

To: Commissioners

From: Maria Blanco

Date: July 21, 2011

Re: Interview of firms to represent the CRC in defense of its maps.

This memo will not repeat information available in the extensive materials prepared by Gibson Dunn, Morrison & Foerster, and Munger Tolles & Olsen. The proposed law firm evaluation criteria, which you can glean from reading their materials, were as follows:

1. Experience working with boards and public commissions
2. Experience with the Voting Rights Act
3. Experience or understanding of the Voters First Act
4. Successful litigation before the Ca. Sup. Ct (lead lawyer)
5. Successful complex court litigation (lead lawyer)
6. Successful U.S. Supreme Court litigation (lead lawyer)
7. Public policy litigation experience
8. Competitive rates
9. Willingness to commit top firm resources

To briefly summarize, Mo-Fo has the most experience representing public boards and commissions. Only Gibson Dunn has extensive Voting Rights experience and experience with the Voters First Act. All three firms meet criteria 4-7 and 9, with Mo-Fo and Gibson Dunn presenting teams that included more experienced lawyers and fewer associates. All three firms, in particular Mo-Fo and Gibson Dunn, are proposing a team that includes highly experienced litigators. The Mo-Fo team has a member that specializes in injunctive practice. Gibson Dunn's team includes a lawyer who recently argued successfully in the Supreme Court of California and of the United States. Mr. Brosnahan of Mo-Fo has tried 140 cases to verdict with an overwhelming win record and has handled 90 cases in federal court. MTO's Brad Phillips has handled 5 California Supreme Court cases and two Supreme Court cases.

Conflicts:

What are not included in the materials are the answers to questions we posed to the firms in the interviews about conflicts of interest. I will summarize their answers but encourage commissioners to seek more detailed answers if they need them. For Gibson Dunn we have already received their disclosures.

Morrison & Foerster

Mr. Brosnahan indicated that Mo-Fo does not have a PAC or a lobbying practice. Mr. Brosnahan has contributed to federal Democratic candidates and served on the Campaign Finance committee for President Obama's campaign. He has not contributed to any state candidates or engaged in lobbying. The other two members of the proposed team did not mention any contributions, but we can of course ask that they give us more detailed information.

As for bias, Mr. Brosnahan explained that his firm represents corporations and individuals across the political spectrum, as does he. A review of the cases in their materials reveals an extensive corporate defense practice as is common in blue chip firms that represent this country's major corporations in a wide array of litigation matters.

Munger Tolles:

When asked about possible conflicts or bias we were informed that Mr. Grant Davis-Denny was Chair of Common Cause during their drafting and work on Proposition 11.

In term of the firm they stated that they do not have a PAC or a lobbying practice and that they stated that the firm represents clients (corporate, pro bono and individual) who span the political spectrum. None of the attorneys disclosed any contributions to state political campaigns but here again, I suggest that commissioners ask more specific questions and that our Chief Counsel verify all the conflicts checks.