

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**STACIE RAY, et al.**

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director, Ohio  
Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge Michael Watson

Magistrate Judge Chelsey Vascura

**PLAINTIFFS' MOTION FOR ATTORNEY  
FEES AND COSTS AND BRIEF IN SUPPORT**

Pursuant to 42 U.S.C. 1988, Fed. R. Civ. P. 54(d)(2)(B), and Loc. R. 54.2, Plaintiffs respectfully move this Court for an award of the attorneys' fees and costs incurred in successfully and finally obtaining the relief they sought in this litigation. For the reasons set forth in the Brief in Support of this Motion and accompanying exhibits, Plaintiffs seek an award of fees in the amount of **\$589,379.70** and costs in the amount of **\$20,413.74**.

Respectfully submitted,

Kara Ingelhart\* (Illinois Bar No. 6321949)  
Lambda Legal Defense and Education Fund, Inc.  
105 W. Adams St., 26th Fl.  
Chicago, IL 60603  
Phone: (312) 663-4413  
Facsimile: (312) 663-4307  
Email: kingelhart@lambdalegal.org

Peter C. Renn\* (California Bar No. 247633)  
Lambda Legal Defense and Education Fund, Inc.  
4221 Wilshire Blvd., Suite 280  
Los Angeles, CA 90010  
Phone: (213) 382-7600  
Facsimile: (213) 351-6050

*/s/ Elizabeth Bonham*  
Elizabeth Bonham (0093733)  
Freda Levenson (0045916)  
Susan Becker (0010205)  
ACLU of Ohio  
4506 Chester Ave.  
Cleveland, OH 44103  
Phone: (614) 469-3200  
Facsimile: (614) 469-3361  
Email: flevenson@acluohio.org  
Email: sbecker@acluohio.org  
Email: ebonham@acluohio.org

David Carey (0088787)  
ACLU of Ohio Foundation

Email: [prenn@lambdalegal.org](mailto:prenn@lambdalegal.org)

Jennifer S. Roach (0074143)  
Thompson Hine, LLP.  
127 Public Square  
Suite 3900  
Cleveland, OH 44114  
Phone: (216) 566-5885  
Fax: (216) 566-5800  
Email: [Jennifer.Roach@thompsonhine.com](mailto:Jennifer.Roach@thompsonhine.com)

\*Admitted *Pro Hac Vice*

1108 City Park Avenue  
Suite 203  
Columbus, OH 43206  
Phone: (614) 586-1969  
Fax: (614) 586-1974  
Email: [dcarey@acluohio.org](mailto:dcarey@acluohio.org)

John Knight\* (Illinois Bar No. 6201433)  
American Civil Liberties Union of Illinois  
180 N. Michigan Ave., Suite 2300  
Chicago, IL 60601  
Phone: (312) 201-9740  
Facsimile: (312) 288-5225  
Email: [jknight@aclu-il.org](mailto:jknight@aclu-il.org)

Malita Picasso\* (New York Bar No. 5750013)  
American Civil Liberties Union Foundation  
125 Broad St.  
18<sup>th</sup> Floor  
New York, NY 10004  
Phone: (212) 549-2561  
Facsimile: (212) 549-2650  
Email: [mpicasso@aclu.org](mailto:mpicasso@aclu.org)

**BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR FEES AND COSTS**

On December 16, 2020 the Court issued a final order in this case granting Plaintiffs' motion for summary judgment and denying Defendants' motion for summary judgment. Defendants did not appeal and the January 16 deadline for filing a notice of appeal has passed. Judgment has been entered, and as a result, Plaintiffs may obtain from Defendants corrected birth certificates that preserve their privacy and dignity without facing an unconstitutional ban. Because Plaintiffs are unquestionably the prevailing party, and because they have attained exceptional success, they respectfully move this Court for an award of the attorney fees and costs they reasonably incurred.

**I. Case History**

The Plaintiffs are four transgender people born in Ohio. On March 29, 2018, they sued three Ohio Department of Health Officials who, in their official capacities, continued to enforce a policy that prohibited transgender people from obtaining birth certificates with correct gender markers. ECF 1. Plaintiffs alleged that Defendants' policy violated their constitutional rights, including their right to privacy and equal protection under the law. ECF 1.

In the first months of the litigation, Defendants sought an extension of time to answer the complaint, filed a motion to stay discovery, and filed an emergency interim motion to stay discovery pending decision of the stay motion. ECF 15, 21, and 22. In the meantime, Defendants filed a Rule 12(b)(6) motion to dismiss. ECF 18. The parties briefed all three motions. The Court granted the interim discovery stay, ECF 26, then denied the stay of discovery. ECF 31. The parties then commenced discovery. At this point, almost a year into the litigation, the Court directed the parties to confer regarding the Southern District's "settlement week," and set a date to discuss resolution of the case. ECF 35. Plaintiffs believed the case was ripe for settlement discussion; Defendants rejected this possibility. The parties so informed the Court.

On September 12, 2019, the Court issued its order denying Defendants’ motion to dismiss. ECF 47. Again, Plaintiffs believed the case to be ripe for settlement. The Court’s detailed order had clarified what was already clear in the case law, and what was already the practice in 48 other states: Plaintiffs’ position was prevailing. Defendants again rejected even the possibility of settlement. Discovery continued, with the parties conducting five depositions and three expert witness depositions, and engaging in significant written discovery and document production. Between January 16 and February 27, 2020, the parties filed cross-motions for summary judgment on an agreed-upon six-brief schedule. ECF 69-75.

On December 16, 2020, this Court ruled fully and finally in Plaintiffs’ favor, granting the complete relief they sought: a permanent injunction of Defendants’ ban on transgender Ohioans correcting the gender on their birth certificates, and a declaration that the ban was unconstitutional. ECF 80.

This Court’s reasoning for denying Defendants’ summary judgment motion included the reasoning in the Court’s denial of Defendants’ motion to dismiss. *Compare, e.g.*, ECF 47 at PAGEID#283-286 *with* ECF 80 at PAGEID#2994-2995 (citing ECF 47).

During the course of the litigation, pursuant to the pretrial order in the case, Plaintiffs provided Defendants quarterly reports on the fees and costs they were incurring. *See* ECF 20.

Plaintiffs, the prevailing party, now seek an award of their reasonable fees and costs.

## **II. Law & Argument**

### **A. There is No Question That Plaintiffs Are the Prevailing Party and Therefore They Are Entitled to an Award of Their Reasonable Fees and Costs**

The Civil Rights Attorney’s Fees Award Act of 1976, 42 U.S.C. § 1988(b), provides that “[i]n any action or proceeding to enforce a provision of section 1983 of this title . . . the court, in its discretion, may allow the prevailing party . . . a reasonable attorney’s fee as part of the costs.” The Sixth Circuit has recognized that outside of rare circumstances, “a district court not merely ‘may’

but must award fees to the prevailing plaintiff.” *Morscott, Inc. v. City of Cleveland*, 936 F.2d 271, 272 (6th Cir. 1991).

A plaintiff is “prevailing” when “actual relief on the merits of [their] claim 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, 111-112 (1992). Declaratory and injunctive relief at summary judgment satisfies that test. *See Woods v. Willis*, 631 F. Appx. 359, 364 (6th Cir. 2015). This Court’s summary judgment ruling and permanent injunction provided Plaintiffs the full relief they sought to remediate Defendants’ unconstitutional conduct.

#### **B. The Fees Plaintiffs Seek Are Reasonable**

To determine a reasonable attorney fee award, the Court first calculates the “lodestar” amount by multiplying the hours the prevailing party’s attorneys reasonably expended on the litigation times the reasonable hourly rate for each attorney. *See Waldo v. Consumers Energy Co.*, 726 F.3d 802, 821 (6th Cir. 2013); *Intercommunity Justice & Peace Ctr. v. Registrar, Ohio Bureau of Motor Vehicles*, S.D. Ohio No. 2:18-cv-1247, 2020 WL 3545762 at \*4 (June 30, 2020). Then, the Court may enhance the lodestar by a multiplier based on a multi-factor test, the “most important of which is the degree of success obtained.” *See Hubbell v. FedEx SmartPost, Inc.*, 933 F.3d 558, 575 (6th Cir. 2019) (*citing Waldo, id.*) (internal quotations and other citations omitted). Here, the lodestar Plaintiffs seek is reasonable, and a multiplier is warranted.

##### **i. Plaintiffs are seeking a reasonable hourly rate for each billing attorney and legal assistant, and the time they expended was reasonable.**

To establish a reasonable hourly rate, courts look to “the market rate in the venue sufficient to encourage competent representation.” *Sykes v. Anderson*, 419 Fed. Appx. 615, 618 (6th Cir. 2011) (quoting *Gonter v. Hunt Valve Co.*, 510 F. 3d 610, 618 (6th Cir. 2007)). Plaintiffs here are represented by counsel from three nonprofit organizations, the ACLU of Ohio, the ACLU, and Lambda Legal, with support from a law firm operating *pro bono*, Thompson Hine,

LLP. Although the nonprofit counsel organizations do not bill clients or use standard rates, “rates charged for similar services in the community can be used as guidance.” *Libertarian Party of Ohio v. Husted*, S.D. Ohio No. 2:11-cv-722, 2013 WL 4833033 at \*4 (Sept. 11, 2013). The location of this Court in Columbus defines the relevant community by which to determine value, and counsel’s work should be compared to similar services in the region. Plaintiffs supply the Ohio State Bar Association’s report, “The Economics of Law Practice in Ohio,” updated in 2019, as a comprehensive analysis of this community’s norms to substantiate their rates. Exhibit A (from here on, “OSBA Report.”)

The rates Plaintiffs’ counsel seek in this petition are as follows. *See also* Declarations of attorneys Freda Levenson, Susan Becker, John Knight, Peter Renn, David Carey, Gabriel Arkles, Elizabeth Bonham, Kara Ingelhart, and Malita Picasso (attached as Exhibits B through J, each additionally supported by a resume setting forth each attorney’s training and experience, and an individual document detailing the time each attorney devoted to this case, labeled B-1 and B-2, and so forth as to each Declaration).

Years in practice	Rate	Attorneys
15+	500	
		Freda Levenson
		Susan Becker
		John Knight
10-15	375	
		Peter Renn
		David Carey
		Gabriel Arkles
5-10	250	
		Elizabeth Bonham
		Kara Ingelhart
0-5	200	
		Malita Picasso

In addition to these rates, the law firm Thompson Hine, LLP used the actual hourly rates charged for each of its attorneys who worked on the matter. *See* Declaration of Jennifer Roach, attached

as Exhibit K (documenting time and rates for contributing law firm attorneys, and attaching qualifications and time spent at Exhibits K-1 and K-2).

The rates Plaintiffs submit are reasonable based on the OSBA Report. First, at Exhibit 47 to the Report, the mean billable rates for attorneys in this market are listed by firm size, years in practice, and office location. The mean rate for a firm size of 3 to 6 attorneys is \$266. The mean for an office located in downtown Columbus is \$324. The mean for an attorney with 0-5 years in practice is \$187; for 5-10 years is \$225; for 10-15 years is \$273; and for advanced attorneys is \$268.3. While lawyers specializing in civil rights litigation were not separately listed in the 2019 iteration of this report, the prior version, from 2013, listed civil rights litigators with a higher mean rate of \$412, with the 75<sup>th</sup> percentile being \$500. Ohio State Bar Association, “Economics of Law Practice in Ohio in 2013.” In recent cases reviewing reasonable rates of comparable civil rights attorneys in this jurisdiction, this Court has approved rates similar to those sought here. *E.g. Intercommunity Justice & Peace Ctr.*, 2020 WL 3545762 at \*6.

Every nonprofit attorney who worked on this case specializes in civil rights litigation and constitutional litigation including the subject matter of gay, lesbian, bisexual, and transgender rights. *See* Attorney Declarations. Several of Plaintiffs’ attorneys have more than 20 years of LGBT rights-specific litigation experience. Declarations of Susan Becker and John Knight. The Thompson Hine attorneys who worked on the case *pro bono* contributed experience in defense litigation and discovery practice, in addition to other qualities, that the nonprofit firms do not specialize in. *See* Declaration of Elizabeth Bonham. Beyond each counsel group’s unique contributions and counsel’s high level of subject matter experience, many of Plaintiffs’ attorneys also practice in legal markets where the fees they routinely receive are significantly higher than Columbus. But for this petition all counsel have decreased their fees to Columbus standards. *See, e.g.*, Declaration of Peter Renn; Declaration of John Knight. Based on their area of

specialization, expertise, and years in practice compared to norms in the Columbus legal market for smaller-size firms, the rates Plaintiffs' attorneys use here are reasonable.

Plaintiffs also seek fees for the reasonable market rates of the paralegal and legal assistant work performed by ACLU of Ohio staff on this case. The paralegal and legal assistant rates sought comport with the reasonable rates set out in the OSBA Report at Exhibit 49, 51, 53. *See also* Declaration of Tess Sabo, Exhibit L and Declaration of Emma Keeshin, Exhibit M (along with supporting documentation at L-1 and M-1 and -2).

In addition to seeking market-appropriate fees, every attorney who participated in litigating this case and preparing this motion exercised sound billing judgment for the time they charged. First, where possible, Plaintiffs' counsel used paralegal support to avoid billing attorney time. *See* Declaration of Tess Sabo; Declaration of Elizabeth Bonham. And all paralegal and legal assistant work performed by staff from counsel groups besides the ACLU of Ohio, including three staff at Lambda Legal, has been omitted from this motion as a reasonable discount in the calculation of fees. Second, Plaintiffs' counsel relied heavily on the work of their two staff attorneys with the lowest billing rates to prosecute this case. *See* Declaration of Kara Ingelhart; Declaration of Elizabeth Bonham. Where necessary, Plaintiffs' counsel relied on the subject matter expertise of career LGBT rights attorneys, but made efforts to limit the use of these specialists to consultation and supervision. *See* Declaration of Susan Becker; Declaration of John Knight. Plaintiffs' counsel exercised similar discretion in limiting the hour expenditures of all supervising attorneys. *E.g.* Declaration of Freda Levenson. Similarly, Plaintiffs' counsel relied on *pro bono* counsel from Thompson Hine for assistance best provided by the law firm, for example, with document analysis and discovery practice. Declaration of Elizabeth Bonham. Thompson Hine also relied on their lowest-billing attorneys where possible. *See* Exhibits K-1 and K-2.

In addition to exercising sound judgment to staff the case, the fee bill Plaintiffs submit is judicious. In preparing this Motion, Plaintiffs' counsel performed a careful audit of the hours they now submit, including discounting categories of their actually-expended time. First, Plaintiffs' counsel do not bill for the considerable time they spent investigating this matter pre-litigation or preparing the complaint. Plaintiffs' counsel reduced their fee bill by all of the time spent researching and drafting the complaint and the associated filings, including a necessary motion to proceed anonymously on behalf of one of the Plaintiffs. Second, Plaintiffs' counsel eliminated all time for research, writing, and consultation spent on courses of action they considered, but ultimately did not pursue in the litigation. Third, Plaintiffs' counsel eliminated all time spent by any attorney after the Court's final December 16, 2020 Order, except for time spent on this fee motion by Elizabeth Bonham. Fourth, Plaintiffs' counsel did not bill for any small or clerical tasks regardless of how much time these tasks consumed individually and collectively. Finally, Plaintiffs' counsel eliminated entries for any potentially duplicative time, and eliminated any entries that appeared to be in error. *See* Declaration of Elizabeth Bonham.

Applying well-established legal standards to the facts presented in this petition and comprehensively documented in the attached exhibits, the reasonable rates for the attorneys and paralegals who worked on this case multiplied by a judicious calculation of their respective hours produces a lodestar for this fee petition of **\$453,369**.

**ii. Plaintiffs are entitled to a multiplier based on the *Johnson* factors.**

Having established the lodestar calculation, the Court looks next to adjustments in light of relevant factors—and in this case, the Court should enhance the lodestar by a reasonable multiplier. “Where a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee ... and indeed in some cases of exceptional success an enhanced award may be justified ... The most critical factor is the degree of success obtained.” *Hensley v. Eckerhart*,

461 U.S. 424, 435-6 (1983). In addition to “exceptional success,” the Court must consider other factors that point to additional circumstances where the rate “ought to be enhanced by some percentage factor.” *Id.* at 449, n. 8 (Brennan, J., concurring in part). The Sixth Circuit recognizes the following factors as justifying an adjustment of the lodestar calculation: (1) the time and labor required by a given case; (2) the novelty and difficulty of the questions presented; (3) the skill requisite to perform the legal service properly; (4) the preclusion of employment by the attorney due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the “undesirability” of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases. *See, e.g., Planned Parenthood Southwest Ohio Region v. Dewine*, 931 F.3d 530, n.3 (6th Cir. 2019) (citing *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717-19 (5th Cir. 1974) (from here forward, “the *Johnson* factors.”))

While courts weigh various of these factors based on their relevance to a particular case, the “most important...is the degree of success obtained.” *Hubbell* 933 F.3d at 575 (citing *Waldo*). In cases of extraordinary success, the Court should apply a multiplier. *See, e.g. Moore v. Brunner*, S.D. Ohio No. 2:08-cv-224, 555, 2010 WL 317017 at \*3 (Jan. 25, 2010); *Barnes v. Cincinnati*, S.D. Ohio No. 1:00-cv-780, 2006 WL 418651 at \*2-3 (Feb. 21, 2006). Here Plaintiffs have achieved “exceptional success” in this matter, and *all* of the other *Johnson* factors further favor an enhancement.

The Plaintiffs obtained exceptional success (factor 8, the key consideration).

In bringing this case, the Plaintiffs sought one thing, an injunction against Defendants’ policy that prevented them from obtaining gender-corrected identity documents. With this Court’s order, ECF 80, Plaintiffs won that relief, and with Defendants’ decision not to appeal, it

became undeniably permanent. This victory extends not only to the four Plaintiffs here, but to all similarly situated transgender persons born in Ohio, who may now obtain this critical correction to this foundational identify document which they need to live their lives with dignity and privacy. As a result, Ohio has become the 49<sup>th</sup> state to come into compliance with the constitutional mandate that transgender people have equal rights to possess correct identity documents. This victory for Plaintiffs and for many others merits an enhanced fee.

Plaintiffs' counsel had to expend considerable time, risk the possibility of receiving no financial compensation for their work, and forgo taking on other matters to win this case (factors 1, 6, 4).

To undertake this case, Plaintiffs' counsel, three nonprofit advocacy organizations with small in-house legal staff, had to forgo taking on other matters critical to their missions. In addition, each counsel organization risked recovering nothing for the significant time and resources they dedicated to vindicating Plaintiffs' constitutional rights, unless they were successful on the merits and in a fee petition. As detailed above, this included representing the Plaintiffs without charge, while expending significant attorney time and out-of-pocket costs. Further, the time Plaintiffs' counsel had to expend was more substantial because it was necessary to address novel and complex questions of law, in an evolving area. In particular, Lambda Legal and ACLU of Ohio each devoted a significant part of their staff attorneys' time—totaling more than 500 hours each over three years—to just this case. Declaration of Kara Ingelhart; Declaration of Elizabeth Bonham. In the ACLU of Ohio's case, one staff attorney constitutes one-third of its entire legal staff. *Id.* The substantial burden and risk that was necessary, and that Plaintiffs' counsel undertook here, justifies a multiplier.

The litigation involved novel and difficult questions, and Plaintiffs' counsel possessed the unique skills required and contributed the specialized experience necessary to prevail (factors 2, 3, 9).

This case presented complex and novel questions of law that required highly skilled, specialized attorneys to navigate. Each nonprofit attorney who worked on this case specializes in

constitutional law and has experience—in some cases a dedicated career’s worth of experience—with legal issues that affect LGBT individuals. This level of subject matter knowledge was necessary to address the constitutional questions here, including the development of privacy and equal protection law in general and as specifically applied to transgender individuals in this circuit. The level of difficulty this case presented and the skill it demanded warrant an enhanced fee award.

This case, which involved no demand for damages, would not likely have been undertaken by the private bar (10).

Although the multiple constitutional violations that this Court redressed had previously persisted for years, and potentially affected hundreds if not thousands of individuals, no attorney ever challenged Defendants’ policy until this case. Indeed, there was little incentive for a member of the private bar to undertake it: the litigation was protracted, difficult, and, as discussed above, required significant time, specialized knowledge, and the expenditure of significant funds to cover litigation expenses. Moreover, there was no financial incentive to take such a case; Plaintiffs sought a prohibitory injunction without monetary damages, and there was no guarantee of a fee award even if the litigation succeeded. The “undesirability” of this case in that sense justifies a multiplied fee award.

**iii. The lodestar multiplied by the appropriate enhancement totals Plaintiffs’ reasonable fees.**

Based on the *Johnson* factors—most importantly, the exceptional degree of success attained, and in addition, the risks involved in taking the case, the complexity of the litigation, and the specialized skills required to address novel issues, among other factors—the work that Plaintiffs’ attorneys performed merits an enhancement of **1.3 times** the lodestar fee. The ultimate calculation of fees is therefore:

$$453,369 * 1.3 = \mathbf{\$589,379.70}$$

### **C. The Costs Plaintiffs Seek Are Recoverable in Full**

§ 1988 permits courts to award, in addition to fees, “those incidental and necessary expenses incurred in furnishing effective and competent representation.” *Waldo*, 726 F.3d at 827. This includes costs such as travel and office expenses. *Id.*

Here, in addition to the time they expended on this litigation, Plaintiffs’ counsel incurred total costs of **\$20,413.74**. Second Declaration of Tess Sabo, attached as Exhibit N; *see also* Declaration of Elizabeth Bonham. The costs for which Plaintiffs seek reimbursement are the type § 1988 contemplates, including filing fees, deposition costs, and expert witness fees. As nonprofit entities, counsel for Plaintiffs always make efforts to save costs by, for example, staying with friends or at low-cost lodging during travel. *Id.* Plaintiffs made such efforts to limit costs here, and further exercised billing judgment by, *e.g.*, hiring a pro bono expert witness, and limiting travel. In addition, to prepare this motion, Plaintiffs’ counsel applied additional reasonable cuts to the costs they seek to recover: Plaintiffs do not seek reimbursement for computer, research, document review, telephone, copying or other office services; any food or travel lodging; and any car travel. *Id.* For example, if one attorney traveled to assist with preparation for and second-chair a deposition, Plaintiffs do not charge for that attorney’s lodging, car travel, or incidental expenses. Further, Plaintiffs’ counsel do not seek any costs expended by Thompson Hine, LLP. In support of their request for a cost award, Plaintiffs attach full costs records from the ACLU of Ohio, ACLU, and Lambda Legal, along with a sheet of the costs actually sought *See* Exhibits N-1 through N-4. These records demonstrate that the costs Plaintiffs seek here are substantially lower than those they actually expended during this case. Plaintiffs are entitled to full recovery of the costs they seek.

### **III. Conclusion**

For the reasons set out in this brief, Plaintiffs respectfully request that this Court grant an

award of attorney fees in the amount of **\$589,379.70** and costs in the amount of **\$20,413.74**.

Further, Plaintiffs note that they have a right to move for additional fees and costs that they may incur if they must spend additional time litigating this Motion.

Respectfully submitted this 1 day of February, 2021

Kara Ingelhart\* (Illinois Bar No. 6321949)  
Lambda Legal Defense and Education Fund, Inc.  
105 W. Adams St., 26th Fl.  
Chicago, IL 60603  
Phone: (312) 663-4413  
Facsimile: (312) 663-4307  
Email: kingelhart@lambdalegal.org

Peter C. Renn\* (California Bar No. 247633)  
Lambda Legal Defense and Education Fund, Inc.  
4221 Wilshire Blvd., Suite 280  
Los Angeles, CA 90010  
Phone: (213) 382-7600  
Facsimile: (213) 351-6050  
Email: prenn@lambdalegal.org

Jennifer S. Roach (0074143)  
Thompson Hine, LLP.  
127 Public Square  
Suite 3900  
Cleveland, OH 44114  
Phone: (216) 566-5885  
Fax: (216) 566-5800  
Email: Jennifer.Roach@thompsonhine.com

\*Admitted *Pro Hac Vice*

/s/ Elizabeth Bonham  
Elizabeth Bonham (0093733)  
Freda Levenson (0045916)  
Susan Becker (0010205)  
ACLU of Ohio  
4506 Chester Ave.  
Cleveland, OH 44103  
Phone: (614) 469-3200  
Facsimile: (614) 469-3361  
Email: flevenson@acluohio.org  
Email: sbecker@acluohio.org  
Email: ebonham@acluohio.org

David Carey (0088787)  
ACLU of Ohio Foundation  
1108 City Park Avenue  
Suite 203  
Columbus, OH 43206  
Phone: (614) 586-1969  
Fax: (614) 586-1974  
Email: dcarey@acluohio.org

John Knight\* (Illinois Bar No. 6201433)  
American Civil Liberties Union of Illinois  
180 N. Michigan Ave., Suite 2300  
Chicago, IL 60601  
Phone: (312) 201-9740  
Facsimile: (312) 288-5225  
Email: jknight@aclu-il.org

Malita Picasso\* (New York Bar No. 5750013)  
American Civil Liberties Union Foundation  
125 Broad St.  
18<sup>th</sup> Floor  
New York, NY 10004  
Phone: (212) 549-2561  
Facsimile: (212) 549-2650  
Email: mpicasso@aclu.org

**CERTIFICATE OF SERVICE**

I hereby certify that on this February 1, 2021, I filed the foregoing electronically through the Court's CM/ECF system. Parties may access this filing through the Court's system.

/s/ Elizabeth Bonham

Elizabeth Bonham (0093733)  
Attorney for Plaintiffs

### Table of Exhibits

A	OSBA Report
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# Exhibit A



# The Economics of Law Practice in Ohio in 2019

*A Desktop Reference*





## Thank You!

Periodically, the Ohio State Bar Association (OSBA) surveys its membership to gain a better outlook on the economics of law practice in Ohio. We would like to thank the following sections for their sponsorship and support. The Economics of Law Practice in Ohio 2019 Desktop Reference would not be possible without their generous contributions:

**OSBA Solo, Small Firm and General Practice Section | Robert H. Meyer, IV, Chair**

**OSBA Litigation Section | Joseph Simms, Chair**

**OSBA Corporate Counsel Section | James Cummins, Chair**

For additional questions, please contact Jocelyn Armstrong, Director of Inclusion and Outreach at the OSBA at [jarmstrong@ohiobar.org](mailto:jarmstrong@ohiobar.org) or (614) 487-4404.





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# The Economics of Law Practice in Ohio in 2019 – A Desktop Benchmarking Reference

## Introduction

During the spring of 2019, the Ohio State Bar Association (OSBA) surveyed its membership on the economics of law practice to gain a better outlook on the legal profession. The survey was jointly sponsored by the OSBA's Solo, Small Firm and General Practice Section, the Litigation Section and the Corporate Counsel Section.

Previous surveys were completed in 2013, 2010, 2007, 2004, 2001, 1998, 1994 and 1990. These efforts have created the longest continuous time series legal economics project in the United States.

Some common objectives spanning the 2019 fielding were to derive, analyze and report benchmarks denoting:

- Changing patterns of member attorney demographics;
- 2018 attorney income derived from legal work by practice category/class, gender, field of law, office location, work status (full- vs. part-time work), years in practice and firm/organization size;
- 2019 associate, legal assistant and administrative assistant/secretary salaries by years of experience and office location;
- Prevailing 2019 attorney hourly billing rates by a variety of indicators and for paralegals/legal assistants by years of experience, firm size and office location;
- Attorney time allocated to billable and non-billable professional activities in 2019;
- 2018 revenues, expenses and overhead rates for private practitioners by office location and firm size;
- Law practice technology embracement, marketing management, civic duties of attorneys and law firm administrators and billing practices focused on sentinel management trends over time; and
- Issues regarding economic sentiment, stress and job satisfaction.

To help guide attorneys as they plan and manage their professional lives, the above information has been consolidated into this reference document accessible on the OSBA website. Based on 86 tables, charts and graphs, attorneys and firms can compare themselves and their firms against norms established by the aggregation of survey data. Several exhibits concentrate on government attorneys and in-house counsel responses in addition to hired counsel responses.



Assistance interpreting and applying information can be obtained at no charge to OSBA members by contacting Dr. Lawrence Stiffman of the Applied Statistics Laboratory (ASL) at (734) 417-5151 or [aslinfo@aol.com](mailto:aslinfo@aol.com). ASL fielded the surveys, analyzed derived data and prepared this *Desktop Reference* under the guidance of the OSBA staff, volunteers and sponsors.

## Methods and Measures

Survey results are based on online surveys fielded during April and May of 2019, which targeted private practitioners, in-house counsel and government attorneys. Each target group was surveyed three times reaching in-state/ non-retiree respondents with current email addresses. There were about 1,040 usable returns.

To help practitioners interpret range information provided in the exhibits in the reference, here is a brief discussion of **measures of central tendency** (median and mean) and **dispersion** (spread).

### Measures of Central Tendency

The **mean** (also called the average or arithmetic average) is calculated by adding the values of all responses and then dividing by the number of responses.

*Example:* Three responses – 1, 2 and 3 – are reported. The average is calculated by adding their values ( $1 + 2 + 3 = 6$ ), then dividing by the number of responses or  $6 \div 3 = 2$ .

The **median** is the middle value of a series of values, which is initially rank ordered (from low to high or vice versa). By definition, half the numbers are greater, and half are less than the median. Both mean and median values are used throughout this survey report to measure central tendency.

Use of the median as a statistic for central tendency **reduces the effect of “outliers”** (extremely high or low values, such as 30), while the average does not.

*Example:* Three responses – 1, 2 and 30 – are reported. The median is the middle number of the distribution (1, 2, 30) or 2. The average of this same distribution is 33 divided by 3 = 11.

### Measures of Dispersion (Spread)

The dispersion of data around the median (the 50th percentile) is based here on three values:

The 25th percentile (lower quartile). 25% of the values are less and 75% are more than this value;

The 75th percentile (upper quartile). 75% of the values are less and 25% are more than this value; and

The 95th percentile. 95% of the values are less and five percent are more than this value.

## Geographic Areas Defined

Sixteen geographic areas were included to indicate office location. Some exhibits in this reference included all 16 areas, but most display fewer, collapsed regions to maintain a reasonable number of observations for reporting findings. Regions are defined as follows:

REGION NAME	GEOGRAPHIC AREAS INCLUDED:
Greater Cleveland	Downtown only / suburban areas
Greater Cincinnati	Downtown only / suburban areas
Greater Columbus	Downtown only / suburban areas
Dayton	Dayton
Northeast Region	Canton, Akron, Youngstown and other northeastern Ohio areas
Northwest Region	Toledo and other northwestern cities and areas
Southern Region	Includes southeastern, southwestern and central regions excluding cities named above

## Interpreting Findings

Because the survey was conducted in the spring of 2019, net income, gross revenue and overhead expenses represent 2018 values. All other data represent 2019 values. Net income represents all personal/taxable income from legal work (after expenses) or salaries from the practice of law, before taxes, for 2018. Bonus information was not addressed as a separate question and may or may not have been included by respondents.

To denote gaps such as the “gender gap” of reported incomes, the term “gap” is used on selected exhibits as a proportion calculated as the *median value of one group divided by another*. Hypothetically, a reported median income of \$75,000 for a group of female attorneys divided by \$100,000 for a like group of male attorneys yields the proportion of .75. This could be interpreted in plain English as “*This group of females earns 75 cents on the dollar compared with their male counterparts.*”

Despite the use of the median to reduce the effect of extremely high or low values (outliers), readers should use caution in interpreting data when only a small number of responses are available. In such cases, readers are advised to “group up” to a larger geographic area or practice category to not distort reality. Generally, no value is represented if fewer than four responses were reported. In some instances, an exhibit may list fewer than four responses if the data were deemed important enough, with the understanding that the reader should use care when drawing inferences from such a small sample.

This reference is meant to assist with the development of sound and equitable hiring and compensation policies.

### Confidence Intervals/Margins of Error and Representativeness of Sample

Confidence intervals (upper and lower bounds around the mean at the 95% confidence level) are shown for three selected variables:

+/- 10% for Private Practitioners’ **2018 net income** (\$116,787; \$128,958; \$141,128)

+/- 3.5% for Private Practitioners’ **total hours of chargeable work/week in 2019** (28.8, 29.9, 30.9)

+/- 3.5% for Private Practitioners’ **2019 average hourly billing rate** (\$252, \$261, \$270)

For example, the average 2019 hourly billing rate is plus or minus 3.5% of \$261 with a 95% likelihood that the rate would fall between \$252/hour and \$270/hour.

**Exhibit 1** compares the sample with retained OSBA membership data (the universe).

EXHIBIT 1: RESPONSE COUNTS BY TARGET GROUP	
Category	Survey Responses
Private Practitioners	790
Government Attorneys	165
In-House Counsel	102
Column Totals	<b>1,057</b>

## Summary Profiles of the Typical Ohio Attorney and Firm

This section summarizes key statistics derived from the current and recent surveys. Emphasis here is on the concerns of the average attorney and the average firm with respect to shifting demographics, and core relationships of income, hourly billing rates, time expenditure and resultant practice and firm revenues and expenses.

### Membership Demographics

**Exhibits 2 to 4** summarize the average years in practice and 2018 attorney net income for three attorney practice classes: private practitioners (**Exhibit 2**), government attorney (including the judiciary) (**Exhibit 3**) and in-house counsel (**Exhibit 4**). Each group is stratified by work status, gender and office location. The data is benchmarked against the last survey findings collected in 2013.

The “years in practice” private practitioner survey respondents reported “aged” 12% overall between 2013 and 2019. The average changed from 26 years in practice in 2013 to 29 years in practice in 2019. (See last row in Exhibit 2.) This was consistent across the state except for Columbus and the Northwest Ohio region where the average years of practice for private practitioners actually decreased. In Columbus, the reported number of practicing years changed by -7%. The Northwest region changed by -4%.



During this period, respondent nominal (not adjusted for inflation) incomes were stagnant with, for example, females working both full- and part-time. That group reported a 14% cumulative increase over a six-year period, whereas males' reported income decreased by 6%. Cleveland –based incomes dropped 2% overall, whereas Columbus attorneys saw a median increase of 14% overall. Considering all private practitioners reported net income, the median value of \$100,000 in 2018 was unchanged from 2012. See last column in **Exhibit 2**.

<b>EXHIBIT 2: SELECTED SUMMARY DEMOGRAPHICS – PRIVATE PRACTITIONERS</b>										
Private Practitioners by Work Status and Gender	Years in Practice					2018 Net Income				
	N	Mean	2019 Median	2013 Median	% Change 2013-2019	N	Mean	2018 Median	2012 Median	% Change 2012-2018
Full-time females	209	20	19	15	27%	99	\$119,201	\$86,000	\$80,000	8%
Part-time females	38	26	24	17	41%	19	\$48,302	\$45,931	\$39,300	17%
<b>All females</b>	<b>247</b>	<b>21</b>	<b>21</b>	<b>15</b>	<b>40%</b>	<b>118</b>	<b>\$107,785</b>	<b>\$80,000</b>	<b>\$70,000</b>	<b>14%</b>
Full-time males	437	29	31	29	7%	221	\$151,234	\$115,000	\$120,000	-4%
Part-time males	101	39	41	37	11%	41	\$69,278	\$60,000	\$145,000	-59%
<b>All males</b>	<b>538</b>	<b>30</b>	<b>33</b>	<b>30</b>	<b>10%</b>	<b>262</b>	<b>\$138,493</b>	<b>\$103,000</b>	<b>\$110,000</b>	<b>-6%</b>
All full-time	646	26	27	26	4%	320	\$141,393	\$107,400	\$105,000	2%
All part-time	139	35	40	29	38%	60	\$62,635	\$48,500	\$44,000	10%
<b>All respondents</b>	<b>785</b>	<b>27</b>	<b>29</b>	<b>26</b>	<b>12%</b>	<b>380</b>	<b>\$128,958</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>0%</b>
<b>By Office Location</b>										
Greater Cleveland	167	28	28	25	12%	79	\$129,000	\$99,000	\$101,000	-2%
Greater Cincinnati	72	29	32	28	14%	29	\$134,293	\$105,000	\$102,000	3%
Greater Columbus	192	26	25	27	-7%	92	\$159,093	\$120,000	\$105,000	14%
Greater Dayton	48	27	29	23	26%	26	\$115,127	\$78,000	\$110,000	-29%
Northeast Region	150	28	30	24	25%	79	\$100,407	\$90,000	\$83,000	8%
Northwest Region	75	27	27	28	-4%	44	\$122,532	\$110,500	\$85,000	30%
Southern Region	74	29	32	27	19%	30	\$126,163	\$92,500	\$93,500	-1%
<b>All respondents</b>	<b>778</b>	<b>27</b>	<b>29</b>	<b>26</b>	<b>12%</b>	<b>379</b>	<b>\$128,823</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>0%</b>



With respect to government attorneys, including the judiciary, only part-time lawyers aged while full-time lawyers saw a decrease in average years in practice. Income levels were mostly stagnant over the six-year period. Overall, all respondents' net income increased only 2% over six years (See last column of Exhibit 3.)

**EXHIBIT 3: SELECTED SUMMARY DEMOGRAPHICS – GOVERNMENT ATTORNEYS**

	Years in Practice					2018 Net Income				
	N	Mean	2019 Median	2013 Median	% Change 2013-2019	N	Mean	2018 Median	2012 Median	% Change 2012-2018
<b>Private Practitioners by Work Status and Gender</b>										
Full-time females	91	16	14	17	-18%	41	\$76,049	\$84,464	\$68,000	24%
Part-time females	6	22	16	21	-24%	-	-	-	-	-
<b>All females</b>	<b>98</b>	<b>16</b>	<b>14</b>	<b>17</b>	<b>-18%</b>	<b>42</b>	<b>\$76,000</b>	<b>\$71,000</b>	<b>\$65,000</b>	<b>9%</b>
Full-time males	58	21	20	26	-23%	27	\$84,464	\$75,000	\$80,000	-6%
Part-time males	5	38	44	29	52%	-	-	-	-	-
<b>All males</b>	<b>63</b>	<b>23</b>	<b>22</b>	<b>27</b>	<b>-19%</b>	<b>28</b>	<b>\$86,805</b>	<b>\$77,000</b>	<b>\$8,000</b>	<b>-4%</b>
All full-time	150	18	16	20	-20%	68	\$79,390	\$72,500	\$7,300	-1%
All part-time	11	29	39	27	44%	-	-	-	-	-
<b>All respondents</b>	<b>163</b>	<b>19</b>	<b>18</b>	<b>21</b>	<b>-14%</b>	<b>70</b>	<b>\$80,293</b>	<b>\$73,500</b>	<b>\$72,000</b>	<b>2%</b>
<b>By Office Location</b>										
Greater Cleveland	10	25	24	23	4%	5	\$93,910	\$92,000	\$86,000	21%
Greater Cincinnati	7	21	17	25	-32%	23	\$84,109	\$85,000	\$46,000	2%
Greater Columbus	66	18	15	22	-32%	21	\$59,950	\$59,950	\$83,000	20%
Greater Dayton	5	29	33	22	83%	-	-	-	-	-
Northeast Region	10	16	15	22	-32%	60	\$71,112	\$86,500	\$71,000	22%
Northwest Region	23	17	18	24	-25%	43	\$73,158	\$65,000	\$68,000	-4%
Southern Region	29	18	15	20	-25%	53	\$70,964	\$74,500	\$65,000	15%
<b>All respondents</b>	<b>150</b>	<b>19</b>	<b>18</b>	<b>21</b>	<b>-14%</b>	<b>296</b>	<b>\$79,431</b>	<b>\$73,500</b>	<b>\$72,000</b>	<b>2%</b>

With respect to in-house counsel, respondents saw an overall 11% drop in years in practice, while income was steady at 2-3% (over six years). Cleveland-based in-house counsel saw a decrease in years in practice and a drop of 33% in income over six years.

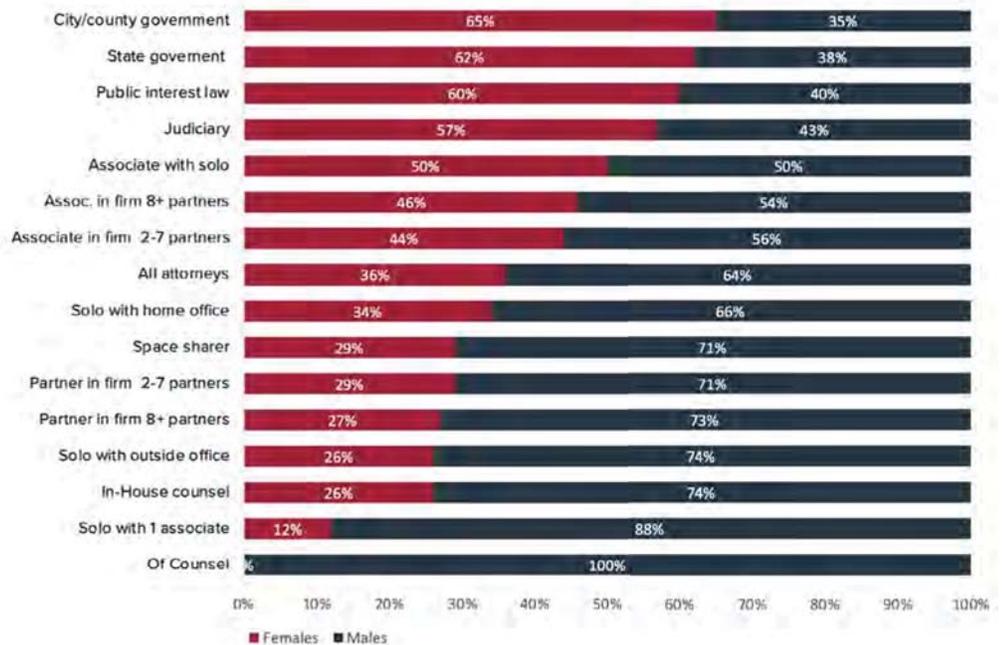


**EXHIBIT 4: SELECTED SUMMARY DEMOGRAPHICS – IN-HOUSE COUNSEL**

In-House Counsel by Work Status and Gender	Years in Practice					2018 Net Income				
	N	Mean	2019 Median	2013 Median	% Change 2013-2019	N	Mean	2018 Median	2012 Median	% Change 2012-2018
Full-time females	38	18	17	12	41.7%	14	\$112,000	\$109,000	\$110,000	-0.9%
<b>All females</b>	<b>31</b>	<b>19</b>	<b>19</b>	<b>13</b>	<b>46.2%</b>	<b>14</b>	<b>\$112,000</b>	<b>\$109,000</b>	<b>\$110,000</b>	<b>-0.9%</b>
Full-time males	59	17	12	24	-50.0%	33	\$156,341	\$125,000	\$130,000	-3.8%
<b>All males</b>	<b>59</b>	<b>17</b>	<b>12</b>	<b>24</b>	<b>-50.0%</b>	<b>33</b>	<b>\$156,341</b>	<b>\$125,000</b>	<b>\$130,000</b>	<b>-3.8%</b>
All full-time	97	18	15	17	-11.8%	47	\$143,113	\$123,000	\$121,000	1.7%
<b>All respondents</b>	<b>100</b>	<b>18</b>	<b>16</b>	<b>18</b>	<b>-11.1%</b>	<b>47</b>	<b>\$143,113</b>	<b>\$123,000</b>	<b>\$120,000</b>	<b>2.5%</b>
<b>By Office Location</b>										
Greater Cleveland	21	16	15	26	-42.3%	7	\$145,286	\$85,000	\$127,500	-33.3%
Greater Cincinnati	13	19	15	13	15.4%	6	\$105,133	\$110,000	\$117,500	-6.4%
Greater Columbus	31	18	13	21	-38.1%	18	\$127,833	\$121,500	\$135,000	-10.0%
Northeast Region	12	20	18	19	-5.3%	4	\$138,864	\$152,000	\$95,000	60.0%
Northwest Region	10	15	12	12	0.0%	4	\$204,250	\$186,000	\$122,000	52.5%
Southern Region	8	22	24	20	20.0%	4	\$204,250	\$186,000	\$117,500	58.3%
<b>All respondents</b>	<b>96</b>	<b>18</b>	<b>16</b>	<b>18</b>	<b>-11.1%</b>	<b>44</b>	<b>\$140,256</b>	<b>\$122,399</b>	<b>\$120,000</b>	<b>2.0%</b>

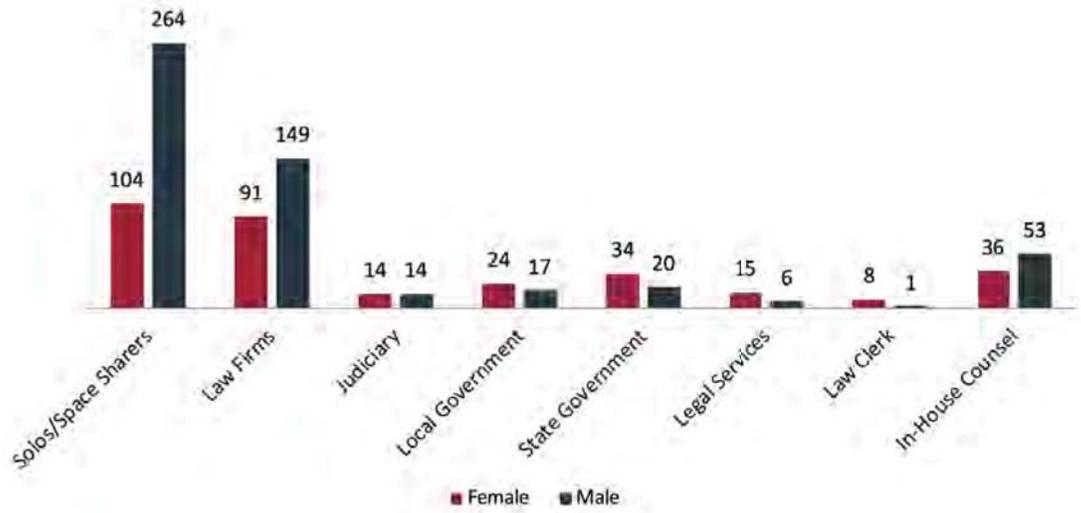
**EXHIBIT 5: RANKED DISTRIBUTION OF 2019 SURVEY RESPONDENTS BY PRACTICE CLASS AND GENDER**

Exhibit 5 ranks respondents' practice class by gender. About 62% to 65% of government attorneys are female, while 27% of large firm partners are female.

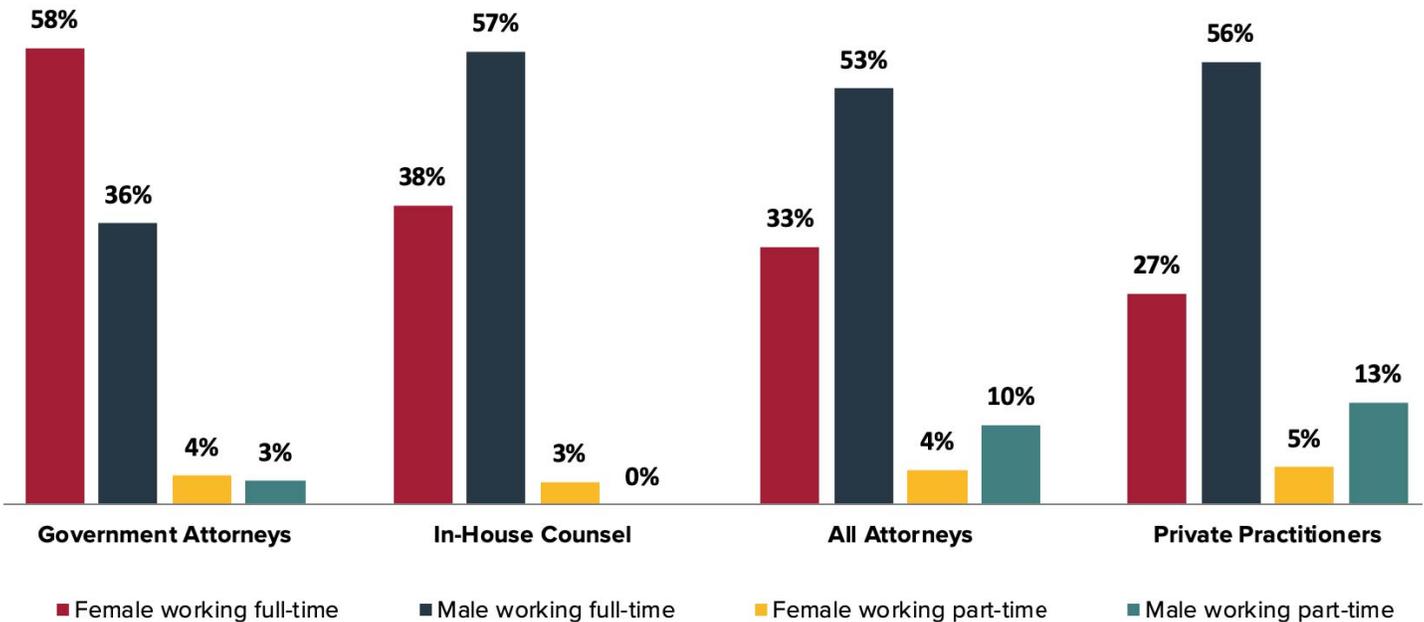


**EXHIBIT 6: DISTRIBUTION OF RESPONDENTS BY PRACTICE CLASS AND GENDER**

**Exhibit 6** distributes counts of respondents by gender across practice class showing the proportion of each major practice category to the overall bar population. Male private practitioners dominate the respondent database.



**EXHIBIT 7: DISTRIBUTION OF SURVEY RESPONDENTS BY PRACTICE CLASS AND GENDER –ALL PRACTICE CLASSES**



**Exhibit 7** distributes survey respondents by gender, work status and practice class. Considering **all attorneys**, 10% of males work part-time and 4% of female private practitioners work part-time. Full-time females comprise one third of the responses, whereas males working full-time represent over half of the responses (53%). Most attorneys who report that they practice part-time are sole practitioners/space sharers. Female respondents comprise 58% of government attorneys, including the judiciary, and they comprise 27% of private practitioners.

### 2018 Attorney Income Compared with 2012

Median 2018 net income reported for **all respondents** is \$90,461 (down from \$95,872 reported for 2012). This value is a weighted average (by count) combining three classes of attorneys-private practitioners, government attorneys (including judges and judiciary staff) and in-house counsel. For private practitioners specifically, median net income (\$100,000) was unchanged from 2012 to 2018.

Median 2018 net income reported for private practitioner respondents working full-time is \$106,000 (up from \$105,000 in 2012). Mean (average) net income for private practitioner respondents working full-time is \$141,392 (down from \$151,660 in 2012.)

### 2019 Hourly Billing Rates and Work Volume Compared with 2013

The 2019 reported median hourly billing rate is \$250 (up from \$225 in 2013). The mean value is \$261 (up from \$234 in 2013). The median hourly rate reported by male attorneys working full-time is \$250 (up from \$225 in 2013), while it is \$225 for female attorneys working full-time (up from \$200 in 2013).

Median values for Private Practitioner compensable work time is 30 hours/week (down from 33 hours in 2013) and 45 hours/week for total professional hours worked (up from 48 hours in 2013). Detailed and longer-term trend analyses for incomes, billing rates and time allocations are summarized in **Exhibit 24** found at the end of this section.

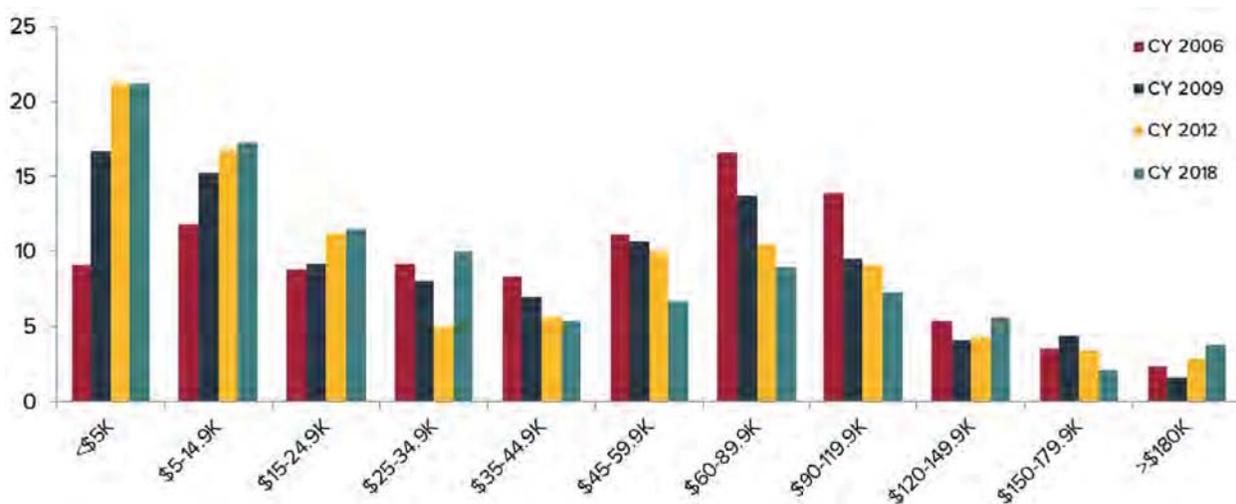
### 2018 vs. 2012 Office Expenditures and Revenues

Both office expenditures and gross revenues, on a per-attorney basis, vary across a wide distribution of Private Practitioners, as shown in **Exhibits 8** and **9**.

**Exhibit 8** tracks trends over four years (noted by the colored bars). The left vertical axis shows the percentage of firms by year. For attorneys reporting fixed expenses between \$60,000 and \$89,999 in calendar year ("CY") 2006, 16% of all practices and firms reported expenses/attorney in CY 2009, 14%; in CY2012, 10%; and in CY 2018, 9%.

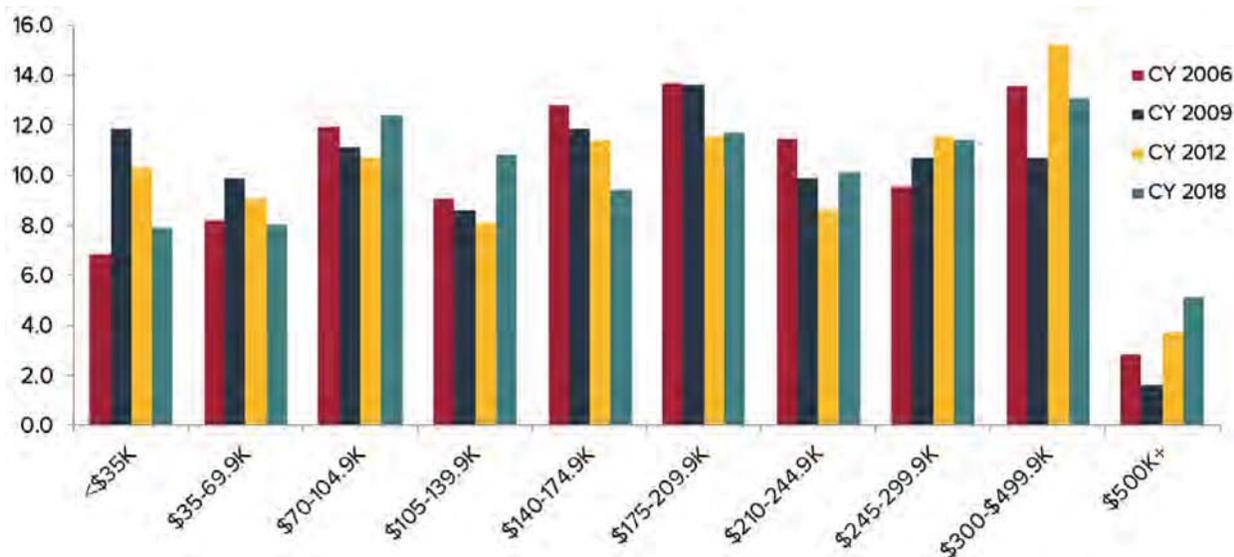
There is a drift to lower overall reported expenses per attorney since 2006. Distributions on the left of the chart, the four stacks beginning with <5K through \$25-35K, show expenses increasing over time. The remaining expense groups (\$35,000-\$45,000 to over \$180,000) generally show a decreasing proportion of fixed expenses/ attorney over time.

**EXHIBIT 8: PERCENT DISTRIBUTION PER ATTORNEY FIXED EXPENSES, OHIO PRACTICES AND FIRMS, 2006 - 2018**



Revenues /attorney for CY 2018 drift somewhat higher above the \$210,000-\$245,000 category.

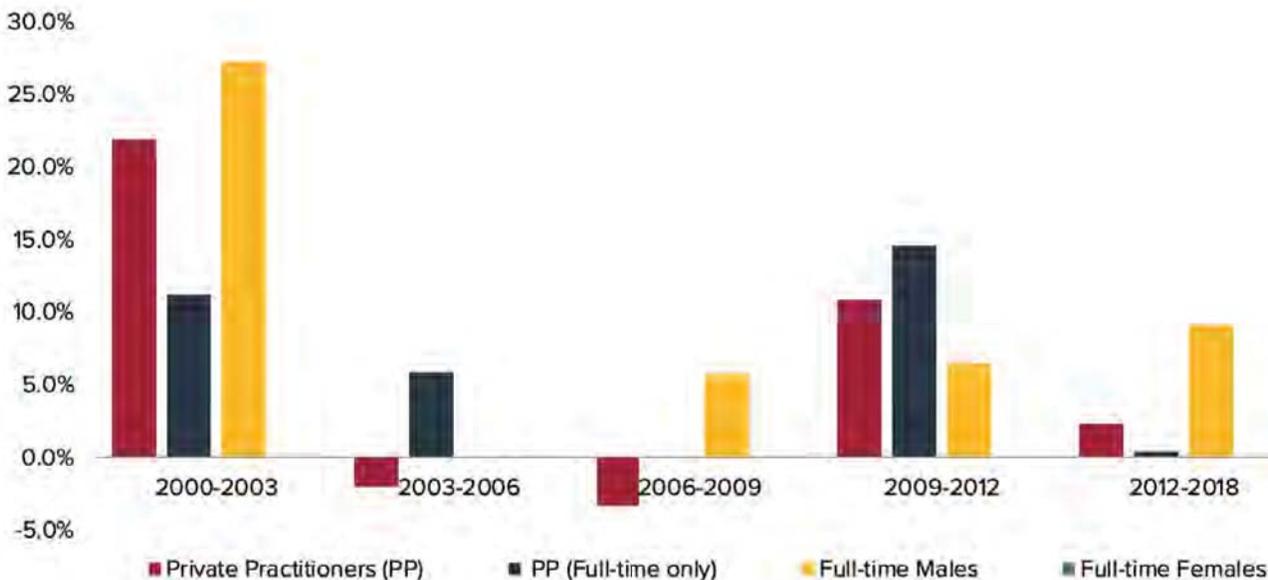
**EXHIBIT 9: PERCENT DISTRIBUTION OF PER ATTORNEY GROSS REVENUES, OHIO PRACTICES AND FIRMS, 2006-2018**



**Trends in Income, Hourly Billing Rates and Time Expended, 2000-2018/2019**

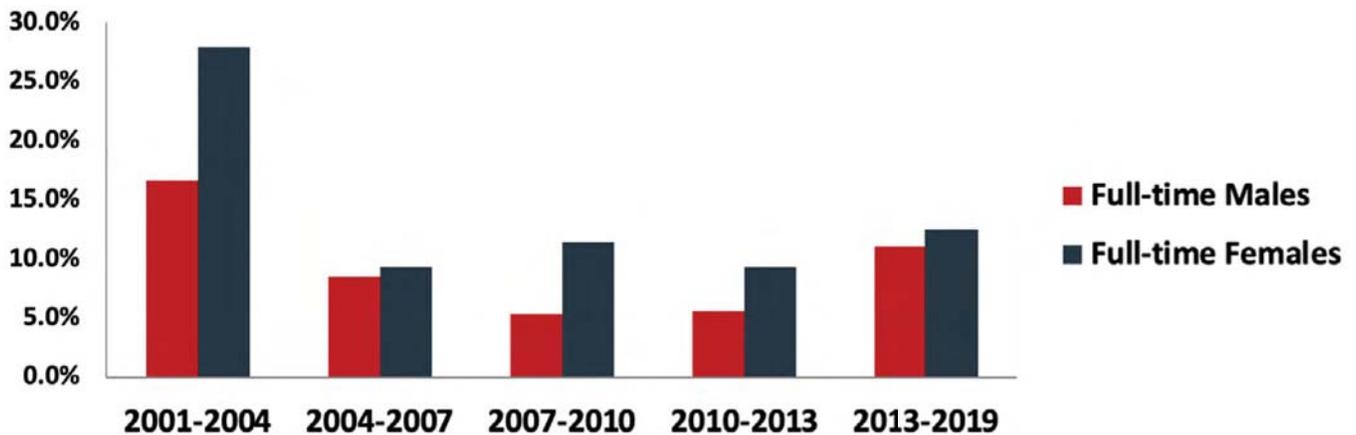
**Exhibit 10** breaks down the respondents into four categories of attorneys. Compared to the 2000-2003 reporting period, growth in net income has diminished drastically, especially for the 2012-2018 period. The drop also preceded the financial crisis starting in 2008. The red bar represents all private practitioners, while the blue bar represents only full-time private practitioners.

**EXHIBIT 10: PERCENT CHANGE IN ATTORNEY NET INCOMES**



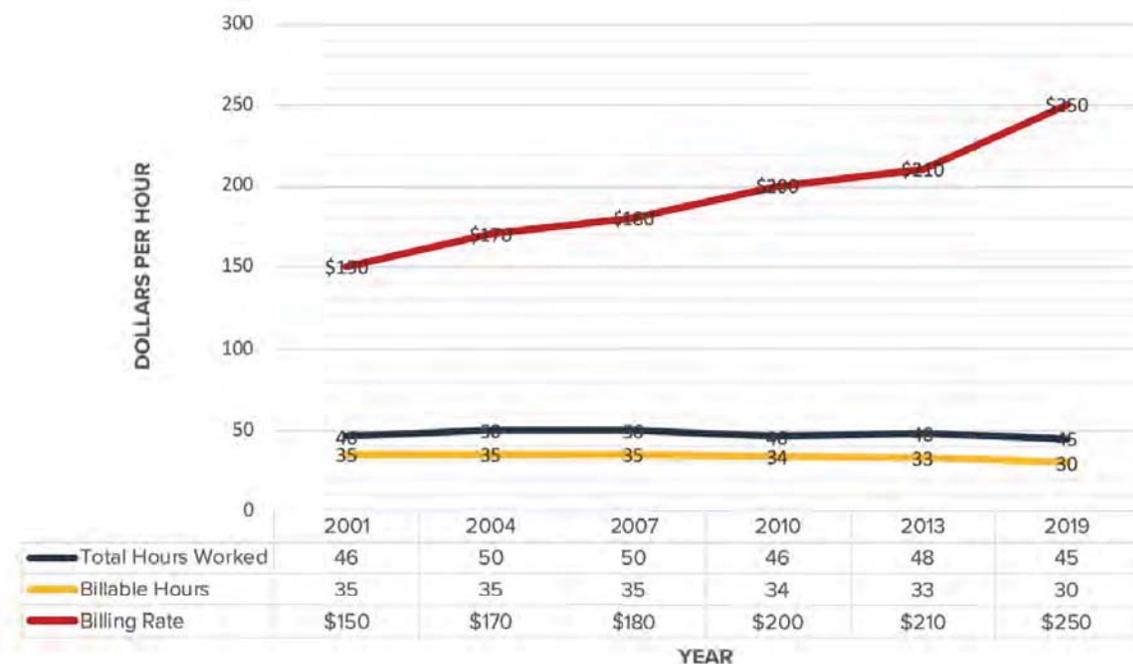
**Exhibit 11** highlights shifts in pricing power over the past decade isolating the effects of work-status and gender. Female attorneys working full-time display a higher percent of hourly rate increases than male attorneys in all reporting periods. During the 2001-2004 period, hourly billing rates rose 16.7% for full-time males and rose 28% among female respondents. Since that period, the increase for males has dropped to between 5% and 11% per reporting period and about 10% for females.

