



California, from 1992 to 1994.

4. From 1994 to 1997, I worked as an associate at Kramer Levin Naftalis & Frankel LLP.

5. From 1997 to 2002, I served as an Assistant United States Attorney in the Eastern District of New York, where I represented the United States as lead counsel in scores of federal criminal cases – including numerous jury trials – involving securities fraud, money laundering, mail fraud, embezzlement, and international narcotics trafficking. I served as a deputy section chief, training and supervising new prosecutors, and was awarded the Department of Justice Director's Award for Superior Performance in recognition of my successful prosecution of white collar crimes.

6. I have significant appellate experience in criminal and First Amendment matters. As a federal prosecutor I regularly argued appeals before the U.S. Court of Appeals for the Second Circuit and, with the late Marvin Frankel, litigated and filed briefs at various stages of several landmark First Amendment cases, including *Zelman v. Simmons-Harris*, 122 S. Ct. 2460 (2002); *Capitol Square Review and Adv. Bd. v. Pinette*, 515 U.S. 753 (1995); and *Bronx Household of Faith v. Community School Dist. No. 10*, 127 F.3d 207 (2d Cir. 1997).

7. In 2003, I rejoined Kramer Levin Naftalis & Frankel LLP. In my practice, which focuses on white collar criminal defense and complex civil and constitutional litigation, I draw on my substantial experience handling a wide range of cases as both a defense lawyer and a federal prosecutor.

8. I attach hereto as Exhibit A a true and correct statement of hours and services that I rendered in this case. I prepared the statement to the best of my personal

knowledge, based upon a review of my contemporaneous records and correspondences. It is my practice to keep regular records of the time I spend on litigation matters. In this case I reviewed my contemporaneous time records, checked them against my correspondence and files, and made adjustments as appropriate in the exercise of ordinary billing judgment.

9. I believe that the hours that I am claiming are reasonable. As my time records indicate, I played a significant role in this litigation, which resulted in a favorable result for plaintiffs. Among other things, I actively supervised the case and helped develop and oversee the implementation of plaintiffs' legal strategy; extensively prepared with Mr. Siegel and Ms. Walter to prepare for direct and cross examinations and evidentiary arguments; and reviewed and provided extensive commentary on plaintiffs' complaint, declarations and memoranda of law. In my work on this case, I did not duplicate the work of co-counsel.<sup>1</sup>

10. The hourly rate of \$550.00 that I am seeking is discounted from my actual current billing rate of \$650.00 and I respectfully submit that it is reasonable in comparison to rates charged by partners at major law firms in the Miami area with similar experience and expertise.

11. I seek compensation in the amount of \$89,155 for the 162.1 hours I spent litigating this case.

I declare under penalty of perjury that the foregoing is true and correct. Executed at New York, New York on June 20, 2008.



Eric A. Tirschwell

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<sup>1</sup> As the Court may recall, the only reason I was not present for the hearings was that my wife was expected to give birth at the same time.

# **Exhibit A**

Eric Tirschwell

**Adjusted and Reduced Hours  
League of Women Voters of Florida v. Browning**

DATE	HOURS	DESCRIPTION
12/6/2005	1.5	Met with Brennan Center at KLNf to discuss strategy
1/13/2006	1.2	Met with C. Siegel to discuss case
1/27/2006	0.8	TC with CS re: legal research
1/30/2006	1.2	Review materials re: potential lawsuit; TC to CS re: same.
2/10/2006	1.5	Meeting with team
2/10/2006	1.5	Conference call with Brennan Center.
3/9/2006	0.4	TC with C. Siegel re: case strategy
3/23/2006	1.1	Meeting with CS re: case strategy
3/24/2006	1.0	Conference call re: various issues
3/24/2006	0.4	Review statute
4/2/2006	1.7	Review and comment on complaint.
4/3/2006	1.5	Conference call re: case.
4/4/2006	0.8	Telephone conference re: case.
4/18/2006	1.2	Review complaint and LWV draft declaration; e-mails re: same.
4/19/2006	0.9	Telephone conferences re: complaint
4/19/2006	1.8	Tc re: declarations, other issues re: filing case; review pleadings.
4/24/2006	0.7	E-mails re: plaintiff issues, local counsel; TC with local counsel re: retention.
4/25/2006	0.3	E-mails re: plaintiff issues; review plaintiff documents.
4/30/2006	0.8	Review and edit affidavits.
5/1/2006	0.2	Review and respond to e-mails re: case status.
5/1/2006	0.4	Reviewing affidavits.
5/2/2006	0.6	Further review of draft pleadings.
5/2/2006	1.0	Telephone conference re: case status
5/3/2006	0.9	Review preliminary inj. draft.
5/4/2006	1.4	Telephone conference with WW re: same; conference with CS re: same.
5/4/2006	5.9	Review preliminary inj-brief; read cases re: same
5/5/2006	0.7	Research and draft e-mail on TRO vs. preliminary inj.
5/8/2006	4.1	Review and provide comments on PI motion brief; conference call and conferences re: same.
5/9/2006	1.3	Conference call re: filing strategies
5/9/2006	2.4	Review case law re: injunction issues and review briefs
5/11/2006	0.3	Review complaint and make additional comments.
5/15/2006	0.9	E-mails re: filing issues; review complaint.
5/16/2006	5.3	Review and provide written comments on preliminary inj. brief; draft road map for argument; TCs and e-mails re: same.

