§1983 Civil Rights Symposium

2012 University of La Verne College of Law
§1983 Civil Rights Symposium

Practice and Trends in §1983 Litigation

January 20 & 21, 2012
Friday, January 20, 2012

8:00 am to 8:45 am  Continental Breakfast

8:45 am to 9:00 am  Welcome and Introduction
Hon. David T. Bristow, Federal Magistrate Judge, U.S. Central District Court

9:00 am to 10:30 am  Basics of Civil Rights Litigation
Speakers address pleading requirements, the meaning behind “under color of law,” venue (state v. federal court), standing, evidentiary standard and individual versus official capacity.
Speakers:
Moderator: James Brown, Supervising Deputy City Attorney for the City of Riverside; Adjunct Professor of Law, La Verne Law
John M. Porter, Lewis, Brisbois, Bisgaard & Smith
Dale K. Galipo, Law Office of Dale K. Galipo

10:30 am to 10:45 am  Break

10:45 am to 12:00 pm  Qualified Immunity
How is qualified immunity asserted? What is a “clearly established right?” Who is a “reasonable officer?” Tim Coates addresses these topics and the impact of Pearson v. Callahan.
Speaker:
Timothy Coates of Greines, Martin, Stein & Richland

12:00 pm to 12:45 pm  Lunch

12:45 pm to 2:00 pm  Supreme Court Update
What recent Supreme Court decisions have changed civil rights jurisprudence? What cases are on the horizon?
Speaker:
Dean Erwin Chemerinsky, University of Irvine School of Law

2:00 pm to 2:15 pm  Break

2:15 pm to 4:30 pm  A Panel Discussion on the Challenges of Modern Policing—Part I
Speakers:
Moderator: Laurie L. Levenson, Professor of Law, William M. Rains Fellow and David W. Burcham Chair in Ethical Advocacy, Loyola Law School
André Birotte, Jr., United States Attorney, Central District of California
Michael Gennaco, Office of Independent Review, Los Angeles County

4:45pm- 6:15pm  Social/Mixer
Saturday, January 21, 2012

8:00 am to 8:30 am  Continental Breakfast

8:30 am to 10:00 am  Monell Liability
What is a “custom, policy or practice?” What are the pleading requirements? Speaker Tim Coates addresses discovery issues and how the recent Connick v. Thompson decision impacts this theory.

Speaker:
Moderator: Charles S. Doskow, Professor of Law and Dean Emeritus, La Verne Law
Timothy Coates of Greines, Martin, Stein & Richland

10:00 am to 10:15 am  Break

10:15 am to 11:30 am  Less Lethal Munitions
What are “less lethal munitions” and what is their risk? Officials discuss these and other topics including liability for deployment and training issues.

Speakers:
Deputy Chief Robert Fonzi, San Bernardino County Sheriff’s Department
Lieutenant Larry Gonzalez, Riverside Police Department
Eugene Ramirez, Manning & Kass, Ellrod, Ramirez, Trester LLP

11:30 am to 12:30 pm  Lunch

12:30 pm to 2:00 pm  Challenges for the Plaintiff: A Panel Discussion
Speakers address topics of client control, settlement and discovery issues and jury selection.

Speakers:
Andrew I. Roth, Law Offices of Andrew I. Roth, Esq.
John Burton, Law Offices of John Burton, Esq.

2:00 pm to 3:15 pm  The View from the Middle
What are the best strategies to resolve cases?
What are the common mistakes made by counsel?

Speakers:
Hon. Dickran Tevrizian (Ret.)
Hon. Sherman W. Smith (Ret.)
Hon. Suzanne H. Segal

3:00 pm to 5:15 pm  A Panel Discussion on the Challenges of Modern Policing—Part II
Speakers:
Moderator: Hon. Judge Stephen Larson (Ret.)
Chief Jim McDonnell, Long Beach Police Department
Michel Moore, Assistant Chief, Los Angeles Police Department
Chief Sergio Diaz, Riverside Police Department
Sheriff Stanley Sniff, Riverside County Sheriff’s Department

5:15 pm  Closing Remarks
Philip A. Hawkey, Interim Dean, La Verne Law
La Verne Law is pleased to present this compelling two-day symposium on civil rights justice litigation and challenges under Section 1983. We have brought together 24 prominent speakers, each with his or her unique perspective and experience in the field. This blend of viewpoints and expertise is sure to create a dynamic discussion and examination of the issues that present themselves today for law enforcement officials, judges, attorneys and the people they represent and serve.

I am very proud of all the hard work the University of La Verne Law Review has put in to make this symposium possible. We are glad to have you be a part of it.

