

AFFIDAVIT OF MARJORIE FARGO

MARJORIE FARGO, having been duly sworn, states:

1. I am President and Director of Jury Services, Inc. of the National Capital Area and have been so employed since 1982. Located at 1009 Duke Street, Alexandria, Virginia 22314. Jury Services, Inc. is a consulting firm specializing in the study of jury procedures, jury behavior and the pre-trial assessment of community opinion and prejudice toward civil and criminal trial litigants.

2. I have been employed full-time in the field of jury research and trial consultation since 1975. Prior to the incorporation of Jury Services, Inc. I was employed by the National Jury Project, Incorporated. The National Jury Project is a nationwide trial consulting firm that provides social science research support and expert advice to attorneys in civil and criminal trials.

3. I graduated cum laude with a B.A. degree in sociology from the University of Florida, Gainesville and received a M. A. degree in sociology from George Mason University, Fairfax, VA. I was trained in survey sampling, survey design and data analysis during my employment on National Institute of Mental Health (NIMH) grant "Evaluating Southern Mental Health Needs" (1970 - 1974).

4. I am a member of the American Society of Trial Consultants (ASTC) and the American Sociological Association. I served on the Board of Directors

of ASTC from 1989-1991.

5. Some of my publications include "Postverdict Juror Interviews" Chapter 25 in Handbook of Jury Research, American Law Institute-American Bar Association (1999); "Juror Questionnaires Can Supplement Voir Dire," Trial , Vol. 29, 10, 23 -27, (1993); "Make the Post-Trial Interview Work for You," Criminal Justice, vol. 3, #2, pp. 2-4, 38-41 (Summer 1988); "Post-Trial Interviews with Jurors," Chapter 13 and "Conducting Voir Dire," Chapter 17 in Jurywork: Systematic Techniques, Clark Boardman Company, Ltd. (1983).

6. I have been qualified as an expert to testify in pre-trial hearings on jury selection procedures in Federal and state courts in several states, including Alabama, California, Florida, Georgia, Maryland, Mississippi, Tennessee and Texas. I have had my affidavits on jury selection procedures accepted as that of an expert in many other states although I was not called to testify in those cases.

7. I have lectured and conducted seminars on *voir dire* and jury selection procedures and jury behavior for bar associations and public defenders in the U. S. and Canada and for other legal education programs such as the Association of Trial Lawyers of America (ATLA), National College of Advocacy, the National Institute for Trial Advocacy (NITA), the Practising Law Institute (PLI), and the

Inns of Court Program.

8. I have been retained as a consultant on jury selection procedures and jury behavior in over 500 criminal and civil cases. My firm has been retained both by plaintiff and defense counsel in civil litigation, and by counsel for both the government and defense in criminal cases.

9. Henry W. Asbill, Esq., counsel for Defendant Kent D. Wakeford, a former Executive Director of the AOL Business Affairs Division has retained my firm for assistance regarding the development and utilization of a juror questionnaire in jury selection this case.

10. As the Court may know one of the most useful tools for effectively eliciting information about a prospective juror's background, experiences, knowledge and opinion about the case and case issues that may adversely affect his or her ability to fairly and impartially evaluate the testimony and evidence in a case and follow the court's instructions during the jury deliberation process is the use of supplemental pre-voir dire written juror questionnaires.

11. The written juror questionnaire allows the prospective juror to confidentially communicate knowledge, personal experiences and opinions that

may make it impossible for him or her to serve as an open-minded juror in the case. The typical juror questionnaire takes between 60 -90 minutes to complete in complex cases. Once the questionnaires are copied, they are distributed to all counsel and the court for review.

12. The use of the juror questionnaire saves significant amounts of courtroom time, especially in high profile and complex cases, because it provides all the parties equal access to demographic information as well as information about a juror's experience with law, law enforcement and the criminal justice system and other case specific issues without the usual repetitious and time - consuming oral examination on these topics. This savings enables the court and the lawyers to use courtroom time much more efficiently by targeting and questioning jurors only on follow up issues arising from questions in the questionnaire that are directly related to qualifications to serve in the specific case.

