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DRI delivers resources to build your practice

Civil Rights and Governmental Tort Liability

- Hear the very latest developments in the area of First Amendment claims against municipalities
- Discover valuable techniques in using experts and preparing qualified immunity defenses in civil rights cases
- Receive up-to-theminute analysis from two leading constitutional scholars



LITIGATION SKILLS WORKSHOP Master the Technical Aspects of Your Civil Rights Case— The Skill of the Expert Witness Deposition See page 2 for details



January 30–31, 2020 Manchester Grand Hyatt San Diego, CA **R**I's 33rd annual Civil Rights and Governmental Tort Liability Seminar will provide you with the tools to represent governmental entities from pre-claim through trial. This year's faculty includes a renowned Supreme Court advocate, experts on municipal issues, insurance claims professionals, in-house counsel, defense attorneys, and risk management professionals. The speakers will cover trends from across the country and address timely topics relevant to your practice, including matters related to prison intake, the First Amendment, and Title IX. Attendees will also learn practical tips for addressing issues in the areas of qualified immunity, *Monell* claims, Rule 68 offers of judgment, and more. Attendees will be offered opportunities to network and exchange ideas on the topics and techniques presented with experienced litigators and claims professionals.



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PRESENTED BY DRI's Governmental Liability Committee



David P. **Karamessinis** Industry Vice Chair

What You Will Learn



- What a plaintiff's lawyer likes and dislikes in litigating against an experienced governmental lawyer
- Critical update on *Monell* issues including a discussion of "single incident" claims
- Strategies in presenting and defending Title IX claims
- Claims professionals' pointers for properly handling and defending their insured's claims
- Tips from seasoned litigators on handling early immunity motion practice, offers of judgement, and experts
- Trending topics in land use and prison claims

Members Get More

- Access to LegalPoint Mat dri.org: Committee newsletters, seminar course materials, and other publications.
- Access to the DRI Governmental Liability Committee Community: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to dri circles, where lawyer-to-lawyer connections happen. Search dri circles in your app store:









PROGRAM SCHEDULE

WEDNESDAY, JANUARY 29

9:30 a.m. Registration for Workshop

LITIGATION SKILLS WORKSHOP

Master the Technical Aspects of Your Civil Rights Case— The Skill of the Expert Witness Deposition

Expert witnesses with many types of expertise can play an important role in the defense of any case, but especially in civil rights cases. Police practices experts, medical professionals, correctional facility experts, and even audio and visual experts are some of the types of experts disclosed by parties in civil rights cases. Whether you need to explore and discredit the opinions of a plaintiff's expert or make sure that your own expert stands up to the other side's cross-examination, the art of taking and defending an expert deposition is a key skill to learn. The DRI Governmental Liability Committee has teamed up with the DRI Litigation Skills Committee (formerly "Trial Tactics") to present a pre-seminar, hands-on workshop to help attendees learn these necessary skills, Wednesday, January 29, 10:00 a.m.-2:00 p.m.

including identifying possible experts, preparing them for a deposition, and defending them at a deposition.

Click on any speaker name to view bio.

Take advantage of this unique opportunity to practice taking and defending an expert deposition with the help of highly skilled attorneys. The workshop will include short presentations with tips and demonstrations, and then one-on-one practice in small groups with real-time feedback. Reserve your spot now because space is limited to 30 participants. See the registration form for pricing and information on how to register.

Lori V. Berke, Berke Law Firm PLLC, Phoenix, AZ Stacy L. Moon, Gordon Rees Scully Mansukhani LLP, Birmingham, AL

Casey C. Stansbury, *Freeman Mathis & Gary LLP*, Lexington, KY **Additional faculty** *to be announced.*

- 4:00 p.m. **Registration**
- 5:00 p.m. First-Time Attendees Reception
- 6:00 p.m. Networking Reception SPONSORED BY Daniel Coker Horton & Bell PA Freeman Mathis & Gary LLP
- 7:30 p.m. Young Lawyers Dinner | More details on-site Amy S. Rothman, McNamara Ney Beatty Slattery Borges & Ambacher LLP, Pleasant Hill, CA

THURSDAY, JANUARY 30

7:00 a.m. Registration

7:00 a.m. Continental Breakfast

SPONSORED BY Allen Glaessner Hazelwood & Werth Marshall Dennehey Warner

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8:00 a.m. Welcome and Introductions Laurie K. Miller, Jackson Kelly PLLC, Charleston, WV

Paul V. Mullin, *Sugarman Law Firm LLP*, Syracuse, NY

8:15 a.m. Supreme Court Review

Supreme Court advocate Tom Dupree will join us again this year to provide an update on United States Supreme Court cases decided in the last term that affect governmental entities and officials, as well as to offer a sneak peek into what we may see from the Court in the coming terms.

