DAVID HARRIS and CHRISTINE BOWSER,

Plaintiffs,

v.

PATRICK MCCRORY, in his capacity as Governor of North Carolina; NORTH CAROLINA STATE BOARD OF ELECTIONS; and JOSHUA HOWARD, in his capacity as the Chairman of the North Carolina State Board of Elections,

Defendants,

DECLARATION OF J. GERALD HEBERT IN SUPPORT OF PLAINTIFFS' FEE PETITION

Pursuant to 28 U.S.C. §1746, I, J. Gerald Hebert, hereby declare:

1. I am over the age of 18 and am competent to testify.

2. I received a B.A. degree from Stonehill College in 1970. I attended Suffolk University School of Law from 1970 to 1973 where I received a J.D. degree. I am a member of the Virginia, D.C. and Pennsylvania (inactive) bars. I am also a member of the bar of the United States Supreme Court, the United States Courts of Appeals for the Second, Fourth, Fifth, Eighth, Tenth, Eleventh and D. C. Circuits, the United States District Court for the Eastern District of Virginia, and the United States District Court for the District of Columbia.

3. Following my graduation from law school, from 1973 until 1994, I served as a trial attorney in the Civil Rights Division of the United States Department of Justice.
in Washington, D.C. For the last fifteen years of my service at the Department of Justice (from 1979 to 1994), I was assigned to the Voting Section of the Civil Rights Division where I worked exclusively on cases involving federally protected voting rights. While employed in the Voting Section from 1979 to 1994, I served in a number of supervisory capacities, including Senior Litigation Counsel, Deputy Chief, and Acting Chief of the Voting Section.

4. While at the Department of Justice, I served as the lead trial attorney for the United States in numerous voting rights cases, a number of which ultimately became landmark cases in the field of voting rights. Cases that I handled at the Department of Justice that were the subject of United States Supreme Court decisions included City of Mobile v. Bolden, Rogers v. Lodge, Johnson v. DeGrandy, Presley v. Etowah County, City of Port Arthur, Texas v. U.S., and Shaw v. Reno, among others. A complete listing of cases I handled at the United States Department of Justice is attached to this Declaration as Attachment A. Since leaving the Department of Justice in May 1994, I have been a sole practitioner with an office in Alexandria, Virginia, where I specialize in voting and election law cases, including cases involving the Voting Rights Act and campaign finance law. A listing of the cases I have handled in my solo practice is also set forth in Attachment A hereto.

5. In addition, since 2013, I have been involved in several other cases arising under the Voting Rights Act. For example, I serve as co-counsel to the lead plaintiffs who have challenged (successfully, thus far) the Texas photo ID law under the Voting Rights Act and the U.S. Constitution (Veasey v. Abbott). In addition, I represented parties or amici curiae in briefs filed in the U.S. Supreme Court in Shelby County v. Holder (2013); Harris v. Arizona Independent Redistricting Commission (2015); Evenwel v. Abbott (2015); Shapiro v. McManus (2015); Baca v. Berry, Tenth Circuit Court of Appeals (2015); League of Women Voters v. Florida, Florida Supreme Court and trial court (Florida redistricting case); Harding v. Dallas County, Texas, U.S. District Court
for the Northern District of Texas (2016). I also represented parties or amici curiae in a number of major campaign finance cases over the last ten years, including Citizens United v. FEC; McCutcheon v. FEC, U.S. Supreme Court; Wagner v. FEC, D.C. Circuit; Delaware Strong Families v. Biden, Third Circuit Court of Appeals; Van Hollen v. FEC, D.C. District Court and D.C. Circuit; and Public Citizen v. FEC, D.C. District Court and D.C. Circuit, among many others.

6. In addition, from 1994 to approximately 1996, I served part-time as a staff attorney in the Voting Rights Project of the national office of the Lawyers' Committee for Civil Rights Under Law in Washington, DC. In that position, I served as co-counsel for defendant-intervenors in racial gerrymandering cases brought under the Shaw v. Reno doctrine.

7. In addition to my solo practice, from July 2004 to the present, I have served as Executive Director and Director of Litigation at the Campaign Legal Center, a non-partisan, non-profit organization in Washington DC.

8. From January 1995 to 2006 and from 2013 to the present, I have served as an Adjunct Professor of Law at Georgetown University Law Center in Washington, DC, where I teach Election Law, which includes voting rights, campaign finance regulation, redistricting, and election law. From 2015 to the present, I also have served as an Adjunct Professor of Law at New York Law School in New York City, where I teach a course on voting rights (including redistricting law). In 1997, I co-taught a course on the Voting Rights Act at the University of Virginia Law School with Professor Pam Karlan. In 1995, I also served as an Adjunct Professor of Law at American University's Washington College of Law, where I taught a course on the Voting Rights Act and the political process.

9. I have written a number of publications, books and articles on the Voting Rights Act or redistricting. For example, I co-authored a book on redistricting entitled "The Realists' Guide to Redistricting", which was published by the American Bar

10. I also have written several articles about voting rights for publications that are geared to state and local governments, including publications by the Texas Municipal League and the Nation’s Cities Weekly.

11. I have given lectures or participated as a panelist and made presentations at or sponsored by: Yale Law School, Harvard Law School, Columbia Law School, William and Mary University Law School, Washington and Lee University Law School, University of Richmond Law School and Rutgers Law School, among others. I also have lectured before bar and other groups on voting rights, reapportionment, and civil rights, including the National Conference of State Legislatures, the Association of Southern State Legislatures, the Virginia Association of Local Government Attorneys, and
reapportionment authorities in the States of Louisiana, Maryland, New Mexico, and Virginia, among others.

12. As a practitioner in this field, I am very familiar with the degree of complexity of redistricting and Voting Rights Act litigation and the type of knowledge and experience that is required to successfully represent clients in these difficult cases. This is a highly specialized field of law and requires a sophisticated understanding of statutory and constitutional principles, as well as the ability to work with complex statistical data and political information.

13. As a practitioner in the field of election law and voting rights litigation, I am familiar with the leading law firms that practice in this area. Only a relative handful of law firms in the United States have specialized knowledge and experience in this area of the law. Perkins Coie LLP, which is recognized as a “Band 1” Political Law firm by Chambers USA, maintains one of the nation’s leading political law practices, currently chaired by Marc Elias. (For many years, the practice was chaired by former White House Counsel Bob Bauer.) I understand that Perkins Coie’s clients include the Democratic National Committee (“DNC”), the Democratic Senatorial Campaign Committee (“DSCC”), the Democratic Congressional Campaign Committee (“DCCC”), and the Democratic Governors’ Association (“DGA”). I am also aware that the firm has served as General Counsel to the John Kerry for President Campaign (2004), Obama for America (2008 and 2012), Hillary for America (2016), and represents President Barack Obama personally. It is also my understanding that Perkins Coie also represents the vast majority of Democratic U.S. Senate campaigns, many House campaigns, numerous state and local affiliates of the Democratic party and affiliated committees, and a large number of political action committees, corporations, nonpartisan issue groups, trade associations and other participants in the political process.

