



# 2023 Fall Conference / October 5-7

HYATT REGENCY RESTON | RESTON

## SESSION DESCRIPTIONS

The LGA Board of Directors approved the following sessions. The program will provide 9 MCLE.

### THURSDAY, OCTOBER 5

1-2:30 PM GENERAL SESSION

#### New Case Law

**Moderator:** Courtney R. Sydnor, Senior Deputy County Attorney, County of Loudoun

**Speakers:**

John C. Blair, II, City Attorney, City of Staunton

Nicholas J. Lawrence, Senior Assistant County Attorney, County of Loudoun

Heather K. Bardot, McGavin Boyce Bardot Thorsen & Katz, P.C.

*This session will review and analyze recent federal and state decisions on topics affecting local government such as FOIA, land use, and employment, among others, including discussion of practical implications for the local government practitioner.*

3-4:30 PM CONCURRENT SESSIONS 1 & 2

#### Use of Alternative Dispute Resolution in Resolving Employment, Education, and Other Civil Disputes

**Moderator:** Louis S. Nuzzo, Assistant County Attorney, County of Fairfax

**Speakers:**

Kathryn Brown, Supervisory Administrative Judge, Equal Employment Opportunity Commission Washington Field Office

John E. Foster, Division Counsel, Fairfax County Public Schools

Honorable Jan L. Brodie, McCammon Group

*This session will focus on mediation fundamentals and the use of alternative dispute resolution in addressing employment, education, and other civil disputes.*

#### Impacts of Covid on Child Welfare Cases

**Moderator:** May Shallal, Assistant County Attorney, County of Fairfax

**Speakers:**

Martin R. Crim, Sands Anderson

Caroline L. Lochabay, Senior Assistant County Attorney, County of Prince William

Brendette M. Walker, Assistant County Attorney, County of Prince William

Kamonya Omatete, Foster Care Program Manager, Fairfax County Department of Family Services

*This panel will delve into the implications of the global COVID-19 pandemic on child abuse and neglect cases, exploring the various ways it has affected child welfare cases, such as the increase in domestic violence; escalating child abuse and neglect cases due to increased stressors on families and reduced access to supportive services; technological adaptations and advancements in the courtroom, including the pros and cons of virtual hearings; and the decreased number of human services workers. The panel will also explore collaborative approaches to cases – from shepherding clients through the process to incentivizing foster parents and seeking out mental health resources. The panel will also present and discuss recent child welfare caselaw and statutes.*

LOCAL GOVERNMENT ATTORNEYS OF VIRGINIA | 9 South 12th Street, 2nd Floor, Richmond, Virginia 23219 | 804-643-4433

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### FRIDAY, OCTOBER 6

9-10:30 AM GENERAL SESSION B:

#### General Election Law, Federal And State Voters' Rights Acts, And Redistricting

**Moderator:** Andrew R. McRoberts, Sands Anderson

**Speakers:**

Martin R. Desjardins, Assistant County Attorney, County of Fairfax

Cullen D. Seltzer, Sands Anderson

Walt Latham, Esq., General Registrar, County of York

*The panel will discuss general electoral laws and regulations, day of election rules, the ins and outs of working with your local electoral board and registrar and helping them work with the state Board of Elections and its staff. Also, the panel will discuss the law related to the federal Voting Rights Act, the Virginia Rights of Voters Act, recent caselaw related to state-level redistricting, and lessons from the recent round of local redistricting.*

11 AM-12:30 PM CONCURRENT SESSIONS 3 & 4:

#### State Court Practitioners' Appealing Options, or Why LGA's Litigators Make Trial Practice Look So Good

**Moderator:** Stephen A. Grim, Assistant City Attorney, City of Chesapeake

**Speakers:**

L. Steven Emmert, Sykes, Bourdon, Ahern & Levy, P.C.

Gary A. Bryant, Willcox Savage

Gerald "Jerry" Harris, Assistant City Attorney, City of Virginia Beach

*Panelists will discuss appellate options and tactics in administrative and trial court proceedings and advanced techniques for preservation of the record in challenging situations. Interlocutory appeals, certification of appellate questions, and what comprises the appellate record will be covered. The role of local government attorneys in ensuring that critical evidence is included in the record will be explained, including what to do when a trial court directs the court reporter to go off the record or a motion or objection is held under advisement for an extended period without a ruling.*

#### Sunrise to Sunset: Acquisition, Management, and Disposition of Park Property

**Moderator:** Brent J. Schultheis, Assistant County Attorney, County of Fairfax

**Speakers:**

Jim H. Guynn, Jr., Guynn Waddell P.C.

Adam R. Kinsman, County Attorney, County of James City

Paul A. Gilbert, Executive Director, NOVA Parks

*This session will present the multifaceted role of the local government attorney in the parks and recreation arena. The session will begin with a discussion of the players in this field, chief among them the locality, but also to include federal, state, regional, and non-governmental entities. The speakers will then discuss transactional aspects of acquiring and disposing of property interests to facilitate the locality's parks and recreation goals. The panel will conclude with an overview of operational concerns facing parks and recreational facilities, including salient employment questions, sources of liability and immunity for park agencies, and other management issues.*

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### SATURDAY, OCTOBER 7

9-10 AM CONCURRENT SESSIONS 5 & 6:

#### **Procurement/Contract: Do You Want It With That?**

**Moderator:** Elizabeth D. Teare, County Attorney, County of Fairfax

**Speakers:**

Joshua D. Heslinga, Director of Legal and Legislative Services, Virginia IT Agency (VITA)

Patricia M. McCay, Senior Assistant County Attorney, County of Fairfax

Patricia Innocenti, Purchasing Agent, City of Fairfax

*Information Technology (IT) procurements have long been challenging due to the legal issues they raise, their cost, and the criticality of the service they provide. Over time, these challenges have only increased due to a number of factors—the risk of cyber-attacks and contractual remedies in the event an attack occurs; protection and ownership of data that is accumulated; and the proliferation of IT associated with goods and services ranging from defibrillators to electric vehicle charging stations to employee recruitment tools. Please join our panel for a discussion on these trends and approaches for protecting your local government clients from these risks.*

#### **Emerging Themes In First Amendment Jurisprudence**

**Moderator:** Lauri A.N. Sigler, Deputy Town Attorney, Town of Herndon

**Speakers:**

Ryan C. Samuel, Deputy County Attorney, County of Arlington

Richard E. Hill, Jr., County Attorney, County of York

*This session will provide a review of recent First Amendment decisions and their implications to local governments with a closer look at the freedom of religion and free speech clauses. Discussion will highlight findings from the LGA Ad Hoc Committee on Judicial Review regarding the movement to a text-history test and the abrogation or abandonment (depending on which opinion you are reading) of the Lemon and coercion tests for free exercise and establishment clause cases. Further discussion will center around recent trends in free speech cases and their practical effect on local governments.*

10:30 AM-12:30 PM GENERAL SESSION C

#### **Legal Ethics and Diversity**

**Moderator:** Chanel A. Gray, Chesapeake Assistant City Attorney

**Speakers:**

David L. Douglass, Managing Partner, Sheppard Mullin

Cherie Halyard Mack, Assistant County Attorney, County of Fairfax

Christopher A. Costa, Administrative Law Judge, District of Columbia Office of Administrative Hearings

*This session will address the intersection of belonging, equality, diversity, and inclusion and legal ethics. One speaker will present his argument for an ABA model rule to codify a lawyer's ethical obligation to promote equality and diversity in the profession. The session will also include a 2023 ethics update and a panel discussion and analysis of civil rights and diversity hypotheticals.*