

\*\*\*DRAFT\*\*\*

4/14/21

## LAC Memorandum Concerning 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.

About the relevant non-disclosed items from Ms. Tina Keller's verification report we cited in our letter of March 25 (two lobbying items and two political donations) we feel that GD's letter of March 27 gave an adequate explanation.

In particular, we see now that our RFI language can be taken to only require disclosure of political contributions by the applicant firm, and not donations by individual personnel. Below is a proposed amendment to that language for future use.

Had they 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.

We have also confirmed via OpenSecrets.org that the firm 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.

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)

However, via the California Secretary of State's site at [powersearch.sos.ca.gov/advanced.php](http://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 oversight.

After considering how to weight this oversight, the LAC recommends...

For future requests and solicitations, we recommend revising the Conflicts of Interest section thusly:

Replacing:

Conflicts of Interest

a. Compliance with Government Code Section 8252

With respect to the attorneys who are expected to work in connection with this representation, please disclose any financial, business, professional, lobbying or other relationship that presents a potential conflict as described in California Government Code Section 8252. In addition: (1) identify any lobbying work the firm has performed in California during the past 10 years; and (2) identify any political contributions, including contributions made by a firm political action committee, to candidates as described in California Government Code Section 8252, during the past ten years.

with this:

Conflicts of Interest

a. Compliance with Government Code Section 8252

With respect to each of your proposed personnel, please report all items from the past ten years that fall under California Government Code Section 8252(a)(2)(A) and (B) for them and their family members in relation to holding public office, serving in political party leadership, being a lobbyist, serving on or acting as a consultant to specified government staffs, or making specified political contributions. In addition: (1) identify any lobbying work the firm has performed in California during the past ten years; and (2) identify any political contributions by the firm and/or a firm political action committee to candidates as described in California Government Code Section 8252, during the past ten years.