

ICRC

12/10/20 Meeting

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>> Steve: Good morning, everybody. As chair of the commission, I call this meeting of the Michigan Independent Citizens Redistricting Commission to order.

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For purposes of the public watching and the public record, I will turn to the Department of State's staff to take note of the commissioners present.

Sally, would you kindly call the roll?

>> Sally: Good morning, commissioners. Please unmute yourself and say present when I call your name. Anthony Eid.

>> Anthony: Present.

>> Sally: Brittni Kellom?

>> Present.

>> Sally: Cynthia Orton.

>> Present.

>> Sally: Doug Clark.

>> Present.

>> Sally: Dustin Witjes.

>> Present.

>> Erin Wagner.

>> Present.

>> Sally: Janice Vallette.

>> Present.

>> Sally Juanita Curry.

>> Present.

>> Sally: MC Rothhorn.

>> Present.

>> Sally: Rebecca Szetela.

>> Present.

>> Sally: Honda Lange.

>> Present.

>> Sally: Richard Weiss.

>> Present.

>> Sally: Steve Lett.

>> Present.

>> Sally: All commissioners are present.

>> Steve: Everybody being here, we do have a quorum and business can continue.

You have received an agenda prior to the meeting. And are there any additions, deletions, or corrections or any new business to add to the agenda?

Hearing none, I would propose that the agenda be adopted as presented. All in favor, please raise your hand. [Hands raised]

The agenda is adopted. The minutes of the last meeting were distributed prior to today. And if there are any corrections, we would entertain them now. Any additions or deletions?

Does anybody have any of those?

If you would approve the minutes as presented, do so by raising your hand.

[Hands raised]

The minutes are approved as presented.

We do, as my understanding, have a public comment. Is that still correct, Sally?

>> Sally: The individual who signed up isn't on.

>> Steve: At this stage, and if they come on, we will take them, but at this stage would be the time for public comment. Because this is a virtual meeting, members of the public had to sign up in advance to address the commission.

Staff of the Department of State, would you unmute each member of the public for up to two minutes, first come, first serve basis ?

This means that members of the public would be called on in order in which they signed up to address the commission.

To those members of the public participate in public comment, please note that you would have no more than two minutes to address the commission on any given

morning. . You can also submit your thoughts to the commission and the public by e-mails redistricting@Michigan.gov. The Department of State will provide your written thoughts to the commission as they do. By indicating in that e-mail that you would like to submit your written comment as public comment, it will be included in the online meeting archive. And the commission public comment sign up links are also posted on redistricting Michigan social media pages, on Facebook, and Twitter at redistricting MI.

Sally, are they on yet or not?

>> Sally: Nope, still not on.

>> Steve: All right, with that, we will move on to old business.

First up is an old business would be an update from the Department of State staff. Sally.

>> Sally: Good morning, everyone. I'm for and for the public watching, Sally Marsh, director of special projects at the Department of State.

A couple updates for you all. So I'm going to run through them and let me know if you have any questions, because I know you have a lot to get to today. So your compensation through Kelly Services. You all have been contacted by Kelly Services at this point in the stages of finalizing your paperwork, wanted to provide clarification that as I'm sure you've all become aware that you will not be 1099ed. You will be on the payroll of Kelly Services, which means you will receive a W2. This is how you get on their payroll. It's sort of how Kelly Services works for other individuals in the same way within the legislative Council. And I've asked that, you know, I've asked them to do everything possible to get you on the payroll starting next week, so that you would have your first sort of paycheck on your compensation. On December 24th. Because they do pay each week for the previous week, so it would start on December 14th would be sort of your first day and it goes through that week and then you get paid the following week. And, you know, just wanted to show you all that we made it clear, both in the paperwork we had to fill out clarifying that you weren't paid out early and also, you know, make it clear with Kelly Services individuals, the sort of uniqueness of your role and that you are, you know, public officials and so that's part of what took a minute to get all of this to you. But that's how those logistics are working in terms of the catch up back pay. It will appear on your paperwork and your composition as a bonus and be processed as and taxed accordingly. Once you're in their system and once you're officially hired, they will be able to process it and so for all of you who, you know, were originally selected back in August, that amount is calculated from October 1 to December 14th. For Rebecca, it will start after you were randomly selected. And they've assured me they can process that relatively quickly. Once you all are in their system. So I would expect next week I'd be able to provide an update for all of you on the timing of when that will get delivered, but they hope to do it before, just before Christmas. Similar to your payroll, we also spoke to Kelly Services about employees, the one you're about to formally hire and in the future, they should not have trouble

processing them. And are prepared to do so quick, relatively quickly. Once hired, they'll have to make some adjustments to the paperwork that they had to prepare for all of you, but relatively minimal and I had a question last week about the markup or sort of the compensation for Kelly Services for doing this payroll work for all of you. It's 1.26 markup so each of the weekly compensation what is taken out of the commission's budget is an additional .26 which goes to Kelly Services so happy to provide more services if you like. And then computers. As with many things there will be devices and security needs to get set up. So our team is working to procure computers and Steve just approved you know to do it as well for the initial three employees you plan on hiring. They will be sent to state buildings so they can be set up within the state network for security purposes and other things. Then a field service representative from the department of technology management and budget. Will contact all of you once they are ready to deliver them and they will meet up with you in a public place with Wi-Fi so you can do the final password and other security set up before taking your computers so we are trying to expedite the process and our team got approval yesterday to expedite the approval processes for those computers and other things so I hope that will happen in the next several weeks with the holidays it is a little bit of a question Mark. But I will update you on timing when we have a clear sense of when those will be available. I wanted to say per your request I was able to meet with Sue Hammer Smith this week and will meet with her several more times before the holidays to bring her up to speed and bring her any support we can as she starts to get to work for all of you. So that is my update. I know that was kind of a lot.

>> And thank you and mentioning Sue I'm going to assume she is watching. Hi, Sue. Glad to have you on board as soon as we get all the paperwork done. Next, we will be the employment contract. Hopefully everybody received one of those today, early this morning or late last night. And have had a chance to go over them. Are there questions?

Or comments?

Rhonda?

>> Rhonda: I actually have three questions and two of them should be relatively quick. The compensation for services. On page one where it says total amount of compensation for services and expenses during the term of this contract shall not exceed the contract value set forth on contract cover page. Is there an additional page that we did not receive or is the contract cover page, page one?

>> Steve: I'm assuming there is a cover page somewhere. Mike or Sally?

>> Mike: Mike Brady chief legal director department of state. I don't believe there is a separate cover page. The more appropriate thing would be the initial cover letter which Rhonda and Doug relayed and this commission had reviewed and approved at its meeting next week. Noted in the conversation with Steve it's in the correspondence. And prior discussion with the commission. This is a standard template contract the

state uses and so that may very well be something it's a great catch Rhonda to be clarified and not reference the cover page but reference the cover letter dated what was it?

December 3?

December 4th whatever that was.

>> Rhonda: Question two.

>> Steve: Wait a minute, that is a good point. And putting the asset forth in contract. And cross out cover page and leave otherwise amended by contract addendum.

>> Question two is reimbursement for actual expenses and talks about the travel expenditures will be eligible for reimbursement. I'm questioning should the hotel and meals say like we go to the UP and it's an overnight meeting when we do our meetings, is that something that is included in those expenses?

And it says reserves the right to deny reimbursement of any expenses for which approval was not sought pursuant to this contract. So is she going to have to -- I guess in our conversation with Sue it was brought up that the same expenses which we would incur like if we have to stay out of town because of travel distances that hotel would be reimbursed based off state guidelines, mileage based off of state guidelines and any food based off of state guidelines should that not be included in there?

>> Steve: Well travel expenditures will be eligible for reimbursement based on standard State of Michigan guidelines.

>> Rhonda: That is going to include then the hotel?

Is I just wanted verification just to be sure.

>> Steve: It also says preapproval she can't go out and stay on Mackinac Island at the grand without getting preapproval.

>> Rhonda: Right, I get that, okay.

>> Mike: Looks like Mike has a point.

>> Steve: I'm sorry, Mike.

>> Mike: Rhonda the way I looked at with respect to your second question looking at 3.4 reimbursement for actual expenses the second sentence talks about travel expenditures the first one talks about reimbursement of any expense so imagine a situation again I don't think the first sentence concerns travel at all because the second sentence explicitly does. So if for example you someday maybe in the summer you are having a public meeting and you are up in northern Michigan you are anywhere frankly and realize 30 minutes or an hour before the meeting or frankly on the way to the meeting you realize you did not get enough of the fliers of whatever, right, I'm just making this up obviously. So she stops at Fedex and Kinkos on the way and prints off a hundred fliers of some information that you guys have and she didn't get a chance to make a copy in the office. That is an actual expense. It's not a travel related expense. So the question would be is that the sort of thing that she should do and the answer is probably you want her to do that if you give or if you are in the habit of giving out the

theoretical hypothetical in a meeting and doesn't have enough then you want her to do it. 3.2 talks about reimbursement for an actual expense she would have incurred by printing additional copies and this is simply saying you know, you reserve the right to not do that or not reimburse her if she did not check with you first and does not mean you should not reimbursement but you are reserving the right. There is kind of a difference there. With respect to the travel expenditures Rhonda the questions you ask would be covered by the state guidelines on travel which should speak to meal or mileage reimbursement and hotel and the point at not staying at the grand hotel on Mackinac Island.

>> Steve: That would be a good place to have one of our ten meetings. Other questions Rhonda?

>> Rhonda: I have one last one and Mike will be handy for this one, I think. When we get to our nondiscrimination under the Elliot Larson civil rights act I agony state and Federal acts as far as that goes but also lists executive directive 2019-9 which that directive states a department board commissioner or any agency within the executive branch in state Government subject to supervision by the Governor under article 5 section 8 of the Constitution so I went to article five of the Constitution and it says each principle department shall be under the supervision of the Governor unless otherwise provided in this Constitution which in article five section two of the Constitution it specifically states if I'm reading it right that we are not under the supervision of the Governor. That we are independent. Not that I am disputing anything about discrimination obviously I believe there shouldn't be any discrimination. But it also states in there, there is one little part that says partisan considerations. So is partisan considerations about that, about the political leaning, I don't see how this would, when it says. Article 5 section 2. The people declare the powers granted to the independent citizens, for state and Congressional districts here and after are legislative functions not subject to approval of the Governor, reserved to the commission, the commission in all the responsibilities and operations and functions and consultants and please are not subject transfer, and I'm just asking if the executive director and it's -- are we not actually the employers? So I guess that's my question as far as the executive director 20--9 and how it pertains to us and the commission and the constitution.

>> Go ahead mike.

Mike: Lovely question Rhonda, and I noted this is a standard template used by government that for the most part falls under the executive branch. Is this executive obligated -- with respect to employment and those lines, I don't think that it is. If you wanted to include this you could include in the contract because you have the power as a commission, you can strike executive director. And you can say you won't discriminate for the following reasons, because you have the authority to do that if you wanted to do that. And you can say consistent with executive directive, or strike it all together or all the things delineated. I think the second sentence, that says you will not discriminate

against the following things, that's not all from the executive directive, that's a combination of the civil rights acts, and person with disability rights act. And for good housekeeping to the question, I think you are not obligated to keep those in there. You can strike that, and the other things that speak to where and when you can discriminate or not discriminate are bound by the two state laws in there. That includes everyone in the legislature.

>> So the suggest at least is to strike everything after 11-01 to the rest of that sentence that does make sense.

>> Rhonda.

>> I would agree to that, with state employment opportunities, like Elliott Larson says we can't discriminate, race, religion... or marital status. By having the --

>> Okay, we'll consider that a motion, anybody second that? Cynthia, seconded. Any further discussion? All in favour, raise your hand. Strike everything after MCL371101. Striking through the rest of the sentence. Is that it Rhonda. Okay. Doug,

>> I would keep... MCO3101. It's and following. So other things as part of the same law, I think you want everything after that. Everything that begins with an executive director.

>> Everybody got that? Say that again please.

>> Everything -- we're going to strike everything after ect.

That's Latin, and following. Abbreviation.

>> Most of my questions were the same that Rhonda had. The first sentence, reimbursement for office supplies and that sort of thing. I think that was what you referred

>> I believe it would. Practically speaking.

>> That's one of the things we discussed with sue. On 3.1. Payment issued by payroll. Does that mean Michigan state payroll, Kelly service payroll, or generic term good enough.

[Multiple speakers]

>> Kelly Services.

>> Okay. Cleric note, provided as 13, and that needs to go.

>> Where are you talking?

>> Compensation for services provided.

>> Page 1.

>> There is a 13. Number 13.

>> I don't see this.

>> You don't see that, I wonder why I got that.

Mike: Anyone else see it?

>> Not my copy. DOUG

: Maybe something to do with the printer when I printed it. When this thing gets finalized. Will Rhonda and I present it to Sue, like we presented the other thing, or is someone else going to do that?

>> I think that would be appropriate, you can sign our copy and you guys can present it.

>> If you can sign it and send it over to us.

>> Sure.

DOUG: We can take care of that as part of what we're doing.

>> Cynthia you have a question?

>> We're moving in the direction of a personnel committee. As executive director we will need structure -- the commission will need more structure other than the subcommittees that we have had who hired. So we might want to considering -- not making a motion right now, but I like the idea that we have consistency and continued oversight I suppose with certain individuals that help us.

>> Sally, can you put that in one of the --

>> Want to make sure we have the edits as discussed and voted on. Back to the nondiscrimination. And I also heard Rhonda mentioning the partisan. Just deleting that phrase, was that intent or did you all intend to delete everything after executive directives.

>> No-no.

SALLY: I just wanted to be clear.

>> Where we have as an executive director that we just took out. Everybody see what I'm talking about?

>> I get what you are saying, my recommendation would be to leave in everything that leads to the Elliott Larson civil rights act, would be my recommendation. I thought that is what we were doing.

>> High, weight, marital status, partisan consideration. Are you saying we're going to discriminate on partisan discrimination

>> What I'm saying is the executive directive is the one with the partisan consideration. And we tried to take politics out of it as much as we can. So what I moved and when we were discussing this we get rid of the executive directive that gets rid of partisan consideration. Because we have looked at applicants based on politics.

>> Anybody have anything to say on that.

SALLY: I think Mike does.

Mike: So a couple things. One is the way that I... I not prepared a full legal analysis of the civil rights act, because not a question previously proposed and nor have I reviewed the federal and state law and other areas of the law on discrimination for folks on partisanship. So I want to note that. If the Executive directive talks about certain things, I wouldn't be surprised if the executive directive builds on restrictions in other state laws. As noted I haven't posed that question to the attorney general and done a full legal

analysis for the commission. Even if there is a prohibition on state law, that would be binding on the folks in the state in the legislature, or a body such as yourself, your commission comes directly from the state constitution, and your commission does include specific consideration of partisan affiliation and nonpartisan affiliation, and I think, there may very well be a distinction between this commissions ability to consider partisan affiliation, per the language of the constitution itself, versus the ability one of the employees based on partisanship. Don't want to make too fine a point there, maybe it matters, maybe it doesn't matter. It might matter and I'm not prepared to speak to that, and nor do I have analysis on the office on those questions. So certainly appreciate that. Just want to clarify that.

>> Anybody else?

SALLY: So just to clarify, my question with the edits for the vote you took. Deleted and executive directive I also heard Steve wanted to move the parenthetical, and so there was anything else I wanted to be consistent.

>> Anything other than those two items?

>> Yeah, I was going to add, you can't change the requirements of the law by contract, so we can't change the executive orders to us, simply by taking it out of the contract. And so, that's just kind of my thoughts on that, we can take it out if we want, but the law will apply, regardless of what we agree.

>> I would have to argue that the executive directive does not apply based on the constitution.

>> And I think you are right on that Rhonda, Rebecca is absolutely right whatever we say about state law specifically in this case the civil rights act, doesn't matter. The executive directive -- not the executive order -- we experienced in 2020. But the executive directive. In commission is a body of the legislature, and Rhonda your analysis there is correct. Noted, you actually have a choice, you could include the executive directive because you can do what you want, but you are not bound, in the way Sally and I are as we're in the executive directive of state government.

>> So we have those. Anything else we are to do.

>> I would ask that we have the final -- whatever we decided, the stricken, what is stricken and not, and have that read out.

>> Maybe also split screen, Sally.

SALLY: I can't share my screen where I am right now. And so I'll read it out to all of you.

So 4.5 nondiscrimination, under the Elliott Larsen civil rights Act... 453, 2101. Latin -- as Mike already identified. The persons with disability civil rights act, 1976PA. Employees agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms or condition or privileges of employment because of race, color religion, partisan considerations, any mental or fundamental disability, or information... breach of the covenant is material breach of the contract

>> Any questions on what is there? Rhonda.

>> I still question the partisan part of it, for the simple fact our commission is supposed to be impartial. And I think adding that -- I mean, this is for our Executive Director so I understand that, but we are the employer, so what does that say about us as the employers? Well this is kind of unique in that aspect.

>> I guess I don't read it that way. I read it that if someone comes in to be hired by the Executive Director and approved by us quite frankly, we have the final say on all hires. That we can't say, you're a democrat, so we're not going to hire you if you qualify otherwise, or you're a Republican, or you have to be a democrat or Republican.

>> A third of us are Republican, a third are democrats and a third are independent. I would dare say the independents have one leaning or the other throughout their life times, so to say partisan considerations do not come into the commission is totally wrong. Because one of the items, one of the things we have to look at when we're drawing these maps is political consideration.

>> So that's one of the things we have to look at as the commission, would it not make sense to take that out.

>> It makes sense to me to keep it in.

>> What I'm saying Rhonda, if we take it out, we set ourself for bias in a way that doesn't suit our independence, so that we're discriminating in our thought process. Because to -- can any of us be objective. That's what we're suggesting. And I don't know if any of us can -- we each have a bias, no matter how much we try to deliberate and open, and we each have a bias, and what it's suggesting is keeping the partisan considerations is make sure we enforce some constitute -- you have to consider it. And help us understand as a commission why did you bias, why is this district drawn this way, I think it's important to keep it in.

>> Anybody else?

>> Let's vote on this, because obviously it's a contentious issue, and I will entertain a motion -- I guess a motion would be to leave partisan considerations in, and would somebody like to raise that as a motion please? Wanita raise it as a motion, do you have a question or raise it as a motion?

