



2019 Mid- Year Seminar

March 29 - April 1, 2019 | Washington, D.C.

TENATATIVE and Subject to Change

Friday, March 29th, 2019

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 5:30PM	Blue Pre-Function	Registration		
8:00AM to 5:00PM	Embassy Room	Speaker Ready Room		
8:30AM to 12:00PM	Governor's Room	BOD Breakfast / Meeting		
10:15AM to 10:45AM	Blue Pre-Function	Welcome to IMLA Coffee Break	Join IMLA President and Executive Director for welcoming remarks and helpful tips for new and long-time attendees alike.	
10:45AM to 11:45AM	Hampton Room	Section 1983: Covering The Bases – Tips For Successfully Litigating Qualified Immunity On Summary Judgment	The program will discuss tips for preparing the strongest possible motion for summary judgment on qualified immunity, with a focus on showing the absence of clearly established law, dealing with evidentiary issues, minimizing the significance of factual disputes and preservation of issues for further review.	Timothy Coates Moderator: Michael Miller
10:45AM to 11:45AM	Blue Room	Capturing the Green in a Green Economy: Municipal P3s in Energy and Economic Development	As federal and state energy policy continues to increase renewable portfolio standards and more carbon-neutral energy sourcing, cities and towns are seeing an increase in the number of public-private-partnership opportunities in energy. This program will examine common procurement and contracting aspects that have led to successful municipal partnerships in energy and netted communities millions of dollars in local tax and other economic benefits while helping industry and communities meet their clean energy goals. First-in-the-nation wind, solar and battery storage programs will be highlighted in our “case-studies” approach. Brownfields redevelopment, use of surplus municipal property and coastal communities’ opportunity ride the wave of “off-shore” wind will also be featured.	Steven Torres, Alex Kragie & Dan Smith Moderator: Laurie Cohen
11:45AM to 1:00PM		Lunch	On your own.	
1:00PM to 2:00PM	Hampton Room	Understanding the Roles of Attorneys in Municipal Finance Deals & Sailing Through the Storm — What to do When the Government Calls	The first presentation will explain the different roles and duties of Municipal Lawyers, bond counsel, issuer’s counsel, disclosure counsel and registered municipal advisors in three types of public finance transactions: General Obligation Bonds, Revenue Bonds and P3 (Public Private Partnership) Transactions. DOJ and SEC Federal investigations of state and local government entities are on the rise. The added element of politics may complicate an effective response. This second presentation will cover recent cases along with ways to successfully navigate through the course of the investigation.	Paul Maco & David Rogers Moderator: Barbara Adams

