

Announcing the Stan Marks Fellowship



The Center is thrilled to announce that Stan Marks – one of our founding members and long-time supporters – has made an incredible

donation that will enable us to add an additional lawyer to the Center’s full-time staff. This will be an enormous boost for our ability to continue to pursue cases with enduring social, public health, and environmental impacts statewide.

Thanks to Stan’s donation, and his commitment to fund this fellowship program for the next 10 years, the Center is accepting applications for recent law school graduates to begin working *this year* on projects that will include:

- fighting for necessary public school funding,
- improving Arizona’s foster care system,
- advocating for clean air and water and protecting our natural resources,
- forcing governmental agencies to provide legally required health care to children and adults with disabilities,
- protecting our democracy,

- protecting the interests of consumers, and
- holding our government accountable.

The Center constantly battles entities with seemingly unlimited resources. Increasing our staff with another excellent lawyer will allow us not only to continue to fight these important battles, but also to increase the cases we are able to bring on behalf of Arizonans who otherwise would have no voice.

Stan Marks has been a supporter of the Center for the past 45 years. He was a founding Board Member 45 years ago, and was one of the Center’s first Presidents.

The Center will honor Stan at our annual event on April 4th. We cannot imagine a more worthy recipient of our Public Interest Award.

Our Annual Event is April 4th

Much gratitude to *Begam Marks & Traulsen* and *Steven J. German, a Law Firm*, for being our Title Sponsors!

Enjoy a hosted bar, heavy hors d’oeuvres, silent auction, and live music by iNTRiPiD.

Check out our Sponsorship packages (see p. 5) and get your tickets before we sell out: <https://aclpi.org/2020event/>

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Electric Utilities

In January and February, 2020, Center attorneys Jennifer Anderson and Tim Hogan advocated in Arizona Corporation Commission hearings to reduce electric bills, enhance energy efficiency, support electric vehicle adoption, assist low-income customers, and achieve a “just transition” for Native American tribes and non-tribal communities impacted by closures of coal-fired power plants. The hearings were part of a ratemaking proceeding brought by Tucson Electric Power (TEP) to increase its electric rates.

The Center’s clients in the TEP rate case are Southwest Energy Efficiency Project (SWEET), Wildfire (formerly Arizona Community Action Association), and a group of tribal and non-tribal citizen advocacy groups: Diné CARE, Tó Nizhoní Ání, San Juan Citizens Alliance, and Black Mesa Water Coalition (Citizen Groups).

The Center presented testimony on behalf of SWEET opposing TEP’s request to increase the monthly basic service charge (BSC) for residential customers by \$2.00 per month, for a total BSC of \$15.00. An appropriate BSC based on actual costs would be \$7.23 per month for all residential rates. The Center also advocated for TEP to increase participation in cost-saving “time-of-use” rates and expand options for electric vehicle owners to save when they charge their vehicles at “off-peak” times, when energy consumption is lowest and electricity is cheapest.

The Center presented testimony on behalf of Wildfire that TEP should do more to assist low-income customers struggling to pay their energy bills. Like SWEET, Wildfire opposed TEP’s proposed BSC increase, saying it would be unaffordable for the 76,000 TEP customers living in poverty. Wildfire also asked that TEP be ordered to take other measures such as

(Continued on page 4)

School Finance Case

By Danny Adelman

Like so many of our supporters, I am a huge believer in public schools. I went to public schools in Arizona, as did my children. Like many of you, I live in a district that regularly passes bonds and overrides, and my kids' schools—by and large—were nice. I didn't have to worry about a roof caving in, buses that were unsafe, or "modern" history textbooks that were written before 9/11.

I wish I could say the same were true for all of Arizona's public schools.

As I've traveled to school districts across the state, looked at hundreds of thousands of documents, and taken testimony from more than 50 witnesses, I've seen first-hand what many of our children are exposed to. It's tough to describe: stained, threadbare carpet held together with duct tape; textbooks from the early '90's; dingy, peeling paint; ridiculously outdated technology; virtually non-existent security; and on and on and on.

