

CONSTRUCTION LEGAL RIGHTS FOUNDATION

Date received by CLRF: _____

Application for Issue Advocacy Assistance

All applications must be submitted to ABC's Senior Director of Policy, Karen Livingston at livingston@abc.org. The date on which the application is received by ABC's Senior Director of Policy will be considered the date the application is received by CLRF. CLRF will not fund any fees and/or expenses related to the application that are incurred prior to the date on which CLRF receives the application. **All applications are subject to and must comply with the Conditions and Obligations of Funding set forth in this application.**

To ensure your application is considered during the next CLRF meeting, please submit a completed application by the application deadline. Any questions regarding the application deadline or an extension should be directed to Karen Livingston at livingston@abc.org or (202) 595-1805.

Applicants may discuss their Issue Advocacy Campaign informally with ABC's Vice President of Regulatory, Labor and State Affairs, Ben Brubeck, brubeck@abc.org or (202) 595-1825, before completing their application to avoid delaying its consideration by CLRF trustees.

Although not a requirement for applying for funding, CLRF looks favorably on requests from ABC member companies who participate in ABC's Safety Training Evaluation Process (STEP).

(NOTE: Please press the "Tab" key to move to the next form box. Use the "Return" key to create a new paragraph within a field, if necessary.)

Part I. Summary information describing the issue and any deadlines:

- A. Name of the campaign:
- B. Brief overview of why a campaign is needed and what you hope to accomplish:
- C. Deadline:

Part II. Additional information:

- A. Single point of contact for the campaign (e.g., a chapter, coalition or group of interested parties).
 - Name:
 - Phone:
 - Fax:
 - E-mail:
 - Address:

B. Proposed public relations consultant (if any):

- Name:
- Phone:
- Fax:
- E-mail:
- Address:

Attach the resume or biography of the proposed consultant or a copy of the consultant's capabilities brochure. Describe the consultant's experience working with your chapter on issues/campaigns.

Part III. ABC chapter endorsement letter: Attach a copy of a letter from the chapter, signed by the chapter chairman, endorsing this request.

Part IV. Communication plan: Attach a detailed communication plan for the issue advocacy campaign for which funding is requested. This plan should include the following components:

- A. Situation Analysis – Describe the challenges and/or opportunities the chapter or your community currently is facing and how it led to the conclusion that an issue advocacy campaign is needed. This section should include information regarding any past campaigns or ongoing communication efforts to advance the merit shop agenda, and to what degree these efforts have been successful.
- B. Political Climate – Describe the current business/union political climate in your state or region, with specific information pertaining to the legislative or local political dynamics that may influence the campaign and its chances for success. Provide specifics about the name and party affiliation of relevant elected officials at the state and local level, including officials who are the applicant's allies and supporters and officials who are the applicant's opponents and staunch union supporters. Also, include current or pending legislation that may impact the campaign.
- C. Research – Identify and define the role research will play in the campaign and in the development of communication strategies, particularly the development of the overall theme and key messages. Research includes existing or planned studies, polling, surveys, labor department statistics or other relevant information that will help shape the campaign. If a proposed research study or survey is part of your funding request, be sure to provide information about the professional organization that will conduct the research, the scope of work, the estimated budget and the timeline.
- D. Goal/Objectives – Describe the desired outcome or broad definition of success, as well as a realistic outcome of the campaign. Be as specific as possible in regard to timing and desired outcomes.
- E. Target Audience – Identify the primary and secondary audiences being targeted in order of importance or priority.

