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Attorneys for Tucson Unified School District No. One, et al.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Roy and Josie Fisher, et al.,

Plaintiffs

CV 74-90 TUC DCB
(Lead Case)

v.

United States of America,

Plaintiff-Intervenor,

**DECLARATION OF J. WILLIAM
BRAMMER, JR. RE:
OBJECTION TO REPORT AND
RECOMMENDATION ON
OUTREACH, RECRUITMENT
AND RETENTION PLAN (ECF
1612)**

v.

Anita Lohr, et al.,

Defendants,

CV 74-204 TUC DCB
(Consolidated Case)

and

Sidney L. Sutton, et al.,

Defendants-Intervenors,

Maria Mendoza, et al.

Plaintiffs,

United States of America,

Plaintiff-Intervenor,

v.

Tucson Unified School District No. One, et al.

Defendants.

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I, J. William Brammer, Jr., declare under penalty of perjury that the following statements are true:

1. I am above the age of 18 and am competent to make this Declaration. I am an attorney of record for Defendant Tucson Unified School District No. One (“TUSD”) in this action and have personal knowledge regarding the facts stated herein. This declaration is based upon my personal knowledge, information and belief.

2. Attached hereto as **Exhibit A** is a true and correct copy of an email from Nancy Ramirez, counsel for the Mendoza Plaintiffs, dated May 27, 2014 at 5:15 p.m. stating their four remaining objections and requests for report and recommendations that remained after the Mendoza Plaintiffs reviewed TUSD’s revised Outreach Recruitment & Retention Plan (ECF 1612-11 at 2-16).

3. Attached hereto as **Exhibit B** is a true and correct copy of an email from Rubin Salter, Jr., counsel for the Fisher Plaintiffs, dated May 27, 2014 at 5:37 p.m. stating that the Fisher Plaintiffs renewed all of their 4/14/14 objections and requests for report and recommendations (ECF 1612-5 at 2-9) following their review of TUSD’s revised Outreach Recruitment & Retention Plan (ECF 1612-11 at 2-16). The Fisher Plaintiffs provided no explanation for their continued objection and request for a report and recommendation on issues that already had been addressed in the revised plan, such as the revision of the “diversity” language and removal of the language that a separate retention plan is not required.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 16th day of June, 2014.

/s/ J. William Brammer, Jr.
J. William Brammer, Jr.

EXHIBIT A

From: Nancy Ramirez <namirez@MALDEF.org>
Sent: Tuesday, May 27, 2014 5:12 PM
To: William Brammer; lthompson@proskauer.com; Rubin Salter Jr. (Rsjr3@aol.com); Anurima Bhargava (Anurima.Bhargava@usdoj.gov); Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov); Willis D. Hawley (wdh@umd.edu)
Cc: Julie Tolleson (Julie.Tolleson@tusd1.org); Desegregation (deseg@tusd1.org); TUSD
Subject: RE: Revised Outreach, Recruitment and Retention plan - clean and redlined versions

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TUSD

Dear Dr. Hawley,

Mendoza Plaintiffs have reviewed the District's revised Outreach, Recruitment and Retention Plan. We continue to object to the Plan's failure to address the following and request that you move forward with the R&R:

- 1) The District's reliance on a flawed Labor Market Analysis
- 2) TUSD's omission from Section I, USP Language, the controlling USP language from Section IV, C, 1, which states, "[t]he District shall conduct recruitment for all employment vacancies on a nondiscriminatory basis."
- 3) The USP expressly states: "If disparities [in attrition rates for African American or Latino administrators or certificated staff] are identified, the District shall...develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it shall be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified." USP, Section IV, F, 1, a. That language has not been incorporated in the Plan. Rather, it says (at page 13) only that "[i]f disparities exist TUSD will develop and implement strategies, where feasible, to address disparate attrition." This language with its wiggle room reference to "strategies, where feasible" and its absolute failure to mandate a remedial plan to be developed and implemented in the very semester following the semester in which the disparity is found is woefully inadequate and a failure to properly implement the USP.
- 4) Further, the advertising strategies listed on page 7 of the Plan fail to include "national newspapers, education publications and periodicals targeting African American and Latino communities" as required under USP section IV, C, 3 (a)(i)(i).

Nancy Ramirez

EXHIBIT B

From: Rubin Salter, Jr. <rsjr3@aol.com>
Sent: Tuesday, May 27, 2014 5:37 PM
To: nramirez@MALDEF.org; William Brammer; lthompson@proskauer.com;
Anurima.Bhargava@usdoj.gov; Zoe.Savitsky@usdoj.gov; wdh@umd.edu
Cc: Julie.Tolleson@tusd1.org; deseg@tusd1.org; TUSD
Subject: Re: Revised Outreach, Recruitment and Retention plan - clean and redlined versions

Follow Up Flag: Follow up
Flag Status: Completed

Categories: TUSD

Special Master Hawley:

After a careful review of the District's 05/22/14 revision of its recruitment and retention plan, the Fisher Plaintiffs respectfully renew their 04/14/14 objections and ask that you proceed with your report and recommendation.

Thank you,

Rubin Salter

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