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**SAVE THE DATE - FRIDAY, JANUARY 28, 2005  
POLICE MISCONDUCT LITIGATION**



Lifelong Learning for the Legal Profession



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LAW SCHOOL

CENTER *for* ADVANCED LEGAL STUDIES  
Celebrating 20 years of quality educational programs

NATIONAL POLICE ACCOUNTABILITY PROJECT  
Dedicated to ending police abuse of authority

Friday, January 28, 2005  
University of Washington School of Law  
Seattle, WA

*Sponsored with the  
National Lawyers Guild  
University of Washington School of Law*

## POLICE MISCONDUCT LITIGATION

PLAINTIFF'S STRATEGIES FOR  
WINNING TOUGH CASES

Police misconduct litigation is an area of law that is in constant change. Decisions on qualified immunity and municipal liability present new challenges to plaintiffs. Increasing sophistication on the part of the defense bar and the dominance of a conservative judicial philosophy on the federal bench have led to decisions narrowing the scope of constitutional protections for people injured by police misconduct, while expanding the immunities from suit afforded to officers.

To help lawyers successfully bring police misconduct cases, the National Police Accountability Project of the National Lawyers Guild, along with the Center for Advanced Legal Studies of Suffolk Law School, are bringing together experts on police misconduct to teach techniques you can apply in your practice. Attorneys from the Lawyers Guild have taken the lead across the country in developing strategies for successfully litigating police misconduct for the past 30 years. The Police Accountability Project consists of plaintiffs' attorneys across the country. Come and learn what you need to know to navigate your case through the minefield of challenges in this area.

The day will conclude with a Case Clinic, in which faculty will be available for one-on-one consultations with program participants. You can present a problem in one of your cases to an expert for advice. Bring your most difficult problem to the seminar and let us help you with it!

## SCHEDULE/AGENDA

- 8:45 **Welcome & Introductions**  
Howard Friedman, Chairperson,  
*Director National Police Accountability Project*
- 9:00 **Introduction to Police Misconduct Litigation**
  - Summary of potential section 1983 causes of action in police misconduct cases
  - How to evaluate a claim
  - Who should you sue?John Muenster, *Muenster & Koenig, Seattle, WA*
- 9:45 **Probable Cause: The Touchstone of a False Arrest Case**
  - When can you successfully bring a false arrest claim
  - When can a person refuse to identify himself?
  - Can a person be arrested for failing to produce an identification card on request?Fred Diamondstone, *Seattle, WA*
- 10:40 **Municipal and Supervisory Liability**
  - Proving municipal liabilityProfessor Eric Schnapper  
*University of Washington School of Law, Seattle, WA*
- 11:25 **Qualified and Absolute Immunity**
  - How to avoid summary judgment
  - When can a prosecutor or judge be sued?Janet L. Rice, *Schroeter, Goldmark & Bender, Seattle, WA*
- 12:30 **Lunch (on your own)**
- 1:45 **Assessing & Proving Damages**
  - Maximizing damages
  - Proving damages for wrongful deathR. Samuel Paz, Esq., *Culver City, CA*
- 2:30 **Jury Selection and Trial Techniques**
  - Selecting a jury after 911
  - Voir dire
  - How to keep a jury's attention
  - Overcoming prejudice in favor of law enforcementDarrell Cochran Gordon, *Thomas, Honeywell, Malanca, Peterson & Dabheim, LLP, Tacoma, Washington* and Honorable Theodore Spearman, *Superior Court*
- 3:35 **Fee Agreements and Settling Fee Claims**
  - Tax implications
  - Drafting a fee agreement
  - How to ethically negotiate a settlement including attorney's fees.Howard Friedman, *Moderator*  
Fred Diamondstone, Esq., *Seattle, WA*  
Professor Eric Schnapper, *Seattle, WA* and  
Steve Strong, Esq., *Bendich, Stobaugh & Strong PC, Seattle, WA*
- 4:30 **Case Clinic**  
Individual meetings with faculty to discuss issues
- 5:00 **Conclude**

## ATTEND & LEARN:

- How to increase your chances of success in a police misconduct case by thorough case evaluation.
- How to draft a police misconduct complaint. When should you include a claim against a municipality or a supervisor and when is it best to bring only individual claims.
- Strategies to avoid summary judgment based on qualified immunity. Is there any hope for plaintiffs in *Hope v. Pelzer*?
- When absolute immunity will not protect a prosecutor.
- How you can maximize damages for civil rights violations. How to present damages in a civil rights case for wrongful death.
- How to select an unbiased jury in a police misconduct case.
- Tips in trying a suit against law enforcement officers in a society where people's fear of terrorism may make them biased in favor of the officers.
- How to draft a fee agreement to protect your right to statutory attorney's fees. Ethically negotiating a settlement when one element of damages is your right to fees.
- Taxation of civil rights cases where there is no physical injury. How to ethically advise your client of the tax consequences of a settlement or verdict.

NATIONAL LAWYERS GUILD'S  
NATIONAL POLICE ACCOUNTABILITY PROJECT  
For more information about NPAP, please visit:  
[www.nlg.org/npap](http://www.nlg.org/npap)  
To join NPAP, call (617) 227-6015  
or email [npap@nlg.org](mailto:npap@nlg.org)

## INFORMATION

**DATES:** Friday, January 28, 9:00 a.m. - 5:30 p.m.

**TUITION:** Tuition is \$249; \$199 for attorneys admitted to the bar after 2001, NPAP and NLG members. Tuition includes the course book. This course is **free** for law school students, but does not include the course book.

**LOCATION:** University of Washington School of Law, William H. Gates Hall is located near the NW corner of the UW campus, near the intersection of 15th Ave. NE and the NE 43rd St.

**HOTEL:** A block of rooms have been reserved at the Best Western University Tower Hotel. Call 206-634-200 and ask for the Suffolk University Group Rate, \$99.

**CREDIT:** This program has been approved for 5.75 General CLE Credits in Washington state.

**WALK-INS:** Space is limited. Registrations at the door are welcome, but please register in advance to reserve a seat and your written course materials or call to confirm space availability.

**REFUNDS:** Written requests for cancellations received via fax or email 24 hours prior to the program will be granted a refund, minus a \$15 charge. If you cannot attend, you can send a substitute, otherwise you will receive the written course materials.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans with Disabilities Act, please notify us as soon as possible.

**BOOK ORDERS:** If you are unable to attend, you may order the course materials for \$79 (includes shipping). The course book will be sent after January 28.

QUESTIONS OR COMMENTS? PLEASE CALL (617) 573-8627  
OR VISIT US AT [WWW.LAW.SUFFOLK.EDU/ALS](http://WWW.LAW.SUFFOLK.EDU/ALS)

Year admitted to the Bar \_\_\_\_\_ NLG? \_\_\_\_\_ NPAP? \_\_\_\_\_  
Name \_\_\_\_\_  
Bar ID # \_\_\_\_\_  
Firm/Agency \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Email \_\_\_\_\_ CLE Credit? (state) \_\_\_\_\_

Please register me for the **Police Misconduct Litigation** course

I am unable to attend, but would like to request the course book.

Check payable to *Suffolk University*     Mastercard     Visa  
Account Number \_\_\_\_\_  
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