

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

Michael Barrett, III, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:11-cv-04242-NKL
)	
Donald M. Claycomb, et al.,)	
)	
Defendants.)	

SUGGESTIONS IN SUPPORT OF MOTION FOR ATTORNEYS’ FEES AND COSTS

Plaintiffs are the prevailing party in this action and have moved for an award of attorneys’ fees pursuant to 42 U.S.C. § 1988. Because this is a certified class-action, the procedures of Federal Rule of Civil Procedure 23(h) apply.

I. Availability of Attorneys’ Fees

The same federal law that prohibits deprivation of constitutional rights by state actors provides for an award of attorneys’ fees to prevailing plaintiffs. *See* 42 U.S.C. § 1988. The Eighth Circuit has articulated the important public policy underlying the fee-shifting provisions implicated by successful § 1983 litigation:

Congress intended that “[i]n computing the fee, counsel for prevailing parties should be paid, as is traditional for attorneys compensated by a fee-paying client, ‘for all time reasonably expended on a matter.’” S.Rep. No. 1011, 94th Cong., 2d Sess. 5 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5908, 5913. The primary purpose of this formulation is to promote diffuse private enforcement of civil rights law by allowing the citizenry to monitor rights violations at their source, while imposing the costs of rights violations on the violators. *See Id.* A plaintiff bringing a civil rights action “does so not for himself alone but also as a ‘private attorney general,’ vindicating a policy that Congress considered of the highest priority. If successful plaintiffs were routinely forced to bear their own attorneys’ fees, few aggrieved parties would be in a position to advance the public interest....” *Newman v. Piggie Park Enterprises, Inc.*, 390 U.S. 400, 402, 88 S.Ct. 964, 966, 19 L.Ed.2d 1263 (1968).

In order for such a policy to be effective, Congress felt it appropriate to shift the true full cost of enforcement to the guilty parties to eliminate any obstacle to enforcement. “It is intended that the amount of fees awarded under [§ 1988] be governed by the same standards which prevail in other types of equally complex Federal litigation, such as antitrust cases....” S.Rep. No. 1011, 94th Cong., 2d Sess. 5 (1976), *reprinted in* 1976 U.S.C.C.A.N. 5908, 5913.

Casey v. City of Cabool, 12 F.3d 799, 805 (8th Cir. 1993) (alterations in original).

The availability of attorneys’ fees to successful litigants in civil rights cases serves two significant purposes. First, the availability of fees ensures effective access to the judicial process for litigants with meritorious claims. *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983); *Casey*, 12 F.3d at 805. Second, civil rights litigation serves an important public purpose by protecting and clarifying important constitutional rights. *Milton v. Des Moines, Iowa*, 47 F.3d 944 (8th Cir. 1995), *cert. denied*, 516 U.S. 824 (1995).

Not just the named plaintiffs, nor only the members of the certified class, but the entire community benefits from Plaintiffs’ success in this case. *See Bibbs v. Block*, 778 F.2d 1318, 1324 (8th Cir. 1985)(en banc). “Unlike most private tort litigants, a civil rights plaintiff seeks to vindicate important civil and constitutional rights that cannot be valued solely in monetary terms.” *City of Riverside v. Rivera*, 477 U.S. 561, 574 (1986).

II. Lodestar Amount

The general principles governing the award of attorneys’ fees are well-settled. First, the number of hours reasonably expended are multiplied by the attorneys’ reasonable hourly rates to determine the product or “lodestar” figure. *Hensley*, 461 U.S. at 433. The “resulting product is *presumed* to be the minimum reasonable fee to which counsel is entitled.” *Pennsylvania v. Delaware Valley Citizens Council for Clean Air*, 478 U.S. 546, 564 (1986) (emphasis in original); *see also Blum v. Stenson*, 465 U.S. 886, 897 (1984); *Hendrickson v. Branstad*, 934 F.2d

158, 162 (8th Cir. 1991) (noting “the lodestar award ... is presumptively a reasonable fee, and most factors relevant to determining the amount of the fee are subsumed within the lodestar”). The Supreme Court stated, “We ... take as our starting point the self-evident proposition that the ‘reasonable attorney’s fee’ provided by [42 U.S.C. § 1988] should compensate” for “the work product of an attorney.” *Missouri v. Jenkins*, 491 U.S. 274, 285 (1989).

i. Hourly Rates

In setting reasonable attorneys’ fees, the touchstone is whether the rate is in line with those prevailing in the community for comparable services by lawyers of reasonably comparable skill, experience, and reputation. *See Moore v. City of Des Moines*, 766 F.2d 343, 346 (8th Cir. 1988). “Community” should be given an expansive reading, and the entire state is, in a case like this one, the relevant market. *See McDonald v. Armontrout*, 860 F.2d 1456, 1459 (8th Cir.1988).

Prevailing market rates are the proper basis for a fee award regardless of whether the prevailing party is represented by private or non-profit counsel. *Blum v. Stenson*, 465 U.S. 886, 895 (1984). The “prevailing market rate method used in awarding fees ... shall apply as well to those attorneys who practice privately and for profit but at reduced rates reflecting non-economic goals. *Save Our Cumberland Mountains, Inc. v. Hodel*, 857 F.2d 1516, 1524 (D.C.Cir. 1988) (en banc).

The background and experience of Plaintiffs’ attorneys are set forth in the Affidavits of Anthony E. Rothert (Exhibit 1), Jason D. Williamson (Exhibit 2), and Grant R. Doty (Exhibit 3). They are skilled and experienced at litigating issues of constitutional law. Plaintiffs’ attorneys seek an award of fees at the following rates:

<u>Attorney</u>	<u>Rate</u>
Anthony E. Rothert	\$325.00

Jason D. Williamson	\$300.00
Grant R. Doty	\$250.00.

These rates are reasonable, especially given that this case involved a specialized and complex area of the law. *See Republican Party of Minnesota v. White*, 456 F.3d 912 (8th Cir. 2006) (approving hourly rate of \$425 in a § 1983 case charging a violation of the First Amendment); *Wickersham v. City of Columbia*, 05-4061-CV-C-NKL, 2007 WL 1813194, *1 (W.D. Mo. June 21, 2007) (awarding \$400.00 per hour for partner and \$250.00 per hour for associate in First Amendment case tried in 2005).

This case required Plaintiffs to have counsel knowledgeable in the relevant area of the law who are willing and able to expend significant amounts of time and resources without any promise of compensation other than what this Court might award in the distant future. A recent survey of billing rates in the Missouri, which is attached to Mr. Rothert's affidavit, demonstrates that the rates sought are quite reasonable. "The average 2012 Missouri attorneys' billing rate is \$339/hour." *Comas v. Schaefer*, 10-4085-CV-C-MJW, 2012 WL 5354589, *3 (W.D. Mo. Oct. 29, 2012). In 2013, the average attorney hourly rate for a Missouri attorney was \$308.00. CITE at p. 3. The same survey showed that the average hourly rate for the eighteen New York attorneys who reported was \$612.50. *Id.* pp. 14, 16. Since Mr. Williamson has discounted his rate to match Missouri rates, rather than a New York rate that would otherwise apply to his practice, his hourly rate is less than the average reported for a New York paralegal. The reasonableness of the requested rates is further demonstrated by the affidavit of Richard B. Scherrer, who testifies that the requested rates are "low" and "more than justified, reasonable and fair and are well within the rates customarily charged by lawyers with the same or similar experience and expertise in the various districts of the federal district courts of Missouri for the same or similar type of

litigation.” Ex. 4. Thus, the fees requested are reasonable for the market.

The term “attorney’s fees” in 42 U.S.C. § 1988 “embrace[s] the fees of paralegals as well as attorneys. *Richlin Sec. Serv. Co. v. Chertoff*, 553 U.S. 571, 580, 128 S. Ct. 2007, 2014, 170 L. Ed. 2d 960 (2008) (citing *Missouri v. Jenkins*, 491 U.S. 274, 109 S.Ct. 2463, 105 L.Ed.2d 229 (1989)). In Missouri, hourly rates of \$75.00 and \$90.00 have been found reasonable. *See, e.g., Holland v. City of Gerald, Mo.*, 4:08CV707 HEA, 2013 WL 1688300 (E.D. Mo. Apr. 18, 2013). Here Plaintiffs seek an hourly rate of \$30.00 for the paralegal who assisted in preparing for the trial in this case.

ii. **Computation of the Lodestar**

The lodestar is the product of the attorneys’ hourly rates times the number of compensable hours expended on the matter. *Hensley*, 461 U.S. at 433. A reasonable fee can be set in this case consistent with established case law and local rates and practices by multiplying the number of compensable hours¹ by the hourly rates of Plaintiffs’ attorneys as follows:

<u>Attorney</u>	<u>Hours</u>	<u>x</u>	<u>Rate</u>	<u>=</u>	<u>Total</u>
Anthony E. Rothert	289.1		\$325		\$ 93,957.50
Jason D. Williamson	322.3		\$300		\$ 96,690.00
Grant R. Doty	112.3		\$250		\$ 28,075.00.

In addition, Paralegal Michael Hill performed 5.9 hours of work, at a rate of \$30.00. Ex. 5. Hill’s work would otherwise have been completed by an attorney. Paralegal time is sought for the trial-preparation stage of proceedings only. Thus, a total of \$177.00 should be awarded for paralegal fees.

¹ The number of compensable hours for each attorney is included with his affidavit, which incorporates an itemization of the hours.

The number of hours is reasonable. As explained in their affidavits and shown on their itemized time records, Plaintiffs' attorneys have exercised billing judgment to reduce the hours and eliminate billing that was duplicative. In addition, Plaintiffs have not submitted law clerk time for reimbursement. *See Jenkins*, 491 U.S. at 285 (holding award of fees for paralegal and law clerk time at market rates permissible). The hours here include proceedings on multiple motions for temporary restraining orders and preliminary injunctions, discovery, a trial on the merits, negotiations, efforts to enforce the judgment, and the preparation of the application for fees.

III. Expenses

Plaintiffs are entitled to recover the expenses incurred in the prosecution of this case. Recoverable expenses include costs and out-of-pocket expenses of Plaintiffs' attorneys. *Neufeld v. Searle Laboratories*, 884 F.2d 335, 342 (8th Cir. 1989); *see also Pinkham v. Camex, Inc.*, 84 F.3d 292, 294-95 (8th Cir. 1996) (holding that a reasonable attorneys' fee must include "reasonable out-of-pocket expenses of the kind normally charged to clients by attorneys."). In addition to the taxable costs included in the Bill of Costs (Doc. # 37), Plaintiffs seek reimbursement for the costs of serving the Complaint and Summons (\$124.88) and the witness subpoenas (\$65.00). Ex. 1 at ¶ 6. Delivery costs to the courthouse and to defense counsel totaled \$45.42. *Id.* The costs of hotels for Missouri counsel at various proceedings and for a paralegal and expert witness at trial total \$824.09. *Id.* The sum cost of travel for Mr. Williamson is \$2,973.68. Ex. 2 at ¶ 7. Plaintiffs do not seek reimbursement for many out-of-pocket expenses, including travel for in-state counsel, meals, routine printing and copying (other than exhibits for trial), conference calls, and Plaintiffs' expert witness.

IV. Class-Action Procedures

Because this is a certified class-action, the procedures of Federal Rule of Civil Procedure 23(h) apply. “In a certified class action, the court may award reasonable attorney’s fees and nontaxable costs that are authorized by law or by the parties’ agreement.” Fed. R. Civ. P. 23(e). Plaintiffs’ motion is made under Rule 54(d)(2); however, Rule 23 requires that notice of the motion be “directed to class members in a reasonable manner,” a class member may object, a hearing may be held, the Court must make findings of fact and conclusions of law, and the Court may make appropriate referrals for issues related to the amount of the award. *Id.*

To address the requirement of Rule 23(e), Plaintiffs have filed a motion to approve and direct notice of the motion.

V. Conclusion

For the foregoing reasons, Plaintiffs respectfully requests that this Court award attorneys’ fees of \$218,899.50 and out-of-pocket expenses of \$4,033.07.

Respectfully submitted,

/s/ Anthony E. Rothert

ANTHONY E. ROTHERT, #44827

GRANT R. DOTY, #60788

American Civil Liberties Union of Eastern Missouri

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St. Louis, Missouri 63108

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JASON D. WILLIAMSON

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ATTORNEYS FOR PLAINTIFFS

Certificate of Service

I certify that a copy of the forgoing was filed electronically with the Clerk and delivered by operation of the CM/ECF system to the counsel of record on October 4, 2013.

/s/ Anthony E. Rothert

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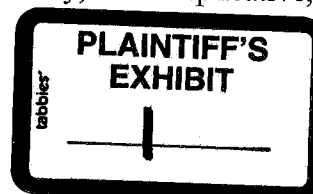
Michael Barrett, IV, et al.,)	
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Plaintiffs,)	
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v.)	Case No. 2:11-cv-04242-NKL
)	
Donald M. Claycomb, et al.,)	
)	
)	
Defendants.)	

AFFIDAVIT OF ANTHONY E. ROTHERT

Anthony E. Rothert, being first duly sworn upon his oath, states the following:

1. I am, and have been since January 2006, the legal director of the American Civil Liberties Union of Missouri Foundation, which was previously known as the ACLU of Eastern Missouri. I practice exclusively in the area of the protection and expansion of civil liberties. For the six years prior to my employment at the ACLU, I worked for the Illinois Guardianship and Advocacy Commission as court-appointed counsel in the trial, appellate, and supreme courts of Illinois for persons who the state sought to involuntarily commit or subject to involuntary treatment with psychotropic medication or electroconvulsive therapy. Before working for the Guardianship and Advocacy Commission, I worked at Land of Lincoln Legal Assistance Foundation and as an assistant State's Attorney in Madison County, Illinois.

2. I spent 300 hours of billable time in this case and seek compensation for 289.1 of those hours. The work for which compensation is sought is detailed in Ex. 1-A, the contemporaneous time records I kept in this case. I have exercised reasonable billing judgment to exclude hours that were not absolutely unnecessary, were duplicative, or are



not adequately documented. I also excluded hours related only to those individually named plaintiffs who dismissed their individual claims, even though they became members of the certified class.

3. My background is as follows:

A. I obtained a Bachelors of Art degree from Saint Louis University in 1992, a Master of Social Work degree from Saint Louis University in 1993, and a Juris Doctor from Saint Louis University School of Law in 1996.

B. I was admitted to the practice of law in the State of Missouri in 1996 and in the State of Illinois in 1997 and have been continuously engaged in the practice of law on a full-time basis since 1996. I am also admitted to the following federal courts: Southern District of Illinois (2004), Eighth Circuit Court of Appeals (2004), Supreme Court of the United States (2002), Eastern District of Missouri (2006), and Western District of Missouri (2006). I have practiced in each of these courts except the Southern District of Illinois. I have argued cases in the appellate courts and supreme courts of both Missouri and Illinois. My practice in the Supreme Court of the United States is limited to being co-counsel on four briefs in opposition to petitions for certiorari, the sole author of another, and non-lead co-counsel on one case on the merits.

C. I am a member of the Missouri Bar Association, Illinois State Bar Association, Bar Association of Metropolitan St. Louis, Mound City Bar Association, and American Constitution Society. I am an elected member of the Illinois State Bar Association's Assembly. I have been appointed to the following committees of the Illinois State Bar Association: Supreme Court Rules (2001-2007), Mental Health Law (2001-present) (former chairperson), Sexual Orientation and Gender Identity (2004-2011)

(former chair), Human Rights Section Council (2006-2013) (former chair), Diversity Leadership Council (2009-2013), Disability Law (2009-present), Illinois Bar Journal Editorial Board (2009-2012), and Law-Related Education for the Public (2003-2007). I am the former chair of the Bar Association of Metropolitan St. Louis' Committee on Individual Rights and Responsibilities. I was appointed by the Governor of Illinois, and confirmed by the Illinois Senate, as a Commissioner of the Illinois Guardianship and Advocacy Commission in 2008 and reappointed to a second term in 2010. I was elected Chairperson of the Commission in May 2009 and continue in that role.

D. I have published articles in the Illinois Bar Journal and Human Rights newsletter of the Illinois State Bar Association. I have given numerous presentations concerning a wide variety of civil liberties issues.

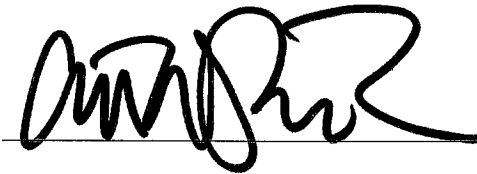
5. I am requesting compensation in this case at an hourly rate of \$325.00. Based on my knowledge of prevailing market rates, \$325.00 is a reasonable rate in this case for a person of my background and experience. In determining a reasonable market rate, I have consulted attorneys who practice in the area of civil rights litigation and reviewed the *Missouri Lawyers Weekly's* 2012 survey of billing rates, which is attached hereto as Ex. 1-B, and the 2013 survey, which is attached hereto as Ex. 1-C. Based on these same criteria, the hourly rates sought by Attorneys Jason Williamson and Grant Doty, as well as Paralegal Michael Hill, are also reasonable.

6. I also seek reimbursement for some of the expenses that would normally be passed on to a client. In this case, that includes \$124.99 paid to Mike Perry & Associates for service of summons; \$65.00 paid to Thompson Investigations for service of trial subpoenas; \$16.25 paid to the United States Postal Service for delivery of a copy

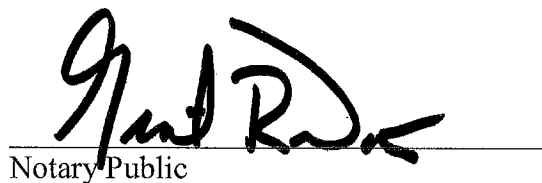
of trial exhibits to defense counsel, as required by the court order; \$29.17 to FedEx for delivery of the preliminary injunction bond by overnight delivery to Kansas City; \$137.66 for Mr. Rothert's accommodations for the preliminary injunction hearing; \$114.71 for paralegal accommodations for the preliminary injunction hearing; \$119.31 for Mr. Doty's trial accommodations; \$125.05 for Mr. Rothert's hotel accommodations for trial, \$192.36 for paralegal accommodation for trial, which included a larger room to permit a meeting the evening before trial; and \$135.00 for hotel accommodations for the expert witness. Receipts for these expenses are attached as Ex. 1-D.

7. The hourly rate and hours reflected in this affidavit and its attachments are customary and reasonable and were necessarily incurred in representing Plaintiffs in this litigation. The expenses were necessary to represent Plaintiffs in this matter.

And further Affiant sayeth not.

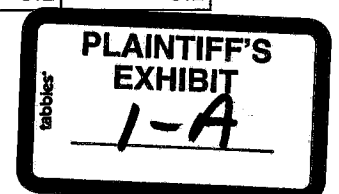


Subscribed and sworn to before me on October 4, 2013, by the individually personally known to me as Anthony E. Rothert.


Notary Public

GRANT R. DOTY
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires March 12, 2017
Commission # 13760996

Date	Details	Billable	Requested
8/23/2011	drafting complaint; related legal research	3.2	3.2
8/23/2011	drafting motion for class certification and SIS	2.7	2.1
8/24/2011	draft MPI/TRO & SIS	4.5	4.5
9/11/2011	draft engagement letters	0.3	0.3
9/11/2011	edits to draft complaint	0.7	0.7
9/12/2011	edits to SIS of class cert motion	1.3	1.3
9/13/2011	travel to Linn State for meeting with clients	2.1	2.1
9/13/2011	travel from Linn State for meeting with clients	2	2
9/13/2011	meeting with clients	2.5	2.1
9/13/2011	prepare declaration of Jacob Curless; email to client with instructions	0.2	0.2
9/13/2011	prepare declaration of Branden Kittle-Aikeley; email to client with instructions	0.2	0.2
9/13/2011	prepare declaration of Shawn Kurgas; email to client with instructions	0.1	0
9/13/2011	follow up email to Branden Kittle-Aikeley re: draft declaration	0.1	0.1
9/13/2011	prepare declaration of Ashley Minter; email to client with instruction	0.1	0
9/13/2011	prepare delcaration of John Doe; email to client with directions	0.1	0.1
9/13/2011	pepare declaration for Michael Barrett; email to client with directions	0.2	0.2
9/13/2011	email to K.R. and K.R.---- additional prospective clients -- regarding timeline for decision	0.1	0.1
9/13/2011	prepare civil cover sheet	0.2	0
9/13/2011	review and edits to draft complaint; email to Jason	0.5	0.5
9/13/2011	review, edits, and legal research re: TRO brief; email to Jason	0.8	0.8
9/13/2011	review and sign pro hac vice motion	0.1	0.1
9/13/2011	review and edit class cert brief; email to Jason	0.2	0.2
9/13/2011	t/c with Jason Williamson re: remaining pre-filing tasks.	0.2	0.2
9/14/2011	t/c with Ashley Minter re: declaration	0.2	0
9/14/2011	exhcnage emails with Branden K-A re: declaration	0.1	0.1
9/14/2011	exchange emails w M Barrett re: declaration	0.2	0.2
9/14/2011	exchange emails w John Doe re: declaration	0.3	0.3
9/14/2011	finalize and file complaint, TRO & PI papers, and class cert papers	0.7	0.7
9/14/2011	TRO hearing/call	0.7	0.7
9/14/2011	prepare, file, and mail requests for waiver of service	0.5	0.5
9/19/2011	t/c w Jason Williamson re: proposed schedule	0.2	0.2
9/20/2011	exchange emails with Jacob Curless re: case status & declaration	0.1	0.1
9/20/2011	draft first amended complaint; email to J. Williamson with comments for review	0.2	0.2
9/20/2011	return call to A. Minter re: availability as witness or party; left message	0.1	0.1
9/20/2011	draft motion for leave to file declarations in support of motion for preliminary injunction	0.2	0.2



9/20/2011	email to J. Williamson re: Curless, Kargas, and Doe declarations	0.1	0.1
9/20/2011	t/c with A. Minter re: status as plaintiff/witness	0.1	0
9/20/2011	t/c w J. Williamson re: FAC; edits to FAC; email to J. Williamson	0.1	0.1
9/23/2011	telephone conference with court re: status hearing	0.2	0.2
9/23/2011	discussion w G.Doty re: his conversations with K. Brown; draft emergency motion to extend TRO	0.1	0.1
9/23/2011	hearing by phone on emergency motion to extend; notify co-counsel with update	0.1	0.1
9/26/2011	draft proposed consent motion to extend TRO until hearing	0.2	0.2
9/28/2011	discussions with G.Doty and J.Williamson re: proposed modifications from Defendants; drafting various proposals to D's consent to court	0.4	0.4
9/28/2011	draft motion to expedite & mem in support; fwd to co-counsel for review and edits	0.7	0.7
9/28/2011	email to G. Doty re: final attempt to ask D's to consent to extension	0.1	0.1
9/28/2011	research enforcement of agreement to extension of TRO; draft arguemtn section	0.4	0.4
9/28/2011	incorporate edits and comments re: motion to expedite; incorporate alternative request to enforce; email to co-counsel w comments	0.6	0.6
9/29/2011	review email from Kent Brown with proposed stipulation; discuss w co-counsel and respond	0.3	0.3
10/4/2011	review opposition briefs and answer filed by defendants	0.5	0.5
10/5/2011	conference w. J. Williamson re: planning for briefing and hearing	0.4	0.4
10/6/2011	review answer to amended complaint & compare to complaint	0.4	0.4
10/6/2011	review status of Defendant Davidson and failure to answer; email to co-counsel; calender 30 days after waiver	0.2	0.2
10/6/2011	email to Shawn Kurgas in response to his email	0.1	0
10/7/2011	review and edit draft intial disclosures	0.5	0.5
10/7/2011	draft reply suggestion re: class certification; legal research	2.1	2.1
10/7/2011	draft and file certificate of service for initial disclosures	0.1	0.1
10/7/2011	review all edits, finalize and mail initial disclosures	0.1	0.1
10/7/2011	edits to reply re: class certification; fwd to G.Doty	0.1	0.1
10/10/2011	incorporate G. Doty suggestions/edits into reply; further research re: numerosity; fwd to J. Williamson	0.3	0.3
10/11/2011	review of Kent Brown interview in NYTimes; edit class reply to incorporate number of class members	0.1	0.1
10/11/2011	review of Linn State documents re: drug testing programs for preliminary inj reply	0.4	0.4
10/11/2011	editing/research of Jason's draft reply re: preliminary injunction	3.2	3.2
10/11/2011	email to G. Doty and J. Williamson with reply prelimin injun edits and comments	0.1	0.1
10/11/2011	review Defendants' initial disclosures	0.3	0.3
10/11/2011	research re: Defendant Davidson	0.2	0
10/11/2011	review proposed edits and comments on class reply; incorporate same; fwd to Rebecca for cite checks	0.3	0.3

10/11/2011	email Jason and Grant re: plan to get reply brief within page limitations	0.1	0.1
10/11/2011	review G.Doty & J.Williamson edits to reply; incorporate same; proof-read for typos & cite checks	0.7	0.7
10/12/2011	drafting outgoing discovery & certs of service	0.5	0.5
10/12/2011	finalize and file reply re: class certification and exhibits	0.3	0.3
10/12/2011	final review, proof-read reply re: preliminary inju; file	0.2	0.2
10/12/2011	legal research re: D's request for plaintiffs' home owners insurance policies	0.6	0.6
10/12/2011	t/c to Shawn Kurgas; left voicemail message; send follow-up email	0.1	0
10/13/2011	draft motion to shorten time and suggestions in support; circulate, incorporate suggestions, and file	0.5	0.5
10/13/2011	listen to vm from Shawn Kurgas; return call, discuss options with clients; client requests we file a voluntary dismissal for him	0.2	0
10/17/2011	email to J.Williamson re: Kurgas requesting to be dismissed as a party	0.1	0
10/17/2011	t/c w Jason Williamson re: prelim inj hearing	0.5	0.5
10/17/2011	review defendants' court filing; exchange emails w co-counsel	0.2	0.2
10/17/2011	review incoming written discovery from Defendants	0.1	0.1
10/17/2011	draft response to Defendants' motion to shorten time; circulate to co-counsel, & file	0.2	0.2
10/17/2011	review waivers received from Defendants; confirm absence of Davidson waiver	0.1	0.1
10/18/2011	draft mtn to dismiss Kurgas & Minter and motion to exclude witnesses; fwd to co-counsel; review edits	0.4	0.1
10/18/2011	review LSTC documents in preparation for preliminary injunction hearing	1.2	1.2
10/18/2011	exchange msgs with Mike Barrett re: preliminary injunction hearing	0.1	0.1
10/19/2011	draft responses to Defendants' interrogatories and review records, documents to do so	0.8	0.8
10/20/2011	t/c with Jason Williamson - preparation for preliminary injunction hearing	1.1	1.1
10/20/2011	send message to M. Barrett re: meeting for prep session; left vm re same	0.1	0.1
10/20/2011	t/c to J. Williamson re: discovery responses	0.2	0.2
10/20/2011	finalize discovery responses & certificate of service; mail to K. Walker; scan to G. Doty for emailing to opposing counsel	0.2	0.2
10/20/2011	review of documents for preliminary injunction hearing	1.5	1.5
10/20/2011	review of D responses to interrogatories and request for production	2.1	2.1
10/21/2011	review of supplemental disclosures	0.8	0.8
10/21/2011	watch youtube videos provided by defendants for hearing	0.5	0.5
10/22/2011	t/c w. J. Williamson and M. Barrett for witness for preparation for hearing	0.9	0.9
10/22/2011	prepare for witness testimony/review of documents for direct	1.5	1.5
10/22/2011	review of opposition to exclusion of witnesses/research/email co-counsel w proposed response	0.2	0.2
10/23/2011	research technical colleges and their drug testing policies	1.7	1.7

10/23/2011	research Missouri LCSW & drug-testing related confidentiality requirements	0.5	0.5
10/23/2011	background research on potential witnesses listed by defendants	1.5	1.5
10/23/2011	research re: motion to exclude; draft and file reply	0.3	0.3
10/23/2011	preparation for preliminary injunction hearing, including document review and question outlines	5.8	5.8
10/24/2011	travel to Jefferson City for preliminary injunction hearing	2.5	2.5
10/24/2011	review affidavits produced by Defendants this evening	0.5	0.5
10/24/2011	review new youtube video disclosed this evening	0.2	0.2
10/24/2011	legal research re: admissibility of hearsay affidavits	0.3	0.3
10/24/2011	meeting with Mike Barrett re: testimony	0.2	0.2
10/25/2011	preliminary injunction hearing	6	6
10/25/2011	email to M. Barrett re: hearing	0.1	0.1
10/25/2011	email to co-counsel re: outstanding issues for potential permanent injunction	0.2	0.2
10/26/2011	draft MET to disclose experts	0.2	0.2
11/7/2011	review court order; prepare outline of possible issues & email to co-counsel	0.2	0.2
11/7/2011	exchange emails with J. Williamson re: issues for phone conference with court	0.1	0.1
11/7/2011	telephone conference with court	0.3	0.3
11/8/2011	t/c w J. Williamson post-call with court re: planning for scheduling and identifying discovery needs	0.2	0.2
11/8/2011	draft proposed schedule; circulate to co-counsel with list of ideas for documents to request	0.3	0.3
11/9/2011	review motion to dismiss/quash re: Davidson	0.2	0
11/9/2011	legal research re: motion to dismiss/quash re Davidson	0.5	0
11/10/2011	listen to vm from Kent Brown; return phone call, left message	0.1	0.1
11/10/2011	t/c w K. Brown re: scheduling	0.1	0.1
11/14/2011	t/c with Jason Williamsom re: call from K. Brown and next steps	0.2	0.2
11/14/2011	legal research/drafting opposition to motion to dismiss & quash	0.8	0
11/14/2011	review transcript of preliminary injunction hearing for any needed redactions	0.5	0.5
11/14/2011	edit to opposition to MTD; draft affidavit; insert cites from transcript	0.5	0.5
11/14/2011	t/c to Kent Brown to follow up on yesterday's conversation; left message	0.1	0.1
11/15/2011	t/c with Kent Brown re: proposed schedule	0.1	0.1
11/15/2011	edits to opposition to MTD; fwd to J. Williamson for review	0.1	0.1
11/15/2011	review order on motion for class certification	0.3	0.3
11/15/2011	review scheduling proposal as filed by defendants	0.1	0.1
11/15/2011	read and respond to email from Renea Kanies	0.1	0.1
11/15/2011	research possible experts	1.5	1.5
11/16/2011	incorporate J.Williamson's edits to opposition brief; finalize & file	0.2	0.2
11/16/2011	email to J.Williamson & G. Doty outlining points for conference call with judge	0.2	0.2

11/16/2011	teleconference with court	0.2	0.2
11/16/2011	draft new proposed schedule; fwd to co-counsel for review and comments	0.2	0.2
11/16/2011	email to opposing counsel with draft proposed scheduling order	0.1	0.1
11/18/2011	teleconference with J.Williamson & G. Doty re: discovery and experts	0.9	0.9
11/18/2011	review preliminary injunction order; fwd to clients	0.2	0.2
11/18/2011	draft second req for production; circulate to co-counsel	0.5	0.5
11/18/2011	draft second interrogatories; email to co-counsel with draft	0.7	0.7
11/18/2011	review court orders re: inclusion in EAP; review related rules and calendar evetns	0.2	0.2
11/18/2011	t/c w J.Williamson re: outgoing discovery drafts	0.1	0.1
11/21/2011	edits to second requests for production and interrogatories	0.2	0.2
11/21/2011	draft certificate of service for 2d rog and 2 rfp	0.1	0.1
11/21/2011	exchange emails re: requests for admission/partial summary judgment options	0.1	0.1
11/22/2011	email to opposing counsel to follow up on proposed scheduling plan	0.1	0.1
11/22/2011	finalize and mail outgoing discovery	0.2	0.2
11/22/2011	finalize and file COS for outgoing discovery	0.1	0.1
11/22/2011	t/c with potential expert witness Melanie Ziebart	1	1
11/22/2011	t/c with Jason Williamson re: Ziebart and email from opposing counsel re: class notice	0.7	0.7
11/23/2011	respond to A. Willis email re: notice to class	0.1	0.1
11/23/2011	t/c w R. Fennessey re: notice to class & distribution thereof	0.1	0
11/23/2011	research re: drug-testing policies at missouri colleges and universities	2.1	2.1
11/28/2011	listen to v.m. from Kent Brown's office; email to A. Willis with word version of discovery requests & msg	0.1	0.1
11/28/2011	review resume from M. Ziebart; fwd to J. Williamson & G. Doty	0.1	0.1
11/29/2011	research re: nanogram levels for postive tests	0.5	0.5
11/29/2011	draft interrogatory to determine positive-test level for THC; fwd to M. Ziebart for review	0.1	0.1
12/1/2011	write letters to A. Minter and S. Kurgas re: dismissal of individual claims and inclusion in certified class	0.3	0
12/1/2011	finalize and send 3d interrogatory; draft and file certificate of service	0.1	0.1
12/2/2011	email to A.Willis with 3d interrogatory	0.1	0.1
12/14/2011	meeting with co-counsel to discuss expert opinion questions	0.2	0.2
12/15/2011	t/c with J.Williamson to plan discovery and expert strategy	0.7	0.7
12/16/2011	review notice of interrlocutory appeal filed by defendants; email to co-counsel re: same	0.2	0.2
12/16/2011	t/c from K.Brown's officer re discovery requests; email to his office and email to co-counsel with update	0.1	0.1
12/19/2011	draft letter to Melanie Ziebart re: expert opinions; fwd to J.Williamson for comments & review with explanatory email	0.4	0.4
12/19/2011	review edits from J. Williams re: letter to Ziebart; finalize letter	0.1	0.1
12/20/2011	exchange emails with J.Williamson re: discovery issues	0.1	0.1

12/20/2011	read email from K. Brown's officer re: NOA forms	0.1	0.1
12/21/2011	review amicus filings in Shasta Sch Dist case; fwd to J. Williamson & M. Hill to pull studies cited	0.3	0.3
12/21/2011	review draft requests for admission of facts; notes re: same	0.3	0.3
12/21/2011	email to J.Williamson re: suggested edits to requests for admission	0.4	0.4
12/21/2011	review email from J.Price;t/c to J.Williamson re: schedule for mediation; respond to J.Price email	0.1	0.1
12/22/2011	draft additional interrogatory to D. Claycomb re: peer institutions	0.1	0.1
12/22/2011	review court order setting teleconference; email to co-counsel re: possible issues for call	0.1	0.1
12/22/2011	finalize outgoing discovery; draft certificates of service	0.3	0.3
12/22/2011	emails with co-counsel re: 12/28 teleconference with court	0.1	0.1
12/27/2011	teleconference with court	0.1	0.1
12/28/2011	t/c to F.Smith at chambers re: status of NOA	0.1	0.1
12/29/2011	respond to Kelli Watkins's email re: discovery requests	0.1	0.1
1/3/2012	draft and file Appellees' Form B & Appearance form; mail copies of same to non-ECF participants	0.2	0.2
1/3/2012	review objections to interrogatories and requests for production; email to co-counsel re: initial impressions	0.2	0.2
1/3/2012	review discovery; email to co-counsel re: suggested 30(b)(6) topics for college	0.3	0.3
1/4/2012	t/c w J.Williamson re: discovery disputes & mediation	0.3	0.3
1/5/2012	legal research re: FERPA/discovery issues	0.4	0.4
1/6/2012	meeting w. Kent Brown re: mediation, discovery, etc.	1	1
1/6/2012	t/c w G.Doty & J. Williamson re: meeting w Kent Brown	0.2	0.2
1/12/2012	draft proposed joint motion for protective order; email to A. Willis and K. Brown for approval	0.2	0.2
1/17/2012	review emails from K.Brown & A. Willis; finalize and file motion; email proposed order to court	0.1	0.1
1/17/2012	read & respond to email from K. Brown re: method of appendix on appeal	0.1	0.1
1/23/2012	review of incoming discovery responses	0.8	0.8
1/23/2012	preparation for mediation (including review of records, discovery, pleadings, etc.)	0.5	0.5
1/24/2012	mediation session in Jefferson City	1.8	1.8
1/24/2012	travel to/from mediation	4.5	4.5
1/31/2012	t/c w J. Williamson re: 30(b)(6) deposition dates proposed by defendants & need to extend discovery to accommodate	0.1	0.1
2/20/2012	review & edit 30(b)(6) notice	0.2	0.2
2/21/2012	t/c to K.Brown re location for deposition; left message	0.1	0.1
2/21/2012	finalize and mail 30(b)(6) deposition notice	0.2	0.2
2/21/2012	draft and file COS for deposition notice	0.1	0.1
2/24/2012	t/c to J. Williamson re: deposition scheduling and estimating time required	0.1	0.1
2/24/2012	draft amended notice of 30(b)(6) notice and certificate of service; mail and file	0.1	0.1
2/29/2012	review supplemental responses to second interrogatories	0.4	0.4
3/12/2012	exchange emails with J.Williamson re: planning for deposition	0.1	0.1

