

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL 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

**DECLARATION OF MELISSA CASTRO IN SUPPORT OF APPLICATION FOR
REASONABLE ATTORNEY FEES AND COSTS**

I, Melissa Castro, under penalty of perjury, declare that the following is true and correct:

1. I am an attorney and a member of the Bar of the State of Texas and am admitted to practice before this court; I am currently in private practice. I was one of the attorneys for the Plaintiffs in this case since it was filed on November 3, 2003 until I left the offices of Rolando L. Rios to start my own practice. I make this Declaration in support of Plaintiff's Petition for Attorney Fees and Costs. I have personal knowledge of the matters stated in this declaration, and I could and would testify competently about them if called to do so.
2. I earned her B.A. from *St. Mary's University* and J.D from the *University of Akron, Ohio*, where I was awarded a CALI in Environmental Law, the highest grade in Environmental Law in 1999, and her paper "The Need for a New Sheriff in Town: The Wild West is Alive and Well in Texas as City Folk, Ranchers, Politicians, and the Sierra Club Continue to Lock Horns Over the Edwards Aquifer," was nominated for Law School Paper of the Year.
3. This lawsuit was a Voting Rights cause of action pursuant to 92 U.S.C. Section 1973c, to

enforce Section 2 of the Voting Rights Act. The Plaintiffs claimed that the Defendants' Congressional Redistricting Plan 1374C diluted the voting strength of Latino voters in south and west Texas. The undersigned counsel also represented Webb County in their claim against having Webb County divided into two congressional districts – Webb County has mostly Latino population, the division of the county into two congressional districts diluted their voting rights.

4. The case was resolved when the United States Supreme Court declared that Congressional Redistricting Plan 1374C violated the voting rights of Latinos in south and west Texas, *LULAC v. Perry*, 126 S. Ct. 2594.
5. My work on the case had to do with the preparation of the case for trial on the merits in December of 2003. My tasks included interviewing and preparing witnesses, preparing pleadings, discovery requests and responses, exhibit preparation and attending the trial and assisting in the presentation of the case.

Attached is a true and correct record of the 228 hours I spent on this case. These records were kept on a daily basis and accurately reflect the time spent on the tasks.

a.) Time or Labor Required: The amount of time reflected on my time sheets was essential to properly prepare this case for trial. The vote dilution that was inflicted upon the Latino community in this case was brought to the attention of Mr. Rios by local community leaders; they were concerned that the voting rights of the minority community were being violated in the elections for local United States Congressmen. The case required my full attention as we were preparing for trial. The hours spent on this

case were necessary to efficiently favorably resolve this case to the benefit of my clients.

b.) The Novelty and Difficulty of the Questions: The legal and factual issues in this case, as in most voting rights cases, were complex. Successful vote dilution claims against state wide redistricting plans are extremely difficult not only because of the complex nature of the jurisprudence but because of the unlimited resources the state has to defend all claims. .

c.) The Skill Requisite to Perform the Legal Services Properly: The Preclusion of Other Employment by the Attorney Due to Acceptance of this Case: I was an employee of Mr. Rios and the time he had me assigned to this case precluded me from working on other cases.

d.) The Customary Fee: Here, Plaintiffs seek attorneys' fees in the amount of \$195.00 per hour for my work on this case. This request is documented as reasonable by other counsel familiar with this type of litigation. (See affidavit of Mr. Rick Gray)

e.) Whether the Fee is Fixed or Contingent: This is a contingent fee case because the Court award is contingent upon the plaintiffs prevailing. At the time, I was on salary from Mr. Rios and therefore, this case was contingent as far as Mr. Rios' firm was concerned.

f.) Time Limitations Imposed by Client or the Circumstances. Election schedules always impose time limitation on these types of cases. In prosecuting a case like this, the practitioner must constantly keep in mind pending election schedules. In this case, the three judge court had to hear the merits of the case during the Christmas Holidays in 2003 because of the looming election schedules

- g.) The Amount involved and Results Obtained. Plaintiffs obtained the relief that was sought – restoring the voting rights of Latino voters in south and west Texas. The court had to impose a new redistricting plan for south and west Texas that affected over five congressional districts and over three million persons.
- h.) The Experience, Reputation and Ability of the Attorney. I worked at Mr. Rios' office as a young associate in 2003 with several years of legal experience since graduating from law school.
- i.) The Undesirability of the Case. Civil rights cases are not considered very desirable in Texas. A challenge to the existing political power structure is not looked upon very favorably because of the contingent nature of the case and the amount of resources required to prosecute such a case.
- j.) The Nature and Length of the Professional Relationship with the Client: This legal effort directed at protecting the voting rights of the minorities in Texas has taken some time. I know that while I worked at the Law Offices of Rolando L. Rios he had a reputation for having a long term relationship with leaders in the Latino community.
- k.) Awards in Similar Cases: The award requested in this case is consistent with the awards made in similar cases in this and other circuits.

