

LEGAL ADVOCACY

What *Advocacy Organizations* Need to Know

What is legal advocacy?

Legal advocacy – also known as advocacy through the courts – uses the judicial system to advance social change goals. This is often done by bringing forward a legal case in court that focuses on improving a situation for a particular group of disadvantaged people.

Brown v. Board of Education – which kick-started the school desegregation movement – is a classic example of legal advocacy. The case argued that separate schools were inherently unequal in an era when legislation on school integration was unlikely to change.

What implications does legal advocacy have for my work?

Legal advocacy can be a great synergistic partner to traditional advocacy strategies. It is typically the most impactful in concert with legislative advocacy, grassroots mobilizing, public awareness and education, and media campaigns. For example, the campaign to end stop-and-frisk practices in New York City used all of these strategies. When the case was being tried, they worked with grassroots advocates to fill the courts every day, and then with legislative advocates to push through supplementary policies to expand law on discriminatory policing.

Is my organization ready for legal advocacy?

You may be interested in engaging in legal advocacy yourself, or you may want to start expanding your partnerships with legal advocacy organizations.

If you want to go it alone, you should make sure you have access to flexible funding, a strong communications team, legal expertise, and research. You should also make sure your organization has a clear vision for the work, for the

specific legal actions you want to take, and for how it will impact non-legal advocates that are also working on the issue using other strategies.

If you want to partner with legal advocacy organizations, you should look for partners who have similar issue-based goals, similar values, a strategic and long-term vision for their work, and of course, legal expertise and a history of working as legal advocates within your issue area.

What outcomes can be achieved through legal advocacy?

Some people think of the value of legal advocacy only in terms of legal outcomes; however, there are a number of different outcomes for which legal advocacy might be useful. These include:

- The development of, or changing of, new laws or policies
- Changes made to administrative or regulatory changes, particularly within government agencies
- Increased visibility of an issue among various audiences including politicians, the public, etc.
- Community empowerment as organizers work with legal advocates to effect change
- Winning in the court of public opinion (e.g., changing the general opinion around a particular issue)
- Changing the media's narrative of, and coverage of, the issue
- Developing more effective legal and non-legal partnerships among advocacy organizations

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Should I fund legal advocacy?

Funders interested in supporting legal advocacy should ask themselves four questions:

- 1. Is the legal environment the appropriate arena for moving this change forward?** Have non-legal strategies been tried? Have the necessary legal precursors been met?
- 2. Is the advocacy environment ready to take on this issue?** Are advocates ready to use strategies to complement legal advocacy such as public awareness and education, media relations, grassroots organizing, and legislative advocacy?
- 3. What aspects of legal advocacy need support?** Do advocates need funding to conduct preliminary research on a case, to bring on more counsel, to build partnerships with the community, or something entirely different?

- 4. Does legal advocacy fit within my foundation's strategy?** Are issues we care about likely to be impacted? How will legal advocacy work complement or harm our other work? Does my foundation have a clear vision for supporting this work?

Philanthropic staff we spoke to stressed that a legal background was not necessary to make these grants. Any program officer who has experience working with advocacy groups and coalitions and who is willing to ask thoughtful questions and listen for how the legal strategy connects with non-legal strategies, is suited to make a grant for legal advocacy work.

How can my foundation support legal advocacy?

Funders are sometimes leery of getting involved in the complexities and perceived cost of legal advocacy; however, there are a number of ways for funders to effectively support legal advocacy. These include:

- Building the capacity of legal advocacy organizations or the capacity of other advocacy organizations to partner with legal advocacy organizations
- Funding legal advocates researching an issue
- Facilitating relationships between legal advocates and others, such as non-legal advocates and community organizers
- Supporting communications or media relations, including testing of messages
- Supporting various phases of litigation including initial filing, appeals, and bringing on expert witnesses
- Supporting implementation of a legal change