

Exhibit 1

CURRICULUM VITAE

Henry E. Hildebrand, III, J.D.

Office of the Chapter 13 Trustee
P.O. Box 190644
Nashville, TN 37219
615-244-1101; Fax 615-242-3241
hank13@ch13nsh.com

Education

- 1976 National Law Center of the George Washington University, Washington, D.C.
J.D. (with honors)
- 1973 Vanderbilt University, Nashville, Tennessee
B.A. (cum laude), Political Science/History minor

Professional Admissions

- 1976 Admitted to practice of law, State of Tennessee
- 1976 Admitted to practice, USDC, Middle Tennessee, Sixth Circuit Court of Appeals
- 1980 Admitted, United States Supreme Court

Professional History

- 1982-Present Standing Chapter 13 Trustee for the Middle District of Tennessee
- 1986-Present Standing Chapter 12 Trustee for the Middle District of Tennessee
- 2004-Present Of Counsel – Lassiter Tidwell Davis Keller & Hogan, PLLC
- 2005-Present Adjunct Faculty Member, LLM Program, St. Johns University School of Law
- 2002-Present Adjunct Faculty Member, Nashville School of Law
- 1990-2004 Managing Partner, Lassiter Tidwell & Hildebrand
- 1986-1990 Managing Partner, Passino & Hildebrand
- 1980-1986 Partner Attorney, Waddey & Jennings
- 1976-1980 Assistant Attorney General, Attorney General's Office for the State of Tennessee

Professional Associations

- Certified as specialist in Consumer Bankruptcy Law by the American Board of Certification and the Tennessee Supreme Court
- Member, American College of Bankruptcy
- National Association of Chapter 13 Trustees (NACTT)
 - Member, 1982-present
 - Board member 1988-1995
 - President, 1990-1991
 - Chairman, Legislative and Legal Committee, 1992-present
- NACTT Academy for Consumer Bankruptcy Education
 - Founding Board member 2007-present
 - Treasurer 2007-present
- Mid-South Commercial Law Institute
 - Board of Directors, 1997-2001, 2007-present
- Member, National Association of Consumer Bankruptcy Attorneys (NACBA)
- Member, Advisory Council, Wine and Spirits Wholesalers of America
- Master Member, Harry Phillips American Inn of Court
- Named to Tennessee's Best 150 Lawyers 2009, 2010
- Member, American Bar Association (ABA)
- Member, American Bankruptcy Institute (ABI)
- Member, Tennessee Bar Association
- Member, Nashville Bar Association

Publications

ABI *Journal*, Contributing Editor

“The Standing Trustee and the Small Business Bankruptcy,” XXIX ABI Journal 2, 32-33, 58, March 2010

“HAMP and Your Chapter 13 Practice,” XXIX ABI Journal 1, 12, 74-75, February 2010

“A Chapter 13 Trustees' Obligations to Review Claims,” XXVIII ABI Journal 7, 38-39, 82, September 2009

“*In re Reilly*: A Tale of Two Exemptions,” XXVIII ABI Journal 5, 12, 75, June 2009

“Won't You Come Home George Bailey: Best Practices for a Troubled Mortgage Service Industry,” XXVII, ABI Journal, 4, 18, 50-51, April, 2008

“Let's Remove Special Bankruptcy Protection for Subprime Mortgages,” XXVI, ABI Journal, No. 7, 14, September 2007

“Unintended Consequences: BAPCPA and the New Disposable Income Test,” ABI Journal, Vol. XXV, No. 2, p. 14, March 2006

“Consolidating Creditor Data in Chapter 13 Cases: A Project for Tomorrow Realized Today,” XXIII, ABI Journal, Vol. No. 10, September 2004

- “The Sad State of Mortgage Service Providers,” XXII, ABI Journal, No. 10, September 2003
- “Toward a More Perfect Plan,” XXII, ABI Journal, No. 10, February 2003
- “The Debtor and the Blown Engine: Plan Flexibility in Light of *Nolan v. Chrysler Financial Services*,” XX, ABI Journal, No. 18, August 2001
- “Bankruptcy Reform in the 107th Congress: Déjà Vu All Over Again,” XX, ABI Journal, No. 14, February 2001
- “Charitable Contributions and Disposable Income,” XIX, ABI Journal, Vol. 8, April 2000
- “The Future of a Harsh Result: *In re Harshbarger*,” XVIII, ABI Journal, No. 14, March 1999
- “The Hidden Costs of Bankruptcy Reform,” XVII, ABI Journal, Vol. 16, April 1998

ABI Law Review

- “Getting Noticed: The New Notice Requirements of Section 342,” XIII, ABI Law Review, 533, Winter 2005

The American Bankruptcy Law Journal

- “Impact of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 on Chapter 13 Trustees,” Vol. 73, ABI Law Journal, 373, Spring 2005

NACCTT *Quarterly* – Case Notes Editor, 1987-present
Contributing Editor, 1993 – 1997
Editor, 1986-1987

NACCTT Academy Contributing Editor, Critical Case Comments (online)

“Norton Annual Survey of Bankruptcy Law 1986,” Callaghan, 1986 (co-author)

“Attorneys’ Guide to Chapter 13 Under the Bankruptcy Code.” Norton Bankruptcy Law and Practice Monograph 1984-No. 1, Callaghan, 1984.

Presentations at Recent Seminars and Conferences

- 02/10 Puerto Rico Bar Seminar
 “Chapter 13 Case Law Update”
- 12/09 Mid-South Commercial Law Institute Annual Seminar
 “The Bailout Continues”/“Recent Developments in Chapter 13”
- 10/09 States Association of Bankruptcy Attorneys Seminar
 “Chapter 13 Case Law Update”
- 08/09 Midwest Regional Bankruptcy Seminar
 “Chapter 13: Recent Developments”

- 07/09 NACTT Annual Seminar, Boston
“Washington Whirl – Mortgages in the World of Bankruptcy”
“Chapter 13 Case Law Update”
- 05/09 National Assoc. of Consumer Bankruptcy Attorneys (NACBA) Annual Convention
“Business Chapter 13s”
- 05/09 Collection Recovery Solutions Conference, Las Vegas
“Bankruptcy Challenges and Solutions”
- 04/09 Columbus Bar Association Bankruptcy Law Institute
“Chapter 13 Case Law Update”
- 04/09 Nashville School of Law Continuing Education Workshop
“Bankruptcy and Creditor’s Rights”
- 04/09 American Bankruptcy Institute Spring Meeting
“Practical Strategies to Maximize the Debtor’s Ability to Get a Discharge in Chapter 13”
- 01/09 NACTT Mid-Year Meeting
“Trustee/Judge Communications”
- 12/08 Tennessee Real Estate Law Conference
“Bankruptcy, RESPA, TILA, & Loss Mitigation in Home Loans”
- 12/08 Mid-South Commercial Law Institute Annual Seminar
“Bankruptcy After the Subprime Crisis”/“Recent Developments in Chapter 13”
- 11/08 Nashville School of Law Continuing Legal Education Workshop
“Bankruptcy, RESPA, TILA, & Loss Mitigation in Home Loans”
- 10/08 State Bar of Montana Annual Bankruptcy Law Seminar
“Recent Developments in Chapter 13”
- 09/08 States Association of Bankruptcy Attorneys Seminar
“Chapter 13 Case Law Update”
- 08/08 Midwest Regional Bankruptcy Seminar
“Chapter 13 Case Law Update”
- 07/08 NACTT Annual Seminar
“Chapter 13 Case Law Update”
- 06/08 Norton Institutes on Bankruptcy Law
“Chapter 13 Case Law Update”

- 02/08 Mortgage Bankers Association Conference
“Bankruptcy Boot Camp for Banks, Investors, Servicers and Their Attorneys”
- 01/08 Federal Bar Association (Northeast TN Chapter) Bankruptcy & Litigation Seminar
- 12/07 American Bankruptcy Institute Annual Winter Leadership Conference
- 10/07 National Conference of Bankruptcy Judges Annual Conference
- 06/07 Norton Institutes on Bankruptcy Law
“Chapter 13 Case Law Update”

Additional Appearances and Testimonies

- 12/09 Testimony before the House Subcommittee on Commercial and Administrative Law
Washington, D.C.
“Home Foreclosures: Will Voluntary Mortgage Modification Help Families Save Their Homes? Part II”
- 12/06 Testimony before the Senate Committee on the Judiciary Subcommittee on
Administrative Oversight and the Courts
Washington, D.C.
“Oversight of the Implementation of the Bankruptcy Abuse Prevention Act”
- 03/99 Testimony before House Subcommittee on Commercial and Administrative Law
Washington, D.C.
“The Impact of HR 833 on the Consumer Bankruptcy System”

Exhibit 2

GOLDBERG KOHN

ATTORNEYS AT LAW

Practice Areas

[Bankruptcy & Creditors' Rights](#)[Creditors' Rights](#)[Debtor Representations](#)[Equity Committees](#)

Industry Focus

[Automotive Industry](#)[Banking & Financial Services](#)

News

[Goldberg Kohn Principals Recognized in 2010 Chambers USA: America's Leading Lawyers for Business](#)[Goldberg Kohn Recognized as a Leading Law Firm by Chambers USA](#)[Goldberg Kohn Secures Major Victory for Beneficiaries of \\$440 Million Settlement](#)[Judge Confirms Bankruptcy Reorganization Plan for Goldberg Kohn Client](#)[Principal Ronald Barliant Presides Over Chapter 11 Bankruptcy Mediation](#)[Goldberg Kohn Represents Home Products International in Bankruptcy Reorganization Cases](#)[Bankrupt Network Carriers Treating Regionals Differently](#)[Bankruptcy Attorneys Cleaning Up](#)[Delta Ok'd to Pay Some Bills](#)[Who You Gonna Call?](#)[American College of Bankruptcy's 15th Class Includes Goldberg Kohn Principal](#)[Chicago Bankruptcy Judge Ronald Barliant to Join Goldberg Kohn](#)

Events

Ronald Barliant

PRINCIPAL

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vCard



Since joining Goldberg Kohn in September 2002 as a principal in the Bankruptcy & Creditors' Rights Group, Ronald Barliant has represented debtors and creditors in complex bankruptcy cases. As head of the firm's "burgeoning practice in debtor work," [1] his debtor representations include a machine tool manufacturing company in a Delaware chapter 11 case involving significant environmental and mass tort liabilities (plan confirmed with future claimants trust 11 months after filing), a wireless telecommunications carrier in a chapter 11 case requiring the restructuring of debts owed the FCC for PCS licenses (plan confirmed 5 months after filing), and a home products manufacturing company in a pre-negotiated chapter 11 case involving a debt-for-equity swap and the issuance of new debt securities (plan confirmed 75 days after filing).

His creditor representations include the indenture trustee for most of the aircraft operated by United Airlines; the prepetition secured lenders and debtor in possession lenders in the chapter 11 cases of a large manufacturing company; a foundry and a food distributor, the secured creditor resisting substantive consolidation in the Delaware case of a sub-prime lender; and claimants in asbestos-related chapter 11 cases.

Mr. Barliant has also argued several appeals and counseled major financial firms in connection with distressed investments, and both debtors and creditors in connection with workouts. In addition, he has mediated disputes in over a dozen cases, including Delphi Corporation, U.S. Energy Biogas, HALO, Altheimer & Gray and Fleming Foods. He has also been engaged as a consultant by other law firms representing clients in bankruptcy cases, and as an expert witness. In addition, he is an estate representative in the Global Crossing case and was a director of a Delaware debtor in the automotive industry.

