

CALIFORNIA CITIZENS REDISTRICTING COMMISSION
STATEMENT OF QUALIFICATIONS
OF CRIMCARD CONSULTING AND AKIN GUMP
AS VOTING RIGHTS ACT COUNSEL

This proposal outlines a Statement of Qualifications on behalf of a joint venture between Crimcard Consulting Services (Crimcard) and Akin Gump Strauss Hauer & Feld LLP (Akin Gump) to serve as Voting Rights Act (VRA) Counsel. This innovative venture is a first-of-its-kind partnership in redistricting that matches a top tier consultancy's substantive, interdisciplinary expertise on cutting edge voting rights matters with the breadth and depth of a leading global law firm with a strong record in providing policy guidance and litigation services to public entities across the country.

This venture's distinction is its ability to synthesize the best thinking from social science, political and legal analysis into a seamless package of services for non-partisan government entities. Notably, this team is also among the most diverse in the marketplace, with ties to the multiple communities in California's increasingly diverse electorate. The work product, which follows from an unmatched skill set, helps clients identify both the legally permissible and the practically viable. From crafting hearing procedures to assessing proposed maps, this venture helps decision makers address the most novel, complex redistricting questions in jurisdictions that have prioritized transparent, fact-based public engagement.

We are therefore delighted to submit a proposal to serve as VRA counsel to the California Citizens Redistricting Commission (the "Commission"), a leader in voter-centered, data-driven, and transparent line drawing. Besides litigation services that another entity may provide the Commission down the line, the substantive advice on a successful, compliant process and outcome requires a distinct perspective that we are customized to offer. With a shifting legal landscape and the rapidly changing demographic configuration of California's population, the advice of a trusted source that also enjoys credibility with multiple communities is crucial. To meet this challenge, we offer exceptional advisory services to help a steer a navigable path through issues that the Commission will encounter.

Scope of Work

We understand that the key duties in this engagement will include the following tasks:

1. Perform all normal and customary duties required of special redistricting counsel in connection with legal issues related to the full range of 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, and subsequent relevant cases. This advice will require the use and analysis of Racially Polarized Voting data developed by consultants obtained by either VRA Counsel or the Commission, as decided by 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.

Personnel

Principal Counsel/Consultants:

Kareem Crayton, JD, PhD: Dr. Crayton is the founder and manager of Crimcard Consulting Services. He is distinguished as the country's sole JD/PhD (Political Science) whose principal research area focuses on issues of race, elections, and representation. An author of dozens of widely cited academic articles in law and political science publications, he has served as faculty at leading universities around the country and is the substantive architect of the first-of-its-kind educational game called *The Redistricting Game*. His unique contributions to the world of redistricting, elections, and voting rights spans the academy, government, and the non-profit sectors. A *magna cum laude* graduate of Harvard College and Stanford University, Dr. Crayton has lived and worked for a total of twelve years collectively in the State of California. During that time, has consulted and advised public and private clients on redistricting projects throughout the country, including in the State of California and the City of Los Angeles.

Hyongsoon Kim: Mr. Kim is a partner in Akin Gump's Irvine office. He has significant experience in defending complex commercial litigation and class actions matters for both public and private entities in federal and state courts across the country—particularly in California. He has gained a reputation for innovative legal and procedural tactics and focuses on obtaining early dismissals of complex litigation in federal court. His practice involves litigation of federal claims in multiple areas, including handling cases involving voting rights and redistricting litigation. Mr. Kim also represents both private and public clients in numerous class actions involving federal statutory, state and common law claims, with a particular focus on privacy-related claims. He led the Akin Gump team that represented the petitioners to the Supreme Court in *Lee v. City of Los Angeles*, a case that argued that Los Angeles City Council District 10 was racially gerrymandered. Mr. Kim and Akin Gump [were honored](#) by Los Angeles' Korean American Coalition with the Corporate Luminary Award for this pro bono representation.

