

EXHIBIT “3”

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

NATIONAL RIFLE ASSOCIATION OF
AMERICA, INC., et al.,

Plaintiffs,

v.

VILLAGE OF OAK PARK, et al.,

Defendants.

No. 08 C 3696

NATIONAL RIFLE ASSOCIATION OF
AMERICA, INC., et al.,

Plaintiffs,

v.

CITY OF CHICAGO, et al.,

Defendant.

No. 08 C 3697

DECLARATION OF STEPHEN P. HALBROOK

My name is Stephen P. Halbrook, and my law office is located at 3925 Chain Bridge Road, Suite 403, Fairfax, VA 22030. I served as lead counsel for the National Rifle Association et al. in the proceedings in the actions against both the Village of Oak Park and the City of Chicago in the District Court and in the Court of Appeals, and as co-counsel in the Supreme Court. I give this Declaration in support of the Plaintiffs' Motion for Award of Attorneys' Fees and Expenses.

Background

In 1978, I received the J.D. from Georgetown University Law Center, and have been continuously engaged in the practice of law since then. Before that, I received a Ph.D. in Philosophy from Florida State University in 1972, and thereafter was an assistant professor at Tuskegee Institute, Howard University, and George Mason University.

I was admitted to the Virginia State Bar in 1978, and to the District of Columbia Bar in 1984. I am a member of the bars of, and have argued cases in, the U.S. Supreme Court and the U.S. Courts

of Appeals for the D.C., 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 9th, 11th, and Federal Circuits. Cases which resulted in reported judicial decisions which I argued are listed on my Resume, which is attached as Exhibit A. As reflected below and in more detail in my Resume, I have focused my 33-year legal career on issues involving local, state, and federal firearms laws, with particular reference to the Second and Fourteenth Amendments to the U.S. Constitution.

My Work in this Case

Attached as Exhibit B is a true and accurate copy of the work I performed in this case, showing dates, services provided, and hours. Attached as Exhibit C is a true and accurate copy of my necessary expenses incurred in this case. These records were kept on a daily basis as work was performed. I attest that all of the hours submitted herein were reasonable and necessary in order to furnish adequate representation to my clients in this case.

The time records are divided into the following periods: Pre-Litigation, Litigation in the District Court, Litigation in the Court of Appeals, Litigation in the Supreme Court, Litigation on Remand to the District Court: Fee Liability, Litigation in the Court of Appeals on Fee Liability, and Litigation in the District Court on Reasonable Fees.

Pre-Litigation

In anticipation that the Supreme Court in *District of Columbia v. Heller*, 128 S. Ct. 2783 (2008), would rule the Second Amendment to protect individual rights and hold the handgun ban unconstitutional, I prepared litigation memoranda to develop lawsuits against Chicago, Oak Park, and other surrounding jurisdictions with handgun bans. As shown on Exhibit B, I have eliminated time attributable to preparing litigation against jurisdictions other than Chicago and Oak Park.

Litigation in the District Court

Litigation in the District Court was handled with the utmost efficiency. Lead counsel was Stephen P. Halbrook. Local counsel in *NRA v. Oak Park* included William N. Howard and Daniel S. Dooley of Freeborn & Peters LLP. Local counsel in *NRA v. Chicago* was Stephen A. Kolodziej of Brenner, Ford, Monroe & Scott, Ltd. Local counsel provided essential services by making court appearances, communicating with adverse counsel, monitoring compliance with local rules, presenting motions, and filing various pleadings and other documents.

On October 22, 2008, in both cases, the NRA filed motions under Fed. R. Civ. P. 16, requesting that the court narrow the issues to be litigated by ruling on the question of whether the Second Amendment applies to the states, and thus to local handgun ordinances, by incorporation into the Fourteenth Amendment's due process clause. On October 28, 2008, the court granted the parties leave to file briefs on the incorporation issue, and the NRA thereafter filed their briefs in both cases. On December 4, 2008, the District Court ruled that it was bound by *Quilici v. Village of Morton Grove*, 695 F.2d 261 (7th Cir. 1982), that the Second Amendment does not apply to the states.

National Rifle Ass'n v. Village of Oak Park, 617 F. Supp.2d 752 (N.D. Ill. 2008).

Based on that ruling, Oak Park and Chicago moved the court to dismiss the NRA's claims based on the Second and Fourteenth Amendments. On December 18, 2008, the court granted those motions, and also dismissed with prejudice on separate grounds the claims the NRA brought under 18 U.S.C. § 926A. The dismissal of all three counts of the NRA complaints resulted in dismissal of, and final judgment in, both actions. On the same day, the NRA in each case filed Notices of Appeal.

Litigation in the Court of Appeals

In the Court of Appeals, Halbrook was the primary draftsman of the merits briefs, with essential assistance from the above local counsel in completing the briefs and appendix. Five amicus curiae briefs were filed in support of the NRA Appellants and four were filed in favor of Chicago and Oak Park. Local counsel assisted with moot court, and Halbrook thereafter conducted the oral argument. The court affirmed the decision of the District Court. *National Rifle Ass'n v. City of Chicago*, 567 F.3d 856 (7th Cir. 2009).

Litigation in the Supreme Court

Halbrook began the preparation of the petition for a writ of certiorari the day after oral argument in the Court of Appeals. The petition was filed the day after the Court of Appeals rendered its decision. The Supreme Court granted the petition in *McDonald*, but not in *NRA*. However, NRA remained a party with full briefing rights as a respondent in support of petitioner.

In the Supreme Court, the NRA's opening brief on the merits was a joint effort of Halbrook, the team of Stephen D. Poss, Kevin P. Martin, Scott B. Nardi, Joshua S. Lipshutz, and others of Goodwin Procter LLP, and the team of Charles Cooper and David Thompson of Cooper & Kirk, PLLC. Halbrook's qualifications regarding the issues before the Court are set forth below. The team from Goodwin Procter was well experienced in appellate litigation and included two former Supreme Court clerks. The Cooper & Kirk team had significant experience in Supreme Court and other appellate litigation.

The case was extraordinarily complex because the issues concerned not only the twentieth-century jurisprudence applicable to incorporation of Bill of Rights freedoms through the Due Process Clause of the Fourteenth Amendment, but also the nineteenth-century precedents holding that the Second Amendment is not incorporated under the Privileges-or-Immunities Clause. The NRA successfully argued that incorporation is proper under the Due Process Clause. It brought to the Court's attention the original intent and public understanding of the Fourteenth Amendment when it was proposed and adopted during Reconstruction. It further addressed arguments that the Second Amendment is not fully incorporated based on principles of federalism and an allegedly-unique dangerousness of Second Amendment rights.

A total of 50 amici curiae briefs were filed, 32 on behalf of petitioners, 16 for respondents, and 2 styled as not taking sides (but one of these did take sides). All of these briefs, several of which were drafted by some of America's top law firms, had to be carefully analyzed. Those filed in support of Chicago and Oak Park included (firm names in parentheses):

Historians and Academics

Thirty-four Professional Historians and Legal Historians (O'Melveny & Myers LLP)
Historians and Legal Scholars (Winston & Strawn LLP)
Historians on Early American Legal, Constitutional & Pennsylvania History
(Farella Braun + Martel LLP)
English/Early American Historians (Goodin, MacBride, Squeri, Day & Lamprey, LLP)
Professors of Criminal Justice (Brown Rudnick LLP)
Law Professors and Students (Douglas A. Berman)

Governments and Related

American Cities, Cook County, Illinois and Police Chiefs (Howrey LLP)
Association of Prosecuting Attorneys and District Attorneys (Clifford M. Sloan)
States of Illinois, Maryland, and New Jersey (Lisa Madigan, Attorney General)
Board of Education of the City of Chicago et al. (Nixon Peabody LLP)
Villages of Winnetka et al. (Donahue & Goldberg LLP)
Representatives Carolyn McCarthy et al. (Boies, Schiller & Flexner LLP)

Lobbies and Private Entities

Organizations Committed to Protecting the Public's Health, Safety, & Well-Being
(Munger, Tolles & Olson LLP)
Oak Park Citizens Committee for Handgun Control (Sidley Austin LLP)
Anti-Defamation League (Butzel Long, P.C.)
Educational Fund to Stop Gun Violence (Dewey & Leboeuf LLP)
Brady Center to Prevent Gun Violence (Wilmer Cutler Pickering Hale & Dorr LLP)¹

Review of the above amici curiae briefs required experienced judgment and background to determine which required responses and the substance thereof. The brief on behalf of Chicago and Oak Park, of course, required the most careful scrutiny and review.

The NRA's reply brief was prepared by the same above counsel as the opening brief together with Paul D. Clement and others, King & Spalding. The former U.S. Solicitor General, Clement was extraordinarily qualified to participate as part of the NRA team. Prior to representing the NRA, in *McDonald* Clement filed an amici curiae brief on behalf of a majority of members of Congress. Brief for Amici Curiae Senator Kay Bailey Hutchison *et al.* [58 Senators & 251 Representatives], *McDonald v. City of Chicago, Illinois*, 2009 WL 4099522 (2009).

¹This brief stated that it was "in support of neither party," but it actually supported Chicago.

The Court granted a motion by NRA to allow Clement to share in the oral argument. Members of the NRA litigation team acted as moot court judges and otherwise assisted in preparation for argument. On March 2, 2010, Clement conducted the oral argument on behalf of NRA in the Supreme Court.

The Court's decision in *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010), agreed with the NRA's position that the Second Amendment is incorporated against the States and political subdivisions thereof through the Due Process Clause of the Fourteenth Amendment.

Litigation on Remand to the District Court: Fee Liability

Following the rendering of the decision, counsel filed the appropriate bills of costs and the position statement required by the Court of Appeals on remand. Chicago and Oak Park amended their ordinances after the *McDonald* decision to repeal the handgun bans. In anticipation that they would oppose a motion for attorney's fees with the argument that the cases were moot pursuant to *Buckhannon Board & Care Home, Inc. v. West Virginia Dept. of Health & Human Resources*, 532 U.S. 598, 600 (2001), I prepared memoranda on why that precedent is inapplicable and to establish that NRA is a prevailing party entitled to fees. When Chicago and Oak Park denied that the NRA was a prevailing party and the court set a briefing schedule on that issue, I drafted the brief in support of prevailing party status with the assistance of the firms of Cooper & Kirk, King & Spalding, and local counsel. I also prepared memoranda on the other issues involved in preparation of a motion for attorney's fees and coordinated preparation of the necessary records with the rest of the NRA legal team. The court held that the case was moot and denied fees. *NRA v. Village Oak Park*, 755 F. Supp.2d 982 (N.D. Ill. 2010).

Litigation in the Court of Appeals on Fee Liability

In the Court of Appeals, I drafted the brief in support of prevailing party status with the assistance of Cooper & Kirk and King & Spalding. I drafted the reply brief with the assistance of Cooper & Kirk and Bancroft PLLC.² Chicago and Oak Park made a very vigorous argument against prevailing-party status. The court held that the NRA plaintiffs are prevailing parties and are entitled to fees, and remanded the case for further proceedings. *NRA v. Chicago*, 2011 WL 2150785 (7th Cir. June 2, 2011).

Litigation in the District Court on Reasonable Fees

Following remand by the Court of Appeals, I have coordinated the generation by each law firm of the necessary declarations, time sheets, and other required material pursuant to Local Rule 54.3. I also conducted research on the establishment of reasonable fees and drafted memoranda thereon. I also reviewed and compiled all of the relevant documents and prepared a declaration explaining the role of each firm as well as the nature of my participation throughout the entire

²Paul Clement left King & Spalding and joined Bancroft as of May 8, 2011.

litigation.

Pertinent Litigation Experience

My previous pertinent experience in the Supreme Court is as follows. In *District of Columbia v. Heller*, 128 S. Ct. 2783 (2008), I filed an amici curiae brief on behalf of 55 Members of U.S. Senate, the President of U.S. Senate, and 250 Members of U.S. House of Representatives. See 2008 WL 383530. In addition, I argued and prevailed in the following cases involving constitutional issues on firearm law matters: *Castillo v. United States*, 530 U.S. 120 (2000); *Printz v. United States*, 521 U.S. 898 (1997); and *United States v. Thompson/Center Arms Co.*, 504 U.S. 505 (1992). I was on the brief in *Small v. United States*, 544 U.S. 385 (2005).

In addition to litigating the meaning of the Second Amendment in numerous cases, I have litigated the issue of whether the Second Amendment is incorporated into the Fourteenth Amendment since my involvement in *Quilici v. Village of Morton Grove*, 532 F. Supp. 1169 (N.D. Ill. 1981), *aff'd*, 695 F.2d 261 (7th Cir. 1982), *cert. denied*, 464 U.S. 863 (1983), which held that it did not. I assisted in brief drafting in the District Court and filed an amicus curiae brief in the Court of Appeals. I was lead counsel in *Fresno Rifle & Pistol Club, Inc. v. Van de Kamp*, 746 F. Supp. 1415 (E.D. Cal. 1990), *aff'd*, 965 F.2d 723 (9th Cir. 1992), which held the same.

I was lead counsel in a challenge under the Second and Fourteenth Amendments against firearm confiscations by the City of New Orleans in the aftermath of Hurricane Katrina. *National Rifle Ass'n v. Nagin*, No. Civ. A. 05-20,000, 2005 WL 2428840 (E.D. La., Sept. 23, 2005) (granting preliminary injunction); see 2005 WL 3162097 (Complaint). In an unreported decision from the bench, the court held that the right may be incorporated and denied the City's motion to dismiss.³ The case was settled with a permanent injunction.

I filed an amici curiae brief on behalf of NRA in *Nordyke v. King*, 563 F.3d 439 (9th Cir. 2009), which is the first federal appellate decision to hold that the Second Amendment is incorporated into the Due Process Clause of the Fourteenth Amendment. While that decision was vacated based on the granting of rehearing en banc, 575 F.3d 890, the post-*McDonald* decision on rehearing remanded it back to the panel, which reaffirmed. 2011 WL 1632063 (9th Cir. 2011). I filed an amicus curiae brief on behalf of the California Rifle & Pistol Association in the latter phase of that case.

Unique Qualifications for this Case

I was uniquely qualified to litigate the issues resolved here based on over three decades of research and writing on the Second and Fourteenth Amendments. My most important contribution

³Transcript of Hearing on Motion to Dismiss at 4-5, *id.* See quotations in Stephen P. Halbrook, "'Only Law Enforcement Will Be Allowed to Have Guns': Hurricane Katrina and the New Orleans Firearm Confiscations," 18 Geo. Mason U. Civ. Rts. L.J. 339, 355-56 (Spring 2008).

is the book *Freedmen, the Fourteenth Amendment, and the Right to Bear Arms, 1866-1876* (Praeger Publishers, 1998) (hereafter "*Freedmen*"). An Updated Edition was published as *Securing Civil Rights* (Independent Institute 2010). This is the only book-length treatment of the subject in existence.

Freedmen was cited as authority four times in *McDonald*, 130 S.Ct. at 3038, 3042-43. Moreover, most of the original historical sources cited by the Court pertaining to the intent, framing, adoption, and public understanding of the Fourteenth Amendment and its incorporation of the Second Amendment may be found in *Freedmen*. See *id.* at 3038-44. The same could be said regarding the briefs filed by the McDonald petitioners and the amici curiae in support thereof. *Freedmen* was also cited as authority in *Heller*, 128 S. Ct. at 2810, and in *Nordyke*, 563 F.3d at 456.

I have traced the historical roots of the right to keep and bear arms as a fundamental right in my book *The Founders' Second Amendment: Origins of the Right to Bear Arms* (Ivan R. Dee, 2008). This book was cited as authority in *McDonald*, 130 S. Ct. at 3037, as well as in *United States v. Skoien*, 614 F.3d 638, 640, 648-49 (7th Cir. 2010) (*en banc*) (majority and dissenting opinions).

Another book of mine, *That Every Man Be Armed: The Evolution of a Constitutional Right* (University of New Mexico Press, 1984), was cited as authority in *Printz v. United States*, 521 U.S. 898, 939 n.2 (1997) (Thomas, J., concurring); and in *Silveira v. Lockyer*, 328 F.3d 567, 577 n.53 (9th Cir. 2003) (Kleinfeld, J., joined by Kozinski, O'Scannlain, & Nelson, dissenting).

I am the author of *Firearms Law Deskbook: Federal and State Criminal Practice* (Thomson/West, 2010), which is supplemented annually. I regularly lecture on constitutional issues involving firearms law at law schools, academic conferences, and continuing legal education seminars. I have testified numerous times to Congressional committees on constitutional and firearms law issues as well as on nominations for Attorney General and Supreme Court Justice.

I am the author of the following further publications pertinent to the issue of incorporation of the Second Amendment into the Fourteenth Amendment:

"The Jurisprudence of the Second and Fourteenth Amendments," 4 *George Mason University Law Review* 1 (Spring 1981).

"The Fourteenth Amendment and the Right to Keep and Bear Arms: The Intent of the Framers," *The Right to Keep and Bear Arms*, Report of the Subcommittee on the Constitution, Committee on the Judiciary, U.S. Senate, 97th Cong., 2d Sess., 68 (1982). Reprinted in R. Cottrol ed., *Gun Control and the Constitution* 360 (Garland Pub., 1994).

"Personal Security, Personal Liberty, and 'the Constitutional Right to Bear Arms': Visions of the Framers of the Fourteenth Amendment," 5 *Seton Hall Constitutional Law Journal* 341 (Spring 1995). {Cited as authority in *Ezell v. City*

of *Chicago*, – F.3d –, 2011 WL 2623511, *12 n.11 (7th Cir. 2011))

“The Right of Workers to Assemble and to Bear Arms: *Presser v. Illinois*, One of the Last Holdouts Against Application of the Bill of Rights to the States,” 76 *University of Detroit Mercy Law Review* 943 (Summer 1999).

“Second Amendment Symposium,” 10 *Seton Hall Constitutional Law Journal*, No. 3, 815 (Summer 2000).

“*Miller versus Texas*: Police Violence, Race Relations, Capital Punishment, and Gun-toting,” 9 *Journal of Law and Policy*, No. 3, 737 (2001) (with Cynthia Leonardatos & David Kopel).

“The Freedmen’s Bureau Act and the Conundrum Over Whether the Fourteenth Amendment Incorporates the Second Amendment,” 29 *Northern Kentucky Law Review*, No. 4, 683 (2002).

“*Heller*, the Second Amendment, and Reconstruction: Protecting All Freedmen or Only Militiamen?” 50 *Santa Clara Law Review* 1073 (2010).

The above knowledge and background allowed me uniquely to contribute to the presentation of the primary issue before the courts in this case. My intimate familiarity with the Reconstruction Amendments debates, hearings, executive reports, and periodicals of the period facilitated the bringing to the attention of the courts the most complete picture of the question at issue. This familiarity also allowed the NRA in its reply brief readily to respond to the adverse historical accounts and arguments set forth in the briefs of Chicago and Oak Park and their extensive amici.

Calculation of Reasonable Attorney’s Fees

In determination of reasonable fees, *Gautreaux v. Chicago Housing Authority*, 491 F.3d 649, 659-60 (7th Cir. 2007), instructs:

“In calculating reasonable attorneys’ fees, the district court should first determine the lodestar amount by multiplying the reasonable number of hours worked by the market rate.” . . . “The reasonable hourly rate used in calculating the lodestar must be based on the market rate for the attorney’s work. ‘The market rate is the rate that lawyers of similar ability and experience in the community normally charge their paying clients for the type of work in question.’” (Citations omitted.)

If counsel charges lower than market rates, a reasonable fee is still based on the market rate as above defined. *Blum v. Stenson*, 465 U.S. 886, 889 (1984), addressed “whether Congress intended fee awards to nonprofit legal service organizations to be calculated according to cost or to prevailing market rates” The Court held the latter, explaining:

In enacting the statute, Congress directed that attorney's fees be calculated according to standards currently in use under other fee-shifting statutes:

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[,] and not be reduced because the rights involved may be nonpecuniary in nature.

Id. at 393, quoting S. Rept. No. 94-1011, p. 6 (1976), U.S. Code Cong. & Admin. News 1976, pp. 5908, 5913.

Prevailing market rates for this litigation may be easily established by the rates charged by firms defending the handgun bans of Chicago and Oak Park, and before those, that of the District of Columbia.

Counsel for the District of Columbia in *Heller*

District of Columbia v. Heller, 128 S. Ct. 2783 (2008), held that the Second Amendment protects individual rights and invalidated the District's handgun ban. As is known from the current proceedings in that case for attorneys fees under 42 U.S.C. § 1988, in the Supreme Court the District engaged the services of Covington & Burling LLP, Akin Gump Strauss Hauer & Feld LLP, and O'Melveny & Myers LLP. Declaration of Darrin Sobin, *Parker v. District of Columbia*, No. 1:03-00213-EGS, ECF No. 60-1 (May 19, 2010). Exhibit D herein. During 2007-08, these firms had "standard rates" for attorneys "11 to 20 years" out of law school of \$640 to \$800 per hour, and for attorneys "20 + years" out of law school of \$760 to \$950 per hour. Def.'s Notice of Filing, ECF No. 79. Exhibit E herein.

Walter Dellinger, who conducted the oral argument for the District in *Heller* before the Supreme Court, said that his firm O'Melveny & Myers represented the District pro bono and estimated the cost to his firm in lost fees would be "well over \$1 million." Tony Mauro, "D.C. Battle Draws Top Guns," *Legal Times*, Feb. 18, 2008.

