

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

LEAGUE OF UNITED LATIN
AMERICAN CITIZENS, ET AL.

vs.

RICK PERRY, GOVERNOR OF TEXAS
ET AL.

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CIVIL ACTION NO. 2:03-CV-354

Consolidated

**AFFIDAVIT OF JOSE GARZA IN SUPPORT OF REQUEST
FOR ATTORNEY'S FEES**

Background and Prevailing Party

1. I am co-counsel for Plaintiffs, the League of Latin American Citizens (LULAC) and Webb County, in the above-styled matter. My resume is attached hereto as Exhibit No. 1. I am presenting this declaration in support of Plaintiff LULAC's Motion for Attorney's Fees and Costs. Plaintiffs are prevailing parties in this action and are entitled to attorney's fees and costs as authorized by the Voting Rights Act, 42 U.S.C. §1773i(e) as amended 2006. Specifically, Plaintiff LULAC and its attorneys, Jose Garza, George Korb, Luis Vera and Rolando Rios, presented evidence and argument to this Court, to the United States Supreme Court and to the Department of Justice, regarding the dilution of Latino voting by the elimination of District 23 as Latino opportunity district and of the totality of circumstances that result in a violation of Section 2 of the Voting Rights Act. A review of Plaintiff LULAC's trial exhibits, trial witnesses, pleadings, and briefing clearly demonstrate Plaintiff's position, eventually vindicated by the United States Supreme Court, that the State's 2003 Congressional redistricting plan violated Section 2 of the Voting Rights Act.

Time

2. My time in this case is kept contemporaneously with the work performed and recorded on a daily basis. For the time period ending August 18, 2006, I devoted a total of 707.25

hours to prepare and prosecute of this action. However, in exercising billing judgment I am discounting all hours devoted to the initial appeal and the initial remand proceedings, and requesting compensation for 610.8 hours of the total hours spent on the case. I have attached the time records that I maintained in this action as Exhibit No. 2 and a summary table of the hours broken down by significant periods of the litigation as Exhibit No. 3. I have also included 24 hours devoted to the trial portion of this case and 2 hours devoted to the second appeal of this case, by my associate at the Law Office of Jose Garza, Judith Sanders-Castro

3. There was no unnecessary duplication of efforts. My principal co-counsel on this case, Rolando Rios, George Korbelt and I carefully coordinated our efforts so as to avoid unnecessary duplication. For instance, only Mr. Korbelt attended and claimed time for the deposition of the Defendant's expert Mr. Gaddie and only I assisted with the preparation of and attended the deposition of Dr. Burton, the LULAC and the NAACP expert. Moreover, we consulted with other Plaintiffs lawyers in order to best coordinate the presentation of the evidence in areas where common issues exist. The amount of time expended in this case was necessary because it presented several difficult questions of law. The time spent on this case represents the minimum hours necessary for an adequate preparation of pleadings, exhibits, witnesses and presentation to the court. Because of my twenty-six years of experience in Voting Rights cases, I did not spend any unnecessary time on issues and evidence developed in this case, and I did not spend time on matters that were not relevant to the prosecution of this action. Some of the time I spent on this case was for advocating before the Department of Justice during the Section 5 submission of the challenged plan. The Section 5 preclearance process in this case proceeded on a dual track with the litigation. In fact, this Court clearly understood how intertwined the litigation and the Section 5 process were because, from time to time, the Court communicated with the Department of Justice to determine the status of the preclearance process. Moreover, LULAC's position at the Department of Justice with regard to Webb County and Travis County mirrored its position before this Court. Therefore, the exhibits

and testimony for one were also presented to the other. It was thus, imperative for counsel for Plaintiff LULAC, to advocate its position to the Department of Justice in order to protect its interest in this action. Finally, we now know that but for the interference of the political appointees to the Department of Justice a letter of objection would have been issued as to the 2003 Texas Congressional redistricting plan.

Further support for the proposition that advocacy before the Department of Justice is warranted in redistricting litigation, especially here where the litigation proceeding during the preclearance process, is the fact that the state has used private counsel hired to defend the State of Texas in redistricting matters, who have *billed and were compensated for advocacy at the Department of Justice* as part of that representation.

Market Rate

4. The State of Texas stipulated that in 2001 the prevailing market rate for Jose Garza on this case is \$325.00 per hour. Five years later Mr. Rick Gray has testified that the prevailing market rate for Jose Garza, Rolando Rios and George Korbel is \$375.00 per hour. Based on my knowledge of the prevailing market rates, and my experience with court awards in voting rights cases, I agree with Mr. Gray that my current rate for this case is \$375.00 and I believe Ms. Sanders-Castro's rate is in the range of \$300.00 per hour. Included as Exhibit 5 is Ms. Sanders-Castro's resume.

Lodestar

5. In determining the Lodestar a court should usually consider the actual hours devoted to the case and the market hourly rate for the lawyer in question. I have devoted 707.25 hours to the successful prosecution of this cause and am requesting compensation for 610.8 of those hours and for 26 hours devoted by my associate Ms. Sanders-Castro. Mr. Gray, Mr. Garza,

Mr. Rios and Mr. Korbelt have testified that the prevailing market rate for Jose Garza for this case is \$375.00 per hour and for Ms. Sanders-Castro is \$300.00 per hour. Therefore, the lodestar in this case for the Law Office of Jose Garza is \$236,850. (610.8 hours @ \$375.00 per hour + 26 hours at \$300.00).

Johnson Factors

6. *Preclusion of Other Employment.* My work in this litigation restricted the time available for pursuit of other litigation during the period of activity in this case. Because of the extensive work required in preparing and presenting this case, it was necessary during the trial of this action and at other times during the course of the case, for me to take a leave of absence without pay from my regular employment as Litigation Director for Texas Rural Legal Aid.

7. *Time Limitation Imposed by Circumstances.* The time limitations in this case were imposed by pending election schedules, by the failure of the Texas Legislature to adopt a viable Congressional redistricting plan, by the abbreviated appeal schedule imposed by the United States Supreme Court and by the expedited trial schedule in this Federal Court litigation.

