

ROGERS & HARDIN TEAM OBTAINS IMPORTANT VICTORY FOR APS AND FCS AT THE GEORGIA SUPREME COURT

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Rogers & Hardin attorneys Richard Sinkfield, Phillip McKinney, Catherine Bennett and Tim Fitzmaurice have obtained a significant appellate victory for Atlanta Public Schools and Fulton County Schools in a lawsuit brought by the City of Atlanta challenging the validity of a 1950 local constitutional amendment to the Georgia Constitution.

The local constitutional amendment that was challenged by Atlanta provides that if unincorporated territory in Fulton County is annexed, the annexed territory and school property becomes part of APS. Atlanta asserted that the local constitutional amendment was invalid because the statute that prevented the amendment from being repealed by operation of law in 1987 impermissibly amended the local constitutional amendment and also violated the Georgia Constitution's notice and distinct description requirements.

In late 2015, the Fulton County Superior Court upheld the constitutionality of the statute, affirmed the validity of the challenged local constitutional amendment, and dismissed the City of Atlanta's lawsuit.

The City appealed the Superior Court's decision to the Georgia Supreme Court, and, adopting an argument presented to the court by the Rogers & Hardin team, the Supreme Court held that "the trial court should have dismissed this action at the time that it was filed" because the City's lawsuit did not present an actual, justiciable controversy.

The effect of the Georgia Supreme Court's decision is that the 1950 local constitutional amendment remains in full force and effect as part of the Georgia Constitution.

A copy of the Georgia Supreme Court's decision can be found [here](#).