

Proposal By: James R. Lancaster, Lancaster Associates, PLLC

VENDOR QUESTION WORKSHEET

The following are my responses to the Information sought on pages 15 – 18 of the Request for Proposal (“RFP”)

1. Contact Information.

James R. Lancaster, Principal, Lancaster Associates PLLC. Business Address:
P.O. 10006, Lansing, Michigan 48901.

Office Address: [REDACTED] Dewitt, Michigan 48820.

[REDACTED]

[REDACTED]

I am the sole person authorized to receive and sign a resulting contract.

2. Company Background Information.

Lancaster Associates, PLLC is a single member professional limited liability company. So, I am essentially a sole proprietor.

The company was formed in the State of Michigan, and has never had any offices nor has it done business outside of the State of Michigan.

I do not currently have website.

The business was formed in 2008. It has no employees other than myself.

It does not have a parent company. There has been no change in the organizational structure.

The business has operated primarily in the areas of political law (campaign finance, election law, etc.) It has never been debarred, suspended or disqualified from bidding or contracting with any entity, including the State of Michigan.

The company has never been a party to litigation against the State of Michigan.

Within the last 5 years it has not defaulted on a contract or been terminated for cause.

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Since I am essentially a sole proprietor, the request for the company's gross annual sales is tantamount to requesting a copy of my personal income tax returns, which under the circumstances I am not inclined to disclose.

I believe the partnerships and strategic relationships that I formed when serving as General Counsel to Voters Not Politicians would bring significant value to the Commission. I believe 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 of great value to the Commission.

The physical address of my business is the street address listed above.

3. Participation in RFP Development or Evaluation.

I was not involved in any way in the development in any component of the RFP. So, my response to the first question is: NO.

If awarded this contract, I do not intend on partnering or subcontracting with any other person. So, my response to the second question is: NO.

I will not be participating in the evaluation of any of the proposals submitted pursuant to the RFP. So, my response to the third question is: NO.

4. State of Michigan Experience.

I have significant experience working with the State of Michigan. I have previously served as Senior Vice President and General Counsel to the Michigan Economic Development Corporation. I have also previously been appointed as a Special Assistant Attorney General. However, these experiences were more than 10 years ago.

5. Michigan Economic Impact.

I am the only employee of Lancaster Associates, PLLC. I have never employed anyone else, and do not intend to do so in the future.

6. Other.

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Certification of No Abusive Labor Practices Certification: The answer to this question is YES.

Certification of Michigan Business: The answer to this question is YES.

Certification of Not An Iran Linked Business: The answer to this question is YES.

Clean Corporate Citizen Certification: The answer to this question is YES.

Convict Labor Certification: The answer to this question is YES. (Note: I do not intend on employing anyone.)

SOM Debt/Tax Payment Certification: The answer to this question is YES.

Authorization to Verify Information: The answer to this question is YES.

RESPONSES TO SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES

The following are my responses to specific questions raised in pp. 20-25 of the RFP.

1.1 – Key Deliverable One: Key expertise or desirable expertise to fulfill the Statement of Work Located within Section A of the RFP.

1.1(a) – Michigan Litigation Expertise.

1. I have never argued a case before the Michigan Supreme Court.
2. I have only litigated three cases in federal court where a judgment was reached. The first was 1993. It was a dealership termination case. The second case was in 2001, involving a dispute over a commercial lease. We lost both of these cases. The third case was in 2006, involving the Michigan Economic Development Corporation, regarding the withholding of casino gaming revenues. We won this case.
3. I have performed work for many public agencies, but not in the last five years.
4. I do not have any recent experience with electronic discovery; however, I do not believe the scope of work for this position would require this.

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1.1(b) Michigan Government Law Experience.

1. Briefly describe a minimum of 3 government section client representations:

State of Michigan and Michigan Economic Development Corporation

State of Michigan and Michigan Economic Development Corporation v. Little River Band of Ottawa Indians and Little Traverse Bay Band of Odawa Indians (U.S. District Court, W.D. Michigan, 2007). The case involved a dispute over revenue sharing payments owed to the State and whether Club Keno violated the exclusivity provision in the two defendant tribes gaming compacts. The State and the MEDC prevailed in the trial court. The case was ultimately settled.

State of Michigan and the City of Midland.

This case involved a joint representation of the Michigan Department of Transportation and the City of Midland over the acquisition of property for and expansion of the US 10/Bay City Rd. interchange. This case involved various lawsuits against multiple property owners. Two of the cases were tried. The remainder were settled prior to trial.

Lansing Community College

Heywood v. Lansing Community College Board of Trustees. This case involved alleged violations of the Open Meetings Act. The case was settled.

Lansing Community College and College Trustee Olga Holden.

Heywood v. Olga Holden and Lansing Community College. Plaintiff alleged that trustee Holden was no longer a resident of the community college district. We prevailed on the merits.

Michigan Legislature House and Senate Democratic Caucuses.

This matter involved developing a legal and legislative strategy regarding redistricting. This matter did not result in litigation.

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City of Midland re USEPA Dioxin Testing.

This matter involved a dispute over a draconian proposed testing cleanup regime USEPA sought to impose on the City of Midland regarding historical dioxin contamination. USEPA had threatened to impose a unilateral administrative order (“UAO”) requiring this extensive testing and soil removal throughout residential areas in the City of Midland. After extensive negotiations, USEPA withdrew its threat of imposing the UAO, and a compromise testing regime was agreed to.

