



DRI delivers **resources** to build your practice

# Civil Rights and Governmental Tort Liability

- Participate in a panel discussion with attorneys from both sides of the bar on handling emotionally charged issues in law enforcement litigation
- Hear renowned constitutional scholars discuss the latest cases from SCOTUS, updates on qualified immunity, and claims against government clients under the ADA
- Attend a breakout session from one of our three substantive litigation groups: law enforcement, education, and land use



January 25–26, 2018

Hilton New Orleans Riverside

New Orleans, LA

**J**oin us for the 31st annual **DRI Civil Rights and Governmental Tort Liability Seminar** as we return to one of our most popular host cities—New Orleans. The seminar program is packed full of presentations on timely topics in many different areas affecting government entities, covering prelitigation, discovery, settlement, trial, and appeal. Dean Erwin Chemerinsky and Professor Karen Blum are returning with their always-insightful presentations on Supreme Court decisions and qualified immunity. Also during this seminar, we will inaugurate our substantive law committees with a breakout presentation from each one. Finally, look for some new networking events to attend both during and right after the seminar.



**Jody C. Corbett**  
Program Chair



**Casey C. Stansbury**  
Committee Chair



**Ryan M. Kunhart**  
Program Co-Vice Chair



**David J. MacMain**  
Committee Vice Chair



**Aaron T. Stone**  
Program Co-Vice Chair



**Laurie K. Miller**  
Law Institute

PRESENTED BY **DRI's Governmental Liability Committee**

## What You Will Learn




- How to prepare for appeals and use interlocutory appeals as a defense strategy
- Practical tips on obtaining social media evidence in discovery and using it in litigation
- How to represent government clients ethically during settlement
- The latest technologies available to police departments and the policies needed for officers to use them
- Trends in qualified immunity claims, jail condition/medical treatment claims, and ADA claims

## Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 4 Download the DRI App   and make use of its features to get the most out of this program
- 5 Share on social media   

## Maximize Your DRI Seminar Experience

*No one gets you connected like DRI.*

- Use the **DRI App** to customize your schedule, view course materials, and communicate with fellow attendees and speakers.
- Access the **DRI Governmental Liability Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the  **DRI Client Connection**—meet in-house and claims professional registrants and speakers.

PROGRAM SCHEDULE

Click on any speaker name to view bio.

WEDNESDAY, JANUARY 24

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**

SPONSORED BY **Daniel Coker Horton & Bell PA**  
**Kightlinger & Gray LLP**

7:30 p.m. **Young Lawyers Dine-Around** (see p. 4)

THURSDAY, JANUARY 25

**Wireless Access**

SPONSORED BY **Husch Blackwell LLP**  
**Mazanec Raskin & Ryder Co. LPA**

7:00 a.m. **Registration**

7:00 a.m. **First-Time Attendees Breakfast**

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Hall Booth Smith PC**

8:00 a.m. **Welcome and Introduction**

**Gary M. Carter, Jr.**, *Louisiana House of Representatives for District 102*, New Orleans, LA

**Jody C. Corbett**, *Berke Law Firm PLLC*, Phoenix, AZ

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

8:15 a.m. **From the Newsroom to the Courtroom: Litigating Emotionally Charged Police Cases**

Learn how to handle emotionally charged issues such as diversity and race in litigating police cases from both the plaintiff's perspective and the defense perspective. From investigation to motion practice, learn tips for handling racially charged lawsuits.

**Frederick K. Brewington**, *The Law Offices of Frederick K. Brewington*, Hempstead, NY

**Eugene P. (Gene) Ramirez**, *Manning & Kass Ellrod Ramirez Trester LLP*, Los Angeles, CA

9:30 a.m. **Refreshment Break**

SPONSORED BY **Williams Leininger & Cosby PA**

10:00 a.m. **Ferguson, Baltimore (INSERT YOUR CITY HERE): A Panel Discussion on Race and Police**

Speakers from both sides of the bar and a state government representative will answer questions about situations confronting litigators in emotionally charged police cases and discuss what diverse jurors may be thinking in these

cases. A frank discussion will be had on the state of relations between police and the diverse communities that they serve and what can be done to improve relations during tense lawsuits which are becoming more regular occurrences.

