

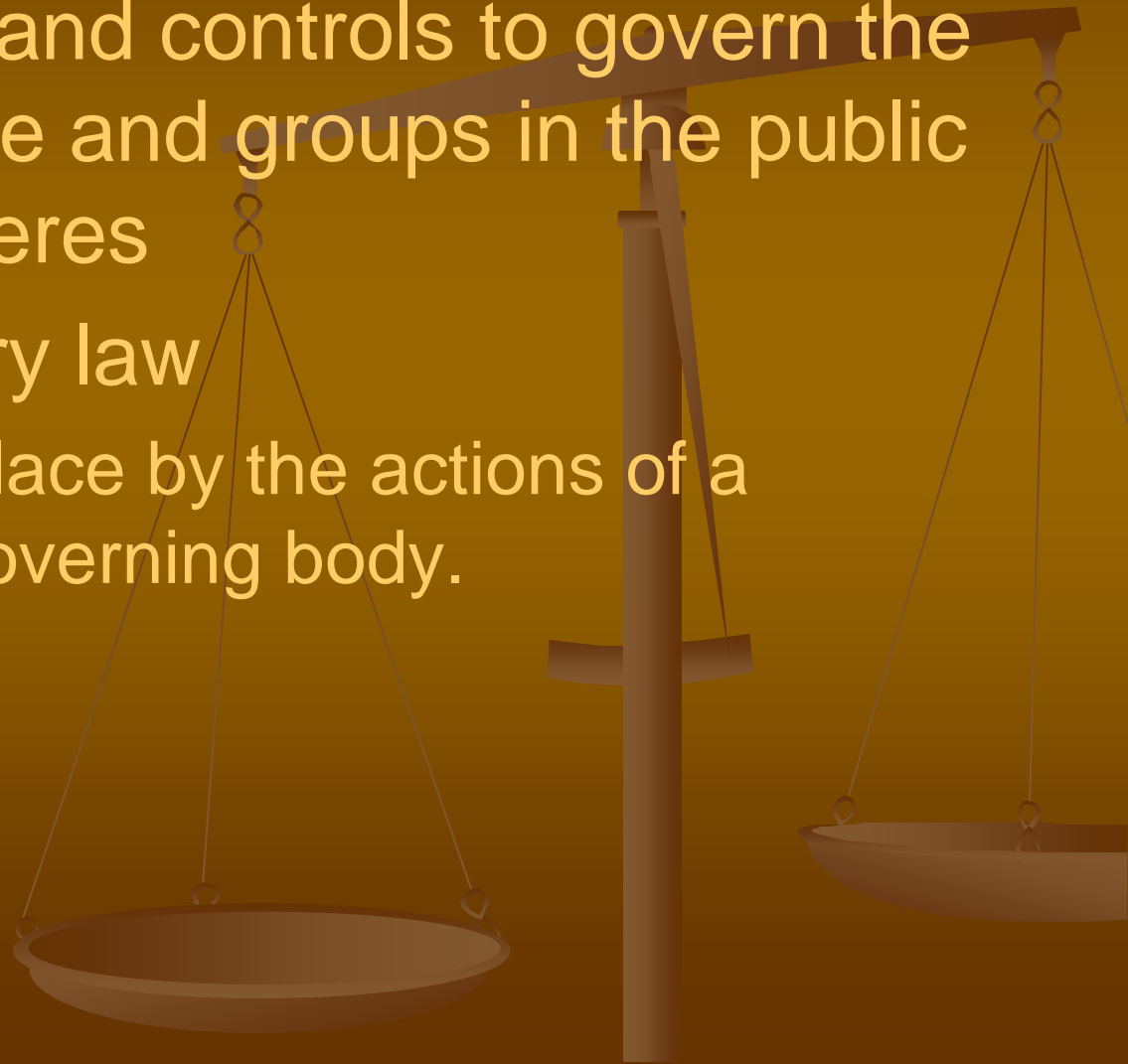
ADVOCATING THROUGH THE LEGISLATIVE PROCESS



Nancy E. O'Malley
Chief Assistant District Attorney
Alameda County, CA

Why is Legislation Important

- Sets standards and controls to govern the actions of people and groups in the public and private spheres
- Creates statutory law
 - Laws put into place by the actions of a legislature or governing body.



Why is Legislation Important

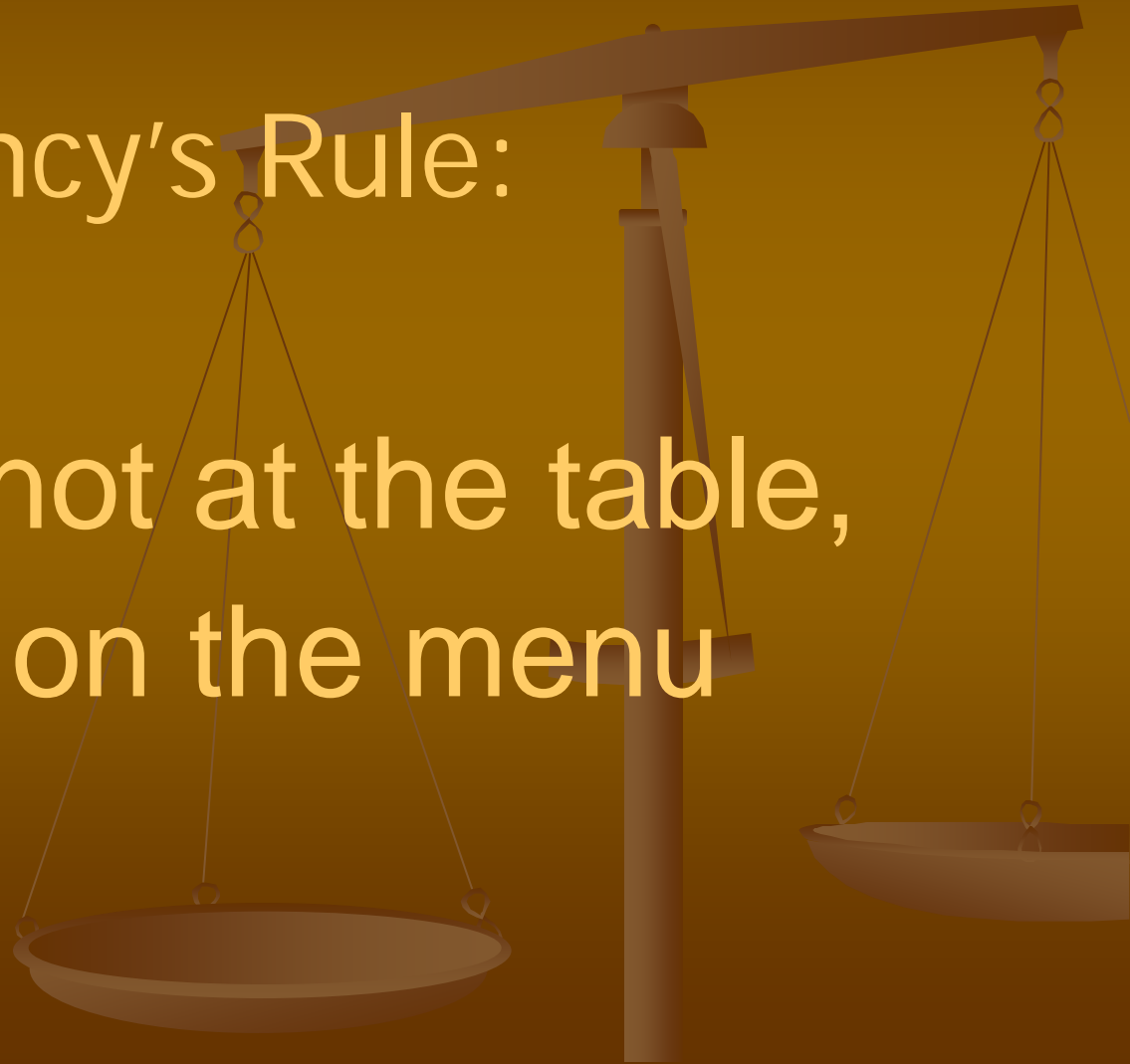
Advocacy efforts are an important factor in helping to shape public policy



Why is Legislation Important

Nancy's Rule:

If you're not at the table,
you're on the menu



Why is Legislation Important

The OPPORTUNITY exists to present policy direction and changes according to what YOU think is the right direction

The KEY is how to advocate to the decision-makers to accept YOUR position

Advocacy AS WOMEN LAWYERS

- We can use the laws to transform society
- In theory, the laws created within a society reflect the needs and values of that society
- **LAWS ARE SUPPOSED TO** work for the best interests of the citizens



