

Proposal to Serve as
Consent Decree Court Monitor of the
New Orleans Police Department

Michael R. Bromwich
The Bromwich Group
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I. EXECUTIVE SUMMARY

This proposal is submitted by Michael R. Bromwich, Managing Principal of The Bromwich Group, to serve as the Consent Decree Monitor to monitor the New Orleans Police Department (NOPD) pursuant to the consent decree agreed to between the United States Department of Justice and the City of New Orleans, and filed in United States District Court for the District of Louisiana on July 24, 2012.

The Bromwich Group is assembling a team, comprised of policing consultants, lawyers, data and statistical analysts, and other experts, that will oversee the implementation of the comprehensive reform measures contained in the Consent Decree. The team will conduct compliance and progress reviews, conduct outcome assessments, issue quarterly reports, and provide technical assistance as requested by NOPD, so long as such assistance does not conflict with the team's monitoring responsibilities.

The team will be led by Mr. Bromwich. Over the past 18 years, Mr. Bromwich has served in some of the most difficult and important oversight roles in the United States. For example:

- From 1994-1999, after being nominated by President Bill Clinton and confirmed by the United States Senate, he served as the Inspector General of the Department of Justice (DOJ). In that role, he was DOJ's principal oversight and compliance official, with statutory reporting responsibilities to both the Attorney General and the United States Congress. He led and managed an agency of 450 professionals who performed compliance audits, investigations and program reviews. His oversight responsibilities included the FBI, DEA, United States Marshals Service, Bureau of Prisons, and Immigration and Naturalization Service, among other DOJ entities. These oversight responsibilities included the litigating divisions of DOJ, including the Civil Rights Division.
- From 2002-2008, Mr. Bromwich served as the Independent Monitor for the District of Columbia Metropolitan Police Department (MPD), pursuant to an agreement among DOJ, the District of Columbia, and MPD. He was jointly selected by MPD, the District of Columbia, and DOJ. As the Independent Monitor, he led an interdisciplinary team that included police practices experts, attorneys, and statistical and data analysis experts in monitoring the District of Columbia's and MPD's progress under the terms of the agreement. MPD ultimately achieved substantial compliance with that agreement. The quarterly reports prepared and submitted during the monitorship are available at: www.policemonitor.org.

- From 2005-2007, Mr. Bromwich served as the Independent Investigator for the Houston Police Department Crime Lab. When he was selected by an outside Stakeholders Committee appointed by the Mayor, which included representatives of Latino and African-American civil rights organizations, Houston was in crisis as a result of highly-publicized problems with the work of its Crime Lab. That crisis was intensified by the exoneration of two defendants who had been previously convicted based on flawed DNA and serology evidence. Mr. Bromwich assembled a team of the best forensic scientists in North America to review the full range of cases handled by the Crime Lab. The reports produced by that investigation, including recommendations for reform, are available at: www.hpdlabinvestigation.org. The review was the most comprehensive investigation of a forensic crime lab ever conducted. Its findings have never been questioned.
- From 2006-2010, Mr. Bromwich represented the State of Delaware during an investigation conducted by DOJ into whether the state's prison facilities were denying inmates adequate medical and mental health care. He assembled a team of lawyers, medical experts, and mental health experts to conduct an extensive internal review of all five Delaware prison and jail facilities under investigation. He presented the detailed findings of the investigation to DOJ, negotiated an agreement on behalf of the State that included a requirement that an independent monitor be selected to oversee the State's compliance with the agreement, and then worked closely with the monitor, the State, and DOJ during the monitorship.
- During the first six months of 2010, Mr. Bromwich served as the Independent Monitor for the Virgin Islands Police Department (VIPD), pursuant to a consent decree entered into by VIPD, the Government of the Virgin Islands, and DOJ. He was selected jointly by VIPD, the Government of the Virgin Islands, and DOJ. He was only able to serve in that capacity until June 2010 because of the events described immediately below.
- In June 2010, in the immediate aftermath of the *Deepwater Horizon* oil spill, Mr. Bromwich was asked by President Barack Obama and United States Department of the Interior Secretary Ken Salazar to lead the former Minerals Management Service (MMS), the agency responsible for offshore drilling regulation (see: <http://www.whitehouse.gov/the-press-office/president-obama-announces-bromwich-fix-oil-industry-oversight>.) Over 18 months, Mr. Bromwich reorganized the agency to eliminate institutional conflicts of interest, created new ethics rules relating to individual conflicts of interest, and created a new investigative unit to focus on allegations of misconduct against agency employees and strengthen enforcement against oil and gas companies. The agency's largest regional office was located in New Orleans, and Mr. Bromwich

visited the city frequently during his 18-month tenure in the Department of the Interior. In addition, he hosted public forums, recruited at local universities, and met with New Orleans and Louisiana stakeholder groups in New Orleans and Washington, DC.

As detailed below, Mr. Bromwich's monitoring team will include policing consultants (including one of the main consultants in the MPD matter), lawyers from Goodwin Procter LLP and New Orleans-based Frilot LLC, including Kerry J. Miller, one of the most highly-regarded lawyers in New Orleans, as well as statisticians who will assist with the quantitative aspects of the outcome assessments described in the Consent Decree. This team has experience in monitoring organizations under consent decrees and voluntary agreements similar to consent decrees, and in dealing with difficult situations, troubled organizations, and challenging matters. It has a proven track record of providing the type of monitoring services required under the Consent Decree, providing technical assistance that facilitates timely, full and effective implementation of its reforms, and building and maintaining trust between the parties to the agreement. This team will bring unparalleled expertise, experience, effectiveness and economy to the critically important task of monitoring NOPD – and a record of success in helping to reform institutions that have had troubled histories and face formidable obstacles in achieving reform. Undoubtedly, the parties will receive many proposals from organizations and teams that trumpet substantial law enforcement expertise and experience; we doubt that any can match our record of success in providing oversight, aggressively but fairly monitoring law enforcement agencies, and presenting the results of our work clearly and intelligibly to the parties and the public.

II. OUR VIEW OF THE MONITOR'S ROLE

An effective monitor must fully appreciate both the responsibilities and limitations of his role. Under the Consent Decree, the monitor's role is broad in some respects and limited in others. The monitor has broad responsibilities to oversee the implementation of the Consent Decree, but the Consent Decree is clear that the monitor's role is solely oversight. The monitor has no operational role (Consent Decree, ¶ 445). It is NOPD's – not the monitor's – responsibility to implement the numerous reforms contained in the Consent Decree. For NOPD and the City of New Orleans to comply with the Consent Decree, it must take managerial and operational responsibility for the implementation of the reforms required by the Agreement.

We note this because, in our experience, there is often confusion at the outset of monitoring relationships regarding the scope and limits of the monitor's role, which sometimes leads to monitored institutions deferring to the monitor, and monitors enlarging their roles in ways not contemplated by the underlying agreement and not consistent with the spirit of the agreement. Given our deep experience, we are mindful of these risks, and will ensure that the parties' roles as contemplated by the Consent Decree are respected. We will define roles clearly at the outset to eliminate such

confusion—a strategy that, in the past, has earned the trust of all parties to the relevant agreements. Our approach balances the specific requirements established for the monitor—and the more general responsibility of overseeing the implementation of mandated reforms—with the need to respect the limits of the monitor’s role.

III. PERSONNEL AND QUALIFICATIONS

A. Personnel

We have assembled a diverse, professional and highly experienced team for the NOPD monitorship. In this section, we provide a brief introduction of each of the principal members of the team, and describe our human and technical resources. We may well add additional team members who have specific relevant expertise as our monitoring activities proceed, but we believe in starting with a core team and adding resources as necessary rather than overstaffing at the outset.

1. Michael R. Bromwich

As the Independent Monitor for NOPD, Mr. Bromwich would bear overall responsibility for the monitoring responsibilities described in the Consent Decree. From March 2002 to June 2008, Mr. Bromwich was the Independent Monitor responsible for assessing the District of Columbia’s and MPD’s progress under—and compliance with—the provisions of the agreement. Mr. Bromwich formed and led the monitoring team throughout its six years of activity. Mr. Bromwich is the Managing Principal of The Bromwich Group, a strategic consulting firm that focuses on crisis management, strategic advising, offshore energy, and law enforcement. He joined the law firm of Goodwin Procter LLP in May 2012.

Prior to joining Goodwin Procter and forming his consulting firm, Mr. Bromwich served for 18 months as this country’s top offshore drilling regulator, at the personal request of President Barack Obama and United States Department of the Interior Secretary Ken Salazar following the 2010 Gulf of Mexico oil spill. While at Interior, Mr. Bromwich led the development and implementation of a series of far-reaching regulatory and organizational reforms that revamped the nation’s regulation of offshore energy exploration, development and production. He first served as the Director of the Bureau of Ocean Energy, Management, Regulation and Enforcement (June 2010-September 2011), an agency with more than 1,700 employees, and then as Director of the Bureau of Safety and Environmental Enforcement (October-November 2011). After leading the agency through the crisis of *Deepwater Horizon*, he directed the reorganization of the agency, strengthened agency ethics requirements, created an internal investigations and oversight capability, and recruited and selected key personnel for the new Department of the Interior agencies created by the reorganization. As mentioned above, New Orleans was the site of the largest regional

office of the former Minerals Management Service – and the location of the newly created Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE). Mr. Bromwich visited New Orleans on numerous occasions to meet with groups of employees, industry stakeholder groups, and local public officials.

Prior to his service at Interior, from 1999-2010, Mr. Bromwich was a partner in the Washington, DC and New York offices of Fried, Frank, Harris, Shriver & Jacobson, where he headed the firm's Internal Investigations, Compliance and Monitoring Practice Group. While at Fried Frank, Mr. Bromwich led internal investigations for public agencies such as the Houston Police Department and its Crime Laboratory and the State of Delaware Department of Corrections. From 1994 to 1999, he served as the Inspector General for DOJ, where he led the law enforcement agency primarily responsible for conducting criminal and administrative investigations into allegations of corruption and misconduct involving the 120,000 employees of DOJ.

Throughout the 1980s, Mr. Bromwich served as a federal prosecutor. From 1983-1987, he served as an Assistant United States Attorney in the Southern District of New York. From 1987-1989, he served as Associate Counsel in the Office of Independent Counsel for Iran Contra.

2. Deputy Chief Salvatore T. Baragiola (Ret.)

Mr. Baragiola has more than 30 years of law enforcement experience at the municipal, county and federal level. He spent 21 years with the Albuquerque Police Department, retiring in 1999 as a Deputy Chief of Police. Subsequently, from 2003-2009, he served as Undersheriff for the Bernalillo County Sheriff's Department, managing an agency of over 300 Deputies.

After leaving the Sheriff's Department, Mr. Baragiola was hired by the City of Albuquerque as Director of Emergency Operations responsible for Emergency Operations for the City. He recently retired after 30 years of service from the Department of Homeland Security, United States Coast Guard as a Reserve Special Agent in the Coast Guard Investigative Service with responsibility for counter-intelligence, criminal and administrative investigations of violations of Federal Law and the Uniform Code of Military Justice. During his 30 years of service with the Coast Guard, he served for 14 years (1985-1999) assigned to the 8th Coast Guard District in New Orleans.

Mr. Baragiola has also worked with DOJ in conducting evaluations of law enforcement operations. He graduated from the FBI National Academy, FBI Law Enforcement Executive Development Program, and the Southwest Command College.

He currently works for the New Mexico Association of Counties as a Loss Prevention/Risk Manager for Law Enforcement and Detention.

3. Superintendent Ann Marie Doherty (Ret.)

Ms. Doherty retired in 2003 as the Superintendent in the Office of the Police Commissioner for the Boston Police Department. During her more than 25 years with the Boston Police Department, Ms. Doherty attained every current sworn rank. From 2005-2008, Ms. Doherty served as a police practices expert for the monitoring of MPD, including the period during which MPD came into substantial compliance and the monitorship was terminated. From 2010-present, she has served as a police practices expert as part of the team monitoring VIPD. Ms. Doherty has also served as a police practices expert for the DOJ Civil Rights Division, where she has focused particularly on issues related to use of force. She has a Juris Doctor from Suffolk University Law School and was admitted to the Massachusetts bar in 1979.

