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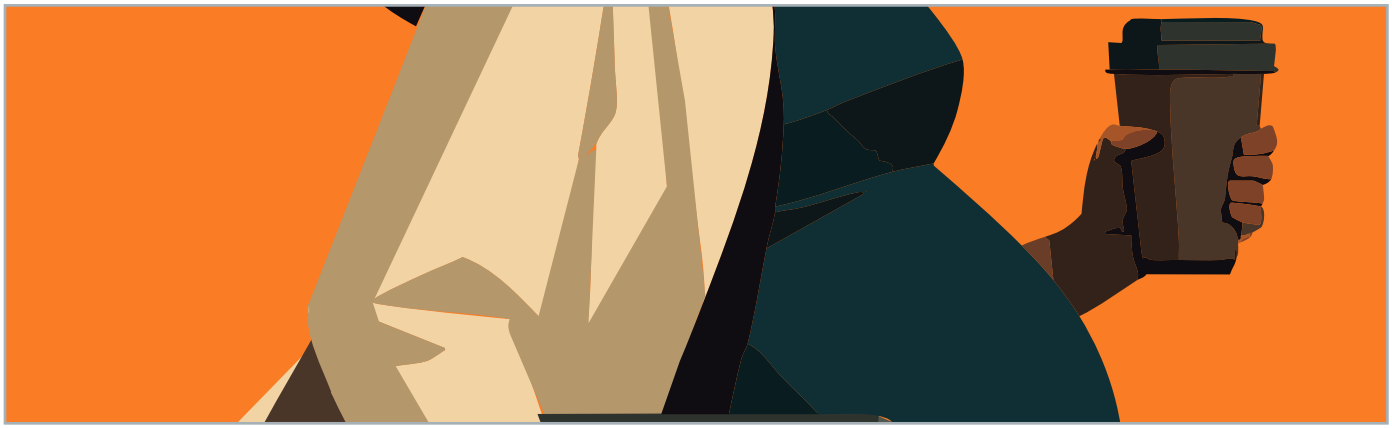
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City Solicitor, Providence, Rhode Island

LETTER FROM THE PRESIDENT

STRONGER TOGETHER:

The Power of Colleagues Supporting Each Other

In the hustle of professional life, deadlines and deliverables often take center stage. But behind every project completed and every milestone reached is a network of people – colleagues – who, when they support one another, become one of the most valuable assets a workplace can offer.

Support among professional colleagues goes far beyond the occasional helping hand or friendly chat over coffee. It's the quiet encouragement that turns self-doubt into confidence. It's the willingness to listen, to step in when someone is overwhelmed, and to celebrate others' successes as if they were your own. In a world that often glorifies individual achievement, we forget that collaboration and mutual support are what drive long-term success.

Consider the moments when a colleague offers to review your work before a big presentation, or when a team member notices you're off your game and checks in. These aren't just acts of kindness – they're acts of leadership. They create an environment where people feel safe, valued, and motivated to do their best work.

Support also fosters resilience. When challenges arise – and they always do – knowing that your team has your back can make all the difference. A culture of support helps transform failure into a learning opportunity rather than a source of shame. It builds trust, and trust builds teams that don't just work together, but grow together.

There's no one way to support a colleague. It might mean advocating for them in meetings, sharing credit, mentoring, or even just being a sounding board. What matters is the intention: choosing to lift others as we climb.

Let's normalize asking for help and offering it freely. Let's lead with empathy and show that professionalism and compassion are not mutually exclusive. Because at the end of the day, success tastes better when it's shared.

In supporting each other, we don't just become better professionals – we become better people.

IMLA fosters numerous opportunities for local government attorneys to participate as part of a mutually supportive professional community. One of those involves attendance at the highly anticipated annual conference each year. This year's conference will be held from October 17-21, 2025 in New Orleans, LA. Attendance at IMLA's annual conference provides the opportunity to learn from colleagues from throughout North America. It will also be a fabulous setting for folks to socialize with colleagues and friends. I hope to see you there!

