



Strategic Plan 2020-2024

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National Center for Law and Economic Justice

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ORGANIZATIONAL OVERVIEW

Since its founding in 1965, the mission of the National Center for Law and Economic Justice (NCLEJ, or the Center) has been to advance the cause of economic justice for low-income families, individuals, and communities across the country. NCLEJ does this, *first*, by winning strategic class-action cases requiring federal and state benefit programs for vulnerable families and individuals to be administered fairly, in accordance with due process, and with respect for recipients' dignity; *second*, by representing marginalized individuals and communities in eliminating economic constraints that prevent them from meeting their basic needs or improving their families' well-being; and *third*, by advocating for changes in federal and state legislation and private institutional practices that prevent our clients from participating on an equal footing within the larger communities in which they live.

That mission has never been more urgent than it is today, as the War on Poverty has been transformed into an ongoing, relentless war on the poor. Government—and our country's economic institutions—are doing less *for* poor people and more *to* them. At the same time, even individuals who might not meet federal and other definitions of “poverty” increasingly find themselves deprived of economic opportunities and the chance to thrive economically, often finding themselves struggling to make ends meet. The combined effect of these trends is disastrous.

Deregulation of predatory economic practices and weakening or outright elimination of government safety net programs have resulted in often insurmountable barriers to basic services and security for economically disadvantaged people. Similarly, civil rights protections for historically excluded groups have been weakened or weakly enforced and, more recently, coupled with a steady stream of rhetoric, policies, and practices that condone discrimination, harassment, and confinement of women, people of color, and immigrants, and those considered “other” in society.

Confronting economic injustice and the violation of basic rights is at NCLEJ's core. NCLEJ stands up for the rights of poor people suffering from broken, unjust systems—systems that are left broken simply because they are systems that only poor people must use. NCLEJ fights discrimination against people of color, women, and immigrants and works to build systems that provide economic security and full participation in society.

Advocacy for economic justice overlaps heavily with advocacy on behalf of marginalized individuals and groups and may bring substantial benefits to members of those groups. It is important, though, to recognize that addressing economic justice in general does not directly confront the related but independent question of inequality resulting from discrimination against members of marginalized groups. Economic injustice is often the result of such discrimination, but they are not the same. Discrimination and economic injustice are frequently correlated, but neither is a proxy for the other.

The number of ways that individuals and groups have been or are being marginalized in the United States is enormous. NCLEJ looks at, and fights against, that marginalization through an economic lens. It does so through the use of “law”—mostly litigation, but also policy and leg-

islative advocacy and public education. NCLEJ has a long history of using impact litigation, policy, and support for grassroots organizing to advance the economic interests of marginalized communities.

Working for Economic Justice Now and in the Future

Through the execution of this Strategic Plan, NCLEJ hopes to have an even greater impact. The Plan builds upon NCLEJ's historic position, built over the last half-century, as one of the very few national legal programs operating at the intersection of civil rights and economic justice. It proposes to expand the Center's reach by confronting individual, institutional, and structural practices and policies impacting poor people and all who face discrimination and social exclusion. NCLEJ will achieve this goal by significantly increasing the size of its staff building sustainable organizational capacity for diversity, equity, and inclusion at both the Board and staff level; strengthening its communications capacity; re-examining and prioritizing its work going forward in order to maximize its impact; diversifying both its staff and Board; deepening its relationships with private law firms, complementary organizations, and client organizations; strengthening fund-raising capacity; and monitoring progress for all of these initiatives over time.

Addressing the issue of diversity, inclusion, and equity is particularly important for NCLEJ's growth going forward. Although a significant part of NCLEJ's work has been on behalf of communities of color, its staff and Board have not adequately reflected the diversity of the communities it has served. NCLEJ recognizes that it is vital for the continued growth and effectiveness of the organization to increase the diversity of its staff and Board, address the issue of inclusion to maintain diversity, and assure that considerations of equity inform all of the organization's activities.

Current Work

NCLEJ's current practice areas fall into the following categories:

- **Preserving and Maintaining Access to Public Entitlements, Food Stamps, Medicaid, Child Care, and other Supports.** NCLEJ is the only national program that protects all means-tested public entitlements programs. We protect the rights of low-income persons to apply for critical assistance, we protect families from unlawful termination of benefits, and we fight to ensure fundamental fairness in the operation of food stamps, childcare, and Medicaid programs. Going forward, as discussed further below, an increasing amount of the work in this area will focus on utilizing the Americans with Disabilities Act (ADA) to protect the rights of those with disabilities to access government programs that they and their families desperately need, and the pushback against administration plans to impose work requirements in the Medicaid and food stamp programs and cut funding for those programs. It is important to note that the need for this work is not solely the result of the 2016 election. Threats to these programs preceded this administration, and the failure to fully meet the needs of low-income people has long existed, and will continue to exist, regardless of the results of the 2020 election.
- **Protecting and Securing the Rights of Low-Wage Workers.** We advocate for decent wages and safe and fair workplaces on behalf of low-wage workers, the most vulnerable workers in our country. Litigation and projects include combatting gender pay disparity, pregnancy discrimination, and wage theft, and challenging exemptions