Before joining Goldberg Kohn, Mr. Barliant served as a United States bankruptcy judge for the Northern District of Illinois from 1988 to 2002. During his tenure on the bench, one of the largest cases over which he presided was Comdisco Inc. (in the technology services industry), involving more than \$4 billion in debt. Other prominent cases he heard include Florsheim Group Inc. (men's shoes); Birmingham Steel Corp. (specialty steel); Archibald Candy Corp. (confectionaries under Fanny May and Fanny Farmer brands); e-spire Communications Inc. (telecommunications); Ben Franklin Retail Stores (retail); Keck, Mahin & Cate (law firm); Forty-Eight Insulations Inc. (asbestos

[Principal Ronald Barliant Speaks at 2010 Central States Bankruptcy Workshop](#)

[Principals Ronald Barliant, Randy Klein and Jeremy Downs Participate in CBA Seminar on Bankruptcy Sales and Automotive Supplier Cases](#)

[Principal Ronald Barliant to Speak at CBA Bankruptcy & Reorganization Meeting](#)

[Principal Ronald Barliant Participates in ABA Teleconference on Workouts](#)

[Principals Ronald Barliant and Jon Cooper Speak at AIRA Chicago Regional Conference](#)

[Principal Ronald Barliant Speaks at the Law Bulletin 2008 Real Estate Law Conference](#)

[Principal Randall Klein and Principal Ronald Barliant Participated in TMA Forum](#)

[Ronald Barliant speaks at TMA 2005 Annual Convention](#)

[The Uncertain Fate of Intellectual Property in Bankruptcy Cases](#)

[Strategies and Opportunities for Lenders in a Bankruptcy or Restructuring](#)

[Case Management Procedures: A Comparison of Delaware and Other Jurisdictions](#)

products); Outboard Marine Corp. (boat engines); and the developers in several significant single-asset real estate cases. Before ascending to the bench, he represented the trustee in the chapter 7 case of the owner and operator of an oil refinery, Energy Cooperative Inc., which at the time was the largest chapter 7 case in the history of the Northern District of Illinois.

Mr. Barliant is a Fellow in the American College of Bankruptcy. He has taught debtor-creditor relations at John Marshall Law School and has frequently lectured and participated in panel discussions on bankruptcy-related topics at the invitation of many organizations, including the Federal Judicial Center, the National Conference of Bankruptcy Judges (NCBJ), the American Bankruptcy Institute (ABI), the American Bar Association (ABA), the Commercial Finance Association, the Turnaround Management Association, the Chicago Bar Association (CBA) and LexisNexis Mealey's. Mr. Barliant was a panelist for "Claims Trading: Implications for the Chapter 11 Process, Pitfalls for the Claims Trader," The National Conference of Bankruptcy Judges, 2008; "Do You Remember Lender Liability?," The Distressed Debt Conference, 2008; and "Valuation in the Context of Bankruptcy," 57th Annual Meeting of the Seventh Circuit Bar Association and Judicial Conference of the Seventh Circuit, 2008.

His published writings include articles on chapter 11 plans, executory contracts, preferences, and the anti-trust litigation in the United Airlines case (in which he represented an indenture trustee/defendant). He also co-authored an article featured in the American Bankruptcy Institute Law Review, "From Free-Fall to Free-For-All: The Rise of Pre-Packaged Asbestos Bankruptcies (Winter 2004). He was a member of the board of governors of the NCBJ from 1998 to 2000 and of the NCBJ's Endowment for Education from 1997 to 1998. In addition, he served on national judicial committees and on working groups considering technology issues and the treatment of mass torts in bankruptcy cases. Mr. Barliant is listed in The Best Lawyers in America and Illinois Super Lawyers, as well as Chambers USA: America's Leading Lawyers for Business. He is currently a member of the ABI (Business Reorganization Committee), ABA (Business Law Section), and NCBJ (Former Judges Section). He is also Chair of the Bankruptcy and Reorganization Committee of the CBA.

Mr. Barliant is admitted to practice in Illinois. He received his law degree in 1969 from Stanford University School of Law, where he was a member of the editorial board of the Stanford Law Review. He received his B.A. in 1966 from Roosevelt University.

[1] *Chambers USA: America's Leading Lawyers for Business 2006*, p. 773.

PROFESSIONAL ACTIVITIES

- American Bankruptcy Institute, Member, Business Reorganization Committee
- American Bar Association, Member, Business Law Section
- National Conference of Bankruptcy Judges, Member, Former Judges Section
- Chicago Bar Association, Chair, Bankruptcy and Reorganization Committee

EDUCATION

- Stanford University, J.D., 1969
- Roosevelt University, B.A., 1966

BAR ADMISSIONS

- Illinois

ARTICLES

- [Bad Medicine: Cram Down, Section 1111\(B\)\(2\) Elections and Federal Regulations](#)
- [Principal Ronald Barliant quoted in The Deal](#)
- [United's Long Journey into the Far Reaches of Section 1110 - November/December 2005](#)
- [From Free-Fall to Free-For-All: The Rise of Pre-Packaged Asbestos Bankruptcies](#)
- [Scope of a Lessee's Power to Reject Parts of Multiple-Unit Leases](#)

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Exhibit 3

Professor of Law
University of Washington School of Law
William H. Gates Hall, Room 340
Box 353020
Seattle, WA 98195-3020

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EMPLOYMENT

University of Washington School of Law, Seattle, Washington
Professor of Law, June 2010 – present

Seattle University School of Law, Seattle, Washington
Associate Professor of Law (with tenure), July 2009 – May 2010
Associate Professor of Law, July 2006 – June 2009

Tulane Law School, New Orleans, Louisiana
Associate Professor of Law, July 2003 – June 2006

Willkie Farr & Gallagher LLP, New York, New York
Business Reorganization and Restructuring Associate, August 2002 –
February 2003

**The Honorable Prudence Carter Beatty, U.S. Bankruptcy Court for the
Southern District of New York**, New York, New York
Law Clerk, August 2001 – July 2002

EDUCATION

New York University School of Law, New York, New York
J.D., 2001
Executive Editor, *New York University Law Review*
Judge John J. Galgay Fellowship in Bankruptcy and Reorganization Law
Merit Scholarship Recipient

Yale University, New Haven, Connecticut
B.A. in History, 1998
Senior Thesis: *Diverging Religious Approaches to the Role of Faith in
Revolution: The Conflict Between the Church Hierarchy and the
Progressive Clergy in Nicaragua, 1981-1983*
Lewis P. Curtis Fellowship for Travel
Edgar J. Boell Prize

PUBLICATIONS

- Reconceptualizing Present-Value Analysis in Consumer Bankruptcy*, 68 WASH. & LEE L. REV. (forthcoming 2011)
- Opinion, *Resolution Oversight*, NAT'L L.J., May 31, 2010, at 34 (with Jonathan R. Nash)
- An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors*, 26 EMORY BANKR. DEV. J. 5 (2009)
- Setting the Record Straight: A Sur-Reply to Professors Lawless et al.*, 33 SEATTLE U. L. REV. 93 (2009)
- Failing to Answer Whether Bankruptcy Reform Failed: A Critique of the First Report from the 2007 Consumer Bankruptcy Project*, 83 AM. BANKR. L.J. 27 (2009) (peer-reviewed)
- The Real Student-Loan Scandal: Undue Hardship Discharge Litigation*, 83 AM. BANKR. L.J. 179 (2009) (peer-reviewed) (with Michelle R. Lacey)
- cited in *In re Miller*, 409 B.R. 299 (Bankr. E.D. Pa. 2009)
- The Utility of Opacity in Judicial Selection*, 64 N.Y.U. ANN. SURV. AM. L. 633 (2009) (symposium issue)
- An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review*, 61 VAND. L. REV. 1745 (2008) (with Jonathan R. Nash)
- Examining the Perceived Quality of Appellate Review in the Bankruptcy System*, NORTON BANKR. L. ADVISER, Aug. 2008, at 1 (with Jonathan R. Nash)
- Illness and Inability to Repay: The Role of Debtor Health in the Discharge of Educational Debt*, 35 FLA. ST. U. L. REV. 505 (2008)
- Eliminating the Judicial Function in Consumer Bankruptcy*, 81 AM. BANKR. L.J. 471 (2007) (peer-reviewed)
- cited in *In re Cox*, 393 B.R. 681 (Bankr. W.D. Mo. 2008); *In re Quigley*, 391 B.R. 294 (Bankr. N.D. W. Va. 2008); *In re Turner*, 384 B.R. 537 (Bankr. S.D. Ind. 2008); *In re Waters*, 384 B.R. 432 (Bankr. N.D. W. Va. 2008)
- Analyzing Chapter 7 Abuse Dismissal Motions Post-BAPCPA: A Reply on Cortez*, AM. BANKR. INST. J., December/January 2007, at 16
- cited in *In re Henebury*, 361 B.R. 595 (Bankr. S.D. Fla. 2007)
- Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt*, 74 U. CIN. L. REV. 405 (2005) (with Michelle R. Lacey)
- cited in *In re Cumberworth*, 347 B.R. 652 (B.A.P. 8th Cir. 2006); *In re Woody*, 345 B.R. 246 (B.A.P. 10th Cir. 2006); *In re Greenwood*, 349 B.R. 795 (Bankr. D. Ariz. 2006)
- On Proof of Preferential Effect*, 55 ALA. L. REV. 281 (2004), reprinted in 13 J. BANKR. L. & PRAC. 95 (2004)
- cited in *In re Bankvest Capital Corp.*, 375 F.3d 51 (1st Cir. 2004)

Comment, *Bankruptcy Court Jurisdiction and Agency Action: Resolving the NextWave of Conflict*, 76 N.Y.U. L. REV. 945 (2001)

Note, *Beyond the Limits of Equity Jurisprudence: No-Fault Equitable Subordination*, 75 N.Y.U. L. REV. 1489 (2000)

AMICUS BRIEF

Brief for Amicus Curiae Professor Rafael I. Pardo in Support of Neither Party, *United Student Aid Funds, Inc. v. Espinosa*, 130 S. Ct. 1367 (2010) (No. 08-1134), 2009 WL 2875368

CONGRESSIONAL TESTIMONY

An Undue Hardship? Discharging Educational Debt in Bankruptcy: Hearing Before the Subcommittee on Commercial and Administrative Law of the House Committee on the Judiciary, 111th Congress (September 23, 2009)

SELECT PRESENTATIONS

2009

Reconceptualizing Present-Value Analysis in Consumer Bankruptcy, Faculty Workshop, University of California, Irvine School of Law (December 3, 2009)

Reconceptualizing Present-Value Analysis in Consumer Bankruptcy, Faculty Colloquium, University of Washington School of Law (November 23, 2009)

The Real Student-Loan Scandal: Undue Hardship Discharge Litigation, Seattle Economics Council, Seattle, Washington (October 14, 2009) (inaugural speaker for 2009-2010 season)

Reconceptualizing Present-Value Analysis in Consumer Bankruptcy, Faculty Colloquium, Emory University School of Law (September 9, 2009)

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, Harvard-Texas Joint Conference on Commercial Law Realities, University of Texas School of Law (March 28, 2009) (in absentia)

2008

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, Research Conference on Access to Civil Justice: Empirical Perspectives, New York University School of Law (November 13, 2008)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation, Faculty Workshop, Arizona State University, Sandra Day O'Connor College of Law (October 22, 2008)

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, Annual Meeting of the Midwestern Law & Economics Association, Northwestern University School of Law (October 4, 2008)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation,
2008 Washington Bankruptcy Judges Conference, Blaine, Washington
(September 19, 2008)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation,
Third Annual Conference on Empirical Legal Studies, Cornell Law School
(September 12, 2008) (poster session)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of
Appellate Review*, Annual Fall Symposium of the Ninth Circuit Bankruptcy
Appellate Panel, Ashland, Oregon (August 26, 2008) (co-presented with
Jonathan R. Nash)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation,
Houston Higher Education Finance Roundtable, University of Houston Law
Center (May 19, 2008)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of
Appellate Review*, Annual Meeting of the American Law and Economics
Association, Columbia Law School (May 16, 2008)

The Utility of Opacity in Judicial Selection, NYU Annual Survey of American
Law Symposium, *Tradeoffs of Candor: Does Judicial Transparency Erode
Legitimacy?*, NYU School of Law (March 11, 2008)

