

LOCAL GOVERNMENT CASELAW

This collection is of case briefs as published in Local Government Law Weekly from the early 1990s (or as otherwise indicated). For questions or for information about the Weekly, contact the author, Charles Carlson at 630-323-7578 or bcbmad1@comcast.net. Briefs are only of reported opinions that relate to local government law; and, other than those of federal appellate courts, the opinions have been selectively included. It should not be assumed that we have not missed, mis-briefed, or mis-indexed cases; and we disclaim liability for errors or omissions. Copyright: Bond Case Briefs, Inc.

CATEGORIES

1. PUBLIC SAFETY

Select from Arrest; Searches and Seizures; Excessive Force; Domestic Violence (from 2000); Personnel--Law Enforcement; Law Enforcement (which includes all the foregoing cases); Illegal Immigration (from 2006); Terrorism and Disasters (from 2002 and 2007, respectively); Gun Control (from 1995); Prosecution and Corrections; Corrections Personnel; RICO, Federal Criminal Laws; Narcotics and Alcohol; and Firefighters and Paramedics.

Tips: For prisoner health care, add (to Corrections and Prosecutions) Health Care; and for their religious rights add Religion. For prosecutorial Civil Rights Act immunity, add (to Corrections and Prosecutions) Absolute Immunity. To single out the paramedics cases, add (to Firefighters and Paramedics) Health Care.

2. PUBLIC EDUCATION

Choose from Federal Education Laws, School Personnel, Other Education Cases, and Post-Secondary Education.

Tips: For IDEA cases, add (to Federal Education Laws) Handicapped or AIDS; for Title IX add (to Federal Education Laws) Gender or Sexual Orientation; and for those as to religion, add Religion.

For charter schools, add (to Other Education Laws) Privatization; for aid to schools, add (to Other Education Cases) Federal and State Aid. For school employee unions, add (to School Personnel) Public Employee Unions.

3. PERSONNEL

Choose from Personnel--Civil Rights Act (a broad collection); Personnel--First Amendment; Personnel--Procedural Due Process; Liberty and Reputation--Personnel; Title VII; FLSA; Personnel--Other Federal Laws; Other Personnel Cases (that is, state law cases); and Public Employee Unions.

Tips: for Equal Pay Act cases, add (to Personnel--Other Federal Laws) Gender or Sexual Preference; for ADEA, add Elderly; and for ADA, add Handicapped or AIDS. To single out cases as to law enforcement employees, corrections personnel, school employees, or firefighters/paramedics add Personnel--Law Enforcement, Corrections Personnel, School Personnel, or Firefighters and Paramedics.

4. CIVIL RIGHTS ACT

Caution: due to the plethora of cases in this area these civil rights topics include only opinions of unusual significance.

For a broad collection of the Civil Rights Act (secs. 1981 through 1986) cases use Civil Rights Act. For a narrower selection choose from the following:

Absolute Immunity; Abstention; Available State Remedies (the Parratt-like cases); Conspiracy; Duty to Act (the DeShaney cases); Eighth Amendment (a much broader selection appears in Prosecutions and Corrections); Eleventh Amendment (whether or not as to civil rights); Equal Protection--Selected Cases (for a broader collection use Equal Protection--General instead); Federal Procedures, Fees, Damages; Final Policymaking Authority; First Amendment; Fourth Amendment; Independent Contractors (from mid-1996); Liberty Interest; Negligence; Privacy; Policy or Custom; Procedural Due Process; Qualified Immunity; Reputation--Name Clearing (also use Personnel--Liberty and Reputation); Ripeness; State Action; Substantive Due Process; Taking; and Whether Sec. 1983 Can Be Used. For a broader selection of due process cases, select Due Process.

5. PUBLIC OFFICIALS

Choose from Public Officials; Term Limits, Open Meetings Laws; and Other Meetings Cases. But for governmental attorneys, select Architects, Engineers, Lawyers, and Other Professionals plus Procurement.

