



## **Lawyers' Committee for Civil Rights, Education Law Center, Reed Smith, and Other Civil Rights Groups File Amicus Curiae Brief in *Vergara v. State of California* Urging Reversal of Judgment Invalidating Teacher Tenure Statutes**

(SAN FRANCISCO, September 17, 2015)—Today, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR) and *pro bono* partner Reed Smith LLP joined forces with several civil rights groups (Education Law Center, Equal Justice Society, Southern Poverty Law Center, and Asian Americans Advancing Justice-Los Angeles) to submit an amicus curiae brief in *Vergara v. State of California*, which is now pending before the California Court of Appeal. The brief offers support to the State of California and teachers unions in an ongoing legal battle over the constitutionality of statutes that protect a teacher's job and tenure.

The lawsuit, originally filed in 2012 in the Los Angeles County Superior Court on behalf of nine public school students, claimed that California's tenure and related statutes violate the state Constitution's equal protection clause because they allegedly promote the retention of so-called "grossly ineffective" teachers, thus purportedly depriving students of their constitutional right to an adequate education. Governor Brown and others appealed the judgment of the trial court, which is now pending in the Court of Appeal in Los Angeles.

The brief that LCCR and Reed Smith submitted today on behalf of five influential civil rights organizations asserts that plaintiffs did not present sufficient evidence that California's tenure statutes, as distinguished from a myriad of other factors, are a substantial cause of inequities in education and gaps in student outcomes.

In their brief, the amicus organizations state that plaintiffs utterly failed to prove that state laws supporting tenure for veteran educators cause harm, produce ineffective teachers, or in any way deprive students of their constitutional right to an education.

As Reed Smith attorney Kevin Hara notes, "Plaintiffs have not only ignored evidence to the contrary, but overlooked the factors that directly impact education in our most impoverished schools and communities."

The Reed Smith team that worked on the brief *pro bono* with LCCR includes Raymond A. Cardozo, Paul D. Fogel, Thomas A. Evans, and Kevin M. Hara.

"The decision blames tenure statutes for achievement gaps and other problems that have much deeper causes," said Mr. Evans in San Francisco. "This brief is intended to focus the court back on the real issues, like chronically inadequate and unequal funding that must be addressed to give all California students access to a quality education."

The brief further argues that adequate education funding is the foundation for enabling California school districts to provide effective teachers for all students. Moreover, the brief states it is the lack of this funding that directly affects a student's access to quality education.

"This brief brings to the court's attention that adequate school funding is the key to attracting and retaining effective teachers for all students in California's high need schools," said David Sciarra, Executive Director of the Education Law Center.

"The group of amici who are participating have collectively litigated dozens of education equity and access cases around the country," said Lawyers' Committee attorney Jennifer Weiser Bezosa. "We hope that our brief will help the court place this case within the larger context of equal education opportunity jurisprudence, as well as the extensive body of social science literature regarding the inputs necessary to improve education and narrow the achievement gap."

The brief can be read at: <http://www.lccr.com/wp-content/uploads/FINAL-amicus-brief-Vergara.pdf>

#### **About LCCR**

Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR), founded in 1968, works to advance, protect and promote the legal rights of communities of color, low-income persons, immigrants, and refugees. Assisted by hundreds of pro bono attorneys, LCCR provides free legal assistance and representation to individuals on civil legal matters through direct services, impact litigation and policy advocacy.

#### **About The Education Law Center**

Founded in 1973, the Education Law Center (ELC) is a leading voice for public school children and among the nation's most effective advocates for equal educational opportunity and education justice.

#### **About Reed Smith**

Reed Smith is a global relationship law firm with more than 1,800 lawyers in 26 offices throughout the United States, Europe, Asia and the Middle East. Founded in 1877, the firm represents leading international businesses, from Fortune 100 corporations to mid-market and emerging enterprises. Its lawyers provide litigation and other dispute resolution services in multi-jurisdictional and other high-stakes matters; deliver regulatory counsel; and execute the full range of strategic domestic and cross-border transactions. Reed Smith is a preeminent advisor to industries including financial services, life sciences, health care, advertising, entertainment and media, shipping and transport, energy and natural resources, real estate, manufacturing and technology, and education. For more information, visit [reedsmith.com](http://reedsmith.com).

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