

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

1. I was off yesterday to celebrate my wife's birthday and was advised that in my discussion on Monday of our brief in *Nashville v. McMahon*, I misspoke the issue was whether the employee was "qualified" under the ADA not the FMLA and whether a request for indeterminate leave was "reasonable" under the law. The 6th Circuit concluded that a request for indefinite leave under the ADA did not make the employee unqualified, nor was it unreasonable. That decision conflicts with EEO guidance and with several other circuits. Amanda Kellar wrote the brief on behalf of IMLA with the help of Caitlin Cutchin and did an amazing job. The case is *Nashville v. McMahon*.

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/17-1124.html>

2. Yesterday the 5th Circuit issued its decision regarding challenges to SB4, the law that prohibits local governments from acting as "sanctuary cities" in Texas. Of importance to cities outside Texas, the 5th Circuit concluded that the law's requirement to honor ICE detainer requests did not violate the 4th Amendment because those requests are based on a statement that they are based on "probable cause". The court noted that other non criminal seizures are recognized such as those of the mentally ill.

<http://www.ca5.uscourts.gov/opinions/pub/17/17-50762-CV0.pdf>

3. Hoping to reduce your legal research costs? The Library of Congress just released digital versions of Supreme Court opinions – the US Reports – from 1791 to 2004.

<https://www.loc.gov/collections/united-states-reports/about-this-collection/>

4. In the 11th Circuit, the court reversed a lower court and granted immunity to Atlanta police officers who arrested an individual for violating Georgia's anti-mask statute. The officers warned protestors to take off their masks or be arrested and when some did not, they were arrested.

<http://media.ca11.uscourts.gov/opinions/pub/files/201615118.pdf>

5. Congratulations to Ed Siskel and his team in Chicago for an exciting win in a case the 7th Circuit characterizes as a "classic case of chutzpah". The Plaintiff sought to recover some of the proceeds of a settlement a company made under Chicago's version of a False Claims Statute as a whistleblower, but the court concluded the Plaintiff was part of the active efforts to defraud the City. <http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2018/D03-12/C:17-1524:J:Griesbach:aut:T:fnOp:N:2121152:S:0>

I'm told we are almost at waiting list stage for the Supreme Court practice track at the Seminar. Don't wait to register for that program or the hotel and our Seminar. Get more

from IMLA by joining. Not a member? Contact us. Sign up at www.imla.org . Have a great day and make it an inspirational one.