Pratik Shah: Mr. Shah is a partner in Akin Gump's Washington, D.C. office and the leader of Akin Gump's renowned Supreme Court and appellate practice. Pratik briefs and argues cases in federal and state appellate courts across the country, including the U.S. Supreme Court. He also provides strategic advice to clients at all stages of constitutional, regulatory and other complex

litigation. Under Pratik's leadership, Akin Gump has been a mainstay on the *National Law Journal's* Appellate Hot List and was recognized as Law360's 2019 Practice Group of the Year. Before joining the firm, Pratik served for more than five years as an Assistant to the Solicitor General at the DOJ. He received a number of awards for his advocacy before the Supreme Court during that time, including the Attorney General's Distinguished Service Award for his role as lead drafter of the successful challenge to the Defense of Marriage Act in *United States v. Windsor*. Pratik regularly leads representations on the most cutting-edge administrative and constitutional law issues that clients face today—often in closely watched, precedent-setting cases. Our team integrates comprehensive knowledge of industries and the government entities that regulate them with top-flight appellate advocacy skills to collaborate in front of both agencies and the courts. He also serves on the D.C. Circuit's Advisory Committee on Procedures and was recently appointed by that court as *amicus curiae* in a major constitutional challenge to administrative law judges.

For this engagement, Dr. Crayton will serve as the principal advisor to the Commission, including (if appropriate) guiding the Commission through the creation of a process for public input, crafting redistricting principles, developing or procuring a racially polarized voting study, and reviewing/analyzing proposed and draft mapping plans. On behalf of Akin Gump, Mr. Kim, Mr. Shah and others on their team will support this consulting project with additional review and analysis, including on the issues specific to California and federal law as the circumstances warrant.

Because of Dr. Crayton's research expertise and working relationships within the social science community, we note that this venture can develop a racially polarized voting analysis to aid the Commission's consideration of its obligations under applicable state and federal law.

About the Firms

Crimcard Consulting Services is an interdisciplinary research and advisory firm that offers insights and analysis of complex questions of law and policy. The firm's work, which serves entities in the political, non-profit, and private spheres, combines the areas of expertise of its founder and manager, Dr. Kareem Crayton. In the area of redistricting, the firm has provided support and advice in state and local jurisdictions across the country.

Akin Gump is one of the world's largest law firms, with 20 offices, including in Irvine, Los Angeles and San Francisco, California and Washington, D.C. Akin Gump serves clients in over 85 practices that range from the traditional, such as litigation and corporate, to the contemporary, such as climate change and cybersecurity. Akin Gump's appellate and public law and policy practices in particular have received consistent recognition as among the top such practices in the country. Its lawyers, many of them with years of experience in the boardroom, on the bench and in the halls of government, collaborate across borders and practice areas to provide comprehensive counsel.

Experience

Among the very small group of formally trained law and politics experts nationally, Dr. Crayton is the only person with professional experience in and out of government (state and federal), which informs his ability to appreciate developing procedures and assessing alternate mapping proposals. His political science dissertation, *What's New About the New South*, examined legislative choices and strategies in states that faced racial gerrymandering lawsuits in the 1990s. Over the last decade, he has published dozens of key scholarly articles, essays and reviews on the topic of governance and representation, including seminal works on Section 2 and 5 of the Voting Rights Act. In addition, his experience includes the following:

- Dr. Crayton is the substantive architect of *The Redistricting Game*, the first-of-its kind online game that has taught practitioners and legislators about the law and policy of redistricting, including ideas for reform, for more than 15 years.
- Among litigation projects, Dr. Crayton has served as amicus counsel on:
 - *NAMUDNO v. Holder*. A constitutional test of Section 5 of the Voting Rights Act in the U.S. Supreme Court. Amicus brief was filed on behalf of Congressional Black Hispanic & Asian Pacific Islander (“Tri-Caucus”) in support of the law’s constitutionality. The Court upheld the statutory provision.
 - *Shelby County v. Holder*. A second test of Section 5 of Voting Rights Act’s constitutionality in the U.S. Supreme Court, in which an amicus brief was filed on behalf of legal and social science scholars in support of constitutionality. The Court struck the provision’s coverage formula.
 - *Applewhite v. Commonwealth of Pennsylvania*: Challenge to Pennsylvania’s voter ID law in the PA Supreme Court, in which an amicus brief was filed on behalf of the Senate Democratic Caucus. The PA Supreme Court struck down the provision.
 - *Dickson v. Rucho*: Redistricting challenge to state legislative and congressional districts in the NC Supreme Court, with an amicus brief filed on behalf of the NC Legislative Black Caucus. The NC court upheld the maps, but federal courts later struck them based on related racial gerrymandering claims.
- From 2018 until 2020, Dr. Crayton managed a social justice law firm—hiring and training a voting rights litigation team to appear before the U.S. Supreme Court in a pair of landmark redistricting cases:
 - *League of Women Voters of NC v. Rucho*: A landmark case that raised partisan gerrymandering claims challenging North Carolina’s congressional districts. Rejecting decades of precedent, the Court decided 5-4 that these claims were non-justiciable in federal courts.
 - *Perez v. Texas*: Key litigation that raised both racial gerrymandering and vote dilution claims. The Court granted limited relief based on voting rights violations in a few state legislative districts.
- Dr. Crayton’s work providing legal guidance and technical support in a consulting capacity on redistricting and elections matters include:
 - NC Redistricting: State and Federal Districts. On behalf of the North Carolina Democratic delegation, he provided advice and guidance in developing a record that ultimately led to the 4th Circuit review that struck significant portions of this map in light of an intervening decision from the U.S. Supreme Court.

- CA Redistricting Commission: Provided consulting advice for the African American Redistricting Collaborative, which advocated for districting principles that balanced voting rights concerns with practical considerations. He was a principal contributor to the Unity Map that informed the Commission's approach to districts in Los Angeles, San Diego and the Bay Area.
- Los Angeles Redistricting Commission: Provided advice to community members in City Council Districts 8 and 9 in the development of preferred maps before the first council-appointed commission.
- *Lee v. City of Los Angeles*: Served as expert witness on behalf of Koreatown plaintiffs in a 14th Amendment racial gerrymandering claim against the city council in federal court. Report focused on the lack of evidence showing racially polarized voting and evidence of unlawful racial intent in designing districts. This case ended in an adverse decision on summary judgment in district court.
- *George v. Haslam*: Served as expert consultant to plaintiffs in a federal challenge to a Tennessee ballot measure, which plaintiffs claimed did not comply with state constitution's prescribed counting method for successful ballot measures. After a positive result in federal district court, the 6th Circuit reversed.
- *Alabama v. Alabama Legislative Caucus*: Served as Special Counsel to the House Democratic leader in the AL legislature for a session to draw new legislative districts to remedy racial gerrymandering violations found by the U.S. Supreme Court. The resulting maps were upheld by the U.S. District Court on review.

Akin Gump's experience with redistricting issues includes:

- Represented a group of residents of Los Angeles' Koreatown in a lawsuit filed against the city of Los Angeles. The suit alleged, among other things, that the city's Redistricting Commission and City Council sought to illegally redraw city council district boundaries (in the process, maintaining a divided Koreatown) along racial lines, violating both the Los Angeles City Charter and the U.S. Constitution.
- Serving as counsel to OneVirginia2021: Virginians for Fair Redistricting on the following matters:
 - Prepared an amicus brief to the Virginia Supreme Court in a state legislative gerrymandering case.
 - Joined an amicus brief with other "civil society" organizations in support of appellees in *Gill v. Whitford*, a Supreme Court gerrymandering case.
 - Prepared an amicus brief to the North Carolina Supreme Court in a gerrymandering case.
- Assisted the National Association of Attorneys General with a moot court in a Supreme Court racial gerrymandering case to help them prepare for a Supreme Court oral argument.