>> Okay, I'll take it as a motion, second? Thank you.

>> Second.

>> All right, any further discussion? Give you one last try Rhonda.

>> I tried everything I can. Maybe I'm looking at it from a different perspective than others. I'm looking at it. We set a precedent looking at people's political consideration in our hiring process already. So I'm looking at it from a different perspective.

>> All right, all in favor of leaving in the words partisan consideration raise your hand. 1, 2, 3, 4, 5. All opposed, raise your hand. One, two... 5 to 2. Those abstaining raise your hand. 1, 2, 3, 4. What does that do for us Mike?

>> I don't think we have enough votes to pass the motion.

Mike: Perhaps given the other items --

>> Go ahead.

Mike: You asked that it be left in. I wonder -- frankly it is in. And you could have asked for it to be struck. If you don't have the votes -- perhaps this could be -- the overall contract could be approved conditionally, pending, you know, that specific question could be posed and I can ask the office for analysis on it with a fuller discussion. It could be there is something else in state law. Not a question put to us before, and so we did not look into that, whether the Elliott Larson civil rights already prohibits exactly this -- anything along those lines, or not Elliott Larson. Or anything else that prohibits. So you can look at that and approve the rest of the contract on the condition of the one piece revisited at a later time, because a lot of other things that will flow from executing the contract and getting the executive director on board. STEVE

: If there is a motion to remove it, does anybody want to try it that way? Rhonda wants to try it that way. Is there a second?

STEVE: Is there a second? I'll second it. So the motion is to remove the words. Partisan considerations. Sally, we'll take a roll call vote.

>> Commissioners, I'm going to call you by name in reverse alphabet call order.

>> Everyone is clear on the motion, the motion is to remove the two words. Saying yes you want to remove it. Saying no, you don't want to remove it

>> Steve.

>> No.

>> Richard.

>> Yes.

>> Rhonda.

>> Yes.

>> Rebecca.

>> No.

>> MC.

>> No.

>> Juanita.

>> No.

>> Janice.

>> No.

>> Erin Wagner.

>> Abstain.

>> Dustin.

>> Dustin had to leave the meeting and will be back later.

>> Doug Clark.

>> No.

>> Cynthia.

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>> Abstain.

>> Brittni.

>> Abstain.

>> Anthony.

>> No.

SALLY: 7 no votes.

>> 2 yes, and P 3 abstain.

>> So it failed.

>> So the words stay in. Anything else?

Mc: I think we should understand how to use abstain, I want to understand it for myself. Why and how, and what it means, and it would be useful for me to understand, as a difference between yes and no, so I appreciate clarification, not asking for that, because we have interviews to get to, because I think it's important that we had abstentions in the classed 2 meetings. They're not voted yes or no. And if we can't get enough votes to pass it, it's just the same as the opposite vote of what the motion was? Does that make sense?

>> In my experience there is a reason for it. It would help me how we use it and don't use it. I can see us getting in sticky questions. -- I hear what you are saying and agree with what you are saying, it's just how we use it. It's the use of it and it feels like we could set ourselves up for something.

>> Should have to ask the person that abstained. Okay. Nothing else on this, then the contract as amended, I'll take it up as a vote, and this is approved, please raise your hand. All those not approving the contract as amended raise your hand. Two. Okay. Two. Any abstentions. It passes. Once I get a clean copy, I will sign it and I will get it to Doug and Rhonda for them to get to Sue. Okay. Next up to proposed questions for general counsel interview. Britni, you want to lead the conversation for us, please.

>> Sure, I would like to start by asking if anyone has any thoughts on questions that should be removed if you had the opportunity to review the proposed general counsel questions. Ones that we don't want right off the bat. I want to make a comment, our committee on the gentlemen council committee. This was put together on the committee and each of the committee members have looked at it. So it went through that type of review at this point, and we can do further review, and add and delete at this point, and I also want to make the point that the committees will ask the questions. I mean, MC, and Richard and myself and Richard have opted out, so we can have an attorney, and she asked... because we have 3 people.

>> Thank you for the context Doug.

>> Yep. Anyone else has any other thoughts. So we're fine with the 17 questions. If we're fine with it. MC, and I'll take the remainder.

>> Yes, Anthony.

>> 17 questions sounds like a lot. Is there any that we can deem more important than other ones so we can kind of maybe cut it down a little bit?

>> What about number 11?

>> I was just going to say the same thing.

Any other questions? What do we think about 13?

>> I was just looking at 13 as well.

Maybe that should be eliminated? I would take out 13 too.

Do you think someone is going to say no to that question?

That's a fluff question.

Of course I'm comfortable.

We're not going to get any other answer than that.

So.

>> Yep, I agree.

We have 45 minutes with each person

>> What about 16.

Drawing to your attention, should you have to go to court, do you have experience working with the legal team.

>> I think that's a pretty good question.

The reason being --

>> I don't think it's a bad question.

>> If we get to that point.

We're going to get to that point at some point in time.

>> M-hm.

STEVE

: But let's find out their answer.

>> Thank you Steve.

DOUG: Maybe 10.

>> Want to strike that one then.

>> Yeah, right now we're eliminating 10, 11, 13 and 14.

>> Correct.

That leaves us with 13 questions left.

>> 12.

No, 13.

Yeah.

13.

Yeah.

I think that's a good body of question, and makes for a thorough interview, and gives room for the person to add other details about themselves or experiences.

>> I assume the rest of us can pipe in at some point in time.

>>M.C: I was going to offer the first 6 questions I was given. I'm happy to share those if anyone wants to ask.

Just one person, like one voice, to break it up, so, if there is anybody that wants that.

DOUG

: I don't understand the comment.

M.C. Steve was talking about having commissioners come in, and get clarity. It's okay for other commissioners to ask questions.

And I wanted to offer my questions, if there is a more formal way to include more commissioners.

I'm also okay with doing the 6, if no one else wants to do it.

DOUG

: Why don't you take the first 6.

REBECCA

: Do we want to divide it differently with 13 questions?

>> Because otherwise, he does 6 and I do 6 and you do the last one.

[Laughter.

>> Doug is the finale.

[Laughter]

>> So we have 13.

>>M.C: I'll do the first 4.

>> You do 4.

DOUG

: Do you want to do 4 or 5?

Rebecca

>> I'll do 4.

>> So MC1-4.

And you do 5-8.

And I'll do 9 through.

>> Are you okay flowing one through another, or do you want to be prompted to ask each question?

>> DOUG: Why don't you prompt us, so they know we're switching people.

>> Go ahead Brittni, what did you say I'm sorry.

>> Go ahead.

>>M.C: I was thinking about the flow -- what I'm suggesting if we can read it, if we're hesitating too long, maybe you can jump in.

But if it's flowing.

>> Yeah, I think a flow is nice, in a typical interview, many of us have been interviewed by more than one person, and you go on whatever turn you have, since you all established who is doing what question, I can prompt if there is delay.

Like you did the last time, that's fine.

>>M.C: And Brittni will you open too.

Because I have the first questions, if you would open,

>> Rebecca did you have something to say?

>> No, just clearing my throat.

BRITTNI

: Yeah, I can do the welcoming.

And Steve.

The welcoming committee.

>> We've been at it for an hour, and we'll be at it for another hour, and everybody can do what they want to do.

And we'll be back here at -- well, 4 minutes, 10 o'clock.

>> Sally, is Dustin coming back?

DUSTIN: I'm here.

>> Everybody back.

>> I would like to welcome the interviews, and excuse our delay.

Looking forward to speaking to you all.

And the first interviewee.

And the first question will be MC.

And prefers to be called MC.

So let's get started unless Steve you have any words.

>> We want to know how you want to be addressed Ms, Gray.

Monifa, is fine

>> Nice to see you Monifa.

>> Good morning.

>>M.C: What appeals most to you about the role of general counsel.

>> I'm a little bit of a government and political nerd.

And I've always been like that since 12 grade civics class.

And I just always -- I don't know how to describe it.

Watching how democracy works and how it's supposed to function and making sure all of us are represented properly appeals to me.

Always fascinated me, so this position is actually -- just sounds perfect, exciting, and it's a newer area.

I'm familiar with the laws around it.

But able to sit down and guarantee that one person one vote actually occurs.

Is super exciting to me, I know that is super nerdy.

But that's my personality.

So when I saw the posting I had to jump at it

>> What are the top 3 factors you contribute to your success?

>> That's a good one, I would say, being myself, is the first one, early in my career, you get a lot of ideas of what a lawyer is supposed to be from TV and watching other people.

But that one I learned through the course of the years is each one of us has our own unique talents and -- I don't know -- personality that brings to the job.

And so I think about being myself.

And number 2: Being as honest as possible.

Lawyers get a bad rap, people like to say liars.

If you explain what is going on from our side as much as you can.

That tends to help and the third one is talking to people like they're real people and meet people where they are.

And try to explain to people.

I've been told I am good at explaining things to people not experts in the field.

And meeting people where they are.

And I would say those are my top 3.

>>M.C: How has your experience prepped you for this general counsel role?

>> If you have the resume in front of you, you will notice -- I'm a government lawyer. I didn't do it on purpose necessarily, especially at the beginning, but I have worked in all 3 branches of government on all levels.

Local, federal, county, state, and at first it was an accident, and even the firms I work for.

We worked for government clients.

I just get it.

And I can -- that makes me uniquely positioned to know how this commission and it's work impacts the whole system.

And you know, it's not just legislative and executive.

It's not just judicial.

All of it matters and all works together so the system works properly, if one of them doesn't work, it doesn't work.

And you know, as we have been seeing, checks and balances are there for a reason, and all of them have to work together.

And so, I think that my beautiful accident -- I guess -- of my career, came together to bring me to this point.

>> I love it.

Beautiful accident.

How do you feel your districting experience may apply to this position?

>> I don't have any hands on.

When I was working with the legislature, it wasn't a redistricting year, but I have volunteered in a position where I was teaching information about redistricting and other voting related things, especially after the election that created this commission.

This year, with the pandemic and all the things going on, with voting, especially with Michigan with the changes, I decided to sign up with two groups and educate people on what is going on.

And I think the really cool thing about this commission is that it's made up of citizens. Randomly selected.

It's not like, somebody in the legislature or the executive picked their friend or whatever. And so, I got to sit down with other citizens, and explain to them, and -- hey, this is why this matters and this is what it is.

And this is why the districts look in weird shape sometimes and you see them tail off and the reason people do.

And sometimes -- it varies by state of course.

But, you know, some people try to use it to their advantage, to pick the candidates and it goes back to the one voter, one vote, that we're the ones to be picking the candidates.

And so in doing that training, it just became really fascinating, and it's a little known area of politics and government that people really don't think about.

It happens every 10 years or so.

We don't think about the census, when we fill out the car or do it online.

Even after we do it.

We filled it out.

You may not know when it's going to be done, when do the numbers come out, and what do they mean.

So through that process, it let me know that, like, people need to know this.

And it's very important, and it's interesting to me, but it's all about allocation, money, people representing us, and all of this stuff, and all of that to say.

My work -- I found my volunteer work this year, very rewarding, and I found it -- I don't know -- it was cool do be able to inform citizens of the process, or part of the process they may not know, other than what happens to your vote when it goes out to the ether

>> Thank you, Monifa, that's all my questions, the next one may be Rebecca.

I'm not sure,

>> Let me unmute myself.

How are you

>> Good, how are you?

>> I'm good.

How do you evaluate your experience and knowledge, of the state of Michigan constitution and the open meetings act

>> The state of Michigan constitution, I have read it.

I do constitutional and government related law every day.

So every time it pertains to a case.

-- I've read it -- I won't say I read it like a book, front to back.

Back.

As a lawyer, it's our job.

I have worked on constitutional law generally since 2010.

And at that point I was in Illinois.

But state, and federal constitution.

Whatever is applicable at the moment.

And open meetings act, I represent boards now a lot.

So opening meeting act questions I get them all the time.

And how to go into a closed session, and how to vote on this, and what happens if this doesn't pass, that kind of thing.

And how do we do agendas and make sure it's posted for everybody.

So I would evaluate my familiarity with both, fairly high.

>> How do you envision the relationship between the general council and the other individuals on the team, the executive director and communications director etcetera.

>> I would hope it would be a team.

I wouldn't want anyone of us saying I'm the leader here and you must follow me.

And I look as my role as general counsel.

Lawyers are advisers.

You know, while I would definitely have a preference on what you would do.

My role here is to advise what the law is, and it's up to you to make the decision or the executive leader to make a decision.

And we all play our individual parts of a whole.

So I wouldn't want to step on the feet of the communications team, and I wouldn't want them to do it to me.

And you know, I definitely don't believe I'm a communications specialist.

So I try to defer to the experts in the field as much as possible.

And work, you know, so we can work together.

STEVE: Rebecca, you are muted

>> REBECCA: I'm sorry.

This is follow-up on the last question.

The position involves mentoring and advising the team.

What are the most important things you will focus on to make sure you have a cohesive and effective approach.

>> The first is finding out what you know and need to know.

I don't like to assume the person I'm talking to knows everything, or want to assume they know nothing.

So I think having a conversation or getting back and forth, and talking to the person, kind of hearing people out first, is a really big part of it.

I also -- I like to ask a lot of questions.

Just because I'm trying to process in my brain, okay, what is this person trying to say? I like to think several steps ahead.

And I think just making it more conversational is probably the best bet.

I do not mind being challenged.

I'm a lawyer, and I'm used to that.

And I definitely don't have any beliefs that I'm the supreme knower of all legal knowledge.

But I think it's best to keep open communication, I think that would be the best way I would do it.

>> Tell me about the most complex case or project you have worked on, and what did you learn from the experience for your career and about yourself?

>> Um, most complex.

Let's see... I represented police officers for a time.

And we had a case that was -- it was a wrongful conviction case, a person who had been in prison since the 90's.

And he ended up getting out from a pardon from the state, and it ended up requiring us to reinvestigate the underlying case, but what was complex it was a task force that investigated it.

So I represented one of the police departments that made up the task force, and I guess what was complex about it was who did what and who do whatever in 92, and the DNA came out later and said something different and trying to follow what the DNA said and follow all the pieces of the puzzle, and find the witness and whatever.

And it was several different legal issues involved as well.

And it was just -- and emotional issues, because it was a horrific crime.

And I handled it by taking one piece at a time.

I know that is cliché.

Sometimes it can be overwhelming with the amount of information you need.

And the amount of information you don't know.

And then, you know, you got your own personal opinions, but you don't know if they're correct.

They're based on whatever.

So you break it down one piece at a time, and try to work with whoever you can to get more information.

I learned a long time ago, I don't have to do everything.

And I work with those people that I have.

And so it becomes less overwhelming when you are breaking it down into pieces and little subjects, and do your best.

You know, that might sound very kindergarten teach of me.

But that's what I try to do with the complex things.

>> Thank you very much.

I believe Doug will take over and ask the following questions

DOUG: Good morning, great to have you with us today.

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>> Good morning, thank you for inviting me.

>> Do you have experience working with other commissions and explain your role and how you impacted the group.

>> For my work at now.

We like to call ours outside general counsel.

And often work for commission, and nonprofit boards.

And I serve as the attorney for the board. And different boards work differently.

You have some that don't really -- you are there to observe.

They call on you if they need a legal question.

And you come in and you answer the question.

And you have other ones, you are sitting at the table with them, and they can ask you a question on the fly sitting there and good to know what the agenda is and be prepared for anything tangentially related to the issues.

And so I think it depends on the character of the board.

And I typically, like I said earlier, attorneys are here to advice, so I typically try to -- I guess follow the lead of the board or the commission I'm working with and figure out -- and also at the same time, try to anticipate their needs, if I see any issues raised that maybe the commissioners may not see just for whatever reason.

And try to raise it.

I'm not typically shy about raising it.

That's pretty much my process.

DOUG: Okay, thank you.

Have you ever had to advice an executive to make a different decision due to legal reasons, and explain a situation and the result

>> Yes, I have.

I often -- working with executives they're the top of the food chain, and so they are used to their decisions being followed.

And then you have me come along and throw a wrench in that and I have done that before, I can't give you too much detail because of attorney client privilege.

I've done that multiple times, a decision, we want to do XYZ.

And I will say, no, the law says no, and you can't do that.

And I've had to fight it out sometimes and try to sit down and argue the position, this is what the law says and why it says, and it requires you go back and do more information, and more legal research, and when I make a decision or when I make a recommendation, I tend to write out a legal opinion with all my citations and support for why I'm coming out with the decision and not just say you are wrong.

I usually try to presented that and usually take questions.

Or I may have left something out of the opinion, or something somebody wanted to see that I didn't put in there and it's a process and talk it out.

And at the end, ultimately, I'm the advisor, and I can get over ruled as well.

If the executive wants to do it.

I put my hands up, hey, I have given the advice and it's written down, and you can choose to take it or not.

And I've done that with executives and judges I worked for.

And I'm not shy

DOUG: Yeah, that can be a contentious situation at times.

>> Yes, it did.

DOUG: Generally the executive looks at it from a financial standpoint and you look at it from a legal standpoint.

>> What do you consider the most challenging part of the role of general counsel?

>> I think the most challenging part would be listening to different voices.

You know, there are quite a few of you here.

But, it is -- I think the most challenging part is to remember I would be representing the commission as a whole.

Not just one person.

And so, yeah, I think that's probably the most difficult... somebody may personally agree with me, and I'll be like, that person, that's the person I like to listen to.

I like how they think, but that's not my role and my job.

But figuring out who is speaking for the commission at this point and does that person speak for the commission and following them.

DOUG: Do you see one person speak for the commission or 13 people speaking for the commission.

>> So sometimes, often the chair will -- the commission speaks through its votes, through the meetings.

But, sometimes you may have to have interaction outside of your meetings with a member of the commission, and usually the chair, and I would not say the chair or the person I'm talking to speaks for the entire commission, and I would definitely -- it's not feasible to talk to 13 people at one time for everything.

And thank you for asking the clarifying question.

I do believe the commission itself as a body is the client here.

DOUG: Okay.

Should we have to go to court, and anticipate that may happen when we're finished with our work.

Are you experienced working with a legal team, and explain your role and responsibilities during this type of situation.

