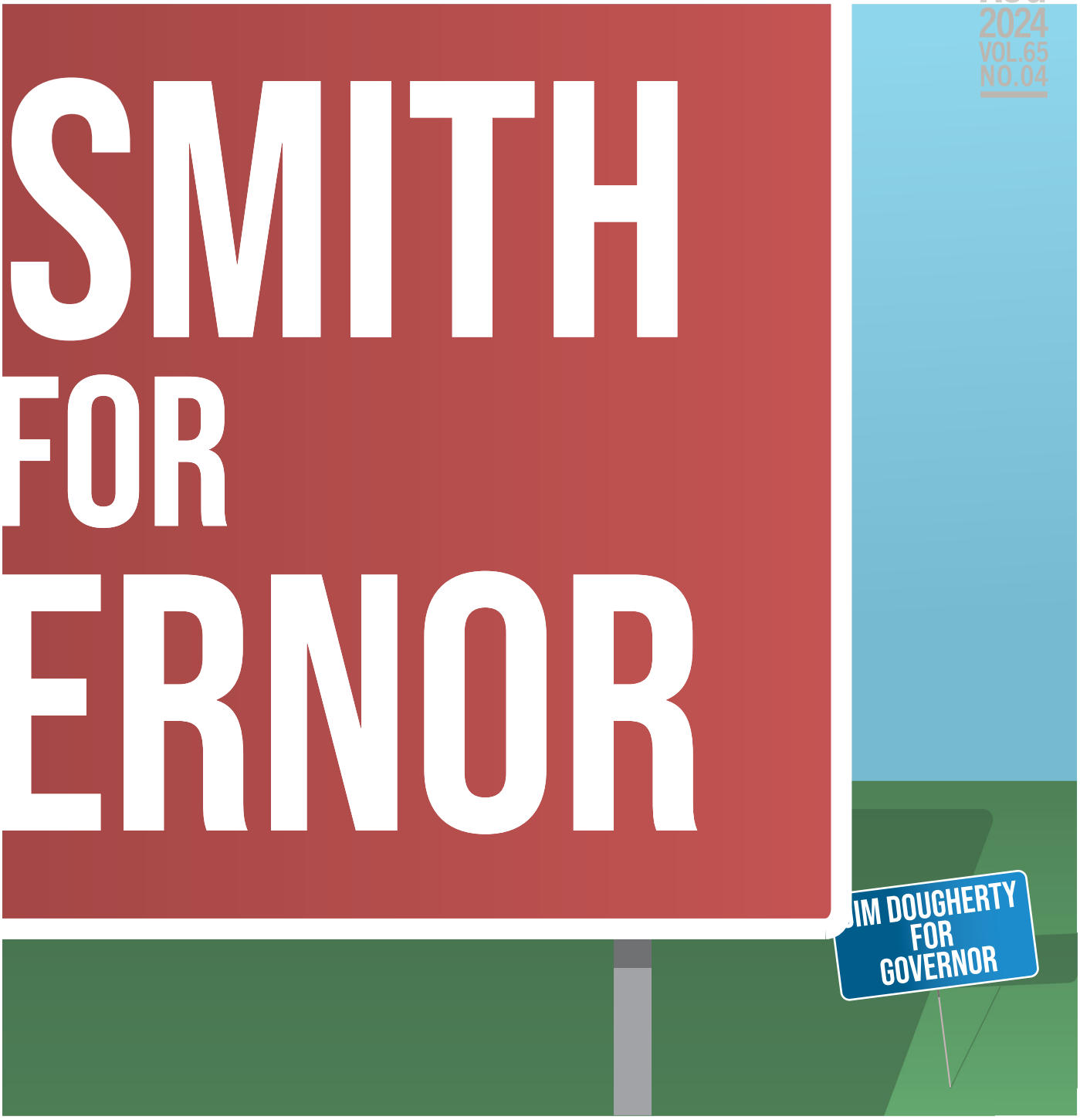
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*By: Eric Shytle, General Counsel, Municipal Association of South Carolina, Columbia, South Carolina and Sean Scoopmire, Planning and Law Associate, White & Smith LLC, Greenville, South Carolina*

The parameters of First Amendment barriers to content-based sign ordinances continue to evolve in the wake of *Reed*. As our national electoral season approaches, a review of the permissible limits on political signage is in order. Our authors assess the current state of sign law and propose a content-neutral taxonomy.

