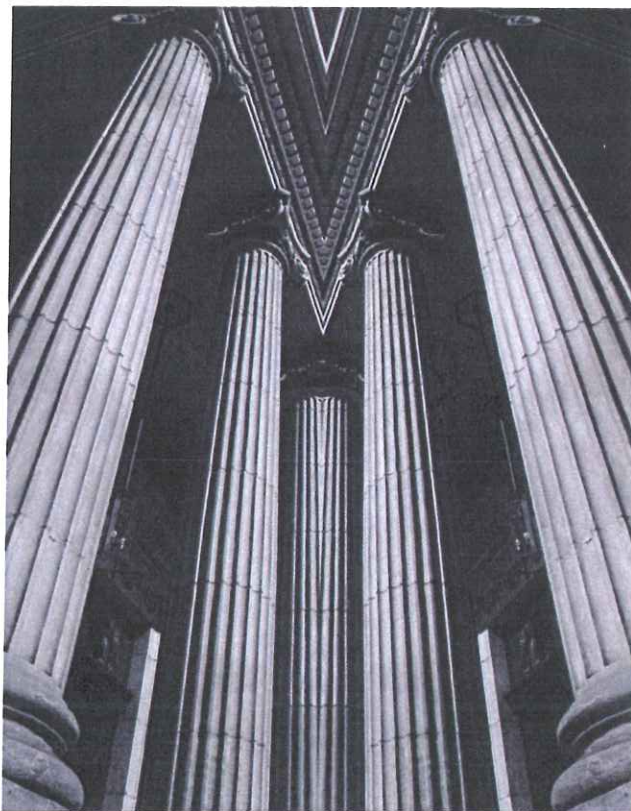




9/20/10
8:00 AM.
Trey Trainer
left message
5/26
4 pm

Beirne, Maynard & Parsons, L.L.P.

*Response Williamson County
Request for Proposal
RFP #10WCP910*



AUSTIN
401 West 15th Street
Suite 845
Austin, TX 78701
512.924.6501

DALLAS
1700 Pacific Avenue
Suite 4400
Dallas, TX 75201
214.237.4300

HOUSTON
1300 Post Oak Boulevard
Suite 2500
Houston, TX 77056
713.623.0887

NEW ORLEANS
1100 Poydras Street
Suite 2900
New Orleans, LA 70163
504.799.2223

www.bmpllp.com

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	Trey Trainor	
	Dale Oldham	

BEIRNE, MAYNARD & PARSONS, L.L.P.

1300 POST OAK BOULEVARD
SUITE 2500
HOUSTON, TEXAS 77056-3000

JOSEPH NIXON

BOARD CERTIFIED
CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL
SPECIALIZATION

(713) 623-0887

FAX (713) 960-1527

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EMAIL: JNIXON@BMPLLP.COM

July 30, 2010

Jonathan Harris, Asst. Purchasing Agent
Williamson County Purchasing Department
301 SE Inner Loop, Suite 106
Georgetown, Texas 78626

Re: RFP Number 10WCP910

Dear Mr. Harris:

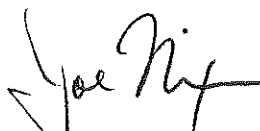
The firm of Beirne, Maynard & Parsons, L.L.P. is pleased to express its interest in Williamson County's RFP Number 10WCP910 and with this letter includes Attachment A, the resumes for the individuals providing the service, a signed and completed Williamson County Conflict of Interest Statement and a signed and completed Williamson County Proposal Form. The responses to the questions in Attachment A also include the required references.

Beirne, Maynard & Parsons is a Houston-based law firm with additional offices in Dallas, Austin and New Orleans. For the last twenty years, our natural arena has been the highly structured conflict which is the civil trial and appeal reflected in a client roster which encompasses many industries and covers all areas of dispute resolution/civil litigation in nearly every legal forum in the country, including Election Law.

