



# Black Legal Network

The Importance of Movement & Community Lawyering In Redistricting

# First: What Is Movement or Community Lawyering?

1. “Movement Lawyering” also known as “Community Lawyering” is when lawyers use their legal skills like advocacy, research, and writing to support needs identified by a movement or community.
2. This type of lawyering employs a racial equity lens and focuses on building the power of people rather than the power of the law. It seeks to advance the law in seeking justice for marginalized communities.
3. It views legal problems through a community’s perspective. It’s taking direction from impacted people and organizers versus the lawyering leading the movement or the strategy.
4. It seeks remedies that often don’t involve litigation but remedies that are won due to increased citizen participation and the organized political power of the community.

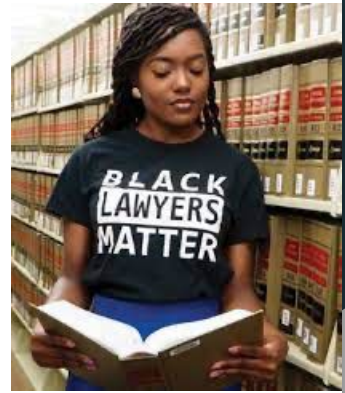
# Why A Black Legal Network?



- Black attorneys have always been influential in bringing institutional power to community movements. (E.g., historic civil rights movement of the 60's Lawyers supported the people who boycotted and marched.)
- Through the practice of a race-conscious model of lawyering, black lawyers serve unique functions in contemporary American democracy by bringing their racial identity to the work that they do. It is in the black lawyer's rejection of an exclusively "bleached out" or colorblind professional identity that the democratic functions of the black lawyer become evident.

<http://lcdla-bar.com/wp-content/uploads/2016/12/way-to-represent.pdf>

# Black Lawyers Can Advance Citizen Participation and Political Power.



1. Many black communities feel marginalized from local decision-making processes and therefore excluded from democracy. They feel ignored and unheard when they do voice their concerns in the public forum.
2. Black lawyers can increase participation by black citizens in city council meetings and local county meetings.
3. Black lawyers' dual membership in both the legal profession and the black community creates opportunities for black lawyers to leverage their status as lawyers to benefit both individuals and institutions in the black community. <http://lcdla-bar.com/wp-content/uploads/2016/12/way-to-represent.pdf>
4. Black lawyers can advocate for policies that advance the interests of the black communities and often can give voice to the experiences of those who are less economically advantaged.

# Voter Protection: FROM GOTV to CODE RED Redistricting

- In 2020, the Black Legal Network, an initiative by the NC Black Alliance, served as legal observers at polls during the general election. Using a digital form, the lawyers took notes regarding any incidences of voter suppression and intimidation, to be useful in case there was a need for litigation. Evidence gathered from our legal observers included things like voters not wearing masks, citizens with over zealous campaigning tactics and electioneering at the polls. Also our observers pointed out that many voters were told that they were not registered to vote or that they were at the wrong site. This information was shared with our contact at the Election Protection Hotline.
- Lawyers have always played an important role in ensuring Voter Rights Protection. We are seeing a number of voter suppression laws being passed by politicians, especially in the South. These laws will make it harder to access the ballot.
- North Carolina will soon begin drawing new district maps at every level. It is critically important that Communities of Color be involved, as the redistricting process impacts our ability to build and maintain independent political power, and advance the issues that impact our communities daily.

# Equity in Redistricting.

## CODE RED Redistricting

The Black Legal Network will use institutional power to lift community concerns in the redistricting by ensuring equity in the redistricting process. We believe that redistricting at the local level is extremely important in building the political power of black communities. Also, access to Democracy at the local level is important to the everyday lives of citizens.

It is the local level that most citizens are even able to engage in a more direct democracy. Equity in Redistricting should be embedded in the following three areas:

1. **Access:** Lawyers can provide community groups with access to public hearings and access to knowledge--what's a good map vs. a bad map.
2. **Process:** Lawyers can support community groups in the process by attending local county meetings on redistricting.
3. **Outcomes:** Lawyers can support community groups in ensuring equitable outcomes of redistricting which is manifested when black communities are able to elect representatives who will address and fight for their concerns.

# The Black Legal Network & CODE RED Redistricting

- **The NC Black Alliance's CODE RED** program initiative is a redistricting education program that offers training and resources to help the black community understand and monitor the redistricting process and become more effective advocates for fair maps.
- We will connect these communities with Movement/Community Lawyers to help amplify their voices at local redistricting hearings.
- Lawyers can further educate community members on the logistics of redistricting and what's a fair map.



# Black Legal Network and Code Red Redistricting (continued)

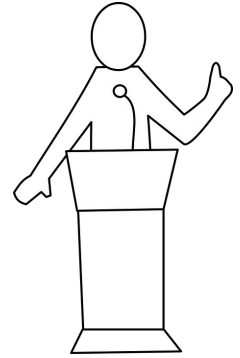
- Lawyers can also provide oral and written comments on behalf of community groups and attend local meetings around redistricting to document and take notes on the proceedings. The lawyers can then provide additional education on the process.
- Lawyers can help community groups of residents connect their local issues to redistricting. For example, residents in Rocky Mount, NC, organized around a Sanitation Workers Strike in 1978, which led to a later movement around voters' rights. The residents realized that there was the need for more black representation at the city hall and on the city council.



