

## **FTCA and Other Civil Rights Claims - Immigration Enforcement & Damages Actions**

San Francisco, Live Webcast and [www.pli.edu](http://www.pli.edu),\* August 24, 2017

### **Why You Should Attend**

Increased immigration enforcement is likely to include enforcement practices that give rise to damages action. Claims under the Federal Tort Claims Act, *Bivens*, and Section 1983 are important tools to combat abusive enforcement practices and ensuring that federal and local law enforcement abide by their constitutional obligations. This program will give a general overview of each of these claims. We will also discuss employing a media strategy, in addition to litigation, to highlight abusive enforcement practices, as an advocacy tool in its own right.

### **What You Will Learn**

We will cover the legal standards and procedures to bring an administrative claim and both individual and impact litigation under the Federal Tort Claims Act. We will similarly cover *Bivens* and Section 1983, as well as the defenses government defendants commonly raise in these cases. This will include the types of conduct that can be challenged and the life of a damages claim from fact-gathering to judgment.

### **Who Should Attend**

Anyone who is interested in providing representation to immigrants whose constitutional rights are violated should attend the training. Immigration-based damages actions often involve, but are not limited to, claims related to excessive force, unlawful detention, unlawful arrest, physical abuse, wrongful death, denial of medical services, unlawful search, and denial of religious freedom.

## **AGENDA**

9:00

### **Program Overview and Introductions**

***Hamid Yazdan Panah***

9:15

### **Overview of the Federal Torts Claims Act, *Bivens*, and Section 1983 Litigation and Administrative Claims**

- Overview of FTCA, *Bivens* & Section 1983
- Administrative Exhaustion: Filing the FTCA is a prerequisite **and** can lead to victory on its own
- Communication Strategies: Using administrative claims to highlight abuses in the media
- Early Victories: Case studies on settling claims
- Q&A

***Julia Harumi Mass, Araceli Martínez-Olguín, Angelica Salceda, Howard Slavitt***

10:30

### **Networking Break**

10:45

### **Diving Deeper - Case Studies on *Bivens*, FTCA and Section 1983 Litigation against ICE**

- Case Study on *Bivens* and FTCA litigation
  - Discovery
  - Experts
- Section 1983 Case Study – *Committee for Immigrants' Rights of Sonoma County v. Cogbill*
  - Immunity Defenses
- Q&A

***Julia Harumi Mass, Araceli Martínez-Olguín, Angelica Salceda, Howard Slavitt***

12:00

### **Adjourn**

**Faculty:**

**Co-Chairs:**

**Julia Harumi Mass**

Senior Staff Attorney  
ACLU of Northern California  
San Francisco, California

**Hamid Yazdan Panah**

Rapid Response Attorney Coordinator  
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