***McDonald* Amici in Support of Chicago and Oak Park**

Several firms whose partner hourly fees are public knowledge filed amicus briefs in support of Chicago and Oak Park in *McDonald*. O'Melveny & Myers LLP, the fees of which are discussed above, filed an amicus brief for Thirty-four Professional Historians and Legal Historians. Butzel Long, P.C., which filed on behalf of the Anti-Defamation League, charges a high of \$750. "A National Sampling of Law Firm Billing Rates, *National Law Journal*, Dec. 6, 2010 (hereafter "NLJ Sampling"). Exhibit G. Nixon Peabody LLP, which filed on behalf of the Board of Education of the City of Chicago et al., charges from a low of \$429 to a high of \$905. *Id.* Winston & Strawn LLP, which filed on behalf of Historians and Legal Scholars, charges from a low of \$486 to a high of \$1,075. *Id.*

Also representing amici in support of Chicago and Oak Park were some of the nation's most prestigious, highest-priced law firms.⁴ They included Boies, Schiller & Flexner LLP (Representatives Carolyn McCarthy et al.), Munger, Tolles & Olson LLP (Organizations Committed to Protecting the Public's Health, Safety, & Well-Being), Sidley Austin LLP (Oak Park Citizens Committee for Handgun Control), Dewey & Leboeuf LLP (Educational Fund to Stop Gun Violence), and Wilmer Cutler Pickering Hale & Dorr LLP (Brady Center to Prevent Gun Violence).

Fees Claimed in Recent Supreme Court Case

Brown v. Entertainment Merchants Association, No. 08–1448, –S.Ct. –, 2011 WL 2518809 (June 27, 2011), applied existing precedents to hold that no special exception to the First Amendment existed to restrict sale of violent video games to non-adults. Unlike here, that decision was based on long-standing, settled case law. The prevailing parties have filed Respondents' Motion for Attorney's Fees and Expenses (dated July 22, 2011). Exhibit J herein. Jenner & Block Senior Partner Paul M. Smith seeks to recover \$725 to \$765 per hour. *Id.* at 13. The total award requested for work in the Supreme Court is \$1,144,602.24. *Id.* at 17.

Reasonable Hourly Rate for Halbrook

"A particular attorney may have special skills or experience which raise the value of his time above the value of another attorney's time." *Chrapliwy v. Uniroyal, Inc.*, 670 F.2d 760, 767 (7th Cir. 1982). To litigate this case, it was not required that I "read up on" the history, intent, and understanding of the Fourteenth Amendment regarding the protection of Second Amendment rights, or on the Supreme Court's nineteenth and twentieth century jurisprudence on that subject specifically and on incorporation of Bill of Rights guarantees generally. For three decades, I had already been researching and publishing books and law review articles on the subject and further had litigated cases on those issues. That made it possible to prepare the NRA briefs with the utmost efficiency, saving potentially hundreds of hours, and ensuring that the most advanced research was available to the Court.

In claiming what I believe to be a reasonable hourly rate for this litigation, I am cognizant of the rule set forth in *Blum v. Stenson*, 465 U.S. 886, 889 (1984), that fees in civil rights cases are to be calculated according to prevailing market rates, such as in antitrust cases, and not to actual costs (which in *Blum* was the pay rate of attorneys in a nonprofit legal service organization). That approach, rather than my actual billing rate for this case, is appropriate here. I have represented the National Rifle Association since 1978. Since 1997, I have charged the NRA a low hourly rate of \$225 with the motivation that I am performing services partially pro bono. The NRA is supported by the hard-earned dollars of its members. I also represent other clients regarding firearm civil and

⁴These firms are not listed in the NLJ Sampling.

criminal law issues for which I charge \$400 to \$500 per hour.⁵ I believe that legal services required to support Second Amendment rights should be affordable.

In determining a reasonable fee, the court may consider in part “evidence of rates similarly experienced attorneys in the community charge paying clients for similar work” *Spegon v. Catholic Bishop of Chicago*, 175 F.3d 544, 555 (7th Cir. 1999). The relevant evidence in my case would be the rates similarly experienced attorneys in the community charge paying clients for similar work. As noted above, firms such as O’Melveny & Myers – which represented the District of Columbia in *Heller*, and represented an amicus curiae in *McDonald* – had “standard rates” during 2007-08 for attorneys “20 + years” out of law school of \$760 to \$950 per hour. Exhibits D & E. As shown in the submissions by the other firms representing the NRA in this case, Paul D. Clement charged a normal commercial rate of \$970 per hour, although \$1,020 is also in his normal range. Charles Cooper charged \$815 per hour. The standard hourly rate of Stephen D. Poss during this litigation was \$850 to \$880.

Given my unique experience and background in scholarship and litigation regarding the issue of incorporation of the Second Amendment into the Fourteenth Amendment, together with my 33 years of litigation experience, including numerous appeals plus Supreme Court experience, an hourly rate of \$800 per hour would be a reasonable fee for me. The total time I expended in this litigation was 1,538 hours.⁶ Exhibit B. At \$800 per hour, total reasonable fees amount to \$1,230,400. Total expenses incurred in this litigation amounts to \$5,799.99. Exhibit C. Total fees and expenses are \$1,236,199.90.

Total Reasonable Attorney’s Fees and Expenses

The various law firms in this case have submitted documentation establishing reasonable attorney’s fees and expenses which may be summarized as follows:

Chicago and Oak Park

King & Spalding/Bancroft \$198,902.60⁷

⁵Attached is a sample Statement dated Aug. 30, 2010, in which I billed a client at the \$500 rate. Attorney-client privileged matter has been deleted. Exhibit I herein.

⁶Through 7/22/11. This will be supplemented for services rendered thereafter.

⁷See the following, attached to the Declaration of Paul C. Clement:

Exhibit 1-A	\$157,433.50
Exhibit 1-C	20,578.00
Exhibit 1-E expenses	1,026.10
Exhibit 2 Bancroft	<u>19,865.00</u>
Total	\$198,902.60

Cooper & Kirk	28,576.50
Stephen P. Halbrook	1,236,199.90
Goodwin Procter	<u>207,529.62</u>
Total	\$1,671,208.62

<u>Chicago only</u>	
Brenner, Ford	\$142,109.60

<u>Oak Park only</u>	
Freeborn & Peters	\$315,174.92

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

/s/ Stephen P. Halbrook
STEPHEN P. HALBROOK

Date: August 4, 2011

EXHIBIT “A”

EXHIBIT A:

RESUME OF STEPHEN P. HALBROOK

STEPHEN P. HALBROOK, PH.D.
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R E S U M E

BAR MEMBERSHIPS

Virginia State Bar
District of Columbia Bar
U.S. Supreme Court
U.S. Courts of Appeals (D.C., 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, Federal
Circuits)
U.S. District Courts – various
U.S. Courts (Claims, Tax, Military Appeals)

EDUCATION

Georgetown University Law Center	J.D.	1978
Florida State University	Ph.D. Philosophy	1972
Florida State University	B.S. Business	1969

EMPLOYMENT

Attorney at Law, Civil Litigation and Criminal Defense, 1978 - Present
Assistant Professor of Philosophy - George Mason University, 1980-81; Howard
University, 1974-79; Tuskegee Institute, 1972-74

COUNSEL IN REPORTED CASES

***U.S. Supreme Court* (prevailed in all cases):**

McDonald v. City of Chicago, 130 S. Ct. 3020 (2010) (on NRA brief). Case history:
National Rifle Ass'n v. Village of Oak Park, 617 F. Supp.2d 752 (N.D. Ill. 2008), *aff'd sub nom.*,

National Rifle Ass'n v. City of Chicago, 567 F.3d 856 (7th Cir. 2009), *cert. granted sub nom.*, *McDonald v. City of Chicago*, 130 S.Ct. 48 (2009), *rev'd*, *McDonald v. City of Chicago*, 130 S.Ct. 3020 (2010), *cert. granted & remanded*, *NRA v. Chicago*, 2010 WL 2571876 (U.S. 2010). On remand, *NRA v. Chicago*, 393 F. App'x 390 (7th Cir. Aug. 25, 2010), *on further remand*, *NRA v. Village of Oak Park*, 755 F. Supp.2d 982 (N.D. Ill. 2010) (denying attorney's fees), *rev'd*, *NRA v. Chicago*, 2011 WL 2150785 (7th Cir. June 2, 2011) (remanding for award of attorney's fees).

Small v. United States, 544 U.S. 385, 125 S. Ct. 1752, 161 L.Ed.2d 651 (2005) (on brief).

Castillo v. United States, 530 U.S. 120, 120 S. Ct. 2090, 147 L. Ed. 2d 94 (2000) (argued). Case history: *United States v. Branch*, 91 F.3d 699 (5th Cir. 1996), *cert. denied sub nom.*, *Castillo v. United States*, 520 U.S. 1185 (1997), *aff'd*, *after remand*, 179 F.3d 321 (5th Cir. 1999), *cert. granted*, 120 S.Ct. 865 (2000), oral argument: April 24, 2000, *final remand*, 220 F.3d 648 (5th Cir. 2000). The Supreme Court reversed the Fifth Circuit decisions. Oral argument in the Supreme Court may be heard at <http://www.oyez.org/oyez/audio/1233/argument.smil>. The announcement of the decision by Justice Breyer may be heard at <http://www.oyez.org/oyez/audio/1233/opinion.smil>.

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“Should Congress Regulate Sporting Equipment Used by Martial Artists?” *Mailing of Dangerous Martial Arts Weapons*, Senate Judiciary Committee, U.S. Senate, 99th Cong., 1st Sess., 56-81 (1986).

“Testimony,” *Federal Licensing Procedures for Importing and Selling Firearms*, Senate Governmental Affairs Committee, 103d Cong., 1st Sess., 31, 43-48 (1993).

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http://judiciary.senate.gov/hearings/testimony.cfm?id=3629&wit_id=7575 (written),
<http://www.independent.org/blog/?p=994> (oral).

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<http://judiciary.senate.gov/pdf/07-16-09HalbrookTestimony.pdf> (written);
<http://www.senate.gov/fplayers/CommPlayer/commFlashPlayer.cfm?fn=judiciary071609&st=xxx>
(oral testimony starting at minute 632)

“Testimony on Proposed Bans on Miniature, Unrecognizable and Nonmetal Firearms,” *Firearms Which Escape Detection at Airport Security Checkpoints*, Subcommittee on Crime, House Judiciary Committee, 100th Cong., 1st Sess. 138-270, 292-302 (1987).

“Unconstitutional Features of the D.C. Strict Liability Act,” *Hearings on Gun Liability Amendments to H.R. 3709*, House Committee on the District of Columbia, 102nd Cong. (Nov. 21, 1991), 44 pp.

“A Waiting Period for Handgun Purchases as an Infringement on the Right to Keep and Bear Arms,” House Judiciary Committee, 103rd Cong., 1st Sess. (Sept. 30, 1993), 30 pp.

“Waiting Periods and Police Scrutiny for Exercise of Constitutional Rights,” Subcommittee on the Constitution, Senate Judiciary Committee, 100th Cong., 1st Sess. (June 16, 1987), 19 pp.

SHORT ARTICLES (selected)

“Afraid to Trust the People With Arms,” 7 *The Free Market*, No. 6, 2, 5 (June 1989), reprinted in *The Economics of Liberty*, ed. L. Rockwell (Ludwig von Mises Institute 1990).

“Another Look at the Brady Law,” *Washington Post*, October 8, 1994, A-18.
<http://www.stephenhalbrook.com/articles/brady-law.html>

“Armed to the Teeth, and Free,” *Wall Street Journal Europe*, June 3, 1999.
<http://www.stephenhalbrook.com/articles/guns-crime-swiss.html>

“Bear Arms and Go to Jail,” Part A1 of *We The People: Community Forums on the Constitution*, American Bar Association Commission on Public Understanding About the Law (1987), 14 pp.

“The Bush Administration and the Second Amendment,” *ALEC Policy Forum*, vol. 4, no. 2, 42-45 (Summer/Fall 2002).

“Chicago versus the Second Amendment,” *Washington Examiner*, Feb. 27, 2010,
<http://www.washingtonexaminer.com/opinion/columns/OpEd-Contributor/Chicago-versus-the-Second-Amendment-85683127.html>

“Citizens’ rights reloaded” (with U.S. Senator Kay Bailey Hutchison), *Washington Times*, June 29, 2008, <http://www.washingtontimes.com/news/2008/jun/29/citizens-rights-reloaded/>

“The Darker Side of Gun Control,” *National Law Journal*, May 24, 2004, 39.
<http://www.stephenhalbrook.com/articles/darker-side.html>

“Das Nazi-Waffengesetz und die Entwaffnung der deutschen Juden,” *Allgemeine Schweizerische Militärzeitschrift*, Nr. 12, Dezember 2001, 8-11.
http://stephenhalbrook.com/law_review_articles/entwaffnung.pdf

“Die Fehler der Vereinigten Staaten vermeiden,” *Neue Zürcher Zeitung*, March 4, 1997, 18.

“Does the United States Need a National Database for Ballistic Fingerprints?” *Insight Magazine*, Vol. 18, Issue 41, Nov. 26, 2002.
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“Fear and Loathing Out West,” 12 *The Environmental Forum* 41-42 (Sept./Oct. 1995).

“The Founders and Firearms,” *Washington Times*, June 11, 2008,
<http://www.washingtontimes.com/news/2008/jun/11/the-founders-and-firearms/>

“Framers Didn’t Want National Police Force,” *National Law Journal*, Jan. 17, 1994, at 14.
<http://www.stephenhalbrook.com/articles/framers.html>

“Guns and Prohibition, in Al Capone’s Day and Now,” *Wall Street Journal*, April 11, 1989, A22. <http://www.stephenhalbrook.com/articles/guns&prohibition.html>

“Guns and Rights,” *USA Today*, May 16, 1990, 11A.

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"National Rifle Association," 2 *Violence in America: An Encyclopedia*, Ronald Cottesman ed. (New York: Charles Scribner's Sons, 1999), 436-38.

"The People Retain the Right to Arm Themselves," *National Law Journal*, May 27, 1996, A14. <http://www.stephenhalbrook.com/articles/people-retain-right.html>

"Personal Liberty Guarantee," *Washington Times*, May 21, 1995.

"Printz' Will Have Effect on U.S. Gun Legislation," *National Law Journal*, Aug. 18, 1997, A18. <http://www.stephenhalbrook.com/articles/printz-legislation.html>

"The Right to Bear Arms Isn't Just for Militias," *National Law Journal* A22 (Oct. 9, 1995). <http://www.stephenhalbrook.com/articles/arms-militias.html>

"Right to Bear Arms," 3 *Violence in America: An Encyclopedia*, Ronald Cottesman ed. (New York: Charles Scribner's Sons, 1999), 436-38.

"2nd Amendment: A Right to Own Arms?" *USA Today*, Nov. 20, 1991, 11A.

"Second Amendment: Post-Sniper Policy," *National Law Journal*, Nov. 11, 2002, A17. <http://www.stephenhalbrook.com/articles/post-sniper-policy.html>

"The Second Amendment Stands," *USA Today*, January 16, 1991, 8A.

"Switzerland, Gun Laws," *Guns in American Society: An Encyclopedia of History, Politics, Culture, and the Law*, Gregg Lee Carter ed. (Santa Barbara, CA: ABC-CLIO, 2002), 569-72.

"Terror Law Trap for Gun Owners?" *Washington Times*, Mar. 14, 1996, A19.

"Were the Founding Fathers in Favor of Gun Ownership?" *Washington Times*, Nov. 5, 2000, B5. <http://www.independent.org/newsroom/article.asp?ID=251>

"Where Kids and Guns Do Mix," *Wall Street Journal*, June 10, 1999, A26.

ARTICLES FEATURING

John Gibeaut, "Bringing Lawyers, Guns and Money," *ABA Journal*, Oct. 2008, http://www.abajournal.com/magazine/bringing_lawyers_guns_and_money

“Halbrook, Stephen P.,” *Guns in American Society: An Encyclopedia of History, Politics, Culture, and the Law*, Gregg Lee Carter ed. (Santa Barbara, CA: ABC-CLIO, 2002), 277-81.

“Motor-Voter Foes Find Ally in Fairfax Lawyer,” *Washington Post*, Aug. 24, 1995, Fairfax Weekly, 1, 3.

“The 2nd Amendment,” *Wall Street Journal*, May 25, 1999, A1, 13.

“Stephen P. Halbrook,” in Marjolijn Bijlefeld, *People For and Against Gun Control: A Biographical Reference* (Westport, Conn.: Greenwood Press, 1999), 105-10.

“10th Amendment's Hired Gun,” *Legal Times*, June 19, 1995, 1, 12-13.

LECTURES AND TALKS

American Bar Association, National Association of Criminal Defense Lawyers, Fairfax Bar Association, U.S. Congress Constitutional Forum, Heritage Foundation, Federalist Society, American Constitution Society, Cato Institute, American Enterprise Institute, American Civil Liberties Union, American Society for Legal History

Law Schools: Georgetown University, University of Virginia, American University, University of Richmond, St. Johns University, Touro University, Valparasio University, University of Arizona, George Mason University, University of Maine, Stetson University, St. Thomas University, University of Iowa, Chapman University, George Washington University, University of Arkansas, University of Denver, Wake Forest University, William Mitchell College, Hamline University, University of St. Thomas, City University of New York, Texas Wesleyan University, Southern Methodist University, University of Texas, Baylor University, Regent University, Syracuse University, Florida Coastal University, Florida State University, University of North Carolina, Campbell University, University of Missouri, Washington University, Saint Louis University, Temple University, Chicago-Kent, University of Kentucky, University of Louisville, Northern Kentucky University, University of Georgia, Santa Clara University

ABC News NOW, CNN, Phil Donahue Show, Court TV, Voice of America, Glen Beck - Fox News, Lou Dobbs - CNN, Intelligence Squared - NPR, C-SPAN Washington Journal, numerous TV/radio shows

CONTINUING LEGAL EDUCATION SEMINARS TAUGHT (selected)

“Constitutional Law: To the Supreme Court and Beyond,” National Firearms Law Seminar, Orlando, April 25, 2003

“The Constitutional Right to Hunt,” National Firearms Law Seminar, Pittsburgh, April 29, 2011

"The Constitutional Right to Hunt," National Firearms Law Seminar, St. Louis, April 13, 2007

"Extent of the Individual Right to Gun Ownership," GMU Civil Rights Law Journal Symposium, Arlington, VA, Oct. 17, 2007

"Federal Constitutional Law Update," National Firearms Law Seminar, Houston, April 15, 2005

"Federal Firearms Law Issues" and "Counseling Clients in Illegal Possession of Firearms," Firearms Law in Tennessee, Lorman Educational Services, Nashville, May 12, 2005

"Firearms Confiscations During Emergencies," National Firearms Law Seminar, Louisville, May 16, 2008

"Firearms Law and the Second Amendment Symposium," George Mason University Law School, Arlington, VA, Sept. 24, 2005

"From Heller to Chicagoland: Incorporation of the Second Amendment into the Fourteenth Amendment?" National Firearms Law Seminar, Charlotte, May 14, 2010

"Habeas Corpus and the Rights of Firearms Owners," National Association of Criminal Defense Lawyers, Washington, D.C., May 21, 1996

"*Heller* in Chicagoland," George Mason University Law School, Arlington, VA, Nov. 19, 2008

"*Heller* in Chicagoland," National Firearms Law Seminar, Phoenix, May 15, 2009

"Interpreting the Second Amendment," Texas Bar CLE, Dallas, May 23, 2007

"Jury Nullification," American Bar Association, Washington, D.C., March 31, 1997

"Litigating Firearms Law Cases in the Supreme Court," National Firearms Law Seminar, Charlotte, May 19, 2000

"Litigating the Right to Keep and Bear Arms," Federal Bar Association, Pittsburgh, Dec. 7, 2006

"The Right to Bear Arms," Kentucky Bar Association Annual Convention, Covington, June 16, 2006

"The Second Amendment and the Right to Bear Arms," American Bar Association Annual

Meeting, Atlanta, August 11, 1991

“Second Amendment Update” and “Zealous Representation *Without* the Bounds of the Law,” National Firearms Law Seminar, June 11, 1999

“State and Federal Constitutional Issues Related to Firearms Law,” Firearms Law in Virginia, Virginia CLE, Richmond, June 23, 2005

“Suing the Firearms Industry,” Consumer Law Symposium, Chapman University Law School, Jan. 30, 2004

“The Supreme Court and Second Amendment Litigation,” National Firearms Law Seminar, Milwaukee, May 19, 2006

“The Supreme Court and the Second Amendment” and “Suppression of Exculpatory Evidence: the Waco Prosecution,” First Annual Firearms Law Seminar, Philadelphia, June 5, 1998

“Supreme Court Update” and “Ethical Issues: Candor Toward the Tribunal,” National Firearms Law Seminar, Reno, April 26, 2002

“What is a Non-Frivolous, Good Faith Argument for the Reversal of Existing Law?” and “The Supreme Court’s *Apprendi-Castillo* Decisions and the Right to Jury Trial,” National Firearms Law Seminar, Kansas City, May 18, 2001

EXHIBIT “B”

EXHIBIT B**STEPHEN P. HALBROOK – SERVICES RENDERED IN
NATIONAL RIFLE ASSOCIATION v. CHICAGO and OAK PARK¹****Pre-Litigation Work**

2/15/08	Preparation of memo- Chicago	0.8
2/22/08	Legal Research, Prepare Memo- Chicago Case	3.6
2/26/08	Review of Incorp. Issue	1.6
3/4/08	Legal Research, Preparation of Memo	3.0
3/5/08	Preparation of Memo- Challenge to Wilmette, Chicago [4.0 – delete 1 hour]	3.0
3/24/08	Legal Research- Ordinances, Preparation of Memo	1.5
3/25/08	Review of Ordinances, Preparation of Memo, Email- Parties	4.2
3/26/08	Legal Research- Ordinances, Preparation of Memo [1.8 – delete .8 hour]	1.0
4/7/08	Preparation of Litigation Memo, Legal Research	5.8
4/8/08	Preparation of Memo, Email	1.6
4/9/08	Email	0.4
4/10/08	Legal Research, Preparation of Memo - Standing	3.0
4/14/08	Legal Research, Preparation of Memo - Standing	2.2
4/21/08	Legal Research, Preparation of Memo - Standing	4.2
4/22/08	Preparation of Memo - Standing	1.8

¹In some instances, total hours expended in the Chicago and Oak Park cases also reflected some time expended on cases involving other Cook County-area lawsuits on the same subject. These hours are shown in brackets and have been reduced to exclude time expended in the other cases. In addition, in one instance a privileged matter is shown in brackets.

