

may not be constitutionally committed under the definition of AS 47.30.915(7)(B) unless it is construed to mean the person is "incapable of surviving safely in freedom," and (2) that the petition for involuntary administration of psychotropic medication was improperly granted for failure to comply with the requirement of a Visitor's Report. The other appeal points were rejected on the basis that they had not been raised below by trial counsel and did not satisfy the plain error standard or, with respect to the claim of ineffective assistance of such counsel, that direct appeal was not the proper route to raise the issue.

A. Ms. Wetherhorn is a Public Interest Litigant Here

In *Halloran v. Alaska Div. of Elections*, 115 P.3d 547, n.29 (Alaska 2005), citing to *Matanuska Elec. Ass'n v. Rewire the Bd.*, 36 P.3d 685, 696, 698 (Alaska 2001), this Court reiterated that,

A party is a public interest litigant "if (1) the case was designed to effectuate strong public policies; (2) numerous people would benefit if the litigant succeeded; (3) only a private party could be expected to bring the suit; and (4) the litigant lacked sufficient economic incentive to bring suit."

1. This Case Was Designed to Effectuate Strong Public Policies.

The mission of the Law Project for Psychiatric Rights (PsychRights), counsel for Ms. Wetherhorn in this case, is "to bring fairness and reason into the administration of legal aspects of the mental health system, particularly unwarranted court ordered psychiatric drugging and electroshock"² and its purpose is "to promote and implement a strategic legal campaign in support of psychiatric rights and against unwarranted court

ordered psychiatric medication akin to what Thurgood Marshall and the NAACP mounted in the 40's and 50's on behalf of African American civil rights."³ A description of this strategic plan nationally is set forth in a paper, titled *How the Legal System Can Help Create a Recovery Culture in Mental Health Systems*, presented at Alternatives 2005: Leading the Transformation to Recovery, Phoenix, Arizona, October 28, 2005, available on the Internet at <http://psychrights.org/Education/Alternatives05/RoleofLitigation.pdf>, and a description of efforts focused on Alaska, titled *Report on Multi-Faceted Grass-Roots Efforts To Bring About Meaningful Change To Alaska's Mental Health Program*, is available on the Internet at <http://psychrights.org/Articles/AKEffortsRevSep06.pdf>.

These papers describe an involuntary commitment and forced psychiatric drugging legal system which, for various reasons, pervasively violates people's statutory and constitutional rights as a matter of course and then describes an approach to correct this situation, including strategic litigation.

In furtherance of this mission and purpose, PsychRights undertook to represent Ms. Wetherhorn. The two key issues which were sought to be addressed in this appeal were (1) that people have the right to effective assistance of counsel and the applicable standards for such representation, and (2) that the definition of "gravely disabled" for

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² See, <http://psychrights.org/index.htm>, accessed January 21, 2007.

³ *Id.*

purposes of allowing involuntary commitment under AS 47.30.915(B) was unconstitutional for failure to require a constitutionally sufficient degree of severity.

Ms. Wetherhorn prevailed on the second key issue, but the Court demurred on the first one, holding that a direct appeal was not the proper vehicle for raising the issue. Ms. Wetherhorn also prevailed in obtaining reversal of the forced drugging petition because no Visitor's Report was prepared and presented as required in AS 47.30.839(d). Ms. Wetherhorn did not prevail on the other issues under the plain error standard, which was applicable because her trial attorney made no objections to any of the defects in the proceedings.

2. Numerous People Will Benefit

There can be little doubt that numerous people will benefit from this Court's decision if it is implemented in practice.⁴ In a November 6, 2005, Anchorage Daily News article, "Lawyer says patients don't get fair hearings," Ron Adler, the CEO of API was quoted as saying there were almost 1,300 involuntary admissions in fiscal year 2005.⁵ There is no doubt many people who would have otherwise been unconstitutionally committed under AS 47.30.915(7)(B)'s "substantial deterioration of the person's previous ability to function independently" formulation, but who don't meet the

⁴ At numerous points in this application, a qualifier is added regarding this Court's ruling being implemented in practice because unless the pervasive problem of ineffective assistance of counsel is redressed, the rights enunciated by this Court in this case will be dishonored as a matter of course in the same matter that the other rights of psychiatric respondents under AS 47.30 have been.

