

**PUBLIC INTEREST LITIGATION CRITERIA
FOR
MOUNTAIN STATES LEGAL FOUNDATION**

1. The case should involve the federal, state, or local government.

Reason: MSLF almost never takes sides against other private parties or businesses. Although almost all MSLF cases involve the federal government, other units of government may take actions that MSLF should challenge. Sometimes MSLF may align itself with a unit of government to defend against an action brought by an organization.

2. The case should involve nationally significant matters in which an important legal precedent may be established.

Reason: MSLF is an IRC 501(c)(3), non-profit, public interest law firm, which requires that MSLF litigate nationally significant matters of interest to the public in order to seek to set important legal precedents.

3. The case should involve constitutional rights, private property, limited and ethical government, free enterprise, or environmental law.

Reason: MSLF is dedicated to the defense and preservation of individual liberty, the right to own and use property, limited and ethical government, and the free enterprise system.

4. The case should involve a deserving client.

Reason: MSLF represents hard working Americans who could not fight against government abuse or overregulation without MSLF's help.

5. The client need not be a natural person, but may be a small business, a trade association, or a local unit of government.

Reason: Some of MSLF's best clients have been economically hard-pressed small businesses, grassroots groups, trade associations, and rural counties. These clients deserve MSLF's representation.

6. The case should not justify the hiring of private counsel.

Reason: As an IRC 501(c)(3) non-profit public interest law firm, MSLF may not take a case that warrants the hiring of private counsel. In making that determination, MSLF considers the following:

- (a.) Is the potential client able to afford private counsel?
- (b.) Is there a potential monetary award in the case that would justify a contingency fee agreement with private counsel?

7. The case should not be fact-intensive.

Reason: MSLF seeks to establish valuable legal precedent that will benefit the public interest. Fact-intensive cases turn on the facts and rarely establish valuable precedent. Plus, they are expensive and time-consuming to litigate.