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Civil Action No. 83-108 VAL (consolidated with 83- 106 VAL for discovery and trail), June 17, 1985

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

LOWNDES COUNTY CHAPTER
OF THE NAACP, WINNERSVILLE
COALITION CONSULTANTS,
JEFFREY R. PERRY, WANDA
DENSON, ROBERT BANKS, ONNIE
PHILLIPS, JOHN CARTER,
and ANNA M. TYSON,

Plaintiffs

-v-

HARRISON TILLMAN, et al.,

Defendants

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CIVIL ACTION

FILE NUMBER 83-108-VAL

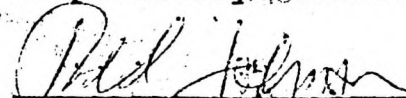
(consolidated with
83-106-VAL for discovery
and trial)

APPLICATION FOR ATTORNEY'S FEES
AND EXPENSES OF LITIGATION

The Plaintiffs in this action hereby move for an award of attorneys' fees and the expenses of litigation. This Motion is based on the attached brief, affidavits, exhibits, and all prior proceedings and papers filed in this action.

This the 17 day of June, 1985.

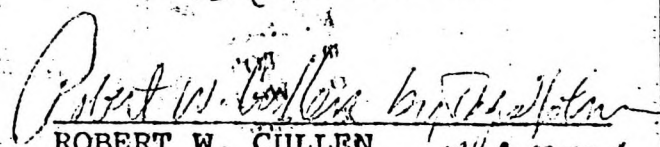
Respectfully submitted,



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ROBERT W. CULLEN
Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

LOWNDES COUNTY CHAPTER	&	
OF THE NAACP, WINNERSVILLE	&	
COALITION CONSULTANTS,	&	CIVIL ACTION
JEFFREY R. PERRY, WANDA	&	
DENSON, ROBERT BANKS, ONNIE	&	FILE NUMBER 83-108-VAL
PHILLIPS, JOHN CARTER,	&	
and ANNA M. TYSON,	&	
	&	
Plaintiffs	&	
	&	
-v-	&	(consolidated with
	&	83-106-VAL for discovery
	&	and trial)
HARRISON TILLMAN, et al.,	&	
	&	
Defendants	&	

MEMORANDUM OF LAW IN SUPPORT
OF APPLICATION FOR ATTORNEY'S FEES

This application for an award of reasonable attorney's fees and costs is filed pursuant to 42 U.S.C.A. Section 1973 1(e) and Section 1988. Attached to the application for attorney's fees are affidavits of the moving counsel (Exhibit B) and his co-counsel (Exhibit C) each with detailed breakdowns of the time spent and expenses incurred (Exhibit A) and supporting affidavits on fee and time issues (Exhibit D).

An amount of \$16,379.50 is claimed for Todd Johnson's hours, an amount of \$6,450.00 is claimed for Robert W. Cullen's hours, an amount of \$697.50 is claimed for other lawyers' hours, and an amount of \$1440.00 is claimed for a law assistant's work. All the amounts claimed are reasonable and all times claimed are well below any times actually committed to representation.

I. Status of the Case

This petition is filed to recover fees, costs and expenses from the period 5 March 1983 through the filing of the petition. Pursuant to the Court's consent order, special elections have been held. Following review of the motion for intervention, the polling places, and the conduct of the elections, the need for local counsel has ended, and this application for fees has become proper. The City has indicated an inclination not to agree upon a fee award, although upon the filing of this application further negotiation will be initiated.

II. Statement of Facts

In the winter of 1983, the Valdosta office of Georgia Legal Services was requested by a number of eligible black citizens of Valdosta to investigate the merits of a voting rights suit against the City of Valdosta. In March of 1983, a newspaper search was begun, and strategy meetings were held with potential named plaintiffs in the litigation.

Shortly after the search began, Mr. Posner and Mr. Foshay, of the United States Department of Justice, Voting Rights Division, visited Valdosta for what was then described as a routine Section 2 compliance check. At that time, the Justice Department was given the results of our preliminary research concerning the voting rights changes in Valdosta and was urged to become involved during an extended tour we gave of the town.

The newspaper research from our office continued through the following two months, and in May of 1983, named plaintiffs were selected from the number of black citizens who had approached us. The ACLU agreed to represent people who were ineligible for our services at that time, and to allow Todd Johnson, a Georgia Legal Services attorney in Valdosta, to be the lead counsel in the litigation. At that point, we held a series of weekly client meetings for education and introduction to the voting rights history of Valdosta.

In view of a Justice Department refusal to commit to any sort of action in Valdosta, in June 1983 our clients had us send a demand letter to the City requesting a system composed of six single-member districts for the election of city council members. (Attached as Exhibit E.) Research and client meetings continued through the summer.

In mid-July, George Talley, the City's attorney, met Todd Johnson concerning the demand letter. Talley responded formally in August requesting an extension of time for more information and for a chance to get all the council members together. (Exhibit F) Throughout the summer, a law student assistant hired at Georgia Legal Services had contacted other local entities who had recently changed voting systems, and in response to the City's request, we gave the City the names of those other localities and described the type of change that had occurred.

In late August of 1983, Christopher Coates and Todd Johnson met with George Talley concerning possible plans that could be adopted by the City. Mr. Talley indicated that he would be contacting and working with the State Reapportionment Department to get maps drawn so that a possible concrete compromise could be reached. In early October, a number of maps were in fact drawn for the City of Valdosta by the legislative staff. The suit was approved and finally prepared for filing in late October. The Justice Department filed an action against the City, County, and City School Board in November of 1983, and a few days later, our clients filed their suit against the City. As early as December of 1983, the City made an offer of settlement in a meeting with the Justice Department and private plaintiff counsel.

In January of 1984, the private plaintiffs obtained consent of all parties in the litigation of the Justice Department to consolidate the actions. This was done with the Court's approval. Todd Johnson, the local counsel for the private plaintiffs, attended all but a few of the depositions scheduled by the Justice Department for the winter and spring of 1984. He initiated several lines of questioning which were later adopted by the Justice Department attorneys, and in April of 1984, through questions to Councilwoman Bechtel and a conference after the depositions, it was he who managed to start the negotiation process up again.

In April of 1984, the Justice Department attorneys were interested in going to trial on the issues in September of 1984, although this might mean that another election would be delayed significantly. Because of our urgings, the Justice Department changed their position, started negotiating in earnest, and added the requirement that a special election be held in any compromise plan.

Through the spring and summer of 1984, we worked with the Justice Department and City in the structuring of a negotiated settlement. At the same time, it was the plan of our clients to use the more extreme position of the NAACP (represented by the ACLU), to force the City into further concessions before settlement. A number of City proposals were rejected during the spring and summer of 1984, and the present plan used by the City of Valdosta was the result of our bargaining with the Justice Department and the City attorney and indications of general support for the plan finally adopted.