to wage and hour protections for, *e.g.*, home health workers and restaurant workers. We work largely in support of grassroots worker centers and other organizers and have been in the vanguard of the worker-driven social responsibility (WSR) movement. We defended the Coalition of Immokalee Workers when its WSR contracts were attacked by Del Monte; we are assisting Migrant Justice in its negotiation of Milk with Dignity contracts with Ben & Jerry's and Chobani; and we are suing ICE and the State of Vermont to stop their concerted harassment of, and attempts to deport, the Migrant Justice organizers.

- **Combatting Unlawful Debt Collection Practices.** We protect low-income debtors and lead the fight against abusive debt collection practices that undermine families' economic stability. This area includes an increased focus on abusive debt collection policies and practices by governmental actors. We challenge attempts to collect fines and fees from persons too poor to pay and against whom the government may, for example, take away a driver's license or intercept a state tax refund. We also seek to preempt the assessment of those fines and fees where the collection is part of unlawful and discriminatory practices, such as revenue harvesting against people and communities of color. Calling this area "debt collection" does not capture the full (and expanding) scope of the work: although debt collection is a central issue, and remedies against unlawful debt collection are a central tool, we view this area more broadly, as combatting things that governments do *to* poor people—whether through deliberate targeting or as disastrous effects of facially neutral policies—just because they are poor. This rapidly growing area is the other side of the coin from our benefits work, which seeks to secure and maintain the things governments do *for* poor people.
- **Cross-cutting Issues and Strategies Including Advocating for Individuals with Disabilities.** Traversing across a number of substantive areas of the Center's work, and appropriately regarded as a distinct area of its own, is advocating for individuals with disabilities. Issues under the ADA (and the Rehabilitation Act and similar state statutes) arise in a broad variety of contexts, and the ADA elements of our cases are often a more serious unifying theme from a litigation and policy advocacy standpoint than are the aspects related to the specific underlying program. The Center has sharply increased staffing and resources in this area in recent years and expects to continue to do so.

Current Staffing and Implementation

The Center has a full-time staff of twelve including nine attorneys (including the Executive Director) and three administrative staff, which include:

- **Communications and Administrative Staffing**
NCLEJ's administrative staff includes a Financial and Administrative Director, an Administrative Coordinator, and a Systems Administrator who perform all the functions supporting the Center's litigation and advocacy work. In addition, NCLEJ has worked with Koszyn & Company, a development consulting firm, since 2016. There is currently no dedicated staff person handling the communications function.
- **Litigation and Advocacy Staff**

NCLEJ’s litigation and advocacy staff consists of the Legal Director, five Senior Attorneys (ranging in experience from 10 years to 40 years), two staff attorneys, and a fellow (with two additional fellows joining the staff in fall of 2019). It is currently posting for another Senior Attorney, in a middle range of experience (12-15 years).

Litigation and advocacy are staffed in many different ways, including

- Handling the case principally with Center litigators, sometimes with local counsel serving a secondary role.
- Handling the case with one or more colleague organizations, with the Center and one (or more) of the other organizations sharing lead responsibility.
- Handling the case with *pro bono* (law firm) counsel, which may play either a lead or a supporting role.
- Working within coalitions to challenge harmful policies and to conduct public information and education campaigns.

In almost every litigation, the Center will have played a lead role in developing the case, including the facts and the legal theories, and it will continue as lead or co-lead counsel throughout the life of the case. The Center will “sign on” to *amicus* briefs; it will not in general “sign on” to plenary litigation. The Center is committed to maintaining control of its litigation—possibly on a shared basis with *pro bono* counsel and/or colleague organizations, but never on a subordinate basis.

The Center does not have, and does not expect to have, enough lawyers to staff all of its litigation itself. What the Center does best is leverage its subject-matter expertise and first-chair litigation skills through judicious cooperation with colleague organizations and *pro bono* counsel. In many, if not most, cases, co-counsel make significant substantive contributions, from conducting discovery to trying cases to arguing appeals. Accordingly, they are generally far more than mere “force multipliers,” but they are always at least that. Combining such leverage with direct, hands-on control of and participation in litigation is how the Center has been able to achieve consistently excellent results over the years.

The Center’s litigation staff are not merely litigation managers; they litigate—currently, with significant caseloads. Additional bench strength is needed to make sure that the Center is in a position to do what it has always done—maintain control of its docket while responding nimbly and flexibly as new opportunities for impact litigation arise.