>> Oh, yeah, absolutely.

There was a time when I was going to court 3, 4, times a week.

And very comfortable in court, no problem with that.

As far as working with a legal team, that's what I've been doing for the last 10 or so years.

And you know, representing government entities and your client -- you may be talking to one person, but your client is made up of a lot of people, and often, you may talk to general counsel, but you have plenty of paralegals, so you have to be able to work together, it's not a team of one.

And I can't even imagine trying to do some of these cases without having a team behind you.

It's just a lot of work from one individual.

So I have no problem working with that.

I think my role in the legal team is to represent the interest of the commission, and remind the legal team, hey, your client is the commission.

I think it would be a different roll for me, moving into the seat of the client, which would be a little bit more fun, being able to look at the reviews and say I don't like this and you represent the client here.

And so, I would be very comfortable with that.

I think -- I also believe my role would not necessarily, be to change every word in a brief for example.

So if we have a legal team I trust, of course I would review all the briefs, I don't like nit-picking, if the attorney is trustworthy, and I wouldn't sit down and challenge every single comma or whatever.

DOUG: Let me ask you a follow-up question with this.

Should we hire, or have to obtain a legal team to help in a lawsuit, who do you see as developing the legal strategy, yourself or the legal team?

>> I would leave that to the legal team, because -- now, and I think the strategy, I could have input in it.

But I think the legal team came up with a legal strategy.

Maybe I'm biased, because I'm currently part of the legal team, they're the ones looking at it day-to-day and familiar with the judge, and talking to opposing counsel.

I think it's their role to come up with the strategy.

I can say, the commission would prefer this, our point is this, and that.

But I don't think it's my role as the counsel for commission to come up with the strategy.

DOUG: And one last question, can you tell us what political party you affiliate with, and have you contributed to a political party.

And have you contributed

>> I'm a democrat, I don't think I've contributed in this election cycle.

And trying to remember the last time I did.

It's been several years, I want to say, probably 2012, I believe the last time... I may have contributed to some on the local level.

Like for Mayor or within the last 5 years or so.

DOUG: Okay.

Thank you.

Let me turn this back over to Steve.

>> I got a couple follow-up questions for you Monifa.

This will be a full time position.

And I'm assuming that you have a full time job now.

>> I do.

And evidently in the Detroit area.

STEVE

: This job doesn't necessarily require moving, as it's online like everybody else, but that will end sooner or later.

Is this something you are prepared to do to leave the current employment and come working full time with us?

>> Yes, I am.

I do love my current job.

But this is just such an exciting opportunity for me.

And it's very unique.

And so, you know, I would be willing -- and I'm not... I've done the law firm thing.

So I'm a government attorney at heart.

And so I'm not -- moving back to the government is not scary to me or, you know, I won't cry too hard.

How about that?

Won't miss the --

>> Wait until you come with us, and you get here and you will cry then.

>> Are you familiar with the voting rights act.

>> I discussed earlier the volunteering I was doing.

And part of what I was doing was explaining... voter suppression efforts going on, and how that applied to the voting rights after.

Especially after Shelby 2013.

And I am familiar with the voting rights act, and familiar from my time in the legislature in 07 or so.

And I have been familiar with it a couple times over the course of my career.

>> Well, I would say of you, if you are chosen to be our general counsel, you need to get your voting rights act and highlight the important parts along with the constitution, because that's what we're going to be doing.

Other questions by the panel? Just speak up.

If we don't have anything, then, I need to chastise myself, because I didn't introduce everybody as we started.

And so I am going to do that at the present time.

So I will... since everybody jumbles around, I'm going to call on people to introduce themselves, starting with Cynthia.

CYNTHIA

: Hi, I'm Cynthia Orton.

Glad you can be with us today

>> Thank you for the invitation.

>> And I'm Steve Lett, happen to be the chair at the present time.

And Rhonda?

>> Good morning, Rhonda Lange.

And thank you for joining us and interviewing with us today

>> Good morning, thank you.

>> I'm Doug Clark.

And again, good to have you with us.

>> Richard? You are muted Richard we can't hear you.

>> Sorry, I must have hit it too quickly.

Good morning, Monifa, and nice to meet you, and put a face to the name now.

And I was on the committee chosen you as one of the applicants

>> Good morning, thank you.

>> Brittini?

>> Good morning, Monifa, me again, I'm Brittini Kellom.

And current Vice-Chair of the commission and welcome you again.

>> Thank you.

>> Juanita.

>> JUANITA: Pleased to meet you.

I'm born and raised in Detroit Michigan

>> Good morning.

>> Erin?

>> Good morning, Monifa, a pleasure to see you here today.

>> Janice.

Good morning, I'm from highland township.

Welcome.

>> Thank you, appreciate it.

>> ANTHONY: Good morning, I'm Anthony Eid.

And thank you for being with us today and thank you for answering all the questions, and good luck through the process,

>> Thank you, appreciate it.

>> MC.

>>M.C: Hi, Monifa, MC.

>> Good morning.

>> Good morning again.

>> Dustin?

>> Dustin, pleasure meeting you today.

>> Thanks for having me today.

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>> Do you have any questions for us before we bring this to a close?

>> As far as the staffing goes with the rest of the team, how many would you say would be there or how many would you anticipate.

>> We don't know and we're in the process of hiring an executive director, if you have been watching us this morning, and seen how that went... we will be looking at a communications director next.

So, executive director, general counsel, communications and then we'll see where we're at.

So... obviously, we don't expect our senior leadership to be secretaries, and receptionists.

But since we're brand new and nobody has done this before, we'll figure it out as we go. I see you have been working in COVID.

We're flying the plane and building it as we go

>> Scary place to be but exciting at the same time.

So for the board members.

Would I be responsible or how does that work

>> Ultimately the board is the hiring entity, so we approve all the hires.

And certainly, if you are hiring, you know, legal assistants, etcetera.

We haven't even talked about this.

And so, one thing would probably be, you would come to us, and say, hey, I need this, or this type of person, or this type of person, and we'll take it into consideration.

And we'll do a posting like we do for everybody and we'll figure it out.

Does that answer your question

>> It does, I appreciate it.

And this may be for anybody.

What do you expect or anticipate the relationship between the general counsel and the Board to be?

>> Contentious.

>> Okay.

>> You should have got some feeling for that from the feelings of what you think the position of the board ought to be.

We anticipate a team-player.

And anticipating you will be a voice that will let us know what the legal parameters are.

You have two attorneys on here.

Mike Brady -- I don't know where he is.

He's from the department of secretary of State.

So we have the attorney's general office, and we can get legal opinions, and obviously the general counsel could request those too, depending on what we're doing.

But we anticipate working as a team, period.

>> Okay, and kind of... along with that.

Is what do you believe the day-to-day job of the general counsel is? Or what do you expect the general council to do every day?

>> No idea.... When we get into it.

We're going to have to do mapping.

That's what we do.

We have to look at communities of interest.

We have to figure out -- once the census comes out.

Which is anybody's guess right now.

And how is that going to interplay with our mapping.

So those will be the things we'll start to look at after the first of the year.

What you will do on a day-to-day level.

I would certainly expect there is some -- the census case in front of the court right now.

And expect you to keep track of those, and let us know.

They wouldn't have something new in every meeting we have.

But certainly an update on the meets on what is happening with the census, anything that comes out with voting right acts or constitutional, those things, anything specific in Michigan, sounds like we'll have a vote on all the votes in Michigan, and want to know if that impacts us on redistricting, and so those would be the things I simply would say, certainly anybody else speak up.

Rebecca?

>> I would also say that I would expect at first, there would need to be some time spent familiarizing yourself with the constitutional amendment that was done, and what flowed from that amendment, because there were significant challenges that went through the Michigan state courts and see what the arguments made there were. And the pitfalls so help guide and steer us to make sure we don't -- with concerns raised in the procedure, with redistricting areas in other areas. Like California, went through a similar process 10 years ago, and that would be a good spot to look at if you are in need of things to do.

>> And I'm glad Rebecca mentioned California, and Arizona, and they mentioned get ready to be sued.

And so one thing to do is look at the cases in California and Arizona.

And nobody is going to rewrite the book on this.

They don't do that.

As you know, being an attorney.

And so, those would be the types of things that we would be looking at.

Or we should be looking at it anyway.

Erin?

>> I have one question.

Monifa.

We have gotten a lot of public comments to one of our general counsel applicants due to partisan leanings, and if hired, how capable are you as a lawyer rendering advice that is nonpartisan?

>> I've represented all kinds of interest.

Some of them I don't agree with personally, however, that's not my job, my job is to advise on the law, and not try to influence in either way.

That's the law.

And I have -- I like to tell the story, my first day of class in torts class in law school, I had a professor Goldberg -- we act as if we have no feelings and just act.

And all that matters is the law.

My personal feelings and beliefs do not matter.

It's all on the paper and what the law says and how it's interpreted by the court.

So I completely disregard my feelings if it's opposite of what the law says

>> Anybody else? Give you one last chance Monifa.

>> I had one final question.

I told you I like to ask questions.

As far as the trial team, you mentioned the commission is likely to be sued.

How is the trial team picked from the state or outside counsel? And I don't know if you had time to discuss that

>> The anticipation in my mind, and we haven't discussed this.

I believe it will be outside counsel.

I don't believe the AG -- nobody has really discussed it.

But I guess my feeling is the AG is not going to jump in on this.

And we have our -- we're the ones that control it.

The commission controls it.

So.

Is that it?

>> That's the last one for me?

>> You just ruined the lawyers code.

One last question, means 10 more.

>> I'm sorry.

You are absolutely correct, I apologize for that.

>> We appreciate you coming and giving our answers, and did a very fine job, and we will be debating who we're going to hire, and we will let you know, one way or the other, we'll notify all the interviewees, on what is going on.

Can't tell you when that's going to be.

Not going to be this afternoon, and not tomorrow, but it will be sometime.

>> Okay.

>> Thank you very much.

>> Thank you, I appreciate it.

>> Thank you Monifa.

>> Okay.

We are up to... Catherine Kerwin, and I'm not seeing Catherine.

>> Should come around quickly.

>> A-ha.

>> It worked.

Hi, good morning, can everyone hear me?

>> Yes, we can.

>> Welcome Catherine, we're very happy to have you today.

I should ask though, what do you want us to call you

>> You can call me Catherine, if we get to know each other, you will call me Kate

which is what most people call me.

So it says Catherine on the video here, so feel free to call me Catherine

>> So Catherine, you have 3 folks that will be asking you questions, to get a better sense of who you are and what you bring to the table.

And before we get into that.

Because we missed doing it for the last person, let's do a quick round of interviews, I'm Brittni Kellom the vice chair.

And I'll go by my screen, to Cynthia.

>> You are still muted Cynthia.

>> Sorry, my button wasn't working.

Hi, Cynthia Orton, really glad you can join us this morning

>> Thank you, nice to meet you.

>> Steve Lett.

The chair of the commission currently, and I live up in...

>> Nice to meet you.

>> And Anthony.

>> Hello.

Thank you for being with us today.

I'm Anthony.

One of the independence on the commission.

And good luck through the process,

>> Thank you, nice to meet you.

>> Rhonda.

>> Good morning, Rhonda Lange.

Want to thank you for coming and interviewing with us today.

>> Thank you.

>> Doug.

>> I'm Doug Clark.

And I was on the committee that got us down to the short list, and great to have you with us today

>> Thank you for having me.

>> Richard.

>> I was also on the committee and it's nice to meet you.

>> Nice to meet you.

>> Janice.

>> Welcome Catherine, I'm Janice Vallette.

>> Nice to meet you.

>> Erin.

>> Thank you very much to Catherine, Erin Wagner.

>> Nice to meet you.

>> Juanita.

>> Hi, Catherine, my name is Juanita Curry and pleased to meet you.

>> Nice to meet you too.

>>M.C: Hi, Catherine, I was also on the subcommittee.

>> Hi, thank you.

>> Rebecca.

>> Good morning, Catherine, Rebecca Szetela.

I'm also an attorney as well, welcome and good luck

>> Dustin?

>> Hi, my name is Dustin.

Very nice to meet you.

>> Nice to meet you.

>> Okay, Catherine, if you are ready, we'll start with MC and good luck to you, and welcome again.

>> Thank you.

>>M.C: Catherine.

What appeals to you most about this role?

>> Well, I know that you have probably read my resume and you saw that I'm an assistant attorney general, and consider myself a public servant through and through. I like my job a lot.

And like what I do right now.

But when I saw the opportunity come up, I was very excited, because I watched the evolution of this constitutional amendment in the state of Michigan since it started to roll around.

We saw it happen in other states years ago, and when it was started in Mitch began, I was very excited and I thought back to when I was growing up my dad as an attorney and he would tell me in the undergraduate work, he took a class on Jerry-meandering, and he said, I had to draw the lines this way or this way.

And it just showed how many different ideas and opinions can come around when it comes to redistricting.

So this is an idea I've been thinking about for years.

And like I said, when the amendment was passed, I was very interested.

I did vote for it.

And so I support this and I support the commission.

So to have the opportunity to be personally involved, and to serve the State and the people of the State in this way, it's very exciting to me.

Because it's an opportunity to really make an impact.

It's not for me -- though, I would think it's very cool and interesting.

But it is an opportunity really to make a big impact on the state and that's something I would like to focus on now in my career, and also going forward.

>>M.C: Thanks Catherine.

What are the top 3 factors that you would contribute to your success?

>> Well, I have a lot of experience in state government.

I have appeared in not every county court in the state.

But many of them, I've driven on the roads.

And it makes me familiar with all the different parts of the state and people that live in the state.

And I do live in the Detroit area and that's where my office is.

And I see that part of the state and just to know how very different all the parts of Michigan can be.

I think it gives me a good perspective of the types of people, and their interests, and the landscape and how the district lines will be drawn for that population, and my experience in State government, and also a very good problem solver and critical thinker.

And problems that arise.

I think we should always expect problems to arise.

What I like to do is keep a cool head.

And figure out what is our next step, and I don't get angry about problems that come up.

If I see a problem, I say, here is the problem, and what can we do to fix it.

And then what are we going to do in the future to avoid that problem again.

So that leads to the third thing, I think my temperament and attitude is really good -- excuse me -- something good about myself that adds to my success.

And it helped me be a good leader and mentor.

And I think I'm very easy to understand and get along with.

And I do my best to communicate with people in a way that they want to be communicated with.

I think it is really important to meet everyone where they are.

And everyone has something to offer in a conversation or in a communication.

I might know something that you don't know, and you know something that I don't know. And so, that's really important and it helps me to be successful in whatever I'm doing.

>>M.C: I like that idea, that we all have a piece of the solution.

Thank you.

How has your experience prepped you for the general council role?

>> Like I said, I'm an assistant attorney general.

For those who might not exactly understand what that is.

The attorney general's office represents various state departments, and so you will have, for example, a big one we're hearing about lately is the department of health and human services or the department of treasury.

So those various departments... and the attorney general's office represents them in court and all things like an attorney from the department -- generally represents the department and that's what I do.

And that's what I do right now.

And I'm a manager.

And I'm the manager over the state court litigation section of my division.

And so what that means is that I represent -- excuse me, I monitor the various cases that come in and figure out what is going on with them, and assign them out, and supervise a group of attorneys in their work, and I have a high volume caseload, as well as what my associate staff attorney are working on, and that's just generally what I'm doing at the attorney general's office right now.

Aside from litigation though I do some other things, I have the opportunity to directly advise some of the departments and the legal questions that come up, and so I don't only go to court on behalf of the department.

And so the two main departments that I represent are the department of treasury.

And the department of corrections, and so there are a lot of legal issues that come up.

And so what I do is, there are both -- like I said, staff attorneys in the departments and also non- attorneys, and so a lot of the work is working with the non-attorneys to help them have the legal information they need to follow the law.

And also I will express it in a way they can understand and apply it to their work.

And so, it's... it's very -- it's kind of a various day-to-day of what I do.

And recently, I worked on a small committee for Governor Whitmer and her legal team, on the executive orders.

And so we were a small team, and we fielded many, many, questions from citizens who were speaking for and against -- as you all know that's what was happening, against the executive orders and drafting language to answer questions.

And so, you may have seen FAQ's on the Governor's website.

So the committee I worked on helped to do that.

And so, I am in the collections division.

But there is a lot of other things that I do that I hope makes a positive impact on the state as well as the attorney's general office as a whole and before I came to the attorney general office.

I was in private practice and represented construction companies, and that was a huge learning experience for me, and had the opportunity to learn about things I had never experienced before, I was thinking back to the time I was handling a very high monetary value case that dealt with water purification tanks, and as you can imagine, I didn't know anything about water purification tanks and the metal and engineering involved, but that's the kind of things I would have to learn and become somewhat of an expert to participate in legal arguments based on these facts.

So why am I telling you this? This is something I'm very used to doing.

Is getting an idea that maybe you have never seen before, but becoming fully familiar with it.

And representing my client in court based on the new idea, and if I had the opportunity to be the general counsel of the commission, that's what I would want to do for you.

And this has never existed before, there has never been a general counsel of your commission because it's new.

And you are in a unique position that you will be able to make new things happen, but new problems are going to come up as well.

And so, anything I can do to fully understand what's going on and properly advise the commission is how I would best serve the commission.

And so just to round up that very long answer.

I have good experience in both the public and private sector and the most applicable sector is in the public sector based on what I have done for the state and the attorney general's office.

>>M.C: Thank you Catherine.

>> All right, last question from me.

How do you feel your redistricting experience may apply to the position?

>> And so, I have never personally been involved in redistricting.

But where my experience comes in -- in what I explained earlier, just personal learning, the league of women voters was especially influential in getting the amendment -- maybe not getting the amendment passed but pushing the idea through in Michigan, there is a chapter in my town that I'm involved in and that's how I'm familiar with redistricting.

So, like I said, I don't have any personal experience doing the redistricting

>> Thank you, very much.

I'll turn it over to Rebecca.

>> All right, so how do you evaluate your experience and knowledge of the state of Michigan constitution and the open meetings act.

>> That's a good question.

I have good experience with both.

The Michigan constitution as well as the U.S. constitution is something that I have to deal with in a lot of my cases, that I am involved in the attorney general's office, with the equal protection clause is obviously very important, when it comes to redistricting laws, and so that's something we are familiar with arguing.

