

For the International Municipal Lawyer's Association - IMLA's 5 things to know for December 6<sup>th</sup>.

1. As we mentioned yesterday, the Supreme Court heard arguments on the question of whether a cake maker engaged in commerce can rely on religion to avoid complying with a state's anti-discrimination laws. A gay couple wanted a wedding cake – the baker's religious beliefs make this marriage offensive so the baker refuses to make the cake. Remember when people relied on religion to find mixed race marriages offensive? Are there nine people in this country who believe a baker could refuse to make a cake for people of mixed faiths, races or ethnicity for religious reasons? We'll find out by the end of June.

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

[https://www.supremecourt.gov/oral\\_arguments/argument\\_transcripts/2017/16-111\\_f314.pdf](https://www.supremecourt.gov/oral_arguments/argument_transcripts/2017/16-111_f314.pdf)

2. On Friday, the Supreme Court will conference on a wide variety of cases. While an unlikely candidate for certiorari due to the posture of the case, the issue of whether the police can put cameras on a neighbor's property and monitor for several months the activities of a homeowner believed to be engaged in criminal activity is one of the cases before the court.

[http://www.ca2.uscourts.gov/decisions/isysquery/cf7b6893-5c08-419f-9502-81fa9ca42a6d/1/doc/16-](http://www.ca2.uscourts.gov/decisions/isysquery/cf7b6893-5c08-419f-9502-81fa9ca42a6d/1/doc/16-3118_so.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/cf7b6893-5c08-419f-9502-81fa9ca42a6d/1/hilite/)

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3. Back in the 1930's the Supreme Court decided a case that frankly needs to be overturned. Indiana ex rel. Anderson v. Brand, 303 U.S. 95, 100, 105 (1938). It reared its ugly head yesterday, when the 7<sup>th</sup> Circuit concluded that Indiana could not amend its law that affected tenured teachers to amend the rights provided to them. Granted, the court didn't discuss prospective amendments for new teachers, but the conclusion that a legislative body can bind future legislative bodies for close to 100 years flies in the face of most jurisprudence as does the concept that legislation creates a contract that cannot be impaired under the Constitution.

ELLIOTT v BOARD OF SCHOOL TRUSTEES <http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2017/D12-04/C:16-4168:J:Hamilton:aut:T:fnOp:N:2071617:S:0>

4. In a recent case out of the California Supreme Court, the court concluded that when a city amended a law taxing telephone services to adjust for a new federal interpretation of federal law that the city had not imposed a new tax. The case while finding for the city typifies the perils of adopting law by reference and also highlights the quagmire created in California by its limitations on the taxing authority of local governments.

GONZALEZ v CITY OF NORWALK <http://www.courts.ca.gov/opinions/documents/B276871.PDF>

5. In IMLA programming, in April at our Seminar we have a special program but due to space limitations only 30 people can attend our Supreme Court practice program. We have some of the leading Supreme Court lawyers discussing how to shape a petition and how

to frame a response. You must be registered for the conference to attend and it is first come first served. If we get additional space we'll add spots.

Don't forget – on December 11 we're offering a webinar that discusses RLUIPA and provides ten ways to make sure you don't lose and our Holiday Mega Bundle package expires next week. Sign up at [www.imla.org](http://www.imla.org). Not a member? Contact us. Have a great day and make it an inspirational one.