



Statements of Qualifications

Arent Fox LLP
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Arent Fox

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1. Personnel

Thor Hearne, a partner at Arent Fox, will be the lead lawyer for this proposal. Mr. Hearne is one of the nation's preeminent civil-rights and constitutional law attorneys, with experience in redistricting and the Voting Rights Act. Robert O'Brien, partner-in-charge of the Los Angeles office, will assist Mr. Hearne in this representation. Steve Haskins, an associate at Arent Fox, has previous experience in California redistricting (discussed further below) and will further assist. The anticipated percentage of work for each lawyer is as follows: Mr. Hearne 30%, Mr. O'Brien 20% and Mr. Haskins 50%. These percentages are based on the information available to date and are subject to change depending on the circumstances of the representation and the needs of the Commission. (See attached resumes for a more detailed description of background and experience).

2. Firm Description

Arent Fox LLP was founded in 1942, and now has more than 350 attorneys in offices in Los Angeles, Washington, DC, and New York. Arent Fox is a dynamic, diversified firm with 31 practice groups. Our Political Law Group has a national reputation for advising a wide range of political, corporate, candidate, and nonprofit clients on all aspects of state and federal election law, redistricting, election day recounts, campaign finance regulation, lobbying compliance, communications law, tax, and government ethics. The firm is committed to public service and has deep political roots that date back to the firm's inception. The firm has always promoted a collegial, bipartisan approach to best serve its clients, most recently reflected in its recent hiring of former Senators Robert Bennett (R-UT) and Byron Dorgan (D-ND) as senior policy advisers.

Arent Fox is dedicated to providing individualized advice and representation to each client that it serves. In this case, California's redistricting efforts in 2011 will be a key litmus test for nonpartisan redistricting, consistent with the will of Californians as expressed in Propositions 11 and 20. It is important that the Commission's efforts succeed in developing a fair and neutral plan that will reflect California's ever-present diversity of interests. Both Mr. Hearne and Mr. Haskins have worked with disparate interests—both inside and outside of the redistricting context—to work for a common goal, and understand that it is imperative to do so here. Moreover, the 2011 process is likely to be more public than it has ever been. Not only is the Commission's mandate to hold a fair and open process, but the proliferation of technology means that members of the public—for less than a few thousand dollars—can propose specific districts, or entire plans. The ability to accumulate and synthesize that information into a fair plan will be this Commission's challenge. This Commission may rely on Arent Fox's prior experience in these matters, without concern for favoritism or pre-formed biases as to what form the Commission's plans should ultimately take.

3. Experience

(a) Redistricting Experience

Mr. Hearne was counsel for an African American plaintiff in *Corbett v. Sullivan*, St. Louis County redistricting litigation (the most significant federal redistricting litigation matter in the last cycle) in U.S. District Court seeking to have the St. Louis County Council districts drawn in

a manner that allowed African American citizens the full opportunity to participate in St. Louis County government. As part of that effort, Mr. Hearne consulted with the NAACP and other stakeholders, developing an alternative redistricting plan that was constitutionally sound and maximized African Americans' opportunity to elect representatives of their choice to the counsel.

Mr. Haskins has had on-the-ground experience in redistricting, having worked in the State of California for the Assembly Republican Caucus during the 2000 round of redistricting. In his work for the caucus, Mr. Haskins assisted in all aspects of the redistricting process, including but not limited to: maintenance of the Maptitude computer program and management of the census and political data used by the Assembly; review and analysis of Voting Rights Act issues and their practical application to legislative proposals; familiarity with the California State Constitution's redistricting criteria; consultation and advice to Republican members of the caucus; and working with Democratic redistricting staff to develop a plan acceptable to a wide majority of both sides of the Legislature. Upon passage of the plan by a supermajority of the Legislature, Mr. Haskins was honored with an Assembly resolution sponsored by then-Assemblyman Bill Leonard for his efforts.

Prior to his employment with the Legislature, Mr. Haskins studied at the Rose Institute at Claremont McKenna College, where he was introduced to and became familiar with numerous redistricting strategies in both theoretical and practical settings.

(b) Principal Legal Issues

In *Corbett v. Sullivan*, the legal issue involved the number of minority influenced districts that would be drawn as a result of redistricting of the St. Louis County Council. The plaintiff, assisted by the NAACP argued that the St. Louis County Council had, for political reasons, failed to draw districts that appropriately provided for fair representation of African American citizens in the county, a practice commonly known in redistricting as "cracking."