In addition to litigation, the Center pursues many forms of policy and legislative advocacy. We aim to enforce the benefits and protections built into existing law, to expand those benefits and protections where needed, and to fight against the use of law to further marginalize the poor and economically disadvantaged. Our policy and legislative advocacy have most often been related to areas we are litigating or have litigated, building on both the substantive knowledge and clients’ perspectives gained in that process, but we have undertaken a number of free-standing policy initiatives as well and expect to continue to do so. Innovative projects advanced in coalition with grassroots and complementary organizations have also resulted in significant gains for clients and educated the public about the issues.

STRATEGIC PLANNING GOALS: 2020-2024

Introduction

In the current environment, the litigation and advocacy model, the anticipated opportunities and threats to our clients, and the imperative to fulfill our national mission on a national basis, all point to the need for the Center to grow significantly.

NCLEJ's work has included serving as a resource for individuals and groups faced with new types of policies and practices that adversely affect groups with which NCLEJ works. NCLEJ is particularly well suited to providing those services nationwide and will continue doing so in the future. But in order to further the values and mission which the organization has undertaken, it is important both that the Center grow and that it consider how existing and new areas of emphasis and strategies might best serve its long-term goals.

The Center's work is resource-intensive, and its expertise is a rare and valuable resource. Good stewardship of those resources is critical to producing the kind of impact that our vision demands. A review of NCLEJ's work and the work of complementary organizations has identified additional issue areas that could benefit from our particular expertise and are currently underserved by the broader legal advocacy community. Those include but are not limited to housing, environmental justice and transportation. Our current work is dynamic and cross-cutting and may surface innovative approaches to advancing structural economic change. Looking closely at how we choose our cases and projects will support our ability to remain flexible and sharpen our impact with the resources we have.

Strategic Goals ##1, 2, and 4 below frame this path into the future, and Goals ##5 and 6 address infrastructure and funding. None of these goals can be achieved, however, without significant attention to diversity, inclusiveness, and equity, at both the staff and the Board level. These are integral elements of a well-functioning and effective organization. Diversity provides access to a range of perspectives and experiences that could potentially inform its decisions, strategies, and impact. Creating an inclusive environment that values, welcomes, and embraces a wide range of people, perspectives, and experiences leads to more nuanced strategies and sustainable impact meaningful and appropriate to all those effected. Equity is an ongoing commitment to ensuring fair treatment, access, opportunity, and investment and dismantling the current and historical barriers that prevented the full access, participation, and progress of certain groups. NCLEJ appreciates that substantial work remains to be done both to assure that the staff and Board are as broadly reflective of the country's diversity as possible and to create and sustain a culture and climate that is respectful, welcoming, and responsive with regard to differences and fully commits to taking the steps going forward to assure that any changes must be effective and sustainable. This is addressed in detail in Strategic Goal #3 below.

Strategic Goal #1:

Substantially Increase Capacity and Effectiveness by Hiring Additional Legal, Advocacy, and Support Staff and Leveraging Fellowships and Partnership Arrangements

Although NCLEJ has done an exceptional job of successfully advocating for its clients, that ability has been constrained by limitations on resources. In order to expand current work and consider new initiatives, existing staff must be increased and functions for which there are presently no dedicated staff members must be added. This Strategic Goal #1 addresses legal staff and related areas; communications is addressed in Strategic Goal #2 below.

Given the large existing case load and the relatively small number of lawyers, expanding the impact of NCLEJ's impact will depend on adding additional attorneys. To provide the needed capacity increase, the Center intends to double its staff over the next five years. Although our capacity to undertake new litigation can be expanded by significantly increasing cooperation and relationships with law firms and colleague organizations, more attorneys will have to be hired. Simply increasing third-party (firm and colleague) participation without also increasing Center legal staff is not sufficient because the existing staff is very close to maxed out on the amount of litigation it can handle, even on a shared-control basis. Still assuming that Center in-house legal staff grows as needed, there is more that can be done to grow third-party participation in Center litigation (and, as well, in non-litigation initiatives). The areas of growth include expansions in fellowships, developing strategic alliances with law firms, and developing strategic alliances with complementary organizations.

1A: Double Legal Staff Over the Next Five Years

For the reasons set forth above, the Center needs to grow in legal staff from its current eight lawyers (including the Legal Director but not including the Executive Director) to approximately 15 lawyers by year-end 2024. Taking into account possible retirements and other attrition, it is clear that growth must include bringing in some senior lawyers from the outside and cannot consist solely of hiring junior lawyers and growing them within the organization.

The current level of funding available to the Center, plus reasonably anticipated growth in development revenue, is sufficient to meet some, but not all, of this goal. Accordingly, the growth in legal staff is planned to take place in phases, with Phase I comprising 2020 and 2021 and Phase II 2022-2024. During Phase I, the Center will consider developing a capital campaign or similar program to develop the capacity to pay for needed growth in Phase II. The Center is prepared to use its Stabilization Fund (reserve) to smooth timing issues related to the planned growth, but the bottom line is that significant additional ongoing funding capacity needs to be developed in order to sustain the growth that is crucial to the Center's accomplishment of its mission.

