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NEW YORK

New York legislative Dems lawyered up for redistricting turmoil months before process unraveled

The state spent hundreds of thousands of dollars in legal fees defending gerrymandered maps.



Democratic leaders in the state Legislature hired legal counsel for the redistricting fight long before the redistricting commission failed. Pictured: state Senate Majority Leader Andrea Stewart-Cousins and Deputy Majority Leader Michael Gianaris celebrate a supermajority in 2020. NYS SENATE MEDIA SERVICES

By VAUGHN GOLDEN | OCTOBER 18, 2022

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Leaders in the New York Legislature were prepared to spend millions of dollars drawing their own redistricting lines and fighting resulting litigation months before the state’s Independent Redistricting Commission failed.

According to records obtained by WSKG News and City & State, the Democratic majorities in the state Senate and Assembly contracted with law firms to provide counsel to lawmakers about the state’s redistricting process as early as June 2021. The IRC only announced its schedule for public hearings in July, when talk of the panel’s failure was purely hypothetical.

The Senate majority signed a retainer letter with Cuti, Hecker and Wang, a Manhattan-based firm, on June 22, 2021. The agreement stipulates that the attorneys work with the Senate majority and its appointees to the Legislative Task Force on Demographic Research and Reapportionment (LATFOR), the lawmakers in charge of drawing maps in the event of the IRC’s failure.

The Senate and Cuti, Hecker and Wang signed a formal [contract](#) on Dec. 28, several days before the IRC voted to send two opposing maps to the Legislature for approval – setting into motion the events leading the Legislature to draw its

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own maps. The contract specified that Cuti, Hecker and Wang would serve as a consultant throughout the redistricting process, including providing advice on drafting redistricting plans and representing the Senate in any litigation stemming from the maps.

The firm had been regularly logging hours going back to June 22, 2021 – culminating in almost \$149,000 in legal fees before the IRC even voted to send maps to the Legislature, [according to invoices](#).

According to the retainer, Cuti, Hecker and Wang is contracted to provide up to \$3 million in legal services, travel and other costs like expert witnesses. The firm has invoiced almost \$529,000 of work to date, and is retained until June 2024.

Manhattan-based firm, effective for August 2021 through July 2024. The contract stipulates a cap of \$1.5 million on legal services, travel and expenses.

Democrats had criticized the IRC as “doomed to fail” since it was put on the ballot in a 2014 referendum following a deal between then Gov. Andrew Cuomo and state Senate Republicans. The panel consists of an equal number of Republican and Democratic appointees, making it easy to deadlock as happened in January.

“People are right when they say this process was designed to fail, but it was designed by the Senate Republicans with Governor Cuomo 10 years ago, so we were dealing with what we had in front of us.” state Sen. Michael Gianaris, who largely headed Democrats’ redistricting portfolio in the Senate, told [Gothamist](#) in an interview published in early February.

Other good government groups like Common Cause, have also [opined](#) against the IRC process.

Since Republicans lost control of the state Senate and Democrats secured a two-thirds majority in both chambers, redistricting experts [point out](#) that the majority had an incentive to deadlock the commission – giving the authority to lawmakers to draw the maps instead.

Democrats in the state Legislature attempted to cement this possibility through another [ballot referendum](#) in 2021, though voters rejected the measure. Lawmakers then passed many of the same provisions of the ballot measure through legislation, though that was eventually invalidated by the state’s highest court when it also tossed out state Senate and Congressional maps earlier this year.

Both Graubard Miller and Cuti, Hecker and Wang are representing the Legislature’s Democratic majorities in the ongoing process for redrawing state Assembly maps. A judge [ordered](#) the IRC to redraw the Assembly maps and submit them to the Legislature for approval by June of 2023, meaning the firms may likely continue doing work for lawmakers for several more months.

Spokespeople for neither the Assembly Majority nor Senate Majority returned requests for comment for this story. [c](#)