13. One of the roles of a jury and trial consultant is the preparation and development of voir dire questions and juror questionnaires tailored to the individual case to better equip trial counsel to uncover juror bias by eliciting candid and forthcoming answers from prospective jurors on critical case issues. I have personally participated as a jury consultant in the preparation of juror questionnaires that were utilized by the courts in many cases (see attachment

A) including the recent trial *United States v. Zacarias Moussaoui*, Criminal No. 01-455.

I am also aware of written juror questionnaires used by the courts in dozens of complex criminal and civil cases in jurisdictions through out the United States.¹

14. In Virginia I am aware that juror questionnaires have been authorized for use by U.S. District Courts in the following cases: *United States v. Zacarias Moussaoui*, Criminal No. 01-455; *United States v. Ahmed Omar Abu Ali*, Criminal No. 1:05CR53 ; *United States v. Ali Al-Timimi*, Criminal No. 1:04cr385; *United States v. Denis Rivera, Oscar Antonio Grande, Ismael Juarez Cisneros, Oscar Alexander Garcia-Orellana*, Criminal No. 04-283; *United States v. Seifullah Chapman, et al*, Criminal No. 03-296-A (jury waived); *United States v. Jay Lentz*, Criminal No. 01-150-A; *United States v. Christopher Andaryl Wills*, Criminal No. 99-00396-A; *United States v. Brian Regan*, Criminal No. 01-405-A; *United States v. Billups*, USDC E.D. Virginia No. CR 80-146-N; *United States v. Jean Claude Oscar et al.*, Criminal No. 2:93CR131; *United States v. Bodkins, et. al., Crim. No.4:04CR70083*; *United States v. Shawn Breeden et al.*, Cr. No. 3:03CR000013-10; *United States v. Coleman Johnson, Jr.*, Cr. No. 3:03CR000026; *United States v. Darrell David Rice.*, Cr. No.02-CR-26-ALL.

15. In my personal experience in which juror questionnaires that included

Bonora, Krauss & Roundtree, Chapter 3, Supplemental Juror Questionnaires, Figure 3.2 Selected Cases Where Written Questionnaires Have Been Used to Supplement Voir Dire, *JuryWork: Systematic Techniques*, St. Paul, Minn.: The West Group (2003) .

substantive

questions addressing case issues were used in addition to traditional questions pertaining simply to a prospective juror's exposure to pre-trial publicity or knowledge of the parties, approximately 20 to 40 per cent (%) of the panel was removed by the Court for "cause" or "hardship" based on the responses of the juror questionnaire or in combination with follow up questions by the Court and/or attorneys in *voir dire*. The majority of the cause challenges in these cases were based on a juror's personal or family experiences and /or negative opinions related to case issues, including an inability to accept and agree with fundamental legal concepts related to the presumption of innocence and witness credibility issues, and not as a result of personal knowledge of a party or participant in the case.

16. In order to identify the issues that would be appropriate to cover in a juror questionnaire, defense counsel has provided me a copy of the indictment in this case as well as a selection of additional case pleadings and media articles related to the charges in this case. I also have conducted an internet search of *The Washington Post* archives and determined that there have been over 1788 articles published in this news paper alone referencing AOL Time Warner since 2001. Indeed there was a prominent article published as recently as the September 16, 2006 issue. Clearly, if you include coverage in newspapers such as *The New York Times* and *The Wall Street Journal* as well as coverage on the internet and

electronic media, the exposure of the prospective jurors in the Eastern District of Virginia to issues related to events, business practices and investigations of AOL is staggering.

17. The trial of *United States v. Christopher Benyo, Charles E. Johnson, Jr., John P. Tuli and Kent D. Wakeford* offers a challenge to both the defendants and the Government in selecting a fair and impartial jury. This case is being tried in a jurisdiction that is home base to America On-Line as well as many other internet, telecommunication and technology companies. In 2005 Loudoun County, Virginia in which AOL Time Warner is based was the fastest growing county in the nation due in large part to the growth of AOL Time Warner and the “technology corridor” in Northern Virginia. A substantial number of prospective jurors or close friends and relatives can be expected to have some knowledge or personal experience with AOL or companies in a related industry.

