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Travis County
D-1-GN-11-003130

CAUSE NO. D-1-GN-11-003130

THE TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, et al; CALHOUN COUNTY ISD, et al; EDGEWOOD ISD, et al; FORT BEND ISD, et al.,	§	IN THE DISTRICT COURT
Plaintiffs,	§	
JOYCE COLEMAN, et al.,	§	
Intervenors,	§	
vs.	§	TRAVIS COUNTY, TEXAS
MICHAEL WILLIAMS, COMMISSIONER OF EDUCATION, IN HIS OFFICIAL CAPACITY; SUSAN COMBS, TEXAS COMPTROLLER OF PUBLIC ACCOUNTS, IN HER OFFICIAL CAPACITY; TEXAS STATE BOARD OF EDUCATION,	§	
Defendants.	§	200th JUDICIAL DISTRICT

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EDGEWOOD I.S.D. PLAINTIFFS' AMENDED NOTICE OF FILING

Pursuant to the agreement of the parties and authorization by the Court, the Plaintiffs Edgewood I.S.D., *et. al.* ("Edgewood ISD Plaintiffs"), hereby give notice of the filing of the attached Affidavit of Roger Rice, as proof of their claim for attorney's fees in the above styled matter.

Plaintiffs Edgewood I.S.D., *et. al.* respectfully request that they be awarded their reasonable attorney's fees as set forth in the attached Affidavit.

DATED: February 28, 2014 Respectfully Submitted,

Mexican American Legal Defense and Educational Fund, Inc.

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By: /s/ David G. Hinojosa
David G. Hinojosa

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**Admitted Pro Hac Vice*

Attorneys for Edgewood ISD, *et al.*, Yolanda Canales, Arturo Robles, Araceli Vasquez, and Jessica Romero, Plaintiffs

Unofficial copy Travis Co. District Clerk Velva L. Price

CERTIFICATE OF SERVICE

By my signature below, I certify that on February 28, 2013, I served the foregoing document via electronic mail to all the other parties listed below:

GREG ABBOTT
Attorney General of Texas
DANIEL T. HODGE
First Assistant Attorney General
DAVID C. MATTAX
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Attorneys for Texas Charter Schools Association, et al.

s/David G. Hinojosa
David G. Hinojosa

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CAUSE NO. D-1-GN-11-03130

TEXAS PAYER & STUDENT FAIRNESS COALTION, *et al.*,	§	IN THE DISTRICT COURT
Plaintiffs,	§	
EDGEWOOD INDEPENDENT SCHOOL DISTRICT, *et al.*, (consolidated)	§	
Plaintiffs,	§	TRAVIS COUNTY, TEXAS
v.	§	
MICHAEL WILLIAMS, in his Official Capacity as the COMMISSIONER OF EDUCATION, *et al.*,	§	
Defendants.	§	250TH JUDICIAL DISTRICT

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SUPPLEMENTAL AFFIDAVIT OF ROGER L. RICE

NOW COMES Roger L. Rice, co-counsel for Edgewood Plaintiffs in the above entitled matter and hereby swears and affirms the following:

1. I am co-counsel with the attorneys of record from MALDEF on behalf of the Edgewood Plaintiffs in the above referenced matter. On March 5, 2013 we filed my original Affidavit ("March 5 Affidavit") together with the Affidavit of David G. Hinojosa and our Notice of Filing. Edgewood Plaintiffs filed an Amended Affidavit of David G. Hinojosa on March 12, 2013.

2. The March 5 Affidavit (attached as Exhibit B to this affidavit) included a detailed spreadsheet showing the work performed on this case by myself and Attorney Miguel Perez Vargas up to February 23, 2013. It also included a detailed description of my educational background and legal experience in school finance litigation going back to the original *Edgewood v. Kirby* case in the 1980s and why the work performed was necessary to the outcome of the case and

the award sought was "reasonable and just".[1] See Exs. B, C. I will not repeat the entirety of the March 5 Affidavit but would rely upon it as incorporated herein.

3. On February 4, 2013 the Court issued its ruling in this matter. In part the Court ruled that the Edgewood Plaintiffs had prevailed in their claim that the current school finance system is financially and quantitatively inefficient and constitutionally unsuitable for the provision of a general diffusion of knowledge for economically disadvantaged (ED) and English Language Learner (ELL) students under Article VII, §1 of the Texas Constitution and that low property wealth districts no longer had meaningful discretion in setting their tax rates and hence faced a statewide ad valorem tax.

4. As set out in my original affidavit, META Inc. was co-counsel on all aspects of the case and played a lead role in those aspects that concerned bilingual education and the education of limited English proficient students. Subsequent to the filing of our original Affidavit our office continued in several roles.

5. First, I continued to consult with lead counsel David Hinojosa on all aspects of the case and continued to review and comment on all filings by the Edgewood Plaintiffs and other parties. During the period initially following the Court's ruling, I reviewed all transcripts and other trial documents in preparation for the filing of draft Findings of Fact and Conclusions of Law, particularly those pertaining to ELL and ED students. Second, I reviewed and commented on Defendants' opposition to the plaintiffs' fee petitions and the plaintiffs' response thereto.. Third, I consulted with co-counsel and reviewed all pleadings and strategies concerning the motion to reopen the evidence in the case following the end of the legislative session, including analyzing the results of that session and whether they impacted the Court's February 4 Ruling. This became a complex discussion with Defendants arguing that this matter became moot with the passage of certain legislation, requiring the examination of new legislation both on its face and also as to how it had or would impact the Edgewood districts. Fourth, after the Court decided to allow a hearing on the impact of the new legislation, our focus turned to assisting co-counsel in preparation for the hearing. Fifth, I represented

[1] An additional affidavit was filed on March 28 as Exhibit 3 to ISD Plaintiffs' Joint Reply to Defendants' Second Amended Response to Plaintiffs' and Intervenors' Request for Attorneys Fees and Objections To Defendants" Request for Attorneys" Fees. That affidavit, attached hereto as Exhibit C, clarified several timesheet entries to which the Defendants had objected.

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Edgewood Plaintiffs at the deposition of Daniel Casey, which required the review of not only Mr. Casey's various expert reports but also those of Mr. Lynn Moak and other expert and lay witnesses whose testimony might reasonably relate to the Casey deposition. Sixth, I once again took the lead in writing and editing numerous Findings of Fact pertaining to ELL students, and also drafted a number of findings relating to ED students. including updating earlier findings on STAAR test performance and other measures of school success, measures of funding for bilingual, ESL and compensatory education programs, staffing measures and similar data. Finally, we consulted with co-counsel on the expert testimony of Dr. Zamora and the testimony of Edgewood Plaintiff districts regarding their programs for ELL and ED students and the impact thereon of the new legislation.

6. Attached as Exhibit A are my contemporaneous time records in connection with this case from February 24, 2013 to the present. In sum I spent an additional 113.65 hours subsequent and in addition to our March 5 filing. In the 113.65 hours I did not include substantial additional time which I believe would be fully compensable under applicable standards. For example, I conferred with lead co-counsel David Hinojosa by telephone on a weekly basis for the approximately 50 weeks since February 2013, yet I have claimed fewer than 4 hours of these consultations which amounted to more than 20 hours. I also spent considerable time which I do not claim preparing for the depositions or direct examinations of various experts listed by the Intervenors. I reviewed the various proposals propounded by the parties regarding the scheduling order for conducting the hearing on reopening the evidence for which no claim is being made. I also reviewed responses to discovery requests from various parties without claiming those hours. My best estimation is that there are at least an additional 50 hours of compensable work which I have eliminated from the current claim as an exercise of reasonable billing judgment.

7. The March 5 Affidavit sets forth my experience, including fee awards in the *West Orange Cove* case, for which we sought an hourly rate of $420 for my work. I believe it is fair to apply the same hourly rate to the 113.65 hours set forth in the attached chart of supplemental hours post February 23, 2013 or a total of $47,733 for the time covered by this Supplemental Affidavit. In sum, including the time expended and award of $345,605.75 sought for the period through before February 23, 2013, META, Inc. is seeking a total award of $393,338.75 in this matter.

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8. Given the complexity of this matter and its importance, in addition to the reasons set forth in the March 5 Affidavit, I believe the additional award sought is "reasonable and just".

