

POST-ELECTION STRATEGIC OUTLOOK

for Expanding Religious Liberty in the Trump Era

We are ready to seize opportunities. For several months, First Liberty has been constructing a game plan in the event of a Trump election victory. Our team is ready to seize the opportunity and keep winning for religious liberty—despite remaining challenges. Many details of our strategy must remain confidential, but below is a summary:

KEY BACKGROUND

- **A difficult legal environment will likely give way to opportunities** due to federal judicial appointments and better federal agencies and policies. We expect open doors.
- **Impact on the federal judiciary could be substantial**, but **the full potential will not be immediate** for potential religious liberty victories. We have work to do.
- **In the adverse environment of the past 8 years, we have continued to win** at over a 90% rate. Now, as doors open, we need to step boldly through to win sweeping victories.

FEDERAL GAME PLAN

- 1. Expand Strategic Venues to Seize Opportunities:** Initiate cases in the nation's strategic legal circuits as doors open through the appointment of favorable judges.
- 2. Select Strategic Clients:** Locate the clients and case facts most likely to win strategic victories—carefully weighing important litigation factors such as precedents, courts, judges, and juries.
- 3. Use Entrenched Precedents:** Leverage already existing ironclad case law to champion our clients' rights in all courts.
- 4. Seize Opportunities to Advocate Policy:** As recognized experts on religious freedom and the Constitution, First Liberty may have the opportunity to advise and advocate for stronger policies. Religious freedom will once again have a seat at the table.

STATE & LOCAL GAME PLAN

- 1. Expand Friendly Territory:** Continue legal action in more state courts and localities. File more religious liberty claims in states with strong conscience protections in their constitutions and laws.
- 2. Take Advantage of Federal Leniency:** Build a broad state and local pattern of very real victories for religious liberty, weaving a strong national web of freedom from the grassroots up.
- 3. Create Zones of Freedom:** Many federal courts will remain hostile, and judicial appointments are for life. We must achieve federal victories to create zones of religious liberty that will be harder to destroy by federal courts.

"ONLY THE VERY BEST WILL WIN"

A complex but slowly improving environment creates a greater need for First Liberty. We have a winning record. Our unique legal model is needed more than ever to create equilibrium after the last 8 years, which means winning legal matters and preserving religious liberty.

*"First Liberty is **your best hope, the best investment you can make in religious liberty in very complex times.** In a day when religious liberty has **an open door**, First Liberty partners with **the smartest lawyers available in the nation**, and the very best—**only the very best**—will win the victories that are needed to recover freedom."*

- **Ken Klukowski**, Senior Counsel & Director of Strategic Affairs

"We expect opportunities to advance. As long as we can defend and open areas of religious freedom—where people can walk in those open spaces of freedom and speak the truth—then there's hope that the whole society can change."

- **Kelly Shackelford**, President, CEO & Chief Counsel