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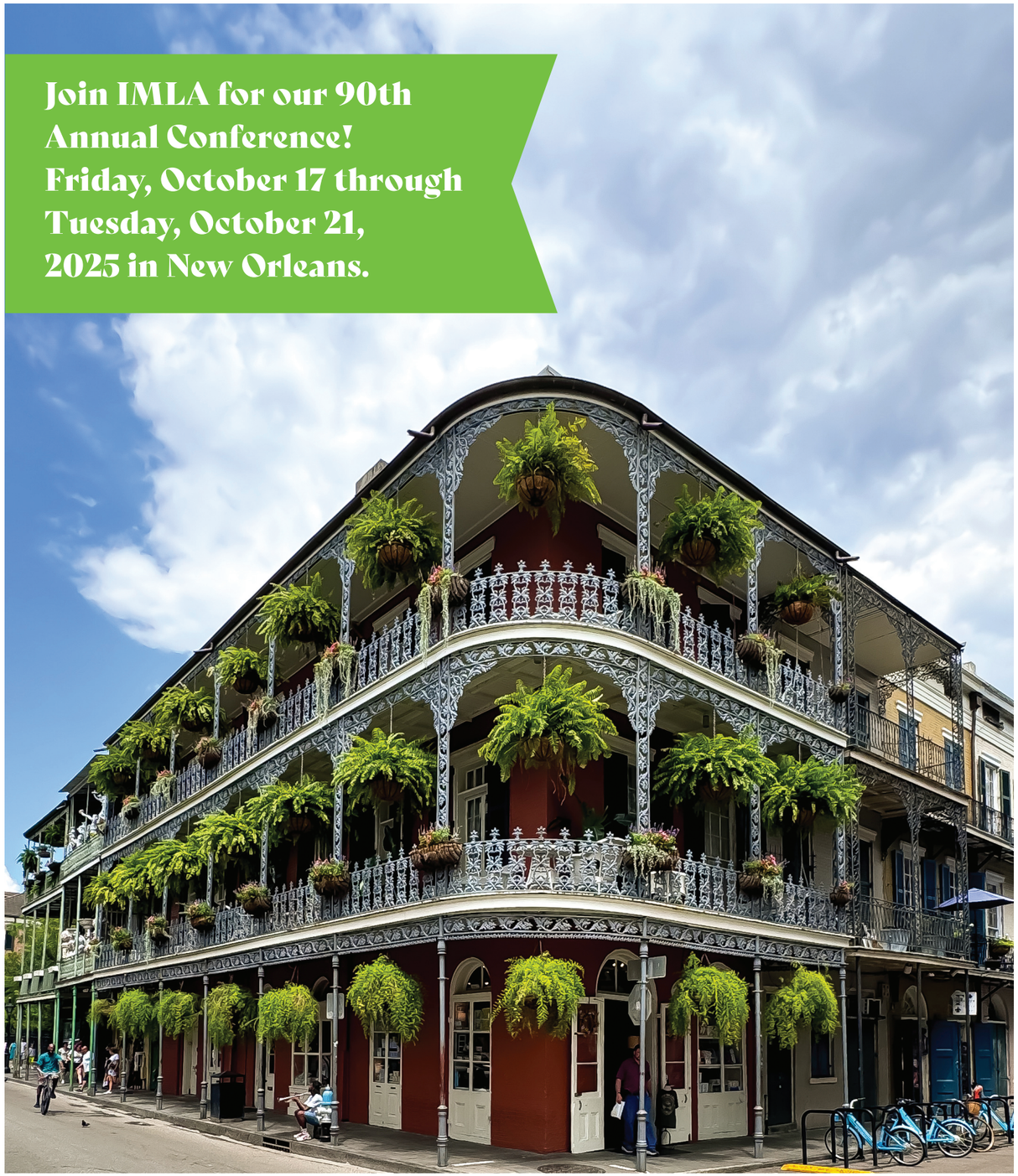
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JULY AUG 2025
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Municipal Liability for Drone-Related Damage: An Analysis of Recent Legal Precedents

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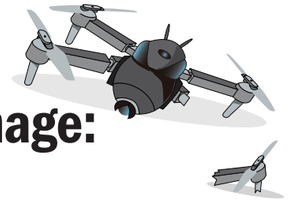
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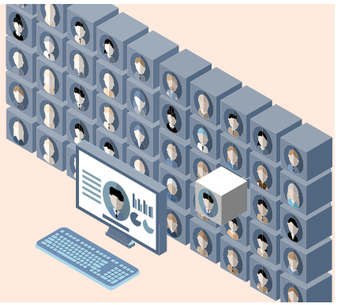


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FROM THE EXECUTIVE EDITOR

As we go to press, our thoughts are with the communities across Texas who continue to face the devastating impacts of recent flooding. Many of our members live and work in the impacted areas, but even for those that don't, this disaster hits close to home for all of us, and IMLA stands with you. In times of crisis, we know that local government attorneys are not only working in the Emergency Operations Center supporting first responders but after the immediate disaster ends, you all are the long-term stewards of recovery. To support that work, IMLA maintains a Disaster Resources Library with materials designed to assist local government lawyers navigating emergency response and post-disaster legal challenges. The resource library contains everything from pre-disaster checklists to sample ordinances, call recordings from IMLA presenters after disasters, to full disaster playbooks created by IMLA state league partners. If you would like to access the library, please visit our website or contact me or a member of IMLA's staff and we can assist you.

While disasters like these draw national attention, our members are constantly adapting to a fast-changing legal landscape—particularly in areas shaped by recent executive actions. From federal funding requirements to shifting DEI policies, to immigration conditions in grants, we've seen a steady stream of shifting federal administrative priorities. IMLA is committed to helping you stay ahead of these developments. Through frequent member calls, timely alerts, and expert-led discussions, we're here to help you interpret and implement these changes in real time, so you can keep your jurisdictions compliant and prepared. Since January, we've hosted dozens of calls on these topics, in addition to our regular calls on code enforcement, law enforcement advising, and homelessness among others. Local government attorneys are called on to address a wide array of challenges that continue to grow in complexity across the country. These resources are part of our broader mission to ensure local government attorneys are equipped to meet the moment—no matter what that moment brings.

In that spirit, we were especially proud to host our recent Construction Law Program in Providence, Rhode Island. With an excellent lineup of speakers and timely discussions on infrastructure, procurement, and risk management, the program delivered exactly what our members value most: practical legal education and meaningful peer engagement. A special thank you goes to IMLA's President, Jeffrey Dana, the City Solicitor of Providence, for graciously hosting us and helping foster such a welcoming and productive event. IMLA will look for other opportunities in the future to host focused topical conferences and we welcome your input on this.

Finally, I hope you'll join us this October 17–21 in New Orleans for IMLA's Annual Conference, where this theme continues. Our CLE programming at the conference will include deep dives into the very issues changing the local government legal landscape today—such as the federal shift of responsibility in disaster recovery under FEMA, the evolving requirements tied to federal grants, and the broader legal implications of shifting federal priorities. We will of course also offer many of our local government law staples, including sessions on regulatory takings, AI, public nuisance abatement, ethics, telecommunications, and employment law, among many others. Please visit our website to review the program and register. Beyond the education, this is your chance to connect with colleagues, share insights, and recharge among professionals who understand your work and your challenges. And of course, these opportunities will all take place under the backdrop of New Orleans! So come enjoy the music, food, culture, and your fantastic IMLA colleagues from around the country.

I look forward to seeing you there.

Warm regards,
Amanda Karras
Executive Director, IMLA



MENTOR'S CORNER

Building Trust with Your Client

Contributed by mentors from the IMLA Mentorship Program

Trust is foundational to the attorney-client relationship. The word "build" in the question is key because building anything the right way takes preparation, time, and consistency. Here are a few tools to keep in your toolbox for your trust-building project.

1. **Develop relationships.** Cultivating a relationship with the client is critical for building trust. As with any good relationship, show the client you are supportive, relatable, and respectful. Let them know you are on their side and want to partner with them to accomplish their goals. Find common ground from some aspect of your life outside of work, anything from TV shows, hobbies, sports teams, travel spots, or favorite restaurants; once you're on common ground, your client will be more likely to listen to your well-researched advice. Show respect toward people and always express gratitude for those who are willing to share their expertise to fill in your knowledge gaps.

2. **Learn city operations.** The more you know, the better service you'll provide, which helps the client feel they can rely on you. Ask staff members for tours of their work sites (you won't believe what you learn when you tour a wastewater plant – more than you ever wanted to know). Invite key staff to coffee or lunch and ask them about their successes and pain points. Sit with long-term employees and listen to their historical knowledge. Study the acronyms and unique lingo of your client until you can speak their language. Read the paper and watch the news so you know what's going on with your client outside of you're specific assignment.

3. **Prepare, prepare, prepare.** Preparation helps you provide better service and be more confident. Before you attend a meeting, familiarize yourself with the subject matter, associated issues, and the relevant law. If someone sent materials to you, read them, or if they weren't sent, proactively request them. Ask the meeting organizer what questions they may have beforehand; this will give you a chance to research in advance. During the meeting, ask questions so you can have a full, complete picture of the issues, as staff often presents a question that's a tip of the iceberg or a small part of a much bigger situation; your preparation and research will help you ask better questions.

4. **Be candid.** There is no trust without honesty. You won't know all the answers to the questions you're asked, and it's more trustworthy to say, "I don't know, let me get back to you," rather than winging it and walking back a wrong answer later. But if you do make a mistake, admit it; you'll build trust by being honest, owning it, and taking steps to fix it. Similarly, when you realize you won't meet a timeline you promised, communicate with the client prior to the deadline, which will manage their expectations.

5. **Exhibit a high level of professionalism.** Consistent professionalism builds trust.

For example, every time it's within your power, do what you say you will do and deliver work when you say you will deliver it. Take ownership of the projects, lawsuits, and questions you're given, and demonstrate responsibility.

If someone makes derogatory comments about your age or experience level, remain professional, firmly state you're the lawyer and you will fight hard for them, and then move on with confidence. Always stay engaged and attentive in a meeting, staying off of your devices unless necessary for the meeting; request that the client do the same if they aren't giving you the attention you need to represent them well. And, finally, strive to do your best in all you do.

Trust takes time to build, but by consistently applying these five tools, you will become a trusted legal advisor and advocate. ML

IMLA's Mentorship Program supports the career growth of attorneys new to the practice of local government law. IMLA assigns mentors either by subject matter interest, population size, or geographic region. IMLA will not assign mentors from the same office as the mentee. If you want to participate as a mentor or mentee, please contact IMLA to sign up.

The Mentor's Corner is an opportunity for participating mentors to provide guidance to a wider audience. This Mentor's Corner is provided to you by the mentors from the following cities: Chris Balch, Balch Law Group, Atlanta; Shaun Dabby Jacobs, Los Angeles; Leann Guzman, Fort Worth; Trish Link, Austin; Marion C. Moore, Chicago; Nathan M. Nickolaus, Lauber Municipal Law, Jefferson City; Tamara Niles, Englewood; Mandana D. Vidwan, Charlotte; Jeannine Williams, St. Petersburg.





PRACTICE TIPS

How to Successfully Integrate Gen AI

Contributed by
Dr. Gleb Tsipursky

Integrating generative artificial intelligence (Gen AI) into law firms presents a transformative opportunity to enhance efficiency, accuracy, and client service. However, this integration must be approached thoughtfully, adhering to ethical guidelines and being mindful of potential risks.

In July 2024, the American Bar Association (ABA) issued Formal Opinion 512, providing its first formal guidance on using Gen AI in legal practice.[1] This guidance emphasized that lawyers must fully consider their ethical obligations to ensure Gen AI tools are used responsibly and in a manner that upholds the integrity of the legal profession.

The ABA's Formal Opinion 512 highlighted several key Model Rules that lawyers must heed when integrating Gen AI into their practice:

1. Competence (Model Rule 1.1) Lawyers must provide competent legal representation, which involves having the requisite legal knowledge, skill, and thorough preparation. When using Gen AI tools, this means understanding both the benefits and risks of the technology. A lawyer must possess sufficient technical competence to evaluate whether a particular Gen AI tool is suitable for the task at hand and ensure it is used effectively. This includes verifying the accuracy of Gen AI outputs, given that errors or fabricated citations—commonly referred to as "hallucinations"—can result in serious professional consequences.

2. Confidentiality (Model Rule 1.6) Gen AI systems often require inputting sensitive client information, which raises concerns about maintaining confidentiality. Model Rule 1.6 underscores a lawyer's duty to safeguard all client-related information, regardless of its source. The rule emphasizes that attorneys must ensure the security of any data shared with Gen AI tools and, if there is a lack of protection that risks unauthorized disclosure, must not use such tools without the client's informed consent.

3. Communication (Model Rule 1.4) Effective communication with clients is central to ethical legal practice. Under Model Rule 1.4, lawyers have a fiduciary obligation to inform clients about important developments and to "reasonably consult" with them about the means used to achieve their objectives. In the context of Gen AI, this might mean evaluating whether using the Gen AI tool materially impacts the achievement of client objectives and, if so, informing the client.

4. Fees (Model Rule 1.5) Lawyers must ensure their fees and expenses are reasonable. This extends to the use of Gen AI. If, for example, a lawyer uses a Gen AI tool to draft a document in significantly less time than it would take manually, the lawyer can charge for the time spent reviewing and finalizing the document, but, unless the client approves, not for the time spent learning how to operate the tool. However, with appropriate disclosure to the client, the lawyer can, for example, charge a higher fee for more efficient work done using Gen AI, compared to the same work done without using Gen AI: in other words, clients get a higher ROI. The key is to keep the client informed and get the client's approval if you plan to change your fees due to Gen AI.