(c) Section 2 and 5 Voting Rights Act Experience

See *Corbett v. Sullivan* description above and below for Section 2 experience.

(d) Result of Redistricting Representations

Mr. Hearne was successful in his representation in *Corbett v. Sullivan*. The NAACP described Mr. Hearne's work on their behalf as follows: "The NAACP threw its support behind [Mr. Hearne's redistricting] plan, which maximized African-Americans' opportunity to elect representatives of their choice. Because [this] plan achieved the NAACP's aims, the NAACP did not present a redistricting plan of its own at trial. Nor did the NAACP put on expert or lay witnesses. Mr. Hearne's cooperative efforts with the NAACP obviated the need for the NAACP to create, present, and support its own redistricting plan." "Were it not for Mr. Hearne's generous work to incorporate the NAACP's objectives into their own redistricting plan, the NAACP would have incurred significantly greater attorneys' fees in researching, creating, analyzing, and advocating for their own plan. [Mr. Hearne carried] the burden of a substantial amount of the NAACP's case." [Mr. Hearne] "provided great help to counsel for the NAACP during this fast-paced redistricting litigation. [And Mr. Hearne took] the leading role in this action and in incorporating the NAACP's objectives."

Arent Fox's proven approach uniquely qualifies the firm for this representation. *Corbett v. Sullivan* involved the same civil rights issues that this Commission is most likely to face in developing a plan for the State of California. As illustrated in *Corbett*, our approach would be to provide sensible, sound advice designed to ensure that all of California's disparate interests have adequate and fair representation in Sacramento and Washington D.C. We have a track record of working with all stakeholders in the redistricting process, and that approach will allow us to fulfill this Commission's mandate of delivering a fair plan that benefits Californians. Our prior redistricting experience—both legal and technical—will allow the Commission not only to create efficiencies through reduced costs, but the ability to work easily with the Commission, its technical staff, and members of the public. These abilities will assist the Commission in producing a plan that will not only withstand challenge, but avoid challenge altogether. If the Commission's plan is challenged, however, the Committee will also have the benefit of Arent Fox's deep litigation experience. In that event, Arent Fox will be prepared to vigorously defend the Commission's plan. This approach will not only be efficient, but give the Commission access to a strong and competent litigation team from the beginning of the process. We believe that Arent Fox is the right firm for this engagement, and we look forward to discussing this opportunity in more detail.

4. Conflicts of Interest

Mr. Haskins's employment with the California State Legislature ended in the Fall of 2001 so that he could pursue his legal career. Since leaving the Legislature, Mr. Haskins has not been employed by or lobbied any member of the California State Legislature, nor any member of Congress for the State of California.

5. Fee Arrangement

Arent Fox proposes the following fees* for legal services based on the description of the work contained in the Citizens Redistricting Commission's RFI:

Legal Services	\$90,000
Public Meetings	\$385/hr

*Based on the information provided in the RFI and the assumption that the assignment will continue through August 15, 2011. We are open to a discussion of our proposed fees, as further details could affect the proposed amount.

Mark F. (Thor) Hearne, II

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Practice Teams

Litigation
Political Law

Areas of Focus

Campaign Finance
Wealth Strategies

Practice Areas

Thor Hearne has earned a national reputation for his work in three areas of legal practice: political and election law, constitutional law and election issues, and, complex federal and state litigation and appeals, especially matters involving property rights.

Political and Election Law

Thor is one of the nations' preeminent political and election law attorneys. Among the highlights of his practice:

- Counsel for African American plaintiff in *Corbett v. Sullivan*, St. Louis County redistricting litigation (federal civil rights action) in U.S. District Court seeking to have the St. Louis County Council districts drawn in a manner that allowed African American citizens the full opportunity to participate in St. Louis County government. Also represented the interest of the NAACP (and their plaintiffs') and achieved a redistricting of the St. Louis County Council that protected the right of the African American minority community to have a voice in St. Louis County government. The NAACP described work on their behalf as follows: "The NAACP threw its support behind [Mr. Hearne's redistricting] plan, which maximized African-Americans' opportunity to elect representatives of their choice. *** Because [this] plan achieved the NAACP's aims, the NAACP did not present a redistricting plan of its own at trial. Nor did the NAACP put on expert or lay witnesses. Mr. Hearne's cooperative efforts with the NAACP obviated the need for the NAACP to create, present, and support its own redistricting plan." "Were it not for Mr. Hearne's generous work to incorporate the NAACP's objectives into their own redistricting plan, the NAACP would have incurred significantly greater attorneys' fees in researching, creating, analyzing, and advocating for their own plan. [Mr. Hearne carried] the burden of a substantial amount of the NAACP's case." [Mr. Hearne] "provided great help to counsel for the NAACP during this fast-paced redistricting litigation. [And Mr. Hearne took] the leading role in this action and in incorporating the NAACP's objectives."
- President Bush's legal counsel in Missouri in 2000 where he won the landmark case *Bush-Cheney v. Baker* which overturned a trial court's order holding polls open beyond legal closing time.
- President Bush's national election counsel in the 2004 presidential re-election campaign where he oversaw more than 75 different lawsuits in state and federal court, including appeals to the U.S. Supreme Court, various state supreme courts and federal courts of appeal.

- Legal counsel to a number of state and federal officials, including governors, members of the Senate and U.S. House of Representatives and their campaign committees.
- Represented federal and state candidates in successful election contests and recount litigation.
- Counsel for leadership of the U.S. House and Senate in their amicus brief in the landmark U.S. Supreme Court Crawford case also counsel for Democrat and Republican election officials in separate amicus brief in Crawford.
- Nationally recognized authority in election law, was advisor to the Carter-Baker Commission on Federal Election Reform, has testified on election law matters before the U.S. Senate, U.S. House of representatives, U.S. Commission on Civil Rights and the U.S. Election Assistance Commission.
- Authored numerous articles on various topics of constitutional and election law and has appeared on NPR, CNN, Fox News and other national media and has been quoted in the Wall Street Journal and U.S.A. Today.

Litigation – Before Federal and State Trial and Appellate Courts

Thor is nationally recognized for his practice before state and federal trial and appellate courts. Typical of Thor's litigation practice is that, in a recent two-month period, Thor argued cases before the U.S. Court of Appeals for the Federal Circuit, the Kansas Supreme Court and the Missouri Court of Appeals. Thor's argument before the Missouri Court of Appeals was highlighted as part of the Washington University Appellate Advocacy Program and his argument before the Federal Circuit involves a class-action case against the federal government that is of national importance that was recently featured in the *National Law Journal*.

Reported Decisions

Thor has more than twenty years experience successfully representing clients in federal and state trial and appellate litigation. Many of these cases involve significant issues of constitutional law in which a state or the federal government is the opposing party. Thor has successfully represented clients before the U.S. Supreme Court, state supreme courts and other trial and appellate courts. The following representative cases illustrate his experience.

- *Crawford v. Marion County Election Bd.*, 553 U.S. 181 (2008). Counsel for leadership of United States Senate and House of Representatives (Senators Mitch McConnell, Robert Bennett, Christopher S. "Kit" Bond and United States Representatives Roy Blunt, Lamar Smith and Vernon Ehlers) as *amici curiae* before the United States Supreme Court in support of Indiana election officials on issues of federal preemption and the federal Help America Vote Act; (http://www.abanet.org/publiced/preview/briefs/pdfs/07-08/07-21_RespondentAmCuMcConnell.pdf) and, counsel for group of Democrat and Republican Election Professionals, as *amici curiae*, in support of Indiana Secretary of State Todd Rokita. (http://www.abanet.org/publiced/preview/briefs/pdfs/07-08/07-21_RespondentAmCuDemocratRepublican.pdf)
- *Fauvergue et. al v. United States*, ___ F.3d ___ (Fed. Cir 2010) . Appeal before Federal Circuit on jurisdictional issue whether class-action claims may be brought against federal government. Thor won reversal of a lower court decision which the Department of Justice had described as one of the "most significant" litigation

victories in 2009 *National Law Journal* noted this case, “could dramatically change the rules for plaintiffs across the country who file big-money class actions against the federal government.” Scarcella, Mike, *National Law Journal*, “Broken Trails” June 22, 2009. Argued December 11, 2009(date) argument available (<http://oralarguments.ca9.uscourts.gov/mp3/2009-5048.mp3>). .