Constitutional issues don't always come up.

But all the laws are based on the constitution.

And as people or parties and lawsuits challenge these.

We do have to work through the constitutional challenges.

The open meetings act is something that I have had specific training in through the AG's office, and also, I am the freedom of information act FOIA coordinator for my division.

So it's important that we understand what records have to be preserved that may be -- you may have to produce under the FOIA so that goes to transparency and public information, not all information will be provided. And so what I do as the FOIA coordinator, and see if there is defences there and what we produce and respond to.

I think this is something the commission will definitely face, if not soon, then once the potential litigation starts after the maps are drawn.

So I have good experience, and I'm confident in my abilities for both.

>> Thank you.

>> How do you envision the relationship between the general council and the other individuals on the redistricting team, such as the executive director and communication director.

>> Communication is going to be key.

It will be important for the general council to stay on top of any legal developments, and cases that may be coming up.

That are developing new as decisions are being made, and old cases that give a clue going forward.

And that's the general counsel, it is very important for that to communicate with the executive director, as well as the communications director.

And what I would like to see happen is if not a daily meeting then several times a week meeting between the 3.

And it's very important that everyone is on the same page.

One of the things that I have had to deal with at the AG's office is working with the communications people.

And I've had some cases that are particularly interesting for the press.

The press will contact me directly, and the question is: What information do we want to give in some kind of press release? And press releases will be important, because it will be -- further communication with the public, and if not a press release, just answering general questions.

And the communications director will need to be on the same page, as both the executive director, and the general council because, we wouldn't want somebody to be saying one thing, and the commission to be something else, and then have the ED be saying something else, so really important to be on the same page, and what I would further like to see is time-bound goals to be set and also communicated with the commission.

And so as these goals are met, or not being met, we would report it and talk about it so everything is on track, and you do have a tight timeline, and I know that we're waiting for the census information.

So, once you get the information you need, you are going to have to be running. So anything you can do to get prepared, and have -- what did you call it? The team, the team be all on the same page.

That's going to be essential, as well as making sure, what can the team do for the commission to make sure that you guys have everything that you need to start running, once you have all the information you need to begin.

And so I really do envision a very collaborative approach with each person contributing in a way that is appropriate.

I wouldn't see myself taking on any of the roles of ED or communications director, because the general council has a specific role.

While we stay in the role, we have to work collaboratively.

And making sure that everybody is on the same page

>> This question is along the same lines, the position is on advising the redistricting team, what are the most important things you will focus on to make sure you have a cohesive and effective approach.

>> I have taken really great training in the last year.

It was leadership training based on equity, implicit bias and communication.

And so I did learn a lot of skills about how to be a good mentor.

And I implement and practice those in my job now.

I consider myself to be a servant leader.

Which means, I have information to share that is for your benefit and how can I serve you with the information I have.

And that's the mentorship, relationship I would like to create, and use what I know and my expertise to serve the greater purpose, and give everyone what they need, so it's a good mentorship relationship with a give and take, like I said, I can learn a lot from other people as well as I can impart information on to other people as well.

>> Okay, this is my last question, tell me about the most complex case or project you worked on and what did you learn about from this experience in our career and about yourself.

>> I did think of one particular case I would like to share with you.

And the spoiler alert is that I lost.

And so let me tell you about it.

And so this is a case that was based on some obscure statute in the state of Michigan. State -- reimbursement act, and we

Seize assets from people who are in prison for the purpose of having them pay for their cost of care while they're incarcerated and as you can imagine, people have a lot of feelings about the statute, and it is a statute that exists.

And we obtained an order in the circuit court, and we were going to get some amount of money from the individual who was incarcerated.

And so, it seemed to be going well.

And he did have a lot of challenges.

And so working through those challenges, in the State court was the first challenge that I had to get through.

And then what happened is he filed for bankruptcy.

And so this was an issue that we had never dealt with before in my division, having this very specific state court issue be moved into the federal bankruptcy court.

And so, we had to work through the bankruptcy issue.

And it did result in an order not in favour of the state.

And so we filed an appeal.

And the reason that this is an important issue and that it was so challenging, is because when you have -- when you have an appeal that gets filed, it moves up the courts.

And if we were to get to a higher court in the U.S. district court and got an order not in favor of the state, could create binding case law that is bad for the state.

So we had to decide, are we going to accept this adverse case, or are we going to push it and risk having binding case law, which would really be bad for us?

And so we had to -- while I respectfully disagree with the judge's decision we made the hard decision to leave it and chose not to appeal.

So a lot of things you need to think about when you are pushing on certain issues in cases.

Not just what does it mean for me right now.

And how much money can we get for the state, but what is it going to mean for all of our cases? Or what impact it will have on all the state.

So this is the kind of thing that is important for what you guys are working on.

What decision do you make on a smaller level and how does it impact the whole state?

You are going to see these things unfold.

So I did learn a lot in this case.

And I had a lot of disappointment too.

Because I obviously like to win my cases.

But I did not win this one, and so that was hard to swallow.

But you have to move on and figure out what to do to get around that.

I do consider myself a creative lawyer.

And so, if we have an adverse decision, I like to try to creatively work around it and see what we can still do to accomplish our goals.

>> Thank you very much.

I'm going to pass the mike over to Douglas.

>> Good morning, Catherine, great to have you with us.

>> Thank you.

>> Do you experience specific working with commissions and explain your role and how you impacted the work product of the group.

>> The attorney general office represents departments and those departments are not exactly the same as commissions.

And my personal experience working with a Board is more in the nonprofit sector.

Particularly with the junior league of Detroit a nonprofit organization that works to benefit women and children in -- in this case in Detroit.

But probably whatever city you are working in.

I did sit on the board and what was really important for that organization was, you know, the fundraising organization, and so kite a lot of money and we need to make sure the money is being used in the correct way.

So it can maintain the nonprofit status and we have to know what are the reasons and where the money is going and is it for the correct purpose that will keep us as a nonprofit under the tax laws, and I was happy to have that experience sitting on that board.

And that's my experience for that

>> Okay, great.

Have you ever had to advise an executive to make a different decision due to legal reasons and explain the situation and the result.

>> I think I would like to give you two examples.

The first is representing a private client.

It can be difficult to give bad news to a client that's going to cost him or her hundreds of thousand of dollars, where that comes into play, is where the executive, the president of the company feels very confident they did everything right.

However, it's my position to unfortunately tell them, they did not do everything right and the law is not in their favour.

What the proper advice is in that situation, is not to say, you are wrong, here is the law, sorry.

The next step is what can we do to mitigate that damage, and how can we still come up with a somewhat acceptable result in the face of the bad news.

And so it is my job to give bad news to anyone who needs to hear it.

And I have no problem doing that.

Because if you are forthcoming and open with the law, and how it applies, you can mitigate the damage much better than just letting it go.

And it's very important to deliver that information in a way that is impactful to the image who is listening.

And so they can fully understand, you know, here is the information and here is how it impacts you.

And here is how it's going to impact you in the future.

And another example, from my state work, I think can be applicable to what you guys are working on through the commission is -- I've had a difference of opinion on how -- on press releases coming from the division, there can sometimes be some hot topics that people might be interested in.

And it does -- on the one hand, make somebody look good to say, well here is this thing that happened, and this guy is in prison and all the money we collected.

And at the expense of looking cool, it is actually better to do nothing, and to stay quiet.

And so we had a lot of conflicts with our executives on how much publicity to give on what we're working on in our division.

In that case, it's up to the executives.

If we make a good point, and help people understand what their actions could result in.

I think like I said, that's the best way to have the best result, and so, I would happily deliver the honest, and truthful information to any executive, if I'm in the position to do so.

It's my job to do so.

>> Those are great examples.

What do you anticipate to be the most challenging part of the general council role?

>> I think the most challenging thing is also probably the most important thing.

And that is anticipating what legal issues will come up and legal challenges after you have drawn the redistricting lines.

One of the things that I have maybe -- so you haven't started doing this yet, but one of the things I wanted to comment on, is I want you guys to make sure that everyone is equally participating in the group.

And I think one potential legal challenge that you might face is if someone of the voices are louder than the others, the perception could be that the louder voices were influencing the quieter voices, and so just looking at -- I see all your faces and some of you have said your party affiliation, but off the top of my head, I can't tell you -- I have watched a lot of your meetings, but I don't know the party affiliations off the top of my head, but I do know who the quieter people and the louder people are.

And I want to say, one of the issues you could face is that the louder voices are influencing the quieter voices, I would make sure when you are doing the mapping, is make sure everyone has participated.

Because what everyone does will be perceived as intentional, the intentional part is the important part, you can't go back and say, that's not what I meant.

But we do have all your meetings on video.

And all the minutes.

And so, it's anticipating challenges, like these that I think will be the most challenging part for the general council position, but that's just something that I noticed for the commission in particular.

>> Okay, we do have a tool available out on the website, it's... called our responsibility matrix, and does show who gets incomplete involved with that and what party they're affiliated with.

>> Should we have to go to court.

Are you experienced with working with outside legal teams and explain your role and responsibilities how you see your roles and responsibilities during this type of situation.

>> Yes, I do have a lot of experience with litigation and being in Court.

And I think one of the strengths I would bring given the opportunity to anticipate.

I always prepare, prepare from the beginning.

It's very hard to go back and collect facts and information.

And so if we can get it done early on, to whatever council gets hired to manage the litigation, and by doing that, I can be a better advisor to the outside legal team, as well as minimizing costs.

Because, you do operate on a budget, and so I don't bill you by the hour, but they do.

And so anything that can be done in house, to make the legal teams work easier, is really important, and minimize the cost, and help them have all the facts that they need.

My experience has been -- for example, being the outside counsel to the department of corrections and dealing with the issues, and my main challenge was, not having clear answers, and not having a clear point person.

And it made the work very difficult, because that internal person has the information, but I do not.

And I am not there.

And I would switch the roles and I would be the general council with the information, and I would do whatever I can to get the information to the outside council, so they have what they need for the best result, the cleanest, work and the least amount of time to minimize the budget.

>> Okay.

And I have one last question.

>> Can you tell us what political party you affiliate with.

And have you contributed to a political party and candidate.

>> I'm not affiliated with a political party.

And I have not made any political contributions.

I do contribute to the nonprofit organizations that I am a part of.

The junior league of Detroit and league of women voters that are both nonpartisan organizations.

I do believe and support fairness, doing the right thing, and transparency, and following the law.

And I think all of those nonpartisan beliefs, and things I do try to live by.

But I don't affiliate with a political party.

>> Thank you Catherine.

>> Steve, Steve let me turn it over to you.

>> Oh, you said Steve.

>> That's me.

>> I had a question.

You are assistant AG.

Is that a civil service position?

>> Yes it is.

>> I am assuming without knowing if you come to work for us, that is not a covered civil service position.

>> Well, no, I don't believe it is.

>> If you come to work with us, have you worked with the AG how to come back.

>> No I haven't, but I thought about it.

I can not do both.

And I can not stay an employee of the attorney general's office, because of limitations of my ability to practice law.

I can't represent the state of Michigan and the commission.

And so I can't do both, and that's fine.

I would either ask for a leave of absence or after my role with the commission was over, I would try to go back.

I really do enjoy working for the attorney general office and it's really a good position, and I would look at going back

>> How familiar are you with the voting rights act?

>> I am familiar with the voting rights act, it's one of the most important laws that is going to impact your redistricting.

What we have seen really develop lately is voter suppression.

Or what appears to be voter suppression, and making sure everyone is properly represented is really important, and that's one of the purposes of the voting rights act, particularly when it comes to race.

And so, I'm familiar with it and something that to keep at the top of our minds when it comes to redistricting.

>> Do you currently follow any of the supreme court cases winding their way on voting rights and you say suppression.

>> I try to stay up to date on all the development of the cases and as I've been preparing for the interview or the position, more and more, I've been trying to stay up to date.

As well as what has already happened.

>> You said that you are the FOIA, I don't know if you call yourself the agent, the person in your office, that ultimately signs off on FOIA requests.

Do you think that there is anything subject in our proceedings that through the freedom of information act, since everything we do is already posted online, and... recorded, transcribed and available to the public.

>> I think that somebody could request any information of any private emails that were exchanged and any communication between general council and the commission that obviously would have defences for that attorney client privilege.

And communication between the executive director and the commission, I think there are lots of instances that you may not think about that could be subject to the FOIA and overall, you are doing a great job.

Everything is very much available.

But that's not to say that if this commission wasn't behaving above board, that there could be some private communications, that would be subject to the FOIA and not that you are doing that.

And obviously something I would advise against.

And I can see that you are communicating everything with transparency, however those are the kind of things that could be subject to the FOIA that would probably be used against the commission.

>> I'm going to make a guess, you haven't looked into your preparations. You said you have been preparing -- into any of the California or Arizona commissions and their challenges to redistricting.

>> Yes, I did.

I have looked at them, and I think, one of the things --

>> How are we doing?

>> I think you are doing very well.

One of the things I did notice for those cases, was based on equal protection, where somebody felt that he was -- didn't get equal protection based on the redistricting.

And so when it comes to something like that, you have to make sure you meet all the requirements, the equal population, and compactness, and keeping all political towns and townships and counties together.

So really what I think, if you have a legal basis to do something, if we're following the laws properly, there would be no violation of say equal protection, under the law.

And so, it's just making sure all these things are followed that will have the best result, but I think you are doing great so far.

Where you will see in the challenges is when you are actually drawing the maps, and presenting your ideas, and then voting on them, and so that's when you are going to be -- have to really make sure you are on top of these laws and whoever you choose as

the general council will help you do that, and make sure you are staying on top of those laws.

>> Okay, taking my queue from Catherine, I'll be quiet.

Who's next? Any other questions? From anybody? We're all done.

Okay, Catherine, your turn.

You can question us.

>> So I did catch the end of Monifa interview, and she did ask good questions about the organization, and who's working together, and things like that.

So I'm not going to repeat those, because I heard your answers already.

But my question is: What do you see as the biggest challenges either working as a group or accomplishing your goals under the constitutional amendment, where do you see the biggest challenges?

>> I can speak for myself.

I think you are astute in your analysis of recognizing our personalities, and if you hear my dog, ignore him, I'll keep talking.

And making sure that we all have a voice, for sure.

A healthy group of us, of course will bear weight on the decisions and with the mapping example that you gave, and how we move as a commission that for me... would be one of my top priorities, maybe one and a half would be our relationship with the community once things open up and how we start to build that bridge even now.

>> I think that's a really good comment you made about the communication with the community too.

Because that's going to have a big impact.

And so, Steve when you said, you know, everything is already on the Zoom, and available to the public, and how is the FOIA going to impact that? And so... I can't really say, it could be -- you know, communicating with the community probably would be a lot nicer to sit at a table together and be face to face, but it is what it is, on Zoom right now, and I don't know what is going to happen.

Hopefully, we will sit together at a table eventually, but I think that is something that is really important to think about.

And also, the best ways to engage the community.

And I've seen the emails come in and I know you have public comments at the beginning and those are all good things, but being able to engage in conversation and really understanding what is the make-up of a community, and who are we actually dealing with.

Because it is about the people, not just information on a page.

And you can really learn a lot from being engaged with the community.

>> Okay, anything else Catherine.

>> I don't think I have anything else.

I appreciate your time, I have watched a lot of your meetings.

And I know you guys a lot better than you know me.

And I do hope I was able to answer your questions, and this is who I am, and this is generally how I communicate, I try to be an open and honest person, and I think I'm a good attorney with a good reputation, and I haven't had any grievances filed against me or attorney discipline, I do not participate in political discussions online, of course I have opinions, and we can talk about them sometime if you like, but I think I would be a great choice for the general council, and I am nonpartisan and good reputation with my colleagues and judges and all kinds of people, and I will happily represent the commission and do everything I can to make sure the goals are accomplished with minimal negative fallout at the end, with the inevitable litigation that will come up. So thank you, again for your time, and I have enjoyed meeting with you and talking with you.

>> Thank you, so much Catherine.

STEVE.

: Appreciate you being here and have a nice day and rest of the week.

>> Thank you, to all of you too, good-bye.

>> All right, take another 5 minutes, maybe.

Yes, no?

>> Yes.

>> Yes.

>> I'm fine either way.

I see people dropping out.

Let's take 5 minutes.

Seems like we have the most beautiful days outdoors, when we're indoors in Zoom.

>> I completely agree.

It's gorgeous out right now.

I'm back guys, I just have the camera off moment ly

STEVE: Douglas and Rhonda, I just signed the contract and sent it back to Sally.

Hopefully she gets it.

SALLY: Steve, I believe you are good to start.

STEVE: Did I hear Anthony say they're back.

>> And Sally said they're good to start.

But I don't see Mr. Lancaster.

STEVE: Looks like he's starting to show up.

>> I don't see anything on my end.

You have the advance view, Steve

>> I see his name.

Brittni: Okay, good.

>> Can you see and hear me now.

>> We can see and hear you, and if you can close the blinds behind you we can see you even better.

>> Okay.

How's that?

>> That's better.

Brittni: Welcome, Mr. Lancaster, happy to have you here to interview for the position.

You will have 3 interviewers today, MC and Douglas, and Rebecca.

And we're all happy to hear from you and learn more about you.

And before we start, we're going to do a quick round of introductions of ourselves.

However, are you okay with Mr. Lancaster, or James

>> And you can call me Jim, and I kind of know who you are all.

Brittni: Okay, I like that. How do you want to be addressed?

Brittni: I don't think we have -- MC is MC.

And everyone else it's last name or first names.

If I see some nods.

>> I'll start with that.

Brittni: Okay, that's great, the first person you will be hearing from today is MC.

Steve if you have any remarks share them now

>> I don't, Steve, and commissioners. I wonder if I can address the last question first, given the amount of public comment that I generated, I would like to just say a few things on that.

If that's...

>> Sure, go ahead.

Brittni: You are fine, yep.

>> First of all, I want to assure you if you select me, I will give you unbiased, nonpartisan advice, when I interviewed with -- that's one of the first things they asked me.

They say they want to be nonpartisan, I've been involved in democrat politics and so on. And Nancy sent a letter in November.

