# NEW HORIZONS 2019 · ANNUAL REPORT IMPACT FUND

## IMPACT FUND

### Strategic Litigation for Social Justice

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

Union printed 100%
Post-consumer recycled paper
Chlorine-free process

## WELCOME FROM THE EXECUTIVE DIRECTOR



We began the Impact Fund's 26th year with the unsettling news that, after 18 years in our modest quarters in the Berkeley Marina, our lease would not be renewed. Our landlord, the City of Berkeley, had plans to repurpose our office space and those plans most definitely did not include us. While briefly flummoxed, we quickly recognized that this apparent setback provided us with a host of possibilities, including the opportunity to realize our strategic vision of expanding to meet the growing demand for our services.

We were able to secure a larger, newly renovated space in close proximity to public transit, the UC Berkeley campus, and a number of our allies. To make the move to our new space though, we first had to unload nearly two decades of accumulated files, relics of the time when legal organizations kept everything in hard copy "just in case." And, while it was a lot of drudgery to dig through those dusty shelves and boxes, it also gave us a moment to remember so many of the important cases and projects that have been the cornerstones of our history.

Happily, our new headquarters allows us to continue our work, while also welcoming in our community and expanding our capacity. We now have room to conduct our popular training programs on site and provide community space for our friends and allies. We can house a planned three-year research study of our grant program history and of the evolution of third-party litigation finance for social justice. We can expand our litigation capacity with new legal staff ready to take on the cases that hold power accountable.

In these unstable times, our work and our community matter. More than ever, social justice litigation functions as an essential tool for protecting our democracy – challenging government overreach and giving a voice and a legal remedy to those who cannot access the courts on their own. Through a year of transition we welcome new horizons to continue this important work and turn to 2020 with renewed dedication and determination.

We are so grateful for your spirit and your continuing support.

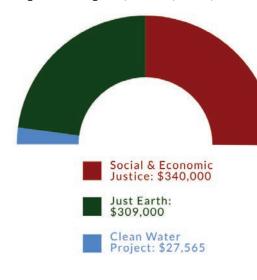
Jocelyn D. Larkin

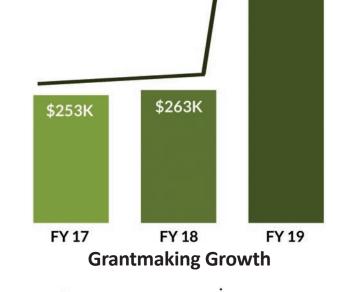
Executive Director, Impact Fund

4

### **GRANT PROGRAM**

What a year! We experienced historic growth in our grantmaking during our 2019 fiscal year. Thanks to your increased support we were able to almost triple the amount granted, doubling our grant maximum to \$50,000. Leveraging the expertise of our Grant Advisory Committee, we supported strong litigators taking on the most significant issues of our time, standing up for the rights of immigrants, children, voters, and our Earth.





\$676,565

Awarded to cases through our Just Earth, Clean Water, and Social & Economic Justice Programs Cases funded for social, economic, and environmental justice

\$677K

4 Clean Water Grants

12 Just Earth Grants

16
Social & Economic
Justice Grants

### **GRANTEES**

Aaron Halegua, PLLC • Advocates for Basic Legal Equality, Inc • Alternativas y Procesos de Participacion Social • Appalachian Citizens' Law Center ArchCity Defenders • Arizona Center for Law in the Public Interest • California Coastkeeper Alliance • Campaign Legal Center • Center for Biological Diversity Children's Rights • Clean Water Fund • Community Environmental Legal Defense Fund • DC Appleseed • Environmental Law Foundation • Heiltsuk Tribal Council Kenneth J. Krayeske Law • Lawyers' Committee for Civil Rights, Boston • Leadership Counsel for Justice & Accountability • League of Women Voters of Michigan Miami Law's Center For Ethics and Public Service • National Law Center on Homelessness & Poverty • Neighborhood Legal Services of Los Angeles County North Carolina Justice Center • Our Children's Trust • Pacific Centre for Environmental Law and Litigation • Potter Bolanos LLC • Project on Organizing, Development, Education, and Research • Southern Legal Counsel • Texas RioGrande Legal Aid

### Supporting Community-Centered Litigation



Ensuring Safe and Affordable Clean Water



Stopping Toxic Pollution to Clean Air



Protecting Sovereignty and Proper Land Rights & Usage



Demanding Transparency and Government Accountability

### **JUST EARTH**



We commend **Our Children's Trust** and the youth plaintiffs for their determination to hold the government accountable and demand action on climate change.

of fossil fuels and lead to swift decarbonization.

The Impact Fund made a grant of \$50,000 to support *Juliana v. United States of America*, brought by Our Children's Trust.

### **CLEAN WATER PROJECT**

n California's San Joaquin Valley, clean water is in short supply. The residents of the poorest and most isolated communities — those outside the city limits — are too often left without access, forced to choose between drinking toxic water or buying expensive bottled water. Almost 400,000 people rely on water that is contaminated, sometimes with as many as 23 different pesticides.

In August, the Impact Fund hosted 22 organizations in Fresno to share ideas, best practices, and strategies for using litigation as a key tool in the fight for clean water. Throughout the year, we granted \$27,565 to support clean water cases in the San Joaquin Valley.



ime is running out: millions of Californians
will be without drinkable water unless the responsible
state agencies begin to do their job now."