On a personal note, I'll be passing the gavel at this year's conference to our incoming IMLA President, Susana Alcala Wood. It has been an incredible honor to serve as IMLA's President during the past year. I owe an immense debt of gratitude to so many people I've met through IMLA – colleagues who have helped me do a better job in my role as a city attorney and folks who have become true friends.

My fellow members of the IMLA board of directors include a collection of individuals who are immensely accomplished attorneys and committed public servants. More importantly, I have found them to be a group of kind and thoughtful people. I thank all of them for their contributions to, and support of, IMLA. Of course, the true stars of IMLA are the dedicated and talented staff. Amanda Karras, Jenny Ruhe, Caroline Storer, Erich Eiselt, Deanna Shahnami, Trina Shropshire-Paschal, Avery Morris, Carolina Moore, Christine Dodd, Sean Cooley, and Chuck Thompson form an amazing team who, collectively, help make IMLA the successful organization that it is.

To all IMLA Members, I hope that you have had an enjoyable summer and I look forward to seeing many of you at this year's Annual Conference in New Orleans!

JEFFREY DANA
City Solicitor,
Providence,
Rhode Island



AMANDA KARRAS

IMLA Executive Director, Rockville, Maryland

LETTER FROM THE EXECUTIVE EDITOR

FINDING BALANCE:

OPPORTUNITIES AND CHALLENGES

This past month, our eyes turned to the District of Columbia as the federal government sought to reduce crime by assuming control of the D.C.'s police force, placing federal law enforcement in the city, and deploying the National Guard. Although Congress enacted the District of Columbia Home Rule Act in 1973, which allows D.C. to maintain a form of local self-governance, D.C. has a special relationship with the federal government, which allows the President more latitude than he would enjoy in other jurisdictions.

The Act allows the President to assume emergency control of the police if the President determines "that special conditions of an emergency nature exist which require the use of the Metropolitan Police force for Federal purposes." Such a presidential takeover is limited to 30 days or until the end of the emergency, whichever comes first. D.C. sued the President to enjoin the takeover of the police, arguing the President and Attorney General Bondi have exceeded their authority under the Home Rule Act and have acted contrary to law in violation of the APA. That action is still pending as of this writing. And while the Home Rule Act creates unique challenges for D.C., the President also mentioned other cities when he made the announcement about the police takeover in Washington, including Chicago, Baltimore, Oakland, Los Angeles, and New York City. As of this writing, the President announced he plans to deploy the National Guard to Chicago, though it remains to be seen whether the President will employ similar actions in other communities.

The deployment of National Guard troops and federal law enforcement officers to help reduce crime in a city is a different legal matter than the takeover of D.C.'s police force. One of the efforts underway in Washington, with the influx of federal troops and law enforcement, is clearing homeless encampments. According to some reports, more than 48 encampments have been cleared in just a few weeks. D.C.'s Mayor has emphasized that there is indoor shelter space available for individuals experiencing homelessness, though it is unclear if people have moved indoors or moved to a new part of the city to create new encampments.

The decision to bring in federal troops and the National Guard to respond to public safety challenges—including encampments of unhoused individuals—raises fundamental questions about governance: Who should bear responsibility for public safety, and what happens when that responsibility shifts away from the local level?

At IMLA, we have long emphasized the importance of local autonomy. Local governments are closest to the people, best positioned to understand their communities' unique challenges. They are often tasked with balancing urgent public safety concerns with the rights of their residents. The recent developments in D.C. highlight what our members across the country already know: public safety is about much more than policing. It increasingly involves addressing homelessness, addiction, mental health, and social services—all of which demand nuanced, community-specific solutions.