4. Christine Guillory

Ms. Guillory is an associate at Frilot LLC, where her work has primarily focused on medical malpractice, healthcare and admiralty. Ms. Guillory has been an advocate for community redevelopment for many years in New York City, Los Angeles and New Orleans. While in law school, she was one of the founders of the University of Southern California Legal Aid Alternative Breaks Project, providing legal services to Gulf Coast hurricane victims and investigating NAFTA outcomes and conditions for day laborers in Southern California and Mexico. She also served on the boards of the Community Service Affairs Committee, Student Hurricane Network, Office of Public Service Advisory Council, and Black Law Students Association.

She is currently serving as vice-chair of the New Orleans Public Library Board, where she has been involved in the oversight and construction of five new libraries as part of the city's post-Katrina recovery. She is also supervising the implementation of a marketing campaign to increase interest in the existing programs offered at New Orleans libraries. She was honored by New Orleans City Business magazine as a 2011 Woman of the Year due in part to her work with Public Library. Ms. Guillory is also actively involved with the Preservation Resource Center and La Creole historical society.

Ms. Guillory is also a local developer, land owner, and manager for Verrett Investments, LLC. Verrett Investments, a family owned real-estate company founded by former manager Augusta Verrett in 2005, holds title to land in the New Orleans East and 7th Ward neighborhoods. The company is actively committed to rebuilding historic New Orleans homes and communities. In addition to housing, Verrett Investments works exclusively with New Orleans based community programs in need of meeting space to facilitate the next chapter of volunteerism in New Orleans post-Hurricane

Katrina. In 2012, Verrett Investments began construction in the Parkwood and St. Roch neighborhoods.

Ms. Guillory is a graduate of Emory University where she received a Bachelor's Degree in International Studies and Italian Studies in 2004. She received her Juris Doctor from the University of Southern California Law School in 2008.

5. Chief Joseph A. De Lopez (Ret.)

Chief De Lopez has approximately 40 years of law enforcement experience. He currently serves as the Vice Chancellor for Safety and Security for the City Colleges of Chicago, where he is principally responsible for managing and reorganizing the Office of Safety and Security. That office provides for the public safety needs of the City College system, which serves a student population of approximately 120,000.

Before serving in this position, Chief De Lopez served for nine years as Chief of Police in Winnetka, Illinois. During his tenure as Chief in Winnetka, he reorganized the police department, and enhanced training of its personnel through collaborative efforts with a local community college and public training academy. The Winnetka Police Department is nationally accredited by the Commission on Accreditation for Law Enforcement Agencies.

Prior to his service as Chief in Winnetka, Chief De Lopez served for 31 years with the Chicago Police Department, rising to the level of Deputy Superintendent. Among many other assignments, Chief De Lopez headed Chicago PD's training division, coordinated the implementation of Chicago PD's community policing program, headed its Bureau of Technical Services, and served as District Commander of two Police Districts with predominantly Hispanic communities.

Chief De Lopez received his Bachelor's Degree from the University of Illinois and his Master's Degree from Lewis University.

6. Captain Greg Meyer (Ret.)

Mr. Meyer retired from the Los Angeles Police Department (LAPD) in 2006 after a 30 year career in law enforcement. Mr. Meyer's last eight years with LAPD were as a commanding officer, and his final assignment was at the Los Angeles Police Academy.

Mr. Meyer is an expert on use of force issues. He continues to be an advisor to the LAPD on use of force issues and has been involved as an expert witness in more than 150 use of force cases throughout the country, including officer-involved shootings, TASERS, and arrest-related deaths. He has more than 32 years of experience with TASERS: he conducted LAPD's original research and testing of the device more than 30 years ago, used TASERS on the street when he was a sergeant, has trained and

certified hundreds of TASER instructors around the country, and serves as an expert witness on TASER-related issues.

Mr. Meyer is a member of the National Advisory Board of the Force Science Research Center, a member of PERF, and a member of the IACP. He is a member of the seminar faculty of the Americans for Effective Law Enforcement (AELE) on lethal and non-lethal weapons issues, is a faculty member for AELE's new course on "Management, Oversight and Monitoring of Use of Force," and served as Chairman of the Training Seminars Committee of the Peace Officers Association of Los Angeles County. He has also designed and taught courses on officer-involved shootings.

Mr. Meyer received his Associate's Degree in Journalism from Pierce College in Los Angeles, his Bachelor's Degree in Journalism from California State University, Long Beach, and his Master's Degree in Public Administration from California State University, Long Beach.

7. Kerry J. Miller

Mr. Miller is the co-leader of Frilot LLC's Mass Tort and Class Actions Practice Area and one of the most highly-regarded lawyers in New Orleans. Mr. Miller has been court appointed lead attorney for several high profile and high-impact cases, including litigation stemming from the BP oil spill, cases involving Chinese Drywall, and litigation related to the Murphy oil spill in the wake of Hurricane Katrina.

Mr. Miller has written extensively about the latest developments in class action and complex litigation law. In addition to his writing, Mr. Miller is a widely sought-after lecturer on class action issues. He frequently participates in client presentations, seminars, and continuing education programs devoted to issues that arise in class action litigation.

Mr. Miller is a widely acknowledged expert on complex litigation issues, and he has been quoted on various occasions by publications that include the *Wall Street Journal*, ABC News and Bloomberg, and the *New Orleans Times Picayune*. Mr. Miller has been interviewed on numerous occasions by New Orleans-based television and news radio stations about complex litigation matters.

In 2011 and 2012, Mr. Miller was selected as a Best Lawyer in America in the area of Mass Tort Litigation. He also received an invitation from the People to People Citizen Ambassador Programs' Law Delegation to China to participate in their 2010 Continuing Legal Education program.

Mr. Miller graduated from Tulane Law School, Order of the Coif, and was a member of the Tulane Law Review. He then worked as a Law Clerk for the Honorable James L. Dennis, Circuit Judge, in the United States Fifth Circuit Court of Appeal.

8. Anne E. Railton

Ms. Railton has been an associate at Goodwin Procter LLP since 2008 and practices in the Business Litigation and White Collar Crime and Government Investigations practice groups. During her time at Goodwin Procter, Ms. Railton has, among other things, served as the lead associate on a complex and highly sensitive internal investigation that lasted 18 months.

Ms. Railton received her Bachelor's Degree in 2004, *magna cum laude*, from New York University, and her Juris Doctor from New York University Law School. While in law school, she was Student Articles Development Editor for the Review of Law and Social Change.

9. Melissa Schwartz

Ms. Schwartz is Vice President for Strategy and External Affairs at The Bromwich Group. She previously served as Deputy Chief of Staff and Communications Director to Mr. Bromwich at the Department of the Interior following the 2010 Gulf oil spill. In that capacity, Ms. Schwartz played a leading role in forging connections and maintaining constructive relationships with various stakeholders groups in Gulf of Mexico communities including New Orleans, La., Lafayette, La., Mobile, Ala., Pensacola, Fla., Biloxi, Miss., and Houston, Texas.

Before joining the Department of the Interior, she served as the Senior Public Affairs Officer at the Department of Justice. Her portfolio included serving as advisor to Associate Attorney General Thomas Perrelli, primary liaison and national spokesperson for the 94 U.S. Attorneys' offices, and agency spokesperson on political nominee confirmations, budget and appropriations. She also managed public affairs and community outreach for agency-wide initiatives including the 15th anniversary of the Violence Against Women Act, the Department's tribal justice initiative, and joint task forces on Healthcare Fraud and Puerto Rico's legal status.

Prior to her work in the executive branch, Ms. Schwartz worked on the staff of United States Senator Barbara Mikulski of Maryland, and represented clients in the non-profit community.

Ms. Schwartz earned her Master's Degree in Political Communications from Johns Hopkins University and graduated summa cum laude from the University of California, Berkeley with a Bachelor's Degree in American Studies.

10. Abim Thomas

Abim Thomas is a Counsel in Goodwin Procter LLP's Litigation Department and a member of its Government Investigations practice. Before joining Goodwin Procter, Ms. Thomas served as Deputy Chief Legal Counsel to Massachusetts Governor Deval Patrick. She advised the Governor on legal and policy issues and supported the administration's efforts in public safety, housing and economic development. In that role, she helped to establish Governor Patrick's Anti-Crime Council and worked with various stakeholders to formulate the Governor's public safety agenda.

Ms. Thomas collaborated with the Massachusetts Attorney General's office on litigation involving the Governor and executive agencies and proactive efforts including racially-biased policing. She was appointed by Governor Patrick to chair the Probation Reform Working Group to improve the Massachusetts Probation Department. She was also selected to serve as Executive Director for the Governor's Task Force on Public Integrity to reform Massachusetts' ethics and lobbying laws.

Ms. Thomas is Vice President of the Massachusetts Black Lawyers Association. In that role, she engages with diverse communities to organize events for members of the organization. Ms. Thomas also serves on the board of the Women's Bar Foundation and was recently selected by the Women's Bar Association as a member of its Women's Leadership Initiative. She is a member of the Massachusetts Supreme Judicial Court's Standing Committee on Pro Bono Legal Services and has worked for the Lawyers' Committee for Civil Rights in both Boston and San Francisco.

Ms. Thomas received her Bachelor's Degree from Harvard University and her Juris Doctor from Georgetown University Law Center.

We are committed to diversity in the employment of subcontractors on our team and will use our best efforts to meet the goal of 35% Disadvantaged Business Enterprise (DBE) participation, as stated in Attachment "B," through the hiring of vendors providing products and services as part of our monitoring program. Specifically, we are in discussions to retain one or more DBEs to perform data analysis, statistical support, and quantitative measurements, critical components of any successful monitorship and especially the case given the emphasis in the Consent Decree on outcome assessments.

More specifically, many of the monitor's responsibilities, as spelled out in the Consent Decree, require data collection, data analysis, and quantitative assessments. In particular, the Consent Decree requires the monitor to conduct outcome assessments on

a large number of issues, including use of force measurements; stop, search, and arrest measurements; bias-free policing and community engagement measurements; recruitment and training measurements; officer assistance and support measurements; performance evaluation and support measurements; supervision measurements; secondary employment measurements; and accountability measurements. On the MPD monitoring matter, the data analysis, quantitative assessment, and sampling expertise provided by statistical and data analysis experts were central to our ability to assess substantial compliance. We expect the same to be true here.

In addition to the specific team members identified above, and DBE-qualified firms to provide data analysis, statistical expertise, and other categories of quantitative support, we are very likely to add a small number of additional team members. For example, we are aware that policing consultants with whom Mr. Bromwich and Superintendent Doherty have worked successfully in the past have previously committed to other proposals that are being submitted in connection with this matter. If we are selected, we would strongly consider the possibility of adding at least one of those policing consultants to our team. In addition, subject to the review and approval of the parties, we would be interested in considering adding a consultant used by DOJ in the investigation of NOPD.

B. Qualifications: Our Monitoring Experience

From April 2002-June 2008, Mr. Bromwich and the other members of the MPD monitoring team, including Superintendent Doherty, monitored and reported on the District of Columbia's and MPD's progress under, and compliance with, its agreement with DOJ. Mr. Bromwich's team issued 23 Quarterly Reports, a Final Report, a Special Report, and a Summary Compliance Report describing in detail its monitoring activity, setting forth its findings, and, where appropriate, providing clear recommendations based on those findings. As noted above, these reports are available at: www.policemonitor.org/MPD/reports.html.

During the period of the monitorship, the District of Columbia and MPD made tremendous progress in implementing and achieving substantial compliance with the broad range of substantive requirements of the agreement. MPD was transformed as an institution during those six years. Accordingly, in April 2008, Mr. Bromwich recommended that the monitoring program be terminated, and DOJ approved this recommendation. From any perspective, the MPD monitoring program was extremely successful. In many respects, MPD has come in recent years to be seen as a model for law enforcement agencies that are committed to reforming and modernizing their use of force-related policies, procedures and practices. Through using many of the same processes and techniques, we would hope to achieve the same success in working with NOPD.

1. Efficiency

Because of our significant monitoring and oversight experience, we begin our work with significant advantages. We know the questions monitored entities have, we know the categories of information most often needed and sought by other parties to the agreement, and we have experience building a team that provides the work that needs to be done in the most efficient and effective way possible. No member of the monitoring team will be assigned for any reason other than that he or she is the most appropriate person, in terms of background and experience, to conduct the monitoring work.