– Sean Bothwell, Executive Director,
California Coastkeeper Alliance, an Impact Fund Grantee

2019 • ANNUAL REPORT IMPACT FUND IMPACT FUND 2019 • ANNUAL REPORT

### **GRANTEE STORIES**



On any given day, thousands of children in foster care across the country are administered psychotropic medications. Some receive two, three, or more medications at a time. Some are even placed on antipsychotics.

Lucy\*, a 12-year-old girl, was put on multiple psychotropic drugs that left her visibly shaking, hallucinating, and experiencing rapid weight gain. Another child, Joe\*, said, "I feel like I have knives in my eyes."

To stop this practice, **Children's Rights** brought a class action lawsuit — the first of its kind — to challenge the misuse of psychotropic drugs among children in foster care in Missouri. We applaud Children's Rights for working every day to keep all children safe.

\*Names have been changed to protect anonymity of minors.

The Impact Fund made a grant of \$15,000 to support *M.B v. Corsi*, brought by Children's Rights.

Shortly before the 2018 elections, **Campaign Legal Center** learned that voters who had been arrested and could not afford bail were being denied the right to vote in Ohio.

"With five days to respond, we worked through the night to prepare the complaint. We finalized the documents in the car en route to the federal court. Two hours later, the judge ruled in our clients' favor, ordering the Secretary of State to deliver emergency ballots to our clients in jail."

Thanks to the swift work of those at the Campaign Legal Center, the votes of people who could not afford bail were counted. A class action has been filed to ensure this unlawful conduct does not happen again.

The Impact Fund made a rapid response grant of \$5,000 to support litigation brought by Campaign Legal Center.



### **GRANT UPDATES**

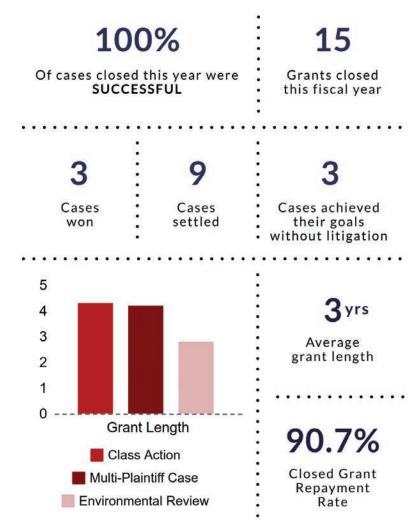
**REVOLVING FUND** 

\$1.5M

CURRENTLY SUPPORTING

103
IMPACT CASES

WORKING THEIR WAY THROUGH THE JUSTICE SYSTEM

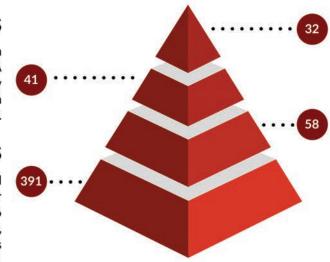


### **APPLICATIONS**

We evaluated 41 applications in quarterly grantmaking cycles. A member of our Grant Advisory Committee conducted an in-depth review of each case.

### **INQUIRIES**

In the 2019 fiscal year, we received 391 inquiries: 181 completed our eligibility questionnaire, 66 registered with our online portal, and approimately 144 contacted us via phone or email.



#### **GRANTS**

In the 2019 fiscal year, the Impact Fund awarded 32 grants.

### LETTERS OF INQUIRY

We received 58 LOIs via our online portal. Each LOI went through our due diligence review process and was evaluated by our Executive Director.

2019 • ANNUAL REPORT = IMPACT FUND IMPACT FUND 2019 • ANNUAL REPORT

### CLASS ACTION HALL OF FAME

On February 12, at our annual Class Action Conference, we inducted three more civil rights heroes into the Class Action Hall of Fame — lead plaintiffs whose commitment and determination has led to significant advances in economic, environmental, racial, and social justice:

- Guillermo Benitez, who challenged G & H Dairy over its shocking treatment of laborers like himself. His home was destroyed as the dairy attempted to hide that it was housing workers in tractor barns. His courage and determination are an inspiration for low-wage workers.
- Kerrie Campbell, who championed equal pay for female attorneys employed by the Biglaw firm formerly known as Chadbourne & Parke. She suffered a retaliatory firing but would not be silenced.
- Lance Slaughter, who challenged racial discrimination at Wells Fargo. African-American financial advisors like him were denied business opportunities, excluded from favorable teams, deprived of valuable account distributions, and assigned less territories.

"Our honorees have endured years of uncertainty, enormous work and burden, not just for themselves, but for the thousands like them who have waited for champions, ready to take on powerful big business."

> — Helen Kang, **Grant Advisory** Committee Chair



ABOVE. LEFT TO RIGHT: Guillermo Benitez, Kerrie Campbell, and Lance Slaughter. BELOW: The audience rises to its feet for our 2019 inductees.