2. Legal and Advisory Services to Public Sector Clients.

During my 35 years of practicing law, particular while at Miller Canfield, I represented numerous public sector clients; frankly, too numerous to list.

3. Legal and Advisory Services re FOIA and OMA.

I litigated one case involving the Open Meetings Act. This occurred, I believe, in 1995. I have provided advice to numerous public sector clients on FOIA and OMA issues.

Also, during my tenure as Senior Vice President and General Counsel at the Michigan Economic Development Corporation I served as the FOIA officer, and therefore had primary responsibility for responding to FOIA requests.

1.1(c) Michigan Election Law Expertise.

1. Election Law Representations

Voters Not Politicians

I was the General Counsel for Voters Not Politicians, and one of the principal authors of Proposal 2. I developed the litigation strategy that was implemented by our litigation counsel, the Fraser Law Firm, in the matter *Citizens Protecting Michigan’s Constitution v. Secretary of State, et. al.*

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In Re Apportionment of Clinton County

In 1992 I handled my first matter involving redistricting. I represented two individuals in a challenge to the reapportionment of the Clinton County Board of Commissioners. Our initial challenge resulted in an order from the Michigan Court of Appeals dated January 23, 1992, striking down the plan adopted by the County. The Court of Appeals upheld a subsequently adopted substitute plan. The decision is a published opinion: *In Re Apportionment of Clinton County – 1991*, 193 Mich. App. 231; 483 N.W.2d 448 (1992).

Rank MI Vote (Current Representation)

I am currently representing an organization known as Rank MI Vote. Its mission is to seek implementation of Ranked-Choice Voting in city elections. This matter has not resulted in litigation. It does not involve redistricting.

Final Five Voting Michigan (Current Representation)

This organization has sought my advice on a possible statewide ballot initiative involving voter rights. This matter does not involve redistricting.

Dan Haberman for Congress

I represented Mr. Haberman before the Board of State Canvassers when the Elections Bureau determined he did not have sufficient petition signatures for his name to appear on the ballot. We were not successful in securing his position on the primary election ballot.

Michael Magdich for Congress

I represented Mr. Magdich before the Board of State Canvassers when the Elections Bureau determined he did not have sufficient petition signatures for his name to appear on the ballot. We were not successful in securing his position on the primary election ballot.

2. Legal and Advisory Services Specific to Michigan Election Law.

As noted above, I am currently advising two different clients on election law issues. Neither involves redistricting.

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I also have another client that has sought my advice on voting rights matters. I currently do not have their permission to publicly disclose their identity or the nature of my representation. However, it also does not involve redistricting issues.

1.1(d) – Cumulative Experience

As one of the principal authors of Proposal 2, I feel I have a vested interest in assuring the success of the Commission. I believe this, in addition to the experience I have outlined above, make me uniquely qualified for this position.

1.2 – Key Deliverable Two: Key operational requirements and inquiries to fulfill the Statement of Work located within Section A of the RFP.

1.2(a) Motivations.

As noted in response to 1.1(d), I believe I am uniquely qualified and motivated to serve the Commission in this capacity.

[Note: the RFP does not have a subsection 1.2(b); instead, it has two subsections 1.2(c).]

1.2(c) Key Personnel.

I am the only person who will be working on this project. Therefore, the information sought on pages 1 – 4 of Appendix A – Personnel Resume Template, is already provided above.

With regard to the references requested on page 5, I provide the following:

Voters Not Politicians:

Nancy Wang

██████████
██

Hon. Peter Houk

██████████
██

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Rank MI Vote: Ron Zimmerman
[REDACTED]
[REDACTED]

Final Five Voting Michigan: Chris Marcus
[REDACTED]
[REDACTED]

Voters Not Politicians is a prior representation. Rank MI Vote and Final Five Voting Michigan are ongoing.

I have also attached a copy of my resume, which provides the remainder of the information requested.

1.2(c) Firm/Entity General Description.

I focus primarily on election and campaign finance matters.

1.3 Key Deliverable Three: Key operational requirements and inquiries to fulfill the Statement of Work located within Section A of the RFP.

1.3(a) Conflicts.

1. The firm is not presently adverse nor adverse in the last 5 years to the Commission or the State of Michigan.
2. I have never been sanctioned by a court, nor have I been sanctioned for professional misconduct regarding my representation of clients. I have been sanctioned for OWI offenses; this occurred over 6 years ago.

1.3(b) Disclosures.

1. I have not provided any legal services relating to redistricting, reapportionment or districting activities, from January 2010 to the present day, to any person other than Voters Not Politicians. I have provided election law advice to the individuals and entities listed above.

Additionally, since the passage of Proposal 2, I have not consulted with or provided advice to any persons holding elective office or candidates for

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elective office, nor to any partisan or non-partisan entities or organizations relating to redistricting, reapportionment or districting activities.

I do not believe that my current or prior representations could present the appearance of a conflict of interest in connection with the representation of the Commission.

2. The firm has not performed any lobbying work as it relates to redistricting, reapportionment, districting or election activities from January 2010 to present.
3. No political contributions have been made on behalf of the firm.
4. I have attached two documents outlining the political contributions I have made from January 2010 to the present.

The first document is derived from documents provided to you at the time I applied for the General Counsel position. It lists my federal contributions. The second document I prepared listing my state and local contributions.

5. The firm has no financial, business, professional, lobbying or other relationship not previously identified that present a potential conflict with the services to be performed under this contract.

1.3(c) Approach.

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 technically, 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

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commitment. If hired for the local counsel position, I would make the same commitment to the Commission.