14. I follow redistricting cases and voting rights cases very closely. Perkins Coie has extensive experience litigating cases from around the country related to the

15. I am familiar with attorneys’ fees in the field of political law, which in large measure is dominated by firms based in Washington D.C. (Some leading political law firms are based in New York and California but have offices in Washington). In Washington D.C., hourly rates for experienced, well-regarded political law litigation partners have a broad range depending on nature of work, years of experience, nature of experience, and other factors. These rates generally range from as low as $650 an hour to as high as $1150 an hour, with exceptions existing both below and above those rates. The same is true for the billing range for associates—those rates usually range from as low as $350 an hour to $650 an hour, again with exceptions both below and above those amounts.

16. I have known Marc Elias for more than 10 years and am familiar with his practice. I understand that Mr. Elias has been a partner with Perkins Coie since 2002. I understand Mr. Elias graduated from Duke Law School in 1993. I understand he is Chair of the Political Law Practice of Perkins Coie, and I know he is recognized as a national expert in political and elections law. Mr. Elias has been involved in redistricting litigation...
in more than a half-dozen states regarding the 2010 census, including in Florida, Nevada, New York, North Carolina, Texas, and Virginia. Several weeks ago, I watched Mr. Elias argue before the United States Supreme Court on behalf of Appellees in Wittman v. Personhuballah, No. 14-1504. Mr. Elias’ experience in political law litigation includes recounts for United States Senator Harry Reid, Washington State Senator Maria Cantwell, Minnesota Senator Al Franken, Minnesota Governor Mark Dayton, and Virginia Attorney General Mark Herring. I understand that Mr. Elias is currently general counsel to Hillary for America, the presidential campaign of Hillary Rodham Clinton, and that he served in the same role for John Kerry’s 2004 presidential campaign.

17. In my opinion, Mr. Elias’ hourly rate of $765 is reasonable and on par with the market rate for a political law litigator with his skills, experience, and reputation.

18. I have known Kevin Hamilton for more than 10 years and am familiar with his practice. I understand that Mr. Hamilton graduated from Georgetown University Law Center in 1985, magna cum laude, where he served as Editor-in-Chief of the Georgetown Law Journal. I understand that Mr. Hamilton clerked for J. Skelly Wright on the United States Court of Appeals for the District of Columbia Circuit and for Howard M. Holtzmann in The Hague, the Netherlands, for the Iran-U.S. Claims Tribunal. I understand that Mr. Hamilton has been with Perkins Coie since 1988 and has been a partner with the firm since 1994. Mr. Hamilton has years of experience representing clients in political law cases in state and federal courts around the country. He has represented numerous candidates in recounts and election related litigation, including U.S. Senator Maria Cantwell (2000), Washington Governor Christine Gregoire (2004-05), U.S. Senator Al Franken (2008-09), Minnesota Governor Mark Dayton (2010), and Virginia Attorney General Mark Herring (2013). Mr. Hamilton has been involved in redistricting and Voting Rights Act cases in Florida, Ohio, Minnesota, Nevada, New York, North Carolina, Texas, and Virginia.
19. In my opinion, Mr. Hamilton's hourly rate of $655 is reasonable and below the market rate for a political law litigator with his skills, experience, and reputation.

20. I have known John Devaney for approximately 5 years and am familiar with his practice. I understand Mr. Devaney graduated from the Catholic University of America Columbus School of Law in 1983, where he was an editor of the Catholic University Law Review. I understand that prior to joining Perkins Coie, he served as a trial attorney for the U.S. Department of Justice's Civil Rights Division. I understand that Mr. Devaney has nearly 30 years of litigation experience, representing clients in dozens of proceedings in both federal and state courts, and that he is now Managing Partner of Perkins Coie LLP. Mr. Devaney has represented plaintiffs in several redistricting, voting rights, and political law cases including in Florida, Texas, and North Carolina.

21. In my opinion, Mr. Devaney's 2014 hourly rate of $575 is reasonable and below the market rate for a political law litigator with his skills, experience, and reputation.

22. I have known Bruce Spiva for approximately 15 years and am familiar with his practice. I understand Mr. Spiva graduated from Harvard Law School in 1992, where he served as editor and treasurer of the Harvard Law Review. I understand Mr. Spiva clerked for the Honorable Jerome Farris for the Ninth Circuit. I know that prior to joining Perkins Coie, Mr. Spiva headed his own firm, Spiva and Hartnett, and was a partner at Jenner & Block. He is now a partner in Perkins Coie's political law group. Mr. Spiva has 24 years of litigation experience, representing clients in complex litigation in such areas as congressional redistricting, civil rights, and First Amendment law.

23. In my opinion, Mr. Spiva's 2015 hourly rate of $600 is reasonable and below the market rate for a political law litigator with his skills, experience, and reputation.

24. I understand that William Stafford is a partner with Perkins Coie. I understand that Mr. Stafford graduated from the University of Washington School of
Law in 2007, with high honors, where he served as an executive editor for the Washington Law Review. I understand that Mr. Stafford regularly advises and counsels political campaigns, committees, and candidates in Washington State and around the country with regard to campaign finance and other matters. I understand that Mr. Stafford has extensive experience litigating voting rights cases around the country, including challenges to congressional and legislative redistricting maps in Florida, Minnesota, and North Carolina. I understand that Mr. Stafford has represented numerous candidates in recounts and election related litigation in Washington State and around the country, including representation of U.S. Senator Al Franken in a two-month long election contest and subsequent appeal (In re Contest of General Election Held on Nov. 4, 2008, 767 N.W.2d 453 (Minn. 2009)). Mr. Stafford also represented Minnesota Governor Mark Dayton (2010) and Virginia Attorney General Mark Herring (2013) in recounts. Other exemplars of Mr. Stafford’s political law litigation includes his representation of an intervenor in a lawsuit related to the applicability of the Washington State Public Records Act to initiative petitions (Doe #1, et al. v. Reed, 130 U.S. 2811 (2010) & Doe v. Reed, 823 F. Supp. 2d 1195 (W.D. Wash. 2011)).

25. In my opinion, Mr. Stafford’s hourly rate of $495 is reasonable and below the market rate for a political law litigator with his skills, experience, and reputation.

26. I have known Abha Khanna for more than four years and am generally familiar with her practice. I understand that Abha Khanna is a counsel with Perkins Coie who started with the firm in 2010. I understand that Ms. Khanna graduated from Yale Law School in 2007, where she was an editor on the Yale Law Review. I understand that prior to joining Perkins Coie in 2010, Ms. Khanna served as a law clerk to Judge Judith W. Rogers of the United States Court of Appeals for the District of Columbia Circuit and Judge Robert S. Lasnik of the United States District Court for the Western District of Washington. Ms. Khanna has extensive experience advising and counseling legislators with regard to redistricting matters, and has litigated voting rights cases around the
country, including challenges to congressional and legislative redistricting maps in Florida, Nevada, New York, North Carolina, Texas, and Virginia. Ms. Khanna’s redistricting litigation experience includes trials in Florida and Texas. Ms. Khanna also authored several United States Supreme Court merits briefs regarding congressional redistricting in Texas and Virginia, as well as an amicus brief in *Alabama Democratic Conference v. Alabama*.

27. In my opinion, Ms. Khanna’s hourly rate of $525 is reasonable and below the market rate for a political law litigator with her skills, experience, and reputation.