8. *Undesirability of the Case.* This case was filed pursuant to the Voting Rights Act, 42 U.S.C. §§1973 and the United States Constitution. Counsel for Plaintiff represents the LULAC. This case is very undesirable because the expedited trial schedule and multiple forums placed unusual time constraints on the development and preparation of the case and because of the specialized nature of the actions. Moreover, the case required significant time and resources to properly prosecute, and recovery of a fee and expenses was entirely contingent on success. Success was, of course, speculative since it was not achieved until three years after the litigation was initiated, on a 5-4 vote of the United States Supreme Court.

9. *Experience and Expertise.* My experience has included participation in federal litigation, extensive advocacy in state and federal administrative hearings, and preparation of

pleadings, briefs and evidence for cases in both state and federal courts. I am or have been counsel in numerous voting rights cases including the following challenges under the Fourteenth Amendment and the Voting Rights Act: *Alonzo v. Jones*, C-81-277 (S.D. Tex. 1981)[Lead counsel in a successful action challenging the at-large election system for the City of Corpus Christi, Texas under the newly amended Voting Rights Act.]; *Comm. Court of Medina County v. United States*, 719 F. 2nd 1179 (D.C. 1983)[Lead counsel representing minority defendant-interveners opposing Medina County's gerrymander redistricting plan in a preclearance action under Section 5 of the Voting Rights Act. Successfully overturned District Court's failure to award attorneys fees.]; *Lockhart v. United States*, 102 S. Ct. 988 (1983)[Lead counsel representing minority defendant-interveners opposing City of Lockhart's preclearance proceedings before the United States District Court for the District of Columbia and before the United States Supreme Court.]; *Terrazas v. Clements*, 537 F. Supp. 514 (N.D. Tex. 1982)[Co-counsel in successful challenge to States redistricting plans for Bexar and El Paso Counties.]; *Gomez v. City of Watsonville*, 868 F. 2nd 1407 (9th Cir. 1988)[Co-counsel in successful challenge to the at-large election system for the City of Watsonville, California.]; *Overton and Calderon v. City of Austin*, 871 F. 2nd 529 (5th Cir. 1989)[Lead counsel for Mexican American plaintiffs in challenge to at-large election system for the City of Austin.]; *Sanchez v. Bond*, 875 F. 2nd 1488 (10th Cir. 1989)[Lead counsel in challenge to the election structure for Saguache County, Colorado Commissioners.]; *Mena v. Richards*, C-454-91-F (332nd Judicial District, Hidalgo County, Texas, 1992)[Co-counsel in successful challenge to the 1991 redistricting plans for the Texas House of Representatives and Texas Senate.]; *LULAC v. NEISD*, 903 F. Supp. 1071 (W. D. Tex. 1995)[Co-counsel in successful challenge to election system for Trustees of the North East I.S.D.]; *LULAC v. State of Texas*, 113 F. 3rd 53 (5th Cir. 1998)[Lead counsel in successful challenge of a State election change under Section 5 of the Voting Rights Act.]; *Perez v. Pasadena I.S.D.*, 165 F. 3rd 368 (5th Cir. 1999)[Co-counsel in challenge to the at-large election system for Trustees of the Pasadena I.S.D.]; *Valdespino v. Alamo Heights*

I.S.D., 168 F. 3rd 848 (5th Cir. 1999)[Lead counsel in challenge to at-large election system for Trustees of the Alamo Heights I.S.D.] and numerous others.

10. I have provided advice and direction to other private attorneys in at-large election challenges, Section 5 enforcement actions, and gerrymandering election challenges, as well as to various legal agencies in Texas. I have also testified before a Congressional subcommittee on the renewal of the Voting Rights Act. I have also been an adjunct professor at the University of Texas, School of Law and at St. Mary's University, School of Law where I taught a seminar course on Voting Rights.

11. It is my opinion, based on my experience, on awards made for my services in similar cases several years ago and upon inquiring of other lawyers, that the prevailing market rate for an attorney of over twenty years experience, trying a case in his/her area of specialization, in a difficult and complicated civil rights case is between \$300 and \$400 per hour. Moreover, the State of Texas has paid its private lead counsel in this litigation in the range of \$375 per hour and higher.

12. *Results Obtained and other Enhancement Factors.* Finally, on the issue of attorneys' fees it is my opinion that this case is of the type of special case that merits an upward adjustment of between 1.5 due to the specialized nature of the case, the unusual and difficult time constraints that result in the preclusion of other employment, the expertise of counsel and, most importantly, the exceptional results obtained. Given the extra ordinary results obtained in reversing the district court decision and winning in the Supreme Court on a 5-4 finding that District 23: was drawn in such a fashion as to violate Section 2 of the Voting Rights Act; that in the totality of circumstances the senate factors mainly weigh in favor of the Plaintiff on such issues as proportionality; and that district 25 could not be used as a replacement district due to the divergent interests in the minority populations in Hidalgo and Cameron County; and that the districts in South and West Texas would have to be modified to cure the violation; and finally in securing a remedy to the violation found in District 23, as suggested by Plaintiff, LULAC, by

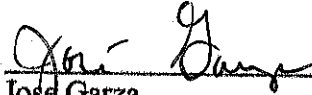
placing all of Webb County in District 28 and increasing the citizen voting age population of District 23 by using Latino voters in South Bexar County, this Court should adjust the lodestar upward by a factor of 1.5.

Costs

13. The expenses claimed in this motion are actual expenses made to properly and successfully prosecute this action. They include expenses for necessary travel, filing fees, copying, postage, exhibit preparation, and the like.

