



DRI delivers **resources** to build your practice

# Civil Rights and Governmental Tort Liability

- Join in a panel discussion with a school resource officer and school administrator on preventing school shootings.
- Hear nationally renowned constitutional scholars discuss recent qualified immunity and SCOTUS cases affecting governmental entities.
- Learn strategies for handling litigation and evidentiary issues in police liability cases.



January 31-February 1, 2019

San Antonio Marriott Rivercenter Hotel

San Antonio, TX

**J**oin us for the **32nd Annual Civil Rights and Governmental Tort Liability Seminar** as we return to the Lone Star State and visit San Antonio. The seminar program is packed full of presentations on timely topics in many different areas affecting government entities, including school shootings, technology in law enforcement departments, discovery, and trial. Professor Karen Blum returns with her always insightful presentation on qualified immunity. Our popular substantive law committee breakout presentations will return this year along with additional breakout sessions on topics that governmental entities commonly face. Finally, look for networking and community service events to attend both during and right after the seminar.



**Ryan M. Kunhart**  
Program Chair



**David J. MacMain**  
Committee Chair



**Paul V. Mullin**  
Program Vice Chair



**Christopher L. (Chris) Heigle**  
Committee Vice Chair



**David Bachman**  
Program Vice Chair



**Laurie K. Miller**  
Law Institute

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

Register online now at [dri.org](https://dri.org) or complete the form in the back.

## What You Will Learn



- The latest from SCOTUS as discussed by nationally renowned speakers
- How to handle and advise clients on school shooting matters
- Practical insight on litigation and evidentiary issues in police liability cases
- How to represent governmental clients ethically throughout the litigation process
- How law enforcement departments are effectively utilizing the latest technology

## Members Get More

- Access to **LegalPoint**™ at **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:



Use dri™ Dividends Points to **reduce your registration fee**:

- Recruit a member
- Attend a seminar
- Participate on a committee
- ...and more!

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## PROGRAM SCHEDULE

### WEDNESDAY, JANUARY 30

- 4:30 p.m. **Registration**
- 5:00 p.m. **First-Time Attendees Reception and Committee Orientation**
- 6:00 p.m. **Networking Reception**  
SPONSORED BY **Daniel Coker Horton & Bell PA**
- 7:30 p.m. **Young Lawyers Dine-Around** (see page 6)

### THURSDAY, JANUARY 31

- 7:00 a.m. **Registration**
- 7:00 a.m. **Government Lawyers Breakfast**
- 7:00 a.m. **Continental Breakfast**  
SPONSORED BY **Hall Booth Smith PC**  
**Marshall Dennehey Warner Coleman & Goggin PC**
- 8:00 a.m. **Welcome and Introduction**  
**Ryan M. Kunhart**, *Dvorak Law Group LLC*, Omaha, NE  
**Laurie K. Miller**, *Jackson Kelly PLLC*, Charleston, WV
- 8:15 a.m. **School Security/Guns in Schools: What's Gone Wrong in the Cases We've Seen and Where Do We Stand Today?**  
Learn how to advise clients and assess liability risks on issues facing educational institutions relating to school shootings. Kevin Quinn will discuss liability risks and alternatives to arming teachers and partnering with local law enforcement agencies to provide school resource officers. This presentation will also cover common warning signs in past school shootings, including social media posts and other indicators present before school shootings.  
**Kevin Quinn**, *Arizona School Resource Officers Association*, Phoenix, AZ
- 9:15 a.m. **From Sandy Hook to Santa Fe: A Panel Discussion on Preventing School Shootings**  
A school resource officer and law enforcement officer, school administrator, and litigator will answer questions about situations confronting them in recent school shooting cases. Our panel

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

will have an open discussion about the issues confronting their respective professions, from trying to prevent school shootings to handling litigation after school shootings.