MODERATOR | **Brett M. Bollinger**, *Zaunbrecher Treadaway LLC*, Covington, LA

**Frederick K. Brewington**, *The Law Offices of Frederick K. Brewington*, Hempstead, NY

**Gary M. Carter, Jr.**, *Louisiana House of Representatives for District 102*, New Orleans, LA

**Eugene P. (Gene) Ramirez**, *Manning & Kass Ellrod Ramirez Trester LLP*, Los Angeles, CA

10:45 a.m. **The Intersection of the First and Fourth Amendments in Interactions Between Citizens and Police Officers**

Police officers are increasingly encountering people boldly asserting what they think are constitutional rights guaranteed by the First and Fourth Amendments. This presentation will cover issues such as refusal to identify, refusal to answer questions, dealing with bystanders, profanity toward officers, filming of police activity and police facilities, related officer safety concerns, weapon pat downs, and the seizure of cameras or cell phones that have recorded police activity.

**Scott D. MacLatchie**, *Womble Bond Dickinson (US) LLP*, Charlotte, NC

11:45 a.m. **Lunch** (on your own)

11:45 a.m. **Women in the Law Luncheon** (see p. 4)

1:15 p.m. **The Significance of *White v. Pauly* to Qualified Immunity—Has the Court Come Full Circle? Are Plaintiffs Without Hope?—with a Sprinkling of Jail Conditions/Medical Needs Claims Post-*Kingsley***

Professor Blum will canvas recent cases and highlight new and important developments in the area of qualified immunity, explaining how a good defense for individual defendants has gotten even better with recent Supreme Court decisions. She will also devote part of her presentation to an overview of circuit decisions extending *Kingsley*'s objective reasonableness

test to pretrial detainee medical needs and conditions claims.

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

2:30 p.m. **The Future Is Now: Current Trends in Police Tools and Technology and Policies to Support Their Use**

This session will show off the latest police tools and discuss the utilization of those items. Be the first to see and hear about these items so you'll be ahead of the game when they show up in your next case. Then gain an understanding of the issues and solutions from a cyber and policy standpoint, as well as insight into what happens on the administrative side if the proper policies are not put in place or if the data is not properly protected.

**Barry M. Miller**, *Mazanec Raskin & Ryder Co. LPA*, Lexington, KY

**Stephen D. Tuttle**, *Axon*, Scottsdale, AZ

3:30 p.m. **Refreshment Break**  
SPONSORED BY **Erlingson Banks PLLC**

3:55 p.m. **Specialized Litigation Group (SLG) Breakout Sessions** (see below)

5:15 p.m. **Governmental Liability Committee Meeting** (*open to all*)

6:00 p.m. **Networking Reception**  
SPONSORED BY **Greines Martin Stein & Richland LLP**

**Marshall Dennehey Warner Coleman & Goggin PC**

7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

**FRIDAY, JANUARY 26**

**Wireless Access**  
SPONSORED BY **Husch Blackwell LLP**  
**Mazanec Raskin & Ryder Co. LPA**

7:00 a.m. **Registration**


7:00 a.m. **Continental Breakfast**

8:00 a.m. **Announcements**  
**Ryan M. Kunhart**, *Dvorak Law Group LLC*, Omaha, NE

8:05 a.m. **Supreme Court Review**  
Constitutional scholar and law school dean Erwin Chemerinsky will once again provide his unique perspective on how this year's Supreme Court decisions affect the defense of governmental entities. Dean Chemerinsky will share his analyses of the past year's and upcoming cases, invaluable to every civil rights and governmental liability practitioner.  
**Erwin Chemerinsky**, *UC Berkeley School of Law*, Berkeley, CA