Our Election Law team includes a former state representative, a former general counsel to the Texas Secretary of State who also served as former counsel to the Chairman of the House Committee on Regulated Industries, and a former general counsel to a Federal Elections Commission Commissioner. In our responses to Attachment A, you will learn that our team has been involved in redistricting, as lawyers and/or legislators, since 1990.

If there is any additional information you require, please do not hesitate to ask.

Very truly yours,



Joseph M. Nixon

JMN/ljs
Enclosures

II. Attachment A

A. Basic Qualifications (10 points)

Provide a brief profile of you, your firm or team, relative to size, history, personnel, and areas of expertise. References to applicable awards, associations, etc. may also be included.

The best way to produce fair and legal maps is to have a thorough understanding of the legal issues and personal experience in drafting maps from initial assessment to map drawing to pre-clearance to trial to appeal in the United States Supreme Court. Our team does.

We are civil trial lawyers, and our natural arena is the highly structured conflict which is a civil trial. Some may go to great lengths to stay out of the courtroom. Not so at Beirne, Maynard & Parsons. We prepare and play to win. That said, we are sensitive to the costs of litigation – the monetary cost, the time and opportunity cost, the emotional cost. Thus, we strive to resolve your litigation, arbitration, or other proceeding in the most innovative, economical, and expeditious way possible.

Beirne, Maynard & Parsons is unique because:

- Unlike the trial or litigation departments of large, multi-practice law firms, we are litigation-only. This means we are able to devote all of our resources to the things that enable us to win for our clients time and time again, such as hiring the best young and experienced trial lawyers, trial-focused training, state-of-the-art technology for litigation support, and much more.
- As one of the largest litigation-only law firms in Texas, we have the depth of firepower to provide our clients with unparalleled service. The chances are that whatever the particular issues in a matter might be, we have attorneys on the team who have handled cases just like it and know exactly how to proceed.
- Further, we look at your litigation strategically, as a business process that must be handled successfully and within the context of your overall business objectives. But if in unusual circumstances the matter is an emergency and the press is circling, we have a great deal of experience in handling that sort of problem for clients, too.

Our Election Law Practice

The legal framework governing public policy advocacy and political activity has become increasingly complicated for businesses, candidates, political action committees, and other organizations. In the wake of recent federal court rulings, and as campaigns for public office have become more litigious, it is now necessary for those who seriously engage in the political process to obtain experienced legal counsel. Our firm has the relevant experience and extensive understanding of the litigation process to help you succeed in today's political landscape.

Redistricting. Our firm is experienced and prepared to help governmental entities with the politically charged and legally complex issues related to redrawing districts. Our comprehensive approach to the redistricting process involves a focused effort on public input, use of the most up-to-date software for map drawing, litigation avoidance counseling, and careful preparation of submissions in compliance with the Federal Voting Rights Act.

Our attorneys have served in the legislative branch of government and been intimately involved in the process of drawing districts, and successfully debating, defending and passing redistricting legislation. Moreover, our lawyers have been involved in landmark redistricting litigation such as *Larios v. Cox*, *LULAC v. Perry*, and *Bartlett v. Strickland*.

If the redistricting process involves litigation, our firm has a full array of trial and appellate advocates, with extensive state and federal level representation experience.

Campaign Finance Compliance Consulting. The attorneys in our Election Law practice have successfully represented clients in contested matters before the Federal Election Commission (FEC) and state level campaign finance regulators. However, one key goal is sanction avoidance: tailoring guidance and steps that avoid contested matter triggers. We achieve this by actively informing our clients of the laws and agency regulations which govern involvement in public policy advocacy and political activity.