Philip A. Hawkey
Interim Dean,
University of La Verne College of Law
André Birotte, Jr.
United States Attorney, Central District of California

André Birotte, Jr. is the United States Attorney representing the Central District of California, leading an office of 275 attorneys serving more than 18 million residents in the counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura, Santa Barbara and San Luis Obispo. His previously served as the Inspector General to the Los Angeles Police Department, was an Assistant United States Attorney, worked in private practice and began his career at the Los Angeles County Public Defender’s office.

Hon. David T. Bristow
Federal Magistrate Judge, U.S. Central District Court

David T. Bristow in 2009 took the oath as federal magistrate judge for the U.S. District Court for the Central District of California. Prior to taking the bench, he was a shareholder and president of the executive committee at the firm of Reid & Hellyer, focusing his practice on business litigation involving corporations, real property, contracts and employment. He also served as a deputy district attorney for San Bernardino County and spent a year as a deputy public defender for the county.

James “Jeb” Brown
Supervising Deputy City Attorney, City of Riverside

James “Jeb” Brown has represented public entities for nearly 20 years, and currently serves as the legal advisor to the City of Riverside in matters related to public safety and employment issues. His areas of expertise include civil rights, employment/discrimination, wrongful termination and personal injury. He is also an adjunct professor of civil rights, federal courts and conflict of laws at the University of La Verne College of Law.

John Burton
Attorney, Law Offices of John Burton, Esq.

John Burton is well known for representing victims of police misconduct, and has successfully represented a number of clients in high-profile cases that drew national media attention. Current and past cases have involved death and injury to jail inmates, the use of Electrical Control Devices on children and mentally challenged adults; asphyxiation, police shootings, wrongful convictions and imprisonment and class actions for relief for people over-detained and strip-searched in county jail systems.

Erwin Chemerinsky
Founding Dean, University of California, Irvine, School of Law

Erwin Chemerinsky is the founding dean and distinguished professor of law at the University of California, Irvine, School of Law, and previously taught law at Duke University, the University of Southern California School of Law, UCLA School of Law and DePaul University College of Law. His areas of expertise are in constitutional law, federal practice, civil rights and civil liberties and appellate litigation. He is the author of several books, and holds a law degree from Harvard Law School.

Timothy Coates
Partner, Greines, Martin, Stein & Richland

Timothy Coates is a longtime partner of Greines, Martin, Stein & Richland, with more than 25 years of briefing and arguing more than 250 matters in the state and federal appellate courts. He devotes a substantial portion of his practice to representing public entities with a particular emphasis on federal civil rights claims under 42 U.S.C. § 1983. Among the highlights of his career are his three arguments before the United States Supreme Court: Los Angeles County v. Humphries (2010); John Van de Kamp, et al. v. Thomas Lee Goldstein (2009); and County of Riverside v. McLaughlin (1991).

Sergio Diaz
Chief, Riverside Police Department

Sergio Diaz accepted the leadership role at Riverside Police Department in 2010, following an impressive 33-year career with the Los Angeles Police Department. Born in Cuba, his experiences as a young immigrant to the U.S. gave him an appreciation for community support systems and the outcomes that can be achieved by seizing opportunity in the midst of crisis. He has developed a model for leadership that includes responsiveness, purpose and innovation in meeting today’s law enforcement needs.

Charles S. Doskow
Dean Emeritus and Professor of Law, La Verne Law

Charles Doskow has been at La Verne Law since 1979, and served as dean from 1980 to 1985. He has spent more than 20 years in private practice, and served in the private sector for more than 15 years as vice-president and senior counsel with Dart Industries, Inc. He is past president of the San Bernardino County and Western San Bernardino County bar associations, and the Federal Bar Association Inland Empire Chapter, which in 2011 presented him with the Defender of the Constitution Award.

Robert Fonzi
Deputy Chief, San Bernardino County Sheriff’s Department

Robert Fonzi began his career with the San Bernardino County Sheriff’s Department in 1981 and is most recognized for training more than 10,000 law enforcement officers from all over the country in use of force, police procedures, jail operations and management. He has testified in more than 100 civil, criminal and civil service trials in both state and federal court. Prior to his current appointment, he worked as deputy chief, overseeing four large jail facilities with the Detentions and Corrections Bureau.
Dale K. Galipo
Law Offices of Dale K. Galipo

Dale Galipo is an attorney specializing in police misconduct and civil rights litigation. He has tried more than 150 civil cases in his career, including wrongful death police shootings, improper sexual conduct by a police officer, excessive force, and inmate mistreatment. He has won the majority of his civil jury trials, resulting in verdicts totaling several million dollars. He is frequently asked to speak as an expert at seminars and is often quoted in the media on issues related to civil rights litigation and cases.