Roger L. Rice

Roger L. Rice

February 28, 2014

MOHAMED SABRI
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
July 17, 2020

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Exhibit

A

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Time Sheet for Roger L. Rice

Texas Tax Payer & Student Fairness Coalition and Edgewood I.S.D. et al v. Williams

2013		
February		
25	review trial transcript for 12/3	1.5
	review list of admitted exhibits	0.25
28	draft META fee affidavit, send to DH	2
	email to DH re: additional exhibit	0.1
	review R. Gray fee affidavit	0.5
March		
4	review trial transcript for 12/4	1.25
5	review defendants' motion to designate fees expert and Calhoun Cty fee affidvt	1
6	review C. Diamond fee affidavit and court ruling on plea to jurisdiction	0.5
7	review trial transcript for 12/6	1.5
10	review draft of ELL and ED adequacy FOF and send edits to M.B	4
11	review question from MB re: evidence on bilingual weights, review evidence and reply to MB	1
12	review MT letter to court with Pls. Final Judgment	2
14	review MB email re: additional cites needed for FOFs, find cites, reply	0.5
15	review Defendants response to Pls Request for Attorney Fees	1
16	review updated Final FOF/COL from M.T.	1
18	review Diamond letter to court re: proposed FOF	0.25
19	review Defendants' Amended Response to Pls. Fees Request	0.5
21	review Defendants' 2nd Amended Reponse to Pls Fees Request	0.5
24	draft reply to Defendants' 2nd Amended Response to Pls Fees Request	1
27	draft RR supplemented fee affidavit	1.5
28	review and comment on Edgewood drafts of inserts into ISD Pls. Joint Reply to Defs. Second Amended Response to Pls. Fees Request	1
April		
19	review trial transcript for 12/11	1.25
June		
18	review and comment on Edgewood Pls reponse to draft motion to reopen	1.5
	review Calhoun Cty motion to reopen with spreadsheets on parties positions	1
	review Ft. Bend response in support of motion to reopen	0.25
19	review Defendants' advisory letter to court re: parties position and Order filed	0.25
July		
11	review FBISD Pls. Sixth Amended Petition	0.5
12	review draft of legislation spreadsheet	0.25
17	review Defendants' advisory to court with attached legislation	1
	review Defendants' 9th attachment to advisory	0.25
29	review TTSF plaintiffs 8th Amended Petition	0.5
Aug		
2	review Dalberg letter to Judge Dietz	0.25
	review CCISD Pls. 2nd amended petition	0.5
	begin review of Court's Working Draft Final Judgment and FOF/COL	1.5
3	continue review of Court's Working Draft Final Judgment and FOF/COL	2.5
7	review 3rd petition draft, send commements to DH	1.5
14	confer w. DH re: updating of bilingual/ESL FOFs and strategy	0.5
22	confer w. DH re: court conference w. judge, redraft FOFs	0.6
23	review Dietz memorandum, compare WOC II findings on ELLs, draft email to DH	1

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26	review plaintiffs preliminary fact witness lists	0.25
27	review new draft of FOFs, draft ELL outline, send to DH	1
28	review DH/MB comments, confer w. DH/MB re: outline	0.25
	plaintiffs' atty call re: outline to present to court	0.5
29	review outline, send comments to DH	0.5
	review order on August 20 proceedings and letter to court from MT	0.5
30	review def response to MT letter, def 2nd set of interrog, further DH	
	proposed revisons to FOF/COL, Edgewood 2nd RFD to defs	0.75
31	draft RR comments to DH re: proposed FOF/COL revisions	0.5
Sept		
2	review DH draft outline	0.1
3	review Pls Second RFD to Defs, Defs objections to Ft. Bend discovery	0.25
4	review MT comments to DH proposed FOF/COL and T&H comments	0.5
5	review defs letter w. response to Ft. Bend discovery	0.1
6	review DH new comments on draft and reply	0.25
	conference w. plaintiffs' attornies to review latest draft of FOF	1
10	review CCISD brief in support of reopening evidence	0.5
	review DH, MB proposed revisions to FOF/COL, comment	0.5
11	review and comment on further proposed FOF/COL suggestions from Edgewood	0.25
12	research on use of data projections, reliability, review Edgewood brief on	
	reopening evidence	1
15	review def designation of fact witnesses	0.1
19	review DH notes for adequacy expert, draft response	0.25
	confer w. DH re: ELL data	0.25
21	review scheduling order submitted by Holly M	0.1
23	review expert Zamora data outline, draft responses to DH	0.5
24	review research on professional development for ELLs	2
27	review plea to jurisdiction filed by Eff Intv	0.5
29	email to DH re: plea to jurisdiction, review response from DH	0.5
30	review Edgewood Resp. to Def. 2d set of Interrogatories and	0.15
	Edgewood Response to Def. RFD final	
	review TTSFC Response to state Def. 2nd set of Interrogatories	
Oct		
1	review ISD Pls. motion to take judicial notice and appendix	0.75
	review charter pls. discovery response	0.1
	review state defs. Response to Edgewood 2nd RFDs w. attachment	0.2
2	review FBISD 4th Am. Response to RFD, FBISD Response to 2nd set of Interogs.	0.2
	review CCISD, FBISD, TTSFC Pls. Response to state def First Req. to Court to	
	Take Judicial Notice	
	review CCISD Pls. 2nd Request for Disclosure, objections and Responses to Defs.	0.1
	2nd set of Interrogatories	
	review TTSFC Response to RFD	0.1
	review Efficiency Intv. 3rd response to request for discovery	0.1
	review Edgewood Joinder to Response to Request for Judicial Notice	0.15
	review Defs. Letter to opposing counsel re: response to RFDs	0.1
3	review CCISD, FBISD, TTSFC Pls. Response to Efficiency Intv. Plea to Jurisdiction	0.2
	review Defs. Joinder of Intv. Pleas to Jursidiction w. exhibits and Defs. Response to	0.2
	ISD Pls. motion to take Judicial Notice	
	review Defs. Response to Edg. Pls 2nd RFD Defs. Response to Tx. Tax Pls. 2nd RFD	0.15
	review Efficiency Intv. Motion to take Judicial Notice and Exhibits	0.15
4	review Charter School Pls response to Plea to Jurisdiction of Efficiency Intv.	0.2
	review Edgewood Pls. response to Intv. Plea to Jurisdiction	0.2

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11	review amended complaints of TTSFC and FBISD plaintiffs	0.25
	review CCISD, charter school plaintiff amended complaints	0.25
13	review expert Adequacy draft	1.5
	confer w. DH re: expert	0.25
14	review latest draft and comments to DH	0.4
	review Texas Taxpayer & Student Fairness Coalition Plaintiffs' First Supplemental	0.1
	Designation of Expert Witnesses	
	review charter pls. expert report documents	0.5
	review Fort Bend ISD Plaintiffs' Second Supplemental Designation of Expert Reports	1
	with Mr. Moak and Mr. Casey's documents attached	
	review CCISD Pls. Third Supplemental Designation of Expert Witnesses	0.25
	review Edgewood Pls filings	1.5
15	review FBISD 3rd Supplemental Designation w. expert Culwell report	0.5
22	review Catherine Clark report and attachments	0.75
Nov		
5	review CCISD 3rd interrogatories to defendants	0.2
6	review Efficiency Intv motion for temporary relief and mandamus	1
7	review amended scheduling order	0.1
	confer w. DH re: experts, depositions, trial strategy	1
11	review Moak back up data	0.5
17	prepare for Casey deposition, review current and past Casey reports	
	and testimony	1.5
	email to DH and review response re: Casey	0.5
18	revise bilingual FOFs	2
19	continue revise bilingual FOFs	1.5
20	continue revise bilingual FOFs	2
27	finish revising bilingual FOFs, send to co-counsel	1.5
Dec		
2	review new Wisnoski charts	1
3	review Defs response to Edgewood discovery, email to DH	0.5
3	review corrected Moak data presentation, compare with prior	1.5
4	defs deposition of Casey	3.7
	email of notes to DH and review DH on Martinez dep	0.75
5	review Merrifield report data, research methodology, writings	2.5
9	draft FOF sections Economically disadvantaged	1.5
10	draft FOF sections Economically disadvantaged	2
11	confer w. DH re: ED FOFs	0.25
12	draft FOF sections on bilingual, confer w. DH on these FOFs	1
16	review draft FOFs, send edits to DH	1
17	conf call with plaintiff attornies re: FOFs	1.5
31	review draft supplemental exhibit lists	0.25
2014		
January		
2	beginreview Pierce supplemental expert reports and data	1.5
3	complete Pierce review	1
6	review defendants amended response to Calhoun Cty ROG	0.25
7	review additional Pierce documents and exhibits	1
8	review master exhibit lists	0.5
14	review response to Motion to Strike, send edits	1
	(add review Def Motion to Strike and read Zamora dep)	2.5
18	review and edit latest FOFs	3
19	continue revise bilingual FOFs	1.5

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20	continue editing of FOFs	1.5
22	review Edgewood agreement w. defendants re: Zamora	0.25
	review updated Casey presentation	1
	review Cavazos, Harlingen, presentation	1
23	begin review of Wisnoski presentation	2
24	complete review of Wisnoski presentation	1
	confer w. DH re: status of trial, exhibits needed	0.75
27	draft RLR fee affidavit	1
	draft MALDEF fee affidavit	1
30	review Def Exhibit 11366 charts, email to DH re: missing data	0.5
February		
4	draft MALDEF supplemental affidavit, send to DH	0.5
	confer w. DH re: LDF testimony, Thursday testimony, rebuttal witnesses	0.5
	Total	**113.65**

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Exhibit

B

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Plaintiffs,	§	
JOYCE COLEMAN, et al.,	§	
Intervenors,	§	
vs.	§	TRAVIS COUNTY, TEXAS
MICHAEL WILLIAMS, COMMISSIONER OF EDUCATION, IN HIS OFFICIAL CAPACITY; SUSAN COMBS, TEXAS COMPTROLLER OF PUBLIC ACCOUNTS, IN HER OFFICIAL CAPACITY; TEXAS STATE BOARD OF EDUCATION,	§	
Defendants.	§	250th JUDICIAL DISTRICT

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Pursuant to the agreement of the parties and authorization by the Court, the Plaintiffs Edgewood I.S.D., *et al.* ("Edgewood ISD Plaintiffs"), hereby give notice of the filing of the attached Affidavit of Roger Rice, as proof of their claim for attorney's fees in the above styled matter.

