



87th Annual Conference

October 19 - 23, 2022 - Portland, Oregon

Virtual Program

TENATIVE and Subject to Change

Thursday, October 20, 2022

TIME (PACIFIC)	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 10:30AM Pacific Time	Updating your Sign Code after the Supreme Court's <i>City of Austin v. Reagan National Advertising of Texas Inc.</i> case	Reed v. Town of Gilbert has been a thorn in the side of local governments for 7 years. In a great win for local governments, the Supreme Court held in <i>Austin v. Reagan Nat. Advertising of Austin</i> that distinctions between on/off-premises signs are content neutral under Reed and therefore not subject to strict scrutiny. Hear from a panel of experts on the importance of this decision and its implications for Reed, sign law regulation, and First Amendment jurisprudence going forward.	Erika Lopez & Susan Trevarthen
9:00AM to 10:30AM Pacific Time	Considerations in Municipal Construction Contracting	Aging facilities and expanded funding sources have provided opportunities for cities in various locations to conduct a variety of construction projects in upcoming years. Given the large volume of capital improvement projects on the horizon, it is critical that legal counsel is prepared to advise on issues that frequently arise on construction projects. Municipalities have a unique set of issues that may arise, in addition to those that are common on any complex construction job. This discussion will provide summaries and commentary on several items that municipal lawyers should consider when their clients embark on construction projects. Topics will include new potential funding sources, project delivery method considerations, procurement procedures, and performance default risk management.	James Walker & Christine Taylor
10:45AM to 11:45AM Pacific Time	RLUIPA Update	Under RLUIPA, religious organizations may pursue claims against governmental entities for imposing substantial burdens on their religious exercise, for discrimination against religious organization or for treating religious organizations less favorably than secular organizations in making land-use decisions. This discussion would include strategies for how governments can reduce their risk of such claims, including through the regular review of zoning regulations and administrative policies and procedures. Finally, the presenters will provide a summary of the various defenses that can be asserted against any such claims and strategies for defending against any such claim if asserted.	James Benjamin, Jr., Howard Feldman, & Aaron Casagrande
10:45AM to 11:45AM Pacific Time	Robot Delivery: An Episode of the Twilight Zone or Our New Reality?		Shauna Billingsley & Nora Frimann Moderator: Lina James
1:30PM to 2:30PM Pacific Time	Affirmative Securities Litigation – An Underused Tool for Municipalities?	Many municipalities have the ability to pursue litigation to address illegal conduct and recover losses, especially losses on municipal retirement systems investments. Leading securities law experts and affirmative litigators explore the risks and opportunities of securities litigation to recover municipal losses due to fraud and dissect case studies of recent impact litigation led by municipalities.	Darren Robbins
1:30PM to 2:30PM Pacific Time	Reverse Conviction Litigation & the Conviction Integrity (Review) Unit	More and more municipalities are facing high exposure Section 1983 Reverse Conviction lawsuits as a direct result of “investigations” conducted by Prosecutorial Conviction Integrity/Review Units (CIU). Plaintiffs rely heavily on these “investigations” in support of their claims and routinely identify, as Exhibit 1 at trial, an official government document certifying their innocence. This evidence can be the most challenging evidence a lawyer will face when defending against these claims. In this session, you will learn more about the CIU and strategies on how to assess the reliability of these “investigations”.	Avi Kamionski & Shneur Nathan

TIME (PACIFIC)	TITLE	DESCRIPTION	SPEAKERS
2:40PM to 3:40PM Pacific Time	Climate Change: Local Government Issues	Municipal lawyers who care about the environment and worry about climate change may think their abilities to make a difference are limited. However, they are in a key position to influence local government response to the climate crisis. Incorporating language into agreements and laws governing procurement, project management, and land uses can dramatically improve a municipality's environmental impact. This presentation will help attorneys think about how they can develop contracts and regulations that address climate. Roger Horner, of Practical Law's Government Practice Service, will share how lawyers in the US have become involved with The Chancery Lane Project. TCLP, founded in London, is a focused and collaborative effort of lawyers from around the world to develop new contracts and model laws to help fight climate change.	Roger Horner
2:40PM to 3:40PM Pacific Time	What to do When First Amendment Auditors Come to Town		Eric Shytle & Deborah Fox Moderator: Brad Cunningham
3:55PM to 4:55PM Pacific Time	Professionalism and the Art of Wellness: An Inquiry into Stress	The legal profession is a particularly stressed-out profession. The toxic political climate facing many local government lawyers adds another layer of stress to the every-day practice of law. Beyond possible substance abuse and addiction issues, stress, in its many forms, can lead to chronic mental and physical problems which interfere with our ability to practice law effectively and impact our duties and obligations under the rules of professional conduct including the rules on competency (Rule 1.1) and diligence (Rule 1.3). Impairment (Rule 1.16(a)(2)) and professional misconduct (Rule 8.4), including our obligation to report misconduct (Rule 8.3), also come into play. This session will discuss the science of stress and the body and suggest ways to recognize the stress response as it's happening. We will conclude with learning how to reduce the impact of stress on the mind and body through simple breathwork.	Lori Lein Moderator: Randall Van Vleck
3:55PM to 4:55PM Pacific Time	Understanding Tribal Sovereignty: An Essential Primer for Productive Native American Relations	The U.S. Constitution recognizes that Native American tribes are distinct political communities possessing ancient sovereignty. Further, federal policy endorses tribal self-determination and self-governance. Too often, local governments shy away from unknowns surrounding Native American culture and governance, failing to also fully recognize and honor tribal sovereignty. In this session, attendees will receive a primer on tribal sovereignty and practical advice for municipal governments working with tribes in their jurisdictions. Presenters will impart their many years of knowledge and experience in advising Native American tribes to help improve city-tribal relations and to foster a better understanding of tribal norms.	Josh Newton & Ellen Grover

