



# 2024 Mid- Year Seminar

April 18-21, 2024 | Washington, D.C.

**TENTATIVE and Subject to Change**

Last Updated: 04/05/24

## Thursday, April 18th, 2024

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
9:15AM to 5:00PM	Blue Pre-Function	Registration	Registration will be closed from 11:45AM to 12:45PM.	
8:30AM to 12:00PM	Governor's Room	Board of Directors Meeting	This meeting is only for members of IMLA's Board of Directors.	
10:15AM to 10:30AM	Blue Pre-Function	Coffee Break		
10:30AM to 10:40AM	Blue Room	Welcome to IMLA Opening Remarks	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	AI The Future of Humanity or the End of Civilization	AI is more than a movie starring Haley Joel Osment from 2001, it's a force that has the potential to drastically change the practice of municipal law. This session would examine the various ways A.I. can impact local government. Or, as AI put it: The presentation will explore how artificial intelligence (AI) is transforming the legal profession and the justice system, by providing examples of current and emerging applications of AI in law, as well as discussing the ethical, legal, and social implications of AI in law.	Darren Shulman, Shari L. Klevens & Alanna Clair <b>Moderator:</b> Barbara A. Adams
10:45AM to 11:45AM	Hampton Room	Probable Cause—Actual, Arguable, or Absent—and Claims for False Arrest	Plaintiffs whose charges are dropped will frequently bring claims of false arrest under Section 1983. If the officer had probable cause for the arrest, then a false arrest claim will be dismissed even if the underlying criminal charge was dropped. If the officer's assertion of probable cause doesn't withstand reasonable scrutiny under existing law, then the false arrest claim under 1983 likely will go forward. What about cases where the officer reasonable perceived that the facts supported probable cause at the time of the arrest, but the facts known later show that there was no probable cause? That would sound like a simple application of qualified immunity protecting the actions of the officer based on the information known to him at the time. (And I would argue it that way.) But there's more to it than that. Some circuits recognize "arguable" probable cause, while others do not. That gray area is what makes this a potentially interesting topic. When it is determined after the fact that there was no probable cause, what is needed to show that there was "arguable" probable cause at the time of the arrest? And what circuits will consider that?	Robert Higgason <b>Moderator:</b> Kelly Schwab
11:45AM to 12:45PM		Lunch on Your Own		
12:55PM to 1:55PM	Blue Room	Section 1983 Update: What You Need to Know in 2024	This presentation will provide a case law update on Section 1983 cases in the last year and what to expect in 2024. The presentation will also serve as an overview of Circuit cases covering hot-button issues in today's legal landscape. From COVID-19 mandates to wrongful conviction, the Section 1983 Update will cover what municipal lawyers and lawyers who represent municipalities should know and expect when facing Section 1983 cases in 2024.	Staci Miller <b>Moderator:</b> Henry Bernstein

