

OUR PROPOSAL TO SERVE

Citizens Redistricting Commission

LITIGATION COUNSEL

July 18, 2011

JENNER & BLOCK

CHICAGO | LOS ANGELES | NEW YORK | WASHINGTON, DC

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SECTION VI – Submission Format

- 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.**

Lead Attorney: **Rick Richmond**, Los Angeles, \$775

Michael B. DeSanctis, Washington, D.C., \$675

Kenneth K. Lee, Los Angeles, \$635

Paul M. Smith, Washington, D.C., \$875

Andrew (“A.J.”) Thomas, Los Angeles, \$650

Jessica Ring Amunson, Washington, D.C., \$555

- 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.**

Founded in 1914, Jenner & Block consistently secures major litigation victories for clients from the trial level through the United States Supreme Court. Our approximately 450 attorneys located in Chicago, Los Angeles, New York, and Washington, D.C. offer substantial experience in a broad range of legal areas. We have grown and prospered because of our dedication and unwavering commitment to our clients, to the Bar, to our people, and to public service. Clients from around the world trust Jenner & Block with their most complex and challenging matters.

Our lawyers have argued many matters before the United States Supreme Court, all of the 13 United States Circuit Courts of Appeals, and dozens of other federal and state courts across the country.

Among Jenner & Block’s trial attorneys are 12 Fellows of the American College of Trial Lawyers, 6 former United States Supreme Court clerks, 44 former United States Court of Appeals clerks, numerous state appellate court clerks, two former U.S. Attorneys and numerous former Assistant U.S. Attorneys. We have members of the bars of every United States Court of Appeals and members of state bars throughout the country. Several former Jenner & Block lawyers currently serve as federal judges, maintaining a remarkable history of judicial service by members of the Firm.

Jenner & Block has traditionally served as a leader in public service and pro bono advocacy, having been consistently ranked as one of the top ten pro bono firms in the country by *The American Lawyer* magazine. In 2010, *The American Lawyer* recognized Jenner & Block as the number one law firm in the country for pro bono service for the third year in a row. Many organizations have recognized the Firm for its longstanding pro bono commitment. We have received the Pro Bono Institute’s John H. Pickering Award, Public Interest Law Initiative’s Pro

Bono Initiative Award, DC Bar's Pro Bono Law Firm of the Year Award, the prestigious Pro Bono Publico Award from the American Bar Association, and many more.

We recruit our lawyers from top-tier law schools and prominent clerkships and our culture is a combination of a profound respect for the law, the highest legal standards, and a collegial atmosphere.

Our mission is to exceed our clients' expectations every day by providing the highest caliber of legal counsel and advice, to contribute to the legal profession, to maintain our long tradition of public and community service and to provide our people with outstanding and challenging career opportunities.

3. Experience

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

Jenner & Block has substantial experience representing the interests of both major political parties in redistricting and Voting Rights Act cases throughout the United States in both state and federal courts. At the present time our experience does not include direct representation of a party before the California Supreme Court, but we believe our overall experience in this area is so substantial that our ability to superbly represent the Commission in any court should not be an issue. Should we be called upon to do so, our experienced team of California based practitioners stands ready to assist the Commission in any matter before the California Supreme Court or any other court.

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.**

With nearly 375 attorneys in our national litigation department we have represented the interests of a wide variety of clients from a diversity of industries on both the plaintiff and defense sides of cases. Below is a sampling of our litigation experience directly relevant to the kinds of issues the Commission will likely face. Many of our representations straddled both the state and Federal courts, a hallmark of this kind of litigation. We also have strong experience representing both the Democrats and the Republicans in these matters as well as bipartisan groups challenging redistricting based on race or other forms of alleged discriminatory bias.

- Counsel for defendant-intervenors in *Cano v. Davis* (2002), a federal court action challenging legislative and congressional districts in California.

