



Crimcard Consulting Services and Akin Gump's Proposal Prepared for

# California Citizens Redistricting Commission

**Akin Gump**  
STRAUSS HAUER & FELD LLP

January 28, 2021

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Founder and Manager,  
Crimcard Consulting Services

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Partner, Akin Gump Strauss Hauer  
& Feld LLP

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# About Crimcard Consulting

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CrimCard Consulting Services is an advisory and consulting firm that provides research, guidance and expert assistance to communities seeking greater efficacy in the political process.

The firm utilizes teams of the nation's best minds from the scholarly and policy arenas to develop customized, innovative answers to the complex questions of governance and political advocacy. Its founder and managing partner, Kareem Crayton, JD, PhD, an internationally-respected and seasoned expert on the law, policy, and practice in the political process, observed that interdisciplinary strategic advice on important matters including policy formation and advocacy, election design and implementation, and redistricting increasingly was a scarce but needed resource. Today's politics demand the effective management of both policy and litigation, which only an interdisciplinary expert can offer. For social groups and institutions working to overcome historical marginalization and exclusion, being seen and heard in public fora is critical. Thus the core mission of Crimcard Consulting is to provide customized tools and strategies for clients to engage in civil efficacy – the power to have meaningful engagement with governance institutions to achieve results that are both measurable and durable.

## **Crimcard's Business Is...**

Making people more politically effective. The firm addresses projects that involve groups seeking better and more meaningful access to the political system. The firm does this through research, policy formation, expert advice/testimony, public advocacy, and strategic advice both for the purposes of policymaking and litigation.

## **Crimcard is Hired By:**

- Local/State Governments
- Party Caucuses
- Political Candidates/Incumbents
- Non-Governmental Advocacy Organizations
- Philanthropic Foundations
- Community Interest Groups & Associations.

## **Crimcard Works Because...**

In a world with a dizzying array of rules and procedures, voices in the public discourse can get lost. Important interests can sometimes be ignored. While conventional lobbying is available for conventional and financially-resourced entities, civic efficacy relies on targeted, thoughtful deployment of the talent, ideas, and resolve of people. The point of this firm is to harness these abilities to assure that public processes remain open and responsive to everyone that they are designed to serve.

## **Crimcard Operates By...**

Unlike a standard consultancy, Crimcard utilizes the best interdisciplinary talent available to address policy questions. Using connections within the academy and the policy arena, the firm organizes small teams of

scholars and policy experts to deliver customized guidance. Clients gain the insight of a kitchen cabinet to address concerns that demand specific, thoughtful answers to challenging questions. Clients have access to these teams for their immediate concerns but also their long-range interests in improving their engagement with the political system. The model's aim is to establish meaningful relationships between the teams and clients; the teams learn from every engagement, and the clients benefit from the experiences.

# KAREEM U. CRAYTON

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## LEADERSHIP EXPERIENCE

- Jul. 2008 – present     **Crimcard Consulting Services, LLC – Montgomery, AL**  
*Founder & Managing Partner*  
Provides foundations, non-profits, public officials, and civic groups assistance with analysis and guidance on law and social science issues related to racial equity. Details at <http://kareemcrayton.com/crimcard.html>.
- Jan. 2018 – Mar. 2020     **Southern Coalition for Social Justice – Durham, NC**  
*Executive Director*  
Guided transition of advocacy organization working on a range of racial justice and equity issues.
- Managed and recruited 15-20 employees and contractors, including lawyers, researchers, organizers, and leadership team.
  - Raised \$1.5 million in new funds, expanding the budget by 25%.
  - Cultivated key individual relationships with foundation and high net worth donors.
  - Developed new vision for programming in collaboration with board and staff.
  - Crafted Alabama-based
  - Organized and managed racial equity module for staff transition.
  - Directed process to acquire new office facility.
- Jan. 2017 – Jan. 2018     **Alabama House of Representatives – Montgomery, AL**  
*Chief of Staff & Special Counsel to House Democratic Caucus*  
Served in inaugural term of House Minority Leader Anthony Daniels.
- Led and manage core staff of 8-10 employees and contractors.
  - Developed research, floor management, and communications strategy.
  - Crafted new plan for fundraising and staffing infrastructure for Caucus.
  - Established statewide policy conference for experts, members, and civic stakeholders.
  - Ran review protocol on state policies (e.g., tax, health care, education, election regulation).
  - Developed caucus redistricting floor strategy to remedy a constitutional violation.
- Feb. 2013 – present     **Foundation for Society, Law and Art in South Africa**  
*Founding Board Member & General Counsel*  
Established American entity to help secure resources for the long-term viability of a world-class art collection that features themes of art and social justice housed at the Constitutional Court of South Africa. Specific tasks included drafting organizational materials, collaborating to create an online art gallery for the works, and developing plan of donor relations and foreign partners. The Foundation has completed a 2 million USD campaign for a sustaining endowment.

## RESEARCH EXPERIENCE

- Jan. 2016 – Jan. 2017     **Vanderbilt University Law School – Nashville, TN**  
*Visiting Professor of Law*  
Taught courses on Constitutional Law & Election Law.
- Aug. 2014 – Dec. 2014     **University of Alabama School of Law – Tuscaloosa, AL**  
*Visiting Professor of Law*  
Taught four-week upper level course on voting rights litigation.

