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Reply to: Newport Beach Office

June 24, 2003

Alva E. Smith
Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5366

Dear Ms. Smith:

This letter responds on behalf of the Robinson, Calcagnie & Robinson, PA ("RC&R") law firm, of which I am a partner, to a letter from Jeff S. Jordan, dated June 6, 2003 and received on June 10, 2003, notifying us of a complaint filed with the Federal Election Commission regarding contributions to the Edwards for President Committee by the American Conservative Union ("ACU").

The ACU complaint "is a formal complaint against the Edwards for President Committee, John Edwards, and certain named and unnamed individual donors to the Edwards for President campaign for violation of the Federal Election Campaign Act of 1971, as amended ("FECA") and the Bipartisan Campaign Reform Act of 2003 ("BCRA") ("Complaint")." ACU Complaint at 1.

Our firm, RC&R, is not specifically named in the ACU complaint. However, two of our employees, Donna Hosea and Linda Moen, are listed by name based upon an article by *The Hill*. *Id.* at 3. *The Hill* article questions several contributions to the Edwards' campaign from various law firms.

I understand that Mrs. Hosea and Mrs. Moen are each responding directly to the FEC on their own behalf concerning their contributions to the Edwards' campaign. However, it may be useful to the Commission to know something about our firm and the professional responsibilities of Mrs. Moen and Mrs. Hosea. Our law firm is headquartered in Newport Beach, California, and specializes in representing plaintiffs in cases involving catastrophic injury or wrongful death, as well as litigation arising from conduct causing substantial economic losses and damages. RC&R employs over 40 individuals, including 16 attorneys.

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Donna Hosea and Linda Moen are two of our most senior staff in terms of duration of employment, responsibilities, and compensation. Their average annual compensation exceeds that of several of our attorneys. Donna Hosea maintains many of our major cases, assisting in preparing them for trial, managing cases that may involve more than 100 plaintiffs, and supervising others. Her compensation is commensurate with her responsibilities as a senior and valued employee; her compensation from salary and bonuses each of the last three years has ranged from a low of approximately \$100,000 to a high of approximately \$150,000. Although a significant part of this compensation is in the form of bonuses, it appears that her compensation in 2003 from the firm will at least be within this range, given the progress of cases thus far this year.

Similarly, Linda Moen is a senior and valued employee, with significant responsibilities and a commensurate level of compensation. She is the Office Manager for the firm, with wide-ranging administrative responsibilities, as well as case management responsibilities. Her compensation in the last three years, in salary and bonuses, has ranged from a low of approximately \$100,000 to a high of approximately \$150,000. Again, I expect her compensation for 2003 to at least reach this range.

Thus, the basis of the article in *The Hill* newspaper is simply wrong. These two fine and experienced persons are not impoverished "low level" employees unable to afford to make political contributions out of their own funds, but senior and well compensated members of our firm's management team. The stereotypical assumption of the reporter about these two working women is simply incorrect in this instance. In their roles as case managers, they often spend more time with the individuals on whose behalf we are working than many of our attorneys, and typically have a very personal belief in the importance of the services firms such as ours provide. Senator Edwards is seen by many as an articulate advocate of this viewpoint.

The firm did not coerce any employee into contributing to the Edwards' Presidential campaign. Those employees and attorneys who contributed to the Edwards' campaign did so voluntarily and with their own personal funds, and because of their personal support for Senator Edwards' campaign.

As trial lawyers and professional persons, many of our attorneys and senior staff have a natural affinity with Senator Edwards, a highly-respected former trial lawyer. Additionally, there are a number of public policy issues involving representation of wronged plaintiffs, and recovery of financial damages, about which people in our profession have strong opinions and interests. Senator Edwards is seen by many as a national leader on these issues. As a former trial attorney, he is perceived by many of my colleagues as someone who understands the valuable role trial attorneys play in our society and, therefore, a candidate who will work to

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promote justice and fairness for injured persons and safeguard victims' rights. I believe that Senator Edwards' support from RC&R employees, not to mention trial attorneys and employees of trial attorney firms across the country, is largely a result of Senator Edwards' background and stated positions on these issues.

Please feel free to contact me if I can be of any further assistance in your review of this issue.

Sincerely,


Kevin F. Calcagnie

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