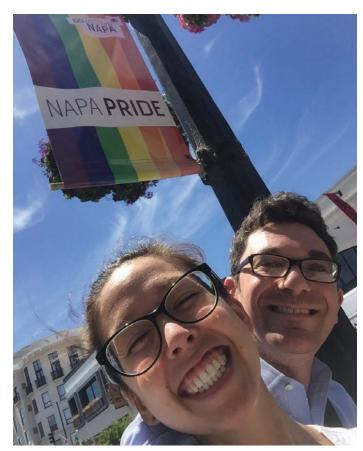
The Impact Fund Class Action Hall of Fame was conceived in 2016 as a way to acknowledge the exceptional courage and sacrifice of lead plaintiffs in civil rights class actions. We're grateful to be bringing the faces of class action litigation to the forefront. To nominate a lead plaintif go to impactfund.org/class-action-hall-of-fame

### IMPACT LGBTQ

#### ADVANCING THE RIGHTS OF LOW-INCOME LGBTQ WORKERS

With the rights of LGBTQ people under threat from the federal government, we've had our hands full this year with our initiative to expand the community of advocates for LGBTQ workers in underserved communities across California and the U.S.

330	Attorneys, advocates, and students educated through our "Recent Developments in LGBTQ Employment Discrimination Law" training	
90	LGBTQ workers empowered through our English & Spanish Know Your Rights workshops and consultations	
5	Amicus briefs advocating for workplace rights and equal access to healthcare, facilities, and foster care for LGBTQ people	



Lindsay and David have conducted over 20 trainings this year with Impact LGBTQ.

mpact Fund brilliantly explained why sexual orientation and transgender status discrimination must be considered forms of sex discrimination prohibited by Title VII. The brief proved that the organization continues to live up to its name of having a momentous impact in the quest for equality." — Jon Davidson,

Chief Counsel, Freedom for All Americans Former Legal Director, Lambda Legal

2019 • ANNUAL REPORT 2019 • ANNUAL REPORT **IMPACT FUND IMPACT FUND** 

### CLASS ACTION CONFERENCE



The 17th Annual Class Action Conference brought together 250 plaintiff-side class action attorneys and advocates to learn together, form new networks, and share strategies for holding corporate and government power accountable.

The Conference began with an introductory program, Rule 23 Class Action Basics, designed for attorneys newer to class action practice. It was followed by Executive Director Jocelyn Larkin's annual update on Recent Developments in Class Action Law, which this year spanned topics from key Supreme Court decisions to complications in settlement approval. The first day of the Conference concluded with inspiration from Impact Fund grantees who challenged segregation in public housing, pursued environmental justice, and fought for equal opportunity for female police officers.

Thank you to everyone who presented at this year's Conference, representing an inspiring group of organizations, firms, and law schools, including Legal Aid at Work, Sargent Shriver National Center on Poverty Law, ACLU regional affiliates, Public Justice, Public Citizen, Koskie Minsky LLP, Hadsell Stormer & Renick LLP, Outten & Golden LLP, Andrus Anderson LLP, Sanford Heisler Sharp LLP, Girard Sharp LLP, Nichols Kaster PLLP, Terrell Marshall Law Group PLLC, Cohen Milstein Sellers & Toll PLLC, University of San Francisco School of Law, Lewis & Clark Law School, and University of Connecticut School of Law.

We thank all of this year's conference sponsors, panelists, and attendees for their dedication to pursuing a more just and inclusive society.

#### **SPONSORS**

Thomson Reuters • Epiq Systems • RG2 Claims Administration • RSM US, LLP • Rust Consulting

Bryan Schwartz Law • Cohen Milstein Sellers & Toll PLLC • Feinberg Jackson Worthman & Wasow, LLP • Girard Sharp, LLP

Lieff Cabraser Heimann & Bernstein, LLP • Sanford Heisler Sharp, LLP

Schneider Wallace Cottrell Konecky Wotkyns, LLP • Shepherd Finkelman Miller & Shah, LLP

Goldstein, Borgen, Dardarian & Ho • Joseph Saveri Law Firm • Lichten & Liss-Riordan, P.C.

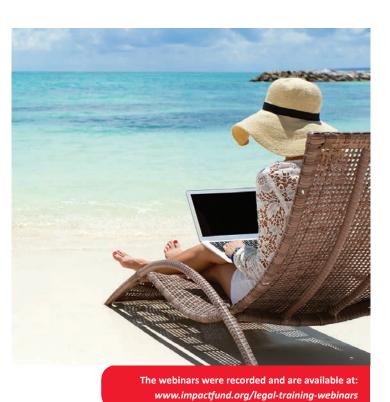
The Liu Law Firm, P.C. • Nichols Kaster, PLLP • Olivier Schreiber Chao, LLP • Outten & Golden, LLP

Relman, Dane & Colfax, PLLC • Rosen Bien Galvan & Grunfeld, LLP • Tycko & Zavareei, LLP

### SUMMER WEBINAR SERIES

Every summer, the Impact Fund makes the most of your lunch hour with practical legal training on current issues in the law and evergreen litigation skills. This year's **Summer Webinar Series** featured:

- Clean Water 101: The Fight for Safe Drinking Water in California, presented by Camille Pannu (UC Irvine School of Law); and Phoebe Seaton (Leadership Counsel for Justice & Accountability) as part of the Clean Water Project:
- Litigating Under the Trafficking Victims Protection Act, presented by Stacie Jonas (Texas RioGrande Legal Aid);
   Juno Turner (Towards Justice); and
- Recent Developments in LGBTQ Employment Discrimination Law, presented by Impact Fund's Lindsay Nako and David Nahmias, as part of the Impact LGBTQ initiative.



