



2018 Mid-Year Seminar

April 20-23, 2018 - Washington D.C.

TENTATIVE and Subject to Change

Friday, April 20th, 2018

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
7:00AM to 5:30PM		Registration		
7:00AM to 3:05PM	AP	Appellate Practice Program	See program below. Separate registration REQUIRED. \$85	
8:00AM to 12:00PM		Board of Directors Meeting		
10:45AM to 11:45AM	Section 1983	Section 1983- Qualified Immunity Update		Susan Lappen & Tom Carr
10:45AM to 11:45AM	Seminar	Seminar- Sober Homes and the Opioid Epidemic	Ending the relapse cycle can help residents of sober homes and the communities in which they are located. This discussion will take a look at sober homes and what can be done to address unscrupulous operators of sober homes at the federal, state and local level	Congresswoman Lois Frankel, Alan Johnson & Terrill Pyburn Moderator: Laurie Cohen
11:45AM to 1:00PM		Lunch on Your Own		
1:00PM to 2:00PM	Section 1983	Jails: Handling Failure to Provide Adequate Medical Care Claims		Jeb Brown
1:00PM to 2:00PM	Seminar	Regulating Panhandling in the Wake of <i>Reed v. Town of Gilbert</i>	This presentation will provide a discussion of the rulings of the Circuit Courts of Appeals and District Courts that have considered the issue, including First Amendment considerations and Fourteenth Amendment considerations	Mike Mosley & Mark Hayes Moderator: Rosemary Humway-Warmuth
2:05PM to 3:05PM	Section 1983	Section 1983 - Circuit Conflicts and Open Issues – Key Issues In Section 1983 Cases That Have Not Been Addressed By The Supreme Court	The discussion includes the nature and scope of any constitution based wrongful death claim; the extent to which Heck v. Humphrey applies to a plaintiff no longer custody and its application to guilty pleas where the factual basis of the claim is uncertain; what constitutes a de minimis award for purposes of awarding no attorney fee under Farrar v. Hobby; whether a First Amendment retaliation claim can be brought where an arrest is made with probable cause; whether a police officer who testifies in criminal court as a witness is speaking as part of his or her job under Garcetti and hence subject to discipline for the testimony...and many more.	Speaker: Timothy Coates Moderator: Patrick Baker

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
2:05PM to 3:05PM	Seminar	State and Federal Oversight of Law Enforcement Agencies Following a Critical Incident- Could it Happen to You?	Given the present climate in police-community relations, it is not uncommon for a law enforcement agency to face protests and ever increasing calls for state, federal and/or civilian oversight following a widely publicized officer-involved death. This presentation will provide a case study of one suburban, Southern California city that faced such a challenge, the policing issues involved, the competing state and federal interests, the resulting reforms, and the lessons learned as told by the city attorney who negotiated the stipulated judgment and its dissolution five years later.	Jeb Brown Moderator: Beth Anne Childs
3:05 PM to 3:20PM		Coffee Break		
3:20PM to 4:50PM	Seminar	Supreme Court Update	The Supreme Court seems determined on making up for its fairly mundane 2016 term by stacking its docket with what can only be termed "blockbusters." Many of the Court's biggest cases this term involve issues relevant to local governments, including political gerrymandering, whether the existence of probable cause defeats a First Amendment retaliatory-arrest claim, warrant requirements under the Fourth Amendment for cell phone location data, a case that may limit the impact of Reed v. Town of Gilbert, and the infamous "cake" case involving the intersection of gay marriage and religious expression. Hear from Supreme Court specialists on these cases and others that are relevant to local governments.	Tom Goldstein, Paul Clement, Gregory Garre & Amy Howe Moderator: Lisa Soronen
4:50PM to 5:30PM		Amicus Awards		

Saturday, April 21st, 2018

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
7:00AM to 5:00PM		Registration		
8:00AM to 9:00AM		State/Provincial Breakfast		
9:00AM to 10:00AM	Section 1983	Section 1983 - First Amendment: Unpopular Speech and the Heckler's Veto	Speech that is popular to some is very unpopular to others. Ideological divisiveness continues to be an issue impacting municipal operations. This session will cover the origins of the Heckler's Veto through current caselaw and how this doctrine impacts the ability of a municipality to conduct effective crowd control in various forums and facilities. Examples from current events will be discussed.	Lara Mainella & Robert Higgason Moderator: Patrick Baker
9:00AM to 10:00AM	Seminar	Land Use: How to deal with lot mergers and takings claims in light of the Supreme Court's decision Murr v. Wisconsin		Derek Howard Moderator: Timothy Hollister

