



The Law Firm of Puckett and Faraj, PC

United American Patriots Inc.
7800 Airport Center Drive, Suite 401
Greensboro NC 27409

September 27, 2011

Re: Monthly case report in the matter of *U.S. v. SSgt Frank D. Wuterich, USMC*

Dear United American Patriots:

1. **Case number and client's full name:** FDW-3221 Frank D. Wuterich
2. **Date of this report:** 09/27/2011
3. **Date of last report:** 08/29/2011
4. **Current status for the case being reported on:** The Wuterich case will now definitely begin on 30 November and likely last until 23 December 2011. On Friday, CAAF denied our petition appealing the denial by NMCCA of a Writ of Mandamus to order that the trial be abated pending the restoration of SSgt Wuterich's attorney client relationship with Mr. Colby Vokey.
5. **All activities since last monthly report:** We learned the NMCCA denied our petition shortly after oral arguments were made on 8 August 2011. We immediately began assisting in the preparation of an appeal, but proofing draft briefs prepared by Col Dwight Sullivan and Maj Kirk Sripinyo. The appeal was filed. The government answered. We replied. All of this occurred during the last 3 weeks. In the meantime, we made arrangements for the least expensive lodging for the team by renting a condominium for 30 days. More about this later.
6. **Statement of activities/events planned for the forthcoming month:** The Wuterich trial team will be involved in continuing to prepare for trial. We have assigned tasks for final preparation for trial. Representing SSgt Wuterich will be Haytham Faraj, Maj Meridith Marshall and myself. But of course, we all have several cases docketed between now and then, so the most concentrated preparation will be during the week before the trial begins on 30 November.
7. **Statement of all monies received from UAP with the latest receipt highlighted:** The Wuterich defense team has received a total of 13 disbursements of funds totaling \$79,000.00. The latest amount received was **\$3000.00**.
8. **All monies received from sources other than UAP:** No additional funds have been received.

9. Current financial status of the case being reported on: Ms. Heather Fields graciously informed me last month of the board's intent to spare Frank Wuterich or his family from bearing the burden of his legal defense. She also asked me to keep records of those expenses and to be sure to bring additional or extraordinary expenses to the board's attention. To that end, we have calculated the costs of the trial, which has now become a certainty. Please permit me to go into some detail. I went to law school on the promise that this line of work wouldn't require any mathematics. Much like my Marine Officer Selection Officer did, they lied to me.

As business owners and employers, one of the things we have to consider is what happens to our business when both of our military lawyers (Haytham and Neal) are in a remote location for a full month, totally focused on only one case: *U.S. v. SSgt Frank Wuterich*. We are responsible for rent, salaries of another attorney and two full time support personnel. We pay rent on two offices, and remain responsible for several dozen other law firm clients. We also are unable to effectively interview and be hired by new clients for a month. That alone is a huge opportunity cost we will bear.

When we work by the hour, I bill \$450/hr and Haytham bills \$350/hr. That sounds like a lot of money, but it is the market value of our military law services based on our experience, and totals \$800/hr. The trial will last roughly four weeks. If we billed by the hour, but cut our rates in **half**, because of our devotion to Frank's cause, our half-cost value would be computed as 2 attorneys at a total of \$400/hr for eight hours per day (we actually work 12 hours per day during trials) for 28 days, the total would be **\$89,600.00**. The standard client, however, would pay \$179,200.00.

We will be bringing our office manager/paralegal, Bethany, with us to the trial. She was a part of the case from the beginning as the active duty Sergeant assigned to the case. We hired her on January 1st of this year, but she is an indispensable part of the defense team. We'd be paying her salary whether she was working at Camp Pendleton or at the home office in Alexandria, VA, but we bill her time to clients at \$150/hour. If we billed her to the case at half price, or \$75/hr, again because of the worthiness of the Frank's cause, the total we'd bill for her would be **\$16,800.00**. The standard client would be billed \$33,600.00.

Total airfare expenses (two airline flights for 3 people, back and forth 1 time during the trial - coach class) - **\$1978.00**

Billeting (Condo Rental only) has been reserved at **\$2925.00** for the month.

Car Rental (2 cars for 3 people @ \$290 a week for 4 weeks) totals **\$1160.00**

Food (3 people @ \$120 a day for 28 days) - **\$3360.00**

Temp Hire for Alexandria office to replace Bethany for 35 days at \$19/Hr (going rate for Admin/Clerk in Alex, VA - Kelly Legal Temps) - **\$5,320.00**

Total Expenses: \$121,143.00

Now in preparation for the trial, we have to consider our monthly overhead, both for bills at the end of November and those at the end of December. In other words, that includes four paydays and two months of bills.

