

2023 LEGAL COUNSELORS' SEMINAR

February 23 – 24, 2023

Planet Hollywood, Las Vegas



Registration Deadlines:

**Hotel
Registration
Deadline:
Feb. 7, 2023**

**Class
Registration
Deadline:
Jan. 31, 2023**

**UP TO 9.5 CREDITS
OF
CLE-APPROVED
TRAINING AVAILABLE**

\$595

NFOP LEGAL COUNSELORS' SEMINAR

February 23-24, 2023

Planet Hollywood Resort & Casino

3667 S. Las Vegas Blvd.

Las Vegas, NV 89109

Phone: (866) 919-7472

DAY ONE: Thursday, February 23, 2023

7:30 a.m. – 9:00 a.m. **REGISTRATION** (Celebrity Ballroom #5)

8:00 a.m. – 9:00 a.m. **BREAKFAST** (Celebrity Ballroom #6 & #8)

9:00 a.m. – 9:05 a.m. **WELCOME** (Celebrity Ballroom #6 & #8)
Larry James, NFOP General Counsel

9:05 a.m. – 10:00 a.m. **FOP UPDATE AND OVERVIEW OF BIDEN'S EXECUTIVE ORDER**
(Celebrity Ballroom #6 & #8)
Patrick Yoes, NFOP President

This presentation will open the seminar with a general update on the state of law enforcement across the country and the FOP overall. This presentation will then provide a comprehensive overview of President Biden's Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, discussing the key provisions in the Order and its implication for police officers.

10:00 a.m. – 12:00 p.m. **WEAPONIZING VIDEO AGAINST POLICE: IS VIDEO REALLY THE SILENT WITNESS THAT SPEAKS FOR ITSELF?**
(Celebrity Ballroom #6 & #8)
Grant Fredericks, Certified Forensic Video Analyst and a contract instructor for the FBI National Command College programs

This presentation explores the reality that video evidence in the hands of a civilian oversight investigator, or a trial, is often evaluated through the eyes of the beholder. Investigators, police commanders and attorneys frequently overestimate the reliability of digital videos and as a result they are weaponizing the evidence to support a bias argument. With recent case studies and visual examples, this seminar highlights how video evidence is sometimes fabricated and frequently misrepresented to the trier of fact. This interactive discussion and demonstration will present strategies to expose unqualified practitioners during videocentric prosecution of police officers.

DAY ONE: Thursday, February 23, 2023 (continued)

12:00 p.m. – 1:00 p.m. **LUNCH** (Celebrity Ballroom #8)

1:00 p.m. – 2:30 p.m. **DYNAMICS OF DECRIMINALIZING MARIJUANA FOR POLICE OFFICERS** (Celebrity Ballroom #6 & #8)
John Berry, civil litigator and former General Counsel to the United States Park Police and United States Capitol Police Federal Labor Unions

Can police officers in states where marijuana is legalized or decriminalized be disciplined for using marijuana? This presentation will provide an overview of how states are handling this question. This presentation will also explore how legalizing or decriminalizing marijuana may impact internal affairs such as department policies. Recent cases will be used to show the risks associated with using marijuana even where it is legal.

2:30 p.m. – 4:30 p.m. **USE OF FORCE ISSUES AND ITS MEDIA ATTENTION**
(Celebrity Ballroom #6 & #8)
Lance LoRusso, civil litigator and former law enforcement officer

In recent years, use of force and the reasonableness of police officers' conduct has been a consistent headline in the news. This presentation will discuss defending officers who are dealing with use of force issues in administrative, civil, and criminal matters. This presentation will also focus on how to handle the media attention that these types of cases attract. In addition, Crabbe, Brown & James will provide an overview of proposed or enacted legislation from across the country dealing with this issue.

4:30 p.m. – 5:00 p.m. **REVIEW OF THE DAY** (Celebrity Ballroom #6 & #8)

To wrap up the day, the floor will open to attendees to share comments, thoughts, and follow-ups to any materials provided or presentations from Day One.

5:30 p.m. – 7:30 p.m. **RECEPTION** (Celebrity Ballroom #8)

DAY TWO: Friday, February 24, 2023

7:30 a.m. – 9:00 a.m. **REGISTRATION** (Celebrity Ballroom #5)

8:00 a.m. – 9:00 a.m. **BREAKFAST** (Celebrity Ballroom #6 & #8)

9:00 a.m. – 10:45 a.m. **RIGHT TO FAIR REPRESENTATION AND THE AFTERMATH OF
*JANUS v. AFCSME*** (Celebrity Ballroom #6 & #8)
Michael Coviello, Associate General Counsel for the NFOP Labor Services
Division

Unions have the duty to represent all employees – whether members or not – in good faith and without discrimination for practically every action that a union may take. This presentation will address the common issues that arise under this duty, including strategies to deal with conflicts of interest. This presentation will also provide a post-*Janus* update by providing an overview of any major decisions and legislation that were enacted in the aftermath of *Janus v. AFCSME, Council 31*, 138 S.Ct. 2448 (2018).

10:45 a.m. – 12:00 p.m. **SOCIAL MEDIA POLICIES: WHAT CAN POLICE OFFICERS
POST?** (Celebrity Ballroom #6 & #8)
Marissa Borschke, NFOP Associate General Counsel

Social media platforms such as Facebook, Twitter, and Instagram are increasingly utilized as a tool for law enforcement purposes. These platforms allow officers to interact with citizens and share their viewpoints on topics – good or bad. This presentation will discuss how police departments across the country have opted to enact policies to ensure that social media sites are being used to assist law enforcement and not hinder it. This presentation will analyze various policies implemented in departments across the country as well as how courts are handling challenges to these policies, such as First Amendment violations.

12:00 p.m. – 1:00 p.m. **LUNCH** (Celebrity Ballroom #8)

DAY TWO: Friday, February 24, 2023 (continued)

1:00 p.m. – 2:30 p.m.

THE CONTINUED VIABILITY OF QUALIFIED IMMUNITY
(Celebrity Ballroom #6 & #8)
Christopher Green, NFOP Associate General Counsel

Qualified immunity continues to be at the forefront of legislative, media, and judicial attacks on law enforcement officers. As a follow-up to prior years' presentations, this presentation will provide an update on the qualified immunity doctrine's continued viability. While state governments seek to limit the doctrine's effectiveness, courts across the country are consistent in its application. This presentation will focus on how several state governments have undertaken their own form of qualified immunity reform legislation, key developments in each circuit, and any anticipated changes from the Supreme Court due to the addition of a new justice.

2:30 p.m. – 3:30 p.m.

**ETHICAL CONSIDERATIONS WHEN REPRESENTING
LAW ENFORCEMENT** (Celebrity Ballroom #6 & #8)
Larry James, NFOP General Counsel

This presentation will provide strategic advice on how to handle ethical issues such as conflicts of interest in representing multiple officers involved in the same shooting. Additionally, this presentation will discuss representing the union and its members and how this creates other ethical issues where the Model Rules of Professional Conduct and case law offers little guidance. This presentation will use case-specific examples to demonstrate the application of the Model Rules of Professional Conduct in a variety of police-related scenarios.

3:30 p.m. – 4:30 p.m.

REVIEW OF THE DAY AND SEMINAR (Celebrity Ballroom #6 & #8)

The floor will open to attendees to share comments, thoughts, and follow-ups to any materials provided or presentations from Day Two and/or the seminar as a whole. Specifically, attendees are encouraged to provide suggestions on issues/topics that should be addressed or expanded on for next year's conference.



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