Friday, October 21, 2022

TIME (PACIFIC)	TITLE	DESCRIPTION	SPEAKERS
8:30AM to 9:30AM Pacific Time	Invasion!: Eminent Domain Trends 2021 and 2022.	In the wake of Knick, Cedar Point, and Pakdel, the landscape surrounding eminent domain litigation has changed. Land-use regulation, planning, and ordinary uses of municipal police power are increasingly subject to novel inverse condemnation claims under the right-to-exclude theory of Cedar Point. Learn how courts around the nation are handling these "invasion" claims and help your jurisdiction practice defensive law to avoid or reduce liability for such claims. There will be punch and pie.	Steven Silva
9:45Am to 10:45AM Pacific Time	Employment Law Section Meeting: Trying an Employment Dispute Using Storytelling		Marjorie Cohen
10:55AM to 11:55AM Pacific Time	Let's talk Crypto and Blockchain	This presentation will briefly introduce cryptocurrency and the blockchain technology upon which it is based, discuss current trends in the ecosystem, some of the risks associated with digital assets, how current and new regulations affect how local governments can interact with digital assets, and examples of how local governments have entered the space.	Xavier Alban

Saturday, October 22, 2022

TIME (PACIFIC)	TITLE	DESCRIPTION	SPEAKERS
9:30AM to 11:00AM Pacific Time	Effective Use of Experts in Environmental and Construction Litigation		Steven Torres Moderator: Thomas Powers
9:30AM to 11:00AM Pacific Time	Sober Homes / Group Homes	Municipalities are increasingly being asked to accommodate treatment facilities in residential neighborhoods (i.e., group homes or sober living homes). This presentation will focus on the federal elements of a “reasonable accommodation” request, common arguments made during a request, and how to respond to those arguments.	William McKamie, Miles Risley & Todd Sheeran
11:15AM to 12:15PM Pacific Time	When It Rains, It Portlands: Navigating Federal Telecom Policy and Broadband Funding Opportunities	Between the FCC and federal courts, federal telecom policy, like Portland weather, seems to change on a regular basis. In addition, Congress and the Biden administration have made available almost \$60 billion in broadband subsidies. This session will provide attendees with “umbrella coverage” of the latest in cable and wireless federal regulation, suggested best practices and an outline for how your community can best ensure its residents benefit from this new federal broadband funding.	Gerard Lederer & Gail Karish
11:15AM to 12:15PM Pacific Time	Employment Law: Re-Entry into the Workforce Issues		
1:30PM to 2:30PM Pacific Time	What Happens When Your Sports Team Leaves Town?	The first presentation will set out what transpired since the construction of the City-owned hockey arena, culminating with the City’s recent announcement to not continue the relationship with the NHL Arizona Coyotes. This will touch upon the bankruptcy of the team, the sale of the associated mixed use project, the various changes of ownership and the litigation between the City and the hockey club. The second presentation will fast forward and provide a glimpse into the future after a team (or a shopping center) leaves and the local government is left with an abandoned stadium/property. This presentation will explain what happened after the Atlanta Braves left Atlanta and how the City has subsequently developed that area.	Michael Bailey & Douglas Selby
1:30PM to 2:30PM Pacific Time	Confession of a Micromanager: How to Manage an Investigation without Becoming a Witness	A guidebook for managing any investigation (employment issues to officer shooting) without becoming the lead investigator.	Sharae Reed
2:45PM to 3:45PM Pacific Time	Legal Issues Surrounding Civility in Local Government	This presentation will walk attorneys through legal issues surrounding disruptions and incivility at public meetings. The presenters will provide details about what to do before the meeting and during the meeting, as well as how to handle significant disruptions that impact the public entities ability to conduct its business.	Patricia Link & Pam Whitmore Moderator: Robert Palmer
2:45PM to 3:45PM Pacific Time	Body Worn Cameras		
3:55PM to 4:55PM Pacific Time	Homelessness		
3:55PM to 4:55PM Pacific Time	Cyber Security		

Sunday, October 23, 2022

TIME (PACIFIC)	TITLE	DESCRIPTION	SPEAKERS
8:45AM to 9:45AM Pacific Time	Recent Establishment Clause Developments	This presentation will provide an important update on recent developments at the Supreme Court regarding the Establishment Clause and Free Exercise Clause. The Court decided several cases this term involving the Religion Clauses and effectively overruled Lemon v. Kurtzman and the "endorsement" test. Two of the cases involved local actors trying to avoid Establishment Clause violations only to land in hot water at the Supreme Court. Hear from experts about what is left of the Establishment Clause and how to avoid constitutional violations in this important area of the law.	Michael Dreeben & Jim Oleske
10:00AM to 11:00AM Pacific Time	Case Law Update: Around the Circuits in 60 Minutes		Douglas Haney
11:05AM to 12:05PM Pacific Time	Ethics		Matt Gigliotti & Charlotte Ferns