

July 21, 2008

Where are we with the redistricting court injunction?

- **Judge Finch has asked each side to present another brief and it is due on July 22. His decision will be issued by July 28th.**
- **We did not anticipate the associated additional expenses post-hearing. To complete this unanticipated final phase, we will incur \$15,000 in additional expenses.**
- **We need to pay our remaining fees this week, and we need the final brief to be strong.**
- **Financial support is critical at this time.**

What has been the effect of the community's involvement? As a result of citizen comments and testimony provided before the 2/28 School Board decision and the litigation and the FairfaxCAPS's continued activism following the vote on redistricting, we believe we are having an impact on the School Board. Already, people have reported that they are seeing signs of more circumspection on the School Board. Our efforts seem to be working, but there is a long way to go.

Legal Process and Community Support: When this legal process started, I publicly stated that I thought our odds of winning a court injunction were slim. However, there was consensus that we needed to put the School Board on notice that Fairfax County citizens insist on accountability, rationality, and legality from the School Board—no longer can they simply do what they want, no matter how arbitrary or contrary to law.

Chances of Winning: As we near the end of the legal process everyone concurs, the School Board's argument at the hearing July 3rd was weak. Normally, government administrative bodies tend to win cases brought against them. The law tends to favor their decision-making as something a judge should not second guess. However, our legal team believes our chances of winning a court injunction have notably improved.

Petitioners' Case to Win or to Lose: At this juncture, the case is the Petitioners' to win or lose. The School Board decided the West County redistricting based on considerations not authorized by State law. In addition, the way they arrived at their decision was specious in all sorts of respects. Based on Judge Finch's comments, we anticipate he is taking this ruling seriously and will send a strong message in issuing his decision. Our goal is an injunction against proceeding with the redistricting decision made on February 28. We are hopeful that Judge Finch will grant our request.

What is the Next Step? At the end of the hearing, Judge Finch unexpectedly asked for post-hearing briefs from both the Petitioners and the School Board County. Our legal team believes the request for final legal briefs is very positive. Unfortunately, additional costs come with the need to file this final brief.

Cost? Our total cost for this legal action will be approximately \$135,000. This is relatively inexpensive, despite how it sounds. It is actually less than one-third of the original estimated cost for this case. Thanks to your FairfaxCAPS volunteers, we have been able to contain costs. Volunteers spent hundreds of hours developing and building the challenge to this troubling School Board action into a very strong case. Our outside litigating attorney, Steven Stone, is a well-respected education law attorney who is doing a fine job. He also has done everything possible to contain costs. To date we have paid \$120,000 in legal fees and have \$15,000 remaining to pay.

Additional Contributions Needed. We are now in the last phase of litigation and need to pay our final and unanticipated legal bills this week. If you have been following the news, this case is already making a difference. The School Board is changing how they try to justify how schools are included in a boundary study. They appear to be getting the message. Education is the priority and they are accountable for their decisions. This case will do much to advance our cause—ensuring that every Fairfax County student obtain the best public school education possible.

How Can You Help? If you were not able to contribute in the past, please consider between \$300 and \$500. If you have given in the past, please dig into your pockets as deep as possible one more time. Your contribution of time and money are making a difference!

Donations can be made online at <http://www.fairfaxcaps.org/html/donation.html> using your credit card, or donations can be mailed to:

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Thank you,
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