2007

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation,
Annual Meeting of the Midwestern Law & Economics Association, University
of Minnesota School of Law (October 13, 2007)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation,
Federal Judicial Center Workshop for Bankruptcy Judges II, Austin, Texas
(September 17 & 18, 2007)

*Illness and Inability to Repay: The Role of Debtor Health in the Discharge of
Educational Debt*, Federal Judicial Center Workshop for Bankruptcy Judges II,
Austin, Texas (September 17 & 18, 2007)

*Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the
Discharge of Educational Debt*, Federal Judicial Center Workshop for
Bankruptcy Judges II, Austin, Texas (September 17 & 18, 2007)

Eliminating the Judicial Function in Consumer Bankruptcy, National Bankruptcy
Administrators Conference, Asheville, North Carolina (July 31, 2007) (keynote
address)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of
Appellate Review*, Joint Annual Meetings of the Law and Society Association
and Research Committee on Sociology of Law, Humboldt University (July 28,
2007) (co-presented with Jonathan R. Nash)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of
Appellate Review*, Stanford/Yale Junior Faculty Forum, Stanford Law School
(May 18, 2007) (co-presented with Jonathan R. Nash)

An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review, Reenvisioning Law Colloquium, University of Houston Law Center (January 26, 2007)

2006

An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review, Annual Meeting of the Midwestern Law & Economics Association, University of Kansas School of Law (October 20, 2006) (co-presented with Jonathan R. Nash)

2005

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Faculty Workshop, St. John's University School of Law (October 26, 2005)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Faculty Workshop, Seattle University School of Law (October 10, 2005)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Young Scholars Workshop, Annual Meeting of the Southeastern Association of Law Schools, Hilton Head Island, South Carolina (July 17, 2005)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Tulane-Loyola Junior Faculty Workshop, Tulane Law School (March 18, 2005)

MEDIA COMMENTARY

Diane Davis & Eileen J. Williams, *Supreme Court Says Ch. 7 Trustee Is Not Required to Object to Ambiguous Exemption*, 22 Bankr. L. Rep. (BNA) 855, 856 (June 24, 2010).

Diane Davis & Bernard J. Pazanowski, *Supreme Court Approves Forward-Looking Test to Calculate "Projected Disposable Income,"* 22 Bankr. L. Rep. (BNA) 781, 781 (June 10, 2010).

Ross Reynolds, *The Conversation: Trade School in Tough Times: Is It Worth It?*, KUOW Puget Sound Public Radio, Mar. 25, 2010.

Diane Davis, *Bankruptcy Attorneys Consider Impact of Espinosa Decision on Practitioners*, 22 Bankr. L. Rep. (BNA) 395, 401 (Mar. 25, 2010).

Peter S. Goodman, *In Hard Times, Lured into Trade School and Debt*, N.Y. TIMES, Mar. 14, 2010, at A1.

Thomas G. Dolan, *Does the Repaying of Private Student Loans Represent Undue Hardship?*, HISP. OUTLOOK HIGHER EDUC., Feb. 8, 2010, at 20.

Eric Kelderman, *Supreme Court Considers Case About Excusing Student Debt Through Bankruptcy*, CHRON. HIGHER EDUC., Nov. 29, 2009.

Christine Dugas, *Student Loans Are Crushing New Grads; Without Jobs, Paying Off \$100,000 in Debt Is Tough*, USA TODAY, May 13, 2009, at 6A.

Bill Virgin, *Beware the Latest 'C Level' Executive*, SEATTLE POST-INTELLIGENCER, Oct. 28, 2008, at D1.

Vesna Jaksic, *Your Attendance Is Required*, NAT'L L.J., Sept. 24, 2007, at 4.

COURSES TAUGHT

Bankruptcy, Contracts, Payment Systems, Sales, Secured Transactions, Trusts and Estates, Legal Scholarship Colloquium

LAW SCHOOL SERVICE

Faculty Liaison, Fair Debt Collection Observation Project, Seattle University School of Law, September 2009 – January 2010

Member, Planning Committee for *State Judicial Independence—A National Concern*, Seattle University School of Law, April 2009 – September 2009

Member, Faculty Appointments Committee, Seattle University School of Law, July 2008 – May 2009

Chair, Special Faculty Appointments Committee, Seattle University School of Law, January 2008 – May 2008

Chair, Commercial Law Focus Area, Seattle University School of Law, July 2006 – May 2010

Member, Curriculum Committee, Seattle University School of Law, July 2006 – July 2007

Member, Legal Research and Writing Committee, Tulane Law School, July 2005 – July 2006

Member, Readmissions Committee, Tulane Law School, July 2005 – July 2006

Faculty Liaison, Honor Board, Tulane Law School, March 2005 – July 2006

Member, Special Clinical Appointments Committee for the Tulane Environmental Law Clinic, Tulane Law School, July 2004 – July 2005

Member, Faculty Appointments Committee, Tulane Law School, July 2004 – July 2005

Advisor, La Alianza del Derecho, Tulane Law School, September 2003 – July 2006

Member, Judicial Clerkship Committee, Tulane Law School, July 2003 – July 2004

PROFESSIONAL ACTIVITIES

- Member, AALS Committee on Research, August 2010 - present
- Panelist, American Bankruptcy Institute Media Teleconference on *United Student Aid Funds v. Espinosa*, No. 08-1134 (U.S. Mar. 23, 2010), March 2010, http://www.abiworld.org/webinars/2010/Espinosa_Supreme_Court/index.html
- Academic Member, Editorial Advisory Board, *American Bankruptcy Law Journal*, January 2010 – present
- Chair-Elect, AALS Section on Creditors' and Debtors' Rights, January 2010 – present
- Volunteer Attorney, King County Bar Association Debt Clinic, April 2009 – present
- Secretary and Treasurer, AALS Section on Creditors' and Debtors' Rights, January 2009 – January 2010
- Presenter, Washington Bankruptcy Judges Conference, Blaine, WA, September 2008
- Panel Moderator, Third Annual Conference on Empirical Legal Studies, Cornell Law School, September 2008
- Presenter, Annual Fall Symposium of the Ninth Circuit Bankruptcy Appellate Panel, Ashland, OR, August 2008
- Discussant, "Microinitiatives," Globalization & Justice: Interdisciplinary Dialogues, Seattle University, February 2008
- Program Faculty, Federal Judicial Center, Workshop for Bankruptcy Judges II, Austin, TX, September 2007
- Program Faculty, Federal Judicial Center and Administrative Office of the U.S. Courts, National Bankruptcy Administrators Conference, Asheville, NC, July 2007
- Newsletter Editor, AALS Section on Creditors' and Debtors' Rights, January 2007 – May 2008
- Member, Board of Directors, Consumer Education and Training Services ("CENTS"), Seattle, WA, October 2006 – present
- Guest Blogger, *Concurring Opinions*, <http://www.concurringopinions.com>, August 2006
- Program Faculty, Thirtieth Annual Seminar on Bankruptcy Law and Practice, Stetson University College of Law, December 2005
- Member, Southeastern Association of Law Schools (SEALS) Young Scholars Committee, April 2005 – September 2005
- Consultant, New Orleans Legal Assistance Corporation, New Orleans, LA, September 2004 – September 2005
- Advisory Board, Bankruptcy Litigation Skills Symposium, American Bankruptcy Institute/Tulane Law School, April 2004 – May 2005

AWARDS AND PROFESSIONAL ORGANIZATIONS

Institute for Higher Education Law and Governance Fellow, Houston Higher Education Finance Roundtable, University of Houston Law Center, May 2008

American Bankruptcy Law Journal Fellow, Annual Meeting of the National Conference of Bankruptcy Judges, November 2005

Member, Bar of the United States Supreme Court, 2009 – present

Member, Society of Empirical Legal Studies, 2007 – present

Member, American Bankruptcy Institute, 2003 – present

Member, Washington State Bar Association, 2002 – present

PERSONAL

Born: Havre, Montana

Languages: Spanish (fluent) and French (proficient)

Interests: classical piano, mountaineering, squash

Exhibit 4

DANE S. CIOLINO

LOYOLA LAW SCHOOL
526 PINE STREET
NEW ORLEANS, LOUISIANA 70118

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E-MAIL: DCIOLINO@LOYNO.EDU
WEB SITE: WWW.LOYNO.EDU/~DCIOLINO

EDUCATION

TULANE UNIVERSITY LAW SCHOOL, *New Orleans, Louisiana*
J.D., *magna cum laude*, 1988
Editor in Chief, *Tulane Law Review*
Order of the Coif
Winner, Maritime Law Center Writing Competition

RHODES COLLEGE, *Memphis, Tennessee*
B.A., *cum laude*, 1985
Recipient, Political Science Department Award
President, Sigma Alpha Epsilon Fraternity

EMPLOYMENT

LOYOLA LAW SCHOOL, *New Orleans, Louisiana*
Alvin R. Christovich Distinguished Professor of Law, 2002-present
Professor of Law, 2002
Associate Professor of Law, 1998-2002 (Tenured 2001)
Assistant Professor of Law, 1997-1998
Visiting Assistant Professor of Law, 1995-1997
Adjunct Instructor of Law, 1992-1995

TULANE LAW SCHOOL, *New Orleans, Louisiana*
Visiting Professor of Law, 2005
Visiting Professor of Law, 2002

STONE, PIGMAN, WALTHER & WITTMANN, LLC, *New Orleans, Louisiana*
Associate, 1991-1995
Areas of Practice: Commercial Litigation, Intellectual Property, Criminal Law

CRAVATH, SWAINE & MOORE, LLP, *New York, New York*
Associate, 1989-1991
Consultant, 2005-2006
Areas of Practice: Commercial Litigation, Intellectual Property

UNITED STATES DISTRICT COURT, *New Orleans, Louisiana*
Law Clerk to Honorable Peter H. Beer, 1988-89

PUBLICATIONS

DANE S. CIOLINO, *LOUISIANA PROFESSIONAL RESPONSIBILITY LAW & PRACTICE* (3d ed. 2007)

Dane S. Ciolino, *Lawyer Ethics Reform in Perspective: A Look at the Louisiana Rules of Professional Conduct Before and After Ethics 2000*, 65 LA. L. REV. 536 (2005)

Dane S. Ciolino, *Redefining Professionalism as Seeking*, 49 LOY. L. REV. 229 (2003)

Dane S. Ciolino & Erin A. Donelon, *Questioning Strict Liability in Copyright*, 54 RUTGERS L. REV. 351 (2002)

Dane S. Ciolino, *Why Copyrights Are Community Property (Sort Of): Through the Rodrigue v. Rodrigue Looking Glass*, 47 LOY. L. REV. 631 (2001)

Dane S. Ciolino, *Why Copyrights Are Not Community Property*, 60 LA. L. REV. 127 (1999)

Dane S. Ciolino, *Reconsidering Restitution in Copyright*, 48 EMORY L.J. 1 (1999)

Dane S. Ciolino, *Rethinking the Compatibility of Moral Rights and Fair Use*, 54 WASH. & LEE L. REV. 33 (1997)

Dane S. Ciolino, *The Mental Element of Louisiana Crimes: It Doesn't Matter What You Think*, 70 TUL. L. REV. 855 (1996)

Dane S. Ciolino, *Moral Rights and Real Obligations: A Property-Law Framework for the Protection of Authors' Moral Rights*, 69 TUL. L. REV. 935 (1995)

Dane S. Ciolino & Gary R. Roberts, *The Missing Direct-Tender Option in Federal Third-Party Practice: A Procedural and Jurisdictional Analysis*, 68 N.C.L. REV. 423 (1990)

Dane S. Ciolino, Casenote, *Lafleur v. John Deere Co.: Recovery of Nonpecuniary Damages in Redhibitory Actions*, 61 TUL. L. REV. 704 (1987)

