# THE MUNICIPAL LAW QUARTERLY©
## of Massachusetts Municipal Lawyers Association, *formerly known as the CITY SOLICITORS AND TOWN COUNSEL ASSOCIATION*

**This is a publication of MMLA and is not intended as legal advice, which requires consultation with an attorney.**

Vol. III, Issues I & II

Fall/Winter


## Letter from the President

Dear Colleagues:

Welcome to The Municipal Law Quarterly's third edition. These past months were times of celebration and great achievements for MMLA. First, Jim Lampke, MMLA's Executive Director and Town Counsel of Hull, received the Charles S. Rhyne Lifetime Achievement Award from the International Municipal Lawyers Association (IMLA) at its annual conference in San Francisco on October 1. The Rhyne Award is the most prestigious award conferred by IMLA, and is only bestowed upon attorneys whose exceptional work, qualities and achievements in municipal law parallel those of the late Charles S. Rhyne, founder of IMLA.

Later that month, MMLA held its annual weekend convention at the Red Jacket Inn in Yarmouth, which was one of the best. Jim Lampke and the MMLA Executive Board planned programs including, social media and employment issues, medical marijuana, lessons learned from the 2013 Boston Marathon, updates on public bidding and much more. MMLA was pleased to have Attorney Jessie J. Rossman from the American Civil Liberties Union of Massachusetts as its keynote luncheon speaker. Attorney Rossman addressed library issues, security cameras and other municipal law-related civil liberty topics, while welcoming collaboration with MMLA members. In addition, Dwight Merriam, nationally recognized land use attorney, presented on the impact of the U.S. Supreme Court decision in the *Koontz* case. And, Robert H. Smith, Suffolk University Law School Professor and former Dean, gave a stimulating and informative constitutional law lecture. The Constitutional Law Program, an annual favorite of MMLA, is named in memory of our colleague and long-time home rule and constitutional law advocate, Attorney Robert W. Smith. Lastly, Christopher Petrini of Petrini & Associates, inspired attendees with spectacular photography and details of his 2013 hiking adventures. Chris was selected by Backpacker Magazine to climb Mount Whitney,14,505 feet, along with other experienced hikers last spring. Their great efforts raised funds to benefit Big City Mountaineers, a nonprofit that provides wilderness mentoring for under-resourced urban teens. In short, if you missed the annual convention, I encourage you to attend it this year, and join with your colleagues to learn, share and network.

The combined November/December MMLA dinner program on relations between general government and school departments, including service level agreements, was excellent. I extend my appreciation to Deputy Solicitor, Kathleen Breck, Labor Relations Director, Attorney William Mahoney, Chief Administrative and Finance Officer, TJ Plante, School Committee Lawyers, Melinda Phelps and Mary Jo Kennedy, for their time and contributions, which provided an informative and engaging program. Additionally, I thank the law firm of Bulkley, Richardson and Gelinas, LLP for use of their conference space to host the dinner program.

As I reflect on my experiences as MMLA's President, I am proud of the collegiality, work and contributions of Jim Lampke, the Executive Board and the members of this honorable organization. The commitment and willingness of our members to assist and collaborate with each other is unparalleled and provides a foundation upon which all municipal governments can thrive.

On behalf of the Executive Board, I wish you and your family a happy and healthy new year, and I look forward to seeing you at MMLA's upcoming monthly programs.

Sincerely,

Edward M. Pikula, Esq.
President

## Inside This Issue:

# SUPREME COURT LIMITS PERMITTING AUTHORITY OF LOCAL GOVERNMENT

By: George Hall, Esq. and Nina Pickering Cook, Esq.
Anderson & Kreiger, LLP

On June 25, 2013, the Supreme Court issued the latest in a series of decisions limiting the ability of local governments to regulate land use under the so-called "Takings" clause of the Fifth Amendment to the United States Constitution. If its critics are to be believed, the decision, *Koontz v. St. John River Water Mgmt. District*, 133 S.Ct. 2586 (Slip Op. No. 11-1447), will have a major impact on local land-use permitting. More likely, it will have some effect around the margins, especially where a state or local government agency is perceived to have overreached in its demands for mitigation.