3/13/2012	t/c w J. Williamson to plan 30(b)(6) deposition and responsibilities for drafting brief on interlocutory appeal	0.4	0.4
3/13/2012	review motion for extension of time to file brief in eighth circuit & court order granting same	0.1	0.1
3/19/2012	review Defendants motion to file brief out of time, proposed brief, and addendum; take notes re: issues raised in brief	1.3	1.3
3/19/2012	review clerk's deficiency notices re: Defendants' brief and addendum; email to J. Williamson re: deficiencies	0.1	0.1
3/20/2012	legal research re: 65(d)(1) issue	0.8	0.8
3/21/2012	review appellants' appendix; email to co-counsel re receipt of appendix and observations re: same	0.3	0.3
3/21/2012	review 1st brief- create outline for response brief	0.8	0.8
3/22/2012	Read 2d brief & make notes re changes	0.4	0.4
3/22/2012	exchange emails with J. Williamson re scheduling of drafts for response brief	0.1	0.1
3/26/2012	review transcript and court records/draft statement of facts for brief	3.8	3.8
3/26/2012	editing/drafting statement of facts section	0.2	0.2
3/26/2012	legal research/drafting standard of review	0.2	0.2
3/27/2012	legal research & drafting re argument; standards for PI & success on merits	0.4	0.4
3/27/2012	legal research and drafting argument section on pl's likelihood of success on the merits	4.2	4.2
3/27/2012	legal research re: waiver procedure & merits of drug-testing in school settings	1.3	1.3
3/28/2012	legal research and drafting public interest, balance of harms, and irreparable harms sections of brief	2.5	2.5
3/28/2012	legal research and drafting re: adequacy of pi order	0.8	0.8
3/29/2012	proof read draft brief	0.5	0.5
3/30/2012	edits; research & drafting re: brief	1.1	1.1
3/30/2012	email to G. Doty re: november court order	0.1	0.1
3/30/2012	read email from G. Doty and attachments	0.1	0.1
3/30/2012	legal research re: mootness issues	1.2	1.2
3/30/2012	emails to/from J. Williamson re: motion to clarify preliminary injunction order	0.2	0.2
3/30/2012	draft/research re: motion to clarify	1.3	1.3
3/30/2012	legal research and drafting re brief	1.4	1.4
3/30/2012	email to J. Williamson with draft of brief	0.1	0.1
3/30/2012	legal research & drafting motion to clarify and suggestions in support	2.2	2.2
3/30/2012	email to J. Williamson and G. Doty re drafts of motion to clarify	0.1	0.1
3/31/2012	review and incorporate suggested edits to motion and suggestions	0.8	0.8
3/31/2012	review G. Doty edits re: pre-trial motions and incorporate into drafts	0.3	0.3
3/31/2012	review, edits and filing of motion to clarify and suggestions in support	0.3	0.3
4/10/2012	review edits of J. Williamson and begin incorporating into most recent draft	1.2	1.2
4/10/2012	travel to Jeff city for depo	2.5	0

4/11/2012	t/c to J. Williamson re: draft of brief; left detailed voicemail message	0.1	0.1
4/11/2012	email to J. Williamson re: contacts from prospective amici	0.1	0.1
4/11/2012	further editing of draft brief and legal research re waiver	2.1	2.1
4/11/2012	t/c to G. Doty re: court reporter and issues related to transcript	0.2	0.2
4/11/2012	return from deposition	2.5	2.5
4/11/2012	30(b)(6) deposition of LSTC	3	3
4/13/2012	attempted phone conference	0.2	0.2
4/13/2012	t/c to J. Williamson re: conference call	0.1	0.1
4/16/2012	email to opposing counsel requesting consent to MET	0.1	0.1
4/16/2012	review court order setting teleconference; discuss schedule conflict w G. Doty	0.1	0.1
4/17/2012	draft met to file brief	0.1	0.1
4/17/2012	exchange emails w K. Brown	0.1	0.1
4/19/2012	conference call with court	0.2	0.2
4/27/2012	edit to draft brief; review TOA and TOC	0.3	0.3
4/30/2012	proofreading brief	0.5	0.5
4/30/2012	proofreading/editing brief-- update headers and conclusion	0.3	0.3
5/2/2012	email to G. Doty & J. Williamson re: arguments to keep/not keep in brief	0.1	0.1
5/3/2012	proofreading and editing of brief; draft summary of argument & issues on appeal	1.1	1.1
5/3/2012	review email correspondence re agreed order to clarify	0.1	0.1
5/3/2012	email draft of brief to J. Williamson & G. Doty with message re suggested edits	0.1	0.1
5/4/2012	incorporate J. Williamson edits and additions to brief draft; legal research re: Earls	0.4	0.4
5/4/2012	review edits/proofreading brief; update to statement of issues	0.3	0.3
5/4/2012	final proof-read and cite check; prepare for filing	0.8	0.8
5/5/2012	file brief	0.1	0.1
5/7/2012	cover letter to Eighth Circuit with Separate appendix	0.2	0.2
5/7/2012	t/c with J. Williamson re: phone call from D. Viets about wanting to file amicus by SSDP	0.1	0.1
5/7/2012	review motion to file amicus brief and proposed brief from SSDP	0.2	0.2
5/7/2012	review defense edits to proposed joint order; email to court and all counsel with attached proposed order	0.2	0.2
5/15/2012	review motion for leave to file amicus brief filed by NEA, NASW, MASW, etc.	0.2	0.2
5/15/2012	draft email to clients re: status	0.2	0.2
5/15/2012	review clerk order from COA	0.1	0
5/16/2012	read amici brief submitted by NEA, etc.	0.7	0.7
5/16/2012	review filing in Eighth Circuit by D. Viets	0.1	0.1
5/25/2012	review MET filed by Defendants in Eighth Circuit/Court order re: same; notify clients	0.1	0.1
6/5/2012	read Nat'l Fed Labor v. Vilsack; take notes on relevance to our case	0.5	0.5
6/5/2012	exchange emails w J. Williamson re: Vilsack and possible 28(j) letter	0.2	0.2

6/11/2012	email to J. Williamson with citations to Vilsack that support our position and discussion of each point	0.4	0.4
6/11/2012	review J. Williamson's draft 28j letter; make edits and return with comments	0.2	0.2
6/26/2012	legal research re exhaustion of state remedies	0.3	0.3
7/24/2012	draft and file letter to court re: availability for oral argument	0.1	0.1
8/20/2012	review J. Beam dissent in Doe ex rel. Doe v. Little Rock Sch. Dist.;		
	related legal research	0.5	0.5
8/20/2012	t/c w J. Williamson re: oral argument issues	0.3	0.3
9/4/2012	email exchange w J. Williamson re: oral argument/eighth circuit admission	0.1	0.1
9/6/2012	t/c from Eighth Circuit re: argument; call J. Williamson re: same	0.1	0.1
9/10/2012	t/c w J. Williamson re: oral argument prep	0.4	0.4
9/11/2012	prepare addendum with order clarifying preliminary injunction; draft and file motion for leave	0.5	0.5
2/8/2012	draft brief for second motion for preliminary injunction; legal research	3.5	3.5
2/11/2013	review J. Williamson and G. Doty drafts of preliminary injunctio brief; incorporate edits; legal research and drafting	1.5	1.5
2/12/2013	draft and file motion for schedule (and exchange emails w co-counsel re: same)	0.2	0.2
2/12/2013	draft and file motions for TRO and PI; make final edits to, and file, suggestions in support	0.5	0.5
2/15/2013	t/c w court and opposing counsel re: TRO request	0.5	0.5
2/15/2013	conference call w co-counsel after conf call w court	0.4	0.4
2/19/2013	legal research re: as-applied claims and leave to amend; drafting of brief on these points	0.4	0.4
2/19/2013	consolidate and edit draft sections of brief	0.3	0.3
2/19/2013	email to co-counsel with draft brief and comments re: length and substance	0.1	0.1
2/25/2013	legal research re: subclass certification	0.3	0.3
2/26/2013	conference call with court/drafting proposed schedule, sharing with co-counsel	0.4	0.4
2/27/2013	email to co-counsel re: lack of response from opposing counsel re: proposed schedule	0.1	0.1
3/1/2013	draft and file joint proposed scheduling order and notice to court	0.3	0.3
3/5/2013	legal research re: new issues raised by Defendants in phone conferences	1.2	1.2
3/5/2013	legal research re: proceeding in district court during appeal of preliminary injuncton; relevant considerations and discretion	0.4	0.4
3/6/2013	review of preliminary injunction hearing transcript re: evidence of enrollment in programs; email to J. Williamson re: same	1.2	1.2
3/8/2013	research/drafting proposed order on motion for preliminary injunction; fwd to co-counsel for review	1.5	1.5
3/11/2013	review J. Williamson draft supplemental brief re Lebron; edits and cite checks/updates; fwd to J. Williamson	0.3	0.3
3/11/2013	edits to proposed preliminary injunction order	0.2	0.2
3/12/2013	review written discovery responses; draft Fifth interrogatories; email to co-counsel w comments	0.4	0.4

3/12/2013	email to M.Ziebart re: expert witness report	0.1	0.1
3/14/2013	review cases and discovery and emails with M. Ziebart about topics for expert report	0.4	0.4
3/22/2013	review preliminary injunction decision; notes on key points	0.6	0.6
4/1/2013	legal research re: adequacy of discovery responses/duty to supplement	0.3	0.3
4/2/2013	research lists of certified labs in federal registers from Sept 2011 to present; locate current list of certified labs; email to M. Ziebart re: certified labs for urine testing	1.5	1.5
4/3/2013	telephone conference w J. Williamson re: discovery issues & expert witness issues	1.2	1.2
4/3/2013	t/c w M. Ziebart re: expert report	0.6	0.6
4/3/2013	research re SAMHSA regulations & DOT regulations; SAMSHA certification of labs; DHHS standards, rules, and regulations	2.1	2.1
4/9/2013	email to M. Ziebart re: expert report	0.1	0.1
4/11/2013	meeting w P.Glynn re: drug-testing at similar schools	1.5	1.5
4/12/2013	research of DOT regs re: certification of labs for DOT urine-testing; email to co-counsel re results of research	1.5	1.5
4/12/2013	draft and edit draft of proposed consent judgment; slight legal research; email to co-counsel with comments	2.5	2.5
4/13/2013	review msg from M.Ziebart; email to J. Williamson re: expert report draft	0.1	0.1
4/14/2013	exchange emails w M.Ziebart re: questions for which opinion is sought	0.1	0.1
4/15/2013	exchange emails with J. Williamson and G. Doty re: proposed settlement offer; edits to proposed consent judgment based on feedback	0.3	0.3
4/15/2013	letter to Kent Brown re: our settlement offer	0.4	0.4
4/15/2013	research re: Board of regents; email to K. Brown requesting consent to joinder of J. Scott Christianson; legal research re: substitution/joinder	0.5	0.5
4/16/2013	review emails from K.Brown; respond	0.1	0.1
4/18/2013	exchange messages w Melaine Ziebart re: factual questions; locate and send to M. Ziebart 30(b)(6) deposition of plaintiffs	0.2	0.2
4/20/2013	review Melanie Ziebart expert report; exchange email re: publications, past expert testimony, other info required by FRCP 26 and resume	1.2	1.2
4/22/2013	research/drafting motion for joinder and suggestions in support	1.5	1.5
4/22/2013	t/c to opposing counsel re: tardy discovery responses; left msg	0.1	0.1
4/22/2013	research re: local rules on discovery issues	0.1	0.1
4/22/2013	draft declaration for Melanie Ziebart; email to MZ with instructions	0.2	0.2
4/22/2013	t/c w Kent Brown re: discovery issues and consent to joinder update; email to co-counsel re same	0.2	0.2
4/24/2013	review incoming discovery responses to Fifth set of interrogatories and attached documents; fwd to co-counsel w comments	0.5	0.5
4/24/2013	telephone call and emails w J. Williamson re: expert report; email to M. Ziebart re: same	0.3	0.3

4/24/2013	draft COS for disclosure of expert witness	0.1	0.1
4/25/2013	prepare expert report, resume, affidavit and COS for mailing to opposing counsel; fwd to co-counsel; prepare COS for filing	0.2	0.2
4/25/2013	review email from K. Brown re: consent for joinder; modify motion and suggestions to indicate consent; file same	0.2	0.2
5/7/2013	t/c w J Williamson re: to-do list for trial and pretrial filings; witnesses and exhibits; discuss potential MIL	0.9	0.9
5/13/2013	exchange emails w M.Ziebart re: trial schedule	0.1	0.1
5/21/2013	review previous correspondence re: service of Christianson; email to K. Brown re: same	0.2	0.2
5/21/2013	research/drafting of outline for trial brief	2.2	2.2
5/21/2013	update legal research re: fourth am/drug-testing	1.7	1.7
5/21/2013	emails w J.Williamson re: MILs, propsecitive witnesses, and thoughts re: opposing witnesses	0.5	0.5
5/22/2013	review MTD and emails from K.Brown; exchange emails w K.Brown	0.2	0.2
5/22/2013	draft SAC; fwd to G.Doty & J.Williamson for review; incoproate edits	1.1	1.1
5/22/2013	draft stipulation re: SAC; fwd to co-counsel for review	0.1	0.1
5/22/2013	t/c with Kent Brown in response to his email; follow-up email to K.Brown w attached stipulation and proposed SAC	0.1	0.1
5/22/2013	exchange emails w J. Williamson re: subject areas for varous witnesses	0.3	0.3
5/22/2013	review and email J. Willinason re: eighth circuit special interest determination and its relation to our expert's opinion	0.2	0.2
5/24/2013	edits/drafting outline of trial brief; draft statement of case for trial brief	0.5	0.5
5/30/2013	email to K. Brown following up on proposed amended complaint	0.1	0.1
5/30/2013	legal research re: amendment to complaint in light of lack of response to request for consent	1.1	1.1
6/3/2013	draft motion for leave to file SAC	0.2	0.2
6/3/2013	t/c to J.Williamson re: motion for leave, scheduling of telephone conf w court	0.1	0.1
6/4/2013	email to Katie Hill (kent's office) in response to her email to explain deadline for response re SAC	0.1	0.1
6/4/2013	email to J Williamson re: teleconference	0.1	0.1
6/5/2013	review/prep re: expert testimony	0.3	0.3
6/5/2013	review 30(b)(6) deposition for possible designations for use at trial	0.5	0.5
6/5/2013	confirm trial date/time w expert witness	0.1	0.1
6/5/2013	trial preparation/review of evidence/planning witnesses	3.2	3.2
6/5/2013	telep conf w court and counsel re: scheduling	0.1	0.1
6/6/2013	review correspondence/call log with opposing counsel re: amendment; draft SIS of motion for leave, motion to shorten response time, met to respond to MTD	0.5	0.5
6/6/2013	review final draft of proposed joint stipulation of facts; fwd edits/comments to G.Doty to finalize and propose to K.Brown	0.5	0.5
6/6/2013	trial preparation --- review of campus crime and accident reports/potential expert opinion testimony	3.5	3.5

6/7/2013	review exhibits in prep for exhibit list	1.3	1.3
6/7/2013	prepare subpoenas and request witness fee checks	0.3	0.3
6/7/2013	review affidavits re: testimony re: industry norms; exchange emails w J.Williamson re industry-norm witnesses for rebuttal	0.2	0.2
6/7/2013	draft SIO Christianson's mtd; email to co-counsel for review	0.2	0
6/7/2013	internet research re: identity of current regents and administrators	0.1	0
6/10/2013	legal research/drafting trial brief	0.5	0.5
6/10/2013	review drafts of motions in limine; fwd to law clerk w areas for further research/development	0.7	0.7
6/10/2013	review of discovery citations for matter included in proposed stipulation of facts for prep in case no response from counsel	0.3	0.3
6/10/2013	legal research re: admissibility of hearsay affidavits in record that were admitted at preliminary injunction hearing	0.3	0.3
6/10/2013	review local rules re: deposition certificates; t/c to J. Williamson	0.4	0
6/10/2013	incorporate edits/ finalize and file SAC and MIO MTD	0.2	0.2
6/10/2013	legal research/drafting re: burden shifting	2.2	2.2
6/11/2013	drafting trial brief/legal research	3.5	3.5
6/11/2013	review and edit draft MIL re affidavit for Rhonda Thompson	0.1	0.1
6/11/2013	legal research re: remedies; drafting trial brief	2.2	2.2
6/12/2013	legal research/drafting trial brief re: remedies and Ds' affirmative defenses	4.7	4.7
6/12/2013	legal research/drafting re: MIL on opinion testimony re efficacy	0.3	0.3
6/12/2013	review scheduling order/draft memo re: joint stipulated facts	0.1	0.1
6/12/2013	legal research/drafting trial brief re: disputed facts & evidentiary issues	2.1	2.1
6/13/2013	exchange emails w J.Williamson re: internal deadlines and division of duties	0.1	0.1
6/13/2013	proof-reading/edits to trial brief; fwd to G.Doty and J.Williamson for review	1.1	1.1
6/13/2013	drafting/edits re: MIL	0.2	0.2
6/13/2013	preparation for expert testimony	3.2	3.2
6/14/2013	conference w G.Doty re: DOT regulations	0.7	0.7
6/14/2013	review motions in limine re: hearsay and affidavits; fwd to J.Williamson	0.8	0.8
6/14/2013	preparation of exhibits for trial prep with expert	1.2	1.2
6/14/2013	prep for meeting with expert witness	2.3	2.3
6/14/2013	email to J.Williamson and G.Doty re: no response from Ds' on joint stipulation of facts	0.1	0.1

6/14/2013	work on exhibits and draft of exhibit list for trial; email to J.Williamson about exhibits needed; research re: uses of disco responses	1.1	1.1
6/14/2013	review ALRs re: expert witness prep & exhibit introduction via expert	0.5	0.5
6/14/2013	review served subpoenas; mail copy to opposing counsel; prepare and file COS	0.1	0.1
6/14/2013	legal research re alternative ways to admit evidence; email to J. Williamson and G.Doty re proposed plan	0.3	0.3
6/14/2013	t/c w J Williamson re: strategic issues re: witness testimony	0.1	0.1
6/15/2013	meeting w Melanie Ziebart	1.7	1.7
6/16/2013	review legal research re: disco designations; review drafts; exchange emails w G. Doty	0.5	0.5
6/17/2013	edits to designations re: interrogatories & RFA responses; fwd to J.Williamson for review	0.4	0.4
6/17/2013	incorporate J.Williamson edit, finalize and file interrogatory designations	0.1	0.1
6/17/2013	legal research; draft motion for leave to file depo designations out of time and suggestions in support; incorporate law clerk edits; fwd to J. Williamson for review	0.5	0.5
6/17/2013	incorporate depo designations into proposed designation to attach to motion for leave	0.3	0.3
6/17/2013	review witnesses disclosed by defendants in initial disclosures re: gaps in defendants' evidence	0.2	0.2
6/17/2013	incorporate G.Doty edits to motion to exclude witnesses	0.1	0.1
6/18/2013	research re: drug-testing levels for drug, medical exclusions	0.4	0.4
6/18/2013	research/drafting/edits to trial brief	2.3	2.3
6/18/2013	review/edits to exhibit list; COS	0.1	0.1
6/18/2013	review/edit MIL re: Klatt affidavit; legal research	0.2	0.2
6/18/2013	review, make edits to draft MIL 2-17	0.7	0.7
6/18/2013	email to J.Williamson and G.Doty re: draft exhibit list, with comments/question	0.1	0.1
6/19/2013	review of facts we will prove; discussion w G.Doty and M.Hill re: proof issues	0.5	0.5
6/19/2013	review and incorporate J.Williamson suggestions re: MIL 1-17; research re MIL 18-19	0.3	0.3
6/19/2013	email to J. Williamson re: possible additional MIL; related research	0.1	0.1
6/19/2013	trial preparation	2.5	2.5
6/19/2013	cite checking and editing of trial brief	0.7	0.7
6/20/2013	edits to trial brief; exhibit list, and witness list; exchange emails w co-counsel re: same	0.5	0.5
6/21/2013	finalize and file motions in limine	0.8	0.8

6/22/2013	review defendants' exhibit list and witness list; compare witness list to disclosures; determine documents on exhibit list that have not been produced	1.5	1.5
6/24/2013	review draft proposed finding of fact and record citations	1.5	1.5
6/24/2013	review response in opposition to motion to file deposition designations out-of-time; brief discussion re: whether response needed	0.1	0.1
6/25/2013	review and edit further draft FOF	0.7	0.7
6/25/2013	review court order re: leave to file depo designations out-of-time	0.1	0
6/25/2013	t/c w J. Williamson re: trial prep and witness exams	1	
6/25/2013	emails w. R. McCray and J. Williamson re: communications with clients re: trial	0.2	0.2
6/25/2013	research re: possible objection to witness Sue Gove; email to co-counsel re: results	0.3	0.3
6/26/2013	preparation of expert witness examination and related exhibits; email to co-counsel with outline; email to expert witness	2.2	2.2
6/26/2013	review EOA by A. Willis	0.1	0
6/26/2013	finalize and file deposition designations	0.1	0.1
6/26/2013	review draft direct exam questions for Pemberton; email comments/suggestions to J. Williamson	0.7	0.7
6/27/2013	trial preparation	3.2	3.2
6/27/2013	review court order re: teleconference on MIL; email to J. Williamson re: proposed responses to various scenarios	0.3	0.3
6/27/2013	review and incorporate suggestions for question to expert on direct	0.3	0.3
6/27/2013	t/c w Melanie Ziebart re: trial	0.2	0.2
6/27/2013	review and edit questions for Ziebart direct examination; incorporate suggestions from co-counsel	0.5	0.5
6/28/2013	review of MIL in prep for conference w court	0.5	0.5
6/28/2013	conference call with court re: MIL	0.7	0.7
6/28/2013	t/c w J. Williamson re: trial prep	0.2	0.2
6/28/2013	legal research re: evidentiary foundations in prep for trial	3.2	3.2
6/28/2013	review CASA study cited by Dr. Pemberton in preparation for re-direct of our expert	1.5	1.5
6/28/2013	convert proposed stipulation into motion for voluntary dismissal; send to law clerk and co-counsel for proof-reading	0.1	0.1
6/28/2013	review amended witness list & compare to initial disclosures and rogs re: areas of knowledge; email to co-counsel summarizing	0.4	0.4
6/29/2013	review trial brief and exhibits in prep for closing argument; outline closing argument	2.5	2.5

6/29/2013	t/c w M. Ziebart re: trial; logistics of testimony; CASA study	0.2	0.2
6/30/2013	exchange emails w K. Brown; email to co-counsel re: Claycomb unavailability for trial	0.2	0.2
6/30/2013	travel to Jefferson City for trial	2.5	2.5
6/30/2013	meeting w M. Ziebart to review direct examination and expert report	1.5	1.5
6/30/2013	legal research re: suggestion of death; substitution- note on subject for trial	0.2	0.2
7/1/2013	trial	6	6
7/1/2013	final pre-trial preparations	0.5	0.5
7/1/2013	return travel from trial	2.5	2.5
7/2/2013	prepare notes re: trial, exhibit issues, and possible questions for appeal	0.3	0.3
7/3/2013	draft motion to substitute parties; circulate to co-counsel	0.3	0.3
7/8/2013	review court orders	0.1	0
7/10/2013	review defedants' proposed FOF and post-trial brief; review Maryland v. King & record	1.5	1.5
8/7/2013	draft letter to K.Brown re drug-testing in semester beginning August 27	0.3	0.3
8/7/2013	review and incorporate suggestions of co-counsel; finalize and mail & fax letter to Mr. Brown	0.3	0.3
8/13/2013	review email from K.Brown re drug-testing in upcoming semester; fwd to co-counsel w comments	0.1	0.1
9/10/2013	vm from attorney for possible class member; return call, leave vm	0.1	0.1
9/13/2013	review court decision; email to co-counsel re: notification of clients; notes re ptl reviewable issues	1.1	1.1
9/16/2013	draft letter to K.Brown re process for return of \$50 and destruction of samples for class	0.3	0.3
9/17/2013	legal research & drafting re SIS mtn for fees and costs	0.6	0.6
9/17/2013	t/c to K.Brown, left message	0.1	0.1
9/18/2013	research/drafting re: bond & email to co-Counsel re same	0.2	0.2
9/18/2013	prepare bill of costs; fwd to co-counsel for review	0.2	0.2
9/19/2013	t/c to K.Brown; left msg	0.1	0.1
9/24/2013	t/c to K. Brown; left msg & email to K.Brown	0.1	0.1
9/26/2013	review email from K. Brown; draft mtn for extension and fwd to co-counsel for review	0.3	0.3
9/26/2013	legal research re: procedures for atty fees in certified class action; draft section for brief re: same	0.4	0.4
9/27/2013	legal research/drafting re: notice to class	0.3	0.3
9/27/2013	draft proposed notice to class; fwd to G.Doty for review	1.5	1.5
9/30/2013	draft suggestion in support of motion to approve and direct notice	0.7	0.7
9/30/2013	draft motion for 23(h) notice	0.2	0.2
9/30/2013	review court docket-text order on MET	0.1	0
9/30/2013	review reciepts for expenses & incorporate into SIS of motion for fees and expenses	0.3	0.3
9/30/2013	review hours to exercise billing judgment	0.5	0

10/1/2013	draft affidavit in support of mtn for fees and expenses	0.4	0.4
10/2/2013	review G.Doty itemized hours for reductions	0.3	0
10/3/2013	go over hour reductions with G.Doty	0.1	0
10/3/2013	review G.Doty affidavit re fees; suggestions	0.1	0
10/4/2013	review J.Williams billing itemization; email to J.Williamson re suggestions for reductions	0.4	0
10/4/2013	edit and incorporate J.Williamson edits re proposed notification to class	0.2	0.2
10/4/2013	edit and incorporate J.Williamson edits to SIS of mtn for approve of notice & mtn itself	0.3	0.1
10/4/2013	edits & short legal research re MIS of atty fees and expenses	0.5	0.5
10/4/2013	draft affidavit for Michael Hill	0.2	0.2
10/4/2013	draft motion for fees	0.1	0.1
	Totals	300	289.1

**BILLING
RATES**

SPECIAL 16-PAGE SECTION

HOW MUCH
ARE YOU
WORTH?

333



“Why am I doing this when I can get \$450 an hour standing over there?”

U.S. District Judge Henry Antrey

BY HEATHER COLE
heather@missourilaw.com

U.S. District Judge Henry Antrey figures the value placed on his time is \$90.62 an hour.

That's what he makes in a job that requires as much expertise as the lawyers who appear before him have, he said. At a June hearing on attorneys' fee requests in a child-injury litigation...

“Why am I doing this when I can get \$450 an hour standing over there?” he asked plaintiffs' attorney Bob Herman, of Schwartz, Herman & Davidson in St. Louis.

The \$450 rate, Antrey said, sounded like a windfall. Antrey was asking Herman to justify a fee request of about \$600,000. The judge's query about

(SEE WORTH ON PAGE 2)

Included in the sampling

This section lists 587 attorneys and staff members' rates that number included:

- 2012 rates**
- 74 Missouri attorneys
 - 27 Missouri staff members
 - 178 Out-of-state attorneys
 - 48 Out-of-state staff members

- 2011 rates**
- 41 Missouri attorneys
 - 10 Missouri staff members
 - 9 Out-of-state attorneys and staff

PLAINTIFF'S EXHIBIT
1-B

NONPROFIT ATTORNEY RATES



\$350
an hour
Joel Farber
Director of
advocacy,
Legal Services
of Eastern
Missouri



\$300
an hour
John Ammann
Director, Saint
Louis
University
School of Law
Legal Clinic



\$275
an hour
Anthony
Rothert
Legal
director,
ACLU-Eastern
Missouri



\$75
an hour
Paul Hargadon
Paralegal,
Legal Services
of Eastern
Missouri



\$75
an hour
Marisa
Waldman
Paralegal,
Legal
Services of
Eastern
Missouri

The paycheck effect

Nonprofit attorneys set their rates lower than private firm counterparts in fee requests

By HEATHER COLE
heather.cole@molawyersmedia.com

John Ammann has 18 years' experience as the director of Saint Louis University School of Law Legal Clinics, but you wouldn't know it to look at his reported hourly billing rate.

Ammann asked for \$300 an hour for his time in a case brought over state services for the deaf. Two of his private firm counterparts in the case set their rates at \$400: Kenneth Chackes, of St. Louis firm Chackes, Carlson & Halquist, and Chicago attorney Robert Lehrer.

The hourly rates reported by attorneys with nonprofit organizations in three cases were noticeably less than some of those of their private firm counterparts in the same cases.

SLU clinics' attorneys, who don't charge fees, take a look at appalling rates and usually "discount it somewhat" in fee requests, Ammann said.

The university attorneys are salaried, while private firm attorneys are taking on the risk that they won't get paid for a particular case while turning down other cases to work on it, he said.

"As a matter of courtesy to the private bar, we bill somewhat lower than their rates because this is their livelihood and we get a paycheck," Ammann said.



Elis Baklos, gesturing, president of the Missouri Association of the Deaf, speaks in 2010 in front of the Thomas F. Eagleton U.S. Courthouse in St. Louis at a press conference announcing a lawsuit. Plaintiffs' attorneys Kenneth Chackes, right, and Robert Lehrer (in trench coat) each asked for \$400 an hour in a fee request after the case was settled. (AP photo by Karen Eickholt)

What the university recovers in fees goes to fund future litigation, Ammann said.

"It doesn't pay for the light bill," Ammann said.

American Civil Liberties Union of Eastern Missouri attorneys also set their rates lower than their private firm counterpart when they represented the Ku Klux Klan. The plaintiffs' attorneys asked to be

paid by the defense after they persuaded a judge to order the state to allow a KKK picnic at a state park.

The difference drew the attention of defense attorneys, who compared it with that of Korin Tilley attorney Robert King's \$400 an hour rate (\$100 less than what he said was his usual rate) and drew the conclusion that King's rate was too high.

Outside attorneys' rates usually are higher than those of the ACLU attorneys, Legal Director Tony Rothert said in a March interview. The ACLU attorneys don't actually have market rates because they never charge their clients.

"I estimated conservatively," Rothert said in the interview. "I'm going to stop that if people use it against us." ■

Average rate for K.C. partners tops St. Louis partners' rate

(WORTH FROM PAGE 1)

the values lawyers set on their time goes to the heart of the findings of this year's Billing Rates, Missouri Lawyers Weekly's fifth annual sampling of attorneys' hourly rates as found in court filings.

From the U.S. Trustee Program to Autrey's courtroom, judges and lawyers tried to figure what lawyers' hours and minutes are worth. The answers lawyers give in court filings often have a lot less to do with their expertise and the quality of their work and a lot more to do with other factors, such as where they work and for whom.

The average hourly rate for a Kansas City partner, \$493, for example, easily topped that of a St. Louis partner, \$383, thanks in large part to Stinson Morrison's work on the Hostess Brands Inc. bankruptcy, which put the firm in the company of larger higher-priced out-of-state firms. Also aiding the Kansas City average was the high value Stueve Siegel Hanson attorneys set on their time in a contingency fee case.

This year marks the first that the hourly rates of lawyers at nonprofit agencies and law school clinics are included in the survey. Those attorneys reported rates lower by \$100 or more than the rates of some

of their private-firm counterparts on the same cases.

The 15 Missouri attorneys and paralegals whose rates appear in both years showed an average increase of 4 percent.

The average Missouri attorneys' rate for 2012 is \$339. That's \$111 less than Herman is seeking for his representation of residents of the small town of Gerald who were subjected to arrests and searches by a fake federal agent.

He's not going to get it just yet. Autrey on July 19 turned down the fee request, not because of the hourly rate, but because he wanted more information on how much of Herman firm's time was spent on

work for the successful plaintiffs, cutting out time spent on those who didn't get a jury verdict.

In a phone conversation, Herman cited his 30 years of experience in constitutional rights cases as the justification for his \$450 reported rate.

"I'm an expert in [Section] 1983 law," Herman said. "Why shouldn't I be paid as an expert?"

Heather Cole is senior reporter for Missouri Lawyers Media and editor of the annual Billing Rates section.

METROLOGY

The hourly rates were gathered from applications for fees for work completed in 2011 and 2012 included in court filings.

Information was gleaned from bankruptcy cases, class action lawsuits and cases where a winning side requested attorneys' fees from the loser.

In bankruptcy cases, attorneys and firms provided their "usual" rates in fee requests and applications for employment. In the class action lawsuits, plaintiffs' attorneys backed up their requests

for contingency fees with records of hours worked on the case and placed an hourly rate value on their time. In cases where fees were requested from the loser, attorneys used the rate they charged that particular client or clients or set what they said was a market-value rate for the work.

Some caveats:

- Attorneys' rates vary according to the client, previously agreed-upon rates and the type of work being performed, so one listed rate for an attorney might not apply

across the board.

- The rates are a sampling only, not an all-inclusive listing.

- Attorneys' rates may have changed.

- Attorneys are listed with the firm where they worked at the time a fee request or application for employment was made. They may since have changed firms.

- Information on titles, practice specialties and office locations was provided by firms, found on firm websites or found

on sites including Jigsaw, ZoomInfo or LinkedIn. Practice listings were limited for space. N/A indicates information was not available or not applicable. **N/A**

Researched Jennie Goodman and Laura Givrasch and staff reporters Heather Cole, Scott Lauck, Christine Simmons, Mike Trask, Donna Walter and Kelly Wieser researched the listings. Cole analyzed the findings.

Bankruptcy attorneys object to disclosure proposal

By MIKE TRASK
mike.trask@molawyersmedia.com

Bankruptcy attorneys are tracking and taking issue with a proposal to require more information about the rates of lawyers working on bankruptcy cases.

The U.S. Trustee Program's proposal would affect large out-of-state bankruptcy cases Missouri firms work on. It probably won't have much of an impact in Missouri, however, according to two local bankruptcy attorneys. That's because the changes would apply only to attorneys' fees in Chapter 11 bankruptcies of companies with combined assets of at least \$50 million.

"We don't have that many cases of that size," said Mark V. Bossi, a bankruptcy partner in the St. Louis office of Thompson Coburn.