Federal involvement in homelessness policy is not new, but it has intensified in recent months. For example, in addition to the actions taking place in D.C., President Trump issued an Executive Order on July 24, 2025, entitled "Ending Crime and Disorder on America's Streets," (the "Homelessness EO"). The Homelessness EO seeks to move away from a housing first model to one focused on civil commitment of individuals with mental illness or those who pose a risk to themselves or the public. It also directs several agencies to set up discretionary grants for States and local governments that have policies and practices in place, including those enforcing prohibitions against urban camping and open illegal drug use.

These actions create both opportunities and challenges for local governments. Federal resources can help communities, but they come with strings attached, compliance requirements, and potential litigation risks. Local governments must carefully navigate the balance between accepting federal assistance and retaining the flexibility needed to address their community's needs.

That balance was at the heart of *Grants Pass v. Johnson*, the Supreme Court homeless encampment case decided last June. IMLA was proud to advocate for

local governments in that case, filing an amicus brief that underscored the need for localities to retain authority over how best to address homelessness in their jurisdictions, including the ability to clear encampments. The Court's decision reaffirmed that these difficult policy choices belong to local communities—not to the federal judiciary. While no ruling eliminates the challenges communities face, *Grants Pass* made clear that local governments have the constitutional space to craft solutions. As Justice Gorsuch, who authored the opinion, explained:

> Instead of encouraging "productive dialogue" and "experimentation" through our democratic institutions, courts have frozen in place their own "formulas" by "fiat." Id., at 534, 537. Issued by federal courts removed from realities on the ground, those rules have produced confusion. And they have interfered with "essential considerations of federalism," taking from the people and their elected leaders difficult questions traditionally "thought to be the[ir] province."

Whether or not clearing encampments and requiring civil commitment of homeless individuals is good policy remains to be seen, and each community may seek to address homelessness in different and nuanced ways. The Homeless EO is incentivizing those policies through discretionary grants, which localities may choose to apply for. Incentives are one thing, but taking the homeless policy decisions away from D.C.'s elected officials and forcing the clearing of encampments within the District would seem to offer some of the same problems that we saw in *Grants Pass* when the federal judiciary had prevented localities from clearing encampments in the Ninth Circuit. IMLA maintains that local elected leaders are in the best position to come up with solutions to the difficult problem of homelessness in their communities.

These developments remind us why IMLA exists: to equip local government lawyers with the tools they need to navigate evolving legal landscapes, assert local authority, and serve their communities effectively. Through our conferences, webinars, working groups, and other resources, we provide education on public safety, homelessness, federal grant compliance, and intergovernmental relations. And through our advocacy, we continue to speak collectively for local governments when the stakes are highest.

As we look ahead to our upcoming Conference in New Orleans, these themes will be front and center. From sessions on homelessness to panels on public safety, immigration, federal funding, and constitutional law, we will explore the most pressing challenges facing our members. I encourage you to join us, connect with colleagues, and share your own experiences.

Local government lawyers stand on the frontlines of some of the most complex and consequential issues of our time. Whether in Washington, D.C., Grants Pass, Oregon, or your own community, the questions of public safety, homelessness, and local autonomy are deeply intertwined. At IMLA, we are here to support you as you address them.

Warm regards,
Amanda Karras
Executive Director, IMLA





Is That Legal? *Deep Cover*

MOVIE REVIEW

Contributed by Darren Shulman

Deep Cover is a 2025 film that continues the trend of movies skipping theatrical releases and going directly to streaming. While that is often a sign of a low budget, Deep Cover features an impressive cast that includes Bryce Dallas Howard (Jurassic World), Orlando Bloom (Pirates of the Caribbean), and Ian McShane (Deadwood), and throws them into a ridiculous plot. Howard, Bloom, and Nick Mohommed (Ted Lasso) are improv comedy actors recruited to go undercover to infiltrate the criminal underworld. As far as setups go, this is one of the silliest I've ever seen, but the film leans into it and doesn't take itself too seriously. Hearing an accomplished actor like Sean Bean (the guy who dies in everything you've seen him in), earnestly explaining he needs improv comics for undercover operations because police officers can't think as well on their feet, cracked me up.