Formal Opinion 512 went beyond merely restating ethical rules. It encouraged lawyers to approach Gen AI with a blend of caution and innovation, recognizing the potential for technology to enhance efficiency and service delivery while safeguarding professional standards.

The eleven months since the ABA issued Formal Opinion 512 have witnessed a remarkable transformation in how the legal profession approaches Gen AI. According to a report from Thomson Reuters, 26% of legal organizations are now actively using Gen AI, up from 14% in 2024.[2] This near doubling of Gen AI adoption reflects a fundamental shift in attitude. In 2024, hesitancy was the predominant reaction (35%), but in 2025, excitement (27%) and hopefulness (28%) have taken the lead, while hesitancy has dropped to 24%. Many states have formed AI task forces, with at least 33 states forming AI committees or task forces in 2024, signaling widespread regulatory attention to Gen AI's impact on legal practice.[3]

Successful integration of Gen AI depends on thoughtful implementation, including the following:

- Technical training to familiarize employees with the capabilities and limitations of specific Gen AI tools, including how to interpret AI-generated outputs, refine prompts for improved results, detect errors in the system's responses, and maintain the security of sensitive information.

- Ethical training to highlight confidentiality, bias, and the necessity of human oversight.

- Policy Guidelines that include protocols for accuracy and data use, to ensure consistency in how Gen AI is used, to maintain accountability, and to minimize risk.

- Integration training to demonstrate how Gen AI fits into existing workflows, clarifying how it complements traditional legal practices and enhances productivity.

- Ongoing education is also critical as Gen AI tools evolve. A commitment to continuous learning ensures that the workforce remains competent and confident in effectively leveraging Gen AI.

Reflecting on the year since Formal Opinion 512, the legal profession stands at a transformative inflection point. The rapid evolution from skepticism to strategic adoption demonstrates that Gen AI has moved beyond experimental curiosity to become an essential tool for competitive legal practice. This transformation brings both opportunity and responsibility.

By combining thorough assessments, robust security measures, comprehensive training, and clear policies, law firms can integrate Gen AI to maximize its benefits while mitigating potential risks. These foundational steps pave the way for a responsible and effective adoption of this transformative technology. ML

Gen AI has moved beyond experimental curiosity to become an essential tool for competitive legal practice

Dr. Gleb Tsipursky was named "Office Whisperer" by The New York Times for helping law firm leaders overcome frustrations with Generative AI. He serves as the CEO of the future-of-work consultancy Disaster Avoidance Experts. Dr. Gleb has written seven best-selling books, including ChatGPT for Leaders and Content Creators: Unlocking the Potential of Generative AI.

Endnotes:

1. Am. Bar Ass'n, Formal Op. 512 (July 2024), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/ethics-opinions/aba-formal-opinion-512.pdf.
2. Bob Ambrogi, *Over 95% of Legal Professionals Expect Gen AI to Become Central to Workflow Within Five Years*, LawNext (Apr. 15, 2025), https://www.lawnext.com/2025/04/thomson-reuters-survey-over-95-of-legal-professionals-expect-gen-ai-to-become-central-to-workflow-within-five-years.html.
3. Heather Curry, *2024 State Summary on AI*, BSA TechPost (October 24, 2024), https://techpost.bsa.org/2024/10/22/2024-state-summary-on-ai/.

INSIDE CANADA

Construction, Butterflies, Discrimination, & Records

Contributed by partners Margo Hoffner, Cathryn Duxbury, and Marta Caufield with MCM Consulting and Legal Services

Request to Halt Neighbour's Construction Denied

Blanke v. West Vancouver District

https://canlii.ca/t/kb4qp

In 2012, the District Council approved applications for development permits for the construction of two similar homes on two adjacent waterfront lots - lots 8540 and 8520. The 2012 development permit authorized zoning variances that allowed for increases in the maximum height, number of storeys and highest building face envelope for each lot. A home was constructed on lot 8540 within the 24-month period allowed by the development permit. No home was constructed lot 8520 within the 24-month period so the 2012 development permit for that property lapsed. In 2017 the Wolfins purchased lot 8520 and in 2018 applied for another development permit to build a home similar to the one that Council had authorized in 2012 with the same variances that had been approved in 2012. The District's Director of Planning and Development issued a development permit to the Wolfins with the variances they had requested. At the time, the Director also notified the owners and occupiers of all property situated within 50 metres of lot 8520, including the then-owner of lot 8540. Blanke purchased the home on lot 8540 in 2019 and took possession in December 2019. He was aware and had reviewed the 2018 development permit at that time.

In November 2019, the Wolfin's architect submitted a building permit application to construct the home authorized by the 2018 development permit. Due to delays caused by the Covid-19 pandemic, construction was not commenced within the 24-month period authorized by the 2018 development permit. Blanke noticed construction beginning in early spring 2021 and inquired with the District about the status of the 2018 development permit. His inquiries were not promptly answered. In between May and August 2021 Blanke met with the Wolfins and their architect to express concern about the building height and its placement close to the shared property line. The Wolfins were not prepared to make any changes to their design. The architect continued to work with the District to address changes in the Building Code and the bylaws. In January 2023, the architect requested a 32-month extension to the 2018 development permit to account for delays caused by the pandemic. The Director granted a 24-month extension and issued a 12-month renewal of the 2018 development permit. In August 2023 the Director determined that the building plans complied with the 2018 development permit and granted the building permit. Construction on the Wolfins home began in January 2024. Blanke brought a petition for judicial review, seeking to quash the decision made by the Director to renew the development permit and seeking an interim injunction to prohibit the Director from issuing a building permit to the Wolfins. The petition was dismissed. Blanke appealed.

HELD:

Appeal dismissed

DISCUSSION:

Blanke argued that the chambers judge erred on four grounds: i) in finding that Blanked lacked standing to challenge the 2018 development permit; ii) in exercising his discretion to deny relief regarding the 2018 development permit on the basis of delay and prejudice; iii) in concluding that the Director's decisions were reasonable; and iv) in not finding a breach of procedural fairness. The Court of Appeal focused primarily on whether the decisions of the Director in 2023 were reasonable and concluded that they were. The Court of Appeal noted that it is important to assess reasonableness in the context of the applicable legislative framework and the specific circumstances surrounding the Director's decision rather than focusing on narrow or technical legal issues related to the zoning bylaw. The Court of Appeal also noted that the reasonableness analysis should recognize the prejudice to the Wolfins who were just trying to comply with all of the required regulations and approvals.



The "Butterfly Effect" Affects Municipality

Marmora and Lake (Municipality) v. Ontario

https://canlii.ca/t/k8mt4

The mottled Duskywing butterfly was listed as an endangered species under the Endangered Species Act of Ontario in 2014. The second largest population of this butterfly lives its entire life cycle on or near the host plants which are clustered along eight kilometers of highway in the Riverside Pines area of the municipality of Marmora and Lake. In 2021, the Municipality was conducting a major resurfacing project on its main roads which included roads in the Riverside Pines community. During this project, a construction crew cleared a high shoulder of built-up sand, cleared vegetation to bare soil, and parked maintenance vehicles on top of the host plants. As a result of these actions, the Municipality was charged with two contraventions under the *ESA*. It was alleged that the actions of the construction crew killed, harmed, or harassed the butterflies and the host plants. The Municipality had not applied for an exemption permit under the *ESA* before beginning the project.

The Municipality argued that at the time of the alleged contravention, it was performing work to comply with its obligations under the *Municipal Act*, to maintain highways in its jurisdiction in a reasonable state of repair. Failing to do so would make the Municipality subject to liability under the *Negligence Act*. The Municipality argued that it was not possible to comply with the road safety provisions of the *Municipal Act* and the *ESA* at the same time. At trial, the Municipality sought, among other things, a declaration that i) it had jurisdictional independence to determine what was "reasonable" in performing its statutory duties under the *Municipal Act*; and ii) where a municipality makes such a determination it is not required to obtain a permit, comply with an order or be subject to the offence provisions or other enforcement provisions of the *ESA* or its regulations. The trial judge dismissed the application on the basis that the issues raised by the Municipality were not ripe for declaratory relief. The Municipality appealed.

HELD:

The appeal was dismissed with costs.

DISCUSSION:

The Municipality argued on appeal that the applications judge had erred on four grounds. The first ground the Municipality argued was that the applications judge had erred in determining that the issues were not ripe for adjudication. This argument failed as the Ontario Court of Appeal found that based on the record before her the application judge was open to find that the Municipality had not established that its *ESA* obligations were irreconcilable with its *Municipal Act* obligations. The Municipality had not attempted to obtain a permit under the *ESA* to allow it to conduct its work under the *Municipal Act*.

discrimination can be subtle and covert and in those cases only a hearing where complainants can provide evidence to establish the link between the alleged discrimination and the protected ground will suffice

The second ground argued by the Municipality was that the application judge had erred by finding that the Municipality had impermissibly attempted to circumvent the Ontario Court of Justice's authority under the *ESA*. The Court of Appeal again dismissed this argument finding that the issue of what the Municipality could and should have done as well as its culpability under the ESA were properly within the jurisdiction of the Ontario Court of Justice. The third ground of appeal was that the application judge erred in not addressing the Municipality's argument that it had jurisdictional independence to determine reasonable standards for road maintenance. The Court of Appeal disagreed, confirming that the application judge was not obligated to address every argument raised, particularly after finding that the issues were not ripe for adjudication. Further, the Municipality had provided no authority to support its argument in this regard.The final ground of appeal also failed. The Municipality argued that the application judge had failed to grant a temporary order dispensing the Municipality from compliance with the *ESA* until it had time to seek a permit. At the time of the appeal the Municipality had not applied for a permit so there was no evidentiary basis to support the argument that the Municipality could not obtain accommodation allowing it to comply with its concurrent statutory obligations within a reasonable time. The Court of Appeal noted that it would have been inappropriate to grant an order premised on an application for a permit that did not yet exist.

Same-Sex Couple alleges discrimination by officers of municipality

Gray v. City of Medicine Hat
https://canlii.ca/t/kc0wt

The complainants, Gray and Hemsing, operated a hair salon in Medicine Hat. Due to the Covid-19 pandemic they moved their business from commercial premises to their primary residence. To operate from their residence, the complainants applied for and received a Home Occupation Development Permit which had conditions related to operating hours, street parking and number of customers. The complainants were in a same-sex marriage and alleged that the City discriminated against them based on their sexual orientation by imposing restrictions on their business which were not imposed on other businesses. They further alleged that the City's officers harassed them by continually attending their home in response to neighbours' complaints and that the neighbours complaints were based on disapproval of their sexual orientation and that the City should have known that. The City denied the allegations of discrimination and argued that they attended the complainants' home frequently due to the neighbours complaints about excessive parking due to their business. The Director of the Alberta Human Rights Commission dismissed the complaints finding that the City had received a considerable number of complaints and that it was reasonable for the City to follow up on those complaints to enforce compliance with development permits. The complainants requested a review of the Director's decision pursuant to section 6 of the Alberta Human Rights Act.

HELD:
The Director's decision was overturned and the matter was referred to a Tribunal for hearing.

DISCUSSION:
The Acting Chief of the Commission and Tribunals found that the issue of whether the complainants' sexual orientation or marital status was a factor in the attendance at their home by the City's officers was a genuine issue that could only be addressed in a full hearing of the complaint. If the complainants allegations could be proved by evidence it could establish a link between the alleged adverse treatment and the protected ground of sexual orientation. Referring to previous decisions of the Tribunal, Court of King's Bench and Court of Appeal, the Acting Chief found that if the information gathered by the Director does not clearly point to the veracity of one version of the facts then it is not appropriate for the Director to dismiss the complaint. Rather the matter should be referred to the Tribunal for hearing where additional evidence can be provided. The Acting Chief concluded by noting that discrimination can be subtle and covert and in those cases only a hearing where complainants can provide evidence to establish the link between the alleged discrimination and the protected ground will suffice.

Exemptions available to municipality in records request related to work of external entity

Tarasoff v. Saskatoon (City), Re
https://canlii.ca/t/kbft5

The Community Safety and Well-Being partnership (CSWB) was initiated by the City and comprised of a group of stakeholders brought together to consult or share information on a variety of city issues including community safety, homelessness, encampments, shelters, addictions, crime and discrimination. The Mayor, his chief of staff and various City departments were involved along with external stakeholders. In 2023, Tarasoff made a freedom of information request to be provided with emails from January 1, 2020 to the date of his request relating to the executive committee of CSWB on which the City's then-Mayor was included. When responding to the request the City withheld portions of the records relying on exemptions under the *Local Authority Freedom of Information and Protection of Privacy Act*, SS 1990-91, c. L 27.1 (the "Act"). Tarasoff applied for a review of the City's refusal to provide all records and the Privacy Commissioner recommended the release of a substantial portion of the remaining records withheld by the City. The City did not comply with the Privacy Commissioner's recommendation, relying on section 45 of the Act. Tarasoff brought an appeal pursuant to s. 46 of the Act.

HELD:
The appeal was largely dismissed with the court finding that the majority of the City's exemption claims were lawful. However, certain records were ordered to be released by the City.