TEACHING

Law School: Principal Courses

The Legal Profession, Trial Advocacy, Contracts, Criminal Law & Procedure,

Law School: Other Courses

Business Organizations I & II, Contracts I & II, Common Law Contracts for Civil Law Students, Computer Law, Copyright Law, Criminal Law Clinic, Criminal Law Seminar, Constitutional Criminal Procedure, Civil Law of Persons, Civil Law of Community Property, Civil Law of Property, Introduction to Law and Legal Methods, Legal Ethics Seminar, International Copyright Law, Law & Poverty, Professional Seminar in Practical Lawyering, Professional Seminar in Storytelling

Bar Review

Instructor, BAR/BRI Bar Review Course (legal ethics and professional responsibility law), 2006-present

Instructor, BAR/BRI Louisiana Bar Review Course (criminal law, evidence and criminal procedure), 2005-present

Instructor, BAR/BRI Louisiana Bar Review Course (Louisiana property law, family law, community-property law), 1995-2005

Instructor, LSU Law Center Bar Review Course (Louisiana family law), 1999-2002

COMMUNITY SERVICE

Member, Louisiana State Bar Association Board of Governors, 2007-present

Board Member, Orleans Parish Indigent Defender Program, 2006-2007

Reporter, Louisiana State Bar Association Ethics 2000 Committee, 1999-2004

Reporter, Louisiana State Law Institute Emancipation Committee, 2004-2008

Reporter, Louisiana State Law Institute Tutorship Procedure Committee, 2000-present

Reporter, Louisiana State Law Institute Interdiction Committee, 1996-2002

Member, Louisiana Supreme Court Committee on the Prevention of Lawyer Misconduct, 1999-2003

Member, American Law Institute, 2003-present

Member, Louisiana State Law Institute Criminal Law Committee, 2006-present

Interim Host, *It's the Law*, Cox Cable Television New Orleans and Jefferson, December 1999-2000

Louisiana State Bar Association, Ethics Advisory Committee
Member, 2000-2003
Reporter, 1997-2000

Council Member, Louisiana State Law Institute, 1997-2000

Louisiana Attorney Disciplinary Board
Hearing Committee Member, 1998-1999
Hearing Committee Chairperson, 1999-2003

Board Member, Louisiana Organization for Judicial Excellence, 2004-present

Instructor, Louisiana State Bar Association Diversionary Ethics School, 1999-present

Member, Louisiana State Bar Association Codes of Conduct Committee, 1998-present

Member, Louisiana State Bar Association Professionalism Committee, 1997-present

Louisiana Supreme Court Bar Admissions Advisory Committee
Member, 1997-1999
Chairperson, 1999-2001

Director, Pro Bono Criminal Law for Civil Lawyers (two-day CLE seminar training civil lawyers to undertake pro bono criminal cases), 1995-2002

Advisory Editor, *Tulane Law Review*, 1993-present

Member, Board of Directors, Louisiana Capital Assistance Center (public-interest organization defending capital cases for indigent clients), 1996-2006

Appointed Counsel, Orleans Parish Criminal District Court (pro bono representation of indigent defendants in first- and second-degree murder prosecutions), 1991-present.

Member, Federal Criminal Justice Act Panel, Eastern District of Louisiana (panel of attorneys accepting appointments to represent indigent defendants in federal prosecutions), 1991-present

Evaluator, American Bar Association, Central European Law Initiative, March 1999 (evaluated code of legal ethics for the Republic of Armenia)

LOYOLA UNIVERSITY AND LAW SCHOOL SERVICE

Faculty Advisor, *Loyola Law School Honor Board*, 2002-present

Faculty Advisor, *Loyola Law Review*, 1997-2003, 2006

Faculty Advisor, *Order of the Barristers*, 1998-2003

Faculty Advisor, *Loyola Intellectual Property Law Quarterly*, 1996-2002

Faculty Advisor, *Loyola ATLA Chapter*, 1997-2002

Law School Representative, Loyola University Senate, 1997-1999

Loyola Law School Dean Search Committee

Chairperson, 2001-2002

Member, 2000-2001

Chairperson, Loyola Law School Law Clinic Committee, 2005-2007

Chairperson, Loyola Law School Faculty Unification Committee, 2004

Chairperson, Loyola Law School Library Director Search Committee, 2000-2001

Member, Loyola Law School By-Laws Committee, 2000-2001

Member, Loyola Law School Pre-Admissions Committee, 1998-1999

Member, Loyola Law School Tenure Guidelines Committee, 1998-1999

Member, Loyola Law School Library Committee, 1997-1998

Member, Loyola Law School Skills Committee, 1997-1998

Member, Loyola Law School Curriculum Committee, 1996-1997

Member, Loyola Law School Admissions Committee, 1996-1997

Member, Loyola Law School Student Recruitment and Career Services Committee, 1995-1996

COMMUNITY HONORS

Recipient, Camille Gravelle Pro Bono Award, Federal Bar Association, New Orleans Chapter, 2007

Lawdragon 3000 (list of top American lawyers), 2006

Recipient, *Gambit Magazine*, Forty-Under-Forty Award, 2002

Recipient, Louisiana State Bar Association, President's Award, 2001

Recipient, *City Business Magazine*, Power Generation Award, 2000

Recipient, Gillis Long Poverty Law Center Public Service Award, 1997

EXPERT WITNESS TESTIMONY¹

Active Solutions, L.L.C. v. Dell, Inc., No. 2007-3665, Civil District Court for the Parish of Orleans, State of Louisiana

Adler v. Doyle (In re Woven Treasures, L.L.C.), 69 180 M 01493 07, American Arbitration Association

AmCareco, Inc. v. Luck singer, No. 499,737, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

Adamson v. Bailey, No. 493,309, First Judicial District Court, Parish of Caddo, State of Louisiana

American Income Life Ins. Co. v. Nicholas Matthew Nitkowski et al., Civ. No. 05-2228(I-3), United States District Court Eastern District of Louisiana

Barton v. Butler, No. 515,473, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

Belle Terre Lakes Home Owners Assoc. v. Patricia McGovern, No. 41922, Fortieth Judicial District Court for the Parish of St. John the Baptist, State of Louisiana

¹All matters in which Dane S. Ciolino has provided a public expert report, affidavit, deposition testimony or trial testimony.

Bertucci v. Lafayette Ins. Co., No. 01-0608, Civil District Court for the Parish of Orleans, State of Louisiana

Beevers and Beevers, LLP v. Sirgo, No. 624-259 “B,” Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

Boudoin v. St. John the Baptist Parish School Bd., No. 2004-08242, Office of Workers’ Compensation, State of Louisiana

Bowes v. Clean Scene Servs., L.L.C., No. 661-147, Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

Campbell v. City of New Orleans, No. 98-18633, Civil District Court for the Parish of Orleans, State of Louisiana

Chalmette Payment Processing, L.L.C. v. Munson, Civ. No. 03-1060, United States District Court for the Eastern District of Louisiana

Chevron U.S.A., Inc. v. State of Louisiana, Louisiana State Mineral Bd. and Louisiana Dept. of Natural Resources, No. 93,658, Seventeenth Judicial District Court for the Parish of Lafourche, State of Louisiana

Childress v. Childress, No. 488-388, Twenty-Fourth Judicial District Court for the Parish of Jefferson, State of Louisiana

Domingue v. Salomon Smith Barney, Inc. & Coughlin, No. 01-03076, NASD Dispute Resolution Arbitration, New Orleans, Louisiana

Dougherty v. Haag, No. 05-06993, Superior Court for the County of Orange, State of California

Doyle v. ICNA, Civil District Court for the Parish of Orleans, State of Louisiana

Edmonds v. Williamson, No. 2002-CV-42-R, Circuit Court of Kemper County, State of Mississippi

Felham Enterprises (Cayman) Ltd. v. Certain Underwriters at Lloyd’s, London Companies, Zurich American Ins. Co., Marine Office of Am. Corp. & Trinity Yachts, Inc., No. 02-3588, United States District Court for the Eastern District of Louisiana

Foley & Lardner, LLP v. Kenneth G. Daniels, LLC, Adv. No. 05-01003, United States Bankruptcy Court for the Middle District of Louisiana

Forbes v. St. Martin, Civ. Action No. C2401 01 1745(2), Chancery Court, First Judicial District Court, Harrison County, Mississippi

Forbis v. Int'l Health Care Properties, X, Ltd., 97-CI-03198, Jefferson Circuit Court, State of Kentucky

Gill v. Becnel, No. G2001-1199 R/1, Chancery Court for the First Judicial District, Hinds County, State of Mississippi

Glynn v. Sylvester, No. 228080, Ninth Judicial District Court for the Parish of Rapides, State of Louisiana

Haynes v. Williamson, No. 3:05cv186-HTW-JCS, United States District Court for the Southern District of Mississippi, Jackson Division

Hebert v. Avery, No. 2001-16561, Civil District Court for the Parish of Orleans, State of Louisiana

Hunter & Blazier v. Logan, No. 2007-1873, Fourteenth Judicial District Court, Parish of Calcasieu, State of Louisiana

In re American International Refinery, Inc., No. 04-21331, United States Bankruptcy Court, Western District of Louisiana, Lake Charles Division

In re Petition to Accord Immigrant Classification to Timothy Gray Cameron, Esq., as an Alien of Extraordinary Ability, United States Department of Homeland Security, United States Citizenship and Immigration Services

In re Confidential Respondents, 04-DB-005, Louisiana Attorney Disciplinary Board

In re Succession of Marion Roberts, No. 96-2904(F), Civil District Court for the Parish of Orleans, State of Louisiana

In re Zyprexa Products Liability Litigation, MDL No. 1596, United States District Court for the Eastern District of New York

Leon v. Wilson, No. 96-14608(F), Civil District Court for the Parish of Orleans, State of Louisiana

Liberty Mutual Ins. Co. v. Jotun Paints, Inc. & Jotun, Inc., Civ. Action No. 07-3114, United States District Court for the Eastern District of Louisiana

Logan v. Hit or Miss, L.L.C., Civil Action No. 6:07-CV-1116 LO, United District Court for the Western District of Louisiana

Louisiana State Bar Association v. Carr and Associates, Inc., No. 2006-14440, Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana

Oliver v. Orleans Parish School Board, No. 2005-12244 (N), Civil District Court, Parish of Orleans, State of Louisiana

Oreck Direct, LLC v. Dyson, Inc., Civ. Action No. 07-2744, United District Court for the Eastern District of Louisiana

Read v. Read, No. 2000-15283(E), Twenty-Second Judicial District Court for the Parish of St. Tammany, State of Louisiana

Reuther v. Smith, No. 2001-18124, Civil District Court for the Parish of Orleans, State of Louisiana

Spahr, v. Dallam, No. 98-5840, Civil District Court for the Parish of Orleans, State of Louisiana

Southern Scrap Material Co., L.L.C. v. Fleming, Civ. No. 01-2544, United States District Court for the Eastern District of Louisiana

Stanley v. Trinchard, Civ. No. 02-1235, United States District Court for the Eastern District of Louisiana

State of Louisiana v. Khristopher Kyzar, No. 11-05-0461, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

State of Louisiana v. Robert "Bob" Odom, No. 08-02-547, Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana

State of Louisiana v. Ricky Langley, No. 10258-02, Fourteenth Judicial District Court for the Parish of Calcasieu, State of Louisiana

State of Louisiana v. Terryance Russel, No. 375-503, Criminal District Court for the Parish of Orleans, State of Louisiana

State of Louisiana v. Robert Wilkins, No. 04- 19337, 14th Judicial District Court for the Parish of Calcasieu, State of Louisiana

Sturlese v. J.B. Jones, Jr., No. 10-16390, Thirty-Eighth Judicial District Court, Parish of Cameron, State of Louisiana

Succession of Marguerite Nell Riggs Griffin, No. 646-584, Twenty-Fourth Judicial District Court, Parish of Jefferson, State of Louisiana

