No. A22-0118

STATE OF MINNESOTA
IN SUPREME COURT

Alejandro Cruz-Guzman, as guardian and next Friend of his minor children, et al.,

Plaintiff-Petitioners,

v.

State of Minnesota, et al.,

Defendant-Respondents,

and

Higher Ground Academy, et al.,

Intervenor-Respondents.

BRIEF OF *AMICI CURIAE* AMERICAN CIVIL LIBERTIES UNION AND AMERICAN CIVIL LIBERTIES UNION OF MINNESOTA

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INTEREST OF *AMICI CURIAE*[1]

The American Civil Liberties Union Foundation (ACLU) is a nationwide, nonprofit, nonpartisan organization with nearly two million members and supporters dedicated to the principles of liberty and equality embodied in our nation's Constitution and civil rights laws. In support of these principles, the ACLU has appeared as direct counsel or *amicus curiae* in numerous cases concerning educational equity and the rights of students. *See, e.g.*, *Mahanoy Area Sch. Dist. v. B. L. by & through Levy*, 141 S. Ct. 2038 (2021); *Fisher v. Univ. of Tex. at Austin*, 579 U.S. 365 (2016); *Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007); *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).

The American Civil Liberties Union of Minnesota (ACLU-MN) is the statewide Minnesota affiliate of the ACLU. The ACLU-MN is a private, nonprofit, nonpartisan organization supported by approximately 39,000 individuals in the State of Minnesota. Its purpose is to protect the rights and liberties guaranteed to all Minnesotans by the United States and Minnesota Constitutions and laws, including the Minnesota constitutional right to an adequate education embodied in Article XIII Section I of the Minnesota

[1] No counsel for any party authored this brief in whole or in part, and no person or entity other than *amici curiae* or their counsel made a monetary contribution to the preparation or submission of this brief.

Constitution, and the rights to Due Process and Equal Protection embodied in Article I of the Minnesota Constitution. This case implicates the proper understanding of each of these provisions. Consequentially, for example, the ACLU-MN participated as an *amicus curiae* supporting the Petitioners when this Court considered whether their claims are justiciable. *See Cruz-Guzman v. State*, 916 N.W.2d 1 (Minn. 2018). The interest of the ACLU and the ACLU-MN in this case is therefore public.

INTRODUCTION

In this Court's prior opinion in this case, it explained in no uncertain terms that "[i]t is self-evident that a segregated system of public schools is not 'general,' 'uniform,' 'thorough,' or 'efficient,'" as required by the Education Clause of the Minnesota Constitution. *Cruz-Guzman v. State*, 916 N.W.2d 1, 10 n.6 (Minn. 2018) (quoting Minn. Const. art. XIII, § 1). Despite that clear statement, the district court and court of appeals ruled that the institution of, and failure to remedy, a school system segregated by race and socioeconomic status is insufficient to establish an Education Clause violation, requiring instead a showing of *de jure* segregation. This appeal offers the Court an opportunity to confirm that it meant what it said.

Both the district court and court of appeals erred by holding that an Education Clause violation requires a showing of intentional *de jure* racial segregation. As set forth below, that conclusion is at odds with this Court's previous decision in this case, is not mandated by the Fourteenth Amendment to the federal Constitution and is premised in part on premature considerations of remedies. Rather, the text of the Education Clause and this Court's previous decisions interpreting the provision counsel just the opposite conclusion: the operation of a segregated public school system—whether by race, socioeconomic status, or both—and its associated harms is sufficient to demonstrate that the Legislature has failed to establish an adequate

educational system in line with its affirmative obligations under the Education Clause.

In providing guidance on the second question posed by this case, whether the Education Clause requires additional proof of causation, *Amici* respectfully submit that it does not. Evidence of *de facto* segregation along racial and/or socioeconomic lines, coupled with a showing of poor academic performance, as shown here, is sufficient to establish an Education Clause violation. Such a rule is consistent with the Education Clause and this Court's jurisprudence.

At bottom, the pervasive and invidious harms of racial and socioeconomic segregation in public school systems cannot be seriously questioned. Where, as here, there is no dispute that the public school system is segregated by race and socioeconomic status—and that such segregation results in harms to educational outcomes as compared to non-segregated schools—the Minnesota Constitution is satisfied.[2]

ARGUMENT

I. There Is A Compelling Government Interest In Diversifying Minnesota Schools And Ensuring That Educational Opportunities Are Available To All Students Equally.

