SIERRA CLUB ATLANTIC CHAPTER

LITIGATION POLICIES AND PROCEDURES

The Sierra Club Atlantic Chapter’s Litigation Policies and Procedures are based on and consistent with the national Club’s Litigation policies and procedures as spelled out in its Litigation Handbook and on Clubhouse (http://clubhouse.sierraclub.org) and search word “litigation”.

Atlantic Chapter and national Club approval is required for all forms of litigation and advancement of litigation from one step to the next, e.g., from lower to higher court. Forms of litigation are: lawsuits, settlements, amicus briefs, administrative actions, and notice letters. Completed New Matter Forms are required for lawsuits and amicus briefs and sometimes for Administrative Actions. The Litigation Handbook and Clubhouse have a sheet showing the “Step-by-Step Process for Seeking Authorization” for the various types of litigation.

Key Points about Sierra Club Litigation (from Clubhouse and Litigation Handbook)

Sierra Club is Single Legal Entity. All litigation is brought on behalf of the Club as a whole, rather than a Club chapter or other Club entity. While the Sierra Club litigation typically is sponsored by chapters or other Club entities, the national Club leadership (Board of Directors, Board Executive Committee and Litigation Committee) have ultimate supervisory authority over all Club litigation.

Environmental Litigation as a Campaign Tool: Environmental litigation is far more effective when it is part of an integrated campaign with clearly agreed upon environmental goals. The Sierra Club discourages lawsuits in which we are merely lending our name and national reputation.

Litigation Funding: Chapters and other Club units (e.g., groups and national campaign committees) are responsible for meeting the financial obligations of the suits they sponsor. Club entities must also consider the possibility that a court may require the Club, if it loses the litigation, to pay the adverse parties’ costs; the possibility of countersuits for damages, and the possibility of large bonds being imposed as a condition for injunctive relief. Chapters should therefore carefully assess their financial situation in considering any proposed law suit.

Additional Policies and Procedures for Atlantic Chapter

1. The Chapter Legal Advisor will serve as the first and last stop for any activist and/or staff managing litigation. The Advisor will co-lead with the activist and/or staff and serve as a key link with the national legal staff. The Chapter Chair or the Conservation Chair will be the party requesting national legal approval of litigation or a major change
in litigation via a New Matter Form and/or other required document prepared by the lead activists and/or staff in consultation with the Chapter Legal Advisor.

2. As the litigation advances or changes in a major way, e.g., move from lower to higher court, go to settlement, the Chapter Legal Advisor must be alert to and notify the Chapter Chair and Chapter Conservation Chair and head staff of any needed approvals at the Chapter and/or national level. The Chapter Chair, Chapter Conservation Chair and head staff will be copied on all internal Sierra Club forms and correspondence including e-mails related to the litigation. The Albany office will maintain archival files of all correspondence.

3. The Legal Advisor will maintain a master list of pending Chapter litigation and its status and share this information with the Chapter Chair, Conservation Chair, and head staff and Chapter Executive Committee. This report will be presented at each regularly scheduled quarterly ExCom meeting and will automatically be included in the agenda for each quarterly meeting.

4. The Chapter ExCom will require submission to them of a completed New Matter Form and approval resolution before consideration and approval of any litigation’s advancement to national legal staff and the Litigation Committee for final approval. The Chapter Steering Committee will not act in the place of the Executive Committee as the Chapter Executive Committee can act quickly in a Special Meeting or Emergency Meeting or e-mail vote.

5. Procedures and contracts for hiring attorneys and consultants will be done within the parameters set by the New Matter Form and will be managed by the activist and/or staff lead and the Legal Advisor in coordination with the Chapter Treasurer and national legal office. Approval by the national legal office and the Chapter Chair or other parties delegated by the Chair is required for all attorney contracts. The Chapter Chair, Chapter Conservation Chair, and head staff will be copied on all contracts.

6. For any litigation, whenever feasible, there will be at least two lead activists or activist and staff person, in addition to the Chapter Legal Advisor, to ensure continuous active management of the litigation.

7. If the lead activist(s) or staff do not perform their responsibilities in conformance with the Atlantic Chapter and national Club’s litigation policies and procedures, the Chapter Chair and Conservation Chair in consultation with the Legal Advisor, will arrange for a new lead activist(s) and/or other staff to assume responsibility for the management of the litigation and will notify the national legal office of the changes.

8. Prior Chapter ExCom and national Club approval is required to establish any Legal Action Fund or other special fund to fund any form of litigation.