Mark V. Bossi

Most bankruptcy cases involving assets of at least \$50 million are filed in the federal Southern District of New York or in the District of Delaware, said bankruptcy attorney Norman Pressman, of St. Louis firm

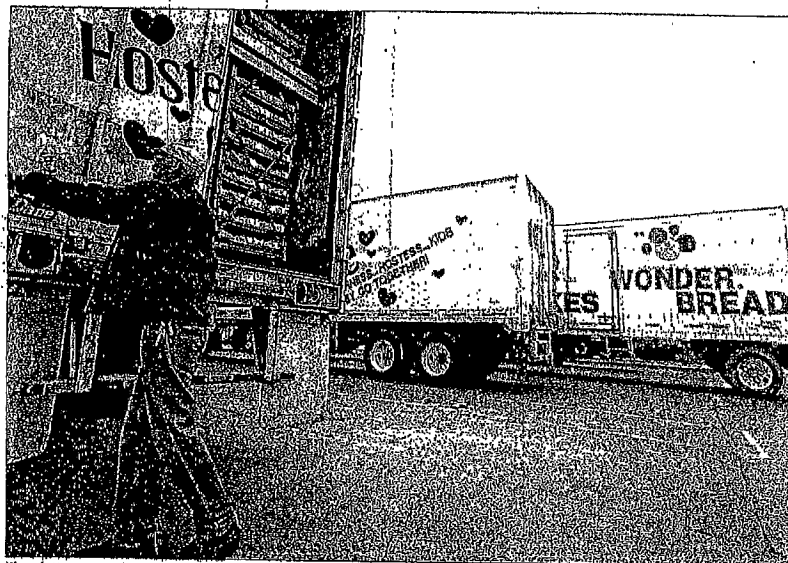
Goldstein & Pressman. Delaware is a popular location because often a company in bankruptcy is incorporated in that state, he said.

Hostess

But Missouri attorneys sometimes work on large bankruptcies filed in New York, such as the Hostess Brands Inc. case filed this year. Kansas City-based Stinson Morrison Hecker is doing general corporate work for the Twinkie maker and is among the firms that lead firm Jones Day calls on if Jones Day has a conflict. Bloomberg News file photo

The U.S. Trustee, under the Department of Justice, oversees the administration of bankruptcy proceedings. The changes are intended to make billing more transparent, program director Clifford J. White has said.

At present, attorneys representing companies in bankruptcy submit their fees for court approval. These fees are public information and can be examined by



Missouri attorneys sometimes work on large bankruptcies filed in New York. Kansas City-based Stinson Morrison Hecker, for example, is doing general corporate work for Hostess Brands Inc. and is among the firms that lead firm Jones Day calls on if Jones Day has a conflict. Bloomberg News file photo

trustees. The U.S. Trustee, however, wants law firms to reveal what they charge in a specific bankruptcy case and what their lowest, highest and average hourly rates are in all other matters.

Disclosing a law firm's rates is problematic because it misses the real issue: Whether the rates are reasonable given the work being done, Bossi said. Attorneys' bills may appear high but are actually small when compared to what is at stake, he said.

An alternative to disclosure already exists, Pressman said.

"If the bondholders think too much is being charged, they can object. It's their money," he said.

Budgeting

The federal regulator also wants attorneys to create a budget at the beginning of a bankruptcy case, outlining the expected expenses, including the cost of litigation.

Bankruptcy cases generally are filed when the companies are in crisis, and

parties probably don't yet have a good idea of how much to budget for expenses, Bossi said.

Budgeting at the beginning of a case can be a good thing, Bossi said, but should be between the attorney and his client.

"I don't think the court should be involved in it," Bossi said.

More than 100 law firms submitted comments about the changes to the U.S. Trustee. Thompson Coburn is not among them but has been following developments, Bossi said.

U.S. Trustee offices in Missouri referred a reporter to a spokeswoman in the Justice Department. The spokeswoman referred to a speech White gave in May in Miami to the International Association of Restructuring, Insolvency and Bankruptcy Professionals.

In the speech, White said the proposed changes have several objectives. These include ensuring that "fee review is subject to client-driven market forces,

accountability, and scrutiny." Increasing the transparency of billings and increasing public confidence in the bankruptcy billing process.

In written comments made earlier this year to the U.S. Trustee, the National Bankruptcy Conference said there is "no question" that attorneys' fees in the largest Chapter 11 cases were very high and that fees have grown substantially since the existing guidelines went into effect in 1996.

The organization added, however, that the fee guidelines the program now promulgates "are likely to add to the cost of the Chapter 11 cases to which they apply due to the additional compliance obligations they would impose, without providing a commensurate benefit."

The conference is composed of bankruptcy attorneys and scholars from throughout the country. It has helped draft bankruptcy law since the 1930s. **N/A**

TOP 10 IN-STATE BILLING RATES

Rank	Rate	Name	Position	Firm/Organization	City	Practice
1	\$650*	Patrick J. Stuve	Partner	Stueve Siegel Hanson	Kansas City	Commercial litigation, plaintiffs class action
2	\$575	Kent Magill	Partner	Stinson Morrison Hecker	Kansas City	Corporate governance, securities, finance, mergers and acquisitions
3	\$550	Thomas R. Brous	Partner	Stinson Morrison Hecker	Kansas City	Employee benefits
3	\$550	Paul Hoffmann	Partner	Stinson Morrison Hecker	Kansas City	Bankruptcy, creditors' rights
3	\$550	David R. Tripp	Partner	Stinson Morrison Hecker	Kansas City	Environmental and natural resources
6	\$510	James W. Allen	Partner	Stinson Morrison Hecker	Kansas City	Corporate
7	\$500**	Robert L. King	Member	Korein Tilley	St. Louis	Plaintiffs' class action
8	\$495**	David A. Warfield	Partner	Thompson Coburn	St. Louis	Financial restructuring
9	\$490**	Mark Bossi	Partner	Thompson Coburn	St. Louis	Business bankruptcy
10	\$475	R. Pate Smith	Chief bankruptcy partner	Stinson Morrison Hecker	Kansas City	Bankruptcy and employment, bankruptcy litigation

NOTES: Rates are for 2012 except as noted. Rankings are based on the sampling of rates in the billing rates list.

*Rate was included in request in contingency fee case. Contingency fee rates typically are inflated to allow for attorneys' financial risk in taking on the case.

**2011 rate.

2012 IN-STATE RATES

Firm/Organization	Rate	Name	Position	City	Practice
Bryan Cave					
	\$465	Mark G. Stingley	Partner	Kansas City	Litigation, insolvency, bankruptcy
	\$360	Paul Michael William	Associate	Kansas City	Corporate, finance, transactions, SEC reporting
	\$190	Marzale A. Fosdick	Paralegal	Kansas City	Business bankruptcy, litigation
Chackes, Carlson & Halquist					
	\$400	Kermit M. Chackes	Partner	St. Louis	Sexual abuse law, employment law, and disability rights
	\$150	Shirley A. Laka	Paralegal	St. Louis	N/A
Greenfelder, Hamker & Gale					
	\$450	David A. Lander	Officer	St. Louis	Bankruptcy, creditors' rights
Konigs & Kling					
	\$300	Peter D. Kerth	Attorney	St. Louis	Bankruptcy
Lane Law Firm					
	\$250	Leslie Lane	Managing member	Rolla	Bankruptcy
Latimer & Gage					
	\$415	John P. King	Partner	Clayton	Real estate, development and incentives
	\$410	Daniel D. Doyle	Partner	Clayton	Bankruptcy, asset sales and acquisitions
	\$400	Wendy Alper-Pressman	Partner	Clayton	Bankruptcy
	\$400	John T. Coghlan	Partner	Kansas City	Bankruptcy, real estate
	\$390	Mark Lewison	Partner	St. Louis	Commercial and general litigation, intellectual property
	\$375	Scott H. Mallin	Partner	Clayton	Wealth strategies, corporate
	\$370	Jenny Mosh	Of counsel	Kansas City	Employee benefits
	\$350	Barry Hahn	Partner	Clayton	Commercial litigation
	\$350	Jennifer M. Hannah	Partner	Overland Park, Kan.	Business litigation
	\$335	Matthew A. Jacober	Partner	Clayton	Business litigation
	\$300	Danielle N. Twalt	Associate	Chicago	Business litigation
	\$295	Laura Toledo	Of counsel	Clayton	Bankruptcy and creditors' rights
	\$230	Meghan E. Gearhart	Associate	Clayton	Corporate, wealth strategies
	\$230	Jamie Thompson	Associate	Kansas City	Business litigation
	\$155	Kimberle Haegele	Paralegal	Clayton	Gaming, regulatory compliance
	\$105	Sholly Wicker	Assistant	Clayton	Business litigation

TOP KANSAS CITY RATES

Rank	Rate	Name	Position	Firm	Practice
1	\$500*	Patrick J. Stueve	Partner	Stueve Siegel Hanson	Commercial litigation, plaintiffs class action
2	\$575	Kent Magill	Partner	Sinason Morrison Hecker	Corporate governance, securities, finance, mergers and acquisition
3	\$550	Thomas R. Brous	Partner	Sinason Morrison Hecker	Employee benefits
3	\$550	Paul Hoffmann	Partner	Sinason Morrison Hecker	Banking, corporate, general
3	\$550	David R. Tripp	Partner	Sinason Morrison Hecker	Environmental and natural resources
6	\$510	James W. Allen	Partner	Sinason Morrison Hecker	Corporate
7	\$475**	R. Pate Smith	Chairman, managing partner	McDowell Rice Smith & Buchanan	Labor and employment, banking, civil litigation
8	\$465**	Mark G. Stingley	Partner	Ward Case	Litigation, insolvency, bankruptcy
9	\$450	Doug V. Curran	Partner	Sinason Morrison Hecker	Environmental litigation
9	\$450	Scott C. Hecht	Partner	Sinason Morrison Hecker	Insurance, ERISA and employee benefits litigation
9	\$450	Todd E. Hilton	Partner	Stueve Siegel Hanson	Plaintiff personal injury and class action
9	\$450**	Gregory G. Johnson	Partner	Stipanovich	Corporate governance, finance, securities
9	\$450	Todd M. McGuire	Partner	Stueve Siegel Hanson	Commercial litigation, appellate
9	\$450	Gerald D. Weidner	Partner	Sinason Morrison Hecker	Real estate

NOTES: Rates are for 2012 except as noted. Rankings are based on the sampling of rates in the Billing Rates list.
*Rate was included in request (in contingency fee case. Contingency fee rates typically are inflated to allow for attorneys' financial risk in taking on the case.
**2011 rate.

TOP ST. LOUIS RATES

Rank	Rate	Name	Position	Firm/organization	Practice
1	\$500*	Robert L. King	Member	Robert Tyler	Plaintiff's class action
2	\$495	David A. Warfield	Partner	Thompson Coburn	Financial institutions
3	\$450	Roger Goldman	Professor	Saint Louis University School of Law	Police licensing
3	\$450	Robert Herman	Partner	Schwartz Herman & Davidson	Constitutional rights
3	\$450	David A. Lander	Officer	Greinsfelder, Hemker & Gale	Bankruptcy, creditors' rights
6	\$434	Stephen H. Higgins	Partner	Thompson Coburn	Commercial litigation
6	\$434	Thomas A. Litz	Partner	Thompson Coburn	Corporate finance and securities
8	\$415	John P. King	Partner	Lathrop & Gage	Real estate, development and incentives
9	\$410	Daniel D. Doyle	Partner	Lathrop & Gage	Bankruptcy, asset sales and acquisitions
10	\$410*	David A. Lander	Partner	Gilroy, Johnson & Neumann	Bankruptcy, creditors' rights

NOTES: Rates are for 2012 except as noted. Rankings are based on the sampling of rates in the Billing Rates list.
*2011 rate.

2012 IN-STATE RATES

Firm/organization	Rate	Name	Position	City	Practice
Law Offices of Thomas E. Kennedy III	\$350	Thomas E. Kennedy III	Attorney	St. Louis	Civil rights law
	\$250	Ann E. Hillier	Attorney	St. Louis	Civil rights law
	\$200	Heather B. Navarro	Attorney	St. Louis	Civil rights law
Lowhaeum Partnership	\$335	Robert W. Stewart	Partner	St. Louis	Labor and employment
	\$255	Coray L. Franklin	Partner	St. Louis	Labor and employment
	\$255	Charles H. Morgan	Partner	St. Louis	Labor and employment
	\$135	Nathan J. Harris	Associate	St. Louis	Labor and employment
	\$75	Ashlyn N. Wedding	Paralegal	St. Louis	Labor and employment

2012 IN-STATE RATES

Firm/Organization	Rate	Name	Position	City	Practice
Missouri Protection & Advocacy Inc.					
	\$300	Susan K. Eckles	Managing attorney	Jefferson City	Rights for people with disabilities
Saint Louis University School of Law Legal Clinics					
	\$300	John Ammann	Director, professor	St. Louis	Legal clinics
Saint Louis University School of Law					
	\$450	Roger Goldman	Professor	St. Louis	Police licensing
Shivley, Hornig & Davis					
	\$450	Robert Herman	Partner	St. Louis	Constitutional rights
	\$200	Paul Lore	Associate	St. Louis	Litigation
	\$150	Zachary Armfield	Associate	St. Louis	Litigation
	\$90	Shella Blahny	Paralegal	St. Louis	Litigation
	\$75	Jamie Kallongis	Paralegal	St. Louis	Litigation
	\$75	Charley Malloy	Paralegal	St. Louis	Litigation
	\$75	Peter McCall	Paralegal	St. Louis	Litigation
	\$75	Laura Miller	Paralegal	St. Louis	Litigation
	\$75	Amanda Mullaney	Paralegal	St. Louis	Litigation
	\$75	Jillan Nichols	Paralegal	St. Louis	Litigation
Seyfarth, Burdette & Hard					
	\$220	Courtney A. Hasselberg	Attorney	Kansas City	Employment and commercial litigation
	\$220	Deeja Jenab	Attorney	Kansas City	Employment litigation and counseling
	\$220	Julie W. O'Dell	Attorney	Kansas City	Employment, securities and commercial litigation
	\$220	Paul D. Seyfarth	Attorney	Kansas City	Commercial litigation
	\$75	Kim Vincent	Paralegal	Kansas City	N/A
	\$75	Laura Williams	Paralegal	Kansas City	N/A
Shivley, Morrison, Hecht					
	\$575	Kent Magill	Partner	Kansas City	Corporate governance, securities, finance, mergers and acquisitions
	\$550	Thomas R. Brous	Partner	Kansas City	Employee benefits
	\$550	Paul Hoffmann	Partner	Kansas City	Bankruptcy and creditors' rights
	\$550	David R. Tripp	Partner	Kansas City	Environmental and natural resources
	\$510	James W. Allen	Partner	Kansas City	Corporate
	\$450	Doug Y. Curran	Partner	Kansas City	Environmental litigation
	\$450	Scott C. Hecht	Partner	Kansas City	Insurance, ERISA and employee benefits litigation
	\$450	Gerald D. Waldner	Partner	Kansas City	Real estate
	\$400	Sharon L. Stolte	Partner	Kansas City	Commercial and bankruptcy
	\$395	Stephen J. Cosentino	Partner	Kansas City	Intellectual property and technology
	\$355	Christopher J. Leopold	Of Counsel	Kansas City	Insurance, ERISA and employee benefits litigation
	\$350	Theodora M. Mitchell	Associate	Kansas City	Employee benefits
	\$255	Nicholas Zluticky	Associate	Kansas City	Bankruptcy and creditors' rights
	\$245	Allison M. Hardy	Associate	Kansas City	Corporate finance
	\$235	Justin L. Martin	Associate	Kansas City	Litigation
	\$235	Timothy M. Swanson	Associate	Kansas City	Bankruptcy and creditors' rights
	\$215	Daniel D. Martin	Associate	Kansas City	Intellectual property and technology
	\$210	Cheryl Duren	Paralegal	Kansas City	N/A
	\$200	Mary L. Azeltine	Paralegal	Kansas City	N/A
	\$200	Alan K. Rushforth	Manager of practice support	Kansas City	Practice support

LEAST EXPENSIVE MISSOURI ATTORNEYS

Rank	Rate	Name	Position	Firm	City	Practice
1	\$135	Nathan J. Harris	Associate	Lowenbaum Partnership	St. Louis	Labor and employment
2	\$145	Lauren Harris	Associate	Lowenbaum Partnership	St. Louis	Commercial litigation, employment law
3	\$150	Zachary Armfield	Associate	Schwartz, Herman & Davidson	St. Louis	N/A
3	\$150	Andrew W. Funk	Attorney	Seiffert Blumenthal & Harris	Kansas City	Employment law, commercial litigation
3	\$150*	Uzo N. Nwonwu	Attorney	Seiffert Blumenthal & Harris	Kansas City	Employment litigation and counseling
6	\$157	Heather M. Morris	Associate	Lowenbaum Partnership	St. Louis	Business, financial, estate planning
7	\$160*	Whitney Cooney	Associate	Lowenbaum Partnership	St. Louis	Labor and employment
8	\$200	Grant Doty	Attorney	Amick McCharles Underwood	St. Louis	Commercial litigation
8	\$200	Paul Lore	Associate	Schwartz, Herman & Davidson	St. Louis	N/A
8	\$200	Heather B. Navarro	Attorney	Law Office of Thomas Kennedy	St. Louis	Real estate, rights of

NOTE: Ranking is based on the sampling of rates in the Billing Rates list. Rates are for 2012 except as marked, *2011 rate.

2012 IN-STATE RATES

Firm/organization	Rate	Name	Position	City	Practice
Stueve Sjogel Hand	\$650	Patrick J. Stueve	Partner	Kansas City	Commercial litigation, plaintiffs' class action
	\$450	Todd E. Hilton	Partner	Kansas City	Plaintiffs' personal injury and class action
	\$450	Todd M. McGuire	Partner	Kansas City	Commercial litigation, appellate
	\$375	Jack D. McInnes	Associate	Kansas City	Plaintiffs' class action
	\$252	Andrew W. Funk	Associate	Kansas City	Commercial and plaintiffs' wage and hour litigation
	\$252	Edward Keenan	Summer associate	Kansas City	Litigation support
	\$252	Bradley T. Wilders	Associate	Kansas City	Intellectual property and plaintiffs' wage and hour litigation
	\$252	Stephanie Yeo	Associate	Kansas City	eDiscovery, litigation support
	\$200	R. Smith	Professional staff	Kansas City	N/A
	\$196	Katrina Cervantes	Paralegal	Kansas City	N/A
	\$196	Mary Rose Marquart	Paralegal	Kansas City	N/A
	\$196	Cheri Perez	Office manager	Kansas City	N/A
	\$196	Pete Rupp	Systems director	Kansas City	N/A
	\$140	Brooke Berry	Document support specialist	Kansas City	Document support
	\$140	Julie Olivas	Professional staff	Kansas City	N/A
	\$140	Mayra Roman	Client and database support specialist	Kansas City	Database support
	\$75	Maggie Smith	Paralegal	Kansas City	N/A
The Simon Law Firm	\$325	John E. Campbell	Attorney	St. Louis	Intellectual property, environmental law, plaintiffs' class action
	\$325	Erich Vieth	Attorney	St. Louis	Consumer class action, appellate
Thompson Coburn	\$434	Stephen B. Higgins	Partner	St. Louis	Commercial litigation
	\$434	Thomas A. Litz	Partner	St. Louis	Corporate finance and securities
	\$387	Christopher B. Reid	Partner	St. Louis	Corporate and securities, mergers and acquisitions
	\$365	Claire M. Schenk	Partner	St. Louis	Business litigation, health care fraud and abuse
	\$353	Cheryl A. Kelly	Partner	St. Louis	Finance transactions, loan restructurings and workouts
	\$335	Matthew S. Darrough	Partner	St. Louis	Business litigation and appellate

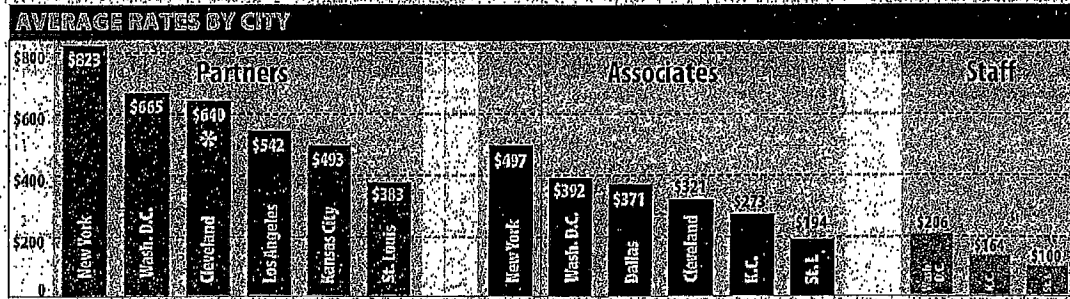
BILLING RATES 2012

2012 IN-STATE RATES

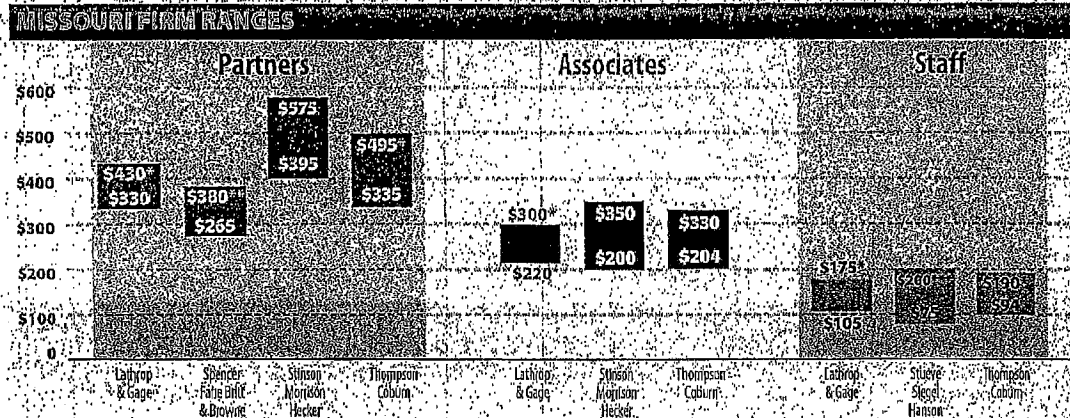
Firm/Organization	Rate	Name	Position	City	Practice
Thompson Coburn (cont'd)	\$242	Gregory A. Patterson	Associate	St. Louis	Corporate finance and securities
	\$221	Brian A. Lampling	Associate	St. Louis	Business litigation
	\$204	David M. Mangian	Associate	St. Louis	Corporate finance and securities
	\$204	Brent R. Trame	Associate	St. Louis	Corporate and securities
	\$162	Elizabeth Landgraf	Paralegal	St. Louis	Real estate
	\$145	Debra L. Loveless	Paralegal	St. Louis	Litigation support
	\$145	Holly L. Weber	Paralegal	St. Louis	Litigation support
	\$94	LaDonna Brooks	Professional staff	St. Louis	N/A
	\$94	Alexandra Schuette	Litigation clerk	St. Louis	Litigation support

2011 IN-STATE RATES

Firm/Organization	Rate	Name	Position	City	Practice	
American Civil Liberties Union of Eastern Missouri	\$275	Anthony Rothert	Legal director	St. Louis	Constitutional rights	
	\$200	Grant R. Doty	Staff attorney	St. Louis	Constitutional rights	
Bryan Cave	\$450	Gregory G. Johnson	Partner	Kansas City	Corporate governance, transactions, securities	
Gallagher, Johnson & Neupauer	\$410	David A. Lander	Partner	Clayton	Bankruptcy, creditors' rights	
Green, Jacobson	\$275	Joe D. Jacobson	Founding partner	St. Louis	Appellate, business litigation	
Harold C. King	\$500	Robert L. King	Member	St. Louis	Plaintiffs' class action	
Lathrop & Gage	\$430	James Moeller	Partner	Kansas City	Complex litigation	
	\$395	Brian Pennington	N/A	Kansas City	Bankruptcy	
	\$390	Brian N. Woolley	Partner	Clayton	Labor and employment	
	\$340	Robert E. Eggmann	Partner	St. Louis	Bankruptcy	
	\$250	Cyrianna Cox	Associate	Kansas City	Bankruptcy	
	\$245	Brett J. Coppage	Associate	Kansas City	Business litigation	
	\$220	Clay Fulghum	Associate	Kansas City	Labor and employment	
	\$220	Thomas H. Hiske	N/A	Clayton	Bankruptcy, commercial	
	\$175	Elizabeth A. Cliffhugina	Litigation support manager	Kansas City	Litigation	
	\$150	Harlon D. Keel	Paralegal	St. Louis	Corporate	
	\$145	Sherryl Lynn Aldrich	Legal assistant	St. Louis	Bankruptcy	
	Legal Services of Eastern Missouri	\$350	Joel Feiber	Director of advocacy	St. Louis	Health and welfare
		\$75	Paul Hargadon	Paralegal	St. Louis	Public benefits
\$75		Marisa Waldman	Paralegal	St. Louis	Health care	
Lowenkamp Partners LLP	\$200	Matthew J. Applington	Partner	St. Louis	Commercial litigation, transactional	
	\$160	Whitney Cooney	Associate	St. Louis	Labor and employment	
	\$145	Lauren Harris	Associate	St. Louis	Commercial litigation, employment law	
McDowell, Rice, Smith & Buchanan	\$475	R. Pete Smith	Chairman, partner	Kansas City	Labor and employment law, corporation banking, civil litigation	
	\$325	Donald Scott	Shareholder	Kansas City	Litigation, corporate, bankruptcy	



NOTE: Includes only those cities with at least five rates in the category. *Includes of counsel



NOTE: Only firms with rates for at least five people listed under the job title are included.
 * Includes 2011 rates. ** All rates are from 2011. *** Rates are from plaintiffs' firm in contingency fee case.

2011 IN-STATE RATES

Firm/Organization	Rate	Name	Position	City	Practice
	\$800	Charles Smiley	Shareholder	Kansas City	Business transactions and disputes
	\$85	Dina Jones	Paralegal	Kansas City	Complex litigation
Schottel & Associates	\$250	James W. Schottel Jr.	Solo attorney	St. Louis	Civil rights, criminal
Seyffarth Blumenthal & Harz	\$220	Brent N. Coverdale	Attorney	Kansas City	Employment law, commercial litigation
	\$150	Andrew W. Funk	Attorney	Kansas City	Employment law, commercial litigation
Spencer Fane Britt & Browne	\$150	Uzo N. Nwofwu	Attorney	Kansas City	Employment litigation and counseling
	\$380	Scott W. Goldstein	Partner	Kansas City	Bankruptcy
	\$320	Lisa E. Dada	Partner	Kansas City	Bankruptcy
	\$265	Eric L. Johnson	Partner	Kansas City	Financial services
	\$220	Adam M. LaBoda	Associate	Kansas City	Financial services
	\$155	Lisa F. Wright	Paralegal	Kansas City	Financial services
	\$152	Heather M. Morris	Associate	Kansas City	Business, financial, estate planning
Thompson Coburn	\$315	Erik O. Solverud	Partner	St. Louis	Litigation and dispute resolution practice group
	\$495	David A. Warfield	Partner	St. Louis	Financial restructuring
	\$490	Mark Bossi	Partner	St. Louis	Business bankruptcy
	\$380	Matthew J. Himlich	Partner	St. Louis	Intellectual property

2011 IN-STATE RATES

Firm/organization	Rate	Name	Position	City	Practice
Thompson Colburn (cont'd)	\$330	Brian W. Hockett	Associate	St. Louis	Financial restructuring
	\$330	David L. Orwick	Associate	St. Louis	Real estate transactions
	\$330	Brian C. Stone	Associate	St. Louis	Environmental, real estate and construction litigation
	\$245	Allison E. Graves	Associate	St. Louis	Financial restructuring
	\$245	Kevin W. Bartholomew	Associate	St. Louis	Transactions, corporate finance and technology, entrepreneurial
	\$245	Ross E. Litzer	Associate	St. Louis	Topt and environmental
	\$225	Sarah A. Wada	Associate	St. Louis	Financial restructuring, banking, commercial finance
	\$190	Lynnda M. Light	Practice area assistant	St. Louis	Banking and commercial finance
	\$175	Amy Copeland	Legal assistant	St. Louis	Real estate
	\$150	Corinne Crabtree	Legal assistant	St. Louis	N/A

2012 OUT-OF-STATE RATES

Firm	Rate	Name	Position	City	Practice
	\$540	Mark S. Greux	Partner	Washington	Labor and employment, OSHA
	\$485	Kristine J. Dunne	Counsel	Washington	Labor and employment litigation
	\$405	Andrea Campbell Davison	Associate	Washington	Bankruptcy and financial restructuring
	\$385	D.A. Duggar	Associate	Washington	Labor and employment, OSHA
	\$380	Michal B. Smith	Associate	Washington	Labor and employment, OSHA
	\$330	Aaron S. Brand	Associate	Washington	Litigation
	\$245	Carmen Zellman	Paralegal	Washington	General
	\$185	Anselmie McLortzen	Paralegal	Washington	General
Conry, Malley, Dwyer, Cain & Mosier	\$630	Steven J. Reisman	Partner	New York	Restructuring
	\$730	Michael A. Cohen	Partner	New York	Restructuring
	\$730	Theresa A. Foudy	Partner	New York	Litigation
	\$550	Heather Elizabeth Saydah	Associate	New York	Restructuring
	\$510	Jeffrey C. Berman	Associate	New York	Litigation
	\$425	Peter Josef Buenger	Associate	New York	Restructuring
	\$375	Kevin Arthur Meehan	Associate	New York	Litigation
	\$345	Gary Moy	Associate	New York	Litigation
	\$345	James Edward Zimmer	Associate	New York	Restructuring
	\$260	Neal Goodin	Litigation support	New York	Litigation support
	\$230	Martine Read	Legal assistant	New York	N/A
	\$200	Michael Malavarc	Litigation support	New York	Litigation support
	\$165	Roberto Santamarina	Litigation support analyst	New York	Litigation support
Edine & Mullin	\$300	John E. Larson	Partner	Shawnee, Kan.	Business formation, corporate governance, acquisitions
	\$300	Thomas M. Mullin III	Founding partner	Shawnee, Kan.	Bankruptcy, commercial law
	\$300	Joanne B. Stutz	Junior partner	Shawnee, Kan.	Bankruptcy, business

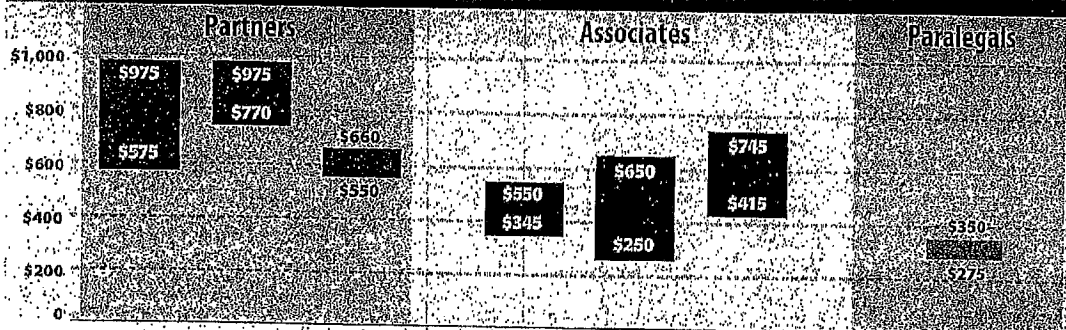
2012 OUT-OF-STATE RATES

Firm	Rate	Name	Position	City	Practice
Evans & Mullinix (cont'd)	\$200	Robert Shawn Streepy	Attorney	Shawnee, Kan.	Bankruptcy
	\$200	Ryan L. White	Associate	Shawnee, Kan.	Taxation, business law, estate planning
	\$85	Danisa Fairbank	Paralegal	Shawnee, Kan.	Bankruptcy
Grimes & Rebeln	\$250	Cynthia F. Grimes	Attorney	Lenexa, Kan.	Bankruptcy, creditors' rights, commercial litigation
	\$250	Steven R. Rebeln	Attorney	Lenexa, Kan.	Bankruptcy, creditors' rights, commercial litigation
	\$100	Martha S. Frogley	Paralegal	Lenexa, Kan.	Bankruptcy, creditors' rights, commercial litigation
Jones Day	\$975	Corinne Ball	Partner	New York	Business restructuring and reorganization
	\$975	John R. Cornell	Of Counsel	New York	Employee benefits and executive compensation
	\$975	Robert A. Profusek	Partner	New York	Mergers and acquisitions
	\$975	Phillip A. Proger	Partner	Washington	Antitrust and compensation law
	\$925	Thomas Jr. F. Cullen	Partner	Washington, Boston	Global disputes
	\$875	Willis J. Goldsmith	Partner	New York	Labor and employment
	\$875	Heather Lennox	Partner	New York, Cleveland	Business restructuring and reorganization
	\$875	Evan Miller	Partner	Washington	Employee benefits and executive compensation
	\$850	Steven C. Bennett	Partner	New York	Global disputes
	\$825	Michael H. Knight	Partner	Washington	Antitrust and compensation law
	\$825	Warren L. Nachlis	Partner	New York	Intellectual property
	\$825	Candace A. Ridgway	Partner	Washington	Tax
	\$825	Marilyn W. Sonnie	Partner	New York	Mergers and acquisitions
	\$800	John K. Kane	Partner	New York	Mergers and acquisitions
	\$800	J. Rue Wittstein	Of Counsel	New York	Business restructuring and reorganization
	\$775	Lisa G. Laukitts	Partner	New York	Business restructuring and reorganization
	\$775	Manan Shah	Partner	New York	Employee benefits and executive compensation
	\$750	Robert W. Hamilton	Of Counsel	Columbus, Ohio	Business restructuring and reorganization
	\$750	V. Hoovers	Partner	N/A	Business restructuring and reorganization
	\$750	Craig F. Simon	Partner	Dallas	Business restructuring and reorganization
	\$725	Robert Louis Ford	Partner	San Francisco	Labor and employment
	\$725	Colleen E. Laduzinski	Partner	New York	Tax
	\$700	Dan T. Carter	Of Counsel	Cleveland	Labor and employment
	\$700	Michael H. Ginsberg	Partner	Pittsburgh	Business and tort litigation
	\$700	Colleen M. Hart	Partner	New York	Employee benefits and executive compensation
	\$700	Todd S. Swatsier	Partner	Columbus, Ohio	Business and tort litigation
	\$650	William A. Herzberger	Partner	Cleveland	Real estate
	\$650	Jessica Kastin	Partner	New York	Labor and employment
	\$650	Scott D. Lyne	Associate	New York	Intellectual property
	\$650	John E. Mazey	Partner	Dallas	Banking and finance
\$650	Ryan T. Routh	Partner	Cleveland	Business restructuring and reorganization	
\$625	Jason M. Cover	Associate	New York	Business restructuring and reorganization	
\$625	Sara Plkofsky	Partner	Washington	Employee benefits and executive compensation	
\$625	Mary M. Bell	Counsel	Cleveland	Employee benefits and executive compensation	
\$600	Dennis Rimkunas	Associate	New York	Tax	
\$600	Michael D. Silberfarb	Associate	New York	Business and tort litigation	
\$575	Mark J. Andreini	Partner	Cleveland	Insurance recovery	

2012 OUT-OF-STATE RATES

Firm	Rate	Name	Position	City	Practice
Jones Day (cont'd)	\$575	Joseph J. Bemasky	Associate	New York	Labor and employment
	\$575	Hugh M. Holliman	Associate	Silicon Valley, Calif.	Antitrust and competition law
	\$575	Sarah B. McClure	Of Counsel	Washington	Labor and employment
	\$550	Justin F. Carró	Associate	New York	Business restructuring and reorganization
	\$550	Haben Goltorn	Associate	New York	Business restructuring and reorganization
	\$550	James D. Nations	Counsel	Dallas	Securities litigation and SEC enforcement
	\$525	Christopher G. Froelich	Associate	New York	Mergers and acquisitions
	\$525	Mark A. Kahaga	Associate	New York	Labor and employment
	\$525	Stephen P. Parrinello	Associate	New York	Tax
	\$525	Mark H. Robinson	Associate	Dallas	Banking and finance
	\$525	Thomas A. Wilson	Associate	Cleveland	Business restructuring and reorganization
	\$500	Daniel R. Cullhane	Associate	New York	Business restructuring and reorganization
	\$500	Miguel F. Eaton	Associate	Washington	Employee benefits and executive compensation
	\$500	Emilie A. Handae	Associate	New York	Labor and employment
	\$500	David C. Marks	Associate	New York	Business restructuring and reorganization
	\$500	R. Scott Medsker	Associate	Washington	Labor and employment
	\$500	Laird E. Nelson	Associate	New York	Business restructuring and reorganization
	\$475	Nicholas D. DeLuca	Associate	New York	Business tort and litigation
	\$475	B.R. Jones	Associate	N/A	Antitrust and competition law
	\$475	Michele M. Machalani	Associate	New York	Labor and employment
	\$475	Daniel M. Sypard	Associate	Cleveland	Business restructuring and reorganization
	\$475	Kristina A. Yost	Associate	New York	Labor and employment
	\$450	Jennifer C. Everett	Associate	Washington	Labor and employment
	\$450	Richard J. Galati	Associate	New York	Business and tort litigation
	\$450	Christopher M. Healey	Associate	Columbus, Ohio	Business restructuring and reorganization
	\$450	Lindsay A. Hedrick	Associate	Dallas	Business and tort litigation
	\$450	Scott F. Masclanica	Associate	Dallas	Business and tort litigation
	\$450	Jennifer M. McGrew	Associate	New York	Intellectual property
	\$450	Karen Rosenfield	Associate	New York	Labor and employment
	\$450	Paul F. Thiels	Associate	Dallas	Business and tort litigation
	\$425	Nicole H. Adolphus	Associate	Atlanta	Employee benefits and executive compensation
	\$425	Ashley E. Bejian	Associate	New York	Mergers and acquisitions
	\$425	Michele N. Bradley	Associate	New York	Labor and employment
	\$425	Matthew R. DiVelblis	Associate	Pittsburgh	Business and tort litigation
	\$425	Todd S. Wilkinson	Associate	New York	Tax
	\$400	William D. Coglianese	Associate	Washington	New lawyers group
	\$400	George R. Howard	Associate	Cleveland	Business restructuring and reorganization
	\$400	Samir Kausarik	Associate	Dallas	Securities litigation and SEC enforcement
	\$400	Peter M. Ladwein	Associate	Chicago	New lawyers group
	\$400	Jeffrey P. Orkin	Associate	Dallas/Fort Worth	Business and tort litigation
	\$375	James M. Beebe	Associate	New York	Employee benefits and executive compensation
	\$375	Laura Jane Durfee	Associate	Dallas	Business and tort litigation
	\$375	Anja P. Havédal-Ipp	Associate	New York	New lawyers group
	\$375	Julle L. Kaplan	Associate	Dallas	Business and tort litigation
	\$375	J. Ma	Law clerk	N/A	New lawyers group
	\$375	Derek M. Mbrales	Associate	New York	New lawyers group

OUT-OF-STATE FIRM RANGES



Information included only for those firms with listings that included at least five rates in each category.

