Exhibit C

Favors v. Cuomo (E.D.N.Y.)
Ramos Intervenors’ Reply Memorandum to Defendant NY State’s Opposition to Ramos Intervenors’ Petition for Reasonable Attorney Fees and Costs

February 14, 2014
Peter Schuyler Vander Veer  
Contract Management Specialist Two  
Office of the State Comptroller  
11th Floor  
110 State Street  
Albany New York, 12236  

Dear Mr. Vander Veer:  

In your June 21, 2011 correspondence regarding contract C150024 relating to the provision of legal services by Jones Day to the New York State Senate, you requested:  

1. Rational/justification for the selection of the law firm Jones Day for this contract, and  
2. Justification of cost reasonableness for the agreed upon rates.  

In fulfillment of this request, please accept the following information:  

1. Rational/justification for the selection of Jones Day  

The area of law involving redistricting requires extremely specialized knowledge to handle the intricate federal requirements that must be met throughout the redistricting process. As such, the Senate, Assembly and the Governor have, historically, retained individual counsel for this purpose.  

Michael Carvin, Esq. and his firm(s) successfully advised and represented the Senate during both the 1990 (Shaw, Pittman, Potts & Trowbridge) and 2000 (Jones, Day, Reavis & Pogue) redistricting processes. Mr. Carvin is a nationally-recognized expert in this highly-specialized area of law and, due to the nature of the services to be rendered and Mr. Carvin’s prior representation of the Senate, he was specifically sought out for this contract. No RFP was released.  

2. Justification of cost reasonableness for the agreed upon rates  

The fee schedule for contract C150024 is attached as Appendix 3. As noted in the Proposal from Jones Day contained within Appendix 1, Mr. Carvin has provided the New York
State Senate with a discounted hourly rate ($825 per hour to $700 per hour) and the standard hourly rate for all other Jones Day attorneys involved with this matter will be discounted by 10%.

When Mr. Carvin and his firm were retained to represent the Senate following the 2000 decennial Census, the agreed upon hourly rate was $364.50. In the 2003 amendment thereto, Mr. Carvin’s hourly rate increased to $440.

Mr. Carvin has provided the Senate with a substantial discount for the provision of both his services and other attorneys at Jones Day. Moreover, Mr. Carvin’s extensive expertise within the area of redistricting law and his unique familiarity with the specific issues relating to its application within New York State will ensure that such legal services are delivered as efficiently as possible, thereby achieving aggregate cost savings.

The $3 million total cost limitation contained within C150024 is less than the $3.6 million total cost limitation for the 2001 contract between the Senate and Mr. Carvin’s law firm, following the 2003 and 2004 amendments thereto.

The funds necessary to fully meet the obligations set forth in C150024 are available to the Senate through previously-appropriated resources.

Sincerely,

Michael S. Ostrander
Special Assistant to the Secretary of the Senate
New York State Senate

By: 

Francis W. Patience
Secretary of the Senate

Jones Day

By: 

Michael A. Carvin
Partner

APPROVED AS TO FORM

Attorney General
Date: JUN 06 2011

By:

APPROVED

State Comptroller
Date: 7/7/11

By:

WAI-2997122v1