Strategies and Benchmarks:

- Phase I
 - Make efforts to actively recruit for the existing open senior staff position;
 - Identify, by early 2020, the need for additional legal and administrative staff and identify qualifications including specific areas of need, level of experience required, variety of experience levels in the organization; consider the need for advocacy, community outreach, and support staff given legal staff expansion.
 - The average all-in cost of a Center lawyer, including the additional administrative load, is about \$150,000 per year. The Center expects net growth in legal staff of 3-4 lawyers in Phase I.
 - Initiate planning for a capital campaign or a similar program to enable growth of an additional 4-5 lawyers in Phase II
- Phase II

- Planning for Phase II will commence in early-to-mid 2021, based on results to that date and capital campaign planning and estimates.

1B: Increase Strategic Use of Fellowships

Fellows tend to have specific roles and projects, but the Center’s experience has been that (a) those roles and projects are worthwhile in and of themselves and (b) fellows are also available as talented junior lawyer support for general Center litigation.

Efforts to assure a continued stream of fellowships should include continuing to seek fellowships from a variety of fellowships including Skadden, Equal Justice Works, and Soros Justice Advocacy Fellowships, and fellowships offered through law schools and lesser known fellowships.

In conjunction with this, we also propose that the NCLEJ work with law firms in developing firm-funded fellowships that bridge the world between public interest law and the private sector whereby graduating law students are able to spend their first year or two out of law school working at NCLEJ before beginning their work in private practice. We also would urge the creation of fellowships funded by individuals or institutional funders.

Strategies and Benchmarks:

- The Legal Director, in consultation with the Executive Director and members of the Board of Directors as needed, will create timetables for determining what the fellowship needs of NCLEJ are, the potential sources of fellowship funding, the length of individual fellowships, and the staff’s capacity to supervise and direct fellows and procedures for selecting the fellows; and
- Recognizing that creating and fellowships have the potential to play an important role in increasing and maintaining diversity in the staff, take steps to assure recruitment, selection and retention of a diverse qualified group of fellows.

1C: Develop Expanded Partnerships with Law Firms

To expand further NCLEJ’s footprint, the Legal Director, in consultation with the Executive Director and members of the Board of Directors as needed, shall formalize and develop its roster of participating law firms to support its litigation and/or policy goals. Working in partnership with the Board’s Fundraising Committee, staff resources will be, in part, dedicated to developing and implementing such a program.

Relatedly, NCLEJ will actively develop pro bono projects at firms that already maintain strong connections with the organization through Board membership or otherwise. For example, the NCLEJ could work with law firms to develop projects that provide direct representation to low-income individuals dealing with unlawful debt collection practices or wage theft. These projects could be ongoing and jointly supervised by a partner at the firm in conjunction with the NCLEJ. Partnering with law firms that have offices around the country would also help extend the NCLEJ’s presence outside the New York metropolitan area.

In order to accomplish this objective, the Legal Director, in consultation with the Executive Director and members of the Board of Directors as needed, will develop and implement the following strategies and benchmarks;

Strategies and Benchmarks:

- Development of a roster of strategic alliances with law firms a roster of participating firms, including Board firms and other law firms in order to build geographic footprint, enhance the composition and diversity of the Board, and law firm/lawyer giving, while at the same time increasing NCLEJ's ability to litigate issues around the country. A dedicated roster of such law firms could also help NCLEJ identify new frontiers where litigation could effect change at the intersection of civil rights and economic justice.
- Develop on an ongoing basis pro bono projects to be executed in conjunction with alliance firms.

ID: Build Strategic Collaborations with Complementary Organizations

The Legal Director, in consultation with the Executive Director and members of the Board of Directors as needed, will continue to expand the use of strategic alliances with complementary organizations, such as the Consumer Law Center, the National Immigration Law Center, the ACLU, and the National Health Law Project, among others recommended by staff and community representatives, and other Board members, to identify and target areas where NCLEJ's unique litigation skills can be effectively deployed.

In addition to collaborating with law-focused organizations like those named above, the Legal Director, in consultation with the Executive Director and members of the Board of Directors (particularly community board members), will create and implement a plan to further develop collaborations with smaller community-based organizations, particularly those based in rural and/or underserved communities. This would enable the NCLEJ to reach communities that are located far from legal resources, such as Legal Aid or law school clinics. Given that community-based organizations often possess unique insight into the needs of low-income communities, collaborations with these kinds of organizations could uniquely improve the NCLEJ's ability to provide practical and direct legal assistance to low-income persons. Strengthening our partnerships with community-based organizations across the country would not only help facilitate direct legal representation projects but would also open up avenues for exploring broader-based impact litigation.

In order to accomplish this objective, NCLEJ must leverage the Board, among other things. The need for Board involvement, in addition, highlights the importance of increased Board diversity to achieve its objectives.