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
12:55PM to 1:55PM	Hampton Room	The Impossible Bind: Unintended Consequences of Consent Decrees and Injunctions in Public Impact Litigation	A recent spate of high-profile lawsuits seeks consent decrees and injunctions to redress complex crises like homelessness and child welfare. These cases raise significant separation of powers concerns, and the remedies they request often fail to achieve their objectives. We will explore how to defend against these lawsuits and what they mean for local governments.	Nadia Sarkas & Ellie Ruth  <b>Moderator:</b> Susana Alcala Wood
2:05PM to 3:05PM	Blue Room	What Every Municipal Attorney Should Know About the First Amendment	Along with the many other aspects that are part of the job, municipal attorneys need to become First Amendment experts. Honoring the First Amendment helps municipalities encourage diverse viewpoints and avoid costly litigation. This presentation will provide a review and update on Free Speech and Establishment Clause issues that local governments must navigate, including: <ul style="list-style-type: none"> <li>• Content neutrality in government regulations</li> <li>• Public comment periods at government meetings</li> <li>• Prayer at council meetings and other public events</li> <li>• Protests and rallies</li> </ul>	Roger Horner & Ian Williams  <b>Moderator:</b> Meghan Riley
2:05PM to 3:05PM	Hampton Room	Trial Tips on Submitting Interrogatories to the Jury for QI and Disputed Facts in Police Shootings	This session will focus on two very interesting police shooting cases that our litigators recently took to trial ( <i>Banks v. Hawkins</i> and <i>Partridge v. Ellison</i> ). In <i>Banks</i> , the jury was hung and factual interrogatories were subsequently submitted to the jury. The judge then granted qualified immunity based on the interrogatories. The session will discuss the trial techniques for a police shooting case and submitting interrogatories to the jury. The <i>Partridge</i> shooting case is set to go to a jury trial at the end of January. The session will discuss the two appeals to the Eighth Circuit and the Court's discussion on a genuine issue of material fact that was "created" by an expert forensic pathologist. It will also discuss the results of the trial and trial techniques, to include the submission of interrogatories to the jury, the use of expert witnesses, and qualified immunity.	Jenna Adams, Sara Monaghan & Gabrielle Gibson  <b>Moderator:</b> Blake Pennington
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 is packed with cases of relevance to local governments including on issues related to when the First Amendment applies to public officials' use of social media; a possible expansion of Title VII liability; an important takings / exactions case; further defining the contours of the Second Amendment; and whether the Court should overrule <i>Chevron</i> . Hear from Supreme Court experts on how these cases impact local governments and what we can expect from the Court going forward.	Hashim Mooppan, Amy Howe & Gregory Garre  <b>Moderator:</b> 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 Patio	Welcome Reception	Kick off the 2024 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**	
7:30PM	Muzette	Karaoke	Karaoke lovers will join the group going to Muzette – "DC's first private-roomed karaoke joint: a subterranean karao-cave with a small dining area serving home-style Korean dishes, a long wooden bar, and a huge mural of Adams Morgan." Each individual will be responsible for the split cost of the room. Room prices will depend on size and how many people sign up. Please email <a href="mailto:cstorer@imla.org">cstorer@imla.org</a> to sign up.	

# Friday, April 19th, 2024

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 4:45PM	Blue Pre-Function	Registration	Registration will be closed from 12:25PM to 2:00PM.	
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	Hampton Room	Section 1983 Expert Witnesses & the recent Rule 702 Amendment	Trial judges have always been the gatekeepers when deciding the admissibility of expert witness testimony. However, over the past few years, “junk science” has too often found its way into the courtroom due to the misapplication of the rules governing expert testimony, specifically Federal Rule of Evidence 702. As a result, as of December 1, 2023, Rule 702 was amended to clarify the standards federal courts should apply when deciding the evidentiary admissibility of expert witness testimony. This presentation explores the impact of the Rule 702 amendment on Section 1983 cases involving expert witnesses while also outlining strategies for drafting and responding to Daubert motions seeking to exclude expert testimony.	Natalie Adeeyo <b>Moderator:</b> Martha Thompson
9:00AM to 10:00AM	Blue Room	Developing a Policy to Implement the Pregnant Workers Fairness Act	This presentation would provide an overview of the Pregnant Workers Fairness Act and EEOC implementing regulations and address how to draft and implement a policy effectuating the Act’s requirements.	Anne Marie Tosco & Robin Cross <b>Moderator:</b> Becca McCuaig
10:10AM to 11:10AM	Blue Room	First Amendment and Section 1983	This presentation will discuss the most common scenarios in which the First Amendment is used against cities using 42USC1983. It will discuss cases and representative cases. It will also discuss how to defend against First Amendment based 1983 lawsuits. In addition, example motions will be attached to the paper to provide tools to municipal attorneys in evaluating and defending 1983 lawsuits that are based, at least in part, on the First Amendment.	Miles Risley & David Delaney <b>Moderator:</b> Lori Bluhm
10:10AM to 11:10AM	Hampton Room	The Role of the Public Advocate in Italy: Organizing Italian Local Government	IMLA is heading to Lake Como, Italy in October in partnership with Unione Nazionale Avvocati Enti Pubblici (UNAEP) and we will hear from Antonella Trintini and Sabrina Tosti, representatives from UNAEP, as we gear up for that trip and they will tell us how UNAEP works with local governments in Italy. We will then hear from Maria Argento about how Italy’s government is structured and what their basic municipal powers are and how they differ from those in the US.	Antonella Maria Trentini, Sabrina Tosti & Maria Elena Argento <b>Moderator:</b> Tyler Wallach
11:10AM to 11:25AM	Blue Pre-Function	Coffee Break		
11:25AM to 12:25PM	Hampton Room	Pickleball is Fun! But Regulating? Not So Much	Pickleball is reportedly the fastest growing sport in the US. It is also the most controversial in terms of noise impacts on neighboring residential homes. Balancing the demand for pickleball court opportunities with the recognized harm to human health and impairment of the quiet enjoyment of residential property is exceedingly challenging. The City of Centennial’s experience, and the City’s 2023 pickleball regulations, present the United States’ most thoroughly evaluated and comprehensive approach to address the widely recognized health and safety concern associated with Pickleball noise and the vociferous national demand for more pickleball courts.	Robert Widner & Neil Marciniak <b>Moderator:</b> Wynetta Massey
11:25AM to 12:25PM	Blue Room	Section 1983: Cross Examination Practice Pointers	This presentation will provide strategies and practical tips for handling cross examination of witnesses during a Civil Rights trial. The presentation will also discuss how to protect your client on cross and/or if called as a witness by the other side.	Patricia Miller & Melanie Speight <b>Moderator:</b> Meghan Riley
12:25PM to 2:00PM		Lunch on your own		

