35th Annual
SECTION 1983 CIVIL RIGHTS
LITIGATION CONFERENCE

OUT OF THE MOUNTAIN OF DESPAIR,
A STONE OF HOPE
EASY WAYS TO REGISTER

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MAIL
Office of CLE
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565 W. Adams Street
Chicago, IL 60661-3691
Liability arising out of §1983 claims continued to present challenges for courts across the country, and the Supreme Court has had a large impact in this dynamic area of law. Changes expected under the current administration create further impact. This conference, now in its 35th year, keeps you up-to-date on the latest cases, trends, and strategies affecting §1983 litigation. You have the opportunity to examine both the law of §1983 as well as the litigation strategies that underlie successful cases. Experts in the field address the most important issues and provide wisdom for you as you tackle this year’s cases, whether you represent plaintiffs or defendants. As always, the conference provides an analytical approach to problems and offers practical advice about how to solve them.
PROGRAM CHAIR

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

Professor Sheldon Nahmod is a leading expert on constitutional law, civil rights and the law of §1983. He is the author of *Civil Rights and Civil Liberties Litigation: The Law of Section 1983* (4th ed. 2017) and has argued civil rights cases before the U.S. Supreme Court and many other federal courts. He has also lectured to federal judges on §1983. He is a graduate of the University of Chicago, Harvard Law School, and the University of Chicago Divinity School. Professor Nahmod received the Lifetime Achievement Award of the State and Local Government Law Section of the ABA for his work in §1983 jurisprudence.

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

PROGRAM FACULTY

Kimberly D. Bailey
Associate Professor of Law
Chicago-Kent College of Law
Chicago, Illinois

Gerald M. Birnberg
Founding Partner
Williams, Birnberg, & Andersen LLP
Houston, Texas
Karen M. Blum  
Professor Emerita  
Suffolk University Law School  
Boston, Massachusetts

Erwin Chemerinsky  
Dean and Jesse H. Choper  
Distinguished Professor of Law  
University of California Berkeley  
School of Law  
Berkeley, California

Donald B. Kempster  
Founding Partner  
Kempster, Corcoran, Quiceno, & Lenz-Calvo, Ltd.  
Chicago, Illinois

Rosalie B. Levinson  
Senior Research Professor  
Valparaiso University School of Law  
Valparaiso, Indiana

John B. Murphey  
Partner  
Rosenthal, Murphey, Coblentz, & Donahue  
Chicago, Illinois
THURSDAY, APRIL 26, 2018

8:00am-8:40am
Registration

8:40am-8:45am
Welcome

8:45am-10:00am
The Section 1983 Claim: The Basics
• Section 1983 and Fourteenth Amendment violations
• First Amendment retaliatory arrest claims: The pending Lozman case
• Cause in fact: The Mt. Healthy burden-shift
• Proximate cause: The 2017 Mendez decision
• Heck v. Humphrey and existing convictions
• Section 1983 malicious prosecution claims
Sheldon H. Nahmod, Distinguished Professor of Law, Chicago-Kent College of Law

10:00am-10:15am
Break

10:15am-11:30am
Municipal Liability
• Pleading Monell claims after Iqbal
• Monell’s application to private corporations
• What constitutes a policy? Who’s a final policy maker? Whose policy is it?
• Single incident liability? Impact of the Supreme Court’s decision in Connick v. Thompson on failure-to-train claims
• Is failure to have a policy tantamount to a policy? When is proof of deliberate indifference required?
• What impact does grant of qualified immunity to individual defendants have on municipal liability?
Karen M. Blum, Professor Emerita, Suffolk University Law School

11:30am-12:45pm
Lunch, on your own

12:45pm-2:00pm
Equal Protection: Hot Topics
• Proving intentional class-based animus
• Suspect classifications and fundamental rights
• Discrimination based on sexual orientation and gender identity
• Class-of-one discrimination
• Supervisory liability for and immunity from equal protection violations
Rosalie B. Levinson, Senior Research Professor, Valparaiso University School of Law

2:00pm-3:15pm
Practical Considerations in Section 1983 Litigation
• What is the Supreme Court telling us about qualified immunity? Effective use of this defense in light of District of Columbia v. Wesby
• Case analysis from both plaintiffs’ and defendants’ perspective
• Discovery strategies
• Settlement: Evaluation and considerations for settlement conferences
• Pre-trial order and jury instruction issues
• Trial strategies and evidence issues
• Post-trial motion practice
John B. Murphey, Partner, Rosenthal, Murphey, Coblentz, & Donahue