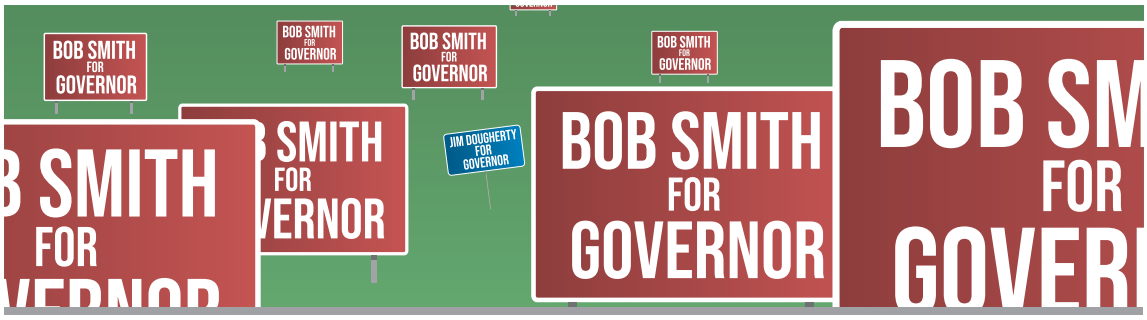
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# DAY IN THE LIFE

WALTER WILSON,
*Associate County Attorney,*
*Montgomery County, Maryland*

*Interview by Avery Morris,*
*IMLA Editorial Staff*




## Local government lawyer, global traveller!

**Hello, Walter! Why don't you start by telling us about where you're from and your path to becoming a municipal lawyer?**

I grew up in a small town in Virginia called Farmville in Prince Edward County. Prince Edward County was one of the jurisdictions that was involved in the Brown vs. Board of Education decision. There were four cases pending before the Supreme Court-- they all got consolidated into Brown--and one of them was from Prince Edward County, Virginia. In 1959 they closed all their public schools to avoid integration, so there was no public education in Prince Edward County for five years.



My mom was a schoolteacher, and she got a job teaching in Lynchburg, Virginia, so that's where I started school. We eventually came back to Farmville after the schools reopened. I ended up graduating from Prince Edward County High School, and then came to Baltimore for college at Morgan State University. I was a foreign language major in college. Right after college I did a year of graduate work at the University of Neuchatel in Switzerland on a Fulbright. I wasn't ready to come home when my program was up, so I spent two months working in a Swiss chocolate factory. With the money I earned I spent the next several weeks backpacking around Europe. Eventually the money ran out so I finally came home.

**So how did your carer begin?**

I started teaching because I thought that's what I wanted to do. I began in a middle school in inner-city Baltimore, and that lasted for less than a semester. I thought, "Maybe this isn't for me." I then took a position with an organization called the Northwest Baltimore Corporation as a community organizer. That's how I started becoming familiar with local government affairs. I used to have to attend lots of meetings by these community groups, particularly the neighborhood improvement associations that dealt with zoning issues. Often, there would be issues before the Baltimore BMZA (Board of Municipal and Zoning Appeals). A lot of the time, I would go with people from the community to hearings at the BMZA and advocate for them, along with them. People would say, "Oh, you should've been a lawyer. You missed a calling."

I really didn't pay much attention to it, but after working for a couple of years as a community organizer I decided to go back to school and get a master's in public administration. In the meantime, I worked with a mental health organization called the Black Mental Health Alliance for Education and Consultation. I was their Executive Director at the same time I was in graduate school. When I finished my graduate program at the University of Baltimore, I thought, "Well, how do I want to continue my education?" That's when I thought, "You know, maybe I should go to law school." Around that same time, I took a position at the University of Maryland Institute for Governmental Service as a Governmental Management Consultant, which was right in my field, with a master's in public administration. I decided to go to University of Maryland Law School because, by being a University of Maryland employee, I got partial tuition remission, which really came in handy when it came time to pay back the law school loans.