- Jul. 2010 – **University of North Carolina School of Law – Chapel Hill, NC**  
 Jul. 2015 *Associate Professor of Law*  
 Taught Law & Social Science, Comparative Constitutional Law, Voting Rights, and Legislation. Served as faculty consultant/advisor in UNC's Institute for African American Studies. Presented comparative research in Canada, Australia, South Africa and Indonesia. Led selection of scholarly articles as special editor for *Journal of Civil Rights & Economic Development*.
- Jul. 2005 – **University of Southern California School of Law – Los Angeles, CA**  
 Jul. 2010 *Assistant/Associate Professor of Law & Political Science*  
 Taught Voting Rights, Civil Procedure, Constitutional Law, Comparative Constitutionalism, and American Politics (undergraduate). Served on university's strategic planning committee. Content & Policy Director for first-of-its-kind online educational tool *The Redistricting Game* ([www.theredistrictinggame.org](http://www.theredistrictinggame.org)). Special editor for work featured in Voting Rights Act edition of *USC Review of Law & Social Justice*.
- Jul. 2005 – **Harvard University – Cambridge, MA**  
 Jul. 2009 *Visiting Scholar/Affiliated Faculty, Department of Government*  
 Collaborated with Department of Government scholars on research; attended interdisciplinary colloquia throughout the university, including the Department of History, Radcliffe Institute, and the Department of African American Studies.

#### EDUCATION

- Aug. 1995 – **Stanford University – Palo Alto, CA**  
 Jun. 2002 JD/PhD (Political Science)  
 Dissertation: "What's New About the New South?" Teaching and research assistant in Law, African & African American Studies, and Political Science Departments. Served as graduate student representative on University Provost Search Committee, Faculty Appointment Committee. Awarded NSF Graduate Fellowship and Lane Family Graduate Fellowship. Foreign Law Clerk on Constitutional Court for South Africa and Law Clerk in U.S. Court of Appeals for the DC Circuit.
- Aug. 1992 – **Harvard University – Cambridge, MA**  
 Jun. 1995 A.B. (Government, magna cum laude)  
 Honors Thesis: "Race, Remedies, and Redistricting: An Empirical Study of Politics and Race in the New South." Co-Founded Harvard Association Cultivating Inter-American Democracy and Harvard Mediation Service. Harvard College Scholarship and Advanced Placement Scholarship.

#### SELECTED PUBLICATIONS

- Regulation By Charter: Judicial Review of Elections in South Africa*, in YAP PIN JO, ED. JUDICIAL REGULATION OF ELECTION LAW (2016)
- Legislative Politics & the Politics of Legislating*, 14 ELECTION LAW JOURNAL (2015)
- Three Chapters of the American Civil Rights Movement* in TRIUMPHS AND TRAGEDIES OF THE MODERN PRESIDENCY, MAXMILLIAN ANGERHOLZER III, JAMES KITFIELD, CHRIS LU, & NORM ORNSTEIN, eds. (2015)
- Unteachable: Shelby County, Canonical Apostasies, and Ways Forward for Voting Rights*, 67 SMU L. REV. 3 (with Terry Smith) (2014), reprinted in 31 CIVIL RIGHTS LITIGATION AND ATTORNEYS FEES ANNUAL HANDBOOK (2015)
- The 1965 Voting Rights Act: Defeating Jim Crow* in TRIUMPHS AND TRAGEDIES OF THE MODERN CONGRESS, MAXMILLIAN ANGERHOLZER III, JAMES KITFIELD, CHRIS LU, & NORM ORNSTEIN, eds. (2014)
- The Art of Racial Dissent: African American Political Discourse in the Age of Obama*, 89 CHICAGO-KENT L. REV. 689 (2014)

*Five Justices, Section 4 & Three Ways Forward in Voting Rights*, 9 DUKE J. OF CONST. LAW & PUB. POL. 113 (with Jane Junn) (2013)

*Gender Unbound? Making Sense of Female Candidates in American Politics*, 80 GEO. WASH. L. REV. 101 (2013)

*Sword, Shield, & Compass: The Uses and Misuses of Racially Polarized Voting in Voting Rights Enforcement*, 64 RUTGERS L. REV. 973 (2012)

*The Changing Face of the Congressional Black Caucus*, 19 S. CAL. INTERDISCIPLINARY L. J. 43 (2010)

*You May Not Get There With Me: Barack Obama and the Black Political Establishment* in BARACK OBAMA AND BLACK POLITICAL EMPOWERMENT, MANNING MARABLE & KRISTEN CLARKE eds. (Palgrave Press, 2009)

*Beat 'Em or Join 'Em?: White Voters and Black Candidates in Majority-Minority Districts*, 58 SYRACUSE L. REV. 547 (2007)

### SELECTED MEDIA & PUBLIC APPEARANCES

Panelist, Georgia Public Radio's *Political Rewind*, "Redistricting and the Partisanship at Play," (December 27, 2019)

Moderator, Criminal Justice Reform Panel at Broadway's MCC Theater musical *The Wrong Man* (November 16, 2019)

Panelist, A Decade of Supreme Court Redistricting Decisions, *Making the Maps* National Conference of State Legislatures Seminar (June 21, 2019)

Panelist, NC Public Radio's *The State of Things*, "Constitutional Crisis? A Look at NC Proposed Amendments" (October 16, 2018)

Panelist, NPR's *IA*, "The Supreme Court Returns to Talk Gerrymandering and More" (October 2, 2017)

Interview, *PBS News Hour*, "50 Years on, Does the Voting Rights Act Offer Adequate Protection?" (August 6, 2015)

Op-Ed, *New York Times*, "The Confederate Flag Has Become a Trademark for Racism, Despite Its Historic Appeal" (June 19, 2015)

Interview, *PBS News Hour*, "Was the Supreme Court Ruling a Setback for Voting Rights?" (April 21, 2014)

Op-Ed, *USA Today*, "Court Ignores Reality" (June 26, 2013)

Interview, *NPR The Takeaway*, "Supreme Court Sidesteps Affirmative Action" (June 24, 2013)

Interview, *PBS News Hour*, "Democrats Play Offense in the South in Hopes of Turning Some Red States Blue" (September 3, 2012)

Guest Column, *SCOTUS Blog*, "What Powell v. McCormack Teaches Us About Contemporary Race and Politics" (February 24, 2010)

Guest Column Series, *LA Times*, "Dust Up: The Final Stretch (2008 Election)" (October 6-10, 2008)

### PROFESSIONAL AFFILIATIONS

Member of Bars of Maryland, District of Columbia, Alabama and U.S. Supreme Court. Member of American Political Science Association and American Bar Association.

