

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

M.B., et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:17-cv-04102-NKL
)	
Steve Corsi, et al.,)	
)	
Defendants.)	

DECLARATION OF STERLING ANALYTICS

I, Erin L. Sussman, Esq., do hereby declare as follows:

1. I am an attorney licensed to practice in the state of New York and have been so licensed since 2012. I also am the Global Services Manager of Sterling Analytics of Woodbury, NY (“Sterling”). Sterling is highly recognized in the field of legal bill review and auditing services. Sterling has been retained by Children’s Rights Org., National Center for Youth Law, Morgan, Lewis & Bockius LLP, and St. Louis University Legal Clinic (“Clients”) to serve as a consultant in this matter with respect to Plaintiffs’ Motion for Attorneys’ Fees and Expenses. Clients retained Sterling to assist in assessing and auditing their total billed fees and costs incurred during the course of the litigation as an exercise of good faith in submitting only those fees and costs that would be considered reasonable in accordance with the Model Rules of Professional Conduct, ABA Formal Opinions, and judicial decisions from the state of Missouri and the Eighth Circuit.

2. Sterling Analytics is a professional consulting company solely dedicated to the field of legal bill review and auditing. Sterling employs 40 full-time attorneys and paralegals who review billions of dollars of legal spend annually both nationally and internationally in every area of law. Additionally, Sterling

assists companies in drafting, implementing, and enforcing outside counsel billing guidelines based on ever-changing industry precedent on reasonable legal fees. Sterling has also authored a law review article in the University of Arkansas at Little Rock Law Review, "Establishing Best Billing Practices Through Billing Guidelines: Fostering Trust and Transparency on Legal Costs," U. Ark. Little Rock L. Rev., Vol. 39, No.1 (Fall 2016). Further, Sterling is accredited to teach a New York Continuing Legal Education course, "Becoming Better Billers," which trains attorneys on how to bill their clients ethically and in accordance with the Rules of Professional Conduct. Sterling attorneys also provide legal fee negotiation and mediation services and have submitted expert reports and testified as qualified experts on the reasonableness of legal fees in a number of matters across the country in both state and federal court. In addition to our extensive experience and expertise, in order to appropriately assess the fees and costs billed for this matter, our attorneys have familiarized themselves generally with Missouri and Eighth Circuit law concerning the reasonableness of attorneys' fees sought in both litigated and non-litigated matters.

3. In connection with Sterling's retention by the Clients in this matter, Sterling reviewed each of the timeslips created by Clients during the course of this litigation, spanning from June of 2016 through June of 2019, as well as the associated expenses incurred during this period. Sterling then compared those entries and charges to accepted standards of reasonable and appropriate billing as set forth in universally accepted standards, relevant case law from Missouri, the Eighth Circuit, and other jurisdictions, and identified those entries and charges that were objectionable and/or unreasonable. Sterling submitted to Clients our expert opinions regarding which tasks were improperly billed, unreasonable, or required additional detail to justify and substantiate the work performed.

4. Prior to submitting time and expense slips to Sterling, each of the Clients removed a significant number of hours and expenses from their slips based on their own professional knowledge and sound judgment regarding a reasonable fee submission and billing practices. Specifically, Children's Rights had

removed over 2,500 hours and \$616,341 in billing entries from their time and travel slips. St. Louis University Legal Clinic's John Ammann, Esq. had removed all of his individual time entries for attendance on regular team phone calls so that his attendance, while necessary, did not constitute overstaffing. National Center for Youth Law also removed several timekeepers and reduced their timeslips by roughly 275 hours. Morgan Lewis removed a significant amount of litigation support hours from their billings, although the function was critical to maintaining the vast amount of confidential plaintiff data in this matter. Further, Morgan Lewis significantly reduced their standard hourly billing rates for their attorney and paralegal timekeepers. Each of the parties also agreed to remove additional costs legitimately incurred during the representation, including, but not limited to, photocopies for court, conference call charges, and legal research expenses.