- *Dorothy L. Biery et. al v. United States* and *Jeremy Pankratz et. al v. United States*. 102,006 (KS., 2009) Certified question referred to Kansas Supreme Court by U.S. Court of Claims. Amicus curiae, including Kansas Farm Bureau, filed briefs in support due to precedential importance of issue. Argued on October 30, 2009. Argument available (<http://judicial.kscourts.org:7780/Archive/2009%20Court%20Hearings/October/102,006.mp3>). Decision pending.
- *Rogers v. United States*, ___ Fed.Cl. ___, 2009 WL 4139560 (2009). Counsel for more than 350 Florida property owners in Fifth Amendment lawsuit against federal government for taking property without paying compensation. Court of Federal Claims ruled in favor of Plaintiffs holding the Plaintiffs “are entitled to just compensation under the Fifth Amendment.”
- *Jack Ladd v. United States*, 2009-5010 (*Fed. Cir.* 2009). Counsel for class of Arizona property owners in Fifth Amendment taking claim against federal government. Pending appeal concerns significant Fifth Amendment issue of whether property owner is entitled to compensation when government totally excludes property owner from land. Brief available at imbed link) Decision pending.
- *St. Louis Union Station Holdings, Inc. v. Discovery Channel Store, Inc.*, ___ S.W.3d ___, 2009 WL 4823866, (Mo.App. E.D., 2009). Successful trial and appeal involving a commercial lease dispute. Appellate argument selected for Appellate Advocacy Program at Washington University School of Law.
- *Miller v. United States*, 67 Fed.Cl. 542 (2005). Counsel for class of Missouri landowners owners (including municipalities and school districts) in successful Fifth Amendment taking litigation against federal government. Successfully concluded with judgment for Plaintiffs in excess of \$8.1 million in total compensation and won landmark decision on rate of interest due property owners under the Fifth Amendment.
- *Grantwood Village v. United States*, 45 Fed. Cl. 771 (2000). Counsel for Plaintiff, Town of Grantwood Village, in Fifth Amendment takings litigation against United States. Successful verdict for full amount of claim sought and attorney fees and expenses. Decision on government’s liability established significant legal precedent finding United States liable for paying “just compensation” for Trails Act takings of landowners “reversionary” interest in land.
- *Lowe v. American Standard (E.D. Mo., 2005)*. Counsel for Plaintiff (former senior executive) in employment contract dispute. Plaintiff prevailed with verdict in full amount of demand – in excess of \$500,000 – after multi-day federal jury trial.
- *Bush-Cheney, 2000, Inc. v. Baker*, 34 S.W.3d 410 (Mo. App., 2000). Counsel for President Bush and Bush-Cheney presidential campaign in successful emergency appeal overturning trial court order holding polls open beyond legal closing hour. The Court of appeals decision established significant election law precedent and has been cited numerous times.

- *McCurdy v. St. Luke's Episcopal Presbyterian Hospitals*, 265 S.W.3d 286, (Mo.App. E.D., 2008). Successfully represented property owner in trial court and court of appeals by preventing condemnation of private road easement across property owner's land.
- *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich. 1, 740 N.W.2d 444, Mich., July 18, 2007 (NO. 130589) Counsel for *amicus curiae* before Michigan Supreme Court in support of constitutionality of provision of Michigan election statute.
- *McNary, v. Akin*, Cause No: 00CC-002969, (Cir. Ct. St. Louis Cty, Div. 10, 2000) Counsel for U.S. Congressman Todd Akin in successful defense of primary election recount challenge.

Testimony before Congress and Federal Agencies

- United States Commission on Civil Rights - Testimony on Voter Fraud and Voter Intimidation, October 10, 2006. <http://www.usccr.gov/calendar/trnscrpt/cm071013.pdf>.
- Testimony before U.S. Senate Judiciary Committee, Subcommittee on Constitution, Civil Rights and Property Rights, July 2006.
- Testimony before U.S. House Administration Committee, March 21, 2005. The Help America Vote Act and the 2004 Presidential Election.
- Testimony before Federal Election Assistance Commission, December 7, 2006. <http://www.eac.gov/docs/Hearne-Testimony-EAC-2006-Election.pdf> and <http://www.eac.gov/docs/Transcript%20120706.TXT>.
- Academic Advisor - Commission on Federal Election Reform ("Carter-Baker Commission"), 2005. <http://www.american.edu/ia/cfer/>.

Publications

- "The Missouri Voter's Protection Act - Real Election Reform for All Missouri Voters." Bar Association of Metropolitan St. Louis - St. Louis Lawyer, June 2006. <http://www.bamsl.org/members/stlawyer/archive/06/june06.html>.
- The New Federal Lobbying Regulations, and What In-House Counsel Need to Know about Them, Bloomberg Corporate Law Journal, Vol. 3, Winter 2008.