# About Akin Gump

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Akin Gump is a leading global law firm providing innovative legal services and business solutions to individuals and institutions. We are one of the world's largest law firms, with more than 900 lawyers and professionals in 20 offices, yet we strive to provide every client focused and consistent attention. Our firm's clients range from individuals to corporations and foreign governments.

Our firm was founded in Texas in 1945 by Robert Strauss and Richard Gump in a spirit of optimism and with a mission of integrity. We have sustained this guiding vision to the present. Every day, our professionals tackle complex and highly consequential legal engagements with keen commercial awareness and dedication to our clients' business goals.

Recognized by BTI Consulting Group as a Client Service A-Team as one of the top 30 law firms in the U.S., Akin Gump is known for its strength in litigation and high-stakes appellate work, leadership in groundbreaking transactions and depth in public policy. We are committed to creating, expanding and protecting our clients' assets and interests.

Through our network of domestic and international offices, we advise companies across myriad industries in both mature and emerging markets. Akin Gump professionals possess a sharp understanding of the intangible factors in economic and political infrastructures, combining it with first-hand government experience at the highest levels around the world. Armed with our advice, clients can grow and thrive in the global marketplace.

"They're unbelievably diligent in terms of the work they do and they're tireless in serving their clients."

—Chambers USA



# Supreme Court and Appellate



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Lawyers  
and advisors  
located around  
the globe

## Overview

Akin Gump's Supreme Court and appellate practice is renowned as one of the nation's top appellate practices. The practice is made up of an elite group of advocates, including veterans of the Solicitor General's office and former Supreme Court clerks, who brief and argue dozens of cases every year in federal and state appellate courts across the country.

Our appellate team works with other lawyers at the trial level, handling dispositive motions and ensuring that key legal arguments are preserved for appeal. We also regularly represent parties and amici in the U.S. Supreme Court. In fact, the group has led clients to back-to-back Supreme Court wins in the last two terms.

Akin Gump's appellate practice has received national recognition from virtually every respected legal publication. It has been recognized perennially by *Chambers USA* and *Legal 500* as a leader in the field, listed in Tier 1 in the *U.S. News & World Report* and *Best Lawyers'* annual joint rankings of America's Best Law Firms, and ranked recently by *Corporate Counsel* as one of the top three appellate practices nationwide. Akin Gump garnered honors as *Law360's* Appellate "Practice of the Year" for 2019, and remains a mainstay on *The National Law Journal's* "Appellate Hot List."

*NLJ* named Akin Gump to Appellate Hot List for 12th time.

"They are absolute appellate experts. They're extremely reliable, extraordinarily knowledgeable and extremely adept with oral argument."

—*Chambers USA*

Our appellate group's success is supported by the firm's broad-gauged [litigation](#) practice and global scope. It works hand-in-glove with the firm's wide range of substantive practices to reframe complex issues for appellate review, and has become a market leader for high-stakes appeals in areas such as [intellectual property](#), [employment law](#), [American Indian law](#), [financial restructuring](#), and [administrative and regulatory litigation](#). The result is an appellate practice that is able to tackle the most challenging matters across a broad spectrum of disciplines. Whether to undo adverse judgments or preserve critical victories from the trial court, Akin Gump's appellate advocates possess the skill, credibility and proven know-how to win.

## Our Team

Headed by [Pratik Shah](#), Akin Gump's appellate practice is nationally recognized as comprising "experienced practitioners with a wealth of expertise at state, federal and Supreme Court levels." (*Chambers USA 2020*).

Mr. Shah, who previously served as Assistant to the Solicitor General in the U.S. Department of Justice, has argued 15 cases (prevailing in all but three) before the U.S. Supreme Court and dozens more in other federal and state appellate courts throughout the country. Mr. Shah is ranked among the country's top appellate litigators by a number of leading publications. He has been noted as "practicing before the highest court in the land on some of the most groundbreaking cases of the 21st century" (*Washington Business Journal*), described as "absolutely brilliant" and "supremely talented" (*Legal 500*) and recognized as "the complete package: an extremely gifted writer and an extremely effective oral advocate" (*Chambers USA*).

Our top-notch team includes former law clerks from the U.S. Supreme Court and federal courts of appeals. As a result, every appeal Akin Gump handles is fortified by first-hand knowledge of both what judges want to know and how best to present that information.

All in all, Akin Gump offers clients a seamless continuum of appellate know-how that extends from collaborating with trial counsel on strategic and tactical matters through deploying our extensive and hands-on experience on appeal to seeking or preventing Supreme Court review. The depth, breadth and quality of experience possessed by the appellate practice is such that lawyers from around the country—including other accomplished appellate lawyers—regularly consult our team on complex and critical matters.



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Lawyers  
and advisors  
located around  
the globe

## Overview

The public law and policy practice at Akin Gump has long understood that solutions to many issues facing clients involve the very processes by which legislation and policy are conceived, developed and implemented by governments in the United States and around the world. For this reason, Akin Gump has built and maintained one of the largest and most diverse government relations practices of any major law firm worldwide. Our practice stresses careful evaluation of client issues and detailed design of strategies and tactics to achieve objectives and provide advocacy that is executed in an effective, timely and coordinated manner.

