

of-counsel to the law firm of Terris Pravlik & Millian, LLP. My resume setting forth my education and experience is attached hereto.

5. I graduated from Columbia Law School in June, 1972.
6. From September, 1972, until January, 1975, I was an associate at Lovejoy, Wasson, Lundgren & Ashton, a private law firm in New York City. At that firm, I worked on securities and complex corporate litigation.
7. In April, 1975, I began employment in Washington, D.C. at the law offices of Florence Wagman Roisman, a private law firm. At that office we served as the Washington Branch Office of the National Housing Law Project, a national Legal Services Corporation back-up center. In addition, I worked extensively on three complex, multi-year, class action, civil rights litigations: Underwood v. Hills, 414 F. Supp. 526 (D.D.C., 1976), stay granted, 429 U.S. 892 (1976) (successful nationwide class action against HUD to release \$60 million in impounded multifamily housing subsidy funds); Cole v. Lynn, 389 F. Supp. 99 (D.D.C. 1975), aff'd, 571 F.2d 590 (D.C. Cir. 1977), rev'd. on other grounds, 441 U.S. 39 (1979) (successful action against HUD to prevent the demolition of a low-income housing project in D.C.); and Women Working in Construction v. Lowery, Civil Action No. 76-0527 (D.D.C. 1976), (successful action against the U.S. Secretary of Labor under the federal APA to provide employment goals and timetables for women in the skilled construction trades).
8. On August 1, 1977, I became a staff attorney at the Neighborhood Legal Services Program Office Number Eight in far Northeast, D.C. There I handled individual landlord-tenant, consumer, welfare and auto-negligence cases. In March, 1978, I became

the staff attorney specializing in housing law in the NLSP Law Reform Unit. On January 1, 1980, I became the managing attorney of the Law Reform Unit, where I practiced in the areas of landlord-tenant, low-income housing, homelessness, public benefits and support of general litigation for attorneys at NLSP.

9. Between 1980 and the present, I have handled, as lead counsel or as co-counsel, major litigation in the District of Columbia involving public benefits, affordable health care, consumer protection, housing, and homelessness. These cases normally resulted in substantial relief for the plaintiffs, with the exception of the Thornton case. These cases included:

- a. Mary Stone, et al. v. District of Columbia, 572 F. Supp. 976 (D.D.C. 1984), vacated and remanded, 799 F.2d 773 (D.C. Cir. 1986)(Class action on behalf of 3800 D.C. public housing tenants against HUD and D.C. public housing officials to obtain increased utility allowances and to recover \$1.9 million in rental over-charges.);
- b. Massachusetts Union of Public Housing Tenants v. Pierce, 755 F.2d 177 (D.C. Cir. 1985), reversing and remanding, Massachusetts Union of Public Housing Tenants v. Pierce, 577 F. Supp. 1499 (D.D.C. 1984) (Action on behalf of public housing tenants nationally to overturn HUD regulations governing the use of utility meters, under claims based upon the federal Administrative Procedure Act.);
- c. Pearson v. Kelly, C.A. No. 92-14030 (D.C. Superior Court, 1992)(Judge Steffen W. Graae), appeal settled, No. 94-CV-1222 and 1234 (D.C.C.A., 1995) (Class

action on behalf of public housing applicants, which resulted in court appointment of a receiver in 1995 to oversee complete reform of the D.C. public housing agency.);

- d. Salazar v. District of Columbia, Civil Action No. 93-452(GK)(D.D.C)(Class action challenging practices of the District of Columbia government in its handling of the Medicaid program. The matter settled following trial, and plaintiffs' counsel, including myself, have conducted monitoring of the District's performance for several years.);
- e. Little v. Kelly, C.A. 91-14119 (D.C. Superior Court, filed 11/91) (Judge Cheryl Long), petition for rehearing en banc, No. 92-CV-1148 and 1157 (D.C.C.A. 1992) (challenging DHS terminations of certain D.C. General Public Assistance beneficiaries for violations of the Due Process Clause and other law);
- f. Thornton v. D.C., Civil Appeal 91-1251 (D.C. 1991) (challenging certain procedures used by the D.C. public housing program to collect debts from tenants);
- g. Walls v. Barry, C.A. 1372-88 (D.C. Superior Court, 1988) (challenging DHS use of overnight motel rooms and mass shelters to house homeless families with children);
- h. Franklin v. Kelly, CA No. 90-3124 (SS) (USDC, 1990)(challenging DHS failure to process applications for expedited and regular food stamps as required by the federal Food Stamp Act and failure to handle recertifications of food stamp benefits as required by federal law);