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
12:45PM to 1:30PM	Empire Ballroom	State/Provincial Chair & Regional Vice President Lunch Meeting	Grab your own lunch and head to the ballroom to meet with other Chairs and RVPs for a thoughtful round-table discussion.	
2:00PM to 3:30PM	Hamton Room	Sober Homes and FHA-ADA	Zoning Laws, Federal Laws, and Efforts to Regulate Sober Living Homes- A Bicoastal Perspective	Norman Dupont & Terrill Pyburn <b>Moderator:</b> Todd Sheeran
2:00PM to 3:30PM	Blue Room	Defending Local Governments: Tackling Section 1983 Claims with Employment Law Challenges	Dive into the intricate nuances of defending municipalities in Section 1983 cases which encompasses personnel-related challenges. This session exposes attendees with real-life case examples, illustrating practical preventive measures and offering legal professionals invaluable strategies for navigating employment law challenges and constitution litigation successfully.	Tracey Hackett, Hermise Pierre & David Ware <b>Moderator:</b> Robin Cross
3:30PM to 3:45PM	Blue Pre-Function	Coffee Break		
3:45PM to 4:45PM	Blue Room	Strategies For Dispositive Motions in Section 1983 Cases Involving the Use of Deadly Force	This presentation will examine considerations and strategies for motions to dismiss and for summary judgment for Section 1983 deadly force claims. The presentation will focus on both objective reasonableness and qualified immunity in defending individual officers. The presentation will also discuss how to address arguments raised by plaintiffs' counsel to defeat summary judgment, including the use of police practices experts to establish alternative actions or "best" practices for approaching an armed individual and a focus on whether the officer's actions violated internal rules and procedures. The backdrop for the presentation will be two recent decisions in the First Circuit litigated by the City of Boston Law Department, <i>Rahim v. USA, et al.</i> , 51 F. 4th 402 (2022) and <i>Bannon v. Godin</i> , 2022 WL 17417615 at *1 (D. Mass, Dec. 5, 2022) (pending in First Circuit at Docket No. 22-1958) as well as the Tenth Circuit's recent decision in <i>George v. City of Rifle, Colorado</i> , 85 F.4th 1300 (10th Cir. 2023).	Edward F. Whitesell, Jr. & Andrew Clauss  <b>Moderator:</b> Hilary Ruley
3:45PM to 4:45PM	Hampton Room	State League Meeting	During this meeting, we will addresses state legislation related to insurance coverage and pension legislation for first responders diagnosed with PTSD. Although the laws around the country may vary, there are several practical and legal considerations in how these new laws will interact with existing laws like workers compensation and the ADA. During the meeting, we will discuss some of these new laws in a round table format (participation is encouraged) and then engage with group on how league counsel is dealing with dwindling work forces in public safety. This meeting will not offer CLE and is intended for state league counsel.	Rusi Patel, John Wilkerson & Tori Kee  <b>Moderator:</b> Patricia Beety & Morgain Patterson

