

## Catching a Glimpse

By Joel W. Nomkin



I've long wondered how the Center, with its legal staff of just three attorneys, has managed to take on some of the largest, most complex,

and most important cases in Arizona history, typically litigating against much larger (and exponentially higher paid) armies of attorneys on the other side. I understood that lots of caffeine, little sleep, and a passion to serve the public interest may have something to do with it. But still, with only one or two Center lawyers on any given case vs. teams of adversaries willing to litigate every issue, big and small, how do they do it?

I thought I might get closer to the answer over the last year or so, when the Center allowed me and a few other lawyers from my law firm to help on the Center's foster care case. This case is typical of the kind of matters the Center takes on. The stakes could not be higher: the Center (along with another terrific advocacy organization, Children's Rights, Inc.) is seeking to reform State policies and practices that systematically deprive foster children of basic physical, mental, and

behavioral health needs and fail to adequately address issues of abuse and neglect. Nor could the litigation battle be tougher: the case has been going on for nearly five years, and the State has fought each step of the way, defended by a team of more than a dozen private attorneys who, as of 2017, had already billed \$1.8 million in fees and have no doubt billed far, far more since then.

But the Center has not been deterred. Most critically, the Center convinced the federal district court and court of appeals to allow all of the foster children in the State's custody to litigate the case as a class action—meaning that if the Center ultimately succeeds at trial, the State may be ordered to dramatically improve the health and other services it provides to each of the thousands of foster children throughout Arizona.

My modest inside role in the foster care case has given me a glimpse of what the Center's attorneys have done in this case alone. In just the last couple months, the Center and *(continued on next page)*

*Save the Date!*  
The Center will hold its next  
annual event on **April 4, 2020.**  
We hope to see you there!

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## Catching a Glimpse, Cont'd

Children's Rights have had to process and review more than 360,000 additional documents produced by the State, take and defend a legion of important depositions, work with six different plaintiffs' experts to identify further evidence of failings in the foster care system, prepare rebuttals to the State's seven experts, and begin to get ready for a lengthy trial, possibly to begin in February 2020. Oh, did I mention that the Center's lawyers have done all this while, at the same time, they are litigating just as intensely the school funding and many other cases on the Center's docket?

So back to my opening question: how does the Center do it and do it so well? Even with my brief inside glimpse, I still don't know. The mystery—and my awe—have only deepened. What I do know is that, through the Center's doggedness and brilliance in cases like the foster care litigation, it has brought health, educational, and environmental justice to citizens across Arizona, and held the government accountable to the people it is supposed to serve.

## Center Launches the Legacy in Law Fund

On October 19, 2019, after a year of study and preparation, the Center launched its first board-directed endowment, the Legacy in Law Fund. In the next few months, we will distribute materials enabling and encouraging our supporters to make legacy gifts to ensure the Center will be there for future generations.

The Center thanks the Board and the Endowment Committee, and extends a special thank you to Bruce Meyerson, who provided the inspiration, leadership, and hard work to get this important project off the ground. Questions? Contact us at [Legacy@aclpi.org](mailto:Legacy@aclpi.org).

## School Finance Litigation

By Danny Adelman

There's an expression getting a lot of use these days: Everyone is entitled to their own opinion, but everyone is not entitled to their own facts. For the past 2 ½ years, the Center has been working to prove that the way Arizona funds public schools is unconstitutional. Arizona's Constitution includes a clause that says it is the State's responsibility to provide a "general and uniform" public school system.

Think about that. Public schools are so important that they are specifically mentioned in the Constitution. In Arizona, education in a good school is a fundamental right, and it is the State's responsibility to make sure that every child can exercise that right.

Unfortunately, the legislature and the governor have reneged on their responsibility to adequately fund that right. Arizona has largely returned to a system where if your district does not have sufficient wealth to support bonds and overrides, you are left behind. For the past two years, we have been building the case about the State's failure to fund the capital needs of public schools. That's everything from school buildings to buses and from air conditioners to computers and textbooks.

Proving a case like this is not easy. The State hired two private law firms and is devoting massive resources to try to claim that "everything is fine." Well, it's not.

I thought I would share just a few of the pictures that I have taken as I've gone to various school districts all over our state. This is not what my children's public schools look like. The State is not funding a general and uniform education system. The students and teachers at these schools need our help. With your support, we will continue to fight to make sure they get it.



## Tim Hogan Honored by Arizona Center for Disability Law

The Arizona Center for Disability Law (ACDL) honored Tim Hogan, the Center's former Executive Director, at the organization's 25th Anniversary Event.

During Tim's tenure with the Center, he promoted equal access to health care, protected the state's valuable resources, and fought for adequate funding for all of Arizona's public schools. The Center's vision for a just and equitable future for all Arizonans aligns with ACDL's unceasing work to protect and advance the rights of those with disabilities.

Tim was—and is—an invaluable leader and truly positioned the Center to become the force it is today. The Center is proud of his ongoing accomplishments and grateful to ACDL for its recognition of Tim's work in Arizona.

In addition, Tim received a personal letter from Arizona's Senator Kyrsten Sinema in celebration of this honor as well as Tim's long career in public interest law. "I want to take a moment to honor the executive, community leader, and advocate you are to so many in our state," the letter stated. "Your leadership on values critical to Arizona families, including your time at [the Center], has improved countless lives. Most importantly, you are a great friend that has done, and continues to do, so much for Arizona."

In February 2018, after 26 years at the helm, Tim stepped down from his role as Executive Director of the Center. However, Tim continues to be involved in the Center's work in support of clean energy and lower utility rates for Arizona consumers.

## Energy and Environment Report

- Center attorneys are advocating to reduce electric bills, enhance energy efficiency, support electric vehicle adoption, and achieve just transition for Native American tribes in a ratemaking proceeding brought by Tucson Electric Power before the Arizona Corporation Commission. Testimony is being filed and a hearing will begin on January 16, 2020.
- Center attorneys are also working to preserve the Salt, Gila, and Verde Rivers for future generations. In December 2019, legal briefing will wrap up in first-level appeals from legally and factually incorrect decisions by the Arizona Navigable Streams Adjudication Commission. Oral argument will likely be held and a decision issued sometime in 2020.

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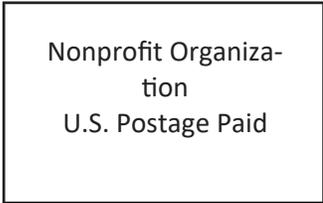
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