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# Civil Rights Étouffée

A FEDERAL BAR ASSOCIATION CIVIL RIGHTS CLE  
FEBRUARY 2 & 3, 2023

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✿ **Laissez L'Étouffée Rouler!** ✿



# THURSDAY, FEBRUARY 2

## Nuts and Bolts of § 1983 Litigation Bootcamp

Eastern District of Louisiana Courthouse  
Courtroom C-467  
500 Poydras Street

### INTRODUCTION: 1:30pm

Whether you're just starting out and are interested in making civil rights work your focus, you want to take a pro bono case, or if you just need to brush up on the basics, this three-session mini-bootcamp will be for you! Seminars, taught by experienced civil rights practitioners, will provide a foundation in the legal claims, defenses, and remedies in a § 1983 cause of action and practical advice to succeed in client management, discovery, and pre-trial resolution.

### SESSION 1: 1:40pm

#### Rule 12(b): Cracking the Nut: Essentials of § 1983

This session will cover the basics of the § 1983 cause of action, from the statutory language to the elements of a cause of action, to liability for entities, to remedies. The session is perfect for someone completely new to § 1983 litigation or someone who might want a refresh on fundamental federal civil rights principles.

**PANELISTS:** Elena Cohen, Drexel Kline School of Law, Cohen & Green; Eric Foley, MacArthur Justice Center; Kyle Kaiser, Utah Attorney General; Eileen Rosen, Rock, Fusco & Connelly, LLC



ELENA COHEN



ERIC FOLEY



KYLE KAISER



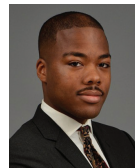
EILEEN ROSEN

### SESSION 2: 2:50pm

#### Rule 12(b)(SUCKS): Surviving, Winning, and Avoiding the Early Motion to Dismiss

Early motions to dismiss are frequently filed in § 1983 cases. Panelists in this session will discuss ways to survive (from a plaintiff's perspective) or win (from a defense perspective), a motion to dismiss, or even how to avoid them altogether with proper pleading. Topics include pleading the proper plaintiff and defendant (standing and absolute / 11th Amendment immunity issues, pleading sufficient facts (the Iqbal standard as it applies in § 1983), and pleading a claim with supported by clearly established law (qualified immunity).

**PANELISTS:** Daniel Lambright, NYCLU; Elizabeth Cumming, MacArthur Justice Center; Kyle Kaiser, Utah Attorney General



DANIEL LAMBRIGHT



ELIZABETH CUMMING



KYLE KAISER

### SESSION 3: 4:00pm

#### The Nitty-Gritty: Practical Advice on Litigating a § 1983 Claim to Trial

The session will be a guided Q&A delving into the practical matters of litigating a § 1983 case, largely from the perspective of a plaintiff's attorney. Topics covered will include advice for intake and managing client expectations, pre-filing research, special considerations for incarcerated clients, deposition and witness prep tips, evaluating a case in light of a Rule 68 offer, settling with insured vs. self-insured entities, and more. We expect this to be a dynamic session, so audience members should bring their questions to ask our panel of experienced litigators!

**PANELISTS:** Cary London, Shulman & Hill, PLLC; Elena Cohen, Drexel Kline School of Law, Cohen & Green; Wylie Stecklow, Fordham Law School, Wylie Stecklow PLLC



CARY LONDON



ELENA COHEN



WYLIE STECKLOW



# FRIDAY, FEBRUARY 3 Civil Rights Étouffée

New Orleans Jazz & Heritage Foundation  
George and Joyce Wein Jazz & Heritage Center  
1205 N. Rampart Street



## AUDITORIUM: 9:05am

### The Civil Rights Issues in the Civil Immigration Detention System in the United States

Background on the civil immigration detention system and issues from access to counsel; detainee abuse; unwarranted deprivations of liberty and alternatives to incarceration; the for-profit nature of the system and obstacles that stand in the way of reform; litigation and legislative efforts to challenge the system; and what the Biden Administration is doing (and not doing) about it.

**PANELISTS:** Jeffrey A. Feinbloom, Feinbloom Bertisch LLP; Mark Fleming, National Immigrant Justice Center; David Gersten, Acting Immigration Ombudsman, DHS



JEFFREY A. FEINBLOOM



MARK FLEMING



DAVID GERSTEN

## BREAKOUT: 9:05am

### Mental Health Crises

Across the Country, the Traditional Approach to Mental Health calls has led to horrible results. This panel will review the ethical issues when representing individuals with mental health issues; relevant claims that can be brought related to police misconduct at mental health incident; and keys to drafting injunctive relief claims for impactful change

**PANELIST:** Jonathan C. Moore, Beldock Levine & Hoffman, LLP



JONATHAN C. MOORE

## AUDITORIUM: 10:20am

### From the Novice to Seasoned Practitioner, Nuts and Bolts and Issues in E-Discovery

Knowledge and expertise on e-discovery issues can be the difference between successful litigation and one with elements lacking in key evidentiary support. Three seasoned veterans of civil rights litigation will discuss e-discovery issues from beginner to intermediate to advanced.

**PANELISTS:** Andy Lee, Litigation Practice Group; Emma M. Greenwood, Greenwood Law Group, PLLC; Rob Rickner, Rickner PLLC



ANDY LEE



EMMA M. GREENWOOD



ROB RICKNER

## BREAKOUT: 10:20am

### Remedies, Court Access, and Beyond: Life after Cummings

The Supreme Court last term limited the remedies available in disability cases. It may be poised next term to limit access to the federal courts in general. What does this mean for attorneys and clients on both sides of the v?