28. I understand that Perkins Coie counsel Ryan Spear, former associate Nathan Christensen, and associate Joseph Wenzinger also assisted in this litigation at various points between 2013 and 2015. I understand that Mr. Spear graduated from Harvard Law School in 2007, where he was an editor on the Harvard Law Review. I understand Mr. Spear, based in Perkins Coie’s Seattle office, focuses his practice on complex privacy and political law litigation and that his political law litigation experience includes redistricting cases in Florida and Virginia. I understand that Mr. Christensen graduated with honors from the University of Chicago Law School in 2008 and clerked for the Honorable Richard A. Posner of the Seventh Circuit. I understand that prior to leaving the firm in 2014, Mr. Christensen worked in the commercial litigation group in Perkins Coie’s Portland, Oregon, office, where he focused his practice on commercial litigation and political law. I understand that Mr. Wenzinger graduated from the University of Michigan Law School, *cum laude*, in 2011, and was a contributing editor on the University of Michigan Law Review. I understand that Mr. Wenzinger is an associate in the political law group based in Washington, D.C., and that he focuses his practice on political law counseling and litigation.

29. I understand that Mr. Spear’s and Mr. Christensen’s hourly rate was $440 and $370, respectively, in 2014. These hourly rates are entirely reasonable and appropriate for associates with their experience in political law litigation. Indeed,
because most attorneys with the kind of political law experience possessed by the Perkins Coie attorneys at issue here practice in Washington D.C. or New York, these hourly rates are, in reality, considerably below market. I further understand that Mr. Wenzinger’s hourly rate in 2015 was $380. This hourly rate is reasonable and appropriate for associates with his experience in political law litigation.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct.

EXECUTED at Washington, DC, this 4th day of April, 2016.

[Signature]
Attachment A

TO DECLARATION OF J. GERALD HEBERT

In Part I below, I have listed those cases in which I have appeared as legal counsel for the United States of America. I have divided the cases into two categories: 1) those cases where I served as lead attorney for the Government and the Government was a party to the lawsuit; and 2) those cases where I served as lead attorney for the Government and the Government participated as amicus curiae. Cases marked with an asterisk * are cases involving Section 2 of the Voting Rights Act, those marked with a double asterisk ** are Section 4 or 5 Voting Rights Act cases, and those marked with a triple asterisk *** are language minority cases under the Voting Rights Act (Section 203 cases).

In Part II below, I have listed those voting rights and election law cases in which I served as legal counsel as a solo practitioner (1994 to the present). Cases marked with an asterisk * are cases involving Section 2 of the Voting Rights Act, those marked with a double asterisk ** are Section 4 or 5 Voting Rights Act cases, and those marked with a triple asterisk *** are language minority cases under the Voting Rights Act (Section 203 cases). Cases in bold are cases where I served as lead counsel for the party that I represented.

In Part III below, I have listed those voting rights and election law/campaign finance cases in which I served as legal counsel for a party or amicus curiae on behalf of the Campaign Legal Center (a nonprofit, nonpartisan public interest organization) where, from 2004 to the present, I have served as Executive Director and Director of Litigation.

Part I

1. Voting rights cases where I served as lead counsel for the United States in the trial court and the United States was a party to the litigation:

**Bolden and United States v. City of Mobile, 446 U.S. 55 (1980)**


**County Council of Sumter County, South Carolina v. United States, 555 F. Supp. 694 (D.D.C. 1983) (3-judge court)***

**Shaw v. Barr, C.A. No. 92-202-CIV-5-BR (E.D.N.C. 1992)(three-judge court), reversed sub nom.**

**Shaw v. Reno, 113 S. Ct. 2816 (1993)**

**City of Port Arthur, Texas v. U.S., 459 U.S. 159 (1982)***

**Brown and United States v. Board of School Commissioners of Mobile County, 706 F.2d 1103 (11th Cir. 1983)**
United States v. Dallas County Commission, 850 F.2d 1430 (11th Cir. 1988)*

United States v. Marengo County Commission, 811 F.2d 619 (11th Cir. 1987) *

United States v. State of South Carolina and Horry County, C.A. No. 79-2467-5 (D. So. Car.)(three-judge court) **

State of Mississippi v. United States, No. 87-3464 (D.D.C.)(three-judge court) **


United States v. Socorro County, New Mexico, C.A. No. 93-1244-JP (D. N.M.) ***

United States v. Brooks County, GA, No. 90-105-Thom (M.D. Ga.)*

United States v. State of Wisconsin, No. 92C-0263-S (W.D. Wisc.)

United States v. McKinley County, NM, No. 86-0028-M (D. N.M.)***

United States v. State of South Carolina, No. 3:90-760-17 (D. SO. CAR.)(three-judge court) **

United States v. Cibola County, NM, No. CIV93-1134 SC (D. N.M.)***

United States v. Lawrence County, MS, (S.D. Miss. 1983)(three-judge court) **

United States v. City of Demopolis, (S.D. Ala. 1986)*

United States v. Laurens County, SC, C.A. No. 6:87-1817-3 (D.S.C. 1987) *

United States v. City of Spartanburg, SC, (D.S.C. 1987)*

United States v. Town of Zebulon, GA, (N.D. Ga.) *, **

United States v. Wilkes County Board of Ed., (S.D. Ga.)

United States v. County Council of Sumter County, SC, (D.S.C.)(three-judge court) **

United States v. Town of Indian Head, MD, (D. Md.) *
United States v. City of Laurel, MS, (S.D. Miss. 1981) *


United States v. City of Houston, TX, No. 91-3076 (S.D. Tex.)(three-judge court)**


Medina County, TX v. United States,(D.D.C.)(three-judge court)**

Gregg County, TX v. United States,(D.D.C.)(three-judge court)**


United States v. City of Augusta, GA, (S.D. Ga.) *

United States v. Wicomico County, MD, No. MJG-87-2557 (D. Md. 1991) *

United States v. East Baton Rouge Parish School Board, LA, C.A. No. 76-252 (M.D. La.) *

2. Cases where J. Gerald Hebert served as lead counsel for the United States in the trial court and the United States appeared as amicus curiae in the litigation:

Blanding v. Dubose, 454 U.S. 393 (1982) (I represented the United States as amicus curiae before the three-judge court in this successful lawsuit brought to enforce Section 5 of the Voting Rights Act) **


Martin v. Mabus, 700 F.Supp. 327 (S.D. Miss. 1988)(three-judge court)(remedy)(I represented the United States as amicus curiae before the three-judge court in this successful lawsuit brought to enforce Section 5 of the Voting Rights Act) **

SCLC v. Siegelman, C.A. No. 88-D-462-N (M.D. Ala.) (I represented the United States which filed a brief as amicus curiae in this lawsuit brought by private plaintiffs to enforce Section 5 of the Voting Rights Act) **
Clark v. Roemer, C.A. No. 86-435 (M.D. La.) (three-judge court) (I represented the United States which filed a brief as *amicus curiae* in this lawsuit brought by private plaintiffs to enforce Section 5 of the Voting Rights Act)**

Lopez v. Monterey County, California, No. C-91-20559-RMW (EAI) (N.D. Cal.) (three-judge court) (I represented the United States which filed a brief as *amicus curiae* in this lawsuit brought by private plaintiffs to enforce Section 5 of the Voting Rights Act)**

**Part II**

**Voting Rights and Election Cases In Which J. Gerald Hebert Has Served As Legal Counsel As a Solo Practitioner (1994 to the Present)**

Listed below are cases in which I have appeared as legal counsel in my solo law practice, 1994 to the present. Cases marked with an asterisk * are cases involving Section 2 of the Voting Rights Act, those marked with a double asterisk ** are Section 4 or 5 Voting Rights Act cases, and those marked with a triple asterisk *** are language minority cases under the Voting Rights Act (Section 203 cases). Cases in **bold** are cases where I served as lead counsel for the party I represented:

