

LOUISIANA MUNICIPAL ASSOCIATION TECHNICAL LEGAL ASSISTANCE

The Louisiana Municipal Association, through the Association's staff attorney, provides technical legal assistance to LMA member cities. The LMA legal office has a staff attorney and the LMA Deputy Director available to answer inquiries. The LMA Staff Attorney represents the Association and is not the attorney for each individual member municipality. Therefore legal rules and ethics prevents the rendering of a legal opinion by the staff attorney. Technical assistance is rendered in the form of providing case law, attorney general opinions, statutes and other relevant information to assist in answering members inquiries. The information provided by the LMA should be appropriately applied to each individual situation and a legal opinion should be rendered by the local municipal attorney.

TELEPHONE INQUIRIES

A top priority is a timely response to your telephone call. The office is available for phone consultation during regular business hours. On some occasions-during the legislative session, for example, responses may be delayed. The LMA receives over 300 calls per month from member municipalities and the staff attorney and other staff makes every effort to return calls promptly. Sometimes the staff is on the phone with other members or involved with projects outside of the office. Please leave a message with the receptionist and she will see that it is delivered promptly. Please leave a message only once; repeatedly calling back slows down the staff and creates a logjam of messages. While emergency situations do appear from time-to-time, it is best not to put off your call until the last minute before a deadline. If your call is extremely urgent, please check with your municipal attorney first, especially if a legal opinion is needed. You may also e-mail John Gallagher, LMA Staff Attorney at jgallagher@lma.org or Don Nijoka, LMA Deputy Director at dnijoka@lma.org. Many times this will allow a quicker response.

WHO CAN CALL?

The LMA Legal Office answers inquiries from the elected and appointed officials of member municipalities who call about legal issues within their official responsibilities. If employees of member municipalities other than those elected or appointed seek information, we ask that those inquiries be made at the direction of an appropriate elected or appointed official. Municipal officials with personal concerns will be asked to contact their personal counsel. Member municipalities may contact the Legal Department at 225.344.5001 or toll free at 1.800.234.8274. The LMA Legal Staff serves city officials, and will not give assistance on municipal law to private citizens

because that would be a conflict of interest and a violation of legal and ethical rules.

WRITTEN INQUIRIES

Written responses will be provided in response to a written request. The staff does its best to respond in a timely fashion. If you have a specific question and would like a written response, the LMA asks that the request be made in writing, containing all accurate and pertinent information regarding the request. This will insure that a response will be as accurate as possible. Response time for written inquiries depends upon our volume of work and the complexity of the legal issue; please allow several weeks for complex legal issues or as little as several days on minor issues. Supplementing each telephone conversation with a written response request is impractical due to the number of calls received. However, copies of attorney general opinions, case law or statutes are generally provided in response to many inquiries.

LOCAL ORDINANCES

The LMA does have sample ordinances on a variety of topics that may be provided to our members for review. Most ordinances we provide are furnished to us by other municipalities and have not been drafted by the LMA. Before you use one as a guide, the LMA recommends that it be reviewed by your municipal attorney for compliance with statutes and case law. Those municipalities with internet access, we recommend that you access the Municipal Code Corporation web site at www.municode.com. This web site allows you to access complete ordinances from a number of Louisiana Municipalities free of charge. It is updated on a regular basis. Many of the sample ordinances provided to members by the LMA are obtained from this website.

The LMA gets a number of calls asking for an interpretation of ordinances and charters. We can make educated guesses, but we cannot give a definitive interpretation because the meaning often depends upon the context of the entire ordinance or charter and the way it was enacted. Please consult your municipal attorney for a legal opinion or final interpretation.

POLITICAL DISPUTES

The LMA Legal Department answers questions regarding municipal law. Often we get calls for “legal assistance” when the caller is seeking the resolution to political differences. These calls are awkward, and we cannot give you an answer about who is right or who is wrong. Every municipality has political disagreements; most cannot be solved by looking at a statute. Legal ethics will prevent the LMA from taking sides in your political disputes.

AMICUS BRIEFS

The LMA often submits amicus curiae (“friend of the court”) briefs in state or federal

courts on behalf of our member municipalities. If your city has an issue of municipal law which could have a statewide impact, please send a written request with all pertinent information to the Louisiana Municipal Association. The Legal Department will review the request and consult with the Association's General Counsel for a determination as to the extent of the Association's participation in the issue. Please do not wait until the deadline for filing briefs to make a request. Many times this will make it impossible for the Association to properly evaluate and prepare a professional brief and it could also prevent the Association from submitting a brief at all.

SEMINARS/PRESENTATIONS/MEDIATIONS

The LMA staff frequently serves as a speaker at educational seminars, legal question and answer sessions and at regional meetings. The LMA staff also travels to member municipalities to assist in mediating issues, such as conflicts between mayors, councils and chiefs of police for example. If your municipality requests a speaker for a particular program, seminar or mediation assistance, the Association will make very reasonable effort to comply.

RISK MANAGEMENT

Inquiries pertaining to liability insurance coverage and other related issues should be directed to Risk Management, Inc. at 225.344.5002.

COORDINATION WITH CITY ATTORNEYS

One of the major roles of the LMA is to answer members general municipal law questions. If the answer hinges on complex local facts, documents, or the peculiarities of local ordinances or charters, we recommend that you contact your local legal counsel. Also, if you know that your municipal attorney is working on an issue for your municipality, we will request that your questions be directed to that attorney.

Lawyers give opinions, and no lawyer's opinion is a guarantee. As stated above, the LMA **cannot** provide a legal opinion, written or verbal. Legal ethics prevents this. We can however, provide general technical assistance pertaining to municipal legal issues. Municipal law is very broad and encompasses many issues. Some areas of the law are more uncertain than others, and therefore are open to interpretation. When the law is especially unclear, we will suggest that you talk to your local counsel to get an answer from the one who will be following through as an advocate for that answer. The LMA will be happy to discuss any issue with your municipal attorney if she or he wishes to consult with us.