14. The expenses incurred through August 3, 2006 total \$2,470.52. The time records attached to this declaration also contain the expenses made in the successful prosecution of this case. Exhibit No. 1 In addition a summary table of these expenses is included as exhibit 4 to this affidavit.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



José Garza
Attorney for Plaintiff League of Latin
American Citizens

**EXHIBIT # 1
TO AFFIDAVIT OF JOSE GARZA**

JOSE GARZA
LAW OFFICE OF JOSE GARZA
7414 Robin Rest Dr.
San Antonio, Texas 78209
210-892-2856
garzpalm@aol.com

EDUCATION

- St. Mary's University School of Law, J.D., 1978
- University of Texas at San Antonio, M.A., Education, 1975
- Texas A & I University, B.S., Education, 1973

WORK EXPERIENCE

- Law Office of Jose Garza
March, 2001-Present
1997-1998
- Texas Rural Legal Aid, Inc.
Litigation Director, 1998 - present (part-time)
Litigation Coordinator, 1990-96, 1997
- Gray & Becker, Austin, Texas
Associate, 1996-97
Of Counsel, 1994-1996
- Mexican American Legal Defense & Education Fund
Acting Vice-President for Legal Programs
January, 1989 - May, 1989
- Mexican American Legal Defense & Education Fund
Director, Political Access Project
1986 - 1990
- University of Texas, School of Law
Adjunct Professor, Fall 1988, Fall 1989, Fall 1990, Fall 1992, Fall 1993, Fall 1994
- St. Mary's University, School of Law
Adjunct Professor, Spring 1990, Fall 1992, Spring 1995
- Texas Attorney General
Special Assistant, January, 1986 - July, 1986
- Mexican American Legal Defense & Education Fund
Director, Political Access Project; Associate Counsel, MALDEF Texas office
September, 1982 - December, 1985
- Mexican American Legal Defense & Education Fund
Staff Attorney, Voting Rights
September, 1979 - September, 1982
- Texas Rural Legal Aid, Inc.
Staff Attorney and Branch Manager - Farmworker Division
Laredo, Texas
June, 1978 - September, 1979

LITIGATION EXPERIENCE

Practiced before the United States Courts of Appeals, United States District Courts, and Texas appellate and trial courts. Argued before the United States Supreme Court. Experience includes trial preparation (pleadings, witness and exhibit preparation and presentation to federal and state courts) and appellate advocacy (briefing and arguing before U.S. Supreme Court, Fifth Circuit, D.C. Circuit, and Texas courts of appeals).

PROFESSIONAL AND CIVIC ACTIVITIES

- Member - State Bar of Texas and Section of Concerns of Spanish Speaking.
- Member - Bar of the United States District Court for the Western, Southern, and Northern Districts of Texas, for the District of Colorado and the Northern District of California.
- Member - Fifth Circuit, D.C. Circuit and Tenth Circuit Court of Appeals
- Member - U.S. Supreme Court
- Edinburg Youth Soccer Coach, Fall 1999 & 2000; Edinburg Youth Basketball Asst. Coach, Winter 2000
- McAllen Boys and Girls Club, T-ball coach, Spring 2001-2002; Pinto League Baseball Coach, Spring, 2002, 2003, Basketball Coach 2004.
- San Antonio YMCA boys basketball coach Fall 2004, CYO boys basketball assistant coach Fall 2005
- Member - Chairman, Board of Directors, VIDA job training non-profit corporation, 2002-2004.
- Member - Advisory Board, Texas Civil Rights Project.

SIGNIFICANT CASES

Aguero v. Christopher, 481 F. Supp. 1272 (S.D. Tex. 1980) - Lead counsel in successful farmworker action brought to enforce provisions of Wagner-Peyser Act and Fair Labor Standards Act.

Alonzo v. Jones, C-81-277 (S.D. Tex. 1981) - Lead counsel in a successful action challenging the at-large election system for the City of Corpus Christi, Texas under the newly amended Voting Rights Act.

Comm. Court of Medina County v. United States, 719 F. 2nd 1179 (D.C. 1983) - Lead counsel representing minority defendant-interveners opposing Medina County's gerrymander redistricting plan in a preclearance action under Section 5 of the Voting Rights Act. Successfully overturned District Court's failure to award attorneys fees.

Lockhart v. United States, 102 S. Ct. 988 (1983) - Lead counsel representing minority defendant-interveners opposing City of Lockhart's preclearance proceedings before the United States District Court for the District of Columbia and before the United States Supreme Court.

Terrazas v. Clements, 537 F. Supp. 514 (N.D. Tex. 1982) - Co-counsel in successful challenge to States redistricting plans for Bexar and El Paso Counties.

Gomez v. City of Watsonville, 863 F. 2nd 1407 (9th Cir. 1988) - Co-counsel in successful challenge to the at-large election system for the City of Watsonville, California.

Overton and Calderon v. City of Austin, 871 F. 2nd 529 (5th Cir. 1989) - Lead counsel for Mexican American plaintiffs in challenge to at-large election system for the City of Austin.

Sanchez v. Bond, 875 F. 2nd 1488 (10th Cir. 1989) - Lead counsel in challenge to the election structure for Saguache County, Colorado Commissioners.

Mena v. Richards, C-454-91-F (832nd Judicial District, Hidalgo County, Texas, 1992) - Co-counsel in successful challenge to the 1991 redistricting plans for the Texas House of Representatives and Texas Senate.

LULAC v. NEISD, 903 F. Supp. 1071 (W. D. Tex. 1995) - Co-counsel in successful challenge to election system for Trustees of the North East I.S.D.

LULAC v. State of Texas, 118 F. 3rd 53 (5th Cir. 1998) - Lead counsel in successful challenge of a State election change under Section 5 of the Voting Rights Act.

Perez v. Pasadena I.S.D., 165 F. 3rd 368 (5th Cir. 1999) - Co-counsel in challenge to the at-large election system for Trustees of the Pasadena I.S.D.

Valdespino v. Alamo Heights I.S.D., 168 F. 3rd 848 (5th Cir. 1999) - Lead counsel in challenge to at-large election system for Trustees of the Alamo Heights I.S.D.

Gomez v. City of Eagle Pass, 91 F. Supp. 1000 (W. D. Tex. 2000) - Co-counsel in successful action against the City of Eagle Pass for illegal termination of City Manager in violation of Title VII's protection from gender discrimination, and 14th Amendment's protections from political patronage discrimination.

Balderas v. State of Texas, (E.D. Tex. 2001) - Co-counsel representing the Mexican American Legislative Caucus, in successful challenge to 2001 Texas redistricting plan for the Texas House of Representatives.

LULAC v. Perry, (E. D. Tex. 2005) - Successful challenge to the Texas Congressional Redistricting plan before the United States Supreme Court. Co-counsel representing LULAC in a challenge to the Texas 2003 Congressional Redistricting Plan.