**1994 to 2000:**

**CITY OF ANDREWS, TX v. RENO,** No. 1:95CV01477 (D.D.C. 1996) (three-judge court) (I represented the City of Andrews, Texas in this lawsuit against the United States Attorney General in which the City obtained a declaratory judgment that changes adopted by the City were entitled to preclearance under Section 5 of the Voting Rights Act)**

**DILLARD v. CITY OF FOLEY, AL,** No. CV 87-T-1213-N (M.D. Ala.) (I represented private plaintiffs in this successful challenge under Section 2 of the Voting Rights Act and Constitution to the City of Foley's racially selective annexation policy) *

**FOREMAN v. COMMISSIONERS' COURT OF DALLAS COUNTY, TX (N.D. TX) (3-judge court)** (I represented private plaintiffs in a suit which established that the changes in the discretionary method of selecting polling officials was a covered change under Section 5 of the Voting Rights Act)**

**PEGRAM and UNITED STATES v. CITY OF NEWPORT NEWS, VA,** No. 4:940000-79 (E.D. Va.) (I represented private plaintiffs in this successful suit challenging the City's at-large method of election under Section 2 of the Voting Rights Act) *

**SIMPSON v. CITY OF HAMPTON, VA,** No. 4:95cv83 (E.D. Va.) (I represented plaintiffs in this suit challenging the City's at-large election system under Section 2 of the Voting Rights Act) *
SOUTH CAROLINA CONFERENCE OF BRANCHES OF THE NAACP v. TOWN OF HEMINGWAY, SC, No. 4:93-2733-21 (D.S.C.) (I represented plaintiffs in this lawsuit brought under the Constitution and Section 2 of the Voting Rights Act challenging Hemingway's racially selective annexation policy) *

RICHMOND CRUSADE FOR VOTERS v. COMMONWEALTH OF VIRGINIA, No. 3:95cv531 (E.D. Va.) (I represented plaintiffs who successfully challenged the Commonwealth of Virginia's refusal to implement the provisions of the National Voter Registration Act)

MOON v. MEADOWS, 952 F. Supp. 1941 (E.D. Va. 1997)(three-judge court)(I represented a group of voters who intervened as defendants in this lawsuit challenging, on racial gerrymandering grounds, congressional redistricting in Virginia)

KING v. STATE BD OF ELECTIONS, No. 95-C-827 (N.D. Ill. 1995)(three-judge court) (I filed a brief amicus curiae before the three-judge court in 1996 on behalf of the Democratic National Committee and the Democratic Congressional Campaign Committee in this lawsuit challenging congressional redistricting in Illinois)

VERA v. BUSH, 116 S. Ct. 1941 (1996)(I appeared as counsel for three incumbent members of Congress whose districts were challenged or affected by this lawsuit challenging congressional redistricting in Texas. One of the three members was granted amicus status)

ABRAMS v. JOHNSON (I filed a brief amicus curiae in the Supreme Court of the United States on behalf of the Georgia Association of Black Elected Officials in this lawsuit challenging congressional redistricting in Georgia)

CITY OF FAIRFAX v. RENO, C.A. No. 97-2212-JR (D.D.C. 1997)(three-judge court)(I represented the City of Fairfax, Virginia, in this first post-1982 suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the City in October 1997).**

SHENANDOAH COUNTY v. RENO, C.A. No. 99-00992-PLF (D.D.C. 1999)(three-judge court)(I represented Shenandoah County, Virginia, in this suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the County in 1999.)**

FREDERICK COUNTY v. RENO, C.A. No. 99-00941-CKK (D.D.C. 1999)(three-judge court)(I represented Frederick County, Virginia, in this suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the County in 1999.)**
JENKINS v. CITY OF OZARK, ALABAMA. No. CV97-A-1450-S (M.D. Ala. 1997)(three-judge court)(I represent the plaintiffs in this successful Section 5 enforcement action)**

LULAC v. CITY OF AUSTIN, TEXAS. No. A97 CA 908SS(W.D. Tex. 1998)(three-judge court)(I represented the City of Austin, Texas in this Section 5 enforcement action).**

BAKER v. RAINBOW CITY, AL., No. 97-PT-3014 (N.D. Ala. 1997)(three-judge court)(I represented plaintiffs who successfully brought suit to enforce Section 5 of the Voting Rights Act)**


HAYS v. LOUISIANA. 839 F. Supp. 1138 (W.D. La. 1994)(three-judge court)(I represented individual voters and members of the Louisiana Legislature who participated as amicus curiae in this lawsuit challenging congressional redistricting in Louisiana)

JOHNSON v. MORTHAM. No. CV-94-40025 (N.D. Fla.)(three-judge court) (I represented Congresswoman Corrine Brown as a defendant-intervenor in this lawsuit brought challenging congressional redistricting in Florida)

HUNT v. CROMARTIE. (U.S. Supreme Court) (I represented several members of the Congressional Black Caucus and filed a brief as amicus curiae in this lawsuit challenging congressional districts in North Carolina)

BOXX v. STATE OF ALABAMA. M.D. Ala. (3-judge court)(I represented plaintiffs who successfully brought suit to enforce Section 5 of the Voting Rights Act)**

WARD v. STATE OF ALABAMA. M.D. Ala. (3-judge court)(I represented plaintiffs who successfully brought suit to enforce Section 5 of the Voting Rights Act)**

COMMONWEALTH OF VIRGINIA v. RENO. No. 1:00 CV 00751 (D.D.C.) (3-judge court) (I represented defendant intervenors, a group of state legislators, in this lawsuit which challenged, inter alia, the Department of Justice’s plan to use statistically-sampled census data to review redistricting plans under the Voting Rights Act).**

VOTING INTEGRITY PROJECT v. ARIZONA DEMOCRATIC PARTY. I represented the Arizona Democratic Party in a suit brought under the Voting Rights Act challenging the State Party’s use of internet voting in the 2000 Presidential Primary. Plaintiffs sought a preliminary injunction against the Party’s use of internet voting, but the district court denied the requested injunction.*
2001 to 2010:

**BALDERAS v. STATE OF TEXAS,** (E.D. TX 2001) (3-judge court)(consolidated), *summarily affirmed*, 536 U.S. 919 (2002). This suit involved a successful challenge to the failure of the Texas Legislature to redistrict its Texas congressional districts. I represented a group of Congressmen who intervened in the case. *

**SESSIONS v. STATE OF TEXAS,** (E.D. TX 2003)(3-judge court)(consolidated). This suit challenged the 2003 re-redistricting of the Texas congressional districts. The case eventually went to the U.S. Supreme Court *sub nom.* LULAC v. Perry.*

**JACKSON v. STATE OF TEXAS,** (E.D. TX 2003)(3-judge court)(consolidated). This suit challenged the 2003 re-redistricting of the Texas congressional districts. The case eventually went to the U.S. Supreme Court *sub nom.* LULAC v. Perry.*

**DEL RIO v. STATE OF TEXAS** (Travis County District Court & Texas Supreme Court) This suit involved the redistricting of the Texas congressional districts. I represented a group of Congressmen who intervened in the case.*

**CITY OF HARRISONBURG, VA v. ASHCROFT,** No. 02-00289-JDB (D.D.C) (I represented the City of Harrisonburg, Virginia, in this suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the City in 2002). **

**CITY OF WINCHESTER, VA v. RENO,** No. 00-03073-ESH (D.D.C) (I represented the City of Winchester, Virginia, in this suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the City in 2001). **

**WARREN COUNTY, VA v. RENO,** No. 02-0173-EGS (D.D.C) (I represented Warren County, Virginia, in this suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the County in 2002).