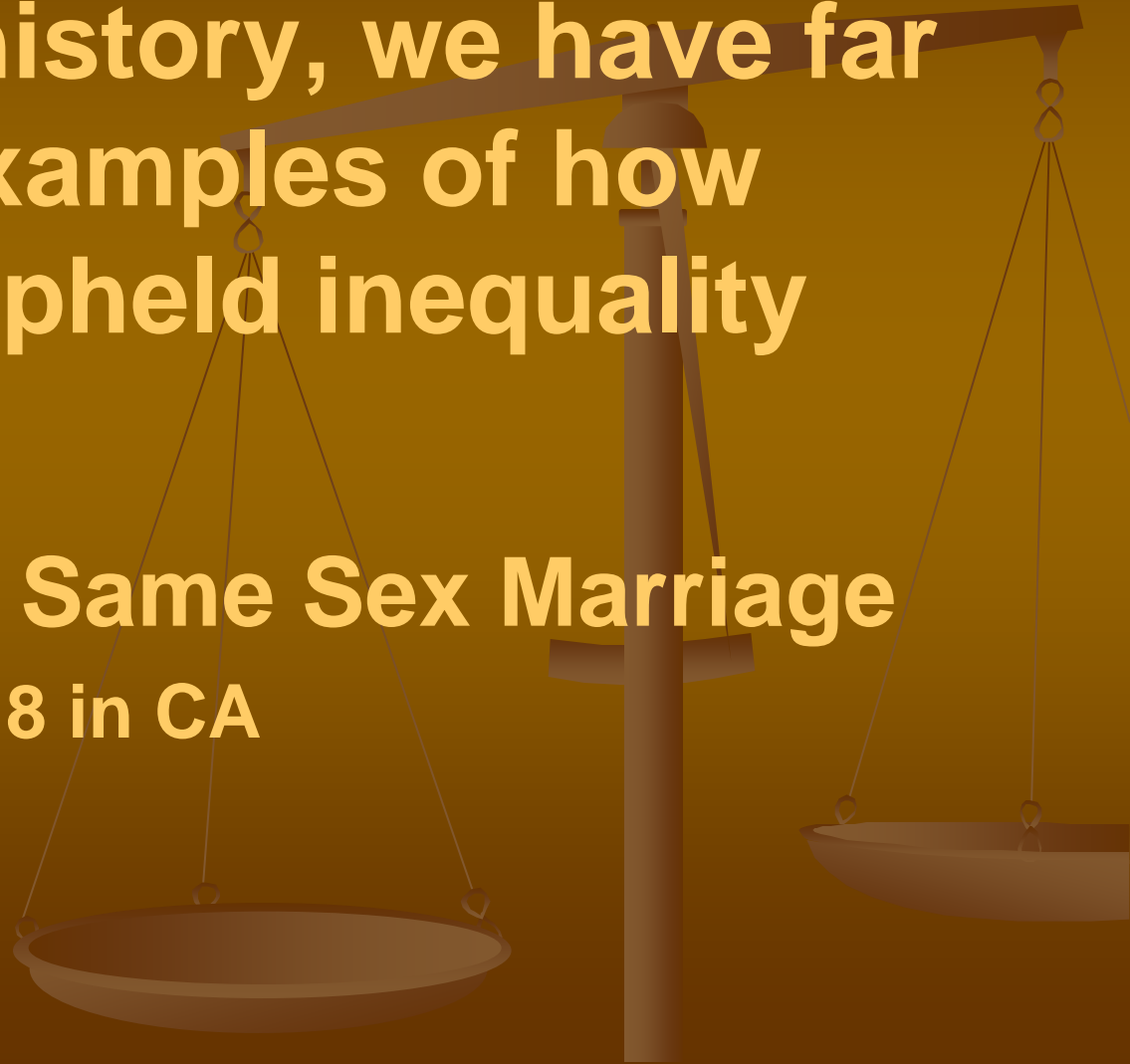
Advocacy AS WOMEN LAWYERS

**BUT THINK ABOUT IT
IS THAT ALWAYS TRUE?**



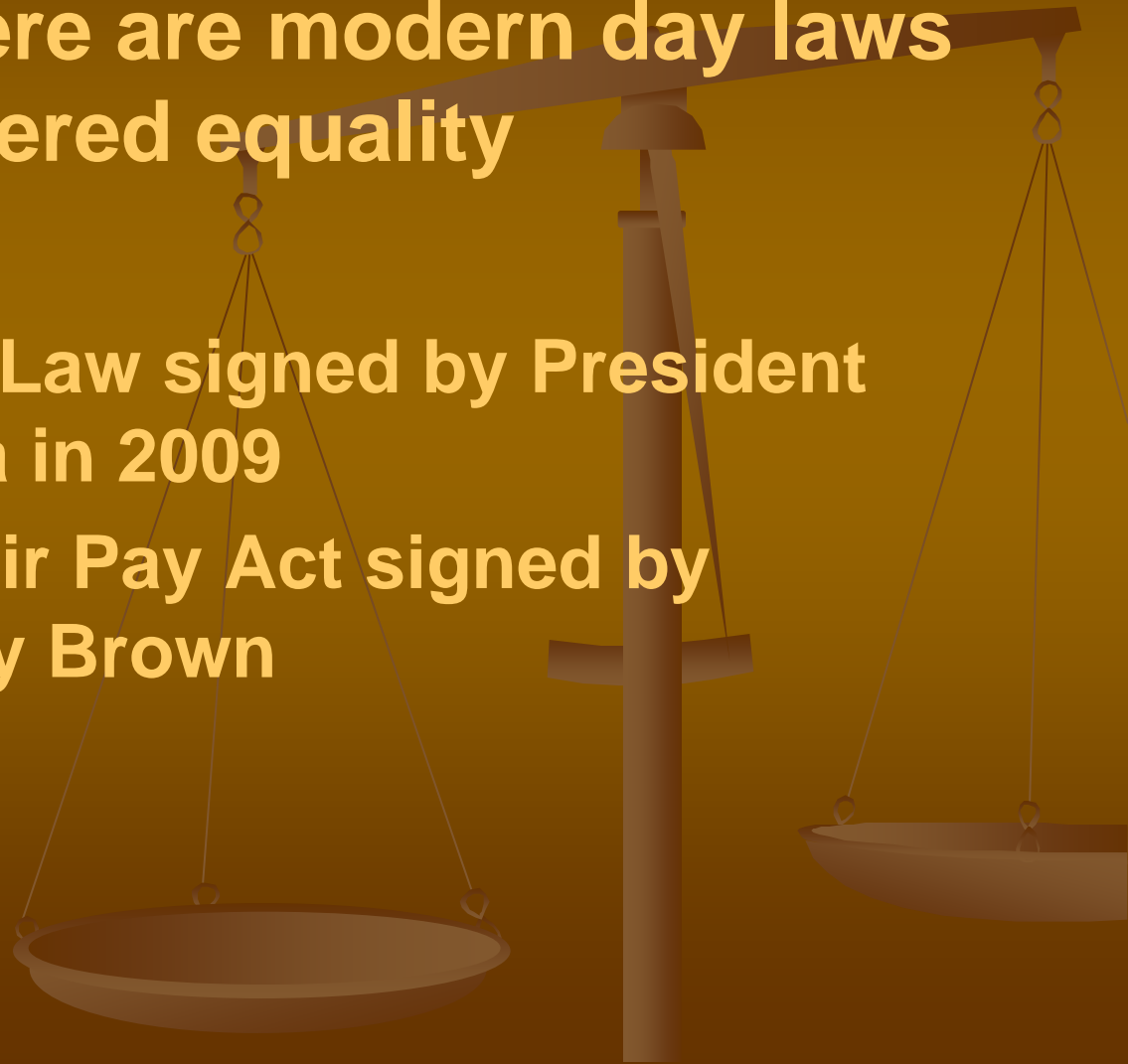
Advocacy

- In modern history, we have far too many examples of how laws have upheld inequality
- Prohibiting Same Sex Marriage
 - Proposition 8 in CA



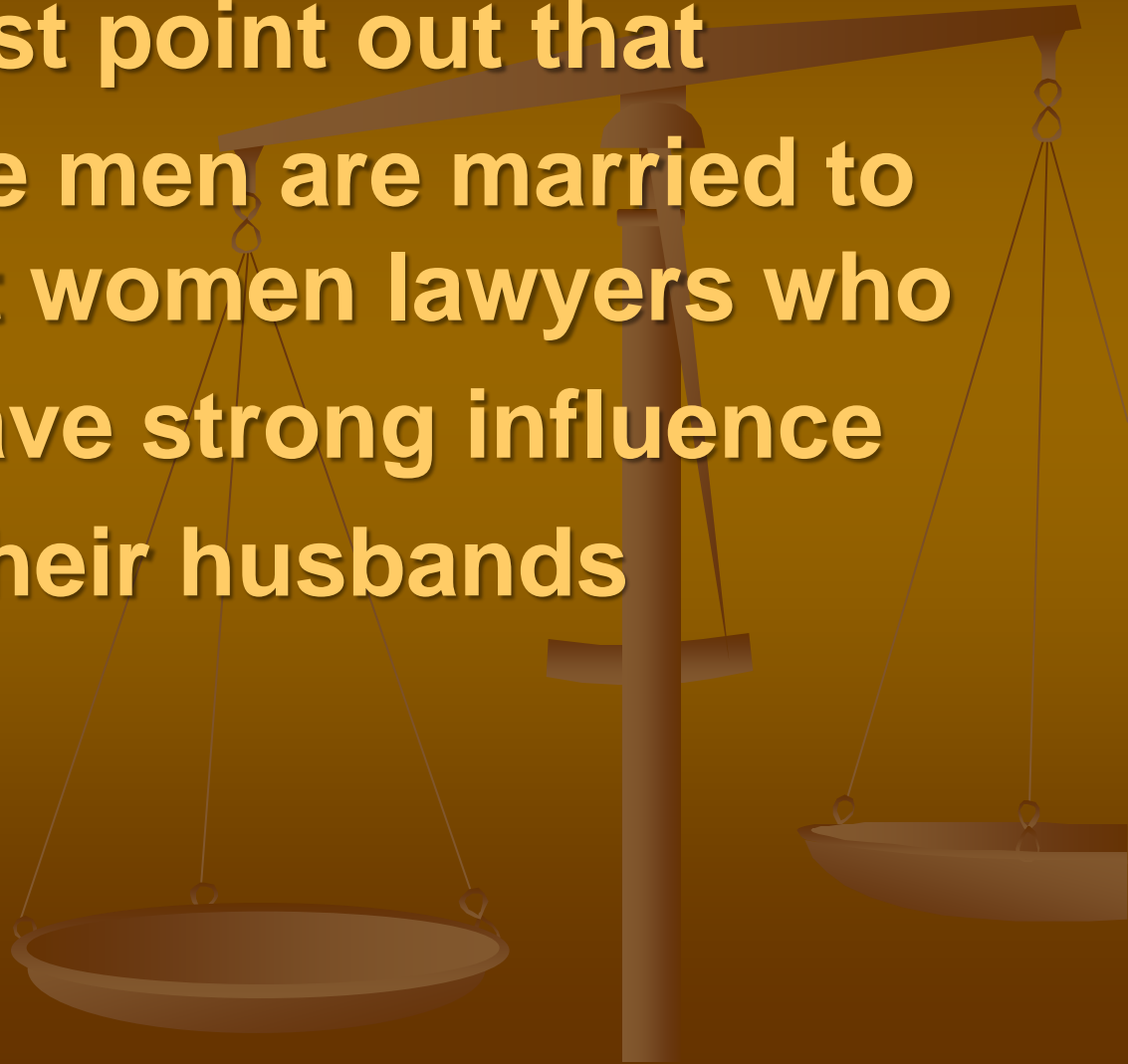
Advocacy

- In contrast, there are modern day laws that have furthered equality
 - Lily Ledbetter Law signed by President Barack Obama in 2009
 - California's Fair Pay Act signed by Governor Jerry Brown