**EXHIBIT 11: PERCENT CHANGE IN MEDIAN HOURLY BILLING RATES BY GENDER, 2001-2019**



For full time private practitioners, over the last decade, compensable time held more or less constant at 35 hours for all private practitioners, and total hours worked held at 50 hours. Pricing power remained, throughout all reporting periods as reflected by the increasing average hourly billing rate (the top red line). *Total hours worked/week* is represented by the blue line and *billable hours worked/week* is represented by the yellow line. See **Exhibit 12**.

**EXHIBIT 12: TRENDS IN MEDIAN HOURS WORKED PER WEEK WITH AVERAGE HOURLY BILLING RATE, 2001-2019**





## Economic Sentiment and Job Satisfaction

**Exhibit 13** indicates current and future perceptions on economic conditions with current and future levels of job satisfaction for three categories of attorneys. Private practitioners and government attorneys are somewhat more optimistic with current and future economic conditions when compared to 2013 data.

With respect to job satisfaction, government attorneys are less satisfied about their jobs currently, as well as in the future, compared with the 2013 data. In-house counsel are relatively more satisfied about both current and future job satisfaction.

**EXHIBIT 13: SUMMARY OF ECONOMIC SENTIMENT AND JOB SATISFACTION LEVELS, THREE CATEGORIES OF ATTORNEYS, 2019**

	2013			2019		
	Private Practice	In-house Counsel	Government	Private Practice	In-house Counsel	Government
<b>Current Conditions</b>						
	%	%	%	%	%	%
Better	28.4	36.6	17.8	35.9	36.6	33.5
Worse	23	6.3	20	11.8	1	12.2
About the same	45.9	54.9	59.4	50.4	59.4	51.8
Don't know	0.4	0.7	2.9	1	2	2.4
NA/new attorney	2.4	1.4	-	0.9	1	-
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Future Conditions</b>						
	%	%	%	%	%	%
Better	38.4	37.1	15.8	39.2	45.5	34.4
Worse	13.4	9.8	16.1	9.9	4	12.3
About the same	39.5	46.9	59.2	42	44.6	47.2
Don't know/no opinion	8.7	6.3	9	9	5.9	6.1
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Current Satisfaction</b>						
	%	%	%	%	%	%
A great deal	48.5	49.3	67.3	53.9	62	57.3
Some	43.1	45.1	29.2	40.2	34	35.4
Very little	8.4	5.6	3.5	5.9	4	7.3
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Future Satisfaction</b>						
	%	%	%	%	%	%
Becoming more satisfying	15.5	23.2	16.9	16.6	25.3	18.5
Remaining the same	59.7	62.7	70.8	62.6	68.7	66.7
Becoming less satisfying	17.6	10.6	8.4	14.1	6.1	9.3
Ready to change practice area	3.1	0.7	1.6	1.8	-	3.1
Unsatisfying enough to quit	4.1	2.8	2.3	2.9	-	2.5
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>



Combining current and future perceptions, 28.5% of private practitioners think current economic conditions are better than in the past and will also be better in the future, while 26.9% feel both current and future conditions will remain about the same. These percentages are similar for in-house counsel and government attorneys, but 7.4% of government attorneys feel conditions have worsened and will worsen in the future. See **Exhibit 14**.

**EXHIBIT 14: SHIFTS IN SENTIMENT ON ECONOMIC CONDITIONS, THREE CLASSES OF ATTORNEYS, 2019 AND 2020**

Private Practitioners		Future Conditions				
Current Conditions	Better	Worse	About the Same	Don't Know/No Opinion	Total	
Better	28.5%	0.6%	8.9%	1.4%	39.3%	
Worse	2.2%	3.4%	3.6%	1.1%	10.3%	
About the same	12.0%	5.6%	26.9%	4.0%	48.5%	
Don't know	0.3%	0.0%	0.2%	0.5%	0.9%	
NA/new attorney	0.6%	0.0%	0.2%	0.2%	0.9%	
<b>Total</b>	<b>43.5%</b>	<b>9.6%</b>	<b>39.7%</b>	<b>7.2%</b>	<b>100.0%</b>	

In-House Counsel		Future Conditions				
Current Conditions	Better	Worse	About the Same	Don't Know/No Opinion	Total	
Better	27.7%	1.0%	7.9%	0.0%	36.6%	
Worse	0.0%	0.0%	0.0%	1.0%	1.0%	
About the same	15.8%	3.0%	36.6%	4.0%	59.4%	
Don't know	1.0%	0.0%	0.0%	1.0%	2.0%	
NA/new attorney	1.0%	0.0%	0.0%	0.0%	1.0%	
<b>Total</b>	<b>45.5%</b>	<b>4.0%</b>	<b>44.6%</b>	<b>5.9%</b>	<b>100.0%</b>	

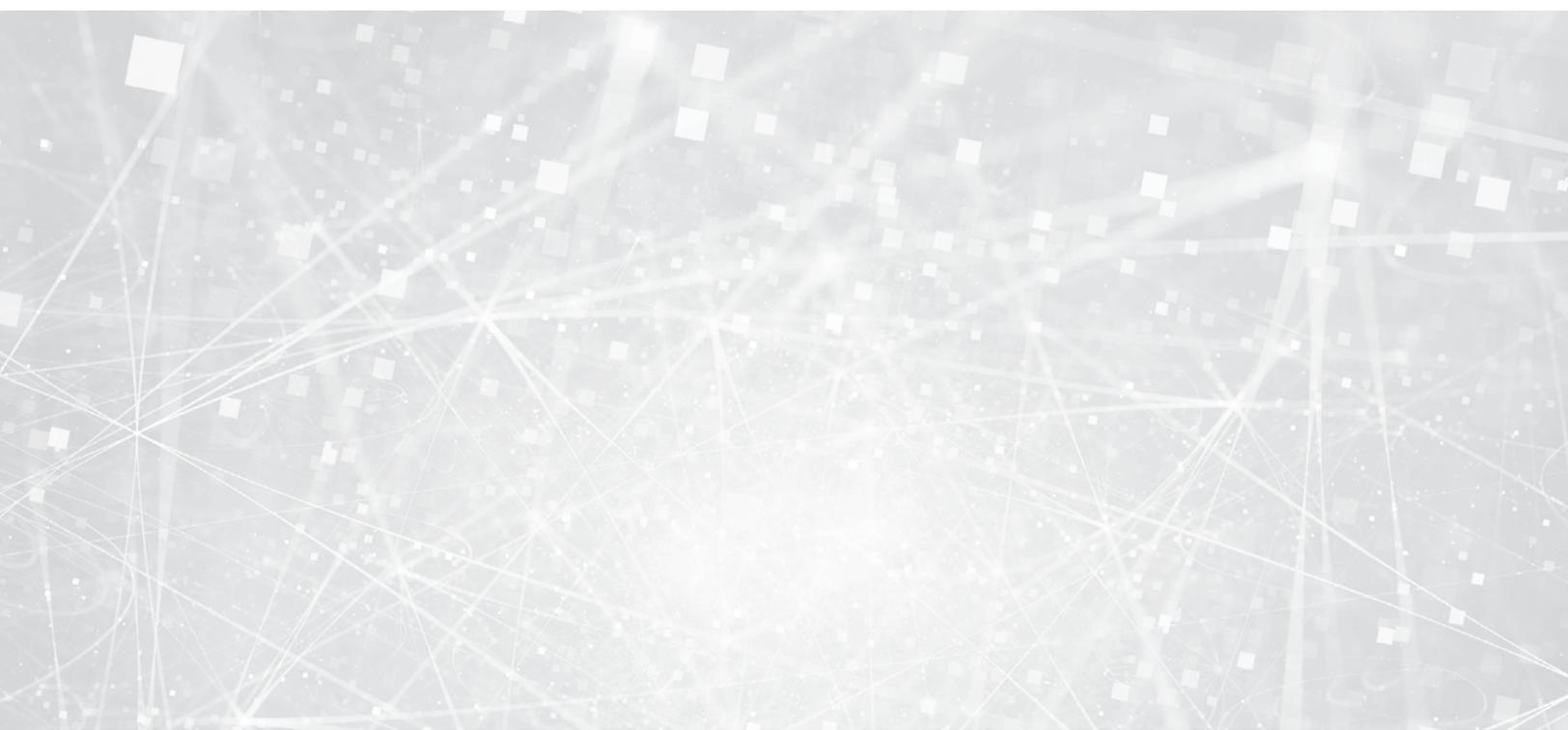
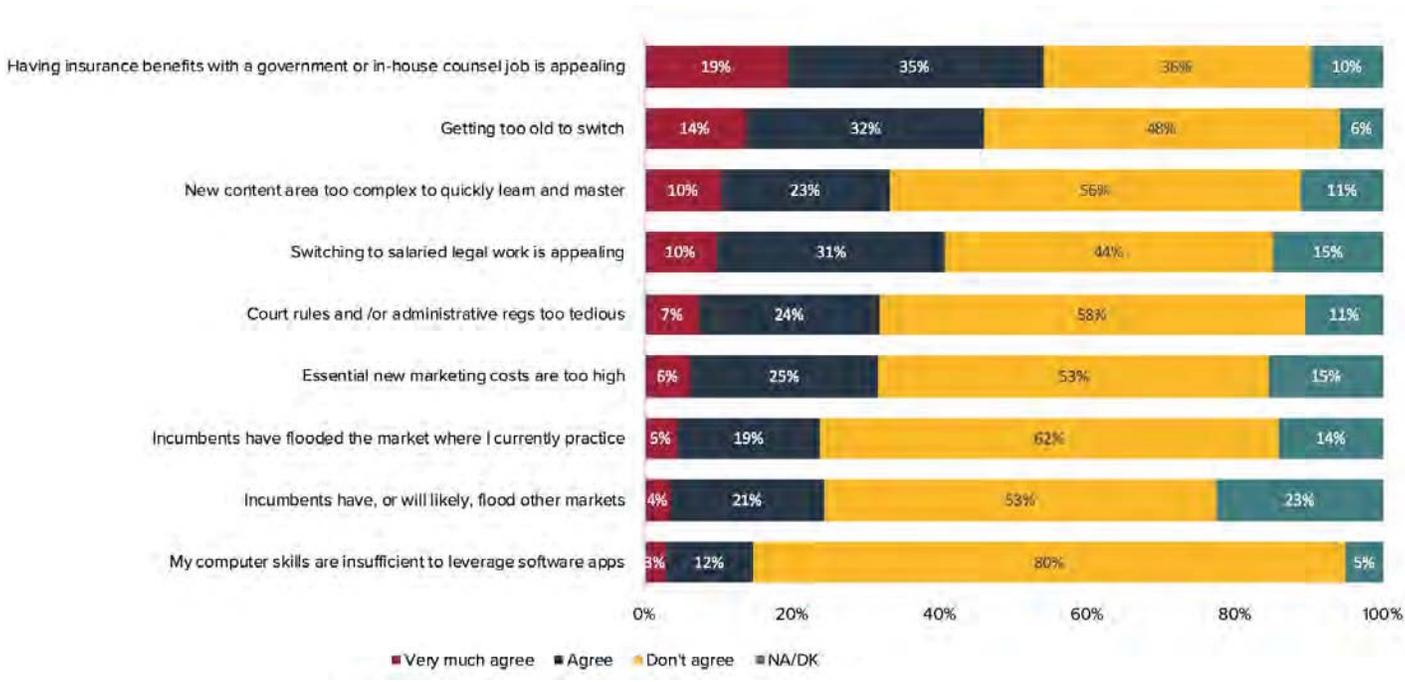
Government Attorneys		Future Conditions				
Current Conditions	Better	Worse	About the Same	Don't Know/No Opinion	Total	
Better	20.2%	1.2%	11.0%	1.2%	33.7%	
Worse	1.8%	7.4%	1.2%	1.8%	12.3%	
About the same	10.4%	3.7%	35.0%	2.5%	51.5%	
Don't know	1.8%	0.0%	0.0%	0.6%	2.5%	
<b>Total</b>	<b>34.4%</b>	<b>12.3%</b>	<b>47.2%</b>	<b>6.1%</b>	<b>100.0%</b>	



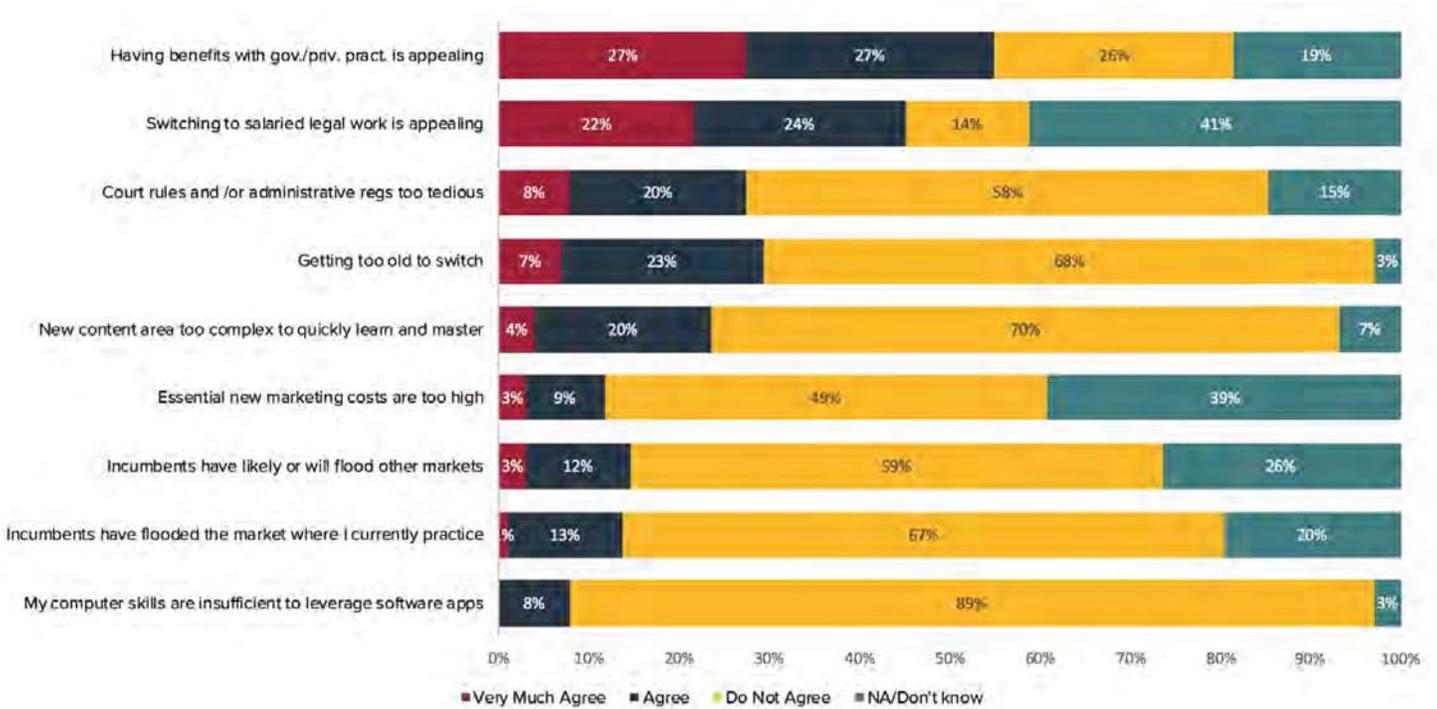
### Potential Factors Influencing Decisions to Switch to New Practice Areas or Job Classification

Private practitioners express relatively more interest in quality of life issues than technical requirements or market supply-demand conditions when considering switching practice area or jobs. In-house counsel and government attorneys show similar sentiments (**Exhibits 15-17**).

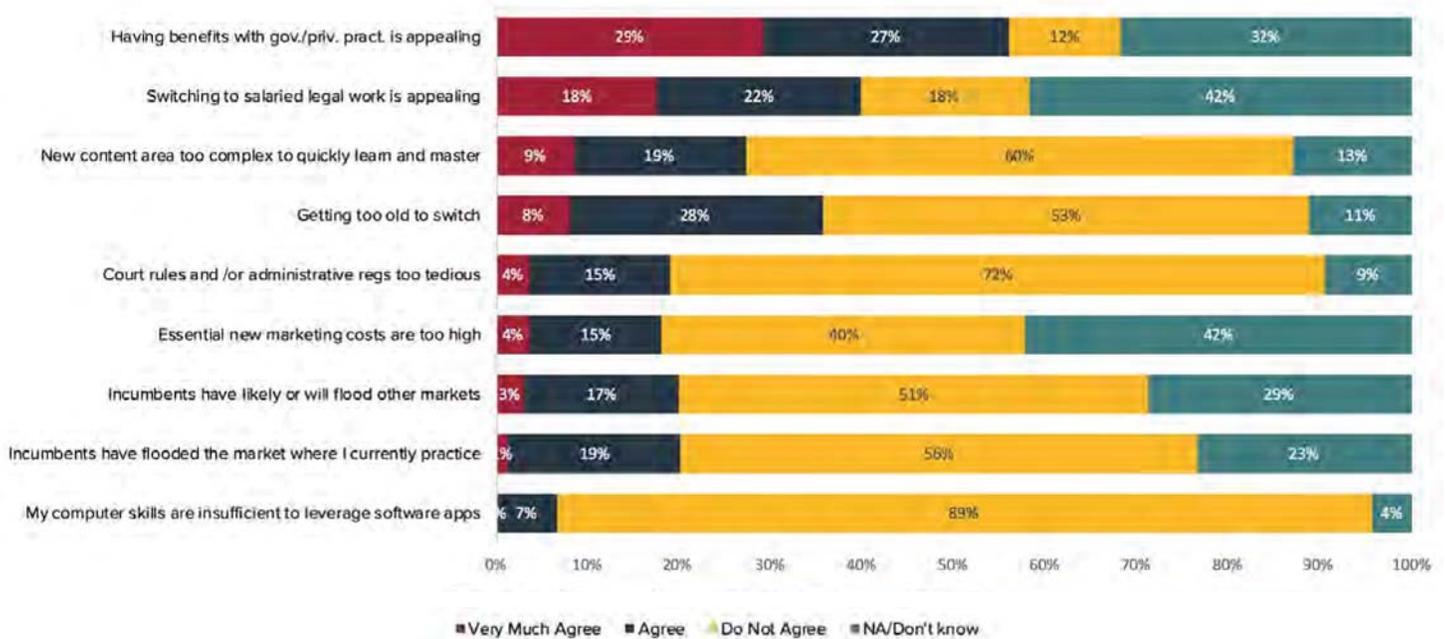
**EXHIBIT 15: RANKING OF AGREEMENT ON FACTORS INFLUENCING SWITCHING PRACTICE AREA/JOB CLASS, PRIVATE PRACTITIONERS, 2019**



**EXHIBIT 16: RANKING OF AGREEMENT ON FACTORS INFLUENCING SWITCHING PRACTICE AREA/JOB CLASS, IN-HOUSE COUNSEL, 2019**



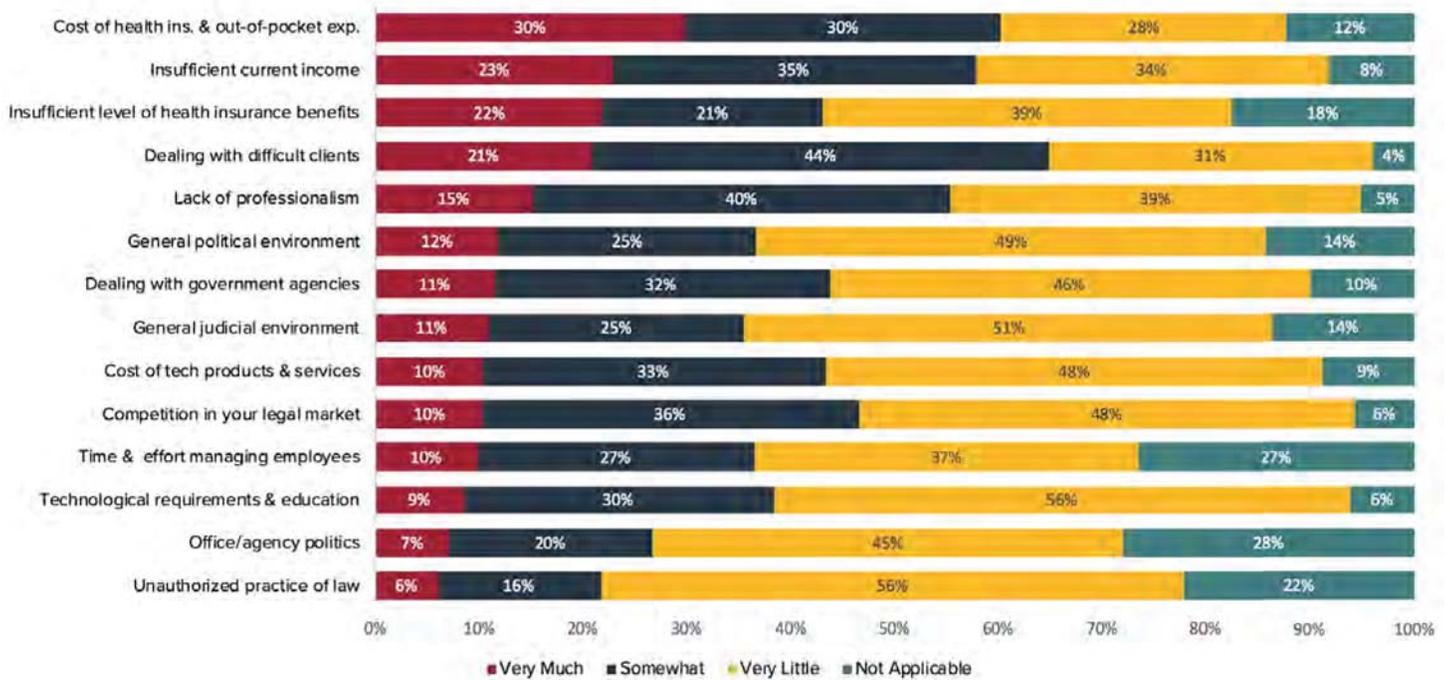
**EXHIBIT 17: RANKING OF AGREEMENT ON FACTORS INFLUENCING SWITCHING PRACTICE AREA/JOB CLASS, GOVERNMENT ATTORNEY, 2019**



### Relative Importance of Factors Perceived to Create Job-Related Stress

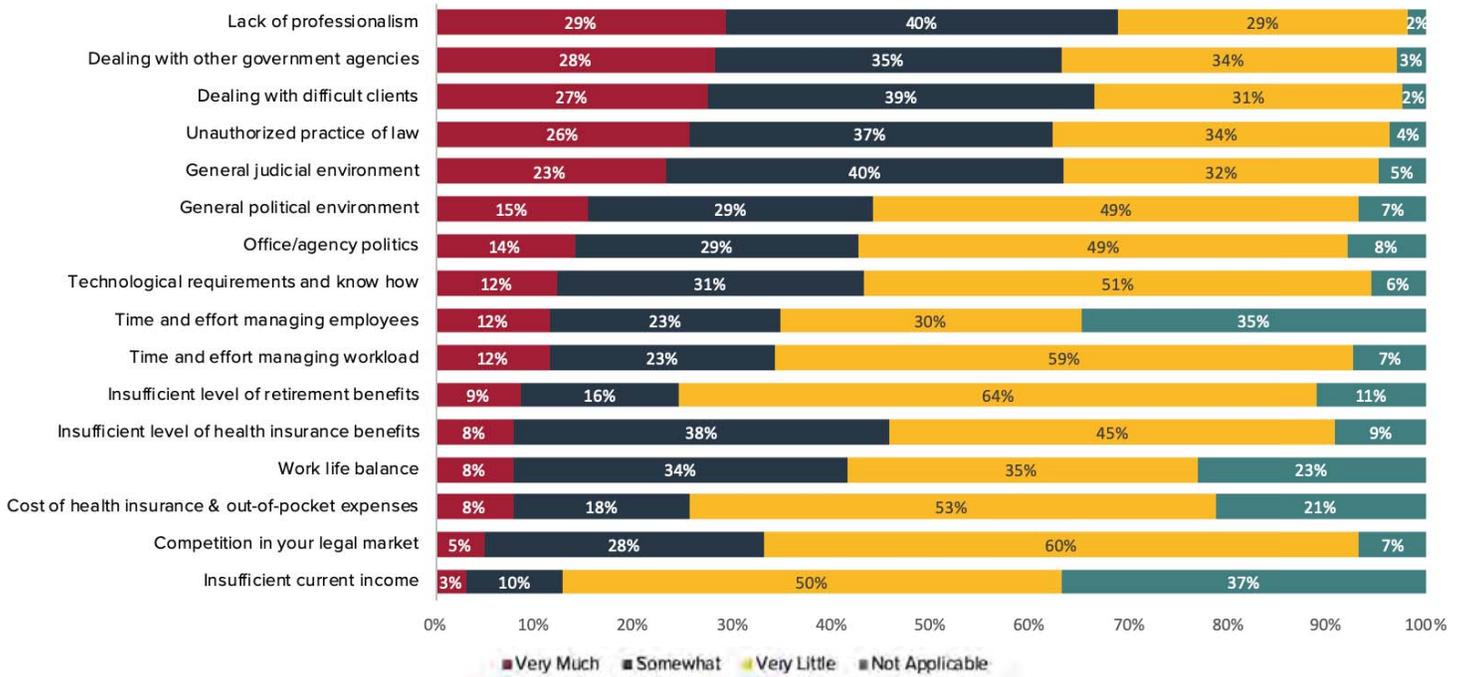
Private practitioners are relatively more concerned about income, fringe benefit costs, and dealing with difficult clients; whereas government attorneys focus on dealing with agencies, courts and clients. In-house counsel are relatively more concerned about workload management, work-life balance and office/agency politics (See Exhibits 18-20).

**EXHIBIT 18: RANKED FACTORS PERCEIVED TO CREATE JOB-RELATED STRESS, PRIVATE PRACTITIONERS, 2019**

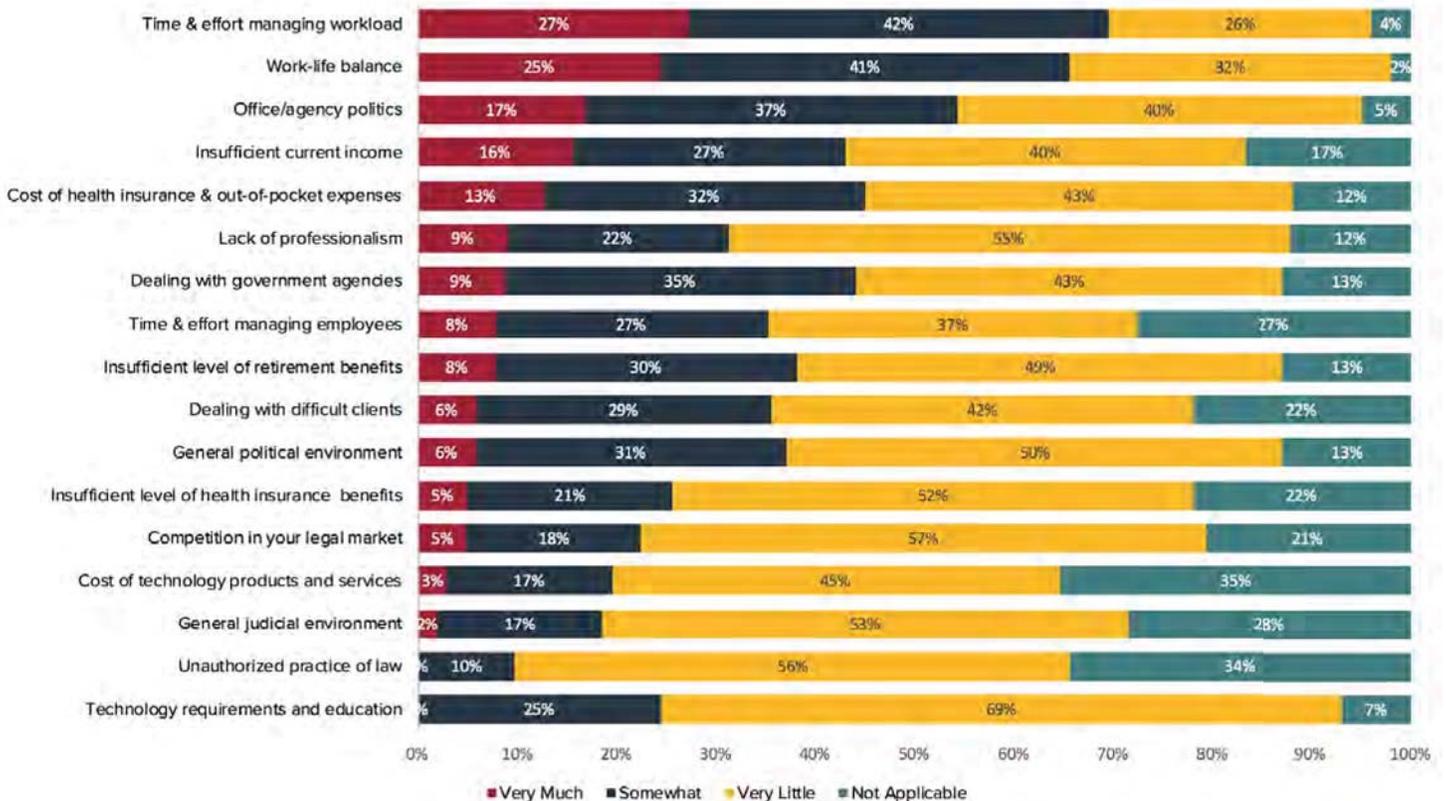




**EXHIBIT 19: RANKED FACTORS PERCEIVED TO CREATE JOB-RELATED STRESS, GOVERNMENT ATTORNEYS, 2019**



**EXHIBIT 20: RANKED FACTORS PERCEIVED TO CREATE JOB-RELATED STRESS, IN-HOUSE COUNSEL, 2019**

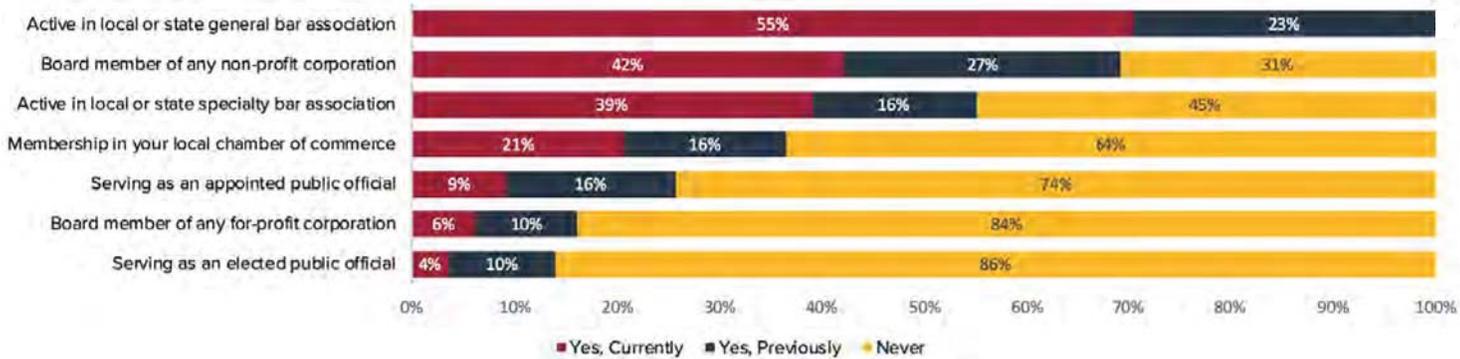




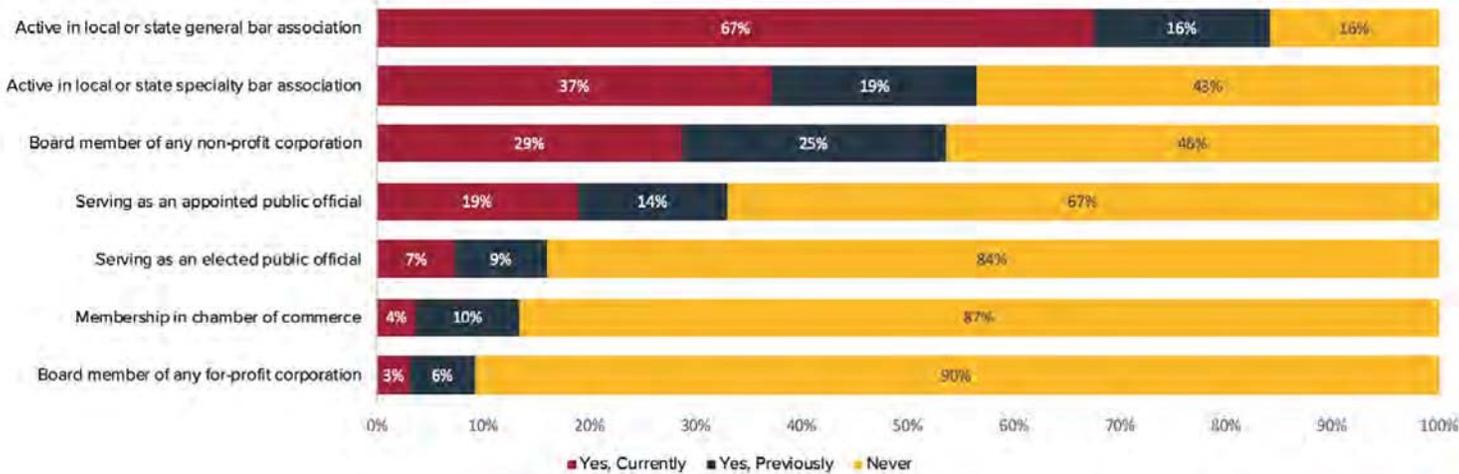
### Civic Engagement Profile

Attorneys broadly represent themselves as community leaders. Exhibits 21 to 23 rank OSBA member's current and historic involvement in bar-related, civic and business leadership roles.

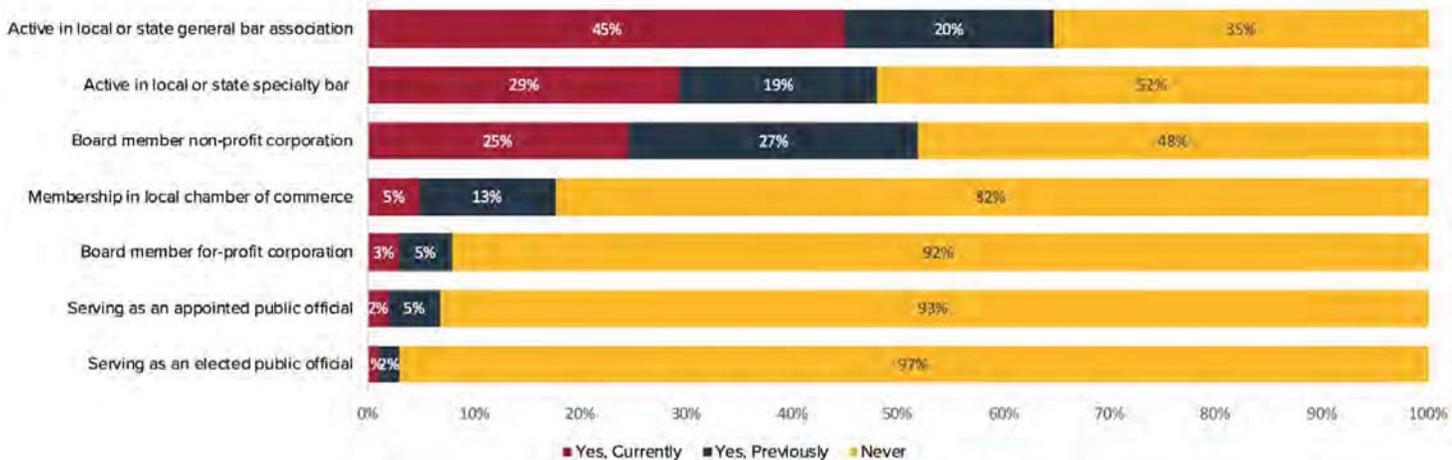
**EXHIBIT 21:** PRIVATE PRACTITIONERS' INVOLVEMENT IN BAR, COMMUNITY, CORPORATE AND CIVIC AFFAIRS, 2019



**EXHIBIT 22:** GOVERNMENT ATTORNEY INVOLVEMENT IN BAR, COMMUNITY, CORPORATE AND CIVIC AFFAIRS 2019



**EXHIBIT 23:** IN-HOUSE COUNSELS' INVOLVEMENT IN BAR, COMMUNITY, CORPORATE AND CIVIC AFFAIRS, 2019





**Summary**

**Exhibit 24** is a summary of income, billing rates and weekly professional time expenditures between six reporting periods. Median values are displayed. A weighted average is calculated for 2012 and 2018 attorney income, which weighs the three categories of responses by the number of responses.

Median net income remains unchanged at \$100,000 between 2012 and 2018. The number of total hours worked/week has remained relatively constant (down 1% over six years) and the number of billable hours in the workweek has decreased over time (1.5% over the past six years). Only the average hourly billing rate increased over the time periods reported.

**EXHIBIT 24: SUMMARY OF NET INCOME, HOURLY BILLING RATE & TIME EXPENDITURE CHANGES, 2000 - 2019**

	Median	Median	Median	Median	Median	Median	Annual % Change					
Net Income	2018*	2012*	2009	2006	2003	2000	2000-2003	2003-2006	2006-2009	2009-2012	2012-2018	
	*weighted avg.											
All attorneys	\$90,461	\$95,872	\$84,000	\$85,000	\$80,000	\$75,000	2.2%	0.0%	0.0%	0.0%	-0.9%	
(Full-time only)	\$103,551	\$96,173	\$90,000	\$88,500	\$85,000	\$80,000	2.1%	1.4%	0.6%	2.3%	1.3%	
Private Practitioners	\$100,000	\$100,000	\$89,000	\$95,000	\$90,000	\$70,000	9.5%	1.9%	-2.1%	4.1%	0.0%	
(Full-time only)	\$106,000	\$105,000	\$94,750	\$98,000	\$100,000	\$82,000	7.3%	-0.7%	-1.1%	3.6%	0.2%	
Full-time males	\$115,000	\$114,520	\$100,000	\$100,000	\$94,500	\$85,000	3.7%	1.9%	0.0%	4.8%	0.1%	
Full-time females	\$86,000	\$78,841	\$74,000	\$70,000	\$70,000	\$55,000	9.1%	0.0%	1.9%	2.2%	1.5%	
Part-time males	\$60,000	\$45,891	\$38,000	\$80,000	\$50,000	\$31,000	20.4%	20.0%	-17.5%	6.9%	5.1%	
Part-time females	\$46,000	\$46,856	\$45,000	\$45,000	\$30,000	\$30,000	0.0%	16.7%	0.0%	1.4%	-0.3%	

	Median	Median	Median	Median	Median	Median	Annual % Change				
Avg. Hourly Billing Rate	2019	2013	2010	2007	2004	2001	2001-2004	2004-2007	2007-2010	2010-2013	2013-2019
All Private Practitioners	\$225	\$207	\$200	\$185	\$175	\$150	5.6%	1.9%	2.7%	1.2%	1.4%
(Full-time only)	\$250	\$220	\$200	\$185	\$175	\$150	5.6%	1.9%	2.7%	3.3%	2.3%
Full-time males	\$250	\$225	\$200	\$190	\$175	\$150	5.6%	2.9%	1.8%	4.2%	1.9%
Full-time females	\$225	\$200	\$195	\$175	\$160	\$125	9.3%	3.1%	3.8%	0.9%	2.1%
Part-time males	\$200	\$195	\$183	\$190	\$160	\$130	7.7%	6.3%	-1.2%	2.2%	0.4%
Part-time females	\$200	\$175	\$150	\$150	\$125	\$125	0.0%	6.7%	0.0%	5.6%	2.4%

	Median	Median	Median	Median	Median	Median	Annual % Change				
Total Hours in Workweek	2019	2013	2010	2007	2004	2001	2001-2004	2004-2007	2007-2010	2010-2013	2013-2019
All Private Practitioners	45	48	47	50	50	47	2.1%	0.0%	-2.0%	0.7%	-1.0%
(Full-time only)	48	50	50	50	50	48	1.4%	0.0%	0.0%	0.0%	-0.7%
Full-time males	48	50	50	50	50	48	1.4%	0.0%	0.0%	0.0%	-0.7%
Full-time females	50	48	45	50	45	45	0.0%	3.7%	-3.3%	2.2%	0.7%
Part-time males	25	30	30	40	36	34	2.0%	3.7%	8.3%	0.0%	-2.8%
Part-time females	25	25	28	30	30	39	-7.7%	0.0%	-2.2%	-3.6%	0

	Median	Median	Median	Median	Median	Median	Annual % Change				
Billable Hours in Workweek	2019	2013	2010	2007	2004	2001	2001-2004	2004-2007	2007-2010	2010-2013	2013-2019
All Private Practitioners	30	33	34	35	35	35	0.0%	0.0%	-1.0%	-1.0%	-1.5%
(Full-time only)	34	35	35	35	40	35	4.8%	-4.2%	0.0%	0.0%	-0.5%
Full-time males	33	35	35	35	36	35	1.0%	-0.9%	0.0%	0.0%	-1.0%
Full-time females	35	34	33	35	35	35	0.0%	0.0%	-1.9%	1.0%	0.5%
Part-time males	16	15	18	25	14	15	-2.2%	26.2%	-9.3%	-5.6%	1.1%
Part-time females	12	18	20	20	14	20	-10.0%	14.3%	0.0%	-3.3%	-5.6%

# Profiling Ohio Attorney 2018 Net Income

## Introduction

Many interacting factors impact attorney income. Clues to explain income variation, both at a given point in time and across time, can be derived from seven factors addressed in the survey:

- Practice category or classification/class
- Primary field of law or area of specialization
- Years in practice
- Gender
- Firm size (number of attorneys in firm or organization)
- Office location (county where law office is located)
- Work status: full-time (working 30 hours/week) vs. part-time (working <30 hours/week)

## 2018 Attorney Net Income by Practice Class and Field of Law

**Exhibit 25** summarizes 2018 attorney net income by eleven practice categories reported by 374 private practitioner respondents (denoted by **N**). **Exhibit 26** covers government attorneys and in-house counsel.

By convention, this, and subsequent exhibits providing percentile information, offer four data points – the 25th, 50th (Median), 75th and 95th percentiles – on the variable (item) of interest.

For example, 25 percent of all space sharers earn less than \$48,500, half earn less than \$85,000, while half earn more than \$77,000 and 25 percent earn more than \$150,000. The range of net income is large within groups; for example, it ranges from \$135,000 for partners in firms with eight+ partners at the 25th percentile to \$750,000 at the 95th percentile level.

**EXHIBIT 25: 2018 PRIVATE PRACTITIONER NET INCOME BY PRACTICE CLASS**

Private Practitioner Class	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Solo, office outside home	90	\$128,678	\$60,000	\$97,000	\$150,000	\$300,000
Solo, home office	41	\$64,993	\$8,000	\$48,000	\$86,000	\$200,000
Solo with 1+ associate	16	\$167,063	\$100,000	\$140,000	\$215,000	\$403,000
Space sharer	14	\$96,557	\$48,000	\$85,000	\$150,000	\$265,000
Partner in firm with 2-7 partners	91	\$151,291	\$84,000	\$125,000	\$200,000	\$340,000
Partner in firm with 8+ partners	33	\$254,909	\$135,000	\$200,000	\$300,000	\$750,000
Of Counsel	7	\$106,429	\$60,000	\$100,000	\$180,000	\$180,000
Associate with sole practitioner	14	\$83,085	\$58,000	\$72,500	\$92,000	\$220,000
Associate in firm with 2-7 partners	39	\$80,132	\$55,000	\$75,000	\$90,000	\$180,000
Associate in firm with 8+ partners	26	\$101,865	\$78,000	\$102,000	\$127,000	\$150,000
<b>All Private Practitioners</b>	<b>374</b>	<b>\$129,804</b>	<b>\$65,000</b>	<b>\$100,000</b>	<b>\$150,000</b>	<b>\$300,000</b>

**EXHIBIT 26: 2018 GOVERNMENT LAWYER AND IN-HOUSE COUNSEL NET INCOME BY PRACTICE CLASS**

	Value by Percentile					
<b>Government Attorneys</b>	<b>N</b>	<b>Mean</b>	<b>25th Percentile</b>	<b>Median</b>	<b>75th Percentile</b>	<b>95th Percentile</b>
Judge/Magistrate (full-time)	12	\$99,538	\$70,000	\$96,000	\$135,000	\$140,550
County government	20	\$64,300	\$48,500	\$64,000	\$76,500	\$101,500
State government- AG office	7	\$84,000	\$58,000	\$70,000	\$95,000	\$165,000
State government - other	8	\$76,063	\$55,500	\$82,000	\$103,000	\$123,000
Public interest/non-profit attorney	10	\$83,189	\$64,900	\$85,500	\$92,000	\$125,000
<b>Total</b>	<b>66</b>	<b>\$80,251</b>	<b>\$58,000</b>	<b>\$73,500</b>	<b>\$95,000</b>	<b>\$140,550</b>

	Value by Percentile					
<b>In-House Counsel</b>	<b>N</b>	<b>Mean</b>	<b>25th Percentile</b>	<b>Median</b>	<b>75th Percentile</b>	<b>95th Percentile</b>
CLO or General Counsel (GC)	9	\$176,667	\$140,000	\$160,000	\$190,000	\$385,000
Senior Counsel	5	\$215,200	\$181,000	\$195,000	\$228,000	\$350,000
Associate/Assistant GC	7	\$185,000	\$80,000	\$125,000	\$300,000	\$500,000
Counsel	7	\$89,143	\$67,500	\$88,000	\$120,000	\$141,000
Corporate Counsel	9	\$141,644	\$120,000	\$123,000	\$125,000	\$280,000
Staff Attorney	5	\$101,000	\$75,000	\$100,000	\$129,000	\$141,000
<b>Total</b>	<b>42</b>	<b>\$151,543</b>	<b>\$85,000</b>	<b>\$125,000</b>	<b>\$181,000</b>	<b>\$350,000</b>

**Full-Time Private Practitioner Net Income by Practice Class**

**Exhibit 27** includes only 314 private practitioners who report working on a full-time basis. **Exhibit 28** includes government attorneys and in-house counsel.

**EXHIBIT 27: 2018 NET INCOME BY PRACTICE CATEGORY (FULL-TIME ONLY)**

	Value by Percentile					
Private Practitioners	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Solo, office outside home	71	\$148,282	\$70,000	\$100,000	\$160,000	\$357,000
Solo, home office	19	\$99,505	\$37,000	\$80,000	\$165,000	\$300,000
Solo with 1+ associate	16	\$167,063	\$100,000	\$140,000	\$215,000	\$403,000
Space sharer	10	\$114,680	\$55,000	\$99,400	\$150,000	\$265,000
Partner in firm with 2-7 partners	86	\$151,110	\$84,000	\$122,500	\$200,000	\$340,000
Partner in firm with 8+ partners	32	\$256,469	\$132,500	\$195,000	\$303,500	\$750,000
Of Counsel	4	\$132,500	\$85,000	\$145,000	\$180,000	\$180,000
Associate with sole practitioner	12	\$84,516	\$59,000	\$72,500	\$91,000	\$220,000
Associate in firm with 2-7 partners	38	\$75,662	\$55,000	\$73,500	\$90,000	\$155,000
Associate in firm with 8+ partners	26	\$101,865	\$78,000	\$102,000	\$127,000	\$150,000
<b>All Private Practitioners</b>	<b>314</b>	<b>\$141,393</b>	<b>\$75,000</b>	<b>\$107,400</b>	<b>\$165,000</b>	<b>\$325,000</b>

**EXHIBIT 28: 2018 NET INCOME OF GOVERNMENT ATTORNEYS AND IN-HOUSE COUNSEL BY PRACTICE CATEGORY (FULL-TIME ONLY)**

	Value by Percentile					
Government Attorney	Valid N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Judge/Magistrate (full-time)	12	\$99,538	\$70,000	\$96,000	\$135,000	\$140,550
County government	20	\$64,300	\$48,500	\$64,000	\$76,500	\$101,500
State government- AG office	7	\$84,000	\$58,000	\$70,000	\$95,000	\$165,000
State government - other	7	\$76,643	\$55,000	\$92,000	\$106,000	\$123,000
Public interest/non-profit attorney	10	\$83,189	\$64,900	\$85,500	\$92,000	\$125,000
<b>Total</b>	<b>64</b>	<b>\$79,290</b>	<b>\$57,925</b>	<b>\$72,500</b>	<b>\$93,500</b>	<b>\$140,000</b>

	Value by Percentile					
In-House Counsel	Valid N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
CLO or General Counsel (GC)	9	\$176,667	\$140,000	\$160,000	\$190,000	\$385,000
Senior Counsel	5	\$215,200	\$181,000	\$195,000	\$228,000	\$350,000
Associate/Assistant GC	7	\$185,000	\$80,000	\$125,000	\$300,000	\$500,000
Counsel	7	\$89,143	\$67,500	\$88,000	\$120,000	\$141,000
Corporate Counsel	9	\$141,644	\$120,000	\$123,000	\$125,000	\$280,000
Staff Attorney	5	\$101,000	\$75,000	\$100,000	\$129,000	\$141,000
<b>Total</b>	<b>42</b>	<b>\$151,543</b>	<b>\$85,000</b>	<b>\$125,000</b>	<b>\$181,000</b>	<b>\$350,000</b>



**Exhibits 29 and 30** reveal income clustering among all practice categories. Not surprisingly, there is a large spread of income within most categories, which reflect different forms and styles of practice. **Exhibit 30** covers changes since 2013 for all three practice classes.

**EXHIBIT 29: PERCENT DISTRIBUTION OF 2018 PRIVATE PRACTICE ATTORNEY NET INCOME BY INCOME GROUP AND PRACTICE CLASS**

2018 Income Group	Solo Office Outside of Home	Solo with Home Office	Solo with 1+ Associate	Partner in Firm with 2-7 Partners	Partner in Firm with 8+ Partners	Associate in Firm with 2-7 Partners	Associate in Firm with 8+ Partners	All Private Practitioners
<\$30K	11%	42%	-	-	-	-	-	9%
\$30-45.9K	9%	7%	-	-	-	-	-	5%
\$46-55.9K	4%	5%	-	-	-	-	-	5%
\$56-65.9K	8%	-	-	6%	-	13%	-	7%
\$66-75.9K	7%	-	-	9%	-	13%	15%	7%
\$76-85.9K	7%	10%	-	8%	-	21%	15%	9%
\$86-95.9K	4%	-	-	-	-	13%	12%	6%
\$96-115.9K	14%	-	19%	17%	9%	-	-	13%
\$116-135.9K	8%	7%	-	17%	15%	-	27%	10%
\$136-175.9K	10%	-	-	8%	15%	-	12%	8%
\$176-249.9K	8%	7%	25%	20%	24%	-	-	12%
\$250-479K	7%	-	19%	8%	24%	-	-	7%
\$480K+	3%	-	-	3%	9%	-	-	2%
<b>Count</b>	<b>90</b>	<b>41</b>	<b>16</b>	<b>91</b>	<b>33</b>	<b>39</b>	<b>26</b>	<b>374</b>
<b>All Private Practitioners</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

**EXHIBIT 30: PERCENT DISTRIBUTION OF THREE CLASSES OF ATTORNEYS BY INCOME GROUP, 2012 AND 2018**

Income Group	Column Percents					
	2012 Private Practitioner	2018 Private Practitioner	2012 Government	2018 Government	2012 In-House Counsel	2018 In-House Counsel
<\$30K	11.2%	8.4%	2.1%	1.4%	0	0
\$30-45.9K	6.3%	5.3%	6.7%	8.6%	0	2.1%
\$46-55.9K	7.4%	5.3%	12.0%	10.0%	0	4.3%
\$56-65.9K	8.2%	7.1%	19.4%	17.1%	0	17.0%
\$66-75.9K	5.5%	7.4%	15.8%	14.3%	13.3%	6.4%
\$76-85.9K	4.5%	8.7%	9.5%	14.3%	6.7%	4.3%
\$86-95.9K	4.9%	5.5%	11.3%	11.4%	8.6%	2.1%
\$96-115.9K	10.7%	12.4%	11.6%	5.7%	15.2%	25.0%
\$116-135.9K	9.0%	10.3%	8.5%	8.6%	18.1%	12.8%
\$136-175.9K	9.0%	7.9%	1.4%	8.6%	16.2%	12.8%
\$176-249.9K	10.8%	12.4%	1.4%	0.0%	10.5%	8.5%
\$250-479K	9.2%	7.1%	0.4%	0.0%	11.4%	2.1%
\$480K+	3.1%	2.4%	0	0.0%	0.0%	1.0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

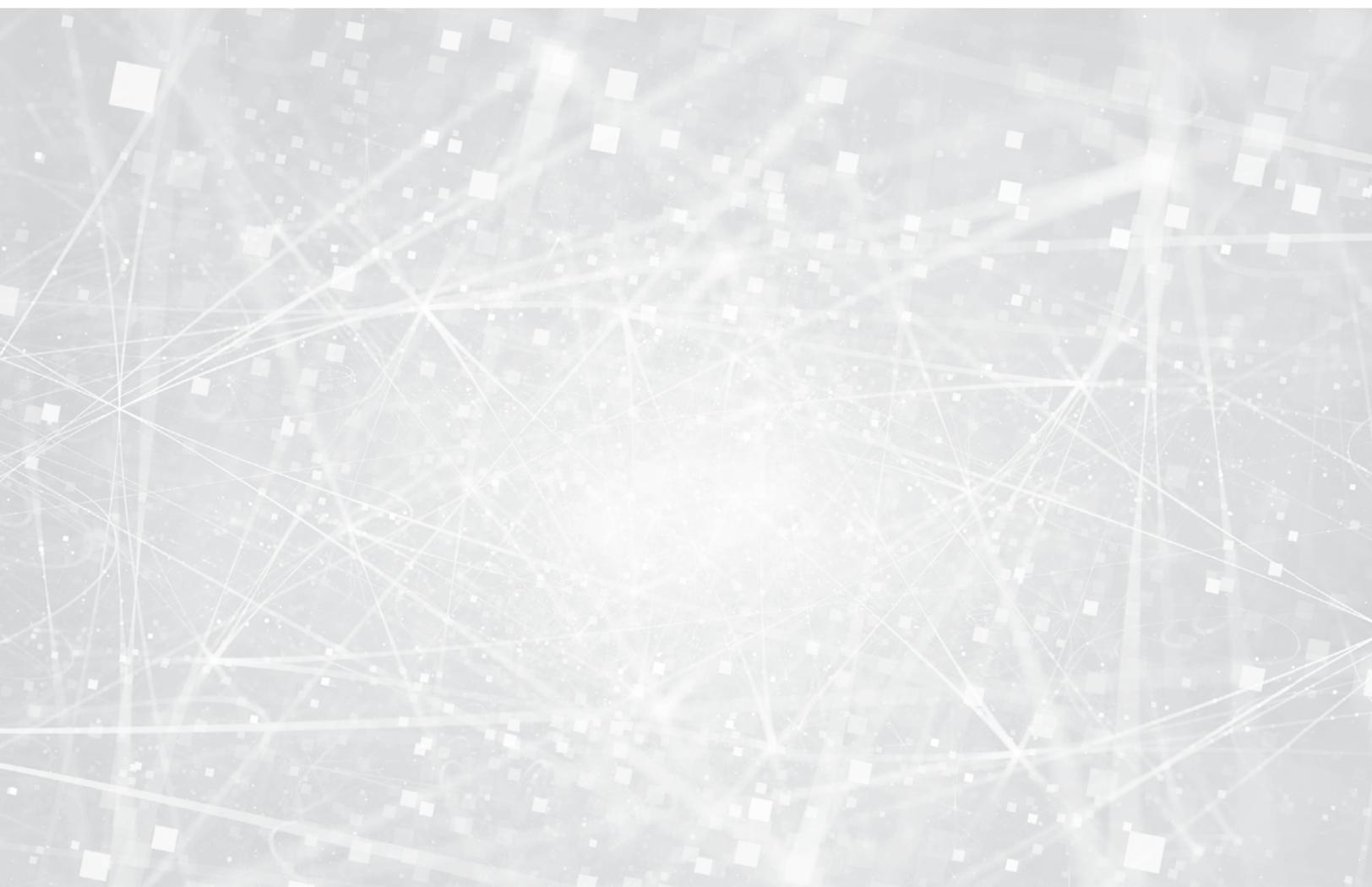
### Issues Related to Law School Debt

Law school student debt issues not only affect students, but are of vital concern to the legal services industry and the general economy itself. The OSBA's current economic survey separately targeted these questions to private practitioners, in-house counsel and government attorneys:

- If you borrowed money to attend school, please approximate your total, cumulative law school-related debt.
- What is your current monthly payment on your educational debt?
- About how many remaining years of payment do you have?

The first part of **Exhibit 31** stratifies total reported cumulative law school-related debt by generation (Millennials, Generation Xers and Baby Boomers). Private Practitioners report a median debt of \$60,000, government attorneys report \$45,000, and In-house Counsel report \$70,000. Debt is long-lived.

The second part of **Exhibit 31** stratifies current monthly payments to reduce law school debt by generation. Private Practitioners report a median payment of \$470/month, government attorneys report a median payment of \$153/month, and in-house counsel report a median payment of \$375/month.



**EXHIBIT 31: DISTRIBUTIONS OF 2019 TOTAL CUMULATIVE LAW SCHOOL DEBT AND CURRENT MONTHLY PAYMENTS BY GENERATION**

Private Practitioners Generation	Total Cumulative Law School Debt					
	N	25th Percentile	Median	Mean	75th Percentile	95th Percentile
Millennials (1980-1994)	63	45,000	80,000	98,810	140,000	210,000
Generation Xers (1965-1979)	74	30,000	60,000	71,088	90,000	160,000
Baby boomers (1944-1964)	43	10,000	15,000	32,228	40,000	132,000
<b>Total</b>	<b>181</b>	<b>\$25,000</b>	<b>\$60,000</b>	<b>\$71,499</b>	<b>\$100,000</b>	<b>\$200,000</b>

Government Attorneys	Government Attorneys					
	N	25th Percentile	Median	Mean	75th Percentile	95th Percentile
Millennials (1980-1994)	30	75,000	110,000	113,380	150,000	275,000
Generation Xers (1965-1979)	20	-	47,500	67,450	130,000	207,500
Baby boomers (1944-1964)	21	-	-	6,738	6,000	25,000
<b>Total</b>	<b>71</b>	<b>-</b>	<b>\$45,000</b>	<b>\$68,900</b>	<b>\$125,000</b>	<b>\$200,000</b>

In-House Counsel	In-House Counsel					
	N	25th Percentile	Median	Mean	75th Percentile	95th Percentile
Millennials (1980-1994)	17	50,000	90,000	87,706	116,000	240,000
Generation Xers (1965-1979)	15	15,000	70,000	72,000	130,000	190,000
Baby boomers (1944-1964)	7	-	10,000	41,000	100,000	152,000
<b>Total</b>	<b>39</b>	<b>\$15,000</b>	<b>\$70,000</b>	<b>\$73,282</b>	<b>\$120,000</b>	<b>\$190,000</b>

## CURRENT MONTHLY PAYMENT FOR:

Private Practitioners Generation	Private Practitioners					
	N	25th Percentile	Median	Mean	75th Percentile	95th Percentile
Millennials (1980-1994)	80	302	470	577	775	1450
Generation Xers (1965-1979)	59	300	418	535	725	1200
Baby Boomers (1944-1964)	8	244	425	553	675	1600
<b>Total</b>	<b>148</b>	<b>\$300</b>	<b>\$470</b>	<b>\$559</b>	<b>\$738</b>	<b>\$1,200</b>

Government Attorneys	Government Attorneys					
	N	25th Percentile	Median	Mean	75th Percentile	95th Percentile
Millennials (1980-1994)	39	145	315	414	500	1,400
Generation Xers (1965-1979)	35	-	200	292	450	1,200
Baby Boomers (1944-1964)	29	-	-	34	-	385
<b>Total</b>	<b>104</b>	<b>\$0</b>	<b>\$153</b>	<b>\$250</b>	<b>\$412</b>	<b>\$1,200</b>

In-House Counsel	In-House Counsel					
	N	25th Percentile	Median	Mean	75th Percentile	95th Percentile
Millennials (1980-1994)	26	250	500	639	1,087	1800
Generation Xers (1965-1979)	24	-	397	583	1,100	1500
Baby Boomers (1944-1964)	11	-	-	211	325	1000
<b>Total</b>	<b>61</b>	<b>\$0</b>	<b>\$375</b>	<b>\$540</b>	<b>\$1,000</b>	<b>1500</b>



Respondents report the number of remaining years of payments with a median of 15 years for Private Practitioners, five years for government attorneys and nine years for In-house Counsel.

**Exhibit 32** distributes remaining years of payment by generation.

The survey queried as to the degree of deferrals experienced by practice class. About 9.3% of private practitioners are in deferral on paying off educational debt, while 5.2% of government attorneys and 4.8% of in-house counsel report deferral status.

**EXHIBIT 32:** DISTRIBUTIONS OF 2019 REMAINING YEARS OF PAYMENT BY GENERATION

Private Practitioners						
Generation	N	25th Percentile	Median	Mean	75th Percentile	95th Percentile
Millennials (after 1980)	93	9	19	20	22	35
Generation Xers (1961-1980)	64	7	13	13	18	25
Baby Boomers (1944-1960)	16	5	9	11	18	30
<b>Total</b>	<b>174</b>	<b>7</b>	<b>15</b>	<b>17</b>	<b>20</b>	<b>30</b>

Government Attorneys						
Generation	N	25th Percentile	Median	Mean	75th Percentile	95th Percentile
Millennials (after 1980)	42	6	10	12	18	30
Generation Xers (1961-1980)	37	-	3	6	9	20
Baby Boomers (1944-1960)	29	-	-	1	0	8
<b>Total</b>	<b>109</b>	<b>0</b>	<b>5</b>	<b>7</b>	<b>10</b>	<b>22</b>

In-House Counsel						
Generation	N	25th Percentile	Median	Mean	75th Percentile	95th Percentile
Millennials (after 1980)	29	7	12	12	19	21
Generation Xers (1961-1980)	25	-	9	9	14	20
Baby Boomers (1944-1960)	10	-	-	2	3	10
<b>Total</b>	<b>64</b>	<b>-</b>	<b>9</b>	<b>9</b>	<b>15</b>	<b>20</b>



## Income by Field of Law

Attorneys were asked to select from a list of various fields of law those that provided their highest sources of income, which is defined here as primary field of law. **Exhibit 33** distributes 2018 net incomes of all private practice respondents by their reported primary source of income. **Exhibit 34** considers full-time private practitioners only. **Exhibit 35**, in addition to field of law, includes practice emphasis for government attorneys and in-house counsel.

