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**COMMON GOOD HONORS THREE JUDGES  
WITH THIRD ANNUAL GATEKEEPER AWARDS**

**This Year's Awards Honor Judges Who Have Thrown Out Unreasonable Claims  
Against Teachers and School Administrators**

New York, NY - January 25, 2006 - Common Good, the bipartisan legal reform coalition, announced today the recipients of its third annual Gatekeeper Awards. The Awards highlight the important role of judges in drawing legal boundaries of who can sue for what. They recognize judges whose decisions restore public confidence that reasonable actions will be supported by the courts. This year's awards highlight judges who made notable decisions with regard to lawsuits challenging educators.

The judges being recognized are:

- **Judge Richard J. Sankovitz**  
Milwaukee County Circuit Court, Milwaukee, WI
- **Judge Orlando F. Hudson, Jr.**  
North Carolina Superior Court, District 14, Durham, NC
- **Associate Justice Jim Gunter**  
Supreme Court of Arkansas, Little Rock, AR

“We honor these judges for exercising their crucial role as gatekeepers to our legal system,” said Philip K. Howard, Chair of Common Good. “In each of these cases, judges have protected our public schools from legal intrusions into the day-to-day running of our schools.”

They are being honored for writing the decisions in the following cases decided in 2005:

**Bruce Larson, et al. v. Elizabeth Burmaster, et al.**

Judge Richard J. Sankovitz, Case No. 05 CV 000159, Milwaukee County Circuit Court, March 8, 2005

Teachers should not have to worry about being sued over assigning homework to their students. Judge Richard J. Sankovitz made this clear in a case in which a father and son sued the state and local superintendents and teachers at Whitnall High School in Greenfield, Wisconsin, claiming that because a state statute bars schools from opening until September 1<sup>st</sup>, the school could not require students to complete summer homework.

The plaintiffs argued that three summer homework assignments for an honors math class were burdensome. Judge Sankovitz disagreed, stating that the school board “is given broad powers by the legislature to ‘do all things reasonable to promote the cause of education.’” He dismissed the case, holding that “whether homework is a good idea or not, the Whitnall School District is well within its authority to require summer homework ... and to make the satisfactory completion of it an element of his grade.”

**Luping Qu v. North Carolina School of Science and Mathematics**

Judge Orlando F. Hudson, Jr., Case No. 04 CV 06351, North Carolina Superior Court, District 14, April 11, 2005

Teachers should not fear lawsuits over grades. Judge Orlando F. Hudson, Jr. shared this sentiment in a case where a father sued his daughter’s public high school for, in part, “capricious grading,” alleging that his daughter’s evolution teacher incorrectly recorded several missing homework assignments. While not denying that his daughter had failed to do the homework, Mr. Qu nevertheless claimed that the error resulted in his daughter failing the class and sued the school. In its motion for summary judgment, in addition to arguing that as a state agency, the school, teachers, and administrators were immune from liability for discretionary actions, the school also noted that even if no such immunity existed, Mr. Qu’s claim should be barred because he failed to follow the school’s administrative procedures for contesting grades (procedures which Mr. Qu had used previously). Supporting the authority of schools in grading matters, Judge Hudson granted summary judgment for the school and dismissed Mr. Qu’s complaint.

**T.J. v. Virginia Hargrove, et al.**

Associate Justice Jim Gunter, Case No. 04-1055, Supreme Court of Arkansas, June 16, 2005

If a teacher suspects a student of cheating, that teacher should be able to take appropriate action. We are glad Associate Justice Jim Gunter made this clear when a parent took legal action after her 12-year-old son’s test scores in a voluntary accelerated reading program were omitted due to alleged cheating. Unsatisfied with the solutions proposed by the teacher and principal, T.J.’s mother filed a petition for a writ of mandamus asking that the disputed test scores be reinstated. Affirming the dismissal of the action by the trial court, Associate Justice Gunter held that T.J.’s mother had not sufficiently stated facts which would give rise to a legal remedy, and the court knew of “no law to compel [the school] to reinstate T.J.’s scores in a voluntary reading program.” Justice Gunter noted that there is a “general policy against intervention by the courts in matters best left to school authorities.”

*Common Good is a bipartisan legal reform coalition dedicated to restoring common sense to American law. Its board is composed of leaders in a wide range of fields: former government officials, including Howard Baker, Bill Bradley, Griffin Bell, Newt Gingrich, Eric Holder, George McGovern, Diane Ravitch, Alan Simpson, and Richard Thornburgh; current and former university presidents, including Tom Kean, George Rupp, and John Silber; and numerous other leaders in education, healthcare, law,*

*business, and public policy. The Chair of Common Good is Philip K. Howard, a lawyer and author of The Death of Common Sense and The Collapse of the Common Good.*

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