2012 OUT-OF-STATE RATES

Firm	Rate	Name	Position	City	Practice
Jones Day (cont'd)	\$375	Mariya Nazipova	Associate	New York	New lawyers group
	\$375	J. Shepherd	Law clerk	N/A	New lawyers group
	\$375	Jennifer E. Seigman	Associate	Cleveland	Business restructuring and reorganization
	\$375	Laura L. Swanson	Associate	New York	New lawyers group
	\$350	Carey Hansen Boyd	Associate	Irvine, Calif.	New lawyers group
	\$350	Dionna J.A. Dittie	Associate	Dallas	New lawyers group
	\$350	L.A. Murray	Paralegal	N/A	Intellectual property
	\$350	Amy M. Nicks	Associate	Dallas	Business and tort litigation
	\$350	Adam H. Pierson	Associate	Dallas	New lawyers group
	\$350	Jonathon H. Spiller	Associate	Dallas	Business and tort litigation
	\$350	Molly M. Wilkens	Associate	Silicon Valley, Calif.	New lawyers group
	\$325	Peter C. Bergan Jr.	Associate	Cleveland	Real estate
	\$325	Elise Z. Ford	Senior staff attorney	Dallas	Securities litigation and SEC enforcement
	\$300	Taylor J. Ashley	Associate	Dallas	New lawyers group
	\$300	Jordan T. Bethea	Associate	Dallas	New lawyers group
	\$300	Amanda Suzuid	Associate	Dallas	New lawyers group
	\$300	Joseph C. Van Arden	Associate	Dallas	New lawyers group
	\$275	A.C. Farrington	Paralegal	N/A	Business restructuring and reorganization
	\$275	E.L. Goodman	Paralegal	N/A	Business and tort litigation
	\$275	D.M. Hirtzel	Paralegal	N/A	Business restructuring and reorganization
	\$275	M.B. Stone	Paralegal	N/A	Business restructuring and reorganization
	\$275	Elizabeth L. Weaver	Associate	Dallas	New lawyers group
	\$250	Uchechji C. Amadi	Associate	Columbus, Ohio	New lawyers group
	\$250	Mary Ellen Bonner	Associate	Atlanta	New lawyers group
	\$250	Mary M. Dyczek	Associate	Cleveland	New lawyers group
	\$250	Steve Perry	Project manager	Washington	Trial consultant
	\$250	Joseph E. Hulgens	Associate	Cleveland	New lawyers group
	\$250	Callin R. Kozan	Associate	Cleveland	New lawyers group
	\$250	Jillian E. McFarland	Associate	Cleveland	New lawyers group
	\$250	James H. McWeeney	Associate	Cleveland	New lawyers group
	\$250	Todd R. Miller	Associate	Cleveland	New lawyers group

2012 OUT-OF-STATE RATES

Firm	Rate	Name	Position	City	Practice
Jones Day (cont'd)	\$250	Charlotte K. Murphy	Associate	Atlanta	New lawyers group
	\$250	James R. Small	Associate	Cleveland	New lawyers group
	\$250	Caity M. Snyder	Associate	Pittsburgh	New lawyers group
	\$250	Jennifer L. Welzenacker	Associate	Atlanta	New lawyers group
	\$225	Annette Morin	Legal support	Washington	Regulatory compliance
	\$225	D.J. Yakovich	Paralegal	N/A	Business restructuring and reorganization
	\$175	Jana Orina	Project assistant	Washington	
Katz Stewart Evans	\$485	K. Stewart Evans Jr.	Principal	Fairfax, Va.	Commercial litigation
	\$175	Grata Brake Bartholomew	Paralegal	Fairfax, Va.	Civil litigation
Klee, Fuchin, Roudanoff & Stern	\$695	David M. Stern	Partner	Los Angeles	Litigation, bankruptcy, creditors' remedies
	\$650	Thomas E. Patterson	Partner	Los Angeles	Bankruptcy
	\$570	Rehni S. Davids	Partner	Los Angeles	Mergers and acquisitions, financing, corporate restructurings and bankruptcies
	\$460	David A. Fidler	Partner	Los Angeles	Bankruptcy
	\$405	Brendt C. Butler	Attorney	Los Angeles	Bankruptcy
	\$395	Jennifer Dinkelman	Partner	Los Angeles	N/A
	\$205	Courtney E. Pozmantler	Associate	Los Angeles	Bankruptcy
	\$150	Eileen M. Brower	Paralegal	Los Angeles	N/A
	Kramer Levin Natanson & Frankel	\$975	Kenneth H. Eckstein	Partner	New York
\$975		Thomas Moers Mayer	Partner	New York	Corporate restructuring and bankruptcy
\$865		Phillip Bentley	Partner	New York	Bankruptcy
\$790		P. Bradley O'Neill	Partner	New York	Corporate restructuring and bankruptcy
\$770		Joshua K. Brody	Partner	New York	Corporate restructuring and bankruptcy
\$755		Timothy J. Helwick	Special Counsel	New York	Litigation and employee benefits
\$745		Mark Chess	Associate	New York	Bankruptcy
\$700		David E. Blagby Jr.	Associate	New York	Bankruptcy
\$700		Laetitia Veilut	Associate	New York	Corporate
\$635		Antupama Yerramall	Associate	New York	Corporate restructuring and bankruptcy
\$595		Jason S. Bappaport	Associate	New York	Corporate restructuring and bankruptcy
\$545		Joshua Friedman	Associate	New York	Corporate restructuring and bankruptcy
\$545		Joshua S. Winefsky	Associate	New York	Real estate
\$485		Sereha C. Grainger	Associate	New York	Corporate
\$485		Matthew C. Ziegler	Associate	New York	Bankruptcy
\$465		Kimberly E. Friedman	Associate	New York	Bankruptcy
\$415		Darren C. Halverson	Associate	New York	Bankruptcy
\$415		Anastasia N. Kaup	Associate	New York	Corporate restructuring and bankruptcy
\$310		Andrea Chouprouta	Paralegal	N/A	Corporate restructuring and bankruptcy
\$310	Hunter Vanaria	Paralegal	N/A	Bankruptcy	
\$285	Meryl Goldberg	Paralegal	N/A	Real estate	
Law Offices, Robert B. Lefrer	\$400	Robert E. Lefrer	Attorney	Chicago	Civil and constitutional rights
Pangor Hamilton	\$353	Evelyn Meltzer	Of Counsel	Wilmington, Del.	Corporate restructuring and bankruptcy
	\$183	Christopher Laho	Paralegal	Wilmington, Del.	Corporate restructuring and bankruptcy

2012 OUT-OF-STATE RATES

Firm	Rate	Name	Position	City	Practice
Pepper Hamilton (cont'd)	\$149	Rebecca S. Hudson	Paralegal	Wilmington, Del.	corporate restructuring and bankruptcy
	\$55	D. Smith	Document clerk	N/A	N/A
Polsinelli Shughart	\$440	Chris Ward	Partner	Wilmington, Del.	bankruptcy, financial restructuring
	\$285	Justin K. Edelson	Associate	Wilmington, Del.	bankruptcy, financial restructuring, commercial litigation
	\$270	Jarrett K. Vine	Associate	Wilmington, Del.	restructuring, commercial litigation
	\$190	Lindsey M. Suprum	Paralegal	Wilmington, Del.	bankruptcy
Stinson Morrison Hecker	\$300	Janet Nesse	Partner	Washington	bankruptcy, manufacturing, hospitality, and government contracting
	\$475	Lawrence Block	Partner	Washington	Government contracts
	\$400	Katherine Sutcliffe Becker	Partner	Washington	bankruptcy and creditors' rights
	\$270	Phyllis Hoffman Yarnbaum	Associate	Washington	Bankruptcy and creditors' rights
Thompson Coburn	\$494	Harvey A. Levin	Partner	Washington	Business litigation
	\$298	Kathleen E. Kraft	Associate	Washington	Restructuring and Commercial litigation
	\$157	Edo Hundley	Paralegal	Washington	Transportation, International compliance
	\$145	Holly L. Weber	Paralegal	St. Louis	Litigation support
Venable	\$660	Kenneth R. Hoffman	Partner	Washington/ Baltimore	Employee benefits and executive compensation
	\$650	Andrew J. Currie	Partner	Washington/ Baltimore	Bankruptcy and creditors' rights
	\$595	Robert G. Ames	Partner	Washington/ Baltimore	Labor and employment
	\$595	Gregory J. Oss	Partner	Tysons Corner, Va.	Labor and employment, benefits
	\$550	Derek S. Bushnaq	Partner	Baltimore	Bankruptcy and creditors' rights
	\$520	Frederick W.H. Carter	Of Counsel	Washington/ Baltimore	Bankruptcy and creditors' rights
	\$410	Jennifer G. Prozijski	Staff attorney	Tysons Corner, Va.	Labor and employment
	\$410	Jacqueline J. Warner	Staff attorney	Tysons Corner, Va.	Labor and employment
	\$395	Reidall A. Carbutt	Associate	Baltimore	Bankruptcy and creditors' rights
	\$395	Nicholas M. Reiter	Associate	New York	Labor and employment, commercial litigation
	\$250	Dorothy M. Dlardriff	Paralegal	Baltimore	N/A

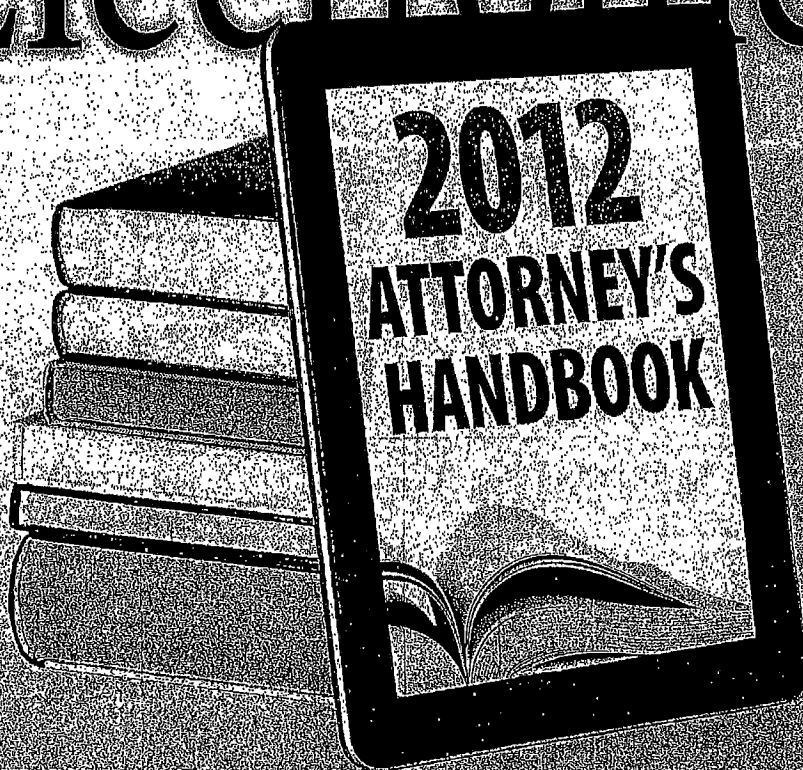
2011 OUT-OF-STATE RATES

Firm	Rate	Name	Position	City	Practice
Lathrop & Gaud	\$350	Jennifer M. Hafnah	Partner	Overland Park, Kan.	Business litigation
	\$300	Danielle N. Twalt	Associate	Chicago	Business litigation
	\$290	Bryan K. Clark	Associate	Chicago	Digital privacy and media defense
	\$265	Kenneth E. Chase	Of counsel	Washington	Business litigation
McKenna, Long & Aldridge	\$410	Gary O. Carls	Partner	Los Angeles	Bankruptcy, receivership and creditors' rights
	\$395	Lesley Anne Hawes	Of Counsel	Los Angeles	Bankruptcy, insolvency and receiverships
	\$210	Angela E. Fones	Associate	San Francisco	Litigation
Spencer, Fann Britt & Browne	\$190	R. G. Kennedy	N/A	N/A	N/A
	\$375	Richard H. Hertel	Partner	Overland Park, Kan.	Real estate, finance

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BILLING RATES



\$793 Catherine Hanaway • Partner, Ashcroft Hanaway
Formerly: U.S. attorney and Missouri House speaker



\$65 Barbara Seely • Regional attorney, EEOC St. Louis district office

Compare & contrast

Missouri lawyer prices range from \$65 to \$793 per hour

BY HEATHER COLE
heather.cole@molawyersmedia.com

At first, attorney Barbara Seely felt embarrassed about the prospect of publicity for her \$65-an-hour pay.

In a fee request in a sexual harassment case, Seely cited as her hourly fee the amount she gets paid as regional attorney for the St. Louis district office of the Equal Employment Opportunity Commission. That request landed her on the bottom of Missouri Lawyers Weekly's sixth annual Billing Rates sampling of hourly rates.

EDITOR'S NOTE

"Are you calling to find out why I'm so pitifully paid?" Seely asked when a reporter reached her. She had just returned to the office after a weeklong unpaid furlough due to automatic budget cuts.

Seely said she eventually decided an interview was "an opportunity for me to get on my soapbox."

"I think that while it's a touch embarrassing, it points out how little government attorneys make compared to private lawyers," Seely said.

That is, how little they make unless they decide to switch sides. On the opposite end of the spectrum from Seely is Catherine Hanaway, former U.S. Attorney and former speaker of the Missouri House of Representatives. Hanaway's full hourly rate was \$793 in 2012, according to an email included in bankruptcy court fil-

"Are you calling to find out why I'm so pitifully paid?"

Barbara Seely

Hanaway said.

"The vast majority of our work is premium work for national and international clients, and our rates are reflective of that," said Hanaway, a partner with Ashcroft Hanaway in St. Louis.

Hanaway's rate is hundreds of dollars lower than the highest rate for an out-of-state attorney in the sampling — \$1,175 for Los Angeles attorney Milton Hyman.

This year's Billing Rates sampling of the hourly rates of 648 attorneys and staff members is a study in contrasts: the difference between Hanaway's hourly rate and Seely's hourly pay; Patriot Coal Corp. attorneys' fees of \$985 an hour for their work arguing that the company can't afford what it's paying in benefits and pensions

(SEE \$728 ON PAGE BR3)

METHODOLOGY

The hourly rates were gathered from applications for fees for work completed in 2012 and 2013 included in court filings or submitted by firms to Missouri Lawyers Weekly.

Rate information from courts was gleaned from bankruptcy cases; class action lawsuits; cases where a winning side requested attorneys' fees from the loser; and the list of neutrals maintained by the U.S. District Court for the Western District of Missouri program for alternative dispute resolution.

In bankruptcy cases, attorneys and firms provided their "usual" rates in fee requests and applications for employment. In the class action lawsuits, plaintiffs' attorneys

backed up their requests for contingency fees with records of hours worked on the case and placed an hourly rate value on their time. Because those rates sometimes are inflated to account for risk and other factors and to justify the contingency fee, they are listed separately in the main charts and footnoted in other charts. Submitted rates also are marked and footnoted.

In cases where fees were requested from the loser, attorneys used the rate they charged that particular client or clients or set what they said was a market-value rate for the work.

Some caveats:

- Attorneys' rates vary according to the client, previously agreed-upon rates

Included in the sampling

- Hourly rates for:
- 189 Missouri attorneys
 - 41 Missouri staff members
 - 297 Out-of-state attorneys
 - 121 Out-of-state staff

and the type of work performed, so one listed rate for an attorney might not apply across the board.

- The rates are a sampling only, not an all-inclusive listing.

- Attorneys' rates may have changed.
- Attorneys are listed with the firm or organization where they worked at the time a fee request or application for employment was made. They may since have changed firms.
- Information on titles, practice specialties and office locations was provided by firms, found on firm websites or found on sites including Jigsaw, ZoomInfo or LinkedIn. Practice listings were limited for space. N/A indicates information was not available or not applicable.
- Freelancer Jennie Goodman, senior reporter Heather Cole and staff reporters Scott Lauck and Donna Walter researched the listings. Cole analyzed the find-



Debating the Cape discount

Cape Girardeau's shared federal court with St. Louis leads to disputes over hourly rates

BY HEATHER COLE
heather.cole@mollawyersmedia.com

Cape Girardeau attorneys pay less for office space, staff salaries and the cost of living than their counterparts in St. Louis. They keep more general practices while St. Louis lawyers are more apt to specialize.

But a shared federal court unites the legal markets of the two cities 120 miles apart: the U.S. District Court for the Eastern District of Missouri.

And it is there that the difference in the legal markets led to clashes in two recent cases over attorneys' hourly rates.

St. Louis attorneys often charge \$300 an hour or more. Cape Girardeau attorneys, no matter their level of experience, don't. Ask any lawyer in the city of 38,500 with decades of experience: John Heisserer, immediate past president of the Cape Girardeau County Bar Association; bankruptcy attorney Tom O'Loughlin II; James Waltz, an attorney with Oliver, Oliver & Waltz licensed since 1972. Or ask A.M. Spradling III — third-generation Cape attorney, former mayor, Waltz's office neighbor and the defense attorney challenging in appeals court the hourly rates two St. Louis attorneys were awarded in a civil rights case.

The attorneys, Tony Rothert and Grant Doty of the American Civil Liberties Union of Eastern Missouri, requested rates of \$300 and \$225 an hour, respectively, for their representation of Frank Snider III. Snider sued after he was arrested for slashing a flag in protest in front of his home and won attorneys' fees of nearly \$62,000 on top of \$7,000 in compensatory damages.

The U.S. Supreme Court has said that reasonable attorneys' fees awarded in civil rights cases are to be based on prevailing market rates in the community. Spradling argued in a brief in the 8th U.S. Circuit Court of Appeals.

The judge should have reduced the ACLU attorneys' rates to reflect the Cape Girardeau market: up to \$225 an hour for an attorney with Rothert's 13 years practicing law, and up to \$185 for a lawyer like Doty with about five years' experience, he said in court documents.

It's true that St. Louis lawyers still bear the higher costs of their home market when they take a case in Cape Girardeau, Spradling admitted in an interview.

"The problem is, that's not the standard," said Spradling, who has 39 years of experience and charges \$200 to \$250 an hour.

Rothert disagreed. There is "good 8th Circuit caselaw" against restricting fees to really local rates, Rothert said.

"With an unpopular speaker in a civil rights case, I think there's a strong rationale for awarding fees at districtwide rates," Rothert said.

'Call us generalist'

Spradling practices law in a single-story beige brick building on a section of Broadway in Cape Girardeau heavily settled with orthodontists' and dental offices. The name of Spradling's deceased father, who served 25 years in the Missouri Senate, still appears on the firm's shingle. Waltz's office is in the same building; when Spradling needed an affidavit on local attorneys' rates for the Snider case, he asked Waltz to do it.



Cape Girardeau attorney A.M. Spradling III is challenging in appeals court the hourly rates two St. Louis attorneys were awarded in a civil rights case. Photo by Karen Hout

Spradling contracts with the Missouri Public Entity Risk Management Fund, or MOPERM, a self-insurance fund for local governments, to defend police, cities and counties from Ste. Genevieve to the Arkansas state line. That's how Spradling became involved in the Snider case, where he represents police Officer Matthew Peters after U.S. District Judge Carol Jackson let the city of Cape Girardeau and prosecutor H. Morley Swingle out of the case as defendants.

Spradling said he doesn't have a concentrated focus, and neither do his fellow Cape Girardeau attorneys.

"Most of us ... call us generalist," Spradling said. "It's really difficult to have a concentrated practice."

Attorneys in rural areas like Cape Girardeau have a few "general areas" of practice as opposed to a single specialty, said Heisserer, the former bar president and a partner with Rice, Spaeth, Summers & Heisserer. But the rural attorney jack-of-all-trades general practice is largely a thing of the past.

Poverty and wealth

Cape Girardeau is in southeast Missouri, a part of the state with a high poverty rate and accompanying high demand for food assistance, government assistance — and pro bono legal services, Heisserer said. But Cape also has a "vibrant economy" with big employers like Procter & Gamble and thriving farming and medical communities.

"But in the midst of all this poverty, there's also significant wealth," and plenty of paid work, Heisserer said.

Heisserer agrees with Waltz's and Spradling's assessments of local fees: He has a family law practice and has seen rates from the low \$100s to mid-\$200s for attorneys in that field, he said.

Bankruptcy attorney O'Loughlin, who practices with his brother, Pat, and

daughter, Erica Koetting, at O'Loughlin, O'Loughlin & Koetting, says their rates range from \$185 an hour for his daughter, who has 10 years' experience, to \$275 an hour for O'Loughlin, who has been practicing for 38 years.

Rates are cheaper in the country, O'Loughlin said, with one exception in the bankruptcy practice: Repetitive Chapter 7 work can be done in bulk and is probably cheaper in St. Louis.

The area isn't as receptive to \$350 and \$400 an hour rates, Spradling said. And Cape Girardeau attorneys have less need to charge them because their expenses are lower. Associates are paid less than they are in big firms in St. Louis, and staff salaries are lower as well, Spradling said.

Rent also is cheaper: The top class of office space in the city leases for \$12 to \$16 a square foot, said Tom Kelsey, president of commercial real estate firm Lorimont Place Ltd. That compares to an average asking rate of \$19.48 for downtown St. Louis Class A office space, according to a report from commercial real estate firm Cassidy Turley.

The cost of living is lower, too. "You can buy a house in Cape Girardeau that costs a quarter-of-a-million dollars that you couldn't touch for \$1 million in Clayton," Heisserer said.

Specializing

In awarding attorneys' fees at the ACLU attorneys' requested rates in the Snider case, U.S. District Judge Carol Jackson cited 8th Circuit decisions that said limiting rates to local market rates might limit civil rights cases to places where rates were high enough to attract experienced counsel.

Spradling said he didn't think that it would be difficult to attract experienced civil rights attorneys to a free speech case.

"The ACLU likes to do these cases," Spradling said.

In her February order, Jackson also said

that Rothert's and Doty's expertise in First Amendment litigation supported higher fees.

Cape Girardeau-based U.S. District Judge Stephen Limbaugh Jr. recuses himself from cases handled by Spradling because of a conflict, Spradling said. Limbaugh's wife handles some of Spradling's investments, Spradling said.

When Limbaugh weighed in on St. Louis attorneys' fees in an age-discrimination case in 2011, the result was different.

"He slashed them," said plaintiff's attorney Jerome Dobson. "Four hundred and fifty dollars [an hour] to \$250 was a pretty substantial reduction."

Dobson, who is managing partner of plaintiffs' employment firm Dobson, Goldberg, Berns & Rich, appealed the reduction. In a February opinion, the 8th U.S. Circuit Court of Appeals upheld the reduction on procedural grounds.

Dobson said he didn't address the issue previously because the defense didn't object to the rates.

Spradling cited the award in his argument for reducing the ACLU's requested rates.

"I don't disagree with him [Jerome Dobson] getting a little extra, but you still have to look at the community as a basis" for hourly rates, Spradling said.

Dobson said it's not fair to compare the rates. The plaintiff, James Trickey, looked diligently for counsel in the Cape Girardeau area, asking some of the best attorneys, and they said no one in town did that kind of discrimination work, Dobson said.

Awarding only \$250 an hour in Cape Girardeau to an attorney who gets \$450 in St. Louis makes it less attractive for attorneys who have to add a four-hour round trip to take cases, Dobson said.

"It's a significant disincentive for attorneys at the top of their game to take cases in that area." ■

Multiplying fees debate goes to high court

BY NANCY HULL RIGDON
Special to Missouri Lawyers Weekly



Patrick Stueve

Attorneys' fees in some class action lawsuits twice this year triggered a hotly-contested question in Missouri's high court: At what point are attorneys' fees high enough to attract good attorneys but not so high that they produce windfalls?

The double-dipping debate cropped up when plaintiffs' attorneys applied a multiplier on top of hourly rates to account for factors including risk, difficulty and skill.

In April, the Missouri Supreme Court split 4-1 on the issue in *Darren Berry et al. v. Volkswagen Group of America*.

"A multiplier was necessary to ensure a market fee that compensated class counsel for taking this case in lieu of working less risky cases on an hour basis," Judge George W. Draper III, writing for the majority, said. Not so, Judge Laura Denvir Stith countered.

Stith wrote in a partial dissent that Jackson County Circuit Judge Michael Manners doubled the award for contingency and other reasons he'd already cited in approving what she characterized as the plaintiffs' firms' "exceptionally high" hourly rates.

"Those factors should not again be considered in setting the multiplier," she wrote. Stith pointed out that that lead attorney Patrick Stueve's rate of \$650 per hour was the highest listed for a Kansas City attorney in Missouri Lawyers Weekly's 2012 issue of Billing Rates.

A footnote in the issue, published Aug. 6,

indicated that hourly fees in contingency cases are often inflated to account for the riskiness of the case. Stueve, however, said the rates listed for his firm were standard in all cases and didn't reflect a risk factor.

The majority upheld a decision to double Stueve Siegel Hanson of Kansas City's award to \$6.2 million plus \$550,000 in expenses — a total that overshadowed the \$125,261 settlement for the 130 class members alleging defective window regulators in Volkswagen vehicles.

The court unanimously approved more than \$3 million in fees under the lodestar method (a calculation that takes the number of billable hours worked on a case times the firm's hourly rates) before splitting on doubling the fee.

In arguing for the fee, Stueve Siegel Hanson said the case took eight years of the firm's time along with \$350,000 in fronted expenses, and the firm valued the potential class relief at \$23 million.

John Cowden, a Baker Sterchi Cowden & Rice attorney representing Volkswagen, declined to comment specifically on the case but spoke about multipliers in general. He said the tool should be applied only under extremely rare circumstances, such as a civil rights case where attorneys secure a non-monetary remedy for a class.

"In a case where monetary damages are

obtained for a client or class, it is less likely that a multiplier would be appropriate," Cowden said.

The multiplier issue also surfaced in a pending Missouri Supreme Court case over a fee charged to property owners in the district for each square foot of "impervious" area, which impedes water from soaking into the soil.

In May, the Supreme Court heard *William Douglas Zweig et al. v. The Metropolitan St. Louis Sewer District*. Then-Lincoln County Circuit Court Judge Dan Dildine sided with the ratepayers by deciding the charge the district instituted in 2007 was a tax, violating the state constitution's Hancock Amendment. The amendment requires voter approval before any local government or agency can levy new taxes or fees. The judge also turned down the ratepayers' claim for refunds and entered an order preventing the district from collecting the fees.

In addition, the judge granted a ratepayers' motion for attorneys' fees that included a multiplier of two as well as out-of-pocket expenses and expenses for the refund claim. A split panel of the Missouri Court of Appeals Eastern District upheld the decisions on the MSD charge but cut the attorneys' fees in half.

An amicus brief filed by municipalities in the case echoes Stith's opinion and argues that the enhanced plaintiffs' attorneys' fees were unreasonable.

Multiplying the lodestar by two duplicates factors already included in the computation of reasonable attorneys' fees, said

the brief filed on behalf of the Missouri Municipal League, Missouri Association of Municipal Utilities, Missouri Joint Municipal Electric Utility Commission and Municipal Gas Commission of Missouri.

In addition, lawyers for the municipalities said no exceptional circumstances were shown to justify the increase.

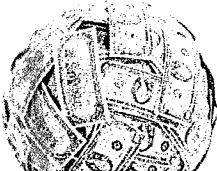
"This is not a complicated or novel case," said the brief submitted by Springfield attorneys Howard Wright Jr., of Carnahan, Evans, Cantwell & Brown, and Douglas Healy of Healy & Healy.

The plaintiffs' attorneys' hourly fees for Greensfelder, Hemker & Gale of St. Louis when doubled ranged from \$270 for paralegals to \$870 for attorneys. The rates should be adjusted to reflect the \$200 to \$480 hourly range for the St. Louis market, the brief stated.

Richard Hardcastle, an attorney with Greensfelder, Hemker & Gale who represented the ratepayers, said a multiplier was appropriate in the case because the attorneys secured an injunction that will save the ratepayer class more than \$300 million through 2014.

His firm customarily does not take contingency fee cases, he said.

"If the Supreme Court affirms the trial court's findings of a Hancock violation but also decides that a refund — out of which a contingent fee would be paid — is not warranted, then a multiplier is necessary to encourage counsel to take cases of this kind," Hardcastle said. **MS**



Attorneys use section to show whether rates are reasonable

[5728 FROM PAGE 1]

By the numbers

\$308

Average Missouri attorney hourly rate

2 percent

Average rate increase for Missouri attorneys from 2012 to 2013*

8 percent

Average rate increase for New York attorneys from 2012 to 2013**

\$19

Largest rate increase for a Missouri attorney

\$55

Largest rate increase for a New York attorney

\$19.60

Cost per minute for most expensive attorney in sampling

\$1.09

Cost per minute for least expensive attorney in sampling

*For 18 attorneys with reported rates for both years
**For five attorneys with reported rates for both years

for protesting miners and retirees; Cape Girardeau attorneys' arguments that St. Louis lawyers' hourly rates are too high for the southeast Missouri market. (The average for a St. Louis partner in the sampling is \$401. Cape attorneys declare no lawyer there charges \$300 or more.)

And then there is lawyers' love/hate relationship with Billing Rates itself. The section draws complaints, including that the values plaintiffs' attorneys set on their time in contingency fee cases is inflated; that rates footnoted as possibly inflated because they were found in a contingency fee case aren't; that highlighting the lowest rate is embarrassing to the lawyer who billed it.

But attorneys increasingly seek out the special section and cite it court cases to back up contentions that a particular hourly rate is reasonable. For the first time this year, a Missouri Supreme Court dissent cited the publication. Also a first this year, some law firms volunteered their attorneys' hourly rates.

Numbers, of course, never tell the whole story. While Hanaway's ordinary rate is nearly \$800 an hour, that's not to say she always gets paid that amount. The email that outlined her rate and those of her colleagues also said that the firm had reached an agreement with an insurance company to cut those rates by 30 percent for their

Cases citing Billing Rates

■ *Darren Berry et al. v. Volkswagen Group of America*, SC92770

In a partial dissent in April, Missouri Supreme Court Judge Laura Denvir Stith cited the 2012 Billing Rates issue in arguing against multiplying what she said already were "exceptionally high" hourly rates for a plaintiffs' firm in a class action.

■ *Michael J. Holland et al. v. City of Gerald et al.*, 4:08-cv-707

In an April opinion, U.S. District Judge Henry Autrey said the 2012 Billing Rates issue was one of the factors he considered in deciding that plaintiffs' attorneys' hourly rates in a constitutional rights case were reasonable.

■ *Frank L. Snider III v. City of Cape Girardeau et al.*, 1:10-cv-100

In a February opinion, U.S. District Judge Carol Jackson said she considered Billing Rates 2012 as "further support" for requested hourly rates. She concluded the plaintiffs' attorneys' rates were reasonable.

■ *Arlic Ploch v. MRS BPO LLC*, 4:12-cv-534

Plaintiff's attorney Richard Voytas said in a February affidavit that he was familiar with the hourly fees charged by attorneys in the U.S. Eastern District of Missouri through sources including Missouri Lawyers Weekly's fee survey.

"I feel like I'm making the world a better place. If I don't get paid a ton of money, that's OK."

Barbara Seely

representation of Burton Morriss, a former investment company leader facing an SEC lawsuit. In addition, because her firm of

ten represents clients in trouble, they can have difficulty getting paid. For example, in 2010, what was then The Ashcroft Law Firm was listed as a creditor owed nearly \$669,000 by the bankrupt US Fidelis, a collapsed vehicle service contracts marketer.

And Seely may not charge nearly as much, but she says she wouldn't trade places with private attorneys who handle the same kind of discrimination and harassment employment cases she does.

"I feel like I'm making the world a better place," Seely said. "If I don't get paid a ton of money, that's OK." **MS**

■ Top 10 in-state rates

Rank	Rate	Name	Title	Firm	City	Practice
1	\$793*	Catherine Hanaway	Partner	Ashcroft Hanaway	St. Louis	Complex civil litigation, white collar criminal defense
2	\$750**	Edward "Chip" Robertson Jr.	Partner	Bartimus, Frickleton, Robertson & Gorny	Kansas City	Appellate practice
3	\$700*	Matthew Bartle	Partner	Graves Bartle Marcus & Garrett	Kansas City	Complex litigation
4	\$675	R. Randall Wang	Partner	Bryan Cave	St. Louis	Corporate finance and securities
5	\$650**	Grant L. Davis	Member	Davis, Bethune & Jones	Kansas City	Personal injury
5	\$650**	Don M. Downing	Shareholder	Gray, Ritter & Graham	St. Louis	Commercial and class action litigation
7	\$610	J. Mark Klamer	Partner	Bryan Cave	St. Louis	Corporate finance and securities (leader)
8	\$600**	Gretchen Garrison	Principal	Gray, Ritter & Graham	St. Louis	Commercial and class action litigation
8	\$600*	Claudia Onate Greim	Partner	Ashcroft Group	Kansas City	Corporate governance, securities
10	\$590	Alan Bornstein	Partner	Dentons	St. Louis	Real estate, corporate

NOTES: Rates are from 2013 except as marked. Rankings are based on the sampling of rates in the Billing Rates list.