### CLASS ACTION TRAINING INSTITUTE



he Class Action Training Institute — a hallmark of the Impact Fund's comprehensive attorney training program — guides a small group of twenty students through the stages of a class action, from selecting named plaintiffs to settlement. Over three days, the immersive, interactive course allows students to explore case strategy together, creating a nationwide network of like-minded litigators that endures long after the Institute ends.

This year, Impact Fund's Executive Director Jocelyn Larkin and Director of Litigation and Training Lindsay Nako were joined in Oakland by faculty trainers Robert Schug of Nichols Kaster LLP and Elissa Gershon of Disability Rights California. Our Los Angeles faculty included Cindy Pánuco of Public Counsel and Jason Marsili of Rosen Marsili Rapp LLP.

Impact Fund is indebted to the many practitioners who contribute to our training program and generously share their expertise with the public interest legal community.

12

### THE YEAR IN PHOTOS

Enjoy with us some of the memories we made over the last year at our events and in the office...







FROM THE CONFERENCE, to the Gala, to the Training Institute, the year was filled with smiles.







Whether in San Francisco, Los Angeles, Fresno, or Berkeley, thanks for joining us!

























### IMPACT FUND TAKES ON TODAY'S CIVIL

#### SETTLEMENT PROVIDES A FAIR CHANCE FOR PEOPLE WITH PRIOR CONVICTIONS



Walter Killian (2nd from right) and Tamisha Walker, Executive Director of Safe Return Project (center), together with their counsel.

he lawsuit filed by Impact Fund and Bay Area Legal Aid in 2018 has led to significant changes for people applying to work for West Contra Costa County School District. Plaintiffs Walter Killian and Richmond reentry organization Safe Return Project sought to enforce laws requiring the school district to make equal employment opportunities available to people with certain prior convictions who can show rehabilitation. Today, the school district can no longer require job applicants to report prior convictions on its initial application form. It now evaluates qualifications before reviewing background reports, and encourages applicants to submit evidence of rehabilitation and mitigating circumstances.

#### CALIFORNIA SUPREME COURT AFFIRMS FULL, EQUAL ACCESS IN THE DIGITAL AGE



Civil rights exist across the digital frontier.

Discrimination on the doorstep of a website, whether through an inaccessible interface or discriminatory terms of service, can be challenged in California courts, according to a unanimous California Supreme Court in *White v. Square, Inc.* The Impact Fund and allies in the disability rights community filed an amicus brief with the Court, arguing that these harms can be the equivalent of a sign in the window refusing service. We explained California's expansive interpretation of unlawful discrimination for brick-and-mortar businesses and why the same interpretation should apply online. The Court's ruling made clear that online businesses will be held accountable just as their Main Street counterparts are.

### RIGHTS ISSUES — AND WINS!

### CALIFORNIA'S HIGHEST COURT ISSUES UNEQUIVOCAL VICTORY FOR CLASS ACTION PLAINTIFFS



A case about an inflatable kiddie pool means much more for civil rights.

In Noel v. Thrifty Payless, Inc., a case about the purchase of a kiddie pool, the California Supreme Court resolved an ongoing debate over whether plaintiffs must show exactly how they will identify individual class members in order to certify the class. A unanimous Court rejected this position, holding that plaintiffs need only demonstrate that it is possible to identify individual class members. The Impact Fund and allies filed an amicus brief arguing that the heightened standard imposed a significant burden that could forestall class certification, undermine workers' rights, and contravene public policy favoring robust enforcement of civil rights laws through class actions. The Court agreed, calling the heightened standard "excessive" and recognizing that it could make the difference between proceeding as a class or not.

### DENYING ACCESS TO GENDER-AFFIRMING CARE IS UNLAWFUL DISCRIMINATION, SAYS IOWA SUPREME COURT



Transgender people have a right to equal access to healthcare.

The Iowa Civil Rights Act explicitly prohibits discrimination based on gender identity but, until now, state regulations barred Iowa's Medicaid program from providing gender-affirming care for transgender people. Earlier this year, two transgender Iowans challenged these discriminatory regulations in the Iowa Supreme Court and won. The Impact Fund and allies filed an amicus brief with the Court that detailed the litany of federal and state court decisions concluding that discrimination against transgender people is unlawful sex discrimination. The Iowa Supreme Court struck down the prohibition on gender-affirming care, holding that it conflicted with state anti-discrimination law.

### AMICUS BRIEFS ON THE DOCKET

### TITLE VII PROTECTS LGBTQ WORKERS (U.S. Supreme Court)



Bostock v. Clayton County, Georgia; Altitude Express, Inc. v. Zarda, and R.G. & G.R. Harris Funeral Homes. Inc. v. E.E.O.C.

mpact Fund, National Employment Lawyers' Association, and 19 legal services and advocacy organizations urged the Supreme Court to find that Title VII's sex discrimination prohibition includes discrimination because of sexual orientation and gender identity. We described the pervasive discrimination against LGBTQ workers and the unpredictable and unworkable legal landscape they confront. We argued that a uniform rule protecting LGBTQ people would provide clarity and predictability for courts and workers alike.

Plaintiff Don Zarda (left) was fired from his job as a sky-driving instructor because he was gay.

#### **CLASS ACTIONS CAN ENFORCE THE ADA** (Eighth Circuit Court of Appeals)



Harris v. Union Pacific Railroad Co.

mpact Fund, Public Justice, and 13 fellow amici submitted a brief to the Eighth Circuit in which they described the importance of class actions for full and rigorous enforcement of the Americans with Disabilities Act in the Eighth Circuit. After the district court certified a class of railroad workers challenging a "fitness for duty" policy, Union Pacific appealed and argued that the language of the Act does not permit class actions. We wrote in support of the employees and argued that the ADA was designed for people with disabilities to band together and fight for a workplace free of discrimination.

