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January 15, 2021

TO: Michael C. Ghizzoni, County Counsel, County of Santa Barbara &
Santa Barbara County Citizens' Independent Redistricting Commission

FROM: Nicholas L. Sanders & Bradley W. Hertz
The Sutton Law Firm

RE: The Sutton Law Firm's Statement of Qualifications and Proposal to
Serve as Independent Legal Counsel for the County of Santa Barbara
Citizens' Independent Redistricting Commission

Thank you for providing us with the opportunity to respond to your office's Request for Statement of Qualifications and Proposal to Serve as Independent Legal Counsel for the County of Santa Barbara Citizens' Independent Redistricting Commission (the "Commission").

Please accept this memorandum, and the attachments hereto, as the Sutton Law Firm's Statement of Qualifications and Proposal. We are pleased to provide you with the following information about our firm, to assist the Commission in selecting Legal Counsel

Firm Description. The Sutton Law Firm is a full-service political law firm, specializing in federal, state and local government law, as well as campaign and election law. The Firm's main office is in San Francisco, and we maintain additional offices in Los Angeles and Sacramento. Our clients include public agencies, public officials, candidates, corporations and nonprofit organizations, as well as a range of others engaged in the political and governmental process. We currently represent cities, counties and special districts as outside counsel on a range of matters, including as independent counsel on the Brown Act, Public Records Act, ethics and conflict of interest laws. We are a nonpartisan firm, and we assist clients across the political spectrum.

Assigned Personnel. Nick Sanders would serve as the overall lead for this engagement and the primary service provider in the role of the Commission's Legal Counsel. Mr. Sanders has nearly 12 years of experience in the areas of political and election law, including more than five years of experience as a campaign and election law attorney. Mr. Sanders attended both undergraduate and law school at UC Davis, and has been a member of the California Bar since 2015.

Prior to law school, Mr. Sanders spent four years in a staff capacity at Nielsen Merksamer, another government, campaign and election law firm. During law school, he worked as a research assistant studying the federal Voting Rights Act; as a campaign and election law compliance clerk for a nationwide advocacy group; in the legal division of the California Fair Political Practices Commission; and spent a semester working full-time in the office of Commissioner Ann Ravel at the Federal Election Commission. Mr. Sanders also assists the California State Senate and Assembly Ethics Committees in presenting their legally-mandated lobbyist ethics training, and is currently an adjunct professor of Election Law at UC Davis School of Law.

Brad Hertz would also regularly engage with the Commission and provide legal advice and services, as needed. Mr. Hertz is a partner at the Sutton Law Firm and has 32 years of experience in campaign and election law, with a specific emphasis on litigation. He graduated from Brown University in 1985 and Georgetown University Law Center in 1988. Mr. Hertz worked for the Buchalter Nemer law firm from 1988 to 1990, the campaign and election law firm of Reed & Davidson from 1990 to 2011, and the Sutton Law Firm since 2011.

For several years, Mr. Hertz served as an Adjunct Professor of Election Law, and also taught California Civil Procedure at Chapman University Law School. He is Past President of the California Political Attorneys Association, was a Los Angeles Superior Court volunteer mediator from 2002 through 2011, and has been nominated as a "Trusted Advisor" attorney by the San Fernando Valley Business Journal.

In addition to Mr. Sanders and Mr. Hertz, associates Dale Bellitto and J.P. Fisher are expected to provide additional legal support to the Commission, as needed. Ms. Bellitto graduated from Dartmouth University in 2016 and the University of Michigan School of Law in 2019 and is a member of the California and Illinois Bars. Mr. Fisher graduated from Bard College in 2017 and Hastings College of the Law in 2020. He became a member of the California Bar this month.

Resumes for these Sutton Law Firm attorneys are attached hereto as Exhibit A and incorporated herein.