As an initial matter, not only have courts recognized that segregation in schools—whether *de jure* or *de facto*—results in harms to student outcomes,

[2] In the interest of efficiency, *Amici* adopt the statement of facts provided by Plaintiff-Petitioners in their brief.

there is ample evidence that diversity in schools realizes benefits consistent with the State's affirmative obligation to provide a uniform and adequate education under the Minnesota Constitution. Indeed, the advantages of racial diversity in schools flow in all directions, *i.e.*, to non-minority and minority students alike.[3] There are benefits for **all students** who interact with classmates from different backgrounds, cultures, and orientations.[4] Diverse classrooms enrich **all students** because they promote creativity, motivation, deeper learning, critical thinking, and problem-solving skills.[5] Integrated, diverse education has been shown to improve the development of cross-racial trust and the ability to navigate cultural differences.[6] Diverse student bodies

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[3] Amy Stuart Wells et al., *How Racially Diverse Schools and Classrooms Can Benefit All Students*, CENTURY FOUNDATION 1, 14 (Feb. 9, 2016), https://tcf.org/content/report/how-racially-diverse-schools-and-classrooms-can-benefit-all-students/?agreed=1.

[4] *See* Linda R. Tropp & Suchi Saxena*, Re-Weaving the Social Fabric through Integrated Schools: How Intergroup Contact Prepares Youth to Thrive in a Multiracial Society,* NATIONAL COALITION ON SCHOOL DIVERSITY (May 2018), http://www.school-diversity.org/wp-content/uploads/2018/05/NCSD_Brief13.pdf.

[5] *Id*.

[6] Nancy McArdle & Dolores Acevedo-Garcia*, Consequences of Segregation for Children's Opportunity and Wellbeing*, A SHARED FUTURE SYMPOSIUM 1, 12 (Apr. 2017), https://www.jchs.harvard.edu/sites/default/files/a_shared_future_consequences_of_segregation_for_children.pdf. "[E]nrolling a diverse student body 'promotes cross-racial understanding, helps to break down racial stereotypes, and enables students to better understand persons of different races.'" *Fisher v. Univ. of Tex. at Austin* (*Fisher II*), 579 U.S. 365, 381 (2016) (quoting *Grutter v. Bollinger*, 539 U.S. 306, 330 (2003)).

also facilitate critical learning by opening up students to diverse viewpoints and generating a "robust exchange of ideas." *Grutter v. Bollinger*, 539 U.S. 306, 324 (2003) (citation omitted). Further, "student body diversity promotes learning outcomes, and better prepares students for an increasingly diverse workforce and society." *Fisher v. Univ. of Tex. at Austin (Fisher II)*, 579 U.S. 365, 381 (2016) (citation omitted). Cross-cultural navigational skills are highly valued in the marketplace.[7]

Indeed, evidence suggests that increasing diversity in schools helps **all students** improve achievement in math, science, language, and reading.[8] Diverse K-12 schools are positively associated with better post-secondary outcomes and students who attend them are more likely to graduate from high school, attend and graduate from college, enter a science, technology, engineering, and mathematics (STEM) field, and have higher occupational and income attainment.[9]

Diverse student bodies also produce students who are better engaged in civil society. Education is "the very foundation of good citizenship." *Brown v. Bd. of Ed. of Topeka, Shawnee Cnty., Kan.,* 347 U.S. 483, 493 (1954). Reduction in bias and stereotypes, along with increased empathy and understanding of

[7] McArdle, *supra* note 6, at 12.
[8] *Id.*
[9] *Id.*

other races fostered by an integrated education, all prepare students to be better citizens in an increasingly diverse democracy.[10] Empirical evidence from almost four decades of research shows that an integrated education can foster greater adherence to democratic values and enhances a person's propensity for civic engagement.[11] A diverse student population helps prepare students to be citizens that can fully participate in creating a multiethnic, just, and democratic society.[12] To that end, the educational benefits of a diverse student body are immense and include, but are not limited to, increased critical thinking and problem-solving skills, increased ability to navigate cultural differences, and increased empathy and understanding of others that will enable a student to discharge his or her duties as a citizen of the republic.