MODERATOR | **Monté L. Williams**, *Steptoe & Johnson PLLC*, Morgantown, WV

**Art Acevedo**, *Houston Police Department*, Houston, TX

**Jon Akers**, *Kentucky Center for School Safety*, Richmond, KY

**Kevin Quinn**, *Arizona School Resource Officers Association*, Phoenix, AZ

#### 10:15 a.m. Refreshment Break

#### 10:45 a.m. Limits on the Use of Technology in Small and Large Law Enforcement Departments

Police officers are expected to be skilled and proficient when using a wide variety of cutting-edge technology. The capabilities and limitations on the use of certain technology can be dependent on the size of the law enforcement department. This presentation will discuss how departments both large and small are handling the use of technology such as body cameras and fleet cameras, and how departments are training their employees to store the data from such technology properly to avoid chain of custody and spoliation issues.

**Art Acevedo**, *Houston Police Department*, Houston, TX

**Jeffrey W. (Jeff) Halstead, Ret.**, *Chief of Police*, Fort Worth, TX

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

#### 11:45 a.m. Women in the Law Luncheon (see page 6)

#### 1:15 p.m. Has the Demise of Qualified Immunity Been Greatly Exaggerated?

The doctrine of qualified immunity has been increasingly under attack by scholars and judges. Even Justice Thomas has suggested that the doctrine should be revisited and revised to reflect its application at common law. The CATO Institute is filing amicus

curiae briefs on behalf of plaintiffs. Along with providing a survey of recent case law across the circuits, Professor Blum will examine the major criticisms directed at the doctrine and highlight the confusion surrounding its application at each stage of Section 1983 litigation. Will the qualified immunity defense be revamped, or will it remain the “darling” of the Supreme Court?

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

2:30 p.m. **Responding to and Recent Efforts to Roll Back and Attack the Use of Qualified Immunity**

Qualified immunity was recently referred to as an “unlawful assault on civil rights and police accountability.” After Professor Blum’s presentation, gain insight from the State and Local Legal Center’s executive director on how to counter these efforts and effectively respond to the use of such publications and efforts against your clients.

**Lisa Soronen**, *State and Local Legal Center*, Washington, DC

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

3:55 p.m. **Specialized Litigation Group 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**  
**MacMain Law Group**

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

**FRIDAY, FEBRUARY 1**

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

7:00 a.m. **Continental Breakfast**  
SPONSORED BY **Kightlinger & Gray LLP**

8:00 a.m. **Announcements**  
**Paul V. Mullin**, *Sugarman Law Firm LLP*, Syracuse, NY

8:05 a.m. **Supreme Court Review**  
Supreme Court advocate Tom Dupree will break down the politics, personalities, and leading cases, as the Court launches a new term with a new Justice. Mr. Dupree’s engaging, energetic and informative presentation will provide invaluable information that every civil rights and governmental liability practitioner needs to know.

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

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

10:15 a.m. **Refreshment Break**

**SPECIALIZED LITIGATION GROUP BREAKOUT SESSIONS**

Thursday, January 31, 3:55 p.m.–5:00 p.m. (*choose one*)

■ LAW ENFORCEMENT	■ EDUCATION	■ LAND USE
<p><b>How Far? How Deep? How Wide? Responding to and Limiting <i>Monell</i> Discovery</b></p> <p>Gain practical insight on common discovery issues relating to <i>Monell</i> claims, including defining the scope of policies and procedures that need to be produced and how to set limitations effectively on temporal limitations relating to requests for personnel files.</p> <p><b>Tara L. Johnston</b>, <i>Erlingson Banks PLLC</i>, Baton Rouge, LA</p>	<p><b>Is It Really Reasonable?</b></p> <p>Hear from a practitioner on how to handle common accommodation requests and Americans with Disabilities Act issues in educational institutions.</p> <p><b>Pamela A. Leist</b>, <i>Ennis Britton Co. LPA</i>, Cincinnati, OH</p>	<p><b>You Can’t Take It Back</b></p> <p>Learn how to limit or minimize potential fallout and other issues from comments and statements made by elected officials during legislative sessions.</p> <p><b>Christopher D. (Chris) Balch</b>, <i>Balch Law Group</i>, Atlanta, GA</p>

