

*Gilda R. Daniels, Esq.*

**GRD Consulting**

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**Suite 283**

**Mitchellville, MD 20721**

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March 8, 2011

Kirk E. Miller, Chief Counsel  
Citizens Redistricting Commission  
1130 K Street, Suite 101  
Sacramento, CA 95814

Dear Mr. Miller:

I am writing to respond to the Voting Rights Act Counsel Request for Services from the California Citizens Redistricting Commission. As requested, I have included my Statement of Qualifications, Fee Proposal and resume/curriculum vitae for your consideration.

As my curriculum vitae indicates, I am a former Deputy Chief in the United States Department of Justice, Civil Rights Division, Voting Section. I served in this position under both the Clinton and George W. Bush administrations. I have trained Department of Justice attorneys in Section 2 and Section 5 requirements of the Voting Rights Act (VRA). I have approximately 15 years of voting rights experience, specializing in VRA enforcement and other federal voting rights statutes. During the 2000 round of redistricting, in addition to addressing many voting rights issues associated with the 2000 Presidential election, I also worked on numerous Section 5 submissions and Section 2 investigations.

Currently, I am an Assistant Professor at the University of Baltimore School of Law. I teach, Critical Legal Theory, Civil Procedure and an Election Law Seminar. I have maintained my connections with the voting rights community by participating in many training sessions and conducting symposiums discussing contemporary voting challenges. I am a nationally recognized voting rights expert concerning the Voting Rights Act, Department of Justice policy and redistricting. In 2006, I testified before the United States Senate Judiciary Committee on *Protecting the Right to Vote: Oversight of the Department of Justice's Preparations for the 2008 General Election* and testimony before the United States House of Representatives Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Civil Liberties.

I believe that my rare combination of experience and expertise in the voting rights area, both as an officer enforcing federal law and as a scholar, make me an ideal candidate for this position. Should you require additional information, please do not hesitate to contact me. I look forward to the possibility of working with the California Citizens Redistricting Commission and the opportunity to work on behalf of the citizens of California.

Sincerely,

Gilda R. Daniels

Enclosures

Response to Request for Information for Legal Services  
Issued by the Citizens Redistricting Commission  
Seeking Voting Rights Act Counsel

**STATEMENT OF QUALIFICATIONS**

**Section VI-Submission Format**

**1. Personnel**

Professor Gilda R. Daniels will be primarily responsible for advising and completing any work related to the Request for Services. Her curriculum vitae is attached as Attachment A.

**2. Attorney/Firm General Description**

Professor Daniels is a voting rights expert, who has served as a Deputy Chief in the United States Department of Justice, Civil Rights Division, Voting Section in both the Clinton and George W. Bush administrations. Professor Daniels is currently an assistant professor of law teaching critical legal theory, election law, and civil procedure at the University of Baltimore School of Law. She has approximately two decades of voting rights experience specializing in the Voting Rights Act, the National Voter Registration Act and other federal voting statutes. She is also the co-editor of a nonpartisan redistricting website, [www.redistrictingonline.org](http://www.redistrictingonline.org).

Her areas of expertise include litigation under voting rights cases, including those involving single and multimember districts, minority language requirements and compliance with other voting rights statutes, such as the National Voter Registration Act. She has also conducted and supervised the Section 5 administration process under the Voting Rights Act, including redistricting, polling place changes, and administrative changes that affected the right to vote. She has also conducted settlement negotiations and sought legislative remedies to voting challenges.

Prior to beginning her voting rights career, Prof. Daniels was a staff attorney with the Southern Center for Human Rights representing death row inmates and bringing prison condition cases. She clerked in the United States Circuit Court of Appeals, Eleventh Circuit with the Honorable Joseph W. Hatchett and is a graduate of New York University School of Law, where she was a Root Tilden Scholar.

While serving as a Deputy Chief in the Civil Rights Division, Voting Section, Professor Daniels led groundbreaking litigation under the Voting Rights Act, including Section 2 districting cases, minority language enforcement under Sections 4(e), 203 and 208, and the National Voter Registration Act on the federal trial and appellate levels. She also

settled and monitored language minority provision actions under Section 203 of the Voting Rights Act. She has reviewed complex submissions under Section 5 of the Voting Rights Act, developed attorney and paralegal training materials, monitored and commented on federal enforcement of statutory and regulatory protections of voting rights and participated in public policy advocacy on Capitol Hill, including formulating legislation on felon disenfranchisement and other voting rights issues.

