

# WASHINGTON D.C.

IMLA's Mid-Year Seminar

Omni Shoreham Hotel

**April 15-18, 2016**

**2 Programs for 1 Great Price!!**



# SECTION 1983- DEFENDING THE GOVERNMENT PROGRAM

## FRIDAY, APRIL 15th

**8:00-12:00PM:**

### **Board Meeting**

**1:00-2:00PM**

**Introduction to §1983:** Defending the government and its officers.

**SPEAKER:** Andrew Saindon, Sr. Assistant Attorney General, Washington D.C.

**2:05-3:05PM**

**§ 1983 General Principals:** Individual/official capacity, QI, statute of limitations, defenses, proof requirements (policy/custom v underlying constitutional violations), fees, causation, state of mind.

**SPEAKER:** Arthur Larkin, Sr. Counsel at New York City Law Department

**3:20-4:50PM**

### **Supreme Court Update & Amicus Awards**

Join three Supreme Court “frequent flyers,” in a discussion about the Supreme Court’s current term as it relates to local government. *Friederichs v. California Teachers Association* could be a game changer for local governments in collective bargaining states. Employment, asset forfeiture, First Amendment employment issues, and applicable immunities to local governments sued out-of-state are also on the Court’s docket.

**SPEAKERS:** Paul Clement, Bancroft, Thomas Goldstein, Goldstein & Russel & Gregory Garre, Latham & Watkins

**MODERATOR:** Lisa Soronen

## SATURDAY, APRIL 16th

**7:30-8:55AM**

**State/Regional Breakfast-** Have the opportunity to network with other Municipal Attorneys from your state!

**9:00-10:00AM**

**§ 1983 Specific focus: Municipal Liability and Supervisor Liability:** When can supervisors be liable; principles of municipal liability as set forth in the leading U.S.

Supreme Court decisions; What does it mean to have a policy, practice of custom?; the role of deliberate indifference claims in establishing municipal liability; how to defend against municipal liability claims at the pleading and motion stage, and at trial; and distinguishing between claims against the municipality and the supervisor.

**SPEAKERS:** Arthur Larkin, Sr. Counsel at New York City Law Department & LaShawn Terry, Sr. Assistant City Attorney, Atlanta, GA

**10:05-11:05AM**

### **§ 1983 Immunities**

**SPEAKERS:** Tamara Baines, Assistant City Attorney, City of Atlanta, GA & William Snoddy, Deputy County Attorney, Upper Marlboro, MD

**11:20-12:20PM**

### **§ 1983 Denial of a Fair Trial**

**SPEAKERS:** Liza Franklin, Deputy Corporation Counsel, City of Chicago Corporation Counsel’s Office & Arthur Larkin, Sr. Counsel at New York City Law Department

**12:25-1:25PM**

**§ 1983 Wrongful Conviction:** This presentation will include a discussion of some high profile wrongful conviction cases (samples); settlements and verdicts; types of claims usually alleged (malicious prosecution, Brady



claims, fair trial claims); damages awards including the ranges of damages per year in custody affirmed by the appellate authorities.

**SPEAKERS:** Liza Franklin, Deputy Corporation Counsel, City of Chicago Corporation Counsel's Office & Arthur Larkin, Sr. Counsel at New York City Law Department

### **3:00-4:00PM**

#### **§ 1983 Specific Focus: Employment**

**SPEAKER:** Sarah Knapp, Assistant Attorney General, Washington D.C.

### **4:05-5:05PM**

#### **Attorney Fees, Costs, & Rule 68 Offers of Judgment**

**SPEAKER:** Patricia Miller, Chief of Special Federal Litigation Division, New York City Law Department

## **SUNDAY, APRIL 17th**

### **7:30-8:55PM**

**WONK Breakfast-** Opportunity to Network with attendees on specific topics of interest.

### **9:00-10:30AM**

**Trial Practice/Techniques:** This presentation will focus on all aspects of Section 1983 trials, including openings, direct and cross-examination, preparing officers for testimony (when they are the defendants), evidence issues, summation/closing, preserving the qualified immunity defense at trial, and protecting the record for appeal.

**SPEAKER:** Patricia Miller, Chief of Special Federal Litigation Division, New York City Law Department

### **10:45-11:45PM**

**Defending Officers in Use of Force Cases:** This presentation will focus on defending police officers charged with Fourth Amendment/excessive force violations. The presenters will discuss using the facts of the case affirmatively; the use of qualified immunity in defending such claims, the latest cases addressing excessive force, and the use of experts in excessive force claims.

**SPEAKERS:** Lisa Maki, Sr. Assistant Corporation Counsel, City of Boston & Susan Weise, First Assistant Corporation Counsel, City of Boston.