And one of the things she said, when a member of the public raises concerns that a candidate is due partisan or troubling history -- it's important to listen, I think you noticed on the application, I had a great letter of recommendation, from Nancy W, and she said that I operated with voters not politicians in a nonpartisan manner and hope you take that into account.

And secondly I have been practicing in the area of election law for years, and as a practical matter.

There are people who maybe dabble in this stuff, but if you are doing it in a big way, you have to pick a side.

It's interesting, when we were looking for an outside council, one of the first guys I called was John Pierce, to see if he would give the proposal, I know you know John who gave representation.

-- and he picked up the chamber of commerce as a client and went to the Republican side and has been there ever since, and frankly went there because the money is better than representing democrats.

And the practical matter.

Finding a truly topnotch election lawyer, who is nonpartisan is like finding a unicorn, they just don't exist as a practical matter.

And another thing to point out, what is really going on here, with the comments that were saying that Lancaster has given the democrats a lot of money, so he can't be nonpartisan, I hope you know the comments are generated by the -- and executive director TD and the Michigan freedom fund was an organization that funded the opposition in the advertising against proposal 2.

In fact, Mr. D and litigation that was filed last year, I think it was in June or July.

In federal court trying to obtain an order that proposal 2 was unconstitutional, and present from implementing -- forcing proposal 2.

And despite having lost in the Court of Appeals and 61% of the voters to prove this, they were still trying to abolish it.

And I mean they lost, in district court and Court of Appeals, and I guess my point is, as much as they are bashing me about my situation, keep in mind, they're trying to abolish you.

And given the fact that Mr. D knows the legal strategies that allow them to be successful in the supreme court, I prefer to not have someone with my experience in general council, and I want to address something as mentioned.

My situation is just like... I would suggest to you it's much different and the criticism leveled at me is the fact I've given to democrats, and these are people who don't know me and don't know my work or practice.

Just know I was the general practice and given democrats a lot of money, if you look back, a lot of the comments we heard, someone about contributions from Republicans but a lot about the way she acted as the Mayor, one comment was not responsive to concerns.

And not transparent in dealings. And a comment about when she lost her position as Mayor, and lost by 60% or something.

And all the commissioners were basically against her, it was all because of what she did.

And these are people who saw her in action, and so I think that's a lot of what motivated it.

And contrast my experience.

I was elected to city council which is nonpartisan, but it was in a very heavily Republican city, and I was the leading vote getter every time when I ran, because I think that people knew I was responsive, and I wasn't grinding a political axe and most people knew I was a democrat, and I hope you take that into account in a decision evaluating me.

There was an email from Scott W who I don't know who talked about the fact that some of you hiring staff without political footprints, and in truth, these candidates don't exist, each comes to the table with a political point of view.

And as you all know -- those who are involved in voting proposal 2 have deep historic knowledge, and spend time educating themselves -- that was suggested to you given my experience I fill that bill.

And now in terms of your concerns about whether I'm going to be giving you advice that is biased.

I have suggested, regardless of any of these other issues, I would suggest the way I like to operate with each of you, I want to be available to you all as I can be.

And want to make sure that everyone is tuned into what is going on, and have the same knowledge base about my advice, and so, what I want to do, is just suggest and establish a protocol if you have a question to me and send to email to me in writing and I will respond to it and circulate to all of you, and if you have a concern about public perception, I think consider just publishing my advice on the website, for all to see, and now... Steve and Rebecca my shutter with client privilege.

But a practical matter is what we're going to be doing. I don't think there is any secrets here, I don't have a problem with here is what I said. And that way if Tony D or any other people that criticized me, if they have a problem with it they can contact you and tell you.

But also, I think underlying some of the criticism is they think that I'm going to somehow cook the books, and try to get you to adopt a plan that helps democrats.

Let me say this, I would view my role here, of making sure there is a record that defends whatever decision you make.

And in large part, they will be working with the experts we'll need to hire that will be the witnesses.

One of the things I can't do as a lawyer, I don't want to get involved, saying, you ought to adopt this plan, because I become a witness, if there is litigation on this, it goes to the supreme court, but the opposition will subpoena, all the discussion was on the record, and expert advice.

And one of the biggest challenges you will have be having really good experts that can relate to you, and explain, you know, the various areas.

That they would be given their opinion on and articulate to the public, and we need to establish a record that defends whatever decisions you make.

I think 3 areas is critical.

One is the voters right acts.

And traditionally there are 2 areas of liability.

One had to do with section 4B and section 5.

Section 4B establishes the criteria, to determine whether a jurisdiction, state, township city, whatever, discriminates against minorities in voting maps, and section 5.

The preclearance division, so that those municipalities that fulfill the criteria they have traditional discrimination against minorities they have to preclear with the justice department.

... well, I think... There was a decision back a few years ago.

Where basically the Supreme Court killed the preclearance requirement, the way they did it was, was the criteria in establishing discrimination were 40 years old. And it was unconstitutional to use that criteria in changes of demographics, and so on.

Since there is no criteria, there is no more preclearance, in Michigan, that was not a big deal, because there was only 2 subjects to the requirement, one in Sagana, and one in another township, that had to do with the Hispanic populations.

And so really wasn't a big deal.

But, you know, the criteria for establishing discrimination, and of course you want to avoid this, is very complicated.

And it requires -- an expert to this. Not just legal stuff, but on factual matters, and so I don't want to digress too much into that.

But the other two areas, you need particular advice, is in the issue of communities of interest, and the issue of whether, partisanship.

And now I'm familiar with some of the tests that are used, and have been used, on the partisanship issue.

And not so much on the communities of interest.

And I think one of my jobs is going to be to make sure we have experts who can explain those and guide you as to what kind of tests you should use.

The way it's worded, we purposely -- shall not provide a disproportional advantage to political parties.

You're going to have to decide what those measures are that you are going to use.

That's not going to be my job.

My job is to line up experts that understand this stuff.

And you're going to make the decision of what you want to hire.

And so, again, my job is going to be -- part citizenship -- and one thing if I had advice for you is to be as transparent as possible.

And appreciate you allowing me to address that.

>> You may have answered all our questions, I'm not sure, but we'll ask them anyway.

>> I think to be consistent, we should probably answer, but I really appreciate you -- yeah, putting it together.

>> Thank you.

>> So James, and what I'm asking you to do is if you have -- I'm going to ask the questions, and be as responsive, and brief as -- yeah, because of the large context you gave us before.

First, what appeals to you most about this role?

>> Obviously I feel I have a vested interest in this.

Let's face it folks, I wrote it.

Not all of it, I worked with Nancy W and worked with various groups.

Look, this group that I represented did an extraordinary thing.

429,000 signatures in 120 days, without paying for a single signature.

All volunteer, this is the only effort, all volunteer effort at least in my lifetime, like this.

You had groups that, you know, you had the right to life, had done that.

But right to life was backing them, we had no institutional backing, and we had issues with -- and NAACP.

But at the end of the day they wouldn't commit to putting this on the ballot in 2018 and voters not politicians said we're going to do it ourselves.

And broke off our talks with them, and that's the point in which I rewrote a lot of the proposal and got it ready to get in front of the board of canvassers, and I established the legal strategy, and litigation strategy [phone ringing] and you know, just... I want to see this work, and I really want to see this work.

>>M.C: Thank you.

And what are -- gosh -- what are the top 3 factors you contribute to your success?

>> I think number one... is, you know -- I work hard and I think I work smart and I think I'm good at explaining complex issues to my clients.

I've done environmental law, that is one of the most complex areas, and worked in a number of areas, and I think people appreciate that.

And secondly I think I'm able to gain clients trust because I listen to them and help them achieve their goals, and thirdly -- this I learned early in my career, I started out at a firm, 7 or 8 person firm. And this guy as my mentor, who really taught me how to be a lawyer, and one of the things he told me "never tell a client they can't do something".

I learned over the years that clients can do whatever they want, the best approach is to explain what the options are and the likely consequences are for each option.

And that has made me successful

>> M.C: Thank you, I think you have spoken to this.

How do you feel the redistricting experience has applied to the position.

>> Well, a couple things you should know.

My experience goes back to 1992.

>> M.C.: Thank you. I think I have spoken to this; but if you want to say more, how has your redistricting experience apply?

>> It goes back to 1992. My first redistricting regarding Clinton County, not only is it a redistricting district, the County Commissions have to because they have districts. And Clinton County -- of course I live in Clinton County and came up with a plan. They had a district that had two townships that only touched at the corner. Well, it's basic black-letter law that the district is not contiguous so you file in the Court of Appeals and frankly, the Court of Appeals didn't ask for an argument and ask if a plan and said "Do it again." Then we litigated and frankly lost; but in my experience, it goes back to that.

I also was counsel to the House and Senate Democratic Caucuses in 2001 on redistricting and in particular work with the minority leader and Lieutenant Governor very closely as well as some of the senators. I was down on the floor there strategizing and stuff so then the voters and politicians. My experience goes pretty deep.

>> Rebecca?

>> Rebecca: I was going to say, you want me to take over? Good morning. How do you evaluate your experience and knowledge of the State of Michigan constitution and the Open Meeting Act?

>> Well, with the Open Meetings Act, I lived it because I was a city councilman for 20 years and I have advised clients. One example is I represent a community college on an Opening Meeting Acts issue. They did something crazy and were having a problem with their president. And what they did is one of the members who shall remain nameless, who is a friend of mine, he had two other members and the president in his office and then a fourth member sitting in a conference room that was adjacent to his office with the door open who was just listening.

That's a quorum. And so we got challenged on Open Meetings Act, and frankly, we kind of mitigated the damage; but, you know, one thing I would say to all of you is that probably one of the biggest potential areas of liability on this is what I call the round-Robin because this is something you see is that, you know, some member goes and says, "Hey, will you vote for this? Hey, will you vote for this?"

They show up at the meeting with no discussion and then just vote on it.

I mean, that's probably one of those common problems that you have in this area. So I'm very familiar with the Open Meetings Act. In terms of constitutional law, you know, when I in Canfield, we did some thing and we understand the constitution was key with formulating this proposal and it wasn't just constitutional law but election law. Frankly, one of the key issue -- I don't want to take up too much time but can tell you is

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determining what sections of the constitution that proposal 2 would alter or abrogate. The writing sample that I gave to you kind of addresses that.

What happened is there is a process with the elections bureau where you can submit your petition to them and they can approve it as before.

Now, they do a lot of things I feel make sure the font sizes are right because there's a lot of really detailed, you know, it's got to be 8.5 here and 10.5 here, and so on; but they will check all that stuff for you.

One of the other things they do is they check to see if you've republished all the sections that are being abrogated. I'll try to be brief on this, but if you look at it, there's sort of two parts to it. There's the part where you show what you're writing and put a strike on stuff you're getting rid of and, you know, put in upper case what you're adding.

But then there's a second part of the constitution that exists that republishes the sections that are effective.

Now, alteration is pretty easy. You know, you strike it out and put something new in. Subrogation is not. Prior to 2012, there was a case law such that an existing section of the constitution --

(Audio cutting in and out) -- abrogated by a proposal, basically renders -- it can't be Harmonized or renders another section of the constitution kind of null and void.

But in 2012, that changed. I mentioned this in the writing sample, a case called Protect Our Jobs. It focused on changes to the four ballot proposals. It was bridge proposal and a labor proposal but also a proposal to establish eight new casinos. It was very specific as to where those casinos would be and the parameters of approval. One of the provisions is each of the casinos had to be issued a liquor license.

Well, what happened in the case was just as in our majority opinion, said that, yes, the existing law is true; but if there's a provision in the constitution that provides exclusive power, then if the proposed amendment impinges on any aspect of that power, then it's abrogated.

Well, in this case, Article IV, Section 41 of the constitution said the liquor control commission has exclusive jurisdiction of the trafficking of alcohol in the state. This proposal said they had an issue with the liquor license. The court said that section

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needed to be republished and kicked it off the ballot. After these people had collected all these signatures and stuff, suddenly they were off the ballot.

Well, fast forward to 2017 and look at what we did in this proposal. Article IV, Section 1 of the constitution said legislative power rests with the House and Senate and opportunity say ALL power but obviously in the context kind of sounds like it's all power. Article V, Section 1 said all power rests with the executive power rests in the governor. Article VI, Section 1, said all judicial power rests in the courts.

I took the position -- this started when we were working with the ACLU and ironically one of my former partners in Canfield. Nancy Wanf was involved in discussions with them but when she got involved I said, "Look, we have to republish these sections. They're clearly being abrogated based on what I see is the 2012 case." They agreed. We were almost in fistcuffs over this because they said, "No, it doesn't, Jim; you're wrong."

That's where we decided, Nancy -- I explained it to her and she's like "I think you're right, Jim."

We broke out in talks with those folks and went our own way. That's where I kind of rewrote a lot of sections to fix the problems that I saw and we took to the Board of Canvassers for this approval process.

Well, the election staff took the same position and said, "We really don't think those sections are abrogated."

I said, come on.

They said no.

Ultimately what I said is, "What if we altered them?"

Excuse me, let me back up. So they said, you know, "We will recommend approval."

I said, what if we just alter those. They didn't have a problem with that. That's why if you look at the writing sample where it had the slang that said "Except to the extent as limited or abrogated by" for Section 6, you know, legislative power rests in the State. You know, etc., etc.

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And they approved it. In fact, that was a key legal strategy because I have it on good authority, the former election director, that, you know, our opponents monitoring the situation were aware of the advice or position that the Elections Bureau was taking and thought we would cave in and agree with them.

And they thought they would knock us off the ballot.

"Okay, we won't republish it."

That was really the key thing because, again, they didn't think we would do it, and that was -- you know, basically up to the Court of Appeal. They try to say, "There are other sections they abrogated that, you know, "Said there's a provision in the constitution for appropriations by the legislature."

They claimed it was abrogated. If you need more money, it has to be by appropriation so that was wasn't abrogated, else

So that gives you a context what we did, what I did, in term of trying to tee this thing up so that we were kind of bullet proof.

And that's what I get at. I would see my job with you, is to make sure that you're postured in a way that whatever decision you make, that it's defensible. I probably talkded too much; I apologize.

>> Rebecca::that's okay. How do you envision the relationship between the General Counsel and other individuals on the redistricting team such as the executive director or communications director?

>> I do the executive director as sort of the quarterback in working with her and having seen her resume, I think we'll make a team because she has incredible experience in terms of working with associations and working with people and so on; and I think she is a good pick.

I would look at me being just working with her to make sure she understands the law and the legal issues, Open Meetings Act, and what the constitution says.

>> Okay.

>> And to the extent -- I want to be accessible to you, too; so again, I think there should be a protocol if you have a legal question for me, I send the response to all of you and of course her and the communications person.

It will be a little tricky -- let me see if I have a copy of the constitution -- where is it? You have a provision that said the staff, attorneys, and consultants don't communicate in writing unless it's in a forum or Open Meets Act. We have to be very careful what we say and how much we can really talk about it. So I haven't really kind of thought that completely through as how we do that, but I would think, you know, advising whoever that person is as to what is legally permissible. Again, to insulate you guys from criticism and potential liability.

>> Rebecca: Thank you. So this position involves mentoring and advising the Michigan Redistricting Team? What are the most important things you will do to maintain a cohesive approach?

>> It's communication, transparency, but as I mentioned before, I think one of the key issues is going to be the consultant views because they will be people who are going to give the opinions to you on what you should use or establishing whether there's a partisan bias; where there's potential problem with a plan. It will be particularly on the Voting Rights Act tricky because we will lose one district. It's kind of an interesting thing because we do have two minority/majority districts in the professional delegation.

One is the 13th district, which is -- formerly John Conyers, Rashida Tlaib; and the 14th district, Brenda Lawrence. We will have to analyze the issues because as I see under the Voting Rights Act, the Voting Rights Act requires you do not dilute minority participation; but a lot of population laws in Southeast Michigan. How do you -- but yet, there's case law saying you cannot purposely, you know, create a district based on race and this is where some of the litigation you have been seeing is coming up and what the Supreme Court and like the Pennsylvania Supreme Court and these districts, you have probably seen pictures of districts that snake around and stuff. In fact, if you look at the 14th district, it snakes and goes to Pontiac like south and cuts down and takes about half of Detroit and then goes down river. And they shaped it in that way because they wanted to make sure they had a minority majority district.

I think there's the potential if this were litigated that a district shape like that might not work anymore because the courts are starting to look at these weird-shaped districts and say, "Uh-uh, you can't do that," in part because it came to the conclusion you only did it because of race. So you have this balance of the Vote Rights Act said you can't

dilute. On the other hand, the litigation says that you can't purposely choose a district based on race.

I have been looking at case law and doing research on this because I'm not clear on exactly what is going to happen on that and what the criteria will be; but ultimately there's a potential that you may look at a plan that eliminates a district out of that area. In fact, if you follow this, push to Andy Levin -- Carl Levin's nephew -- appointed as the Labor Director under the Biden Administration. I don't know this for a fact but am pretty sure the reason they're doing that is because that way they can just cut off his district because a lot of his district was Oakland and Macomb Counties so it makes -- it will make the job easier. Now, whether he will get that job or whatever -- but that's just kind of understanding that is sort of the dynamics that we have going on here because if he doesn't leave, then suddenly, you know, it's a game of musical chair and who will have a chair when the music stops.

>> Rebecca: Last convection and then handing off to Doug. Tell me about the most complex case or project that you have worked on; what did you learn from this experience for your career and about yourself?

>> Well, certainly as a politician was that but had other situations. For example, in Canfield, I did a lot of work for the city of Midland. I did two projects. One was a condemnation project. They wanted to acquire property. There was an interchange off U.S. 10 that was one-way interchange because you could get off but couldn't get back on the highway. So we worked with this city and MDOT to establish joint representation group because the city agreed to give the property if MDOT would construct the interchange..

But the thing is what we had to do -- I do condemnation law, too -- we had to find a way to make sure that, well, they're paying for it; you will get what they want. But also ultimately the property had to be put in the name of MDOT. That's why I was appointed as special attorney general on that. Outside counsel can't represent the state agency -- they can but have to be appointed special attorney general so I was appointed for the condemnation.

It was tricky but work with out because of communication and making sure that MDOT's concerns were addressed; that the city's concerns were addressed. Again, I think it was communication and the city really did a lot of the groundwork because they were in talks with MDOT about this.