**How did you begin using your legal education?**

At the Institute for Governmental Service, pretty much all my clients were local governments. We did all kinds of studies, but we also did some legislative. After graduating, I became a staff attorney there, As a staff attorney I was drafting ordinances. There are at least six towns in Maryland where I have helped put together the together the municipal code because they just had groups of ordinances that had never been codified. The other thing that we did; Maryland has three types of counties: charter home







rule, code home rule, and commissioner counties. Some of the commissioner counties were interested in becoming charter home rule counties, which meant they would have to propose a county charter that would go to the voters. We would work with those counties and help them draft a proposed county charter.

One of those counties was Carroll County, where Chuck Thompson was the County Attorney. Chuck was also very active at IMLA. When I left the Institute of Governmental Service, I left to take a job with IMLA as part of the legal staff. I was there for six years, and by the time I left IMLA, I was Senior Associate Counsel. In the meantime, Chuck had gone from being the County Attorney for Carroll County to being the County Attorney of Montgomery County. On various occasions, he talked about what a great place Montgomery County was to work. Eventually there was an opening in the Montgomery County Attorney's Office, and he encouraged me to apply. So I did, and the rest is history. I've been with the County Attorney's Office since 1999. I apparently enjoy it, because I've been here for 25 years!

**Nice to see the link with Chuck Thompson and IMLA! Have have you had any mentors or colleagues that have been especially valuable on your journey?**
There's such a breadth of experience and expertise among my colleagues within the Office of the County Attorney ("OCA") that has guided my work over my several years here that there are several of them that I could possibly name as mentors. However, if I had to pick one person in particular who stands out it would have to be Marc Hansen, the previous County Attorney who, as Chief of OCA's General Counsel Division back when I joined the office in 1999, was my immediate supervisor. As with any large government law office, there's a high degree of specialization within OCA. However, if there was one "go to" lawyer in the office with experience in just about every practice area of municipal law applicable to Montgomery County it was always Marc.

**How has your job changed during your time with Montgomery County?**
The change has been in the sense that my portfolio has been expanded, mostly. I started off as legal counsel to the County's Department of Environmental Protection, and the Commission on Common-Ownership Communities, which is a quasi-judicial agency that hears cases involving HOAs, condominiums, and co-ops. What eventually got added was the Department of Recreation, then the Commission on Landlord-Tenant Affairs, another quasi-judicial board that hears cases involving landlords and tenants. I'm their Principal Counsel. Along with that came the Office of Landlord-Tenant Affairs, which staffs the Commission on Landlord-Tenant Affairs. After that was the Historic Preservation Commission, and then the Animal Matters Hearing Board, and now the Regional Service Centers.

As you can imagine, my work is very varied. I would say that the bulk of my work has come from the Department of Environmental Protection because a lot of the issues they deal with are more complex than those of other agencies. That's where I've had some of my most challenging cases. One of the first cases that I had to defend the County against was a noise pollution case involving the Department of Environmental Protection. Another case that stands out was a lawsuit involving the County's pollutant discharge permit. That case, which I had to defend the County in, was in litigation for seven years. On one side was Montgomery County and the Maryland Department of Environmental Protection, and on the other side were four environmental groups and two individuals. We went round and round many times before what is now the Appellate Court of Maryland, and finally it went up to the Maryland Supreme Court.

