

**Request for Information  
For Legal Services**

**Citizens Redistricting Commission  
Litigation Counsel**

**Citizens Redistricting Commission  
721 Capitol Mall, Suite 260  
Sacramento, CA 95814**

**Request for Information**  
**Citizens Redistricting Commission Litigation Counsel**  
**(This is not a competitive bid)**

**SECTION I - Introduction**

As required by the Voters First Act and the Voters First Act for Congress (Collectively the “Voters First Act”), the Citizens Redistricting Commission (the “Commission”) is charged with the responsibility, in the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, to adjust the boundary lines of the Congressional, State Senate, Assembly, and Board of Equalization districts (also known as “Redistricting” or “Redistricting Activities”) in conformance with the standards and process set forth in Section 2 of Article XXI of the California Constitution.

**SECTION II – Purpose of this Request for Information**

The Commission is seeking Statements of Qualifications (“SOQ”) from attorneys, including law firms and other entities, to provide legal services to defend its four final certified voting district maps (Congressional, and State Senate, Assembly, and Board of Equalization) in the event of litigation. The California Supreme Court has original jurisdiction over any claims that are brought in state court; however, cases may also be brought in federal court.

The SOQ will be used by the Commission to select counsel for this purpose. An applicant may apply to provide such services, by responding to this Request for Information (“RFI”) in the manner described in Section III.

At the Commission’s discretion, it may decide to hire more than one attorney or law firm based on the Commission’s perceived needs, and the attorney or law firm must be willing to coordinate with other firms as needed. If the Commission chooses representation from more than one attorney or law firm, the order of subordination with regards to any coordinated effort shall be made solely by the Commission or its designee.

**SECTION III – Submission Requirements, Due Date and Time**

Statements of Qualifications must be received by 5:00 p.m. on Jan. 29, 2021.

The Statement of Qualifications should be addressed to:

Kary Marshall  
Chief Counsel  
Citizens Redistricting Commission  
721 Capitol Mall, Suite 260  
Sacramento, CA 95814

## Questions Pertaining to this Request for Information

Requests for clarification or interpretation related to the requested information must be submitted in writing by 4:00pm PST, January 11, 2021, to the attention of Kary Marshall, Chief Counsel, at the address listed above, or by email to [kary.marshall@crc.ca.gov](mailto:kary.marshall@crc.ca.gov).

### A. Key Action Dates

Listed below are the important dates and times by which the actions are expected to be completed. If the Commission finds it necessary to change any of these dates, it will be accomplished by addendum.

Action	Time	Date
Release RFI		Dec. 18, 2020
Questions Due	4:00 p.m.	Jan. 11, 2021
Responses to Questions Posted to our Website	5:00 p.m.	Jan. 14, 2021
Submissions Due	5:00 p.m.	Jan. 29, 2021
Evaluation		Feb. 10, 2021
Interview Period		Feb. 16-18, 2021
Selection		Feb. 18, 2021
Contract Award and Execution		Feb. 25, 2021

### B. Evaluation Process

- The Commission's Legal Advisory Committee (the "Committee") will review all SOQs submitted, at a publicly noticed meeting in Sacramento, California, tentatively scheduled Feb. 10, 2021.
- Following this initial review of the SOQs, the Committee will invite those applicants deemed in the Committee's discretion most qualified, to interview with the Committee at a publicly noticed meeting in Sacramento, California, tentatively scheduled between Feb. 16-18, 2021.
- The Committee will make a recommendation on the hiring or retention of one or more applicants to the full Commission at a public meeting, tentatively scheduled between Feb. 16-18, 2021.
- Any applicant recommended by the Committee to the full Commission must also be available to meet in-person or virtually with the Commission during the Feb. 16-18, 2021, meeting. (During these meetings, members of the public will have an opportunity to comment.).

The Commission reserves the right to change these dates if necessary. Changes in date will be communicated by email to all individuals/firms responding to this RFI and posted to the Commission website.

### **C. Documents Submitted**

Preparation and submission of the SOQ will be at no cost or obligation to the Commission. All materials submitted will become the property of the Commission and will not be returned. **The materials submitted are not confidential, will be made available to members of the public attending the meetings referenced above, and will be placed on the Commission website.**

#### Copies Required

Applicants must send all materials by email to [kary.marshall@crc.ca.gov](mailto:kary.marshall@crc.ca.gov) and provide 3 copies to the address above.

### **SECTION IV – General Information**

#### Terms and Conditions

Any attorney, law firm or legal entity selected by the Commission will be required to enter into a Legal Services Agreement for the work described in this RFI. It is anticipated that work will begin as soon as practicable following the selection process and continue through to approximately June 30, 2022 on this contract. If litigation extends beyond June 30, 2022, the contract will have to be extended for fiscal year 2022/2023 (Note: this is a date revision from the Dec. 23, 2020 version of this RFI).

The Commission may also choose to select more than one lawyer or law firm to perform the legal services described herein.

#### Travel and Per Diem Expenses

All travel and per diem rates shall be limited to rates published by the California Department of Human resources (CalHR). Refer to the CalHR website at <https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx> for rates pertaining to Method of Travel, Meals and Incidentals, Lodging Reimbursement and Personal Vehicle Mileage Reimbursement.