*2012 rate

**Rate cited in contingency fee case. Contingency fee hourly rates sometimes are inflated to account for risk and other factors.

■ Least expensive attorneys

Rank	Rate	Name	Title	Firm/organization	City	Practice
1	\$65	Barbara Seely	Regional attorney	Equal Employment Opportunity Commission	St. Louis	Employment law
2	\$120	Peter Dunne	Principal	Pitzer Snodgrass	St. Louis	Litigation defense
2	\$120	Mark Zoole	Partner	Mark Zoole & Associates	St. Louis	Litigation defense
4	\$125	Eugene C. Bushmann	Member	Carson & Coil	Jefferson City	Litigation
5	\$125	P. Pierre Dominique	Attorney	The Law Office of P. Pierre Dominique	Jefferson City	General practice

NOTE: Rankings are based on the sampling of rates in the Billing Rates list.

■ Top Kansas City rates

Rank	Rate	Name	Title	Firm	Practice
1	\$750**	Edward "Chip" Robertson Jr.	Partner	Bartimus, Frickleton, Robertson & Gorny	Appellate practice
2	\$700*	Matthew Bartle	Partner	Graves Bartle Marcus & Garrett	Complex litigation
3	\$650**	Grant L. Davis	Member	Davis Bethune & Jones	Personal injury
4	\$600*	Claudia Onate Greim	Partner	Ashcroft Group	Corporate governance, securities
5	\$550	Thomas R. Brous	Partner	Stinson Morrison Hecker	Employee benefits
5	\$550	Paul Hoffmann	Partner	Stinson Morrison Hecker	Bankruptcy, creditors' rights
5	\$550	David R. Tripp	Partner	Stinson Morrison Hecker	Environmental and natural resources
5	\$550	Matt Verscheiden	Partner	Stinson Morrison Hecker	Business litigation
9	\$530*	Benjamin F. Mann	Partner	Husch Blackwell	Business litigation, bankruptcy
10	\$525*	Edward R. Spalty	Partner	Armstrong Teasdale	Business litigation, intellectual property

NOTES: Rates are from 2013 except as marked. Rankings are based on the sampling of rates in the Billing Rates list.

*2012 rate

**Rate cited in contingency fee case. Contingency fee hourly rates sometimes are inflated to account for risk and other factors.

■ Top St. Louis rates

Rank	Rate	Name	Title	Firm	Practice
1	793*	Catherine Hanaway	Partner	Ashcroft Hanaway	Complex civil litigation, white collar criminal defense
2	\$675	R. Randall Wang	Partner	Bryan Cave	Corporate finance and securities
3	\$650**	Don M. Downing	Partner	Gray, Ritter & Graham	Commercial and class action litigation
4	\$610	J. Mark Klamer	Partner	Bryan Cave	Corporate finance and securities (leader)
5	\$600**	Gretchen Garrison	Partner	Gray, Ritter & Graham	Commercial and class action litigation
6	\$590	Alan Bornstein	Partner	Dentons	Real estate, corporate
7	\$565	Hal B. Morgan	Counsel	Bryan Cave	Employee benefits and executive compensation
8	\$510	David Warfield	Partner	Thompson Coburn	Bankruptcy
9	\$495	Gregory Smith	Partner	Husch Blackwell	Real estate, development
9	\$495	Roman Wuller	Partner	Thompson Coburn	Business litigation
9	\$495	Mark Arnold	Partner	Husch Blackwell	Complex litigation

NOTES: Rates are from 2013 except as marked. Rankings are based on the sampling of rates in the Billing Rates list.

*2012 rate

**Rate cited in contingency fee case. Contingency fee hourly rates sometimes are inflated to account for risk and other factors.

2013 in-state rates					
2013 rate	Name	Title	City	Practice	
Allen Garner Law Firm					
\$250	Bernard Allen Garner	Attorney	Independence	General practice	
Armstrong Teasdale					
\$525	Edward R. Spalty	Partner	Kansas City	Business litigation, intellectual property	
\$350	Darren K. Sharp	Partner	Kansas City	Business litigation	
\$275	Theresa Lynch	Associate	St. Louis	Litigation	
\$250	Darryl M. Chatman	Associate	St. Louis	Intellectual property litigation	
The Backer Law Firm					
\$200	Joseph M. Backer	Attorney	Independence	Auto dealer fraud	
Beetem & Card					
\$150	Jane A. Smith	N/A	Jefferson City	N/A	
Beger Bushle & Scheiderer					
\$200	John D. Beger	Attorney	Rolla	Personal injury	
Blanchard Robertson Mitchell & Carter					
\$250	Karl W. Blanchard Jr.	Attorney	Joplin	Medical malpractice	
Bryan Cave					
\$675	R. Randall Wang	Partner	St. Louis	Corporate finance and securities	
\$610	J. Mark Klamer	Partner	St. Louis	Corporate finance and securities (Leader)	
\$565	Hal B. Morgan	Counsel	St. Louis	Employee benefits and executive compensation	
\$475	Harold R. Burroughs	Partner	St. Louis	Bankruptcy, restructuring and creditors' rights	
\$450	Brian C. Walsh	Partner	St. Louis, Atlanta	Bankruptcy, restructuring, real estate	
\$435	William L. Cole	Partner	St. Louis	Corporate finance and securities	
\$405	Dennis C. Donnelly	Senior counsel	St. Louis	Labor and employment	
\$405	David Unseth	Counsel	St. Louis	Bankruptcy, restructuring and creditors' rights	
\$320	Travis R. Kearbey	Associate	St. Louis	Labor and employment	
\$315	Laura Uberti Hughes	Associate	St. Louis	Bankruptcy, restructuring and creditors' rights	
\$270	Adriel F. Sanders	Associate	St. Louis	Mergers and acquisitions, corporate governance and finance	
\$215	Susan Reiss	Legal assistant	St. Louis	N/A	
\$160	Claudia A. Papenberg	Paralegal	St. Louis	N/A	
Burkart, Hunt & Block					
\$200	Bruce E. Hunt	Partner	Springfield	Personal injury	
The Buxner Law Firm					
\$450	Evan D. Buxner	Partner	St. Louis	Personal injury, employment law	
Carmody Macdonald					
\$365	Gregory D. Willard	Partner	St. Louis	Corporate restructuring and bankruptcy	
\$295	Angela L. Schisler	Associate	St. Louis	Corporate restructuring and bankruptcy	
\$295	David P. Stoeberl	Principal	St. Louis	Employment law	
\$285	Brian C. Behrens	Principal	St. Louis	Banking and finance	
\$275	Meghan M. Lamping	Associate	St. Louis	Litigation	
\$250	John D. McAnnar	Associate	St. Louis	Corporate restructuring and bankruptcy	
\$230	Tina N. Babel	Principal	St. Louis	Litigation	
\$205	Christopher P. Kellett	Associate	St. Louis	Litigation	
\$205	Benjamin D. McIntosh	Associate	St. Louis	Banking and finance	
\$200	Andrew D. Lamb	Associate	St. Louis	Civil litigation	
\$190	Kameron W. Murphy	Associate	St. Louis	Litigation	
\$185	Colin M. Luoma	Associate	St. Louis	Litigation	
\$185	Lauren M. Wacker	Associate	St. Louis	Litigation	
\$125	LaKisha D. McCaine	Paralegal	St. Louis	N/A	
\$125	Kathy M. Widman	Paralegal	St. Louis	N/A	
\$100	Jason R. Meyers	N/A	St. Louis	N/A	
Carson & Coil					
\$200	Mark A. Ludwig	Member	Jefferson City	Plaintiffs' personal injury	
\$125	Eugene C. Bushmann	Member	Jefferson City	Litigation	
Cason Edgett Mahan & Lutjen					
\$150	Michael X. Edgett	Attorney	Clinton	Litigation and appeals	
Checkett & Pauly					
\$225	Kevin Checkett	Attorney	Carthage	Commercial and bankruptcy litigation	
City of St. Louis					
\$275	Daniel J. Emerson	Associate city counselor	St. Louis	Municipal law	
Civil Mediation Services					
\$250	Ellen Roper	Owner	Columbia	Mediation	
The Cochran Law Firm*					
\$435	Jack Cochran	Member	Blue Springs	Complex family law	
\$300	Nancy Garris	Senior associate	Blue Springs	Complex family law	
\$225	Angela Cahill	Senior associate	Blue Springs	Complex family law	
\$135	Denise Phipps	Senior legal assistant	Blue Springs	Complex family law	
\$100	Jill Cochran	Legal assistant	Blue Springs	Complex family law	
\$75	Kasi Lance	Legal assistant	Blue Springs	Complex family law	

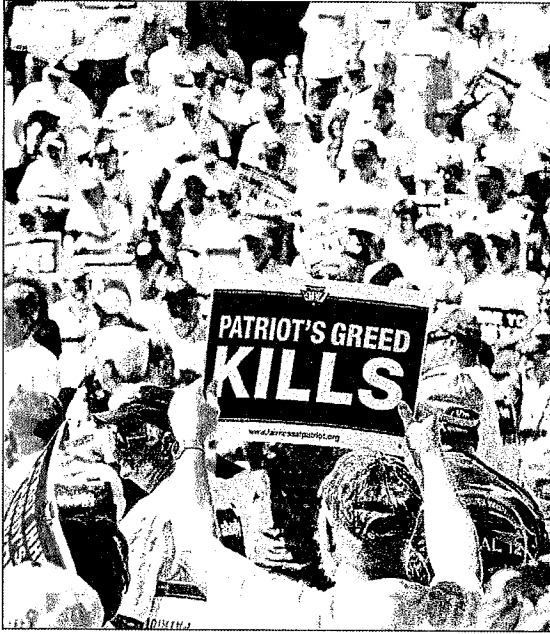
*Rates submitted by firm

2013 in-state rates

	2013 rate	Name	Title	City	Practice
D.E. Long & Associates					
	\$250	Douglas E. Long Jr.	Attorney	Waynesville	General practice
Danna McKittrick					
	\$330	A. Thomas DeWoskin	Principal	St. Louis	Bankruptcy and creditors' rights
David M. Duree & Associates					
	\$200	David M. Duree	Principal	St. Louis	Litigation
David W. Doran Attorney at Law					
	\$175	David W. Doran	Owner	Springfield	Criminal defense
Dentons					
	\$590	Alan Bornstein	Partner	St. Louis	Real estate, corporate
	\$400	Charles Vantine	Partner	St. Louis	Construction
	\$260	Joshua Mourning	Managing associate	St. Louis	Corporate, finance, real estate
	\$230	Grant Ankrom	Managing associate	St. Louis	Litigation, dispute resolution
The Dodig Law Firm					
	\$200	Michael S. Dodig	Attorney	Lee's Summit	Business law
Equal Employment Opportunity Commission					
	\$65	Barbara Seely	Regional attorney	St. Louis	Employment law
Ford Parshall & Baker					
	\$175	Jeffrey O. Parshall	Partner	Columbia	Insurance defense
George E. Feldmiller Attorney at Law					
	\$250	George E. Feldmiller	Attorney	Richland	General practice
Green Jacobson*					
	\$350	Joe Jacobson	Partner	St. Louis	Business disputes
Guilfoil Petzall & Shoemaker					
	\$450	Jim J. Shoemaker	Senior litigation partner	St. Louis	Commercial litigation
	\$295	Eric M. Walter	Partner	St. Louis	Commercial litigation
	\$275	William C. Dunning	Associate	St. Louis	N/A
	\$275	Deborah J. Westling	Associate	St. Louis	Personal injury, white collar crime
	\$75	Barbara Bathe	Paralegal	St. Louis	N/A
Hazelwood & Weber*					
	\$285	David T. Hamilton	Member	St. Charles	Commercial litigation
	\$275	Keith W. Hazelwood	Member	St. Charles	Real estate
	\$275	Wm. Randolph Weber	Member	St. Charles	Corporate
	\$270	V. Scott Williams	Member	St. Charles	Personal injury defense
Hinshaw & Culbertson					
	\$405	David G. Asmus	Partner	St. Louis and Phoenix	Bankruptcy and creditors' rights
	\$250	Angie M. Fletcher	Associate	St. Louis	Bankruptcy and creditors' rights
	\$130	Kerry A. West	Paralegal	St. Louis	Corporate
Husch Blackwell					
	\$495	Gregory Smith	Chief executive, managing partner	St. Louis	Real estate, development
	\$455	Thomas Dee	Partner	St. Louis	Health care litigation
	\$401	JoAnn Sandifer	Partner	St. Louis	Appellate
	\$230	Theodore Bynum III	Associate	St. Louis	Business litigation
	\$212	Tanya Maerz	Associate	St. Louis	Business litigation
	\$189	Terri Thompson	Paralegal	St. Louis	N/A
	\$175	J. David Bechtold	N/A	Jefferson City	Health care
	\$159	Valerie Rynders	Case manager	St. Louis	N/A
James B. Condry Attorney at Law					
	\$200	James B. Condry	Member	Springfield	Civil litigation
Jones, Schneider & Stevens					
	\$150	Rodney J. Stevens	Partner	Columbia	Civil litigation
Judicial ADR Group					
	\$250	Miles J. Sweeney	Attorney	Springfield	Mediation
Kapke & Willerth					
	\$175	George E. Kapke	Partner	Lee's Summit	Business, civil litigation
	\$175	Joe Fredrick Willerth	Member	Lee's Summit	Civil litigation
Kennedy Kennedy Robbins & Yarbro					
	\$150	Mark A. Kennedy	Attorney	Poplar Bluff	Personal injury
Kirkland Woods & Martinsen					
	\$250	Robert T. Steinkamp	Of counsel	Liberty	Real estate law
Lathrop & Gage					
	\$225	Gary R. Cunningham	Partner	Springfield	Product liability
The Law Office of P. Pierre Dominique					
	\$125	P. Pierre Dominique	Attorney	Jefferson City	General practice
Lorraine & Associates					
	\$200	Thomas E. Lorraine	Attorney	Osage Beach	Litigation, personal injury

*Rates submitted by firm

CASE COMPARISONS: PATRIOT COAL AND BAYER CROPSCIENCE



The United Mine Workers of America held repeated protests in downtown St. Louis this spring as a bankruptcy judge heard arguments over allowing Patriot Coal Corp. to reduce pensions and benefits to unionized workers and retirees. *File photo by Karen Rabe*

Rate	Patriot	Bayer CropScience
Median partner rate	\$365	\$488
Highest partner rate/firm	\$985, Davis Polk	\$865, Wolf Haldenstein
Median associate rate	\$575	\$350
Highest associate rate, firm	\$795, Davis Polk	\$500, Emerson Poynter
Median paralegal rate	\$125	\$175
Highest paralegal rate, firm	\$235, Curtis Mallet-Prevost	\$290, Wolf Haldenstein

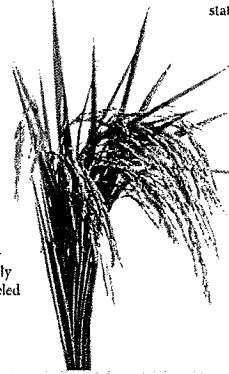
BY HEATHER COLE
heather.cole@mollawyersmedia.com

As protesting union members waved signs in downtown St. Louis in late April, dozens of attorneys lined up in a courtroom aisle to introduce themselves for a hearing in the bankruptcy of Patriot Coal Corp. U.S. Bankruptcy Court Judge Kathy Surratt-States ultimately allowed Patriot to reduce medical and pension benefits for unionized workers and retirees. Law firms asked for compensation for partner hourly rates of up to \$985 and as low as \$160 for their work representing the coal company.

Plaintiffs' lawyers in federal litigation over the contamination of fields with genetically modified rice, meanwhile, dueled

with each other this year after making their cases for a share of attorneys' fees from \$918 million in settlements. The lawyers placed values of up to \$865 an hour on their time for work on multidistrict litigation against Bayer CropScience in U.S. District Court in St. Louis. They also took aim at each other in a lawsuit after some of the clients in similar state court cases didn't contribute to the pool for fees and expenses.

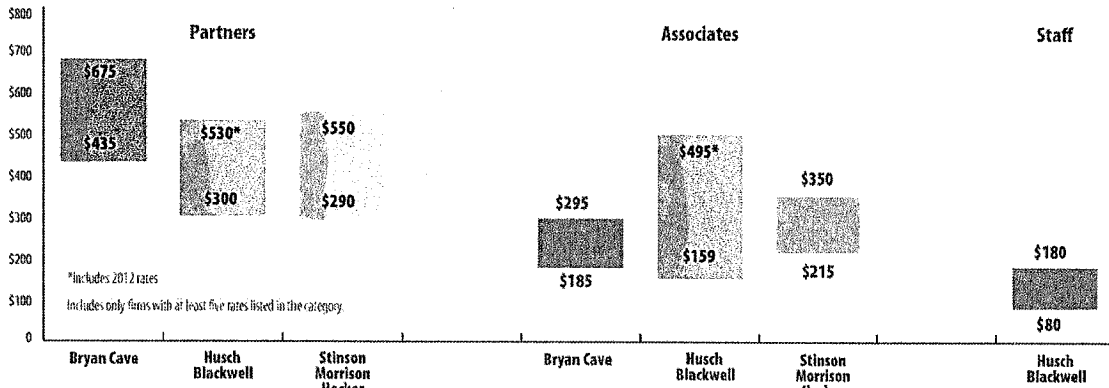
The cases provide a snapshot of the median and high rates set on the hourly time of corporate and plaintiffs' attorneys. **ML**



2013 in-state rates

	2013 rate	Name	Title	City	Practice
Lowther Johnson					
	\$225	Angela K. Drake	Of counsel	Springfield	Litigation and class action
McBeth Mediations					
	\$250	Gerald D. McBeth	Attorney	Nevada	Mediation
MDR Associates					
	\$200	Richard Moore	President	West Plains	Mediation
Mediation, Arbitration and Legal Services					
	\$300	J. D. Williamson	Attorney	Lee's Summit	Alternative dispute resolution
Michael Bredehoft Attorney at Law					
	\$150	Michael Bredehoft	Attorney	Blue Springs	Bankruptcy
Mo-Kan Mediation					
	\$150	Timothy A. Toth	Executive director	Independence	Mediation
Montee Law Firm					
	\$200	Ronald B. Holliday	N/A	St. Joseph	N/A
Neale & Newman					
	\$170	Brian K. Asberry	Partner	Springfield	Commercial litigation
Newman Comley & Ruth					
	\$150	Robert K. Angstead	Attorney	Jefferson City	Business law
Polsinelli					
	\$200	John C. Holstein	Shareholder	Springfield	Commercial litigation
	\$200	JoAnne Spears Jackson	Shareholder	Springfield	Litigation
Randy W. James & Associates					
	\$225	Randy W. James	Attorney	Lee's Summit	Civil trial consulting
Reeg Lawyers					
	\$375	Kurtis B. Reeg	President, managing partner	St. Louis	Toxic tort, product liability defense
	\$250	Carl Kessinger	Senior attorney	St. Louis	Personal injury, product liability defense
	\$250	Paul L. Knobbe	Senior attorney	St. Louis	Personal injury, toxic tort defense
	\$200	Lynn A. Lehnert	Attorney	St. Louis	Agricultural products liability, class action defense
	\$150	Matthew A. Temper	Attorney	St. Louis	Product liability, class action, toxic torts defense
Reynolds & Conway					
	\$200	Jerry L. Reynolds	Attorney	Springfield	Personal injury
Roger Brown & Associates					
	\$210	Roger G. Brown	Attorney	Jefferson City	Product liability

MISSOURI FIRM RANGES



2013 in-state rates

	2013 rate	Name	Title	City	Practice
Solo attorneys					
	\$310	Gary L. Myers	Attorney	St. Joseph	Litigation
	\$200	Karren M. Prasilka	Attorney	Columbia	General practice
	\$150	James B. Jackson	Attorney	Independence	Real estate law
Spencer Fane Britt & Browne					
	\$415	Gerald P. Greiman	Partner	St. Louis	Civil litigation
	\$210	Ryan C. Hardy	Associate	St. Louis	Commercial disputes
	\$170	Jill E. Brewer	Paralegal	St. Louis	N/A
	\$170	Melanie M. Cummins	Paralegal	St. Louis	N/A
State of Missouri					
	\$250	Carl D. Gurn Jr.	Senior judge	Raymore	Mediation
	\$200	Byron L. Kinder	Mediator	Jefferson City	Mediation
	\$150	Frank D. Connett	Senior judge, mediator	St. Joseph	Mediation
Stinson Morrison Hecker					
	\$550	Thomas R. Brous	Partner	Kansas City	Employee benefits
	\$550	Paul Hoffmann	Partner	Kansas City	Bankruptcy, creditors' rights
	\$550	David R. Tripp	Partner	Kansas City	Environmental and natural resources
	\$550	Matthew Verschelden	Partner	Kansas City	Business litigation
	\$425	Patricia Konopka	Partner	Kansas City	Employment, labor
	\$400	Sharon L. Stolte	Partner	Kansas City	Commercial and bankruptcy
	\$355	Christopher J. Leopold	Of Counsel	Kansas City	Insurance, ERISA and employee benefits litigation
	\$350	Theodore M. Mitchell	Associate	Kansas City	Employee benefits
	\$290	James Salle	Partner	Kansas City	Transactions
	\$255	Nicholas Zluticky	Associate	Kansas City	Bankruptcy and creditors rights
	\$235	Timothy M. Swanson	Associate	Kansas City	Bankruptcy and creditors' rights
	\$215	William Vandivort	Associate	Kansas City	Business litigation
	\$200	Mary L. Azeltine	Paralegal	Kansas City	N/A
	\$190	Cari Matias	Case assistant	Kansas City	Practice support
Thompson Coburn					
	\$510	David Warfield	Partner	St. Louis	Bankruptcy
	\$495	Roman Wuller	Partner	St. Louis	Business litigation
	\$365	Matthew Landwehr	Partner	St. Louis	Business litigation
	\$345	Mark Mattingly	Partner	St. Louis	Business litigation
	\$295	Brandi Burke	Associate	St. Louis	Business litigation
	\$260	David Mangian	Associate	St. Louis	Business litigation
	\$195	Donna Murray	Analyst	St. Louis	Tobacco litigation
	\$185	Miriam Parrish	Project manager	St. Louis	Client technology service
	\$180	Jacqueline Wallach	Support specialist	St. Louis	Litigation
Wallace Saunders Austin Brown & Enochs					
	\$200	Stephen H. Snead	Shareholder	Springfield	Insurance defense
Whiteaker & Wilson					
	\$175	Richard E. Davis	Partner	Springfield	Insurance defense
Withers Brant Igoe & Mullenix					
	\$250	Vincent F. Igoe	Shareholder	Liberty	Civil litigation
Yates Mauck Bohrer Elliff & Croessmann					
	\$200	Joseph A. Bohrer	Of counsel	Springfield	Real estate litigation

2013 plaintiffs' attorneys' contingency fee rates

Rate	Name	Title	City	Practice
Bartimus, Frickeleton, Robertson and Goray				
\$750	Edward "Chip" Robertson Jr.	Partner	Kansas City	Appellate
Davis, Bethune & Jones				
\$650	Grant L. Davis	Member	Kansas City	Personal injury
\$490	Timothy L. Brake	Of counsel	Kansas City	Personal injury
\$450	Jim Foland	N/A	Kansas City	Personal injury
\$440	Shawn G. Foster	Partner	Kansas City	Personal injury
\$350	Michael Blanton	N/A	Kansas City	Personal injury
\$175	Valley Renshaw	Associate	Kansas City	Personal injury
\$165	Kip Hensley	Paralegal	Kansas City	Personal injury
\$125	Brent Dwerlkotte	N/A	Kansas City	Personal injury
\$125	Jane Estes	Legal assistant	Kansas City	Personal injury
Gray, Ritter & Graham				
\$650	Don M. Downing	Shareholder	St. Louis	Commercial and class action litigation
\$600	Gretchen Garrison	Principal	St. Louis	Commercial and class action litigation
\$375	Jason D. Sapp	Associate	St. Louis	Commercial and class action litigation
\$300	Erica Ailsman	Associate	St. Louis	Commercial and class action litigation
\$300	Kaitlin Bridges	Associate	St. Louis	Commercial and class action litigation
\$175	Jackie Statz	Paralegal	St. Louis	Commercial and class action litigation
\$150	Charles FASTERLING	Paralegal	St. Louis	Commercial and class action litigation
\$150	Jill Kraus	Paralegal	St. Louis	Commercial and class action litigation
\$150	Betsy Schrieber	N/A	St. Louis	Commercial and class action litigation
Speer Law Firm				
\$450	Charles Speer	Attorney	Kansas City	Litigation
\$125	Art D. Jackson	Paralegal	Kansas City	Litigation

2012 plaintiffs' attorneys' contingency fee rates

Rate	Name	Title	City	Practice
Riggan Law				
\$300	Russ Riggan	Partner	St. Louis	Employee employment law
\$250	Sam Moore	Associate	St. Louis	Employee employment law
Sowers & Wolf				
\$400	D. Eric Sowers	Partner	St. Louis	Employee employment law
\$400	Ferne P. Wolf	Partner	St. Louis	Employee employment law
\$250	Elizabeth S. Dillon	Attorney	St. Louis	Employee employment law

2012 in-state rates

2012 rate	Name	Title	City	Practice
Aegis Professional Services				
\$300	Michael Godsy	Attorney	St. Louis	Civil litigation
\$250	Nicholas Schopp	Partner	St. Louis	Civil litigation
\$200	Brett Caban	Senior associate	St. Louis	Complex litigation
\$75	Melinda Brenkendorff	Paralegal	St. Louis	Foreclosure, litigation
\$75	Dominic Cloffi	Law clerk	St. Louis	Research, drafting
Ashcroft Hanaway/Ashcroft Group				
\$793	Catherine Hanaway	Partner	St. Louis	Complex civil litigation, white collar criminal defense
\$600	Claudia Onate Greim	Partner	Kansas City	Corporate governance, securities
\$350	Lisa Ottolini	Contract attorney	St. Louis	Corporate governance, securities
\$336	Jay Ashcroft	Associate	St. Louis	Government regulation
\$193	B. J. Fusco	Office manager, paralegal	St. Louis	N/A
Eason & Voytas				
\$295	James W. Eason	Partner	St. Louis	Consumer law
\$295	Richard A. Voytas Jr.	Partner	St. Louis	Consumer law
Graves Bartle Marcus & Garrett				
\$700	Matthew Bartle	Partner	Kansas City	Complex litigation
Green Jacobson				
\$350*	Joe Jacobson	Partner	St. Louis	Business disputes
Hinshaw & Culbertson				
\$405	David G. Asmus	Partner	St. Louis and Phoenix	Bankruptcy and creditors' rights
Husch Blackwell				
\$530	Benjamin F. Mann	Partner	Kansas City	Business litigation, bankruptcy
\$495	Mark Arnold	Partner	St. Louis	Complex litigation
\$495	William "Spike" Lynch	Partner	Kansas City	Business litigation

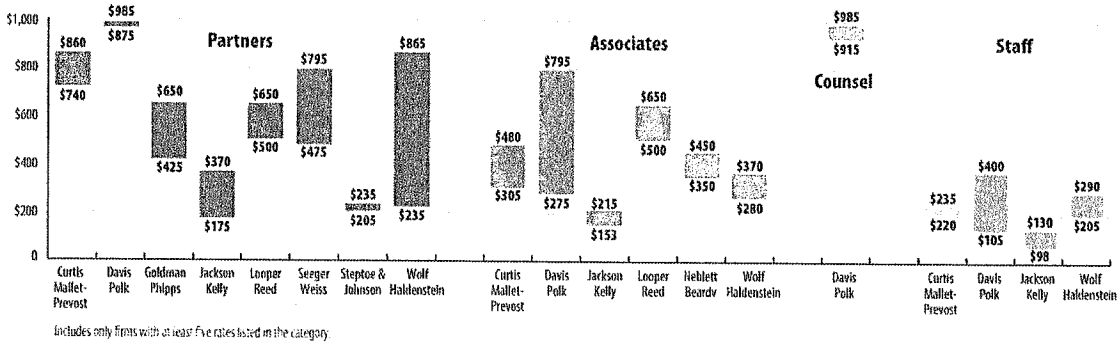
2012 in-state rates

2012 rate	Name	Title	City	Practice
Husch Blackwell (cont.)				
\$495	Douglas Schmidt	Partner	Kansas City	Insurance litigation
\$477	Gregory Smith	Chief executive, managing partner	St. Louis	Real estate, development
\$450	D. Dixon	Partner	N/A	N/A
\$440	John J. Cruciani	Partner	Kansas City	Bankruptcy
\$436	Thomas Dee	Partner	St. Louis	Health care litigation
\$395	Kirsten A. Byrd	Partner	Kansas City	Business litigation
\$390	Michael Norton	Partner	Kansas City	Business litigation
\$386	JoAnn Sandifer	Partner	St. Louis	Appellate
\$378	David Richardson	Partner	St. Louis	Real estate, development
\$375	Tessa Jacob	Senior counsel	Kansas City	Information governance
\$370	Kathryn B. Bussing	Partner	Kansas City	Bankruptcy
\$345	Michael D. Fiedling	Partner	Kansas City	Creditors' rights, bankruptcy
\$300	Gary Vincent	Partner	St. Louis	Lending, foreclosure, collections
\$297	Kimberly Gibbens	Senior counsel	Kansas City	Health care
\$270	Sean Tassi	Associate	Kansas City	Complex litigation
\$250	Michael T. Crabb	Associate	Kansas City	Business litigation
\$245	Christopher Miles	Associate	Kansas City	Bankruptcy
\$240	Tyler Scott	Associate	Kansas City	Bankruptcy
\$225	Catherine Stoetzer	Regional manager, litigation services	Kansas City	Litigation support
\$224	Jessica Golby	Attorney	St. Louis	Complex litigation
\$212	Theodore Bynum III	Associate	St. Louis	Business litigation
\$207	Ernesto Segura	Associate	St. Louis	Real estate, financing
\$194	Tanya Maerz	Associate	St. Louis	Business litigation
\$194	Andrew Meyer	Associate	St. Louis	Real estate, finance
\$194	Sandra Oh	Associate	St. Louis	Product liability
\$192	Mark Hill	Associate	St. Louis	Business litigation
\$180	Jim Farmer	Trial technology analyst	St. Louis	Litigation
\$180	Terri Thompson	Paralegal	St. Louis	N/A
\$167	Lucie Stanley	Summer associate	St. Louis	N/A
\$162	Robert Hurtt	Summer associate	St. Louis	N/A
\$162	Tracy Johnson	Senior paralegal	St. Louis	N/A
\$158	Valerie Rynders	Case manager	St. Louis	N/A
\$149	Faith Patrln	Paralegal	St. Louis	Commercial real estate
\$144	Brian McArdle	Litigation support analyst	Kansas City	Litigation
\$80	Blaise McNamara	Paralegal assistant	St. Louis	N/A
\$35	Lynette Miller	Legal administrative specialist	St. Louis	N/A
Pleban & Petruska				
\$250	Lynette Petruska	Partner	St. Louis	Employment law
Tracy A. Brown PC				
\$200	Calvin Hwang	Attorney	St. Louis	Bankruptcy
\$200	Marcus Thompson	Associate	St. Louis	Bankruptcy

2013 out-of-state plaintiffs' attorneys' rates

2013 hourly rate	Name	Title	City	Practice
Arkansas State Senate				
\$175	Jeremy Y. Hutchinson	Senator	Benton, Ark.	Government
Barrios, Kingsdorf & Casteix				
\$500	Dawn M. Barrios	Partner	New Orleans	Multi-district litigation, products liability litigation, mass torts, and class actions
\$500	Barbara Treuting Casteix	Managing partner	New Orleans	Real estate, business transactions, probate and estate administration
\$500	Bruce S. Kingsdorf	Partner	New Orleans	Litigation, class actions, mass torts, products liability and commercial litigation
\$300	Zachary L. Wool	Associate	New Orleans	Multi-district litigation, products liability litigation, mass torts, class actions
\$175	Jill Casselberry	Paralegal	New Orleans	N/A
\$175	Dena Folts	Paralegal	New Orleans	N/A
\$175	Marla Romano	Paralegal	New Orleans	N/A
Bowie County District Court				
\$225	Leisa B. Pearlman	Attorney	Texarkana, Texas	N/A
Chapman Lewis Swan				
\$450	Ralph E. Chapman	Partner	Clarksdale, Miss.	Personal injury
\$375	Daniel Jr. M. Czamanski	Associate	Clarksdale, Miss.	General civil litigation
\$375	Dana J. Swan	Partner	Clarksdale, Miss.	Personal injury
\$375	Jenny Virden	N/A	Clarksdale, Miss.	N/A
\$300	Sara Bailey Russo	Associate	Clarksdale, Miss.	General civil litigation
\$250	W. Brennan Chapman	Associate	Clarksdale, Miss.	General civil litigation
\$250	J. Harland Webster	Associate	Clarksdale, Miss.	General civil litigation, product liability
\$100	Sissy Davis	N/A	Clarksdale, Miss.	N/A

