

For the International Municipal Lawyer's Association - IMLA's 5 things to know for May 31<sup>st</sup>

1. Today, in a split decision, the Washington Supreme Court concluded that a company's trade secrets were not protected from the reach of the state's public information act unless the company could show that the disclosure is both not in the public interest and that the disclosure would irreparably damage a person or a government interest. Among the justices dissent two raised the question as to whether disclosure amounts to a "taking". Stay tuned.

<https://www.courts.wa.gov/opinions/pdf/940266.pdf>

2. Yesterday the 4<sup>th</sup> Circuit concluded that several employees who were fired for text messaging could sue for defamation when the governmental employer announced publicly their termination and gave as reasons information that was not wholly accurate. Similarly, the officers were able to show that their due process rights were violated and that qualified immunity should not apply. The court reversed denial of immunity on the question of whether the officers' First Amendment rights were violated, concluding that the government's interest in protecting the harmony of the workplace may override the officer's free speech rights.

<http://www.ca4.uscourts.gov/opinions/171847.P.pdf>

3. Today, the 6<sup>th</sup> Circuit decided the case of *McGirr, v. Rehme*, a case having nothing to do with local government law, but a case describing a factual scenario that makes stories of fiction seem less fanciful. In this case, the court discusses the schemes of Stanley Chesley and how he orchestrated a fraud that has eventually led to the disbarment of 5 lawyers and a judge.

<http://www.opn.ca6.uscourts.gov/opinions.pdf/18a0101p-06.pdf>

4. Not long ago, I mentioned a case in which Speedy Bail Bonds sought recovery of its forfeited bond. Yesterday, the First Circuit decided a case in which Speedy was involved. There the issue presented to the court was whether a Supreme Court case from the mid-19<sup>th</sup> Century was still good law. Can a bail bondsman use force to recover the body of a person jumping bail? The 1<sup>st</sup> Circuit remanded concluding the real issue is whether the state in this case the territory has a law regulating recovery of a person who has skipped bail.

<http://media.ca1.uscourts.gov/pdf.opinions/16-2412P-01A.pdf>

5. Yesterday, the 9<sup>th</sup> Circuit proved once again why people find it difficult to affirm. In a case where inmates sued the County for being forcibly removed from their jail cells, the court affirmed the decision to go to trial despite pendency of appeals of denial of qualified immunity and affirmed a judgment against the county of a jury award of \$740,000 in compensatory damages and \$210,000 in punitive damages. And, get this the lower court's award of more than \$5 million in attorney's fees.

<http://cdn.ca9.uscourts.gov/datastore/opinions/2018/05/30/13-56292.pdf>

We're already getting ready for our conference in Houston. Have you heard of the Beer Can House? It's in Houston and you'll want to be registered for a land use tour that goes there. Remember, it's a city without zoning. Register today before the rates go up tomorrow. Get more from IMLA by joining. Not a member? Contact us. Sign up at [www.imla.org](http://www.imla.org). Have a great day and make it an inspirational one.