The City attorney was informed long before final settlement that the private plaintiffs would not be able to accept the plan as a whole. Through the summer of 1984, the private plaintiffs attempted to bargain for the removal of the at-large seat in the plan, but were unsuccessful. Apart from the NAACP, all the private plaintiffs finally approved of the settlement plan. In February of 1985, Willie Houseal, a member of one of the plaintiff groups, was elected to the Valdosta City Council.

III. Basis of the Application

A. Plaintiffs are the Prevailing Parties in this Litigation

The petition accompanying this brief seeks counsel fees pursuant to 42 U.S.C. Section 1973 1(e) and 42 U.S.C. Section 1988, attorney's fees statutes which govern this case. Attorney's fees are available under these statutes to "prevailing parties", in voting rights litigation. The phrase carries the same general meaning under both Acts. S. Rep. No. 295, 94th Cong. 1st Sess. 40 (1974), reprinted in 1975 U.S. Cong. & Admin. News 774, 807. Hensley v. Eckerhart, 461 U.S. 424, 103 S.Ct. 1933, 1939 n.7, 76 L.Ed.2d 40 (1983).

A "prevailing party" is one whose "ends are accomplished as a result of the litigation even without formal judicial recognition." Iranian Students Association v. Edwards, 604 F.2d 352, 353 (5th Cir. 1979). Complete and unconditional success is unnecessary. Plaintiffs may be considered to have prevailed if "they succeed on any significant issue in litigation which achieves some of the benefit the parties sought in bringing suit." Hensley, 103 S.Ct. at 1939, citing with approval Nadeau v. Helgemore, 581 F.2d 275, 278-79 (1st Cir. 1978). If a party is merely "catalyst" to one of the changes brought by the litigation, he or she is "a prevailing party within the meaning of the statute and supporting case law." Williams v. City of Fairburn, Georgia, 702 F.2d 973 (11th Cir. 1983).

As indicated in the statement of facts and affidavits, our contacts with the Justice Department helped inspire them to act against the City, our negotiations with the City pushed them to prepare plans for concrete response prior to any suit, and our actions in the suit insured that negotiations commenced and that a special election was a part of the final settlement. The shape of the final settlement was affected by our constant bargaining with the City and Justice Department. Each of these actions provided a catalyst for change in the litigation and a result which was very close to that requested in the original demand letter sent to the Defendants.

The presence of the Justice Department along with the private plaintiffs in this action should not bar recovery of attorney's fees, given our role as a catalyst of separate significant issues in the litigation. Hensley, 103 S.Ct. at 1939. See Commissioners Court of Medina County, Texas et al. v. United States of America, Antonio Garcia III, et al., 719 F.2d 1179 (D.C. Cir. 1983); Garcia v. Guerra, 799 F.2d 1159 (5th Cir. 1984).

In Medina County, the private intervenors had opposed the compromise settlement as the private plaintiffs did here. The District Court's denial of attorney's fees was twice reversed. The Fifth Circuit noted that opposition to the plan "...does not dilute appellants' claim to prevailing party status..." and that in light of the intervenors' actions in the case, there was no indication that a fee award would be unjust. Medina County, at 1181.

In Garcia, the relief sought was ultimately granted through delays in the approval sought in the Justice Department--not the intervenors' suit. The Garcia court went so far as to say that as long as the action taken by the entity was "not a wholly gratuitous response to an action that in itself was frivolous," the intervenors' fee application would prevail. Garcia, at 1163.

The 11th Circuit Court of Appeals has determined that Section 1988 "...should be accorded broad interpretation since the statute is remedial in nature." Williams v. City of Fairburn, Georgia, 702 F.2d 973, 976 (11th Cir. 1983); Duncan v. Poythress, 750 F.2d 1540, 1542 (11th Cir. 1985). As catalysts of major importance in this litigation, the private plaintiffs are entitled to attorneys' fee awards.

B. Standard for Determining the Fees

The Supreme Court has substantially streamlined the factors to be considered by a court when considering a fee request under 42 U.S.C. Section 1988. Blum v. Stenson, 104 S. Ct. 1541 (1984); Hensley v. Eckerhart, 461 U.S. 424, 103 S. Ct. 1933, 76 L.Ed.2d 40 (1983). As Section 1988 was based largely upon the attorney fee provisions in the Civil Rights Act of 1964, among them Section 1973 1(e), it is reasonable to use the same analysis here. See Hensley, supra.

In Blum, the Court ruled that under 42 U.S.C. Section 1988, the district court may allow the prevailing party a "reasonable attorney's fee" as part of the cost. 104 S.Ct. at 1548. In most instances, a "reasonable attorney's fee is properly calculated by multiplying the number of hours reasonably expended on the litigation times a reasonable hourly rate." Id., citing Hensley. Unless an upward adjustment in the form of an enhancement factor is sought, no other issues need to be addressed. Id., at 1549.


The Blum opinion makes it clear that fee awards to private non-profit Legal Services organizations should be calculated using market rates and not merely cost figures. Blum, at 1546-7.

It is clear that fee awards are available for time spent litigating fees. Johnson v. Univ. Col. of Univ. of Ala. in Birmingham, 706 F.2d 1205, 1207 (11th Cir. 1983); for travel time of outside counsel, Dowdell v. City of Apopka, Florida, 698 F.2d 1181 (11th Cir. 1983); and for the retention of multiple attorneys in complex litigation. Johnson v. University College, at 1208.

The rates established by the supporting affidavits show that the rates claimed by counsel in this litigation are quite reasonable. A detailed chronology of the hours expended is contained in the exhibits, and the time is claimed to be reasonable and necessary for the representation and actions described.

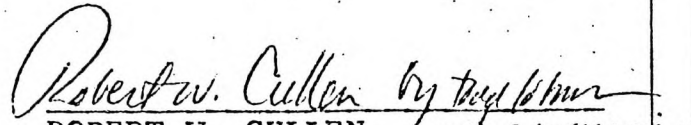
IV. Conclusion

For the foregoing reasons, the application for awards of attorney's fees and costs should be granted. If the parties are unable to negotiate an award, we request that the Court set a hearing for the matter upon motion of either party.



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IN THE UNITED STATES DISTRICT COURT
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OF THE NAACP, et al.,

Plaintiffs

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CIVIL ACTION
FILE NO. 83-108-VAL

(formerly consolidated
with 83-106)

TIME RECORDS

1.

Time entries reflect 229.3 hours representation by the moving counsel and 15.5 hours of legal work by counsel under his supervision. Times indicated for co-counsel representation reflected in Exhibit A are 28.5 hours.

2.

Travel time for the Macon conference, the Macon deposition, the voting rights seminar, and the final conference in Valdosta are 29 hours for Todd Johnson. Travel times for three trips to Valdosta for client conferences and judicial conference, one trip to Macon for a judicial conference and one to the voting rights conference are 36 hours for Robert W. Cullen.

3.

