

**Request for Information for  
Legal Services**

**Citizens Redistricting Commission  
Litigation Counsel**

**Citizens Redistricting Commission  
910 "P" Street, Suite 154-A  
Sacramento, CA 95814  
Issued July 6, 2011**

**Request for Information**  
**Citizens Redistricting Commission**  
**Litigation Counsel**  
**(This is not a competitive bid)**

**SECTION I - Introduction**

As required by the Voters First Act and the Voters First Act for Congress (Collectively the “Voters First Act”), the Citizens Redistricting Commission (the “Commission”) is charged with the responsibility, in the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, to adjust the boundary lines of the Congressional, State Senatorial, Assembly, and Board of Equalization districts (also known as “Redistricting” or “Redistricting Activities”) in conformance with the standards and process set forth in Section 2 of Article XXI of the California Constitution. The California Constitution requires the Commission to complete its work and to forward the approved maps setting forth the new boundary lines to the Secretary of State for certification, (the “Maps”) by August 15, 2011.

**SECTION II – Purpose of this Request for Information**

Over the last 40 years, each time Redistricting has occurred, the new boundaries have resulted in litigation. Although the Commission cannot be certain that will be the case again, the Commission is nonetheless seeking Statements of Qualifications (“SOQ”) from attorneys, including law firms and other entities to provide legal services to defend the Maps in the event of litigation. The California Supreme Court has original jurisdiction over any claims that are brought in state court; however, cases may also be brought in federal court.

The SOQ will be used by the Commission to select counsel for this purpose. An applicant may apply to provide such services, by responding to this Request for Information (“RFI”) in the manner described in Section III.

At the Commission’s discretion, it may determine to hire more than one attorney or law firm based on the Commission’s perceived needs, and the attorney or law firm must be willing to coordinate with other firms as needed. If the Commission chooses representation from more than one attorney or law firm, the order of subordination with regards to any coordinated effort shall be made solely by the Commission or its designee.

**SECTION III – Submission Requirements, Due Date and Time**

Statements of Qualifications must be received by noon on July 18, 2011. The

Statement of Qualifications should be addressed to:

Kirk E. Miller  
Chief Counsel  
Citizens Redistricting Commission  
901 “P” Street, Suite 154-A  
Sacramento, California 95814  
Kirk.Miller@crc.ca.gov

### Questions Pertaining to this Request for Information

Requests for clarification or interpretation related to the requested information must be submitted, by July 15, 2011 to the attention of Kirk E. Miller, Chief Counsel by email to [kirk.miller@crc.ca.gov](mailto:kirk.miller@crc.ca.gov).

### Evaluation Process

The Commission's staff and two members of the Legal Advisory Committee (the "Committee") will review all SOQs submitted. Following this initial review of the SOQs, the Committee will invite those applicants deemed in the Committee's discretion most qualified, to interview with the full Commission at a publicly noticed meeting in Sacramento, California on July 20, 2011. (During these meetings, members of the public will have an opportunity to comment.) The Commission reserves the right to change these dates if necessary to accommodate other business.

### Documents Submitted

Preparation and submission of the SOQ will be at no cost or obligation to the Commission. All materials submitted will become the property of the Commission and will not be returned. **The materials submitted are not confidential, will be made available to members of the public attending the meetings referenced above, and will be placed on the CRC website.**

### Copies Required

Applicants must send all materials by email to [kirk.miller@crc.ca.gov](mailto:kirk.miller@crc.ca.gov) and provide 5 copies to the address above. Additional copies may later be requested.

## **SECTION IV – General Information**

### Terms and Conditions

Any attorney, law firm or legal entity selected by the Commission will be required to enter into a Legal Services Agreement for the work described in this RFI.

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## Travel and Per Diem Expenses

All travel and per diem rates shall be limited to rates published by the Department of Personnel Administration (DPA), and travel must be pre-approved by the Commission. Refer to the DPA website at [www.dpa.ca.gov](http://www.dpa.ca.gov) for rates pertaining to Method of Travel, Meals and Incidentals, Lodging Reimbursement and Personal Vehicle Mileage Reimbursement.

## **SECTION V – Statement of Work and Experience**

As described in Section II hereof, the Commission is seeking counsel to defend state law claims brought before the California Supreme Court or any claim brought in Federal District Court, challenging the certification of the Maps or the use of the Maps in any election. Accordingly, applicants must demonstrate knowledge and experience with the Voting Rights Act, and state and federal constitutional claims; significant, successful experience in handling major litigation before the California Supreme Court and the federal courts, and the resources to defend multiple, simultaneous law suits in different courts.

