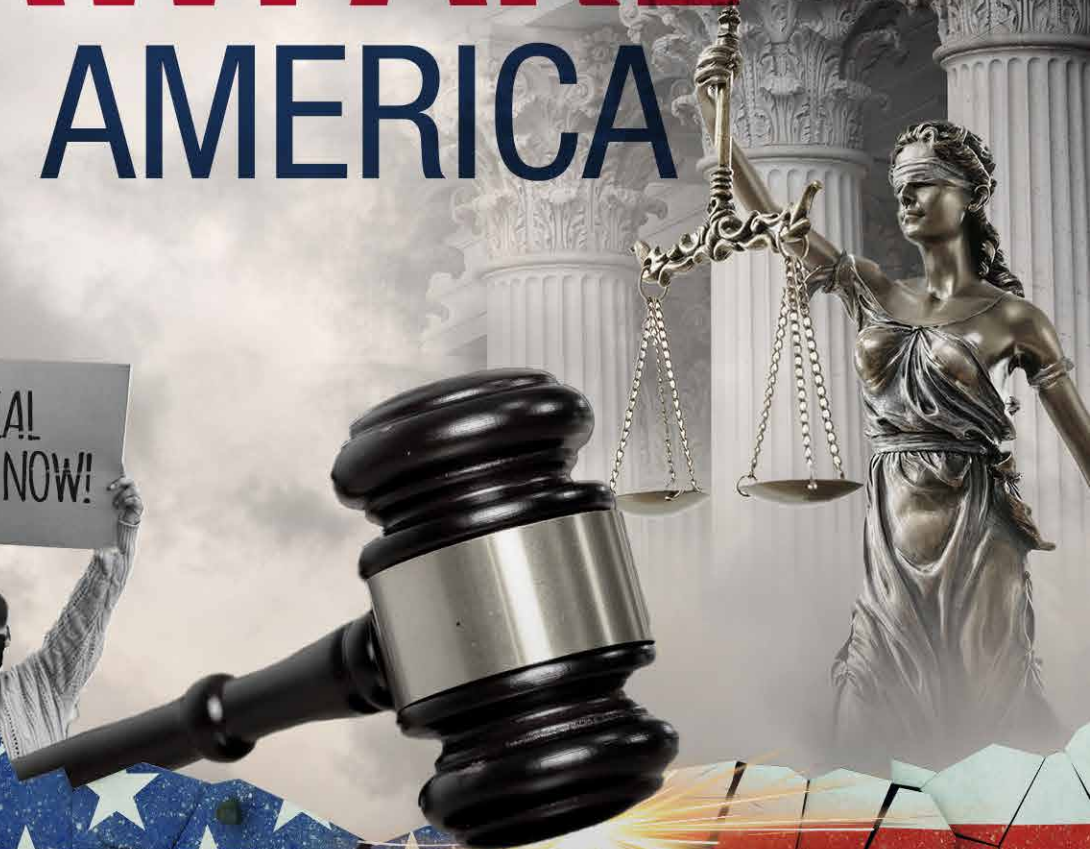




ALLIANCE
for CONSUMERS

LAWFARE IN AMERICA



**How The Legal System Is Being Used
To Advance Political Priorities And Install
A Left-Wing Agenda**

The first installment in a new series focused on the role of strategic litigation campaigns in the Left's overall plan to reshape American society

FEBRUARY 2026

EXECUTIVE SUMMARY

Courtrooms across America have become a primary battleground for the Left's ongoing campaign to reshape American society, with the Left advancing political and social agendas through strategic litigation, a practice better understood as "woke lawfare." This report—the first in a new, ongoing series—examines how lawsuits are increasingly used not merely to compensate victims or resolve individual disputes, but as policy instruments to reshape corporate governance, employment practices, Environmental, Social, and Governance (ESG) policy choices, and social norms.

Through analysis of employment discrimination cases, corporate governance litigation, environmental lawsuits, and other cases, this report demonstrates a clear pattern: litigation is being weaponized to achieve outcomes that advocates have been unable to secure through traditional legislative processes, especially in the context of ESG and Diversity, Equity, and Inclusion (DEI).

“Courtrooms across America have become a primary battleground for the Left’s ongoing campaign to reshape American society, with the Left advancing political and social agendas through strategic litigation, a practice better understood as ‘woke lawfare.’”