"incapable of surviving safely in freedom" constitutional requirement adopted by the Court will benefit if this Court's decision is implemented in practice.

Similarly, if this Court's holding is implemented in practice, many people will benefit from this Court's holding that the Visitor's Report requirement must be adhered to. This benefit will accrue not just by the submission of the report, but by the implication that the trial court must take seriously the competency determination and any previously expressed preference.

3. Only A Private Party Could be Expected to Bring the Suit

The current statute respecting involuntary commitment for being gravely disabled was enacted in 1984 and the current statute respecting the administration of psychotropic medication was enacted in 1992, yet in all the time and thousands of adverse trial court determinations since then, the Alaska Public Defender Agency has never filed any appeal of any involuntary commitment or involuntary medication order. Thus, even though one would hope the Public Defender Agency could be expected to bring such an appeal, that is clearly not the case.

4. Ms. Wetherhorn Lacked Sufficient Economic Incentive to Bring the Suit

Ms. Wetherhorn had no economic incentive to bring this appeal. No economic recovery was ever possible and, moreover, it was only because the Law Project for

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⁵ A copy of this article is available on the Internet at <http://psychrights.org/States/Alaska/CaseFour/ADN11-6-05onWetherhornvAPI.html>

Psychiatric Rights, through the undersigned, was available to undertake it *pro bono* *publico* that this appeal was brought.

There seems little or no doubt this is public interest litigation.

B. Full Reasonable Attorney's Fees as Prevailing Public Interest Litigant Under AS 09.60.010 and Appellate Rule 508(e)

1. AS 09.60.010 Mandates Full Reasonable Attorney's Fees

AS 09.60.010(c) and (d) added by §2, Ch 86 SLA 2003, provide in pertinent part:

(c) In a civil action or appeal concerning the establishment, protection, or enforcement of a right under the United States Constitution or the Constitution of the State of Alaska, the court

(1) shall award, subject to (d) and (e) of this section, full reasonable attorney fees and costs to a claimant, who, as plaintiff, counterclaimant, cross claimant, or third-party plaintiff in the action or on appeal, has prevailed in asserting the right; . . .

(d) In calculating an award of attorney fees and costs under (c)(1) of this section,

(1) the court shall include in the award only that portion of the services of claimant's attorney fees and associated costs that were devoted to claims concerning rights under the United States Constitution or the Constitution of the State of Alaska upon which the claimant ultimately prevailed; and

(2) the court shall make an award only if the claimant did not have sufficient economic incentive to bring the suit, regardless of the constitutional claims involved.

In *Simpson v. Murkowski*, 129 P.3d 435, 448 (Alaska 2006), this court noted that

Ch 86 SLA 2003 was enacted,

expressly abrogating the special status given to public interest litigants with respect to the award of attorney's fees and costs under this court's precedents and limiting the circumstances in which public interest litigants would be considered exempt from paying attorney's fees.

and at n. 62, stated that since Simpson did not challenge the validity of this abrogation, our interpretation of the statute should not be viewed as a reflection of how we might rule if a challenge to the statute were properly before us.

Ms. Wetherhorn clearly qualifies for full, reasonable attorney's fees under AS 09.60.010(c) because she successfully challenged the constitutionality of AS 47.30.915(7)(B). However, under AS 09.60.010(d) fees are to be awarded only for that portion of the attorney fees and associated costs that were devoted to constitutional claims upon which she ultimately prevailed. However, in *Danserau v. Ulmer*, 955 P.2d 916, 920 (Alaska 1998), this Court held that "attorney's fees for prevailing public interest litigants . . . may be apportioned only in exceptional circumstances." Since this is different than the standard under AS 09.60.010(d), the validity of AS 09.60.010(b)-(e) is squarely presented.

It also seems simple. Ch 86 SLA 2003 did not garner the two-thirds vote of the members elected to each house required under Art. 4, § 15 of the Alaska Constitution to change court rules and is therefore invalid. *See*, Exhibit A.