**EXHIBIT 33: 2018 NET INCOME BY PRIMARY FIELD OF LAW, PRIVATE PRACTITIONERS**

Primary Field of Law	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Administrative Law	7	\$97,714	\$14,000	\$77,000	\$205,000	\$236,000
Bankruptcy/Debtor Law	10	\$134,467	\$82,000	\$135,000	\$200,000	\$264,400
Consumer Law	5	\$88,000	\$60,000	\$80,000	\$90,000	\$150,000
Corporate/Business Law	25	\$174,664	\$78,000	\$120,000	\$190,000	\$500,000
Criminal (Public Defendant)	7	\$68,571	\$30,000	\$60,000	\$120,000	\$130,000
Criminal (Private Defendant)	11	\$193,818	\$80,000	\$100,000	\$145,000	\$1,000,000
Domestic Relations/Family Law/ Juvenile Law	45	\$92,403	\$45,000	\$75,000	\$110,000	\$210,000
Education Law	7	\$106,095	\$66,667	\$84,000	\$135,000	\$200,000
Elder Law/Public Benefits/ERISA	20	\$139,900	\$97,500	\$129,500	\$182,500	\$250,000
General Practice	14	\$65,357	\$35,000	\$60,000	\$90,000	\$188,000
Insurance Law	8	\$132,125	\$85,000	\$103,000	\$154,500	\$300,000
Intellectual Property	10	\$142,193	\$59,000	\$142,500	\$200,000	\$325,000
Labor Law (Labor)	7	\$140,143	\$84,000	\$92,000	\$180,000	\$277,000
Employment Law (Labor)	7	\$198,143	\$77,000	\$140,000	\$200,000	\$675,000
Medical Malpractice	4	\$450,000	\$250,000	\$450,000	\$650,000	\$700,000
Municipal/Public Entity Law	5	\$130,000	\$125,000	\$140,000	\$150,000	\$150,000
Personal Injury (Defendant)	4	\$167,250	\$112,000	\$175,000	\$222,500	\$245,000
Personal Injury (Plaintiff)	14	\$116,450	\$70,000	\$93,148	\$165,000	\$250,000
Real Property Law	25	\$120,680	\$60,000	\$110,000	\$130,000	\$300,000
Trial Practice, not PI (General Civil)	13	\$196,346	\$75,000	\$96,000	\$180,000	\$750,000
Trial Practice, not PI (Commercial)	8	\$218,125	\$90,000	\$142,500	\$275,000	\$650,000
Estate Planning/Wealth Man- agement	26	\$131,112	\$79,000	\$110,000	\$150,000	\$300,000
Probate/Decedent's Estates	47	\$91,320	\$50,000	\$80,000	\$128,000	\$185,000
Workers' Compensation (Plaintiff)	7	\$157,000	\$65,000	\$130,000	\$220,000	\$357,000
Workers' Compensation (Defendant)	5	\$147,000	\$115,000	\$120,000	\$200,000	\$240,000
<b>Total</b>	<b>371</b>	<b>\$130,001</b>	<b>\$65,000</b>	<b>\$100,000</b>	<b>\$150,000</b>	<b>\$300,000</b>

**EXHIBIT 34: 2018 NET INCOME BY FIELD OF LAW, FULL-TIME PRIVATE PRACTITIONERS**

Primary Field of Law	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Administrative Law	6	\$114,000	\$52,000	\$88,500	\$205,000	\$236,000
Bankruptcy/Debtor Law	9	\$148,552	\$103,000	\$160,000	\$200,000	\$264,400
Consumer Law	5	\$88,000	\$60,000	\$80,000	\$90,000	\$150,000
Corporate/Business Law	23	\$179,983	\$78,000	\$120,000	\$190,000	\$500,000
Criminal (Public Defendant)	6	\$74,167	\$30,000	\$67,500	\$120,000	\$130,000
Criminal (Private Defendant)	11	\$193,818	\$80,000	\$100,000	\$145,000	\$1,000,000
Domestic Relations/Family Law/ Juvenile Law	39	\$101,875	\$55,000	\$80,000	\$120,000	\$280,000
Education Law	6	\$109,778	\$66,667	\$100,000	\$135,000	\$200,000
Elder Law/Public Benefits/ERISA	17	\$138,118	\$100,000	\$129,000	\$150,000	\$250,000
General Practice	7	\$88,286	\$50,000	\$90,000	\$100,000	\$188,000
Insurance Law	7	\$137,429	\$75,000	\$104,000	\$159,000	\$300,000
Intellectual Property	9	\$152,889	\$72,000	\$155,000	\$200,000	\$325,000
Labor Law (Labor)	6	\$149,500	\$90,000	\$136,000	\$180,000	\$277,000
Employment Law (Labor)	7	\$198,143	\$77,000	\$140,000	\$200,000	\$675,000
Medical Malpractice	4	\$450,000	\$250,000	\$450,000	\$650,000	\$700,000
Municipal/Public Entity Law	5	\$130,000	\$125,000	\$140,000	\$150,000	\$150,000
Personal Injury (Plaintiff)	13	\$106,177	\$70,000	\$86,296	\$125,000	\$210,000
Real Property Law	19	\$144,947	\$65,000	\$120,000	\$240,000	\$307,000
Trial Practice, not PI (General Civil)	12	\$211,875	\$79,500	\$98,000	\$250,000	\$750,000
Trial Practice, not PI (Commercial)	7	\$234,286	\$90,000	\$180,000	\$360,000	\$650,000
Estate Planning/Wealth Man- agement	23	\$135,978	\$79,000	\$110,000	\$170,000	\$300,000
Probate, Decedent's Estates	38	\$104,498	\$59,000	\$97,500	\$131,000	\$250,000
Workers' Compensation (Plaintiff)	5	\$187,000	\$130,000	\$220,000	\$220,000	\$357,000
Workers' Compensation (De- fendant)	4	\$153,750	\$87,500	\$157,500	\$220,000	\$240,000
<b>All Full-time Private Practitioners</b>	<b>315</b>	<b>\$141,715</b>	<b>\$75,000</b>	<b>\$108,800</b>	<b>\$165,000</b>	<b>\$325,000</b>



**EXHIBIT 35: 2018 NET INCOME BY PRIMARY FIELD OF LAW, GOVERNMENT ATTORNEYS AND IN-HOUSE COUNSEL BY FIELD OF LAW AND PRACTICE EMPHASES**

	Value by Percentile					
Primary Field of Law	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Judge/Magistrate (full-time)	12	\$99,538	\$70,000	\$96,000	\$135,000	\$140,550
City government	3	\$68,233	\$49,700	\$70,000	\$85,000	\$85,000
County government	20	\$64,300	\$48,500	\$64,000	\$76,500	\$101,500
State government- AG office	7	\$84,000	\$58,000	\$70,000	\$95,000	\$165,000
State government - other	8	\$76,062	\$55,500	\$82,000	\$103,000	\$123,000
Public interest/non-profit attorney	10	\$83,189	\$64,900	\$85,500	\$92,000	\$125,000
<b>All Government Attorneys</b>	<b>66</b>	<b>\$80,251</b>	<b>\$58,000</b>	<b>\$73,500</b>	<b>\$95,000</b>	<b>\$140,550</b>

	Value by Percentile					
Practice Emphasis	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Criminal prosecution	13	\$64,769	\$56,000	\$66,000	\$78,000	\$87,000
Criminal defense	6	\$69,067	\$40,000	\$59,950	\$100,000	\$150,000
Litigation	16	\$81,000	\$57,000	\$72,500	\$104,500	\$140,000
Government affairs/ external relations	8	\$78,999	\$64,995	\$71,000	\$92,000	\$116,000
Preside over hearings/ cases	11	\$103,586	\$85,000	\$97,000	\$140,000	\$140,550
<b>All Government Attorneys</b>	<b>58</b>	<b>\$80,785</b>	<b>\$58,000</b>	<b>\$71,000</b>	<b>\$95,000</b>	<b>\$140,550</b>

	Value by Percentile					
Organization Type	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Public company (for-profit)	19	\$157,726	\$100,000	\$125,000	\$190,000	\$500,000
Private company (for-profit)	18	\$143,136	\$72,000	\$121,500	\$175,000	\$385,000
Wholly owned subsidiary	3	\$119,000	\$75,000	\$122,000	\$160,000	\$160,000
Not-for-profit organization	6	\$122,833	\$80,000	\$110,000	\$140,000	\$228,000
<b>All In-House Counsel</b>	<b>46</b>	<b>\$144,940</b>	<b>\$80,000</b>	<b>\$124,000</b>	<b>\$175,000</b>	<b>\$350,000</b>



## Income by Years in Practice

Attorney income increases with tenure, as displayed in **Exhibit 36**.

**EXHIBIT 36:** 2018 NET INCOME BY YEARS OF PRACTICE, ALL ATTORNEY CLASSES

All Private Practitioners	Value by Percentile						
	Years in Practice	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
	1 to 2	12	\$61,758	\$43,000	\$50,000	\$75,500	\$145,000
	3 to 5	30	\$77,667	\$57,000	\$73,000	\$82,000	\$180,000
	6 to 10	51	\$95,416	\$60,000	\$86,000	\$127,000	\$202,000
	11 to 15	30	\$128,383	\$72,000	\$100,000	\$130,000	\$675,000
	16 to 25	73	\$149,658	\$84,000	\$110,000	\$200,000	\$340,000
	26 to 35	78	\$160,014	\$75,000	\$127,000	\$200,000	\$403,000
	36+	105	\$130,952	\$65,000	\$100,000	\$180,000	\$277,000
<b>All Attorneys</b>		<b>379</b>	<b>\$129,142</b>	<b>\$65,000</b>	<b>\$100,000</b>	<b>\$150,000</b>	<b>\$300,000</b>

Full-time Private Practitioners Only	Value by Percentile						
	Years in Practice	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
	1 to 2	9	\$70,667	\$50,000	\$50,000	\$79,000	\$145,000
	3 to 5	27	\$83,333	\$59,000	\$75,000	\$90,000	\$180,000
	6 to 10	45	\$103,827	\$70,000	\$95,000	\$130,000	\$202,000
	11 to 15	27	\$139,141	\$77,000	\$100,000	\$130,000	\$675,000
	16 to 25	63	\$160,240	\$90,000	\$112,000	\$200,000	\$340,000
	26 to 35	70	\$173,344	\$84,000	\$135,500	\$225,000	\$403,000
	36+	78	\$149,264	\$75,000	\$120,000	\$200,000	\$300,000
<b>All Full-time Private Practitioners</b>		<b>319</b>	<b>\$141,651</b>	<b>\$75,000</b>	<b>\$108,800</b>	<b>\$165,000</b>	<b>\$325,000</b>

Government Attorney	Value by Percentile						
	Years in Practice	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
	1 to 2	6	\$38,917	\$39,000	\$42,500	\$45,000	\$60,000
	3 to 5	8	\$51,463	\$46,350	\$50,500	\$54,000	\$78,000
	6 to 10	14	\$73,964	\$58,000	\$70,000	\$86,500	\$125,000
	11 to 15	7	\$98,141	\$70,000	\$84,000	\$130,000	\$165,000
	16 to 25	16	\$85,241	\$65,500	\$82,500	\$94,500	\$140,000
	26 to 35	10	\$88,090	\$70,000	\$82,000	\$92,000	\$140,000
	36+	9	\$112,011	\$95,000	\$107,000	\$140,550	\$150,000
<b>All Government Attorneys</b>		<b>70</b>	<b>\$80,293</b>	<b>\$58,000</b>	<b>\$73,500</b>	<b>\$95,000</b>	<b>\$140,550</b>

In-House Counsel	Value by Percentile						
	Years in Practice	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
	3 to 5	4	\$79,614	\$51,729	\$75,729	\$107,500	\$125,000
	6 to 10	16	\$112,563	\$80,000	\$121,500	\$134,500	\$175,000
	11 to 15	10	\$128,280	\$88,000	\$122,399	\$140,000	\$220,000
	16 to 25	7	\$143,286	\$72,000	\$135,000	\$200,000	\$280,000
	26 to 35	4	\$267,000	\$209,000	\$264,000	\$325,000	\$350,000
	36+	4	\$280,000	\$117,500	\$272,500	\$442,500	\$500,000
<b>All In-House Counsel</b>		<b>47</b>	<b>\$143,133</b>	<b>\$75,000</b>	<b>\$123,000</b>	<b>\$175,000</b>	<b>\$350,000</b>



## Attorney Income by Firm Size

**Exhibit 37** displays 2018 attorney net income by firm size. Within larger firms, lower percentile values generally represent associates, while higher percentile values represent partners. Median levels, in this exhibit, represent a mix of both categories.

**EXHIBIT 37: 2018 NET INCOME BY FIRM SIZE, ALL CLASSES OF ATTORNEYS**

Size of Firm (Number of Attorneys)	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
1	144	\$107,679	\$40,000	\$80,000	\$129,000	\$265,000
2	40	\$138,179	\$75,000	\$100,000	\$169,000	\$351,500
3 to 6	96	\$123,125	\$75,000	\$98,000	\$150,000	\$250,000
7 to 10	27	\$136,758	\$66,667	\$108,800	\$150,000	\$350,000
11 to 20	14	\$145,571	\$96,000	\$145,000	\$180,000	\$250,000
21 to 50	27	\$156,148	\$72,000	\$110,000	\$190,000	\$400,000
>50	24	\$223,813	\$106,500	\$147,500	\$240,000	\$750,000
<b>All Private Practitioners</b>	<b>372</b>	<b>\$129,492</b>	<b>\$65,000</b>	<b>\$100,000</b>	<b>\$150,000</b>	<b>\$300,000</b>

Size of Firm (Number of Attorneys)	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
1	99	\$135,946	\$63,750	\$100,000	\$160,000	\$300,000
2	38	\$140,925	\$75,000	\$101,000	\$180,000	\$403,000
3 to 6	90	\$122,789	\$75,000	\$95,500	\$150,000	\$250,000
7 to 10	27	\$136,758	\$66,667	\$108,800	\$150,000	\$350,000
11 to 20	12	\$131,917	\$91,000	\$127,500	\$170,000	\$200,000
21 to 50	25	\$162,240	\$72,000	\$115,000	\$190,000	\$400,000
>50	24	\$223,813	\$106,500	\$147,500	\$240,000	\$750,000
<b>All Full-time Private Practitioners</b>	<b>315</b>	<b>\$141,485</b>	<b>\$75,000</b>	<b>\$106,000</b>	<b>\$165,000</b>	<b>\$325,000</b>

Size of Firm (Number of Attorneys)	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
1	4	\$79,750	\$70,000	\$78,500	\$89,500	\$92,000
3 to 6	20	69,192	\$50,500	\$60,000	\$85,000	\$128,000
7 to 10	8	\$88,063	\$75,500	\$83,250	\$99,000	\$123,000
11 to 20	14	\$88,793	\$56,000	\$80,500	\$125,000	\$140,550
21 to 50	6	\$76,983	\$55,000	\$71,450	\$87,000	\$122,000
>50	11	\$74,018	\$50,000	\$70,000	\$85,000	\$165,000
<b>All Government Attorneys</b>	<b>65</b>	<b>\$78,054</b>	<b>\$57,850</b>	<b>\$70,000</b>	<b>\$92,000</b>	<b>\$140,000</b>

Size of Firm (Number of Attorneys)	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
1	12	\$142,205	\$79,500	\$132,500	\$185,500	\$280,000
2	9	105,778	\$85,000	\$123,000	\$125,000	\$141,000
3 to 6	17	127,353	\$70,000	\$118,000	\$141,000	\$350,000
7 to 10	5	132,359	\$72,000	\$122,797	\$125,000	\$300,000
<b>All In-House Counsel</b>	<b>46</b>	<b>\$137,875</b>	<b>\$75,000</b>	<b>\$122,899</b>	<b>\$160,000</b>	<b>\$300,000</b>



### Attorney Income by Office Location

**Exhibit 38** displays 2018 annual net income of Ohio attorneys within major metropolitan areas and regions, along with all major jurisdictions. **Exhibits 39-41** only include full-time private practitioners and in-house counsel.

**EXHIBIT 38: 2018 NET INCOME, ALL PRIVATE PRACTITIONERS BY OFFICE LOCATION**

Office Location Combined Areas	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Greater Cleveland	79	\$129,000	\$65,000	\$99,000	\$180,000	\$325,000
Greater Cincinnati	29	\$134,293	\$72,000	\$105,000	\$132,500	\$210,000
Greater Columbus	92	\$159,093	\$75,000	\$120,000	\$200,000	\$403,000
Greater Dayton	26	\$115,127	\$45,000	\$78,000	\$128,000	\$300,000
Northeast Region	79	\$100,407	\$60,000	\$90,000	\$115,192	\$277,000
Northwest Region	44	\$122,532	\$84,500	\$110,500	\$147,500	\$243,000
Southern Region	30	\$126,163	\$40,000	\$92,500	\$150,000	\$240,000
<b>All Private Practitioners</b>	<b>379</b>	<b>\$128,823</b>	<b>\$65,000</b>	<b>\$100,000</b>	<b>\$150,000</b>	<b>\$300,000</b>

Office Location Detailed	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Downtown Cleveland	25	\$176,384	\$80,000	\$130,000	\$200,000	\$500,000
Suburban Cleveland	54	\$107,064	\$60,000	\$82,000	\$150,000	\$265,000
Downtown Cincinnati	17	\$148,647	\$72,000	\$100,000	\$127,000	\$950,000
Suburban Cincinnati	12	\$113,958	\$71,500	\$124,500	\$138,750	\$210,000
Downtown Columbus	43	\$168,081	\$77,000	\$125,000	\$220,000	\$340,000
Suburban Columbus	49	\$151,206	\$72,000	\$115,000	\$180,000	\$403,000
Akron	29	\$95,851	\$55,000	\$75,000	\$108,800	\$277,000
Canton	8	\$135,196	\$75,500	\$102,500	\$178,784	\$360,000
Dayton	26	\$115,127	\$45,000	\$78,000	\$128,000	\$300,000
Toledo	23	\$120,261	\$80,000	\$100,000	\$150,000	\$236,000
Youngstown	8	\$110,875	\$87,500	\$96,500	\$137,500	\$160,000
Northeast Ohio	34	\$93,644	\$55,000	\$77,500	\$110,000	\$250,000
Northwest Ohio	21	\$125,019	\$90,000	\$112,000	\$145,000	\$243,000
Southeast Ohio	10	\$212,200	\$100,000	\$135,000	\$200,000	\$1,000,000
Southwest Ohio	7	\$59,200	\$39,400	\$55,000	\$100,000	\$125,000
Central Ohio	13	\$96,038	\$40,000	\$79,500	\$135,000	\$240,000
<b>All Private Practitioners</b>	<b>380</b>	<b>\$128,958</b>	<b>\$65,000</b>	<b>\$100,000</b>	<b>\$150,000</b>	<b>\$300,000</b>



## EXHIBIT 39: 2018 NET INCOME, ALL FULL-TIME PRIVATE PRACTITIONERS BY OFFICE LOCATION

Office Location Combined Areas	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Greater Cleveland	68	\$142,781	\$72,000	\$112,500	\$187,500	\$325,000
Greater Cincinnati	21	\$151,690	\$80,000	\$120,000	\$132,500	\$210,000
Greater Columbus	78	\$176,045	\$78,000	\$126,000	\$205,000	\$600,000
Greater Dayton	21	\$133,252	\$57,000	\$80,000	\$140,000	\$300,000
Northeast Region	65	\$107,607	\$70,000	\$90,000	\$120,000	\$277,000
Northwest Region	42	\$121,224	\$84,000	\$110,500	\$145,000	\$243,000
Southern Region	24	\$148,146	\$57,000	\$110,000	\$167,500	\$240,000
<b>All Full-time Private Practitioners</b>	<b>319</b>	<b>\$141,272</b>	<b>\$75,000</b>	<b>\$106,000</b>	<b>\$165,000</b>	<b>\$325,000</b>

Office Location Detailed	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Downtown Cleveland	24	\$181,233	\$92,000	\$137,500	\$212,500	\$500,000
Suburban Cleveland	44	\$121,807	\$65,000	\$85,500	\$172,500	\$265,000
Downtown Cincinnati	13	\$161,231	\$79,000	\$100,000	\$127,000	\$950,000
Suburban Cincinnati	8	\$136,188	\$115,000	\$129,500	\$166,250	\$210,000
Downtown Columbus	39	\$172,936	\$77,000	\$125,000	\$230,000	\$600,000
Suburban Columbus	39	\$179,154	\$90,000	\$130,000	\$200,000	\$675,000
Akron	24	\$101,333	\$52,500	\$77,500	\$115,096	\$277,000
Canton	8	\$135,196	\$75,500	\$102,500	\$178,784	\$360,000
Dayton	21	\$133,252	\$57,000	\$80,000	\$140,000	\$300,000
Toledo	21	\$117,429	\$80,000	\$100,000	\$130,000	\$236,000
Youngstown	7	\$112,857	\$85,000	\$96,000	\$140,000	\$160,000
Northeast Ohio	26	\$103,496	\$63,750	\$90,000	\$120,000	\$180,000
Northwest Ohio	21	\$125,019	\$90,000	\$112,000	\$145,000	\$243,000
Southeast Ohio	8	\$255,250	\$120,000	\$150,000	\$201,000	\$1,000,000
Southwest Ohio	6	\$62,500	\$40,000	\$55,000	\$100,000	\$125,000
Central Ohio	10	\$113,850	\$59,000	\$92,500	\$185,000	\$240,000
<b>All Full-time Private Practitioners</b>	<b>320</b>	<b>\$141,393</b>	<b>\$75,000</b>	<b>\$107,400</b>	<b>\$165,000</b>	<b>\$322,500</b>



## EXHIBIT 40: 2018 NET INCOME, ALL IN-HOUSE COUNSEL BY OFFICE LOCATION

Office Location	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Greater Cleveland	7	\$145,286	\$80,000	\$85,000	\$228,000	\$350,000
Greater Cincinnati	6	\$105,133	\$88,000	\$110,000	\$122,797	\$125,000
Greater Columbus	18	\$127,833	\$69,000	\$121,500	\$140,000	\$500,000
Northeast Region	4	\$142,500	\$122,500	\$124,000	\$162,500	\$200,000
Northwest Region	4	\$138,864	\$95,229	\$152,000	\$182,500	\$190,000
Southern Region	4	\$204,250	\$66,000	\$186,000	\$342,500	\$385,000
<b>All Locations</b>	<b>44</b>	<b>\$140,256</b>	<b>\$75,000</b>	<b>\$122,399</b>	<b>\$150,500</b>	<b>\$350,000</b>

Detail Office Location	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Downtown Cleveland	3	\$185,000	\$85,000	\$120,000	\$350,000	\$350,000
Suburban Cleveland	4	\$115,500	\$75,000	\$82,000	\$156,000	\$228,000
Suburban Cincinnati	4	\$105,699	\$87,500	\$111,399	\$123,899	\$125,000
Downtown Columbus	6	\$91,500	\$69,000	\$82,500	\$125,000	\$140,000
Suburban Columbus	12	\$146,000	\$71,250	\$130,000	\$150,500	\$500,000
Northwest Ohio (exc. Toledo)	4	\$138,864	\$95,229	\$152,000	\$182,500	\$190,000
<b>Detailed Locations</b>	<b>44</b>	<b>\$140,256</b>	<b>\$75,000</b>	<b>\$122,399</b>	<b>\$150,500</b>	<b>\$350,000</b>

## EXHIBIT 41: 2018 NET INCOME, ALL GOVERNMENT ATTORNEYS BY OFFICE LOCATION

Office Location	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Greater Cleveland	2	\$54,850	\$49,700	\$54,850	\$60,000	\$60,000
Greater Cincinnati	5	\$93,910	\$60,000	\$92,000	\$125,000	\$140,550
Greater Columbus	23	\$84,109	\$58,000	\$85,000	\$100,000	\$140,000
Greater Dayton	2	\$59,950	\$55,000	\$59,950	\$64,900	\$64,900
Northeast Region	5	\$92,900	\$78,000	\$86,500	\$107,000	\$130,000
Northwest Region	15	\$67,657	\$56,000	\$65,000	\$83,000	\$122,000
Southern Region	14	\$82,999	\$66,000	\$74,500	\$97,000	\$150,000
<b>Total</b>	<b>66</b>	<b>\$79,924</b>	<b>\$58,000</b>	<b>\$73,500</b>	<b>\$92,000</b>	<b>\$140,000</b>

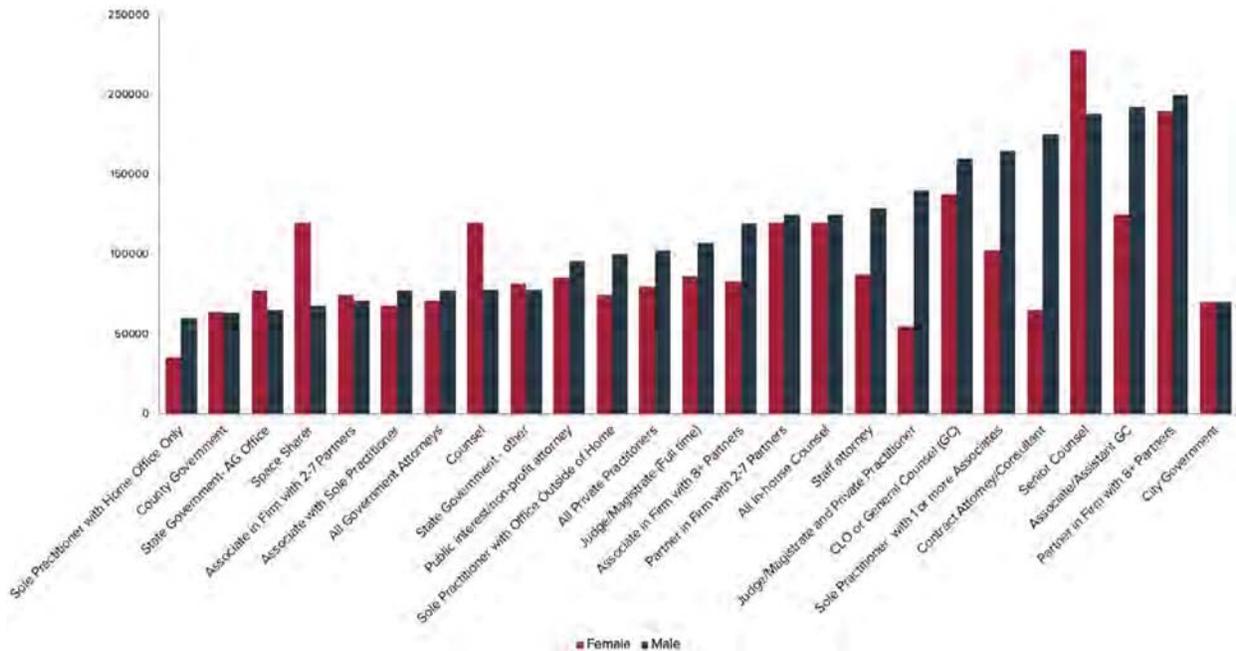
Detailed Office Location	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Downtown Columbus	23	\$84,109	\$58,000	\$85,000	\$100,000	\$140,000
Toledo	6	\$88,333	\$78,000	\$84,000	\$87,000	\$122,000
Northeast Ohio (exc. Akron, Canton, Cleveland, Youngstown)	4	\$83,625	\$70,500	\$82,250	\$96,750	\$107,000
Northwest Ohio (exc. Toledo)	9	\$53,872	\$45,000	\$57,850	\$60,000	\$70,000
Southeast Ohio	4	\$81,750	\$72,500	\$82,000	\$91,000	\$97,000
Central Ohio (exc. Metro Columbus)	7	\$81,284	\$45,000	\$69,990	\$140,000	\$150,000
<b>Total</b>	<b>68</b>	<b>\$81,037</b>	<b>\$59,000</b>	<b>\$76,500</b>	<b>\$95,000</b>	<b>\$140,550</b>

### Gender Variations in Attorney Income

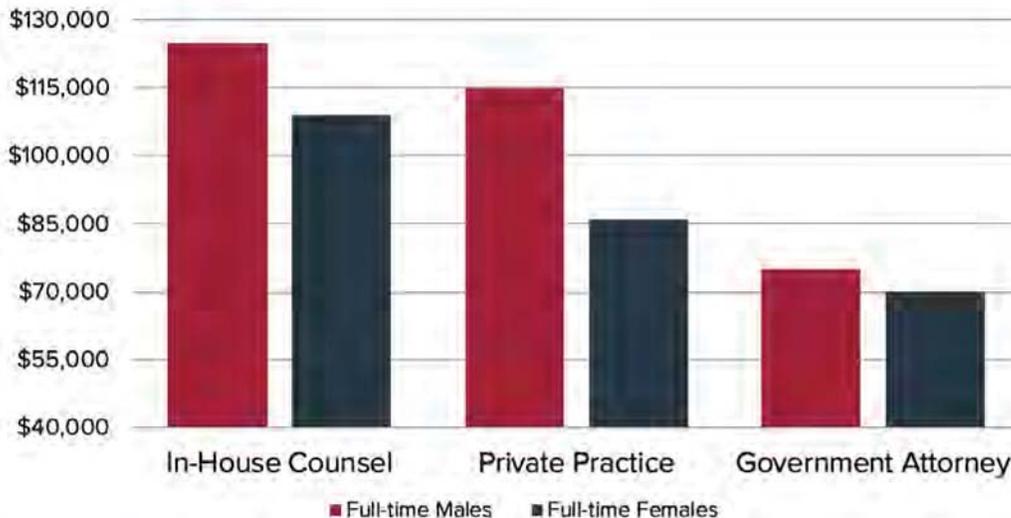
The 2018 median net income for full-time female attorneys in private practice (\$86,000) is 75% of the 2018 median net income for male attorneys in private practice (\$115,000). The “gap” for part-time attorneys is 77% (\$60,000 for males versus \$46,000 for females).

When considering the major practice classification groups of the survey respondents, median income for males exceeds attorney income of females for all classes except space-sharers and city/county government attorney (**Exhibit 42**). The gender gap is smaller for in-house counsel and government attorneys than it is for private practitioners (**Exhibit 43**).

**EXHIBIT 42: 2018 ATTORNEY MEDIAN NET INCOME BY GENDER AND PRACTICE CLASS**

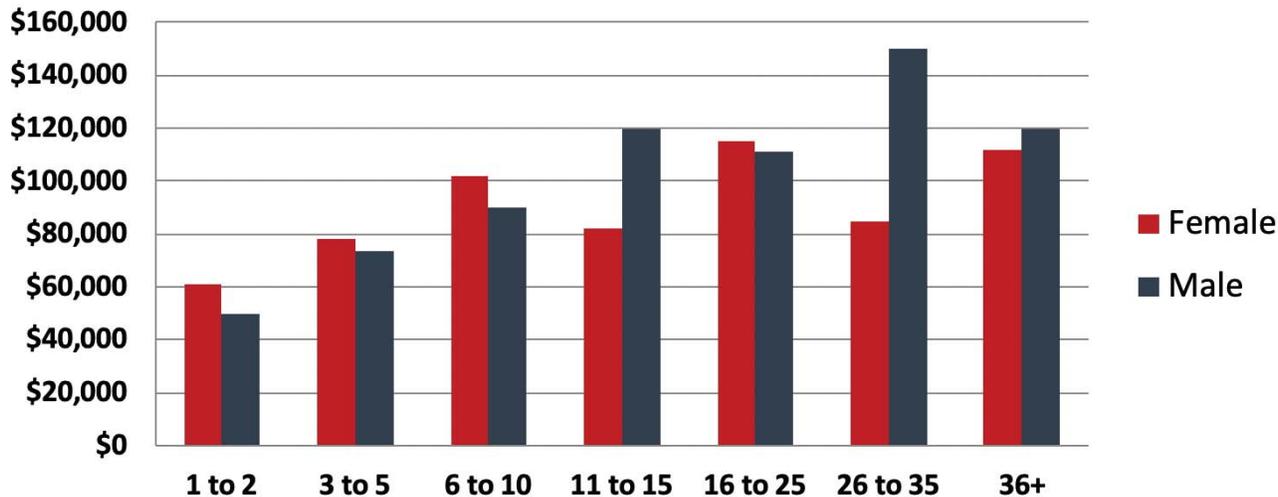


**EXHIBIT 43: 2018 FULL-TIME ATTORNEY MEDIAN NET INCOME BY PRACTICE CLASS AND GENDER**



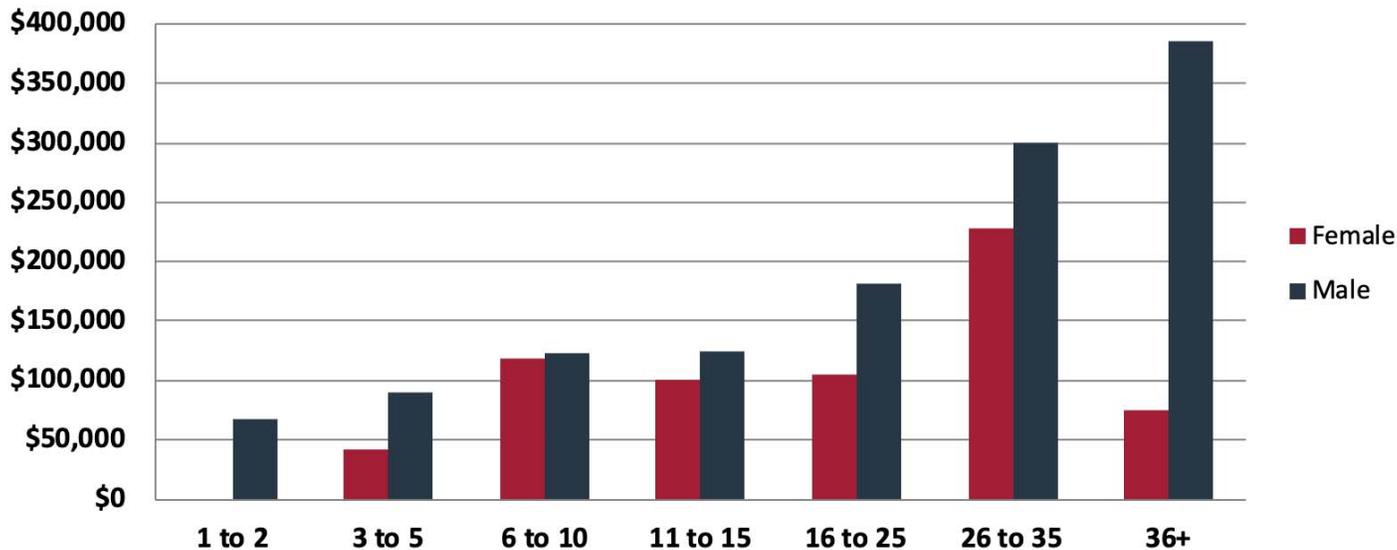
With respect to private practitioners, female income exceeds male income in the 1-10 and the 16-25 years-in-practice categories. Male income exceeds female income significantly in the 11-15 and 26-35 years-in-practice categories. The gender gap is smallest among younger cohorts of respondents (**Exhibit 44**).

**EXHIBIT 44: FULL-TIME PRIVATE PRACTITIONER 2018 MEDIAN NET INCOME BY YEARS IN PRACTICE AND GENDER**



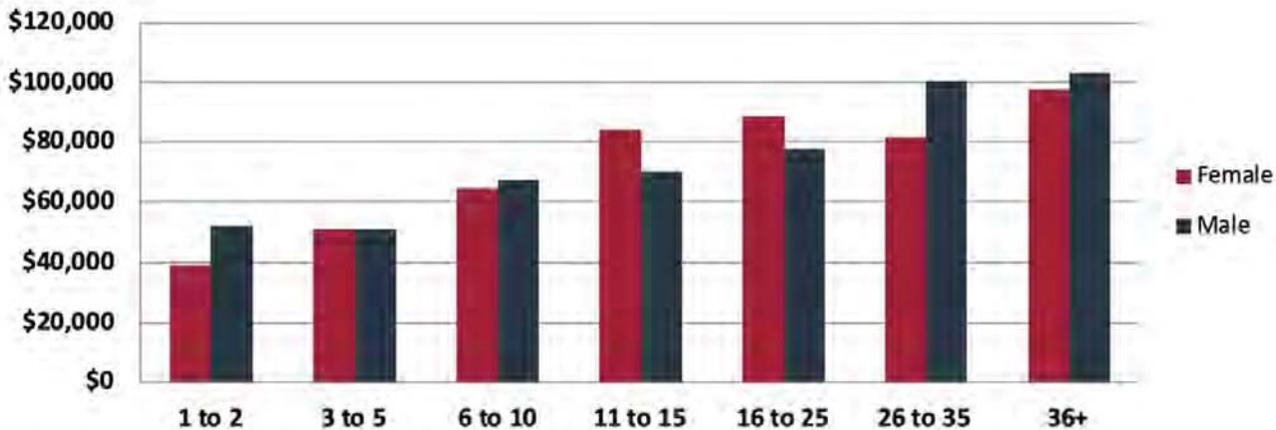
For in-house counsel, male incomes exceed female incomes in all years-in-practice categories (**Exhibit 45**).

**EXHIBIT 45: FULL-TIME IN-HOUSE COUNSEL 2018 MEDIAN NET INCOME BY YEARS IN PRACTICE AND GENDER**



Government attorneys express near parity in gender-associated income gaps due to female income exceeding male income at the 11-25 years-in-practice category (**Exhibit 46**).

**EXHIBIT 46: FULL-TIME GOVERNMENT ATTORNEY 2018 MEDIAN NET INCOME BY YEARS IN PRACTICE AND GENDER**





# 2019 Attorney Hourly Billing Rates and Practices

## Attorney Hourly Billing Rates

The 2019 median hourly billing rate is \$250 (\$207 in 2013). While many factors affect the setting of hourly billing rates, **Exhibit 47** includes three: respondents' firm size, years in practice and office location. **Exhibit 48** identifies primary field of law and practice classification.

**EXHIBIT 47: 2019 HOURLY BILLING RATES BY FIRM SIZE, YEARS IN PRACTICE AND OFFICE LOCATION**

Size of Firm	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
1	289	\$232	\$180	\$225	\$250	\$395
2	71	\$248	\$200	\$250	\$285	\$400
3 to 6	158	\$266	\$200	\$250	\$300	\$450
7 to 10	37	\$301	\$200	\$240	\$300	\$425
11 to 20	31	\$278	\$200	\$270	\$325	\$435
21 to 50	49	\$272	\$200	\$250	\$310	\$430
>50	51	\$369	\$255	\$350	\$475	\$610
<b>Total</b>	<b>686</b>	<b>\$260</b>	<b>\$200</b>	<b>\$250</b>	<b>\$300</b>	<b>\$450</b>

Years in Practice	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
1 to 2	20	\$164	\$128	\$165	\$208	\$295
3 to 5	39	\$210	\$175	\$200	\$245	\$285
6 to 10	70	\$225	\$195	\$215	\$250	\$325
11 to 15	49	\$273	\$225	\$250	\$300	\$425
16 to 25	127	\$252	\$200	\$250	\$300	\$435
26 to 35	161	\$260	\$200	\$250	\$300	\$495
36+	234	\$293	\$200	\$250	\$350	\$525
<b>Total</b>	<b>700</b>	<b>\$261</b>	<b>\$200</b>	<b>\$250</b>	<b>\$300</b>	<b>\$460</b>

Office Location	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Downtown Cleveland	46	\$320	\$240	\$313	\$395	\$595
Suburban Cleveland	102	\$268	\$200	\$250	\$300	\$425
Downtown Cincinnati	37	\$311	\$245	\$300	\$350	\$600
Suburban Cincinnati	28	\$290	\$240	\$250	\$300	\$525
Downtown Columbus	77	\$324	\$250	\$300	\$375	\$555
Suburban Columbus	94	\$248	\$200	\$250	\$300	\$420
Akron	45	\$231	\$175	\$205	\$300	\$350
Canton	14	\$242	\$225	\$250	\$285	\$350
Dayton	45	\$225	\$175	\$220	\$270	\$325
Toledo	33	\$264	\$200	\$225	\$275	\$470
Youngstown	16	\$210	\$175	\$200	\$215	\$375
Northeast Ohio	56	\$217	\$190	\$203	\$250	\$300
Northwest Ohio	34	\$260	\$185	\$200	\$225	\$425
Southeast Ohio	22	\$249	\$200	\$243	\$300	\$350
Southwest Ohio	17	\$203	\$190	\$200	\$225	\$250
Central Ohio	29	\$198	\$160	\$200	\$250	\$275
<b>Total</b>	<b>702</b>	<b>\$261</b>	<b>\$200</b>	<b>\$250</b>	<b>\$300</b>	<b>\$460</b>

**EXHIBIT 48: 2019 HOURLY BILLING RATES BY FIELD OF LAW AND PRACTICE CLASS**

Specialty	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Administrative Law	9	\$256	\$240	\$290	\$325	\$350
Appellate Law	6	\$202	\$185	\$200	\$225	\$250
Bankruptcy/Debtor Law	11	\$273	\$250	\$265	\$300	\$350
Collections	9	\$281	\$250	\$250	\$350	\$430
Consumer Law	11	\$424	\$275	\$435	\$515	\$650
Corporate/Business Law	52	\$292	\$210	\$250	\$325	\$600
Criminal (Public Defendant)	14	\$176	\$125	\$188	\$225	\$300
Criminal (Private Defendant)	13	\$259	\$200	\$250	\$300	\$370
Domestic Relations/Family Law/Juvenile Law	90	\$233	\$200	\$225	\$275	\$375
Education Law	8	\$254	\$213	\$243	\$263	\$400
Elder Law/Public Benefits/ERISA	24	\$278	\$238	\$275	\$300	\$405
Environmental/Natural Resources Law	7	\$325	\$250	\$300	\$390	\$480
General Practice	26	\$219	\$200	\$200	\$250	\$325
Immigration Law	4	\$193	\$150	\$210	\$235	\$250
Insurance law	19	\$207	\$150	\$170	\$275	\$400
Intellectual Property	14	\$328	\$245	\$305	\$420	\$595
Labor Law (Labor)	11	\$227	\$170	\$250	\$280	\$285
Employment Law (Management)	11	\$279	\$200	\$260	\$345	\$495
Employment Law (Labor)	19	\$353	\$250	\$375	\$425	\$525
Medical Malpractice	8	\$313	\$223	\$300	\$400	\$450
Municipal/Public Entity Law	10	\$195	\$175	\$200	\$200	\$300
Personal Injury (Defendant)	6	\$164	\$140	\$155	\$200	\$205
Personal Injury (Plaintiff)	27	\$231	\$195	\$225	\$250	\$325
Professional Liability	4	\$356	\$238	\$338	\$475	\$600
Real Property Law	45	\$292	\$180	\$250	\$310	\$465
Social Security	4	\$336	\$288	\$363	\$385	\$395
Taxation	7	\$359	\$180	\$300	\$625	\$660
Trial Practice, not PI (General Civil)	29	\$290	\$200	\$250	\$300	\$610
Trial Practice, not PI (Commercial)	17	\$308	\$225	\$285	\$350	\$525
Estate Planning/Wealth Management	46	\$251	\$200	\$250	\$285	\$375
Probate/Decedent's Estates	83	\$223	\$190	\$225	\$250	\$300
Workers' Compensation (Plaintiff)	9	\$200	\$200	\$200	\$250	\$300
Workers' Compensation (Defendant)	10	\$240	\$190	\$215	\$235	\$455
<b>Total</b>	<b>680</b>	<b>\$261</b>	<b>\$200</b>	<b>\$250</b>	<b>\$300</b>	<b>\$460</b>

Practice Classification	Value by Percentile					
	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Sole Practitioner with office outside of home	201	\$239	\$200	\$225	\$250	\$395
Sole Practitioner with home office only	72	\$224	\$150	\$200	\$265	\$450
Sole Practitioner with 1+ associates	32	\$290	\$250	\$268	\$325	\$480
Space sharer	17	\$234	\$200	\$225	\$250	\$395
Partner in firm with 2-7 partners	154	\$277	\$210	\$250	\$300	\$425
Partner in firm with 8+ partners	77	\$350	\$265	\$340	\$425	\$600
Of Counsel	23	\$330	\$250	\$300	\$425	\$500
Associate with Sole Practitioner	18	\$218	\$175	\$200	\$275	\$375
Associate in firm with 2-7 partners	52	\$224	\$200	\$208	\$250	\$350
Associate in firm with 8+ partners	40	\$229	\$183	\$235	\$265	\$313
<b>Total</b>	<b>690</b>	<b>\$261</b>	<b>\$200</b>	<b>\$250</b>	<b>\$300</b>	<b>\$460</b>



### Hourly Billing Rates for Associates and Legal Assistants

The distribution of hourly billing rates for associates and legal assistants are summarized by years of experience (**Exhibit 49**), by office location (**Exhibits 50 and 51**) and by firm size (**Exhibits 52 and 53**).

**EXHIBIT 49: DISTRIBUTIONS OF 2019 HOURLY BILLING RATES FOR ASSOCIATES AND LEGAL ASSISTANTS BY FOUR LEVELS OF EXPERIENCE**

Associate Billing Rate Category	Column Percents							
	None		3 Years Experience		5 Years Experience		10 Years Experience	
	N	%	N	%	N	%	N	%
<\$146	89	37.2	37	15.5	28	12.7	27	11.7
\$146-155	42	17.6	41	17.2	15	6.8	9	3.9
\$156-165	13	5.4	12	5.0	17	7.7	7	3.0
\$166-175	21	8.8	29	12.2	20	9.0	13	5.6
\$176-199	30	12.6	29	12.2	16	7.2	21	9.1
\$200-224	28	11.7	49	20.6	43	19.5	30	13.0
\$225-249	11	4.6	17	7.1	30	13.6	23	10.0
\$250-274	3	1.3	16	6.7	21	9.5	36	15.6
\$275-299	-	-	4	1.7	18	8.1	21	9.1
\$300-324	-	-	3	1.3	8	3.6	19	8.2
\$325-349	-	-	-	-	3	1.4	8	3.5
\$350-379	-	-	-	-	-	-	7	3.0
\$380-425	-	-	-	-	-	-	5	2.2
>\$425	-	-	-	-	-	-	5	2.2
<b>Total</b>	<b>270</b>	<b>100%</b>	<b>238</b>	<b>100%</b>	<b>219</b>	<b>100%</b>	<b>231</b>	<b>100%</b>

Legal Assistant Billing Rate Category	Column Percents							
	None		3 Years Experience		5 Years Experience		10 Years Experience	
	N	%	N	%	N	%	N	%
<\$71	57	33.5	31	17.9	30	16.6	27	11.9
\$71-80	24	14.1	26	15.0	19	10.5	18	7.9
\$81-90	15	8.8	18	10.4	17	9.4	18	7.9
\$91-100	33	19.4	35	20.2	27	14.9	35	15.4
\$101-110	10	5.9	17	9.8	19	10.5	18	7.9
\$111-120	5	2.9	8	4.6	17	9.4	19	8.4
\$121-130	11	6.5	16	9.2	19	10.5	33	14.5
\$131-140	-	-	3	1.7	6	3.3	7	3.1
\$141-150	3	1.8	7	4.0	12	6.6	21	9.3
151-160	4	2.4	-	-	-	-	4	1.8
161-170	-	-	4	2.3	3	1.7	4	1.8
>\$170	5	2.9	7	4.0	11	6.1	23	10.1
<b>Total</b>	<b>170</b>	<b>100%</b>	<b>173</b>	<b>100%</b>	<b>181</b>	<b>100%</b>	<b>227</b>	<b>100%</b>



**EXHIBIT 50: 2019 HOURLY BILLING RATES FOR ASSOCIATES BY OFFICE LOCATION AND EXPERIENCE**

Associate Billing Rate Group	Column Percents							
	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<b>No Experience</b>								
<\$146	27.8%	-	34.4%	58.3%	37.2%	57.6%	54.5%	36.9%
\$146-155	16.7%	17.2%	13.1%	-	18.6%	27.3%	27.3%	17.8%
\$156-165	-	-	-	-	-	-	-	5.5%
\$166-175	13.9%	-	-	-	18.6%	-	-	8.9%
\$176-199	-	24.1%	18.0%	-	11.6%	-	-	12.3%
\$200-224	16.7%	17.2%	16.4%	-	-	-	-	11.9%
\$225-249	-	-	-	-	-	-	-	4.7%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>3 Years Experience</b>								
<\$116	1.7%	-	1.7%	11.1%	-	6.7%	7.1%	3.0%
\$116-125	5.2%	12.8%	5.2%	16.7%	5.7%	13.3%	10.7%	8.6%
\$126-135	3.4%	7.7%	8.6%	-	11.4%	3.3%	10.7%	6.8%
\$136-145	5.7%	6.9%	14.8%	26.7%	15.9%	21.2%	33.3%	15.7%
\$146-155	20.0%	3.4%	14.8%	13.3%	15.9%	33.3%	16.7%	17.0%
\$156-165	5.7%	10.3%	4.9%	0.0%	0.0%	3.0%	11.1%	4.7%
\$166-175	8.6%	13.8%	9.8%	13.3%	18.2%	12.1%	11.1%	12.3%
\$176-199	20.0%	10.3%	8.2%	13.3%	18.2%	6.1%	5.6%	11.9%
\$200-224	17.1%	20.7%	26.2%	13.3%	25.0%	15.2%	16.7%	20.9%
\$225-249	14.3%	13.8%	8.2%	20.0%	-	-	-	7.2%
\$250-274	2.9%	17.2%	9.8%	-	4.5%	3.0%	5.6%	6.8%
\$300-324	-	3.4%	1.6%	-	-	3.0%	-	1.3%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>5 Years Experience</b>								
<\$146	2.9%	4.3%	12.7%	16.7%	11.6%	20.0%	30.0%	12.8%
\$146-155	5.7%	-	7.3%	25.0%	11.6%	3.3%	-	6.9%
\$156-165	8.6%	-	7.3%	-	4.7%	20.0%	5.0%	7.3%
\$166-175	8.6%	8.7%	5.5%	8.3%	4.7%	13.3%	20.0%	8.7%
\$176-199	11.4%	4.3%	7.3%	-	16.3%	-	-	7.3%
\$200-224	20.0%	13.0%	9.1%	16.7%	20.9%	26.7%	40.0%	19.3%
\$225-249	17.1%	21.7%	10.9%	16.7%	23.3%	3.3%	-	13.8%
\$250-274	14.3%	13.0%	14.5%	-	2.3%	10.0%	5.0%	9.6%
\$275-299	5.7%	26.1%	12.7%	8.3%	2.3%	3.3%	0.0%	8.3%
\$300-324	3%	4%	7%	8%	2%	-	-	3.7%
\$325-349	3%	-	4%	-	-	-	-	1.4%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>10 Years Experience</b>								
<\$146	5.7%	7.7%	12.7%	16.7%	6.8%	13.3%	33.3%	11.8%
\$146-155	-	-	4.8%	8.3%	6.8%	6.7%	-	3.9%
\$156-165	2.9%	-	1.6%	16.7%	4.5%	3.3%	-	3.1%
\$166-175	5.7%	3.8%	4.8%	0.0%	4.5%	13.3%	5.6%	5.7%
\$176-199	14.3%	3.8%	4.8%	8.3%	11.4%	6.7%	16.7%	8.8%
\$200-224	5.7%	11.5%	3.2%	0.0%	20.5%	30.0%	16.7%	12.3%
\$225-249	14.3%	7.7%	12.7%	0.0%	11.4%	3.3%	11.1%	10.1%
\$250-274	17.1%	23.1%	9.5%	25.0%	22.7%	10.0%	11.1%	15.8%
\$275-299	14.3%	19.2%	9.5%	8.3%	4.5%	6.7%	-	9.2%
\$300-324	14.3%	11.5%	11.1%	0.0%	4.5%	3.3%	5.6%	8.3%
\$325-349	-	3.8%	6.3%	8.3%	2.3%	3%	-	3.5%
\$350-379	-	-	9.5	8.3	-	-	-	3.1%
\$380-425	2.9	7.7	3.2	-	-	-	-	2.2%
>\$425	2.9	0.0	6.3	-	-	-	-	2.2%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>



## EXHIBIT 51: 2019 HOURLY BILLING RATES, LEGAL ASSISTANTS BY OFFICE LOCATION AND EXPERIENCE

Legal Assistant Billing Rate Group	Column Percents							
	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<b>No Experience</b>								
<\$71	28.1%	22.2%	27.0%	36.4%	44.1%	42.9%	46.2%	34.3%
\$71-80	15.6%	11.1%	10.8%	18.2%	14.7%	14.3%	7.7%	13.3%
\$81-90	6.3%	-	13.5%	18.2%	2.9%	19.0%	7.7%	9.0%
\$91-100	12.5%	38.9%	18.9%	18.2%	23.5%	14.3%	7.7%	19.3%
\$101-\$110	6.3%	-	10.8%	-	8.8%	-	7.7%	6.0%
\$111-120	12.5%	-	-	-	-	-	7.7%	3.0%
\$121-130	6.3%	11.1%	10.8%	-	2.9%	9.5%	-	6.6%
\$131-140	-	5.6%	-	-	-	-	-	0.6%
\$141-150	-	-	2.7%	-	-	-	15.4%	1.8%
\$151-160	-	11.1%	-	9.1%	-	-	-	1.8%
\$161-170	3.1%	-	-	-	2.9%	-	-	1.2%
>\$170	9.4%	-	5.4%	-	-	-	-	3.0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Legal Assistant Billing Rate Group	Column Percents							
	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<b>3 Years Experience</b>								
<\$71	12.1%	10.0%	13.2%	25.0%	20.6%	26.3%	35.7%	18.2%
\$71-80	15.2%	10.0%	10.5%	-	23.5%	26.3%	14.3%	15.3%
\$81-90	3.0%	5.0%	13.2%	33.3%	11.8%	10.5%	-	10.0%
\$91-100	27.3%	15.0%	21.1%	16.7%	14.7%	21.1%	21.4%	20.0%
\$101-\$110	9.1%	20.0%	7.9%	-	17.6%	5.3%	-	10.0%
\$111-120	-	5.0%	5.3%	8.3%	5.9%	-	7.1%	4.1%
\$121-130	15.2%	5.0%	15.8%	8.3%	-	10.5%	7.1%	9.4%
\$131-140	-	10.0%	-	-	2.9%	-	-	1.8%
\$141-150	3.0%	5.0%	7.9%	-	-	-	14.3%	4.1%
\$151-160	3.0%	-	-	-	-	-	-	0.6%
\$161-170	-	10.0%	-	8.3%	2.9%	-	-	2.4%
>\$170	12.1%	5.0%	5.3%	-	-	-	-	4.1%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Legal Assistant Billing Rate Group	Column Percents							
	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<b>5 Years Experience</b>								
<\$71	11.8%	11.1%	11.9%	15.4%	24.3%	15.8%	33.3%	16.9%
\$71-80	11.8%	5.6%	7.1%	7.7%	13.5%	15.8%	13.3%	10.7%
\$81-90	2.9%	5.6%	11.9%	23.1%	13.5%	10.5%	-	9.6%
\$91-100	14.7%	11.1%	11.9%	15.4%	13.5%	31.6%	13.3%	15.2%
\$101-\$110	17.6%	5.6%	11.9%	15.4%	8.1%	5.3%	6.7%	10.7%
\$111-120	2.9%	22.2%	7.1%	-	10.8%	10.5%	-	7.9%
\$121-130	14.7%	11.1%	11.9%	-	8.1%	10.5%	13.3%	10.7%
\$131-140	5.9%	-	7.1%	-	2.7%	-	-	3.4%
\$141-150	-	11.1%	9.5%	15.4%	2.7%	-	20.0%	6.7%
\$151-160	-	-	2.4%	-	-	-	-	0.6%
\$161-170	-	5.6%	2.4%	-	2.7%	-	-	1.7%
>\$170	17.6%	11.1%	4.8%	7.7%	-	-	-	6.2%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Legal Assistant Billing Rate Group	Column Percents							
	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<b>10 Years Experience</b>								
<\$71	10.3%	3.7%	9.8%	15.0%	12.8%	9.1%	33.3%	12.1%
\$71-80	12.8%	3.7%	3.9%	5.0%	8.5%	13.6%	11.1%	8.0%
\$81-90	5.1%	7.4%	7.8%	15.0%	12.8%	4.5%	-	8.0%
\$91-100	2.6%	7.4%	15.7%	15.0%	23.4%	31.8%	16.7%	15.6%
\$101-\$110	12.8%	14.8%	5.9%	10.0%	2.1%	13.6%	-	8.0%
\$111-120	10.3%	3.7%	11.8%	5.0%	6.4%	9.1%	11.1%	8.5%
\$121-130	17.9%	18.5%	13.7%	5.0%	17.0%	13.6%	5.6%	14.3%
\$131-140	-	3.7%	5.9%	5.0%	4.3%	-	-	3.1%
\$141-150	5.1%	22.2%	5.9%	5.0%	6.4%	4.5%	22.2%	8.9%
\$151-160	-	-	2.0%	-	4.3%	-	-	1.3%
\$161-170	2.6%	3.7%	2.0%	-	2.1%	-	-	2%
>\$170	20.5%	11.1%	15.7%	20.0%	-	-	-	10%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>



**EXHIBIT 52: 2019 HOURLY BILLING RATES FOR ASSOCIATES BY FIRM SIZE AND EXPERIENCE**

Associate Billing Rate Group	Firm Size (Number of Attorneys)							Ohio
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	
<b>No Experience</b>								
<\$146	72.2%	52.9%	40.5%	42.3%	37.5%	25.0%	11.8%	37.2%
\$146-155	11.1%	5.9%	22.8%	19.2%	12.5%	19.4%	14.7%	17.5%
\$156-165	5.6%	5.9%	5.1%	-	8.3%	11.1%	2.9%	5.6%
\$166-175	5.6%	17.6%	6.3%	15.4%	8.3%	11.1%	5.9%	9.0%
\$176-199	-	5.9%	5.1%	7.7%	20.8%	19.4%	26.5%	12.0%
\$200-224	5.6%	5.9%	12.7%	7.7%	8.3%	8.3%	26.5%	12.0%
\$225-249	-	-	5.1%	3.8%	-	5.6%	11.8%	4.7%
\$250-274	-	5.9%	1.3%	-	4.2%	-	-	1.3%
\$275-299	-	-	1.3%	-	-	-	-	0.4%
\$300-324	-	-	-	3.8%	-	-	-	0.4%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>3 Years Experience</b>								
<\$146	46.7%	17.4%	17.4%	15.8%	12.5%	11.8%	-	15.5%
\$146-155	13.3%	17.4%	20.9%	21.1%	12.5%	14.7%	12.5%	17.2%
\$156-165	6.7%	-	8.1%	-	12.5%	2.9%	-	5.2%
\$166-175	20.0%	13.0%	11.6%	10.5%	12.5%	14.7%	6.3%	12.0%
\$176-199	6.7%	8.7%	12.8%	5.3%	12.5%	26.5%	6.3%	12.4%
\$200-224	6.7%	21.7%	16.3%	26.3%	20.8%	17.6%	37.5%	20.6%
\$225-249	-	8.7%	2.3%	15.8%	8.3%	8.8%	12.5%	6.9%
\$250-274	-	8.7%	8.1%	5.3%	-	2.9%	15.6%	6.9%
\$275-299	-	4.3%	1.2%	-	4.2%	-	3.1%	1.7%
\$300-324	-	-	1.2%	-	4.2%	-	3.1%	1.3%
>\$425	-	-	-	-	-	-	3.1%	0.4%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
<b>5 Years Experience</b>								
<\$146	50.0%	21.1%	10.1%	12.5%	8.7%	11.4%	-	12.5%
\$146-155	-	5.3%	10.1%	18.8%	4.3%	5.7%	-	6.9%
\$156-165	14.3%	-	8.9%	-	13.0%	2.9%	10.0%	7.4%
\$166-175	-	10.5%	15.2%	6.3%	13.0%	5.7%	-	9.3%
\$176-199	-	15.8%	7.6%	6.3%	13.0%	8.6%	-	7.4%
\$200-224	21.4%	15.8%	21.5%	-	21.7%	34.3%	6.7%	19.4%
\$225-249	-	10.5%	7.6%	18.8%	13.0%	20.0%	26.7%	13.4%
\$250-274	14.3%	-	7.6%	31.3%	4.3%	5.7%	16.7%	9.7%
\$275-299	-	10.5%	6.3%	6.3%	4.3%	2.9%	23.3%	7.9%
\$300-324	-	10.5%	2.5%	-	4.3%	2.9%	6.7%	3.7%
\$325-349	-	-	1.3%	-	-	-	6.7%	1.4%
\$350-379	-	-	1.3%	-	-	-	-	0.5%
>\$425	-	-	-	-	-	-	3.3%	0.5%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>10 Years Experience</b>								
<\$146	46.2%	14.8%	9.9%	15.0%	10.0%	9.1%	-	11.6%
\$146-155	7.7%	3.7%	6.2%	-	5.0%	3.0%	-	4.0%
\$156-165	-	-	4.9%	10.0%	-	3.0%	-	3.1%
\$166-175	15.4%	-	7.4%	5.0%	10.0%	3.0%	3.2%	5.8%
\$176-199	-	14.8%	11.1%	15.0%	15.0%	-	3.2%	8.9%
\$200-224	-	14.8%	19.8%	10.0%	15.0%	12.1%	3.2%	13.3%
\$225-249	-	7.4%	6.2%	5.0%	20.0%	33.3%	-	10.2%
\$250-274	15.4%	11.1%	16.0%	15.0%	5.0%	24.2%	16.1%	15.6%
\$275-299	7.7%	11.1%	7.4%	5.0%	-	9.1%	19.4%	8.9%
\$300-324	7.7%	3.7%	8.6%	10.0%	10.0%	-	19.4%	8.4%
\$325-349	-	-	-	5.0%	10.0%	-	12.9%	3.1%
\$350-379	-	7.4%	-	-	-	3.0%	9.7%	2.7%
\$380-425	-	7.4%	-	5.0%	-	-	6.5%	2.2%
>\$425	-	3.7%	2.5%	-	-	-	6.5%	2.2%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>



EXHIBIT 53: DISTRIBUTIONS OF 2019 HOURLY BILLING RATES FOR LEGAL ASSISTANTS BY FIRM SIZE AND EXPERIENCE

Legal Assistant Billing Rate Group	Firm Size (Number of Attorneys)							Ohio
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	
<b>No Experience</b>								
<\$71	55.0%	58.3%	40.7%	23.5%	33.3%	25.8%	5.0%	34.3%
\$71-80	10.0%	-	18.5%	17.6%	16.7%	6.5%	10.0%	12.7%
\$81-90	5.0%	16.7%	3.7%	17.6%	8.3%	6.5%	15.0%	8.4%
\$91-100	25.0%	16.7%	11.1%	23.5%	25.0%	29.0%	20.0%	19.9%
\$101-\$110	-	-	5.6%	-	16.7%	9.7%	10.0%	6.0%
\$111-120	-	-	3.7%	-	-	6.5%	5.0%	3.0%
\$121-130	5.0%	8.3%	7.4%	5.9%	-	6.5%	10.0%	6.6%
\$131-140	-	-	-	-	-	3.2%	-	0.6%
\$141-150	-	-	3.7%	-	-	-	5.0%	1.8%
\$151-160	-	-	3.7%	5.9%	-	3.2%	-	2.4%
\$161-170	-	-	-	-	-	3.2%	5.0%	1.2%
>\$170	-	-	1.9%	5.9%	-	-	15.0%	3.0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Legal Assistant Billing Rate Group	Firm Size (Number of Attorneys)							Ohio
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	
<b>3 Years Experience</b>								
<\$71	27.3%	36.4%	21.4%	20.0%	23.1%	9.1%	-	18.2%
\$71-80	18.2%	27.3%	21.4%	6.7%	15.4%	9.1%	5.0%	15.3%
\$81-90	9.1%	-	5.4%	26.7%	15.4%	12.1%	10.0%	10.0%
\$91-100	36.4%	18.2%	17.9%	33.3%	-	18.2%	15.0%	20.0%
\$101-\$110	-	-	7.1%	-	23.1%	15.2%	20.0%	9.4%
\$111-120	-	-	1.8%	-	23.1%	9.1%	5.0%	4.7%
\$121-130	4.5%	-	12.5%	6.7%	-	15.2%	10.0%	9.4%
\$131-140	-	9.1%	-	-	-	6.1%	-	1.8%
\$141-150	4.5%	-	7.1%	-	-	-	10.0%	4.1%
\$151-160	-	-	-	-	-	-	5.0%	0.6%
\$161-170	-	-	3.6%	-	-	3.0%	5.0%	2.4%
>\$170	-	9.1%	1.8%	6.7%	-	3.0%	15.0%	4.1%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Legal Assistant Billing Rate Group	Firm Size (Number of Attorneys)							Ohio
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	
<b>5 Years Experience</b>								
<\$71	28.0%	25.0%	20.7%	18.8%	15.4%	8.8%	-	16.9%
\$71-80	12.0%	16.7%	15.5%	12.5%	15.4%	2.9%	-	10.7%
\$81-90	8.0%	-	6.9%	12.5%	15.4%	11.8%	10.0%	9.0%
\$91-100	28.0%	25.0%	13.8%	31.3%	-	11.8%	-	15.2%
\$101-\$110	8.0%	-	12.1%	6.3%	15.4%	8.8%	15.0%	10.1%
\$111-120	-	8.3%	1.7%	-	15.4%	20.6%	25.0%	9.0%
\$121-130	8.0%	8.3%	12.1%	6.3%	23.1%	11.8%	5.0%	10.7%
\$131-140	4.0%	-	1.7%	-	-	5.9%	10.0%	3.4%
\$141-150	4.0%	16.7%	5.2%	6.3%	-	8.8%	10.0%	6.7%
\$151-160	-	-	1.7%	-	-	-	-	0.6%
\$161-170	-	-	-	-	-	2.9%	10.0%	1.7%
>\$170	-	-	8.6%	6.3%	-	5.9%	15.0%	6.2%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

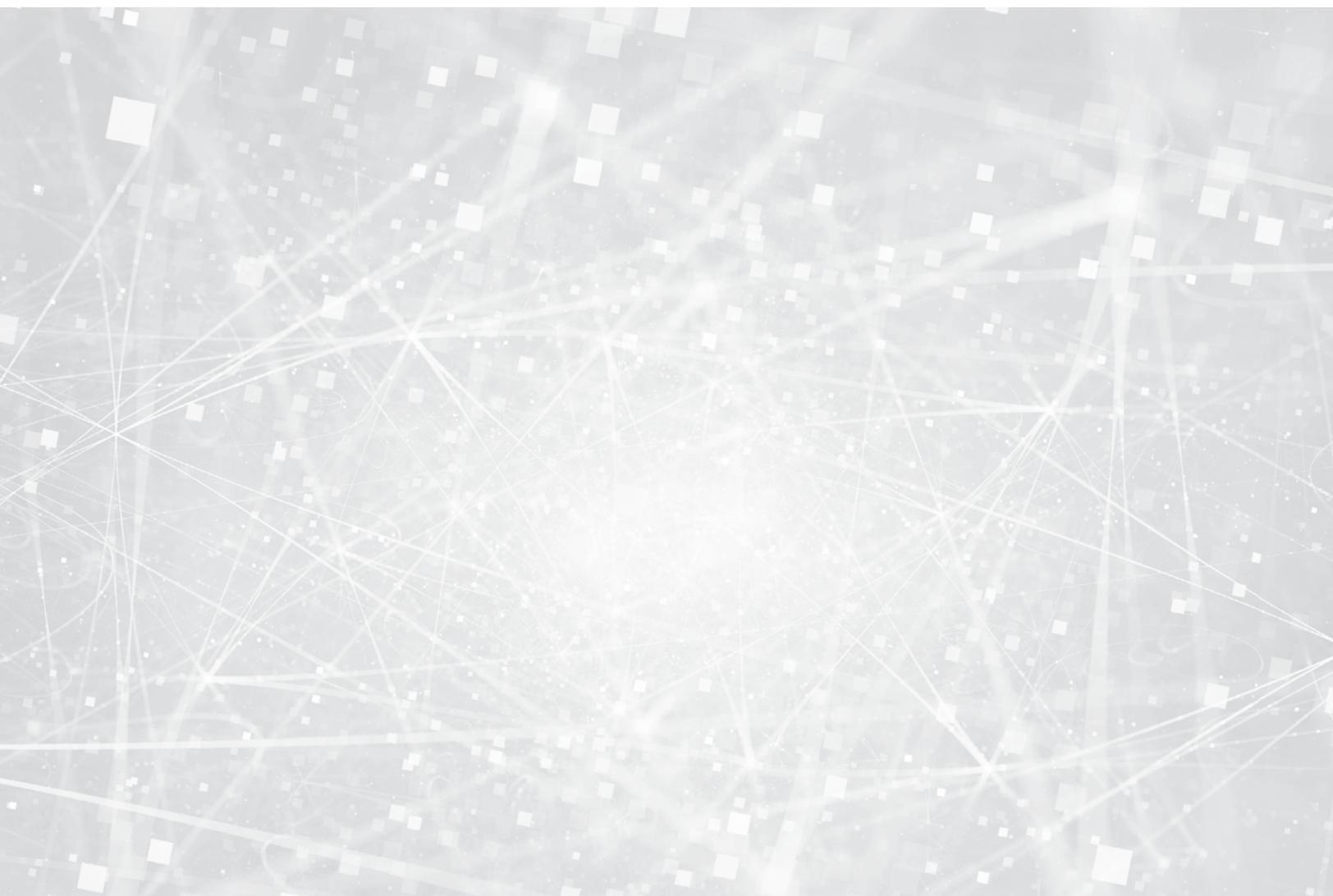
Legal Assistant Billing Rate Group	Firm Size (Number of Attorneys)							Ohio
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	
<b>10 Years Experience</b>								
<\$71	16.2%	11.1%	15.4%	15.0%	12.5%	6.1%	-	12.1%
\$71-80	2.7%	16.7%	11.5%	10.0%	12.5%	3.0%	-	8.0%
\$81-90	16.2%	11.1%	3.8%	10.0%	12.5%	3.0%	4.5%	7.6%
\$91-100	16.2%	27.8%	16.7%	30.0%	-	12.1%	4.5%	15.6%
\$101-\$110	5.4%	-	11.5%	5.0%	18.8%	9.1%	-	8.0%
\$111-120	5.4%	-	5.1%	10.0%	18.8%	15.2%	9.1%	8.0%
\$121-130	13.5%	5.6%	16.7%	10.0%	6.3%	18.2%	22.7%	14.7%
\$131-140	5.4%	-	1.3%	-	12.5%	6.1%	-	3.1%
\$141-150	10.8%	22.2%	7.7%	5.0%	6.3%	6.1%	13.6%	9.4%
\$151-160	2.7%	5.6%	-	-	-	3.0%	-	1.3%
\$161-170	-	-	1.3%	-	-	6.1%	4.5%	1.8%
>\$170	5.4%	-	9.0%	5.0%	-	12.1%	40.9%	10.3%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>



**Exhibit 54** displays the impact of firm size on methods for client billing over time for legal assistants. The larger the firm, the more likely they bill on a time basis.