KEY FINDINGS

- Through a long string of lawsuits, often in state court, activists are pressing a woke agenda on America
- Settlement agreements stemming from these lawsuits routinely mandate sweeping policy reforms far exceeding compensation for alleged harms or requirements to follow existing laws
- As a result of activist- and trial-lawyer-driven lawsuits, companies have been forced to, among other things, adopt mandatory diversity training, hiring quotas, and independent monitoring systems that essentially implement left-wing DEI ideals
- Environmental lawsuits similarly seek to advance left-wing ESG policy choices through judicial decree or settlement
- Government agencies under liberal control also use litigation to implement social policies far more drastic than the requirements of enacted law or regulation

The evidence presented in this report reveals that strategic litigation has become a powerful mechanism for social engineering by left-wing activists, often bypassing the legislative process and imposing policy changes through consent decrees, settlement agreements, and court orders. These outcomes fundamentally alter corporate behavior, consumer choices, government policy, and societal norms through settlements or judicial mandates rather than democratic consensus, offering the Left a path to fundamentally change American society, even in the face of a long line of election losses.

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INTRODUCTION

Across the United States, the legal system is being repurposed into a parallel lawmaking apparatus by activists who have not been able to succeed on Capitol Hill or in state houses across the country. A system designed to resolve discrete disputes and compensate for proven harm is increasingly hijacked by activist organizations and aligned law firms to impose sweeping policy changes that could not survive the legislative process. This report documents how weaponized lawfare has become a preferred mechanism for achieving political outcomes without elections or democratic accountability.

The cases examined herein reveal a consistent strategy: activists bring expansive lawsuits that are focused on securing forward-looking policy mandates. Leveraging the threat of protracted, high-cost litigation, activists are able to pressure corporations, states, and local authorities into agreements that dictate hiring practices, corporate governance structures, healthcare coverage, environmental policy, and more.

“This report documents how weaponized lawfare has become a preferred mechanism for achieving political outcomes without elections or democratic accountability.”

These settlements function as de facto legislation (as would any final court judgment), binding institutions to ideological regimes that legislatures never approved.

This represents a fundamental evolution of the lawfare that is otherwise being pressed against the president and his administration in Washington, D.C. Traditional litigation excesses were largely driven by financial incentives resulting in large settlements and attorney fees. Modern lawfare now adds a political objective. While monetary recoveries can still be substantial, these financial windfalls are largely “reinvested” to support further efforts to push ideological agendas or fund ideological vehicles, as litigation is now used to restructure institutions, entrench contested policies, and place long-term decision-making authority in the hands of courts, monitors, and shady leftist-aligned professionals.

The result is a quiet but profound shift in governance. When activists fail to persuade voters or legislators, they increasingly turn to courts to achieve the result they want. Trial attorneys and activist organizations effectively legislate through litigation, substituting judicial authority for democratic consent. This report exposes how that system operates, how widely it has spread, and why it poses a serious challenge to democratic accountability, separation of powers, and the rule of law.

THE MECHANICS OF MODERN LAWFARE

Modern woke lawfare operates through a sophisticated ecosystem of ideological advocacy organizations, trial lawyer firms, and government agencies. These players use coordinated strategic litigation to drive their priorities. Unlike traditional lawsuits focused on compensating individual victims, these cases are designed from inception to achieve systemic policy changes and create a reinforcing cycle of funding that perpetuates ever more policy changes.

Targeted Behaviors Are Out of Step with Liberal Priorities

Strategic litigation directly targets disfavored industries, as happens with climate lawfare. But woke lawfare is also seen when strategic litigation is deployed to punish behavior that is merely out of step with liberal priorities, or behavior that is merely adjacent to a policy priority, with the most salient example being in connection with corporate DEI, where various types of employment litigation have been deployed to drive DEI policies.

Settlements as Policy Tools

Settlement agreements in strategic litigation cases consistently include provisions that extend far beyond monetary compensation or relief for the parties in the case in question. This takes shape in different ways in different cases, but includes some consistent themes:

- **Monitors** with ongoing oversight authority over corporate operations;
- **Mandatory training programs** requiring all employees to undergo specific ideological instruction that reinforces liberal messaging;
- **Hiring and promotion mandates** establishing diversity quotas/demographic targets;
- **Policy reform requirements** forcing companies to overhaul internal procedures to fit into or reinforce certain ideological priorities;
- **Ongoing reporting obligations** creating permanent compliance bureaucracies and ongoing pressure to ensure alignment with ideological norms.