- F. Communication Strategies/Tactics – Describe in detail how the campaign’s overall goal and supporting objectives will be achieved and what specific strategies will be used to communicate with each target public. Strategies dictate tactics. Tactics represent the ‘nuts and bolts’ of the plan and include the specific activities and actions that will help put the strategies into operation. Be sure to indicate how “earned media” fits into your plan and who will serve as your media spokesperson(s). If paid media (advertising) is part of your campaign, include a copy of the proposed media schedule.
- G. Theme(s)/Key Messages – What theme(s)/key messages need to be communicated throughout the campaign to achieve the stated goal/objectives? How will these theme(s)/key objectives be incorporated into various communication materials? This information may not be available or in final form when submitting your original funding request, pending additional research and planning.
- H. Timeline – Provide a month-by-month calendar indicating when each of the various components of the communication plan will take place and who is responsible. Be sure to provide exact dates as to when the campaign will begin and end.
- I. Measurement/Evaluation – Throughout the campaign you will be asked to submit periodic written reports summarizing the results based on the established goal and objectives at the conclusion of your campaign, a final written report will be expected. These reports should address specific efforts to advance the merit shop agenda. They also should include outcome measures relating to changes in a target public’s awareness, comprehension, attitude and behavior, as well as output measures relating to media coverage, membership growth, website traffic, etc. Be sure to include lessons learned for the future.

Part V. Additional materials: Attach any additional materials (newspaper articles, editorials, etc.) that will help the staff and trustees to more thoroughly understand the need for the campaign.

Part VI. Budget

A. Campaign budget breakdown (total cost of each listed stage or phase):

<u>Campaign Activity</u>	<u>Amount</u>
<u>Potential Funding Total</u>	\$ 0.00

Part VII. Proposed financial contribution***

Proposed financial contribution to total cost of stages to be funded, as shown above.

<u>Campaign Activity</u>	<u>Amount</u>
Chapter	
By coalition members, other chapters or others	
By CLRF	
<u>Total</u>	\$ 0.00

*****PAC funds are prohibited. Approval of any application is premised on the use of Chapter funds. Use of PAC funds for approved applications is prohibited. Using such funds toward a CLRF approved issue advocacy campaign may result in a prohibited political contribution or result in unintended political campaign spending for CLRF for the purposes of its status as a Section 501(c)(6) entity.**

Conditions and Obligations of Funding

1. It is the responsibility of the applicant to complete the application in full and properly submit it by the applicable due date. If assistance is needed, please contact ABC’s Senior Director of Policy, Karen Livingston at livingston@abc.org.
2. CLRF’s trustees meet at least six times a year (and will meet by teleconference in emergencies) to consider and evaluate funding requests. The trustees reserve the right to fund, table a matter for more information, or reject a funding request.
3. CLRF funding will not be provided under any circumstances for costs that have been incurred by the applicant prior to the time an application is received by ABC’s Senior Director of Policy. It is the responsibility of the applicant to assure the application is received by ABC’s Senior Director of Policy in a timely manner. Applications may be submitted via email (preferred), or mail.
4. If the trustees table a matter for more information, the applicant will be contacted by CLRF with a request for clarification and/or additional information.
5. If the trustees reject a funding request, an applicant may request reconsideration and should supply such additional information as appropriate.
6. Funding decisions by CLRF will be confirmed by letter in accord with CLRF procedures in effect at that time. The funding letter advises an applicant of a decision by CLRF to provide funding and the terms of the commitment. No funding may be authorized verbally by anyone and no funding will be issued or decision effective until a funding agreement is accepted and signed by all parties to the matter, as listed in the funding agreement. Funding for actions beyond those specifically authorized in the funding agreement must be applied for separately, and separately approved by CLRF.
7. Except to the extent provided in this document CLRF, and the ABC Chapter(s) or ABC National, each hereby declare that all causes of action, liabilities and demands they may have against each other with respect to this matter, whether now known or arising in the future, are waived.

The undersigned acknowledge that he/she has read the foregoing obligations and conditions of funding and agrees to abide by them.