**EXHIBIT 54: LEGAL ASSISTANT CLIENT BILLING METHODS BY SIZE OF FIRM, 2019 VS. 2013**

Billing Method for Legal Assistants	Year	Firm Size (Number of Attorneys)							Ohio
		1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	
Included with attorney fee	2013	43.0%	31.7%	35.5%	10.4%	24.6%	10.0%	2.4%	24.7%
	2019	43.8%	42.5%	31.6%	23.1%	25.9%	-	-	27.5%
Time	2013	50.0%	56.1%	56.2%	79.2%	73.7%	85.0%	90.4%	68.0%
	2019	49.3%	55.0%	56.1%	73.1%	66.7%	100.0%	89.2%	65.0%
Fee schedule	2013	7.0%	12.2%	8.3%	10.4%	1.8%	5.0%	7.2%	7.3%
	2019	6.8%	2.5%	12.3%	3.8%	7.4%	-	10.8%	7.6%
<b>Total (2013)</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Total (2019)</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>





### Average Workweek and Time-Keeping Practices

Attorneys report a varied workweek regarding billable hours and other activities comprising their professional time. **Exhibit 55** shows the range of time spent on various activities.

For private practitioners, median values for compensable work time are 30 hours/week (compared with 33 in 2013). For in-house counsel, median compensable hours remain at 40 hours/week. For government attorneys, median compensable hours are 31 (30 in 2013).

For total professional hours, private practitioners report 45 hours/week (48 hours in 2013). In-house counsel report 45 hours/week (unchanged from 2013). Government attorneys report 44 hours/week (unchanged from 2013).

**EXHIBIT 55: DISTRIBUTIONS OF HOURS IN AVERAGE WORKWEEK, 2019**

Private Practitioners	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Total billable hours	721	30	25	30	40	50
Total hours	753	42	55	45	52	65
Administration	776	4	2	4	5	8
Networking/marketing	776	3	1	3	4	8
Nonlegal work	712	7	8	8	8	8
Pro Bono hours/year	730	36	0	15	45	125
CLE/learning hours/year	752	27	15	20	30	60

In-House Counsel	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Total billable hours	99	54	30	40	45	60
Total hours	100	45	40	45	50	68

Government Attorneys	N	Mean	25th Percentile	Median	75th Percentile	95th Percentile
Total billable hours	159	37	31	40	40	50
Total hours	157	42	40	44	50	60
Administration	164	5	3	5	8	8
Networking/marketing	164	5	2	4	8	8



Hourly rate billing dominates flat rate and contingency fee billing (**Exhibit 56**). Approximately one day per week is devoted to office administration and networking (median hours spent per week are approximately five for administration and three for marketing) (**Exhibit 57**).

**EXHIBIT 56:** DISTRIBUTIONS OF HOURS IN AVERAGE WORK WEEK, BY BILLING METHOD, 2019

Billable Time Hours/Week	Hourly Billing		Flat Rate Hours		Contingency Fee Hours	
	N	%	N	%	N	%
<6	107	14.3	196	29.1	155	23.4
6 to 12	93	12.4	115	17.1	62	9.4
13-19	91	12.2	57	8.5	34	5.1
20-26	103	13.8	64	9.5	23	3.5
27-33	87	11.6	31	4.6	16	2.4
34-40	94	12.6	28	4.2	32	4.8
41-47	61	8.2	4	0.6	19	2.9
48+	59	7.9	13	1.9	30	4.5
NA	53	7.1	165	24.5	292	44
<b>Total</b>	<b>748</b>	<b>100%</b>	<b>673</b>	<b>100%</b>	<b>663</b>	<b>100%</b>

**EXHIBIT 57:** DISTRIBUTIONS OF WORK WEEK COMPONENTS – NETWORKING, ADMINISTRATION AND NON-LEGAL EMPLOYMENT, 2019

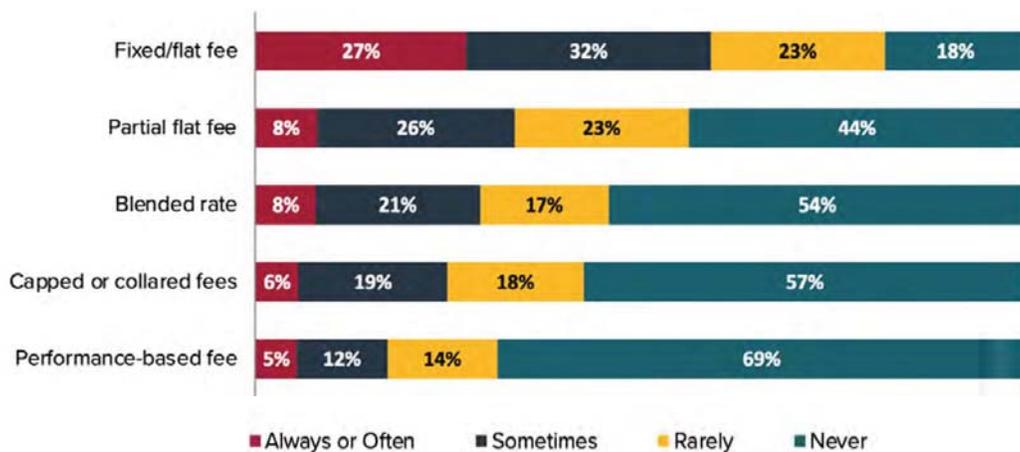
Non-Billable Time Hours/Week	Networking		Administration		Non-legal Employment	
	N	%	N	%	N	%
1	208	27.2	73	9.4	47	6.6
2	173	22.6	124	16	25	3.5
3	119	15.5	133	17.1	15	2.1
4 to 6	146	19.1	248	32	25	3.5
7 to 11	34	4.4	101	13	13	1.8
16 to 12	8	1	36	4.6	6	0.8
17+	8	1	22	2.8	26	3.7
NA	70	9.1	39	5	555	77.9
<b>Total</b>	<b>766</b>	<b>100%</b>	<b>776</b>	<b>100%</b>	<b>712</b>	<b>100%</b>

### Use of Alternative Fee Arrangements

The 2019 OSBA Survey included questions regarding the use and disposition of alternative fee arrangements (AFAs) compared with the traditional hourly billing rate. The questions cover the following topics targeting private practices, firms and in-house counsel:

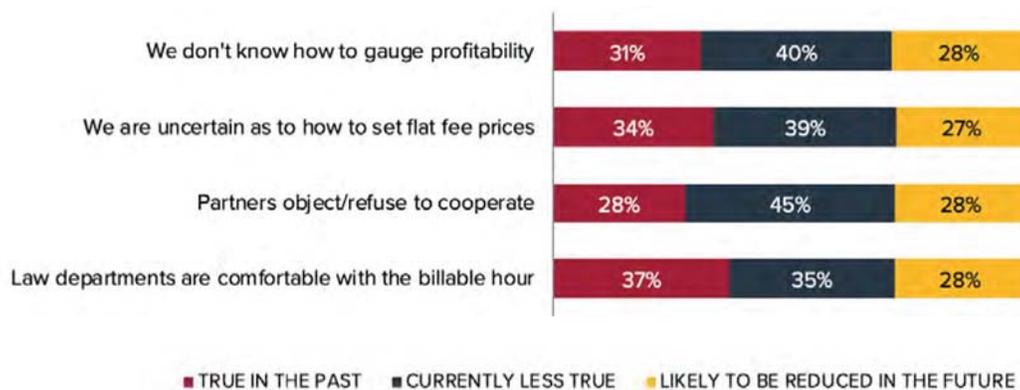
- Frequency of flat fees usage compared with other AFAs
- Obstacles hindering wider adoption of AFA fees
- Perceived “drivers” leading the charge toward AFAs
- Degree of progress in AFA adoption
- Perceived AFA usage in the future
- Proportion of AFA work assigned to outside counsel
- Sources of AFA initiation

**EXHIBIT 58: FREQUENCY OF AFA USERS BY PRIVATE PRACTITIONERS**



**Exhibit 58** reveals that private practitioners have a high use of flat fees, 27% “always or often”, as an alternative fee arrangement tool compared with other alternatives. Only 5% of respondents “always” use flat fees. 54% of private practitioners “often or sometimes” use flat fees.

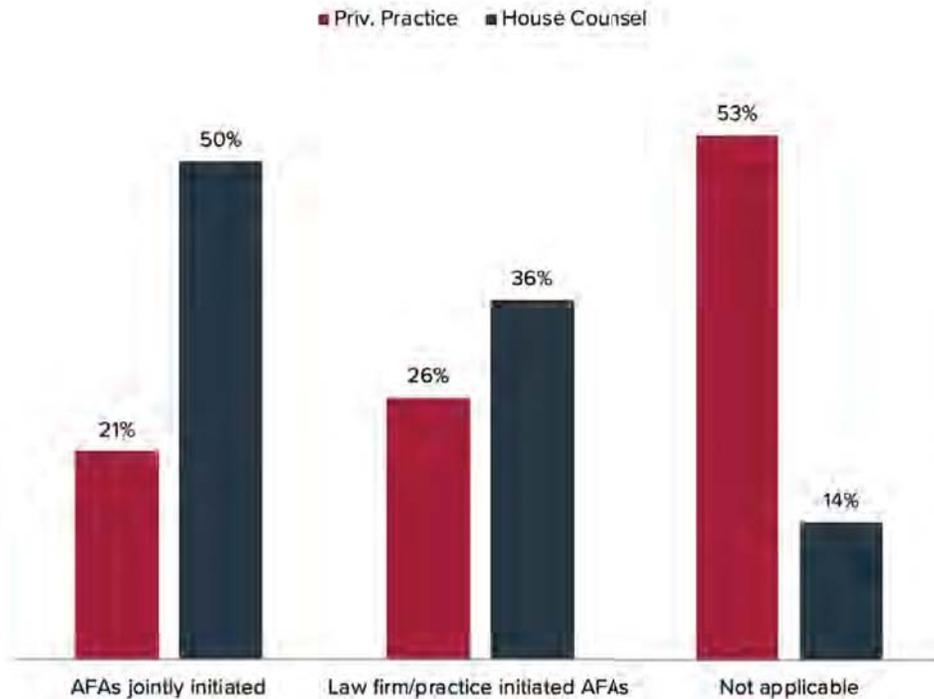
**EXHIBIT 59: OBSTACLES THAT SEEM TO HINDER WIDER ADOPTION OF AFA FEES OVER TIME**



Why are there obstacles in setting AFAs? **Exhibit 59** rank orders four issues centered on uncertainties regarding price setting, reluctance on the part of partners and general comfort with the status quo. Movement is being made toward problem reduction, both behaviorally and technically.

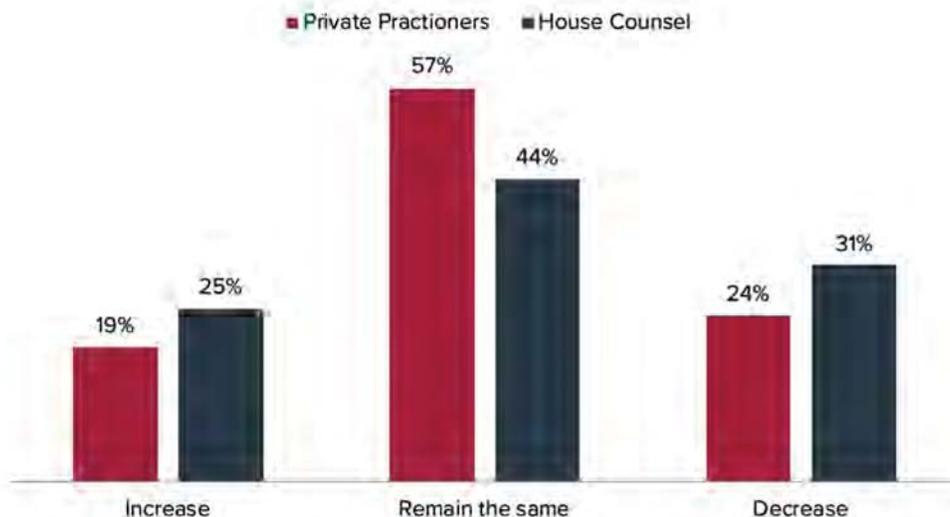
Combined responses from both private practitioners and in-house counsel place the primary drivers for AFAs with in-house counsel - between 21 and 26% of responses revealing private practitioners are the initiators (**Exhibit 60**).

**EXHIBIT 60: PERCEIVED DRIVERS TOWARD AFAS**

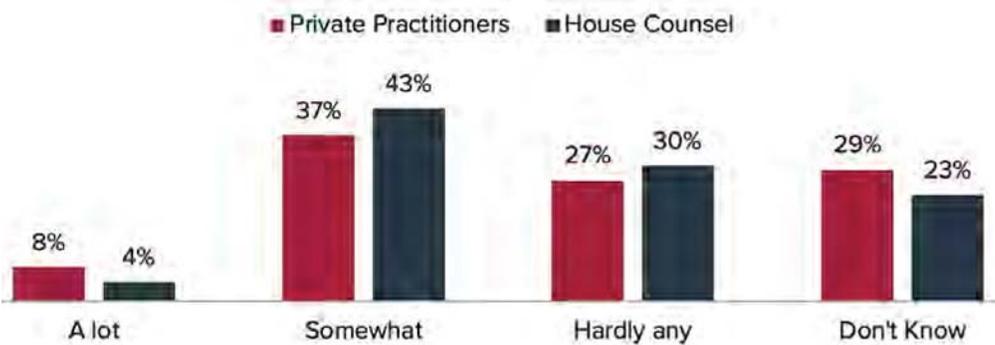


Combined responses are from both private practitioners and in-house counsel. Over the past few years, about 47% of in-house counsel respondents saw an increase in AFA usage (4% “a lot” and 43% “somewhat”), while only 30% see hardly any increased use. Similarly, 45% of private practitioners see an increase in AFA usage (8% “a lot” and 37% “somewhat”), whereas only 27% see “hardly any” increased use over the past few years (**Exhibit 61A**).

**EXHIBIT 61A: LEVEL OF INCREASE IN USE OF AFAS OVER PAST FEW YEARS**

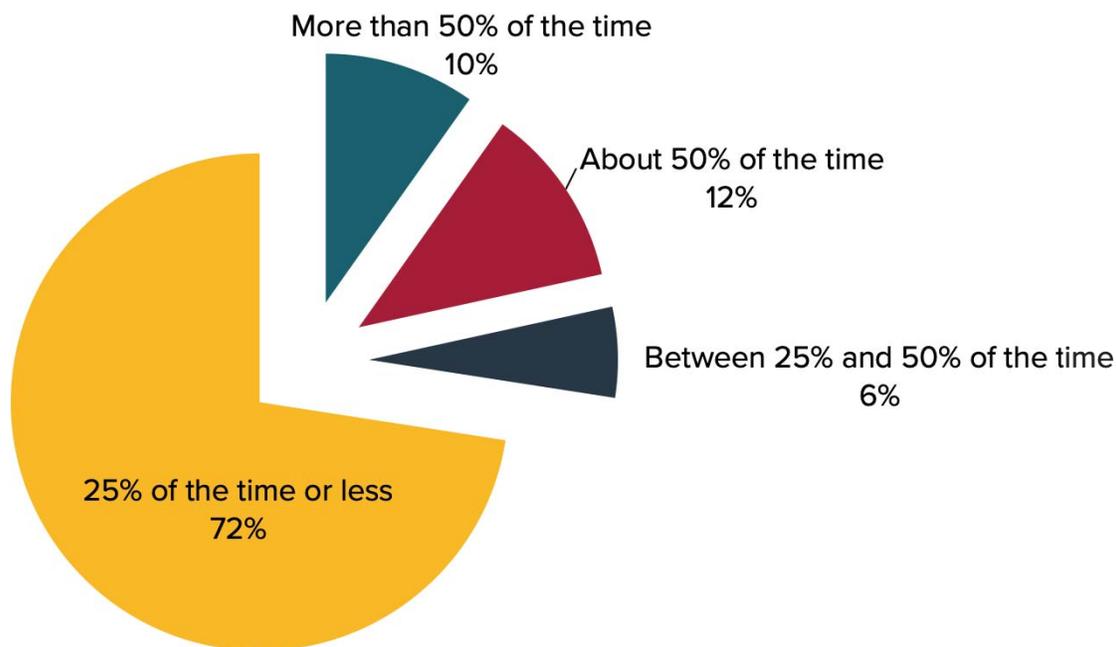


**EXHIBIT 61B: PERCEIVED AFA USE IN THE FUTURE**



Considering perceived future use of AFAs, 25% of in-house counsel see increased use compared with 19% of private practitioners. An even greater percent of respondents perceives a decrease in AFA use in the future (24% of private practitioners and 31% of in-house counsel). While 20 to 25% of respondents will use AFAs in the future, 44-57% perceive that their use will remain the same (**Exhibit 61B**).

**EXHIBIT 61C: ASSIGNMENT OF WORK TO OUTSIDE COUNSEL**



72% of respondents report that they assign AFA work to outside counsel 25% of the time, while only 10% assign work to outside counsel more than 50% of the time (**Exhibit 61C**).

# Office Management Practices

Over time, private practitioners varied only slightly as to keeping time records, while their choice of tracking unit for their time has drifted towards six minutes, as shown in **Exhibits 62** and **63**.

**EXHIBIT 62: FREQUENCY OF KEEPING RECORDS**

Frequency of Keeping Records	% of Respondents (2019)	% of Respondents (2013)	% of Respondents (2010)	% of Respondents (2007)	% of Respondents (2004)	% of Respondents (2001)
Always	61%	63%	62%	68%	69%	56%
Usually	20%	21	21	19	20	25
Sometimes	15%	13	13	11	9	15
Never	3	3	4	2	2	4

**EXHIBIT 63: FREQUENCY OF KEEPING RECORDS – TRACKING UNIT IN MINUTES**

Tracking Unit (In Minutes)	% of Respondents (2013)	% of Respondents (2010)	% of Respondents (2007)	% of Respondents (2004)	% of Respondents (2001)	% of Respondents (2001)
6	78%	73%	69%	65%	65%	62%
10	7	9	9	10	10	9
15	13	15	19	21	21	22
30	1	2	2	2	2	2
None	1	1	1	2	2	5

## Hourly Rate Setting Practices

The time since respondents last changed their hourly rate is shown in **Exhibit 64**. Rate increases are occurring less frequently than in the past. Currently, in 2019, 35% of respondents have not changed their rates in more than 2 years (>24 months), while 31% of respondents have not changed their rates in 12-24 months. This behavior is similar to previous responses.

**EXHIBIT 64: HOURLY RATE SETTING PRACTICES – MONTHS SINCE CHANGE**

Months Since Change	% of Respondents (2019)	% of Respondents (2013)	% of Respondents (2010)	% of Respondents (2007)	% of Respondents (2004)	% of Respondents (2001)
0 to 6		28%	23%	32%	29%	24%
7 to 11		8	10	14	16	15
12 to 24		30	35	33	32	33
>24		34	32	21	24	28

The percent increase in the level of hourly rates since the last change varies over time, as shown in **Exhibit 65**. The percentage increase of 10% or less was reported by 68% of respondents in 2019 compared with 76% of respondents in 2013.

**EXHIBIT 65: HOURLY RATE SETTING PRACTICES – AMOUNT OF INCREASE**

Amount of Increase	% of Respondents (2019)	% of Respondents (2013)	% of Respondents (2010)	% of Respondents (2007)	% of Respondents (2004)	% of Respondents (2001)
5% or less	27%	36%	33%	26%	23%	22%
6-10%	33	40	34	45	41	38
11-19%	15	13	18	19	23	20
20+%	13	12	15	10	14	20

### Uncollectables

Uncollectables are an important issue in many practices and firms. Over time, there has been some improvement in the proportion of bad debts, as shown in **Exhibit 66**.

**EXHIBIT 66: UNCOLLECTABLES – AMOUNT OF INCREASE**

Percent Uncollectable	% of Respondents (2019)	% of Respondents (2013)	% of Respondents (2010)	% of Respondents (2007)	% of Respondents (2004)	% of Respondents (2001)
2% or less	40%	42%	35%	36%	30%	37%
3-8%	25	28	30	28	33	30
9-12%	10	18	18	19	21	18
13+%	11	12	17	17	6	15

Over time, less than 30% of respondents add a service charge on a delinquent account, as shown in **Exhibit 67**.

**EXHIBIT 67: UNCOLLECTABLES – USE OF SERVICE CHARGE ON DELINQUENT ACCOUNTS**

Use of Service Charge on Delinquent Accounts	% of Respondents (2019)	% of Respondents (2013)	% of Respondents (2010)	% of Respondents (2007)	% of Respondents (2004)	% of Respondents (2001)
Always	5%	5%	7%	3%	3%	22%
Often	6	6	7	7	7	38
Rarely	17	17	16	18	18	20
Never	72	73	71	72	72	20

### Practices Regarding Contingency Fees

About 16% of attorneys report using contingent fees for billing a majority of their work, while 23% report using them for less than half of their work, as shown in **Exhibit 68**. Rate schedules vary little, but combinations of rate schedules have grown in usage over time, as shown in **Exhibit 69**.

**EXHIBIT 68: USE OF CONTINGENCY FEES**

Use of Contingency Fees	% of Respondents (2019)	% of Respondents (2013)	% of Respondents (2010)	% of Respondents (2007)	% of Respondents (2004)	% of Respondents (2001)
For a majority of work	16%	13%	11%	10%	13%	10%
For less than half of work	23	31	30	33	27	34
No/Not Applicable	56	55	59	52	53	56
Other	6	NA	NA	6	16	NA

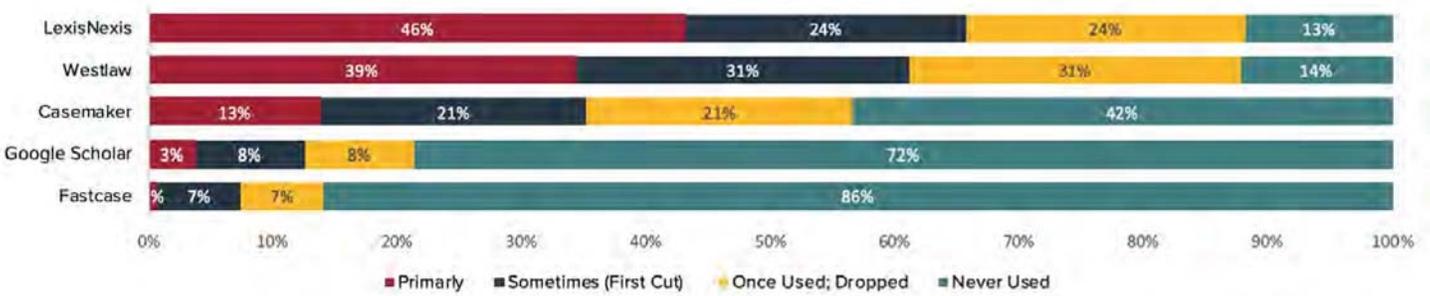
**EXHIBIT 69: USE OF CONTINGENCY FEES – RATE SCHEDULE**

Rate Schedule	% of Respondents (2019)	% of Respondents (2013)	% of Respondents (2010)	% of Respondents (2007)	% of Respondents (2004)	% of Respondents (2001)
33.3% usually; 40% (complex cases)	38%	45%	38%	36%	35%	36%
33.3% for all cases	32	38	36	42	41	45
20-25% for all cases; 33.3%+ (complex cases)	10	5	11	7	14	9
Varied/ combinations of above	20	11	9	9	10	8

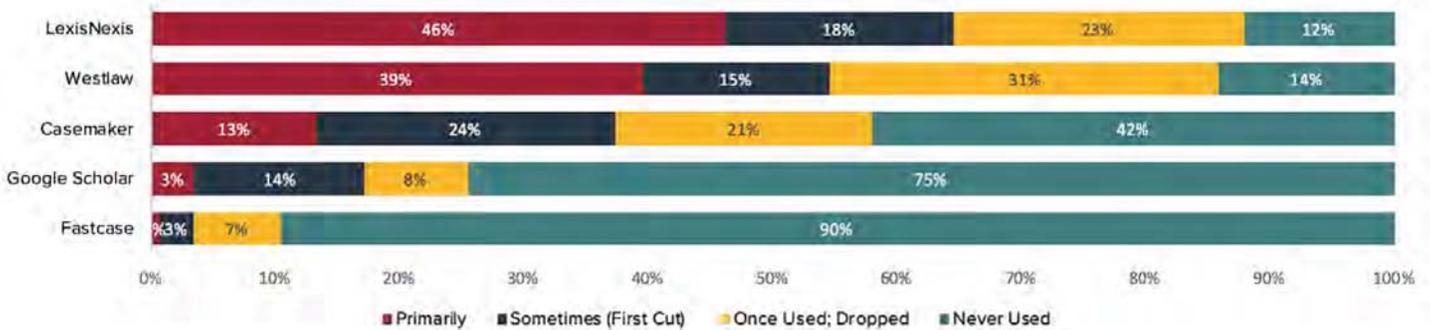
# Comparative Use of Online Research Tools

Except for low penetration of Casemaker in government settings, respondents report relatively consistent use of online research tools, as shown in **Exhibits 70 to 72**.

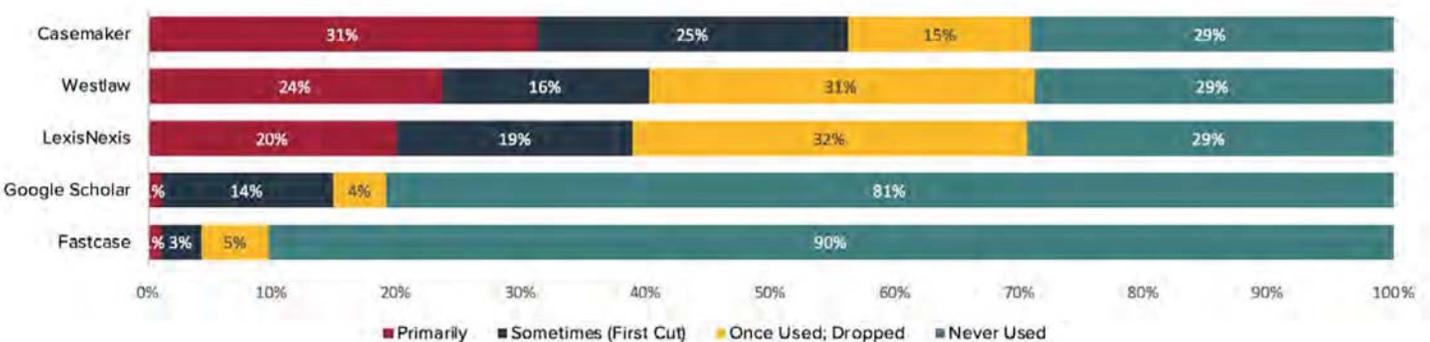
**EXHIBIT 70: USE OF ONLINE RESEARCH TOOLS, PRIVATE PRACTITIONERS, 2019**



**EXHIBIT 71: USE OF ONLINE RESEARCH TOOLS, GOVERNMENT ATTORNEYS, 2019**



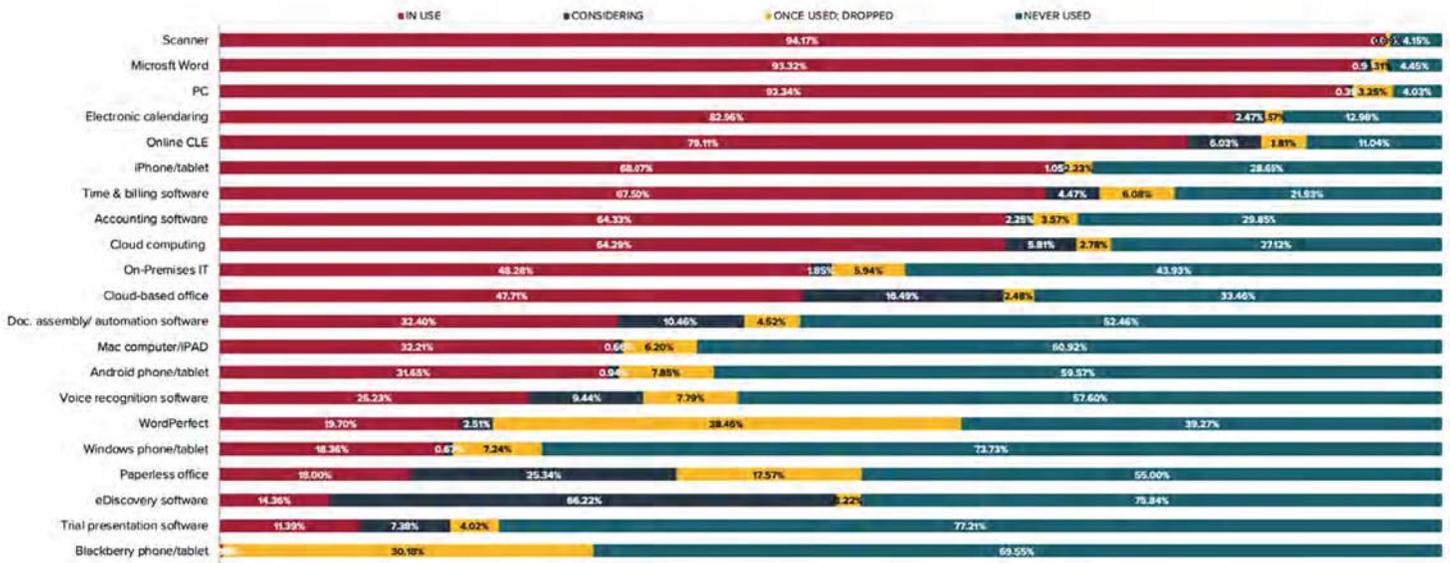
**EXHIBIT 72: USE OF ONLINE RESEARCH TOOLS, IN-HOUSE COUNSEL, 2019**



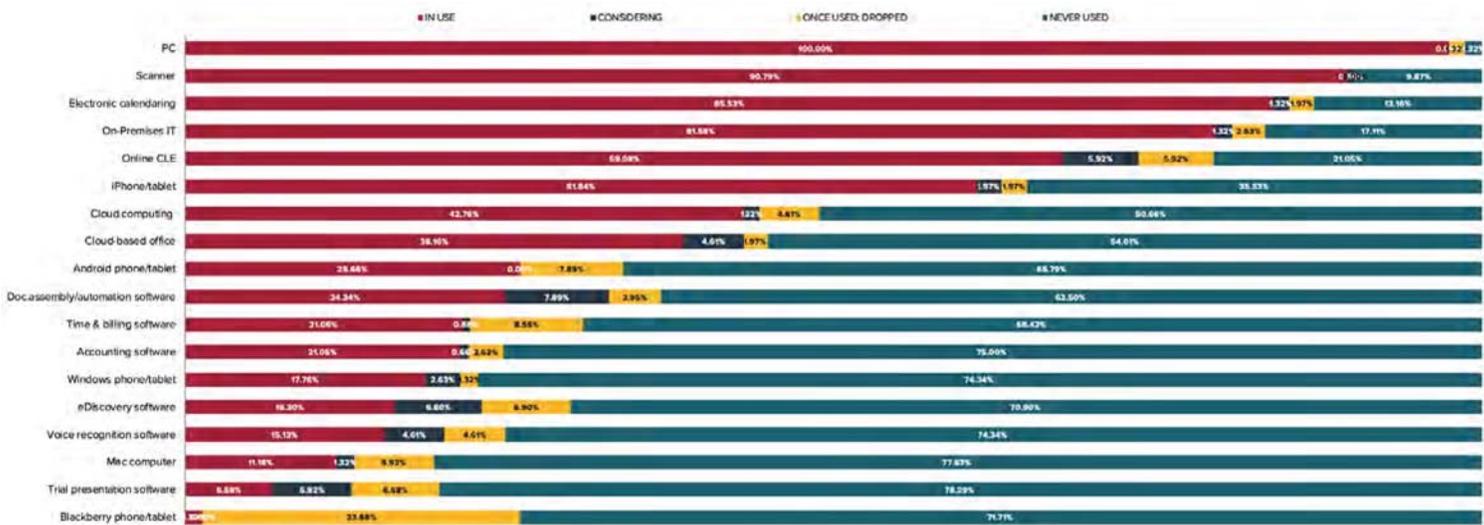
### Comparative Use of Law Office Hardware and Software Technologies

Respondents vary by practice category as to the office management tools and applications they embrace. WordPerfect usage persists for in-house counsel settings, whereas on-premises IT is barely in use.

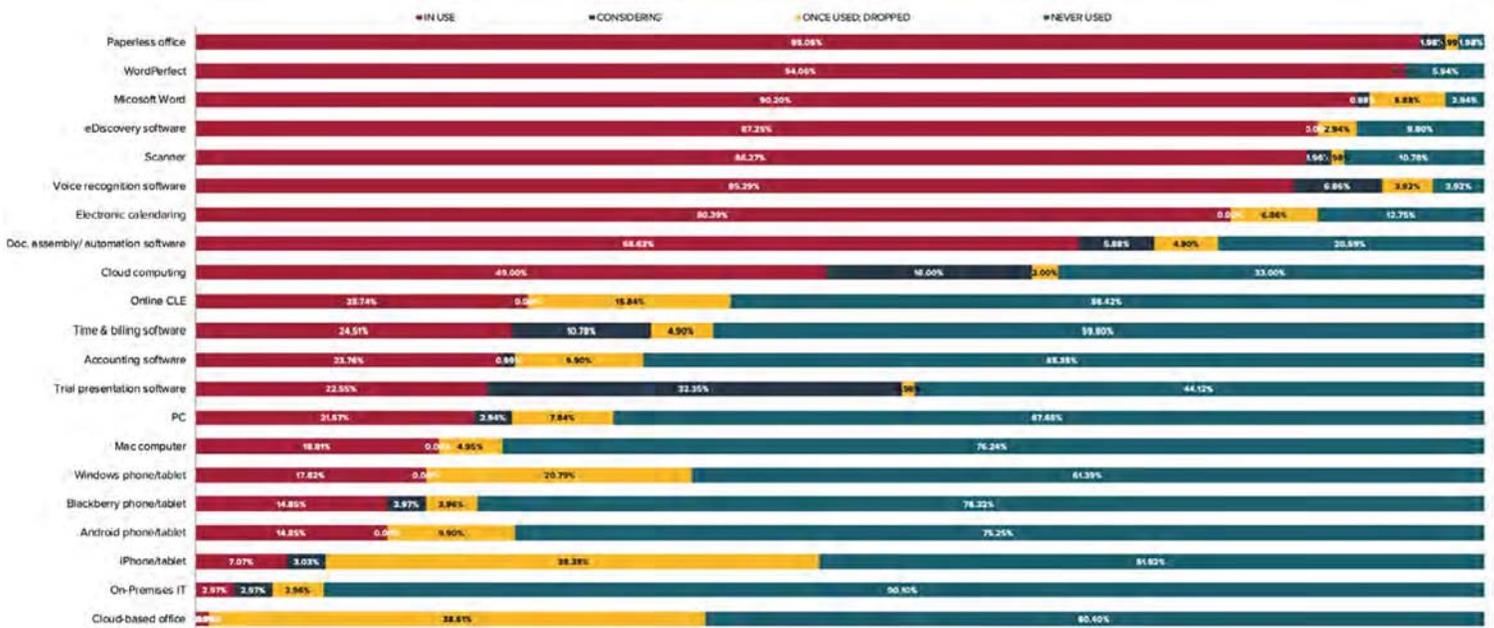
**EXHIBIT 73: USE OF HARDWARE AND SOFTWARE PRODUCTS AND TOOLS, PRIVATE PRACTITIONERS, 2019**



**EXHIBIT 74: USE OF HARDWARE AND SOFTWARE PRODUCTS AND TOOLS, GOVERNMENT ATTORNEYS, 2019**



**EXHIBIT 75: USE OF HARDWARE/SOFTWARE PRODUCTS AND TOOLS, IN-HOUSE COUNSEL, 2019**



**Comparative Use of Law Office Marketing Technologies, 2019**

Attorneys have many alternatives to choose from regarding how to market their practices. Each alternative comes with high and low costs of entry and maintenance (**Exhibit 75A**).

Respondents rank their relative preferences on both their current and historic embracing of various vehicles and channels, while having a website and networking lead the pack (over 70% of respondents indicate current usage). While there is about a 10% abandonment of general and trade association networking, other drops identified include lawyer referral services and Martindale Hubbell (about 19%), listings in printed directories (17%), newspaper and magazine ads (14%) and client entertainment (12%).

**EXHIBIT 75A: RANKED CURRENT AND HISTORIC USE OF LAW OFFICE MARKETING TOOLS AND CHANNELS**





# Other Aspects of Law Office Economics

This section summarizes the following economic aspects of the private practice of law in Ohio:

- Changes in client payment behaviors (2019 vs 2013)
- Law office overhead expenses and gross receipts
- Staffing patterns for administrative assistants/secretaries and legal assistants
- Salary levels for associates, legal assistants and administrative assistants/secretaries

Since 2013, private practitioners report moderate changes in their clients' behaviors with respect to billing and payments, however, there is an increased use of credit cards. Client payment practices shift with changing technologies. This is demonstrated in the two charts below (**Exhibit 76**).

**EXHIBIT 76:** CLIENT BILL PAYMENT BEHAVIORS, 2013 VS 2019

Policy	Much more often		More often		Slightly less often		Not at all	
	2019	2013	2019	2013	2019	2013	2019	2013
Paying Bills Later	14%	18%	36%	44%	10%	6%	41%	31%
Seeking to pay bills Over Time	17%	20%	31%	39%	6%	4%	44%	37%
Seeking Discounts	17%	22%	30%	32%	7%	4%	47%	42%
Seeking to Use Credit Cards	31%	17%	34%	34%	3%	3%	32%	46%



## 2018 Fixed Expenses and Gross Receipts per Attorney

Sole practitioners and firms provided financial information on 2018 fixed/operating expenses and gross revenues per attorney, which included self-reported overhead rates by firm size (**Exhibit 77**) and by office location (**Exhibit 78**). Both expenses and revenues are influenced by firm size with lower values clustered among small firms and larger values clustered by large firms.

The **median fixed expense per attorney** falls within the \$25,000-35,000 category by adjusting the Ohio column percentage total to reach 50%. The **median revenue per attorney** falls within \$175,000-210,000, determined by adjusting the Ohio column percentage to 50%. The median self-reported overhead rate lies between 27-32% (**Exhibit 77**).

**EXHIBIT 77:** DISTRIBUTIONS OF 2018 FIXED EXPENSES AND GROSS RECEIPTS PER ATTORNEY, AND OVERHEAD RATES BY SIZE OF FIRM

Fixed Expenses/ Attorney	Size of Firm						
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50
<\$5K	29.8%	9.1%	16.5%	11.1%	11.8%	9.7%	11.5%
\$5-14.9K	21.4%	9.1%	17.4%	11.1%	29.4%	9.7%	7.7%
\$15-24.9K	11.8%	12.7%	11.6%	22.2%	5.9%	12.9%	-
\$25-34.9K	10.1%	9.1%	13.2%	7.4%	-	6.5%	11.5%
\$35-44.9K	5.0%	14.5%	3.3%	-	5.9%	9.7%	-
\$45-55.9K	4.6%	12.7%	8.3%	7.4%	11.8%	6.5%	3.8%
\$60-89.9K	8.0%	10.9%	9.9%	11.1%	17.6%	6.5%	7.7%
\$90-119.9K	3.4%	10.9%	9.1%	18.5%	5.9%	19.4%	3.8%
\$120-149.9K	3.4%	5.5%	5.8%	3.7%	11.8%	9.7%	15.4%
\$150-179.9K	1.3%	-	1.7%	3.7%	-	6.5%	7.7%
\$180K or >	1.3%	5.5%	3.3%	3.7%	-	3.2%	30.8%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Gross Revenues/ Attorney	Size of Firm						
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50
<\$35K	14.8%	1.6%	1.5%	3.6%	-	3.1%	-
\$35-69.9K	14.00%	6.3%	2.3%	-	5.0%	-	-
\$70-104.9K	18.90%	9.5%	7.5%	10.7%	10.0%	-	-
\$105-139.9K	13.3%	12.7%	12.0%	-	5.0%	3.1%	-
\$140-174.9K	9.8%	7.9%	13.5%	3.6%	15.0%	3.1%	-
\$175-209.9K	6.1%	14.3%	25.6%	10.7%	5.0%	6.3%	7.1%
\$210-244.9K	4.2%	15.9%	12.0%	28.6%	20.0%	28.1%	-
\$245-299.9K	8.3%	11.1%	12.0%	25.0%	10.0%	21.9%	14.3%
\$300-499.9K	6.8%	15.9%	9.0%	10.7%	25.0%	31.3%	57.1%
\$500K+	3.8%	4.8%	4.5%	7.1%	5.0%	3.1%	21.4%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Overhead Rate	Size of Firm						
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50
<9%	20.6%	-	5.7%	7.4%	10.5%	3.3%	4.8%
9-14%	14.9%	13.3%	6.5%	3.7%	10.5%	6.7%	9.5%
15-20%	12.6%	15.0%	10.6%	14.8%	5.3%	23.3%	19.0%
21-26%	7.3%	3.3%	11.4%	7.4%	5.3%	16.7%	-
27-32%	7.3%	16.7%	11.4%	14.8%	26.3%	3.3%	28.6%
33-38%	7.6%	5.0%	15.4%	11.1%	10.5%	10.0%	14.3%
39-44%	6.9%	11.7%	4.9%	18.5%	21.1%	10.0%	9.5%
45-50%	11.5%	16.7%	16.3%	11.1%	5.3%	20.0%	-
51-56%	3.1%	8.3%	4.9%	3.7%	-	6.7%	-
57-62%	2.3%	6.7%	6.5%	3.7%	5.3%	-	4.8%
>62%	6.1%	3.3%	6.5%	3.7%	-	-	9.5%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

**EXHIBIT 78: DISTRIBUTIONS OF 2018 FIXED EXPENSES AND GROSS RECEIPTS PER ATTORNEY, AND OVERHEAD RATES BY OFFICE LOCATION**

Fixed Expenses/ Attorney	Office Location							
	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$5K	26.4%	18.0%	21.9%	17.1%	21.6%	11.8%	22.0%	21.2%
\$5-14.9K	22.6%	16.0%	13.2%	8.6%	12.7%	23.5%	25.4%	17.3%
\$15-24.9K	10.4%	6.0%	11.4%	20.0%	12.7%	7.8%	15.3%	11.5%
\$25-34.9K	8.5%	16.0%	10.5%	5.7%	13.7%	7.8%	5.1%	10.0%
\$35-44.9K	5.7%	10.0%	4.4%	8.6%	2.9%	-	8.5%	5.4%
\$45-55.9K	5.7%	2.0%	10.5%	11.4%	6.9%	5.9%	3.4%	6.7%
\$60-89.9K	8.5%	2.0%	7.9%	5.7%	8.8%	17.6%	13.6%	9.0%
\$90-119.9K	4.7%	-	7.0%	5.7%	7.8%	21.6%	6.8%	7.3%
\$120-149.9K	2.8%	14.0%	5.3%	8.6%	8.8%	2.0%	-	5.6%
\$150-179.9K	2.8%	6.0%	2.6%	-	2.0%	-	-	2.1%
\$180K or >	1.9%	10.0%	5.3%	8.6%	2.0%	2.0%	-	3.8%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Gross Revenues/ Attorney	Office Location							
	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$35K	10.8%	3.8%	8.1%	7.9%	8.8%	3.5%	7.9%	10.3%
\$35-69.9K	11.7%	3.8%	4.9%	13.2%	9.6%	-	12.7%	9.2%
\$70-104.9K	18.3%	11.3%	8.9%	7.9%	12.3%	8.8%	15.9%	10.6%
\$105-139.9K	13.3%	5.7%	7.3%	5.3%	12.3%	15.8%	14.3%	7.9%
\$140-174.9K	7.5%	9.4%	6.5%	13.2%	16.7%	7.0%	6.3%	11.4%
\$175-209.9K	9.2%	9.4%	12.2%	10.5%	7.9%	17.5%	19.0%	11.5%
\$210-244.9K	6.7%	15.1%	7.3%	13.2%	7.9%	24.6%	7.9%	8.6%
\$245-299.9K	7.5%	7.5%	18.7%	18.4%	12.3%	3.5%	7.9%	11.5%
\$300-499.9K	9.2%	28.3%	20.3%	7.9%	8.8%	14.0%	3.2%	15.4%
\$500K+	5.8%	5.7%	5.7%	2.6%	3.5%	5.3%	4.8%	3.7%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Overhead Rate	Office Location							
	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<9%	13.8%	9.8%	15.7%	2.7%	14.6%	5.4%	14.1%	10.0%
9-14%	13.8%	9.8%	8.7%	13.5%	11.7%	16.1%	7.8%	8.1%
15-20%	13.8%	5.9%	14.8%	8.1%	11.7%	12.5%	18.8%	10.7%
21-26%	8.6%	15.7%	4.3%	8.1%	8.7%	7.1%	7.8%	10.0%
27-32%	8.6%	7.8%	15.7%	5.4%	12.6%	10.7%	10.9%	10.5%
33-38%	13.8%	11.8%	11.3%	16.2%	3.9%	8.9%	3.1%	14.1%
39-44%	8.6%	9.8%	7.0%	13.5%	7.8%	7.1%	7.8%	11.4%
45-50%	6.9%	15.7%	13.0%	21.6%	14.6%	16.1%	10.9%	12.4%
51-56%	2.6%	3.9%	3.5%	5.4%	3.9%	3.6%	7.8%	3.7%
57-62%	4.3%	3.9%	3.5%	2.7%	1.0%	8.9%	4.7%	3.5%
>62%	5.2%	5.9%	2.6%	2.7%	9.7%	3.6%	6.3%	5.7%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>



## Starting and Current Salary Levels for Associates, Legal Assistants and Administrative Assistants/Secretaries by Years of Experience

EXHIBIT 79: DISTRIBUTIONS OF 2019 ADMINISTRATIVE ASSISTANT/SECRETARY, LEGAL ASSISTANT AND ASSOCIATE SALARIES BY YEARS OF EXPERIENCE

Administrative Assistant/Secretaries	No Experience		3 Years Experience		5 Years Experience		10 Years Experience	
	N	%	N	%	N	%	N	%
<\$25K	111	42.9	40	15.6	21	8.2	18	5.3
\$25-27K	44	17	58	22.6	33	12.8	19	5.6
\$28-30K	39	15.1	42	16.3	38	14.8	27	8
\$31-33K	19	7.3	31	12.1	33	12.8	36	10.7
\$34-36K	18	6.9	19	7.4	30	11.7	51	15.1
\$37-39K	9	3.5	24	9.3	26	10.1	30	8.9
\$40-42K	6	2.3	16	6.2	22	8.6	28	8.3
\$43-45K	5	1.9	11	4.3	14	5.4	26	7.7
\$46-48K	2	0.8	5	1.9	13	5.1	17	5
\$49-51K	1	0.4	4	1.6	12	4.7	28	8.3
\$52-54K	2	0.8	1	0.4	7	2.7	13	3.9
\$55-57K	1	0.4	4	1.6	2	0.8	11	3.3
\$58-60K	1	0.4	1	0.4	3	1.2	10	3
\$61-63K	1	0.4	1	0.4	2	0.8	8	2.4
<b>Total</b>	<b>259</b>	<b>100</b>	<b>257</b>	<b>100</b>	<b>257</b>	<b>100</b>	<b>322</b>	<b>100</b>

Legal Assistants	No Experience		3 Years Experience		5 Years Experience		10 Years Experience	
	N	%	N	%	N	%	N	%
<\$46K	119	77.3	77	49	61	37.2	62	28%
\$46-48K	11	7.1	29	18.5	20	12.2	26	12%
\$49-51K	7	4.5	16	10.2	23	14	17	8%
\$52-54K	-	-	7	4.5	11	6.7	27	12%
\$55-57K	5	3.2	8	5.1	9	5.5	12	5%
\$58-60K	-	-	7	4.5	12	7.3	17	8%
\$61-63K	-	-	-	1.3	6	3.7	13	6%
\$64-66K	4	2.6	4	2.5	4	2.4	10	5%
\$67-69K	-	-	-	1.3	10	6.1	9	4%
\$70-75K	-	-	-	1.3	-	1.2	14	6%
\$76-78K	-	-	-	1.3	-	0.6	3	1%
\$79-88K	-	-	-	-	-	0.6	6	3%
>\$88K	-	-	-	-	-	0.6	5	2%
<b>Total</b>	<b>154</b>	<b>100%</b>	<b>157</b>	<b>100%</b>	<b>164</b>	<b>100%</b>	<b>221</b>	<b>100%</b>

Associates	No Experience		3 Years Experience		5 Years Experience		10 Years Experience	
	N	%	N	%	N	%	N	%
<\$73K	191	69.7	115	44.1	59	24.5	37	16.4
\$73-85K	28	10.2	71	27.2	51	21.2	24	10.7
\$86-98K	18	6.6	22	8.4	58	24.1	22	9.8
\$99-111K	17	6.2	15	5.7	20	8.3	54	24
\$112-124K	14	5.1	12	4.6	10	4.1	25	11.1
\$125-137K	4	1.5	17	6.5	14	5.8	12	5.3
\$138-151K	-	-	5	1.9	20	8.3	19	8.4
\$152-164K	-	-	-	-	6	2.5	8	3.6
\$165-177K	-	-	-	-	-	-	10	4.4
\$178-190K	-	-	-	-	-	-	3	1.3
\$191-203K	-	-	-	-	-	-	3	1.3
\$204-216K	-	-	-	-	-	-	3	1.3
<b>Total</b>	<b>259</b>	<b>100%</b>	<b>257</b>	<b>100%</b>	<b>241</b>	<b>100%</b>	<b>225</b>	<b>100%</b>



**Associate and Legal Assistant Salaries by Firm Size and Office Location**

Exhibits 80 to 85 distribute associate, legal assistant and administrative assistant/secretary salary levels in 2019 based on their level of experience by firm size and office location. Income is directly correlated with both firm size and years of experience.