Professor Daniels has extensive experience in making presentations and providing training regarding federal voting rights law requirements. She has presented her scholarship and training to numerous organizations including:

- Voting Rights Panel, American Constitution Society, National Press Club  
Moderator, *A National Dialogue on the State of Voting Rights in 2010: Voting Rights Act After NAMUDNO and Bartlett*
- Association of American Law Schools. Midyear Meeting, New York, NY  
*Post Racial' Civil Rights Law, Politics and Legal Education: New and Old Color Lines in the Age of Obama*
- American Association of Law Schools  
Moderator, *Census, Redistricting and Displaced Persons*, American Association of Law Schools, Annual Conference, New Orleans, LA
- United States Senate Testimony  
*Protecting the Right to Vote: Oversight of the Department of Justice's Preparations for the 2008 General Election*, Judiciary Committee, Washington, DC
- United States House of Representatives, Testimony  
Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Civil Liberties, *Lessons Learned From the 2004 Presidential Election*
- Southeastern Association of Law Schools (SEALS) Conference

Professor Daniels has been invited to discuss her scholarship to organizations and universities across the country. Current scholarship includes:

- *Senator Edward Kennedy: A Lion for Voting Rights*, forthcoming 2011, New York University Journal of Legislation and Public Policy.
- *Racial Redistricting in a Post-Racial World*, 32 Cardozo L. Rev. \_\_\_\_ (forthcoming 2011).

- *Confessions of a Voting Rights Baby*, The Huffington Post, August 11, 2010, found at [http://www.huffingtonpost.com/gilda-r-daniels/confessions-of-a-voting-r\\_b\\_678761.html](http://www.huffingtonpost.com/gilda-r-daniels/confessions-of-a-voting-r_b_678761.html).
- *Census 2020: How Would You Reform the Census? Perspectives: Expand the Racial Categories for Classification*, Insights on Law & Society, (American Bar Association Division for Public Education) Volume 10, No. 2, Winter 2010.
- *Voter Deception*, 43 Indiana L. Rev. 343 (2010).

### 3. **Experience**

Professor Daniels' approach to redistricting begins with an analysis of the Census numbers and the impact on the existing districts, which would involve extensive document review, including maps, alternative plans, GIS maps with various overlays to ensure that a fair and balanced approach to the redistricting process is considered. Because parts of California are covered under Section 5 of the VRA, as an initial matter, she would review California's previous Section 5 redistricting submissions and determine the last legally enforceable plan as well as the benchmark plan. This evaluation will determine the level of malapportionment in the existing districts and provide an opportunity to prioritize an approach to redistricting.

Because California is the most populous and most diverse state in the country much attention will be given to encouraging and responding to community involvement. Under the new Census figures, California does not gain nor lose any existing congressional seats. It has, however, experienced growth in the Latino and Asian communities and a slim decline in African American communities. Traditionally underrepresented communities, as well as business and the general citizenry must all play a vital part in the actual drawing of the lines. This involvement can ensure that the process is transparent and inclusive. Certainly, to the extent possible, concerns regarding communities of interest and traditional districting principles must be considered and developed through the testimonies of diverse voices. Involving the citizenry can help to achieve California's goal of transparency and truly drawing redistricting lines that consider constitutional, federal and state requirements. Inclusiveness of the community can also mitigate against potential legal challenges. Professor Daniel's goal and approach lends toward achieving Section 5 preclearance and avoiding legal challenges.

- a. During my tenure as a Deputy Chief, I worked on numerous Section 5 submissions and Section 2 litigation. I do not currently represent any jurisdictions in redistricting matters. I, however, have included a partial list of VRA litigation in my curriculum vitae.

- b. Prof. Daniels has discussed and provided assistance/advice concerning Sections 2, 5 and 208 of the Voting Rights Act and the Act's minority language provisions, including Sections 203 and 4(e) and 4(f)(4). I have included a partial list of VRA litigation in my curriculum vitae.
- c. Professor Daniels has extensive experience with Section 2 and Section 5 of the Voting Rights Act. As a Deputy Chief, she helped design and train the attorney and paralegal staff under Section 2. She has participated and conducted the review of numerous Section 5 submissions, including redistrictings and other voting changes.
- d. During the 2000 redistricting cycle, Prof. Daniels was employed by DOJ.

Prof. Daniels experience on federal voting rights issues allows potential clients to utilize her extensive knowledge of the Voting Rights Act and intimate knowledge of the DOJ requirements in the redistricting process. In the past ten years, significant changes have developed including reauthorization of key provisions of the Voting Rights Act and recent Supreme Court cases, namely *Bartlett v. Strickland*, *NAMUDNO*, and *LULAC v. Perry*. Her knowledge of these changes will prove important in ensuring compliance with the VRA and constitutional law.

