

2015-2016  
BIENNIAL  
REPORT

Civil Rights  
Criminal Justice Reform  
Executive Power  
Administrative Law  
Separation of Powers  
Financial Regulation  
Technology & Intellectual Property  
Judicial Nominations  
Death Penalty  
Disability Rights  
Environmental Protection  
Reproductive Freedom  
Access to Justice  
Education  
Campaign Finance  
Privacy  
Class Action  
Economic Inequality  
Voting Rights  
Immigration  
LGBT Equality  
Racial Justice  
Judicial Election  
Preemption  
Redistricting  
Judicial Independence  
Labor Law  
Federalism

Supreme Court  
Redistricting  
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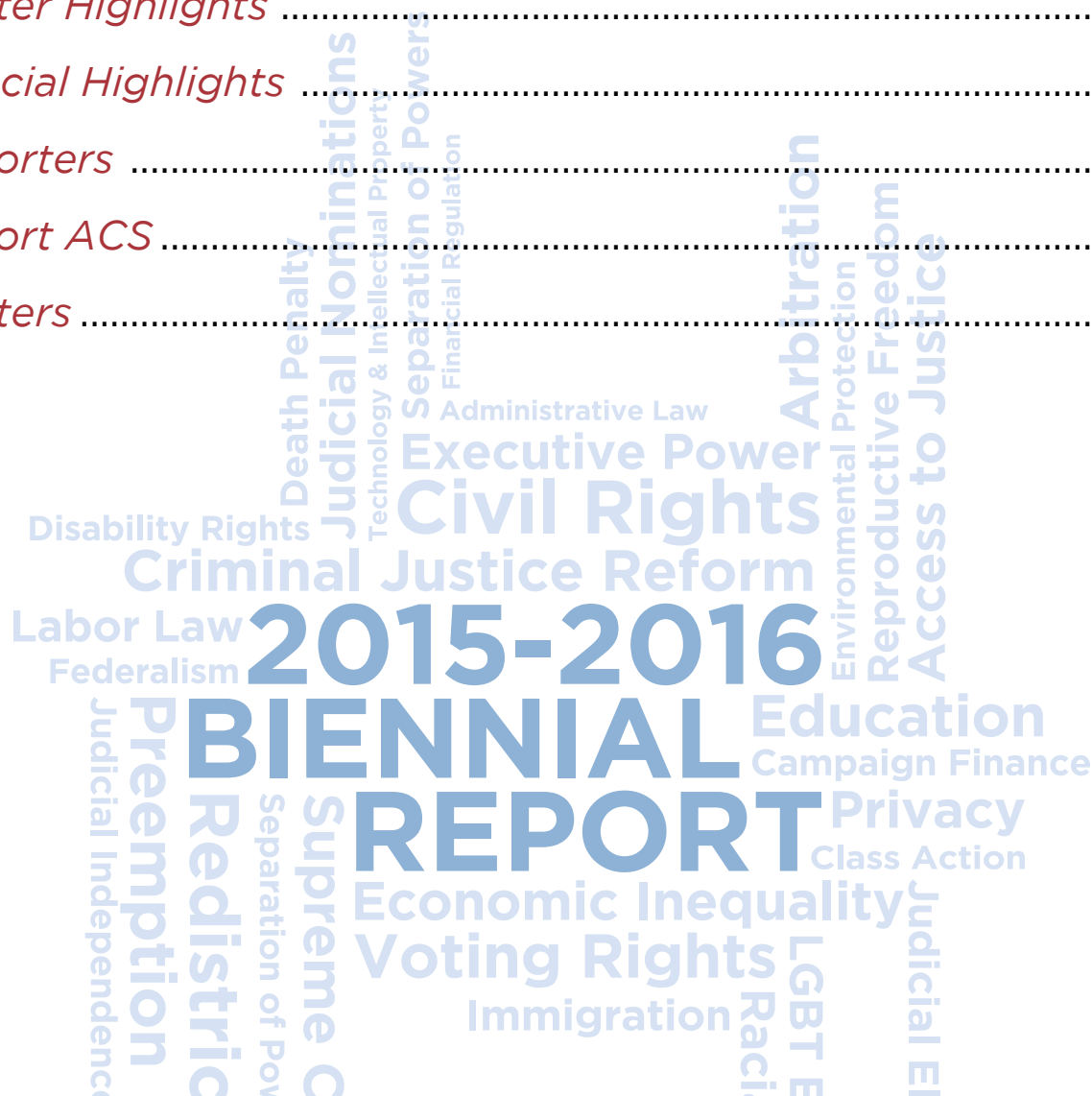


