

Federal Judge Denies Relief Against D.C. Public Schools

Washington, D.C. – Sept. 27, 2004: With legal representation by a team of Crowell & Moring attorneys, the District of Columbia Public Schools emerged victorious Sept. 15 after a federal judge denied a motion by class counsel for special education students to hold the school system in contempt and for the appointment of a Court Monitor to oversee and investigate DCPS's processing and payment of invoices for private providers of special education services. The plaintiffs claimed the school system was in violation of a 2002 court order requiring that invoices submitted by providers of special education and related services be paid within 30 days of receipt, or disputed within 20 days. Despite DCPS's diligent and successful efforts to identify and address barriers to compliance, the plaintiffs filed their motion for relief with Judge Paul Friedman who oversees the class action. Judge Friedman denied the motion, ruling that, in light of DCPS's efforts and "substantial improvement," the plaintiffs' motions for "punitive" relief was inappropriate, and that a Court Monitor was unwarranted.

At the time the motion was filed, C&M's attorneys and staff already had been working with DCPS to improve and implement its payment system to ensure compliance with the order, and had made significant progress in addressing and correcting barriers to compliance. As of the date of the argument, DCPS had reached nearly 99 percent compliance over the last six months and, to further enhance the system, had offered comprehensive proposed revisions to the order governing payments for the Judge's consideration. Still, plaintiffs' counsel urged contempt and the appointment of a Court Monitor to investigate DCPS's payment practices and report findings to the court. Plaintiffs' counsel also objected to DCPS's proposed revisions to the payment order, arguing that no modifications should be ordered without agreement from both parties.

Laurel Malson argued the case, while Aryeh Portnoy and Malson wrote extensive briefs. From the bench, Judge Friedman denied the plaintiffs' motion and referred C&M's recommended revisions to the Special Master in the case. In addition to Malson and Portnoy, legal assistant Chris Williamson assisted in monitoring the school system's progress on the payments. Katie Nesbitt, Alyssa Gsell, Monica Parham, Sandy Gramman and Heather Hormel also worked on the case. Portnoy and Malson are pleased with the outcome:

"DCPS continues to work extremely hard to improve its entire special education program, as well as its relationships with special education providers," Portnoy said. "It is encouraging to see the Court recognize DCPS's efforts and successes in this regard."

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