Chronological time entries include the following charted entries:

VALDOSTA GLSP - NAACP ET AL v. TILLMAN ET AL

<u>DATE</u>	<u>SERVICES</u>	<u>CLIENT CNTCT</u>	<u>INVEST FACTS</u>	<u>STRATEGY RESEARCH</u>	<u>DEPO CONFER.</u>	<u>TOTAL</u>
3.5.83	newsp. srch.		3.5			3.5
3.22.83	client mtg	1.1		2.3		3.4
3.22.83	Cullen invst. minutes/artcls		3.4	.7		4.1
3.28.83	read strategy memo/T.C. Cullen			.3		.3
3.29.83	mtg w/ glsp staff on disc. memo to staff,		1.3			1.3
3.30.83	staff present. suit ok'd		.3			.3
4. .83	mtg w/Posner+ Foshay of USDJ			2.0		2.0
4.13.83	t/c Cullen;memo re: research			.5		.5
4.14.83	t/c Posner re: shared investig.		.5			.5
4.19.83	news research		1.0			1.0
5.14.83	news research Johnson Mandell		4.5 4.0			9.5
5.21.83	news research Johnson Noles Mandell		6.0 6.0 4.5			16.5
5.27.83	sent retainers	.2				.2
6.1.83	t/c Coates			.5		.5
6.1.83	client mtg/tc	1.5				1.5
6.7.83	source letters		.2			.2
6.8.83	ACLU.t/c on defs' attnys			.3		.3
6.8.83	client mtg/tc	1.5				1.5
6.9.83	news research		2.0			2.0
6.10.83	Cullen ltr/tc			.3		.3
PAGE TOTALS		4.3	37.2	6.9	000	48.4 hours

VALDOSTA GLSP--NAACP ET AL v. TILLMAN ET AL

<u>DATE</u>	<u>SERVICES</u>	<u>CLIENT</u> <u>CNTCT</u>	<u>INVEST</u> <u>FACTS</u>	<u>STRATEGY</u> <u>RESEARCH</u>	<u>DEPO.</u> <u>CONFERENCE</u>	<u>TOTAL</u>
6.14.83	t/c Talley; prep of letters to Council			1.5		1.5
6.15.83	client mtg and prep	1.5				1.5
6.22.83	client mtg	.6				.6
6.23.83	news research		2.0			2.0
6.24.83	t/c Posner			.7		.7
6.26.83	memo/conf.w/ Ken on client mtg.	.5				.5
6.27.83	t/c Houseal	.3				.3
6.29.83	client mtg Jones; Matchett	1.0				1.0
7.8.83	Houseal t/c	.3				.3
7.13.83	Talley t/c; mtg			.7		.7
7.13.83	client mtg	.7				.7
7. .83	Talley t/c			.3		.3
8.1.83	Talley ltr read			.3		.3
8.17.83	Talley t/c extension letter			.5		.5
8.19.83	Talley mtg.			1.0		1.0
8.30.83	Coates t/c			.5		.5
8.31.83	Talley mtg.			.8		.8
8.31.83	Coates mtg.			3.1		3.1
8.31.83	Client mtg	2.1				2.1
9.1.83	Coates t/c			.6		.6
9.6.83	Gordon t/c	.3				.3
9.13.83	Houseal t/c	.4				.4
9.14.83	Coates t/c			.2		.2

PAGE TOTALS

7.7 2.0 10.2
EXHIBIT A - PAGE 3 OF 11

000

19.9

VALDOSTA GLSP--NAACP ET AL v. TILLMAN ET AL

<u>DATE</u>	<u>SERVICES</u>	<u>CLIENT</u> <u>CNTCT</u>	<u>INVEST</u> <u>FACT</u>	<u>STRATEGY</u> <u>RESEARCH</u>	<u>DEPOS.</u> <u>CONFER.</u>	<u>HOUR</u> <u>TOTAL</u>
9.26.83	revwd pldgs dictated drft researched			6.0		6.0
10.3.83	ltr to partic- ipants	.6				.6
10.17.83	Houseal t/c	.3				.3
10.21.83	Gordon t/c	.3				.3
10.26.83	Houseal t/c	.3				.3
10.28.83	draft sent after chg			2.7		2.7
10.28.83	Coates t/c			.4		.4
10.31.83	Sherman t/c	.1				.1
11.7.83	Sherman t/c	.2				.2
11.7.83	Suit final & filed			1.1		1.1
11.8.83	client mtg. press conf.	1.0		.7		1.7
11.10.83	Talley t/c ack.drafted			.8		.8
11.18.83	Posner t/c			1.0		1.0
11.28.83	Talley t/c ext. okd			.2		.2
11.28.83	Cullen t/c			.3		.3
11.29.83	conf. lettr			.2		.2
11.29.83	Sherman t/c	.3				.3
11.29.83	ltr. Coates			.5		.5
12.2.83	Sherman Gordon t/cs	.7				.7
12.4.83	Posner t/c			.5		.5
12.5.83	Mtg. Talley, USDJ, Cullen			1.3		1.3
	PAGE TOTALS	3.8	00	15.7	00	19.5

VALDOSTA GLSP--NAACP ET AL v. TILLMAN ET AL

<u>DATE</u>	<u>SERVICES</u>	<u>CLIENT</u>	<u>FACT</u>	<u>STRATEGY</u>	<u>DEPO.S</u>	<u>HOURS</u>
		<u>CNTCT</u>	<u>INVEST</u>	<u>RESEARCH</u>	<u>CONFER.</u>	<u>TOTAL</u>
12.5.83	client mtg			2.2		2.2
12.6.83	Shinhoster t/c	.2				.2
12.6.83	Talley letter t/c			1.3		1.3
12.20.83	Gordon t/c	.3				.3
12.20.83	Coates t/c			1.0		1.0
12.21.83	Posner t/c			.8		.8
12.27.83	Talley t/c			.3		.3
12.29.83	update memo update memo			.6		.6
12.29.83	Gordon/Houseal t/cs, memo			.7		.7
1.3.84	Hancock t/c			.3		.3
1.3.84	Prop.disc. order typed and sent			3.5		3.5
1.4.84	t/c Coates; Cullen			1.5		1.5
1.5.84	t/c Posner			.4		.4
1.11.84	t/c Gordon	.2				.2
1.12.84	t/c Posner			.4		.4
1.13.84	Talley, Judge conference call on consolidation				.3	.3
1.13.84	research; memo to Cullen			5.0		5.0
1. .84	calls; visits for Talley, Yancey, Blackburn on consolidation			1.6		1.6
1.31.84	memo; t/c Cullen			1.1		1.1
2.3.84	Order sent to Judge Owens			.2		.2
	PAGE TOTALS	.7	00	20.9	.3	21.9