SIGNIFICANT CLIENTS

LULAC Voting Rights Counsel – Represented LULAC in various voting rights matters including as co-counsel in *LULAC v. Perry* described above. I also represented LULAC before the United States House of Representatives, Subcommittee on the Judiciary, on hearings on renewal of the Voting Rights Act.

EXHIBIT # 2
TO AFFIDAVIT OF JOSE GARZA

**TIME RECORDS FOR LAW OFFICE OF JOSE GARZA
LULAC V. STATE OF TEXAS**

<u>DATE</u>	<u>ACTIVITY</u>	<u>ATTY</u>	<u>TIME</u>
10-23-03	Confer with Lulac about representation, potential Problems with new cong. Red. Plan. Review data.	JG	2.5
10-24-03	Confer with DOJ officials, review election data on districts, confer with RR and GK.	JG	1.75
10-27-03	Confer with RR on status of case and work to be done.	JG	.25
10-29-03	Confer with Luis Vera re: meeting with DOJ.	JG	.25
10-30-03	Develop potential list of witness, need witnesses from Laredo, Austin, Harlingen, McAllen. Begin work on area Of testimony, outline areas. Review map and data.	JG	3.25
10-31-03	Identify potential witnesses, make initial tel. Interview, schedule in person interview. Work on complaint. mod. Melissa's draft intervention papers into complaint. Research "min.district". Confer with Domingo on potential witnesses.	JG	8.25
11-02-03	Confer with RR on preparation for trial. Review comp. send copy to clients, confer with gen. counsel.	JG	2.0
11-03-03	Travel to Austin (5); interview potential witness for trial. Interview A. Correa, M. Gomez, and R. Raymond. (3.5) Confer with RR and J S/C and GK and LV (1); study plan's impact on Laredo, McAllen, Harlingen, and Austin. Review election data make note of need for more data.(1.5)	JG	11
	Travel to Austin to interview potential witnesses: Milage - 312 miles @ \$.44 = \$137.28 Meals - \$22.50 Hotel - \$81.18 Parking - \$4.50		
11-04-03	Interview Rep. Rodriquez from Austin, review reports from legislative Council. Interview district clerk A. Rod.-Mendoza. Confer with RR. Begin summaries of interviews. Travel to San Antonio.	JG	8.0

Expenses:

Mileage - 73 miles @ \$.44 = \$32.12

Meals - \$26.05
 Parking - \$2.25
 Hotel - \$79.50

11-05-03	Legal research, modify complaint. Confer with co-counsel on division of labor, review exhibits suggest modifications work on other new exhibits. Confer with DOJ concerning issues for presentation. Travel to McAllen.	JG	12
	Mileage - 225 @ \$.44 = \$99.00 Parking - \$15.00		
11-06-03	Travel to Harlingen (1.5), interview potential witness J. Solis. Review impact of new plan on Cameron County (1.25), research Section 5 coverage (2). Attorney conference (.75), work on amended complaint (.75), confer with RR on need to do work on Escobar race (.25). Work on witness list (.5).	JG	7
11-07-03	Work on amended complaint. Call Laredo wit. Homero Ramirez. Confer with RR and GK on proposed order to ct. as per ct's instructions. Wk on Amended complaint, work on draft of witness list. Confer with DOJ regarding regression analysis, elections analysis.	JG	9
11-09-03	Confer with RR on potential Laredo witnesses, review Ashcroft. Work on exhibits.	JG	3
11-10-03	Continue research, work with Melissa on witness logistics, discovery; begin on Memo to file on our legal and factual positions.	JG	6
11-12-03	Continue with draft of memo on analysis of plan, confer with GK on election analysis we need and review data on elections we've done. Confer with RR on Houston theory and on depo. schedule. Confer with JC on depo schedule and other discovery. Confer with NAACP expert V. Burton, confer with MALDEF counsel N. P.	JG	9
11-12-03	Confer with JG and prepare for depositions - review other discovery.	JS-C	4
11-13-03	Work with Dr. Burton on his report, suggest races and factors to include. Review election history of minority cong. candidates. Work on draft memo of analysis of the state's new plan. Research motion for P.I. and S.J. make	JG	12

modifications to motion. Review discovery, and deposition schedules. Start work on witness questions and summaries of testimony.

- 11-14-03 Confer with Dr. Burton on his report and with NAACP lawyers. Work on modifications and changes to pleadings. Confer with RR on motion and logistics. Begin review of parties' expert reports. Begin work on trial memo to memo to DOJ. JG 11
- 11-16-03 Work on trial memo/brief and memo to DOJ. Research recent dec. on Section 5 and Section 2 standards. Review expert reports from other parties. JG 7
- 11-17-03 Work on trial memo and memo to DOJ. Work on talking points for witnesses, summary of witness statements, confer with Melissa on status of depositions, confer with George on results of election analysis. Confer with RR on status of meetings with potential witnesses in Laredo and Brownsville. JG 9
- 11-18-03 Travel to Harlingen and Brownsville and back (2.5). Interview potential wnesses in Brownsville (Judge G. Hinojosa, Commissioners and Mayor Garcia)(3) Work on comment/brief to DOJ (3) JG 8.5
- Travel: Milage to and from Brownsville –
143 miles @ \$.44= \$62.92
- 11-19-03 Travel to San Antonio(1.75), work on exhibits, interrog. Review Alford report, Lichtman report, Flores report. Finalize trial memo/brief. Confer with Hidalgo Co. DA's office on their potential intervention. Confer with JC on depos. for Thursday. JG 8.75
- Travel expenses: airfare - \$194
hotel and meals - \$159.13
cab fare - \$20.00
- 11-19-03 Confer with Jose regarding depositions for Thursday. Prepare for depositions – review file. JS-C 4.5
- 11-20-03 Work on exhibits, confer with RR and GK on same(1.5). Travel to D.C. (3.5). Work with potential witnesses Margaret Gomez,(Austin) and Homero Ramirez (Laredo) (4), interview and work with witness Jim Solis (1.5), Confer with clients and go over possible testimony of Hector Flores and Joe May (2.5), Review submission brief from State to DOJ (1.5). Prepare JG 15.5

statement for doj presentation (1).