Akin Gump also provides strategic advice to clients at all stages of constitutional litigation, including voting rights and Section 1983 claims. Akin Gump has been actively involved in defending the constitutionality of multiple federal statutes. Its appellate lawyers have a wealth of special experience in the Administrative Procedure Act and constitutional issues that cut across industries and agencies, such as notice-and-comment rulemaking strictures and the

Article III doctrines of standing, ripeness and mootness. Akin Gump also regularly represents parties and amici in the U.S. Supreme Court. This practice has received national recognition from virtually every respected legal publication. Akin Gump garnered honors as Law360's Appellate "Practice of the Year" for 2019, and remain a mainstay on *The National Law Journal's* "Appellate Hot List." Examples of the firm's experience include:

- Achieved a significant victory in the U.S. Supreme Court in a voting rights case in which the Court struck down a restrictive voter registration law in Arizona that had denied tens of thousands of U.S. citizens the right to vote in federal elections.
- In conjunction with a law school's civil rights clinic, represented minor plaintiffs in bringing federal constitutional claims under Section 1983 and federal statutory claims against their school district.
- Advising multiple clients on constitutional issues, such as severability, in connection with health care reform litigation.
- Prepared amicus briefs and congressional testimony on constitutional matters related to Puerto Rico's political status.
- Achieved a victory in the U.S. Court of Appeals for the 9th Circuit for the Gila River Indian Community, defending the constitutionality of a major federal law, the Indian Child Welfare Act, on behalf of Indian tribes.
- Appointed *amicus curiae* by the D.C. Circuit to defend the constitutionality of a statutory scheme governing removal of administrative law judges.
- Successfully briefed and argued a 9th Circuit appeal defending the Environmental Protection Agency's final rule on behalf of a coalition of tribes and stakeholders.
- Secured 6-3 victory in the U.S. Supreme Court upholding constitutionality of legislation requiring dismissal of case against tribal client and Department of the Interior.
- Represented two same-sex Texas couples in challenging portions of the Texas Constitution and Texas State law by arguing that Texas's ban on same-sex marriage violated their federal Due Process and Equal Protection Rights.

Financial Arrangement

Generally, this venture applies an hourly rate for the time spent by each team member working on an engagement. Since this project involves unknowns due to delay related to the reporting of census numbers, an estimated timeline for developing a process and crafting advice poses a challenge to establish a firm estimate form costs at this stage. We would assume that this advisory work, focused mainly on developing a process for reviewing and assessing maps, conducting background research (including an RPV study), and monitoring Commission proceedings and executive meetings will require on average of 15 to 20 work hours per week — whether on a six or nine month long timeline. Given these circumstances, we would propose a structure that applies a mixed fixed fee structure based on this estimate. Upon selection by the Commission, we can develop a precise fee arrangement that is acceptable to the Commission.

Potential Conflicts

- Beyond the professional work listed above, Dr. Crayton has made political contributions to candidates for local office in Los Angeles (where he resided for five years).
- During his tenure leading a social justice organization, Dr. Crayton also has worked in tandem with lawyers at MALDEF and Common Cause in litigation-related matters in cases outside of California.
- Akin Gump works with various minority groups on other legal matters aside from redistricting, and some of these groups may participate in redistricting efforts. Akin Gump also performed *pro bono* services relating to the 2020 presidential elections, including election monitoring services.
- Mr. Kim, along with other attorneys at Akin Gump, previously worked on behalf of minority voters in connection with redistricting litigation. The litigation did not involve the California Citizens Redistricting Commission. That litigation ended in 2019.
- Over the past 10 years, Akin Gump has handled, and expects to continue handling, litigation and other matters where the State of California, various California agencies or California state employees are adverse parties. During this time, Akin Gump also has handled, and expects to continue handling, matters in which its clients appear before the State of California and/or various California state agencies. These matters are not in any way related to redistricting. Furthermore, Akin Gump has also handled matters in which it has assisted governmental entities in the State of California. If the Commission would like, Akin Gump can provide additional information about these matters.
- Over the past 10 years, Akin Gump's political action committee has contributed to political candidates in California. If the Commission would like, Akin Gump is happy to provide additional information.