Financial Incentive Structure Reinforces Policy Priorities

Strategic litigation is financially lucrative for the law firms involved and unlocks substantial flows of funding that are available for deployment by activists and officials.

Contingency fee arrangements can generate tens or hundreds of millions in attorney fees, while settlements often include provisions requiring defendants to fund ongoing compliance programs that provide additional revenue streams for ideologically aligned consulting firms and advocacy organizations. There is also a path for direct funding of ideological organizations via abatement, settlement, or judgment funds. And the fees to law firms flow back into the system via political donations and financial support for ideological hub organizations that then press for greater strategic change through litigation.

In short, the financial windfalls produced from woke lawfare feed into the lawsuit machine, fomenting more lawsuits and more liberal outcomes, on top of the policy outcomes directly obtained through settlement agreements or final judgments.

CORPORATE DEI & SOCIAL POLICY THROUGH LAWFARE

Employment discrimination litigation has become a primary vehicle for imposing DEI mandates on American corporations as the cases examined below demonstrate.

Alphabet Shareholder Derivative Litigation

Jurisdiction: California

Key Plaintiff: Teamsters Local 272 Labor Management Pension Fund, New York

Law Firm: Cohen Milstein

Case Summary:

Cohen Milstein brought a landmark shareholder derivative lawsuit against Google's parent company on behalf of union pension funds and other shareholders. The lawsuit alleged that company leadership enabled and concealed sexual harassment and discrimination, including approving large payouts to executives credibly accused of misconduct. The case settled in 2020. Rather than provide direct compensation to plaintiffs, the settlement instead imposed a series of broader DEI initiatives and ideas.

Mandated Changes and Payouts:

- **\$310 million commitment** by Google to internal DEI initiatives over ten years—the largest such corporate commitment at the time;
- **Creation of DEI Advisory Council** within Google, including outside experts such as a retired federal judge and former EEOC member alongside Alphabet executives;
- **Overhaul of harassment reporting** and executive oversight systems.

Activism Behind the Case:

Cohen Milstein:

- According to findings in the Alliance for Consumers Shady Trial Lawyer Pipeline Report, 99% of the FEC-recorded donations from Cohen Milstein and its employees went to Democrats and their allies in 2024. The firm generated more than \$400,000 in FEC donations in 2024, with a mere \$4,500 going to Republican candidates and groups. The law firm also has an extensive track record of partnering with Leftist organizations such as the American Civil Liberties Union (ACLU), the National Association for the Advancement of Colored People (NAACP), and the Brady Center to Prevent Gun Violence.
- “The settlement fundamentally alters Alphabet’s workplace policies,” Cohen Milstein attorney Julie Goldsmith Reiser said. “These changes, along with the financial commitment to [diversity, equity and inclusion] initiatives, position Alphabet to lead as much in workplace equity as it does in technology and innovation.”

Analysis: *The lawsuit functioned as a tool for advocacy groups to push a comprehensive expansion of the DEI agenda at one of the biggest companies with a massive budgetary commitment, all through litigation rather than legislative action or shareholder demand.*

Sources: <https://www.cohenmilstein.com/alphabet-settlement-includes-310-million-diversity-initiatives-pensions-investments/>; <https://allianceforconsumers.org/wp-content/uploads/2025/04/AFC-The-Shady-Eight-2025-Update.pdf>; <https://www.cohenmilstein.com/giving-back/>.

EEOC v. Bass Pro Outdoor World

Jurisdiction: Texas

Key Plaintiff: The Obama-Administration Equal Employment Opportunity Commission (EEOC)

Case Summary:

In 2011, the Obama EEOC filed suit alleging that Bass Pro Outdoor World discriminated against qualified African Americans and Hispanics for retail positions. In 2017, Bass Pro agreed to pay \$10.5 million and strengthen its diversity efforts and practices.

Mandated Changes and Payouts:

- **\$10.5 million in cash** to EEOC;
- **Appointment of a Director of Diversity and Inclusion** within Bass Pro;
- **Annual EEO training** for management and non-management employees;
- **Affirmative outreach efforts to increase diversity** in Bass Pro workforce;
- **Changes to hiring practices and policies** to strengthen diversity efforts.