2. Full Reasonable Fees Should Also Be Awarded Under Appellate Rule 508(e)

Appellate Rule 508(e) states, "Attorney's fees may be allowed in an amount to be determined by the court." In *Thomas v. Bailey*, 611 P.2d 536, 539 (Alaska 1980), this court held with respect to the very similarly worded Rule 29(d) of the Alaska Rules of Appellate Procedure that it is appropriate to award full reasonable attorney's fees to successful public interest litigants and the same considerations are applicable as at the

trial level (i.e., Civil Rule 82). This was based on this Court's holding that litigation in behalf of the public interest should be encouraged.⁶

In setting compensation in public interest cases, this Court agreed generally with the proposition that courts should consider the benefit inuring to the public and the personal hardships that bringing this kind of litigation causes plaintiffs and their lawyers.⁷

The starting point is a reasonable rate per hour determined with consideration of the following factors:

- (1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal services properly.
- (2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer.
- (3) The fee customarily charged in the locality for similar legal services.
- (4) The amount involved and the results obtained.
- (5) The time limitation imposed by the client or by the circumstances.
- (6) The nature and length of the professional relationship with the client.
- (7) The experience, reputation, and ability of the lawyer or lawyers performing the services.
- (8) Whether the fee is fixed or contingent.⁸

At note 16, this Court cited with apparent approval the following factors a commentator suggested should be utilized in determining the amount of attorney's fees to be awarded in public interest litigation:

[T]he nature of the litigation; the novelty and difficulty of the questions involved; the skill required in the case; the skill and resourcefulness of the opposing counsel; the amount of time the attorney spent on the case; the attorney's age, skill and learning; his experience in the particular subject matter area; his standing in the legal community; the loss of employment

⁶ *Id* at 541.

⁷ *Id*.

⁸ *Id* at 541-2.

for the attorney while working on the case; and the customary charges of the Bar for similar services.

For the *Thomas* case, this Court found the relevant factors to be

1. The time and labor required,
2. the novelty and difficulty of the questions involved,
3. the skill required,
4. the fee customarily charged in the locality for similar legal services,
5. the result obtained, and
6. the experience, reputation and ability of the lawyers performing the service.⁹

Finally, this Court held that while it did not believe a multiplier was appropriate in that case, it could conceive of such situations and a multiplier of 2 would seem clearly reasonable where the odds of prevailing were even.¹⁰

3. Full Reasonable Fees

The same factors this Court found relevant in *Thomas* seem relevant here and will be discussed.

(a) Time and Labor Required and Local Rate.

It seems clear the beginning (and maybe ending) point in determining full reasonable fees is the amount of time expended times the appropriate rate. Attached hereto as Exhibit B, is counsel's invoice for time spent on this appeal at his regular hourly rate of \$225. This Court granted Ms. Myers full reasonable attorney's fees as a public interest litigant in connection with *Myers v. Alaska Psychiatric Institute*, 138 P.3d 238 (Alaska 2006) at this rate.

⁹ *Id* at 542.

¹⁰ *Id* at 542.

(b) Skill, Novelty and Difficulty of the Questions Involved.

The questions involved were novel in the sense that they had never been raised before in Alaska, but it would not appear the skill and difficulty were more than would be expected in typical appellate advocacy.

(c) The Experience, Reputation And Ability Of Counsel

Since the last half of 2002, counsel has devoted himself to becoming very knowledgeable about the issues presented in this case and related issues. It seems doubtful there is anyone as knowledgeable in the Alaska bar, perhaps even remotely. After this display of *hubris* counsel will leave it to this Court to evaluate his reputation and ability.

(d) The Result Obtained

Ms. Wetherhorn obtained (1) a substantial restriction on the State's ability to involuntarily commit someone and (2) a ruling that AS 47.30.839(d)'s requirement of a Visitor's Report must be complied with. If the Opinion is effectuated in practice, many Alaskans in the future (a) will not have the "massive curtailment of liberty" represented by involuntary commitment unconstitutionally imposed, and (b) will have their fundamental right to be free from unwanted mind-altering and physically harmful drugs honored.

(e) Should More Than the Time and Labor Required Times the Fee Customarily Charged in the Locality for Similar Legal Services Be Awarded Here?

As set forth above, *Thomas*, at 542, held that "a multiplier of two would seem clearly reasonable in a case whose odds [of prevailing] might be computed as even." This provision might come into play here and justify a multiplier of 2. However, Ms. Wetherhorn suggests there are other considerations inherent in Alaska's involuntary commitment and medication regime this Court might consider in deciding whether a multiplier is justified.