2. Quality of Performance

As described above, we believe that the MPD monitoring program was extremely successful. That view was shared by both MPD and DOJ. Mr. Bromwich and his team not only monitored MPD's progress in complying with the scores of substantive provisions under the Memorandum of Agreement (MOA), but also provided MPD with substantive, real time feedback and technical assistance concerning its policies, programs and systems. The team's reports described in detail and on a quarterly basis the progress that had been made in implementing MPD's reforms, as well as the areas in which further work and improvement were necessary. In addition, the team developed cooperative working relationships with MPD personnel that facilitated the ability to provide prompt and constructive feedback and technical assistance. MPD's reforms pursuant to the MOA had an observable impact on the ways in which MPD officers were trained in, used, reported and investigated force in the District of Columbia. Indeed, it was the success of Mr. Bromwich and his team in monitoring MPD that led to his subsequent selection, in late 2009, to monitor VIPD under a consent decree.

3. Meeting Deadlines and Budget

During the six years of monitoring MPD, Mr. Bromwich's team had a remarkable record of performing the required services within budget and issuing the required quarterly reports in a timely fashion. In four of the six years of monitoring, the services were provided for substantially less than the budgeted amounts – ranging from 11% to 18% less than budgeted dollars. In the other two years, the budgeted amounts were exceeded by only 5% and 10%, respectively. Overall, the monitoring services over the course of six years were provided for significantly less than the aggregate budgeted amount.

In terms of timeliness of reporting, the team's ambitious goal from the outset was to issue its quarterly reports within a month after the reporting period had closed. Thus, for example, if the period covered by the report ended in December, the monitoring team sought to issue its report by the end of January to ensure its timeliness and relevance. The team failed to reach that goal on only one or two occasions, and

then only because of extraordinary circumstances – for example, when there was a death in the family of the principal draftsman of the report.

IV. REFERENCES

A. Monitoring of Metropolitan Police Department (Washington, DC), 2002-2008 (Bromwich and Doherty))

1. Charles H. Ramsey, Police Commissioner, Philadelphia, PA
Chr@phila.gov; Charles.Ramsey@phila.gov
215-686-3280

Chief Ramsey was Chief of the Metropolitan Police Department (MPD) during the first four years of our monitorship (2002-06).

2. Cathy L. Lanier, Chief, Metropolitan Police Department
Cathy.Lanier@dc.gov
202-715-7400

Chief Lanier was the MPD Chief during the last two years of our monitorship (2007-08)

3. Joshua Ederheimer, Principal Deputy Director,
Office of Community Oriented Policing, DOJ
Joshua.Ederheimer@usdoj.gov
202-616-2888

Mr. Ederheimer was the first compliance coordinator for MPD during our monitorship.

4. Shanetta Y. Cutlar, Senior Advisor, Bureau of Justice Assistance,
DOJ
Shanetta.Brown.Cutlar2@usdoj.gov
202-514-0195

Ms. Cutlar was the Chief of the Special Litigation Section during the period of the MPD monitorship.

5. Tammie Gregg, Office of Professional Responsibility, FBI
Tammie.Gregg@ic.fbi.gov
202-220-7816

Ms. Gregg was the Deputy Chief in the Special Litigation Section assigned to the MPD matter during the MPD monitorship.

For work product, please see the monitoring reports published from 2002-2008 at www.policemonitor.org.

B. Monitoring of Virgin Islands Police Department (Bromwich (2010) and Doherty (2010-2012))

1. Shanetta Y. Cutlar (see above)
2. Tammie Gregg (see above)

For work product, please see the first monitoring report at <http://www.policemonitor.org/VI/reports/100507report.pdf>.

C. Investigation of Houston Police Department Crime Lab (2005-2007) (Bromwich)

1. Rusty Hardin, Esq.
Rusty Hardin & Associates, LLP
Rusty.Hardin@rustyhardin.com
713-652-9000

Mr. Hardin was a member of the Stakeholders Committee, appointed by the mayor of Houston, that oversaw the investigation.

2. Captain David Watkins
Houston Police Department
David.Watkins@CityofHouston.net
(713) 308-9156

Captain Watkins was the Houston Police Department liaison with the investigation.

For work product, please see the reports available at www.hpdlabinvestigation.org.

D. Representation of State of Delaware during investigation by DOJ and subsequent monitoring of its prisons

Carl C. Danberg, Esq.,
Former Delaware Attorney General
Commissioner of Correction
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302-739-5601

There is no public work product available that relates to this assignment.

V. PROPOSED ACTIVITIES

Our activities in monitoring the Consent Decree will undoubtedly evolve and change based on various factors, including most specifically the pace at which the

various reform measures are developed and implemented by NOPD. In the case of this Consent Decree, that is a certainty because of the built-in comprehensive reassessment mandated by the Consent Decree itself after two years (§ 456). Even though the process of monitoring will therefore remain dynamic, here are our initial thoughts on how we would approach providing the services required under the Consent Decree.

A. Immediate Actions

1. Gaining a Deeper Understanding of the Consent Decree and Its Antecedents

If we are selected, we will immediately educate the monitoring team on the terms of the Consent Decree, the MOU, and other materials that form the context for the Consent Decree, including DOJ's Findings Report dated March 16, 2011 – the facts that underlie the specific reforms mandated by the Consent Decree.

This will involve opening up lines of communications with the DOJ investigative team, as well as personnel from the City of New Orleans, NOPD and other stakeholders. Therefore, we propose to communicate with the DOJ investigative team and review relevant DOJ investigative files to more fully understand the factual background for the various substantive requirements in the Consent Decree. The purpose of this, obviously, is not to second-guess, but to more fully understand and benefit from the detailed investigation that DOJ conducted. In the monitoring of MPD, mentioned above, we found these background briefings and discussions extremely useful and valuable in ensuring a prompt and efficient start to our monitoring activities. More generally, we believe that establishing constructive, early communications with the investigative team is a very important initial step.

2. Establishing Lines of Communication with All Parties to the Consent Decree

It is critical to promptly establish lines of communication with all parties to the Consent Decree and all key elements in the monitored Department, as well as the full array of external stakeholders. We would establish immediate contact with the NOPD command staff, Force Investigation Team, Use of Force Review Board, Crisis Intervention Teams, the Secondary Employment Coordinating Office, Police-Community Advisory Board, and the Office of the Independent Police Monitor, among many others. In addition, we would want to meet very early in the engagement with personnel responsible for developing the training materials on various new and revised policies mandated by the Consent Decree. Additionally, we have found that a smooth and effective monitorship depends upon a good, reliable working relationship with the NOPD Consent Decree Implementation Unit that will be created by NOPD to serve as the liaison with the monitoring team. In our experience, this relationship, and the amount of influence the head of the Implementation Unit has within the Department by virtue of his or her status, stature and interpersonal relationships in the Department, is

a key determinant of success or failure to properly implement the terms of the agreement and achieve its underlying objectives.

In addition to forging strong and productive relationships with these elements of NOPD, we will need to obtain a roadmap of the external and community stakeholders with whom it is important to meet and remain in contact with for the duration of the monitorship. The monitoring assignment will primarily be focused on reviews of policies and procedures; the monitoring of training on those policies and procedures; and most centrally, how those policies and procedures are implemented in the field on an ongoing basis – specifically, the requirements contained in the Consent Decree on use of force; stops, searches and arrests; discriminatory policing; recruitment; training; supervision; secondary employment; performance evaluations and promotions; misconduct complaint intake and investigations; community engagement; officer assistance and support services; transparency and oversight; interrogation practices; and photographic lineups. But it is also important, especially early on, for those community groups and stakeholders who have been most concerned about the interactions between NOPD and the community to see the monitor and the members of the monitoring team and have an opportunity to articulate their interests and express their concerns.

Regularly scheduled meetings with NOPD and DOJ are critical to the exchange of information with the monitor and for the parties to have a thorough understanding of the monitoring team’s activities and its findings. We note that the Consent Decree mandates meetings every month that include NOPD, its Superintendent, representatives of the City Attorney’s Office, and DOJ (§ 460). Our experience suggests that at the outset of monitoring activities, those meetings are especially important so that critical initial deadlines are not missed and that all parties maintain momentum that can otherwise be easily lost.

3. Gaining A Deeper Understanding of NOPD and Its Initial Compliance Activities

We would immediately seek to gain a deeper understanding of the structure and operations of NOPD. Collecting initial data and conducting interviews with line police officers, supervisors and members of the command staff will provide a broader and deeper portrait of the entire range of activities subject to monitoring than is publicly available. It will provide a necessary baseline against which to measure progress under the Consent Decree.

We would also determine the current status of NOPD’s implementation efforts in the various areas covered by the Consent Decree. We would seek, through meetings and interviews, to assess early progress that NOPD has made in designing and implementing reforms, as well as to identify the most significant obstacles to promptly achieving the objectives of the Consent Decree within the time limits specified.

Obtaining such information at the outset will help educate the monitoring team about implementation challenges, which in turn will help shape the monitor's activities and the sequence of items to be monitored.

4. Gaining Immediate Access To and Securing Information

As promptly as possible, we would arrange access to the documents, databases and other information that, in our experience, are necessary to carry out a monitor's responsibilities. We intend to determine promptly the best ways to gain access to critical NOPD personnel and relevant information. We also would survey the types and categories of documents created and maintained by NOPD to ensure that the monitoring team obtains and continues to receive documents necessary to accomplish the monitoring and assessment objectives described in the Consent Decree.

B. Monitoring Plan

In addition to conducting the initial activities and information-gathering described above, the monitoring team will prepare a detailed monitoring plan tailored to the Consent Decree, which will evolve during the pendency of the monitorship. The monitoring plan developed in connection with the MPD monitorship underwent periodic updating and revision, and remained the key document guiding the path of the monitoring activities for the six years of the assignment. The monitoring plan (and any changes to it) will be fully shared with the parties to the Consent Decree. This, of course, includes all relevant NOPD officials – because doing so will put them in the best position possible to successfully comply with the Consent Decree. Although the Consent Decree authorizes the monitor to conduct on-site visits and assessments without prior notice (§ 470), our experience suggests that this power should be used sparingly. In general, we intend to provide notice in advance of the schedule of our monitoring activities. Additionally, based on our experience, we anticipate the need for flexibility in our monitoring plan, so we can respond to issues as they arise, and focus our monitoring activities on specific areas of vulnerability and chronic weakness.

VI. POTENTIAL CONFLICT OR BIAS

The Bromwich Group has no potential or actual conflicts of interest relating to this matter. Goodwin Procter LLP has run a full conflicts check and there are no potential or actual conflicts of interest with respect to this matter. For many years, the firm represented the National Railway Labor Conference (NLRC), an affiliate of the New Orleans Public Belt Railroad, the freight train system that operates within the City of New Orleans. The firm has a small number of continuing ERISA-related matters for the NLRC.

Frilot LLC has also conducted a conflicts check and has the following matters to disclose. Following Hurricane Katrina, Mr. Miller personally represented the New

Orleans City Council in handling various property tax appeals. The firm has represented the New Orleans Public Belt Railroad.

The Frilot firm has, in the past, also represented local businesses against the Sewerage and Water Board of New Orleans. The cases involved property and economic damage caused by a major sewer construction project, including one case that ended in a large jury verdict against the city.

Finally, the firm represented a former high-ranking NOPD officer, Harry Mendoza, in connection with civil service and other employment-related claims against NOPD. The Frilot firm withdrew from the matter in 2007 because of its representation of the City Council in the matter described above.

We are aware of no potential or actual conflicts of interest for any of the proposed subcontractors.

We do not believe that any of the matters identified above in connection with the Frilot firm is a potential or actual conflict of interest. The matters are being disclosed in the interests of full disclosure.

VII. LOCAL PRESENCE

Because of the participation of Mr. Miller and Ms. Guillory of the Frilot firm, we will have a continuing local presence in New Orleans. In addition, we anticipate that some if not all of the DBE firms that will be hired as subcontractors, primarily to perform data collection and analysis, will be based in New Orleans.

In addition, the policing consultants who will perform much of the day-to-day work of monitoring NOPD will travel to New Orleans on a frequent basis. Mr. Bromwich will be in New Orleans frequently to oversee and participate, as appropriate, in monitoring activities; he will attend in person the monthly meetings mandated by ¶ 460 of the Consent Decree. In six years of monitoring MPD, Mr. Bromwich never missed a monthly meeting.

VIII. PRICE PROPOSAL

This Price Proposal is based on the requirements of the Consent Decree and the scope of work contained in the Request for Proposals. The members of our monitoring team who will provide the services required by the Consent Decree are fully described in this proposal.

