To Sue or Not to Sue

Disability Rights NC Conference – April 14, 2015

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Objective for the Session

Understand when and how we engage in policy advocacy and/or litigation
Ways to Make Change

Direct Services

Self-Help

Education

Advocacy

Direct Action

Accepts Existing Power Relationships

Challenges Existing Power Relationships

Advocacy

Advocacy is representing one person’s or a group’s interests to a decision-maker.
Types of Advocacy

- Systems Advocacy – changing “the system”
- Legal Advocacy – enforcing the law
- Legislative Advocacy – changing laws
- Self Advocacy – advocating for oneself
- Individual Advocacy – advocating for others

Decision Makers

- There are decision makers of all kinds. Anyone who is in control of a decision that matters to you and the people you represent could be a focus for your work.
- It is essential to understand who can give you what you want and what matters to them.
- One of the main differences between policy advocacy and legal advocacy is who the decision maker is.
State Government in NC

- Legislative - make laws
- Executive - carry out laws
- Judicial - interpret laws

Limits on Decision Makers

- Legislative: Broadest discretion to create law. Limited only by federal law, U.S. and N.C. constitutions.
- Executive: Limited by state and federal law and constitutions. Some discretion in carrying out the law, adopting regulations.
- Judicial: Applies, does not create, law.
Considerations: Would a win...

1. Make a concrete improvement in people’s lives?
2. Give people a sense of their own power?
3. Change the power structure?
4. Be possible?
5. Be worth the effort?
6. Affect a lot of people?

7. Affect people deeply?
8. Have a target and time frame that work?
8. Leave the organization stronger than it is today?
9. Be consistent with our values and vision?

Strategic Targets

• Annual process

• Designed to enable focused attention to issues

Litigation

• When can we litigate?

• What are our legal avenues?
Policy Advocacy

• When we can use legislative advocacy?

• When do we advocate for the administration to do something?

A Single Issue May Require Both

• PRTF Education

• Health Coverage for Workers with Disabilities

• DOJ