#### **4. Conflicts of Interest**

Professor Daniels does not have any financial, business, professional, lobbying or other relationship that should present a potential conflict under California Government Code §8252, Prof. Daniels is not engaged in any litigation involving the state of California. Additionally, during the last round of redistricting Professor Daniels served as a federal government employee and did not represent any individual, state or local governmental clients, political parties in redistricting.

## **SECTION VII – Fee Arrangements**

Based on the Commission's Request for Proposals and the description contained therein, Professor Daniels can anticipate that her consulting services should not exceed \$200,000. It is anticipated the actual total fee will be less than this amount and includes time, costs and reasonable travel expenses.

This amount does not include possible litigation costs. It only includes a reasonable assessment of non-litigation redistricting consulting costs that can be anticipated including the preparation of the Section 5 submission, Section 2 analysis, possible DOJ more information request, responding to constituent concerns and/or objections, etc.

Pursuant to your request, Prof. Daniels is providing a fee estimate for attending public meetings. Provided that such meetings last a duration of three to five hours and require some preparation, a reasonable estimate would be between \$1,500 and \$2,000 plus reasonable travel expenses. Once additional information regarding the nature and frequency of these meetings is provided, she can then provide a more accurate assessment.

## **ATTACHMENT A**

**GILDA R. DANIELS**  
**12138 Central Avenue**  
**Suite 283**  
**Mitchellville, MD 20721**  
**(202) 528-8971 (cell)**  
**(301) 883-2146 (fax)**

**grdconsulting@aol.com**

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### **EXPERIENCE**

#### **UNIVERSITY OF BALTIMORE, SCHOOL OF LAW**

July 2006-Present

##### **Assistant Professor**

- Courses taught: Civil Procedure, Election Law Seminar, Critical Legal Theory
- Chair, Association of American Law Schools, Civil Rights Section, January 2009-January 2010
- Research Interests: election law, voting rights, law and democracy, civil rights
- Advisor, American Constitution Society

#### **UNITED STATES DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION, VOTING SECTION**

##### **Deputy Chief**

July 2000-June 2006

- Supervised litigation attorneys, paralegals, and other support staff in the enforcement of the federal Voting Rights Act, the National Voter Registration Act and other federal voting rights laws
- Led groundbreaking litigation under the Voting Rights Act, including Section 2 districting cases, minority language enforcement under Sections 4(e), 203 and 208, and the National Voter Registration Act
- Directed all phases of discovery and conducted settlement negotiations
- Enforced language minority provision enforcement under Section 203 of the Voting Rights Act
- Reviewed complex submissions under Section 5 of the Voting Rights Act
- Participated in administrative and policy decisions
- Represented the Department of Justice at various conferences and meetings
- Developed attorney and paralegal training materials
- Supervised the section's responses to Freedom of Information Act (FOIA) requests
- Supervised the creation of an interactive database to retrieve briefs and other litigation documents

#### **LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW, VOTING RIGHTS PROJECT**

##### **Staff Attorney**

April 1998-June 2000

- Litigated violations of the Voting Rights Act, primarily Section 2 districting cases and National Voter Registration Act, on the federal trial and appellate levels
- Conducted all phases of discovery and negotiated agreements
- Monitored and commented on federal enforcement of statutory and regulatory protections of voting rights
- Frequent speaker/panelist on voting rights and affirmative action
- Participated in public policy advocacy on Capitol Hill, including formulating legislation on felon

disenfranchisement and other voting rights issues

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**UNITED STATES DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION, VOTING SECTION**

Staff Attorney

January 1995-March 1998

- Litigated federal Voting Rights Act and other federal voting rights cases
- Conducted discovery and settlements of voting cases
- Argued National Voter Registration Act and other voting rights cases in federal district courts
- Represented the Department of Justice at various conferences and meetings

**SOUTHERN CENTER FOR HUMAN RIGHTS**

Staff Attorney

April 1992-Dec 1994

- Initiated class actions on behalf of persons confined in jails and prisons in Alabama and Georgia
- Negotiated and drafted consent decrees
- Conducted discovery, including expert depositions
- Argued motions before federal courts
- Represented death row inmates in federal and state courts
- Organized and educated communities about the death penalty
- Taught classes for externs from Georgia State University and Emory School of Law