5. The categories of objectionable billing practices that Sterling reviewed for within the Clients' billing slips included, but were not limited to the following: (1) vague billing (including insufficient descriptions in time entries); (2) block billing; (3) overqualified tasks (an attorney performing paralegal tasks); (4) billing for clerical work; (5) overhead charges; (6) multiple attendance; (7) billing for billing; (8) excessive time billed; (9) long billing days; (10) inaccurate billing entries; (11) travel time billed at full rate; (12) administrative intraoffice communications; and (13) overstaffing of tasks. While many of these types of objectionable entries had already been removed or substantiated by the Clients prior to Sterling's review, Sterling assisted in performing an additional objective review based upon our expertise to assist with the Client's ultimate removal of such entries from their submission.

6. Among other things, Clients sought Sterling's assistance in assuring that the staffing for which they were billing was efficient, and that attendance billed was limited where possible even though each timekeeper offered unique value to the litigation in their appearance. To that end, an additional set of staffing guidelines was imposed during Sterling's review, whereby any additional timekeepers outside of

the parameters below were removed from the time slips, including removal of any expenses for any of the individual's travel associated with such appearance. The staffing guidelines included the following:

- (a) for depositions, no more than two attorneys in attendance per witness;
- (b) for court hearings, no more than one attorney in attendance per firm;
- (c) for telephonic conferences with Defendants, including for mediation, no more than four attorneys in attendance total;
- (d) for regularly scheduled co-counsel meetings, no more than two attorneys in attendance per firm; and
- (e) for other internal conferences among co-counsel to discuss strategic decisions and reach consensus on important legal issues, no more than four attorneys in attendance total.

7. Based on Sterling's review and recommendation based upon the noted categories of objectionable billing practices, and in application of the guidelines regarding attendance and billing that the Clients had imposed, Clients agreed in good faith to eliminate and remove the following amounts from their fee application:

i) Children's Rights Organization

- Hours Submitted to Sterling for Review: 9,235.4
- Fee Amount Submitted to Sterling for Review: \$3,083,570.00
- Expense Amount Submitted to Sterling for Review: \$95,378.72
- Total Fees and Expenses Amount Submitted to Sterling for Review: \$3,178,948.72
- Hours Billed After Sterling Review: 7,763.6
- Final Fee Submission Amount After Sterling Review: \$2,579,725.22
- Final Expense Submission Amount After Sterling Review: \$83,269.19
- Total Fees and Expenses Amount After Sterling Review: \$2,662,994.41

- Total Fees and Expenses Removed Following Sterling Review: \$515,954.31

ii) National Center for Youth Law

- Hours Submitted to Sterling for Review: 3,287.9
- Fee Amount Submitted to Sterling for Review: \$1,158,207.50
- Expense Amount Submitted to Sterling for Review: \$19,141.33
- Total Fees and Expenses Amount Submitted to Sterling for Review: \$1,177,348.83
- Hours Billed After Sterling Review: 2,839.6
- Final Fee Submission Amount After Sterling Review: \$990,437.50
- Final Expense Submission Amount After Sterling Review: \$16,817.09
- Total Fees and Expenses Amount After Sterling Review: \$1,007,254.59
- Total Fees and Expenses Removed Following Sterling Review: \$170,094.24

iii) Morgan, Lewis & Bockius LLP

- Hours Submitted to Sterling for Review: 1,137.4
- Fee Amount Submitted to Sterling for Review: \$652,162.50
- Expense Amount Submitted to Sterling for Review: \$116,905.55
- Total Fees and Expenses Amount Submitted to Sterling for Review: \$769,068.05
- Hours Billed After Sterling Review: 628.5
- Final Fee Submission Amount After Sterling Review: \$250,452.50
- Final Expense Submission Amount After Sterling Review: \$32,821.28
- Total Fees and Expenses Amount After Sterling Review: \$283,273.78
- Total Fees and Expenses Removed Following Sterling Review: \$485,794.27

iv) St. Louis University Legal Clinic

- Hours Submitted to Sterling for Review: 216.3

- Fee Amount Submitted to Sterling for Review: \$86,520.00
- Hours Billed After Sterling Review: 185.9
- Final Fee Submission Amount After Sterling Review: \$74,360.00
- Total Fees Removed Following Sterling Review: \$12,160.00

