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FEDERAL IMMIGRATION LAW AND LOCAL AUTHORITY—WHERE IS THE LINE?

By: Amanda Karras, IMLA Executive Director and General Counsel, Rockville, Maryland

The new Administration seeks increased action by local governments regarding undocumented aliens, including communicating their whereabouts and detaining them for apprehension by federal authorities. These policies test the line between federal prerogative and the Tenth Amendment, permissible detainers and the Fourth Amendment, and much more.

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By: Kevin Ramakrishna, Shareholder, and Joseph Shumow, Shareholder, Reinhart, Boerner, Van Deuren, S.C., Madison, Wisconsin

As housing becomes unaffordable for an ever-increasing number of constituents, municipalities are called upon to do more. Alongside zoning, density changes, and similar local mechanisms, Federal programs--including tax credits and other incentives--can be part of the solution for local governments.

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UNDERSTANDING AND USING ARTIFICIAL INTELLIGENCE FOR MUNICIPAL ATTORNEYS

By: James E. "Jeb" Brown, Senior Counsel, Liebert Cassidy Whitmore, Los Angeles, California. and John G. Peters, Jr., Ph.D. John G. Peters, Jr. & Associates, Henderson, Nevada

Initially perceived by many of us as a vehicle amassing the world's greatest repository of data and content to derive instant answers and more creative writing, AI's transformative potential is now becoming evident. Municipal lawyering will clearly be affected, and IMLA members need to be prepared.

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STAFF

EXECUTIVE EDITOR	EDITOR	EDITORIAL STAFF	ART DIRECTION AND PRODUCTION	MARKETING
Amanda Karras	Erich R. Eiselt	Avery Morris	Trujillo Design	Caroline Storer

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DAY IN THE LIFE

AVERY MORRIS,
IMLA Editorial Staff

From BigLaw to MediumLaw to Fulfillment in Local Government Law

**An interview with Sofia Hernandez,
Deputy City Attorney, Durham, North Carolina**

Hi Sofia! Let's start with where you were born and raised.
I was born in Honduras. My family and I immigrated here when I was about six years old. We first spent a lot of our years in New Orleans--I was there from ages six to fifteen. At fifteen we moved to Seattle, which is where I finished high school and did undergrad. High school is also where I met the love of my life, my husband. We've been married for twenty years.

How did you get to Durham?
Law school. I'd always known I wanted to go to law school. When it came time to apply, I cast a pretty wide net across the country. Once I narrowed my choices down to three, Duke was the farthest from home (Seattle, at the time). When I visited for admitted students' weekend, I just remember walking around the campus and feeling like, "Oh, my gosh! This place is magical and makes me feel like I'm part of something." I grew up in a tough, low-income neighborhood in New Orleans and here I was in a campus that looked like a fairy tale. On top of that, meeting some of the other law students, especially the Hispanic Latino Law Student Association folks that hosted me, made it feel like a place that I could belong, even though it was new and intimidating. There were a lot of things that felt comforting at the time that helped me make the decision to attend. I'm very glad I did.

Awesome. You teach there now, right?
On and off, yes. For the past few years, I've been invited to teach a variety of courses there, including legal writing. Last semester I taught an externship practicum course. It's been really neat to go back as a professor. I still have the imposter syndrome trying to teach these brilliant young minds. There's a part of me that's still like, "I don't know if I should be up here." But it's great to be there, part of the legal institution that helped shape me. And while it's sometimes difficult managing a full-time job as a municipal attorney and teaching… I love working with students. It's an incredible honor to be part of their growth. As a professor I share a lot about my journey, hoping that it shows my students that there's no one path to a satisfying legal career.

How did you end up working for the City?
After law school, I went into big law. That was a common path for students at Duke. And frankly, as a daughter of immigrants, I think it felt like it was the right thing to do to honor my parents' sacrifice--you know, having a prestigious well-paying job. So yes, I went straight into big law. I soon found out that I t was not for me. It didn't allow me to be the sort of family-oriented, friend-oriented person I am. I just felt like I was getting tugged in a lot of different directions and kind of failing at every facet.

It was also the height of the Great Recession when law firm life was additionally tense. Firms were consolidating and demanding more from their attorneys. So I transitioned to other opportunities. I worked at a regional law firm and then a boutique firm. I kept thinking size was going to fix it. In the nine years before I started my municipal career, I tried different legal employers and settings and even got to a point where I thought, "Maybe the law is not for me." I printed out a PhD application for cultural anthropology, because why not take out more loans? I was really struggling, thinking practicing law would always mean long hours, pressure from partners, and making every six minutes count.

I'd always wanted to be an attorney because when we came to this country my parents gave up so much. As an immigrant you get told at six or seven years old, "We moved here so you could have a good life. You can be anything you want to be: a doctor, a lawyer, or an engineer." Funny how it's always those three paths. I'm not great at math, and I don't love the sight of blood, so at some point at a very young age, I decided I guess I want to be a lawyer, and that's what I was working towards all my life. So, it was hard to get to a point nine years after graduation, thinking maybe this isn't the right path for me.