10:30 a.m. **Handling Critical Litigation and Evidentiary Issues in Police Liability Defense Cases**

When defending police officers and municipalities in police liability cases, practitioners are faced with a multitude of issues from the moment a complaint is filed. This session will cover questions that we commonly ask ourselves when defending these cases: Should you remove the case to federal court? Do you file a motion to dismiss when the plaintiff will likely be able to amend to cure the defects? How do you effectively handle the deposition of a plaintiff? Should you depose the plaintiff's experts? How do you effectively set the case up for summary judgment motion based on qualified immunity? How do you effectively use motions in limine? What issues should you consider when preparing jury instructions or special verdict forms? You won't want to miss the critical answers to these questions and many more.

**Robert L. (Bob) Christie**, *Christie Law Group PLLC, Seattle, WA*

11:30 a.m. **Ethical and Effective Use of Motion Practice and Representing Multiple Parties: A View from the Bench**

Hear from a federal magistrate on how to use motion practice effectively and ethically to try and resolve cases or limit the scope of issues for trial. The presentation will discuss counsel's ethical obligations to the court and opposing counsel when citing nonbinding and unreported legal authority and evidence in a summary judgment motion. There will also be a discussion about ethical issues when representing multiple parties, such as a municipality and its police officers in civil rights litigation.

**MODERATOR | Nicholas J. (Nick) Lanza**, *Lanza Law Firm PC, Houston, TX*

**The Honorable Keith F. Giblin**, *US District Court, Eastern District of Texas, Beaumont, TX*

12:30 p.m. **Adjourn/Lunch (on your own)**

**Public Service Project | Networking Events**  
(see page 6)

BREAKOUT SESSIONS

Friday, February 1, 9:15 a.m.–10:15 a.m. (*choose one*)

■ EMPLOYMENT	■ YOUNG LAWYERS	■ PRISON/LAW ENFORCEMENT
<p><b>Use of “Me Too” Evidence</b></p> <p>Frequently, plaintiffs attempt to introduce other instances of discrimination or harassment against other employees by the alleged harasser or employer as evidence to prove their claims. Learn how to challenge the admissibility of such evidence and how to defend against the use of it if the evidence is deemed admissible.</p> <p><b>Brian H. Leinhauser</b>, <i>The MacMain Law Group LLC, Malvern, PA</i></p>	<p><b>Nuts and Bolts of 42 U.S.C. §1983 Claims and Litigation</b></p> <p>This breakout will provide an understanding of how to analyze and litigate a 42 U.S.C. §1983 claim once it hits your desk. All attendees are invited to this session because it will also provide a refresher for experienced practitioners.</p> <p><b>Peter R. Jennetten</b>, <i>Quinn Johnston Henderson Pretorius &amp; Cerulo, Peoria, IL</i></p>	<p><b>Heroin Addiction and Suicide: A Deadly Brew</b></p> <p>U.S. jails, similar to the communities that they serve, are in the throes of a drug addiction epidemic, specifically a rise in opiate addiction. Predictably, death rates are on the rise. However, it is not just accidental overdoses that are behind the steep increase in deaths attributed to such drugs as heroin. In jails, the increased mortality among this population is occurring as a result of suicide. This presentation presents the statistics of substance use and suicide among drug-addicted persons, describes the psychological and physiological factors that contribute to suicidality, and details methods for improved identification and management of at-risk detainees.</p> <p><b>Melissa S. Caldwell, PhD, CCHP-MH</b>, <i>Advanced Correctional Healthcare Inc, Peoria, IL</i></p>



## 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 **10.50** 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 January 8, 2019.** (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 15, 2019** (*please allow 10 days for processing*). Registrations received after **January 15, 2019**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **January 15, 2019**. Cancellations received after **January 15** and on or before **January 22, 2019**, will receive a refund, less a \$100 processing fee. Cancellations made after **January 22** 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 **January 8, 2019**. After **January 8**, 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 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 **San Antonio Marriott Rivercenter Hotel 101 Bowie Street, San Antonio, TX 78205** (**[click here](#)** to view hotel photos).

