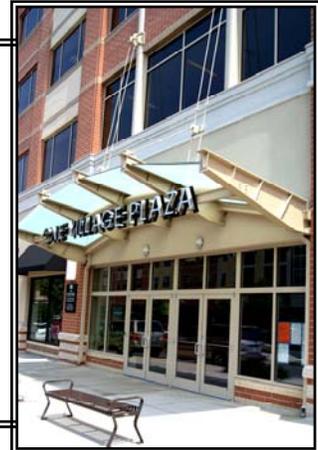


John P. Flannery II



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Career Highlights

- *Who's Who in America*
- *Who's Who in American Law*
- Educated at Fordham College (BS – Physics), Columbia Engr. (BS-Industrial Engineering), Columbia Law, and GW Graduate School (Masters – Information Science).
- Managing Editor, Columbia Human Rights Law Review.
- Appellate *Pro Se* Clerk, US Court of Appeals, 2nd Circuit.
- Federal Prosecutor, Southern District of NY.
- Sr. Associate, Poletti Friedin Prashker Feldman & Gartner, mid-town NY law firm, representing labor management, complex financial litigation.
- Special Counsel, Senate Labor Committee and Judiciary Committees.
- Special Counsel, House Labor Committee and Judiciary Committees.
- Civil and Criminal Defense Litigation in private practice, State and Federal.
- Appellate Practice, State and Federal.
- Public appearances, network TV & radio incl. **O'Reilly Factor & Chris Matthews**; also published editorials incl. **Washington Post**.
- Author, Law review articles on various issues.
- Author, "*Pain in America – and How Our Government Makes it Worse!*," favorably reviewed, *currently* available from **Amazon.com**.
- Frequent contributor, legal and political commentary in popular media.

REMARKS:

o U.S. Attorney Robert Fiske, SDNY – April 21, 1979:

“I would like to express my appreciation to you for the valuable service which you have rendered to the [US Attorney’s Office] during the more than four and one-half years that you have served as an Assistant U. S. Attorney.

“The Narcotics Convictions you obtained in Glasser/Valverde, Flores and Madonna cases made a major contribution to the continued effort against narcotics trafficking which has made the Narcotics Unit a bellwether of the Office for so many years.

“The convictions which you obtained of Rabbi Pinter and other principals of B’nai Torah in the [U.S. Rep.] Flood bribery and summer lunch fraud cases rank at the top of important corruption and program fraud convictions which this office has obtained in recent years, and your recent investigation of corruption at the Metropolitan Correctional Center has also produced impressive results.

“Having personally observed your work in those extremely difficult investigations, I know on a first-hand basis that the results are a reflection of the determination, dedication, perseverance and effectiveness which have characterized your work in this Office since you have been here [1974-1979].”

o U.S. District Judge Robert L. Carter, SDNY – June 23, 2006

Formerly Counsel for the NAACP on *Brown v. Board of Education*

“You were among the brightest of the young lawyers that I dealt with in my career. More than that, however, was your firebrand change the world for the better activism that I admired.”

o Charles Kaiser - 2007

Former correspondent for the *New York Times*, *Wall Street Journal*, and *Newsweek*

“John Flannery is one of America’s toughest and smartest litigators.”

BAR ADMISSIONS:

STATE (Good Standing):

Virginia, 1983; W. Virginia, 2010; District of Columbia, 1985, New York, 1973

FEDERAL (Good Standing):

U.S. Supreme Court, 1985,

U.S. Court of Appeals, 2nd Cir., '73; 3rd Dir., '07; 4th Cir., '85; 6th Cir., '06, 11th Cir., '07;

U.S. District Court, SDNY '73, EDNY '79, DC Dist. Ct., '84, EDVA '84, WDVA, '84,

U.S. Bankruptcy Court, SDNY, '73, EDVA, '85

U.S. Court of Federal Claims, 2008.

PRO HAC VICE:

Various states on motions for admission to handle individual cases including Hawaii, California, Utah, Ohio, Florida, DC (before admission), WV (before admission).

