 3:07-cv-00413-RCC

### **Deposition Testimony since 1/91**

U.S. v. San Diego 1/91, 2/91, 88—1101—B(IEG)  
SCLDF v. C&C Honolulu (Sand Island) 2/91, 90-00219 ACK  
U.S. v. Louisiana Pacific & Simpson Paper 4/91, C—87—0567—MHF  
PIRG v. Hercules 7/91, DNJ 99—2291  
U.S. v. Corning 9/91, 3:CV—90—207

NRDC v. Total Petroleum 5/92  
PIRG v. Witco 5/92, DNJ 89—3146  
Hawaii's Thousand Friends v. C&C Honolulu (Honouliuli) 6/92, 90—00218- HMF  
PIRG v. Circuit Foil 12/92, DNJ 89—5371

Arkansas Wildlife Fed v. Hudson Food 5/93  
U.S. v. Lawrence County 5/93, C—1—91—302

PIRG v. Essex County 6/93, DNJ 92—4465

TN. Environmental Council v. Dana 4/94, 1—92-0074

Friends of the Earth v. Gaston Recycling 1/95, DSC 3—92—2574—0  
Stevens v. McGinnis, Inc., et al, 2/95, C—1—93—442  
Save Our Beaches v. C&C Honolulu (Kaneohe/Kailua) 3/95, 92—00263  
DAE

City of Independence, Mo. v. Amoco 8/96  
California Sport Fishing Alliance v. El Dorado 9/96, CV—S—95—699

SF Bay Keeper v. Dow Chemical Co., 9/98, C97—01988  
American Canoe Association v. Green Valley—Greenwood PSD, City of St.  
Albans and Dunbar PSD, WVA 10/98, 97—0949

Interfaith Community Organization v. Shinn et al., 2/00, 93—4774, 94—  
3434, 9 4—37 93  
U.S. v. Rapanos et al., 9/00, 94—CV—70788DT  
American Littoral Society v. Rahway Valley Sewerage Authority 10/00, UNN  
163—9 8

American Canoe Association v. WASA 4/02, 1:99cv02798(HHK)  
U.S. et al. v. Hamilton County 4/03, 1—02—107

Northern Plains Resource Council v. Fidelity Exploration and Production  
Company 7/04 CV 00-105-BLG-SHE

Adams et al. v. Teck Cominco Alaska Inc., 2/05, A04-49 CV (JWS)

In re: Flood Litigation (1/06), CV 02-C-797, Upper Guyandotte Watershed  
(Judge Hutchison)  
Pierre Hodgins v. Carlisle Engineered Products, Inc. (1/06), 1:02CV1454  
Office of the District Attorney 10<sup>th</sup> Judicial District of Colorado et al. v.  
Colorado Springs Utility (8/06) CV-019994-WBM-BDD

Assoc. of Irrigated Residents v. C&R Vanderham Dairy, et al. (6/07) 1:05-CV-  
01593-OWW-SMS

Assoc. of Irrigated Residents v. South Lakes Dairy, et al. (2/08) 1:05-CV-  
01593-OWW-SMS 1:05-CV-00707-OWW-SMS  
American Canoe Association et al. v. City of Louisa Water and Sewer  
Commission et al., (3/08), 01-99  
Humboldt Bay Keeper et al. v. Union Pacific Railroad et al. (5/08) C 06-02560  
JSW WDB

New Jersey Municipal Authorities et al. v. Honeywell International et al.  
(9/09) 05-5955 DMC

Ohio Valley Environmental Coalition, et al. v. Apogee Coal Company LLC-  
(8/10) 3:07-cv-00413-RCC

Ohio Valley Environmental Coalition, et al. v. Massey Energy (4/11) 3:07-cv-  
00836-RCC

Ohio Valley Environmental Coalition, et al. v. Arch Coal (5/11)

San Francisco Baykeeper v. West Bay Sanitation (7/11)



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

OSCAR SALAZAR, et al., )  
on behalf of themselves )  
and all others similarly )  
situated, )  
 )  
Plaintiffs, )  
 )  
v. ) Civil Action No. 93-452 (GK)  
 )  
THE DISTRICT OF COLUMBIA, )  
et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