The other complex issue I had was also in the city of Midland is environmental law, too. You may know there's a problem with dioxin in the city of Midland because one of the plants in the city in Midland -- I forget what they put dioxin in -- but basically this smokestack was spewing dioxin and was all over the city.

You know, this has been ongoing issue with the EPA and MDQ.

One of the issues here was what EPA wanted to do was essentially go through the entire city and scrape off about 3-inches of topsoil I mean everywhere and as they were proposing, they got us involved. The city was going nuts. Because imagine what a P.R. problem it would be if you did that because suddenly it would be like a national -- they would be like Canal. Property values would dive and stuff so we had to work on a way to convince DEQ and EPA they could do something less than that and do some testing and find where the hot spots are. You know, do some remediation where they had to -- but again, they wanted to go through the entire city and basically I said, three inches of topsoil. That was crazy.

>> Rebecca: Thank you. Doug, you want to take over?

>> Doug: Good to have you with us today, Jim.

>> Thank you, Doug.

>> Doug: I have four questions -- actually, I have five. You answered the last one, initially.

Do you have any experience specific to working other commissions? Can you explain your role and how you impacted the work product of the group?

>> Well, I represented a lot of different governmental entities and have been thinking since I saw the question. I don't know if they're technically commissions. I'm assuming when you say that you're talking act, you know, governmental entities, I guess; because I can't think of any commissions but, you know, I've represented obviously the City of Midland and represented a lot of municipalities. I did a lot of work in overflow cases, a lot of municipalities -- because as you probably know, most sewer systems in Michigan, both sanitary waste and the stormwater, go down the same pipe. That creates a problem because when you have a large rain event, you know, the plant can't handle it, and the overflow goes in the river. This has been an ongoing problem so I represented, you know, several municipalities on that. My impact was to basically find more time but

also work with them to see if there's a way to fund the stuff and find funding from the DEQ to help with this.

Imagine the city of Lansing has been doing this for years in term of separating the sanitary waste and the stormwater waste. So I guess my impact there was, number one, kind of holding DEQ and attorney generals off; and number two, working them to help finance it.

But I have also worked with -- for example, one of my former partners, I called her the Johnny Appleseed of libraries because I have done construction law and basically what I did was worked with her. She was a bond attorney and figured out the financing and I drafted the contracts. So that is another example.

And I represented a community college on the Means Act and election law issues -- trying to think homes I represented. I have did a lot of work in a lot of areas so I hope that answers your questions.

>> Doug: Okay, thank you. Have you ever had to advise an executive to make a different decision due to legal reasons? Explain the result.

>> Oh, yeah.

>> Doug: I think you alluded to this earlier.

>> This is different. When I was executive counsel -- it's a complex organization because part of the organization is employees of the strategic fund who were assigned by governor Engler to EMDC. And then there are corporate employees, I was one, paid for by gaming revenues.

And we had a situation where we had a group that approached MEC and strategic fund where they wanted strategetic fund to issue funds for project in Detroit where they claimed that they had connections in Qatar, a country in the Middle East. They wanted the strategetic funds. I'm not a bond attorney, but basically it gets the money, who has the liability -- they're almost like non-recourse. What they want is because it gives an air of legitimacy to the project, that's what they wanted, the bonds.

It didn't take long to figure out it was kind of a scam. Part of the problem -- and, you know, the CEO was all excited about this. "This is great! We have a big project in Detroit!"

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But it didn't take very long to figure out this was kind of a scam, but it was tricky because the pastor who was the head of this group was a strong supporter. So as much as our CEO was really excited about this and, "No, this is a big deal."

I said, "Don, the governor's office doesn't want this. Plus, it looks like it's a scam."

I knew the attorney general's wouldn't go -- he was like "Tell them to to hell. This is ridiculous."

I had to convince my boss to back off and convince the attorney general's office to back off and I successfully kill it. I had to tell not only my boss but attorney general's office to back off. Let's do this quietly. It worked.

>> Doug: Okay, thank you. What do you anticipate to be the most challenging part of the General Counsel role?

>> It's the experts. It's the experts. Again, finding people who, you know, you're comfortable with. You're comfortable they can explain to you some of the complex issues that you'll be facing. I mean, for example, when you look at, you know, I'm kind of familiar with some of the different ways they measure parts and bias. If you read the literature on this, this is like high stakes statistics. You know, they have some really complex modeling they do, which I was a math major in college; but it's been a long time since I have taken a statistics class. The biggest thing is -- this is one of my strengths -- is to be able to take complex issues and explain them in a way that people can understand. But also, too, they will be the expert witness and have to find some experts that can write because I've hired a lot of experts, and I can't tell you how many reports I have had to rewrite because they were just incomprehensible. So I mean, they just couldn't be understood.

I think that's the biggest thing because if we can get the right experts and we can, you know, create the record so you can do your job, we'll be in great shape.

I can tell you one thing: judges hate these cases. They absolutely hate these cases because they're controversial. They don't want to do it. If they can find a way -- you know, it's like you saw the Supreme Court with President Trump and I election law stuff -- people don't want to deal with this. So I think that is -- the more we can just make this easy for courts to understand and understand that we apply with the criteria from the constitution, we will be golden. I think if we can do that, the probably the courts will give us the benefits of the doubts.

>> Doug: Okay. My last question: should we have to go to your, are you experienced with working with an outside legal team? Explain your role and responsibilities during this type of situation.

>> Well, let me first say I have been on both sides of the table. I mean, whether as city council -- we hired consultant and lawyers. I have been the outside counsel. You know, I think that, number one, is that -- I mean, when I was counsel, I wanted to find an expert who understood that and gave me straight advice, no B.S., no spin. We also understand that I was the one making the decision, not them.

If I was your counsel, I would take the same position. You know, you guys are making the decisions.

I want to work with you -- I mean, I understand redistricting law so that you understand what the consequences are on various things, either from the constitution and make sure that it's working; that you understand what you're doing and that's probably the biggest challenge.

>> Doug: Let me have a follow-up question on that. If you were -- if we did hire an outside counsel because we got sued, who do you see as the person that develops the legal strategy? Would that be you or outside counsel?

>> Well, the first instance it would probably be me because I've had the hand-on experience; but I mean, having said that -- well, I mean, my experience, we hired the Frasier law firm. I said, this is the situation and what I see as the strategy.

Then you talk to them and see what they have to say. I think in the first instance it's probably me; but again, when we get to the point where we will do litigation or, you know, maybe get them involved before with litigation -- I guess I don't know what your budget situation is in terms of how much you can afford to pay for outside counsel and how soon you could hire them.

But I think it's a collaborative thing, too. I think, you know, we need to be involvement of the Board and may have to get another one of these three

Person committees and consult with the lawyers on this. And work out a strategy. In that regard, you know, I think Mike Brady made a good point. As long as it's less than a quorum and only advisory, you're not subject to the Oating Meetings Act so we can probably meet virtually -- well, we can meet virtually until the end of the year. But we can do it in such a way we can talk and, you know, whoever you need -- it would be

called a legal subcommittee. And you guys can hear and hash it out and then you can come back to the Board and say, "Here's what the lawyers are saying to us. What do you think?"

But I like to get outside counsel involved as early as possible -- but like I say, we have to figure out what the budget is.

>> Doug: Okay. Turn it over to you, Steve.

>> I can't hear you, Steve. I think you're muted.

>> Steve: There, how's that? Good afternoon.

>> Good afternoon. It is afternoon, isn't it?

>> Steve: You're in private practice as a solo practice now?

>> Yes.

>> Steve: Okay, and if you were hired by us, this would be -- you would be devoting your full-time efforts to us and not carrying on clients outside?

>> Correct.

>> Steve: Okay.

>> Yeah, I'm kind of the point now -- I'm 60 years old and left Canfield to do my own thing. I'm to the point now where I can pick and choose my clients. At this point -- and of course, election law is kind of a sick cyclical thing. We just got through election so this is a really good time for me and if I got hired for the next year, that wouldn't be a problem.

>> Steve: Okay. Well, being 50, you're a little young for us, but that's okay.

>> No, no, 60.

>> Steve: Oh, 60.

>> I'm feeling it, man.

>> Steve: Okay. I don't have any other questions that you haven't already answered -- quite expansively, as a matter of fact; but the other people may have. So now would be the time if anybody else has questions for Jim.

Jim, do you have any for us before we turn you loose?

>> Jim: Well, I mean, I'm not sure if you have to answer right now -- how do you want me to carry out the Board? And frankly, my suggestion of -- I mean, Steve, you're a lawyer. Rebecca, you're a lawyer. My suggestion that maybe we post advice on the website -- I mean, I don't know. Would you guys be comfortable with that? You don't need to answer now but at least some thoughts.

>> Steve: It's an interesting proposition and certainly would warrant discussion. We really haven't given it a lot of thought as to that, given that the way the Committee wrote the amendment. You know, everything is supposed to be transparent and out in the open so that kind of cuts down on what is not out and in the open.

>> Rebecca: Yeah, I would be concerned about the impact it could have down the road if there's litigation because opening up the attorney/client privilege is like opening the bar and door. You can't shut it again once it's open. I don't know that we would necessarily want every single thing out there and open from an attorney/client perspective, especially like -- you know, let's say we have a problem with one of the people we have hire and we want to remove that position and have discussions. Normally that would be in a closed meeting, you know, with the attorney advising. We might not want that to be able to be open and out there with respect to those decisions.

So I would need to give it some thought and think about and it think about what the long-term repercussions could be. I just want it to be used as a sword against us down the road since we're all anticipating litigation down the road.

>> Steve: Okay. We've got one more interview to do, Jim. We appreciate your coming in and talking with us today. Certainly your opening introduction and closing argument that was wrapped up into one major soliloquy to start with was interesting.

I will say that if Mr. Dawes and you are not friends, it's very apparent.

>> (Laughing). Who was that at the voter canvassers meeting going --?

(Growling)

Thank you, Jim. Appreciate it. Have a good day and rest of the week.

>> All right, you too. Thank you much.

>> Commissioners, I just wanted to hop on really quick and give an update we were able to extend the end of the meeting time until 1:50 today -- 1-5-0 -- so you should have enough time to give this next candidate the full amount of time and still have some time to discuss your initial thoughts afterwards as outlined in the agenda.

>> Steve: Okay. Julianne, ready to go? Welcome!

>> Welcome! Good afternoon!

>> Steve: Good afternoon.

>> Good afternoon, Julianne.

>> I should have planned that better. Good afternoon. Thank you very much for the opportunity to interview.

>> You're more than welcome. So our last candidate chose to bypass our wonderful introductions, but I'm giving you the option for us to introduce ourselves.

First, of course, welcome again to the interview. We're excited to have you and learn more about you; and you'll be hearing from three of the commissioners today: Steve, Rebecca, Doug, as well as any other commissioners that may chime in and have additional questions for you.

How would you like us to refer to you? Any pronouns or nicknames? What do you want us to call you today?

>> No, I definitely invite you to call me Julianne. Thank you, vice-chair. I have been watching all of your meetings so I'm familiar with everyone's -- with everyone.

>> That sounds good. That works for us. So we'll start with the first person, who will be engaging you today, and that is M.C.

>> Hey, Julianna, thank you for being here -- excuse me, Julianne.

>> Thank you for having me.

>> What appeals to you most about the role?

>> What I find most exciting is there's three considerations. It aligns perfectly with my skill set. I have over 20 years of governmental -- not political -- experience. And it will allow me to expand the impact I have beyond the City of Detroit to the residents of the State of Michigan.

Second, it also allows me to continue my public service career, which is very important to me. I love being a public servant. I love my job, but I'm always interested in professional development and growth so I think this is also a good fit.

And lastly and most importantly, it would -- it is very exciting to be part of this historic effort to support the Commission's critical work in this bipartisan transparent redistricting effort.

>> M.C.: Thank you. So what are the top three factors you attribute to your success?

>> Well, I think over the course of my career the ability to -- there's lots of different skills you can bring to different issues or different projects; but I think really the three that are the common thread through my experience would be my technical skills in legal writing analysis and research.

I rely heavily on those technical skills.

And also my communication skills, both interpersonal and in writing.

Communication skills including very careful listening, especially when would have a very diverse group of people, which I think people tend to atomb Detroit is very homogeneous in its thinking. I can assure you that it's not. We have lobbying going on. We have different viewpoints that are always being folded into this complex political environment.

And my third would be -- I think just hard work.

(Chuckling)

Plain and simple, doing the work, being prepared, in a proactive manner, so you can address issues as they arise and triage any problems and be more flexible in that way. So just really hard work.

>> M.C.: Thank you.

How has your experience prepped you for the general counsel role?

>> Well, I had mentioned that I have -- so I have over 20 years of governmental experience with the City of Detroit. Ten years of that -- over ten year of that -- is as a practicing attorney so I came to the law department about six years ago; but prior to that, I was in-house attorney for the council's research division so that was very interesting work as well.

So I have, through my whole career with the City of Detroit, I have worked with, assisted, and with public law so Sunshine Act, FOIA, drafting, administration, administrative rules, procedures; and my work has expanded -- I work for the independent office of the corporation counsel now so I have more direct involvement with all departments with the mayor's office -- we call them the alphabet soup of agencies that exist outside the city, like Detroit economic growth corporation, land bank authority, and all those entities. So I bring all of that to the table for this role.

>> M.C.: Thank you. And lastly, how do you feel -- for my portion -- how do you feel your redistricting experience may apply to this position?

>> Well, I think the experience I have is very relevant because I have direct implementation experience so you can research it; you can study it; I have a commitment to the principles in the VRA. But really what I bring to the table is in 2009, the City voters passed a referendum we would move from at-large system where we met every day from 9:00 a.m. to generally 4:00 or 5:00 p.m. to district representation, which we hadn't had since 1918.

We have seven member districtings with two members elected at-large. We had to be sensitive to our communities of Middle Eastern, Hispanic and Asian -- we have a very large Bengali and Mung populations so those considerations.

Another thing interesting through the work is although with the idea of contiguous -- remember, we have Highland Park right in the middle of Detroit so it did pose a lot of -- it wasn't as easy as people would think.

So you had contiguous areas, but a lot were sparsely pop a littled so while we're not a rural community, there were considerations about the population in each of the districts.

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So we took the proposed maps, created by our subject matter experts, and we did heavy community engagement, heavy outreach and feedback with the residents of the city.

Now, I know the Commission here, it's very clearly set forth in subpart 13 of the constitutional amendment what the criteria on how they're to be ranked so this Commission has a very clear directive on how this is supposed to proceed. Subpart 14 talks about procedures you have to go through, and so there really is a clear direction; and I believe my skill set is the best to address the Commission's work going forward.

There's already been litigation on the formation of the Commission; on the appointment of the members -- all of those issues have already been addressed by the courts so what the future litigation is going to be is how do you implement what is in the amendment? Not what did the drafters intend or what did the vote -- you know, what did people think it meant?

You're really looking at the plain language on the document its so if it's not contained in the four corners or if the Commission doesn't follow the directives in if it, then I think that's where the trouble would be in the future.

>> M.C.: Thank you. Rebecca?

>> Rebecca: Yeah, just taking myself off mute.

(Laughing)

Hi, how are you?

>> Good. Thank you.

>> Rebecca: So how do you evaluate your experience and knowledge of the State of Michigan constitution and the Open Meetings Acts?

>> So I would evaluate my experience based on my work experience and I would rate it as highly proficient. Municipal sections, I'm consistently assigned very complex work that requires analysis of Michigan constitution, statutes, oftentimes federal statutes and in the constitution.

This plays into the hierarchy of law, which is what my job is, basically. As a municipal lawyer, at this point, my job is to determine what the statutory and constitutional scheme

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is; if it's preempted; what's the city's room to regulate, if any; or what advice would I provide to my clients based on all these different laws and situations? So I have extensive experience in quite a few numbers of the areas specifically in the Michigan constitution -- property and taxation, special assessment districts, and foreclosure under the General Property Tax Act.

A lot of local government issues, lending of credit issues, we did a lot of work with Fair Chance in housing that required a lot of federal work on my part.

So I think really with the City to have Detroit being a creature of the state and the state's independent relationship with the federal government that I have a very solid background in that. Hopefully that's responsive to your question.

As to the Open Meetings Act, that's been a part of my professional life from the beginning. Literally a daily basis. It is a very short statute, but it is VERY easy to violate if you're not careful and don't have good legal guidance. I think people read it and say, "Oh, that's easy."

No, it's actually a LOT harder, especially the ex parte communications. I know one of the -- I was very happy to see the posting, the job posting for general counsel that you highlighted the restriction that staff commissioners, no one can have conversations with any member of the public regarding redistricting matters.

The ONLY exception is for commissioners and that's in writing or as part of an open meeting. So I really think that is a very different way than most people are used to operating so I was very pleased to see that in the job posting.

My on-the-spot legal advice and parliamentary interpretations would be with my work through the board of ethics, Detroit city council, the board of police commissioners for the city of Detroit, and the elected officials compensation commission. So I have extensive experience with the O.M.A. and interpretation of the Michigan constitution.

The O.M.A. was recently revised in October 2020 -- I wasn't sure if the Commission was aware -- or other qualified candidates you're interviewing brought it up. But the remote accommodation has been extended through December 31 of 2020; but the further amendments take it for three different categories through the end of 2021, and certainly the state of emergency that we're all working through is one of those in that the notice requirement and all that would be very easy to satisfy. But I did just want to highlight that.

>> Rebecca: Okay, all right, thank you. I'm getting some feedback; sorry.

How do you envision the relationship between the general counsel and the other individuals on the redistricting team such as the executive director and communications director?

>> That's a great question. I envision -- and I would do my best to facilitate a very collaborative working environment that would have mutual respect and highlight an uplift -- we all have individual roles, but our common role and our common goal is to support the Commission and make your jobs easier.

So that would be my focus and the foundationty would want to lay down. I believe communication and relationship-building is key in those areas and help to strategically plan for the future.

Then you always have emergencies and, you know, your schedule always doesn't go exactly how you want, being a public body; and you also don't have control over a lot of things that happen when you're a public body. But to the extent we can, it's always good to be prepared for that.

I've also thought put into a thought into a 30/60/90 legal plan into how working the executive director and communication December dig knee would fit into that. But really, it's establishing what kind of communication the Commission wants and making sure that is done consistently, completely, in that your expectations are being met so no one peoples that different individual members are getting different information or attention. So I think those things always are very important in a team setting.

