Our mission is to provide grants, advocacy and education to support impact litigation on behalf of marginalized communities seeking economic, environmental and social justice.

Our vision is that these communities will have the same access to justice as corporations or governmental entities, to ensure that their rights are protected.

Class actions matter. They matter to women who have been unfairly passed over for promotion, they matter to foster youth denied mental health services, they matter to low-wage workers not paid for the hours they’ve worked, they matter to Native American communities whose groundwater is poisoned. They matter to everyone whose rights are threatened by profit-obsessed corporations and small-minded government. In other words, class actions matter to all of us.

Since 1993, the Impact Fund has helped the little fish to unite in mighty schools to take on the sharks. We level the playing field, ensuring that marginalized communities have the opportunity to swim together and seek justice. We rely on our tried and tested formula — grants, education and advocacy — as the foundation upon which we advance the goal of economic, environmental and social justice.

In the pages that follow, you will read about the causes we have funded, the advocates we have trained, and the clients we have represented. Whether it is standing up for proper medical care for prisoners, insisting on clean water for rural communities, or saying “enough” to the use of excessive force on #BlackLivesMatter demonstrators, we continue to create opportunity and magnify justice through the power of impact litigation.

We are grateful to have you with us on that quest.

Jocelyn D. Larkin
Executive Director, Impact Fund
Every year, the Impact Fund makes grants to advance economic, environmental, and social justice. This past year was a banner year for grantmaking. Our Financial Year (FY) runs July 1 - June 30.

GRANTEES

**THINK ERIN BROCKOVICH**

Grant Dollars Committed FY2012-13 to FY2014-15

$120K FY12-13
$140K FY13-14
$272K FY14-15

**NEW GRANTS FY2014-15**

**THINK DAVID v. GOLIATH**

“These lawyers, these plaintiffs — they’re heroes. They stand up when others don’t — or can’t — stand up for themselves.”

— Jocelyn Larkin, Executive Director, Impact Fund

**CAUSES FUNDED**

- Clean Air
- Environmental Justice
- Gun Control
- Prisoners’ Rights
- Think David v. Goliath
- Workers’ Rights
- Clean Water
- Voting Rights
- Children’s Rights
- Civil Rights
- Fair Housing
- Disability Rights
- Gender Equity
- Environmental Justice
- Human Rights
- Clean Water

**GRANTEES**

- Brady Campaign
- Brancart & Brancart
- Children’s Law Center
- Columbia Legal Services
- Cornish & Dell’Olio
- Disability Law Center
- Earthroots Coalition
- Eastern Environmental Law Center
- National Law Center on Homelessness & Poverty
- National Lawyers Guild
- San Francisco Bay Area Chapter
- Native American Rights Fund
- New York City Community Garden Coalition
- Pesticide Action Network North America Regional Center
- Sonya Rudenstine Law Firm
- Texas RioGrande Legal Aid
- Tidrick Law Firm
- WaterLegacy
NEW GRANTS  (CONTINUED)

We were there with the legal community on the steps of the California Supreme Court on January 16, 2015.

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NEW GRANTS

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SOCIAL JUSTICE CASES

The cases we are funding allege that:

• In Texas, people with unpaid tickets are sent to “debtors’ prison.”
• In California, landlords lose their insurance when they accept Section 8 vouchers from low-income tenants.
• In North Dakota, Native Americans can’t vote because of a recently enacted voter suppression law.
• In Florida, prisoners who request mental health services are abused and, when they complain, the abuse escalates.

ECONOMIC JUSTICE CASES

The cases we are funding allege that:

• In Texas, people with unpaid tickets are sent to “debtors’ prison.”
• In California, landlords lose their insurance when they accept Section 8 vouchers from low-income tenants.
• In North Dakota, Native Americans can’t vote because of a recently enacted voter suppression law.
• In Florida, prisoners who request mental health services are abused and, when they complain, the abuse escalates.

