



2023 Mid- Year Seminar

April 21-24, 2023 | Washington, D.C.

TENATATIVE and Subject to Change

Friday, April 21st, 2023

Last Updated: 03/27/23

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 4:30PM	Blue Pre-Function	Registration		
8:30AM to 12:00PM	Governor's Room	Board of Directors 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	Blue Room	Section 1983: Fourth Amendment Case Law Update	This presentation will review key 2022 cases that deal with searches and the Fourth Amendment.	Pierre Grosdidier Moderator: Douglas Hoffer
10:45AM to 11:45AM	Hampton Room	Sovereign Citizens and Your Local Government	This presentation examines the historical roots of the movement, how and where local government officials may encounter them in their locality, and the justice system, and what to anticipate. Also examined are the motivations and goals of the sovereign citizen, and the possible solutions. strategies and practices to implement for dealing with sovereign citizens and those that follow similar ideology.	Judith El Masri Moderator: Darren Shulman
11:45AM to 12:45PM		Lunch on Your Own		
12:55PM to 1:55PM	Blue Room	Regulating Short Term Rentals	Many communities are struggling with issues relating to short-term rentals, especially after the proliferation of vacation rental aggregation websites over the past couple decades. Examples of some of the issues that arise are pressures on workforce housing, regulatory takings, and public nuisances, such as trash and noise. Although the impacts of STRs are often heightened in regions that are desirable for vacation or recreational opportunities, the impacts of STRs can be felt across many different types of communities. This presentation will examine some of those challenges and how some communities and courts have responded.	Casey Burgess & Rob Bovett Moderator: Todd Sheeran
12:55PM to 1:55PM	Hampton Room	Section 1983: The Recent Evolution of Qualified Immunity and Its Use at Trial	The following topic areas will be covered: Case update on recent and relevant decisions regarding Qualified Immunity in the USSC and across the Circuits. Strategies for the use of Qualified Immunity at trial. How the competing political interests have affected Qualified Immunity as an affirmative defense	Sean Richmond & Patricia Miller Moderator: Nicholas Spiropoulos
2:05PM to 3:05PM	Hampton Room	Local Government Telecommunications Practice: The State of Small Cell Litigation and Threats and Opportunities in the 118th Congress and Biden Administration	This session will share lessons from the uptick in small cell litigation that is being experienced around the nation. The speakers will also share an overview of threats to and opportunities for municipalities in the 118th Congress and the last two years of the Biden –Harris first term.	Gerard Lederer, Gail Karish & Tilman Lay Moderator: Christopher Balch

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
2:05PM to 3:05PM	Blue Room	Your Municipality Has Been Served With A Section 1983 Complaint. What now?	In this presentation we discuss the issues municipal counsel should consider upon receipt of a complaint brought under 42 U.S.C. § 1983 and before any action on the case is taken on the case. Issues such as identifying parties, counsel, causes of action, important statutory deadlines and the potential need to seek extensions; determining responsibility for providing defense to individual defendants, and determining and dealing with potential conflicts of interests; identifying and locating relevant documents and working with both defendants and non-party municipal agencies to obtain relevant documents needed to evaluate the case; timing of speaking with the individual defendants, assessing potential early dispositive motions vs filing an answer, and gauging the possibility of settlement.	Beth Hoffman Moderator: Kimberly Rehberg
3:05PM to 3:20PM	Blue Pre-Function	Coffee Break		
3:20PM to 4:50PM	Blue Room	Supreme Court Update	The Supreme Court's docket was packed with cases of relevance to local governments including on issues related to the intersection of the Free Speech Clause and antidiscrimination ordinances, Takings issues, Title VII, the definition of WOTUS, the Independent State Legislature Theory, the dormant commerce clause, and affirmative action. This was also the first term with Justice Jackson on the bench. Hear from Supreme Court experts on how these cases impact local governments and what we can expect from the Court going forward.	Paul Clement, Amy Howe & Michael Dreeben Moderator: Amanda Karras
4:50PM to 5:20PM	Blue Room	Amicus Awards / Scholarship Announcement	Help us celebrate the pro bono authors that help make IMLA's Amicus Program such a success! IMLA will also announce the winner of the IMLA Charles W. Thompson, Jr. Scholarship.	
5:30PM to 7:00PM	Empire Ballroom	Welcome Reception	Kick off the 2023 Mid Year Seminar with the Welcome Reception taking place at the Omni Shoreham. Enjoy light hors d'oeuvres, drinks and networking! A badge is required for entry and the dress is business casual. We hope to see you there! **Badge is required for entry! Guest tickets are available for purchase**	

