

MEMORANDUM

From: CRC Legal Affairs Committee

Date: 4/14/21

Re: Gibson Dunn Disclosures

The CRC has received both written and called-in public comments alleging serious concerns about undisclosed political donations and lobbying activity by Gibson Dunn. These concerns echo items that were raised with the 2010 CRC.

Our verification report included four relevant undisclosed items (two lobbying activities and two political donations). In their letter of March 27, GD provided an explanation for these four items. The LAC accepted these explanations as being reasonable, including their narrow reading of our RFI, so to require disclosure of political donations only by a firm, and not by individuals.

Had GD taken a broader interpretation, the reportable items would have included six political candidate donations totaling \$26,500, all by Mr. Ted Boutros, and none by any of the other proposed personnel. Many other political contributions identified by Ms. Tina Keller and/or members of the public did not actually fall under our RFI standards for amount (an inflation-adjusted \$2000, so now c. \$2515) or recipient (e.g., donations to presidential candidates are excluded).

We have also confirmed via OpenSecrets.org that GD has not performed lobbying work in California 2010-20. Also, neither the firm nor any of the proposed personnel is currently a registered lobbyist in California. The firm does have a robust lobbying presence in Washington, D.C., which may be an understandable point of confusion.

However, via the California Secretary of State's site at powersearch.sos.ca.gov/advanced.php, we did identify four political contributions by the firm itself that fall under even the narrow interpretation of our RFI. We attach our April 11 query and GD's April 12 reply, basically that these were an inadvertent oversight.

After considering this response from GD, **the LAC recommends the Commission nevertheless continue to pursue Gibson Dunn as litigation counsel** (alongside Strumwasser Woocher + Becker). We feel that all the original reasons for recommending GD are still true. While this disclosure oversight certainly does not reflect well on GD, it also does not appear to reflect intentional deception. When these earlier and later items were brought to GD's attention, they responded promptly and directly.



April 11, 2021

Dear Mr. Scolnick,

Thank you for your letter of March 27th explaining the various disclosure items we had identified. We accept your interpretation of our RFI language concerning reportable political donations, and your explanation of the two lobbying items we noted.

However, our further research identifies the following four political contributions made by your firm and thus seemingly within the specific RFI language concerning *“any political contribution, including contributions made by a firm political action committee, to candidates as described in California Government Code Section 8252, during the past ten years.”* The relevant portion of Section 8252 is (a)(2)(A)(vi), *“Contributed two thousand dollars (\$2,000) or more to any congressional, state, or local candidate for elective public office in any year...”* These items are searchable via the California Secretary of State’s site available [here](#).

Becerra for Attorney General 2018	Gibson, Dunn & Crutcher LLP	\$7,300.00	May 11, 2018
Eleni Kounalakis for Lieutenant Governor 2018	Gibson, Dunn & Crutcher LLP	\$5,000.00	Jul 10, 2018
Jesse Gabriel for Assembly 2020	Gibson, Dunn, & Crutcher LLP	\$4,700.00	Oct 21, 2020
Marshall Tuck for State Superintendent of Public Instruction 2014	Gibson, Dunn, Crutcher LLP	\$6,800.00	Sep 23, 2014

We ask that you provide a written explanation of the non-disclosure of these four items in time for our Legal Affairs Committee meeting the afternoon of April 14, 2021. We will publicly post this letter and your response as handouts for that meeting.

Yours truly,

Russell Yee
Rotating Chair (March), Legal Affairs Committee



Commissioners:

Isra Ahmad
Linda Akutagawa
Jane Andersen
Alicia Fernández
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Antonio Le Mons
Sara Sadhwani
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Derric Taylor
Pedro Toledo
Trena Turner
Angela Vázquez
Russell Yee

Alvaro E. Hernandez
Executive Director



April 12, 2021

VIA ELECTRONIC MAIL

Commissioners Russell Yee, Sara Sadhwani, and Pedro Toledo
Legal Affairs Committee
California Citizens Redistricting Commission
721 Capitol Mall, Suite 260
Sacramento, CA 95814

Re: Response to Inquiry re Firm Political Contributions

Dear Commissioners:

I write in response to your April 11, 2021 letter requesting additional information about Gibson Dunn's political contributions. Your letter identified four contributions of at least \$2,000 made by Gibson Dunn to candidates for congressional, state, or local public office in California during the last ten years that were not included in our original response to the Commission's RFI—namely, contributions to Becerra for Attorney General 2018, Eleni Kounalakis for Lieutenant Governor 2018, Jesse Gabriel for Assembly 2020,¹ and Marshall Tuck for State Superintendent of Public Instruction 2014.

When responding to the Commission's RFI, I was aware of the fact that many *individual attorneys* at our firm had made donations to political candidates in California and elsewhere, but I did not understand those contributions to be subject to disclosure, as I explained in our March 27, 2021 letter response to the Commission's first set of follow-up questions. I was not aware, however, that Gibson Dunn itself had made any qualifying political contributions *as a firm* in California in the last ten years. I now see that the four specific contributions you have identified should have been included in the initial RFI response, per the Commission's instructions. I assure you that these omissions were inadvertent.

In light of the Commission bringing its concerns to our attention, we have gone back and double-checked our internal records, as well as the California Secretary of State's website, to determine whether there have been any additional firm-level contributions that would be subject to disclosure. We can confirm that the four donations the Commission identified are the only political contributions of \$2,000 or more that Gibson Dunn has made in the last ten

¹ Between approximately November 2010 and June 2018, Assembly Member Gabriel was an associate in Gibson Dunn's Los Angeles office.

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years to any congressional, state, or local candidates in California. For the sake of transparency, note that the firm has made other political contributions to candidates in other states who were not running to represent California in the U.S. Congress or running for California state or local offices.

Please let us know if we can answer any further questions, and thank you again for your serious consideration of these issues. We remain enthusiastic about the opportunity to represent the Commission as litigation co-counsel and to provide objective, nonpartisan advice in doing so.

Sincerely,

GIBSON, DUNN & CRUTCHER LLP

Kahn A. Scolnick
Partner