ENVIRONMENTAL JUSTICE CASES

The cases we are funding are to stop:

• Proposed mining in the Superior National Forest that would contaminate groundwater, damage wetlands, and destroy the local Native American wild-rice economy.
• Unwanted development, after a community garden in New York was bulldozed in the middle of the night.
• Pollution from a lighter fluid factory in New Jersey that is causing illness to residents in a low-income neighborhood.
• Clear-cut logging that is threatening the health and livelihood of the local indigenous community in Ontario.
• Spraying pesticides at will in California.
• A new highway bridge that is the latest in a long history of environmental hazards heaped upon an African American and Latino neighborhood in Corpus Christi, cutting it off from the rest of the city.
A few of these cases are famous; most you’ll never hear about, but all are vitally important to communities who have suffered too much for too long.”
— Michael Caesar, Grant Advisory Committee Chair, Impact Fund

Noemi Romero spent three months in jail thanks to Sheriff Joe and his workplace raids. Now she helps empower people with immigration cases to represent themselves.

By Noemi Romero, U.S. resident since age 3

On a single day in 2013, my life changed completely. It started as a normal day at work. I looked up and there were sheriff’s deputies everywhere. I didn’t know what was going on. The deputies handcuffed me and took my phone and my purse away. I couldn’t stop crying. Then, they lined us up to take us to the caged vans waiting outside. My coworkers and I were taken to a processing station, where they handcuffed us to a bench for hours. I spent two months in the Estrella County Jail, run by the notorious Sheriff Joe Arpaio, where I faced humiliation after humiliation. I slept in a room with more than a hundred other women and was taught to respond to “54” as if it were my name. The first night I didn’t sleep at all, I just sat on my tiny, hard bed and cried, worried that I would go crazy in there.

When I was eventually released, I knew I had to speak out about what happened to me. This lawsuit could make it so that no one has to go through what I went through. Then, I can have dreams again.

Noemi is one of the workers who provided a declaration in Puente v. Arpaio, a lawsuit brought by the University of California Irvine School of Law Immigrant Rights Clinic and others with support from the Impact Fund. This case is challenging the constitutionality of two Arizona laws on which Maricopa County’s workplace raids are based.

Thank you
Your generous donations make our support of these cases possible!

Online Application & Reporting
Soon we will be moving to an online application and reporting process. Many thanks to our friends at FLUXX for helping to make this happen.

Social Justice Blog: impactfund.org/blog #EconomicJustice #EnvironmentalJustice #SocialJustice
Wal-Mart Employees Continue To Fight For Gender Equity

Female Wal-Mart employees continue to press their pay and promotion discrimination claims around the country. The *Phipps v. Wal-Mart* case is one of several regional class actions filed after the Supreme Court ruled that the plaintiffs in *Dukes v. Wal-Mart* could not proceed with a nationwide lawsuit. The plaintiffs in *Phipps* filed their case in Tennessee, seeking to enforce federal anti-discrimination laws on behalf of female Wal-Mart workers in Tennessee, Alabama, Arkansas, and Mississippi. The women scored a major victory in July 2015. Wal-Mart originally argued that the district court in Tennessee should dismiss the case because it was too late to resolve the claims at issue. However, in a significant ruling for the workers, the Sixth Circuit Court of Appeals reversed, holding that the case was not time-barred and allowing the women to move forward with their class action.

Settlement Funds Distributed in Class Action Seeking Equal Pay for Hispanic Workers

In April 2015, the United States District Court for the District of Arizona granted final approval of a $6.5 million settlement on behalf of Hispanic grocery store workers. We are now in the process of distributing settlement funds to members of the class. In 2002, our co-counsel Davis, Cowell & Bowe filed a complaint alleging discrimination on behalf of thousands of Hispanic grocery store workers in Arizona. The Impact Fund joined the case in 2004. While jobs within the company’s three store formats were identical, the employer used a lower pay scale for workers in its Hispanic-format stores, which were staffed by predominantly Hispanic workers. In late May 2013, after over a decade of litigation, the district court granted our motion for class certification, permitting over 12,000 workers to challenge the pay inequity as a group.