4/28/08	Legal Research - Standard of Review	0.8
5/9/08	Conference Strategy; Review Memos; Legal Research	3.5
5/14/08	Preparation of Complaint	2.2
5/16/08	Conference with Counsel	0.6
5/22/08	Review Local Rules; Legal Research	2.5
5/23/08	Preparation of Complaint	1.5
5/27/08	Preparation of Complaint	1.2
5/28/08	Review Memo Incorp.; Preparation of Complaint	2.4
5/31/08	Legal Research	0.4
6/8/08	Preparation of Complaint; Legal Research - Joinder	2.8
6/9/08	Preparation of Complaint	2.8
6/10/08	Preparation of Complaints; Conference Call Counsel	4.2
6/11/08	Conference Call; Preparation of Complaint	5.8
6/16/08	Phone Conference with J. Lott	0.4
6/17/08	Review Plaintiffs Issues	0.3
6/18/08	Review Plaintiffs Status; Conference Calls Preparation of Client Forms	4.8
6/19/08	Review Plaintiffs Issues	1.2
6/23/08	Conference Call Counsel; Preparation of Litigation	2.5
6/26/08	Preparation of Complaints; Legal Research [4.4 – delete 1 hour]	<u>3.4</u>
Subtotal:		81.0

Litigation in the District Court

6/29/08	Review Suits and Defendant Reactions; Review Filings, Judges [4.2 – delete 2 hours]	2.2
6/30/08	Review Reports Repeals; Phone Conference with Client Legal Research - Consolidation; Review Heller [4.0 – delete 1 hour]	3.0
7/2/08	Legal Research; Preparation of Memo	1.6
7/7/08	E-mail; Review Status; Review Heller; Preparation of Memo	4.5
7/8/08	Phone Conference with Chicago Attorney; Review Winnetka Ordinance; Preparation of Complaint; Legal Research [3.8 – delete 3 hours]	.8
7/9/08	Review Motion; Review Status Repeals; Legal Research Preparation of Memo [4.5 – delete 2 hours]	2.5
7/10/08	Review Order - McDonald; Legal Research; Review Ordinance Status; Letter to Wilmette; Preparation of Memos - Heller, Standing [5.4 – delete 2.4 hours]	3.0
7/11/08	Legal Research; Preparation of Memos - Heller, Standing Phone Conference with Counsel; Review Recusal Issues [4.4 – delete 2 hours]	2.4
7/14/08	Preparation of Memo - Incorporation; Phone Conference with Kathy Tyler; Review Village Agendas [4.6 – delete 2 hours]	2.6
7/15/08	Review McDonald Documents; Preparation of Heller Memo	2.6
7/16/08	Conference Call	0.4
7/22/08	Review Ordinances Status, draft letter Review Motions to Consolidate, Recusal [2.8 – delete 2 hours]	.8
8/1/08	Review McDonald Sum. Judg. Motion, etc. Phone Conference with Counsel; Preparation of Memo Legal Research	3.8

8/6/08	Preparation of Brief - Incorporation Review Memo Reassign. - Oak Park	4.5
8/7/08	Review Evanston Status, Oak Park Brief Phone Conference with C. Michel - Incorporation Cases Legal Research; Preparation of Brief - Incorporation [7.4 – delete .4 hours]	7.0
8/8/08	Preparation of Brief - Incorporation; Legal Research	7.8
8/11/08	Preparation of Brief - Incorporation; Review Evanston Response Recusal, Bill [7.0 – delete 2 hours]	5.0
8/12/08	Review Evanston Status; Preparation of Brief - Incorporation Teleconference with Counsel [4.6 – delete 1.6 hours]	3.0
8/13/08	Review Evanston Status; Preparation of Brief - Merits Legal Research [5.8 – delete .8 hours]	
8/18/08	Phone Conference with C. Conte; Review Status Chicago Review Motion to Dismiss - Evanston [2.4 – delete 2 hours]	.4
8/20/08	Conference Call with Counsel - Evanston, Chicago Review Motion to Dismiss 1.2 – delete 1 hour]	.2
8/25/08	Review Opinion - Evanston Recusal; Review Chicago Order Review Evanston Docket, Morton Grove Motion	3.6
8/27/08	Review Morton Grove Status; Preparation of Memo Phone Conference with Oak Park Resident [3.0 – delete 2.5 hours]	.5
9/5/08	Review Oak Park Answer, Motion to Dismiss Review Chicago Answer Phone Conference with Counsel - Status, Responses	3.5
9/8/08	Review Request Conf. Call, E-mail; Review Motions	2.5

9/9/08	Review Status, Discovery Issue; Legal Research - Merits	0.8
9/10/08	Legal Research - Incorporation	4.5
9/11/08	Oak Park - Review Order, Motion to Dismiss Chicago- Review Order Review Rule 16 Issues; Phone Conference with Counsel	1.2
9/12/08	Review Evanston Brief; Legal Research Chicago - Review Discovery Issues [3.2 -- delete 2 hours]	1.2
9/16/08	Oak Park: Review Motion to Dismiss; Legal Research	1.0
9/18/08	Review Oak Park Responses	0.2
9/19/08	Oak Park - Review Orders	0.4
9/24/08	Review Docket - Chicago	0.2
10/6/08	Legal Research - Incorporation	1.0
10/10/08	Legal Research - Wasserman Study	0.4
10/13/08	Legal Research - Heller	1.2
10/14/08	Review Chicago Discovery Requests; Preparation of Memo Review Chicago, Oak Park Drafts - Conference	2.8
10/17/08	Oak Park & Chicago - Review Rule 16 Issues, Discovery Conference Call Counsel	2.4
10/21/08	Oak Park - Review Draft Motion to Strike Jury Demand Chicago - Review Rule 16 Motion - McDonald	0.4 0.4
10/22/08	Chicago - Preparation of Rule 16 Motion; Phone Conference with Counsel Oak Park - Review Rule 16 Status	1.2 0.6
10/23/08	Oak Park - Review Rule 16 Issues; Preparation of Brief	2.4
10/24/08	Phone Conference with Counsel - Rule 16 Conference Review Status - All Cases	1.2

10/27/08	Chicago, Oak Park - Review Filings, Discovery, Preparation for Phone Conference; Legal Research - Incorp.	3.8
10/28/08	Legal research - Incorporation Cases, Law Reviews Review Hearing Memo	4.8
10/29/08	Legal Research - ICAV Memo, Incorp. Articles, Cases	3.8
10/30/08	Chicago - Oak Park - Review Brief Schedule Teleconference Counsel; Legal Research; Preparation of Memo - Incorporation	4.0
10/31/08	Legal Research; Preparation of Memo - Incorporation	5.2
11/3/08	Legal Research; Preparation of Brief - Incorporation	7.5
11/4/08	Legal Research; Preparation of Brief - Incorporation	6.8
11/5/08	Preparation of Brief - Incorporation; Review Briefs in Presser, etc.	7.4
11/6/08	Winnetka - Review Status; Preparation of Brief; Legal Research - Incorporation	0.3
11/7/08	Preparation of Brief - Incorporation; Review Jury Trial Issue Winnetka - Review Status [4.6 – delete .6 hour]	4.0
11/10/08	Legal Research - Incorp.	2.5
11/14/08	Chicago - Legal Research - Incorp.	2.8
11/18/08	Legal Research - Incorp.	1.2
11/19/08	Chicago - Preparation of Incorp. Memo; Legal Research	2.8
11/20/08	Chicago - Review Amicus Brief Heller; Preparation of Memo	2.5
11/23/08	Chicago/Oak Park - E-mail on Briefs; Preparation of Brief; Legal Research	1.4
11/24/08	Oak Park - Conference Call; Preparation of Brief	1.8

11/26/08	Preparation of Incorp. Memo - Chicago and Oak Park	4.5
11/29/08	Preparation of Incorp. Memo - Chicago	2.4
11/30/08	Preparation of Incorp. Memo	1.4
12/1/08	Preparation of Incorp. Memo	3.2
12/2/08	Review Chicago Status; Legal Research - New Heller Cases	1.2
12/3/08	Review Docket	0.2
12/4/08	Legal Research - Incorp.; Review Status; Phone Conference with Counsel; Review Opinion; Preparation of Memo	2.5
12/8/08	Legal Research - Incorp.; Phone Conference with Counsel	3.8
12/9/08	Phone Conference with Counsel; Review Court Action	1.6
12/10/08	Review Motion to Withdraw Plaintiff	0.2
12/11/08	Review New Heller Cases	1.4
12/15/08	Review Proposed Order - Chicago, Oak Park Preparation of Memo	1.5
12/16/08	Chicago, Oak Park - Review Proposed Order; Preparation of Memo	2.5
12/17/08	Chicago - Phone Conference with Counsel - Order Review Draft Order	0.5
12/18/08	Review Filings - Chicago; Review Filings - Oak Park E-mail Counsel - Appeals/Mootness	<u>1.2</u>

Subtotal: 182.4

Litigation in the Court of Appeals

12/19/08	Chicago - Review Orders, Transmittals Oak Park - Review Orders, Transmittals	1.8
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12/23/08	Phone Conference with W. Howard - Oak Park Review Filings	0.5
12/24/08	Review Chicago Filings	0.5
12/26/08	Review Filings, Appeal Documents - Chicago, Oak Park Legal Research - Incorporation	2.8
1/7/09	Review Appeal Status; Review Consolidation Issues	2.5
1/8/09	Preparation of Brief - Chicago	1.8
1/9/09	Review Mandates; Legal Research; Preparation of Brief - Chicago	4.0
1/11/09	Legal Research - Incorp.; Preparation of Brief - Chicago	3.4
1/13/09	Chicago - Conference Call; Review Motion to Consolidate Preparation of Brief - Incorp.; Phone Conference with N. Lund - Amicus	6.0
1/14/09	Chicago - Phone Conference with R. Cottrol - Amicus	0.3
1/16/08	Chicago - Review Appeal Rules; Review Opposition to Consolidation, Preparation of Comments; Phone Conference with Amici - CORE	4.2
1/18/09	Chicago - Legal Research	2.6
1/19/09	Chicago - Preparation of Brief; Phone Conference with Counsel Review Consolidation Order	7.6
1/20/09	Preparation of Brief - Chicago	8.8
1/21/09	Preparation of Brief; Legal Research - Chicago Phone Conference with Counsel	9.4
1/22/09	Preparation of Brief; Legal Research - Chicago	7.2
1/23/09	Chicago: Review: MacDonald Brief (Dist. Ct.) Legal Research	4.6
1/26/09	Legal Research; E-mail Amici Status	1.8

1/27/09	Chicago: Preparation of Brief, Edits; Preparation of Disclosure Statement; E-mail Amicus, Consents	6.2
1/28/09	Chicago: E-mail Brief Filing, Amicus; Review: Final Brief Review: MacDonald Brief	3.8
1/29/09	E-mail Amicus Requests; Legal Research; Review: Amicus Brief - Heller	3.0
1/30/09	Review: Amicus Issues, Filing	0.6
2/1/09	Review: Lund Amicus Brief; Legal Research	0.8
2/2/09	Legal Research - Incorp.; Preparation of Memo E-mail Amicus Issues	4.5
2/3/09	E-mail Amicus Matters; Legal Research - Incorp., Posner on Heller	2.6
2/4/09	Legal Research; Preparation of Memo - 7 th Cir. Judges Opinions Review: Amicus Briefs	5.0
2/5/09	Review: Amicus Briefs	2.2
2/6/09	Legal Research - Incorp.; Review: Amicus Briefs	3.6
2/18/09	Review: Motion to Reschedule; E-mail	0.3
2/20/09	Review: Scheduling Order	0.2
2/23/09	Legal Research - New Cases	0.4
3/11/09	E-mail - Expedition	0.3
3/12/09	E-mail - En Banc	0.5
3/17/09	E-mail - En Banc	0.5
3/18/09	Review Rules - En Banc; Preparation of Petition En Banc Review: Extension Motion	3.6
3/20/09	Preparation of Petition En Banc; Legal Research	2.6

3/24/09	Preparation of En Banc Brief	4.5
3/25/09	Preparation of En Banc Petition; Review Order Extend Time	6.0
3/26/09	Preparation of En Banc Petition	3.2
3/30/09	Legal Research - Incorp.; Legal Research Pet. Cert. Before Jud.	2.5
	Legal Research - Petition Cert. Before Judgment	2.0
4/6/09	Review Motion - Exceed Page Limit; E-mail	0.3
4/7/09	Legal Research - Incorp.; Preparation of Memo	2.5
4/8/09	Legal Research; Preparation of Memo - Incorp. Cases Preparation of Petition En Banc	3.6
4/9/09	Preparation of Reply Brief; Legal Research	4.2
4/10/09	Preparation of En Banc Petition; E-mail; Legal Research	2.8
4/17/09	Review: Chicago Brief; E-mail - Amicus Consents	2.8
4/18/09	Review: En Banc Filing; E-mail - Chicago Brief	2.2
4/20/09	Preparation of Reply Brief; Phone Conference with D. Lehman, C. Michel; Legal Research - Nordyke	7.5
4/21/09	Legal Research; Preparation of Brief	2.4
4/22/09	Preparation of Brief; E-mail - En Banc Extension, Coordination	9.0
4/23/09	Legal Research; Preparation of Brief; Preparation of Motion For Extension	9.4
4/24/09	Preparation of Brief; Legal Research	6.5
4/26/09	Preparation of Brief	3.2
4/27/09	Review: Hist. Amicus Brief	1.2
4/28/09	Preparation of Brief; Review: Brief Amicus Chicago Board of Ed.	3.2

4/29/09	Review: Order; Review: Memos - Incorp. Legal Research	2.4
4/30/09	E-mail - Oral Argument; Review: Orders, Chicago Letter Legal Research; Preparation of Brief	6.4
5/1/09	Legal Research; Preparation of Brief	8.6
5/3/09	Review: Amicus Briefs; Preparation of Brief	7.5
5/4/09	Review: Amicus Briefs; Preparation of Brief	8.2
5/5/09	Preparation of Brief	6.2
5/6/09	Preparation of Brief	4.8
5/7/09	Preparation of Brief; Legal Research; Review: Order	4.5
5/8/09	E-mail - Argument, Moot Court.; Legal Research	2.5
5/11/09	E-mail - Moot Court; Legal Research	3.4
5/12/09	E-mail - Moot Court, Argument; Legal Research Preparation of Brief	3.8
5/13/09	Preparation of Brief	2.8
5/14/09	Preparation of Reply Brief; Review: MacDonald Brief Preparation for Moot Court	6.4
5/17/09	E-mail - Moot Court; Review: Briefs	3.5
5/18/09	Moot Court - MacDonald; Review: Briefs; Legal Research	8.2
5/19/09	E-mail - Moot Court; Review: Briefs; Preparation for Moot Court	5.6
5/20/09	Legal Research; Preparation for Moot Court; Review Briefs	6.2
5/21/09	Review Briefs; Legal Research; Moot Court	7.2
5/22/09	Preparation for Oral Argument; Legal Research Review Briefs	6.5

5/24/09	Review Briefs; Legal Research; Preparation for Oral Argument Excess Travel Time (reduced)	3.5 2.5
5/25/09	Preparation for Oral Argument; Conference with Counsel Moot Court	12.0
5/26/09	Preparation for Oral Argument; Court - 7 th Cir.; Conference with Counsel; E-mail Summary; Legal Research Excess Travel Time (reduced)	7.5 2.0
5/27/09	Review Argument Transcript; Legal Research; Preparation of Cert. Petition	6.8
5/28/09	Preparation of Cert. Petition	8.4
5/29/09	Preparation of Cert. Petition; Preparation of Appendix	6.8
6/1/09	Preparation of Appendix, Cert. Petition; Review: S.Ct. Rules	<u>2.8</u>
Subtotal:		346.5

Litigation in the Supreme Court

6/2/09	Review: 7 th Cir. Opinion; Phone Conference with D. Lehman, C. Conte; Preparation of Cert. Petition, Appendix	13.2
6/3/09	Review: E-mails - Cert. Petition; Phone Conference with D. Lehman, R. Gardiner	1.4
6/4/09	Review: E-mails - Counsel Issues, Adverse Counsel, Amicus, etc.	2.6
6/5/09	Letter to [deletion of name, subject – attorney/client & attorney work product privileged]; E-mail - Amicus Briefs	2.5
6/6/09	E-mail - Amicus Matters	1.0
6/8/09	Letter from Clerk; E-mail Adverse Counsel, Amici; Review Petition; Legal Research - Cong. Globe; Phone Conference with S. Jordan	3.5
6/9/09	Legal Research - Incorp.; Letter to Clerk; Review: MacDonald	

	Petition	3.5
6/10/09	Letter to Clerk; Legal Research - Heller Cases	3.4
6/11/09	Phone Conference with D. Lehman, R. Kozuch - Amicus; E-mail - Amicus; Legal Research - All Heller Cases; Preparation of Memo	5.6
6/12/09	Conference Call - Amici	0.4
6/15/09	Review: Amici Issues; Legal Research	1.4
6/16/09	Phone Conference with S. Jordan (AG), R. Kousch; Legal Research - Fed. & State Heller Cases	3.5
6/17/09	Conference call - Amicus Briefs; Legal Research - Heller Cases	1.4
6/19/09	E-mail - Amici	0.4
6/22/09	Review: Amicus Br. - Arms Keepers; Legal Research; Preparation of Memo - Citizenship Cl., P&I	2.4
6/23/09	Legal Research - Incorp. Cases; Preparation of Memo; Review: Heller Cases; Review: Letter Extension; E-mail	4.2
6/24/09	Review: Amicus Issues	1.2
6/25/09	Review: Amicus Issues; Legal Research - Incorp. Cases	2.6
6/26/09	Legal Research; Preparation of Memo - Protected Arms	1.2
6/29/08	Review: AG Draft; Preparation of Comments	1.8
6/30/09	Review: Order Extension; Review: Rules; Review: Amicus Issues, Costs; Preparation of Reply Memo	2.0
7/1/09	Legal Research - Heller Cases	0.8
7/2/09	Legal Research - Heller Cases; E-mail - Amicus	1.2
7/5/09	Review: Amicus Briefs; Phone Conference with R. Kousch, CA AG; Preparation of Reply	6.8

7/6/09	Review: Amicus Briefs, Maloney Petition	7.6
7/8/09	Legal Research - Incorp. Cases; Preparation of Memo	5.5
7/9/09	Legal Research; Preparation of Memo - Incorp. Cases; Review: Conflict Issue	8.2
7/10/09	Legal Research - Incorp. Cases; Preparation of Reply Brief	3.4
7/16/09	Legal Research - Incorp. Cases	1.5
7/20/09	Preparation of Reply Brief; Review: Incorp. Cases	7.2
7/21/09	Preparation of Reply Brief; Legal Research	4.2
7/22/09	Legal Research; Preparation of Reply Brief; Review: Amicus Brief	3.8
7/27/09	Preparation of Reply Brief; Legal Research	5.6
7/28/09	Legal Research; Preparation of Reply	2.2
7/29/09	Legal Research; Preparation of Reply Brief	6.4
7/30/09	Preparation of Reply Brief; Legal Research; Conference with N. Lund (Amicus)	6.8
7/31/09	Review: Nordyke Materials; Preparation of Reply Brief; Legal Research; Review: Rules	6.5
8/2/09	Preparation of Reply Brief; Review: Nordyke Impact	1.2
8/10/09	Review: Br. in Opposition; Preparation of Memo	3.4
8/11/09	Preparation of Reply Brief; Legal Research; Review: Br. in Opposition	7.4
8/12/09	Preparation of Reply Brief	8.2
8/13/09	Preparation of Reply Brief, Cert. Word Ct., Service List; Phone Conference with Printer	4.2
8/14/09	Review: Filing; E-mail Service - Adverse Counsel	0.6

8/17/09	Review: Service Documents; E-mail - Amici; Legal Research - New Heller Cases	3.2
8/19/09	Review: McDonald Reply; E-mail; Legal Research	1.2
8/21/09	Legal Research - Cicero Decision, Cases Cited	2.2
8/26/09	Legal Research - Reconst. Cases	1.8
8/31/09	Legal Research	0.6
9/15/09	Review: Maloney Briefs; E-mail	0.8
9/23/09	Phone Conference with D. Kilmer	0.6
9/24/09	Review: Oral Argument - Nordyke	1.2
9/25/09	Review: Nordyke Order; Review: Nordyke Argument	1.0
9/28/09	Legal Research - New Cases	1.4
9/29/09	Legal Research; Preparation of Brief for Petitioners	4.0
9/30/09	Legal Research; Preparation of Brief; Review: Order Phone Conference with D. Lehman	3.0
10/1/09	Legal Research - Amicus Brief - Fee Recovery; Phone Conference with N. Lund, N. Dranous (amicus issues)	1.2
10/14/09	Phone Conference with D. Lehman, S. Ct. Clerk; Review: Rules E-mail; Preparation of Brief	5.4
10/15/09	E-mail; Preparation of Brief	2.0
10/16/09	E-mail; Preparation of Brief	3.5
10/18/09	Preparation of Brief	6.2
10/19/09	E-mail; Conference with S. Poss, Amici Conference; Review: Briefs; Preparation of Brief	8.2
10/20/09	Preparation of Brief	6.2