Travel expenses: hotel - \$104.91
meals - \$14.00

11-20-03 Prepare for and attend depositions. Prepare summary JS-C 8
report for JG.

11-21-03 Work with Joe May on his possible testimony (1). Present JG 9
testimony and exhibits to DOJ at admin. meeting on
Section 5 review of State's submission (2.5). Interview
potential witness L. Doggett.(1.5). Travel to San Antonio (4).

11-22-03 Travel to Austin (1.25). Prepare with GK for depos. Of Def. JG 5.25
expert (1). Interview potential witness E. Sheppard (Austin)
(1). Travel to McAllen (2).

Travel expenses: hotel - \$105.02
meals - \$7.00
airport pkg. - \$18.00

11-23-03 Review latest draft of Dr. Burton's report. Review Montejano JG 3
book for citations to Latino history of discrimination in voting.
Confer with Notzen of NAACP, coordinate deposition schedule
for Dr. Burton.

11-24-03 Travel to San A. (4). Work on exhibits, review expert reports JG 10.2
prepare exhibits to take to South Carolina, confer with RR and
MC, and GK on work and tasks to be done, interview Rep.
Dukes. (5) Travel to Austin (1.2).

Travel Expenses: Mileage - 320 miles @ \$.44= \$140.80
Hotel - \$80.58
Meals - \$34.50
Parking - \$24.00

11-25-03 Travel to Ninety Six, South Carolina (6). Review plans with JG 12
Dr. Burton, go over maps and county detail on Districts 24,
10, 15 and 23. Compare data on each district before and after
redistricting. Go over interview notes on J. May, M. Gomez,
J. Solis, and H. Ramirez. Go over election analysis in each
District. (6)

11-26-03 Continue to work with Dr. Burton on prep. for depo. Review JG 10
Dr. Montejano's book, review Harris County districts. Review
four key districts again. Work up summary of key facts for each

district. (7) Dr. Burton depo. (2) Travel to Greenville. (1.2)

11-27-03 Travel to Texas. JG 5

Travel Expenses: Airfare to N.C. - \$591.00
 Hotel - \$53.46
 Car Rental in N.C. - \$74.78
 Milage to McAllen 324 miles@ .44 =
 \$142.56
 Meals - \$56.35

11-29-03 Confer with counsel for Cox pls. discuss possible witnesses JG 2
 on 15th District, review expert report of Dr. Gaddie, and Dr.
 Engstrom.

12-01-03 Review Gaddie deposition, confer with George on sub. to JG 10
 review and modify trial brief, pretrial order submissions.
 Confer with Joe Rich on status of preclearance process.
 Review exh. list. Review Colorado dec. review State's
 response to Lulac SJ and PI motions. Confer with Counsel
 for NAACP.

12-03-03 Work on trial brief, review DeGrandy and Voinovich and JG 12
 Ketchum, revise brief and insert citations to Gaddie. Work
 on Section 2 portion. Confer with DOJ, Mellett. Confer with
 RR and JC division of labor. Confer with GK on depo
 of Ellis.

12-04-03 Travel to Brownsville (1.4), interview potential witness, JG 7
 Judge Hinojosa(1). Confer with DOJ on status and to
 discuss impact of Flores announcement(1). Confer with
 RR on status of exhibits.(.2) Interview D. Simpson on role
 of unions on Austin coalition. (1) Travel to McAllen(1.2).
 Confer with Polinard about depo.(1) Confer with Cox
 counsel.(.2).

12-05-03 Research remedy questions and Section 2 redistricting JG 10
 issues. Review Holder, Voinavich, Section 5 cases, Beer
 and Lockhart. Confer with J. Avila on Monterrey County.
 Confer with Melissa on schedule of witness interviews,
 review Engstrom depo. Review D's Motion to Dismiss.

12-07-03 Trial preparation. Review D's response to PI motion. Pull JG 8
 Upham. Pull and review Ketchum, Wesley v. Collins, review
 Cromartie, review Bossier Parish, and Ashcroft. Review
 Johnson. Begin preparing trial notebook.

12-08-03	Travel to San Antonio. (4) Work on exhibits, make corrections modifications, and suggest additional supporting docs.(3) Confer with RR, GK and JS-C on division of wk. (.75), confer with NAACP lawyers. (.25), Travel to Austin (1.2) Meet and confer with Plaintiffs' lawyers, discuss presentation of case order and time.(2)	JG	11.2
12-08-03	Work with Jose and George on exhibits. Review exhibits make corrections and suggest changes.	JS-C	7.5
12-09-03	Pre-Trial conference. Meet and confer with Plaintiffs' counsel trial presentation and presentation of Plaintiffs' dispositive motions. Interview potential witness, Rep. Dukes. Begin preparation for motions hearing. Confer with GK on possible plug-in plan.	JG	8
12-10-03	Trial Preparation. Work on presentation of sj/pi motions hearing. Review Upham district ct case, and remand. Review election dates, Monterrey, Clark, Branch v. Smith, Abrams, and Balderas. Begin outline of presentation. Do moot ct.	JG	10
12-11-03	Trial Preparation, prepare outline of presentation, review Upham district court dec. review election date schedule. Trial.	JG	10
12-12-03	Trial. (4) Confer with RR and GK(.2). Travel to McAllen. (5) Review state's trial brief.(1) Confer with DOJ on status of review.(.2)	JG	10.4
12-13-03	Client meeting. Confer with LULAC state executive comm.JG confer with General Counsel and National President. Discuss status of case and status of DOJ review.	JG	2
12-14-03	Travel to Austin (2). Review Kousser report (1), begin reading Burton deposition.(1), Confer with RH on Travis County witnesses (.5)	JG	4.5
12-15-03	Trial (5.5). Work with Comm. Gomez on her testimony, (2) work with Rep. Solis on his testimony. (2) Work on witness questions for Solis and Gomez and confer with RR on areas to cover on district 23 for Homero Ramirez (2). Review min. concentration maps in Cameron, Travis and Webb Counties.(1)	JG	13
12-16-03	Trial preparation, finalize questions for J. Solis, go over	JG	11.5

areas to cover with H. Ramirez. (1) Trial. (6.5) Work with Dr. Burton and NAACP on expert testimony. (4)