**BRINGING TOGETHER** the country's **BEST LEGAL MINDS** to further a **PROGRESSIVE VISION** of our **CONSTITUTION AND LAWS.**



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# BOARD OF DIRECTORS



*"Through the efforts of legal professionals and students and a network of local chapters, ACS plays a key role in defending the rule of law, in defending our Constitution, by helping shape the legal and public policy debates both here in Washington and all around the country."*

*- Senator Elizabeth Warren*

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## WHO WE ARE

The American Constitution Society for Law and Policy is the nation's leading progressive legal organization, with over 200 student and lawyer chapters in almost every state and on most law school campuses.

Originally formed as the progressive response after the Supreme Court's *Bush v. Gore* decision, ACS was founded on the principle that the law should be a force to improve the lives of all people.



### The ACS mission is essential:

- Through our public programs (over 1,400 debates, conferences, and press briefings across America each year), publications, and active online presence, ACS generates intellectual capital for ready use by progressive allies and shapes debates on key legal and public policy issues ranging from access to the courtroom, to immigration, to voting.
- ACS nurtures the next generation of progressive lawyers, judges, policy experts, legislators, and academics by providing opportunities for networking, mentoring, and organizing around matters of both local and national significance.

## ACS at a Glance: Growth and Achievement in 2015 and 2016

**1,400+**  
events  
per year



  
**700+**  
trained through the  
**VOTING RIGHTS  
INSTITUTE**

**75+**  
**SUCCESSFUL  
JOB PLACEMENTS**



**600+**  
**BLOG POSTS**



**TWITTER** followers up

**34%**

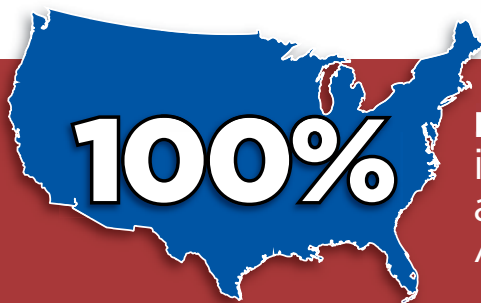


**FACEBOOK** likes up

**38%**

**100%**

**media coverage**  
in states with  
at least one  
ACS chapter





# FIGHTING FOR THE INTEGRITY OF THE COURTS

ACS is committed to fighting for the independence and integrity of the judicial system – and advocating for a judicial branch staffed with judges who reflect our diverse nation and are committed to a vision of the Constitution that protects individual rights and liberties.

Our work was especially critical in 2015 and 2016, with the rapidly increasing vacancies in the lower courts and the Supreme Court vacancy created by the passing of Associate Justice Antonin Scalia in early 2016.

## Telling the Senate to #DoYourJob



*ACS staff joining other groups outside the Supreme Court to tell the Senate to do its job.*

ACS's network of legal experts and scholars, as well as our over 200 lawyer and student chapters across the country, worked nonstop to frame the debate and demand that Senators consider President Obama's nominees. Highlights of our work included: shaping the narrative by conducting briefings, panel discussions, press conferences, and chapter events; generating national coverage by key media outlets; and organizing strategic communications, such as op-eds and speaking opportunities at the grassroots level.