Plaintiffs Edgewood I.S.D., *et. al.* respectfully request that they be awarded their reasonable attorney's fees as set forth in the attached Affidavit.

DATED: March 5, 2013 Respectfully Submitted,

Mexican American Legal Defense and Educational Fund, Inc.

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David G. Hinojosa

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**Admitted Pro Hac Vice*

Attorneys for Edgewood ISD, *et al.*, Yolanda Canales, Arturo Robles, Araceli Vasquez, and Jessica Romero, Plaintiffs

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CERTIFICATE OF SERVICE

By my signature below, I certify that on March 5, 2013, I served the foregoing document via electronic mail to all the other parties listed below:

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s/David G. Hinojosa
David G. Hinojosa

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CAUSE NO. D-1-GN-11-03130

TEXAS PAYER & STUDENT FAIRNESS COALTION, *et al.*,	§	IN THE DISTRICT COURT
Plaintiffs,	§	
EDGEWOOD INDEPENDENT SCHOOL DISTRICT, *et al.*, (consolidated)	§	TRAVIS COUNTY, TEXAS
Plaintiffs,	§	
v.	§	
MICHAEL WILLIAMS, in his Official Capacity as the COMMISSIONER OF EDUCATION, *et al.*,	§	
Defendants.	§	250TH JUDICIAL DISTRICT

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AFFIDAVIT OF ROGER L. RICE

NOW COMES Roger L. Rice, co-counsel for Edgewood Plaintiffs in the above entitled matter and hereby swears and affirms the following:

1. I graduated from Yale University in 1965 and from the University of Pennsylvania Law School in 1968. I am admitted to practice in Connecticut, Massachusetts and the District of Columbia and am a member of the bar of the 1st, 5th, 8th, 10th and District of Columbia United States Courts of Appeals and the Eastern District of Texas, District of Massachusetts and District of Columbia.

2. I have specialized in educational civil rights litigation since 1970 and particularly in cases regarding the rights of limited English proficient students and low income students to bilingual education. I have also been actively involved in school finance

litigation. I was co-counsel at trial in this court with MALDEF in *Edgewood v. Kirby*, 777 S.W.2d 391 (Tex. 1989)(on appeal) and in *West Orange-Cove v. Neeley*, 176 S.W. 3rd 746 (on appeal) also trial counsel in *U.S. v. Texas Education Agency* (Bilingual) (1979); *Keyes v. Denver School District, No. 1* (1983); and *Castaneda v. Pickard* (1981) in the U.S. District Court for the Southern District of Texas in Brownsville. I participated in *Lau v. Nichols* (1974), the leading case in this area, both at the Court of Appeals and Supreme Court levels and in other language rights and educational equity cases in Massachusetts (Boston, Lynn, Lowell, Worcester, Randolph, Springfield, Holyoke), Rhode Island, California, New York, Texas, New Mexico, Illinois, Pennsylvania, Florida and North Carolina.

3. I have 43 years experience as a practicing civil rights lawyer. Since 1983 I have been Executive Director of Multicultural Education, Training and Advocacy, Inc., a national public interest civil rights legal organization with offices in Massachusetts and California which specializes in the educational rights of immigrant, non-English speaking and other poor and minority schoolchildren to equal educational opportunity. During the past 20 years our office has either brought or been asked to assist and consult on virtually every reported case involving the rights of immigrant schoolchildren. Before that I was staff attorney at the Harvard Center for Law and Education in Cambridge, Massachusetts for 14 years. My legal work at the Center again focused on the educational rights of non-English speaking and minority schoolchildren.

4. My co-counsel in this matter is Attorney Miguel Perez Vargas. Attorney Perez Vargas graduated from Interamerican University of Puerto Rico in 1986 and from the Interamerican University Law School in 1989. He is admitted to practice in the Commonwealth of Puerto Rico, the United States District Court for the District of

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Puerto Rico, the United States District Court for the District of Colorado and is member of the bar of the 1st United States Courts of Appeals. He has also been admitted to practice *pro hac vice* before the following courts: the United States District Court for the District of Alabama, the United States District Court for the District of Massachusetts, the United States District Court for the Southern District of Illinois and the United States Court of Appeals for the 11th Cir.

5. Attorney Perez Vargas has been involved since 1990 as a Staff Attorney, now Senior Staff Attorney at Multicultural Education, Training & Advocacy, Inc.

6. In his 23 years as an attorney he has practiced law in the areas of civil rights, labor and employment law, and has handled cases of police misconduct, employment discrimination and education civil rights particularly regarding the rights of linguistic minority schoolchildren. He is currently co-counsel in a number of education civil rights cases including, in United States District Court for the District of Massachusetts, in Federal District Court for the District of Colorado; in the Federal District Court for the Southern District of Florida and in the U.S. District Court for the District of New Mexico among others.

7. In 2004, this Court awarded attorney fees for my work in *West Orange Cove* based upon an Austin rate at the time of $350 per hour. Based upon our experience since then, I believe that an attorney with similar years of experience in a specialized area of the law would normally command an hourly rate in the range of $ 350-$450 in Austin. I believe that based upon such local rates my hourly rate in this matter should be $420. I also believe that based upon such local rates my co-counsel Miguel Perez Vargas' hourly rate would be $325.

8. This affidavit is made in support of the Edgewood Plaintiffs' motion for an award of costs and attorneys' fees under the Uniform Declaratory Judgment Act ("UDJA"),

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Tex. Civ. Prac. & Rem. Code § 37.009, with respect to Edgewood Plaintiffs' claims for declaratory relief under the UDJA. The summary of hours expended for legal work directly related to this case and attached hereto is based on contemporaneous records maintained by me throughout the course of this litigation. The time represented herein was reasonable and necessary to the successful prosecution of the Edgewood Plaintiffs' UDJA claims. The attached statement of work performed, as I shall endeavor to explain, reflects only a part of the time over this period which was spent on this case. This time amounts to 629.95 hours for Roger Rice and 235.75 for Attorney Miguel Perez Vargas. Our office has also incurred costs of $4,408 for travel connected with this matter as of today. In sum the claim for our office is $341,197.75 in fees ($ 264,579 for Attorney Rice, $ 76,618.75 for Attorney Perez Vargas plus $4,408 in costs for a total of $ 345,605.75. Our detailed time sheets are attached to this affidavit.

9. Although my involvement with the issues in this case began some 27 years ago in the *Edgewood* case, and again in *West Orange Cove* in 2004, our participation as co-counsel in the instant litigation began at the end of October 2011. The current litigation involves issues of the adequacy and suitability of current programs and resources for students as well as the need for equity as between wealthy and poor school districts. The state and the nation have recently embarked on an ambitious effort to dramatically increase the standards of public education in every aspect. Texas, with its new STAAR assessments, aims to ensure that every student achieves at college and career ready world- class standards of education. This has placed unique demands on school districts, and particularly low wealth school districts with poor and limited English proficient students. The resulting legal issues are similarly complex and demanding.

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10. META, Inc. was asked by the attorneys for the Edgewood Plaintiffs, to become co-counsel and to be responsible for all aspects of the case and to play a lead role in those aspects that concerned bilingual education and the education of limited English proficient students. This included, but in no ways has been limited to, preparation of expert witness testimony, working with fact witnesses and consulting experts, review of the adequacy of the current weight for bilingual education in Texas, deposing witnesses for the defendants who may have knowledge of these issues, collecting and analyzing voluminous amounts of data from TEA and local districts that pertains to their populations of limited English proficient students and similar trial preparation work.

11. The work described above, however, could not be easily confined. In preparing our case we were concerned, for example, with issues of the shortage of certified bilingual and ESL teachers, the need for teacher training, pre-school for LEP students, the interpretation of assessment results on the TAKS and STAAR examinations, and the adequacy of funding for programs for LEP and immigrant students and other poor students. This meant that we were compelled to thoroughly understand the testimony of virtually all of the many dozens of expert witnesses called by all parties because in nearly every case the area of expertise could or did intersect with issues of adequate and suitable education for limited English children.

12. Within the context of this complex case our office had several roles. First, I consulted by phone and email on a constant basis about all aspects of the case with lead counsel David Hinojosa including legal and trial strategies. Second, I reviewed and commented upon all filings by the Edgewood Plaintiffs and reviewed all filings by all parties. Third, I shared the role of identifying potential Plaintiff experts including researching their writings and testimony in other cases. Fourth, I was chiefly responsible for preparing the parts of the case concerning English Language

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Learners (ELLs), including but not limited to the performance of ELLs on TAKS, TELPAS and STAAR, and what constitutes an adequate and suitable education program for ELLs. The latter included research on pre-K for ELLs, hiring and training of teachers, the need for materials and technology and support services among other aspects. Fifth, Attorney Perez Vargas and I worked directly to prepare Edgewood Plaintiffs experts on these and other ELL related issues including analysis of ELL funding weights in Texas and nationally. Attorney Perez Vargas was principally charged with reviewing data on the current programs and resources for ELL students in the Edgewood plaintiff school districts. Sixth, I analyzed the data on ELLs presented by the Defendants' ELL witnesses and assisted in preparing deposition and trial examination of those witnesses. Seventh, I reviewed the expert testimony of all witnesses and helped in the examination of those witnesses including but not limited to national school finance experts and experts on teachers and student outcomes. Eighth, I reviewed the deposition and trial testimony of all witnesses in terms of ELL students. Ninth, I researched and prepared for the examination of the Charter Intervenors witnesses. Tenth, Attorney Perez Vargas drafted and I reviewed and edited the preparation of Edgewood's Pleas to the Jurisdiction of the Charter Intervenors claims. Finally, during June the Defendants responded to Edgewood Plaintiffs discovery by submitting in excess of 100,000 pages of documents as well as the links to a great many Texas Education Agency websites. The Defendants also produced many additional documents in response to the discovery requests of the other plaintiffs. I was chiefly responsible for reviewing and analyzing those documents for trial.