Gender Discrimination Settlement Claims Process is Underway

The nationwide settlement of the Costco gender discrimination class action is underway. The court-approved settlement agreement established an $8 million fund, along with a claims process through which class members may make claims that they were denied promotions because of their gender. Costco also agreed to work with an independent consultant to analyze its promotion policies and practices, and has committed to making several significant changes to its promotion processes for managers.

The *Ellis v. Costco* class action was filed in 2004, challenging Costco’s practices with respect to the promotion of women into management. Our clients claimed that Costco operated a “glass ceiling” that stopped women from being promoted to assistant manager and general manager positions in the popular retail warehouses. In September 2012, after years of litigation and appeals, the court certified the case as a nationwide class action, finding that the women had shown “significant proof of companywide policies and companywide gender disparities” and “discrete policies, practices, and culture which disfavored women.” In late 2013, the case was resolved on the eve of trial.

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AMICUS VICTORIES

**Mach Mining, LLC v. EEOC**
(U.S. Supreme Court)

This year, the United States Supreme Court addressed whether courts should be allowed to review the steps that the Equal Employment Opportunity Commission takes to informally resolve discrimination cases before taking them to court. We co-authored and submitted an amicus brief with the Penn State Civil Rights Appellate Clinic on behalf of other public interest groups.

Our brief shared the perspective of the victims of workplace discrimination who often depend on the EEOC to vindicate their rights. We explained that allowing courts to review settlement discussions violates the victims’ right to confidentiality, which is guaranteed by federal law. We also advocated that dismissing cases due to problems in the pre-suit negotiation process would unfairly punish the victims of discrimination based on a purely procedural issue.

The Supreme Court agreed. In a major victory for the EEOC and victims of discrimination, the Supreme Court held that federal courts have a very limited ability to review pre-suit negotiations, and should not dismiss these important cases due to technical deficiencies in the conciliation process.

**Tyson v. Bouaphakeo**
(U.S. Supreme Court)

This case involves a wage and hour class action on behalf of employees of a meat-processing facility in Iowa. Tyson paid employees for the time while the production line was running and, during some years, four extra minutes for putting on and removing their protective gear. The evidence demonstrated that most employees spent much more time than that on these tasks. Because the employer kept no records of the actual time spent, the workers employed an expert, who developed a statistical model of the lost time, based on his observation of a sample of the employees. A jury awarded nearly $3 million in damages, a significant win for the workers.

The United States Supreme Court agreed to review the case to decide whether a class action can be certified even though some class members might not have suffered damages, and the extent that statistical methods can be used to prove liability and damages. In late September, we filed an amicus brief explaining that the law does not require each class member to have been injured before a class can be certified, and that making this a requirement would improperly prevent many important class actions from going forward.

**Jones v. Wells Fargo Bank**
(California Court of Appeals)

This case involved allegations that loan officers in non-minority Wells Fargo bank branches were allowed to use the company’s “Loan Economics” program to price home loans, while loan officers in branches that predominantly served African American and Hispanic customers were not. The district court certified the plaintiffs’ claims for penalties under California discrimination law, reasoning that because penalties of at least $4,000 are mandatory once liability is established, there would be no need to wade into the individual issues involved in assessing actual damages. At trial, a jury found in favor of the plaintiffs and the class, awarding $3.52 million. Because of the significance of the decision, we filed a request for formal publication of the California Court of Appeal’s decision.

NEW AMICUS CASES

**Laflitte v. Robert Half**
(California Supreme Court)

This case involves the question of how trial courts may calculate a reasonable attorneys’ fees award in a class action. An objector brought an appeal of a successful settlement of a large wage and hour class action. The appeal argues that trial courts may not use a common fund (percentage of the benefit) to award attorneys’ fees, but are limited to the use of the lodestar method (hours times hourly rates subject to adjustment).