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
1:00PM to 2:00PM	Blue Room	Section 1983: Being Proactive in Use of Force Matters: How to Work with your Police Department to Improve Report Writing and Get Better Results at Trial	This presentation focuses on ways agency counsel and litigators can help police departments be more proactive in use of force matters by way of improved report writing with the goal of obtaining better results at trial. Effective report writing is an under-utilized tool that can assist officers in avoiding pitfalls in a use of force case by boosting their credibility and addressing the Graham factors. Video of a mock direct and cross-examination of a police officer who has written a poor report will be shown as part of the presentation to emphasize the need for effective report writing in use of force cases. The presentation will also cover how to deal with the potential inconsistencies between an officer's memory, particularly at the report-writing time, and any video of the event, whether the video is from a body camera or other camera.	Heather Mulloy & Robert Higgason Moderator: Patrick Baker
2:05PM to 3:05PM	Blue Room	Getting Your Drones Up In the Air-“What you need to know about unmanned aircraft systems (UAS) licensing, the legal landscape governing municipal use of drones, and how to go about developing policies to govern UAS for your organization.”	More and more law enforcement and governmental agencies are using drones -- Unmanned Aerial Vehicles (UAVs) -- to support public safety, infrastructure maintenance, and law enforcement initiatives. These unmanned aircraft can assist in a variety of ways. When implementing UAVs within your agency, it is key to balance public safety advantages against privacy concerns and constitutional parameters. Writing a solid Unmanned Aircraft System (UAS) policy is crucial. This session will assist participants with developing their agency's UAS policy and will cover the laws that apply to municipal use of drones including the Fourth Amendment, FAA and Congressional mandates, and preemption issues.	Rebecca Lipman & Roy Shrout Moderator: Erich Eiselt
2:05PM to 3:05PM	Hampton Room	Section 1983: Establishment Clause Issues for Local Governments	From monuments to historic preservation, local governments often find themselves in the middle of competing interests when it comes to Establishment Clause issues. Unfortunately, the law in this area is murky at best and local governments are frequently the target of litigation. Local governments may get some much needed clarity in this area of the law after the Supreme Court decides and important Establishment Clause case this year. This presentation will cover: (1) Public Displays (including both standing and the substantive issues), (2) Government Aid to Religious Entities post-Trinity Lutheran, and (3) Legislative Prayer.	Paul Zidlicky & Michael Buschbacher Moderator: Jodie Woods
3:05PM to 3:20PM	Blue Pre-Function	Coffee Break		
3:20PM to 4:50PM	Blue Room	Supreme Court Update	The 2018 Supreme Court term saw a new Justice added to the Court and many cases that are relevant to local governments. In particular, cases this term included whether a plaintiff may bring a First Amendment retaliatory arrest claim even where an officer has probable cause to arrest, whether the Establishment Clause requires the destruction of a nearly century year old war memorial because it was on public land (and whether the Lemon test should survive for Establishment Clause cases), an important takings case, and a number of cases having to do with state sovereignty. And in what are sure to be the blockbuster cases, the Justices have also agreed to take up the issue of partisan gerrymandering (again) and the census case this term. Hear from three prominent Supreme Court practitioners about the impact of these cases and others for local governments.	Paul Clement, Kannon Shanmugam & Carter Phillips Moderator: Lisa Soronen
4:50PM to 5:20PM	Blue Room	Amicus Awards		
5:30PM to 7:00PM	Empire Ballroom	Welcome Reception		

Saturday, March 30th, 2019

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
7:00AM to 5:00PM	Blue Pre-Function	Registration		
7:45AM to 8:45PM	Empire Ballroom	State Breakfast	Separate registration required.	
8:00AM to 5:00PM	Embassy Room	Speaker Ready Room		
9:00AM to 10:00AM	Blue Room	Section 1983: Police Interactions with the Mentally Ill	This presentation will focus on the emerging trend of plaintiffs pleading Monell claims based on the theory that the a police department fails to train officers how to adequately respond to mentally ill individuals in a variety of settings. Courts appear to be breaking with prior patterns and finding such allegations sufficient to state a claim for municipal liability at the pleading stage. This presenter will discuss these trends and how to defend against them. Additionally, hear from the City of Austin's Assistant Chief of Police on policy considerations, police operations, and training for officers regarding police interactions with the mentally ill.	Melanie Speight & Assistant Chief Justin Newsom Moderator: H. Gray Laird
9:00AM to 10:00AM	Hampton Room	Land Use Practice Pointers	The first presentation will discuss the benefits of adopting a uniform manual to guide municipal officials and staff in processing and approving land transactions. Discussion topics include: types of public property; applicable law; acquisitions, disposition, leases, licenses and permits; funding sources; relocation issues; approval authority; public process options; and drafting considerations. The second presentation will discuss best practices in establishing rights of way for transportation.	Wynetta Massey & Chris Kramer Moderator: Beth Anne Childs
10:05AM to 11:05AM	Blue Room	IMLA's Model Social Media Policy	Over the course of several months an IMLA committee has worked to develop a model social media policy. During this session, committee members will explain the elements of the policy, its goals, and ideas for its implementation. The committee will take feedback on the policy and hopes to release a final version before July 1.	Chuck Thompson & Marion Radson Moderator: Jennie Tarr
10:05AM to 11:05AM	Hampton Room	Section 1983 and ADA Claims against Correctional Officers	The increase in handling situations involving people with physical and mental disabilities has become a growing challenge for law enforcement. The first presentation will address ADA claims against law enforcement in the context of correctional facilities. The second presentation will discuss a recent case involving a mentally ill inmate who died in custody and the resultant Section 1983 claims that were brought against the nurses and the City for the inmate's death. Tips on litigating these claims as well as policy suggestions will be provided	Valorri Jones & Kelly Moran Moderator: Gregory Priamos
11:05AM to 11:20AM	Blue Pre-Function	Coffee Break		
11:20AM to 12:50PM	Hampton Room	Telecommunications: An Update on, and Responses to, the FCC's Encroachment into Local Rights-of-Way Management, Zoning and Cable Franchising Authority	This session will provide an update on the FCC's Small Cell Orders, local governments' appeal of the orders and other advocacy responses. It will also focus on the FCC's proposal to permit an offset against cable franchise fees for non-financial obligations of a cable franchise. This session will also offer the insights of a leading IMLA member with communications responsibilities in a state that has both state level small cell and cable franchise statutes. Learning Objectives: 1) Gain an understanding of the threats arising from FCC actions. 2) Learn how one major community is responding to the dual FCC threats of small cells and franchise offsets proposals. 3) Receive an update on pending legislative and regulatory threats/opportunities.	Donald Knight, Gerard Lederer & Joseph Van Eaton Moderator: Michael Watza