- i. Feeling v. Barry, CA No. 82-2994 (JHP) (D.D.C., filed 1982)(Class action on behalf of needy applicants for Emergency Assistance benefits to, for example, cover unpaid rent to avoid eviction, purchase replacement furniture in the event of fire or eviction, and provision of emergency food, and clothing);
 - j. Jones v. Barry, C.A. 82-410 (D.D.C.) (Judge June Green) (challenging DHS delays in handling General Public Assistance benefit applications and fair hearings relating to GPA benefits);
 - k. Dorothy Dave v. Household International, Civil Action No. 04-ca-000786 (Calendar #2) (Michael Rankin, J.) (D.C. Superior Court)(Class action by homeowners challenging failure of Household International and subsidiaries to maintain licenses required by law for making mortgage loans in the District of Columbia. The matter is settled favorably to plaintiffs.);
 - l. Nelson v. District of Columbia, Civil Action No. 00-2930(GK)(D.D.C.)(Class action on behalf of school children with disabilities challenging failure of the D.C. Public Schools to maintain emergency evacuation plans for plaintiff class members. The matter settled favorably to plaintiffs.).
10. In addition, I have handled individual landlord and tenant matters in D.C. Superior Court, in the D.C. Court of Appeals, and before the D.C. Rental Accommodations Commission. I have worked on legislative matters before the D.C. City Council concerning tenants' rights and public benefits for many years prior to my coming to work at the law school. I helped to design and conduct the D.C. Bar's annual CLE Course on landlord and tenant law for the 15 years prior to 1996. I oversaw the conduct of training in housing and

public benefits law for new NLSP attorneys and paralegals during most of my 18 years at NLSP.

11. On July 1, 1996, I assumed the position of Associate Professor of Clinical Law at the George Washington University Law School, where I co-taught a clinic which provides free legal assistance to individuals seeking disability benefits, and, starting in 2000, handled complex, public interest, impact cases. In addition, I taught two academic seminars, one on housing rights law, the other on public interest lawyering for most years while I was at the school.
12. A student in the seminar on public interest lawyering first drew my attention to the issue of overdetections in the D.C. Jail, and wrote a research paper on the issue under my supervision during the fall semester, 2001.
13. While handling this case as a clinical professor, I supervised the work of several law students enrolled in the Public Justice Advocacy Clinic. The clinic allowed students to enroll for up to four credit hours per semester. The *Bynum* litigation was one of the several complex cases in which students in the clinic were involved. At all times I co-taught the clinic with another professor, Jeffrey S. Gutman.
14. In addition to my skills and expertise as a federal court litigator, I bring to the *Bynum* case extensive knowledge and experience with the District of Columbia government, and with the issues confronting the plaintiff class. This background enabled me to work with my co-counsel to guide the litigation through many barriers faced by litigants challenging D.C. government practices. This background includes:
 - a. I have studied and written extensively on poverty and affordable housing issues in

the District of Columbia.

- b. From 1995 to 2000, I was one of two attorneys overseeing the actions of the public housing receiver in the District of Columbia, as representatives of the plaintiff class in Pearson v. Kelly, noted supra.
 - c. From 2000 to May, 2005, I served as the Vice Chairman of the governing Board of Commissioners for the D.C. Housing Authority, and Chair of the Finance Committee of the Commission. I was an appointee of the Mayor, based on my extensive experience with public housing and poverty issues in D.C.
 - d. I have published ten articles addressing issues in the area of affordable housing and anti-poverty work. These are listed in my resume.
15. I have been honored with several awards given to members of the D.C. Bar: the Stuart Stiller Award; the Jerrold Scout Prize for 1994; and the Servant of Justice Award of the D.C. Legal Aid Society in 2001. All these awards were for my work as an attorney on behalf of the low income population of the District of Columbia.
16. I kept at all times during this my engagement on this matter a contemporaneous, written, electronic chronological account of my hours of billable time performed in furtherance of the case.
17. These records show a total of 470 hours of billable time for me on this case, between January 1, 2002 and November 7, 2005.
18. My hourly rate under the Adjusted Laffey Matrix for the period 6/1/05 through 5/31/06 is \$600 per hour, since I have been out of law school since 1972, more than twenty years.
19. Thus my lodestar amount would be \$282,000 if plaintiffs were seeking a fee recovery

based on the lodestar approach under a fee shifting statute.

20. For several reasons, I support an hourly rate of \$600 for my co-counsel, Mr. Claiborne, in spite of his having been out of law school for 18 years, rather than 20 years. I have observed the quality and quantity of his work on this matter closely. His legal skill, judgment and his ability to litigate effectively through the very complex legal environment of this case are of the highest order. He has borne the major share of the effort to bring this matter to its successful conclusion. The case has achieved extraordinary relief for the plaintiff class primarily through his efforts. The Adjusted Laffey Matrix is designed to aid the Court in determining the relevant private, law firm market rate for an attorney's work. I harbor no doubt, based on my 25 years of work with pro bono counsel in the major firms in D.C., that a private firm would compensate him for his work on this case at a full \$600 per hour rate.
21. Several students in my law school clinic conducted background research, and other support activities in support of my handling of this case. These students working under my supervision in my law school clinic kept a similar record of their time. I have not provided the Court with a statement of the number of hours of work performed on this case by them, since much of this time included a pedagogical element. Nevertheless, they performed genuine support for the prosecution of this case.

I declare under penalty of perjury that the forgoing contents of this affirmation are true and correct. Executed on November 7, 2005

/s/ Lynn E. Cunningham
LYNN E. CUNNINGHAM, ESQ.