Saturday, April 22nd, 2023

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 5:00PM	Blue Pre-Function	Registration		
7:45AM to 8:45AM	Empire Ballroom	State/Provincial Breakfast	Advance registration is required. The State/Provincial Breakfast will give attendees an opportunity to sit down with fellow attendees from their area. If you already registered and would like to add the breakfast, please email trina@imla.org.	
9:00AM to 10:00AM	Blue Room	Legal Consequences of, and Responses to, Councilmember Bad Behavior	This presentation will focus on several aspects of problematic council behavior and how to handle it, including: 1) the ability of the Council to discipline its own members; 2) interference of council members with City/County operations and/or investigations; 3) improperly leaked privileged communications; and 4) council members suing the entity for the council's decisions.	Stephen Postema Moderator: Mujeeb Shah-Khan
9:00AM to 10:00AM	Hampton Room	Section 1983: ADA and Law Enforcement	The ADA was signed into law more than thirty years ago and law enforcement agencies are still adapting to this wide reaching law. While the changes to door widths and addition of grab bars have been easy improvements, how does one handcuff a suspect with one arm or communicate with a deaf driver at a traffic stop? There are a multitude of situations in which the ADA can apply to a law enforcement contact. This presentation will discuss the applicability of the ADA to Law Enforcement Operations and strategies to avoid liability.	Jeb Brown & Kelly Moran Moderator: Shannon O'Connor

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
10:10AM to 11:10AM	Blue Room	Section 1983: First Amendment Hot Topics	The first presentation will focus on the 1st Amendment limitations on compelled speech and the freedom not to speak. It will look at a real world example of a proposed ordinance that would have compelled speech and the rights of municipalities to require specific statements. The second presentation will focus on limitations of governmental regulation of non-employee speech v. regulation of employee speech. The second presentation will focus on the application of the First Amendment to religious speech and religious exercise, which has been a source of considerable change and development in recent Supreme Court terms. The presentation provides an update on cases and controversies involving government restrictions on the religious speech and exercise of employees and non-employees, as well as questions arising when the government itself is the speaker.	Aimee Alcorn-Reed & Joshua Skinner Moderator: Diana Cortes
10:10AM to 11:10AM	Hampton Room	Marijuana, CBD Oil, and Delta-8: Legalized substances and employer drug testing	In 21 states and Washington D.C., recreational use of cannabis is legal. CBD oil is approved for use in every state with various restrictions. Delta-8 appears to be legal in many states as well. How do these substances impact employer drug testing? What can employers do to help employees? How must employers handle a positive drug test when an employee has used a legal substance? We will discuss all of these questions and likely develop more in this session.	Morgain Patterson & Robin Cross Moderator: Lori Brill
11:10AM to 11:25AM	Blue Pre-Function	Coffee Break		
11:25AM to 12:25PM	Hampton Room	Drones as a First Responder	Drones as first responders (DFR) are force multipliers for law enforcement. But, many see them as invasive and ripe for abuse by government over reach. When a local government proactively explains, engages, and informs the public about its intended use of unmanned aerial systems, the result can be a win for law enforcement and the community. In this presentation, Brookhaven Police Lieutenant Abrem Ayana will discuss the mechanics and uses of DFR in support of law enforcement and de-escalation of police-citizen encounters. Brookhaven City Attorney Chris Balch will demonstrate how engaging and seeking out input from advocacy groups, prosecutors, and the community can establish the dialogue necessary to have new police programs embraced by a suspicious public. Materials will include the DFR Policy developed and adopted by Brookhaven, examples of the program in action, and discussion of how to navigate the lack of clear court direction when establishing a DFR program.	Chris Balch & Lt. Abrem Ayana Moderator: Rosemary Humway-Warmuth
11:25AM to 12:25PM	Blue Room	Section 1983: Trial Practice Skills	This presentation will provide practical pointers on openings and summations for Section 1983 trials.	Patricia Miller Moderator: Wynetta Massey
12:25PM to 2:00PM		Lunch on your own		
2:00PM to 3:30PM	Hamton Room	International Comparative Law Panel	This presentation will be a comparative law panel with local government attorneys from Spain, USA and Canada. The presentation will begin with a review of the Spanish Constitution and how local government functions within it. The speakers will examine differences between the Spanish territorial structure and Canadian and United States forms of government with a focus on constitutional issues, autonomous nationalities, municipalities, and extra-territorial governance.	Celia Guillot Rabanal, Mary Ellen Bench & David Warner Moderator: Carlos Alvarado
2:00PM to 3:30PM	Blue Room	Section 1983: Appellate Practice Pointers	The presentation will provide tips on preserving issues for appeal; discuss issues related to interlocutory appeals of the denial of qualified immunity; and will also provide practical pointers on appellate practice related to oral argument.	Ruth Masters, Jane Istvan & Susan Greenberg Moderator: Christopher Petrini
3:30PM to 3:45PM	Blue Pre-Function	Coffee Break		