In this recent decision, the plaintiff, Coy Koontz, sought permits from the St. John River Water Management District (District) to develop a portion of his land in Florida, which included wetlands. Under Florida law, Koontz was required to offset any environmental damage resulting from filling those wetlands. Koontz proposed to develop 3.7 acres of his property, with storm water management structures, and place a restriction on the remaining 11+ acres. The District told Koontz his permit would be approved if he either reduced the size of his development to one acre (restricting the remaining 13.9 acres), or spent money on an off-site wetlands restoration project. Koontz refused to accede to either of those conditions, and the permit was denied. Koontz then sued on the grounds that the District's denial of his permit, based on his refusal to pay money or restrict more of his land, was "an unreasonable exercise of the state's police power constituting a taking without just compensation."

Prior to *Koontz*, the Court had ruled in two decisions (known as the *Nollan*/*Dolan* line of cases) that the Fifth Amendment prohibited governments from requiring the relinquishment of a portion of an applicant's property to mitigate the negative effects of development without demonstrating a "nexus" and "rough proportionality" between the government's demand and the effects of the proposed land use. In the circumstances just described, of course, no such relinquishment of land was actually required; Mr. Koontz was given the alternative of providing off-site mitigation. Nonetheless, in a 5-4 decision, the Court extended the *Nollan*/*Dolan* rule to situations in which the local permitting authority has denied an application for permit to coerce *either* the relinquishment of land *or* the payment of money to mitigate the effects of the proposed use.

The majority of the Court based its decision on the proposition that "land-use permit applicants are especially

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## SUPREME COURT LIMITS PERMITTING AUTHORITY OF LOCAL GOVERNMENT

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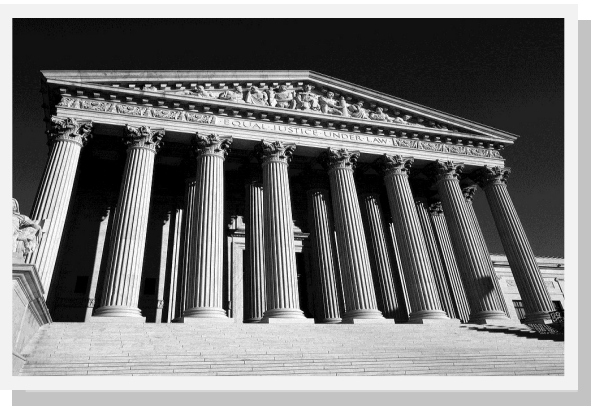
vulnerable" to government coercion "because the government often has broad discretion to deny a permit that is worth far more than property it would like to take." As a result, the Court held that both options raised by the District – reducing the size of development or paying for off-site wetlands mitigation – must satisfy the "nexus" and "rough proportionality" test of *Nollan*/*Dolan*, and remanded it to the Florida Supreme Court to apply that principle to the circumstances of Koontz's case.

This case breaks new ground in holding that a "monetary exaction" associated with a land use permit application could be held to constitute a taking. Now, local governments, which often impose monetary exactions to fund off-site projects in order to mitigate the impacts of the proposed developments, will have the burden to prove that their conditions meet this heightened constitutional standard.

Critics of the decision, including the dissent, forecast a sea change in local permitting as a result of *Koontz*. This prediction is, at best, premature. The Court expressed "no view on the merits of [Koontz's] claim that [District's] actions … failed to comply with the principles set forth in *Nollan* and *Dolan*." The majority opinion emphasized that the monetary exaction in *Koontz* "operated on … an identified property interest," meaning that the District demanded it in order to allow the plaintiff to retain the use of land that the District otherwise wanted to restrict, and was therefore different from fees and other lawful charges. From that perspective, it is possible that lower courts will construe the decision narrowly.