DISCUSSION:
The Court began by noting the purpose of the Act was to promote openness, transparency and accountability such that, subject to the exceptions stipulated in the Act, every local person should have access to the records of the local authority. The Court also addressed the inconsistency and initial overprotectiveness of the City when dealing with the request. During the period of time between the initial request and the appeal hearing, the City changed its position on some records by removing previous redactions. The Court noted that this inconsistency and overprotectiveness suggested the City was not conducting itself according to the Act's objectives of openness, transparency and accountability. While it was preferable that the City voluntarily released more records throughout the process, it did leave the impression that the City was seeking to raise barriers and avoid accountability and transparency. The Court did suggest that perhaps the City's processes could be improved.

Considering the specific exemptions, the Court disagreed with the finding of the Privacy Commissioner that s. 16(1)(a) of the Act could not apply to the work of the CSWB because it was external to the City. Section 16(1)(a) provided an exemption for records that could reasonably be expected to disclose advice, proposals, recommendations, analyses or policy options developed by or for the local authority. The Court found that even though the CSWB was external to the City, it was organized by the City to aid the City in carrying out its mandates under *The Cities Act*. Thus, advice developed for the CSWB as a committee was advice developed "by or for" the City and therefore eligible for exemption under the *Act*.

Section 16(1)(b) of the Act provided an exemption for records that could reasonably be expected to disclose consultations or deliberations involving officers or employees of the local authority. The Court disagreed with the Commissioner's finding that in order for a s. 16(1)(b) exemption to exist a decision-maker needed to be involved. Rather, what was required for a s. 16(1)(b) exemption was that officers or employees of the City be involved in consultations or deliberations. The consultations or deliberations did not need to be exclusive to City officers or employees, nor did a decision-maker have to be involved.

Finally, in awarding costs, the Court noted that while it would not normally do so, the City's approach to this matter (its inconsistency in redacting records and overprotectiveness) warranted costs against the City. Tarasoff was awarded $750.00. ML

MCM Consulting and Legal Services is an Alberta legal consulting firm of experienced and respected lawyers admitted to the Alberta Bar that provide legal services that are difficult or uneconomical to provide in-house. MCM's focus is to use our exceptional drafting and legal research skills to produce clear, concise, and accurate documents, opinions, and papers, for use by lawyers practicing in Alberta as well as content for national legal databases.

Will DEI DIE?

Local Governments Challenge President Trump's DEI Orders

BY: DEANNA SHAHNAMI
IMLA Assistant General Counsel and
Director of Diversity, Equity, and Inclusion



President Trump has threatened to withhold billions of congressionally approved federal funds from state and local governments. With a sea of injunctions being issued nationwide, the main question remains: Does President Trump have the power to use executive orders to order federal agencies to impound or change grant and contract terms for federal funds already approved by Congress?

Executive Power and Executive Orders

Article II of the Constitution vests the president with executive power over the government, including the obligation to "take care that the laws be faithfully executed."[1] Although the U.S. Constitution neither addresses executive orders nor grants the President with power to issue them, executive orders are generally accepted as an inherent part of the President's authority.

An executive order is a written directive, signed by the President, published in the Federal Register, intended to have the force and effect of law.[2] The legal effect of those orders depends on a variety of factors. To have legal effect, those directives must be issued pursuant to one of the President's sources of power, as provided in Article II of the Constitution or, in limited circumstances, by a delegation of power from Congress. Only the current President may revoke standing executive orders. More importantly, executive orders cannot override federal laws and statutes.

Of the numerous executive orders President Trump issued since he began his second administration, this article will focus on: (1) Exec. Order 14151, *Ending Radical and Wasteful Government DEI Programs and Preferencing*[3] (the "D1 Order") and (2) Exec. Order 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*[4] (the "D2 Order"), (collectively, "the Orders").

The D1 Order directs the Director of the Office of Management and Budget, assisted by the Attorney General and the Director of the Office of Personnel Management, to "coordinate the termination of all discriminatory programs, including illegal DEI and "diversity, equity, inclusion, and accessibility" (DEIA) mandates, policies, programs, preferences, and activities in the Federal Government, *under whatever name they appear*."[5] The D2 Order directs the heads of each agency to include "in every contract or grant award" a term requiring the "counterparty or grant recipient to certify that it does not operate any programs promoting DEI" that would violate any applicable federal anti-discrimination laws.[6] This certification is in place for purposes of the False Claims Act (FCA), which imposes liability on "any person" who "knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval."[7] For FCA liability to attach, the alleged misrepresentation must be "material to the Government's payment decision"—an element the U.S. Supreme Court has called "demanding."[8] Each violation of the FCA is punishable by a civil penalty plus mandatory treble damages sustained by the federal government because of that violation.[9]

The D1 and D2 Orders require careful analysis by local governments given the potential FCA liability. Many local governments operate diversity, equity, and inclusion programs. The Biden administration required many grantees to highlight equity considerations in order to be eligible for grants. This directly conflicts with the Trump administration's about-face on DEI initiatives, without defining what constitutes "illegal DEI," which means localities should proceed cautiously. The D1 Order requires each agency, department or commission head to take the following action withing 60 days of the Order, which includes to "terminate to the maximum extent allowed by law, all DEI, DEIA, and environmental justice offices and positions (including but not limited to Chief Diversity Officer positions); all equity plans, equity actions, initiatives, or programs, equity-related grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees."[10]

There are several potential statutory and constitutional considerations with the Orders and many legal challenges to these Orders. This Article will examine several legal limitations, though additional legal challenges may be available as well.

Statutory Authorization for Executive Discretion in Allocation of Grant Sums

If federal funds are being withheld pursuant to Executive action, one place to review is the underlying statute authorizing the grant. The statute under which the grants are authorized may contain language on the extent (such as reduction or allocation) or existence of executive discretion. Absent congressionally provided discretion, the Orders are in violation of the statute and may exceed Executive authority as circumscribed by the Constitution.

In *Train v. City of New York*, the Supreme Court ruled that the Administrator of the Environmental Protection Agency was obligated to allocate all funds authorized by Congress under the Federal Water Pollution Control Act Amendments, despite President Nixon's directive to reduce them.[11] The Court held that the statutory language and legislative history made full allocation a legal requirement, leaving no room for discretionary reductions by the executive branch. This kind of unauthorized impoundment—a unilateral action taken by the executive branch to delay or cancel appropriations enacted into law—motivated Congress to pass a law regulating impoundments.

While the *Train* case was pending, Congress passed the Congressional Budget and Impoundment Control Act of 1974.[12] Title X of the Act imposes certain requirements on the President in postponing or withholding the use of authorized funds.[13] If the President determines that certain budget authority will not be required to carry out a particular program and is of the view that such authority should be rescinded, the President must submit a special message to Congress explaining the basis therefor.[14] For the rescission to be effective, Congress must approve it within 45 days.[15] Should the President desire to withhold or delay the obligation or expenditure of budget authority, he must submit a similar special message to Congress.[16] Either chamber may reject the President's recommendation by adopting a resolution disapproving the proposed deferral.[17] The Court's analysis in *Train* said the passing of the Impoundment Control Act did not affect its decision on its judicial interpretation of executive discretion as defined in the Federal Water Pollution Control Act.

The Administrative Procedure Act: Arbitrary and Capricious Agency Action

Local government may also allege that the imposition of the challenged conditions is arbitrary and capricious in violation of the Administrative Procedure Act. The APA provides for judicial review of "[a]gency action made reviewable by statute and final agency actions for which there is no other adequate remedy in a court."[18] The APA mandates that a court "shall … hold unlawful and set aside agency action … found to be … contrary to constitutional right, power, privilege, or immunity."[19] While local governments may bring claims under the APA, the federal government has been making jurisdictional arguments under the Tucker Act in many of these cases. The federal government argues that these claims sound in contract and should therefore be brought in the Court of Federal Claims as the exclusive remedy. Thus far, courts are mixed in their rulings on this issue, and those decisions are beyond the scope of this article. But counsel should be aware that these jurisdictional arguments exist.

Under the APA, an agency "must examine the relevant data and articulate a satisfactory explanation for its action, including a rational connection between the facts found and the choice made."[20] An agency rule will be found to be arbitrary and capricious "if the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise."[21] Additionally, reversal or alteration of policy that constitutes an "unexplained inconsistency" can lead to a finding that the new policy is arbitrary and capricious.[22]

As the Orders create new, undefined obligations and an unexplained inconsistency between what is discriminatory under federal anti-discrimination laws and illegal DEI, local governments may consider an APA claim if the challenged conditions on the receipt of funding were arbitrary and capricious.

Congress's Spending Power

One of Congress's enumerated powers in the U.S. Constitution is its spending power, which empowers Congress to "provide for the common defense and general welfare of the United States."[23] The Spending Clause authorizes Congress to impose limits on the use of such funds to ensure they are used in the manner Congress intends.[24] Congress may attach conditions on the receipt of federal funds and has repeatedly employed the power "to further broad policy objectives by conditioning receipt of federal moneys upon compliance by the recipient with federal statutory and administrative directives."[25] Federal policy objectives that are not thought to be within Article I's enumerated legislative powers may nevertheless be attained through the use of the spending power and the conditional grant of federal funds.

However, the spending powers over conditions on federal funding are not unlimited. In order for the conditions to be constitutional, the Supreme Court in *S. Dakota v. Dole*[26] provided they must be: (1) in pursuit of the general welfare,[27] (2) unambiguous,[28] (3) relate "to the federal interest in particular national projects or programs,[29] (4) not barred by other constitutional provisions,[30] and (5) non-coercive.[31]

To determine whether a given condition is impermissibly coercive, the U.S. Supreme Court decided in *National Federation of Independent Business (NFIB) v. Sebelius* that it depends on the "voluntariness of the states' choice to accept or decline" a particular condition and has emphasized that "theoretical voluntariness is not enough."[32] The Court invalidated a condition of the Affordable Care Act that required states to expand their Medicaid programs or forego not just Medicaid expansion funding but all federal Medicaid funding. The Court noted that federal Medicaid funding accounted for 10 percent of some states' total budgets. Given that substantial budgetary impact, the NFIB Court characterized the funding condition as "economic dragooning that leaves the states with no real option but to acquiesce in the Medicaid expansion."[33] However, the Court has declined to provide a bright-line test specifying what amount or type of funds affected by a federal funding condition fall on the coercive, rather than encouraging or enticing, side of the line. Thus, it is difficult to predict the outcome in current and future cases challenging the Orders, with any certainty.

By usurping Congress's power of the purse, the Executive Branch's imposition of conditions may violate the separation of powers. Conditions on grants pursuant to the Orders may also potentially violate the Spending Clause by adding ambiguous and potentially coercive conditions, considering the amount of federal funds at stake. James Madison argued to critics, who suggested the Constitution would dangerously concentrate power in a single central government, that the risk of abuse of such power was low because "the sword and purse are not to be given to the same member" of the government.[34] Madison explained that "[t]he purse is in the hands of the representatives of the people," who "have the appropriation of all moneys."[35]

First Amendment: Freedom of Speech

As a general matter, if a party objects to a condition on the receipt of federal funding, its recourse is to decline the funds. This remains true when the objection is that a condition may affect the recipient's First Amendment rights.[36]

In *Agency for Intern. Dev. v. All. for Open Socy. Intern., Inc.*, Chief Justice Roberts held that the Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act's policy requirement—requiring organizations that receive funding under the Act to have a policy expressly opposing prostitution—violated First Amendment free speech protections.[26] The issue in the case was whether the government imposed the policy requirement as a condition on receiving federal funds. To answer yes, the Court distinguished between conditions that define the limits of the government spending program and conditions that seek to leverage funding to regulate speech outside the contours of the program itself.[27] The Court found the policy requirement to fall under the "outside of the contours of the program" by "compelling a grant recipient to adopt a particular belief as a condition of funding."[28]

The Court in *Agency* applied the "unconstitutional conditions" doctrine and invalidated the requirement. Under the doctrine, "the government may not place a condition on the receipt of a benefit or subsidy that infringes upon the recipient's constitutionally protected rights, even if the government has no obligation to offer the benefit in the first instance."[40] The Court has also applied the doctrine to scrutinize legislation that placed conditions on building permits, *Sheetz v. Cnty. of El Dorado*, 601 U.S. 267, 279 (2024), access to federal courts, *Terral v. Burke Constr. Co.*, 257 U.S. 529 (1922), and the right to travel, *Memorial Hospital v. Maricopa County*, 415 U.S. 250 (1974).

Applying the *Agency* analysis to the D1 and D2 Orders and grant conditions requiring certification that the applicant does not operate any "illegal DEI," can be construed as an ongoing condition on grant recipients' speech and activities, a ground for terminating a grant after approval.[41] Grant recipients—called on by a federal agency to remove "DEI terms" from their grants—cannot avow the belief dictated by the new grant conditions when spending funds and then turn around and assert a contrary belief; *e.g.*, grant recipients cannot continue their diversity, inclusive and equitable policies, activities or programs using funds not related to the grant without fear of losing federal funds and risking FCA liability.[42]

At the end of the day, the federal, state, and local governments are all against discrimination. At the end of the day, the federal, state, and local governments are all against discrimination. However, the conditioning of federal funds on an ambiguous proscription against "illegal DEI" may run afoul of the First Amendment.

Local Government Action[43]

Since the D1 and D2 Orders were issued, federal agencies have already directed their grant recipients to certify compliance that they do not operate any illegal DEI programs.[44] There have been several lawsuits challenging the D1 and D2 Orders.

