
April 21, 2021

ADVOCACY & LITIGATION PRESENTATION

How to Effectively Assess Litigation Opportunities

*A discussion about the role of litigation and
impact on nonpartisanship and DEI*

Housekeeping Items

Everyone enters the webinar muted

Use the questions box to ask questions throughout the presentation

If you want to ask your question at the end of the presentation raise your hand a presenter will call on you

Make sure you identify yourself (Name, League, State & pronouns) when asking questions

A short follow up email will be sent with materials highlighted in the webinar

Presentation Roadmap

Role of pre-litigation

Evaluating litigation prospects

Role of LWV in cases

Applying Nonpartisanship and DEI

Q & A

Presenters

Meg Browder	Kayla Vix	Jessica Jones Capparell	Celina Stewart
Law Clerk	Comms	Sr. Mngr. Policy and Legislative Affairs	Chief Counsel, Sr. Dr. Advocacy + Litigation

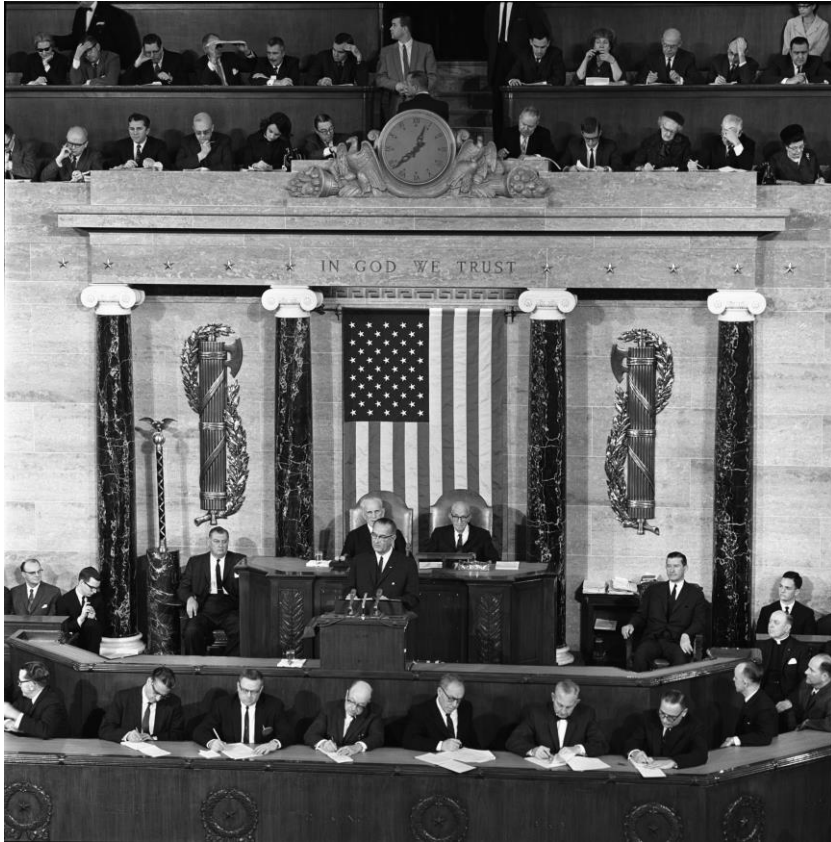




LWV LEAGUE OF WOMEN VOTERS

Pre-Litigation Tactics

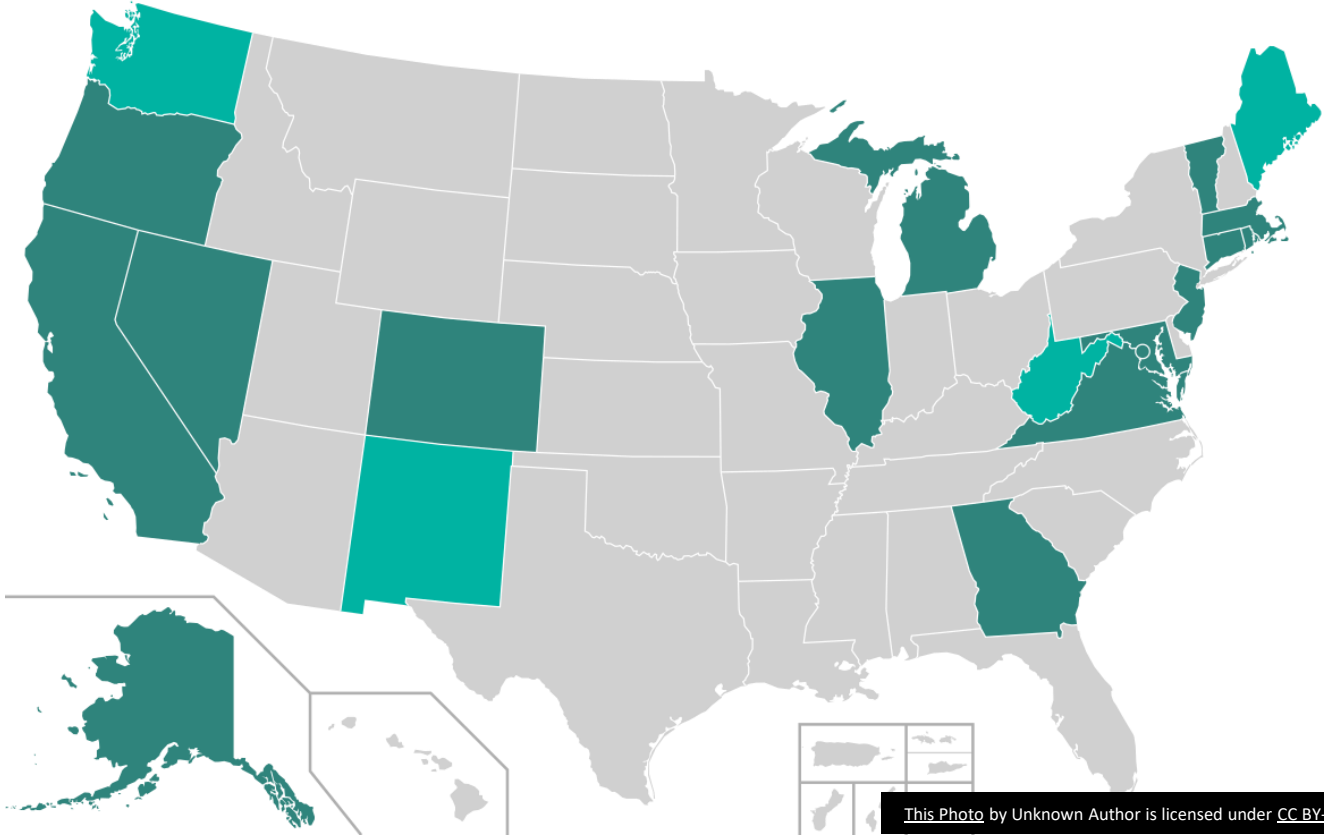
Advocacy Lays the Groundwork



Advocacy Establishes a Record of Support and Opposition



State and Federal Advocacy Together



This Photo by Unknown Author is licensed under [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/)

COMMS

- Coordination with national office
- Messaging (prior hearing testimony, press releases, social media, etc.)
- Rapid response (timing and board approval)

COMMS

COMMS



Evaluating Litigation

Considerations for Your Board



- Does the litigation advance one of the League's strategic goals or mission?
- Is diversity, equity and inclusion a tenet to this action?
- What other options exist to remedy the problem?
- What are the possible risks to participation or not participating?

Considerations for Your Board



- What is the potential for earned media and other visibility?
- What role will the League play?
- Who is the litigation partner(s) in this case?
- What is the deadline for action?

Evaluating Participation in a Lawsuit

