IIT Chicago-Kent College of Law

presents the 31st annual

Section 1983 Civil Rights Litigation Conference

Thursday-Friday, April 24-25, 2014

A comprehensive update on liability arising out of Section 1983, presented by eminent legal scholars and leading practitioners.
Program Chair

Sheldon H. Nahmod
Distinguished Professor of Law
Chicago-Kent College of Law
Illinois Institute of Technology

Professor Nahmod is a leading expert on constitutional law, civil rights and the law of Section 1983. He is the author of Civil Rights and Civil Liberties Litigation: The Law of Section 1983 (4th ed. 2013) and has argued civil rights cases before the U.S. Supreme Court and many other federal courts. A graduate of the University of Chicago and Harvard Law School, he has practiced law in Illinois and Pennsylvania and has written many articles on civil rights and civil liberties questions for professional journals. He also lectures regularly to federal judges on Section 1983. Professor Nahmod received the Lifetime Achievement Award of the State and Local Government Law Section of the ABA for his work in Section 1983 jurisprudence.

He blogs on Section 1983 and constitutional law at nahmodlaw.com and can be followed on Twitter @NahmodLaw.

Program Faculty

Sheldon H. Nahmod
Distinguished Professor of Law, IIT Chicago-Kent College of Law, Chicago, Illinois

Brendan K. Egan
Rothstein, Donatelli, Hughes, Dahlstrom, Schoenb urg & Bienvenu LLP
Albuquerque, New Mexico

Gerald M. Birnberg
Williams Birnberg & Andersen
Houston, Texas

Rosalie B. Levinson
Phyllis and Richard Duesenberg Professor of Law, Valparaiso University School of Law
Valparaiso, Indiana

Karen M. Blum
Associate Dean & Professor of Law
Suffolk University Law School
Boston, Massachusetts

John B. Murphey
Rosenthal, Murphey, Coblentz & Donahue, Chicago, Illinois

Erwin Chemerinsky
Founding Dean & Distinguished Professor of Law
University of California, Irvine
School of Law, Irvine, California

Sheldon H. Nahmod
Distinguished Professor of Law
Chicago-Kent College of Law
Illinois Institute of Technology
Who should attend:
Municipal and state attorneys, plaintiffs’ attorneys and criminal defense attorneys.

Why:
Liability arising out of Section 1983 presents a continuing challenge for all municipal lawyers, private practitioners, and litigators who try cases in this dynamic area. Keeping up with this ever-changing environment is critical. You will learn both the fundamentals and more advanced aspects of Section 1983 practice and trial skills, and analyze the latest judicial decisions.

New Topics This Year

- Equal Protection: Hot Topics
- The Second Amendment

Program Highlights

- The Section 1983 Claim
- Municipal and Supervisory Liability
- Practical Considerations in Section 1983 Litigation
- Attorney’s Fees and Related Ethical Issues
- Individual Immunities
- Immigration-Related Issues in Litigating Civil Rights Claims
- The Supreme Court’s 2012 Term, plus important forthcoming decisions in the Supreme Court’s 2013 Term
Thursday, April 24, 2014
8:00 a.m.–8:50 a.m.
Registration

8:50 a.m.–9:00 a.m.
Welcome
Sheldon H. Nahmod
IIT Chicago-Kent College of Law

9:00 a.m.–10:00 a.m.
The Section 1983 Claim

- Section 1983 and the Fourteenth Amendment
- Pleading
- Constitutional state of mind requirements
- Causation and the Mt. Healthy burden-shift
- Heck v. Humphrey
- Due process and affirmative duties
- Malicious prosecution

Sheldon H. Nahmod
IIT Chicago-Kent College of Law

10:00 a.m.–10:15 a.m.
Questions & Answers

10:15 a.m.–10:30 a.m.
Break

10:30 a.m.–11:30 a.m.
Municipal and Supervisory Liability

- Pleading Monell claims after Iqbal
- What constitutes a policy? Who’s a final policymaker? Whose policy is it?
- Single incident liability? Impact of the Supreme Court’s decision in Connick v. Thompson on failure-to-train claims

11:30 a.m.–11:45 a.m.
Questions & Answers

11:45 a.m.–1:00 p.m.
Lunch (on your own)

1:00 p.m.–1:45 p.m.
Equal Protection: Hot Topics

- Proving intentional class-based animus and domestic violence claims
- Suspect classifications and fundamental rights
- Affirmative action and state bans on affirmative action
- Discrimination based on sexual preference and same-sex marriage
- Class-of-one discrimination
- Supervisory liability for and immunity from equal protection violations

