

For the International Municipal Lawyer's Association - IMLA's 5 things to know for June 14th

1. Today we celebrate the flag. From someone who grew up overseas, I can tell you that nothing is more inspiring and welcoming than to see the Stars and Stripes waving proudly in a foreign land. And today the Supreme Court in a First Amendment case decided that a Minnesota law that limited free expression in polling places within that state violates the Amendment. The court concluded that states can regulate expression within polling places and affirmed the right to regulate campaigning outside polling places, but concluded that under Minnesota's law election officials were given too much discretion to determine what was allowed and what prohibited in that state's ban. IMLA has supported the state's authority to regulate at polling places, so the decision upholds that authority.

https://www.supremecourt.gov/opinions/17pdf/16-1435_2co3.pdf

2. In the State of Washington, an intermediate appellate court has concluded that under a state law that allows records of juvenile convictions to be sealed after the person attains a certain age and has not again violated the law, that a juvenile convicted of serious felonies and whose convictions have been sealed may get a concealed pistol permit. Apparently, in Washington, unlike in many other states, juvenile records are public records until sealed.

<https://www.courts.wa.gov/opinions/pdf/D2%2050623-8-II%20Published%20Opinion.pdf>

3. In a case in which IMLA filed an amicus brief, the 8th Circuit has sustained a verdict against Gage County NE amounting to roughly \$3000 per taxpayer. The County is considering bankruptcy. The case involved a wrongful conviction and facts that inflamed the jury. The legal issue that interested IMLA was the jury's conclusion that the Sheriff was not liable, but which held the county liable under the *Monell* doctrine for the acts of the Sheriff as its policy maker. The court concluded that the charge to the jury and the jury verdict sheet directly put to the jury the issue of whether the Sheriff had established a policy for which the county could be held liable.

<http://media.ca8.uscourts.gov/opndir/18/06/164059P.pdf>

4. In the 10th Circuit and returning to sheriffs, a panel reversed a lower court's decision to deny qualified immunity to a sheriff in a case involving the question of whether sufficient facts existed to find that the sheriff's policies violated clearly established law. A woman was incarcerated at the jail and raped by an officer. The state had standards prohibiting contact between officers of one gender with inmates of another gender in non-emergency situations. The sheriff only had male correctional guards, so clearly could not comply. There had only been one prior complaint about inappropriate behavior and in that case the inmate later recanted. The court found that the sheriff was not sufficiently on notice of a potential problem to hold the sheriff liable.

<https://www.ca10.uscourts.gov/opinions/17/17-5023.pdf>

5. In Iowa, that state's Supreme Court has reaffirmed applicability of the public duty doctrine in a case involving an auto accident. The motorist car left the road and crashed into a concrete abutment that a landowner had installed in a culvert. The suit asserted that the county's obligation to keep roads safe should have ordered the landowner to remove the concrete abutment. The court concluded that the public duty doctrine applied and that the county's

duty to remove unsafe structures from the side of roadways was a duty to all and not an individualized duty.

<https://www.iowacourts.gov/courtcases/392/embed/SupremeCourtOpinion>

We're already getting ready for our conference in Houston. We plan to have a program on disruptive technologies – will artificial intelligence take over for human intelligence in the law office? Find out what's the rub. Register today. Get more from IMLA by joining. Not a member? Contact us. Sign up at www.imla.org . Have a great day and make today an inspirational one.