LEGAL FEES:

Variable depending on various factors including the nature of the matter, complexity, urgency, competing professional obligations, and the scheduling of the matter, at an hourly rate ranging currently from \$400 an hour to \$600 an hour, a range of fees that is less than the prevailing hourly fee (at \$724.00 an hour) in the region, as provided for by the *Laffey* matrix, for any attorney with more than twenty (20) years of experience following law school graduation – see <http://www.laffeymatrix.com/see.html> .

EMPLOYMENT

Campbell Flannery, PC¹ – Principal – 2002- present

- ✓ **GENERALLY** - Civil and Criminal, trial and appellate levels, federal and state jurisdiction, government representation before state and federal legislatures.
- ✓ **CIVIL MATTERS** - Complex fraud and contract litigation, intellectual property (IP), Spam defenses, John Doe Internet discovery, FOIA discovery on behalf of third-party principals², copyright infringement, interception of private information, interference with contract claims, breach of contract, labor/employment/benefits/retirement matters including executive compensation, working conditions, unlawful discharge, ERISA, representing principally professional employees including IT contractors, engineers, pilots, flight crew members, contract creation, trade secret agreements, non-disclosure

¹ The firm was titled CAMPBELL MILLER ZIMMERMAN, PC in September 2002 when Mr. Flannery joined as “of counsel” and has since been renamed, as CAMPBELL FLANNERY, PC.

² J. Flannery, when Managing Editor of the COLUMBIA HUMAN RIGHTS LAW REVIEW wrote a seminal article, titled “Commercial Information Brokers,” COLUMBIA HUMAN RIGHTS LAW REVIEW Vol 4, No. 1, at pp. 203-235 (Winter 1972), discussing the benefits and pitfalls of state and federal FOIA statutes.

agreements, negotiation and litigation disputes, formation and dissolution of corporate entities, Sarbanes Oxley violations, occasional land disputes, telecom cable interruption, complex bankruptcy litigation, environmental representation in defense of unwanted and unneeded power lines in tri-state region, and government relations including state and federal representation;

- ✓ **CRIMINAL MATTERS** – White collar criminal defense, securities fraud, wire and postal fraud, false statement, bribery, gratuities, obstruction of justice, official corruption, conspiracy, RICO, gun and drug charges, assault, and street and traffic crime defenses.
- ✓ Notable representations include the following:

CIVIL:

- Citizen-intervenors challenging AEP and Allegheny Power, the PATH power line, a proposed toxic coal power line, originating in West Virginia that was neither needed nor well sited and that would cross several jurisdictions from West Virginia through Virginia to Maryland,
- Counsel cooperating with other members of the firm to prosecute the multimillion dollar claims of former employees in the bankruptcy proceeding as creditors against DORNIER AVIATION, a wholly owned subsidiary of FAIRCHILD DORNIER, a world renowned manufacturer of jet aircraft, upheld on appeal to the Fourth Circuit, US Court of Appeals, prompting the court to award a surplus award for our firm's efficiency in the handling of this matter, Represented Abovenet Communications, formerly Metromedia Fiber Network, concerned with fiber optic breaks and loss of use questions,
- defense of AOL SPAM civil prosecution (spamming complaint about stolen AOL clients in a mortgage solicitation scheme – EDVA),
- BOEING case – seeking recovery for retirees for Boeing's refusal to grant withheld benefits,
- MANPOWER, Inc., representation before Congress, to inform Congress that any mortgage solution, to succeed, had to relate job security and placement,
- The ASTRONAUTS Committee, securing assurances that the personal mementoes of the astronauts remained their personal property.