18. The aforementioned press and media related to AOL Time Warner in *The Washington Post* alone referring to activities of AOL Time Warner includes many references to the legal and accounting difficulties of AOL following the AOL Time Warner merger. Although prospective jurors may not have personal knowledge of the charges in this case, they have been inundated with information about one of the corporations that is the employer of two of the defendants and the center piece of the alleged criminal activity in this case.

19. Furthermore, national public opinion poll data indicate that citizens have opinions about AOL Time Warner. In a national Gallup opinion poll of 1045 randomly selected respondents, one of the questions was *As you may know, two companies – America Online, or AOL, and Time-Warner–recently announced their plans to merge into one company. Do you think the merger between AOL and Time-Warner is a good thing or a bad thing?*; (34.9%) said it was a “bad thing.”²

20. National poll data also indicate that Americans are invested in the stock market. A 2005 Gallup survey with random sample of 1010 persons indicated that 62% of those polled personally or jointly with a spouse had money invested in the stock market either in an individual stock, a stock mutual fund, or in a self-directed 401K or IRA.³ The time frame during which this conspiracy is alleged to have taken place (2000 - 2001) was a period marked by the financial collapse of many dot.com companies followed by a corresponding drop in stock prices. Many investors lost substantial amounts of money. A prospective juror’s experience as an investor in the stock market, specifically as an investor in dot com business, could impact attitudes and predispositions in this case.

21. Additionally, this trial follows on the heels of two very high profile cases,

² Gallup Poll, Question qn27 (January Wave4), 1/25/2000 – 1/26/2000, <http://brain.gallup.com>.

³ Gallup Poll, Question qn18 (Gallup Poll Social Series –Economy and Personal Finance) 4/4/2005 – 4/7/2005, <http://brain.gallup.com>.

the *Enron (Lay/Skilling)* and the *Martha Stewart* trials that touched upon similar issues to this case: business ethics of corporate leaders and other corporate practices that allegedly deceived the public, Federal authorities and stockholders while enriching the corporate insiders. A substantial proportion of the jury pool can be expected to have followed these and other similar cases and formed opinions about the defendants as well as the role of government prosecutors in these cases. Knowledge and opinions about related cases and issues may impede a juror's ability to fairly evaluate the evidence or follow the court's instructions in this trial.

22. Again national polling data suggest that Americans distrust and hold strong negative opinions about corporate executives. In a 2002 Gallup survey of 1003 respondents, 28% indicated that "greed and corruption among corporate executives" is the most important reasons for the current state of the economy, while an additional 49% said it was a major reason. In the same survey 47.2% indicated that the problem of corporate corruption has gotten worse in the past few years, while 50% indicated that it has always been like this.⁴

23. In order to secure a fair and impartial jury in this case, it will be vital for both the defendants and the Government to obtain information from prospective jurors about a number of sensitive opinions and experiences related to the issues addressed above. These opinions and experiences include, but are not limited to (a) business and

⁴ Gallup Poll, Question qn21A and qn 29 (July Wave 4), 7/29/2002 – 7/31/2002,

financial training and experience including experience with the stock market; (b) knowledge and experience with dot.com or internet businesses and related technology, (c) opinions regarding white collar crime and corporate business ethics and practices; (d) government regulation of the financial and accounting practices of large corporations including knowledge and experience with federal agencies such as the SEC and IRS, and familiarity with Generally Accepted Accounting Principles (GAAP); (e) attention paid to recent corporate criminal investigations; (f) contact and familiarity with America On Line/ Time Warner; (g) contact, participation in and opinion of the criminal justice system including jury service, criminal investigations and law enforcement, and (h) opinions about the fundamental legal principles which govern criminal trials.

24. It is my opinion that the questionnaire submitted by the Defendants in this case includes questions that are necessary and required to reveal the biases and negative juror predispositions that are likely to be held by substantial portions of the eligible jury pool in the Eastern District of Virginia. The range and format of questions included in this questionnaire are modeled on other questionnaires that have been used in questionnaires in other Federal cases from the list found at Attachment A.