## Presenting the Progressive Legal Viewpoint

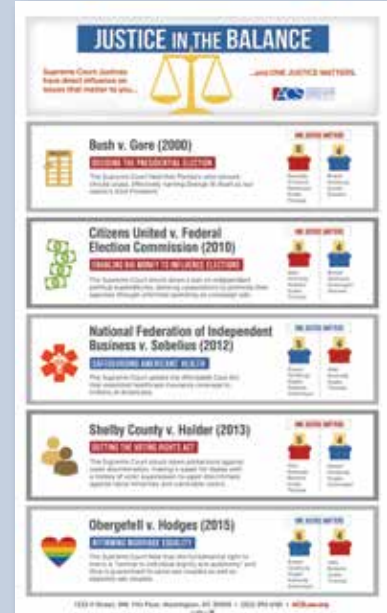
ACS scholars, in an open letter to the Senate, were the first to respond to the Supreme Court vacancy in early 2016 and reject the unconstitutional premise that President Obama should not be the President to choose the nominee. Then, after the November election, ACS released another letter from constitutional law scholars cautioning then President-elect Trump about the many potential violations of the rule of law posed by his deeply troubling rhetoric and proposals.



*The 2016-2017 Supreme Court Preview in Washington, DC.*

## Hosting Supreme Court Previews & Reviews

Every September, ACS hosts a Supreme Court Preview, where leading experts discuss key cases on the Court's docket for the upcoming Term and suggest areas to follow as the Term unfolds. At the end of each Term, we hold a Supreme Court Review to discuss high-profile and noteworthy decisions and analyze emerging trends. Many of our lawyer and student chapters host annual Supreme Court Preview and Review events as well.



## Emphasizing that One Justice Matters

ACS's "Justice in the Balance" infographic highlighted recent landmark cases that ended in 5-4 decisions to depict at a glance the profound impact one Justice can have on our constitutional rights.

## GROUNDBREAKING PUBLICATIONS

### Gavel Gap

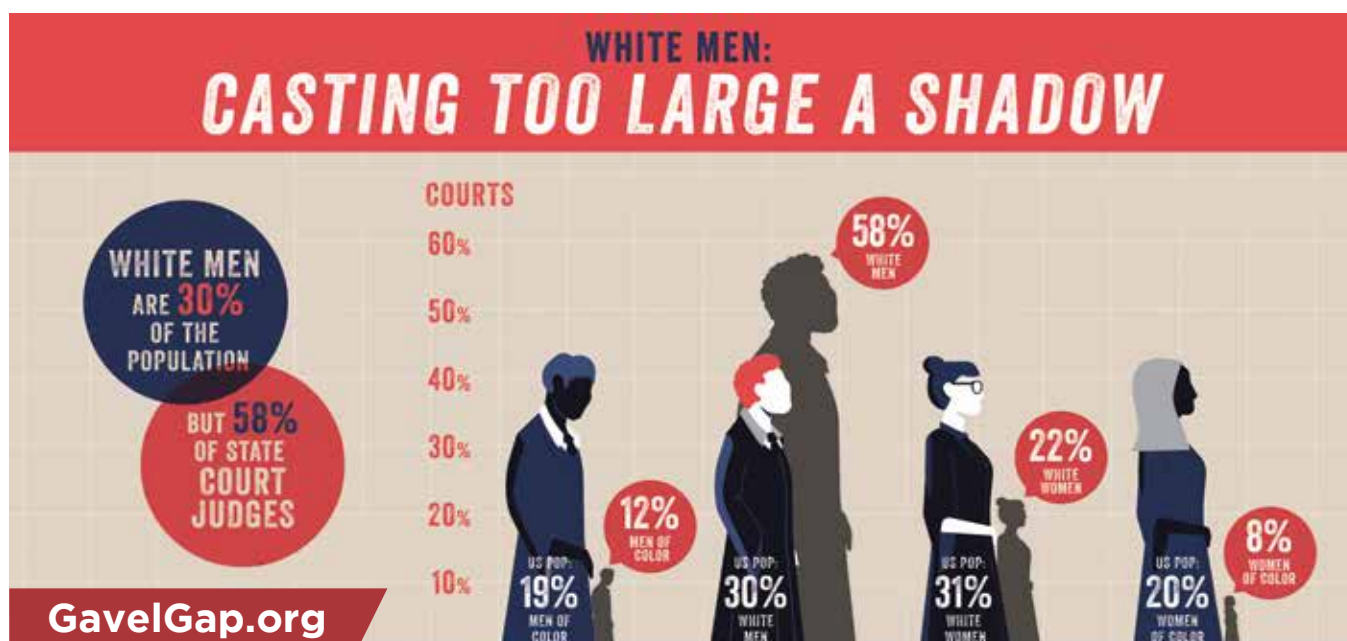
For the first time, researchers have gathered data on the demographics of state court judges in all 50 states. Troubling differences were found between the race and gender composition of the courts and the communities they serve:



- Women are half of the population, but less than a third of state court judges.

- People of color are 40% of the population, but less than 20% of state court judges.
- More than half of state trial judges and state appellate judges are white men.

When 90% of cases in the U.S. are litigated in state courts, diversity matters. Courts are not representative of the people they serve, causing a disparity we call the Gavel Gap. Read the full report – and view your state’s Gavel Gap score and rank – at [GavelGap.org](http://GavelGap.org).



### Skewed Justice

This ACS report examines the tremendous increase in spending on television attack advertisements in state supreme court elections since the *Citizens United* decision and the resulting effects on judicial decision-making in criminal cases.

The study found that state supreme court justices in these circumstances, often already labeled as being soft on crime, are under increasing pressure to allow electoral politics to influence their decisions. Key findings include:

- The more TV ads that aired during state supreme court judicial elections in a state,

the less likely justices in that state are to vote in favor of criminal defendants.

- Justices in states that had bans on corporate and union spending on elections prior to *Citizens United* were less likely to vote in favor of criminal defendants than they were before the decision.

This study not only confirms the influence of campaign spending on judicial decision-making, but also shows that this influence extends to a wide range of cases beyond the primary policy interests of the contributors themselves. Read the full report at [SkewedJustice.org](http://SkewedJustice.org).



## Partisan Justice

This study examines partisan behavior – in particular, the upward spiral of big-money fundraising and aggressive politics in state judicial elections – in judicial decision-making for election administration cases. The report exposed startling findings:

- Judges favor litigants from their own party in head-to-head cases on election disputes.
- Campaign finance exacerbates partisan behavior.
- Judges are less likely to be partisan when they no longer need to run for office.
- The problem of partisan decision-making is arguably getting worse over time.

*“...election cases present judges with a clean, immediate opportunity to help their party, or hurt the other major party, usually with few or no complicated considerations of law that might play out in unforeseen ways in the future.”*

Equally troubling is that there is little reason to believe that partisanship influences judges only in election cases – and because elected judges at the state level handle more than 90% of the United States’ judicial business, it’s easy to see how special interest money becomes such a powerful influence. Read the full report at [PartisanJustice.org](http://PartisanJustice.org).

**KEY FINDING:**  
**Republican judges are**  
**36% to 38%**  
**more likely than Democratic**  
**judges to cast partisan votes**  
**in election cases.**

## What’s the Big Idea?

Prior to the 2016 election, ACS released ***What’s the Big Idea? Recommendations for Improving Law and Policy in the Next Administration***. In this collection of essays, nationally recognized experts proposed ways to improve the law

and policy in key areas over the course of the next presidential term. Topics include voting rights, immigration reform, policing, workers’ rights, access to justice, and more.

Ensuring long-term and lasting constitutional and legal change takes time. So while we recognize that the new administration will be less likely to consider our recommendations, we will nonetheless continue to put forward and promote our authors’ proposals.

### Senator Elizabeth Warren

emphasized in the introduction, “As the country continues to wrestle with pressing questions that will define this generation and the next, the need for big ideas is clearer than ever.” This is especially true in trying times.

Read the report at [ACSLaw.org/BigIdea](http://ACSLaw.org/BigIdea).



Senator Elizabeth Warren wrote the introduction.

To read our most recent publications, visit [ACSLaw.org/publications](http://ACSLaw.org/publications).