Election-Related Litigation. Whether facing a recount or an election contest, ballot eligibility or ballot access, our firm is prepared to litigate. The attorneys in our Election Law practice have been involved in all aspects of election related litigation, including:

- Redistricting
- Challenging a candidate's eligibility to seek public office
- Replacing candidates on the ballot
- Recounts
- Election Contests

Joseph M. Nixon. He has been Board Certified in Civil Trial Law for nineteen years, and has twenty-eight years of experience in complex litigation. With 12 years experience as a state representative, four years prior experience serving as General Counsel to the Harris County Republican Party, and a leadership role in the 2001 and 2003 redistricting efforts including assistance in drawing lines for state house and congressional districts, Mr. Nixon is well versed in the election process. He delivers a rare combination of legislative, legal, and political experience on behalf of his clients.

In addition to his active commercial practice, Mr. Nixon has represented the Republican Party and several candidates in election contests, and has represented a statewide candidate before the Texas Supreme Court. He has also served as Special Counsel to the Texas Republican Party in several matters.

Dale Oldham has acted as Redistricting Counsel for the Republican National Committee during the 2000 redistricting cycle. He has also served as Associate Counsel for the Republican National Committee during the 1990 redistricting cycle and Counsel for the Congressionally Appointed members of the United States Census Monitoring Board.

Mr. Oldham has been involved in nearly all of the legislative and congressional redistricting litigation in both the 1990 and 2000 redistricting cycles, representing clients from county to congressional levels in a wide variety of litigation postures. He served as Counsel to a member of the Federal Election Commission, where he helped write FEC regulations and rulings.

Mr. Oldham has appeared on panels and provided lectures or presented papers to such diverse groups as the ACLU, the National Conference of State Legislatures, and the American Bar Association. His paper on decennial census adjustments was published by the ABA along with other papers presented at the symposium Race, Sex, and Money by the Numbers: the Impact of Census 2000 on State and Local Government. Oldham is a graduate of the University of South Carolina School of Law.

Trey Trainor A former General Counsel to the Texas Secretary of State, and Chief Committee Clerk to a major committee in the Texas House of Representatives, Mr. Trainor focuses primarily on election law and government relations.

Mr. Trainor has been intimately involved in Texas redistricting, helping to design the Texas House legislative districts adopted for the 2002 elections. During the third-called Special Session of 2003, he coordinated the maps and legal aspects of passage and Department of Justice pre-clearance of HB 3, the new congressional maps adopted for the 2004 elections.

Mr. Trainor advises numerous elected officials and political organizations on compliance with state and federal election regulations. Additionally, he has served as lead counsel on several election recounts and contests.

* Please see Appendix A for team-member resumes

B. Ability to Perform (10 points)

Provide an overview of you, your firm or team's specific experience on similar redistricting projects and provide a project schedule of all described activities.

As one of Texas' largest all litigation/dispute resolution firms with offices in Houston, Dallas, Austin, and New Orleans, Beirne, Maynard & Parsons, L.L.P. is experienced and prepared to help governmental entities with the politically charged and legally complex issues relating to redrawing county, justice of the peace, and precinct districts. Our firm applies a comprehensive approach to the redistricting process. We utilize public input, the most up to date software for map drawing, litigation avoidance counseling, and careful preparation of submissions in compliance with the Federal Voting Rights Act. Our goal is to provide the Williamson County with fair and legal maps and assist county officials in meeting their redistricting obligations.

The firm utilizes Maptitude 6.0 software, which has been upgraded to take "communities of interest" as defined by the Department of Justice into account. This is the same software utilized by the Department of Justice and the maps may be submitted seamlessly to the Department of Justice as part of the Voting Rights Act and pre-clearance compliance. The firm's lawyers have utilized this software since 1999 and, previously, utilized the GIS Systems software.

The firm is also prepared, if the need arises, to litigate from trial to final appeal the maps selected by the Commissioner's Court. The responsibilities of Mr. Nixon and Mr. Trainor will be to assist Williamson County in public hearings and map drawing to comply with the Voting Rights Act. Mr. Oldham will coordinate map drawing and Department of Justice pre-clearance filings for map approval. These three attorneys intend to work as a team on this project.