13. The 629.95 hours listed here in connection with this work, as mentioned above, reflect only a fraction of the entire time spent in this matter. I have carefully reviewed my records and, for example, as a reasonable billing judgment deleted more

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than 350 additional hours that I believe would be otherwise compensable. For example, in the nature of the work of our small office, Attorney Perez Vargas and I work closely as a team. It is my estimate that during the approximately 40 weeks between March and the end of November 2012, Attorney Perez Vargas and myself conferred daily on this case. While we have listed in the attached hours, a few of these conferences, my best judgment is that there were an additional 100 hours of such conferences over this period for which we have not billed. In addition, I consulted almost daily during this period with co-lead trial attorney David Hinojosa and other co-counsel. Save for conference calls of the entire legal team, most of these conferences are not claimed for. I also deleted all time spent in reviewing and analyzing discovery produced by the Defendants to the Fort Bend, Calhoun County and Coalition plaintiffs and the Charter Intervenors all of which I estimate amounted to another 250 hours during the July-January period.

14. Similarly, Attorney Perez Vargas' time does not include many additional hours spent in this matter. For example, he has, as a reasonable billing judgment excluded more than 100 hours spent in conferences over 40 weeks with Attorney Rice. He has further deleted all time spent in reviewing and analyzing pleadings filed by the Defendants, the Fort Bend, Calhoun County and Coalition plaintiffs and the Charter Intervenors all of which is estimated to amount to another 150 hours during the July-January period. He has also excluded many hours spent in conference and/or email correspondence with individual MALDEF co-counsel and support staff which would amount to an additional 36 hours. He has also not billed the review of close to 500 emails from co-counsel. Finally, Attorney Perez Vargas has billed for only half of his travel time in connection with attending depositions and the trial.

15. In sum given the complexity of and importance of the issues in this matter, I believe that the award sought is "reasonable and just' within the applicable legal standards.

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Roger L. Rice, Esq.

February 27, 2013

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Exhibit 1
Time Sheet for Roger L. Rice
Texas Payer & Student Fairness Coalition, Edgewood ISD et al v. Williams

2011			
November			
	7	review MALDEF school finance info sheet, discuss w. DH	1
December			
	9	review, comment on draft of Plaintiffs' Original Petition	2
	12	review Colorado school finance decision re: ELLs, experts	2
		review and edit draft of final Original Edgewood Petition	1.5
2012			
January			
	3	review letter from San Benito ESL teacher, email to DH re: plaintiff districts	0.5
	17	review policy study on Texas ELL grad from potential expert, comment to DH	0.8
	23	confer w. DH re: strategy	0.75
		review Defendants' Original Answer	0.5
	24	review reports from potential experts filed in Colorado finance case	2
Feb			
	2	review articles on remarks of defendant Scott	0.1
	3	review draft of counsel agreement and email to DH re: experts Baker, Duncombe	0.25
	6	review latest draft of proposed scheduling order	0.1
	8	confer in D.C. w. potential expert DP	1
	10	review West Orange Cove FOF, confer w. DH re: using historical record	0.5
	13	review documents on STAAR from expert DP	1
	14	research TAKS results for LEPs, non-LEPS from TEA website	2
	15	review DH list for fact gathering at client districts, compare with WOC FOFs on bilingual, revise and send	1
		review TAKS results for three years for plaintiff districts	2
		review AEIS reports for three years for plaintiff districts	1.5
	16	review TEA website re: STAAR	2.5
		review proposed scheduling order	0.25
	17	draft email to potential expert A.Cortez re: proof	0.5
		email to MB re: date for STAAR data, review response	0.1
		plainitiffs' attorneys bi-weekly conf. call to review scheduling proposal	0.5
	20	review draft proposed order from MT	0.25
	21	begin review of teacher preparation for LEPs data on TEA website	0.5
	22	confer with expert A. Cortez re: STAAR proof approach	1
		outline LEP proof, expert reports, state data and documents	0.5
	24	review plea in intervention	0.5
	29	review proposed pre-trial agreement	0.2
March			
	3	meeting with Texas school finance litigation expert, Al Kaufman to discuss trial strategy	2
	5	review pretrial draft agreements	0.1
		research Texas federally funded bilingual/ESL teacher dev. Grants	0.5
	8	confer w. DH, re: interviews w. pl districts, experts, strategy	1
		review FAST report for plaintiff districts, send summary to DH	1
	9	research cost of stipends for bilingual teachers	0.25
	16	review research on ELL early childhood and achievement	0.4
		review research study on Educational Trajectory of ELLs in Texas	1
		review latest draft of comment interest agreement	0.2
	19	review draft of Edgewood First Amended Petition	0.3
	20	review Snapshot of district wealth from TEA website and send to DH	0.4
		review vita of potential expert on bilingual	0.1

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26	review latest draft of Edgewood First Amended Petition	0.1
	confer w. DH re: constitutional standard	0.1
29	email to DH re: interrogatory questions, possible experts	0.3
29	confer w. DH	1.2
30	review sample pleas to jurisdiction, discuss w. MPV	1
April		
2	review Defendants Reponse to Requests for Disclosure	0.25
4	review Calhoun County ISD Pl. First RFP	0.25
5	review parties Rule 11 agreement	0.1
6	interview expert Izquierdo	1
	review DH adequacy proof issues	0.5
7	email to DH re: interview with expert Izquierdo	0.2
	review expert reports from West Orange Cove case	1
9	confer w. DH re: expert	0.25
10	review Fort Bend Plaintiffs' First RFP	0.25
11	review drafts of pretrial scheduling agreements, confer w. co-counsel	1
	review letter from charter intervenors sent by court	0.25
	review and comment on draft of Edgewood First Discovery Requests	0.4
12	confer w. DH re: expert Odden, successful schools study, prepare outline for bilingual experts	0.75
13	review further drafts of scheduling agreements	0.75
	review expert Odden article on school finance adequacy	0.75
17	email to DH re: state data to request	0.1
19	communications w. DH re: plea to jurisdiction, special exceptions	0.25
	review and edit draft of motion to strike charter intervenors' plea in intervention	
20	research writings of Mark Hurley, witness for Efficiency Intervenors	1.75
	confer w. DH re: expert LDH conference	0.25
23	review Plaintiffs' RFD to the Efficiency Intervenors	0.25
24	review final Edgewood Plaintiffs First Discovery Request to Defendant	0.5
27	edit draft of Plea to Jurisdiction, confer w. co-counsel MPV	1.5
30	complete draft of Plea and send to DH	1.25
May		
1	review Fort Bend Plaintiffs' Second Request for Production	0.25
2	meeting w. expert Levin and plaintiffs lawyers	0.5
	discussion w. DH re: status of experts	1
	review First Amended Plea in Intervention	0.25
	begin review of potential experts suggested by Dr. Levin	1.25
3	edit draft of Special Exceptions, confer w. DH	0.75
4	research Texas NCLB The III performance report	1.75
5	review TEA STAAR-EOC questions from TEA website, send to DH w. comments	0.5
7	confer w. Stanford University potential experts on implementation of standards	0.5
	review Defendants Reponse to Calhoun County ISD First RFP	0.25
8	review research article on charter schools, KIPP efficacy, send to DH	0.5
	review Second Amended Plea in Intervention	0.25
11	review CCISD Request for Disclosure to Intervenors	0.1
14	review Defendants' Responses to Fort Bend ISD Pl. 1st RFP	1
15	review contracts with experts DP, EI	0.25
	review memo from education law center re: experts in school finance cases	0.3
16	review Defendants' data file information to all counsel	0.25
19	email to and from DH re: expert Belfield conversation	0.2
	research Talent Search Program referred to by Belfield, send to DH	0.5
21	conference call w. expert Goldenberg re: standards implementation proof; send information on STAAR and College Readiness to expert	0.75
21	conference call w. Stanford University educational experts	0.5
22	confer w. DH	0.2