# ADVANCING PROGRESSIVE LEGAL THEORIES

ACS plays a key role in providing legal context and arguments for the progressive viewpoint. Through our Issue Briefs, ACS's network of scholars and practitioners is able to further impact policy and the national debate on today's key legal issues.

Below is a list of ACS's Issues Briefs from 2015 and 2016:

## **Another Attack on Election Reform:**

### **Congressional Redistricting Commissions**

By Alan B. Morrison, Lerner Family Associate Dean for Public Interest & Public Interest Law, George Washington University Law School

## **Police Body-Worn Cameras: Evidentiary Benefits and Privacy Threats**

By Marc Jonathan Blitz, Professor of Law, Oklahoma City University School of Law

## **To Protect the Right to Vote, Look to State Courts and State Constitutions**

By Joshua A. Douglas, Robert G. Lawson & William H. Fortune Associate Professor of Law, University of Kentucky College of Law

## **Dignity and the Eighth Amendment: A New Approach to Challenging Solitary Confinement**

By Laura Rovner, Ronald V. Yegge Clinical Director and Associate Professor of Law, University of Denver College of Law

## **Defending the Constitutionality of Race-Conscious University Admissions**

By Vinay Harpalani, Associate Professor of Law, Savannah Law School

## ***Friedrichs v. California Teachers***

### **Association: The American Labor Relations System in Jeopardy**

By Ann C. Hodges, Professor of Law, University of Richmond School of Law

## **Arbitration as Wealth Transfer**

By Deepak Gupta, Founding Principal of Gupta Wessler PLLC, and Lina Khan, Fellow with the Open Markets Program at New America

## **The Contraception Mandate**

### **Accommodated: Why the RFRA Claim in *Zubik v. Burwell* Fails**

By Caroline Mala Corbin, Professor of Law, University of Miami School of Law

## **How the ADA Regulates and Restricts Solitary Confinement for People with Mental Disabilities**

By Margo Schlanger, Henry M. Butzel Professor of Law, University of Michigan

## **The New Normal: Unprecedented Judicial Obstruction and a Proposal for Change**

By Michael Gerhardt, Samuel Ashe Distinguished Professor of Constitutional Law, University of North Carolina, and Richard Painter, S. Walter Richey Professor of Corporate Law, University of Minnesota Law School

## **Redefining Employment for the Modern Economy**

By Brishen Rogers, Associate Professor of Law, Temple University Beasley School of Law

## **Racism in the U.S. Criminal Justice System: Institutionalized Genocide?**

By Nkechi Taifa, Advocacy Director for Criminal Justice at the Open Society Foundations

To read these and other Issue Briefs, visit [ACSLaw.org/publications#issue-briefs](https://ACSLaw.org/publications#issue-briefs).

# FIGHTING TO ENSURE ACCESS TO THE BALLOT BOX

## Voting Rights Institute

In 2014, in response to the critical need for more voting rights litigators, ACS partnered with the **Campaign Legal Center** to create the **Voting Rights Institute**, which provides intensive trainings for law students and practitioners on the enforcement of voting rights and election laws.

In October of 2015, **Georgetown University Law Center** joined our efforts, allowing us to expand the reach of the Voting Rights Institute by establishing the country's first law student clinic dedicated to voting rights. This newest phase also includes the creation of a clearinghouse website, **votingrightsinstitute.org**, that makes essential voting rights information more readily available to the public, attorneys, and those seeking legal help.

By the end of 2016, we had 14 Voting Rights Institute trainings in cities across the country – providing instruction for more than 700 lawyers, law students, and other participants. ACS will continue to partner with the Campaign Legal Center and Georgetown University Law Center to expand the reach of the Voting Rights Institute even further in 2017 and beyond.