In *Nat'l Ass'n of Diversity Officers in Higher Education v. Trump*, the federal district court for the District of Maryland granted a nationwide preliminary injunction in favor of the Plaintiffs, which included the City of Baltimore. According to the court's opinion, the City received a letter from the U.S. Department of Health and Human Services that demanded that Baltimore "immediately terminate" all activities "promoting 'diversity, equity, and inclusion'" "that are supported with funds from [a CDC] award" in

light of the Orders.[45] Baltimore also received an email "from AmeriCorps informing [it] that three of [its] AmeriCorps grants had been flagged for review" because they contained words like "Diversity," "Equity," "Equity Action Plan," and "DEI" as well as "Environmental Justice" and "Climate Change."[46] The email asserted that within five days, Baltimore must either "(1) Certify that the awards, using proscribed language, 'compl[y] with all administration Executive Orders and do[] not include any activities that promote DEI activities'; (2) Stop providing noncompliant services . . . ; or (3) Forgo this AmeriCorps funding altogether."[47] On March 14, 2025, a three-judge panel of the Fourth Circuit unanimously agreed to stay the District of Maryland's preliminary injunction based on the factors under *Nken v. Holder*, a Supreme Court decision that sets the standard for a U.S. Court of Appeals to apply in considering whether to grant a stay of a district court's Order to allow an appellate court the time necessary to review the Order's legality.[48] Each judge wrote a concurring opinion. Two judges reserved their judgment "on how the administration enforces these Executive Orders, which may well implicate cognizable First and Fifth Amendment concerns.[49]

In *Chicago Women in Trades v. Trump*,[50] the Plaintiffs challenged President Trump's D1 and D2 Orders alleging violations of free speech under the First Amendment; the Due Process Clause of the Fifth Amendment for being unconstitutionally vague; and exceeding the president's statutory authority and usurping Congress's spending powers.[51] On April 14, 2025, the district court found that "the far-reaching impact of the Certification Provision combined with its encroachment on grantees' and contractors' First Amendment rights created the type of 'exceptional circumstances' in which 'the proper scope' of the injunctive relief is nationwide with regards to the Certification Provision."[52]

Finally, in *S.F. Unified Sch. Dist. v. AmeriCorps*, AmeriCorps announced that grant recipients "could only continue using grant funds for their approved purposes" if they agreed to implement the D1 and D2 Orders in their programs with only "a few days to either change their programs to eliminate any activities that promote DEI, promote 'gender ideology,' or address climate change or other environmental issues"—without explanation—or lose their AmeriCorps grant funding entirely. The court granted the plaintiffs' motion for a preliminary injunction on June 18, 2025.

Conclusion

While litigation may provide relief for some local governments, other localities will have to wait and see what will happen to their local policies as they pertain to the new conditions for current and future federal grant funding. Thus far, the district court decisions have issued many injunctions in favor of Plaintiffs (non-profit organizations and local governments), and appellate courts have reserved their judgments on future "as applied" challenges. In other words, litigants may have to show how the government's enforcement of the Orders violates any relevant statutes or the claimant's constitutional rights. The D1 and D2 Orders have left many local government diversity, equity, and inclusive programs, policies, and initiatives with uncertainty. For those looking to join discussions on these issues, please join IMLA's Diversity Working Group. ML

Endnotes

1. U.S. Const. Art. II, § 3.
2. Abigail A. Graber, Executive Orders: An Introduction, CONGRESS.GOV (Mar. 29, 2021), https://www.congress.gov/crs-product/R46738?q=%7B%22search%22%3A%22executive+orders+order%22%7D&s=1&r=1..
3. Exec. Order No. 14151, 90 Fed. Reg. 8339 (Jan. 29, 2025)
4. Exec. Order No. 14173, 90 Fed. Reg. 8633 (Jan. 21, 2025)
5. Exec. Order No. 14151 §2 (emphasis added).
6. *Id.* § 3(b)(iv)(A).
7. 31 U.S.C. § 3729(a)(1)(A).
8. *Universal Health Servs., Inc. v. United States ex rel. Escobar*, 579 U.S. 176, 192, 194 (2016). See also *King County v. Turner*, No. 2:25-cv-00814 (May 2, 2025).
9. *Id.;* 31 U.S.C. § 3729(a); 28 C.F.R. § 85.5(a).
10. Exec. Order No. 14151 §2(b)(i).
11. 420 U.S. 35, 41 (1975); 33 U.S.C. §§ 1285, 1287 (1970 ed., Supp. III).
12. Pub. L. No. 93—344, 88 Stat. 297, 31 U.S.C. s 1301 et seq. (1970 ed., Supp. IV).
13. *Id.*
14. *Id.*
15. *Id.*
16. *Id.*
17. *Id.*
18. 5 U.S.C. §. 704.
19. 5 U.S.C. § 706(2)(B).
20. *Motor Vehicle Mfrs. Ass'n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (internal quotation marks omitted); *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221 (2016) ("[A]n agency must give adequate reasons for its decisions.").
21. *Id.* at 43.
22. *Nat'l Cable & Telecomms. Ass'n v. Brand X Internet Servs.*, 545 U.S. 967, 980–81 (2005)..
23. Art. I, § 8, cl. 1.
24. *Rust v. Sullivan*, 500 U.S. 173, 195, n. 4 (1991).
25. *Fullilove v. Klutznick*, 448 U.S. 448, 472–74 *(1980).*
26. *S. Dakota v. Dole*, 483 U.S. 203, 207 (1987). See also *United States v. Butler*, 297 U.S. 1, 66 (1936). 483 U.S. 203 (1987).
27. See Helvering v. Davis, 301 U.S. 619, 640–641 (1937).
28. *Pennhurst State Sch. & Hospital v. Halderman*, supra, at 17, 101 S.Ct., at 1540.
29. *Massachusetts v. United States*, 435 U.S. 444, 461 (1978) (plurality opinion).
30. *Lawrence County v. Lead-Deadwood Sch. Dist.*, 469 U.S. 256, 269–270 (1985)
31. Steward Machine Co. v. Davis, 301 U.S. 548, 590 (1937).
32. 567 U.S. 519, 555 (2012).
33. *Id.* at 523.
34. 3 Debates in the Several State Conventions on the Adoption of the Federal Constitution 393 (Jonathan Elliot ed., 2d ed. 1836). See also Sierra Club v. Trump, 929 F.3d 670, 689 (9th Cir. 2019).
35*Id.*
36. *Agency for Intern. Dev. v. All. for Open Socy. Intern., Inc.* 570 U.S. 205, 214 (2013).37 Boggs v. Merideth, No. 3:15-cv-00315-TBR, 2017 U.S. Dist. LEXIS 40235 (W.D. Ky. Mar. 21, 2017).
Id. at 213-221.
38. *Id.*
39. *Id.* at 218.
40. *Perry v. Sinderman*, 408 U.S. 593, 597 (1972).
41. *Agency*, 570 U.S. at 218.
42. *Id.*
43. This is not an exhausted list of all pending cases and claims made against the Defendants in each case.
44. Yourish, *These Words Are Disappearing in the New Trump Administration*, The New York Times, March 7, 2025, https://www.nytimes.com/interactive/2025/03/07/us/trump-federal-agencies-websites-words-dei.html (visited June 1, 2025).
45. *Nat'l Ass'n of Diversity Officers in Higher Educ. v. Trump*, --- F. Supp. 3d ---, 2025 WL 573764, at *22 (D. Md. Feb. 21, 2025).
46. *Id.* at *22-23.
47. *Id.* at *23.
48. 556 U.S. 418 (2009)(considering four factors: (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.).
49. *Nat'l Ass'n of Diversity Officers in Higher Education v. Trump*, 4th Cir. R. 32.1, Concurring Op. at 4 n. 1(Diaz, C.J., concurring). See also *Id.* Concurring Op. at 7–8 (Harris, J., concurring).
50. No. 25-2005 (N.D. Ill. April 14, 2025).
51. *Id.*
52. *Id.* at *44 (ruling (citing City of Chicago v. Barr, 961 F.3d 882, 892 (7th Cir. 2020)). *Cf. National Urban League v. Trump*, No. 1:25-cv-00471, (D.D.C.) (A federal district court in Washington, D.C., denied preliminary injunction for the Plaintiffs who challenged the D1 and D2 Orders on facial challenges. The court said they would have standing and/or a likelihood to succeed on the merits with "as-applied" challenges.).



ANATOMY OF A SHOOTING TRIAL: TRIAL PRACTICE 101

ETHICS 101

LAND USE 101

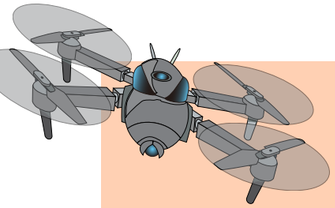
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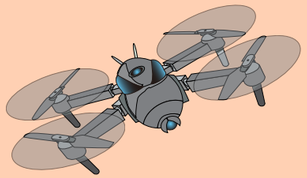
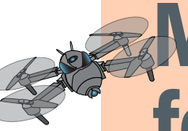
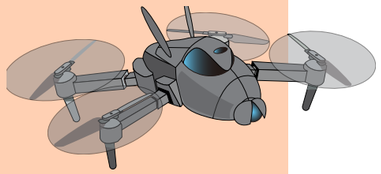
NEGOTIATIONS 101

ORDINANCE DRAFTING BEST PRACTICES: LAND USE

PERSONNEL 101

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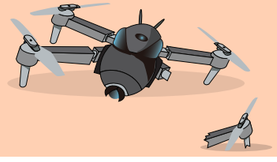


Municipal Liability for Drone-Related Damage: An Analysis of Recent Legal Precedents

BY EDWARD MAGGIO

The increasing prevalence of drones presents municipalities with dual legal challenges: liability arising from their own drone operations and legal disputes stemming from the use of private drones. Municipalities must navigate lawsuits involving drone-related damage caused by law enforcement and other government entities, as well as regulatory and enforcement challenges posed by the activities of private citizens using drones. By examining recent case law, statutory frameworks, and policy considerations, this article provides a comprehensive analysis of the legal responsibilities and risks municipalities face in both operating drones and addressing the consequences of unauthorized or harmful private drone use.



I. Drone Liability

Drones used by municipal entities at the county and city levels are becoming more commonplace in our everyday lives. Whether conducting land surveys, traffic management, emergency responses, police activity, or recording community events such as parades, the adoption of drones has enabled municipalities to expand their services to the population, bringing associated benefits. However, with the adoption of drones by a local government comes the potential for liability in several areas. People must never forget that drones are mechanical and electronic devices. When human factors such as a remote pilot and weather, which can change in an instant, are added, the possibility of an issue occurring is inevitable.

A drone creates liability depending on where it goes, what it sees, what it records, or if it unexpectedly crashes into a private home. Liability becomes even more complex when private individuals use drones, resulting in the drone disrupting municipal services or even colliding with infrastructure, such as buildings or electrical wires, that are owned and operated by a municipality. What travels through the air can unexpectedly fall from the sky if something goes wrong, including remote pilot error. Considering that drones operating in airspace are subject to both federal and state laws, they can arguably be seen as flying liability machines. This is particularly true when unforeseen or catastrophic incidents occur, or when a drone enters a location that raises privacy concerns due to what it records or observes, particularly when a drone is engaged in law enforcement or code compliance functions. When combined with these factors, the potential for litigation increases in the event of a crash, or, as Elon Musk might describe it, a "rapid unscheduled disassembly."[1] Therefore, litigation involving drones is entirely foreseeable and realistically expected to increase as both local governments and private citizens continue to expand their use of drone technology. Understanding the legal precedents established by these cases is crucial for municipalities to navigate potential liabilities effectively.

II. Legal Framework Governing Municipal Drone Use

A. Federal Regulations

In terms of legal frameworks, the Federal Aviation Administration (FAA) governs the national airspace, including the operation of drones, also classified as "unmanned aerial systems" (UAS).[2] This means that the FAA sets the legal standard for any form of powered and propelled aircraft that travels through American skies. As drone usage expands across various industries, including agriculture, construction, law enforcement, and entertainment, compliance with FAA regulations is crucial. Municipalities and commercial operators must adhere to federal guidelines, which cover pilot certification, operational limitations, and airspace classifications.[3]

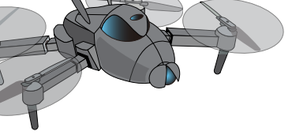
To this end, the FAA has established comprehensive guidelines for drone operations to ensure safety and efficiency. Individuals operating drones for commercial purposes must obtain a Remote Pilot Certificate under Part 107 of the FAA regulations.[4] Certification requires passing an aeronautical knowledge test covering airspace classification, weather, emergency procedures, and operational limitations. Recreational drone operators are required to pass the FAA's Recreational UAS Safety Test (TRUST) and follow community-based safety guidelines.[5]

Regarding the specific details that may prompt FAA involvement in drone operations, drones must weigh less than 55 pounds, unless a special waiver is granted. They must always remain within the operator's or observer's visual line of sight (VLOS).[6] The maximum altitude, whether for recreational or professional use, is limited to 400 feet above ground level unless they fly within 400 feet of a structure.[7] Flights over people, moving vehicles, and at night require special waivers or must comply with updated FAA rules regarding remote ID and visibility.[8] As aerial drone technology advances, it is likely to prompt additional changes to FAA regulations, necessitating ongoing compliance.

Furthermore, drone operators must understand airspace classifications and whether authorization is required before entering controlled skies. The FAA's Low Altitude Authorization and Notification Capability (LAANC) system allows limited real-time access to controlled airspace near airports.[9] Other areas, such as airspace near military bases, national parks, and sensitive infrastructure, may have restrictions or outright bans on drone flights.[10]

By virtue of being airborne, whether hovering in a stationary position or in motion, drones have the potential to interfere with manned aircraft, especially in areas with high air traffic density. FAA regulations help mitigate risks by enforcing operational limits that reduce the likelihood of mid-air collisions and accidents. Adhering to these rules is essential to ensure that drones operate safely without posing a danger to pilots, passengers, or bystanders.