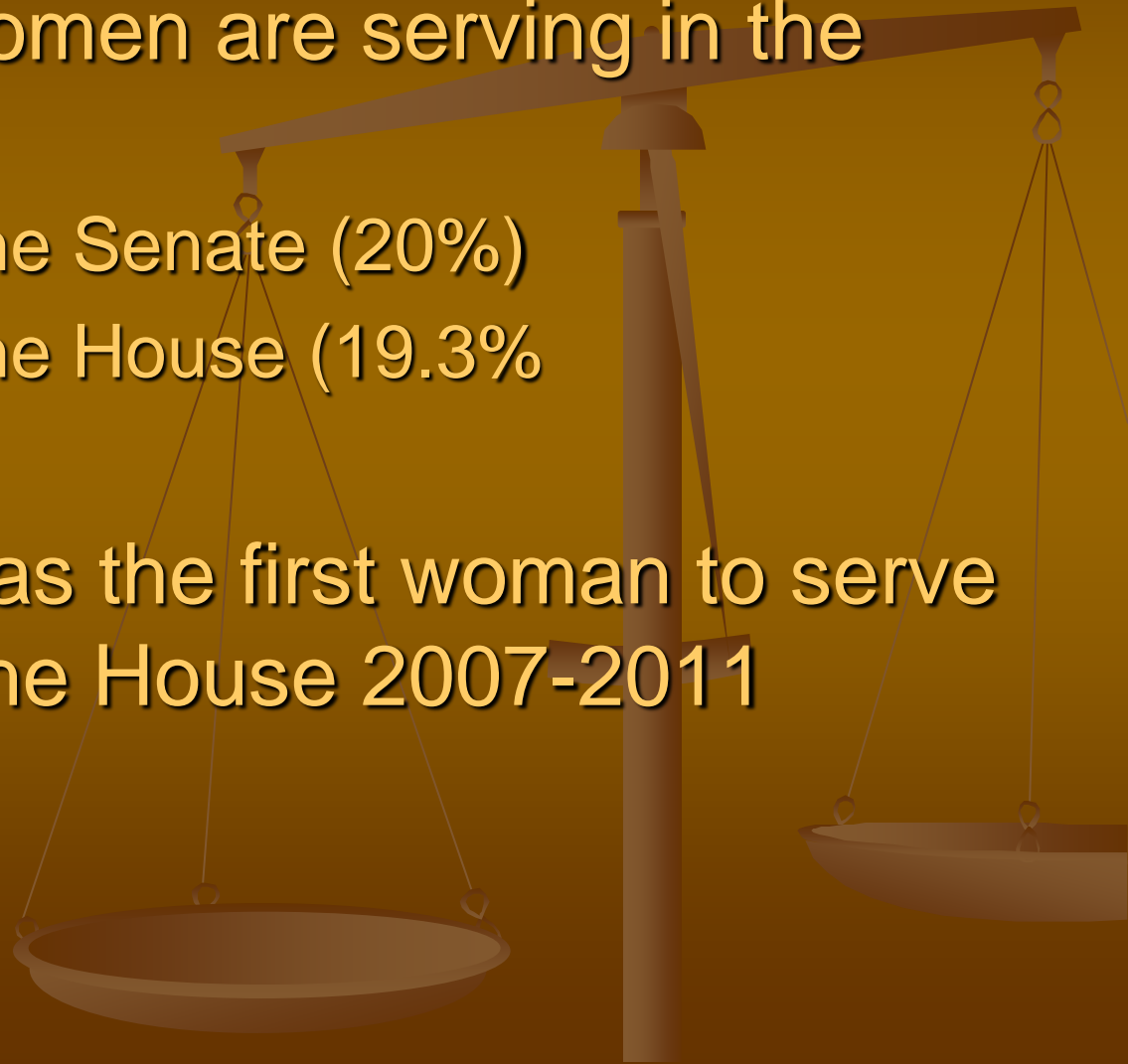
Advocacy

**Can I just point out that
both of these men are married to
strong, smart women lawyers who
no doubt have strong influence
over their husbands**



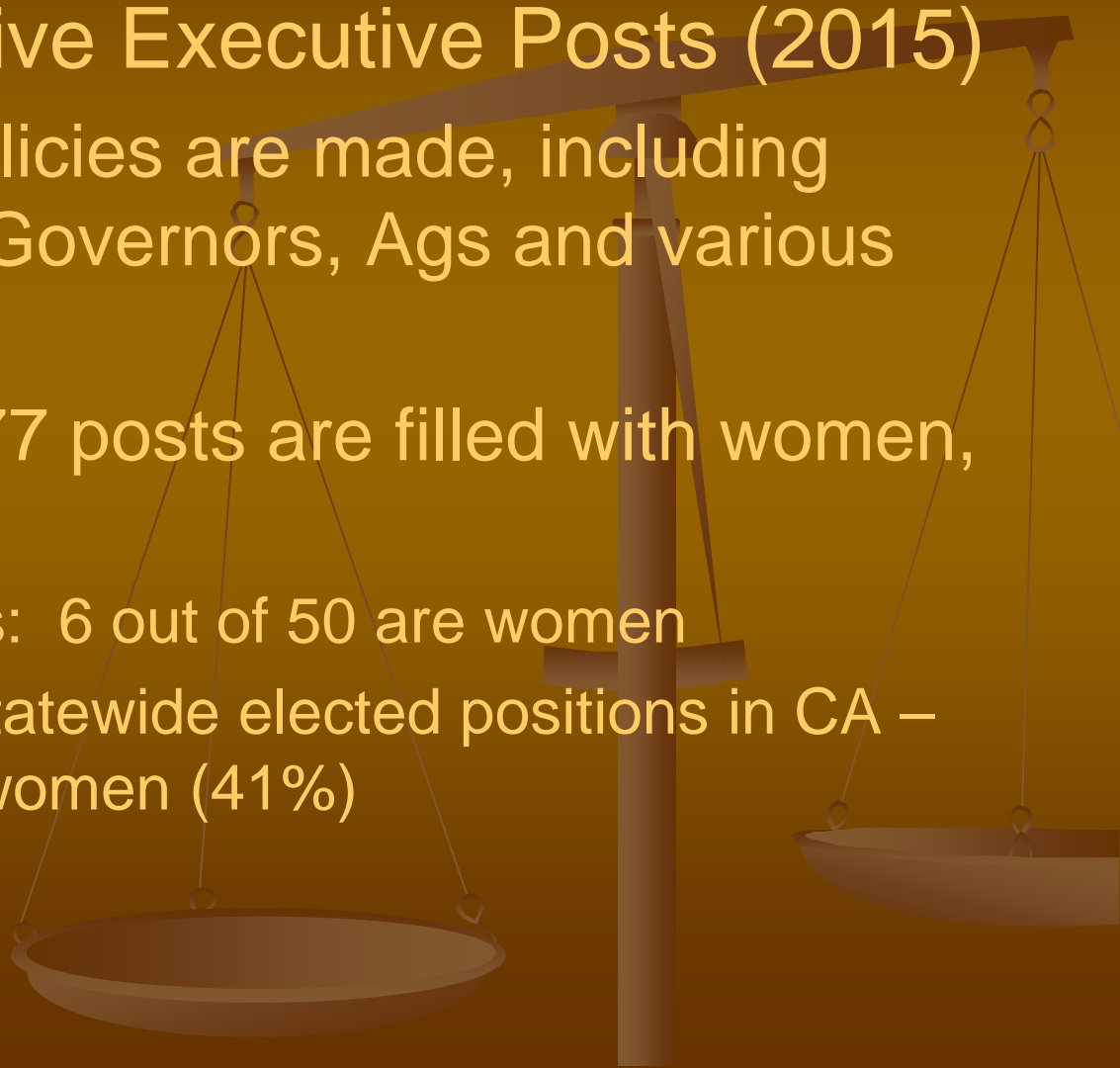
How Are We Doing

- In 2016, 104 Women are serving in the U.S. Congress
 - 20 Women in the Senate (20%)
 - 84 Women in the House (19.3%)
- Nancy Pelosi was the first woman to serve as Speaker of the House 2007-2011



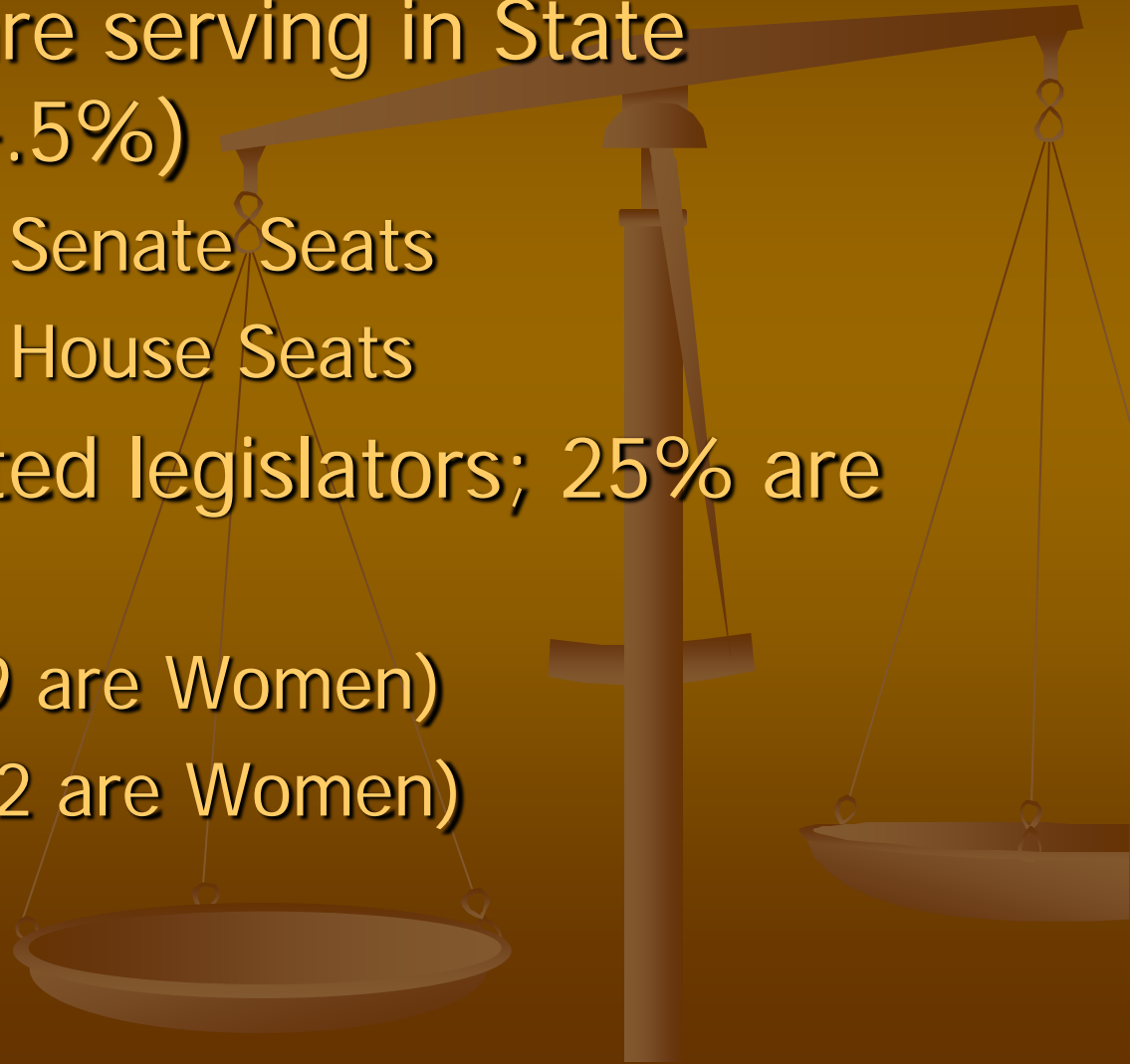
How Are We Doing

- Statewide Elective Executive Posts (2015)
 - Posts where policies are made, including Governors, Lt. Governors, Ags and various other positions
 - Country-wide, 77 posts are filled with women, or 24.7%
 - Governor posts: 6 out of 50 are women
 - There are 17 statewide elected positions in CA – 7 are filled by women (41%)



How Are We Doing

- 1,808 Women are serving in State Legislatures (24.5%)
 - 22.6% of State Senate Seats
 - 25.2% of State House Seats
- In CA, 120 elected legislators; 25% are Women
 - 40 Senators (19 are Women)
 - 80 Assembly (12 are Women)

