
Leading Boston Law Firms Join Forces to Challenge Public Charter School Cap, Ensure Students' Rights

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Ahead of public charter schools' lotteries this week, firms announce intention to file suit

In an unprecedented joint legal effort, three leading Boston law firms—WilmerHale, Goodwin Procter, and Foley Hoag—announced this morning that they plan to file a pro bono lawsuit on behalf of Boston school students to lift the state's cap on public charter schools and ensure every student's constitutional right to an adequate education.

"Every student in Boston has a right to an adequate education, yet thousands of students are unfairly denied that right every year by the artificial limits placed on public charter schools operating in the city," said **William Lee**, a partner at WilmerHale, who previously served as the firm's co-managing partner. "As a result, these students are often forced to attend schools where most students cannot read or do math at grade level."

Boston's public charter schools are part of the system of public education. They are open to all students in the city, but because of an artificial legal cap that limits the number of public charter school seats and the number of public charter schools that can operate in Boston, the demand for seats far exceeds the supply. As a result, public charter schools are forced to conduct lotteries to determine which students to admit. In 2014, thousands of students were unable to secure a seat through the schools' lotteries.

"Boston's public charter schools are helping students succeed. But to get into one of the city's public charter schools, kids literally have to win the lottery. Kids should not have to be lucky to get an adequate education," said **Paul Ware**, a partner at Goodwin Procter and former chairman of the firm's litigation department. "It's time for action to ensure that all students in Boston have stronger educational opportunities."

The three law firms will file a lawsuit on behalf of students who are deprived of a spot in one of the city's public charter schools through the lottery system and find themselves trapped in a failing non-charter public school.

"Public charter schools are a critical part of our public education system, and if we lifted the cap, more of them would open their doors," said **Michael Keating**, a partner at Foley Hoag and past

chairman of the firm's litigation department. "The legislature has not acted to remove this artificial cap on students' rights, so now we are asking the court to act."

Boston's public charter schools consistently outperform the city's district schools. For example, in 2013, researchers from MIT found that attendance at public charter schools had substantial positive effects on student achievement, improving proficiency rates for admitted middle school students by 12 percentage points in math and 6 percentage points in English over those who applied but did not win a seat through the lotteries. For high school students, the improvement was approximately 10 percentage points in both subjects.

For each of the three law firms, this lawsuit is the latest example of a long history of committing resources pro bono to address issues of social justice on behalf of children. For example, WilmerHale aided a lawsuit that led to a landmark ruling where the court found that the state had violated federal law in failing to provide mental health services to 15,000 children; Goodwin Procter was class counsel in a lawsuit vindicating the right of thousands of homeless children in New York State to obtain access to public schooling; and Foley Hoag represented the plaintiffs in the Boston schools desegregation case before Judge W. Arthur Garrity, Jr. This suit, however, is the first time that the three firms have joined together to bring a pro bono case to court.

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