Strategies and Benchmarks:

- For each issue area upon which NCLEJ is working develop lists of existing and potential strategic partnerships
- Leverage Board contacts to develop additional strategic partnerships

*IE: Strengthen Relationships with Existing (and New)
Grassroots and Community-based Partners*

Throughout its history, NCLEJ has worked with a wide network of grassroots and community organizations. In order to further expand the geographic reach of NCLEJ and keep abreast of potential new issues the organization may choose to explore, it must maintain and expand that network, creating new partnerships and nurturing existing ones. The Executive Director, in conjunction with the Legal Director and members of the Board as needed, will take steps to assess the existing community relationships and determine what new ones should be developed. Criteria will include increasing the issue and geographic scope of NCLEJ's work and assuring that its work is responsive to the needs of individuals and communities NCLEJ seeks to serve. Community organizations shall include those organized around specific economic justice issues, such as workers' rights organizations; those formed on behalf of affinity groups based on race, gender, ethnicity, or disability; or coalition groups that bring together grassroots and community groups.

Strategies and Benchmarks:

- For each current or potential issue or geographic area, develop lists of existing and potential strategic partnerships
- Leverage Board and staff contacts to develop additional strategic partnerships

**Strategic Goal #2:
Significantly Expand Communications Capability**

NCLEJ needs an enhanced media and public relations strategy, both as an integrated aspect of policy and legislative advocacy and to better communicate to a wide audience the Center's unique role and its impressive achievements.

At present, social media and other outreach, both in support of policy and legislative goals and to increase and maintain awareness of the Center as an organization, are handled by lawyers and administrative staff on a largely *ad hoc* basis. Both aspects would be better served by a dedicated professional. By increasing public exposure and opening up new avenues for fundraising, a well-executed media/PR strategy could support all the elements that are critical to enabling NCLEJ to expand its size and reach. To that end, a new position, Director of Communications/Media Relations, will be filled with a dedicated professional charged with developing and implementing, with staff input and support, a media strategy across all media, in particular social media. This media strategy should be closely coordinated with and draw upon the skills and experience of NCLEJ's legal staff and its fundraising efforts, as well as the NCLEJ's strategic alliances with participating law firms and community-based organizations.

Strategies and Benchmarks:

- By end of 2019, develop job description for the new position.
- Recruit and hire for the position by 2Q2020 at the latest.

**Strategic Goal #3:
Build Organizational Capacity for Sustainable Diversity, Inclusion and Equity**

To address many of the objectives set forth in this Strategic Plan, it is imperative that the Board and staff become more diverse and that both take steps to create the inclusive environments

necessary to attract, retain, and empower a work and volunteer force that values and celebrates its differences and, because of that, expands and deepens NCLEJ's relevance and impact. It is also critical that both take longer-term steps to understand, embrace, and implement practices, policies, procedures, and values that promote equity, inclusion, and diversity throughout all levels of the organization and its work.

The growth anticipated by this Plan will invest significant resources and change the composition of the staff and Board in ways that will have lasting effect. In order to hold firm to our commitment to diversity, equity, and inclusion despite the substantial work required to secure lasting change, this plan proposes a few interim measures. These measures will be reflected in each of the sub-goals listed below.

3A: Improve the Effectiveness of The Board by Strategically Adding to Its Diversity in All Forms and Building an Inclusive Culture That Values and Leverages Difference

NCLEJ has been fortunate in having Board Members who have been committed to the organization and who have been zealous in its support. Strategic Board development will be instrumental to expanding the role that the Board can take going forward. The Board's functions are many, including determining the organization's mission and purpose, selecting the chief executive, providing proper financial oversight, ensuring adequate resources, ensuring legal and ethical integrity and accountability, ensuring effective organizational planning, recruiting and orienting new Board members and assessing Board performance, enhancing the organization's public standing, together with determining, monitoring, strengthening the organization's programs and services and supporting the chief executive and assessing his or her performance. Each of these functions is enhanced by having a Board that contains members who are diverse by, among other things, race, gender, ethnicity disability, experience, socio-economic background, professional skills, geography, sexual orientation, gender identity and age.

In order to facilitate the Board's functioning, the Board, led by its Membership Committee will examine the Board's current composition, structure and functions, and specifically examine the diversity of its current and past membership; research and analyze best practices and various models used by high performing nonprofit boards; develop recommendations, based on the research and analysis, for what changes are necessary to advance the organization's strategic vision and what aspirational change might be desirable as the organization grows its size and impact; review the plan for its impact on and alignment with diversity, inclusion, and equity goals. In the future, the Board may undertake a collective learning process to expand and deepen its understanding of and facility with inclusion and equity principles and practices. It may also undertake a review of policies and procedures for inclusion and equity impact.

