

For the International Municipal Lawyer's Association - IMLA's 5 things to know for December 22<sup>nd</sup> and the rest of 2017.

Today is IMLA's last day of work before we close the office for the holidays. If you need assistance during the holidays, you can contact Chuck Thompson whose contact info is on the website.

1. The Attorney General rescinded several DOJ letters to colleagues from the prior administration including one that warned of concerns regarding the effects of fines, fees and bail on the indigent. The Attorney General asserts that these pronouncements should be the subject of rule-making rather than policy memos. The substantive issue regarding fines and fees continues as a priority for interest groups, so must not be ignored. Requiring rule-making for these types of pronouncements seems to fit better within the scope of administrative practice.

<http://thehill.com/blogs/blog-briefing-room/366127-sessions-rescinds-obama-era-letter-to-local-courts-on-fines-and-fees>

2. The Seventh Circuit dealt yesterday with a difficult question of whether a nurse who suspects a soon to be parent cannot capably parent the child has immunity for notifying the Child Protective Services agency. The court found that immunity applied. As an aside, insufficient resources including lack of foster homes and liability fears of interceding often leave children in peril. We can do better. The decision in this case at least doesn't hurt.

<http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2017/D12-21/C:16-1355:J:Wood:aut:T:fnOp:N:2080302:S:0>

3. A great IMLA member and terrific lawyer, Robert Spence from Tuscaloosa Alabama alerted me to a case out of the 11<sup>th</sup> Circuit yesterday that dealt with short term rentals. The court held that the Rooker Feldman doctrine prevented the federal court from intervening in the county's zoning decision prohibiting the Plaintiff from subsidizing the cost of her vacation home through short term rentals. We'll discuss the case in more detail with our land use and code enforcement workgroups.

<http://media.ca11.uscourts.gov/opinions/pub/files/201711030.pdf>

4. In Washington DC yesterday a jury acquitted six people for engaging in rioting during the presidential inauguration last January. I think we all know there was a riot and we all know that most of those rioting came prepared to do so wearing masks and following directions to not bring ID or give their names to the police. The result in this case portends difficult times for law enforcement when faced with anarchists. Indeed, one of the defense counsel argued to the jury that the arrests were politically motivated when a police officer referred to the rioters as anarchists asserting that doing so reflected a political motivation for the arrests.

[https://www.washingtonpost.com/local/public-safety/the-first-of-six-people-on-trial-in-violent-inauguration-day-protests-is-found-not-guilty/2017/12/21/6c97fd84-ded9-11e7-8679-a9728984779c\\_story.html](https://www.washingtonpost.com/local/public-safety/the-first-of-six-people-on-trial-in-violent-inauguration-day-protests-is-found-not-guilty/2017/12/21/6c97fd84-ded9-11e7-8679-a9728984779c_story.html)

5. In IMLA programming we'll have two programs at our Seminar dealing with Police and Fire employment issues – one focusing on the FLSA applied to these workers and the other focusing on navigating the complex disciplinary issues that sometimes affect workplace safety in these employment units.

<https://2017midyearseminar.sched.com/>

We've upgraded our website, we've developed some terrific programming and we're working on amicus briefs in a host of cases. Hopefully, Santa will stop by and help out. IMLA's Distance Learning program offers timely discussion on current topics not just for lawyers. The issues discussed inform policies and discussions across the spectrum of local government officials' need to know. Joining IMLA allows members to get up to date training and information on a wide range of legal issues. Sign up at [www.imla.org](http://www.imla.org). Not a member? Contact us. Have a great holiday, make it an inspirational one and talk to you next year.