- Counsel for the Florida House of Representatives in *Johnson v. DeGrandy*, both at the trial level and in the U.S. Supreme Court.
- Counsel for the affected Democratic Members of Congress in Texas – Martin Frost, Eddie Bernice Johnson, Nick Lampson, Ken Bentsen, Gene Green, Sheila Jackson Lee, and John Bryant – in the remedial phase of the *Bush v. Vera* litigation, involving a claim of racial gerrymandering.
- Counsel for Congressman Peter Deutsch in *Fouts v. Harris*, a challenge to the congressional districts in South Florida.
- Counsel for the Democratic members of the Virginia General Assembly as intervenors in a case seeking to bar use of statistically adjusted data for redistricting in Virginia.
- Counsel for the Democratic congressional delegation in the five-year fight over congressional redistricting in Texas, 2001-06. This included three trials, two arguments in the Texas Supreme Court, and an argument in the U.S. Supreme Court.
- Counsel for the Pennsylvania Democratic congressional delegation in the fight over congressional redistricting, 2001-04. This included a trial, arguments in state and federal court in Pennsylvania, and an argument in the U.S. Supreme Court.
- Counsel for the Michigan Democratic congressional delegation in the fight over congressional redistricting, 2001-02. This included litigation in state and federal court, including an argument in the Michigan Supreme Court.
- Counsel for Congressman Richard Gephardt and a group of other Democratic Members of Congress as intervenors in *Department of Commerce v. United States House of Representatives*, involving the legality of using sampling to adjust the census.
- Counsel before a three-judge federal district court for successful African-American challengers to Illinois' state legislative redistricting plan of 1981.
- Counsel for successful African-American challengers in federal court to 1981 City of Chicago redistricting plan.
- Counsel for African-American plaintiffs in a limited, but successful federal court challenge to a portion of the 1991 Illinois Congressional map.
- Counsel for the New Jersey Legislative Apportionment Commission, 2001-04, and 2010-11. This included a trial in federal court and argument in the Third Circuit and the New Jersey Supreme Court.
- Counsel for City of North Chicago in successful defense (in federal court) of 1982 City redistricting plan challenged by African-Americans.
- Counsel for MALDEF and Hispanic plaintiffs in challenge to 1991 state legislative redistricting scheme before the Illinois Supreme Court.

- Co-counsel for Republicans in 2001 Illinois state legislative redistricting cases.
- Counsel for plaintiffs in state court in Florida challenging the 2001 Florida congressional map.
- Counsel for the Democratic leadership in Oklahoma in the litigation over their legislative map, 2001-02.
- Counsel for the City of Cambridge, Massachusetts, challenging the state legislative map, 2001-02.
- Counsel for Prince George’s County, Maryland, challenging the Maryland legislative map, 2001-02. This included an argument in the Maryland Court of Appeals.

d. Describe representative legal work performed on behalf of public agencies, boards or commissions in the past 10 years.

Some of the redistricting work listed above was performed for clients who are public bodies, including the City of Chicago, the City of Cambridge, Prince George’s County, the New Jersey Legislative Apportionment Commission, and others. In addition, over the last 25 years, the firm handled more than 70 constitutional cases for the Office of the Governor of the state of Illinois, under both Republican and Democrat Governors. These cases involved the First Amendment, race, age and sex discrimination, reverse race discrimination, etc. We are currently representing the City of New York in the appeal of an environmental case.

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.**

We represent clients in election law disputes in the Supreme Court and in state and federal courts across the country at both the trial and appellate levels. A very large percentage of these cases have involved the application of Sections 2 and 5 of the Voting Rights Act. For example, we have dealt with the Voting Rights Act both in challenging and later in defending City Council maps for the City of Chicago. We argued *LULAC v. Perry* in the U.S. Supreme Court. That case involved the application of Section 2 of the Voting Rights Act to various districts in the Texas congressional map. The U.S. Supreme Court upheld some of the challenged districts but held that one in South Texas violated the Voting Rights Act.

Our attorneys are also actively involved in advising state legislatures and their staffs in the current round of redistricting following the 2010 census. Our vast experience in litigating cases in numerous states across the country enables us to understand the unique challenges of redistricting efforts at the local level. We know that the current redistricting map in California is receiving substantial attention from all points on the political spectrum. We have decades of experience in working with politically charged issues of all kinds and know how to advocate on

behalf of our clients in the firestorm of our country's increasingly partisan political culture. Currently our law firm is engaged in a number of redistricting matters across the country and the acrimonious political climate is well-known to us. In the end, we strive to work with our clients to rise above the fray, focus on the issues at hand, and reach the best possible conclusion using our accumulated knowledge and skill in these uniquely contentious matters.