10/21/09	Legal Research; Preparation of Brief; E-mail Counsel	4.0
10/22/09	Preparation of Brief	3.8
10/23/09	Legal Research; Preparation of Brief	5.5
10/26/09	Preparation of Brief - Reconstr.	7.2
10/27/09	Preparation of Brief	7.0
10/28/09	Legal Research; Preparation of Brief	8.2
10/29/09	Legal Research; Preparation of Brief	6.6
10/30/09	Legal Research; Preparation of Brief	6.8
11/1/09	Legal Research; Preparation of Brief	2.0
11/2/09	Preparation of Brief	8.2
11/3/09	Legal Research; Preparation of Brief; Review: Draft Phone Conference with Counsel	8.0
11/4/09	Preparation of Brief	4.6
11/5/09	Preparation of Brief; E-mail	9.8
11/6/09	Preparation of Brief; Legal Research	3.0
11/9/09	Review: Notices Amici; Review: Brief Drafts	2.6
11/10/09	Preparation of Brief; Legal Research	6.2
11/11/09	Preparation of Brief	5.8
11/12/09	E-mails - Extension of Time; Preparation of Memo - P - or - I Arguments; Review: Brief Drafts; Preparation of Brief	7.0
11/13/09	Review: Brief Drafts; E-mail; Preparation of Draft	5.5
11/14/09	Review: Draft; Preparation of Brief	1.8
11/16/09	Review: Brief Final; Legal Research; Review: Briefs -	

	Petitioners, Amici	4.2
11/17/09	E-mail; Legal Research; Review: Jt. App., Briefs	4.0
11/17/09	Legal Research	1.5
11/18/09	Review: Briefs, Comments; Legal Research	2.8
11/20/09	Review: Briefs	3.4
11/22/09	Review: Amicus Briefs	2.8
11/23/09	Review: Amicus Briefs; Preparation of Memo	12.5
11/24/09	Review: Amicus Briefs	4.4
11/30/09	Review: Amicus Briefs; Preparation of Memo; Legal Research	4.2
12/1/09	Preparation of Memo - Amicus Briefs; Legal Research Review: Rules	4.2
12/2/09	Preparation of Memo - Amici; Legal Research	4.0
12/3/09	Preparation of Memo - Amici	2.4
12/4/09	Preparation of Memo - Amici; Legal Research - Standard of Review	2.2
12/7/09	Legal Research; Review: Pod Cast - P or I Clause	2.8
12/8/09	Preparation of Memo - Standard of Review; Review: Application Extend Pages	8.2
12/9/09	Preparation of Memo - Standard of Review	5.6
12/10/09	Preparation of Memos - Reconstruction Intent, Standard of Review	6.4
12/11/09	Preparation of Memo - Reconstruction Intent; Review: Heller Cases	3.2
12/14/09	Legal Research; Preparation of Memo - Reconstruction History, Standard of Review	5.4

12/15/09	Legal Research; Preparation of Memo - Reconstruction History, Standard of Review	2.0
12/18/09	Review: States' Motion; E-mail; Review: Rules; Conference with R. Dowlut	2.4
12/22/09	Review: Docket; Review: States' Motion - Argument; E-mail; Rsh. Historians	2.4
12/23/09	Phone Conference with R. Dowlut; Review: Historians Amici - Articles; Legal Research - 14 Am. History	2.5
12/30/09	Legal Research; Preparation of Reply; Review: Sum. Law Reviews; E-mail - Chicago Amici	3.4
1/3/10	Legal Research; Preparation of Memo	6.6
1/4/10	Review: Oak Park Order, Transmittal; Review: Chicago Brief; Preparation of Reply; Review: NRA Motion for Argument	7.0
1/5/10	Review: Chicago Brief; Preparation of Reply	10.2
1/6/10	Legal Research; Preparation of Reply Brief; Review: Motion - Argument; Review: Amici Briefs	6.6
1/7/10	Review: Chicago Brief; Preparation of Reply; Review: Amici Briefs	6.8
1/8/10	Preparation of Reply Brief; Conference with D. Lehman, R. Dowlut; Review: Opposition	7.8
1/9/10	Review: Heller Notes; E-mail - Opposition	0.8
1/11/10	Preparation of Reply Brief	3.8
1/12/10	Preparation of Reply Brief	5.2
1/13/10	Preparation of Reply Brief	8.6
1/14/10	Preparation of Reply Brief	7.5
1/15/10	Preparation of Reply Brief	6.8

1/18/10	Review: Amici Briefs	7.0
1/19/10	Review: Amici Briefs; Preparation of Reply Brief	7.2
1/20/10	Legal Research; Preparation of Reply Brief	4.5
1/21/10	Review: Draft Reply; Preparation of Comments, Reply	5.2
1/22/10	Preparation of Reply Brief	1.8
1/23/10	Preparation of Reply Brief	4.0
1/25/10	Preparation of Reply Brief; E-mail; Review: Docket	7.6
1/26/10	Preparation of Reply Brief	4.2
1/27/10	Preparation of Reply Brief	4.0
1/28/10	Legal Research; Review: Reply Brief	2.3
1/29/10	Review: McDonald Brief; E-mail	2.4
2/1/10	Review: Ordinance; E-mail; Legal Research	2.4
2/5/10	Legal Research; Phone Conference with R. Dowlut	1.8
2/10/10	E-mail; Locate Briefs	0.3
2/12/10	Review: Briefs	0.2
2/18/10	E-mail - Moot Court; Legal Research - New Cases	2.0
2/19/10	Review: Briefs - Preparation for Moot Court	3.0
2/22/10	Review: Briefs; Moot Court	7.8
2/23/10	Legal Research - Oral Argu. Point	0.5
2/24/10	Legal Research - New Cases	1.5
3/2/10	Court - Oral Argument; Conference with Counsel, Clients; Review: Transcript of Arguments	7.6

6/24/10	Review of Docket; Remand Issues	0.6
6/28/10	Court Hearing - Supreme Court Decision Review of Decision; Preparation of Memo	<u>8.0</u>
Subtotal:		589.7
Litigation on Remand to the District Court: Fee Liability		
6/29/10	Review of Opinion; Preparation of Memo	4.2
6/30/10	Review of Opinion, Comments; Email	2.4
7/1/10	Email Review of Opinion, Bills Proposed	2.2
7/2/10	Review of Chicago Action; Email	1.4
7/7/10	Review of Ordinance; Review of Commentaries Review of Decision	3.0
7/13/10	Review of Attorney Fee Recovery Issues	1.4
7/17/10	Review of Attorney Fee Issues Preparation of Memo	3.2
7/19/10	Phone Conference with Counsel - Attorney Fee Issues Legal Research; Review of Rules - Remand Issues	5.4
7/20/10	Legal Research; Preparation of Memo - Prevailing Party	3.0
7/27/10	Legal Research - Attorney's Fees; Preparation of Memo	3.2
7/28/10	Preparation of Memo - Attorney's Fees	3.4
7/30/10	Preparation of Memo - Attorney's Fees, Review of Judgment	3.0
8/2/10	Review of 7 th Circuit Rules, Review of Judgment Review Order Rule 54	1.0
8/3/10	Legal Research, Drafting - Rule 54 Statement Legal Research - Attorneys Fees	4.2

8/5/10	Email Costs, Statement to 7 th Cir., Legal Research Preparation of Memo - Attorney Fee Issues	3.2
8/11/10	Email - Rule 54, Legal Research - Fee Issues Preparation of Memo	2.8
8/12/10	Legal Research, Preparation of Memo - Fees	4.5
8/16/10	Legal Research - Fee Calculation, Email - Rule 54	3.8
8/17/10	Email - Rule 54 Statement, Legal Research - Fees/Rates Preparation of Brief - Attorney Fee Motion	4.5
8/18/10	Preparation of Brief - Fees Review of Fee Petition/Cases Re: Chicago & Oak Park	5.0
8/19/10	Email - Rule 54 Legal Research - Oak Park & Chicago § 1983 cases	3.6
8/20/10	Review of Fee Petitions - N. D. Ill.	2.8
8/25/10	Review of Chicago - Rule 54 Statement, Email Review of Remand Order, Jud. Email	1.4
8/26/10	Review of Local Rules, Preparation of Memo Review of McD. Rule 54 Statement	2.6
8/30/10	Review of Local Rules, Order, Legal Research Preparation of Brief - Fees	3.2
8/31/10	Email - Fee issues	3.2
9/1/10	Legal Research, Preparation of Memo - Fee Rates Email - Scheduling, Confer	2.6
9/2/10	Preparation of Fees Memo, Email	1.2
9/7/10	Review of Bill of Costs	0.2
9/9/10	Email, Review of Bill of Costs - 7 th Cir.	0.2
9/13/10	Letter from Chicago - Costs Legal Research, Preparation of Memo - "prevailing party"	2.5

9/16/10	Review of Mandate, Costs	0.2
9/20/10	Review of Remand documents	0.8
9/27/10	Legal Research, Preparation of Fee Petition, Declaration	4.6
9/28/10	Preparation of Declaration, Brief - Fees, Email Review of Rules - Fees	3.2
9/29/10	Preparation of Declaration, Petition - Fees Legal Research - Fee Calculation	7.2
10/8/10	Email, Phone Conference with Counsel - Entry Order Preparation of Fee Petition	1.2
10/12/10	Email - Clerk, Review of Orders, Rules	0.6
10/13/10	Review of Local Rules - Scheduling, Email - Fees Phone Conference with D. Dooley, Review of Time Sheets	3.2
10/14/10	Email - Date Conf. Call with Chicago and O.P. Review of Time Sheets	1.4
10/18/10	Review of Fee issues, coordination, Time Sheets	2.2
10/20/10	Email - Schedule Tel. Conf.	0.3
10/21/10	Prepare for Tel. Conference, Review of Local Rules Review of Time Sheets, Legal Research - Jurisdiction Phone Conference with Counsel, Adverse Counsel	6.6
10/22/10	Review of Motions - Scheduling Orders, Email Legal Research - Jurisdiction, Prevailing Party	0.6
10/25/10	Legal Research-"Judgment" (re Chicago argument none entered), motions, Preparation of Memo, Conf. Call with Counsel	8.2
10/26/10	Preparation for Hearing, Court Hearing - Schedule Legal Research - Prevailing Party, Preparation of Memo	6.4
10/19/10	Review of Local Rules - Draft Agenda, Email - Tel. Conf.	1.2

10/27/10	Legal Research, Preparation of Memo - Prevailing Party Review of Ordinance	4.8
10/28/10	Review of Ordinance, Legal Research Preparation of Memo - Prevailing Party	2.2
10/29/10	Preparation of Memo - Prevailing Party	2.4
11/1/10	Review of Chicago Brief, S.Ct. Rule 54 Statements Preparation of Memo - Prevailing Party	4.8
11/2/10	Legal Research, Preparation of Memo - Prevailing Party	3.5
11/4/10	Phone Conference with Counsel - Extension, Email	0.5
11/5/10	Phone Conference with Counsel, Email - extension Legal Research, Preparation of Memo	1.0
11/10/10	Review of Motions/Extensions	0.5
11/12/10	Review of Order - Extension	0.2
11/13/10	Conference with Counsel - Council debate, fee issues	0.6
11/18/10	Review of Committee Hearings, Preparation of Brief Fees Council debate - Repeal ordinance	2.8
11/19/10	Preparation of Brief - Legislative History	0.5
11/29/10	Review of Proceedings - Oak Park & Chicago Repeals Preparation of Brief	3.6
11/30/10	Preparation of Brief, Review of Rules, Legal Research-new cases	3.2
12/3/10	Review of Comments, Preparation of Brief	2.4
12/7/10	Preparation of Brief - Fees, Preparation of Appendix	1.8
12/8/10	Preparation of Brief - fees, Legal Research	4.2
12/9/10	Preparation of Brief, Review of Comments Review of Declarations	2.8

12/10/10	Preparation of Brief, Email, Preparation of App.	2.8
12/15/10	Review of Briefs in Opposition	1.6
12/16/10	Review of Briefs in Opposition, Preparation of Memo Legal Research	1.5
12/17/10	Legal Research - Chicago case cites, Preparation of Memo	2.8
12/21/10	Preparation for Hearing, Court Hearing, Legal Research - Chicago cites, Phone Conference with Counsel	2.4
12/22/10	Review of Opinion, Preparation of Memo	1.6
12/23/10	Review of Opinion, Email - Appeal Phone Conference with Counsel	0.8
12/27/10	Review of Notice of Appeal, Email	<u>1.2</u>
Subtotal:		196.5

Litigation in the Court of Appeals on Fee Liability

12/28/10	Review of McDonald Fee Motion Review of Docket, Transmittals	1.6
12/30/10	Review of Filings	0.5
1/3/11	Review of Docketing Statement, Review of Brief Schedule Phone Conference with Counsel	0.8
1/4/11	Preparation of Appeal Brief, Review of Order - McDonald Review of Docketing Statements	1.5
1/7/11	Review of Appeal Filings	0.6
1/8/11	Review of Order Briefing, Filings, Email Review of Supp. to Opinion	0.8
1/10/11	Legal Research, Preparation of Brief	1.4
1/11/11	Review of Disclosure, Preparation of Appeal Brief	4.5

1/12/11	Legal Research, Preparation of Brief	4.2
1/19/11	Review of Filing - Transmittal, Legal Research Preparation of Appeal Brief	3.2
1/20/11	Legal Research, Prepare Brief	2.8
1/24/11	Legal Research, Prepare Brief Phone Conference, Email Counsel - App.	8.0
1/31/11	Legal Research - Other Jurisdictions, Remands	2.0
2/3/11	Prepare Brief	0.6
2/4/11	Email - Counsel (App., McDonald), Review McDonald Brief	0.4
2/7/11	Phone Conference with Counsel-App.	0.2
2/8/11	Email - Amici	0.1
2/10/11	Review of Brief Drafts, App., Email	2.2
2/11/11	Prepare Brief	4.2
2/12/11	Prepare Brief	2.4
2/17/11	Review of McDonald Brief, Email	1.0
2/24/11	Legal Research - Vacatur	1.0
3/10/11	Review of Motion to Extend Time, Email	0.2
3/15/11	Review of Scheduling	0.2
4/4/11	Review of Ezell Argument - 7 th Cir.	1.0
4/8/11	Review of Chicago briefs	1.6
4/11/11	Review of Motion for Extension, Email	0.2
4/12/11	Review of Order Reschedule	0.2
4/15/11	Legal Research - new cases	1.2

4/22/11	Review of Notice	0.1
4/25/11	Legal Research - new cases	0.5
5/1/11	Review of Chicago Brief	2.2
5/2/11	Review of Chicago Brief, Preparation of Memo	4.6
5/3/11	Preparation of Reply Brief, Legal Research	6.2
5/4/11	Preparation of Brief, Preparation of Disclosure Statements	5.8
5/5/11	Preparation of Brief	6.0
5/6/11	Preparation of Reply Brief	6.4
5/12/11	Preparation of Reply Brief, Email Counsel	3.5
5/13/11	Finalize Reply Brief	1.2
5/16/11	Review of McDonald Brief	0.6
5/27/11	Legal research - new case	1.2
6/2/11	Review of Opinion, Email	<u>1.0</u>

Subtotal: 87.9

Litigation in the District Court on Reasonable Fees

6/6/11	Email - Counsel, Legal Research - deadlines Review of Rules, Prior Memos, Compile time sheets Preparation of Memo	5.8
6/7/11	Legal Research - Atty. Fee cases	1.2
6/8/11	Preparation of Memo for Counsel - Legal Research requirements Preparation of Memo - Caselaw Fees	3.5
6/9/11	Legal Research - Laffey Matrix	1.8
6/13/11	Review of Bill of Costs	0.1

6/14/11	Legal Research - Fee Calculation, Preparation of Memo	
	Review of N.D.IL Fee Cases	4.2
6/15/11	Legal Research, Preparation of Memo - Fee Calculation (Cumberland Cases), Email - Compile Records	2.8
6/21/11	Legal Research - Fee Issues	1.4
6/22/11	Legal Research, Preparation of Memo	5.2
6/23/11	Legal Research, Preparation of Memo - Yrs. Calculated	2.5
6/24/11	Review of Mandate, Email	0.3
6/27/11	Legal Research, Preparation of Memo - fees, Review of deadlines	3.2
6/30/11	Review of scheduling, Legal Research, Preparation of memo-fees Compile Counsel Info., Phone Conference with Counsel - Plan confer. w/adverse counsel	5.2
7/1/11	Email Comments, Revise fee memo	1.4
7/7/11	Email Scheduling, Review of Counsel Declarations, Billings	1.5
7/8/11	Email Scheduling, Review of Counsel Resumes	0.8
7/12/11	Review of Fee Records, Email - Tel. Conf.	1.2
7/13/11	Review of Declarations, Attorneys Telecon. Counsel-Scheduling Review of Local Rules, Drafts, Motion	2.2
7/14/11	Review of Orders, Email, Review of Declarations	1.2
7/18/11	Preparation of Declaration	1.2
7/19/11	Summarize Exhibits - Clement, Email Counsel	3.6
7/20/11	Review of Counsel Documents	1.2
7/22/11	Preparation of Answer - Attorney Summaries	<u>2.5</u>

Subtotal: 54

Grand Total Hours 1,538

**SUPPLEMENTAL
TIMESHEETS
(THRU 11/11/11)**

EXHIBIT B

**STEPHEN P. HALBROOK – SERVICES RENDERED IN
NATIONAL RIFLE ASSOCIATION v. CHICAGO and OAK PARK¹**

Pre-Litigation Work

2/15/08	Preparation of memo- Chicago	0.8
2/22/08	Legal Research, Prepare Memo- Chicago Case	3.6
2/26/08	Review of Incorp. Issue	1.6
3/4/08	Legal Research, Preparation of Memo	3.0
3/5/08	Preparation of Memo- Challenge to Wilmette, Chicago [4.0 – delete 1 hour]	3.0
3/24/08	Legal Research- Ordinances, Preparation of Memo	1.5
3/25/08	Review of Ordinances, Preparation of Memo, Email- Parties	4.2
3/26/08	Legal Research- Ordinances, Preparation of Memo [1.8 – delete .8 hour]	1.0
4/7/08	Preparation of Litigation Memo, Legal Research	5.8
4/8/08	Preparation of Memo, Email	1.6
4/9/08	Email	0.4
4/10/08	Legal Research, Preparation of Memo - Standing	3.0
4/14/08	Legal Research, Preparation of Memo - Standing	2.2
4/21/08	Legal Research, Preparation of Memo - Standing	4.2
4/22/08	Preparation of Memo - Standing	1.8

¹In some instances, total hours expended in the Chicago and Oak Park cases also reflected some time expended on cases involving other Cook County-area lawsuits on the same subject. These hours are shown in brackets and have been reduced to exclude time expended in the other cases. In addition, in one instance a privileged matter is shown in brackets.

4/28/08	Legal Research - Standard of Review	0.8
5/9/08	Conference Strategy; Review Memos; Legal Research	3.5
5/14/08	Preparation of Complaint	2.2
5/16/08	Conference with Counsel	0.6
5/22/08	Review Local Rules; Legal Research	2.5
5/23/08	Preparation of Complaint	1.5
5/27/08	Preparation of Complaint	1.2
5/28/08	Review Memo Incorp.; Preparation of Complaint	2.4
5/31/08	Legal Research	0.4
6/8/08	Preparation of Complaint; Legal Research - Joinder	2.8
6/9/08	Preparation of Complaint	2.8
6/10/08	Preparation of Complaints; Conference Call Counsel	4.2
6/11/08	Conference Call; Preparation of Complaint	5.8
6/16/08	Phone Conference with J. Lott	0.4
6/17/08	Review Plaintiffs Issues	0.3
6/18/08	Review Plaintiffs Status; Conference Calls Preparation of Client Forms	4.8
6/19/08	Review Plaintiffs Issues	1.2
6/23/08	Conference Call Counsel; Preparation of Litigation	2.5
6/26/08	Preparation of Complaints; Legal Research [4.4 – delete 1 hour]	<u>3.4</u>
Subtotal:		81.0

Litigation in the District Court

6/29/08	Review Suits and Defendant Reactions; Review Filings, Judges [4.2 – delete 2 hours]	2.2
6/30/08	Review Reports Repeals; Phone Conference with Client Legal Research - Consolidation; Review Heller [4.0 – delete 1 hour]	3.0
7/2/08	Legal Research; Preparation of Memo	1.6
7/7/08	E-mail; Review Status; Review Heller; Preparation of Memo	4.5
7/8/08	Phone Conference with Chicago Attorney; Review Winnetka Ordinance; Preparation of Complaint; Legal Research [3.8 – delete 3 hours]	.8
7/9/08	Review Motion; Review Status Repeals; Legal Research Preparation of Memo [4.5 – delete 2 hours]	2.5
7/10/08	Review Order - McDonald; Legal Research; Review Ordinance Status; Letter to Wilmette; Preparation of Memos - Heller, Standing [5.4 – delete 2.4 hours]	3.0
7/11/08	Legal Research; Preparation of Memos - Heller, Standing Phone Conference with Counsel; Review Recusal Issues [4.4 – delete 2 hours]	2.4
7/14/08	Preparation of Memo - Incorporation; Phone Conference with Kathy Tyler; Review Village Agendas [4.6 – delete 2 hours]	2.6
7/15/08	Review McDonald Documents; Preparation of Heller Memo	2.6
7/16/08	Conference Call	0.4
7/22/08	Review Ordinances Status, draft letter Review Motions to Consolidate, Recusal [2.8 – delete 2 hours]	.8
8/1/08	Review McDonald Sum. Judg. Motion, etc. Phone Conference with Counsel; Preparation of Memo Legal Research	3.8