One interviewee remarks the firm has "the strongest practice in the U.S., if not worldwide," appreciating its "depth and breadth of connections in Congress and incredible strategy when we have an issue."

—Chambers USA

## Experienced Lawyers and Professional Advocates

Akin Gump's bipartisan public law and policy practice comprises more than 75 lawyers and other professionals who practice exclusively on legislative, policy and regulatory matters, including many former members of Congress and other lawyers with considerable experience in government service, many of whom also engage in outside political activities in both major U.S. political parties. These former members of Congress and political operatives

are able to assist our clients in building and maintaining relationships with current members of Congress who are in key leadership positions.

Our public law and policy practice is consistently ranked as one of the top government relations practices in Washington, D.C., by both publications and our peers.

## Broad Issue and Industry Exposure

Success in Washington, D.C. increasingly is determined not simply by whom you know but by what you know about a particular policy issue. The proliferation of complex issues before Congress and the accompanying explosion and specialization of staff members has created a need for increased information—often coming from experts outside Congress. These developments, combined with a series of congressional reforms opening the legislative process and dividing power between many subcommittee chairpersons, have changed the legislative process. The result is that virtually every issue before Congress today is lobbied by sophisticated public policy advocates. Similarly, regulatory officials in the government need to be convinced that there are substantial and objective arguments in favor of, or opposed to, actions sought from the agency. Akin Gump, based on the combination of its strong substantive resources in all areas of proceedings, can make those arguments convincingly.

The sectors and issues in which the public law and policy practice maintains major ongoing representations include:

- [American Indian policy](#)
- [coalitions and associations](#)
- [communications, media and entertainment policy](#)
- [congressional investigations](#)
- [education policy](#)
- [energy and environment policy](#)
- [federal funding](#)
- [food and agriculture policy](#)
- [financial services policy](#), including financial markets, housing, insurance, hedge funds, private equity and securities
- [health policy](#)
- [international policy](#)
- [legal reform](#)
- [mergers and acquisitions—federal government review](#)
- [national security and defense policy](#)
- [political law and government ethics compliance](#)
- [sovereign governments](#)
- [tax policy](#)
- [transportation policy and regulation](#)
- [U.S. territories and freely associated states.](#)

## Bipartisan Political and Legal Perspective

As a result of the breadth and depth of our experience and relationships, our firm is well positioned to represent its clients—regardless of which party controls the legislative or executive branch.

Further, the firm is respected for its ability to assess client issues not only from a legal framework, but also within policy and political contexts. In an era in which issues of “political compliance”—that is, compliance with the myriad laws and regulations that control lobbying and political activities—provide daily media headlines, clients derive significant security and value from having an informed and experienced law firm handle government relations and policy matters.

## Range of Services

The public law and policy practice represents a wide range of clients, including state, county, municipal and tribal governments, and their agencies, for over two decades. Our government clients include the City of Houston; New Castle County, Delaware; the City of Vallejo; the Maryland-National Capitol Parks and Planning Commission; the International Bridge Tunnel and Turnpike Association; the Washington Metropolitan Transportation Authority; and governmental entities abroad.

Akin Gump has organized its public law and policy practice in a way that affords clients the widest possible range of services, including the following:

- development of comprehensive strategic and tactical plans to achieve specific legislative, policy or regulatory objectives at all levels of government in the United States and abroad
- direct advocacy with government decision-makers
- formation and coordination of professional teams—including, for example, media, local counsel and/or other consultants—to advance client objectives at a single level of government or in multiple government venues (e.g., state/federal, multistate, international)
- support for advocacy by client government relations staff
- drafting, analysis and monitoring of legislation, policy and regulations
- [legislative and oversight investigation](#), including witness hearing preparation
- formation and management of [coalitions](#)
- management and organization of grass roots and grass tops lobbying efforts
- advocacy related to [mergers and acquisitions](#)
- planning and communication of public policy initiatives
- counseling on election law, ethics rules and [political compliance](#)
- advocacy and management of state referenda and initiatives.



## Hyongsoon Kim

Partner  
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### Key Experience

- Focuses on defense of public and private entities in complex litigation matters, including consumer and data privacy class actions and product liability cases.
- Handles cases involving alleged violations of state and federal statutes, federal constitutional law, unfair business practices, data privacy laws and product liability.

### Practice

Hyongsoon Kim has deep experience in defending in complex commercial litigation including complex and high-value class action matters and product liability cases. He has gained a reputation for innovative legal tactics and efficient results for clients. He has achieved multiple denials of class certification, as well as dismissals at the pleadings stage and through motions for summary judgment.

Hyongsoon has represented clients with regard to claims brought under a variety of state and federal statutes, including the Fair Credit Reporting Act (FCRA), the Electronic Communications Privacy Act, the Videotape Privacy Protection Act and various securities laws.

Hyongsoon has represented defendants in the public sector as well as private sector defendants across a number of industries, including electronics and digital, oil and gas, retail and food and beverage.

### Representative Work

- Represented a group of residents of Los Angeles' Koreatown in a lawsuit filed against the city of Los Angeles. The suit alleged, among other things, that the city's Redistricting Commission and City Council sought to illegally redraw city council district boundaries (in the process, maintaining a divided Koreatown) along racial lines, violating both the Los Angeles City Charter and the U.S. Constitution.
- Defense of both private and public clients in numerous class actions involving federal, state and common law privacy claims arising out of alleged collection and transmission of personally identifiable information.