Rosalie B. Levinson
Valparaiso University School of Law

1:45 p.m.–2:00 p.m.
Questions & Answers

2:00 p.m.–3:00 p.m.
Practical Considerations in Section 1983 Litigation

- Plaintiffs’ and defendants’ perspectives
- Realistic view of the case
- Settlement
- Pre-trial matters
• Trial
• Post-trial

John B. Murphey
Rosenthal, Murphey, Coblentz & Donahue

3:00 p.m.–3:15 p.m.
Questions & Answers

3:15 p.m.–3:30 p.m.
Break

3:30 p.m.–4:30 p.m.
Attorney’s Fees and Related Ethical Issues

• Recent Supreme Court cases on attorney’s fees (including Fox v. Vice: what standards control award of fees for prevailing defendants; Lefemine v. Wideman: are fees available for modest injunction without money damages; Marx v. General Revenue: are costs recoverable by prevailing defendant with showing of bad faith)
• Pending Supreme Court cases (Highmark v. Allcare Management Systems; Octane Fitness v. Icon Health and Fitness; and Ray Haluch Gravel Co. v. Central Pension Fund)
• Recently decided Seventh Circuit attorney’s fees cases
• Ethical issues in Section1983 cases (including Rule 68 issues, conflicts, sanctions, frivolous claims)

Gerald M. Birnberg
Williams, Birnberg & Andersen LLP

4:45 p.m.–5:45 p.m.
Reception
Co-sponsored by Thomson Reuters

Friday, April 25, 2014
9:00 a.m.–10:15 a.m.
Individual Immunities

• Absolute immunities for prosecutorial, legislative, and judicial acts, especially focusing on recent Supreme Court cases concerning the scope of absolute prosecutorial immunity
• The standard for qualified immunity: what is clearly established law that a reasonable officer should know?
• The sequence for analyzing qualified immunity questions: Pearson v. Callahan and its significance
• Pleading in light of Ashcroft v. Iqbal
• Liabilities and immunities for private party defendants: Minecci v. Pollard; Richardson v. McKnight

Erwin Chemerinsky
University of California, Irvine School of Law

10:15 a.m.–10:30 a.m.
Questions & Answers

10:30 a.m.–10:45 a.m.
Break
10:45 a.m.–11:30 a.m.  
**Immigration-Related Issues in Litigating Civil Rights Claims**

- How does a party’s immigration status, or a family’s immigration status, affect the decision to litigate, conduct discovery, present the case at trial, and prove damages
- Identification of Section 1983, Bivens, and/or FTCA liability claims arising out of immigration law enforcement, conditions of confinement in detention, or other governmental action against non-citizens
- How to analyze local law enforcement’s participation in immigration law to determine the risks of Section 1983 liability; potential state law limitations on local law enforcement’s ability to enforce immigration law
- Update on immigration-related Section 1983 case law & legislation after Arizona v. U.S.

**Brendan K. Egan**  
Rothstein, Donatelli, Hughes, Dahlstrom, Schoenburg & Bienvenu LLP

11:30 a.m.–11:45 a.m.  
**Questions & Answers**

11:45 a.m.–1:00 p.m.  
**Lunch** (on your own)

1:00 p.m.–1:45 p.m.  
**The Second Amendment**

- The Supreme Court basics: Heller and McDonald
- Unanswered questions: scope and level of scrutiny
- Concealed carry

- Registration and training
- Other firearms
- Section 1983 implications

**Sheldon H. Nahmod**  
IIT Chicago-Kent College of Law

1:45 p.m.–2:00 p.m.  
**Questions & Answers**

2:00 p.m.–3:15 p.m.  
**The Supreme Court’s Term: Recent and Forthcoming Decisions**

- Fourth Amendment developments, including police taking of blood and DNA without consent, consent searches, and DUI stops
- Civil rights developments, including affirmative action, the constitutionality of Section 5 of the Voting Rights Act, and the marriage equality cases
- First Amendment developments, including both religion (legislative prayers) and speech (buffer zones around reproductive health care facilities, campaign finance, and protests outside of military bases)

**Erwin Chemerinsky**  
University of California, Irvine School of Law

3:15 p.m.–3:30 p.m.  
**Questions & Answers**

3:30 p.m.  
**Adjourn**
Can’t Attend?

Program materials and CDs of the presentations can be ordered by checking the corresponding box below and mailing this form in with the appropriate payment. These materials are not interactive and not eligible for Illinois MCLE credit.

**Send me the complete package:**

- Course materials and CDs.  
  (Cost-$495. Payment must be remitted in advance.)
- Send me a CD for the following sessions.  
  (Cost-$75 per session. Payment must be remitted in advance.)