8/6/08	Preparation of Brief - Incorporation Review Memo Reassign. - Oak Park	4.5
8/7/08	Review Evanston Status, Oak Park Brief Phone Conference with C. Michel - Incorporation Cases Legal Research; Preparation of Brief - Incorporation [7.4 – delete .4 hours]	7.0
8/8/08	Preparation of Brief - Incorporation; Legal Research	7.8
8/11/08	Preparation of Brief - Incorporation; Review Evanston Response Recusal, Bill [7.0 – delete 2 hours]	5.0
8/12/08	Review Evanston Status; Preparation of Brief - Incorporation Teleconference with Counsel [4.6 – delete 1.6 hours]	3.0
8/13/08	Review Evanston Status; Preparation of Brief - Merits Legal Research [5.8 – delete .8 hours]	
8/18/08	Phone Conference with C. Conte; Review Status Chicago Review Motion to Dismiss - Evanston [2.4 – delete 2 hours]	.4
8/20/08	Conference Call with Counsel - Evanston, Chicago Review Motion to Dismiss 1.2 – delete 1 hour]	.2
8/25/08	Review Opinion - Evanston Recusal; Review Chicago Order Review Evanston Docket, Morton Grove Motion [3.6 – delete all]	0
8/27/08	Review Morton Grove Status; Preparation of Memo Phone Conference with Oak Park Resident [3.0 – delete 2.5 hours]	.5
9/5/08	Review Oak Park Answer, Motion to Dismiss Review Chicago Answer Phone Conference with Counsel - Status, Responses	3.5
9/8/08	Review Request Conf. Call, E-mail; Review Motions	2.5

9/9/08	Review Status, Discovery Issue; Legal Research - Merits	0.8
9/10/08	Legal Research - Incorporation	4.5
9/11/08	Oak Park - Review Order, Motion to Dismiss Chicago- Review Order Review Rule 16 Issues; Phone Conference with Counsel	1.2
9/12/08	Review Evanston Brief; Legal Research Chicago - Review Discovery Issues [3.2 – delete 2 hours]	1.2
9/16/08	Oak Park: Review Motion to Dismiss; Legal Research	1.0
9/18/08	Review Oak Park Responses	0.2
9/19/08	Oak Park - Review Orders	0.4
9/24/08	Review Docket - Chicago	0.2
10/6/08	Legal Research - Incorporation	1.0
10/10/08	Legal Research - Wasserman Study	0.4
10/13/08	Legal Research - Heller	1.2
10/14/08	Review Chicago Discovery Requests; Preparation of Memo Review Chicago, Oak Park Drafts - Conference	2.8
10/17/08	Oak Park & Chicago - Review Rule 16 Issues, Discovery Conference Call Counsel	2.4
10/21/08	Oak Park - Review Draft Motion to Strike Jury Demand Chicago - Review Rule 16 Motion - McDonald	0.4 0.4
10/22/08	Chicago - Preparation of Rule 16 Motion; Phone Conference with Counsel Oak Park - Review Rule 16 Status	1.2 0.6
10/23/08	Oak Park - Review Rule 16 Issues; Preparation of Brief	2.4
10/24/08	Phone Conference with Counsel - Rule 16 Conference Review Status - All Cases	1.2

10/27/08	Chicago, Oak Park - Review Filings, Discovery, Preparation for Phone Conference; Legal Research - Incorp.	3.8
10/28/08	Legal research - Incorporation Cases, Law Reviews Review Hearing Memo	4.8
10/29/08	Legal Research - ICAV Memo, Incorp. Articles, Cases	3.8
10/30/08	Chicago - Oak Park - Review Brief Schedule Teleconference Counsel; Legal Research; Preparation of Memo - Incorporation	4.0
10/31/08	Legal Research; Preparation of Memo - Incorporation	5.2
11/3/08	Legal Research; Preparation of Brief - Incorporation	7.5
11/4/08	Legal Research; Preparation of Brief - Incorporation	6.8
11/5/08	Preparation of Brief - Incorporation; Review Briefs in Presser, etc.	7.4
11/6/08	Winnetka - Review Status; Preparation of Brief; Legal Research - Incorporation	0.3
11/7/08	Preparation of Brief - Incorporation; Review Jury Trial Issue Winnepika - Review Status [4.6 – delete .6 hour]	4.0
11/10/08	Legal Research - Incorp.	2.5
11/14/08	Chicago - Legal Research - Incorp.	2.8
11/18/08	Legal Research - Incorp.	1.2
11/19/08	Chicago - Preparation of Incorp. Memo; Legal Research	2.8
11/20/08	Chicago - Review Amicus Brief Heller; Preparation of Memo	2.5
11/23/08	Chicago/Oak Park - E-mail on Briefs; Preparation of Brief; Legal Research	1.4
11/24/08	Oak Park - Conference Call; Preparation of Brief	1.8

11/26/08	Preparation of Incorp. Memo - Chicago and Oak Park	4.5
11/29/08	Preparation of Incorp. Memo - Chicago	2.4
11/30/08	Preparation of Incorp. Memo	1.4
12/1/08	Preparation of Incorp. Memo	3.2
12/2/08	Review Chicago Status; Legal Research - New Heller Cases	1.2
12/3/08	Review Docket	0.2
12/4/08	Legal Research - Incorp.; Review Status; Phone Conference with Counsel; Review Opinion; Preparation of Memo	2.5
12/8/08	Legal Research - Incorp.; Phone Conference with Counsel	3.8
12/9/08	Phone Conference with Counsel; Review Court Action	1.6
12/10/08	Review Motion to Withdraw Plaintiff	0.2
12/11/08	Review New Heller Cases	1.4
12/15/08	Review Proposed Order - Chicago, Oak Park Preparation of Memo	1.5
12/16/08	Chicago, Oak Park - Review Proposed Order; Preparation of Memo	2.5
12/17/08	Chicago - Phone Conference with Counsel - Order Review Draft Order	0.5
12/18/08	Review Filings - Chicago; Review Filings - Oak Park E-mail Counsel - Appeals/Mootness	<u>1.2</u>

Subtotal: 178.8

Litigation in the Court of Appeals

12/19/08	Chicago - Review Orders, Transmittals Oak Park - Review Orders, Transmittals	1.8
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11/26/08	Preparation of Incorp. Memo - Chicago and Oak Park	4.5
11/29/08	Preparation of Incorp. Memo - Chicago	2.4
11/30/08	Preparation of Incorp. Memo	1.4
12/1/08	Preparation of Incorp. Memo	3.2
12/2/08	Review Chicago Status; Legal Research - New Heller Cases	1.2
12/3/08	Review Docket	0.2
12/4/08	Legal Research - Incorp.; Review Status; Phone Conference with Counsel; Review Opinion; Preparation of Memo	2.5
12/8/08	Legal Research - Incorp.; Phone Conference with Counsel	3.8
12/9/08	Phone Conference with Counsel; Review Court Action	1.6
12/10/08	Review Motion to Withdraw Plaintiff	0.2
12/11/08	Review New Heller Cases	1.4
12/15/08	Review Proposed Order - Chicago, Oak Park Preparation of Memo	1.5
12/16/08	Chicago, Oak Park - Review Proposed Order; Preparation of Memo	2.5
12/17/08	Chicago - Phone Conference with Counsel - Order Review Draft Order	0.5
12/18/08	Review Filings - Chicago; Review Filings - Oak Park E-mail Counsel - Appeals/Mootness	<u>1.2</u>

Subtotal: 178.8

Litigation in the Court of Appeals

12/19/08	Chicago - Review Orders, Transmittals Oak Park - Review Orders, Transmittals	1.8
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12/23/08	Phone Conference with W. Howard - Oak Park Review Filings	0.5
12/24/08	Review Chicago Filings	0.5
12/26/08	Review Filings, Appeal Documents - Chicago, Oak Park Legal Research - Incorporation	2.8
1/7/09	Review Appeal Status; Review Consolidation Issues	2.5
1/8/09	Preparation of Brief - Chicago	1.8
1/9/09	Review Mandates; Legal Research; Preparation of Brief - Chicago	4.0
1/11/09	Legal Research - Incorp.; Preparation of Brief - Chicago	3.4
1/13/09	Chicago - Conference Call; Review Motion to Consolidate Preparation of Brief - Incorp.; Phone Conference with N. Lund - Amicus	6.0
1/14/09	Chicago - Phone Conference with R. Cottrol - Amicus	0.3
1/16/08	Chicago - Review Appeal Rules; Review Opposition to Consolidation, Preparation of Comments; Phone Conference with Amici - CORE	4.2
1/18/09	Chicago - Legal Research	2.6
1/19/09	Chicago - Preparation of Brief; Phone Conference with Counsel Review Consolidation Order	7.6
1/20/09	Preparation of Brief - Chicago	8.8
1/21/09	Preparation of Brief; Legal Research - Chicago Phone Conference with Counsel	9.4
1/22/09	Preparation of Brief; Legal Research - Chicago	7.2
1/23/09	Chicago: Review: MacDonald Brief (Dist. Ct.) Legal Research	4.6
1/26/09	Legal Research; E-mail Amici Status	1.8

1/27/09	Chicago: Preparation of Brief, Edits; Preparation of Disclosure Statement; E-mail Amicus, Consents	6.2
1/28/09	Chicago: E-mail Brief Filing, Amicus; Review: Final Brief Review: MacDonald Brief	3.8
1/29/09	E-mail Amicus Requests; Legal Research; Review: Amicus Brief - Heller	3.0
1/30/09	Review: Amicus Issues, Filing	0.6
2/1/09	Review: Lund Amicus Brief; Legal Research	0.8
2/2/09	Legal Research - Incorp.; Preparation of Memo E-mail Amicus Issues	4.5
2/3/09	E-mail Amicus Matters; Legal Research - Incorp., Posner on Heller	2.6
2/4/09	Legal Research; Preparation of Memo - 7 th Cir. Judges Opinions Review: Amicus Briefs	5.0
2/5/09	Review: Amicus Briefs	2.2
2/6/09	Legal Research - Incorp.; Review: Amicus Briefs	3.6
2/18/09	Review: Motion to Reschedule; E-mail	0.3
2/20/09	Review: Scheduling Order	0.2
2/23/09	Legal Research - New Cases	0.4
3/11/09	E-mail - Expedition	0.3
3/12/09	E-mail - En Banc	0.5
3/17/09	E-mail - En Banc	0.5
3/18/09	Review Rules - En Banc; Preparation of Petition En Banc Review: Extension Motion	3.6
3/20/09	Preparation of Petition En Banc; Legal Research	2.6

3/24/09	Preparation of En Banc Brief	4.5
3/25/09	Preparation of En Banc Petition; Review Order Extend Time	6.0
3/26/09	Preparation of En Banc Petition	3.2
3/30/09	Legal Research - Incorp.; Legal Research Pet. Cert. Before Jud.	2.5
	Legal Research - Petition Cert. Before Judgment	2.0
4/6/09	Review Motion - Exceed Page Limit; E-mail	0.3
4/7/09	Legal Research - Incorp.; Preparation of Memo	2.5
4/8/09	Legal Research; Preparation of Memo - Incorp. Cases Preparation of Petition En Banc	3.6
4/9/09	Preparation of Reply Brief; Legal Research	4.2
4/10/09	Preparation of En Banc Petition; E-mail; Legal Research	2.8
4/17/09	Review: Chicago Brief; E-mail - Amicus Consents	2.8
4/18/09	Review: En Banc Filing; E-mail - Chicago Brief	2.2
4/20/09	Preparation of Reply Brief; Phone Conference with D. Lehman, C. Michel; Legal Research - Nordyke	7.5
4/21/09	Legal Research; Preparation of Brief	2.4
4/22/09	Preparation of Brief; E-mail - En Banc Extension, Coordination	9.0
4/23/09	Legal Research; Preparation of Brief; Preparation of Motion For Extension	9.4
4/24/09	Preparation of Brief; Legal Research	6.5
4/26/09	Preparation of Brief	3.2
4/27/09	Review: Hist. Amicus Brief	1.2
4/28/09	Preparation of Brief; Review: Brief Amicus Chicago Board of Ed.	3.2

4/29/09	Review: Order; Review: Memos - Incorp. Legal Research	2.4
4/30/09	E-mail - Oral Argument; Review: Orders, Chicago Letter Legal Research; Preparation of Brief	6.4
5/1/09	Legal Research; Preparation of Brief	8.6
5/3/09	Review: Amicus Briefs; Preparation of Brief	7.5
5/4/09	Review: Amicus Briefs; Preparation of Brief	8.2
5/5/09	Preparation of Brief	6.2
5/6/09	Preparation of Brief	4.8
5/7/09	Preparation of Brief; Legal Research; Review: Order	4.5
5/8/09	E-mail - Argument, Moot Court.; Legal Research	2.5
5/11/09	E-mail - Moot Court; Legal Research	3.4
5/12/09	E-mail - Moot Court, Argument; Legal Research Preparation of Brief	3.8
5/13/09	Preparation of Brief	2.8
5/14/09	Preparation of Reply Brief; Review: MacDonald Brief Preparation for Moot Court	6.4
5/17/09	E-mail - Moot Court; Review: Briefs	3.5
5/18/09	Moot Court - MacDonald; Review: Briefs; Legal Research	8.2
5/19/09	E-mail - Moot Court; Review: Briefs; Preparation for Moot Court	5.6
5/20/09	Legal Research; Preparation for Moot Court; Review Briefs	6.2
5/21/09	Review Briefs; Legal Research; Moot Court	7.2
5/22/09	Preparation for Oral Argument; Legal Research Review Briefs	6.5

5/24/09	Review Briefs; Legal Research; Preparation for Oral Argument Excess Travel Time (reduced)	3.5 2.5
5/25/09	Preparation for Oral Argument; Conference with Counsel Moot Court	12.0
5/26/09	Preparation for Oral Argument; Court - 7 th Cir.; Conference with Counsel; E-mail Summary; Legal Research Excess Travel Time (reduced)	7.5 2.0
5/27/09	Review Argument Transcript; Legal Research; Preparation of Cert. Petition	6.8
5/28/09	Preparation of Cert. Petition	8.4
5/29/09	Preparation of Cert. Petition; Preparation of Appendix	6.8
6/1/09	Preparation of Appendix, Cert. Petition; Review: S.Ct. Rules	<u>2.8</u>
Subtotal:		346.5

Litigation in the Supreme Court

6/2/09	Review: 7 th Cir. Opinion; Phone Conference with D. Lehman, C. Conte; Preparation of Cert. Petition, Appendix	13.2
6/3/09	Review: E-mails - Cert. Petition; Phone Conference with D. Lehman, R. Gardiner	1.4
6/4/09	Review: E-mails - Counsel Issues, Adverse Counsel, Amicus, etc.	2.6
6/5/09	Letter to [deletion of name, subject – attorney/client & attorney work product privileged]; E-mail - Amicus Briefs	2.5
6/6/09	E-mail - Amicus Matters	1.0
6/8/09	Letter from Clerk; E-mail Adverse Counsel, Amici; Review Petition; Legal Research - Cong. Globe; Phone Conference with S. Jordan	3.5
6/9/09	Legal Research - Incorp.; Letter to Clerk; Review: MacDonald	

	Petition	3.5
6/10/09	Letter to Clerk; Legal Research - Heller Cases	3.4
6/11/09	Phone Conference with D. Lehman, R. Kozuch - Amicus; E-mail - Amicus; Legal Research - All Heller Cases; Preparation of Memo	5.6
6/12/09	Conference Call - Amici	0.4
6/15/09	Review: Amici Issues; Legal Research	1.4
6/16/09	Phone Conference with S. Jordan (AG), R. Kousch; Legal Research - Fed. & State Heller Cases	3.5
6/17/09	Conference call - Amicus Briefs; Legal Research - Heller Cases	1.4
6/19/09	E-mail - Amici	0.4
6/22/09	Review: Amicus Br. - Arms Keepers; Legal Research; Preparation of Memo - Citizenship Cl., P&I	2.4
6/23/09	Legal Research - Incorp. Cases; Preparation of Memo; Review: Heller Cases; Review: Letter Extension; E-mail	4.2
6/24/09	Review: Amicus Issues	1.2
6/25/09	Review: Amicus Issues; Legal Research - Incorp. Cases	2.6
6/26/09	Legal Research; Preparation of Memo - Protected Arms	1.2
6/29/08	Review: AG Draft; Preparation of Comments	1.8
6/30/09	Review: Order Extension; Review: Rules; Review: Amicus Issues, Costs; Preparation of Reply Memo	2.0
7/1/09	Legal Research - Heller Cases	0.8
7/2/09	Legal Research - Heller Cases; E-mail - Amicus	1.2
7/5/09	Review: Amicus Briefs; Phone Conference with R. Kousch, CA AG; Preparation of Reply	6.8

7/6/09	Review: Amicus Briefs, Maloney Petition	7.6
7/8/09	Legal Research - Incorp. Cases; Preparation of Memo	5.5
7/9/09	Legal Research; Preparation of Memo - Incorp. Cases; Review: Conflict Issue	8.2
7/10/09	Legal Research - Incorp. Cases; Preparation of Reply Brief	3.4
7/16/09	Legal Research - Incorp. Cases	1.5
7/20/09	Preparation of Reply Brief; Review: Incorp. Cases	7.2
7/21/09	Preparation of Reply Brief; Legal Research	4.2
7/22/09	Legal Research; Preparation of Reply Brief; Review: Amicus Brief	3.8
7/27/09	Preparation of Reply Brief; Legal Research	5.6
7/28/09	Legal Research; Preparation of Reply	2.2
7/29/09	Legal Research; Preparation of Reply Brief	6.4
7/30/09	Preparation of Reply Brief; Legal Research; Conference with N. Lund (Amicus)	6.8
7/31/09	Review: Nordyke Materials; Preparation of Reply Brief; Legal Research; Review: Rules	6.5
8/2/09	Preparation of Reply Brief; Review: Nordyke Impact	1.2
8/10/09	Review: Br. in Opposition; Preparation of Memo	3.4
8/11/09	Preparation of Reply Brief; Legal Research; Review: Br. in Opposition	7.4
8/12/09	Preparation of Reply Brief	8.2
8/13/09	Preparation of Reply Brief, Cert. Word Ct., Service List; Phone Conference with Printer	4.2
8/14/09	Review: Filing; E-mail Service - Adverse Counsel	0.6

8/17/09	Review: Service Documents; E-mail - Amici; Legal Research - New Heller Cases	3.2
8/19/09	Review: McDonald Reply; E-mail; Legal Research	1.2
8/21/09	Legal Research - Cicero Decision, Cases Cited	2.2
8/26/09	Legal Research - Reconst. Cases	1.8
8/31/09	Legal Research	0.6
9/15/09	Review: Maloney Briefs; E-mail	0.8
9/23/09	Phone Conference with D. Kilmer	0.6
9/24/09	Review: Oral Argument - Nordyke	1.2
9/25/09	Review: Nordyke Order; Review: Nordyke Argument	1.0
9/28/09	Legal Research - New Cases	1.4
9/29/09	Legal Research; Preparation of Brief for Petitioners	4.0
9/30/09	Legal Research; Preparation of Brief; Review: Order Phone Conference with D. Lehman	3.0
10/1/09	Legal Research - Amicus Brief - Fee Recovery; Phone Conference with N. Lund, N. Dranous (amicus issues)	1.2
10/14/09	Phone Conference with D. Lehman, S. Ct. Clerk; Review: Rules E-mail; Preparation of Brief	5.4
10/15/09	E-mail; Preparation of Brief	2.0
10/16/09	E-mail; Preparation of Brief	3.5
10/18/09	Preparation of Brief	6.2
10/19/09	E-mail; Conference with S. Poss, Amici Conference; Review: Briefs; Preparation of Brief	8.2
10/20/09	Preparation of Brief	6.2

10/21/09	Legal Research; Preparation of Brief; E-mail Counsel	4.0
10/22/09	Preparation of Brief	3.8
10/23/09	Legal Research; Preparation of Brief	5.5
10/26/09	Preparation of Brief - Reconstr.	7.2
10/27/09	Preparation of Brief	7.0
10/28/09	Legal Research; Preparation of Brief	8.2
10/29/09	Legal Research; Preparation of Brief	6.6
10/30/09	Legal Research; Preparation of Brief	6.8
11/1/09	Legal Research; Preparation of Brief	2.0
11/2/09	Preparation of Brief	8.2
11/3/09	Legal Research; Preparation of Brief; Review: Draft Phone Conference with Counsel	8.0
11/4/09	Preparation of Brief	4.6
11/5/09	Preparation of Brief; E-mail	9.8
11/6/09	Preparation of Brief; Legal Research	3.0
11/9/09	Review: Notices Amici; Review: Brief Drafts	2.6
11/10/09	Preparation of Brief; Legal Research	6.2
11/11/09	Preparation of Brief	5.8
11/12/09	E-mails - Extension of Time; Preparation of Memo - P - or - I Arguments; Review: Brief Drafts; Preparation of Brief	7.0
11/13/09	Review: Brief Drafts; E-mail; Preparation of Draft	5.5
11/14/09	Review: Draft; Preparation of Brief	1.8
11/16/09	Review: Brief Final; Legal Research; Review: Briefs -	

	Petitioners, Amici	4.2
11/17/09	E-mail; Legal Research; Review: Jt. App., Briefs	4.0
11/17/09	Legal Research	1.5
11/18/09	Review: Briefs, Comments; Legal Research	2.8
11/20/09	Review: Briefs	3.4
11/22/09	Review: Amicus Briefs	2.8
11/23/09	Review: Amicus Briefs; Preparation of Memo	12.5
11/24/09	Review: Amicus Briefs	4.4
11/30/09	Review: Amicus Briefs; Preparation of Memo; Legal Research	4.2
12/1/09	Preparation of Memo - Amicus Briefs; Legal Research Review: Rules	4.2
12/2/09	Preparation of Memo - Amici; Legal Research	4.0
12/3/09	Preparation of Memo - Amici	2.4
12/4/09	Preparation of Memo - Amici; Legal Research - Standard of Review	2.2
12/7/09	Legal Research; Review: Pod Cast - P or I Clause	2.8
12/8/09	Preparation of Memo - Standard of Review; Review: Application Extend Pages	8.2
12/9/09	Preparation of Memo - Standard of Review	5.6
12/10/09	Preparation of Memos - Reconstruction Intent, Standard of Review	6.4
12/11/09	Preparation of Memo - Reconstruction Intent; Review: Heller Cases	3.2
12/14/09	Legal Research; Preparation of Memo - Reconstruction History, Standard of Review	5.4