#### ANECDOTAL EVIDENCE SHOULD BE READ, NOT COUNTED (Ninth Circuit Court of Appeals)



Moussouris v. Microsoft Corp.

mpact Fund and numerous civil rights groups filed an amicus brief in this proposed class action challenging gender discrimination at Microsoft. Before the Ninth Circuit, we argued that in determining class certification, district courts should read and consider individual anecdotal statements of discrimination, not merely count them. Anecdotal declarations are intended to corroborate other evidence and bring the cold statistics to life.

### MOVEMENT BUILDING & ISSUE ADVOCACY

Our team members present seminars and trainings nationally and frequently speak on impact litigation, civil rights, and class actions.

We serve as a national clearinghouse for our community, providing dozens of hours of free consulting. We also host an online community — the Impact Fund Class Action

> Forum: a unique resource for more than 700 advocates. The group operates as a confidential chat list for plaintiff-side class action practitioners to share successes, progress, setbacks, and challenges they encounter in their day-to-day practice.

We have helped to author and have signed on to many initiatives resisting the roll back of civil rights and other protections. Whenever and wherever civil rights and justice is under attack, Impact Fund is there to resist.

We were part of the campaign that supported the successful litigation opposing the addition of a citizenship question to the 2020 Census. We also opposed rescinding HUD's disparate impact rule, the restructuring of federal courts, and changing an HHS rule that would have negatively impacted LGBTQ youth.

We are part of the campaigns supporting a clean

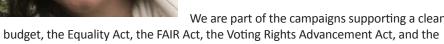
Finally, we also took part in a lobby day in Sacramento, California to preserve state funding



Teddy and Linda at the State

Capitol, lobbying for Legal Aid.

The nation's premier civil & human rights coalition



Every Child Deserves a Family Act.

The Impact Fund is a grateful member of the Leadership Conference on Civil and Human Rights.

### 26TH ANNUAL GALA

May 7, 2019 Westin St. Francis, San Francisco

#### **HONOREES**

We honored **Joyce White Vance** for her public service and her commitment to justice. Vance is a Distinguished Professor of the Practice of Law at the University of Alabama School of Law. She served as the U.S. Attorney for the Northern District of Alabama from 2009 to 2017. She was nominated for that position by President Barack Obama in May of 2009 and unanimously confirmed by the Senate in August of 2009. Professor Vance served on the Attorney General's Advisory Committee and was the Co-Chair of its Criminal Practice Subcommittee. She is a frequent legal commentator on MSNBC and other news outlets.

We also honored our grantee, **UC Irvine School of Law**Immigrant Rights Clinic for its success with the Puente Human Rights Movement (a grassroots migrant justice organization based in Phoenix, Arizona) in challenging the workplace immigration raids of infamous Sheriff Joe Arpaio of Maricopa County. The final settlement provides that previous rulings by US District Court Judge, David Campbell, finding the practices of the Maricopa County Sheriff's Office and Maricopa County Attorneys Office unconstitutional will not be appealed.















We look forward to seeing you next year on May 12, 2020.

### THANK YOU TO OUR GALA SPONSORS

#### HERO

Berger Montague Hadsell Stormer & Renick, LLP Kazan McClain Partners' Foundation Sanford Heisler Sharp, LLP Trush Law Office

#### **PROTECTOR**

Jocelyn D. Larkin Arlene & Emma Mayerson

#### **FIRM PATRON**

Gibbs Law Group, LLP
Girard Sharp, LLP
Lichten & Liss-Riordan, PC
Lieff Cabraser Heimann & Bernstein, LLP
Shepherd Finkelman Miller & Shah, LLP







#### **FIRM FRIEND**

Harrington Investments, Inc.
Keker Van Nest & Peters, LLP
Keller Rohrback, LLP
Nichols Kaster, PLLP
Outten & Golden, LLP
Public Justice
Rosen Bien Galvan & Grunfeld, LLP
Rukin Hyland & Riggin, LLP
Van Der Hout Brigagliano &
Nightingale, LLP
Tycko & Zavareei, LLP

Cohen Milstein Sellers & Toll, PLLC

#### **FIRM ALLY**

Andrus Anderson, LLP
Bryan Schwartz Law
Friedman & Houlding, LLP
Kieve Law Offices
Lozeau Drury, LLP
Neyhart Anderson Flynn & Grosball
Olivier Schreiber & Chao, LLP
Renaker Hasselman Scott, LLP
Terrell Marshall Law Group, PLLC

#### **INDIVIDUAL PATRON**

Eric Havian & Jean Jarvis Bob Newman & Sarah Carpenter Leslie Rose & Alan Ramo

#### **INDIVIDUAL FRIEND**

Della Barnett
Rob & Teddy Basham-Witherington
Lainey Feingold
Jim Finberg
Barry & Sandra Goldstein
Daniel Hutchinson & Angelica Jongco
Steve Mayer
Leslie Proll
Dara Schur & Miye Goishi
Hon. John M. True III (ret.)
Brian Wolfman & Shereen Arent
Steve Zieff & Elaine Leitner

#### NON-PROFIT FRIEND

Disability Rights California
Equal Rights Advocates
National Employment Lawyers Association
OneJustice
Public Citizen
Public Interest Law Project
Worksafe





### THANK YOU TO OUR DONORS

Thank you to our generous donors without whom our work in advancing economic environmental, racial, and social justice would not be possible. Your support helps to build a fairer and more just society.

