

**COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

Robert L. Swartz

Plaintiff

vs.

James P. Fleisher, et al

Defendants

State of West Virginia

County of Kanawha

Case No. A-1306076

Affidavit of

Michael W. Carey

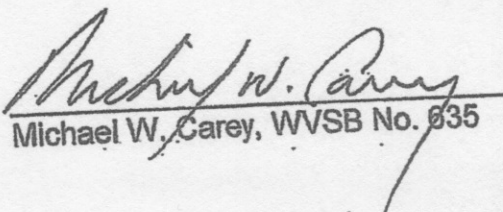
Affidavit of Michael W. Carey

I, Michael W. Carey, having been duly cautioned and sworn, do hereby state as follows:

1. I am an attorney practicing law since 1979, duly licensed in the state of West Virginia.
2. From 1980 through 1986 I served as an Assistant United States Attorney for the Southern District of West Virginia.
3. From 1986 through 1993 I served as the United States Attorney for the Southern District of West Virginia.
4. Since 1993 I have been actively engaged in the private practice of law including a significant practice in federal criminal law.
5. I have had the opportunity to review substantial records relating to the federal criminal prosecution of Robert L. Schwartz and have conducted appropriate legal research relating thereto.

6. Based on said review, it is my preliminary opinion that Mr. Schwartz's defense counsel failed to meet the standard of competence and care required of criminal defense counsel in the federal system, particularly as it relates to the issues of guilt, amount of loss, restitution and forfeiture. This opinion is subject to change upon further review of all relevant materials and facts.
7. I am willing to serve as an expert witness in a legal malpractice action brought by Robert L. Schwartz.

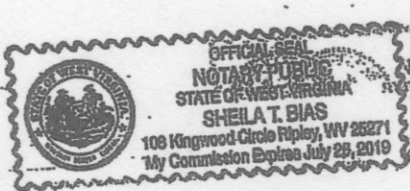
Further affiant sayeth not.

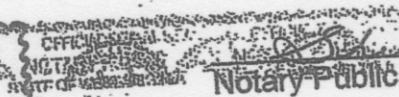

Michael W. Carey, WWSB No. 635

Taken, sworn to and subscribed before me, this the 13th day of June, 2014.

My commission expires July 26, 2019

(seal)




Notary Public