Take advantage of the group rate of **\$245 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 Liability Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 210.223.1000** and mention the **DRI Civil Rights and Governmental 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 **January 8, 2019**, to be eligible for the group rate. Requests for reservations made after **January 8** are subject to room and rate availability.

## FACULTY

**Art Acevedo**, Houston Police Department, Houston, TX

**Jon Akers**, Kentucky Center for School Safety, Richmond, KY

➔ **David Bachman**, Brit Global Specialty USA, Chicago, IL

**Christopher D. (Chris) Balch**, Balch Law Group, Atlanta, GA

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

**Melissa S. Caldwell, PhD, CCHP-MH**, Advanced Correctional Healthcare Inc, Peoria, IL

**Robert L. (Bob) Christie**, Christie Law Group PLLC, Seattle, WA

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

**The Honorable Keith F. Giblin**, US District Court, Eastern District of Texas, Beaumont, TX

**Jeffrey W. (Jeff) Halstead, Ret.**, Chief of Police, Fort Worth, TX

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

**Peter R. Jennetten**, Quinn Johnston Henderson Pretorius & Cerulo, Peoria, IL

**Tara L. Johnston**, Erlingson Banks PLLC, Baton Rouge, LA

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

**Nicholas J. (Nick) Lanza**, Lanza Law Firm PC, Houston, TX

**Brian H. Leinhauser**, The MacMain Law Group LLC, Malvern, PA

**Pamela A. Leist**, Ennis Britton Co. LPA, Cincinnati, OH

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

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

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

**Kevin Quinn**, Arizona School Resource Officers Association, Phoenix, AZ

**Lisa Soronen**, State and Local Legal Center, Washington, DC

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

**View faculty bios on the [Civil Rights and Governmental Tort Liability Seminar webpage](#); click on “View speakers” button.**

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## NETWORKING EVENTS

### Wednesday, January 30

#### 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 Kevin R. Stone, [kstone@fmglaw.com](mailto:kstone@fmglaw.com), and Charles Gilliam-Brownlee, [cgilliam-brownlee@macmainlaw.com](mailto:cgilliam-brownlee@macmainlaw.com), in the meantime with any questions.

### Thursday, January 31

#### Women in the Law Committee Lunch

Join 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@mrrlaw.com](mailto:cvessels@mrrlaw.com), in the meantime with any questions.

### Friday, February 1

#### Fun Run Along the Riverwalk

Any runners (or even nonrunners) can join other seminar attendees early in the morning on Friday, February 1, 2019, for a 5K run leav-

ing from the hotel and running along the South Town/Riverwalk Trail. 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

We will again be doing a community service fundraiser or project to help a local organization. More details and information on how to participate will be provided later. Please contact Ray Harrell, [rharrell@flahertylegal.com](mailto:rharrell@flahertylegal.com), in the meantime with any questions.

#### Friday Afternoon Networking Activities

The committee is also planning 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 networking in the Riverwalk District of San Antonio. More details and information on how to RSVP for the various activities will be provided later. Please contact Jody Corbett, [jody@berkelawfirm.com](mailto:jody@berkelawfirm.com), in the meantime with any questions.



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January 23–25, 2019  
**Women in the Law**  
*Hotel del Coronado, Coronado, CA*

February 6–8, 2019  
**Product Liability Conference**  
*JW Marriott Austin, Austin, TX*

March 14–15, 2019  
**Toxic Torts and Environmental Law**  
*Sheraton New Orleans,  
New Orleans, LA*

March 21–22, 2019  
**Medical Liability and Health Care Law**  
*Hilton Nashville Downtown,  
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April 3–5, 2019  
**Insurance Coverage and  
Claims Institute**  
*Loews Chicago Hotel, Chicago, IL*



### 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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January 31–February 1, 2019

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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 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.

	On or before Jan. 8, 2019	After Jan. 8, 2019	
<input type="checkbox"/> Member	\$875	\$975	For inclusion on the preregistration list and to receive course materials in advance, register by January 15, 2019.
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* As defined on page 5			
** See page 6			

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