12/15/09	Legal Research; Preparation of Memo - Reconstruction History, Standard of Review	2.0
12/18/09	Review: States' Motion; E-mail; Review: Rules; Conference with R. Dowlut	2.4
12/22/09	Review: Docket; Review: States' Motion - Argument; E-mail; Rsh. Historians	2.4
12/23/09	Phone Conference with R. Dowlut; Review: Historians Amici - Articles; Legal Research - 14 Am. History	2.5
12/30/09	Legal Research; Preparation of Reply; Review: Sum. Law Reviews; E-mail - Chicago Amici	3.4
1/3/10	Legal Research; Preparation of Memo	6.6
1/4/10	Review: Oak Park Order, Transmittal; Review: Chicago Brief; Preparation of Reply; Review: NRA Motion for Argument	7.0
1/5/10	Review: Chicago Brief; Preparation of Reply	10.2
1/6/10	Legal Research; Preparation of Reply Brief; Review: Motion - Argument; Review: Amici Briefs	6.6
1/7/10	Review: Chicago Brief; Preparation of Reply; Review: Amici Briefs	6.8
1/8/10	Preparation of Reply Brief; Conference with D. Lehman, R. Dowlut; Review: Opposition	7.8
1/9/10	Review: Heller Notes; E-mail - Opposition	0.8
1/11/10	Preparation of Reply Brief	3.8
1/12/10	Preparation of Reply Brief	5.2
1/13/10	Preparation of Reply Brief	8.6
1/14/10	Preparation of Reply Brief	7.5
1/15/10	Preparation of Reply Brief	6.8

1/18/10	Review: Amici Briefs	7.0
1/19/10	Review: Amici Briefs; Preparation of Reply Brief	7.2
1/20/10	Legal Research; Preparation of Reply Brief	4.5
1/21/10	Review: Draft Reply; Preparation of Comments, Reply	5.2
1/22/10	Preparation of Reply Brief	1.8
1/23/10	Preparation of Reply Brief	4.0
1/25/10	Preparation of Reply Brief; E-mail; Review: Docket	7.6
1/26/10	Preparation of Reply Brief	4.2
1/27/10	Preparation of Reply Brief	4.0
1/28/10	Legal Research; Review: Reply Brief	2.3
1/29/10	Review: McDonald Brief; E-mail	2.4
2/1/10	Review: Ordinance; E-mail; Legal Research	2.4
2/5/10	Legal Research; Phone Conference with R. Dowlut	1.8
2/10/10	E-mail; Locate Briefs	0.3
2/12/10	Review: Briefs	0.2
2/18/10	E-mail - Moot Court; Legal Research - New Cases	2.0
2/19/10	Review: Briefs - Preparation for Moot Court	3.0
2/22/10	Review: Briefs; Moot Court	7.8
2/23/10	Legal Research - Oral Argu. Point	0.5
2/24/10	Legal Research - New Cases	1.5
3/2/10	Court - Oral Argument; Conference with Counsel, Clients; Review: Transcript of Arguments	7.6

6/24/10	Review of Docket; Remand Issues	0.6
6/28/10	Court Hearing - Supreme Court Decision Review of Decision; Preparation of Memo	<u>8.0</u>
Subtotal:		589.7
Litigation on Remand to the District Court: Fee Liability		
6/29/10	Review of Opinion; Preparation of Memo	4.2
6/30/10	Review of Opinion, Comments; Email	2.4
7/1/10	Email Review of Opinion, Bills Proposed	2.2
7/2/10	Review of Chicago Action; Email	1.4
7/7/10	Review of Ordinance; Review of Commentaries Review of Decision	3.0
7/13/10	Review of Attorney Fee Recovery Issues	1.4
7/17/10	Review of Attorney Fee Issues Preparation of Memo	3.2
7/19/10	Phone Conference with Counsel - Attorney Fee Issues Legal Research; Review of Rules - Remand Issues	5.4
7/20/10	Legal Research; Preparation of Memo - Prevailing Party	3.0
7/27/10	Legal Research - Attorney's Fees; Preparation of Memo	3.2
7/28/10	Preparation of Memo - Attorney's Fees	3.4
7/30/10	Preparation of Memo - Attorney's Fees, Review of Judgment	3.0
8/2/10	Review of 7 th Circuit Rules, Review of Judgment Review Order Rule 54	1.0
8/3/10	Legal Research, Drafting - Rule 54 Statement Legal Research - Attorneys Fees	4.2

8/5/10	Email Costs, Statement to 7 th Cir., Legal Research Preparation of Memo - Attorney Fee Issues	3.2
8/11/10	Email - Rule 54, Legal Research - Fee Issues Preparation of Memo	2.8
8/12/10	Legal Research, Preparation of Memo - Fees	4.5
8/16/10	Legal Research - Fee Calculation, Email - Rule 54	3.8
8/17/10	Email - Rule 54 Statement, Legal Research - Fees/Rates Preparation of Brief - Attorney Fee Motion	4.5
8/18/10	Preparation of Brief - Fees Review of Fee Petition/Cases Re: Chicago & Oak Park	5.0
8/19/10	Email - Rule 54 Legal Research - Oak Park & Chicago § 1983 cases	3.6
8/20/10	Review of Fee Petitions - N. D. Ill.	2.8
8/25/10	Review of Chicago - Rule 54 Statement, Email Review of Remand Order, Jud. Email	1.4
8/26/10	Review of Local Rules, Preparation of Memo Review of McD. Rule 54 Statement	2.6
8/30/10	Review of Local Rules, Order, Legal Research Preparation of Brief - Fees	3.2
8/31/10	Email - Fee issues	3.2
9/1/10	Legal Research, Preparation of Memo - Fee Rates Email - Scheduling, Confer	2.6
9/2/10	Preparation of Fees Memo, Email	1.2
9/7/10	Review of Bill of Costs	0.2
9/9/10	Email, Review of Bill of Costs - 7 th Cir.	0.2
9/13/10	Letter from Chicago - Costs Legal Research, Preparation of Memo - "prevailing party"	2.5

9/16/10	Review of Mandate, Costs	0.2
9/20/10	Review of Remand documents	0.8
9/27/10	Legal Research, Preparation of Fee Petition, Declaration	4.6
9/28/10	Preparation of Declaration, Brief - Fees, Email Review of Rules - Fees	3.2
9/29/10	Preparation of Declaration, Petition - Fees Legal Research - Fee Calculation	7.2
10/8/10	Email, Phone Conference with Counsel - Entry Order Preparation of Fee Petition	1.2
10/12/10	Email - Clerk, Review of Orders, Rules	0.6
10/13/10	Review of Local Rules - Scheduling, Email - Fees Phone Conference with D. Dooley, Review of Time Sheets	3.2
10/14/10	Email - Date Conf. Call with Chicago and O.P. Review of Time Sheets	1.4
10/18/10	Review of Fee issues, coordination, Time Sheets	2.2
10/20/10	Email - Schedule Tel. Conf.	0.3
10/21/10	Prepare for Tel. Conference, Review of Local Rules Review of Time Sheets, Legal Research - Jurisdiction Phone Conference with Counsel, Adverse Counsel	6.6
10/22/10	Review of Motions - Scheduling Orders, Email Legal Research - Jurisdiction, Prevailing Party	0.6
10/25/10	Legal Research-"Judgment" (re Chicago argument none entered), motions, Preparation of Memo, Conf. Call with Counsel	8.2
10/26/10	Preparation for Hearing, Court Hearing - Schedule Legal Research - Prevailing Party, Preparation of Memo	6.4
10/19/10	Review of Local Rules - Draft Agenda, Email - Tel. Conf.	1.2

10/27/10	Legal Research, Preparation of Memo - Prevailing Party Review of Ordinance	4.8
10/28/10	Review of Ordinance, Legal Research Preparation of Memo - Prevailing Party	2.2
10/29/10	Preparation of Memo - Prevailing Party	2.4
11/1/10	Review of Chicago Brief, S.Ct. Rule 54 Statements Preparation of Memo - Prevailing Party	4.8
11/2/10	Legal Research, Preparation of Memo - Prevailing Party	3.5
11/4/10	Phone Conference with Counsel - Extension, Email	0.5
11/5/10	Phone Conference with Counsel, Email - extension Legal Research, Preparation of Memo	1.0
11/10/10	Review of Motions/Extensions	0.5
11/12/10	Review of Order - Extension	0.2
11/13/10	Conference with Counsel - Council debate, fee issues	0.6
11/18/10	Review of Committee Hearings, Preparation of Brief Fees Council debate - Repeal ordinance	2.8
11/19/10	Preparation of Brief - Legislative History	0.5
11/29/10	Review of Proceedings - Oak Park & Chicago Repeals Preparation of Brief	3.6
11/30/10	Preparation of Brief, Review of Rules, Legal Research-new cases	3.2
12/3/10	Review of Comments, Preparation of Brief	2.4
12/7/10	Preparation of Brief - Fees, Preparation of Appendix	1.8
12/8/10	Preparation of Brief - fees, Legal Research	4.2
12/9/10	Preparation of Brief, Review of Comments Review of Declarations	2.8

12/10/10	Preparation of Brief, Email, Preparation of App.	2.8
12/15/10	Review of Briefs in Opposition	1.6
12/16/10	Review of Briefs in Opposition, Preparation of Memo Legal Research	1.5
12/17/10	Legal Research - Chicago case cites, Preparation of Memo	2.8
12/21/10	Preparation for Hearing, Court Hearing, Legal Research - Chicago cites, Phone Conference with Counsel	2.4
12/22/10	Review of Opinion, Preparation of Memo	1.6
12/23/10	Review of Opinion, Email - Appeal Phone Conference with Counsel	0.8
12/27/10	Review of Notice of Appeal, Email	<u>1.2</u>
Subtotal:		196.5

Litigation in the Court of Appeals on Fee Liability

12/28/10	Review of McDonald Fee Motion Review of Docket, Transmittals	1.6
12/30/10	Review of Filings	0.5
1/3/11	Review of Docketing Statement, Review of Brief Schedule Phone Conference with Counsel	0.8
1/4/11	Preparation of Appeal Brief, Review of Order - McDonald Review of Docketing Statements	1.5
1/7/11	Review of Appeal Filings	0.6
1/8/11	Review of Order Briefing, Filings, Email Review of Supp. to Opinion	0.8
1/10/11	Legal Research, Preparation of Brief	1.4
1/11/11	Review of Disclosure, Preparation of Appeal Brief	4.5

1/12/11	Legal Research, Preparation of Brief	4.2
1/19/11	Review of Filing - Transmittal, Legal Research Preparation of Appeal Brief	3.2
1/20/11	Legal Research, Prepare Brief	2.8
1/24/11	Legal Research, Prepare Brief Phone Conference, Email Counsel - App.	8.0
1/31/11	Legal Research - Other Jurisdictions, Remands	2.0
2/3/11	Prepare Brief	0.6
2/4/11	Email - Counsel (App., McDonald), Review McDonald Brief	0.4
2/7/11	Phone Conference with Counsel-App.	0.2
2/8/11	Email - Amici	0.1
2/10/11	Review of Brief Drafts, App., Email	2.2
2/11/11	Prepare Brief	4.2
2/12/11	Prepare Brief	2.4
2/17/11	Review of McDonald Brief, Email	1.0
2/24/11	Legal Research - Vacatur	1.0
3/10/11	Review of Motion to Extend Time, Email	0.2
3/15/11	Review of Scheduling	0.2
4/4/11	Review of Ezell Argument - 7 th Cir.	1.0
4/8/11	Review of Chicago briefs	1.6
4/11/11	Review of Motion for Extension, Email	0.2
4/12/11	Review of Order Reschedule	0.2
4/15/11	Legal Research - new cases	1.2

4/22/11	Review of Notice	0.1
4/25/11	Legal Research - new cases	0.5
5/1/11	Review of Chicago Brief	2.2
5/2/11	Review of Chicago Brief, Preparation of Memo	4.6
5/3/11	Preparation of Reply Brief, Legal Research	6.2
5/4/11	Preparation of Brief, Preparation of Disclosure Statements	5.8
5/5/11	Preparation of Brief	6.0
5/6/11	Preparation of Reply Brief	6.4
5/12/11	Preparation of Reply Brief, Email Counsel	3.5
5/13/11	Finalize Reply Brief	1.2
5/16/11	Review of McDonald Brief	0.6
5/27/11	Legal research - new case	1.2
6/2/11	Review of Opinion, Email	<u>1.0</u>
Subtotal:		87.9

Litigation in the District Court on Reasonable Fees

6/6/11	Email - Counsel, Legal Research - deadlines Review of Rules, Prior Memos, Compile time sheets Preparation of Memo	5.8
6/7/11	Legal Research - Atty. Fee cases	1.2
6/8/11	Preparation of Memo for Counsel - Legal Research requirements Preparation of Memo - Caselaw Fees	3.5
6/9/11	Legal Research - Laffey Matrix	1.8
6/13/11	Review of Bill of Costs	0.1

6/14/11	Legal Research - Fee Calculation, Preparation of Memo	
	Review of N.D.IL Fee Cases	4.2
6/15/11	Legal Research, Preparation of Memo - Fee Calculation (Cumberland Cases), Email - Compile Records	2.8
6/21/11	Legal Research - Fee Issues	1.4
6/22/11	Legal Research, Preparation of Memo	5.2
6/23/11	Legal Research, Preparation of Memo - Yrs. Calculated	2.5
6/24/11	Review of Mandate, Email	0.3
6/27/11	Legal Research, Preparation of Memo - fees, Review of deadlines	3.2
6/30/11	Review of scheduling, Legal Research, Preparation of memo-fees Compile Counsel Info., Phone Conference with Counsel - Plan confer. w/adverse counsel	5.2
7/1/11	Email Comments, Revise fee memo	1.4
7/7/11	Email Scheduling, Review of Counsel Declarations, Billings	1.5
7/8/11	Email Scheduling, Review of Counsel Resumes	0.8
7/12/11	Review of Fee Records, Email - Tel. Conf.	1.2
7/13/11	Review of Declarations, Attorneys Telecon. Counsel-Scheduling Review of Local Rules, Drafts, Motion	2.2
7/14/11	Review of Orders, Email, Review of Declarations	1.2
7/18/11	Preparation of Declaration	1.2
7/19/11	Summarize Exhibits - Clement, Email Counsel	3.6
7/20/11	Review of Counsel Documents	1.2
7/22/11	Preparation of Answer - Attorney Summaries	2.5

6/21/11	Legal Research - Fee Issues	1.4
6/22/11	Legal Research, Preparation of Memo	5.2
6/23/11	Legal Research, Preparation of Memo - Yrs. Calculated	2.5
6/24/11	Review of Mandate, Email	0.3
6/27/11	Legal Research, Preparation of Memo - fees, Review of deadlines	3.2
6/30/11	Review of scheduling, Legal Research, Preparation of memo-fees Compile Counsel Info., Phone Conference with Counsel - Plan confer. w/adverse counsel	5.2
7/1/11	Email Comments, Revise fee memo	1.4
7/7/11	Email Scheduling, Review of Counsel Declarations, Billings	1.5
7/8/11	Email Scheduling, Review of Counsel Resumes	0.8
7/12/11	Review of Fee Records, Email - Tel. Conf.	1.2
7/13/11	Review of Declarations, Attorneys Telecon. Counsel-Scheduling Review of Local Rules, Drafts, Motion	2.2
7/14/11	Review of Orders, Email, Review of Declarations	1.2
7/18/11	Preparation of Declaration	1.2
7/19/11	Summarize Exhibits - Clement, Email Counsel	3.6
7/20/11	Review of Counsel Documents	1.2
7/22/11	Preparation of Answer - Attorney Summaries	2.5
7/25/11	Summarize Attorney Services	1.6
7/26/11	Prepare Time Sheets, Email Counsel, Legal Research - new case Review of Documents, Fee Rates	3.2
7/27/11	Review of Counsel Documents, Preparation of Declaration, Resume	2.8

7/28/11	Phone Conference with Counsel - Records Prepare, Review Declarations, Preparation of Exhibits	4.2
8/1/11	Review of Declarations & Exhibits, Preparation of Notice Review of Costs Issue - Appeal	2.6
8/2/11	Review & Compile Declarations and Exhibits Email Counsel, Review of Rules	3.0
8/3/11	Review, Compile Exhibits, Declarations Preparation of Declarations	4.0
8/4/11	Preparation of Declaration, Phone Conference with Counsel Review, Compile all Documents for Submission	5.2
8/5/11	Phone Conference with Local Counsel Review of Submissions, Replace File	1.2
8/8/11	Review of Services	0.1
9/8/11	Email - dates, discovery	0.2
9/9/11	Review of Extension Motions	0.3
9/13/11	Review of Minute Entry, Calendar	0.2
9/20/11	Review of McDonald Jt. Stat., Submissions	0.4
9/22/11	Review of McDonald Filings, Email	0.3
9/27/11	Review of Chicago - Oak Park Records Letter to Counsel - Next Stages	1.8
9/30/11	Review of Chicago - Oak Park Submissions	1.6
10/12/11	Review of Rules, Email - Objections Due	0.6
10/14/11	Email - Extension	0.2
10/18/11	Review of Motions Extension, Docket, Email	0.3
10/20/11	Review of Filings - Extension	0.2

10/28/11	Review of Fee Objections, Email Counsel	1.2
11/2/11	Review of Objections, Preparation of Memo Preparation of Joint Statement	7.2
11/3/11	Prepare Joint Statement	8.2
11/4/11	Prepare Joint Statement	2.6
11/8/11	Review of Fees Breakdowns, Prepare Joint Statement	1.8
11/9/11	Prepare Joint Statement	3.2
11/11/11	Prepare Joint Statement - Firms	<u>5.6</u>
	Subtotal:	<u>152.2</u>
	Grand Total Hours	1,632.8

EXHIBIT “C”

EXHIBIT C

**STEPHEN P. HALBROOK – EXPENSES INCURRED IN
NATIONAL RIFLE ASSOCIATION v. CHICAGO and OAK PARK**

Expenses

4/08	Paralegal Fees	\$38.50
6/08	Paralegal Fees	\$42.00
6/27/08	Taxi	\$96.00
7/08	Paralegal Fees	\$10.50
8/08	Paralegal Fees	\$14.00
10/08	Paralegal Fees	\$21.00
12/08	Paralegal Fees	\$3.50
1/09	Paralegal Fees	\$20.00
2/09	Paralegal Fees	\$26.00
4/23/09	Fedex	\$23.95
8/08	Paralegal Fees	\$14.00
5/09	Paralegal Fees	\$122.00
6/09	Paralegal Fees	\$218.25
	Airfare	\$687.20
	Hotel	\$388.83
	Taxi (\$51.25 + \$58.85)	\$110.01
	Meals (\$39.40 + \$13.99)	\$53.39
7/09	Cert. Petition Printing Fee	\$2,611.15
8/09	Paralegal Fees	\$256.95
	Reply Brief Printing Fee	<u> </u> \$904.11

10/09	Paralegal Fees	\$17.20
	Fedex	\$17.20
11/09	Paralegal Fees	\$17.20
1/10	Paralegal Fees	\$34.40
3/10	Paralegal Fees	\$12.90
12/10	Paralegal Fees	<u>\$53.75</u>
	Total Expenses	\$5,799.99

EXHIBIT “D”

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
SHELLY PARKER, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.03-0213 (EGS)
)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

DECLARATION OF DARRIN SOBIN

Pursuant to 28 U.S.C. § 1746, I, Darrin Sobin, declare and state as follows:

1. I am over the age of eighteen (18) years, competent to testify to the matters contained herein, and testify based on my personal knowledge and information.
2. I am an Assistant Attorney General for the District of Columbia. I have worked for the Office of the Attorney General since December 1, 2003. I make this Declaration in response to the Opposition to the District's Motion for Protective Order in this case.
3. As part of my duties in the Legal Counsel Division, I provide legal advice and analysis to District agencies and officials on a variety of issues.
4. From time to time, private law firms seek to provide *pro bono* assistance to the District on various matters. My duties also include the negotiation and drafting of Donation Retainer Agreements, documents through which lawyers and law firms donate legal services to the District of Columbia. I have finalized a number of such agreements, and none of them required the firms to provide information to the District on how many hours of time were spent by the firm on the matter. Indeed, such a provision is not a part of our standard language for these agreements.

5. In this particular case, the District engaged the services of Covington & Burling LLP, Akin Gump Strauss Hauer & Feld LLP, and O'Melveny & Myers LLP. All of these firms were engaged *pro bono*.

6. I did not prepare (and I am not aware of) any agreement with these firms that required those firms to provide any information to the District as to the amount of time they spent on this case. I have not seen any such billing information or records from these firms, or any firms engaged on a *pro bono* basis, nor have I ever asked for such information.

This declaration consists of 6 numbered paragraphs on two (2) pages. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 19th, 2010.


DARRIN SOBIN

EXHIBIT “E”

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIASHELLY PARKER, *et al.*

Plaintiffs,

v.

DISTRICT OF COLUMBIA, *et al.*,

Defendants.

Civil Action No. 03-0213 (EGS)

NOTICE OF FILING

Pursuant to the Court's direction at and after the motions hearing held on March 23, 2011, the District of Columbia provides the following information, provided by the firms that gave *pro bono* assistance to the District in this matter. Each firm provided standard rates for each attorney who assisted the District in this case during the period that the *pro bono* services were provided (2007-08). The District has placed those rates in a range within the corresponding experience-level groupings identified by the Court as follows:

1 to 3 years	\$255/hr to \$450/hr
4 to 7 years	\$480/hr
8 to 10 years	\$650/hr
11 to 20 years	\$640/hr to \$800/hr
20 + years	\$760/hr to \$950/hr

Each of the three firms explained that the quoted hourly rates can vary significantly depending upon the client and case at issue. In addition, it is common for the firms to use alternative fee arrangements, including flat or capped fees for appellate and other types of work as well as various other arrangements. With respect to the type of work at issue here (*i.e.*, Supreme Court work), the firms stated that they generally do not charge their highest rates, and frequently charge significantly lower than their highest rates (either through flat/capped fees or

otherwise), because of the value that those cases offer to the firms and their reputation. This explanation concerning their standard rates applies both to the period when the firms worked on this case, as well as to current rates.