Tessier v. Moffatt, No. 98-CV-00116, United States District Court for the Eastern District of Louisiana

Waggoner v. Williamson, No. 03-KV-0151-J, Circuit Court of Adams County, State of Mississippi

Waste Management of Louisiana, L.L.C. v. Penn-America Insurance Co., No. 2006-2452, Fourteenth Judicial District Court for the Parish of Calcasieu, State of Louisiana

Williams v. Williamson, No. 4:03-CV-88LN, United States District Court for the Southern District of Mississippi

Washington v. Williamson, No. 251-05-112 CIV, Circuit Court of Hinds County, State of Mississippi

United States v. Edwin Edwards, Crim. No. 98-165-B-M2, United States District Court for the Middle District of Louisiana

United States ex rel. William St. John LaCorte v. Merck & Co., Inc., No. 99-03807, United States District Court for the Eastern District of Louisiana

OTHER

Personal

Age 45

Married to Wendy Dehan Ciolino

Three Children: Hale (17), Price (15) & Camille (10)

Bar Admissions

Supreme Court of the United States

State of Louisiana

State of New York

United States Court of Appeals for the Fifth Circuit Court
United States District Court for the Eastern District of Louisiana (New Orleans)
United States District Court for Western District of Louisiana (Shreveport)
United States District Court for the Southern District of New York (New York City)

Dated: May 22, 2009

Exhibit 5

G. CALVIN MACKENZIE

Colby College
Waterville, ME 04901
(207) 859-5306
E-mail: gcmacken@colby.edu

127 Main Street
Bowdoinham, ME 04008
(207) 666-8064

EDUCATION

1971 - 1975	Harvard University, Cambridge, MA	Ph.D. in Government
1967 - 1969	Tufts University, Medford, MA	M.A. in Political Science
1963 - 1967	Bowdoin College, Brunswick, ME	B.A. in Government

ACADEMIC EMPLOYMENT

COLBY COLLEGE, Waterville, ME

2008 - 2009	<i>Chair, Department of Government</i>
2001 -	<i>Goldfarb Family Distinguished Professor of Government</i> (Endowed Chair)
1991 - 2001	<i>Distinguished Presidential Professor of American Government</i> (Endowed Chair)
1992 - 1995	<i>Chair, Department of Government</i>
1986 - 1991	<i>Professor of Government</i> Teach courses on American Congress, American presidency, public policy analysis, and public administration.
1985-1988	<i>Vice President for Development and Alumni Relations</i> Directed major capital campaign, annual fund, planned giving, and all alumni relations activities. Supervised staff of 22. College's chief development officer, reporting to the president. On leave from faculty during this period.
1982 - 1986	<i>Associate Professor of Government</i> (with tenure)
1980 - 1985 1988 - 1992	<i>Director, Public Policy Program</i>

Supervised interdisciplinary program. Worked closely with public policy practitioners, oversaw curriculum, directed independent student projects, made arrangements for speakers and conferences, and organized extensive internship program.

1978 - 1982 *Assistant Professor of Government*

THE GEORGE WASHINGTON UNIVERSITY, Washington, DC

1975 - 1978 *Assistant Professor of Political Science*

Taught graduate and undergraduate courses in the following areas: American national government, the legislative process, public policy analysis, government budgeting, the electoral process, and American political behavior. Taught extensively in the University's graduate program for congressional staff members and executive branch employees.

HARVARD UNIVERSITY, Cambridge, MA

1973 - 1975 *Research Assistant, Government Department*
Teaching Fellow and Tutor, Government Department

ADDITIONAL WORK EXPERIENCE

- 2005 **BEIJING FOREIGN STUDIES UNIVERSITY, Beijing, China**
Fulbright Lecturer
Taught two courses on American public policy to Chinese graduate students. Lectured at universities all over China.
- 2002 **NATIONAL COMMISSION ON THE PUBLIC SERVICE (Volcker Commission), Washington DC**
Senior Advisor
- 2000-2002 **THE BROOKINGS INSTITUTION, Washington DC**
Visiting Fellow
Senior Advisor, Presidential Appointee Initiative
Lead participant in major study of presidential appointment process. Funded by Pew Charitable Trusts.
- 1999-2000 **INSTITUTE OF UNITED STATES STUDIES, UNIVERSITY OF LONDON, London, England**
The John Adams Fellow
Lectured and participated in seminars during year-long fellowship in London.
- 1997-1998 **NATIONAL ACADEMY OF PUBLIC ADMINISTRATION, Washington DC**
Project Director, Re-Engaging Citizens in Governance Project
Directed extensive study of low levels of citizen trust and civic engagement in government. Provided support to distinguished panel chaired by Paul Volcker.

Managed all research and development of databases. Author of panel report. Funded by Pew Charitable Trusts.

1996-1999 MAINE STATE COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Chair, 1996-1997; Member, 1997-1999

Elected chair of state agency that oversees campaign practices, campaign finances, and legislative ethics. Engaged in implementing one of the country's boldest initiatives in campaign finance reform.

1994 - 1997 TWENTIETH CENTURY FUND, New York, NY

Executive Director, Task Force on Presidential Appointments

Supervised studies and report preparation for Task Force chaired by former Senators John Culver (D-IA) and Charles Mathias (R-MD).

1993 - 1998 MAINE STATE BOARD OF ARBITRATION AND CONCILIATION

Alternating Chair

Implemented state policy in public sector labor-management relations.

1992 NATIONAL ACADEMY OF SCIENCES

Member, Panel on Presidentially Appointed Scientists and Engineers

Participated in extensive study of difficulties in recruiting scientists for government service. Contributed to panel's report, Science and Technology Leadership in American Government.

1988 NATIONAL ACADEMY OF PUBLIC ADMINISTRATION, Washington DC

Issue Leader, Presidential Transitions Study

Prepared study and recommendations on personnel selection and conflict of interest for panel report on presidential transition of 1988.

1983 - 1990 NATIONAL ACADEMY OF PUBLIC ADMINISTRATION, Washington DC

Director, Presidential Appointee Project

Supervised comprehensive analysis of presidential appointment process. Wrote project proposal, participated in fund raising, managed all details of project, supervised full- and part-time staff of 13. Full-time 1984-85, while on academic leave.

1980 NATIONAL ACADEMY OF PUBLIC ADMINISTRATION, Washington DC

Staff member, Presidential Transition Study

Conducted historical studies of personnel management activities of recent American presidents, relying primarily on original source materials in presidential libraries and interviews with former White House aides. Provided recommendations for improvements in presidential personnel management for inclusion in study panel's report.

1977 UNITED STATES HOUSE OF REPRESENTATIVES, Washington DC

Senior Research Analyst, Commission on Administrative Review

Worked full-time for the Commission while on academic leave. Participated in a comprehensive analysis of every aspect of legislative and administrative operations in the House of Representatives. Duties included interviewing members of Congress, direct contact with congressional officers and employees, examination of House records and accounts, and analysis of statistical data. Prepared original papers on

House financial management system, House procurement activities, and operating procedures of the House administrative system. Had primary responsibility for writing several hundred page report of the Task Force on Administrative Units.

VARIOUS EMPLOYERS

1975 - Present

Lecturer and Consultant

Clients have included: the Robert A. Taft Institute, the Pew Charitable Trusts, the Robert Wood Johnson Clinical Scholars program, the U.S. Treasury Executive Institute, Commission on the Operation of the U.S. Senate, and the Brookings Conference for Senior Business Executives. Served as regular guest lecturer at the Washington International Center. Appear often on local and network radio and television programs. Consult broadly on government operations with public agencies, presidential transition teams, national commissions, and foundations.

1969 - 1971

UNITED STATES ARMY

Private to Sergeant, First Cavalry Division, Vietnam

Awarded Vietnamese Cross of Gallantry, Army Commendation Medal (three times), Bronze Star (twice), Good Conduct Medal. Honorable Discharge, 1975.

SCHOLARLY AND PROFESSIONAL ACTIVITIES

1975 - Present

Panel Participant

Chaired, delivered papers or otherwise participated in several dozen panels at meetings of professional and governmental organizations including: American Political Science Association, Midwest Political Science Association, Southwest Social Science Association, Naval War College, Administrative Conference of the United States, National Academy of Public Administration, National Academy of Sciences, Brookings Institution.

1982 - 2007

Member, Editorial Board, *Congress and the Presidency*

1986 - 1987

President, New England Political Science Association (elected position)

1987 - Present

Member, Editorial Board, *Commonwealth*

1986 - 1998

Overseer and Trustee, Bowdoin College, Brunswick, ME

2003- Present

Member, Editorial Board, *New England Journal of Political Science*

2004

Elected a **Fellow of the National Academy of Public Administration**, Washington, DC

PRINCIPAL PUBLICATIONS

Now What: Confronting and Resolving Ethical Questions (with Sarah V. Mackenzie), San Francisco: Corwin Press, 2010.

The Liberal Hour: Washington and the Politics of Change in the 1960s (with Robert Weisbrot), New York: Penguin, 2008.

Finalist for the 2009 Pulitzer Prize in History

Selected by CHOICE as an "Outstanding Academic Book of 2008"

Conflict and Consensus in American Politics, (with Stephen Wayne and Richard Cole), Belmont, CA: Thomson Wadsworth, 2007.

Scandal Proof: Can Ethics Laws Make Government Ethical? Washington: Brookings, 2002.

Innocent Until Nominated: The Breakdown of the Presidential Appointment Process, (editor), Washington: Brookings, 2001.

Selected by CHOICE as an "Outstanding Academic Book of 2002"

The Politics of American Government, (with Stephen Wayne, David O'Brien, and Richard Cole), New York: St. Martin's, third edition, 1999.

Obstacle Course: Report of the Twentieth Century Fund Task Force on Presidential Appointments, New York: Twentieth Century Fund Press, 1996.

The Irony of Reform: Roots of American Political Disenchantment, Boulder: Westview Press, 1996

Selected by CHOICE as an "Outstanding Academic Book of 1996"

Bucking the Deficit: Economic Policy Making in the United States (with Saranna Thornton), Boulder: Westview Press, 1996

Who Makes Public Policy: The Struggle For Control Between Congress and the Executive (with Robert Gilmour et al), Chatham, NJ: Chatham House, 1994.

The Presidential Appointee's Handbook, Washington, DC: National Academy of Public Administration, 2d. ed., 1988.

The In and Outers: Presidential Appointees and Transient Government in Washington (editor), Baltimore: Johns Hopkins University Press, 1987.

American Government: Politics and Public Policy, New York: Random House, 1986.

Leadership in Jeopardy: The Fraying of the Presidential Appointments System, Washington, DC: National Academy of Public Administration, 1985.

America's Unelected Government (with Bruce Adams, John Macy, and Jackson Walter), New York: Harper & Row, 1983.

The Abortion Dispute and the American System (with Gilbert Steiner et al.), Washington, D.C.: Brookings, 1983.

The House at Work (co-editor with Joseph Cooper), Austin, TX: University of Texas Press, 1981.

The Politics of Presidential Appointments, New York: The Free Press, 1981.

A SAMPLE OF ARTICLES, REPORTS, REVIEWS, PAPERS, AND BOOK CHAPTERS, 1988-PRESENT

Co-editor, Special edition of The New England Journal of Political Science on "U.S. Senators from Maine: Fifty Years of Influencing the Nation"

"Looking to the Future: The Challenge to Congress" (White Paper, The Brademas Center for the Study of Congress, 2008)

"The Real Invisible Hand: Presidential Appointees in the Administration of George W. Bush" in David C. Rochefort, ed., Quantitative Methods in Practice (CQ Press, 2006)

"The Superpower Everyone Loves to Hate" in Papers on American Studies (Yunnan University Press, China, 2006)

"Old Wars, New Wars, and the American Presidency," in George C. Edwards and Philip John Davies, eds., New Challenges for the American Presidency (New York: Longmans, 2004).