Luckily, I have a really supportive partner, and we were trying to figure it out. Right around the same time, we also found out that I was pregnant, which gives you a different kind of clarity. I remember wondering, "What is my kid going to think I do? What is 'bring your child to work day' going to look like?" So, I reflected on what I thought was missing or unsatisfying, and during that period I sought out folks in my network that I had met along the way. That led me to reaching out to Patrick Baker, who was the then City Attorney in Durham. He talked to me about the wonderful world of municipal law, where the work is challenging and interesting, the work/life balance is good, and the benefits are great. I'd never heard of the field. When his office had a job opening a few months later, I applied. They hadn't hired anyone in eight years. It was a pretty tight knit office--people got there and stayed forever. I didn't really think I had a shot. I'd never done municipal law before. Luckily, they were looking for a generalist, someone who could do a little bit of litigation, someone who had a lot of experience with contracts. So, my bouncing around worked for me, not against me; the stars and planets aligned, and I got the job. I am so grateful. It is the best job I've ever had. Now, my kid goes to City Hall with me once in a while. Everyone in the office knows him. He thinks it's pretty cool that his mom knows the Mayor and the Fire Chief.

So you've worked for Durham almost seven years. What makes the office so tight-knit? Is there a certain aspect of the office that makes it such a great place to work?
It is an awesome office. No one really left before I started working there but in the six-plus years since I've come on board, we've hired six or seven new attorneys. There was a lot of turnover from retirement, and Patrick left to head the Charlotte Law Department. We've had a lot of new blood in the office, but Kim Rehberg has done an amazing job of keeping a really good culture as City Attorney. In our office we have a book club, ice-cream outings, and after-work get-togethers. But most of all, I think the folks are smart, and they care about the City and the work, which makes mutual respect easy and natural. Mostly everyone works with their door open, and there are a lot of "Hey, can I run this by you?" kind of conversations. Also, a lot of people are in the same stage of life that I'm in, so it's very family friendly. People send each other Christmas cards, pictures of their kids, dogs, vacations. We are our own little community. And I think that is a huge part of why I love it.

How many attorneys are in the office?
We have ten attorneys total, so it's not a huge office. There are 26 or 27 departments in the city, and each attorney has a portfolio of departments. Obviously, Kim, our boss, deals mostly with the city council, and she has Finance, Budget, the City Manager's and Clerk's offices. The rest of us carry a handful of departments and serve as general counsel to them. Whether it's litigation or transactional matters, we are expected to handle it. We do have one dedicated litigator who handles the bigger litigation cases, like police chases, wrongful convictions, things

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that can get kind of gnarly and take years. My portfolio has changed over the six and a half years that I've been with the city. Right now, I carry a lot of the Public Safety and Code Enforcement departments. It's a varied portfolio but I really enjoy it. All of the departments I work for have direct resident contact, which I love being able to support.

What books have you all read?
We try to read books that give us insight on how we can better serve our diverse community. Durham is so diverse and resilient. The latest book Kim Rehberg just picked out. It's called *After the Last Border,* and is about two refugee families, one from Syria and one from Myanmar and their struggles back in their home countries, as well as their struggles once they were able to get in the US. It's a hard read, especially right now in this political climate-- it can be difficult, but I think part of the goal of the book club is trying to get us to focus on difficult things and discuss them respectfully. It helps build our own resilience as individuals and as an office.

What are your interests outside of work?
Well, I have a seven-year old. His social schedule is mine, basically. So right now, we are really into basketball, soccer, and drums. Being a parent is consuming and wonderful. Arts and crafts with him, or whatever it is, is a big part of the joy that I have on a daily basis. I also love food. I'm very fortunate that my husband is an amazing cook, so we enjoy trying new foods, making new recipes, or going to restaurants together. I love being out in the community in Durham, whether at the farmers' market or a Latino supermarket, just being in the community feels good. We also have a great neighborhood. Connecting with the neighbors is something that I really enjoy. I like reading, and I'm not above binge-watching a good series on a screen.

Are you watching anything currently?
I'm watching a bunch of different things all the time. My husband and I watch political dramas. We like *The Diplomat*, *The Americans*, or *The Night Agent*, those kinds of shows. My guilty pleasure is Korean soap operas. They are fantastic, and if you grew up like I did with Spanish telenovelas in your life all the time, they're very similar. If I can manage it, my greatest pleasure is watching Korean drama dubbed in Spanish. When I get to practice my Spanish, it brings back memories from home.