**SLG BREAKOUT SESSIONS**

Thursday, January 25, 3:55 p.m.–5:15 p.m. (*choose one*)

■ LAW ENFORCEMENT	■ EDUCATION	■ LAND USE
<p><b>Protecting Prisoners from Each Other: Tips to Avoid Inmate Violence</b></p> <p>Learn how prisons can protect special classes of inmates and strategies that they can employ to combat gang violence in an effort to prevent "failure to protect" claims from inmates.</p> <p> <b>David P. Karamessinis</b>, <i>Travelers</i>, Naperville, IL</p> <p><b>Edward (Ed) Sweeney, CJM, CCHP</b>, <i>Sweeney Corrections Consulting LLC</i>, Whitehall, PA</p>	<p><b>Armbands and Unrest: Student Speech Beyond the Schoolhouse Gate</b></p> <p>This session will examine the past and future of the meaning of free speech for students.</p> <p>MODERATOR   <b>Phillip E. (Phil) Friduss</b>, <i>Hall Booth Smith PC</i>, Atlanta, GA</p> <p><b>Wayne T. Stewart, PhD</b>, <i>Hammonds Sills Adkins &amp; Guice LLP</i>, Baton Rouge, LA</p> <p><b>Mary Beth Tinker</b>, <i>Tinker Tour</i>, Washington, D.C.</p>	<p><b>Group Homes: How Can Local Governments Help Neighbors Get Along?</b></p> <p>This session will focus on the challenges that owners of group homes, such as sober living facilities, can make to municipal zoning laws, including under the FHA, ADA, and Equal Protection Clause of the U.S. Constitution</p> <p><b>Dana K. Maine</b>, <i>Freeman Mathis &amp; Gary LLP</i>, Atlanta, GA</p> <p><b>Elizabeth Owen</b>, <i>Greater New Orleans Fair Housing Action Center</i>, New Orleans, LA</p>

9:15 a.m. **Breakout Sessions** (see below)

10:15 a.m. **Refreshment Break**  
SPONSORED BY **The MacMain Law Group LLC**

10:30 a.m. **Protecting the Vulnerable: The Use and Application of the Americans with Disabilities Act in Section 1983 Claims**  
There is a growing recognition by governmental officials, courts, and litigators that citizens with mental and physical disabilities may need special consideration and accommodation by law enforcement officials and correctional facilities. This session will address the state of the law regarding ADA claims in section 1983 litigation and where there may be future claims and areas of concern.  
**David Rudovsky**, *Kairys Rudovsky Messing & Feinberg LLP*, Philadelphia, PA

11:30 a.m. **Ethical and Effective Resolution of Cases: A View from the Bench**  
Learn how to resolve cases effectively and ethically through settlement, mediation, arbitration, and Rule 68 offers of judgment. The presentation will also discuss counsel's ethical obligations to the court, your opponent, and your clients with respect to settlement and negotiation.

MODERATOR | **David J. MacMain**, *The MacMain Law Group LLC*, Malvern, PA  
**The Honorable Karen Wells Roby**, *United States District Court for the Eastern District of Louisiana*, New Orleans, LA

12:30 p.m. **Adjourn**  
**Lunch (on your own)/Public Service Project/Networking Events**

**BREAKOUT SESSIONS**

Friday, January 26, 9:15 a.m.–10:15 a.m. (*choose one*)

**To Appeal or Not Appeal? When and How to Answer This Question**

Learn how to prepare for appeal (as either the appellee or the appellant) during lower court proceedings. The issue of using interlocutory appeals as a defense strategy will also be discussed.  
**Timothy T. Coates**, *Greines Martin Stein & Richland LLP*, Los Angeles, CA