AFFIDAVIT OF MICHAEL KAVANAUGH

I, Michael Kavanaugh, Ph.D., do hereby affirm and state:

1. My name is Michael Kavanaugh. I am an economist doing business at 160 Wood Street, Batavia, OH 45103.

2. I hold a Ph.D. in economics from the University of Cincinnati (1975) and a B.A. in economics from Xavier University (1970). I have taught economics at the University of Cincinnati and at Northern Kentucky University. I have worked as a natural resource and environmental economist for a variety of clients, including the U.S. Department of Justice, the U.S. Environmental Protection Agency, environmental groups and private industry for over 20 years. I have been qualified as an expert in Federal court on financial and economic matters ten times. I copy of my curriculum vitae is attached as Attachment 1 and I incorporate it herein by reference.

3. I have been asked by plaintiffs' counsel to render my opinion as to the appropriate price index to be used to update the Laffey matrix of attorneys' fees rates for complex federal litigation in the Washington, D.C. market.

4. Based on the information supplied to me by plaintiffs' counsel, the Laffey matrix was updated to 1988-1989 rates in connection with the Save Our Cumberland Mountains v. Hodel, 857 F.2d 1516 (D.C. Cir. 1988) (en banc) litigation. See Declaration of Joseph A. Yablonski, Pl. Ex. 30.

5. The method that plaintiffs' counsel has used to determine the increase in Laffey rates from 1988-1989 rates to the present is to calculate the June to June change in the legal services component of the consumer price index and to apply the change to a base year to arrive at an estimate for the next year. See Plaintiffs' Application for an Award of Litigation Costs, Including Attorneys' Fees and Out-of-Pocket Expenses, July 1, 1996, p. 14. The process is repeated and a chain of estimates results with each year's estimate linked to the preceding year's estimate by the change in the price index. This is an appropriate and common use of index numbers.

6. In my opinion, as explained below, the Consumer Price Index for U.S. City Average, Legal Service Fees ("Legal Services Index") maintained by the U.S. Department of Labor, Bureau of Labor Statistics (Pl. Ex. 6) is a better measure of the change in prices for legal services in Washington, D.C., than the Consumer Price Index for Washington, D.C., Maryland, Virginia, All Items ("DC Metro CPI") (Def. Ex. 2).

7. I have reviewed both the update to the Laffey matrix prepared by plaintiffs' counsel (Plaintiffs' Application for an Award of Litigation Costs, Including Attorneys' Fees and Out-of-Pocket Expenses, July 1, 1996, p. 14), which uses the Legal Services Index to

bring 1988-1989 rates forward to present, and the update referred to as the United States Attorneys' Office Laffey matrix, which utilizes the DC Metro CPI to bring 1981-1982 rates forward to present (Pl. Exs. 7, 31).

8. Both the Legal Services Index and the DC Metro CPI are readily available and are maintained by the U.S. Department of Labor, Bureau of Labor Statistics. The underlying data are collected by the U.S. Department of Commerce, Census Bureau as part of its quinquennial census and its annual surveys.

9. Economists use as specific an index as possible to determine changes in prices in a part of an industry, such as here changes of prices in legal services in the District of Columbia. Thus, components of the Consumer Price Index are the better tool to use to update an industry's prices rather than the entire Consumer Price Index. This is because there are two strong forces exerting pressure on prices over time. One is inflation, a rise in the general price level; the other is supply and demand imbalances. Often for a particular good or service, supply and demand imbalances are the stronger of the two and can accentuate or negate inflation. If a broad index is used to adjust an industry's prices over time, then the specific supply and demand effects are suppressed and only the effect of inflation is captured. On the other hand, when a specific index is used the net effect both of inflation and of supply and demand imbalances is captured. Accordingly, to measure changes in an industry's prices, it is far preferable to use a specific index rather than a broad index.