Compliance becomes even more significant given that the FAA may impose fines and civil penalties on drone operators who violate airspace regulations. This includes drone operators working for a municipality or a third-party drone company hired by a municipality for their drone-related services. Failure to comply with FAA regulations can lead to federal enforcement actions; in extreme cases, criminal charges may apply. As the case law provided in this article will also show, if an unauthorized drone causes property damage or personal injury, the operator may be held civilly liable in addition to facing regulatory fines.[11] There are other incentives to comply with federal drone laws: many insurance companies require drone operators to comply with FAA regulations to be eligible for coverage. Failure to comply may void liability or property damage coverages under an existing insurance policy.[12]



In sum, municipalities, businesses, and private citizens operating drones for their respective purposes must navigate FAA regulations to operate legally and efficiently.

B. State and Local Regulations

In addition to federal oversight, numerous states and municipalities have enacted laws addressing drone operations, particularly concerning privacy and law enforcement use.[13] State and local regulations often focus on preventing drones from being used to surveil private property without consent or limiting how law enforcement agencies can deploy them for surveillance and investigations. Some states, such as Delaware, Georgia, Kentucky, Virginia, and Tennessee, have enacted no-fly zones that restrict flying near residential areas, critical infrastructure, and schools to protect public safety and privacy.[14] Other states have established licensing requirements or additional safety measures that drone operators must follow to operate within their jurisdiction.[15]

Local governments often strive to strike a balance between innovation and public safety, particularly as concerns about drone-related trespassing, noise pollution, and security threats escalate. While the FAA maintains primary authority over airspace regulation, municipalities have some discretion in establishing rules regarding takeoff and landing zones on public land, enforcing noise restrictions, and regulating drone activity near government buildings and public gatherings. In some cases, however, local drone regulations have led to legal challenges by federal authorities.[16] For example, while cities may enforce additional restrictions related to takeoff and landing zones on public property, they cannot enact ordinances that conflict with federal law or regulations.[17] Collaboration with the FAA ensures that local regulations enhance safety without overstepping jurisdictional boundaries.

The complexity of overlapping federal, state, and local laws requires drone operators to be aware of both national standards and location-specific regulations. Businesses and hobbyists must stay informed about changing laws to avoid fines or legal consequences. This also applies to municipalities that employ drone operators or hire third-party companies to provide drone-related services. Law enforcement agencies and local governments must work collaboratively with federal regulators to develop clear guidelines that promote safety while respecting individual rights.

III. Analysis for Discussion

A. Initial Cases for Discussion

As previously noted, drones have introduced significant legal challenges for municipalities, particularly concerning privacy violations, property damage, and personal injury. Federal preemption, Fourth Amendment concerns, and enforcement difficulties further complicate municipal governance over drones. Some examples follow:

Long Lake Township, Michigan: In Long Lake Township, Michigan, officials employed a third-party drone operator to conduct aerial surveillance over property owned by Todd and Heather Maxon, who had reached a settlement with the Township in 2007 regarding an abundance of "salvaged vehicles" on their property. Alerted by neighbors in 2016 to the Maxon's continuing zoning violations due to the accumulation of junk cars and unpermitted materials, the Township chose to gather photographic evidence exclusively through drone operations rather than obtaining a warrant.[18] The Maxons contested this action, asserting that warrantless drone surveillance of their property constituted an unreasonable search in violation of their Fourth Amendment rights. They maintained that they had a reasonable expectation of privacy on their land, particularly against intrusion by government-instigated drones. The case ultimately reached the Michigan Supreme Court, which held that the drone footage was admissible. While the court acknowledged that the exclusionary rule prohibits consideration of Constitutionally questionable evidence in criminal cases, it is rarely applicable in the civil context. Here, the benefits of stopping an ongoing and prospective code violation justified use of the drone evidence:

The Maxons admitted that 'the areas behind the home and beside the garages the Township wanted to view with its drone are not visible from a public vantage-point.' Accordingly, without the drone's photographs and video, the Township would have difficulty ensuring that the Maxons bring their property into conformity with its ocal zoning and nuisance ordinances. And even if the Township could use other means of surveillance to prove that the Maxons violated the 2008 settlement agreement, suppressing the evidence obtained by the drone and requiring the Township to initiate a new means of surveillance would cause a delay in the Township's ability to bring the Maxons into conformity with local zoning and nuisance ordinances.

Nelson County, North Dakota. In North Dakota, Rodney Brossart became the subject of one of the first known drone-assisted arrests in the United States. The Nelson County Sheriff's Department suspected that Brossart was illegally harboring stolen cattle on his property. After Brossart and his sons repeatedly prevented law enforcement from entering their land, officers used a drone to confirm the absence of weapons on the grounds, without securing a warrant.[19] Brossart was ultimately arrested, and subsequently challenged the constitutionality of the drone surveillance on Fourth Amendment grounds.[20] However, citing Supreme Court precedent which holds that police helicopters may lawfully observe open ground from public airspace,[21] the court upheld the use of drone surveillance, determining that it did not violate constitutional protections against unreasonable searches and seizures.[22] This ruling reinforces the notion that law enforcement officers may utilize drones in public airspace to observe private property without infringing on constitutional rights.

Newton, Massachusetts: A distinct legal challenge arose in Newton, Massachusetts, when Michael Singer contested a local ordinance that imposed restrictions on drone operations. The ordinance required local registration of drones, limited flights over private property without consent, and imposed additional restrictions that conflicted with existing federal aviation regulations.[23] Singer contended that the ordinance was preempted by federal law, as the FAA has exclusive authority over airspace regulation. The court ruled in favor of Singer, concluding that the local ordinance was invalid because it encroached upon federal jurisdiction over aviation and airspace management.[24] This case underscored the legal limitations municipalities face in regulating drones independent of federal oversight. The ruling established a precedent that municipal drone regulations must align with FAA standards, thereby restricting the ability of local governments to enforce additional drone-related restrictions that conflict with federal law.[25] It has become a benchmark case frequently referenced in discussions on drone regulation and litigation.

New York, New York: In terms of litigation by a business against a municipality, Xizmo Media Productions, a company specializing in drone-based media, filed a lawsuit in 2021 challenging New York City's longstanding "Avigation" law.[26] This regulation effectively prohibited drone operations in the City, restricting aerial photography and videography, even for commercial purposes. Xizmo argued that the law violated the First Amendment by imposing undue restrictions on expressive activities, including journalism and artistic cinematography.[27] The company further contended that no compelling governmental interest justified the law's broad prohibition and was therefore unconstitutional. The City moved to dismiss, arguing that its population density and preponderance of tall buildings required a ban on drones, but the United States District Court for the Eastern District of New York denied the City's motion, allowing the case to proceed.[28] In 2023, the City issued new UAS guidelines, vastly broadening the possibility for drone use in New York's boroughs.[29] In May 2024, Xizmo and the City signed a settlement agreement and the case was dismissed with prejudice. These developments may indicate the potential merit in journalistic First Amendment claims and confirm that municipal drone regulations must be carefully tailored to avoid infringing constitutionally protected activities.

New York City is also home to an example of local government facing liability when its drones cause injury or damage. In May 2022, Amit Kumar, a senior tax accountant visiting from Chicago, was riding a Citi Bike near Madison Square Park in New York City when he was struck in the face by a drone. The UAS, allegedly operated by Steven Blanco, a city health inspector, caused significant injury to Kumar's left eye, resulting in impaired vision and necessitating multiple surgeries.[30] Kumar sued the City, seeking compensation for his injuries.[31] (Cases such as New York City's drone-caused accidents are likely to be settled out of court: similar to the *res ipsa loquitur* case involving a piano falling out of a window and hitting a person,[32] if a drone operated by a municipality drops from the sky and strikes someone, the drone itself speaks for the incident).

A drone creates liability depending on where it goes, what it sees, what it records, or if it unexpectedly crashes into a private home. Liability becomes even more complex when private individuals use drones, resulting in the drone disrupting municipal services or even colliding with infrastructure, such as buildings or electrical wires, that are owned and operated by a municipality.

Los Angeles, California: Los Angeles, with its substantial use of drones by private citizens, has itself had a few notable drone-related incidents. In January 2025, during the Palisades Fire in Los Angeles, a drone collided with a Canadair CL-415 "Super Scooper" firefighting aircraft, causing significant damage and grounding the plane for repairs.[33] The FAA and local authorities emphasized the dangers and illegality of operating drones near wildfires, highlighting the risks such interference poses to firefighting efforts and public safety.[29] In November 2020, an individual operated a drone recklessly to the point that it collided with a Los Angeles Police Department helicopter, causing significant damage and forcing an emergency landing.[30] The operator was charged with recklessly operating an unmanned aircraft in violation of federal laws governing aviation safety.[31] The case highlighted the legal consequences of unsafe drone operations, particularly when they interfere with law enforcement or aviation activities.

B. Additional Privacy and Surveillance Issues

In terms of privacy and surveillance challenges, ongoing legal complexities have arisen in cases involving federal agencies, law enforcement, and private individuals. In 2013, the American Civil Liberties Union (ACLU) sued the Department of Justice to obtain information about the federal government's use of drones for domestic

surveillance.[32] The lawsuit sought transparency regarding the extent and scope of drone surveillance programs, particularly how they might infringe on privacy rights. The litigation resulted in the release of documents outlining the government's drone policies, sparking public debate about the balance between national security, privacy rights, and regulatory oversight.[33] This case highlighted the growing tension between government surveillance capabilities and civil liberties in the modern technological era.

Similarly, in 2021, a civil rights organization known as "Leaders of a Beautiful Struggle" challenged the legality of an aerial surveillance program that was implemented in Baltimore by the Baltimore Police Department (BPD). The ACLU described the investigative potential and scope of the BPD program:

> The BPD has contracted with a private company, Persistent Surveillance Systems (PSS), to pilot this 'Aerial Investigation Research' program. PSS' high-resolution, camera-equipped planes will fly over the entire city of Baltimore at least 40 hours a week. The cameras create a slow frame rate video record of everywhere that anyone goes, allowing police to retroactively track a person's movements from any place or time. . . This aerial surveillance technology can be easily combined with the BPD's existing ground cameras, license plate readers, and other sensors to tie data together and provide highly detailed information about residents' identities and activities.[34]

The group argued that the program violated constitutional rights, particularly the Fourth Amendment's protection against unreasonable searches and seizures.[35] They contended that the continuous surveillance of private citizens' activities without any suspicion of wrongdoing was an unconstitutional invasion of privacy. The case itself eventually reached the U.S. Court of Appeals for the Fourth Circuit, which ruled in favor of the plaintiffs, finding that BPD's use of the aerial surveillance program violated the Fourth Amendment. The court found that BPD's use of technology without judicial oversight or public awareness was unconstitutional and violated citizens' right to privacy, emphasizing that the public's privacy expectations in the areas being surveilled outweighed the government's interest in the program.[36] This ruling established a precedent regarding the use of surveillance technologies by law enforcement, particularly those involving new and intrusive methods, such as aerial surveillance. It affirmed that such surveillance, when done without appropriate legal safeguards, could infringe upon constitutional rights. Although this case focused more on the use of planes, it underscored the need for municipalities to carefully evaluate any program involving any new aerial surveillance technology, especially when considering the public's reasonable expectation of privacy and the potential for judicial oversight. The fact that aerial surveillance may occur without a citizen's knowledge, unseen and unheard, does not eliminate their right to privacy or diminish protections under the Fourth Amendment. This caution is particularly relevant today, as the increasing use of drones makes such surveillance even more discreet, widespread, and legally complex.

In a related legal challenge with a different outcome, John Boggs initiated a lawsuit in 2018 against California's Merced County Sheriff's Department after deputies ordered him to stop flying his drone over a neighbor's property. Boggs argued that this action violated his constitutional rights by restricting his ability to operate a drone in a legally permissible manner.[37] However, the court dismissed the case, determining that law enforcement officers acted within their authority to prevent potential harassment and protect the privacy of individuals on the ground.[38] This ruling reinforced the principle that law enforcement agencies may intervene in drone operations when there is a risk of privacy violations or disturbances to residents.

Similarly, in another legal challenge brought by a private citizen in 2017, John Taylor successfully challenged the FAA's registration requirements for recreational drone users. Taylor argued that the FAA Modernization and Reform Act of 2012 explicitly prohibited the agency from regulating model aircraft.[39] The D.C. Circuit Court agreed, ruling that the FAA's registration mandate was unlawful.[40] This decision temporarily restricted the FAA's ability to impose registration requirements on hobbyist drone users, though Congress later reinstated the rule through legislative amendments.

A legal challenge from a business organization regarding drone regulation occurred in 2021 when RaceDayQuads LLC sued the FAA over its Remote ID rule, which mandates that drones transmit identifying information during flights.[41] The company argued that the rule was unconstitutional and exceeded the FAA's regulatory authority. However, the D.C. Circuit Court upheld the rule, determining that it was a reasonable measure to ensure safety and security within national airspace.[42] The case reaffirmed the federal government's broad authority over drone regulation and emphasized the importance of identifying drones in real time to mitigate security threats and enhance accountability.

