

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

\_\_\_\_\_  
SENATOR MITCH McCONNELL,  
et al.,

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION,  
et al.,

Defendants.  
\_\_\_\_\_

NOV 20 11 31 AM '02  
U.S. DISTRICT COURT  
MAYNARD BUILDING

Civ. No. 02-0582 (CKK, KLH, RJJ)

**All consolidated cases.**

**DEFENDANTS' DESIGNATION OF  
COUNSEL FOR DECEMBER 4-5 ARGUMENT**

Pursuant to the Court's Order of November 15, 2002, defendants submit the attached designations of arguing counsel, the issues each counsel will address, and the length of each counsel's argument. Attached first is a set of designations based on the schedule for oral argument set out in the Court's November 15 Order.

The plaintiffs and defendants have conferred, however, and now join in a request for a slight adjustment of the schedule set forth under the Court's Order. This modification would not add to the total time provided for argument, but the parties agree that it would allow counsel to present argument more effectively on the important issues raised in this case.

The adjustment sought by the parties is two-fold. First, they request that the Court permit argument of the coordination issues (BCRA §§ 202, 213, 214), now set to take place as part of the Title II argument on Wednesday, December 4, 2002, be combined with the argument of the Title III issues on Thursday, December 5. To accommodate the addition of the coordination issues, the parties further ask that ten minutes per side be reallocated from the Title V/lowest unit charge argument to the proposed Title III/coordination argument.



*R Bhattacharyya*

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*Counsel for Defendants United States of  
America, John Ashcroft, Attorney General of  
the United States, the U.S. Department of  
Justice, and the Federal Communications  
Commission*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 22, 2002, copies of the foregoing document was served (1) upon all counsel known to be designated by the parties for service by electronic mail, by electronic mail, (2) upon the following by facsimile:

David A. Wilson	202.942.8484	John Bonifaz	617.368.9101
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James M. Henderson, Sr.	202.337.3167	James Bopp, Jr.	812.235.3685
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(3) upon the following by first-class mail, postage prepaid:

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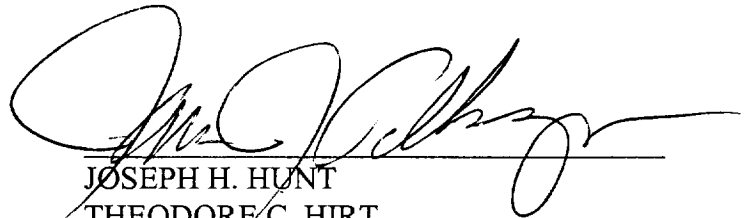
Defendants have attached to this submission a second set of proposed designations of arguing counsel, reflecting the schedule for argument as proposed jointly by the parties.

Dated: November 22, 2002

Respectfully submitted,

ROBERT D. McCALLUM, JR.  
Assistant Attorney General

ROSCOE C. HOWARD, JR.  
United States Attorney

A large, stylized handwritten signature in black ink, appearing to read 'Joseph H. Hunt', is written over a horizontal line.

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THEODORE C. HIRT  
JAMES J. GILLIGAN  
TERRY M. HENRY  
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(202) 514-3358

On behalf of all Defendants

Defendants' Designation of Arguing Counsel

Wednesday, December 4, 2002

Title I

Richard B. Bader  
Associate General Counsel  
Federal Election Commission

Soft Money  
45 minutes

Roger M. Witten  
Wilmer, Cutler & Pickering

Soft Money (First Amendment)  
25 minutes

Randolph D. Moss  
Wilmer, Cutler & Pickering

Soft Money (Tenth Amendment and Equal  
Protection)  
20 minutes

Title II

James J. Gilligan  
Trial Attorney  
U.S. Department of Justice

Electioneering Communications  
40 minutes

Seth P. Waxman  
Wilmer, Cutler & Pickering

Electioneering Communications  
and Coordination  
30 minutes

David Kolker  
Acting Assistant General Counsel

Electioneering Communications  
and Coordination  
20 minutes

Thursday, December 5, 2002

Title III

Stephen Hershkowitz  
Assistant General Counsel

Millionaire Provisions, Minors'  
Contributions, and Increased Individual  
Contribution Limits  
25 minutes

Bradley S. Phillips  
Munger, Tolles & Olson LLP

Millionaire Provisions  
10 minutes

Charles G. Curtis, Jr.  
Heller Ehrman White & McAuliffe, LLP

Minors' Contributions  
10 Minutes

Title V/Lowest Unit Charge

Michael Raab  
Attorney  
U.S. Department of Justice

Lowest Unit Charge and Political Broadcast  
Disclosure Requirements  
30 minutes

Defendants' Proposed Designation of Arguing  
Counsel of Pursuant to Joint Proposal of the Parties

Wednesday, December 4, 2002

Title I

Richard B. Bader  
Associate General Counsel  
Federal Election Commission

Soft Money  
45 minutes

Roger M. Witten  
Wilmer, Cutler & Pickering

Soft Money (First Amendment)  
25 minutes

Randolph D. Moss  
Wilmer, Cutler & Pickering

Soft Money (Tenth Amendment and Equal  
Protection)  
20 minutes

Electioneering Communications

James J. Gilligan  
Trial Attorney  
U.S. Department of Justice

Electioneering Communications  
40 minutes

Seth P. Waxman  
Wilmer, Cutler & Pickering

Electioneering Communications  
35 minutes

David Kolker  
Acting Assistant General Counsel

Electioneering Communications  
15 minutes



Thursday, December 5, 2002

Coordination/Title III

David Kolker  
Acting Assistant General Counsel

Coordination  
15 Minutes

Stephen Hershkowitz  
Assistant General Counsel

Millionaire Provisions, Minors'  
Contributions, and Increased Individual  
Contribution Limits  
15 minutes

Bradley S. Phillips  
Munger, Tolles & Olson LLP

Millionaire Provisions  
15 minutes

Charles G. Curtis, Jr.  
Heller Ehrman White & McAuliffe, LLP

Coordination  
10 Minutes

Title V/Lowest Unit Charge

Michael Raab  
Attorney  
U.S. Department of Justice

Lowest Unit Charge and Political Broadcast  
Disclosure Requirements  
20 minutes

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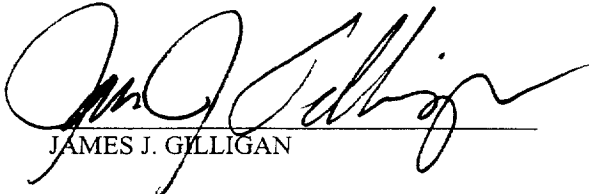
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