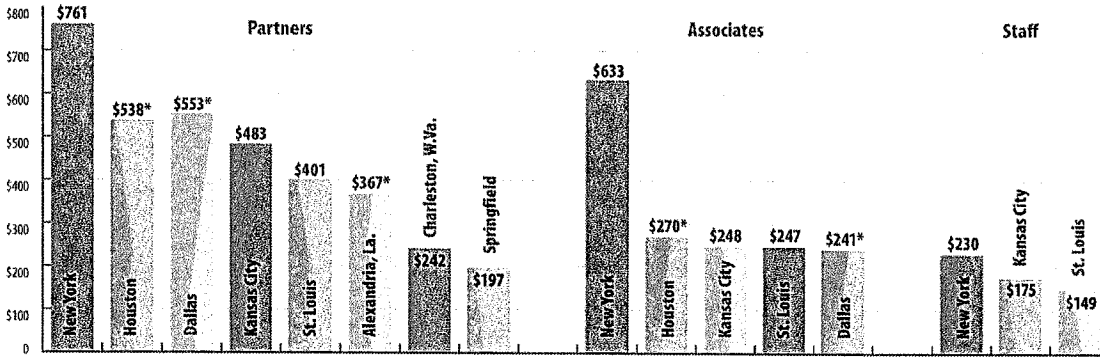
Out-of-state firm ranges



2013 out-of-state plaintiffs' attorneys' rates

2013 hourly rate	Name	Title	City	Practice
Chapman Lewis Swan (cont.)				
\$100	Mary Jane Haley	N/A	Clarksdale, Miss.	N/A
\$100	Becky Watts	N/A	Clarksdale, Miss.	N/A
\$50	Dana Gaston	N/A	Clarksdale, Miss.	N/A
Emerson Poynter				
\$595	John G. Emerson	Partner	Little Rock, Ark.	Shareholder derivative litigation
\$595	Scott E. Poynter	Partner	Little Rock, Ark.	Class action litigation
\$550	Jay Patterson	N/A	Little Rock, Ark.	N/A
\$500	Will Crowder	Associate	Little Rock, Ark.	Consumer litigation
\$495	Gina Dougherty	N/A	Little Rock, Ark.	N/A
\$450	Chris Jennings	Associate	Little Rock, Ark.	Antitrust litigation
\$400	Ryan Caststeel	N/A	Little Rock, Ark.	N/A
\$295	Clay Earl	N/A	Little Rock, Ark.	N/A
\$175	Patrick Feilke	N/A	Little Rock, Ark.	N/A
\$175	Nathan Shaw	N/A	Little Rock, Ark.	N/A
\$175	Troy Wall	N/A	Little Rock, Ark.	N/A
\$150	Tayna R. Auty	N/A	Little Rock, Ark.	N/A
\$150	Charlie Castine	N/A	Little Rock, Ark.	N/A
\$150	Sara Kirk	N/A	Little Rock, Ark.	N/A
\$150	Michelle Ragglo	N/A	Little Rock, Ark.	N/A
\$175	Corey D. McGaha	Attorney	Little Rock, Ark.	Litigation
Goldman Phipps				
\$650	Larry Goldman	Partner	San Antonio	Insurance defense
\$600	Douglas Pennebaker	Partner	San Antonio	Insurance disputes
\$600	Martin Phipps	Partner	San Antonio	Agriculture
\$425	Craig Saucier	Partner	San Antonio	Personal injury
\$425	Clayton Smalstria	Partner	San Antonio	Litigation
\$400	Deborah Earley	Associate	San Antonio	Litigation
\$400	Amanda Hazelton	Associate	San Antonio	Mass tort litigation
\$375	Perry Dominguez	Associate	San Antonio	N/A
\$300	John McGlathin	Associate	San Antonio	N/A
\$125	Teresa Beal	Paralegal	San Antonio	N/A
\$125	Kimberly Knox	Paralegal	San Antonio	N/A
\$125	Melvina Turner	Paralegal	San Antonio	N/A
Hare Wynn Newell & Newton				
\$610	Scott A. Powell	Trial lawyer	Birmingham, Ala.	Class action litigation
\$610	Jim Thompson	N/A	Birmingham, Ala.	N/A
\$510	Nolan Awbrey	N/A	Birmingham, Ala.	N/A
\$510	Paul Byrd	N/A	Birmingham, Ala.	N/A
\$510	Don McKenna	Trial lawyer	Birmingham, Ala.	Class action litigation
Holtzford Gilliland Higgins Hiltson & Howard				
\$625	Floyd R. Gilliland	Attorney	Montgomery, Ala.	General litigation
Janie S. Gilliland				
\$375	Janie S. Gilliland	Attorney	Montgomery, Ala.	Commercial law, bankruptcy
Jinks Crow & Dickson				
\$625	Lynn W. Jinks III	Partner	Union Springs, Ala.	Wrongful death, personal injury
\$550	Christina D. Crow	Partner	Union Springs, Ala.	Wrongful death, personal injury
\$425	Nathan A. Dickson II	Attorney	Union Springs, Ala.	Wrongful death, personal injury

■ City averages



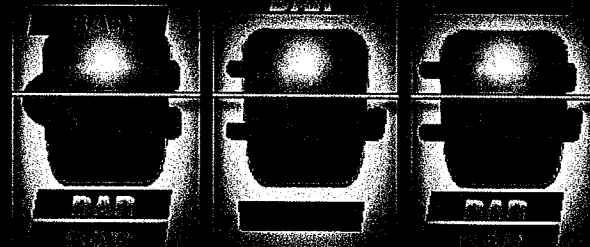
Includes only cities with at least five rates in the categories.
 *Rates are from only one law firm

2013 out-of-state plaintiffs' attorneys' rates

	2013 hourly rate	Name	Title	City	Practice
Jordan Law Firm					
	\$175	Michael R. Unger	N/A	N/A	N/A
Keller Stofarczyk					
	\$600	Kimberly S. Keller	Partner	Boerne, Texas	N/A
Kelly Law Firm					
	\$510	Jerry Kelly	N/A	Lonoke, Ark.	N/A
Law Office of Reid Miller					
	\$175	Reid Davis Miller	Attorney	Little Rock, Ark.	Commercial litigation
Lockridge Grindal Nauen					
	\$650	Richard A. Lockridge	Partner	Minneapolis, Minn.	Class action litigation
	\$600	Robert K. Shelquist	Partner	Minneapolis, Minn.	Product liability, business litigation
	\$575	Karen Hanson Riebel	Partner	Minneapolis, Minn.	Securities and antitrust litigation
	\$525	Yvonne M. Flaherty	Partner	Minneapolis, Minn.	Class action litigation
	\$375	Craig S. Davis	Associate	Minneapolis, Minn.	Class action litigation
	\$375	Nathan D. Prosser	N/A	Minneapolis, Minn.	N/A
	\$350	David D. Leishman	N/A	Minneapolis, Minn.	N/A
	\$175	Kelly J. LeRoy	Paralegal	Minneapolis, Minn.	Consumer fraud, product liability
	\$160	Katherine S. Rodenwald	N/A	Minneapolis, Minn.	N/A
	\$150	Danielle R. Anderson	Paralegal	Minneapolis, Minn.	Product liability
	\$150	Tinzing Artmann	N/A	Minneapolis, Minn.	N/A
	\$85	Kathleen J. Kelly	Librarian	Minneapolis, Minn.	N/A
Looper Reed & McGraw					
	\$650	William B. Chaney	Shareholder	Dallas	Litigation, general corporate practice
	\$650	Cleveland G. Clinton	Shareholder	Dallas	Civil trial lawyer
	\$650	William J. French	Shareholder	Dallas	N/A
	\$650	J. Cary Gray	Shareholder	Houston	Commercial litigation
	\$650	Norm A. Lofgren	Member	Dallas	Taxation, estate planning
	\$650	Robert E. Mangum	Shareholder	Dallas	Business litigation
	\$650	James M. McGraw	Shareholder	Houston	Business litigation
	\$650	James L. Reed	Shareholder	Houston	Civil litigation
	\$650	G. Tomas Rhodus	Shareholder	Dallas	Federal regulation, law enforcement
	\$650	Charles W. Sartain	Shareholder	Dallas	Litigation, arbitration, negotiation
	\$615	James J. Ormiston	Shareholder	Houston	Litigation
	\$600	Ken C. Stone	Shareholder	Dallas	Malpractice, health care
	\$550	James W. Ribman	Shareholder	Dallas	Commercial litigation
	\$500	Michael E. Gillman	Shareholder	Dallas	Real estate, lending
	\$400	Deidra W. Hubenak	Member	Houston	Tax planning
	\$400	Jonathan M. Hyman	Shareholder	Houston	Commercial litigation
	\$400	Gabrielle H. Kickham	Member	Dallas	Commercial litigation
	\$400	Mark D. Wiyder	Member	Dallas	Financing, securities, corporate compliance

2013 out-of-state plaintiffs' attorneys' rates

2013 hourly rate	Name	Title	City	Practice
Looper Reed & McGraw (cont.)				
\$400	Carol M. Wilhelm	Member	Houston	Intellectual property
\$350	Christopher L. Harris	Associate	Dallas	Tax law
\$350	Michael C. Kelsheimer	Shareholder	Dallas	Employment law
\$350	Gabe T. Vick	Associate	Houston	Personal injury, commercial litigation
\$350	Andrew K. York	Associate	Dallas	Class action litigation
\$300	Alex Fuller	Associate	Dallas	Civil and commercial litigation
\$300	Preston T. Kamin	Associate	Houston	Litigation
\$300	Ellie P. Natenberg	Associate	Houston	Commercial litigation
\$300	Lindsey J. Postula	Associate	Houston	Real estate law
\$285	Russell E. Jumper	Associate	Dallas	Employment law
\$285	Michael A. Lillibridge	Staff attorney	Houston	Civil litigation
\$285	Ebony R. Rivon	Associate	Dallas	Litigation
\$250	Favad R. Bajarria	Associate	Dallas	N/A
\$250	Joe E. Virene	Associate	Houston	Construction, bankruptcy and creditors' rights
\$125	Leah J. Hart	Paralegal	Dallas	Litigation
\$125	Jill F. Wall	Paralegal	Houston	Litigation
\$115	William Drabble	Associate	Dallas	Business litigation
\$115	Jeff Leach	Associate	Dallas	Civil litigation, construction law
\$115	Jonathan D. Nowlin	Associate	Dallas	Litigation
\$115	William C. Stern	Associate	Houston	Litigation
Lundy Lundy Sailleau & South				
\$400	Heather Lundy	N/A	Lake Charles, La.	N/A
\$400	Matthew E. Lundy	Attorney	Lake Charles, La.	Personal injury, product liability
\$250	Jackey White South	Attorney	Lake Charles, La.	Personal injury, product liability
\$250	Lisa Stewart	N/A	Lake Charles, La.	N/A
\$125	Heather Fazio	N/A	Lake Charles, La.	N/A
\$95	Denise Perkins-Stigen	N/A	Lake Charles, La.	N/A
\$95	Bub Theunissen	N/A	Lake Charles, La.	N/A
Luther Law Firm				
\$440	Dr. Rolf Kobabe	Partner		Banking, finance and capital markets



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2013 out-of-state plaintiffs' attorneys' rates

	2013 hourly rate	Name	Title	City	Practice
Mikal C. Watts					
	\$650	Mikal C. Watts	Partner	San Antonio	N/A
	\$400	Austin Anderson	Associate	San Antonio	Litigation
Morrow Morrow Ryan & Bassett					
	\$500	Jeffrey M. Bassett	Attorney	Opelousas, La.	Traumatic brain injury
	\$175	Julie Langley David	N/A	Opelousas, La.	N/A
Neblett Beard Arsenault					
	\$650	Richard J. Arsenault	Partner	Alexandria, La.	Litigation
	\$575	C. Michael Bollinger	Partner	Alexandria, La.	Personal injury and wrongful death
	\$575	J.R. Whaley	N/A	Alexandria, La.	N/A
	\$450	Jennifer M. Hoekstra	Associate	Alexandria, La.	Litigation, research
	\$400	Jean Paul Overton	N/A	Alexandria, La.	N/A
	\$350	Todd Campbell	Associate	Alexandria, La.	Litigation, personal injury
	\$350	Elizabeth Dufour	Associate	Alexandria, La.	Personal injury, litigation
	\$350	LaToya Jones-Burrell	Associate	Alexandria, La.	Bankruptcy, personal injury
	\$350	Andree Ledy	N/A	Alexandria, La.	N/A
	\$350	Douglas Jr. E. Rushton	Associate	Alexandria, La.	Pharmaceutical product liability
	\$350	Laura L. Singleton	Associate	Alexandria, La.	Trial attorney
	\$175	Nashville Farrell	N/A	Alexandria, La.	N/A
	\$150	Janet Doyle	N/A	Alexandria, La.	N/A
	\$150	Rebecca L. Monk	N/A	Alexandria, La.	N/A
	\$150	Jane Oxenhandler	N/A	Alexandria, La.	N/A
	\$150	Boyd Toms	N/A	Alexandria, La.	N/A
Patton Roberts					
	\$225	Jack T. Patterson II	Associate	Texarkana, Texas	Commercial litigation
	\$175	Shivani Sharma	Associate	Texarkana, Texas	Commercial litigation
Sarah Vogel Law Firm					
	\$500	Sarah Vogel	Attorney	Bismarck, N.D.	Class action litigation
Seeger Weiss					
	\$795	Christopher A. Seeger	Partner	New York	Complex and mass tort
	\$785	Stephen A. Weiss	Partner	New York	Litigation
	\$775	David R. Buchanan	Partner	New York	Class action litigation
	\$750	Diogenes P. Kekatos	Partner	New York	Class action litigation
	\$640	James A. O'Brien III	Counsel	New York	Litigation
	\$595	Jonathan Shub	Partner	New York	Consumer rights
	\$475	Michael L. Rosenberg	Partner	New York	Pharmaceutical litigation
Westerfield Janoush & Bell					
	\$375	Andrew Westerfield	Attorney	Cleveland, Miss.	Personal injury
	\$300	Warren Bell	Attorney	Cleveland, Miss.	Personal injury
	\$300	Tom Janoush	Attorney	Cleveland, Miss.	Personal injury
Whatley Drake & Kallas					
	\$850	Joe R. Whatley Jr.	Partner	Birmingham, AL	Class action, litigation
	\$750	Deborah Weltraub	N/A	N/A	N/A
	\$575	Charlene P. Ford	Of counsel	Birmingham, AL	Class action, litigation
	\$475	Adam Plant	N/A	N/A	N/A
	\$450	Lili R. Sabo	N/A	N/A	N/A
	\$426	Sara C. Hacker	N/A	N/A	N/A
	\$400	Peter H. Burke	N/A	N/A	N/A
	\$300	Virginia Applebaum	Attorney	N/A	N/A
	\$300	Stephen Briggs	N/A	N/A	N/A
	\$300	W. Brett Brown	N/A	N/A	N/A
	\$300	Kevin B. McKie	N/A	N/A	N/A
	\$300	Tullie Patterson	N/A	N/A	N/A
	\$300	Aaron Pinhas	N/A	N/A	N/A
	\$300	James A. Yonfa	N/A	N/A	N/A
	\$225	Mary Ann Bagwell	N/A	N/A	N/A
	\$225	Rita Kapetanos	N/A	N/A	N/A
Wolf Haldenstein Adler Freeman & Herz					
	\$865	Daniel W. Krasner	Partner	New York	Class action litigation
	\$815	Fred T. Isquith	Partner	New York	Class action litigation
	\$790	Frank M. Gregorek	Partner	San Diego	Class action litigation
	\$690	Betsy C. Manifold	Partner	San Diego	Class action litigation
	\$670	Mark C. Silverstein	Partner	New York	General counsel
	\$650	Adam J. Levitt	Partner	Chicago	Class action litigation
	\$530	Theodore B. Bell	Of counsel	Chicago	Class action litigation
	\$520	Stacey Kelly Breen	Partner	New York	Class action litigation
	\$480	Kate M. McGuire	Of counsel	New York	Class action litigation
	\$475	Scott J. Farrell	Associate	New York	Class action litigation
	\$450	Malcolm T. Brown	Associate	New York	Class action litigation

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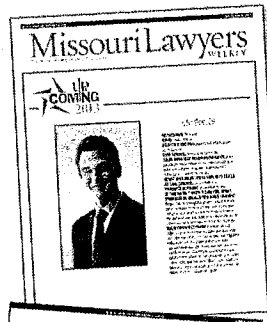
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2013 out-of-state plaintiffs' attorneys' rates

2013 hourly rate	Name	Title	City	Practice
Wolf Haldenstein Adler Freeman & Herz (cont.)				
\$425	Patrick H. Moran	Associate	New York	Class action litigation
\$420	John E. Tangen	N/A	New York	Class action litigation
\$400	Noah Krasner	Partner	New York	Class action litigation
\$375	Rachel S. Poplock	Associate	New York	Class action litigation
\$370	Edmund S. Aronowitz	Associate	Chicago	Class action litigation
\$350	Michael D. Yanovsky	Associate	Chicago	Class action litigation
\$315	Patrick Donovan	Associate	New York	Class action litigation
\$290	James A. Cingliano	Paralegal	New York	Class action litigation
\$280	John Weiss	N/A	New York	Class action litigation
\$260	Suzanne M. Meyers	Litigation paralegal	New York	Class action litigation
\$255	Derek Behnke	N/A	New York	Class action litigation
\$240	Christine C.M. Rosenthal	Paralegal	New York	Class action litigation
\$235	Jillaine E. Gill	Paralegal	New York	Class action litigation
\$235	Rebecca N. Isquith	Partner	New York	Class action litigation
\$235	Megan E. Maltenfort	N/A	New York	Class action litigation
\$230	Zachary A. Rosenblat	N/A	New York	Class action litigation
\$230	Paul C. Tyson	Paralegal	New York	Class action litigation
\$225	Maria L. Barbu	N/A	New York	Class action litigation
\$225	Hellm Kathleen Chun	N/A	New York	Class action litigation
\$225	Kaveh Dabashi	N/A	New York	Class action litigation
\$225	Sara Kravitz	Paralegal	New York	Class action litigation
\$220	Kevin G. Cooper	Paralegal	New York	Class action litigation
\$210	Samuel I. Fein	Paralegal	New York	Class action litigation
\$210	David I. Weinstein	Paralegal	New York	Class action litigation
\$205	Kathryn M. Cabrera	Paralegal	New York	Class action litigation
\$200	Danielle S. Kolkter	Partner	New York	Class action litigation
\$180	Luis D. Caraballo	Paralegal	New York	Class action litigation
Wyly-Rommel				
\$450	Sean F. Rommel	Member	Texarkana, Texas	Federal litigation
\$450	James C. Wyly	Member	Texarkana, Texas	Litigation

2013 out-of-state rates

Rate	Name	Title	City	Practice
Bryan Cave				
\$575	Sheldon H. Smith	Of counsel	Denver	Employee benefits
\$559	Michael Leue	Partner	Hamburg, Germany	Mergers and acquisitions
\$333	Maximilian Karacz	Associate	Hamburg, Germany	Mergers and acquisitions
Carlson Lynch				
\$500	R. Bruce Carlson	Attorney	Pittsburgh	Labor and employment law
\$300	Stephanie K. Goldin	Attorney	Pittsburgh	Consumer litigation
\$250	Jamison A. Etzel	Attorney	Pittsburgh	Labor and employment law
\$100	Elaine McFarland	Firm administrator	Pittsburgh	N/A
Curtis, Mallet-Prevost, Colt & Mosle				
\$860	Steven J. Reisman	Partner	New York	Restructuring and insolvency
\$860	Turner P. Smith	Partner	New York	Litigation
\$800	Evan S. Borenstein	Partner	New York	Corporate finance
\$800	Theresa A. Foudy	Partner	New York	Litigation
\$740	Michael A. Cohen	Partner	New York	Restructuring and insolvency
\$480	Peter Josef Buenger	Associate	New York	Restructuring and insolvency
\$435	Matthew Lischin	Associate	New York	Restructuring and insolvency
\$395	Heather Hitznay	Associate	New York	Restructuring and insolvency
\$395	James Zimmer	Associate	New York	Restructuring and insolvency
\$305	Bryan M. Kotliar	Associate	New York	Restructuring and insolvency
\$235	Jaymon Ballew	Paralegal	New York	N/A
\$235	Alana Dreiman	Paralegal	New York	N/A
\$235	Georgia Faust	Paralegal	New York	N/A
\$235	Melissa Rutman	Paralegal	New York	N/A
\$235	Rebecca Strulowitz	Paralegal	New York	N/A
\$230	Jake Ebers	Intern	New York	Legal
\$220	Stephanie Morales	Paralegal	New York	N/A
Davis Polk & Wardwell				
\$985	Sarah Beshar	Partner	New York	Capital markets
\$985	Erin K. Cho	Counsel	Washington, D.C.	Executive compensation and employee benefits
\$985	Edmond T. FitzGerald	Partner	New York	Executive compensation and employee benefits
\$985	Betty M. Huber	Counsel	New York	Environmental
\$985	Marshall S. Huebner	Partner	New York	Insolvency and restructuring



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Charles Mike Perry
 26-4436138

TO: Grant R. Doty
 Staff Attorney

FROM: C. Michael Perry *C. M. P.*
 D/B/A Mike Perry & Associates

DATE: 10-19-11

RE: Invoice
 Michael Barrett, IV, et al. vs. Donald M. Claycomb, et al.
 Case No. 2:11-cv-04242-NKL

10-19-11 – Service of Summons to Christopher T. Davidson at Linn State Tech College -----\$80.00

10-19-11 – 87 miles @ \$0.51 per mile-----\$44.88

Total this Invoice-----\$124.88

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INVOICE

INVOICE #830
DATE: 16 June 2013

TO:
Mr. Grant Doty
Attorney At Law
ACLU
454 Whittier Street
Saint Louis, Missouri 63108

FOR: Barrett vs. Claycomb

Case No: 2:11-cv-4242NKL

DESCRIPTION	AMOUNT
11 June 2013 – Service of Subpoena – Richard Pemberton {Cole County} {2 attempts}	\$30.00
11 June 2013 – Service of Subpoena – Donald Claycomb {Cole County} {3 attempts}	\$35.00
<i>Approved all 6/24/2013 E. Ford Litigant 6/10</i>	
	\$65.00

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SAINT LOUIS, Missouri
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2871440198 -0098
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Product Description	Sale Qty	Unit Price	Final Price
@@ JEFFERSON CITY MO 65101 Zone-2 Priority Mail 13 lb. 12.2 oz. Expected Delivery: Mon 06/24/13 Label #: 9505 5108 6551 3172 5719 72			\$16.25
Issue PVI:			=====
			\$16.25
Total:			=====
			\$16.25

Paid by:
AMEX \$16.25
Account #: XXXXXXXXXXXX1042
Approval #: 582344
Transaction #: 817
23 903070399 3244703930

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Customer Copy

Invoice Number 7-653-04546	Invoice Date Oct 06, 2011	Account Number 2375-2039-4	Page 4 of 4
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FedEx Express Shipment Detail By Payor Type (Original)

Dropped off: Sep 15, 2011 **Cust. Ref.:** Minter v. Claycomb **Ref.#2:**
Payor: Shipper **Ref.#3:**

- Fuel Surcharge - FedEx has applied a fuel surcharge of 15.50% to this shipment.
- Distance Based Pricing, Zone 3
- Package sent from: 62234 zip code
- 1st attempt Sep 16, 2011 at 09:09 AM.
- Original address - 400 E 9TH ST/KANSAS CITY, MO 64106

Automation	INET	Sender	Recipient	
Tracking ID	797521024218	Tony Rothert	Finance (Laura Schwaller)	
Service Type	FedEx Priority Overnight	ACLU-EM	United States District Court	
Package Type	FedEx Envelope	454 Whittier Street	400 E 9TH ST 1510	
Zone	03	ST. LOUIS MO 63108 US	KANSAS CITY MO 64106 US	
Packages	1			
Rated Weight	N/A	Transportation Charge		21.25
Declared Value	USD 1.00	Address Correction		11.00
Delivered	Sep 16, 2011 09:20	Discount		-4.46
Svc Area	A1	Automation Bonus Discount		-1.06
Signed by	W.CRESPO	Declared Value Charge		0.00
FedEx Use	000000000/0000197/_	Fuel Surcharge		2.44
		Total Charge	USD	\$29.17

Shipper Subtotal	USD	\$29.17
Total FedEx Express	USD	\$29.17





Capitol Plaza Hotel

Anthony Rothert
Whittier
Saint Louis MO 63108
United States

Room No. : 416
Arrival : 10-24-11
Departure : 10-27-11
Page No. : 1 of 1
Folio No. :
Conf. No. : 1105450
Cashier No. : 33
User ID : WANDRUS

INFORMATION INVOICE

Membership No. :
A/R Number :
Group Code :
Company Name :

Thank You For Staying With Us

10-27-11

Date	Text	Charges USD	Credits USD
10-24-11	Guest Room	119.99	
10-24-11	Lodging Tax	8.40	
10-24-11	State Tax	9.27	
10-25-11	Guest Room	119.99	
10-25-11	Lodging Tax	8.40	
10-25-11	State Tax	9.27	
10-26-11	Park Place Restaurant CHECK# 1369	18.39	
10-26-11	Fountain Court Lounge CHECK# 2738	146.83	
10-26-11	Guest Room	119.99	
10-26-11	Lodging Tax	8.40	
10-26-11	State Tax	9.27	
Total		578.20	0.00
Balance		578.20 USD	

minutes → \$ 137.66

Page

Candenton

Candenton

$$\begin{array}{r} 119.99 \\ 8.40 \\ 9.27 \\ \hline 137.66 \\ 18.39 \\ \hline 156.05 \end{array}$$

$$\begin{array}{r} 137.66 \\ 146.83 \\ \hline 284.49 \end{array}$$

415 McCarty Jefferson City, MO 65101
Hotel Phone (573) 635-1234 Reservations 1-800-338-8088



Capitol Plaza Hotel

Room No. : 210
Arrival : 10-24-11
Departure : 10-25-11
Page No. : 1 of 1
Folio No. :
Conf. No. : 1106797
Cashier No. : 34
User ID : CSHELEY

Michael Hill
United States

INFORMATION INVOICE

Membership No. :
A/R Number :
Group Code :
Company Name :

Thank You For Staying With Us 10-25-11

Table with columns: Date, Text, Charges USD, Credits USD. Rows include: 10-24-11 Guest Room (99.99), 10-24-11 Lodging Tax (7.00), 10-24-11 State Tax (7.72), Total (114.71), Balance (114.71 USD). Includes handwritten 'WINTER' and a signature.

415 McCarty Jefferson City, MO 65101
Hotel Phone (573) 635-1234 Reservations 1-800-338-8088



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Name & Address

ROTHERT, ANTHONY

Room 714/ND2
 Arrival Date 6/30/2013 5:32:00PM
 Departure Date 7/1/2013 7:45:00AM

US

Adult/Child 2/0
 Room Rate 104.00

RATE PLAN LV5
 HH#374030156 SILVER
 AL: AA #83M16C8
 CAR:

Folio

CONFIRMATION NUMBER : 87344862

LSTC



7/1/2013 PAGE 1

DATE	REFERENCE	DESCRIPTION	AMOUNT
6/30/2013	671077	GUEST ROOM	\$104.00
6/30/2013	671077	RM - LODGING TAX	\$7.28
6/30/2013	671077	RM - SALES TAX	\$8.03
7/1/2013	671110	AX *1042	(\$119.31)
		** BALANCE **	\$0.00
EXPENSE REPORT SUMMARY			
	06/30/13 00:00:00	STAY TOTAL	
ROOM & TAX		\$119.31	\$119.31
DAILY TOTAL		\$119.31	\$119.31
TAX SUMMARY			
	CHARGE TOTAL	RM - LODGING TAX	RM - SALES TAX
ROOM & TAX	\$104.00	\$7.28	\$8.03
TOTAL PAID	\$104.00	\$7.28	\$8.03

You have earned approximately 1196 Hilton HHonors points and approximately 104 Miles with American Airlines for this stay. Hilton HHonors(R) stays are posted within 72 hours of checkout. To check your earnings or book your next stay at more than 3,900 hot



My Card Not To Mys

ACCOUNT NO. AX *1042

CARD MEMBER NAME ROTHERT, ANTHONY

ESTABLISHMENT NO. & LOCATION

CARD MEMBER'S SIGNATURE X

DATE OF CHARGE 6/30/13 FOLIO NO./CHECK NO. 132313

AUTHORIZATION 563132 INITIAL

PURCHASES & SERVICES

TAXES

TIPS & MISC.

TOTAL AMOUNT -119.31

PAYMENT DUE UPON RECEIPT



422 Monroe Street • Jefferson City, MO 65101
 Phone (573) 636-5101 • Fax (573) 636-9664
 Reservations: 1-800-222-TREE or
 www.jeffersoncity.doubletree.com

Name & Address
 ROTHERT, ANTHONY

Room 902/NK1
 Arrival Date 6/30/2013 7:19:00PM
 Departure Date 7/1/2013 7:50:00AM

Adult/Child 2/0
 Room Rate 109.00

RATE PLAN LV5
 HH# 374030156 SILVER
 AL:
 CAR:

parents / check out
Folio
Anthony Rothert

CONFIRMATION NUMBER : 87343390

7/1/2013 PAGE 1



DATE	REFERENCE	DESCRIPTION	AMOUNT
6/30/2013	671080	GUEST ROOM	\$109.00
6/30/2013	671080	RM - LODGING TAX	\$7.63
6/30/2013	671080	RM - SALES TAX	\$8.42
7/1/2013	671112	AX *1059	(\$125.05)
		** BALANCE **	\$0.00
EXPENSE REPORT SUMMARY			
	06/30/13 00:00:00	STAY TOTAL	
ROOM & TAX		\$125.05	\$125.05
DAILY TOTAL		\$125.05	\$125.05
TAX SUMMARY			
	CHARGE TOTAL	RM - LODGING TAX	RM - SALES TAX
ROOM & TAX	\$109.00	\$7.63	\$8.42
TOTAL PAID	\$109.00	\$7.63	\$8.42

You have earned approximately 1253 Hilton HHonors points and approximately 109 Miles with American Airlines for this stay. Hilton HHonors(R) stays are posted within 72 hours of checkout. To check your earnings or book your next stay at more than 3,900 hot



COUNT NO.
AX *1059

CARD MEMBER NAME
ROTHERT, ANTHONY

ESTABLISHMENT NO. & LOCATION ESTABLISHMENT AGREES TO TRANSMIT TO CARD HOLDER FOR PAYMENT

CARD MEMBER'S SIGNATURE

DATE OF CHARGE 6/30/13	FOLIO NO./CHECK NO. 132311
AUTHORIZATION 563864	INITIAL
PURCHASES & SERVICES	
TAXES	
TIPS & MISC.	
TOTAL AMOUNT	-125.05

A

PAYMENT DUE UPON RECEIPT

LANDISE AND/OR SERVICES PURCHASED ON THIS CARD SHALL NOT BE RESOLD OR RETURNED FOR A CASH REFUND.



422 Monroe Street • Jefferson City, MO 65101
 Phone (573) 636-5101 • Fax (573) 636-9664
 Reservations: 1-800-222-TREE or
 www.jeffersoncity.doubletree.com

Name & Address

Rothert, Anthony

Room 804/NK1SW
 Arrival Date 6/30/2013 8:33:00PM
 Departure Date 7/1/2013 7:40:00AM

Adult/Child 1/0
 Room Rate 159.00

RATE PLAN LV6
 HH#374030156 SILVER
 AL: AA #83M16C8
 CAR:

Break
2 days

Folio

McNeil
7/11

CONFIRMATION NUMBER : 81315934

7/1/2013 PAGE 1



DATE	REFERENCE	DESCRIPTION	AMOUNT
6/30/2013	671018	INTERNET ACCESS	\$9.95
6/30/2013	671078	GUEST ROOM	\$159.00
6/30/2013	671078	RM - LODGING TAX	\$11.13
6/30/2013	671078	RM - SALES TAX	\$12.28
7/1/2013	671108	AX *1059	(\$192.36)
** BALANCE **			\$0.00
EXPENSE REPORT SUMMARY			
ROOM & TAX	06/30/13	00:00:00 STAY TOTAL	
		\$182.41	\$182.41
		\$9.95	\$9.95
DAILY TOTAL		\$192.36	\$192.36
TAX SUMMARY			
ROOM & TAX	CHARGE TOTAL	RM - LODGING TAX	RM - SALES TAX
	\$159.00	\$11.13	\$12.28
TOTAL PAID	\$159.00	\$11.13	\$12.28



You have earned approximately 1828 Hilton HHonors points and approximately 159 Miles with American Airlines for this stay. Hilton HHonors(R) stays are posted within 72 hours of checkout. To check your earnings or book your next stay at more than 3,900 hot

ACCOUNT NO.
AX *1059

CARD MEMBER NAME
Rothert, Anthony

ESTABLISHMENT NO. & LOCATION

ESTABLISHMENT AGREES TO TRANSMIT TO CARD HOLDER FOR PAYMENT

CARD MEMBER'S SIGNATURE
X

DATE OF CHARGE 6/30/13 FOLIO NO./CHECK NO. 132314

AUTHORIZATION 573534 INITIAL

PURCHASES & SERVICES

TAXES

TIPS & MISC.

TOTAL AMOUNT -192.36

A

PAYMENT DUE UPON RECEIPT

MERCHANDISE AND/OR SERVICES PURCHASED ON THIS CARD SHALL NOT BE RESOLD OR RETURNED FOR A CASH REFUND.

Name & Address
 ROTHERT, ANTHONY



422 Monroe Street • Jefferson City, MO 65101
 Phone (573) 636-5101 • Fax (573) 636-9664
 Reservations: 1-800-222-TREE or
 www.jeffersoncity.doubletree.com

Room 913/NK1
 Arrival Date 6/30/2013 6:54:00PM
 Departure Date 7/1/2013 7:42:00AM

Adult/Child 2/0
 Room Rate 109.00

RATE PLAN LV5
 HH#374030156 SILVER
 AL: AA #83M16C8
 CAR:

Folio

CONFIRMATION NUMBER : 80266494

7/1/2013 PAGE 1

Melanie Zubart
Barbara Daymond



DATE	REFERENCE	DESCRIPTION	AMOUNT
6/30/2013	671010	INTERNET ACCESS	
6/30/2013	671082	GUEST ROOM	\$9.95
6/30/2013	671082	RM - LODGING TAX	\$109.00
6/30/2013	671082	RM - SALES TAX	\$7.63
7/1/2013	671109	AX *1059	\$8.42
			(\$135.00)
		** BALANCE **	\$0.00
EXPENSE REPORT SUMMARY			
	06/30/13	00:00:00 STAY TOTAL	
ROOM & TAX		\$125.05	\$125.05
		\$9.95	\$9.95
DAILY TOTAL		\$135.00	\$135.00
TAX SUMMARY			
	CHARGE TOTAL	RM - LODGING TAX	RM - SALES TAX
ROOM & TAX	\$109.00	\$7.63	\$8.42
TOTAL PAID	\$109.00	\$7.63	\$8.42

You have earned approximately 1253 Hilton HHonors points and approximately 109 Miles with American Airlines for this stay. Hilton HHonors(R) stays are posted within 72 hours of checkout. To check your earnings or book your next stay at more than 3,900 hot



COUNT NO.
 AX *1059

MEMBER NAME
 ROTHERT, ANTHONY

ESTABLISHMENT NO. & LOCATION

MEMBER'S SIGNATURE

DATE OF CHARGE 7/1/13 FOLIO NO./CHECK NO. 132312

AUTHORIZATION 100976 INITIAL

PURCHASES & SERVICES

TAXES

TIPS & MISC.

TOTAL AMOUNT -135.00

PAYMENT DUE UPON RECEIPT

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

Michael Barrett, IV, et al.,)	
)	
Plaintiffs,)	
)	
v.)	2:11-cv-04242-NKL
)	
Donald M. Claycomb, et al.,)	
)	
Defendants.)	

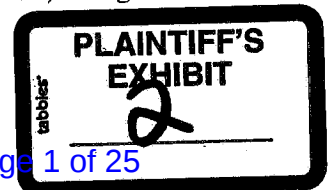
AFFIDAVIT OF JASON D. WILLIAMSON

Jason D. Williamson, being first duly sworn upon his oath, states the following:

1. Since January 2011, I have been employed as a staff attorney for the American Civil Liberties Union (“ACLU”) Criminal Law Reform Project (“CLRP”), which is one of 13 discrete projects housed in our National Office, located in New York City. CLRP engages in litigation and other advocacy work in a number of areas, including Fourth Amendment search and seizure law generally, and drug testing in particular.¹

2. From November 2008 to January 2011, I worked as an associate with the law firm of Paul, Weiss, Rifkind, Wharton, & Garrison LLP in New York City, where I engaged in both commercial litigation and a number of pro bono matters, including a major civil rights lawsuit against the New York City Police Department and the New York City Housing Authority.

¹ Prior to 2010, the entity now called “CLRP” was referred to as the Drug Law Reform Project (“DLRP”), which handled a number of drug testing cases throughout the years, including serving as lead counsel for the petitioners in *Board of Ed. of Ind. School Dist. No. 92 of Pottawatomie County v. Earls*, 536 U.S. 822 (2002). While drug testing continues to be a priority for CLRP, particularly given its Fourth Amendment implications, our docket has expanded to include indigent defense reform, police misconduct, federal sentencing, and right to counsel issues, among other things.



3. I served as a law clerk for the Honorable Sterling Johnson, Jr. of the United States District Court for the Eastern District of New York from 2007-2008.

