

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION  
Civil Action No. 1:13-CV-00949

DAVID HARRIS and CHRISTINE )  
BOWSER, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
PATRICK MCCRORY, in his capacity )  
as Governor of North Carolina; NORTH )  
CAROLINA STATE BOARD OF )  
ELECTIONS; and JOSHUA HOWARD, )  
in his capacity as Chairman of the North )  
Carolina State Board of Elections, )  
 )  
Defendants. )

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**DECLARATION OF  
THOMAS A. FARR**

I, Thomas A. Farr, being duly sworn according to law, upon my oath, declare and say as follows:

1. I am a shareholder with the law firm of Ogletree, Deakins, Nash, Smoak, & Stewart, P.C. (“Ogletree”) and one of the attorneys representing the defendants in this case. I am over the age of 21 years and competent to testify to the matters herein. I have personal knowledge of the matters stated herein and would so testify if called to do so.

2. Since obtaining a J.D. from Emory University School of Law in 1979, and an LL.M. from Georgetown University in 1983, I have been engaged in the practice of law primarily representing defendants in employment disputes. Over the course of my career I have substantial experience in redistricting litigation. I participated in representing the intervening plaintiffs in *Shaw v. Hunt*, 517 U.S. 899 (1996) and the

plaintiffs in *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E.2d 377 (2002). The *Stephenson* case involved three appeals to the North Carolina Supreme Court and other, related federal proceedings. I have also participated in representing the defendants in *Dickson v. Rucho*, 367 N.C. 542, 766 S.E.2d 238 (2014); *Covington v. North Carolina*, No. 1:15-CV-00399 (MDNC); and this matter—all of which are redistricting cases.

3. Phillip Strach and Michael McKnight are shareholders at Ogletree Deakins and also represented the defendants in this matter. Employment and election law litigation and advice has been the focus of Mr. Strach's work at Ogletree since graduating from the University of North Carolina School of Law with honors in 2000 where he was a member of the North Carolina Law Review. Mr. Strach also has a Masters in Public Administration from the University of North Carolina. He has consistently been listed as a superlative lawyer in the field of employment law by publications such as "Best Lawyers in America," "Super Lawyers," and "North Carolina Business Legal Elite." In 2013, the "Best Lawyers" publication listed Mr. Strach as the Raleigh, North Carolina "Employment Law-Management Lawyer of the Year." Employment and election law litigation and advice has also been the focus of Mr. McKnight's work at Ogletree since graduating from Campbell University School of Law in 2007 where he served as Editor-in-Chief of the Campbell Law Review. He has consistently been listed as a "Rising Star" by the "North Carolina Super Lawyers" publication since 2012. Mr. Strach worked with me on all of the redistricting cases cited above, except *Shaw*, and Mr. McKnight worked on the *Dickson* and *Covington* cases as well as this matter.

4. Mr. Strach, Mr. McKnight, and I recorded our time in this matter contemporaneously. Through the date of the Court's judgment, there were time entries made by 12 Ogletree personnel, ten of whom are attorneys. Although Ogletree counsel sought to, and did, efficiently try this complex lawsuit, billing judgment was exercised and time entries that were arguably redundant or not essential to the litigation were eliminated.

5. The regular and customary hourly rates for Ogletree attorneys, consistent with prevailing market rates of individuals with their skills and levels of experience, are as follows: As of 2016, my standard hourly rate is \$450, Mr. Strach's standard hourly rate is \$395, and Mr. McKnight's standard hourly rate is \$370. The two Ogletree associates who did most of the aggregate work in this case (Patrick Lawler and Brodie Erwin) had standard hourly rates of \$280 and \$295, respectively for 2016. For the entire life of this matter, Ogletree Deakins billed defendants at 2013 standard rates: \$385 (Farr), \$325 (Strach), \$260 (McKnight), \$270 (Erwin), and \$220 (Lawler). Ogletree Deakins provided the defendants with another 10 percent, across-the-board discount on the fees it charged. This effectively reduced the rates charged in this matter to the following levels for each of the attorneys listed above: \$346.50 (Farr), \$292.50 (Strach), \$234.00 (McKnight), \$243.00 (Erwin), and \$198.00 (Lawler).

6. Ogletree paralegals Amie Irby and Lisa Ostrander billed time to this file at the rate of \$165.00 per hour. Their standard 2016 hourly rate is \$200. With the 10 percent, across-the-board discount on fees, the effective billing rates for paralegals on this matter was \$148.50.

7. Through the date of this Court's judgment on February 6, 2016, the total hours logged by all Ogletree timekeepers was 1780. In contrast, based upon our review of plaintiffs' billing records, it appears that the total hours logged by plaintiffs' counsel in this matter through February 6, 2016 was 2365.

8. I have relied upon the assistance of Ogletree administrative staff as well as the assistance of other lawyers in this office in the preparation of this declaration.

**I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct.**

EXECUTED at Raleigh, North Carolina, on June 22, 2015.

/s/ Thomas A. Farr

Thomas A. Farr