3:15pm-3:30pm
Break

3:30pm-4:45pm
Attorney’s Fees and Related Ethical Issues
• Issues in recently decided Supreme Court attorney’s fees cases (standards controlling awards to prevailing defendants; fees for modest injunctive relief without money damages; costs recoverable by prevailing defendants; timeliness of notice of appeal; adjustments to the lodestar; pre-judgement interest on attorney’s fees)
• Ethical issues in §1983 cases (including Rule 68 issues, conflicts of interest, frivolous claims)
Gerald M. Birnberg, Founding Partner, Williams, Birnberg, & Andersen LLP

4:45pm-6:45pm
Reception, Co-Sponsored by

"The best CLE I have been to in 25 years of practice. Thanks!"
– Marcy LaHart, previous attendee
FRIDAY, APRIL 27, 2018

9:00am-10:30am

Individual Immunities
- Absolute immunities for prosecutorial, legislative, and judicial acts
- 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

Erwin Chemerinsky, Dean and Jesse H. Choper Distinguished Professor of Law, University of California Berkeley School of Law

10:30am-10:45am

Break

10:45am-11:45am

The 4th Amendment: Overview and Update
- Expectations of privacy: The impact of new technologies
- Stop & frisk
- Qualified immunity, the exclusionary rule, and remedies for Fourth Amendment violations
- Regulatory and public safety searches

Kimberly D. Bailey, Associate Professor of Law, Chicago-Kent College of Law

11:45am-1:00pm

Lunch, on your own

1:00pm-2:00pm

Immigration Issues in Litigating Civil Rights Claims
- Administrative remedies and procedures under the Immigration and Nationality Act for addressing apparent civil rights violations involving non-citizens
- Employment discrimination and civil rights violations as a result of I-9 requirements and e-verify
- Identification of Section 1983, Bivens, and FTCA liability claims arising out of immigration law enforcement
- Conditions of confinement in detention and other governmental actions against non-citizens

Donald B. Kempster, Founding Partner, Kempster, Corcoran, Quiceno, & Lenz-Calvo, Ltd.

2:00pm-3:30pm

The Supreme Court’s Term: Recent and Forthcoming Decisions
- Fourth Amendment developments, including police access to cellular location information and the automobile exception to the Fourth Amendment
- First Amendment speech developments, including whether there is a First Amendment exception to anti-discrimination civil rights laws, whether there can be First Amendment retaliation claims if probable cause exists under the Fourth Amendment, and when government action constitutes compelled speech
- First Amendment religion claims concerning the government’s obligation to provide aid to parochial schools
- Constitutional rights including voting, takings, and equal protection
- Civil rights developments, including claims under the Fair Housing Act and the Individuals with Disabilities in Education Act

Erwin Chemerinsky, Dean and Jesse H. Choper Distinguished Professor of Law, University of California Berkeley School of Law

3:30pm

Adjourn

As a first-time attendee I was very impressed with the quality of each presentation and the materials. I was also pleased with the willingness of the speakers to take questions both at the conclusion of their presentations and informally afterward.

– Robert Rothman, previous attendee
UPCOMING CONFERENCES

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| April 10, 2018 | 40th Annual Kenneth M. Piper Lecture *(free!)*  
|             | The Metastasization of Mandatory Arbitration                                            |
|             | Eligible for 1.5 hrs IL MCLE credit                                                  |
| May 17, 2018 | 37th Annual Federal Tax Institute                                                    |
|             | Eligible for 8.0 hrs IL MCLE credit                                                  |
| June 7, 2018 | 37th Annual Conference on Not-For-Profit Organizations                                |
|             | IL MCLE credit to be determined                                                      |
| June 12, 2018 | Hot Topics in Contemporary Labor Relations Law Conference, in cooperation with the NLRB Region 13 |
|             | IL MCLE credit to be determined                                                      |

INTERESTED IN SPONSORSHIP OPPORTUNITIES?
Get in front of your audience first-hand when you confirm your support as a session sponsor. Be everyone's favorite phrase when you become a Wi-Fi sponsor. These are just a couple of the opportunities available throughout the spring and fall.
Contact Kelly Calvanico, CLE Director, at 312.906.5091 or kcalvani@kentlaw.iit.edu for further information.