**What are the best things about working in the Montgomery County Attorney's Office?**
The best thing about working in the Montgomery County OCA is the variety of challenging legal issues that come our way on any given day. With a population slightly north of one million, Montgomery County is the largest local jurisdiction in the State of Maryland. It is also a county that enjoys a high degree of home rule governing authority. Consequently, the County legislates in many more areas than might be typical for a local government serving a large population. Furthermore, the County tends to be on the cutting edge of environmental matters and several other areas that it regulates. As a result, its legal staff is often called upon to deal with numerous issues, some of which do not always fall neatly within what is typically thought

*Continued on page 19*

- Local governments may impose uniform durational limits on temporary signs; more nuanced approaches, like event-based durational limits, risk challenge under *Reed* but may be constitutional. The durational limits must be sufficiently long to avoid overburdening core political speech.
- Local governments may limit the number of temporary signs that may posted, either on a per-parcel, street frontage, or square footage basis. The number limits must be sufficiently permissive to avoid overburdening core political speech.
- Local governments may limit the size of temporary signs, but again the size limits must be sufficiently permissive to avoid overburdening core political speech.

Although these limits appear modest, until the Supreme Court clarifies the outer reaches of *Reed*, municipal lawyers must exercise caution in drafting and updating local sign codes. ML

**Notes**

1. *Reed*, 576 U.S. at 172.
2. *Id.* at 185 (Kagan, J., concurring).
3. *See* City of Austin v. Reagan Nat'l Advert. of Austin, LLC, 596 U.S. 61 (2022).
4. *Reed*, 576 U.S. at 159.
5. *Id.* at 161.
6. *Id.*
7. *Id.* at 160-61.
8. *Id.* at 161.
9. *Id.*
10. *See Reed*, 576 U.S. at 175 (Breyer, J., concurring in the judgment), and 576 U.S. at 179 (Kagan, J., concurring in the judgment).
11. *Reed*, 576 U.S. at 163.
12. *Id.*
13. As described by a commentator supportive of the *Reed* majority opinion: "Government purpose, in other words, cannot save content-based laws from strict scrutiny; it can only doom content-neutral laws that are content-discriminatory in their purpose or intent." Enrique Armijo, *The Content-Discrimination Two-Step Post-Reed and Austin*, Cato Sup. Ct. Rev., 2021-2022, 141, 147–48.
14. *Reed*, 576 U.S. at 164.
15. *Id.* at 171-72.
16. *Reed*, 576 U.S. at 174 (Alito, J., concurring). Justice Alito's concurrence should not be read to mean that the Court as a whole would find these distinctions permissible. This article uses his list only as a helpful catalog of regulations to consider.
17. *Id.* at 175.
18. *Id.* at 174–75 (cleaned up).
19. Austin's "sign code defined the term 'off-premise sign' to mean 'a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.'" *Reagan National Advertising*, 596 U.S. at 66 (quoting the Austin city code).
20. *Id.*
21. *Id.*
22. Reagan Nat'l Advert. of Austin, Inc. v. City of Austin, 972 F.3d 696, 707 (5th Cir. 2020) (cleaned up).
23. *Reagan National Advertising*, 972 F.3d at 710.
24. *Reagan National Advertising*, 596 U.S. at 65. The Court's conservative majority has increasingly relied on a "text, history, and tradition" approach to other constitutional guarantees, but not (yet) to the Free Speech Clause of the First Amendment. See Clay Calvert & Mary-Rose Papandrea, *The End of Balancing? Text, History & Tradition in First Amendment Speech Cases After Bruen*, 18 Duke J. Const. L. & Pub. Pol'y 59 (2023). The *Reagan National Advertising* majority did not explicitly adopt a "text, history, and tradition" approach, but it was clearly influenced by the pervasive historical practice of regulating billboards.
25. *Reagan National Advertising*, 596 U.S. at 69.
26. *Id.* at 73–74.
27. *Id.* at 71 (emphasis added).
28. *Id.* at 90 (Thomas, J. dissenting).

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**Day in the Life** *cont'd from page 17*



of as municipal law, such as intellectual property rights and admiralty law. The opportunity to become conversant to so many substantive areas is a huge benefit of working in the County Attorney's Office. Not to be overlooked is that fact that I benefit greatly from working with some fantastic colleagues and also have a great working relationship with the staff of every County agency to which I am assigned as general counsel.