"Can Government Be Honest And Effective, Too?" Keynote Address, 12th Annual Conference Of The U.S. Office Of Government Ethics, March 12, 2003.

"The Real Invisible Hand: Presidential Appointees in the Administration of George W. Bush," PS: Political Science and Politics, March 2002. (Republished in Martha Kumar, ed. White House World (College Station, TX: Texas A&M University Press, 2003).

"Opportunity Lost: The Disappearance of Trust in Government After the 9/11 Spike," (Center for Public Service, Brookings, 2002).

"Campaign Contributions of Clinton and Bush Presidential Appointees: An Analysis," with Michael Hafken (Presidential Appointee Project, Brookings, 2001).

"Testimony on The Presidential Appointment Process," U.S. Senate, 107th Congress, First Session, Committee on Governmental Affairs, Hearings on the Presidential Appointments Improvement Act of 2002 (Washington: Government printing Office, 2001).

"Partisan Presidential Leadership: The President's Appointees," in L. Sandy Maisel, ed., American Parties: Changing Patterns at the Century's End (Boulder, CO: Westview Press, 2001).

"Nasty and Brutish Without Being Short," Brookings Review, March 2001.

Editor, Special Issue of the Brookings Review on "The State of the Presidential Appointment Process," March 2001.

"Ou en est le systeme politique américain?" Le Debat (France: January-February, 2001).

"The Revolution Nobody Wanted," Times Literary Supplement (United Kingdom: October 13, 2000).

"What Ails The Presidential Appointment Process And How To Fix It," Speech at the American Enterprise Institute, Washington, DC, May 5, 1999.

"A Government to Trust and Respect: Rebuilding Citizen-Government Relations in the 21st Century," National Academy of Public Administration (1999).

"Starting Over: The Presidential Appointment Process in 1997." A Twentieth Century Fund White Paper (New York: Twentieth Century Fund, 1998).

"What Would Madison Think? The Prospects, Promise and Perils of the Internet in American Government and Politics," Paper presented at the annual meeting of the New England Political Science Association, New London, CT (1997).

"Government Bit By Bit: Public Affairs, The Internet, and The Future," A White Paper for The Pew Charitable Trusts, (1996).

"Improving Government Performance," A White Paper for the Pew Charitable Trusts, (1995).

"Senator George Mitchell and the Constitution," Maine Law Review, Spring 1995.

"The Presidential Appointment Process: Historical Development, Contemporary Operations, and Current Issues" (Background paper for the Twentieth Century Fund, 1995).

"Radical Makeover: The Post-War Transformation of the American Presidency," Paper presented at the annual meeting of the American Political Science Association, Washington, DC (September, 1993).

"The Political Team," Government Executive (December, 1992).

"Presidential Appointments," "Recess Appointments," and "Senatorial Courtesy" in The Encyclopedia of the United States Congress (Simon and Schuster, 1993).

"Advice and Consent," "The Appointment Power," "Recess Appointments," "Hubert H. Humphrey," and "The Vacancy Act" in The Encyclopedia of the American Presidency (Simon and Schuster, 1993).

"Congressional Term Limits: Predictable Impacts and Unintended Consequences," Paper presented at the annual meeting of the New England Political Science Association, Providence, Rhode Island (1991).

"Fallacies of Political Correctness," Chronicle of Higher Education (September 4, 1991).

"Hubert H. Humphrey: Reflections on a Twentieth Century Life" in "The Legacy of Hubert H. Humphrey," Special Issue of Perspectives on Political Science (Winter, 1992).

Editor, "The Legacy of Hubert H. Humphrey," Special Issue of Perspectives on Political Science (Winter, 1992).

"Professionalism and Politics: Executive Recruitment in Washington," in R.H. Perry and Janet Jones-Parker, eds., The Executive Search Collaboration (Greenwood Press, 1990).

"Foreign Aid and Human Rights," Paper presented to the Panel on Congressional-Executive Relations, National Academy of Public Administration (May 1990).

"Appointing Mr. (or Ms.) Right," Government Executive (April 1990).

"The Election of 1960," "Dwight D. Eisenhower," "Richard M. Nixon" in Encyclopedia of American Political Parties and Elections (Garland Publishing Co., 1990).

"Issues and Problems in the Staffing of New Administrations," Political Science Teacher (Summer 1989).

"Pentagon on Hold," Boston Globe (March, 1989).

"Making Political Appointments" in The Executive Presidency: Federal Management for the 1990s (Washington: National Academy of Public Administration, 1988).

"Presidential Transitions and the Ethics in Government Act of 1978," Sourcebook on Government Ethics for Presidential Appointees (Washington: Administrative Conference of the United States, 1988).

Exhibit 6

JUDGE G. THOMAS PORTEOUS, JR.'S EXHIBIT LIST

PORT Exhibit Number ¹	Description	Bates Number
1001 (a)	Louisiana Rules of Court, Code of Judicial Conduct (1985)	DEF00001-06
1001 (b)	Louisiana Rules of Court, Code of Judicial Conduct (1986)	DEF00007-13
1001 (c)	Louisiana Rules of Court, Code of Judicial Conduct (1987)	DEF000014-20
1001 (d)	Louisiana Rules of Court, Code of Judicial Conduct (1988)	DEF000021-27
1001 (e)	Louisiana Rules of Court, Code of Judicial Conduct (1989)	DEF000028-34
1001 (f)	Louisiana Rules of Court, Code of Judicial Conduct (1990)	DEF000035-41
1001 (g)	Louisiana Rules of Court, Code of Judicial Conduct (1991)	DEF000042-49
1001 (h)	Louisiana Rules of Court, Code of Judicial Conduct (1992)	DEF000050-57
1001 (i)	Louisiana Rules of Court, Code of Judicial Conduct (1993)	DEF000058-65
1001 (j)	Louisiana Rules of Court, Code of Judicial Conduct (1994)	DEF000066-73
1001 (k)	Louisiana Rules of Court, Code of Judicial Conduct (1995)	DEF000074-81
1001 (l)	Louisiana Rules of Court, Code of Judicial Conduct (1996)	DEF000082-89
1001 (m)	Louisiana Rules of Court, Code of Judicial Conduct (1997)	DEF000090-103
1001 (n)	Louisiana Rules of Court, Code of Judicial Conduct (1998)	DEF000104-12
1001 (o)	Louisiana Rules of Court, Code of Judicial Conduct (1999)	DEF000113-21
1001 (p)	Louisiana Rules of Court, Code of Judicial Conduct (2000)	DEF000122-30
1001 (q)	Louisiana Rules of Court, Code of Judicial Conduct (2001)	DEF000131-39
1001 (r)	Louisiana Rules of Court, Code of Judicial Conduct (2002)	DEF000140-48
1001 (s)	Louisiana Rules of Court, Code of Judicial Conduct (2003)	DEF000149-58
1001 (t)	Louisiana Rules of Court, Code of Judicial Conduct (2004)	DEF000159-67
1001 (u)	Louisiana Rules of Court, Code of Judicial Conduct (2005)	DEF000168-76
1001 (v)	Louisiana Rules of Court, Code of Judicial Conduct (2006)	DEF000177-96
1001 (w)	Louisiana Rules of Court, Code of Judicial Conduct (2007)	DEF000197-206
1001 (x)	Louisiana Rules of Court, Code of Judicial Conduct (2008)	DEF000207-18
1001 (y)	Louisiana Rules of Court, Code of Judicial Conduct (2009)	DEF000219-30
1002 (a)	Louisiana State Bar Rules of Professional Conduct, 1985	DEF000231-63
1002 (b)	Louisiana State Bar Rules of Professional Conduct, 1986	DEF000264-301
1002 (c)	Louisiana State Bar Rules of Professional Conduct, 1987	DEF000302-42
1002 (d)	Louisiana State Bar Rules of Professional Conduct, 1988	DEF000343-64
1002 (e)	Louisiana State Bar Rules of Professional Conduct, 1989	DEF000365-69
1002 (f)	Louisiana State Bar Rules of Professional Conduct, 1990	DEF000370-80
1002 (g)	Louisiana State Bar Rules of Professional Conduct, 1991	DEF000381-96
1002 (h)	Louisiana State Bar Rules of Professional Conduct, 1992	DEF000397-412
1002 (i)	Louisiana State Bar Rules of Professional Conduct, 1993	DEF000413-28
1002 (j)	Louisiana State Bar Rules of Professional Conduct, 1994	DEF000429-44
1002 (k)	Louisiana State Bar Rules of Professional Conduct, 1995	DEF000445-60
1002 (l)	Louisiana State Bar Rules of Professional Conduct, 1996	DEF000461-76
1002 (m)	Louisiana State Bar Rules of Professional Conduct, 1997	DEF000477-567
1002 (n)	Louisiana State Bar Rules of Professional Conduct, 1998	DEF000568-82
1002 (o)	Louisiana State Bar Rules of Professional Conduct, 1999	DEF000583-98
1002 (p)	Louisiana State Bar Rules of Professional Conduct, 2000	DEF000599-614

¹ In the Committee's Order Designating the Contents of Pre-trial Statements, the defense was instructed to begin its exhibits numbers at 1001.

1002 (q)	Louisiana State Bar Rules of Professional Conduct, 2001	DEF000615-30
1002 (r)	Louisiana State Bar Rules of Professional Conduct, 2002	DEF000631-46
1002 (s)	Louisiana State Bar Rules of Professional Conduct, 2003	DEF000647-63
1002 (t)	Louisiana State Bar Rules of Professional Conduct, 2004	DEF000664-82
1002 (u)	Louisiana State Bar Rules of Professional Conduct, 2005	DEF000683-702
1002 (v)	Louisiana State Bar Rules of Professional Conduct, 2006	DEF000703-27
1002 (w)	Louisiana State Bar Rules of Professional Conduct, 2007	DEF000728-50
1002 (x)	Louisiana State Bar Rules of Professional Conduct, 2008	DEF000751-93
1002 (y)	Louisiana State Bar Rules of Professional Conduct, 2009	DEF000794-834
1003	April 5, 2006 Agreement between G. Thomas Porteous and the Department of Justice waiving the Statute of Limitations regarding bankruptcy fraud, bribery and gratuities, criminal conflict of interest, criminal contempt, false statements, and honest services mail and wire fraud	DEF000835-37
1004	June 22, 2006 Agreement between G. Thomas Porteous and the Department of Justice waiving the Statute of Limitations regarding bankruptcy fraud, bribery and gratuities, criminal conflict of interest, criminal contempt, false statements, and honest services mail and wire fraud	DEF000838-40
1005	October 16, 2006 Agreement between G. Thomas Porteous and the Department of Justice waiving the Statute of Limitations regarding bankruptcy fraud, bribery and gratuities, criminal conflict of interest, criminal contempt, false statements, and honest services mail and wire fraud	DEF000841-43
1006	Documents sent by MCC to Defense on July 12, 2010	DEF000844-67
1007	List of Judges Who Have Served on Twenty-Fourth Judicial District Court, provided by Clerk of the Court	DEF000868-73
1008	Beef Connection Menu	DEF000874-77
1009	Affidavit of Louis M. Marcotte, dated April 11, 2003	DEF000878-79
1010	Affidavit of Kyle Schonekas, dated April 8, 2008	DEF000880
1011	Ratings of Article III Judicial Nominees (103 rd Congress - 1993-1994)	DEF000881-86
1012	July 27, 2010 Letter from the United States Senate Committee on the Judiciary to the Senate Impeachment Trial Committee	DEF000887-88
1013	United States Senate Committee on the Judiciary Staff notes summarizing the FBI Background Investigation	DEF000889-91
1014	United States Senate Committee on the Judiciary Staff Memorandum	DEF000892-908
1015	Porteous Blue Slips	DEF000909-10
1016	Porteous ABA Rating	DEF000911
1017	<i>Skilling v. United States</i> , 130 S. Ct. 2896, 177 L. Ed. 2d 619, 2010 U.S. LEXIS 5259 (June 24, 2010)	DEF000912-1025
1018	<i>Black v. United States</i> , 130 S. Ct. 2963, 177 L. Ed. 2d 695, 2010 U.S. LEXIS 5253 (June 24, 2010)	DEF001026-38
1019	<i>Weyhrauch v. United States</i> , 130 S. Ct. 2971, 177 L. Ed. 2d 705, 2010 U.S. LEXIS 5254 (June 24, 2010)	DEF001039
1020	Criminal Record of Aubrey Wallace	DEF001040-72
1021	Criminal Record of Jeff Duhon	DEF001073-1100
1022	<i>In re Reynolds</i> , 3 So. 3d 457 (La. 2009)	DEF001101-02