After dogged persistence, the State of Arizona recently produced inspection reports for the few schools it has managed to look at in the last couple years. Every one showed deficiencies, including schools with markedly high levels of CO₂, which every expert knows inhibits learning. It is virtually certain that many other schools have similar deficiencies all over our state. Yet, rather

than ramp up inspections of other schools so problems could be identified and corrected, the state's response was to stop inspecting schools! Yes, really.

I recently returned from Washington, D.C., where I deposed one of the experts the state has hired to "defend" the case. He's the same expert who testified more than 50 times on behalf of states opposing desegregation plans. In our case, his job is to tell the court that money really doesn't matter for student achievement. According to him, the children's background is the problem, not chronic under-funding. He claims that poor, Black, Latino, and Native American children bring such disadvantages to school in the first place, it won't help to spend more to improve their schools because it won't matter. This isn't acceptable, and it's not constitutional.

If the Center was not here to wage this battle, these children—and the teachers who have to teach in these conditions—would have no one to fight for them.

Our case is making a difference. In the month after we brought the case, the state agreed to revise the standards to which all schools must conform. Some of the most blatantly unconstitutional parts of the law have been changed, and the state is slowly restoring some of the funding cuts that have made us the worst-funded school system in the country. But there is so much left to do.

Foster Care Case

The Center is part of a team of attorneys fighting to improve the lives of Arizona's foster children. For years, we have been seeking to change the way that the Arizona Department of Child Safety treats these vulnerable children. From overuse of group homes and shelters to the most basic failures to provide necessary physical and mental health care, the State of Arizona is failing so many of these children. We have succeeded on the class certification issue at the trial court and appellate levels. Now, the state is attempting to have the case reviewed by the United States

Supreme Court. Our co-counsel, Joel Nomkin and the Perkins Coie team, did a wonderful job on the Response Brief to the U.S. Supreme Court.

Meanwhile, the case continues to move quickly in the trial court. Both sides will soon be filing motions asking the court to rule based on the law and evidence gathered to date. The court may rule, or may decide to schedule a full trial soon thereafter. This has been an incredibly hard-fought case. But the children we are fighting for are worth it.

Electric Rates, Cont'd

(continued from page 2) expanding participation in the "Lifeline" discount for low-income customers, increasing the amount of the Lifeline discount, and increasing TEP's bill assistance funding for low-income customers (which comes from shareholders, not other ratepayers). In response to Wildfire's testimony and the Center's efforts, TEP voluntarily agreed to increase bill assistance funding to \$250,000, increase the Lifeline discount by \$3.00, and allow low-income customers to sign up for the Lifeline discount online.

Finally, the Center presented testimony on behalf of the Citizen Groups that tribal

and non-tribal communities in Northern Arizona and elsewhere will be economically devastated by the completed or impending closures of coal plants such as Navajo Generating Station, Four Corners Power Plant, and San Juan Generating Station. The Citizen Groups asked that TEP—a co-owner of these coal plants—be required to pay its fair share towards helping coal-impacted communities build strong, resilient, and diversified new clean energy economies as they transition beyond coal.

A decision is expected in the TEP rate case later this year.

Please Help By Sponsoring Our Annual Event!

The Arizona Center for Law in the Public Interest is a nonprofit law firm that tirelessly defends the civil and legal rights of Arizonans, pursuing cases with enduring social, public health, and environmental impacts statewide. Boldly standing up for all citizens, the Center holds government and special interests accountable.

Our annual fundraiser is **April 4, 2020** at Harley-Davidson of Scottsdale, a unique venue with music provided by iNTRiPiD! We expect another sold out event with guests from premier law firms and businesses. ***The largest source of support we receive from the event comes from sponsorships.*** Your sponsorship helps us stand up for those who would otherwise not have a voice in our legal system.

To sponsor, visit <https://aclpi.org/2020event/> or call (602) 258-8850.

We could not do what we do without you!

\$5,000 <i>Defender of Justice</i> Up to 16 tickets	\$3,500 <i>Equality Endorser</i> Up to 12 tickets	\$1,500 <i>Advocate</i> Up to 6 tickets
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Or purchase your individual tickets by visiting
<https://aclpi.org/2020event/>



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