

# Local Government in a Brave New World: Law Enforcement, Code Enforcement, and Public Agency Liability



## Municipal Law Symposium

*Presented by the Municipal Law Institute of The League of California Cities®  
and Chapman University Dale E. Fowler School of Law*

**Friday, February 27, 2015**

**8:15 a.m. to 4 p.m.**

Chapman University Dale E. Fowler School of Law  
One University Drive, Orange, CA 92866

*\$150 Early Registration Fee (\$175 on-site)*

*\$100 for In-house Government Lawyers (promo code GOV100)*

**Registration: [localgovcon.eventbrite.com](http://localgovcon.eventbrite.com)**

Recently, public agencies have faced a plethora of new and challenging issues. Some have arisen from developing technology, including regulating businesses in the new “sharing economy” and balancing new technology with privacy concerns, particularly in the context of law enforcement. Others have arisen from emerging jurisprudence in the areas of the Second Amendment and police and municipal liability. The Symposium will provide an opportunity to interactively explore these issues.

***Chapman University is a State Bar of California approved MCLE provider and certifies that this activity has been approved for MCLE credit in the amount of 5.5 general MCLE credits.***

## Symposium Schedule

### Check-in & Registration (8:15 - 8:45 a.m.)

### Welcome and Introduction (8:45 - 9 a.m.)

- **Dan Sodergren**, Chair, Municipal Law Institute Committee
- **Dr. Tom Campbell**, Dean and Donald P. Kennedy Chair in Law and Professor of Economics, Chapman University Fowler School of Law

### Panel I: The Emergence of RoboCop: New Technology in Law Enforcement (9 - 10 a.m.)

- **David A. Harris**, Distinguished Faculty Scholar and Professor of Law, University of Pittsburgh School of Law; Author of *Picture This: Body-Worn Video Devices (Head-Cams) as Tools for Ensuring Fourth Amendment Compliance by Police*, 43 Tex. Tech. L. Rev. 357 (2010)
- **Peter Bibring**, Senior Staff Attorney and Director of Police Practices, ACLU of Southern California. During tenure at ACLU/SC has brought successful challenges against police practices including LAPD practice of searching and detaining people on Skid Row in *Fitzgerald v. City of Los Angeles* resulting in settlement calling for revised training for LAPD officers.
- **Devallis Rutledge**, Special Counsel, Los Angeles County District Attorney's Office and former Post Commissioner and Chairman and authored multiple books on police practices including: *Criminal Investigations and Evidence*; *The New Police Report Manual*; *Courtroom Survival*, *The Officer's Guide to Better Testimony*; *The Search and Seizure Handbook*; *The Officer Survival Manual*; *Criminal Interrogation, Law and Tactics*; *California Criminal Procedure*; *California Criminal Law Concepts*; and *The Search and Seizure Field Guide California Peace Officers Field Source Guide*.

### Panel II: Code Enforcement in the New Sharing Economy (10 - 11 a.m.)

- **Joan L. Cassman**, Partner, Hanson Bridgett, LLP; City Attorney for Millbrae; General Counsel to the San Mateo County Transit District, the Peninsula Corridor Joint Powers Board (Caltrain), the San Mateo County Transportation Authority, the Mid-Peninsula Water District, and the Peninsula Traffic Congestion Relief Alliance (Commute.org); and Evaluator for the San Jose Ethics Commission.
- **Kenneth A. Stahl**, Professor of Law and Director of the Environmental Land Use and Real Estate Law Program, Chapman University Fowler School of Law; Author of *Neighborhood Empowerment and the Future of the City*, 161 U. Pa. L. Rev. 939 (2013)
- **Yassi Eskandari-Qajar**, Community Currencies Program Director & City Policies Program Director, Sustainable Economies Law Center

### Break (11 - 11:15 a.m.)

### Panel III: Bad Cop – Good Cop: Police Civil Liability and Misconduct (11:15 a.m. - 12:30 p.m.)

- **Joyce M. Hicks**, Executive Director, Office of Citizen Complaints, City and County of San Francisco; Board Member At-Large, The National Association for Civilian Oversight of Law Enforcement (“NACOLE”)
- **Eric Miller**, Professor of Law, Loyola Law School; Author of *Role-Based Policing: Restraining Police Conduct “Outside the Legitimate Investigative Sphere”*, 94 Cal. L. Rev. 617 (2006)

- **Matthew J. Orebic**, Esq., Deputy City Attorney for the City of Berkeley from 1989 to 2014 and served as the City's in-house trial lawyer in the area of police civil liability.

- **Martin J. Mayer**, Partner, Jones & Mayer; Legal counsel to sheriffs and chiefs of police in approximately 70 law enforcement agencies throughout California; General Counsel to the California State Sheriffs' Association (CSSA), the California Police Chiefs' Association (CPCA), and the California Peace Officers' Association (CPOA)

### **Lunch (12:30 - 1:30 p.m.)**

### **Panel IV: Viewing Litigation Through Different Lenses: Gaining a Better Understanding of Municipal Liability and Immunities (1:30 - 2:30 p.m.)**

- **Lawrence E. Rosenthal**, Professor, Chapman University Fowler School of Law; Author of *A Theory of Governmental Damages Liability: Torts, Constitutional Torts, and Takings*, 9 U. Pa. J. Const. L. 797 (2007)

- **Joanna C. Schwartz**, Assistant Professor of Law, University of California, Los Angeles, School of Law; Author of *What Police Can Learn from Lawsuits*, 33 Cardozo L. Rev. 841 (2012)

- **Allison E. Burns**, Shareholder, Stradling Yocca Carlson & Rauth, P.C; City Attorney, City of Lancaster, California; and General Counsel to several public agencies including the Chino Basin Desalter Authority, Emerald Bay Service District and Santiago Aqueduct Commission.

### **Break (2:30 - 2:45 p.m.)**

### **Panel V: Second Amendment Issues and Litigation Facing Public Agencies in the Post-Heller Era (2:45 - 4 p.m.)**

- **C.D. ("Chuck") Michel**, Michel & Associates P.C.; and Adjunct Professor, Chapman University Fowler School of Law. Mr. Michel has been recognized as one of the leading authorities on firearms law at both the state and federal level, and represents various firearms organizations, including the National Rifle Association and the California Rifle and Pistol Association.

- **Lawrence E. Rosenthal**, Professor of Law, Chapman University Fowler School of Law; Author of *The Limits of Second Amendment Originalism and the Constitutional Case for Gun Control*, 92 Wash. U. L. Rev. (forthcoming 2015), available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2414681](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2414681)

- **Robyn Thomas**, Executive Director, Law Center to Prevent Gun Violence

- **James M. Chapin**, Senior Deputy County Counsel, San Diego County Counsel Office

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