

## STATEMENT OF QUALIFICATIONS FROM J. GERALD HEBERT

1. **Personal.** J. Gerald Hebert ("Gerry") is a sole practitioner of law in Alexandria, Virginia. If selected for this position, he would be performing 100% of the legal services.
2. **Attorney/Firm General Description.** J. Gerald Hebert is President of J. Gerald Hebert, P.C., a law firm incorporated in the Commonwealth of Virginia. The firm's website, [www.voterlaw.com](http://www.voterlaw.com), describes the election law services, including redistricting, that his law firm provides.
3. **Experience.** J. Gerald Hebert ("Gerry") is currently the Executive Director and Director of Litigation at the Campaign Legal Center, in Washington, DC. He joined the Legal Center in 2004. The Campaign Legal Center is a non-profit, non-partisan organization that is involved primarily in issues involving campaign finance regulations, government ethics, lobbying reform, and redistricting reform.

Gerry Hebert also maintains a private practice and has done so since 1994. If selected for this position, Gerry would take a leave of absence from the Campaign Legal Center for an appropriate period (*e.g.*, through August 2011).

From 1973 to 1994, Gerry served in the Department of Justice, where he served in many supervisory capacities, including Acting Chief, Deputy Chief, and Special Litigation Counsel in the Voting Section of the Civil Rights Division. In these positions, Gerry served as the lead attorney in numerous voting rights and redistricting lawsuits, often supervising several less experienced attorneys in major voting rights litigation. These redistricting and voting rights lawsuits included a number of cases decided by the United States Supreme Court, including *Bolden v. City of Mobile*, *Johnson v. DeGrandy*, and *Shaw v. Reno*, *Presley v. Etowah County, AL*,

At the Department of Justice, Gerry served as chief trial counsel in over 100 voting rights lawsuits. These included Section 2 suits (*e.g.*, *United States v. Marengo County, AL* (went to trial), *United States v. Dallas County, AL* (went to trial), *United States v. Darlington County, SC* (settled by consent decree), *United States v. Demopolis, AL* (settled by consent decree), *United States v. Indian Head, Maryland* (settled by consent decree), *Brown v. Mobile County Board of School Commissioners, AL* (went to trial), *Brooks v. State Board of Elections (GA)*, *United States v. Wicomico MD* (went to trial), among many others.

In his Justice Department career, Gerry also prepared and analyzed numerous statewide and local government redistricting plans for compliance with applicable legal standards under the Voting Rights Act (statewide plans reviewed at DOJ for compliance with Section 5 of the Act included congressional and state legislative plans in Louisiana, South Carolina, Florida, and North Carolina, and numerous local redistricting plans). Gerry also prepared budgets for litigation, analyzed proposed federal election legislation, and instructed newly hired attorneys on the conduct of litigation at the Department of Justice's

training center. During his 20 year tenure with the Department of Justice, Gerry received numerous awards and commendations.

In 1994, Gerry left the Department of Justice and opened a solo law practice in Alexandria, Virginia, specializing in election law and redistricting. Gerry's legal practice is national in scope, representing clients (including many state and local governments) in Texas, California, New York, North Carolina, South Carolina and Virginia, among other states.

As a solo practitioner, Gerry has represented Members of Congress in several *Shaw v. Reno*-type lawsuits. These were cases where the Member's district was challenged as an unconstitutional racial gerrymander. For example, he served as counsel for a defendant-intervenor (Congressman Cleo Fields) in *Hays v. State of Louisiana*, and represented Congresswoman Eddie Bernice Johnson and other Members of Congress as *amici* in *Vera v. Bush*, and served as legal counsel to defendant intervenor (Congressman Bobby Scott) in *Moon v. Meadows*. Gerry also participated in the United States Supreme Court representing *amici* in *Hunt v. Cromartie* (NC).

In private practice, Gerry also filed an amicus brief in the United States Supreme Court in *Vieth v. Jubilerer*, a one-person one vote and political gerrymandering lawsuit brought challenging the 2001 congressional redistricting map in Pennsylvania. The *Vieth* amicus brief was co-authored with Stanford law professor Pam Karlan.

Gerry Hebert has been counsel in approximately 100 voting rights or redistricting lawsuits since he began his private practice in 1994. From 1999 to 2002, Gerry served as General Counsel to IMPAC 2000—the national congressional redistricting project for Democrats. In that position, he met with Democratic congressional delegations in each state, advising them about the redistricting issues in their state. In his capacity as General Counsel, Gerry provided advice to Members about how to plan for litigation, both from the standpoint of defending a plan drawn by Democratically-controlled state legislatures, to challenging a plan in court enacted by a Republican-controlled legislature. This included preparation of detailed strategy memoranda, outlining legal issues, describing procedures for redistricting that had to be followed (or challenged), preparation of talking points for legislative debate on redistricting plans which included discussion of legal ramifications of plans under Section 2 and 5 of the Voting Rights Act, the one-person one vote requirements, as well as under *Shaw v. Reno*). In his capacity as General Counsel, Gerry also served as chief legal counsel in the 2001 redistricting lawsuits filed in both state and federal courts in Texas, *Del Rio v. Perry* and *Balderas v. State of Texas*. Both lawsuits were decided after a trial.