Strategies and Benchmarks:

- By early 2020, the Board will conduct an assessment to evaluate Board composition as to demographic diversity, the appropriateness of the number of community board members, and the experience and skills of its membership (*i.e.* fundraising capability, legal expertise, inclusion, and equity expertise, access to networks, association with organizations, and community groups, community organizing expertise knowledge of communications and philanthropy, etc.) The assessment will also examine Board climate, culture and inclusiveness.

- Research and analyze the best practices, structures and functions of several high performing nonprofit boards to explore what, if any, changes in form, structure, roles, and practices might benefit the NCLEJ.
- Using research and analysis, evaluate Board structure including categories of membership, Board terms, committee structure, and composition and recommend necessary and desired changes.
- Review proposed changes for values, practices, policies, and mechanisms to advance and sustain diversity, inclusion, and equity.
- With the assistance of the consultants, prepare a recruitment plan for increasing diversity in the Board;
- Finalize change recommendations and amend the by-laws accordingly.

Interim Strategies and Benchmarks:

- The Board will institute interim guidelines that ensure that diverse candidates, including candidates of color, be presented for addition into each Board class for membership. The guidelines shall ensure that candidates will not be presented to the board as one-off “exceptions” that do not further NCLEJ’s goals of diversity, inclusion and equity.
 - It is recognized that there are currently a significant number of vacancies on the Board, so that the issue is not competition for limited seats or selection among a pool, but rather finding sufficient appropriate candidates.
 - With a goal toward increasing the level of diversity of the Board until the Board adopts a more formal, long-term diversity recruitment and retention plan all votes taken by the Board for the addition of candidates must include at least one diverse candidate (*i.e.*, one who meets the first criterion below), and all candidates must meet at least one of the following criteria:
 - increase the Board’s racial, ethnic, gender, gender identity, sexual orientation, and/or disability diversity, or
 - have a commitment to diversity and a significant track record of increasing diversity within another organization, institution or Board, with a particular emphasis on racial and ethnic diversity, or
 - have a commitment to diversity and bring a particular skill or access to networks not currently represented on the Board.

*3B: Create and Implement A Staff
Diversity, Inclusion, and Equity Plan*

Creating a diverse, inclusive, and equitable workplace is at least as important as advancing Board diversity, inclusion, and equity given the staff's greater exposure to client groups, sister organizations, the media, and funders. Increasing the diversity and cultural responsiveness of staff with respect to race, ethnicity, disability, geography, and language skills will be increasingly important as NCLEJ seeks to increase the range and amount of work it does in its present work and any new work in the coming years. Every aspect of the organization's operation must be carefully examined to determine what steps can be taken to assure greater diversity, assure a welcoming and inclusive working environment that values, celebrates, and supports difference, and assure the adherence to equitable practices within the organization and through its work.

Toward that end, this draft of the strategic plan will be reviewed by the Board at the September 2020 Board meeting. The draft plan will outline the resources and steps necessary to implement a comprehensive diversity, inclusion and equity plan, which will contain elements including the ones set forth below:

Strategies and Benchmarks:

The draft implementation plan will include:

- a process for assessing the climate, culture, and working environment of NCLEJ.
- a process for collecting data about diversity within the organization's staff, clients, and partners.
- a process for building shared language, knowledge, skills, and agreements to support a collective staff earning process and outline the kinds of training, facilitation, and staff engagement required.
- the creation of a staff committee to participate in and guide the further development and implementation of the training and facilitation plan.
- the development of a recruitment and hiring plan that sets out:
 - A strategy for contact with law schools, list serves, affinity organizations, and others to bring the applicant pool closer to the levels of diversity reflected in the general population;
 - A strategy for crafting job descriptions and advertisements that will appeal to a wider range of diverse candidates;
 - An interview process that provides clear criteria for the evaluation, agreed standards for evaluators, and diverse interviewing teams;
 - A mechanism for recording data relating to diversity in job applications, interviews granted, selection of applicants;
 - A process for evaluation of the recruitment, hiring and retention process on an ongoing basis; and

- recommendations concerning comparisons of compensation and benefits with equivalent organizations, in an effort to assure that NCLEJ remains as competitive as possible with sister organizations.

Interim Strategies and Benchmarks:

- Staff will institute a “Rooney Rule” requiring a certain number of candidates of color in every pool of candidates considered for each staff position. No candidates shall be considered in isolation at the final hiring stage.
- The Executive Director will review and make the final determination on all hires.

Strategic Goal #4:

Develop Comprehensive Criteria for Initiating New Cases and Projects

In order to assure the continued relevance and maximum effectiveness of its work, NCLEJ will periodically review its priorities and explore potential new areas of emphasis as set out more specifically below. NCLEJ’s work has included serving as a resource for individuals and groups faced with new types of policies and practices which hurt the groups with which NCLEJ works. NCLEJ is particularly well suited to providing those services nationwide and will continue doing so in the future. But in order to further the values and mission which the organization has undertaken, it is important that NCLEJ consider how new areas of emphasis and new strategies might best serve its long-term goals. This plan calls for examining existing criteria and taking steps to consider new criteria (including but not limited to housing, environmental justice and transportation) that might serve to further NCLEJ’s mission.