SUMMARY

In summary, the fees requested in this case by the Law Offices of Rolando L. Rios, are as follows: **228 hours X \$195.00 = \$44,460.00**

I certify that the attached time sheet is true and correct and that the services performed did occur and were necessary for the proper disposition of this matter.



MELISSA CASTRO

SUBSCRIBED AND SWORN TO before me this 14th day of August, 2006



DIANA AMAYA

Notary Public, State of Texas My Commission Expires 9.9.06



Rolando L. Rios & Associates, PLLC

ATTORNEYS AT LAW
 115 E. Travis, Suite 1645
 San Antonio, Texas 78205

Time records for Melissa Castro -- Associate Counsel

Client: LULAC

RE: *LULAC v. Perry; CA No. 2:03-CV-354 (congressional redistricting)*

Date:	MC	Activity
10/28/03	3.5	c/w/ clients; analysis of plan adopted by the State of Texas; work on VRA claims; draft pleadings (RR,MC)
10/29/03	2.6	PC Richard Gladden, Em; Pc Andy Taylor; Pc Jose Garza; Pc Rolando Rios; LR Section 5 & 2 (RR, MC)
10/29/03	2.5	c/w/client; analysis of plan adopted by State of Texas; work on Sec 5 & 2 draft pleadings, LR (RR, MC)
10/30/03	5.5	c/w/client; analysis of plan adopted by State of Texas; work on Sec 5 pleadings (RR, MC)
10/30/03	5.5	Motion to Intervene + Order; Complaint in Intervention; Jose Garza Motion Pro Hac Vice + Order; Luis Vera Motion Pro Hav Vice + Order; PC Rolando Rios; Draft question for Potential Witness (RR, MC)
10/31/03	6	c/w/client; analysis of plan adopted by State of Texas; work on VRA pleadings; pc with cocounsel pursuant to court order
10/31/03	3	LR Section 2; Original Complaint; Jose Garza Motion Pro Hac Vice + Order; Luis Vera Motion Pro Hac Vice + Order; PC Jose Garza; EM Jose Garza, George Korbel, Rolando Rios and Luis Vera; PC Representative Richard Raymond; PC Representative Jim Solis; PC Representative Eddie Rodriguez; PC Rolando Rios
11/2/03	1.8	Civil Cover Sheet, Summons, Prepare; Correspondence File and Legal File for Rolando Rios; Review Letter from Andy Taylor
11/3/03	2.5	Travel to Marshall; file complaint, confer with counsel for other plaintiffs; attend status conference; travel back to San Antonio; work on consolidation
11/3/03		Review Plan 1374C; PC Jose Garza; EM Pleading to Counsel, fax pleading to counsel

Rolando L. Rios & Associates, PLLC

11/4/03	2.2	Service of process; confer with clients; confer with co-counsel on strategy and memo for Nov 7, 2003
11/4/03	0.5	LT to District Clerk
11/5/03	3	confer with co-counsel on strategy; conference with the Dept of Justice and re-schedule meeting with DOJ for Nov. 21, 03 work on election charts; organize legal file and review State of Texas memo, confer with clients
11/6/03	2.9	Respond to Texas memo on procedures pending preclearance; confer with co-counsel; phone conference with all counsel
11/6/03	1	Draft Request for Admission, Request for Production, and Interrogatories
11/7/03	1	EM Judith Sanders-Castro re:revisions to Discovery; EM Jose Garza re: potential witness list
11/7/03	4.9	work on memo on procedures pending preclearance; confer with co-counsel; phone conference with all counsel
11/10/03	1.5	Draft and File witness List
11/10/03	4.6	wk on witness list; travel to Laredo, interview witness - Webb County Comm. Judith Gutierrez; discuss intervention with Webb Comm. Court, travel bk to SA (RR); wk on tables for exhibits (GK); organize file and wk on witness list (MC); GIS: download plans and vtd's 2002 p and 2002g (GR)
11/11/03	2.2	PC with Luis Vera; LT to Nina Perales; EM to H. Flores, M. Moran
11/11/03	3.5	wk on witness list; wk on prelim inj memo and strategy (RR); file additional witness list, organize file, research on deadline for injunctive motions (MC); gis: download plans and vtd's 2002p and 2002g (GR)
11/12/03	1.7	Draft and File Amended Witness List