CRIMINAL:

- Defense of federal copyright infringement conspiracy, involving links to copyrighted tv and movies (ED VA) made available on Ninjavideo.net in violation of federal copyright law,
- Defense of former Winchester Commonwealth Attorney, Paul Thomson, charged with obstruction of justice and drug possession (WD VA),
- Defense of Outlaws motorcycle club charged with conspiracy to violate drug and gun laws and to cause violence against Hells Angels,
- Criminal defense of chronic pain physicians and patients including:

- Dr. Asuncion Luyao, wrongly prosecution for dealing rather than healing patients; time served awaiting the reversal of her conviction.
- Pardon of 25 year sentence – after handling the Florida State appeal of Richard Paey, a chronic pain patient, unjustly sentenced to 25 years for receiving pain medication, featured on *Sixty Minutes*, we prepared an argument and argued before the Florida cabinet resulting in the Governor moving, and the cabinet concurring, in a full and immediate pardon in September 2007 by Governor Crist;
- Successful bail application resulting in release of Dr. William Nucklos on appeal of his “drug trafficking” conviction in Ohio, handled appeal as well, resulting in the reversal on appeal of his conviction; upon remand, having changed counsel, Dr. Nucklos entered a plea of guilty (resulting in probation, and no confinement).

Special Counsel and Washington Chief - 1998 – 2001

- ✓ Judiciary Committee and Policy Advice on Labor Law, Crime and Fraud legislation including Sarbanes Oxley, legislative strategy and drafting of various hi-tech initiatives (or amendments) including E-signature, Database protection, encryption export rules, patent reform, H-1B visas, Y2K, Internet tax reform, gene patenting, stem cell research, privacy, E-rate, Broadband, Content, Bandwidth Spectrum, Napster P2P technology, and more.
- ✓ Leadership and Political responsibilities for Hi-Tech Advisory Council (to then Minority Leader Richard Gephardt), Bi-partisan Coalitions, Women’s Hi-Tech Coalition (with Rep. Jennifer Dunn), Internet Caucus liaison, Staff Whip Functions, and Judiciary Committee (including Intellectual Property Subcommittee).
- ✓ Special Counsel, Judiciary Committee Hearings, *Impeachment of President William Jefferson Clinton*, drafted compromise process for impeachment with Rep. Rick Boucher (D-VA).
- ✓ Chief Executive functions including responsibility for \$1.1 Million Member’s budget, the management and oversight of the DC staff and Data Administrator for all front and back office systems including constituent management database system.

U. S. House Education & Workforce Committee – 1997 - 1998

- ✓ Project Director and Special Counsel, “American Worker Project” - Conducted a year-long bi-partisan nationwide survey of the condition and circumstance of the “American Worker”, focusing on injustices suffered by working men and women, as well as opportunities enjoyed by Americans, required close liaison with workers representatives including AFL-CIO; as for the emphasis on IT workers, their training and education, we also had to debrief hi tech industry leaders from Microsoft, Oracle, Cisco, and IBM in on- and off-the-record meetings and hearings in Redmond, San Jose, LA, Dallas,

Atlanta, Detroit, New York, and DC; all the time the principal emphasis was on the role of worker's rights in the context of low and high technology in making this nation productive and competitive in the global economy; Drafted a report of findings and recommendations.

U. S. House Judiciary Committee - 1996 - 1997

- ✓ Special Counsel, at the behest of the House Judiciary Committee's Ranking Member, John Conyers, and then Crime Subcommittee Chair, Chuck Schumer, conducted an investigation of organized crime and corruption in the Laborers International Union, focusing on whether there was any evidence of improper influence or misconduct in the Justice Department's investigation; extensive negotiations with White House, Labor, FBI, Majority Leadership.
- ✓ Following this controversial presidential election year investigation, assumed legislative responsibility to the full committee for a portfolio of hi-tech issues including encryption and the Internet Tax Moratorium, as well as a variety of other areas of responsibility including civil rights, labor issues, the courts, small business, and more.

Private Practice – 1984 - 1996

- ✓ President, John P. Flannery, Esq., P.C., handled high profile and complex business cases involving labor management, employment, contract, securities, defense contract, and fraud issues.
- ✓ Among my clients were former Gannett CEO Al Neuharth, and Software AG Founder and CEO John Maquire.
- ✓ Controversial and widely reported criminal defense cases including white-collar crime cases charging conspiracy, misrepresentation, and securities fraud; among the other cases we handled, we represented a target of a grand jury investigation focusing on a prominent U.S. Senator, resulting in the Senate aide's cooperation and no criminal charges; we also handled complex state security fraud cases against the associates of an unsuccessful presidential candidate.