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23	confer w. DH, expert Belfield	0.25
	confer w. all plaintiffs' counsel re: data, experts	1
	confer w. expert P. Lopez, STAAR/TAKS	0.5
	compare Edgewood data request, AG proposed file, draft email to DH, confer w. MPV	1
23	draft email to expert Pompa re: data	0.25
24	confer w. expert Rumberger re: drop outs	0.75
	confer w. J. Barra re: Austin charter school data	0.3
25	confer w. DH	0.5
	confer w. expert Rumberger re: drop outs	0.5
	draft communication to DH re: Rumberger conference	0.5
27	review research of Rumberger on dropouts and studies cited	2.5
29	confer w. D.H. re: expert testimony	0.75
	review Edgewood ISD Pl. Response to Intervenors' Request for Disclosure	0.4
30	call expert Belfield	0.1
30	review Def. response to Edgewood RFA and RFP	2
	confer w. experts Goldenburg, Saunders, Marceletti re: ramp up	0.75
June		
1	begin research on cost of transition research suggested by Goldenburg et al	2
	research Pioneer Institute, Fordham Institute Common Core cost studies	2
2	complete research on cost of transition studies, send to DH w. comments	1.5
	begin review of Defendants' response to Edgewood RFP	2.5
3	continue review of Defendants' response to Edgewood RFP	3.5
4	review Defendants' Responses to Fort Bend ISD Pl. 2nd RFP	2
5	review agreed data set from TEA	0.25
	continue review of Defendants' response to Edgewood RFP	3
6	review communications between plaintiffs' counsel re: testimony on attracting teachers, higher standards and ELLS	0.5
	review Plaintiffs' RFP and First Set of Interrogatories to Defendants	0.5
7	review defendants' proposal re: scope of data sets	0.1
	continue review of Defendants' response to Edgewood RFP	3
8	review recent STAAR EOC results, send to experts	0.5
	continue review of Defendants' response to Edgewood RFP	3
9	review Texas based U.S. Dept. of Ed. grants for proof. development for ELLs and higher standards, email summary to DH	2
10	review data from CA experts on cost of whole school reform	0.5
	continue review of Defendants' response to Edgewood RFP	3
11	email to and from DH re: state data set and ELLs	0.3
	continue review of Defendants' response to Edgewood RFP	3
12	continue review of Defendants' response to Edgewood RFP	3
13	continue review of Defendants' response to Edgewood RFP	3
14	confer w. DH	0.5
	continue review of Defendants' response to Edgewood RFP	3
15	confer w. DH	0.2
	continue review of Defendants' response to Edgewood RFP	3
16	continue review of Defendants' response to Edgewood RFP	3
17	continue review of Defendants' response to Edgewood RFP	3
18	confer w. DH	0.2
	call between plaintiffs' counsel and AG re: 'seminar for the judge'	0.3
	continue review of Defendants' response to Edgewood RFP	3
19	continue review of Defendants' response to Edgewood RFP	3
20	review Defendants Response to Intervenors RFP	0.1
	research and send to DH data on district stipends for bilingual, ELL teachers	0.5
	continue review of Defendants' response to Edgewood RFP	3

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21	review writings of expert Vigdor, review notes on Vigdor interview, email to DH re: writings on immigrants, culture	1.5
22	review latest draft of Plea to Jurisdiction from DH	0.75
	confer w. MALDEF re: problems accessing AG FTP files, incl. AG letter	0.5
23	continue review of Defendants' response to Edgewood RFP	3
	continue review of Defendants' response to Edgewood RFP	3
24	continue review of Defendants' response to Edgewood RFP	3
25	review Defendants Responses to Calhoun Cty, Fort Bend	0.25
	continue review of Defendants' response to Edgewood RFP	3
26	send DH topics for Commissioner deposition	0.25
	continue review of Defendants' response to Edgewood RFP	3
27	review expert Clotfelter, Ladd, Vigdor writings on teacher quality and costs and student achievement	3
	review expert witness vitaes Jacob, Figlio	0.5
	confer w. expert Clotfelter and DH	0.25
28	confer w. expert Vigdor, memo to counsel about expert	1
	continue review of Defendants' response to Edgewood RFP	3
29	review letter from court re: schedule	0.25
	review Defendants' First RFP to Plaintiffs	0.25
	review email from DH re: experts Klein and Linn projected testimony, respond	0.25
	continue review of Defendants' response to Edgewood RFP	3
30	review expert Belfield's report on economic value of education in Texas, email to DH re: missing data	0.75
	continue review of Defendants' response to Edgewood RFP	3
July		
1	continue review of Defendants' response to Edgewood RFP	3
2	conference call w. counsel and expert Vigdor	1
	review revised expert Belfield report	0.25
	review letters from counsel to the court	0.25
3	confer w. DH	0.3
	continue review of Defendants' response to Edgewood RFP	3
4	review experts Klein, Linn re: testing, STAAR/TAKS, confer w. DH on questions	0.3
	continue review of Defendants' response to Edgewood RFP	3
5	review defendants Supplemental responses to Ft. Bend 1st RFP	0.25
	continue review of Defendants' response to Edgewood RFP	3
6	continue review of Defendants' response to Edgewood RFP	3
7	continue review of Defendants' response to Edgewood RFP	3
8	continue review of Defendants' response to Edgewood RFP	3
9	review Defendants combined responses to RFP	0.3
	continue review of Defendants' response to Edgewood RFP	3
10	continue review of Defendants' response to Edgewood RFP	3
11	continue review of Defendants' response to Edgewood RFP	3
12	continue review of Defendants' response to Edgewood RFP	3
13	continue review of Defendants' response to Edgewood RFP	3
14	confer w. expert DP	0.5
	continue review of Defendants' response to Edgewood RFP	3
15	review Defendants' RFP first responses and compare with Edgewood requests	2
16	send DH memo showing pages of Def. responses for each request	0.75
	review Calhoun County ISD Pl. First Set of Interrogatories to Def.	0.25
17	confer w. DH, interns re: responses to Edgewood RFPs	0.5
	review Def. 4th Suppl. Response to Ft. Bend 1st RFP	0.25
18	review latest draft of brief re: Plea to Jurisdiction from DH	0.5
	continue review of Defendants' response to Edgewood RFP	
19	complete review of Cortez report, comments to DH	1
	review Defendants Supp. Responses to RFP's for Texas Taxpayer and Edgewood ISD	1

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20	review Def. document on LEPs in preschool, send memo to DH	1
	confer w. counsel re: depositions, scheduling, other matters	0.3
	email to DH re: above conference	0.1
	confer w. DH	0.2
21	email to and from expert Izquierdo and co-counsel MPV and DH re: site visits	1
	review study on ELL weights, send to DH	1.25
22	continue review of Defendants' response to Edgewood RFP	3
23	confer w. expert DP	1
	confer w. DH	0.1
24	continue review of Defendants' response to Edgewood RFP	3
25	review Def. responses to Edgewood RFPs for RFPs for which there is no reply	1
	email to and from expert Izquierdo and co-counsel MPV and DH re: completing expert reports	0.75
26	review expert DP report	1.5
27	review First Amended PTJ-MTD as to Intervenors Second Am. Plea in Intervention	0.25
	review Annotated Summary of Finances for Judge Dietz	0.75
	email to and from counsel and experts re: extension for filing expert reports	0.5
28	review expert report of Izquierdo, comments to MPV, confer w DH	2
29	continue review of Defendants' response to Edgewood RFP	3
30	review Defendants Initial Disclosures to Texas Taxpayers	0.25
	review letter from Defs re: Supplemental Response to Edgewood RFP	0.25
	continue review of Defendants' response to Edgewood RFP	3
31	review counsel letter to Judge Dietz re: experts; Defs supplemental responses to FERPA protected RFPs	0.5
	continue review of Defendants' response to Edgewood RFP	3
August		
1	review Ft. Bend, Calhoun, Coalition Pls. Responses to State's First RFPs	1
	continue review of Defendants' response to Edgewood RFP	2.5
2	review, comment to MPV, DH re: expert Izquierdo report	1
	continue review of Defendants' response to Edgewood RFP	2.75
3	continue review of Defendants' response to Edgewood RFP	3
4	continue review of Defendants' response to Edgewood RFP	3
5	continue review of Defendants' response to Edgewood RFP	3
6	continue review of Defendants' response to Edgewood RFP	3
7	continue review of Defendants' response to Edgewood RFP	3
8	continue review of Defendants' response to Edgewood RFP	3
9	continue review of Defendants' response to Edgewood RFP	3
10	review Ft. Bend Pls. Fourth Amended Petition, TEA Response to Calhoun Cty 1st Interrogatory	0.25
	continue review of Defendants' response to Edgewood RFP	3
11	review Edgewood response to Def. 1st RFP	0.25
12	continue review of Defendants' response to Edgewood RFP	3
	continue review of Defendants' response to Edgewood RFP	3
13	review Wallace deposition	1.25
	review Edgewood discovery log	0.5
	review Defs supp response to Edgewood RFPs, Ft. Bend 1st and 2nd RFPS	0.4
14	review Duncombe cost study, confer w. DH	1
	continue review of Defendants' response to Edgewood RFP	2.5
15	research Duncombe cost studies in other states	1
	review Defs discovery response to Edgewood re: additional requests needed	1
	review Izquierdo draft report , confer w. MPV, DH	1.5
16	email to DH re: bilingual funding information in Def. Int. response to Texas Taxpayers	0.5
	review draft of expert Vigdor report, comment to DH	1.5
	draft comment to Turner re: Vigdor draft	0.25

