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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 MAREE F.
SNEED 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.

1 I, Maree F. Sneed, declare under penalty of perjury that the following statements are
2 true:

3 1. I am above the age of 18 and am competent to make this Declaration. I am a
4 partner with the law firm of Hogan Lovells US LLP based out of its Washington, DC office.
5 I have represented school districts throughout the country for more than 30 years on a wide
6 range of issues, including desegregation, civil rights, special education, student assignment,
7 faculty assignment, magnet schools, and English Language Learners. My experience in
8 representing school districts in desegregation cases has included assisting them to develop
9 plans to meet requirements of court orders, advising them on compliance with court orders,
10 and working with them in assessing whether they could meet the unitary status standards
11 established by the Supreme Court. I have served as a consultant to Tucson Unified School
12 District, No. One ("TUSD") at various times in this case. This declaration is based upon
13 my personal knowledge, information and belief.

14 2. In approximately August 2012, TUSD's Director of Desegregation, Sam
15 Brown, contacted me regarding TUSD's search to locate a competent, independent
16 consultant to perform a labor market analysis. The purpose of the labor market analysis
17 was to determine whether the racial and ethnic composition of TUSD's teacher and
18 administrator cadres was consistent with relevant external labor market data.

19 3. In my experience and practice, I am aware of consultants with particular
20 expertise pertaining to issues that arise in desegregation cases, including faculty hiring and
21 assignment. Accordingly, I knew of Dr. Mary Baker of the ERS Group, who is a
22 nationally-recognized and well-respected expert on employment practices and labor
23 analysis issues. For that reason, I recommended the ERS Group to TUSD. As far as I
24 knew and know, neither TUSD nor its employees had any previous contact or personal or
25 professional relationship with either Dr. Baker or the ERS Group, and neither had
26 performed any previous services for the District or its employees.

27 4. At the request of Mr. Brown, I contacted Dr. Baker and asked her if she
28 would be willing to conduct a labor market analysis for the TUSD. In talking with Dr.

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1 Baker, I did not direct her or express any opinion on what the results of the labor market
2 study should be. I also did not direct her or try to influence in any manner regarding her
3 data gathering or its sources, her analysis of whatever data she utilized, or any conclusions
4 that she might draw regarding that data. The purpose of hiring a competent independent
5 and *outside* consultant was to obtain an objective analysis in order for TUSD to develop, as
6 required by the Unitary Status Plan, an effective outreach, recruitment and retention plan
7 regarding its African American and Latino administrators and certificated staff.

8 5. In August 2012, I advised the Special Master that TUSD intended to retain the
9 ERS Group, and that I have worked with ERS Group in other cases. I also asked the
10 Special Master if he had any other suggestions for consultants that TUSD should use
11 instead of Dr. Baker. A true and correct copy of my August 10, 2012, 1:06 p.m. email to the
12 Special Master is attached hereto as Exhibit B.

13 6. The Special Master advised me that he approved of TUSD's use of the ERS
14 Group for the labor market study. He did not make any suggestions for alternative
15 consultants. The Special Master also advised me that he anticipated TUSD could expect a
16 challenge to TUSD's labor market study no matter what the ERS Group did. A true and
17 correct copy of the Special Master's emails to me dated August 10, 2012 at 11:43 a.m. and
18 3:44 p.m. are attached hereto as Exhibits A and C.

19
20 I declare under penalty of perjury under the laws of the United States of America
21 that the foregoing is true and correct.

22 DATED this 16th day of June, 2014.


23
24 
25 Maree F. Sneed
26
27
28

EXHIBIT A

From: Willis D. Hawley [<mailto:wdh@umd.edu>]
Sent: Friday, August 10, 2012 11:43 AM
To: Faras, Nonie
Cc: Brown, Samuel; Sneed, Maree F.
Subject: RE: TUSD - Documents Completed by ERS Group - Privileged and Confidential

Seems to me that you would want a scope of work. What do they propose to do to address the issues of the appropriate labor market. Otherwise, there could be energy spent contesting the method. What do these folks know about education labor markets, for example. You can expect the Parties to contest this study. Bill

EXHIBIT B

From: Sneed, Maree F. [<mailto:maree.sneed@hoganlovells.com>]
Sent: Friday, August 10, 2012 1:06 PM
To: Willis D. Hawley; Faras, Nonie
Cc: Brown, Samuel
Subject: RE: TUSD - Documents Completed by ERS Group - Privileged and Confidential

Bill,

I have used ERS in other school cases. If you have another suggestion for who we should use, please let me know.

Maree

EXHIBIT C

From: Willis D. Hawley [<mailto:wdh@umd.edu>]
Sent: Friday, August 10, 2012 3:44 PM
To: Sneed, Maree F.
Subject: RE: TUSD - Documents Completed by ERS Group - Privileged and Confidential

I have no problem with the contractor—I looked them up. My point is that the other parties feel very strongly about hiring and retention. As do I. So, you can expect a challenge to whatever they do. Since there are choices to be made in doing this analysis, what is it they propose to do? It would seem that we do not want to draw out the issue of the district's obligations.

Bill