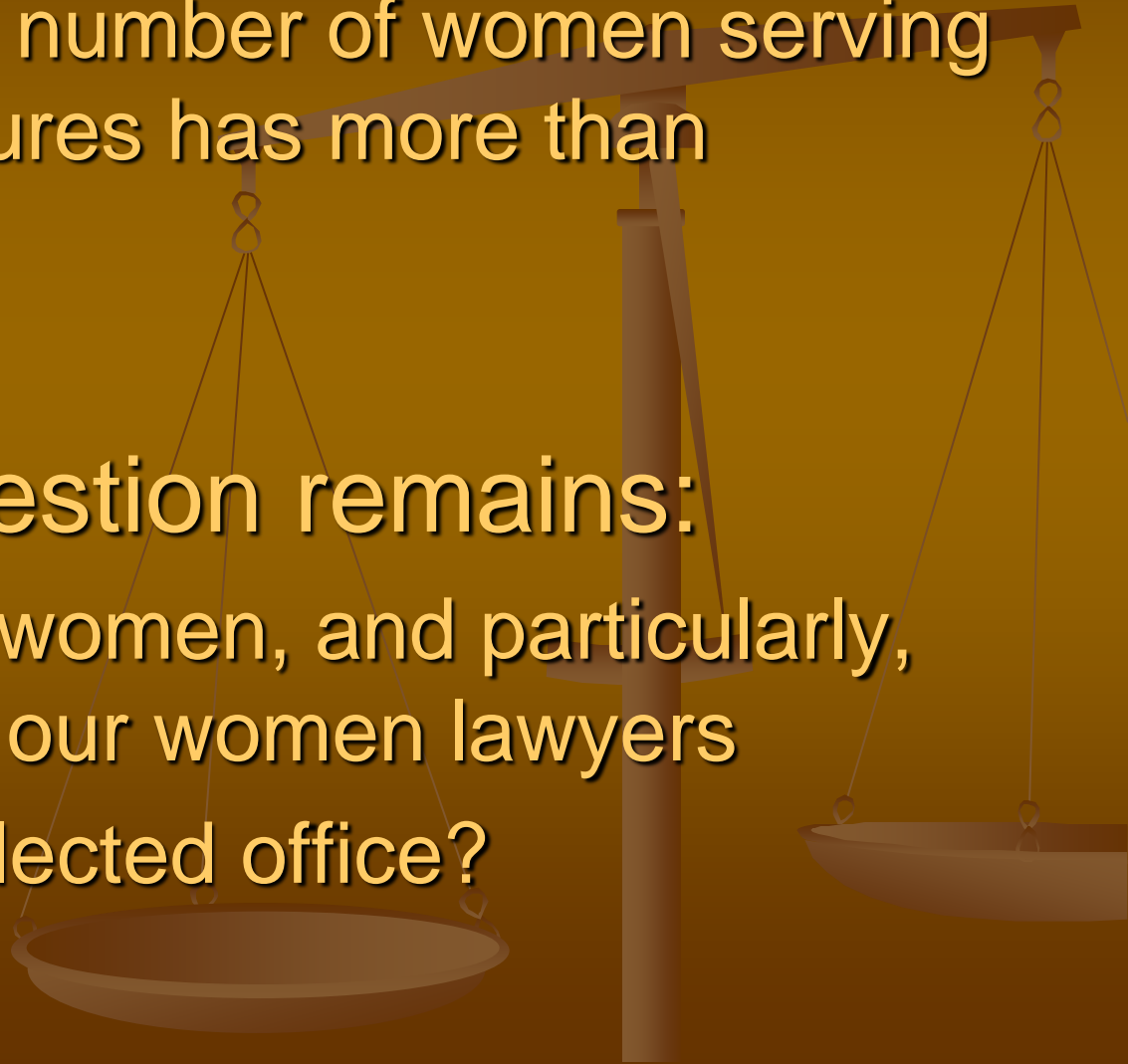


The Good News

- Since 1971, the number of women serving in State legislatures has more than quintupled

But, question remains:

Where are our women, and particularly,
where are our women lawyers
in elected office?



Advocacy



Some feel uneasy around elected officials,
they can often *appear* to be larger than life.

Remember

legislators are people just like you & me --
people who want to improve life in their
communities

Advocacy

Some feel uneasy around elected officials,
they can often *appear* to be larger than life.

Remember

legislators are people just like you & me --
people who want to improve life in their
communities



Where to Start

HAVE AN IDEA?

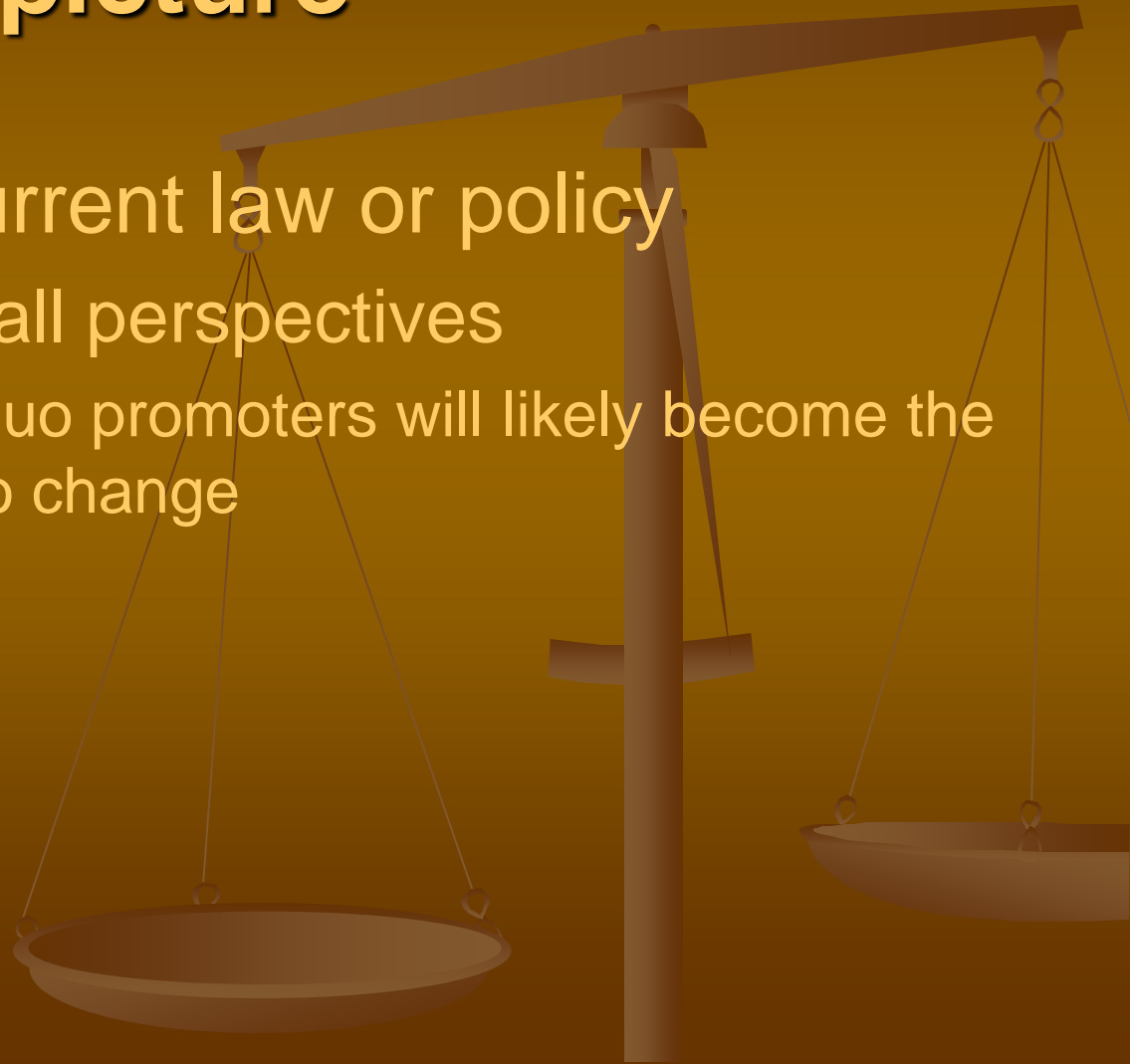
MAKE IT A LAW!



PREPARATION:

Start by looking at the big picture

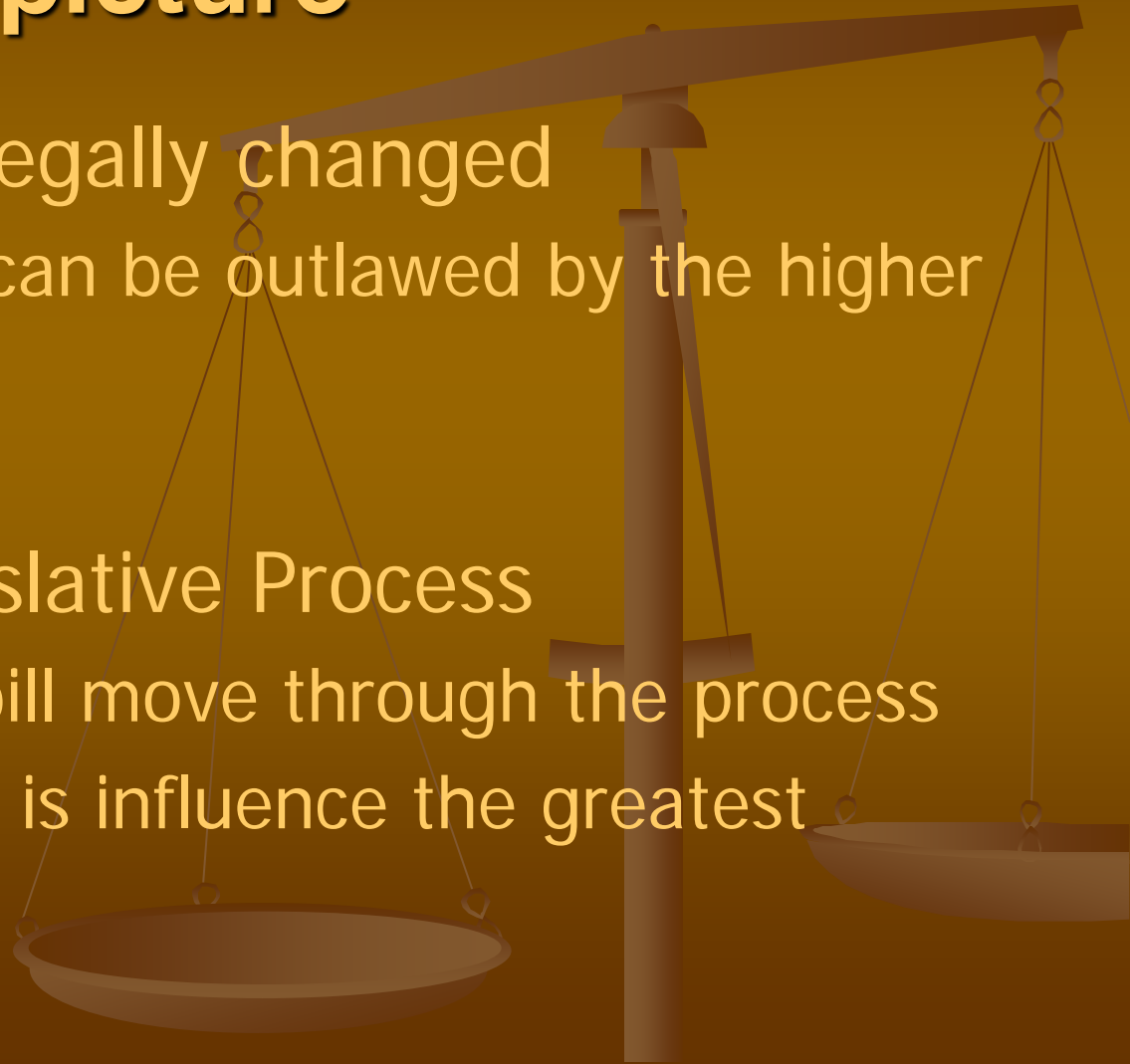
- What is the current law or policy
 - Look at from all perspectives
 - The status quo promoters will likely become the opposition to change