CHAPTER PRESIDENT SIGNATURE _____ PRINT NAME TITLE	CHAPTER CHAIRMAN SIGNATURE _____ PRINT NAME TITLE
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CONSTRUCTION LEGAL RIGHTS FOUNDATION

Date Received by CLRF:

APPLICATION FOR LEGAL ASSISTANCE

All funding is subject to and must comply with the
Conditions and Obligations of Funding set forth in this application

INSTRUCTIONS: This application must be completed in full and submitted to Karen Livingston, ABC's Senior Director of Policy, at livingston@abc.org. The date on which the application is received by the CLRF Administrator will be considered the date the application is received by CLRF. CLRF will not fund any legal fees and/or expenses related to the application that an applicant incurs prior to the date on which CLRF receives the application.

To ensure your application is considered during the next CLRF meeting, please submit a completed application by the application deadline. Any questions regarding the application deadline or an extension should be directed to Karen Livingston at livingston@abc.org or (202) 595-1805.

All non-legal questions regarding the application and application procedures, billing and invoicing should be directed exclusively to Karen Livingston.

Applicants and/or their attorneys may wish to discuss their case's legal theory and strategy informally with CLRF General Counsel, Maury Baskin at 202-772-2526 or mbaskin@littler.com prior to submitting the application to CLRF. Doing so may help avoid delays in the CLRF trustees' consideration of an application.

Although not a requirement for applying for funding, CLRF looks favorably on requests from ABC member companies who participate in ABC's Safety Training Evaluation Process (STEP).

(NOTE: Please press the "Tab" key to move to the next form box. Use the "Return" key to create a new paragraph within a field, if necessary.)

Part I. This is an application for one or more of the following (check applicable):

- Assistance in funding a legal case
- Amicus brief by CLRF in support of a legal case
- Other (please explain):

Part II. Summary Information (including any deadlines):

1. Name of case:
2. Synopsis of significant legal issues and why the case should be funded by CLRF:
3. Court and other applicable deadlines: (please list)

Part III. Additional Information: If there are multiple applicants, contact information for each applicant must be provided, otherwise insert "N/A".

1. Applicant's Contact information:

- Name:
- Phone:
- Fax:
- E-Mail:
- Address:

Applicant #2's Contact information:

- Name:
- Phone:
- Fax:
- E-Mail:
- Address:

Applicant #3's Contact information:

- Name:
- Phone:
- Fax:
- E-Mail:
- Address:

2. For Contractor applicants, please provide:

- Year joined ABC:
- Years in business:
- Last year's sales volume:

3. Applicant's legal counsel contact information:

- Attorney's Name:
- Firm name:
- Phone:
- Fax:
- E-Mail:
- Address:

4. **Is counsel an ABC chapter attorney?** Yes No
- Attach resume or biography of applicant's attorney, unless the attorney has been the counsel on a matter previously funded by the CLRF.
5. **Chapter/National Endorsement Letter:**
- **Attach the required chapter and/or national endorsement letter(s)**

Part IV. Information Supporting the Case:

1. **Attach detailed information about the matter.** Include a copy of relevant briefs, pleadings, complaints, legal opinions, newspaper articles, etc. If no formal documents exist, please expand on, but keep separate from, the summary description provided in response to Part II of the application. This information is required so that the trustees and staff can thoroughly understand the nature of the case and its potential precedential impact.
2. **Recommendations on the merits of the case:** Identify and discuss the legal objective(s), existing case law, and the probability of success. At a minimum, the description should include a detailed discussion of the following specific information:
- why the case should be important to CLRF;
 - why a favorable outcome would set a broad industry precedent;
 - what case law is favorable to the theory of applicant's case;
 - what case law is adverse to the theory of applicant's case;
 - an analysis of the specific court in which the matter will be brought, including how the court has ruled in prior similar cases and what, if any, favorable or unfavorable predisposition the court has to the matters that would be present by applicant's case; and
 - why a lower court decision of mootness (if applicable) is wrong and should be appealed.

