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MUNICIPAL BULWARKS: THE BATTLE FOR CORPORATE ACCOUNTABILITY

Local governments are a transformative force in redressing a wide range of injuries to their communities, achieving significant settlements and changing corporate behavior.

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Local governments are a transformative force in redressing a wide range of injuries to their communities, achieving significant settlements and changing corporate behavior. As their effectiveness has increased, often through the use of outside counsel, municipalities face a growing campaign to slow their momentum.

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PRACTICE TIPS

By: RANDY FIFE,
City Attorney (ret.),
Idaho Falls, Idaho

Success as a Local Government Lawyer

Play it straight down the middle. If you start to answer legal questions politically or emotionally, your employment will be short (because you are not providing good legal services). You'll inevitably end up on the "wrong" side of a vote/elected official, even if you were on the "right" side of a prior vote.

Stay in your lane. You are not an elected official and it's not "your" city. When a city attorney forgets their place and begins to direct or persuade based upon personal preference, they drift into the political and their advice is not legal advice, it's the exercise of political or personal will. Remember, you don't work for any particular elected official; you work for the entity as a whole. The entity is your client.

Try not to take it personally. Many otherwise good people who are under stress do not present their better selves. Many are new to discussing things that they're passionate about and don't know how to listen or persuade effectively. Some are mad, scared, frustrated, confused, and/or uniformed. Be kind, explain without condescension, and extend charity and patience. That is not just the right thing to do, it saves all sorts of time and trouble in the long run. Why create an enemy who will complain to your bosses? If the elected officials don't take your advice, help minimize the risks and move on. Don't stew or say, "I told you so."

Be fair and honest, "own" your advice, and admit your mistakes. This is key to maintaining your integrity and the confidence of elected officials, staff, the press, and the public. Once any of these groups decide that they cannot be confident in your advice, the city should/will hire someone they can trust.

Attend any training meeting that the elected officials attend, if possible. This will reduce the cherry picking of information that an elected official might want to believe or thinks they heard.

Take time to train new officials and volunteers on committees, commissions, and boards. This will give you a chance to explain ethics, open meetings, public records, and procedures that create significant management and legal problems when disregarded.

This is a job, not your life. If you need to change directions, get counseling, start a hobby, exercise, drink less, take more time off, quit, delegate, change your hours, etc. Do it.

Help the decision-making body remember the people who are not in the room. You are in the unique position of helping the entity "get it right," regardless of the immediate pressures of the moment or who is advocating. Reminding decision-makers of the law, fairness, and the process due is a very important part of the job, even when that is unpopular; looks like you are directing an outcome; or subjects you to criticism. Getting it right is more important than style points or being popular.

Embrace the challenge. Anything that can happen in a city can happen where you serve. The variety, complexity, and personal nature of municipal law is almost unlimited. You get involved in matters that matter. No other law job is as broad - from the First Amendment to neighbor disputes to cats, dogs, and chickens. (BONUS. No one can come close to the stories you can tell at a party!}

Keep your Bar card. You can always get another job. ML



Randy Fife recently retired after serving 10 years as City Attorney in Idaho Falls, Idaho.. He was an Assistant City Attorney in Dallas, Texas in the 80s and City Attorney in Moscow, Idaho from 1996 to 2013. Randy's private practice experience included immigration law and workers compensation and insurance defense litigation. He completed undergraduate studies at Utah State University and earned his law degree at Southern Methodist University Dedman School of Law, graduating in 1983.