Activism Behind the Case:

Obama Administration EEOC

- Carried out overall mission of imposing diversity requirements beyond enacted law on corporate America.
- Emphasized in press announcements that “[a] central focus of the agreement is strengthening Bass Pro’s diversity efforts.”

Analysis: *The injunctive terms imposed comprehensive DEI recruitment and training policies that go far beyond resolving individual discrimination complaints or enforcing federal civil rights law. The consent decree created a permanent diversity bureaucracy within the company and mandated specific recruitment practices in targeted communities.*

Source: <https://www.eeoc.gov/newsroom/bass-pro-pay-105-million-settle-eeoc-hiring-discrimination-and-retaliation-suit>

Hayman v. Mastercard

Jurisdiction: New York

Key Plaintiff: Deborah Hayman, et al.

Law Firm: Outten & Golden

Case Summary:

A 2025 class-action lawsuit in which female, Black, and Hispanic employees alleged that Mastercard systematically underpaid them compared to their male and white counterparts. The suit invoked the Equal Pay Act, Title VII of the Civil Rights Act, and New York human rights statutes. The case settled in conjunction with the initial filing of the case. In addition to monetary compensation for the plaintiffs, the settlement imposed a series of broader DEI initiatives within the company.

Mandated Changes and Payouts:

- **\$26 million in cash** for affected employees;
- **More than \$8 million of the cash** to trial lawyers as fees;
- **Review and revision** of hiring practices and career framework within Mastercard, including retention of outside experts and consultants;
- **Changes to corporate policies and provisions** “to promote gender and race pay equity at the company”;
- **Changes to internal requirements** for promotions and new hires, aimed at ensuring greater diversity;
- **Guaranteed access for class counsel to meet with management** with respect to “pay equity” and other human resource related policies and recommendations.
- **Ongoing court oversight** as part of consent decree governing future hiring and promotion practices.

Activism Behind the Case:

Outten & Golden

- Outten and its lawyers routinely make campaign donations that predominantly supported Democratic candidates and progressive causes.
- In 2024, 100% of the firm’s federal political donations went to Democrats.
- The firm has also teamed up with major civil rights activist groups such as the ACLU, and the NAACP Legal Defense and Education Fund, Inc.
- It also engaged in workplace activism, promoting race and gender focused issues.

Analysis: Mastercard adopted new diversity-based hiring requirements as part of the settlement, which amounted to policy reforms unrelated to compensating individual plaintiffs. The ongoing oversight creates a permanent mechanism to allow outside control of corporate employment decisions from plaintiff-friendly voices and provides special access for activist trial lawyers to influence management and affect hiring and other practices.

Sources: <https://www.reuters.com/legal/litigation/mastercard-agrees-26-mln-settlement-pay-bias-lawsuit-2025-01-14/>; <https://clearinghouse.net/case/17213/>; <https://www.naacpldf.org/press-release/job-applicants-enter-settlement-target-corporation-discriminatory-criminal-background-screening-policy/>; <https://www.outtengolden.com/newsroom/3153-2>.

Rich v. Georgia

Jurisdiction: Georgia

Attorneys: Transgender Legal Defense and Education Fund (TLDEF)

Case Summary:

Georgia state employees and their families who were insured by the Georgia State Health Benefit Plan filed suit in 2022, seeking coverage by the state for “transgender-related health care” for state employees and their families. In 2023, the state settled the litigation, agreeing to cover various transgender-related health procedures and treatments.

Mandated Changes and Payouts:

- **\$365,000 in cash** to be divided amongst the families of the employees who sued and “The Campaign for Southern Equality, a nonprofit organization dedicated to advancing LGBTQ+ civil rights in the South”;
- **Changes to state policies and provisions** such that the state will remove exclusions for transgender procedures from the state's health plans, will be barred from adopting similar exclusions in the future, and those health plans will now include a provision defining transgender health care coverage in a manner preferred by The Transgender Legal Defense and Education Fund.

Activism Behind the Case:

The Transgender Legal Defense and Education Fund (TLDEF)

- TLDEF is a far-left nonprofit focused on pushing a trans agenda, including advocacy for expanded access to “transgender-related health care,” publishing federal and state blueprints calling for DEI-style training across schools, health systems, and government contractors.

The Campaign For Southern Equality

- The Campaign For Southern Equality is a far-left nonprofit focused on promoting and assisting with trans youth surgeries and that “works across the South ... to promote pro-LGBTQ+ policies, and promote policies that support racial equity, economic justice and immigration reform.”

