As a participant of this conference, you will learn from recognized experts in the field about an array of litigation strategies to help you advocate for removal and family clients facing agency delays and injustices. You will come to appreciate how the Writ of Habeas Corpus can be a powerful instrument when representing those in ICE custody. You will gain the skills required to effectively sue the government in mandamus, in declaratory actions, in naturalization, for due process relief under the Administrative Procedures Act, and under the Freedom of Information Act. In the process, you will develop the confidence needed to successfully represent your client, no matter the charges or claims. You will learn how to develop the record for the federal appellate process, and to litigate before the circuit courts of appeals, with insight imparted by experienced practitioners from across the country.

**Viewing Options:** On Friday, September 21, 2018, faculty members will present a full day of live sessions. These sessions can be attended in-person at the AILA National Office (space is limited), or via webcast from the convenience of home or the office. Either way, the program is live and interactive! All participants will be given a link to the conference recording, so any sessions missed (particularly helpful for our West Coast participants given the time difference) or in need of review can be revisited back at the office.

**Friday, September 21**

**Day Coordinator:** Grace Ellen Zaiman, Batavia, NY

**9:15 am–6:00 pm**

**REGISTRATION, INFORMATION, AND EXHIBITS**

**9:25 am – 9:55 am**

**SPECIAL EARLY BIRD SESSION—AILALink TRAINING**

See AILALink in action! Developed and maintained by AILA, AILALink is an online research library of fully searchable resources necessary for the successful practice of immigration law—statutes, regulations, case law, agency correspondence, over $4,000 worth of AILA publications, government manuals, reports, and much more. See what AILALink can do for your practice during this special training!

**(DL) Discussion Leader**

* = Invited, not confirmed
10:00 am–10:05 am  **WELCOME AND GREETINGS**
Maria T. Baldini-Potermin, AILA Federal Court Litigation Section Steering Committee Chair/Conference Program Chair, Chicago, IL

10:05 am–11:05 am  **INTRODUCTION TO FEDERAL DISTRICT COURT LITIGATION**
Given the current environment, federal courts play an increasingly important role for all immigration practitioners. The panelists will help you decide whether to bring a district court challenge, and give you the practical information required for filing a complaint.
- Preliminary Considerations: Assessing the Strength of Your Record, Exhaustion, Choice of Venue, Court Admission, Costs of Litigation, and Equal Access to Justice Act (EAJA) Fees
- Drafting the Complaint
- Filing and Serving the Complaint and Summons
- Timing for Filing and Deadlines
- Federal Rules, Local Rules, and District Court Standing Orders
- Docketing Appeals
- Resources for Practitioners

Faculty:
Amy Prokop Lenhert (DL), Los Angeles, CA
Raed Gonzalez, Houston, TX
Mark Andrew Prada, Miami, FL
Trina Realmuto, Directing Attorney, American Immigration Council, Boston, MA

11:10 am–12:30 pm  **DECLARATORY ACTIONS/ADMINISTRATIVE PROCEDURE ACT/MANDAMUS/FREEDOM OF INFORMATION ACT**
The current administration has fostered a climate of hostility towards immigrants, resulting in more enforcement activity at the border and interior of the United States, while also increasing denials of immigration benefits, often for unlawful or improper reasons. The panelists will provide basic information on how to challenge improper denials of immigration benefits.
- Jurisdiction Issues: 28 USC §1331 vs. 8 USC §1252
- Standing: Proper Plaintiff and Proper Defendants
- Statute of Limitations: Administrative Procedure Act (APA) and Laches
- Framing Statutory, Regulatory, and Constitutional Claims
- Standard of Review and Jurisdiction-Stripping Provisions
- Scope of Review: Chenery Doctrine
- Discovery and Possibility of a Related Freedom of Information Act (FOIA) Lawsuit
- Issues Regarding Stay of Removal
- Mandamus

Faculty:
Robert Pauw (DL), AILA Author, Litigating Immigration Cases in Federal Court, 4th Ed., Seattle, WA
Karen T. Griese, Washington, DC
Mary Kenney, Senior Staff Attorney, American Immigration Council, Washington, DC

12:30 pm–12:45 pm  **LUNCH (INCLUDED WITH IN-PERSON REGISTRATION)**
12:45 pm—1:15 pm  **BUILDING THE CONFIDENCE TO LITIGATE**

Maria T. Baldini-Potemin (DL), AILA Federal Court Litigation Section Steering Committee Chair/Conference Program Chair, Chicago, IL
Kate Melloy Goettel, Chicago, IL.
Mary Kenney, Senior Staff Attorney, American Immigration Council, Washington, DC
Trina Realmuto, Directing Attorney, American Immigration Council, Boston, MA

1:20 pm—2:20 pm  **NATURALIZATION ACTIONS**

The panelists will explain how to go to federal court to address denied or delayed naturalization cases.