ACS will continue our many other efforts to help regain voting rights in and across the states, including:

- Bringing together scholars, practitioners, and advocates in response to *Shelby County v. Holder*, to foster collaboration



*ACS President Caroline Fredrickson speaks at the Voting Rights Institute Launch in Washington, DC.*

and shape and strengthen litigation and policy, and to connect empirical scholars and data experts with litigators to understand and use data analysis from completed studies and determine what additional research is needed;

- Recruiting and preparing experts to do strategic media and communications outreach to shape the narrative on voting rights reform and restore confidence in our election system;
- Following high-profile voting rights cases before the Supreme Court and providing analyses from academics and litigators to update our members, inform the public, and help shape the debate;
- Increasing the ways our chapters and members can engage their local communities on issues like voter suppression, redistricting, campaign finance, and more; and
- Connecting our network members with ways to help with nonpartisan election protection in future elections.

ACS is committed to ensuring that all eligible Americans – regardless of their resources, race, or location – have the opportunity to exercise their right to vote.



# NATIONAL CONVENTION HIGHLIGHTS

## Shaping the Debate

ACS's National Convention – the country's premier progressive legal event – every year brings together the nation's best lawyers, judges, policymakers, academics, and law students to discuss the most pressing current legal and policy issues.

Issues covered at our 2015 and 2016 conventions included voting rights, the need to adequately staff the judiciary, race and criminal justice, workers' rights, limits to states' redistricting powers, law in the digital age, gun violence prevention, forced arbitration, reproductive freedom, LGBT and gender equality, data privacy, and much more.



Speakers at our 2015 National Convention included: U.S. Supreme Court Justice **Ruth Bader Ginsburg**, California Supreme Court Associate Justice **Goodwin Liu**, former Attorney General **Eric Holder**, Representative **Hakeem Jeffries**, former Texas State Senator **Wendy Davis**, and **Stephen Bright**, President, Southern Center for Human Rights.



Speakers at our 2016 National Convention included: former Vice President **Joe Biden**, Senator **Elizabeth Warren**, Senator **Amy Klobuchar**, former Labor Secretary **Thomas Perez**, former White House Counsel **Neil Eggleston**, and Planned Parenthood President **Cecile Richards**. Our 2016 Welcome Dinner was covered live on CNN, MSNBC, and C-SPAN, expanding the reach of ACS's message and influence.



For more convention highlights, visit [ACSLaw.org/conventions](http://ACSLaw.org/conventions).

## CHAPTER HIGHLIGHTS

### Expanding Our Reach

ACS is the nation's leading progressive legal organization, with over 200 student and lawyer chapters in almost every state and on most law school campuses. Our chapters hold over 1,400 public programs across the country each year, including debates, conferences, press briefings, and networking opportunities.

Our chapters have had another two outstanding years of growth, programming, and scholarship. Listed here are just a few chapter highlights from 2015 and 2016.



*ACS Student Chapter leadership and faculty advisors at Duke University School of Law, which was named ACS's 2016 student chapter of the year.*



*Members of the ACS Student Chapter at University of Texas-Austin Law School at the 2015 National Convention.*



*Jessica Smith speaks with fellow law students at the 2015 National Convention. Former ACS Student Chapter President at Howard University School of Law, Jessica is an ACS Next Generation Leader and student member of the ACS Board of Directors.*



*Howard University School of Law ACS Student Chapter Leader Khaair Morrison with Chief Judge Merrick Garland.*



*ACS Houston Lawyer Chapter Chair Neal Sarkar presents Khizr Khan with an ACS pocket Constitution.*



*ACS Board member Timothy Burns and Madison Lawyer Chapter Chair Jeff Mandell with Senator Tammy Baldwin.*



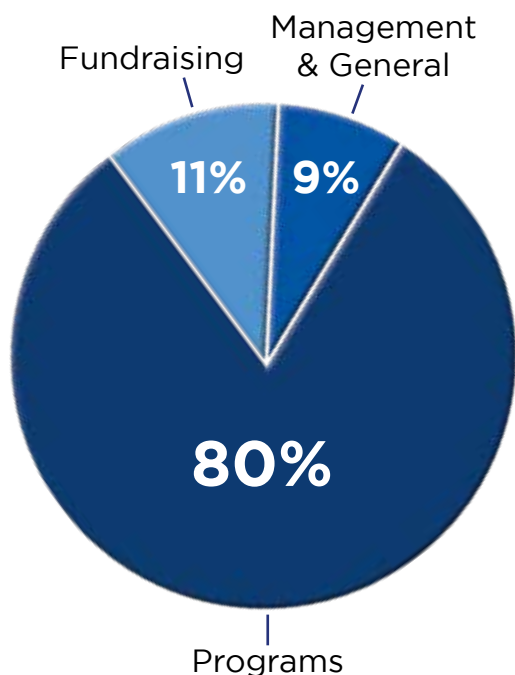
*The ACS Alabama Lawyer Chapter and the Faulkner University Thomas Goode Jones School of Law Student Chapter participate in Constitution in the Classroom.*