But *Koontz* certainly opens the door to a new argument that developers can use to fight back against what they perceive to be excessive demands for off-site mitigation, whether they include funds to construct replacement wetlands or to create affordable housing. And, it should make government officials much more circumspect about the process of *negotiating* such conditions, especially about suggesting specific forms of mitigation that might be acceptable, as such suggestions may later be construed as proposed "exactions" if the negotiations fail. Local boards are going to have to document more carefully why permit conditions requiring such mitigation are proportional to the harmful effects to be expected from the proposed development. If they don not, *Koontz* may give the developer not just grounds for a state court appeal, but access to the federal courts under the "Takings" clause.



# RFF Family Partnership, LP v. Burns & Levinson, LLP, 465 Mass. 702 (2013)

By: Kurt B. Fliegauf, Esq.
Conn Kavanaugh Rosenthal Peisch & Ford, LLP

On July 10, 2013, the Massachusetts Supreme Judicial Court decided RFF Family Partnership, LP v. Burns & Levinson, LLP, 465 Mass. 702 (2013), a decision of importance to any attorney practicing in a Massachusetts law firm. In RFF Family Partnership, the Supreme Judicial Court confirmed that the attorney-client privilege applies to communications between a lawyer and his or her law firm's in-house counsel concerning a current client matter, so long as certain conditions are met. This is a significant decision, as the SJC is the first state supreme court to issue a decision on this issue. In reaching the decision, the SJC rejected arguments that have persuaded courts in other jurisdictions to create exceptions to the privilege.

In RFF Family Partnership, an attorney retained by RFF's title insurance company sent a demand letter to the law firm that had represented RFF at a real estate closing and then continued to represent RFF in a subsequent foreclosure and attempts to sell the property. The demand letter accused the law firm of failing to inform RFF of certain liens prior to the real estate closing, and demanded the firm indemnify RFF for any resulting damages. After receipt of the claim, the firm attorneys handling the matter for the client sought advice from the partner of the firm who had been designated by the firm to respond to ethical questions and risk management issues as to how to respond. The communications with the in-house counsel were confidential, the in-house counsel had not worked on any matters for the client, and the firm did not bill the client for the internal discussions with the in-house counsel. After consultation with the in-house counsel, the firm withdrew its representation of the client. RFF then told the firm that its title insurance attorney had not been authorized to send the demand letter, and the firm re-commenced the representation. One year later, the title insurance lawyer, on behalf of RFF, filed a legal malpractice claim against the firm.

In discovery during the legal malpractice claim, the client sought disclosure of the substance of the communications between the firm attorneys handling the matter for the client and the in-house counsel. The firm moved for a protective order, asserting that the communications were protected from discovery by the attorney-client privilege. The Superior Court agreed with the firm's position. The client filed an interlocutory appeal, which was allowed by a single justice of the Appeals Court. The SJC transferred the appeal to that court.

The client argued to the SJC that communications between an attorney in a law firm and in-house counsel regarding how the attorney or firm should respond to a claim or threatened claim of malpractice brought by a current client

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## RFF Family Partnership, LP v. Burns & Levinson, LLP, 465 Mass. 702 (2013)

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are not privileged because a law firm owes a fiduciary duty to its client to disclose all communications relevant to the re-presentation. The client further argued that when a law firm represents itself in an adversarial matter against its current client, the law firm creates a conflict of interest in violation of Mass. R. Prof. C. 1.7.

The SJC rejected the client's arguments. The SJC noted that law firms face a complicated array of regulatory legislation, and that law firms should be encouraged to make reasonable efforts to ensure that all lawyers conform to the Rules of Professional Conduct. The SJC noted with approval that a large number of law firms have appointed one or more attorneys to serve as in-house or ethics counsel, which may dramatically improve the quality of law firm self-regulation, and allows attorneys to promptly obtain sound legal advice, without having to retain outside counsel for privileged advice. The SJC favored a "functionality" approach that would preserve these benefits. Accordingly, the SJC held that the attorney-client privilege applies to confidential communications between a law firm's in-house counsel and the law firm's attorneys, even where the communications are intended to defend the law firm from allegations of malpractice made by the client.