Analysis: *Strategic litigation by advocacy organizations successfully bypassed Georgia's legislative process to impose highly contested healthcare policy through judicial decree, demonstrating how activist organizations achieve policy goals through courts rather than democratic processes.*

Sources: <https://georgiarecorder.com/briefs/georgia-settles-suit-and-agrees-to-pay-for-gender-affirming-care-for-trans-workers-under-state-health-plan/>; <https://southernequality.org/our-work/>

SEB Investment Management v. Wells Fargo

Jurisdiction: Georgia

Key Plaintiff: West Palm Beach Firefighters' Pension Fund

Law Firm: Kessler Topaz

Case Summary:

A shareholder class action accused Wells Fargo of harming its reputation and stock value by allegedly holding sham job interviews to appear to comply with an internal policy mandating diverse pools of candidates. In 2025, Wells Fargo agreed to pay \$85 million to settle the case without admitting wrongdoing.

Mandated Changes and Payouts:

- **\$85 million in cash** to be divided between investor class and trial lawyers;

Activism Behind the Case:

Kessler Topaz Meltzer & Check, LLP

- Kessler Topaz's political giving is overwhelmingly aligned with Democrats, with roughly 95–100% of tracked contributions going to Democratic candidates and committees in recent cycles. In the 2024 cycle, the firm donated to Presidential candidate Kamala Harris and the Democratic Senatorial Committee.
- Kessler Topaz also works closely with activist organizations that they believe "share our values," including the ACLU, Philadelphia Lawyers for Social Equity, and on pro bono immigration cases.
- Kessler Topaz also promotes DEI. On its webpage it states: "Internally, as a reflection of our belief that diversity and inclusion should be an integral aspect of the management of the Firm, we appointed as the Firm's Diversity Officers two senior partners..."

Analysis: *The case pressured management over insufficiently DEI-focused hiring practices and unlocked millions in fees for an activist law firm. The lawsuit effectively punished Wells Fargo for perceived insufficient commitment to the Left's diversity mandates.*

Source: <https://wellsfargosecuritiesaction.com>; <https://www.ktmc.com/about-us/pro-bono>; <https://www.ktmc.com/about-us/diversity-inclusion>.

CLIMATE POLICY & ESG THROUGH LAWFARE

Environmental and climate litigation represents perhaps the most ambitious use of lawfare to impose policy changes. These cases seek to use courts to regulate entire industries, control corporate speech, and force climate measures that legislatures have not enacted.

California v. ExxonMobil

Jurisdiction: California

Key Plaintiffs: California Attorney General Rob Bonta and Sierra Club

Law Firm: Cotchett, Pitre & McCarthy

Case Summary:

California and a coalition spearheaded by the Sierra Club, in companion suits filed in 2024, allege that ExxonMobil “caused or substantially contributed to the deluge of plastic pollution that has harmed and continues to harm California’s environment, wildlife, natural resources, and people.” The suits claim plastics are a public nuisance, and that the long-time focus on recycling constituted unfair and misleading marketing and business practices by industry. The cases continue to be litigated in California courts.

Relief Sought:

- **Abatement fund** to address plastic cleanup and removal;
- **Injunction prohibiting public statements** by ExxonMobil regarding recycling;
- **Injunctive relief**, including “permanent equitable relief” to “prevent further pollution”;
- **Statutory damages** for the conduct at issue.

Activism Behind the Case:

Cotchett, Pitre & McCarthy

- Cotchett, Pitre & McCarthy represents Surfrider, Sierra Club, Heal the Bay, and San Francisco Baykeeper in the companion suit to the California Attorney General, with 100% of the firm’s federal campaign contributions going to Democrats in 2024 and a strong progressive policy orientation on climate and environmental regulation.

Sierra Club

- Plaintiff organizations include Sierra Club, which, in addition to having close ties to China, aggressively promotes climate spending, DEI programs, and racial justice initiatives; supporters of the suit include the Center for Climate Integrity, which champions suing fossil fuel companies for alleged climate impacts; and Beyond Plastics, which provided oft-cited research on plastic recycling claims. These organizations work to spread an activist-driven narrative alleging corporate deception on recycling and environmental impacts.