DATE: April 6, 2011

Respectfully submitted,

IRVIN B. NATHAN
Acting Attorney General for the District of Columbia

GEORGE C. VALENTINE
Deputy Attorney General, Civil Litigation Division

/s/ Ellen A. Efros
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/s/ Andrew J. Saindon
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EXHIBIT “F”

**INTENTIONALLY
OMITTED**

EXHIBIT “G”

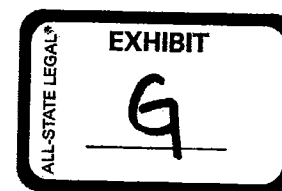
A nationwide sampling of law firm billing rates The National Law Journal December 6, 2010 Monday

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THE NATIONAL LAW JOURNAL

The National Law Journal

December 6, 2010 Monday



SECTION: BILLING SURVEY; Pg. 12 Vol. 33 No. 14

LENGTH: 1335 words

HEADLINE: A nationwide sampling of law firm billing rates

BODY:

The National Law Journal asked the respondents to its 2010 survey of the nation's 250 largest law firms to provide a range of hourly billing rates. Firms that supplied the information are listed in alphabetical order. Non-NLJ 250 firms appear separately.

FIRM NAME	PRINCIPAL OR LARGEST OFFICE	NUMBER OF ATTORNEYS	FIRMWIDE PARTNER ASSOCIATE											
			AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	LOW	AVERAGE	MEDIAN	HIGH	LOW
Adams and Reese	New Orleans	265	\$265	\$270	\$550	\$250	\$344	\$340	\$290	\$195	\$229	\$235		
Alston & Bird	Atlanta	786	\$515	\$505	\$865	\$450	\$627	\$615	\$590	\$270	\$405	\$405		
Archer & Greiner	Haddonfield, N.J.	176			\$560	\$305			\$340	\$175				
Arent Fox	Washington	329			\$765	\$400			\$475	\$240				
Armstrong Teasdale	St. Louis	233			\$475	\$300			\$325	\$200				
Baker, Donelson, Bearman, Caldwell & Berkowitz	Memphis, Tenn.	552	\$312	\$305	\$595	\$255	\$357	\$348	\$320	\$165	\$231	\$230		
Barnes & Thornburg	Indianapolis	494	\$367	\$375	\$613	\$298	\$416	\$415	\$355	\$225	\$261	\$260		
Benesch, Friedlander, Coplan & Aronoff	Cleveland	161	\$315		\$575	\$350	\$335		\$360	\$195	\$245			
Best Best & Krieger	Riverside, Calif.	183			\$550	\$310			\$395	\$225				
Blank Rome	Philadelphia	472	\$510	\$495	\$855	\$440	\$615	\$625	\$550	\$250	\$361	\$353		
Bond, Schoeneck & King	Syracuse, N.Y.	199	\$260	\$255	\$475	\$220	\$309	\$330	\$280	\$160	\$208	\$210		
Briggs and Morgan	Minneapolis	190	\$373	\$390	\$600	\$290	\$437	\$440	\$315	\$210	\$240	\$235		
Broad and Cassel	Orlando, Fla.	160	\$307	\$295	\$475	\$260	\$372	\$375	\$350	\$175	\$242	\$248		
Brownstein Hyatt Farber Schreck	Denver	248	\$391	\$380	\$810	\$295	\$463	\$448	\$360	\$200	\$256	\$255		
Bryan Cave	St. Louis	928	\$464	\$450	\$790	\$370	\$553	\$540	\$550	\$185	\$344	\$345		
Buchalter Nemer	Los Angeles	164	\$415	\$415	\$625	\$270	\$490	\$495	\$450	\$195	\$328	\$310		
Buchanan Ingersoll & Rooney	Pittsburgh	423			\$900	\$310			\$465	\$210				
Burr & Forman	Birmingham, Ala.	256	\$328	\$330	\$500	\$210	\$361	\$365	\$335	\$200	\$250	\$250		
Butzel Long	Detroit	181			\$750	\$300			\$375	\$200				
Carlton Fields	Tampa, Fla.	275	\$388	\$390	\$775	\$325	\$455	\$455	\$375	\$195	\$268	\$270		
Chadbourne & Parke	New York	444	\$456	\$450	\$995	\$390	\$769	\$785	\$625	\$110	\$442	\$455		
Cozen O'Connor	Philadelphia	521	\$422	\$390	\$880	\$310	\$497	\$475	\$585	\$225	\$326	\$320		
Curtis, Mallet-Prevost, Colt & Mosle	New York	252	\$489	\$480	\$785	\$675	\$669	\$675	\$575	\$290	\$365	\$350		

Davis Wright Tremaine	Seattle	491	\$355	\$365	\$795	\$320 \$486	\$480	\$435 \$210 \$304	\$305
Dickinson Wright	Detroit	230			\$575	\$355		\$275 \$195	
Dickstein Shapiro	Washington	336	\$546	\$530	\$950	\$525 \$656	\$650	\$530 \$265 \$426	\$450
Dinsmore & Shohl	Cincinnati	402	\$302	\$290	\$590	\$220 \$360	\$355	\$300 \$175 \$222	\$218
Dorsey & Whitney	Minneapolis	578	\$410	\$395	\$795	\$440 \$515	\$515	\$290 \$180 \$285	\$270
Duane Morris	Philadelphia	629	\$483	\$483	\$850	\$240 \$550	\$545	\$480 \$135 \$349	\$350
Dykema Gossett	Detroit	333	\$445	\$450	\$635	\$360 \$495	\$515	\$450 \$225 \$325	\$320
Eckert Seamans Cherin & Mellott	Pittsburgh	329			\$625	\$250		\$320 \$150	
Edwards Angell Palmer & Dodge	Boston	505	\$451	\$450	\$780	\$345 \$571	\$575	\$610 \$200 \$323	\$303
Epstein Becker & Green	New York	302	\$429	\$425	\$850	\$350 \$520	\$500	\$450 \$180 \$325	\$320
Fisher & Phillips	Atlanta	238			\$505	\$340		\$360 \$220	
Fitzpatrick, Cella, Harper & Scinto	New York	175			\$730	\$460		\$440 \$275	\$325
Foley & Lardner	Milwaukee	895	\$554	\$570	\$1,035	\$654	\$640	\$255 \$426	\$410
Ford & Harrison	Atlanta	176			\$620	\$375		\$390 \$250	
Fox Rothschild	Philadelphia	472	\$407	\$415	\$690	\$315 \$473	\$470	\$475 \$235 \$298	\$290
Frost Brown Todd	Cincinnati	404	\$279	\$280	\$515	\$200 \$326	\$325	\$250 \$150 \$189	\$190
Gardere Wynne Sewell	Dallas	270	\$445	\$450	\$815	\$380 \$531	\$525	\$445 \$195 \$311	\$310
Gibbons	Newark, N.J.	223	\$404	\$410	\$790	\$390 \$479	\$475	\$450 \$250 \$289	\$275
Godfrey & Kahn	Milwaukee	172			\$495	\$325		\$340 \$180	
GrayRobinson	Orlando, Fla.	250			\$750	\$225		\$315 \$150	
Greenberg Traurig	New York	1,763	\$453	\$480	\$875	\$355 \$550	\$580	\$610 \$200 \$332	\$350
Harris Beach	Rochester, N.Y.	176			\$500	\$275		\$250 \$140	
Hiscock & Barclay	Syracuse, N.Y.	175	\$311	\$275	\$650	\$195 \$348	\$305	\$440 \$150 \$234	\$195
Hodgson Russ	Buffalo, N.Y.	197	\$328	\$320	\$665	\$230 \$374	\$370	\$410 \$175 \$238	\$230
Holland & Knight	Washington	942	\$418	\$425	\$850	\$300 \$499	\$495	\$480 \$185 \$288	\$280
Holme Roberts & Owen	Denver	192	\$355	\$345	\$635	\$285 \$415	\$410	\$530 \$170 \$295	\$285
Husch Blackwell	St. Louis	554	\$329	\$331	\$804	\$230 \$357	\$375	\$415 \$171 \$220	\$205
Jackson Kelly	Charleston, W.Va.	161			\$495	\$245		\$275 \$155	
Jackson Lewis	White Plains, N.Y.	661	\$364	\$300	\$715	\$260 \$428	\$430	\$440 \$150 \$282	\$275
Jones, Walker, Waechter, Poltevent, Carrere & Denegre	New Orleans	302			\$620	\$195		\$275 \$140	
Kelley Drye & Warren	New York	325			\$900	\$465		\$565 \$275	
Kilpatrick Stockton	Atlanta	423	\$425	\$425	\$730	\$375 \$527	\$520	\$465 \$225 \$320	\$320
Knobbe, Martens, Olson & Bear	Irvine, Calif.	266	\$432	\$415	\$710	\$395 \$511	\$485	\$450 \$285 \$332	\$335
Lane Powell	Seattle	175	\$349	\$380	\$600	\$310 \$431	\$430	\$350 \$230 \$278	\$275
Lathrop & Gage	Kansas City, Mo.	286			\$490	\$255		\$265 \$180	
Lindquist & Vennum	Minneapolis	184	\$330	\$350		\$415	\$410	\$235	\$230
Littler Mendelson	San Francisco	764	\$372	\$355	\$650	\$290 \$445	\$435	\$480 \$210 \$296	\$285
Locke Lord Bissell & Liddell	Dallas	642	\$486	\$515	\$1,120	\$400 \$599	\$600	\$525 \$215 \$320	\$300
Loeb & Loeb	New York	300			\$975	\$475		\$575 \$275	
Lowenstein Sandler	Roseland, N.J.	238			\$825	\$440		\$575 \$235	
Manatt, Phelps & Phillips,	Los Angeles	320	\$568	\$590	\$850	\$525 \$651	\$650	\$525 \$200 \$405	\$410
Marshall, Dennehey Warner, Coleman & Goggin	Philadelphia	412			\$410	\$145		\$320 \$130	

Maynard, Cooper & Birmingham, 212 Gale Ala.			\$600	\$325		\$295 \$235				
McCarter & English Newark, N.J. 382	\$355	\$400	\$825	\$360 \$498	\$485	\$405 \$215 \$313	\$315			
McElroy Deutsch, Morristown, 269 Mulvaney & Carpenter N.J.	\$210	\$225	\$550	\$295 \$280	\$260	\$275 \$150 \$190	\$185			
McGuireWoods Richmond, 872 Va.	\$455	\$450	\$830	\$325 \$543	\$535	\$600 \$220 \$355	\$350			
McKenna Long & Aldridge Atlanta 429	\$455	\$410	\$775	\$375 \$540	\$525	\$490 \$220 \$366	\$355			
Michael Best & Friedrich Milwaukee 214	\$346	\$345	\$650	\$235 \$400	\$390	\$320 \$190 \$239	\$230			
Miles & Stockbridge Baltimore 223			\$695	\$325		\$370 \$220				
Miller & Martin Chattanooga, 192 Tenn.	\$328	\$335	\$610	\$235 \$361	\$365	\$275 \$180 \$218	\$210			
Moore & Van Allen Charlotte 282 N.C.	\$364	\$350	\$785	\$265 \$441	\$425	\$350 \$180 \$257	\$250			
Nelson Mullins Riley & Scarborough Columbia, 400 S.C.	\$347	\$340	\$850	\$245 \$399	\$385	\$335 \$185 \$248	\$240			
Nexsen Pruet Columbia, 178 S.C.			\$525	\$230		\$250 \$160				
Nixon Peabody New York 682	\$429	\$430	\$905	\$375 \$613	\$625	\$580 \$195 \$388	\$395			
Ogletree, Deakins, Nash, Smoak & Stewart Greenville, 485 S.C.	\$351		\$575	\$300 \$389		\$390 \$195 \$285				
Patton Boggs Washington 525	\$482	\$485	\$990	\$355 \$645	\$625	\$550 \$215 \$399	\$400			
Pepper Hamilton Philadelphia 458	\$326		\$825	\$420 \$547		\$465 \$230 \$329				
Perkins Cole Seattle 683	\$447		\$825	\$275 \$534	\$530	\$570 \$200 \$354				
Phelps Dunbar New Orleans 281	\$226	\$215	\$385	\$180 \$272	\$265	\$240 \$145 \$183	\$180			
Phillips Lytle Buffalo, N.Y. 177	\$255	\$260	\$535	\$260 \$352	\$350	\$450 \$150 \$283	\$230			
Polsinelli Shughart Kansas City, 500 Mo.			\$600	\$250		\$325 \$185				
Quarles & Brady Milwaukee 419	\$364	\$360	\$660	\$290 \$438	\$435	\$400 \$210 \$260	\$245			
Roetzel & Andress Akron, Ohio 215	\$317	\$325	\$525	\$225 \$357	\$350	\$325 \$165 \$243	\$245			
Rutan & Tucker Costa Mesa, 133 Calif.			\$650	\$355		\$450 \$225				
Saul Ewing Philadelphia 219	\$412	\$425	\$800	\$320 \$491	\$478	\$475 \$225 \$310	\$285			
SchulteRoth&Zabel New York 433			\$895	\$735		\$690 \$275				
Seyfarth Shaw Chicago 704	\$377	\$375	\$770	\$335 \$505	\$503	\$535 \$185 \$325	\$320			
Sheppard, Mullin, Richter & Hampton Los Angeles 464			\$820	\$495		\$620 \$270				
Shumaker, Loop & Kendrick Toledo, Ohio 210	\$331	\$350	\$540	\$250 \$366	\$365	\$315 \$185 \$246	\$235			
Smith, Gambrell & Russell Atlanta 175			\$740	\$325		\$440 \$195				
Snell & Wilmer Phoenix 396	\$338	\$325	\$795	\$315 \$486	\$475	\$550 \$175 \$282	\$265			
Stoel Rives Portland, 368 Ore.	\$381	\$395	\$600	\$315 \$441	\$443	\$390 \$190 \$270	\$265			
Strasburger & Price Dallas 181	\$336	\$351	\$617	\$250 \$372	\$393	\$306 \$194 \$243	\$245			
Taft, Stettinius & Hollister Cincinnati 286	\$315	\$315	\$500	\$220 \$358	\$350	\$365 \$165 \$227	\$225			
Thompson Coburn St. Louis 326			\$610	\$300		\$395 \$190				
Thompson & Knight Dallas 328			\$825	\$410		\$440 \$265				
Townsend and Townsend and Crew San Francisco 177	\$320	\$290	\$750	\$470 \$563	\$550	\$460 \$260 \$345	\$325			
Ulmer & Berne Cleveland 177			\$565	\$260		\$375 \$185				
Vedder Price Chicago 255	\$425	\$425	\$720	\$370 \$483	\$470	\$365 \$255 \$326	\$325			
Venable Washington 494	\$484	\$495	\$950	\$445 \$590	\$585	\$500 \$280 \$353	\$330			
Williams Mullen Richmond, 300 Va.	\$368	\$340	\$645	\$315 \$428	\$395	\$370 \$230 \$279	\$280			
Winstead Dallas 264	\$395		\$655	\$340 \$462		\$390 \$215 \$291				
Winston & Strawn Chicago 899	\$486	\$490	\$1,075	\$475 \$670	\$660	\$610 \$250 \$393	\$375			

Womble Carlyle Sandridge & Rice	Winston Salem, N.C.	503	\$372	\$375	\$625	\$300 \$461	\$465	\$445 \$210 \$291	\$285
Wyatt, Tarrant & Combs	Louisville, Ky.	186			\$500	\$245		\$285 \$180	
NON-NU 250 FIRMS									
Brinks Hofer Gilson & Lione	Chicago	149	\$435	\$435	\$725	\$345 \$541	\$560	\$420 \$195 \$308	\$285
Fowler White Boggess	Tampa, Fla.	127	\$350	\$370	\$575	\$325 \$400	\$388	\$315 \$205 \$250	\$255
Lewis, Rice & Fingersh	St. Louis	157			\$460	\$260		\$315 \$150	
Luce, Forward, Hamilton & Scripps	San Diego	143			\$670	\$350		\$445 \$245	
McAndrews, Held & Malloy	Chicago	102			\$675	\$260		\$350 \$225	
Montgomery, McCracken, Walker & Rhoads	Philadelphia	117			\$625	\$380 \$461		\$395 \$205 \$284	
Morris, Manning & Martin	Atlanta	135	\$424	\$415	\$760	\$425 \$492	\$490	\$545 \$225 \$353	\$360
Schwabe, Williamson & Wyatt	Portland, Ore.	158	\$350	\$340	\$540	\$310 \$415	\$410	\$450 \$200 \$260	\$250
Sullivan & Worcester	Boston	156	\$537	\$543	\$830	\$475 \$647	\$623	\$535 \$290 \$383	\$370

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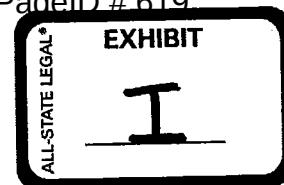
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EXHIBIT “H”

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OMITTED**

EXHIBIT “I”



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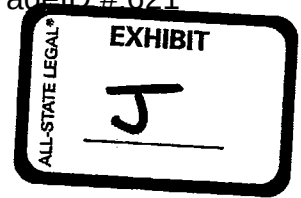
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Via email: [REDACTED]

STATEMENT

<u>Date</u>	<u>Service Performed</u>	<u>Hours</u>
5/20/10	Draft [REDACTED]	1.5
8/4/10	Preparation of McDonald Memo [REDACTED]	<u>0.4</u>
	Hours	1.9
	Attorney fee per hour	x <u>\$500.00</u>
	Total Due	\$950.00

EXHIBIT “J”



NO. 08-1448

IN THE
Supreme Court of the United States

EDMUND G. BROWN, JR., in his official capacity as
Governor of the State of California, et al.,
Petitioners,

v.

ENTERTAINMENT MERCHANTS ASSOCIATION and
ENTERTAINMENT SOFTWARE ASSOCIATION,
Respondents.

On Certiorari to the United States Court of Appeals for
the Ninth Circuit

RESPONDENTS' MOTION FOR
ATTORNEYS' FEES AND EXPENSES

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July 22, 2011

CORPORATE DISCLOSURE STATEMENT

Respondent Entertainment Merchants Association, through its undersigned counsel, hereby states that it does not have a parent corporation and that no publicly held company owns 10% or more of its stock.

Respondent Entertainment Software Association, through its undersigned counsel, hereby states that it does not have a parent corporation and that no publicly held company owns 10% or more of its stock.

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INTRODUCTION

Pursuant to 42 U.S.C. § 1988, Plaintiffs-Respondents Entertainment Merchants Association (“EMA”) and Entertainment Software Association (“ESA”) (collectively, “Plaintiffs”), respectfully move this Court for an order granting them attorneys’ fees and expenses as the prevailing parties in *Brown v. Entertainment Merchants Association*, 131 S. Ct. 2729 (2011). In *Brown*, the State of California (“California”) sought review of Plaintiffs’ successful First Amendment challenge to Cal. Civil Code § 1746-1746.5 (2005) (hereinafter, the “Act”). This Court found that the Act was an unconstitutional abridgment of protected expression, and it affirmed the earlier decisions of the district court and the Court of Appeals, invalidating the Act and permanently enjoining its enforcement throughout the State. *Brown*, 131 S. Ct. at 2731-42. Having fully succeeded in their First Amendment challenge to the Act, Plaintiffs are entitled to an award for their attorneys’ fees and expenses under 42 U.S.C. § 1988. See *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983) (“[A] prevailing plaintiff [in civil rights litigation] ‘should ordinarily recover an attorney’s fee unless special circumstances would render such an award unjust.’”).

In this case, California persisted in defending a law that Plaintiffs warned the Legislature was unconstitutional before it was passed; that was previously found to be unconstitutional by the district court and a unanimous panel of the Ninth Circuit; and that is similar to at least eight other laws invalidated as unconstitutional prior to the time that California sought certiorari in this case. Despite all of this California chose to seek further review in this Court, and this

Court has now confirmed the Act's unconstitutionality. Plaintiffs have already recovered attorneys' fees for successfully litigating this case in the courts below, and under well-established law, Plaintiffs are entitled to an additional award for the substantial additional work required to litigate the case in the Supreme Court.

In light of the success achieved by Plaintiffs, and based on this Motion, the attached supporting materials, and the record in this case, Plaintiffs ask that they be awarded a total of \$1,144,602.64 in fees and expenses for work related to litigation in the Supreme Court, subject to a supplemental filing containing the not-yet-billed 2011 fees and expenses, almost all of which are associated with the fees and expenses incurred in preparing this Motion.

BACKGROUND

Plaintiffs brought this case under 42 U.S.C. § 1983, seeking declaratory and injunctive relief against enforcement of the Act, a California statute that, among other things, sought to impose penalties on any person who sold or rented to a minor what the Act defined as a "violent video game." Cal. Civil Code § 1746.1(a); § 1746.3. The Act also would have required these "violent video games" to be labeled, on the front of the package, with a white "18" outlined in black and at least two inches square. *Id.* § 1746.2. Plaintiffs' suit alleged that the restriction on the sale or rental of these games violated the First Amendment of the United States Constitution and was unconstitutionally vague.