We have agreed to file an amicus brief this winter to underscore the importance of statutory attorneys’ fees to the vindication of the rights of legal services clients.
CLASS ACTION CONFERENCE

Over two days in February 2015, we convened our Thirteenth Annual Class Action Conference in Berkeley, California. Once again, the room was busting at the seams. Over 140 practitioners from around the country gathered to share knowledge and ideas regarding current issues in class action litigation, and to forge alliances that will allow the next generation of advocates to join together to help those who need it most.

One of the many highlights from this year’s conference was a presentation by Jocelyn Larkin of the Impact Fund, along with Karen Jo Koonan and Sonia Chopra of the National Jury Project, regarding the way class actions are perceived in our society. The panel shared the results of a series of focus groups commissioned by the Impact Fund and specifically designed to test the knowledge, beliefs and, attitudes held by Americans across the political spectrum. The presentation inspired a lively and enlightening discussion on the state of class actions, and what needs to be done to educate the public on the utility of class actions as a means of achieving social justice.

Other highlights included an informative panel covering proposed amendments to Rule 23 of the Federal Rules of Civil Procedure, featuring Elizabeth J. Cabraser of Lieff Cabraser Heimann & Bernstein, Paul Bland of Public Justice, and Alexandra Lahav of the University of Connecticut School of Law. Conference attendees also heard from two experienced attorneys from the other side of the bar regarding common plaintiffs’ mistakes from the defense perspective. The conference wrapped up with an insightful discussion of strategies for trying class actions from some of the country’s most experienced class action litigators, including Anna P. Prakash of Nichols Kaster, Barry Goldstein of Goldstein Borgen Dardarian & Ho, Todd Jackson of Lewis, Feinberg Lee & Jackson, and Katherine Kimpel of Sanford Heiser Kimpel.

We would like to thank all of the conference sponsors, panelists, and attendees for their support and commitment to using the legal system to fight for justice for those most in need.

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TRAINING INSTITUTES

The Impact Fund Training Institute is a one-of-a-kind, three-day, intensive course that allows a small group of students to take a mock class action case from the initial client meeting all the way through to a mediated settlement. The Training Institute focuses on teaching lawyers the technical, strategic, and practical skills that can be used in a variety of class actions.

Due to high demand for the training, we held a second Institute in Chicago this year, in addition to our annual program in Oakland. Needless to say, we had a blast. We hope to continue to expand the program in the years to come.

For the second consecutive year, our local Training Institute was held at the East Bay Community Foundation in Oakland. Faculty included Dara Schur, Director of Litigation at Disability Rights California; Lindsay Nako, Partner at Lewis, Feinberg, Lee & Jackson, P.C.; Jocelyn Larkin, the Impact Fund’s Executive Director; and Robert Schug, our Director of Litigation and Training.

The Institute also featured an all-star cast of guest speakers. This year we were thrilled that Frankie Ross, who served as a named plaintiff in a landmark race discrimination class action case against Merrill Lynch, was able to share his experiences in the long and complex litigation process. JAMS Mediator Michael Loeb guided the attendees through a mock mediation session. We heard from two guest speakers, Magistrate Judge Donna Ryu of the United States District Court for the Northern District of California, and Judge Brad Seligman, Impact Fund Founder and Alameda Superior Court Judge.

The Chicago Training Institute was made possible in large part due to a tremendous amount of time and effort donated by J. Bryan Wood of the Wood Law Office, a longtime friend of the Impact Fund. Along with our core training team, Mr. Wood offered invaluable expertise on class action litigation in Illinois federal and state courts. In addition, John Van Winkle served as our mock mediator, and Marni Willenson of Willenson Law and Joshua Karsh of Hughes Socol gave an in-depth primer on e-discovery in class action litigation.