### Areas of Experience

- Administrative and Regulatory Litigation
- Civil Rights Claims
- Class Actions
- Complex Commercial Litigation
- Corporate governance
- Consumer Class Actions
- Consumer Protection Defense and Compliance
- Cybersecurity, Privacy and Data Protection
- Fair Credit Reporting Act
- Securities Enforcement and Litigation
- Human Rights and Refugees
- California Consumer Privacy Act (CCPA)
- Universities and Colleges
- North America

### Education

J.D., Columbia Law School, 2001

B.A., California State University, Los Angeles, *magna cum laude*, 1998

### Clerkships

U.S.D.C., Southern District of New York

### Bar Admissions

California  
New York

- Represented a national veterinary hospital chain in a consumer fraud class action arising out of labeling and sales, resulting in a grant of summary judgment and dismissal of the action.
- Represented multiple electronics brands in separate consumer class actions in California and New Jersey state court in relation to the labeling of televisions, resulting in dismissals of each action.
- Act as California counsel for national vehicle manufacturer in product liability cases involving allegations of catastrophic injury.
- Representation of national diagnostic laboratory chain in an antitrust class action.
- Represented a major global television brand in a consumer class action concerning alleged misrepresentations involving the energy efficiency of certain televisions, resulting in a complete dismissal of the action at the pleadings stage.

## Speeches

- “How Should Educational Institutions Prepare for the Wave of Lawsuits from COVID-19?” Akin Gump Webinar, May 21, 2020.
- Panelist, “The Evolving Privacy and Cyber Policy Landscape,” Association of Corporate Counsel, Santa Clara, June 6, 2019.
- “Capitol Hill and Sacramento Matter to You: Latest Developments in Data Privacy and U.S.-Asia Trade,” Akin Gump CLE Program, May 30, 2019.
- “Fairness in Class Action Litigation Act of 2017,” Association of Corporate Counsel—Southern California’s Annual In-House Counsel Conference, January 17, 2018.
- “Class Action Trends: What it Can Mean for You,” Association of Corporate Counsel—Southern California In-House Boot Camp, September 13, 2017.
- “Trends in Consumer Class Actions: How You (Yes, You) Can Avoid Becoming a Target,” Beverly Hills Bar Association, January 19, 2017.
- “Trends in Consumer Class Actions: How You (Yes, You) Can Avoid Becoming a Target,” Association of Corporate Counsel—Southern California’s Annual In-House Counsel Conference, January 17, 2017.
- “Trends in Consumer Class Actions: How to Avoid Becoming a Target,” Akin Gump In-House CLE Series, October 2016.

## Publications

- “Preparing for COVID-19 Contract Disputes,” Bloomberg Law April 29, 2020.
- “Higher Education Institutions Should Prepare for Fallout from COVID-19,” Akin Gump Class Actions Alert, April 28, 2020.

- “Is your institution refunding any portion of fees and tuition paid?,” University Business April 28, 2020.
- “Ninth Circuit Sides with Data Scraper and Affirms Preliminary Injunction Against LinkedIn in Data Mining Battle,” The Computer & Internet Lawyer January 2020.
- “En Banc 9th Circuit Holds Class Action Certification Is Different for Settlement Classes,” Akin Gump Class Actions Alert, June 10, 2019.
- “Proposed Bill to Expand the CCPA’s Private Right of Action Likely Dead For the Year,” Akin Gump Cybersecurity, Privacy & Data Protection Alert, May 17, 2019.
- “California’s Governor Signals Potential Threat to Businesses’ Use of Consumer Data – A New Data Dividend,” Akin Gump Cybersecurity, Privacy & Data Protection Alert, February 19, 2019.
- “Ninth Circuit Invalidates Local Rule Requiring Class Certification Motions to Be Brought Within 90 Days,” Akin Gump Class Actions Alert, January 11, 2019.
- “The Significance to Businesses of the California Legislature’s Last-Minute Revisions to the 2018 California Consumer Privacy Act,” Akin Gump Cybersecurity, Privacy & Data Protection Alert, September 7, 2018.
- “Bargained-For Consent: An Increasingly Viable Defense to TCPA Claims,” Akin Gump Client Alert, September 5, 2018.
- “ACA International v. F.C.C., et al.,” Akin Gump Litigation Alert, March 21, 2018.
- “U.S. Department of Justice Will Likely Become More Active in Reviewing Proposed Class Action Settlements,” Akin Gump Litigation Alert, February 22, 2018.
- “The 9th Circuit Adopts the “Ordinary Person” Standard for “Personally Identifiable Information” Under The Video Privacy Protection Act of 1988,” Akin Gump Litigation Alert, December 4, 2017.
- “9th Circuit Clarifies Standard For Article III Standing Based On Statutory Violations,” Akin Gump Litigation Alert, August 17, 2017.
- “2nd Circuit Affirms Decertification of Class After Jury Verdict,” Akin Gump Litigation Alert, July 21, 2016.





## Pratik A. Shah

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### Key Experience

- Head of Akin Gump's Supreme Court and appellate practice.
- Has argued 15 cases before the U.S. Supreme Court (winning all but 3).
- Has argued 50 cases in the federal courts of appeals, including in every circuit.

### Practice

Pratik Shah briefs and argues cases in federal and state appellate courts across the country, including the U.S. Supreme Court. Pratik also provides strategic advice to clients at all stages of constitutional, regulatory and other complex litigation.

Leading publications describe Pratik as:

- "Absolutely brilliant" and "the complete package: an extremely gifted writer and an extremely effective oral advocate," *Chambers USA*.
- "Supremely talented" and having "a knack for boiling down complex cases to their essence and advocating for his clients in a calm, clear and compelling way," *The Legal 500*.
- A top appellate advocate who has successfully "practiced before the highest court in the land on some of the most groundbreaking cases of the 21<sup>st</sup> century," *Washington Business Journal*.

Under Pratik's leadership, Akin Gump has been a mainstay on the *National Law Journal's* Appellate Hot List, named one of the top three appellate practices in the 2017 *Best of Corporate Counsel* rankings, and recognized as *Law360's* 2019 Practice Group of the Year.

