

# PRESS RELEASE

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***DRI –The Voice of the Defense Bar Files Amicus Brief in U.S. Supreme Court Case  
Albert W. Florence v. Board of Chosen Freeholders of the County of Burlington***

*Defense Bar Supports Defendants’ Merits Brief*

**CHICAGO – (September 20, 2011)** – DRI – *The Voice of the Defense Bar* filed an amicus curiae brief in the United States Supreme Court case of *Albert W. Florence v. Board of Chosen Freeholders of the County of Burlington*. In its brief DRI argues against a Third Circuit decision overturning the trial court as to the reasonableness of a search under the Fourth Amendment. DRI maintains that this case is important in setting the parameters for application of the Fourth Amendment’s reasonableness standard and that a negative outcome could spur class action lawsuits all over the country.

“The outcome of this case is vitally important to the defense bar in the governmental and civil rights arena because it will set the parameters for the Fourth Amendment as well as the amount of deference to be afforded to jailors, in this and other instances where a search is necessary,” explained Detroit attorney Mary Massaron Ross, First Vice President of DRI, and the author of the brief. Ross also points out that the outcome of this case will be important to lawyers who defend entities in traditional defense insurance cases.

In this case the plaintiff, Albert W. Florence, was pulled over by the police for a traffic infraction. At such time, the officer believed that Florence had a bench warrant for failing to pay a prior ticket. He arrested Florence, who spent more than six days in jail and was strip-searched twice. Once it was realized that Florence had paid the ticket, he was released. The district court certified a class action suit seeking money damages on the basis that a policy allegedly permitting strip searches of all arrestees, even those charged with nonindictable offenses, was unreasonable under the Fourth Amendment. The jails conduct various forms of visual strip searches (not including body cavity searches) during the intake process to find contraband and prevent smuggling. The Third Circuit noted a split in the circuits over when a policy of strip searching residents upon entering a facility was permissible.

The Supreme Court has granted a petition for class action plaintiffs to be heard October 12, 2011.

The DRI brief is authored by Mary Massaron Ross, head of the Appellate Practice Group at Plunkett Cooney, P.C., in Detroit. As first vice president of DRI, she will be named president of the organization in 2012. The brief is available in its entirety at [www.dri.org](http://www.dri.org).

**About DRI – *The Voice of the Defense Bar***

DRI – *The Voice of the Defense Bar* is an international organization of defense attorneys and corporate counsel that is recognized as a thought leader and an advocate for the defense bar at the national and state level, as well as in Europe. With more than 22,000 members, DRI provides members and their clients with access to world-class education, legal resources and numerous marketing and networking opportunities that facilitate career and law firm growth. For more information log on to [www.dri.org](http://www.dri.org).

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