Michael Gennaco
Chief Attorney, County of Los Angeles
Office of Internal Review

Michael Gennaco has dedicated his legal career to the protection of civil rights. He came to the County of Los Angeles Office of Internal Review from the office of the United States Attorney where he served as Chief of the Civil Rights Section, overseeing all police misconduct, hate crimes, and involuntary servitude investigations for the Central District of California. He also served as the federal civil rights liaison for community and public interest groups and federal and local law enforcement agencies.

Larry Gonzalez
Lieutenant, SWAT Commander, Riverside Police Department

Larry Gonzalez is a 19-year veteran with the Riverside Police Department and an expert in law enforcement training, particularly as it relates to use of force. He was instrumental in redesigning the department’s training and operational policies following the fatal police shooting Taisha Miller in 1998, and for 15 years has also been a trainer for the Riverside and San Bernardino sheriff’s academies. He also teaches for the College of the Desert Administration of Justice program.

Philip A. Hawkey
Interim Dean, La Verne Law

Philip A. Hawkey assumed the duties of interim dean in January. He is Executive Vice-President of the University of La Verne, where he has served as the Chief Administrative Officer since 1998. Prior to that, he was a city manager for the cities of Pasadena, and Toledo, Ohio. He is also an attorney and member of the American Bar Association. He holds a juris doctorate from Cleveland State, a master’s in public administration from Ohio State and a bachelor’s in economics from Baldwin-Wallace College in Ohio.

Hon. Judge Stephen Larson (Ret.)
United States Federal Judge (Retired),
Central District of California

Judge Larson has more than 21 years of litigation experience, including serving as Assistant U.S. Attorney in the Criminal Division in Los Angeles, where he led 24 criminal trials and received the U.S. Department of Justice Director’s Award for Superior Performance. A respected and accomplished jurist, he served as a U.S. Magistrate Judge and then, upon elevation, as a U.S. District Judge in the Central District. He is currently a partner at Arent Fox, LLP.

Laurie L. Levenson
Professor of Law, William M. Rains Fellow and
David W. Burcham Chair in Ethical Advocacy,
Loyola Law School

Laurie L. Levenson began her professional career as a law clerk to the Hon. James Hunter III of the U.S. Court of Appeals for the Third Circuit. In 1981, she was appointed assistant United States Attorney, Criminal Section, in Los Angeles, where she was a trial and appellate lawyer for eight years and attained the position of senior trial attorney and assistant division chief. She joined Loyola Law School in 1989 and served as associate dean for academic affairs from 1996-99.

Jim McDonnell
Chief, Long Beach Police Department

Jim McDonnell was appointed 25th Chief of Police for the Long Beach Police Department in 2010, overseeing a department of 1,500 employees that serve 495,000 residents, one of the world’s largest ports and the second busiest seaport in the United States. He served for 28 years with the Los Angeles Police Department, which awarded him with the department’s highest award for bravery, the Medal of Valor. He lectures around the world as an expert in policing issues.

Michel Moore
Assistant Chief, Office of Special Operations,
Los Angeles Police Department

Michel R. Moore is a 29-year veteran of the Los Angeles Police Department, where he rose through the ranks of police officer, detective, sergeant and lieutenant, working various assignments throughout the city. His assignments included working as a commanding officer at Rampart Area following the Rafael Perez police corruption scandal. In his current role, he oversees the Detective Bureau and Counter-Terrorism and Special Operations Bureau, as well as citywide jail and property operations.

John M. Porter
Partner, Lewis, Brisbois, Bisgaard and Smith, LLP

John M. Porter, a partner with the law firm of Lewis, Brisbois, Bisgaard and Smith, LLP, has more than 30 years of defense experience and has successfully litigated numerous trials against some of the most experienced civil rights attorneys in California. His practice focuses on the defense of police officers and police departments against allegations of false arrest, false imprisonment, civil rights violations, excessive force, wrongful death, assault and battery, and other police misconduct.

Eugene Ramirez
Founding Member, Manning & Kass, Ellrod, Ramirez, Trester LLP

Prior to becoming a founding member of the law firm Manning & Kass, Ellrod, Ramirez, Trester LLP, Eugene Ramirez worked for the Los Angeles County District Attorney’s Office, the Long Beach Naval Legal Services Office and as a reserve officer for the Whittier and Monterey Park police departments. He advises public entities on the issues of use of force, policies and procedures and employment issues, and has expertise on civil liability related to SWAT teams and the use of police dogs in law enforcement.
Andrew I. Roth
Law Office of Andrew I. Roth

Andrew Roth is a lawyer with 40 years of federal and state civil and criminal trial and appellate experience. His jury trials number more than 100 and include civil rights, victim’s rights, worker’s rights, the Ku Klux Klan Act, wrongful death, police violence and death penalty cases. Litigation and appellate work includes election law, police sexual misconduct, parental rights, free speech and racial discrimination. He lectures frequently on civil rights issues, police practices, hate crimes and criminal defense.

