

## **Jonathan Wallace Pro Statements: Vote YES on the Proposed Resolution to Revoke Delaware-New Jersey Chapter Charter & Amendments to NLG Constitution Article 8**

I have advised NLG as their attorney on a matter which has given rise to proposals that I recommend all voters support. One is the [Resolution to Revoke Delaware-New Jersey NLG Chapter Charter](#). The others are to give the national board, the NEC, authority to take disciplinary action against chapters and members in real time, subject always to membership vote of course (Constitution [Article 8.1](#), [8.2](#), [8.3](#), [8.4](#), [8.5](#)).

I regard the underlying situation as an existential crisis for NLG.

Two years ago, we received credible information from colleagues working with incarcerated people and from interns working for the Chapter's Prisoner Legal Action Network project (PLAN) alleging the following: PLAN was making promises to incarcerated individuals which led them to believe that PLAN would bring lawsuits on their behalf for specific incidents of prison abuse--and then allowing statutes of limitations to run; PLAN leadership was verbally abusing and scapegoating interns who complained or dissented and may have attempted to deny one or more of them law school credit.

DE-NJ and PLAN have declined to cooperate in an investigation conducted by NLG, in which they were given notice and opportunity to be heard. They have incorporated a nonprofit and purchased domain names containing "NLG", and have continued despite our cease and desist letters to hold themselves out as NLG affiliates and projects. We are concerned they may have continued to seek law school interns and to fundraise using the NLG name, all without any transparency into their activities.

Even more gravely, DE-NJ and PLAN have filed complaints against NLG with federal and state agencies, holding themselves out as whistleblowers, falsely claiming, among other charges, tax fraud, violations of nonprofit status, and discrimination by NLG--and claiming, also falsely, that individual complainants are common law employees of NLG, as otherwise they would lack standing to file these complaints. To date, only one agency, OSHA, has taken action, holding a virtual hearing on jurisdiction and correctly concluding that the complainants are not employees and therefore do not have standing.

You are probably aware that historically, NLG has constantly been threatened by government, with the Senate Security subcommittee in the McCarthy era recommending that all NLG members be disbarred, and the discovery in the 1970's via FOIA litigation that FBI had fielded numerous confidential informants within NLG over the years. A chapter which routinely shares distorted versions of internal NLG controversies and discussions with government agencies, seeking tax audits, decertification of nonprofit status, and possibly even prosecution of NLG board members, is clearly a very significant threat to NLG.

Existing governance structures give the NEC very little authority to deal in real time with these types of attacks, providing that action must await a national meeting, even if it is still a year away.

Based on this information, I am recommending that all NLG members vote in favor of these proposals.