As set forth above, "this court has held that litigation in behalf of the public interest should be encouraged."¹¹ Here, the Law Project for Psychiatric Rights has filled the vacuum created by the Public Defender Agency's abject failure over many years to effectively represent its clients' interests by challenging an unconstitutional involuntary medication regime. As mentioned *supra.*, the Public Defender Agency has never filed a single appeal to any of the thousands of involuntary commitment or forced drugging orders issued by the Superior Court since Statehood. Just this fact alone, because it means that prior to the entry of the Law Project for Psychiatric Rights there has been absolutely no appellate supervision of the Superior Court's decision-making in this area, makes it inconceivable that people's rights are being honored.

¹¹ *Thomas* at 541.

Unfortunately, the situation is not unique to Alaska as aptly described by noted scholar Professor Michael Perlin¹² in "And My Best Friend, My Doctor/Won't Even Say What It Is I've Got: The Role and Significance of Counsel in Right to Refuse Treatment Cases," 42 San Diego Law Review 735 (2005). as follows:

The assumption that individuals facing involuntary civil commitment are globally represented by adequate counsel is an assumption of a fact not in evidence. The data suggests that, in many jurisdictions, such counsel is woefully inadequate—disinterested, uninformed, roleless, and often hostile. A model of "paternalism/best interests" is substituted for a traditional legal advocacy position, and this substitution is rarely questioned. (at 738, footnotes omitted)

* * *

The track record of lawyers representing persons with mental disabilities has ranged from indifferent to wretched; in one famous survey, lawyers were so bad that a patient had a better chance of being released at a commitment hearing if he appeared pro se. (at 743, footnote omitted)

* * *

A right without a remedy is no right at all; worse, a right without a remedy is meretricious and pretextual—it gives the illusion of a right without any legitimate expectation that the right will be honored. . . . "Empirical surveys consistently demonstrate that the quality of counsel remains the single most important factor in the disposition of involuntary civil commitment cases." (at 745-6, footnotes omitted)

* * *

Without such [adequate] counsel, it is likely that there will be no meaningful counterbalance to the hospital's "script," and the patient's articulated constitutional rights will evaporate. (at 749)¹³

¹² See, *Martin v. Taft*, 222 F.Supp.2d 940, 965 (S.D. Ohio 2002), where the court referred to Prof. Perlin as such.

¹³ In a companion article, Professor Grant Morris, writes:
Footnote continued on next page.

This results in the situation where,

[C]ourts accept . . . testimonial dishonesty . . . specifically where witnesses, especially expert witnesses, show a "high propensity to purposely distort their testimony in order to achieve desired ends." . . .

Experts frequently . . . and openly subvert statutory and case law criteria that impose rigorous behavioral standards as predicates for commitment . . .

This combination . . . helps define a system in which (1) dishonest testimony is often regularly (and unthinkingly) accepted; (2) statutory and case law standards are frequently subverted; and (3) insurmountable barriers are raised to insure that the allegedly "therapeutically correct" social end is met . . . In short, the mental disability law system often deprives individuals of liberty disingenuously and upon bases that have no relationship to case law or to statutes.¹⁴

This Court declined to consider the ineffective assistance of counsel claim on direct appeal because of the lack of a developed record as to why the assigned public defender did virtually nothing on Ms. Wetherhorn's behalf. In doing so, it appears this Court was unpersuaded that the facts as already adduced demonstrated a systemic and pervasive failure of AS 47.30 respondents to receive adequate representation. As required by this Court, the issue will be pursued in another manner.

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Lawyers who represent mentally disabled clients in civil commitment cases and in right to refuse treatment cases, Michael [Perlin] tells us, are guilty of several crimes. They are inadequate. They are inept. They are ineffective. They are invisible. They are incompetent. And worst of all, they are indifferent. Is Michael right in his accusations? You bet he is!

Morris, Pursuing Justice for the Mentally Disabled, 42 San Diego Law Review, 757, 758 (2005)

¹⁴ Perlin, "The ADA and Persons with Mental Disabilities: Can Sanist Attitudes Be Undone?" *Journal of Law and Health*, 8 JLHEALTH 15, 33-34 (1993/1994) (emphasis added).

However, it is respectfully suggested that in the overall scheme of things there would be significant benefit in awarding a multiplier as a means to encourage and even enable further legal development through PsychRights' strategic litigation efforts.