**EXHIBIT 80: DISTRIBUTIONS OF 2019 SALARY LEVELS OF ASSOCIATES BY LEVEL OF EXPERIENCE AND SIZE OF FIRM**

No Experience	Firm Size							Ohio
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	
<\$73K	95%	87%	90%	80%	67%	59%	6%	72%
\$73-85K	5%	9%	6%	12%	22%	18%	9%	11%
\$86-98K	-	4%	1%	4%	7%	18%	18%	7%
\$99-111K	-	-	2%	-	-	3%	29%	5%
\$112-124K	-	-	1%	-	4%	-	32%	5%
\$125-137K	-	-	-	4%	-	3%	3%	1%
\$152-164K	-	-	-	-	-	-	3%	0%
<b>Total</b>	<b>100%</b>							

3 Years Experience	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	Ohio
<\$73K	75%	69%	55%	68%	30%	30%	-	45%
\$73-85K	19%	15%	39%	16%	37%	32%	6%	28%
\$86-98K	-	4%	2%	5%	22%	16%	18%	9%
\$99-111K	-	12%	3%	5%	4%	14%	6%	6%
\$112-124K	-	-	1%	-	-	3%	21%	4%
\$125-137K	-	-	-	-	-	5%	38%	6%
\$138-151K	-	-	-	5%	4%	-	9%	2%
\$152-164K	-	-	-	-	4%	-	3%	1%
\$165-177K	6%	-	-	-	-	-	-	-
<b>Total</b>	<b>100%</b>							

5 Years Experience	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	Ohio
<\$73K	47%	44%	38%	18%	12%	13%	-	25%
\$73-85K	33%	11%	27%	47%	15%	21%	-	22%
\$86-98K	7%	22%	26%	-	58%	32%	9%	25%
\$99-111K	-	6%	7%	18%	4%	11%	15%	9%
\$112-124K	7%	11%	-	-	4%	13%	3%	4%
\$125-137K	-	-	1%	-	4%	5%	21%	5%
\$138-151K	7%	-	1%	12%	-	5%	36%	8%
\$152-164K	-	6%	-	6%	4%	-	9%	3%
\$165-177K	-	-	-	-	-	-	3%	0%
>\$255K	-	-	-	-	-	-	3%	0%
<b>Total</b>	<b>100%</b>							

10 Years Experience	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	Ohio
<\$73K	40.0%	24.0%	26.7%	15.8%	-	5.9%	-	16.8%
\$73-85K	13.3%	8.0%	16.0%	15.8%	9.1%	8.8%	-	10.9%
\$86-98K	6.7%	8.0%	16.0%	10.5%	9.1%	5.9%	-	9.5%
\$99-111K	6.7%	20.0%	21.3%	31.6%	45.5%	38.2%	10.0%	24.5%
\$112-124K	13.3%	8.0%	9.3%	5.3%	9.1%	17.6%	16.7%	11.4%
\$125-137K	13.3%	8.0%	5.3%	-	4.5%	5.9%	3.3%	5.5%
\$138-151K	6.7%	4.0%	1.3%	-	9.1%	8.8%	30.0%	7.7%
\$152-164K	-	-	1.3%	10.5%	-	8.8%	6.7%	3.6%
\$165-177K	-	4.0%	1.3%	5.3%	-	-	20.0%	4.1%
\$178-190K	-	-	-	-	9.1%	-	-	0.9%
\$191-203K	-	8.0%	-	-	-	-	3.3%	1.4%
\$204-216K	-	4.0%	-	-	4.5%	-	3.3%	1.4%
\$217-229K	-	-	1.3%	-	-	-	3.3%	0.9%
\$243-255K	-	-	-	5.3%	-	-	-	0.5%
>\$255K	-	4.0%	-	-	-	-	3.3%	0.9%
<b>Total</b>	<b>100%</b>							



**EXHIBIT 81: DISTRIBUTIONS OF 2019 SALARY LEVELS OF ASSOCIATES BY LOCATION AND YEARS OF EXPERIENCE**

No Experience	Office Location							
	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$73K	64.4%	42.4%	65.8%	61.5%	84.3%	83.3%	92.0%	70.4%
\$73-85K	4.4%	30.3%	6.8%	7.7%	7.8%	10.0%	8.0%	10.0%
\$86-98K	15.6%	3.0%	6.8%	7.7%	3.9%	6.7%	-	6.7%
\$99-111K	4.4%	12.1%	8.2%	15.4%	3.9%	-	-	5.9%
\$112-124K	8.9%	9.1%	9.6%	-	-	-	-	5.2%
\$125-137K	2.2%	3.0%	1.4%	7.7%	-	-	-	1.5%
\$152-164K	-	-	1.4%	-	-	-	-	0.4%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

3 Years Experience	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$73K	45.5%	25.0%	37.3%	41.2%	45.7%	53.3%	85.7%	44.7%
\$73-85K	22.7%	28.1%	28.4%	17.6%	37.0%	30.0%	14.3%	27.2%
\$86-98K	11.4%	15.6%	1.5%	5.9%	15.2%	6.7%	-	8.2%
\$99-111K	6.8%	-	9.0%	11.8%	2.2%	10.0%	-	5.8%
\$112-124K	4.5%	6.3%	10.4%	-	-	-	-	4.3%
\$125-137K	6.8%	15.6%	9.0%	17.6%	-	-	-	6.6%
\$138-151K	2.3%	6.3%	3.0%	-	-	-	-	1.9%
\$152-164K	-	-	1.5%	5.9%	-	-	-	0.8%
\$165-177K	-	3.1%	-	-	-	-	-	0.4%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

5 Years Experience	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$73K	27.9%	12.0%	11.1%	15.4%	25.5%	34.6%	70.0%	24.9%
\$73-85K	20.9%	12.0%	27.0%	38.5%	17.0%	23.1%	15.0%	21.5%
\$86-98K	18.6%	28.0%	22.2%	15.4%	36.2%	26.9%	10.0%	24.1%
\$99-111K	11.6%	12.0%	3.2%	-	14.9%	7.7%	5.0%	8.4%
\$112-124K	7.0%	4.0%	4.8%	7.7%	4.3%	-	-	4.2%
\$125-137K	7.0%	8.0%	9.5%	-	-	3.8%	-	5.1%
\$138-151K	4.7%	12.0%	15.9%	23.1%	2.1%	3.8%	-	8.4%
\$152-164K	-	12.0%	4.8%	-	-	-	-	2.5%
\$165-177K	2.3%	-	-	-	-	-	-	0.4%
>\$255K	-	-	1.6%	-	-	-	-	0.4%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

10 Years Experience	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$73K	21.6%	4.2%	6.9%	8.3%	15.6%	32.0%	36.4%	16.6%
\$73-85K	13.5%	4.2%	8.6%	16.7%	15.6%	8.0%	9.1%	10.8%
\$86-98K	-	12.5%	13.8%	-	6.7%	16.0%	18.2%	9.9%
\$99-111K	21.6%	29.2%	20.7%	25.0%	33.3%	24.0%	13.6%	24.2%
\$112-124K	16.2%	12.5%	3.4%	-	20.0%	12.0%	9.1%	11.2%
\$125-137K	5.4%	12.5%	5.2%	8.3%	4.4%	-	4.5%	5.4%
\$138-151K	13.5%	12.5%	12.1%	16.7%	-	4.0%	-	8.1%
\$152-164K	5.4%	-	5.2%	8.3%	-	4.0%	-	3.1%
\$165-177K	-	8.3%	10.3%	16.7%	-	-	-	4.5%
\$178-190K	-	-	3.4%	-	-	-	4.5%	1.3%
\$191-203K	2.7%	-	1.7%	-	-	-	4.5%	1.3%
\$204-216K	-	-	3.4%	-	2.2%	-	-	1.3%
\$217-229K	-	4.2%	1.7%	-	-	-	-	0.9%
\$243-255K	-	-	1.7%	-	-	-	-	0.4%
>\$255K	-	-	1.7%	-	2.2%	-	-	0.9%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>



**EXHIBIT 82: DISTRIBUTIONS OF 2019 SALARY LEVELS OF LEGAL ASSISTANTS BY LEVEL OF EXPERIENCE AND FIRM SIZE**

No Experience	Firm Size							Ohio
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	
<\$46K	88%	100%	90%	69%	67%	64%	38%	78%
\$46-48K	4%	-	4%	31%	-	4%	19%	7%
\$49-51K	4%	-	2%	-	11%	8%	13%	5%
\$52-54K	-	-	2%	-	11%	-	6%	2%
\$55-57K	-	-	2%	-	11%	8%	6%	3%
\$58-60K	4%	-	-	-	-	4%	6%	2%
\$64-66K	-	-	-	-	-	8%	6%	2%
\$67-69K	-	-	-	-	-	4%	-	1%
>\$88	-	-	-	-	-	-	6%	1%
<b>Total</b>	<b>100%</b>							

3 Years Experience	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	Ohio
<\$46K	73.1%	69.2%	54.9%	64.3%	22.2%	25.9%	18.8%	49.4%
\$46-48K	15.4%	77%	23.5%	21.4%	111%	25.9%	6.3%	18.6%
\$49-51K	3.8%	23.1%	5.9%	71%	111%	14.8%	18.8%	10.3%
\$52-54K	-	-	3.9%	-	44.4%	-	6.3%	4.5%
\$55-57K	-	-	5.9%	-	-	7.4%	18.8%	5.1%
\$58-60K	3.8%	-	3.9%	-	111%	3.7%	12.5%	4.5%
\$61-63K	-	-	2.0%	-	-	3.7%	-	1.3%
\$64-66K	-	-	-	71%	-	7.4%	6.3%	2.6%
\$67-69K	-	-	-	-	-	3.7%	-	0.6%
\$73-75K	-	-	-	-	-	7.4%	-	1.3%
\$79-82K	3.8%	-	-	-	-	-	6.3%	1.3%
>\$88	-	-	-	-	-	-	6.3%	0.6%
<b>Total</b>	<b>100%</b>							

5 Years Experience	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	Ohio
<\$46K	55.6%	64.3%	39.2%	58.8%	9.1%	15.4%	11.8%	37.4%
\$46-48K	111%	71%	15.7%	11.8%	27.3%	7.7%	5.9%	12.3%
\$49-51K	111%	21.4%	23.5%	5.9%	-	11.5%	5.9%	14.1%
\$52-54K	7.4%	-	2.0%	11.8%	9.1%	15.4%	5.9%	6.7%
\$55-57K	-	71%	5.9%	-	9.1%	7.7%	11.8%	5.5%
\$58-60K	3.7%	-	7.8%	-	27.3%	11.5%	5.9%	7.4%
\$61-63K	3.7%	-	3.9%	-	9.1%	-	11.8%	3.7%
\$64-66K	-	-	2.0%	-	9.1%	3.8%	5.9%	2.5%
\$67-69K	-	-	-	11.8%	-	19.2%	17.6%	6.1%
\$70-72K	-	-	-	-	-	-	5.9%	0.6%
\$76-78K	-	-	-	-	-	3.8%	-	0.6%
\$79-82K	-	-	-	-	-	3.8%	-	0.6%
\$83-85K	3.7%	-	-	-	-	-	-	0.6%
\$86-88K	3.7%	-	-	-	-	-	5.9%	1.2%
>\$88K	-	-	-	-	-	-	5.9%	0.6%
<b>Total</b>	<b>100%</b>							

10 Years Experience	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	Ohio
<\$46K	42.2%	50.0%	27.5%	40.0%	-	7.4%	5.3%	28.1%
\$46-48K	15.6%	19.2%	13.0%	5.0%	6.7%	7.4%	5.3%	11.8%
\$49-51K	6.7%	3.8%	14.5%	5.0%	6.7%	3.7%	-	7.7%
\$52-54K	8.9%	3.8%	14.5%	15.0%	20.0%	14.8%	10.5%	12.2%
\$55-57K	6.7%	3.8%	7.2%	10.0%	6.7%	-	-	5.4%
\$58-60K	11.1%	3.8%	5.8%	-	6.7%	14.8%	10.5%	7.7%
\$61-63K	4.4%	3.8%	4.3%	-	20.0%	11.1%	5.3%	5.9%
\$64-66K	2.2%	-	4.3%	-	20.0%	3.7%	10.5%	4.5%
\$67-69K	-	3.8%	1.4%	15.0%	-	11.1%	5.3%	4.1%
\$70-72K	-	-	1.4%	5.0%	-	14.8%	5.3%	3.2%
\$73-75K	-	-	-	-	13.3%	-	21.1%	2.7%
\$76-78K	-	3.8%	2.9%	-	-	-	-	1.4%
\$79-82K	-	-	2.9%	-	-	3.7%	10.5%	2.3%
\$83-85K	-	-	-	-	-	3.7%	-	0.5%
\$86-88K	-	-	-	5.0%	-	-	-	0.5%
>\$88	2.2%	3.8%	-	-	-	3.7%	10.5%	2.3%
<b>Total</b>	<b>100%</b>							



**EXHIBIT 83: DISTRIBUTIONS OF 2019 SALARY LEVELS OF LEGAL ASSISTANTS BY LEVEL OF EXPERIENCE AND OFFICE LOCATION**

No Experience	Office Location							
	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$46K	76.7%	73.7%	53.8%	50.0%	88.2%	94.4%	100.0%	77.8%
\$46-48K	10.0%	-	15.4%	30.0%	2.9%	-	-	7.2%
\$49-51K	3.3%	5.3%	7.7%	-	2.9%	5.6%	-	3.9%
\$52-54K	-	-	7.7%	10.0%	-	-	-	2.0%
\$55-57K	3.3%	15.8%	3.8%	-	-	-	-	3.3%
\$58-60K	-	-	3.8%	10.0%	2.9%	-	-	2.0%
\$64-66K	3.3%	5.3%	3.8%	-	2.9%	-	-	2.6%
\$67-69K	3.3%	-	-	-	-	-	-	0.7%
>\$88	-	-	3.8%	-	-	-	-	0.7%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

3 Years Experience	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$46K	38.7%	45.0%	25.9%	30.0%	62.9%	72.2%	73.3%	49.4%
\$46-48K	25.8%	10.0%	11.1%	40.0%	17.1%	16.7%	20.0%	18.6%
\$49-51K	6.5%	10.0%	25.9%	-	8.6%	5.6%	6.7%	10.3%
\$52-54K	9.7%	5.0%	7.4%	-	2.9%	-	-	4.5%
\$55-57K	-	10.0%	7.4%	20.0%	2.9%	-	-	4.5%
\$58-60K	6.5%	10.0%	7.4%	-	-	5.6%	-	4.5%
\$61-63K	6.5%	-	-	-	-	-	-	1.3%
\$64-66K	3.2%	5.0%	3.7%	-	2.9%	-	-	2.6%
\$67-69K	-	5.0%	3.7%	-	-	-	-	1.3%
\$73-75K	3.2%	-	-	10.0%	-	-	-	1.3%
\$79-82K	-	-	3.7%	-	2.9%	-	-	1.3%
>\$88	-	-	3.7%	-	-	-	-	0.6%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

5 Years Experience	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$46K	27.3%	12.5%	16.7%	18.2%	55.3%	68.4%	56.3%	37.4%
\$46-48K	9.1%	25.0%	6.7%	27.3%	7.9%	10.5%	18.8%	12.3%
\$49-51K	21.2%	6.3%	13.3%	18.2%	7.9%	10.5%	25.0%	14.1%
\$52-54K	6.1%	6.3%	16.7%	-	7.9%	-	-	6.7%
\$55-57K	3.0%	6.3%	10.0%	9.1%	5.3%	5.3%	-	5.5%
\$58-60K	12.1%	18.8%	6.7%	9.1%	5.3%	-	-	7.4%
\$61-63K	6.1%	12.5%	3.3%	-	-	5.3%	-	3.7%
\$64-66K	3.0%	-	6.7%	-	-	-	-	1.8%
\$67-69K	9.1%	12.5%	10.0%	9.1%	2.6%	-	-	6.1%
\$70-72K	-	-	3.3%	-	2.6%	-	-	1.2%
\$76-78K	-	-	-	9.1%	-	-	-	0.6%
\$79-82K	3.0%	-	-	-	-	-	-	0.6%
\$83-85K	-	-	3.3%	-	-	-	-	0.6%
\$86-88K	-	-	-	-	5.3%	-	-	1.2%
>\$88K	-	-	3.3%	-	-	-	-	0.6%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

10 Years Experience	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$46K	20.0%	10.7%	17.4%	19.0%	28.8%	62.5%	55.0%	28.1%
\$46-48K	6.7%	17.9%	2.2%	14.3%	17.3%	16.7%	10.0%	11.8%
\$49-51K	10.0%	7.1%	10.9%	9.5%	5.8%	-	10.0%	7.7%
\$52-54K	20.0%	10.7%	4.3%	14.3%	13.5%	12.5%	15.0%	12.2%
\$55-57K	-	7.1%	6.5%	4.8%	9.6%	-	5.0%	5.4%
\$58-60K	10.0%	-	13.0%	9.5%	11.5%	-	-	7.7%
\$61-63K	3.3%	10.7%	10.9%	4.8%	3.8%	4.2%	-	5.9%
\$64-66K	10.0%	14.3%	2.2%	-	1.9%	4.2%	-	4.5%
\$67-69K	-	7.1%	8.7%	9.5%	1.9%	-	-	4.1%
\$70-72K	10.0%	3.6%	2.2%	-	-	-	5.0%	2.7%
\$73-75K	-	3.6%	8.7%	4.8%	1.9%	-	-	3.2%
\$76-78K	-	-	4.3%	4.8%	-	-	-	1.4%
\$79-82K	6.7%	7.1%	-	-	1.9%	-	-	2.3%
\$83-85K	-	-	-	4.8%	-	-	-	0.5%
\$86-88K	-	-	2.2%	-	-	-	-	0.5%
>\$88	3.3%	-	6.5%	-	1.9%	-	-	2.3%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>



## EXHIBIT 84: PERCENT DISTRIBUTIONS OF 2019 ADMINISTRATIVE ASSISTANT/SECRETARY SALARY LEVELS BY FIRM SIZE

No Experience	Firm Size							
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	Ohio
<\$25K	70.7%	42.9%	46.1%	35.0%	26.3%	11.5%	6.3%	43.0%
\$25-27K	10.3%	17.9%	19.1%	40.0%	10.5%	19.2%	6.3%	17.2%
\$28-30K	3.4%	21.4%	12.4%	10.0%	36.8%	38.5%	6.3%	15.2%
\$31-33K	5.2%	10.7%	9.0%	10.0%	-	3.8%	12.5%	7.4%
\$34-36K	3.4%	3.6%	7.9%	5.0%	10.5%	7.7%	18.8%	7.0%
\$37-39K	3.4%	-	2.2%	-	-	11.5%	12.5%	3.5%
\$40-42K	-	3.6%	11%	-	5.3%	-	12.5%	2.0%
\$43-45K	-	-	11%	-	5.3%	3.8%	6.3%	1.6%
\$46-48K	-	-	11%	-	-	-	6.3%	0.8%
\$49-51K	-	-	-	-	-	3.8%	-	0.4%
\$52-54K	-	-	-	-	5.3%	-	6.3%	0.8%
\$58-60K	1.7%	-	-	-	-	-	-	0.4%
\$61-63K	1.7%	-	-	-	-	-	-	0.4%
>\$63K	-	-	-	-	-	-	6.3%	0.4%
<b>Total</b>	<b>100%</b>							

3 Years Experience	Firm Size							
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	Ohio
<\$25K	37.7%	17.9%	10.3%	13.6%	4.5%	3.6%	6.3%	15.6%
\$25-27K	28.3%	25.0%	28.7%	22.7%	18.2%	71%	-	22.7%
\$28-30K	3.8%	21.4%	20.7%	27.3%	9.1%	25.0%	6.3%	16.4%
\$31-33K	9.4%	10.7%	16.1%	13.6%	13.6%	10.7%	-	12.1%
\$34-36K	5.7%	71%	4.6%	4.5%	13.6%	17.9%	6.3%	7.4%
\$37-39K	3.8%	71%	6.9%	-	22.7%	14.3%	31.3%	9.4%
\$40-42K	3.8%	71%	4.6%	9.1%	4.5%	10.7%	12.5%	6.3%
\$43-45K	3.8%	-	4.6%	9.1%	9.1%	-	6.3%	4.3%
\$46-48K	-	-	2.3%	-	-	-	12.5%	1.6%
\$49-51K	-	3.6%	1.1%	-	-	3.6%	6.3%	1.6%
\$52-54K	-	-	-	-	-	-	6.3%	0.4%
\$55-57K	3.8%	-	-	-	4.5%	3.6%	-	1.6%
\$58-60K	-	-	-	-	-	3.6%	-	0.4%
>\$63K	-	-	-	-	-	-	6.3%	0.4%
<b>Total</b>	<b>100%</b>							

5 Years Experience	Firm Size							
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	Ohio
<\$25K	26.9%	71%	4.6%	-	-	3.3%	-	8.2%
\$25-27K	26.9%	17.9%	9.2%	19.0%	4.8%	-	5.9%	12.9%
\$28-30K	13.5%	14.3%	19.5%	19.0%	14.3%	10.0%	-	14.8%
\$31-33K	5.8%	14.3%	18.4%	14.3%	14.3%	10.0%	5.9%	12.9%
\$34-36K	5.8%	10.7%	12.6%	19.0%	9.5%	23.3%	-	11.7%
\$37-39K	5.8%	3.6%	13.8%	4.8%	14.3%	20.0%	-	10.2%
\$40-42K	7.7%	17.9%	6.9%	9.5%	14.3%	6.7%	-	8.6%
\$43-45K	3.8%	3.6%	5.7%	-	-	10.0%	17.6%	5.5%
\$46-48K	-	-	4.6%	4.8%	14.3%	6.7%	17.6%	5.1%
\$49-51K	-	10.7%	2.3%	4.8%	4.8%	-	23.5%	4.3%
\$52-54K	-	-	2.3%	-	4.8%	3.3%	17.6%	2.7%
\$55-57K	-	-	-	4.8%	-	-	5.9%	0.8%
\$58-60K	3.8%	-	-	-	4.8%	-	-	1.2%
\$61-63K	-	-	-	-	-	3.3%	-	0.4%
>\$63K	-	-	-	-	-	3.3%	5.9%	0.8%
<b>Total</b>	<b>100%</b>							

10 Years Experience	Firm Size							
	1	2	3 to 6	7 to 10	11 to 20	21 to 50	>50	Ohio
<\$25K	17.4%	2.2%	1.0%	-	-	3.1%	-	5.4%
\$25-27K	9.3%	6.7%	5.8%	4.0%	4.2%	-	-	5.7%
\$28-30K	10.5%	13.3%	9.6%	-	-	3.1%	5.3%	8.1%
\$31-33K	15.1%	13.3%	8.7%	16.0%	8.3%	6.3%	-	10.7%
\$34-36K	12.8%	15.6%	21.2%	16.0%	12.5%	9.4%	5.3%	15.2%
\$37-39K	8.1%	6.7%	11.5%	16.0%	12.5%	3.1%	-	9.0%
\$40-42K	8.1%	13.3%	4.8%	8.0%	4.2%	21.9%	-	8.4%
\$43-45K	3.5%	2.2%	12.5%	12.0%	8.3%	9.4%	5.3%	7.8%
\$46-48K	2.3%	2.2%	7.7%	4.0%	12.5%	6.3%	-	5.1%
\$49-51K	5.8%	4.4%	8.7%	8.0%	8.3%	15.6%	15.8%	8.4%
\$52-54K	-	6.7%	1.0%	4.0%	8.3%	3.1%	21.1%	3.6%
\$55-57K	-	2.2%	1.9%	8.0%	-	9.4%	15.8%	3.3%
\$58-60K	2.3%	-	1.9%	-	8.3%	3.1%	15.8%	3.0%
\$61-63K	1.2%	2.2%	1.9%	-	8.3%	-	5.3%	2.1%
>\$63K	3.5%	8.9%	1.9%	4.0%	4.2%	6.3%	10.5%	4.5%
<b>Total</b>	<b>100%</b>							



**EXHIBIT 85: PERCENT DISTRIBUTIONS OF 2019 ADMINISTRATIVE ASSISTANT/SECRETARY SALARY LEVELS BY EXPERIENCE AND OFFICE LOCATION**

No Experience	Office Location							
	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$25K	34.1%	18.2%	27.8%	53.8%	51.8%	60.0%	58.3%	43.2%
\$25-27K	12.2%	4.5%	16.7%	7.7%	23.2%	22.9%	19.4%	17.1%
\$28-30K	24.4%	27.3%	11.1%	23.1%	12.5%	11.4%	5.6%	14.8%
\$31-33K	9.8%	9.1%	7.4%	7.7%	5.4%	2.9%	11.1%	7.4%
\$34-36K	12.2%	27.3%	9.3%	-	1.8%	-	2.8%	7.0%
\$37-39K	4.9%	4.5%	11.1%	-	-	-	-	3.5%
\$40-42K	-	4.5%	1.9%	-	1.8%	2.9%	2.8%	1.9%
\$43-45K	-	4.5%	3.7%	7.7%	1.8%	-	-	1.9%
\$46-48K	-	-	1.9%	-	1.8%	-	-	0.8%
\$49-51K	2.4%	-	-	-	-	-	-	0.4%
\$52-54K	-	-	3.7%	-	-	-	-	0.8%
\$58-60K	-	-	1.9%	-	-	-	-	0.4%
\$61-63K	-	-	1.9%	-	-	-	-	0.4%
>\$63K	-	-	1.9%	-	-	-	-	0.4%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

3 Years Experience	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$25K	7.5%	9.1%	8.0%	6.7%	30.5%	10.8%	25.0%	15.7%
\$25-27K	20.0%	-	14.0%	40.0%	20.3%	35.1%	37.5%	22.7%
\$28-30K	15.0%	9.1%	16.0%	6.7%	22.0%	24.3%	9.4%	16.5%
\$31-33K	12.5%	13.6%	8.0%	20.0%	8.5%	18.9%	12.5%	12.2%
\$34-36K	15.0%	9.1%	8.0%	-	8.5%	2.7%	3.1%	7.5%
\$37-39K	10.0%	27.3%	8.0%	13.3%	5.1%	2.7%	9.4%	9.0%
\$40-42K	7.5%	18.2%	14.0%	-	-	2.7%	3.1%	6.3%
\$43-45K	2.5%	13.6%	8.0%	-	1.7%	2.7%	-	3.9%
\$46-48K	2.5%	-	6.0%	-	1.7%	-	-	2.0%
\$49-51K	5.0%	-	2.0%	-	1.7%	-	-	1.6%
\$52-54K	-	-	2.0%	-	-	-	-	0.4%
\$55-57K	2.5%	-	4.0%	6.7%	-	-	-	1.6%
\$58-60K	-	-	-	6.7%	-	-	-	0.4%
>\$63K	-	-	2.0%	-	-	-	-	0.4%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

5 Years Experience	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$25K	8.7%	-	3.7%	-	18.9%	-	17.9%	8.2%
\$25-27K	6.5%	8.7%	5.6%	11.8%	17.0%	23.5%	21.4%	12.9%
\$28-30K	17.4%	-	7.4%	17.6%	17.0%	23.5%	21.4%	14.9%
\$31-33K	8.7%	-	18.5%	17.6%	15.1%	14.7%	10.7%	12.9%
\$34-36K	15.2%	13.0%	5.6%	17.6%	9.4%	20.6%	7.1%	11.8%
\$37-39K	13.0%	17.4%	7.4%	11.8%	5.7%	8.8%	14.3%	10.2%
\$40-42K	10.9%	17.4%	7.4%	5.9%	11.3%	-	7.1%	8.6%
\$43-45K	6.5%	13.0%	11.1%	-	-	5.9%	-	5.5%
\$46-48K	2.2%	8.7%	9.3%	11.8%	-	2.9%	-	4.3%
\$49-51K	2.2%	13.0%	13.0%	-	1.9%	-	-	4.7%
\$52-54K	6.5%	4.3%	1.9%	-	3.8%	-	-	2.7%
\$55-57K	-	4.3%	1.9%	-	-	-	-	0.8%
\$58-60K	-	-	5.6%	-	-	-	-	1.2%
\$61-63K	2.2%	-	-	-	-	-	-	0.4%
>\$63K	-	-	1.9%	5.9%	-	-	-	0.8%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

10 Years Experience	Greater Cleveland	Greater Cincinnati	Greater Columbus	Greater Dayton	Northeast Region	Northwest Region	Southern Region	Ohio
<\$25K	3.8%	-	2.9%	4.2%	14.9%	-	5.7%	5.4%
\$25-27K	3.8%	2.9%	1.4%	4.2%	8.1%	8.5%	11.4%	5.7%
\$28-30K	5.8%	-	2.9%	-	13.5%	10.6%	20.0%	8.1%
\$31-33K	11.5%	-	5.8%	8.3%	20.3%	6.4%	17.1%	10.7%
\$34-36K	15.4%	8.8%	10.1%	16.7%	12.2%	27.7%	20.0%	15.2%
\$37-39K	9.6%	5.9%	5.8%	25.0%	5.4%	14.9%	5.7%	9.0%
\$40-42K	15.4%	14.7%	1.4%	4.2%	6.8%	10.6%	8.6%	8.4%
\$43-45K	7.7%	11.8%	11.6%	8.3%	4.1%	4.3%	8.6%	7.8%
\$46-48K	5.8%	8.8%	4.3%	4.2%	1.4%	10.6%	2.9%	5.1%
\$49-51K	5.8%	5.9%	18.8%	12.5%	4.1%	6.4%	-	8.1%
\$52-54K	5.8%	5.9%	4.3%	-	6.8%	-	-	3.9%
\$55-57K	1.9%	5.9%	5.8%	8.3%	1.4%	-	-	3.0%
\$58-60K	5.8%	5.9%	7.2%	-	-	-	-	3.0%
\$61-63K	-	14.7%	2.9%	-	1.4%	-	-	2.4%
>\$63K	1.9%	8.8%	14.5%	4.2%	-	-	-	4.5%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

# Exhibit B

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**STACIE RAY, et al.**

Plaintiffs,

v.

Case No.: 2:18-cv-00272-MHW-CMV

Judge Michael. H. Watson

Magistrate Judge Chelsey Vascura

**STEPHANIE MCCLOUD, Director, Ohio  
Department Health, et al.,**

Defendants.

**D ECLARATION OF FREDA J. LEVENSON**

Pursuant to 28 U.S.C. 1746

I, Freda J. Levenson, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am above the age of 18, I am competent to testify, and I have personal knowledge of the matters contained in this declaration.
2. I am the Legal Director at the ACLU of Ohio Foundation (ACLU of Ohio), and I represent Plaintiffs in this litigation.
3. The ACLU of Ohio is a statewide non-profit organization that relies upon the contributions of its members and supporters, and in part upon attorney fees incurred in litigation, to fund its operations.
4. I am licensed to practice law in Ohio and Illinois. I have been licensed in Ohio since 1990, and in Illinois since 1976.
5. I am also admitted in the United States District Court for the Northern and Southern Districts of Ohio, the Sixth Circuit Court of Appeals, and the United States Supreme Court.

6. I have significant experience working on complex constitutional and other federal civil rights litigation similar to the work I performed in this lawsuit.
7. My resume detailing my professional qualifications is attached to this Declaration as Exhibit B-1.
8. My hours expended working on this case are attached to this Declaration as Exhibit B-2.
9. I kept contemporaneous time records and documented my time in six-minute increments. The time expended and costs incurred have been reasonable, and the records submitted are an accurate reflection of the time I expended in this case.
10. I exercised billing judgment to exclude time that was not reasonably related to the successful prosecution of the case and to exclude time for small tasks that did not total at least six minutes. Time expended in writing and reading a number of email communications, both written and received by me, and short conversations with co-counsel and others, are not included in my records.
11. I also exercised judgment in performing work on this case. As the Legal Director, the time I incurred was largely in supervising, advising, and editing the work of more junior attorneys who expended more time on the litigation.
12. The reasonable hourly rate for my work is \$500.
13. I am using a fair market rate for my time, as an attorney in the Cleveland area with several decades' experience who practices in this area. I believe this rate is comparable to similar attorneys in my region. These conclusions are based in part on the guidance published by the Ohio State Bar Association, attached to the Fee Petition in this case as Exhibit A.
14. The lodestar figure for my work on this case, determined by multiplying my reasonable hours expended by my reasonable rate, is  $52.5 * 500 =$   
**\$26,250.**

Dated: February 1, 2021

/s/ Freda J. Levenson  
Freda J. Levenson

# Exhibit B-1

**Freda J. Levenson**

ACLU Of Ohio, Legal  
Director 4506 Chester Ave.  
Cleveland, Ohio 44103  
flevenson@acluohio.org

**Education:**

Wellesley College - BA 1973  
University of Michigan Law School - JD 1976

**Employment:**

Legal Director, ACLU of Ohio (2015-present)  
Managing Attorney ACLU of Ohio (2014-2015)  
Adjunct Professor CWRU Law School (1995-2005, 2008-2014)  
SAGES Presidential Fellow CWRU (2006, 2007), Baldwin Fellow (2007)  
Formerly a partner (litigation) at Altheimer & Gray (a commercial law firm in Chicago)

**Representative Cases:**

- Voting Rights: *Thompson v. DeWine*, action to modify initiative petition circulation requirements during the pandemic; *APRI v. Householder*, action challenging the constitutionality of Ohio's gerrymandered Congressional Map; *APRI v. Husted*, challenging Ohio's practice of purging infrequent voters; *NAACP v. Husted et al.*, restoring early voting opportunities; and *Libertarian Party of Ohio v. Husted*, protecting minor party ballot access.
- Expressive rights under the First Amendment: *Citizens for Trump, et al. v. Cleveland*, challenging restrictions on public expression at Cleveland's Republican National Convention.
- Reproductive rights, cases challenging the so- called Heartbeat Bill, the Fetal Anomaly Abortion Ban, and other restrictions.
- Gender Equality, including *Rotondo v. JPMorgan Chase*, a class action for equal parental leave rights for male employees, and *Maudlin v. Inside Out, Inc.*, challenging sex discrimination by a religious employer.

**Civic Activities:**

Cooperating Attorney ACLU of Ohio (2013)  
Shaker Heights Board of Education (*Member*: 1996-2012; *President*: 2000, 2001, 2006, and 2007; *Vice President*: 1998 and 1999)  
School Board Legislative Liaison (1996-1999, 2002-2005)  
Federal Relations Network Member (National School Board Association appointed lobbyist) (1997-2012)  
Shaker Schools Finance & Audit Committee (*Member* 2005-2011)  
Managed School Levy, School Bond Issue, and School Board Candidate Campaigns (1993, 1994, 1995, 1996, 2000, 2003)  
*Founder*: Night for the Red & White (1992); *Committee Chair* and/or *Member* (1993-2006) Shaker Schools Foundation (*Trustee* - 1993-2004)  
Fund for the Future (*Trustee* - 1999-2008)  
Shaker Family Center (*Board Member* - 1993-1995)  
Moreland on the Move Education Committee (*Member* 1995-2008)  
10,000 Villages (*Board Member* – 2005-2006)

# Exhibit B-2

## Freda Levenson

Date	Description of Services	Time
4/5/2018	Team call re: next steps	1.1
4/12/2018	Phoncall, email with op att henry appel	0.2
4/14/2018	Email w Kara, others re related case	0.1
4/15/2018	Emails w Naila re SD related case treatment	0.1
4/17/2018	Email w Kara re expert retention and expert agreement	0.1
4/20/2018	Rev Perto Rico decision and send to Henry Appel	0.3
6/14/2018	t – op att Jake Blake	0.3
6/14/2018	P email to team re Jake Blake requ for extension	0.3
6/14/2018	P another email to team suggesting resonse	0.2
6/14/2018	P email to Blake re response to request	0.1
6/14/2018	Rev status conf order by magistrate, email team re obtaining extension	0.2
6/19/2018	email co counsel re plan for 26f conf, getting extension of pre trial conf, and scheduling meeting to plan 26f approach	0.3
6/20/2018	t co counsel Kara re timing, calling court getting extension	0.2
6/20/2018	T clerk of court to new date for pretrial conf	0.2
6/20/2018	Email opp att re call to court and req for 26 f conf.	0.2
6/20/2018	Scheduling emails with cocounsel	0.1
6/21/2018	team call re ocntentts of 26f report	1.2
6/24/2018	p for 26(F) conference	0.2
6/25/2018	26(f) conference	1.2
6/26/2018	prepare 26(f) report	0.5
6/27/2018	p agenda, email, update to cocounsel	0.2
6/28/2018	team conf call re 26F, re discovery, re litig strategy	0.9
6/28/2018	Redraft 26f rept	0.1
6/28/2018	email opp atts draft of 26f report	0.1
7/3/2018	send email to opp att and one to cocounsel – re status of 12 f rept	0.1
7/7/2018	rev def's redline of 26(f) report	0.3
7/7/2018	Summarize our position and emails with cocounsel re defs 26(f)	0.4
7/7/2018	Emails re team calls, schedule to respod to MTD and filing 26(f)	0.2
7/8/2018	Read and take notes on motion to dismiss BC case	1.5
7/8/2018	p redline 26(f) report and transmit to defendants	0.2

7/9/2018	Rev scheduling email, p calendar	0.2
7/9/2018	Review research re ohio BC statutes and ODH website and caselaw under statutes	1.3
7/11/2018	rev discov reqs	0.3
7/11/2018	c- Eb re discov reqc	0.1
7/11/2018	rev next draft disc reqs	0.1
7/16/2018	rev disc requeests	0.5
7/16/2018	Review, edit response to Motion to dismiss	2.5
7/17/2018	p for pre trial, review file, review 26 f report	0.7
7/18/2018	conf call to discuss opposiont to MTD wi cocounsel	1.2
7/18/2018	C cocounsel re rule 16 conf	0.2
7/18/2018	Conf call with court, co counsel and op attorneys – rule 16 conf	1.2
7/20/2018	review motion for stay and emergency motion for interim stay, and email re response	0.6
7/22/2018	rev, edit our response to MTD	3.2
7/23/2018	Another review and more edits to MTD – treatment of cases	0.3
7/23/2018	Emails to cocounsel re brief and revisions	0.1
7/24/2018	rev and edit op to defs' emergency motion	0.4
7/24/2018	Review and edit response to motion to expedite	0.8
7/24/2018	Review latest draft of opp to motion to D	0.5
7/25/2018	Revise Ray opposition to MOTbrief	0.6
7/25/2018	Review others' edit to opposition to stay motion	0.2
7/26/2018	Discuss stay motion w/ EB	0.3
10/10/2018	rev order re denial of stay	0.3
10/10/2018	Emails re order re denial of stay	0.2
10/11/2018	team call re denial of stay _and next steps – conf discov dates	0.4
10/16/2018	rev, edit expert agreement	0.4
11/13/2018	conf re protective order and def's production	0.2
11/13/2018	review file re protective order and def's production	0.2
1/8/2019	rev disc rquests to plffs from def	0.5
6/14/2019	review emails re discov plan	0.1
7/5/2019	read expert report- opp expert	0.3
7/5/2019	reiew our expert report	0.2
7/5/2019	prep emails, read emails re expert reports	0.2
7/22/2019	review expert report	1.2
7/23/2019	tel conf w/team regarding expert rebuttal	0.9
7/23/2019	tel conf w/EB and SJB re rebuttal	0.4
7/24/2019	review file and emails regading Belenker	0.2
7/24/2019	conf w EB re jBelener depo	0.2
7/27/2019	review expert report and edit	1.2
7/31/2019	review expert rebuttal rept	0.7

8/8/2019	discuss discovery responses with team	0.3
8/12/2019	team conf call re discovery	0.3
10/17/2019	correspond with co-counsel and Ann re def's expert depo	0.2
10/28/2019	review depo transcripts	1.5
10/29/2019	team call re status, depo summaries, potential daubert challenge, MSJ schedule	1.0
12/26/2019	edit MSJ response	2.3
1/7/2020	email EB re filing under seal	0.3
1/19/2020	internal aclu ohio emails re reply brief strategy	0.2
1/21/2020	team call re def's MFJ, discuss response brief	0.5
2/5/2020	edit MSJ response	2.3
2/6/2020	edit our opp to resp brief to def's MSJ	4.5
2/8/2020	tel and emails w EB re opposiiton, gender identity as determinant of sex - re LMSJ opp	0.6
2/8/2020	rev John While redline changes of MSJ opp	0.3
2/8/2020	re order on mot to dismiss and def's motion	0.5
2/11/2020	final edits MSJ response	1.2
2/12/2020	final edits MSJ response	0.5
2/16/2020	rev def's response brief to our MSJ	0.8
2/18/2020	team call re reply briefs in MSJ	0.4
2/24/2020	rev reply brief	0.5
1/16/2021	research poss extension of time to file appeal	0.1

*o*

*o r*

*od s r s*

# Exhibit C



5. From 1990-2014, I taught practice-oriented courses including Civil Procedure, Remedies, Pretrial Practice, Legal Ethics and Professionalism, and Sexual Orientation, Gender, and Law. My scholarship focused primarily on legal strategies for obtaining recognition of constitutional and civil rights for LBGT persons. I maintained a modest pro bono practice throughout my academic career, providing legal services to LGBT individuals who experienced discrimination in a variety of settings. I retired from Cleveland State University in 2014, but continue to mentor law students and new lawyers in my role as Cleveland-Marshall's Public Interest Leader in Law.
6. Since 2015 I have served as General Counsel of the Ohio ACLU. This duties of this Board position include helping to shape and implement litigation strategies in various cases and serving as co-counsel in select cases.
7. My resume attached as Exhibit C-1 to this Declaration provides additional details of my professional qualifications to serve as co-counsel in this case.
8. I kept contemporaneous time records as indicated documented in Plaintiffs' application for attorney's fees for this case. I exercised billing judgment in finalizing my records, for example excluding time for relatively minor but collectively time-consuming tasks such as responding to emails and participating in short meetings and phone calls with co-counsel and/or clients.
9. A true and correct copy of the time records for which I am seeking a fee award is attached to this declaration as Exhibit C-2.
10. My hourly rate for this type of litigation based on my experience and comparable rates in the relevant legal community is \$500 per hour.

11. The lodestar for my work on this case, multiplying my reasonable rate by my hours expended, is  $57.5 * 500 = \$28,750$ .

I declare under penalty of perjury that the foregoing is true and correct. Executed on Feb. 1, 2021

/s/ Susan J. Becker  
Susan J. Becker

# Exhibit C-1

**SUSAN J. BECKER**  
[s.becker@csuohio.edu](mailto:s.becker@csuohio.edu)

## **EMPLOYMENT**

### **ACLU of Ohio**

**General Counsel**, March 2015 to present (Board of Directors position)

Share responsibilities with Executive Director for general oversight of the organization's Legal Department activities including case selection and strategies; co-counsel select cases; regularly engage with Communications, Policy, and Advocacy staff to design and execute comprehensive strategies for defending and advancing civil liberties. This role includes serving on the Ohio ACLU's Board of Directors and its Executive Committee.

### **Cleveland State University, Cleveland-Marshall College of Law**

**Professor of Law Emerita** May 2014 to present

Professor of Law 1990-2014

Charles R. Emrick Jr.-Calfee Halter & Griswald Professor of Law, 2007-2010<sup>1</sup>

Associate Dean, 1996-1999

Teaching Areas: Civil Procedure, Remedies, Pretrial Practice, Legal Ethics & Professionalism, Contracts, Externship Supervision in established and customized placements, and Sexual Orientation, Gender Identity, and the Law.

Service: Regularly chaired and co-chaired faculty committees charged with significant tasks including faculty hiring, design and implementation of major curricular reforms, improvement of students' academic success and bar passages rates, advancement of faculty teaching methodologies, increasing the quantity, quality, and impact of faculty publications, and facilitating communications between the law school faculty and administration. Also served many years as faculty advisor to student LGBTQ group.

**Jones Day**, Cleveland, Ohio

**Litigation Associate**, 1985-1990

Involved in all aspects of trial and appellate civil litigation, with emphasis in products liability, employment, business, securities, and administrative law.

### **United States Court of Appeals for the Sixth Circuit**

Judicial Clerk to the Honorable Robert B. Krupansky, 1983-1985.

**Reporter and Photographer, The Chagrin Valley Times and The Solon Times,**

Chagrin Falls, Ohio, 1978-1981

Responsible for complete news and feature coverage of several Cleveland suburban communities.

Recipient of 1980 "Excellence in Journalism" Award from Sigma Delta Chi/Cleveland Press Club for Community Service Reporting.

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<sup>1</sup> At the time I held it this professorship was limited to one three-year appointment.

## EDUCATION

### **Cleveland State University, Cleveland-Marshall College of Law**

Juris Doctorate, 1983, magna cum laude  
Research Editor, CLEVELAND STATE LAW REVIEW

### **Eastern Kentucky University**

Richmond, Kentucky  
B.A. - Journalism, 1977; g.p.a. 3.85 (4.0 in major)  
Outstanding Journalism Graduate of 1977  
President, Society for Collegiate Journalists  
Sports Editor, THE EASTERN PROGRESS newspaper

## BAR ADMISSIONS

United States Supreme Court  
United States Court of Appeals for the Sixth Circuit  
United States District Court for the Northern District of Ohio  
United States District Court for the Southern District of Ohio  
Ohio Supreme Court and all inferior Ohio courts  
Admitted *pro hac vice* in numerous state trial and appellate courts

## PUBLICATIONS

### **Books**

THE LAW OF PROFESSIONAL CONDUCT IN OHIO, with Jack Guttenberg and Lloyd Snyder (LexisNexis, 2007, 2009, and 2012 editions).

DISCOVERY OF EMPLOYEES (ABA Publishing 2005).

### **Articles**

*The Evolution Toward Judicial Independence in the Continuing Quest of For LGBT Equality*, 64 C.W.R.L.REV. 863 (2014).

*The Politicization of Judicial Elections and its Effect on Judicial Independence and LGBT Rights: An Overview of LGBT Equality and Judicial Independence*, 60 CLEVELAND STATE LAW REVIEW 466 (2012).

*Many are Chilled but Few are Frozen: How Transformative Learning in Popular Culture, Christianity, and Science will Lead to the Eventual Demise of Legally Sanctioned Discrimination Against Sexual Minorities in the United States*, 14 AM.U. J. GENDER & LAW 177-252 (2006).

*Tumbling Towers as Turning Points: Will 9/11 Usher in a New Civil Rights Era for Gay Men and Lesbians in the United States?*, 9 WILLIAM & MARY JOURNAL OF WOMEN AND THE LAW 207 (2003).

*Discovery of Information and Documents From A Litigants' Former Employees: Synergy and Synthesis of Civil Rules, Ethical Standards, Privilege Doctrines, and Common Law Principles*, 81 NEBRASKA L. REV. 868 (2003).

*Introduction to the Class Action Debate and the Sulzer Litigation*, 16 CLEVE. ST. JOU. LAW & HEALTH 169 (2003).

*Constitutional Classifications and the Search for the Gay Gene, Symposium: Is There a Pink Slip In Your Genes?* 16 CLEVE. ST. JOU. LAW & HEALTH 27 (2001-2002).

*Second Parent Adoptions by Same-Sex Couples in Ohio: An Unsettled and Unsettling Area of Law*, 48 CLEVE. ST. L. REV. 101 (2001).

*Sexual Orientation and the Law: a Valid and Valuable Jurisprudence*, 10 COLUMBIA JOURNAL OF GENDER AND LAW 7 (2000).

*Thanks, But I'm Just Looking; or Why I Don't Want to be a Dean*, 49 JOURNAL OF LEGAL EDUCATION 595 (1999).

*Court-Created Boundaries Between a Visible Lesbian Mother and Her Children*, XII WISCONSIN WOMEN'S LAW JOURNAL 331 (1997).

*Child Sexual Abuse Allegations against a Lesbian or Gay Parent in a Custody or Visitation Dispute: Battling the Overt and Insidious Bias of the Experts and Judges*, 74 DENVER UNIVERSITY LAW REVIEW 75 (1996).

*Making the Move From Law Practitioner to Law Professor, or How Not To Simplify Your Life*, 7 ABA PRETRIAL PRACTICE & DISCOVERY 4(fall 1996).

*Being Out and Fitting In*, 46 JOURNAL OF LEGAL EDUCATION 269 (1996).

*The Immorality of Publicly Outing Private People*, 73 OREGON LAW REVIEW 159-234 (1994).

*Major Amendments to the Federal Rules of Civil Procedure Take Many by Surprise*, 6 ABA PRETRIAL PRACTICE & DISCOVERY 2 (spring 1994).

*Conducting Informal Discovery of a Party's Former Employees: Legal and Ethical Concerns and Constraints*, 51 MARYLAND LAW REVIEW 239 (1992).

- Reprinted in 42 DEFENSE LAW JOURNAL 239 (1993)

*Current Civil Justice Reform Focuses on Proposed Amendments to the Federal Rules of Civil Procedure*, 5 ABA PRETRIAL PRACTICE & DISCOVERY 2 (1993).

*Advice for the New Law Professor: A View from the Trenches*, 42 JOURNAL OF LEGAL EDUCATION 432 (1992).

*Public Opinion Polls and Surveys as Evidence: Suggestions for Resolving Confusing and Conflicting Standards Governing Weight and Admissibility*, 70 OREGON LAW REVIEW 463 (1991).

**ABA LITIGATION NEWS, 1994 to 2001.** Associate Editor for bimonthly publication circulated to the 60,000 members of the ABA Litigation Section. A representative sample of articles authored for this periodical includes:

*Recent Supreme Court Decisions: Higher Burden for ADA Plaintiffs*, September 1999.

*Civil Discovery Standards Seek to Improve Pretrial Practice*, May 1999.

*State Securities Litigation May No Longer Be a Class Act*, Nov. 1998.

*Supreme Court Revises Amicus Rules*, July 1998.

*Courts' Evolving Role in Daubert Decisions*, March 1998.

*Will New Legislation Preempt State Court Class Actions?* January 1998.

*From the Mouths of Babes: Dealing with the Child Witness*, Nov. 1997.

*Pros and Cons of Proposed Amendments to Rule 23*, Nov. 1996.

*Loser Pays Rule Loses Again*, May/June 1996.

*Attempts to Cap Punitive Damages in Products Liability Cases Continue to Spark Heated Debate*, May/June 1996.

*New Developments on Rule 4.2: ABA Delegates Amend Model Rule of Professional Conduct*, Oct./Nov. 1995.

*Common Sense Legal Reforms Act Takes Center Stage*, April/May 1995.

*Perspectives: The Federal Rules' Quest for Efficiency*, Dec. '94/Jan. '95.

## COMMUNITY SERVICE

**Ohio American Civil Liberties Union (ACLU), Volunteer Attorney and other roles, 1996 to present.** Carried many roles for this organization over the years including two terms as president of the state Board of Directors (2009 to March 2013) and General Counsel (2015 to present).

**Cleveland-Marshall College of Law Public Interest Leader in Residence (LIR), fall 2018 to present.** Active participant in LIR program, which is designed to more closely connect students, staff, and faculty with attorneys who are deeply engaged in community leadership and service. My specific focus is general mentoring of law students and encouraging their exploration of educational, volunteer, and career opportunities in various public interest areas of practice.

**Cleveland-Marshall Board of Visitors, 2017 to 2020.** Member of Career Planning Committee. Board members provide advice and feedback to the law school Dean on recruitment and retention of students, fundraising, curriculum design, academic success program, bar passage, community outreach, and career opportunities.

**Cleveland Metropolitan Bar Association (CMBA) Certified Grievance Committee, Member, 2016 to present; Second Vice Chair, July 2019 to July 2020; First Vice Chair July 2020-present.** This committee is authorized by the Supreme Court of Ohio and charged with investigating allegations of ethical breaches by attorneys and making recommendations on whether disciplinary action should be pursued.

**Program Organizer and Speaker, 1990 to present.** Initiated, planned, and/or presented at more than 75 programs for legal and lay audiences on a wide range of legal issues in the areas of civil procedure, lawyer ethics and professionalism, free speech, religious and related First Amendment issues, election integrity and voting rights, and the continuing struggle for LGBTQ equality.

**Pro Bono Legal Practice (1990-2014).** Provided pro bono legal counsel to LGBTQ and other individuals and non-profit organizations throughout my career as a law professor. Also served as an expert witness for plaintiffs in *Obergefell v. Hodges*, the case that resulted in marriage equality for same-sex couples.

**Supreme Court of Ohio's Commission on Rules of Practice and Procedure, Member, 2003–2008; Civil Rules Committee Chair, 2006-2008.** The Commission is charged with making recommendations to the Supreme Court of Ohio on possible changes to Ohio's civil, criminal, juvenile, and appellate rules of court as well as the rules of evidence and traffic rules. Provided leadership to effectuate major revisions to civil rules including the substantial revamping of rules governing magistrates and pretrial practice relating to electronic discovery.

**Advisory Group of the U.S. District Court for the Northern District of Ohio, 1995-2009.** Co-Chair, Committee on Professionalism, (1999 to 2005); Member, Civil Rules

Committee (1995-2009). The Advisory Group was formed pursuant to congressional mandate to develop and implement a plan to reduce unnecessary cost and delay in civil litigation. I provided substantial input to proposed local rules over the years including rules establishing pro bono protocols and issuance of protective orders in civil cases.

**Ohio Human Rights Bar Association, Vice-President: 1997-2001.** The Ohio Human Rights Bar Association was formed in 1990 to provide education and legal support on issues affecting the lives of lesbians and gay men. (Organization no longer exists).

**Ohio Courts Futures Commission, Advisory Council Member, 1997-2000.** Appointed by Supreme Court of Ohio Chief Justice Thomas Moyer in July 1997 to provide research and related support to Rules & Procedures Task Force of the Ohio Courts Futures Commission. The Commission issued its extensive findings and recommendations in May 2000.

**Arbitrator, Cuyahoga County Court of Common Pleas, 1987-2000.** Participated in six to twelve cases per year that had been referred to a three-member arbitration panel charged with assisting parties in resolving their disputes.

**American Bar Association, Litigation and Legal Education Sections, 1993-2000.** Co-Chair of 1993-94 Subcommittee on Federal Rules Revision for Pretrial Practice and Discovery Committee of Litigation Section; August 1994 to 2000, member of the subcommittee.

**Ohio CLE Institute, 1991-1998.** Member of non-profit organization's Young Lawyers Education Committee that planned and produces CLE and other educational programs for new attorneys.

**American Inns of Court, Harold Burton Chapter, 1996-1998.** Selected to join this group of judges, academicians, and attorneys who have earned reputations among their peers as being highly competent and ethical lawyers.

**Board Member, Cuyahoga Plan of Ohio, Inc., 1993 to 1998.** Trustee of regional agency dedicated to furthering Fair Housing initiatives and monitoring compliance with fair housing laws. Also served as member of Board's personnel committee and as Special Counsel to the Board from 1993 to 1999.

**Coordinator, Habitat for Humanity Project, 1996.** Helped coordinate 13 United Church of Christ (UCC) churches that helped build a home for a Cleveland family.

**Board Member, Federation for Community Planning, 1994-1996.** Trustee of organization dedicated to meeting the health and human services needs of area residents through applied research, planning, policy analysis, and program development.

## **AWARDS**

Greater Cleveland Most Treasured Volunteer Award presented by The Center for Community Solutions (2019)  
Cleveland-Marshall College Hall of Fame Inductee (2018)  
Cleveland Metropolitan Bar Association (CMBA) Judge William K. Thomas Professionalism Award (2018)  
Transgender Day of Remembrance Illumination Award, Cisgender Ally of the Year (2016)  
Cleveland State University Distinguished Faculty Teaching Award (2010)  
Shining Star Award for Education, City of Cleveland and LGBT Center (2009)  
Cleveland State University's "Women Who Make A Difference" Award (1999)  
Cleveland-Marshall "Excellence in Faculty Writing" Award (1998)  
Wilson G. Stapleton Award from Cleveland-Marshall Law Alumni Association (1995)  
Howard L. Oleck Award for Distinguished Legal Writing by Faculty Member (1993)  
Cleveland State University Merit Award (multiple years throughout academic career)

# Exhibit C-2

## Susan Becker

Date	Description of Services	Time
4/5/2018	Prep for and Conference call with co-counsel	1.3
6/21/2018	conference call with co-counsel re R 26(f) report	1.2
7/7/2018	Review Ds Motion to Dismiss (MtD) Legal Reseach	2.5
7/9/2018	Prep for and Conference call with co-counsel re MtD and R26(f) draft updating research on Ohio BC statutes and forwarding to co-counsel ngelhart	1.5
7/17/2018	Substantive review 1st draft of our Brief in Opposition (BiO) to Ds MtD conducting research on compelled speech issue	2.3
7/18/2018	Prep for and attendance at initial pretrial conference (via phone) with Magistrate ascura	1.2
7/22/2018	Substantive review and edit of revised BiO to Ds MtD	2.5
8/5/2018	Substantive review and edit of our opposition to Ds Motion to Stay pending court's ruling on MtD	2.0
10/11/2018	Review of court's decision denying Ds Motion to Stay conference call w/ co-counsel re resuming of discovery and related matters	1.0
10/15/2018	Review draft retainer agreement for potential expert witness	0.5
11/9/2018	Review and finalize protective order	1.0
12/11/2018	Review and sign off on proposed email by D. Carey to Ds re discovery status	0.2
1/9/2019	Review of Ds 1st set discovery requests outline answers and objections	1.5
1/14/2019	Conference call with co-counsel re discovery responses related matters	1.0
2/4/2019	Review combined edits and conference call to finalize our discovery responses	2.0
2/28/2019	Evaluating settlement possibilities conference call with Ds counsel re settlement week	1.0
3/13/2019	Review of DC's summary of Ds' 1st doc production EB's summary of Ds' 2nd doc production to identify outstanding issues	0.5

3/21/2019	Preparation for and participation in team call on various discovery and case status issues	1.0
4/16/2019	Review of Ds' 2d set RO s RFAs	0.5
4/22/2019	Prep for and participate in team call re discovery issues including responses to Ds' 2nd set of discovery to Ps	1.0
4/26/2019	Review of draft responses to Ds 2nd discovery and communications with co-counsel re same	0.5
5/6/2019	Review of Ds' 3rd set RO s 2nd set RPD	0.2
5/24/2019	Review of Proposed Responses to Ds' 3rd set RO S and 2nd set RPD communications with co-counsel on same	0.2
7/8/2019	Review Ds' Expert an Meter's Report CP to P Expert Ettner's Report evaluating need for rebuttal expert considering various possible rebuttal experts	1.8
7/23/2019	Preparation for and participation in conference call with all c-counsel re potential rebuttal expert report	1.5
7/23/2019	Call w/ FL, EB re rebuttal	0.4
7/28/2019	Review of draft rebuttal report compare to Dr. Ettner and an Meter reports and pleadings and motions in the case	4.5
8/8/2019	Ohio legal team discussion of Nagy 30(b)(6) depo, need for additional discovery and follow up on previous requests scheduling and logistics of expert and Ps' depo2	0.5
8/12/2019	Preparation for and participation in conference call with all co-counsel re responses to Ds' 4th set of RO s, 3rd set RFA, and 3rd FRPODa	1.0
9/12/2019	Reviewing magistrate's decision denying Ohio's motion to dismiss	0.5
12/22/2019	Editing draft of Ps' SJM and brief review select depo TRs	4.3
1/2/2020	Reviewing email exchanges with EB FL re content of MSJ brief and depo attachments reviewing edits proposed by FL	1.1
1/9/2020	Reviewing and editing motion to file deposition Trssuporting SJ Motion under seal	1.8
1/20/2020	Reading Ds'- Motion for SJ and outlining legal and factual response	2.0

1/21/2020	Conference call with co-counsel re opposition to Ds' Motion for SJ	0.5
2/5/2020	Editing Ps Opp Motion to D's MSJ	4.2
2/12/2020	Final edits Ps Opp Motion to Ds MSJ	1.8
2/18/2020	Reviewing Ds Brief Opposing Ps' MSJ Conference call with co-counsel re our reply to Ds brief Opposition to Ps MSJ	2.8
2/25/2020	Editing Ps Reply Brief for Ps MSJ	2.5

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# Exhibit D

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO**

**STACIE RAY, et al.**

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director,  
Ohio Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge: Michael Watson

Magistrate Judge: Chelsey Vascura

**DECLARATION OF DAVID J. CAREY**  
(pursuant to 28 U.S.C. § 1746)

I, David J. Carey, declare as follows:

1. I am above the age of 18 and reside in Ohio. I have personal knowledge of the matters to which I attest.

2. I am the Senior Staff Attorney of the ACLU of Ohio Foundation (“ACLU of Ohio”), and co-counsel of record to the Plaintiffs in the above-styled case. Prior to joining the ACLU of Ohio, I was an Associate at Thompson Hine LLP, where I was also co-counsel of record to the Plaintiffs in this action.

3. The ACLU of Ohio is a non-profit organization that relies upon membership and contributions, augmented by awards of attorneys’ fees when available, to fund its operations.

4. I am licensed to practice law in Ohio and New York, and am further licensed to practice in the United States District Courts for the Southern District of Ohio, Northern District of Ohio, Southern District of New York, Eastern District of New York, and Eastern District of Michigan. I am also licensed to practice in the United States Courts of Appeals for the Sixth and

Ninth Circuits, and in the Supreme Court of the United States. I have been licensed since 2010 in New York and 2012 in Ohio. My resume detailing my professional qualifications is attached as Exhibit D-1 to this Declaration.

5. I have invested 82.1 hours in representing Plaintiffs in the above-styled case, which includes both my hours spent while with the ACLU of Ohio, and while with Thompson Hine LLP.

6. I kept contemporaneous time records in the above-styled case in six-minute increments. I exercised billing judgment to exclude time that was not reasonably related to the successful prosecution of the case and to exclude time for small tasks that did not total at least six minutes. Time expended in writing and reading a number of email communications, both written and received by me, and short conversations with co-counsel and others, are not included in my contemporaneous records.

7. My contemporaneous time records for tasks performed in the above-styled case are reflected in the attached Exhibit D-2 to this Declaration.

8. My reasonable hourly rate for §1983 litigation is \$375.00 per hour.

9. The lodestar figure for my services, determined by multiplying my reasonable hours by my reasonable rate, comes to  $82.1 * 375 = \mathbf{\$30,787.5}$ .

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

Executed on February 1, 2021 in Columbus, OH.

/s/ David J. Carey  
David J. Carey

# Exhibit D-1

**DAVID J. CAREY**

375 W. 2nd Avenue  
Columbus, Ohio 43201  
(646) 957-4765  
david.j.carey@gmail.com

**EDUCATION**

**NEW YORK UNIVERSITY SCHOOL OF LAW**, New York, NY

J.D., May 2009

Honors: *Annual Survey of American Law*, Articles Editor (2008-09), Staff Editor (2007-08), Note Writing Program (2007-08)

Robert McKay Scholar (Top 25% of the class after four semesters)

Academic Careers Research Fellowship

Note: *Reliability Discarded: The Irrelevance of the Medical Exception to Hearsay in Post-Crawford Confrontation Clause Jurisprudence*, 64 N.Y.U. Ann. Surv. Am. L. 653 (2009)

**COLLEGE OF WILLIAM AND MARY**, Williamsburg, VA

B.A. in History, *magna cum laude* and High Honors in History, *Phi Beta Kappa*, May 2006

Second Major: Philosophy Minor: Classical Civilization

Honors Thesis: *The Burden of Memory: German Holocaust Memorialization 1945-2006*

Honors: James Monroe Scholar (research grant for students in top 10% of incoming class)

Dean's List (five semesters)

**EXPERIENCE**

**AMERICAN CIVIL LIBERTIES UNION OF OHIO FOUNDATION**, Columbus, OH

*Senior Staff Attorney*, September 2018-present

Litigate civil liberties cases in Ohio federal and state court, from case development through appeal. Devise case strategies and legal arguments, investigate underlying facts, and handle all aspects of ensuing litigation. Lead counsel in class action habeas litigation for federal prisoners at risk of COVID-19 infection, before the Northern District of Ohio, Sixth Circuit, and Supreme Court. Co-counsel in challenge to partisan gerrymandering of Ohio's congressional districts, before the Southern District of Ohio. Argued before Supreme Court of Ohio as an amicus in successful effort to strike a probation condition banning procreation. Coordinate volunteer attorneys and supervise junior staff, legal fellows, and law clerks. Conduct public educational outreach, including panel discussions on Ohio redistricting practices and parole system.

**THOMPSON HINE LLP**, Columbus, OH

*Associate, Business Litigation*, July 2012-August 2018

Practiced in business litigation and product liability groups, handling broad range of business torts and contract disputes. Conducted and supervised all aspects of litigation from investigation through appeal, including drafting all categories of pleadings and briefs at trial and appellate levels, conducting oral arguments, preparing and deposing lay and expert witnesses, and conducting written and electronic discovery. First-chair trial experience. Active pro bono practice in civil rights, including briefing First Amendment implications of political false-statements law, briefing Sixth Amendment public trial violation, challenging Ohio Parole Board "first flop" practice, and challenging state policy denying birth certificate sex marker changes.

**SIDLEY AUSTIN LLP**, New York, NY

*Associate, Complex Commercial Litigation*, January 2011-July 2012; *Summer Associate*, May-August 2008

Worked on complex commercial litigation matters including SEC enforcement, bankruptcy, antitrust litigation, and Foreign Corrupt Practices Act litigation. Drafted motions and briefs, drafted deposition and witness examination outlines, performed legal research and drafted memoranda, and managed electronic discovery. In pro bono capital habeas appeal in Alabama, prepared witnesses, drafted portions of petition for relief, and assisted at evidentiary hearing. Drafted opinion of disciplinary panel regarding attorney's application for reinstatement to the New York bar.

**PROFESSOR BARRY FRIEDMAN, NEW YORK UNIVERSITY SCHOOL OF LAW, Woodbridge, VA**

***Research Assistant***, November 2009-December 2010

Position accepted pro bono under a fellowship from Sidley Austin LLP. Wrote popular and academic articles and research memoranda in criminal procedure, criminal law, constitutional law, and legal history. Topics included constitutionality of health care reform, the creation of the USA-PATRIOT Act and other surveillance laws, and Fourth Amendment compliance of police search and seizure guidelines.

**BAR AND COURT ADMISSIONS**

Admitted in Ohio and New York; U.S. District Courts for Southern and Northern Districts of Ohio, Eastern and Southern Districts of New York, and Eastern District of Michigan; U.S. Courts of Appeals for Sixth and Ninth Circuits; and Supreme Court of the United States.

# Exhibit D-2

## David Carey

Date	Description of Services	Time
4/5/2018	Conference call with ACL and Lambda personnel regarding case status, latest client correspondence, and next steps.	1.1
4/13/2018	Review previous research regarding designation of related cases, and correspond with F. Levenson.	0.2
6/21/2018	Call with litigation team regarding initial disclosures.	1.2
6/28/2018	Call with co-counsel regarding case strategy and next steps.	0.9
7/7/2018	Correspond with F. Levenson and other co-counsel regarding case strategy and next steps.	0.4
7/9/2018	Conference call with co-counsel regarding next steps and motion to dismiss.	1.0
7/10/2018	Discuss MTD w/ ME	0.1
7/16/2018	Review draft opposition to motion to dismiss.	0.5
7/16/2018	Review and revise draft interrogatories and requests for production.	1.2
7/17/2018	Correspond with co-counsel regarding case strategy.	0.5
7/18/2018	Pretrial conference call with Court and all counsel.	1.2
7/18/2018	Call with co-counsel regarding strategy pertaining to motion to dismiss.	1.2
7/20/2018	Review and analyze motion for stay of discovery and emergency motion for interim stay, outline response arguments for M. Eble, and send update to co-counsel.	2.1
7/22/2018	Review and revise draft opposition to motion to dismiss.	2.4
7/24/2018	Review and revise draft opposition to motion for interim stay.	1.8
7/25/2018	Revise draft opposition to motion for interim stay of discovery.	2.8
7/26/2018	Correspondence and discussion with co-counsel regarding opposition to motion to dismiss and opposition to motion for interim stay.	2.3
8/3/2018	Review and revise draft opposition to motion to stay discovery.	3.5
8/6/2018	incorporate co-counsel's edits into draft opposition to motion for stay of discovery, and circulate new draft to co-counsel.	1.2
10/11/2018	Conference call with co-counsel regarding discovery strategy.	0.4

11/13/2018	Correspond with S. Becker and F. Levenson regarding protective order and discovery strategy.	0.5
11/14/2018	Draft proposed protective order.	2.5
11/16/2018	Revise draft proposed protective order, and send to opposing counsel.	1.0
11/21/2018	Review draft protective order and circulate proposed revisions to co-counsel.	0.8
12/3/2018	Finalize protective order, obtain consent of opposing counsel, and send for filing.	1.5
12/5/2018	Correspond with F. Levenson, S. Becker, and E. Bonham regarding discovery strategy.	0.4
12/11/2018	Draft and send correspondence to opposing counsel regarding discovery progress.	1.1
1/2/2019	Correspondence with co-counsel regarding document processing and review.	1.0
1/25/2019	Review documents produced by Defendant, and draft summary for co-counsel.	4.8
1/29/2019	Analysis of documents produced by defendants, and discussion with co-counsel.	1.5
2/1/2019	Review draft written discovery responses, and make note of potential edits.	2.1
2/4/2019	Call with ACL of Ohio team regarding written discovery responses.	0.4
2/27/2019	Attention to settlement strategy, including review of pleadings and discussions with F. Levenson and E. Bonham.	1.3
3/21/2019	Team conference call discussing discovery strategy.	1.0
4/26/2019	Review draft discovery responses, and revise.	1.2
6/24/2019	Correspondence and discussion regarding strategy for supplemental authority.	0.4
7/3/2019	Review and analyze opposing expert's opinion, and correspond with co-counsel.	3.8
7/23/2019	Correspond with team regarding strategy for expert witness.	1.1
7/25/2019	Review draft expert report.	1.1
7/26/2019	Discussion with E. Bonham regarding case strategy, and legal research regarding deference issues.	1.8
8/8/2019	Discussion with co-counsel regarding strategy for discovery responses.	0.7
8/8/2019	Review discovery requests.	0.5
8/12/2019	Review discovery requests, make notes regarding potential objections, and discuss with co-counsel.	1.7

8/16/2019	Review draft deposition prep outline and send comments to E. Bonham.	0.9
8/18/2019	Review background materials, including complaint, discovery responses, and expert reports, in advance of witness prep session.	3.5
8/18/2019	Deposition prep for S. Ray.	3.5
8/19/2019	Attend and assist in defending deposition of S. Ray.	4.0
9/12/2019	Review and analyze order denying motion to dismiss.	2.4
9/27/2019	Read defendant's Answer.	1.2
10/14/2019	Correspondence with co-counsel regarding procedures for designating and sealing confidential material, and related strategy matters.	2.8
11/4/2019	Discussions with co-counsel regarding briefing strategy for summary judgment.	1.1
1/8/2020	Review and revise draft summary judgment motion.	3.8
1/8/2020	Call with E. Bonham discussing strategy for summary judgment.	0.7

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# Exhibit E

**UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**STACIE RAY, et al.**

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director,  
Ohio Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge: Michael Watson

Magistrate Judge: Chelsey Vascura

**DECLARATION OF ELIZABETH BONHAM**

Pursuant to 28 U.S.C. 1746

I, Elizabeth Bonham, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am above the age of 18, I am competent to testify, and I have personal knowledge of the matters contained in this declaration.
2. I am a Staff Attorney at the ACLU of Ohio Foundation (ACLU of Ohio), and I represent Plaintiffs in this litigation.
3. The ACLU of Ohio is a statewide non-profit organization that relies upon the contributions of its members and supporters, and in part upon attorney fees incurred in litigation, to fund its operations.
4. I am licensed to practice law in Ohio and I have been licensed continuously since November, 2015.
5. I am also admitted in the United States District Court for the Northern and Southern Districts of Ohio, and in the Sixth Circuit Court of Appeals.

6. I have been with the ACLU of Ohio for my entire career, beginning as a law student, then as an attorney, and then as a full-time staff attorney.
7. I have accumulated experience working on complex constitutional and other federal civil rights litigation similar to the work I performed in this lawsuit.
8. My resume detailing my professional qualifications is attached to this declaration as Exhibit E-1.
9. Along with my co-counsel Kara Ingelhart, I performed the majority of the attorney work in this litigation. Ms. Ingelhart and I have the lowest billing rates of all of the members of our counsel groups originally assigned to this case.
10. Ms. Ingelhart and I, and the rest of our team, also exercised judgment in staffing the case with other attorneys. We relied on our colleagues who are experienced supervisors and subject matter experts for review and consultation in our work. We relied on our colleagues from Thompson Hine for discovery support and the litigation experience they contributed as private attorneys. We relied on our paralegals and legal assistants where we were able to for support.
11. My hours expended working on this case are attached to this Declaration as Exhibit E-2.
12. The time expended and costs incurred have been reasonable, and the records submitted are an accurate reflection of the time I expended in this case. I have documented my time in six-minute increments.
13. I exercised billing judgment to prepare these time records. For example, I did not list time for many small tasks or for any tasks that did not take at least six minutes to complete.

14. I also did not list my time for tasks that ultimately did not contribute to the result of this litigation. This includes my time supervising law student work on the case, and time spent researching approaches to use in the litigation that we did not ultimately pursue.

15. The reasonable hourly rate for my work is \$250.

16. I am using a fair market rate for my time, as an attorney in this region with approximately five years' experience who practices in this subject matter field. I believe this rate reflects my level of skill and experience and that it is comparable to similar attorneys in the Columbus area. These conclusions are based in part on the guidance published by the Ohio State Bar Association, attached to the fee petition in this case as Exhibit A.

17. The lodestar figure for my work on this case, determined by multiplying my reasonable hours expended by my reasonable rate, is  $612.6 * 250 = \mathbf{\$153,150}$ .