25. With respect to the necessity for inclusion of questions regarding

basic legal protections for defendants, I base my opinion in part on my recent experience this year as a jury consultant to the Federal Public Defender's Office in the trial *United States v. Zacarias Moussaoui*, Criminal No. 01-455. In this case with Judge Leonie E. Brinkema's approval, over five hundred (503) prospective jurors completed a juror questionnaire approximately fifty (50) pages in length that included a wide range of questions covering many case issues including questions obtaining the juror's views about witness credibility and legal presumptions.

26. One of the questions asked was *Would you, as a juror, give law enforcement officers when testifying as a witness in a case more credibility, less credibility, or the same credibility as anyone else's testimony?* Of the 503 jurors completing the questionnaires, 30.9 % indicated they would give law enforcement officers **more** credibility while only 1.2% indicated they would give law enforcement officers **less** credibility.

27. Another question asked was *Do you believe that "proof beyond a reasonable doubt" is too heavy a burden for the prosecution to have to meet in criminal trials?* The response categories were: yes, no or unsure. Of the total, 20.5 % indicated they were "unsure" and 3.2% answered "yes." The Court excused a substantial proportion of the prospective jurors who held these and other negative

predispositions on case issues prior to voir dire in consultation with Government and Defense attorneys and removed others for cause after voir dire who continued to be uncertain about beliefs on key legal protections.

28. The responses to the questions referenced above and additional questions included in the Defendants juror questionnaire as accurate measures of potential juror bias on basic legal principles is supported by survey studies conducted by our firm and by other researchers which reveal large minorities of jury-qualified individuals holding beliefs contrary to fundamental legal principles.⁵

29. As indicated above with respect to the inclusion of questions in the juror questionnaire geared at measuring potential juror bias on issues related to corporate defendants and white collar criminal prosecutions, I have reviewed the archives of the Gallup poll and other survey data bases as well as the jury questionnaires used in recent criminal of John Rigas (Adelphia Communications), Richard Scrushy (Health South), Martha Stewart and Ken Lay and Jeffrey Skilling (Enron) and other cases.

Yankelovich, Skelley & White, *The Public Image of the Courts: A National Survey of the General Public, Judges, Lawyers and Community Leaders* (1978) (available at the National Center for State Courts, Williamsburg, Va.); *see also* Bonora, Krauss & Roundtree, *JuryWork: Systematic Techniques*, St. Paul, Minn.: The West Group (1999); Frederick, *The Psychology of the American Jury*, Charlottesville, Va: The Michie Company (1987).

30. Also in recent years I have conducted pre-trial studies with samples of

randomly selected registered voters who meet the qualifications for Federal jury service in the Eastern District of Virginia. These studies have included questions similar to those included in the Defendants jury selection questionnaire. As a result of these studies I have determined that these questions do accurately measure the range of potential juror bias existing in the jury pool in the Eastern District of Virginia. The following list fairly represents an accurate estimate of likely attitudes expected to be held by a typical panel of prospective Federal jurors called for jury service in this jurisdiction:

- About one third of any juror panel can be expected to hold the belief that if the prosecution goes to the trouble of bringing someone to trial, he or she is probably guilty.
- About two out of five jurors (40%) would agree that defendants in criminal trials should have to prove that they are innocent.
- About two thirds of a panel would agree that our criminal justice system favors the wealthy and/or powerful.
- About two thirds of any panel would agree that people who make a lot of money are more likely to be better treated by the court system than other people.
- About two thirds of any panel would agree that too many guilty people escape punishment due to legal technicalities.
- About half of any panel is very concerned about the honesty and ethics of large corporations.
- About half of any panel can be expected to hold the belief that government regulation of the financial and accounting practices of large corporations is not strict enough; and

- More than half of any panel can be expected to hold the belief that white collar crime, such as fraud, is treated too leniently by the courts.

31. Major hurdles to obtaining candid answers from prospective jurors in voir dire are present in a typical jury selection setting and voir dire procedures. As noted in the book, *Mastering Voir Dire and Jury Selection*,⁶ the jury selection setting contains many features that serve as obstacles to an effective and informative voir dire. These factors are

Formal setting. The formal physical environment of the courtroom and the behavior and roles of the court personnel can intimidate many jurors, thus inhibiting their full participation in voir dire.