Eric Tirschwell

**Adjusted and Reduced Hours  
League of Women Voters of Florida v. Browning**

DATE	HOURS	DESCRIPTION
5/17/2006	0.4	TCs and e-mails re: complaint.
5/18/2006	1.3	E-mails and review case law re: venue; follow developments re: filing of complaint.
5/30/2006	2.0	Reviewing PI brief. TCs and e-mails re: filing same.
5/31/2006	1.0	Provide comments on PI brief.
6/7/2006	1.0	Conference call re: next steps; emails re: same.
6/12/2006	1.5	Review court scheduling order; confs. & emails re: same.
6/14/2006	0.4	TC's c. Siegel re: hearing prep.
6/22/2006	0.5	Review opp. briefs.
6/23/2006	1.7	Review opp. papers
6/23/2006	1.0	T. Conf. re: opp. papers and
6/26/2006	0.3	Emails re: reply brief.
6/27/2006	2.0	T. Conf. re: reply brief; review case law re: same.
6/28/2006	2.1	Conf. calls w/witnesses; prepare for reply declarations.
6/30/2006	0.1	TC w/client
7/5/2006	4.7	Editing reply brief and circulate email re: same.
7/6/2006	1.0	Edited opp. to motion to dismiss
7/7/2006	1.8	Conference call re: status conference; conferences re: same.
7/9/2006	4.0	Work on motion to dismiss opposition; editing emails re: same.
7/10/2006	0.7	TCs re: same; conferences re: status conference, emails re: same.
7/10/2006	7.8	More work on motion to dismiss
7/11/2006	0.8	Conferences re: moving forward with trial; strategy sessions
7/11/2006	3.8	Editing opposition papers.
7/12/2006	5.8	Editing opp. papers
7/12/2006	1.9	Conferences re: hearing preparation and TCs re: same.
7/13/2006	4.8	Conferences re: hearing preparation; review hearing transcript
7/14/2006	1.8	Conferences and TCs re: hearing preparation.
7/17/2006	0.6	Confs. re: hearing prep.
7/17/2006	0.6	Review draft affs. re: same.
7/18/2006	0.5	Emails re: hearing issues
7/18/2006	0.9	Review exhibits and bases for admission.
7/18/2006	2.0	Participate in witness prep. calls
7/19/2006	3.6	Preparing for hearing; conferences and emails re:same.
7/20/2006	3.7	Participate in strategy and witness preparation sessions
7/20/2006	1.7	Commenting on cross-examination outlines.

Eric Tirschwell

**Adjusted and Reduced Hours  
League of Women Voters of Florida v. Browning**

DATE	HOURS	DESCRIPTION
7/21/2006	0.8	TCs and emails re: same.
7/21/2006	2.9	Participate in witness preparation sessions and strategy sessions
7/23/2006	1.9	Respond to motion to strike declarations; conferences re: same.
7/23/2006	3.8	Review and edit cross-examination outlines; telephone conferences re: same
7/24/2006	0.9	Conferences re: hearing, strategy, etc.
7/24/2006	2.3	Participate in witness preparation
7/25/2006	3.6	TCs re: hearing issues; review hearing transcript.
7/27/2006	0.7	Conference with CS and EW recapping hearing; conference JST re: same.
7/28/2006	0.5	Conferences re: hearing issues.
7/31/2006	1.1	Conferences re: hearing issues, evidence questions and strategy.
8/1/2006	2.0	Revise final brief
8/1/2006	0.4	TCs re: final hearing preparation.
8/2/2006	3.9	Finalizing brief
8/2/2006	1.0	Conferences re: hearing preparation
8/3/2006	0.5	Conference re: hearing issues; conference re: hearing re-cap
8/3/2006	1.4	Work on proposed findings
8/4/2006	2.9	Conferences re: findings and exhibits.
8/7/2006	6.4	Work on findings; TCs and conferences re: same.
8/28/2006	0.5	Review court decision
9/8/2006	0.2	Conference re: going forward.
10/30/2006	0.4	Review appeal brief.
11/7/2006	0.2	Appeal issue e-mails.
11/8/2006	0.5	Review appellant's brief.
11/10/2006	0.6	TC re: appeal issues.
11/15/2006	0.4	E-mails re: appeal brief.
11/20/2006	0.9	Conferences and review fact statement.
12/1/2006	0.4	E-mails re: brief.
12/2/2006	2.9	Edit draft brief.
12/4/2006	3.8	Review and edit brief.
7/25/2007	0.8	Review appeal breif.
<b>TOTAL =</b>	<b>162.1</b>	