# 2015 FINANCIAL HIGHLIGHTS

## Statement of Activities

	UNRESTRICTED	TEMPORARILY RESTRICTED	PERMANENTLY RESTRICTED	TOTAL
<b>REVENUE</b>				
Contributions	\$2,046,349	\$1,751,348	\$9,125	\$3,806,822
Interest Income	4,597	-	-	4,597
Convention Revenue	566,514	-	-	566,514
Lawyer Chapters	138,818	-	-	138,818
Miscellaneous	11,655	-	-	11,655
Net Assets Released from Restrictions	1,857,455	(1,857,455)	-	-
<b>Total Revenue</b>	<b>4,625,388</b>	<b>(106,107)</b>	<b>9,125</b>	<b>4,528,406</b>
<b>EXPENSES</b>				
<b>Program Services</b>				
Convention	667,405	-	-	667,405
Communications	495,861	-	-	495,861
Network Advancement	1,144,309	-	-	1,144,309
Policy Development and Programming	805,586	-	-	805,586
Strategic Engagement	962,847	-	-	962,847
<b>Total Program Services</b>	<b>4,076,008</b>	<b>-</b>	<b>-</b>	<b>4,076,008</b>
<b>Supporting Services</b>				
Management and General	471,477	-	-	471,477
Fundraising	566,168	-	-	566,168
<b>Total Supporting Services</b>	<b>1,037,645</b>	<b>-</b>	<b>-</b>	<b>1,037,645</b>
<b>Total Expenses</b>	<b>5,113,653</b>	<b>-</b>	<b>-</b>	<b>5,113,653</b>
<b>Change in Net Assets</b>	<b>(488,265)</b>	<b>(106,107)</b>	<b>9,125</b>	<b>(585,247)</b>
<b>Net Assets, Beginning of Year</b>	<b>2,424,736</b>	<b>1,997,006</b>	<b>67,942</b>	<b>4,489,684</b>
<b>Net Assets, End of Year</b>	<b>\$1,936,471</b>	<b>\$1,890,899</b>	<b>\$77,067</b>	<b>\$3,904,437</b>

## 2015 Expenditures



## Statement of Financial Position

<b>ASSETS</b>	
<b>Current Assets</b>	
Cash and Cash Equivalents	\$1,381,713
Contributions Receivable	1,442,947
Certificates of Deposit	1,048,623
Prepaid Expenses	24,092
<b>Total Current Assets</b>	<b>3,897,375</b>
<b>Contributions Receivable, Net of Current Portion</b>	<b>115,000</b>
<b>Fixed Assets, Net</b>	<b>41,722</b>
<b>Deposit</b>	<b>21,000</b>
<b>Total Assets</b>	<b>\$4,075,097</b>
<b>LIABILITIES AND NET ASSETS</b>	
<b>Current Liabilities</b>	
Accounts Payable and Accrued Expenses	\$107,802
Accrued Vacation	55,608
Deferred Revenue	7,250
Deferred Rent	-
<b>Total Current Liabilities</b>	<b>170,660</b>
<b>Net Assets</b>	
Unrestricted	1,936,471
Temporarily Restricted	1,890,899
Permanently Restricted - Cudahy Award	77,067
<b>Total Net Assets</b>	<b>3,904,437</b>
<b>Total Liabilities and Net Assets</b>	<b>\$4,075,097</b>