### **FOUNDATION GRANTS**

Cameron Schrier Foundation Fidelity Charitable Fidelity Charitable Fund/ lustice Catalyst Kazan McClain Partners' Foundation Pisces Foundation State Bar of California The James Irvine Foundation The William and Flora Hewlett Foundation

#### CY PRÈS

Hadsell Stormer & Renick, LLP Hoyer & Hicks Law Offices of Timothy Rumberger Molteni Employment Law The Gardner Firm, P.C. Sanford Heisler Sharp, LLP Weinberg Roger & Rosenfeld

#### **CHAMPIONS**

Elizabeth Cabraser Lieff Cabraser Heimann & Bernstein, LLP Arlene Mayerson Andrew McGuinness Girard Sharp, LLP Sanford Heisler Sharp, LLP

#### **BENEFACTORS**

**Another Planet Entertainment** Cohen Milstein Sellers & Toll, PLLC Gibbs Law Group Eric Havian & Jean Jarvis Bill Lann Lee & Brenda Lowe Jocelyn D. Larkin Lichten & Liss-Riordan, P.C. lames Miller Leslie & Alan Ramo Nichols Kaster, PLLP Rosen Bien Galvan & Grunfeld, LLP RSM US. LLP Rukin Hyland & Riggin, LLP Rust Consulting, Inc.
Schneider Wallace Cottrell Konecky Wotkyns, LLP Christian Schreiber Joseph Sellers & Laurie Davis Shepherd Finkelman Miller & Shah IIP Ken Silbert & Barbara Chvany Tycko & Zavareei, LLP

Chuck Fanning & Melinda Haag Feinberg Jackson Worthman & Wasow, LLP Eric Gibbs Goldstein Borgen Dardarian & Ho Harrington Investments, Inc. Terry Helbush & Dale Miller Joseph Saveri Law Firm Wayne Lamprey Cecilia Mansilla Olivier Schreiber & Chao. LLP Outten & Golden, LLP Relman Dane & Colfax. PLLC

RG/2 Claims Administration, LLC

#### **SPONSORS**

Andrus Anderson, LLP Della & Michael Barnett Teddy & Rob Basham-Witherington Daniel Brunner Sarah Carpenter & Robert Newman Steve Catton Lozeau Drury, LLP

Joshua Friedman Marc Van Der Hout & Jody LeWitter

Joshua & Margo Hasselman Greenough Deepak Gupta & Molly Springfield

The Hendrix Foundation Fund/ Logan Starr Helen & Greg Kang Kieve Law Offices

Barry & Paula Litt Michael & Barbara Loeb David Lopez

Steven L. Mayer Law Offices of Stephen Meagher Natural Resources Defense Council

Needy Divas Fund of Horizons Foundation, Bud Dillon Nevhart Anderson Flynn & Grosboll Amy Oppenheimer & Jennifer Krebs

Edward Opton Rory Quintana Steven Patti

Renaker Hasselman, LLP Dara Schur & Miye Goishi Bryan Schwartz Law Brad Seligman & Sara Campos Leonard Simon & Candace Carroll

Dena Sharp Patricia Shiu & Michael Kamler Sarah Siskind

Christine Webber Bryan Wood & Suzanne Bish Van Der Hout Brigagliano & Nightingale, LLP

#### **ADVOCATES**

ACLU of Northern California William Alderman Michael Baldonado Morris Baller & Christine Brigagliano Marc & Mary Lou Bendick Scot Bernstein Ann Blessing & Eric Eschen Jim & Betsy Boddy

