

LWVUS Advocacy & Litigation

What to Expect When You're Expecting . . . Litigation!

For Leagues Considering Federal Litigation



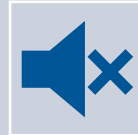
LWVUS Litigation Team

JUNE 13, 2023

Housekeeping



This training will *not* be recorded, but slides will be shared. Please do not record.



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.

What is learned here, leaves here.

No one knows everything, but together we know a lot.

Don't yuck my yum.

Oops, ouch, and educate.

Assume best intentions.

Presented by LWVUS Litigation Team



Celina Stewart

Chief Counsel



Caren E. Short

*Director of Legal
and Research*



Thomas Tai

*Legal and
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What Do We Hope to Accomplish Today?



LEARNING ABOUT
LITIGATION!



SHARE
RESOURCES!



ANSWER
QUESTIONS



GATHER NEXT
STEPS



POLL

What is your League's experience with litigation as an advocacy tool?



LWVUS Litigation Resources

LWVUS Litigation Team

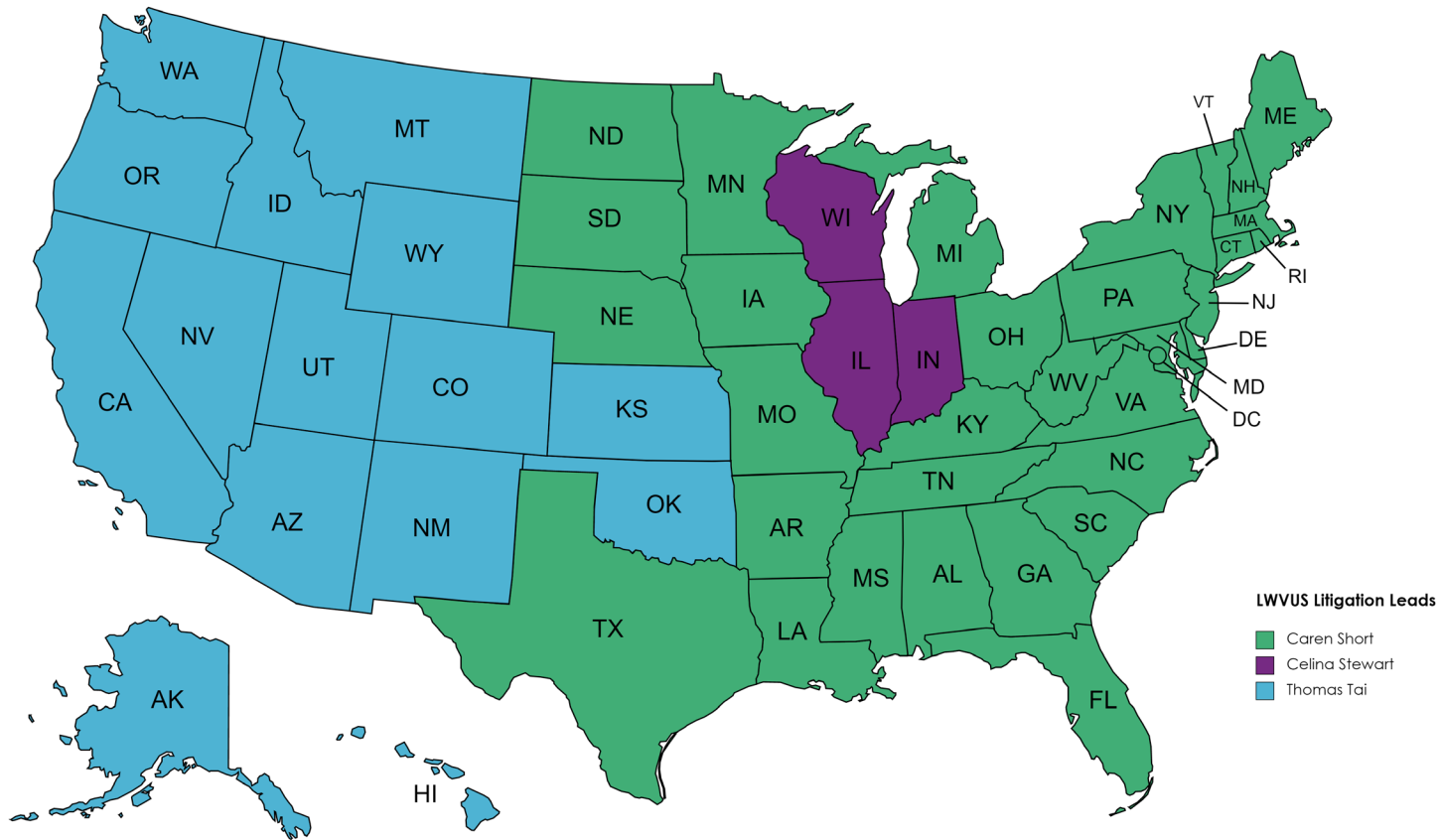
- Direct Support: Celina, Caren, & Thomas
- General Inquiries: litigation@lwv.org

LWVUS Legal Center

- Explore Current & Past League Legal Work (adding more!)