# 2016 FINANCIAL HIGHLIGHTS

## Statement of Activities

### REVENUE

Contributions
Interest Income
Convention Revenue
Lawyer Chapters
Miscellaneous
Net Assets Released from Restrictions

### Total Revenue

### EXPENSES

#### Program Services

Convention
Communications
Network Advancement
Policy Development and Programming
Strategic Engagement

#### Total Program Services

#### Supporting Services

Management and General
Fundraising

#### Total Supporting Services

### Total Expenses

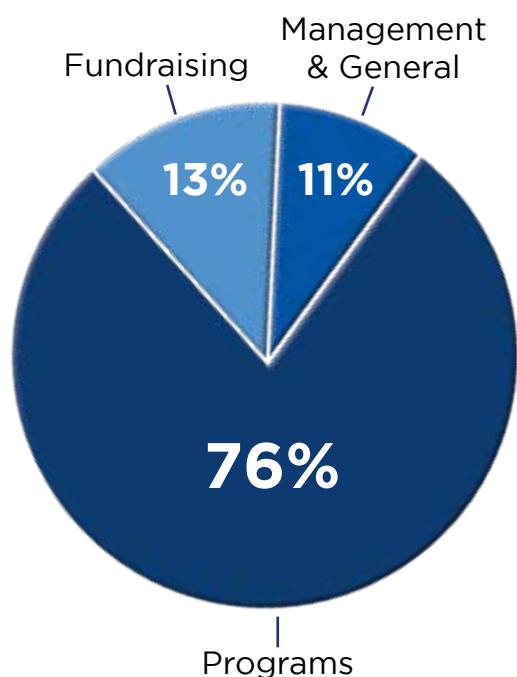
### Change in Net Assets

### Net Assets, Beginning of Year

### Net Assets, End of Year

UNRESTRICTED	TEMPORARILY RESTRICTED	PERMANENTLY RESTRICTED	TOTAL
\$2,616,371	\$3,229,831	\$50,000	\$5,896,202
12,776	-	-	12,776
440,512	-	-	440,512
169,392	-	-	169,392
5,926	-	-	5,926
2,475,727	(2,475,727)	-	-
<b>5,720,704</b>	<b>754,104</b>	<b>50,000</b>	<b>6,524,808</b>
588,893	-	-	588,893
742,173	-	-	742,173
1,060,571	-	-	1,060,571
661,620	-	-	661,620
775,133	-	-	775,133
<b>3,828,390</b>	<b>-</b>	<b>-</b>	<b>3,828,390</b>
559,458	-	-	559,458
632,735	-	-	632,735
<b>1,192,193</b>	<b>-</b>	<b>-</b>	<b>1,192,193</b>
<b>5,020,583</b>	<b>-</b>	<b>-</b>	<b>5,020,583</b>
<b>700,121</b>	<b>754,104</b>	<b>50,000</b>	<b>1,504,225</b>
<b>1,936,471</b>	<b>1,890,899</b>	<b>77,067</b>	<b>3,904,437</b>
<b>\$2,636,592</b>	<b>\$2,645,003</b>	<b>\$127,067</b>	<b>\$5,408,662</b>

## 2016 Expenditures



## Statement of Financial Position

### ASSETS

#### Current Assets

Cash and Cash Equivalents	\$2,090,299
Contributions Receivable	1,145,161
Certificates of Deposit	1,458,992
Prepaid Expenses	25,630

#### Total Current Assets

#### Contributions Receivable, Net of Current Portion

Fixed Assets, Net	857,500
Deposit	65,125

### Total Assets

### LIABILITIES AND NET ASSETS

#### Current Liabilities

Accounts Payable and Accrued Expenses	\$122,387
Accrued Vacation	71,275
Deferred Revenue	56,000
Deferred Rent	5,383

#### Total Current Liabilities

#### Net Assets

Unrestricted	2,636,592
Temporarily Restricted	2,645,003
Permanently Restricted - Cudahy Award	127,067

#### Total Net Assets

### Total Liabilities and Net Assets

**\$5,663,707**

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Chicago	Madison	Northeast Ohio	South Carolina
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