Analysis: *This case represents an explicit attempt to control corporate speech and impose plastic manufacturing and use policy and restrictions through litigation.*

Source: <https://www.sierraclub.org/press-releases/2024/09/profit-over-planet-exxon-sued-hiding-truth-about-plastic-harms>

City and County of Honolulu v. Sunoco

Jurisdiction: Hawaii

Key Plaintiff: City and County of Honolulu

Law Firm: Sher Edling LLP

Case Summary:

Honolulu brought a landmark climate change case in state court in 2020 against most every major international oil company in the United States, alleging public nuisance and purporting to hold oil companies responsible for so-called climate damages, including sea level rise and public infrastructure impacts. The case continues to be litigated in Hawaii courts.

Relief Sought:

- **Monetary damages** to fund claimed “climate-related infrastructure costs” for the city;
- **Establishment of “cleanup funds”** to the tune of millions of dollars for the city;
- **Disgorgement of profits** from the oil and energy business;
- **Climate mitigation actions mandated by court order** to curtail the energy industry;
- **Corporate disclosure reforms** to further pressure energy industry behavior.

Activism Behind the Case:

Sher Edling LLP

- Sher Edling LLP has pursued aggressive climate litigation on behalf of multiple cities and states, arguing that oil companies are financially responsible for global warming and adverse weather events.
- The firm has raised millions from nonprofits whose donors remain anonymous, attracting scrutiny from congressional oversight committees.
- Supporting organizations include the National League of Cities, U.S. Conference of Mayors, and International Municipal Lawyers Association, all of which have promoted DEI initiatives, LGBTQ+ activism, and climate alarmism at the municipal level through policy advocacy and amicus participation in climate cases.

Analysis: *Still ongoing, these cases attempt to use courts to impose climate policy, effectively putting judges in charge of energy and climate regulation rather than elected legislatures and administrative agencies with technical expertise.*

Source: <https://www.sheredling.com/project/city-and-county-of-honolulu-v-sunoco-et-al/>

Ford County, Kansas v. Exxon, Chevron, Dow, et al.

Jurisdiction: Kansas

Key Plaintiffs: Ford County, Kansas

Law Firms: Sharp Law

Case Summary:

Ford County, Kansas, the county where Dodge City sits, filed suit as lead plaintiff in a proposed class action alleging plastics cause a public nuisance and that oil and petrochemical companies, along with a related trade association, engaged in deceptive marketing regarding plastic recycling. The suit, which was voluntarily dismissed in 2025 (the same day as plaintiffs joined a separate class action based in Missouri), sought to impose damages and policy changes on the petrochemical industry.

Relief Sought:

- **Injunctive terms** limiting statements about recycling;
- **Abatement** measures that include cleanup of the “public nuisance” of plastics within the plaintiff community;
- **Money damages** to compensate for harm from plastics;
- **Punitive policy changes** in plastics industry.

Activism Behind the Case:

The Center for Climate Integrity (CCI)

- CCI provided the main research and evidence cited extensively in the Kansas lawsuit, including a report alleging how fossil fuel and petrochemical companies deceptively promoted recycling for more than 50 years despite internal knowledge that it was not viable at scale.
- CCI’s entire mission is focused on anti-oil and gas, with a primary focus on holding fossil fuel companies accountable for their alleged deception regarding climate change and environmental impacts.

Analysis: *The lawsuit was explicitly targeted at reshaping the national plastics and petrochemical industries through legal action, demonstrating how local government litigation can be used to pursue national policy objectives.*

Source: <https://www.kcur.org/news/2024-12-13/a-kansas-county-is-suing-plastic-companies-over-recycling-alleging-fraud-and-deception>

Inclusive Louisiana v. St. James Parish

Jurisdiction: Louisiana

Key Plaintiffs: Inclusive Louisiana and Rise St. James

Law Firm: Center for Constitutional Rights

Case Summary:

Progressive nonprofits claim the parish's 2014 land use policy is a part of the "deep and lasting harms of slavery and its afterlife," and violates residents' rights. The crux of the case, filed in 2023 and still ongoing, is that the parish engaged in supposed "environmental racism" by not adhering to liberal climate orthodoxy and promoting growth that did not align with liberal priorities.

Relief Sought:

- **Moratorium on new industrial facilities** in predominantly Black communities;
- **Court-supervised revision of local zoning** and land-use policies;
- **Ongoing judicial oversight** of local industrial permitting.

