

Litigation Counsel Interview Questions

1. Please confirm the California Bar memberships we show for your attorneys and address any issues they raise.

2. The public must have a high level of trust and confidence in counsel's ability to provide objective, balanced, nonpartisan advice to the Commission. How can you provide that assurance?

3. Given your experience with redistricting, what are common mistakes made by other boards and commissions which result in litigation being brought, and how can we avoid these pitfalls? What actions should the Commission take now to mitigate litigation risk in the future?

4. If the Commission successfully files its maps on time and in good-faith compliance with its constitutional requirements, on what basis are its maps most likely to be legally challenged?

5. How would you view your role when working with the Voting Rights Act (VRA) counsel retained by the Commission, in avoiding potential litigation as well as defending the Commission during litigation? How do you envision your role in working with the CRC Line Drawer, and with other CRC staff?

6. The Census data will present the Commission with several new variables including timeline delays, questions of data quality, a new Differential Privacy policy, and the new inmate reallocation policy. What new litigation risks if any do you see for the CRC in these developments?

7. After *Arizona v. Arizona* (2015), we've generally considered independent redistricting commissions to be on constitutionally safe ground. If H.R. 1 becomes law, how might it affect the Commission?

8. The Commission will have to defend being racially conscious in its decision making as one of our criteria in creating districts. California is also a uniquely diverse state in terms of racial and ethnic minorities. Over the last ten years, numerous lawsuits have occurred throughout the state under the California Voting Rights Act (CVRA). How would you defend the constitutionality of majority-minority, influence, or coalition districts that the Commission may have to draw? How would you advise the Commission to use or not use partisan election data in pursuing VRA compliance and defending its work?

9. Please explain the budget you propose, and your ability to work within the Billing Schedule as provided in template form by the Commission. How would you allocate your time among the necessary tasks, including attendance at Commission business and input meeting? Where can our staff and your firm work together to constrain costs? Describe generally the work product you will provide and how you arrive at its proposed cost.