**ROCKINGHAM COUNTY, VA v. ASHCROFT,** No. 02-00391-ESH (D.D.C) (I represented Rockingham County, Virginia, in this suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the County in 2002). **

**GREENE COUNTY, VA v. ASHCROFT,** No. 03-1877-HHK (D.D.C.). (I represented Greene County, Virginia, in this successful suit brought to obtain a declaratory judgment and bailout from
coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the County in January 2004).**

**AUGUSTA COUNTY, VA v. GONZALES.** No. 05-1885 (D.D.C.) (three-judge court). In this action, I represented Augusta County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

**NAACP v. ST. LANDRY PARISH, LOUISIANA.** I represented the defendants St. Landry Parish Council and School Board in this Voting Rights Act challenge to the 2002 redistricting plans adopted by the Council and School Board. The case was settled in January 2005.*


**MAY v. CITY OF MONTGOMERY, ALABAMA,** No. 2:07cv738 (M.D.Ala.)(three-judge court). This suit alleged, among other things, that the City had failed to obtain the requisite preclearance of a new election schedule from federal authorities. Plaintiffs sought to enjoin the upcoming elections, citing the alleged lack of preclearance under the Voting Rights Act. I was co-counsel to the City of Montgomery, which contended that preclearance had been obtained. The case was dismissed as moot. **

**CITY OF SALEM, VA v. GONZALES,** No.06-977 (DDC) (three-judge court). In this action, I represented the City of Salem in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

**BOTETOURT COUNTY, VA v. GONZALES,** No. 06-1052(D.D.C) (three-judge court). In this action, I represented Botetourt County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

**ESSEX COUNTY, VA v. MUKASEY,** (D.D.C) (three-judge court). In this action, I represented Essex County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

**AMHERST COUNTY, VA v. MUKASEY,** (D.D.C) (three-judge court). In this action, I represented Amherst County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

**MIDDLESEX COUNTY, VA v. MUKASEY,** (D.D.C) (three-judge court). In this action, I represented Middlesex County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **
PAGE COUNTY, VA v. MUKASEY, (D.D.C) (three-judge court). In this action, I represented Page County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

CITY OF KINGS MOUNTAIN v. HOLDER 1:10-cv-01153-PLF -DST -TFH (D.D.C.) (three-judge court). In this action, I represented the City of Kings Mountain in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

WILLIE RAY v. STATE OF TEXAS, 2:06-CV-385(TJW) (E.D. Texas). This case challenged the constitutionality of certain provisions of the Texas Election Code, and the racially selective prosecution of African American and Latino citizens by Texas Attorney General Greg Abbott for allegedly violating those provisions. The case was settled.

NAMUDNO v. HOLDER, 557 U.S. 193 (2009). This case challenged the constitutionality of Section 5 of the Voting Rights Act. In the district court, I represented Travis County, Texas, which supported the defendant Holder and argued in favor of the constitutionality of Section 5 of the Voting Rights Act. In the U.S. Supreme Court, I represented jurisdictions that had bailed out from Section 5 coverage and urged the Court to uphold Section 5.

2011 to 2013:

PEREZ v. PERRY, No. 11-360 (W.D. TX)(three-judge court)(consolidated cases--including Quesada v. Perry, No. 11-593-OLG-JES-XR) challenging Texas Congressional and State House districts under Sections 2 and 5 of the Voting Rights Act, and the Fourteenth and Fifteenth Amendments to the United States Constitution. The case remains pending.

DAVIS v. PERRY, No. 11-788 (W.D. TX)(three-judge court)(consolidated with LULAC v. Perry), No. 11-788, challenging under Section 2 and the United States Constitution the state senate redistricting plan insofar as it dismantled Senate District 10 and in doing so discriminated against minority voters in the district. The case remains pending.

BEAUMONT INDEPENDENT SCHOOL DISTRICT v. UNITED STATES OF AMERICA, 1:13-cv-00401-RC-BMK-ESH (D.D.C.) (three-judge court) (In this Section 5 declaratory judgment case, I represent the Plaintiff Beaumont ISD seeking Voting Rights Act approval of certain voting changes)

STATE OF TEXAS v. UNITED STATES OF AMERICA 1:11-cv-01303-RMC-TBG-BAH (D.D.C.) (three-judge court) (In this lawsuit, the State of Texas sought preclearance to its statewide redistricting plans. I represented a group of Defendant Intervenors who successfully opposed preclearance of the state senate plan and the congressional plan before the three-judge court. I also
served in the case as co-administrative coordinator for the various Defendant-Intervenor groups in the lawsuit. The Supreme Court vacated and remanded the case following the decision in *Shelby County, AL v. Holder*.

**STATE OF TEXAS v. HOLDER, 1:12-cv-00128-RMC-DST-RLW** (TX Voter ID case). In this lawsuit, the State of Texas sought Section 5 preclearance of its photo ID bill. I represented a group of Defendant Intervenors who opposed preclearance. I also served as co-administrative coordinator for the various Defendant-Intervenor groups. The three-judge court denied preclearance. On appeal, the decision was vacated and the case remanded to the D.C. Court in light of *Shelby County, AL v. Holder*.

**LAROQUE et al v. HOLDER, 1:10-cv-00561-JDB** (D.D.C.) This case challenged the constitutionality of the Voting Rights Act and I represented a group of Defendant-Intervenors defending against the challenge. On appeal, the case was declared moot.

**STATE OF SOUTH CAROLINA v. UNITED STATES OF AMERICA, No. 1:12-cv-00203 (CKK-BMK-JDB)** (D.D.C.) (three-judge court). I served as co-counsel to a group of Defendant-Intervenors in this Section 5 declaratory judgment suit involving the South Carolina voter ID law. The State was granted preclearance after changes were made during the litigation to the photo ID bill.

**LEAGUE OF WOMEN VOTERS v. DETZNER, No.: 2012-CA-00490** (Leon County, Florida). I am co-counsel to the League of Women Voters which challenges the redistricting of Florida’s state senate and congressional redistricting plans, on the grounds that those plans violate the State Constitution’s prohibitions on drawing plans to favor one political party over another or to favor an incumbent. The case is pending.

**BROWN v. STATE OF FLORIDA** (S.D. Florida). This case was a challenge to the constitutionality of amendments to the Florida Constitution that regulated statewide redistricting plans. I represented a group of intervenor defendants who supported the provisions. The district court upheld the amendments and the U.S. Court of Appeals affirmed.

