



Fisher v. TUSD Desegregation Case

Steptoe's Initial Appearance Before the School Board
March 8, 2016

Step toe & Johnson LLP

History:

- Col. Louis Johnson and Philip Steptoe began in West Virginia in 1913
- Washington DC office opened in 1945
- Arizona office opened in 1987

Today:

- Over 40 attorneys in Arizona office
- Over 500 attorneys worldwide
- Other offices in Beijing, Brussels, Chicago, London, Los Angeles, New York, and Palo Alto
- National leader in trials of complex matters in many different disciplines

Paul K. Charlton



Graduate of University of Arizona Law School
Former US Attorney for the District of Arizona
Served in Arizona Attorney General's Office
Experienced trial lawyer with deep knowledge of
Federal Courts in Arizona

Practice Includes:

- High Profile and Complex Litigation
- Government and Internal Investigations
- Representation of Public Officials in Constitutional Challenges
- Native American Law and Representation

P. Bruce Converse



Practiced in Arizona for 35 Years

Admitted in Arizona and California State Courts

Admitted to Federal District Courts in
Arizona, California, Illinois, Arkansas and Texas

Admitted to Federal Courts of Appeals
for the 9th and 11th Circuits

Practice Includes:

- Management of Complex Litigation
- Class Actions
- Representation of public entities in funding disputes, conflicts of interest, annexation, and condemnation actions.
- Antitrust, Insurance, Insolvency

Two Issues For Quick Review Today

- What is our goal in representing the District?
- What is Steptoe's role and plan?

What is Our Goal in Representing the District in the Desegregation Case?

To Help The District Achieve Unitary Status

To achieve that goal, the District Court must determine that the District:

1. Has complied in good faith with all of its obligations under the USP and all orders of the court; and
2. Has eliminated the vestiges of its past segregation to the extent practicable.

The earliest that the District may seek a determination as to complete unitary status is the end of SY 2016-17

What is Steptoe's Role and Plan?

Steptoe's Role is twofold:

- First, as an **advisor** to the District and its leadership in the desegregation case:
 - Practical advice in the day to day communications and events that go on in the desegregation proceeding
 - Longer term strategic legal advice on desegregation law, compliance with the USP and achievement of unitary status
- Second, as the **advocate** for the District in the desegregation case.
 - Communications with the Court, Special Master and Counsel
 - Working to marshal the evidence to present to the Court regarding the District's many efforts and activities to comply with the Court's orders.

Steptoe's Plan is Twofold:

First, to begin immediately working to develop the evidence supporting Unitary Status when the District can first apply after SY206-17.

- Data, in easily understandable form, showing progress the District has made – progress on all of the various elements of the Unitary Status Plan
- Data comparing the District to other school districts that have achieved unitary status.
- Data comparing the District to other school districts that have not been subject to a desegregation order at all.
- Expert testimony to help the court understand what is practical and achievable in the world in which the District operates.
- Evidence that Judge Bury said was lacking in 2008, when the court was first asked to determine whether the District had achieved unitary status.

Step toe's Plan (cont'd)

Second, to take on a very proactive role with respect to all of the intermediate steps, reports, requests for information, and other day to day activities required in order to deal with compliance with the Unitary Status Plan, the Special Master, and the lawyers representing the two classes of students who are the plaintiffs in the matter. Examples include:

- The District's annual report;
- Any proposal that requires approval under Section 1(d)(1) of the USP;
- Notices and requests for approval;
- Responses to requests for information;
- Responses to new recommendations from the Special Master.

Conclusion

We are the District's lawyers, and we understand our significant responsibility to the many constituencies that make up the District.

We also understand that individual members board bring individual perspectives to this Board, but we will work hard to satisfy **each** of you that the District has the very best representation possible.

The bedrock of that effort must be communication – frequent, straight, and thorough. We will come before the Board as a whole whenever requested, to report on current developments, specific issues, and our progress towards the overall goal. But we also want you each to feel that you can ask questions or request information at any time. We will do our level best to be responsive and informative.

We are honored to represent this school district, and look forward to working with you all.