

For the International Municipal Lawyer's Association - IMLA's 5 things to know for December 15<sup>th</sup>.

1. In New York City a federal judge concluded that the city corporation counsel had a duty to advise the plaintiffs that they had sued the wrong police officer and despite limitations having run allowed the suit to go forward against the correct officer and the city. I'm not making this up. The court also concluded that the case could go forward on a claim of malicious prosecution.

<https://www.law.com/newyorklawjournal/sites/newyorklawjournal/2017/12/13/judge-gives-green-light-to-malicious-prosecution-suit-against-nypd-detective/>

2. In Medford Massachusetts, the town commissioners voted to extend the notice requirement in cases of certain zoning changes and require the city officials to notify residents by phone call, text message and email in addition to regular mail of these zoning actions. No one can argue against greater transparency in government, but as a practical matter local leaders need to understand that claimed failures of notice can prevent the local government from acting.

<http://medford.wickedlocal.com/news/20171213/council-votes-to-amend-zoning-ordinance-to-inform-more-residents-of-relevant-public-hearings>

3. Last Friday the Supreme Court granted certiorari in a gerrymandering case. The grant is notable for several reasons. For one, the court has already heard argument on the question of whether political gerrymandering can be a justiciable question. Another, arises from the interesting approach taken by the Plaintiffs to get over the justiciability issue by asserting a claim that the gerrymandering was retaliation for the exercise of their First Amendment rights. But, probably the most interesting involves the factual context where in this latest case it is brought by Republicans against a Democrat led government in Maryland a state reportedly one of the most gerrymandered states in the country. One wit described the congressional district map as akin to blood pattern at a crime scene.

<http://www.scotusblog.com/case-files/cases/benisek-v-lamone/>

4. Scotusblog recently touted the case of Johnson v. Stinson as a petition of the day. It's facts are interesting enough and involve a wrongful conviction where a forensic orthodontist is alleged to have falsely testified that bite marks matched the defendant (now Plaintiff) leading to his conviction. The defendant now plaintiff was subsequently exonerated by DNA evidence and the real culprit found. In Michael Connelly's new best seller, he mentions the statistical potential for wrongful convictions noting that with over 2 million people incarcerated a very small percentage of mistakes can still lead to a large number of claims.

<http://www.scotusblog.com/wp-content/uploads/2017/12/17-749-petition.pdf>

5. A recent article in the LaCrosse Tribune highlighted the number of Wisconsin communities that have joined the opioid litigation. Every day communities from around the country are responding to the damage the pharmaceutical industry has caused by seeking to recover some of their costs. At IMLA we host a teleconference for impacted communities where we discuss the litigation.

[http://lacrossetribune.com/news/local/la-crosse-county-weighing-options-for-legal-action-against-opioid/article\\_b60d1576-dd29-5f83-a2fb-c8a0a2bf5c1e.html](http://lacrossetribune.com/news/local/la-crosse-county-weighing-options-for-legal-action-against-opioid/article_b60d1576-dd29-5f83-a2fb-c8a0a2bf5c1e.html)

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