Segregated education also poses particular harms to Black and brown students. Due to the increase in racially and socioeconomically segregated schools, many Black and Latinx students do not receive an education on par with white students.[13] The confluence of residential segregation and growing

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[10] McArdle, *supra* note 6, at 12.

[11] Roslyn Arlin Mickelson, *School Integration and K-12 Outcomes: An Updated Quick Synthesis of the Social Science Evidence*, NATIONAL COALITION ON SCHOOL DIVERSITY 1, 5-6 (Oct. 2016), http://www.school-diversity.org/pdf/DiversityResearchBriefNo5Oct2016Big.pdf.

[12] *Id*.

[13] *See, e.g.*, Emma García, *Schools Are Still Segregated, and Black Children Are Paying a Price*, ECON. POL'Y INST. (Feb. 12, 2020), https://files.epi.org/pdf/185814.pdf; *Public Education Funding Inequity in an Era of Increasing Concentration of Poverty and Resegregation*, U.S. COMM. ON

income inequality has led to the "double-segregation" of Black and Latinx students, meaning that Black and Latinx students are more likely to attend both racially segregated *and* high poverty schools.[14] Residential segregation perpetuates school funding inequalities because "it creates higher-income communities, with predominantly white school districts that have more local tax revenue for their schools, compared to fewer dollars and resources for school[s] . . . in low-income, minority neighborhoods."[15] Even when comparing communities across similar income levels, Black and Latinx communities are more likely to receive fewer resources than white communities.[16] A 2018 study published by the U.S. Commission on Civil Rights found that Black and Latinx students have less access to high-rigor courses than white students, and are twice as likely as white students to attend schools with a higher percentage of

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CIV. RTS., 63–64 (Jan. 2018), https://www.usccr.gov/files/pubs/2018/2018-01-10-Education-Inequity.pdf; Ariel Jao & Associated Press, *Segregation, School Funding Inequalities Still Punishing Black, Latino Students*, NBC NEWS (Jan. 12, 2018), https://www.nbcnews.com/news/latino/segregation-school-funding-inequalities-still-punishing-black-latino-students-n837186.

[14] Gary Orfield et al., *Brown at 60: Great Progress, a Long Retreat and an Uncertain Future*, UNIV. CAL. L.A. CIV. RTS. PROJECT 11, 15 (May 15, 2014), https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/brown-at-60-great-progress-a-long-retreat-and-an-uncertain-future/Brown-at-60-051814.pdf.

[15] Jao, *supra* note 13.

[16] Will McGrew, *U.S. School Segregation in the 21st Century*, WASH. CTR. FOR EQUITABLE GROWTH 11 (Oct. 15, 2019), https://equitablegrowth.org/research-paper/u-s-school-segregation-in-the-21st-century/.

inexperienced teachers.[17] These manifestations of inequitable funding, both in the form of reduced access to high-rigor courses and inexperienced teachers, inevitably results in achievement gaps for Black and Latinx students.[18]

Recognizing the importance of integration and diversity in education, the U.S. Supreme Court has recognized that there is a "compelling interest in securing the educational benefits of a diverse student body." *Grutter*, 539 U.S. at 333. The State likewise has a compelling interest—and affirmative obligation—in furthering the education of its young citizens by creating "general," "uniform," "thorough," and "efficient" schools that are diverse across races and socioeconomic status. Specifically, as this Court has recognized, a qualitatively adequate education under the Minnesota Constitution is one that will equip a student to discharge his or her duties as a citizen of the republic. *Cruz-Guzman*, 916 N.W.2d at 12; *Skeen v. State*, 505 N.W.2d 299, 310 (Minn. 1993) (identifying the purpose of the Education Clause) (citing *Bd. of Educ. of Town of Sauk Ctr. v. Moore*, 17 Minn. 412, 416 (1871)). As evidenced in research and in case law, racial and socioeconomic diversity in schools can ensure that citizens will be able to intelligently discharge their duties as citizens. Crucially, the continuing absence of racial and socioeconomic

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[17] *Public Education Funding Inequity in an Era of Increasing Concentration of Poverty and Resegregation*, U.S. COMM. ON CIV. RTS., 63–64 (Jan. 2018), https://www.usccr.gov/files/pubs/2018/2018-01-10-Education-Inequity.pdf.
[18] Jao, *supra* note 13.

diversity in schools will only perpetuate the same harmful outcomes that segregated schools exemplify.