1023	<i>In re Reynolds</i> , No. 2009-B-0216, 2009 La. LEXIS 2003 (La. Mar. 6, 2009)	DEF001103
1024	<i>In re Reynolds</i> , 956 So. 2d 575 (La. 2007)	DEF001104-05
1025	Police Reports, St. Tammany Arrests, Times-Picayune (June 5, 2004)	DEF001106-09
1026	<i>State of Louisiana v. Michael J. Reynolds</i> , No. 2007 KA 1284, 2007 WL 4480641 (La. Ct. App. 1 Cir. Dec. 21, 2007)	DEF001110-30
1027	Louisiana Bar Journal, Volume 57, Number 1 (June/July 2009) (Discipline pages 42-43).	DEF001131-33
1028	Bruce Alpert, <i>Sen. David Vitter to Lift 'Holds' as Letten Named to Justice Department Advisory Board</i> , THE TIMES-PICAYUNE, Feb. 1, 2010	DEF001134-35
1029	Bruce Egger, <i>Former Mayor Ray Nagin Faces State Ethics Charges</i> , THE TIMES-PICAYUNE, May 7, 2010	DEF001136-38
1030	CityBusiness Staff Report, <i>LA to Receive Federal Funding to Fight Corruption Through Metro Crime Commission</i> , NEW ORLEANS CITYBUSINESS, Nov. 8, 2005	DEF001139-40
1031	Gwen Filosa, <i>Judge Elloie's Retirement Ends Probe</i> , THE TIMES-PICAYUNE, June 7, 2007	DEF001141-43
1032	Laura Maggi, <i>Crime Commission Looked at Judge Wayne Cresap a Year Before His Arrest</i> , THE TIMES-PICAYUNE	DEF001144-46
1033	Meghan Gordon and Kate Morgan, <i>Embattled Judge Thomas Porteous Known for Wit, Charm</i> , THE TIMES-PICAYUNE	DEF001147-51
1034	Richard A. Webster, <i>Staying Power: U.S. Attorney's Future Up to Next President</i> , NEW ORLEANS CITYBUSINESS, May 16, 2008	DEF001152-54
1035	Staff, <i>New Orleans Agencies Net \$1M to Fight Corruption</i> , NEW ORLEANS CITYBUSINESS, Feb. 9, 2004	DEF001155-56
1036	Stephen Maloney, <i>Bobby Jindal's Gubernatorial Victory Fuels Optimism in Louisiana</i> , NEW ORLEANS CITYBUSINESS, Dec. 31, 2007	DEF001157-58
1037	Citizens for Responsibility and Ethics in Washington, <i>Worst Governors Report</i>	DEF001159-98
1038	<i>Funding Approved for N.O. Crime Coalition</i> , WDSU NEWS CHANNEL 6, June 10, 2009	DEF001199-1201
1039	Metropolitan Crime Commission, <i>Anti Public Corruption Program</i>	DEF001202-03
1040	Metropolitan Crime Commission, <i>History of the MCC</i>	DEF001204-1216
1041	Metropolitan Crime Commission, <i>Metropolitan Crime Commission Membership / Contribution Form</i>	DEF001217
1042	Metropolitan Crime Commission, <i>Support the MCC</i>	DEF001218
1043	Metropolitan Crime Commission, <i>Wanted By The Law</i>	DEF001219-20
1044	Metropolitan Crime Commission, <i>December 2001 Watchdog Report</i>	DEF001221-30
1045	Metropolitan Crime Commission, <i>Fall 2002 Watchdog Report</i>	DEF001231-38
1046	Metropolitan Crime Commission, <i>Summer 2005 Watchdog Report</i>	DEF001239-46
1047	Press Release, <i>Vitter Applauds Commitment from U.S. Attorney General</i>	DEF001247-49
1048	H.R. REP. NO. 107-278 (2001)	DEF001250-59
1049	H.R. REP. NO. 108-10 (2003)	DEF001260-76
1050	H.R. REP. NO. 108-221 (2003)	DEF001277-95

1051	H.R. REP. NO. 108-576 (2004)	DEF001296-1305
1052	S. REP. NO. 110-124 (2007)	DEF001306-16
1053	S. REP. NO. 111-34 (2009)	DEF001317-67
1054	H.R. REP. NO. 111-366 (2009)	DEF001368-76
1055	S. REP. NO. 111-229 (2010)	DEF001377-96
1056	Omitted	
1057	Omitted	
1058	Omitted	
1059	Omitted	
1060	Curriculum Vitae of Dane S. Ciolino	DEF001442-52
1061	Curriculum Vitae of G. Calvin Mackenzie	DEF001453-60
1062	Omitted	
1063	Omitted	
1064	Local Bankruptcies, Times-Picayune, Apr. 1, 2001	DEF001485-88
1065	Bankruptcy Statistics, printed from U.S. Courts website	DEF001489-94
1066	Central Credit, LLC Gaming Report for G. Thomas Porteous	DEF001495-1510
1067	Jonathan Remy Nash & Rafael I. Pardo, <i>An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review</i> , 61 Vand. L. Rev. 1745 (2008)	DEF001511-91
1068	Katherine Porter, <i>Misbehavior and Mistake in Bankruptcy Mortgage Claims</i> , 87 Tex. L. Rev. 121 (2008)	DEF001592-1653
1069	Rafael Pardo, <i>An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors</i> , 26 EMORY BANKR. DEV. J. 5 (2009)	DEF001654-81
1070	Steven W. Rhodes, <i>An Empirical Study of Consumer Bankruptcy Papers</i> , 73 Am. Bankr. L.J. 653 (1999).	DEF001682-1736
1071	Ellen Ambrose, Bankruptcy filings on rebound; banks backed strict new law to reduce number, Balt. Sun (April 17, 2006)	DEF001737-40
1072	<i>In re Brown</i> , No. 05-34889-DK, 2006 WL 4547180 (Bankr. D. Md. Sept. 19, 2006)	DEF001741
1073	<i>In re Miller</i> , No. 06-11566, 2006 WL 4719400 (Bankr. D. Md. June 9, 2006)	DEF001742-43
1074	<i>In re Brown</i> , 342 B.R. 248 (Bankr. D. Md. 2006)	DEF001744-52
1075	<i>In re Heck</i> , No. 05-14065-DK, 2006 WL 4711337, (Bankr. D. Md. June 9, 2006)	DEF001753-55
1076	<i>In re Celeste</i> , 310 B.R. 286 (Bankr. D. Md. 2004)	DEF001756-59
1077	<i>In re Connecticut Pizza, Inc.</i> , 193 B.R. 217 (Bankr. D. Md. 1996)	DEF001760-75
1078	<i>In re Courtois</i> , 222 B.R. 491 (Bankr. D. Md. 1998)	DEF001776-83
1079	<i>In re Creative Goldsmiths</i> , 178 B.R. 87 (Bankr. D. Md. 1995)	DEF001784-96
1080	<i>In re Davis</i> , 411 B.R. 225 (Bankr. D. Md. 2008)	DEF001797-1802
1081	<i>In re Eader</i> , 426 B.R. 164 (Bankr. D. Md. 2010)	DEF001803-06
1082	<i>In re Fishbein</i> , 245 B.R. 36 (Bankr. D. Md. 2000)	DEF001807-10
1083	<i>In re Harding</i> , 274 B.R. 173 (Bankr. D. Md. 2002)	DEF001811-14
1084	<i>In re Shigo</i> , 91 F.3d 133, 1996 WL 405223 (4 th Cir. 1996)	DEF001815-18
1085	<i>In re Howard</i> , No. 04-38858-DK, 2006 Bankr. LEXIS 4424 (Bankr. D. Md. Apr. 10, 2006)	DEF001819-20
1086	<i>In re Stevens</i> , 217 B.R. 757 (Bankr. D. Md. 1998)	DEF001821-28
1087	<i>In re Mark</i> , 336 B.R. 260 (Bankr. D. Md. 2006)	DEF001829-37
1088	<i>In re Morgan</i> , 299 B.R. 118 (Bankr. D. Md. 2003)	DEF001838-45

1089	<i>In re Wagstaff</i> , No. 07-13101DK, 2010 WL 3294695 (Bankr. D. Md. Aug. 20, 2010)	DEF001846-48
1090	<i>In re Reamy</i> , 169 B.R. 352 (Bankr. D. Md. 1994)	DEF001849-52
1091	<i>In re Richardson</i> , 307 B.R. 485 (Bankr. D. Md. 2004)	DEF001853-59
1092	<i>In re Richman</i> , 168 B.R. 578 (Bankr. D. Md. 1994)	DEF001860-62
1093	<i>In re Davis</i> , No. 08-16337-DK, 2009 WL 2928226 (Bankr. D. Md. June 3, 2009)	DEF001863-64
1094	<i>In re Thompson-Mendez</i> , 321 B.R. 814 (Bankr. D. Md. 2005)	DEF001865-71
1095	<i>In re Watson</i> , 366 B.R. 523 (Bankr. D. Md. 2007)	DEF001872-80
1096	<i>In re Wick</i> , 421 B.R. 206 (Bankr. D. Md. 2010)	DEF001881-91
1097	Curriculum Vitae of Rafael I. Pardo	DEF001892-99
1098	Curriculum Vitae of Ronald Barliant	DEF001900-02
1099	Curriculum Vitae of Henry Hildebrant	DEF001903-07
1100 (a)	PACER Docket Report: <i>In Re Porteous</i> Case No. 01-12363	DEF001908-13
1100 (b)	Voluntary Petition for Bankruptcy <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) March 28, 2001 – Dkt. No. 1	DEF001914-18
1100 (c)	Amended Voluntary Petition <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001 – Dkt. No. 2	DEF001919-20
1100 (d)	Chapter 13 Schedules <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001 – Dkt. No. 3	DEF001921-49
1100 (e)	Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) March 9, 2001 – Dkt. No. 4	DEF001950-52
1100 (f)	Objection by Trustee to Attorneys Fees <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 15, 2001 – Dkt. No. 8	DEF001953-54
1100 (g)	Objection by Trustee to Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 15, 2001 – Dkt. No. 10	DEF001955
1100 (h)	Amended Schedules <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001 – Dkt. No. 11	DEF001956-57
1100 (i)	Amended Plan filed by Debtor Gabriel T. Porteous <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001 – Dkt. No. 12	DEF001958-60

1100 (j)	Memorandum by Debtor Gabriel T. Porteous, Debtor Carmella A. Porteous in opposition to Objection to Attorney's Fees by S.J. Beaulieu <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 30, 2001 – Dkt. No. 13	DEF001961-63
1100 (k)	Order of Recusal <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 1, 2001 – Dkt. No. 15	DEF001964-65
1100 (l)	Fax Memorandum from Chambers of Honorable Carolyn Dineen King, United States Court of Appeals for the Fifth Circuit re: Temporary Assignment and Appointment of Judge William R. Greendyke <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 5, 2001 – Dkt. No. 16	DEF001966-68
1100 (m)	Judicial Counsel Of The Fifth Judicial Circuit Temporary Assignment of Bankruptcy Judge William R. Greendyke To Eastern District of Louisiana <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 6, 2001 – Dkt. No. 17	DEF001969-71
1100 (n)	Affidavit In Support of Attorney's Fees Objection To Attorney's Fee Filed by: Claude C. Lightfoot for Debtor Carmella A. Porteous, Debtor Gabriel T. Porteous <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 18, 2001 – Dkt. No. 18	DEF001972-77
1100 (o)	Summary And Analysis of Chapter 13 Plan Filed by: Trustee S. J. Beaulieu <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 25, 2001 – Dkt. No. 20	DEF001978-80
1100 (p)	Order Confirming Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) July 2, 2001 – Dkt. No. 22	DEF001981-83
1100 (q)	Trustee's Notice of Intention to Pay Claims <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) October 11, 2001 – Dkt. No. 25	DEF001984
1100 (r)	Transfer of Claim <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) August 26, 2002 – Dkt. No. 28	DEF001985-86
1100 (s)	Order Granting Transfer of Claim <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) August 28, 2002 – Dkt. No. 29	DEF001987