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
10:05AM to 11:05AM	Section 1983	Section 1983 - Reducing the Risk of Liability with Mentally Ill Persons		Craig Straw & Traci Morita Moderator: Lori Bluhm
10:05AM to 11:05AM	Seminar	Drafting Effective P3 Documents		Steven Torres Moderator: Mary Ellen Bench
11:05AM to 11:20AM		Coffee Break		
11:20AM to 12:50PM	Section 1983	Pleadings / Motion Practice / Evidence	The first presenter will discuss evidentiary issues in a Section 1983 case, including the admissibility of plaintiff's arrest history and the exclusion of the plaintiff's acquittal in a criminal case, both of which are important tools for defense attorneys in this area. The next presenter will focus on discovery in Section 1983 cases and in particular, interrogatories that are vital to a chance at securing summary judgment and deposition questions with an eye towards summary judgment. The third presenter will take you through the pros and cons of Motions to Dismiss v. Motions for Summary Judgment in these cases.	Ara Tramblian; Patricia Donkor & John Wilkerson Moderator: Robert Brazel
11:20AM to 12:50PM	Seminar	Telecommunications Update		Gerard Lavery Lederer, Gail Karish, Joseph Van Eaton Moderator: Barbara Adams
12:50PM to 2:30PM		Lunch on your own		
2:30PM to 3:30PM	Section 1983	Wrongful Convictions		Arthur Larkin & Brock Atkins Moderator: Nancy Thompson

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
2:30PM to 3:30PM	Seminar	Election Law in the Trump Supreme Court	Critically important election law cases will have been heard by the U.S. Supreme Court, just in time for the full Court – including Justice Neil Gorsuch, its long-awaited ninth Justice confirmed on April 7, 2017 – to hear and hopefully resolve. Issues include whether Voter ID violates Section 2 of the Voting Rights Act (NC v. NC NAACP), whether the NC Congressional Redistricting Plan violates the First Amendment right to freedom of association (Common Cause v. Rucho), whether the Wisconsin redistricting plan violates the First and Fourteenth Amendment (Whitford v. Nichol), and whether removal of eligible voters from Ohio’s voter-registration rolls violated the NVRA and deprived eligible citizens of the right to vote (Ohio A. Philip Randolph Institute and NEOCH v. Husted). We will discuss how these and related cases already decided this term on racial gerrymandering (Bethune-Hill v. Virginia State Board of Elections decided 3-1-17) can impact local government elections and electoral processes at the municipal and county level.	Ben Griffith Moderator: Andrew Whalen
3:30PM to 3:45PM		Coffee Break		
3:45PM to 4:45PM	Section 1983	Establishment Clause/ Legislative Prayer at Meetings		Marc Hansen & Allyson Ho Moderator: Leah Hayes
3:45PM to 4:45PM	Seminar	State League Meeting		

TIME	TRACK	TITLE	DESCRIPTION	
3:45PM to 4:45PM	Seminar	International Committee Meeting	<p>Agenda: 1. A project proposal currently pending in the Republic of Georgia entitled "New Constitutionalism: Strategy of Horizontal Proliferation of Constitutional Values on the Whole System of Law," in which members of the IMLA International Committee may be able to participate if the project is funded by the National Science Foundation in that country. While no IMLA funding is involved, it appears that this project, if funded through the Georgian NSF, would likely entail on our part as American attorneys a good deal of comparative research of continental and American systems of constitutional control and governance.</p> <p>2. A suggested program in Berlin to be organized by IMLA member Sven Kohlmeier of Berlin, Germany. In response to his suggestion, Sven has been asked to put together a comprehensive draft proposal addressing topics, potential speakers, local sponsors for a reception, possible co-sponsorship by IMLA and WJA-German Chapter and/or similar legal organizations in Germany, hotel location and cost per attendee, and any logistics that he believes should be addressed. Once we have that information from Sven, I will help him submit it to the IMLA International Committee and the IMLA event planning staff and Executive Director Chuck Thompson for further discussion, comments, and refinement.</p> <p>3. An overview of the recently completed Cambodia Program by Peter Buchsbaum, along with a discussion of similar programs in China and India.</p>	Ben Griffith
6:00PM to 7:30PM		Welcome Reception		

Sunday, April 22nd, 2018

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
7:00AM to 5:00PM		Registration		
8:00AM to 9:00AM		WONK Breakfast		
9:00AM to TBA	CLOF	CLOF Program	See program below. Separate registratiin is required. FREE with seminar registration.	
9:00AM to 10:30AM	Section 1983	Openings / Summation		Patricia Miller Moderator: Wynetta Massey

