

**Request for Information
for
Legal Services**

**Citizens Redistricting Commission
Voting Rights Act Counsel**

**Citizens Redistricting Commission
1130 K Street, Suite 101
Sacramento, CA 95814
Issued February 28, 2011**

**Request for Information
Citizens Redistricting Commission
Voting Rights Act 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.

SECTION II – Purpose of this Request for Information

The Citizens Redistricting Commission (“CRC”) is seeking Statements of Qualifications (“SOQ”) from attorneys, including law firms and other entities to provide legal services to assist the Commission with its responsibilities pursuant to the Voters First Act.

The SOQ will be used by the Commission to select counsel to advise specifically on Voting Rights Act matters. An applicant may apply to provide such services either as an independent contractor or as an employee of the Commission, by responding to this Request for Information (“RFI”) in the manner described in Section III. (Any applicant wishing to apply as an employee should also review the job posting on the Commission’s website, at www.wedrawthelines.ca.gov)

SECTION III – Submission Requirements, Due Date and Time

Statements of Qualifications must be received by 5:00 p.m. on March 10, 2011.

The Statement of Qualifications should be addressed to:

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

Questions Pertaining to this Request for Information

Requests for clarification or interpretation related to the requested information must be submitted in writing by March 10, 2011 to the attention of Kirk E. Miller, Chief Counsel, at the address listed above, or by email to kirk.miller@crc.ca.gov.

Evaluation Process

The Commission's Legal Advisory Committee (the "Committee") will review all SOQs submitted, at a publicly noticed meeting in Sacramento, California, on March 15, 2011. 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 Committee at a publicly noticed meeting in Sacramento, California on March 17, 2011. The Committee will make a recommendation on the hiring or retention of one or more applicants to the full Commission at a public meeting on March 18, 2011. Any applicant recommended by the Committee to the full Commission must also be available to meet with the Commission on March 18, 2011. (During these meetings, members of the public will have an opportunity to comment.)

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 and provide 15 copies to the address above.

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. It is anticipated that work will begin as soon as practicable following the selection process and continue through approximately August 15, 2011.

The CRC may also choose to select more than one lawyer or law firm to perform the legal services described herein.

Travel and Per Diem Expenses

All travel and per diem rates shall be limited to rates published by the Department of Personnel Administration (DPA). Refer to the DPA website at 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

The required legal services may include, but will not be limited to, legal support to the Commission, staff and consultants through approximately August 15, 2011, regarding the Redistricting process, based upon the 2010 census. This may include, but is not limited to, review of documents, including proposed district maps, review and preparation of legal memoranda related to applicable legal issues, advice to the Commission, Commission staff and consultants, and attendance from time to time at Commission meetings throughout the state.

Applicants must have demonstrated expertise in the federal Voting Rights Act. In addition, experience with the California Elections Code, the Voters First Act, the Bagley-Keene Act and relevant Federal and State case law will be considered.

The Commission is **not** seeking proposals for litigation counsel; however, those responding to this Request for Information (RFI) should provide a description of their prior redistricting litigation experience as part of the response.

Each attorney or law firm or other entity shall demonstrate qualifications to perform legal services in each of the areas described below:

1. Perform all normal and customary duties required of special redistricting counsel in connection with legal issues related to Redistricting Activities.
2. Advise the Commission, Commission staff and consultants as to procedures, legality of documents, policy concerns, and legal implications concerning the Redistricting Activities, and specifically work with Commission, Commission staff and consultants with respect to legal issues in connection with drawing new district boundaries.
3. Advise the Commission, Commission staff and consultants regarding the requirements of State and Federal laws relevant to Redistricting Activities, and in particular demonstrate expertise and experience with Section 2 and Section 5 of the Voting Rights Act, including but not limited to issues with respect to the *Shaw v. Reno* 509 U.S. 630 (1993) and *Miller v. Johnson* 515 U.S. 900 (1995) line of cases and appropriate population analysis in “majority/minority districts.”
4. Advise the Commission, Commission staff and consultants of litigation risks associated with Redistricting Activities and approaches to limit such risks.

5. Attend various Commission public meetings and hearings as requested by the Commission or Commission staff.

The attorney or firm selected may be required to submit written interim and final reports and summaries as requested by the Commission or Chief Counsel.

SECTION VI – Submission Format

Attorneys, law firms and other entities qualified and interested in performing the legal services as described herein are asked to submit the following information formatted into Sections 1-4 as requested below. 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. All applicants should describe their overall approach to handling of Redistricting matters.

3. Experience

- List significant experience in Redistricting Activities, as described in Section V, as to each of the attorneys listed above. The list should include:
 - (a) The names of the public entities or private parties represented in Redistricting matters, including experience representing boards or commissions in connection with this work;
 - (b) The principal legal issues presented in each matter handled by the attorney, law firm or entity.
 - (c) Experience with Section 2 and Section 5 of the Voting Rights Act and in particular the issues identified above.
 - (d) The outcome of prior redistricting representations --e.g., resolved without litigation, negotiated settlement, or trial.

- A summary of how this experience prepares the attorney and/or law firm to perform the services sought by this RFI.

4. Conflicts of Interest

Please disclose any financial, business, professional, lobbying or other relationship that presents a potential conflict as described in California Government Code Section 8252, as well as any litigation matter in which the applicant is adverse to any entity of California state government.

Work relating to Redistricting or other work for current or prior clients during the past 10 years that, even if such work has concluded, could present the appearance of a conflict in connection with the representation of the CRC for Redistricting Activities. 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.

SECTION VII – Fee Arrangements

The Commission requests all applicants to provide a fee estimate based on the description of the work contained in this Request for Information. It is the Commission's preference to contract for the legal services described herein – exclusive of litigation and attendance at public meetings – on a fixed fee rather than an hourly basis, assuming the assignment will continue through August 15, 2011. (The Commission recognizes that it is not presently possible to state the number of meetings at which counsel will need to be present, and as such requests an estimate of such fees on a per meeting basis.) Please describe your willingness to contract in this manner and how you would structure such a proposal. In the alternative, the Commission will also consider an hourly fee estimate, as well as the option to work for the Commission as a salaried employee.