We would like to give a special thanks to The Chicago Bar Foundation, which graciously worked with us to spread the word about the Chicago Training Institute to the Illinois non-profit legal community.
Each summer, the Impact Fund hosts a Summer Webinar Series. This year, in early July, guest trainers Kathryn Burkett Dickson of Dickson Geesman and Impact Fund Board Member Christian Schreiber of Chavez & Gertler hosted “An Introduction to E-Discovery: What Every Lawyer Needs to Know.” The webinar provided a “nuts and bolts” overview of e-discovery for attorneys of all experience levels. Later that month, Krista Stone-Manista and Sarah Poppy Alexander of Rosen Bien Galvan & Grunfeld LLP, and Mary-Lee Smith of Disability Rights Advocates presented “Pleading and Certifying Class Action Claims for Injunctive Relief,” which included practical tips for pleading and certifying class actions seeking injunctive relief. We wrapped up with “Class Action Settlement Ethics,” presented by Impact Fund Executive Director Jocelyn Larkin and Impact Fund Board Member Cornelia Dai of Hadsell Stormer & Renick, helping practitioners navigate the numerous potential pitfalls that come along with negotiating complex class action settlements.

Impact Fund Executive Director, Jocelyn Larkin, together with our Director of Litigation and Training, Robert Schug, present seminars and trainings around the state of California and are frequent guest speakers on topics related to impact litigation and class actions.

The Impact Fund serves as the national class action clearinghouse for our community and, last year, we provided many hours of pro-bono consulting. We also continued to facilitate an online community — the Impact Fund Class Action Forum: a one-of-a-kind resource for over 500 plaintiff-side class action practitioners.

Our Mission: As one of the nation’s few foundations providing broad support for complex public interest litigation, we are committed to the idea that ordinary people should be able to join together and use the courts to protect their jobs and communities. Our unique ability to use public interest litigation as a tool to secure economic, environmental and social justice makes us an effective charitable investment.

Our Reach: We provide training and technical assistance to over eighty legal services programs in California. We also present a national class action conference and host a listserv for a network of plaintiff-side class action practitioners. We present an annual three-day training institute for practitioners seeking practical and strategy skills for litigating public interest class actions. We also provide hundreds of hours of pro-bono consulting to those working in the field.

Our Distinct Programs: Through our Grants Program, we’ve provided over $5.7 million to advocates to bring cases advancing economic, environmental and social justice. We also provide litigation & consulting services — counseling, advice, and assistance on complex litigation issues. We serve as counsel and file eight to ten amicus briefs every year. We present a wide variety of training programs to support practitioners and our curriculum includes topics such as new case developments, legal writing, and appellate practice.

Our Proven Track Record: We have been approved as a cy prés recipient in more than sixty-five cases in both state and federal courts. We ensure good stewardship of funds that we receive.

Our Impact: Because we support litigation in many substantive areas (e.g., employment, civil rights, disability access, consumer, poverty, environmental, and criminal justice), we have a nexus to many kinds of class actions. Cy prés funds allow us to continue this vital work.

Help us continue to make a real impact!
For more information contact:
Teddy Basham-Witherington
twitterington@impactfund.org

Invest in a Future that is Fair for All

WHY THE IMPACT FUND IS AN IDEAL CHOICE

cy prés [si:ˈprɛ] n. The legal doctrine that allows funds remaining after the distribution of a class action settlement to be given to a charitable organization (or more than one) whose mission dovetails with the original purpose of the case. Cy prés is an important source of funding for non-profits and legal services.

Thank you to the following firms for naming us as Cy Prés beneficiaries this year:

Law Office of Joseph Antoulli & Mason LLP
The Gardner Firm, P.C.
Hadsell Stormer & Renick LLP
James Hawkins APLC
Leonard Carder
Nichols Kaster
Law Offices of Timothy Rumberger
Wynne Law Firm
Zelle Hofmann Voelbel & Mason LLP
On May 13, 2015 we gathered, engaged and celebrated in one of San Francisco’s most beautiful venues, the top floor of the Westin St. Francis on Union Square. We thank all those who attended and sponsored for being there and helping us raise over $90K to advance our work.

We look forward to seeing you next year on May 10, 2016.

Abby Ginzberg: Award-winning documentary filmmaker about race and social justice for the past 30 years. Abby was one of the founding board members of the Impact Fund in 1993 and continues to serve on the board.

