

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION**

EILEEN JANIS and KIM COLHOFF,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 09-5019
)	
CHRIS NELSON, in his individual and)	
official capacity as Secretary of State of)	
South Dakota and as a member of the State)	
Board of Elections; MATT MCCAULEY,)	
CINDY SCHULTZ, CHRISTOPHER W.)	
MADSEN, RICHARD CASEY, KAREN M.))	
LAYHER, and LINDA LEA M. VIKEN, in)	
their individual and official capacities as)	
members of the State Board of Elections;)	
SUE GANJE, in her official and individual)	
capacity as Auditor for Shannon County;)	
LA FAWN CONROY, in her individual and)	
official capacity as a poll worker for)	
Shannon County)	
)	
Defendants.)	

**PLAINTIFFS' RESPONSE TO THE STATE DEFENDANTS'
MOTION TO EXTEND THE DISCOVERY DEADLINES**

Plaintiffs, by and through counsel, hereby file this response to the State Defendants' motion to extend the discovery deadlines. Pursuant to this Court's scheduling order [D.E. 57], all discovery, including expert discovery, is supposed to be completed by November 2, 2009. However, the defendants have filed multiple motions to dismiss the case and also have moved for protective orders seeking to avoid producing certain discovery which Plaintiffs maintain are germane and central to their constitutional and statutory claims. Furthermore, Defendants have refused to provide data related to criminal convictions in South Dakota or the racial composition of both South Dakota

voters and South Dakota residents with criminal convictions – data which is necessary in order for Plaintiffs’ retained expert(s) to provide a comprehensive report regarding Plaintiffs’ claim under Section 2 of the Voting Rights Act (42 U.S.C. § 1973).

On October 23, 2009, Plaintiffs, recognizing that discovery in this case has reached a standstill, filed a motion for a status conference in order to address the outstanding pre-trial motions, the discovery schedule, and further proceedings in this case [D.E. 92]. On October 28, 2009, Plaintiffs disclosed the identity of their retained expert and provided Defendants with as much information as they possibly could in compliance with Fed. R. Civ. P. 26(a)(2) despite Defendants’ failure to respond to all of Plaintiffs’ discovery requests. See Exs. A and B.

For all practical purposes, discovery in this case will not end on November 2, 2009, as originally planned. Thus, Plaintiffs recognize that the Court’s scheduling order must be modified. However, Plaintiffs emphasize they have complied with the Court’s scheduling order to the best of their ability and that, but for Defendants’ efforts to continually delay the proceedings in this case, discovery could have been completed in a timely manner. Therefore, although a modification of the scheduling order is necessary, Plaintiffs respectfully request that any new discovery deadlines protect Plaintiffs’ interests in resolving this case in a prompt and efficient manner.

As stated in Plaintiffs’ motion for a scheduling conference, attorneys’ for the plaintiffs are available at this Court’s earliest convenience to discuss a reasonable timeline for completing discovery.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

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EILEEN JANIS and KIM COLHOFF,)
)
Plaintiffs,)
)
v.) No. CV 09-5019
)
CHRIS NELSON et al.)
)
Defendants.)

DECLARATION OF STEVEN P. COLE, Ph.D.

BACKGROUND AND EXPERIENCE

1. My qualifications, including a list of all publications I have authored within the past 10 years and a listing of cases in which I have served as an expert or a consultant, are set forth in my curriculum vitae which is attached to this declaration as Appendix A.

2. I am employed by Research Design Associates, Inc., in Yorktown Heights, New York, as Director of Research. My responsibilities involve research design and implementation, and the use of statistics in data analysis. I am currently Adjunct Professor in the Emory University Department of Psychology. I received a B.A. in psychology from the University of Virginia, an M.A. in developmental psychology from Columbia University, and a Ph.D. in human experimental psychology from Emory University.

My teaching and research interests include statistics and quantitative methods, and research design.