Bar and Court Admissions

US Supreme Court
 Michigan Supreme Court
 Missouri Supreme Court
 US Court of Appeals for the Eighth Circuit
 US Court of Appeals for the Federal Circuit
 US Court of Appeals for the Seventh Circuit
 US Court of Appeals for the Sixth Circuit
 US Court of Appeals for the Second Circuit
 US Court of International Trade
 US Court of Federal Claims

Education

Washington University School of Law, JD, 1986
 Washington University in St. Louis, BA, 1983

Life Beyond The Law

Thor is a private pilot and sailor. He and his family enjoy any opportunity they have to escape to northern Michigan where Thor grew-up in the summer. Thor and his brother are active in efforts to preserve the unique character of the last undeveloped beach-front property in their Northern Michigan community.

Robert C. O'Brien

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Practice Teams

Intellectual Property
Litigation
Media and Entertainment
International Business

Areas of Focus

Commercial Litigation
International Litigation, Arbitration and
Dispute Resolution

Practice Areas

Robert O'Brien is the partner-in-charge of the Los Angeles office. His practice focuses on commercial litigation and domestic and international arbitration, including intellectual property, entertainment, complex business disputes and election law matters for Fortune 500 corporations, privately held companies and individuals. He also has significant private practice and government experience in international legal affairs.

Client Work

Robert has defended, in motion practice and through jury trial, corporate clients in breach of contract, fraud, breach of implied contract, right of publicity, copyright, trademark and employment cases. He has also obtained preliminary injunctions and significant settlements in high-profile infringement cases on behalf of intellectual property rights holders.

Robert has represented both domestic and foreign-based companies in complex transnational litigation and arbitration cases involving breaches of joint-venture agreements, construction and oil and gas matters, among other areas. He has obtained multi-million dollar settlements in such cases.

Robert has served as counsel and arbitrator in domestic and international arbitration and foreign claims proceedings. Robert is on the panel of neutrals for the International Center for Dispute Resolution/American Arbitration Association as well as several other international panels.

He currently serves as Co-Chairman of the United States Department of State's Public-Private Partnership for Justice Reform in Afghanistan. In July 2008, Robert was appointed by the President to serve a three-year term on the Cultural Property Advisory Committee, which advises the US Government on the Convention on Cultural Property Implementation Act.

Robert's representative cases include:

Commercial Litigation

- Secured a summary judgment victory for a California-based oil and gas production company defending a breach of an indemnity agreement claim for \$40 million brought by a Fortune 100 company
- Represented one of the nation's largest wineries and its majority shareholders in a series of actions alleging breach of fiduciary duty and other claims by a minority shareholder seeking over \$100 million in damages. Obtained summary judgment victories on real property claims and prevailed in compelling disclosure in online defamation postings arising out of the case by defeating an anti-SLAPP motion. The

case settled at trial, after our client's opening statement, when the plaintiff requested an immediate settlement conference supervised the court

- Defeated, on very short notice, a temporary restraining order sought by a County District Attorney who sought to shut down the operations of an independent oil company by filing a 102 count complaint alleging environmental and safety violations. The civil suit was favorably settled after intensive depositions of regulators and a disgruntled former employee undermined the action
- Successfully defended the CEO and founder of a China-based technology corporation in an action alleging breach of fiduciary duty and related tort and contract claims. In his cross-complaint, the CEO sought damages of over \$90 million for infringement of his intellectual property; the case was favorably settled within 60 days of trial
- Prosecuted a high-profile fraud case for the estate of heiress Sita White; through quick action, the estate obtained a temporary restraining order freezing nearly \$1.6 million of the estate's funds that had been misappropriated before the defendants could transfer the funds to another bank; the case ultimately settled and the estate's funds were protected
- Secured a confidential settlement in Orange County Superior Court, on the eve of trial, in favor of investors asserting claims against the nation's largest broker of precious metals for allegedly engaging in misrepresentations and omissions concerning the character and quality of recommended investments