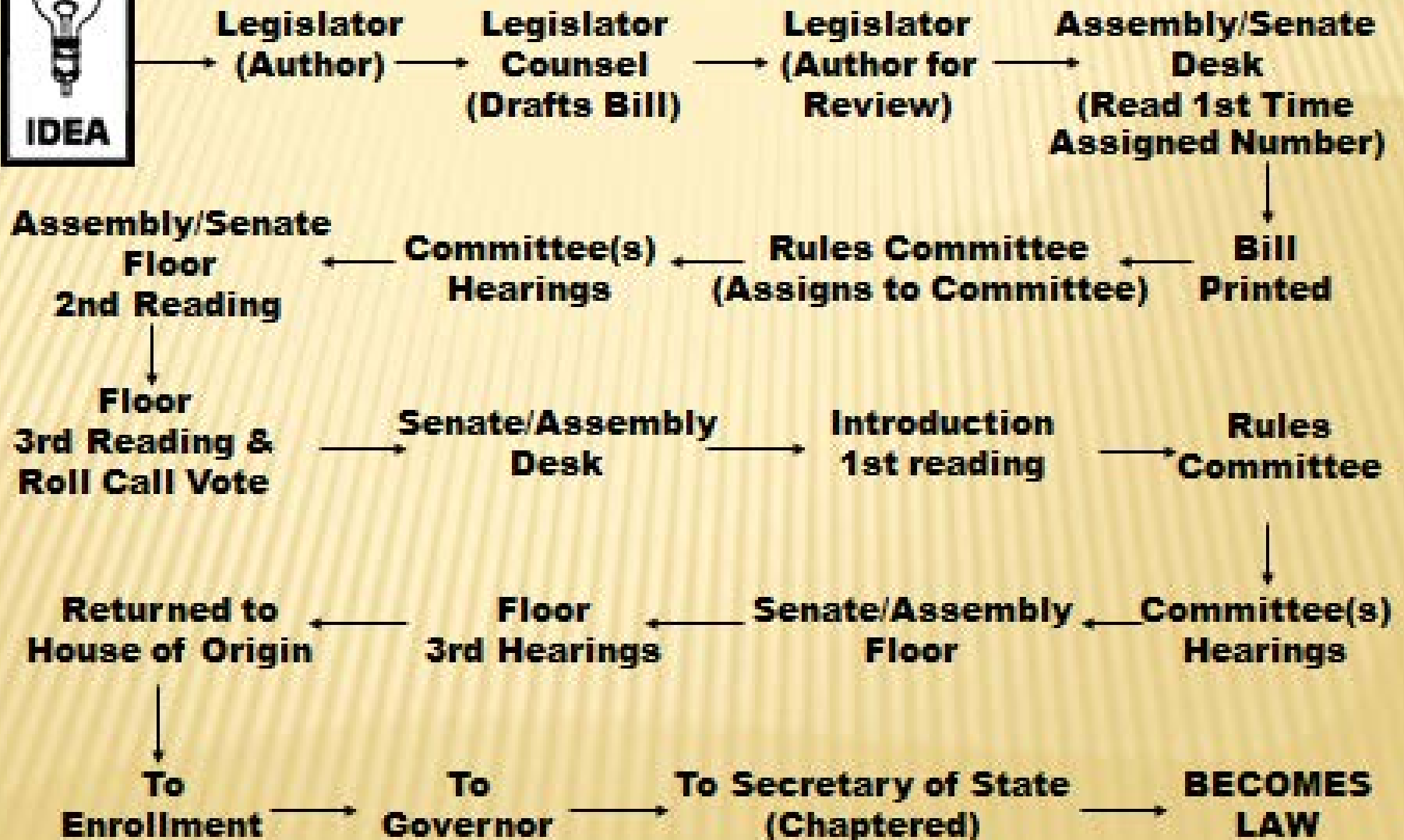
PREPARATION:

Start by looking at the big picture

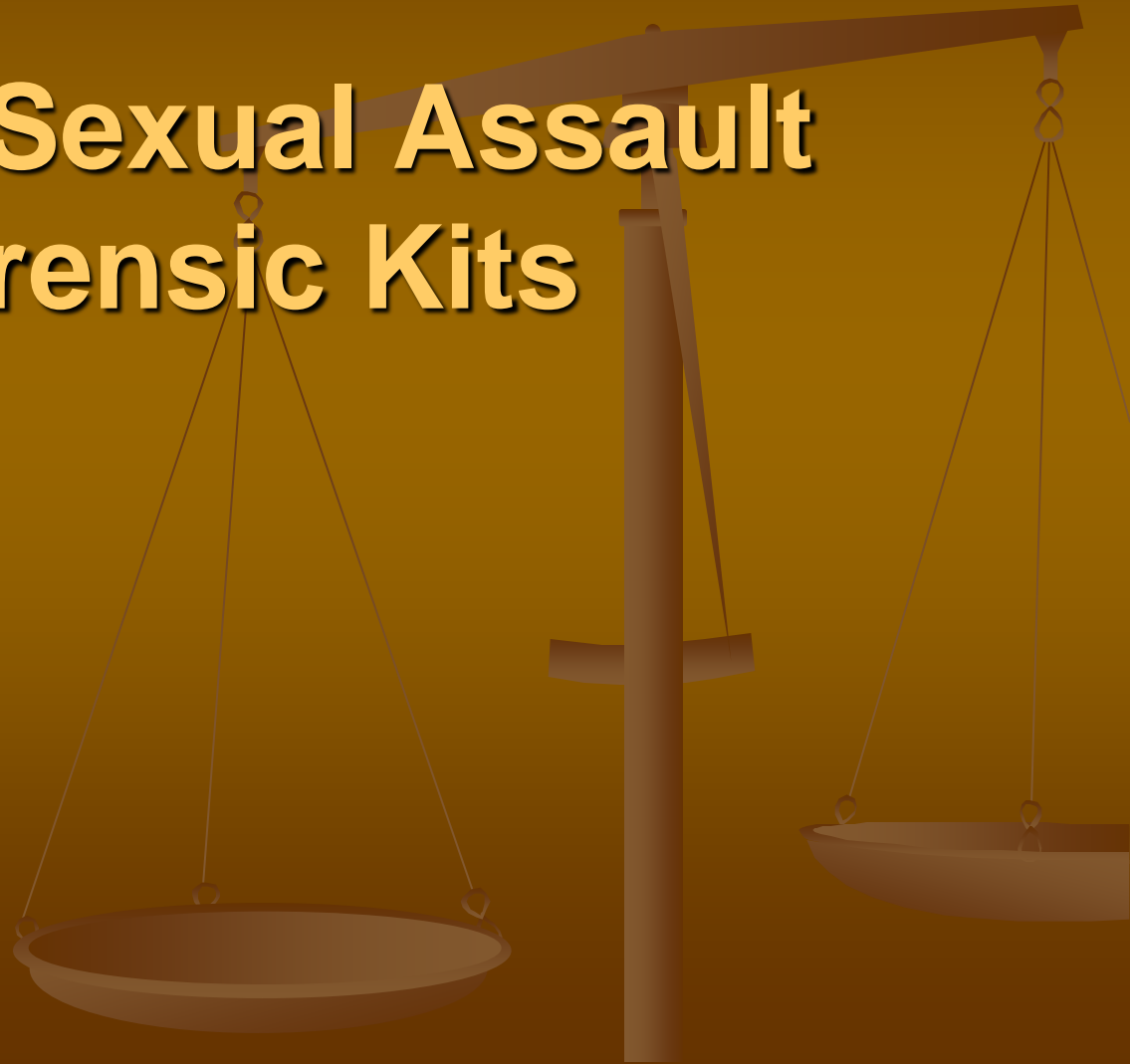
- What can be legally changed
 - Some action can be outlawed by the higher Courts
- Learn the legislative Process
 - How does a bill move through the process
 - At what point is influence the greatest
 - Amendments



HOW A BILL BECOMES A LAW



Testing Sexual Assault Forensic Kits



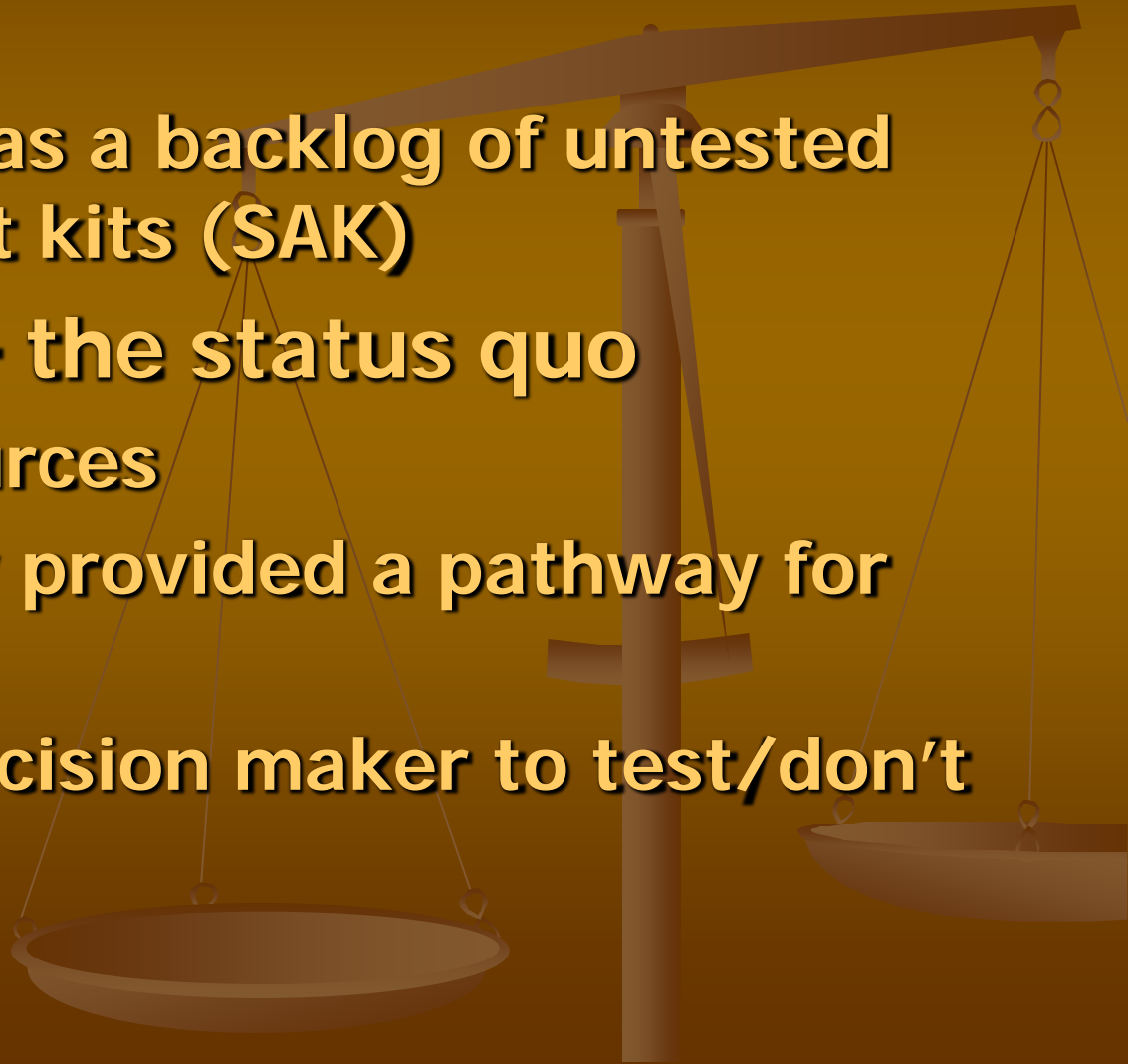
The Problem

■ Gather Data

- Every State has a backlog of untested sexual assault kits (SAK)