The Commission's bi-partisan approach is a good one which should help speed approval of the proposed maps. To that end we are proposing a bi-partisan team of experienced attorneys to represent the Commission. Our proposed team of attorneys has a long history of active involvement with both the Republican and Democratic parties, including representation in numerous election issues over the years. We sincerely believe there is no firm better positioned to offer the Commission the kind of measured, focused, and result driven representation it will need going forward, than Jenner & Block. We are honored to have the opportunity to describe our experience in this area and hope to be of service to you as this historic matter unfolds.

f. Describe the attorney or firm's experience with electronic discovery.

Our national litigation department is comprised of nearly 375 attorneys. As a result, at any time our attorneys are involved in every stage of electronic discovery imaginable. In today's current litigation environment there are a multitude of ways to perform discovery and a variety of ways to source the work. Whether it is an entirely outsourced model, an in sourced model, or a hybrid approach, we are adept at working with our clients to craft the best solution offering the most effective results at reliable price points. While we offer state-of-the-art litigation support technology solutions based on our in-house capabilities, we frequently use external vendors selected by our clients for discovery processing and data hosting. Using web-based extranets provided by us, our clients, or third-parties, we have effectively managed the collection and analysis of discovery data in our matters. We are able to work with and provide data in any industry-standard format, and our technology staff is comfortable working with most major litigation support platforms on the market. Our overall objective is to ensure that a matter is effectively and efficiently resolved as favorably as possible for the client.

4. Conflicts of Interest

a. Compliance with Government Code Section 8252

1. Our law firm has performed no lobbying services for California in the last 10 years.
2. No political contributions are made on behalf of the Firm to any political party or elected official or to any candidate running for public office. The firm has a small PAC that has made occasional contributions to candidates for state office in Illinois and for Congress. We can provide information about the campaign contributions of individual team members on request.

You have asked us to identify past redistricting representations that may present the "appearance of a conflict in connection with the representation of the Commission in connection with the defense of the Maps." In the preceding Section 3 we highlighted for you our experience in a wide variety of election law matters. While we cannot see any apparent conflicts with work we have performed for other clients in the past or at present, we are willing to discuss any questions

related to conflicts the Commission may have. Certainly our law firm has done and continues to do work for clients associated with partisan interests.

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.

Jenner & Block is, to the best of its knowledge, in compliance with all of the California Rules of Professional Conduct. Should we become aware that we are in violation of any rule we will seek to immediately take remedial measures. We know of no matters in which our law firm is adverse to the State of California. Finally, you have asked us to identify “any work previously provided by the attorney or law firm on behalf of any potential adverse party or witness, to the extent known.” Given the size and scope of the work performed by our law firm in its nearly 100-year history and the relatively unknown number of parties to this potential litigation, it is impossible for us to answer this questions with any degree of certainty. We will commit to the Commission that should be we become aware of any potential conflict we will immediately bring it to the Commissions attention for discussion.

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.

We are proposing the hourly fees as identified in response to question number 1, in which we have shared our proposed team. Once we have a better sense of the scope of the engagement we will know how the matter will be staffed on a day-to-day basis. We will work with the Commission to provide the best quality service at a price point consistent with the most effective outcome.

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.

Former Congressman Martin Frost
Shareholder
Polsinelli Shughart PC

[REDACTED]

Washington, D.C. 20005

[REDACTED]

Angelo Genova
Counsel to the New Jersey Legislative Apportionment Commission
Partner

Genova Burns & Giantomasi

[REDACTED]

7102

[REDACTED]

James Joslin
ACS Chief Litigation Counsel
Honeywell International Inc.

[REDACTED]

Matthew Luxton
Vice President and General Counsel
NASSCO / General Dynamics

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San Diego, CA 92113

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Marc Michael
The AES Corporation

[REDACTED]

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[REDACTED]

Attorney Biographies

JENNER & BLOCK



Partner

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Rick Richmond is the Managing Partner of Jenner & Block's Los Angeles office and a partner in the Firm's Litigation Department. He is a member of the Complex Commercial Litigation and Class Action Practices and the Real Estate Finance Litigation and Workout Task Force. He serves on the Firm's Management Committee.