Thus the Court might consider whether a multiplier might be appropriate here based upon,

(1) the contingency factor discussed in *Thomas*,

and/or

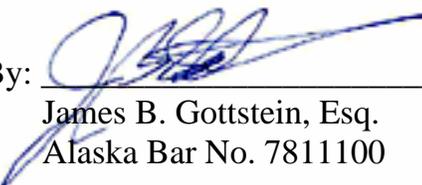
(2) its potential objective in encouraging the public interest work of PsychRights in this area of the law.

C. Conclusion

For the foregoing reasons Ms. Wetherhorn requests this Court grant her Motion for Full Reasonable Fees in an amount the Court deems just, proper and appropriate under the circumstances.

Dated this 22nd day of January, 2007, at Anchorage, Alaska.

LAW PROJECT FOR PSYCHIATRIC RIGHTS

By: 
James B. Gottstein, Esq.
Alaska Bar No. 7811100

Full Journal

05-21-2003

Senate Journal

1689

HB 145

Senator Seekins requested that the reconsideration on CS FOR HOUSE BILL NO. 145(FIN) (efd fld S) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR HOUSE BILL NO. 145(FIN) "An Act prohibiting discrimination in the awarding of attorney fees and costs in civil actions or appeals to or against, or in the posting of bonds or other security by, public interest litigants; and relating to awards of attorney fees and costs in cases involving enforcement of constitutional rights; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSHB 145(FIN)

Third Reading - On Reconsideration

YEAS: 12 NAYS: 8 EXCUSED: 0 ABSENT: 0

Yeas: Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Nays: Davis, Ellis, Elton, French, Guess, Hoffman, Lincoln, Olson

and so, CS FOR HOUSE BILL NO. 145(FIN) passed the Senate on reconsideration.

05-21-2003

Senate Journal

1690

Senator Ben Stevens moved for the adoption of the effective date clauses.

The question being: "Shall the effective date clauses be adopted?" The roll was taken with the following result:

CSHB 145(FIN)

Effective Date Clauses

YEAS: 12 NAYS: 8 EXCUSED: 0 ABSENT: 0

Yeas: Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Nays: Davis, Ellis, Elton, French, Guess, Hoffman, Lincoln, Olson

and so the effective date clauses failed to be adopted and CS FOR HOUSE BILL NO. 145(FIN) (efd fld S) "An Act prohibiting discrimination in the awarding of attorney fees and costs in civil actions or appeals to or against, or in the posting of bonds or other security by, public interest litigants; and relating to awards of attorney fees and costs in cases involving enforcement of constitutional rights" was referred to the Secretary for engrossment.

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DATE	INVOICE #
1/21/2007	3153

BILL TO
Law Project for Psychiatric Rights, Inc. 406 G Street, Suite 206 Anchorage, Alaska 99501

			TERMS
DATE	WORK PERFORMED	HOURS	AMOUNT
5/12/2005	Work on appeal papers, conference with R. Wetherhorn (2.42)	2.42	544.50
5/14/2005	Finalize appeal documents (.83)	0.83	186.75
5/15/2005	Revise (augment) motion to appeal at public expense (.88)	0.88	198.00
6/1/2005	Conference with M. Turner, e-mails from/to M. Turner (.2), call from D. Gallipeo, call with R. Wetherhorn, prepare motion re: Caption, instructions to M. Turner (to 1.37), finalize & file (.2)	1.57	353.25
6/3/2005	Call from D. Booth, glance at transcript (.5), pick up records, glance through (.3), instructions to M. Turner, finalize, file and deliver courtesy copy (to 1.92)	1.92	432.00
6/11/2005	Review transcript and develop strategy (.3)	0.3	67.50
7/2/2005	E-mail to M. Hotchkin (.1)	0.1	22.50
7/5/2005	E-mail from/to M. Hotchkin (.1), prepare transcript transmittal (to .28)	0.28	63.00
7/11/2005	Conference with M. Turner, prepare App. Rule 221 Notice (.53)	0.53	119.25
7/22/2005	Motion to Amend points on appeal, work on Brief (1.62)	1.62	364.50
7/25/2005	Work on Brief (.67), including review record @ court house (1.65), continue working on brief (4.57)	4.57	1,028.25
7/26/2005	Work on Brief (.03) (to 1.67)	1.67	375.75
8/5/2005	Work on brief (3.53)	3.53	794.25
8/6/2005	Work on Brief (.3)	0.3	67.50
8/10/2005	Work on Brief (.2)	0.2	45.00
8/11/2005	Work on brief (.65)	0.65	146.25
8/12/2005	Work on Brief (2.37)	2.37	533.25
8/22/2005	Work on Brief (1.12)(to 3.48)(to 3.90)	3.9	877.50
8/23/2005	Work on Brief (1.25) (to 3.38)	3.38	760.50
		Total	