Thomas H. (Tom) Dupree, Jr., *Gibson Dunn & Crutcher LLP*, Washington, DC

9:15 a.m. A View from the North Side of the V.

Eugene Iredale, a prominent plaintiffs' civil rights attorney, will bravely join us to discuss evaluating a plaintiff's case, hot topics, and emerging new claims, as well as insights into negotiation strategies. He might even share a few secrets along the way.

Eugene G. (Gene) Iredale, *Iredale & Yoo APC*, San Diego, CA

10:15 a.m. Refreshment Break

10:45 a.m. Trial Masters: Tips and Tricks from the Best of the Best

Seasoned civil rights trial lawyers share their wisdom on developing trial themes, techniques, and strategies to position cases for more effective advocacy at trial, as well as tips for posturing for a favorable settlement.

Jeffrey C. (Jeff) Mando, Adams Stepner Woltermann & Dusing PLLC, Covington, KY

Sidney K. (Sid) Kanazawa, *McGuire Woods LLP*, Los Angeles, CA

Christina (Tina) Retts, *The Wieneke Law Group PLC*, Tempe, AZ

- 12:00 p.m. Lunch (on your own)
- 12:00 p.m. Women in the Law Luncheon | For more information please email Tricia Ambrose at TAmbrose@macmainlaw.com.
- 12:00 p.m. Governmental Lawyers Luncheon | More details on-site
- 1:30 p.m. **Governmental Liability "Quick Hits":** Three topics, 20 minutes each don't blink or you'll miss them!

Rule 68 Offers of Judgment

One of the tools available to defendants to resolve §1983 cases effectively is a Rule 68 Offer of Judgment. And yet, such offers are complicated and rife with pitfalls for the unwary. This session will address key issues to be considered, such as when to make a Rule 68 Offer, whether the client's consent is needed, can the offer contain conditions, should counsel fees and costs be included in the offer, and what is the effect of an accepted offer in future claims.

Whitney M. Harvey, *Berke Law Firm PLLC*, Phoenix, AZ

"Practical" Qualified Immunity

Qualified immunity is an important defense to individual defendants, and courts are supposed to afford it "early and often." However, many trial courts are denying qualified immunity due to "factual disputes" and "unresolved issues." The presenter of the session—who has twice argued before the United States Supreme Court in §1983 cases—will provide practical tips on how and when to raise qualified immunity in the life of a case, how to present it to the trial court effectively, and the timing and availability of an appeal when qualified immunity is denied by the trial court.

Philip W. (Phil) Savrin, Freeman Mathis & Gary LLP, Atlanta, GA

Choosing and Working with Expert Witnesses

Determining whether and how to use an expert witness in a §1983 case can be tricky and involves a number of case-specific issues. This session, taught by a seasoned litigator, will address a number of expert-related issues, such as the considerations that go into whether you should retain an expert: what type of experts should be used in §1983 cases; at what point in the litigation should the expert be retained; should the expert simply be a consulting expert or a trial expert; and how is the expert most effectively presented at trial. We will also address considerations and issues pertaining to attacking the opposing expert. such as should the expert be deposed, and how to use *Daubert* and evidentiary motions effectively to gain a strategic advantage in vour case.

Stacy L. Moon, *Gordon Rees Scully Mansukhani LLP*, Birmingham, AL

2:30 p.m. Specialized Litigation Group Breakouts (see page 4)

3:30 p.m. Refreshment Break

4:00 p.m. Monell Liability: Update on the Law

While *Monell* is a derivative claim—and dependent on the finding of a threshold constitutional violation by an individual defendant—it is often the "tail that wags the dog" and can predominate in a case in substance, content, and defense costs. Professor Emerita Karen Blum, a longtime and popular speaker at our conference, will address recent developments in the application and analysis of *Monell* liability, including the growing use of "single incident" *Monell* claims.

Karen M. Blum, Suffolk University Law School, Boston, MA

- 5:00 p.m. **Governmental Liability Committee Meeting** (*open to all*). Many opportunities to contribute to the committee will be available.
- 6:00 p.m. Diversity Networking Reception SPONSORED BY Greines Martin Stein & Richland LLP The MacMain Law Group LLP
- 7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

FRIDAY, JANUARY 31

- 7:00 a.m. Continental Breakfast SPONSORED BY Hall Booth Smith PC Kightlinger & Gray LLP
- 8:00 a.m. Welcome and Announcements Monté L. Williams, Steptoe & Johnson PLLC, Morgantown, WV

8:05 a.m. First Amendment Potpourri

First Amendment speech issues arise in various settings, from the videotaping of police interactions, to public protests, to alleged retaliatory arrests, to actions taken to limit speech at public meetings, to restricting student speech in schools, and more. This session will explore the types of claims that can be brought under the protection of the First Amendment, and how to defend them.