II. The Education Clause Establishes An Affirmative Duty To Provide An Adequate Education And The State Has Failed To Meet This Obligation In This Case.

As the previous section makes clear, providing a "general," "uniform," "thorough," and "efficient" public education as the Education Clause of the Minnesota Constitution means ensuring desegregated and inclusive public schools. As this Court and the lower courts have recognized, "the Education Clause has been interpreted by the [Minnesota] [S]upreme [C]ourt on only a few occasions." *Cruz-Guzman v. State*, 980 N.W.2d 816, 823 (Minn. Ct. App. 2022) (citing *Cruz-Guzman*, 916 N.W.2d at 8). The Court should seize this opportunity to articulate whether and how evidence of *de facto* racial and socioeconomic segregation—and the associated harms—suffice to establish an Education Clause violation.

In the prior appeal, this Court held that the Education Clause necessarily embodies an implicit qualitative component. *Cruz-Guzman*, 916 N.W.2d at 12 ("[A]lthough the exact phrase ['adequate education'] does not appear" in the Education Clause, "the framers could not have intended for the Legislature to create a system of schools that . . . produced a wholly inadequate education."). That is, the Education Clause requires the Legislature to establish a school system that provides a substantively adequate education to

its students. *Id.* This determination is consistent with those of the high courts of sister states, which have routinely ruled that similar state constitutional provisions include qualitative components. *See Conn. Coalition for Justice in Educ. Funding, Inc. v. Rell*, 990 A.2d 206, 244-50 (Conn. 2010) (collecting cases). Indeed, were this Court and others to conclude otherwise, the enshrinement of a right to education in the state constitution would have little more than ceremonial meaning: "[W]hen the constitution says free education it must be interpreted in a reasonable way. A town may not herd children in an open field to hear lectures by illiterates." *Id.* at 232 (citation omitted).

The Connecticut Supreme Court's analysis of its education clause in *Connecticut Coalition for Justice* is instructive. The Connecticut Constitution provides that "[t]here shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation." Conn. Const. art. 8, § 1. This provision, like the Education Clause in the Minnesota Constitution, "does not contain any [express] qualitative language." *Conn. Coalition for Justice*, 990 A.2d at 229. Nevertheless, after conducting a detailed analysis of other state supreme court decisions addressing similar constitutional provisions, the Connecticut Supreme Court found that its state constitution "guarantees Connecticut's public school students educational standards and resources suitable to participate in democratic institutions, and to prepare them to attain productive

employment and otherwise to contribute to the state's economy, or to progress on to higher education." *Id.* at 212. Simply put, the Education Clause in the Minnesota Constitution, like the Education Clause in Connecticut's constitution "necessarily embodies some qualitative component." *Id.* at 234.

The Connecticut Supreme Court further noted that "those state courts . . . overwhelmingly have held that there is a floor with respect to the adequacy of the education provided pursuant to their states' education clauses; that education must be in some way 'minimally adequate' or 'soundly basic.'" *Id.* at 249–50. Moreover, "many of these decisions have articulated ***comprehensive standards*** that have defined the components of a constitutionally adequate education." *Id.* at 250 (emphasis added) (referencing, *e.g.*, *Campaign for Fiscal Equity, Inc. v. State*, 655 N.E.2d 661 (N.Y. 1995); *Campaign for Fiscal Equity, Inc. v. State*, 801 N.E.2d 326 (N.Y. 2003); *Claremont Sch. Dist. v. Governor*, 703 A.2d 1353 (N.H. 1997); *Rose v. Council for Better Educ., Inc.*, 790 S.W.2d 186 (Ky. 1989)).

Here, the Court need not articulate comprehensive standards for adequacy. Rather, the Court need only address one narrow question: whether the fact of racial segregation and socioeconomic segregation establishes a viable Education Clause claim. Notably, the Court has already answered this question in the affirmative: "It is self-evident that a segregated system of public schools is not 'general,' 'uniform,' 'thorough,' or 'efficient.'" *Cruz-*

Guzman, 916 N.W.2d at 10 n.6. A segregated school system cannot satisfy the Legislature's duty under the Education Clause to provide a uniform and adequate education, and, as such, the existence of such segregation—*de jure* or not—necessarily proves an Education Clause violation.