League Management Site (LMS)

- Guide to LWVUS Service for Leagues
- Guidance for Leagues Considering Litigation
- Federal Action Request Form
- *Coming Soon: What to Expect When You're Expecting . . . Litigation!*





The Federal Action Request Form

- Must be completed to take **federal action**
- Speaking with one voice
- LWVUS Bylaws
- Local vs. State vs. **Federal Action**
- Federal Legal Action vs. Federal Litigation

- *Leagues may reach out prior to completing*



Your litigation is approved! *Now what?*

Who Does What in Federal Litigation?

- Client League
- Attorney/Counsel
- LWWUS Counsel

Considerations Before Filing Federal Litigation

**Investigation /
Pre-litigation**



Best Practice Alert!

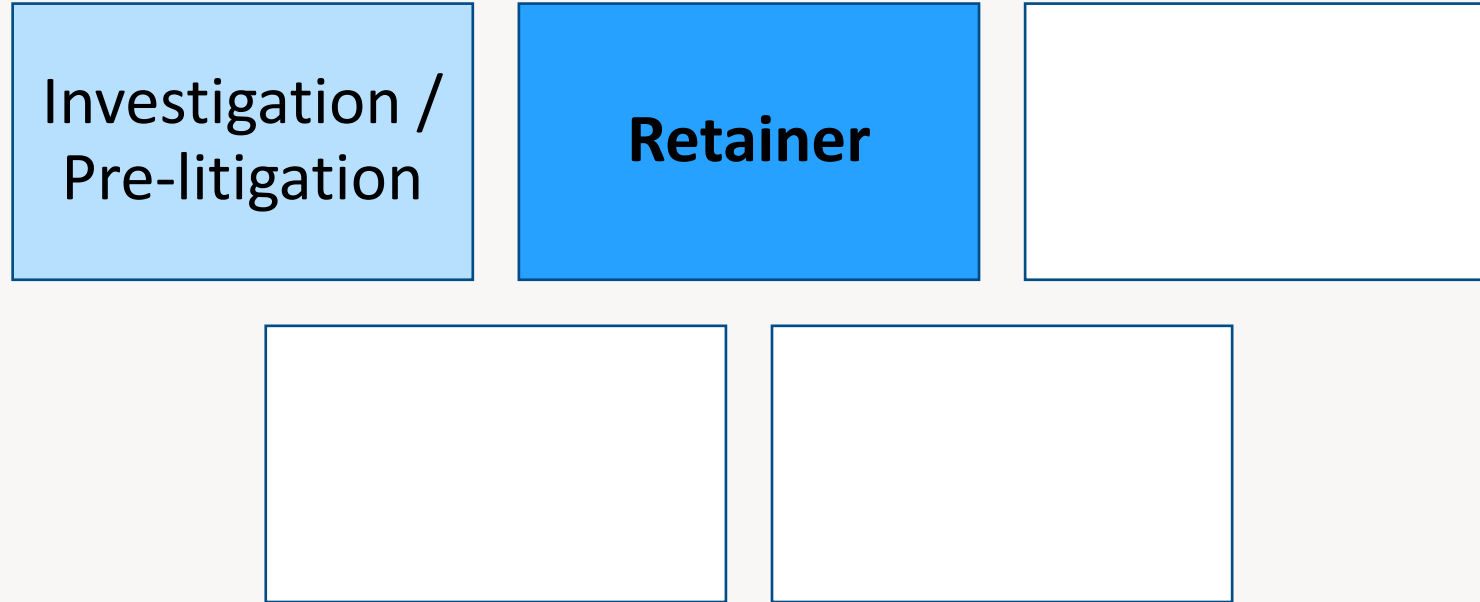
In your electronic files (email, documents, etc.), take care not to delete anything that relates to advocacy work.

Create folders to keep it organized. These can be very general and broad.

When in doubt, **don't** throw it out.



Considerations Before Filing Federal Litigation



Considerations Before Filing Federal Litigation

Investigation /
Pre-litigation

Retainer

**Who Pays for
Litigation?**



Considerations Before Filing Federal Litigation

Investigation /
Pre-litigation

Retainer

Who Pays for
Litigation?

**Attorney-
Client
Privilege**

Best Practice Alert!

As the client, you are the keeper of your attorney-client privilege!

Take great care to protect any communications between you—meaning those in your League considered the client—and your attorneys.