Intellectual Property Litigation

- Won summary judgment for the nation's leading Mexican-style restaurant on claims that plaintiffs held the intellectual property rights to the company's famous Chihuahua icon used in a national advertising campaign
- Obtained prompt dismissals of actions filed in both state and federal court alleging violation of post-mortem publicity rights and defamation against a major entertainment company and an Oscar-winning actress arising out of the production and distribution of an award-winning biographical film
- Obtained a preliminary injunction on behalf of the estate of a famous Apollo and Skylab astronaut in US District Court in an action asserting underpayment of royalties and unauthorized use of the astronaut's name, likeness, image and identity in connection with the advertisement and sale of automobile-related products; defendants settled the case on the eve of trial
- Secured a confidential settlement, after obtaining a favorable tentative ruling on a motion for a preliminary injunction in US District Court, in favor of a licensing agency and its clients in connection with claims of misappropriation of certain names and images by a manufacturer of specialty toy products
- Successfully negotiated a confidential settlement, after filing an incontrovertible motion to dismiss in US District Court, in favor of a manufacturer of camera-like binoculars and two national retailers, in an action by a purported inventor, who alleged claims of copyright infringement against all defendants
- Successfully prosecuted a claim in federal court by a major software company against its Korean distributor for breach of its distribution agreement; the case also involved the defense of a counterclaim that asserted breach of warranty and product liability

claims against the client; the matter was confidentially resolved following mediation before a retired federal judge in Los Angeles

Entertainment Law

- Successfully defended a major entertainment company in Los Angeles Superior Court, through three weeks of jury trial, against claims brought by a licensing agency that the company had engaged in fraud and breached its contract with the agency by not sufficiently promoting a miniseries that aired on its cable channel
- Won a complete defense verdict, after a two-week jury trial, in Los Angeles Superior Court (Malibu Division) on tort claims asserted against the president of a high-profile production company
- Won summary judgment, which was affirmed on appeal, for a television production company on claims by a producer of a popular cable series that he maintained an ownership interest in the project

Class Actions

- Obtained a summary judgment victory for one of the nation's largest software companies in a class action lawsuit filed in Texas involving alleged unauthorized facsimile transmissions under the TCPA
- Successfully negotiated a de minimis confidential settlement on behalf of a technology firm in a TCPA lawsuit filed in California Superior Court after serving extensive discovery and providing notice that the company would immediately file a motion for summary judgment

Insurance Coverage

- Successfully prosecuted an environmental insurance coverage action in AAA arbitration proceedings against one of the world's largest carriers resulting in a settlement on the eve of the hearing for a finance company that was seeking to clean up numerous sites on collateral in its possession
- Obtained full insurance coverage for legal fees incurred by a leading software company in defending a hundred million plus patent infringement claim after coverage was initially denied by the carrier

Employment Litigation

- Defended a magazine publisher against a claim by its executive director who claimed that he was fired due to age discrimination; the dispute was resolved through a favorable confidential settlement, without litigation, after guiding the client through the termination process and taking a firm position during negotiations with plaintiff's counsel
- Successfully defended an Internet entertainment company in a discrimination suit brought by an engineer who alleged that she was fired because of her gender; a nuisance value settlement was obtained after conducting aggressive discovery and arranging an early mediation

International Arbitration

- Defended one of the nation's largest software companies in an AAA international arbitration proceeding against a large Canadian software company asserting a multi-

million dollar claim arising out of the alleged breach of a software licensing agreement; the case was settled on a confidential basis following an extensive mediation proceeding

- Served as chair and wing arbitrator in numerous AAA/ICDR arbitrations involving patent, television distribution, construction and oil and gas disputes
- Served as chair in several WIPO proceedings involving Internet domain name disputes

Election Law

- Represented a United States Senator with respect to ballot integrity and recount issues in a very close primary election and observed the official counting of absentee and questioned ballots for the campaign
- Successfully defeated a preliminary injunction seeking to keep polling stations open beyond the statutory deadline on behalf of a United States Congressman competing in the general election
- Successfully defeated an attempt by county election officials to eject certified election monitors from observing the counting of ballots in a Presidential election. The trial court, in an order upheld by the state supreme court, ordered that monitors from all parties be allowed to observe the counting of ballots in the county

Appellate Practice

- Represented the Montana Farm Bureau Foundation as amicus curiae to the United States Supreme Court in the matter of PPL Montana, LLC v. State of Montana. In PPL Montana, the Montana Supreme Court used a novel standard to determine the navigability of certain Montana rivers, thus converting ownership of those rivers to the State of Montana. In its brief, the Montana Farm Bureau argued that the Montana Supreme Court's adoption of a standard contrary to that of the United States Supreme Court was not only a violation of precedent, but an arbitrary act amounting to a judicial taking of the private property of thousands of private property holders, including farmers and ranchers represented by the Montana Farm Bureau. The Supreme Court is currently considering whether to grant review of the case.