VALDOSTA GLSP--NAACP ET AL v. TILLMAN ET AL

<u>DATE</u>	<u>SERVICE</u>	<u>CLIENT CNTCT</u>	<u>FACT INVEST</u>	<u>STRATEGY RESEARCH</u>	<u>DEPO.S CONFERENCE</u>	<u>HOURLY TOTAL</u>
2.9.84	filed & sent consent order			.5		.5
2.9.84	reviewed disc. plan			1.0		1.0
2.15.84	t/c Houseal	.5				.5
2.20.84	t/c Cullen on depos.			.8		.8
2.24.84	t/c Coates			.3		.3
2.27.84	t/c Gordon	.2				.2
2.28.84	Depos. of Walker, Rowan Bassford				7.0	7.0
2.29.84	Depos. of Mixon, Young, Yancey..				7.5	7.5
3.1.84	Depos of Mayo, Eldridge, Langdale				8.5	8.5
3.6.84	letter w/ articles			.2		.2
3.8.84	t/c Posner			.4		.4
3.13.84	t/c Cullen			.7		.7
3.22.84	Posner letter w/opinion			.7		.8
3.23.84 -25.84	Voting rights conference			14.0*		14.0
3.31.84	Macon news research prep. for Groover			2.0*		2.0
4.2.84	memo to Cullen on Groover			.2		.2
	PAGE TOTALS	.7		20.8	23.0	44.5

VALDOSTA GLSP--NAACP ET AL v. TILLMAN ET AL

<u>DATE</u>	<u>SERVICE</u>	<u>CLIENT</u> <u>CNTCT</u>	<u>FACT</u> <u>INVEST</u>	<u>STRATEGY</u> <u>RESEARCH</u>	<u>DEPO.S</u> <u>CONFERENCE</u>	<u>HOUR</u> <u>TOTAL</u>
4.6.84	t/c sched. time change			.1		.1
4.13.84	t/c Sth.R.C. Gwen West			.3		.3
4.16.84	Depo.s of Smith, Newbern Quattlebaum				6.7	6.7
4.17.84	ltr to clnts Houseal t/c	.7				.7
4.17.84	Depo of Barron				2.0	2.0
4.18.84	Depos of Beck, Bechtel..				6.5	6.5
4.18.84	Negotiation w. Talley; Posner			.5		.5
4.19.84	Depos of Hill, Norris; Stump				6.0	6.0
4.19.84	t/c Houseal	.3				.3
4.20.84	Depos of Harbin, May..				8.5	8.5
4.22.84	Read McDonald Vot.Rt.article			1.0		1.0
4.23.84	Groover Depos				2.3*	2.3
4.27.84	clnt.letter	.2				.2
5.7.84	t/c Posner				.2	.2
5.10.84	Blackburn t/c				.2	.2
5.10.84	Banks t/c	.2				.2
5. .84	Talley t/c on 5-1 plan			.3		.3
5.14.84	t/c Leg.drftg. Office			.3		.3
5.16.84	Groover depo sent/copied			.5		.5
PAGE TOTALS		1.4	00	3.0	32.4	36.8

VALDOSTA GLSP--NAACP ET AL v. TILLMAN ET AL

<u>DATE</u>	<u>SERVICE</u>	<u>CLIENT CNTCT</u>	<u>FACT INVEST</u>	<u>RESEARCH STRATEGY</u>	<u>CONFERENCE DEPOSITION</u>	<u>HOURS TOTAL</u>
5.18.84	Gordon t/c	.3				.3
5.21.84	Denson ltr	.2				.2
5.23.84	Gordon t/c	.3				.3
5.23.84	sent art.s to Posner		.1			.1
5.29.84	Coates t/c			.3		.3
5.29.84	JDpt letr w/opin read			1.0		1.0
5.30.84	Houseal t/c	.2				.2
5.31.84	letr to Posner			.2		.2
5.31.84	Talley t/c on 6-1 plan w/ 2/85 elcts			.5		.5
5.31.84	Cullen t/c			.7		.7
6.4.84	Talley t/c w/ 6-1 %			.8		.8
6.4.84	visits to clients for consent/ref.	1.5				1.5
6.6.84	letr dict to Talley re: conference			.3		.3
6.8.84	t/c to Posner on city prop. swing wd low percents			.3		.3
6.11.84	t/c Posner re: settlement			.3		.3
6.19.84	t/c Posner re: Judge mtg			.3		.3
6.20.84	t/c Cullen on conference			.5		.5
PAGE TOTALS		2.5	.1	5.2	00	7.8

VALDOSTA GLSP--NAACP ET AL v. TILLMAN ET AL

<u>DATE</u>	<u>SERVICE</u>	<u>CLIENT</u>	<u>FACT</u>	<u>RESEARCH</u>	<u>DEPO.S</u>	<u>HOURS</u>
		<u>CNTCT</u>	<u>INVEST</u>	<u>STRATEGY</u>	<u>CONFERENCE</u>	<u>TOTAL</u>
6.26.84	Coates, Cullen strategy sess.			2.0		2.0
6.26.84	Status confer. in Macon/neg.				1.5	1.5
6.27.84	Houseal t/c	.2				.2
6.28.84	Posner t/c			.3		.3
6.29.84	Coates t/c			.3		.3
6.29.84	letter offer sent city			.3		.3
7.2.84	ltr sent clts	.3				.3
7.3.84	t/c Posner re: City elect. delay/superd's			.6		.6
7.12.84	Coates t/c			.5		.5
7.12.84	t/c Posner			.2		.2
7.17.84	Coates memo			.2		.2
7.25.84	ltr. offer from city			.2		.2
7.30.84	t/c Talley line chges			.2		.2
7.31.84	visits to clients for app/deny	1.8				1.8
7.31.84	Posner t/c re: maps			.2		.2
8.14.84	Cullen t/c			.5		.5
8.21.84	Talley t/c			.2		.2
8.21.84	Cullen t/c			.2		.2
8.27.84	Coates t/c			.2		.2
8.27.84	Posner t/c			.3		.3
PAGE TOTALS		2.3	00	6.4	1.5	10.2

VALDOSTA GLSP--NAACP ET AL v. TILLMAN ET AL

<u>DATE</u>	<u>SERVICE</u>	<u>CLIENT CNTCT</u>	<u>FACT INVEST</u>	<u>RESEARCH STRATEGY</u>	<u>DEPOSITIONS CONFERENCE</u>	<u>HOURS TOTAL</u>
8.31.84	Cullen t/c			.5		.5
9.1.84	Houseal conf.	.3				.3
9.4.84	Coates t/c memo			.5		.5
9.4.84	Cullen t/c			.3		.3
9.7.84	Talley t/c			.2		.2
9.7.84	Coates t/c			.3		.3
9.7.84	Posner t/c			.1		.1
9.17.84	Talley t/c re:ACLU ltr			.2		.2
9.19.84	USJD ltr.			.2		.2
9.20.84	Talley t/c; letters			.4		.4
9.21.84	Owens letr.			.1		.1
9.24.84	Posner t/c			.2		.2
9.25.84	Coates t/c			.1		.1
9.26.84	Posner/Coates bkfst mtg			.5		.5
9.26.84	Final mtg for signing by J. Owens				2.0*	2.0
9.26.84	visits to all clients for apprvl	2.2				2.2
9.26.84	Coates conf.			.7		.7
10. .84	Coates/Cullen t/cs			2.0		2.0
10.4.84	letter to Owens			.3		.3
10.4.84	sent client oks; suggsted consent order			1.5		1.5
10.19.84	t/c Cullen ok to settle except NAACP accdg to Coates			.3		.3
PAGE TOTALS		2.5	00	8.4	2.0	12.9