**There's Gold in Them Thar E-Hills: The Mining and Utilization of Social Media**

Learn techniques to obtain social media evidence, both through and outside of formal discovery, as well as strategies regarding its use during settlement negotiations and trial.  
**Wayne S. Melnick**, *Freeman Mathis & Gary LLP*, Atlanta, GA

**NETWORKING EVENTS**

**Wednesday, January 24**

**Young Lawyers Dine-Around Dinner**

Meet with other young lawyers for a fun-filled evening at a local restaurant for networking and good food. More details and information on how to RSVP will be provided later. Please contact Josh Portnoy, [portnoyj@gtlaw.com](mailto:portnoyj@gtlaw.com), in the meantime with any questions.

**Thursday, January 25**

**Women in the Law Committee Lunch**

Join fellow Women in the Law Committee members for lunch, learning, and networking. More details and information on how to RSVP will be provided later. Please contact Chrissy Vessels, [cvessels@mrr-law.com](mailto:cvessels@mrr-law.com), in the meantime with any questions.

**Friday, January 26, 2018**

**Fun Run Along the River**

Any runners (or even nonrunners) can join other committee members early in the morning on Friday, January 26, for a 5K run leaving from the hotel and running along the Mississippi Riverwalk. More

details and information on how to RSVP will be provided later. Please contact Nathaniel Jordan, [njordan@yaub.com](mailto:njordan@yaub.com), in the meantime with any questions.

**Community Service**

Our committee will again be doing a community service fundraiser and/or project to help a local organization. More details and information on how to participate will be provided later. Please contact Tyler Adkins, [Tyler.Adkins@Steptoe-Johnson.com](mailto:Tyler.Adkins@Steptoe-Johnson.com), in the meantime with any questions.

**Friday Afternoon Networking Events**

The committee is also planning some networking activities for small groups that will take place on Friday afternoon after the seminar ends. Either book a late flight on Friday, or stay until Saturday morning to enjoy a Friday afternoon of museums, art, and networking in the historic French Quarter and warehouse district of New Orleans. More details and information on how to RSVP for the various activities will be provided later. Please contact Cathy St. Pierre, [cstpierre@erling-sonbanks.com](mailto:cstpierre@erling-sonbanks.com), in the meantime with any questions.



## 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 **11** hours, including **1** hour of ethics credit. 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.** Credit availability and requirements vary from state to state; **please check the DRI website at [dri.org](http://dri.org)** for the latest information for your state.

### Registration Policy

**Save \$100 when you register by December 26, 2017.** (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 2, 2018** (please allow 10 days for processing). Registrations received after **January 2, 2018**, will be processed on-site.

by **January 2, 2018** (please allow 10 days for processing). Registrations received after **January 2, 2018**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **January 2, 2018**. Cancellations received after **January 2**, and on or before **January 9, 2018**, will receive a refund, less a \$100 processing fee. Cancellations made after **January 9** 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](mailto:seminars@dri.org)) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All 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 **December 26, 2017**. After **December 26**, 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 **Hilton New Orleans Riverside, 2 Poydras Street, New Orleans, LA 70130** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$249 Classic Single/Double** and **\$269 View Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit [dri.org](http://dri.org) and go to the **DRI Civil Rights and Governmental Tort Liability Seminar** page and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 504.561.0500** and mention the **DRI Civil Rights and Governmental Tort Liability Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **December 26, 2017**, to be eligible for the group rate. Requests for reservations made after **December 26, 2017** are subject to room and rate availability.