Strategies and Benchmarks:

- It is expected that this goal will be largely accomplished in early 2020.
- By the end of the 2019 Calendar year, the Legal Director, in consultation with the Executive Director, shall review and amend existing criteria to assure the increased effectiveness of the organization and further its values and mission. Included among those criteria should be:
 - Consistency with the values and mission of the organization;
 - Sufficiency of resources to develop effective strategies to address new issue areas;
 - Impact of working in the existing or new areas;
 - The extent to which work in the area would combat structural and institutional inequality;
 - The significance of the area in creating or further strategic organizational partnerships and collaboration;
 - The consideration of geographical priorities; and
 - The extent to which NCLEJ can meet needs not currently being met by existing organizations.

Strategic Goal #5:

Improving Organizational Infrastructure and Addressing Space Requirements

Increasing the number of staff and the scope of NCLEJ's work will require a corresponding assessment and plan to address current deficiencies and new needs in NCLEJ's infrastructure, use of technology and office policies and procedures. One of the immediate needs to be addressed will be the additional office space that added staff would require. Several of these needs will arise immediately; some can be dealt with as NCLEJ addresses the needs created by the fact that its current lease will end on July 31, 2021. In addition to the requirements of space, outdated information technology and overly paper-reliant systems will require updating in order to assure efficiency, reliability and electronic security. Work in each of these areas will begin immediately.

Strategies and Benchmarks:

- The Financial and Administrative Director, in consultation with the Legal Director and the Executive Director, and members of the Board of Directors as needed, will identify essential systems upgrades and space requirements and then create timetables and implementation plans to address these priority areas.

Strategic Goal #6:

Increase General Fundraising and Development Revenue

The decision in 2017 to bring on board Koszyn & Company as a full-service outsourced Development Department has produced major positives, and this section of the Strategic Plan builds on them. Koszyn & Company has recommended that the Center begin to move more of its fundraising capacity in-house, through the recruitment of a full-time development director and development assistant by January of 2021. Whether the right skill sets, at the right price, are available remains to be seen. The near-term strategic initiatives described herein assume that Koszyn & Company will stay on board but can be adapted to in-house personnel if needed.

The 2019 development revenue budget, excluding the benefit dinner and attorneys' fees, is \$1,200,000, which is in line with 2018 experience and a substantial increase from previous years. The year-over-year need for additional revenue to meet Strategic Goals ##1-3 will be around \$250,000 per year, for a total needed revenue growth in annual development revenue of about \$1.25 million over the five-year period. It is intended to achieve that growth solely through development activity; although attorneys' fees may increase to some extent as lawyer activity increases, the lumpiness, uncertainty, and very significant time lags associated with fee awards, together with the increasingly difficult legal environment for fee awards, militates against projecting any specific amount of fee award increase.

Koszyn & Company advises that the desired growth in development revenue may be achievable (and, to some extent, exceeded) in 2020 and 2021, but not likely thereafter absent extraordinary measures such as a capital campaign. That advice forms the context for the phasing of Strategic Goal #1 and the reference there to the possible need for a capital campaign. The combination of increased space requirements and termination of the Center's current lease at the end of 2021 frame the timing for consideration of that issue.

For these reasons, this Strategic Plan presents only Near Term (through 2021) Development objectives. The purpose of these near-term objectives is not principally to raise a specific amount of money in 2020 but to continue to put into place the infrastructure needed for sustained growth in the later years of the Plan. The detailed operational procedures to build this infrastructure

are set forth in working documents of Koszyn & Company and the Development Committee, and are not in this Plan.

6A: Expansion of Foundation Relations

Nationally, foundation giving was the donor segment that experienced the highest level of growth in 2018. Strong investment returns over the last several years have bolstered the assets of many private foundations and these funders have escalated their grant levels to meet minimum distribution requirements. With its broad range of programmatic initiatives and demonstrated record of success, NCLEJ is well positioned to continue growing its pool of foundation donors.

Foundation giving has historically been one of NCLEJ's strongest revenue sources. A significant focus should be to build on recent momentum in this fundraising arena as the organization seeks additional resources to support many of the other goals set forth in this Strategic Plan.

Strategies and Benchmarks:

- Research a list of 30-40 foundations prospects with a demonstrated interest in economic justice and civil rights issues, as well as those who have a history of supporting:
 - organizational capacity building
 - diversity, equity, and inclusion
 - capital or technology needs
- Review the foundation prospect list with Board and staff to identify five new foundation connections each quarter and develop a cultivation path for each; and
- Increase foundation giving by 25% in 2020 by pursuing grants from both new funders and seeking renewals/upgrades from recent supporters.