VALDOSTA GLSP--NAACP ET AL v. TILLMAN ET AL

<u>DATE</u>	<u>SERVICES</u>	<u>CLIENT</u>	<u>FACT</u>	<u>RESEARCH</u>	<u>DEPO.S</u>	<u>HOURS</u>
		<u>CNTCT</u>	<u>INVEST</u>	<u>STRATEGY</u>	<u>CONFERENCES</u>	<u>TOTAL</u>
10.21.84	t/c Talley			.2		.2
10.25.84	reviewed intervention briefs; t/c Posner			.6		.6
11.5.84	Reviewed news articles sent from Valdosta;		.8			.8
11.20.84	memo to Cullen w/summary			.5		.5
12. .84	t/c clerk			.1		.1
12.14.84	school consent reviewed			.5		.5
12.28.84	order reviewed			.3		.3
1.23.85	fees research review of brfs.			1.0		1.0
1.22.85	t/c Posner re: polling sites			.5		.5
2.8. 85	t/c Posner re: candidates			.3		.3
2.21.85	elect. stats reviewed			.3		.3
3.12.85	elect. stats reviewed			.1		.1
4.9.85	time summary typed from source sheets for affidavit			5.2		5.2
4.10.85	time summaries typed.			4.5		4.5
4.11.85	affidavit and brief prep.			8.0		8.0
			.8	22.1		22.9

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

LOWNDES COUNTY CHAPTER	&	
OF THE NAACP, WINNERSVILLE	&	
COALITION CONSULTANTS,	&	CIVIL ACTION
JEFFREY R. PERRY, WANDA	&	
DENSON, ROBERT BANKS, ONNIE	&	FILE NUMBER 83-108-VAL
PHILLIPS, JOHN CARTER,	&	
and ANNA M. TYSON,	&	
	&	
Plaintiffs	&	
	&	
-v-	&	(consolidated with
	&	83-106-VAL for discovery
	&	and trial)
HARRISON TILLMAN, et al.,	&	
	&	
Defendants	&	

AFFIDAVIT OF TODD JOHNSON

Upon being duly sworn by the undersigned officer empowered by law to administer and attest oaths, Affiant, Todd Johnson, testifies as follows:

1.

I was the local counsel for Plaintiffs in this action, and this Affidavit is given in support of the Plaintiffs' application for an award of attorneys' fees and expenses.

2.

All of the time entries claimed by me in this case, as set forth in Exhibit A, are taken from records kept contemporaneously by me in the regular course of business. Certain expense records and time records have required reconstruction of one element or another from other records held by other counsel and in our central office.

3.

It is my opinion that the time claimed in this Application substantially understates the time actually spent in necessary legal work on the case and under-reports many contacts with clients and other counsel on both sides.

4.

I received my B.S. degree in political science from the University of Minnesota in 1977 and my J.D. degree from Harvard Law School in 1980. In the summer of 1979 I clerked with the Center for Law in the Public Interest and worked on the successful Irvine Ranch Water District voting rights case in Orange County, California, doing document discovery and research.

5.

After graduating from law school, I went to work for Georgia Legal Services Program in Valdosta where over the course of my first three years I made contacts with much of the community in efforts such as the Unity Food Bank and in my legal work for lower income persons in Valdosta.

6.

I successfully argued and briefed Simpson v. Schweiker, 691 F.2d 966 (11th Cir. 1982) and have filed Social Security and prison condition matters in the Middle District of Georgia. Unlike my co-counsel Mr. Cullen and Mr. Coates, I do not have extensive voting rights litigation experience, although my records indicate constant contact with those who did.

7.

In handling this case, I tried to avoid duplication of attorney time. My private clients were interested in black representation from a fairly drawn plan as quickly as possible, and my actions in negotiation and settlement of the case were so directed. Several clients previous to spring 1983 were urged by us to contact the Justice Department for additional investigation and our strategy was to use them to draw fire while our local private clients were allowed a voice in settlement or litigation.

8.

We gave the Justice Department team led by Mr. Posner in the spring of 1983 a variety of articles and facts we had discovered concerning the history of Valdosta and the 1963 legislative and social changes, but after investigation, the Justice Department could not commit to action.

9.

In June of 1983 our clients sent a demand letter to the City requesting a negotiated settlement with six wards. I negotiated by phone with George Talley numerous times over the summer, and I met with Talley on three or four occasions. Christopher Coates met with me and George Talley in late August, and Talley promised to have maps prepared shortly for a concrete compromise. Maps were prepared in October for the City. The suit was ready for filing in October and was so filed directly after the Justice Department action against the City in November.

10.

In December of 1983, the City was prepared to make an offer of settlement. In January of 1984, by consent of all parties, the suits were consolidated. I attended most of the depositions in the spring of 1984, and through questioning of Ms. Bechtel and a conference with the Justice Department and George Talley after the Bechtel deposition, I helped start negotiations again and added a proviso that our Plaintiffs would require a special election in any compromise settlement, an element the Justice Department had not planned on. From that time on, we negotiated with the City and Justice Department over a number of plans, registering various types of objections to plans submitted, and offering general support for the plan finally submitted. Hoping to rid the plan of the final at-large feature, the private Plaintiffs did not join in the final consent order.

11.

The present action was based on months of investigation made by the staff of Georgia Legal Services. This investigation and the time I spent on the matter kept us from other suits of social significance in Valdosta during 1983 and 1984 and from fuller service of the poverty population in the other nine counties served by the office in Valdosta.

12.

On information and belief, the amount charged by attorneys of my experience in the Valdosta area for ongoing civil litigation of no great complexity ranges from \$45.00 per hour to \$85.00 per hour. In multi-client litigation, the

rate charged is generally higher than noted. The city attorney noted that he had reduced his rate to \$65.00 per hour for this case.

13.

Georgia Legal Services Program is a private non-profit corporation which includes attorney fee awards in its annual budgeting process, and thus becomes somewhat dependent upon the realization of the awards which fund its major litigation on behalf of poor people and allow it to maintain levels of service to the poverty population in more routine matters. In committing large amounts of time to this litigation, its fee was contingent upon the Plaintiffs being prevailing parties.

14.

The skills required in this particular case included the necessity that counsel communicate with diverse elements of the black population and achieve a consensus for representation, that counsel use local practice to the advantage of the clients in issues such as the consolidation requiring consent of all parties, and that counsel retain an active role in negotiations.

15.

The relief obtained in this case corrected racial discrimination in the election of the Valdosta City Council and affected the class of all black citizens eligible to vote in the City elections. Georgia Legal Services actions inspired the Justice Department to intervene in Valdosta, push the City to the drawing of maps prior to suit, got

negotiations back on track in the spring, and insured the provision of a special election in the consent plan. The relief obtained was very similar to that originally demanded.

16.