In 2003, Gerry served as chief counsel for voters and congressional Democrats in *LULAC v. Perry*. The case went to trial in 2003 and eventually was decided by the United States Supreme Court. Gerry served as lead counsel in the case, along with Paul Smith, an attorney with the law firm of Jenner and Block.

Other voting rights or redistricting related cases that Gerry has handled in private practice include authoring amicus briefs in the United States Supreme Court in section 2 cases (*Bartlett v. Strickland*), the bailout provisions of the Voting Rights Act (*NAMUDNO v. Holder*) and as counsel for plaintiffs in cases brought under Sections 4 and 5 of the Voting Rights Act (*e.g., Cotera v. State of Texas, Barrientos v. Texas, v. Dallas County, TX*). The Section 5 cases usually were disposed of by three-judge courts on dispositive motions, after a hearing. The Section 4 cases were cases brought seeking a bailout from coverage under the special provisions of the Voting Rights Act. Gerry has filed approximately 20 of these suits since 1996. All bailout suits were settled by consent decree with the United States Department of Justice.

I am presently serving as co-counsel in two suits in Florida that raise redistricting-related issues: *Brown v. Scott* is a constitutional challenge to recently adopted amendments to the Florida Constitution that prescribe certain criteria the Legislature must follow in the 2012 redistricting plan it adopts. I represent voters and the State NAACP and Democracia Ahora who have moved to intervene as defendants. That motion is pending. The second redistricting-related suit I am involved in is *Florida NAACP v. Scott*, where plaintiffs have filed suit to enforce Section 5 of the Voting Rights Act. The newly-elected Governor of Florida withdrew the State's Section 5 submission of the recently-enacted redistricting criteria to the United States Department of Justice and the suit seeks a court order requiring him to re-submit the redistricting criteria for preclearance review.

In addition to these Florida clients, my current client list includes the City of New York, and the following local governments in Virginia, California, and Texas who are seeking a bailout under the Voting Rights Act: VA-Culpeper County, Manassas Park, Williamsburg, James City County, Rappahannock County, Bedford City, Bedford County, King George County, Prince William County, Fredericksburg; CA-Merced County, Alta Irrigation District; TX-Jefferson County Drainage District No. 7.

Gerry has served as an Adjunct Professor of Law at Georgetown University Law Center, in Washington, D.C., where, from 1995 to 2007, he taught courses on voting rights, election law, and campaign finance regulation. In 1995, he also taught election law at the American University's Washington College of Law. In 1998, he co-taught a course on voting rights law at the University of Virginia School of Law with Professor Pamela Karlan.

From 1994 to 1995, Gerry served as a part-time staff attorney for the national office of the Lawyers' Committee for Civil Rights Under Law, in Washington, D.C., where he specialized in voting rights cases, particularly the then-pending *Shaw v. Reno* challenges across the United States.

Gerry has authored a number of law journal articles and other publications on redistricting and the Voting Rights Act. His most recent publications include "Bailout Under the Voting Rights Act" in "America Votes" (Published by the American Bar Association's Section of State and Local Government)(Ben Griffith Editor); An Assessment of the Bailout Provisions of the Voting Rights Act in "Voting Rights Act

Reauthorization of 2006" (University of California, Berkeley Press); "Redistricting in the Post-2000 Era", in the George Mason University Law Review, and most recently "The Realists' Guide to Redistricting", 2<sup>nd</sup> edition, published by the American Bar Association's Section of Administrative Law and Regulatory Practice (co-authored).

4. **Conflicts of Interest.** I am unaware of any conflicts of interest as described in Section VI, #4.

I did serve as legal counsel to the California State Auditor regarding the formulation of rules following approval of Prop11. This work included reviewing procedures of the State Auditor's office, the timelines involved, review of provisions of the California Election Code, the Voters First Act, and preparing Section 5 submissions to the United States Department of Justice. Also, as noted above, I have represented and served as legal counsel to congressional Democrats from 1999 to 2003 in my capacity as General Counsel to IMPAC 2000. In addition, I also rendered legal services for the National Democratic Redistricting Trust in 2010, a redistricting entity established for Congressional Democrats in 2009, although none of my work for the Trust dealt with California.

**Fees:** I estimate that my legal fees would be \$20,000 per month. I do not charge for my time spent traveling to and from meetings or hearings. I calculated this cost estimate as follows: I would estimate spending 20 hours a week or approximately 88 hours a month providing legal services to the Citizens Redistricting Commission. I would discount my hourly rate to \$275 per hour and thus the calculation of \$20,000 per month. With regard to attendance at public hearings, I would estimate my fees to be \$2200 for an eight hour hearing (8 x \$275).