For the privilege to apply, four conditions must be met. First, the law firm must designate, either formally or informally, an attorney or attorneys to represent the firm as in-house counsel. Second, in-house counsel must not have performed any work on the particular client matter at issue or a substantially related matter. Third, the time spent by the attorneys must not be billed to any outside counsel. Fourth, the communications must be made in confidence and kept confidential.

The SJC's decision suggests that all Massachusetts firms should have a lawyer designated to act as the firm's in-house counsel and, if possible, a lawyer designated to act as "backup" ethics counsel, in the event the primary ethics or risk management counsel is unavailable or involved in the client matter. It is advisable that the designation be in writing, and that the in-house counsel separately keep track of time spent and services rendered to the firm – without billing that time to the firm's client. If your firm has not made such a designation, you may want to consider doing so now.

The firm in RFF Family Partnerships was represented by MMLA member Conn Kavanaugh.

# MUNICIPAL CASE LAW UPDATE

Grady v. Zoning Board of Appeals of Peabody, 465 Mass. 725 (2013)

By: Carol Hajjar McGravey, Esq.
Urbelis & Fieldsteel, LLP

In this case, the Supreme Judicial Court decided the question whether a zoning variance may be deemed to have "taken effect" notwithstanding the fact that it was not recorded within the one-year period prescribed by G.L. c. 40A, §10.

The facts found by the Land Court Judge were that Arthur and Irene Stefandis, trustees of A & I Trust (Stefandis), owners of a single large lot in Peabody which contained an existing structure, divided the lot into Lot A, the front parcel containing the structure, and Lot B, the rear parcel that did not have street frontage. The structure on Lot A was converted to a three-unit condominium, known as the Central Gardens Condominium, and Stefandis retained ownership of Lot B, together with a reserved easement over a driveway and parking area on Lot A.

In 2008, Stefandis obtained a variance to construct a two-family residence on Lot B. The variance was filed in the City Clerk's Office on June 23, 2008. No appeal was filed, and the City Clerk's Office issued a certificate to that effect on July 22, 2008. The variance contained notice to the applicants that the variance was applicable for one year, that the applicant was responsible for recording the decision in the Registry of Deeds, and that a building permit would not issue unless proof of recording was presented. Apparently, the Trustees forgot to record the decision, but applied for a building permit, which was issued on February 24, 2009, notwithstanding that no proof of recording had been submitted to the building commissioner.

On June 29, 2009, the plaintiff, Grady, trustee of the Central Gardens Condominium, made a request of the building commissioner to revoke the building permit on the ground that the variance had not been recorded within the one-year period prescribed in G.L. ch. 40A, §7, arguing that the variance had not become effective under G.L. c. 40A, §11, which requires that a variance be recorded before it can "take effect." The building commissioner notified Stefandis, who then recorded the variance eleven days after the expiration of the one-year period. Grady appealed to the Land Court, where a judge determined that the variance had not lapsed because Stefandis had taken substantial steps in reliance on it and had recorded it within a short period after the expiration of the one year lapse period as soon as they discovered their error.

Grady appealed and the Supreme Judicial Court transferred the case from the Appeals Court on its own motion, in order to answer the question left open in Cornell v. Board of Appeals of Dracut, 453 Mass. 888, whether a variance will take effect if the holders have acted in substantial reliance on it.

## MUNICIPAL CASE LAW UPDATE

Grady v. Zoning Board of Appeals of Peabody, Cont. from p. 6

The Supreme Judicial Court affirmed the decision of the Land Court and held that, "in the unusual circumstances of this case," the variance had become effective notwithstanding the failure to record it within the one year period, "where the holders of the variance were issued a building permit and took substantial steps within the one-year period in reliance upon an otherwise valid variance; there was no apparent harm to any interested parties, including the plaintiff, other than the harm resulting from the original, uncontested grant of the variance; and the variance was recorded less than two weeks after the expiration of the one-year period."