12-17-03	Trial. (7.5) Work w/ RR on closing, go over key cases.(1)	JG	8.5
12-19-03	Review pre-clearance letter. Confer with client and co-counsel.	JG	1
1-07-04	Review Court's order and confer with client and co-counsel.	JG	1.25
1-12-04 to 7-31-04	Work on appeal review briefs, confer with co-counsel and clients on status.	JG	24.5
10-25-04	Review Vieth, confer with RR on status, confer with Javier Guajardo on position of Cox plaintiffs.	JG	1
11-19-04	Confer with Renea Hicks, review Vieth and Cox, confer with RR on status of remand. Set up meeting with client and with other counsel for other plaintiffs.	JG	1.2
11-23-04	Confer with Paul Smith, R. Rios, and Gerry Hebert and George Korbel, discuss positions of parties on remand and possible evidence relevant to remand. Confer with DOJ on availability of updated census data.	JG	1.5
11-29-04	Meeting with potential experts on areas to cover on remand.	JG	1.75
12-01-04	Begin work on brief. Review Cox and Vieth.	JG	2.75
12-02-04	Review trial record, district court's opinion, wk on pop. of districts using 2003 census data. Draft of brief. Confer with Korbel on continuing analysis of all districts.	JG	7.25
12-03-04	Work on and finish first draft of remand brief.	JG-	3.5
12-05-04	Make revisions, change sections, review Javier's suggested changes. Review Bandemere, Karcher.	JG	5.75
12-06-04	Make final changes per George Korbel's suggestions, review estimates of pop by district for 2003 prepared by George confer with RR.	JG	4.5
1-04-05	Confer with RR on status of discussions with expert(s) Confer with GK on status of district by district pop. analysis. Confer with R. Hicks on need to coordinate	JG	2.0

argument. Confer with Nina Perales on MALDEF's position and argument.

1-05-05	Give LULAC update on status of case.	JG	.5
1-06-05	Review State's Initial Brief, review Travis County's brief, review law professors' brief, review Demo's and MALDEF brief etc. confer with RR and GK on what we may need from expert and who might be available.	JG	3
1-07-05	Meeting with Dr. Sunil on what he needs to do affidavit discuss theory of one person one vote c/a.	JG	1
1-09-05	Begin research on need to amend complaint.	JG	1
1-11-05	Work on amended complaint, review potential exhibits on deviation of Congressional Districts and how impact minority and democratic districts. Review demographic and political data.	JG	4.5
1-12-05	Finalize amended complaint; wk on motion and order for same. Confer with RR and GK on status of aff'd. and prep. for hearing next Friday.	JG	2.5
1-13-05	Make changes to supp. brief, review file and wk on amended complaint.	JG	2.75
1-19-05	Review state's initial brief and response brief; review Briefs filed by travis county and law prof. Prepare for hearing.	JG	3.5
1-20-05	Prepare for oral argument. Review Larios and Vieth, review population data for different districts, do moot ct with co-counsel, review state's opposition to motion to amend and to supplement the record. Review Rule 15b and cases on amendment post trial. Confer with Bickerstaff and Hicks.	JG	10
1-21-05	Prepare for oral argument. Prepare outline and review Sessions I on political gerrymandering. Oral Argument. Travel to and from Dallas.	JG	7.5
6-4-05	Review post trial briefs filed by parties to date.	JG	2
6-5-05	Confer with clients, brief them on status of case.	JG	1.5
6-9-05	Review district court's memorandum opinion; confer with	JG	2.5

	clients and co-counsel. Discuss merits of potential appeal.		
6-10-05	Review notice of appeal. Confer with clients and co-counsel.	JG	1
6-27-05	Begin preparations for jurisdictional statement. Shep. Veith Review 2004 order. Pull together trial exhibits and begin to examine exhibits and transcript of original trial.	JG	8
6-30-05	Continue work on JS. Confer with co-counsel on division of issues.	JG	7
7-02-05	Meet with LULAC leadership and delegates- update on status of appeal, issues involved etc.	JG	3
7-13-05	Continue work on JS. Confer with counsel for Travis County - Review Larios, draft outline.	JG	4
7-18-05	Review transcript of Jan. hearing. Begin 1 st draft of JS.	JG	7
7-19-05	Continue work on JS.	JG	5
7-21-05	Continue work on JS.	JG	4.75
7-25-05	Rework issues, modify statement of facts and other sections.	JG	6.25
7-27-05	Review sections on racial polarized voting dilution, review Remand briefs, review Alford affidavit, Law prof. Exhibit. Redraft section on Larios issue.	JG	8
7-29-05	Confer with RR and GK on logistics for getting brief to printer, appendix contents, review our remand exhibits, maps of 2001 plan compared to 2003 plan. Modify facts section. Send draft to Judith to review and comment.	JG	7
7-30-05	Review draft of brief – confer with Jose make suggestion for modification.	JS-C	2
7-31-05	Continue to work on JS. Modify sections based on Judith's suggestions.	JG	4.75
8-02-05	Meeting with GK and RR. review appendix material, go over Section 2 issues, refine division of labor. Review section developed by George and Rolando.	JG	9.25
8-03-05	Rework my section on Larios, and impact districts, insert	JG	6.75

sections from George on min. vote dilution. Confer with RR on his tasks and status of same. Set meeting for Friday.