## Saturday, April 20th, 2024

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 <a href="mailto:trina@imla.org">trina@imla.org</a> .	
9:00AM to 10:30AM	Hampton Room	Winning at Three Dimensional Chess: Telecommunications Law Today	This session, featuring senior members of the BBK Telecommunications team, will provide attendees with updates and insights on the leading telecommunications issues facing municipal counsel this year. The session will focus on wireless siting issues, including a snap shot of litigation around the country; the status of cable and other right-of-way franchising, including suggestions on how to preserve fees and regulatory oversight in an increasingly broadband world, and a look into policy matters in the communications space that could impact local government in 2024 and beyond.	Gail Karish, Gerry Lederer & Cheryl Leanza  <b>Moderator:</b> Lawrence Cooper

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKER
9:00AM to 10:30AM	Blue Room	New Source of Liability for Police Inaction and Color of Law Requirement for Former Police Action	<p>The protests and political backlash arising from the deaths of Michael Brown, George Floyd, and Breanna Taylor have led many police departments and officers to take a more passive approach to law enforcement. While the costs and benefits of this less active policing remain highly debated, one thing is clear. Plaintiffs and their attorneys have not taken a similarly passive approach. Instead, they have aggressively pushed new theories of liability, which seek to turn police inaction into a new source of municipal liability.</p> <p>The first part of this session will educate attendees on these problematic theories of liability, which are increasingly popular even though they put police officers and municipalities in a no-win situations, and even though they square poorly, if at all, with Supreme Court precedent. It will particularly focus on how to combat plaintiffs' efforts to expand the "state created danger" doctrine, and to create or expand (depending on the jurisdiction) a one-sided "provocation rule" against police officers in use of force cases.</p> <p>The second part of this session will address the body of legal authority that defines when a police officer is acting under color of law, addressing when an officer's actions constitute state action for purposes of Section 1983. The presentation would also provide authority supporting a motion to stay discovery even where qualified immunity is not raised, and touch on counter suits to declare a City's obligation to defend and indemnify such actions.</p>	<p>David Mathues &amp; Hollie Birkholz</p> <p><b>Moderator:</b> Shauna Billingsley</p>
10:30AM to 10:45AM	Blue Pre-Function	Coffee Break		
10:45AM to 11:45AM	Blue Room	Attorney's Fees and Costs in Section 1983 Litigation	This presentation will discuss the elements courts consider in awarding attorney's fees and costs to prevailing parties in Section 1983 litigation. This presentation will also have effective strategies to challenge motions for attorney's fees and costs.	<p>Gray Laird &amp; Jonah Santiago-Pagan</p> <p><b>Moderator:</b> Lina James</p>
10:45AM to 11:45AM	Hampton Room	Getting Your Municipal Money's Worth: Navigating Multi-party Construction Litigation	ARPA, the Jobs Act, Build Back Better, more public construction means more claims. Municipal counsel must be able not only to defend claims by contractors, but effectively identify defenses, offsets, counterclaims, crossclaims including third-party claims and professional malpractice. Like Arctic explorers, construction litigators must carefully plan and precisely execute a journey into the sometimes unknown. This program will identify critical construction litigation tactics, from initial case assessment and "must have" discovery to advanced development of evidence, theories of recovery and complex case valuation and apportionment.	<p>Tip Torres &amp; Christopher Petrini</p> <p><b>Moderator:</b> Laura Vega</p>
11:55AM to 12:55PM	Blue Room	The Need to Audit Training as well as Policy and the Implications on Municipal Liability	This session focuses on the need to audit training. In a number of recent cases, courts have gone beyond a simple review of officer training records to determine if the officer was adequately trained on issues related to the case under review. In a number of cases, courts have scrutinized the content of the training and reached conclusions that use of force training was unprofessional and provided evidence of a failure to train and/or a custom and practice as the moving force behind unconstitutional force. The State of New Jersey Comptroller's Office recently issued a stinging rebuke of law enforcement training conducted by a private entity and recommended that prosecutors consider "Brady-Listing" any officer who attended the training. Additionally, in a number of cases it has been alleged that "warrior" style training in law enforcement encourages aggression which leads to excessive force. Over the last five years, some entities have recommended moving away from legal-based policies and move toward best practice-based policies that are more restrictive than the legal standards. This can impact state law claims particularly in jurisdictions that consider law enforcement policy that mandates officer conduct as creating a ministerial duty. It can also lead courts to move the law in the direction of the best practice. A failure to audit both policy and training can lead to municipal liability. In this time of nuclear settlements and verdicts the importance of such audits cannot be overstated.	<p>Jack Ryan</p> <p><b>Moderator:</b> Patricia Beety</p>