WHO SHOULD ATTEND THE § 1983 CONFERENCE?
- Municipal & State Attorneys
- Plaintiffs’ Attorneys
- Criminal Defense Attorneys

WHY ATTEND?
This is a must-attend event for anyone who needs the most current information on the happenings in section 1983.
During this conference you will:
- Hear directly from the most prominent academics and practitioner experts in the field
- Interact directly with each speaker during Q&A
- Connect and learn from your peers nationwide

“This is a must-attend conference for anyone who practices §1983 litigation, defense or plaintiff. I love hearing from all the regular professors and appreciate the reviews on the important issues and cases throughout the country.” – Kyle Kaiser, previous attendee
ORDER SECTION 1983 COURSE MATERIALS

Can't attend? Program materials and live CD recordings of the presentations will be available for purchase. Please make your selection(s) below. Note, these materials are not interactive and are not eligible for Illinois MCLE credit.

- **$500**  
  **Full Set**  
  Printed course book and CDs of all sessions

- **$155**  
  **Hard Copy Materials**  
  Printed course book only

- **$80 per session**  
  **Single Session Recording**  
  CD(s) of individual presentations from the 2018 conference:
  - The Section 1983 Claim: The Basics
  - Municipal Liability
  - Equal Protection: Hot Topics
  - Practical Considerations in Section 1983 Litigation
  - Attorney’s Fees and Related Ethical Issues
  - Individual Immunities
  - The 4th Amendment: Overview and Update
  - Immigration Issues in Litigating Civil Rights Claims
  - The Supreme Court’s Term: Recent and Forthcoming Decisions

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EVENT DETAILS

PRICING

Have you attended this conference for 10+ years? Call for a special rate.

REGISTRATION FORM

Prefix Name(s) (please print) Professional Title(s)

Firm/Company/Organization

Address

City, State, Postal Code

Telephone Fax Email

Special Dietary Requirements or Accessibility Needs?

CLE Credit?  Yes  No  Which State(s)? ________________________

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☐ Payment by Purchase Order

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NOTE: Registration form must accompany payment information, a purchase order, or a voucher. Purchase orders or vouchers will not be accepted unless a hard copy is submitted with an assigned purchase order or voucher number. If your agency is transferring funds electronically, please notify us as soon as possible.

*To qualify for the group pricing you need only register 3 or more individuals at the same time, does not apply with other discounted rates.

EASY WAYS TO REGISTER

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Chicago-Kent College of Law
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Chicago, IL 60661-3691
We have negotiated a special rate for our conference attendees at the following hotels:

**The Crowne Plaza Chicago Metro** is located four blocks from Chicago-Kent in Greektown and is a union hotel. Rooms are available at the group rate of $169/night plus tax. Reservation may be made by contacting the hotel directly at 312-829-5000 or online at http://bit.ly/crowne418. When registering online enter the group code U8K. To enjoy this special group rate, reservations must be made by March 28, 2018. Please be sure to mention you are attending the Chicago-Kent Section 1983 Civil Rights Litigation Conference when making your reservations to receive our special group rate.

**The Holiday Inn Chicago Mart Plaza** is a full service hotel located atop the Chicago Sun-Times building in the River North neighborhood of downtown. It is a 20-minute walk or a short cab ride to the law school. Rooms are available at the group rate of $199/night plus tax. Reservation may be made by contacting the hotel directly at (312) 836-5000 or online at http://bit.ly/martplaza18. When registering online enter the group code EK9. To enjoy this special group rate, reservations must be made by March 26, 2018. Please be sure to mention you are attending the Chicago-Kent Section 1983 Civil Rights Litigation Conference when making your reservations to receive our special group rate.

**HOTEL ACCOMMODATIONS**

A full tuition refund will be granted if received in writing by March 29, 2018. Tuition, less a 25% cancellation fee will be granted if received between March 30, 2018 and April 19, 2018. No refunds will be granted if received after April 19, 2018, but a substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive access to the written materials. Registrations made with a purchase order not cancelled before the April 19 deadline will be charged 25% of the registration fees.

Email cancellation notices to cle@kentlaw.iit.edu.

**CONTINUING LEGAL EDUCATION CREDIT**

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*For information on additional state accreditations, contact the Office of CLE at cle@kentlaw.iit.edu.

**CONFERENCE LOCATION | CHICAGO-KENT COLLEGE OF LAW**

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Thursday & Friday, April 26-27, 2018

Earn 11 hours or more of CLE credit for various states