Your team is skilled in the use of the Maptitude redistricting software as well as other competitive GIS systems. Our experience with the demographic and political sensitivities of redistricting give us a unique ability to correlate these concerns with the requirements of redistricting law in order to produce the most legally defensible plan possible and still meet the policy goals of the jurisdiction.

The firm will work with Williamson County Commissioner's court and its designated representatives to ensure that the appropriate information is taken into account, the necessary statutes and regulations are followed, and Voting Rights Act submission is timely made. The goal is the timely submission to the Department of Justice and/or the three judge panel of fair and legal maps for which future elections may be held, while minimizing costs and delay for the County.

It is anticipated that the State of Texas will receive the 2010 Census information by late February or early April 2011. Until then, the firm has the latest available demographic and statistical information in its software files with which preliminary maps may be prepared. It is possible, if the commissioner's court requires, to begin the process of preparing preliminary maps and conducting public hearings as soon as the bid is awarded in order to facilitate a smooth and timely Voting Rights Act preclearance submittal.

The firm is prepared to be present at all relevant public hearings held by the Williamson County Commissioner's Court, prepare the Voting Rights Act submittal and submit maps to both the Secretary of State, and the Department of Justice and have the filing done no later than August 31, 2011.

It is anticipated that a legal strategy for quick federal approval may require that the submission also be made to a panel of three federal judges in Washington, D.C. The firm is prepared to make that filing, either alternatively or additionally, as part of this bid. The firm will be available telephonically as needed, and in person for all commissioners' court hearings and as the court and project require.

Should litigation ensue based upon your approved maps, the firm is prepared to defend Williamson County. The firm's bid includes a bid for this possible work separate from the hourly rate (not-to-exceed price) included in this

proposal. More detailed information regarding the firms litigation and appellate experience are listed in section IX, Staffing Levels and Operating Procedures.

Projects of note with which our attorneys in our team have been involved are:

- (1) Texas House of Representatives, State Representative Phil King, District 61 - Attorneys currently with the firm served as legal counsel to Rep. King who was the primary author of HB3 during the 3rd Called Session of the 78th Legislature relating to the composition of the districts for the election of members of the United State House of Representatives from the State of Texas (Congressional redistricting bill). As counsel, members of the firm were involved in the public hearing, map drawing, Department of Justice administrative preclearance, and litigation activities surrounding the implementation of new Congressional districts for the State of Texas.
- (2) Roger Williams, 105th Texas Secretary of State - Attorneys currently with the firm served as legal counsel for the Office of the Secretary of State during litigation surrounding the Congressional redistricting legislation passed in 2003. The Office of the Secretary of State was a named party in the *LULAC v. Perry* litigation before the U.S. Supreme Court and a coordinated legal effort by all state party litigants was managed through the Office of the Attorney General
- (3) South Carolina Speaker of the House, David Wilkins, resulting in *Campbell v Theadore*, 508 U.S. 969 (1993) and *Able v Beasley*, 3:96-0003-17 (April 28, 1997)
- (4) Republican National Committee – Attorney was principal author of all redistricting briefs produced by the RNC, assisted local counsel in all 50 states, and produced manual and instructed local counsel during 2000 redistricting cycle.
- (5) Georgia Republican Congressional Delegation, resulting in *Johnson v Miller*, 922 F. Sup 1552 (S.D. GA 1995)
- (6) GOPAC – Texas – Currently advising on regulatory and redistricting issues for Texas House members
- (7) Richland County Republican Counsel Members, resulting in *Elliott v Richland County Democratic Party*, 472 S.E. 2d 256 (S.C. Sup Ct, 1996) and 489 S.E. 2d 529 (S.C. Sup Ct 1997) (County Counsel redistricting).

C. Geographic Proximity (10 points)

Consideration will be given to where your, your firm's or team's main office is located and how that may, or may not, affect the timely delivery of services.

Beirne, Maynard & Parsons, L.L.P. has offices in Houston, Austin, Dallas and New Orleans. This project will be facilitated from its offices in Austin.