3. I have testified at trial or by deposition in the following voting rights cases: Tyrone Brooks, et al. v. Zell Miller, et al., S.D. Ga., 1-90-CV-1001-RCF; Marvin Howard, et al. v. Commissioner of Wheeler County, Georgia, et al., S.D. Ga., No. CV-390-057; Bonny L. Askew, et al. v. City of Rome, Georgia, et al., N.D. Ga., No. 4:93-CV-0028-HLM; Rural West Tennessee African American Affairs Council, Inc., v. Sundquist, et al., W.D. Tenn., No. 92-2407-TURBO; Maxine B. Cousins, et al. v. Ned McWherter, et al., E.D. Tenn., No. CIV-1-90-339; Edna C. Hines, et al. v. Hertford County Board of Elections, et al. E.D. N.C., No. 89-62-CIV-2-BO; Gause v. Brunswick County, North Carolina, E.D. N.C., No. 93-80-CIV-7-9; Burton v. City of Belle Glade, S.D. Fla., No. 95-8356-CIV-RYSKAMP; Otis L. Wilson, et al. v. Mayor and Board of Alderman of St. Francisville, Louisiana, et al., M.D. La., Civ. No. 92-765-B-M-1; Arthur Cuthair, et al., v. Montezuma-Cortez School District, No. RE-1, et al., D. Colo., No. 89-C-964; Moon, et al., v. Meadows, et al., E.D. Va., C.A. No. 3:95CV942; Rural West Tennessee African American Affairs Council, Inc., v. Sundquist, et al., W.D. Tenn., No. 92-2407-TUV; Old Person, et al. v. Cooney, et al., D. Mont., No. CV-96-004-GF-PMP; Bone Shirt, et al. v. Hazeltine et al., No. CIV-01-3032, D. S.D.; Cottier, et al. v. City of Martin et al., South Dakota, D. S.D.,

No. CIV-02-5201-KES; and Large v. Fremont County, D. Wyo., No. 05CV2700. I have been accepted by federal courts as an expert in statistical methodology.

My compensation for work on this case is \$100.00 per hour.

PURPOSE OF THE STUDY

4. Plaintiffs have challenged the denial of their right to vote in the November 4, 2008 general election based on their felony convictions for which they were sentenced only to probation.

Although under South Dakota law a person convicted of a felony who is sentenced to imprisonment in the state penitentiary loses the right to vote during the term of imprisonment, persons not sentenced to the penitentiary retain the right to vote.

Attorneys for the plaintiffs have asked me to prepare a report concerning the impact of denying voting rights to persons convicted of felonies regardless of their sentence on Native Americans in South Dakota.

5. In order to assess the impact of denying voting rights to persons convicted of felonies regardless of their sentence on Native Americans, it is necessary to analyze data such as the number of South Dakota residents who have been convicted of a felony in state and federal courts and were sentenced only to probation, and the number of Native American residents of South Dakota who have been convicted of a felony in state and federal courts and sentenced only to probation. Attorneys for the

plaintiffs have requested these and other data from Defendants but the data have not been provided to Plaintiffs. Since I have not been provided with the necessary data to conduct my analyses, I am not able to provide an opinion on the impact of denying voting rights to persons convicted of felonies in state and federal courts regardless of their sentence on Native Americans in South Dakota.

Dated at Yorktown Heights, NY, this 27th day of October, 2009.

Steven P. Cole

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ACADEMIC HISTORY

- Ph.D. Emory University, 1985, Human Experimental Psychology
M.A. Columbia University, 1976, Developmental Psychology
B.A. University of Virginia, 1969, Psychology

CURRENT AREAS OF INTEREST

Statistics and quantitative methods; research design; general and experimental psychology; design, development and evaluation of test and measurement procedures; perceptual and memory processes; developmental psychology; language acquisition; voting behavior; eyewitness identification.

EXPERIENCE

- 2001 - Present Adjunct Professor, Department of Health and Physical Education, Emory University, Atlanta, Georgia
- 1993 - Present Adjunct Professor, Department of Psychology, Emory University, Atlanta, Georgia
- 1982 - Present Director of Research, Research Design Associates, Inc., Decatur, Georgia and Yorktown Heights, New York
- 1987 - 1995 Consultant, Atlanta University Center, Minority Access to Research Careers Program; research design, applied computer data analysis
- 1992 - 1994 Adjunct Professor, Division of Educational Studies, Emory University, Atlanta, Georgia

