

STATE OF NEW YORK
SUPREME COURT COUNTY OF ESSEX

LEWIS FAMILY FARM, INC.,

Petitioner,
-against-

ADIRONDACK PARK AGENCY,

Respondent.

AFFIRMATION

Index No. 315-08

Hon. Richard B. Meyer

ADIRONDACK PARK AGENCY,

Plaintiff,
-against-

LEWIS FAMILY FARM, INC., SALIM B. LEWIS
and BARBARA LEWIS,

Defendants.

COUNTERCLAIM

Index No.: 332-08

Hon. Richard B. Meyer

CYNTHIA FEATHERS, under penalty of perjury, hereby affirms as follows:

1. I am an attorney at law, licensed to practice law in the State of New York, and a Member of the Bar of this Court. I make this affirmation in support of the Lewis Family Farm's application for attorney's fees and expenses under Article 86 of the CPLR.

2. New York Farm Bureau, Inc. ("Farm Bureau") decided to support the Lewis Family Farm in its legal dispute with the Adirondack Park Agency and hired me as amicus counsel in this litigation.

3. Generally, lead counsel and amicus counsel often confer and discuss various aspects of the litigation when it is in their clients' best interests to do so. This is an important part of professionalism that occurs when a third-party is permitted to appear in a case as *amicus curiae*.

4. Scholarly authority (and common sense) suggest that a party's attorney should work closely with *amici curiae*. When the attorney for a party solicits *amicus curiae* support, he should seek support as soon as possible and then should confer with the potential *amici curiae* organization to ensure that it would support the party's position and explain why the case is important. *See* Simpson and Vasaly, The Amicus Brief: How to Write It and Use it Effectively (3d ed., ABA 2010), at p. 26. When the party has a legal team and multiple *amici curiae*, the lead counsel should serve as a liaison among the amici, which is a critical and demanding role throughout the appellate process. (*See id.* at 27). The party and amici should coordinate their approaches and ensure that the amici will offer policy arguments that are not properly not part of the party's brief. (*See id.* at 34-35).

5. In this case, the collaboration between the Farm Bureau and the attorneys for the Lewis Family Farm was consistent with the vital consultation and cooperation I have experienced in prior cases in which I have represented *amici curiae*, most notably as counsel on several amici briefs for the National Association of Consumer Bankruptcy Attorneys.

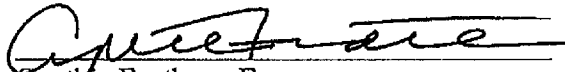
6. It was extremely important for me to regularly confer and strategize with counsel for the Lewis Family Farm so that we could ensure that our client's respective interests were properly conveyed in an effective and efficient manner. Anything less than this would have fallen short of counsel's ethical duty to zealously advocate.

7. Thus, I do not find it appropriate for the State of New York to challenge the time spent by the Lewis Family Farm's counsel in conferring with me as amicus counsel in this case.

8. Moreover, I maintain an office in Saratoga Springs, New York, which is located in the Fourth Judicial District.

9. It is not uncommon for me to charge \$300 per hour for my time in appropriate cases. This is within the prevailing market rates for legal services performed in the Fourth Judicial District.

Dated: March 1, 2010
Saratoga Springs, New York


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