## MUNICIPAL CASE LAW UPDATE

Moore v. Town of Billerica, 83 Mass. App. Ct. 729 (2013)

By: Timothy J. Harrington, Deputy General Counsel
Boston Public Health Commission

In June 2013, the Massachusetts Appeals Court upheld a town's immunity from suit under G.L. Ch. 258 Section 10(j) by holding that a town is not liable for failing to prevent potential harmful consequences which are not originally caused by the public employer. The case provides a good example of the distinction between the immunity provided for a town's failure to prevent injuries and potential liability arising from a town's negligent failure to maintain existing public property.

In 2007, Carol Moore brought her four year-old daughter to Kids Konnection playground in Billerica. A baseball field adjoined the playground. A high net strung between telephone poles protected the playground area from long fly balls hit toward the playground. The net did not extend all the way to right field. Behind right field were a stage area and a picnic area connected to the playground. While Carol Moore's daughter was in the picnic area, a teenager struck a home run from the adjoining field into the picnic area. The ball struck the child in the head, causing her serious injuries.

Ms. Moore brought suit against the town. The town moved for summary judgment on the ground that G.L. Ch. 258 Section 10(j) provides towns with immunity from suit when the allegation is only a failure to prevent harm and the harm does not arise from the negligence of the town. The town, also, argued it was immune from liability under the Recreational Use statute. The Superior Court denied the motion, finding that issues of fact remained regarding the level of discretion on the part of those town employees charged with maintaining the park.

The Appeals Court reversed and ordered that summary judgment be granted to the town. First, turning to Section 10(j), the court held the town was immune from suit under this section because the claim was essentially a claim for failure to prevent harm. The court noted the town could have extended the netting, posted warning signs, or erected a fence to prevent children from entering the picnic area. The court stated there will always be a list of potential actions that a town could have performed to prevent injuries. This is why the immunity for such claims remains. Moore argued further

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## MUNICIPAL CASE LAW UPDATE

Moore v. Town of Billerica, Cont. from p. 7

That Section 10(j)(3) provides an exception to application of immunity. Section 10(j)(3) provides that towns will not be immune from suit for claims arising from the negligent maintenance of property (which is not so much an exception but rather an example of a claim not protected by 10(j)'s immunity). Moore argued that the term "maintenance" included the obligation to keep an area in safe condition. The Appeals Court disagreed. The court found the term "maintain" pertains to public property that has already been constructed. It does not include a duty to take affirmative steps to make an area safe. If that were the case, the exception would render Section 10(j)'s immunity meaningless.

Separately, the court found the Recreational Use statute also protected the town from liability. The town held that Ms. Moore, her daughter and the boy who hit the home run were all engaged in recreation at a public park and were not charged a fee for its use. The town also did not engage in any willful, wanton or reckless conduct that would destroy the town's immunity under the statute.

As noted above, the case joins a line of decisions holding that simple "failure to prevent" claims are immune from suit under Section 10(j). For support, the decision cited Brum v. Dartmouth, 428 Mass. 684, 692 (1999)(holding that a town was immune under 10(j) from suit after assailants entered school and stabbed a student to death) and Jacome v. Com., 56 Mass. App. Ct. 486, 489 (2002) (finding state immune from suit under 10(j) after teenager drowned while swimming at a public beach).

## UPCOMING PROGRAMS & EVENTS

**Jan. 24—25, 2014: MMA Annual MTG & Trade Show**

Program: 35th Annual Meeting and Trade Show for MA local government officials. Two-day event features educational workshops, speakers, awards programs, large trade show and networking opportunities. This year's theme is "Building Our Communities, Building Our Future."

Location: Hynes Convention Center and Sheraton Boston Hotel, Boston, MA

Registration: www.mma.org/events

**Jan. 29, 2014: MMLA Co-Sponsor's REBA Conference on RLUIPA**

Program Topic: Religious Land Uses and Institutionalized Persons Act. Dwight Merriam, Esq. addressing current cases & developments under RLUIPA, includes real estate implications.