Before joining the firm, Pratik served for more than five years as an Assistant to the Solicitor General at the DOJ. He received a number of awards for his advocacy before the Supreme Court during that time, including the Attorney General's Distinguished Service Award for his role as lead drafter of the successful challenge to the Defense of Marriage Act in *United States v. Windsor*.

Prior to his work at the DOJ, Pratik worked in the appellate practice of another international law firm, taught constitutional law, and clerked for Justice Stephen G. Breyer on the U.S. Supreme Court and Judge William A. Fletcher on the U.S. Court of Appeals for the 9<sup>th</sup> Circuit.

### Areas of Experience

- Supreme Court and Appellate
- Litigation
- Intellectual Property
- American Indian
- Bankruptcy Litigation
- Labor and Employment
- Administrative and Regulatory Litigation
- Health Care Litigation and Investigations
- Antitrust Litigation
- Securities Enforcement and Litigation
- Telecommunications
- Cybersecurity, Privacy and Data Protection
- Environment and Natural Resources
- U.S. Territories and Freely Associated States
- Supreme Court and Appellate: Bankruptcy
- Indian Water Rights
- North America

### Education

J.D., University of California, Berkeley, School of Law

B.S.E., Princeton University, *summa cum laude*

### Clerkships

U.S. Supreme Court

U.S.C.A., 9th Circuit

## Representative Work

### Constitutional Law and Civil Rights

- Successful appeal of constitutionality of legislation requiring dismissal of case against tribal client and Department of the Interior (S. Ct. 2019).
- Successful equal protection challenge to Defense of Marriage Act (S. Ct. 2013).
- Successfully briefed and argued scope of *Bivens* action (S. Ct. 2012).
- Successfully briefed and argued Fourth Amendment challenge (S. Ct. 2011).
- Successfully briefed and argued attorney's fees under civil-rights statute (S. Ct. 2010).

### Regulatory/Administrative

- Represented Norman Y. Mineta, Fred T. Korematsu Center for Law and Equality and other amici curiae in case invalidating the Secretary of Commerce's decision to include citizenship question on 2020 census (S. Ct. 2019).
- Appointed amicus curiae by the D.C. Circuit to defend the constitutionality of a statutory scheme governing removal of administrative law judges. (D.C. Cir.
- Successfully argued Medicare Act rulemaking case in Supreme Court (S. Ct. 2019)
- Reversal of preliminary injunction and dismissal of player discipline challenge against major sports league (5th Cir. 2017).
- Vacatur of an FCC order canceling 689 licenses on behalf of a wireless carrier market provider (D.C. Cir. 2015).
- Successfully briefed and argued Clean Water Act case in Supreme Court (S. Ct. 2013).

### American Indian Law

- Successfully briefed and argued a separation-of-powers/sovereign immunity issue for the Gun Lake Tribe (S. Ct. 2018).
- Successful defense of Indian Child Welfare Act against constitutional challenge by Goldwater Institute (9th Cir. 2018).
- Successful appeal for the Gila River Indian Community's water rights under a federal consent decree (9th Cir. 2017).

### Intellectual Property

- Successful patent venue appeal on behalf of Fortune 500 company (Fed. Cir. 2019).

## Bar Admissions

California

District of Columbia

- Successful patent/antitrust appeal on behalf of a medical technology company (Fed. Cir. 2018).
- Successful patent/IPR appeal on behalf of a major technology conglomerate (Fed. Cir. 2016).

## Speeches

- “Justice Ruth Bader Ginsburg: Her Life and Work,” Akin Gump Webinar, December 10, 2020.
- Georgetown APALSA Career Panel, Georgetown Law School, Washington, D.C., October 26, 2020.
- “2019 Supreme Court Term: A Conversation About (Surprising) Decisions Promoting Diversity and Inclusion,” Akin Gump Webinar, September 16, 2020.
- “Moot Court: California v. Texas (ACA Case),” William & Mary Law School 2020 Supreme Court Preview, September 11, 2020.
- “SCOTUS Review,” South Asian Bar Association (North America) 2020 Virtual Conference, June 26, 2020.
- “Supreme Court Preview,” Washington Legal Foundation, Washington, D.C., October 2, 2019.
- “Supreme Court Review,” Federal Bar Association, Alexandria, July 16, 2019.
- Keynote Address, ABA Summer Institute for Teachers, Washington, D.C., June 23, 2019.
- “Supreme Court Review,” South Asian Bar Association (North America) Annual Conference, Atlanta, June 21, 2019.
- Keynote Address, Asian Americans Advancing Justice—AAJC Pro Bono Litigation Campaign, Washington, D.C., June 20, 2019.
- “Supreme Court Review,” Federal Circuit Bench & Bar Conference, Colorado Springs, June 15, 2019.
- “From Japanese Internment to “Travel Bans”: A Discussion and Film Screening of “And Then They Came for Us,” Asian American Bar Association of Houston, Houston, TX, May 31, 2019.
- “Supreme Court Strategy: What Tribes Should Know,” FBA Indian Law Conference, Albuquerque, April 12, 2019.
- “Supreme Court Litigation & Amicus Advocacy,” AHIP Amicus & Litigation Advisory Workgroup, Washington D.C., March 13, 2019.
- “Litigating Indian Law Issues in Federal and State Appellate Courts,” 2018 D.C. Indian Law Conference, Federal Bar Association, Washington, D.C., November 2, 2018.
- “Supreme Court Review,” National Association of Former United States Attorneys (NAFUSA) Annual Conference, Nashville, October 25, 2018.

