

Nov. 17, 2017

Mr. Nick Schuler
Office of the Inspector General
Chicago Public Schools
VIA EMAIL

Mr. Schuler:

Throughout my career in public service, I have championed and promoted honest, ethical government. That is the minimum we owe the community we serve. I also believe strongly that those of us in public office must hold ourselves to the same ethical standards we expect of others. In reviewing our discussions, and my own recollections, it is clear to me that in one respect I have fallen short.

From the start of our pursuit of justice for Chicago students, my goal has been to assemble the best possible legal team to pursue a civil rights suit against the state for its shameful funding discrimination that threatened the very existence of a system that overwhelmingly serves minority students.

I was convinced then and now that Jenner and Block offered the best legal team. And, the firm undertook the case for a vastly reduced fee and, ultimately, on a pro bono basis. The firm donated more than \$1million in free services to this effort.

At some point, however, the issue was raised as to whether our chief counsel, Ronald Marmer, could supervise this work because he had retired from Jenner several years ago and was entitled under the terms of his departure to fixed severance payments from the firm based on his thirty years there. A rule from the Board of Education prohibits employees from supervising contracts between CPS and entities with which they have an ongoing business relationship. The rule is designed to protect CPS from a situation where a supervisor can trade favors with a contractor to the detriment of the system and taxpayers. But Jenner was not profiting and Mr. Marmer's settlement with the firm did not depend on its performance, so I was convinced the rule did not apply. Indeed, an independent outside counsel subsequently offered such an opinion.

But I had already informally asked two lawyers on contract with CPS about this issue. I was disturbed when they then billed for their advice, because I had not asked for a formal opinion and did not expect to be charged for one. And, to be candid, I didn't agree with their advice and didn't want it to undercut public confidence in our lawsuit, or create a distraction to the civil rights violations of Chicago's students.

As I have told you, I did not recall asking for changes to make the description of services on one of those bills less specific. However differently I recalled my past conversation, the documents you shared with me this week make it clear I did do that. I apologize for that mistake. Cutting corners, even in pursuit of the rescue of this institution, simply is not excusable. I was wrong, plain and simple.

I pursued the civil rights case with a sharp focus on doing what was best for CPS and our students. I would not, and did not, take a single step to help anyone involved in this case reap a profit. And, indeed, no one did.

Fundamentally, here's what I believed then and still do:

I strongly believe there was no ethics violation.

I believe the board policy lacks clarity and that the intent of the policy should matter.

I believe Jenner & Block was the best possible law firm for the job.

I believed winning the lawsuit was the key to saving our classrooms.

I believe the right step was asking Jenner & Block to continue the litigation for free, removing even the perception of an ethics policy conflict.

For me, the bottom line is to be here in service to the kids. That's what motivated me, and what has motivated me in my decades of public service to the people of Chicago.

Sincerely,



Forrest Claypool
Chief Executive Officer
Chicago Public Schools