10. The Consumer Price Index, U.S. City Average incorporates the Legal Service Index along with many other indices to estimate the cost of living. For example, in the 1995 Consumer Price Index, U.S. City Average for all urban consumers, legal services account for less than .5% of the spending considered by the Consumer Price Index, U.S. City Average. See Pl. Ex. 32, p. 7. In contrast, food prices account for about 16% of total Consumer Price Index, U.S. City Average spending. Adjusting legal fees using the Consumer Price Index, U.S. City Average would give 32 times more weight to food markets than to the markets for legal services.

11. The same comparison is not possible for the DC Metro CPI because the DC Metro CPI does not have a separate component for legal services. See Pl. Ex. 32, p. 13. This is because there were insufficient observations of legal services in the Washington, D.C. metropolitan area to create a statistically valid index. Legal services in the Washington, D.C. metropolitan area are not separately accounted for, but are included in the "Other goods and services category" which also includes tobacco, cosmetics, haircuts, school tuition, day care and funeral expenses. Id., pp. 7, 13. It is fair to conclude that legal services have even less weight in the DC Metro CPI than in the Consumer Price Index, U.S. City Average since there are not sufficient observations for a separate index relating solely to legal services.

12. The Legal Services Index measures, inter alia, the hourly rate of providing many different legal services to households. These services include: preparing a brief, attending a deposition,

representing plaintiffs and defendants in divorce proceedings, and preparing a short form will. Thus, the Legal Services Index is based on a sample of prices of specific items. Just as the overall Consumer Price Index does not include all items available in the U.S. economy, the Legal Services Index does not measure the fees charged for every service rendered by lawyers. Because of the extremely large size of the U.S. economy, it would not be feasible to include every price in the economy in an index.

13. 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 entire 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 physician component of the Consumer Price Index is used; and when the contribution to GDP of radio, TV, air conditioning repair services is calculated, the appliance and furniture repair component of the Consumer Price Index is used.

14. The Legal Services Index is a national index that includes the metropolitan Washington, D.C., area. Adjusting the Laffey matrix with a national index assumes that the rate of change of prices for legal services is about the same everywhere. I note that this is not the same thing as prices being the same everywhere. Even if prices differ in different places, the rate of change in prices is likely to

be about the same. With resource mobility and the ability to communicate easily over distances, this is a plausible assumption. While it is possible for prices for the same good or service to change at different rates in different places, this is most likely to happen for goods or services for which there is only a local market because their transport is expensive relative to their value (e.g., fast food) or because communication is difficult.

15. In my opinion, the market for legal services in complex federal litigation in Washington, D.C. is not a local market. Therefore, it would be more appropriate to use the Legal Services Index, which captures supply and demand factors particular to the legal services market as well as inflation, as compared to the DC Metro CPI, which chiefly captures inflation effects.

16. Finally, I note that the Laffey matrix prepared by plaintiffs' counsel is preferable to the United States Attorneys' Office Laffey matrix for an additional reason. Plaintiffs' Laffey matrix update is based on observations from 1988-1989, while the United States Attorneys' Office Laffey matrix uses 1981-1982 rates as a base. In general, the more contemporary the observations, the less possibility exists for forecasting errors. Thus, plaintiffs' Laffey matrix is more likely to be an accurate forecast of rates because it applies an index to more recent observations to bring rates forward to the present as contrasted to the United States Attorneys' Office Laffey matrix which uses an index to bring forward much earlier observations.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on September 26, 1996.

  
MICHAEL KAVANAUGH

**MICHAEL KAVANAUGH**

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Batavia, OH 45103-2923  
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**PRESENT POSITION:** Private practice, since 1985

**PREVIOUS POSITIONS**

Senior Economist/Project Manager, ICF Incorporated, 1983-85,  
Washington DC  
Research Director, Public Interest Economics Foundation, 1976-83  
Washington DC & San Francisco CA  
Assistant Professor, Northern Kentucky University, 1975-76

**EDUCATION**

Ph.D., Economics, University of Cincinnati, 1975  
B.A., Economics, Xavier University, 1970

**EXPERIENCE**

Dr. Kavanaugh is an independent research economist with over 20 years of experience in applied economics. He is a national expert in environmental enforcement and policies for municipal and industrial point sources of pollution. He has written about groundwater management and climate change. He is experienced in natural resource damage assessment and regional economic impact assessment. Selected projects include:

**ECONOMICS**

Provided expert economic and litigation support services to the United States (and others) in Clean Water Act, Clean Air Act, Superfund, Resource Conservation and Recovery Act Enforcement Cases. He estimates the economic benefit gained by entities who violate their discharge permits; and, measures the effect of penalties on their financial position. This work is based on financial after-tax, cash-flow models.