# How You Can Help Us Expand Our Reach!

1. Share our Code Red: Redistricting work with other attorneys, or if you are a leader of a black lawyers association, share our work and this opportunity with your members. We welcome members of the Capital City Lawyers Association, Durham Black Lawyers Association, John S. Leary Association of Black Lawyers, and the NC Association of Black Lawyers!
2. Please connect with your colleagues and law school buddies who are Black lawyers in rural areas or smaller metro areas without a Black Bar Association. Word of Mouth is always the best advertisement!
3. Attend our training on June 18th, to learn more about the work ahead. Also, if you missed our 4 part series that we did with community based groups and residents, please watch our videos and presentations at <https://ncblackalliance.org/code-red/>
4. Volunteer to help with this effort, by officially signing up to be a part of the black lawyers network by filling out a form at <https://ncblackalliance.org/legal-network/>.

# State Redistricting.



- The state established 13 sites for public hearings with the first hearing beginning on September 8th.
- Local governments (city councils), school boards and county boards are meeting with their redistricting law firms and demographers. The law firms have given the various boards criteria to choose from, which would guide the way they draw the maps.
- These local hearings are moving simultaneously with state public hearings. Community groups are turning out at both.
- Initially we were focused on the hyper local level, but we've been asked to support turn out to state public hearings.
- We've created talking points to guide residents in making their own unique public comments.
- Hearings comments are only 2 minutes.
- Written Comments will give residents more opportunity to provide feedback and comment about redistricting.

# Important Things To Know

**More than 78% of North Carolina's population** growth occurred in its two largest metro areas, while more than half of the state's 100 counties lost population

**8 of the existing 13** congressional districts show increases in Black population

**66 of the existing state House** seats show increases in Black population **26 of the existing state Senate** seats show increases in Black population Black voting-age population increased in 130 congressional & statewide districts

**33 NC counties increased** in Black voting-age population

In several counties, growth in the Black population was significant, including Wake, Mecklenburg, Guilford, Buncombe, and Forsyth

Given these increases, racial data cannot be ignored completely. Race must have proper consideration to be in accord with the tenets of the Voting Rights Act and to accurately reflect the voting population of our state.

# What Black Lawyers Can Do to Support Communities of Color.

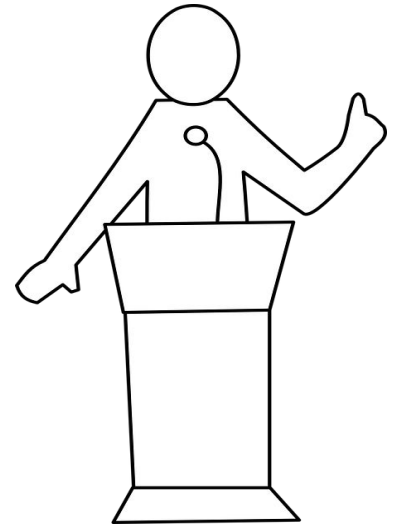
1. Commit to supporting one of our 7 targeted counties by connecting with community residents who are organized around redistricting and showing up at these hearings. (We will have some sessions with community members.)
2. Attend some of the local public hearings that may be in-person or virtually.
3. Listen to what local elected officials charged with drawing the maps for their perspective boards have to say have the guidance and the criteria they would use to draw the maps. What are they saying about Race in areas where the black voting population has increased? (Will work on getting this data to you)
4. Take notes regarding any procedural mistakes regarding Robert Rules of Order.
5. Take notes on the following...(See next slide)

# Things to Listen for in public hearing to help with future litigation...

1. Will there be equal population in every district drawn? (one person, one vote, equality in population)
2. Discussions around population equality or shifts in population. Any jurisdiction with population changes since the release of the new Census data, will have to redistrict.
3. Who counts for the purpose of determining redistricting? Total population is often used at the apportionment base for redistricting.
4. Are they discussing deviating from the one person one vote requirement? For ***districts other than Congressional districts***, a population deviation of **under 10% is presumptively constitutional and a greater deviation is presumptively unconstitutional. Take notes on the reasons given for any deviation, especially one that is close to 10% or over 10%.**
5. Listen for discussions around Race. Governmental decisions that are motivated in part by race violate the 14th Amendment. *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977). Courts have found intentional discrimination with respect to redistricting plans, typically when a minority group is intentionally cracked (split between two or more districts) or packed.

# Write Public Comments on Behalf of Residents

1. Public Comment writing is just like brief writing, but simpler without all the formalities, but the critical reasoning with connecting facts, data, and narratives of the facts is the same.
2. Public Comments will help create the record for any future litigation.



For more information, please contact me!



Yolanda L. Taylor  
N.C. Black Alliance  
*Of Counsel & Programs Attorney*  
[Yolanda@advancecarolina.org](mailto:Yolanda@advancecarolina.org).