

LESSON PLAN

Thomas Ahearne

[LEAD ATTORNEY, *MCCLEARY V. STATE OF WASHINGTON*]

LAW As the lead plaintiffs' counsel in *McCleary v. the State of Washington*, Thomas Ahearne, an attorney with Seattle-based Foster Pepper PLLC, proved to be a force of nature. Undertaking the biggest education-finance lawsuit in three decades, Ahearne and his team shined a glaring spotlight on the state's failure to provide—in the words of King County Superior Court Judge John Erlick—"ample, stable and dependable funding" to the state's 1 million public school-children. The significance of the case is "enormous," says Ahearne. "[This ruling] eliminates the excuses state officials use to pretend they are not violating their oaths to comply with our state constitution," he says. "To be blunt," he adds, "[the] plaintiffs concluded that 30 years of lip service is enough: The state must put its money where its mouth is."

In 1978, the Washington Supreme Court ordered that the state comply with the Washington Constitution, unequivocally mandating that "it is the paramount duty of the state to make ample provision for the education of all children residing within its borders." Every year since, says Ahearne, "The governors and the state legislatures have promised to comply 'tomorrow,' but 'tomorrow' never comes."

Though Washington is the only state in the country with a constitution making education the paramount duty of the state, its per-pupil expenditure has plummeted to 45th in the nation, says Ahearne. The state is expected to fight the ruling, but at press time it had yet to file an appeal.

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