- 1985 - 1991 Adjunct Professor, Emory University School of Law, Atlanta, Georgia
- 1977 - 1983 Research and Teaching Assistant; data base management, research design and data analysis consultation, Department of Psychology, Emory University, Atlanta, Georgia
- 1980 - 1982 Project Coordinator, Community Stroke Study: Effect of Methysergide on Infarction, Phelps Memorial Hospital, Sleepy Hollow, New York
- 1974 - 1977 Assistant Chief, Dept. of Electrophysiology; Supervisor, Kavy Pacing Center, Phelps Memorial Hospital, Sleepy Hollow, New York
- 1969 - 1974 Administrative Assistant, Senior Technician, Dept. of Electrophysiology and Electroencephalography, Phelps Memorial Hospital

COURSES TAUGHT

Research Methods
 Computer Analysis of Scientific Data
 Psychology of Eyewitness Identification

PROFESSIONAL ORGANIZATIONS

Georgia Psychological Association
 Chair, Psychology and Public Interest Committee (1993-94)
 American Psychological Association

CONSULTING EXPERIENCE

Research Design, Statistics, Test and Measurement Procedures;
 Memory and Perception; Experimental and Developmental
 Psychology:

National Institute of Health, National Center for Complementary and Alternative Health; Emory University Department of Psychiatry, Atlanta, GA; 2009-2014; mechanisms of meditation.

Agnes Scott College, Decatur, GA; 2007-present; statistical analysis for studies of attachment styles, social skills, and depression in college women.

U.S. Pony Club; USEF Safety Summit (June 2008); five-year study of safety (horse and rider), speed, and course completion in upper level event competition.

University of Pennsylvania, Department of Romance Languages; 2007-present; statistical analysis for a study of global simulation and writing self-beliefs of intermediate French college students.

Emory University Department of Psychiatry, Atlanta, GA; 2006-present; statistical analysis for NIMH study of sleep changes, and neuropsychiatric and neurocognitive symptoms associated with interferon treatment for hepatitis C.

Emory College Language Center, Emory University, Atlanta, GA, 2004-present; research design and evaluation in studies of foreign language acquisition.

Emory University Departments of Psychiatry and Behavioral Sciences; Health, Physical Education and Dance; Psychology; Religion; and Anthropology; 2005-present; research design and statistical analysis for studies of compassion meditation as a strategy for reducing depressive symptoms and physiological stress reactivity.

American Civil Liberties Union, Southern Regional Office, Atlanta, GA, 1989-present; analysis of voting behavior; June 2003: exit poll of City of Martin, South Dakota voters for County School Board and City Council; June 2004: exit poll of City of Martin voters for City Council and U.S. Representative.

Vanderbilt University and Middle Tennessee State University; 2001-present; assessment of effectiveness of case-based instruction to enhance learning.

National Science Foundation; EduTech Institute and College of Computing at the Georgia Institute of Technology; 2000-2007; evaluation of the Learning by Design Project, a design-based curriculum for middle school science education; influence of classroom practices and culture on scientific reasoning.

Southern Poverty Law Center, Montgomery, AL; 2000-2002; analysis of voting behavior.

Rocky Mountain University of Health Professions, Provo, UT; 2000-present; supscapularis syndrome: clinical examination, magnetic resonance imagery, and shoulder impingement; comparison of traditional physical therapy with and without static progressive stretch following open rotator cuff repair; use of a wrist extension brace to increase the velocity and accuracy of baseball pitching.

Annenberg/Corporation for Public Broadcasting Project; Florence Gould Foundation; Emory, Wellesley, and Yale Universities; Teachme.com, Inc.; 2000-2002; alpha and beta evaluations of French in Interaction, a computer-assisted, interactive curriculum for teaching French.

Henley Healthcare, Texas, and U.S. Food and Drug Administration; 2000-2001; efficacy of low level laser in the treatment of carpal tunnel syndrome.

University of Bristol, Emory University, and the National Institutes of Health, 1997-2003; Avon Longitudinal Study of Pregnancy and Childhood; antecedents of nonverbal ability. *The Modern Language Journal*, University of Wisconsin-Madison, 1996-present; review of manuscripts in the areas of statistics and research design.

University of Southern Florida, Florida Mental Health Institute, 1995-2002; psychological aspects of cancer in older persons; age differences in control and coping processes.

