

For the International Municipal Lawyer's Association - IMLA's 5 things to know for January 18th

1. There are many issues involving medical marijuana for us to consider, but a case out of the 6th Circuit decided yesterday, was not one I had thought of. A medical marijuana caregiver misunderstood the amount of marijuana he could carry and could sell. It led to his arrest and a search warrant. The 6th Circuit found immunity applied to officers who the caregiver claimed falsified probable cause to search his home. The case offers some interesting 4th Amendment analysis. It also tends to teach people that want to retaliate against others that there are limits on what they ought to do. The case *Peffer v. Stephens*.

<http://www.opn.ca6.uscourts.gov/opinions.pdf/18a0013p-06.pdf>

2. More in keeping with the questions you might want to think about when addressing state legalization of medical or recreational marijuana – can you reimburse an employee for medical marijuana under your health plan; will workers compensation cover costs of prescribed use; can police work secondary employment protecting dispensaries or retail stores? IMLA will be exploring those questions. For those really immersed in this topic, how will banks handle marijuana related transactions now that AG Sessions has withdrawn the Cole memo since the bank regulators based their regulatory advice on that memo?
3. For all the people who think the 9th Circuit is loony its decision yesterday involving an interesting suit offers support that even it can conform to conservative values. In a suit by three “erotic service providers” and a person seeking to hire such providers, the 9th Circuit found that the oldest profession is still illegal in California and that the suit seeking to enjoin prosecution of a California law outlawing prostitution was properly dismissed by the lower court.

<http://cdn.ca9.uscourts.gov/datastore/opinions/2018/01/17/16-15927.pdf>

4. In the 10th Circuit, a decision to award immunity to a former sheriff may generate a petition to the Supreme Court. The claim, among several, was that the sheriff asked the chief of internal affairs to conduct a press conference at which the officer was ordered – in her words “to lie”. She did not lie and the sheriff gave her pretty lousy assignment transferring her to night shift and she sued. The court concluded the sheriff was entitled to immunity. The court also concluded as to other officers that paid administrative leave has never been found to be an adverse employment action.

<https://www.ca10.uscourts.gov/opinions/16/16-1127.pdf>

5. On January 22 we have a great webinar on the timely topic of sexual harassment in the workplace. “How #Metoo should be #NotHere” it’s included for Kitchens Sink Subscribers but if you’re not a subscriber sign up now. The subscription is a terrific deal and works out to less than \$20 per program.

IMLA offers support to local governments and training programs for local officials on important legal issues. Our Seminar in DC provides a great opportunity to learn and gain CLE credits while you do. Not a member? Contact us. Sign up at www.imla.org . Have a great day and make it an inspirational one.