Location: REBA, 50 Congress Street, Boston, MA

Time: 12:00pm to 1:30pm (luncheon seminar)

Registration: REBA (617) 854-7555 / (800) 496-6799 or Atty. Gregor McGregor at gimcg@mcgregorlaw.com

**Jan. 30, 2014: MMLA Dinner & Program**

Program Topic: Labor law.

Location: John Adams Courthouse, Boston, MA

Time: 6:00 p.m.

**February 27, 2014: MMLA Dinner & Program**

Program Topic: TBA

Location: The Chateau, Westborough, MA

Time: 6:00 p.m.

**March 4, 2014: IMLA Supreme Court Practice**

Program Topic: IMLA and the State and Local Legal Center hosting a Supreme Court Institute.

Location: Georgetown University Law Center, Washington D.C.

Registration: www.IMLA.org or info@IMLA.org

**March 12, 2014: MCLE-MMLA Annual Muni Law Conf.**

Location: MCLE Headquarters, 10 Winter Place, Boston, MA

Registration: www.mcle.org

## A Review of "Gossiping Agents and the Hearsay Rule"

By: Jordan L. Shapiro, Esq.
Special Counsel to the City of Malden

I recently came upon a really educational article by Timothy S. Tomasik, Esq. of Chicago, which deals with the hearsay rule and agents who make admissions and other statements, which typically are addressed in accordance with applicable evidentiary rules. The article appeared in the "Litigation" magazine of the American Bar Association, Vo. 39, No. 2, Spring 2013. The article consists of five double column pages, with some priceless information for litigators on the somewhat confusing and complex rules for all types of admissions by agents, authorized and unauthorized.

This article, written in a somewhat entertaining tone, begins: "Principals beware: a gossiping agent can door your case. In high-stakes litigation, loose lips sink ships." The article carefully analyses Federal Rule of Evidence 801(d)(2)(D), which governs admissibility of an agent's admission. "Strategically navigating and implementing Rule 801(d)(2)(D) is critical when opposing the admissions of party-opponent agents." That rule provides that a statement is not hearsay if "the statement is offered against an opposing party and was made by the party's agent or employee on a matter within the scope of that relationship and while it existed."

When I was in law school, to be admissible, proof was needed that the agent had "personal knowledge." The author says that this requirement is now gone. The reason for the change is, as the author states "a practical matter, courts could not envision a set of facts where an employee was specifically authorized to make a statement detrimental to the employer's interest." *Pavlik v Wal-Mart Stores, Inc*., 323 Ill. App. 3d 1060 (2001). But, now, courts realize this concern is misconceived when it comes to party statements. Unlike the other rules of evidence, "the rules on admissions are not based on reliability and do not require personal knowledge. Rather, admissions are a by-product of our adversarial system of justice. Dissatisfaction with unjust outcomes led courts to abandon the old principles governing the admission of employee statements in favor of new ones that promoted the generous treatment of admissions." So, the courts are now in general agreement that the rule does not mandate personal knowledge that "no guarantee of trustworthiness is required in a case of an [agent] admission." Fed. R. Evid. 801(d)(2)(D), advisory committee's note.

The author warns, "It is essential that trial lawyers be well equipped to overcome these misguided objections to ensure that all relevant statements are considered by the jury." Some lawyers confuse Rule 602 with Rule 801, wherein Rule 602 provides "a witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge on the matter." The two rules seem to "collide." Rule 801(d)(2)(D) provides that a statement is not hearsay if "[the] statement is offered against an opposing party and was made by the party's agent or employee on a matter within the scope of that relationship and while it existed."

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## A Review of " Gossiping Agents and the Hearsay Rule " - Cont. from p.9

Courts, generally, applied the "traditional agency approach" or "the scope of employment" approach in determining whether a statement by an agent or employee constitutes an admission by his or her principal or employer. *Pavlik*, 323 Ill. App. 3d at 1060. But, dissatisfaction with the loss of valuable and helpful evidence has resulted in most courts rejecting the traditional agency approach in favor of the "scope of employment" approach advanced by Federal Rule of Evidence 801(d)(2)(D). In the *Pavlik* case, summary judgment was reversed on appeal, because the statements were made by defendant's employee within the context of the employment relationship about a matter within the scope of employment, so the statements are well within the party admission exception to the hearsay rule and, therefore, admissible despite a lack of personal knowledge.