#### Good Standing and Compliance

Applicants and/or firms must be in good standing with the State Bar of California, and in compliance with any applicable law or policy at all times. Applicable laws and or policies include, but are limited to, the California Business and Profession Codes (§6072, for example), and the Citizens Redistricting Commission Code of Conduct, etc.

### **SECTION V – Statement of Work and Experience**

Attorneys and law firms that are 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. In doing so, applicants are required to describe the full extent of the firm's experience in California Supreme Court and Federal Court litigation, in addition to that of the principal members of the proposed team. Responses should not exceed 15 pages, 12-pt. font, not including resumes and client lists. The response must be whole and complete in the submitted document and not depend on hyperlinks for required content.

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.

3. Experience

- a. Briefly describe your 10 most recent cases argued before the California Supreme Court, including, in particular, cases involving constitutional or public policy issues. For each case, please include:
  - i. The name of the case, case number, and names of the parties represented
  - ii. The principal legal issues presented in each matter handled by the attorney, law firm or entity
- b. Likewise, briefly describe your 10 most recent cases as above but where a judgment was reached in a federal court
- c. Describe representative legal work performed on behalf of public agencies and state boards or commissions in the past 10 years, providing dates and references as appropriate
- d. Describe any experience with Section 2 and Section 5 of the Voting Rights Act, including:
  - i. The outcome of prior redistricting representations
  - ii. A summary of how this experience prepares the attorney and/or law firm to perform the services sought by this RFI
- e. Describe the attorney or firm's experience with electronic discovery.

4. 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.

Please describe any work relating to Redistricting or other work for current or prior clients during the past 10 years, even if such work has concluded, that could present the appearance of a conflict in connection with the representation of the Commission in connection with the defense of its maps. 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.

If the law firm or entity that is awarded the contract contemplates additional staff assignments after the award of the contract, the personnel must be approved individually by the Commission. Prior to the date of additional assignment, the law firm or entity must submit a resume and certification of non-conflict for preliminary review and approval by the Commission's legal staff and/or Executive Director and current Chairperson and Vice-Chairperson. The individual may be cleared to work on behalf of the Commission until final approval. Final approval must be obtained by a "super majority" vote of the full Commission at the next Commission business meeting.

b. Other Conflicts

In addition to compliance with Government Code Section 8252, the attorney or law firm must comply with the rules as set forth in the California Rules of Professional Conduct. Please identify any matter in which the attorney or firm is presently adverse to the State of California. In addition, identify any work previously provided by the attorney or law firm on behalf of any potential adverse party or witness, to the extent known.

Finally, for all attorneys expected to work in connection with this representation, please disclose any active volunteering for, consulting for, or service as paid staff for any candidate for public office or any public office holder for the past 10 years. If retained by the Commission, all attorneys will be expected, for the duration of the representation, to continue such disclosures, as well as to refrain from such activities for any candidate or officeholder in a jurisdiction under the Commission's purview.

**The fact that a conflict is identified pursuant to this section is not an automatic disqualification, but is information the Commission will consider in the selection process.**

## **SECTION VI – Fee Arrangements**

The Commission anticipates the services contemplated by this RFI will be provided on an hourly basis. For each professional who will be assigned to these matters, please set forth his or her hourly rate. The Commission will also consider alternative fee arrangements, and the cost of retaining the firm will be among the factors considered in awarding this contract. The initial amount authorized pursuant to this agreement shall not exceed \$500,000, and shall be in place until June 30, 2022, however, the contract can be amended to extend time and add funds as necessary in order to continue the contract through the completion of all litigation.

## **SECTION VII – References**

Provide a minimum of five client references, for which the lead lawyer or other team lawyers have performed significant representations, including work for such clients before the California Supreme Court and Federal Court.

## **SECTION VIII – Miscellaneous**

Any attorney, law firm or legal entity selected by the Commission will be required to:

1. Agree to adhere to legal cost and billing guidelines designated by the Commission.
2. Adhere to litigation plans designated by the Commission.
3. Adhere to case phasing of activities designated by the Commission.
4. Submit and adhere to legal budgets as designated by the Commission.
5. Maintain legal malpractice insurance in an amount not less than the amount designated by the Commission.
6. Submit to legal, bill audits and law firm audits if so requested by the Commission. The audits may be conducted by employees or designees of the Commissions or by any legal cost-control provider retained by the Commission for that purpose.
7. Pursuant to Business and Professions Code § 6072, “[Agree] to make a good faith effort to provide a minimum number of hours of pro bono legal services [in the State of California] during each year of the contract equal to the lesser of 30 multiplied by the number of full time attorneys in the firm’s offices in the State, with the number of hours prorated on an actual day basis for any contract period of less than a full year or 10% of its contract with the State of California. Failure to make a good faith effort may be cause for non-renewal of a State contract for legal services, and may be taken into account when determining the award of future contracts with the State for legal services.” Note: The attorney, law firm, or legal entity may be required to submit to a legal cost and utilization review as determined by the Commission. (PCC § 10353.5).
8. Remain in good standing with the State Bar of California, and in compliance with any applicable law or policy at all times. The latter is also applicable to any attorney’s, law firms’, or legal entities’ attorney staff or subcontractor assigned to work on this matter and/or on behalf of the Commission.