C. The Growing Intersection of Technology, the Media, and Civil Rights

One of the most notable drone cases began in February 2014, when Pedro Rivera, a photographer and editor based in Hartford, Connecticut, found himself at the center of a legal controversy involving important issues related to emerging technologies, media rights, and civil liberties. Rivera, who was operating his drone to capture footage of a public crime scene, was confronted by law enforcement officers who were concerned that his actions could interfere with the ongoing investigation or compromise the integrity of the crime scene.[43] Despite Rivera's apparent compliance with the law, officers instructed him to cease flying the drone and leave the area. Rivera, acting as an independent journalist, was not on assignment at the time but simply documenting a public event in his community.[44] Later, Lieutenant Brian Foley contacted Rivera's employer, resulting in Rivera being suspended without pay for one week.

In response to what he believed were violations of his constitutional rights, Rivera filed a lawsuit against the Hartford Police Department and two of its officers. He argued that his First and Fourth Amendment rights had been infringed upon. The First Amendment protects freedom of expression and the press, which Rivera contended was violated when police stopped him from documenting a public event, an act he believed fell within the scope of protected free speech. Rivera asserted that his use of a drone to capture footage of a public crime scene was a legitimate form of public reporting, critical to the transparency of law enforcement activities. As such, he argued that the police intervention was a direct infringement on his ability to gather information and freely express himself.

In addition to the First Amendment claim, Rivera also raised concerns about a violation of his Fourth Amendment rights. Rivera argued that his detention was unlawful and unwarranted, as there was no probable cause for the police to interfere with his drone operation. By preventing Rivera from capturing footage in a public area, the police officers, according to the lawsuit, engaged in an unreasonable seizure of his actions, infringing upon his rights to operate freely within public airspace.[45]

Drones, with their ability to capture expansive aerial views and document events from unique perspectives, have become powerful tools for journalists and everyday citizens alike. However, as Rivera's case illustrates, the use of drones in public spaces can also raise complex legal questions, especially when it involves the tension between law enforcement's authority to manage a crime scene and an individual's right to document that scene for public awareness.[46]

The case raises significant legal questions regarding the scope of constitutional protections in the context of emerging media technologies. As drones increasingly become part of the journalistic toolkit, courts will have to grapple with how best to balance law enforcement interests with the First Amendment rights of those seeking to inform the public. Additionally, Rivera's case underscores the broader challenges posed by emerging technologies in a rapidly changing media landscape. It signals a need for more clarity in the law surrounding drone use, public surveillance, and individual rights in an era where technology continually outpaces legal frameworks designed to protect civil liberties.

IV. Policy Implications and Recommendations

These cases collectively illustrate the evolving legal landscape surrounding drone regulations. Whether addressing constitutional concerns related to privacy, preemption issues involving federal and local governance, or practical enforcement challenges, municipalities and regulatory agencies continue to face legal complexities in managing drone-related incidents.

Local governments must craft policies that not only comply with existing legal frameworks but also anticipate potential future legal challenges as drone technologies and their applications continue to expand. These policies must strike a balance between the need for operational flexibility and a commitment to respecting constitutional protections and individual rights to privacy. Legal precedents, such as cases involving police drones used for surveillance and search operations, have demonstrated that courts are increasingly willing to intervene when municipal drone operations infringe upon individuals' privacy rights or cause harm to them or their property.

The need for clear policies is especially urgent in the context of law enforcement use of drones. As previously noted, drones are being increasingly deployed by law enforcement agencies for surveillance, crowd control, and targeted law enforcement operations. In these contexts, drones raise significant constitutional concerns, particularly about the Fourth Amendment, which protects citizens from unreasonable searches and seizures. The use of drones for surveillance can be seen as an extension of traditional law enforcement tools, such as helicopters; however, it also presents new challenges due to the unique capabilities drones offer. Drones can fly low to the ground, can be equipped with a variety of sensors and cameras, and are often less conspicuous than manned aircraft. These capabilities create new potential for surveillance and monitoring of private citizens without their knowledge or consent.[47] As such, municipalities must ensure that their drone operations respect privacy rights and comply with legal requirements for searches and surveillance.

Municipalities must take proactive steps to mitigate the risks associated with drone use. This involves ensuring that drones are regularly inspected, maintained, and updated to meet safety standards. Furthermore, municipalities should implement policies to reduce the likelihood of drone malfunctions, such as establishing rigorous maintenance schedules and testing protocols. Additionally, municipalities should ensure that drone operators are properly trained in both the technical operation of drones and the legal implications of their use. Many municipal drone operations



are conducted by law enforcement agencies, which means that officers must be aware of the potential legal consequences of using drones for surveillance or other activities. Training should include guidance on respecting privacy rights, obtaining proper warrants when necessary, and adhering to operational protocols to minimize the risk of harm to individuals or property.

A significant part of the policy framework for municipal drone use should also focus on ensuring transparency and accountability. As drones become more prevalent in government operations, there is growing concern about the potential for overreach and the erosion of civil liberties. Municipalities must engage with the public to ensure that their drone operations are transparent and that citizens are aware of how drones are being used and what measures are in place to protect their privacy. Establishing clear guidelines for drone usage, along with mechanisms for public oversight, is essential to maintaining public trust and ensuring that drone operations do not infringe upon individuals' rights. Public transparency can be achieved by publishing detailed reports on drone usage, holding public hearings or forums, and inviting feedback from citizens regarding drone policies.

Moreover, municipalities must ensure that their drone policies align with the broader regulatory framework governing drone usage at the federal and state levels. This includes compliance with not only FAA regulations but also state laws governing privacy, data collection, and surveillance. States and local governments may have additional laws that regulate the use of drones for surveillance or other purposes, particularly in relation to personal privacy and data protection. Municipalities should work with legal experts to ensure that their drone operations comply with all applicable laws and regulations.

One of the key components of effective policy development for municipal drone use is ensuring that law enforcement personnel receive appropriate training and support. Law enforcement agencies are increasingly deploying drones for surveillance and other operations, and officers need to be equipped with the knowledge and skills necessary to use these technologies responsibly.[55] Training should cover the legal implications of drone use, including the protection of privacy rights, the need for search warrants in certain circumstances, and the risks associated with drone malfunctions or misuse. Additionally, municipalities should establish clear procedures for holding law enforcement agencies accountable for their use of drones. This includes establishing oversight mechanisms to ensure that drone operations are conducted in compliance with legal and ethical standards.

The issue of liability is also closely tied to the need for municipalities to take responsibility for their drone operations. If a city uses drones to perform services such as surveillance or infrastructure inspections, it is its responsibility to ensure that these operations are carried out safely and in accordance with the law. This includes irrespective of whether they hire a third-party company to provide drone services on behalf of the municipality. If a drone causes harm to an individual or damages property, the city may be held accountable. This includes both direct liability for incidents caused by the drone and potential vicarious liability for actions taken by municipal employees operating the drones. Municipalities must be prepared to defend against lawsuits arising from drone-related accidents and must ensure that they have appropriate insurance coverage to address potential claims.

V. Conclusion

As municipalities continue to integrate drones into their operations, they must negotiate an evolving legal landscape that requires careful balancing of technological advancements with constitutional rights. The cases discussed demonstrate that while drones provide valuable benefits in law enforcement and public safety, they also pose significant legal risks if not properly regulated.

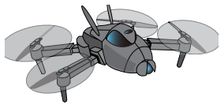
In addition to managing their own drone operations, municipalities must also be prepared to respond to issues caused by private drone operators. Unauthorized drone activity near public buildings, government facilities, or critical infrastructure can pose safety hazards and present legal challenges. If a private drone causes damage or interferes with municipal operations, local governments should have protocols in place to address liability concerns, enforce relevant ordinances, and coordinate with state and federal authorities to ensure compliance with airspace regulations.

Municipalities must take proactive steps to ensure compliance with federal and state laws, protect individual privacy rights, and establish safeguards to prevent liability for damages arising from both municipal and private drone operations. By implementing comprehensive policies, enforcing local regulations, and staying informed about legal developments, local governments can effectively utilize drone technology while maintaining accountability and constitutional integrity. **ML**

Edward Maggio is an attorney with a strong interest in the intersection of law and technology. He enjoys researching emerging tech issues, including cybersecurity, data privacy, and digital evidence.

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The Seven Hot Topics and Trends in 2025 for Employers

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2025 has already witnessed a tectonic shift in how the federal government engages with foundational areas of employment law. From disparate impact to DEI initiatives, President Trump has issued a flurry of executive orders that have transformed the legal landscape and ceded much of the anti-discrimination enforcement prerogative to the states or private plaintiffs. Significantly, developing technologies, AI or artificial intelligence paramount among them, present challenges that may erode assumptions about how employers should interact with their workers. Below, we review seven prominent topics in today's employment law terrain and highlight strategic considerations for employers to review alongside their employment counsel.

AI Hiring Technology and Discrimination Claims

At first blush, utilizing artificial intelligence to assist in screening and interviewing applicants seems like it would reduce potential sources of bias. By limiting opportunities for human prejudice to sneak into the decision-making process, AI should ensure applicants are vetted based on their skills and fit for a role. However, employers across the country are learning the hard way that AIs not only smuggle in the biases of their creators,[1] but AIs' formulaic approach to what constitutes the "right" qualifications for a job can actually create novel sources of conflict with anti-discrimination laws.

As of the time this article was written, a pending collective action in United States District Court for the Northern District of California, *Mobley v. Workday*, epitomizes the risks presented to employers that use algorithmic selection or artificial intelligence to cull the large number of applications submitted for open positions.[2] The suit was filed in 2023 by Derek Mobley, a black male over the age of 40 who suffers from anxiety and depression. Mr. Mobley alleges that Workday, Inc., a tech firm specializing in "human capital management," employs algorithms that disproportionately disqualify applicants based on their race, age, and disability statuses in violation of Title VII, the ADEA, and the ADA Amendments Act of 2008. Mobley claims he applied to over 100 positions for employers utilizing the Workday hiring system but was impermissibly rejected by every single position for which he applied. Workday filed a motion to dismiss, arguing it was not the employer and not the entity making the allegedly discriminatory employment decisions. That motion to dismiss was denied in July 2024. In May 2025, the federal court granted preliminary certification under the ADEA to expand the suit to include a wide swath of other potential plaintiffs who could bring similar claims against Workday, specifically, that its algorithm "disproportionately disqualifies individuals over the age of forty (40) from securing gainful employment[.]"

Civil cases brought by private parties like *Mobley v. Workday*, as well as the judicial outcomes of those cases, will be of particular interest to all employers trying to gauge the risks and rewards of utilizing algorithmic or AI-based screening mechanisms for applicants. Since President Trump took office in January 2025, he has issued a spate of executive orders that portend a substantial decrease in federal enforcement actions addressing both AI regulation and hiring regulations more generally. His January 23rd executive order this year, titled "Removing Barriers to American Leadership in Artificial Intelligence," rescinds a 2023 executive order issued by former President Biden, itself titled "Executive Order on Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence."[3] President Trump's new executive order reverses the prior administration's more caution-driven approach to AI for a policy predicated on increasing American competitiveness in the rapidly developing AI field. Both the Equal Employment Opportunity Commission ("EEOC") and the Department of Labor ("DOL") retracted their guidance on AI in the workplace that had previously been posted on their websites.[4] Both sets of guidance cautioned about the potential for disparate impact litigation for both vendors and employers if AI tools were not compliant with discrimination laws. Given President Trump's recent executive order commanding public agencies to abandon enforcement actions predicated on disparate impact, as discussed below, it is apparent that the federal approach to this issue of whether the use of algorithms in the workplace is discriminatory will shift dramatically.

Across the country, states and cities appear ready to pick up where the prior federal administration left off. Colorado's Artificial Intelligence Act ("CAIA"), enacted in May 2024, will go into effect in February 2026. The CAIA was drafted to address the perceived risk of AI systems and their potential to engage in "algorithmic discrimination," which is defined within the act as:

> any condition in which the use of an artificial intelligence system results in an unlawful differential treatment or impact that disfavors an individual or group of individuals on the basis of their actual or perceived age, color, disability, ethnicity, genetic information, limited proficiency in the English language, national origin, race, religion, reproductive health, sex, veteran status, or other classification protected under the laws of this state or federal law.[5]

The act specifically singles out "high-risk artificial intelligence systems" that make, or are a substantial factor in making, important decisions with regard to "employment or an employment opportunity[.]" Under CAIA, employers will be required to both conduct data protection assessments and notify applicants if AI is utilized in their hiring processes. The CAIA follows in the footsteps of a similar regulation in New York. Local Law 144 of 2021, which

> prohibits employers and employment agencies from using an automated employment decision tool unless the tool has been subject to a bias audit within one year of the use of the tool, information about the bias audit is publicly available, and certain notices have been provided to employees or job candidates.[6]

In August 2024, Illinois enacted a similar law, HB 3773, which overhauls the Illinois Human Rights Act to address employment decisions made by, or with the assistance of, AI. The Illinois Department of Human Rights can implement its own regulations to enforce HB 3773. HB 3773 goes into effect in January 2026 and will operate alongside the Illinois AI Video Interview Act, which mandates employers notify and obtain consent from applicants concerning the use of AI in video interviews and the Automated



Decision Tools Act, which requires employers to perform impact assessments and disclose issues related to their systems' propensity towards "algorithmic discrimination." Meanwhile, the Utah AI Policy Act, in effect since May 2024, requires employers to disclose when generative AI is used for human relations and other purposes.

Because AI depends on algorithms and is, as of writing, less adaptable than human intelligence, misuse or overreliance on artificial intelligence may be problematic in the workplace and lead to potential employer liability. Employers that use AI to vet or interview applicants should monitor their tools to ensure they are not disproportionally rejecting applicants of a protected class. Employers should contact their employment attorneys for additional analysis and ensure AI developers have vetted their programs for bias. Employers should avoid AI-driven hiring systems that employ a "black box" decision-making process or lack transparency regarding how applicants are evaluated. If an employer does not understand how its AI reviews and ultimately rejects applicants before the system's deployment, then final decision-makers risk being named as a civil defendant in a discrimination claim or lawsuit.