Prepared testimony on the benefits North Miami received from a landfill and on the economics of operating a landfill (Orange County, NY).

Prepared testimony on the influence of groundwater quality on residential property values; and advised and submitted affidavits supporting Alaska's position on oil and gas leasing in the North Aleutian Basin.

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Conducted several analyses of the economic effects of water quality including: estimating the benefits of clean water on 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; estimating expected and realized benefits and costs of irrigation projects; and critiquing efforts to regulate effluents from several industries. Examples include:

Ohio River - (in progress) values public resource damages from spills from tugs and barges. The work combines results from the Natural Resources Damage Assessment models for Great Lake environments, studies of the costs of reducing risks to drinking water, and restoration costs.

Kailua Beach State Park - valued a three mile public beach based on recreational use and estimated the damage to the beach 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 Florida beaches. The work involved extensive use of the Natural Resource Damage Assessment models for coastal and marine environments.

Estimated the employment and income effects from spending the Exxon Valdez settlement. The work involved characterising the options in the restoration plan in terms of input/output models.

Conducted several analyses of the U.S. petroleum industry to estimate current and future production in wetlands and in the arctic; and to estimate the cost effectiveness of technologies to control produced water discharges.

Estimated current and future greenhouse gas emissions by fuel, sector, and region. The work involved estimating long-term energy use using an economic model based on prices and income and forecasting combustion technology. The work is used by atmospheric modelers.

Advised environmental groups on the use of contingent valuation to value natural resource damages and commented on the Federal Register Notice on the use of contingent valuation to determine damages.

## PUBLICATIONS

"Fuel economies available from ultrahigh bypass jet engines" in Cost estimates of measures available to reduce U.S. greenhouse gas emissions by 2010. ICF Washington D.C. 1990.

"End-use efficiency and NOx emissions in aviation". In S. Meyers, ed. Energy efficiency and structural change: Implications for the Greenhouse problem. Lawrence Berkeley Laboratory, Berkeley CA 1988.

Estimates of future CO, N2O and NOx emissions from energy combustion. Atmospheric Environment, March 1987.

Tropospheric CH4/CO/NOx: The next 50 years. coauthor with Anne M. Thompson. UNEP/USEPA International Ozone Conference, 1986.

Eliminating CFCs from aerosol uses: the U.S. experience and its applicability to other nations. U.S. Environmental Protection Agency, Washington, February 1986.

The 1983 world oil surplus: some implications for OCS leasing. Prepared for the U.S. House Subcommittee on the Panama Canal/OCS Washington, April 1983.

The effect of OCS leasing schedules and procedures on fair market value. Paper presented to the Western Economic Association, Seattle July 1983.

Efficient strategies for preserving groundwater quality, with Rob Wolcott. U.S. Environmental Protection Agency, May 1982.

Exclusive territorial distributorships and consumer welfare: the case of beer. Food Marketing Institute, Washington D.C. 1982.

The Great Giveaway, with others, Sierra Club, October 1982.

The public benefits of the proposed Union Pacific, Missouri Pacific, Western Pacific Consolidation. Interstate Commerce Commission, August 1981

Regional economic impacts of OCS oil and gas development. with Susan Little and Rob Wolcott. Governor's Office of Planning and Research, California, November 1976.

# U.S. Department of Labor Program Highlights



Fact Sheet 00-4

## The 1998 CPI Revision: Changes in Available Data Series

With release of the Consumer Price Index (CPI) data for January 1998, the CPI will reflect several program improvements. For example, the area sample will be updated to reflect the population distribution from the 1990 (instead of 1980) Census. This makes the CPI more useful because the samples it is based on will better reflect where people now live and shop.