Activism Behind the Case:

The Center for Constitutional Rights (CCR)

- CCR is a far-left organization challenging bans on transgender surgeries in prisons, lobbying policymakers to support the LGBTQ+ agenda, and partnering with groups like EarthRights International on climate justice.

Rise St. James

- A nonprofit aligned with progressive environmental-justice activism and focused on "fighting for environmental justice."

Inclusive Louisiana

- A nonprofit focused on social, racial, and environmental justice seeking to build a fairer society through enlightenment and advocacy in affected communities.

Analysis: *The lawsuit is intended to rewrite local land-use and industrial permitting policy through court order, substituting judicial decision-making for local democratic processes and elected officials' authority over zoning decisions.*

Source: https://ccrjustice.org/sites/default/files/attach/2023/03/Moratorium_Complaint.pdf; <https://inclusivelouisiana.org/>; <https://ccrjustice.org/home/press-center/press-releases/landmark-environmental-racism-case-win-appeals-court-rules>

Plaquemines Parish v. Chevron

Jurisdiction: Louisiana

Key Plaintiffs: Plaquemines Parish and the Parish of Cameron

Law Firm: Talbot, Carmouche & Marcello

Case Summary:

Louisiana coastal parishes filed lawsuits against Chevron and other energy companies in Louisiana state court starting in 2013, alleging that the companies violated state environmental law for failing to secure permits over activities dating back to WWII-era oil production, which the plaintiffs argue contributed to wetland erosion. One of the cases already delivered a state court judgment for \$745 million while others have resulted in pre-trial settlements. The U.S. Supreme Court heard arguments in January 2026 about whether proceedings should be in state court or in federal court, with the Environmental Defense Fund and the American Association for Justice (formerly the Association of Trial Lawyers of America) weighing in for the Parishes.

Relief Sought:

- **Costs associated with implementing coastal restoration projects and money damages** for past and future harm to coastal wetlands and related natural resources in Coastal Louisiana;
- **Restoration and remediation of coastal wetlands**, including “actual restoration of disturbed areas to their original condition; costs necessary to clear, revegetate, detoxify and otherwise restore the affected portions of the . . . Coastal Zone as near as practicable to its original condition.”

Activism Behind the Case:

Talbot, Carmouche & Marcello

- More than 90% of the money donated by the firm and its lawyers at the federal level goes to Democratic candidates and committees.
- Talbot Carmouche & Marcello contributed \$2 million to Democrat John Bel Edwards’ first gubernatorial campaign in 2015 via Gumbo PAC.

American Association for Justice (AAJ)

- AAJ is the chief trial lawyer trade association, with both a climate change litigation group and an affiliated political committee;
- AAJ’s affiliated political committee sent 98% of its over \$20 million in disbursements to candidates and committees from 2017 through 2024 to benefit Democrats and their allies, including more than \$2.5 million to Senate Majority PAC (affiliated with Senate Democrat Leader Chuck Schumer), at least \$1.3 million to America Votes, more than \$600,000 to the National Democratic Redistricting Committee, and more than \$500,000 to Emily’s List.

Analysis: *The lawsuit is intended to unlock billions of dollars for environmental groups and remove energy production from the areas in question, all through court order.*

Sources: <https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2025/10/Skinner-Plaquemines-vf.pdf>; https://www.supremecourt.gov/Docket-PDF/24-813/385240/20251120070121564_AAJ%20Amicus%20Brief_Chevron%20v.%20Plaquemines%20Parish_Final.pdf; <https://www.justice.org/members-groups/litigation-groups/litigation-group-join/climate-change>; https://allianceforconsumers.org/wp-content/uploads/2025/05/AFC_Shady-Trial-Lawyer-Pipeline-Update-2025.pdf

COMMON ELEMENTS OF LITIGATION AS LEGISLATION

This report reveals common structural elements of woke lawfare:



- **Forward-Looking Policy Mandates:** Settlement agreements and consent decrees consistently require defendants to implement prospective policy changes rather than merely compensating plaintiffs for past harms.



- **Independent Monitoring and Oversight:** Many settlements establish independent monitoring arrangements that not only flow resources into outside groups but also give outside parties ongoing authority over corporate operations. These arrangements can take on many forms, including third-party auditors with access to internal data, consultants with effective veto power over policies, or court-appointed monitors with enforcement authority.



