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.

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
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.

Grantmaking Growth

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 • Helfrich Tribal Council • Heiltsuk Tribal Council • 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

JUST EARTH

For 11-year-old Levi D., climate change is the reason he had to evacuate his home. “We had flood waters up to our doorstep two years in a row. I saw the red tide and thousands of dead fish.”

Levi and 20 other young plaintiffs are suing the United States government for its participation in causing climate change, violating their constitutional rights. They demand a science-based, national climate recovery plan that would end the reign of fossil fuels and lead to swift decarbonization.

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

CLEAN WATER PROJECT

In 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.

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

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.
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.

“O ur 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.”

— McKin 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 plaintiff, 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.

“Impact 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

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.
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 PLLC, Terrell Marshall Law Group PLLC, Cohen Milstein Sellers & Toll 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.

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); and 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.

The webinars were recorded and are available at: www.impactfund.org/legal-training-webinars

CLASS ACTION TRAINING INSTITUTE

The 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.
THE YEAR IN PHOTOS

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

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

FROM THE CONFERENCE, to the Gala, to the Training Institute, the year was filled with smiles.
IMPACT FUND TAKES ON TODAY’S CIVIL 

SETTLEMENT PROVIDES A FAIR CHANCE FOR PEOPLE WITH PRIOR CONVICTIONS

The 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

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

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

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.

Civil rights exist across the digital frontier.

Transgender people have a right to equal access to healthcare.
AMICUS BRIEFS ON THE DOCKET

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

Impact 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.

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

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

Impact 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.

Harris v. Union Pacific Railroad Co.

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

Impact 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.

Moussouris v. Microsoft Corp.

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 budget, the Equality Act, the FAIR Act, the Voting Rights Advancement Act, and the Every Child Deserves a Family Act.

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

The Impact Fund is a grateful member of the Leadership Conference on Civil and Human Rights.
We honor 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 Attorney's Office unconstitutional will not be appealed.

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We look forward to seeing you next year on May 12, 2020.
Thank you to our donors without whom our work in advancing economic, racial, and social justice would not be possible. Your support helps to build a fairer and more just society.

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This list is of gifts of $500 or more made in the preceding 15-month period, as of 9.26.19.

EXHIBIT

2018-2019 INCOME

INCOME
Contributions & Events
$159,537
4.52%
Grants
$1,045,472
29.62%
Cy Prs
$236,605
6.70%
Attorneys’ Fees
$1,665,986
47.04%
Grant Repayments
$152,188
4.31%
Education and Training
$149,088
3.92%
Investment Activity
$125,501
3.56%
Other
$834
0.02%
Total
$3,529,211

FY 2018-2019 Income

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2019 • ANNUAL REPORT

IMPACT FUND

IMPACT FUND

2019 • ANNUAL REPORT

NOTE: Our Fiscal Year 07/11/18 – 06/30/19 included a fee award in the 14-year Costos case, which will continue working capital for future projects. In addition, $31M is held in an endowment fund. For more information and a bit of our audited financial statements contact us at impactfund(at)impactfund.org

EXPENSES

Core
$305,591
13.97%
Funding
$255,454
11.68%
Legal Program
$428,119
19.57%
Education Program
$245,229
11.21%
Grant Program
$953,553
43.81%
Total
$2,187,948
$1,341,263

FY 2018-2019 EXPENSES
TEAM IMPACT FUND

**STAFF ENTRANCES AND EXITS**

**Farewell...**

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. 

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.

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.

...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**

**BOARD OF DIRECTORS**

Christian Schreiber* (Chair)  
Eric R. Hovian* (Secretary)  
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Catherine Fisk*  
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Dara Schur*  
Dena Sharp*  
*Also serves on the Grant Advisory Committee  
**Chair of Grant Advisory Committee

The board members indicated above, together with:

- Caroline Farrell  
- Kathleen Guneratne  
- Michael Harris  
- Arlene Mayerson  
- Patricia Shiu  

Impact 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.

**GRANT ADVISORY COMMITTEE**

- Caroline Farrell  
- Kathleen Guneratne  
- Michael Harris  
- Arlene Mayerson  
- Patricia Shiu  
- Alan Ramo  
- Thomas A. Saenz  
- Caroline Farrell  
- Kathleen Guneratne  
- Michael Harris  
- Arlene Mayerson  
- Patricia Shiu  
- Alan Ramo  
- Thomas A. Saenz  

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.
See 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