**UNITED STATES COURT OF APPEALS ELEVENTH CIRCUIT**

**Honorable Joseph W. Hatchett, Circuit Judge**

Judicial Clerk

December 1990-January 1992

- Prepared numerous bench memoranda and drafted opinions on various issues, such as employment discrimination, social security disability, drug forfeiture laws, tax, Fourth Amendment search and seizure, minority set-asides and the death penalty

**ALABAMA CAPITAL REPRESENTATION RESOURCE CENTER**

Legal Staff

August 1990-November 1990

- Interviewed death row inmates
- Researched and wrote memoranda on critical legal issues
- Worked with mentally retarded and mentally impaired defendants

**EDUCATION**

**NEW YORK UNIVERSITY SCHOOL OF LAW**

Juris Doctorate Awarded May 1990

- Root-Tilden-Snow Scholar
- Earl Warren Legal Training Scholarship

- Vanderbilt Medal for Service and Leadership
- New York State Trial Lawyers Association Thurgood Marshall Scholarship
- National Chairperson, National Black Law Students Association (1989-1990)
- Member, National Bar Association Board of Governors (1989-1990)

**GRAMBLING STATE UNIVERSITY**

Bachelor of Arts, Political Science, Awarded May 1987

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**PUBLICATIONS**

*Senator Edward Kennedy: A Lion for Voting Rights*, forthcoming 2011, New York University Journal of Legislation and Public Policy

*Racial Redistricting in a Post-Racial World*, 32 Cardozo L. Rev. \_\_\_\_ (forthcoming 2011).

*Outsourcing Democracy: Redefining the Public Private Partnership in Election Administration*, 88 DENV. U. L. REV. \_\_ (forthcoming 2010).

*Confessions of a Voting Rights Baby*, The Huffington Post, August 11, 2010, found at [http://www.huffingtonpost.com/gilda-r-daniels/confessions-of-a-voting-r\\_b\\_678761.html](http://www.huffingtonpost.com/gilda-r-daniels/confessions-of-a-voting-r_b_678761.html).

*Census 2020: How Would You Reform the Census? Perspectives: Expand the Racial Categories for Classification*, Insights on Law & Society, (American Bar Association Division for Public Education) Volume 10, No. 2, Winter 2010.

*Office Politics: Hiring and Firing Government Lawyers*, The Public Lawyer, (American Bar Association Magazine, Government and Public Sector Lawyers Division) Volume 18, No. 1, Winter 2010.

*Voter Deception*, 43 Indiana L. Rev. 343 (2010).

*A Vote Delayed Is A Vote Denied: A Proactive Approach to Eliminating Election Administration Legislation that Disenfranchises Unwanted Voters*, 47 U. Louisville L. Rev. 57 (2008).

*The Politics of the Pulpit: Black Pastors and Social Justice*, March 28, 2008, found at <http://thedailyvoice.com/voice/2008/03/the-power-of-the-pulpit-is-the-000394.php>.

*Key Words for Equality*, ABA/NBA Journals, February 1999.

**LITIGATION (partial list)**

*Greene County, VA v. Ashcroft*, 03-1877 (D.D.C. 2004) (Bailout, Consent Decree)

*United States v. City of Chelsea, MA School Board*, (2004) (Section 2, settled before filed)

*United States v. Berks County, PA*, 2:03-CV-01030-MMB (E.D. PA 2003)(Sections 2, 4(e) and 208)

*United States v. State of Tennessee, et al.*, Civ. A. No. 3:02-0038 (M.D. Tenn. 2002) (NVRA Consent Decree)

*Warren County, VA v. Ashcroft*, 1:02CV01736 (D.D.C. 2002) (Bailout, Consent Decree)

*City of Harrisonburg, VA v. Ashcroft*, 02CV00289, (D.D.C. 2002) (Bailout; Consent Decree)

*United States v. Bessemer, AL*, CV83-C-3050-S (N.D. AL 2000)(Section 2)

*Keeler v. Morgan City, LA* 00-CV-1588, (WD LA 2000) (Section 2; settled)  
*Sanders v. Dooly County, GA*, 98-0042-CV-2-DF-5 (MD GA 2000) (Section 2; argued)  
*Johnson v. Hamrick*, 196 F.3d 1216 (11<sup>th</sup> Cir. 1999) (Section 2; argued)  
*Condon v. Reno*, 913 F. Supp 946 (SC 1995) (NVRA; tried)  
*Virginia v. Reno* (1995) (NVRA; argued)  
*United States v. New Roads, LA* (Section 2; settled)