The American Immigration Council & Northwest Immigrant Rights Project: In 2012, the Impact Fund made a grant to the American Immigration Council to challenge the policy of U.S. Citizenship and Immigration Services that prevented asylum seekers from working while their applications were pending. This year we were delighted to honor the legal team at American Immigration Council and the Northwest Immigrant Rights Project for their work in B.H. et al v. U.S. Citizenship and Immigration Services, et al which resulted in the resetting of the Asylum Clock.

HONOREES

TOP LEFT: Honorees Emily Creighton (AIC), Abby Ginzberg, and Matt Adams (NWIRP).

BOTTOM LEFT: A standing ovation led by board member emeritus, Mari Mayeda (far right).

RIGHT, ABOVE: Impact Fund Executive Director, Jocelyn Larkin, with emcees Christian Schreiber, and Sheila Thomas.

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Fees represents an anomaly, following the successful resolution of three long class actions.

FINANCIAL HIGHLIGHTS

FY 2014-15 Income

75% Attorneys’ Fees

7% Foundation Grants

6% Donations

4% Cy Pres Awards

4% Grants Repaid

Other Income

FY 2014-15 Expenses

62% Programs

12% Grants

12% Management & General

14% Fundraising

INCOME

Attorneys’ Fees

$2,215,301

Foundation Grants

$107,927

Donations

$188,478

Cy Pres Awards

$171,215

Grants Repaid

$111,894

Total Revenues

$2,612,128

EXPENSES

Programs

$988,510

Grants

$109,800

Management & General

$156,754

Funding

$212,398

TOTAL EXPENSES

$1,522,524

Note: Disclosures “Fees” represents an anomaly, following the successful resolution of three long class actions.

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Management & General

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TOTAL EXPENSES

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Note: Disclosures “Fees” represents an anomaly, following the successful resolution of three long class actions.
We miss you…

Patti Cay, Administrative Manager: We wish Patti a wonderful retirement, filled with equal parts rest and rowdiness!

Meredith Johnson, Litigation Fellow: We’re sad to say goodbye to Meredith, but glad she’s joined our friends at Altshuler Berzon, just across the Bay!

Natalie Newton, Paralegal: We bid a fond farewell to Natalie who leaves us for pastures new…

We give a warm welcome to new board members


Michael Caesar is a graduate of Stanford Law School, where he served for two years as the Community Services Co-Chair for the Black Law Students Association, and a former law fellow at the Impact Fund. Today, he practices as an attorney in Oakland, California and focuses on employment discrimination, wage and hour, and disability rights law.

Cornelia Dai is a partner at Hadeel Stormer & Renick LLP, in Pasadena, California. Ms. Dai specializes in employment law and civil rights, with a focus on class actions and complex litigation. She has litigated a wide range of matters, including workplace harassment and discrimination, whistleblowing, wrongful termination, wage and hour violations, and free speech infringements.

Christian Schreiber is a partner at Chavez & Gentile, LLP. He works primarily on class action cases involving consumer rights, employment, and civil rights and financial services matters. In July 2013, Christian was appointed to a three-year term as a member of the State Bar Legal Services Trust Fund Commission. Christian is a frequent blogger at celavoice.org.

Sheila Thomas is a plaintiff’s employment attorney in Oakland, California. Ms. Thomas has experience litigating both class and individual gender and race employment discrimination cases. Currently, Ms. Thomas was one of the attorneys litigating Daker v. Wal-Mart Stores, Inc., and is Class Counsel to a class of women covered by a consent decree in Brown et al. v. Sacramento Regional Transit.

We also extend our thanks to the incomparable Bill Lann Lee, Lorrie Peeters, and Silvia Argueta for their service on the Board and Grant Advisory Committee.
See You In 2016!

Impact Fund Annual Class Action Conference
Hotel Kabuki, 1625 Post Street, San Francisco
February 18 – 19, 2016

Annual Gala
Westin St. Francis, Union Square, San Francisco
May 10, 2016

Training Institute
San Francisco Bay Area
September 14 – 16, 2016

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