Subordinate position. Jurors are reluctant to be candid because they are in a subordinate position, not allowed to speak unless they have been given permission to do so.

Brief examination. The short duration of the questioning of any individual jurors minimizes their openness.

Public disclosures. The answers that jurors give (some of which may concern very personal information) usually are made in open court, which lessens their willingness to answer honestly.

Evaluation apprehension. Jurors are often reluctant to answer candidly because of their concerns over what others might think of them.

Group questioning. The fact that the questioning of jurors often occurs in groups ranging from several jurors to twenty or more jurors leads to conformity to the opinions and behaviors expressed in these groups.

Lack of lawyer questioning. In many federal courts, and in those state courts emulating the federal system, judge-conducted questioning dominates. The lack of lawyer participation in the questioning process hampers the ability to uncover important information about jurors.

⁶Frederick, *Mastering Voir Dire and Jury Selection: Gaining an Edge in Questioning and Selecting a Jury*, Second Edition, Pp.83-84, Chicago, Il.: American Bar Association Press (2005).

32. In addition to issues of the setting and format, the ability to recognize and/or acknowledge bias is a difficult task for jurors. Social science research indicates jurors are not passive recorders of information presented at trial, but they are active information processors.⁷ In order to process information presented in their lives and at trial, jurors construct “stories” for what happened. The “stories” that jurors build are not limited to trial information but are influenced by the information, experiences, and opinions jurors bring with them to trial. One of the most influential sources of pretrial information and opinions is pretrial publicity. Social science research on pretrial publicity has shown that it does influence jurors’ decision making.⁸

Pennington & Hastie, *Explaining the Evidence: Tests of the Story Model for Juror Decision Making*, 62 *Journal of Personality and Social Psychology* 189 (1982); Hastie, Penrod & Pennington, *Inside the Jury*, Cambridge, Ma.: Harvard University Press (1983).

Moran & Cutler, *The Impact of Prejudicial Pretrial Publicity*, 21 *Journal of Applied Social Psychology* 345 (1991); Studebaker & Penrod, *Pretrial Publicity: The Media, the Law and Common Sense*, 3 *Psychology, Public Policy and the Law* 428 (1997); Sue, Smith & Gilbert, *Biasing Effects of Pretrial Publicity on Judicial Decisions*, 2 *Journal of Criminal Justice* 163 (1974); Vidmar, *Case Studies of Pre- and Midtrial Prejudice in Criminal and Civil Litigation*, 26 *Law and Human Behavior* 19 (2002) .

33. However, research also indicates that jurors often do not recognize and/or admit bias produced by pretrial publicity. One study⁹ found that only 26% of those jurors exposed to damaging pretrial publicity recognized their biases, while the remaining supposedly “neutral” jurors who were exposed to damaging pretrial publicity still convicted the defendant at a 2-to-1 rate as compared to jurors not exposed to such publicity. Later studies have supported this finding.¹⁰ Similar results concerning the “hollowness” of assertions by respondents that they can be “fair and impartial” have been found in surveys and public opinion polling.¹¹

34. Additional research addresses the problem of relying on jurors’ assertions of fairness as true indicators of impartiality. Empirical studies have demonstrated the inability of people to accurately report or “know” factors influencing their decisions,¹² and the lack of juror candor during the voir dire process, especially in group voir dire settings.¹³

⁹Smith & Pedroza *Authoritarianism, Pretrial Publicity and Awareness of Bias in Simulated Jurors*, 37 *Psychological Reports* 1299 (1975).

¹⁰Ogloff & Vidmar, *The Impact of Pretrial Publicity on Jurors: A Study to Compare the Relative Effects of Television and Print Media in a Child Sex Abuse Case*, 18 *Law and Human Behavior* 507 (1994).

¹¹Vidmar, *Case Studies of Pre- and Midtrial Prejudice in Criminal and Civil Litigation*, 26 *Law and Human Behavior* 19 (2002) .