- When selecting partners to build or file lawsuit, LWVUS recommends selecting partners that are nonpartisan organizations. LWVUS expressly prohibits selecting political parties or candidates, or well-known party affiliates/representatives as litigation partners.
- If multiple lawsuits are consolidated by a court which includes a suit that is filed by a political party, LWVUS recommends remaining on the suit.
- Given our MIP positions, we don't take money from SuperPAC's, PACs, or other such entities to finance litigation. Leagues (501c3 and 501c4 entities) may fundraise to underwrite litigation costs.





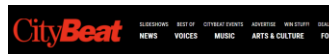
LWV of California and Partners Urge the Supreme Court to Reject Challenge to California's Charitable Reporting Law

4/1/2021
WASHINGTON—Wednesday, the League of Women Voters of California, Campaign Legal Center (CLC),

LWV of Pennsylvania Files Lawsuit to Protect Absentee Voters in General Election

8/7/2020

PITTSBURGH—Mail-in voting is a critical tool to ensure voters can participate in democracy while protecting their health during the COVID-19 pandemic.



INTRODUCING
amazon pharmacy

Best Lawsuit to Prevent Absentee Ballots from Being Rejected

Staff Pick

BY CITYBEAT STAFF — MAR 26, 2021 10 PM



Despite the fact mail is a proven and effective method of casting a vote (if not one that takes sovereignty forever to fully), several concerns cropped up as millions of Americans

Role Of LWV In Cases

LWV as Plaintiffs

Our most powerful position to be in for a case.

The League is unique because we have standing in a wide variety of cases because of range of issues that we work with.

Case Example (plaintiffs)

LWV v Rucho (Common Cause v Rucho)

LWVUS v Kosinski

LWV as an Intervenor

From this position we have a seat at the table but are not one of the main parties. We are still a party in the case, but we have joined after the case has begun.

The court allows intervenors into a case because we have a clear interest in the outcome of a case.

We can join as an intervenor on either the plaintiffs or the defendant's side.