- “Fireside Chat: Appellate Advocacy,” SABA-North California, San Francisco, October 6, 2018.
- “*Trump v. Hawaii* and *Korematsu*,” American Constitution Society, Duke Law School, Durham, September 4, 2018.
- “First Mondays” Podcast (guest appearance), Washington, D.C., July 26, 2018.
- “Supreme Court Review,” Federal Bar Association, Alexandria, July 18, 2018.
- “Supreme Court Review,” South Asian Bar Association (North America) Annual Conference, New York, June 30, 2018.
- “Arguing Cases Before the U.S. Supreme Court, SABA-DC, Washington, D.C., June 11, 2018.
- “Supreme Court Indian Law Case Update,” WSBA 30th Annual Indian Law Section Seminar, Seattle, May 17, 2018.
- “Japanese American Incarceration to the Muslim Travel Ban,” Congressional Asian Pacific American Caucus, Washington, D.C., February 13, 2018.
- “Supreme Court Merits Briefing,” National Association of Attorneys General (NAAG), Supreme Court Advocacy Seminar, Washington, D.C., January 18, 2018.
- “National Insecurity: The Plenary Power Doctrine from FDR to Trump,” NAPABA Convention, Washington, D.C., November 3, 2017.
- “SCOTUS 101 Podcast, Episode #205: Interview,” October 19, 2017.
- “On the Docket: Previewing the 2017 Supreme Court Term,” ABA, Washington, D.C., September 18, 2017.
- “Supreme Court Review,” Federal Bar Association, Alexandria, July 18, 2017.
- “Supreme Court Review,” South Asian Bar Association (North America) Annual Conference, Washington, D.C., July 14, 2017.
- “Supreme Court Preview,” George Mason University Law School, Arlington, October 3, 2016.
- “On the Docket: A Look at the 2016 Supreme Court Term,” ABA/The Wilson Center/American University, Washington, D.C., September 28, 2016.
- “SCOTUS Preview,” Office of the Speaker/U.S. House of Representatives, Washington, D.C., September 26, 2016.
- “Supreme Court Term Review,” Federal Bar Association, Alexandria, July 12, 2016.
- “SCOTUS: An Insider’s Perspective,” SABA Delaware, Wilmington, June 14, 2016.

- “Supreme Court Review/Preview,” ABA Administrative Law Conference, Washington, D.C., October 29, 2015.
- “John Roberts and Statutory Interpretation,” Symposium, Cardozo Law Review and Floersheimer Center for Constitutional Democracy, New York, October 15, 2015.
- “Seeking and Defending Certiorari,” VBA Appellate Summit, Richmond, September 30, 2015.
- “Supreme Court Term Review,” Federal Bar Association, Alexandria, July 16, 2015.
- “Supreme Court Summer Institute for Teachers,” Street Law Program, Georgetown Law School, Washington, D.C., June 20, 2015.
- “If Affordable Care Act Fails: Impact of King v. Burwell,” Akin Gump In-House Series, Washington, D.C., June 15, 2015.
- “Supreme Court Review,” South Asian Bar Association (North America) Annual Conference, Orlando, June 12, 2015.
- “Supreme Court Advocacy,” Harvard Law Review, Harvard Law School, Cambridge, April 14, 2015.

## Public Service and Affiliations

- Advisory Committee on Procedures, U.S. Court of Appeals for the D.C. Circuit.
- Standing Committee on the Federal Judiciary, American Bar Association.
- Trustee, Supreme Court Historical Society.
- National Advisory Council, South Asian Bar Association of North America.
- Master, Edward Coke Appellate Inn of Court.

## Recognition

- *Washingtonian*, “Top Lawyer” for Supreme Court, 2015 and 2020.
- *National Law Journal* “Litigation Trailblazer.”
- *Chambers USA* – Nationwide Appellate Law.
- *Law360* “Practice Group of the Year” – Appellate.
- *The Legal 500 US* – Appellate: Supreme courts (states and federal) (“Leading Lawyer”), and General commercial disputes.
- *National Law Journal* “Appellate Hot List.”
- *Law360* “Legal Lion” for Supreme Court victory in Medicare Act case.
- *Best Lawyers in America* – Appellate.
- *National Law Journal* and *Legal Times* “40 under 40” listing.

- *Washington Business Journal* “Legal Champions” Award.
- Stark Ritchie Pro Bono Partner Award.
- Attorney General’s Distinguished Service Award.
- South Asian Bar Association of North America “Cornerstone” Award.
- Internal Revenue Service, National Chief Counsel Award for Supreme Court advocacy.
- Department of Justice, Environment & Natural Resources Division’s Special Commendation.
- *Green Bag’s* Exemplary Legal Writing Award for Supreme Court briefing.
- Boston Bar Association President’s Award for pro bono representation of Guantanamo detainees.

## Publications

- “Supreme Court to Consider Scope of CFAA,” Akin Gump Cybersecurity, Privacy & Data Protection Alert, April 24, 2020.
- “Supreme Court Forecloses Judicial Review of PTAB’s Timeliness Determinations,” Akin Gump Intellectual Property Alert, April 22, 2020.
- “Second Circuit Decision Widens Circuit Split in TCPA Landscape,” Akin Gump Class Actions Alert, April 9, 2020.
- “COVID-19: Emergency Powers and Constitutional Limits,” Akin Gump Supreme Court and Appellate Alert, March 23, 2020.
- “Fifth Circuit Upholds Indian Child Welfare Act as Constitutional,” Akin Gump American Indian Law and Policy Alert, August 13, 2019.
- “AILP UPDATE: Supreme Court Restores *Carpenter v. Murphy* to Calendar for Reargument Next Term,” Akin Gump American Indian Law and Policy Alert, June 27, 2019.
- “*Apple Inc. v. Pepper*: The Supreme Court Chips Away at Illinois Brick, Allowing iPhone Users to Sue Apple for Monopolizing iPhone Apps,” Akin Gump Antitrust Alert, May 17, 2019.
- “U.S. Supreme Court: Rule 23(f)’s Deadline to Petition for Interlocutory Appeal of Class Certification Rulings Cannot Be Equitably Tolled,” Akin Gump Supreme Court and Appellate Alert, March 4, 2019.
- “Federal Court Strikes Down Indian Child Welfare Act as Unconstitutional,” Akin Gump Policy Alert, October 9, 2018.
- “Supreme Court Allows Recovery of Lost Foreign Profits for Infringement Under § 271(f),” Akin Gump Client Alert, June 26, 2018.