Suzanne H. Segal
U.S. Magistrate Judge Central District of California

Suzanne H. Segal was appointed a United States Magistrate Judge for the Central District of California in 2002. Prior to taking the bench, she served for 12 years as an Assistant United States Attorney for the Civil Division of the Los Angeles U.S. Attorney’s Office, and was previously an associate at Dewey, Balantine. She is a member of the Executive Committee of the Litigation Section of the Los Angeles County Bar, and served as coordinator of the Central District of California’s Pro Bono Civil Rights Panel.

Hon. Sherman W. Smith (Ret.)
Los Angeles Superior Court (Ret.)

Hon. Sherman W. Smith, Jr. (Ret.) served for two decades as a trial judge with the Los Angeles Superior Court and received many awards during his career, including an Award of Recognition from the Constitutional Rights Foundation, Community Service Award from the Federation of Community Coordinating Councils, and Outstanding Public Service Award from the Los Angeles County Criminal Justice Planning Board. He is currently a resolution expert with JAMS.

Stanley Sniff
Riverside County Sheriff/Coroner

Stanley Sniff has served as Sheriff-Coroner of Riverside County since 2007, following 35 years of law enforcement experience mostly with the Riverside County Sheriff’s Department, where he rose through the ranks on patrol and in command and operational assignments from the Coachella Valley to Southwest Riverside County. As assistant sheriff, he oversaw all county court, jail and patrol operations divisions. A retired colonel in the Army reserves, he served 30 years in a variety of military assignments.

Hon. Dickran Tevrizian (Ret.)
United States Federal Judge (Retired), Central District of California

Judge Tevrizian served 31 years of his 41-year legal career on both the federal and state trial courts, with 21 years on the U.S. District Court for the Central District of California. While on the bench, he resolved approximately 10,000 cases and participated in negotiations in hundreds of cases involving a wide variety of issues, including civil rights class actions. He is currently a resolution expert with JAMS, the largest private Alternative Dispute Resolution provider in the world.

UNIVERSITY OF LA VERNE LAW REVIEW


Currently, the Law Review publishes two journals each year. Issue 1, published during the fall semester, is historically a compilation of Articles, Notes, and Comments in the area of juvenile law, as well as some general interest topics. Issue 2, published during the spring semester, historically contains articles generated from the annual spring Symposium.
A crusader for truth, an advocate for civil rights, a purveyor of justice for all, Soheila Azizi is often described as “the woman with the heart of gold.” Owing this reputation to her unwavering commitment to human rights, community building and promoting justice, Ms. Azizi has dedicated the majority of her life in U.S. to volunteerism and community service.

Having fled her birthplace of Iran for fear of religious persecution, and having witnessed gross violations of human rights in her homeland for the past three decades, Ms. Azizi has dedicated her life to humanitarian pursuits and establishment of peace and equality among all people.

“Elimination of prejudices, establishing gender and racial equality, as well as developing a global code of ethics, are all essential prerequisites to building a healthy society” she said. “Promoting social justice, and preservation of basic human rights for every member of our human family, should be the first order of business for every government, every organization, every learning institution, and every responsible individual who can be a voice for those who cannot have one,” she further commented.

Ms. Azizi’s service in the areas of gender equality, race unity, youth empowerment, community building and interfaith relations is exemplary. Her latest crusade is to support, and to raise public awareness about, a new nationwide initiative aimed at furthering the defense of Iranian Baha’i students who, solely on the basis of their humanitarian and peace-promoting religious beliefs, are deprived of pursuing higher education (For more information on this initiative, entitled Education Under Fire, please visit www.educationunderfire.com).

Among Ms. Azizi’s many contributions to her local communities are the following:

- Co-founder and board member of Women on the Move Network
- Board member of the Community Partnership for Youth Development
- Co-founder and sponsor of ”Who’s Your Hero?” Youth Mentoring Program
- Co-founder and past president of Upland Interfaith Council
- Board member of the Spiritual Assembly of the Baha’is of Upland
- Board Member of the Board of Visitors, University of La Verne, College of Law
- Volunteer Temporary Judge for San Bernardino County Superior Courts
- Volunteer Arbitrator for State Bar of CA and Local County Bars
- Volunteer Mediator for the Riverside & San Bernardino Courts and County Bar Associations
- Co-founder of California Arbitration and Mediation Services

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