Washington International Horse Show (“WIHS”) 1986 - 1996

- ✓ Counsel and Member, Board of Directors, advice and guidance relating to the conduct of a highly visible non-profitable equine undertaking.
- ✓ Prepared media presentation of the value of the WIHS for potential supporters, contributors, and participants.
- ✓ Amateur Hunt Show competitor, former member of Middleburg Hunt.

Assistant District Attorney, Bronx County DA's Office 1985- 1986

Bronx District Attorney Mario Merola's appointment as a Special Assistant in the prosecution of **former Labor Secretary Raymond Donovan**, in order to petition the federal court for grand jury records necessary to bring a conspiracy prosecution; trial concluded with acquittals; Senator Orrin Hatch, District Attorney Merola, and myself all appeared on a critical award-winning feature on CBS' *Sixty Minutes*, produced by Mike Wallace, reviewing the questionable handling of Labor Secretary Donovan's confirmation hearing.

U.S. Congressional Nominee, 10th Congressional District, Virginia - 1984.

- ✓ Won hotly contested democratic primary in June 1984, with the wide support of labor at the national and local level including educators, firefighters, and communication workers but also citizen groups and grass roots support from across Northern Virginia from Loudoun County in the West to Arlington in the East,
- ✓ Speaker Tip O'Neill, Leader Jim Wright, Rep. Tony Coelho, Rep. Dick Gephardt, and many more leaders supported and endorsed my candidacy, as did Ethel Kennedy, Senator Ted Kennedy, former Ambassador Pamela Harriman, and the leadership of the AFL-CIO, bringing along with them many national and local unions belonging to the AFL-CIO, who contributed funds and volunteers for the congressional campaign.
- ✓ We raised \$400,000 in 1984 from PAC contributions, and from many caring individuals both from the Commonwealth of Virginia and from outside the Commonwealth, as well as making a hefty personal loan ourselves.
- ✓ We lost the general election, some say because of Vice President Walter Mondale's defeat, but we did manage to garner 95,000 votes on election day, and accepted the will of the people., namely, that the voters decided, "I should return to private practice" – which I did.

Special Counsel, U.S. Senate Labor Committee 1982-1983

- ✓ Republican Senator Orrin Hatch, Chairman of the US Senate Labor Committee, made the appointment as Special Counsel to investigate the FBI's mishandling of the confirmation hearing and background investigation of former Labor Secretary Raymond Donovan (citation for the report may be found below).

Special Counsel, U.S. Senate Judiciary Committee 1982

- ✓ Republican Senator Strom Thurmond, Chairman of the US Senate Judiciary Committee, made the appointment as special counsel, to investigate and then author a bi-partisan Judiciary Committee Report critical of the FBI's bungled undercover investigation of fugitive financier Robert Vesco's attempts to subvert State Department

policy (banning the sale of C-130 transport aircraft for export to Libya)(citation for the report may be found below).

Poletti Freidin Prashker Feldman & Gartner 1979 -1982

- ✓ Litigator - responsible for labor management litigation with Sr. Partner, Herbert Prashker, including not only massive civil rights litigation involving the LIRR, but also representation of the nation's principal airlines in the Air Traffic Controller's Strike in 1981 (the PATCO strike); in that capacity, prosecuted the contempt proceeding against PATCO, obtaining an \$100,000-an-hour fine for PATCO's violation of a permanent injunction; several months later, settled with PATCO for damages resulting in an \$135 million Judgment.