### **11:50-1:20PM**

#### **Pleading and Motions practice (including evidence)**

**SPEAKERS:** Tamara Baines, Assistant City Attorney, City of Atlanta, GA, LaShawn Terry, Sr. Assistant City Attorney, Atlanta, GA & Tom Carpenter, City Attorney, Little Rock, AR

### **2:45-3:45PM**

#### **Mock Trial Section 1983**

**SPEAKERS:** John Wilkerson, Staff Attorney, Arkansas Municipal League & Sara Teague, Staff Attorney, Arkansas Municipal League

### **4:00-5:00PM**

#### **Section 1983 Specific Focus: First Amendment - Filming Police Officers and the Arrests Made in Retaliation for the Exercise of First Amendment Rights:**

With the proliferation of smartphones with video and camera capability, police officers find themselves in situations where they are being recorded by citizens with greater levels of frequency than ever before. This session begins with an examination of 1st Amendment cases which direct officers that they cannot arrest a person for exercising their First Amendment rights through speech or other conduct. Current cases will be discussed which deal with various courts' findings that an officer's decision to arrest someone was in retaliation for being recorded by a citizen in a public place. This session will also offer strategies that municipal attorneys can consider when advising their law enforcement agency on ways to diminish liability in this rapidly increasing area of police liability.

**SPEAKER:** Jack Ryan, Co-Director of Legal & Liability Risk Management Institute





# MONDAY, APRIL 17th

**8:10-9:10AM**

## **Case Law Update by Circuit**

SPEAKER: Douglas Haney, Corporation Counsel, Carmel, IN

**9:15-10:15AM**

## **Understanding the Dynamics and Forensics of Officer Involved Shooting Investigations:**

Officer involved shooting incidents have dominated news headlines in recent years. This presentation will address the physiological process that one endures when standing in the face of a life or death; fight or flight moment. Forensic exams that assist in reconstructing officer involved shooting events such as ballistics, trajectory, gunshot residue analysis, bloodstains patterns, and wound identification will all be discussed during the presentation.

SPEAKER: Thomas Martin, Crime Scene Forensics, LLC- New York State Police- Retired

**10:30-12:00PM**

## **Ethics**

SPEAKERS: William Snoddy, Deputy County Attorney, Upper Marlboro, MD, John Wilkerson, Staff Attorney, Arkansas Municipal League & Tamara Baines, Assistant City Attorney, City of Atlanta, GA

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IMLA'S DEAL OF THE  
YEAR!!**

For just \$499, your entire office can receive 40+ distance learning programs for the entire year! Contact [info@imla.org](mailto:info@imla.org) to learn more!!

# IMLA'S REGULAR SEMINAR PROGRAMMING

## FRIDAY, APRIL 15th

**8:00-12:00PM**

### **Board Meeting**

**1:00-2:00PM**

**Employment Law:** Fair Labor Standards Act. The DOL's new emphasis.

SPEAKERS: Dan Crean, Attorney, Crean Law Office, Jeanne Phelan, Principal, Jeanne Phelan, LLC and a speaker from Dept. Of Labor, Fair Labor Standards Division

**2:05-2:05PM**

**Regulating Drones in Chicago:** A Template for Local Legislation: On November 18, 2015, the City of Chicago enacted a comprehensive ordinance regulating the recreational use of drones within city airspace, the first of its kind in the Nation. This paper describes its legislative history, its key components, and the legal and political considerations that shaped its final form, with a view toward providing guidance to other municipalities

interested in establishing a similar framework. The second part of this presentation will include a discussion by a Federal Aviation Administration attorney regarding the requirements for government use of drones and their use during emergency circumstances. The FAA's perspective on state and local government regulation of drones and how that interacts with federal aviation regulation will also be provided.

SPEAKER: Dean Griffith, Attorney at Federal Aviation Administration, Washington, D.C. and Vicki Kraft, Sr. Counsel, Chicago, IL

**3:20-4:50PM**

### **Supreme Court Update & Amicus Awards**

SPEAKERS: Paul Clement, Bancroft, Thomas Goldstein, Goldstein & Russel & Gregory Garre, Latham & Watkins.

MODERATOR: Lisa Soronen

# SATURDAY, APRIL 16th

**7:30-8:55AM**

**State/Regional Breakfast-** Have the opportunity to network with other Municipal Attorneys from your state!

**9:00-10:00AM**

**Sign Law: Practical Strategies for Speech Regulation in a Post-Reed World:**

Almost a year has passed since the Supreme Court decided *Reed v. Town of Gilbert*, which changed the way that local governments are required to think about free speech issues. This session will provide practical strategies for addressing some of the most pressing free speech issues, including signs, panhandling, public forum problems, and regulations of artwork. The speakers will provide information on several of the post-*Reed* judicial decisions that are already having a dramatic impact on local government codes and decision-making.