8-04-05	Rework statement of the case and modify issues section.	JG	4.25
8-05-05	Review Balderas, modify statement of case to include Balderas findings, review district court concurring opinion again and insert pertinent sections. Make changes to table of authorities.	JG	6
8-07-05	Work on js, revise statement of facts.	JG	3
8-08-05	Work on js. Review changes from George and RR. Mod. Larios section.	JG	2
8-09-05	Work on table of authorities -- review proofs and make corrections.	JG	4
12-03-05	Review DOJ memo on redistricting plan.	JG	2
12-13-05	Confer with co-counsel and clients regarding status of case and division of labor.	JG	1.5
	Review exhibits, and transcript of hearing.	JG	2.5
12-14-05	Review JS of other parties to appeal. Research.	JG	4.75
12-19-05	Review Supreme Ct. rules, go over cases.	JG	1.25
12-29-05	Work on merits brief. Review pleadings and ct. docket. Confer with RR and GK on division of labor and discuss potential issues. Review rules.	JG	5
12-30-05	Confer with co-counsel. Work on statement of issues.	JG	2.5
12-31-05	Work on brief. Review one person one vote cases, work on parts I and II.	JG	7
1-01-06	Work on brief. Revise issues I and II, review record, exhs.	JG	6.5
1-02-06	Work on brief. Review and modify issues I and II. (5.5), Begin revision of statement of case. Review Issue III, confer with co-counsel.(3)	JG	8.5

1-03-06	Make revisions, review record at initial trial, review district court and 9 th cir. decisions in Garza. Revise section III.	JG	8.5
1-06-06	Review proofs, modify, confer with co-counsel on statement of case and review relevant facts.	JG	4
1-16-06	Review Jackson, Travis, and GI Forum briefs.	JG	2
2-08-06	Review State's Brief, review U. S. brief.	JG	2.75
2-10-06	Confer with co-counsel on reply brief issues.	JG	1.25
2-15-06	Begin work on reply brief, review transcript of Jan. 2005 hearing. Review affidavits from experts on population, check state data center for county nos. Confer with GK on methodology used by experts and ask him to verify nos.	JG	6
2-16-06	Begin draft of reply brief. Work on issues raised by state. Review briefs – summarize State's position.	JG	7
2-17-06	Work on reply brief. Draft argument on I, II, and III.	JG	7.5
2-18-06	Work on reply brief. Draft next sections. Review State's Brief, review Travis county brief.	JG	7.75
2-19-06	Work on reply brief. Confer with RR and let him know status of brief. Send to co-counsel for review and comment.	JG	8
6-28-06	Review Court's decision, confer with clients and co-counsel	JG	3
6-29-06	Begin research on potential remedy plan – confer with GK and RR regarding same.	JG	4
7-06-06	Confer with GK on status of plans, negotiations with parties, discussions with clients. Continue research on potential remedy. Review Opinion.	JG	7
7-07-06	Confer with RR on status of meetings and negotiations.	JG	.25
7-09-06	Research, preparation for hearing.	JG	1
7-10-06	Meet and confer with GK and RR on status of potential remedy plans. Make suggestions for modifications.	JG	2

Discuss strategy and logistics for negotiation meetings.
Research.

7-11-06	Meet and confer with client and co-counsel, travel to Austin. Meeting with Tex. A. G. on possible areas of negotiation and compromise. Work with GK on mod. to potential remedy plans. Travel to San Antonio. Continue research.	JG	7.75
7-12-06	Review latest changes to potential remedy plan. Review and excerpt key provisions of Vera and Upham. Confer with RR and GK, and meet with community leaders to explain process and LULAC remedy plans.	JG	3.25
7-13-06	Work on revisions to remedy/remand2 brief.	JG	3
7-16-06	Begin review of submissions by parties.	JG	4
7-17-06	Confer with RR and GK on scope of reply and response.	JG	1
7-19-06	Review tables from analysts – confer with and make suggestions for modifications. Review draft of response tables for inclusion on response – make suggestions for modifications. Make revisions on # 1 of response brief.	JG	3
7-20-06	Confer with MALDEF on their position regarding remedy plans, confer with RR on changes to brief.	JG	1
7-24-06	Begin review of response briefs. Confer with RR and NP then with GK on possible settlement parameters. Confer with client regarding status of submissions. Confer with RR and GK on possible presentation of charts and exhibits for oral argument.	JG	4
7-28-06	Confer with GK on possible settlement plans. Work with RR on presentation.	JG-	1.25
8-01-06	Work with RR on presentation for remedy hearing.- Emphasize move Webb to 28 th , numbers in 23 rd with south bexar county, standards announced in Vera.etc.	JG	2.25
8-02-06	Confer with GK on status of compromise negotiations. Confer with Nina P. regarding potential compromise plan.	JG	1
8-03-06	Travel to Austin and back. (2.7) Work on issues to be Presented to ct – review nos. and map for Senate district	JG	6.25

19 – Confer with GK, and RR. Confer with Rick G. (1.75)
 Hearing. (3.25)

Travel Expenses: Mileage – 156 miles @ \$.44 = \$68.64
 Meals – \$14.50
 Parking - \$5.00

8-04-06	Review court order and plan. Confer with co-counsel and client.	JG	1.25
8-08-06	Work on fee application – do draft affidavits for potential Experts – work on chart summary of time and expenses.	JG	1
8-09-06	Work on fee application – work on exhibits and affidavit.	JG	3
8-14-06	Work on fee application – review file on prevailing party issue. Research prevailing party issue. Review trial pleadings, briefing, exhibits, deposition transcripts etc.	JG	3.75

**EXHIBIT # 3
TO AFFIDAVIT OF JOSE GARZA**

**LAW OFFICE OF JOSE GARZA
SUMMARY OF TIME RECORDS
LULAC V. PERRY**

Trial and trial preparation -

<u>Attorney</u>	<u>Time</u>	<u>Rate</u>	<u>Amount</u>
Jose Garza	349.8	\$375.00	\$131,175.00
Judith Sander-Castro	24	\$300.00	\$7,200.00

Appeal I -

Jose Garza	25.5	\$375.00	\$9,562.50
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Remand I -

Jose Garza	72.45	\$375.00	\$27,168.75
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Appeal II -

Jose Garza	197.25	\$375.00	\$73,968.75
Judith Sanders-Castro	2	\$300.00	\$600.00

Remand II/Remedy -

Jose Garza	56.25	\$375.00	\$21,093.75
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Attorney's Fees -

Jose Garza	9	\$375.00	\$3,375.00
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Total billing for Law Office of Jose Garza on LULAC v. Perry : \$274,143.75

Total billing requested for Law Office of Jose Garza on LULAC v. Perry after deducting time on Appeal I and Remand I as billing judgement : **\$237,412.50**