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		Calenders 35 depositions set by the State; work on preliminary injunction memo and strategy (RR); schedule coverage of DP (MC); GIS: Download plans and VTD's 2002p and 2002g (GR)
11/12/03	3	
11/13/03	1.5	coordinate with all witnesses
		Calenders 35 depositions set by the State; work on preliminary injunction memo and strategy (RR); schedule coverage of DP (MC); GIS: Download plans and VTD's 2002p and 2002g (GR)
11/13/03	3	
11/14/05	2.7	EM Jose Garza re: Motion for INJ ; 2nd Final Draft , PC Jose Garza
		Calenders 35 depositions set by the State; work on preliminary injunction memo and strategy (RR); work on tables for exhibits (GK); schedule coverage of DP (MC); GIS:
11/14/05	3	Download plans and VTD's 2002p and 2002g (GR)
		Calenders 35 DP set by the State; work on memo for DOJ (RR); work on tables for exhibits (GK); schedule coverage of depositions (MC); GIS download plans and
11/15/05	4.6	VTD's 2002p and 2002g (GR) and plan 1374c
11/17/03	0.8	Letter to District Clerk; Webb and Cameron County Motion to Intervene, Complaint in Intervention, Proposed Order
		work on memo for DOJ, travel to and from Laredo (Webb County) to confer with client (RR); motion and complaint in intervention (MC); GIS: download
11/17/03	4.9	existing plan
11/18/03	2.4	Request for Admission, Production
		Travel to Brownsville confer with clients on intervention and travel back to SA (RR) ; DOJ comment and prepare and send out discovery (MC); GIS: download
11/18/03	6.2	existing plan
		Prepare document for presentation to DOJ (RR) work on memo for DOJ, confer with client (RR); finalize DOJ comment and prepare and send out discovery
11/19/03	6.2	(MC); GIS: download a preliminary maps for presentation
11/19/03	2	EM to Timothy Mellet re: LULAC visit to DOJ; Draft and File Request for Admission, Production and Interrogatories Prepare for DOJ
11/20/03	13	Prepare for DOJ; review all VRA claims for south Texas
		Travel to DC to confer with DOJ officials; clients and prepare witnesses (RR)
11/20/03	9.5	(GK) (MC)
		Confer with DOJ officials and submit oral and written testimony; confer with
11/21/03	11.5	clients and meet with press; travel back to SA (RR) (GK) (MC)
		Trial team strategy conference; PC with various potential witnesses and co-
11/24/03	2.2	counsel: EM to Hebert
		Organize documents submitted to DOJ work on trial briefs, confer with co-
11/24/03	4.6	counsel to assign tasks (RR,GK); work on depositions, review court order on trial briefs and trial preparations (MC,RR,GK); work on preparation work on pretrial order; work on exhibits (GK)
11/25/03	1	Amended Supplemental Witness List; Subpoena for Ron Price
		work on trial brief, confer with co-counsel to assign tasks (RR,GK); work on depositions; review court order on trial briefs and trial preparation
11/25/03	6.8	(MC,RR,GK); work on pretrial order; work on exhibits (GK); work on plans (GIS)

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		wk on trial brief, confer with co-counsel to assign tasks (RR,GK); wk on depositions; review court order on trial briefs and trial preparation		
11/26/03	2.2	(MC,RR,GK); wk on pretrial order; wk on exhibits (GK); wk on plans (gis)		
11/28/03	2	wk on exhibits (GK); trial briefs and exhibits; wk on plans (gis)		
		wk on trial brief, confer with co-counsel to assign tasks (RR,GK); wk on depositions; review court order on trial briefs and trial preparation (MC,RR,GK); wk on pretrial order; wk on exhibits (GK); wk on plans (gis); Gaddie deposition (GK)		
11/29/03				
		wk on trial brief, pretrial order, confer with co-counsel to assign tasks and exhibits (RR, GK) confer with Jose on Subpoenas and wk on subpoenas; Ellis depositions (GK)		
12/1/03	2.8			
		wk on trials brief, pretrial order, confer with co-counsel to assign tasks and exhibits (GK, RR); confer with Jose wk on plans		
12/2/03	1.2			
		wk on trials brief, pretrial order, confer with co-counsel to assign tasks and exhibits (GK, RR); confer with Jose wk on plans		
12/3/03	2.2			
		wk on exhibit, confer with co-counsel to assign tasks, coordinate next week schedule (RR,MC); confer with Jose; Polinard deposition (GK); work on plans (gis)		
12/4/03	3.5			
		wk on exhibits, confer with co-counsel to assign tasks, coordinate next week schedule (RR, MC); outline presentation and who will speak to respective exhibits		
12/5/03	3.5			
12/6/03	7.5	wk on large demonstrative exhibits (GK); prepare for trial		
		wk on exhibits with co-counsel; assign tasks; (RR,GK); outline presentation and who will speak to respective exhibits; travel to Austin and confer with all plaintiffs counsel on presentation of the case		
12/8/03	9.5			
		attend pretrial conference and post hearing with co-counsel on presentation of case (RR); work on possible plug in plans (GK); coordinate witnesses		
12/9/03	6.8			
		Travel to Austin, prepare witnesses, confer with co-counsel; prepare for trial (RR, GK); prepare exhibits (Para)		
12/10/03	8.5			
12/11/03	9.5	Trial and trial preparation		
12/12/03	9.5	trial preparation: witnesses and exhibits		
12/13/03	8.5	trial preparation: witnesses and exhibits		
	228		Rate	
Total	228		\$195.00 \$	44,460.00