Mr. Richmond is a trial and appellate lawyer and client counselor with 25 years of experience in state and federal courts, in federal and local administrative proceedings, and before AAA and other arbitration panels. He has tried two dozen cases and handled numerous TRO and injunction proceedings in venues across the country, including in California, Arizona, Washington, New York, Maryland, Virginia, Ohio, Indiana, Missouri, Tennessee, Texas, and Louisiana.

Mr. Richmond has also argued 17 appeals in the California Court of Appeals, the Arizona Court of Appeals, and in seven different United States Courts of Appeals. Mr. Richmond's areas of practice include class actions, contracts, fraud, insurance and financial services, securities, employment and labor relations, intellectual property, construction defect, environmental, and toxic tort matters. Mr. Richmond has repeatedly been recognized by Southern California Super Lawyers in its Business Litigation category since 2005.

Mr. Richmond successfully represented Ray Hays and other private citizens in a bench trial to a three-judge panel, challenging a Louisiana congressional district (re-drawn after the 1990 U.S. census) as an unconstitutional racial gerrymander. *The Shreveport Times* described several significant admissions the defendants' expert conceded "under a fierce cross-examination" by Mr. Richmond. The District Court invalidated the congressional district boundaries and the U.S. Supreme Court dismissed the appeals as moot.

Prior to joining Jenner & Block, Mr. Richmond was a partner at Kirkland & Ellis. From 1987-89, he served as an appellate attorney in the U.S. Department of Justice's Civil Division. He was a Law Clerk to the Honorable Harlington Wood, Jr. of the U.S. Court of Appeals for the Seventh Circuit.

Mr. Richmond is currently a director of the Los Angeles Area Council of the Boy Scouts of America, Chairman of the Criminal Justice Legal Foundation, Secretary of the California Club, and a member of the Advisory Board of The Federalist Society – Los Angeles Chapter, the Board of Advisors for The George Washington

University Law School, and the Board of the J. Reuben Clark Law Society – Los Angeles Chapter. Mr. Richmond was previously the President of the George Washington Law Alumni Association and a director of the Los Angeles Area Chamber of Commerce.

Mr. Richmond is a 1986 honors graduate of The George Washington University Law School, where he was the Senior Managing Editor of the *George Washington Law Review* as well as the President of The Federalist Society. He is a *cum laude* graduate of Brigham Young University. He is a member of the bars of California, Colorado, District of Columbia, Illinois, and Massachusetts and is admitted to practice before numerous state and federal courts.

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Michael B. DeSanctis is Managing Partner of Jenner & Block's Washington, DC office. He is a member of the Firm's Litigation Department and Co-Chair of the Election Law and Redistricting Practice. He is also a member of the Creative Content and Communications Practices. Mr. DeSanctis serves on the Firm's Management Committee.

As Co-Chair of the Firm's Election Law and Redistricting practice, Mr. DeSanctis has litigated numerous congressional redistricting cases from in the 2000 cycle, and has been involved in numerous election law and voting rights cases in the 2004 and 2008 congressional and presidential election cycles.

Mr. DeSanctis has been recognized for three consecutive years in *Chambers USA* as a leading lawyer in Washington, DC. Clients commended Mr. DeSanctis's courtroom experience and described him as "a terrific advocate." Mr. DeSanctis was also named in the *Legal 500 U.S. (2009)*, for litigation and telecommunications, where clients described him as "superb" and as "a credit to the firm and to the profession." In July 2009, Mr. DeSanctis was recognized by *The National Law Journal* in its "40 Under 40: Washington's Rising Stars," feature as one of Washington, DC's most prominent rising stars for his litigation work in the entertainment industry. The Firm was also selected as 2010 "Copyright Firm of the Year" by *Managing Intellectual Property* magazine.