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
3:45PM to 4:45PM	Blue Room	Section 1983: Protest Litigation	This presentation will provide the perspective of two local governments that both experienced large scale protests in the summer of 2020 that resulted in litigation against both cities. The presenters will discuss the legal challenges related to the lawsuits and provide lessons learned related to their litigation and tips on how to handle questions related to large scale protests in the future.	Meghan Riley & Ashley Kelliher Moderator: Mike Porter
3:45PM to 4:45PM	Hampton Room	State League Meeting: Preemption Efforts Regarding Housing / Land Use	The presentation will cover efforts to preempt local housing and zoning policies in Minnesota and Arkansas by imposing a one-size-fits-all approach statewide. Learn how the League of Minnesota Cities and Arkansas Municipal League have responded to these proposals.	Aisia Davis & John Wilkerson

Sunday, April 23rd, 2023

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKER
7:30AM to 1:00PM	Blue Pre-Function	Registration		
7:45AM to 8:45AM	Empire Ballroom	WONK Breakfast	Advance registration is required. For the WONK breakfast you will sign up for a table based on subject matter and sit down with the subject matter expert to enjoy a meal and discuss areas of interest. You can register for this breakfast online. If you already registered and would like to add the breakfast, please email trina@imla.org.	
9:00AM to 10:30AM	Blue Room	Section 1983: Hot Topics	The first presentation will explore public liability for private violence. In the summer of 2020, Seattle and many other cities across the country had racial justice protests motivated by the murder of George Floyd. Based on events that happened during the protests, the City of Seattle has faced claims that the City should have done more to prevent private acts of violence or property damage. This presentation will cover the defenses and challenges for these types of Substantive Due Process claims. The second presentation will discuss how the lack of qualified applicants for police officer positions can lead to lowering standards for hiring and training which can impact liability for the entity.	Kerala Cowart & Jack Ryan Moderator: Robert Spence
9:00AM to 10:30AM	Hampton Room	Alternative Project Delivery in Public Construction: Effective Contract Distinctions for DB and CMAR Projects	This program will introduce municipal counsel to key differences in procurement, contract drafting, contract and claims administration and liability for emerging alternative project delivery models. Design-build and CMAR are emerging on the municipal construction landscape as valuable tools in the public owner's toolbelt. As public owner's turn to these project delivery models, municipal officials will turn to municipal counsel for answers. Learn both the subtle and gaping differences in the procurement and contract models, since this is not your grandparents low bid procurement. Program participants will learn effective two-step procurements for CMAR, best-value procurement for design-build and how to protect your municipality with tried and tested revisions to standard form industry contracts. The program wraps up with our signature "Traps for the Unwary."	Steven Torres & Christopher Petri Moderator: Lina James
10:30AM to 10:45AM	Blue Pre-Function	Coffee Break		
10:45AM to 11:45AM	Hampton Room	Section 1983: Demolitions and Due Process	This presentation will discuss the intersection of city code enforcement and civil rights in the context of demolition of unsafe property. The presenters will discuss notification to owners of code violations and evaluation of the need for demolition based on safety. They will then discuss constitutional minimum notice requirements prior to demolition. The presenters will compare and contrast two different local governments' programs related to demolitions.	Donna Fairweather, Amy Skiles & Katie Faris Moderator: Peter Letzmann

