

From: **John W. Kopp** [REDACTED]
Date: Thu, Mar 17, 2011 at 3:06 PM
Subject: Negative Comments on Nielsen, Merksamer, et al. Law Firm
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To: Citizens Redistricting Commission, Legal Advisory Committee

In reviewing the 21 page submission by **Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP**, I find many disturbing items, but will attempt to be as brief as I can and still convey my thoughts about what the committee and possibly the whole Commission should consider.

First, there are very strong historical and business ties to one particular major political party, namely the Republican party. An appearance of impropriety surfaces, even if not real, and this would be something the Commission should avoid if it wishes to keep the confidence of California's citizenry.

In a somewhat **related** vein, this firm was deeply involved with the Republican party of Texas' "front organizations" taking of a partisan position in the case of **League of United Latin Am. Citizens v Perry**, 548 U.S. 399 (2006) when it argued that mid-decade (off census year) redistricting did not violate the U. S. Constitution. [Page 10 of their application.] That is a well remembered and very partisan court case that would surely cause many California citizens to wonder how impartial this firm could remain when advising on our state's redistricting issues.

Their **whole section 4** [Mid page 12 through mid page 14] simply **rings false** to this reviewer. All of their affiliations cling close to either the Republican party or associations commonly believed to be closely of a Republican "persuasion", e.g., the California Chamber of Commerce mentioned on p. 13.

Perhaps most serious are the comments under major heading item 5 [Pages 14 and 15].

- "... **Not** contemplate[ing] advice and assistance concerning a **preclearance submission** for the Commission's final plans."
- Numbered item "1."; not representing the Commission full time, this firm is expecting not to be involved for more than **60 hours/month !!!** (That breaks down to just c. 2 hrs./day or 14 hrs./week.)
- The **really shocking** part of that item "1." is the last sentence: "If after the first two months of contract performance, the time commitment requested by the Commission is **significantly** more than this estimate, the

monthly fee reflected below **would be adjusted.**" One needs to ask, who gets to define when and if the time commitment is "significantly" more, the law firm unilaterally? Similarly, when it comes to the possible need for "..., the monthly fee reflected below would be adjusted.", **who** would do the adjusting?, the firm unilaterally?, and if the Commission disagreed, would the law firm believe it would have the right to leave the Commission in the lurch, i.e., without appropriate VRA legal advice?

· Without going further in to the whole fee thing that is laid out on pages 15 and 15, I have to say that I think the whole thing smells of lawyerly subterfuge, i.e., **it doesn't pass the "whiff" test.**

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Citizen, Riverside County

03/17/2011, c. 12:50 p.m.

Disclosure: John Kopp is a registered Democratic voter.