6B: Continued Engagement of the Development Committee

An active and engaged Development Committee, working closely with staff leadership and fundraising counsel, should play an integral part in advancing NCLEJ's development goals. An effective Development Committee should, first and foremost, serve as a fundraising role model for the Board and other supporters. This includes providing strong personal financial support on an annual basis, assisting to advance major gift activity, and involvement in reviewing and recommending annual giving goals to the Board's Finance/Budget Committee.

Strategies and Benchmarks:

- The Board Chair and Executive Director, in consultation with fundraising counsel, should identify Development Committee candidates and recruit at least five members;
- Committee leadership and members should take a lead role in cultivating and soliciting annual support from other Board members. The goal should be to achieve 100% participation and increasing overall Board

support by 20% in 2020. The Executive Director and fundraising counsel should work with Development Committee leadership to institute a peer-to-peer solicitation protocol in order to maximize Board giving; and

- The Development Committee should be actively engaged to identify a total of 50-75 major gift prospects from a combination of: current and lapsed supporters, special event participants, attendees at cultivation events, personal/professional connections, and suggestions from other Board members.

6C: Creation of an Individual Patron's Program

Building a membership-based program for mid and higher-level donors can help bolster support levels from individuals and is also key to establishing a strong major gifts pipeline. NCLEJ should advance the development of a Patrons Program with multiple giving levels and associated benefits that are designed to both provide recognition for supporters and build donor engagement. With a recommended entry-level gift of \$1,000, the new program would ideally offer gift opportunities at the \$2,500 and \$5,000+ levels as well. Donor benefits for this type of program typically involve a combination of public recognition (e.g. special listings on the website, in newsletters and annual reports, etc.), as well as invitations to special receptions, opportunities to interact with NCLEJ leadership, important community leaders, and other Patron program members.

Identifying and engaging potential Patron prospects are critical elements in the success of such programs. Prospective Patron program members would likely include those from the major gift prospect list mentioned in the above Objective #2 (but likely with a lower threshold of expected gift level) and could also be supplemented through electronic wealth screening of those in NCLEJ's donor database.

Strategies and Benchmarks:

- NCLEJ staff and fundraising counsel should develop a program overview and implementation plan for review by the Development Committee;
- Identify a list of 200 – 300 Patron program prospects;
- Schedule at least four donor cultivation/stewardship events (ideally hosted/underwritten by a Development Committee or Board member);
- Host an annual recognition event for all Patron program members;
- Create a dedicated Patron's webpage on the NCLEJ website to promote the program and provide recognition for members; and
- Near-term goals of this program would be to upgrade 10% of annual donors currently giving \$500 or more and doubling the number of individual donors currently giving \$1,000 or more.

6D: Formation of a Business Council

Similar to the Patrons program described in Objective #3, a membership-based NCLEJ Business Council program can be crafted to help increase contributions and involvement from the

business community. Here too, a detailed plan should be developed incorporating multiple giving levels and various membership benefits, perhaps starting at the \$5,000 level. Recognition and networking opportunities are typically the focus of any associated benefits structure for this type of giving council.

The recruitment of active leadership can also play an important role in accessing prospective members. NCLEJ should consider approaching representatives from key business segments (*e.g.*, legal, real estate, entertainment, financial services, etc.) to serve on a small steering committee of 5 – 6 members to help launch this effort.

Strategies and Benchmarks:

- NCLEJ staff and fundraising counsel should develop a Business Council overview and implementation plan for Development Committee review;
- Identify 100 – 150 corporate prospects from multiple sources that may include: current and past donors, special event participants, vendors, recommendations from Development Committee, NCLEJ Board and other Business Council members;
- Recruit initial Steering Committee members and secure annual commitments (ideally at \$25,000+ each); and
- Create a dedicated Business Council webpage on the NCLEJ website to promote the program and provide recognition for members.

MONITORING AND EVALUATION

The utility of the strategic plan is dependent upon the extent to which it is used in guiding the activities of the organization and its Board. In order to assure its continuing effectiveness, the plan should be subjected to continued review and evaluation and the need for amendments to the plan considered on a continuing basis. To that end, on or near the anniversary of the adoption of this strategic plan, the Executive and Litigation Directors will meet to examine and take appropriate steps with regard to performance of the provisions of this strategic plan.

Strategies and Benchmarks:

- Efforts to evaluate the implementation of the strategic plan in order to assure the consistent pursuit of the organization’s goals and values will include:
 - Progress in meeting benchmarks contained in the strategic plan.
 - Determination of obstacles to meeting deadlines and steps.
 - Consideration of any necessary alterations to the plan.
 - Analysis of continuing utility of the plan and consideration of need to modify or replace all or part of the Strategic Plan.

IMPLEMENTATION ACTIVITIES

Insofar as there are many external and unknown variables with any five-year plan, attached is a year-one+ implementation plan with detailed activities and outcomes. Beginning in 1Q 2022, an assessment of progress made to date will be completed that will allow NCLEJ to outline additional actions, outcomes, and completion dates covering the remaining years of the plan.