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKER
10:45AM to 11:45AM	Blue Room	The Escalation of Abusive State Preemption in 2023	<p>As state legislatures have become increasingly polarized over the past decade and a half, there has been a dramatic rise in “new preemption.” Once used sparingly to maintain consistency on areas of statewide interests, state preemption is increasingly infringing on a range of traditionally local issues, including municipal budgeting, public health and safety, county election administration, local law enforcement and more. These abusive state preemption laws stem from reactions to topical political issues, but have long-term ramifications for local governments’ ability to execute basic functions.</p> <p>The Local Solutions Support Center (LSSC) has been tracking abusive state preemption nationwide—including over 1000 bills in the 2022 legislative session—and observing trends salient to the 2023 legislative session. In particular, LSSC has noted an increase in preemption related to equitable housing policies, prosecutorial discretion, reproductive rights, LGBTQ+ rights, and other topics.</p> <p>This session will brief attendees on emerging and escalating trends at the mid-point in the 2023 legislative session, legal questions they give rise to, and their long-term ramifications. This session will also equip local government attorneys with the tools and guidance they need to support and protect local democracy in the face of abusive state preemption.</p>	<p>Marissa Roy, Nestor Davidson & Katie Belanger</p> <p>Moderator: Elissa Levan</p>
11:55AM to 12:55PM	Blue Room	The Fair Housing Act, the New Affirmatively Furthering Fair Housing Rule and the Impact on Siting of Affordable Housing	This panel will discuss a brief history of the Fair Housing Act and related laws including the newly proposed HUD rulemaking regarding local agency obligations to affirmatively further fair housing. These existing and new rules impact a local agencies to fund and site affordable housing projects	<p>Patricia Link & Elizabeth Hull</p> <p>Moderator: Patrick Baker</p>
11:55AM to 12:55PM	Hampton Room	Section 1983 Jail Liability Issues	This presentation will discuss practice pointers on defending claims brought by pro se litigants.	<p>Richard Elder & Roy Denny</p> <p>Moderator: Martha Thompson</p>
2:30PM to 4:30PM	Washington, DC	Bike Tour Through DC	Approx. 6 mile bike tour through the city starting at the Omni & onto the National Mall.	
2:30PM to 4:30PM	Smithsonian Zoo	Smithsonian Zoo Trip	A trip to the Zoo (right up the street from the Omni) with fellow attendees!	

Monday, April 24th, 2023

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
8:00AM to 12:00PM	Blue Pre-Function	Registration		
8:10AM to 8:35AM	Blue Pre-Function	Coffee Break / Passport Drawing	Participating exhibitors will provide prizes as attendees visit all exhibitor booths to be eligible for the prize drawing.	
8:35AM to 9:35AM	Blue Room	Discipline of Employees for Social Media Use	This presentation will discuss: (1) a case study of police officer discipline and the grievance arbitration process arising from social media posts published by the Plain View Project database; and; (2) an overview and analysis of common constitutional claims (First Amendment, Fourteenth Amendment, Fourth Amendment) arising from disciplining government employees for disruptive private social media use.	Meghan Byrnes & Frank Wehr Moderator: Mary Ellen Bench
9:45AM to 10:45AM	Blue Room	Case Law Update	This is a fast paced presentation that will provide summaries of cases touching on all aspects of local government law from all the circuits.	Doug Haney Moderator: Wynetta Massey
10:45AM to 11:00AM	Blue Pre-Function	Coffee Break		
11:00AM to 12:00PM	Blue Room	Ethical Obligations of Municipal Attorney when a Councilmember is sued Personally	When a member of a governing body is sued for tortious conduct occurring during a public meeting, what are the duties of the city attorney to the body and what rules govern the attorney's conduct. This presentation will cover ABA model rules of professional conduct 1.7; 1.8(b); and 1.13.	Meredith Ladd Moderator: Nina Hickson