18. In addition to preparing and submitting my own materials in support of Plaintiffs' fee petition, I performed and oversaw the research and drafting for this fee petition, and supervised the collection and review of the materials in support.

19. My office carefully reviewed all of the fees and costs incurred in this case to ensure their accuracy to the best of our knowledge and belief. Then, we made cuts to the fees and costs sought in the petition, as an exercise of billing judgment.

20. For example, we cut from the attorney and paralegal time records: any time that represented purely clerical tasks, any incomplete or confusing time entries,

and any time that was not spent exclusively on legal work in service of the end result of the case. We also cut all time spent prior to serving the complaint on the Defendants, despite intensive pre-litigation investigation and researching and drafting the complaint and the associated motion to file anonymously on behalf of one of our clients. Finally, we cut all time spent after the final order in this case except for my time and my colleague Tess Sabo's time that we spent on this fee petition.

21. In addition, we cut from our offices' records of non-time costs: all of Thompson Hine's out-of-pocket expenses, all office and technology overhead expenses from all counsel groups, and all non-flight travel expenses including mileage, lodging, and meals. These cuts largely applied to out-of-town depositions.

Executed on: 2/1/2021

By:           /s/Elizabeth Bonham  
Elizabeth Bonham (0093733)  
ACLU of Ohio  
4506 Chester Ave.  
Cleveland, OH 44103  
Email: ebonham@acluohio.org  
Attorney for Plaintiffs

# Exhibit E-1

## **Elizabeth Bonham**

ebonham@acluohio.org | she/her

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### **BAR ADMISSIONS**

- **Supreme Court of Ohio**, November 2015
- **U.S. District Court, Northern District of Ohio**, March 2016
- **U.S. District Court, Southern District of Ohio**, December 2016
- **Sixth Circuit Court of Appeals**, July 2016

### **PROFESSIONAL EXPERIENCE**

#### **American Civil Liberties Union of Ohio**, Cleveland, OH

*Staff Attorney (previously extern, law clerk)*, 2015-Present

- Litigate constitutional and statutory civil rights cases advancing voting access, LGBTQ equality, race and gender equality, access to reproductive healthcare, First Amendment rights, disability justice, and criminal justice reform including police misconduct and immigrant detention.
- Lead advocacy including lobbying, public speaking, policy analysis, media representation, research, and nonprofit development, to pursue issue campaigns coordinated with litigation.
- Manage staff, students, and pro bono counsel teams and develop relationships with volunteers and community organizations to forward civil rights campaigns statewide.
- In this role I have gained experience putting on a federal trial including direct examination of witnesses; arguing before the Sixth Circuit Court of Appeals; assisting with briefing before the Sixth Circuit and the United States Supreme Court; first-chairing evidentiary hearings; and handling all aspects of discovery including extensive expert witness discovery. I have obtained successful results for my clients through mediation, negotiation, motions, and trial.

#### **Cleveland State University College of Urban Affairs**, Cleveland, OH

*Adjunct Professor*, 2018

- Taught administrative and regulatory law to students in graduate and legal programs.

#### **LegalWorks**, Cleveland, OH and Lorain, OH

*Law Clerk*, 2014-15

- Provided pro-bono criminal and civil legal services to low-income individuals in a clinic setting.

#### **The Brown-Panagopoulos Law Group**, Cleveland, OH

*Law Clerk*, 2013-15

- Represented clients with disabilities in criminal defense and anti-discrimination litigation.

#### **Cleveland-Marshall College of Law**, Cleveland, OH

*Research Assistant to Professor Heidi Robertson*, 2015

- Performed scholarly research and writing in environmental, local government, administrative law
- Contributed to publication: H. Robertson, *When States' Legislation and Constitutions Collide With Angry Locals: Shale Oil and Gas Development and its Many Masters*, 41 Wm. & Mary Env'tl. L. & Pol'y Rev. 55 (2016)

*Teaching Assistant to Professor Candice Hoke*, 2014

- Taught first-year law students legislation, administrative law, legal writing, and study skills.

#### **Civil Litigation Clinic**, Cleveland-Marshall College of Law, Cleveland, OH

*Student Practitioner*, 2013-15

- Represented clients in unemployment disputes and immigration appeals; argued before the Ohio Eighth District Court of Appeals and contributed to briefing before the U.S. Board of Immigration Appeals.

**Nueva Luz Urban Resource Center Legal Clinic, Cleveland, OH**

*Public Interest Fellow, 2014*

- Represented low-income clients living with HIV/AIDS in civil matters including landlord-tenant disputes, government benefits access, and criminal defense.

**EDUCATION**

**Cleveland-Marshall College of Law, Cleveland State University, Cleveland, OH**

J.D., *magna cum laude*, May 2015

GPA: 3.6/4.0; Class Rank: Top 20%

- Dean's Learn Law, Live Justice Award and Commencement Speaker; Dean's Community Service Award; Lexis Clinical Employment Award; OSBA Award for Commitment to Employment Law; Public Interest Fellow; President, CM Allies; CALI Awards in Civil Litigation, Legal Drafting, Disability Law, Land Use Regulation, and Commercial Law

**Warren Wilson College, Asheville, NC**

B.A. with Honors: Major: Environmental Studies, Minor: Philosophy, May 2011

GPA: 3.84/4.0; Concentration: Environmental Law & Policy

**COMMUNITY ENGAGEMENT**

- Bar Associations
  - ▶ Cleveland Metropolitan Bar Association, Litigation and Young Lawyers Sections
  - ▶ National Lawyers Guild
- Community Activities
  - ▶ Crescent Moon Urban Farm, co-farmer

**SELECTED PUBLICATIONS & PRESENTATIONS**

- **Selected publications.**
  - ▶ J. Mead, M. Hatch, JR Tighe, M. Pappas, K. Andrasik, E. Bonham, *Treating Neighbors as Nuisances: Troubling Applications of Criminal Activity Nuisance Ordinances*, 66 Et Cetera 3 (2018)
  - ▶ E. Bonham, *Protesting and Censorship*, Columbus Bar Lawyers Quarterly (2018)
  - ▶ J. Mead, M. Hatch, JR Tighe, M. Pappas, K. Andrasik, E. Bonham, *Who is a Nuisance? Criminal Activity Nuisance Ordinances in Ohio* (2017)
- **Selected presentations.**
  - ▶ *Partisan Gerrymandering After Rucho*, Cleveland Marshall College of Law (2019)
  - ▶ *Chronic Nuisance Laws and the Fair Housing Act*, various, with the Fair Housing Center for Rights and Research (2018-19)
  - ▶ *Decriminalization and Representing Clients Living with HIV*, with Ohio Public Defender, Center for HIV Law and Policy, Ohio State Bar Association (2018)
  - ▶ *Race, Disability, and the School-to-Prison Pipeline*, Ohio State Conference of Court Appointed Special Advocates (2017)
  - ▶ *Pursuing Equality: Accessing Transgender Rights Protections*, Cleveland State University (2017)
  - ▶ *State of the Law of HIV Criminalization*, Ohio Department of Health (2017)

# Exhibit E-2

## Elizabeth Bonham

Date	Description of Services	Time
4/5/2018	Team call re: next steps after filing	1.0
4/6/2018	Review order re mtn to proceed anon	0.2
4/6/2018	Review corr re retainers finalized	0.1
6/14/2018	Review corr re new opposing counsel req for extension	0.3
6/21/2018	TC re initial disclosures, 26f report	1.0
6/22/2018	Draft 26f plan circulate	0.5
6/22/2018	Talk w/ team make edits re 26f	0.6
6/22/2018	Further talking w/ team re case plan	0.2
6/25/2018	26f conference w/ OC	1.2
6/28/2018	Request review discovery from similar cases from colleagues	1.0
6/28/2018	TC re discovery, strategy	0.9
7/3/2018	Drafting discovery requests	1.7
7/5/2018	Draft discovery requests send to FJL	2.4
7/6/2018	Read notes on Defs' MTD	1.0
7/6/2018	Corr. to set up conf w/ team re MTD	0.1
7/9/2018	Prep for TC re MTD	0.3
7/9/2018	TC re MTD 26f report draft	1.0
7/9/2018	Add'l strategy conversion after TC, internal only	0.3
7/9/2018	Rev 26f for changes based on TC, corr. to FJL re same	0.4
7/9/2018	Rev 26f for changes based on TC, corr. to FJL re same	0.1
7/10/2018	Corr w/ team re editing schedule for MTD opposition	0.2
7/10/2018	Research - compelled speech claim, read similar case briefing	3.0
7/10/2018	Work on draft of our disc requests to send to KN	2.0
7/11/2018	Corr w/ KN re edits to disc requests	0.1
7/11/2018	Call w/ KN re discovery	0.5
7/11/2018	Review edit discovery requests, sent FJL to discuss	0.7
7/11/2018	Review corr w/ KN, disc requests	1.0
7/11/2018	Corr w/ KN re disc requests	0.4
7/11/2018	Apply all edits, send discovery to whole team	0.4
7/12/2018	Research writing - compelled speech section of opp state law intro	4.7
7/14/2018	Research writing, my sections opp brief complete, sent off to team	8.5

7/15/2018	Review make edits to KN , A sections of opp brief	3.8
7/15/2018	Talk to KN A re opp brief reconciliation	0.5
7/15/2018	New edits to opp to MTD brief	3.6
7/15/2018	Revisions to opp brief, resolve all edits to same	4.2
7/15/2018	Corr. send final brief to KN	0.3
7/16/2018	Corr. w/ team re editing schedule for brief	0.2
7/16/2018	Review comments to discovery drafts	0.4
7/16/2018	Corr to KN re discovery drafts	0.2
7/17/2018	Resolve all edits, finalize discovery documents	4.9
7/17/2018	Corr w/ KN re discovery draft edits	0.1
7/17/2018	Corr w/ team re: setup for 26f conf, serve discovery, serve	2.0
7/18/2018	Review all edits to opp brief before call corr. to FJL, SJB re same	1.0
7/18/2018	TC re opposition brief	1.0
7/18/2018	Pretrial conf all parties w/ J asucra	1.2
7/18/2018	Review initial research re opp to stay motion	0.1
7/19/2018	Edits to MTD opp brief	2.9
7/20/2018	Additional edits, line edits, to opposition brief sent clean to KN	4.4
7/23/2018	Review corr. re internal-only edits to opp to MTD	0.4
7/23/2018	Revise send new edits to MTD opp brief - internal only - state law sec.	1.4
7/23/2018	Corr w/ FJL, SJB to finalize brief, research new FN	0.3
7/24/2018	Schedule group call, whole team corr.	0.1
7/25/2018	Review all edits coming in - MTD opp brief	0.8
7/26/2018	Revise respond, all final notes on MTD opp	0.6
7/26/2018	Review corr. re more edits to MTD opposition brief	0.2
7/26/2018	Review final opp to MTD brief send off	0.5
7/26/2018	Reviewed opp to mtn to stay sent back	1.0
7/26/2018	Talking to FJL re stay motion, corr to David Carey	0.3
7/27/2018	Total time for editing finalizing opp to motion to stay	1.0
7/27/2018	Final proof read, to EK for finalizing - opp to stay	0.2
10/11/2018	Corr. prep re discovery, initial disclosures	0.7
12/5/2018	Talk w/, corr., KN re expert agr. edit same	0.5

12/6/2018	Review corr. re discovery deficiencies, strategy re same	0.1
12/21/2018	Corr. w/ team re doc review plan	0.1
1/3/2019	Working to organize docs begin review	0.3
1/8/2019	Review first written disc. requests	0.9
1/8/2019	Corr. w/ KN re discovery reactions	0.1
1/8/2019	Call w/ KN to discuss discovery	0.5
1/8/2019	Corr to set up TC re discovery	0.1
1/8/2019	Further work corr. w/ TH on doc production	0.3
1/9/2019	Work w/ Marilyn and Jeff re doc production	0.3
1/10/2019	Corr re getting counsel group together for call	0.2
1/10/2019	Started to review doc production	0.1
1/14/2019	Corr re set up TC re discovery	0.1
1/14/2019	Talk w SJB re discovery	0.5
1/14/2019	TC re discovery	1.0
1/14/2019	initial doc/database review	0.5
1/22/2019	Talk to clients about discovery responses	0.5
1/22/2019	Further corr. w/ clients re discovery responses	0.1
1/23/2019	Review draft responses to discovery	0.5
1/23/2019	Talk to KN about discovery responses	0.5
1/24/2019	Editing discovery responses, corr. w/ co-counsel re same	1.7
1/25/2019	Review docs corr w/ DJC re same	0.2
1/27/2019	Talk to 2 clients re medical privacy issues	0.5
1/28/2019	Review doc production summary, attached hot docs	0.4
2/1/2019	Brief check in w/ clients	0.2
2/4/2019	Review KN discovery responses	1.0
2/4/2019	TC (internal only) re discovery responses, made edits on call circulated	1.0
2/4/2019	TC re discovery	0.5
2/8/2019	Corr. w/ co-counsel re Ettner dec	0.3
2/11/2019	Preparing deficiency letter for co-counsel review	0.5
2/15/2019	Research re redaction problems w/ doc prod, write up	0.7
2/18/2019	Review Ettner report corr. w/ co-counsel re same	2.5
2/21/2019	Talk w/ clients re status update	0.3
2/25/2019	Talk to KN re settlement week email corr to internal team	0.7
2/28/2019	Call w/ OC re settlement week	1.0

3/1/2019	Consult, corr. edits to corr. re settlement week	0.7
3/13/2019	Doc review prepare summary	1.1
3/13/2019	TC re discovery	0.6
3/20/2019	Call w/ KN re discovery expert prep	1.0
3/21/2019	TC re expert reports	1.0
3/22/2019	Talking to Dr Ettner	0.7
3/22/2019	Add'l edits to Ettner decl	0.9
3/25/2019	Confer w/ OC, internal corr. w/ co-counsel (call w/ KN , corr to internal team) re moving case deadlines	3.0
3/25/2019	Review research prepare for conf. w/ court	0.7
3/26/2019	Finalize Ettner report	0.4
3/26/2019	Calls w/ KN to discuss same	0.4
3/26/2019	Prep conf re case schedule	1.0
3/29/2019	Drafting revisions to discovery responses, circ. to team	2.0
3/29/2019	Talk to KN re discovery requests follow up	1.0
4/4/2019	Research corr. w/ co-counsel - re discovery dispute, redactions problem	0.9
4/10/2019	Talk to clients re status update	0.6
4/22/2019	Team call re: second set of discovery	1.0
4/26/2019	Review respond to Defs letter re discovery	1.8
4/26/2019	going through discovery responses w/ clients editing reviewed w/ co-counsel	2.3
5/16/2019	Discuss internally 3d set discovery reqs	0.2
5/20/2019	Discuss 3d disc requests w/ KN	0.6
5/21/2019	Discuss w/ clients responses to 3d disc requ	0.6
5/21/2019	Team Call re written discovery requests	0.6
5/23/2019	Editing additional corr. re discovery responses	0.4
5/23/2019	Sent disc responses to team, internal only	0.2
5/24/2019	Reivew privacy research discuss w/ KN	0.7
5/25/2019	Review edit discovery responses, discuss w/ clients, obtain verifications	3.2
5/26/2019	Corr. re discovery plan w/ KN	0.3
6/12/2019	Corr re deposition planning, catching up from vacation - DJC, KN	0.2
6/13/2019	Call w/ KN re depositions other discovery	1.0
6/14/2019	Draft update to team re depositions, expert strategy	0.4

6/14/2019	Corr w/ internal team re discovery next steps	0.2
6/21/2019	Edits for finalizing Ettner report	1.1
6/21/2019	Corr to Dr Ettner re report	0.2
6/23/2019	Review Ettner report comments	3.0
6/24/2019	Corr w/ Dr Ettner re report	0.3
6/25/2019	Check in w Lambda re Ettner report	0.4
6/25/2019	Review of redactions log doc prod., corr to small group for review - deficiency letter	2.2
6/25/2019	Edits to def letter	0.3
6/26/2019	Starting deposition prep	0.8
6/27/2019	Review respond to OC email re discovery deficiency	0.9
6/27/2019	Review corr from OC re discovery issues research draft reply for team review	3.2
7/1/2019	Corr. w/ whole team re: notice of substitution, Ettner report, depositions	0.7
7/1/2019	Final review, corr., research to ready expert report	2.4
7/1/2019	Notice of supp authority	0.2
7/1/2019	Exchange of expert disclosures review Defendant's, discuss w/ small group	3.0
7/2/2019	Continued discovery fight w/ OC re producing birth certificates, depositions - research drafting	2.0
7/2/2019	Talk to clients re depositions	0.4
7/7/2019	Continued discovery dispute deposition scheduling - talk to all clients, obtain BCs permission, schedule depos, draft send corr to OC re all	2.3
7/8/2019	Discuss depo scheduling w/ KN	0.1
7/8/2019	Review discuss internally Defs' "response" to notice of supp auth	0.3
7/15/2019	Review, research, respond - Ds discovery objection re Belenker deposition	3.0
7/18/2019	Meet confer corr follow up re deposition locations, disputed deposition	1.7
7/18/2019	Review corr. continue research re rebuttal experts	1.0
7/18/2019	Talk to potential expert	0.9
7/18/2019	Talk to potential expert, review materials	1.5
7/18/2019	Research re expert reports, rebuttal	2.0
7/21/2019	Internal discussion re: rebuttal experts	2.0
7/21/2019	Review potential expert report	1.0
7/21/2019	Talk w/ clients re updates	0.7
7/22/2019	Talk w/ KN re discovery disputes	0.5
7/23/2019	Team call re rebuttal expert report	0.9

7/25/2019	nternal corr add'l research re expert rebuttal strategy	2.7
7/26/2019	Research outline for discovery conf, conf. follow up w/ team	2.0
7/26/2019	Research re agency deference policy making	1.3
7/26/2019	Scheduling corr re expert rebuttal	0.5
7/28/2019	Review, edits re expert rebuttal	4.5
7/29/2019	Rev A edits to Nick's report, circ corr. w comments	1.8
7/29/2019	Rev Nick team's edits, recirculate (report)	1.0
7/30/2019	Finalize Nick's report, corr. w/ KN A re same	2.0
7/30/2019	Further corr internal re finalizing orton report	0.3
7/30/2019	Compare Nick's report against M report, edit	1.0
7/30/2019	Further corr w/ team re finalizing Nick report	0.3
7/30/2019	Further revisions re Nick report	0.5
7/30/2019	Finalize rebuttal to send off	0.5
7/30/2019	Review M rebuttal, corr w. KN	1.0
7/31/2019	Scheduling depositions	0.1
7/31/2019	nternal corr re depositions	0.2
7/31/2019	Scheduling call w/ KN incl. depo planning	1.0
7/31/2019	Corr w/ all team re depositions	0.2
7/31/2019	Changes to 30b6 outline	4.0
8/1/2019	Prepare exhibits for deposition, email w/ KN	3.0
8/1/2019	Travel to columbus for 30b6	2.1
8/1/2019	Prep for 30b6 outline, all exhibits	4.0
8/2/2019	Nagy depo	6.9
8/2/2019	Drive home from columbus	2.2
8/8/2019	Review disc requests, new from OC (4th) TC re same	2.3
8/12/2019	Team call re case schedule and discovery responses	0.6
8/12/2019	Corr w/ clients re deposition scheduling prep	0.3
8/12/2019	Corr w/ internal-only team re responding to discovery	0.5
8/12/2019	Corr w/ other affiliates, staff re scheduling depositions	0.3
8/12/2019	Review further internal corr re discovery responses	0.2
8/12/2019	TC to review D 4th set disc requests	1.0

8/12/2019	Corr w/ OC re extension of time, to Tess re drafting same	0.1
8/13/2019	Work w/ Tess on motion for extension of schedule	0.5
8/13/2019	Talk/corr. to OC re case schedule	0.1
8/14/2019	Finalize motion for filing w/ Tess	0.2
8/14/2019	Work on deposition prep outline - general for plffs	2.5
8/14/2019	Deposition prep outline drafted, sent to KN	0.5
8/16/2019	Corr. w/ KN , client, OC re confirming depo	0.1
8/16/2019	Complete depo prep outline for DJC, KN review	3.3
8/16/2019	Corr. w/ KN , DJC re revisions to prep	0.5
8/17/2019	Review notes to 30b6 transcript	2.0
8/18/2019	Travel to Columbus for Stacie's prep deposition	2.2
8/18/2019	Review additions to prep outline from A	0.2
8/18/2019	Stacie deposition prep	3.5
8/19/2019	Final deposition prep	1.0
8/19/2019	Stacie's deposition	4.0
8/19/2019	Travel home from Stacie deposition	2.2
8/20/2019	Corr to set up video depositions	0.5
8/20/2019	Review OC corr re exhibits depo schedule	0.5
8/20/2019	Further review of D exhibits for plaintiff depositions	1.0
8/20/2019	Corr w/ client re scheduling depo prep	0.3
8/20/2019	Review KN outline for Ashley's depo prep, notes	0.5
8/20/2019	Review add'l docs for Ashley depo prep	0.3
8/20/2019	Prep call w/ KN , Ashley	2.0
8/20/2019	Add'l prep for Ashley deposition, review docs	0.4
8/21/2019	Review materials advance of DOE deposition prep	2.0
8/22/2019	Corr w/ KN all team re issue w/ DOE depo	0.3
8/26/2019	Talk to KN re discovery, various	0.5
8/26/2019	Work w/ Tess on scheduling rest of depositions travel	0.2
8/27/2019	Scheduling depositions w/ KN , Tess, affiliate staff	0.5
8/27/2019	Deposition prep for Basil	2.0
8/28/2019	Corr w/ KN re scheduling prep for depositions	0.1

8/28/2019	Travel Cleveland to Denver for Basil's deposition	4.3
8/28/2019	Deposition prep for Basil w/ client, KN	4.0
8/28/2019	Review further documents for Basil's deposition	0.5
8/28/2019	Deposition prep for Basil, document review outline	3.0
8/29/2019	Final preparation for Basil's deposition - review supplemental documents corr. re same	1.5
8/29/2019	Basil's deposition	3.0
8/29/2019	Notes debrief after deposition	0.5
8/29/2019	Deposition summaries, notes	2.0
9/3/2019	Travel home from Denver to Cleveland	3.5
9/3/2019	Corr w/ KN re discovery responses	0.3
9/4/2019	Review edits to responses to discovery	2.9
9/4/2019	Corr. w/ client re experts deposition testimony	0.4
9/4/2019	Send discovery responses to clients to talk through	0.4
9/4/2019	Corr. w/ OC re deposition notices	0.2
9/4/2019	Corr. w/ all clients re discovery responses	0.5
9/4/2019	Corr to help reschedule set up DOE deposition	0.2
9/5/2019	Further scheduling corr re expert prep depos	0.5
9/5/2019	Work w/ KN , A to finalize edits, line edits to discovery responses	1.0
9/9/2019	Finalize discovery responses, all verifications, to OC	1.0
9/9/2019	Send further supp production	0.2
9/9/2019	Talk to KN re 30b6 notes	0.5
9/10/2019	Prep for Ettner deposition - review similar case transcripts	2.0
9/11/2019	Continued prep for expert depositions - documents from A	1.5
9/11/2019	Small group call re expert depo prep	0.6
9/11/2019	Add'l review of 30b6 transcript for discovery follow up	1.0
9/11/2019	Review KN depo prep outline for DOE depo	0.4
9/11/2019	Work on depo prep outline for Ettner	2.0
9/12/2019	Review internal corr. re order denying MTD, contact all clients	1.5
9/12/2019	Further additions to Ettner depo prep outline, review sources, review an Meter report	3.0

9/13/2019	Consult w/ KN re final prep for DOE deposition	0.5
9/13/2019	Write up to team re discovery status	0.3
9/16/2019	Review edits to expert deposition prep outline	0.1
9/16/2019	Review further edits to depo prep outline	0.5
9/16/2019	Review further edits to same	0.4
9/17/2019	Travel to Chicago for Ettner prep deposition	3.3
9/17/2019	Ettner prep w/ Randi	5.0
9/17/2019	Further Ettner deposition prep	3.0
9/18/2019	Ettner deposition	7.0
9/18/2019	Travel home from Ettner deposition	3.0
9/20/2019	Begin reviewing documents for an Meter deposition, corr. to OC re same	0.5
9/23/2019	Corr. w/ KN , Tess re confirming depositions, depo costs	0.2
9/23/2019	Review, prepare for an Meter deposition	0.5
9/24/2019	Review deposition prep outline for an Meter	0.4
9/24/2019	Further review depo prep outline materials	2.0
9/24/2019	Review of an Meter materials	3.0
9/26/2019	Revisions to KN outline for deposition send	0.7
9/26/2019	Travel to Columbus for an Meter prep deposition	2.1
9/26/2019	an Meter prep w/ KN	10.0
9/27/2019	an Meter deposition prep - printing outline, docs, get ready	3.0
9/27/2019	an Meter deposition	6.6
9/27/2019	Travel home from Columbus	2.1
9/30/2019	Working w/ Tess re errata issue for Ashley	0.3
10/1/2019	Notes re potential new disc req's based on 30b6	1.0
10/1/2019	Scheduling corr. w/ Nick, Tess, KN re expert depo prep	0.3
10/1/2019	Corr. research re expert fees issue	0.5
10/1/2019	Review discovery to date, draft deficiency email	2.0
10/2/2019	Further corr. research w/ KN re expert fees	0.5
10/2/2019	Review expert agreement w/ Nick	0.4
10/3/2019	Edits to Nick's retainer incl. talk w/ FJL	0.6
10/4/2019	Finalize Nick's retainer w/ National, all	0.4
10/4/2019	Add'l work re Nick's retainer, edits corr.	0.3
10/4/2019	Review deposition prep for Nick	0.5

10/5/2019	Review new research docs re Nick's deposition prep	0.5
10/5/2019	Add'l doc review drafting deficiency email to OC	1.0
10/7/2019	Travel to Columbus for Nick's depo prep	2.2
10/7/2019	Nick deposition prep in office w/ KN	6.0
10/7/2019	Add'l deposition prep, review notes on rebuttal	2.0
10/8/2019	Add'l deposition prep	0.5
10/8/2019	Conf w/ KN prior to deposition	0.4
10/8/2019	Nick's deposition	6.6
10/8/2019	Drive Columbus to Cleveland after deposition	2.2
10/10/2019	Write up case summary for whole team	0.5
10/10/2019	Conf w/ KN re close of discovery	0.5
10/11/2019	et erratas out, working w/ Tess	0.3
10/11/2019	Doc review for any add'l deficiencies, review needs against all productions responses	4.0
10/18/2019	Review corr re expert fees	0.4
10/24/2019	Checking in w/ KN after vacation - discovery updates	0.2
10/25/2019	Conf w/ KN re all discovery updates	0.5
10/25/2019	Review OC email re discovery disputes alongside doc review	3.0
10/25/2019	Review OC privilege log alongside doc review	2.0
10/26/2019	Review all deposition transcripts	3.0
10/27/2019	Discovery documents new corr from OC review before close of discovery	4.0
10/28/2019	Draft circulate response email to OC re hot docs	0.8
10/28/2019	Review 3b6, productions, privilege log w/ KN by phone	1.0
10/28/2019	Redraft, recirculate corr. re same	0.6
10/28/2019	Corr w/ KN re follow up for an Meter depo	0.3
10/28/2019	Corr w/ KN re agenda for TC, discovery corr to OC	0.4
10/29/2019	TC re discovery updates experts	1.0
10/30/2019	Review an Meter errata, corr w/ KN re same	0.4
10/30/2019	Review corr from OC re productions	0.5
11/4/2019	Work w/ KN to set up schedule for SJ briefing	0.2
11/4/2019	Add'l corr re briefing schedule	0.5
11/4/2019	Add'l discussion corr re briefing schedule	0.5

11/4/2019	Talk w/ KN re briefing schedule	0.3
11/6/2019	Add'l discussion re briefing schedule	0.5
11/7/2019	Scheduling call w/ OC related review, motion to set briefing schedule	1.0
11/8/2019	Review edits to briefing schedule motion	0.3
11/12/2019	Finalize file briefing schedule motion	0.2
11/12/2019	Corr w/ small drafting group ( A, KN ) re briefing schedule	0.2
11/13/2019	Corr w/ drafting team re MSJ briefing	0.2
11/14/2019	Corr w/ co-counsel re MSJ schedule	0.2
11/15/2019	Review new anti-birth certificate legislation, litigation status in other jx	0.5
11/18/2019	TC with small group re MSJ briefing schedule	0.5
11/20/2019	Review corr internal brief editing schedule	0.3
11/22/2019	Review, discuss changes to editing schedule	0.4
11/22/2019	Call w/ KN re MSJ approach	0.5
11/22/2019	Review orton transcript	1.0
12/4/2019	Review of A section of MSJ brief	0.7
12/4/2019	Research writing - law sec of MSJ	4.0
12/5/2019	Call w/ KN to discuss briefing	0.5
12/5/2019	Research writing - 1AM law sec. of MSJ	6.2
12/5/2019	Writing argument sec of MSJ, questions corr to co-counsel	5.1
12/6/2019	Drafting for MSJ - review docs for SOF, draft SOF	6.0
12/6/2019	Review National's edits thoughts to speech section of MSJ	2.4
12/9/2019	Corr w/ KN re supp productions MSJ brief	0.3
12/9/2019	Review of discovery materials, supp productions for SOF	2.0
12/12/2019	Corr w/ KN re an Meter errata	0.4
12/16/2019	Drafting for MSJ - non-law sections	3.5
12/16/2019	Drafting for MSJ - 1A, SOF, introduction	4.5
12/17/2019	Drafting final MSJ whole - insert facts	7.6
12/17/2019	Corr w/ KN re editing	0.1
12/18/2019	Review KN edits to brief, circulate internally	0.6
12/18/2019	Corr w/ co-counsel re MSJ status, further review	0.2
12/18/2019	insert add'l edits to brief	0.9
12/18/2019	Further edits cutting of brief	4.0
12/19/2019	Further review send brief to internal team w/ instructions for editing schedule	4.5

12/19/2019	Review corr from KN re thoughts on MSJ	0.2
12/20/2019	Call w/ Malita re editing schedule	0.5
12/20/2019	Corr w/ team re changing editing schedule	0.3
12/20/2019	Further corr w/ team re editing schedule	0.5
12/20/2019	Review Peter's edits to MSJ	0.5
12/21/2019	Explain and forward Peter edits to internal team	0.7
12/22/2019	Review internal edits to, comments re MSJ draft	1.0
12/23/2019	Further review corr, conversation re substantive legal issues in MSJ	2.0
12/23/2019	Further corr re organizational issues, MSJ	0.2
12/26/2019	Further internal-only corr re MSJ edits	0.2
12/27/2019	Resolve internal edits, pass to National incl. explanatory corr.	0.6
12/27/2019	Corr w/ OC, co-counsel re proposed motion to file under seal depo transcripts along w/ MSJs	0.4
12/27/2019	Internal discussion re motion to file under seal	0.4
12/28/2019	Review of deposition transcripts for sensitive information	0.5
12/28/2019	Review marked-up transcripts for sensitive information draft proposed corr to OC for review re same	4.3
12/30/2019	Review co-counsel thoughts re protecting ct information, motion to seal convey to OC	0.4
12/30/2019	Review corr from OC re motion to seal, discuss internally	0.7
1/2/2020	Corr w/ OC re meet and confer re motion to seal	0.1
1/3/2020	Phone call w/ OC re same	0.3
1/6/2020	Drafting motion to seal deposition transcripts	0.9
1/6/2020	Review OC edits, draft proposed order, recirculate	0.5
1/7/2020	Work w/ Tess - ready to file motion to seal	0.3
1/7/2020	Review new supplemental production of documents, discuss	0.7
1/8/2020	Cuts to MSJ	1.6
1/8/2020	Review notes, to-do list, circulate planning email	1.7
1/8/2020	Work w/ Tess to schedule out finalizing MSJ related filings	0.5
1/8/2020	Corr w/ drafting team re planning email	0.4
1/8/2020	Further corr re needs for filing MSJ prep	0.5

1/8/2020	Talk w/ DJC re MSJ	0.7
1/8/2020	Review newest cuts to MSJ, adjust, send to FJL for review	2.5
1/9/2020	Review FJL edits, send to Lambda (MSJ)	0.2
1/9/2020	Review J ascura order on motion to file under seal, discussion email OC	1.4
1/9/2020	Research writing new brief on motion to seal	2.7
1/9/2020	Review make revisions to motion to seal	1.4
1/9/2020	Proof, cite check file motion to seal	0.9
1/10/2020	Corr w/ team re how to handle experts	2.0
1/10/2020	Corr w/ OC re filing depo transcripts	0.1
1/10/2020	Work on finalizing MSJ brief, circulate to colleagues	1.8
1/10/2020	Preparing deposition transcripts, redactions, erratas to attach to MSJ filing	1.5
1/10/2020	Review A line edits to MSJ	0.3
1/10/2020	Corr w/ small group re line edits	0.5
1/10/2020	Review J ascura order on sealing motion	0.2
1/10/2020	Continued work on redactions review for exhibits to MSJ	2.0
1/10/2020	Continued work on redactions review of MSJ exhibits	1.6
1/10/2020	Review Lambda's line edits to MSJ	0.8
1/11/2020	Review exhibits incl DOE transcript for privacy issues, AEO designations notes re all exhibits	3.0
1/12/2020	Write up final thoughts re exhibit redactions to small team	0.8
1/12/2020	Corr w/ team re redactions exhibits	0.5
1/12/2020	With KN clients - MSJ, exhibits, plan out for review to all clients, turn around revisions	2.0
1/13/2020	Further corr w/ clients re MSJ filing	0.6
1/13/2020	Working on exhibits for MSJ w/ KN , Lambda	0.8
1/13/2020	Working w/ Tess on redactions cleanup for exhibits	1.0
1/13/2020	oing over recent edits to MSJ brief w/KN , reviewing	1.5
1/13/2020	Further review, addition of record citations into MSJ, w/ Kara	4.5
1/13/2020	Review and final edits to exhibits	0.8
1/14/2020	Review revised MSJ	1.0
1/14/2020	Confirm DOE exhibit is acceptable w/ client	0.3
1/14/2020	Further edits to DOE exhibit	0.6
1/14/2020	Work w/ team on initial cite checking	0.3

1/14/2020	Working w/ Lambda re exhibit list, edits to exhibits	0.9
1/14/2020	Add'l edits to explanatory language in exhibits	0.3
1/15/2020	Line edits to MSJ	0.9
1/15/2020	Corr w/ co-counsel re filing plan	0.2
1/15/2020	Read edited copy of MSJ, respond to questions, create clean copy for circulation	4.0
1/16/2020	Circulate clean MSJ brief w/ tasks comments to team	1.2
1/16/2020	Review KN new comments to brief	0.3
1/16/2020	Working w/ Tess, A, KN, to finalize brief and all attachments for filing	3.3
1/16/2020	Check filed copy of MSJ	0.5
1/16/2020	Review D's MSJ, schedule call to discuss	2.0
1/21/2020	Team call re D's MSJ	0.5
2/7/2020	Corr w/ co counsel re draft review (response brief)	0.3
2/8/2020	Review draft, corr w/ internal team re new issues over response brief	0.4
2/8/2020	Discussion w internal team re same issue in response biref	0.7
2/8/2020	Further internal discussion re same	0.2
2/9/2020	Review all edits to response brief, incorporate	4.0
2/9/2020	Corr w/ co counsel re draft review	0.6
2/10/2020	Review supp expert production from OC	0.4
2/10/2020	Continue to merge edits in brief	3.9
2/10/2020	Talk w/co counsel re major changes	0.5
2/10/2020	Further edits from me incl. cite check	1.6
2/10/2020	Rev. A KN addl edits, incorp corr re same	1.9
2/10/2020	Corr w/ small group re same	0.4
2/11/2020	Corr w/ A KN re addil edits and review	0.8
2/11/2020	Review and incorp add'l edits from A, JK	2.0
2/11/2020	Discussion w co counsel re same	0.7
2/11/2020	Review and combine all edits, pass to FJL	3.0
2/12/2020	Review edits from FJL, SJB	2.4
2/12/2020	Corr w internal team re edits, pass to Tess	0.3
2/13/2020	Corr w Tess re brief, citation issues	0.4
2/13/2020	Rev final version of brief	1.0
2/13/2020	Pass to team, corr w/ small team re same	0.4
2/13/2020	Talk to KN re final brief	0.1
2/17/2020	Corr w team re how to do reply	0.2
2/18/2020	Corr w team re editing schedule	0.3
2/18/2020	30 min TC re same	0.5
2/18/2020	Review A corr, respond re outline	0.7

2/19/2020	Tweak outline, forward to team for feedback	1.0
2/20/2020	Corr w/ entire team re outline	0.3
2/21/2020	Drafting reply brief	4.0
2/23/2020	Review feedback from team on draft	0.7
2/23/2020	Review add'l feedback from A, KN, JK	1.0
2/23/2020	Incorporate and corr w/ whole team re edits	3.0
2/23/2020	Pass draft to Peter to solicit add'l feedback	0.2
2/24/2020	Add'l corr w Peter, Susan, Lambda others, re draft	0.4
2/25/2020	Review peter edits pass to internal team	2.0
2/25/2020	Corr w/ every team member passing around edits	1.2
2/25/2020	Review of add'l SJB edits	0.7
2/25/2020	Merge multiple versions	1.4
2/25/2020	Merge comments from JK	0.7
2/26/2020	Review FJL edits from last night and incorp	2.0
2/26/2020	Finalize brief, incorp all edits	2.6
2/26/2020	Corr w/ Tess re editing schedule	0.1
2/26/2020	Simultaneous cite fixing corr w/ A KN for entire brief	1.8
2/26/2020	Reconcile multiple final versions additional edits, circulate final final version	4.0
2/27/2020	Tess, me A KN all cite checking line editing final brief	3.0
3/4/2020	Corr to team re update	0.2
4/21/2020	Corr re expert fee issues, KN OC	0.3
6/26/2020	Prepare notice of supp authority related review corr	2.0
12/7/2020	Review motion to sub defendant	0.2
1/7/2021	Help Tess w Malita PH	0.1
1/26/2021	Talk w/ Tess re fee petition	0.2
1/26/2021	Work on fee petition - reviewing billing, drafting declarations brief	0.3
1/26/2021	Work on fee petition - reviewing billing, drafting declarations brief	0.1
1/26/2021	Talk w/ FJL re fee petition	0.6
1/26/2021	Fee petition - work on research writing, corr. to team re declarations	2.2
1/27/2021	Fee petition - research drafting	1.7
1/27/2021	Fee petition - research drafting	1.3
1/27/2021	Fee petition - research drafting	2.9
1/28/2021	Fee petition - further edits to decls brief	1.2
1/29/2021	Talk w/ Tess re gathering billing, records for fee petition	0.4

1/29/2021	Fee petition - resolving edits on brief, gathering supporting docs corr to team	1.0
1/29/2021	Fee petition - finalizing decls other records	0.1
1/29/2021	Fee petition - finalizing decls other records	1.3
1/29/2021	Fee petition - finalizing decls other records	0.5
1/30/2021	Fee petition - review everyone's documentation, finalize exhibits brief	1.0
1/30/2021	Fee petition - review everyone's documentation, finalize exhibits brief	2.0
1/31/2021	Fee petition - review everyone's corrections, add'l research edits to brief	2.0
1/31/2021	Fee petition - review everyone's corrections, add'l research edits to brief	2.0
2/1/2021	Fee petition - fill in all exhibits, finish brief review	2.1
2/1/2021	Fee petition - finalize	3.0

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# Exhibit F

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**STACIE RAY, et al.**

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director,  
Ohio Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge: Michael Watson  
Magistrate Judge: Chelsey Vascura

**DECLARATION OF PETER C. RENN**

Pursuant to 28 U.S.C. 1746

I, Peter C. Renn, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am above the age of 18, I am competent to testify, and I have personal knowledge of the matters contained in this declaration.
2. I am Counsel with Lambda Legal Defense and Education Fund, Inc. (“Lambda Legal”), and I represent Plaintiffs in this litigation.
3. Lambda Legal is a nationwide non-profit organization that relies upon the contributions of its members and supporters, and in part upon attorney fees incurred in litigation, to fund its operations.
4. I graduated *magna cum laude* from Harvard Law School in 2006, where I was an executive editor of the Harvard Civil Rights-Civil Liberties Law Review. After law school, I clerked for the Honorable Lawrence Karlton in the United States District Court for the Eastern District of California. I have worked full-time on civil rights cases for the

LGBT community at Lambda Legal since 2010. I work in Lambda Legal's Western Regional Office, which is based in Los Angeles, California. I am a recipient of the National LGBT Bar Association's Best LGBT Lawyers Under 40 Award. Attached as Exhibit F-1 to this Declaration is a true and correct copy of my resume.

5. I am admitted to the State Bar of California; the Central, Eastern, and Northern Districts of California; the Fourth, Fifth, Ninth, D.C., and Federal Circuits; and the United States Supreme Court.
6. Before joining Lambda Legal, I practiced at the law firm of Munger, Tolles & Olson in Los Angeles, California. At the time I left the law firm in 2010, my billing rate was more than \$400 per hour. The current rates for an attorney with my years of experience in the Los Angeles market performing comparable complex civil litigation would be more than \$500 per hour.
7. During my time at Lambda Legal, I have acquired specialized experience and knowledge litigating cases involving discrimination against transgender people, including challenging the denial of identity documents that accurately reflect their gender identity. I heavily relied upon that experience and knowledge for my representation of Plaintiffs. Representative examples of the cases that I have litigated include the following: *F.V. v. Barron*, 286 F. Supp. 3d 1131 (D. Idaho 2018) (counsel in challenge to denial of birth certificates reflecting gender identity); *Karnoski v. Trump*, 926 F.3d 1180 (9th Cir. 2019) (counsel in challenge to ban on open military service by transgender people); *Rosati v. Igbinoso*, 791 F.3d 1037 (9th Cir. 2015) (counsel on appeal for transgender prisoner denied access to gender-affirming surgical care); *Fletcher v. Alaska*, 443 F. Supp. 3d 1024 (D. Alaska 2020) (counsel in denial of access to gender-affirming care); *Roberts v. Clark Cnty. Sch. Dist.*, 215 F. Supp. 3d 1001 (D. Nev. 2016) (*amicus* counsel in denial of restroom access for transgender employee under Title VII); *Carcaño v. McCrory*, 203 F.

Supp. 3d 615 (M.D.N.C. 2016) (counsel in challenge to North Carolina laws discriminating against transgender people in access to public facilities). I have also worked with experts regarding the importance of access to accurate identity documents for transgender people, which was relevant to the effective representation of Plaintiffs.

8. I am seeking fees for 52.1 hours of work on this case at a rate of \$375 per hour. Attached as Exhibit F-2 is a true and correct copy of the task-based itemized charges for my time in this case, which I have reviewed and approved. I exercised billing judgment to ensure that the time spent was reasonable and necessary under the circumstances.
9. The rate I am charging for my work on this case is comparable to rates for attorneys in this jurisdiction, a conclusion based in part on a review of the Ohio State Bar Association Report, attached as Exhibit A to the fee petition.
10. The lodestar figure for my work on this case, determined by multiplying my reasonable hours expended by my reasonable rate, is  $52.1 * 375 = \mathbf{\$19,537.50}$ .

Dated: February 1, 2021

By: /s/ Peter C. Renn  
Peter C. Renn\* (California Bar No. 247633)  
Lambda Legal Defense and Education Fund  
4221 Wilshire Blvd., Suite 280  
Los Angeles, CA 90010  
Phone: (213) 382-7600  
Facsimile: (213) 351-6050  
Emil: [prenn@lambdalegal.org](mailto:prenn@lambdalegal.org)

*Attorney for Plaintiffs*

*\*Admitted Pro Hac Vice*

# Exhibit F-1

**PETER C. RENN**

4221 Wilshire Blvd., Suite 280 • Los Angeles, CA 90010  
prenn@lambdalegal.org • 213-382-7600

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## EDUCATION

### Harvard Law School, June 2006

Honors: *magna cum laude*, top 10%  
Activities: *Civil Rights-Civil Liberties Law Review*, Executive Editor  
Lambda, Co-President  
Asian Pacific American Law Students Association, Member

### University of Texas at Austin, B.A. in Psychology & Plan II, May 2003

Honors: *summa cum laude*  
Distinguished Dedman Scholar, Four-Year Merit Scholarship

## EXPERIENCE

### Lambda Legal Defense and Education Fund, Inc.

Jun. 2010 – Present                      Counsel                      Los Angeles, CA

Responsible for impact test-case litigation advancing the civil rights of lesbian, gay, bisexual, and transgender (LGBT) people and everyone living with HIV. Extensive litigation experience in courts throughout the western region of U.S., including briefing and argument to state and federal appeals courts. Oversee all aspects of litigation, including drafting of briefs, fact investigation, discovery, depositions, expert reports, trial preparation, and appeals. Identify potential new matters and devise case strategy from inception through appeal. Communicate with media regarding cases, which have been profiled in the *New York Times*, *Los Angeles Times*, and *Washington Post*. Speak at community events, conferences, and fundraising events. Recipient of the National LGBT Bar Association's Best LGBT Lawyers Under 40 Award.

#### Selected examples:

- *Thornton v. Saul*, 2020 WL 5494891 (W.D. Wash. Sept. 11, 2020): Counsel in challenge to denial of social security survivor's benefits to same-sex couples wholly barred from marriage by unconstitutional state laws. Obtained class certification and nationwide injunction.
- *Ely v. Saul*, 2020 WL 2744138 (D. Ariz. Jul. 24, 2020): Counsel in challenge to denial of social security survivor's benefits to same-sex couples barred from marriage for requisite duration by unconstitutional state laws. Obtained class certification and nationwide injunction.
- *Fletcher v. State of Alaska*, 443 F. Supp. 3d 1024 (D. Alaska 2020): Counsel in challenge on behalf of transgender state librarian denied access to gender-affirming surgical care. Obtained summary judgment on liability finding that state's exclusion on care violated Title VII.
- *Gender and Sexuality Alliance v. Spearman*, 2020 WL 1227345 (D.S.C. Mar. 11, 2020): Counsel in challenge to anti-gay school curriculum law. Obtained consent decree enjoining enforcement.
- *Karnoski v. Trump*, 926 F.3d 1180 (9th Cir. 2019): Counsel in pending challenge to federal policy excluding transgender people from military service. Obtained appellate ruling holding that discrimination against transgender people requires heightened constitutional scrutiny.



Fall 2003 – Spring 2004            Legal Hotline Volunteer  
Researched equal protection issues in marriage equality litigation. Provided legal information to callers regarding LGBT issues in New England.

**BAR ADMISSIONS**

California State Bar; Central, Eastern, and Northern Districts of California; Fourth, Fifth, Ninth, D.C., and Federal Circuits; United States Supreme Court

# Exhibit F-2

## Peter Renn

Date	Description of Services	Time
4/5/2018	Review order on motion to proceed anonymously and as-filed version of complaint	0.5
4/5/2018	Email Ms. ngelhart re: certified copies of birth certificates.	0.3
4/5/2018	Telephone conference with litigation team to discuss next steps.	1.0
4/13/2018	Telephone conference with Ms. ngelhart re: potential notice of related cases to Doe v. Highland.	0.2
6/21/2018	Telephone conference with litigation team re: preparation of 26(f) report.	1.2
6/25/2018	Telephone conference with opposing counsel to conduct 26(f) conference.	1.2
6/28/2018	Telephone conference with team to discuss 26(f) conference and next steps.	0.9
7/16/2018	Review and revise draft affirmative discovery (RFPs and interrogatories)	1.0
7/16/2018	Review and revise MTD opposition.	1.5
7/17/2018	Review and revise MTD opposition.	8.8
7/17/2018	Telephone conference with Ms. ngelhart re: review and revision of MTD opposition.	0.9
7/18/2018	Telephone conference with litigation team to discuss revisions to MTD opposition.	1.2
7/18/2018	Telephone conference with Ms. Levenson to prepare for scheduling conference.	0.2
7/18/2018	Participate in scheduling conference with Judge ascura.	1.2
11/15/2018	Telephone conference with litigation team to discuss discovery responses and next steps.	0.5
1/14/2019	Review defendant's discovery requests.	0.2
1/14/2019	Telephone conference with litigation team to discuss discovery requests.	1.0
3/21/2019	Telephone conference with litigation team to discuss next steps in discovery, 30(b)(6) strategy, and expert report	1.0
4/22/2019	Telephone conference with litigation team to discuss case status and litigation tasks.	1.0
5/20/2019	Telephone with Ms. ngelhart regarding responses to third set of discovery requests.	0.2
7/2/2019	Review and analyze expert report of Dr. an Meter and analyze potential need for rebuttal report email litigation team re: same.	2.3
7/17/2019	Telephone conference with Ms. ngelhart re: potential rebuttal experts.	0.7
7/22/2019	Telephone conference with Ms. ngelhart re: potential rebuttal experts.	0.5
7/23/2019	Telephone conference with team to discuss potential rebuttal	0.9
7/30/2019	Telephone conference with Ms. ngelhart re: deposition schedule for experts.	0.3

7/31/2019	Telephone conference with Ms. ngelhart re: 30(b)(6) deposition and plaintiff depositions.	0.7
7/31/2019	Review and comment on 30(b)(6) deposition outline	1.9
8/12/2019	Telephone conference with litigation team to discuss revisions to case schedule and responses to new set of discovery requests.	0.6
8/15/2019	Review and revise outline for deposition preparation with plaintiffs and email Ms. ngelhart re: same.	2.0
8/18/2019	Prepare for and attend deposition preparation session with Ms. Ray and team members.	3.5
9/11/2019	Telephone conference with Ms. ngelhart, Mr. Arkles, and Ms. Bonham re: expert deposition preparation.	0.6
9/12/2019	Participate in part of deposition preparation of Dr. Ettner with Ms. ngelhart and Ms. Bonham.	2.0
9/25/2019	Review and comment on deposition outline for Dr. an Meter.	1.5
11/4/2019	Email with co-counsel regarding briefing schedule for cross-motions for summary judgment.	0.7
11/5/2019	Email with co-counsel regarding briefing schedule for cross-motions for summary judgment.	0.3
12/20/2019	Review and revise draft of MSJ.	3.5
1/9/2020	Review and revise draft of MSJ.	3.1
1/21/2020	Telephone conference with Ms. ngelhart re: defendant's MSJ.	0.5
1/21/2020	Telephone conference with litigation team re: defendant's MSJ.	0.5
2/4/2020	Review, revise, and comment on draft of opposition to defendant's MSJ.	2.0

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# Exhibit G

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**STACIE RAY, et al.**

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director, Ohio  
Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge: Michael Watson  
Magistrate Judge: Chelsey Vascura

**DECLARATION OF KARA N. INGELHART**

I, Kara N. Ingelhart, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am above the age of 18, I am competent to testify, and I have personal knowledge of the matters contained in this declaration.
2. I am a Staff Attorney at Lambda Legal Defense and Education Fund (“Lambda Legal”), and I represent Plaintiffs in this litigation.
3. Lambda Legal is a nationwide non-profit organization that relies upon the contributions of its supporters, and in part upon attorney fees incurred in litigation, to fund its operations.
4. I am licensed to practice law in Illinois and I have been since December 22, 2015.
5. I am also admitted in the United States District Courts for the Northern District of Illinois and the Western District of Michigan, and in the Fourth, Seventh, and Ninth Circuit Courts of Appeals.
6. I have been with Lambda Legal for my entire career, beginning as a Skadden Fellow, then as a law fellow, and then as a staff attorney. I work in Lambda

Legal's Midwestern Regional Office, which is based in Chicago, Illinois. I am a recipient of the National LGBT Bar Association's Best LGBT Lawyers Under 40 Award.

7. I have accumulated experience working on complex constitutional and other federal civil rights litigation similar to the work I performed in this lawsuit.
8. During my time at Lambda Legal, I have acquired specialized experience and knowledge litigating cases involving discrimination against transgender people, including challenging the denial of identity documents that accurately reflect their gender identity. I heavily relied upon that experience and knowledge for my representation of Plaintiffs.

Representative examples of the cases that I have litigated include the following: *F.V. v. Barron*, 286 F. Supp. 3d 1131 (D. Idaho 2018) (counsel in challenge to denial of birth certificates reflecting gender identity); *Karnoski v. Trump*, 926 F.3d 1180 (9th Cir. 2019) (counsel in challenge to ban on open military service by transgender people); *Arroyo González v. Rosselló* (D. Puerto Rico 2018); *Hobby Lobby v. Ill. Human Rights Comm'n; Ill. Dept. of Human Rights; & Meggan Sommerville* (Ill. App. Ct. 2nd Dist. 2021) (*amicus* counsel in denial of restroom access for transgender employee under Title VII); *Evancho v. Pine Richland School District* (W.D. Pa. 2018) (counsel for transgender students in Pine Richland School District challenging a School District resolution that requires transgender student to use restrooms according to their sex assigned at birth). I have also worked with experts regarding the importance of access to accurate identity documents for transgender people, which was relevant to the effective representation of Plaintiffs.

9. My resume detailing my professional qualifications is attached to this Declaration as Exhibit G-1.
10. Along with my co-counsel Elizabeth Bonham, I performed the majority of the attorney work in this litigation. Elizabeth and I have amongst the lowest billing rates of our counsel group.

11. My hours expended working on this case are attached to this Declaration as Exhibit G-2.
12. The time expended and costs incurred have been reasonable, and the records submitted are an accurate reflection of the time I expended in this case. I documented my time in six-minute increments.
13. I exercised billing judgment to prepare these time records. For example, I did not list time for many small tasks or for any tasks that did not take at least six minutes to complete.
14. I am seeking fees for 456.2 hours of work on this case at a rate of \$250 per hour. Exhibit G-2 to this Declaration is a true and correct copy of the task-based itemized charges for my time in this case, which I have reviewed and approved. I exercised billing judgment to ensure that the time spent was reasonable and necessary under the circumstances. The current rates for an attorney with my years of experience in the Chicago market performing comparable civil litigation would be more than \$300 per hour.
15. The lodestar figure for my work on this case, determined by multiplying my reasonable hours expended by my reasonable rate, is  $456.2 \times 250 = \mathbf{\$114,050}$ .

Dated: February 1, 2021

By: /s/ Kara Ingelheart  
Kara N. Ingelhart (6321949)  
Lambda Legal  
65 E. Wacker Pl.  
Chicago, IL 60611 4506  
Chester Ave.  
Cleveland, OH 44103  
Phone: (312) 663-4413  
Facsimile: (312) 663-4307 Email:  
kingelhart@lambdalegal.org

*Attorney for Plaintiffs*

# Exhibit G-1

## Kara N. Ingelhart

### LEGAL EXPERIENCE

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#### **Lambda Legal Defense and Education Fund**, Chicago, Illinois

*Staff Attorney*

*February 2019-Present*

*Law Fellow Attorney*

*September 2017-January 2019*

*Skadden Fellow Attorney*

*September 2015-September 2017*

- Active in all facets of cutting-edge impact litigation, public policy, and community education on issues involving the civil and human rights of lesbian, gay, bisexual, and transgender people and people living with HIV.
- Represent individuals in federal and state litigation, including cases involving equal access to identity documents for transgender people, housing discrimination, equal access to military service, public health, conditions of confinement for incarcerated individuals, and equal access to sex-segregated facilities for transgender students.
- Participate in federal and state policy working groups, prepare formal comments regarding legislation and regulations, educate Congressional staffers, and author presidential transition memoranda.
- Review and assess legal intakes for potential litigation or advocacy opportunities.
- Serve as spokesperson for Lambda Legal, clients, and partners.
- Help develop and execute effective media strategies.
- Collaborate with other Lambda Legal departments including communications and development.
- Conduct trainings and educational programs on all aspects of Lambda Legal's mission.
- Hire and manage legal interns.
- Former Equity, Diversity, and Inclusion Committee Co-Chair.
- Skadden Fellowship designed to serve low-income LGBTQ youth with juvenile or criminal records by addressing barriers that they face in accessing housing, employment, and educational opportunities.

### EDUCATION

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#### **The University of Chicago Law School**, Chicago, Illinois

*Juris Doctor*

*June 2015*

- Student Attorney, Mandel Legal Aid Clinic Mental Health Project
- Student Leadership: OutLaw, President & Law Students for Reproductive Justice, Vice President
- Fellowships and Internships: National LGBTQ Task Force, Washington, D.C.; Center for Interdisciplinary Inquiry and innovation in Sexual and Reproductive Health, Chicago, IL; Jindal Global Law School, Sonapat, India; & Lambda Legal, Chicago, IL.

#### **The University of Chicago School of Social Service Administration**, Chicago, Illinois

*Certificate - Graduate Program in Health Administration and Policy, Global Health Concentration*

*June 2015*

#### **Indiana University**, Bloomington, Indiana

*Bachelor of Arts in Biology & Gender Studies, Highest Honors*

*May 2012*

- Phi Beta Kappa Society Member
- Indiana University Adam William Herbert Presidential Scholar
- Research Assistant, The Kinsey Institute for Research in Sex, Gender & Reproduction
- Poster Presenter, 12th & 13th Annual Women in Science Program Conference, Rural Center for AIDS/STD Prevention RCAP National Conference

### REPRESENTATIVE CASES

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*Foster v. Andersen* (D. Kansas); *Ray v. Himes* (S.D. Ohio); *Arroyo González v. Rosselló* (D. P.R.); & *F.V. v. Jeppesen* (D. Idaho)

Counsel for transgender people challenging Kansas's, Ohio's, Puerto Rico's, and Idaho's refusal to allow transgender people to correct the gender marker on their birth certificates.

*Hobby Lobby v. Ill. Human Rights Comm'n; Ill. Dept. of Human Rights; & Meggan Sommerville* (Ill. App. Ct. 2nd Dist.)

Co-authored *amicus* brief regarding the application of laws barring discrimination because of “sex” to transgender people, including the requirement of equal access to sex-segregated facilities.

*Stinson V. Florida* (Circuit Court First Judicial Circuit, Walton County, Florida)

Counsel for senior citizen seeking post-conviction relief from a more than three-fold sentencing enhancement (twenty-one years over the recommended sentence) based on his HIV status.

*Roe v. Esper* (E.D. Virginia)

Counsel for U.S. Airforce Service Members living with HIV who were given discharge orders just days before the 2018 holiday season.

*Harrison v. Esper* (E.D. Virginia)

Counsel for an HIV+ Service Member in the D.C. National Guard challenging the Pentagon’s current policies preventing enlistment, deployment, or commissioning as an officer if a person is HIV+.

*Judd v. Judd* (Ill. App. Ct. 2nd Dist.)

Counsel for Illinois non-biological mother whose former spouse appealed determination of shared custody of their daughter.

*Karnoski v. Trump* (W.D. Wash., 9th Cir., U.S. Sup. Ct.)

Counsel for transgender people challenging the constitutionality of the Trump Administration’s ban on military service by transgender individuals.

*Dorn v. Michigan Department of Corrections* (W.D. Mich.)

Counsel for formerly incarcerated individual who was disproportionately punished for his HIV-positive status, including spending nearly a year in solitary confinement, under discriminatory Michigan statute and corresponding procedures.

*Wetzel v. Glen St. Andrew Living Community* (N.D. Ill., 7th Cir.)

Counsel for older lesbian woman facing discrimination based on her sex and sexual orientation in independent living community, through claims under the Fair Housing Act and the Illinois Human Rights Act.

*Evancho v. Pine Richland School District* (W.D. Pa.)

Counsel for transgender students in Pine Richland School District challenging a School District resolution that requires transgender student to use restrooms according to their sex assigned at birth.

*Anders v. San Francisco County Superior Court, aka Doe v. Kink.com* (Cal. Ct. App.)

Co-authored *amicus* brief regarding medical privacy rights, HIV-related stigma, public health goals, and statutory intent in the context of HIV testing.

*Erotic Service Provider Legal, Education and Research Project v. Gascón* (9th Cir.)

Co-authored *amicus* brief regarding intersection of due process and criminal prostitution and solicitation laws as they relate to public health and HIV.

*Whole Woman’s Health v. Hellerstedt* (U.S. Sup. Ct.)

Co-authored *amicus* brief regarding intersection of fundamental rights and equal protection as they relate to reproductive justice.

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SELECTED PRESENTATIONS, TESTIMONY, & POSTERS

Kara N. Ingelhart 3

- Presentation (with Aaron B. Maduff): *LGBTQ Rights after Bostock v Clayton County (USSC) – Implications for Employees and Employers*
- Lavender Law Conference** August 2020  
Presentation (with Eric Paulk, Amir Sadeghi, Bamby Salcedo, & Brad Sears): *The Criminalization of Disease – Lessons from HIV, Hepatitis, and COVID-19*
- University of Chicago Law School** January 2020  
Panelist (with Professor Mary Anne Case & Professor Steve Sanders): *Title VII, Sexual Orientation, & Gender Identity*
- Pritzker Military Library** December 2019  
Panelist (with Scott Schoettes, Sgt. Nick Harrison, & Sasha Buchert): *Transgender & HIV Military Ban Panel with U.S. Rep. Mike Quigley*
- North Dakota Advisory Committee to the U.S. Commission on Civil Rights Briefing** June 2019  
Public Hearing Testimony (with North Dakota State Rep. Ruth Buffalo, Hukun Abdullahi, Laetitia Mizero Hellerud, Barry Nelson, Jack Russell Weinstein, & Miriam Zeidman): *Hate Crimes in North Dakota*
- University of Chicago Law School** April 2019  
Panelist (with Scott Schoettes, Peter Perkowski, & Julie Bauer): *HIV & the Military*
- Indiana University School of Law** March 2019  
Presentation (with Professor Steve Sanders): *LGBTQ Equality in the Courts: An Update on Current Controversies*
- Cook County Board of Commissioners** February 2019  
Public Hearing Testimony: *Resolution Condemning Trump Administration Treatment of Transgender, Gender Non-Conforming, & Intersex Individuals*
- National Asian Pacific American Bar Association Conference** November 2018  
Panelist (with Rachel See, Brynn Tannehill, & Kage Adams): *Stories from the Front Lines: Military Policies Regarding Openly Transgender Americans*
- Ohio State Bar Association** September 2018  
Presentation (with Susan Becker & Alana Jochum): *Seventh Annual LGBTQ & Allies Diversity & Inclusion Conference*
- Defense Research Institute (DRI) Employment & Labor Law Conference** May 2018  
Panelist (with Craig R. Thorstensen): *Addressing Claims of Discrimination Involving the LGBT Community*
- Defense Research Institute (DRI) Retail & Hospitality Litigation Conference** May 2018  
Panelist (with Leon B. Silver, Katina Thornock, & Kristen Wilson): *Transgender Bathrooms: Where Can We Go Wrong?*
- DePaul College of Law** March 2018  
Panelist (with Miles Shultz & Lori Ecker): *Journal of Women, Gender & Law Symposium*
- Chicago Bar Association** February 2018  
Panelist (with John Knight, Lark Mulligan, Maria Pahl, & Mike Ziri): *Serving LGBT Clients in 2018: What You Need to Know*
- Congressional LGBT Equality Caucus Staff Briefing** January 2018  
Panelist (with Shayla Schlossenberg, Preston Mitchum, Magalie Lerman, & Kate D'Adamo): *The Impact of Sex Work Laws on LGBTQ Community*
- Creating Change Conference** January 2018  
Presentation (with Daniel Bruner, Guillaume Bagal III, & Kate D'Adamo): *Criminalizing Sex Work: Exploring the Full Scope of the Law*
- Wake Forest University School of Law** November 2017

Presentation (with Nii-Quartelai Quartey, Paula Kohut, & Yemi Adegbonmire): *LGBT Advocacy and Aging*

**Lavender Law Conference**

August 2017

Presentation (with Daniel Bruner, Maria Carmen Hinayon, & Richard Saenz): *Sex Workers and the Criminal Law: An LGBT Issue*

**Creating Change Conference**

January 2017

Presentation (with Meghan Maury & Shelby Chestnut): *Reentry: Breaking the Cycle of Incarceration for LGBTQ People and PLHIV*

Presentation (with Candace Bond-Therault): *Stop the Stigma: Queer Identity, Abortion Stigma and Politics of the Closet*

Presentation (with Kate D'Adamo, Victoria Roldriguez-Roldan, & Joanna Cifredo): *Decriminalization of the Sex Trade*

**Coalition for Juvenile Justice Conference**

April 2016

Poster: *LGBTQ Youth & Disproportionate Juvenile & Criminal Justice System Contact: Policing, Prosecution and Sentencing & the Collateral Effects of a Record*

**Creating Change Conference**

January 2016

Presentation (with Rachel Brady, Candace Moore, & Geoffrey Winder): *Perspectives on Policing Young People in Schools*

Presentation (with Lam Ho): *Sex Work Decriminalization: A History, Personal Experiences, and Advocacy Tools*

**PUBLICATIONS**

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- *LGBT Rights and the Free Speech Clause*, AMERICAN BAR ASSOCIATION GP SOLO (2020) (co-authored with Jamie Gliksberg and Lee Farnsworth)
- *Abortion Stigma and the Politics of the Closet*, THE ADVOCATE (June 16, 2016) (co-authored with Camilla B. Taylor and Caroline Sacerdote)
- *Patterns of Sexual Arousal in Young, Heterosexual Men Who Experience Condom-Associated Erection Problems (CAEP)*, JOURNAL OF SEXUAL MEDICINE (2013) (co-authored with Brandon J. Hill, Ph.D., Stephanie Sanders, Ph.D, Richard Crosby, Ph.D., and Erick Janssen, Ph.D.)
- *Condom-Associated Erection Problems (CAEP): Behavioral Responses and Attributions in Young, Heterosexual Men*, SEXUAL HEALTH (2013) (co-authored with Brandon J. Hill, Ph.D., Stephanie Sanders, Ph.D, Richard Crosby, Ph.D., and Erick Janssen, Ph.D.)