SPEAKERS: Susan Trevarthen, Member, Chair of Public Land Use and Zoning Practice, Weiss Serota Helfman Cole & Bierman and Brian Connolly, Otten Johnson Robinson Neff + Ragonetti PC

**10:05-11:05AM**

**Public Safety Technologies:** Advances in technology have greatly aided law enforcement's quest to provide for public safety and domestic security, while enhancing crime detection and suppression capabilities. However, these technological advances are often subject to privacy concerns, including perceived threats to civil liberties. Understanding the technologies – including Range-G, Stingray, body worn cameras, license plate readers, drones, cell phone tower dumps and shotspotters – and the legal issues they raise is critical to balancing and resolving the needs of public safety agencies and the public.

SPEAKER: Gary Schons, Of Counsel, Best, Best & Krieger

**11:20-12:20PM**

**Issues in Municipal Insurance: Minding the Gaps**

SPEAKERS: John Davis, Attorney, Pierce Davis & Perritano and Richard Riley, Founding Shareholder of Murphy & Riley, P.C

**12:25-1:25PM**

**Telecommunications**

SPEAKERS: Joseph Van Eaton, Partner, Best, Best &

Krieger, Gerald Lederer, Partner, Best, Best & Krieger & Casey Lide, Principal, Baller Herbst Stokes & Lide, PC.

**3:00-4:00PM**

**Specific Focus: Employment**

Sarah Knapp, Assistant Attorney General, Washington D.C.

**4:05-5:05PM**

**State League Meeting**

# SUNDAY, APRIL 17th

**7:30-8:55PM**

**WONK Breakfast-** Opportunity to Network with attendees on specific topics of interest.

**9:00-10:30AM**

**Cracking the Airbnb Conundrum: Creating Meaningful Short-Term Rental Regulations that Achieve Your Municipality's Regulatory Goals and Encourage Innovation.**

Your municipality has concluded its preliminary discussions and hearings and has decided to allow and regulate short-term rentals such as those facilitated by sites like Airbnb. You have now been tasked with crafting a local regulatory law. How do you ensure that your regulations accomplish your municipality's regulatory and policy goals, without being over-inclusive and stifling legitimate innovations in the short-term rental industry? This presentation suggests issues to consider when drafting, and highlights some other business models that are susceptible to inclusion in many short-term rental regulations.

This presentation will also include a discussion of possible tax collection strategies for these companies and will include a presentation by a representative of HomeAway, providing the perspective of the short-term rental companies.

SPEAKERS: Catherine Lizotte, Sr. Assistant Corporation Counsel, City of Boston, Matthew Curtis, Director of Government Relations for HomeAway and Jimmy Rock, Deputy Director, Office of Consumer Protection of the Office of Attorney General, Washington D.C.

**10:45-11:45PM**

**Construction: P3**

SPEAKER: Steven "Tip" Torres, Partner, Pannone

Lopes Devereaux & West, LLC

**11:50-1:20PM**

**Land Use**

SPEAKERS: Eric Coffman, Chief of the Office of Energy & Sustainability, Montgomery County, Maryland, Gene Tanaka, Partner, Best, Best & Krieger, Andre Monette, Partner, Best, Best & Krieger and Jill Weinberger, Dudek.

**2:45-3:45PM**

**Finance/SEC**

SPEAKERS: Robert Doty, President of AGFS, Elaine Greenberg, Partner, Orrick Herrington & Sutcliffe LLP and Kevin Guerrero, Sr. Counsel, Division of Enforcement at US Securities and Exchange Commission, Washington D.C.

**4:00-5:00PM**

**Section 1983 Specific Focus: First Amendment - Filming Police Officers and the Arrests Made in Retaliation for the Exercise of First Amendment Rights**

SPEAKER: Jack Ryan, Co-Director of Legal & Liability Risk Management Institute

**MONDAY, APRIL 17th**

**8:10-9:10AM**

**Case Law Update by Circuit:** This presentation will provide an overview of the Supreme Court's decisions from the most recent Term that impact local government as well as a review of certain highlighted Circuit Court cases from around the country that are relevant to local governments including everything from employment law cases to First Amendment and police misconduct cases.

SPEAKER: Douglas Haney, Corporation Counsel, Carmel, IN

**9:15-10:15AM**

**Understanding the Dynamics and Forensics of Officer Involved Shooting Investigations**

SPEAKER: Thomas Martin, Crime Scene Forensics, LLC- New York State Police- Retired

**10:30-12:00PM**

**Ethics:** This presentation will provide an overview of:

1. Ethical Concerns when representing the City and the officer; 2. The impact of internal disciplinary action versus pending/prospective criminal charges on the representation of both the City and the officer and the resulting ethical implications; and 3. Ethical concerns with interacting with pro se litigants.

SPEAKERS: William Snoddy, Deputy County Attorney, Upper Marlboro, MD, John Wilkerson, Staff Attorney, Arkansas Municipal League & Tamara Baines, Assistant City Attorney, City of Atlanta, GA



**PLAN AHEAD!!**

**SEPTEMBER 28th- OCTOBER 2nd, 2016**

San Diego Hilton Bayfront Hotel

Approximately 25 CLE credits!!

**SAN DIEGO, CA**