A. Billing Rates for Professional Services

Mr. Bromwich would charge his time at \$ 495 per hour, which is more than a 50% reduction from the rate he charges private clients. Mr. Miller would charge his

time at \$ 250 per hour, which is also more than a 50% reduction from his standard billing rate. Ms. Thomas and Ms. Railton would charge their time at \$ 295 per hour, which is more than a 50% reduction from their standard billing rates. Ms. Guillory would charge her time at \$ 175 per hour, which is a substantial reduction from her standard billing rate. Ms. Schwartz would charge her time at \$ 200 per hour, which is 50% of her standard billing rate. Goodwin Procter LLP paralegals would be charged at \$ 195 per hour, which is well below their standard billing rates. Frilot LLC paralegal billing rates would be charged at \$ 95 per hour, which is well below their standard rates.

With respect to the policing consultants, Mr. Baragiola, Superintendent Doherty, Chief De Lopez, Captain Meyer, and all other policing consultants subsequently used as subcontractors in this matter will charge their time at \$ 200 per hour.

The bulk of the on-site monitoring activities in New Orleans will be conducted by the police practices experts. We structure our monitoring plans to delegate as much field monitoring work as possible to these experts because (1) they possess the expertise necessary to assess NOPD's compliance with the Consent Decree and to provide technical assistance where appropriate, and (2) they are relatively less expensive, which allows the monitoring program to manage costs and operate within budget.

B. Expenses and Costs

With respect both to Goodwin Procter LLP and Frilot LLC, the billing rates for lawyers, paralegals, and consultants, with some minor exceptions, would include full staffing and overhead costs. Thus, for example, there will be no additional charge to the City of New Orleans for costs related to the ordinary time and efforts of Goodwin Procter or Frilot support personnel. There is no hourly rate -- or charge of any kind -- for the ordinary use of either firm's secretaries, information technology specialists, or other support personnel. This includes the time spent entering data into databases used in monitoring activities. Ancillary expenses, such as photocopying, telecommunications, computer research, legal research and database searches, secretarial and other staff support overtime, and travel expenses (including mileage), will be billed on the basis of actual use, at our cost. We plan to submit detailed billing statements specifying the work done pursuant to the monitorship.

Our experience demonstrates that it would be highly preferable for the monitoring team to be provided office space, computer equipment, and other office infrastructure while in New Orleans. Although Frilot LLC and other subcontractors that will be added to the team have offices in the New Orleans area, we believe the best and most economical solution would be for NOPD to provide the monitor with adequate and furnished office space and appropriate office equipment for use during the term of the monitoring program. Such arrangements have proven workable and cost effective in other matters in which members of the monitoring team have been

involved, including, for example, the MPD monitoring assignment, the VIPD assignment, and the Houston Police Department Crime Laboratory investigation. In addition, we have found that one frequently overlooked logistical challenge is providing local transportation for members of the monitoring team to sites where they will perform monitoring activities. Our experience is that if the police department takes on this responsibility, it allows the members of our team to do their work more efficiently and at lower cost.

C. Price Proposal

Preparing a detailed budget for a lengthy, complex, and important project is a difficult undertaking at any stage of project planning, but that is even more true -- and must, out of necessity, involve significant guesswork -- at this early stage. Moreover, the true cost of our team's monitoring activities will be driven significantly by the actions of the City of New Orleans and NOPD. For example, an important responsibility of the Monitor is to provide technical assistance and advice *as needed*. Consent Decree (¶ 455). The costs of such assistance and advice cannot be estimated with any degree of accuracy at this time because, according to the Consent Decree, the amount of technical assistance is largely determined by requests from DOJ and NOPD and may be provided so long as they are consistent with the monitor's responsibilities under the Consent Decree. In advance, it is difficult to project a budget amount for such technical assistance.

We have based our budget estimates in large part on our view of how best to address the specific issues addressed in the Consent Decree and the Request for Proposals, the level of effort that will be required for each cluster of issues, and our experience in monitoring MPD and VIPD:

- *Policy review*

This monitoring task will be undertaken primarily by the policing consultants. They will review the policies of NOPD and measure them against best police practices. Among other things, the policing experts will consult model policies from such professional police organizations as PERF, IACP and CALEA, policies currently in use in other police departments including those departments that have reached substantial compliance with a consent decree or other form of agreement, and academic publications addressed to those issues.

- *Technical assistance*

Technical advice and assistance will be provided almost exclusively by the policing consultants, who will spend significant amounts of time in New Orleans to perform the monitoring activities required by the Consent Decree. Our experience is that technical advice is frequently sought and provided while the policing consultants

are conducting their monitoring activities. We are confident that members of the police department will learn to trust the judgment and advice of the members of the monitoring team and grow comfortable in asking for technical assistance and advice. In addition, the members of the monitoring team will make themselves available for a broad range of technical assistance by e-mail and telephone.

- *Training assessment*

The monitoring of training -- including recruit training, in-service training, roll call training, supervisory training, tactical and task force training, and all elective training -- will be undertaken primarily by the policing consultants, with some participation by the lawyers. This includes not only the training as administered, but also the development of the training infrastructure within NOPD and the development of written training plans and curricular materials. Members of the monitoring team will use various measures for determining the effectiveness of the training, including whether the recipients of the training were fully engaged by the material, participated in vigorous classroom discussion, and achieved a passing score on any post-training tests. More important than the training itself is whether NOPD officers implement its principles in the field. That will require extensive and repeated field observations by members of the monitoring team.

- *Report writing*

Preparing and compiling the team's semiannual reports will be the primary responsibility of Mr. Bromwich, Mr. Miller, Ms. Thomas, Ms. Railton and Ms. Guillory. They will rely on information provided on a regular basis by the policing consultants as well as on status and progress reports provided by NOPD's Consent Decree Implementation Unit.

- *Incident and investigation review*

These monitoring responsibilities are central to the Consent Decree. For full and effective compliance to be achieved, the development of proper policies and the administration of proper training must be followed by comprehensive and consistent implementation in the field. The team's monitoring activities throughout the course of the monitorship will be focused on full and effective implementation, which will necessarily include significant investments of time and resources in reviewing use of force reports and data tracking, among other items that must be implemented.

More specifically, the policing consultants will review use of force reports to determine their sufficiency, will review internal investigations into use of force for compliance with the Department's policies on investigating use of force, and will review allegations of excessive use of force. In addition, our experience suggests that we will need to review a sample of arrest reports to assess the degree to which police

officers are complying with use of force requirements. If officers are failing to fill out use of force reports in circumstances where they are required to do so, a review of use of force reports will not accurately measure the extent to which officers are complying with the department's policies. Statistical sampling advice and data tracking issues will require the assistance and advice of data and statistical analysts.

As suggested above, generating an overall cost estimate at this stage is more art than science. An artificially low bid would very likely inhibit the monitoring team from carrying out many necessary monitoring activities required by the Consent Decree in an attempt not to exceed the cost estimate; an excessively high bid would be an invitation to carry out unnecessary activities and duplicate effort. Our good faith cost estimate/price proposal is based on our monitoring experience, our substantial experience assembling interdisciplinary teams and allocating work efficiently among its members, and our current estimate of the amount of work involved given the broad sweep of the Consent Decree and its numerous requirements.

With the cautions and caveats mentioned above firmly in mind, we estimate the total cost of the monitoring project to be \$ 2,400,000.00 for Year One, and \$ 1,900,000 for each of Years Two through Four. Accordingly, our total estimated cost for the monitoring program, assuming that the Consent Decree Settlement Agreement remains in effect for its entire four-year term, is \$ 8,100,000.00. These estimates include all currently anticipated consultant, expert, attorney, and staff time, as well as travel and lodging expenses. This is a best estimate, nothing more. We would agree to a cap that would not permit the combination of fees and costs to exceed an aggregate of \$ 9,100,000.

IX CONCLUSION

As this Proposal demonstrates, the team we have assembled has decades of relevant law enforcement experience, extensive law enforcement oversight and monitoring experience, substantial legal expertise, and intimate familiarity with the City of New Orleans. These qualities will ensure that we fulfill the substantial and important responsibilities of the monitor set forth in the Consent Decree fairly, efficiently and effectively.

Attachment A: Personnel Resumes

1

Michael R. Bromwich

Michael R. Bromwich is the Founder and Managing Principal of The Bromwich Group, which was launched on April 2, 2012. The firm offers crisis management and strategic advisory services, as well as more specialized services relating to offshore energy and law enforcement.

Over the course of a career that has spanned more than 30 years, Mr. Bromwich has tackled a variety of challenging assignments. He has been a federal prosecutor, a special prosecutor, an inspector general, a lawyer in private practice, and most recently, the country's top offshore drilling regulator. He has been called on countless times – by public corporations, private companies, federal, state, and local governments, Cabinet Secretaries, and the President of the United States – to deal with issues and problems of the greatest private and public significance. He has successfully rebuilt, reformed and managed two major public agencies and assisted the management of numerous companies and government agencies by conducting effective and efficient investigations, diagnosing problems, and recommending sound solutions.

Mr. Bromwich was selected in June 2010 by President Obama and Interior Secretary Ken Salazar to reform the regulation and oversight of offshore drilling in the wake of the Deepwater Horizon accident and oil spill. Over the course of 17 months, Mr. Bromwich led the development and implementation of a series of far-reaching regulatory and organizational reforms that revamped the nation's regulation of offshore energy exploration, development, and production. He first served as the Director of the Bureau of Ocean Energy, Management Regulation and Enforcement (June 2010-September 2011), an agency with more than 1,700 employees, and then as Director of the Bureau of Safety and Environmental Enforcement (October-November 2011). After leading the agency through the aftermath of Deepwater Horizon, he directed the reorganization of the agency, strengthened agency ethics requirements, created an internal investigations and oversight capability, and recruited and selected key personnel for the new agencies.

Throughout his tenure, Mr. Bromwich served as the chief public spokesman for the Obama Administration's reform of offshore drilling. He testified before Congress on 15 occasions, and gave approximately 20 major speeches before industry trade associations, at major universities, and before various other groups. He worked with representatives of industry, environmental organizations, and other stakeholders to address the full range of safety and environmental issues associated with offshore energy exploration and development. Mr. Bromwich was the subject of profiles in the National Law Journal, The Hill, and the Houston Chronicle.

From 1999-2010, Mr. Bromwich was a litigation partner in the Washington, DC and New York offices of Fried, Frank, Harris, Shriver & Jacobson, where he headed the firm's Internal Investigations, Compliance and Monitoring practice group. Mr. Bromwich's practice centered on conducting internal investigations for private companies and other organizations, providing monitoring and oversight services, and representing institutions and individuals in white-collar criminal and regulatory matters. He also provided crisis management assistance and counseling.

After joining the firm in 1999, Mr. Bromwich conducted major internal investigations for companies, both publicly traded and privately held, in the energy, pharmaceuticals, public accounting, and private

security industries, among others; made recommendations for their improvement; and represented companies and individuals in state and federal criminal investigations.

In 2002, Mr. Bromwich was selected by the Department of Justice and the District of Columbia to serve as the Independent Monitor for the District of Columbia's Metropolitan Police Department (MPD), focusing on use of force, civil rights integrity, internal misconduct, and training issues. He served in that position until 2008, when MPD was determined to have achieved substantial compliance. In 2007, Mr. Bromwich was selected by the City of Houston to undertake a comprehensive investigation of the Houston Police Department Crime Lab; the investigation was widely praised for identifying serious problems in some of the Crime Lab's operations and providing recommendations for the Lab's improvement.

From 1994 to 1999, Mr. Bromwich served as Inspector General for the Department of Justice. As Inspector General, he headed the law enforcement agency principally responsible for conducting criminal and administrative investigations into allegations of corruption and misconduct involving the 120,000 employees of the Department of Justice. He was also responsible for conducting independent audits of the Department's programs and operations.

As Inspector General, Mr. Bromwich was best known for conducting special investigations into allegations of misconduct, defective procedures and incompetence in the FBI Laboratory; the FBI's conduct and activities regarding the Aldrich Ames matter; the handling of classified information by the FBI and the Department of Justice in the campaign finance investigation relating to the 1996 Presidential election; the alleged deception of a Congressional delegation by high-ranking officials of the Immigration and Naturalization Service; and the Justice Department's role in the CIA crack cocaine controversy. During his tenure as Inspector General, Mr. Bromwich testified before Congressional committees on about 20 occasions. Over his five years as Inspector General, Mr. Bromwich took a new and virtually anonymous agency within the Department of Justice and shaped it into an internal investigations powerhouse.