The CPI will also update the expenditure weights used in its market baskets to represent 1993-95 (instead of 1982-84) spending patterns. New expenditure weights improve the CPI because consumers change their purchasing patterns in response to many long-term factors. Without updates the index would overweight many now infrequently purchased items, such as domestic service and phonograph records, and underweight many newly important items, such as adult day care and computer software. In addition, the CPI will, for the first time, use estimates of index variances as a guideline for determining which data series will get published.

As result of the improvements, the list of items and areas for which CPI data will be available will change. Some of the most significant changes include: Effective with the release of the January 1998 Consumer Price Index (CPI) data in February 1998, the list of items and areas published will change, namely:

- Some areas will change publication cycles.
- Many area definitions will change.
- There will be eight major groups instead of seven, and the content of some of the groups will change.
- Item categories, definitions, and publication levels will change.

*If you have a contract tied to a local area, or an index series other than "All Items," you will want to see if the contract remains valid.*

Although the CPI is a measure of price change for a fixed market basket of goods and services bought by consumers, periodically BLS updates the goods and services for which prices are collected, so the CPI will continue to accurately represent what consumers are buying. In addition, changes in the population size of various cities and regions must be taken into account in the CPI structure, so the CPI will accurately reflect the current population distribution. These periodic adjustments are called "major revisions." There have been five previous major revisions to the CPI, and another is scheduled for January 1998. This fact sheet highlights the most important changes associated with the 1998 CPI Revision and lists additional sources of information about this revision.

### Area publication cycle changes

**Baltimore and Washington** will be combined into one metropolitan area and will be published on a bimonthly basis for odd (January, March, etc.) months. After December 1997, separate CPI's will not be published for either Washington or Baltimore.

**Philadelphia and San Francisco**, two areas that are now published monthly, will be changed to a bimonthly basis for even (February, April, etc.) months.

**Buffalo and New Orleans** will no longer be published.

**Pittsburgh and St. Louis** will change from bimonthly to semiannual publication. (Semiannual indexes represent the index for the first—or second—half of the year and do not represent any single month.)

**Seattle and Atlanta** will increase their frequency from semiannual to bimonthly for even (February, April, etc.)

This is one of a series of fact sheets highlighting U.S. Department of Labor programs. It is intended as a general description only and does not carry the force of legal opinion. 9/00

months—and **Tampa** will increase its frequency from annual to semiannual.

### **Size-class changes**

There will be a reduction of city-size classes from four to three. The A population size will represent all metropolitan areas over 1.5 million (plus Anchorage and Honolulu); B/C will represent smaller metropolitan areas (1.5 million or less); and D, all nonmetropolitan urban areas.

### **Area definition changes**

Many of the areas will be redefined, based on the new Office of Management and Budget (OMB) metropolitan area definitions. These changes are hinted at by some of the changes in area titles. For example, the Detroit-Ann Arbor, MI area will be retitled the Detroit-Ann Arbor-Flint, MI area. (For more details, see the list of definition changes for published metropolitan areas.)

### **Major group structure and content changes**

There will be eight major groups instead of seven, and the content of most groups will change. (For more details see the list entitled Highlights of the CPI Item Structure Changes by Major Group and Main Housing Subgroups.)

### **Changes in the level of detail published**

In addition to changes in area and item definitions, there will be some reduction in the number of detailed indexes

available (especially below the U.S. city average level), due to limitations in sample size.

### **For more information**

BLS has more detailed information available on the 1998 CPI Revision. For example, reprints of the December 1996 *Monthly Labor Review* articles on the CPI are available upon request. For these, or other additional information about the CPI, please contact any of the eight BLS regional offices (located in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, and San Francisco); call our national information staff at (202) 691-7000; or write to:

Bureau of Labor Statistics  
Division of Consumer Prices and Price Indexes  
Room 3615 PSB  
2 Massachusetts Ave., NE  
Washington, D.C. 20212-0001

Internet address: <http://stats.bls.gov/cpihome.htm>

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Federal Relay Service: 1-800-877-8339.