**YUBA COUNTY WATER AGENCY v. HOLDER**, No. 1:13-cv-00352 (D.D.C.) (three-judge court). In this action, I represented the Water Agency in an action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. The case was dismissed without prejudice following the Supreme Court’s ruling in *Shelby County, Alabama v. Holder*. **

**NORTH YUBA WATER DISTRICT v. HOLDER**, 1:13-cv-00407 (D.D.C.) (three-judge court). In this action, I represented the Water District in an action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. The case was
dismissed without prejudice following the Supreme Court’s ruling in *Shelby County, Alabama v. Holder.*

**LINDA FIRE PROTECTION DISTRICT v. HOLDER, 1:13-cv-00485 (D.D.C.).** In this action, I represented the Fire Protection District in an action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. The case was dismissed without prejudice following the Supreme Court’s ruling in *Shelby County, Alabama v. Holder.*

**LINDA COUNTY WATER DISTRICT v. HOLDER, 1:13-cv-00363-JEB-JWR-JDB).** In this action, I represented the Water District an action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. The case was dismissed without prejudice following the Supreme Court’s ruling in *Shelby County, Alabama v. Holder.*

**HANOVER COUNTY, VIRGINIA v. HOLDER, 1:13-cv-00625-BAH-JRB-KBJ).** In this action, I represented Hanover County in an action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. The case was dismissed without prejudice following the Supreme Court’s ruling in *Shelby County, Alabama v. Holder.*

**CITY OF FALLS CHURCH, VIRGINIA v. HOLDER, 1:13-cv-00201-ABJ-DBS-RJL).** In this action, I represented the City of Falls Church in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act.

**CITY OF WHEATLAND, CALIFORNIA v. HOLDER, 1:13-cv-00054-RMC-DST-RBW).** In this action, I represented the City of Wheatland in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act.

**STATE OF NEW HAMPSHIRE v. HOLDER, 1:12-cv-01854-EGS-TBG-RMC).** In this action, I represented the State of New Hampshire in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act.

**BROWNS VALLEY IRRIGATION DISTRICT v. HOLDER, 1:12-cv-01597-RWR-KLH-TFH).** In this action, I represented Browns Valley Irrigation District in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act.

**MERCED COUNTY, CALIFORNIA v. HOLDER, 1:12-cv-00354-TFH-DST-ABJ).** In this action, I represented Merced County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act.
PRINCE WILLIAM COUNTY, VIRGINIA v. HOLDER, 1:12-cv-00014-ESH-TBG-JEB). In this action, I represented Prince William County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

KING GEORGE COUNTY, VIRGINIA v. HOLDER, 1:11-cv-02164-BAH-KLH-ESH). In this action, I represented King George County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

JAMES CITY COUNTY, VIRGINIA v. HOLDER, 1:11-cv-01425-PLF-DST-TFH). In this action, I represented James City County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

CITY OF WILLIAMSBURG, VIRGINIA v. HOLDER, 1:11-cv-01415-EGS-JR-RWR (D.D.C.) (three-judge court). In this action, I represented Williamsburg in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

CULPEPER COUNTY, VIRGINIA v. HOLDER, 1:11-cv-01477-JEB-JWR-RLW (D.D.C.) (three-judge court). In this action, I represented Culpeper County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

CITY OF BEDFORD, VIRGINIA v. HOLDER, 11-cv-00473-TFH-TBG-RLW (D.D.C.) (three-judge court). In this action, I represented the City of Bedford in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

BEDFORD COUNTY, VIRGINIA v. HOLDER, 1:11-cv-00499-ESH-KLH-BAH (D.D.C.) (three-judge court). I represented Bedford County in a successful bailout action brought under Section 4 of the Voting Rights Act. **

RAPPAHANNOCK COUNTY, VIRGINIA v. HOLDER, 1:11-cv-01123-JEB-KLH-RMC (D.D.C.) (three-judge court). I represented Rappahannock County in a successful bailout action brought under Section 4 of the Voting Rights Act. **

CITY OF MANASSAS PARK, VIRGINIA v. HOLDER, 1:11-cv-00749-CKK-JRB-HHK (D.D.C.) (three-judge court). I represented the City of Manassas Park in a successful bailout action brought under Section 4 of the Voting Rights Act. **

ALTA IRRIGATION DISTRICT v. HOLDER, 1:11-cv-00758-RJL-DAG-PLF (D.D.C.) (three-judge court). I represented the Alta Irrigation District in a successful bailout action brought under Section 4 of the Voting Rights Act. **
JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7 v. HOLDER. 1:11-cv-00461-RWR-DST-RJL (D.D.C.) (three-judge court). I represented this Jefferson County Drainage District in a successful bailout action brought under Section 4 of the Voting Rights Act.**

HANOVER COUNTY, VIRGINIA v. HOLDER (D.D.C.) (three-judge court). In this pending lawsuit, I represent Hanover County an action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

PART III

Cases In Which J. Gerald Hebert Has Served As Legal Counsel
To A Party or An Amicus Curiae on Behalf of the Campaign Legal Center

(2004 to the present)

Listed below are cases in which I have appeared as legal counsel for a party or for an amicus curiae in campaign finance cases or other election law cases in my capacity as Director of Litigation at the Campaign Legal Center, a non-profit, non-partisan organization in Washington DC.

Federal Litigation

CITIZENS UNITED v. FEC (U.S. Supreme Court) Citizens United filed suit to challenge the federal “electioneering communications” corporate funding restriction and disclosure requirements as applied to its film entitled Hillary: The Movie and its advertisements promoting the film. On July 18, 2008, a three-judge panel upheld the federal law. On January 21, 2010, the Supreme Court struck down the 60-year-old federal restriction on corporate expenditures in candidate elections, and overturned Austin v. Michigan Chamber of Commerce (1990) and part of McConnell v. FEC (2003). In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed one amici brief with the district court and two amici briefs with the Supreme Court on behalf of campaign finance reform groups.

WISCONSIN RIGHT TO LIFE v. FEC, (US Supreme Court) and No. 04-1260 (DBS, RWR, RJL)(D.D.C.) (3-judge court). Wisconsin Right to Life (WRTL) challenged provisions of BCRA which prohibited it from making certain election communications during and prior to the 2004 elections. The three-judge court rejected WRTL’s challenge and the Supreme Court reversed and struck down the provisions. I served as legal counsel for the Campaign Legal Center, Senator John McCain, and Representatives Christopher Shays and Martin Meehan in the case as amici curiae supporting the defendant FEC.

MCCOMISH v. BENNETT, No. 10-686 (U.S. Supreme Court). This was a constitutional challenge to the “matching funds trigger provisions” of the Arizona Citizens Clean Elections Act,
which provided participating candidates with additional funds if non-participating opponents or outside groups spend above the statutory threshold. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amic* brief in the Supreme Court on behalf of the Legal Center and seven other public interest groups to defend the Arizona law. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I also filed an *amic* brief with the district court in 2009.

**McCUTCHEON v. FEC (U.S. Supreme Court).** This challenge to federal aggregate contribution limits was filed by plaintiffs Shaun McCutcheon and the Republican National Committee (RNC). Plaintiffs in *McCutcheon v. FEC* challenge both the $70,800 aggregate limit on contributions to non-candidate committees and the $46,200 aggregate limit on contributions to candidate committees in a two-year election cycle. The three-judge district court rejected the challenge, but the U.S. Supreme Court has noted probable jurisdiction. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amic* brief in the district court and the Supreme Court defending the aggregate limits.

**SHELBY COUNTY v. HOLDER (U.S. Supreme Court).** This case involved a challenge to the constitutionality of certain special provisions of the Voting Rights Act of 1965, as amended. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amic* brief in the Supreme Court on behalf jurisdictons that have bailed out from coverage under the Act.