1100 (t)	Trustee's Notice of Intent to Pay Additional Claims <i>for max flow</i> \$5,386.54 Filed by S. J. Beaulieu Jr. <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) October 25, 2002 – Dkt. No. 31	DEF001988
1100 (u)	Trustee's Interim Status Report <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) January 23, 2003 – Dkt. No. 33	DEF001989
1100 (v)	Trustee's Interim Status Report <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) July 18, 2003 – Dkt. No. 34	DEF001990
1100 (w)	Ex Parte Motion to Amend <i>the plan</i> Filed by S. J. Beaulieu Jr. on behalf of S. J. Beaulieu Jr. <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) August 21, 2003 – Dkt. No. 35	DEF001991
1100 (x)	Order Granting Motion To Amend The Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) August 25, 2003 – Dkt. No. 37	DEF001992
1100 (y)	Trustee's Interim Status Report <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) February 10, 2004 – Dkt. No. 39	DEF001993
1100 (z)	Chapter 13 Trustee Final Report and Account with Notice of Hearing. <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 1, 2004 – Dkt. No. 40	DEF001994
1100 (aa)	Judicial Council of the Fifth Judicial Circuit Temporary Assignment of Bankruptcy Judge Douglas D. Dodd To The Eastern District of Louisiana <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 2, 2004 – Dkt. No. 44	DEF001995
1100 (bb)	Order Approving Final Report & Account <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) July 22, 2004 – Dkt. No. 48	DEF001996
1100 (cc)	Order Discharging Debtor <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) July 22, 2004 – Dkt. No. 49	DEF001997-98
1101	Documents related to Claude Lightfoot, used as Exhibits 31 and 33 in 5 th Circuit Proceedings	DEF001999-2163
1102	Documents related to S.J. Beaulieu, used as Exhibit 32 in 5 th Circuit Proceedings	DEF002164-2247
1103	Claims Register	DEF002248-56
1104	<i>Good Faith: A Roundtable Discussion</i> , 1 Am. Bankr. Inst. L. Rev. 11 1193	DEF002257-89

1105	Notice of Commencement of Case Under Chapter 13 Case No. 01-12363	DEF002290-91
1106	FBI 302 Report of S.J. Beaulieu, with transcription date of January 23, 2004	DEF002292-98
1107	FBI 302 Report of S.J. Beaulieu, with transcription date of March 4, 2004	DEF002299
1108	Letter from S.J. Beaulieu to DeWayne Horner, dated April 1, 2004	DEF002300-02
1109	Letter from Department of Justice to S.J. Beaulieu, dated April 13, 2004	DEF002303
1110	Memorandum from Larry Finder, dated July 29, 2007 Subject: Interview with S.J. Beaulieu	DEF002304-06
1111 (a)	Judicial Council of the First Circuit, In re Complaint No. 285, Order, filed May 25, 2000 (Order affirming decision, filed Sept. 8, 2000).	DEF002307-11
1111 (b)	Judicial Council of the Second Circuit, In re Charges of Judicial Misconduct, Docket Nos. 04-8529, 04-8530, 04-8541, 04-8547, 04-8553, Memorandum and Order, filed Apr. 8, 2005.	DEF002312-27
1111 (c)	Judicial Council of the Second Circuit, In re Charge of Judicial Misconduct, Docket No. 91- 8500, Memorandum and Order, dated Oct. 3, 1991.	DEF002328-29
1111 (d)	Judicial Council of the Third Circuit, In re Complaints of Judicial Misconduct or Disability, J.C. Nos. 04-35 & 05-16, Memorandum Opinion and Order, filed Aug. 2, 2005.	DEF002330-43
1111 (e)	Judicial Council of the Third Circuit, In re Complaint of Judicial Misconduct or Disability, J.C. No. 06-24, Amended Memorandum Opinion and Order, filed July 5, 2006, amended Aug. 17, 2006.	DEF002344-53
1111 (f)	U.S. Court of Appeals for the Fifth Circuit, Docket No. 01-05-372-0034, Memorandum, filed Feb. 26, 2001 (Order affirming Memorandum, filed May 17, 2001).	DEF002354-55
1111 (g)	U.S. Court of Appeals for the Fifth Circuit, Docket No. 04-05-372-0069, Memorandum, filed June 29, 2004 (Order affirming Memorandum, filed, Aug. 12, 2004).	DEF00256-58
1111 (h)	U.S. Court of Appeals for the Fifth Circuit, Docket No. 06-05-351-0027, Memorandum, filed Mar. 30, 2007.	DEF002359-65
1111 (i)	U.S. Court of Appeals for the Seventh Circuit, Docket No. 85-7-372-10, Letter to Judge Charles B. McCormick for release to the media, dated May 7, 1985.	DEF002366-70
1111 (j)	Judicial Council of the Ninth Circuit, In re Charge of Judicial Misconduct, Nos. 00-80018 and 00-80045, Order and Memorandum and Report and Recommendation of the Special Committee, filed Sept. 11, 2000.	DEF002371-78
1111 (k)	Judicial Council of the Ninth Circuit, In re Charge of Judicial Misconduct, No. 97-80629, Order and Memorandum, filed Aug. 7, 1998, and Report and Recommendation of the Special Investigative Committee, filed June 29, 1998.	DEF002379-91
1111 (l)	Judicial Council of the Eleventh Circuit, In re Complaint filed by Georgia Assoc. of Criminal Defense Lawyers and Natl. Assoc. of Criminal Defense Lawyers, Miscellaneous Docket No. 88-2101, Order, filed Oct. 9, 1990.	DEF002392-2400
1112	<i>Hamilton v. Morial</i> , 644 F.2d 351 (5th Cir. La. 1981)	DEF002401-04

1113	The Parish of Jefferson: Government Matters: Part II Jefferson Parish Criminal Justice System, September 1994, Bureau of Government Research	DEF002405-44
1114	<i>Williams v. McKeithen</i> , No. 71-98-B, 1997 U.S. Dist. LEXIS 22794 (M.D. La. Apr. 1, 1997)	DEF002445-50
1115	David Davenport, <i>Hard Questions for Holder</i> , WASH. TIMES, Mar. 19, 2010	DEF002451
1116	Gregory Gordon, <i>GSA Head Says He Forgot to Mention Loan</i> , UNITED PRESS INTERNATIONAL, Jul. 16, 1982	DEF002452-53
1117	Sam Dealey & James Ring Adams, <i>Banking on Andy Cuomo: HUD Secretary and Rising Democratic Star Andrew Cuomo Wants to Go Places – Assuming He Can Leave Some Baggage Behind</i> , THE AMERICAN SPECTATOR, Jan. 1999	DEF002454-60
1118	<i>Sen. Leahy Issues Statement on Nomination of David Nahmias</i> , U.S. FED NEWS, Sept. 30, 2004	DEF002461-63
1119	Andrew Pollack, <i>Baxter Role Upheld in I.B.M. Case</i> , N.Y. TIMES, June 18, 1982, at D1	DEF002464-65
1120	Lawrence L. Knutson, THE ASSOCIATED PRESS, Feb. 1, 1980	DEF002466-68
1121	Edward T. Pound, <i>Casey Tells Federal Ethics Agency He Omitted Three Stock Holdings</i> , N.Y. TIMES, July 31, 1981, at A11	DEF002469-70
1122	Michael J. Sniffen, <i>Nominees Sunk by Tax and Nanny Problems for Years</i> , ASSOCIATED PRESS, Jan. 14, 2009	DEF002471-72
1123	Aaron Epstein & Angie Cannon, <i>Consensus-Building Skills Gave Nominee the Edge</i> , THE MIAMI HERALD, May 14, 1994 at A13	DEF002473-75
1124	Pete Winn, <i>Sotomayor Failed to Disclose to Senate Memo in which She Argued Death Penalty is “Racist”</i> , June 5, 2009, http://www.cnsnews.com/news/print/49218	DEF002476-86
1125	Jack Kelly, <i>Culture of Corruption II: What Happened to Obama’s Promise to Clean Up Washington?</i> , PITTSBURGH POST-GAZETTE, Feb. 8, 2009	DEF002487-88
1126	Neil A. Lewis, <i>Ginsburg Hearings End in a Secluded Meeting</i> , N.Y. TIMES, July 24, 1993	DEF002489-90
1127	Spencer Rich & John M. Goshko, <i>Bell Wins Approval in 75-21 Vote; Bell is Confirmed as Attorney General; Attorney General May Face Clash on Ousting Kelley</i> , WASH. POST, Jan. 26, 1977 at A1	DEF002491-93
1128	Chris Chrystal, <i>Levin: Kozinski Lacks Judicial Temperament</i> , United Press International, Nov. 2, 1985	DEF002494-95
1129	Editorial, <i>Senate Secrecy and Secretary Dalton</i> , N.Y. Times, July 27, 1994 at A20	DEF002496
1130	<i>Sen. Kyl Issues Statement on Rep. Solis Confirmation as Secretary of Labor</i> , U.S. FED NEWS, Feb. 25, 2009	DEF002497
1131	Rules for Lawyer Disciplinary Enforcement (Rule XIX of the Louisiana Supreme Court Rules) with amendments effective through January 5, 2010	DEF002498-2585
1132	La. C. Cr. Pr. Art. 893 (1994)	DEF002586-87
1133	Holly J. Joiner, Note, <i>Private Police: Defending the Power of Professional Bail Bondsmen</i> , 32 IND. L. REV. 1413 (1999)	DEF002588-2603
1134	Eric Helland & Alexander Tabarrok, <i>The Fugitive: Evidence on Public Versus Private Law Enforcement From Bail Jumping</i> , 47 J.L. & ECON. 93, 94-96 (2004)	DEF002604-633

Additional Notes to Exhibits

The defense has not, for the purposes of efficiency and in an attempt to avoid duplication, listed a number of documents that the House has listed on previous versions of its Exhibit lists that the defense is likely to use at trial. The defense hereby incorporates the list of House Exhibits dated August 5, 2010.

Further, as discussed at the August 26, 2010 Committee meeting with the parties, the defense reserves the right to submit additional exhibits that they have not yet identified. In particular, the defense has requested numerous relevant documents from the Department of Justice, which have yet to be produced.

The defense is also continuing to search for other documents, not previously produced, including, but not limited to, bond forms and documents related to curatorships.

To the extent that the list of witnesses that the House intends to call is amended or added to, the defense reserves the right to add additional exhibits.

On August 31, 2010, the defense requested instruction from the Committee regarding whether books, articles, and other publications, written by House-designated experts must be identified and produced as exhibits by the defense, in the chance that they are used on cross-examination. Because several of these publications are quite voluminous and the defense does not know, at this time, the particular areas that might be utilized, the defense sought instruction whether it was necessary to mark each and every publication as an exhibit at the time of filing of this list. The defense did not receive a response to its request and, as a result, has not listed such documents in this exhibit list. The defense reserves the right to utilize such publications during the trial.

Finally, the defense anticipates that the testimony elicited in the evidentiary hearing may possibly require additional exhibits to be used as rebuttal evidence, and the defense reserves the right to submit such exhibits as the need arises.