■ Assess WHY – the status quo

- Lack of Resources
- Belief the law provided a pathway for testing
- Who is the decision maker to test/don't test

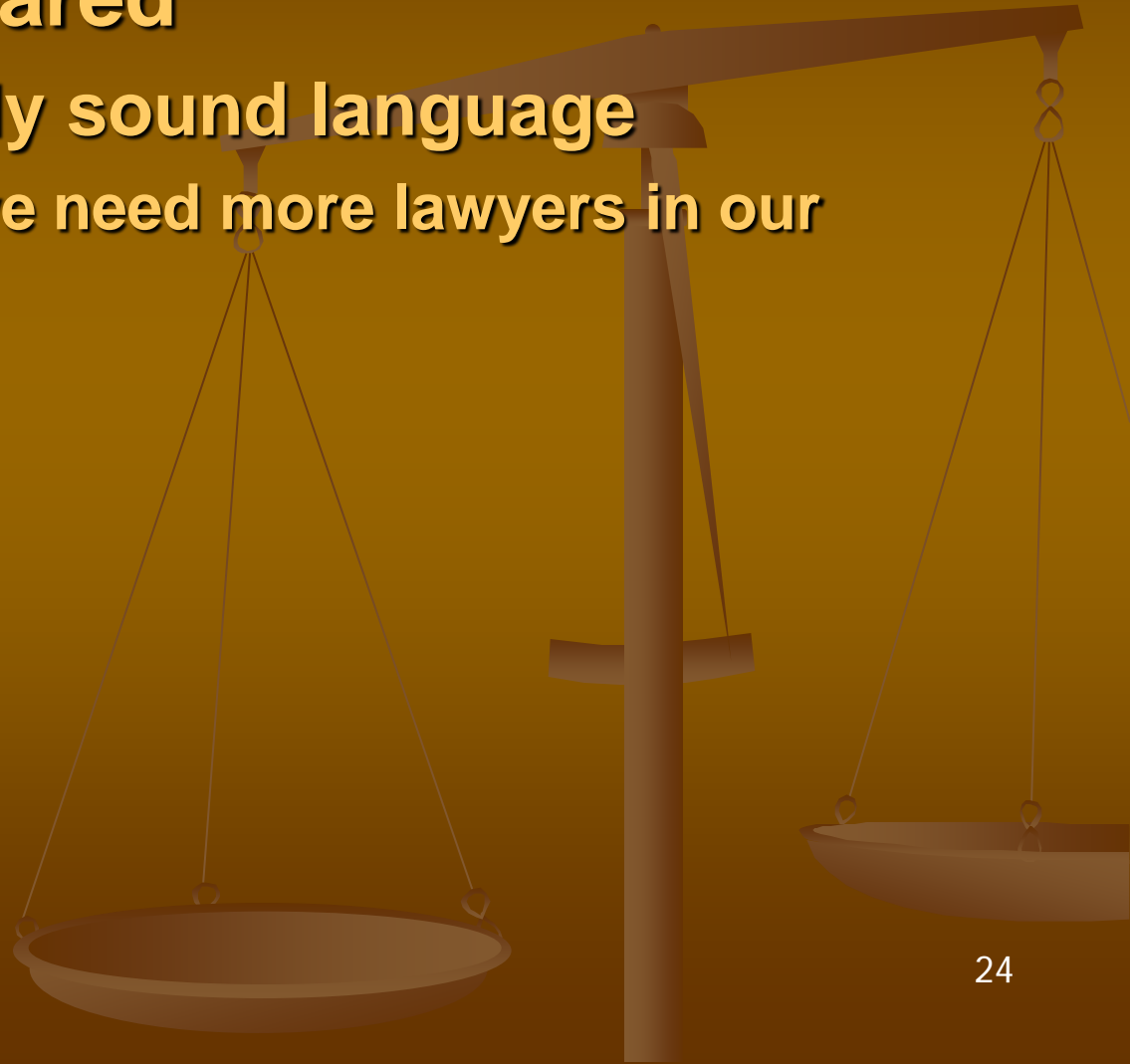


Make Your Case

- **Why Change the law?**
 - **Justice for Victim/Survivors of sexual assault**
 - **Must compel agencies to do their job**
 - **Exonerate those wrongly accused or convicted of sexual assault crimes**
 - **Public Safety cries out for testing SAKs to prevent further victimization**
 - **Serial Sex Offenders are more common than believed**

Write the language

- Show up prepared
 - Present legally sound language
 - That's why we need more lawyers in our legislatures

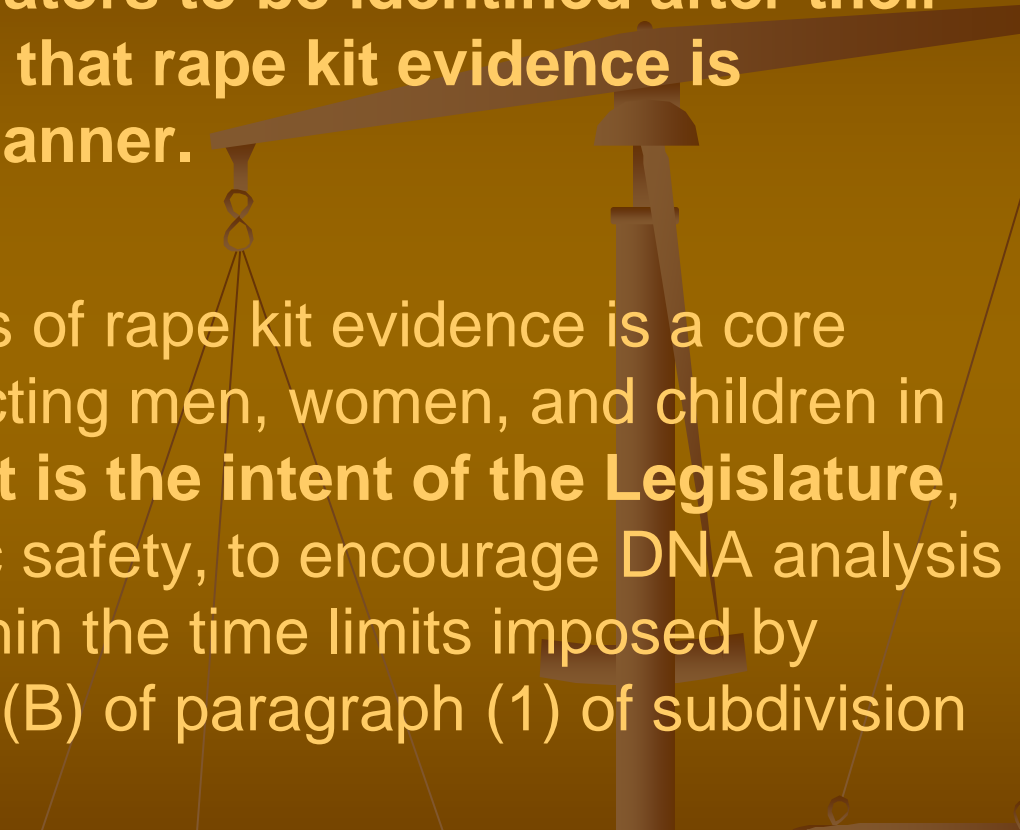




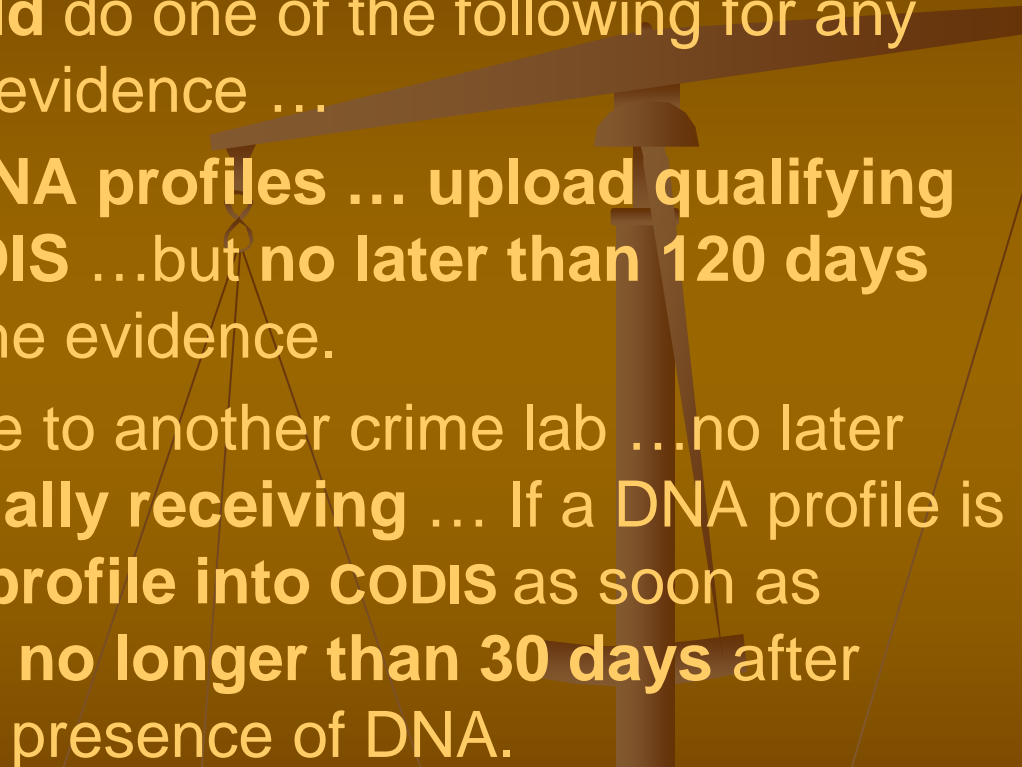
Assembly Bill 1517

Amended Existing Law

*The Sexual Assault Victims'
DNA Bill of Rights*

- 
- (5) The growth of the Department of Justice's Cal-DNA databank and the national databank through the Combined DNA Index System (**CODIS**) **makes it possible for many sexual assault perpetrators to be identified after their first offense, provided that rape kit evidence is analyzed in a timely manner.**
 - (6) Timely DNA analysis of rape kit evidence is a core public safety issue affecting men, women, and children in the State of California. **It is the intent of the Legislature,** in order to further public safety, to encourage DNA analysis of rape kit evidence within the time limits imposed by subparagraphs (A) and (B) of paragraph (1) of subdivision (g) of Section 803.