**DAVIS v. FEC,** 554 U.S. 724 (2008) (Supreme Court). This was a federal court challenge to the Millionaire’s Amendment of the Bipartisan Campaign Reform Act of 2002. Under the Millionaire’s Amendment, when a wealthy self-financed candidate spent in excess of a specified threshold of personal funds, the Amendment provided for an increase in contribution limits and an elimination of coordinated party spending limits for such candidate’s non-wealthy opponent. The Amendment also imposed additional disclosure requirements on the self-financing wealthy candidate. The Supreme Court invalidated all of these provisions. I served as legal counsel to *amic* supporting these amendments in the U.S. Supreme Court.

**SHAYS v. FEC,** No. 04-5352 (D.C.Cir.) (Shays I). This is an appeal from a ruling of this court (Kollar-Kotelly, J.) striking down Regulations promulgated by the FEC to implement the Bipartisan Campaign Reform Act (BCRA). I served as legal counsel to United Senators John McCain and Russell Feingold who appeared in the case as *amic curiae* and filed a brief supporting Appellees Shays and Meehan.

**SHAYS v. FEC (527 Suit),** No. 1:04-cv-01597-EGS (D.D.C.) (Sullivan, J.) (Shays II). This lawsuit challenge the failure of the FEC to promulgate effective regulations that would apply to 527 groups. I served as legal counsel to United Senators John McCain and Russell Feingold who appeared in the case as *amic curiae*. 
NC RIGHT TO LIFE v. LEAKE, No. 5:99-CV-798-BO(3). This case involves a constitutional challenge to several North Carolina campaign finance laws. I represent the Campaign Legal Center in the case, which filed a brief as amicus curiae arguing that North Carolina's limits on contributions to independent expenditure political committees are constitutional.

VOTERS EDUCATION COMMITTEE v. WASHINGTON PUBLIC DISCLOSURE COMMISSION, No. 04-2-23551-1SEA (King County Superior Court). Suit alleges that certain ads aimed at a state Attorney General candidate are not express advocacy, but rather are “issue advocacy” and protected “political speech”. I represent the Campaign Legal Center in the case, which filed a brief as amicus curiae arguing that the state law at issue does not violate the free speech rights of plaintiff 527 corporations by requiring them to register as a political organization and file reports of their contributions and expenditures.

EMILY'S LIST v. FEC, No. 1:05cv00049 (D.C.C.). EMILY's List challenged a new rule adopted by the FEC late last summer that requires a federal committee to use at least 50 percent federal funds to pay for generic voter mobilization drives and other activities that affect both federal and nonfederal elections, along with a rule that clarified the definition of the term "contribution." I represented Senators John McCain and Russell Feingold, Representatives Christopher Shays and Martin Meehan, and the Campaign Legal Center which appeared as amici curiae in the case and filed a brief opposing EMILY's List's motion for a preliminary injunction.

CHRISTIAN CIVIC LEAGUE OF MAINE v. FEC, No. 06-(D.D.C.) (three-judge court) The Christian Civic League of Maine has challenged provisions of BCRA which prohibited it from making certain election communications during and prior to the 2006 elections in Maine. The three-judge court denied the Christian Civic League's motion for preliminary injunction and the case is on appeal to the U.S. Supreme Court. I served as co-counsel for the defendant intervenors in the case: U.S. Senators John McCain and Russ Feingold, and Representatives Christopher Shays, Martin Meehan, and Tom Allen supporting the defendant FEC.

UNITED STATES v. VALDES No. 03-3066 (DC Cir.) I filed an amicus brief in the U.S. Court of Appeals for the District of Columbia on behalf of the Campaign Legal Center supporting the defendant United States in this appeal, which involved an interpretation and application of the federal anti-gratuities statute.

CAO (RNC) v. FEC, No. 10-30146 (5th Cir.), cert. denied No. 10-776 (U.S. Sup. Ct.) In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an amicus brief on April 19, 2010 with the en banc Fifth Circuit Court of Appeals to defend the constitutionality of the party coordinated spending limits.
GREEN PARTY OF CONNECTICUT V. LENGE, Nos. 09-0599, 09-0609 (2d Cir.), cert. petition No. 10-795 (U.S. Sup. Ct.) In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I served as co-counsel to the defendant-intervenors in the Supreme Court opposing the petition for certiorari, a case that challenged the constitutionality of Connecticut’s public financing system and its statutory ban on contributions from lobbyists, state contractors and members of their immediate families and their solicitation of contributions.

U.S. v. O’DONNELL, No. 09-50289 (9th Cir.), cert. petition No. 10-1099 (U.S. Sup. Ct.) This case involved whether federal law “prohibits straw donor contributions, in which a defendant solicits others to donate to a candidate for federal office in their own names and furnishes the money for the gift either through an advance or a prearranged reimbursement. CLC, with D21, filed an amici brief with the Ninth Circuit, urging the Court to correct the erroneous interpretation given to the federal law provision by the district court.

U.S. v. DANIELEZYK, No. 11-cr-00085 (E.D. Va.), No. 11-4667 (4th Cir.) This criminal case concerned a number of alleged campaign finance violations, including that the defendants illegally directed corporate contributions to Hillary Clinton’s 2008 Presidential campaign. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an amici brief in the U.S. Court of Appeals for the Fourth Circuit on the side of the United States.

KOERBER v. FEC, No. 2:08-cv-00039 (E.D.N.C.) In September 2008, the Committee for Truth in Politics challenged the constitutionality of the federal disclosure requirements for “electioneering communications,” and the FEC’s policy for determining federal “political committee” status. The CLC, with D21, filed amici briefs defending the law on October 14, 2008 with the district court, and on April 24, 2009 with the Fourth Circuit.

THE REAL TRUTH ABOUT OBAMA, INC. (RTAO) v. FEC, No. 08-cv-00483 (E.D. Va.), No. 11-1760 (4th Cir.) RTAO filed suit in the U.S. District Court for the Eastern District of Virginia to enjoin a number of FEC regulations governing when independent groups must register as federal political committees and comply with the applicable federal restrictions and disclosure requirements. The CLC, with D21, filed an amici brief on October 27, 2011 to defend the FEC rules with the Fourth Circuit following the remand of the case from the Supreme Court. The CLC previously filed amici briefs in this case in the district court and the Fourth Circuit on August 14, 2008, October 28, 2008 and October 17, 2010.

VAN HOLLEN v. FEC, No. 11-cv-00766 (D.D.C.) On April 21, 2011, Representative Chris Van Hollen (D-MD) filed a lawsuit against the FEC to challenge a 2007 FEC regulation that narrowed the scope of federal disclosure requirements connected to electioneering communications. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center (CLC), I was one of the attorneys representing Rep. Van Hollen as CLC is part of Van Hollen’s pro bono legal team. The case remains pending.
AMERICAN TRADITION PARTNERSHIP, INC. v. BULLOCK, DA 11-0081 (Sup. Ct. Mont.), cert. denied No. 11-1179 (U.S. Sup. Ct.) In March 2010, plaintiffs filed suit to challenge Montana’s corporate expenditure restriction, M.C.A. § 13-35-227, on grounds that it was unconstitutional under Citizens United v FEC. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an amici brief in support of itself and 13 other public interest groups on May 18, 2012, urging the U.S. Supreme Court to deny certiorari, or if it grants certiorari, to grant plenary review.

WAGNER v. FEC, No. 11-cv-1841 (D.D.C.) On October 19, 2011, plaintiffs filed a complaint with the U.S. District Court for the District of Columbia to challenge the constitutionality of the federal governmental contractor contribution ban, 2 U.S.C. § 441c, as applied to individuals who have personal services contracts with federal agencies. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an amicus brief in the district court supporting the contractor contribution ban.