Sara Brody Florence Culp

Cornelia Dai & Ben Lee Donna DeDiemar & Christopher

Hamilton Christine Dell

Tim Derry Lainey Feingold & Randy Shaw

Jim Finberg Abby Ginzberg

Barry & Sandra Goldstein

Dick Grosboll Robert & Betty Haden

Diana & John Harrington Amanda Hawes

Helen Hodges Daniel Hutchinson &

Angelica Jongco Aaron Kaufmann & Anne Schmitz Diane Krantz & Will Carroll

Jack Londen Mary & Michael Lowery

Clarence Mazza Karen Menzies

Steven Metalitz & Kit Gage John Mosby

Sharon O'Grady Monique Olivier Tina Oman

Gian & Robin Polastri Michelle Roberts Jeffrey & Lesah Ross

Rudy Exelrod Zieff & Lowe, LLP

Robert Schua Oren Sellstrom Rachhana Srev

Hon. John M. True III

Roy Ulrich Brian Wolfman & Shereen Arent

Fritz Wollett

Steve Zieff & Elaine Leitner

#### FRIENDS

Jacob Mark Aaronson Edgar Aguilasocho

Paul Arons Danielle Anderson Annie Beaman

Nicholas Bilof Stephen Binaham

Andrea L. Biren Paul Bland

David Borgen & Sharon Moy

Betsy Bowden Josh Boxer

Larry and Lorrie Bradshaw Robin Brasso

Bill & Gloria Broder Dale Brodsky Jan & Byron Brown

Darci Burrell Carmia Caesar & William Hamilton

Johanna Callard Julia & Nick Campins

Patrick Carney Peter Carstensen

Patti Cary & Mark Taxy Eve Cervantez

Alexander Chen Laura Chick

Shaylyn Cochran Walter & Suzanne Cochran-Bond

Susan Coler Claudia Cubas

Linda Dardarian & Terry Carroll

Mary Anne Davies Rachel Demosev

Richard Doctoroff & Elissa Matross Cathy Drevfuss

Tammy Edmonson Barbara Enloe Hadsell

Rebekah Evenson Dan Feinbera

Elizabeth & Lawrence Feldman Sam Ferguson

Catherine Fisk Stuart Flashman Jon Fougner Dale Franzen

Jeremy L. Friedman Elissa Gershon

Felicia Gilbert Shona Glink Robin Godfrey

Peter & Sandi Goldsmith

Deene Goodlaw Roger Greenberg Greenfire Law, PC Ginger Grimes

Sherri Hansen

Michael Harris & Catherine Lundy Bradley Heinz

Louis Helmuth Lynne Henderson

Peggy Hernandez & Greg Power Irma Herrera & Mark Levine

Maria Hoisinaton-Binaham Kara Janssen Meredith Johnson

Glenn Katon Gary Katz Kathleen Kingston

Karen Jo Koonan Daniel Korobkin Jeffrey Kosbie

Alexandra Lahav Annie Lai

Ellen Lake Margaret Langston

Hillary Larkin & Randy Trimble Kristen Law

Jennifer & Andy Lawlor Jack Lee & Deborah Ching

### DONORS CONTINUED

**SOCIAL JUSTICE** 

Paris Abell

Annie Beaman

Paula Brantner

Elizabeth Cabraser

Mary Anne Davies

Donna DeDiemar &

Rosa Maria Castillo-Kesper

Christopher Hamilton

Maria Hoisington-Bingham

Johanna Callard

Patti Cary

Josh Davis

Tim Derry

Sara Dunsky

Catherine Fisk

Robin Godfrey

Scott Hugo

Felicia Gilbert

Glenn Katon

Diane Lee

Ashley LaFranchi

Arlene Mayerson

Clarence Mazza

Heather McKimmie

David Oppenheimer

Lindsay Nako & Jason Polastri

lennifer Reisch & Javier Amaro

Patricia Shiu & Michael Kamler

Bonnie Taub & David Gordon

Julie Wilensky & Rachel Berger

This list is of gifts of \$100 or more

made in the preceding 15-month

Zach McCov

Rebecca Miller

Tina Oman

Marci Seville

Sela Steiger

Christine Sun

Peter Van Shaick

Christine Webber

Catha Worthman

Bank of America

**MATCHING GIFTS** 

period, as of 9.26.19.

Jeff Young

Joe Wardenski

Kiki Poe

LEAGUE MEMBERS

Teddy & Rob Basham-Witherington

David & Linda Lei Levy Vinick Burrell Hyams, LLP leff Lewis

Michael Lieder Monique Lillard

> Barry Litt Margaret Maisel Margaret Maloy

Karen Marcus Christopher Martin Matheo Kass Family

Mari Mayeda Zach McCoy David Meadows Michelle Meow

Rob Merker Ted Mermin Marcus Miller

Manfred Muecke Karen Musalo & Richard Boswell Lindsay Nako & Jason Polastri

David Offen-Brown Carl Offner

Brooke Oliver & Elba Rivera David Oppenheimer

Denny Parker Joseph & Joan Patti Richard M. Pearl Kiki Poe

Anna Prakash Leslie Proll

The Public Interest Law Project Laurence Pulgram & Kathleen Murray Renee Rastorfer & Harry Keramidas

Michael Rawson Jennifer Reisch & Javier Amaro

Paul Rein Peter & Emma Roos Marla Samora

Mark and Lucia Savage Susan Schechter

**Emilie Schmitt** Richard Schneider

David Schwartzman Marcia Settel & David Gilson

Marci Seville Nancy Shelby Roberta Steele Sela Steiger

Peggy Stevenson & David Flamm Peter Stoughton Christine Sun Kim Swain

Bonnie Taub & David Gordon Charles Taylor

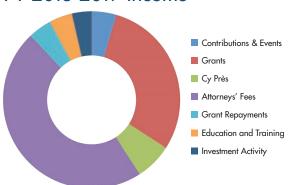
Peter Weiner Julie Wilensky & Rachel Berger Carla Woehrle & Ed Pardo

Fredric Woocher Catha Worthman

### FY 18-19 FINANCIAL HIGHLIGHTS

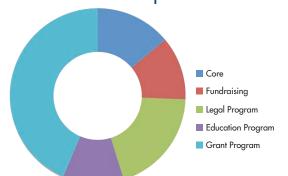
INCOME		
Contributions & Events	\$159,53 <i>7</i>	4.52%
Grants	\$1,045,472	29.62%
Cy Près	\$236,605	6.70%
Attorneys' Fees	\$1,659,986	47.04%
Grant Repayments	\$152,188	4.31%
Education and Training	\$149,088	4.22%
Investment Activity	\$125,501	3.56%
Other	\$834	0.02%
Total	\$3,529,211	

#### FY 2018-2019 Income



\$305,591	13.97%
\$255,454	11.68%
\$428,119	19.57%
\$245,229	11.21%
\$953,555	43.58%
\$2,187,948	
\$1,341,263	
	\$255,454 \$428,119 \$245,229 \$953,555 \$2,187,948

### FY 2018-2019 Expenses



NOTE: Our Fiscal Year 07.01.18 - 06.30.19 included a fee award in the 14-year Costco case, which will provide working capital for future projects. In addition, \$1M is held in an endowment fund. For more information and a full copy of our audited financial statements contact us at impactfund@impactfund.org.

