
The League & Litigation

October 26, 2022



Advocacy and Litigation Department
LEAGUE OF WOMEN VOTERS OF THE U.S.



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Shannon Augustus
Press Secretary/Director of
Media Relations

Presenters

And featuring

Gabby Means & Clay Goetz
LWVUS Legal Interns



Kayla Vix
Field Communications Senior
Manager

Housekeeping



All trainings will be recorded to keep accurate notes to share with attendees and others after the call.



If you are not speaking, please mute yourself to minimize sound issues.



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



Staff will be monitoring the chat box. If you have any questions or thoughts throughout the call, please feel free to drop them in the chat box.

Community Norms



Bring your full self and limit distractions



Use the chat box to add thoughts, experiences, and/or questions



What is learned here, leaves here



No one knows everything, together we know a lot



Don't yuck my yum



Oops, ouch, and educate



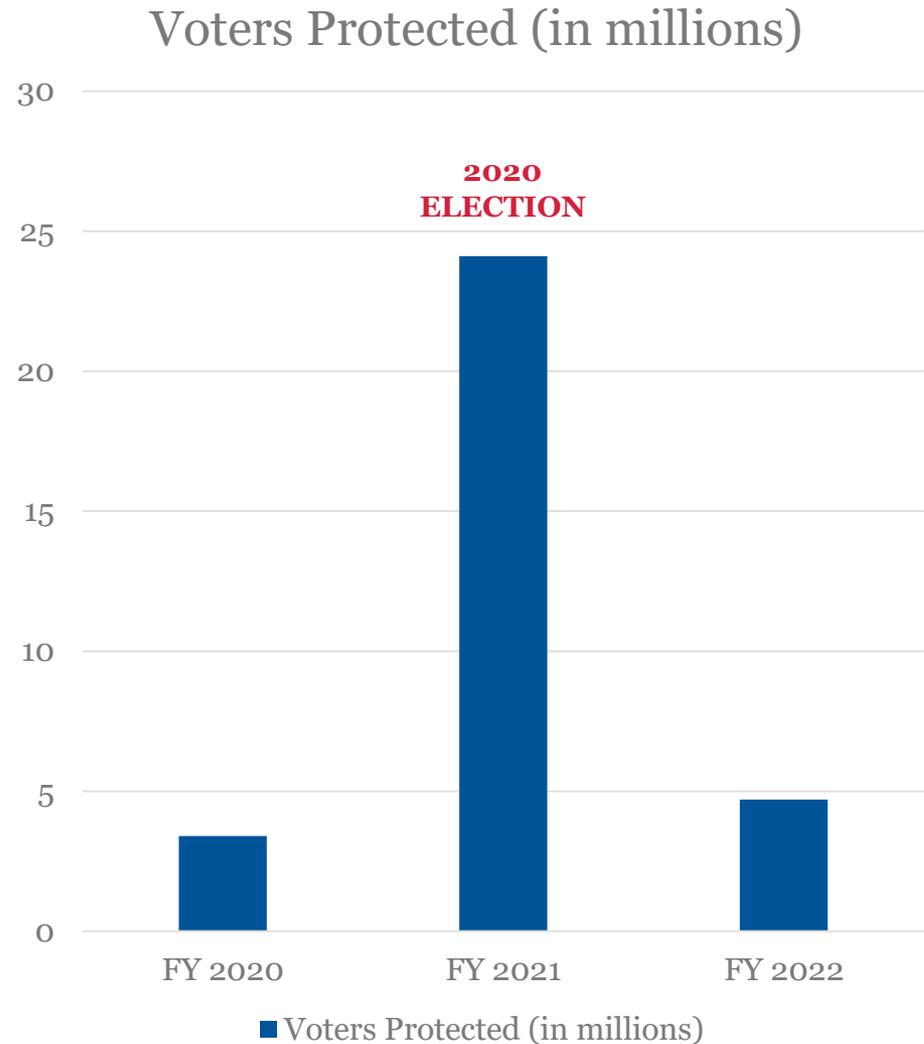
Assume best intentions

POLL

*What has been your engagement with
litigation in the last year?*

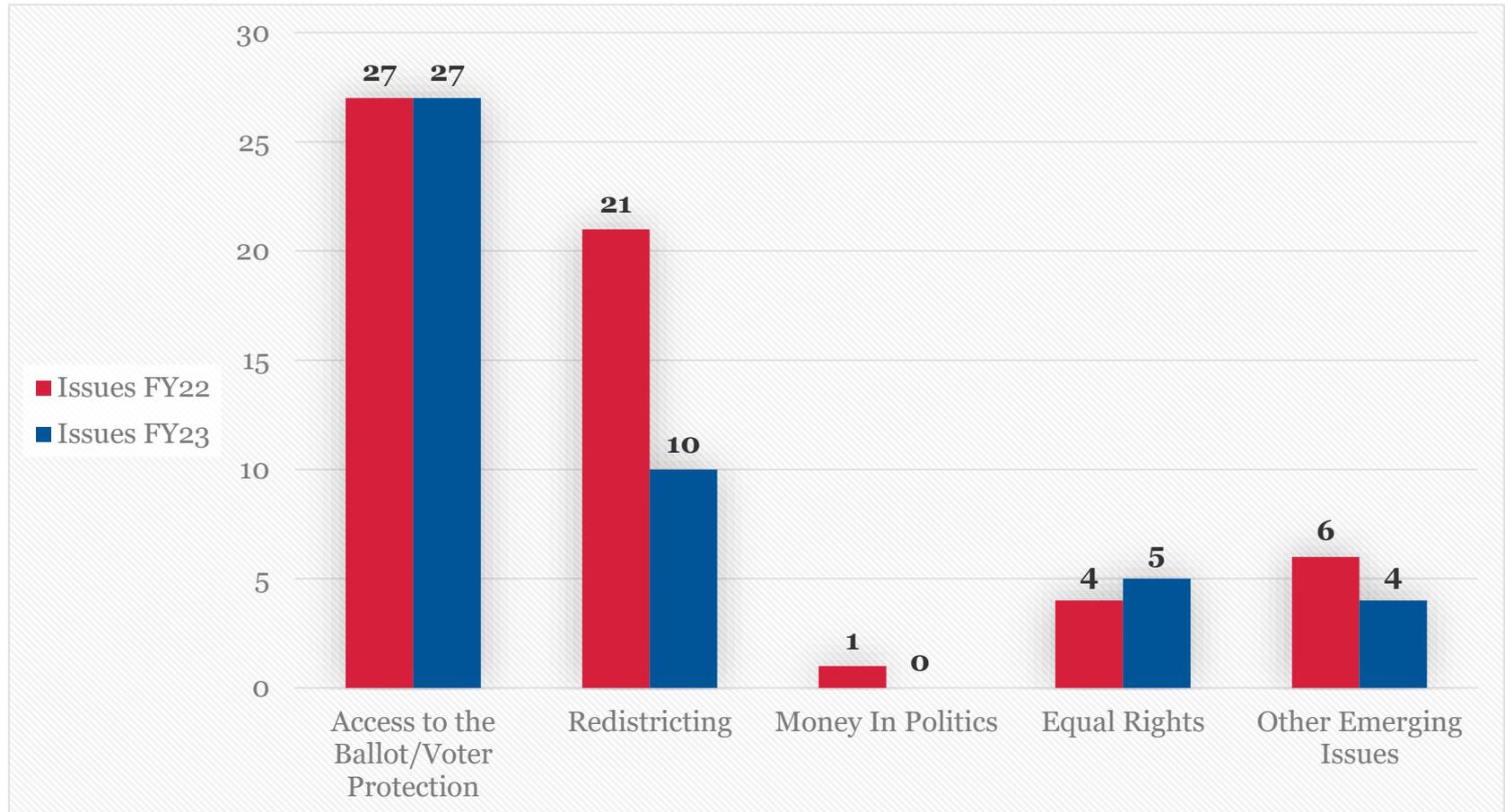
Power of Litigation

- FY 2020: 3,398,000