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
11:20AM to 12:50PM	Blue Room	Section 1983: Trending Issues and Hot Topics	Hear from civil rights litigators on trending topics in Section 1983 litigation. The first presentation will focus on recent equal protection claims being brought by victims of sexual assault against police departments for failure to investigate the assault. The second presentation will cover additional trending topics such as body-worn cameras and other video evidence; use of force and the mentally ill; and a deadly force update	Sara Schaefer, Meghan Riley & Jack Ryan Moderator: Rosemary Humway-Warmuth
12:50PM to 2:30PM		Lunch	On your own.	
1:20PM to 2:30PM	Empire Ballroom	State/Provincial Chair & Regional Vice President Meeting	Join IMLA President and Co-Chairs of the Membership Committee in a thoughtful round-table discussion.	Drew Whalen, Art Gutekunst & Douglas Haney
2:30PM to 3:30PM	Hampton Room	Section 1983: Opening/Summation in a Federal Civil Rights Use of Deadly Force Case	An opening and summation from a recently tried Federal Civil Rights case involving a police fatal shooting will serve as the backdrop for this 1 hour presentation exploring practice tips for trying these types of civil cases.	Patricia Miller Moderator: Wynetta Massey
2:30PM to 3:30PM	Blue Room	Riding (or Scooting) into a New Area of Mobility: Navigating New Risks Through Smart Regulation and Proactive Collaboration	Emerging transportation technologies are being quickly integrated into communities. While dockless micromobility like bikes and scooters present regulatory challenges, they also provide opportunities to enhance mobility and realize priorities around reducing congestion and emissions. This innovation focused discussion will provide an overview of the national regulatory landscape around dockless technologies, offer best practices on legal and policy issues, and discuss infrastructure considerations for the cities of the future. Panelists will provide local, state and national perspectives on understanding and mitigating both new and unknown risks that come with new emerging technologies being deployed on our sidewalks and roads. Further, presenters will discuss the new IMLA Guidance for Regulation of Dockless Micromobility.	Greg Rodriguez & Roi Lusk Moderator: Negheen Sanjar
3:30PM to 3:45PM	Blue Pre-Function	Coffee Break		
3:45PM to 4:45PM	Blue Room	Section 1983: First Amendment Speech Considerations	Cities routinely allow private parties to advertise on various City spaces, such as buses, bus shelters, airport advertising spaces, or billboards. The first presentation will explore the limitations that the First Amendment imposes upon cities in fashioning its advertising policies on city spaces, including whether cities can impose content-based limitations, such as restrictions on political advertising, in city spaces; and how the nature of the forum itself affects the limitations that cities can identify. This presentation will also provide recommendations as to how a city can carry its burden in litigation of proving the reasonableness of its restrictions. The next presentation will examine the continuing impacts of the US Supreme Court's decision in Reed v. Town of Gilbert, which forced many local governments to rethink their approach to sign regulation. Almost four years later, Reed's repercussions go far beyond signs. Lower courts have applied Reed's views on content neutrality to cases involving issues such as panhandling, adult entertainment, public meetings, noise regulations and First Amendment buffers. This presentation will look at the ways Reed has shaped thinking on content neutrality and how local governments should respond.	Craig Gottlieb & Roger Horner Moderator: Julian Grant
3:45PM to 4:45PM	Hampton Room	State League	The agenda will include introductions, approval of minutes, the IMLA Board Report and Executive Director Report. The remainder of the meeting will be devoted to a presentation and discussion regarding tax issues for 501 and 115 associations.	Matthew Journy