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		review depositions of Davis, Gaertner, Supt. Garza	3
	17	draft further comments to DH and counsel re: Vigdor, Duncombe	0.75
		review deposition of Supt. Witte	1.75
		review expert Baker's report, email to and from DH	1
	18	continue review of Defendants' response to Edgewood RFP	3
	19	draft expert designation for Pompa, review/edit designation for Izquierdo	1
		review Izquierdo school visit findings, confer w. MPV, DH	2
	20	review deposition of Supt. Patek	1
		review deposition of Supt. Pfeifer	1
		review Edgewood expert reports and designations	2
	21	draft email re: Defs answers to Calhoun Cty and Edgewood Interrogs.	1.5
	21	review deposition of Knight 126	1.25
	22	review Defendants Interrogatories and RFP to Edgewood	1
		review TEA supp. Response to Ft. Bend 1st RPP No 5	0.1
	23	continue review of Defendants' response to Edgewood RFP	3
	24	review Ft. Bend Pls. Second Interrogs and Fourth RFP to Def.	0.25
		review Murdock expert report	2.75
	25	continue review of Defendants' response to Edgewood RFP	3
	26	review Moak expert report	1.75
	27	review deposition of Supt. Dupree	1
		review deposition of Supt. Chambers	1.1
		review expert deposition schedule	0.1
	28	review deposition of Supt. French	0.75
		review briefs of the parties on law of the case	1.5
	29	review Lesley expert report	2
	30	review deposition of Supt. Reedy	1
		draft analysis of McAdams, Efficiency expert, send to DH	1
		review Pierce and Colbert expert reports	2
	31	draft analysis of Calhoun Cty expert Harris, send to DH	1.25
		review Casey, Klein and Schanzenbach expert reports	1.5
Sept			
	1	review deposition of Supt. Reedy	0.8
		continue review of Defendants' response to Edgewood RFP	2.25
	2	review TEA discovery response for references to Coultress, Ayala	3
	3	research TEA website for references to Coultress, Ayala	2.5
	4	review deposition of Supt. Scott	1.75
		review draft of Edgewood response to Def. Interrog., edit comments to DH	1.25
		review Edgewood districts summary logs	0.5
	5	review deposition of Hanushek	1
		review deposition of Supt. Gilcrease	1
	6	review Harris raw data, draft comment to DH	1.25
		draft comment to DH re: analysis of Odden report re: ELLs	0.5
		research Odden reports on Washington State, Wyoming, national for ELL weights	2
	7	review Def. Supp. Responses to Intervenors, Edgewood, Calhoun ISD	0.25
	8	continue review of Defendants' response to Edgewood RFP	3
	9	research TEA documents authored by Coultress or Ayala	2.5
	10	continue research of TEA Coultress or Ayala documents, comment to DH	1.5
		review TEA Comprehensive Annual Report re: LEP data	1.75
	11	review deposition schedule, draft analysis of Duncombe, Colbert reports and and prior writings re: ELLs and send to DH	2
	12	review expert Cortez documents re: bilingual costs	1.5
		research bilingual ed best practices from TEA responses to discovery	1.25
		research data on SSI and LEPS and LEP preschool from TEA responses, summarize to DH	1.5
		review TEA responses for 2010-2011 financial data, send information to DH	0.5

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13	review deposition of Supt. Salazar	1.5
	confer w. expert DP	0.4
	prepare for Givens deposition	1.5
14	attend deposition of Anita Givens	3.7
	confer w. DH re: TELPAS data from TEA website, Givens deposition	0.5
15	continue review of Defendants' response to Edgewood RFP	3
16	review expert reports for Barnett	2.5
17	review deposition of Belfield	1.5
	review deposition of Supt. Cain	1.25
	review deposition of Supt. Ponce	2
18	review deposition of Supt. Burns	1.5
	review deposition of Supt. Kincannon	1
	begin review of Ayala report	1.5
	email to and from MPV re: prep of Pompa, Izquierdo	0.5
19	review deposition of Harris	1
	review deposition of Supt. Hanks	1.1
	email to and from MPV re: Gandara report, Izquierdo underlying notes, and Ayala report	1
	review order on Edgewood Plea to Jurisdiction	0.25
20	review deposition of Lesley	0.5
	continue review of documents to Ayala report	2
21	review deposition of Supt. Hoke	2
	review TEA responses to Edgewood RFP	0.25
22	review defendants' expert Podgursky reports	2.75
23	draft prep questions for expert witness Vigdor	1
	review Cortez report	2.75
24	review deposition of Colbert	1
	confer w. DH	0.3
	conference call Vigdor prep	0.5
	review witness Kallison data, review discovery responses from plaintiffs	0.75
25	review deposition of Supt. Cervantes	2.25
	review Odden reports and draft notes to DH	2.5
26	review deposition of Supt. Blincoe	1.25
	review deposition of Givens	1.5
	prepare for Odden deposition	1.5
	review Edgewood response to Def. discovery	0.5
27	review deposition of Barnett	1.25
27	Odden deposition	5.5
28	confer w. DH re: Izquierdo notes, further deposition	0.5
	confer w. MPV re: further Izquierdo deposition	0.25
	review Baker report	2.75
29	review supplemental Vigdor, draft notes to DH	1
	review expert reports for Duncombe, Parker	3.5
30	email to Amy Pederson re: Ayala data and Coultress dep. Prep	0.5
	review expert report for Hill	2.5
Oct		
1	send list of data needed for Ayala deposition to DH	0.75
	review TELPAS data on TEA Pearson website	1.25
	confer w. MPV re: Izquierdo data	0.5
	review revised Vigdor report	0.25
2	review deposition of Miles	1.2
	send Duncombe research to Bono	0.25
	send DH analysis of Ayala report and data on long term ELLs	2
3	review deposition of Pompa	2
	review deposition of Supt. Waggoner	1

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	review deposition of Pierce	1
4	review deposition of Klein	1
	review TEA supplemental responses to Edgewood, confer w. MPV re: ELL experts	0.75
	continue Ayala data analysis	2
	confer w. DH	0.4
5	review deposition of Vigdor	1.75
	review deposition of Roska	1
	research prior Ayala case testimony and send to DH	1
	review Defendants letter re: missing Ayala data, confer w. MPV	0.5
6	research TEA preschool data and send to DH, review response	0.75
	review cost of common core implementation research, send to DH and counsel	0.5
	continue Ayala analysis	2.5
7	review defendants' expert Whitehurst report	2.75
	continue Ayala data analysis	1.5
8	draft Edgewood FOFs on ELLs and TELPAS	2
	review deposition of Lopez	1
	review deposition of Supt. Youngblood	1
9	continue drafting FOFs on ELLs, send to MPV	1.5
	review Edgewood response to charter school plaintiffs discovery	0.3
	analyze Ayala back up data re: testing of former ELLs	1
	review deposition of Supt. Ponce	2
	confer w. DH	0.1
10	prepare additional Edgewood bilingual exhibit lists, send to DH	2.5
	research and send DH prior Guthrie school finance work in NY	0.75
	confer w. DH	1
11	review deposition of Podgursky	1.8
	prepare additional exhibits, confer w. Izquierdo re: exhibit	1
12	prepare bilingual FOFs and exhibits	2.5
13	continue preparation of bilingual FOFs and exhibits	2
	review defendants' expert Guthrie report	2.5
14	review deposition of Parker	1
	review deposition of Scott	1.5
	review exhibits from Cortez report, confer w. DH	1.75
	review updated draft exhibit list, send comments, additional exhibits to DH	1.5
15	review deposition of Casey	1
	review deposition of Odden	2
	review deposition of Cortez	2.15
16	confer w. DH	0.5
	draft bilingual FOFs, send to DH	2.75
17	review deposition of Hallison	1
	draft to DH additional FOFS on bilingual statutory, regulatory requirements	2
	confer w. MPV re: Izquierdo deposition	0.5
18	review and calculate ELL retention rate data	1
	review Edgewood proposed FOF-COL draft, edit to DH	1.75
19	review Edgewood amended exhibit list, comment to DH	1
	prepare Pompa direct testimony outline and send to MPV	1.5
20	review report on school funding by expert Baker	0.5
	compile Coultress deposition cites and send to DH	1
	review deposition of Ayala	2.5
	confer w. DH	0.75
21	confer w. expert DP	0.25
	review Edgewood FOF draft, comment to Maribel Rivera	1
	review deposition of Schroeder	1.5
22	review TTSFC Trial Brief	0.2
	review depositions of Supts. Roy, Frost	2.75