- Getting Your Case Ready for Federal Court: Pre-Interview, Post-Interview, and Denial
- Exhausting Administrative Remedies
- Mandamus Action to Address Delays
- 8 USC §1447(B) Cases
- Denaturalization Cases

Faculty:
Margaret D. Stock (DL), AILA Author, Immigration Law & the Military, 2nd Ed., Anchorage, AK
Ofelia L. Calderon, Fairfax, VA
Kate Melloy Goettel, Chicago, IL

2:20 pm—3:20 pm  **HABEAS**

Having a client kept in custody for extended periods of time can be frustrating for the attorney and devastating to the client and his or her family. Panelists will address common challenges in habeas litigation for obtaining a client’s release, circuit splits, and creative litigation strategies emerging around the country.

- Procedural Issues in Habeas Litigation
- Application of 8 USC §1226(c) and 8 USC §1231(a)
- Substantive Issues in Habeas Litigation
  - Challenging the Amount of the Bond
  - Burden of Proof and Merits of Bond Motion
  - *Jennings v. Rodriguez* Update and Ongoing Challenges
  - “When Released” Update
- Use of a Temporary Restraining Order (TRO) in Habeas
  - Prevent Re-Detention
  - Prevent Transfer Out of Jurisdiction

Faculty:
Maria T. Baldini-Potemin (DL), AILA Federal Court Litigation Section Steering Committee Chair/Conference Program Chair, Chicago, IL
Kathleen Moccio, Minneapolis, MN
John Gihon, Altamonte Springs, FL

3:20 pm—3:30 pm  **NETWORKING BREAK**

3:30 pm—4:30 pm  **PETITIONS FOR REVIEW AND PETITIONS FOR CERTIORARI**

The panelists will address the requirements for seeking review of removal orders, and provide practical tips on effective advocacy before the U.S. Circuit Courts of Appeals. Litigation before the court of last resort will also be addressed.

- Nuts and Bolts
- The Order of Removal: When Is It Final?

*(DL) Discussion Leader*

* = Invited, not confirmed
• Jurisdictional Bars and Exceptions
• Deadline for Filing and Requirements for the Petition for Review
• Motions
• Effective Briefing
• Oral Argument
• Petitions for Rehearing by Panel and En Banc
• Petitions for Certiorari

Faculty:
Kari E. Hong (DL), Newton, MA
David Isaacson, New York, NY
Andrew Knapp, Los Angeles, CA

4:35 pm—6:05 pm  CURRENT ISSUES IN FEDERAL PROSECUTIONS AND PADILLA STRATEGIES
The panelists will address how illegal entry and reentry prosecutions proceed under 8 USC §§1325 and 1326, and how precedent that emerges from these prosecutions can be useful in the immigration context. Learn about new and innovative arguments that have been successfully applied along the border in the context of the current administration’s new “zero-tolerance” policy, and discover ways immigration and federal criminal defense attorneys can work together to advance their mutual goals. In addition, the panelists will discuss Padilla claims, which can provide protection against removal and criminal sentence enhancements. The panelists also will offer guidance on investigating potential claims, filing motions for relief in federal court, meeting Strickland, and protecting your client’s options for future relief. Finally, they will discuss judicial orders of removal.
• Using Illegal Reentry Case Law in the Immigration Context
• Challenging the Underlying Removal/Deportation/Exclusion Order in an INA §1326 Prosecution
• Discovery in Criminal Proceedings
• Navigating Presentence Investigation Reports, Preserving Post-Sentencing Appeal
  o Rights and Options for Future Relief from Removal
• New Challenges to Illegal Entry for Asylum Seekers
• Padilla: 28 USC §2255 Motions for Post-Conviction Relief in Federal Court
• 8 USC §1228(c) Judicial Orders of Removal in Federal Court

Faculty:
Kara Hartzler (DL), San Diego, CA
Joseph Camden, Assistant Federal Public Defender, Richmond, VA
Isaac Wheeler, Attorney, Federal Defenders of New York, New York, NY

6:10 pm—6:15 pm  WRAP-UP

6:15 pm  REMOVAL LITIGATION PROGRAM CONCLUDES

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(DL) Discussion Leader
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JJ Area, AILA Education Programs Manager, Washington, DC