**ADMISSIONS, AWARDS, & AFFILIATIONS**

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- State Bar Admission: Illinois
- U.S. District Courts: Northern District of Illinois & Western District of Michigan
- U.S. Courts of Appeals: Fourth Circuit, Seventh Circuit, & Ninth Circuit
- Illinois State Bar Association
- National LGBT Bar Association 40 Best Lawyers Under 40 Award, 2020
- Windy City Times 30 Under 30 Award, 2016  
(awarded for contributions made to the Chicago LGBTQ community)

# Exhibit G-2

## Kara ngelheart

Date	Description of Services	Time
4/3/2018	Review email from Mr. Arkles regarding next steps after filing complaint. Send email all re same and scheduling call with litigation team to discuss.	0.3
4/5/2018	Litigation team meeting regarding next steps post filing complaint.	1.0
4/6/2018	Review email from litigation team regarding strategy after filing complaint and respond regarding next steps.	0.2
4/13/2018	Telephone conference with Peter Renn regarding notice of related case to d	0.2
4/17/2018	Telephone conference with Dr. Ettner regarding matter and potential engagement as expert witness.	0.2
4/17/2018	Email with litigation team regarding Dr. Ettner (potential expert witness) engagement and client retainer agreements.	0.2
4/17/2018	email w/ Freda re Expert	0.2
6/14/2018	Emails with litigation team regarding new State's counsel requesting second extension to file response to complaint.	0.3
6/20/2018	Telephone conference w/ FL	0.2
6/21/2018	Litigation team meeting regarding preparation for 26(f) conference.	1.2
6/22/2018	Draft initial disclosures.	0.3
6/25/2018	26(f) conference with litigation team and opposing counsel.	1.2
6/28/2018	Litigation team meeting to discuss 26(f) Conference, take aways, and next steps.	0.9
7/3/2018	Draft expert agreement.	0.3
7/7/2018	Review draft 26(f) report and team correspondence.	0.3
7/9/2018	Review Defendants' Motion to Dismiss.	1.6
7/9/2018	Litigation team meeting regarding Motion to Dismiss.	1.0
7/11/2018	Opposition to Motion to Dismiss research. Drafting opposition to Motion to Dismiss.	1.5
7/11/2018	Review first set of written discovery (from Plaintiffs) drafted by Elizabeth Bonham.	1.0
7/11/2018	Telephone conference with Ms. Bonham regarding written discovery.	0.5
7/12/2018	Opposition to Motion to Dismiss research. Drafting opposition to Motion to Dismiss.	2.0

7/12/2018	Email to litigation team regarding internal team drafting schedule for opposition motion.	0.3
7/13/2018	Opposition to Motion to Dismiss research and drafting.	2.0
7/14/2018	Opposition to Motion to Dismiss research and drafting.	16.5
7/15/2018	Prepare for litigation team call regarding opposition to Motion to Dismiss strategy, research, drafting.	0.5
7/15/2018	Telephone conference with Ms. Bonham regarding Motion to Dismiss strategy, research, drafting.	0.5
7/15/2018	Opposition to Motion to Dismiss research and drafting. Review comment upon Plaintiffs' first set of RFPs RO s.	9.0
7/16/2018	Review comment upon Plaintiffs' first set of RFPs RO s.	0.5
7/16/2018	Review internal Lambda Legal edits to opposition to Motion to Dismiss (from K pton, D Flynn).	0.4
7/17/2018	Telephone conference with Peter Renn regarding opposition to Motion to Dismiss .	0.9
7/18/2018	Litigation team call regarding opposition to Motion to Dismiss strategy, research, drafting.	1.2
7/18/2018	Consolidate opposition to Motion to Dismiss edits from litigation team.	1.0
7/18/2018	Prepare for litigation team meeting regarding opposition to Motion to Dismiss.	1.0
7/18/2018	Prepare for R16 Conference.	0.5
7/18/2018	R16 conference with litigation team and opposing counsel and Magistrate Judge ascura.	1.2
7/19/2018	Review equal protection portion opposition to Motion to Dismiss.	3.0
7/20/2018	Review and edit full opposition to Motion to Dismiss.	6.0
7/24/2018	Emails to litigation team regarding opposition to Motion to Dismiss, review same, phone calls on same.	0.3
7/25/2018	Review and edit opposition to Motion to Dismiss.	1.7
7/26/2018	Review and edit opposition to Motion to Dismiss.	4.2
7/27/2018	Redlines on opposition to Motion to Dismiss.	0.7
8/17/2018	Read, review opposition to Motion to Dismiss brief in reparation for filing.	0.5
10/11/2018	Litigation team meeting to discuss discovery order and next steps.	0.3
10/17/2018	ncorporate edits to expert agreement from co-counsel.	0.7

10/19/2018	Telephone conference with Dr. Ettner (expert witness) regarding discovery and expert report.	0.3
11/5/2018	Email with Lambda legal management (Camilla Taylor) regarding Dr. Ettner expert agreement.	0.2
11/8/2018	Email communication to litigation team regarding Dr. Ettner expert agreement.	0.2
11/15/2018	Draft written discovery responses.	1.0
11/15/2018	Litigation team meeting regarding written discovery responses.	0.5
11/16/2018	Review draft protective order.	0.5
11/16/2018	Email comments to litigation team regarding draft protective order.	0.1
11/16/2018	Telephone conference with Dr. Ettner (expert witness) after complaint review.	0.3
1/8/2019	Review discovery production.	0.5
1/8/2019	Telephone conference with Ms. Bonham regarding status of case.	0.5
1/14/2019	Telephone conference with litigation team to discuss discovery requests.	0.8
1/23/2019	Telephone conference with Ms. Bonham regarding discovery requests.	0.5
1/30/2019	Review discovery production summary.	0.5
1/30/2019	Draft written discovery responses.	1.0
1/31/2019	Draft and review written responses to discovery.	6.0
2/1/2019	Email regarding written responses with Mr. Carey.	1.0
2/1/2019	Telephone conference with Jane Doe regarding discovery responses.	1.0
2/4/2019	Expert report preparation	0.2
2/4/2019	Telephone conference with Dr. Ettner.	0.5
2/4/2019	Basil discovery preparation and telephone conference.	1.0
2/4/2019	Review ACL TH input into written responses and preparation for Stacie Ray call.	0.5
2/4/2019	Stacie Ray call regarding discovery responses.	1.0
2/5/2019	Edit written responses.	6.2
2/5/2019	Email communication with clients regarding written responses.	1.0
2/6/2019	Finalizing written responses client signatures for verification.	1.9
2/7/2019	Email communication to litigation team regarding Dr. Ettner expert report.	0.2
2/8/2019	Correspond with co-counsel regarding Dr. Ettner report.	0.3
2/13/2019	Dr. Ettner report review, edits, incorporate team notes.	1.0
2/13/2019	Discovery doc review (second production).	0.3

2/14/2019	Dr. Ettner declaration drafting litigation team correspondence regarding the same.	0.3
2/14/2019	Dr. Ettner declaration review and edits.	0.5
2/18/2019	Review Ettner report corr. w/ co-counsel regarding same.	0.8
2/25/2019	Telephone conference to Ms. Bonham regarding settlement week email correspond to internal team.	0.7
2/28/2019	March Settlement Week call (w/ co-counsel Calfee opposing counsel).	1.0
3/20/2019	Drafting expert report email correspondence with litigation team concerning same.	4.0
3/20/2019	Telephone conference with Ms. Bonham planning for and scheduling group call re 30(b)(6), discovery steps, and expert report.	1.0
3/21/2019	Correspondence with co-counsel regarding expert disclosure deadline and opposing counsel.	0.5
3/21/2019	Litigation team meeting regarding Dr. Ettner report.	1.0
3/21/2019	Correspondence with Dr. Ettner and litigation team regarding Dr. Ettner report.	0.5
3/22/2019	Telephone conference regarding expert report with Dr. Ettner Ms. Bonham incorporating Dr. Ettner edits regarding same.	0.7
3/22/2019	Email correspondence to opposing regarding expert report deadline 4.1 follow-up Ms. Bonham regarding same.	0.7
3/25/2019	Correspond and confer with opposing counsel and Ms. Bonham regarding case deadlines. Correspond with Ms. Bonham and litigation team regarding the same.	2.5
3/25/2019	Correspondence to Lambda attorneys regarding expert witness and opinions of Dr. Ettner.	0.2
3/25/2019	Telephone conference with Ms. Bonham to prepare for conference with Magistrate Judge regarding expert report extension follow-up correspondence with Mr. Renn and co-counsel.	0.5
3/25/2019	incorporate Dr. Ettner work on expert report and correspond with litigation team to share report draft.	1.0
3/26/2019	prep for call for Ray conference (w/ magistrate, co-counsel, Calfee) follow-up w/ team	1.5
3/26/2019	Review requests for production and email correspondence with co-counsel regarding the same.	0.7

3/26/2019	Telephone conferences with Ms. Bonham regarding Dr. Ettner report.	0.4
3/27/2019	Correspondence with co-counsel regarding RFPs.	0.2
3/28/2019	Correspondence with Dr. Ettner regarding report update and deadline change.	0.2
3/29/2019	Telephone conference with Ms. Bonham regarding RFPs and follow-up correspondence drafting to clients regarding doc requests.	1.0
3/30/2019	Correspondence with clients BA and JD regarding RFPs discovery deadline updates.	0.5
4/9/2019	Email correspondence with co-counsel Ms. Bonham regarding RFPs.	0.2
4/9/2019	Correspondence and telephone conference with Jane Doe regarding written discovery reponses.	0.8
4/9/2019	Correspondence and telephone conference with Ashley Breda regarding written discovery reponses.	0.2
4/10/2019	Correspondence and telephone conference with Ashley Breda regarding written discovery reponses.	0.3
4/15/2019	Correspondence and telephone conference with Jane Doe regarding written discovery reponses.	0.3
4/16/2019	Correspondence and telephone conference with Jane Doe regarding written discovery reponses.	0.3
4/16/2019	Correspondence and telephone conference with Ashley Breda regarding written discovery reponses.	0.2
4/16/2019	Correspond with Ms. Bonham regarding clients Basil Argento and Jane Doe regarding and communication with opposing counsel and with litigation team regarding RFAs.	2.5
4/17/2019	Bates stamping of productions related email communication.	0.5
4/18/2019	Correspondence and telephone conference with Jane Doe regarding written discovery reponses.	0.3
4/19/2019	Correspondence and telephone conference with Jane Doe regarding written discovery reponses.	0.3
4/22/2019	Team call regarding second set of discovery.	1.0
4/22/2019	Correspondence and telephone conference with Jane Doe and Basil Argento regarding written discovery reponses. A.B. follow-ups to team regarding same.	1.5
4/25/2019	Email correspondence with co-counsel and with paralegal regarding discovery production.	1.5
4/25/2019	Draft discovery responses correspondence with litigation team regarding same.	3.0

4/26/2019	incorporating RFA reponse edits, Batesing, client varification emails	4.0
4/29/2019	Review and respond to Defendants' letter regarding discovery, work with clients on same and verifications.	5.0
4/30/2019	Work with clients' to review and affirm signature/verification of discovery production.	0.5
5/20/2019	Telephone conference with Mr. Renn regarding third set discovery requests.	0.2
5/21/2019	Litigation team meeting regarding written discovery requests.	0.6
6/13/2019	Telephone conference with Ms. Bonham regarding depositions and other discovery.	1.0
7/1/2019	Exchange of expert disclosures review Defendant's, discuss with small group	2.0
7/2/2019	Correspond with clients and Dr. Ettner regarding depositions and collecting birth certificates (clients only).	0.5
7/7/2019	Continued discovery dispute deposition scheduling. Corespond with clients, obtain irth certificates, schedule depositions, review correspondence to opposing counsel regarding all.	2.0
7/8/2019	Discuss deposition scheduling with Ms. Bonham	0.1
7/15/2019	Correspond regarding depositions with Ms. Bonham.	0.3
7/17/2019	Telephone conference with Mr. Renn re: potential rebuttal experts.	0.7
7/19/2019	Consultation with potential rebuttal expert and Mr. Arkles and Ms. Bonham.	0.5
7/22/2019	Telephone conference with Mr. Renn re: potential rebuttal experts.	0.5
7/22/2019	Telephone conference with Ms. Bonham regarding discovery disputes.	0.5
7/23/2019	Litigation team call regarding rebuttal expert.	0.9
7/25/2019	Draft and circulate for internal review rebuttal expert agreement.	1.5
7/25/2019	Correspond with rebuttal expert to share agreement.	0.3
7/25/2019	Review rebuttal expert's report and email comments to expert Dr. orton.	3.0
7/26/2019	Correspond with Dr. orton and litigation team regarding report.	1.5
7/26/2019	Review of Dr. orton report make edits.	3.0
7/26/2019	Telephone conference with Dr. orton regarding report.	1.0

7/29/2019	incorporate final edits to dr. orton expert report.	2.0
7/29/2019	Telephone conference with Dr. orton regarding report.	0.5
7/30/2019	Telephone conference with Mr. Renn regarding deposition schedule for experts.	0.3
7/30/2019	Finalize rebuttal expert report.	3.0
7/30/2019	Disclose rebuttal expert and report to Defendants.	0.2
7/30/2019	Scheduling depositions with opposing counsel over email.	0.5
7/31/2019	Deposition scheduling telephone conference with Ms. Bonham and opposing counsel.	1.0
7/31/2019	Telephone conference with Mr. Renn regarding 30b6 deposition and plaintiff depositions.	0.7
7/31/2019	30(b)(6) deposition outline drafting.	2.0
8/1/2019	30(b)(6) deposition travel Chicago to Columbus.	4.0
8/1/2019	30(b)(6) deposition preparation with Ms. Bonham.	4.0
8/2/2019	30(b)(6) deposition.	6.9
8/2/2019	30(b)(6) deposition travel from Columbus to Chicago.	4.0
8/8/2019	Correspondence scheduling client and expert depositions with Ms. Bonham and opposing counsel.	2.0
8/8/2019	Review Defendants' 4th discovery requests.	1.0
8/12/2019	Correspondence with opposing counsel regarding scheduling.	0.1
8/12/2019	Prepare for call discussing Defendants' 4th Discovery request.	1.6
8/12/2019	Litigation team meeting regarding case schedule and responses to discovery requests.	0.6
8/14/2019	Plaintiff outline preparation for depositions.	3.5
8/15/2019	Client and expert deposition scheduling emails and review of outline preparation.	1.5
8/16/2019	Outline edits and exchange with litigation team, scheduling depositions.	0.5
8/17/2019	Client communication travel support.	0.7
8/18/2019	Travel to Columbus for Stacie's prep deposition.	4.0
8/18/2019	Stacie Ray Dep Prep	3.0
8/19/2019	Stacie Ray Dep.	4.0
8/19/2019	Travel from Columbus to Pheonix for Ashley Breda deposition.	6.0
8/20/2019	Ashley Breda dep prep with outline and documents	2.0
8/20/2019	Ashley Breda dep prep with client.	2.5

8/21/2019	Ashley Breda dep travel to Doe	3.0
8/21/2019	Travel from Pheonix to Albuquerque for Jane Doe deposition.	5.0
8/22/2019	Doe deposition preparation.	2.0
8/22/2019	Doe deposition cancellation, travel home.	6.0
8/26/2019	Telephone conference with Ms. Bonham regarding discovery.	0.5
8/27/2019	Scheduling Dr. Ettner deposition preparation meeting, Dr. orton travel, and new Jane Doe deposition.	1.8
8/28/2019	Email to opposing counsel regarding Dr. anMeter.	1.0
8/28/2019	Basil Argento deposition preparation.	2.0
8/29/2019	Review discovery and arrange Dr. orton flights.	2.0
9/3/2019	Review and draft responses to 4th discovery request.	2.0
9/5/2019	Review 4th set of discovery responses make edits.	3.0
9/9/2019	Telephone conference with Ms. bonham re 30b6 notes.	0.5
9/10/2019	Correspondence with Dr. Ettner. Correspondence with opposing counsel.	1.0
9/11/2019	Expert deposition preparation.	1.4
9/11/2019	Expert deposition preparation telephone conference with Mr. Arkles, Ms. Bonhan, and Mr. Renn.	0.6
9/12/2019	Travel from Chicago to New Mexico for Jane Doe deposition.	6.0
9/12/2019	Jane Doe deposition preparation.	4.0
9/13/2019	Jane Doe deposition.	3.0
9/13/2019	Travel from New Mexico to Chicago from Jane Doe deposition.	6.0
9/16/2019	Preparations for Dr. Ettner deposition preparation meeting.	0.8
9/17/2019	Dr. Ettner deposition preparation.	8.0
9/18/2019	Dr. Ettner deposition.	7.0
9/19/2019	Searching for Dr. anMeter documents.	3.0
9/20/2019	Dr. anMeter deposition preparation.	2.0
9/23/2019	an Meter deposition outline preparation.	6.5
9/24/2019	an Meter deposition outline preparation.	4.5
9/25/2019	an Meter deposition outline preparation.	3.0
9/26/2019	an Meter deposition outline preparation.	14.0
9/26/2019	Travel from Chicago to Columbus for an Meter deposition.	4.0
9/27/2019	an Meter deposition preparation.	5.0
9/27/2019	an Meter deposition.	6.6

9/27/2019	Travel from Columbus to Chicago after an Meter deposition.	4.0
9/30/2019	Dr. orton deposition preparation email with scheduling telephone conference with Ms. Bonham.	0.5
10/1/2019	Review opposing counsel email regarding expert fees and invoice.	0.4
10/2/2019	Expert rule fees research Dr. orton deposition preparation.	1.2
10/3/2019	Expert rule fees research Dr. orton deposition preparation.	1.0
10/4/2019	Review Mr. Renn edits to Dr. orton deposition preparation.	3.0
10/5/2019	Correspond with Ms. Bonham regarding Dr. orton deposition.	0.2
10/6/2019	Dr. orton deposition preparation.	0.2
10/7/2019	Travel from Chicago to Columbus for orton deposition.	4.0
10/7/2019	Dr. orton deposition preparation email with scheduling telephone conference with Ms. Bonham.	6.0
10/8/2019	Confer with Ms. Bonham prior to deposition.	0.4
10/8/2019	Dr. orton deposition	6.6
10/8/2019	Travel from Columbus to Chicago after orton deposition.	4.0
10/11/2019	Errata tracking emails. Correspondence with co-counsel and opposing counsel.	2.0
10/15/2019	Exchange emails regarding errata with Ashley Breda.	0.2
10/17/2019	Manage/process anMeter invoice. Deposition transcript review. Review opposing counsel email.	1.5
10/23/2019	Correspondence regarding deposition erratas and experts.	2.3
10/24/2019	Jane Doe errata AEO. anMeter fees	3.0
10/25/2019	Preparation for call wit Ms. Bonham and Dr. Ettner errata.	1.2
10/25/2019	Telephone conference with Ms. Bonham	0.5
10/28/2019	Review opposing counsel email, M trans email, team call prep	1.0
10/28/2019	Review 30b6, productions, privilege log with Ms. Bonham by phone	1.0
10/29/2019	lit team call re daubert or not pdate on discovery, and cross motions for SJ	1.0
10/31/2019	Ettner errata and orton errata emails emails with Dr. orton.	0.5

11/4/2019	Ettner emails and calls, scheduling MSJ over email	2.0
11/5/2019	Ettner transcript review	1.0
11/6/2019	Correspond with litigation team regarding scheduling MSJ and review Dr E errata and Dr. orton correspondence.	1.5
11/7/2019	Scheduling call with Ms. Bonham and opposing counsel. Motion and order drafting	2.5
11/8/2019	MSJ order drafting	0.5
11/12/2019	Correspond with Ms. Bonham Mr. Arkles regarding scheduling and drafting.	0.2
11/13/2019	Correspond with Ms. Bonham Mr. Arkles regarding scheduling and drafting.	0.2
11/14/2019	Correspond with Ms. Bonham Mr. Arkles regarding scheduling and drafting.	0.1
11/15/2019	Correspond with Ms. Bonham Mr. Arkles regarding scheduling and drafting.	0.1
11/18/2019	Small group meeting regarding MSJ drafting schedule	0.5
11/20/2019	Arrange MSJ drafting schedule.	0.2
11/22/2019	Dr. orton transcript review, email same to Dr. orton.	2.6
12/4/2019	Drafting Motion for Summary Judgment.	1.5
12/5/2019	Drafting Motion for Summary Judgment.	5.5
12/6/2019	Drafting Motion for Summary Judgment.	2.0
12/10/2019	Drafting Motion for Summary Judgment.	0.2
12/12/2019	Discovery review, written responses.	5.2
12/14/2019	Drafting Motion for Summary Judgment.	1.0
12/15/2019	Drafting Motion for Summary Judgment.	2.0
12/16/2019	Correspondence regarding drafting and filing coordination with Lambda Legal colleagues.	1.3
12/17/2019	Drafting Motion for Summary Judgment.	6.8
12/18/2019	Drafting Motion for Summary Judgment.	1.1
12/19/2019	Correspondence with Ms. Bonham regarding thoughts on MSJ.	0.2
12/20/2019	Correspond with litigation team regarding changing MSJ editing schedule.	0.5
12/27/2019	Correspondence regarding MSJ edits, motion to file under seal.	0.5
12/28/2019	Review dposition transcripts for sensitive information.	0.6
12/30/2019	Correspondence with co-counsel regarding confidential email and motion to seal.	0.2
1/7/2020	Litigation team meeting to discuss compliance w ruling, potential appeal, and fee liability	0.9
1/9/2020	Daubert motion research. Edits to MSJ.	2.0
1/10/2020	MSJ edits. Correspond with clients regarding MSJ.	2.0

1/12/2020	Correspond with clients regarding MSJ.	1.0
1/13/2020	MSJ edits. Managaing and preparing MSJ exhibits.	2.0
1/14/2020	Final reviews of MSJ.	0.5
1/15/2020	Final reviews of MSJ.	1.0
1/16/2020	Filing MSJ.	1.2
1/21/2020	Review D's MSJ, design and email call agenda, design email schedule for drafting.	2.0
1/21/2020	Telephone conference with Mr. Renn regarding D's MSJ.	0.5
1/21/2020	Litigation team call regarding MSJ.	0.5
1/24/2020	Correspondence with co-counsel regarding opposition to Ds' MSJ.	0.3
1/25/2020	Correspondence with co-counsel regarding opposition to Ds' MSJ.	0.5
1/26/2020	Correspondence with co-counsel regarding opposition to Ds' MSJ.	1.0
2/4/2020	Review opposition to MSJ brief.	2.0
2/5/2020	ncorporate Mr. Renn edits to opposition to Ds' MSJ.	1.0
2/7/2020	Correspond with Ms. Bonham and Mr. Arkles regarding edits to brief.	0.1
2/10/2020	Review, edit opposition to Ds' MSJ brief.	1.0
2/10/2020	Telephone conference with Mr. Arkles and Ms. Bonham.	0.5
2/11/2020	Review brief, email with Mr. Arkles.	2.5
2/13/2020	Review filing brief and correspondence from co-counsel regarding same.	0.6
2/17/2020	Draft, review Reply SO Plaintiffs' MSJ outline, reply schedule, schedule mtg, organize team review.	3.9
2/18/2020	Correspondence regarding final brief.	0.5
2/18/2020	Litigation team meeting regarding final brief.	0.5
2/19/2020	Review correspondence from co-counsel regarding final brief outline.	0.2
2/23/2020	Review reply outline, reply schedule, schedule meeting arrange Lambda review of same.	1.5
2/24/2020	Correspond with Mr. Renn regarding brief.	0.3
2/27/2020	Review reply, cite checking etc., filing	1.0
4/13/2020	Dr. Ettner invoice fees email with opposing counsel.	0.5
4/15/2020	Dr. Ettner invoice fees email with opposing counsel.	0.2
4/21/2020	Process expert invoice.	0.5
5/11/2020	Expert invoice forms and admin paperwork with state of Ohio.	0.6
4/21/2020	Process expert invoice.	0.5
5/11/2020	Expert invoice forms and admin paperwork with state of Ohio.	0.6

<b>Total Time</b>	<b>456.2</b>
<b>Hourly Rate x</b>	<b>\$ 250.00</b>
<b>Lodestar Fees</b>	<b>\$ 114,050.00</b>

# Exhibit H

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**STACIE RAY, et al.**

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director,  
Ohio Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge: Michael Watson  
Magistrate Judge: Chelsey Vascura

**DECLARATION OF JOHN A. KNIGHT**

Pursuant to 28 U.S.C. 1746

I, John A. Knight, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am above the age of 18, I am competent to testify, and I have personal knowledge of the matters contained in this declaration.
2. I am a Senior Staff Attorney at the American Civil Liberties Union (“ACLU”) Foundation’s national LGBT Project and I represent Plaintiffs in this litigation. The ACLU Foundation is the legal and educational arm of the national organization, the American Civil Liberties Union.
3. The ACLU is a national non-profit organization that relies upon the contributions of its members and supporters, and in part upon attorney fees incurred in litigation, to fund its operations.
4. I am licensed to practice law in Illinois and I have been since 1989.

5. I am also admitted in the Northern, Central and Southern Districts of Illinois, the Western and Eastern Districts of Wisconsin, the Western and Eastern Districts of Michigan, the Sixth and Seventh Circuits, and the United States Supreme Court. I am admitted pro hac vice in the United States District Court for the Southern District of Ohio as counsel in this case.

6. I have been with the ACLU since March 2004. Prior to that, I was employed as a trial attorney by the Equal Employment Opportunity Commission from 2000 to 2004. From 1995 until 2000, I was a clinical lecturer at the Edwin F. Mandel Legal Aid Clinic of the University of Chicago, where I supervised law students working on cases for persons who were homeless or at imminent risk of becoming homeless and co-taught a course on LGBT rights. I worked as an associate at the Chicago law firm of Rothschild, Barry & Myers from 1990 until 1995. Before that, I worked for two years as a law clerk for Judge Hubert L. Will of the United States District Court for the Northern District of Illinois.

7. Since 1995, I have developed litigation specialties in the areas of civil rights and civil liberties law. I have accumulated experience working on complex constitutional and other federal civil rights litigation similar to the work I performed in this lawsuit. For example, I have been lead counsel in cases involving restrictions on transgender persons changing their sex designation on identification documents in Illinois, Alaska, and Michigan.

8. My resume detailing my professional qualifications is attached to this Declaration as Exhibit H-1.

9. My hours expended working on this case are attached to this Declaration as Exhibit H-2.

10. The time expended and costs incurred have been reasonable, and the records submitted are an accurate reflection of the time I expended in this case. I documented my time in

six-minute increments.

11. I exercised billing judgment in preparing these time records.

12. The reasonable hourly rate for my work is \$500.

13. I am using a fair market rate for a senior attorney with subject matter expertise in the geographic region where this case was litigated. My normal rate for this type of litigation is \$525 and is based on the rates of civil rights attorneys in the Chicago area. The \$500 rate we are using for my time is reduced to be comparable to local attorneys, and based in part on the guidance published by the Ohio State Bar Association, attached to the Fee Petition in this case as Exhibit A.

14. The lodestar figure for my work on this case, determined by multiplying my reasonable hours expended by my reasonable rate, is  $12 * 500 = \mathbf{\$6,000}$ .

Dated: February 1, 2021

By: /s/ John A. Knight  
John A. Knight  
ACLU Foundation  
150 N. Michigan Ave., Ste. 600  
Chicago, IL 60601  
Phone: (312) 201-9740  
Facsimile: (312) 288-5225  
Email: [jaknight@aclu.org](mailto:jaknight@aclu.org)

*Attorney for Plaintiff*

# Exhibit H-1

**JOHN A. KNIGHT**  
American Civil Liberties Union  
150 N. Michigan, Suite 500  
Chicago, IL 60601  
phone: (312) 201-9740, x335  
e-mail: [jaknight@aclu.org](mailto:jaknight@aclu.org)

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## EXPERIENCE

**American Civil Liberties Union, Chicago, IL** 2004-present

*Director, ACLU of Illinois LGBTQ & HIV Project and  
Senior Staff Attorney, National ACLU LGBT & HIV Project*

- Develop litigation, advocacy and public education campaigns to overcome misunderstanding of, and discrimination against, lesbian, gay, bisexual, and transgender persons and persons living with HIV in Illinois and other states in the Midwest.
- Represent clients in federal and state court litigation in Illinois, Iowa, Wisconsin and Michigan, in challenges to laws, policies or practices that discriminate against LGBTQ people.
- Supervise teams of ACLU and volunteer attorneys to research the relevant laws and facts, draft pleadings, identify and prepare experts, conduct discovery, hearings, trials, and appeals.
- Advise ACLU affiliate staff about their LGBT & HIV advocacy.
- Cooperate with other lawyers who are litigating cases that impact the LGBTQ & HIV community through sharing of information, advice, and amicus support.
- Set priorities for the ACLU's work nationally as part of LGBT & HIV Project and oversee goal-setting for the Illinois LGBTQ & HIV Project.
- Hire and supervise lawyers who work on LGBTQ & HIV litigation and policy work in Illinois; recruit and supervise the work of volunteer attorneys and student interns.
- Support lobbyists and legislators in drafting, amending, passing, and defeating legislation, regulations or other governmental policies by conducting legal research, drafting fact sheets, developing talking points, identifying allies and persuasive spokespersons, and drafting and revising press and social media statements.
- Engage in public speaking regarding issues impacting the LGBT & HIV communities.
- Assist development staff in fundraising efforts, including drafting and editing grant proposals and reports and participating in donor meetings.

### Significant litigation experience.

- Successfully litigated cases to secure health care coverage for transgender Medicaid recipients in Iowa arguing appeal in Iowa Supreme Court (*Good v. Dep't of Human Servs.*) and for state employees in Wisconsin (*Boyden v. Conlin*); won \$780,000 jury verdict in *Boyden* for two women denied state employee coverage for necessary surgery.
- Won \$120,000 jury verdict in *Vroegh v. Iowa Dep't of Corrections* for Iowa state employee denied use of male restrooms and locker room and denied insurance coverage for surgery because he is transgender.
- Intervened and successfully argued *E.E.O.C. v. R.G. & G.R. Harris Funeral Homes, Inc.* in the Sixth Circuit for transgender woman fired for being transgender, briefed and assisted with argument in the Supreme Court (*Bostock v. Clayton Cty., Georgia*).
- Secured wins for transgender prisoners denied necessary medical care in *Fields v. Smith* – arguing appeal in the Seventh Circuit to facial challenge to Wisconsin law barring hormone therapy and surgical treatment to transgender prisoners – and in *Monroe v. Hinton* – obtaining a preliminary injunction for class of prisoners provided woefully inadequate medical care by the Illinois Department of Corrections.

**JOHN A. KNIGHT**

**EXPERIENCE (continued)**

- Successfully represented transgender students in cases involving their use of school restrooms and locker rooms, including complaint filed with U.S. Department of Education and intervention in *Students and Parents for Privacy v. Township High Sch. Dist. 211* to defend against anti-transgender advocates' challenge to school district policies.
- Assisted people who are transgender to challenge restrictive policies preventing them from correcting the gender on their identification documents in Illinois (*Grey v. Hasbrouck*), Alaska (*K.L. v. State, Dep't of Admin., Div. of Motor Vehicles*), and Michigan (*Love v. Johnson*). On appeal, *Grey* favorably resolved the question whether the Illinois legislature had waived sovereign immunity when it passed the Civil Rights Act of 2003 so that attorneys' fees could be awarded against the state.
- Represented LGBT parents in challenges to their parental rights, including three appeals and an evidentiary hearing in *In re T.P.S.*, which established the right of a woman to enforce her agreement with her former same-sex partner to jointly parent a child.
- Prevailed in *Wathen v. Walder Vacluflo, Inc.* on behalf of same-sex couple turned away by bed and breakfast owner who refused to allow them to hold their civil union ceremony at the facility because of his religious objections.
- Helped same-sex couples in Michigan successfully challenge a state law that prevented local governments from providing domestic partner health insurance benefits to employees with same-sex partners in *Bassett v. Snyder*.
- Won right to marriage for same-sex couples in Illinois through litigation (*Lazaro v. Orr*) and legislative advocacy and in Wisconsin (*Wolf v. Walker*).

Awards. Crain's Notable LGBTQ Executive (2020), Illinois State Bar Association Community Leadership Award (2015).

**U.S. Equal Employment Opportunity Commission, Chicago, IL** 1999-2004

*Trial Attorney*

Litigated numerous individual and class cases in federal courts to secure financial relief for employees subjected to race, national origin, sex, age and disability discrimination and to end discriminatory workplace policies and practices. Supported investigations of employers charged with discrimination, analyzed potential cases, and assisted with public education.

Significant litigation experience. Tried two cases to favorable results, including an age discrimination jury trial and a racial harassment bench trial. Achieved favorable consent decrees in several class and individual cases, including a \$10 million settlement against Dial Corporation for approximately 100 victims of sexual and sex-based harassment and a \$1.8 million settlement against an ink pigment manufacturer for 32 current and former employees who experienced racist graffiti and comments as well as hangman's nooses at the work place.

Awards. Chair's Opportunity to Reward Excellence Award for work on *Dial* case, Chairwoman's Organizational Award for successful efforts on *Foster Wheeler* race and sex harassment class case.

**Edwin F. Mandel Legal Aid Clinic,** 1995-1999  
**University of Chicago Law School, Chicago, IL**

*Clinical Lecturer at Law, Director of Homeless Assistance Project*

Supervised student representation of indigent clients in Section 1983 civil rights, supplemental security income, eviction defense, and housing discrimination cases.

Significant litigation experience. Filed lawsuit on behalf of the homeless who lived in the Lower Wacker Drive area against the City of Chicago to stop the City's practice of throwing away their bedding, clothing and other belongings. Coordinated students and volunteers from other agencies in investigating the City's practices,

**JOHN A. KNIGHT**

**EXPERIENCE (continued)**

researching the practices of other cities with regard to the homeless, and devising proposed solutions to the conflict between the City of Chicago and our clients. Conducted two extensive preliminary injunction hearings and oversaw student work on hearing investigation, witness preparation, direct and cross examinations and closing arguments. Oversaw press strategy.

Teaching/supervision. Taught trial practice skills in the Clinic's litigation methods and intensive trial practice courses; oversaw and prepared students to conduct evidentiary hearings and trials, depositions and oral arguments; and guided students in writing complaints, motions, discovery, and trial briefs.

**Rothschild, Barry & Myers, Chicago, IL**

1990-1995

*Associate*

Researched and drafted pleadings, discovery, motions, trial and appellate briefs and settlement agreements; argued numerous motions, conducted all aspects of jury and non-jury trial preparations, including settlement negotiations; took and defended numerous depositions, including those of several experts.

**The Honorable Hubert L. Will, Senior District Judge, Chicago, IL**

1988-1990

*Law Clerk*

Drafted district court rulings on motions, bench memoranda for appellate arguments, and Seventh Circuit and District of Columbia Circuit opinions.

**Dewey, Ballentine, Bushby, Palmer & Wood, New York, NY**

Summer 1987

*Summer Associate*

Worked in New York and Los Angeles offices primarily on corporate matters. Received offers of employment from both offices.

**The University of Chicago Law School, Chicago, IL**

Summer 1986

*Student Attorney, Edwin F. Mandel Legal Aid Clinic*

Employment discrimination litigation. Section 1983 due process class action.

**EDUCATION**

**The University of Chicago Law School, Chicago, IL**

J.D., 1988

*Edwin F. Mandel Award* for contributions to the Mandel Legal Aid Clinic

**McCormick Theological Seminary, Chicago, IL**

M.A.T.S., 1988

Completed master's degree in theology while in law school.

**Stanford University, Stanford, CA**

A.B., Phi Beta Kappa, 1983

History Major

# Exhibit H-2

## John Knight

<b>Date</b>	<b>Description of Services</b>	<b>Time</b>
7/17/2018	review, edit draft of response to M to dismiss	3.5
4/10/2019	Call with abriel about status of case and next steps - discovery - push to get the complete production	0.5
11/5/2019	call with abriel and Malita about upcoming issues - briefing schedule, expert	0.7
1/2/2020	call with abriel and Malita about MSJ brief and dep transcript redactions	0.4
1/21/2020	review state's M for SJ, team call re same	1.4
1/30/2020	conf with abriel and Malita re open issues, briefing plans for MSJ response	0.3
2/7/2020	review edit and comment on response brief draft	3.7
2/11/2020	review, edit, and comment re current draft of brief	0.9
2/25/2020	review, edits and comments on draft reply brief	0.6

*o**o r**od s r s*

# Exhibit I

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF  
OHIO  
EASTERN DIVISION**

**STACIE RAY, et al.**

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director,  
Ohio Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge: Michael Watson  
Magistrate Judge: Chelsey Vascura

**DECLARATION OF GABRIEL ARKLES**

Pursuant to 28 U.S.C. 1746

I, Gabriel Arkles, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am above the age of 18, I am competent to testify, and I have personal knowledge of the matters contained in this declaration.
2. I am senior counsel at the Transgender Legal Defense and Education Fund.  
From 2017 through 2020, I was a senior staff attorney at the ACLU LGBT & HIV Rights Project. While at the ACLU, I represented Plaintiffs in this litigation.
3. The ACLU is a nationwide non-profit organization that relies upon the contributions of its members and supporters, and in part upon attorney fees incurred in litigation, to fund its operations.

4. I have been licensed to practice law in New York since 2006. I am also admitted in the United States District Court for the Southern District of New York, the Ninth Circuit Court of Appeals, and the Supreme Court of the United States. I was admitted *pro hac vice* to the Southern District of Ohio for purposes of this litigation.
5. I graduated law school in 2004. From 2004 to 2010, I worked at the Sylvia Rivera Law Project, first as a law fellow, and then as a staff attorney and director of prisoner justice. While there, I provided free legal services to low-income transgender people and transgender people of color on a range of issues, including access to gender congruent birth certificates and ID. In addition to hundreds of more routine cases, I also represented transgender people in complex litigation in state and federal courts. From 2010 to 2017, I taught legal skills, social justice, and professional responsibility to law students at New York University School of Law (for three years) and Northeastern University Law School (for four years), while also volunteering for transgender advocacy organizations and publishing scholarly work related to gender and the law. From 2017 to 2020, I worked at the ACLU, where virtually all of my work involved transgender rights litigation.
6. I have accumulated experience working on complex constitutional and other federal civil rights litigation, particularly in the area of transgender rights, similar to the work I performed in this lawsuit.
7. My resume detailing my professional qualifications is attached to this Declaration as Exhibit I-1.

8. My hours expended working on this case are attached to this Declaration as Exhibit I-2.
9. The time expended and costs incurred have been reasonable, and the records submitted are an accurate reflection of the time I expended in this case. I documented my time in six-minute increments.
10. I exercised billing judgment to prepare these time records. For example, I did not list time for many small tasks or for any tasks that did not take at least six minutes to complete.
11. The reasonable hourly rate for my work is \$375.
12. I am using a fair market rate for my time as an attorney with fourteen years' experience who practices in this area of law. I believe this rate reflects my level of skill and experience and that it is comparable to similar attorneys in the region where the court is located. In my usual practice area of New York City, my reasonable rate would be \$600, but I am using the local reasonable rate. These conclusions are based in part on the guidance published by the Ohio State Bar Association, attached to the Fee Petition in this case as Exhibit A.
13. The lodestar figure for my work on this case, determined by multiplying my reasonable hours expended by my reasonable rate, is  $111 * 375 = \mathbf{\$41,625}$ .

Dated: February 1, 2021

By: Gabriel Arkles  
Gabriel Arkles  
Transgender Legal Defense and Education  
Fund  
520 8<sup>th</sup> Ave., Ste. 2204  
New York, NY 10018  
646-993-1688  
garkles@transgenderlegal.org

# Exhibit I-1

## MR. GABRIEL ARKLES

### EDUCATION

**NEW YORK UNIVERSITY SCHOOL OF LAW**, New York, New York

J.D., *magna cum laude*, May 2004

- David Friedman Memorial Award for Outstanding Achievement in Evidence
- Order of the Coif
- Florence Allen Scholar (awarded to the top ten percent of students after four semesters)
- Arthur Garfield Hays Civil Liberties Fellow (awarded to a small number of third-year students committed to civil rights and civil liberties)
- Clinics, Journals, and Activities: *Review of Law & Social Change*, *The Authority* (publication with updates on housing and development law), Unemployment Action Center, OUTLaw, NYU Civil Rights Clinic

**RANDOLPH-MACON WOMAN'S COLLEGE**, Lynchburg, Virginia

B.A. in English and French, *summa cum laude*, May 2000

- Phi Beta Kappa
- Awards for Outstanding English Major, Excellence in French, and Community Building
- Study abroad at L'Université de Paris III, Paris, France

### PROFESSIONAL EXPERIENCE

**TRANSGENDER LEGAL DEFENSE AND EDUCATION FUND**, New York, NY

*Senior Counsel*, 2020-present

**ACLU, LGBT & HIV PROJECT**, New York, NY

*Senior Staff Attorney*, 2017-2020

- Litigate high-impact cases in federal and state court defending the rights of transgender people. Develop new litigation from the earliest stages. Draft pleadings, motions, discovery requests and responses, appellate briefs, and amicus briefs in state and federal courts. Interview and counsel clients. Take and defend lay and expert depositions. Argue cases at trial and appellate levels. Do print, radio, and television interviews, and write op-eds. Representative matters include:
  - *R.G. & G.R. Harris Funeral Homes v. EEOC (consolidated with Bostock v. Clayton County)*. With John Knight and Chase Strangio, drafted opposition to certiorari, opening brief, and reply brief in trans employment discrimination case before U.S. Supreme Court. Helped oralist prepare for argument. Established that anti-LGBTQ discrimination violates federal law.
  - *Parents for Privacy v. Dallas School District*. Served as lead counsel for intervenor-defendant in challenge to school policy permitting a transgender boy to use boys' restrooms and locker rooms. Defeated challenge through motion to dismiss affirmed on appeal. Argued case in district court and in the Ninth Circuit.
  - *Corbitt v. Taylor*. Served as lead counsel for plaintiffs in challenge to Alabama's policy of requiring surgery to correct the gender marker on a driver's license.

Arkles - 2

- Drafted complaint, conducted discovery, took and defended depositions, and briefed and argued cross motions for summary judgment (awaiting decision).
- *ACLU of Montana v. Montana*. As lead counsel, blocked misleading ballot statement for anti-trans ballot initiative through special proceeding before Montana Supreme Court. At least partly as a result, and contrary to initial projections, the ballot initiative did not qualify for the ballot.
- *Dominguez v. City of New York*. Drafted complaint, conducted discovery, and negotiated settlement in civil case on behalf of Latina transgender woman charged with the crime of “false personation” for giving her current and previous name to the police.
- Serve the organization to improve our ability to achieve our goals. Develop strategic plans regarding non-binary legal issues and HIV decriminalization. Recruit and supervise all summer legal interns for LGBT & HIV project. Serve on non-binary working group and race and economic justice working group. Revise internal writing guide on LGBT and HIV-related issues. Conduct disability training for LGBT & HIV Project. Participate in funder site visits.

**NORTHEASTERN UNIVERSITY SCHOOL OF LAW, Boston, Massachusetts**

***Associate Teaching Professor, 2013-2017***

- Design and teach Legal Skills in Social Context (Legal Research and Writing, Social Justice)
  - Developed and taught signature mandatory course for first-year law students, combining legal skills training with service for outside social justice organizations.
  - Designed and implemented an integrated first-year curriculum in close coordination with other first-year faculty.
  - Taught students to write memos, motions, appellate briefs, contract terms, complaints, advisory client letters, and legislative testimony; conduct legal research and fact investigation; collaborate effectively in teams; interview clients and witnesses; negotiate deals; and perform oral argument.
  - Supervised students executing projects for the Committee for Public Counsel Services (CPCS), Union of Minority Neighborhoods, Northeast Cannabis Coalition, Black and Pink, Transgender Law Center, and Helping Educate to Advance the Rights of the Deaf (HEARD).
- Taught Professional Responsibility.
- Served on Curriculum Committee, Appointments Committee, Committee Against Institutional Racism, and Trans Justice Task Force. Advised student-run organizations Northeastern Law Journal, Disability Justice Caucus, and Queers United in Radical Rethinking.

**NEW YORK UNIVERSITY SCHOOL OF LAW, New York, New York**

***Acting Assistant Professor of Lawyering, 2010-2013***

Taught mandatory first-year Lawyering course, which incorporated principles of experiential learning and included modules on legal research and writing, client counseling, negotiation, mediation, and oral advocacy. Wrote scholarly articles about gender, race, class, disability, and the law.

**SYLVIA RIVERA LAW PROJECT**, New York, New York  
*Director of Prisoner Justice Initiatives & Staff Attorney*, 2006-2010  
*Equal Justice Works Fellow*, 2004-2006

- Litigated civil rights cases in state and federal court on behalf of low-income transgender people of color, including a case on behalf of a transgender girl denied healthcare in juvenile detention, a case on behalf of a transgender man denied the opportunity to adopt a child, and a case on behalf of a transgender woman disciplined for reporting sexual assault in prison.
- Negotiated in coalitions with federal, state, and local government agencies; achieved policy changes including improvements in conditions for lesbian, gay, bisexual, and transgender youth in juvenile detention and foster care.
- Represented individuals in name change proceedings, immigration applications, and fair hearings for benefits. Advocated for clients with prisons, jails, employers, and healthcare providers.
- Trained hundreds of lawyers and community members, as well as judges from New York Supreme Court, Housing Court, and Criminal Court.

#### LAW REVIEW ARTICLES

*Regulating Prison Sexual Violence*, 7 NORTHEASTERN L.J. 71 (2015).

*Prison Rape Elimination Act Litigation and the Perpetuation of Sexual Harm*, 17 N.Y.U. J. LEGIS. & PUB. POLICY 801 (2015).

*No One Is Disposable: Going Beyond the Trans Military Inclusion Debate*, 13 SEATTLE J. FOR SOC. JUST. 459 (2015).

Comment, *Improving Law School for Trans\* and Gender Nonconforming Students: Suggestions for Faculty*, CUNY L. REV. FOOTNOTE FORUM (2014).

Comment, *Marriage and Mass Incarceration*, 37 N.Y.U. REV. L. & SOC. CHANGE 13 (2013).

*Gun Control, Mental Illness, and Black Trans and Lesbian Survival*, 42 SOUTHWESTERN L. REV. 855 (2013).

*Correcting Race and Gender: Prison Regulation of Social Hierarchy through Dress*, 87 NYU L. REV. 859 (2012).

*Safety and Solidarity Across Gender Lines: Rethinking the Segregation of Transgender People in Detention*, 18 TEMP. POL. & CIV. RTS. L. REV. 515 (2009), reprinted in 9 THE DUKEMINIER AWARD 343 (2010) and 2 SEXUALITY AND LAW 439 (Ruthann Robson, ed. 2011).

*The Role of Lawyers in Trans Liberation: Building a Transformative Movement for Social Change*, 8 SEATTLE J. FOR SOC. JUST. 579 (2010) (co-authored with Pooja Gehi & Elana Redfield).

Arkles - 4

*Medicaid Policy & Gender-Confirming Healthcare for Trans People: An Interview with Advocates*, 8 SEATTLE J. FOR SOC. JUST. 497 (2010) (co-authored with Dean Spade, Phil Duran, Pooja Gehi, Huy Nguyen).

PEER-REVIEWED PUBLICATIONS

*Dreaming, Telling, Occupying and Destroying: Interest Convergence between Militarism and Social Justice in the DREAM Act and Repeal of Don't Ask, Don't Tell*, in SCHOLAR AND FEMINIST ONLINE (2016) (co-authored with Pooja Gehi).

*On (Not) Queering Legal Writing*, THE WRITING INSTRUCTOR (2015).

*Unraveling Injustice: Race and Class Impact of Medicaid Exclusions of Transition-Related Health Care for Transgender People*, SEXUALITY RESEARCH AND SOCIAL POLICY: JOURNAL OF NATIONAL SEXUALITY RESEARCH COUNCIL (December 2007) (co-authored with Pooja Gehi).

REPRESENTATIVE OP-EDS, BOOK CHAPTERS AND OTHER PUBLICATIONS

*Menstruation-Related Discrimination is Sex Discrimination: We Don't Need to Erase Trans or Non-Binary People to Make that Point*, ACLU (Dec. 17, 2019) (co-authored with Jennifer Weiss-Wolf).

*SCOTUS Ruling on One Transgender Woman's Case Could Affect All of Us*, The Advocate (Apr. 23, 2019).

*The Tacit Targeting of Trans Immigrants as "Criminal Aliens": Old Tactics and New*. In THE UNFINISHED QUEER AGENDA AFTER MARRIAGE EQUALITY (Angela Jones, Joseph Nicholas DeFilippis, & Michael W. Yarbrough, ed. 2018) (co-authored with Pooja Gehi).

*Transgender Day of Remembrance: To honor the dead in our community, we have to protect the living*, NBC (Nov. 20, 2018).

*Three False Ideas that Anchor Anti-Trans Attacks*, TruthOut (Oct. 29, 2018).

*Making Space for Trans People in the #MeToo Movement*, ACLU (Apr. 13, 2018).

*Trump's Anti-Trans Action Affects Way More Than Bathroom Access*, TRUTHOUT (Feb. 23, 2017).

Arkles - 5

Book review, *Policing Sexuality: The Mann Act and the Making of the FBI*, by Jessica Pliley, SIGNS (2017).

*Legal and Ethical Issues in Working with TGNC Clients*, in AFFIRMATIVE PSYCHOLOGICAL PRACTICE WITH TRANSGENDER AND GENDER NONCONFORMING CLIENTS (Lore M. Dickey & Anneliese Singh, ed. 2016) (co-authored with Linda Campbell).

Multiple short pieces in SOCIALLY JUST GENERALIST PRACTICE: PUTTING THEORY INTO ACTION (Karen Morgaine & Moshoula Capous-Desyllas, ed., 2015) (co-authored with Anya Mukarji-Connolly & Owen Daniel-McCarter).

*Hate Crime Law and Policy*, in LGBT AMERICA ENCYCLOPEDIA, (John Hawley ed., 2008).

*The Scarf*, in VOICES OF RESISTANCE: MUSLIM WOMEN ON WAR, FAITH AND SEXUALITY (Sarah Husain ed., 2006).

#### REPRESENTATIVE PRESENTATIONS

UC Santa Cruz, Bodies at the Borders Symposium (January 2020) (invited)

The Graduate Center, CUNY, *After Marriage Equality* (April 2019) (invited)

NYU School of Law, The Hays Program and the Constitution of Equality (October 2018) (invited)

Columbia University, Invisible No More Conference, *Policing Gender and Sexuality*, November 2017 (invited)

Western New England School of Law, Gender and Incarceration Symposium, *Trans Women Jailhouse Lawyer Leadership*, October 2016 (invited)

UCLA Prisoners' Advocates Conference, *Perils of PREA*, September 2016 (invited)

Columbia Teaching College, guest lecturer in Transgender Issues class, April 2016 (invited)

Center for Reproductive Rights, *Trans People and Reproductive Health*, November 2015 (invited)

Northeastern University, Conflict, Civility, Respect, Peace: Northeastern Reflects, *Sex, Gender, and Justice*, November 2015 (invited)

Harvard Law School, Harvard Journal of Law and Gender, *Trans Women's Resistance through Jailhouse Lawyering*, October 2015 (invited)

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Simmons College, Hazel Dick Leonard Symposium on Interdisciplinary Approaches to Gender and Power, *Gender and Prison Sexual Violence*, April 2015 (invited)

Association of American Law Schools (AALS) Annual Meeting, *Resistance to Criminalization and Incarceration of Trans Communities*, January 2015 (invited)

Society of American Law Teachers (SALT) Teaching Conference, *Introducing Social Justice Issues into First Year Courses*, October 2014 (invited)

American Political Science Association (APSA) Annual Meeting, *Trans Theory and/as Political Theory*, August 2014

Harvard Law School, *Transgender Issues in Prison*, March 2014 (invited)

Morgan State University, Symposium on Intersections of Gender, Sexuality, Race, and Ethnicity, *Criminalized Intersections of Gender and Disability*, March 2013

Southwestern University School of Law, Symposium on 40 Years of LGBT Legal Activism, *Trans Social Movements and the Law*, February 2013 (invited)

International Conference on Law and Society, *Interest Convergence between Militarism and Social Justice in the DREAM Act and Repeal of Don't Ask, Don't Tell*, June 2012

Hampshire College, *Transgender Issues in Higher Education*, April 2012 (invited)

CLPP Conference: From Abortion Rights to Social Justice, *Laws Under Our Skin: Eugenics as Punishment and Social Control*, April 2012 (invited)

Marymount University, *The Impact of Identity Document Regimes on Trans Communities*, March 2012 (invited)

Yale University, *Criminalization and Conditions of Confinement for Transgender People*, November 2011 (invited)

Lavender Law Conference, *Revisiting Disability Frameworks*, September 2011

#### REPRESENTATIVE MENTIONS IN THE PRESS

Lisa Lerer, On L.G.B.T.Q. Rights, a Gulf Between Trump and Many Republican Voters, (June 17, 2020), <https://www.nytimes.com/2020/06/17/us/politics/lgbtq-supreme-court-trump-republicans.html>

David Brancaccio and Alex Schroeder, *After Supreme Court ruling on LGBTQ rights, activists continue push for legislation on discrimination*, Marketplace Morning Report (June 16, 2020), <https://www.marketplace.org/2020/06/16/supreme-court-lgbtq-workplace-discrimination-congress-legislation-aclu/>

Arkles - 7

Karina Piser, The Walking While Trans Ban Is Stop and Frisk 2.0, The Nation (Feb. 19, 2020), <https://www.thenation.com/article/activism/walking-while-trans-repeal/>

Maxine Bernstein, Oregon school district's restroom policy for transgender students goes before 9th Circuit (July 11, 2019), <https://www.oregonlive.com/news/2019/07/oregon-school-districts-restroom-policy-for-transgender-students-goes-before-9th-circuit.html>

Supreme Court Hears LGBTQ Work Discrimination Case, Brian Lehrer Show (Apr. 23, 2019), <https://www.wnyc.org/story/scotus-takes-lgbtq-workplace-discrimination/>

Kristen Shaughnessy, Transgender Activist Sues NYPD Over After-Hours Park Arrest (Jan. 23, 2019) <https://www.nyl.com/nyc/all-boroughs/news/2019/01/23/transgender-activist-files-lawsuit-against-nypd>

Julie Moreau, Transgender Plaintiffs Sue Over State ID Laws, NBC News (Feb. 9, 2018), <https://www.nbcnews.com/feature/nbc-out/transgender-plaintiffs-sue-alabama-over-state-id-laws-n846431>

#### ADMISSIONS

New York, S.D.N.Y., Ninth Circuit, U.S. Supreme Court

#### PROFESSIONAL DEVELOPMENT

**NATIONAL INSTITUTE OF TRIAL ADVOCACY**, Boulder, CO  
Completed six-day Building Trial Skills training, 2019

#### **RESISTANCE EDUCATION**, New York, NY

Completed one-day Rethinking Diversity and Equity training, 2019

#### **THE MANAGEMENT CENTER**, Washington, DC

Completed two-day Management Skills training, 2018

#### COMMUNITY SERVICE AND MEMBERSHIPS

- Muslim Alliance for Sexual and Gender Diversity, steering committee member, 2019 to present
- Muslim Anti-Racism Collaborative, member, 2019 to present
- Sylvia Rivera Law Project, Board and core collective member, 2003-2017
- Society of American Law Teachers, member, 2012-2017
- Lorena Borjas Community Fund, Board member, 2012-2013
- Legal Writing Institute, member, 2014-2017

#### HONORS

- Sylvia Rivera Law Project Award for Outstanding Pro Bono Service, 2010
- Dukeminier Award for Best Sexual Orientation Law Review Article, 2009

# Exhibit I-2

## abriel Arkles

<b>Date</b>	<b>Description of Services</b>	<b>Time</b>
8/3/2018	Reviewed opposition to motion to stay	1.0
2/14/2019	Reviewed expert report	0.8
2/17/2019	Communicate via email with E. Bonham, K. ngelhart, and M. Eble re discovery	0.1
2/27/2019	Communicate via email with co-counsel re settlement	0.2
3/12/2019	Communicate via email with J. Knight re discovery	0.2
3/12/2019	Communicate via email with E. Bonham, K. ngelhart, and M. Eble re discovery	0.1
3/21/2019	Conference call with co-counsel re discovery	1.0
3/22/2019	Review expert report	0.6
3/26/2019	Communicate via email with J. Knight, K. ngelhart, and E. Bonham re discovery	0.2
3/27/2019	Communicate via email with E. Bonham, K. ngelhart, and M. Eble re discovery	0.2
4/9/2019	Communicate via email with E. Bonham, K. ngelhart, and M. Eble re discovery	0.1
4/10/2019	Call w/ J. Knight re: case status	0.5
4/22/2019	Communicate via phone with J. Knight re discover	0.5
4/26/2019	Review response to discovery requests	0.5
4/26/2019	Communicate via email with E. Bonham, K. ngelhart, and M. Eble re discovery	0.3
5/21/2019	Communicate via phone with E. Bonham, K. ngelhart, and M. Eble re discovery	0.6
5/22/2019	Review response to discovery requests	0.5
5/22/2019	Review response to discovery requests	1.2
6/14/2019	Review discovery plan	0.2
6/25/2019	Communicate via email with E. Bonham, K. ngelhart, and M. Eble re discovery	0.2
6/27/2019	Communicate via email with E. Bonham, K. ngelhart, and M. Eble re discovery	0.2
7/1/2019	Communicate via email with E. Bonham, K. ngelhart, and M. Eble re discovery	0.1
7/1/2019	Review Def expert report	1.2
7/1/2019	Communicate via email with E. Bonham, K. ngelhart, and M. Eble re expert	0.1
7/3/2019	Communicate with co-counsel re rebuttal expert	0.7
7/5/2019	Communicate with potential rebuttal expert	0.6
7/7/2019	Communicate via email with E. Bonham, K. ngelhart, and M. Eble re expert	0.1

7/8/2019	Consult with potential rebuttal expert	1.2
7/9/2019	Communicate with co-counsel re rebuttal expert	0.3
7/12/2019	Communicate with co-counsel re rebuttal expert	0.6
7/12/2019	Communicate with potential rebuttal expert	0.1
7/15/2019	Communicate via email with E. Bonham, K. ngelhart, and M. Eble re discovery	0.2
7/17/2019	Communicate with co-counsel re rebuttal expert and discovery	0.9
7/17/2019	Communicate with potential rebuttal expert	0.4
7/18/2019	Communicate with co-counsel re rebuttal expert and discovery	0.3
7/19/2019	Consult potential rebuttal expert	0.6
7/19/2019	Communicate with co-counsel re rebuttal expert and discovery	0.8
7/23/2019	Communicate with co-counsel re rebuttal expert and discovery	1.0
7/23/2019	Communicate with potential rebuttal expert	0.8
7/24/2019	Communicate with co-counsel re depositions	0.2
7/26/2019	Review rebuttal expert report	0.9
7/28/2019	Review rebuttal expert report	1.2
7/31/2019	Review deposition outline	0.7
8/12/2019	Communicate with co-counsel re potential witness	1.2
8/18/2019	Prep client for deposition	0.8
8/23/2019	Review information re deposition	0.1
9/5/2019	Review discovery responses	0.6
9/11/2019	roup call re expert depo prep	0.6
9/11/2019	Prepare for expert deposition	0.4
9/16/2019	Prepare for expert deposition	0.9
10/17/2019	Communicate with co-counsel re summary judgment	0.1
10/21/2019	Review deposition transcripts in preparation for summary judgment	1.8
10/28/2019	Review deposition transcripts in preparation for summary judgment	2.6
10/29/2019	Discuss summary judgment strategy with co-counsel	1.0
10/29/2019	Research for summary judgment	0.8
10/31/2019	Research for summary judgment	1.1
10/31/2019	Communicate with co-counsel re summary judgment	0.2
11/4/2019	Communicate with co-counsel re summary judgment	0.1

11/5/2019	Consult with J. Knight and M. Picasso re summary judgment	0.5
11/5/2019	Communicate with E. Bonham and K. ngelhart re summary judgment	0.2
11/6/2019	Communicate with M. Picasso re expert testimony	0.3
11/20/2019	Communicate with co-counsel re summary judgment	1.2
11/27/2019	Draft memo in support of motion for summary judgment	3.0
12/1/2019	Draft memo in support of motion for summary judgment	3.5
12/3/2019	Consult with J. Knight and M. Picasso re summary judgment	0.4
12/3/2019	Draft memo in support of motion for summary judgment	2.5
12/4/2019	Draft memo in support of motion for summary judgment	4.4
12/6/2019	Review other portions of memo in support of motion for summary judgment	2.8
12/20/2019	Revise memo in support of motion for summary judgment	7.2
12/27/2019	Communicate about strategy for deposition redactions and sealing with co-counsel	0.3
12/27/2019	Revise memo in support of motion for summary judgment	5.2
12/30/2019	Communicate about strategy for deposition redactions and sealing with co-counsel	0.1
1/2/2020	Prepare deposition redactions	1.8
1/7/2020	Communicate with co-counsel re motion to file under seal	0.1
1/10/2020	Revise memo in support of motion for summary judgment	3.3
1/14/2020	Review cite check for memo in support of motion for summary judgment	1.2
1/15/2020	Review memo in support of motion for summary judgment	0.4
1/21/2020	Communicate with co-counsel re opposition to motion for summary judgment	1.0
1/29/2020	Draft memo in support of opposition to summary judgment	4.8
1/30/2020	Communicate with M. Picasso and J. Knight re opposition to summary judgment	0.5
1/30/2020	Draft memo in support of opposition to summary judgment	8.2

1/31/2020	Draft memo in support of opposition to summary judgment	4.3
2/1/2020	Draft memo in support of opposition to summary judgment	5.1
2/5/2020	Discuss opposition strategy with E. Bonham and K. ngelhart	0.1
2/6/2020	Review memo in support of opposition to summary judgment	0.6
2/7/2020	Review memo in support of opposition to summary judgment	2.6
2/10/2020	Call with E. Bonham and K. ngelhart to discuss opposition	0.5
2/10/2020	Review memo in support of opposition to summary judgment	3.2
2/11/2020	Review memo in support of opposition to summary judgment	3.3
2/13/2020	Review memo in support of opposition to summary judgment	0.5
2/18/2020	Discuss reply strategy with co-counsel	0.6
2/18/2020	Outline reply brief	0.4
2/23/2020	Revise reply brief	2.4

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# Exhibit J

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**STACIE RAY, et al.**

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director, Ohio  
Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge: Michael Watson

Magistrate Judge: Chelsey Vascura

**DECLARATION OF MALITA PICASSO**

Pursuant to 28 U.S.C. 1746

I, Malita Picasso, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am above the age of 18, I am competent to testify, and I have personal knowledge of the matters contained in this declaration.
2. I am a Legal Fellow at the national American Civil Liberties Union (national ACLU), and I represent Plaintiffs in this litigation.
3. The national ACLU is a nationwide non-profit organization that relies upon the contributions of its members and supporters, and in part upon attorney fees incurred in litigation, to fund its operations.
4. I am licensed to practice law in New York and I have been since March 4, 2020.
5. On January 8, 2021, the Court granted me leave to appear *pro hac vice* as Co-Counsel in this matter. *Ray v. Director, Ohio Department of Health*, 2:18-cv-00272-MHW-CMV, ECF 83 (S.D. Ohio Jan. 8, 2021) (notation order granting



American Civil Liberties Union  
LGBT & HIV Project  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Phone: (212) 549-2561  
Email: [mpicasso@aclu.org](mailto:mpicasso@aclu.org)

*Attorney for Plaintiffs*



# Exhibit J-1

## MALITA VENCIENZO PICASSO

### EDUCATION

#### **City University of New York School of Law**

**J.D., May 2019**

**GPA:** 3.813

**Awards:** 2019 Dave Fields Prize for Student Achievement and Leadership  
CUNY Law School Graduate Fellowship

**Activities:** *Editor-in-Chief*, The City University of New York Law Review  
*President*, CUNY Law School Student Government  
*Delegate*, CUNY University Student Senate  
*Executive Board*, Luis Degraffe Racial and Social Justice Orientation

#### **Stanford University**

**B.A., Feminist Studies, June 2012**

**Honors:** 2012 Black Community Services Center Dean's Award for Academic Excellence

**Awards:** 2012 Ernesto Galarza Prize for Undergraduate Research Paper, Chicano Studies  
2012 Michelle Z. Rosaldo Prize for Essay in Social Sciences, Feminist Studies

**Activities:** Stanford Labor Action Coalition; Associated Students of Stanford University

### EXPERIENCE

#### **American Civil Liberties Union: LGBT & HIV Project**

**September 2019 – Present**

*Skadden Fellow* – New York, NY

Advocate on behalf of transgender elders who experience discrimination while obtaining elder-related medical treatment and living assistance. Draft brief in support of motion for summary judgement in matter before a state labor agency. Assist with deposition of government officials. Work with damages expert in producing an expert report and preparing for administrative trial in constructive discharge case. Conduct direct examination of expert witness at trial and defend cross-examination. Drafting pre- and post-trial briefing. Interview and draft declarations for individuals in ICE custody at high risk of severe illness and death from COVID-19 in support of emergency litigation seeking their release due to unconstitutional conditions of confinement in Illinois jails. Draft sections of Habeas Corpus petitions. Conduct legal research for expedited briefing and oral argument. Organizing and analyzing discovery. Edit and cite check brief in opposition to petition for certiorari filed with the U.S. Supreme Court.