- **Ongoing Compliance Bureaucracies:** Settlement terms can create permanent internal bureaucracies dedicated to ensuring compliance with judicially enshrined mandates or even push beyond those mandates. These structures can include the creation of new corporate departments and positions, implementation of mandatory training programs with specific ideological content, or establishing ongoing reporting and compliance requirements to apply internal pressure to get certain outcomes.

The cases also share these common characteristics that distinguish them from traditional civil litigation:

Prospective Rather Than Retrospective:

The focus of the litigation is on changing future behavior rather than compensating past harms.

Systemic Rather Than Individual:

The mandates arising from the litigation apply to entire organizations and operations, not just parties involved in alleged wrongdoing.

Permanent Rather Than Temporary:

The changes coming from the litigation create ongoing compliance obligations extending years or decades beyond settlement.

Substantive Rather Than Procedural:

The mandates from the litigation dictate specific policies and practices, not just procedures for decision-making.

IMPLICATIONS & THE PATH FORWARD

The evidence presented in this report establishes that the American legal system has become a primary mechanism for advancing political and social agendas outside the democratic legislative process. Strategic litigation campaigns systematically use courts to impose policy changes on corporations, government agencies, and society at large that have not been enacted through the democratic process.

Implications for Democratic Governance

The use of litigation as a policy tool raises fundamental questions about democratic accountability and the separation of powers:

Bypassing Legislative Processes:

When policy changes are achieved through litigation rather than legislation, they bypass the democratic process. Elected representatives do not vote on the policies. Constituents cannot hold elected officials accountable for decisions made through consent decrees. The policies are not subject to public debate or democratic amendment.

Judicial Overreach:

Courts are asked to supervise complex policy areas—from corporate employment practices to climate regulation to healthcare coverage—that require technical expertise, policy judgements, and values analysis traditionally made by elected officials.

Permanent Policy Changes Without Democratic Input:

Consent decrees, settlement agreements, and court-imposed injunctions or final judgments create permanent policy changes that are difficult to modify even when political majorities shift or evidence suggests different approaches have become warranted. Unlike legislation that can be amended or repealed through democratic processes, judicially enshrined mandates remain in effect regardless of changing circumstances or public opinion, absent judicial intervention.

The Cost to Civil Society

Beyond questions of democratic process, strategic litigation imposes significant costs on the foundations of our civil society and the freedoms we have historically enjoyed, including:



Financial Costs

- Billions in settlement payments and attorney fees
- Ongoing compliance costs for monitoring, auditing, and reporting
- Permanent bureaucracies dedicated to compliance with consent decree mandates



Institutional Costs

- Erosion of respect for courts as neutral arbiters
- Politicization of the judicial system
- Undermining of legislative authority and democratic processes



Freedom Costs

- Erosion of consumer choice as disfavored products are pushed out of the market
- Increased homogeneity between states, as liberal preferences are implemented in an ever-increasing number of jurisdictions, regardless of local politics and preferences.

FINAL OBSERVATIONS

The evidence compiled in this report demonstrates that the American legal system is being weaponized for political purposes. Lawsuits are increasingly used not to resolve disputes or compensate victims, but to impose policy changes that advocates have been unable to achieve through democratic processes.

This transformation represents a fundamental challenge to democratic governance. When lawyers and activists can impose sweeping policy changes without having to go to the ballot box, or even after having been denied at the ballot box, everyday consumers stop having a direct say in the products and choices that are before them on a daily basis. The result is policy-making without accountability, regulation without representation, and governance by strategic litigation with ideological interests at the wheel.

The cases examined in this initial report span corporate governance, employment law, environmental regulation, and healthcare policy, illustrating how no area of American life is immune from strategic litigation campaigns and the effects of woke lawfare.

The pattern is clear and consistent — litigation is being used as a policy tool to reshape American society according to the preferences of activist organizations, shady trial lawyers, and their allies in government.

Restoring the proper role of courts in American democracy requires recognizing woke lawfare as a systematic effort to pursue left-wing activism and accomplish extreme political and ideological goals. Only by understanding the scope and mechanics of this phenomenon can citizens, legislators, and judges work to restore the proper balance between the branches of government and ensure that major policy decisions are made through democratic processes accountable to the American people.

The time for action is now, and the stakes couldn't be higher.

“Restoring the proper role of courts in American democracy requires recognizing woke lawfare as a systematic effort to pursue left-wing activism and accomplish extreme political and ideological goals.”