The representation of blacks in civil rights cases in South Georgia is not a desired practice for most if not all of the attorneys in private practice in South Georgia, and the financial backing helpful in a case like this would even further limit the availability of other representation. Our use of the Justice Department was a successfully executed aid to our representation of private citizens in Valdosta.

17.

My time records are correctly entered in Exhibit A. I am requesting a fee of \$65.00 per hour for my services in this case, an award lower than awards made in similar cases.

18.

The total time in each category in representation I personally gave is as follows:

Documented client contact:	24.9 hours
Documented fact investigation:	25.6 hours
Documented negotiation research strategy formulation or paper drafting:	119.6 hours
Documented representation at conferences or depositions:	<u>59.2 hours</u>
Total time documented:	229.3 hours

At a rate of \$65.00 per hour the fee for my services would be: \$14,904.50

19.

The total time I witnessed other lawyers under my supervision spending in fact gathering and client contact is 15.5 hours. At a rate of \$45.00 per hour for these lawyers an addition of \$697.50 should be made.

20.

My total travel times for the Macon conference, the Macon deposition, the voting rights seminar, and the final conference in Valdosta are 29.5 hours. At a rate of reimbursement of \$50.00 per hour, an addition of \$1475.00 should be made.

21.

We are requesting reimbursement in the amount of \$100.00 per hour for the time spent by Robert Cullen as evidenced by Exhibit A. With the total number of hours being 64.5, we are requesting \$6,450.00 for his time.

22.

During the summer of 1983 the Valdosta office of Georgia Legal Services hired a legal intern for use in the voting rights case research. He worked full time in this capacity in his 28 hours per week. He was paid more than \$1440.00 or \$5.71 per hour. (Exhibit G) This cost figure is requested for reimbursement absent other documentation.

Costs in making copies of newspaper articles,
telephone calls, and other similar expenses incurred are
not being sought.

This 17 day of June, 1985.

Todd Johnson
TODD JOHNSON

Sworn to and subscribed before me
this 17th day of June, 1985.

Sandra Massee
Notary Public, (Georgia) State at Large

My Commission expires on 3/20/88.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

LOWNDES COUNTY CHAPTER)
OF THE NAACP, WINNERSVILLE)
COALITION CONSULTANTS,)
JEFFREY R. PERRY, WANDA)
DENSON, ROBERT BANKS,)
DONNIE PHILLIPS, JOHN)
CARTER and ANNA M. TYSON,)
)
Plaintiffs,)
)
v.)
)
HARRISON TILLMAN, et al.,)
)
Defendants.)

CIVIL ACTION
FILE NO.: 83-108-VAL

AFFIDAVIT OF ROBERT W. CULLEN

Upon being duly sworn, affiant ROBERT W. CULLEN, states that:

1. I am one of the counsel for Plaintiffs and am making this affidavit for use in this action.
2. The hours represented in Exhibit "A," as expended by me, set forth only time that was absolutely necessary in the prosecution of this matter. Unnecessary duplication of effort with co-counsel was avoided during the litigation. The time set forth in Exhibit "A," in fact, is very conservative since many actions which are normally compensable have not been listed.
3. For the purposes of establishing an hourly fee, pursuant to Johnson v. Georgia Highway Express, 488 F.2d 714 (5th Cir. 1974), my educational background is as follows: B.S. from

Clark University (1970); Ed.M from Harvard University (1971); J.D. from Boston College Law School (1974). My employment experience includes Staff Attorney, Senior Staff Attorney, Managing Attorney and Specialist Attorney with Georgia Legal Services Programs, 1974 to present. I have been a member of the Georgia Bar since October 1974. My responsibilities at Georgia Legal Services have included supervising the litigation of various staff lawyers. In the usual capacity as counsel, I have participated in many Federal and State actions involving poverty and civil rights. With regard to public assistance, I have been counsel in Ginn, et al. v. Parham et al., No. C74-2520-A (N.D. Ga) (an action to enforce the 30 Food Stamp Standard of Promptness); Scott, et al. v. Parham, et al. (N.D. Ga.) 69 F.R.D. 324 (1975) 492 F.Supp. III (1977). In other areas I have been counsel in Davis v. Wynne et al., CV-178-44-Aug. (S.D. Ga.) (Enforcement of Section 504 of the Vocational Rehabilitation Act of 1973); Rogers v. Lodge, 103 S.Ct. (1982) (voting rights, dilution action). Sapp v. Rowland, No. CV-176-94-Aug. (S.D. Ga.) (Grand Jury desegregation action); Sullivan v. DeLoach, No. CV-176-238-Aug. (S.D. Ga.) (voting rights, dilution and Section 5); Williams et al. v. Butz, et al., No. CV-176-153-Aug. (S.D. Ga.) (state-wide class action to enjoin non-judicial foreclosure of Farmers Home Administration property); Walker, et al. v. Mathews, No. CV-175-131-Aug. (S.D. Ga.) (1977) (Social Security appeal, won on issue of standard of review in illegitimacy cases); Young v. Young, 253 Ga. 653 (1975); Hamilton, et al. v. The Board of Commissioners of Richmond County, Georgia, et al., No. CV-178-226 (S.D. Ga.) (voting rights, dilution action);

Chester, et al. v. The County Board of Education of Richmond County, Georgia, et al., No. CV-178-233 (S.D. Ga.) (voting rights, dilution suit); Donaldson et al. v. The City Council of Augusta, Georgia, et al., No. CV-178-234 (S.D. Ga.) (voting rights, dilution action); Brown, et al. v. Beck, et al., No. CV-177-56 (May 2, 1978 S.D. Ga.) (jail conditions action against the Richmond County Jail); Atkins et al. v. Cleland, et al., No. CV-177-160 (S.D. Ga.) (action challenging the constitutionality of non-judicial foreclosure when utilized by the Veterans Administration); Guthrie v. Evans, No. 3068 (S.D. Ga.) (prison conditions action against the Georgia State Prison at Reidsville, Georgia); Carl M., et al. v. Oellerich, et al., No. CV-179-33 (S.D. Ga.) (action which challenges the constitutionality of a student's expulsion from the public schools); Burke County Improvement Association, et al. v. Burke County Democratic Committee, et al., No. CV-179-32 (S.D. Ga.) (action under the Voting Rights Act of 1965 challenging the non-submission of democratic party districts); Jinnette, et al. v. Harris, et al., No. CV-178-250 (S.D. Ga.) (action challenging overcharged utilities in the Section 8 rental housing program); Fedrick, et al. v. The City Council of Augusta, Georgia, et al., No. CV-178-65, Jan. 25, 1979 (S.D. Ga.) (action challenging the unconstitutional practices in Recorder's Court of Augusta, Georgia); Morris v. Pet, Inc., No. CV-178-25 (S.D. Ga.) (age discrimination action); and United States of America v. Gordon, et al., No. CV-176-189 (S.D. Ga.) (a judicial foreclosure action by the Farmers Home Administration); United States of America v. Daughtry, No.