Experience. The Sutton Law Firm currently represents cities, counties and special districts as outside counsel on a range of matters, including as independent counsel advising on the Brown Act, the Public Records Act, ethics and conflict of interest laws. The Firm also acts as outside counsel for litigation on behalf of public entities, and provides general advice on government, campaign and election law matters. The Firm provides legal advice regarding state and federal reapportionment and voting rights laws to non-governmental clients, but has not litigated redistricting or voting rights cases. We have not acted as independent counsel to any other local jurisdictions on redistricting or voting rights law. Even so, we are familiar with all relevant laws and fully capable of advising the Commission on reapportionment, voting rights and related issues.

In addition, both Mr. Sanders and Mr. Hertz have extensive experience communicating about these laws to individuals and groups with various levels of expertise. Mr. Sanders and Mr. Hertz have provided numerous educational trainings to elected and appointed officials and public employees regarding, among other things, the Brown Act, the Public Records Act, the Political Reform Act, and ethics and conflict of interest laws. Both regularly host seminars on governmental, campaign, ethics, election and related laws.

Additional Information (Conflicts). Our Firm has no legal conflicts, though we do provide occasional advice to the County of Santa Barbara Office of County Counsel on unrelated matters. We have run a conflicts check, reviewed Elections Code section 23003 and Santa Barbara County Code Sections 2-10.9A(5)(d) and (4)(d), and we confirm that anyone from the Firm who would be assigned to provide services under the contract would not be disqualified under these, or any other, provisions of law.

Fees. In recognition of the importance of the Commission's work, and with an understanding that the Commission is a public entity spending public money, we would bill at our best, lowest hourly billing rates. These rates are \$250 per hour for Mr. Sanders; \$400 per hour for Mr. Hertz; \$155 to \$200 per hour for Ms. Bellitto and Mr. Fisher; and \$140 for law clerks.

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At this stage of the process, we are not able to provide an estimate of the total fee and/or expected range, or a not-to-exceed amount, and fees would be determined in advance based on the level of activity necessary to accomplish the Commission's goals. Only necessary expenses will be billed to the Commission – for example, costs incurred for legal research or court filings. The Sutton Law Firm will not bill for any expenses which are not directly related to Commission work – for example, attorneys will not request reimbursement for meals.

Form Contract. The Sutton Law Firm proposes no changes to the form contract provided by the Commission, and we would raise any specific concerns in the unlikely event that any issues arise.

Thank you again for the opportunity to provide this Statement of Qualifications and Proposal, and please feel free to call us with any questions.

NLS/slf
#1000.01
Attachments

Exhibit A

Nicholas L. Sanders

EDUCATION & CREDENTIALS

BAR ADMISSION: STATE OF CALIFORNIA

UNIVERSITY OF CALIFORNIA, DAVIS

Juris Doctor

Davis, CA

May 2015

UNIVERSITY OF CALIFORNIA, DAVIS

Bachelor of Arts in International Relations

Davis, CA

December 2008

RELEVANT POLITICAL & ELECTION LAW EXPERIENCE

THE SUTTON LAW FIRM

Associate Attorney

San Francisco & Sacramento, CA

August 2015 - Present

UNIVERSITY OF CALIFORNIA, DAVIS

Research Assistant, Professor Chris Elmendorf

Davis, CA

Summer 2014

- Assisted Professor Elmendorf with research regarding federal Voting Rights Act

FEDERAL ELECTION COMMISSION

Intern, Office of Commissioner Ann Ravel

Washington, DC

January 2014 - May 2014

- Assisted and consulted the Commissioner and staff on enforcement matters, advisory opinions, statements of reasons, legislative recommendations, and other matters before the Commission.
- Researched and drafted advisory and informational memos on various political and administrative law projects.

CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION

Intern, Legal Division

Sacramento, CA

September 2013 – December 2013

- Researched, drafted, and prepared advice letters on a variety of topics under the Political Reform Act.
- Researched, consulted, and reported on various legal division projects: jurisdictional claims of multi-county special districts, lobbyist employer reporting obligations, electronic media regulations, conflict of interest regulation redrafting, overhaul of political disclosure database, superseded behested payment interpretations, foreign travel restrictions, etc.

