



September 8, 2021

VIA EMAIL ONLY TO: bassettc@michigan.gov

Michigan Independent Citizens Redistricting Commission
c/o Chad Bassett, Solicitation Manager
Lansing, Michigan

Re: Request for Proposal No. 920, 210000002578
Position of Local Counsel

To The Members of the Commission:

I am pleased to present to you my response to your Request for Proposal seeking legal services for the position of Local Counsel.

It appears to me that the services you are seeking are somewhat similar to the services I provided to Voters Not Politicians (“VNP”). When I was hired in March 2017, I offered to (1) draft the proposal, (2) develop the litigation strategy best suited to assure that the proposal could survive judicial challenges, and (3) obtain approval of the proposal for placement on the 2018 General Election ballot from the Michigan Board of State Canvassers.

However, I limited my scope of work to that of a supportive role in the event of litigation. As a solo practitioner, I do not have the staffing or infrastructure to handle on my own substantial appellate litigation. This would require retention of a full-service law firm with expertise in election law matters.

VNP retained the services of the Fraser Law Firm to serve as litigation counsel. Once a lawsuit was filed challenging the eligibility of Proposal 2 for the 2018 General Election Ballot, I worked with our litigation counsel on the drafting and review of pleadings and other matters related to the litigation, to assure that the litigation strategy I developed was carried out.

I would see my work as Local Counsel in a similar manner. I understand you have retained BakerHostetler as the Commission’s litigation counsel. I would view my role as working with with your Voting Rights Act and mapping consultants, and BakerHostetler, in developing a pre-litigation strategy to put the Commission in the best posture possible to assure that the plans the Commission approves will survive any judicial challenges.

Phone: [REDACTED]

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I am well aware of the importance of assuring that, if I were chosen as local counsel, my work would need to be performed in an impartial manner that reinforces public confidence in the integrity of the redistricting process. As one of the principal authors of Proposal 2, I am keenly aware of why this requirement for the conduct of commissioners was written at Mich. Const. Art. 4, §6(10).

While strictly speaking, Art. 4, §6(5) does not specifically impose this standard upon consultants, I would approach my work in a manner consistent with the §6(10) standard.

When I was hired by Voters Not Politicians in March 2017, I committed to performing my legal work in a non-partisan, unbiased and impartial manner. I believe that the leadership of VNP would confirm that I lived up to that commitment. If hired for the local counsel position, I would make the same commitment to the Commission.

Furthermore, I believe partnerships and strategic relationships that I developed when serving as General Counsel to Voters Not Politicians would bring significant value to the Commission. Voters Not Politicians has generally been very supportive of the Commission. I believe the personal and professional credibility I have with Voters Not Politicians and other supportive organizations would be valuable.

With regard to my response to the RFP, I am submitting the following documents:

- A PDF copy of the documents I submitted in support of my application for the General Counsel position. This consists of:
 - A cover letter dated November 13, 2020.
 - My response to the supplemental questions.
 - My resume.
 - A Letter of Recommendation from Voters Not Politicians Executive Director Nancy Wang.
 - A Letter of Recommendation from former Judge Peter Houk, who served as the lead litigation counsel for VNP.
 - A writing sample.
- A more recent writing sample (Letter to Governor Whitmer dated 7/26/21)
- My responses to the Vendor Question Worksheet and Schedule A – Statement of Work Contract Activities. (These are being submitted in a separate document in a Microsoft Word format)
- A PDF attachment listing my political contributions from January 2010 to present.

- Confidential Treatment Form (I am not seeking confidential treatment of any information submitted).

In a separate document and email, I am submitting my response to Schedule B: Pricing Schedule for Proposed Contract Activities.

I hope you will give serious consideration to this response to the Local Counsel RFP. If you have any questions, please do not hesitate to contact me.

Respectfully,

LANCASTER ASSOCIATES, PLLC

By:



 James R. Lancaster