



## LEGAL INTERVENTION POLICY

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### **Legal intervention is at the discretion of the board. Initial considerations should include:**

- How do the legal issues relate to our mission?
- Would litigation involve legal or factual disputes (factual disputes do not establish precedents and are more expensive)?
- If not now, will there be opportunities to litigate later?
- How important would the legal precedent be to our mission?
- How long is the litigation likely to continue? How far are we willing to go (appeals)?
- Is there a possibility of a counterclaim?
- How will this impact our operations (financial resources, time, focus)?
- Are there potential partners who would support us (money, legal in-kind, etc.)?
- Do we have consensus of affected communities?
- What would public perception be of our engagement in litigation (or lack of engagement)?

### **Participation should support one or more of these goals:**

- Securing validity of federal, state or local laws that protect historic resources
- Ensuring strong interpretation of same
- Protecting National Historic Landmarks in Texas
- Protecting other significant sites
- Protecting properties deemed endangered by Preservation Texas
- Challenging government decisions and policies threatening historic properties
- PT should not be the lead plaintiff unless it involves a case or controversy of clear statewide impact
- PT should prefer to take a role as an amicus if any
- PT should require using pro bono legal services to the extent possible
- Case should be reasonably winnable have likelihood of success
- PT's role should have a meaningful impact - not just a "pile on" effect
- Ideally, PT should have had involvement in the issue before it comes time for litigation

### **Other ways to help:**

- Assist local groups in finding legal counsel to take on their case
- Provide input and expertise as witness or in consultation with legal counsel
- Provide information about additional resources including access to existing preservation laws and important federal and state case law