Before his appointment as Inspector General, Mr. Bromwich served as a federal prosecutor in the 1980s. From 1987 through 1989, he served as Associate Counsel in the Office of Independent Counsel for Iran-Contra. In January-May 1989, he was one of three courtroom lawyers for the government in probably the most significant and highly-publicized criminal case of the 1980s - United States v. Oliver L. North. Mr. Bromwich's other responsibilities in that office included supervising a team of prosecutors and law enforcement agents that investigated allegations of criminal misconduct against government officials and private citizens in connection with provision of aid to the Contras in Nicaragua and serving as overall coordinator of the Iran-Contra grand jury.

From 1983 to 1987, Mr. Bromwich served as an Assistant U.S. Attorney in the U.S. Attorney's Office for the Southern District of New York. During his tenure, he tried a number of lengthy and complex cases and argued many appellate matters before the Second Circuit. Mr. Bromwich served as Deputy Chief and Chief of the Office's Narcotics Unit.

From 1989-1993, Mr. Bromwich was a partner in the Washington, DC office of Mayer, Brown & Platt, where he specialized in white-collar criminal defense. Mr. Bromwich represented individual and

corporate clients in state and federal administrative and judicial proceedings, conducted and supervised complex investigations on behalf of individual and corporate clients and tried two cases to verdict. Earlier, from 1980 to 1983, he was an associate in the Washington, DC office of Foley & Lardner.

The Bromwich Group is not a law firm and does not provide legal services. Mr. Bromwich is also a litigation partner in Goodwin Procter's Washington, D.C. and New York offices, and practices law only through separate engagements with that firm. Mr. Bromwich is a member of the firm's Securities Litigation & White Collar Defense Group. He specializes in internal investigations, compliance and monitoring, and has led major internal investigations for companies and for audit committees, special committees and special litigation committees. Mr. Bromwich also represents institutional and individual clients in white collar and regulatory investigations, and provides compliance and monitoring services to companies, as well as to state and local governments.

Mr. Bromwich also serves as a non-resident Senior Adviser at the Center for Strategic and International Studies (CSIS).

Mr. Bromwich has published articles in law reviews and other publications on conducting and managing complex investigations. In addition to his recent speeches and public appearances on energy and regulatory issues, he has spoken over the years on law enforcement, oversight and criminal law issues. He has also participated in nationally televised symposia on the Independent Counsel Act, the operation of the jury system in high-profile cases and the changing role of federal prosecutors. He has also been the subject of profiles published by The American Lawyer, and the Associated Press and has made appearances on a wide variety of nationally televised news and public affairs programs.

He has published articles on energy-related issues in Newsweek, CNN International, the Houston Chronicle, and the New Orleans Times-Picayune. He has published articles on law enforcement, criminal justice and oversight issues in the New York Times, Washington Post, Los Angeles Times, the Boston Globe, and Legal Times.

Mr. Bromwich received his law degree from the Harvard Law School in 1980 and a Master's Degree in Public Policy from Harvard's John F. Kennedy School of Government the same year. He received his undergraduate degree, summa cum laude, Phi Beta Kappa from Harvard College in 1976. Mr. Bromwich is admitted to the District of Columbia Bar and New York Bar.

Salvatore T. Baragiola
New Mexico Association of Counties (NMAC)
Loss Prevention/Risk Manager
Work: 615 Old Santa Fe Trail
Santa Fe, NM
Home: 2633 Decker Ave NW
Albuquerque, NM 87107
Work Phone (505) 490-1266
Home Phone (505) 345-1929
Cell Phone (505) 259-8206
Work-Email: sbaragiola@nmcounties.org
Personal-Email: bernconm@gmail.com

August 2012 to Present, Law Enforcement Loss Prevention Risk Manager, New Mexico Association of Counties, Santa Fe, New Mexico.

Develop, plan and direct Loss Prevention and Risk Management Programs to control losses with 28 member counties throughout the state targeting law enforcement, civil rights and detention center losses and liability. Design and maintain training and professional development programs as part of an overall loss reduction strategy.

January 2010 to August 2012, Director of Emergency Management, Department of Public Safety, Albuquerque, New Mexico.

Director of Emergency Management for the City of Albuquerque which includes the Albuquerque Police Department and the Albuquerque Fire Department. Implementation and coordination of emergency operation plans, Emergency Planning, and EOC operations.

January 2003 to December 2009, Undersheriff, Bernalillo County Sheriff's Department.

The Undersheriff is appointed by the Sheriff, and is second in command of the Department. The Bernalillo County Sheriff's Department is an agency of 330 sworn deputies and is in the top 25 of the largest Sheriff's Departments in the United States. The Undersheriff is responsible for the daily operation of the department to include Internal Affairs, budget, recruiting and selections, planning, and coordinating field operations with support units.

July 1982 to September 2012t, United States Coast Guard Reserves, Special Agent, USCG Investigative Service

Rank, Master Chief Petty Officer, I hold federal law enforcement credentials as a Special Agent with the United States Coast Guard. I am assigned to the Coast Guard Investigative Service, detailed out of San Diego, California and conduct criminal, security, and intelligence investigations on behalf of the United States Coast Guard Investigative Service and the Department of Homeland Security. I have over twenty five years experience, sixteen of which are in the capacity of a federal agent. Duties Include:

1985 to 1999, Assigned to the 8th Coast Guard District, **New Orleans, LA**

1999 to Present, Assigned to the Pacific Region, USCG, **San Diego, CA**

* 1993-1994 At the request for assistance from New Orleans Police Chief Pennington I provided Leadership and Ethics training to the supervisory staff of the NOPD through the rank of Deputy Chief for 7 months. This training was paid for and sponsored by the USCG.

▪ Security Investigations	▪ Background Investigations
▪ Criminal/Counter-Intel Investigations	▪ Administrative Investigations
▪ Task Force Assignments	▪ General Federal Law Enforcement

July 1999 to December 2002, Investigator, Albuquerque Police Department, Risk Management Division

- Conduce Investigations of Police Misconduct for adjudication for Claims Settlement
- Provide Rapid Response to Albuquerque Police Department for High Profile Police Incidents
- Recommend training and procedure modifications to the Albuquerque Police Department

December 1999 to January 2001, Consultant & Trainer for the Western States Community Policing Consortium (Part time)

- Conducted Community Policing Training with various police agencies and community outreach groups in the western United States and Alaska. Received Trainer of the year award from WSSA.
- Conducted on site assessment of police agencies for Western States for community policing implementation and organizational change for small to midsize departments.

WORK EXPERIENCE: December, 1978 to July 1999 Albuquerque Police Department

August 1998 to July 1999 Deputy Chief of Police, Central Services Bureau

Bureau Chief (Director) for the Special Investigations Division which includes SWAT, Narcotics, Intelligence, Traffic Division, Crime Prevention, Criminalistics, and the Criminal Investigation's Division. Additional duties include labor relations representative for the Albuquerque Police Department involved in collective bargaining negotiations.

Collateral Duties, Management Representative in Labor Relations, negotiating labor contracts on behalf of the City of Albuquerque.

1995 to August 1998, Deputy Chief of Police, Administrative Support Bureau

Bureau Chief for the Internal Affairs Unit, Selection and Training Division, Psychological Services Division, Crime Prevention Division, Accreditation and Inspections Unit, Planning Division. Member contract negotiation's team for the last 3 contract negotiations representing the Chief of Police. Coordinator for the departments Community Policing efforts which have included Strategic Planning, Community Outreach, and Performance Based Budgeting & Planning.

1993-1994, Captain, Special Assignment as Conference Coordinator and Meeting Planner for the International Association of Chiefs of Police Conference held in Albuquerque, New Mexico, October of 1994.

This conference attracted over 10,000 delegates to Albuquerque and is the largest convention ever held in the State of New Mexico.

1992-1993, Captain, Personnel Management Division (Human Resource Department)

Human Resources Manager for the Personnel Department of the Albuquerque Police Department, oversight responsibilities for hiring, internal selection, EEOC, ADA, Testing and Promotion, and personnel and payroll functions of the Albuquerque Police Department.

1991-1993, Captain, Valley Area Commander, Patrol Division

Area Commander for the Patrol Division of the Albuquerque Police Department, This included over 150 patrol officers and two teams of detectives assigned to general investigations in a high stress patrol environment.

1986-1987, Lieutenant, SSB Support Section Commander

City Security Unit, Aerial Surveillance Unit, Bomb Squad, Chiefs Overtime Program. In this capacity I directly supervised 95 City Security Officers who were responsible for site security at seven city facilities. This included all personnel duties, i.e. screening, hiring, discipline, EEOC Investigations, and training, as well as collective bargaining. Responsible for the compliance of all duties and responsibilities of supervisors and their personnel of the units indicated. Additionally involved in command level liaison between outside law enforcement agencies, facility directors, and other city agencies and the police department for requests for training, service, call outs.

May 1986 to August 1986, Lieutenant, Special Service Bureau Support Division, Metropolitan Court Services, Warrant and Fugitive Extradition Detail.

Responsible for the filing, auditing and entry of all arrest warrants issued by the Albuquerque Police Department, All extradition of fugitives apprehended on outstanding felony warrants as well as apprehending fugitives in the metropolitan area.

May 1986, Promoted to Lieutenant

June 1982, Promoted to the rank of Sergeant, Patrol Field Supervisor and Investigative Sergeant

1981-1982, Staff Instructor Albuquerque Police Academy

April 1979 to August 1981, Patrol Officer with the Albuquerque Police Department

December 1978, Entered Police Service

Past-Current Boards and Commissions

Governor Appointment, Department of Public Safety, State Police, Oversight Commission

Federal Law Enforcement Center (FLETC) Training Advisory Board

International Association of Chief's of Police,(IACP) Homeland Security Sub-Committee

International Association of Chief's of Police,(IACP) Community Policing Sub-Committee

Professional Education

June 2005 FBI Law Enforcement Executive Development Program, Quantico, Virginia

May 2004, FBI Southwest Command College

1993, Graduate of the F.B.I. National Academy,

Past Adjunct Instructor, Northwestern University

Certified Police Instructor in numerous police/management disciplines to include Interview and Interrogations, Organizational Ethics.

Criminal Justice Programs, University of Albuquerque, University of New Mexico, University of Virginia, Albuquerque TVI Community College.

Previous Community Activities

- ◆ Youth Coach, Little League. Soccer, High School Athletics, Police Athletic League
- ◆ Steering Committee for New Day Shelters annual fundraising banquet
- ◆ Steering Committee for Chamber of Commerce “Salute to Law Enforcement” Activities
- ◆ Steering Committee for “International Police Chaplains” annual conference

ANN MARIE DOHERTY

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RELEVANT PROFESSIONAL EXPERIENCE

CONSULTANT

12/04 – current

**1/10-current Office of the Independent Monitor
Fried, Frank, Harris, Shriver and Jacobson LLP**

Serves as a Police Practices Expert on the Independent Monitoring Team for the Virgin Islands Police Department (VIPD). This role, in addition to providing technical assistance, provides continual assessment of the Department's progress towards achieving substantial compliance with the full range of requirements and reforms identified in the Consent Decree resulting from United States of America v The Territory of the Virgin Islands and the Virgin Islands Police Department (Civil No. 2008-158).

**9/07-6/09 Civil Rights Division
Department of Justice**

Served as a Police Practices Expert for the Department of Justice. This role includes assessing policies, training and applications within the Austin (Texas) Police Department for a variety of issues; with a particular focus on Use of Force concerns.

**12/04-6/08 Office of the Independent Monitor
Fried, Frank, Harris, Shriver and Jacobson LLP**

Served as a Police Practices Expert on the Independent Monitoring Team for the Metropolitan Police Department (MPD). This role included providing assistance and direction to the MPD as reforms and improvements were initiated; as well as continual assessment of the Department's progress in achieving substantial compliance with the full range of requirements and reforms identified in a Memorandum of Agreement between MPD and the Department of Justice.

BOSTON POLICE DEPARTMENT

1/12/78 – 10/31/03

**2003 Superintendent
Office of the Police Commissioner**

Subsequent to notice of intent to retire, requested to focus on areas key to the Police Commissioner, which included Use of Force curriculum design, Racial Profiling, and the development of a proposal for an Emerging Leaders Program.

ANN MARIE DOHERTY

1998-2002 Superintendent Chief, Bureau of Professional Development

Managerial responsibility for the Police Academy, Regional Community Policing Institute of New England (RCPI/NE) and the Regional Roundtable on Police Integrity.