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23	review deposition of Baker	1.8
	review deposition of Moak	1
24	review deposition of Hill	1.25
	review deposition of Whitehurst	1.3
	send DH analysis of Ayala deposition	1
25	review deposition of Guthrie	1.8
29	review deposition of Izquierdo	1
	review deposition of Schanzenbach	2
30	review deposition of Supt. Bamberg	1.25
31	confer w. MPV re: factual basis for Pompa, Izquierdo testimony	1
November		
1	review deposition of defendants expert Coultress	1.75
	review deposition of Day	1
	review deposition of Coleman	1
3	review MPV outline of experts direct testimony, comment	1
4	review exhibits to be admitted from Pompa, Izquierdo reports w. MPV	0.5
5	review outline of bilingual experts testimony w. MPV, edit	1
6	review expert Barnett's powerpoint testimony	0.5
	review exhibits to be admitted on ELL retention and dropouts, send to MPV	0.75
7	review Defendants 2nd supplemental response to Edgewood plaintiffs	0.25
8	review Pompa and Izquierdo powerpoints, edit and comment, send to MPV	1.25
9	email co-counsel re: Carstarphen testimony and Edgewood exhibits objected to	0.25
11	confer w. expert DP	0.25
	review expert DP slides, confer w. MPV about slides 11-13, 21, missing testimony	0.8
	review Izquierdo powerpoint, final Pompa powerpoint, confer w. MPV	1
12	confer w. expert DP	0.2
13	confer w. DH	0.5
18	review supplements to Duncombe, Odden	1
19	review Edgewood supplemental deposition designations	1
	confer w. DH	0.2
20	confer w. DH	0.6
23	review supplemental Edgewood exhibits	1
24	review deposition of state expert Given	1.5
25	review deposition of state expert Roska	1.25
27	review trial transcripts vol. 4, 5, 7	3
28	review trial transcript vol. 8	1.25
29	review trial transcript vol. 6	1.25
30	confer w. DH	0.6
	review trial transcript vol. 9	1
December		
1	review deposition of McAdams	1
	review expert report for Bast	1.5
3	review Edgewood Second Amended Petition	0.1
4	research expert Whitehurst reference to charter schools, email DH	1
	review Defendants Supplemental response to Edgewood plaintiffs	0.2
5	review Defendants' expert Whitehurst powerpoint	0.3
6	review expert report, citations for expert Moe	3.75
10	review trial transcript vol. 10	1.5
	review admitted exhibits list	0.1
12	review deposition of Wood	1
	review deposition of Venable	2
13	review transcript vol. 11	1.25
	review updated expert Podgursky powerpoint	0.5
14	review expert report for Trotter	0.75
18	review trial transcript vol. 12	1.5

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	19	review deposition of Moe	2
		review deposition of Abbott	1
	20	review deposition of Wolters	1
		review trial transcript vol. 13	1.5
	21	review Edgewood First Amended Exhibit List	0.1
		confer w. DH re: ELL FOFs on bilingual expenditures, review FOFs, underlying data	0.75
	31	review deposition of Gallegos	1.75
		review deposition of Dibella	0.5
2013			
January			
	3	review deposition of Partridge	0.8
		review trial transcript vol. 14	1.25
	7	review trial transcript vol. 15	1.25
	8	review trial transcript vol. 16	1.25
	10	review DH outline for cross of Coultress, compare w. Coultress deposition, draft additional questions for DH based on deposition cites	1.5
	13	review Ayala trial presentation docs, research "years in US school" question for DH cross, email DH	2.5
	14	review DH outline, edit, analyze Ayala attachments G, I, J, calculate former ELLs not tested, send data to DH for cross	2
	16	review deposition of Flores	1
		review deposition of Flemister	1
		review deposition of Pierce	1
	23	review trial transcript vol. 17	1.25
		review trial transcript vol. 18	1.25
	24	review deposition of Strohmeyer	1
	27	review draft of Edgewood FOF/COL	0.75
	29	review trial transcript vol. 19	1.25
	30	review trial transcript vol. 20	1.25
	31	review deposition of Sage	0.75
		review Def new exhibits	0.25
February			
	1	confer w. DH re: admission of Gandara exhibit by Defendants	0.5
		review list of Edgewood exhibits previously objected to by Defendants	0.1
	2	review Edgewood Plea to Jurisdiction and Motion to Dismiss	0.25
	3	review draft of Edgewood brief on Efficiency	0.4
	5	review trial transcript vol. 21	0.5
	5	review court's remarks and ruling	0.3
	13	review trial transcript vol. 22	1
	14	review draft omnibus findings	0.4
	15	confer w. DH re: draft omnibus findings and Edgewood findings	0.5
	18	begin to draft bilingual FOFs	2
	19	revise FOFs and begin review of rough transcripts for December, January	3.5
	20	review rough transcripts and edit and revise FOFs	3.5
	21	edit and revise FOFs	2
	22	review MP draft FOFs, continue revising FOFs	2.5
	23	finish draft bilingual FOFs and sent to MB, DH	2.5
			629.95

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Exhibit 2
Time Sheet for Miguel A. Pérez Vargas
Texas Taxpayer / Edgewood ISD v. Michael Williams

2011			
December			
	1	Review MALDEF school finance info sheet, spreadsheet	1
	11	Review Calhoun County ISD petition	0.5
		Review Edgewood 3rd Draft	1
	12	Review Edgewood Final Draft	0.5
2012			
January			
	24	Review Findings of Fact and conclusions of Law WOC case	1
		Review Dr. Milk and Delia Pompa reports for the WOC case	1
February			
	13	Review email DH re: Scheduling Order all parties	0.5
	22	Review RLR email re: Overview Edgewood V and comments	0.5
	24	Review Efficiency Intervenors petition	1
	27	Review Experts reports from WOC case	2
	28	Review Cortez, Pompa and Milk depositions from WOC case	2.5
March			
	6	Review RLR email re: Dr. Izquierdo website; review website and credentials	0.5
	8	Review RLR notes on Conf call w/DH re: experts	0.5
	27	Review Edgewood First Ammended Petition	0.5
	30	review sample pleas to jurisdiction, discuss w. RLR	1
April			
	4	Review proposed scheduling order all parties	0.25
	5	Review proposed R.11	0.25
		Review Calhoun Conty ISD First request for Production	0.25
	6	Review DH and RLR memo on Adequacy claims for Experts conference	0.5
		Review RLR notes on Conf call re:Experts interview Dr. Izquierdo	0.5
	10	Review Fort Bend ISD First Request for Production	0.25
		Review Defendants proposed scheduling Order	0.25
	11	Review letter re: consolidation issue	0.25
	12	Review Proposed scheduling order re: dispositive motions	0.25
		Review RLR memo: Expert Areas	0.25
	17	Review DH memo and sample on Plea to the Jurisdiction	1
	24	Review Edgewood request for production and admissions	1
		Research and draft Plea to the Jurisdiction	4
	27	Confer w. co-counsel RLR re: Plea to the Jurisdiction	0.5
	29	Review memo and email from RLR re: experts reports and testimony	0.5
May			
	1	Review Fort Bend Plaintiffs' Second Request for Production	0.25
	2	Review of his Amended Plea in Intervention	1
	7	Review TEA STAAR website	1
		Review Defendants responses to Calhoun first discovery	0.25
	8	Review second amended Plea in Intervention	0.5
	15	Review Expert Retainers Re; Pompa/Izquierdo	0.25
		Review Experts info from RLR	0.25
	16	review Defendants' Responses to Fort Bend ISD Pl. 1st RFP	1
	21	conference call w. Stanford University educational experts	0.5
	23	Confer w/RLR re: responses from AG to Edgewood	0.5
	24	Review : Notice of Supoena, Deposition Mark Hurley	0.25
	30	Review Final response from Defendants to Edgewood	2
	31	Review Pioneer Institute Common Core Cost Analisys	1

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June			
	11	Review Fort Bend Second Amended Petition	0.5
		Review emails from RLR re; STAAR end of course results	0.25
	14	Review emails from DH, DR Izquierdo re: Site Visits	0.25
	21	Review Draft to Plea to the Jurisdiction	0.5
	26	Review Petition from Charter Schools Students	0.5
		Review letter from DH re: Letter to clients	0.25
	29	Review Judge Dietz letter	0.25
JULY			
	7	Conf Call Dr. Izquierdo re: Report and site visits	0.5
	16	Review Edgewood Request for Productions responses from defendants	
		RLR Memo re: Responses and documents	1
	17	Continue reviewing Defendants responses/preparing info to experts	3
	19	Review Supplemental responses from Defendants	2
	20	Review emails RLR, Dr. Izquierdo site visits/ report	0.25
	25	Review Pompa report	1
	26	Review RLR notes on Pompa report	0.5
	27	Review Izquierdo report	1.5
	28	Review notes from RLR re: Izquierdo Report	1
		Conf Call Dr. Izquierdo re: Report and site visits	2
	30	Review email from Dr. Izquierdo re: site visits/report	0.25
	31	Review letter to Judge Dietz re: experts	0.25
		Review Rule 11 Scheduling Order	0.25
August			
	10	Review, comment to RLR, DH re: expert Izquierdo report	1
	16	Review Izquierdo draft report , confer w. RLR, DH	1.5
	19	Draft expert designation for Izquierdo, review designation for Pompa	1
	20	Review Izquierdo school visit findings, confer w. Izquierdo, RLR, DH	3
	21	review Edgewood expert reports and designation	2
	22	Review Defendants Interrogatories and Requests for Production	1
	28	Review Brief on Law of the case by Coalition Plaintiffs, Fort Bend, Defendants	1.5
	30	Emails to coordinate depositions Pompa/Izquierdo	0.5
Sept			
	1	Review deposition schedule	0.25
	2	Review Laura Ayala's powerpoints re: Telpas, Ell Assesment. TitleIII	2
	3	Review Edgewood preliminary answers to Defendants interrogatories	1
		Review emails from RLR and DH re: Edgewood responses	0.25
	5	review Edgewood district summary logs	0.5
	6	Drafting MPV Pro Hac Vice Motions and sending to MALDEF	1
	9	Review RLR comparison of FOFs	0.25
	10	Review RLR notes on Laura Ayala's Powerpoints	1
		Review of 2010 Comprehensive Annual Report on Texas Public Schools	2
	12	Review RLR notes on Best Practices for Ells	0.5
	16	Travel from Boston to Austin and San antonio	10
	17	Meeting and Preparation w DR. Izquierdo, DH	3
		Review Dr. Izquierdo underlying data and report references	4
		Conference call w/RLR	0.5
		Review Texas CPRules Re: discovery/depositions	0.5
	18	Defend Dr. Izquierdo Deposition	4.5
		Review Laura Ayala's Expert Report	2
	19	Review RLR notes on Laura Ayala's Report	1
		Review Exhibits from Izquierdo's deposition	2
		Confer w/DH re: depositions/Pompa and Izquierdo	1
	20	Review Ayalas Exhibits	2
		Meeting and Preparation Delia Pompa	2