TIME	LOCATION	TITLE	DESCRIPTION	SPEAKER
11:55AM to 12:55PM	Hampton Room	PFAS - Class Actions, CERCLA, and More!	An overview of PFAS drinking water class action cases, EPA's hazardous substance listing, and what municipalities can expect as PFAS takes center stage.	Samantha Gamboa, Stephanie Biehl & Chris Moody  <b>Moderator:</b> James Benjamin
1:30PM to 3:30PM	Smithsonian Zoo	Smithsonian Zoo Trip	A trip to the Zoo (right up the street from the Omni) with fellow attendees!	
2:00 PM	Washington, DC	DC Bike Tour	Join your fellow attendees for a biking tour around DC. Attendees will rent public bikes and take a ride starting at the Omni and going onto the National Mall.	
4:05 start time	Nationals Park	Washington Nationals Game	Join the IMLA block at the Nationals game versus the Houston Astros. Attendees will purchase their own tickets in IMLA's ticket block.	

## Sunday, April 21st, 2024

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	Culture Wars Come Home: When Local Government Decision-making Becomes A Platform for Culture Wars and How to Work Through It	<p>Franklin, Tennessee is a thriving community of 90,000 people south of Nashville that prides itself on being a welcoming place to live, work and play. But Franklin is not immune from the outside forces of culture wars which have increasingly shaped our national and state discourse and posed a direct challenge to our shared concepts of civility, decency, and unity. This session will focus on how appointed and elected officials stayed true to their own North Star – and the ICMA Code of Ethics – in the face of a constant and difficult political and social media environment.</p> <p>Come hear how 2023 was one of Franklin's most challenging years, complete with bitter cultural and social debates, ethics and legal challenges, the presence of extremist organizations and national and international news coverage, and how the City and City staff persevered through those challenges to be stronger, more resilient, and more united than ever before.</p> <p>Attendees to this session will learn about how to keep your staff motivated to perform their responsibilities in the face of constant negativity and duress, how to persevere through difficult political times successfully, what lessons we learned in Franklin that officials should keep in mind in a similar situation and how to build and sustain your city and organization by using extreme political challenges as a springboard to reinforce existing community strengths and build a better future.</p>	Shauna Billingsley, Eric Stuckey & Michael Walters Young  <b>Moderator:</b> Kim Rehberg
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 <b>Moderator:</b> Wynetta Massey
10:45AM to 11:00AM	Blue Pre-Function	Coffee Break		
11:00AM to 12:00PM	Blue Room	Quality Legal Representation from the Client's Perspective	This presentation will be a group discussion of what it means to be a good Local Government attorney from the clients' point of view. We'll be joined (ideally) by an elected official (e.g., county supervisor, mayor, council member, etc.), muni clerk/city secretary, city manager, and lawyer. What are clients' expectations? Preferences? Needs? What's best in terms of counseling? Communicating? Advocating? Maintaining confidentiality?	Robert Wood, Matt de Ferranti, Leela Fireside & Don Hayes  <b>Moderator:</b> Alan Bojorquez