

Request for Information
2020 Citizens Redistricting Commission
Voting Rights Act Counsel
(This is not a competitive bid)

SECTION II – Purpose of this Request for Information

The Citizens Redistricting Commission (“CRC”) is seeking Statements of Qualifications (“SOQ”) from attorneys, including law firms and other entities to provide legal services to assist the Commission with its responsibilities pursuant to the Voters First Act.

The SOQ will be used by the Commission to select counsel to advise specifically on Voting Rights Act matters. An applicant may apply to provide such services either as an independent contractor or as an employee of the Commission, by responding to this Request for Information (“RFI”) in the manner described in Section III. (Any applicant wishing to apply as an employee should also review the job posting on the Commission’s website, at www.wedrawthelines.ca.gov.)

Commented [1]: What’s the status of the job posting? Written and ready to post?

SECTION V – Statement of Work and Experience

The required legal services may include, but will not be limited to, legal support to the Commission, staff and consultants regarding the Redistricting process, based upon the 2020 Census, through August 15, 2021 (though possibly as late as December 15, 2021, pending current developments). This may include, but is not limited to: review of documents including proposed district maps; development and/or use and analysis of Racially Polarized Voting data to advise the Commission; review and preparation of legal memoranda related to applicable legal issues; advice to the Commission, Commission staff and consultants; and attendance from time to time at Commission meetings in Sacramento and throughout the state. Attendance may be in-person or virtually depending on the Governor’s orders guiding the state’s response to the current pandemic.

Commented [2]: I would suggest taking this out. If the census data is determined to be unusable, the commission has discussed using alternative databases.

Applicants must have demonstrated expertise in the federal Voting Rights Act. In addition, experience with the California Elections Code, the Voters First Act, the Bagley-Keene Act and relevant Federal and State case law are desirable. considered.

Those responding to this Request for Information (RFI) should provide a description of their prior redistricting litigation experience as part of the response. Note that the Commission is seeking proposals for litigation counsel separately; however, a given attorney or firm may respond to both RFIs and potentially provide both VRA and litigation counsel.

Each attorney or law firm or other entity shall demonstrate qualifications to perform legal services in each of the areas described below:

1. Perform all normal and customary duties required of special redistricting counsel in connection with legal issues related to Redistricting Activities.
2. Advise the Commission, Commission staff and consultants as to procedures, legality of documents, policy concerns, and legal implications concerning the Redistricting Activities, and specifically work with Commission, Commission staff and consultants with respect to legal issues in connection with drawing new district boundaries.
3. Advise the Commission, Commission staff and consultants regarding the requirements of State and Federal laws relevant to Redistricting Activities, and in particular demonstrate expertise and experience with Section 2 and Section 5 of the Voting Rights Act, including but not limited to issues with respect to the *Shaw v. Reno* 509 U.S. 630 (1993) and *Miller v. Johnson* 515 U.S. 900 (1995) line of cases and appropriate population analysis in “majority/minority districts.” This advice will require the use and analysis of Racially Polarized Voting data developed by consultants obtained by either Counsel or the Commission.

4. Advise the Commission, Commission staff and consultants of litigation risks associated with Redistricting Activities and approaches to limit such risks.
5. Attend various Commission public meetings and hearings as requested by the Commission or Commission staff.

The attorney or firm selected may be required to submit written interim and final reports and summaries with specified deadlines as requested by the Commission or Chief Counsel.

SECTION VI – Submission Format

Attorneys, law firms and other entities qualified and interested in performing the legal services as described herein are asked to submit the following information formatted into Sections 1-4 as requested below. Responses should not exceed 15 pages, not including resumes and client lists.

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.

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. All applicants should describe their overall approach to handling Redistricting matters.

3. Experience

List significant experience in Redistricting Activities, as described in Section V, as to each of the attorneys listed above. The list should include:

- (a) The names of the public entities or private parties represented in Redistricting matters, including experience representing boards or commissions in connection with this work
- (b) The principal legal issues presented in each matter handled by the attorney, law firm or entity
- (c) Experience with Section 2 and Section 5 of the Voting Rights Act and in particular the issues identified above
- (d) The outcome of prior Redistricting representations, e.g., resolved without litigation, negotiated settlement, or trial

Please end with a summary of how this experience prepares the attorney and/or law firm to perform the services sought by this RFI.

4. Conflicts of Interest

Please disclose any financial, business, professional, lobbying or other relationship that presents a potential conflict as described in California Government Code Section 8252, as well as any litigation matter in which the applicant is adverse to any entity of California state government.

Work relating to Redistricting or other work for current or prior clients during the past 10 years that, even if such work has concluded, could present the appearance of a conflict in connection with the representation of the CRC for Redistricting Activities. For example, if the attorney or law firm either presently, or has in the past represented a political party or an interest group funded by or working on behalf of a political party, such work must be disclosed and the implications of the current or prior representation for this assignment must be described.