STUDENTSFIRST

Legal Associate

Sacramento, CA

Summer 2013

- Assisted general counsel and senior staff with day-to-day research and political compliance reporting, with topics ranging from political contribution and lobbying practices to functional structures of non-profit entities in individual states;
- Tracked and analyzed non-profit, campaign finance and lobby laws in 18 active states, prepared compliance reports, legal memos, and one-pagers tailored towards specific electoral and lobby activities for all levels of employees and the public.

NIELSEN MERKSAMER PARRINELLO GROSS & LEONI LLP

Intern, Legal Division

San Rafael, CA

April 2009 – August 2012

- Day-to-day research and monitoring for corporate, non-profit and individual campaign, lobby, and/or gift activity, and other political law research projects;
- Prepared and filed federal, state, and local campaign and lobby disclosure reports;

Bradley W. Hertz

EDUCATION & CREDENTIALS

BAR ADMISSION: STATE OF CALIFORNIA

GEORGETOWN UNIVERSITY LAW CENTER
Juris Doctor

WASHINGTON, D.C.
May 1988

BROWN UNIVERSITY
Bachelor of Arts in Political Science & American History

PROVIDENCE, RI
May 1985

RELEVANT POLITICAL & ELECTION LAW EXPERIENCE

THE SUTTON LAW FIRM
Partner

San Francisco & Los Angeles, CA
2011 - Present

Advise clients regarding various governmental, political and election law matters, including compliance, Brown Act, Public Records Act, Political Reform Act and Elections Code matters.

Handle numerous high-profile litigation matters in state and federal trial and appellate courts involving public agencies, initiatives, referenda, recalls, ballot access matters, election contests, voter pamphlets, campaign finance, and First Amendment issues.

Represent clients in Federal Election Commission, Fair Political Practices Commission and local enforcement agency actions.

REED & DAVIDSON
Of Counsel

Los Angeles, CA
1990 - 2011

BUCHALTER NEMER
Associate Attorney

Los Angeles, CA
1988 - 1990

CHAPMAN UNIVERSITY SCHOOL OF LAW
ADJUNCT PROFESSOR OF ELECTION LAW & CALIFORNIA CIVIL PROCEDURE

Orange, CA
2007 - 2012

RELEVANT VOLUNTEER ACTIVITIES

CALIFORNIA POLITICAL ATTORNEYS ASSOCIATION
PAST PRESIDENT

LOS ANGELES SUPERIOR COURT VOLUNTEER MEDIATOR

Dale Anne Bellitto

EDUCATION & CREDENTIALS

BAR ADMISSION: STATE OF CALIFORNIA

UNIVERSITY OF MICHIGAN LAW SCHOOL

Juris Doctor

Ann Arbor, MI

May 2019

Activities: Pipeline to Practice Foundation Scholarship; Food Law & Policy Association

DARTMOUTH COLLEGE

Bachelor of Arts in Philosophy, Minors in Education & Art History

Hanover, NH

June 2016

Activities: Native Americans at Dartmouth; Alpha Phi Sorority; America Reads

DARTMOUTH COLLEGE ROME CENTER

Art History Foreign Study Program

Rome, Italy

Spring 2014

EXPERIENCE

THE SUTTON LAW FIRM

San Francisco, CA

Summer Associate/Junior Associate

Summer 2018/Fall 2019 - Present

- Drafted Federal Complaint, Motion for a Temporary Restraining Order, and 9th Circuit Appellate briefs regarding the effect of COVID-19 on ballot access laws and new political party qualification.
- Drafted and filed Motion for Attorney's Fees in suit challenging candidate's unlawful ballot designation.
- Assisted in drafting ordinance modifying local cannabis regulations, avoiding private inurement issues.
- Researched fraudulent concealment of campaign contributions and the tolling of statute of limitations.