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 10:30AM	Seminar	Employment Law		Moderator: Rob-in Cross
10:30AM to 10:45AM		Coffee Break		
10:45AM to 11:45AM	Section 1983	Use of Force/ Deadly Force / Excessive Force		Daniel Peterson & Mark Maguire Moderator: Jan-nie Tarr
10:45AM to 11:45AM	Seminar	Municipal Finance: Best practices for local counsel to consider in bond offerings	The panel will discuss significant focal points to assist local counsel in bond issues regarding the issuance of opinions, the identification of potential problem areas, and the provision of legal advice to their jurisdictions to minimize potential enforcement and liability.	Robert Doty; Derrick Mitchell Moderator: Jodie Woods
11:50AM to 12:50AM	Section 1983	Malicious Prosecutions		Henry Bernstein & Rachel Seligman
11:50AM to 12:50PM	Seminar	Small/Rural Communities		
12:50PM- Done for Day		Lunch on your Own/ Done for the day		
12:50PM to 5:00PM	AFTNET	Afternoon Netoworking/CLE program	This program is for those who would like to network and earn more CLE. See program below. Separate registration is required.	

Monday, April 23rd, 2018

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
7:00AM to 12:00PM		Registration		
7:30AM to 8:05AM		Coffee Break		
8:05AM to 9:05AM		Anatomy of a Shooting Rampage and the Aftermath	John Hessel, Kirkwood, Missouri City Attorney, will recount his survival of the tragic shooting at Kirkwood City Hall on February 7, 2008 and comment on his experiences in its aftermath. He will discuss violence in the workplace and some security measures and procedures that have been implemented in the public and private sector	John Hessel Moderator: Chip Fletcher
9:10AM to 10:10AM	Seminar	Case Law Update		Douglas Haney Moderator: Wayne Esannason

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
10:10AM to 10:25AM		Coffee Break		
10:25AM TO 10:55AM		Key Issues Impacting Local Governments in 2018: Opioids and Pre-emption		Mayor Mark Stodola Moderator: Douglas Haney
11:00AM to 12:00PM	Seminar	Ethical Considerations in Public Sector Law		Susan Kidd & Sharon Pandak Moderator: Wynetta Massey

NEW!

Appellate Practice Program Friday, April 20th, 2018

NEW!

SEPARATE REGISTRATION IS REQUIRED

This program is designed to help local government lawyers maximize their chances of success before the Supreme Court by providing practical tips and knowledge from some of the most prominent Supreme Court practitioners in the country. Participants in the program will learn how to frame the question presented and draft the petition for certiorari in a way to capture the Justice's attention and increase their chances of having the Court accept the case. Where local governments are on the receiving end of a petition for certiorari, participants will learn how to craft a response and under what circumstances a local government should consider waiving their response. The program will conclude with a discussion on oral argument practice tips from two Supreme Court practitioners who combine for over 130 oral arguments before the Supreme Court. A networking lunch is included. **Separate registration is required. Space is very LIMITED.**

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
7:00AM to 12:00PM		Registration		
11:00AM to 12:00PM	AP	Framing the Question Presented & Drafting the Petition for Certiorari		Loren AliKhan, Allyson Ho
12:00PM to 1:00PM	AP	Networking Lunch		
1:00PM to 2:00PM	AP	Crafting the Response (or Waiving it)		Ruth Masters, Gregory Garre
2:05PM to 3:05PM	AP	Oral Argument Practice Tips		Paul Clement & Tom Goldstein

Chief Legal Officer Program (CLOF) Sunday, April 22, 2018

Exclusive opportunity for Chief Legal Officers representing municipalities with a flexible population range generally between 100,000 – 300,000. This is a rare opportunity for chief legal officers to spend time with colleagues in a setting that we hope will allow each of you to share ideas, problems and solutions that can be used to better serve your community. Separate registration is required. It is FREE with seminar registration.

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
7:00AM to 12:00PM		Registration		
9:00AM to TBD	CLOF	TBD		
10:30AM to 10:45AM		Coffee Break		
10:45AM to TBD	CLOF	TBD		
11:50AM	CLOF	TBD		

NEW!

Sunday Afternoon CLE Programming Sunday, April 22, 2018

SEPARATE REGISTRATION IS REQUIRED

This program will include presentations on harassment in the workplace and conducting effective workplace investigations. Participants will be provided with lunch and have other networking opportunities during the afternoon.

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
1:00PM to 2:00PM		Networking lunch		
2:00PM to 3:00PM		Harassment in the workplace		
3:00PM to 3:15PM		Break		
3:15PM to 4:45PM		Conducting Effective Workplace Investigations		