EXHIBIT # 4
TO AFFIDAVIT OF JOSE GARZA

**LAW OFFICE OF JOSE GARZA
SUMMARY OF OUT-OF-POCKET EXPENSES
LULAC V. PERRY**

DATE	ACTIVITY	AMOUNT
11-03-03	Travel to Austin to interview witnesses.	\$245.46
11-04-03	Witness interview in Austin trial preparation in San Antonio, travel to San Antonio.	\$139.92
11-05-03	Travel home to McAllen.	\$114.00
11-18-03	Interview witnesses in Brownsville Harlingen and McAllen. (travel to Brownsville and Harlingen and back)	\$62.92
11-19-03	Travel to San Antonio, trial preparation.	\$373.13
11-20-03	Travel to DC review DOJ file, submission present witnesses and argument.	\$118.91
11-22-03	Travel to Austin for depositions.	\$130.02
11-24-03	Travel to San Antonio, trial prep.	\$279.88
11-25-03	Travel to N. C. and back, prepare LULAC expert Burton and sit in on telephonic deposition.	\$918.15
8-03-06	Travel to Austin for remedy hearing.	\$88.14

Total due Law Office of Jose Garza for out-of-pocket expenses LUALC v. Perry:
\$2,470.52

EXHIBIT # 5
TO AFFIDAVIT OF JOSE GARZA

**JUDITH A. SANDERS-CASTRO
9122 AUTUMN SKIES
SAN ANTONIO, TEXAS 78250
(210) 680-7746**

RESUME

EDUCATION:

**Bachelor of Fine Arts -- 1977
University of Texas at Austin
Austin, Texas**

**Doctorate of Jurisprudence -- 1980
St. Mary's University
San Antonio, Texas**

WORK EXPERIENCE:

**Texas RioGrande Legal Aid, Inc.
(Formerly Texas Rural Legal Aid, Inc.)
1111 N. Main Ave.
San Antonio, Texas 78212**

**Civil Rights Team Leader -- January 2002 to present
Litigation Director -- January 1995 to January 2002**

**Les Mendelsohn & Associates
110 Broadway
San Antonio, Texas 78205**

Associate Attorney-- January 1997 to August 2001

**Mexican American Legal Defense and
Educational and Fund
140 E. Houston
Suite 300
San Antonio, Texas**

**Staff Attorney -- February 1981 to September 1994
Program Director, Voting Rights Project --
January 1991 to August 1991
Acting Program Director, Voting Rights Project --
August 1991 to August 1992**

**Texas Department of Human Services
Regional Attorney's Office**

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San Antonio, Texas

Research Assistant -- October 1980 to February 1981

**Schulman, Walheim & Beck, Inc.
San Antonio, Texas**

Legal Assistant -- September 1979 to July 1980

LICENSING:

**Supreme Court of State of Texas
Supreme Court of the United States
United States Courts of Appeal for the Fifth, District of Columbia and Tenth Circuits
United States District Courts for the Western, Southern and Northern
Districts of Texas
United States District Courts for the Districts of Arizona and Colorado**

PROFESSIONAL MEMBERSHIPS:

**State Bar of Texas
Sections: Hispanic Concerns
Women and Law
Environment
Labor**

COMMUNITY ACTIVITY:

**Member of the Cultural Arts Board for the City of San Antonio
March 1991 to March 1996**

**Member of the Board of Directors for the Mujeres Project
1993 to present**

Formerly member of the City of San Antonio Affirmative Action Advisory Committee

SUMMARY OF EXPERIENCE:

My experience has included participation in both federal and state litigation, extensive advocacy in federal and state administrative proceedings, testimony before both state and federal legislative committees, service in an advisory capacity to attorneys in other states handling similar cases, and preparation of pleadings, briefs, and evidence in both state and federal courts. Additionally, my experience has included my role as counsel or co-counsel in the following voting

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12/94

rights challenges under the Voting Rights Act and/or the Fourteenth Amendment of the United States Constitution: Rocha v. Fagan, Civil Act. No. V-79-126 (S.D. Tex.); Alonzo v. Jones, Civ. Act. No. 84-CA-189, C-82-227 (S.D. Tex.); Overton v. City of Austin, Civ. Act. No. A-84-CA-189 (W.D. Tex.); Perez v. City of Pecos and Pecos-Barstow-Toyah I.S.D., Civ. Act. No. 83-CA-22 (W.D. Tex.); Adame (Garcia) v. Taft, Civ. Act. No. C-84-230 (W.D. Tex.); Sanchez v. Bond, 875 F.2nd 1488 (10th Cir. 1989); Villalobos v. Lockhart ISD, Civ. Act. No. A-87-526 (W.D. Tex.); and Ortiz v. Bexar County, Civ. Act. No. 86-CA-1464 (W.D. Texas); Alonzo v. City of Corpus Christi, Civ. Act. No. C-91-218 (S.D. Tex.); State of Texas v. U.S., Civil Action No. 94-0465 (D.D.C.) (Edwards Aquifer Authority); Crespin v. Castro County, Texas, No. 2-92-CV-202-J (N.D. Texas); Castro County v. United States, Civ. Act. No. 93-1782 (D.D.C.); LULAC Council #682 v. City of Seguin, Texas, Civ. Act. No. SA-93-CA-0333 (W.D. Tex.), Daniel v. Bally County, Texas, Civ. Act. No. 5-92-CV-0171-C (N.D. Tex.); Barrientez v. Karnes County, Texas, Civ. Act. No. SA-92-CA-0763 (W.D. Texas); Mireles v. McCulloch County, Civ. Act. No. A-92-CA-577 SS (W.D. Tex.); Perez v. Pasadena I.S.D., Civ. Act. No. H-92-3578 (S.D. Tex.); LULAC v. Northeast ISD, Civ. Act. No. SA-93-CA-0483 (W.D. Tex.); Alonzo v. City of Corpus Christi, (S.D. Tex.); Mena v. Richards; Quiroz v. Richards; Lopez v. Del Valle I.S.D.; Terrazas v. Richards; Casias v. Moses; and others. I have worked after two decennial decades on redistricting issues at state and local levels in Texas and New Mexico, and after the 1990 census in Arizona at both state and local levels.

I have provided advice and direction to other private attorneys in at-large election challenges, Section 5 enforcement actions, and gerrymandering election challenges, as well as to various legal agencies in Texas. I have also taught in the political science department of St. Mary's University in San Antonio, Texas.