

For the International Municipal Lawyer's Association - IMLA's 5 things to know for May 7th

1. The 8th Circuit affirmed a decision to deny immunity to a Missouri city sued for claims that arresting people for fines and fees and imposing bail without inquiry into the arrestee's ability to pay violates their rights. The city asserted that the municipal court functions as a state entity and that the city should get 11th Amendment immunity, but the court concluded that if the entity is a city entity exercising a slice of state sovereignty, the city is not entitled to immunity, but if the court is a state not a city entity, immunity is not the answer and that the city can move to dismiss for want of naming the proper party. Whether state or local, IMLA urges its members to implement procedures to address indigency considerations as part of the bail system to avoid claims and potential liability.

<http://media.ca8.uscourts.gov/opndir/18/05/172381P.pdf>

2. In the category of biting the hand that feeds you, the City of Lynchburg Virginia recently considered funding for Legal Aid in that city and several council members decried the society's suit against the city.

http://www.newsadvance.com/news/local/virginia-legal-aid-society-assisted-lawsuit-against-city-divides-council/article_4802c37c-4ff5-11e8-9b4e-5b936f835190.html

3. In a recent article the Seattle Times addressed the growing problem of dealing with the homeless who own cars and sleep in them. Cities across the country handle these issues differently and the article explains how San Diego has a workable and more cost effective solution from Seattle's. Melding social services with safe places to park seems to be an effective solution to both the problem of where folks park to sleep and in integrating them back into the economy and out of homelessness.

<https://www.seattletimes.com/seattle-news/homeless/how-california-cities-did-what-seattle-has-not-give-people-living-in-cars-a-safe-place-to-spend-the-night/>

4. In the 1st Circuit, a police officer complained that a new city directive to ticket more and warn less violated a state law and policy. The officer complained to the state AG and was elected a union president. The officer found treatment by the department following these actions unacceptable and retaliatory. As seems customary for the First Circuit, the court found that the officer was a bit thin skinned and that the officer's complaints did not a constitutional violation make. This is a great case for employers and I generally find the First Circuit's opinions filled with a common sense that seems to elude some of the other circuits.

<http://media.ca1.uscourts.gov/pdf.opinions/16-2308P-01A.pdf>

5. A former pitcher for two World Series contenders, retired and settled in Minnesota. For some reason he sought information about access to his driver's license records under the DPPA. When he discovered multiple instances of access for his own records and those of two of his children, he sued for breach of the DPPA. Long story, short – the 8th Circuit concluded that unlike his success at baseball, the former pitcher had pitched a losing argument and could not state a claim.

<http://media.ca8.uscourts.gov/opndir/18/05/164123P.pdf>

We're already getting ready for our conference in Houston. Have you been to the beer can house? A land use tour will get you there. Register now before the rates go up. Get more from IMLA by joining. Not a member? Contact us. Sign up at www.imla.org. Have a great day and make it an inspirational one.