

For the International Municipal Lawyer's Association - IMLA's 5 things to know for February 1<sup>st</sup>

Sorry for the interruption of services for these updates. I had a lot going on but also saw my mom who is 101 – she's seen a lot in her life, so these updates are just a drop in the bucket for her. Nevertheless, a lot has happened the past two weeks, but just a quick update on some important topics.

1. Last week the Supreme Court decided two cases in which IMLA filed amicus briefs. One involved the question of whether filing in federal court stopped a state statute of limitations from running on state claims during the federal litigation and gave 30 days to file after the federal case ended or whether the period of limitations was stopped during the federal case and restarted afterwards with an additional 30 days in which to bring the state claim. While the former conclusion makes the most sense, the Supreme Court ruled that the second conclusion was the correct one.

ARTIS vs. DC [https://www.supremecourt.gov/opinions/17pdf/16-460\\_bqm2.pdf](https://www.supremecourt.gov/opinions/17pdf/16-460_bqm2.pdf)

2. The second case gave a much happier result and IMLA believes may be one of the most important decisions for local governments in recent years in terms of how the conclusion, had it gone the other way, could have adversely affected public safety. The case DC vs. Wesby involved the question of whether the police could arrest someone based on probable cause, or whether the police had a duty to investigate the person's claims of innocence before making an arrest. The court concluded that there had been sufficient probable cause to arrest trespassers and that the officers also should have been accorded immunity. The facts are pretty fun too.

[https://www.supremecourt.gov/opinions/17pdf/15-1485\\_1qm2.pdf](https://www.supremecourt.gov/opinions/17pdf/15-1485_1qm2.pdf)

3. In the State of Washington, its Supreme Court concluded that a supervisor in the fire service had been improperly disciplined for using the fire service's email system to proselytize the firefighter's religion. The case split the court on First Amendment issues associated with Free Speech and the Establishment Clause and is one we may see pop up as a petition at the Supreme Court.

SPRAGUE vs. SPOKANE VALLEY FIRE DEPARTMENT

<https://www.courts.wa.gov/opinions/pdf/938008.pdf>

4. There have been a couple of cases recently that should remind everyone that an employer's duty to eliminate harassment in the workplace includes consequences for not handling the matter properly. From my own experiences through to recent cases, addressing harassment in the fire service can be challenging and requires top down efforts to establish the boundaries of an harassment free workplace. Recent cases from the 1<sup>st</sup> Circuit and the 4<sup>th</sup> Circuit make this clear.

<http://media.ca1.uscourts.gov/pdf.opinions/16-2401P-01A.pdf>

<http://www.ca4.uscourts.gov/opinions/171152.U.pdf>

5. Speaking of the First Circuit, in a recent decision that court concluded that a pension statute does not create a contract with employees so there can be no impairment when benefits are changed.

<http://media.ca1.uscourts.gov/pdf/opinions/17-1293P-01A.pdf>

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