Assistant U. S. Attorney, Southern District of NY 1974-1979

- ✓ US Attorney Paul Curran made the appointment to the Criminal Division, in the greatest public law office in the nation.
- ✓ Served in General Crimes, Narcotics Unit, and Official Corruption Unit.
- ✓ Handled widely publicized federal criminal investigations and prosecutions that ran the gamut from securities fraud to a mob prison break, the bribery of Congressman Dan Flood (D-PA) by a rabbi who headed the B'Nai Torah Institute, the federally funded summer feeding scandal in the South Bronx (feeding children spoiled food, no-show jobs and kickbacks), and heroin-trafficking by major organized crime figures including "Matty" Madonna.
- ✓ U.S. Attorney Bob Fiske praised the narcotics prosecutions, fraud and corruption investigations that I handled, describing them as "impressive" and among the best the office had conducted (see full quote above).

Law Clerk, U.S. Court of Appeals, Second Circuit 1972 - 1974

- ✓ U. S. Circuit Judge Paul R. Hays (appointed by President Eisenhower) made the selection from among competitive graduating law student applications from across the nation.

BAR ACTIVITY

- ✓ Past Member, Board of Directors, National Association Criminal Defense Lawyers ("NACDL").
- ✓ Legislative Liaison to US Congress, for NACDL.

- ✓ Past Member, Board of Directors, Virginia Association of Criminal Defense Lawyers (“VACDL”).
- ✓ Past Member, Arlington County Bar Association.
- ✓ Current Member, Loudoun County Bar Association.
- ✓ Past Member, NY Bar Association.
- ✓ Member, US Attorney Robert Fiske Association.
- ✓ Member, US Attorney Paul Curran Association.

EDUCATION

- ✓ George Washington University, Graduate Business School, Executive Masters Information Science – May 2002
- ✓ Columbia School of Law, NY, **J.D.**, Law – June 1972
- ✓ Columbia School of Engineering, NY, **B.S.**, Industrial Engineering – June 1969
- ✓ Fordham College, NY, **B.S.**, Physics – June 1969
- ✓ American Academy of Dramatic Arts, NY, Student of Dramatic Arts – August 1967
- ✓ Art Students League, NY, Oil Painting - 1968- 1969
- ✓ Fordham Preparatory, NY, High School Diploma – June 1964
- ✓ St. Thomas Aquinas, Grammar School – June 1960

ATHLETICS

- ✓ Varsity Swimming, Fordham College, Columbia Engineering
- ✓ Running, occasional 10K competitions.
- ✓ Water Polo, Fordham College, Columbia Engineering; and New York Athletic Club.
- ✓ Judo, American Buddhist Academy, Riverside Drive, AAU competitor.
- ✓ Amateur Boxing, Martial arts including Black Belt, Tae Kwon Do, awarded by Master Choi, Leesburg, Virginia, and certified by Korea.

- ✓ Middleburg Hunt, Member of Hunt Field, also participated in hunter jumper competitions (see comment above re Washington International Horse Show).

ARTS

- ✓ Oil painting and sketches, also photographs, various shows, sales and awards.
- ✓ Community Theater, last acting outing, as Judge Hathorne, in Arthur Miller's "Crucible," Sterling Playmakers

COMMUNITY ACTIVITY

- ✓ Leesburg Rotary – past member
- ✓ Loudoun County Preservation Society
- ✓ President, Lovettsville Business Association – current
- ✓ Past Chair, Loudoun County Democratic Committee
- ✓ Weekly Column, *Purcellville Gazette*
- ✓ Report, *Brunswick Citizen*

PERSONAL

- ✓ Married, Holly Smith Flannery
- ✓ Two Daughters, Diana Elizabeth and Alexandra

COMMUNICATIONS

- ✓ Appearances on *Fox News*, the *O'Reilly Factor*, Megyn Kelly's afternoon Broadcast, *MSNBC's Hard Ball* with Chris Matthews, *ABC Network Radio and TV*, *CBS'S Sixty Minutes*, *CNN's Larry King*, *CBS Morning News Show*, *NBC Evening News*, *Court TV*, PBS and various other TV and radio affiliates.
- ✓ Author various articles and editorials discussing legal and political developments, with an emphasis on the U.S. Supreme Court, and current controversial issues including torture, extradition, health care, prescription drugs, labor law, hi-tech issues, procedural reforms and privacy, dating back to a seminal article, authored almost thirty years ago, on "Commercial Information Brokers" (1971)(full citation below).
- ✓ Virginia Publishers Association ("VPA") award for weekly column published by *Purcellville Gazette* (2011).