This is especially important for written communications (emails, texts, chats, letters, etc.) **Do not forward, share, or include third parties on replies** unless you have explicit approval from your attorneys.



Best Practice Alert!

Do not use your personal email for official League business, especially if others have access to it (like family members).

Set up a League-specific email account just for League business.

Be careful who you share your email account information with to avoid breaking attorney-client privilege.



Considerations Before Filing Federal Litigation

Investigation /
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Who Pays for
Litigation?

Attorney-
Client Privilege

**Legal Standing
Requirement**

Establishing Standing

Has there been harm to the League or its members?

Representational Standing

- a/k/a Membership or Associational Standing
- League sues on behalf of its members; members can also be plaintiffs
- May need to identify specifically harmed members

Direct Standing

- a/k/a Diversion of Resources or Organizational Standing
- Resources need not be financial
- Frustration of mission

Best Practice Alert!

Leagues can track volunteer hours by activity to demonstrate diversion of resources.

Documentation need not be incredibly detailed, but it should be kept as a regular part of the League's business and detail how much volunteer time has been spent on each activity or issue.

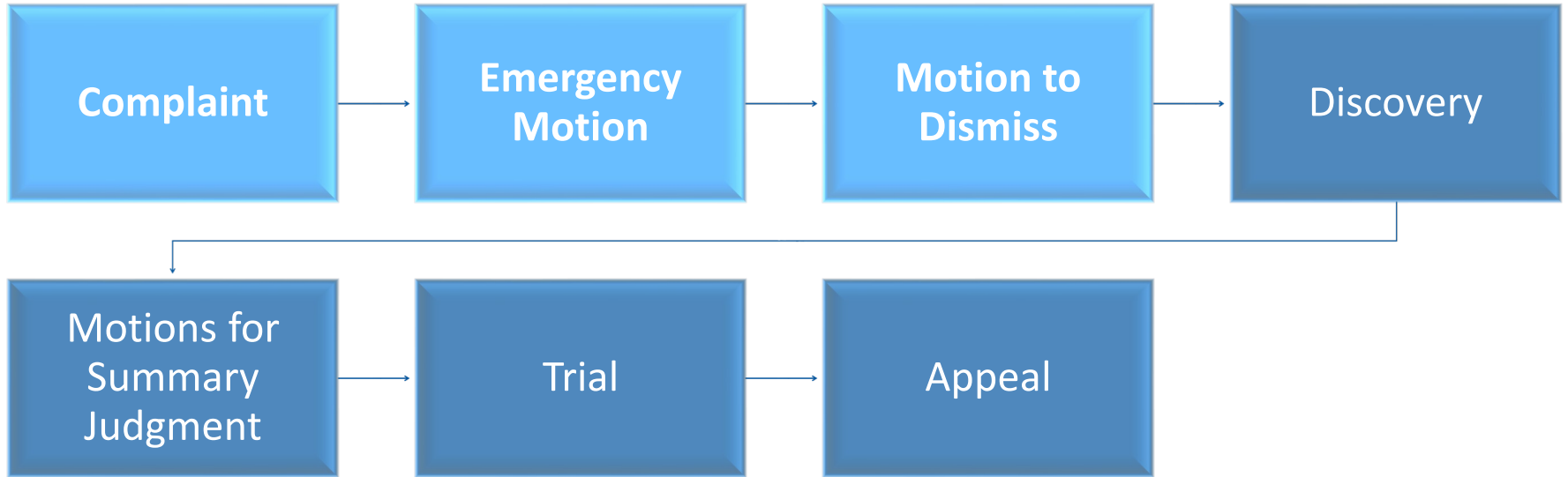


POLL

How well do YOU
understand the litigation
process?



What Happens in Federal Litigation?