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DATE	WORK PERFORMED	HOURS	AMOUNT
8/27/2005	Work on Brief (2.83)	2.83	636.75
8/28/2005	Work on Brief (3.75)(to 8.55)	8.55	1,923.75
8/29/2005	Work on Brief (.68)(to 1.30)(to 4.95)	4.95	1,113.75
8/30/2005	Work on Brief (1.50)	1.5	337.50
8/31/2005	Work on Brief (1.24)(to 2.05)	2.05	461.25
9/1/2005	Work on Brief (.8)(to 2.15)	2.15	483.75
9/2/2005	Work on Brief (.98)	0.98	220.50
9/3/2005	Work on Brief (7.10)	7.1	1,597.50
9/4/2005	Work on Brief (9.47)(to 13.13)	13.13	2,954.25
9/6/2005	Work on Brief(.28) (to 1.23)	1.23	276.75
9/7/2005	Work on Brief (2.8) (to 4.03)	4.03	906.75
9/8/2005	Work on Brief (2.52)(to 4.35) (to 5.52)	5.52	1,242.00
9/9/2005	Work on Brief (2.02)(to 5.33)(to 6.35)	6.35	1,428.75
9/11/2005	Work on brief (.15)	0.15	33.75
9/12/2005	Work on Brief (.32)(to 1.57)(to 2.37)	2.37	533.25
9/13/2005	Work on Brief (.6)(to 3.78)	3.78	850.50
9/14/2005	Work on Brief, call to R. Wetherhorn (2.67)(to 3.23)	3.23	726.75
9/26/2005	Work on Brief	0.1	22.50
10/4/2005	Work on Brief (.58)	0.58	130.50
10/5/2005	Work on Brief (1.55)	1.55	348.75
10/11/2005	Work on Brief (4.27) (to 7.95)	7.95	1,788.75
10/12/2005	Work on & finalize brief, instructions to M. Turner(2.68)	2.68	603.00
10/21/2005	Review Order, revise brief (.87)	0.87	195.75
12/6/2005	Call from L. Brodka (.15), call to R. Wetherhon (.2)	0.35	78.75
12/7/2005	Review Motion for non-routine extension (.1)	0.1	22.50
		Total	

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			TERMS
DATE	WORK PERFORMED	HOURS	AMOUNT
2/1/2006	Review Opp Brief, work on Reply (1.35)(to 4.03)	4.03	906.75
2/2/2006	Work on Reply Brief (.85)(to 1.65), call to R. Wetherhorn (to 5.13) (to 7.92)	7.92	1,782.00
2/3/2006	Work on Reply Brief (.28)	0.28	63.00
2/28/2006	Work on Reply Brief (2.99)(to 7.33)	7.33	1,649.25
3/1/2006	work on brief	2	450.00
3/5/2006	Work on Extension Motion (.6)	0.6	135.00
3/6/2006	Finalize Extension Motion Package (.25) File Extensions Motion Pkg (.2)	0.45	101.25
3/18/2006	Work on Reply Brief (2.83)(3.28)	3.28	738.00
3/19/2006	Work on Reply Brief (2.60)(to 4.73)(to 8.18)	8.18	1,840.50
3/20/2006	Work on Reply Brief (2.65)(to 4.90)	4.9	1,102.50
3/21/2006	Work on Reply Brief (7.12)	7.12	1,602.00
3/23/2006	Work on Reply Brief(2.77)(to 5.12)	5.12	1,152.00
3/24/2006	Work on Reply Brief (2.82)(to 5.27)	5.27	1,185.75
3/25/2006	Work on Reply Brief (2.55)	2.55	573.75
3/27/2006	Work on Reply Brief (2.60)	2.6	585.00
3/28/2006	Finalize & File Reply Brief (.78)	0.78	175.50
		Total	\$39,939.75