List sessions:

_______________________________________________

_______________________________________________

- Send me the conference course materials.  
  (Cost-$150. Payment must be remitted in advance.)

**Upcoming Programs**

Please check our website at [cle.kentlaw.edu](http://cle.kentlaw.edu) for upcoming programs.
**General Information**

**Program Location**
The conference will be held at IIT Chicago-Kent College of Law, 565 West Adams Street in Chicago.

**Confirmation of Registration**
A letter of confirmation will be emailed to the address given on your registration form. If you do not receive an email confirmation after registering and before the conference please contact the Office of Continuing Legal & Professional Education at cle@kentlaw.iit.edu.

**Confirmation of Attendance**
A certificate of attendance will be provided at registration.

**Cancellations and Refunds**
Written notification of cancellation is required. A full tuition refund is available if notification is received prior to March 27, 2014; 25% will be charged if notification is received between March 27 and April 17, 2014. No refunds will be granted after April 17, 2014. If you register with a purchase order or a voucher and do not cancel your registration in accordance with this policy, you will be charged 25% of the registration fee.

**MCLE Credit**
IIT Chicago-Kent College of Law is an accredited CLE provider for IL & PA MCLE. This conference is eligible for 11.0 hours on a “60-minute” credit hour; 13.0 hours on a “50-minute” credit hour; and includes 1.25 hour of ethics credit. The actual number of approved hours may vary from state to state. For additional information: please call the Office of Continuing Legal and Professional Education, IIT Chicago-Kent College of Law, (312) 906-5090, or send an email to cle@kentlaw.iit.edu.

**Hotel Accommodations**
Hotel accommodations for the convenience of out-of-town guests have been made at the Millennium Knickerbocker Hotel, and the Crowne Plaza Chicago Metro. The room rate at the Millennium Knickerbocker Hotel is $149 for single or double occupancy, plus 16.4% tax. The Millennium Knickerbocker Hotel is a European-style hotel, is a short cab ride to the law school and provides easy access to Michigan Avenue night life and Magnificent Mile shopping. Please make reservations directly with the hotel. The room rate at the Crowne Plaza Chicago Metro is $115 for single or double occupancy, plus 16.4% tax. The Crowne is located four blocks west of the law school within easy walking distance. Please make reservations directly with the hotel. Requests for accommodations at either hotel cannot be assured if made after March 26, 2014.

**To make reservations:**
- **Millennium Knickerbocker Hotel**
  163 E. Walton Place
  Chicago, IL 60611
  Phone: (800) 621-8140
  Fax (312) 751-9663
  www.millenniumhotels.com/knickerbocker
  When booking online enter code: CHIKEN0414

- **Crowne Plaza Chicago Metro**
  733 W. Madison Street
  Chicago, IL 60601
  (312) 829-5000 Voice
  (312) 602-2180 Fax
  www.crowneplaza.com/chicagometro
  When booking online enter group code: S83

Please mention to the hotel reservation receptionist that you are with the IIT Chicago-Kent College of Law Section 1983 Civil Rights Conference

**Registration Fee (per person)**
- **Early Registration Fee: $430**
  ($20 per person discount to groups of 3 or more that register at the same time)
- **After April 1, 2014: $455**
  ($20 per person discount to groups of 3 or more that register at the same time)
- **Government Agency/Alumni: $380**
  (no group discount available)

* Have you attended 10 or more times? Call for special rate.

Fee also includes two continental breakfasts, reception and course materials.
3 Easy Ways to Register

Online:  cle.kentlaw.edu
Mail:  Office of Continuing Legal & Professional Education
       IIT Chicago-Kent College of Law
       565 West Adams St.
       Chicago, IL 60661-3691
Phone:  (312) 906-5090

Name (please print)  Professional Title

Organization/Agency

Address

City  State  Zip

Telephone  Fax

Email

Attorney Registration #
In what state do you require MCLE credit?  
If Chicago-Kent Alumni, list month and year of graduation:  Month____Year____

☐ Please check here if you have any special needs and a CLE staff member will contact you.

Payment Information

☐ Payment by check.  Amount enclosed $ ____________________
(Make check, purchase order or voucher payable to: IIT Chicago-Kent College of Law)
Registration form must accompany payment.  Purchase order or voucher.  Purchase orders or vouchers will not be accepted unless submitted with an assigned purchase order or voucher number.

☐ Payment by credit card.  Amount enclosed $ ____________________
☐ VISA    ☐ MasterCard  ☐ American Express  ☐ Discover

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