- FY 2021: 24,159,236
- FY 2022: 4,795,000
- FY 2023: 30,000

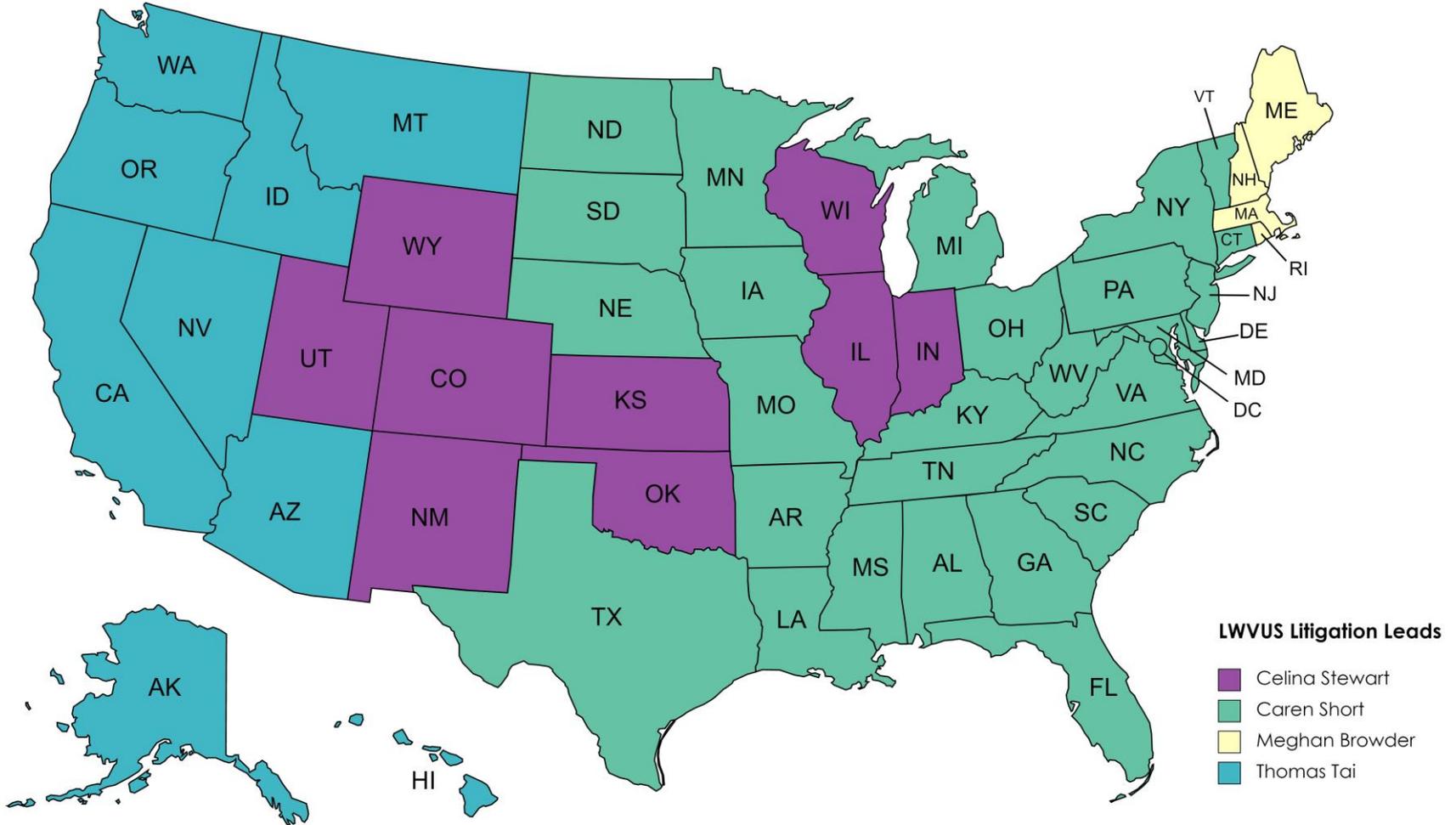


What is the League Taking to Court?

FY22 & FY23



LWVUS Litigation Team Coverage



Legal Center is Live!

One-stop resource for learning about the League's litigation

Currently includes the League's SCOTUS cases

Adding all active state and federal cases

Adding cases closed in the last few fiscal years

Will add new cases as they are filed

POLL

How have you interacted with the Legal Center?

How Does Litigation Work at LWV?



CONSIDERING LEGAL
ACTION IN YOUR
STATE?



LWVUS IS HERE TO
HELP!