The blessed news today is that our federal employment law attorney, Ms. Debra D'Agostino, delivered a healthy baby girl, Juliana, last night! But that means she begins a two-month maternity leave, and will not be able either to generate new business or serve her existing clients. We have contracted with an attorney who stepped in to manage her clients, but that's overhead, not income, since we have to pay her to do that.

As you may have noticed from our new letterhead, Mr. Eric Montalvo left the firm last month to pursue his own law practice. So he is no longer generating revenue for the firm.

Two months of firm overhead:

Advertising to drive business on the Internet - \$12,000.00

Payroll across four paydays - \$70,483.00

Office Rent for Alexandria and Dearborn offices- \$11,800.00

Office Support (phone/copy machine/etc.) - \$1400.00

Small Business loan - \$4800.00

Total Expenses: \$97,882.64

These two separate calculations of "Total Expenses" represent our grand total cost of completing this litigation. In doing the simple math of a single trip to CA just to, "do the Wuterich case," standing alone, which we have calculated as \$121,143.00, it is easy to miss the true total cost. This is because an employer must take into account the opportunity costs of an inability to generate the revenue one normally generates that would go to covering what I have listed as our firm's "cost of living" for two billing cycles: \$97,882.64.

It is also easy for outside observers (your contributors, our fans and loyal Frank Wuterich supporters) to follow the trial and watch daily reports on the activities of the day and marvel at the great job these two Retired Marine lawyers are doing, fighting to free Frank Wuterich from his six-year nightmare. We get kudos for taking on the task and sticking with it for the long haul. Alone among all of these observers, only UAP thinks about what it must cost to do what we do. But five and a half years of this work has exhausted all previously donated funds, as you might anticipate that thousands of hours of legal work and multiple cross-country trips would do. And believe me, we did not bill the defense fund at even close to half our hourly rates. We have stretched the account of donated funds and operated on a wing and a prayer to carry this case to a successful conclusion. But along the way, beginning in 2008, (coinciding with the beginning of the current catastrophic economic times), Haytham and I took on the risk of building the foundation of a successful business that has put people to work while providing world class representation to America's warriors – around the clock and around the world. We know that you appreciate the value of what we do. There are dozens of great Americans continuing to contribute their talents and military service to their country because we helped them avoid a federal felony conviction by court-martial. Ask Congressman Allen West where he would be if I

had not spent two weeks defending him in Tikrit, Iraq, on Thanksgiving, 2003, against charges of detainee abuse. We practice our profession with the full understanding that our clients are working class patriots who cannot afford to pay very much for what we do for them. We are not martyrs or heroes. We chose this path. We could have sold our skills and reputations to the highest bidders. You know us well enough now to know that we take great satisfaction from helping our brothers and sisters in arms. This practice provides rewards that money cannot buy. But we still struggle to make payroll and expenses from month to month, as do most small business owners. Time we spend on the Wuterich case, while a labor of love for us, is time we cannot bill to other clients or spend on developing new business simply to stay in business. But the bills come every month and our employees expect to be paid every two weeks. Often Haytham and I take little or no pay so that we can make payroll and pay the bills.

A case of this magnitude, if it were brought in the federal courts, would easily have topped the \$5 million mark in billable attorneys' fees by this time. We have managed on a tiny fraction of that amount, because we are Marines and we learned to accomplish the mission under adverse circumstances and insufficient resources. We're not looking for a bailout or a stimulus. We seek neither riches nor fame in representing Frank Wuterich. We seek only justice and his freedom from the prison of these charges. But we face the realistic possibility of going out of business and losing everything we've built over the last 3-1/2 years without additional assistance. The United American Patriots are our sole source of salvation now going into this fight. There are no other organizations or individuals left standing with us. You were there at the beginning and we know that you will be there at the end. We celebrate your past and continuing generosity, but I hope I have been able adequately to explain the reality that this long struggle has taken its toll on existing resources. Every dime of donated funds has been spent directly on the costs of defending Frank Wuterich. In contrast, we estimate that the Marine Corps has spent north of \$10 million on the Haditha case, including the \$2 million just on the courtroom and media center. Two reserve LtCol prosecutors were permitted to reach active duty sanctuary, and thus earn an active duty pension solely because of the Wuterich case and its perceived importance as the most serious "war crimes" case since My Lai in Vietnam in the 1960s. This while LtCol Vokey, our military co-counsel, was forced to retire. The defense of the Frank Wuterich was not considered as important as prosecuting him.

We have provided you with some confidential business information and we ask only that you protect the privacy of that information while using it to make a fair and rational assessment as to the financial impact of seeing this case through to the end, just before Christmas Day this year. God bless you all for the work you do for so many.

Respectfully submitted,



Neal A. Puckett, Esq.

Senior and Founding Partner