For a movie like this to work, you must care about the characters. Bryce Dallas Howard conveys an earnestness and desperation that serves as the movie's heart. Orlando Bloom is hilarious as a method actor who can't find roles because he's typecast. As can be expected, what starts as a reasonably straightforward operation quickly escalates, and the comics find themselves getting into more and more trouble. Deep Cover slips in a few OMG moments you probably won't see coming, and the comedy is largely based on shock and cringe-inducing gags. Without getting into spoilers, while the comedians are undercover, they are forced to engage in increasingly illegal behavior. This got me thinking about whether they could escape criminal liability based on the circumstances, which led me to research the defense of duress.

What is duress? The affirmative defense of duress excuses criminal conduct where the actor is under an unlawful threat of imminent death or serious bodily injury.[1] Duress doesn't negate an element of an offense; instead, it excuses the defendant from liability based on the circumstances.As the Supreme Court noted in 1868, "a prisoner who breaks prison shall be guilty of felony, [but this] does not extend to a prisoner who breaks out when the prison is on fire—for he is not to be hanged because he would not stay to be burnt."[2] With that said,



Orlando Bloom, Bryce Dallas Howard and Nick Mohammed star in DEEP COVER | Credit: Peter Mountain | Copyright: Metronome Film

there are apparently limits to this 'get out of (burning) jail free' card as the Court later held that where a criminal is charged with escape, he must proffer evidence of a bona fide effort to return to custody as soon as the duress ended.[3]

Reviewing the elements of the duress defense gives us insight into what might happen to three deep-cover improv comics in real life. As you watch Deep Cover, think about how these elements would apply to the situations in the movie.

The defendant reasonably believed that a danger existed. In *State v. Martin*, the defendant pushed his way into an acquaintance's house (her testimony: "He didn't hurt me, but he like shoved [past] me into my house…and I'm like dude, you got to go."). He paced around her house shirtless and said people with guns were out to get him. Martin admitted to entering the house but said he was afraid for his safety because someone named Terry was out to get him. However, he couldn't give many details, and his claims were found to be "without any basis in reality." The court found that a defendant's belief he is acting under duress must be reasonable, and Martin's erratic story was not.[4]

While a threat must be reasonable, it does not always have to be explicit. The Supreme Court of Washington held that an implicit threat can be sufficient to establish a basis for duress.[5]

The defendant can't have caused or put themselves in a position to cause the duress. The 'some guys made me rob this place' defense has been rejected numerous times because the defendant's own conduct played a role in their predicament. For example, in *Williams v. State*, the defendant claimed he was abducted by three men he owed money to because he knew where another guy kept his drug stash. He took them to a house, and they broke in and searched the place for drugs. The court found that William's contributory actions barred the duress defense, noting "the defense of duress is not successful if the compulsion arose by the defendant's own fault, negligence, or misconduct."[6]

In *People v. Rodriguez*, the defendant didn't return from a jail work furlough because an officer had given him money to buy a pound of marijuana while he was out. The defendant was afraid to return because he spent the money celebrating instead. His duress claim was rejected.[7]

In *State v. Healy*, a burglary defendant argued he was forced to commit the crime by two guys who found out he was working as an informant (though Healy was not an improv comedian). The court allowed a duress instruction, but added language indicating the defense of duress is not available if the defendant intentionally or recklessly placed themselves in a situation where it was probable they would be subject to duress. The court found that a string of reckless behavior led to Healy's predicament. He had a long history of unlawful activity involving the man who threatened him; he had a falling out with the man over stolen property and drugs, he retaliated for hitting Healy with a baseball bat by moving stolen cars to an area around his house, and he stole a truck (which led to him becoming an informant).[8]