Consistent with the Court's prior determination, there is ample reason to hold that *de facto* segregation—on the basis of race, socioeconomic status, or both—establishes an Education Clause violation absent evidence of *de jure* segregation. In its prior decision, the Court emphasized the importance of the Education Clause's opening phrase: "The stability of a republican form of government depending mainly upon ***the intelligence of the people***[.]" *Id.* at 7-8 (emphasis added) (quoting Minn. Const. art. XIII, § 1). From this phrase, the Court reasoned that "[t]he framers could not have intended for the Legislature to create a system of schools that was 'general and uniform' and 'thorough and efficient' but that produced a wholly inadequate education" because such a system would plainly not "'fit [the public] to discharge *intelligently* their duties as citizens of the republic.'" *Id.* at 12 (quoting *Bd. of Educ. of Town of Sauk Ctr.*, 17 Minn. at 416). Thus, given the import of "the intelligence of the people" and the public's fitness "to discharge intelligently their duties as citizens," the Court should interpret the implicit adequacy requirements of the Education Clause in a way that furthers, rather than hinders, these ideals.

Just as it was "self-evident that a segregated system of public schools is not 'general,' 'uniform,' 'thorough,' or 'efficient,'" *id.* at 10 n.6, it is likewise self-evident that the harms of racial and socioeconomic segregation—both obvious and insidious—undermine the goal of preparing the public to intelligently discharge their civic duties. As detailed above, segregated school systems are apt to impose on students the serious and long-lasting harms of segregation itself; whether intended by the Legislature or not, the fact of segregation undoubtedly affects young Minnesotans' ability "to discharge intelligently their duties as citizens." *Id.* at 12. Given the well-established harms of segregation, and because segregation itself undermines the adequacy of the education provided to students, the Court should not hesitate to conclude that a school system that is, as a matter of fact, segregated, can form the basis of an Education Clause violation.

To be sure, the Court need not go so far as concluding that *de facto* segregation is a *per se* violation of the Education Clause in order to rule for Plaintiff-Petitioners. Within a highly segregated and unequal education system, there may be schools such as the charter school intervenors in this case that seek to fill a void within the larger inadequate system, providing for high quality education and an inclusive and affirming school climate to those students they serve. These schools strive to better serve students within an already segregated education context shaped by the larger education system.

The efforts of these schools stand distinct from the ongoing maintenance of a segregated and academically deficient system of education in the district. Racial and socioeconomic segregation in public schools as a general matter has and will continue to fall short of adequately preparing all children "to discharge intelligently their duties as citizens." *Id.*

III. The Federal Constitution Presents No Barrier To Concluding That The State Violated The Education Clause Of The Minnesota Constitution.

Ruling in Plaintiff-Petitioners' favor will not conflict with the equal protection provisions of either the federal Constitution or the Minnesota Constitution. As this Court well knows, the federal Constitution does not guarantee a federal right to education, instead leaving the contours of this important right to the states. *See Plyler v. Doe*, 457 U.S. 202, 221 (1982) ("Public education is not a 'right' granted to individuals by the Constitution. But neither is it merely some governmental 'benefit' indistinguishable from other forms of social welfare legislation. Both the importance of education in maintaining our basic institutions, and the lasting impact of its deprivation on the life of the child, mark the distinction." (citing *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 35 (1973) ("Education, of course, is not among the rights afforded explicit protection under our Federal Constitution. Nor do we find any basis for saying it is implicitly so protected."))).