Mr. DeSanctis maintains an active and diverse litigation practice. Mr. DeSanctis regularly represents clients in the recorded music industry, television and other sectors of the entertainment industry. His litigation practice in this area has focused on issues involving new technologies and the Internet, as well as on more traditional copyright infringement matters. His work has involved precedent-setting litigation in federal courts, industry-wide royalty rate-setting proceedings concerning satellite radio and other digital distribution channels before the Copyright Royalty Board, and pre-litigation counseling to clients on a broad range of novel copyright and digital technology law issues. Notable matters include *In Re Determination of Rates and Terms*, 2006-1 (CRB 2008) (establishing more than 300% increase in royalty rates for sound recordings performed by satellite radio stations); *Atlantic Recording Corp., et al. v. XM Satellite Radio, Inc.* (S.D.N.Y. 2007) (establishing new precedent limiting scope of defenses under the Audio Home Recording Act). Mr. DeSanctis is currently representing Viacom, Inc. in its copyright infringement case against Google and YouTube (S.D.N.Y.) and SoundExchange, Inc. in its rate-setting proceeding against the webcasting industry before the CRB.

In the broader field of communications, Mr. DeSanctis represents leading telecommunications companies in the federal courts and before the Federal Communications Commission in a wide range of telecommunications matters. Mr. DeSanctis regularly appears as lead counsel for national communications companies in enforcement matters before the FCC's Enforcement Bureau and the FCC's Office of the Inspector General. In addition, Mr. DeSanctis had first-chair responsibility for one of the nation's leading telecommunications companies in over 50 pieces of litigation under the Telecommunications Act of 1996. Mr. DeSanctis argued over a dozen appellate matters in courts throughout the country involving novel issues of pricing, interconnection, access and ISP-related issues. *E.g.*, *MCIMetro Access Transmission Servs. v. BellSouth Telecomms. Inc.*, 352 F.3d 872 (4th Cir. 2003).

Mr. DeSanctis also has an active complex civil litigation practice. His trial and appellate litigation work in this area has focused on a diverse range of substantive fields including administrative law appeals, product liability cases, and commercial contract disputes. His commercial litigation work has included class action defense, multi-district litigation (MDL), and domestic and international arbitration. Mr. DeSanctis has successfully defended Fortune 500 companies in federal court breach of contract and misappropriation of trade secrets litigation, defeated putative nationwide class actions, and engineered novel settlements in MDL proceedings involving over 200 pieces of litigation.

Mr. DeSanctis received his J.D. *cum laude* from New York University School of Law and his B.A. *summa cum laude* from Boston College. He is admitted to practice in the District of Columbia, New York and New Jersey (inactive).

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Kenneth K. Lee is a partner in the Firm's Litigation Department and a member of the Complex Commercial Litigation Practice. Mr. Lee's practice crosses a wide range of subject areas, including healthcare, financial services, class action, and insurance coverage litigation. In addition to civil litigation and arbitration matters, Mr. Lee has experience with federal appeals and internal corporate investigations.

Before joining Jenner & Block, Mr. Lee was an Associate Counsel to the President of the United States. In this capacity, he represented the White House in various investigations, provided advice to White House officials, and coordinated with the Department of Justice on numerous litigation matters. Mr. Lee also served as the White House's legal liaison to the Department of Health and Human Services and the Office of Science and Technology Policy. In addition, he assisted in the selection of district and circuit court judges for the Ninth Circuit and with Presidential pardons. He also served as special counsel to the staff of the Senate Judiciary Committee for the confirmation of John G. Roberts, Jr. to be the Chief Justice of the United States.

His private practice experience includes:

- Acting as lead trial counsel in a federal trial involving allegations of breaches of fiduciary duty by the directors and officers of a publicly traded company;
- Serving as a member of the trial team that represented the leaseholder of the World Trade Center in a multi-billion dollar insurance coverage dispute in the aftermath of September 11th;
- Defending Fortune 500 companies against securities fraud and shareholder derivative suits;
- Litigating consumer class actions lawsuits in state and federal courts; and
- Conducting various internal investigations at publicly traded companies.

Mr. Lee has an active pro bono practice. He has, in the past, won reversal of a drug conviction of an indigent client, filed a Second Circuit amicus brief on behalf of a slain police officer's widow, and represented individuals seeking asylum.

He previously practiced for several years at Wachtell, Lipton, Rosen & Katz in New York, and was also a clerk to Judge Emilio Garza of the U.S. Court of Appeals for the Fifth Circuit. Mr. Lee has written widely for both legal and non-

legal publications, including *National Law Journal*, *Los Angeles Daily Journal*, *The Recorder*, *The New Republic*, and *The Weekly Standard*. He has also authored a book on immigration policy and law titled *Huddled Masses, Muddled Laws* (Praeger Publishers, 1998).

