IMLA

Municipal Lawyer

THE JOURNAL OF LOCAL GOVERNMENT LAW

Disruptive Public Meetings and the First Amendment



MAY JUNE 2022
VOL.63 NO.03

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By: Tom Carr, County Counsel, Washington County, Oregon and Tonya Haas Davidson, City Attorney, City of Greenwood Village, Colorado

The First Amendment clearly protects the right of constituents to speak at public meetings, and on virtually any subject during "open comment" segments. But there are limits, particularly during subject-specific public hearings. Counsel need to distinguish between legitimate guardrails and viewpoint discrimination.

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GPS CHIPPING YOUR EMPLOYEES AND OTHER FOURTH AMENDMENT PITFALLS

By: Amanda Stanley, City Attorney, City of Topeka, Kansas

While local governments have a valid interest in ensuring that public employees conscientiously perform their duties, oversight that strays into the worker's reasonable expectation of privacy will result in constitutional challenges.

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By: Timothy Coates and Ted Xanders, Greines, Martin, Stein & Richland LLP, Los Angeles, California

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PRESIDENT'S LETTER



BARBARA A. ADAMS,
General Counsel, Illinois Local Government Lawyers Association and IMLA President

Of the Members, by the Members, for the Members

Attending the IMLA Mid-Year Seminar in Washington DC earlier this month reminded me once again why I enjoy practicing local government law as much as I do. The opportunity to be with so many other professionals who face the same types of issues and challenges in representing government clients is always inspiring. This year's presentations and learning opportunities were excellent, I thought. The questions from the attendees were insightful. The conversations with fellow attendees provided additional perspectives on the programming and the issues. Being in person again was terrific, particularly in such a wonderful venue during spring in the Nation's Capital. New elements like the "dine-around" allowed more of us than ever to meet at area restaurants in small groups and continue our discussions. And for those who took advantage of the hybrid model to attend virtually instead of being in person, the learning opportunities and exchanges of information were valuable to you as well.

Whether we meet face to face or on a screen, the connection is there: while we may practice in different regions, provinces, states, counties and municipalities, there is so much that we can learn from each other through IMLA. And there are so many ways that we can share and pass on to our colleagues what we have learned.

One very impressive part of the Mid-Year Seminar was the opportunity to learn about the great work done by IMLA's Legal Advocacy Program, and to thank all of the attorneys who volunteer their time and legal expertise to prepare *amicus* briefs in cases of importance to local government. A key benefit of IMLA membership is our *amicus* support, available only to IMLA members. Over the years, IMLA has filed hundreds of amicus briefs, educating courts on issues and factors of particular relevance to local government. One indication of IMLA's impact is that our briefs have been cited, occasionally, in United States Supreme Court decisions—as in Justice Breyer's concurrence in the Supreme Court's narrowing of *Reed* earlier this month in *City of Austin v. Reagan National Advertising*. While many of our Supreme Court *amicus* briefs support cases at the merits stage, we also file at the petition stage and are able to influence the Court to accept a case for consideration. The Court grants certiorari in less than one percent of cases submitted to it each year; in the last year it accepted for review three cases in which IMLA had filed amicus briefs, which is a testament to the caliber of our representation and our Legal Advocacy program overall. IMLA's advocacy is definitely not limited to the Supreme Court—we also file numerous *amicus* briefs in federal circuit courts and state appellate-level courts across the country. If you are interested in exploring this opportunity to advocate for local government, please contact Amanda Karras at *akarras@imla.org* to volunteer.

The *amicus* program is just one of many volunteer opportunities offered by IMLA. In a broader sense, our educational programs are so valuable and successful because of the volunteer services that so many members provide—making presentations at the Mid-Year Seminar and Annual Conference, on IMLA webinars and for other special IMLA programs. Upcoming 2022 programs include Canada Day, University Cities, International Comparative Law, and Employment Law.

You can volunteer to be a speaker at an IMLA program. The Call for Proposals has been issued for the Annual Conference in Portland, Oregon on October 19-23, 2022. The Program Planning Committee is made up of a diverse group of practitioners who thoughtfully review all proposals in developing our conference programming.

Similarly, this publication– *Municipal Lawyer* – relies on your contribution of substantive articles that will contribute to the education and growth of IMLA local government attorneys. Please contact Erich Eiselt at *eeiselt@imla.org* to propose a topic or work of authorship. And IMLA's excellent webinar series relies on presentations by domain experts; please contact Deanna Shahnami at *dshahnami@imla.org* if you would like to present on a local government law subject.

Together, we can contribute to IMLA in ways that benefit ourselves, each other, and the broader membership. Passing on and sharing your knowledge and experience in one or more of these ways will support practitioners of local government law across the IMLA's membership, in the United States and in Canada. Please reach out and volunteer!