Employee Data Privacy and Management

Most states have privacy laws that force employers to prioritize data privacy and management based on a growing number of laws, regulations, increased scrutiny, and public awareness. These laws impact how employers manage personal data, including biometric and health data. Compliance with privacy laws has led employers to create and execute robust security measures to protect sensitive data of all individuals and organizations saved in an employer's server and office hardware. States like Delaware, Iowa, Maryland, Minnesota, Nebraska, New Hampshire, New Jersey, and Tennessee continue to update legal controls on retention and securing personal information. Local and state governments, which have been victims of data breaches in the past, have established robust disclosures and internal controls related to cybersecurity attacks and the prevention of the same. Disclosure in the public sector includes providing transparency to the community of how employers collect and process personal information while complying with requests to exercise rights to access, correct, and delete personal data. Governmental employers are presumably aware of the potential impact of AI on handling and use of personal data in the workplace as part of hiring decisions, as stated in the prior section. Over 15 states are in the process of developing data privacy bills after 2025. Employers should continue to gain knowledge and seek employment advice and counsel on best practices regarding the storage and use of confidential data while fully protecting their servers from a potential cyber-attack.

Federal Scrutiny of DEI and Affirmative Action Initiatives

In 2025, Diversity, Equity, and Inclusion ("DEI") programs are facing increased scrutiny in courtrooms as well as the court of public opinion. Initiatives that were once considered necessary to shield organizations from traditional discrimination and disparate impact lawsuits are now being challenged by "reverse discrimination" claims. Employers are now facing a potential no-win scenario in which they must prioritize hiring and advancement of traditionally underrepresented groups while simultaneously ensuring their workplaces remain neutral with regard to race, gender, sexual orientation, and other protected classes.

On June 5th of this year, the United States Supreme Court (the "Supreme Court") handed down a unanimous decision in *Ames v. Ohio Department of Youth Services*, a decision that substantially lowers the hurdles non-minority claimants face when bringing discrimination claims.[7] In 2023, a heterosexual woman named Marlean Ames brought suit in the United States District Court for the Southern District of Ohio, alleging her employer had discriminated against her on the basis of sexual orientation by both prioritizing promotions for less-qualified gay applicants and unfairly demoting Ames because she is heterosexual. The district court reasoned that, since Ames was asserting a discrimination claim as a member of a "majority group" (i.e., heterosexuals), she must satisfy the "background circumstances" test. The background circumstances test requires a majority group claimant to demonstrate either that the challenged employment decision was made by a member of the corresponding minority group or that the employer has a history of discriminating against members of the majority group. After concluding Ames did not demonstrate additional instances of discrimination necessary to satisfy the background circumstances test, the district court granted the Department of Youth Services' (the "Department") motion for summary judgment and dismissed Ames's Title VII sex-based claims with prejudice.[8]

During oral arguments before the Supreme Court, the Department argued that the background circumstances test served a valuable role in filtering out meritless discrimination claims. The Court disagreed. Justice Jackson reasoned in her majority opinion that the background circumstances requirement was not consistent with Title VII. "By establishing the same protections for every 'individual' without regard to that individual's membership in a minority or majority group," Justice Jackson wrote, "Congress left no room for courts to impose special requirements on majority-group plaintiffs alone[.]" President Trump's administration has made it clear in 2025 that DEI initiatives, both in the public and private sectors, are in the crosshairs. On January 21 of this year, President Trump signed Executive Order 14173, titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity."[9] The executive order revoked Executive Order 11246, signed by President Lyndon Johnson in 1965, which required federal contractors and their subcontractors to implement an affirmative action plan (AAP) to increase hiring and advancement opportunities for underrepresented groups.[10] The executive order also revoked President Obama's executive order expanding equal employment opportunity protections based on gender identity to federal employees.[11] President Trump's executive order requires federal agencies to eliminate DEI (as well as Diversity, Equity, Accessibility, and Inclusion or DEAI) policies deemed discretionary or unlawful, remove references to DEI, and promote "merit-based" personnel decisions. The executive order by President Trump also commands agency secretaries or heads to work with the U.S. Attorney General to "encourag[e] the private sector to end illegal DEI discrimination and preferences[.]" How exactly agency heads or the Attorney General will "encourage" private companies to drop DEI policies is not explained in the order. Because the executive order applies to federal contractors and subcontractors, it is unclear how the elimination of DEI policies with federal agencies might eventually affect local and state governments.

On March 19, 2025, the EEOC and the United States Department of Justice ("DOJ") issued guidance on DEI in the workplace. In a corresponding announcement,[12] the EEOC summarized its position on DEI and indicated the agency's approach to DEI initiatives going forward:

> DEI is a broad term that is not defined in Title VII of the Civil Rights Act of 1964. Title VII prohibits employment discrimination based on protected characteristics such as race and sex. Under Title VII, DEI initiatives, policies, programs, or practices may be unlawful if they involve an employer or other covered entity taking an employment action motivated—in whole or in part—by an employee's or applicant's race, sex, or another protected characteristic.
> The announcement cited EEOC Acting Chair

Andrea Lucas, who stated "no matter an employer's motive, there is no 'good,' or even acceptable, race or sex discrimination" as well as Justice Thomas's concurrence in the recent *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, who opined that "two discriminatory wrongs cannot make a right." Noteworthy is the EEOC's release of two pieces of guidance on what it considers "DEI-related" discrimination: "What To Do If You Experience Discrimination Related to DEI at Work"[13] and the more technical "What You Should Know About DEI-Related Discrimination at Work."[14] This guidance clarified where DEI policies might run afoul of Title VII protections, including: hiring, firing, promotion, demotion, compensation, fringe benefits, exclusion from training, exclusion from mentoring or sponsorship programs, exclusion from fellowships, selection for interviews (including placement on candidate slates), and job duties. It also stated that Title VII prohibits any practice that limits separates or classifies "based on race, sex, or other protected characteristics in a way that affects their status or deprives them of employment opportunities," specifically noting violative conduct to include "limiting membership in workplace groups, such as Employee Resource Groups (ERG) or other employee affinity groups, to certain protected groups" and separating employees based on protected characteristics for the purposes of trainings or "privileges of employment, even if the separate groups receive the same programming content or amount of employer resources[.]" The guidance notes that DEI training that subjects employees "to unwelcome remarks or conduct based on race, sex, or other protected characteristics" can qualify as harassment that creates a hostile work environment.

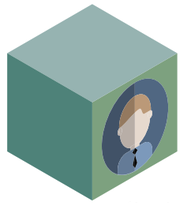
In the wake of Executive Order 14173 and recent EEOC guidance, employers must reevaluate both their training content and any other programs that separate employees based on protected categories. DEI training, while not forbidden, should not be made mandatory, but should be reviewed to ensure they do not target any particular group, *whether that group is considered a minority or a majority*. Aspirational policy statements, such as trying to establish a workforce that "mirrors the community," may be considered discriminatory depending on context. The existence of mentorship programs defined by protected characteristics is legally perilous. Between the current administration's push to scale back DEI in the workplace and the recent ruling in *Ames v. Ohio Department of Youth Services,* which significantly reduces the impediment to bringing "reverse discrimination" claims in many jurisdictions, employers should be aware of the increased risk of discrimination lawsuits from employees who are members of majority groups.

States Update their Anti-Discrimination Laws

New state laws seek to broaden anti-discrimination protections, including those related to gender identity, religion, and viewpoint discrimination. With the Trump Administration's recent executive order suspending federal enforcement of discrimination actions based on disparate impact theory, the onus of discrimination enforcement appears to be shifting to the state rather than the federal level.

On April 23, 2025, President Trump signed Executive Order 14281, titled "Restoring Equality of Opportunity and Meritocracy."[15] The executive order takes aim at disparate impact theory, one of the most influential concepts in discrimination law. According to the administration, disparate impact theory:

> holds that a near insurmountable presumption of unlawful discrimination exists where there are



any differences in outcomes in certain circumstances among different races, sexes, or similar groups, even if there is no facially discriminatory policy or practice or discriminatory intent involved, and even if everyone has an equal opportunity to succeed. Disparate-impact liability all but requires individuals and businesses to consider race and engage in racial balancing to avoid potentially crippling legal liability. It not only undermines our national values but also runs contrary to equal protection under the law and, therefore, violates our Constitution.

Critics of the executive action state that disparate impact theory is an essential tool that is necessary to ensure facially neutral policies do not result in disproportionately negative consequences for certain protected classes. Regardless, the Trump Administration has instructed both the EEOC and the Attorney General to refrain from disparate impact prosecutions. At least for the duration of President Trump's term, states and private plaintiffs will likely bring a larger proportion of discrimination claims relative to prior years.

In 2024, New York passed the Equal Rights Amendment, expanding discrimination protections to include "race, color, ethnicity, national origin, age, disability, creed, religion, or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy." Gender identity has become a prominent issue both in the public consciousness and among legislators. Almost half of all states now prohibit discrimination based not just on gender, but gender identity. Notwithstanding, the EEOC issued a memo in May this year stating that it would no longer compensate state and local agencies for discrimination claims brought by transgender workers.

In *Groff v. DeJoy*, a case from the Supreme Court's 2023 term, the Court clarified that the "more than a de minimis cost" standard was not sufficient for demonstrating that an employer would suffer an "undue hardship" in providing an employee's religious accommodation.[16] The Supreme Court clarified that, in order to reject an employee's request for religious accommodation, the burden placed on the employer by the accommodation must "result in substantial increased costs in relation to the conduct of its particular business." The heightened undue burden standard meant it might be prudent for employers to show deference to credible religious accommodation requests rather than risk liability under a new and vaguely defined standard. In April 2024, the EEOC released guidance specifying that employers need not grant requested religious accommodations if those accommodations would contribute to a hostile work environment for other employees (for example, religious accommodations that conflict with another employee's gender expression).[17] However, Trump's EEOC has flagged this guidance as outdated, and one U.S. District Court has ruled the prior EEOC guidance impermissibly expanded the scope of "sex" under Title VII and incorrectly defined failures to recognize an employee's gender identity as "discriminatory harassment."[18] In 2024, Utah amended its Antidiscrimination Act, warning that employers must "not compel an employee to engage in religiously objectionable expression that the employee reasonably believes would burden or offend the employee's religious, moral, or conscientious beliefs[.]" Some have claimed the Utah Act was drafted at least partially in response to the EEOC and Biden Administration's position on religious accommodation and pronoun usage.

California's Worker Freedom from Employer Intimidation Act went into effect at the beginning of the year. The act creates a prohibition against "captive audience meetings" in which an employer requires its employees to attend meetings on political or religious matters, including those related to union operations. Illinois' "Worker Freedom of Speech Act," enacted in 2024 and effective as of January 2025, also prohibits employers from hosting mandatory meetings concerning religious or political matters. The Oregon state legislature passed HB 3187 this spring, which, if signed into law, would bar employers from asking for an applicant's age or dates of school attendance/graduation until the applicant has at least completed an initial interview. Oregon would join states like Colorado, prohibiting employers from asking age-related questions on initial job applications. Similar "Ban the Box" laws have continued to propagate, with nearly a dozen states prohibiting private employers from asking about criminal history on most job applications and thirty states adopting some form of "Ban the Box" inspired legislation. Colorado, for example, prohibits questions related to criminal arrests on initial employment applications. In 2024, Colorado expanded the policy to prevent state licensing boards from considering certain applicants' criminal records.

Immigration Enforcement

Immigration enforcement continues to be a high priority for the Trump Administration. For employers, this means increased scrutiny on I-9 compliance and potential ICE raids. Forty out of fifty states signed a Memorandum of Agreement for the Section 287(g) program enforcement, which has state or local law enforcement assisting in removing "criminal aliens." Many of these enforcement agreements are with local authorities in Florida and Texas, with cooperation elsewhere varying significantly. Raids by ICE are usually triggered by complaints, information provided by other governmental agencies, or ICE's own investigatory and enforcement activities in the form of I-9 audits. For example, in Colorado, as one of the forty states that are part of the MOAs for Section 287(g), ICE recently imposed over $8 million in fines on three Denver businesses for employing undocumented workers.

Employers must be cognizant of the risk of unannounced raids in the workplace, arrest of any immigrant workers, and imposition of severe penalties against employers. If an employer is the subject of an I-9 audit, then employment counsel should be retained to either negotiate or litigate for the final decision-makers. Early preparation and best practices' prevention will likely protect employers against audits by ICE or delegated agencies and provide a strong defense if charges and major penalties are imposed against a company. Increased budgets for police officers and agents are in effect for the forty state (and local law) enforcement agencies involved with the removal of alleged criminal aliens.

FTC Ban on Non-Compete Agreements Enjoined

For those employers involved with projects or agreements that include restrictive covenants, substantial volatility remains regarding the application of both the federal and state anti-compete prohibitions. Many states throughout the country have already introduced significant limitations to these agreements,[19] with four states barring employment-based non-competes entirely.[20] In April 2024, in a 3-2 party line-vote, the Federal Trade Commission ("FTC") passed the Non-Compete Clause Rule, concluding that agreements drive down wages, stifle innovation, and harm markets. The Rule barring employment-based non-compete agreements nationwide was to go into effect in September 2024.