- ✓ Author, “PAIN IN AMERICA – AND HOW OUR GOVERNMENT MAKES IT WORSE!,” available from www.Amazon.com; Charles Kaiser, former correspondent for the New York Times, Wall Street Journal, and Newsweek, wrote: “This is a book about one of America’s untold stories: the incredibly misguided war the federal government is waging on physicians who only crime is a desire to heal their patients’ persistent pain ... The author is one of America’s toughest and smartest litigators. He catalogues the government’s abuses with the precision of a brilliant, former federal prosecutor – which is exactly what he is.”
- ✓ Faculty member and contributing author/editor, on CME Monograph, “Lawful Prescribing & Prevention of Diversion: A Balanced Approach to Controlled Substances.”
- ✓ Lectures on substantive and procedural law, congressional process, corporate governance and corruption, hi-tech, trade issues, politics and more.

PARTIAL LIST OF LAW REVIEW ARTICLES AND REPORTS:

- ✓ J. Flannery, “Commercial Information Brokers,” 4 COLUMBIA HUMAN RIGHTS LAW REVIEW 203 (Winter 1972).
- ✓ Recommendations and Report of the Administrative Conference of the United States, No. 72-6: Columbia Law Prof. Harvey Goldschmid, “An Evaluation of the Present and Potential Use of Civil Money Penalties as a Sanction by Federal Administrative Agencies,” pp. 896-964 (1972)(Staff, Admin. Conf., US, Washington, DC, apptd. by Prof. Goldschmid, field work and legal research).
- ✓ J. Flannery, “Habeas Corpus Bores a Hole in Prisoners’ Civil Rights Actions – an Analysis of *Preiser v. Rodriguez*,” 48 ST. JOHN’S LAW REVIEW 104 (1973)
- ✓ J. Flannery & I. Robbins, “The Misunderstood Pro Se Litigant: More than a Pawn in the Game,” 41 BROOKLYN LAW REVIEW 769 (1975).
- ✓ J. Flannery, Special Counsel, U.S. Senate Judiciary Committee, appointed by Committee Chairman, Senator Strom Thurmond (R-SC), THE UNDERCOVER INVESTIGATION OF ROBERT L. VESCO’S ALLEGED ATTEMPTS TO REVERSE A STATE DEPARTMENT BAN PREVENTING THE EXPORT OF PLANES TO LIBYA, U.S. Congress, 97th Congress, 2d Session, (September 15, 1982).
- ✓ J. Flannery, Special Counsel, U.S. Senate Labor Committee, appointed by Chairman, Senator Orrin Hatch (R-Utah)(1983), THE TIMELINESS AND COMPLETENESS OF THE FEDERAL BUREAU OF INVESTIGATION’S DISCLOSURES TO THE UNITED STATES SENATE IN THE CONFIRMATION OF LABOR SECRETARY RAYMOND J. DONOVAN, U.S. Congress, 98th Congress, 1st Session (1983),.

- ✓ J. Flannery, "Governor Allen's No-Parole Plan: A Billion Dollar Wasteland of Prisons," 1995 VIRGINIA JOURNAL OF SOCIAL POLICY AND THE LAW 379 (Spring 1995).
- ✓ J. Flannery, Congressional Testimony, on "THE DRUG ENFORCEMENT ADMINISTRATION'S REGULATION OF MEDICINE," before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, July 12, 2007.
- ✓ J. Flannery, "Students Died at Virginia Tech Because Our Government Failed to Act," 18 GEORGE MASON UNIVERSITY CIVIL RIGHTS LAW JOURNAL 285 (Spring 2008).