**PANELISTS:** William D. Goren, William D. Goren, J.D. LL.M. LLC; Caryl Andrea Oberman, Oberman and Yazno-Bartle LLC; Andrew Rozynski, Eisenberg & Baum, LLP



WILLIAM D. GOREN



CARYL ADREA OBERMAN



ANDREW ROZYSKI

## AUDITORIUM: 11:30am PLENARY

### Working Together: Effective Impact Litigation with Dozens of Co-counsel on Both Sides of the V

Hear from attorneys from various consolidated litigations in the SDNY, In Re Summer 2020 George Floyd Protesting, on how they have been able to pool resources, work together, and move towards a successful resolution for their clients and all protestors in NYC.

**PANELISTS:** Elena Cohen, Drexel Kline School of Law, Cohen & Green; Robert Balin, Davis Wright Tremaine LLP; Rob Rickner, Rickner PLLC; Wylie Stecklow, Fordham Law School, Wylie Stecklow PLLC; Mickey H. Osterreicher, Finnerty, Osterreicher, Abdulla; National Press Photographers Association (NPPA); Alicia Wagner Calzada, Alicia Wagner Calzada, PLLC; Daniel Lambright, NYCLU; Jonathan C. Moore, Beldock Levine & Hoffman, LLP



ELENA COHEN



ROBERT BALIN



ROB RICKNER



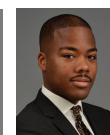
WYLIE STECKLOW



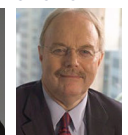
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ALICIA WAGNER CALZADA



DANIEL LAMBRIGHT



JONATHAN C. MOORE





# FRIDAY, FEBRUARY 3 Civil Rights Étouffée

New Orleans Jazz & Heritage Foundation  
George and Joyce Wein Jazz & Heritage Center  
1205 N. Rampart Street



## AUDITORIUM: 1:45pm

### Policing in the United States and Reform Arising from Qualified immunity

Police Reform in a post-George Floyd World. In the wake of George Floyd's murder, many state legislatures, including Massachusetts, passed legislation creating independent boards to certify police officers and investigate allegations of police misconduct. Hear from the Deputy Executive Director of the International Association of Chiefs of Police and a prominent Boston-based civil rights attorney, to learn more about how these actions impact the police reform movement generally and are impacting issues related to civil rights litigation in particular. Topics to be discussed include police certification, qualified immunity, and the impact of lawsuits on the certification process.

**PANELISTS:** Leonard H. Kesten, BHPK Law; Marsha V. Kazarosian, Kazarosian Costello LLP; Chief Terrence M. Cunningham, International Association of Chiefs of Police (IACP)



LEONARD H.  
KESTEN



MARSHA V.  
KAZAROSIAN



CHIEF TERRENCE M.  
CUNNINGHAM

## BREAKOUT: 1:45pm

### Frontiers in Fair Housing

Two nationally recognized fair housing experts will discuss current trends in fair housing law. Topics include emerging issues in housing discrimination based on disability and LGBTQ+ status, emotional support animals, zoning, and a forthcoming HUD regulation on segregation known as "Affirmatively Furthering Fair Housing."

**PANELISTS:** Heather Abraham, Civil Rights & Transparency Clinic at the State University of New York at Buffalo School of Law; Stephen M. Dane, Dane Law; Robin Wagner, Pitt, McGehee, Palmer, Bonanni & Rivers, PC



HEATHER  
ABRAHAM



STEPHEN M.  
DANE



ROBIN  
WAGNER

## AUDITORIUM: 3:00pm

### What is Going on with the First Amendment?! A Look at the Status and Future of LGBTQ+ Rights

Don't Say Gay or Trans in Florida schools; 303 Creative, LLC v. Elenis; Taking Offense v. State of California... and the list goes on. Numerous issues and competing doctrines are in play within the First Amendment and LGBTQ+ rights are hanging in the balance. Two immensely distinguished panelists will take us beyond the headlines to the constitutional doctrines and the civil rights they implicate.

**PANELISTS:** Camilla B. Taylor, Lambda Legal; Robin Wagner, Pitt, McGehee, Palmer, Bonanni & Rivers, PC



CAMILLA B.  
TAYLOR



ROBIN  
WAGNER

## BREAKOUT: 3:00pm

### Native American Indian Law

The panel will focus on the background and history of Federal Indian law as it intersects with modern civil rights issues and explains recent Supreme Court decisions (*United States v. McGirt* and *Oklahoma v. Castro-Huerta*) impacting Indian country and reverberating throughout the nation.

**PANELISTS:** Andrea M. Seielstad, University of Dayton; Barbara Creel, The University of New Mexico



ANDREA M.  
SEIELSTAD



BARBARA  
CREEL

## AUDITORIUM: 4:10pm PLENARY

### Trauma-Informed Lawyering

Best practices for civil suit attorneys working with victims of sexual assault and other violence.

**PANELISTS:** Kim Dougherty, Justice Law Collaborative; Tasha Schwikert, Munck Wilson Mandala; Victor Petreca, Boston College William Connell School of Nursing; Megan Bonanni, Pitt McGehee Palmer Bonanni & Rivers, PC



KIM  
DOUGHERTY



TASHA  
SCHWIKERT



VICTOR  
PETRECA



MEGAN  
BONANNI



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