

CONSORTIUM FOR ADEQUATE SCHOOL FUNDING IN GEORGIA

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**FREQUENTLY ASKED QUESTIONS**

**Has the Consortium dropped its lawsuit?**

No. The Consortium has withdrawn its original lawsuit on the State's constitutional obligation in education, but a new complaint is being prepared for filing in an appropriate venue.

**Why was the first lawsuit withdrawn?**

Following the death of Judge Rowland Barnes, the case was assigned to Judge Elizabeth E. Long, a senior judge in Fulton County. Judge Long ruled on the preliminary motions and guided the process of discovery for more than three years. Then, only seven weeks before the trial was scheduled to begin, the case was abruptly transferred to Judge Craig L. Schwall because of cuts in the funding for senior judges. Judge Schwall was appointed by Governor Sonny Perdue in 2005, and many of his views are well known. The decision in this case is so crucial to the future of Georgia that there must not be any question about whether the judge would be impartial.

**How is the lawsuit being changed?**

The focus will shift from the needs of specific school systems to the State's abdication of its constitutional responsibility to all students in Georgia. Despite the change in emphasis, the enormous amount of evidence that has been gathered is still relevant to the new case.

**Why is the lawsuit being changed?**

The new approach is simpler and stronger in a legal sense. The complaint will state clearly that the goal is not some form of "Robin Hood." That was never the intent, since the only way to meet the needs of the low-wealth school systems is one that would benefit all schools; but this perception has been a continuing source of concern. A united effort is vital to this cause.

**How does the current economic downturn affect the lawsuit?**

The underlying intent of the lawsuit is to get the State to accept its constitutional responsibility in supporting our schools regardless of economic conditions. The goal is to create a structure that will be viable over time and prevent the current problems from ever happening again. It may not be necessary to increase taxes, but the wave of tax exemptions cannot be continued.

**Whatever happened to the request for an opinion by the Attorney General?**

The Consortium has provided extensive information to the Attorney General to confirm the legality of dues to the Consortium like other educational associations. The courts have approved the right of the Consortium to sue the State on behalf of its members, and the State never raised any objection about dues during the previous litigation. In any event, the AG may not be able to rule on the Governor's question since he represents the State in this case.

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