A Message from the Chair

As Chair of the Municipal Law Section of the New York State Bar Association, it is my pleasure to welcome you to the expanded and enhanced Municipal Lawyer, the official publication of our Section.

With much inspiration from our membership, we have decided to redevelop this publication, providing more features that will be of benefit to you. The Municipal Lawyer will now be published four times per year, but will contain more in-depth articles and a greater variety of materials. After you review this issue, please let us know your thoughts.

As my two year term as Chair of the Municipal Law Section comes to a close, I cannot help but reflect on how much the field of municipal law has changed, as has the role of the municipal attorney. Seventeen years ago when my practice moved into the field of municipal law, the role of the attorney was much more limited and straightforward. At the same time, the Municipal Law Section had a strong and primary focus on planning and zoning issues as being one of the major roles of the municipal attorney.

I was never more strongly reminded of how much things have changed than in the aftermath of September 11, 2001. The Municipal Law Section was forced to cancel our fall meeting because of a tragedy of proportions that none of us could have imagined a decade ago. Now, one of the major roles of municipal attorneys (particularly in larger jurisdictions) is guiding, planning (and occasionally directing) in the area of disaster preparedness. Who would have thought ten years ago that a municipal attorney would carry a briefcase of emergency planning materials in the trunk of his or her car in case a disaster occurred and his or her office was destroyed or inaccessible? While the tragedy of September 11 cannot possibly ever be viewed in a positive light, it is my opinion that it has forced municipal attorneys to focus on the many issues of disaster and emergency. Let us all hope that there is never again a September 11, but we can all have tornadoes, floods, earthquakes, train derailments or chemical explosions that will require us to use the skills we have honed in the past few years.

Another more recent challenge facing municipal attorneys is the ever-increasing frivolous litigation brought against municipalities. The proliferation of attorneys who advertise in a manner that begs people to sue has caused people to believe that if something bad happens to them, they must and will get paid. In a recent deposition, a claimant said to me that since he knew he had done nothing wrong, therefore, it must be the city’s fault and the city must pay. The lack of personal responsibility, of understanding that accidents do just happen and that tragedies occur without always having someone to blame is a battle we must continue to face.

I have been honored to chair this Section, especially through these troubled times when we have all had to rethink what our roles are and what skills we need. I look forward to the guidance of the Section for the next two years under the able chairing of the Honorable Renee Minarik. I wish all of you the best in your roles in a challenging and often under-recognized field of law.

Linda S. Kingsley

Inside

From the Editor ................................................................. 2
(Lester D. Steinman)
Privacy Rights of Public Employees in the Workplace ............... 3
(Norma Meacham and Peter Bee)
Moratorium Te Salutamus—A Discussion of the United States Supreme Court Decision in Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency .............. 13
(Henry M. Hocherman)
A Primer on Industrial Development Agencies, Local Development Corporations and Empire State Development . .16
(Edwin J. Kelley, Jr.)
For Your Information .................................................. 22