But in August 2024, the U.S. District Court for the Northern District of Texas found that the FTC lacked authority for implementing its Non-Compete Clause Rule and that the Rule itself was arbitrary and capricious as it was "unreasonably overbroad without a reasonable explanation."[21] The court expressed concern that "such a sweeping prohibition—that prohibits entering or enforcing virtually all non-competes" was unnecessary when the FTC could have instead "target[ed] specific, harmful non-competes[.]" As a result of *Ryan, LLC v. FTC*, the rule is currently enjoined nationwide. The FTC announced soon after it would appeal the decision and filed its opening brief in the Fifth Circuit Court of Appeals in January.

In *Villages, Inc. v. FTC*, the U.S. District Court for the Middle District of Florida agreed the FTC lacked authority to promulgate the Rule, but only enjoined the ban with respect to the plaintiff.[22] However, the U.S. District Court for the Eastern District of Pennsylvania disagreed, finding the FTC appeared to have the authority to implement the Rule and declined to grant a preliminary injunction.[23] Since *Ryan, LLC v. FTC* was decided first and enjoined the Rule nationwide, future developments in that case will likely be highly influential for the Rule's ultimate fate. For now, the Rule remains enjoined, but many states still have their own unique limitations on non-compete agreements, and their courts will continue to enforce state restrictive covenant laws.

Paid Leave and Minimum Wage Increases

States are trending for either enactment or expansion of paid sick and/or family leave benefits. At present, nine states and D.C. have active paid leave programs. In May 2024, Connecticut enacted legislation to expand its paid leave program to all non-seasonal employees. The expansion has a graduated rollout and will encompass all Connecticut employers by 2027. Delaware, Maine, Maryland, and Minnesota all have paid family leave programs that will go into effect in 2026. Washington has amended its paid sick leave program to allow employees to use that time when the employee's child's school or place of care is closed for "health-related reason[s]" or a public emergency. New York, in addition to creating requirements for paid lactation breaks and paid prenatal care, now requires employers to provide paid leave "for the health care services received by an employee during their pregnancy or related to such pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a health care provider related to the pregnancy." Relatedly, Illinois amended its Human Rights Act in August 2024 to add "family responsibilities" as a protected class, preventing employers from taking adverse action against employees based on the employee's caregiving responsibilities. As of January 2025, it is now unlawful for an Illinois employer to fire or refuse to hire or promote an employee because of their "actual or perceived" responsibility to provide "personal care" to a family member.

On the federal level, representatives introduced the bipartisan "More Paid Leave for More Americans Act" in May. The legislation is intended to drastically expand access to paid family leave across the country and would authorize the Department of Labor to fund family leave through a state-level program. These programs provide wage replacement between 50% and 67% of an employee's income. The Act would also coordinate an Interstate Paid Leave Action Network ("I-PLAN") that would distribute benefits to interstate workers.

There are also increasing calls to raise the federal minimum wage and adjust overtime regulations, which could impact workplace compensation practices. The federal minimum wage was last increased in 2009 and currently stands at $7.25 an hour. Legislators in both Congress and the Senate introduced the Raise the Wage Act of 2025, aiming to raise the minimum wage to $17.00 by 2030 and eliminate the lower wage floors for tipped workers. It should be noted, however, that some versions of the Raise the Wage Act have been introduced in each Congress since 2017, thus far without success. Currently, thirty states have a minimum wage exceeding the federal minimum. California, Hawaii, and Washington all have local minimum wage laws on the books that will exceed the proposed $17.00 federal minimum wage by 2030. Alaska, Arizona, California, Colorado, Michigan, and Missouri all have minimum wages that are set to increase in 2025. Of course, many municipalities have their own minimum wages that exceed the state minimum wage and drastically exceed the federal minimum wage.[24]

Conclusion:

The rise of AI usage in hiring decisions resulting in discrimination claims has forced employers to evaluate their AI-driven tools for legal compliance. New executive orders and judicial decisions have forced employers to consider the risk of maintaining DEI or affirmative action initiatives, specifically diversity training, aspirational messages, or policies (e.g., building a workplace that mirrors the demographics of its community), and mentorship or training programs targeting minority groups. Stricter enforcement of immigration laws is resulting in more frequent audits and arrests of alleged criminal aliens in the workplace. Finally, states have raised (or will soon raise) their minimum wages while also passing new laws for paid sick and family leave. Employers would be wise to ensure that their handbooks, policies, and practices are fully compliant with the plethora of updated and new employment laws at the local, state, and federal levels. **ML**

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Endnotes

1. Or training data sets.
2. *Doe v. XYZ Corp*., 3:23-cv-00770 (N.D. Cal. filed Jan. 2023).
3. Exec. Order No. 14179, 90 FR 8741 (2025).
4. U.S. Equal Emp. Opportunity Comm'n, *Assessing Adverse Impact in Software, Algorithms, and Artificial Intelligence Used in Employment Selection Procedures Under Title VII of the Civil Rights Act of 1964* (removed Jan. 2025) (on file with author).
5. Colo. Rev. Stat. § 6-1-1701 (2024).
6. N.Y.C. Dep't Consumer & Worker Prot., *Automated Employment Decision Tools (AEDT)*, https://www.nyc.gov/site/dca/about/automated-employment-decision-tools.page (last visited May 31, 2025).
7. 145 S. Ct. 118 (2024).
8. 2023 WL 2539214, at *12 (S.D. Ohio Mar. 16, 2023).
9. Exec. Order No. 14179, 90 Fed. Reg. 8633 (Feb. 2025).
10. 30 FR 12319 (1965).
11. 80 FR 16996 (2014).
12. U.S. Equal Emp. and Opportunity Comm'n, *EEOC and Justice Department Warn Against Unlawful DEI-Related Discrimination*, https://www.eeoc.gov/newsroom/eeoc-and-justice-department-warn-against-unlawful-dei-related-discrimination (last visited on June 1, 2025).
13. U.S. Equal Emp. and Opportunity Comm'n, *What to Do If You Experience Discrimination Related to DEI at Work*, https://www.eeoc.gov/what-do-if-you-experience-discrimination-related-dei-work (last visited on June 1, 2025).
14. U.S. Equal Emp. and Opportunity Comm'n, *What You Should Know About DEI Discrimination at Work*, https://www.eeoc.gov/wysk/what-you-should-know-about-dei-related-discrimination-work (last visited on June 1, 2025).
15. Exec. Order No. 14281, 90 FR 17537 (2025).
16. *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 447, 460, 143 S. Ct. 2279, 2289, 216 L. Ed. 2d 1041 (2023).
17. U.S. Equal Emp. Opportunity Comm'n, *Enforcement Guidance on Harassment in the Workplace*, https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace (last visited June 2, 2025).
18. *State of Tex*. v. *EEOC*, No. 2: 24- CV-0173-Z (N.D. Tex. May 15, 2025).
19. For example, Colorado and other states have limited non-compete provisions to "highly compensated" employees, requiring these agreements to be no broader than necessary and be limited in scope to the protection of trade secrets. In 2023, Maryland amended its labor codes to prohibit non-competes for employees who earn less than or equal to 150% of the state's minimum wage. Washington now prohibits non-competes for employees making less than $100,000 per year. Other states have barred employers from extending non-competes to specific types of employees. Indiana recently invalidated non-competes for primary care physicians, make it easier for other types of physicians to buy their way out of previously binding non-competes, and render unenforceable future non-compete agreements for physicians who are terminated from employment without cause or at the end of their current contracts.
20. California, Minnesota, North Dakota, and Oklahoma. A similar 2023 bill in New York was vetoed but has since been reintroduced with corresponding amendments.
21. *Ryan, LLC* v. *Fed. Trade Comm'n*, 746 F. Supp. 3d 369 (N.D. Tex. 2024).
22. *Props. of the Villages, Inc*. v. *FTC*, No. 24-CV-00316 (M.D. Fla. 2025).
23. *ATS Tree Servs., LLC* v. *Fed. Trade Comm'n*, No. CV 24-1743, 2024 WL 3511630, at *1 (E.D. Pa. July 23, 2024).
24. For example, Colorado's minimum wage increased to $14.81 per hour in 2025, more than twice the federal minimum, while the minimum wage for Denver is even higher at $18.81.



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IMLA Nominating Committee

Pursuant to the IMLA By-Laws, IMLA is announcing the 2025 Nominating Committee. IMLA encourages people interested in being nominated for vacant positions on the IMLA Board of Directors and for IMLA Regional Vice Presidents to make their interests known to the Committee.

Leadership Nomination Deadline is July 23, 2025

In addition to filling vacancies, the Committee is charged with nominating the Board's officers, including Treasurer and President-elect. Some board members will be term-limited and cannot seek reelection. As a result, there will be a vacancy or vacancies open. IMLA's goal is to have a Board that represents the organization's diversity of region, gender, race, age, and ethnicity. The Board welcomes all who wish to serve. Unlike other non-profit boards, IMLA does not require board members to contribute money to the organization but seeks persons interested in advancing its mission, increasing its membership, and attending its programs.

This year's nominating process will be similar to last year's. It is important to apply as soon as possible so the Nominating Committee can conduct Zoom interviews before the Annual Conference. We hope to reduce the time members must spend away from our educational programming and thoroughly consider each applicant. The Committee is interested in how you can advance the mission of IMLA, increase its membership and attendance, and explore innovative ideas for advancing the interests of our membership. The slate of nominees will be announced during the Annual Conference.

For more information, visit: imla.org/awards

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IMLA Nominations For 2025 Achievement Awards

The IMLA Awards Committee is comprised of members from the Board of Directors and the general membership. Its charge is to seek out potential recipients of awards, potential nominators of those individuals, encourage and assist potential nominators in submitting the documentation required to support a nomination, review nominations, and recommend one or more nominees to the IMLA Board of Directors. The Board of Directors will select the Award recipients, and the Awards will be presented at the Annual IMLA Conference.

Nomination Form Deadline: July 23, 2025

For more information, visit: imla.org/awards

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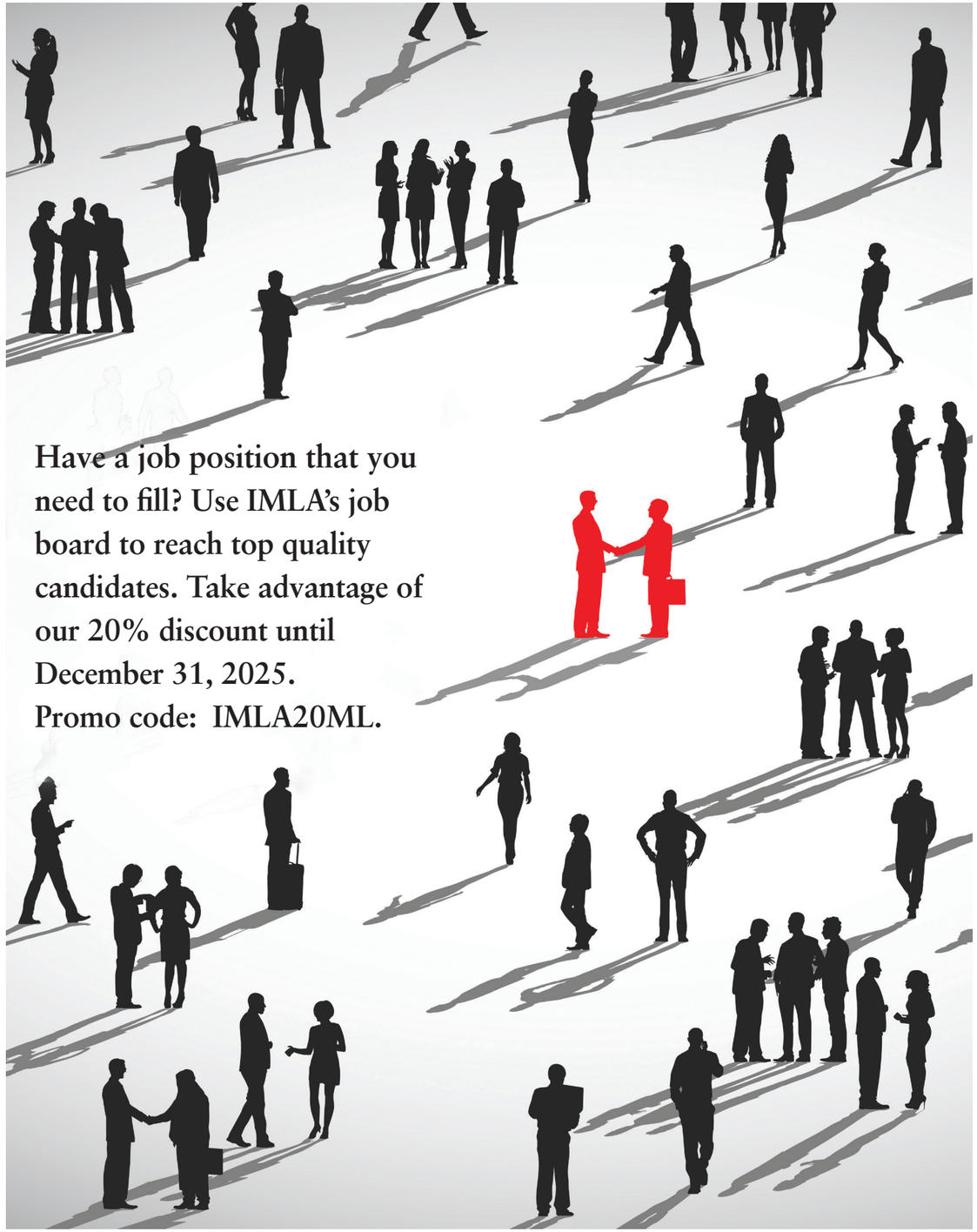
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