Before the passage of the Act, Plaintiffs warned California officials that the Act would be unconstitutional and sought to work with California to undertake

educational efforts to assist parents in monitoring the games played by their children. See Joint Appendix ("J.A.") 92-93 (declaration of Doug Lowenstein, then-president of ESA, describing legislative testimony and Plaintiffs' offer "to work with the Governor and other State officials to help educate consumers about the [industry's] ratings system as a less speech-restrictive alternative to the Act"); *see also* J.A. 941-970 (Senate Judiciary Committee Report raising constitutional concerns about Act). Indeed, Gail Markels, representing the ESA, testified before the Entertainment, Sports, Tourism, and Internet Media Committee of the California Assembly regarding the Act's constitutional flaws, and the ESA similarly communicated that message to Governor Schwarzenegger through numerous meetings, letters, and telephone calls. J.A. 92-93. Unfortunately, California rejected Plaintiffs' warnings and offers, and Governor Schwarzenegger signed the Act into law on October 7, 2005.

Plaintiffs promptly moved for a preliminary injunction against the Act's enforcement prior to its effective date of January 1, 2006. The district court granted the injunction on December 21, 2005. *Video Software Dealers Ass'n v. Schwarzenegger*, 401 F. Supp. 2d 1034 (2005). Plaintiffs then moved for summary judgment, seeking a final judgment declaring the Act unconstitutional and enjoining it permanently. On August 8, 2007, the district court granted summary judgment for Plaintiffs, holding the Act unconstitutional and permanently enjoining its enforcement. *Video Software Dealers Ass'n v. Schwarzenegger*, No. CV-05-04188-RMW, 2007 WL 2261546 (N.D. Cal. Aug. 6, 2007). The district court entered

final judgment on August 14, 2007. Pet. App. 39a. Following the entry of judgment, Plaintiffs moved in the district court for an award of attorneys' fees and expenses. Thereafter, the parties entered into a stipulated agreement resolving Plaintiffs' motion for attorneys' fees under which California paid Plaintiffs \$276,000 plus interest.

On September 11, 2007, California appealed the district court's grant of summary judgment in favor of Plaintiffs and denial of California's cross-motion for summary judgment. The appeal was fully briefed and the Court heard oral argument on October 29, 2008. On February 20, 2009, the Court issued an opinion affirming the district court's grant of summary judgment to Plaintiffs. *Video Software Dealers Ass'n v. Schwarzenegger*, 556 F.3d 950 (9th Cir. 2009). Following the decision, Plaintiffs moved for an award of attorneys' fees and expenses, and the parties again entered into a stipulated agreement resolving the motion under which California paid Plaintiffs \$94,000.

California then filed a petition for a writ of certiorari to this Court on May 19, 2009, and Plaintiffs filed a brief in opposition. The Court granted the petition on April 26, 2010. Following full briefing, the case was argued before this Court on November 2, 2010. On June 27, 2011, the Court affirmed the judgment of the Ninth Circuit, concluding that the Act violated the First Amendment and that it had been properly enjoined. Plaintiffs now timely seek attorneys' fees and expenses against California for Plaintiffs' successful prosecution of this action before the Supreme Court.

ARGUMENT

Having succeeded on appeal of their challenge to the Act, Plaintiffs are now entitled to their attorneys' fees and expenses on appeal under 42 U.S.C. § 1988. Section 1988 authorizes an award of a "reasonable attorney's fee as part of [its] costs" to the "prevailing party" in a 42 U.S.C. § 1983 action. 42 U.S.C. § 1988(b). As this Court has emphasized, "a prevailing plaintiff should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust." *Hensley v. Eckerhart*, 461 U.S. at 429 (internal quotation marks omitted); *see also Ballen v. City of Richmond*, 466 F.3d 736, 746 (9th Cir. 2006). This rule applies equally to a plaintiff who successfully defends a lower court victory on appeal. *See, e.g., Springate v. Weighmasters Murphy, Inc.*, 73 F. App'x 317 (9th Cir. 2003); *Hook v. Ariz. Dep't of Corr.*, 107 F.3d 1397, 1404-05 (9th Cir. 1997).

I. PLAINTIFFS ARE ENTITLED TO THE REQUESTED FEES AND EXPENSES.

A. Plaintiffs Are the Prevailing Party.

There can be no doubt that Plaintiffs are a "prevailing party" within the meaning of 42 U.S.C. § 1988(b). Because Plaintiffs have obtained "actual relief on the merits of [their] claim" that "materially alters the legal relationship between the parties by modifying the defendant's behavior in a way that directly benefits the plaintiff," *Farrar v. Hobby*, 506 U.S. 103, 111-12 (1992), they are a "prevailing party." *See, e.g., Texas State Teachers Ass'n v. Garland Indep. Sch. Dist.*, 489 U.S. 782, 792 (1992) ("[T]o be considered a prevailing party within the meaning of

§ 1988, the plaintiff must be able to point to a resolution of the dispute which changes the legal relationship between itself and the defendant.”).

Plaintiffs’ action was brought under § 1983 to vindicate important First Amendment rights. Plaintiffs prevailed in their entirety in the district court and the Court of Appeals, obtaining a preliminary injunction, followed by entry of judgment in their favor and a permanent injunction against the enforcement of the Act, and an affirmance by a unanimous panel of the Ninth Circuit. Likewise, Plaintiffs have prevailed in every respect on appeal to this Court.¹ Indeed, besides affirming the lower court decisions, this Court rejected each of California’s key arguments that the Act’s content-based regulations here passed muster under the First Amendment. For example, the Court denied California’s “unprecedented and mistaken” attempt “to create a wholly new category of content-based regulation that is permissible only for speech directed at children,” agreeing with Plaintiffs that there is no “free-floating [state] power to restrict the ideas to which children may be exposed.” *Brown*, 131 S. Ct. at 2735-36; *see also* Respondents’ Br. at 14. The Court agreed with Plaintiffs that the “Act imposes a restriction on the content of protected speech” subject to “strict scrutiny,” rejecting California’s attempt to apply a lower standard, and concluding that California cannot provide compelling evidence to meet strict scrutiny. *Brown*, 131 S. Ct. at 2738; *see also* Respondents’ Br. at 23-30. Likewise, the Court agreed with Plaintiffs that the Act was flawed because it was

¹ Plaintiffs remain entitled to attorneys’ fees and expenses for their opposition to the California’s petition for certiorari even though the petition was granted because Plaintiffs ultimately prevailed on the merit of the appeal. *See Cabrales v. County of Los Angeles*, 935 F.2d 1050 (9th Cir. 1991).

not narrowly tailored, as it was both underinclusive and overinclusive. *Brown*, 131 S. Ct. at 2742 (“Legislation such as this, which is neither fish nor fowl, cannot survive strict scrutiny.”); *see also* Respondents’ Br. at 51-55.

In short, Plaintiffs obtained the highest degree of success in a case involving important First Amendment rights, where California was “mistaken[ly]” attempting to create a “wholly new category” of unprotected, content-based regulation, *Brown*, 131 S. Ct. at 2735-36. Plaintiffs obtained an overwhelming victory vindicating the rights of their members and the public, and Plaintiffs are therefore entitled to the requested award.

B. Plaintiffs’ Fees Are Reasonable.

The fees and costs that Plaintiffs seek are reasonable for an appeal of this nature. An award of attorneys’ fees is calculated using the lodestar method, which is determined by multiplying “the number of hours reasonably expended on the litigation times a reasonable hourly rate.” *Blum v. Stenson*, 465 U.S. 886, 888 (1984); *see also Hensley*, 461 U.S. at 433. The lodestar “is presumed to be the reasonable fee,” *Blum*, 465 U.S. at 887, and “includes most, if not all, of the relevant factors constituting a reasonable attorneys’ fee,” *Pennsylvania v. Delaware Valley Citizens’ Council for Clean Air*, 478 U.S. 546, 566 (1986); *City of Burlington v. Dague*, 505 U.S. 557, 562 (1992) (noting that there is a “strong presumption” favoring the prevailing lawyer’s entitlement to his lodestar fee). Here, Plaintiffs seek the lodestar figure, without any adjustments. As explained further below, the award sought by Plaintiffs is reasonable and should be allowed in full.

1. Given the High Degree of Success Obtained by Plaintiffs, They Are Entitled to Recoup All of the Fees They Incurred in this Appeal.

Plaintiffs prevailed on the entirety of California's appeal of the lower court decision granting permanent declaratory and injunctive relief against enforcement of an unconstitutional law. In light of their complete success in this appeal, Plaintiffs are entitled to be reimbursed for the full amount of fees they spent in defending their lower court victories on appeal. Indeed, in determining the amount of attorneys' fees to award, "the most critical factor is the degree of success obtained." *Hensley*, 461 U.S. at 436; *see also Thomas v. City of Tacoma*, 410 F.3d 644, 649 (9th Cir. 1998). Further, awarding fees to the Plaintiffs vindicates not only the rights of the Plaintiffs and their members but also the First Amendment rights of the public, and the public interest broadly. *See Ackerley Commc'ns, Inc. v. City of Salem*, 752 F.2d 1394, 1396-98 (9th Cir. 1985) (award of § 1988 attorneys' fees serves to vindicate constitutional rights, encourage voluntary compliance with the law, and serve the public interest).

Here, the "most critical factor" weighs heavily in Plaintiffs' favor. This case involved important First Amendment principles, as the Act threatened the free speech rights of video game creators, publishers, and distributors, as well as video game players. Plaintiffs prevailed on appeal and in doing so vindicated important First Amendment rights and enjoined enforcement of an unconstitutional law. Moreover, as demonstrated by the 28 amicus briefs filed in this case in support of Plaintiffs, the Court's decision in this appeal implicated the First Amendment rights of others outside the context of this particular Act, as California's attempt to

create a new category of unprotected, content-based regulation would have permitted far broader restrictions on individuals' free speech rights. In other words, Plaintiffs achieved the maximum degree of success possible in a lawsuit implicating First Amendment rights. A full award of fees on appeal is therefore amply justified.

2. Plaintiffs Seek Compensation For a Reasonable Number of Hours.

Plaintiffs are seeking compensation for the hours and legal work listed in the edited invoices attached as Attachment A to the Declaration of Matthew S. Hellman ("Hellman Decl.") (Exhibit 1). These fees pertain to work performed by Plaintiffs' attorneys throughout the course of this appeal, which included, among other things: preparing and filing an opposition to California's petition for certiorari, preparing and filing a brief, preparing and filing an appendix with excerpts from the record, communicating with *amici* who provided important perspectives on the significance of the case, and preparing for and participating in oral argument. Hellman Decl. ¶ 7.

Given the significant and specialized legal questions at issue in this case, Plaintiffs acted reasonably in retaining attorneys from Jenner & Block LLP, who represented Plaintiffs in the district court and Court of Appeals and who have extensive experience with First Amendment law generally, and with challenges to restrictions on video games in particular. Hellman Decl. ¶¶ 3, 4; *see Brown*, 131 S. Ct. at 2739 n.6 (noting previous cases, most litigated by Plaintiffs' counsel). These attorneys were able to represent Plaintiffs efficiently because they were already intimately familiar with the factual record and with the legal issues involved in the

appeal, having represented video game companies and associations in nearly every previous attempt to regulate video game expression based on its “violent” content. Hellman Decl. ¶¶ 4, 5. These attorneys also have extensive experience in Supreme Court litigation. *Id.* ¶¶ 4, 8, 9, 10, 11, 13.

While lower court decisions in this and similar cases applied existing Supreme Court precedent to strike down content-based regulations of video games, California asked the Supreme Court to adopt a different understanding of those precedents and a change in the law to recognize a new category of speech to minors that could be regulated. Thus, although Plaintiffs’ attorneys were familiar with the issues from their prior work in this case and in other circuits, California’s arguments in this Court required significant original research and briefing. Indeed, the Court’s opinion drew on much of the detailed argument presented by the Plaintiffs: for example, the Court agreed with the Plaintiffs that there was no historical precedent for creating a “wholly new category of content-based regulation that is permissible only for speech directed at children,” *Brown*, 131 S. Ct. at 2735; the Court agreed with Plaintiffs that the interactivity of violent video games did not make them different from other speech, *id.* at 2737-38; and the Court agreed with Plaintiffs’ analysis that the social science research failed to prove causation of harm to minors and even if accepted as true showed only small effects, indistinguishable from effects produced by other media, *id.* at 2738-39. Accordingly, the time the attorneys devoted to briefing the issues and preparing for oral argument before the Supreme Court was reasonable and justified. Hellman Decl. ¶ 5.

To avoid unnecessary or duplicative work or the inefficient use of resources, Plaintiffs' counsel allocated responsibility in this case among several different attorneys, according to the experience and expertise of each attorney. Hellman Decl. ¶ 6. Jenner & Block appropriately staffed this case in its Washington, D.C. office with a senior partner (Paul M. Smith), junior partners (Katherine A. Fallow, Matthew S. Hellman, and Duane C. Pozza), Of Counsel (William M. Hohengarten) and associates (Jonathan F. Olin, David Z. Moskowitz, and Krishanti Vignarajah). *Id.* In addition, partner Elaine J. Goldenberg provided limited assistance in an advisory role. Each of these attorneys did work matched to their level of experience. *Id.* Finally, Plaintiffs hired three experienced Supreme Court and First Amendment litigators, Paul D. Clement, Lee Levine, and Theodore B. Olson, to participate in a moot court in preparation for the Supreme Court argument. Each of these litigators performed a discrete amount of work in preparation for the moot court and their participation was certainly reasonable in light of their substantial relevant experience, including Mr. Clement's and Mr. Olson's experience as former solicitors general.

Following success at the Supreme Court, preparation of this fee Motion was accomplished by Jenner & Block partners Matthew S. Hellman and Duane C. Pozza with the assistance of associate David Z. Moskowitz, each of whom performed discrete tasks in preparing and filing the Motion. Hellman Decl. ¶ 21. Plaintiffs are entitled to reimbursement for the fees and expenses expended in preparing and litigating this fee petition. *See, e.g., Bernardi v. Yeutter*, 951 F.2d 971, 976 (9th

Cir. 1991). Plaintiffs will submit a supplemental filing containing these fees and expenses as soon as the relevant bills are prepared.

Based on contemporaneous time records, the Jenner & Block attorneys and professional staff spent the following hours working on this case (as indicated in detail in Hellman Decl. ¶¶ 22,23 and Att. A):

<u>ATTORNEY</u>	<u>HOURS (2009)</u>	<u>HOURS (2010)</u>	<u>HOURS (2011)²</u>
Paul M. Smith	10.75	321.25	TBD
Katherine A. Fallow	12.50	374.00	TBD
Elaine J. Goldenberg	N/A	23.25	N/A
Matthew S. Hellman	27.00	304.00	TBD
Duane Pozza	43.75	345.25	TBD
William M. Hohengarten	N/A	80.50	N/A
Jonathan F. Olin	N/A	211.75	N/A
David Z. Moskowitz	N/A	137.50	TBD
Krishanti Vignarajah	N/A	212.50	N/A
<u>NON-ATTORNEY STAFF</u>			
Cheryl L. Olson	15.75	36.25	TBD

Plaintiffs' attorneys have reviewed the time records summarized above and reprinted in Attachment A to the Hellman Declaration. These records already exclude time for which the firm did not believe it was appropriate to bill Plaintiffs during the course of the appeal, and also exclude additional hours to ensure that compensation is not sought for work that might be deemed as properly excluded

² Plaintiffs will submit a supplemental filing containing the 2011 hours and fees, almost all of which are associated with the preparation of this Motion for attorneys' fees, after the relevant bills are available.

from a court-ordered fee award. Hellman Decl. ¶ 23. For example, Plaintiffs do not request compensation for activity that, although necessary for client or media relations, did not directly contribute to the litigation itself. *Id.* Plaintiffs also do not seek a fee enhancement based on Jenner & Block's considerable expertise and experience in this area. *Id.* In addition, Plaintiffs do not seek fees for the work of in-house counsel for the ESA, who were involved extensively in all aspects of this case. *Id.* The hours that remain, after the attorneys' review of the time records, were reasonably expended to accomplish the tasks necessary for this litigation. *Id.*

3. Plaintiffs Seek Reasonable Hourly Rates for Their Attorneys.

For the time period relevant to this application, the usual hourly rates for the Jenner & Block attorneys and professional staff – reflecting, among other things, their years of practice and experience – were (*see* Hellman Decl. ¶ 19):

<u>ATTORNEY</u>	<u>RATE (2009)</u>	<u>RATE (2010)</u>	<u>RATE (2011)</u>
Paul M. Smith	\$725	\$765	\$765
Katherine A. Fallow	\$525	\$517.50	\$517.50
Elaine J. Goldenberg	N/A	\$540	N/A
Matthew S. Hellman	\$495	\$490.50	\$490.50
Duane Pozza	\$495	\$490.50	\$490.50
William M. Hohengarten	N/A	\$585	N/A
Jonathan F. Olin	N/A	\$416.50	N/A
David Z. Moskowitz	N/A	\$340	\$360
Krishanti Vignarajah	N/A	\$314.50	N/A
<u>NON-ATTORNEY STAFF</u>			
Cheryl L. Olson	\$260	\$247.50	\$247.50

These are the same hourly rates customarily charged by Jenner & Block to Plaintiffs in this and other cases. *See* Hellman Decl. ¶ 20. These are also the rates customarily charged by these attorneys to paying clients in other cases, *id.*, and as such, they are presumptively correct. In fact, the billed rates were discounted in light of the substantial preparation necessary for merits briefing and oral argument. *Id.* These rates are similar to prevailing market rates charged by attorneys of comparable experience and expertise in the relevant market of attorneys who regularly practice before the Supreme Court. *Id.*; *see Chalmers v. City of Los Angeles*, 796 F.2d 1205, 1210-11 (9th Cir. 1986) (court must consider “rate prevailing in the community for similar work performed by attorneys of comparable skill, experience, and reputation”); *Bouman v. Block*, 940 F.2d 1211, 1235 (9th Cir. 1991) (rates requested are proper where they are in line with “the prevailing market rate in the relevant community”).

Further, these rates are amply justified given the Jenner & Block attorneys’ intimate familiarity with this particular case, from having represented Plaintiffs in the lower courts, and with the specialized subject matter of the litigation, from having represented Plaintiffs in similar cases around the United States. That familiarity allowed them to handle the matter with far greater efficiency and productivity than counsel who lacked such expertise. *See* Hellman Decl. ¶¶ 3-5. In sum, Plaintiffs’ engagement of Jenner & Block in this matter was both reasonable and efficient, giving no basis to depart from the “‘strong presumption’ that the

lodestar represents the 'reasonable' fee." *Dague*, 505 U.S. at 562 (quoting *Delaware Valley Citizens' Council for Clean Air*, 478 U.S. at 565).

Finally, the Supreme Court has emphasized that "[w]here a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee." *Hensley*, 461 U.S. at 435. Plaintiffs have in fact achieved excellent results, and so a "full compensatory fee" is warranted.

C. Plaintiffs Are Entitled to the Requested Expenses.

With regard to expenses, Plaintiffs seek out-of-pocket expenses as detailed in the edited invoices attached to the Hellman Declaration. These expenses were necessarily incurred and are the type of out-of-pocket expenses normally billed to fee-paying clients as disbursements, a component of attorneys' fees. Hellman Decl. ¶ 25. As such, they are recoverable as part of Plaintiffs' attorneys' fees. *See West Va. Univ. Hosps., Inc. v. Casey*, 499 U.S. 83, 87 n.3 (1991). The vast majority of this request covers normal expenses for completing original research, printing, and photocopying. Additional documentation of these expenses and costs is attached to the Hellman Declaration at Attachment B.

II. PLAINTIFFS-RESPONDENTS' AWARD SHOULD EQUAL \$1,144,602.64.

Multiplying the time worked by each attorney by the hourly rates for each year yields the following calculation (*see* Hellman Decl. ¶ 24, Att. A):

<u>ATTORNEY</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Paul M. Smith	\$7,793.75	\$245,756.25	TBD
Katherine A. Fallow	\$6,562.50	\$193,545.00	TBD
Elaine J. Goldenberg	N/A	\$12,555.00	N/A
Matthew S. Hellman	\$13,365.00	\$149,112.00	TBD
Duane Pozza	\$21,656.25	\$169,345.13	TBD
William M. Hohengarten	N/A	\$47,092.50	N/A
Jonathan F. Olin	N/A	\$88,193.88	N/A
David Z. Moskowitz	N/A	\$46,750.00	TBD
Krishanti Vignarajah	N/A	\$66,831.25	N/A
<u>NON-ATTORNEY STAFF</u>			
Cheryl L. Olson	\$4,095.00	\$8,971.88	TBD
TOTAL	\$53,472.50	\$1,028,152.88	TBD

In addition to the fees for Jenner & Block personnel, Plaintiffs are entitled to fees of \$23,979.00 for the participation Paul D. Clement, Lee Levine, and Theodore B. Olson in a moot court in preparation for the argument. *See* Hellman Decl. ¶ 24, Att. A. It was entirely reasonable for Plaintiffs to retain these highly experienced Supreme Court and First Amendment litigators for the discrete task of participating in a moot court exercise. The fees charged by these firms were based on the standard billing rates they customarily charge clients and encompassed only the handful of hours required to review the briefs and participate in the moot court. As such, these fees are entirely reasonable.

Finally, Plaintiffs also seek reimbursement for associated out-of-pocket expenses in this case in the amount of \$38,998.26, an amount that encompasses

disbursements that were billed to and paid by Plaintiffs as a component of attorneys' fees. *See Hellman Decl.* ¶ 25, Att. B. Nearly all of these disbursements are associated with legal research, photocopying, printing, and filing costs.

Adding fees and expenses, Plaintiffs request a total compensation of \$1,144,602.64, subject to a supplemental filing containing the not-yet-billed 2011 fees and expenses, almost all of which are associated with the fees and expenses incurred in preparing this Motion. The fees and expenses are substantiated by the exhibits attached to this brief.

CONCLUSION

For the reasons set forth above, this Court should award Plaintiffs the attorneys' fees and expenses, as requested.

Respectfully submitted.

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