>> Rebecca: Okay, thank you.

This position involves mentoring and advising the Michigan Redistricting Team. What are the most important things you would focus on to ensure a cohesive approach?

>> Wonderful. So my legal ticket is attorney and counselor so I think a lot of times people think, "Oh, lawyers."

A lot of our time is spent advising clients so I think this is a critical aspect to the job.

My personal goal would be to establish a positive working environment and build those relationships. I don't always give my clients the greatest news or -- it's not always a "Yes."

My goal is to be certain what the clients' needs or goals are and then give them options on how to achieve those goals that are legally defensible.

So I think as I state in the previous question, establishing what the communication that the commission is looking for and needs and how your staff can meet. Again, I'm in a unique position if I were selected as your legal counsel because I would give you privileged information and making legal recommendations to you so we may have a more unique or slightly more nuanced communication strategy than would be encompassed in your overall plan.

>> Rebecca: Okay. All right, last question before I hand it over to Doug. Tell me about the most complex case or project you have worked on. What did you learn from this experience for your career and about yourself?

>> So this is an interesting question because there are a lot of choices, and I think a lot of it comes from my legal opinion drafting because I think the ordinance and legislative work is only one piece of it.

I stated earlier how generally even all of my assignments I have to go through multiple levels of analysis of regulation, at minimum at the state level. Generally extended even through the federal. And in seeing where the City could regulate.

What I would like to do is highlight an issue that happened towards the beginning of my career with the city and then something that happened later in my career because I really feel like to answer the question about what did I learn from this experience, in retrospect I learned that the more you develop that skill set and fine-tune your skillset, the more successful you can be; and I think commissioner Vitali, I think you said the longer you practice law, the more specialized you become. I serve corporate regulations.

I will get to my examples because I know you have more questions. I would say the litigation -- actually, between the mayor and city council so that was very unique in and of itself regarding the transfer of cobohol -- more towards the beginning of my legal career. And in that litigation, I played a supportive role in preparing filings and briefs and really supporting our outside counsel. So that -- and the city council was successful. The court held the mayor did not follow the statute. So that was how the court held that.

And now more recently we were doing property cases the Marathon Oil and trying to relocate residents for health and safety reasons and really environmental and health

concerns. The city takes that very, very seriously. I'm working on another ordinance right now regarding the river and barriers that is also gonna have a huge impact on the city, but I really think now when I work on those larger, more controversial issues, that because of my role within the department, it's a much more -- it's a leadership role. It's setting the priorities, setting the goal posts, and making sure that the team's efforts are successful. I hope that was responsive.

>> Rebecca: Doug, you want to jump in?

>> Doug: It's good to have you with us this afternoon.

Do you have any experience specific to working with other commissions? If you do, explain your role and how you impacted the work product of the group.

>> Thank you, Commissioner Clark. I have experience working with commissions, both elected and appointed commissions. I mentioned earlier the elected officials compensation commission, just in passing. So I will highlight that. Every two years, this commission is convened to examine public -- the salaries of elected officials in local units so this commission is -- my role is very broad. I'm their commission counsel so I've had a large part on setting availability, agendas, drafting their resolutions, providing legal guidance, attending their meetings, being able to answer question that the commission has not only about roles in the city but the process by which the commission is statutorily obligated. One interesting thing about the commission is that its determination when forwarded to city council is effective unless it's rejected and normally things are forwarded to counsel for confirmation so that's always an interesting discussion to have at the city council process when I facilitate the recommendations through counsel.

The second would be the charter commission, which is an elected commission. I started with the city just after the '97 charter was enacted so my experience were at 2012 and currently the 2020 commission just voted proposals last night, another late-night meeting we had. So they're working in drafting will continue next year and that will appear on the ballot next year. Very exciting. So I was not the lead attorney in the 2020 -- excuse me, the 2012 charter. I was working for counsel's research division so my role was very impactful, though, because I was vetting proposals and conducting extensive legal research on the topics that the commission was reaching out about; or that counsel had identified as important to it, that it wanted to be advocated before that commission.

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The 20120 commission had significant involvement prior to their hiring of their own counsel. I and other lawyers in the law department participated in facility Tating meetings, legal advice and parliamentary advice in that interim period before they were able to hire their own parliamentarian and general counsel. And certainly when counsel reaches out to us, we assist them as best we can.

The third and last example I'll give is not a board but is a very important commission -- excuse me. It's not a commission. It's a very important board in the city of Detroit, Board of account itics. I served as general counsel as well.

So I prepared all the preliminary analysis either from external complaints or from internal requests for advisory opinions. I provided legal advice at meetings and closed sections and provided really go-to -- any of their legal advice they needed, Commission or that board has been very, very busy in the last year or so, excuse me. So that work has been very important interpreting and applying not only the standards of conduct but also the disclosure requirements of the charter and the city code.

>> Okay, thank you.

(Audio echoing)

Have you -- have you ever had to advise an executive to make a different decision due to legal reasons? Explain the situation and the result.

>> Okay. So -- (Chuckling).

Yes. So there was a time -- til stick with the Board of Itics since I just spoke to them about them, about -- at length. So there was a time when an item got put on the agenda about appointing ethics ambassadors in individual department to kind of serve as ethics liaisons. And this ended up getting put on the agenda without any discussion among staff so one of the things I did when I became general counsel is started having weekly staff meetings so that instead of showing up to the board's meeting and staff is kind of, "Well, about this? What about that?"

We would discuss ultimatives that were coming before the board so that we could answer questions, find out the status of investigations, find out the legal recommendations, and discuss all that and be prepared. So that didn't happen in that instance.

What happened is the board put the issue -- they tabled the issue so I could write a legal opinion on it, which concluded that the board did not have the authority to direct the activities of executive department staff.

I also highlighted how that could be done because, again, think a big part of my role for the city is -- if you're saying no, say how it can be a "yes" if there is that avenue. So I thought that was really important to highlight as well.

And then what ended up ultimately happened is they followed my legal recommendation and the issue and didn't pursue the issue.

>> Doug: Okay. What do you anticipate to be the most challenging part of the general counsel role?

>> Okay. So I think really one of the most challenging aspects will be making sure the commission has always information it needs -- again, the census data, there's oral argument before the U.S. Supreme Court occurred on November 30 on whether or not to include or the decision to exclude undocumented. So making sure when those decisions come out that the commission has the most up-to-date and accurate legal information in the context to do its work.

Really having that cohesive staff support for the commission. In doing that within a tight timeframe -- I know when I was back out the flight plan with the November 1, 2021, deadline, when you back that out with the ten public hearings to put information to the public, at least five public hearings statewide for proposed plans and then 45 days before November 1 is September 17. So all of this critical, important work has to be methodically done within a very short time frame so I think being very responsive, being very direct and clear what the Commission is going to be the most critical.

>> Doug: Okay. Should we have to go to court, do you anticipate that we may have to -- are you experienced with working with an outside legal team? And explain what you think your roles and responsibilities during this type of situation.

>> I'm very experienced working with a legal team, either by providing representation directly or managing outside counsel.

My role has been more administrative on litigation teams at this point. I'm sure you could ascertain that through my resume role is more of the managing the process. I have a Lean Six Sigma background. I thought, how could I make it fit in legal context? It's

extremely important with efficiencies and financial and cost savings. I think it's very critical.

Going back to your question, I participated in prosecution of criminal matters and civil litigation as well. My role is varied, depending on the needs of the case. So again, through my career, I'll highlight that growth that has occurred where it's more active participation and ensures there's a clear scope of services if outside counsel is retained.

I do agree, though, and reassure the Commission that litigation -- you can't avoid litigation, especially in the public arena. So it's nearly impossible to avoid. The goal is to minimize risk by proceeding in a legally sound matter to make sure that your position is defensible. And here, I think, really the commission, making sure that the public is aware of the expected impacts. There's already so much transparency built in to the constitutional amendment itself. I think that will be very helpful but someone will always be unhappy.

So I would be prepared as your general counsel to either handle your litigation matters directly or to advise and retain specialized outside counsel and be able to direct and manage that process for the Commission to achieve your goals.

>> Doug: Okay, I have a follow-up question relative to that.

Should we have an outside counsel obtained and you're working with them, who do you see as the person yourself or the outside counsel to develop the strategy?

>> Well, I would say that would be -- that would ultimately rest upon me in my role and certainly those discussions with outside counsel, we would be able to craft the best legal strategy to present to the Commission on the way to move forward. So I think if it was a situation where we were engaging outside counsel that their opinion and their discussions would have weight; but ultimately it would be my responsibility would be to make sure that the Commission's legal needs are being addressed sufficiently.

>> Doug: Okay. Last question: can you tell us what political party that you affiliate with? And have you contributed to political party or candidate?

>> Okay. So yes, I know the constitutional amendment subpart 5 says retaining independent nonpartisan subject matter experts and legal counsel. So I definitely meet the criterion in subpart 5. I do not have any political affiliation.

I vote in every election so it's not that I don't take my civic duty seriously. It's just in my role -- it is my opinion professionally that in my role if I'm convening work group from with really diverse stakeholders, either that include internal city departments, community members, public interest groups -- my work center around bringing very, very different groups of people together that have very divergent interests on a single topic.

So if I was trying to produce a work product whether it's legislation or a policy or an executive order or any of these things that I would -- if you're coming to those meetses and you think I'm biased against you or -- you're less likely to share your ideas.

In every opinion and every idea has value and should be expressed. So I really feel like it would be -- it would be distracting to the goals and we wouldn't have the best work product coming out of these efforts to set public policy.

So making sure I answered every aspect of your question. I don't have any political affiliation. I actually had to research like you did what my donations were because, again, since I started with the City, I've just either -- you give to everybody for everything or nothing, and that would make me a volunteer if I donated to every single volunteer for every office.

So I went with the extreme opposite view, which is totally doable. I think, again, it goes into the distinction between having experience in government and having experience in politics. Those are two very distinct things.

My two contributions I would like to disclose to the commission. In 2012, I made a donation to that non-partisan judge who has been an extremely close family friend for decades; and unfortunately, that race was unsuccessful.

I was surprised to find on the FEC website that in 2004 I donated money to a candidate for Congress, Philip Truhen, a Democrat. I couldn't remember why I did that and in talking to my social group, they were a friend from the Navy of a very close family friend of mine for decades. So those are the two items I would like to disclose.

>> Doug: Okay, I appreciate that. Let me turn it over to Steve.

>> Steve: Thank you, Doug.

This, Julianne, is a full-time position, and you obviously have a full-time job. You're prepared to leave that job and come work for us full-time if we should choose?

>> Yes, I and I have -- some days it appear for most of us I have four full-time jobs during my one so I'm prepared to devote that same energy and attention to put my attention in the commission.

>> And you're familiar with the voting rights act.

>> Yes.

>> Steve: You seem to follow some of the Supreme Court cases involving the questions around voting rights Census, etc.

Is that true?

>> Yes, it's very true. One of my client Democrats is Department of Election so we have been extraordinarily busy this election season so I follow really what goes on as part of my job. So that includes being in tune at the Supreme Court end on issue, the Sixth Circuit Court of Appeals. We generally have a lot of relevant issues there, and one thing I do with my work is if I'm approaching drafting legislation, I want to look at where other -- what other areas have failed. So a lot of the Fair Chance and housing work I did is looking at what Seattle did and what they did in California and what the legal challenges were so that I could address those legal challenges up front in my work product so that it would be better.

Same thing with short-term rentals, AirBNB.

To get to your question, yes, I monitor all of that; and I would continue to monitor all of that. I've watched the different panels on communities of interest that Secretary Benson has participated in. I have been doing a lot of research on California and the other communities that have already done this redistricting, what theirs were, and how that was either addressed in the constitutional amendment or how this Commission can address those concerns moving forward in its work.

>> Steve: Okay. What -- lost my train of thought now.

Anybody else have any questions for Julianne? Rhonda?

>> Hi, Juliannt. I'm not an attorney so sometimes when attorneys talk, I hear them talk and talk and talk and talk and talk.

And I don't really understand what they're saying.

You mentioned sunshine laws when you were just talking. Could you explain sunshine laws to me kind of in a layman's term whereas somebody like me that doesn't have legal experience can understand it?

>> Thank you, Commissioner Lange, for that question, because I think it's important when lawyers are talking, you have to have your message directed to your constituency so I think it's important always to be clear; and I know we're always criticized in the city because we use acronyms or the alphabet soup and shorten everything and no one knows what we're talking about. So I very much appreciate your question and opportunity to go deeper into it.

So sunshine laws is the umbrella term for Open Meetings Act and Freedom of Information Act. Those two acts, the sunshine laws is to bring light on the governmental process to be transparent in our work; and I definitely think both of those are critical to public bodies work and to governmental work in the State of Michigan and federally.

I worked to draft the open data executive order. In the City of Detroit, we have an open data portal and putting information that could be released in this portal so that the public wouldn't have to submit FOIA's and go through that process and have to pay for somebody to look through the records, to redact the records. That's where the costs come in, really, is the physical labor needed to go through those things. In actually the open data portal relate to when Mr. Durst was talking during the Census presentation about the block data and community group. What we found in certain identified -- thankfully before it was too big of an issue -- in some very sparsely populated areas of the city, you could actually pinpoint where things occurred based on the data in the open data portal. So we had to redo the algorithms, working with our I.T. department, to minimize that information getting out.

But really the sunshine laws are there for the benefit of the public. They're there to help public bodies. I think it helps the government when things are transparent and can explained and questioned so I'm committed to both of those.

>> Steve: Anybody else? Rhonda, is that it for you? Okay.

Who else?

Okay. I'm not seeing anybody. Julianne, do you have any questions of us? Now is your chance.

>> Well, I really feel like in watching the Committee's meets and really looking at like the RFQ you put out for your data analyst position -- you have the three FQs -- I think you're doing really thoughtful, excellent work, and I'm just very excited to be considered for the position; and I hope that I have answered all your questions. I would be happy to answer any follow-up questions or present additional information that is needed. But I would very much like to serve as your general counsel. I believe that all of my work has prepared me with a direct skill set relevant to what you're doing, which is very specialized; and I think it is just a very exciting idea to be working in this area, and I would love to support your very important work.

>> Steve: Thank you.

>> Thank you for your time.

>> Steve: You're welcome. Anybody else have anything?

All right. We thank you for coming in and bearing with us as we kind of went over on different people; but that's the way these things go.

>> I am not surprised at all, and it is not a problem ever.

(Chuckling)

Thank you very much.

>> Steve: We will be getting back with you. I'm sure you have been watching and as we said to everybody, we'll get back with you. It's not going to be this afternoon and probably isn't going to be this week, but we will get back with everybody and let you know who we decided on and where everybody ended up.

>> Well, I appreciate that very much and thank you again for all your thoughtful deliberation in this process, and I wish you all the best in your work.

>> Steve: Thank you. You have a rest of your day be a good one and rest of the week.

>> Thank you so much. Take care.

>> Steve: Uh-huh. Yeah, bye.

Okay. We have, um, 15 minutes to 1:30 -- we actually have a little more time than that. We can have some discussion now, which would be good, and we have another meeting set for the 17th of this month, which I think will be our last meeting for this year.

Sally, you there? Hi, there!

>> Sally: yes, I am.

>> Steve: I thought you went to lunch.

>> Sally: No, I'm right here.

>> Steve: On the 17th we're gonna be talking about the communications director job position and more discussion on the general counsel. Right?

>> Sally: And your schedule at least for January as well. And I would -- you know, I'll touch base with your new executive director as well to make sure there's nothing else that she would like to cover. But, you know, hopefully she will have signed the contract at that point and she'll be able to participate in your meeting as well.

>> Steve: Did you get my e-mail back?

>> Sally: I have not and was of course going to ask you to resend at the end of the meeting.

>> Steve: Once you're off, I will give it another shot. I told Doug and Rhonda I signed it.

All right. So we have -- we will have time next Thursday, the 17th, to have further, more in-depth discussion; but I don't want to put cold water on anybody that wants to have initial impressions. My initial impressions were that all of them did a good job. I'll say "Good." Some did, I guess, better than others, but I thought the four candidates certainly -- I don't think there was anybody I would disqualify right out of the chute. Juanita? You're raising your hand. Take yourself off mute so we can hear you.

>> Juanita: I just want to make a comment. I think you guys did a good job in choosing and selecting your candidates. I enjoyed personally -- I know you're not taking a vote yet -- but I enjoyed the -- I will speak on all three of them -- three of them that I really took attention to.

Ms. Kirwood spoke very clear and held my attention.

Mr. Lancaster was very informative. He spoke on the things that I wanted to really ask when he first got -- when he first took the mic. He explained his reasonable for why everybody was denying or opposing him so I was glad he did that.

And I enjoyed Ms. Patula. I thought she was pretty good. And so that's all I want to say about that. Very, very experienced. Pretty good and knowledgeable.

>> Steve: I don't disagree with your comments. Doug?

>> Doug: I thought all four brought something positive to the table. In my mind I kind of narrowed it down to two people, Catherine and Julianne. I thought they were a little bit above the others, and I think they -- both of them -- would be easy for us to work with. I think they came across very cooperative and -- not that the others didn't -- but a little bit more so.

And a little bit more knowledgeable about the cooperative relationship, you know, among the entire team. So I -- in my mind, I narrowed it down to those two, and I personally think it would be a tough choice between those two.

>> Rebecca: Could you repeat which two? I stepped out.

>> Julianne and Katherine. Yeah.

That -- Steve: Rhonda, do you have your hand up or are you resting your elbow?

>> Rhonda: Oh.

I think I've got two that I gravitated to a little bit more. My first one was Julianne. Her experience that she talks about in every aspect -- I mean, even having experience with redistricting itself is a big thing. How she presented herself -- and I wasn't lying. Sometimes when we've had attorneys, even Mike Brady -- no offense -- talked. I get lost in the conversation when she's explaining stuff. I'm trying to follow but sometimes I don't. And I feel like Julianne, when she was answering her questions, were kind of to the point and not long and train out to where you lose, you know, interest or lose the message that's being put out there. So I really appreciated that.