CV-178-1-ALB (M.D. Ga.) (non-judicial foreclosure action by the Farmers Home Administration), J.J. v. Edwards (action challenging due process provided to parents of foster children), Welch v. Warren (action challenging the Hill-Burton compliance of the Wills County Hospital, 678 F.2d 919 (11th Cir. 1982, Jeffries v. Georgia Residential Finance Authority, cert. den. 103 S.302 (action challenging evictions procedures for Section 8 existing housing), and numerous additional civil rights, Social Security and Truth-in-Lending actions.

4. My current position principally entails responsibility for supervising, litigating and/or co-counseling in the prison and jail class actions brought by Georgia Legal Services Program attorneys. In this position I have participated in class action litigation regarding among other institutions the following:


1. Richmond County Jail
2. Dade County Jail
3. Chattooga County Jail
4. Catoosa County Jail
5. Douglas County Jail
6. Troup County Jail
7. Meriwether County Jail
8. Cobb County Jail
9. Fulton County Jail
10. Gwinnett County Correctional Institution
11. Spalding County Jail
12. United States Penitentiary, Atlanta, Georgia
13. Georgia Industrial Institute, Alto, Georgia

14. Middle Georgia Correctional Institution
 - a) Women's Correctional Institution
 - b) Men's Correctional Institution
 - c) Rivers Correctional Institution
 - d) Youthful Offender Correctional Institution
15. Lowndes Correctional Institution
16. Wayne Correctional Institution
17. Coastal Correctional Institution
18. Georgia State Prison
19. Louisiana State Prison at Angola
20. Rogers Correctional Institution
21. Jefferson County Correctional Institution
22. Columbia County Jail
23. Burke County Jail
24. Augusta City Stockade
25. Toombs County Jail
26. Emanuel County Jail
27. Chandler County Jail
28. Chatham County Jail

This 30 day of May, 1985.


ROBERT W. CULLEN

Sworn to and subscribed before me
this 30 day of May, 1985.


NOTARY PUBLIC

Notary Public, Georgia, State at Large
My Commission Expires August 21, 1988

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

LOWNDES COUNTY CHAPTER	&	
OF THE NAACP, WINNEYSVILLE	&	
COALITION CONSULTANTS,	&	CIVIL ACTION
JEFFREY R. PERRY, WANDA	&	
DENSON, ROBERT BANKS, ONNIE	&	FILE NUMBER 83-108-VAL
PHILLIPS, JOHN CARTER,	&	
and ANNA M. TYSON,	&	
	&	
Plaintiffs	&	
	&	
-v-	&	(consolidated with
	&	83-106-VAL for discovery
	&	and trial)
HARRISON TILLMAN, et al.,	&	
	&	
Defendants	&	

AFFIDAVIT OF RICHARD J. JOSEPH

Upon being duly sworn by the undersigned officer empowered to administer and attest to oaths, the affiant, Richard J. Joseph, testifies as follows:

1.

This affidavit is given in support of the Plaintiffs' application for attorneys' fees in the above-captioned case.

2.

I am an associate in the Valdosta law firm of Blackburn, Bright, Edwards and Dodd. I have known Mr. Johnson since 1982, and I am familiar with his academic background and his experience.

3.

Attorneys' fees of \$60.00 to \$70.00 per hour would fall within the range of hourly rates charged by attorneys of his experience in our firm or in firms in Valdosta for multiple-plaintiff litigation. I believe that in litigation as complex as a voting rights case, the hourly fee would be somewhat higher.

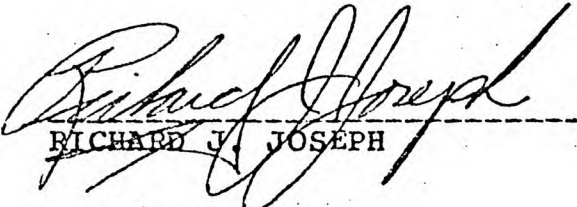
4.

The hourly rates charged for particular attorneys in my firm are billed for each kind of work done by an attorney, whether it be trial appearances, depositions, research, travel, document review, or preparation of pleadings.

5.

In my opinion, very few attorneys if any in south Georgia would have been willing to undertake representation of plaintiffs in a voting rights case against the City of Valdosta.

This 12th day of June, 1985.


RICHARD J. JOSEPH

Sworn to and subscribed before me

this 12th day of June, 1985.

Robert Walsh
Notary Public, Georgia, State at Large

My Commission expires on 8/16/86.

GEORGIA LEGAL SERVICES PROGRAM

VALDOSTA REGIONAL OFFICE

114 NORTH TOOMES STREET
P. O. Box 1267
VALDOSTA, GEORGIA 31601
(912) 247-3430
GIST 343-3430

ATTORNEYS AT LAW
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KENNETH JONES

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EXECUTIVE DIRECTOR
HERMAN LODGE
PRESIDENT
ROSITA STANLEY
VICE PRESIDENT
AUSTIN CATTS
VICE PRESIDENT
COLUMBUS GILMORE
SECRETARY
CHARLES LESTER
TREASURER

June 14, 1983

Mr. George Talley
Attorney for the
City of Valdosta
P. O. Box 1124
Valdosta, Georgia 31601

RE: VALDOSTA'S SYSTEM OF ELECTIONS

Dear George:

I am enclosing letters for Major Nijem and the Council Members. I agree with you that an informal discussion of this would be helpful. I would be happy to meet with you and the Council to talk about it if the Council shows any interest in exploring possibilities of a negotiated settlement. My senior attorney in Atlanta, Bob Cullen, advises me that a set date must be offered as the date on which negotiations will cease. It is our hope that a settlement can be reached by 15 August 1983 without a filing in District Court. I appreciate any help you can give this less costly process in the next two months.

Please give me a call if the Council is interested in talking about single member district systems.

Very truly yours,



TODD JOHNSON
Staff Attorney

TJ:rl
Enclosures

June 14, 1983

Mr. Ashley Hill
City Council Member
Valdosta, Georgia 31601

Dear Mr. Hill:

During the last few years we have been approached by Black citizens of Valdosta concerning voting rights issues in Valdosta. With a population in excess of 35% in Valdosta, Blacks have traditionally been underrepresented on the City Council. In fact, only one Black person has ever served on the City Council.

Although some may want to point to other reasons for this underrepresentation, the system of elections stands out as the major stumbling block to the election of a Black on the council. In 1963, during the drives to register Black voters in Georgia and around the time that President Kennedy introduced the voting rights legislation, the Valdosta City Council changed its method of elections, making it more difficult (although, as Ms. Council has shown, not impossible) for a Black to be elected.

Recently, we have been retained by a number of Black registered voters in the City of Valdosta and a Black community group who feel that the present system of electing the Valdosta City Council makes it impossible for Blacks to be fairly represented and elected. Our clients feel that a single member district system for the City Council is necessary to satisfy their needs and alleviate the concerns of the Black community. We are hopeful that a single member district system can be arranged through negotiation. Your help in fashioning such a system would be appreciated.