Steven C. Stern, *Sokoloff Stern LLP*, Carle Place, NY

9:05 a.m. Title IX School Liability

Title IX claims against educational institutions are on the rise and present a landmine of concerns. This session will look at how recent changes to regulations affect the issues and

SPECIALIZED LITIGATION GROUP BREAKOUTS

Thursday, January 30, 2:30 p.m.–3:30 p.m. (choose one)

LAND USE

Unconstitutional Takings in Land Use Cases

Public entities are subject to significant exposure when using zoning and land use power to impose overbearing conditions on residential and commercial developers. "Plaintiffs" in these cases have sophisticated and wellfunded legal counsel and significant economic damages when the entity oversteps its bounds. This session will focus on claims that can arise from such "takings," theories of liability, defenses, and the interplay with state zoning proceedings.

M. James Maley, Jr., Maley Givens PC, Collingswood, NJ

David P. Karamessinis, Travelers Insurance Company, Naperville, IL

PRISON

Challenges and Claims that Arise from Initial Prison Intake

The majority of prison-based claims arise from acts and/ or omissions from correctional staff in the first 72 hours from intake. This can range from misclassification, to missing signs of self-harming behavior, to detox issues and "adjustment" to prison life. This session will focus on key and emerging issues in prison litigation, and how counsel can assist corrections clients to manage and minimize these risks.

Robert S. Lafferrandre, *Pierce Couch Hendrickson Baysinger & Green LLP*, Oklahoma City, OK

John T. Roy, OneBeacon Government Risks, Carmel, IN

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claims; how Title IX is administered as a practical matter in school sexual harassment and bullying; best practices in conducting investigations; how to balance the rights of both the accuser and accused; how a Title IX investigation is affected when the police are also investigating the incident for possible criminal conduct; and how the courts are treating Title IX claims and if they are giving deference to administrators and educators.

Jackie W. Moran, Rutgers Universitv-New Brunswick, New Brunswick, NJ

Darcy L. Proctor, Wiedner & McAuliffe, Chicago, IL

- 10:05 a.m. Refreshment Break
- 10:30 a.m. Working with Your Insurance **Claims Professional**

What does an insurance company want from its outside counsel? Join us for a candid discussion of the day in the life of a claims professional working with outside counsel. The panel of experienced claims professionals will discuss what outside counsel can do to make the adjuster's job a bit easier, what they like and need from outside counsel (and what they don't like), how defense counsel can strengthen this important relationship, and how we can better work cooperatively to serve the insured's/client's needs.

MODERATOR | Mary G. Erlingson, Erlingson Banks PLLC, Baton Rouge, LA

Alissa Hurley, OneBeacon, Detroit, MI

Katherine E. Lengiewicz, OneBeacon Government Risks, Englewood, CO

Craig Wilder, AIC, CCLA, Trident Insurance Services, San Antonio, TX

11:30 a.m. Ethical Issues in the Tripartite Relationship

This session will be an interactive and lively panel discussion with an insurance claims professional, an insurance representative, and outside defense counsel who will discuss the challenges, possible conflicts, and cooperative efforts that encompass the handling and defense of a claim. The panel will discuss handling suits that have both covered and uncovered claims, triggers for coverage, reservation of rights, duties, responsibilities, and ethical obligations by and between insured/insurer/ defense counsel, presuit investigation, who controls the defense, who decides settlement, whether multiple defense counsel is needed, conflicts, and more.

MODERATOR | **R. Jeffrey Lowe**, *Kightlinger and* Gray LLP, New Albany, IN

Christopher (Chris) Duffy, Munich Re Specialty Insurance, Chicago, IL

Ricardo A. Woods, Burr & Foreman LLP, Mobile, AL

12:30 p.m. Adjourn

Community Service Project: San Diego Food Bank



Continuing DRI and the Governmental Liability Committee's efforts to leave the cities that we visit better than we found them, we **#DRICares** will be hosting a fundraiser to benefit the San Diego Food Bank during this year's seminar. The San

Diego Food Bank serves the one in seven adults, and one in five children who face food insecurity in San Diego County and feeds 350,000 people every month in partnership with 500 nonprofit community partners that operate feeding programs. Help us support the town hosting us for this vear's seminar. More information will be available in the coming months and on-site at the seminar. https:// sandiegofoodbank.org/about/hunger-facts-research/.

GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember in-house counsel may utilize this offer** only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.

Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **3.5** General CLE hours for the workshop, and up to **10.25** hours, including **1** hour of ethics credit, for the main seminar. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters. Texas CE credits pending approval and are not being offered at this time.** Credit availability and requirements vary from state to state; please **check the DRI website** at **dri.org** for the latest information for your state.

Registration Policy

Save \$100 when you register by January 2, 2020. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **January 9, 2020** (*please allow 10 days for processing*). Registrations received after **January 9, 2020**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before January 9, 2020. Cancellations received after January 9 and on or before January 16, 2020, will receive a refund, less a \$100 processing fee. Cancellations made after January 16 will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri. org) to DRI's Accounting Department. Processing of refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is \$775, regardless of membership status if received on or before January 2, 2020. After January 2, the group rate is \$875. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for DRI Civil Rights and Governmental Tort Liability Seminar attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at Manchester Grand Hyatt San Diego, 1 Market Place, San Diego, CA 92101 (click here to view hotel photos).

Take advantage of the group rate of **\$279 Single/Double** in one of two ways:

- Reserve online: Click here or visit dri.org and go to the DRI Civil Rights and Governmental Torts Seminar page and click on the "Book hotel" button.
- Or contact the hotel directly at 619.232.1234 and mention the DRI Civil Rights and Governmental Tort Liability Seminar.

The hotel block is limited and rooms and rates are available on a firstcome, first-served basis. You must make reservations by **January 2, 2020**, to be eligible for the group rate. Requests for reservations made after **January 2** are subject to room and rate availability.

FACULTY Click on any name to view bio.

Lori V. Berke, Berke Law Firm PLLC, Phoenix, AZ

Karen M. Blum, Suffolk University Law School, Boston, MA Jody C. Corbett, Berke Law Firm PLLC, Phoenix, AZ

Christopher (Chris) Duffy, Munich Re Specialty Insurance, Chicago, IL

Thomas H. (Tom) Dupree, Jr., Gibson Dunn & Crutcher LLP, Washington, DC

Mary G. Erlingson, Erlingson Banks PLLC, Baton Rouge, LA

Whitney M. Harvey, Berke Law Firm PLLC, Phoenix, AZ

Christopher L. (Chris) Heigele, Coronado Katz LLC, Kansas City, MO

Alissa Hurley, OneBeacon, Detroit, MI

Eugene G. (Gene) Iredale, Iredale & Yoo APC, San Diego, CA

Sidney K. (Sid) Kanazawa, McGuire Woods LLP, Los Angeles, CA

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Robert S. Lafferrandre, Pierce Couch Hendrickson Baysinger & Green LLP, Oklahoma City, OK

 Katherine E. Lengiewicz, OneBeacon Government Risks, Englewood, CO

R. Jeffrey Lowe, Kightlinger and Gray LLP, New Albany, IN

David J. MacMain, The MacMain Law Group LLC, West Chester, PA

M. James Maley, Jr., Maley Givens PC, Collingswood, NJ

Jeffrey C. (Jeff) Mando, Adams Stepner Woltermann & Dusing PLLC, Covington, KY

Laurie K. Miller, Jackson Kelly PLLC, Charleston, WV

Stacy L. Moon, Gordon Rees Scully Mansukhani LLP, Birmingham, AL

Jackie W. Moran, Rutgers University–New Brunswick, New Brunswick, NJ

Paul V. Mullin, Sugarman Law Firm LLP, Syracuse, NY

Darcy L. Proctor, Wiedner & McAuliffe, Chicago, IL

Christina (Tina) Retts, The Wieneke Law Group PLC, Tempe, AZ

John T. Roy, OneBeacon Government Risks, Carmel, IN

Philip W. (Phil) Savrin, Freeman Mathis & Gary LLP, Atlanta, GA

Casey C. Stansbury, Freeman Mathis & Gary LLP, Lexington, KY

Steven C. Stern, Sokoloff Stern LLP, Carle Place, NY

Craig Wilder, AIC, CCLA, Trident Insurance Services, San Antonio, TX

Monté L. Williams, Steptoe & Johnson PLLC, Morgantown, WV

Ricardo A. Woods, Burr & Foreman LLP, Mobile, AL

View faculty bios on the Civil Rights and Governmental Tort Liability Seminar webpage; click on "View speakers" button.

Denotes the DRI CLIENT CONNECTION: In-house and claims professional speakers



Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, for availance a diverse membership provides.

backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.

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Civil Rights and Governmental Tort Liability Seminar

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Registration fee includes seminar attendance, networking receptions, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar. Only members of DRI will have access to the PowerPoint presentations after the seminar.

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Civil Rights and Governmental Tort Liability Seminar

January 30–31, 2020 Manchester Grand Hyatt San Diego, CA

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