- “Supreme Court Strikes Down Federal Ban on Sports Betting,” Akin Gump Supreme Court and Appellate Alert, May 17, 2018.
- “Supreme Court Speaks on Constitutionality and Scope of Inter Partes Reviews at the PTO,” Akin Gump Supreme Court and Appellate Alert, May 1, 2018.
- “Federal Circuit Strikes Down Statute Banning Scandalous and Immoral Trademarks,” Akin Gump Supreme Court and Appellate Alert, December 19, 2017.
- “The Supreme Court Holds Statute of Repose Cannot Be Equitably Tolloed,” Akin Gump Securities Litigation Alert, June 29, 2017.
- “U.S. Supreme Court Reverses California’s Sliding Scale Approach to Specific Personal Jurisdiction,” Akin Gump Supreme Court and Appellate Alert, June 22, 2017.
- “Supreme Court Strikes Down Statute Banning Disparaging Trademarks,” Akin Gump Supreme Court and Appellate Alert, June 21, 2017.
- “Kokesh v. SEC: Supreme Court Reins in SEC’s Powerful Disgorgement Remedy,” Akin Gump Securities Litigation Alert, June 9, 2017.
- “Supreme Court Significantly Narrows Reach Of Patent Venue Statute,” Akin Gump Intellectual Property Alert, May 23, 2017.
- “United States v. Salman: Supreme Court Reaffirms “Friends With Benefits” Test In Insider Trading Cases,” Akin Gump Litigation Alert, December 8, 2016.
- “A Successful US Supreme Court Term For Native Americans,” Law360 July 7, 2016.
- “Supreme Court 2015 Term in Review: Indian Law Cases,” Akin Gump Supreme Court and Appellate Alert, July 6, 2016.
- “Summary and Significance of the Supreme Court’s Decision in Escobar,” Akin Gump Litigation Alert, June 20, 2016.
- “Supreme Court Clarifies Enhanced Damages Standard for Patent Cases,” Akin Gump Intellectual Property Alert, June 15, 2016.
- “Tyson Foods v. Bouaphakeo: SCOTUS Says Statistics Okay in Class Actions – Sometimes,” Akin Gump Supreme Court and Appellate Alert, March 31, 2016.
- “2nd Circuit Vacates Plaintiffs’ Partial Summary Judgment and Class Certification in Intern Cases,” Akin Gump Labor and Employment Alert, July 7, 2015.
- “In Potentially Significant Case, Supreme Court to Test Limits of Privacy and Data Breach Class Actions Seeking Statutory Damages,” Bloomberg BNA May 22, 2015.

- “Supreme Court to Consider Constitutional Limits on Statutory-Damages Suits,” Akin Gump Supreme Court and Appellate Alert, April 28, 2015.
- “High Court Announces New Standard for Opinion Statements,” Akin Gump Securities Alert, March 27, 2015.
- “Supreme Court Declines to Review 3rd Circuit Ruling; Crime-Fraud Exception to Attorney-Client Privilege Decision Persists,” Akin Gump FCPA/Antibribery Alert, November 10, 2014.
- “Everybody Wins: The Supreme Court Upholds the Fraud-on-the-Market Presumption of Reliance But Allows Defendants to Fight Back,” Akin Gump Securities Litigation Alert, June 25, 2014.
- “Despite Rebuke, EPA May Regulate Stationary Greenhouse-Gas Emitters,” Akin Gump Environment Alert, June 24, 2014.
- “Supreme Court Limits Software Patents on “Abstract” Ideas,” Akin Gump Intellectual Property Alert, June 20, 2014.
- “Supreme Court Limits Induced Infringement Liability—For Now,” Akin Gump Litigation Alert, June 5, 2014.
- “Supreme Court Strengthens the Definiteness Requirement for Patent Claims,” Akin Gump Litigation Alert, June 4, 2014.
- “Supreme Court Copyright Decision Determines When Laches Applies,” Akin Gump Litigation Alert, May 27, 2014.
- “Supreme Court Makes It Easier for District Courts to Sanction Unreasonable Patent Litigants,” Akin Gump Intellectual Property Alert, April 29, 2014.
- “Supreme Court Campaign Finance Decision Invalidates Aggregate Limits,” Akin Gump Policy Alert, April 2, 2014.
- “SCOTUS Review of GHG Regulations – Opportunity for the Oil and Gas Sector?,” Akin Gump Environment Alert, October 18, 2013.



## **Akin Gump**

STRAUSS HAUER & FELD LLP

Akin Gump Strauss Hauer & Feld LLP is a leading global law firm providing innovative legal services and business solutions to individuals and institutions. Founded in 1945 by Richard Gump and Robert Strauss with the guiding vision that commitment, excellence and integrity would drive its success, the firm focuses on building lasting and mutually beneficial relationships with its clients. Our firm's clients range from individuals to corporations and nations. We offer clients a broad-spectrum approach, with over 85 practices that range from traditional strengths such as appellate, corporate and public policy to 21st century concentrations such as climate change, intellectual property litigation and national security.

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