NEW GOVERNMENT LAWYER

BOOT CAMP

ANATOMY OF A SHOOTING TRIAL: TRIAL PRACTICE 101

ETHICS 101

LAND USE 101

MUNICIPAL FINANCE 101

NEGOTIATIONS 101

ORDINANCE DRAFTING BEST PRACTICES: LAND USE

PERSONNEL 101

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The defendant had no reasonable means to avoid danger except by committing the crime. If there is a reasonable, legal alternative to violating the law while avoiding the harm, the defense of duress fails.[9] In *State v. Daoud*, the defendant alleged her boyfriend forced her to drive while intoxicated. The defense of duress for driving while intoxicated was denied when the State showed there were lawful alternatives, such as calling a friend or a taxi.[10]

Duress was found not to be an appropriate defense for having a weapon illegally when the defendant could have called the police or avoided the person he was arming himself to defend against, instead of going and visiting her on purpose.[11] Similarly, a duress instruction was denied when a defendant committed robbery to pay a drug debt owed by his daughter because there were other alternatives available to the defendant (coupled with the fact that no one actually threatened him or a third party if he didn't commit the robbery).[12]

If you watch Deep Cover with these elements in mind, you will be able to weigh the likelihood that the characters would be able to avoid prosecution for their hijinks, which adds a layer of interest to an otherwise middling movie (I won't share my thoughts in the interest of avoiding spoilers, but I'd love to discuss with you after you watch it). Deep Cover won't win any awards, and I wouldn't subscribe to Prime Video just to see it, but if you can buy into the silly premise and don't mind cursing, violence, and drug use in your movies, it's a decent way to spend a few hours. At worst, it will give you an opportunity to show off your extensive knowledge of the duress defense to the people you watch it with.

Deep Cover: B

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ENDNOTES

1. See *U.S. v. Bailey*, 444 U.S. 394, 409-10 (1980).
2. *U.S. v. Kirby*, 74 U.S. 482, 487, 19 L. Ed. 278 (1868).
3. *Bailey* at 415.
4. *State v. Martin*, 2023-Ohio-2631, ¶ 16 (12 Dist. Ct. App. 2023). See also *State v. Richter*, 245 Ariz. 1, 424 P.3d 402 (2018)(A duress claim must be evaluated from the perspective of a reasonable person in the defendant's situation).
5. *State v. Harvill*, 169 Wash. 2d 254, 264, 234 P.3d 1166, 1171 (2010)(Defendant perceived request for drugs as a threat to come to Chuck E. Cheese's and hurt him or his family if he refused).
6. Willams, 101 Md.App. 408 (Ct. of Special App. MD 1994); See also *Meador v. State*, 10 Ark.App. 325, 664 S.W.2d 878 (1984) (Defendant forced to rob nursing home by men he owed money to).
7. *People v. Rodriquez*, 30 Ill.App.3d 118, 332 N.E.2d 194 (1975).
8. *State v. Healy*, 157 Wash. App. 502, 514, 237 P.3d 360, 366 (2010).
9. *Bailey* at 410.
10. *State v. Daoud*, 141 N.H. 142, 679 A.2d 577 (1996).
11. *State v. Castrillo*, 1991-NMSC-096, ¶ 18, 112 N.M. 766, 773, 819 P.2d 1324, 1331.
12. *State v. Davenport*, 973 S.W.2d 283, 288 (Tenn. Crim. App. 1998).

Darren Shulman is the city attorney for Upper Arlington, Ohio. A graduate of Northwestern University and Harvard Law School, Darren previously served as the City Attorney for Delaware Ohio, Associate Legal Counsel for the Ohio Department of Administrative Services, and as an Assistant Prosecuting Attorney for the Montgomery County Prosecutor's Office. When Darren was the Delaware City Attorney, he co-hosted a movie review show called Through the Lens on local radio, which is now a podcast. Writing movie reviews through a legal lens allows Darren to combine his love of movies with his profession.

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