My second one, actually -- I kind of went a little different route, I think -- was Monifa? She was kind of my second? And just from some of the thing she said, her experience working the legal team. She's had experience with commissions and all of that so there was something about her I kind of liked.

And if I'm doing the full -- obviously very experienced.

Something that she said, though -- I was kind of like, uh -- and I understand the premise where she was getting to, but she -- how she talked about some of us on the Commission are little more verbal than others, which obviously we are; but I almost -- I understand the premise of where she was going with that, but yet I also feel like that could kind of be a deterrent because I think the Commission as a whole, we try to encourage people to.

I know like for I, myself, have been very vocal the past five or six meetings; but when I first started I wasn't comfortable in that position. So I guess to make comment like that kind of makes me think like, "Oh, well, even if you weren't talking about me, am I talking too much?"

I would hate for somebody to be deterred from giving their opinions based on they may be sued for sharing the opinion too much. I get the premise but I was kind of thinking it could be a little counterproductive.

Other than that, she's got great experience. Mr. Lancaster, I believe everybody knows my feeling as far as that goes. He's gotten much experience. It's nothing personal but I do still believe it's a conflict of interest for him to serve on this committee, and it's no offense to anything. I know the last meeting we discussed it, and we had a letter from a lawyer in our comments. I know he was talking a lot about the other commission or the other group -- whatever they were, Freedom Fund or whatever. We had the same thing with the executive director from Voters, Not Politicians, a lot of them from that -- from the other standpoint.

My thing with conflict of interest, he worked directly for and was paid by them. They did receive outside funding.

My second one -- and I know it was discussed the last meeting -- but I personally do believe it's a conflict of interest for somebody on this commission that knows him personally to hire somebody, especially when we're using taxpayer funds to pay that and we have such an outpouring of public. Even if it is political, I think us, as a

commission, owe it to listen to everybody. The best thing we can do as a Commission is to come up to a compromise.

They've always said it, we have we will not make everybody happy, but I think the best thing we will do that will not call into question the integrity of this Commission is to come up with a compromise that everybody -- even though they may not be happy -- but everybody can live with. And that is my opinion on that. I stressed it before, and I won't burden you guys with it any more.

>> Steve: Juanita.

>> Brittini: I'm trying to speak. I will speak whatever, though. Go ahead, Juanita.

>> Juanita: I will be short. I just thought if we went with Mr. Lancaster we probably would be sued before -- after everything is over with. That would be probably my only reason for not selecting him. I certainly enjoyed Ms. Kirwin -- yes, Ms. Kirwin. I thought she was very good, but I thought that Julianne was a LITTLE bit more experienced with the redistricting so that's my opinion.

>> Steve: Brittini or Doug?

>> Go ahead and let Brittini.

>> Brittini?

>> Juanita, I feel like you. I'm trying to manage my sound via our phones.

My top choices -- I have three -- I really enjoyed Julianne and can enjoyed Catherine and then I enjoyed Monifa. I think Monifa and Julianne offer different, like unique experiences that could be endearing and helpful to us. I expressed my opinion on Mr. Lancaster. I think he has a wealth of experience but it raises not even about him but raises our larger duty to ultimately be more decisive about what is gonna happen when we have someone come to the table that we know, number one; and then, two, what we're kind of going to be about public comment because it keeps coming up and seems like it's a bit of a challenge for us how we go about those candidates. So I think -- yeah, those would be my top two, I think, Julianne edged some candidates out because of her experience. I think there was something very special about Moniaa and her willingness to dig in.

As we expressed about other candidates, though, she may not have the experience that some of us are maybe looking for or comparing. I think she remind me of the opportunity that we have talking into this where we all came from different walks of life, different playing fields. So I'm always looking for one that has high level of experience but opportunity to learn. Doug?

>> Doug: Yeah, I want to make a comment based on what Rhonda had said about Catherine. The way I looked at Catherine -- and the way she presented things -- she's very forward-looking to protect us, and I thought that was really a relevant thing.

She made two or three examples of that type of thing about how we store our documentation was one. Getting multiple people involved in our work -- I think that was another. I think we have to be forward-looking, and I can kind of am persuaded towards her as we move forward -- not that the others aren't capable or very good -- but I kind of like that aspect of her.

>> Steve: Okay. I take it you're done since you turned yourself off.

Uh -- anybody else?

All right. Anthony.

>> Anthony: I think all four did a really good job and think this will be a pretty tough decision, and before getting into too much detail, I will take the time to rewatch all the applicants' interviews and, you know, take more detailed notes for when we meet next on hopefully take a vote on this.

But just preliminarily --

(coughing)

-- just to start I like Ms. Kirwin, Ms. Patella, and Mr. Lancaster the best.

As far as Lancaster goes, I mean, I kind of look at this a little -- I don't know if I'm looking at it right or wrong, but how I look at it is I want the best lawyer to represent me, to represent us, if, you know, we're ever in court. You know, I think he's the best lawyer just as far as his credentials go and as far as his experience. I think he is, you know, the best lawyer to represent us as far as his experience as a lawyer goes.

You know, the points about his political affiliations are ones that we should take into consideration, but I don't think they should completely overcast, you know, who may be the best person for the job.

With that said, I also want to echo what has already been said about Catherine. I thought she had very good answer to the questions we asked her. I think she has good experience, too, being an assistant, an assistant A.G.

And I also want to echo what has been said about Ms. Patulia as well. I thought she would also make a great candidate.

>> Anthony, if I could quickly -- there was something that Anthony brought up that was a good point. I think we should pick the best lawyer. I think, though, we do have to keep in mind that we're working with these people as well, and there were some that I felt will take the time to make us understand the decisions that we make and there were others that I felt would go a lot off of what they're already used to or aware of, the research they have done. That I found to be a little troublesome, especially since -- no offense to our Commission -- I think we have the inclination not to lean on our own understanding; and while we're still trying to learn to trust ourselves, I would be cautious about someone that took the position of the expert.

I want us to be in the decision, able to ask questions, feeling it's a brave of faith. These are touchy words about things that really do matter. I don't want someone that will go off or have inclination to go off and operate what could appear to be on their own volition.

>> Dustin.

>> Dustin: I just wanted to echo what Anthony said in regards to hiring the best lawyer; but I also want to say that it's a very dangerous thought to think that if you hire one particular person we will get sued or have more litigation that particular way because that's highly speculative. I mean, we're going to have litigation either way. I can't really say that just because we hire one particular person we will open ourselves up to more litigation just because of that particular individual. That's all I wanted to say. Other than that, all four were great. I need to review the resumes. I don't have a solid first or second or even third or fourth at this point. So that's it for me.

>> Steve: Juanita?

>> Juanita: Yes. I didn't even mention Monifa, but I thought she was good; but when it came to just as someone just addressed the fact they wanted -- I think it was you,

Brittini. You wanted to understand the person, and I thought Mr. Lancaster probably is very, very, very experienced; but he lost me several times in his review. I stayed with Kirwin and I stayed with Ms. Julianne. And Julianne seemed to be just so experienced -- but that's just me. Monifa was good, but I think she -- maybe lacked in her coming off as knowing more. Let me put it like that. But she was good. And all of them was good, but I really -- I stay with Julianne. She held my interest, and she held my thoughts. I could understand what she was saying. I could understand Ms. Kirwin, not being ban attorney, so that was good for me.

I followed them, but I couldn't follow Mr. Lancaster. That's all.

>> Rebecca.

>> Rebecca: Yeah, so I've literally spent the last week thinking about Mr. Lancaster in particular. I've actually lost sleep over it, honestly. So I have read through every single comment sent in through the public, 50 pages sent in from the public; I think a few comments need to be raised.

Number one is, as I'm sure everybody who looked at them noticed, they were literally cut-and-paste over and over and over again. It's the same comment that was obviously produced by someone, sent out to a bunch of people, and sent in, which is exactly what was brought up with respect to the executive director role, with respect to Mrs. S searchibold, -- Seibold, a social media campaign.

I take it as a social media campaign, that one person wrote this and one person is deriving it because there was literally no variation in the comments.

And then even within the comments themselves, I kept coming to the same feeling as I read it over and over and over again that there seems to be just a fundamental lack of understanding on the part of the person who wrote this about the role of the Commission because they kept making comments that the Commission was Steined to be non-partisan.

That is not true. The Commission was specifically designed to be partisan. We have four Democrats, four Republicans, and we have five independents. So this whole concept that "There could be no partisan involvement" I think is inaccurate.

I think it's a mischaracterization. So that bothers me, this concept that we can't have anyone who has any partisan affiliation because it is just patently untrue because half the people on the board have a partisan affiliation. So that disturbs me, that failure to

understand the difference between being partisan and being independent. You can be partisan and still be independent. They're not mutually exclusive.

The other thing that really bothered me, too, about those comments was they were limited to political contributions. That was the ONLY thing that was raised -- that he contributed to Democrats, which to me, that opportunity rise to the level of saying as some of them said, he's a liberal hack -- or, you know, he's a leftist agenda -- or other comments thrown in there.

I'm like, the fact someone contributes to something doesn't disqualify them from being able to do a non-biased job so that bothers me.

And the last thing that bothers me is the inconsistencies in saying voters, not politicians was an independent commission designed to create us -- which is an independent commission; yet Lancaster is biased.

so plan cast caster drafted legislation that voters, not politicians, put into plays -- but yet you're saying he's biased.

So if voters, not politicians, is independently and nonbiased, and Lancaster -- to me, those are two entirely contradictory positions.

So that disturbs me greatly.

So taking into account all of those comments and looking back at -- I actually went and looked at the interviews with Mrs. Seibold and our interviews with that and Price and our discussions on Mr. Brice and looking at commentary -- I think Mr. Lancaster -- maybe because we're both lawyers and tend to view things the same way -- I think he nail mid it on the head that the comments and concerns with the executive director positions weren't just about political donations. They were about conduct. In Mr. Brice's case, it was about lack of experience compared to other candidates so it wasn't like we looked at them and said "You have a Republican affiliation; you have to go." That's not what happened and don't think it's accurate to characterize in that way -- at least not in my mind because that wasn't decision-making.

Like I said, lots of concerns, lots of thoughts on my part, and I just want to throw them out there.

At the end of the day, are we going to be sued? Yeah.

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Of course we're going to be sued. There are people who want to stop us in our jobs. There are people who are at risk of losing power who do not want us to be successful. We are going to be sued regardless of who we hire. It doesn't matter.

My question is, do you want the most qualified person on your team helping you make decisions, helping you avoid land mines to make suing you easy? or do you want to go with someone who is qualified but maybe not as experienced?

So to me that comes down to the alternate question and I will tell you, I still haven't resolved it in my brain.

Do I believe that Mr. Lancaster has a partisan lean? I don't think that's in dispute. Of course he does.

Do I believe he can be unbiased and render us unbiased legal advice? Absolutely, I believe he can.

Am I concerned about the optics and perception of it? I absolutely am. I really liked Catherine and Julianne and Monifa. I thought they were all equally qualified.

I would rank Juliannt came out top in my mind. In my brain, too, I'm toying around the idea of I love Mr. Lancaster's experience. I love the fact that he was able to navigate this through the court system; but maybe this isn't the right role for him right now because of the impact it might have on the integrity or the perception of the integrity of the Commission; but maybe we can keep him in our back pocket if this does go to litigation we can consider at that time as potentially litigation counsel because he has successfully defended it before.

So that is my VERY long-winded -- (Chuckling) -- thought of Rebecca about it. But, you know, to me, the comments that came in are not definitive to me because I feel like it's one person with one voice speaking, not thousands of people; and I'm not sure we should be disqualifying someone who is ultra experienced based on that; but I am concerned about we have in incredibly important job and is SO important that we do it in a way that we can get everybody at the table at the end of the day.

Everybody thinking and everybody understanding and everybody respecting our decisions and believing we did things in a fair way. And I'm just not sure that putting someone in a general counsel position who might negatively impact that is the best choice.

>> Steve: Rhonda.

>> Rhonda: Thank you for your comments, Rebecca. I do see your perspective that you're coming from. I guess I am looking at it a little bit different as somebody that is not comfortable speaking and not the best writer.

I have seen these letters obviously. It was obvious. It was your campaign letter, whatever, just fill in your name. I have seen these before for contacting representatives and have a different outlook as than you. Some people aren't comfortable writing so they see this and, yes, I also looked at the addresses. I mean, these weren't coming from one specific area. They were coming from all over the state. I actually noticed one that the next city over from me. So I do think -- I get the premise of what you're saying but do think we still, even though some of them I know they stayed political but not all of them did. Some of them had concerns. We had concerns from doctors and a judge and other attorneys that thought it was a conflict of interest. I just don't think being a public body working for the public that we should discount their voice just because they may lean one way.

We had the same comment and, yes, there was some regarding the executive director regarding her work in general, but there was also a lot of days because she's Republican, because she had signs and paid to the Republican national committee -- this, that, and the other. So there were still comments made towards her and Mr. Brick about the only comments I heard towards Mr. Brice were because he comment Tated on a very conservative radio station. I mean, even the commissioner stated that. You know, that the Republican working for a Republican, those were brought up.

I just don't want, as a Commission, in the public eyes to think them to see us as a Commission that we're not going to listen to their concerns and take into consideration; and that's why I said as a Commission I think the best thing we can do is pick qualified people. If we've got things coming at us from both sides, the best thing we can do to represent everybody in the state is to come up with a compromise that everybody may not be happy with but that everybody can live with as long as as long as we're still able to accomplish what we need to get done.

But I do understand what you're saying about the form letters because I noticed that myself, and even in the executive director when we got all of those, I noticed a lot of them had the same, like, the last paragraph or two. I was thinking to myself, is this a form letter? So I totally get what you're saying there. And that's all I got to say?

Thank you.

>> Steve: Juanita and then Erin. Juanita?

>> Juanita: I just wanted to clarify that I felt the same way as Rebecca when I was reading. I read about 50 of those denials and things on Mr. Lancaster, and same thing was running through my mind that these people done got together and they've called all their friends and told them or be opposed or deny in the same way. That kept crossing my mind the more I read it.

And of course as Rhonda said, we shouldn't let some things separate us. It's not separating me. I'm just telling you my opinion and I know no one had said it, but I just want to share my opinion of who I thought was the best person for the job where I could interpret and understand what they said, and that was Ms. Julianne.

>> Steve: Thank you. Erin?

>> Erin: Sorry, I had to tell my kid to be quiet for a second. I've got four of them at home right now.

I get what everyone is saying and completely agree with Rebecca. I agree with Rhonda.

I thought Mr. Lancaster is probably our most experienced, and he and Julianne were my top picks.

But I think with public perception being the way it is, after listening and the only ones we truly have that are nonpartisan would be Ms. Kirwin and Julianne herself.

But with Anthony, you want the best lawyer to defend you. Like Anthony, I will be rewatching the interviews and paying a lot more attention. I did take extensive notes, but I think if we're going to satisfy the public, we would have to look at the two non-partisan.

But are they the most qualified to defend us if and when and when we're going to be litigated? So that, I think, is a question we have to ask ourselves.

>> Steve: Okay, we're coming up to actually our drop-dead time. So I will take a couple more because we're gonna have time next Thursday to talk about this more so you can think about what you want to say and write your notes and we will be ready to go.

Anthony, you had your hand up.

>> Anthony: Yeah, so I just want to say, you know, by nature I'm a pretty skeptical person. I think it's, you know, it's on us if any of us don't understand anything from of of the people we hire -- you know, we have to speak up and ask them to clarify.

I think that was a wonderful question that Rhonda asked to Ms. -- I keep saying her name wrong. I don't want to do that. I think it's Patulia.

But, you know, that question wasn't asked to any of the other candidates, and I think if it was, they could have had the opportunity to do the same thing.

But like I said, being skeptical, I'm not a person who's just going to accept whatever our executive director or our general counsel or our communications director, you know, say just to accept it. I'm going to question it and will ask, "Hey, why do you think this is the best way to go about it? Why do you think this is the best method to proceed?"

And I think that's something that we can all do. But yeah, I mean, I don't know. You guys know my opinion as far as public comments go. I had the same one as we had on the executive director and was kind of curious we get all of these in writing but not many come to talk to us. I just find that a little interesting.

Yeah, that's the beautiful thing about this Commission. You know, we all have opinions and we're all listening to each other and now we have some time to digest to come up with a decision. Hopefully the public can see that and trust our judgment from there.

>> Steve: Okay, we'll give Rhonda the last word for the day and move to Thursday and everybody else can follow.

>> Rhonda: It's actually for the attorneys. Maybe you can answer me. I'm hearing about an attorney, if we get sued, defending us, defending us, defending us; but isn't that kind of the purpose of getting an -- a lot of the questions were directed at, if we have another counsel to actually defend us in court, what would your role be with that?

So is there two separate role? Are we looking at somebody that's gonna defend us in court; or general counsel? Are we looking at a litigator or a defender; or are we looking at general counsel I guess is my question. I don't want to get them confused.

>> Steve: I guess that would be a good topic for next Thursday us since it involves a lengthy discussion if I start talking about it.

>> Brittini: Yeah, I'm just going to quickly say my comments never have little to do with public opinion. I like to wait for the interview, and it's what I see in the interview that has me worried about the communication with us as a Commission and then how this person is gonna be able to relate to the community. That's when these thing that are said on the outside matter; but I do respect everyone's opinion. I still kind of go by and am frustrated we can't -- even though there are varying things on the Commission, we can't develop a standard because this is going to keep coming up, and I would like us to really grab ourselves by the boot strap and decide how we're going to approach because we're changing rules, it seems to me, for every candidate -- what we will consider here and not consider there. And I understand these are individuals, but this goes back to honestly what Catherine was saying about how we communicate and make decisions. I thought it was less about boisterous and less boisterous voices. I think she was hinting about being co'sive and listening to each other. That's all I will say. I will wait until Thursday for everybody else.

>> Steve: We are at the end of our time. Rhonda, bring your question back and I'll be happy to address it. I'm betting that Rebecca may have some thoughts on that. I would normally say a motion to adjourn, but quite frankly, they're gonna cut our time off in about two seconds.

Everybody have a good week, and we will see everybody back here next Thursday -- I don't have the time right in front of me right now. But it is or will be next Thursday at 9:00.

>> Sally: Yes, 9:00.

>> Steve: Thank you, everybody! Bye!

>> Have a good weekend.