METROPOLITAN AREAS AND COMPONENTS, 1990 WITH FIPS CODES

(Metropolitan Areas defined by Office of Management and Budget, 6/30/90)

Source: U.S. Census Bureau  
 Internet Release Date: November 1998  
 Last Revised Date: March 2001

**Plaintiffs' Exhibit**  
**122**  
 Civ. No. 05-1437 (RCL)

**EXCERPT**

The file layout is located at the end of the data file.

ABBREVIATIONS:

- MSA= Metropolitan Statistical Area
- CMSA= Consolidated Metropolitan Statistical Area
- PMSA= Primary Metropolitan Statistical Area
- F = Central/Outlying County or City/Town Flag (1 = Central, 2 = Outlying)

MSA/ CMSA FIPS CODE	PMSA FIPS CODE	ALT. CMSA FIPS CODE	State/* County F FIPS CODE	City/ Town FIPS CODE	Metropolitan Area and Component Names
0040					Abilene, TX MSA
0040			48441 1		Taylor County
0060					Aguadilla, PR MSA
0060			72003 2		Aguada Municipio
0060			72005 1		Aguadilla Municipio
0060			72071 2		Isabela Municipio
0060			72099 2		Moca Municipio
0120					Albany, GA MSA
0120			13095 1		Dougherty County
0120			13177 2		Lee County
0160					Albany-Schenectady-Troy, NY MSA
0160			36001 1		Albany County
0160			36039 2		Greene County
0160			36057 2		Montgomery County
0160			36083 1		Rensselaer County
0160			36091 2		Saratoga County
0160			36093 1		Schenectady County
0200					Albuquerque, NM MSA
0200			35001 1		Bernalillo County
0220					Alexandria, LA MSA
0220			22079 1		Rapides Parish
0240					Allentown-Bethlehem-Easton, PA-NJ MSA
0240			34041 2		Warren County, NJ
0240			42025 2		Carbon County, PA
0240			42077 1		Lehigh County, PA
0240			42095 1		Northampton County, PA
0280					Altoona, PA MSA
0280			42013 1		Blair County
0320					Amarillo, TX MSA
0320			48375 1		Potter County
0320			48381 1		Randall County
0380					Anchorage, AK MSA
0380			02020 1		Anchorage Borough

8440				Topeka, KS MSA
8440	20177	1		Shawnee County
8520				Tucson, AZ MSA
8520	04019	1		Pima County
8560				Tulsa, OK MSA
8560	40037	2		Creek County
8560	40113	1		Osage County
8560	40131	2		Rogers County
8560	40143	1		Tulsa County
8560	40145	2		Wagoner County
8600				Tuscaloosa, AL MSA
8600	01125	1		Tuscaloosa County
8640				Tyler, TX MSA
8640	48423	1		Smith County
8680				Utica-Rome, NY MSA
8680	36043	2		Herkimer County
8680	36065	1		Oneida County
8750				Victoria, TX MSA
8750	48469	1		Victoria County
8780				Visalia-Tulare-Porterville, CA MSA
8780	06107	1		Tulare County
8800				Waco, TX MSA
8800	48309	1		McLennan County
8840				Washington, DC-MD-VA MSA
8840	11001	1		District of Columbia
8840	24009	2		Calvert County, MD
8840	24017	2		Charles County, MD
8840	24021	2		Frederick County, MD
8840	24031	1		Montgomery County, MD
8840	24033	1		Prince George's County, MD
8840	51510	1		Alexandria city, VA
8840	51013	1		Arlington County, VA
8840	51059	1		Fairfax County, VA
8840	51600	1		Fairfax city, VA
8840	51610	1		Falls Church city, VA
8840	51107	2		Loudoun County, VA
8840	51683	2		Manassas city, VA
8840	51685	2		Manassas Park city, VA
8840	51153	2		Prince William County, VA
8840	51179	2		Stafford County, VA
8880				Waterbury, CT MSA
8880	09005			Litchfield County (pt.)
8880	09005	2	04930	Bethlehem town
8880	09005	1	75730	Thomaston town
8880	09005	1	80490	Watertown town
8880	09005	2	87910	Woodbury town
8880	09009			New Haven County (pt.)
8880	09009	1	46940	Middlebury town
8880	09009	1	49950	Naugatuck town
8880	09009	2	62290	Prospect town
8880	09009	2	69640	Southbury town
8880	09009	1	80070	Waterbury town
8880	09009	1	87560	Wolcott town