ANCESTRY.COM

San Francisco, CA

Legal Intern

Summer 2017

- Completed a content acquisition project, which involved summarizing data provider agreements, identifying sub-licensing restrictions and flagging potential copyright violations.
- Reviewed commercials and promotions for 4th of July campaign, which involved balancing the risk of advertising strategies, compliance with FTC regulations and potential danger of class action suits.
- Updated privacy policy for the DNA product, considering differences between American and EU law.

MENTAL HEALTH ADVOCACY SERVICES

Los Angeles, CA

Law Clerk

Summer 2017

- Conducted client intakes, provided referrals to rehabilitation programs, and prepared citation dismissals.
- Fine-tuned research skills while writing several memoranda on Section 8 voucher portability and the SSI benefit application process, which were then used to advise clients and veterans on fair housing issues.

KIPP INFINITY & DREAM CHARTER SCHOOLS

Harlem, NY

Teaching Fellow

Summer/Winter 2015

- Assisted in coordinating and executing Individual Education Plans in underserved communities, with a particular focus on reading fluency and phonetic improvement in K-8 classrooms.

ADDITIONAL

Volunteer: NextGen Climate (2012-2018); ASPIRE (2012-2016)

Language Skills: Italian (basic), French (basic)

Interests: Robert Frost, the Intrepid, Chia Pets

JONATHAN ‘JP’ FISHER

150 Post Street, Suite 405, San Francisco, CA 94102 | (415) 732-4513 | jpfisher@campaignlawyers.com

EDUCATION

University of California Hastings College of Law – Class of 2020

- Juris Doctorate
- Philip C. Jessup International Moot Court Competitor
 - Quarter finalist brief writer and oralist at the Pacific Region Jessup Competition

Bard College – Class of 2017

- Bachelors of Arts in Political Science
- Senior Thesis: Money Power in Politics
 - Extensive research project going in depth on the history of campaign finance reform and analysis of Supreme Court precedent on political speech in the United States
- Archived at Bard College in May 2017

WORK EXPERIENCE

- | | |
|---|-----------------------|
| ▪ The Sutton Law Firm – Associate Attorney | Jan. 2020 – Current |
| - Passed California State Bar January 8, 2021, State Bar Number pending | |
| ▪ The Sutton Law Firm – Law Clerk | Aug. 2018 – Dec. 2020 |
| - Campaign, election, and public interest law legal researcher | |
| ▪ San Francisco City Attorney’s Office – Litigation & Labor Intern | Jan. 2020 – May 2020 |
| - San Francisco Department of Labor litigation researcher and brief writer | |
| ▪ California Superior Court of San Francisco County – Judicial Extern | May 2018 – Aug. 2018 |
| - For the Honorable A. James Robertson II | |
| - Legal research and judicial opinion drafting assistant | |
| ▪ City of San Marino – Public Finance Research Assistance | May 2016 – Aug. 2016 |
| - Research financial records and identify trends for city ad hoc committees | |
| ▪ Law Offices of Charles S. Roseman & Associates – Legal Intern | June 2013 – Aug. 2013 |
| - Civil litigation assistant researcher and brief editor | |

VOLUNTEER WORK

- | | |
|---|------------------------|
| ▪ Terry Gipson Campaign for New York Senate– Campaign Intern | Sept. 2016 – Nov. 2016 |
| - Representative of Terry Gipson’s campaign for the 41 st District of the state of New York | |
| ▪ Zephyr Teachout Campaign for United States Congress – Campaign Intern | Oct. 2016 – Nov. 2016 |
| - Representative of Zephyr Teachout’s campaign for the 19 th Congressional District of the state of New York | |

PARTICIPATION & RECOGNITION

- **4-year NCAA Collegiate Baseball Athlete at Bard College**
 - Elected captain by teammates as a sophomore
- **Bard College Community Service Award**
 - Awarded in 2016 for outstanding community service relating to public finance research
- **Bar College Economics Club**
 - Longstanding member and assistant organizer emphasizing analysis of inequality economic issues in the United States