

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE SHARWLINE NICHOLSON, ET AL., :
: CV-00-2229 (JBW)
: CV-00-5155 (JBW)
: CV-00-6885 (JBW)
:
: DECLARATION OF FRANK S.
: MOSELEY ON BEHALF OF
: AMICUS CURIAE NEW YORK
: COUNTY LAWYER'S
: ASSOCIATION
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FRANK S. MOSELEY, declares, under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a partner at Davis Polk & Wardwell. My firm and I represent the New York County Lawyers' Association ("NYCLA") as *amicus curiae* in the action captioned above.
2. I make this affirmation to place before the Court the unreported court decisions and certain other documents cited in NYCLA's Memorandum of Law filed contemporaneously herewith.
3. Attached as Exhibit A is a true and correct copy of the court's decision in Onondaga Indian Nation v. State of New York, No. 97-CV-445, 1997 WL 369389 (N.D.N.Y. June 25, 1997).
4. Attached as Exhibit B is a true and correct copy of the court's decision in Zell/Merrill Lynch Real Estate Opportunity Partners Ltd. P'ship III v.

Rockefeller Ctr. Props., Inc., No. 96 Civ. 1445, 1996 WL 120672 (S.D.N.Y. Mar. 19, 1996).

5. Attached as Exhibit C is a true and correct copy of the court's decision in Long Island Soundkeeper Fund, Inc. v. New York Athletic Club, No. 94 Civ. 0436, 1995 WL 358777 (S.D.N.Y. June 14, 1995).

6. Attached as Exhibit D is a true and correct copy of the court's decision in People v. Tommy Johnson, 4/18/2001 N.Y.L.J. 19, col. 2 (Sup. Ct. N.Y. County).

7. Attached as Exhibit E is a true and correct copy of the court's decision in People v. Tommy Johnson, 5/31/2001, N.Y.L.J. 20, col. 2 (Sup. Ct. N.Y. County).

8. Attached as Exhibit F is a true and correct copy of the court's decision in People v. Brown, 1/19/2001 N.Y.L.J. 28, col. 4 (Sup. Ct. Bronx County).

9. Attached as Exhibit G is a true and correct copy of the court's decision in Matter of Sweat, 1/24/2001 N.Y.L.J. 31, col. 1 (Dutchess County Fam. Ct.).

10. Attached as Exhibit H is a true and correct copy of the court's decision in Department of Soc. Servs. v. Patricia S., 2/1/2001 N.Y.L.J. 32, col. 4 (Dutchess County Fam. Ct.).

11. Attached as Exhibit I is a true and correct copy of the court's decision in Matter of Wager, 2/8/2001 N.Y.L.J. 32, col. 6 (Dutchess County Fam. Ct.).

12. Attached as Exhibit J is a true and correct copy of the court's decision in Matter of D.H., 8/15/2000 N.Y.L.J. 24, col. 4 (N. Y. County Fam. Ct.).

13. Attached as Exhibit K is a true and correct copy of the court's decision in Moriarty v. Moriarty, 2/6/2001 N.Y.L.J. 32, col. 2 (Monroe County Fam. Ct.).

14. Attached as Exhibit L is a true and correct copy of the court's decision in Matter of Vouchers for Compensation, 12/8/2000 N.Y.L.J. 28, col. 5 (Kings County Fam. Ct.).

15. Attached as Exhibit M is a true and correct copy of the court's decision in Matter of Sheppard, 11/17/2000 N.Y.L.J. 28, col. 6 (N. Y. County Fam. Ct.).

16. Attached as Exhibit N is a true and correct copy of the court's decision in People v. Francine Johnson, 6/29/2001 N.Y.L.J. 20, col. 3 (Sup. Ct. N.Y. County).

17. Attached as Exhibit O is a true and correct copy of the court's decision in People v. Roth, 5/31/2001 N.Y.L.J. 20, col. 2 (Sup. Ct. N.Y. County).

18. Attached as Exhibit P is a true and correct copy of the court's decision in Reynolds v. Goord, No. 98 Civ. 6722, 2001 WL 118564 (S.D.N.Y. Feb. 13, 2001).
19. Attached as Exhibit Q is a true and correct copy of the court's decision in Hutchinson v. McCabee, No. 95 Civ. 5449, 2001 WL 930842 (S.D.N.Y. Aug. 15, 2001).
20. Attached as Exhibit R is a true and correct copy of the court's decision in Department of Soc. Servs. v. Mitchell, 2/9/2000 N.Y.L.J. 31, col. 6 (Dutchess County Fam. Ct.).
21. Attached as Exhibit S is a true and correct copy of the Administrative Office of the United States Courts, Defender Services Division's "Implementation of Criminal Justice Act Alternative Hourly Attorney Rates" dated March 2001.
22. Attached as Exhibit T is a true and correct copy of the Judicial Conference of the United States' "Justification for the \$113 CJA Panel Attorney Hourly Rate in FY 2002."
23. Attached as Exhibit U is a true and correct copy of the Bill Status for H.R. 2500, S. 1215 and Excerpts from H.R. 2500, H.R. Rep. 107-139, H.R. Rep. 107-128 and S. Rep. 107-42.
24. Attached as Exhibit V is a true and correct copy of NYCLA's Task Force on the Representation of the Indigent's "Report of the Committee on Assigned Counsel Compensation" dated 1997.

25. Attached as Exhibit W is a true and correct copy of “Rates of Compensation Paid to Court-Appointed Counsel in Non-Capital Felony Cases at Trial: A State-by-State Overview” dated November 1999.

Dated: New York, New York
November 20, 2001

Frank S. Moseley