Emory University, Department of Psychology, 1992-present; child and adult perception of facial, voice, and gesture stimuli; child and adult cross-racial face perception; emotional perceptive abilities and subclinical psychopathy; changes in locus of control over time.

New York Medical College, 1991-present; pain management; effects of high-impact aerobics on the inner ear; noninvasive laser neurolysis and homeopathy in treatment of carpal tunnel syndrome; cerebral hemodynamic changes and tracheal intubation; magnetic stimulation in diabetic peripheral neuropathy; neuromagnetic treatment of pain in refractory carpal tunnel syndrome.

Crisis Management International, Inc., Atlanta, Ga., 1990-present; impact of psychological stress on human performance; efficacy of crisis management following the Oklahoma City bombing and the September 11th attack.

Lawyer's Committee for Civil Rights Under Law, Washington, DC, 1992-present; analysis of voting behavior.

Federal Defender Program, Atlanta, Ga., 1990-present; reliability of eyewitness identifications.

United States Combined Training Association, University of Georgia, University of Tennessee, 1991-1996; study of the climatic and physical factors that affect horses on cross-country courses in preparation for the 1996 Olympics.

Emory University, Department of French and Italian, 1992-present; classroom empirical research investigating how children and college students acquire a foreign language; integration of media technology into foreign language instruction; effects of question wording on accuracy of recall and recognition memory.

Emory University, Department of Health, Physical Education, and Dance; 1988-present; body image, personality, depression, exercise and physical fitness; relationship of self-perceived weight to actual weight, body image, and health behaviors; physical fitness as a function of psychological and situational factors; body image, health, and personality factors in dancers and nondancers.

Emory University, Department of Psychology, 1995-1997; child language development.

University of Pennsylvania, Graduate School of Education, 1993-1995; risk and resilience in child and adolescent development.

Project Interconnections, Georgia Department of Human Resources and Georgia Housing and Finance Authority, 1992-1995; Project Director for an assessment of the residential, employment and service needs of Atlanta's homeless mentally ill.

Ford Foundation, W.T. Grant Foundation and Division of Educational Studies, Emory University, 1992-1995; longitudinal study of persistent poverty of African American youth.

Georgia Justice Project, Atlanta, Ga., 1992-1995; jury composition.

Center for Constitutional Rights, Jackson, Miss., 1992-1994; analysis of voting behavior.

Stanford University School of Medicine and Emory University Department of Health and Physical Education, 1991-1994; design and implementation of AIDS information survey; assessment of safe sex knowledge and sexual practices in college men and women.

Florida Rural Legal Services, Tallahassee, FL, 1990-1995; analysis of voting behavior.

Emory University, Division of Educational Studies, 1991-1995; school staff development and cultural diversity.

Social Science Research Council, New York, 1990-1995; developmental outcomes as a function of neighborhood and family characteristics.

Emory University, Department of Psychology, 1990-1994; effects of maternal depression on child development.

American Leprosy Mission, Greenville, SC, 1990-1994; efficacy of teaching programs for the treatment of leprosy.

New York State Advisory Council on Bias in Standardized Testing; 1989-1994.

Neuropsychology Program, Wesley Woods Geriatric Hospital, Emory University, 1989-1994; head injury, Alzheimer's disease and drug protocols.

Emory University Research Committee Grant, 1990-91; the relationship of body image and locus of control to physical fitness in college men and women.

Carnegie Foundation, 1988-1991; The Parent-Child Development Centers: A Five to Thirteen Year Follow-up.

Morehouse School of Medicine, Department of Psychiatry, 1988-1990; maternal drug use.

Association of Law Enforcement Officers of Dekalb County, Ga., 1988-present; training of police officers for promotional exams.

DeKalb County, Ga., 1986-87; an evaluation of the Multi-Agency Troubled Children's Home Project.

Spencer Foundation, Chicago, 1986-89; African American children's competence formation.

National Institutes of Mental Health, Division of Educational Studies, Emory University, 1984-89; development of profiles and coping factors for children influenced by Atlanta's missing and murdered children case.

Physical Therapy Associates of Metro Atlanta, 1988-1995; reliability and validity of test and measurement procedures.

U.S. Department of the Interior, 1986-92, minority hiring and promotion.