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	Review Pompa underlying data and report references	3
	Confer w/ DH re: Pompa deposition	0.5
21	Defend Pompa's deposition	3.5
	Review Ayalas Exhibits	2
	Review letter from judge Dietz re: FOFs	0.25
26	Review RLR Odden notes	0.5
27	Review of Edgewoods Responses to Efficiency Intervenors	0.5
	Review of Edgewood Responses to Defendants	0.5
	Review of Dr. Cortez Report	2
	Review email from AG re: Continuation of DR. Izquierdo Deposition	0.25
28	Confer w. RLR re: further Izquierdo deposition	0.25
Oct		
1	Review email RLR re: Ayala data and Coultress dep. Prep	0.5
	Review transcript of DR. Izquierdo's deposition	2
	Email DR. Izquierdo Re; Continuation of deposition	0.25
2	review TELPAS data on TEA Pearson website	1.25
	confer w. RLR re: Izquierdo data	0.5
	Review RLR notes on Izquierdo Deposition	0.25
	Conference Call w/DR. Izquierdo	0.25
	Review RLR notes on Ayala's Report	0.5
3	Review Delia Pompa deposition transcript and exhibits	2
4	Review RLR email notes on Ayala's numbers	0.5
5	Review TEA supplemental reponses to Edgewood, confer w. RLR re: ELL experts	0.75
6	Conf w/ RLR re: Ayala numbers/FOFs	0.5
7	Review Firs draft of FOFs by RLR	0.5
	email DR Izquierdo re; Cost of credit course Bil ed	0.25
8	Review 2nd Draft of FOFs by RLR	0.5
	Review Pompa and Izquierdo Reports and Exhibits to draft FOFs	2
	Review Calhoun Responses to Charter group Interrogatories	0.5
9	Review Edgewood Aditional exhibits By RLR	0.5
10	Review Ponce Deposition	2
	Review Cervantes deposition	2
	Draft and send RLR Experts Pompa/Izquierdo FOFs	3
11	Emails to Dr. Izquierdo re: Report Exhibit	0.25
13	Review 16 preliminary Exhibits from DH re: Izquierdo Exhibits	1
	Review Delia Pompa exhibits	1
	Receipt and review Master Deposition Exhibit List	0.5
	Review Confidential Witness Line-up. Trial Calendar	0.5
16	Travel Orlando- Austin/Austin- Boston	6
	Meeting Dr. Izquierdo re: Preparation for deposition	2
17	Defend Dr. Izquierdo's Deposition	1.5
	Review Depostion Transcript Coultress	1
	Review Revised witness line-up	0.25
	Review Bilingual FOFs by RLR	0.5
18	Review Full draft FOFs by RLR	1
19	Review Supplemental report DR. Cortez and data	1
	Confer w/RLR re: Izquierdo deposition	0.5
	Review State's Master Exhibits List	0.5
20	Prepare Pompa direct Testimony draft send to RLR and check reviews	2
21	Review latest Edgewood's Proposed FOFs from Maribel Hernandez	1
22	Review TTSFC Trial Brief	0.25
23	Review Transcript of Ayala's Deposition	2
24	Review Limon PP	0.25
29	Check references Delia Pompa report	3
30	Review Dr. Izquierdo Deposition 10-17	1

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	Review Final Preliminary FOFs	0.5
November		
1	Review Standford study 2006; check RLR notes	1
	Confer w/RLR factual basis of testimony Izquierdo/Pompa	1
	Review Pompa and Izquierdo data/ review outlines direct testimonies	3
3	Finish direct examination outlines send to RLR	3
4	Review Master Exhibit List re: outstanding objections	1
	Review exhibits for Pompa/Izquierdo	1
	Ammend outline direct examination	0.5
6	Review Comments from RLR re: outlines; correct outlines; send outlines Pompa/Izquierdo; confer w/RLR	1.5
7	Review expert testimony Exhibits Re: Retention and drop-outs	1
8	Review first draft Pompa Powerpoint	0.5
9	Review latest exhibits on retention and drop outs from RLR	0.5
11	Travel Boston-Austin TX	6
	Confer DH,MB re: Review Outline and Exhibits for Expert Testimony	2
	Review Pompa Powerpoints; confer w/RLR re: Powerpoints/Exhibits	3
	Review Presentation on STAAR	0.5
12	Preparation of Pompa for court testimony; review of exhibits and powerpoint	4
	Preparation of Izquierdo for court testimony; review of exhibits and Powerpoint	4
13	Court Hearing Pompa/Izquierdo	6
26	Review Dr. Cortez Supplemental Report	0.5
December		
3	Review Edgewood Second Amended Petition	0.25
10	Review Admitted Exhibits as 12/7/12	
21	Review Edgewood First Amended Exhibit List	0.25
2013		
January		
10	Review Hearing transcript 11-13-12 (Vol. 14)	2
24	Review First Amm First Supp Depositions Designation	0.25
28	Review Proposed Third AM FOF (redlined)	2
February		
1	Review Gandara's Ex. Email, objections	0.5
3	Review Edgwood Trial Brief on Efficiency	0.25
11	Review RLR First Draft Edgewood Hours, compare w/MPV	1.5
14	Review RLR first draftfee affidavit	0.5
	Review FOF Firs draft Omnibus Findings from DH	2
	Review DH attorneys fees aff	0.25
15	Review Esdgewood Second Ammended Exhibit List	0.25
	Review latest FOF draft from RLR	2
17	Review witness chart	0.25
19	Finish first draft hours/fees	1.5
	Review Exhibit Master List , expert reports , Depositions and Trial Trascript re: FOF drafts	3
	Receive and review Trail transcripts for Bil references (12-3-12 to 1-24-13)	2
22	Review FOFs draft from RLR, check references from Pompa/Izquierdo	3
	Conf w/ RLR re: FOFs references/Exhibit list	1
23	Continue working with FOFs references, check AEIS reports for Plaintiffs w Master Exhibit List, send draft and Confer w RLR: Exhits references	3.5
25	Finish reviewing Bil FOFs references w/Trial transcripts/depositions/expert reports Pompa/Izquierdo and underlying data, send draft to RLR	3
26	Draft attorneys fee aff and finish atts fees exhibit	2
	TOTAL	**235.75**

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Total Costs for Travel to Depositions and Trial: $4,408

16-Sep	$1,708
16-Oct	$1,065
11-Nov	$1,635

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2/28/2014 5:28:14 PM
Amalia Rodriguez-Mendoza
District Clerk
Travis County
D-1-GN-11-003130

Exhibit

C

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CAUSE NO. D-1-GN-11-03130

TEXAS PAYER & STUDENT FAIRNESS COALTION, *et al.*,	§	IN THE DISTRICT COURT
Plaintiffs,	§	
EDGEWOOD INDEPENDENT SCHOOL DISTRICT, *et al.*, (consolidated)	§	
Plaintiffs,	§	TRAVIS COUNTY, TEXAS
v.	§	
MICHAEL WILLIAMS, in his Official Capacity as the COMMISSIONER OF EDUCATION, *et al.*,	§	
Defendants.	§	200TH JUDICIAL DISTRICT

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AFFIDAVIT OF ROGER L. RICE

NOW COMES Roger L. Rice, co-counsel for Edgewood Plaintiffs in the above entitled matter and hereby swears and affirms the following:

1. This affidavit is made in further clarification of and support for my earlier affidavit in this matter. The defendants have objected to certain of the time submitted by me and my co-counsel Miguel Perez Vargas. Specifically they have objected to conferences between myself and Lead Edgewood counsel David Hinojosa on March 29, May 22, May 25, June 14, June 15, June 18, October 4, October 20, November 13, November 19, November 20 and November 30. These twelve conferences, which totaled fewer than six hours, were among a much larger number of such conferences between Attorney Hinojosa and myself to discuss trial strategy, discovery, witness preparation and other aspects of the case. In point of fact I spoke with Attorney Hinojosa several

times weekly on these and other case related matters for a year or more. As a reasonable billing judgment we did not claim for the great bulk of these compensable conferences nor did Attorney Hinojosa. The six conferences are justified as part of the normal flow of trial preparation involving counsel.

2. The Defendants have also objected to the travel time of Miguel Perez Vargas to attend depositions of our expert witnesses and present those witnesses at trial. I want to stress that the travel time claimed on September 16, October 16 and November 11 was half (50%) of Attorney Perez Vargas' travel time, i.e. we have claimed for one-way of the travel but not for the return portion.

Roger L. Rice, Esq.

March 27, 2013

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