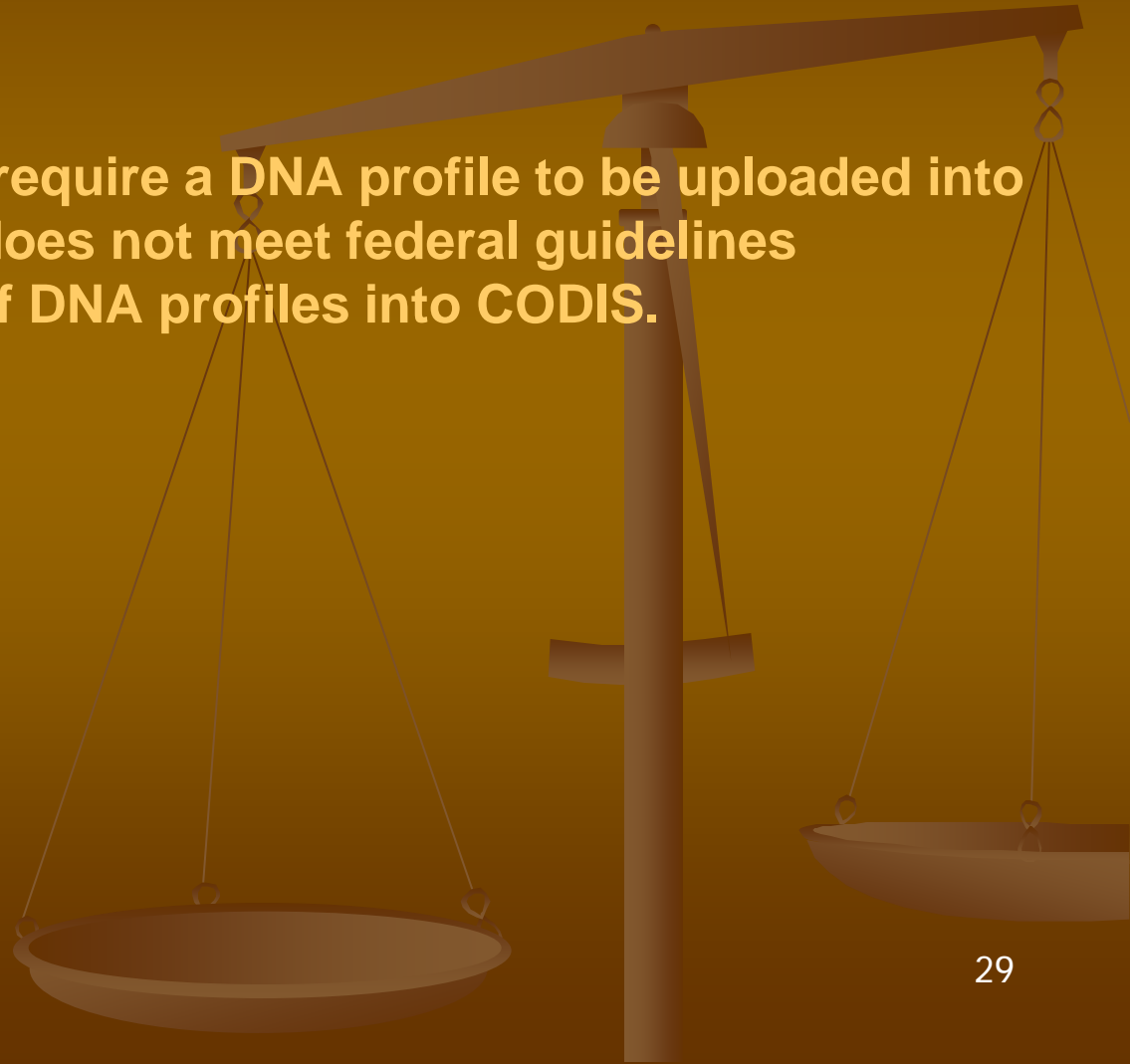
- (7) ...
- (A) A law enforcement agency in whose jurisdiction a sex offense...occurred, should do one of the following for any sexual assault forensic evidence ...
- (i) **Submit sexual assault forensic evidence to the crime lab within 20 days after it is booked into evidence.**
- (ii) Ensure that a **rapid turnaround DNA program** is in place to submit ...directly from the medical facility where the victim is examined to the crime lab **within five days** after the evidence is obtained from the victim.

- 
- (B) The crime lab **should** do one of the following for any sexual assault forensic evidence ...
 - (i) **Process ...create DNA profiles ... upload qualifying DNA profiles into CODIS ...but no later than 120 days** after initially receiving the evidence.
 - (ii) **Transmit ...evidence to another crime lab ...no later than 30 days after initially receiving ...** If a DNA profile is created ... **upload the profile into CODIS** as soon as practically possible, **but no longer than 30 days** after being notified about the presence of DNA.

- (C) ...

- (D) This section does not require a DNA profile to be uploaded into CODIS if the DNA profile does not meet federal guidelines regarding the uploading of DNA profiles into CODIS.

- (E) ...

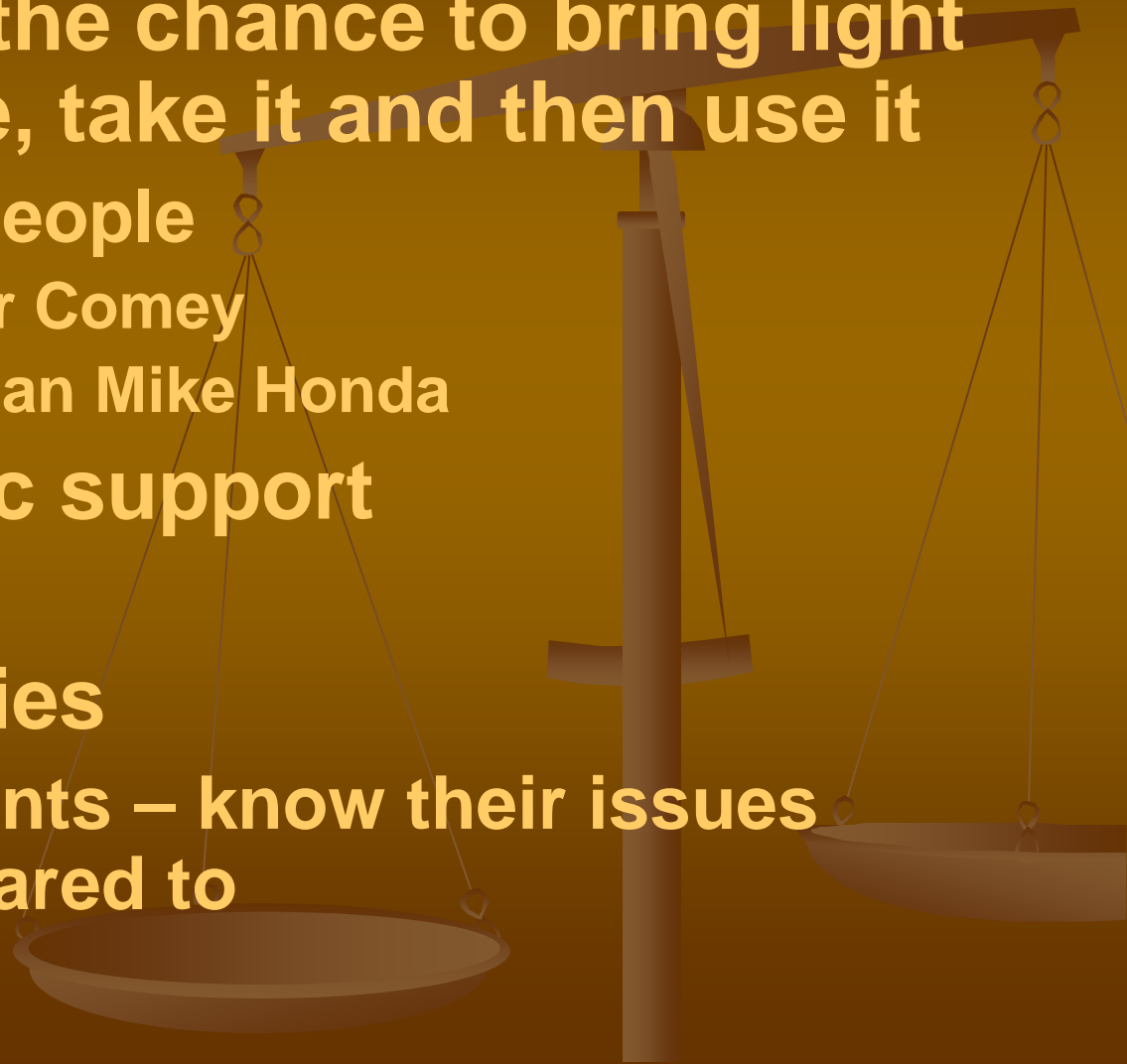


National Implications

- Engagement of the FBI Crime Lab
- Endorsement from the FBI Director Comey
 - I attended their Budget Hearings on this issue
- Worked with the White House and Congress for appropriations specific to Law Enforcement for testing & establishing protocols and processes
 - More than \$125 million over 3 years to test all SAKs NATION-WIDE
 - Grants administered through BJA

