

For the International Municipal Lawyer's Association - IMLA's 5 things to know for January 11th

1. Tomorrow you should be looking for two important things to happen involving the Supreme Court. At its conference tomorrow the court will again consider whether to grant certiorari in a case that seeks to overturn the Quill decision and hope springs eternal that it will. Also, on Friday we will be releasing our first substantive podcast interview with Amanda Kellar and Lisa Soronen discussing the Supreme Court this term hosted by Caitlin Cutchin. It looks to be a great beginning for regular podcasting from IMLA.
2. Thanks go to Warren Kraft in Wisconsin for directing me to a case from the 8th Circuit on employment discrimination that should be helpful to employers. The court held that Title VII does not impose a legal obligation to provide an employee an articulated basis for dismissal at the time of firing, and an employer is not bound as a matter of law to whatever reasons may have been provided. The court recognized that while evidence of a substantial shift in an employer's explanation for a decision may be evidence of pretext, an elaboration of the reasons for the decision generally is not.

Aaron Rooney v. Rock-Tenn Converting Company

<http://media.ca8.uscourts.gov/opndir/18/01/163631P.pdf>

3. The 11th Circuit decided an important case yesterday affecting the handling of Civil Rights suits against police officers and the issue of qualified immunity. After failing to get the case dismissed on immunity grounds, the case against an officer for shooting and paralyzing a person went to the jury which awarded over \$23 million to the Plaintiff. On appeal the 11th Circuit concluded that by allowing the jury to consider if immunity applied, the court abandoned its role under Section 1983 jurisprudence as the question of immunity is not a question of fact but a question of law to be decided by the court. The case was remanded. The case also discusses vicarious liability of the sheriff for having a policy of indemnifying officers, finding that those actions taken alone do not make the Sheriff or the county liable.

SIMMONS v. BRADSAHW

<http://media.ca11.uscourts.gov/opinions/pub/files/201610876.pdf>

4. The IMLA Municode listserv offers a great opportunity for attorneys from around the country to share ideas. One of the questions on the list this week involves preserving document integrity. One solution is using DocuSign, there are others. Let me offer a practical suggestion. Using pdf forms make it difficult for a vendor and you to make changes, but that complicates the negotiation. Instead, house the contracts on the law office computers – you've already read what's in them so no need to repeat the process. Have staff make the changes you approve. For most contracts provide a questionnaire that the vendor or contractor fills out with the necessary variable information. Have your staff review and approve that, merge with the document then

put the document out for signature – docusign or some other electronic signature process can work well for that.

5. In DC in April at our Seminar we include on our program one of the most important policy discussions involving public safety affecting communities today – reducing the risks of liability when the mentally ill confront the police.

Joining IMLA allows members to get up to date training and information on a wide range of legal issues. Look for our first substantive podcast in which we interview Lisa Soronen and Amanda Kellar about the Supreme Court’s local government cases of interest coming this Friday. Podcasts are available on iTunes or SoundCloud. Not a member? Contact us. Sign up at www.imla.org. Have a great day and make it an inspirational one.