Emory University, School of Nursing, 1988; national survey of hospitals to determine incidence of neonatal herpes.

Georgia Legal Services Program, 1986; statistical analysis of school achievement data.

Gwinnett County Public Schools, Georgia, 1986; test construction, validation and statistics; evaluation of Gwinnett Educational Measurement System test; development and analysis of language arts curriculum survey.

Fulton County Health Department, Georgia, 1985-89; Parent-Infant Intervention Project.

University of Pennsylvania, School of Veterinary Medicine, 1985-86; statistical model for prediction of survival of horses with colic.

Atlanta Institute for Family Studies and Georgia State University, 1985-86; psychological implications of infertility.

Emory University, College of Arts and Sciences, 1985-86; reliability and validity of test instruments used to evaluate courses and instructors.

Emory University, School of Nursing, 1983-87; reliability and validity of instruments used to define characteristics of nurses employed in selected practice settings.

Georgia Consumers' Utility Counsel, 1978-79; consumer reactions and consumption following load management projects.

Federal Trade Commission, Division of Marketing Practices, 1974; electronic pacemaker function and warranty policy.

Research in Consumer Behavior:

Fifteen Hundred Club, Inc., Atlanta, Georgia, 1983

Pegasus Studio, Inc., Covington, Louisiana, 1983-1986

Allen, Bazan and Nyrop, State College, Pennsylvania, 1985

Homequity, Inc., Greenwich, Connecticut, 1987

United States Pony Clubs, Inc., 1987-1988

United Research, Inc., Morristown, New Jersey, 1986-1992

Turtles, Inc., Atlanta, Georgia, 1989-1998

Vista Development, Atlanta, Georgia, 1990-2003

Value Music, Atlanta, Georgia, 1998-present

Binders, Atlanta, Georgia and Dallas, Texas, 1999-present

Statistics and Research Design Related to Litigation:

Employment

Dudley v. City of Macon, M.D. Ga., No. 76-190-MAC

EEOC v. Federal Mutual Insurance Co., N.D. Ga. No. C75-1925-A

Jackson v. Sears, Roebuck & Co., N.D. Ga., No. 79-32-N

Smith v. State of Georgia., N.D. Ga., No. 817811

Georgia Association of Retarded Citizens v. McDaniel, N.D. Ga., No. 78-1950-A

Allison v. Western Union Telegraph Co., N.D. Ga., No. 78-1081-A

Amey v. Delta Airlines, Inc., N.D. Ga., No. 78-718-A

EEOC v. Crown Liquors, S.D. Fla., No. 76-6285-NCR

Geer v. General Motors Corp., N.D. Ga., No. 81-1273-A

Nation v. Winn Dixie, N.D. Ga., No. 80-1468-A

Cullens v. Georgia Department of Transportation, M.D., Ga., No. 81-84 MAC

Crawford v. Colonial Baking Co., M.D. Ga., No. 81-78-MAC

EEOC v. Trust Company of Columbus, M.D. Ga., No. 77-39-COL

Bentley v. City of Thomaston, M.D. Ga., No. 79-235-MAC

Golden Rule Life Insurance Co. v. Mathias, Cir Ct., Sagamon County, Ill., No. 419-76, 408 N.E., 2d 310 (Ill. Appl, 1980)

Watkins v. Georgia Kaolin Co., M.D. Ga., No. 79-286-MAC

Hubbel v. Old Ben Coal Co., S.D. Ind., No. EV-78-12-C

Flowers v. Blue Cross Association, N.D. Ill., No. 81C3544

Kilgo v. Bowman Transportation, Inc., N.D. Ga., No. C74-674A

EEOC v. Ford Motor Co., W.D.N.C., No. CC-75-231

Kennedy v. Crittendon, M.D. Ga., No. 77-200-MAC

EEOC v. Western Electric, E.D. Mich., No. 80-30012

EEOC v. H.S. Camp & Sons, Inc., M.D. Fla., No. 77-69-CIV-OC

Communications Workers of America v. Southern Bell Telephone and Telegraph Co., N.D. Ga., No. 83-1169-A