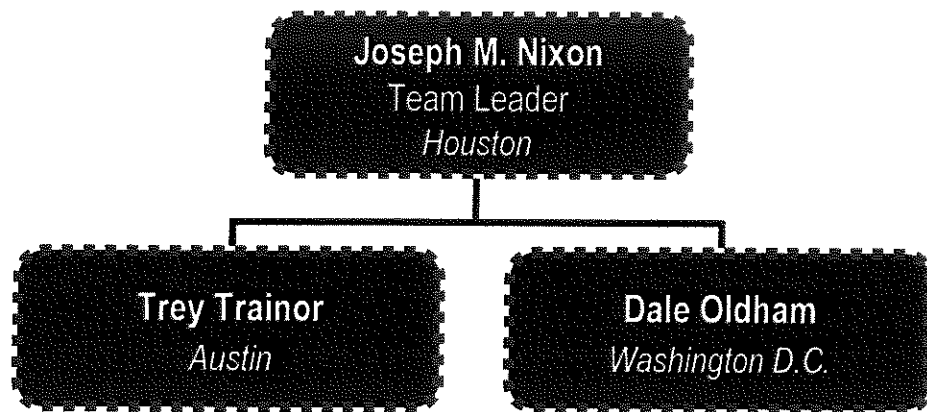
The firm has Mapitude 6.0 with all the current demographic information available from the U.S. Census Bureau and the State of Texas. This is the same software used by the U.S. Department of Justice and allows us to seamlessly file the county's plans with the Department of Justice.

Additionally, this software allows us to download the county's plan for review in any of our offices.

Finally, Mr. Oldham is stationed in Washington, D.C. He is able to facilitate the firm's filings with the Department of Justice, meet with Department of Justice lawyers and make appearances with the U.S. District Court for the D.C. Circuit.

D. Technical Capabilities (10 points)

Provide a narrative description of your, your firm's or team's resources and ability to deliver services required for the project. Provide resumes of all key personnel to be used, including project experience, specific areas of expertise, relevant educational backgrounds and certifications. Specify who will be the team leader and primary contact and/or work person. Identify associates who will be involved and their roles.



The resumes of Messrs. Nixon, Trainor and Oldham are attached. Mr. Nixon will be the team leader and primary contact. This team's abilities have been detailed in answers in prior sections. The team has prepared state representative and U.S. Congressional district maps in Texas and county, state house and senate and U.S. Congressional maps in other states. Additionally, the team has been involved in litigation and appeal of most major redistricting cases since 1990. The best way to draw fair and legal maps is to have an intimate knowledge of what courts will and will not approve. The team's goal is to assist the county in the preparation of fair and legal maps.

Finally, the team is skilled in the use of Maptitude 6.0.

E. Performance History/References (10 points)

List a minimum of three (3) clients with redistricting projects for which you, your firm or team provided redistricting services. The list should include:

- Name of agency/client, contact person, phone number and e-mail address
- Year service was provided
- Type of project and scope of services provided

The Hon. Phil King

State Representative, District 61

P.O. Box 2910

Austin, TX 78768

(512) 463-0738

Served as legal counsel for Rep. King who authored the Texas Congressional Redistricting bill that was passed by the Texas Legislature in 2003. (2001-2003)

John L. Ryder

Partner

Harris Shelton Hanover Walsh, PLLC

One Commerce Square

Suite 700

Memphis, TN 38103

(901) 526-1455

Dale Oldham prepared plans and legal briefs in conjunction with assisting the Republican National Committee and consulting with Mr. Ryder on behalf of his clients. (present)

The Hon. Roger Williams

Former Texas Secretary of State

P.O. Box 1504

Austin, TX 78767

(888) 797-6437

Served as legal counsel to one of the named parties (Secretary of State Roger Williams) in the *LULAC v. Perry* litigation surrounding the 2003 Congressional Redistricting map. (2003-2004)

Thomas B. Hofeller, Ph.D.