He is a 2000 *magna cum laude* graduate of Harvard Law School. He is also a 1997 *summa cum laude* and Phi Beta Kappa graduate of Cornell University. Mr. Lee is admitted to practice in California and New York.

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Paul M. Smith is a partner in the Firm's Litigation Department. He is a member of the Firm's Policy Committee. He is Chair of the Appellate and Supreme Court Practice and a Co-Chair of the Media and First Amendment and Election Law and Redistricting Practices, as well as a member of the Creative Content Practice. Mr. Smith is AV Peer Review Rated, Martindale-Hubbell's highest peer recognition for ethical standards and legal ability.

Mr. Smith has had an active Supreme Court practice for two decades, including oral arguments in fourteen Supreme Court cases. These arguments have included *Brown v. Entertainment Merchants Association* (2010), this Term's case about the First Amendment and video games; *Crawford v. Marion County Election Board* (2008), the Indiana Voter ID case; *LULAC v. Perry* (2006), and *Vieth v. Jubelirer* (2003), two congressional redistricting cases; *Lawrence v. Texas* (2003), involving the constitutionality of the Texas sodomy statute; *United States v. American Library Ass'n* (2003), involving a First Amendment challenge to the Children's Internet Protection Act and *Mathias v. WorldCom* (2001), dealing with the Eleventh Amendment immunity of state commissions. His first argument was in *Celotex Corp. v. Catrett* in 1986. Mr. Smith also worked extensively on several other First Amendment cases in the Supreme Court, involving issues ranging from commercial speech to defamation to "adult" speech on the Internet.

Mr. Smith also represents various clients in trial and appellate cases involving commercial and telecommunications issues, the First Amendment, intellectual property, antitrust, and redistricting and voting rights, among other areas. His recent trial work has included several cases involving congressional redistricting as well as challenges to state video game restrictions under the First Amendment. His voting rights work has included being lead counsel for the Texas, Michigan and Pennsylvania Democratic congressional delegations challenging congressional district maps after the 2000 Census. He also was heavily involved in litigation over the New Jersey legislative map during that same time period and in a case where the firm defended the Chicago City Council map in the 1990s.

Mr. Smith graduated *summa cum laude* and Phi Beta Kappa from Amherst College in 1976 and received a J.D. from Yale Law School in 1979, where he served as Editor-in-Chief of the *Yale Law Journal*. The following year, Mr. Smith was a law clerk to Judge James L. Oakes of the United States Court of Appeals for the Second Circuit. From 1980-81, Mr. Smith was a law clerk to Supreme Court Justice Lewis F. Powell, Jr.

Mr. Smith was a member of the Board of Governors of the District of Columbia Bar from 2002-2008. He is a former board member and former Chair of the National Board of Directors of The American Constitution Society, a member of the Board of Directors of Lambda Legal and a member of the Board of Directors of the Washington Lawyers Committee for Civil Rights and Urban Affairs.

Since 2003, *Chambers USA* has named him one of the country's leading lawyers in the areas of Appellate Litigation and Media & Entertainment Law. Since 2007, *Chambers USA* has also named him one of the country's leading lawyers in the area of First Amendment Litigation. Mr. Smith was recognized in the 2007, 2008, 2009, 2010 and 2011 Editions of *Washington DC Super Lawyers* for Appellate Law and as one of the Top 100 Lawyers in DC. In 2010, Mr. Smith was named one of the Top 10 lawyers in Washington, DC by *Washington DC Super Lawyers* and one of "Washington's Top Lawyers" by *Washingtonian* magazine. Mr. Smith was also named one of the "Decade's Most Influential Lawyers" by *The National Law Journal* in 2010. The Firm was also selected as 2010 "Copyright Firm of the Year" by *Managing Intellectual Property* magazine. In 2010, Mr. Smith was awarded the Thurgood Marshall Award from the American Bar Association Section of Individual Rights and Responsibilities.

Mr. Smith is admitted to practice in Maryland, New York and the District of Columbia.

