

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

1. As we mentioned yesterday, the Supreme Court heard arguments on the question of whether Congress commandeered New Jersey when it passed the federal Professional and Amateur Sports Protection Act (PASPA) prohibiting New Jersey from amending its laws to allow sports gambling. Federal acts that require states to enforce federal law or to pass state laws generally violate the Tenth Amendment. Justice Kennedy jumped in quickly directing a thought to leading Supreme Court advocate Paul Clement:

[PASPA] leaves in place a state law that the state does not want, so the citizens of the State of New Jersey are bound to obey a law that the state doesn't want but that the federal government compels the state to have. That seems commandeering.

Trying to guess what the Supreme Court will do based on oral argument can be risky, so too here. But reserve your spot now for IMLA's conference in April as Mr. Clement will discuss Supreme Court practice at our program in DC.

https://www.supremecourt.gov/oral_arguments/argument_transcripts/2017/16-476_4fb4.pdf

2. Today, the Supreme Court will consider the question of whether a person engaged in commerce must adhere to a state's anti-discrimination law or may claim adherence to religious dogma as a basis for discrimination. The case involves a wedding cake that a gay couple sought to buy for their wedding.

<http://www.scotusblog.com/case-files/cases/masterpiece-cakeshop-ltd-v-colorado-civil-rights-commn/>

3. The Seattle Times reported that Seattle residents spent \$1.14 million in "democracy vouchers" as the city launched its first-in-the-country program this year, according to newly-released data. The city allowed public financing for two city wide council races and the race for city attorney. The city program gives each voter four \$25 vouchers that they can use to support candidates. The program will be expanded to district races in 2019 and eventually to the Mayoral contest.

<https://www.seattletimes.com/seattle-news/politics/seattle-residents-spent-1-14-million-in-democracy-vouchers/>

4. A recent decision in Michigan emphasizes the importance of adhering to notice of claim requirements. An intermediate appellate court concluded that failing to comply with the statute allows a local government to raise the immunity defense concluding that the lower court cannot change the law based on equitable estoppel principles. *Wigfall v Detroit*

http://publicdocs.courts.mi.gov/OPINIONS/FINAL/COA/20171010_C333448_33_333448.OPN.PDF

5. The First Circuit ruled yesterday that a former employee could not sustain a claim against Quincy Massachusetts for discrimination or retaliation and that her suit for constructive discharge was likewise ill founded. The case reaffirms the need for public administrators to document their interactions with employees and establish the non-discriminatory business related bases for decisions affecting employees. It's hard work, but the folks in Quincy carried that heavy burden and it paid off.

<http://media.ca1.uscourts.gov/pdf.opinions/16-2304P-01A.pdf>

Don't forget – on December 6 we're offering a webinar that discusses how King County recovered over \$130 Million from sureties and a contractor in a construction contract dispute and our Holiday Mega Bundle package expires soon. Sign up at www.imla.org. Not a member? Contact us. Have a great day and make it an inspirational one.