

Affirmative litigation overview

Affirmative litigation proactively enforces laws protecting individuals' and communities' rights. Government lawyers file lawsuits to address violations that harm residents at a local, state, or federal level. Across the country, local governments are building or strengthening affirmative litigation divisions in their offices, with the help of Public Rights Project.

How is it different from other legal strategies?

Affirmative litigation is a proactive approach to addressing legal issues, instead of a responsive approach to challenges as they arise. There are three areas where affirmative litigation can be particularly effective:



Protecting and advancing civil rights

Local government lawyers have the unique power to hold corporations and individuals accountable across issues like employment, housing, and public health.



Enforcing state and local laws

Local government lawyers have the authority to pursue court-ordered compliance or financial relief from corporations or individuals who have violated the law.



Challenging or supporting other governments

Local jurisdictions can sue state or federal governments over harmful policies. Conversely, they can also build or join amicus brief coalitions to support governments or other organizations.

Affirmative litigation impacts

In 2016, Oakland's City Attorney's office launched its affirmative litigation division. Since then, it has seen a 486% return on its investment. The city has recovered lost wages for hotel workers, secured livable conditions for building tenants, and made neighborhoods safer by addressing human trafficking, public health issues, and environmental injustices. [Read more here.](#)

Get started

Building successful cases requires collaborating with your community and listening to those most affected by harmful policies or actions. As you consider leveraging affirmative litigation as a strategy, consider these initial steps:

- 1. Evaluate the need:** Identify the issues affecting your jurisdiction and determine who is being harmed by inequitable policies. Then, explore potential partnerships that could help drive meaningful change.
- 2. Build your skills:** Government attorneys play a critical role in pushing back against policies that undermine fundamental rights. Public Rights Project offers trainings and fellowships to equip you with the tools and strategies needed to meet these challenges head-on and advance justice in their communities.
- 3. Make connections:** Affirmative litigation requires collaboration with community members, nonprofits, and other municipal entities. It's also critical to learn from other affirmative litigation divisions about successes and lessons learned.

Resources

- [Measuring and Amplifying the Social and Financial Impact of Affirmative Litigation](#)
- [Local Action, National Impact](#)
- [Public Rights Project Affirmative Leaders Fellowship](#)
- [PRP's Civil Rights Hub](#)
- [PRP Blog](#)