What's one memorable experience you've had in your position, either good or bad?
Oh, my gosh, there are so many. I started out fairly new, trying to get my feet wet. Patrick was really great about telling me, "Hey, for your first few months just spend a lot of time learning." So, I thought my workload was going to be relatively light. But six months after I started, we experienced an explosion in downtown Durham. A telecommunications company was drilling into the sidewalk to install fiberoptic cable, and they hit a gas line, causing gas to fill the building above it. Folks called 911 and the fire department responded, but they didn't know where the gas was coming from at that point. So in the morning, after all the students had already gone into the high school about half a block away, thank goodness, the building exploded. It basically took down the whole block. There were two deaths and a lot of injuries. There I am, the attorney for the fire department and emergency communications. It's a huge tragedy, but at this point I don't know what my role is: I'm not going to get into gear and go help them, but I have this intense urge to serve somehow.

On day three of the response, a search is still ongoing for one of the bodies because of all the rubble. I get a call from the Chief asking me to come down to incident command. I am five foot-nothing, and I dress how I dress, so on this lovely spring day, I am in pink linen pants and shoes with little bows on them. The Chief comes and picks me up in his fire department vehicle and takes me down to the site. There are hundreds of folks there, from state agencies, emergency management, fire, police, EMS, and off-duty responders, all working together to address this unprecedented incident for Durham. And then there's also the presence of private insurance companies because of all the damages. Actually, the primary building that exploded was next to a garage that housed one of the largest private Porsche collections, and no one knew about it. You're talking about twenty-some Porsches that were just decimated. There was also a building where one of the floors was a psychiatry practice, and they were very adamant that they needed to go in and get their patients' records. So everyone's pushing, "Can we get in? Who can we talk to? Who's responsible? Can the City do this?"

The first responders are handling the incident scene and don't have time to talk to everyone or calm them down, so I get asked to help hold the line. So here I am, again in pink linen pants, six months after starting, and luckily some of my instincts from all my years of practice kick in, along with the motivation to help the responders dealing with the explosion. So, I hold the line in front of the lot of insurance adjusters and eager property and business owners, and I'm fielding calls from persistent lawyers across several states insisting that I let their people onto the scene. It was surreal but also a really big moment of pride. Of course, the explosion led to years of work. I was the primary attorney handling the matter. It was not at all what I

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Day in the life *cont'd from page 28*

expected when I signed up for municipal law, but it was such a unique, hard, and important experience.

That's amazing. Wow, you really got thrown into it.
Yes I did. A couple years ago, my colleague Don O'Toole (since retired) and I gave a presentation about the explosion to the North Carolina Public Risk Management Association and most of the risk managers were astounded that through all this, the City didn't get sued. There were a lot of lawsuits of course between injured individuals, estates, the gas company, the drillers, and the architects who hired the drillers, but the City did not get sued. I'm still surprised, but I'd like to think that it's because we were transparent. The staff did everything that they could leading up to this incident and afterwards. I'm proud of how the City responded and how our office protected the City's interests. It was a good legal outcome for the City, even though it was such a tragedy. This work has exposed me to harder things than I expected, and I continue to feel motivated to help the staff and community that see it from a much closer vantage point.

Going back to your time teaching at Duke–A lot of law students don't even know what municipal law is. Do you try to "talk up" municipal law to them?
Oh, yeah! So much, so much. For about three and a half years I coordinated our internship and externship program for the City. Like I said, I love working with students. So through those efforts as well as when I'm in the classroom with students, I'm all about municipal law because of the career trajectory I've had. I can speak from experience that this is the best job I've ever had. When I retire, I want to retire from municipal law. This field is not something I knew about when I was in law school, and I think Duke has come a long way in exposing more students to the public sector. But still, when we talk about the public sector in a lot of law schools we talk about the ACLU, Legal Aid, or federal agencies.

There's not a lot of focus on local government, and there really should be, so I try to teach students about it. I often ask my students if they want to come into City Hall or have lunch with me at my work. My teaching style brings a lot of my practical experience into the classroom, so I'm often telling stories about "Oh, and this week I was negotiating for an emotional support animal at one of our fire stations." We have two emotional support animals, Blaze and Cosmo, at different fire stations, because we recognize the obvious mental health challenges for first responders. So for my students, I just try to show glimpses of how varied this work is, and how good it can feel to do it--whether you are at an explosion site or negotiating who is going to take Cosmo and Blaze to the vet.

That's such a great testimonial about the merits of local government law, Sofia! Thanks so much for your time and your story. ML

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Municipal Lawyer's latest addition: **IMLA Member News**

Beginning with our May-June 2025 issue, *Municipal Lawyer* will bring to our readership news and announcements about IMLA members, whether congratulatory (promotions, awards, job changes, retirement, and so on) or in memoriam, to honor the memory of a local government law colleague.

If you have news that should be communicated to your fellow IMLA members, please send the details (including photos as may be appropriate) to **info@imla.org**, under the heading **"IMLA Member News."**

We look forward to keeping you informed about your IMLA colleagues.
Thanks in advance for your participation!