Previous Work

President George W. Bush nominated and the US Senate confirmed Robert as the US Alternate Representative to the 60th session of the United Nations General Assembly, which met in New York 2005-2006. In addition to his other duties as a US delegate, he addressed the General Assembly on the question of Palestine and represented the United States in the General Assembly's Sixth Committee, which considered the Comprehensive Convention on International Terrorism.

From 1996 to 1998, Robert was a legal officer with the United Nations Security Council (Compensation Commission) in Geneva, Switzerland, where he led a multinational team of attorneys, loss adjusters and accountants in the government claims (F) section and was responsible for the Secretariat's review and processing of billions of dollars in claims resulting from Iraq's 1990-91 invasion and occupation of Kuwait.

Robert served as a major in the Judge Advocate General's Corps of the US Army Reserve. In 1990, he was a judicial extern-clerk to the Honorable J.P. Vukasin Jr. in the Northern District of California.

Professional Activities

Robert's professional affiliations include:

- Ninth Circuit Judicial Conference Lawyer Representative (2007-present)
- J. Reuben Clark Law Society, Chair, Los Angeles Chapter (2003-2005)
- The Institute for Transnational Arbitration, Member, Advisory Board (2006-present)
- International Law Section of the State Bar of California, Member, Executive Committee (1999-2002)
- American Society of International Law
- Los Angeles County Bar Association
- Million Dollar Advocates Forum
- Conrad Foundation, Board of Advisors (2008-present)
- Pacific Council on International Policy

Publications/Presentations/Recognitions

In 2009, Robert received the Erwin Chemerinsky Defender of the Constitution Award from the Federal Bar Association for his work promoting the rule of law in Afghanistan. He also received the J. Reuben Clark Law Society's Outstanding Lawyer award in the same year. Robert was the 2006 recipient of the Cardinal Newman High School Alumni Scholarship/Leadership Award for Public Service. In 2008 and 2010, he was recognized as one of the nation's top attorneys in the 4th and 5th annual Lawdragon 500 Leading Lawyers in America guides. Robert named one of the top 100 Irish-American lawyers in the United States by Irish America magazine in 2009 and 2010. He was selected as a Super Lawyer and Rising Star by Los Angeles Magazine and Southern California Law and Politics Magazine for 2004-2010. In 2004, the Daily Journal named Robert one of the top 20 lawyers in California under the age of 40. He is "AV" rated by Martindale-Hubbell.

Robert's articles on international law and civil procedure have been published in a variety of journals. His op-ed pieces on foreign policy regularly appear on CBSNews.com, The Huffington Post, The Daily Caller and Newsmax.com. His published works include:

- "Update to the Commercial Value of Rights of Publicity: A Picture is Worth a Thousand Words, or Sometimes a Million Dollars," ABA Entertainment and Sports Lawyer; Fall 2009, co-authored with Bela Lugosi
- "Election Day Challenges to Polling Hours and the Judiciary's Cautious Response," Buffalo Public Interest Law Journal; forthcoming, Spring 2009, co-authored with Amy Borland and Jon Kay
- "Selecting the Best Venue for International Arbitration," EALG Interview; Fall 2006, co-authored with Jenny Terry
- "Preparing a Witness for a Deposition," Los Angeles Lawyer, Attorney Survival Guide for New Attorneys in California; Fall 2006
- "The Commercial Value of Rights of Publicity: A Picture Is Sometimes Worth a Million Dollars," ABA Entertainment and Sports Lawyer; Spring 2005, co-authored with Bela Lugosi

- “Your Witness Counselor,” ABA Student Lawyer; May 2004
- “Trying Circumstances,” Los Angeles Lawyer; September 2002
- “Trademarks and Internet Domain Names in the Digital Millennium,” 4 UCLA Journal of International Law & Foreign Affairs 377; 2000, co-authored with Michael LiRocchi and Steven Kepler
- “Reflections on Compelling Nonparty Discovery in England,” The California International Practitioner; Fall 1999
- “The Challenge of Verifying Corporate and Government Claims at the United Nations Compensation Commission,” 31 Cornell International Law Journal 101; 1998
- “A UNCC Panel of Commissioners Sets Precedents in Government Claims,” 92 American Journal of International Law 339; 1998, co-authored with Veijo Heiskanen
- “Compelling the Production of Evidence by Non-Parties in England and Wales Under the Hague Convention,” 24 Syracuse Journal of International Law & Commerce 77; 1997
- “The UNCC and Iraq’s Liability for Corporate Claims,” California International Law Section Newsletter; Winter 1995/96

