

March 27, 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 Disclosures

Dear Commissioners:

I write in response to your March 25, 2021 letter requesting additional information about our team's disclosures in the RFI response. We are humbled by the news that we are being recommended as litigation co-counsel to the Commission, and we are grateful for your follow-up questions, as they reflect the thorough diligence that the public should expect from the Commission. We hope that our responses below assuage any concerns about selecting Gibson Dunn to defend the Commission and its maps in any litigation.

First, as to the "Victims of Terrorism" matter identified on page 1 of the Conflict of Interest Report, we can confirm that any lobbying in that matter would have involved only *federal* lobbying, not any lobbying in California. Non-California lobbying does not qualify for disclosure under the instructions in the RFI, which called for "any lobbying work the firm has performed *in California* during the past 10 years."

Second, we can also confirm that the "King's Casino LLC" matter identified on page 1 of the Conflict of Interest Report was a litigation matter, not a lobbying matter. However, because the engagement involved submissions to the California Gaming Commission and the California Attorney General's Office—both of which are state agencies covered by the lobbying rules—my partner, Maurice Suh, registered as a lobbyist out of an abundance of caution. And Mr. Suh is not part of the team who would be representing the California Citizens Redistricting Commission in this matter.

Please note that we have confirmed on the California Secretary of State's website that Gibson Dunn is not currently a registered lobbyist firm in California, and none of the proposed members of the team who would be representing the Commission are currently registered as lobbyists.

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Third, the Conflicts of Interest Report identifies two donations of \$2,700 each to Kamala Harris for Senate. Those were political contributions made by an individual attorney on our team. We did not understand the RFI to call for disclosure of such political contributions by individual attorneys.

Specifically, the first sentence of the disclosure requirement applies to the “attorneys who are expected to work” on this matter—for each of those attorneys, we were asked to “disclose any financial, business, professional, lobbying or other relationship that presents a potential conflict as described in California Government Code Section 8252.” By contrast, we understood the subject of the second sentence of the disclosure requirement to be Gibson Dunn itself, not any of the individual attorneys—it asks us to identify “any lobbying work *the firm* has performed in California ...” and “any political contributions, including contributions made by a *firm* political action committee, to candidates as described in California Government Code Section 8252.” And it does not otherwise refer to individual attorneys. For these reasons, we did not interpret the RFI to seek disclosure of political contributions by the attorneys on our team, as opposed to the firm itself.

Nonetheless, we can certainly understand why the Commission would prefer to take a broader interpretation of the disclosure requirements, and we apologize for any confusion caused by not including the individual attorney’s political contributions in our original response to the RFI.

Finally, in light of your concerns, you asked if we would like to provide a description of our firm’s overall lobbying and PAC activity. Gibson Dunn has a Public Policy Practice Group that is based largely out of our Washington, D.C. and New York City offices.<sup>1</sup> The practice group description on our firm’s [website](#) is as follows:

Gibson, Dunn & Crutcher’s Public Policy Practice Group promotes and protects client interests before the U.S. Congress as well as federal, state, local and international government entities.

The Public Policy group’s clients receive timely, in-depth information on potential government actions that may affect their business. Where necessary, we arrange for, and then prepare, clients to meet with members of the U.S. Congress and their staffs as well as executive branch officials. Other services include providing:

- Advocacy before legislative and executive branches of government

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<sup>1</sup> A handful of Gibson Dunn’s California-based attorneys are members of the Public Policy Practice Group, but none of those attorneys would be part of the team who would represent the Commission in this matter.

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- Assistance with general legislative, committee and floor strategy
- Analysis and drafting of legislation, including legislative amendments
- Establishment and running of coalitions to amplify advocacy efforts
- Preparation prior to congressional committee testimony
- Representation in congressional, U.S. Inspector General and Government Accountability Office (GAO) investigations
- Assistance in securing appropriations and other government benefits
- Assistance with products and capabilities marketing to federal government agencies
- Ongoing regulatory counsel

Client work crosses industries and interest areas that include:

- Financial institutions
- Technology and communications
- Managed funds
- Defense
- Housing
- Taxation
- U.S. state and local matters

Unlike a pure lobbying firm, Gibson Dunn's work is grounded in traditional analytic and advocacy skills, combined with broad experience in U.S. and international government operations. We have the credibility, access and reputation to be heard, and take pride in our ability to craft legal arguments and advocate for our clients. We do this in a carefully targeted manner designed to achieve the desired result without fanfare or unwanted publicity.

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Gibson Dunn's Public Policy practice offers a bipartisan team of lawyers who have served in a wide range of high-ranking government positions. The group's practitioners include former congressional committee staff and senior officials with U.S. federal agencies, the judiciary and the White House Office of Management and Budget.

The Public Policy group's goal is to maximize the potential benefit – or minimize the potential adverse impact – of governmental action on your business interests. We work to develop broad policy strategies using analytical tools, our experience in building and managing coalitions, expert, firsthand knowledge of relevant processes and personal relationships with key members and staff of governmental entities. The practice group offers a “policy plus” approach that blends traditional lawyering and business skills with the capabilities of a top-flight lobbying firm.

We hope and trust that this information will resolve your concerns, but we would of course be happy to answer any further questions you may have. We remain excited about the opportunity to represent the Commission as litigation co-counsel and are confident in our ability to provide objective, nonpartisan advice, as we did a decade ago.

Thank you again for your interest in our team, and for the important work that you are doing for our State.

Sincerely,

GIBSON, DUNN & CRUTCHER LLP

Kahn A. Scolnick  
Partner