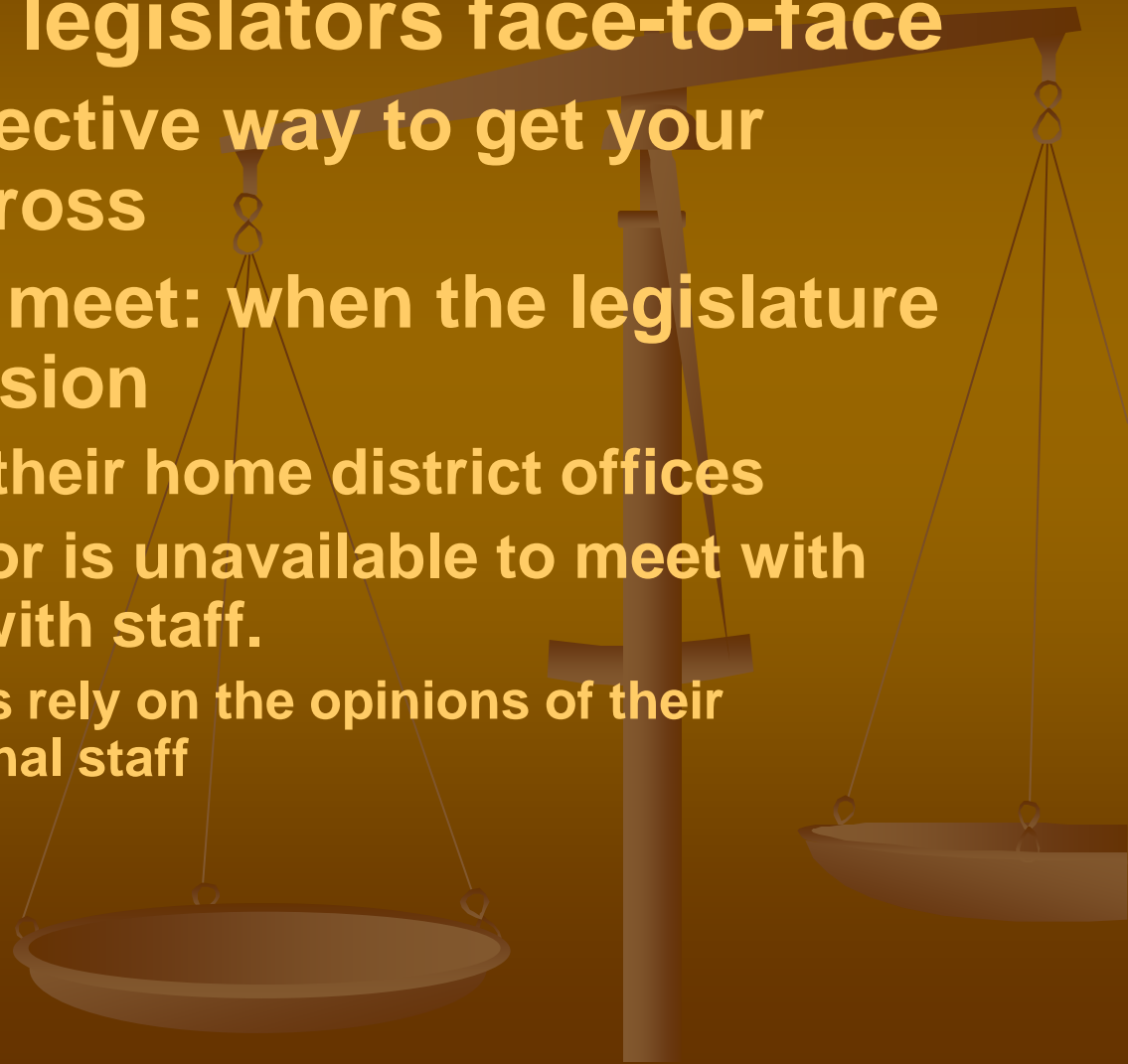
Strategic Moves

- If YOU have the chance to bring light to your issue, take it and then use it
 - Influential people
 - FBI Director Comey
 - Congressman Mike Honda
- Garner public support
 - Media
- Meet with allies
 - And opponents – know their issues and be prepared to



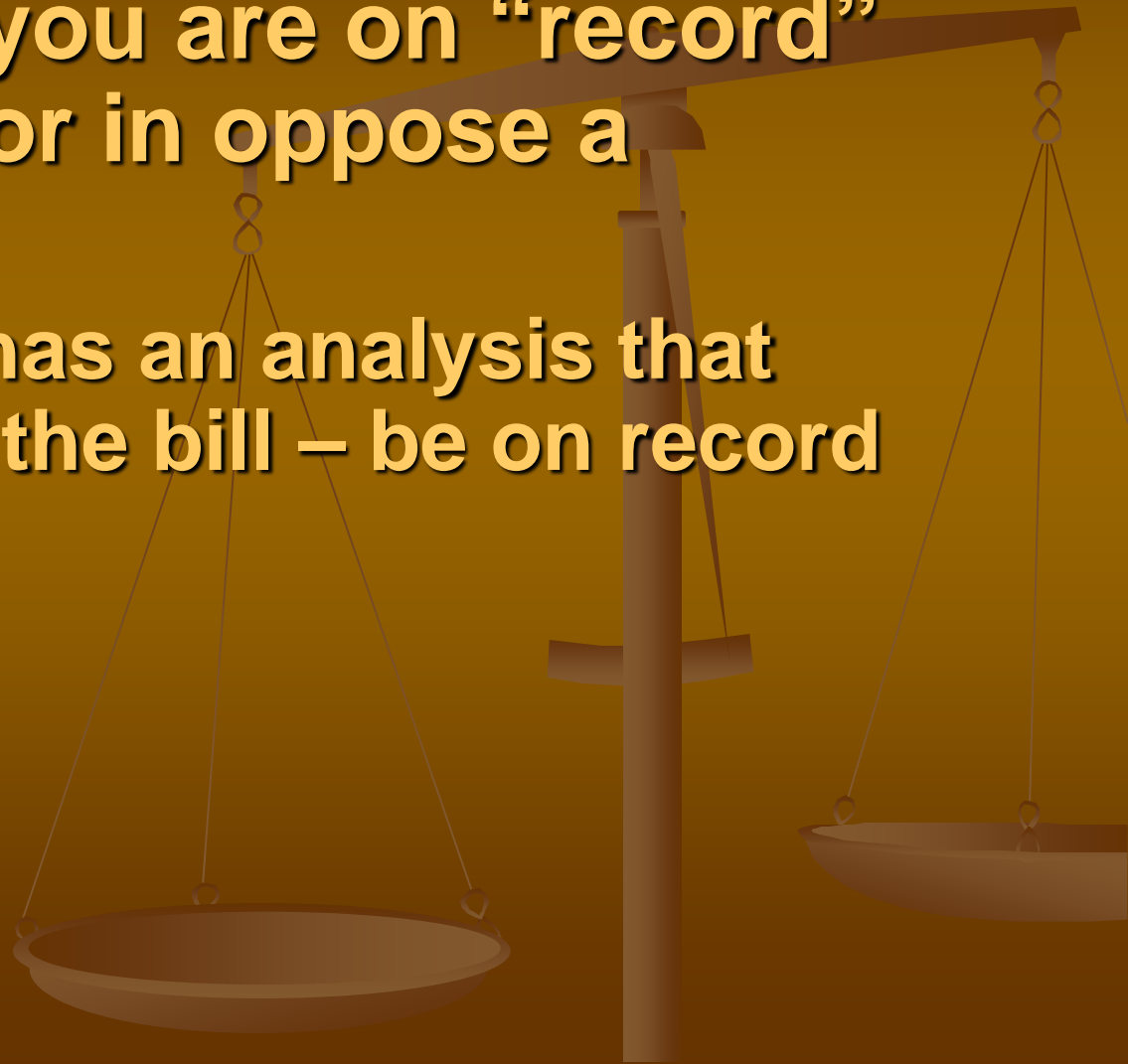
Strategic Moves

- **Meeting with legislators face-to-face**
 - the most effective way to get your message across
 - best time to meet: when the legislature is not in session
 - they are in their home district offices
 - If a legislator is unavailable to meet with you, meet with staff.
 - legislators rely on the opinions of their professional staff

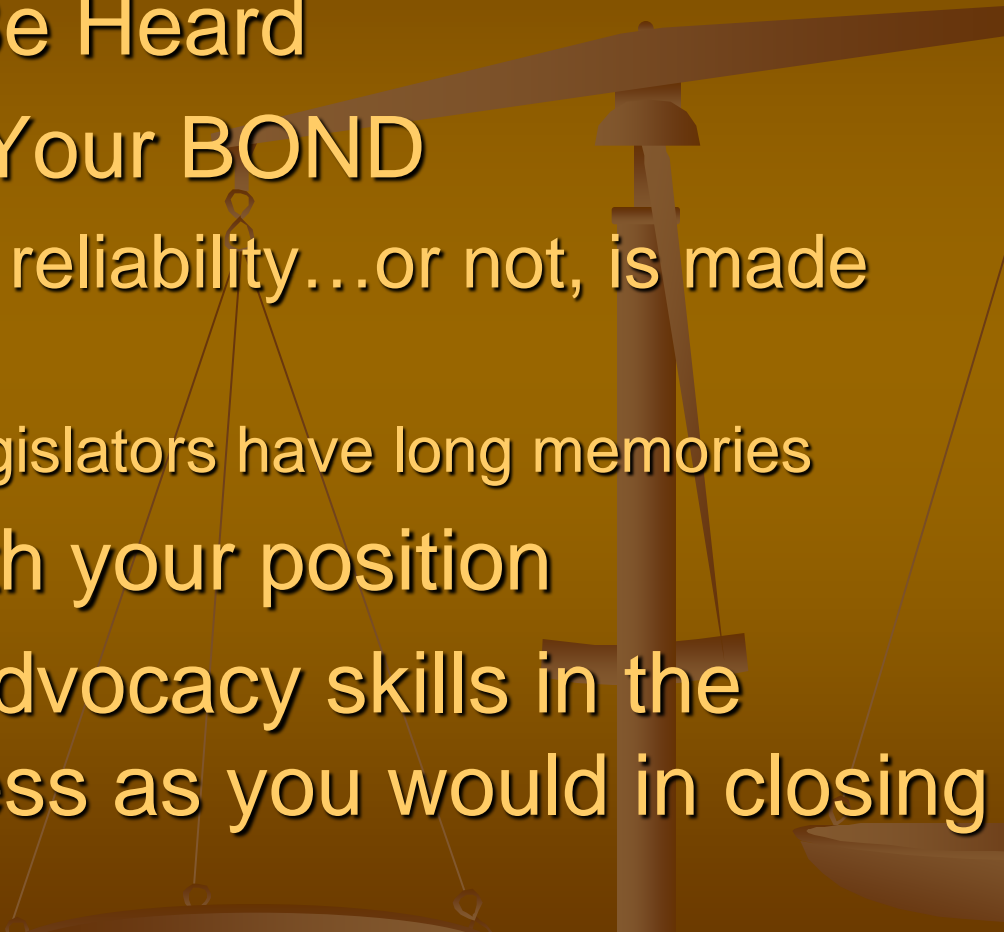


Strategic Moves

- **Make sure you are on “record” in support or in oppose a position**
 - **Every bill has an analysis that stays with the bill – be on record**



Rules to Live By

- Stand Up And Be Heard
 - Your WORD is Your BOND
 - A reputation for reliability...or not, is made immediately
 - The Staff of Legislators have long memories
 - Be Prepared with your position
 - Use the same advocacy skills in the legislative process as you would in closing argument
- 

Rules to Live By

- Meet Staff and/or Legislators BEFORE you come to them with an idea
- Be prepared to negotiate – know your bottom line in terms of acceptable amendments
 - Very few bills start and end with the same language
- Make the *elected* legislator look good

Network with national organizations even if the issue is a local – statewide issue

With social media, support for important issues can be mobilized by a click of the “send” key

“All Politics are Local”

**Politicians pay attention to their voting public but they do not want to be negatively portrayed in the local or national media
(Santa Clara sexual assault case)**

Email

Call

Meet

We're Here To Help