Bledsoe v. L.B. Foster Co., N.D. Ga., No. C84-1469-A

Dantzler v. Southern Aggregates Co., S.D. Ga., No. CV-185-213

Reed v. Andy's of America, E.D. Ark., No. LR-C-84-897

Phillips, et al. v. County of Dekalb, Department of Public Safety, N.D. Ga., No. C83-651A

Webb, et al. v. Missouri Pacific Railroad, E.D. Ark., LR-C-75-189

Dekalb Minority Fire-Medical Association, Inc., et al. v. County of Dekalb Department of Public Safety, N.D. Ga., No. C83-2583A

Hamer, et al. v. City of Atlanta, et al., N.D. Ga., Nos. C75-1809A, C75-2315A

McFadden, et al. v. Arkansas State Hospital, E.D. Ark., No. LR-C-78-153

Shelling v. Southern Railway Co., et al., N.D. Ga., No. C85-2558A

Craig v. Westinghouse Electric Corporation, M.D. Ga., No. 84-64-ATH

Wagner v. Westinghouse Electric Corporation, M.D. Ga., No. 84-17-ATH

Johnson, et al. v. Webb, M.D. Fla., No. 73-702-CIV-J-M

Ashcraft v. Georgia Department of Natural Resources, N.D. Ga., No. 86-1119A

Mack v. U.S. Department of Health and Human Services, N.D. Ga., No. 1:86-CV-2202-GET

Cooper v. U.S. Department of the Interior, Office of Surface Mining, EEOC No. 250-90-8062X

Goldman v. Marsh, E.D. Ark., No. PB-75-C-36

Puhy v. Delta Air Lines, Inc., N.D. Ga., No. 1:91-CV-1630-RCF

Meeker, et al. v. Unisys Corporation, N.D. Ga., No. 1:92-CV-246-ODE

Fraternal Order of Police, et al. v. City of Smyrna, Georgia, et al., N.D. Ga., No. 1:92-CV-JEC

Shaw Nicholas Tucker v. Harvest Foods, Inc., W.D. Ark., U.S.D.C. No. 93-2074

Cecile L. Maddow, et al. v. Proctor & Gamble Co., N.D. Ga., No. 1:93-CV-2790-JTC

Addae et al., v. Sky Climber and Administaff, N.D. Ga.

George Steube and Department of Health and Human Services, EEOC Hearing No. 110-A1-8017X, Agency Case No. CDC-OD-ESO-015-99

Zebulum Matthews, Jr. v. Ann Veneman, EEOC Nos. 110-A1-8203X and 110-A-8495X

Voting Rights

Zenobia Sellars, et al. v. Board of Commissioners of Lee County, North Carolina, et al., M.D. N.C., No. C-89-294-0

Tyrone Brooks, et al. v. State Board of Elections, et al., N.D. Ga., No. CV288-146

Tyrone Brooks, et al. v. Zell Miller, et al., N.D. Ga., 1-90-CV-1001-RCF

Louise Sewell, et al. v. Town of Smithfield, et al., E.D. N.C., No. 89-360-CIV-5

Edna C. Hines, et al. v. Hertford County Board of Elections, et al., E.D. N.C., No.89-62-CVI-2-BO

Brenda M. Johnson v. DeSoto County Board of Commissioners and School Board, M.D. Fla., No. 90-366-CIV-FTM-15

Jesse Robinson v. Hendry County Board of Commissioners and School Board, M.D. Fla., No. 91-13-CIV-FTM-15(D)

Helen Washington v. Arcadia City Council, M.D. Fla., No. 91-40-CIV-FTM-15(D)

Marvin Howard, et al. v. Commissioner of Wheeler County, Georgia, et al., S.D. Ga., No. CV-390-057

Miguel de Grandy, et al. and Gwen Humphrey, et al. v. T.K. Wetherall, et al.; T.K. Wetherall, et al. v. William P. Barr; Florida Chapter NAACP, et al. v. Lawton Chiles, et al., N.D. Fla., No. TCA 92-40015-WS

Domingo Green, et al. v. Charles F. Bragg, et al., S.D. Ga., No. 691-078

Coleman, et al. v. Ft. Pierce City Comm., et al., M.D. Fla., CA 92-14157-CVI-ZLOCH