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Andrew J. (“A.J.”) Thomas is a partner in the Firm’s Litigation Department and a member of the Creative Content and Complex Commercial Litigation Practices. Mr. Thomas is a leading media and entertainment litigator with significant experience in copyright and trademark matters, First Amendment cases, and complex business litigation.

Mr. Thomas has represented media and entertainment industry clients at the trial and appellate levels in matters involving intellectual property rights, defamation and privacy, unfair competition claims, and prior restraints on speech. Clients have included television networks and production companies, book publishers, magazines, newspapers, photo agencies, broadcast companies, and advertising companies.

Mr. Thomas was named a leading California Media and Entertainment Litigation lawyer by *Chambers USA* in 2009, 2010 and 2011. In 2010, the *Los Angeles Business Journal* recognized Mr. Thomas as a top entertainment lawyer in its annual “Who’s Who in L.A. Law” list. He was also selected as a Southern California “Super Lawyer” in the area of Business and Intellectual Property Litigation in recent years.

From 2007 to 2009, Mr. Thomas was a Board Member of the Copyright Society of Los Angeles. He is a member of the Forum on Communications Law of the American Bar Association. Mr. Thomas was an Adjunct Lecturer on media law at the University of Southern California Annenberg School of Journalism from 2003 to 2005 and, in 2003, he was a Guest Lecturer on defamation and privacy law at the Southwestern University School of Law.

Mr. Thomas is a 1991 *cum laude* graduate of Harvard Law School, where he was an editor of the *Harvard Law Review*. He received his B.A. in Economics and Political Science from Stanford University in 1988, where he was elected to Phi Beta Kappa and graduated with distinction and department honors. At Stanford, Mr. Thomas was a reporter for and editor of *The Stanford Daily*.

Following graduation from law school, Mr. Thomas served as Law Clerk to the Hon. Alfred T. Goodwin of the U.S. Court of Appeals for the Ninth Circuit.

Prior to joining Jenner & Block, Mr. Thomas was a partner in the Los Angeles office of Davis Wright Tremaine LLP.

Mr. Thomas is admitted to practice in the State of California and before the United States Supreme Court, the United States Courts of Appeals for the Second and Ninth Circuits, and the United States District Courts for the Northern, Central, Eastern, and Southern Districts of California.

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Jessica Ring Amunson is an associate in the Firm's Litigation Department. She is a member of the Appellate and Supreme Court Practice, the Election Law and Redistricting Practice, and the Media and First Amendment Practice.

As a member of the Firm's Election Law and Redistricting Practice, Ms. Amunson has briefed matters before the United States Supreme Court and the federal Courts of Appeals involving partisan gerrymandering, voter identification requirements, and the National Voter Registration Act. She is currently involved in advising state officials and other parties in connection with redistricting litigation in several states. Ms. Amunson has spoken on redistricting on several panels and also participated in a training video for state court judges through the National Center for State Courts called: "Redistricting Litigation: What Every Judge Should Know," that is available at <http://www.electionlawissues.org/modules.html#redistricting>. Ms. Amunson also litigated an election contest suit involving allegations of electronic voting machine malfunction.

As a member of the Appellate and Supreme Court Practice, Ms. Amunson has participated in both merits and amicus briefing for numerous Supreme Court cases, and has likewise briefed cases before most of the federal Courts of Appeals. Ms. Amunson's recent experience includes litigation of administrative law matters, contract disputes, civil rights claims, and First Amendment issues.

Ms. Amunson maintains an active pro bono practice and was appointed in 2009 by the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit to serve a three-year term on the D.C. Circuit Judicial Conference's Standing Committee on Pro Bono Legal Services.

Ms. Amunson received her B.A. in English, *magna cum laude*, in 1995 from Georgetown University, where she was Phi Beta Kappa. She also received an M.A. in English from Georgetown in 1997. In 2004, she received her J.D., *magna cum laude*, from Harvard Law School, where she served as an articles editor of the *Harvard Law Review*.

Ms. Amunson clerked for the Honorable Merrick B. Garland of the United States Court of Appeals for the District of Columbia Circuit from 2005 to 2006. She is a member of the Bars of Maryland and the District of Columbia, as well as numerous federal courts.