Managed the successful creation of innovative curricula for student officers, officer professional development, promotional preparedness/transition, specialty trainings, command dialogue and command professional development. Initiated numerous management practices to strengthen/support early officer development, such as introducing the Early Identification and Intervention System at the student officer level, focusing on academic, health and behavioral issues/concerns.

RCPI/NE created and delivered a number of innovative curricula for agencies and citizens throughout New England, including *Moral Decision Making and Team Building* and a twelve-week course on middle management development. Additionally, RCPI/NE developed four executive level curricula that were mandated by the Department of Justice (COPS) to be delivered by all RCPIs nationally. These included *Use of Force Issues and Concerns, Citizen Complaint Intake and Investigation, Early Identification and Intervention Systems, and Racial Profiling.*

2

1992-1997 Superintendent Chief, Bureau of Internal Investigations

Managerial responsibility for the Internal Affairs Division, Anti-Corruption Division, Auditing and Review Division and the Recruit Investigations Unit.

Totally revamped the complaint intake and investigative process and recruit investigation process, which partially included a team based approach, centralized investigations, computerized case management and continual training for all investigators.

Created the Department's first Early Identification and Intervention System, which formed the basis for the subsequent development of the Department's Personnel Analysis Meetings. Developed the Auditing and Review Division which subjected then current systems and procedures to periodic review to determine whether they were consistent with the best law enforcement techniques, Departmental Rules and Procedures, as well as the stated objectives of the Department. Examples of such reviews included search warrants, confidential informant records, motor vehicle pursuit reports, motions to suppress and overtime records.

Initiated and prioritized the connections amongst internal investigations, academy training/professional development and policy development. The earliest policies developed by this Bureau included Harassment, Domestic Violence involving Police Officers and Police Integrity.

Initiated public dissemination of statistics regarding internal investigations, use of force and other issues; initiated community outreach and meetings on same topics.

1986-1991 Deputy Superintendent Commander, Operations Division

Managerial responsibility for the 9-1-1 Communications Center, in addition to various smaller support units (Stolen Car Unit, Towing, Teletype and the Neighborhood Interaction Unit).

1978-1986 Variety of positions and ranks reflecting patrol, investigative and supervisory experience

Throughout career, had the opportunity to attain every sworn rank within the Boston Police Department.

ANN MARIE DOHERTY

EDUCATION (DEGREE)

1979 J.D. Suffolk University Law School
Boston, Massachusetts
Member of the Massachusetts Bar – 1979

1975 B.A. University of Massachusetts
(Boston State College and Trinity College, Dublin, Ire.)

References available upon request.

Biography: Vice Chancellor Joseph A. De Lopez

Joseph A. De Lopez is currently the Vice Chancellor for Safety and Security for the City Colleges of Chicago. He was hired in 2011 to coordinate the centralization and re-organization of the Office of Safety and Security. The City College of Chicago system is comprised of eight primary locations and six satellite locations serving a student population of approximately 120,000. These campuses are located throughout metropolitan Chicago, and are as diverse as the city itself. The Office of Safety and Security provides all of the public safety needs of the City College system through the employment of a combination of off-duty and retired members of the Chicago Police Department, the Illinois State Police Department and the Cook County Sheriff's Department.

Vice Chancellor Joseph A. De Lopez was formerly the Chief of Police in Winnetka, Illinois, a community of 12,500 residents 14 miles from downtown Chicago along the shores of Lake Michigan. He was hired as Chief in March of 2002. The Winnetka Police Department has a complement of 36 personnel, and a total budget of approximately \$6.3 million. The Department has been nationally accredited by the Commission on Accreditation for Law Enforcement Agencies. During his tenure as Chief in Winnetka, De Lopez re-organized the Police Department, enhanced training of his personnel through a collaborative effort with Oakton Community College and the Northeastern Illinois Public Training Academy, where he served in roles as President, Vice-President and as an Officer of the NIPSTA Foundation.

Vice Chancellor Joseph A. De Lopez was also formerly the Deputy Superintendent of the Bureau of Technical Services for the Chicago Police Department. This bureau was comprised of the police department's Communication Division, Electronics and Motor Maintenance Division, Evidence and Recovered Property Section, and General Support Division. His duties included coordinating police communications issues and needs with the Chicago Office of Emergency Communications, which included the city's Alternate Response Program.

De Lopez was also responsible for overseeing the maintenance and replacement of the police department's vehicle and Marine Unit fleets, establishing and implementing policy for management of the Central Detention Section, Evidence and Recovered Property Section, Equipment and Supply Section and the Reproduction and Graphic Arts Section. As Deputy Superintendent, Vice Chancellor De Lopez also coordinated the Chicago Police Department's capital improvement program and worked with the Department of General Services on property management issues. His responsibilities required Vice Chancellor De Lopez to oversee a personnel and non-personnel budget of over \$58 million.

Vice Chancellor DeLopez was formerly Deputy Chief of Patrol Administration for the Chicago Police Department. His responsibilities included coordinating the review and implementation of Chicago's Alternative Policing Strategy, known as CAPS (Chicago's version of community policing). He was also responsible for overseeing all administrative functions for the Patrol Division of the Chicago Police Department. The Patrol Division was comprised of over 10,000 personnel.

Previously, Vice Chancellor De Lopez was Commander of the 23rd (Town Hall) District of the Chicago Police Department. His responsibilities included directing the community level implementation of CAPS and delivering public safety services in a culturally and economically diverse community.

Prior to this assignment, Vice Chancellor De Lopez was in charge of the Chicago Police Department's Training Division. He also served as District Commander of the 10th and 14th Districts (both predominantly Hispanic communities), and was Deputy Chief of a Patrol area serving the west side of Chicago and comprised of four Police Districts with a complement of over 1200 police officers.

Vice Chancellor De Lopez rose through the ranks during his thirty-one years with the Chicago Police Department. He began his career as a patrolman in the Shakespeare District before moving to the elite Special Operations Group. As a Sergeant, he served as a watch commander in the Major Traffic Accident Section as well as Area #4 Youth.

After being promoted to Lieutenant, Vice Chancellor De Lopez returned to service in the 13th and 20th Districts before being named Commanding Officer of Area #5 Youth. Vice Chancellor De Lopez was extremely successful in working with community groups. As Commander of the 14th, 10th and 23rd Districts, he received numerous awards for his dedicated service to the community.

While with the Chicago Police Department, Vice Chancellor De Lopez supplemented his Bachelors Degree from the University of Illinois with a Masters Degree from Lewis University. He has also completed a certificate in Police Administration at the Traffic Institute of Northwestern University, attended the elite Senior Management Institute for Police in Boston, Northwestern University's Executive Management Program, the City of Chicago Intergovernmental Executive Development Program, and is a 2008 graduate of the Federal Bureau of Investigation Law Enforcement Executive Development Program (LEEDS).

Vice Chancellor De Lopez has also been qualified as an expert witness in Federal Court for police operations and administrative matters. He is a dedicated husband, father of five, and grandfather of four.



Attorneys



Christine Guillory Associate

Phone: 504.599.8036

Fax: 504.619.4989

Email: cguillory@frilot.com

PRACTICE AREAS

Medical Malpractice & Healthcare
Admiralty & Maritime

EDUCATION

University of Southern California Law School, 2008, J.D.

Emory University, 2004, B.A.

BAR & COURT ADMISSIONS

Louisiana

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

Louisiana Bar Association
New Orleans Public Library Foundation (Board Member)

AWARDS & HONORS:

New Orleans CityBusiness Women of the Year, 2011

Frilot associate Christine Guillory practices primarily in the Medical Malpractice and Healthcare Practice Area. She represents hospitals, medical schools, long-term care facilities, and other healthcare providers in New Orleans and throughout Louisiana in hospital negligence and physician malpractice cases. She also provides hospital administrative policy recommendations and consults with clients who are developing new policies for patient care. Ms. Guillory works with clients to prepare them for and familiarize them with the stages of healthcare litigation. She has experience investigating and evaluating claims, and preparing Medical Review Panel submissions.

Ms. Guillory also works in the Admiralty and Maritime Section representing clients in Jones Act cases with complex medical issues. Most recently, she joined the multi-district and mass tort litigation team representing a Frilot in the BP oil spill offering expertise in e-discovery, litigation hold regulations and related document production issues.

She attended Emory University and received a Bachelor of Arts in International Studies and Italian Studies in 2004. She earned her Juris Doctor from University of Southern California Law School in 2008. While in law school, she was actively involved with the Legal Aid Alternative Breaks Project, Community Service Affairs Committee, Student Hurricane Network, Office of Public Service Advisory Council and Black Law Students Association.

Ms. Guillory was recently selected among the "Women of the Year" by New Orleans CityBusiness. The annual list honors 50 New Orleans women whose successes in business and contributions to the community have set the pace for our region's future. She is currently serving on the New Orleans Public Library Board and the New Orleans Public Library Foundation Board. She is assisting in the oversight and construction of five new libraries as part of post-Katrina recovery and is supervising the implementation of a marketing campaign to increase interest in the existing programs offered at New Orleans libraries. Ms. Guillory is a member of the Links Incorporated and actively involved with the Preservation Resource Center and La Creole historical society.

Ms. Guillory is a native of New York City where she attended Convent of the Sacred Heart, 91st Street. She continues her commitment to the education of young women at Academy of the Sacred Heart, the Rosary, here in New Orleans where she is a member of the Alumnae Board.



Greg Meyer

Captain, Los Angeles Police Department (Ret.)

Analysis – Prevention – Litigation Support



Greg Meyer retired in 2006 as a captain with the Los Angeles Police Department. His final assignment was as a captain at the Los Angeles Police Academy. His career spanned 30 years, including eight years as a commanding officer. He continues as a Specialist Volunteer at LAPD's Training Division.

Since 1989, he has been engaged as an expert witness in numerous lethal and nonlethal police use-of-force litigation cases. Most of his work is for the defense of officers and agencies. On several occasions he has been engaged by plaintiffs and prosecutors (federal and local). He has been involved as an expert witness in several high-profile cases including Rodney King and Johannes Mehserle (the Oakland BART murder case). He has been engaged in more than 175 cases including shootings, TASERS, arrest-related deaths, and other matters.

Greg specializes in risk management issues including policy, training, equipment, tactics, supervision, documentation, investigation and review processes, with a focus on injury reduction during lethal and nonlethal encounters. He is widely published, and he lectures on these subjects. He helped design and is an instructor for California POST's new 40-hour course for detectives who investigate officer-involved shootings and deaths.

He holds the Certified Force Analyst credential of the Force Science Institute. He holds the Certified Litigation Specialist credential of the Americans for Effective Law Enforcement (AELE), and is a member of the faculty for AELE's lethal and nonlethal weapons seminar, and also for AELE's new seminar on management, oversight, and monitoring use of force. He is also a member of AELE's Faculty Advisory Committee and a member of AELE's Monthly Law Journal review panel.

Greg has more than 33 years of experience with TASER devices. He conducted LAPD's research and testing of TASERs in 1979-1980. He used TASERs on the street when he was a sergeant. In the 1980's and 1990's, he trained and certified hundreds of TASER instructors around the country. Since 2001, he has attended four TASER instructor certification courses.

He is a member of the National Advisory Board of the Force Science Research Center since 2006; a member of the Police Executive Research Forum (PERF) since 2004; a member of the International Association of Chiefs of Police (IACP) since 1993; and he has served on the advisory board for "POLICE" magazine since 1997.

Greg chaired the Training Seminars Committee of the Peace Officers Association of Los Angeles County (POALAC) from 2001-2010. He continues to serve as a member of the POALAC board of directors, and he was honored to receive POALAC's Career Achievement Award in 2012.

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POLICE EXECUTIVE
RESEARCH FORUM

Résumé
Kerry J. Miller

Kerry J. Miller is a partner with the law firm of Frilot L.L.C. He serves as Coordinator of the Firm's Class Action Practice Area. He graduated *magna cum laude* from Tulane Law School. While at Tulane he served on the Law Review. His honors include being named Order of the Coif, and he was the recipient of the Gertler Law Review Award for authoring the Best Casenote in the Law Review. Before entering private practice, he clerked for the Honorable James L. Dennis of the United States Court of Appeals for the Fifth Circuit.

Mr. Miller is a member of the Louisiana State Bar Association, American Bar Association, Defense Research Institute and Bar Association of the Fifth Federal Circuit.