4. From June to December 2006, I served as a staff attorney for the Juvenile Justice Project of Louisiana (JJPL), focusing primarily on juvenile prison reform and related issues. From January to September 2007, I served as a staff attorney for and founding member of Juvenile Regional Services, a JJPL affiliate, where I defended indigent youth in Orleans Parish Juvenile Court in all phases of their cases, from arrest through appeal.

5. I worked closely with my co-counsel on the above-captioned case, Mr. Anthony E. Rothert of the ACLU of Eastern Missouri, and was involved in all aspects of the case, including legal research, brief writing, discovery, and court proceedings before this Court. I also presented oral argument on behalf of Plaintiffs in the Eighth Circuit Court of Appeals.

6. I spent a total of 371.3 hours of billable time on this case, and now seek compensation for 322.3 of those hours. This is consistent with the contemporaneous time records attached hereto, which I kept throughout the duration of the case. I have exercised reasonable billing judgment to exclude time that was not absolutely necessary, was duplicative, or was not adequately documented.

7. My travel costs for this case totaled \$2,973.68. Receipts for these expenses are attached hereto.

8. My background is as follows:

a. I received a Bachelors of Art degree, *magna cum laude*, in Anthropology and East Asian Studies from Harvard University in 1998, a Master of Art in the Social Sciences from the University of Chicago in 1999, and a Juris Doctor, *cum laude*, from New York University School of Law in 2006.

b. Prior to beginning law school, from 2000 to 2003, I worked as a grantwriter/development associate for Educators for Social Responsibility, located in Cambridge, Massachusetts.

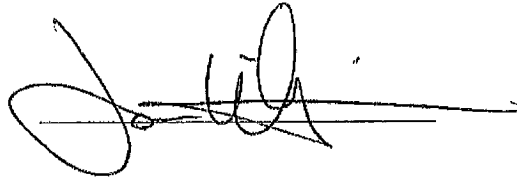
c. I was admitted to the practice of law in the State of Louisiana in 2006 and in the State of New York in 2009. I am also admitted to the federal district courts for the Eastern District of New York (2009) and the Southern District of New York (2009), as well as the Eighth Circuit Court of Appeals (2012), and the state courts of Louisiana and New York. I have been continuously engaged in the practice of law on a full-time basis since 2006.

d. I have argued cases in Louisiana state court, as well as in the United States District Courts for the Southern District of New York, the District of New Jersey, and the Western District of Missouri, in addition to the Eighth Circuit Court of Appeals. I have submitted amicus curiae briefs to state and federal courts around the country, including the United States Supreme Court.

9. While the prevailing rates of compensation are substantially higher in New York, I am requesting compensation in this case at an hourly rate of \$300.00. In light of prevailing market rates in Missouri, \$300.00 per hour is reasonable in a case of this nature for a person of my background and experience. In order to determine a reasonable market rate, I have consulted with practicing civil rights attorneys in both Missouri and New York, and have reviewed billing rate surveys from the relevant jurisdictions.

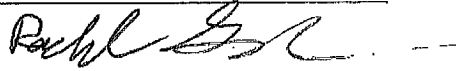
10. The recorded hours and proposed hourly rate reflected in his affidavit and its attachments are customary and reasonable, and were necessarily incurred in representing Plaintiffs in this litigation.

And further Affiant sayeth not.



Subscribed and sworn to before me on October 4, 2013, by the individual personally known to me as Jason D. Williamson.

RACHEL ELIZABETH GOODMAN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02GO6275331
Qualified in Kings County
My Commission Expires January 26, 2017



Date	Hours Billed	Hours Requested	Activity
8.17.11	0.6	0.6	Initial call w/ affiliate/co-counsel (T. Rothert) re: litigation and advocacy options
8.22.11	1	1	Strategy call w/ SSDP re: litigation, standing issues, potential plaintiffs
8.22.11	0.4	0.4	Reviewed audio of call between SSDP and Linn State officials
8.22.11	1.5	1.5	Reviewed existing policy, background documents, Linn State web page
8.23.11	3.5	3.5	Reviewed/commented on drafts of complaint, prelim injunc motion, class cert motion
8.23.11	0.5	0.5	Began pro hac vice application process
8.24.11	2.5	2.5	Reviewed/commented on drafts of complaint, prelim injunc motion, class cert motion
8.25.11	2	2	Researched organizational standing requirements
8.31.11	1	1	Internet research re: Linn State history
8.17-31.11	10.5	0	Email/Phone correspondence with affiliate re: legal strategy, potential plaintiffs, new developments, updates, etc.
9.1.11	0.7	0.7	Reviewed/revised publicity fliers developed by communications dept
9.2.11	2	2	Reviewed draft policy (and rationales) from Linn State
9.7.11	1	1	Met with R. Bloom to discuss blog and identification of potential plaintiffs
9.8.11	0.7	0.7	Reviewed/edited RB blog post on Linn State drug testing program
9.9.11	1	1	Call with TR and R. McCray re: plaintiff search, RM's trip to Missouri
9.11.11	5	5	RM travel to Missouri
9.12.11	3.4	3.4	RM travel within Missouri (St. Louis to Linn; Linn to Columbia)
9.12.11	5	5	RM work with affiliate to identify potential plaintiffs
9.13.11	3.4	3.4	RM travel within Missouri (Columbia to Linn; Linn to St. Louis)

Date	Hours Billed	Hours Requested	Activity
9.13.11	3.5	3.5	RM work with affiliate to identify potential plaintiffs
9.13.11	1	1	RM work with affiliate on declaration drafts based on discussions with students over last two days
9.13.11	6	6	RM travel back to NYC
9.13.11	1.2	1.2	Reviewed/edited draft declarations from new plaintiffs
9.13.11	4	4	Completed pro hac application; reviewed/revised prior drafts of complaint, prelim injunc motion, class cert motion
9.14.11	2	2	Made additional edits to draft complaint and motions
9.14.11	0.5	0.5	Reviewed/edited blog re: filing of complaint
9.14.11	1	1	Correspondence with W. Matthews re: press release/media around filing
9.14.11	0.8	0.8	Court teleconference re: TRO (plus internal follow-up call)
9.15.11	0.5	0.5	Call with SSDP re: possible amicus
9.15.11	1.5	1.5	Correspondence with media dept/review of media coverage
9.16.11	0.4	0.4	RM call with A. Minter
9.19.11	1	1	Call w/ plaintiffs re: media
9.20.11	1	1	Strategy call with T. Rothert
9.20.11	0.8	0.8	Reviewed/edited amended complaint and remaining plaintiff declarations
9.23.11	0.7	0.7	Teleconference w/ court re: extending TRO (plus internal debrief)
9.28.11	1.1	1.1	Reviewed/edited motion to extend TRO and motion to expedite prelim injunction
9.29.11	0.5	0.5	Reviewed joint stipulation drafted by defendants; internal discussions of same
9.1-30.11	17	0	Email/Phone correspondence with affiliate/co-counsel re: legal strategy, plaintiffs, new developments, updates, etc.
10.6.11	0.8	0.8	Strategy call w/ T. Rothert
10.9.11	1.5	1.5	Drafted reply brief re: motion for prelim injunction

Date	Hours Billed	Hours Requested	Activity
10.10.11	2.5	2.5	Drafted reply brief re: motion for prelim injunction
10.11.11	5	5	Drafted reply brief re: motion for prelim injunction
10.11.11	0.8	0.8	Reviewed/edited reply brief re: motion for class cert
10.12.11	1.5	1.5	Reviewed/drafted discovery requests
10.12.11	1.2	1.2	Reviewed/drafted discovery requests
10.20.11	0.5	0.5	Reviewed draft responses to defendants' discovery requests
10.20.11	2.5	2.5	Hearing/argument prep
10.21.11	6	6	Hearing/argument prep
10.21.11	2	2	Review of discovery docs from Defendants
10.22.11	0.8	0.8	Call w/ plaintiffs re: prelim injunc hearing
10.23.11	2	2	Hearing/argument prep
10.24.11	3.5	3.5	Hearing prep w/ co-counsel
10.24.11	5	5	Travel to Missouri
10.25.11	7	7	Preliminary Injunction hearing
10.25.11	5	5	Travel back to NYC
10.1-31.11	13	0	Email/Phone correspondence with affiliate/co-counsel re: legal strategy, plaintiffs, new developments, updates, etc.
11.8.11	0.7	0.7	Teleconference w/ court re: status of the case
11.14.11	0.5	0.5	Reviewed/edited joint scheduling order
11.17.11	1.2	1.2	Teleconference w/ court re: status of the case (plus internal debrief)
11.21.11	1	1	Reviewed/drafted supplemental discovery requests
11.29.11	0.8	0.8	Initial review of prelim injunc hearing transcript
11.1-30.11	3.5	0	Email/Phone correspondence with affiliate/co-counsel re: legal strategy, plaintiffs, new developments, updates, etc.
12.5.11	2.5	2.5	Detailed review of prelim injunc hearing transcript;

Date	Hours Billed	Hours Requested	Activity
12.6.11	2.5	2.5	Detailed review of prelim injunc hearing transcript;
12.15.11	1.5	1.5	Began identifying potential requests for admission
12.16.11	2.3	2.3	Litigation strategy call with co-counsel; continued identifying requests for admission
12.21.11	3	3	Completed first draft of requests for admission
12.22.11	0.8	0.8	Revised requests for admission
12.1-31.11	1.5	0	Email/Phone correspondence with affiliate/co-counsel re: legal strategy, plaintiffs, new developments, updates, etc.
1.6.12	0.8	0.8	Call w/ opposing counsel re: discovery, plus follow-up
1.24.12	5	5	Travel to Missouri
1.24.12	1.2	1.2	Review of defendants' discovery responses
1.25.12	1.8	1.8	Mediation session
1.25.12	5	5	Travel back to NYC
1.26.12	0.7	0.7	Review of defendants' discovery responses
3.20.12	1.5	1.5	Review of defendants' opening brief to 8th Circuit
4.19.12	0.5	0.5	Teleconference w/ court re: amending PI order
4.26.12	0.7	0.7	Follow-up with co-counsel re: proposed order (reviewed)
5.3.12	1.4	1.4	Initial review of 8th Circuit response brief; email correspondence with co-counsel
5.4.12	3.7	3.7	Reviewed/edited 8th Circuit response brief
9.5.12	4	4	Researching/reading caselaw for 8th Circuit Argument
9.6.12	2.5	2.5	Researching/reading caselaw for 8th Circuit Argument
9.7.12	3.5	3.5	Developing argument structure, coordinating moot, reviewing caselaw
9.10.12	0.6	0.6	Strategy call with co-counsel

Date	Hours Billed	Hours Requested	Activity
9.11.12	7.7	7.7	8th Circuit Argument prep (caselaw review, discovery/record review, developing argument points, coordinating moot)
9.12.12	6.5	6.5	8th Circuit Argument prep (caselaw review, discovery/record review, developing argument points)
9.13.12	10	10	8th Circuit Argument prep (caselaw review, discovery/record review, developing argument points)
9.14.12	5.5	5.5	8th Circuit Argument prep (prepared for moot, participated in moot, revised opening, refined argument points)
9.17.12	7	7	8th Circuit Argument prep
9.18.12	2.5	2.5	8th Circuit Argument prep
9.18.12	5	5	Travel to Missouri
9.19.12	1	1	8th Circuit Argument (plus debrief)
9.19.12	5	5	Travel back to NYC
2.4.13	1	1	strategy call w/ co-counsel
2.5.13	3.5	3.5	renewed prelim injunction brief
2.6.13	2.3	2.3	renewed prelim injunction brief
2.7.13	2	2	renewed prelim injunction brief
2.15.13	0.5	0.5	Teleconference w/ court
2.17.13	2	2	research on court jurisdiction pending circuit court mandate
2.18.13	3	3	drafted portion of supplemental brief
2.19.13	0.8	0.8	reviewed draft of supplemental brief
2.26.13	0.5	0.5	Teleconference w/ court
2.28.13	0.7	0.7	work on proposed joint scheduling order; attempts to contact opposing counsel
3.5.13	0.9	0.9	Teleconferences (2) w/ district court
3.7.13	2	2	drafted supplemental brief on Lebron decision
3.8.13	3.8	3.8	drafted supplemental brief on Lebron decision
3.11.13	1	1	final edits to supplemental brief on Lebron decision
3.25.13	1	1	Call w/ consultants re: potential experts
Wk of 3.25.13	3.5	0	research re: potential experts

Date	Hours Billed	Hours Requested	Activity
4.3.13	0.7	0.7	Call w/ co-counsel
Wk of 4.8.13	2	2	research re: potential experts
4.22.13	1.8	1.8	review of expert report; emails to co-counsel
4.24.13	0.4	0.4	review of motion to join J. Scott Christianson as a defendant
5.7.13	2	2	Trial prep call w/ co-counsel (plus follow up emails)
5.8.13	0.6	0.6	Meeting w/ ACLU paralegal re: trial prep
5.15.13	3	3	drafted proposed findings of fact
5.16.13	2	2	drafted proposed findings of fact
5.16.13	2.5	2.5	research re: drug testing in various industries
5.20.13	2	2	research re: drug testing in various industries
5.22.13	1.3	1.3	drafted proposed findings of fact
5.23.13	4	4	reviewed draft stipulation and drafted proposed findings of fact; research
5.24.13	2	2	drafted partial witness list and proposed findings of fact; emails
6.5.13	1	1	Teleconference w/ court + co-counsel debrief
6.6.13	3	3	Researching/Drafting motions in limine
6.6.13	0.6	0.6	Reviewed motion for leave to file second amended complaint (plus suggestions)
6.7.13	3.5	3.5	Researching/Drafting motions in limine
6.7.13	0.6	0.6	meeting with paralegal
6.7.13	1.7	1.7	Reviewed second amended complaint and suggestions in opp to MTD
6.10.13	2.8	2.8	Drafting proposed findings of fact
6.11.13	2.5	2.5	Drafting proposed findings of fact
6.14.13	8	8	Drafting proposed findings of fact/reviewing draft trial briefs/exhibit lists
6.17.13	8.3	8.3	Trial prep (proposed findings, direct/cross exams, review of record, review of trial submissions, designations)

Date	Hours Billed	Hours Requested	Activity
6.18.13	4	4	Trial prep (direct/cross exams, review of record, review of trial submissions, motions in limine)
6.20.13	7	7	Trial prep (direct/cross exams, review of record, review of trial submissions, motions in limine)
6.24.13	1.5	1.5	Drafting opening statement
6.25.13	1.2	1.2	Conference call w/ co-counsel re: trial strategy
6.25.13	0.6	0.6	Drafting opening statement
6.28.13	0.5	0.5	Teleconference
6.30.13	5	5	Travel to Missouri
7.1.13	6	6	Trial
7.2.13	5	5	Travel back to Newark
TOTAL	371.3	322.3	

Westin St. Louis
 811 Spruce Street
 Saint Louis, MO 63102
 314-621-2000 / 314-552-5700
 http://www.starwood.com/



Williamson, Jason	Page Number	1	Invoice Nbr	12110112
Amex Preferred Extras Hotel Pr	Guest Number	421600	Arrive Date	09-18-2012
125 BROAD ST FL 18	Folio ID	A	Depart Date	09-19-2012
NEW YORK, NY 10004-2454	No. Of Guest	1		
	Room Number	340		
	Club Account	SPG - A52066271846		
	Time	09-19-2012 07:43		

Invoice

Date	Reference	Description	Charges	Credits
09-18-2012	1	Internet Service In Room	\$10.95	
09-18-2012	RT340	Room Charge	\$322.00	
09-18-2012	RT340	State Tax	\$27.34	
09-18-2012	RT340	Tourism Tax	\$12.08	
09-18-2012	RT340	Occupancy Tax	\$11.27	
09-19-2012	AX	American Express		\$-383.64
		** Total	\$383.64	\$-383.64
		** Balance	\$-0.00	

0.00
 0.00
 0.00
 0.00
 0.00

13-481992

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Continued on the next page



Prepared For
DAVID BAIRD/CBA
A.C.L.U.

Account Number
XXXX-XXXX3-01004

Closing Date
10/04/12

Page 67 of 125

Activity Continued

*Foreign Currency conversion rate is
base rate plus 2.5%. See page 2 for details.

Card Number XXXX-XXXX3-01467

034 053 01614 ROALLANA 0100 88699 000

Activity Date	Description	Reference Code	Foreign Spending	Amount \$
09/07/12	UNITED AIRLINES MIAMI LAKES FL TKT# 01671807746124 AIRLINE/AIR C 09/06/12 PASSENGER TICKET WILLIAMSON/JASON D UNITED AIRLINES MIAMI LAKES FL FROM NEWARK NJ TO ST LOUIS MO CARRIER CLASS UA L TO NEWARK NJ UA L TO UNAVAILABLE YY 00 TO UNAVAILABLE YY 00	09160900000		277.80
09/07/12	AMERICAN EXPRESS INTERACTIVE NO TOUCH WILLIAMSON/JASON D TKT# 0167180774612 REC LOC# PMEQWZ 09/06/12			7.00
09/19/12	SWEETIE PIES UPPER G SAINT LOUIS MO REF# 58086178 3149325384 09/18/12 RESTAURANT CHARGES ROC NUMBER 58086178	68036178000		11.82
09/19/12	EARL OF SANDWICH NEWARK NJ REF# 4192829 RESTAURANT 09/18/12	41928290000		10.69
09/19/12	JR TAXI 650000005262 SAINT LOUIS MO REF# 10156420120 3146213244 09/18/12 MISGL FOOD STORES ROC NUMBER 1015642012091900	10156420120		37.00
09/19/12	BLACK & WHITE TAXI & 978-748-8600 NJ REF# 85434912263 978-748-8600 09/18/12 ROC NUMBER 8543491226388000	85434912263		50.00
09/19/12	BLACK & WHITE TAXI & 978-748-8800 NJ REF# 85434912263 978-748-8600 09/18/12 ROC NUMBER 8543491226388000	85434912263		70.00
09/20/12	A-09 MOSAIC ST388476 ST. LOUIS MO REF# 021474836 314-4293400 09/19/12	02147483600		9.62
09/20/12	TAXI+PASS.COM 0942 NEWARK NJ REF# 63328119 800-222-8294 09/19/12 CHARTER SERVIC ROC NUMBER 63328119	63328118000		70.00
09/20/12	RIDECHARGE INC ALEXANDRIA VA REF# 00977569 703-579-6948 09/19/12 CHARTER SERVIC ROC NUMBER 00977569	00977569000		55.30
09/21/12	WESTIN ST LOUIS F&B ST LOUIS MO REF# 0 3146212000 09/19/12			13.00
09/21/12	WESTIN ST LOUIS ST LOUIS MO FOL# 421600 LODGING 09/20/12 ARRIVAL DATE DEPARTURE DATE 09/18/12 09/19/12 00 ROOM RATE \$322.00 ROC NUMBER 421600			383.64
09/21/12	A PLUS LIMO & TAXI 8 MAPLEWOOD NJ REF# 0 TAXICAB & LIMOUS 09/20/12 TAXI: 0001 FARE: \$49.50 OTHER: \$12.50 TAXI: 0001 18:58 18:59			62.00
09/26/12	AMERICAN EXPRESS INTERACTIVE NO TOUCH WILLIAMSON/JASON D TKT# 554 REC LOC# DDNEZW 09/26/12			7.00

Total for JASON D WILLIAMSON

New Charges/Other Debits 1,064.67
Payments/Other Credits 0.00

LSTC Deposition

Status: Confirmed

Traveler: Jason Daniel Williamson

Use this when contacting the travel agency

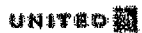
Record locator: ~~OZMFM~~

Trip ID: 472531331830014374

Date Booked: Thursday, March 15, 2012

Agency: American Express Business Travel

Message: For assistance please call American Express Business Travel at 800-327-2737 - available 24 hours a day, 7 days a week. For assistance with site navigation press 1, online bookings press 2, reservations made over the telephone with a travel counselor press 3.



Flight from: Newark, NJ (EWR)

United Airlines 4332

(Operated by /EXPRESSJET AIRLINES DBA UNITED EXPRESS)

Date: Wed, Apr 11 EDT

Depart: 9:20 PM | Newark, NJ (EWR)

Arrive: 11:03 PM | St Louis, MO (STL)

~~Comments: Please check in with EXPRESSJET AIRLINES DBA UNITED EXPRESS~~

Class: Coach

Plane type: Embraer RJ135 / RJ140 / RJ145

Departure terminal: TERMINAL A

Arrival terminal: TERMINAL 1

Distance: 882 mi

Flight time: 2h 43m Non-stop

Seat:

Jason Daniel Williamson: Unassigned

Fare: [Fare Rules](#)

Special Meal Requested: Jason Daniel Williamson: Vegetarian

Meal Service: Food and beverage for purchase

Use this when contacting the airline:

~~Reservation number: EW11035~~

Status: Confirmed

Total flight time: 2h 43m



Hotel in St Louis, MISSOURI

THE WESTIN ST LOUIS

811 Spruce Street
 ST Louis, MO 63102, US
 Check-In: April 11, 2012
 Check-Out: April 12, 2012
 Rate: \$232 per night
 Phone: 1-314-621-2000
 Room Type: King
 Number of Guests: 1
 Hotel special requests: Higher floor room
 Cancellation Policy: Cancel 1 day prior to arrival to avoid penalty.
 Reservation Number: C725276149
 Status: Confirmed



Car Rental in: St Louis, MO (STL)

Hertz ~~RENTAL~~

Pick Up: Wed 11 Apr, 2012 at 11:03 PM
 Address: 10278 Natural Bridge Road
 St Louis, MO 63134-3302
 Phone: 314 426-7555
 Hours of operation: Open all day
 Shuttle: Terminal shuttle to car
 Drop Off: Thu 12 Apr, 2012 at 8:30 PM
 Information same as above
 Hours of operation: Open all day
 Compact: 2/4 Door, Automatic, Air Conditioning

Rate: \$64.13 per day, Unlimited Mileage

Drop Off Charge: \$0.00
 Approximate price including taxes: \$64.13
 Special Requests: Satellite radio
 Reservation number: F4150333704
 Status: Confirmed

Mileage and rates |

	Daily Rate	Extra Day	Extra Hour
Price	\$49.87		\$24.94
Mileage	Unlimited	-	Unlimited
Charge Per Mile/KM	-	-	-



Flight from: St Louis, MO (STL)

American Airlines 1480
 Date: Thu, Apr 12 CDT
 Depart: 8:30 PM | St Louis, MO (STL)

Arrive: 9:35 PM | Chicago, IL (ORD)

Class: Coach | On time: 90% on time
Plane type: McDonnell Douglas Super 80
Departure terminal: TERMINAL 1
Arrival terminal: TERMINAL 3
Distance: 255 mi
Flight time: 1h 5m Non-stop
Seat:
Jason Daniel Williamson: 25F

Fare: [Fare Rules](#)

Use this when contacting the airline:

Reservation number: ~~OZMFM~~
Status: Confirmed



American Airlines 3741
(Operated by AMERICAN EAGLE)

Date: Thu, Apr 12 CDT
Depart: 10:35 PM | Chicago, IL (ORD)
Arrive: 1:25 AM | Newark, NJ (EWR) (+1 day)

Class: Coach | On time: 80% on time
Plane type: Canadair Regional Jet 700
Departure terminal: TERMINAL 3
Arrival terminal: TERMINAL A
Distance: 725 mi
Flight time: 1h 50m Non-stop
Seat:
Jason Daniel Williamson: 7A

Fare: [Fare Rules](#)

Special Meal Requested: Jason Daniel Williamson: Vegetarian
Meal Service: Food for purchase

Use this when contacting the airline:

Reservation number: ~~OZMEM~~
Status: Confirmed

Total journey time: 3h 55m | Total flight time: 2h 55m

Rules and Restrictions

Flights:
The air ticket may have restrictions.
The quoted airfare is not guaranteed until the flight is ticketed.
[Checked baggage fees](#)

THE WESTIN ST LOUIS:

Cancel 1 day prior to arrival to avoid penalty.

Change/Cancel restrictions apply

Due to the airfare selected on this itinerary, if you would like to change or cancel your flights after ticketing you may have to contact American Express Business Travel directly.

Trip Cost Summary

Purchase Flights	Estimated Cost	Taxes & Fees	Subtotal
Flights: Jason Daniel Williamson	\$259.53	\$51.87	\$311.40
Flights payment card: "Jason D Williamson" *****1467			

Reserve Hotel and Rental Car	Estimated Cost	Taxes & Fees	Subtotal
Hotel	\$232.00	\$36.52	\$268.52
Reserve Rental Car	\$49.87	\$14.26	\$64.13
Hotel reservation payment card: "Jason D Williamson" *****1467			

Estimated reservation for Hotel and Rental Car: \$332.65

Total trip cost: \$644.05

Totals are estimated. Flights are charged at time of purchase. Hotel and Rental Car charges are finalized at time of payment.

For changes to this trip, please contact American Express Business Travel at 800-327-2737

*hotel
re: DS08*



AXIOM



Travel | Trip Details

This trip was booked directly with American Express Business Travel. In order to change or cancel the reservation, you must contact American Express Business Travel.

Get SMS flight updates

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[Go to your Profile](#)

Keep your Profile up-to-date

Keep your Profile up-to-date to save time when booking services.

[Go to your Profile](#)

Trip to St Louis, MO Sunday, June 30, 2013

[» Return to Trip List](#)

Status: Confirmed

Status Message: Travel date past -viewing last version

Traveler: JASON DANIEL WILLIAMSON

Use this when contacting the travel agency

Record locator: JVYZUF

Trip ID: 412581369174652265

eTicket Receipt: [WILLI/J_0167285400079](#)

Date Booked: Tuesday, May 21, 2013

Agency: American Express Business Travel

Message: For assistance please call American Express Business Travel at 800-327-2737 - available 24 hours a day, 7 days a week. For assistance with site navigation press 1, online bookings press 2, reservations made over the telephone with a travel counselor press 3.

Travel Tools

- [» Share](#)
- [» Print Itinerary](#)
- [» Checked baggage fees](#)



Flight from: Newark, NJ (EWR)

United Airlines 5825

(Operated by /EXPRESSJET AIRLINES DBA UNITED EXPRESS)

Date: Sun, Jun 30 EDT

Depart: 11:08 AM | Newark, NJ (EWR)

Arrive: 12:47 PM | St Louis, MO (STL)

Comments: Please check-in with /EXPRESSJET AIRLINES DBA UNITED EXPRESS

Plane type: Embraer RJ135 / RJ140 / RJ145

Departure terminal: TERMINAL A

Arrival terminal: TERMINAL 1

Distance: 882 mi

Flight time: 2h 39m Non-stop

Seat:

JASON DANIEL WILLIAMSON: Unassigned

Fare: [Fare Rules](#)

Meal Service: Food and beverage for purchase
Membership: JASON DANIEL
WILLIAMSON: United Airlines - WP090069

Use this when contacting the airline:
Reservation number: J93L8V
Status: Confirmed

Total flight time: 2h 39m



Hotel in Jefferson City, MISSOURI

Doubletree Hotel
422 Monroe St
Jefferson City, MO 65101, US
Check-In: June 30, 2013
Check-Out: July 01, 2013
Rate: \$109.00 per night
Phone: 1-573-636-5101
Room Type: Other
Number of Guests: 1
Hotel special requests: null
Corporate Discount: 0580020760
Reservation Number: 85362080
Status: Confirmed



Hotel in St Louis, MISSOURI

The Westin St Louis
811 Spruce Street
St Louis, MO 63102, US
Check-In: July 01, 2013
Check-Out: July 02, 2013
Rate: \$232.00 per night
Phone: 1-314-621-2000
Room Type: Other
Number of Guests: 1
Hotel special requests: null
Membership: Starwood Preferred Guest - 42915950234
Corporate Discount: 308954
Reservation Number: C875588637
Status: Confirmed

Rules and Restrictions

Flights:
The air ticket may have restrictions.
Checked baggage fees

Change/Cancel restrictions apply

Share this trip

Email address Address Book

Separate emails with a semi-colon or comma, or enter one per line.

Automatically add new contacts to my personal Address Book.

Message

Trip Cost Summary

Purchase Flights	Estimated Cost	Taxes & Fees	Cost
Flights: JASON DANIEL WILLIAMSON	\$124.65	\$20.25	\$144.90

Reserve Hotel	Estimated Cost	Taxes & Fees	Cost
Hotel	\$341.00	\$0.00	\$341.00

Total trip cost: \$485.90

All totals are estimated.

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Continued Foreign Currency conversion rate is base rate plus 2.5%. See page 2 for details.

Number XXXX-XXXXX3-01467

Date	Description	Reference Code	Foreign Spacing	Amount
10/06/11	AMERICAN EXPRESS INTERACTIVE NO TOUCH WILLIAMSON/JASON D TKT# 0168715028282 REG LOC# EWR000			2.00
10/07/11	UNITED AIRLINES MIAMI LAKES FL TKT# 0168715028282 AIRLINE/AIR D 10/08/11 PASSENGER TICKET WILLIAMSON/JASON D UNITED AIRLINES NEWARK NJ MIAMI LAKES FL	1008080000		200.00
	TO ST LOUIS MO CARRIER CLASS UA V			
	TO NEWARK NJ UA V			
	TO UNAVAILABLE YY 00			
	TO UNAVAILABLE YY 00			
10/25/11	RUBY'S DINER BB43004 NEWARK NJ REF# 716675 RESTAURANT 10/24/11	7186750000		10.79
10/26/11	MONTCLAIR YELLOW CAB MONTCLAIR NJ REF# 000004 TAXICAB & LIMOUS 10/24/11	0000040000		68.01
10/26/11	AMERICAN AIRLINES IN DEARBORN MI TKT# 0018710533103 AIRLINE/AIR D 10/25/11 PASSENGER TICKET WILLIAMSON/JASON DAN AMERICAN AIRLINES INC AMERICAN AIRLINES IN DEARBORN MI	1028080000		364.87
	FROM ST LOUIS MO			
	TO O HARE FIELD IL CARRIER CLASS AA M			
	TO NEWARK NJ AA M			
	TO UNAVAILABLE YY 00			
	TO UNAVAILABLE YY 00			
10/27/11	TAXI-PASS.COM 0342 NEWARK NJ REF# 0272769718 800-222-8294 10/25/11 CHARTER SERVICE ROC NUMBER 0272769718	0272769718		68.00
10/28/11	CAPITAL PLAZA 000 JEFFERSON CIT MO REF# 10279986 LODGING 10/27/11 RETAIL/LODGING ROC NUMBER 10279986	1027998600		108.98
11/01/11	AMERICAN EXPRESS TRAVEL SERVICE FEE WILLIAMSON/JASON DANIEL TKT# 0018710533101 LOGCUS 10/25/11			22.00
11/02/11	JETBLUE AIRWAYS TULSA OK TKT# 27926041900774 AIRLINE/AIR D 11/01/11 ADDITIONAL COLLECTION WILLIAMSON/JASON D JETBLUE AIRWAYS JETBLUE AIRWAYS TULSA OK	1190800000		2.00
	FROM UNAVAILABLE			
	TO UNAVAILABLE CARRIER CLASS YY 00			
	TO UNAVAILABLE YY 00			
	TO UNAVAILABLE YY 00			
	TO UNAVAILABLE YY 00			
	TO UNAVAILABLE YY 00			

Filed For
 DAVID BAIRD/OBA
 A.S.L.O.

Account Number
 XXXX-XXXXXX-01004

Activity Continued

*For any currency conversion rate is
 base rate plus 2.5%. See page 2 for details.

Reference Code

Foreign Spending

Date	Description	City	State	Reference Code	Foreign Spending
11/02/11	JETBLUE AIRWAYS TKT# 27928041890811 ADDITIONAL COLLECTION ANDERSON/EMMA JETBLUE AIRWAYS FROM TULSA	TULSA	OK	1180060000	
	UNAVAILABLE				
	TO UNAVAILABLE	CARRIER CLASS			
	TO UNAVAILABLE	YY 00			
	TO UNAVAILABLE	YY 00			
	TO UNAVAILABLE	YY 00			
	TO UNAVAILABLE	YY 00			
11/02/11	MENDOCINO FARMS 1 REF# 19074	ME LOS ANGELES 444 SOUTH FLOWER	CA	10074000000	13.05
11/03/11	OTG TRK TO VENTURE REF# 0008829	JAMAICA 718-658-6210	NY	00088220000	18.36
	FAST FOOD REST RSC NUMBER 0008828				
11/03/11	CASA 02004006808001 REF# 882000189	LOS ANGELES 2138272249	CA	88200018500	41.81
11/04/11	GEORGES GREEK CAFE L REF# 281000118	LOS ANGELES 2138272334	CA	28100011800	14.09
11/04/11	TEISHOKUYA OF TOKYO REF# 008000049	LOS ANGELES 2136800844	CA	00800004900	31.64
Total for JASON D WILLIAMSON					
					New Charges/Other Debits
					1,061.70
					Payments/Other Credits
					0.00

11/13/2011

Westin St. Louis
 811 Spruce Street
 Saint Louis, MO 63102
 United States
 Tel: 314-621-2000 Fax: 314-552-5700



Jason Williamson

Page Number : 1 Invoice Nbr : 12096401
 Guest Number : 393379
 Folio ID : EX-A
 Arrive Date : 11-APR-12 23:37
 Depart Date : 12-APR-12
 No. Of Guest : 1
 Room Number : 359
 Room Rate : 232.00
 Club Account :

Tax ID : 13-481992
 Westin St Louis 12-APR-12 02:43 ELDIMUF

Date	Reference	Description	Charges	Credits
11-APR-12	1	Internet Service I	10.95	
11-APR-12	RT359	Room Charge	232.00	
11-APR-12	RT359	State Tax	19.70	
11-APR-12	RT359	Tourism Tax	8.70	
11-APR-12	RT359	Occupancy Tax	8.12	
12-APR-12	AX	American Express	-279.47	
		** Total	279.47	-279.47
		*** Balance	0.00	

For your convenience, we have prepared this zero-balance folio indicating a \$0 balance on your account. Please be advised that any charges not reflected on this folio will be charged to the credit card on file with the hotel. While this folio reflects a \$0 balance, your credit card may not be charged until after your departure. You are ultimately responsible for paying all of your folio charges in full.

Continued on the next page



Prepared For
DAVID BAIRD/CBA
A.C.L.U.

Account Number
XXXX-XXXXX3-01004

Closing Date
05/04/12

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Activity Continued Foreign Currency conversion rate is base rate plus 2.5%. See page 2 for details.