#### **NYC Commission on Human Rights**

**September 2018 – December 2018**

*Clinical Placement* – New York, NY

Review intakes filed with the Commission by transgender individuals who have been denied employment, housing, and public accommodations on the basis of gender, in violation of the New York City Human Rights Law. Conduct legal research on the legal standards to hold an employer liable for the discriminatory behavior of a supervising employee under local, state and federal law. Draft pleadings to commence the investigation process in claims of gender-based discrimination against transgender people.

#### **American Civil Liberties Union: Racial Justice Project**

**June 2018 – August 2018**

*Summer Intern* – New York, NY

Performed legal research on the life-long adverse effect of involvement in the juvenile and criminal justice systems on poor young people of color in preparation for litigation. The research specifically investigated state court policies of imposing fees, fines and costs on indigent juveniles who come into contact with the justice system, the penalties they face when they are unable to pay, and the irreparable consequences that those penalties have on the juveniles, their families and communities. Conducted research on strategies for surviving a motion to dismiss in a §1983 action against municipal judges who have asserted the defense of legislative immunity.

**Brooklyn Defender Services**

**June 2017 – August 2017**

*Summer Intern* – Brooklyn, NY

Performed legal research on the conditions in which transgender and gender nonconforming inmates in the custody of New York City Department of Corrections (NYC DOC) are being detained in anticipation of trial. Collaborated with other advocacy organizations in making recommendations for important changes to NYC DOC housing policy that would make transgender and gender nonconforming people safer during pre-trial detention.

**New York Civil Liberties Union**

**July 2013 – July 2016**

*Paralegal* – New York, NY

Provided administrative and substantive support to attorneys litigating cases encompassing an array of public interest issues, including indigent criminal defense reform, transgender rights, immigrant rights, and police accountability. Prepared and cite checked advocacy letters, FOIL/FOIA requests, Article 78 Requests for Judicial Intervention, briefs, and various motions to be filed in the: New York State Appellate Division, First, Second and Third Departments; New York State Court of Appeals; United States District Court for the Southern District of New York; and the United States Court of Appeals for the Second Circuit.

**ADDITIONAL INFORMATION**

- Fluent in Spanish.
- National Trans\* Bar Association Board Member.

**ADMISSIONS**

- New York Court of Appeals, Appellate Division, Second Department.
- United States District Court for the Central District of Illinois.

# Exhibit J-2

**Malita Picasso**

<b>Date</b>	<b>Description of Services</b>	<b>Time</b>
11/5/2019	Factual Research ( enters, orton, Ettner Declarations)	2.0
11/6/2019	Factual Research ( enters, orton, Ettner Declarations)	2.0
11/7/2019	Factual Research ( enters, orton, Ettner Declarations)	2.0
12/27/2019	Editing Motion for Summary Judgment	4.0
1/2/2020	Redacting Basil Deposition Transcript	2.0
1/30/2020	Discuss MSJ plans w/ A, JK	0.5
2/4/2020	Editing Opposition Brief	3.0
2/25/2020	Editing Reply Brief	2.0

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# Exhibit K

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

STACIE RAY, et al.

Plaintiffs,

vs.

STEPHANIE MCCLOUD, et al.

Defendants

CASE NO. 2:18-cv-00272-MHW-CMV JUDGE

MICHAEL WATSON MAGISTRATE JUDGE

CHELSEY VASCURA

**DECLARATION OF JENNIFER ROACH**  
(pursuant to 28 U.S.C. § 1746)

I, Jennifer Roach, hereby declare under penalty of perjury that the following are true and correct to the best of my knowledge and belief:

1. I am above the age of 18 and reside in Ohio.
2. I have personal knowledge and knowledge of facts to which I am informed and believe the same to be true and that this declaration is based on and therefore necessarily limited by the records and information still in existence, presently recollected and thus far discovered from the books and records of Thompson Hine LLP kept in the normal and ordinary course of business about the matters to which I attest.
3. I represented the Plaintiffs in the above-styled case.
4. I am licensed to practice law in Ohio and in the United States District Court for the Southern District of Ohio, United States District Court of the Northern District of Ohio, the United States Court of Appeals for the Sixth Circuit and the Supreme Court of the United States.

5. I have been continuously licensed since 2001.
6. My firm biography detailing my professional qualifications is attached as Exhibit K-1 to this Declaration.
7. Thompson Hine lawyers kept contemporaneous time records in the above-styled case in six-minute increments.
8. I exercised billing judgment to exclude time that was not reasonably related to the successful prosecution of the case and to exclude small tasks and any incomplete time entries.
9. The spreadsheet attached as Exhibit K-2 to this Declaration shows the name of the Thompson Hine lawyer providing services, the amount of time billed, a description of the services provided, the hourly rate, the fee for the services, and the date on which the services were provided. Thompson Hine lawyers have invested 83.2 hours in representing Plaintiffs in the above-styled case.
10. The reasonable hourly rate for the Thompson Hine lawyers working on this litigation ranges between \$130 per hour for Discovery Counsel to \$605 per hour for Partners.
11. The lodestar figure for Thompson Hine's services, determined by multiplying the reasonable hours spent by Thompson Hine lawyers on this matter by the corresponding hourly rate is **\$19,084.**

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

Executed on February 1, 2021.



---

Jennifer S. Roach

# Exhibit K-1



## Jennifer S. Roach

Partner  
Chair, Summer Program Committee

[Jennifer.Roach@ThompsonHine.com](mailto:Jennifer.Roach@ThompsonHine.com)

---

Antitrust, Competition & Distribution  
Business Litigation

---

### Overview

Jen is a partner in the Antitrust, Competition & Distribution and Business Litigation practice groups. She focuses her practice on litigating unfair competition, intellectual property, trade secret misappropriation, distribution and antitrust matters, and providing advice and guidance to clients concerning distribution, antitrust, advertising and unfair competition issues and the protection of intellectual property.

Jen has trial experience in both federal and state courts, and has drafted numerous agreements related to product distribution in the United States and internationally.

### Contact Information

3900 Key Center  
127 Public Square  
Cleveland, Ohio 44114-1291  
Direct: 216.566.5885  
Fax: 216.566.5800

### Education

- Northwestern University School of Law, J.D., 2001
- Duke University, A.B., 1997, *cum laude*

### Experience

**A representative sampling of Jen's experience includes the following:**

#### ***Antitrust and Dealer or Sales Representative Termination Cases***

- Representing utility companies in action alleging price fixing by four Class I railroads, *In re Rail Freight Fuel Surcharge Antitrust Litigation*.
- Representing a manufacturer of outdoor power equipment in action alleging termination of sales representative agreement in violation of Minnesota's sales representative statute, *Gulliford Sales Co. v. Husqvarna Professional Products, Inc.*, No. 19-CV-00237 (D. Minn.)
- Representing a manufacturer of wireless two-way radios in action alleging termination of sales representative agreement in violation of California's Independent Wholesale Sales Representative Contractual Relations Act of 1990, *The Sales Group, Inc. v. RELM Wireless Corp.*, No. 2:17-cv-02347-JAK-FFM (C.D. Cal.).
- Representing a manufacturer of outdoor power equipment in action alleging termination of sales agency agreement in violation of the Texas equipment dealer statute, *Relco Military Sales, Inc. v. Husqvarna Outdoor Products, Inc.*, No. 3:09-cv-1350 (N.D. Tex.).
- Obtained dismissal of counterclaims alleging price discrimination under the Robinson-Patman Act for a publicly traded distributor of thermoplastic resins.



- Defended a manufacturer of flooring compounds for commercial construction applications against counterclaims alleging secondary-line price discrimination under the Robinson-Patman Act. *Dayton Superior Corp. v. Marjam Supply Co.*, No. 2:07-cv-05215-DRH-MLO (E.D.N.Y.); *Dayton Superior Corp. v. Spa Steel Products, Inc.*, No. 1:08-cv-01312-FJS-RFT (N.D.N.Y.).
- Represented a manufacturer of material handling equipment in a Minnesota action brought by a dealer involving allegations of breach of contract and violation of the Wisconsin Fair Dealership Law and the Minnesota Heavy and Utility Equipment Manufacturers and Dealers Act. *Minnesota Supply Co. v. Mitsubishi Caterpillar Forklift America Inc.*, 822 F.Supp.2d 896 (D. Minn. 2011) (granting motion to dismiss).
- Defended a manufacturer of material handling equipment in an action brought by a dealer for alleged violation of New Jersey Franchise Practices Act. *Maintainco, Inc. v. Mitsubishi Caterpillar Forklift America Inc.*, No. C-300-00 (Superior Ct., Chancery Div., Bergen City., N.J.).

#### ***Counseling on Antitrust, Product Distribution and Competition Matters***

- Drafting and advising on the terms of dealer, distributor, sales representative and other product distribution or supply arrangements for clients engaged in the manufacture or supply of welding equipment, outdoor power equipment, high-pressure laminates, material handling equipment and medical products.
- Providing guidance to manufacturing clients on termination or appointment of dealers and distributors in the United States and internationally.
- Advising manufacturing clients on the legality of product distribution restraints.
- Counseling clients on product pricing, discounts and advertising programs under state and federal price discrimination laws.

#### ***Unfair Competition Litigation***

- Obtained a directed verdict for a leading provider of early childhood products and furniture after a two-week trade secret misappropriation trial that was affirmed on appeal. *Alice's Home v. Childcraft Education Corp.*, 2010 Ohio App. LEXIS 3498 (10th Dist. Sept. 2, 2010).
- Secured summary judgment in a breach of contract claim on behalf of a manufacturer of flooring compounds for commercial construction. *Dayton Superior Corp. v. Spa Steel Prods., Inc.*, 2010 U.S. Dist. LEXIS 100674 (Sept. 23, 2010 N.D.N.Y.).
- Successfully defended a preliminary injunction motion on behalf of a defendant in Lanham Act false advertising litigation filed in New Jersey federal court. Decision affirmed on appeal to the Third Circuit. *IDT Telecom, Inc. v. CVT Prepaid Solutions*, 250 Fed. Appx 476 (Oct. 9, 2007 3d Cir).
- Received a favorable decision on a defense motion for summary judgment in a trade secret misappropriation claim involving manufacturing process design. *Jedson Engineering, Inc. v. Spirit Construction Services, et al.*, 2010 U.S. Dist. LEXIS 60642 (June 18, 2010 S.D. Ohio).
- Obtained preliminary injunction for major provider of pharmacy products to long-term care facilities in noncompete case against former salesperson. *PharMerica Corp. v. McElyea*, 2014 U.S. Dist. LEXIS 64313 (May 9, 2014).
- Represented a manufacturer of metal forgings for heavy-duty truck axles in an action alleging misappropriation by a competitor of trade secrets involving manufacturing processes.



- Secured preliminary injunctive relief for distributor of spine products against former salesman who went to work for competitor.
- Defeated preliminary injunction motion brought by former business partner against provider of secured text messaging services to doctors and hospitals.
- Represented a global chemical manufacturer in a non-compete case involving a former employee living and working in Vietnam.
- Defense of a firearms dealer in litigation pending in federal court in North Carolina involving allegations of trade secret misappropriation and violation of the Computer Fraud and Abuse Act.
- Obtained summary judgment for a publicly traded provider of engineering, construction and technical services to government agencies and private sector companies around the world in a case involving allegations of copyright infringement, trademark infringement, unfair competition, tortious interference and breach of contract.
- After a three-week trial but prior to a jury verdict, secured a successful settlement for an engineering design company in a case involving the alleged copyright infringement of architectural plans for a tissue manufacturing plant and violation of the Computer Fraud and Abuse Act.

#### **Other Matters**

- On behalf of a pro bono client, briefed and argued an appeal to the Sixth Circuit, resulting in a published opinion concerning application of the United States v. Leon, 468 U.S. 897 (1984) good faith exception to the Fourth Amendment. *United States v. Frazier*, 423 F.3d 526 (6th Cir. 2005).
- Prosecuted attorneys on behalf of the Certified Grievance Committee of the Cleveland Bar Association, for violation of disciplinary rules and obtained an indefinite suspension in two different cases and a six-month suspension in a case argued before the Ohio Supreme Court.

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#### **Publications**

- Co-author, "[Current State of Affairs in No-Poach Enforcement: Is Criminal No-Poach Prosecution Finally on the Horizon?](#)" *Thompson Hine Business Law Update*, Winter 2021
- Co-author, "[Novel COVID-19 Virus, Commercial Contracts and Force Majeure](#)," *Thompson Hine Business Litigation Update*, March 2020
- Co-author, "[DOJ Steps Up Antitrust Enforcement](#)," *Crain's Cleveland Business*, January 18, 2020
- "[Antitrust Agencies Release New Vertical Merger Guidelines](#)," *Thompson Hine Antitrust Law Update*, January 2020
- Co-author, "[Justice Department Emphasizes Antitrust Enforcement Through Creation of Multi-Agency and Bid-Rigging Strike Force](#)," *Thompson Hine Antitrust & Government Contracts Update*, November 2019
- "United States: Vertical Restraints," published in *The Antitrust Review of Americas*, Global Competition Review, 2018
- "[Court Denies Class Certification in Rail Freight Fuel Surcharge Antitrust Litigation](#)," *Thompson Hine Transportation Update*, October 2017
- "[The Defend Trade Secrets Act: Consequences for Trade Secret Litigation](#)," *Thompson Hine Business Litigation Update*, July 2014



- ["Supreme Court Clarifies False Advertising Standing," Thompson Hine \*Unfair Competition Update\*, April 2014](#)
  - "State Dealer Protection Statutes Do Not Override Contractual Choice of Form," American Bar Association, *Antitrust Section Distribution and Franchising Committee Distribution Newsletter*, January 2012
  - Editor, "Chapter VII Adjunct Claims and Defenses," *The Franchise and Dealer Termination Handbook*, Second Edition, American Bar Association, April 2011
  - "SEC Wants The Scoop On Private Investment Advisers," *Law360.com*, December 2010
  - "Clear Path for Stock Options Suits?", *N.D. Ohio Federal Bar Association Newsletter*, 2007
- 

## Presentations

- "Certifying Antitrust Class Actions: Applicability of *Daubert* at Class Certification," Fifth Annual Great Lakes Antitrust Institute, November 2013
  - "Till Death – Or Later – Do You Part: Tips To Manage The Risk And Structure Your Relationships With Distributors And Sales Representatives", OSBA Annual Convention, Antitrust Section, May 8, 2013
  - "Keeping Clients Out of Trouble in Troubled Economic Times: How Antitrust Laws Apply to Business Strategies in an Economic Downturn – Vertical Restraints," OSBA Annual Convention, Antitrust Section, May 2009
  - "Taking and Defending Effective Depositions in Ohio," Independence, Ohio, April 2008
  - "Motion Law: From Basic to Advanced Procedures," Cleveland, Ohio, May 2006
- 

## Distinctions

- Selected for inclusion in *The Best Lawyers in America*® 2016 to 2021 in the field of Commercial Litigation
  - Selected for inclusion in *Ohio Super Lawyers*® as a Rising Star, 2010 to 2015
  - YWCA Women of Professional Excellence, 2010
- 

## Professional & Civic

### Professional Associations

- American Bar Association

### Community Activities

- PetFix Northeast Ohio, Board of Directors, May 2010 to present
- Mobilize the Vote, volunteer
- Lift+Every+Vote, volunteer
- Pet Partners, volunteer, 2009 to present
- Cleveland Bridge Builders, Class of 2007-2008



- YWCA Women's Leadership Boot Camp, Class of 2009-2010
- Partners With Paws, Board of Directors, 2004 to 2006
- Therapy Dogs International, volunteer, 2001 to 2009

#### **Professional Activities**

- Vice Chair, Copyright Litigation Committee, American Bar Association's Intellectual Property Section
  - Editorial Board, Annual Review of Antitrust Law Developments, American Bar Association's Antitrust Section, 2013 to 2017
  - National Institute of Trial Advocacy Deposition Skills Programs, Instructor
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#### **Admissions**

- Ohio
  - U.S. Court of Appeals for the Third Circuit
  - U.S. Court of Appeals for the Sixth Circuit
  - U.S. District Court for the Northern District of Ohio
  - U.S. District Court for the Southern District of Ohio
  - United States Supreme Court
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# Exhibit K-2

## Thompson Hine, LLP

Date	Description of Services	Time	Attorney Name	Rate	Fee
4/5/2018	Conference discussing strategy after filing complaint.	1.1	EBLE, MAR L N K.	235.00	258.50
4/9/2018	Drafted research memorandum analyzing the impact of recent case law on the Ohio birth certificate litigation.	4.3	EBLE, MAR L N K.	235.00	1,010.50
5/14/2018	Conference with Mr. Carey regarding new Pro Bono matter assisting the ACL .	0.2	Berliner, Alan F.	605.00	121.00
6/28/2018	Conference with team related to 26(f) conference and report.	0.9	EBLE, MAR L N K.	235.00	211.50
7/9/2018	Reviewed motion to dismiss.	1.1	EBLE, MAR L N K.	235.00	258.50
7/10/2018	Discussed motion to dismiss with D. Carey.	0.1	EBLE, MAR L N K.	235.00	23.50
7/16/2018	Researched cases that discuss whether questions over the definition of a term can survive a motion to dismiss.	2.0	Song, Doori C.	190.00	380.00
7/17/2018	Researched cases covering the issue of whether questions over the definition of a term can survive a motion to dismiss.	1.0	Song, Doori C.	190.00	190.00
7/18/2018	Conference call with co-counsel regarding opposition to defendant's motion to dismiss.	1.0	EBLE, MAR L N K.	235.00	235.00
7/18/2018	Discussed opposition to motion for interim stay with D. Carey and D. Song.	0.4	EBLE, MAR L N K.	235.00	94.00
7/18/2018	Researched cases that cover whether questions over the definition of a term can survive a motion to dismiss.	2.0	Song, Doori C.	190.00	380.00
7/19/2018	Researched cases in which a motion for an interim stay of discovery was denied.	2.0	Song, Doori C.	190.00	380.00
7/19/2018	Researched cases in which a motion to dismiss was denied because a dispute over the meaning of a word was a question of fact.	4.0	Song, Doori C.	190.00	760.00
7/20/2018	Researched cases in which a motion for an interim stay of discovery was denied wrote an email summary and sent it to Marilyn Eble.	4.0	Song, Doori C.	190.00	760.00
7/20/2018	Researched cases and wrote email summary to David Carey.	1.0	Song, Doori C.	190.00	190.00
7/21/2018	Reviewed defendants' emergency motion for interim stay.	1.9	EBLE, MAR L N K.	235.00	446.50
7/23/2018	Drafted opposition to emergency motion for interim stay.	3.9	EBLE, MAR L N K.	235.00	916.50
7/23/2018	Reviewed opposition to motion to dismiss.	0.9	EBLE, MAR L N K.	235.00	211.50
7/23/2018	Checked and edited citations in a motion in accordance with the Bluebook.	1.0	Song, Doori C.	190.00	190.00
7/24/2018	Revised opposition to motion for interim stay.	1.9	EBLE, MAR L N K.	235.00	446.50

8/1/2018	Reviewed defendants' motion to stay.	1.5	EBLE, MAR L N K.	235.00	352.50
8/2/2018	Researched issues related to plaintiff's motion to stay discovery.	4.1	EBLE, MAR L N K.	235.00	963.50
8/2/2018	Drafted opposition to plaintiff's motion to stay discovery.	3.3	EBLE, MAR L N K.	235.00	775.50
8/3/2018	Drafted opposition to motion to stay.	2.9	EBLE, MAR L N K.	235.00	681.50
8/6/2018	Revised motion to stay.	0.3	EBLE, MAR L N K.	235.00	70.50
8/21/2018	Reviewed defendants' reply in support of motion to dismiss.	0.7	EBLE, MAR L N K.	235.00	164.50
9/11/2018	Meeting with J. Roach.	0.6	EBLE, MAR L N K.	235.00	141.00
9/11/2018	Prepared for meeting with J. Roach.	0.4	EBLE, MAR L N K.	235.00	94.00
9/11/2018	Discussed status of case with Ms. Eble and Ms. Li.	0.5	Roach, Jennifer S.	480.00	240.00
9/26/2018	Researched legal issues related to gender identity and sex assignment.	1.1	EBLE, MAR L N K.	235.00	258.50
9/26/2018	First review of discovery requests.	0.6	EBLE, MAR L N K.	235.00	141.00
10/8/2018	Meeting with client.	2.4	EBLE, MAR L N K.	235.00	564.00
10/11/2018	Conference with team.	0.4	EBLE, MAR L N K.	235.00	94.00
10/11/2018	Initial review of expert witness agreement.	0.3	EBLE, MAR L N K.	235.00	70.50
10/15/2018	Meeting with J. Klimkowski.	1.3	EBLE, MAR L N K.	235.00	305.50
10/17/2018	Reviewed draft of plaintiffs' initial disclosures.	0.1	EBLE, MAR L N K.	235.00	23.50
11/1/2018	Provided estimate of fees and costs pursuant to court order.	0.1	EBLE, MAR L N K.	235.00	23.50
11/15/2018	Conference with ACL Ohio and Lambda Legal regarding defendant's discovery responses and protective order.	0.5	EBLE, MAR L N K.	235.00	117.50
11/15/2018	Reviewed stipulated protective order.	0.2	EBLE, MAR L N K.	235.00	47.00
11/15/2018	Reviewed defendants' objections and responses to first interrogatories and requests for production of documents.	0.4	EBLE, MAR L N K.	235.00	94.00
1/3/2019	Discussed discovery strategy with J. Moore.	0.3	EBLE, MAR L N K.	235.00	70.50
1/3/2019	Discussed discovery strategy with co-counsel.	0.3	EBLE, MAR L N K.	235.00	70.50
1/3/2019	Working with other members of the legal team regarding the preparation of specified production materials received in this matter for further substantive review.	1.0	Moore, Jeff R.	305.00	305.00
1/4/2019	Preparation of specified materials received in this matter for substantive review.	0.3	Moore, Jeff R.	305.00	91.50
1/7/2019	Communicated with co-counsel regarding document review.	0.2	EBLE, MAR L N K.	235.00	47.00
1/7/2019	Preparation of additional materials for further substantive review.	0.4	Moore, Jeff R.	305.00	122.00
1/9/2019	Attention to collection of documents from defendant's first production.	0.2	EBLE, MAR L N K.	235.00	47.00

1/9/2019	Preparation of additional materials received in this matter for further substantive review and analysis working with other members of the legal team in connection with the same.	0.2	Moore, Jeff R.	305.00	61.00
1/10/2019	Prepare documents for incorporation to the Pro Bono - ODH litigation database as follows. Apply document Ds, extract metadata and searchable text. pdate case document folders and populate database's document tracking fields.	0.5	Cox-Kirk, Stephanie	150.00	75.00
1/10/2019	Working with other members of the legal team regarding the preparation of specified materials received in this matter for further substantive review.	0.5	Moore, Jeff R.	305.00	152.50
1/11/2019	Attention to document review, including conference with J. Moore.	0.7	EBLE, MAR L N K.	235.00	164.50
1/11/2019	Continuing to work with other members of the legal team regarding the preparation of specified materials received in this matter for further review and analysis.	0.8	Moore, Jeff R.	305.00	244.00
1/11/2019	Provided assistance to counsel in database set up.	0.4	Patton, Ryan	130.00	52.00
1/14/2019	Conference with plaintiffs' team regarding responses to written discovery and document review.	1.0	EBLE, MAR L N K.	235.00	235.00
1/14/2019	Working with other members of the legal team and outside co-counsel regarding the preparation of specified production materials received in this matter for further review and analysis.	0.2	Moore, Jeff R.	305.00	61.00
1/14/2019	Provided assistance to counsel in database set up.	0.2	Patton, Ryan	130.00	26.00
2/4/2019	Reviewed discovery responses.	1.0	EBLE, MAR L N K.	235.00	235.00
2/4/2019	Reviewed expert report.	0.7	EBLE, MAR L N K.	235.00	164.50
2/13/2019	Downloaded and organized produced documents for loading into Eclipse.	0.5	Patton, Ryan	130.00	65.00
2/14/2019	ncorporate ODH documents to the litigation database. pdate case document folders and populate database's document tracking fields.	0.4	Cox-Kirk, Stephanie	150.00	60.00
2/14/2019	Organized produced documents loaded into Eclipse.	0.1	Patton, Ryan	130.00	13.00
2/19/2019	Addressed issue with J drive folder name.	0.4	Patton, Ryan	130.00	52.00
3/14/2019	Reviewed E. Bonham summary of second document production by defendants.	0.2	EBLE, MAR L N K.	235.00	47.00

3/21/2019	Team call regarding document review and expert report.	1.0	EBLE, MAR L N K.	235.00	235.00
3/26/2019	Researched grounds to oppose stay of expert discovery.	0.5	EBLE, MAR L N K.	235.00	117.50
4/11/2019	Reviewed first documents produced by ODH.	1.4	EBLE, MAR L N K.	235.00	329.00
4/12/2019	Reviewed documents from ODH.	2.0	EBLE, MAR L N K.	235.00	470.00
4/22/2019	Team conference regarding defendants' second set of discovery requests.	1.0	EBLE, MAR L N K.	235.00	235.00
4/22/2019	Reviewed plaintiffs' first document production.	0.3	EBLE, MAR L N K.	235.00	70.50
4/23/2019	Reviewed correspondence and researched potential requirements to change gender markers on birth certificates.	0.9	EBLE, MAR L N K.	235.00	211.50
4/26/2019	Reviewed plaintiffs' second document production.	0.6	EBLE, MAR L N K.	235.00	141.00
4/26/2019	Drafted correspondence to defendants regarding their April 25, 2019 letter concerning discovery.	1.1	EBLE, MAR L N K.	235.00	258.50
4/26/2019	Reviewed written discovery responses to Defendants' RFA No. 8 and RO 20.	0.7	EBLE, MAR L N K.	235.00	164.50
4/26/2019	Attention to discovery correspondence.	0.4	EBLE, MAR L N K.	235.00	94.00
5/7/2019	Attention to Plaintiffs' first and second document productions.	0.2	EBLE, MAR L N K.	235.00	47.00
5/7/2019	Provided assistance to counsel in logging and loading ACL productions.	0.7	Patton, Ryan	130.00	91.00
5/15/2019	Organized produced documents loaded into Eclipse.	0.1	Patton, Ryan	130.00	13.00
6/7/2019	Prepare ACL documents for incorporation to the litigation database as follows. Apply document Ds, extract metadata and searchable text. Update case document folders and populate database's document tracking fields.	0.3	Cox-Kirk, Stephanie	150.00	45.00
6/7/2019	Organized ACL documents to be loaded into Eclipse.	0.3	Patton, Ryan	130.00	39.00
7/16/2019	Reviewed research regarding whether defendants may be compelled to travel to plaintiffs' locations for depositions.	0.6	EBLE, MAR L N K.	235.00	141.00
7/16/2019	Conducted legal research in the jurisdiction of District Court of Southern District of Ohio on the issue of whether deposing party is required to conduct deposition at a location in the vicinity in which the deponent resides.	2.0	Li, Tongzhou	240.00	480.00
7/22/2019	Attention to discovery dispute.	0.9	Roach, Jennifer S.	480.00	432.00
8/2/2019	Provided assistance to counsel in granting access to Eclipse database for outside counsel.	0.3	Patton, Ryan	130.00	39.00

8/12/2019	Team call regarding seeking stipulated extensions for discovery and dispositive motions and responses to defendants' fourth discovery requests.	0.8	EBLE, MAR L N K.	235.00	188.00
8/12/2019	Attention to discovery issues.	0.2	Roach, Jennifer S.	480.00	96.00

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# Exhibit L

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**STACIE RAY, et al.**

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director,  
Ohio Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge: Michael Watson

Magistrate Judge: Chelsey Vascura

**DECLARATION OF TESS SABO**

Pursuant to 28 U.S.C. 1746

I, Tess Sabo, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am above the age of 18, I am competent to testify, and I have personal knowledge of the matters contained in this declaration.
2. I am a Paralegal with the American Civil Liberties Union of Ohio Foundation (“ACLU Ohio”) and assisted attorneys to Plaintiffs in this litigation.
3. ACLU Ohio is a statewide non-profit organization that relies upon the contributions of its members and supporters, and in part upon attorney fees incurred in litigation, to fund its operations.
4. I have been employed as a paralegal since 2016. And I have been employed and supporting litigation at the ACLU of Ohio since October 2018.

5. I received my undergraduate degree from The Ohio State University in 2012 and a post baccalaureate certificate in paralegal studies from Columbus State Community College in 2015.
6. I have accumulated experience supporting complex constitutional and other federal civil rights litigation similar to the work I performed in this lawsuit.
7. To date, I have invested 62.2 hours in providing paralegal services to Plaintiffs' attorneys in this case, for which I am seeking fees at a rate of \$150 per hour. Attached as Exhibit L-1 to this Declaration is a true and correct copy of the task-based itemized charges for my time in this case, which I have reviewed and approved. I exercised billing judgment to ensure that the time spent was reasonable and necessary under the circumstances.
8. The lodestar figure for my work on this case, determined by multiplying my reasonable hours expended by my reasonable rate, is  $150 * 62.2 = \mathbf{\$9,330}$ .

Dated: February 1, 2021

By: /s/Tess Sabo  
Tess Sabo  
ACLU of Ohio Foundation  
1108 City Park Ave., Ste. 203  
Columbus, OH 43206  
Phone: 614-586-1972 x2013  
Fax: 614-586-1974  
tsabo@acluohio.org

# Exhibit L-1

## Tess Sabo

<b>Date</b>	<b>Description of Services</b>	<b>Time</b>
10/30/2018	Email introduction to plffs	0.3
11/1/2018	Email to cocounsel team re fee letter	0.1
11/6/2018	Email to cocounsel team re fee letter	0.1
11/6/2018	Email to cocounsel team re fee letter	0.1
11/9/2018	prepare fee letter	0.3
12/3/2018	call clerk, file proposed order	0.2
1/14/2019	Call with co-counsel	1.0
2/4/2019	Set up internal conference call	0.1
2/12/2019	Email to all co-counsel re: fee letter	0.2
2/20/2019	Email to all co-counsel re: fee letter	0.2
2/25/2019	Email EB re settlement week order	0.1
2/28/2019	Email co-counsel re fee letter	0.2
3/1/2019	draft fee letter	0.5
3/5/2019	finalize and send fee letter	0.2
3/26/2019	update calendar deadlines	0.2
4/22/2019	legal team phone meeting w/ co-co (partial)	0.5
5/10/2019	email to team re fee letter	0.2
5/23/2019	fee letter reminder email to co-counsel	0.1
7/1/2019	Email co-counsel re fee letter	0.2
7/17/2019	draft fee letter	0.5
7/18/2019	finalize and send fee letter	0.1
7/31/2019	schedule depositions	0.2
8/13/2019	draft motion for discovery extension	1.5
8/14/2019	proof and file motion to extend discovery	0.5
8/14/2019	email team for fees	0.2
8/14/2019	finalize and file extension motion	2.0
8/15/2019	update calendar deadlines	0.2
8/19/2019	Process deposition invoice	0.1
8/26/2019	schedule depositions	0.5
9/5/2019	schedule deposition	0.5
9/15/2019	get fees from co-co	0.5
9/20/2019	draft fee letter	1.0
9/23/2019	Errata emails to plaintiffs	0.5
9/25/2019	Prepare errata for Ray depo transcript	1.1
9/30/2019	Contact Pff re errata	0.5
10/11/2019	Prepare multiple pff depo errata	2.0
1/6/2020	Draft joint motion on filing transcripts	0.7
1/7/2020	Finalize and file joint motion on transcripts	0.5
1/8/2020	Discuss MSJ filing w/ EB	0.5
1/10/2020	Redact transcript	0.5
1/13/2020	Finish trancript redactions	2.0
1/14/2020	File deposition transcripts (with troubleshooting)	1.0
1/15/2020	Review/Cite check MSJ	8.0
1/16/2020	Final review, polish exhibits, file MSJ	2.0

2/12/2020	cite-check msj response	3.0
2/12/2020	cite-check, finalize and file msj response	8.0
2/26/2020	Email EB, team, re fees	0.3
2/27/2020	review and file MSJ reply	3.5
11/13/2020	Review and file Arkles withdrawal	0.2
12/2/2020	Email Malita re PH motion	0.1
1/7/2021	Finalize and file Malita PH	0.3
1/7/2021	Team call re next steps	0.9
1/20/2021	Team call re next steps	1.0
1/22/2021	Emails with all attys re: fee petition	1.0
1/25/2021	reconcile atty time records for petition	6.0
1/27/2021	incorporate atty feedback in time reconciliation	4.0
1/29/2021	Draft declarations for fee petition	2.0

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# Exhibit M

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

**STACIE RAY, et al.**

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director,  
Ohio Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge: Michael Watson  
Magistrate Judge: Chelsey Vascura

**DECLARATION OF EMMA KEESHIN**

Pursuant to 28 U.S.C. 1746

I, Emma Keeshin, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am above the age of 18, I am competent to testify, and I have personal knowledge of the matters contained in this declaration.
2. I was the Legal Assistant for the ACLU of Ohio between the years 2016 and 2018.
3. The ACLU of Ohio is a statewide non-profit organization that relies upon the contributions of its members and supporters, and in part upon attorney fees incurred in litigation, to fund its operations.
4. As the Legal Assistant, I performed investigations, managed client communications, and provided other support and paralegal work to the ACLU of Ohio's three-person (formerly two-person) attorney team.

5. I worked on the above-captioned case, including the pre-litigation investigation and during the litigation, until I left the department in 2018.
6. I have a bachelor's degree from Oberlin College, where I graduated in 2015 with degrees in politics and in law and society.
7. Currently, I work as a distributed organizer with Pennsylvania United, a labor rights organization that works to build solidarity between working-class people of different backgrounds in Western Pennsylvania.
8. My resume detailing my professional qualifications is attached to this Declaration as Exhibit M-1.
9. The hours I expended working on this case are attached to this Declaration as Exhibit M-2.
10. The time I expended and listed here is reasonable, and the records submitted are an accurate reflection of that time. I documented my time in six-minute increments.
11. I exercised billing judgment to prepare these time records. For example, I did not list time for many small tasks or for any tasks that did not take at least six minutes to complete.
12. I also did not list my time for the many clerical tasks I had to perform for this litigation, such as finalizing and filing motions and pleadings.
13. I also did not list the considerable time I expended on the pre-litigation investigation for this case, or the work I performed to prepare for filing the initial complaint.
14. The reasonable hourly rate for my work is \$150.

15. I am using a fair market rate for my time, as a legal assistant in this region with a bachelor's degree and multiple years of experience. I believe this rate reflects my level of skill and experience. These conclusions are based in part on the guidance published by the Ohio State Bar Association, attached to the Fee Petition in this case as Exhibit A.

16. The lodestar figure for my work on this case, determined by multiplying my reasonable hours expended by my reasonable rate, is  $8.7 * 150 = \$1,305$ .

Executed on this February 1, 2021

By:           /s/ Emma Keeshin            
Emma Keeshin

# Exhibit M-1

# Emma Keeshin

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## EXPERIENCE

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### ***Pennsylvania United***

*Distributed Organizer* | August 2020 - present

- Build and support volunteer teams to contact hundreds of thousands of voters in Western Pennsylvania communities for the 2020 presidential election, through phone banks, deep canvass phone banks, and peer to peer texting.
- Create new chapter structure for 2021 local election work; create guides and training materials to support Regional Organizers and member leaders as they recruit, train, campaign for, and govern with local candidates.
- Manage data flow between VAN/EveryAction, ThruTalk, and ThruText.
- Set up internal tracking systems for goals, voter contact efforts, and program metrics.

### ***Bernie Sanders 2020***

*Field Organizer* | November 2019 - April 2020

*Iowa, North Carolina, Pennsylvania*

- Helped the campaign in Iowa knock on 900,000 doors, organize 24,000 volunteer- and staff-led events, and open 160 staging locations where volunteers organized during GOTV.
- Responsible for building teams and organized 200 volunteers across Cedar Rapids to do relational organizing, knock doors, community canvass, lead caucuses, and make calls to voters and recruit other volunteers for the campaign, leading to a 9-point margin of victory in Cedar Rapids.
- Coordinated trainings for volunteers to have high-quality persuasion and turnout conversations in-person and using digital organizing tools.
- During COVID-19 pandemic, swiftly shifted to all-virtual organizing tactics including all-volunteer calls, virtual relational canvassing, virtual phonebank shifts, and more.
- Organized volunteers at scale by using key campaign technology, including Slack, Google Drive, Mobilize America, GetThru (web-based dialer), Zoom, and VAN.

### ***Showing Up for Racial Justice (SURJ) Northeast Ohio Chapter***

*Member Leader* | November 2015 - present

*Steering Committee Coordinator* | October 2016 - April 2018

- Organized white communities into accountable action as part of a multi-racial movement by recruiting new members and volunteers, identifying potential leaders and developing their skills, building deep relationships with area organizations, and leading political education.
- Rebuilt organizational structure: developed and pitched to Steering Committee a plan for skill-based teams to carry out the work, develop leadership, and move large numbers of members into action.
- For SURJ Ohio, acquired data/tech tools and developed a statewide phonebank/textbank program to provide structure to chapters and move more members into sustained action.

### ***ACLU of Ohio***

*Advocacy Manager* | May 2019 - November 2019

*Advocacy Associate* | November 2018 - May 2019

*Legal Assistant* | May 2016 - November 2018

- Planned, oversaw, and executed plaintiff searches for impact litigation; provided all logistical support to attorneys, including managing legal intake program, coordinating discovery and document review, and maintaining schedule for legal department projects and litigation deadlines.
- Utilized advocacy, organizing, legislative, and communications strategies for police accountability, bail reform, LGBTQ rights, and voting rights campaigns.

- Deepened relationships with grassroots organizations and directly impacted individuals and built their capacity by providing coaching on campaign strategy, power-mapping, legislative process, and influencing the media.
- Designed and led volunteer trainings including “Advocacy University: Setting Campaign Goals and Tactics,” “Empowering Jailed Voters,” and “Bring Automatic Voter Registration to Ohio.”
- Led a team of volunteers to resist a federal law enforcement initiative and instead develop a community safety policy platform.
- Authored op-eds, blogs, toolkits, and other educational materials.

### ***Oberlin Young Educators***

*Co-President | September 2012 - May 2015*

- Set agenda and fostered discussion with group members in weekly meetings; planned events on campus to foster dialogue about inequity in the education system; prioritized and delegated tasks within the group; built relationships with diverse student groups and professional educators from the community, state, and nation.
- Worked with professors and administrators to craft a two-week Oberlin College Education Symposium that centered on issues of social justice in education and catered to the diverse interests and identities of the student body; handled event logistics and organization; and served as spokesperson and outreach coordinator of the event and of the education community.

### **EDUCATION**

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#### ***Bachelor of Arts, Oberlin College (2015)***

Double major in Politics and Law & Society

### **CERTIFICATIONS**

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#### ***Restorative Practices and Restorative Justice, 32 hours*** | October 2018

International Institute for Restorative Practices

#### ***Fundamentals of Mediation, 20-hour certification*** | December 2015

Cleveland Mediation Center

#### ***Social Justice Mediation, 40-hour certification*** | August 2014

Oberlin College Dialogue Center

### **SKILLS**

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- Proficient in Spanish, both written and spoken.

# Exhibit M-2

## Emma Keeshin

<b>Date</b>	<b>Description of Services</b>	<b>Time</b>
4/2/2018	Corresp w/ plffs Ray and Argento re legal team	0.5
4/5/2018	Conference call with co-counsel	0.9
4/6/2018	Review correspondence from cocounsel	0.1
4/21/2018	Corresp w/ Argento	0.3
5/4/2018	Corresp w/ Argento	0.4
5/25/2018	Corresp to plffs Argento and Ray	0.3
6/14/2018	Review correspondence from cocounsel	0.1
6/18/2018	Corresp to plffs Argento and Ray	0.3
6/21/2018	conference call with co-counsel	1.2
6/22/2018	Send materials to E. Jeffers	0.2
6/28/2018	conference call with co-counsel	0.9
7/17/2018	Arrange tech logistics for pretrial conference	1.0
7/17/2018	Corresp w/ plff Ray and ACL OH attys	0.2
7/19/2018	Review corresp from plff Ray	0.1
8/2/2018	Corresp w/ E. Bonham re litigation deadlines	0.2
8/13/2018	Corresp to plffs Argento and Ray	0.2
8/15/2018	Corresp to plffs Argento and Ray	0.7
8/16/2018	Corresp w/ J. Roach re substitution of counsel	0.1
10/10/2018	Corresp w/ plff Ray and ACL OH attys	0.5
10/26/2018	Corresp to plffs Argento and Ray	0.5

*o**o r**od s r s*

# Exhibit N

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**STACIE RAY, et al.**

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director,  
Ohio Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge: Michael Watson  
Magistrate Judge: Chelsey Vascura

**SECOND DECLARATION OF TESS SABO**

Pursuant to 28 U.S.C. 1746

I, Tess Sabo, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am above the age of 18, I am competent to testify, and I have personal knowledge of the matters contained in this declaration.
2. I am a Paralegal with the American Civil Liberties Union of Ohio Foundation (“ACLU Ohio”) and assisted attorneys to Plaintiffs in this litigation.
3. At the instruction of Plaintiffs’ counsel, I collected records of the costs incurred in prosecution of this case. I worked with the attorneys from each counsel group to review the total costs incurred.
4. At the attorneys’ direction, I assisted in cutting down the actual costs incurred to prepare records of the more limited costs Plaintiffs are seeking to recover in their fee petition.
5. From Thompson Hine, Plaintiffs determined not to seek any of the costs expended, as an exercise of billing judgment. Thompson Hine assisted pro bono on the case.

6. From American Civil Liberties Union Foundation, Inc. (“ACLU”) I received a true and correct summary of their costs incurred in this litigation, generated using financial record systems maintained by the organization, and attached as Exhibit N1. I helped the attorneys to review this and ultimately limit which costs are sought in the fee petition.
7. From Lambda Legal Defense and Education Fund (“Lambda Legal”) I received a true and correct summary of their costs incurred in this litigation, generated using financial record systems maintained by the organization, attached as Exhibit N2. I helped the attorneys to review this and ultimately limit which costs are sought in the fee petition.
8. From ACLU Ohio accounting staff I received a true and correct summary of our costs incurred in this litigation, generated using financial record systems maintained by the organization, attached as Exhibit N3. I helped the attorneys to review this and ultimately limit which costs are sought in the fee petition.
9. In exercising billing judgment, Plaintiffs’ counsel chose to omit all ordinary and incidental expenses such as fees for office overhead, research databases, software, meals, lodging, and non-air travel.
10. Plaintiffs do seek costs expended on court reporting deposition services, expert witness fees, major travel expenses including air travel, and filing fees associated with the case.
11. Regarding expert witness costs, pursuant to agreement, each party remitted the cost of the other party’s expert. Therefore Plaintiffs expended, and now seek, the costs they paid to Defendants’ expert, Quentin Van Meter. Plaintiffs only seek costs for which they did not already bill Defendants.
12. Additional supporting documentation can be provided if necessary.
13. A summary of costs for which Plaintiffs seek recovery is attached as Exhibit N4.

Dated: February 1, 2021

By: /s/ Tess Sabo  
Tess Sabo  
ACLU of Ohio Foundation  
1108 City Park Ave., Ste. 203  
Columbus, OH 43206  
Phone: 614-586-1972 x2013  
Fax: 614-586-1974  
tsabo@acluohio.org

# Exhibit N-1

American Civil Liberties Union  
Posted General Ledger Transactions

Document Number	Effective Date	Transaction Description	GL Short Title	Debit
CAD-03-22-18	3/20/2018	Clerk, Appellate Division	Court Fee&Trans	5.00
CSCI-03-22-18	3/22/2018	Clerk of the Supreme Court of Illinois	Court Fee&Trans	15.00
CD415DCD54344B379802	4/1/2018	Gabriel Arkles - La Quinta Inns	Travel	125.49
CD415DCD54344B379802	4/1/2018	Gabriel Arkles - Plaintiff Meeting	Travel	25.64
CD415DCD54344B379802	4/1/2018	AAA FULL TRANSPORTATION S		
CD415DCD54344B379802	4/1/2018	Gabriel Arkles - Plaintiff Meeting	Travel	1,206.97
CD415DCD54344B379802	4/1/2018	American Airlines		
CD415DCD54344B379802	4/1/2018	Gabriel Arkles - Plaintiff Meeting	Travel	81.66
CD415DCD54344B379802	4/1/2018	CATTLE BARON RESTAURANT		
CD415DCD54344B379802	4/1/2018	Gabriel Arkles - Plaintiff Meeting	Travel	320.91
CD415DCD54344B379802	4/1/2018	Delta		
CD415DCD54344B379802	4/1/2018	Gabriel Arkles - Plaintiff Meeting	Travel	7.61
CD415DCD54344B379802	4/1/2018	HEALTHY GOURMET		
CD415DCD54344B379802	4/1/2018	Gabriel Arkles - Plaintiff Meeting	Travel	61.60
CD415DCD54344B379802	4/1/2018	NEW YORK CITY TAXI		
CD415DCD54344B379802	4/1/2018	Gabriel Arkles - Plaintiff Meeting	Travel	8.46
CD415DCD54344B379802	4/1/2018	PLUM MARKET - 101		
CD415DCD54344B379802	4/1/2018	Gabriel Arkles - Plaintiff Meeting	Travel	8.43
CD415DCD54344B379802	4/1/2018	STARBUCKS C8 N DFW		
CD415DCD54344B379802	4/1/2018	Gabriel Arkles - Plaintiff Meeting	Travel	22.45
CD415DCD54344B379802	4/1/2018	T3 PUEBLO DEL TQULRIA#55		
CD415DCD54344B379802	4/1/2018	Gabriel Arkles - Plaintiff Meeting	Travel	29.78
CD415DCD54344B379802	4/1/2018	UBER		
CD415DCD54344B379802	4/1/2018	Gabriel Arkles - Plaintiff Meeting	Travel	54.35
CD415DCD54344B379802	4/1/2018	UTICA TAXI CENTER		
CD415DCD54344B379802	4/1/2018	Gabriel Arkles - Plaintiff Meeting	Book/Subs/Inter	32.00
CD415DCD54344B379802	4/1/2018	GOGOAIR		
9FD414FAA4784EFAA32F	5/1/2018	Gabriel Arkles - Plaintiff Meeting	Travel	5.00
CD415DCD54344B379802	4/1/2018	PANYNJ AIRTRAIN		
5A1B5ACC789948E091ED	5/1/2018	Gabriel Arkles - HERTZ RENT A CAR ROS	Travel	<u>67.36</u>
				<u>2,077.71</u>

# Exhibit N-2



10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/12/19	KARA INGELHART	KINGELHART	\$312.98	3800	1815
10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$14.61	3800	1815
10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$25.43	3800	1815
10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$15.31	3800	1815
10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$13.47	3800	1815
10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$41.48	3800	1815
10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$5.45	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$1.00	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$23.37	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$70.00	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$7.30	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$4.02	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$30.70	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$7.30	3800	1815
10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$8.98	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$26.83	3800	1815
10-668150-305-30	Lodging	8/28/19	AX Ing,K	kingelhartAX	\$110.95	3800	1815
10-668150-305-30	Lodging	8/28/19	AX Ing,K	kingelhartAX	\$110.95	3800	1815
10-668150-305-30	Lodging	8/28/19	AX Ing,K	kingelhartAX	\$175.06	3800	1815
10-668150-305-30	Lodging	8/28/19	AX Ing,K	kingelhartAX	\$165.12	3800	1815
10-668150-305-30	Lodging	8/28/19	AX Ing,K	kingelhartAX	\$181.06	3800	1815
10-210100-000-00	Lodging	8/28/19	AX Ing,K	kingelhartAX	\$181.06	3800	1815
10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$12.17	3600	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$7.30	3600	1815
10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$6.67	3600	1815
10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$24.90	3600	1815
10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$18.95	3600	1815
10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$38.00	3600	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$27.14	3600	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$27.13	3600	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$14.70	3600	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$22.59	3600	1815
10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$10.12	3600	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	8/28/19	AX Ing,K	kingelhartAX	\$30.00	3600	1815

10-668200-305-30	Meals & Food	8/28/19	AX Ing,K	kingelhartAX	\$12.85	3600	1815
10-132900-000-00	Southwest	9/9/19	KARA INGELHART	KINGELHART	\$205.96	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/9/19	KARA INGELHART	KINGELHART	\$215.97	3800	1815
10-700500-305-30	Court Fees	9/11/19	VERITEXT	WGL014746-6255	\$516.90	3800	1815
10-700600-305-30	Expert Fees	9/19/19	RANDI ETTNER	WGL014746-5886	\$1,706.25	3800	1815
10-700600-305-30	Expert Fees	9/19/19	RANDI ETTNER	WGL014746-5886	\$975.00	3800	1815
10-700600-305-30	Expert Fees	9/19/19	RANDI ETTNER	WGL014746-5886	\$2,975.00	3800	1815
10-700600-305-30	Expert Fees	9/19/19	RANDI ETTNER	WGL014746-5886	\$103.74	3800	1815
10-700500-305-30	Court Fees	9/25/19	VERITEXT	WGL014746-6255	\$555.25	3800	1815
10-668150-305-30	Lodging	9/30/19	AX Ing,K	kingelhartAX	\$192.71	3800	1815
10-668150-305-30	Lodging	9/30/19	AX Ing,K	kingelhartAX	\$297.20	3800	1815
10-668150-305-30	Lodging	9/30/19	AX Ing,K	kingelhartAX	\$280.83	3800	1815
10-668150-305-30	Lodging	9/30/19	AX Ing,K	kingelhartAX	\$194.65	3800	1815
10-668150-305-30	Lodging	9/30/19	AX Ing,K	kingelhartAX	\$194.65	3800	1815
10-668150-305-30	Lodging	9/30/19	AX Ing,K	kingelhartAX	\$194.66	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$21.33	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$21.53	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$19.07	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$14.95	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$18.72	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$22.00	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$32.26	3800	1815
10-700400-305-30	Research & Library	9/30/19	AX Ing,K	kingelhartAX	\$18.75	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$12.84	3800	1815
10-700400-305-30	Research & Library	9/30/19	AX Ing,K	kingelhartAX	\$25.00	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$19.23	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$3.89	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$40.77	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$5.50	3800	1815
10-615325-105-30	Internet - Data Plan	9/30/19	AX Ing,K	kingelhartAX	\$10.00	3800	1815
10-210100-000-00	Internet - Data Plan	9/30/19	AX Ing,K	kingelhartAX	\$14.00	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$5.00	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$12.44	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$21.24	3800	1815

10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$28.46	3800	1815
10-668200-305-20	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$11.76	3800	1815
10-668200-305-20	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$16.46	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$6.34	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$10.63	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$13.00	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$22.73	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$14.13	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$18.22	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$11.55	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$3.00	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$21.38	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$246.00	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$6.67	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$7.13	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$60.16	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$30.00	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$11.44	3800	1815
10-668200-305-30	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$31.99	3800	1815
10-668200-305-20	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$12.63	3800	1815
10-668100-305-20	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$10.71	3800	1815
10-668100-305-20	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$24.66	3800	1815
10-668200-305-20	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$8.99	3800	1815
10-668100-105-20	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$8.00	3800	1815
10-668100-305-20	Transportation: Airfare/Rail/Car (Staff Travel Only	9/30/19	AX Ing,K	kingelhartAX	\$7.87	3800	1815
10-668200-305-20	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$10.35	3800	1815
10-668200-305-20	Meals & Food	9/30/19	AX Ing,K	kingelhartAX	\$2.88	3800	1815
10-700500-305-30	Court Fees	10/11/19	Mike Mobley Inc	WGL014746-6704	\$1,930.40	3800	1815
10-700600-305-30	Expert Fees	10/20/19	RANDI ETTNER	WGL014746-5886	\$243.75	3800	1815
10-668200-305-30	Meals & Food	10/30/19	AX Ing,K	kingelhartAX	\$56.23	3600	1815
10-668200-305-30	Meals & Food	10/30/19	AX Ing,K	kingelhartAX	\$23.06	3600	1815
10-668200-305-30	Meals & Food	10/30/19	AX Ing,K	kingelhartAX	\$15.48	3600	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	10/30/19	AX Ing,K	kingelhartAX	\$29.24	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	10/30/19	AX Ing,K	kingelhartAX	\$307.98	3800	1815

10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	10/30/19	AX Ing,K	kingelhartAX	\$22.94	3600	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	10/30/19	AX Ing,K	kingelhartAX	\$205.00	3600	1815
10-668200-305-30	Meals & Food	10/30/19	AX Ing,K	kingelhartAX	\$26.00	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	10/30/19	AX Ing,K	kingelhartAX	\$49.14	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	10/30/19	AX Ing,K	kingelhartAX	\$8.54	3600	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	10/30/19	AX Ing,K	kingelhartAX	\$23.17	3600	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	10/30/19	AX Ing,K	kingelhartAX	\$6.60	3800	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	10/30/19	AX Ing,K	kingelhartAX	\$26.44	3800	1815
10-668200-305-30	Meals & Food	10/30/19	AX Ing,K	kingelhartAX	\$9.35	3600	1815
10-668200-305-30	Meals & Food	10/30/19	AX Ing,K	kingelhartAX	\$7.20	3600	1815
10-668100-305-30	Transportation: Airfare/Rail/Car (Staff Travel Only	10/30/19	AX Ing,K	kingelhartAX	\$23.79	3600	1815
10-668200-305-30	Meals & Food	10/30/19	AX Ing,K	kingelhartAX	\$4.61	3600	1815
10-668200-305-30	Meals & Food	10/30/19	AX Ing,K	kingelhartAX	\$28.66	3800	1815
10-668200-305-30	Meals & Food	10/30/19	AX Ing,K	kingelhartAX	\$6.67	3600	1815
10-668200-305-30	Meals & Food	10/30/19	AX Ing,K	kingelhartAX	\$44.56	3600	1815
10-700500-305-30	Court Fees	10/31/19	VERITEXT	WGL014746-6255	\$978.30	3800	1815
10-700500-305-30	Court Fees	10/8/19	VERITEXT	WGL014746-6255	\$1,438.85	3800	815

# Exhibit N-3

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01/29/21

Accrual Basis

**American Civil Liberties Union of Ohio Foundation**  
**Ray v. Himes/Acton (Birth Certificate) Expenses**  
**All Transactions**

Type	Date	Num	Name	Account	Amount
Bill	03/29/2018		Argento, Basil (reim...	79003.3 · Travel	6.00
Bill	08/20/2019		Bonham, Elizabeth (...)	79003.3 · Travel	164.73
Bill	08/20/2019		Bonham, Elizabeth (...)	79003.3 · Travel	24.00
Bill	08/20/2019		Bonham, Elizabeth (...)	79003.3 · Travel	164.00
Bill	08/20/2019		Bonham, Elizabeth (...)	79003.3 · Travel	32.86
Bill	09/05/2019		Bonham, Elizabeth (...)	79003.3 · Travel	227.96
Bill	09/05/2019		Bonham, Elizabeth (...)	79003.3 · Travel	10.50
Bill	09/05/2019		Bonham, Elizabeth (...)	79003.3 · Travel	175.06
Bill	09/05/2019		Bonham, Elizabeth (...)	79003.3 · Travel	6.70
Bill	09/05/2019		Bonham, Elizabeth (...)	79003.3 · Travel	16.81
Bill	09/05/2019		Bonham, Elizabeth (...)	79003.3 · Travel	29.41
Bill	09/05/2019		Bonham, Elizabeth (...)	79003.3 · Travel	8.08
Bill	09/05/2019		Bonham, Elizabeth (...)	79003.3 · Travel	17.48
Bill	09/23/2019		Bonham, Elizabeth (...)	79003.3 · Travel	322.97
Bill	09/23/2019		Bonham, Elizabeth (...)	79003.3 · Travel	37.07
Bill	09/23/2019		Bonham, Elizabeth (...)	79003.3 · Travel	6.00
Bill	09/23/2019		Bonham, Elizabeth (...)	79003.3 · Travel	167.19
Bill	09/23/2019		Bonham, Elizabeth (...)	79003.3 · Travel	5.25
Bill	09/23/2019		Bonham, Elizabeth (...)	79003.3 · Travel	18.61
Bill	09/23/2019		Bonham, Elizabeth (...)	79003.3 · Travel	27.75
Bill	09/30/2019		Bonham, Elizabeth (...)	79003.3 · Travel	174.00
Bill	09/30/2019		Bonham, Elizabeth (...)	79003.3 · Travel	318.00
Bill	09/30/2019		Bonham, Elizabeth (...)	79003.3 · Travel	48.04
Bill	09/30/2019		Bonham, Elizabeth (...)	79003.3 · Travel	67.42
Bill	10/10/2019		Bonham, Elizabeth (...)	79003.3 · Travel	137.42
Bill	10/10/2019		Bonham, Elizabeth (...)	79003.3 · Travel	165.60
Bill	10/10/2019		Bonham, Elizabeth (...)	79003.3 · Travel	12.00
Bill	10/10/2019		Bonham, Elizabeth (...)	79003.3 · Travel	37.20
Bill	09/09/2019		Carey, David	79003.3 · Travel	15.00
Bill	09/09/2019		Carey, David	79003.3 · Travel	124.12
Bill	03/29/2018		Coming, Celina (rei...	79003.3 · Travel	163.50
Bill	03/29/2018		Coming, Celina (rei...	79003.3 · Travel	5.00
Bill	04/25/2018	Rowlett	First National Bank ...	79003.3 · Travel	59.98
Bill	04/25/2018	Rowlett	First National Bank ...	72030.4 · Filing Fees	400.00
Bill	04/25/2018	Rowlett	First National Bank ...	72030.4 · Filing Fees	200.00
Bill	04/25/2018	Rowlett	First National Bank ...	72030.4 · Filing Fees	200.00
Bill	04/25/2018	Rowlett	First National Bank ...	72030.4 · Filing Fees	200.00
Bill	04/25/2018	Rowlett	First National Bank ...	72030.4 · Filing Fees	200.00
Bill	04/25/2018	Rowlett	First National Bank ...	79003.3 · Travel	10.00
Bill	04/25/2018	Rowlett	First National Bank ...	79003.3 · Travel	163.90
Bill	04/25/2018	Rowlett	First National Bank ...	79003.3 · Travel	163.90
Bill	04/25/2018	Rowlett	First National Bank ...	79003.3 · Travel	175.90
Bill	04/25/2018	Rowlett	First National Bank ...	79003.3 · Travel	90.60
Bill	03/31/2018		Levenson, Freda (rei...	79003.3 · Travel	25.88
Bill	03/31/2018		Levenson, Freda (rei...	79003.3 · Travel	46.20
Bill	08/16/2019	152629	Mike Mobley Reporti...	73010.8 · Profession...	1,446.25
Bill	03/31/2018		Rosnick, Jocelyn (re...	79003.3 · Travel	163.50
Bill	04/03/2018	03292...	Sheraton Hotels	79003.3 · Travel	819.84

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01/29/21

Accrual Basis

**American Civil Liberties Union of Ohio Foundation**  
**Ray v. Himes/Acton (Birth Certificate) Expenses**  
**All Transactions**

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Type	Date	Num	Name	Account	Amount
Bill	08/07/2019		Thakkilapati, Sri (rei...	79003.3 · Travel	87.00
Bill	10/17/2019		Van Meter, Quentin L.	79003.3 · Travel	403.60
Bill	10/17/2019		Van Meter, Quentin L.	79003.3 · Travel	356.03
Bill	10/17/2019		Van Meter, Quentin L.	79003.3 · Travel	27.56
Bill	10/17/2019		Van Meter, Quentin L.	73010.8 · Profession...	3,500.00
Bill	10/17/2019		Van Meter, Quentin L.	79003.3 · Travel	38.00
Bill	09/10/2019	MW39...	Veritext	73010.8 · Profession...	711.70
Bill	09/13/2019	MW39...	Veritext	73010.8 · Profession...	562.25
<b>Total</b>					<b>12,787.82</b>

# Exhibit N-4

<b>nvoice date</b>	<b>Description of ost</b>	<b>mo nt</b>
3/29/2018	Complaint filing fee	400.00
3/29/2018	A, K , PR, JK pro hac vice fees	800.00
4/1/2018	A air travel	1,206.97
5/4/2018	K air travel	475.96
7/29/2019	K air travel	237.96
7/29/2019	K air travel	286.00
8/6/2019	Court reporter - Nagy deposition	1,446.25
8/12/2019	K air travel	286.98
8/12/2019	K air travel	342.98
8/12/2019	K air travel	200.98
8/12/2019	K air travel	312.98
8/20/2019	EB air travel	164.73
8/20/2019	EB air travel	164.00
9/5/2019	EB air travel	227.96
9/5/2019	EB air travel	175.06
9/9/2019	K air travel	205.96
9/9/2019	K air travel	215.97
9/10/2019	Court reporter - Ray depo transcript	711.70
9/11/2019	Court reporter - Breda depo transcript	516.90
9/13/2019	Court reporter - Argento depo transcript	562.25
9/23/2019	EB air travel	322.97
9/23/2019	EB air travel	167.19
9/25/2019	Court reporter - Doe depo transcript	555.25
9/30/2019	K air travel	246.00
9/30/2019	EB air travel	174.00
9/30/2019	EB air travel	318.00
10/8/2019	Court reporter - Ettner depo transcript	1,438.85
10/10/2019	EB air travel	137.42
10/10/2019	EB air travel	165.60
10/11/2019	Court reporter - an Meter deposition	1,930.40
10/17/2019	Expert witness fees - uentin an Meter	4,325.19
10/30/2019	K air travel	307.98
10/30/2019	K air travel	205.00
10/31/2019	Court reporter - orton depo transcript	978.30
1/7/2021	MP pro hac vice fee	200.00
	<b>Tota costs to recover</b>	