Mr. Miller has successfully defended clients in class action lawsuits in state and federal courts across the United States. He has defended clients involving product liability, environmental and commercial litigation matters and attained significant victories in every stage of litigation, including class certification disputes, summary judgment motions, large class action settlements, and in trial.

Mr. Miller is currently serving as Co-Defense Liaison Counsel in the BP Oil Spill Multi-District Litigation and as Defense Liaison Counsel in the Chinese Drywall Multi-District Litigation, both pending in Federal Court in New Orleans.

In the BP Oil Spill MDL, Mr. Miller represents Transocean, the drilling contractor that owned the rig that blew up as a result of the blowout of BP's well in the Gulf of Mexico. This litigation involves hundreds of thousands of claimants, the Department of Justice, many state attorneys general and hundreds of local governments. This litigation is generally considered to be the largest civil litigation matter currently pending in the federal court system.

The Chinese Drywall MDL involves the claims of tens of thousands of American homeowners against approximately one thousand defendants involved in the manufacture, distribution, sale and installation of allegedly defective Chinese drywall. Specifically, Mr. Miller represents Knauf Plasterboard Tianjin and related entities in this complex litigation. Just recently Knauf reached a break through settlement with a class of plaintiffs in this MDL.

He is also co-counsel representing TIN, Inc./International Paper, the owner of the Bogalusa, Louisiana Paper Mill in the recent Pearl River fish kill incident. This matter involves 17 consolidated class action cases currently pending before Judge Lance Africk in the United States District Court, Eastern District of Louisiana.

Below are some additional case summaries that demonstrate Mr. Miller's experience and success in complex, high profile matters.

Turner v. Murphy Oil USA, Inc., 472 F.Supp.2d 830 (E.D.La. 2007)

Shortly after Hurricane Katrina devastated southeast Louisiana, an oil tank on Murphy Oil USA, Inc.'s ("Murphy") refinery property released approximately 25,000 barrels of oil. Twenty-eight class action suits were filed against Murphy shortly after the spill. After these class actions were consolidated, the lawyers representing the plaintiff class billed the case as the largest environmental case since the Exxon Valdez spill (a case with a total exposure of over \$6 billion). Because of the resolution strategy employed, the ultimate liability associated with the oil spill was resolved by way of a class action settlement. The settlement cost came to a fraction of the amount initially demanded by the plaintiffs. This case was extensively reported on by the local and national press. Mr. Miller was appointed Defense Liaison Counsel in this case by Judge Eldon Fallon.

Bartney v. Kirby Inland Marine, et al

Mr. Miller represented Kirby Inland Marine in a series of class actions including Benzene exposure claims from residents in West Baton Rouge Parish. After winning several motions limiting the size of class and recoverable damages, the consolidated class actions were settled for a total of \$800,000, including plaintiffs' class counsel fees. This settlement amount represented far less than the cost of defending the plaintiffs' claims alone.

Comer v. Murphy Oil USA, Inc., et al (Comer II. The Hurricane Katrina Global Warming Litigation)

In this case, the plaintiffs alleged that the defendants are liable in tort for allegedly contributing to global warming through excessive greenhouse gas emissions, which damaged the plaintiffs' property. Following substantial appellate litigation, on March 20, 2012, the Court dismissed Plaintiffs' claims in Comer II, with prejudice.

Paul Heilman, et al v. Perfection Corporation

As national counsel for the top five manufacturers of water heaters, comprising almost 100% of that industry, Mr. Miller successfully settled one of the largest class action settlements ever on behalf of the U.S. water heater industry. The water heater companies were named in approximately 23 separate state and federal class action lawsuits throughout the country involving a defective component part provided by a third party supplier to the industry. As counsel for the water heater industry, we successfully consolidated and settled these claims in a national class action suit involving more than 14,000,000 class members.

Mr. Miller has also successfully represented Monsanto, Nintendo of America and Universal Forest Products in novel class action attempts that sought to change industry practice. The Nintendo case involved allegations of video games causing seizures. Plaintiffs sought damages and extensive labeling

changes. In the Universal Forest Products matter, the proposed class sought to have all timber treated with the wood preservative copper chromated arsenic removed from the market. In defending Monsanto, the firm defeated the first attempt to certify a class alleging defects in genetically modified organisms. Class certification was denied in all three cases. These cases were subsequently dismissed at no cost to the clients.

In addition to his class action and complex litigation experience, Mr. Miller has also developed expertise in environmental and insurance coverage law. On the environmental side, Mr. Miller has defended environmental enforcement actions and citizen suits brought under RCRA, CERCLA, CAA, CWA and OPA. Mr. Miller has worked on global consent decrees on behalf of permitted operators with the EPA and the Department of Justice. On the coverage side, Mr. Miller has represented policyholders against insurers in environmental and business loss coverage matters. Mr. Miller has obtained substantial awards on behalf of policyholders in arbitrations and litigated cases.

In 2007, Mr. Miller and the Firm were contracted by the New Orleans City Council to handle 5,300 property tax appeals. Frilot hired and trained over 85 Administrative hearing officers, scheduled over 5,300 hearings with residents who had filed appeals against the city's assessors, conducted hearings and made recommendations. Hearings were conducted in the Louisiana Superdome over a four week period. The City Council endorsed all of Frilot's recommendations.

Mr. Miller has also written several articles on class actions and complex litigation, which have been published by the Tulane Law Review, BNA, Class Action Report, and ABA Class Action & Derivative Suits Newsletter, including the following:

Cajun Electric Power Cooperative v. Central Louisiana Electric Company: The Fifth Circuit Establishes Sound Precedent in an Appointment-of-a-Trustee-in-Bankruptcy Case, 70 Tul.L.Rev. 1645, 1996

The New Forced Heirship Law, its Implementing Legislation, and Major Substantive Policy Changes of the Louisiana State Law Institute's Proposed Comprehensive Revision of the Successions and Donations Law, 71 Tul.L.Rev. 223, 1996

Interpreting the Term 'Created' in Policy Exclusion 3(a). (Co-Author). Practising Law Institute, Real Estate Law and Practice Court Handbook Series, November, 1998

Some Practical Considerations for Defending and Settling Products Liability and Consumer Class Actions, 74 Tul.L.Rev. 2125, 2000

The Use of Class Actions in Genetically Modified Agricultural Products Cases and Other User-Specific Products Cases, Vol. 15, Legal Backgrounder, No. 40, Washington Legal Foundation, July 28, 2000

The Rigorous Analysis Test at Work, Class Action Report, p. 391, Sept. 22, 2000

The Use of the Class Action Device in Agricultural Products Litigation, 6 Drake Agricultural Law Journal 175, 2001

Class Litigation Gone Wild: The 'No-Injury' Phenomenon, Vol. 4, Class Action Litigation, No. 5, p. 390, May 23, 2003.

Inferiority Complex: Is Regulatory Action Superior to Class Action Litigation?, ABA Class Action & Derivative Suits Newsletter, Vol. 13, No. 4 (Fall 2003). Authors Scott S. Partridge and Kerry J. Miller

Class Action Statute of Limitation and Tolling Issues: Practitioners Better Beware, Class Action & Derivative Suits, Vol. 14, No. 3, Summer, 2004.

Class Action Litigation Crisis: Proactive Management Strategies for Corporate Counsel, BNA, Inc., Vol. 5, No. 22, p. 819, November 26, 2004

Mr. Miller has been a guest speaker at seminars throughout the country regarding class action mass tort and toxic tort as well as in other areas of the law. The Seminars and presentations made by Mr. Miller are as follows:

Class Action – 2003 Developments – Legislative Amendments Federal and State Jurisprudence. Tulane Law School's CLE by the Hour, New Orleans, Louisiana, December 30, 2003.

Mass Tort Class Actions in LA: Past, Present and Future. Tulane Law School's CLE by the Hour, New Orleans, Louisiana, December 28, 2004.

Defending and Resolving Toxic Tort and Products Liability Class Actions; Ethical Pitfalls in Defending Class Actions. National Business Institute Seminar, Litigating the Class Action Lawsuit in Louisiana, New Orleans, Louisiana, January 7, 2005.

Class Action Fairness Act of 2005. National Business Institute Seminar, A Critical Update on the Class Action Fairness Act, New Orleans, Louisiana, March 20, 2005.

Living and Litigating in Katrina's Aftermath, Practising Law Institute Seminar, New Orleans, Louisiana, 2006.

Anatomy of a Disaster: Murphy Oil's Response to Hurricane Katrina Oil Spill, CLE presentation in New York, New York, 2008.

Professionalism Issues Arising From Applications for Recovery of Attorneys' Fees, New Orleans Bar Association Bench Bar Conference, Biloxi, Mississippi, 2009.

Globalization and Litigation: Challenges Presented in Domestic Litigation Involving Foreign Products, American Bar Association Toxic Torts and Environmental Law Committee Meeting, Phoenix, Arizona, 2010.

Trends and Developments in Class Action, Mass Tort and Multidistrict Litigation, Manufacturers Alliance/MAPI Law Council Meeting, New Orleans, Louisiana, 2011.

Mr. Miller has been quoted or referenced multiple times in the *Wall Street Journal* on various complex litigation issues, and has been quoted on ABC News and Bloomberg. Mr. Miller has also been frequently quoted in *The Times Picayune*, and has been interviewed by nearly all TV and news radio stations in the New Orleans area in complex litigation matters.

In 2011 and 2012, Mr. Miller was selected as a Best Lawyer in America in the area of Mass Tort Litigation. He also received an invitation from the People to People Citizen Ambassador Programs' Law Delegation to China to participate in their 2010 Continuing Legal Education Program.

ANNE E. RAILTON

(646) 279.3798

74 MacDougal Street, Apt. 1, New York, NY 10012

anne.railton@gmail.com

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

J.D., May 2008

- Honors:** Student Article Development Editor, *Review of Law & Social Change*
Dean's Scholarship (*partial tuition award based on academic merit*)
Maximillian Moss Memorial Scholarship (*partial tuition award based on academic merit*)
- Activities:** United States Attorney's Office, S.D.N.Y., Clinic Participant, Spring 2008
Public Service Auction Committee, Law School Community Co-Chair, 2006-2007

NEW YORK UNIVERSITY, GALLATIN SCHOOL OF INDIVIDUALIZED STUDY, New York, NY

B.A. in Individualized Study, *magna cum laude*, May 2004

- Honors:** Dean's List – 4 semesters (all semesters available to Gallatin students)
Dean's Honor Society (*award based on academic merit*)
Founders' Day Award (*graduation award based on academic merit*)
- Activities:** *The Gallatin Review*, Editor

EXPERIENCE

GOODWIN PROCTER LLP, New York, NY

Associate

Oct. 2008 – Present

Summer Associate

May 2007 – Aug. 2007

- Assisted in managing complex internal investigation involving a foreign bank, including coordinating and supervising the collection, review and production of a large volume of documents, conducting numerous interviews of personnel at all levels within the bank, drafting reports and memoranda regarding potential legal and regulatory risks, communicating with domestic and foreign regulatory bodies and government agencies, and negotiating agreements between the client and various third-party vendors and agents.
- Assisted in defending first-ever SEC insider trading case based on credit-default swaps, *SEC v. Rorech et al.*, No. 09-4329 (JGK) (S.D.N.Y.), including performing extensive analysis of SEC regulatory requirements, drafting deposition, direct and cross-examination outlines, working closely with experts to prepare reports, and serving on trial team.
- Participated in all aspects of various federal and state litigation matters including extensive legal and factual research and analysis, drafting motions and briefs submitted to the court, conducting depositions and witness interviews, and managing relationships with expert witnesses and third-party vendors.
- Drafted sections of *amicus curiae* brief filed on behalf of the National Association of Criminal Defense Lawyers in a U.S. Supreme Court case addressing the question of whether the improper denial of a peremptory challenge is structural error requiring reversal.
- Represented numerous *pro bono* clients, including New York City residents and community groups seeking to challenge a New York City Department of Parks and Recreation plan of action for the Coney Island Boardwalk as a violation of State and local environmental regulations, and a homeless child who challenged the denial of access to his school as a violation of the federal McKinney-Vento Act.
- Actively involved in planning and implementing firm-wide recruiting diversity objectives and goals as member of the Hiring Committee and the Committee on Racial and Ethnic Diversity.