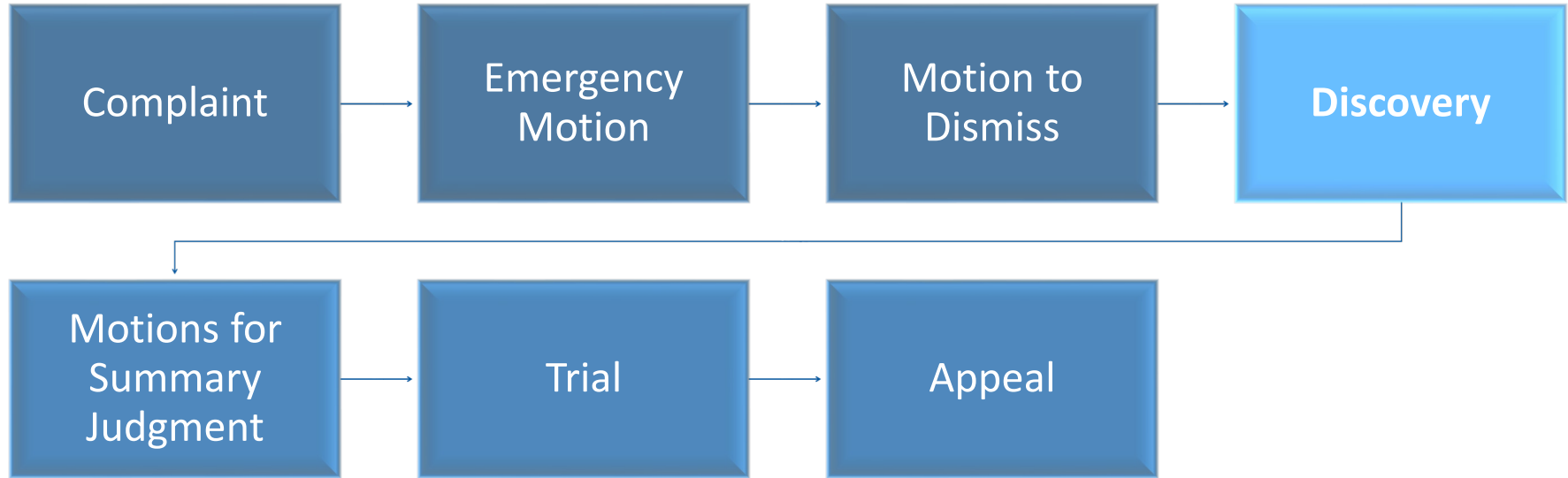


Declarations

A declaration comes from the person or organization itself and is signed under penalty of perjury.



What Happens in Federal Litigation?

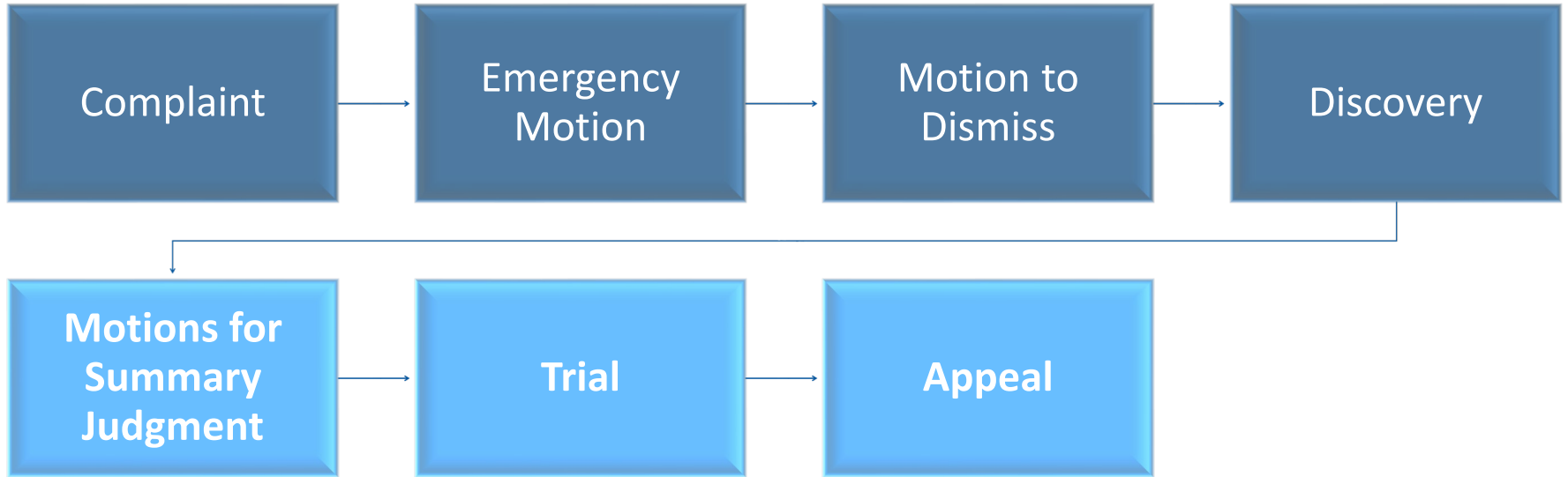




Best Practice Alert!

During discovery, it is best to provide all documents to your counsel that you find and let them determine which documents are responsive to discovery requests and for which requests to file objections.

What Happens in Federal Litigation?





“Where you see wrong or inequality or injustice, speak out, because this is your country. This is your democracy. Make it. Protect it. Pass it on.”

--Justice Thurgood Marshall

Thank you for attending!

Reminders

- Federal Action Request Form required for any federal action, including legal action that involves federal law.
- LWVUS Litigation team is your partner in any federal litigation or legal action; we are also happy to support state legal action.
- Reach us at litigation@lww.org
- *More litigation-focused webinars to come!*