## FACULTY *Click on any name to view bio.*

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

**Brett M. Bollinger**, Zaunbrecher Treadaway LLC,  
Covington, LA

**Frederick K. Brewington**, The Law Offices of Frederick K.  
Brewington, Hempstead, NY

**Gary M. Carter, Jr.**, Louisiana House of Representatives for  
District 102, New Orleans, LA

**Erwin Chemerinsky**, UC Berkeley School of Law, Berkeley, CA

**Timothy T. Coates**, Greines Martin Stein & Richland LLP,  
Los Angeles, CA

**Jody C. Corbett**, Berke Law Firm PLLC, Phoenix, AZ

**Phillip E. (Phil) Friduss**, Hall Booth Smith PC, Atlanta, GA

➤ **David P. Karamessinis**, Travelers, Naperville, IL

**Ryan M. Kunhart**, Dvorak Law Group LLC, Omaha, NE

**Scott D. MacLatchie**, Womble Bond Dickinson (US) LLP,  
Charlotte, NC

**David J. MacMain**, The MacMain Law Group LLC, Malvern, PA

**Dana K. Maine**, Freeman Mathis & Gary LLP, Atlanta, GA

**Wayne S. Melnick**, Freeman Mathis & Gary LLP, Atlanta, GA

**Barry M. Miller**, Mazanec Raskin & Ryder Co. LPA,  
Lexington, KY

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**Eugene P. (Gene) Ramirez**, Manning & Kass Ellrod Ramirez  
Trestler LLP, Los Angeles, CA

**Elizabeth Owen**, Greater New Orleans Fair Housing  
Action Center, New Orleans, LA

**The Honorable Karen Wells Roby**, United States  
District Court for the Eastern District of Louisiana,  
New Orleans, LA

**David Rudovsky**, Kairys Rudovsky Messing & Feinberg LLP,  
Philadelphia, PA

**Casey C. Stansbury**, Mazanec Raskin & Ryder Co. LPA,  
Lexington, KY

**Wayne T. Stewart, PhD**, Hammonds Sills Adkins & Guice LLP,  
Baton Rouge, LA

➤ **Aaron T. Stone**, OneBeacon Government Risks,  
Plymouth, MN

**Edward (Ed) Sweeney, CJM, CCHP**, Sweeney Corrections  
Consulting LLC, Whitehall, PA

**Mary Beth Tinker**, Tinker Tour, Washington, D.C.

**Stephen D. Tuttle**, Axon, Scottsdale, AZ

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**Insurance Coverage and  
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December 7–8, 2017  
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January 31–February 2, 2018  
**Women in the Law**  
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February 7–9, 2018  
**Product Liability Conference**  
*San Diego Marriott Marquis,  
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March 1–2, 2018  
**Medical Liability and Health Care Law**  
*Manchester Grand Hyatt, San Diego, CA*

March 1–2, 2018  
**Toxic Torts and Environmental Law**  
*Sheraton Nashville Hotel, Nashville, TN*

March 14–16, 2018  
**Appellate Advocacy**  
*Planet Hollywood, Las Vegas, NV*

March 14–16, 2018  
**Trial Tactics**  
*Planet Hollywood, Las Vegas, NV*

## Publications for Your Practice

Members can access  
committee newsletters  
and seminar course  
materials via **DRI Online**  
at **dri.org**.

**Newsletter** *Governmental Liability* (2 times a year)

Visit the **Governmental Liability Committee page** on **dri.org** for information  
about the committee and related resources.

**Governmental Liability** focus in *For The Defense*

**June 2018** (*upcoming*)

**June 2017**

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**Defense Library Series**

*Government Tort Caps, Immunity and Liability*



### 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, 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

January 25-26, 2018  
Hilton New Orleans Riverside | New Orleans, LA

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Please list any special needs

Are you a first-time attendee at this DRI seminar? ☐ Yes ☐ No

How many attorneys are in your firm? What is your primary area of practice?

## REGISTRATION FEE

Registration fee includes seminar attendance, networking events, 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.

	On or before Dec. 26, 2017	After Dec. 26, 2017	
<input type="checkbox"/> Member	\$875	\$975	For inclusion on the preregistration list and to receive course materials in advance, register by January 2, 2018.
<input type="checkbox"/> Nonmember	\$1,110	\$1,210	
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## Civil Rights and Governmental Tort Liability Seminar

January 25–26, 2018  
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