PLANNED PARENTHOOD FEDERATION OF AMERICA, New York, NY

Legal Intern

May 2006 – Aug. 2006

- Assisted in preparing a comprehensive report on the status of reproductive rights laws, including performing substantial research and analysis of current and proposed state legislation, drafting sections of report, and communicating with local affiliates.
- Assisted in drafting legal briefs and preparing for oral argument in various state and federal litigation matters.

ADDITIONAL SKILLS & INTERESTS

- Extensive experience working with Microsoft Word, Outlook, PowerPoint and Excel. Familiarity with Adobe Photoshop.
- Enjoy photography, travel and cooking.
- Avid runner; completed 2005 New York City Marathon.

Melissa Schwartz

Melissa Schwartz joined The Bromwich Group as the Vice President for Strategy and External Affairs in April 2012. Ms. Schwartz has more than a decade of strategic communications experience working for the federal government and in issue-advocacy campaigns at nonprofit organizations and associations. She has developed and implemented strategic communications plans focusing earned media and community organizing on local, state, federal and international levels, with additional expertise in media training, message development, media relations and crisis management.

Ms. Schwartz was tapped to manage crisis communications for the Bureau of Ocean Energy Management, Regulation and Enforcement (formerly the Minerals Management Service), the federal agency responsible for the regulation and oversight of offshore drilling in U.S. federal waters, following the 2010 *Deepwater Horizon* oil spill and subsequent reorganization into three independent bureaus.

As Deputy Chief of Staff and Communications Director, she served as senior advisor to then-Bureau Director Michael R. Bromwich, facilitating stakeholder, press, congressional and online communication and outreach strategies structured to restore the public's confidence in the offshore regulator, while also rehabilitating bureau morale in the wake of significant media, congressional and public criticism. This included a focus on community engagement in Gulf of Mexico communities including New Orleans, La., Lafayette, La., Mobile, Ala., Pensacola, Fla., Biloxi, Miss., and Houston, Texas.

As Communications Advisor to Secretary of the Interior Ken Salazar following the successful reorganization of the bureau, Ms. Schwartz continued to serve as the department's on-the-record spokesperson for offshore oil, gas and renewable energy issues. She managed the external and public affairs portfolios for the bureaus to succeed BOEMRE – the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement – including national media, congressional and international communication and outreach strategies.

Previously, Ms. Schwartz was the Senior Public Affairs Officer at the Department of Justice. Her portfolio included serving as advisor to Associate Attorney General Thomas Perrelli, primary liaison and national spokesperson for the 94 U.S. Attorneys' offices, and agency on-the-record spokesperson on political nominee confirmations, budget and appropriations. She also managed public affairs and community outreach for agency-wide initiatives including the 15th anniversary of the *Violence Against Women Act*, the department's tribal justice initiative, and joint task forces on Healthcare Fraud and Puerto Rico's legal status.

Prior to her work in the Obama Administration, Ms. Schwartz served as a Vice President in the D.C. offices of Powell Tate | Weber Shandwick, providing strategic communications counsel for nonprofit clients, including the Thomas Jefferson Foundation at Monticello, Corporation for Public Broadcasting, and Best Buy Children's Foundation.

She spent more than three years as Communications Director to U.S. Senator Barbara A. Mikulski, serving as chief spokesperson and media strategist for the senior woman in the U.S. Senate. As a member of the Senator's senior staff, Ms. Schwartz developed and executed strategic plans to maximize coverage in national, local and specialty media markets, and worked to coordinate long-term message strategy and integration of legislative goals. Ms. Schwartz also coordinated major media opportunities for the "Women of the Senate," including the launch of the Checklist for Change, their appearance at the 2008 Democratic National Convention, and joint interviews on *Good Morning America* and *Larry King Live*.

Prior to her work in the U.S. Senate, Ms. Schwartz spent several years in the nonprofit advocacy arena.

Ms. Schwartz has published articles in *PR News Guidebooks* focused on PR Measurement and Crisis Management. She is a regular speaker on panels for undergraduate and young professional audiences on topics ranging from career and professional development to public affairs and crisis communication.

Ms. Schwartz earned her M.A. in Political Communications from Johns Hopkins University and graduated summa cum laude from the University of California, Berkeley with a B.A. in American Studies and a minor in Dramatic Arts.

GOODWIN --- PROCTER

E. ABIM THOMAS

COUNSEL

athomas@goodwinprocter.com

Boston | 617.570.1000

Abim Thomas is a counsel in the firm's Litigation Department and a member of its White Collar Crimes and Government Investigations, Securities Litigation, and Gaming, Gambling & Sweepstakes Practices. Ms. Thomas joined Goodwin Procter in 2012 after serving as Deputy Chief Legal Counsel to Massachusetts Governor Deval Patrick. Ms. Thomas focuses her practice on representing operating companies, entrepreneurs and investors in the gaming and gambling field. She has extensive experience in this area, having advised Governor Patrick on the Commonwealth's 2011 gaming bill and serving as the state's lead negotiator for the 2012 tribal-state gaming compact.

PROFESSIONAL ACTIVITIES

Ms. Thomas is vice president of the Massachusetts Black Lawyers Association, serves on the board of the Women's Bar Foundation and was recently selected by the Women's Bar Association as a member of its Women's Leadership Initiative. She is a member of the Massachusetts Supreme Judicial Court's Standing Committee on Pro Bono Legal Services and has worked for the Lawyers' Committee for Civil Rights in both Boston and San Francisco.

PROFESSIONAL EXPERIENCE

Prior to joining Goodwin Procter, Ms. Thomas served as Governor Deval Patrick's Deputy Chief Legal Counsel, advising the Governor on legal and policy issues and working to support the administration's efforts in economic development, housing and public safety. Previous to her service with the Commonwealth, Ms. Thomas was a litigation associate at Ropes & Gray, where she worked on matters involving government enforcement, government contracting, real estate and securities, and represented clients in pro bono political asylum cases.

BAR AND COURT ADMISSIONS

Ms. Thomas is admitted to practice in Massachusetts, and before the U.S. Court of Appeals for the First Circuit, the U.S. District Court for the District of Massachusetts and the Supreme Judicial Court of Massachusetts.

RECOGNITION

In law school, Ms. Thomas served as an editor for the *Georgetown Journal of Gender and the Law*.

EDUCATION

J.D., 2003
Georgetown University Law Center

A.B., 1996
Harvard University

Attachment B: DBE Participation Plan

Disadvantaged Business Enterprises Participation Plan

We understand that the parties have established a Disadvantaged Business Enterprise (DBE) contract goal of 35% for the Request for Proposal, meaning that 35% of the contracting or subcontracting dollars should be allocated to one or more certified DBEs during the term of the monitoring contract.

Because we began assembling our team and our Proposal quite recently, we have not yet completed the specifics of a DBE participation plan. However, we have begun discussions with various individuals and companies that we believe will allow us to achieve the goal of 35% over the four years of the monitoring contract.

Specifically, we are in discussions to retain one or more DBEs to perform data analysis, statistical support, and quantitative measurements, critical components of any successful monitorship and especially the case given the emphasis in the Consent Decree on outcome assessments. Many of the monitor's responsibilities, as spelled out in the Consent Decree, require data collection, data analysis, and quantitative assessments. In particular, the Consent Decree requires the monitor to conduct outcome assessments on a large number of issues, including use of force measurements; stop, search, and arrest measurements; bias-free policing and community engagement measurements; recruitment and training measurements; officer assistance and support measurements; performance evaluation and support measurements; supervision measurements; secondary employment measurements; and accountability measurements. On the MPD monitoring matter – described at length in our Proposal – the data analysis, quantitative assessment, and sampling expertise provided by statistical and data analysis experts were central to our ability to assess substantial compliance. We expect the same to be true here.

In addition, we will seek to bring in as subcontractors DBE-qualified entities to assist the monitoring team with other aspects of the monitoring assignment, including:

- Expertise in evaluating the breadth and depth of organizational change, including the development of outcome measures;
- Expertise on institutional transformation and change management;
- Expertise in the development of flexible but durable continuous quality improvement infrastructure;
- Information technology;
- Language proficiency in Spanish and Vietnamese; and
- Augmenting the team's capacity for effective engagement with all affected diverse communities.

The administrator of the DBE participation plan would be Melissa Schwartz of The Bromwich Group.

Attachment C: Conflict of Interest Disclosure Affidavit

CONFLICT OF INTEREST DISCLOSURE AFFIDAVIT

DISTRICT OF COLUMBIA

Before me, the undersigned authority, came and appeared Michael R. Bromwich, who, being first duly sworn, deposed and said that:

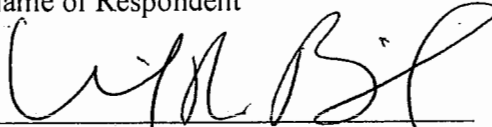
1. He is the managing principal and authorized representative of The Bromwich Group, hereafter called "Respondent."
2. The Respondent submits the attached Proposal in response to the Request for Proposals ("RFP") to serve as the Consent Decree Court Monitor of the New Orleans Police Department.

3. the Respondent hereby states that a conflict of interest [*Mark the appropriate line.*]:

- Exists
 May exist
 Does not exist

in connection with this RFP which might impair Respondent's ability to perform if awarded the Professional Services contract. A conflict of interest includes any familial or business relationships that the Respondent, the proposed subcontractors, and/or their principals have with City of New Orleans' officials or employees.

The Bromwich Group
Name of Respondent


Respondent Representative (Signature)

Michael R. Bromwich
(Print or type name)

901 New York Avenue, N.W.
Washington, DC 20001
(Address)

Sworn to and subscribed before me, GRACE L. RECABO Notary Public, this 15th day of November, 2012.

Grace L. Recabo

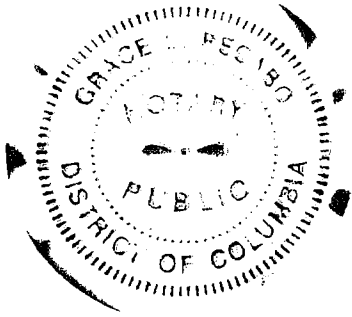
Notary Public (signature)

Notary ID#/Bar Roll #

State of District of Columbia

Parish/County of N/A

**Grace L. Recabo
Notary Public, District of Columbia
My Commission Expires 6/30/2014**



Attachment D: Identification of Subcontractors

IDENTIFICATION OF SUBCONTRACTORS

DISTRICT OF COLUMBIA

Before me, the undersigned authority, came and appeared Michael R. Bromwich, who, being first duly sworn, deposed and said that:

1. He is the managing principal and authorized representative of The Bromwich Group, hereafter called "Respondent."

2. The Respondent submits the attached Proposal in response to the Request for Proposals ("RFP") to serve as the Consent Decree Court Monitor of the New Orleans Police Department.

3. The Respondent hereby identifies the following persons, natural or artificial, who are retained by Respondent at the time the attached Proposal is submitted and who are expected to perform work as subcontractors in connection with the Respondent's work. Respondent hereby acknowledges and agrees that when new subcontractors not previously named are added to the Project, they must be promptly identified consistent with the RFP and the requirements of the Consent Decree in this matter.

List Subcontractors:

(see attached)
Person(s) and Company Name (if applicable)

The Bromwich Group
Name of Respondent


Respondent Representative (Signature)

Michael R. Bromwich
(Print or type name)

901 New York Avenue, NW
Washington, DC 20001
(Address)

Sworn to and subscribed before me, GRACE L. RECABO, Notary Public, this 15th day of

November, 2012.

Grace L. Recabo

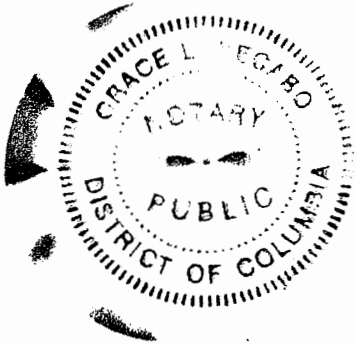
Notary Public (signature)

Notary ID#/Bar Roll #

State of District of Columbia

Parish/County of N/A

Grace L. Recabo
Notary Public, District of Columbia
My Commission Expires 6/30/2014



List of Subcontractors

1. Frilot LLC: Kerry J. Miller and Christine Guillory
2. Goodwin Procter LLP: Anne E. Railton and Abim Thomas
3. Captain Greg Meyer (Ret.)
4. Chief Joe De Lopez (Ret.)
5. Salvatore T. Baragiola
6. Superintendent Ann Marie Doherty