The elements needed for admission of such statements are the following, according to the author:

1. The declarant was an agent of the party opponent.

2. The declarant made the statement while he or she was an agent.

3. The statement related to the agent's employment duties.

4. The statement is inconsistent with the position that the party opponent is taking at trial; the statement is logically relevant to an issue the proponent has a right to prove at trial. Source: Edward J. Imwinkelreid, Evidentiary Foundations §10.03 [4]9a] (Matthew Bender 8th ed. 2012).

Carrying this further, for a determination of whether the declarant was an agent of the party, Rule 801 requires that the trial court not only consider the contents of the statement themselves, but, also, find some independent evidence of agency, such as the circumstances surrounding the statement, the identity of the speaker, or the context in which the statement was made. Fed. R. Evid. 801, advisory committee's note; *Pappas v. Middle Earth Condo. Ass'n,* 963 F. 2d 534 (2nd Cir 1992). The mere contents of the declarant's statement alone do not establish an agency or employment relationship; some additional proof is required, but not much. For instance, was the declarant wearing a uniform of the employer or standing behind a retail counter when the statement was made? Just "some" semblance of agency or employment relationship should suffice for admission.

Opposing counsel is expected to zealously argue the weight and credibility of the evidence and attempt to admit evidence to discredit the reliability of the statement, including factual arguments that may suggest there was no agency relationship at the time the statement was made. If the court determines the statement is not hearsay, the opponent may still have other objections. Courts may be concerned about the "prejudicial effect" of admitting such evidence and whether such evidence substantially outweighs its probative value. One can still impeach the credibility of the witness, too.

This comprehensive article concludes: "It is true that an unwitting blabbermouth can win a plaintiff's case. By the same measure, failing to capture the required foundation and effectively argue the admission of such statement can lose your case. The ability to implement Federal Rule of Evidence 801(d)(2)(D) should be a formidable weapon in every trial lawyer's arsenal."

# MMLA Executive Director, Jim Lampke, Given IMLA's "Charles S. Rhyne Lifetime Achievement Award"

Jim Lampke receiving Rhyne Award from IMLA Executive Director, Chuck Thompson, in San Francisco on October 1, 2013

**James B. Lampke**, Executive Director of **MMLA** and Town Counsel of Hull, was presented with the **Charles S. Rhyne Lifetime Achievement Award** by the International Municipal Lawyers Association (**IMLA**) at its annual conference in San Francisco on October 1. The Rhyne Award is the highest award conferred by IMLA, and is not given regularly, but only on occasion, and only to an attorney whose exceptional qualities rise to the standards of the late Charles S. Rhyne, founder of IMLA. Jim's wife, Cindy, and daughter Rachel, attended the award ceremony along with more than a dozen MMLA members who went to San Francisco to celebrate with Jim and attended the informative programs on municipal law. Over 600 IMLA members from across United States and Canada attended the convention and expressed their collective appreciation for all Jim has done to advance municipal law, and for his many services to IMLA and MMLA.

Jim Lampke with his wife Cindy, their daughter Rachel, MMLA President Edward Pikula and MMLA members.

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## MMLA Quarterly Editorial Board



## Quarterly Information and Contributing an Article

For information about the Quarterly, or to contribute an article, please contact Stacey G. Bloom, Esq. at Staceygene@gmail.com or

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## MMLA Website and Membership

Go to MMLA's website **massmunilaw.org** to access the latest information, updates, announcements and news. Additionally, MMLA members enjoy a **Members Only Section** and can view **The Municipal Law Quarterly**, along with **Upcoming** monthly meetings, programs and seminars. To join MMLA, go to **massmunilaw.org** and complete the **MMLA Membership Form** or call 781-749-9922 for more information.