6. PUBLIC RECORDS LAWS

Select Public Records Laws

7. VALIDITY OF STATUTES

For cases as to whether statutes are invalid for being local or special, for title defects, or for irregularities in passage select Validity of Statutes.

8. LAND USE

Choose from Urban Renewal; Historic Preservation; Land-Use Developments; Land-Use Non-Developers; Areawide Land Use; Condemnation (for formal takings); Other Takings (inverse

condemnation); Taking (the more important federal constitutional issues); Building Permits and Codes--Developers; Building Permits and Codes--Non-Developers; Manufactured Housing (from 1995); Environmental Law; and Demolition.

9. GOVERNMENTAL PROPERTY

Choose from Franchises (including concessions); Leasing Out Governmental Property; Governmental Property (ownership cases); and Budgets and Appropriations.

Tip: for water rights caselaw combine Governmental Property with Water, Sewer, Drainage, and Irrigation.

10. TAXES, FEES AND FINES

Choose from Property Taxes; Property Tax Exemptions; Special Assessments and Tax Increment; and Other Taxes, Fees, and Fines.

Tips: to isolate the tax increment cases add Urban Renewal; for federal tax cases add (to Other Taxes, Fees, and Fines) Other Federal Laws.

11. LICENSES AND PERMITS

Select Licenses and Permits. For liquor license cases add Narcotics and Alcohol.

12. SERVICES

Choose from Electric and Gas Utilities; Electric and Gas Rates; Water, Sewer, Drainage, and Irrigation; Water, Sewer, Drainage, and Irrigation Rates; CATV; Solid and Hazardous Waste; Public Transit; Telecommunications (from 1998); Health Care; Aviation; Ports and Boating; and Stadiums and Civic Centers. Otherwise, select Other Governmental Services.

13. PROCUREMENT

Choose from Construction--Bidding; Construction--Pre-Project (other than bidding cases); Construction--P&P Bonds (including builder's risk coverage); Construction--Other Cases; Procurement--Bidding and Equipment (other than in the construction context); Procurement--Other Cases (again, other than for construction; but including procurement of services and of land); Investments (from 1995); and Privatization.

14. PROFESSIONALS

Use Architects, Engineers, Lawyers, and Other Professionals. For attorney malpractice or liability cases use Ethics, and Malpractice (lawyers) (from 1995). To single out governmental attorney cases add Procurement--Other Cases.

15. BOUNDARIES

Choose Annexation; or Other Boundary Changes, Compacts, and Intergovernmental Agreements.

16. LIABILITY

Choose from Tort Liability--Vehicles (including watercraft, aircraft, sidewalks and other public ways); Other Government Liability; and Insurance Coverage.

17. VOTING

Choose from Candidates (including political parties and recall); Voting Rights; and Other Election Cases (which includes initiatives, referenda, and cases as to whether voter approval is required). For Voting Rights Act cases add (to Voting Rights) Race or National Origin.

18. ORDINANCES

Choose from Ordinances--Obscenity, Gambling, and Liquor; Ordinances--Roads and Signs (including sidewalks); Rent Control; Gun Control (from 1995); Tobacco (from 1995); and Other Ordinance cases.

19. THE VULNERABLE OR DISADVANTAGED

Choose from Federal and State Aid; Children; Poverty; Race or National Origin (which includes Native Americans); Gender or Sexual Orientation; Handicapped or AIDS; Elderly, Assisted Housing, Homeless, Fair Housing Laws; Handicapped and Elderly Facilities; Affirmative Action; Workfare (from 1998) and Domestic Violence (from 2000).

Tip: to single out cases as to the homeless, combine Assisted Housing (etc.) with Poverty.

20. THE FEDERAL OVERLAY

For federal topics not covered above, choose from Antitrust Laws; Bankruptcy; Commerce, P&I, and Contract Clauses; Qui Tam (from 1999); Due Process; Equal Protection; Environmental Law; and Other Federal Laws.