The attorney or firm selected will be required to submit written interim and final reports and summaries, and detailed billing statements for all services provided, as requested by the Commission or the Commission's Executive Director or Chief Counsel.

## **SECTION VI – Submission Format**

Attorneys and law firms qualified interested in performing the legal services as described herein are asked to submit the following information formatted into Sections 1-4 as requested below. In so doing, applicants are invited to describe the full extent of the firm's experience in California Supreme Court and Federal Court litigation, in addition to that of the principal members of the proposed team. Responses should not exceed 15 pages, not including resumes and client lists.

1. Personnel

In the case of a law firm or other entity, identify the lead lawyer and other lawyers, if any, who will be assigned to the work and the anticipated percentage of time for each. Also please attach a resume for each lawyer.

2. Attorney/Firm General Description

If the Statement of Qualifications is submitted by a law firm or other entity, provide a general description of the firm.

3. Experience

- a. Describe at least 10 cases argued before the California Supreme Court, including, in particular, cases involving constitutional or public policy issues.

- b. Describe at least 10 cases in which a judgment was reached in a federal court, including, in particular, cases involving constitutional or public policy issues.
- c. For each matter listed above, provide the following:
  - (i) The names of the parties represented before the California Supreme Court and/or in Federal Court.
  - (ii) The principal legal issues presented in each matter handled by the attorney, law firm or entity.
- d. Describe representative legal work performed on behalf of public agencies, boards or commissions in the past 10 years.
- e. Describe any experience with Section 2 and Section 5 of the Voting Rights Act, including:
  - (i) The outcome of prior redistricting representations.
  - (ii) A summary of how this experience prepares the attorney and/or law firm to perform the services sought by this RFI.
- f. Describe the attorney or firm's experience with electronic discovery.

4. Conflicts of Interest

a. Compliance with Government Code Section 8252

With respect to the attorneys who are expected to work in connection with this representation, please disclose any financial, business, professional, lobbying or other relationship that presents a potential conflict as described in California Government Code Section 8252. In addition: (1) identify any lobbying work the firm has performed in California during the past 10 years; and (2) identify any political contributions, including contributions made by a firm political action committee, to candidates as described in California Government Code Section 8252, during the past ten years.

If the law firm or entity that is awarded the contract contemplates additional staff assignments after the award of the contract, the personnel must be approved individually by the commission. Prior to the date of additional assignment, the law firm or entity must submit a resume and certification of non-conflict, identified in 4 below, for preliminary review and approval by the Commission's legal staff and/or

Executive Director and current Chairperson and Vice-Chairperson. The individual may be cleared to work on behalf of the Commission until final approval. Final approval must be obtained by a “super majority” vote of the full Commission at the next Commission business meeting.

Describe any work relating to Redistricting or other work for current or prior clients during the past 10, even if such work has concluded, that could present the appearance of a conflict in connection with the representation of the Commission in connection with the defense of the Maps. For example, if the attorney or law firm either presently, or has in the past represented a political party or an interest group funded by or working on behalf of a political party, such work must be disclosed and the implications of the current or prior representation for this assignment must be described.

b. Other Conflicts

In addition to compliance with Government Code Section 8252, the attorney or law firm must comply with the rules as set forth in the California Rules of Professional Conduct. Please identify any matter in which the attorney or firm is presently adverse to the State of California. In addition, identify any work previously provided by the attorney or law firm on behalf of any potential adverse party or witness, to the extent known.

**The fact that a conflict is identified pursuant to this section is not an automatic disqualification, but is information the Commission will consider in the selection process.**

## **SECTION VII – Fee Arrangements**

The Commission anticipates the services contemplated by this RFI will be provided on an hourly basis. For each professional who will be assigned to these matters, please set forth his or her hourly rate. The Commission will also consider alternative fee arrangements, and the cost of retaining the firm will be among the factors considered in awarding this contract. The initial amount authorized pursuant to this agreement shall not exceed \$500,000, and shall be in place until August 15, 2012, however, the contract can be amended to extend time and add funds as necessary in order to continue the contract through the completion of all litigation.

## **SECTION VIII – References**

Provide a minimum of five client references, for which the lead lawyer or other team lawyers have performed significant representations, including work for such clients before the California Supreme Court and Federal Court.