LET'S WALK THROUGH
THE NEXT STEPS!

Threshold Questions to Answer as a Board

- **What Strategic Goal Advanced?**
- **DEI Considerations**
 - Are those who are impacted by the challenged law or policy leading this charge?
 - If not, what are the impacted community's thoughts on this course of action?
- **Other Remedies?**
- **Potential Risks?**
- **Media Opportunities?**
- **Role for the League?**
- **Who are our partners?**
- **Deadlines?**

Question 1: *Is it state or federal?*

How do I know?

- **Federal matters** involve action in federal court, i.e. a court with “United States” in the title and involve violations of federal law.
 - United States District Court for South Carolina
 - United States District Court for the Eastern District of Texas
 - United States Court of Appeals for the Seventh Circuit
- **State matters** are only filed in state courts and will include claims under state law.
 - Montgomery County Circuit Court, Montgomery, AL
 - Missouri Court of Appeals
 - Supreme Judicial Court of Massachusetts
 - Texas Court of Criminal Appeals

We are here to help you figure this out!



QUIZ – STATE OR FEDERAL

Question 1

LWV of Missouri plans to challenge a photo ID law signed by the governor. The legal team would like to bring claims under the Missouri constitution.

Question 2

LWV Georgia would like to challenge an anti-voter bill in court in Atlanta. The legal team would like to bring claims under the Voting Rights Act of 1965 and the Fourteenth and Fifteenth Amendments to the US Constitution.

**Our matter
is
FEDERAL!**

**Federal Action
Request Form**

**Partnership with LWVUS
Litigation team**

- Approve the matter/case
- Coordinate with legal counsel
- Review documents (retainers, briefs, etc.)
- Ensure a successful experience
- Ensure coordination across the country

**Partnership with LWVUS
Communications team**

Our matter
is STATE!

LWVUS approval *not*
required, but happy to advise
as capacity allows

Keep LWVUS informed of
case status, especially for
Campaign for Making
Democracy Work®

Special note on redistricting
cases in state court

Choosing a Legal Partner & Co-Plaintiffs

Nonpartisan

- LWVUS expressly prohibits selecting political parties/candidates OR well-known party affiliates/representatives as litigation partners—either as counsel or co-plaintiffs.
- Note: if a case filed by the League is consolidated with one where a party/candidate or party affiliate/representative is counsel or plaintiff, LWVUS recommends remaining on the case.

Pro Bono Representation

- Voting Rights Organizations
- Law Firms

Financing Litigation

- Given the League's positions on Money in Politics, we do not take money from PACs, SuperPACs, or other similar entities to finance litigation. Leagues [501(c)(3) and 501(c)(4) entities] may fundraise to underwrite litigation costs.

What Role will the League Play?

Plaintiff

Intervenor

Amicus

The League as Plaintiff

Plaintiff

- League directly challenges law/action
- Campaign for Making Democracy Work®

Standing

- The League's SUPERPOWER
- Individual | Membership | Diversion of Resources

Examples

- *League of Women Voters of Fla v. Byrd*
- *Finn v. Cobb Cnty. Bd. of Elec. & Registration*

The League as Intervenor

Intervenor

- Not Original Party
- Intervene to Represent Necessary Interest
- Seek Permission from Court
- Either Side

Examples

- *Green v. Bell* – Voter Purges
 - North Carolina, Federal Court
- *Ball v. Chapman* – Absentee Ballots
 - Pennsylvania, State Court

The League as Amicus

Amicus Curiae

- “Friend of the Court”
- Not a Party, But Strong Interest
- Must State Support
- Permission from All Parties or the Court
- Argument/Context Not Raised by Party’s Brief

Example

- *Merrill v. Milligan*
 - Section 2 of the VRA & Redistricting
- *Moore v. Harper*

Communication Tools

- On **federal** matters/cases, LWVUS will lead communications in partnership with your League.
- On **state** matters/cases, messaging tools to use:
 - Press statements
 - Send to state/local press list and publish on your website
 - Must coordinate with LWVUS on any national press
 - Talking points & interviews
 - Top-level messages – work with your legal counsel
 - Always highlight the impact on voters and impacted communities
 - Social media
 - Share your statement and any relevant articles





Questions?