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
3:45PM to 4:45PM	Calvert Room	International Committee Meeting	The agenda for this meeting is as follows: 1. Overview of IMLA Israel mission Nov. 2018; 2. Plans for IMLA Berlin trip Nov. 2019; 3. Tentative plans for IMLA Ireland trip 2020; 4. Recap of International Committee Portland Or Retreat January 2019. The meeting will also include a presentation on "Local Government in the Middle of an International Conflict – The BDS Movement and Boycotts." Increasingly, States and local governments are being asked to either adopt laws to prohibit boycotts of Israel or to pass laws to boycott, divest and sanction businesses that do business with Israel. Suits involving the anti-boycott provision have been filed. At this session we will discuss these trends.	Ben Griffith & David Friedman

Sunday, March 31st, 2019

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 1:00PM	Blue Pre-Function	Registration		
7:45AM to 8:45PM	Empire Ballroom	WONK Breakfast	Separate registration required.	
8:00AM to 12:50PM	Embassy Room	Speaker Ready Room		
9:00AM to 10:30AM	Blue Room	Section 1983: Trial Practice Tips	This presentation will provide practical tips for Section 1983 trials including: final pre-trial order, conference, jury selection, client witness preparation, punitive damages & pleading the Fifth; the significance of, and how to successfully develop a theme for your case that will connect with your jury; the need to specialize your trial team; devising jury instructions and verdict sheets; and motions practice within the trial.	Steven Borkan & Neil Duke Moderator: Robert Brazel
9:00AM to 10:30AM	Hampton Room	Employment Law - To Pay or Not to Pay: Law and Policy on Paid and Unpaid Leave	Navigating conflicting leave laws can be a confusing and complicated endeavor for employers. This presentation will provide an in-depth look at the Family and Medical Leave Act ("FMLA") and the Americans with Disabilities Act ("ADA") while providing cities with the tools necessary to handle employee requests. Included will be a discussion of how to handle requests involving safety sensitive positions.	Lindsay Neinast & Justin T. Nunley Moderator: Robin Cross
9:00AM to 12:50PM	Diplomat Ballroom	CLOF	Separate registration required. See Schedule Below.	
10:30AM to 10:45AM	Blue Pre-Function	Coffee Break		
10:45AM to 11:45AM	Hampton Room	Small / Rural Communities Presentation: Taming the Hydra: Managing the tasks, demands, and goals of a public client	The local government client is a multi-headed beast. Your bosses are ostensibly the elected body. But, you get assignments, direction, and demands from department heads (and sometimes supervisors), the administration, and the elected body. Keeping track of the competing, overlapping, and (often) conflicting demands and requests from a client is perplexing for any lawyer. It is especially challenging for the small community local government lawyer who may be a solo practitioner or in a small shop of 3 to 6 lawyers plus support staff. This presentation will examine the technology tools available to lawyers to manage tasks, staff, and time and keep track of all of the things your client wants you to handle. Taking each part of the process (time management, task management, and business management), Lori and Chris will explore the choices and path taken and the options available if that path does not work for you.	Chris Balch & Lori Gonzalez Moderator: Douglas Haney
10:45AM to 11:45AM	Blue Room	Section 1983: Navigating Discovery In Section 1983 Police Misconduct Cases: Setting the Stage for Success at Trial	This presentation will focus on a the following issues that arise in discovery in the context of alleged police misconduct: 1) the difference between discovery directed towards the officers themselves and discovery directed towards the municipality (and how to deal with those differences); 2) how to prepare an officer for a deposition (shifting their mindset from criminal to civil); and 3) how to conduct discovery with an eye towards summary judgment and the possibility of trial.	Erika Reis & Nicole O'Connor Moderator: Henry Bernstein