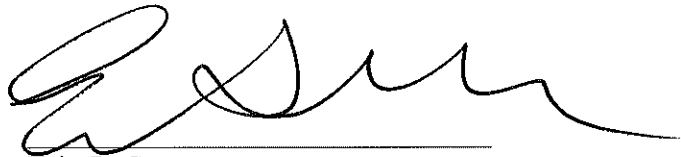
v) **Total Reduction in Fees and Costs:**

- Total Hours Removed During Sterling Review: 2,459.4 hours, or 17.7% of the amount reviewed by Sterling
- Total Fees Removed During Sterling Review: \$1,085,484.78, or 21.8% of the amount reviewed by Sterling
- Total Expenses Removed During Sterling Review: \$98,518.04 or 42.6% of the amount reviewed by Sterling
- Total Reduction in Fees and Expenses During Sterling Review: \$1,184,002.82 or 22.7% of the amount reviewed by Sterling

8. Attached as Exhibit 1 are tables summarizing the time and expense records attached to the declarations of Samantha Bartosz, Leecia Welch, Scott Schutte, and John Ammann.

9. I attest that the aforementioned legal organizations, in an exercise of billing judgment and good faith, have submitted as part of Plaintiffs' Motion for Attorneys' Fees and Expenses only those fees and expenses which are reasonable and properly recoverable for the work performed in the course of this matter, to be respectfully determined at the discretion of this Court.

I declare under the penalties of perjury that the foregoing is true and correct. Executed this 1st day of August, 2019 in New York, New York.



Erin L. Sussman

EXHIBIT 1 TO THE DECLARATION OF STERLING ANALYTICS

Table 1

Firm	Total Hours Claimed
Children's Rights	7,763.6
Saint Louis University Legal Clinic	185.9
National Center for Youth Law	2,839.6
Morgan, Lewis & Bockius	628.5
Total Hours	11,417.6

Table 2

Name	Law School Grad. Year	Total Hours	Hourly Rate	Total Fees
<i>Children's Rights</i>				
Samantha Bartosz	1986	1426.4	\$500	\$690,092.50
Elizabeth Gretter	2009	2384.8	\$375	\$863,220.35
Stephen Dixon	1987	378.1	\$375	\$126,769.38
Aaron Finch	2012	268.5	\$325	\$83,420.25
Catherine Frizell	2012	538.9	\$325	\$157,965.17
Jonathan King	2012	425.9	\$325	\$132,074.58
Daniele Gerard	1990	338.4	\$300	\$94,530.00
Danielle Rosenthal	2013	817.9	\$300	\$242,792.50
Erin McGuinness	2012	148.7	\$225	\$33,465.00
Genevieve Caffrey	Paralegal	345.8	\$150	\$51,865.50
Hailey Cherepon	Paralegal	236.9	\$150	\$35,542.00
Meghan Kacsmar	Paralegal	453.3	\$150	\$67,988.00
<i>St. Louis University Legal Clinic</i>				
John Ammann	1984	185.9	\$400	\$74,360.00
<i>National Center for Youth Law</i>				
Bill Grimm	1975	500.6	\$500	\$228,900.00
Leecia Welch	1996	638.3	\$450	\$285,118.75
Poonam Juneja	2009	658.0	\$375	\$239,343.75
Freya Pitts	2013	302.8	\$300	\$84,795.00
Amanda Grill	2017	472.7	\$225	\$105,300.00
Jacqueline Stolzenberg	2018	92.0	\$225	\$20,700.00
Kira Setren	Paralegal	175.2	\$150	\$26,280.00

<i>Morgan, Lewis & Bockius</i>				
Scott T. Schutte	1995	314.2	\$500	\$157,100.00
Courtney J. McCormick	2010	51.2	\$325	\$16,640.00
Stephanie Schuster	2011	87.2	\$325	\$28,340.00
Ning He	2015	175.9	\$275	\$48,372.50
Total		11,417.6		\$3,894,975.22

Table 3

Firm	Total Expenses Claimed
Children's Rights	\$83,269.19
Saint Louis University Legal Clinic	\$0.00
National Center for Youth Law	\$16,817.09
Morgan, Lewis & Bockius	\$32,821.28
Total Expenses	\$132,907.56