Case Example:

- Trump v Bullock
- Trump v Murphy
- Judicial Watch v North Carolina

LWV as Amicus

Neutral position where you seek to influence the court without being a party.

From this position we file an amicus brief or friend of the court brief.

This position allows us to give context separate from the main parties's briefs.

The League brings the power and respect that we have built up to the brief that we sign on to or author.

Case Example:

- Brnovich v DNC
- Hecox v Little
- Cochran v Gresham

Federal Action Form

- A federal action form must be completed before any type of action is taken.
- This form gives the national office a better understanding of the case before approval.
- The form can be found at lwv.org/federal-action-form-request



Federal Action Request Form

Please use this form to make requests

Effective action on national legislative and litigation issues depends on a partnership at all League levels. The Advocacy Department leads the organization's federal lobbying work and provides information to state and local Leagues about advocacy priorities and litigation efforts.

All action at the federal level must be authorized by the LWVUS office. This includes any effort aimed at influencing a decision on a federal issue, such as communicating with an elected or appointed official, joining a coalition, taking part in a press conference or rally, writing a letter-to-the-editor, or signing with a legal partner using the LWV brand. Especially, where action includes litigation efforts on key priority issues under the Campaign for Making Democracy Work.

A state or local League wishing to take action or participate in litigation should consult with LWVUS about the intended action. Depending on the action, the state/local League is asked to provide the following information in writing:

Federal lobbying (including contacting elected and administration officials)

1. The proposed action and the message to be conveyed;
2. The LWVUS position on which the action is based;
3. The timeline for sending the message or signing the letter; and
4. Details about other groups that are involved in this effort;

POLL

What role has your League played in litigation

- Plaintiff or intervenor
- Amicus
- All of the above
- None of the above

Applying Nonpartisan + DEI to Litigation

WANTING EVERY ELIGIBLE VOTER TO HAVE **EQUAL ACCESS TO THE BALLOT BOX** IS NOT PARTISAN. WANTING A ROBUST DEMOCRACY IN WHICH EVERYONE HAS AN **EQUAL VOICE AND EQUAL REPRESENTATION** IS NOT PARTISAN. WANTING TO SEE MORE ELECTED OFFICIALS THAT **REFLECT THE DIVERSE MAKEUP OF OUR COUNTRY** IS NOT PARTISAN.

IT IS AMERICAN.



Choosing coalition partners

When assessing potential partners:



- Are all the co-plaintiffs/intervenors/or amici nonpartisan organizations?

- Would partnering with the suggested partners compromise LWV's nonpartisan policy?

- Do the partners seek a similar outcome (e.g. protect voters, expand voter access)?

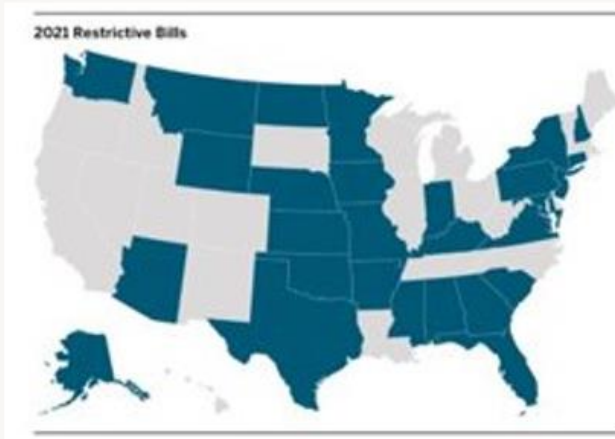
Choosing legal partners

Is the legal partner...

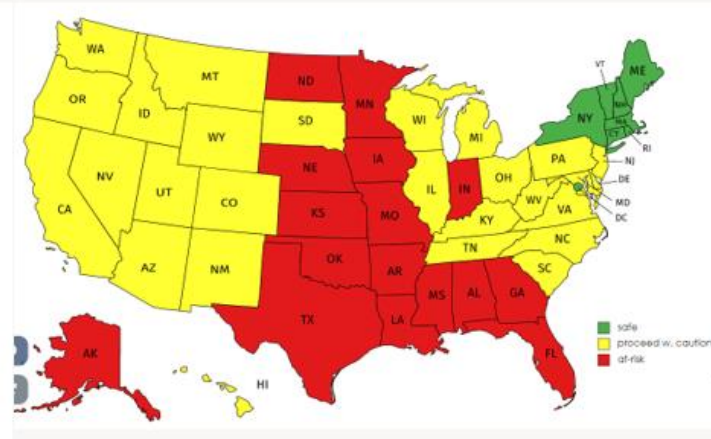
- A nonpartisan local, state, or national partner?
- Is the legal party affiliated with a political party?
- Does the legal partner want us to align with a political party in the litigation?

Assessing Potential for Litigation Success

VOTER SUPPRESSION BILLS



FEDERAL COURT REVIEW



Questions



How can we help?

What questions can we answer?

THANK
YOU

Courtesy of shutterstock