Bar and Court Admissions

California Bar

Supreme Court of the United States

US Court of Appeals for the Armed Forces

US Court of Appeals, Ninth Circuit

US District Court, Northern District of California

US District Court, Central District of California

US District Court, Southern District of California

US District Court, Eastern District of California

Education

University of California, Berkeley, Boalt Hall School of Law, JD, 1991

University of California, Los Angeles, BA (cum laude), 1988



Steven A. Haskins

Associate
Los Angeles
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Practice Teams

Litigation
Antitrust and Competition Law

Practice Areas

Steven Haskins is an associate in the Litigation group, where he focuses on complex commercial disputes, consumer class actions, antitrust, bankruptcy and appellate matters.

Previous Work

Prior to joining Arent Fox, Steve was an associate at a large international law firm where he handled class actions, contractual disputes, antitrust, and fraud claims for multinational corporations, trustees, and debtors-in-possession. Steve's most recent victory came in a nationally-covered case heard before the United States Supreme Court. In *Flores v. Arizona*, Steve participated with a team of attorneys representing the state legislature in seeking to overturn an injunction issued by the District Court of Arizona. After the Ninth Circuit upheld the injunction, Steve assisted in securing a writ of certiorari to the Court, then assisted in briefing the case and preparing it for oral argument. In a recently issued decision, the Court agreed with the legislature's position, overturning the Ninth Circuit's ruling and remanding the case to the district court for re-review. Steve's prior cases also include:

- Successfully obtaining summary judgment in the Southern District of New York, on behalf of a satellite-television provider, in a potentially \$1 billion fraud and breach-of-contract case regarding one of its international affiliates; representing the same provider in subsequent arbitration of related claims settled on the eve of trial
- Representing a satellite-television provider against a class-action challenge to its late-fee practices in Illinois state courts; assisting in a successful petition for reconsideration to the Illinois Court of Appeals, in which the Court reversed its own decision to uphold the trial court's ruling that an arbitration clause was unconscionable, and instead ordered the trial court to uphold the arbitration clause
- Representing a post-confirmation bankruptcy trust defending against copyright claims in both the Ninth and Second Circuits
- Representing a satellite-television provider in class-action litigation in the Central District of California challenging the channel-"bundling" practices of several nationwide cable and satellite programmers and distributors as a violation of the Sherman Act
- Representing a glass manufacturer in an MDL class-action suit filed by direct purchasers claiming price-fixing in violation of the Sherman Act
- Representing a fiberglass-insulation manufacturer in a class-action suit filed by indirect purchasers claiming price-fixing in violation of the Sherman Act

- Representing a debtor-in-possession lender to a subprime mortgage company in fraud and breach-of-fiduciary-duty litigation in the Bankruptcy Court in the District of Delaware
- Representing a “life settlement” provider in fraud litigation filed in California state court; successfully sought a temporary restraining order and preliminary injunction at the trial-court level and successfully defended the injunction at both the trial and appellate courts

Before attending law school, Steve served as a consultant to the California State Assembly Republican Caucus on redistricting, an area in which he continues to take active interest. During law school, Steve completed judicial externships with US District Court Judge Paul Cassell of the District of Utah and Justice Jill Parrish of the Utah Supreme Court.

Publications/Presentations/Recognitions

“Closing the Dolan Deal – Bridging the Legislative/Adjudicative Divide,” 38 Urb. Law. 487 (Summer 2006)

While attending law school, Steve was senior editor of the *Brigham Young University Law Review* and first runner-up in the Pacific Legal Foundation’s Sixth Annual Judicial Awareness Writing Contest.

Bar and Court Admissions

California Bar

Supreme Court, United States

US Court of Appeals, Ninth Circuit

US District Court, Central District of California

US District Court, Northern District of California

Education

Brigham Young University, J. Reuben Clark School of Law, JD (magna cum laude, Order of the Coif), 2005

Claremont McKenna College, BA (Government, with honors; cum laude), 2000