0160 01600 00411ANA

Card Number	Reference Code	Foreign Spending	Amount
04/05/12 DUNKIN #902912 Q 9 ORANGE NJ REF# 009617969 978-762-6122 04/04/12	00661786300		6.88
04/05/12 GURU PALACE 27810048 N BRUNSWICK NJ REF# 9 RESTAURANT 04/04/12	8000000000		10.15
04/05/12 BLACK & WHITE TAXI & 973-743-8600 NJ REF# 85434912096 973-743-8600 04/04/12 ROC NUMBER 8543491209698000	85434912096		42.00
04/12/12 BLACK & WHITE TAXI C BLOOMFIELD NJ REF# 84071922108 973-699-8246 04/11/12 ROC NUMBER 8407192210398001	04071922108		50.00
04/12/12 CNTY/YLLW CAB 741 09 SAINT LOUIS MO REF# 023071860 814-5740485 04/12/12	02307186000		40.00
04/13/12 WESTIN SAINT LOUIS W SAINT LOUIS MO FOL# 398879 LODGING 04/18/12 ARRIVAL DATE DEPARTURE DATE 04/11/12 04/12/12 00 ROOM RATE \$282.00 ROC NUMBER 398379	37579219400		279.47
04/13/12 MCDONALD'S F10540 00 KINGDOM CITY MO REF# 000170910 5738159702 04/12/12	00017091000		9.02
04/13/12 Black Cab Black Cab Haddonfield NJ REF# ANLSHI 8774174551 04/18/12			53.00
04/13/12 TAXI-PASS.COM 0342 NEWARK NJ REF# 0316595008 800-222-8294 04/18/12 CHARTER SERVICE ROC NUMBER 0316595008	03165950000		66.50
04/13/12 QNR TAXI SERVICE INC IRVINGTON NJ REF# 0 9733726314 04/13/12			60.00
04/14/12 SUBWAY 100458 WARRENTON MO REF# 022257191 836-4561300 04/12/12	02225719100		14.73
04/14/12 PEI WEI #0162 Q CHERRY HILL NJ REF# 0000010008 602-957-8988 04/13/12	00000100000		11.77
04/14/12 MCDONALD'S F7944 000 NEWARK NJ REF# 000181852 8085670277 04/18/12	00018185200		9.69
04/15/12 BLACK & WHITE TAXI & 973-743-8600 NJ REF# 85434912106 973-743-8600 04/15/12 ROC NUMBER 8543491210698000	85434912106		42.00
04/17/12 VTS PHILADELPHIA VER PHILADELPHIA PA REF# 0 718-706-8585 04/13/12 TAXI: P0373 FARE: \$26.85 OTHER: \$11.37 TAXI: P0373 09:14 53 N 30th St 09:34 485 3rd Ave			38.22

Total for JASON D WILLIAMSON New Charges/Other Debits 733.23
 Payments/Other Credits 0.00

03413 ROSAYANA 01608



Prepared For
DAVID BAIRD/OBA
A.C.L.U.

Account Number
XXX-XXXXX3-01004

Statement Date
07/04/13

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Activity Continued

035 065 01587 ROADLANA Q 1 0 0 99099 800

Card Number	Reference Code	Amount
06/28/13 SKYPE COMMUNICATIONS LUXEMBOURG REF# 0026098451 HTTP://WWW.SKYPE 06/19/13	00260984510	8.98
07/01/13 SWEETIE PIES UPPER C SAINT LOUIS MO REF# 00098887 3149325384 06/30/13 RESTAURANT CHARGES ROC NUMBER 00098887	00098887000	17.75
07/01/13 ADICA ST NEWARK NJ REF# 7891866 FAST FOOD RESTAU 06/30/13	78918660000	6.13
07/01/13 BLACK & WHITE TAXI & 973-743-3800 NJ REF# 85484913102 973-743-3800 06/30/13 ROC NUMBER 8548491313293000	85484913102	58.00
07/01/13 AIRPORT BEST TAXI SE FLOISSANT MO REF# 49370020 314-477-4388 07/01/13 CHARTER SERVICE ROC NUMBER 49370020	49370020000	15.80
07/02/13 DOUBLETREE HOTEL JEE JEFFERSON CITY MO REF# 000020688 LODGING 07/01/13	00002068800	150.00
07/02/13 DOUBLETREE HOTEL JEE JEFFERSON CITY MO FOL# 00001328 LODGING 07/02/13 ARRIVAL DATE DEPARTURE DATE 06/30/13 07/01/13 00 ROOM RATE \$150.00 ROC NUMBER 00001328		150.00
07/02/13 PRISON BREWS 8500000 JEFFERSON CITY MO REF# 10156420130 5786850678 07/01/13	10156420130	11.20
07/02/13 St. Louis Amerloan St Louis MO REF# AWAZUI 8774174551 07/02/13		52.00
07/02/13 TAXI-PASS.COM 0342 NEWARK NJ REF# 0472253588 800-222-8294 07/02/13 CHARTER SERVICE ROC NUMBER 0472253588	04722535880	26.50
07/03/13 CHARLIE BITTIG'S DOWN ST. LOUIS MO REF# 45700086 314-436-2828 07/01/13 FOOD/BEVERAGE ROC NUMBER 45700086	45700086000	12.50
07/03/13 GREAT AMERICAN BAGEL SAINT LOUIS MO REF# 10156420130 3149822870 07/02/13	10156420130	7.75
07/04/13 WESTIN ST LOUIS ST LOUIS MO FOL# 464867 LODGING 07/03/13 ARRIVAL DATE DEPARTURE DATE 07/01/13 07/02/13 00 ROOM RATE \$282.00 ROC NUMBER 464867		279.00

Total for JASON D WILLIAMSON

New Charges/Other Debits 719.40
Payments/Other Credits 0.00

03092 ROADLANA 01587

(000)

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

Michael Barrett, IV, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:11-cv-04242-NKL
)	
Donald M. Claycomb, et al.,)	
)	
Defendants.)	
)	

AFFIDAVIT OF GRANT R. DOTY

Grant R. Doty, being first duly sworn upon his oath, states the following:

1. I am and have been a staff attorney with the American Civil Liberties Union of Missouri Foundation (ACLU-MO) since October 2010. I practice exclusively in the area of the protection and expansion of civil liberties. For the two years prior to my employment at the ACLU-EM, I was a solo practitioner and worked at the law firm of Lewis, Rice & Fingersh, LC. Before working at Lewis, Rice & Fingersh, I served in the United States Army for 20 years as a non-lawyer.

2. During this case I was primarily responsible for discovery, preparing the joint stipulation of facts, as well as the designation of the record after Defendants' counsel refused to stipulate to any facts. I also assisted the Legal Director, Anthony Rothert, in legal research and writing tasks as directed. In my efforts, I at times had the assistance of law clerks, for whose time compensation is not sought.



3. While I annotated billable time of 134.7 hours to this case, I am only seeking compensation for 112.3 hours. This reduction is based on my exercise of reasonable billing judgment. The discounted hours are reflected on the itemized spreadsheet attached to this declaration (TAB A) that is incorporated herein by reference. In particular, this 22.4 hour reduction (16.6 % of the total hours) reflects that I am not seeking reimbursement for phone hearings in which other Plaintiffs' attorneys also participated, for purely administrative items, for work with ACLU-MO legal interns, and for reviewing documents from Mr. Rothert or Mr. Williamson which required few if any edits, etc.

4. My background is as follows:

A. I earned a Bachelors of Science degree, from the United States Military Academy at West Point in 1988, a Master of Arts degree from Yale University in 1996, and a Juris Doctor from Georgetown University Law Center in December 2007.

B. I served as a combat engineer and strategist in the United States Army from 1988-2008. At the time of my retirement, I had attained the rank of lieutenant colonel and was serving as a speechwriter for the Army Chief of Staff.

C. I was admitted to the practice of law in the State of Missouri in 2008 and in the State of Illinois in 2009 and have been continuously engaged in the practice of law on a full-time basis since 2008. I am also admitted to the following federal courts: Eastern District of Missouri (2008), Western District of Missouri (2008), Southern District of Illinois (2009), United States Court of Appeals for the Armed Forces (2009), Eighth Circuit Court of Appeals (2010), and Supreme Court of the United States (2011). I

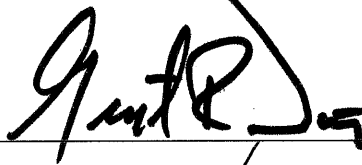
am also accredited to practice before the Army Review Boards Agency, the Department of Veterans Affairs, and the U.S. Court of Appeals for Veterans Claims.

D. I have published an article in Military Law Review, have written several commentaries, and given numerous presentations concerning a variety of civil liberties issues.

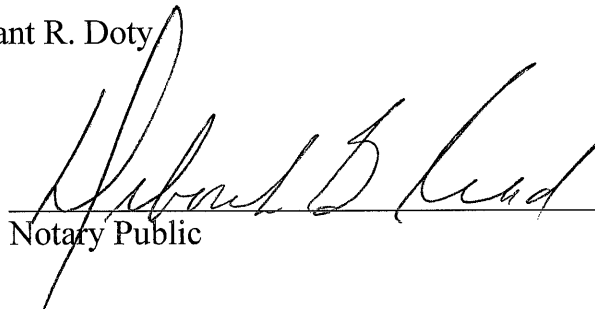
5. I am requesting compensation in this case at an hourly rate of \$250.00. In determining a reasonable market rate, I have consulted attorneys who practice in the area of civil rights litigation and reviewed the *Missouri Lawyers Weekly's* 2012 survey of billing rates, which is attached to the Affidavit of Anthony Rothert as Ex. 1-B, and the 2013 survey (Ex. 1-C).

6. The hourly rate and hours reflected in this affidavit and its attachments are customary and reasonable and were necessarily incurred in representing Plaintiffs in this litigation. The hours do not include any work that was duplicative.

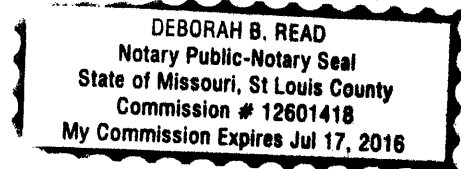
And further Affiant sayeth not.



Subscribed and sworn to before me on October 4, 2013, by the individually personally known to me as Grant R. Doty



Notary Public



<u>Date</u>	<u>Task Reference</u>	<u>Billable Time</u>	<u>Requested</u>
8/23/11	Research "minutes" and other items re: genesis of drug testing policy on LSTC website	0.8	0.8
8/24/11	Phone msg x2 for possible client to contact me	0.1	0.1
9/1/11	Phonecon with possible client	0.1	0.1
9/13/11	Review and edit draft Motion for TRO and SIS of same	0.3	0.3
9/14/11	Draft and file Entry of Appearance	0.1	0.1
9/14/11	Phonecons (x3) with opp counsel re: filing suit, service, TRO hearing, etc.	0.1	0.1
9/14/11	TRO hearing with Court by phone	0.7	0.0
9/14/11	Serve Complaint on Defendants	0.1	0.1
9/15/11	Contact Western District re: possible methods of posting bond - e.g., check (yes)? Credit card (no); wire (no), etc.?	0.1	0.1
9/15/11	Draft letter to Finance office in Western District for transmittal of bond	0.1	0.1
9/20/11	Call and email opposing counsel re: proposed schedule	0.1	0.1
9/23/11	Phone conference with Court - status hearing	0.2	0.0
9/23/11	Phonemsg and call with opposing counsel re: language for consent motion to extend TRO	0.2	0.2
9/23/11	Phoneconf hearing on emergency motion to extend	0.1	0.0
9/26/11	Research rules (R.65) for extending a TRO more than once; extending a TRO beyond 28 days including R.65;	0.5	0.5
9/28/11	Email exchange (x4) + phonecon with opposing counsel in attempt to get consent to extension of TRO	0.2	0.2
9/28/11	Review and edit TR's draft motion to expedite and suggestions in support of same	0.2	0.2
9/28/11	Review TR's draft motion to extend TRO (no edits)	0.1	0.0
9/28/11	Review and edits to TR's draft suggestions in support of motion to extend	0.3	0.3
9/29/11	Final review and edits to motion and suggestions in support of motion	0.2	0.2
10/5/11	Task legal clerk (Molly) to search Linn State websites for documents re drug policies, etc. Draft declaration re: same	0.1	0.0
10/6/11	Read Defendants' opp to our Motion for Prelim Injunction	0.4	0.0
10/6/11	Read Defendants' opp to our Motion Class Cert	0.3	0.0
10/6/11	Read Defendants' Answer	0.2	0.0
10/7/11	Draft Initial Disclosures (v1) and provide same to TR and JW for review and edits	1.5	1.5
10/7/11	Transmit initial disclosures to opposing counsel	0.1	0.1
10/10/11	Review and edit TRs draft reply re: Class Cert Memo	0.6	0.6
10/11/11	Review and edit JW's draft (v1) reply re: motion for prelim injunction and provide same to TR	0.5	0.5
10/11/11	Review and edit TR's draft reply re: MPI (v2) to ten (10) pages and provide same to TR and JW	0.4	0.4

<u>Date</u>	<u>Task Reference</u>	<u>Billable Time</u>	<u>Requested</u>
10/12/11	Draft and provide shell for Request for Production to intern (MKH) for insertion of 1RFP data based on initial disclosures	0.1	0.1
10/12/11	Draft 1ROG for Defendants	0.4	0.4
10/13/11	Phonemsgs for opposing counsel re: consent for motion to expedite responses to discovery requests served on 12 October	0.1	0.1
10/13/11	Email exchange with opp counsel re: discovery requests	0.1	0.1
10/13/11	Review and edit TR's draft motion to expedite Defendants' response to our discovery requests served on 12 October.	0.2	0.2
10/13/11	Review and edit TR's draft suggestions in support of motion to expedite	0.2	0.2
10/14/11	Review SSDP amicus brief	0.3	0.0
10/17/11	Review summary (created by intern/Molly) of documents citing drug testing on LSTC website to identify possible witnesses for PI hearing to demonstrate some departments did not agree with drug testing (e.g., computers, etc.)	1.2	0.0
10/17/11	Contact Mike Perry re: service of summons on student board member (Davidson)	0.1	0.0
10/17/11	Review Defendants' motion to expedite response to their (pending) discovery request	0.1	0.1
10/17/11	Review Defendants' 1ROG	0.1	0.1
10/17/11	Review TR's draft response to Defendants' motion to expedite response to their discovery request	0.1	0.1
10/19/11	Phonecon with Mike Perry re: service of process on student member or board	0.1	0.0
10/20/11	Review draft discovery responses	0.2	0.2
10/21/11	Email exchange with opposing counsel re: discovery exchange via email	0.1	0.1
10/24/11	Travel to Jeff City for hearing	2.2	2.2
10/25/11	Prep for prelim injunction hearing	0.8	0.8
10/25/11	Prelim injunction hearing (a.m.) 10:05 - 11:55	1.9	1.9
10/25/11	Lunch	0.9	0.0
10/25/11	Prelim injunction hearing (pm) 12:49 - 3:00 [departed early]	2.2	2.2
10/25/11	Travel back to St. Louis	2.2	2.2
10/28/11	Review and edit TR draft MET for Expert disclosure	0.1	0.1
11/8/11	Phone conference with Court re Prelim Injunction and Permanent Injunction	0.2	0.0
11/9/11	Transmit joint proposed schedule to opposing counsel for review and comment	0.1	0.1
11/11/11	Draft and send (fax/mail) Sunshine Act request to governor's office re: LSTC Board members	0.3	0.3

<u>Date</u>	<u>Task Reference</u>	<u>Billable Time</u>	<u>Requested</u>
11/14/11	Email opposing counsel re: joint proposed scheduling order	0.1	0.1
11/14/11	Phonecon and email exchange with attorney in Governor's office re: sunshine act request for Board member information	0.1	0.1
11/15/11	Review Court order re: Class Cert	0.2	0.0
11/15/11	Review and edit (minor) suggestions in opposition to M2D (Davidson)	0.2	0.0
11/16/11	Prepare, sign, and scan affidavit for opp to M2D (i.e., Sunshine request and response to Governor's office)	0.1	0.1
11/16/11	Phone conference with Court re: schedule and plan if Defendants file interlocutory appeal	0.2	0.0
11/18/11	Phoneconf with TR and Jason re: discovery and experts	0.1	0.1
11/21/11	Review and edit 2ROG (from TR)	0.2	0.2
11/21/11	Review and edits 2RFP (from TR)	0.3	0.3
11/21/11	Research secondary school security and crime reporting to Department of Education including Linn State reports the past ten years	1.2	1.2
12/5/11	Contact Jackie in Clerk's office re: mediation dates	0.1	0.1
12/7/11	Email exchange with Clerk re: mediation date availability	0.1	0.1
12/14/11	Email Jackie Price in Clerk's office to add two additional exclusionary dates.	0.1	0.1
12/14/11	Meeting with TR and MKH re: expert questions	0.2	0.2
12/15/11	Draft list of questions for experts in prep for TR-Jason phonecon on subject on Friday; email TR and Jason same	1.6	1.6
12/16/11	Read notice of interlocutory appeal and discuss same with TR	0.2	0.2
1/3/12	Review and docket briefing schedule	0.1	0.0
1/3/12	Review opposing counsel's non-response to 1ROG and 2RFP	0.2	0.2
1/3/12	Prepare and file EOA in 8th Cir case	0.1	0.0
1/4/12	Review law clerk research re: FERPA in the context of directory information sought re: class member (students)	0.3	0.3
1/4/12	Email opposing counsel re setting up a phonecon on their discovery objections and depo dates	0.1	0.1
1/5/12	Email exchange with opp counsel re phone conference on Friday including phone #, call in code, etc.	0.1	0.1
1/6/12	Prep for phonecon re: Defendants' discovery objections, depositions, etc.	0.2	0.2
1/6/12	Phonecon re: Defendants' discovery objections, depositions, etc.	0.3	0.3
1/6/12	Research protective orders re: FERPA	0.9	0.9

<u>Date</u>	<u>Task Reference</u>	<u>Billable Time</u>	<u>Requested</u>
1/6/12	Begin drafting follow up letter to opposing counsel (Annie) re: discovery phoneconf	0.4	0.4
1/6/12	Complete draft follow up letter to opposing counsel re: discovery phoneconf and provide same to TR and JW for review	0.7	0.7
1/6/12	Draft protective order for TR and JW review	0.9	0.9
1/7/12	Draft letter/motion to request that named plaintiffs be excused from settlement conference and provide same to TR for review (Did not send)	0.8	0.0
1/9/12	Email opposing counsel with follow-up to discovery phone conference on Friday including draft protective order	0.1	0.1
1/10/12	Phonecon with clerk re: excusing named plaintiff from settlement conference and having them available by phone	0.1	0.1
1/10/12	Email clerk (as requested) request to excluded named plaintiffs from attending settlement conference and instead have them available by phone	0.2	0.2
1/23/12	Respond to Clerk's email re: mediation on Wednesday	0.1	0.1
1/23/12	Email opposing counsel re: 30(b)(6) dates	0.1	0.1
1/24/12	Review outgoing and incoming discovery	0.8	0.8
1/25/12	Review defendants' response to 4ROG and RFA	0.3	0.3
1/26/12	Follow up email to opposing counsel re: getting 30(b)(6) dates	0.1	0.1
2/1/12	Email exchange with opp counsel re: 30(b)(6) depo dates proposed and need for limited extension from court to allow for it	0.1	0.1
3/31/12	Review and edit draft Suggestions in Support of Motion to Clarify	0.8	0.8
3/31/12	Review draft Motion to Clarify	0.1	0.1
4/12/12	Schedule a Court Reporter	0.1	0.0
4/15/12	Create TOC for v7 draft of Appellee brief	1.1	1.1
4/19/12	Conference call with Court	0.2	0.0
4/25/12	Review and forward (to Annie Willis) proposed order to clarify.	0.1	0.1
4/26/12	Review and edit legal intern's TOA	0.8	0.8
4/26/12	Crossref our Statement of Facts section with Def. Appx., Transcript, and Docket	3.5	3.5
4/26/12	Prepare Appellee's Separate Appendix and provide same to MKH for numbering	0.3	0.3
5/1/12	Draft/finalize cover, TOC, and COS for Appellees' Separate Appendix	0.7	0.7
5/1/12	Send Appellees' Separate Appendix to IKON for printing	0.1	0.0
5/3/12	Email opposing counsel (A. Willis) re: status of their review of the proposed order re: motion to clarify	0.1	0.1

<u>Date</u>	<u>Task Reference</u>	<u>Billable Time</u>	<u>Requested</u>
5/4/12	Email opposing counsel re: response to our proposal order to clarify	0.1	0.1
5/5/12	Final review and edits to brief (cross reference cites, TOA page numbers, etc.)	1.1	1.1
5/7/12	Email response to opposing counsel's update on proposed order re motion to clarify	0.1	0.1
5/8/12	Change COS pursuant to clerk's order and prepare for printing/binding	0.1	0.1
5/9/12	Email opposing counsel (again) for response to draft order on motion to clarify	0.1	0.1
5/10/12	Review proposed edits to order re: clarify	0.1	0.1
5/10/12	Phonecon with opp counsel (A. Willis) re: email proposed order	0.1	0.1
8/22/12	Research and draft legal memo for TR re: Doe ex rel. Doe v. Little Rock School Dist	0.6	0.6
12/22/11	Email exchange with clerk re: mediation date (25 January 12)	0.1	0.1
1/29/13	Read 8th Cir order	0.4	0.0
1/29/13	Research and draft memo re: next actions in W.D. (e.g., as applied challenge re: notice and process for all students who took first "test") and provide same to TR and JW	0.5	0.5
2/7/13	Task law clerk (Malcolm) with research re: "law of the case" and interloc appeals	0.1	0.0
2/7/13	Research whether a circuit court's opinion on an interlocutory appeal becomes the "law of the case" upon remand or whether it can be challenged in the District Court and appellate court.	1.2	1.2
2/8/13	Conducted research and begin editing draft of Suggestions in Support of MTRO/MPI (v2)	2.3	2.3
2/9/13	Completed edits of Suggestions in Support of MTRO/MPI (v5)	2.5	2.5
2/11/13	Review and edit TR's latest draft of SIS of MTRO/MPI	0.5	0.5
2/15/13	Phone conference with Court re: TRO	0.5	0.0
2/15/13	Post-teleconf phoneconf with TR and JW re: next steps	0.4	0.4
2/16/13	Research "no set of circumstances" law on Westlaw (see Westlaw Trail) - print cases	2.5	0.0
2/17/13	Read "no set of circumstances" cases	1.5	0.0
2/18/13	Continue researching "no set of circumstances" law/cases (see Westlaw Trail)	3.4	0.0
2/18/13	Research exhaustion for supplemental brief	0.3	0.3
2/19/13	Review and edit TR's final draft of our supplemental brief	0.1	0.1
2/19/13	Read Defendants' supplemental brief	0.1	0.1
2/20/13	Review TRO from Court	0.1	0.1

<u>Date</u>	<u>Task Reference</u>	<u>Billable Time</u>	<u>Requested</u>
2/26/13	Teleconf with Court re schedule, etc.	0.3	0.3
3/1/13	Review joint proposed schedule and notice to court	0.1	0.1
3/5/13	Teleconf with Court and opposing counsel re maintaining status quo (TR not participating)	0.8	0.8
3/5/13	Discuss with TR contents of teleconf	0.2	0.2
3/5/13	Teleconf 2 with Court and opposing counsel	0.1	0.0
3/9/13	Review/edit (minor) proposed PI order	0.1	0.0
3/18/13	Draft and mail/email letter to opp counsel re: supplement discovery (including research re: duty to supplement)	0.3	0.3
3/20/13	Prepare disk with all discovery for expert and mail same to her	1.2	0.0
3/22/13	Read PI Order	0.2	0.0
3/25/13	Phoneconf with expert re discovery, etc.	0.4	0.4
4/3/13	Draft and send letter to opp counsel re: missing response to 4ROG	0.1	0.1
4/15/13	Draft discovery deficiency letter for TR review	0.3	0.3
5/14/13	Review and edit draft letter to class members re: July trial	0.1	0.1
5/17/13	Begin drafting Proposed Joint Stipulation of Facts (Answer and RFA)	1.5	1.5
5/17/13	Continue drafting Proposed Stipulation of Facts (ROGs and RFPs)	2.1	2.1
5/21/13	Continue drafting Proposed Stipulation of Facts (Pemberton Depo)	1.7	1.7
5/21/13	Continue drafting Proposed Stipulation of Facts (PI Hearing transcript)	2.1	2.1
5/21/13	Continue to edit and draft proposed stipulated facts	1.5	1.5
5/22/13	Review and edit (minor) TR's draft 2AC	0.3	0.0
5/22/13	Finalize draft proposed stipulated facts and provide same to TR and JW	1.5	1.5
5/23/13	Make TR's suggested edits to Joint Stipulated Facts and provide draft to JW for his review	0.3	0.3
5/28/13	Review Jason's edits to my Joint Stip Facts	0.2	0.2
5/29/13	Review MKH edits to Joint Proposed Facts; edit and provide to TR for final review	0.6	0.6
5/31/13	Phone re: need for response to query about 2AC (left msg with receptionist)	0.1	0.1
6/3/13	Phone (second time) re: need for response to query about 2AC (left msg with receptionist)	0.1	0.1
6/5/13	Phone (third time) and email re: need for response to query about 2AC	0.1	0.1
6/6/13	Discussion with TR re: final edits to Joint Stip	0.1	0.1
6/6/13	Make final edits to Joint Stips and email same to opp counsel for review	0.5	0.5

<u>Date</u>	<u>Task Reference</u>	<u>Billable Time</u>	<u>Requested</u>
6/6/13	Review court order re: motion to file 2AC, met re response to m2d, etc.	0.1	0.0
6/7/13	Contact Rollin Thompson re: serving subpoena	0.1	0.0
6/7/13	Draft cover letter and transmit subpoenas and witness checks to Mr. Thompson	0.1	0.0
6/10/13	Review and edit TR's draft opp to M2D	0.1	0.1
6/13/13	Called and left a msg (with receptionist) for opp counsel re: whether he has had a chance to review the proposed Joint Stipulation of Facts	0.1	0.1
6/13/13	Review and edit (including initial cite check) the draft (v9) Trial Brief	1.4	1.4
6/13/13	Read and outline drug testing requirements pursuant to 49 CFR Part 40 (110 pp.)	3.2	3.2
6/14/13	Meet with TR to discuss discreps between 49 CFR Part 40 and LSTC June 17 policy	0.3	0.3
6/14/13	Phonemsg for opp counsel (8 am) re: contacting me [about joint stipulations]	0.1	0.1
6/14/13	Review email from opp counsel that he will not agree to any joint stip facts	0.1	0.1
6/14/13	Review TR's notice to court (status) re: opp counsel not entering in to any joint stip of facts	0.1	0.1
6/14/13	Prepare spreadsheet of the differences between 49 CFR ch 40 and LSTC policy	2.1	2.1
6/14/13	Research Rules and law re: designating RFAs (in light of opp counsel's unwillingness to agree to any joint stip of facts	1.2	1.2
6/14/13	Research Rules and law re: designating ROG answers (in light of opp counsel's unwillingness to agree to any joint stip of facts	0.7	0.7
6/14/13	Research Rules and law re: designating 30(b) (6) depo answers (in light of opp counsel's unwillingness to agree to any joint stip of facts	1.0	1.0
6/14/13	Research possibility of sanctions for opp counsel's unwillingness to agreed to joint stip of facts when they are clearly not in dispute (e.g., affirmative answers to ¶ in Complaint; RFA; etc.)	0.7	0.7
6/15/13	Draft motion for submission of RFAs designations (with actual designations)	2.3	2.3
6/15/13	Draft motion for submission of Depo designations (with no designations yet; awaiting list from MKH)	0.3	0.3
6/15/13	Draft motion for submission of ROGs designations (with actual designations)	0.7	0.7
6/16/13	Review Pemberton Depo and identify pages and lines for designation	2.5	2.5

<u>Date</u>	<u>Task Reference</u>	<u>Billable Time</u>	<u>Requested</u>
6/16/13	Email exchange with TR re: Rog, RFA, and depo designations (form of filing)	0.2	0.2
6/17/13	Review MKH's depo designation proposals and compare to mine	1.2	1.2
6/17/13	Review TR's draft motion to file depo designations out of time	0.1	0.1
6/17/13	Review and edit TR's draft SIS of motion to file depo designations out of time	0.1	0.1
6/17/13	Prepare page:line to page:line numbers for depo designation	0.3	0.3
6/17/13	Research NKL orders re: exclusion of witnesses for inclusion in motion; found - Morgan v. United States, 11-01105-CV-W-NKL-P, 2012 WL 1391848 (W.D. Mo. Apr. 20, 2012) (citing 6 Wigmore on Evidence § 1837).	0.1	0.1
6/17/13	Email exchange with TR and JW re: drug testing procedures in DOT	0.2	0.2
6/18/13	Continue email exchange with TR and JW re: drug testing procedures in DOT	0.2	0.2
6/18/13	Begin draft Proposed Findings of Fact with citations to our designations	5.6	5.6
6/19/13	Complete draft Proposed Findings of Fact with citations to our designations and the record (PI hearing, answer, etc.)	4.2	4.2
6/19/13	Final review and edits to Trial Brief (v.16) and update TOC	1.3	1.3
6/19/13	Review Exhibit List and proposed additions	0.1	0.1
6/20/13	Review and cite check Motions in Limine	0.4	0.4
6/21/13	Task law interns to copy exhibits and keep copy #	0.1	0.0
6/21/13	Prepare and mail copies of exhibits to opp counsel	0.4	0.0
6/21/13	Review Witness and Exhibit Lists filed by Defendants	0.1	0.1
6/24/13	Phonecon with IKON re: exhibit copies	0.1	0.0
6/24/13	Meet with IKON rep re: copying exhibits	0.1	0.0
6/24/13	Review Defendants' opp to depo designation	0.1	0.1
6/25/13	Review court's order re depo designations	0.1	0.0
6/25/13	Review Defendants' answer to 2AC and draft summary of changes (i.e., additional admissions, new denials, and changes)	0.5	0.5
6/25/13	Amend draft proposed findings of fact to reflect Answer to 2AC and TR and MKH proposed edits	2.1	2.1
6/25/13	Email opp counsel re: two experts we need from him	0.1	0.1
6/27/13	Prepare docket notebooks	0.3	0.0
6/28/13	Phonecon Teleconf with Court on motions in limine	0.7	0.0
6/28/13	Meeting With tr re conf call.	0.2	0.2
6/28/13	Research - find the Casa study cite by college and Pemberton to Spt testing policy	0.2	0.2

<u>Date</u>	<u>Task Reference</u>	<u>Billable Time</u>	<u>Requested</u>
6/28/13	Read Casa study and draft summary for tr and jw.	0.8	0.8
6/28/13	Read Exhibit 8 produced by Defendants (Katie Hill).	0.1	0.1
6/28/13	Burn case folder to thumbdrive	0.1	0.0
6/28/13	Review docket # 226 - amended witness list	0.1	0.1
6/28/13	Trial prep- Notebooks, rule books, etc.	2.6	2.6
6/29/13	Draft 30 Program spreadsheet crossref'd with PI hearing testimony, affidavits, witness list, init disclosures, rog responses, LSTC faculty roster, etc.	3.4	3.4
6/30/13	Travel to Jeff City for trial	2.1	2.1
7/1/13	Trial (to break)	1.9	1.9
7/1/13	Trial (to break)	0.9	0.9
7/1/13	Trial (to end)	2.3	2.3
7/1/13	Travel back to St. Louis from Trial	2.2	2.2
9/13/13	Read order and judgment.	0.5	0.0
9/16/13	Quick look at fees.	0.1	0.0
9/16/13	Review/edit (minor) Letter to opposing counsel regarding urine and \$50	0.1	0.0
9/17/13	Find documents regarding pre trial copies made for bill of costs	0.1	0.0
10/2/13	Review hours to excise billing judgment	2.2	0.0
10/2/13	Draft affidavit in support of motion for attorneys's fees	0.3	0.3
		134.7	112.3

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

MICHAEL BARRETT, IV, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:11-CV-04242-NKL
)	
DONALD M. CLAYCOMB, et al.,)	
)	
Defendants.)	

AFFIDAVIT OF RICHARD B. SCHERRER

My name is Richard B. Scherrer and I have personal knowledge of the facts set forth in this Affidavit.

I am a licensed member of the Missouri Bar, as well as a member of the bar of the United States District Court for the Eastern District of Missouri. I have practiced law continuously since 1972, focusing primarily on civil litigation. I have tried over one hundred cases to verdict and have represented clients in significant civil rights cases over the years.

Within the last four years, I was appointed by the Hon. Jean Hamilton as the lead attorney to represent the plaintiffs in class action civil rights litigation involving complex legal and factual claims asserted against employees of the Missouri Department of Mental Health.

In the course of that litigation, I asked the American Civil Liberties Union for Eastern Missouri to assist me as co counsel. The ACLU agreed and subsequently, and during the course that litigation, I have come to know and work professionally with Anthony E. Rothert and Grant R. Doty. During sustained periods in that litigation I would meet in person with either Mr.



Rothert or Mr. Doty to plan, strategize, analyze and confer with them about key matters in the case. I have appeared with them in court, as well and collaborated with them on pleadings.

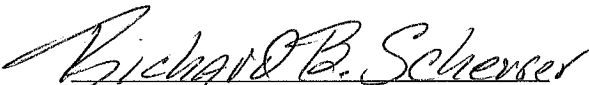
In my judgment they are very able and experienced counsel and experts in civil rights and constitutional law litigation. They are smart, creative, and staunch in their clients' cause.

I am familiar with the hourly rates they charge for their services for which they seek an award of fees from the Court in this case. I am also familiar with the hourly rates charged by other members of the Missouri bar and the bar of this District Court for the same or similar matters.

In my opinion, Mr. Rothert's hourly rate of \$325.00 and Mr. Doty's hourly rate of \$250.00 are actually low and that, given the type of work that they do, they could reasonably, fairly, and justifiably charge at a higher rate. Hence, in my judgment, their rates are more than justified, reasonable and fair and are well within the rates customarily charged by lawyers with the same or similar experience and expertise in the various districts of the federal district courts of Missouri for the same or similar type of litigation.

Further affiant sayeth not.

Richard B. Scherrer, of lawful age and being duly sworn on his oath, states that the foregoing affidavit is true and correct to the best of his knowledge, information and belief.


Richard B. Scherrer

Before me appeared, on this 27th day of September, 2013, Richard B. Scherrer, who swore that the foregoing Affidavit is true and correct to the best of his knowledge, information and belief.

In testimony whereof, I hereunto set my hand and affixed my official seal in the County and State aforesaid, on the date and year stated above.

Susan A. Bianchi
Notary Public

My Commission Expires:

5-14-2016



**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

Michael Barrett, IV, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:11-cv-04242-NKL
)	
Donald M. Claycomb, et al.,)	
)	
Defendants.)	
)	

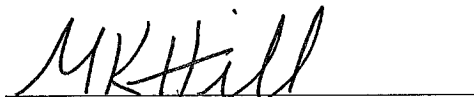
AFFIDAVIT OF MICHAEL K. HILL

Michael K. Hill, being first duly sworn upon his oath, states the following:

1. I am employed as a paralegal at the American Civil Liberties Union of Missouri Foundation. Prior to my employment as a paralegal, I volunteered in the ACLU's legal program since February 2009. I am a second-year law student at Saint Louis University School of Law and a 2011 graduate of Washington University in St. Louis.

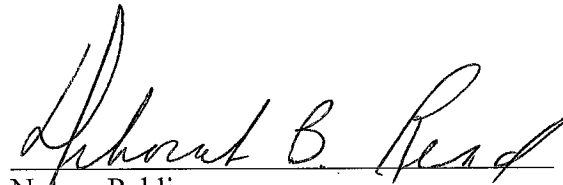
2. In preparation for the July 1, 2013, trial in this matter, I performed several tasks as a paralegal that would otherwise have been done by an attorney. An itemized listing of several of those tasks, totaling 5.9 hours, is attached hereto. In addition to these tasks, I assisted counsel for Plaintiffs at trial, performed numerous administrative tasks, and performed other tasks for which reimbursement is not sought.

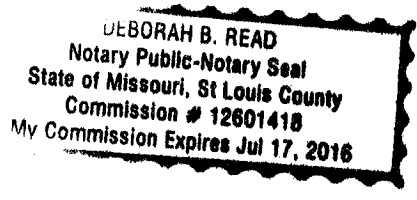
And further Affiant sayeth not.





Subscribed and sworn to before me on October 4, 2013, by the individually personally known to me as Michael K. Hill.


Notary Public



6/3/2013	1 create outline of Pemberton deposition
6/4/2013	1.5 create online preliminary injunction hearing testimony
6/6/2013	0.2 editing witness testimony outlines
6/17/2013	0.2 prepare exhibit index
6/19/2013	0.5 finalize/edit/cite-check motions in limine
6/20/2013	1.5 identify/label exhibits
6/25/2013	1 edit/cite check proposed findings of fact
<hr/>	
TOTAL	5.9