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
11:50AM to 12:50PM	Hampton Room	Regulating Animals in Your Community	This presentation will cover what to do in various situations involving the regulation of animals in your jurisdiction depending on whether there is a straight code violation or a nuisance. Some examples include how to handle situations involving traditional domestic animals (either too many, or situations involving failing to clean up after them) as well as other less traditional animals like how to handle domestic pigeons where the animal isn't covered by your Code.	Joanna Klein & Maggy White Moderator: Douglas Haney
11:50AM to 12:50PM	Blue Room	Defense Strategies for Litigating Section 1983 Municipal Liability Claims	Considering the wide scope of a Section 1983 municipal liability claim ("Monell Claims") counsel can quickly find themselves overwhelmed in their efforts to defend these cases. This training session will cover strategies and nuts and bolts tips for dealing with the Monell case in an efficient and winning manner. Areas of discussion will include motions practice, bifurcation, discovery and trial strategy.	Robert A. DeBerardinis, Jr. & Kerslyn Featherstone Moderator: Susan Weise

Monday, April 1st, 2019

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
8:00AM to 12:00PM	Blue Pre-Function	Registration		
8:00AM to 1:00PM	Embassy Room	Speaker Ready Room		
8:10AM to 8:40AM	Blue Pre-Function	Coffee Break / Passport Drawing		
8:40AM to 9:40AM	Blue Room	Constitutional Issues Associated With Managing Homeless Encampments	Residents experiencing homelessness is not a novel issue for any municipality, but recent surges in addiction have compounded the issue dramatically. Many cities are now grappling with the management encampments of homeless drug users. Such encampments can attract users, both local and long-distance, leading to spikes in the number of drug users and overdoses in concentrated areas, unsightly and potentially hazardous waste, increases in crime and the need for shelter and services. Managing encampments creates a myriad of potential legal issues that should be carefully considered in crafting a comprehensive plan to address encampments and their residents.	Meghan Claiborne & Gita O'Neill Moderator: Patrick Baker
9:45AM to 10:45AM	Blue Room	Case Law Update	Hold on to your hats for another fast paced case law update, which will provide highlights from all the circuit courts as well as the Supreme Court on cases relevant to local government lawyers on everything from the First Amendment to Fourteenth Amendment and everything in between.	Douglas Haney Moderator: Wynetta Massey
10:45AM to 11:00AM	Blue Pre-Function	Coffee Break		
11:00AM to 12:00AM	Blue Room	Ethics: Who Is the Municipal Client and What are the Municipal Attorney's Responsibilities?	One of the most difficult issues for a government lawyer arises from the most basic of questions: Who's the Client? This presentation will discuss various concepts for client identification and representation, discuss where conflicts can exist while representing an organization and generally address the confusion associated with how a public lawyer's representation may differ from that of a lawyer representing a private client. The presentation will include a discussion of Rules: Rule 1.13, Rule 1.6, Rule 1.7, Rule 1.8, Rule 1.9 and Rule 1.11.	John Gillespie & Chuck Thompson Moderator: Drew Whalen

Chief Legal Officers Forum (CLOF)

Sunday, March 31, 2019

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 10:30AM	Diplomat Ballroom	Can attorneys blow the whistle or are they just whistling in the wind?	The terminated Deputy City Attorney or Deputy County Attorney as Litigant: an examination of the Model Rules of Professional Conduct concerning who is the client, attorney-client confidentiality, and attorney misconduct.	Gregory Priamos Moderator: Chuck Thompson
10:45AM to 11:45AM	Diplomat Ballroom	Law Office Management: The IMLA Salary Survey and a look at Benchmarks	The IMLA Salary survey can inform decisions on staffing, pay plans, benchmarking and salary. Taking that tool and other benchmarking and analytical tools, law office leaders can create more efficiencies at a lower cost and plan for the future. At this session we will discuss how to use these tools to guide decision-making in leading a governmental law office.	Chuck Thompson
11:50AM to 12:50PM	Diplomat Ballroom	When A Police Officer Is Your Client: Strategy and Advice in Preparing Your Defense	“Success is 10 percent inspiration, and 90 percent perspiration.” -- Thomas Edison Most seasoned municipal defense lawyers know that achieving successful outcomes in defending police officers against constitutional and tort claims remains largely dependent on your preparation of the case. This presentation will describe the investigative steps every practitioner should consider when assigned such a case. From your initial review of documents, through the discovery process; join us for a lively discussion regarding how to navigate your way through the thicket of some of the more challenging cases you will encounter.	Neil Duke