**PRESENTATIONS (partial list)**

- 90<sup>th</sup> Anniversary of the 19<sup>th</sup> Amendment, University of Baltimore November 2010  
Speaker, *History of Women's Suffrage*
- Election Law Symposium, University of Baltimore September 2010  
Organizer, Moderator, *A Vision for Voting: Celebrating 45 Years, Creating A Vision for the Future*
- Voting Rights Panel, American Constitution Society, National Press Club September 2010  
Moderator, *A National Dialogue on the State of Voting Rights in 2010: Voting Rights Act After NAMUDNO and Bartlett*
- National People of Color Conference, Seton Hall University September 2010  
Panelist, *Post-Racial Politics*
- AALS Midyear Meeting, New York, NY June 8-10, 2010  
*Post Racial' Civil Rights Law, Politics and Legal Education: New and Old Color Lines in the Age of Obama*
- Election Law Symposium, Indiana University School of Law March 2010  
Discussed *Outsourcing Democracy*
- American Association of Law Schools January 2010  
Moderator, *Census, Redistricting and Displaced Persons*, American Association of Law Schools, Annual Conference, New Orleans, LA
- Leadership Committee for Election Protection/Maryland September to November 2008  
A national nonpartisan group that provides education and assistance to voters and works with elected officials to ensure free and fair access to the voting process
- United States Senate Testimony September 2008  
*Protecting the Right to Vote: Oversight of the Department of Justice's Preparations for the 2008 General Election*, Judiciary Committee, Washington, DC
- United States House of Representatives, Testimony August 2008  
Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Civil Liberties  
*Lessons Learned From the 2004 Presidential Election*
- Southeastern Association of Law Schools (SEALS) Conference July 2008  
New Scholars Workshop  
Presented Work in Progress: *Voter Deception: Why Whites Vote On Tuesday and Blacks Vote on Wednesday*, Palm Beach, FL

Panelist, Mid-Atlantic Black Law Students' Association, Regional Conference, "Presidential Elections and the Power of the Black Vote" Crystal City, Virginia	March 2008
Panelist/Presenter, Mid-Atlantic People of Color Conference University of Maryland School of Law, Baltimore, MD	January 2008
American Constitution Society National Office <i>D.C. Voting Rights</i> , Washington, D.C.	February 2007
Panelist, Chief Justice Earl Warren Institute on Race, Ethnicity & Diversity, University of Berkeley School of Law, Voting and Democracy Conference, Washington, DC	July 2007
Speaker, American Constitution Society Vanderbilt University School of Law, Nashville, TN	October 2006
Founder's Luncheon Speaker National Black Law Students' Association National Convention, Washington, DC	March 2006
Panelist, Black History Month Program, Metropolitan Baptist Church, Washington, DC	February 2004
Panelist, <i>Florida 2000 and Other Voting Rights Issues</i> Charlotte E. Ray American Inn of Court	March 2004
Panelist, Voter Empowerment Workshop Louisiana NAACP Convention	September 2001
Panelist, "Felon Disenfranchisement and Redistricting: The Impact on the African American Community" National Bar Association Conference,	July 2001
Panelist, Plenary Session, NAACP National Convention	July 2001
Panelist, NAACP Regional Conference	April 2001
Panelist, Louisiana NAACP Convention	September 2000
Panelist, Florida NAACP Conference	September 2000
Panelist, "Backlash 2000! In Defense of Affirmative Action" Third National Conference on African American Women and the Law	May 2000
Panelist, Census and Voting Rights Panel Affiliate Leadership Training Seminar, National Black Child Development Institute, Inc.	March 2000

Panelist, Civil Rights Seminar Conference on Public Service and the Law, University of Virginia School of Law	March 2000
Panelist, Census 2000 Seminar Georgia State Conference NAACP	October 1999
Panelist, Civil Rights Workshop Louisiana State NAACP Convention	September 1999
Panelist, Voting Rights/Redistricting Seminar NAACP National Convention	July 1999
Panelist, Felon Disenfranchisement Roundtable Sponsored by the Sentencing Project	March 1999

### **MEDIA EXPERIENCE**

Political Correspondent, WPRS, 104.1, November 4 Election Day Correspondent, (Washington, DC, November 4, 2008).

Public Radio Interview, WYPR, 88.1, Election Officials Vigilant Over Voter Intimidation, Suppression  
Interview with NPR reporter Donna Owens, (Baltimore, MD, aired on 10/27/2008).

The Marc Steiner Show, WYPR 88.1, Invited guest discussing civil rights and the prosecution of the six youth in Jena, Louisiana known as “the Jena 6.” (Baltimore, MD, aired in September 2007).

### **BAR ADMISSION**

State courts-Georgia, District of Columbia  
Federal courts- United States Supreme Court