The Education Clause contained in the Minnesota Constitution is thus a unique creature of state law, and it operates as such. Unlike the equal protection provisions of the federal and Minnesota Constitutions, the Education Clause does not operate to prohibit harmful action or otherwise limit government conduct. *See generally Collins v. City of Harker Heights*, 503 U.S. 115, 126–27 (1992) (observing that the Fourteenth Amendment "is phrased as a limitation on the State's power to act" rather than a "guarantee" of any rights, and further noting that "its language cannot fairly be extended to impose an affirmative obligation on the State to ensure that [the interests it identifies] do not come to harm") (quoting *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, 489 U.S. 189, 195 (1989)); *State v. Russell*, 477 N.W.2d 886, 889 (Minn. 1991). Instead, as detailed above, the Education Clause imposes an affirmative duty on the State to provide its citizens with a general, uniform, thorough, and efficient education. This obligation is absent from the federal Constitution and operates independently from the equal protection guarantees set forth in the federal and Minnesota Constitutions.

Although the federal Constitution is silent on the subject of education, federal cases concerning school desegregation periodically have arisen. These cases, however, implicate the Equal Protection Clause of the Fourteenth Amendment to the federal Constitution, not state constitutional provisions concerning constitutional entitlements to a uniform and adequate public

education. As such, the U.S. Supreme Court has expressly recognized that the subject-matter jurisdiction of the federal courts includes the power to remedy only *de jure* segregation, not *de facto* segregation. *See Keyes v. Sch. Dist. No. 1, Denver, Colo.*, 413 U.S. 189, 208 (1973); *Milliken v. Bradley*, 418 U.S. 717, 744–45 (1974).

At the same time, the U.S. Supreme Court has acknowledged that in some situations states not only may but must—as a consequence of state law—do more than what is required under the Fourteenth Amendment and may do so without violating that provision. *See Crawford v. Bd. of Educ. of City of Los Angeles*, 458 U.S. 527, 535–36, 544 (1982) ("[T]he California Constitution still imposes a greater duty of desegregation than does the Federal Constitution. The state courts of California continue to have an obligation under state law to order segregated school districts to use voluntary desegregation techniques, whether or not there has been a finding of intentional segregation. The school districts themselves retain a state-law obligation to take reasonably feasible steps to desegregate, and they remain free to adopt reassignment and busing plans to effectuate desegregation."); *Bustop, Inc v. Bd. of Educ. of City of Los Angeles*, 439 U.S. 1380, 1382–83 (1978) (Rehnquist, J., denying application for stay) ("So far as this Court is concerned, [state courts] are free to interpret the Constitution of the State to impose more stringent restrictions on the operation of a local school board."). Consistent with this prerogative, "[i]t is now

axiomatic that [this Court] can and will interpret our state constitution to afford greater protections of individual civil and political rights than does the federal constitution." *Kahn v. Griffin*, 701 N.W.2d 815, 828 (Minn. 2005).

In the prior appeal in this case, the Court reaffirmed that "education ***is*** a fundamental right under the state constitution, not only because of its overall importance to the state but also because of the explicit language used to describe this constitutional mandate." *Cruz-Guzman*, 916 N.W.2d at 11 (quoting *Skeen v. State*, 505 N.W.2d 299, 313 (Minn. 1993)). Thus, it stands to reason that the Legislature's failure to provide an adequate education free from segregation violates both the Legislature's affirmative obligation under the Education Clause ***and*** young Minnesotans' fundamental right to education. Thus, the Court may, consistent with the equal protection clause of the Minnesota Constitution, rule that *de facto* segregation violates the Education Clause. Accordingly, a ruling that *de facto* segregation violates the Education Clause would not run afoul of the equal protection provisions in the U.S. and Minnesota Constitutions.

CONCLUSION

The fact of racial and socioeconomic segregation in public schools, and the harms associated with it, is sufficient to establish that the State has failed to provide a uniform and adequate education to all its citizens. Indeed, ensuring racial and socioeconomic diversity in public schools is consistent with

the State's mandate to provide a uniform and adequate education. *Amici* respectfully submit that evidence of *de facto* segregation raises a presumption of an Education Clause violation, which may be rebutted by a showing that the school system nevertheless provides an adequate education. Such a rule would be consistent with the Education Clause and equal protection jurisprudence. Thus, *Amici* urge the Court to reverse and remand.

Dated: February 2, 2023

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CERTIFICATION OF BRIEF LENGTH

I hereby certify that this brief conforms to the requirements of Minn. R. Civ. App. P. 132.01, subds. 1 and 3, for a brief produced with a proportional font, 13-point or larger. The length of this brief is 4,712 words. This brief was prepared using Microsoft Word for Office 365 MSO.

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