9280	42001	2	Adams County
9280	42133	1	York County
9320			Youngstown-Warren, OH MSA
9320	39099	1	Mahoning County
9320	39155	1	Trumbull County
9340			Yuba City, CA MSA
9340	06101	1	Sutter County
9340	06115	1	Yuba County
9360			Yuma, AZ MSA
9360	04027	1	Yuma County

## File Layout:

Character	Length	Field
1-4	4	Four-digit FIPS MSA/CMSA code (6/30/90 definition)
5-8	4	Blank
9-12	4	Four-digit FIPS PMSA code (6/30/90 definition)
13-16	4	Blank
17-18	2	Alternative two-digit FIPS CMSA code (6/30/90 definition)
19-24	6	Blank
25-26	2	Two-digit FIPS state code (blank at MA level)
27-29	3	Three-digit FIPS county code (blank at MA level)
30-32	3	Blank
33-33	1	Central/Outlying county or city/town flag (1 = central, 2 = Outlying)
34-40	7	Blank
41-45	5	Five-digit FIPS entity code (blank at MA and county levels)
46-48	3	Blank
49-99	51	MSA/CMSA title
52-99	48	PMSA title
57-99	43	Component county name
65-99	31	Component city or town name (in New England only)

\* State and County Code: First two digits indicate State, last three digits indicate county.

\*\* The portion of Sullivan city in Crawford County, Missouri, is legally part of the St. Louis, MO-IL MSA. The 1990 census tabulations and intercensal estimates for the St. Louis, MO-IL MSA do not include this area.

METROPOLITAN AREAS AND COMPONENTS, 1999, WITH FIPS CODES

(Metropolitan areas defined by Office of Management and Budget, 6/30/99)

Source: Population Division, U.S. Census Bureau  
 Internet Release Date: July 1999  
 Last Revised: January 28, 2002

**Plaintiffs' Exhibit**  
**123**  
 Civ. No. 05-1437 (RCL)

**EXCERPT**

The file layout is located at the end of the data file.

ABBREVIATIONS:

- MSA= Metropolitan Statistical Area
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- PMSA= Primary Metropolitan Statistical Area
- F = Central/Outlying County or City/Town Flag (1 = Central, 2 = Outlying)

MSA/ CMSA FIPS CODE	PMSA FIPS CODE	ALT. CMSA FIPS CODE	State/* County FIPS CODE	F	City/ Town FIPS CODE	Metropolitan Area and Component Names
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0040			48441	1		Taylor County
0060						Aguadilla, PR MSA
0060			72003	1		Aguada Municipio
0060			72005	1		Aguadilla Municipio
0060			72099	2		Moca Municipio
0120						Albany, GA MSA
0120			13095	1		Dougherty County
0120			13177	2		Lee County
0160						Albany-Schenectady-Troy, NY MSA
0160			36001	1		Albany County
0160			36057	2		Montgomery County
0160			36083	1		Rensselaer County
0160			36091	2		Saratoga County
0160			36093	1		Schenectady County
0160			36095	2		Schoharie County
0200						Albuquerque, NM MSA
0200			35001	1		Bernalillo County
0200			35043	1		Sandoval County
0200			35061	2		Valencia County
0220						Alexandria, LA MSA
0220			22079	1		Rapides Parish
0240						Allentown-Bethlehem-Easton, PA MSA
0240			42025	2		Carbon County
0240			42077	1		Lehigh County
0240			42095	1		Northampton County
0280						Altoona, PA MSA
0280			42013	1		Blair County
0320						Amarillo, TX MSA
0320			48375	1		Potter County
0320			48381	1		Randall County
0380						Anchorage, AK MSA
0380			02020	1		Anchorage Borough