Redistricting Coordinator

Republican National Committee

310 First Street, S.E.

Washington, D.C., 20003

(202) 863-8816

Dale Oldham was principal author of all redistricting briefs produced by the Republican National Committee as well as assisted local counsel in all 50 states. (1990-present)

Additionally, Mr. Nixon served as state representative during the 2001 and 2003 redistricting efforts in the Texas House of Representatives and was very involved in the actual preparation of the proposed maps for state representatives (2001) and U. S. Congress (2003).

F. Proposed Project Approach & Scope of Services to be Provided (50 points)

- **Provide a short narrative that conveys an understanding of the project goals and objectives**
- **Demonstrate your, your firm's or team's capabilities, innovative approaches and/or special methodologies to accomplish the project**
- **Describe and provide a systematic and methodical description of the scope of work, how it will be accomplished in a format that could be included in a consulting contract**
- **Identify key personnel to be used and their areas of responsibility**
- **Provide a breakdown of staff by work activity (personnel identified in the proposal must be the same personnel that will work on the project. Personnel changes after contract/agreement execution must be approved by Williamson County)**
- **Provide a projected timeline listing duties, tasks, and milestones for this project**
- **Provide a detailed price, including a not to exceed amount as well as an attached hourly rate sheet for all personnel, including reimbursable expenses. The "not to exceed amount" shall be the total amount of fees, costs, and reimbursable expenses that Respondent will agree to provide all services subject to this RFP. By responding to the RFP, the Respondent understands and acknowledges that the "not to exceed amount" shall not be considered a total guaranteed lump sum amount that is to be paid by County. Should the actual fees, costs, and reimbursable expenses be less than the not to exceed amount, the successful Respondent shall receive only the amount of actual fees, costs and reimbursable expenses necessary to complete the services subject of the RFP.**

Beirne, Maynard & Parsons, L.L.P. (the Firm) understands the goal of the project to be the fair and legal redrawing of the single member districts that encompass the county government of Williamson County. The Firm also understands the objective of the project to be the accomplishment of the goal, by working in conjunction with legal experts in the redistricting field, in a manner that minimizes any burden on the financial and personnel resources of Williamson County.

Our approach to this project would be to act as legal advisors to augment the in-house map drawing and public policy decisions that will be undertaken by Williamson County. Specifically, the Firm will meet with the personnel designated by Williamson County to undertake the redistricting process, at the outset of the project, to ensure that they have a clear and concise understanding of the legal criteria that will need to be taken into consideration.

Systematically, the Firm will conduct a preliminary planning meeting with Williamson County wherein we will discuss population projections, important demographic and geographic considerations specific to the County, and the current legal criteria that will need to be incorporated into any redistricting plan. Next, the Firm will make staff available to assist County personnel in the map drawing process, understanding that County personnel will be primarily responsible for such activity and the Firm is only providing legal analysis as requested or necessary.

Upon the County personnel's completion of a redistricting plan, we will upload the proposal onto the Firm's GIS software system and undertake a legal evaluation of the plan. We will then meet with Williamson County to discuss our findings and make recommendations, if necessary. Obviously, this process may be repeated several times until the County officials reach a final map with which they are comfortable and accomplishes the goal of the project.

Once the new redistricting map is completed and approved by the Williamson County Commissioners Court, the Firm will prepare the map for preclearance as required by the Voting Rights Act. Moreover, the Firm will, based upon the most cost effective and economical means recommend which method of preclearance will be most bene-

ficial to the County. The Firm will submit the map for preclearance and manage, with the assistance of Williamson County, any supplemental filings.

The Firm has assigned Mr. Nixon as the project manager for the Williamson County Redistricting Plan. Mr. Nixon will be the primary point of contact with the Firm and he will be assisted on the project by Mr. Trey Trainor and Mr. Dale Oldham. Mr. Trainor and Mr. Oldham will jointly undertake the legal criteria briefing and analysis on the project. Mr. Oldham, primarily, and Mr. Trainor in assistance will be responsible for the drafting and preclearance submission of the County plan.

