

LAW REVIEW 13075—UPDATE 3

August 2013

In Update 2, I explained that Magistrate Judge T. Michael Putnam purported to decide the case of *Weaver v. Madison City Board of Education*, 2013 U.S. Dist. LEXIS 75107 (N.D. Ala. May 29, 2013). Judge Putnam was under the mistaken impression that all parties had agreed that he could hear and decide the case.¹ When it was brought to Judge Putnam's attention that all parties had not agreed to adjudication by a Magistrate Judge, he repurposed his decision as a recommendation.

On August 14, 2013, District Judge Virginia Emerson Hopkins released a decision, approving and adopting the recommendation of Magistrate Judge Putnam. *Weaver v. Madison City Board of Education*, Case No. 5:11-CV-3558-TMP (N.D. Ala. Aug. 14, 2013).

Judge Hopkins cited *Stewart v. Baldwin County Board of Education*, 908 F.2d 1499 (11th Cir. 1990)—the 11th Circuit² held that Alabama school districts are political subdivisions of the State of Alabama and not administrative arms of the state, and thus local school districts do not have immunity under the 11th Amendment of the United States Constitution. Judge Hopkins found that *Stewart* is on point and has not been overruled by the 11th Circuit. Accordingly, district courts in the 11th Circuit (including the Northern District of Alabama) are bound to follow this binding 11th Circuit precedent.

We will keep the readers informed of developments in this interesting and important case.

¹ Judge Putnam is a Magistrate Judge, rather than a District Judge (appointed by the President, with Senate confirmation and lifetime tenure). Accordingly, he can decide cases only if all parties have agreed to decision by a Magistrate Judge.

² The 11th Circuit is the federal appellate court that sits in Atlanta and hears appeals from district courts in Alabama, Florida, and Georgia.