**What does a typical day look like for you in and out of the office?**

On a typical day, my emails can be non-stop. Most of those emails have documents attached to them, and the documents can be anything from an MOU that needs to be reviewed and edited to a draft decision and order from one of my quasi-judicial boards that I need to review and edit and send back to the Chair of the hearing panel. A lot of the emails are requests for legal opinions, and some can be answered really quickly, some may require legal research. That's another interesting thing that has changed over the time that I've been here. When I first started, requests for legal opinions used to come by a memo from a client and then you would write a nice extensive memo. Now, everything comes by email! In terms of what I do outside of work, I try to work out every day. On weekends if the weather is nice I ride my bike. My biggest hobby is international travel. At this point, I have been to 82

*Continued on page 23*



**Day in the Life** *cont'd from page 19*

countries. The only continent I haven't visited is Antarctica.

**That's impressive! Do you see yourself getting there?**
Maybe, maybe. Maybe I'll save that for retirement. In the meantime, in a typical year I'll do–depending on if I can get away–maybe three international trips. I tend to follow the sun. When it's winter or fall here, I'll go to southern hemisphere destinations, because it's summer in the southern hemisphere when it's winter up here. I go to northern hemisphere destinations like Europe in the late spring or early fall.

**Speaking of Europe, we noticed that you seemed to converse fluently with our Italian presenters at the recent Mid-Year Seminar. Do you speak other languages?**
I can converse in French, Spanish, German, and Italian. There are several other languages that I speak bits and pieces of. I would say I have "phrase book" competency in Greek, Dutch, some Japanese, a little bit of Mandarin, and some Croatian. Before visiting a country, I typically learn a bit of the local language ahead of time. I'll get a phrase book or will go online and learn some essential phrases. That will usually break the ice and, you know, people are really impressed with that when I'm in their country. With certain languages, they're really shocked. They're like "Oh, wow! That's nice, but why would you do that to yourself? Croatian?"

The first foreign language that I learned was Spanish. I started in sixth grade. In Farmville there was a Cuban family that had moved to my town; a brother and sister got put in my sixth-grade class and they didn't speak any English. The local college–which is now Longwood University–had a couple Spanish majors teach a bilingual class a few times a week for these students. My sixth-grade teacher wanted some of the American kids to go to this special bilingual class, and I was one of the students that she selected. I learned Spanish while they learned English. My parents sought to encourage it, so two years later, when I was fourteen, they sent me to summer school in Saltillo, Mexico to learn Spanish under a special program provided by the University of Coahuila. I went with seven other high school students from E.C. Glass High School in Lynchburg, Virginia. We went all the way by bus, actually. It took us three days to get there. After that, I started teaching myself other languages through home-study courses. I started teaching myself French and then Italian that way. It wasn't until I got to college that I formally took classes in Spanish and French. I'm completely self-taught in Italian. I would say that my best language is French, because after college I spent a year studying at the University of Neuchatel, which is in the French-speaking part of Switzerland. Every year, I go somewhere in Latin America. There are lots of Spanish-speaking people here, and I have Spanish-speaking friends, so that helps me keep it up.

**Are you also steeped in the cultures of the countries whose languages you speak—foods, customs and so on?**
I am most definitely steeped in the cultures of the countries whose languages I speak. The opportunity to meet people from around the world and experience the local food and customs is something that I look forward to during every trip abroad. As an avowed foodie, I'm always looking to check out the local food scene wherever I go. I have participated in group food tours and once took a one-day Moroccan cooking class while vacationing in Marrakesh. I have also had the culturally enriching experience of living and studying abroad in Mexico and Switzerland. Beyond that, however, have traveled to 82 countries and have personally gotten to know people on every inhabited continent. When traveling internationally I tend to forgo the major hotels in favor of being hosted in private homes by locals, which affords me the opportunity to experience life as a local during my visit. I have also had the pleasure of playing host and local tour guide to some of my former hosts from abroad when they come to visit Washington, D.C.

**Thanks a lot, Walter. Let us know when you reach Antarctica!** ML