¹²Nisbett & Wilson, *Telling More than We Can Know: Verbal Reports on Mental Process*, 84 *Psychological Review* 231 (1977).

¹³Broeder, *Voir Dire Examinations: An Empirical Study*, 38 *Southern California Law Review* 503 (1965); Seltzer, Ventuti & Lopes, *Juror Honesty During Voir Dire*, 19 *Journal of Criminal Justice* 451; Vidmar, *Case Studies of Pre- and Midtrial Prejudice in Criminal and Civil Litigation*, 26 *Law and Human Behavior* 19 (2002); Bush, *The Case for Expansive Voir Dire*, 2 *Law & Psychology Rev.* 9, 9 (1976); Jones, *Judge v. Attorney-conducted Voir Dire*, 11 *Law & Human Behav.* Vol. 11, Number 2, 1987, P.131 -146;

35. As a result of these factors about jury behavior and in view of the potential for

juror bias on a wide variety of key case issues I would strongly recommend the use of a written juror questionnaire that is more inclusive rather than exclusive of the full range of questionnaire items that would be effective to elicit juror bias, such as has been submitted by the Defendants rather than the Government's proposed questionnaire. The use of a more inclusive questionnaire permits all parties including the Court, the Government and the Defendants access to a wider range of relevant information about potential biases, preconceived attitudes and prejudgements held by each prospective juror.

36. Access to the full range of attitudes via the written juror questionnaire would

be a timely, efficient, appropriate and effective means to assist both the defense and the Government and the Court in this case to explore potential juror biases that would prevent or substantially impair a prospective juror from rendering a fair and impartial verdict in this case and thus permit the intelligent exercise of cause and peremptory challenges by all parties.

Nietzel & Dillehay, *The Effects of Variations in Voir Dire Procedures in Capital Murder Trials*, Law & Human Behav., Vol. 6, No. 1, 1982, Pp. 1 -13 and Mize, *On Better Jury Selection: Spotting UFO Jurors Before They Enter the Jury Room*, Ct. Rev., Spring 1999, Pp. 10 -15.

FURTHER, affiant saith not.

Marjorie S. Fargo

Sworn to and subscribed

before me this _____ day

of _____, 2006.

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Attachment A

MARJORIE S. FARGO, M.A.

SELECT LIST OF JUROR QUESTIONNAIRES

(ADMITTED FOR USE IN COURT)

United States v. James Allen Hanvey and William Rice Eubank, USDC N.D. AL (Northwestern Division), Case No. CR-93-B-226-NW.

United States v. Exxon, USDC D. Alaska Criminal No. A90-015.

United States v. John DeLorean, USDC C.D. California Case No. 82-910 (B).

United States v. Carl Derek Cooper, USDC District of Columbia Case No. 99-0266 (JHG).

United States v. Tommy Edelin et al., USDC District of Columbia Case No. 98-264.

United States v. Kevin Gray et al., USDC District of Columbia Case No. 00-157.

United States v. Denis M. Neill & James P. Neill., USDC District of Columbia Criminal No. 95-323-JHG.

United States v. Dwayne A. Washington et al., USDC District of Columbia Criminal No. 93-0451.

United States v. C. Eugene Defries, USDC District of Columbia Cr. No. 93-117.

United States v. Marion Barry, USDC District of Columbia Cr. No. 90-0068.

United States v. DiFranco, USDC S.D. Florida No. 81-230-CR-JWK.

United States v. Ira Jackson, Mack Wilbourn, Daniel Paradies et al., USDC N.D. Georgia Criminal No. 1:93-CR-310.

United States v. Richard A. Leonard, USDC N.D. Georgia No. 78-185A.

United States v. Roosevelt Warren, USDC N.D. Georgia No. 76-371.

United States v. James Allen Irby III, USDC D. Maryland (Greenbelt) Criminal No. DKC-04-0170.

United States v. Cornell McClure, USDC D. Maryland (Greenbelt) Criminal No. DKC-01-0367.

United States v. Keon Moses et al., USDC D. Maryland (Baltimore) CCB No.02-0410;0462.

United States v. Mark J. Aronds, USDC E.D. Michigan Cr. No. 96-80764.

