

WilmerHale Appellate Team Secures Supreme Court Victory in Hawaii Reapportionment Case

JANUARY 22, 2014

Members of WilmerHale's [Appellate and Supreme Court Litigation Practice](#) received a favorable decision for their client, the Chief Election Officer of the State of Hawaii et al., in *Kostick v. Nago*, No. 13-456. On January 21, 2014, the Supreme Court upheld Hawaii's 2012 reapportionment plan for its state legislature, affirming the judgment of a three-judge district court.

Challengers of the 2012 plan argued that the methods used in determining reapportionment were unconstitutional under the Equal Protection Clause because (1) it employed an allegedly unlawful permanent resident population as a base for drawing district lines, and (2) it resulted in impermissibly large maximum deviations in district size, deviations that resulted from Hawaii's decision not to use "canoe districts" that span any of the state's four basic island units. When the three-judge district court rejected each argument, the challengers filed a direct appeal to the Supreme Court.

"It is unusual for the Supreme Court to deny entire review on a direct appeal like this one," said Seth Waxman, chair of WilmerHale's Appellate and Supreme Court Practice. "By pointing out that the district court's judgment was consistent with precedent and that the challengers didn't have an issue that was worthy of the Court's entire review, we received quick affirmation from the Court."

The WilmerHale team consisted of [Seth Waxman](#), [Paul Wolfson](#), [Kelly Dunbar](#) and [Albinas Prizgintas](#). Dawn Canady, Russell Davis and Alex Ucci provided valuable paralegal assistance.