Rural West Tennessee African American Affairs Council, Inc., et al., v. McWherter, W.D. Tenn., No. 92-2407-TURBO; 877 F.Supp. 1096 (W.D.Tenn. 1995); *RWTAAAC v. Sundquist*, 29 F.Supp.2d 448 (W.D. Tenn. 1998), Nos. 98-6719 & 98-6778

Maxine B. Cousin, et al., v. Ned McWherter, et al., E.D. Tenn., No. CVI-1-90-339; *Cousin v. Sundquist*, 145 F.3d 818 (6th Cir. 1998)

Askew v. City of Rome, Georgia, N.D. Ga., No. 4:93-CV-0028-HLM

Davida Johnson, et al., v. Zell Miller, et al., and Lucious Abrams, Jr., et al., United States of America, S.D. Ga., No. 4-008 CV 194-008

Thurmon Gause, et al., v. Brunswick County, North Carolina, et al., E.D. N.C., No. 93-80-CIV-7-D

Otis L. Wilson, et al., v. Mayor and Board of Alderman of St. Francisville, Louisiana, et al., M.D. La., Civ. Action No. 92-765-B-M-1

Arthur Cuthair, et al., v. Montezuma-Cortez School District No. RE-1, et al., D. Colo., No. 89-C-964

Lillie Burton, et al., v. City of Belle Glade, et al., S.D. Fla., CA No. 95-8356-Civ-RYSKAMP

Moon, et al., v. Meadows, et al., E.D. Va., C.A. No. 3:95CV942

Barbara T. Leonard and Matthew B. Wallace, Jr. v. David M. Beasley, et al. and John Drummond and Arthur McFarland, Poiette McGill, Louis Fleming, and Robert Curry, D. S.C., No. 3:96-CV3640.

Clark v. Putnam County, M.D. Ga., C.A. No. 5:97-CV-622-3

Alden, et al. v. Board of County Commissioners of Rosebud County, Montana, et al., D. Mont., No. CV 99-95-M-DWM

Love v. York County School Board District No. 1, D. S.C., Civ. No. 0-00-0442 19

Steven C. Emery, et al. v. Roger Hunt, et al., D. S.D., No. 00-3008

Willie J. Williams v. Baldwin County Commission, et al., S.D. Alabama, No.00-0082-CB-S

Billie Thompson and Patricia Brown v. Glades County Commission and School Board, et al. M.D. Florida, C.A. No. 2:00-CV-212-FTM-29D

Old Person v. Brown, D. Montana, No. CV-96-004-GF

William Wright, et al. v. Dougherty County, et al., M.D. Georgia, No. 1:02-CV-56-4

Alfred Bone Shirt, et al. v. Joyce Hazeltine, et al., D. S.D., No. 01-3032

Cottier et al. v. City of Martin, et al., D. S.D., No. 02-5021-KES

Blackmoon v. Charles Mix County, D. S.D., No. CIV 05-4017

Large et al. v. Fremont County, D. Wyo., No. 05CV270J

Kelly et al. v. Johnson, D. Mont., No. 08-25

Janis et al. v. Nelson et al., D. S.D., No. 09-5019

Education

Johnson v. Sikes, S.D. Ga., No. 479-323-SAV

Georgia State Conference of Branches of NAACP v. State of Georgia, S.D. Ga., No. CV-482-233

Little Rock School District v. Pulaski County Special School District No. 1, et al., S.D. Ark., No. LR-C-82-866

United States v. State of Texas, et al., No. 5281

Pitts, et al. v. Freeman, et al., N.D. Ga., No. 11946

Prather, et al. v. Freeman, et al., N.D. Ga., No. 11946-WCO

Coger, et al. v. Board of Regents of the State of Tennessee, et al., W.D. Tenn., No. 89-2374-GA

General Statistics

Davis v. West Community Hospital, W.D. Texas, No. LR-C-81-431

Winfrey v. Hardy, Sup. Ct., Wilkes County, Ga., No. 85CV13625

Jury Composition

Alderman v. Zant, S.D. Ga., No. CV 488-122

State of Georgia v. Marvin Winston, Jr., Sup. Ct., Fulton County, Ga., Nos. Z-42545, Z-42546

State of Georgia v. Timothy Woodrow Pruitt, Sup. Ct., Lumpkin County, Ga., No. 93-CR-116DB

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RECENT INVITED PRESENTATIONS

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