8680			36043	2	Herkimer County
8680			36065	1	Oneida County
8750					Victoria, TX MSA
8750			48469	1	Victoria County
8780					Visalia-Tulare-Porterville, CA MSA
8780			06107	1	Tulare County
8800					Waco, TX MSA
8800			48309	1	McLennan County
8872		97			Washington-Baltimore, DC-MD-VA-WV CMSA
8872	0720	97			Baltimore, MD PMSA
8872	0720	97	24003	1	Anne Arundel County
8872	0720	97	24005	1	Baltimore County
8872	0720	97	24013	2	Carroll County
8872	0720	97	24025	1	Harford County
8872	0720	97	24027	1	Howard County
8872	0720	97	24035	2	Queen Anne's County
8872	0720	97	24510	1	Baltimore city
8872	3180	97			Hagerstown, MD PMSA
8872	3180	97	24043	1	Washington County
8872	8840	97			Washington, DC-MD-VA-WV PMSA
8872	8840	97	11001	1	District of Columbia
8872	8840	97	24009	2	Calvert County, MD
8872	8840	97	24017	2	Charles County, MD
8872	8840	97	24021	1	Frederick County, MD
8872	8840	97	24031	1	Montgomery County, MD
8872	8840	97	24033	1	Prince George's County, MD
8872	8840	97	51013	1	Arlington County, VA
8872	8840	97	51043	2	Clarke County, VA
8872	8840	97	51047	2	Culpeper County, VA
8872	8840	97	51059	1	Fairfax County, VA
8872	8840	97	51061	2	Fauquier County, VA
8872	8840	97	51099	2	King George County, VA
8872	8840	97	51107	2	Loudoun County, VA
8872	8840	97	51153	1	Prince William County, VA
8872	8840	97	51177	1	Spotsylvania County, VA
8872	8840	97	51179	2	Stafford County, VA
8872	8840	97	51187	2	Warren County, VA
8872	8840	97	51510	1	Alexandria city, VA
8872	8840	97	51600	1	Fairfax city, VA
8872	8840	97	51610	1	Falls Church city, VA
8872	8840	97	51630	1	Fredericksburg city, VA
8872	8840	97	51683	1	Manassas city, VA
8872	8840	97	51685	1	Manassas Park city, VA
8872	8840	97	54003	2	Berkeley County, WV
8872	8840	97	54037	2	Jefferson County, WV
8920					Waterloo-Cedar Falls, IA MSA
8920			19013	1	Black Hawk County
8940					Wausau, WI MSA
8940			55073	1	Marathon County
8960					West Palm Beach-Boca Raton, FL MSA
8960			12099	1	Palm Beach County
9000					Wheeling, WV-OH MSA
9000			39013	2	Belmont County, OH
9000			54051	2	Marshall County, WV
9000			54069	1	Ohio County, WV
9040					Wichita, KS MSA

9040	20015	2	Butler County
9040	20079	2	Harvey County
9040	20173	1	Sedgwick County
9080			Wichita Falls, TX MSA
9080	48009	2	Archer County
9080	48485	1	Wichita County
9140			Williamsport, PA MSA
9140	42081	1	Lycoming County
9200			Wilmington, NC MSA
9200	37019	2	Brunswick County
9200	37129	1	New Hanover County
9260			Yakima, WA MSA
9260	53077	1	Yakima County
9280			York, PA MSA
9280	42133	1	York County
9320			Youngstown-Warren, OH MSA
9320	39029	2	Columbiana County
9320	39099	1	Mahoning County
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17-18	2	Alternative two-digit FIPS CMSA code(6/30/99 definition)
19-24	6	Blank
25-26	2	FIPS state code (blank at MA level)
27-29	3	FIPS county code (blank at MA level)
30-32	3	Blank
33-33	1	Central/Outlying county or city/town flag (1 = Central, 2 = Outlying)
34-40	5	Blank
41-45	5	FIPS entity code (blank at MA and county levels)
46-48	3	Blank
49-88	49	Area title, county name, and town name

\* State and County Code: first two digits indicate state, last three digits indicate county.

\*\* The portion of Sullivan city in Crawford County, Missouri, is legally part of the St. Louis, MO-IL MSA. The 1990 census tabulations and intercensal estimates for the St. Louis, MO-IL MSA do not include this area.

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