2019 • ANNUAL REPORT **IMPACT FUND IMPACT FUND** 2019 • ANNUAL REPORT

### TEAM IMPACT FUND

#### **STAFF ENTRANCES AND EXITS**

### Farewell...



Kellye Densen: Kellye joined us as a paralegal in 2017 eager to empower people of differing backgrounds by providing them with the information

and resources necessary to thrive. Kellye departed the Impact Fund in December 2018 to continue her education.



Daniel Nesbit: Daniel's fellowship wrapped up this fall after he organized and led the Clean Water Project. Daniel's dedication to civil

rights has been instrumental in numerous workers' rights projects and will be missed.



Kara Gordon: After completing a summer internship with the Impact Fund, Kara returned to UC Berkeley, School of Law, as a third-year law student.

...and welcome...



Ashley LaFranchi: Ashley joined our team at the beginning of 2019 as the Development and Executive Assistant. Committed to advancing

social justice and supporting her community, Ashley brings knowledge and experience in nonprofit development.

### **STAFF**



FROM LEFT TO RIGHT: Jocelyn D. Larkin, Daniel Nesbit, Linda Gordon, Teddy Basham-Witherington, Lindsay Nako, Kara Gordon, Ashley LaFranchi, Jason Soto, Amy Daniewicz, David Nahmias. INSET, LOWER RIGHT: Kat Vidt.

Jocelyn D. Larkin, Executive Director Teddy Basham-Witherington, Deputy Director Amy Daniewicz, Grant Program Director Linda Gordon, Grant Specialist Ashley LaFranchi, Development and Executive Assistant

David Nahmias, Law Fellow Lindsay Nako, Director of Litigation and Training Jason Soto, HR/Finance Manager Kat Vidt, Legal Assistant

#### **BOARD OF DIRECTORS**

Christian Schreiber\* (Chair) Eric R. Havian\* (Secretary) Cecilia Mansilla (Treasurer) Michael Caesar\*

Cornelia Dai\*

Catherine Fisk\*

Abby Ginzberg\*

Helen Kang\*\* David Lopez\*

Robert L. Schug

Dara Schur\*

Dena Sharp\*



BACK ROW FROM LEFT TO RIGHT: Robert Schug, Michael Harris, Abby Ginzberg, Cecilia Mansilla Dara Schur, Eric Havian, Pat Shiu, Christian Schreiber

FRONT ROW FROM LEFT TO RIGHT: Dena Sharp, Cornelia Dai, Marc Van Der Hout, Catherine Fisk, Helen Kana, Arlene Mayerson

### **GRANT ADVISORY** COMMITTEE

he board members indicated above, together with:

Caroline Farrell Kathleen Guneratne Michael Harris

Arlene Mayerson Alan Ramo Thomas A. Saenz Patricia Shiu Marc Van Der Hout

mpact Fund warmly welcomes Catherine Fisk and Robert L. Schug to the Board of Directors and Grant Advisory Committee. We are pleased to have Pat Shiu and Kathleen Guneratne join us as members of the Grant Advisory Committee at the same time that we say goodbye to **Christine Sun**, **Della Barnett**, and **Deepak Gupta**.

Catherine Fisk joined the Berkeley Law faculty as the Barbara Nachtrieb Armstrong Professor of Law in 2017. She was Chancellor's Professor of Law and a member of the founding faculty of the University of California, Irvine Law School from 2008 to 2017. She regularly teaches Labor Law, Employment Law, and Employment Discrimination, along with Civil Procedure, First Amendment, and Legal Profession.



**Robert L. Schug** is a partner at Nichols Kaster and a member of its Civil Rights and Impact Litigation team. He has dedicated his career to standing up for workers' rights in complex class action litigation. Robert has

represented employees across the country challenging a variety of workplace issues.



Kathleen Guneratne is a senior staff attorney at the ACLU of Northern California, where she advocates for criminal justice reform and an end to mass incarceration. Prior to joining the ACLU, Kathleen spent a decade at the Alameda County Public Defender's Office.



Pat Shiu is the former Director of the office of Federal Contract Compliance from 2009 to December 1, 2016 during the administration of Barack Obama. Prior to joining the Department of Labor, Shiu worked as Vice President

for Programs at the Legal Aid Society-Employment Law Center in San Francisco. She worked there for 26 years.

<sup>\*</sup>Also serves on the Grant Advisory Committee

<sup>\*\*</sup>Chair of Grant Advisory Committee

### **S**ee You In 2020!

Impact Fund 18th Annual Class Action Conference
San Francisco Bay Area
February 20-21, 2020

Annual Gala
Westin St. Francis, Union Square, San Francisco
May 12, 2020

Training Institute
Oakland: September 9-11, 2020

Los Angeles: September 23-25, 2020



2080 Addison Street, Ste 5
Berkeley, CA 94704-1692
Tel: \*1.510.845.3473
impactfund@impactfund.org
www.impactfund.org