The legal claims of our clients are set out on the attached page. The proof of many of these issues and the defense of The issues could require an incredible amount of time and money. With the new voting rights statute, expert witnesses are necessary for many parts of these cases. In addition, great masses of data have to be compiled. Costs of litigation will be very high.

Mr. Ashley Hill
June 14, 1983
Page two

We are hopeful that no suit will be necessary and that good faith negotiations during the next sixty days will lead to an amicable resolution of the issues we have raised with the present system of elections. Our basic position is that only a single member district election system will be acceptable. However, such issues as district lines, the cutting short of terms and timing are all negotiable.

Different cities have approached these difficult issues in different ways. In a time when the courts and the law are in favor of the establishment of district systems to combat this historic under-representation, many city councils have felt that litigation would be a waste of the taxpayer's money. Responsible settlement at this time will save the public the costs and even more importantly the agony of this litigation while creating a more responsive and better form of government for Valdosta. We hope to hear from you soon.

Sincerely,

TODD JOHNSON
GEORGIA LEGAL SERVICES PROGRAM

KENNETH JONES
GEORGIA LEGAL SERVICES PROGRAM

ROBERT W. CULLEN
GEORGIA LEGAL SERVICES PROGRAM

LEGAL CLAIMS

Our clients feel that the present system of electing the Valdosta City Council is violative of the United States Constitution and the Voting Rights Act of 1965 as amended. Specifically, our clients believe that minority voting strength will continue to be unconstitutionally and illegally diluted until the present system of elections is replaced with a single member district plan drawn in conformity with the Constitution and the Voting Rights Act of 1965.

The modified at-large plan instituted in 1963 in effect violates at least the First, Thirteenth, Fourteenth and Fifteenth Amendments of the Constitution of the United States in that it was created and is maintained for invidious racial purposes. The intent requirement as recently established by the United States Supreme Court in Rogers v. Lodge, U.S., 102 S. Ct. 3272 (1982) is clearly met by the facts we have examined. City government has been unresponsive, Blacks suffer from a depressed socio-economic status, voting problems persist and history indicates a case of intentional creation and maintenance.

Even more clear is the Black community's right to prevail under Section 2 of the Voting Rights Act of 1965 as amended in 1982 which establishes a pure results test. While the test does not require proportional representation, the historic underrepresentation of Blacks is more than enough to meet the results test established by the Voting Rights Act of 1965 as amended.

Our clients have instructed us to file suit in the United States District Court seeking relief under the First, Thirteenth, Fourteenth and Fifteenth Amendments of the Constitution of the United States, Section 2 of the Voting Rights Act of 1965 as amended and such other laws as may be appropriate, including Section 5 of the Voting Rights Act of 1965 as amended seeking declaratory and injunctive relief. The litigation will be filed as a class action seeking relief on behalf of the named Plaintiff and all other past, present and future Black residents of the City of Valdosta, Georgia.

LAW OFFICES
TILLMAN, MCTIER, COLEMAN, TALLEY & NEWBERN

B. LAMAR TILLMAN
JOHN T. MCTIER
WADE H. COLEMAN
GEORGE T. TALLEY
C. GEORGE NEWBERN
GARY L. MOSER

910 NORTH PATTERSON STREET
POST OFFICE BOX 1124
VALDOSTA, GA 31603-1124
TELEPHONE 912-242-7562

July 29, 1983

Mr. Todd Johnson
Staff Attorney
Georgia Legal Services Program
P. O. Box 1267
Valdosta, GA 31601

Re: Valdosta System of Elections

Dear Todd:

This will confirm our numerous telephone conferences concerning this matter and your correspondence advising the City of a proposed voting rights suit seeking establishment of a ward system for election of Mayor and Council in the City of Valdosta.

This will confirm also my previous statements to you that the City denies that there is any discrimination in its current voting system but is willing to discuss the possibility of some type of settlement of this matter. I have met with the Council concerning this matter and we have several questions we feel need to be resolved before we proceed to discuss any particular or specific election system for the City of Valdosta.

First, the City feels very strongly that all parties involved in the local election process should possibly be parties to this matter. This would include both school boards and possibly the Board of Commissioners of Lowndes County.

Next, since the City has an independent school board and as stated holds elections for the school board at the same time as City elections I question whether any system for the City of Valdosta can be implemented without including as an absolute necessary party the City school board. I would appreciate you and your staff's thoughts on this issue.

Also, how many wards do you propose and will you consider the possibility of any at large voting seats on the newly constructed Council. Also would the Council maintain its present six member and one Mayor composition or would you propose additional members or less members.

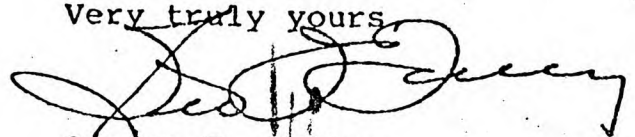
Mr. Todd Johnson
July 29, 1983
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I feel that a complete list of your actual clients by name and the representation of each of the parties is necessary in order that we can intelligently deal with any proposed compromise of this matter. I have been informed by you that there are several different groups and individuals involved in this proposed litigation. I would appreciate if you could furnish me the name of the various groups and what organization or individual attorney will be representing each individual or group.

Finally, I would appreciate your office supplying me with a list of cities which your office has knowledge of which have recently implemented a ward system.

I realize that I have posed several questions some of which can not easily be answered by you and may require consultation with your clients and various associates. For this reason I suggest that we consider discussing this matter further without the August 15th deadline for conclusion of negotiations.

Very truly yours,



George T. Talley

GTT/lrc
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STATE OF GEORGIA
COUNTY OF LOWNDES

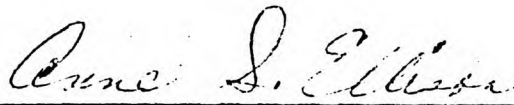
AFFIDAVIT

Personally appeared before the undersigned officer duly authorized to administer oaths, ANNE S. ELLISON, who first being duly sworn deposes and says:

Samuel M. Matchett worked for the Valdosta Regional Office of Georgia Legal Services Program from June 15, 1983 through August 20, 1983 as a Part-time Summer Law Intern. He worked 4/5 time (or 28 hours per week) at a salary of \$160.00 per week.

I have read this affidavit in its entirety, understand its contents and do hereby acknowledge its truthfulness by my personal knowledge.

This 5th day of June, 1985.



ANNE S. ELLISON

Sworn to and subscribed before me
this 5th day of June, 1985.



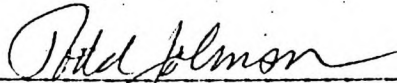
NOTARY PUBLIC

My commission expires:

CERTIFICATE OF SERVICE

This is to certify that I have this day served George T. Talley, counsel for the opposing party in the foregoing matter, with a copy of this pleading by depositing in the United States Mail a copy of same in an envelope addressed to George T. Talley, Attorney at Law, PO Box 1124, Valdosta, GA 31603-1124 and with adequate postage thereon.

This the 21 day of June, 1985.



TODD JOHNSON
Attorney for Plaintiffs