INSIDE IMLA

Introducing Our New President



By Dennis J. Herrera
IMLA President

Thank you for affording me the honor of serving as your President for the coming year. When I was first elected as the City Attorney of San Francisco nine years ago, it quickly became clear to me that the International Municipal Lawyers Association was much more than just a trade association. It's an incredibly valuable resource. In fact, I think the caliber of working groups, presentations, and panel discussions I've seen at the most recent IMLA Conference (on virtually every topic that a local government lawyer in the U.S. or Canada could face) is powerful testimony to that.

IMLA has always been an organization that champions those of us on the cutting edge of legal issues facing local governments. As the City Attorney of the famously liberal San Francisco, I've found myself on the cutting edge of many "hot button" legal issues — often involuntarily — so I know first-hand how valuable IMLA can be in enabling members to draw on expertise from a wide variety of viewpoints and public law practices. With IMLA, of course, it's not about any one ideology or partisan view. We serve citizens and represent politicians from across the political spectrum, and in different countries. Rather, IMLA is about the common belief we all share to protect the legal interests and autonomy of our local governments, whether they happen to be liberal or conservative, or somewhere in between. It's about coordinating local governments' interests on legal issues in which we all share a stake.

I've written and spoken many times as City Attorney about my agreement (yes, even as a Democrat) with Ronald Reagan's concept of New Federalism from the early 1980s. President Reagan, you'll recall, sought to restore to states and local governments "their roles as dynamic laboratories of change in a creative society." At the time, of course, many critics regarded New Federalism as a thin-veiled retreat from the progressive social policies at the federal level. But over the years, as policy responsibilities shifted downward from the federal government, many accomplishments were made possible on issues that were once considered ill-suited to local initiative. For example, before the U.S. enacted health-care reform at the national level, my City enacted a groundbreaking universal health-care program called "Healthy San Francisco." My office successfully defended the legality of this program all the way to the U.S. Supreme Court, which finally denied review earlier this year. It's clear local governments today can have a significant influence on policy innovations from which state and national governments may learn — moreover, that influence would have been inconceivable in previous decades.

That's why our profession, as the lawyers for local governments, is so important. We enable the policymakers we serve to fulfill the promise of our local governments: To innovate. To be on the cutting edge. And to risk legal battles, knowing that their lawyers can draw on the expertise we all share. IMLA enables each of the communities we serve to be an engine for the broader good.

Long before Ronald Reagan said it, the notion that state and local governments could serve as "dynamic laboratories of change" was advanced by Justice Louis Brandeis, who wrote:

> It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.... If we would guide by the light of reason, we must let our minds be bold.

It has always been interesting to me that a common criticism of local policy innovations, liberal or conservative, is that they break with long-held conventions; are untested, and that we can't know with certainty what consequences they may have. The funny thing is, those critics are right. But far from being a rationale to oppose policy innovation, it seems to me that measured risk by a local government proves the opposite point. It makes the case for allowing courageous, imaginative, forward-thinking local governments to blaze their own paths. To be a "test kitchen" for policy models that may work elsewhere.

Politics aside, we may be certain that tomorrow's national progress will owe much to today's local law offices. Because in the practice of law today, local government really is the cutting edge. Our nations and our provinces and our states have much to gain if, as Justice Brandeis said, we let our minds be bold. So I thank you again for affording me the opportunity to serve as your President for the coming year. I look forward to doing everything I can to carry IMLA's mission forward, and to evangelize the enormous value it holds for all of us. **ML**