Part V. Legal Budget (Total cost of each listed stage or phase):

1. Please provide detailed estimates for all legal stages or phases of the case (*e.g.*, discovery, trial, appeal, etc.) anticipated to bring case to fruition, including a supporting explanation of the extent of work that would be required at each stage/phase. For example, the explanation of the discovery stage should describe what forms and amount of discovery will be needed by applicant and is anticipated from the other side (*e.g.*, six depositions, document production and interrogatories). NOTE: CLRF will not consider funding a case without a detailed cost estimate. All funding shall be based upon not-to-exceed estimates provided by applicant’s attorney.

<u>Legal Stage/Phase</u>	<u>Amount</u>

Potential Funding Total \$ 0.00

2. Proposed financial contribution to the total cost of the stage(s)/phase(s) to be funded under this specific application:

<u>Phase(s)</u>	<u>Amount</u>
By Applicant	
By Chapter	
National	
By CLRF	

Contribution Total \$ 0.00

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Conditions and Obligations of Funding

1. It is the responsibility of the applicant to complete the application in full and properly submit it by the applicable due date. If assistance is needed, please contact ABC's Senior Director of Policy, Karen Livingston at livingston@abc.org.
2. CLRF's trustees meet at least six times a year (and will meet by teleconference in emergencies) to consider and evaluate funding requests. The trustees reserve the right to fund, table a matter for more information, or reject a funding request.
3. If the trustees decide to provide funding, it will be in an amount, and upon such terms, as the trustees, in their sole judgment, deem appropriate. Amounts funded by CLRF are required to be reimbursed in full or in part by applicant in the event applicant receives a settlement or damage award in proportion to the amount of the settlement or damage award received.
4. CLRF funding will not be provided under any circumstances for legal fees and other costs that have been incurred by the applicant prior to the time an application is received by the CLRF Administrator. It is the responsibility of the applicant to assure the application is received by the CLRF Administrator in a timely manner. Applications may be submitted via email (preferred), or mail.
5. Financial assistance will not be provided for costs other than professional fees and related expenses. Chapter and applicant overhead expenses, expenses to produce witnesses, etc. will not be reimbursed.
6. Funding decisions by CLRF will be confirmed by letter in accord with CLRF procedures in effect at that time. The funding letter advises an applicant of a decision by CLRF to provide funding and the terms of the commitment. No funding may be authorized verbally by anyone and no funding will be issued or decision effective until a funding agreement is accepted and signed by all parties to the matter, as listed in the funding agreement. Funding for actions beyond those specifically authorized in the funding agreement must be applied for separately, and separately approved by CLRF.
7. For all legal hearings, and other proceedings related to the case for which CLRF has provided support, the applicant(s) shall furnish at applicant's expense all documents in their possession that are needed to support applicant's claims or defenses and will make available at applicant's expense any and all witnesses in applicant's employ necessary for proof thereof.
8. Except to the extent provided in this document, CLRF, applicant(s), and the ABC Chapter(s) or ABC National, each hereby declare that all causes of action, liabilities and demands they may have against each other with respect to this matter, whether now known or arising in the future, are waived.

- 9. Notwithstanding any action of CLRF, applicant’s counsel may take whatever steps are necessary to preserve applicant’s right to appeal or take other appropriate action.

The undersigned acknowledge that he/she has read the foregoing obligations and conditions of funding and agrees to abide by them.

APPLICANT SIGNATURE _____

CHAPTER PRESIDENT SIGNATURE _____

PRINT NAME

PRINT NAME

TITLE

TITLE

ATTORNEY SIGNATURE _____

CHAPTER CHAIRMAN SIGNATURE _____

PRINT NAME

PRINT NAME

TITLE

TITLE

For further information about the Construction Legal Rights Foundation or its procedures, or to receive an application for assistance, please contact:

*Karen Livingston
ABC’s Senior Director of Policy
Construction Legal Rights Foundation
c/o Associated Builders and Contractors
440 First Street, NW, Suite 200
Washington, DC 20001
Phone: (202) 595-1805
livingston@abc.org*