RNC v. FEC, No. 1:08-cv-01953-RJL-RMC (D.D.C.) (three-judge court). On November 13, 2008, the RNC filed suit in federal district court to challenge BCRA’s “soft money” restrictions that bar the national parties from raising or spending soft money and prohibit state parties from using soft money for activities that affect federal elections, such as voter registration or GOTV drives. On March 9, 2009, the Legal Center filed an amici brief on behalf of former Representatives Shayes and Meehan and Senators McCain and Feingold to defend the “soft money” provisions. On June 29, 2010, the Supreme Court summarily affirmed the decision of a three-judge panel to dismiss the RNC’s as-applied challenge to the soft money restrictions of the Bipartisan Campaign Reform Act (BCRA).

VAN HOLLEN v. IRS, No. 13-1276 (D.D.C.) (JDB), this lawsuit was filed on August 23, 2013, and challenged the failure of the IRS to conduct a rulemaking proceeding to adopt new rules to properly implement the tax law’s eligibility requirements for tax-exempt status as a 501(c)(4) “social welfare” organization. I served as co-counsel to the plaintiff in my capacity as Director of Litigation for the Campaign Legal Center. The case was recently dismissed voluntarily based on the IRS’s announcement that it is undertaking a rulemaking proceeding to address the problems arising from campaign activities by 501(c)(4) groups.

SPEECHNOW.ORG v. FEC (D.C. Cir.) In February 2008, SpeechNow.org filed suit and requested a preliminary injunction to enjoin the federal contribution limits and disclosure requirements as applied to so-called “independent expenditure committees.” THE DC Circuit struck down the contribution limits but upheld the disclosure requirements. The Legal Center filed two amici briefs with the D.C. Circuit in 2009 to support the constitutionality of the federal contribution limits as applied to a political committee making only independent expenditures.

HISPANIC LEADERSHIP FUND v. FEC, No. 1:12cv893 (E.D. VA.). Plaintiffs sought to air television advertisements criticizing President Obama without complying with “electioneering communication” disclosure requirements, which include donor disclosure. The ads proposed by HLF would not have mentioned President Obama by name and instead would use the terms “the
White House" and “the Administration” and audio recordings of the President’s voice. In an attempt to evade the electioneering communication disclosure requirements, HLF argued that its ads do not refer to a clearly identified candidate, and that the disclosure provisions are unconstitutional. The District Court denied an injunction and rejected the constitutional challenge. In my capacity as Director of Litigation for the non-profit, non-partisan Campaign Legal Center, I filed an amicus brief in 2012 supporting the FEC and defending the challenged provisions.

STATE/MUNICIPAL LAW LITIGATION

State Disclosure Cases

DOE v. REED, No. 09-559 (U.S. Sup. Ct.), on remand No. 3:09-cv-05456 (W.D. Wa.), on appeal No. 11-35854 (9th Cir.) Plaintiffs filed suit to halt Washington State from making petitions connected to a state ballot measure available in response to requests made under the state Public Records Act. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an amicus brief on March 28, 2012 with the Ninth Circuit, urging the court to reject the plaintiffs’ as-applied challenge and arguing that the narrow exemption to disclosure for harassment set forth in Buckley v. Valeo was not warranted in this case.

PROTECTMARRIAGE.COM v. BOWEN, 2:09-cv-00058 (E.D. Calif.), on appeal No. 11-17884 (9th Cir.) In January 2009, Plaintiffs brought a challenge in the U.S. District Court for the Eastern District of California to a California law requiring ballot measure committees to disclose the names and other information of their contributors of $100 or more. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an amicus brief to support California’s ballot measure disclosure law with the Ninth Circuit on April 17, 2012.

HUMAN LIFE OF WASHINGTON, INC. (“HLW”) v. BRUMSICKLE, No. 09-35128 (9th Cir.) In April 2008, HLW challenged the constitutionality of several components of the State of Washington’s political committee disclosure regime, including the State’s definitions of “political committee,” “independent expenditure,” and “political advertising.” On June 4, 2009, and in my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an amicus brief with the Ninth Circuit to defend the disclosure laws.

OHIO RIGHT TO LIFE (ORTL) v. OHIO ELECTION COMMISSION, 08-cv-00492 (S.D. Ohio). ORTL filed suit in the U.S. District Court of the Southern District of Ohio to challenge multiple provisions of Ohio’s campaign finance law, including its “electioneering communications” corporate funding prohibition and related disclosure requirements. On July 18, 2008, and in my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center (CLC), I filed an amici brief on behalf of CLC and Ohio Citizen Action, defending the constitutionality of Ohio’s electioneering communications disclosure requirements.

TEXAS DEMOCRATIC PARTY v. KING STREET PATRIOTS, No. D-1-GN-11-002363 (D.Ct. Travis Co.) The Texas Democratic Party filed an action seeking damages and declaratory and injunctive relief in connection to several violations of state campaign finance law allegedly
committed by the King Street Patriots. In response to the suit, the King Street Patriots filed a counterclaim challenging numerous provisions of Texas campaign finance law, including the state corporate contribution restriction, and the disclosure and organizational requirements applicable to political committees and related statutory definitions. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed in September 2011 an amicus brief to oppose the counterclaim and to defend the constitutionality of Texas’ campaign finance laws.

**NATIONAL ORGANIZATION FOR MARRIAGE v. BROWNING.** This was a constitutional challenge to certain provisions of Florida law relating to electioneering communications and disclosure, alleging that the provisions were overbroad and vague. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an amicus brief in the Eleventh Circuit defending the Florida laws, which were upheld by the court of appeals.

**State Contribution Limit Cases**

**COMMITTEE ON JOBS, ET AL. v. HERRERA,** 07-cv-03199 (N.D. Cal.) In June 2007, two political committees filed a challenge in the U.S. District Court for the Northern District of California to the constitutionality of San Francisco’s limit on contributions to political committees that make only independent expenditures in City elections. On August 27, 2007, the CLC filed an amici brief on behalf of itself and four other nonprofit political reform organizations supporting the constitutionality of the San Francisco contribution limits.

**MINNESOTA CONCERNED CITIZENS FOR LIFE (MCCL) v. SWANSON,** 10-cv-2938 (D. Minn.), on appeal No. 10-3126 (8th Cir.) MCCL challenged multiple provisions of Minnesota’s campaign finance law pertaining to the regulation of corporations. On December 22, 2010, the CLC, with D21, filed an amici brief to defend Minnesota’s disclosure law and its restrictions on corporate contributions.

**THALHEIMER v. CITY OF SAN DIEGO,** No. 10-55322 (9th Cir.) In December 2009, plaintiffs filed a constitutional challenge to several provisions of San Diego’s campaign finance laws. On April 9, 2010, the CLC filed a brief amici curie with the Ninth Circuit on behalf of itself and two other public interest groups to support the contribution limit.

**State Public Financing Cases**

**WISCONSIN RIGHT TO LIFE v. BRENNAN,** 3:09-cv-00764 (W.D. Wis.), No. 11-1769 (7th Cir.) and **KOSCHNICK v. DOYLE,** 3:09-cv-00767 (W.D. Wis.). In December 2009, two cases were filed to challenge the trigger provisions of Wisconsin’s recently-enacted public financing program, as well as other program components. The CLC filed an amici brief on June 17, 2011.