Recognizing that the timeframe from when official Census data will be made available to the County to the initial filing deadline for the 2012 elections is very short, especially considering the preclearance hurdle, the Firm is prepared to work quickly and efficiently on the project. Upon completion of the contract, the Firm would propose meeting with County personnel for a preliminary discussion of population projections, important demographic and geographic considerations specific to the County, and the current legal criteria that will need to be incorporated into any plan so the County can start drawing maps as soon as practicable.

The Firm envisions a process wherein the County has a preliminary map based on preliminary data that we can evaluate prior to the release of official Census data. Once the Census data is released, the County and Firm can update the preliminary plan and hopefully begin the finalization map drawing process within a few weeks after official data is released. This approach will allow the maximum amount of time for preclearance submissions and County administrative activities to prepare for the 2011 and 2012 elections.

III. Williamson County Conflict of Interest Statement



WILLIAMSON COUNTY CONFLICT OF INTEREST STATEMENT

I hereby acknowledge that I am aware of the Local Government Code of the State of Texas, Section 176.006 regarding conflicts of interest and will abide by all provisions as required by Texas law.

Printed name of person submitting form:

Martin D. Beirne

Name of Company:

Beirne, Maynard & Parsons, L.L.P.

Date:

July 29th 2010

Signature of person submitting form:

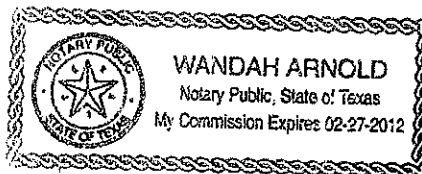
Martin D Beirne

Notarized:

Sworn and subscribed before me

by: Wandah Arnold

on August 2, 2010
(date)



IV. Williamson County Proposal Form

WILLIAMSON COUNTY PROPOSAL FORM

Williamson County Redistricting Plan

RFP NUMBER: 10WCP910

Martin D. Beirne

NAME OF RESPONDENT: Beirne, Maynard & Parsons, L.L.P.

Mailing Address: 1300 Post Oak, Blvd. Suite 2500

City: Houston

State: TX

Zip: 77056

Email Address: mbeirne@bmqpllp.com

Telephone: (713) 960-7301

Fax: (713) 960-1527

The undersigned, by his/her signature, represents that he/she is authorized to bind the Respondent to fully comply with the terms and conditions of the attached RFP, Specifications, and Special Provisions for the amount(s) shown on the accompanying PROPOSAL sheet(s). By signing below, you have read the entire document and agreed to the terms therein.



Date: 7/29/10

Signature of Person Authorized to Sign PROPOSAL

Printed Name and Title of Signer: Martin D. Beirne, Managing Partner

DO NOT SIGN OR SUBMIT WITHOUT READING ENTIRE DOCUMENT

THIS FORM MUST BE COMPLETED, SIGNED, AND RETURNED WITH PROPOSAL

V. Hourly Rates

Williamson County has requested a price based on an hourly rate with a not-to-exceed an overall project price, including reimbursement of expenses.

The firm proposes a blended hourly rate for all lawyers of \$365 per hour, with a project not to exceed amount of \$50,000, inclusive of reimbursement expenses for our attorneys, from initial assessment through Department of Justice and/or U.S. District Court pre-clearance filing.

The firm will provide an initial assessment for a flat fee of \$2,500. If it is necessary for the county to prepare new plans based upon the U.S. Census information, that fee will be included in the project not-to-exceed amount.

This bid does not include litigation. If litigation ensues, the firm will defend the county at the blended rate of \$365/hour, plus expenses.

VI. Resumes

- Joseph M. Nixon
- Trey Trainor
- Dale Oldham