United States v. Donald Marcus & Lawrence A. Stanley, USDC E.D. New York. No. CR 91-901.

United States v. Wasserman, Winer, Walker, Gourmet Collection, Inc., USDC E.D. North Carolina Case No. 92-53-C1-CR-3.

United States v. Joseph Swafford, JES, Inc. D/b/a Broadway Home & Garden, USDC E.D. Tennessee No. 1:04-CR-138.

United States v. Steve Toushin, Slave & Master Video, Inc., Entertainment and Amusement., USDC M.D. Tennessee Case No. 3-88-00094.

United States v. Zacarias Moussaoui, USDC E.D. Virginia Criminal No. 01-455.

United States v. Ali Al-Timimi, USDC E.D. Virginia Criminal No. 1:04cr385.

United States v. Billups, USDC E.D. Virginia No. CR 80-146-N.

STATE COURTS

Florida v. Fred Riley, No. 93-3739-CF (Palm Beach County)

Florida v. Raphael Gonzales, Criminal No. (Broward County)

Maryland v. John Norman Huffington, Case Nos. 6373 & 6374 (Frederick County).

North Carolina v. Michael Peterson, File No. 01-CRS 24821 (Durham Co.)

North Carolina v. Rae Lamar Wiggins (Rae Carruth), Case No. 99-CRS-46567-69 (Mecklenburg Co.).

North Carolina v. Robert F. Kelly, Case No.91-CRS 4360 (Pitt Co.)

North Carolina v. Phil Harvey, PHE Inc. d/b/a Adam & Eve, Case Nos.86-DRS-12717-12740 (Alamance County).

Ohio v. Larry Flynt and Jimmy Flynt, In the Court of Common Pleas Case No. B9802210

(Hamilton County).

Tennessee v. Antonio DeWayne Carpenter, Case No. 4790, (Fayette County).

Tennessee v. Joe T. Baker, Case No. 26444-27670, (Montgomery County, District 19).

Tennessee v. Courtney Mathews, Case No. 01-5-01-9511-22-00219, (Montgomery County District 19).

Tennessee v. James H. Dellinger & James H. Sutton, Case No. C-6669, (Blount County).

Tennessee v. Freddie Morrow et al., Docket No. 9676, (Robertson).

Tennessee v. Courtney Mathews, Case No. 01-5-01-9511-22-00219, (Montgomery County District 19).

Tennessee v. Paul Dennis Reid, Crim. No. 97-C-1834, (Knox County).

Commonwealth of Virginia v. Andrew Alston, Cr. Case No. 04-02 (Charlottesville).

Commonwealth of Virginia v. John Kennedy Robinson, Cr. Case No. A00030230 (City of Alexandria).

CIVIL

Maloney v. Washington, USDC ND Ill, No. 84-C-0689.

B.B. Andersen Construction Co., Inc. (presently known as KNS Construction, IN.), and United States Fidelity & Guaranty Company v. The University of Tennessee, et al., In the Chancery Court for Knox County, Tennessee at Knoxville In the Circuit Court for Knox County, Tennessee, Knox Chancery Nos. 87-733, 87-795 (consolidated Cases), Knox Chancery No. 87733, Knox Circuit No. 2-130-87.

Consolidated Asbestos Plaintiffs Circuit Court for Baltimore City, Case No. 89236704 (Judge Marshall A. Levin).

Bill Adams, et al. v. Owens-Illinois, Inc. Et al. Circuit Court for Baltimore City, CT-5 Shipyard Cases, Case No. 90274501.

Joann Henry, et al. v. Maytag Corporation, et al., Circuit Court of Jefferson County, WV, Civil Action No. 92-C-417.

Church of Scientology International, Inc. v. Eli Lilly and Co., Hill & Knowlton, USDC District of Columbia, Case No. 93-3739-CF (settled prior to trial).

Rice et al. v. Paladin Enterprises, Inc. et al., USDC Maryland, Southern Division Civil Action No. AW-96-444. [settled prior to trial].

Jimenez v. Chrysler, USDC S.C. (Charleston Division) Case No. 296126911.